



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 13, 2017

TO: Doug Smith, Chair
David W. Louie, Vice Chair
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FROM: Richard Claghorn *RC*
Zoning Permits North Section

Project No. R2004-00559

Conditional Use Permit No. 200400042, Oak Tree Permit No. 201500007

RPC Meeting: April 19, 2017 - Agenda Item: 6

The above-mentioned item is a request for the approval of a conditional use permit ("CUP") and an oak tree permit to authorize the continued operation and expansion of a Class III landfill ("Project") within the A-2 (Heavy Agricultural) Zone, the Newhall Zoned District and the Castaic Area Community Standards District.

Please find enclosed additional materials for the above referenced item. The new items include an updated landfill site plan, revised CEQA Findings and Statement of Overriding Considerations, revised Implementation and Monitoring Program ("IMP"), a response letter from the applicant with a redline copy of the CUP conditions, and additional written comments from the public regarding the Project. The only changes to the IMP were in Part XI, regarding the Community Advisory Committee, so only Part XI of the IMP is provided with this supplemental hearing package.

The public comments include three opposition letters, including two letters and an email. The email included attachments of the Clean Hands Waiver letter and CUP 89-081 Board of Supervisors approved findings, conditions, and Mitigation Monitoring and Reporting Program, which have been printed and attached with the email printout. The public comment letters also include 182 letters of support for the landfill, including 82 general support form letters, 98 support form letters from local waste haulers, and two Spanish language support form letters. Because of the large number of English language form letters, which have the same content except for signatures, only a sampling of 10 of each of the two English language form letters are included with this package.

If you need further information, please contact Richard Claghorn at (213) 974-6443 or rclaghorn@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 5:30 p.m. The Department is closed on Fridays.

SZD:RC

Enclosure(s): (A) revised CEQA Findings & SOC, (B) Part XI of revised IMP, (C) letter from applicant with redline comments on CUP conditions, (D) additional correspondence (includes copy of CHW and conditions of CUP 89-081) (E) revised site plan

**SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559**

April 13, 2017

ATTACHMENT A

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE CHIQUITA CANYON LANDFILL MASTER PLAN REVISION PROJECT**

**COUNTY PROJECT NUMBER R-2004-00559
CONDITIONAL USE PERMIT NUMBER 2004-00042
OAK TREE PERMIT NUMBER 2015-00007
ENVIRONMENTAL CASE NUMBER RENV2004-00039
STATE CLEARINGHOUSE NUMBER 2005081071**

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET, 13TH FLOOR
LOS ANGELES, CALIFORNIA 90012**

MARCH 2017

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**FINDINGS OF FACT REGARDING THE FINAL ENVIRONMENTAL IMPACT
REPORT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
CHIQUITA CANYON LANDFILL MASTER PLAN REVISION**

County Project Number R-2004-00559

Conditional Use Permit Number 2004-00042

Oak Tree Permit Number 2015-00007

Environmental Case Number RENV2004-00039

State Clearinghouse Number 2005081071

SECTION 1 INTRODUCTORY FINDINGS

Pursuant to Public Resources Code Section 21081 and California Code of Regulations, Title 14, Section 15091 (“**State CEQA Guidelines**”), no public agency shall approve or carry out a project for which an Environmental Impact Report (the “**EIR**”) has been certified, which identifies one or more significant impacts on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

1. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant impact on the environment (hereinafter, “**Finding 1**”).
2. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (hereinafter, “**Finding 2**”).
3. Specific economic, legal, social, technological or other considerations, make infeasible the mitigation measures or Project alternatives identified in the EIR (hereinafter, “**Finding 3**”).

For those significant impacts that cannot be mitigated to below a level of significance, in order to approve the project, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant impacts on the environment.

The Regional Planning Commission (the “**Commission**”) of the County of Los Angeles (the “**County**”) hereby certifies the Final EIR (“**Final EIR**”), State Clearinghouse Number 2005081071 for the Chiquita Canyon Landfill Master Plan Revision, County Project Number R 2004-00559 (“the **Project**”). The Final EIR consists of the Draft EIR (the “**Draft EIR**”), the Partially Recirculated Draft EIR, the Responses to Comments and other supporting documents, and finds that the Final EIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) (“CEQA”), was presented to the decision-making body of the County, which reviewed and considered the information contained in the Final EIR prior to certifying the Final EIR and approving the Project. The Final EIR reflects the independent judgment and analysis of the County and has been completed in compliance with CEQA. The Commission has received, reviewed, and

considered the information contained in the Final EIR, the application for the Project, all testimony at public hearings and submissions from public officials and others, departments of the County, the applicant, community associations and residents, and other public agencies and all other information in the record prior to its approval of the Project.

The Commission hereby approves implementation of the Project as set forth in Conditional Use Permit Number 2004-00042 and Oak Tree Permit Number 2015-00007 (“**the CUP**”)

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings pursuant to, and in accordance with, Section 21081 of the Public Resources Code.

Section 2 of these findings discusses those potential environmental impacts of the Project that were reviewed during the Initial Study process prior to preparation of the Draft EIR, but were found to be less than significant. Section 3 discusses those potential environmental impacts of the Project that were evaluated in the Draft EIR and are not significant. Section 4 discusses those potential environmental impacts that have been mitigated to a level of insignificance. Section 5 discusses those unavoidable environmental impacts that cannot be mitigated to a level of insignificance. Section 6 discusses the potential growth-inducing impacts of the Project. Section 7 discusses the alternatives to the Project as discussed in the Final EIR. Section 8 contains findings regarding the Mitigation Monitoring Program. Section 9 contains findings regarding the location and custodian of the record of proceedings. Section 10 contains findings regarding the independent judgment of the County. Section 11 contains findings regarding the nature of the findings. Section 12 contains findings regarding the reliance on the record. Section 13 contains the Statement of Overriding Considerations. The findings set forth in each section are supported by substantial evidence in the record of the approval of the Project.

In accordance with the provisions of CEQA and the State CEQA Guidelines, the County adopts these findings as part of its certification of the Final EIR for the Project.

PROJECT DESCRIPTION

The Chiquita Canyon Landfill is an existing Class III (municipal solid waste) facility located in the northwestern portion of unincorporated Los Angeles County near the City of Santa Clarita, just west of the Interstate 5 (I-5) and State Route 126 (SR-126) junction. The site is a total of 639 acres, with an existing permitted waste footprint of approximately 257 acres.

Chiquita Canyon, LLC, a subsidiary of Waste Connections, is the owner and operator of Chiquita Canyon Landfill. Chiquita Canyon, LLC has applied for a new conditional use permit and oak tree permit to implement the Project. Landfill operations at Chiquita Canyon Landfill have been permitted by the Department since 1965 under a variety of approvals, including Zone Exception Case (“**ZEC**”) No. 7879, ZEC No. 8040, ZEC No. 8191, CUP No. 1010, and CUP No. 1809. The current CUP No. 89-081, which was approved in 1997, is for the permitted landfill area of 257 acres and a maximum daily permitted waste disposal limit of 6,000 tons per day.

The Project consists of the continued operation of a Class III solid waste landfill, and includes development of a new entrance and support facilities; development of a household hazardous

waste collection facility; mixed organics processing/composting operation; and set-aside of land for potential future conversion technology.

PROJECT OBJECTIVES

The objectives of the Proposed Project are:

- To support the County's goal of maintaining adequate reserve (excess) landfill capacity to ensure the disposal needs of the County are met (LACDPW, 2015)
- To support the County's goal of managing the County's waste disposal needs, which specifically includes expansion of existing in-County landfills (such as Chiquita Canyon Landfill) (LACDPW, 2015)
- To support the County's goal to provide solid waste disposal without interruption to protect the public health and safety as well as the environment (LACDPW, 2015)
- To mitigate constraints that may limit the accessibility of Class III landfill capacity within the planning period of the most current CIWMP (LACDPW, 2015)
- To provide environmentally sound, safe, commercially and technically feasible, and cost-effective solid waste management solutions through continued operation and development of the existing Chiquita Canyon Landfill facility
- To prevent premature closure of the landfill with underutilized remaining airspace capacity
- To provide a site that could accommodate future waste conversion technology solutions
- To provide a site to accommodate processing of organic waste
- To provide a site for a permanent Household Hazardous Waste Collection Facility
- To continue to provide landfill waste diversion programs that are relied upon by many local cities and communities in achieving state mandates for waste diversion

BACKGROUND

A Notice of Preparation was circulated on November 21, 2011, with a review period from November 28, 2011 to January 12, 2012. Scoping meetings were held on December 6, 2011. The Draft EIR was circulated for public review and comment from November 28, 2011 to February 13, 2012 and from July 10, 2014 to October 23, 2014 and the Partially Recirculated Draft EIR was circulated for public review and comment from November 9, 2016 to January 9, 2017. The Regional Planning Commission scheduled and noticed a public hearing on the Project on March 1, 2017.

The Draft EIR and Partially Recirculated Draft EIR for the Project were prepared in accordance with CEQA, and the State and County guidelines for the implementation of CEQA. The County,

has analyzed, reviewed and edited the Draft EIR and Partially Recirculated Draft EIR sent out for public review and Final EIR. The Draft EIR and Partially Recirculated Draft EIR sent out for public review and the Final EIR reflect the County's independent judgment.

SECTION 2 POTENTIAL ENVIRONMENTAL IMPACTS THAT WERE DETERMINED TO BE LESS THAN SIGNIFICANT DURING THE SCOPING PROCESS

Upon completion of the scoping process, the determination was made that the Project would have no significant impact on agricultural resources, energy, mineral resources, and recreation and that no further analysis was needed. The Project site is not used for agricultural purposes, and would not be considered prime agricultural land, and the Project would not affect any agricultural activities. The Project site does not contain any known mineral resource and there are no known mines on or near the project site. The Project is not expected to increase electricity consumption or fossil fuel use or production, and provides a source of green energy with the landfill gas-to-energy plant. The Project site does not contain recreational facilities and is not in proximity to recreational facilities, and it does not propose residential uses that would require new or expanded recreational facilities. Although the Project was also determined to have no impact on land use, population and housing, and public services, these issues were analyzed further in the Draft EIR.

SECTION 3 POTENTIAL ENVIRONMENTAL IMPACTS THAT ARE NOT SIGNIFICANT (NO MITIGATION REQUIRED)

The Final EIR evaluated impacts in thirteen major environmental categories and concluded that certain impacts in each of the following issue areas would be less than significant without imposition of mitigation.

3.1 LAND USE - CONFLICT WITH ESTABLISHED LAND USES AT THE PROJECT SITE

Please refer to Draft EIR Chapter 4.0 for an analysis of land use impacts of the Project, including potential conflicts with established land uses.

Potential Effects And Rationale Supporting Finding:

No significant impacts associated with land use are expected to occur as a result of the Project. Expansion activities would include liner, drainage, and landfill gas control system installation and would occur periodically over the life of the landfill. These activities, in addition to routine waste disposal activities, would involve the use of heavy equipment and trucks. Landfill expansion activities associated with the Project are consistent with the existing land uses (i.e., waste disposal activities) that have occurred at the landfill since its inception. Furthermore, the Project, when combined with reasonably foreseeable projects in the project vicinity, would not incrementally contribute to cumulative changes to land use, and no cumulative impacts would result.

Additionally, the composting facility, HHWF, and potential future conversion facility would all be co-located with the landfill, and, therefore, future activities associated with the facilities are

anticipated to be consistent with the existing land uses (i.e., waste disposal activities) that have occurred and will continue to occur at the landfill. The facilities would maintain the intended land uses of the site and would not conflict with applicable land use plans or adopted policies, and no impacts related to land use are anticipated from these facilities.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on land use resulting in conflicts with established land uses at the project site.

3.2 LAND USE – DISRUPT OR DIVIDE THE PHYSICAL ARRANGEMENT OF AN EXISTING COMMUNITY

Please refer to Draft EIR Chapter 4.0 for an analysis of land use impacts of the Project, including disruption or division of the physical arrangement of an existing community.

Potential Effects And Rationale Supporting Finding:

Waste disposal activities would continue to occur within the existing site boundary, and would not disrupt or divide the physical arrangement of an existing community.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on land use resulting from the disruption or division of the physical arrangement of an existing community.

3.3 LAND USE – CONFLICT WITH APPLICABLE LAND USE PLANS

Please refer to Draft EIR Chapter 4.0 for an analysis of impacts to land use, including conflicts with applicable land use plans.

Potential Effects And Rationale Supporting Finding:

The Project is consistent with, or would not conflict with, any applicable local plan or policy including general plans, specific plans, the Los Angeles County Integrated Waste Management Plan (CIWMP), zoning ordinances, and habitat conservation plans.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on land use resulting from conflicts with applicable land use plans.

3.4 LAND USE – CONFLICT WITH ENVIRONMENTAL GOALS OR POLICIES CONTAINED IN OTHER APPLICABLE PLANS

Please refer to Draft EIR Chapter 4.0 for an analysis of impacts to land use, including conflicts with environmental goals and policies.

Potential Effects And Rationale Supporting Finding:

The landfill has existed at its current location for more than 40 years. The Project is consistent with applicable local plans and policies including general plans, specific plans, the Los Angeles County Integrated Waste Management Plan (CIWMP), Zoning Ordinance, and habitat conservation plans. Furthermore, the Project is consistent with, or would not conflict with, environmental goals or policies in other applicable plans.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on land use resulting from conflicts with environmental goals or policies contained in other applicable plans.

3.5 LAND USE - CUMULATIVE

Please refer to Draft EIR Chapter 4.0 for an analysis of impacts to land use, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

The related projects discussed in Chapter 3.0, General Setting and Resource Area Analysis, would likely result in significant changes to land uses in the vicinity of the landfill. A combination of residential, commercial, open space, public, and industrial uses are planned within the vicinity of the Project. However, the Project would maintain the current and planned land use of the site, would not conflict with applicable land use plans or adopted policies, and would not result in impacts related to land use. Therefore, the Project, when combined with reasonably foreseeable projects in the project vicinity, would not incrementally contribute to cumulative changes to land use, and no cumulative impacts would result. No cumulative impacts would result from the implementation of the Project; therefore, no mitigation measures are required.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on land use.

3.6 GEOLOGY – EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS

Please refer to Draft EIR Chapter 5.0 for an analysis of impacts to geology, including exposure of people or structures to potential substantial adverse effects.

Potential Effects And Rationale Supporting Finding:

There is not a potential for the Project to expose people or structures to substantial geologic hazards from rupture of a known earthquake fault, required design of the facility to meet or exceed the stringent seismic ground shaking regulatory construction standards will mitigate impact related to this issue to a less than-significant level, and the slope stability analysis

determined that all of the cut slopes at the Project site are stable. In addition, any unsuitable material identified during excavation by a geotechnical engineer will be overexcavated and replaced with compacted earthfill. Therefore, these impacts would not be significant, and no mitigation measures would be required.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on geology due to exposure of people or structures to potential substantial adverse effects.

3.7 GEOLOGY – SOIL EROSION OR LOSS OF TOPSOIL

Please refer to Draft EIR Chapter 5.0 for an analysis of impacts to geology, including soil erosion or loss of topsoil.

Potential Effects And Rationale Supporting Finding:

Erosion will be controlled during implementation of the Project as required by regulatory criteria. The potential soil loss was estimated to be less than 2 tons per acre per year, which is the maximum annual soil loss recommended by EPA. Therefore, these impacts would not be significant, and no mitigation measures would be required.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on geology due to substantial soil erosion or loss of topsoil.

3.8 GEOLOGY – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 5.0 for an analysis of impacts to geology, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

The potential for cumulative impacts related to geologic resources would be limited to the removal of native topsoil and the potential export of some excavated soil. Similar effects may be associated with other local development; however, most projects typically strive for soil balance in their cut and fill grading. The Project is not expected to significantly contribute to cumulative depletion of native soils. Potential impacts such as landslides and seismic hazards must be mitigated on a project-by-project basis using project design to satisfy regulatory requirements. The Project, in conjunction with other related projects, would not produce cumulatively significant effects associated with geology and hydrogeology.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on geology due to substantial soil erosion or loss of topsoil

3.9 HYDROLOGY – DEPLETION OF GROUNDWATER SUPPLIES OR INTERFERENCE WITH GROUNDWATER RECHARGE

Please refer to Draft EIR Chapter 5.0 for an analysis of impacts to hydrology, including depletion of groundwater supplies or interference with groundwater recharge.

Potential Effects And Rationale Supporting Finding:

The volume of decreased recharge or potential groundwater extraction related to the Project would not be measurable compared to the recharge that occurs from precipitation over the Santa Clara River Valley East Subbasin and runoff from the surrounding Santa Clara River Valley watershed. The Project would extend the current waste footprint by approximately 143 acres, less than 0.1 percent of the area of the Santa Clara River Valley East Subbasin, which is over 200 square miles in size. In addition, stormwater runoff discharged from the site would flow into the Santa Clara River, where it could recharge the groundwater system. Therefore, these impacts would not be significant and no mitigation measures would be required.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on hydrology due to depletion of groundwater supplies or interference with groundwater recharge..

3.10 HYDROLOGY – CUMULATIVE IMPACTS

Please refer to Draft EIR, Chapter 5.0 for an analysis of impacts to hydrology, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

The potential for cumulative impacts related to geologic resources and hydrology would be limited to the removal of native topsoil and the potential export of some excavated soil. Similar effects may be associated with other local development; however, most projects typically strive for soil balance in their cut and fill grading. The Project is not expected to significantly contribute to cumulative depletion of native soils. Potential impacts such as landslides and seismic hazards must be mitigated on a project-by-project basis using project design to satisfy regulatory requirements. The Project, in conjunction with other related projects, would not produce cumulatively significant effects associated with geology and hydrogeology.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact to hydrology

3.11 SURFACE WATER DRAINAGE – ALTERATION OF EXISTING DRAINAGE PATTERNS

Please refer to Draft EIR, Chapter 6.0 for an analysis of impacts to surface water drainages, including surface water damage.

Potential Effects And Rationale Supporting Finding:

Although existing drainage patterns will be altered within the landfill during implementation of the Project, a precipitation drainage and control system will prevent substantial erosion of surface runoff and will not cause flooding. Drainage patterns will not be altered downstream of the two discharge points from the Project site. Therefore, no mitigation measures would be required, because all onsite drainage patterns will be altered in accordance with applicable regulatory requirements, and offsite drainages will not be altered.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on surface water damage due to alteration of existing drainage patterns.

3.12 SURFACE WATER DRAINAGE – INCREASE EROSION OF SURFACE RUNOFF AND FLOODING

Please refer to Draft EIR Chapter 6.0 for an analysis of surface water drainage, including increased erosion of surface runoff and flooding.

Potential Effects And Rationale Supporting Finding:

The existing drainage patterns will be altered within the Project site during implementation of the Project. This will include constructing, operating, and maintaining a precipitation drainage and control system in accordance with regulatory criteria. As required, this system will be designed and constructed to carry the peak discharge resulting from the 100-year, 24-hour storm event, as required by Title 27, and the stormwater runoff volume resulting from the Capital Flood event (50-year, 24-hour storm), as required by LACDPW. In addition, the system will limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping under the required design storms (100-year, 24-hour) for Class III as required by Title 27, and the Capital Flood event (50-year, 24-hour storm), as required by the County Department of Public Works.

This drainage and control system will prevent substantial erosion of surface runoff and will not cause flooding. Drainage patterns will not be altered downstream of the two discharge points from the Project site. Therefore, no mitigation measures would be required, because all onsite drainage patterns will be altered in accordance with applicable regulatory requirements, and offsite drainages will not be altered.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on surface water drainage due to increased erosion of surface runoff and flooding.

3.13 SURFACE WATER DRAINAGE – RUNOFF EXCEEDING DRAINAGE SYSTEM CAPACITY

Please refer to Draft EIR Chapter 6.0 for an analysis of surface water drainages, including runoff

exceeding drainage system capacity.

Potential Effects And Rationale Supporting Finding:

Although existing drainage patterns will be altered within the landfill during implementation of the Project, a precipitation drainage and control system will prevent substantial erosion of surface runoff and will not cause flooding. Drainage patterns will not be altered downstream of the two discharge points from the Project site. Therefore, no mitigation measures would be required, because all onsite drainage patterns will be altered in accordance with applicable regulatory requirements, and offsite drainages will not be altered.

Finding: For the foregoing reasons, the Project will have a less than significant impact on surface water drainage due to runoff exceeding drainage system capacity.

3.14 SURFACE WATER DRAINAGE – HOUSING WITHIN A 100-YEAR FLOOD AREA

Please refer to Draft EIR Chapter 6.0 for an analysis of surface water drainages, including housing within a 100-year flood area.

Potential Effects And Rationale Supporting Finding:

The Project does not propose housing and will not place housing within a 100-year flood area. The landfill site is above the 100-year floodplain of the Santa Clara River, as identified by FEMA. No elements of the Project will be located within the 100-year flood area.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on surface water drainage due to placement within a 100-year flood area.

3.15 SURFACE WATER DRAINAGE – INTERFERENCE WITH FLOOD FLOWS WITHIN A 100-YEAR FLOOD HAZARD AREA

Please refer to Draft EIR Chapter 6.0 for an analysis of surface water drainage, including interference with flood flows within a 100-year flood hazard area.

Potential Effects And Rationale Supporting Finding:

The landfill site is above the 100-year floodplain of the Santa Clara River, as identified by FEMA. No elements of the Project will be located within the 100-year flood area. Stormwater at the landfill site is controlled by diversion berms, drainage channels, oversize drains, and sedimentation basins. Exposed soil and interim and final covers are vegetated to control erosion. All surface drainage from the landfill property flows through one or more sedimentation ponds before discharging from the site.

These controls, together with the landfill site being located above the 100-year floodplain, ensure that the Project will not impede or redirect flood flows within a 100-year flood hazard area.

Therefore, no mitigation measures would be required.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on surface water drainage due to interference with flood flows within a 100-year flood hazard area.

3.16 SURFACE WATER DRAINAGE – EXPOSURE OF PEOPLE OR STRUCTURES TO RISK FROM FLOODING OR CONTRIBUTING TO INUNDATION BY SEICHE OR TSUNAMI

Please refer to Draft EIR Chapter 6.0 for an analysis of surface water drainage, including exposure of people or structures to risk from flooding and contribution to inundation by seiche or tsunami.

Potential Effects And Rationale Supporting Finding:

There is no potential for the Project to contribute to inundation by tsunami or seiche. The Project site is too far inland (approximately 30 to 40 miles) and high in elevation (greater than 900 feet above mean sea level) to be significantly threatened by tsunami. Because there are no enclosed water bodies at or in the vicinity of the landfill, seiche is not a threat to the Project site. Therefore, no mitigation measures would be required.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on surface water drainage due to exposure of people or structures to significant risk of loss, injury, or death from flooding, or contribution to inundation by seiche or tsunami.

3.17 SURFACE WATER DRAINAGE – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 6.0 for an analysis of surface water drainage, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

Increased runoff from development of previously undisturbed land has the potential to add incrementally to flooding impacts. However, the proponents of other developments within the immediate watershed would be required to provide engineered drainage facilities and coordinate with appropriate permitting agencies, including the County Department of Public Works. These requirements would mitigate these potential impacts to below a level of significance. Each project must demonstrate to the County that floodwaters will be accommodated by onsite drainage facilities so that there is no negative impact off-site; therefore, no significant cumulative surface water runoff/flooding impacts are expected from the Project.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on surface water drainage.

3.18 WATER QUALITY – VIOLATION OF SURFACE WATER QUALITY STANDARDS

Please refer to Draft EIR Chapter 7.0 for an analysis of water quality, including surface water quality standards.

Potential Effects And Rationale Supporting Finding:

These impacts would be less than significant because the Project would be in compliance with National Pollutant Discharge Elimination System requirements, CCR Title 27 requirements, and Orders and Waste Discharge Requirements issued by the Regional Water Quality Control Board. The Project will include preparing and implementing a Stormwater Pollution Prevention Program and Stormwater Management Plan in accordance with a General Permit issued under State Water Resources Control Board Order No. 97-03-DWQ, in accordance with National Pollutant Discharge Elimination System requirements, and in accordance with Regional Water Quality Control Board Order No. R4-2011-0052. The Project will meet or incorporate the following siting and design features:

- Liner system with hydraulic conductivity of 1×10^{-6} centimeters per second or less to ensure protection of the quality of groundwater and surface water
- Design and construction of liner system to contain the fluid, including landfill gas, waste, and leachate. Leachate collection and removal systems Precipitation and drainage control structures designed and constructed to limit ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping

Additionally, the Project will comply with the Los Angeles County Low Impact Development Ordinance. The Project will implement the required water quality monitoring and response programs for detecting, characterizing, and responding to releases to surface water. The Regional Water Quality Control Board will specify, in facility-specific Waste Discharge Requirements, the type or types of monitoring programs required and the specific elements of each monitoring and response program. Monitoring programs will ensure no impairment of beneficial use of surface water or groundwater beneath or adjacent to the landfill.

3.19 WATER QUALITY – VIOLATION OF GROUNDWATER QUALITY STANDARDS

Please refer to Draft EIR Chapter 7.0 for an analysis of water quality, including groundwater quality standards.

Potential Effects And Rationale Supporting Finding:

The Project would be in compliance with National Pollutant Discharge Elimination System requirements, CCR Title 27, and Orders and Waste Discharge Requirements issued by the Regional Water Quality Control Board. The Project will meet or incorporate the following siting

and design features:

- Minimum 5-foot separation between waste above the highest anticipated elevation of underlying groundwater (Section 20240[c])
- Liner system with hydraulic conductivity of 1×10^{-6} centimeters per second or less to ensure protection of the quality of groundwater and surface water (Section 20260)
- Design and construction of liner system to contain the fluid, including LFG, waste, and leachate (Section 20330)
- Leachate collection and removal systems (Section 20340)
- Precipitation and drainage control structures designed and constructed to limit ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping (Section 20365)

Additionally, the Project will comply with the Los Angeles County Low Impact Development Ordinance. The Project will implement the required water quality monitoring and response programs for detecting, characterizing, and responding to releases to groundwater. RWQCB will specify, in facility-specific WDRs, the type or types of monitoring programs required and the specific elements of each monitoring and response program. These type(s) of monitoring programs will include a DMP (Section 20420) and, if necessary, an Evaluation Monitoring Program (Section 20425), and/or CAP (Section 20430) to ensure no impairment of beneficial use of surface water or groundwater beneath or adjacent to the landfill.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on water quality due to violation of groundwater quality standards or waste discharge requirements.

3.20 WATER QUALITY – CONTAMINATION OF PUBLIC WATER SUPPLY

Please refer to Draft EIR Chapter 7.0 for an analysis of water quality, including contamination of public water supply.

Potential Effects And Rationale Supporting Finding:

The Project would be in compliance with National Pollutant Discharge Elimination System requirements, CCR Title 27, and Orders and Waste Discharge Requirements issued by the Regional Water Quality Control Board. The Project will meet or incorporate the following siting and design features:

- Minimum 5-foot separation between waste above the highest anticipated elevation of underlying groundwater
- Liner system with hydraulic conductivity of 1×10^{-6} centimeters per second or less to ensure protection of the quality of groundwater and surface water

- Design and construction of liner system to contain the fluid, including LFG, waste, and leachate
- Leachate collection and removal systems
- Precipitation and drainage control structures designed and constructed to limit ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping

Additionally, the Project will comply with the Los Angeles County Low Impact Development Ordinance. The Project will implement the required water quality monitoring and response programs for detecting, characterizing, and responding to releases to groundwater. The Regional Water Quality Control Board will specify, in facility-specific Waste Discharge Requirements, the type or types of monitoring programs required and the specific elements of each monitoring and response program. Monitoring programs will ensure no impairment of beneficial use of surface water or groundwater beneath or adjacent to the landfill.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on water quality due to contamination of public water supply.

3.21 WATER QUALITY – DEGRADATION OF WATER QUALITY

Please refer to EIR Section 7.7.1.1 for an analysis of water quality.

Potential Effects And Rationale Supporting Finding:

The Project would be in compliance with National Pollutant Discharge Elimination System requirements, CCR Title 27, and Orders and Waste Discharge Requirements issued by the Regional Water Quality Control Board. The Project will meet or incorporate the following siting and design features:

- Minimum 5-foot separation between waste above the highest anticipated elevation of underlying groundwater
- Liner system with hydraulic conductivity of 1×10^{-6} centimeters per second or less to ensure protection of the quality of groundwater and surface water
- Design and construction of liner system to contain the fluid, including LFG, waste, and leachate
- Leachate collection and removal systems
- Precipitation and drainage control structures designed and constructed to limit ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping

Additionally, the Project will comply with the Los Angeles County Low Impact Development Ordinance. The Project will implement the required water quality monitoring and response

programs for detecting, characterizing, and responding to releases to groundwater. The Regional Water Quality Control Board will specify, in facility-specific Waste Discharge Requirements, the type or types of monitoring programs required and the specific elements of each monitoring and response program. Monitoring programs will ensure no impairment of beneficial use of surface water or groundwater beneath or adjacent to the landfill.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on water quality relating to degradation of water quality.

3.22 WATER QUALITY – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 7.0 for an analysis of water quality, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

Implementation of design features, as well as required implementation of best management practices for stormwater runoff at each specific related project, would mitigate potential cumulative impacts to below a level of significance.

Planned or approved development in the project area is residential, commercial, or industrial park in character; therefore, development of vacant land from other related projects is not expected to affect groundwater quality since these projects are not expected to expose groundwater resources to contaminants. Design features proposed for the Project would all but eliminate the project's potential impact on groundwater quality. Therefore, cumulative projects are not expected to significantly impact the quality of groundwater.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact to water quality.

3.23 BIOLOGY – FORAGING OR TRANSIENT BIRD SPECIES

Please refer to Partially Recirculated Draft EIR Chapter 8.0 for an analysis of impacts to biological resources, including birds.

Potential Effects And Rationale Supporting Finding:

- Tricolored Blackbird: There is no suitable nesting habitat onsite; therefore, there is no potential for this species to nest onsite. Annual grasslands provide limited foraging habitat for this species; although in general, it prefers agricultural areas or landfills. The loss of marginal forage habitat for this species is not expected to represent a significant impact. The conversion of shrub and grasslands to active landfill is anticipated to be a beneficial impact and will offset the loss of other less preferred forage habitats.

- Yellow Warbler: Breeding habitat is not present at the landfill for this species. Transient birds may occur in chaparral or mule fat habitats onsite. The loss of this habitat for migrating individuals of this species is not a significant impact as other mule fat and suitable riparian habitat exists in the region.

Finding:

For the foregoing reasons, the Project will have a less than significant impact to biological resources due to impacts to foraging or transient bird species of special concern (passerines).

3.24 BIOLOGY – SPECIAL STATUS FISH

Please refer to Partially Recirculated Draft EIR Chapter 8.0 for an analysis of impacts to biological resources, including fish.

Potential Effects And Rationale Supporting Finding:

Potential downstream impacts may occur to arroyo chub, Santa Ana sucker, Southern steelhead trout, and unarmored threespine stickleback. These indirect impacts from changes in water quality have been evaluated to determine if there is a potential for an adverse effect on the habitat and forage of these birds. These potential impacts are addressed with compliance-with-law measures described in the surface water drainage and water quality analyses.

Finding:

For the foregoing reasons, the Project will have a less than significant impact to biological resources due to impacts to special-status fish.

3.25 BIOLOGY – CONFLICT WITH ADOPTED PLANS

Please refer to Partially Recirculated Draft EIR Chapter 8.0 for an analysis of impacts to biological resources, including consistency with adopted plans.

Potential Effects And Rationale Supporting Finding:

No federal Habitat Conservation Plans or state Natural Community Conservation Plans would be affected by the Project. Other approved local, regional, or state Habitat Conservation Plans in the vicinity of the landfill were identified in the Santa Clara River Enhancement Management Plan, which addresses management of the Santa Clara River. The Santa Clara River is approximately 0.4 mile south of the landfill. No significant impacts related to biological resources or water quality in the Santa Clara River ecosystem are anticipated.

Finding:

For the foregoing reasons, the Project will have a less than significant impact to biological resources due to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

3.26 CULTURAL AND PALEONTOLOGICAL RESOURCES – ARTIFICIAL FILL EARTH MOVEMENT

Please refer to Draft EIR Chapter 9.0 for an analysis of cultural and paleontological resources, including artificial fill.

Potential Effects And Rationale Supporting Finding:

There will be no impact on paleontological resources associated with earth moving in the artificial fill, which is unfossiliferous.

Finding: For the foregoing reasons, the Project will have a less than significant impact to cultural and paleontological resources due to earth moving in artificial fill.

3.27 TRAFFIC AND TRANSPORTATION – SUBSTANTIAL INCREASE IN TRAFFIC IN RELATION TO EXISTING TRAFFIC LOAD OR STREET SYSTEM CAPACITY

Please refer to Draft EIR Chapter 10.0 for an analysis of traffic and transportation, including traffic increases in relation to the existing traffic load or street system capacity.

Potential Effects And Rationale Supporting Finding:

The Project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. All of the study intersections will operate at LOS D or better in Existing plus Growth plus Project conditions and will not exceed the Los Angeles County traffic impact thresholds. Review of the queue lengths at the northbound and southbound I-5 off-ramps shows that the peak-hour queue lengths do not exceed the available off-ramp storage in Existing plus Growth plus Project conditions. There would be no impact.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on traffic and transportation due to an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

3.28 TRAFFIC AND TRANSPORTATION – EXCEEDANCE OF LOS STANDARD

Please refer to Draft EIR Chapter 10.0 for an analysis of traffic and transportation.

Potential Effects And Rationale Supporting Finding:

All of the study intersections will operate at Level of Service (LOS) D or better in Existing plus Growth plus Project conditions and will not exceed the Los Angeles County traffic impact thresholds. Review of the queue lengths at the northbound and southbound I-5 off-ramps shows that the peak-hour queue lengths do not exceed the available off-ramp storage in Existing plus Growth plus Project conditions. There would be no impact.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on traffic and transportation due to an exceedance, either individually or cumulatively, of an LOS standard established by the County congestion management agency for designated roads or highways.

3.29 TRAFFIC AND TRANSPORTATION – INCREASE HAZARDS DUE TO DESIGN FEATURES

Please refer to Draft EIR Chapter 10.0 for an analysis of traffic and transportation, including potential hazards due to design features.

Potential Effects And Rationale Supporting Finding:

The project entrance is proposed to improve access to the site and will not substantially increase hazards due to a design feature or affect emergency access to the site or any other property. The queuing analysis shows that the storage provided at the landfill's main entrance will be able to accommodate the projected number of vehicles arriving to the site throughout the day and will provide enough storage to accommodate projected Project traffic without queuing onto public roadways.

The queuing analysis for the household hazardous waste collection facility driveway shows that the facility can accommodate up to 243 vehicles on a typical event day without queuing through the landfill's main entrance driveway.

An evaluation of intersection spacing on Wolcott Way between Franklin Parkway and SR-126 determined that the northbound queue at Wolcott Way/Franklin Parkway and the southbound queue at Wolcott Way/SR-126 will not exceed 100 feet in either peak hour. Adequate storage exists on Wolcott Way to accommodate the increase in traffic due to the proposed landfill entrance.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on traffic and transportation relating to any potential substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incomplete uses (e.g., farm equipment).

3.30 TRAFFIC AND TRANSPORTATION – EMERGENCY ACCESS

Please refer to Draft EIR Chapter 10.0 for an analysis of traffic and transportation, including emergency access.

Potential Effects And Rationale Supporting Finding:

The queuing analysis shows that the storage provided at the landfill's main entrance will be able to accommodate the projected number of vehicles arriving to the site throughout the day and will provide enough storage to accommodate projected Project traffic without queuing onto public roadways. Queuing calculations were also done for the household hazardous waste collection

facility driveway. The analysis shows that the facility can accommodate up to 243 vehicles on a typical event day without queuing through the landfill's main entrance driveway.

Intersection spacing on Wolcott Way between Franklin Parkway and SR-126 was also evaluated and it was determined that the northbound queue at Wolcott Way/Franklin Parkway and the southbound queue at Wolcott Way/SR-126 will not exceed 100 feet in either peak hour. Adequate storage exists on Wolcott Way to accommodate the increase in traffic due to the proposed landfill entrance.

Finding:

For the foregoing reasons, the operation of the Project will have a less than significant impact on traffic and transportation relating to emergency access.

3.31 TRAFFIC AND TRANSPORTATION – CONFLICT WITH ADOPTED POLICIES, PLANS OR PROGRAMS SUPPORTING ALTERNATIVE TRANSPORTATION

Please refer to Draft EIR Chapter 10.0 for an analysis of traffic and transportation, including adopted policies, plans and programs supporting alternative transportation.

Potential Effects And Rationale Supporting Finding:

The Project will not conflict with adopted policies, plans, or programs supporting alternative transportation as there will be no changes related to alternative transportation. Construction of the Project will occur entirely on-site and will not affect transit, bicycle facilities or other forms of alternative transportation.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on traffic and transportation due to any potential conflict with adopted policies, plans, or programs supporting alternative transportation.

3.32 TRAFFIC AND TRANSPORTATION – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 10.0 for an analysis of traffic and transportation, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

For the purposes of long-term cumulative impact analysis, the subset of the nearby related projects identified in Chapter 3.0, General Setting and Resource Area Analysis, excludes any project that has already been approved but is not yet constructed, or any project that is in the application process and is a reasonably foreseeable development, as those projects are accounted for in Section 10.6, Interim Condition. The most notable of the currently planned or proposed projects in the cumulative impact area of the Project are the Newhall Ranch developments, located immediately south, east, and west of the Project and the Caltrans SR-126/Commerce

Center Drive Interchange Improvements Project (SR-126 Improvements Project), located approximately 1 mile east of the Project.

The SR-126 Improvements Project began construction in late 2012 and is now complete. The SR-126 Improvements Project improves local access and traffic circulation; incorporates planned infrastructure improvements consistent with local and regional planning efforts; enhances driver safety; and accommodates planned growth within the study area. Specifically, the SR-126 Improvements Project will prevent deficient roadway and intersection operations that would result from the build-out of planned development in the area.

Operation of the Project will continue for an additional 20 to 40 years depending on when the landfill reaches final grade, thus overlapping with construction and operation of the surrounding cumulative projects. The SR-126 Improvements Project was designed to accommodate growth in the local area and will improve traffic conditions at the SR 126/Commerce Center Drive intersection over existing conditions. Furthermore, the Newhall Ranch developments would require detailed CEQA analysis and adequate mitigation measures (including roadway and intersection improvements) to reduce any cumulative traffic impacts on the surrounding road network to a less-than-significant level. Therefore, the long-term cumulative impact that would result from the combination of the Project's incremental impact and the effects of other projects is not considered to be significant.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on traffic and transportation.

3.33 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE – CONSISTENCY WITH 2020 EMISSION REDUCTION TARGETS

Please refer to Partially Recirculated Draft EIR Chapter 12.0 for an analysis of Greenhouse Gas Emissions and Climate Change.

Potential Effects And Rationale Supporting Finding:

Landfill gas capture is anticipated to achieve an 85% capture rate with implementation of the BMP described in Section 11.5.1.1 of Chapter 11.0 the FEIR and greater than 99% destruction efficiency, which is greater than the statewide 15.3 percent reduction and waste sector 19.1 percent reduction of emissions compared to the Business as Usual scenario. The Project will result in less-than-significant GHG impacts up to 2020. In addition, the Project furthers important policies in the County's adopted Community Climate Action Plan and the Project will comply with all laws and regulatory standards with the purpose of reducing greenhouse gas emissions for the waste management sector.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on Greenhouse Gas Emissions and Climate Change due to conflicts with 2020 emissions reductions targets.

3.34 NOISE – EXPOSURE TO OR GENERATION OF NOISE LEVELS EXCEEDING COUNTY STANDARDS

Please refer to Draft EIR Chapter 13.0 for an analysis of noise, including exposure to or generation of noise exceeding County standards.

Potential Effects And Rationale Supporting Finding:

Noise levels during construction will comply with the Los Angeles County daytime sound requirements of 60 dBA for construction activities lasting 10 or more days. Noise levels during operation will comply with the Los Angeles County requirements of 50 dBA for sounds emanating from an industrial source and received by residential properties and are less than the measured existing levels. In addition, truck and other vehicular traffic to and from the landfill will use SR-126. Landfill-generated traffic is, and will continue to be, a small percentage of total vehicle volume on SR-126; therefore, the traffic generated by the Project would result in negligible changes to traffic noise levels along SR-126.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on noise due to exposure of persons to or generation of noise levels in excess of standards established by the County.

3.35 NOISE – EXPOSURE TO OR GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR NOISE LEVELS

Please refer to Draft EIR Chapter 13.0 for an analysis of noise, including generation of excessive groundborne vibration or noise levels.

Potential Effects And Rationale Supporting Finding:

The Project will be constructed and operated in a manner to ensure the County of Los Angeles noise requirements are satisfied.

Finding: For the foregoing reasons, the Project will have a less than significant impact on noise due to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels

3.36 NOISE – PERMANENT INCREASE IN AMBIENT NOISE LEVELS

Please refer to Draft EIR Chapter 13.0 for an analysis of noise, including increases in ambient noise levels.

Potential Effects And Rationale Supporting Finding:

The Project will be constructed and operated in a manner to ensure the County of Los Angeles noise requirements are satisfied.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on noise due to a substantial permanent increase in ambient noise levels in the vicinity of the Project site above levels existing without the Project.

3.37 NOISE – TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS

Please refer to Draft EIR Chapter 13.0 for an analysis of noise, including increases in ambient noise levels.

Potential Effects And Rationale Supporting Finding:

Construction activities would result in a temporary direct increase in ambient noise levels around the construction area. However, the Project will be constructed and operated in a manner to ensure the County of Los Angeles noise requirements are satisfied.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on noise due to a substantial temporary or periodic increase in ambient noise levels in the vicinity of the Project site above noise levels existing without the Project.

3.38 NOISE – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 13.0 for an analysis of noise, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

The estimated construction noise level for the Project will be below the statutory requirement of Noise Control Ordinance of Los Angeles County. During construction, the maximum noise level is estimated to be 59 dBA at the nearest residential property. Construction of the Newhall Ranch project is not expected to influence the sound levels at the nearest homes in Val Verde or those located northeast of the landfill because of large distances and shielding provided by intervening topography. Therefore, the cumulative construction noise from simultaneous construction of the Project and Newhall Ranch would result in noise levels consistent with the County's requirement. Therefore, the Project would result in no significant cumulative impact during construction.

The operational noise from the Project at all the noise-sensitive areas will comply with the Noise Control Ordinance of Los Angeles County. Landfill-generated traffic will continue to be a small percentage of total vehicle volume on SR-126; therefore, the traffic generated by the Project would result in negligible changes to traffic noise levels in the area.

The SR-126 Improvements Project may result in traffic noise level conditions that exceed their noise abatement guidelines (generally 66 dBA in residential areas). If this occurs, Caltrans would require the evaluation and likely construction of sound walls as a part of the SR-126

Improvements Project. Therefore, the cumulative impact that will result from the combination of the Project's incremental impact and the effects of other projects is not significant.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on noise.

3.39 PUBLIC SERVICES – INTERFERENCE WITH EXISTING OR PLANNED EMERGENCY RESPONSE OR EVACUATION PLANS

Please refer to Draft EIR Chapter 14.0 for an analysis of public services, including emergency plans.

Potential Effects And Rationale Supporting Finding:

Site security would continue to be provided by Chiquita Canyon Landfill. The Project would not interfere with emergency response plans nor diminish the ability of police service personnel to respond to emergencies because the facility would be serviced and maintained by existing staff. Consistent with the existing landfill operation, the Los Angeles County Sheriff's Department would be called on in case of a security emergency. Therefore, potential impacts resulting from the Project, related to police protection services, would be less than significant.

Consistent with the existing landfill operation, fire protection would be provided by the County of Los Angeles Fire Department and would not require additional personnel. The Project would not interfere with existing or planned emergency response plans nor diminish the ability of fire service. Therefore, because the Project would not directly or indirectly affect existing County of Los Angeles Fire Department facilities and personnel, potential impacts are considered less than significant.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on public services due to interference with existing or planned emergency response plans or emergency evacuation plans.

3.40 PUBLIC SERVICES – ADDITIONAL STAFFING OR EQUIPMENT TO MAINTAIN PERFORMANCE OBJECTIVES

Please refer to Draft EIR Chapter 14.0 for an analysis of public services, including staffing and equipment.

Potential Effects And Rationale Supporting Finding:

Site security would continue to be provided by Chiquita Canyon Landfill. The Project would not interfere with emergency response plans nor diminish the ability of police service personnel to respond to emergencies because the facility would be serviced and maintained by existing staff. Consistent with the existing landfill operation, the Los Angeles County Sheriff's Department

would be called on in case of a security emergency. Therefore, potential impacts resulting from the Project, related to police protection services, would be less than significant.

Consistent with the existing landfill operation, fire protection would be provided by the County of Los Angeles Fire Department and would not require additional personnel. The Project would not interfere with existing or planned emergency response plans nor diminish the ability of fire service. Therefore, because the Project would not directly or indirectly affect existing County of Los Angeles Fire Department facilities and personnel, potential impacts are considered less than significant.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on public services due to a need for additional staffing or equipment to maintain acceptable service ratios, response times, or other performance objectives.

3.41 PUBLIC SERVICES – LEVELS OF SERVICE

Please refer to Draft EIR Chapter 14.0 for an analysis of public services, including levels of service.

Potential Effects And Rationale Supporting

Site security would continue to be provided by Chiquita Canyon Landfill. The Project would not interfere with emergency response plans nor diminish the ability of police service personnel to respond to emergencies because the facility would be serviced and maintained by existing staff. Consistent with the existing landfill operation, the Los Angeles County Sheriff's Department would be called on in case of a security emergency.

Fire protection would be provided by the County of Los Angeles Fire Department and would not require additional personnel. The Project would not interfere with existing or planned emergency response plans nor diminish the ability of fire service. The Project would add approximately 25 full-time staff at the landfill. The increase in staff is expected to be met by local persons and would not induce population growth. Consequently, the Project would not require additional facilities or staffing of existing community facilities, nor would it interfere with existing or planned emergency response plans or diminish the level of service for existing community facilities.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on public services due to substantial degradation of the level of service of existing fire protection, police protection, and schools, parks, or other public facilities.

3.42 PUBLIC SERVICES – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 14.0 for an analysis of public services, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

A combination of residential, commercial, open space, public, and industrial uses are planned within the vicinity of the Project. However, it is anticipated that each of the identified projects would incorporate mitigation measures to ensure that impacts to public services and utilities are less than significant. The Project would not result in a significant impact to public services and utilities. The Project, when combined with reasonably foreseeable projects in the project vicinity, is not expected to incrementally contribute to cumulative impacts to public services and utilities.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on public services.

3.43 UTILITIES – EXANSION OF EXISTING UTILITIES

Please refer to Draft EIR Chapter 14.0 for an analysis of utilities, including expansion of existing utilities.

Potential Effects And Rationale Supporting Finding:

The Project would utilize existing electrical supplies available from existing transmission lines. Therefore, the Project would result in no impact to energy systems at or in the vicinity of the landfill.

Total existing and projected water supplies will meet the water demands associated with the Project in combination with existing and other planned uses within the service area.

The landfill utilizes a septic tank to manage domestic waste. There would be no discharge to existing sewer systems associated with the Project. Portable toilets would be used throughout the site, and the sanitary wastes would be hauled from the Project site for disposal. Sanitary wastes generated by the portable toilets would have a negligible effect to a sanitary disposal system.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on utilities due to a need for expansion of existing utility (e.g., water, sewer, electrical, natural gas, telephone) infrastructure or additional staff to maintain acceptable levels of service.

3.44 UTILITIES –LEVELS OF SERVICE

Please refer to Draft EIR Chapter 14.0 for an analysis of utilities, including levels of service.

Potential Effects And Rationale Supporting Finding:

The Project would utilize existing electrical supplies available from existing transmission lines. Therefore, the Project would result in no impact to energy systems at or in the vicinity of the landfill.

Total existing and projected water supplies will meet the water demands associated with the Project in combination with existing and other planned uses within the service area.

The landfill utilizes a septic tank to manage domestic waste. There would be no discharge to existing sewer systems associated with the Project. Portable toilets would be used throughout the site, and the sanitary wastes would be hauled from the Project site for disposal. Sanitary wastes generated by the portable toilets would have a negligible effect to a sanitary disposal system.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on utilities due to substantial degradation of the level of service for utilities below established or acceptable levels.

3.45 UTILITIES – SUFFICIENCY OF WATER SUPPLIES DEPLETION OF GROUNDWATER SUPPLIES OR RECHARGE

Please refer to Draft EIR Chapter 14.0 for an analysis of utilities, including sufficiency of water supplies and recharge.

Potential Effects And Rationale Supporting Finding:

Total existing and projected water supplies will meet the water demands associated with the Project in combination with existing and other planned uses within the service area. The 73-acre-foot increase in water for the Project is approximately ten hundredths of a percent of the total municipal water demand. This minor increase would not substantially deplete the groundwater supply, should that be the source, and any impacts on water supplies would be less than significant. The Water Supply Assessment and Addendum thereto, approved by the Valencia Water District, find that sufficient water supplies exist to serve the Project.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on public services due to sufficiency of water supplies available to serve the project from existing and planned entitlements such that new or expanded entitlements would be needed.

3.46 UTILITIES –DEPLETION OF GROUNDWATER SUPPLIES OR RECHARGE INTERFERENCE

Please refer to Draft EIR Chapter 14.0 for an analysis of utilities, including groundwater supplies and recharge.

Potential Effects And Rationale Supporting Finding:

Total existing and projected water supplies will meet the water demands associated with the Project in combination with existing and other planned uses within the service area. The 73-acre-foot increase in water for the Project is approximately ten hundredths of a percent of the total municipal water demand. This minor increase would not substantially deplete the groundwater supply, should that be the source, and any impacts on water supplies would be less than

significant.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on public services due to depletion of groundwater supplies or interference substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

3.47 UTILITIES – CUMULATIVE

Please refer to Draft EIR Chapter 14.0 for an analysis of utilities, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

A combination of residential, commercial, open space, public, and industrial uses are planned in the vicinity of the Project. However, it is anticipated that each of the identified projects would incorporate mitigation measures to ensure that impacts to public services and utilities are less than significant. The Project would not result in a significant impact to public services and utilities. The Project, when combined with reasonably foreseeable projects in the project vicinity, is not expected to incrementally contribute to cumulative impacts to public services and utilities.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on utilities.

**3.48 AIR QUALITY – CONSISTENCY WITH APPLICABLE PLANS
(CONSTRUCTION AND OPERATION)**

Please refer to Partially Recirculated Draft EIR Chapter 11.0 for an analysis of air quality, including consistency with plans.

Potential Effects And Rationale Supporting Finding:

The Project would comply with applicable South Coast Air Quality Management District rules and regulations and would not impair the region's ability to achieve the District's goals for attainment of national and state air standards. The Project would also be consistent with the applicable Countywide Air Quality Element Goals and Policies related to air quality in the Santa Clarita Valley Area Plan Circulation and Conservation and Open Space Elements. The Project would also be consistent with the County Community Climate Action Plan.

Finding:

For the foregoing reasons, the Project construction and operation will have a less than significant impact on air quality due to consistency with applicable air quality plans.

3.49 AIR QUALITY – VIOLATION OF AIR QUALITY STANDARD (OPERATION)

Please refer to Partially Recirculated Draft EIR Chapter 11.0 for an analysis of air quality, including air quality standards.

Potential Effects And Rationale Supporting Finding:

Operation of the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation for carbon monoxide.

Finding:

For the foregoing reasons, the operation of the Project will have a less than significant impact on air quality due to violation of any air quality standard or contribution substantially to an existing or projected air quality violation for carbon monoxide.

3.50 AIR QUALITY – EXPOSURE OF SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS (CONSTRUCTION AND OPERATION)

Please refer to Partially Recirculated Draft EIR Chapter 11.0 for an analysis of air quality, including sensitive receptor exposure.

Potential Effects And Rationale Supporting Finding:

The Health Risk Assessment also showed that maximum impacts predicted for sensitive receptor locations using 2015 Office of Environmental Health Hazard Assessment guidance would not exceed the South Coast Air Quality Management District cancer risk significance threshold. The Health Risk Assessment determined that the chronic and acute non-carcinogenic impacts predicted for exposure to estimated Project emissions would be below the District's significance threshold for all receptors.

Finding:

For the foregoing reasons, the Project will have a less than significant impact to air quality due to exposure of sensitive receptors to substantial pollutant concentrations.

3.51 AIR QUALITY – ODORS (NON-COMPOST)

Please refer to Partially Recirculated Draft EIR Chapter 11.0 for an analysis of air quality, including odors.

Potential Effects And Rationale Supporting Finding:

An Odor Survey performed at the site demonstrates that landfill odors are rarely detected in surrounding areas. In addition, the landfill will prevent odor through its waste exclusion program and best management practices for odor prevention. Wind patterns and analysis of anticipated odors that would emanate from a taller landfill demonstrate that the Project will have less than significant odor impacts.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on air quality due to creation of objectionable odors associated with expanded landfill operation affecting a substantial number of people.

3.52 VISUAL RESOURCES – SCENIC VISTAS

Please refer to Draft EIR Chapter 15.0 for an analysis of visual resources, including scenic vistas.

Potential Effects And Rationale Supporting Finding:

There are no formally or informally designated scenic vistas within the Project area or with a view of the area.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on visual resources due to a substantial adverse effect on a scenic vista.

3.53 VISUAL RESOURCES – SCENIC RESOURCES ON SCENIC HIGHWAYS

Please refer to Draft EIR Chapter 15.0 for an analysis of visual resources, including scenic highways.

Potential Effects And Rationale Supporting Finding:

There are no designated state scenic highways within the Project area. Consequently, the Proposed Project would not have the potential to substantially damage scenic resources (including trees, rock outcroppings, and historic buildings) within a state scenic highway.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on visual resources due to substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

3.54 VISUAL RESOURCES – EXISTING VISUAL CHARACTER

Please refer to Draft EIR Chapter 15.0 and Chiquita Canyon Landfill Master Plan Revision Visual Resources Supplement included in the Partially Recirculated Draft EIR for an analysis to visual resources, including visual character.

Potential Effects And Rationale Supporting Finding:

Visual resources impacts associated with the Project from all of the key observation points studied are anticipated to be less than significant. Views and changes to the existing landscape are limited due to intervening topography. In addition, the Project will revegetate the landfill site to mimic adjacent natural habitat.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on visual resources due to degradation of the existing visual character or quality of the site and its surroundings.

3.55 VISUAL RESOURCES – LIGHT OR GLARE

Please refer to Draft EIR Chapter 15.0 for an analysis to visual resources, including light and glare.

Potential Effects And Rationale Supporting Finding:

Because the lighting of the Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area, the Project's potential light impacts would be less than significant.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on visual resources due to a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

3.56 VISUAL RESOURCES – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 15.0 for an analysis to visual resources, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

While the Project would incrementally contribute to substantial changes to the landscape in the vicinity of the landfill, these changes would not substantially degrade the existing visual character or quality of the site and its surroundings.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on visual resources.

3.57 ENVIRONMENTAL JUSTICE– DISPROPORTIONATE AFFECT TO A MINORITY OR LOW-INCOME POPULATION

Please refer to Draft EIR Chapter 16.0 for an analysis of environmental justice, including disproportionate impacts.

Potential Effects And Rationale Supporting Finding:

The percent of the 2010 Census Bureau population classified as minority in Los Angeles County is 72.2, and in Val Verde it is 70.1. The minority population of Val Verde does not exceed the minority population of Los Angeles County. Thus, the Project would not disproportionately

affect a minority population, and potential environmental justice impacts, if present, would be less than significant.

The proportion of persons living below the poverty level in Los Angeles County is 15.7 percent and in Val Verde it is 9.1 percent. The portion of the population of Val Verde living below poverty level is less than that of Los Angeles County. Therefore, the Proposed Project would not disproportionately affect a low-income population, and no potential impacts associated with environmental justice are anticipated.

Finding:

For the foregoing reasons, the Project will have a less than significant impact on environmental justice due to adverse impacts that disproportionately affect a minority population or a low-income population.

3.58 DISPLACEMENT OF HOUSING

Please refer to Draft EIR Section 16.5.2.2 for an analysis of housing displacement.

Potential Effects And Rationale Supporting Finding:

The Project would increase by approximately 25 full-time staff. The increase in staff at the landfill is expected to be met by local persons and would not induce population growth in the area. Existing housing and school facilities are adequate to meet current demand. The Project would not directly or indirectly induce population growth because the landfill is an existing operating facility. The Project would not induce population growth and would not displace existing housing,

Finding:

For the foregoing reasons, the Project will have a less than significant impact on housing displacement due to displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

3.59 DISPLACEMENT OF PEOPLE

Please refer to Draft EIR Section 16.5.2.2 for an analysis of displacement of people.

Potential Effects And Rationale Supporting Finding:

The Project would increase by approximately 25 full-time staff. The increase in staff at the landfill is expected to be met by local persons and would not induce population growth in the area. Existing housing and school facilities are adequate to meet current demand. The Project would not directly or indirectly induce population growth because the landfill is an existing operating facility. The Project would not induce population growth and would not displace people.

Finding:

For the foregoing reasons, the Project will have a less than significant impact due to displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere.

3.60 ENVIRONMENTAL JUSTICE AND SOCIOECONOMICS – CUMULATIVE IMPACTS

Please refer to Draft EIR Chapter 16 for an analysis to environmental justice and socioeconomics, including cumulative impacts.

Potential Effects And Rationale Supporting Finding:

The cumulative projects in the vicinity of the landfill would add a combination of residential, commercial, open space, public, and industrial uses. However, because the area surrounding the landfill does not have disproportionately minority or low-income populations, the cumulative projects are not anticipated to result in socioeconomic or environmental justice impacts. The Project would not result in a significant impact related to socioeconomics or environmental justice. The Project, combined with reasonably foreseeable projects in its vicinity, is not expected to incrementally contribute to cumulative impacts related to socioeconomics or environmental justice.

Finding:

For the foregoing reasons, the Project will have a less than significant cumulative impact on environmental justice and socioeconomics.

SECTION 4 POTENTIAL ENVIRONMENTAL IMPACTS THAT HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

4.1 GEOLOGY AND HYDROLOGY –LOCATION ON A GEOLOGIC UNIT OR SOIL THAT IS OR THAT WOULD BECOME UNSTABLE

Please refer to Draft EIR Section 5.0 for an analysis of impacts to geology and hydrogeology, including analysis of geologic units or soils that could become unstable.

Potential Effect and Rationale for Finding:

The Project has the potential to be located on a geologic unit or soil that is or that would become unstable. The potential for debris flows exists within the natural drainages and slopes along the north side of the future entrance road, specifically where the entrance road will cross in front of three significant drainage gullies. There is a potential for debris flow along the perimeter of the development of the Project area. The proposed design will manage debris flow. The potential impact would be mitigated to below a level of significance by allowing for the control of any debris flow (see Mitigation Measure GH-1).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts associated with the Project to less than significant levels:

- **Mitigation Measure GH-1:** Debris flow is a rapid and fluid type of downhill mass wasting, consisting of heterogeneous debris lubricated with water caused by heavy rainfall. Similar terms for debris flow are mudflow and mudslide. There is a potential for debris flow occurring at the site during heavy rains within existing drainage areas at the subject site. The proposed design shall include provisions for control and cleanup of debris flows that may encroach into the landfill cell, perimeter maintenance road, and proposed development areas. Potential mitigation measures could consist of combinations of the following mitigation measures such as elevated development areas, drainage devices, impact walls, debris basins, and avoidance. Additional debris flow evaluation and mitigation should be performed as part of future development of rough grading plans for the entrance road.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.2 GEOLOGY AND HYDROGEOLOGY –EXPANSIVE SOILS

Please refer to Draft EIR Section 5.0 for an analysis of impacts to geology and hydrogeology, including expansive soils.

Potential Effect and Rationale for Finding:

There is a potential for buildings and/or structures related to the Project to be located on expansive soil, creating substantial risks to life or property, because the site is underlain by bedrock of the Pico and Saugus formations, both of which contain expansive clay-rich strata. This potential impact would be mitigated by performing additional testing of the expansive properties of the soils if buildings and/or other structures sensitive to expansive soils are planned for the site (Mitigation Measure GH-2).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts associated with the Project to less than significant levels:

- **Mitigation Measure GH-2:** There is a potential for buildings and/or other structures to be located on expansive soil, because the site is underlain by bedrock of the Pico and Saugus formations, both of which contain potentially expansive clay-rich strata. Additional testing of the expansive properties of the soils may be required if buildings and/or other structures sensitive to expansive soils are planned for the site. Additional testing should be completed during the grading plan review if deemed necessary by the project geotechnical and civil engineers.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.3 SURFACE WATER DRAINAGE - CONTRIBUTION TO INUNDATION BY MUDFLOW

Please refer to Draft EIR Section 6.0 for an analysis of impacts to surface water drainage, including inundation by mudflow.

Potential Effect and Rationale for Finding:

The Project has the potential to contribute to inundation by mudflow. There is a potential for debris flow (including mudflow) during repeated heavy rains, within the natural drainages above the proposed natural slopes. As described in Mitigation Measure GH-1, the proposed design would control of any debris flows (including mudflow) that may encroach into the landfill cell and perimeter maintenance road from the natural drainages and slopes that are not included in the proposed grading and construction of drainage/debris basins. The potential to expose people to risk of injury or death from this debris flow would be mitigated to below a level of significance by requiring operations staff to avoid the potential debris flow areas after an appropriate amount of waiting time following heavy and sustained precipitation events (Mitigation Measure SW-1).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts to less than significant levels:

- Mitigation Measure SW-1: There is a potential for mudflow (i.e., debris flow) during repeated heavy rains within existing drainage areas at the subject site. The proposed design should evaluate and specify an appropriate amount of waiting time following heavy and sustained precipitation events before Chiquita Canyon Landfill staff occupy the area, to avoid the potential to expose people to the risk of injury or death from this debris. This would supplement Mitigation Measure GH-1, which specifies that the proposed design should allow for the cleanup or control of any debris flows that may encroach into the landfill cell and perimeter maintenance road from the natural drainages and slopes that are not included in the proposed grading and construction of drainage/debris basins.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.4 BIOLOGICAL RESOURCES - IMPACT VEGETATION COMMUNITIES.

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including vegetation communities.

Potential Effect and Rationale for Finding:

The Project would result in direct impacts to approximately 171.75 acres of natural vegetation alliances, 138.85 acres of non-native vegetation alliances, and 68.92 acres of previously revegetated alliances. Native vegetation communities have a relatively high biological value, and along with naturalized and/or non-native habitats on the site, provide nesting, foraging, roosting, and denning opportunities for many species of wildlife. The impact of loss of these habitats is anticipated to be significant. However, these impacts would be mitigated to below a level of significance through the implementation of a Closure Revegetation Plan (Mitigation Measure BR-1).

Additional impacts may occur during construction or operation of the landfill on areas of adjacent habitat, including unauthorized vehicle travel or material storage outside of construction limits. This has the potential to result in significant impacts to vegetation communities. However, these impacts would be mitigated to below a level of significance by ensuring that construction activities would be confined to authorized areas (Mitigation Measure BR-2).

Ground-disturbing activities may also promote the establishment of invasive plant species and noxious weeds and potentially degrade surrounding communities, including introduction of weed seed to the site from construction equipment or personnel. If invasive weeds become established on the site, they could provide a reservoir for invasive weed seed to surrounding intact habitats. In addition, small, existing tamarisk (*Tamarix* spp.) stands on the site could spread as well as contribute to spread of tamarisk to downstream waterways, also a significant impact. However, impacts associated with invasive plant species and noxious weeds would be mitigated to below a level of significance by requiring inspection and cleaning of equipment prior to site entry, and by identifying and removing invasive tamarisk completely and re-planting the area with appropriate riparian vegetation (Mitigation Measure BR-3).

Impacts to intact vegetation communities could result from fires started during or from construction activities on the site. This could result in significant impacts to adjacent habitats. However, impacts resulting from construction related fires would be mitigated to below a level of significance reducing the risk of construction-related fires (Mitigation Measure BR-4).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- **Mitigation Measure BR-1:** The applicant shall develop a Closure Revegetation Plan for the Project in consultation with the Los Angeles County Department of Regional Planning (LADRP), consistent with the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of this Partially Recirculated Draft EIR. The Plan would require approval prior to authorization of land disturbance under the Proposed Project. The Plan shall require that Chiquita Canyon Landfill be revegetated to offset permanent impacts to native and naturalized habitats, in accordance with the following criteria:
 - Native vegetation shall be used under the direction of specialists in restoration plantings. Native revegetation shall achieve a 1:1 ratio of impacted native,

revegetated, and semi-natural habitat to revegetated mitigation land. Non-native grassland habitats would be initially seeded with native grassland species.

- Revegetation types, monitoring requirements, and success criteria including milestones, along with proposed remedial actions should vegetation alliances not achieve success criteria shall be included in the Closure Revegetation Plan, in accordance with the preliminary approach outlined in the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of this Partially Recirculated Draft EIR.
- In order to replicate and potentially expand the available amount of native shrubland on the site, the Closure Revegetation Plan shall include a final soil cover of approximately 5 feet, or alternatively a depth approved by regulatory agencies and suitable to allow for proper root growth.
- The Closure Revegetation Plan shall be developed and implemented by an ecological restoration specialist familiar with restoration of native and naturalized Southern California plant alliances, and shall specify that revegetation will be done with locally native plants, and that revegetation will not include plant species on Los Angeles County's list of invasive species nor invasive species on the lists of the California Invasive Plant Council (Cal IPC) nor invasive species listed by the CNPS.
- If success criteria for vegetation alliances are not met, remedial actions will be performed onsite consistent with the Closure Revegetation Plan.
- If success criteria for native shrub or forest alliances are not met even after remedial actions are performed, offsite mitigation land shall be purchased to offset the loss of the portion of the alliance vegetation that does not meet the success criteria at a 1:1 ratio (impacted:mitigation land). The acreage acquired shall, if feasible, be generally local to the site or the general site area, ideally situated adjacent to or in the general proximity of the Santa Clara River, Hasley Canyon, or Angeles National Forest, and will connect with other protected open space. First priority would be given to lands that contribute to connecting the wildlife movement between the Santa Clara River through Chiquita Canyon Landfill to Hasley Canyon and to the Angeles National Forest.
- Any purchased mitigation land shall be protected by fee simple deed to a conservation organization experienced in management of natural lands.
- Additional mitigation for vegetation communities is included in Mitigation Measure BR 5 (vegetation associated with jurisdictional waters), Mitigation Measure BR 9 (rare plant communities), and Mitigation Measure BR 15 (oaks and oak woodlands). Mitigation ratios for replacement of these vegetation communities may be greater than the 1:1 ratio specified above, in coordination with CDFW for jurisdictional waters and rare plant communities and in coordination with LADRP

for compliance with the County Oak Woodland Conservation and Management Plan.

- Mitigation Measure BR-2: The construction area boundaries shall be delineated clearly. No construction activities, vehicular access, equipment storage, stockpiling, or significant human intrusion shall occur outside of the designated construction area. In addition, Chiquita Canyon Landfill ingress and egress routes shall be marked, and vehicle traffic outside these routes shall be prohibited. Vehicular traffic shall adhere to a speed limit of 15 miles per hour on non-public access roads during construction to ensure avoidance of impacts to sensitive biological resources.
- Mitigation Measure BR-3: Soil or invasive plant seed transfer from clothing, shoes, or equipment shall be minimized through cleaning and monitoring of personnel or equipment transfers between sites, or prior to initial entry at Chiquita Canyon Landfill. Contract requirements to ensure vehicles are pressure washed and/or clean and free of soil or invasive weed seeds and other plant parts prior to entering the site will be implemented. Contracts will specify that pressure-washing of construction vehicles is to take place immediately before bringing the vehicle to Chiquita Canyon Landfill. The contractor will provide written documentation that the vehicles have been pressure washed or otherwise free of plant material that is checked by both Chiquita Canyon Landfill management and the biological monitor, who will jointly assure that this mitigation is implemented. The biological monitoring report will include a record of compliance with this measure.

Within 1 year of project approval invasive tamarisk (*Tamarix* spp.) located onsite will be identified and removed completely. All parts of removed tamarisk will be disposed of in a landfill.

- Mitigation Measure BR-4: On-road vehicles on the construction sites will be equipped with spark arresters on exhaust equipment. Camp fires, trash-burning fires, and warming fires shall be prohibited in the construction area.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.5 BIOLOGICAL RESOURCES - CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE AND UNITED STATES ARMY CORPS. OF ENGINEERS JURISDICTIONAL AREAS.

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of biological resources impacts, including impacts to jurisdictional areas.

Potential Effect and Rationale for Finding:

The Project has the potential to impact California Department of Fish and Wildlife (CDFW) and United States Army Corps of Engineers (USACE) jurisdictional areas. USACE and CDFW jurisdictional areas (waters of the United States and stream bed and bank, respectively) could

potentially be permanently impacted from grading and filling activities. The permanent loss of CDFW and USACE jurisdictional areas would be considered a significant impact. Impacts would be quantified at the time of final design and mitigation for potential impacts would be required as a part of the permitting process, which would mitigate impacts to below a level of significance (Mitigation Measure BR-5).

Potential indirect impacts to on-site jurisdictional waterways not otherwise directly impacted by grading and filling activities may occur during construction or operation of the Project. Impacts from sediment, fuel discharges, pesticides, or other contaminants, if entering waterways, could result in potential significant impacts to jurisdictional waterways, requiring mitigation. However, these potential impacts would be mitigated to below a level of significance through the implementation of best management practices for equipment operation and fueling, stormwater management, and pesticide use (Mitigation Measure BR-6 and BR-7).

Additional indirect impacts may potentially occur in waterways from construction or operational changes to water quality on areas downstream from Chiquita Canyon Landfill. These impacts are addressed under surface water drainage and water quality. The Project's adherence to the mitigation measures (Mitigation Measures BR-5, BR-6, and BR-7) will reduce the potential impact of this significant effect to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce the biological resources impacts to less than significant levels:

- **Mitigation Measure BR-5:** For potential impacts to jurisdictional waters, permits shall be obtained for the Proposed Project from USACE (Section 404 permit under the Clean Water Act) and CDFW (Streambed Alteration Agreement under Fish & Game Code Section 1603); and the Proposed Project shall comply with the conditions of these permits. The terms and conditions of these permits are anticipated to require mitigation consistent with "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" (USACE and, EPA, 2008), and with CDFW requirements for SAAs. A mitigation plan may be required prior to permit issuance. If a mitigation plan is required, ratios of waters impacted to waters mitigated would be negotiated with the regulatory agencies and the results of that negotiation included in the plan.
- **Mitigation Measure BR-6:** Stationary equipment such as motors, pumps, generators, and welders shall be located a minimum of 50 feet outside CDFW and USACE jurisdictional drainages where impacts have not been permitted. Construction staging areas, stockpiling, and equipment storage shall be located a minimum of 50 feet outside non-permitted CDFW and USACE jurisdictional drainages. Construction vehicles and equipment shall be checked periodically to ensure they are in proper working condition, including regular inspections for leaks, which would require immediate repair. Refueling or lubrication of vehicles and cleaning of equipment, or other activities that involve open use of fuels, lubricants, or solvents, shall occur at least 100 feet away from CDFW and USACE jurisdictional drainages where impacts have not been permitted, and at least 50 feet from other flagged, sensitive biological resources.

- **Mitigation Measure BR-7:** Only pesticides, herbicides, fertilizers, dust suppressants, or other potentially harmful materials approved by EPA and/or the California Department of Toxic Substance Control shall be applied at Chiquita Canyon Landfill, in accordance with relevant state and federal regulations. Rodenticides will not be used. Instead, methods that do not persist and infiltrate the natural food chain will be used for pest elimination such as trapping, gassing, etc. Sediment basins are present along all drainages at Chiquita Canyon Landfill, which capture runoff prior to discharging offsite. Sediment basins will continue to be regularly maintained.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.6 BIOLOGICAL RESOURCES - NUISANCE WILDLIFE

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of Project impacts to biological resources, including potential attraction of nuisance wildlife.

Potential Effect and Rationale for Finding:

Landfill operation may result in the introduction and success of nuisance wildlife, including gulls, ravens, brown-headed cowbirds, common starlings, and rats (*Rattus* spp.). These species can displace native wildlife, with potentially significant impacts. However, negative impacts from vectors and nuisance wildlife would be mitigated to below a level of significance through appropriate handling of trash and litter, revegetation areas, and artificial water sources (Mitigation Measure BR-8).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts to less than significant levels:

- **Mitigation Measure BR-8:** Construction sites and landfill operation shall be kept free of trash and litter. Food-related trash and litter shall be placed in closed containers and disposed of daily. Nuisance wildlife breeding will be discouraged at Chiquita Canyon Landfill by excluding cavities in buildings and/or equipment or facilities left idle for more than 6 months. To reduce risk of infestation by the non-native Argentine ant (*Linepithema humile*), a 500-foot buffer will be established adjacent to uninfested habitats at Chiquita Canyon Landfill within which no permanent, artificial water sources will be applied, and inspections for exotic ant infestations will be required for any landscape or restoration container-stock plants proposed for installation. Landfill operations require daily covering of all portions of the active landfill; this practice would be continued, further reducing risk of nuisance wildlife.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.7 BIOLOGICAL RESOURCES - SPECIAL-STATUS PLANT SPECIES.

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of Project impacts to biological resources, including special-status plant species.

Potential Effect and Rationale for Finding:

Federal- and state-listed plant species, including Braunton's milk-vetch, Nevin's barberry, San Fernando Valley spineflower, and slender-horned spineflower, could occur in the vicinity of the landfill. Database analyses indicate limited distribution of these species in the vicinity of the landfill, and none of these species were identified in 2016 rare plant surveys. However, there is a limited potential for occurrence of some of the federal- and state-listed plants at Chiquita Canyon landfill, based on the presence of suitable habitat. If individual federal- and state-listed plant species are present at the landfill, they may be lost as a result of the Project, including construction-related impacts from grading and filling activities. This would represent a significant impact. However, potential impacts to special-status plant species would be mitigated to below a level of significance through preconstruction surveys and relocation (Mitigation Measure BR-9).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts to less than significant levels:

- **Mitigation Measure BR-9:** Preconstruction surveys by qualified botanists shall be conducted for special-status plant species in impact areas prior to ground-disturbing activities, and if necessary and feasible, resource relocation or exclusion shall be implemented. Resource relocation will be to a location deemed suitable for successful relocation by a qualified biologist and conducted in coordination with CDFW. Exclusion zones shall be implemented with fencing and/or signage that restricts access.
- For rare plants, this shall include focused surveys by a qualified botanist conducted during the appropriate season for detection (generally during flowering period) prior to ground-disturbing activities over the entire disturbance area proposed for the project, and then again the first season prior to disturbance over the area proposed to be disturbed for each phase (cell) of landfill development. If suitable transplant areas for rare plants exist at Chiquita Canyon Landfill, surveys will also include potential areas for relocation onsite in order to provide background data for determining transplant success. If no suitable relocation areas exist at Chiquita Canyon Landfill, potential mitigation areas in conserved areas within the local watersheds will be identified and surveyed at the same time in order to have background data. Surveys shall follow standard survey protocol for rare plants outlined in Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS, 1996) and/or Protocols for Surveying and Evaluation Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2009).

- If special-status plants are found at Chiquita Canyon Landfill they shall be field marked and mapped with global positioning system units to evaluate potential for impacts from proposed grading. Where feasible, special-status plants will be avoided; protective measures to exclude area shall be implemented. Exclusion zones adjacent to active construction or active landfill will be protected with permanent fencing. More remote exclusion zones not accessible by construction equipment or near adjacent road access points shall be protected by temporary fencing (e.g., orange construction fencing) when road access is within 100 feet. If road access becomes immediately available to the area, permanent fencing will be installed. Fencing shall be maintained and construction crews informed about avoidance during construction. The site biological monitor will continue to monitor compliance with exclusion zones.
- Rare plants have been identified within construction limits during 2016 surveys. For these, and any additional rare plants identified prior to ground disturbance that are within the grading footprint or other areas identified for unavoidable disturbance (including species of CNPS Rare Plant Ranks 1-4 or Locally Rare), a Rare Plant Relocation Plan will be developed in consultation with CDFW. Plant salvage for transplanting shall take place before any clearing or grading of the sensitive plant occurs. Preliminary performance criteria, general methods of transplanting, and other anticipated components of this plan are provided in the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of this Partially Recirculated Draft EIR.
- The Rare Plant Relocation Plan shall address mitigation for special-status plants, including topsoil salvage to preserve seed bank and management of salvaged topsoil; seed collection, storage, possible nursery propagation, and planting; salvage and planting of other plant propagules (e.g., rhizomes, bulbs) as feasible; location of receptor sites to include on- or offsite property that could serve as permanent open space areas; land protection instruments for receptor areas; and funding mechanisms. The Rare Plant Relocation Plan shall include methods, monitoring, reporting, success criteria, adaptive management, and contingencies for achieving success. Where feasible, background data for up to 3 years will be collected on receptor sites.
- If rare plant relocation cannot be achieved, through lack of receptor sites, or lack of success during the monitoring period, then purchase of mitigation credits or offsite property with known populations of the affected species for inclusion in permanent open space areas or a conservation easement would be implemented, with priority given to acquisition of offsite property.
- Locations within Chiquita Canyon Landfill that will not be developed are present adjacent to existing population of these species that may serve as receptor sites, and would be investigated for additional data. If found suitable, topsoil from impacted sites may be conserved and placed on these sites, seeds, bulbs (ex. *Calochortus* spp.), rhizomes (ex. *Calystegia peirsonii*), and entire plants and pads (ex. *Opuntia basilaris* var. *basilaris*), may be collected/salvaged and planted on

these sites, and ongoing monitoring and maintenance of plantings implemented. The Rare Plant Relocation Plan shall have the final details of plant transplant methods.

- The onsite receptor/mitigation sites would be monitored for a minimum of 5 years to determine mitigation success or failure, consistent with the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of this Partially Recirculated Draft EIR and the Rare Plant Relocation Plan. If necessary, remedial measures consistent with the approved plan would be implemented to satisfy mitigation objectives.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.8 BIOLOGICAL RESOURCES - SPECIAL-STATUS WILDLIFE SPECIES.

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including special-status wildlife species.

Potential Effect and Rationale for Finding:

Habitat loss, from direct mortality during construction from equipment or land clearing, or from construction activity, noise, or dust adjacent to wildlife denning or nesting sites. However, potential impacts to special-status wildlife species would be mitigated to below a level of significance through revegetation, preconstruction surveys, and disturbance buffers/relocation (Mitigation Measure BR-1 and BR 10).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1: (See Section 3.4 of this document.)
- Mitigation Measure BR-10: Preconstruction surveys by qualified biologists shall be conducted for special-status wildlife species in impact areas prior to ground-disturbing activities, and if necessary and feasible, resource relocation or exclusion for special-status species shall be implemented. Wherever practical, relocation shall be passive, allowing animals to exit the area on their own. Any grubbing, grading or other ground disturbing activities at Chiquita Canyon Landfill would be done in a manner that encourages mobile wildlife species to leave the project area to escape safely into immediately adjacent undisturbed habitat, wherever feasible. For low mobility species, salvage and relocation by a qualified biological monitor would be implemented. Resource relocation shall be to a location deemed suitable for successful relocation by a qualified biologist and conducted by individuals with appropriate handling permits as required by CDFW or USFWS. Where practical, exclusion zones shall be implemented in lieu of relocation with fencing and/or signage that restricts access. Construction and construction monitoring for animals will occur at discrete time periods. Construction monitoring shall be conducted

in areas containing native vegetation at the time of construction activity within the limit of active construction disturbance. Within areas containing native vegetation, ground-disturbing activities shall be prohibited until the area is cleared by a qualified biological monitor during a preconstruction survey within 7 days prior to the beginning of construction activities. Biological monitors shall also monitor construction activities within 100 feet of avoided CDFW and USACE jurisdictional drainages.

- For burrowing owl, suitable burrows will be identified during surveys and if feasible, excluded from disturbance during construction. If avoidance is not feasible, burrows will be scoped during the non-breeding season (September 1 to January 31) to determine if they are occupied. If unoccupied, burrows will be collapsed. If burrows are occupied, burrow exclusion will be implemented with one-way doors in burrow openings during the non-breeding season to exclude burrowing owls. After exclusion, burrows will be collapsed. If feasible, alternative manmade burrows will be installed on lands not subjected to construction disturbance, and within 300 feet of excluded burrows. Surveys would be consistent with the CDFW requirements for burrowing owl survey; mitigation measures presented here are consistent with CDFW (2012), and details of how mitigation would be implemented would be consistent with this document.
- For special-status reptiles (coast patch-nosed snake, coastal western whiptail, California legless lizard, San Diego horned lizard), preconstruction surveys in areas where land clearing will occur shall consist of gently raking areas of soft soils, sand, and dense leaf litter to identify individuals burrowed or buried in leaf litter. Individuals encountered will be captured and translocated to an area of undisturbed, intact habitat nearby deemed suitable for successful translocation by a qualified biologist. Translocation will be performed by biologists with appropriate handling permits by CDFW.
- Special-status land mammals (San Diego black-tailed jackrabbit, San Diego desert woodrat, American badger): preconstruction surveys will consist of surveying and identifying evidence of occupancy and use, including rabbit forms, woodrat nests, and badger natal dens. If located during the breeding season for these species, features will be surveyed or scoped to determine occupancy if possible. If unoccupied, they will be dismantled or collapsed. If occupied, or if occupancy cannot be determined, exclusion zones will be established until occupancy can be determined or until the breeding season concludes. If features are identified during the non-breeding season, they will be gently dismantled or collapsed, allowing any occupants if present to disperse. Where habitat must be dismantled, alternative habitat features will be established in nearby undisturbed areas, including creating specific conditions suitable for the species if necessary, such as downed wood structures in shade suitable for woodrat.
- For western spadefoot, if ground-disturbing activities will be conducted within 1,000 feet of the sedimentation basins at Chiquita Canyon Landfill, preconstruction ground surveys shall occur within 1,000 feet of potential breeding ponds (sediment basins). The top 6 inches of soft soils and leaf litter shall be

gently raked and small mammal burrows and soil cracks will be inspected or scoped for aestivating spadefoot. In addition, silt fencing will be installed between upland habitat slated for vegetation removal and grading, and potential breeding ponds (detention basins) if the basins are holding water at the time of construction, with pitfall traps located along the silt fence. Depending on proposed scheduling of upland habitat disturbance (relative to spadefoot breeding season), fence and pitfall traps will target spadefoot moving from or to the upland habitat. Pitfall traps will be inspected daily when active, which will be during periods of likely spadefoot emergence or movement (during early season rainfall and pool formation and during late season drawdown of the basins). If found or trapped, western spadefoot will be relocated to suitable natural or artificial burrows immediately adjacent to a proposed western spadefoot mitigation pond (BR-16). This pond will serve as an alternative habitat for spadefoot found on Chiquita Canyon Landfill, and will be set aside to support spadefoot breeding with adjacent upland habitat for aestivation. Any aestivating western spadefoot encountered during construction within 1,000 feet of sedimentation basins would be relocated to the spadefoot mitigation pond, and placed in similar habitat and conditions. Details of spadefoot mitigation, to include components described above including the spadefoot mitigation pond, will be documented in a Spadefoot Mitigation Plan, to be reviewed by CDFW and LADRP.

- Bird nests: Preconstruction surveys for nesting pairs, nests, and eggs shall occur in areas proposed for vegetation removal and in surrounding areas, including cliff sites, and active nesting areas flagged. Mitigation shall be implemented as described below under BR-13.
- Bat Roosts: Where bat roosting habitat cannot be avoided, preconstruction surveys consisting of exit surveys, roost surveys of potential roost sites, and evidence of bat sign (guano) shall occur to identify bat species, as feasible, and active roosts. Mitigation shall be implemented as described below under BR-14.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.9 BIOLOGICAL RESOURCES – SPECIAL-STATUS SPECIES (DOWNSTREAM WATER QUALITY)

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including impacts to special-status species from downstream water quality..

Potential Effect and Rationale for Finding:

Additional indirect impacts may potentially occur in waterways from construction or operational changes to water quality on areas downstream from the landfill. These potential impacts are addressed under compliance with law measures described in the surface water drainage and

water quality analyses. Potential impacts to special-status species from downstream water quality would be mitigated to below a level of significance (Mitigation Measure BR-7).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts to less than significant levels:

- Mitigation Measure BR-7: (See Section 3.5 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.10 BIOLOGICAL RESOURCES—SPECIAL-STATUS AMPHIBIANS.

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including special-status amphibians.

Potential Effects And Rationale Supporting Finding:

Potentially significant impacts to downstream amphibians, including arroyo toad, California red-legged frog, and coast range newt could occur. These indirect impacts may potentially occur in waterways from construction or operational changes to water quality on areas downstream from the landfill. These potential impacts are addressed under surface water drainage and water quality.

Potential aquatic habitat/seasonal pools are present at Chiquita Canyon landfill that could support western spadefoot, and western spadefoot has been observed within the East Canyon detention basin. Detention basins are not anticipated to be disturbed during construction, and no other aquatic habitat for spadefoot is present on-site; however, impacts from construction adjacent to breeding pools for this species could result in direct mortality to aestivating adults in adjacent upland habitat, a significant impact. However, potential impacts to western spadefoot would be mitigated to below a level of significance (Mitigation Measures BR-10 and BR-16).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-10: (See Section 3.8 of this document)
- Mitigation Measure BR-16: To avoid operational impacts to western spadefoot which may occur during intentional draining of detention basins, or sediment removal from detention basins, the following protocol would be implemented, under an approach coordinated with CDFW: (1) All drainage equipment would be new or used exclusively for detention basins on Chiquita Canyon Landfill to avoid transfer of Chytridiomycosis (i.e., chytrid fungus) or any other amphibian diseases or pathogens to detention basins on Chiquita Canyon Landfill from other sites; (2) pumping equipment intakes would be screened with fine mesh and

would pump from deeper portions of the detention ponds to ensure that eggs, larvae, or adults of western spadefoot would not be entrained in pump apparatus; (3) if a biological monitor determines that spadefoot adults, larvae, or egg masses are present during pumping, a secondary pump enclosure with maximum pore size of 0.125-inches will be utilized if determined necessary by the biological monitor; (4) at any given pumping event, only 80 percent of the volume (measured as depth at the deepest point of the detention basin) would be pumped, leaving pooled water of at least a 5-inch depth for any potential western spadefoot to complete its life cycle; however, the biological monitor would evaluate remaining pooled water volume and spadefoot development stage and make a determination if the remaining water was sufficient for spadefoot to complete life cycle; and (5) sediment removal would only occur during the dry season, when ponded water is not present. A Spadefoot Mitigation Plan will be developed in consultation with CDFW, to incorporate the above measures and other measures in BR-10 to protect spadefoot. The Mitigation Plan will include design and development of a spadefoot breeding pond on Chiquita Canyon Landfill property in a relatively undisturbed location where adjacent uplands are present, including 1,000 feet of undeveloped land as feasible. This pond will be suitable for establishment of a western spadefoot breeding pond, and will not undergo the regular maintenance that is necessary for the onsite stormwater detention basins. Relocation of western spadefoot will be to the mitigation pond.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.11 BIOLOGICAL RESOURCES— SPECIAL-STATUS REPTILE SPECIES

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including special-status reptile species.

Potential Effects And Rationale Supporting Finding:

San Diego horned lizard, silvery legless lizard, western pond turtle, coast patch-nosed snake and two striped garter snake have potential to occur on-site. The western pond turtle and two striped garter snake have no suitable aquatic habitat on-site; therefore, no direct impacts to these species would occur and no mitigation measures are necessary. Indirect impacts may potentially occur in waterways from construction or operational changes to water quality on areas downstream from the landfill. These potential impacts are addressed under surface water drainage and water quality.

At Chiquita Canyon, California Slivery Legless Lizard and Cost Patch-Nosed Snake are likely to be associated with shrublands. Direct, permanent loss of this habitat would occur from grading and filling activities. Heavy vehicle traffic and other associated construction impacts could also result in direct mortality or injury of the species. These impacts are considered to be adverse and potentially significant. However, potential impacts to California Slivery Legless Lizard and Cost

Patch-Nosed Snake would be mitigated to below a level of significance (Mitigation Measure BR-1 and BR-10).

San Diego Horned-Lizard may be associated with dry wash, coastal scrub, or chaparral habitats at the landfill site, although focused surveys did not identify individuals or sign of this species. However, extensive harvester ant mounds are present that provide good forage for this species. Direct, permanent loss of habitat for this species would occur from grading and filling activities. Heavy vehicle traffic and other associated construction impacts could also result in direct mortality or injury of the species. These impacts are considered to be adverse and potentially significant. In addition, because introduction of the non-native Argentine ant (*Linepithema humile*) can outcompete the native harvester ant species that are forage for this species, landfill operation may reduce habitat quality for horned lizards, representing a significant adverse impact. However, potential impacts to San Diego Horned-Lizard would be mitigated to below a level of significance (Mitigation Measure BR-1, BR-8, and BR-10).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1: (See Section 3.4 of this document.)
- Mitigation Measure BR-8: (See Section 3.6 of this document.)
- Mitigation Measure BR-10: (See Section 3.8 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.12 BIOLOGICAL RESOURCES—FEDERAL- AND STATE-LISTED BIRD SPECIES

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including federal- and state-listed birds.

Potential Effect and Rationale for Finding:

California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, and California condor are all federal- and state-listed species with potential to occur in the general vicinity of Chiquita Canyon Landfill.

Marginal, potential nesting habitat for California gnatcatcher occurs in the form of *Artemisia californica*-*Eriogonum fasciculatum* Shrubland Alliance and other similar habitats on the site with *Artemisia californica* present. If gnatcatcher are present at the landfill, the loss of occupied habitat, individuals, or nests of this species would represent a significant adverse impact. However, potential impacts to California gnatcatcher would be mitigated to below a level of significance (Mitigation Measure BR-11). Designated critical habitat for gnatcatcher occurs over

five miles south and southeast of Chiquita Canyon; however, no impacts to designated critical habitat would occur from the Project.

The landfill does not support lowland riparian habitats that are suitable nesting and breeding habitat for least Bell's vireo and southwestern willow flycatcher. Individual least Bell's vireo sightings have been documented in the Santa Clara River between I-5 and its confluence with Castaic Creek near the landfill. Critical habitat for this species exists 0.3 mile south of the landfill in the Santa Clara River. Southwestern willow flycatcher was also detected along the Santa Clara River in 1995. However, no physical impacts to downstream riparian habitat would occur from the Project. Indirect impacts from changes in water quality could adversely affect the habitat and forage of these birds. These potential impacts are addressed under surface water drainage and water quality. Lighting impacts to nearby riparian areas from night lighting during nighttime operations would potentially result in a significant impact by increasing risk of predation or other negative effects. This would represent a significant impact on these riparian bird species. However, potential impacts to these riparian bird species would be mitigated to below a level of significance (Mitigation Measure BR-12).

Chiquita Canyon Landfill does not support nesting habitat but does support potential forage habitat for California condors. The Project may render the site unsuitable for condor foraging due to construction and/or operation activities; in general, condors are expected to avoid the area due to current operational activities. Given the large extent of foraging habitat in the region and the wide-ranging nature of the species, the loss of this area as potential forage would not represent a significant impact. Because the active surface of the landfill is covered on a daily basis, it is not anticipated to attract foraging California condors (should suitable carrion forage be present), which could put individuals at risk. As such, no impact is anticipated. Perimeter fencing design, power poles, and other man made features can be a risk to condors and/or other raptors. To avoid this risk, only CDFW-recommended designs for lighting, fences, power poles, or other manmade features would be implemented, where available, as indicated in Mitigation Measure BR-12.

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- **Mitigation Measure BR-11:** USFWS protocol-level surveys shall be conducted for all coastal California gnatcatcher habitat well in advance of any ground-disturbing activities. If surveys are negative, the species shall be presumed absent, and no further impacts shall be anticipated or mitigation measures required.
 - If the surveys are positive (i.e., coastal California gnatcatcher is present), then coordination shall be initiated with USFWS on required measures to avoid, minimize, or mitigate take of this species. These are anticipated to include:
 - Construction activities in the vicinity of active gnatcatcher nests shall be prohibited within a specified distance of nests (500 feet unless otherwise agreed to by USFWS) until after the young have fledged and the nesting is complete.

- Clearing of occupied habitat shall be avoided if possible or practicable. If it is not practicable, clearing shall be prohibited during the nesting season (February to August).
- **Mitigation Measure BR-12:** Although no nighttime construction is anticipated, lighting for construction activities conducted during early morning or early evening hours shall be minimized to the extent possible through the use of directional shading to minimize impacts to nocturnal or crepuscular wildlife. Only CDFW-recommended designs for lighting, fences, power poles, or other manmade features would be implemented where available.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.13 BIOLOGICAL RESOURCES—NESTING BIRD SPECIES OF SPECIAL CONCERN

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including nesting birds.

Potential Effect and Rationale for Finding:

Yellow-breasted chat, yellow warbler, turkey vulture, loggerhead shrike, tricolored blackbird, California horned lark, golden eagle, white-tailed kite, prairie falcon, Cooper's hawk, northern harrier, burrowing owl, short-eared owl, Southern California rufous-crowned sparrow, grasshopper sparrow, and Bell's sage sparrow are federal Species of Concern, state Species of Special Concern, state Watch List, or County Sensitive Bird Species known to breed in the vicinity of the landfill. Of these, only loggerhead shrike, California horned lark, short-eared owl, turkey vulture, burrowing owl, Southern California rufous-crowned sparrow, grasshopper sparrow, and Bell's sage sparrow have the potential to nest directly on the landfill, and only yellow-breasted chat, tricolor blackbird and yellow warbler might nest in downstream riparian habitats.

Suitable breeding habitat for yellow-breasted chat, which requires dense riparian thickets of willows and other brushy tangles near watercourses, and yellow warbler, which prefers similar riparian areas, is present a considerable distance downstream of the landfill, along the Santa Clara River. Suitable breeding habitat for tricolored blackbird, which includes emergent wetlands, is also present further downstream of the landfill, along the Santa Clara River. Suitable foraging habitat includes areas with abundant insects, such as grasslands, and landfills. No physical impacts to downstream riparian habitat would occur from the Project. Indirect impacts from changes in water quality have been evaluated to determine if there is a potential for an adverse effect on the habitat and forage of these birds. These potential impacts are addressed under surface water drainage and water quality. Lighting impacts to nearby riparian areas from night lighting during nighttime operations would potentially result in a significant impact by increasing risk of predation or other negative effects. This would represent a significant impact

on these riparian bird species. However, potential impacts to these riparian bird species would be mitigated to below a level of significance (Mitigation Measure BR-12).

The dry, open grassland areas at the landfill provide a suitable foraging and breeding habitat for the California horned lark, short-eared owl, loggerhead shrike, and grasshopper sparrow. These species may occur in appropriate habitat throughout their range in Southern California. Potential for these species to occur and breed at Chiquita Canyon Landfill is moderate to high. Construction activities involving grading and filling of the annual grasslands and the mixed grassland/shrub habitats would result in direct permanent loss of nesting and foraging habitat. Any removal of inhabited area could affect these species adversely. However, potential impacts from loss of habitat for these species would be mitigated to below a level of significance (Mitigation Measure BR-1). Direct loss of nesting individuals of these species may also occur during construction activities, a significant impact. However, potential impacts to nesting individuals of these species would be mitigated to below a level of significance (Mitigation Measure BR-13).

Shrub areas at the landfill include *Artemisia californica*-*Eriogonum fasciculatum* Shrubland Alliance and *Eriogonum fasciculatum* Shrubland Alliance may provide a suitable foraging and breeding habitat for the Southern California rufous-crowned sparrow and Bell's sage sparrow. These species may occur in appropriate habitat throughout their range in Southern California. Potential for these species to occur and breed at the landfill is moderate. Construction activities involving grading and filling of the shrublands and mixed grassland/shrub habitats would result in direct permanent loss of nesting and foraging habitat. Any removal of inhabited area could affect these species adversely. However, potential impacts from loss of habitat for these species would be mitigated to below a level of significance (Mitigation Measure BR-1). Direct loss of nesting individuals of these species may also occur during construction activities, a significant impact. However, potential impacts to nesting individuals of these species would be mitigated to below a level of significance (Mitigation Measure BR-13).

Shrub or grassland areas at the landfill may provide a suitable foraging habitat for turkey vulture, golden eagle, and prairie falcon species, and rocky escarpments including the base, ledges, or cavities in cliffs or rocky outcrops at Chiquita Canyon Landfill may provide nesting opportunities for turkey vulture, and cliff ledges or cavities may provide nesting opportunities for golden eagle and prairie falcon. The loss of habitat for turkey vulture resulting from the Proposed Project is not likely to be significant given its wide-ranging habits and lack of selectivity in foraging habitats. The loss of active nests and/or individuals for these species would be potentially significant. Permanent loss of cliff-nesting habitat at Chiquita Canyon would be minimal because it is anticipated most rocky escarpments will not be filled or otherwise directly affected by the Project. Indirect impacts may occur from construction activity disturbance near cliff-nesting sites. However, potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-10).

Grassland habitat at Chiquita Canyon provides limited potential breeding and foraging habitat for burrowing owl in isolated, open areas of small grasslands, previously developed lands, and disturbed roadsides. The burrowing owl is known from the Sterling Gateway property just north of the Proposed Project site, so it does occur in the vicinity. The species was not observed during field surveys on the Proposed Project site, and if present, is present in a small, unobserved

population. If the species is present, the Project would result in loss of burrowing owl habitat, and construction clearing could result in loss of individuals. The loss of habitat for this species resulting from the Project is not likely to be significant given the limited extent of habitat consisting of small, isolated areas. This loss, and the lack of effect on the regional owl population resulting from a limited loss of burrowing owl habitat, is not anticipated to be significant. However, the loss of active nests and/or individuals or small colonies of this species would be potentially significant. Potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-10).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1: (See Section 3.4 of this document.)
- Mitigation Measure BR-10: (See Section 3.8 of this document.)
- Mitigation Measure BR-12: (See Section 3.12 of this document.)
- Mitigation Measure BR-13: In habitats where nesting birds might occur, vegetation removal shall be avoided when feasible during the nesting season (December through August); winter months are included because this area has potential for owls and hummingbirds, which may breed during this period. In addition, raptor nesting may be initiated by early January. Where this is not feasible, preconstruction surveys for nesting pairs, nests, and eggs shall occur in areas proposed for vegetation removal, and in buffer areas affected by construction, and active nesting areas flagged. The biological monitor shall assign a buffer around active nesting areas (typically 300 feet for songbirds, 500 feet for raptors, and 1,000 feet for sensitive cliff-nesting raptors – golden eagle, prairie falcon, and turkey vulture). The biological monitor will also clearly communicate the limits of buffers to the contractor and crew, and post and maintain, throughout the time of nest use, flagging, fencing, staking, or signs as otherwise needed. Construction activities shall be prohibited within the buffer until the nesting pair and young have vacated the nests, unless it can be demonstrated through biological monitoring that the construction activity is not hindering the nesting effort. Alternatively, if unused nests are identified in the disturbance area during preconstruction surveys, nests may be destroyed or excluded prior to active nesting. Rocky escarpments that may support cliff-nesting raptors not proposed for current construction activity at Chiquita Canyon Landfill would not be disturbed for the duration of the construction activity.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.14 BIOLOGICAL RESOURCES—FORAGING OR TRANSIENT BIRD SPECIES OF SPECIAL CONCERN (RAPTORS).

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including foraging and transient birds.

Potential Effect and Rationale for Finding:

Golden eagle, white-tailed kite, and prairie falcon occur in the region and have the potential to forage over grasslands and open country at the landfill site. Over the life of the Project, a total of 60.3 acres of *Brassica nigra* and Other Mustards Herbaceous Semi-Natural Alliance and 46.3 acres of *Avena* (*barbata*, *fatua*) Herbaceous Semi-natural Alliance would be lost. These vegetation types represent potential forage habitat for these species. The loss of this additional raptor foraging habitat would represent a significant adverse impact to these species. However, potential impacts would be mitigated to below a level of significance through revegetation of the site (Mitigation Measure BR-1).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1: (See Section 3.4 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.15 BIOLOGICAL RESOURCES—SPECIAL-STATUS MAMMALS (EXCLUDING BATS)

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including special-status mammals.

Potential Effect and Rationale for Finding:

San Diego black-tailed jackrabbit has a high potential for occurrence in upland areas at the landfill site. Grading and filling activities from the Project would result in direct, permanent loss of habitat, a significant impact since the coastal population of this subspecies is diminished. Some direct mortality of these species may also occur during construction, also a significant impact. However, potential impacts would be mitigated to below a level of significance through revegetation and preconstruction surveys (Mitigation Measure BR-1 and BR-10).

Chiquita Canyon Landfill provides a moderate potential for occurrence of the San Diego desert woodrat in chaparral and other scrub habitats. Grading and filling activities from the Project would result in direct, permanent loss of habitat. Some direct mortality of these species also might occur during construction. The loss of San Diego desert woodrat habitat and potential loss of individuals would represent an adverse, significant impact, requiring mitigation. However, potential impacts would be mitigated to below a level of significance through revegetation and preconstruction surveys (Mitigation Measure BR-1 and BR-10).

Grassland and open scrubland at the landfill site has potential to support American badger. Grading and filling activities from the Project would result in direct, permanent loss of habitat. Some direct mortality of these species also might occur during construction. The loss of American badger habitat and potential loss of individuals would represent an adverse, significant

impact, requiring mitigation. However, potential impacts would be mitigated to below a level of significance through revegetation and preconstruction surveys (Mitigation Measure BR-1 and BR-10).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1: (See Section 3.4 of this document.)
- Mitigation Measure BR-10: (See Section 3.8 of this document)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.16 BIOLOGICAL RESOURCES—SPECIAL-STATUS MAMMALS (BATS)

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including bats.

Potential Effect and Rationale for Finding:

Long-eared myotis, long-legged myotis, Yuma myotis, federal Species of Concern, forage over scrub, chaparral, water, and other open habitats, and may roost in crevices or small caves on rocky cliffs or outcrops. As such, suitable habitat is present at the landfill for both roosting and foraging, and the species may occur. The crevice habitat at the landfill is potentially suitable for bat roosting, and the effect of filling an occupied roost site would be a significant direct impact. However, the permanent loss of cliff-roosting habitat at the landfill would be minimal because it is anticipated that the majority of rocky escarpments will not be filled or otherwise directly affected by the Project. The Project would also result in the loss of potential forage habitat as the landfill is developed. Indirect impacts may also result from active roost disturbance or abandonment of cliff-roosting sites from construction or operation activities. The loss of foraging habitat would not be considered a significant impact because abundant similar foraging habitat occurs in the region. However, direct or indirect impacts to occupied roost sites would be significant. Potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-14).

California leaf-nosed bat, Pallid bat, Western Mastiff bat, big free-tailed bat, cave myotis, Mexican long-tongued bat, pocketed free-tailed bat, and spotted bat, California Species of Special Concern, forage over desert, scrub, chaparral, and other open habitats, and may roost in caves, crevices on low to high cliffs, buildings, or in rocky outcrops. As such, habitat is present at the landfill for both roosting and foraging, and the species are likely to occur. The crevice habitat at Chiquita Canyon is potentially suitable for bat roosting, and the effect of filling an occupied roost site would be a significant direct impact. However, the permanent loss of cliff-roosting habitat at the site would be minimal because it is anticipated that the majority of rocky escarpments will not be filled or otherwise directly affected by the Project. The Project would also result in the loss of potential forage habitat as the landfill is developed. Indirect impacts may

also result from active roost disturbance or abandonment of cliff-roosting sites from construction or operation activities. The loss of foraging habitat would not be considered a significant impact, because abundant similar forage habitat occurs in the region. However, direct or indirect impacts to occupied roost sites would be significant. Potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-14).

Species of bats not otherwise designated with special-status may also be present on-site. Bats are non-game animals and are protected as such by Fish and Game Code Section 4150, California Code of Regulations, Section 251.1. Potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-14).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- **Mitigation Measure BR-14:** A qualified bat biologist acceptable to CDFW shall be employed to supervise and report on construction activities with respect to bats. In habitats where roosting bats may occur, ground disturbance and roost destruction shall be scheduled, as feasible, during October 1 through February 28 or 29. Ground disturbance and roost destruction shall be avoided during the parturition period (generally March through August). Where this is not feasible, a qualified bat biologist shall conduct exit surveys, roost surveys of potential roost sites, or surveys for bat sign (e.g., guano) to identify bat species, if feasible, and active roosts. Construction activity within 300 feet of identified active roosts shall be prohibited until the completion of parturition (end of August), unless it can be demonstrated through biological monitoring that the construction activity is not affecting the active roost. Alternatively, if potential roosts are identified prior to onset of parturition, with concurrence from CDFW, roosts may be excluded during the evening forage period (within 4 hours after dark) or fitted with one-way exit doors to effectively eliminate and exclude roost. If tree roosts are identified that require disturbance, and which can't be excluded, they would be initially disturbed by cutting small branches (less than 2 inches) to encourage habitat abandonment, prior to full tree removal (implemented the following day). Roost exclusion will be conducted by a qualified bat biologist. Exclusion shall be preferentially done before March or after September for eviction of a maternity colony, and only with concurrence from CDFW. If exclusion is necessary, the bat biologist shall identify the bat species to be excluded, as feasible, and roost sites appropriate to the species to be displaced in the vicinity (within 1 mile) prior to any bat exclusion. Alternative active roost areas, including rock escarpments at Chiquita Canyon Landfill that are not proposed to be disturbed by current construction activity would be avoided for the duration of the construction activity. If no alternative roost sites are identified, Chiquita Canyon Landfill shall provide artificial roost construction appropriate to the bat species to be displaced to offset loss of active roosts. Artificial roost construction would follow industry standard design, be sized to offset impacted roost(s), and be located greater than 300 feet from the active construction area, but within Chiquita Canyon Landfill property. A report will be prepared for submittal to CDFW and copied to LADRP on activities related to bat surveys and exclusion, including survey methods, findings including species and size of roosts if available, alternative roost locations and characteristics, and constructed roosts.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.17 BIOLOGICAL RESOURCES— WILDLIFE MOVEMENT CORRIDORS

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including wildlife movement corridors.

Potential Effect and Rationale for Finding:

Some local wildlife movement may occur along ridgelines or valleys within the general vicinity of the landfill site. Two major wildlife corridors are known in the general vicinity of the landfill, the Santa Clara River and the Santa Monica-Sierra Madre Connection, as identified in the Missing Linkages Report (South Coast Wildlands, 2008). The landfill could contribute to movement along both these pathways. Impacts to the Santa Clara River corridor, which may include water quality effects, would be less than significant through implementation of all required water quality monitoring and response programs. Although the landfill is outside the mapped boundary of this corridor, movement through the landfill could contribute or be a part of this corridor. Whether this occurs, or the extent the landfill could contribute to this corridor, is unknown. Many of the steeper ridgelines will be generally left undisturbed by the Project, and the existing landfill may currently constrain wildlife movement through the heart of the site. Alternatively, some wildlife may move through the site at night. If the Project were to limit wildlife movement associated with wildlife linkages in the region, it would be a significant impact. However, potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-1 and BR-12).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1: (See Section 3.4 of this document.)
- Mitigation Measure BR-12: (See Section 3.12 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.18 BIOLOGICAL RESOURCES— LOCAL POLICIES AND ORDINANCES

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including local policies and ordinances.

Potential Effect and Rationale for Finding:

There is potential for downstream changes in water quality that could affect a Los Angeles County designated significant ecological area, located along the Santa Clara River,

approximately 0.3 mile south of the landfill site. Indirect impacts from changes in water quality could adversely affect this significant ecological area. These potential impacts are addressed by compliance-with-law measures in the surface water drainage and water quality analyses.

The Oak Tree Report for the project identified a total of three coast live oaks and one valley oak that qualify for protection under the Los Angeles County Oak Tree Ordinance. One former heritage coast live oak was identified as deceased. The Project has generally avoided impacts to protected trees, but would require the removal of four protected oak trees because of their location in the landfill development area. This would represent a significant impact. However, potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-15).

Required Mitigation Measures:

The following required mitigation measure will reduce impacts to less than significant levels:

- **Mitigation Measure BR-15:** For unavoidable impacts to qualifying oak trees, an Oak Tree Permit application shall be submitted to the LADRP. All permit terms and conditions shall be complied with from the final permit issuance, including planting of replacement trees. An Oak Tree and Woodland Mitigation Plan which identifies the mitigation area shall be submitted to LADRP and approved prior to issuance of a grading permit for the Proposed Project that would disturb areas within the protected zone of any oak trees regulated by the County Oak Tree Ordinance. The site shall be assessed for oak woodlands, including scrub oaks, at the time of disturbance according to the County Oak Woodland Conservation and Management Plan, and the Oak Tree and Woodland Mitigation Plan would also address mitigation for oak woodland impacts, including scrub oaks. As appropriate, potential impacts to oak woodlands shall be mitigated by planting understory plants in the same area identified onsite for mitigation oaks pursuant to the Oak Tree Permit and Oak Tree and Woodland Mitigation Plan for the Proposed Project.
- Chiquita Canyon Landfill will coordinate with Tataviam to provide a monitor during the removal or disturbance of native oak trees at Chiquita Canyon Landfill, if desired.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.19 BIOLOGICAL RESOURCES—WESTERN SPADEFOOT

Please refer to Partially Recirculated Draft EIR Section 8.0 for an analysis of impacts to biological resources, including western spadefoot.

Potential Effects And Rationale Supporting Finding:

Basins at Chiquita Canyon Landfill have the potential to support western spadefoot breeding. Because ongoing water and sediment removal is necessary to maintain detention capacity of basins, potential impacts could occur to western spadefoot eggs, tadpoles, or adults if present in detention basins during draining or cleanout operations. Loss of individuals or egg masses of this

species from draining operations would represent a significant adverse impact, requiring mitigation. Take of adult or subadults during sediment removal would also represent a significant adverse impact. However, potential impacts would be mitigated to below a level of significance (Mitigation Measure BR-16).

Required Mitigation Measures

The following required mitigation measure will reduce impacts to less than significant levels:

- Mitigation Measure BR-16: (See Section 3.10 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.20 BIOLOGICAL RESOURCES—CUMULATIVE IMPACTS

Please refer to Partially Recirculatd Draft EIR Section 8.0 for an analysis of biological impacts, including cumulative impacts.

Potential Effect and Rationale for Finding:

Cumulative projects in the region could eventually sever wildlife habitat connectivity. Streamside development along the majority of the drainages in the region could limit wildlife access to water sources, and development along the sections of the Santa Clara River could eventually block north-south movement between the Santa Susana Mountains south of the river and the Castaic Lake region to the north. Major movement corridors are known in the vicinity of the landfill, the Santa Clara River and the Santa Monica-Sierra Madre Connection. The contribution of Chiquita Canyon Landfill land to these corridor movement and linkage areas is unknown but could eventually be substantial following completion of the Project when the site is revegetated. Mitigation Measures BR-1 through BR-12 would ensure that the Project's potential contribution to impacts associated with corridor movement and linkage areas are less than significant.

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure BR-1 through BR-16: (See Sections 3.4 through 3.8, 3.10, 3.12, 3.13, 3.16, and 3.18 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.21 CULTURAL AND PALEONTOLOGICAL RESOURCES - PREHISTORIC AND HISTORIC ARCHAEOLOGICAL AND CULTURAL RESOURCES

Please refer to Draft EIR Chapter 9.0 for an analysis of cultural and paleontological impacts, including impacts to prehistoric and historic archaeological and cultural resources.

Potential Effect and Rationale for Finding:

An archaeological survey conducted in 2010 confirms the presence of CA-LAN-36 (i.e. Bowers Cave; a recorded archaeological site) within the Project site. In addition, the current inventory has demonstrated that the survey area contains prehistoric and historical archaeological resources. Further, the geomorphological environment of the Project site is one of alluvial deposition. As with any ground-disturbing project, there remains a potential for the accidental discovery of buried cultural resources not detected through a surface inventory. However, potential impacts would be mitigated to below a level of significance through avoidance of Bowers Cave and monitoring of cultural resources during construction (Mitigation Measure CR-1 through CR-3).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- **Mitigation Measure CR-1:** A qualified archaeologist will flag off the area around Bowers Cave and establish a buffer in consultation with the Permittee to ensure avoidance of grading of the cave site. Grading plans will clearly depict the sensitive area and state that grading must not occur beyond the established buffer. The qualified archeologist will monitor earth-moving activities that would occur within 100 feet of the established buffer.
- **Mitigation Measure CR-2:** Prior to the start of monitoring activities, a Cultural Resources Monitoring Plan (CRMP) will be developed. The CRMP will include, at a minimum: 1) the location of areas to be monitored, 2) frequency of monitoring, 3) description of resources expected to be encountered, 4) description of circumstances that would result in a construction halt, 5) description of monitoring reporting requirements, and 6) disposition of found/collected materials.
- **Mitigation Measure CR-3:** Native American consultation has indicated that Bowers Cave and the surrounding region may be important to local Native Americans, specifically Tataviam. Provisions will be made to provide cave access to Tataviam, and Tataviam will have the option to provide a construction oversight monitor during ground-disturbing activities. The Tataviam monitor will act as a liaison between archaeologists, the permittee, contractors, and public agencies to ensure that cultural features are treated appropriately from the Tataviam point of view. All artifacts that may be found will be returned to the Tataviam or reinterred into the earth

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.22 CULTURAL AND PALEONTOLOGICAL RESOURCES—UNIQUE PALEONTOLOGICAL RESOURCES OR SITES

Please refer to Draft EIR Chapter 9.0 for an analysis of cultural and paleontological resources, including unique resources or sites.

Potential Effect and Rationale for Finding:

The Project (excavation of new cells) and the landfill operation (acquisition of daily cover) could adversely affect presently undetermined/unrecorded fossil sites. Direct impacts would result mostly from earth moving in previously undisturbed strata, but also from any earth-moving activity that buried previously undisturbed strata, making the strata and their paleontological resources unavailable for future scientific investigation. As with any ground-disturbing project, there remains a potential for the accidental discovery of buried paleontological resources. The possible loss of some fossil remains, unrecorded fossil sites, associated specimen data and corresponding geologic and geographic site data, and the fossil-bearing strata is a potentially significant long-term environmental impact. Easier access to fresh exposures of fossiliferous strata and the potential for unauthorized collecting by landfill personnel, rock hounds, and amateur and commercial fossil collectors could result in the loss of some additional fossil remains, unrecorded fossil sites, and associated specimen data and corresponding geologic and geographic site data. The loss of these additional paleontological resources is another potentially significant long-term environmental impact. However, potential impacts would be mitigated to below a level of significance (Mitigation Measure CR-4 through CR-9).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure CR-4: Prior to construction, the services of a qualified vertebrate paleontologist shall be retained to develop and implement a Paleontological Resources Mitigation Plan prior to earth moving activities. The Plan will include the following elements:
 - Development of agreement with a recognized museum repository;
 - Identification of final disposition, permanent storage, and maintenance of any fossil remains and associated specimen data and corresponding geologic and geographic site data that might be recovered; and
 - Determination of level of treatment (preparation, curation, cataloguing) of the remains that would be required before the mitigation program fossil collection would be accepted for storage.
- Mitigation Measure CR-5: The paleontologist and/or monitor shall conduct a preconstruction survey of the project site prior to the start of any earth moving associated with the landfill expansion.

- Mitigation Measure CR-6: The paleontologist or monitor shall coordinate with landfill personnel to provide information regarding regulatory agency requirements for the protection of paleontological resources. Landfill personnel also will be briefed on procedures to be followed in the event that a fossil site or fossil occurrence is encountered during construction, particularly when the monitor is not onsite. The briefing will be presented to new landfill personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to the landfill manager.
- Mitigation Measure CR-7: Earth-moving activities shall be monitored by the paleontologist only in those areas of the project site where these activities would disturb previously undisturbed strata in the Saugus and upper Pico Formations (not in areas underlain by artificial fill or younger alluvium). With concurrence from the project paleontologist, if no fossil remains are found once 50 percent of earth moving has been completed in an area underlain by a particular rock unit, monitoring can be reduced or suspended in that area.
- Mitigation Measure CR-8: All diagnostic fossil specimens recovered from the project site shall be treated (prepared, curated, catalogued) in accordance with designated museum repository requirements.
- Mitigation Measure CR-9: The monitor shall maintain daily monitoring logs. A final technical report of results and findings shall be prepared by the paleontologist and included with the material submitted for curation (see above).

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.23 CULTURAL AND PALEONTOLOGICAL RESOURCES—CUMULATIVE IMPACTS

Please refer to EIR Section 9.0 for an analysis of cultural and paleontological impacts.

Potential Effect and Rationale for Finding:

Project proponents for this and future projects in the area can mitigate impacts to known significant and as yet undiscovered subsurface archaeological sites by implementing mitigation measures. If a large, stratified, buried prehistoric archaeological site or discrete filled-in historic period features were encountered during the Project, the possibility of cumulative impacts would arise, because such sites might be highly significant, and in the past, others have been destroyed or damaged by agricultural activity and/or commercial/industrial/residential development near the Project. However, given the relative low level of impact to such a site that the Project would cause, it is also possible, but unlikely, that Project activities would lead to significant cumulative impacts. The potential impact will depend on the extent of any discovered archaeological deposits. The Project's contribution to this cumulative impact is considered adverse but not significant. Furthermore, proposed mitigation measures (Mitigation Measures CR-1 through BR-

9) would ensure that the Proposed Project's potential contribution to impacts associated cultural and paleontological resources are less than significant.

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure CR-1 through CR-9: (See Sections 3.22 and 3.23 of this document.)

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

4.24 AIR QUALITY—COMPOST FACILITY ODORS

Please refer to Partially Recirculated Draft EIR Section 11.0 for an analysis of air quality, including odors.

Potential Effect and Rationale for Finding:

The Project would include a maximum 560 tons per day mixed organics composting facility. Because the compost facility is evaluated as a new use (the previous compost facility ceased operation in 2009), odors associated with the facility would be potentially significant without processes in place to minimize odor. Potential impacts would be mitigated to below a level of significance (Mitigation Measure AQ-4 and ORM 1).

Required Mitigation Measures:

The following required mitigation measures will reduce impacts to less than significant levels:

- Mitigation Measure AQ-4: Prior to operation of the composting facility, the applicant shall develop an OIMP pursuant to the requirements of the CCR, Title 14, Division 7, Chapter 3.1, Article 3, and Section 17863.4. The OIMP shall include design considerations and operating strategies to control compost facility odors, up to and including facility enclosure. Chiquita Canyon Landfill shall comply with the OIMP during compost facility operation.
- Mitigation Measure ORM-1: For landfill operation, Chiquita Canyon Landfill shall develop an OIMP. The OIMP will describe an odor monitoring protocol, a description of meteorological conditions that affect migration of odors, a complaint response protocol, a description of design considerations for minimizing odors, and a description of operating procedures for minimizing odors.

Finding:

For the foregoing reasons, the Commission adopts Finding 1.

SECTION 5 UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

5.1 AIR QUALITY - CRITERIA POLLUTANTS

Please refer to Partially Recirculated Draft EIR Section 11.0 for an analysis of impacts to air quality, including criteria pollutants.

Potential Effect and Rationale for Finding:

Impacts that would be associated with construction and operation of the Project were evaluated based on the estimated and combined construction- and operation-related emissions of the pollutants CO, NO_x, ROG, CO, SO₂, PM₁₀, and PM_{2.5}. Emissions from construction of the proposed new entrance, landfill modules, and compost facility would result from on-road vehicle exhaust, off-road equipment exhaust, and fugitive dust. Operation-related emissions would result from on-road vehicle exhaust, off-road equipment exhaust, fugitive dust, flare operation, fugitive LFG, and composting. As described in Section 11.2 and Appendix H-1 of the Final EIR, on-site and off-site vehicle exhaust emissions from waste and compost haul truck trips, for both transfer trucks and direct collection trucks, were calculated and included in the operational emissions totals. Emissions were not calculated for the landfill gas-to-energy plant, because operations associated with this facility were assumed to be included with existing conditions and would not change with the Project.

The impact analysis conservatively summed the emissions that would be generated from anticipated construction activities with the emissions that would be generated from annual operation of the Project to identify the future project year with the highest potential combined emissions. Through this process, the years identified to be the project year with the highest potential combined emissions varied by pollutant. Year 2041 was identified to be the project year with the highest potential combined emissions of ROG, CO, PM₁₀ and PM_{2.5}, while 2037 was the worst-case year for NO_x, and 2039 the worst-case year for SO₂. Landfill operation and compost facility operation are scheduled to occur in each of the three worst-case years, while module construction is only expected to occur in 2037 and 2041. Year 2039 represents the maximum year of landfill gas generation, and therefore, maximum fugitive landfill gas and flare emissions. The daily emission rates estimated for each of the pollutants in their worst-case year were compared to the daily mass emission operation thresholds established as CEQA significance criteria by the South Coast Air Management Control District (SCAQMD).

The highest estimated combined daily construction and operation emission totals for each pollutant are presented in Table 11-8. The combined worst-case daily construction and operation emissions for the Proposed Project would exceed the SCAQMD's mass daily operational thresholds for NO_x, ROG, PM₁₀, and PM_{2.5}. These estimated increases in maximum daily emissions represent worst-case daily emission estimates, given the conservative approach of combining operation and construction emission estimates for the highest emission year to determine maximum daily emissions, and the variability of facility operation and construction activities on a day-to-day basis. Days when construction activities would not occur would result in lower emissions.

The potential impacts on ambient air quality associated with the combined construction and operational emissions from onsite sources for the Proposed Project were further analyzed using the AERMOD dispersion modeling system. Results of the modeling were added to representative background levels and compared to the ambient air quality concentrations listed as significance thresholds in Table 11-6 of the Final EIR, which includes both SCAQMD Localized Significance Thresholds and some of the federal and state ambient air quality standards.

Consistent with the SCAQMD Localized Significance Thresholds methodology, the potential impacts from the combined worst-case construction and operation emissions from on-site sources for the Project were evaluated for the nearest receptor locations. Predicted worst-case emissions of CO, PM10, and PM2.5 from on-site sources would occur during the year 2041, predicted worst-case on-site emissions of SO2 would occur during 2039, and predicted worst-case onsite emissions of NOx would occur during the year 2037. Activities associated with operation and construction would generate emissions of each pollutant at different rates, resulting in different maximum emission years. The dispersion modeling for the impact analysis used the combined emissions estimated from onsite construction and operation sources in the maximum year for each pollutant. The sources included in the modeling impact assessment include activities associated with the construction of Module 12, operation of Module 11, flare operation, composting operation, and onsite vehicle trips associated with operation.

Table 11-9 of the Final EIR provides a summary of the modeled results for combined worst-case on-site construction and operation emissions, background levels, and total predicted concentrations, with comparisons to the applicable ambient air quality thresholds. PM2.5 and PM10 concentrations would be above the Localized Significance Thresholds for each of the applicable averaging periods. Concentrations of all other pollutants would be below the ambient standards listed as significance thresholds in Table 11-6.

Implementation of Mitigation Measures AQ-1 through AQ-3 will reduce these construction and operation impacts to the extent feasible. However, impacts are considered significant and unavoidable, even after implementation of these feasible mitigation measures.

Required Mitigation Measures:

Impacts will be reduced to the extent feasible by the following measures:

- **Mitigation Measure AQ-1:** The applicant shall use certified street sweepers that comply with SCAQMD Rule 1186.1.
- **Mitigation Measure AQ-2:** The applicant shall use innovative approaches to reducing potential air emissions from construction of buildings, such as modular building products, where prefabricated portions of structures are assembled elsewhere and are erected at the construction site, as feasible. This would eliminate the need for onsite painting, a majority of the plumbing, and other consumer product usage.
- **Mitigation Measure AQ-3:** The applicant shall provide offsetting emission reduction credits for predicted net emission increases from sources requiring permitting under New Source Review regulations.

Finding:

Mitigation measures AQ-1 through AQ-3 would reduce air quality impacts to the extent feasible, but not necessarily to levels below the significance criterion. Therefore, after mitigation, these impacts will remain significant and unavoidable.

5.2 AIR QUALITY – CUMULATIVE IMPACTS

Please refer to Partially Recirculated Draft EIR Section 11.0 for an analysis of impacts to air quality, including cumulative impacts.

Potential Effect and Rationale for Finding:

Potential cumulative criteria pollutant emission impacts resulting from operation and construction of the Project were assessed in conjunction with emissions from other reasonably foreseeable projects proposed in the area. These additional foreseeable projects consist of 13 residential developments, 3 commercial developments, 5 industrial developments, and 1 transportation improvement project. Table 11-8 of the Final EIR presents the operation and construction emissions associated with the Project in the project year 2041 (the year with the highest potential combined emissions). These combined emissions would exceed the SCAQMD daily mass emission thresholds for NO_x, ROG, PM₁₀ and PM_{2.5}. Criteria pollutant emissions resulting from residential and commercial expansion near the Proposed Project site would result primarily from increased motor vehicle travel and off-road equipment use.

The proposed additional development in the area would not only increase emissions of criteria air pollutants generated, but would also add new residential, commercial, and sensitive receptors. Because the landfill is currently operating, it is reasonably assumed that future projects would consider the landfill when building future homes, businesses, and schools. Cumulative increases in maximum daily emissions would result in a significant cumulative impact on air quality for NO_x, ROG, PM₁₀, and PM_{2.5}.

The Project's adherence to the Mitigation Measures AQ-1 through AQ-3 will reduce the potential cumulative impacts of Project construction and operation. However, these impacts will remain significant and unavoidable, even after implementation of these mitigation measures.

Required Mitigation Measures:

Impacts will be reduced to the extent feasible by the following measures:

- Mitigation Measure AQ-1, AQ-2, and AQ-3: (See Section 4.1 of this document.)

Finding:

Mitigation measures AQ-1 through AQ-3 would reduce cumulative air quality impacts to the extent feasible, but not necessarily to levels below the significance criterion. Therefore, after mitigation, these impacts will remain significant and unavoidable.

5.3 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE – POST-2020 IMPACTS (PROJECT-LEVEL AND CUMULATIVE IMPACTS)

Please refer to Partially Recirculated Draft EIR Section 12.0 for an analysis of impacts to greenhouse gas emissions and climate change.

Potential Effect and Rationale for Finding:

No approved thresholds or methodologies are currently available for determining the significance of a project's potential contribution to global climate change in CEQA documents. An individual project (unless it is a large-scale construction project, such as a dam or new freeway project, or a large fossil –fuel-fired power plant) is unlikely to generate sufficient greenhouse emissions to directly influence global climate change; therefore, analysis of a project's contribution to global climate change is inherently cumulative and to a considerable degree speculative. The following is a good faith effort at disclosing and evaluating the Project's potential impact as a portion of climate change impacts associated with build-out in the context of the Santa Clarita Valley Area Plan adopted in November 2012.

Cumulative build out of the Santa Clarita Valley area would increase greenhouse gas emissions by increasing overall population, square footage of commercial, industrial, and other supplementary uses, and by increasing traffic and the associated transportation emissions that make up 38 percent of statewide greenhouse gas emissions. Without corresponding greenhouse gas emission reduction strategies across all new projects and development, significant impacts would occur.

The analysis of the Project demonstrates that potential greenhouse gas emissions impacts are less-than-significant up to and including 2020, and therefore would not hinder or delay California's attainment of AB 32 objectives. The greenhouse gas effects of the Project are therefore not a significant cumulative impact up to and including 2020. However, because the State intends to prepare future plans and policies to attain further emissions reductions beyond 2020 and it is impossible to assess the consistency of the Project with those future plans, the analysis of the Project finds conservatively that the impacts beyond 2020 are significant and unavoidable. Accordingly, the Project plus cumulative projects are likewise conservatively found to be cumulatively considerable.

Implementation of the Mitigation Measures GHG-1 and GHG-2 will reduce the potential cumulative impacts of the Project. However, these impacts will remain significant and unavoidable after 2020, even after implementation of these mitigation measures.

Required Mitigation Measures:

Impacts will be reduced to the extent feasible by the following measures:

- Mitigation Measure GHG-1: Beginning in 2020, the applicant shall provide the Los Angeles County Department of Regional Planning (LADRP) with reports every 5 years, which shall evaluate consistency of landfill operations with current state and county GHG emission reduction plans. If LADRP finds that a report demonstrates that landfill operations do not meet the GHG emission reduction targets of then-current state and

county GHG emission reduction plans, the applicant shall develop and within 1 year submit to LADRP for review and approval a GHG Emissions Reduction Plan, which shall require implementation of additional feasible GHG emissions reduction measures within the waste management sector to further reduce GHG emissions in accordance with then-current state and county goals. The GHG Emissions Reduction Plan may incorporate some or all of the following measures:

- Further or additional composting;
 - Further or additional recycling;
 - Upgrades or enhancements to the existing gas collection system;
 - Development of alternative energy, including additional landfill gas-to-energy production capacity and/or development of other onsite renewable energy generation capacity;
 - Use of alternative fuels in onsite equipment; or some combination of the listed strategies; and/or
 - Other waste management sector strategies developed by CalRecycle and CARB addressing GHG emissions from waste management
- Mitigation Measure GHG-2: Following closure of the landfill, the applicant shall continue to operate, maintain, and monitor the landfill gas collection and control system as long as the landfill continues to produce landfill gas, or until emissions no longer constitute a considerable contribution to GHG emissions, whichever comes first.

Finding:

Mitigation measures GHG-1 and GHG-2 would reduce greenhouse gas emissions and climate change impacts to the extent feasible, but not necessarily to levels below the significance criterion. Therefore, after mitigation, these impacts will remain significant and unavoidable.

SECTION 6 GROWTH-INDUCING IMPACTS OF THE ACTION

Section 15126.2(d) of the State CEQA Guidelines requires that an EIR “discuss the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Please refer to Draft EIR Section 17.4 for an analysis of the potential growth-inducing impacts of the project.

In general terms, a project may induce spatial, economic or population growth in a geographic area if it meets any one of the four criteria: (1) removal of an impediment to growth (e.g., establishment of an essential public service or the provisions of new access to an area); (2) economic expansion or growth (e.g., changes in revenue base, employment expansion, etc.); (3) establishment of a precedent setting action (e.g., an innovation, a change in zoning or general plan amendment approval); or (4) development or encroachment in an isolated area or one adjacent to open space (being different from an “infill” type of project).

The Project would not introduce features such as other public infrastructure that draw other developments into an area. The Project would not encourage growth in the area; growth would occur consistent with the County of Los Angeles General Plan. Additionally, no significant infrastructure that could serve other development would be developed as part of the Project.

The Project would provide for ongoing waste disposal operations and would not significantly increase local employment or create other effects that could indirectly encourage growth. The addition of disposal capacity is a response to the demand for responsible solid waste management in Los Angeles County. In this regard, the continuation of waste disposal at the Project site neither restricts nor promotes new growth, it merely accommodates it.

Based upon these considerations, the Proposed Project will not result in significant growth-inducing impacts.

SECTION 7 FINDINGS REGARDING ALTERNATIVES TO THE PROJECT

Public Resources Code Section 21002 provides that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The same statute states that the procedures required by CEQA are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.

Under CEQA Guidelines Section 15126.6, an EIR must set forth a description of a range of reasonable alternatives to the Project or location of the Project, which would feasibly attain most of the objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and the EIR must also evaluate the comparative merits of the alternatives. The EIR must also evaluate a no project alternative. Based on the requirements of CEQA Guidelines Section 15126.6 and the Project objectives identified below, the following alternatives were included in Chapter 18.0 of the Partially Recirculated Draft EIR: (A) No Project Alternative; (B) Continued (Status Quo) Operation with 0% Increase of Daily Waste Disposal Tonnage; (C) 50% Reduction of Proposed Additional Daily Waste Disposal Tonnage; (D) Waste Reduction and Alternative Technologies; (E) Alternative New Site in Northern Los Angeles County; and (F) Rail Haul Transport to Out-of-County Landfills.

The Final EIR identifies the No Project Alternative as the environmentally superior alternative to the Project. Pursuant to the CEQA requirement that, when an EIR identifies the no project alternative as environmentally superior, the EIR must identify a superior alternative among the other alternatives, the EIR concludes that Alternative D, the Waste Reduction and Alternative Technologies Alternative, would have lower overall adverse environmental effects compared to the rest of the build alternatives.

The Commission finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when alternatives might impede attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the Final EIR is not unduly limited or narrow. The Commission also finds that all reasonable alternatives

were reviewed, analyzed, and discussed in the review process of the EIR and the ultimate decision on the Project.

Project Objectives

In identifying potentially feasible alternatives to the Project, the following Project objectives were considered:

- To support the County's goal of maintaining adequate reserve (excess) landfill capacity to ensure the disposal needs of the County are met (LACDPW, 2015)
- To support the County's goal of managing the County's waste disposal needs, which specifically includes expansion of existing in-County landfills (such as Chiquita Canyon Landfill) (LACDPW, 2015)
- To support the County's goal to provide solid waste disposal without interruption to protect the public health and safety as well as the environment (LACDPW, 2015)
- To mitigate constraints that may limit the accessibility of Class III landfill capacity within the planning period of the most current CIWMP (LACDPW, 2015)
- To provide environmentally sound, safe, commercially and technically feasible, and cost-effective solid waste management solutions through continued operation and development of the existing Chiquita Canyon Landfill facility
- To prevent premature closure of the landfill with underutilized remaining airspace capacity
- To provide a site that could accommodate future waste conversion technology solutions
- To provide a site to accommodate processing of organic waste
- To provide a site for a permanent Household Hazardous Waste Collection Facility
- To continue to provide landfill waste diversion programs that are relied upon by many local cities and communities in achieving state mandates for waste diversion

7.1 ALTERNATIVE A: NO PROJECT ALTERNATIVE

Description: Under this alternative, the existing landfill would cease to receive waste. The approved Conditional Use Permit (CUP) closure date is 2019, however the facility reached its permit-based disposal limitation of 23 million tons established in the current CUP in July 2016. The landfill is currently operating under a limited operational waiver issued by the Los Angeles County Department of Regional Planning, described in 1.2.2 of the Partially Recirculated Draft EIR. The limited waiver allows CCL to continue operation under the current CUP as long as the landfill and County are actively engaged in pursuit of a new Conditional Use Permit. The limited waiver is scheduled to expire on July 31, 2017. Under the No Project Alternative, operation of the landfill will continue (e.g. no changes to the existing daily operations, including hours of

operation, wastes accepted, etc.) until the limited waiver expires, after which time the landfill would close.

With the No Project Alternative, no horizontal or vertical extension of the landfill footprint would occur. The final elevation of the landfill units would not reach the permitted maximum of 1,430 feet above mean sea level, except in one area. This is a result of the effect of the 23-million-ton cap (amended to 29.4 million tons in the limited waiver), which eliminates a substantial amount of available capacity within the existing approved landfill footprint. A final grading plan for the No Project Alternative is provided in Figure 18-1.

Communities that currently rely on Chiquita Canyon Landfill for waste diversion would not have access to that activity and the composting operation and household hazardous waste collection facility would not be developed. The set-aside of land for potential future conversion technology would not be established and site features, such as free cleanup days for the Val Verde community, would no longer be held with the closure of the facility. Operation of the landfill gas-to-energy plant would continue many years beyond site closure.

Under the closure plan requirements, closure activities would include the placement of final cover, revegetation of the closed areas, construction of permanent drainage features, removal of landfill structures (e.g., scale house, office), and provisions for site security. Closure activities would begin in accordance with the schedule in the approved Final Closure and Postclosure Maintenance Plan. The facility owner and operator would continue to operate the existing groundwater monitoring network and landfill gas collection system during the closure and post-closure maintenance periods.

Finding: For the reasons stated below, and each of them independently of the others, the County finds that the No Project Alternative is not feasible, and rejects that alternative.

Facts Supporting the Finding: The No Project Alternative is a continuation of the existing landfill operations only through July 31, 2017. This alternative avoids some of the potentially significant environmental impacts of the Project, but does not feasibly achieve any of the primary purposes and objectives of the Project.

To the extent that the system is able to absorb the wastes currently disposed at Chiquita Canyon Landfill, many of the daily operational impacts would be simply transferred from one facility to another. For example, the existing traffic associated with the currently permitted operations would be redirected to other landfills. This would result in additional traffic traveling on state highways and county roads, which may be experiencing congested conditions unlike the roadways serving the Project site.

None of the basic Project objectives would be achieved, such as supporting the County's goals of maintaining adequate reserve landfill capacity; managing the County's waste disposal needs, which specifically includes expansion of Chiquita Canyon Landfill; and providing solid waste disposal without interruption to protect the public health and safety as well as the environment. Other Project objectives, such as providing a site that could accommodate future waste conversion technology solutions and providing a location for a permanent household hazardous waste collection facility would not be achieved. The No Project Alternative would result in the

premature closure of the landfill with underutilized remaining airspace capacity, thereby not maximizing the value of the site.

7.2 ALTERNATIVE B: CONTINUED (STATUS QUO) OPERATION WITH 0% INCREASE OF DAILY WASTE DISPOSAL TONNAGE

Description: Under Alternative B, the existing landfill operation would continue at 6,000 tons of solid waste disposal per day, with a maximum of 30,000 tons per week. Alternative B would increase the permitted waste footprint by approximately 116 acres, 27 acres fewer than the Project. Alternative B would result in a maximum elevation of approximately 1,495 feet, 78 feet lower than the Project. Alternative B would add approximately 24 years of life to the existing landfill. Alternative B assumes no change in operation, and does not relocate the site entrance, and does not include development of a household hazardous waste collection facility, public drop-off area, or set-aside area for a waste conversion facility. No improvements would be made to the site at the intersection of SR-126 and Wolcott Way, including new lighting and landscaping. Alternative B may include a composting facility consistent with the approved CUP.

Finding: For the reasons stated below, and each of them independently of the others, the County finds that the Alternative B is not feasible, and rejects that alternative. In addition, Alternative B does not avoid nor substantially lessen the effects associated with air quality or greenhouse gas and climate change.

Facts Supporting the Finding: Because Alternative B reduces the amount of solid waste that the facility may accept as compared to the Project, it will reduce the number of truck trips to the facility, and therefore it would somewhat reduce the intensity of impacts associated with truck trips to the area immediately around the landfill. Some impacts will be spread out over the region, as trucks haul waste to more distant landfills, but impacts will be more dispersed rather than concentrated in one area.

Nevertheless, Alternative B neither avoids nor substantially lessens the effects associated with air quality or greenhouse gases and climate change. Nor does it reduce those effects to a level which is less than significant. This alternative only partially meets the objectives of the Project, because project objectives, such as providing a site that could accommodate future waste conversion technology solutions and providing a location for a permanent household hazardous waste collection facility would not be achieved. Moreover, this alternative does not include the relocation of the entrance facilities, which is required in order to meet the project objective of providing an environmentally sound, safe, commercially and technically feasible, and cost-effective solid waste management solutions through continued operation and development of the existing Chiquita Canyon Landfill facility. The relocation of the entrance facility is necessary to accommodate the plan by the California Department of Transportation (Caltrans) to widen SR 126. The additional off-site queuing space at the new entrance will also help to avoid queuing on SR 126, improving safety and efficiency, and the technical feasibility of the landfill operations, while minimizing the traffic impacts of the use.

A hybrid alternative that incorporated the tonnage reductions in Alternative B but included the relocation of the entrance facilities, adding a household hazardous waste collection facility, and an area reserved for a future waste conversion technology facility, would better meet the

objectives of the County while reducing impacts associated with truck trips. However, since Alternative B lacks these elements, it is not a viable alternative.

Such a hybrid alternative would not substantially increase or decrease the Project's unavoidable significant impacts on air quality and greenhouse gas and climate change.

7.3 ALTERNATIVE C: 50% REDUCTION OF PROPOSED ADDITIONAL DAILY WASTE DISPOSAL TONNAGE

Description: Alternative C would reduce the proposed amount of increased daily waste disposal tonnage by 50%, from 6,000 tons per day to 3,000 tons per day, for a total of 9,000 tons per day. This is equivalent to 45,000 tons per week of municipal solid waste. Alternative C would increase the permitted waste footprint by approximately 143 acres. Alternative C would result in a maximum elevation of approximately 1,500 feet, 73 feet lower than the Project. Alternative C would add approximately 27 years of life to the existing landfill. Alternative C would include the proposed new entrance and entrance support facilities at the intersection of SR-126 and Wolcott Way that are included with the Project.

Finding: For the reasons stated below, and each of them independently of the others, the County finds that the Alternative C, although feasible, would not substantially lessen the project's unavoidable significant environmental impacts to air quality and greenhouse gas and climate change.

Facts in Support of Finding: Alternative C would reduce the amount of solid waste that the facility may accept as compared to the Project and would result in fewer truck trips (albeit there would be less of a reduction than with Alternative B). Consequently, some localized impacts surrounding the landfill would be somewhat reduced with compared with the Project. Nevertheless, this alternative neither avoids nor substantially lessens any potentially significant environmental impacts. Because there would be no significant difference in the way in which any sized landfill alternative would be constructed or operated, overall impacts would be generally the same regardless of whether 12,000 tons per day are received or whether 9,000 tons per day are received. This alternative would not reduce the level of significance of any of the impacts below that of the Project.

Alternative C includes relocation of entrance facilities to Wolcott Way, a set-aside for a future conversion technology facility, and a household hazardous waste facility. These project elements would help the facility to better meet the needs and objectives of the County than Alternative B. Localized impacts for Alternative C would be greater than for Alternative B, although overall impacts would have the same level of significance.

A hybrid alternative combining the waste disposal limits of Alternative B with the new entrance facilities, conversion technology facility, and household hazardous waste facility included in the Project and in Alternative C would provide the benefits of those new facilities while avoiding an increase in localized impacts to the surrounding area. Such a hybrid alternative would not substantially increase or decrease the Project's unavoidable significant impacts on air quality and greenhouse gas and climate change.

7.4 ALTERNATIVE D: WASTE REDUCTION AND ALTERNATIVE TECHNOLOGIES

Description: Alternative D consists of waste reduction techniques and alternative technologies that could potentially be applied to the solid waste management system in Los Angeles County, including source reduction, mechanical volume reduction, resource recovery, and conversion technologies. Given the large diversity of existing conversion technologies, it is not practical to provide an exhaustive description and analysis of these systems, or their many variants. The Partially Recirculated Draft EIR summarizes the primary technological, economic, and environmental advantages and disadvantages of waste reduction and conversions technologies as a whole. Alternative D assumes that Chiquita Canyon Landfill closes after July 31, 2017. No landfill operations are included in consideration of Alternative D.

Finding: For the reasons stated below, and each of them independently of the others, the County finds that the Alternative D is not feasible, and rejects that alternative.

Facts in Support of Finding: Development hurdles for conversion technologies in California include land acquisition, capital/labor costs (especially when compared to the current, relatively more efficient and thus inexpensive cost of landfill disposal), the lack of a clear permitting and regulatory pathway in California, lack of diversion credit, renewable energy credit, or other incentives for the development of emerging technologies, and potential misconceptions regarding the performance of these technologies. The likely need for long-term contracts to ensure an adequate feedstock waste stream may also limit future flexibility of materials management efforts.

Currently, the largest obstacle is a permitting process that is more costly, time intensive, inconsistent, and confusing than necessary, largely due to out-of-date and even inaccurate language in State statute and regulations. Advancements in clean technology need to be reflected in State statute and regulations to create a level playing field for project developers while protecting public health and safety and the environment.

Another hurdle for development is the active network of well-funded organized opposition to the development of conversion facilities, which has fought and blocked development of facilities throughout the state. Given the lack of experience in the United States with conversion technology facilities and the expense of building them, conversion technologies for solid waste carry higher uncertainty and risk. While conversion technology facilities can fulfill needs in the current waste recovery infrastructure, locking in the use of waste for energy production may create barriers to expanded recycling or composting in the future, thereby negating the greater environmental benefit from recycling or composting.

Accordingly, Alternative D alone cannot completely accomplish the primary purposes and objectives of the Project. Alternative waste reduction technologies will be employed as required by AB 939 and County policy; however, their implementation (alone or in combination) does not completely offset the ultimate need for the expansion of landfill facilities, including Chiquita Canyon Landfill. Without additional landfill capacity, Chiquita Canyon Landfill would not maximize the value of the site or afford the County the opportunity to use its location as a potential expansion site to develop needed landfill disposal capacity.

The two existing waste-to-energy facilities within the greater Los Angeles region have insufficient capacity to handle the existing 6,000 tons per day for the existing landfill, and cannot handle the 12,000 tons per day proposed for the Project. Thus, conversion technology alternatives would necessitate construction of one or more large, significant new waste-to-energy facilities in the region capable of handling up to 10,000 tons per day or more (10,000 tons per day is the daily average of the Project). The feasibility of siting such a facility is highly uncertain, as only three such facilities have been completed in California and none in the last 25 years.

7.5 ALTERNATIVE E: ALTERNATIVE NEW SITE IN NORTHERN LOS ANGELES COUNTY

Description: Under Alternative E, a new landfill would be sited an alternative off-site location somewhere in Northern Los Angeles County. Alternative E assumes that Chiquita Canyon Landfill closes after July 31, 2017. Note that CEQA does not require the study of an alternative location to a project proposed by a private applicant.

Finding: For the reasons stated below, and each of them independently of the others, the County finds that the Alternative E is not feasible, and rejects that alternative.

Facts in Support of Finding: Alternative E neither accomplishes the primary purposes and objectives of the Project nor avoids or substantially lessens the significant impacts associated with the Project. A new landfill at a new location would take 10 to 15 years to ultimately permit and develop, and there is no certainty that such a site would be approved. Assured waste disposal capacity is required now and in the foreseeable future.

Alternative E would not achieve most of the basic project objectives, such as expanding Chiquita Canyon Landfill with additional capacity and resource recovery operations and maximizing the value of the site. Alternative E would not provide cost-effective disposal capacity through continued operation and development of the existing facility; nor prevent premature closure of the landfill with underutilized remaining permitted airspace capacity. Alternative E would not continue to provide landfill waste diversion programs that are relied upon by many local cities and communities in achieving state-mandated goals.

Alternative E would result in potentially more environmental impacts associated with constructing an entirely new facility, including potential impacts to land use, biological resources, cultural resources, air quality, and greenhouse gas emissions and climate change.

ALTERNATIVE F: RAIL HAUL TRANSPORT TO OUT-OF-COUNTY LANDFILLS

Description: The County Department of Public Works and the Los Angeles County Sanitation District have continued to pursue the development of out of county disposal through waste-by-rail systems as a partial source of long-term disposal capacity for the greater metropolitan Los Angeles regional system. Under Alternative F, Chiquita Canyon Landfill would close after July 31, 2017 and it is assumed that waste that would otherwise be disposed at Chiquita Canyon Landfill would instead be disposed via the waste-by-rail system.

The waste-by-rail system is comprised of a remote intermodal yard and disposal facility, local materials recovery facilities/transfer stations, a local intermodal rail yard, and rail transportation. The starting point of the system for Los Angeles County is the Puente Hills Intermodal Facility, located approximately 55 miles southeast of Chiquita Canyon Landfill in the City of Industry. Residual waste from materials recovery facilities and transfer stations located throughout the County will be loaded onto rail carts at the Puente Hills facility, and then transported for disposal via rail to the Mesquite Regional Landfill in Imperial County, near the borders of Arizona and Mexico. There are currently no intermodal yards in the Santa Clarita Valley with rail-haul capabilities, nor are there rail lines connecting the Santa Clarita Valley to the Mesquite Regional Landfill site.

The Sanitation Districts have completed planning and development of all of the waste-by-rail system components except for the local intermodal facility, which is currently under construction. Upon completion, the Puente Hills facility will facilitate intermodal transfer of containers up to two trains per day, or approximately 8,000 tons per day of municipal solid waste.

Finding: For the reasons stated below, and each of them independently of the others, the County finds that the Alternative F is not feasible, and rejects that alternative.

Facts in Support of Finding: Alternative F neither avoids nor substantially lessens the effects associated with air quality, or other potential environmental impacts, when compared to the Project. This alternative also, only partially meets the objectives of the Project.

The Mesquite Regional Landfill is a remote desert landfill, located over 200 miles from the Santa Clarita Valley. Currently there is no transfer station in northern Los Angeles County and no rail loading facility to accommodate the consolidation and transportation of waste. The waste generated in the Chiquita Canyon waste-shed would be transported over a much farther distance for disposal, thus potentially resulting in increased air emissions over those anticipated for the Project. Waste transport by train also has impacts on noise levels, vibration, traffic, and air quality, unlike those associated with truck transport.

The waste-by-rail system is also not yet operational and would begin operation only when found to be technically and economically feasible. Alternative F would be subject to out-of-county host fees and taxes, further contributing to the uncertainty of the economic competitiveness of this alternative. Thus, the waste-by-rail system would not provide the short-term disposal capacity needs of the County.

7.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

State CEQA Guidelines Section 15126.6(e)(2) requires the designation of an environmentally superior alternative to the Project and, if the environmentally superior alternative is the No Project Alternative, selection of an environmentally superior alternative from among the remaining alternatives.

Of the alternatives listed above, Alternative A: No Project Alternative was found to be the environmentally superior alternative. Based on the qualitative analysis of the remaining alternatives, it anticipated that Alternative D: Waste Reduction and Alternative Technologies

Alternative would have lower overall adverse environmental effects compared to the rest of the build alternatives.

Anaerobic Digestion facilities associated with this alternative would likely be co-located at existing or new permitted solid waste facilities or as stand-alone facilities in areas zoned for industrial or solid waste handling activities, thus minimizing potential impacts. The Statewide Anaerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste Draft Program Environmental Impact Report (CalRecycle, 2011) determined that all of the potential environmental impacts from construction of an Anaerobic Digestion facility could be mitigated to a less-than significant level. The Programmatic EIR also noted that the development of Anaerobic Digestion facilities would have substantial benefits in regards to diverting organic material from landfills and reducing greenhouse gas emissions in comparison to existing practices.

Alternative waste reduction technologies will be employed as required by AB 939 and County policy; however, their implementation (alone or in combination) does not offset the need for the expansion of landfill facilities, including Chiquita Canyon Landfill. Alternative D only partially meets the objectives of the Project, and, as the County notes in its' 2014 Annual Report, a multi-faceted approach is needed to meet the future disposal needs of the County. Because Alternative D does not eliminate the need for additional landfill capacity, the Alternative, in conjunction with municipal solid waste disposal, may reduce but will not eliminate potentially significant impacts associated with the Project. Alternative waste reduction technologies are, however, capable of extending the operational capacity of landfills and are complementary activities to traditional municipal solid waste disposal.

SECTION 8 FINDINGS REGARDING MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the finding required by Section 21081(a)(1) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment.

The Commission hereby finds that the Mitigation Monitoring Program, which is presented as a separate document, meets the requirements of Section 21081.6 of the Public Resources Code.

SECTION 9 LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS

In accordance with Public Resources Code Section 21167.6(e), the record of proceedings for the County's decision on the Project includes the following documents:

- The 1997 Final EIR for the prior expansion of Chiquita Canyon Landfill and all appendices;
- The 2016 Addendum to the 1997 Final EIR for the limited waiver granted pursuant to County Code Section 22.04.110;
- The Notice of Preparation and all other public notices issued by the County in conjunction with the Project;

- The Draft EIR for the Project (2014), including Appendices;
- The Partially Recirculated Draft EIR for the Project (2016), including Appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR and Partially Recirculated Draft EIR;
- Documents cited or referenced in the Draft EIR, Partially Recirculated Draft EIR, and Final EIR;
- The mitigation monitoring and reporting program for the Project;
- All findings and resolutions adopted by the Commission in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with requirements of CEQA and with respect to the County's action on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the Commission's decision on the Project;
- Any minutes and/or transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- The Los Angeles County General Plan and all environmental documents prepared in connection with its adoption;
- The Santa Clarita Valley Area Plan and all environmental documents prepared in connection with its adoption;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The custodian of the documents and other materials that constitute the record upon which these findings are based is the Los Angeles County Department of Regional Planning. The record is available for public review at the Los Angeles County Department of Regional Planning, located at 320 West Temple Street, 13th Floor, Los Angeles, California 90012.

SECTION 10 COUNTY'S INDEPENDENT JUDGMENT

Pursuant to Public Resources Code Section 21082.1(c), the Commission hereby finds that the lead agency (County) has independently reviewed and analyzed the Final EIR, and that the Final EIR reflects the independent judgment of the lead agency.

SECTION 11 NATURE OF FINDINGS

Any finding made by this Commission shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this Commission, whether or not any particular sentence or clause includes a statement to that effect. This Commission intends that these findings be considered as an integrated whole, and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by this Commission with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

SECTION 12 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained within the entire administrative record of proceedings relating to the Project. The findings and determinations constitute the independent findings and determination of this Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 13 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant environmental effects that will occur as a result of implementation of the Project. With implementation of the mitigation measures and project design features, discussed in the Final EIR, these effects can be mitigated to levels considered less than significant except for significant, unavoidable adverse impacts in the areas of air quality and greenhouse gas emissions and climate change (post-2020), as described in Section 5 of this document. Specifically, implementation of the Project would result in the following significant impacts even after imposition of all feasible mitigation measures and requires adoption of a Statement of Overriding Considerations.

Alternative B, Alternative C, or a combination of elements of Alternative B and Alternative C, would still result in significant and unavoidable adverse impacts in the areas of air quality and greenhouse gas emissions and climate change (post-2020), although these impacts would be reduced somewhat in comparison with the applicant's preferred Project, particularly in the areas adjacent to the landfill.

The applicant's proposed Project as described in the Final EIR, Alternative C, or a combination of Alternative B with the entrance relocation, conversion technology facility and household hazardous waste facility from Alternative C, are three potential options which are feasible and would be supported by the Final EIR. These three options would result in approximately the same overall impacts and the same overall level of significance, although the applicant's preferred Project would result in the greatest localized impacts of the alternatives, and

Alternative C would result in more localized impacts than the combination of Alternative B and Alternative C.

Air Quality (Project-Level and Cumulative): The air quality analysis included in the Draft EIR was conducted consistent with published South Coast Air Quality Management District CEQA guidance, which requires comparison of construction emissions to construction thresholds and operation emissions to operation thresholds. After review of the Draft EIR, the District requested an alternate methodology, which required the analysis to combine the previously analyzed potential construction and operation emissions, to compare those combined emissions against operation thresholds, and to make a determination of potential project significance based on those combined emissions. In response, Chapter 11.0 was revised to include the District's new methodology and the chapter was recirculated for public review in the Partially Recirculated Draft EIR. Based on the District's new methodology, the Final EIR found that the combined emissions of NO_x, ROG, PM₁₀, and PM_{2.5} would exceed the District's mass daily operational thresholds for the Project and also cumulatively with related projects. Accordingly, air quality impacts of the Project remain significant and unavoidable.

Greenhouse Gas Emissions and Climate Change (Post-2020) (Project-Level and Cumulative): The state is currently developing new plans and policies to attain further greenhouse gas emissions after 2020. Because these plans have not yet been prepared and are in the early stages of development, it is not possible to assess the Project's consistency with those future plans. For this reason, the Final EIR conservatively finds that Project-level and cumulative impacts to greenhouse gas emissions and climate change would be significant and unavoidable.

Public Resources Code Section 21081 provides that no public agency shall approve or carry out a project for which an EIR has been certified, which identifies one or more significant effects on the environment that would occur if the project were carried out, unless the agency makes specific findings with respect to those significant environmental effects. Where a public agency finds that economic, legal, social, technological, or other considerations makes infeasible the mitigation measures or alternatives identified in the EIR, and thereby leave significant unavoidable effects, the public agency must also find that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which provides as follows:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the

agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having considered the unavoidable adverse significant impacts of the Project, the Commission hereby determines that all feasible mitigation measures have been adopted to minimize, substantially reduce, or avoid the significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the Commission finds that economic, social and other considerations of the Project outweigh the significant and unavoidable impacts described above, and adopts the following Statement of Overriding Considerations. In making this Finding, the Commission has balanced the benefits of the Project against its significant and unavoidable environmental impacts and has indicated its willingness to accept those risks. The following statements are in support of the Commission's action based on the Final EIR and/or other information in the administrative record. Any one of these overriding considerations, in itself and independently of the other listed considerations, is sufficient to support the Commission's determinations herein.

- The Project addresses immediate needs for maintaining landfill capacity, proposes dedicated sites for conversion technologies and organics processing, and includes multiple components that transform waste from a liability to a resource.
- The Project will assist the County in achieving its sustainable waste management goals. The County's most recent 2015 Annual Report on the Countywide Integrated Waste Management Plan finds that, in order to maintain adequate disposal capacity, jurisdictions in the County must continue to pursue multiple strategies, including expanding existing landfills.
- The Project will assist the County in maintaining adequate reserve (excess) disposal capacity to ensure that the disposal needs of the County are met for the next 15 years.
- The Project will assist the County in achieving its waste diversion targets, as Chiquita Canyon Landfill is an important in-County option for local jurisdictions to obtain waste diversion credits.
- The Project will further the goals of the Santa Clarita Valley Area Plan, which finds that diversion programs do not eliminate the need for new landfill space and includes Policy LU-9.1.6 to coordinate with appropriate agencies and organizations to ensure that landfill expansion needs are met while minimizing adverse impacts to Valley residents.
- The Project will continue to provide in-County waste disposal options for the many jurisdictions within Los Angeles County that rely currently on Chiquita Canyon Landfill for disposal services, and the many jurisdictions within Los Angeles County that rely on

Chiquita Canyon Landfill for diversion credits necessary to comply with state law. Without the Project, the bulk of Chiquita Canyon Landfill's current customers would be forced to find an alternative disposal site outside of Los Angeles County because in-County disposal and diversion options are severely limited due to the closure of Puente Hills Landfill and current permitting restrictions for other in-County landfills. The hauling of waste to more distant landfills would increase truck traffic and emissions.

- The Project will support the local economy by providing employment. Without the Project, many long-term and second-generation employees would be laid off, placing a severe hardship on their families.
- The Project will generate increased tax revenues that will help fund important public services in the community. The County receives more than \$5.5 million in taxes and fees from Chiquita Canyon Landfill.
- The Project will assist the County and other jurisdictions within the County in providing trash collection services at a reasonable price to County residents. Without the Project, demand for in-County landfill services would rise while the supply would shrink, thereby potentially increasing prices.
- The Project will extend the useful life of the landfill gas-to-energy plant on-site, which provides an important source of green energy approximately equivalent to the amount of power needed for nearly 7,000 homes.
- By providing land for a potential future conversion technology facility, the Project assists the County in its plans to encourage the development of commercial-scale conversion technologies within the County.
- By designing and constructing a household hazardous waste collection facility for the County, the Project assists the County with its goal of providing new permanent household hazardous waste collection centers for County residents, as outlined in the County's Roadmap to a Sustainable Waste Management Future plan.

**SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559**

April 13, 2017

ATTACHMENT B

PART XI — COMMUNITY ADVISORY COMMITTEE. The Community Advisory Committee ("CAC") shall consist of seven members appointed by the Fifth Supervisorial District and shall be governed by its Bylaws. The CAC shall serve as a liaison between the Permittee and the community, and as a conduit for the community to communicate with the Commission and other regulatory agencies on an ongoing basis regarding issues involving the development and operation of the Facility. The CAC shall be composed of persons who reside in the Santa Clarita Valley and who are recommended by recognized community and neighborhood associations. In addition, the Fifth Supervisorial District shall also appoint a representative to serve as a coordinator for the CAC.

For the life of the Grant, the Permittee shall continue to do the following regarding the CAC:

- A. Provide qualified personnel to regularly attend CAC meetings;
- B. Provide the CAC reasonable access to the Facility and information concerning Landfill operations necessary for the CAC to perform its functions;
- C. Provide accommodations for CAC meetings of Val Verde, Castaic, and other communities surrounding the Landfill; and
- D. Provide funding, not to exceed \$20,000 per annum, for the CAC to retain independent consultants for CAC-related matters; provided that all consultants shall have the requisite education, training, and experience to undertake the work and shall have no conflict of interest with the Permittee or any member of the CAC.

The CAC shall be provided access to all reports submitted by the Permittee to any and all regulatory agencies required under the Grant, including the annual monitoring report required by Part XII of this IMP. The Permittee shall also consult the CAC on planning matters that could affect the physical development, closure date, or future use of the Facility.

**SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559**

April 13, 2017

ATTACHMENT C

David P. Waite
310.284.2218
dwaite@coxcastle.com

April 13, 2017

Regional Planning Commission
County of Los Angeles
170 Hall of Records
320 West Temple Street
Los Angeles, California 90012

**Re: Chiquita Canyon Landfill – Objections to Unlawful Exactions and
Conditions Proposed for Conditional Use Permit No. 200400042;
Regional Planning Commission Hearing Date: April 19 2017**

Dear Commissioners:

The proposed conditional use permit that is before you on April 19 contains a number of proposed conditions of approval that are unlawful and violate both federal and state constitutional standards. These conditions do not meet constitutional requirements that there must be an essential nexus, and rough proportionality, between conditions imposed on a project and impacts created by a project. As a result, these conditions result in an unconstitutional taking without just compensation of Chiquita Canyon's property. These conditions also do not meet the requirements of California's Mitigation Fee Act that there be a reasonable relationship between project impacts and imposed conditions of approval. Also, some of the fee conditions violate the provision of the Integrated Waste Management Act prohibiting waste limitations based on the origin of the waste. On behalf of Chiquita Canyon Landfill, we ask that these unlawful conditions be removed, as set forth in this letter and attachments.

This letter follows and expands upon our March 1, 2017 letter (attached to this letter as Exhibit A), in which we provided an initial list of unlawful and unconstitutional conditions. We have met with County staff to discuss these conditions, and we appreciate that some changes have been made, but the basic issues remain unresolved, and the most recent version of the proposed conditions of approval continues to include numerous provisions that violate the federal and state constitutions, and state statutes, as set forth below. Collectively, the proposed conditions seek to impose a litany of new fees and assessments that represent an unconscionable increase of more than 587% over and above the amounts that Chiquita Canyon Landfill pays to the County under its existing permit for in-County waste.

If the County decides not to remove the unlawful conditions, Chiquita Canyon Landfill will be left with little choice but to close and cease operations. Chiquita Canyon Landfill would prefer to resolve this matter amicably and without further contention, but Chiquita Canyon Landfill reserves all legal rights to pursue all potential claims and remedies related to the

unlawful conditions. Moreover, Chiquita Canyon Landfill desires a continued positive relationship with the County now and into the future as Chiquita Canyon Landfill continues to serve its important function as the second largest landfill in the County. To that end, we ask that the County respond to our requests and take action to ensure that this matter is fully resolved prior to the Commission's approval of the conditional use permit. We have attached as Exhibit B a redline showing our requested changes to the proposed conditions of approval.

I. Summary of Proposed Conditions That Are Unconstitutional or Unlawful

The United States Supreme Court in the *Nollan*, *Dolan*, and *Koontz* cases established clear precedent regarding the County's obligations to demonstrate that fees and other exactions meet certain criteria. Specifically, the County is required to prove that each of the exactions in Chiquita Canyon Landfill's conditional use permit meets the essential nexus and rough proportionality requirements. These are individualized requirements that by necessity must focus on the specific project and its potential impacts. The Court decisions make clear that these types of approval conditions are subject to heightened scrutiny by reviewing courts, and the burden is on the County to demonstrate that these requirements have been met. This is established federal law, as well as the law in California.¹

The proposed conditional use permit includes numerous conditions of approval that would constitute unconstitutional takings if they remain in the permit. The County has not demonstrated that the required nexus and rough proportionality standards have been met, and the County cannot make such a demonstration because there simply is no roughly proportional nexus between actual impacts of the landfill expansion and the proposed fee or condition. In many instances, the County is apparently relying on the fact that similar fees or conditions were imposed in the most recent Lancaster Landfill approval, but that only shows that, here, the County has failed to make the site-specific determinations that the Constitution requires. The following summarizes the most egregious examples of conditions that fail to meet constitutional and statutory standards²:

¹ The relevant takings law is addressed in more detail in Section II, *infra*.

² The unconstitutional nature of these conditions is analyzed in more detail in Section III, *infra*. Although this letter focuses primarily on the issue of unconstitutional takings, the County's required conditions reflect violations of other constitutional provisions and laws as well, including but not limited to potential violations of equal protection, due process, the dormant Commerce Clause, the Contract Clause, and the Privilege and Immunities Clause under the federal and state constitutions; violation of California's Integrated Waste Management Act, the California Environmental Quality Act, and Proposition 218; and the exceeding of authority of the County's police power. Such violations, when challenged, can result in awards of attorney's fees and costs as well. These violations can be resolved by adhering to Chiquita Canyon Landfill's requests as articulated in this letter.

1. Condition No. 109: The requirement to designate private property as open space for recreational use and, on top of that, to fund studies, development, operation, and maintenance of a public park on private property is not sufficiently related to project impacts, as the project has no impacts to availability of land for recreational use. This condition also constitutes unlawful pre-condemnation activity that devalues land; to require development and operation of a public park on private property would require formal condemnation proceedings on behalf of the County. The County rejected calls for a similar requirement to convert the Inglewood Oil Field into public parkland as part of the Baldwin Hills Community Standards District due to concerns regarding the legality of such a requirement.

2. Condition No. 112c: The requirement to pay a fee of 10 percent of revenue generated for the vague category of “any other activity or enterprise at the Facility” fails to meet constitutional standards and is not authorized by County Code section 4.63.

3. Condition No. 113: The requirement to pay a fee of 25 cents per ton of solid waste disposed to fund waste reduction and diversion programs has no relation to project impacts when the landfill already serves to actively promote waste reduction and diversion and does not itself impact waste generation.

4. Condition No. 114: The requirement to pay a fee of 10 cents per ton of solid waste disposed to fund disaster debris removal activities has no relation to project impacts; the project has no impacts on, nor causes any, disasters or need for disaster debris removal. This fee is also excessive given that the fee was not reduced when the additional purpose of funding “illegal dumping” was removed from the condition.

5. Condition No. 115: The requirement to pay higher fees for materials received from outside the Santa Clarita Valley and outside the County to fund stated programs is excessive and has no relation to project impacts. The County’s justification that fees are charged to Lancaster Landfill does not satisfy the requirement to make a site-specific demonstration of nexus and rough proportionality for this project, so this fee constitutes an unconstitutional taking. The discriminatory nature of this proposed fee also violates constitutional provisions—the dormant Commerce Clause violation is actionable under 42 U.S.C. § 1983 for damages and attorney’s fees—and the California Integrated Waste Management Act.

6. Condition No. 116: The requirement to construct a conversion technology facility in lieu of paying 34 percent of the fee in Condition No. 115 has no relation to project impacts, and is inappropriate and unlawful for the same reasons as Condition No. 115. This condition is not economically practical, and retention of the fee has no legal basis.

7. Condition No. 117: The requirement to pay \$3,000,000 to fund alternative technologies to landfills and incineration has no relation to project impacts, as the project does not hinder the pursuit of alternative technologies.

8. Condition No. 118: The requirement to pay a fee of 50 cents per ton of solid waste disposed at the landfill to fund parkland and natural habitat has no relation to project impacts, as the project has no impacts to availability of parkland or public recreation areas.

9. Condition No. 119: The requirement to pay a fee of 50 cents per ton of solid waste disposed at the landfill to fund road improvements has no relation to project impacts, as the County's EIR concluded that the project will not result in significant transportation impacts and no mitigation measures are required.

10. Condition No. 120: The requirement to pay \$50,000 annually to finance "planning studies" is vague and has no relation to project impacts.

11. Condition No. 121: The requirement to pay a fee of \$1.00 per ton of solid waste disposed to fund environmental, educational, and quality of life programs is unlawfully vague and has no relation to project impacts.

12. Condition No. 122: The requirement to either operate a household hazardous waste collection facility or fund operation of 10 collection events totaling a cost of \$1,000,000 has no relation to project impacts, is excessive in cost, and is duplicative of a facility that is already proposed to be constructed.

13. Condition No. 26b: The requirement to enclose the proposed composting facility is not supported by the environmental analysis in the County's EIR, and the requirement to locate the facility "far away from residential and business areas" is impermissibly vague.

14. Condition No. 75: The requirement to construct a new site entrance is unnecessary in relation to potential impacts of the "status quo" project proposed in the conditional use permit.

Each of the above conditions results in an unconstitutional taking, and violates statutory standards. Further, the cumulative effect of the imposition of these conditions, in addition to the County's other demands on Chiquita Canyon Landfill's use of its property, likely results in forcing the landfill to operate at a net loss and thus having no economically viable use. In the 45 years that Chiquita Canyon Landfill has operated, it has never encountered such a significant threat to its economic viability. If these conditions remain in the permit, Chiquita Canyon Landfill will be left with little choice but to close and cease operations.

Chiquita Canyon Landfill requests that the County remove the unlawful conditions from the conditional use permit prior to the Regional Planning Commission's approval.

II. Summary of Legal Authority

A. Federal and State Constitutional Provisions

The takings clause of the Fifth Amendment of the U.S. Constitution provides: “nor shall private property be taken for public use without just compensation.” The federal takings clause is made applicable to the states through the Fourteenth Amendment. *Cal. Building Indus. Ass’n v. City of San Jose* (“CBIA”) (2015) 61 Cal. 4th 435, 456 n.10 (citing *Chicago, Burlington & Quincy R.R. Co. v. Chicago* (1897) 166 U.S. 226, 239).

The takings clause of the California Constitution (art. I, § 19) provides: “Private property may be taken or damaged for public use when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner.” California construes its constitutional takings clause congruently with the federal takings clause. *CBIA, supra* at 456 n.10.

B. Exactions—Essential Nexus and Rough Proportionality: *Nollan, Dolan, Koontz*

In order to require an exaction as a condition of development and avoid an unconstitutional taking, a local government must demonstrate that the exaction meets each of the following criteria:

- Essential Nexus: An essential nexus between the permit condition required by the local government and the alleged harmful impact. *Nollan v. Cal. Coastal Comm’n* (1987) 483 U.S. 825, 837.
- Rough Proportionality: A “degree of connection between the exactions and the projected impact of the proposed development”; “some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.” *Dolan v. City of Tigard* (1994) 512 U.S. 374, 386, 391.

Together, the essential nexus and rough proportionality criteria comprise the heightened *Nollan/Dolan* standard of scrutiny for takings analyses, which federal courts and California courts have since applied in the context of exactions. In *Koontz v. St. Johns River Water Management District* (2013) 133 S. Ct. 2586, the Supreme Court held that the *Nollan/Dolan* standard applies to all types of exactions, including monetary exactions (i.e., fees). *Id.* at 2603.

Nollan/Dolan/Koontz created another legal outcome—switching the burden of proving that the takings standard has been met. In the context of monetary exactions, it is the burden of the government, and not the aggrieved property owner, to prove that *Nollan/Dolan*’s heightened scrutiny standard has been met. *Dolan, supra* at 391 n.8. Thus, as discussed above, a government entity must provide sufficient evidence of an “essential nexus” and “rough proportionality” *prior to* imposing an exaction. See *Powell v. County of Humboldt* (2014) 222 Cal App. 4th 1424, 1438–39 (recognizing shift of burden as an exception in monetary exaction cases).

In addition to recovering attorney's fees and costs of litigation, the typical remedy for violation of the unconstitutional conditions doctrine is the issuance of the permit without the unlawful conditions. *Koontz, supra* at 2597. Just compensation may be a remedy in the event that money actually changes hands, such as when an owner fulfills a permit condition by paying an exacted fee. *Id.*

For a more extensive discussion of the *Nollan, Dolan*, and *Koontz* cases, see our attached March 1, 2017 letter.

C. The Same *Nollan/Dolan* Standard Applies Under California Law

After *Nollan* and *Dolan*, the California Supreme Court confirmed that the heightened *Nollan* and *Dolan* standards apply to monetary exactions. *Ehrlich v. City of Culver City* (1996) 12 Cal. 4th 854, 874–81.

Overall, *Ehrlich* reinforced that it is the imposition of “special, discretionary permit conditions on development by individual property owners” that triggers the heightened *Nollan/Dolan* standard. *Id.* at 881. The Court stated:

We view the requirement that the local government demonstrate a *factually* sustainable proportionality between the effects of a proposed land use and a given exaction as one which furthers the assurances implicit in the *Nollan* test that the condition at issue is more than theoretically or even plausibly related to legitimate regulatory ends. *Id.* at 880.

The *Ehrlich* case also confirmed that the *Nollan/Dolan* standard is embedded within the “reasonable relationship” test in California’s Mitigation Fee Act. *Id.* at 865–67; *see* Cal. Gov’t Code §§ 66000 *et seq.* The Mitigation Fee Act requires a local government to demonstrate that a “reasonable relationship” exists between a development fee and the amount of the fee, on one hand, and the project’s impacts and purpose for which the fee is imposed, on the other. Cal. Gov’t Code § 66001(a).

Ehrlich made clear that the “reasonable relationship” test referenced in the Mitigation Fee Act is the same heightened scrutiny standard required under the United States Constitution as articulated in *Nollan* and *Dolan*. *Ehrlich, supra* at 865–67. Thus, whether the analysis of the exaction is conducted through the Mitigation Fee Act or in line with the state or federal Constitutions, and whether a challenge to a monetary exaction is made in state or federal court, the *Nollan/Dolan* standard applies.³

³ The heightened *Nollan/Dolan* standard and the essential nexus and rough proportionality requirements also apply to any conditions proposed or imposed through the CEQA process. *See* CEQA Guideline § 15041(a) (imposed mitigation limited by the “nexus” and “rough

For a more extensive discussion of the *Ehrlich* case and the Mitigation Fee Act, see our attached March 1, 2017 letter.

D. Applications of the *Nollan/Dolan* Standard

The following is a short list of cases that have applied the heightened *Nollan/Dolan* standard within California or in the Ninth Circuit, besides those already cited. There are numerous others. These cases illustrate the strict application of the standards as well as the heightened evidentiary standard that is applied in determining whether a local agency has met its burden of demonstrating the required nexus and rough proportionality of proposed conditions.

- *Bowman v. California Coastal Commission* (2014) 230 Cal. App. 4th 1146, 1151. In *Bowman*, a California appellate court held that a lateral public easement sought to be imposed on a property owner was an unconstitutional taking when the work on the proposed private residence was one mile from the coast, where the proposed easement was to be located. The court held that the imposition of the easement did not meet the nexus or rough proportionality requirements of *Nollan* and *Dolan*.
- *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (“EPIC”) (2008) 44 Cal. 4th 459, 510–11. In *EPIC*, the California Supreme Court employed the “roughly proportional” standard under *Nollan/Dolan* in the context of the issuance of an Incidental Take Permit. The Court held that mitigation measures sought to be imposed on a lumber company were not roughly proportional to (and went far beyond) the project’s impacts. The Court held that there was not a direct relationship to the project’s potential for impacts to a number of issues, including landslides, floods, fires, and species, on one hand, and the agency’s proposed mitigation measures intended to address these issues, on the other. The Court stated, “[T]o require that mitigation measures be roughly proportionate to a landowner’s impact on a species means that the landowner is required to mitigate only its own impacts on the species.”
- *Ocean Harbor House Homeowners Association v. California Coastal Commission* (2008) 163 Cal. App. 4th 215, 231–37. In *Ocean Harbor*, the court concluded that nexus and rough proportionality was sufficient for exacted fees that funded off-site mitigation for the impacts of a proposed seawall when those fees were based on a particular and valid method of quantifying recreational value.
- *Levin v. City and County of San Francisco* (N.D. Cal. 2014) 71 F. Supp. 3d 1072, 1087–89. In *Levin*, a United States District Court in California held that a local ordinance that required landlords to issue a payout to tenants upon taking a rental property off the market was an unconstitutional taking and had no “essential nexus”

proportionality” standards established in *Nollan*, *Dolan*, and *Ehrlich*), and *id.* § 15126.4(a)(4) (same, with added reference to required “rough proportionality” in relation to ad hoc exactions).

because the payouts had no numerical relationship to tenant relocation costs. The court stated, “[T]he nature of the exaction here does not purport to have a nexus with anything the property owner actually caused, but rather with market forces unrelated to the impact of the property owner’s use of the property.”

- *Parks v. Watson* (9th Cir. 1983) 716 F.2d 646, 651, 651 n.1. *Parks* was a case decided under the unconstitutional conditions doctrine but decided before *Nollan/Dolan*. The case involved a condition for an owner to convey geothermal property to the government for the alleged purpose of assisting with public interests related to streets. The court held there was no “rational relationship” between the conveyance of the property and the public interests at issue, such as traffic control, pollution, or access.
- *State Route 4 Bypass Authority v. Superior Court* (2007) 153 Cal. App. 4th 1546, 1562–63. In *State Route 4*, a California appellate court held that the imposition of a dedication and fees to address traffic impacts met the *Dolan* standard. In doing so, however, the court held it is not appropriate to compare fees assessed against similarly situated owners in determining whether “rough proportionality” exists in the context of *Dolan*. The court reasoned that such an inquiry would create practical problems for courts in evaluating such a comparison and not align with the “individualized determination” required under the *Dolan* “rough proportionality” standard.

E. Regulatory Takings Standard

A decision that denies “all economically beneficial or productive use of land” is a regulatory taking under the Fifth Amendment of the United States Constitution. *Lucas v. S. Carolina Coastal Council* (1992) 505 U.S. 1003, 1015. In applying *Lucas*, courts have concluded that a taking occurs when a government agency imposes conditions that result in the project having negative economic value, such as when the cost to construct or operate the project would exceed its resulting value. As the Federal Court of Claims has observed, “*Lucas* thus focuses on whether a regulation permits economically viable use of the property, not whether the property retains some value on paper.” *Resource Investments, Inc. v. U.S.* (2009) 85 Fed. Cl. 447, 486.

In *Resource Investments, supra*, the court held that the Army Corps’ denial of a permit to operate a landfill left the plaintiff’s property without any economically viable use. The court rejected the government’s claim that the property could be used for agriculture or housing. With respect to agriculture, the court found that the value of the crop was less than the annual property taxes. *Id.* at 490. With respect to residential use, the court noted that because of local development restrictions and site conditions, the cost to develop a residential project would exceed the price the units could be sold for, “so such development was not economically feasible.” *Id.* at 492; *see also Love Terminal Partners v. United States* (2016) 126 Fed. Cl. 389, 413 n.17, 418 (state’s prevention of a leasehold from being used for airport purposes resulted in a taking because the expense to develop the property for any other purpose would exceed the resulting revenue from the use); *City of Sherman v. Wayne* (Tex. App. 2008) 266 S.W.3d 34

(holding that a zoning ordinance that restricted a property to residential use denied the owner an economically viable use of the land because the costs to construct a residential project under the ordinance would exceed the resulting value of the property).

Beyond the *Lucas* standard, an unconstitutional regulatory taking occurs if the multi-factor test under *Penn Central Transportation Company v. New York City* (1978) 438 U.S. 104 is met. The three factors are (1) whether the government action interfered with the property owner's reasonable, investment-backed expectations; (2) the economic impact of the government action; and (3) the character of the government action. *Id.* at 123–25. In *Koontz*, the Supreme Court recognized that the landowner in *Nollan* could have brought an action under such a takings theory. *Koontz*, *supra* at 2602 (citing *Nollan*, *supra* at 838).

III. Analysis of Unconstitutional Exactions and Conditions in the Proposed Conditional Use Permit for Chiquita Canyon Landfill

A. The County Has Not and Cannot Demonstrate That There Is a Roughly Proportional Nexus Between the Proposed Conditions and the Project Impacts.

The proposed conditions for the conditional use permit do not satisfy the *Nollan/Dolan* standard. Specifically, the County has not demonstrated 1) an essential nexus between the permit condition and a project impact, and 2) a rough proportionality between the magnitude of the permit conditions to the project impacts. *Nollan*, *supra* at 837; *Dolan*, *supra* at 386, 391. The County did not make the “individualized determination” that the required conditions are related both in nature and extent to the impact of the proposed development; there is no essential nexus and rough proportionality to the “effects of the proposed new use of the specific property at issue.” *Dolan*, *supra* at 391; *Koontz*, *supra* at 2600.

Much to the contrary, the County simply cut and pasted conditions that it applied to its most recent landfill approval, Lancaster Landfill, and then added new and additional conditions, such as requiring a new public park (apparently inspired by the park plans for the closed, publicly-owned Puente Hills Landfill). This does not begin to satisfy the County's burden to make a site-specific demonstration of nexus and rough proportionality; in fact, this conduct establishes that the County has *not* made the required site-specific determination. *State Route 4 Bypass Authority*, *supra* at 1562–63 (comparison of fees applied to other property owners not appropriate in “rough proportionality” determination under *Dolan*). Whatever the County might have done in other situations does not cure the unconstitutional nature of the exactions as applied to Chiquita Canyon.

Even if the County were to attempt to make the required demonstration, the County cannot do so. The exactions in the conditional use permit are so distant from any underlying rational basis that, among other potential violations of constitutional and statutory law, they inherently result in the County's unconstitutional taking of Chiquita Canyon Landfill's property. Many of the violations are egregious. They fail to meet even the most basic constitutional standards and safeguards.

B. Analysis of Unconstitutional Exactions in the Conditional Use Permit

1. New Public Park at Privately-Owned Landfill Without Condemnation Proceedings (Condition No. 109)

Condition No. 109 requires Chiquita Canyon Landfill to “designate” its private property as open space for recreational use in perpetuity and also to fund feasibility studies, design, development, operation, and maintenance of a public park on its private property.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify this condition, and the County cannot make this required demonstration.

Critically, the project has no impacts to the availability of land for recreational use. Chiquita Canyon Landfill is private property and has been used for private industrial purposes since 1965. Even without the project, the public would not have access to the land. Thus, the project would not take away recreational land from the public. In addition, as stated in Section 17.4.2 of the EIR, the project would not encourage growth in the area. Rather than inducing growth, additional landfill capacity is a response to growth. The project does not bring new residents to the area and therefore would not increase demand for recreational amenities. Similarly, this dedication is not in accord with cases such as *EPIC*, *Levin*, or *Parks, supra*, all of which held that in order to meet the rough proportionality test, the purpose of the dedication or exaction must be directly related to the project’s impacts. Here, the dedication does not bear an essential nexus or rough proportionality to the required dedication, and the condition is thus an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

In addition to violating nexus requirements, proposed Condition No. 109 constitutes unlawful pre-condemnation activity. The County cannot force a private property owner to develop a public park on private property, short of bringing a formal eminent domain action (which would require payment of just compensation at fair market value). It is improper to propose a permit condition now that presupposes the eventual use of the site post-closure and requires a private property owner to “designate” its land as open space/recreation and to fund the County’s master plan for and operation of a public park on its private property. The park conversion assumption, prior to filing a condemnation action or prior to any offer to purchase the land by a willing and able buyer, supported by available funds, effectively devalues the land and constitutes an unconstitutional taking. *Klopping v. City of Whittier* (1972) 8 Cal. 3d 39.

We must also point out that the County rejected calls to impose similar requirements to “pave the way” for the conversion of the Inglewood Oil Field to public parkland in Baldwin Hills Community Standards District due to legal constraints and objections by the property owners. County staff initially proposed to facilitate remediation and future conversion to recreational use, and community activists called for a Baldwin Hills Park reinvestment fund as part of the ordinance, which would receive revenue for any new or re-drilled well to acquire and restore the oil field for public use. After the underlying property owners objected to the fee as unlawful pre-

condemnation activity, the County rejected the fund, finding that formal condemnation proceedings would be required to covert the privately owned oil field into a future public park.

2. Unlawful Expansion of Tipping Fee (Condition No. 112c)

Condition No. 112b requires Chiquita Canyon Landfill to pay a fee of 10 percent of the “Revenue generated by any other activity or enterprise at the Facility, less any federal, state, or local fees or taxes applicable to such revenue.”

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify the imposition of a fee on any revenue-generating activity on-site, and the County cannot make this required demonstration.

In addition, the authority for the fee required by Condition No. 112 is County Code Section 4.63. That ordinance does not authorize the imposition of fees on such a broad scope to include “any” activity or enterprise. Also, the fee contemplated in Condition No. 112b cannot bear an essential nexus or rough proportionality to the project and its impacts, and the condition is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

3. New Per-Ton Fee to Fund Waste Reduction and Diversion Programs (Condition No. 113)

Condition No. 113 requires Chiquita Canyon Landfill to pay a fee of 25 cents per ton of solid waste disposed at the landfill to fund waste reduction and diversion programs.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify the imposition of this fee, including the amount of the fee as it relates to the cost of the waste reduction and diversion programs, and the County cannot make these required demonstrations.

The landfill already contributes significantly to waste reduction and diversion, including through its use of beneficial use materials for alternative daily cover, road construction, wet weather decking, erosion control, and other uses allowed under state law and regulations. As stated in Section E.S.4.1 of the EIR, the landfill is actively engaged in diverting materials from waste disposal and putting them to beneficial reuse, including shredded curbside green waste, clean soil, contaminated soil, treated auto shredded waste, tire shred, concrete, asphalt, and processed construction and demolition material.

County staff is recommending in the draft permit that the landfill be prohibited from using many of these materials allowed under state law and regulations as cover (Condition No. 41.d) and is also recommending new limits on the amounts of beneficial use materials that may be accepted (Condition No. 21). This results in an absurdity. On one hand, the proposed conditions hinder Chiquita Canyon Landfill in its diversion efforts, and on the other hand, the

proposed conditions require Chiquita Canyon Landfill to fund programs to implement and enhance diversion.

The County is unable to demonstrate under *Nollan/Dolan* the relationship of this fee as it pertains to the particular project's impacts or the relationship of the amount of the fee to the funding programs. Therefore, Condition No. 113 remains an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

4. New Per-Ton Fee to Fund Disaster Debris Removal (Condition No. 114)

Condition No. 114 requires Chiquita Canyon Landfill to pay 10 cents per ton on all solid waste disposed at the landfill, in order to fund County disaster debris removal activities in surrounding unincorporated areas.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify this fee, and the County cannot make this required demonstration. There is no logical connection between the project's impacts and disaster debris.

Additionally, the fee as initially proposed by the County was required for the stated purpose of funding illegal dumping prevention programs. In the latest revision to the conditional use permit, that purpose has been deleted, leaving only the stated purpose of disaster debris removal funding. But even though the original funding purpose has been removed, the total amount of the fee has not changed. Such a result defies logic and undoubtedly evidences a fee that is excessive. If a 10-cents-per-ton fee was sufficient to fund both programs before, and one program was removed, then the fee should be reduced accordingly. There can be no essential nexus or rough proportionality in relation to an overly inflated debris removal fee, much less any fee at all for this purpose, as it pertains to this project.

The blatantly excessive fee in Condition No. 114 does not bear an essential nexus or rough proportionality to the project and its impacts, and the condition is therefore an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

5. New Per-Ton Fee Unlawfully Discriminating Against Waste Based on Origin (Condition No. 115)

Condition No. 115 requires Chiquita Canyon Landfill to pay dramatically higher fees for materials received from outside the Santa Clarita Valley and even higher fees for waste originating outside the County, in order to: 1) enhance Countywide disposal capacity, mitigate landfill impacts in unincorporated County areas, 2) promote development of Conversion Technology facilities, and 3) fund environmental, educational, and quality of life programs in unincorporated areas surrounding the landfill.

First, these out-of-area fees violate the waste origin non-discrimination provisions of the California Integrated Waste Management Act (Public Resources Code section 40002 *et seq.*) and

the line of cases interpreting a dormant Commerce Clause requirement in the United States Constitution. For example, the findings for the Integrated Waste Management Act provide:

The Legislature further declares that restrictions on the disposal of solid waste that discriminate on the basis of the place of origin of the waste are an obstacle to, and conflict with, statewide and regional policies to ensure adequate and appropriate capacity for solid waste disposal. (Cal. Pub. Res. Code § 40002.)

In addition, the Act provides:

An ordinance adopted by a city or county or an ordinance enacted by initiative by the voters of a city or county shall not restrict or limit the importation of solid waste into a privately owned facility in that city or county based on the place of origin. (*Id.* § 40059.3)

The County cannot impose a discriminatory fee by conditional use permit which state law prohibits by ordinance. The discriminatory fees proposed in Condition No. 115 are based solely on the waste's origin and therefore violate the Integrated Waste Management Act. These fees are so dramatic that the restriction is a de facto prohibition on out-of-area waste.

The County also has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify these fees, and the County cannot make this required demonstration.

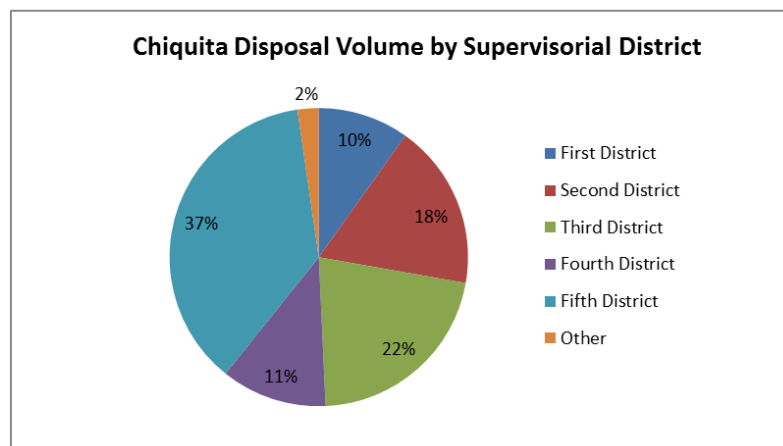
First, the landfill is an existing use and the project would increase disposal capacity, reinstate a composting operation, provide a site for a new waste conversion technology facility, and provide a site for and design and construct a new household hazardous waste collection facility. By its very nature, the project is already helping the County to “enhance Countywide disposal capacity” and to “promote development of Conversion Technology facilities that benefit the County.” The staff's findings clearly recognize that “the Project will help the County to meet its future waste disposal capacity needs.” There is no basis for imposing further fees to achieve these same goals, which are not impacts caused by the project, much less landfills generally.

The Chiquita Canyon Landfill can accommodate more of the County's waste than the proposed conditional use permit would allow. The applicant's proposed project was designed to maximize the available capacity within the canyon. It is only due to the restrictions proposed by County staff, principally in Condition No. 21, that Countywide disposal capacity would be restricted. It remains patently absurd that the County would propose a permit that restricts the disposal capacity of its few remaining landfills, and yet, in the same permit, charges exorbitant fees to the landfill to enhance Countywide disposal capacity. Such discrimination is neither rational nor lawful.

There is also no essential nexus or rough proportionality. The project does not eliminate or affect access to educational programs, nor does it bring new residents to the area to increase student demand. In addition, as part of the project, Chiquita Canyon Landfill is establishing community benefits funds directly with the Val Verde and Castaic communities for these same purposes. Funneling fees through the County, and thereby eliminating the negotiated community agreements in order to fund similar programs, is unnecessary.

County staff justifies this fee because it was imposed on Lancaster Landfill. This justification ignores fundamental differences between Chiquita Canyon and Lancaster, and violates the constitutional requirement imposed on the County by *Nollan, Dolan*, and *Koontz*, and incorporated into the Mitigation Fee Act, to make an individualized determination to support the required nexus and rough proportionality between the monetary exactions and the impacts of the project. As the *State Route 4* case explains, the fee that the County imposes on another property owner—here, Lancaster—has no bearing on the County’s required rough proportionality analysis and provides no authority for the County to impose an otherwise unconstitutional fee.

In addition to the deficiency in comparing Lancaster to Chiquita Canyon to avoid an unconstitutional condition, such a comparison is improper as a practical matter. Lancaster Landfill is a much smaller facility, it is located within a much larger and more remote geographic area, and it was already operating as a local landfill. The imposition of an out-of-area fee on Lancaster Landfill reflected a policy decision to prevent it from expanding into a regional landfill, which would involve trucks traveling great distances to reach the Antelope Valley. That is not the case at Chiquita Canyon Landfill. Unlike Lancaster, Chiquita Canyon is already a regional landfill, serving the entire County. The breakdown by Supervisorial District is shown in the chart to the left, based on operational data from the third quarter of 2016 (most recently available).



The discriminatory nature of the fees imposed on out-of-County material likely violates, among other state and federal constitutional provisions and statutes, the dormant Commerce Clause, Equal Protection Clause, and Privilege and Immunities Clause of the United States Constitution, and the State Integrated Waste Management Act. Further, by imposing increased fees on out-of-County material, the other counties on which the County will now be forced to rely to take Los Angeles County waste could impose retaliatory fee increases on waste

originating from Los Angeles County, thereby further challenging County efforts to manage its solid waste.

As a whole, the fees imposed through Condition No. 115 constitute a myriad of statutory and constitutional violations and bear no essential nexus or rough proportionality in relation to the project and its impacts. Among other violations, Condition No. 115 is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

6. Conversion Technology Facility Operation (Condition No. 116)

Condition No. 116 requires Chiquita Canyon Landfill, as an in-lieu requirement in relation to Condition No. 115, to construct and operate a “commercial-scale Conversion Technology facility.” Construction of the conversion technology facility would in turn allow Chiquita Canyon to pay 66 percent of the fees imposed in Condition No. 115.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists in relation to the construction of a conversion technology facility and payment of the 66 percent fee, and the County cannot make this required demonstration.

First, the fees are invalid and unconstitutional for the same reasons as articulated above for Condition No. 115. Second, there is no nexus or rough proportionality of a conversion technology facility to project impacts, and the retention of 66 percent of the fee in Condition No. 115 has no basis or justification as well. As a practical matter, this condition would not reflect a more economical alternative for Chiquita Canyon because the construction of the conversion technology facility and the retained 66 percent fee would incur significantly more cost to the project than merely paying the fees in Condition No. 115.

The condition for Lancaster Landfill, upon which this requirement is based, is far more favorable than the one proposed for Chiquita Canyon. First, fee credits were available to Lancaster to fund the design and permitting of the Conversion Technology facility. Second, if Lancaster had been able to successfully permit and develop a facility, it would have been entitled to a 100 percent fee credit, rather than the 34 percent fee credit offered to Chiquita Canyon. Of course, the County has long tried to site and develop a Conversion Technology facility within Los Angeles County, without success. Lancaster Landfill was not able to site such a facility either. Chiquita Canyon Landfill proposed to assist the County with those efforts, by agreeing to provide the County with a site for such a facility on landfill property. County staff now proposes to change its prior agreement with the landfill, by imposing a requirement that Chiquita Canyon develop a Conversion Technology facility on an unrealistic and impossible timeline or pay fees that are such a dramatic increase in per-ton cost that the majority of the landfill’s customers will instead haul their waste greater distances, likely to Orange and Riverside Counties. These out-of-area and out-of-County fees threaten the economic viability of the landfill.

Overall, the “in-lieu” option in Condition No. 116 of constructing a conversion technology facility while retaining the 66 percent fee in Condition No. 115 does not bear an essential nexus or rough proportionality to the project or its impacts, and the condition is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

7. New Fee to Fund Alternatives to Landfills and Incineration (Condition No. 117)

Condition No. 117 requires Chiquita Canyon Landfill to pay \$3,000,000, in \$200,000 annual increments, in order to fund alternative technologies to landfills and incineration.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify these monetary exactions, and the County cannot make this required demonstration.

The project already provides a site for a Conversion Technology facility and will reinstate a composting operation, both of which are alternative technologies to landfills and incineration. The project provides additional in-County capacity for solid waste disposal. It does not in any way hinder the County and private enterprise from pursuing technologies that are alternatives to landfills and incineration. Indeed, such development is occurring on a world-wide basis, completely independent of the project and the operation of landfills in general. The project does not increase the need to develop alternative technologies.

The County’s imposition of the fees in Condition No. 117 is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

8. New Per-Ton Fee to Fund Parkland and Habitat Acquisition and Development (Condition No. 118)

Condition No. 118 requires Chiquita Canyon Landfill to pay a fee of 50 cents per ton of solid waste disposed at the landfill to fund the acquisition and/or development of natural habitat and parkland within the Santa Clarita Valley.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify the imposition of the fee in relation to the project and its impacts, or the amount of the fee in relation to the costs of the funding program, and the County cannot make these required demonstrations.

The project has no impacts to the availability of parkland in particular, and the County has provided no basis for the project’s funding of natural habitat acquisition and development. Chiquita Canyon Landfill is private property and has been used for private industrial purposes since 1965. Even without the project, the public would not have access to the land for use as a park. Thus, the project would not take away recreational land from the public. In addition, as stated in Section 17.4.2 of the EIR, the project would not encourage growth in the area. Rather than inducing growth, additional landfill capacity is a response to growth. The project does not

bring new residents to the area and therefore would not increase demand for any recreational amenities. Given County staff's unlawful proposal in Condition No. 109 that the applicant be required to fund the study, design, development, operation, and maintenance of a public park on its property, it is even more incredible that staff would also attempt to impose an additional per-ton fee for parkland acquisition.

There is no essential nexus and rough proportionality between this condition and the continued operation of land properly zoned for and long used as a landfill because the project does not impact public recreation. Similarly, this dedication is not in accord with cases such as *EPIC*, *Levin*, or *Parks*, *supra*, all of which held that in order to meet the rough proportionality test, the purpose of the dedication or exaction must be directly related to the project's impacts. Likewise, the court in *Bowman* held that a condition of a dedication of a lateral easement was an unconstitutional taking when the project was located one mile from where the proposed easement was to be located. There is the same lack of nexus and proportionality with respect to the location of the potential parkland or natural habitat here.

The fee in Condition No. 118 does not and cannot bear an essential nexus or rough proportionality to the project and its impacts and is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

9. New Per-Ton Fee to Fund Road Improvements (Condition No. 119)

Condition No. 119 requires Chiquita Canyon Landfill to pay a fee of 50 cents per ton on all solid waste disposed at the landfill, in order to fund road improvements in the surrounding unincorporated areas.

Not only has the County failed to demonstrate an essential nexus or rough proportionality between the project and the need for road improvements in the designated areas, the County's very own EIR, as noted in Sections 10.7 and E.S.6.7, found that no mitigation measures (i.e., road improvements) are required as a result of the applicant's proposed project's impacts on traffic. The EIR determined that even the larger project proposed by the applicant would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. The permit proposed by staff would allow only a "status quo" project, which would not increase traffic over current baseline levels, making any connection between the project and the need for a fee to fund undefined road improvements even more dubious.

The County has made no attempt to identify specific road improvements or to tie those improvements in any way to project impacts. For example, the conditions proposed by staff would establish haul routes for all trucks and these haul routes traverse very few County roads. In addition, the permit already imposes specific street improvement requirements, which are more than sufficient to address impacts of the project on roads (Condition No. 77). Not only does this unnecessary mitigation condition result in an unconstitutional taking, but it results in a violation of CEQA as well. CEQA Guidelines §§ 15041(a), 15126.4(a)(4) (expressly incorporating *Nollan/Dolan* standard for project mitigation).

The County is unable to demonstrate that the *Nollan/Dolan* standard is met for Condition No. 119, and as such, the condition is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

10. New Fee to Fund “Planning Studies” (Condition No. 120)

Condition No. 120 requires Chiquita Canyon Landfill to pay \$50,000 every other year, in order to finance “planning studies,” including but not limited to “neighborhood planning studies” for surrounding areas.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify the imposition of this fee in relation to the project and its impacts, or the amount of the fee in relation to the costs of the funding program, and the County cannot make this required demonstration.

The County has not demonstrated that the project necessitates any “planning studies.” The EIR at Section 4.8 found that the project would not result in significant impacts to land use, and that no significant adverse impacts to land use resulting from the project are anticipated, and no mitigation is required. It is not the responsibility of one business to fund County planning studies for the Val Verde and Castaic areas.

The County has made no attempt, and is unable, to demonstrate that the *Nollan/Dolan* standard is met for Condition No. 120. As such, the condition is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

11. New Fee to Fund Environmental, Educational, and Quality of Life Programs (Condition No. 121)

Condition No. 121 requires Chiquita Canyon Landfill to pay a fee of \$1.00 per ton of all solid waste disposed at the landfill to fund “environmental, educational, and quality of life programs” in the surrounding areas.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify these fees or their amounts, and the County cannot make these required demonstrations.

The programs are too vague to connect to any project impact, and the condition is thus too vague to enforce. The project has no impacts on schools, for example, because it does not introduce new students into the area. Without any sufficient justification, the fee cannot pass constitutional muster, and Condition No. 121 is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

12. New Fee to Fund Household Hazardous Waste Collection Events (Condition No. 122)

Condition No. 122 requires Chiquita Canyon Landfill to either operate a household hazardous waste collection facility or fund the County's operation of up to ten collection events, the cost of each which must be \$100,000.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify the condition or the amount of the fee in relation to the cost of the collection events, and the County cannot make these required demonstrations.

As described in Section ES.4.6. of the EIR, the project already proposes to design and construct a permanent household hazardous waste collection facility at the landfill, which may be permitted by the County and operated by a party who entered into an operational agreement with the County. The cost of designing, permitting, and building such a facility is already high. There is no legal basis for also requiring the landfill to operate the facility or to fund its operation. The County has not demonstrated that the project will increase demand for household hazardous waste collection, or that the project has not already satisfied its obligation in this regard by providing the County with a permanent facility for such collection events. The County also has not demonstrated that there is any type of reasonable relationship between the \$100,000 per event fee and the cost of such events. The company has assisted with such events at other locations where the cost was far less than \$100,000.

The County has made no attempt, and is unable, to demonstrate that the *Nollan/Dolan* standard is met for Condition No. 122. As such, the condition is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

13. Composting Facility Enclosure (Condition No. 26b)

Condition No. 26 applies to the proposed composting facility. Specifically, Condition No. 26b requires that this composting facility be enclosed and be "far away from residential and business areas."

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists with respect to the composting facility's enclosure or location, and the County cannot make these required demonstrations.

The County cannot demonstrate that an essential nexus or rough proportionality exists with respect to the enclosure of the facility. As stated in Section 11 of the EIR, potential odor impacts associated with the composting facility would be reduced to less than significant levels through implementation of an Odor Impact and Mitigation Plan (OIMP), which shall include design considerations and operating strategies to control composting facility odors, up to and including facility closure. Despite the analysis in the EIR, staff is now requiring facility enclosure without any evidence that such a costly measure is necessary to reduce odors. The EIR

found that facility enclosure is not required as mitigation for compositing odors, but will merely be considered as a design option under the OIMP. As the EIR did not determine that facility enclosure is a necessary out-of-the-gate measure to prevent odor, the County has no reason to impose such a requirement in the permit.

The requirement that the enclosure be located “far away from residential and business areas,” besides being too vague to ever enforce or decipher, is similarly unnecessary given the lack of such mitigation required in the EIR. The EIR does not find any such impacts. Not only does this unnecessary mitigation condition result in an unconstitutional taking, but it results in a violation of CEQA as well. CEQA Guidelines §§ 15041(a), 15126.4(a)(4) (expressly incorporating *Nollan/Dolan* standard for project mitigation).

The County’s continued inclusion of the enclosure requirement in Condition No. 26b, without any essential nexus or rough proportionality, is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

14. New Facility Entrance (Condition No. 75)

Condition No. 75 requires Chiquita Canyon Landfill to construct a new site entrance. This new site entrance was proposed initially by the landfill because the larger project it requested in its application would develop a cell that would necessitate moving the entrance. As the County is aware, staff now proposes a significant reduction from the applicant’s requested project. The smaller project does not require developing the cell that would impact the current entrance facility. In addition, the reduced project reflected in the proposed permit would not increase the trucks coming to the facility over current baseline levels.

The County has not demonstrated pursuant to *Nollan/Dolan* that the required essential nexus or rough proportionality exists to justify the new site entrance, and the County cannot make this required demonstration.

The County’s findings state that the new site entrance will improve traffic flow, avoid queuing of trucks, and “alleviate many of the traffic issues in the area.” Such findings are conclusory and not supported. Not only has the County failed to demonstrate an essential nexus or rough proportionality between the project and the need for transportation improvements in the designated areas, the County’s EIR studied the impacts of a “Status Quo” Alternative project that did not include a new entrance facility. The EIR found that the “Status Quo” Alternative would not result in significant transportation impacts and that no mitigation measures would be required. Not only does this unnecessary mitigation condition result in an unconstitutional taking, but it results in a violation of CEQA as well. CEQA Guidelines §§ 15041(a), 15126.4(a)(4) (expressly incorporating *Nollan/Dolan* standard for project mitigation).

The County’s continued inclusion of the site entrance requirement in Condition No. 75, without any essential nexus or rough proportionality, is an unconstitutional taking that cannot lawfully be required of Chiquita Canyon Landfill.

C. Other Unlawful Conditions

The following are other conditions not yet listed, which are unlawful for reasons independent of the takings requirements under *Nollan*, *Dolan*, and *Koontz*.

1. Insurance and Financial Assurances (Condition Nos. 32, 33, and 34)

Condition Nos. 32, 33, and 34 entail insurance requirements that have no legal basis or explanation as to the extent or type of coverage required. Chiquita Canyon will certainly continue to maintain insurance as it is required to under State law, but the new insurance requirements under the County's conditions are not based on any legal authority and are unnecessary in scope and with respect to the proposed limits of coverage. There is plainly no justification for imposing these new conditions.

2. Application of the Bridge and Thoroughfare District Fee (Condition No. 77.a.vii)

Chiquita Canyon Landfill is located within the Westside Bridge and Thoroughfare District. The payment of the Bridge and Thoroughfare fee is based on the square footage of any new industrial buildings that require issuance of a building permit. However, the landfill is an existing use—one that existed prior to the establishment of the bridge and thoroughfare district. The fact that a landfill operation consumes air space and acreage does not grant the County authority to impose a new fee on land disturbance, especially where, as here, landfill disturbance is exempt from both grading and building permit requirements. In addition, a bridge and thoroughfare district fee is authorized pursuant to Government Code section 66484 and County Code sections 21.32.200 and 22.48.280. The statute and ordinances authorize the imposition of the fee only as a condition for a final map or for a building permit. Proposed Condition No. 77.a.vii purports to require payment of the fee as due and payable before the conditional use permit is effective. This condition imposing a Bridge and Thoroughfare fee plainly exceeds the authority of the authorizing statute and ordinances.

3. Continuous Video Monitoring (Condition No. 107)

Condition No. 107 requires Chiquita Canyon Landfill to install and operate video monitoring equipment at each working face area and at other critical locations as determined in the sole discretion of the Department of Public Works, between 5 a.m. and 10 p.m., to ensure compliance with the conditional use permit.

This condition is open-ended, arbitrary, unnecessary, and impractical. First, there is no operational history of ongoing or repeated violations at Chiquita Canyon that would justify a new monitoring requirement. Second, the County has inspection rights and other enforcement mechanisms available, as authorized by the County Code, to ensure compliance with the permit conditions. Third, the working face moves constantly, making operation of video cameras impractical. Finally, the location of the monitoring equipment (i.e., "other critical locations") is too vague and left to the complete discretion of the Department of Public Works.

Chiquita Canyon Landfill acknowledges that it must comply with all permit conditions, but from an operational perspective, the landfill under the existing permit has demonstrated that it has the experience and procedures to do so, and it has done so. It is unnecessary for the County to impose an operational requirement that has no legal or practical basis.

4. Restrictions on the Landfill's First Amendment Free Speech Rights (Condition Nos. 124 and 125)

Condition Nos. 124 and 125 require Chiquita Canyon Landfill to support specific legislation, regulations, and laws that promote the development of Conversion Technologies. These conditions are in direct violation of Chiquita Canyon Landfill's First Amendment freedoms of speech and association, including the freedoms of Chiquita Canyon Landfill's officers and employees. The County may not impose, nor enforce, these unconstitutional conditions on Chiquita Canyon Landfill.

D. Cumulative Effect of County's Unlawful Conditions and Unlawful Demands

Each of the above-described conditions results in an unconstitutional taking. Further, the cumulative effect of the imposition of these conditions, in addition to the County's other demands on Chiquita Canyon Landfill's use of its property, likely will result in the landfill forced to operate at a net loss and thus having no economically viable use. Under *Lucas* and *Penn Central*, *supra*, such a result would be an unconstitutional taking. In the 45 years of Chiquita Canyon Landfill's operation, the company has never encountered such a significant threat to its economic viability. Chiquita Canyon Landfill will be left with little choice but to close and cease operations if the proposed permit conditions remain in place.

IV. Conclusion

For the foregoing reasons, we request that the Regional Planning Commission remove all of the unlawful conditions proposed by staff from the conditional use permit prior to the Commission's approval.

Thank you for your attention to these important matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. P. Waite", is positioned above the printed name.

David P. Waite

DPW/kgw

cc: Richard Bruckner
Sorin Alexanian
Mitch Glaser
Sam Dea
Richard Claghorn
Larry Hafetz
Jill Jones

Proposed Revised Condition	Rationale
<p>PROJECT DESCRIPTION</p> <p>The project seeks to continue the operation and maintenance of a solid waste disposal facility at the Chiquita Canyon Landfill (“CCL”). The project will increase the permitted disposal area laterally by 149 acres to a total area of 400 acres to accommodate new waste and may have a maximum permitted elevation of 4,430 <u>1,495</u> feet. This project has an annual limit of intake of combined solid waste and beneficial use materials not to exceed 2,100,000 <u>2,893,000</u> tons per year (“tpy”) <u>and 12,000 tons per day (“tpd”). Due to the annual limit, the average quantity of materials received per day would be much less than the upper limit permitted daily.</u> Also, the project will relocate the site entrance from Henry Mayo Drive (SR-126) to Wolcott Way.</p> <p>The project anticipates an average daily quantity of solid waste and beneficial use materials of 6,730 tons per day (“tpd”), but, the daily intake of these materials has a maximum limit of 12,000 tpd a day. This average provides for the same allowance of daily disposal limits of 5,000 tpd of solid waste, but adds a daily limit and average for beneficial use materials as well, the latter of which was not conditioned in the 1997 permit (CUP 89-081). The quantity of all materials received for processing, disposal and beneficial use at CCL shall not exceed 175,000 tons per month.</p> <p>The project also provides for the development and operation of an on-site household hazardous facility and a closed mixed organics composting operation (anaerobic digestion) while setting-aside a portion of the subject site for possible future development of a conversion technology facility.</p> <p>The project is approved through Conditional Use Permit (“CUP”) No. 200400042 for the landfill and ancillary facilities and by Oak Tree Permit (“OAK”) No. 201500007 for the removal of four oak trees. The project is subject to the following conditions of approval:</p>	<p><u>Height.</u> If our suggested revisions to Condition No. 21 are not accepted, and the permit includes required ratios for the types of material that can be accepted, then the historical density the landfill has been able to achieve will decrease and additional height may be needed to achieve a 30-year operating period. If, however, our proposed revisions to Condition No. 21 are accepted, a height limit of 1,430 feet would be acceptable.</p> <p><u>Annual Tonnage.</u> 2,893,000 tons per year is the “status quo”. It is the amount of material received in the landfill for 2016.</p> <p><u>Entrance.</u> See legal letter from Cox, Castle & Nicholson, LLP. Similar to height, if our suggested revisions to Condition No. 21 are accepted and the landfill is allowed flexibility, capped by the annual and daily limits, then the relocated entrance would be acceptable.</p> <p><u>Composting Facility.</u> An anaerobic digestion plant is a Conversion Technology and would be developed in the set-aside area.</p>

Chiquita Canyon Landfill
Applicant Proposed Revisions to Conditions of Approval
Project No. R2004-00559-(5)
Conditional Use Permit No. 200400042

Proposed Revised Condition	Rationale
GENERAL CONDITIONS	
<p>rrr. "Solid Waste" shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as municipal solid waste, garbage, refuse, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. "Solid Waste" excludes Beneficial Use Materials and substances having commercial value which are salvaged for reuse, recycling, or resale. Solid Waste includes Residual Waste received from any source.</p> <p>Materials that are placed in the Landfill that could be classified as Beneficial Use Materials but exceed the amount that is appropriate for a specific beneficial use in accordance with 14 CCR § 20686, or that exceed the monthly permitted quantities of Beneficial Use Materials, such as Construction and Demolition Debris, Inert Waste and green waste, are considered Solid Waste that is disposed in the Landfill.</p>	<p>There is no criteria for determining the amount of Beneficial Use Materials that are "appropriate" for any landfill operation. Criteria for determining which uses and what materials constitute beneficial use are established in state law and regulations and are enforced by CalRecycle and the LEA. This proposed permit already includes specific limits on the amount of beneficial use materials that may be accepted (See Condition No. 21). There is no reason to introduce an additional limit here, which may conflict with the limits established by Condition No. 21.</p> <p>The conditional use permit for Lancaster Landfill did not include this limitation.</p>
<p>18. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor pursuant to Section 22.60.340 of the County Code. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq. of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.</p> <p>In addition to, or in lieu of, the provisions just described, the Permittee shall be</p>	<p>With only 30 days to remedy, the timeliness of a courtesy email is requested.</p>

Chiquita Canyon Landfill
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Conditional Use Permit No. 200400042

Proposed Revised Condition	Rationale
<p>subject to a penalty for violating any provision of this grant in an amount determined by the Director of Regional Planning, not to exceed \$1,000 per day per violation. For this purpose, the Permittee shall deposit the sum of \$30,000 in an interest-bearing trust fund with the Department within 30 days after the Effective Date to establish a draw-down account. The Permittee shall be sent a written notice and a courtesy email for any such violation with the associated penalty, and if the noticed violation has not been remedied within 30 days from the date of the notice, to the satisfaction of the Director of Regional Planning, the stated penalty, in the written notice shall be deducted from the draw-down account. If the stated violation is corrected within 30 days from the date of the notice, no amount shall be deducted from the draw-down account. Notwithstanding the previous sentence, if the stated violation is corrected within 30 days from the date of the notice but said violation recurs any time within a 6 month period, the stated penalty will be automatically deducted from the draw-down account upon such recurrence and the Permittee will be notified of such deduction. If the deposit is ever depleted by 50 percent of the initial deposit amount (\$15,000), the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$30,000) within 10 business days of notification of the depletion. There shall be no limit to the number of supplemental deposits that may be required during the life of this grant. The balance remaining in the draw-down account, including interest, shall be returned to the Permittee upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.</p> <p>If the Permittee is dissatisfied with any notice of violation as described in the preceding paragraph, the Permittee may appeal the notice of violation to the Hearing Officer pursuant to Section 22.60.390(C)(1) of the County Code within 15 days of receipt by the Permittee of the notice of violation. The Hearing Officer shall consider such appeal and shall take one of the following actions regarding the appeal:</p> <p>a. Affirm the notice of violation;</p>	

Chiquita Canyon Landfill
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Proposed Revised Condition	Rationale
<p>b. Rescind the notice of violation; or</p> <p>c. Modify the notice of violation.</p> <p>The decision of the Hearing Officer is final and shall not be subject to further administrative appeal.</p>	
PROJECT SPECIFIC CONDITIONS	
<p>21. Upon the Effective Date, this grant shall supersede Conditional Use Permit ("CUP") 89-081(5) and shall authorize the continued operation of a Class III (non-hazardous) Solid Waste landfill on the subject property. The maximum tonnage capacity to be received at the Facility shall be as follows:</p> <p>a. Average Daily Tonnage Capacity—The amount of Solid Waste that may be disposed of in the Landfill shall average 5,000 tons per day, Monday to Saturday, provided the weekly total shall not exceed 30,000 tons in any given week. The overall average daily capacity of all incoming materials received for processing, disposal, and beneficial use at the facility shall not exceed 6,730 tons per day.</p> <p>b. <u>Facility Daily Maximum Capacity</u> – The maximum tonnage of any combination of Solid Waste and other materials received by the Facility for processing, Beneficial Use Materials (including Composting) and disposal shall not exceed 12,000 tons on any given day, provided the Monthly Tonnage Capacity shall not be exceeded.</p> <p>c. Monthly Tonnage Capacity—The total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall not exceed 175,000 tons in any given month. The amount of Beneficial Use Materials processed and/ or disposed in any given month shall not exceed 58,333 and 1/3 tons.</p>	<p>Weekly and monthly tonnage limits are unnecessary because the landfill will be capped by the annual limit, which in turn will control the amount of material that the landfill will take on a weekly and monthly basis. The landfill will be forced to self-regulate its weekly and monthly capacity so that it can operate efficiently over the course of the year while meeting the annual limit.</p> <p>The proposed monthly limit also does not recognize seasonal fluctuations; dividing the annual limit by twelve eliminates the operational flexibility that is needed to efficiently operating the landfill.</p> <p>The daily average calculation does not add, and only confuses, the tonnage requirements. Because the annual limit cannot be exceeded, dividing the amount of material actually received in a</p>

Chiquita Canyon Landfill
Applicant Proposed Revisions to Conditions of Approval
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Conditional Use Permit No. 200400042

Proposed Revised Condition	Rationale
<p>d. <u>Composting Facility Capacity</u> – The amount of incoming materials for processing at the Organic Waste Composting Facility shall not exceed 560 tons per day. This amount shall also be included in the amount of Beneficial Use Materials allowed.</p> <p>e. <u>Facility Annual Maximum Capacity</u> – The maximum annual tonnage capacity of all materials received by the Facility for processing shall not exceed 2,100,000 <u>2,893,000</u> tons in any calendar year. Of this overall tonnage, Solid Waste disposed may not exceed 1,400,000 tons and Beneficial Use Materials (including Compost) may not exceed 700,000 tons in any calendar year.</p>	<p>year by the number of operating days will always result in a daily average that is less than the annual limit divided by the operating days in a year.</p> <p>With respect to the proposed limits to the mix of materials that can be accepted, impacts are not driven by the contents of trucks, but by the number of trucks. Because 2,893,000 tons is the current status quo annual limit, the proposed condition assures the community that there will not be an increase in trucks and traffic coming to the landfill.</p>
<p>25.b. The Household Hazardous Waste Facility shall be no smaller than 2,500 <u>2,000</u> square feet in size, exclusive of ingress and egress.</p>	<p>The household hazardous waste facility described in the EIR is 2,000 square feet in size, exclusive of ingress/egress/ At no point in the environmental review process did the County communicate a minimum size of the facility.</p>
<p>26.b. The facility location shall be designated on the Site Plan Exhibit “A” or an approved Revised Exhibit “A” prior to beginning operations. The location shall be approved by the Director of Public Works and shall be far away from residential and business areas. The facility shall be enclosed.</p>	<p>The composing facility will be mobile, moving with the landfill as it is developed.</p> <p>Regarding the requirement that the composting facility be enclosed, Chiquita Canyon Landfill recognizes the need to control odors from composting operations, but facility enclosure is the most costly method for controlling odors</p>

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Proposed Revised Condition	Rationale
	when other methods may be just as effective. The EIR analyzed odors from the proposed composting operation and the analysis did not support requiring enclosure as mitigation. See legal letter from Cox, Castle & Nicholson, LLP.
<p>26.f. Permittee shall comply with all rules for odor abatement and prevention of the South Coast Air Quality Management District and the DPH. The Permittee shall not allow odors to become a nuisance in adjacent residential and business areas. In the event odors become a nuisance in adjacent residential and business areas, Permittee shall take all necessary steps to abate that nuisance. If the Permittee, despite the application of the best available technology and methodology, <u>including potentially enclosing the facility</u>, cannot abate the nuisance odors resulting from Organic Waste Composting Facility operations, the Permittee shall terminate such operations.</p>	<p>Chiquita Canyon Landfill recognizes that facility enclosure and termination may be required if odors cannot be abated according to regulations. See legal letter from Cox, Castle & Nicholson, LLP.</p>
<p>27. The Final Cover of the Landfill shall not exceed the permitted elevation of 1,430 <u>1,495</u> feet above mean sea level, and the Footprint shall not exceed the total permitted disposal area of 400 acres. No portion of the Landfill shall extend beyond the Limits of Fill as shown on the approved Exhibit "A." The existing Landfill consists of the following as shown on the approved Exhibit "A": existing Primary Canyon (55 acres, currently completely filled); existing Canyon B (14 acres, currently completely filled); existing Main Canyon (188 acres, currently 182 acres have been filled); and new fill areas (143 acres currently unfilled), together with certain ancillary and related activities, as enumerated herein, subject to the restrictions contained in this grant.</p>	<p>The current Exhibit "A" for the 1997 CUP approval is 1,430 feet. The "Status Quo" Alternative analyzed in the EIR required a height of 1,495 feet. However, if our proposed revisions to Condition No. 21 are accepted, then we expect that we could design the landfill to 1,430 feet because the historical density at the landfill would not be anticipated to decrease. If, however, our proposed changes are not accepted, additional height would be needed to accommodate the permitted tonnage because the likely density to be achievable would be significantly less than historical achieved.</p>

Proposed Revised Condition	Rationale
INSURANCE REQUIREMENTS	
<p>32. Prior to the Effective Date, and thereafter on an annual basis, the Permittee shall provide evidence of insurance coverage to the Department of Public Works in the amount of at least \$40 million that meets <u>the requirements of Division 2, Chapter 6 of Title 27 of the California Code of Regulations</u> County requirements and that satisfies all the requirements set forth in this Condition No. 32. Such coverage shall be maintained throughout the term of this grant and until such time as all Post-Closure Maintenance requirements are met by the Permittee and certified by the appropriate local, state and federal agencies. Such insurance coverage shall include, but shall not be limited to, the following: general liability, automobile liability and pollution liability, and clean-up cost insurance coverage with, an endorsement for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state, federal, and local requirements, with no special limitations. Upon certification of coverage, and annually thereafter, a copy of such certification shall be provided to the Department of Public Works.</p>	<p>Insurance requirements should be consistent with state law and regulations.</p>
<p>33. To ensure that the Permittee has sufficient funds at Closure to provide for the continued payment of insurance premiums for the period described in Condition No. 32 of this grant, the Permittee shall, within 60 months prior to the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements as approved by the CEO showing its ability to maintain all insurance coverage and indemnification requirements of Condition Nos. 32 and 34 of this grant. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the County. the Department of Public Works shall administer the trust fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation.</p>	<p>Condition No. 32 requires that proof of insurance be provided on an annual basis. It is therefore not necessary to also require financial assurance for such insurance.</p>
<p>34. To ensure that the Permittee has sufficient funds for the Landfill's Closure and/or the Post-Closure Maintenance and maintenance of the Environmental Protection</p>	<p>Financial assurance requirements should be consistent with state law and</p>

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<p>and Control System, the Permittee shall, within 60 months of the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets <u>the requirements of Division 2, Chapter 6 of Title 27 of the California Code of Regulations</u>. County requirements as approved by the CEO that it is financially able to carry out these functions in perpetuity or until the Landfill no longer is a threat to public health and safety as determined by the Department of Public Works. The Department of Public Works' determination shall be based on an engineering study prepared by an independent consultant selected by the Department of Public Works. The Permittee shall pay all costs associated with the independent consultant and the study within 30 days of receiving the invoice for the consultant's services. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the Department of Public Works. Permittee shall pay into the fund annually and the Department of Public Works shall administer the fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation. The Department of Public Works may consider, at its sole discretion, the financial assurance mechanism required under State law and regulation in meeting the intent of this Condition No. 34.</p>	<p>regulations.</p>
<p>TERMINATION REQUIREMENTS</p>	
<p>36. The maximum life of this grant shall be 30 years, effective from the Approval Date. The Termination Date shall be either date that 1) <u>when</u> the Landfill reaches its Limits of Fill as depicted on Exhibit "A" (Elevation 1,430 feet Alternative), or 2) 60 million tons, or 3) 30 years after the Approval Date of this grant, whichever occurs first. At least twelve (12) months prior to the 25th anniversary of the Approval Date, if the Permittee has not exhausted the available Landfill capacity within the Limits of Fill depicted on Exhibit "A", the Permittee shall conduct a study to determine the remaining capacity of the Landfill and identify all activities and schedules required for the Closure and Post-Closure maintenance of the Facility. The study shall be submitted to the TAC for its independent review and upon its review, the TAC shall report to the Director of Regional Planning its finding regarding the remaining capacity of the Landfill and the Termination Date. Upon consideration of the TAC's</p>	<p>This permit will terminate when the limits of fill are reached. In addition, Condition no. 35 requires ten-year periodic reviews of the project, with public hearings and possible modifications to the Implementation Plan, to ensure that the operating conditions remain sufficient and appropriate. Accordingly, a sunset date is not needed. In addition, there is no need to limit the total tons because it is not tons that will fill the airspace of the</p>

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finding, the Director of Regional Planning shall establish a certain Termination Date for the Landfill, but in no event shall the Termination Date be a date that is later than 30 years after the Approval Date	landfill; compacted cubic yards fills the airspace, and the permit already terminates when those limits are reached.
<p>37. Upon the Termination Date, the Facility shall no longer receive Solid Waste and/or Beneficial Use Materials for disposal or processing; however, the Permittee shall be authorized to continue operation of any and all facilities of the Landfill as are necessary to complete: (1) the mitigation measures required by this grant; (2) the Closure and Post-Closure Maintenance required by federal, state, and local agencies; and (3) all monitoring and maintenance of the Environmental Protection and Control Systems required by Condition No. 86, <u>(4) composting activities, and (5) conversion technology facility that may have been developed within the set-aside area at the Facility.</u> No later than 6 months after the Termination Date, all Landfill facilities not required for the above-mentioned functions shall be removed from the subject property unless they are allowed as a matter of right by the zoning regulations then in effect.</p>	<p>Upon the termination date, it will be necessary for the landfill to continue receiving beneficial use materials as part of closure requirements. It may also be desirable to continue activities associated with composting and/or conversion technology.</p>
<p>OPERATING HOURS</p>	
<p>38. The Facility shall be subject to the following operating hours:</p> <p>a. The Facility may receive Solid Waste and Beneficial Use Materials <u>24 hours per day, 7 days per week, except that the landfill shall not accept Solid Waste or Beneficial Use Materials from 5:00 p.m. on Saturdays through 4:00 a.m. on Mondays</u> only between the hours of 5 a.m. (scales open) to 5 p.m. (scales closed). The Facility entrance gate may be open at 5 a.m., Monday through Saturday, to allow on-site queuing only and preparations of the Facility for operations. However, the gate opening hours may be extended to 4 a.m. by the Director of Public Works, at his sole discretion, if the Permittee submits and if the Department of Public Works approves an Operational Assessment Plan for special construction projects showing a reduction in traffic, noise and visual impacts from a modification of the hours. At any given time, no offsite queuing shall be allowed.</p>	<p>Chiquita Canyon Landfill has operated 24/7, without incident, for at least 20 years. In fact many residents in Val Verde have commented that they were unaware that the site operated at night.</p> <p>Currently, Chiquita Canyon opens for commercial customers at 3:00 am.</p> <p>Restricting the landfill to 5:00 a.m. to 5:00 p.m. would have the unintended consequences of increasing traffic congestion during the peak commute</p>

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<p>b. The Facility and all of its operations shall be closed on Sundays.</p> <p>c. Facility operations, such as site preparation and maintenance activities, waste processing, and the application of cover, may be conducted <u>24 hours per day, 7 days per week</u> only between the hours of 5 a.m. and 10 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control.</p> <p>d. Equipment maintenance activities at the Facility may be conducted <u>24 hours per day, 7 days per week</u> only between the hours of 5 a.m. and 10 p.m., Monday through Saturday.</p> <p>e. No diesel vehicle shall be started at the Facility between the hours of 10 p.m. and 5 a.m.</p> <p>f. Notwithstanding anything to the contrary in this Condition No. 38, emergency operations, mitigation measures necessary to avoid adverse environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition No. 38, may occur at any time if approved via written electronic authorization by the DPH. A copy of this authorization shall be provided to the Director of Regional Planning.</p> <p>g. Notwithstanding the forgoing, Solid Waste and Beneficial Use Materials may be received at other times than those just described, except on Sundays, if the DPH determines that extended hours are necessary for the preservation of public health and safety.</p>	<p>times on I-5 and other freeways in LA County because trucks leaving the facility would return to the roads during the morning commute. The continued ability to run a 24-hour operation allows for a more consistent inbound and outbound traffic distribution and allows facility truck traffic to travel to and from the site during off-peak hours.</p>
MAXIMIZING FACILITY CAPACITY	
<p>39. The Permittee shall prepare fill sequencing plans for Landfill operations to maximize Landfill capacity, and such plans must be technically, environmentally, and economically feasible. The Permittee shall submit fill sequencing plans to the</p>	<p>90 days is insufficient time to prepare fill sequencing plans.</p>

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<p>Department of Public Works for review and approval within 90 <u>120</u> days after the Effective Date so that the Department of Public Works can verify that the plans have been properly prepared and adequately reflect the amount of material that will be placed in the Landfill. Any subsequent changes to the approved sequencing plans must be approved by the Department of Public Works prior to implementation. The plans approved by the Department of Public Works shall not be in conflict with those contained in the latest State-approved Joint Technical Document for the Facility.</p>	
<p>40. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall adopt and implement appropriate measures to ensure that the method to determine that the waste origin and the amount of Solid Waste received, processed and/or disposed at the facility is accurate. The permittee shall comply with this condition and Part IV of the IMP.</p> <p>The waste origin and reporting program shall be developed by the Permittee for review and approval by Public Works. The Permittee shall submit the data from this program on a monthly basis to Public Works for review or at other frequency as determined by the Director of Public Works. Based on the initial results from this program, Public Works may require the Permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 40 is satisfied.</p> <p>The Waste origin and reporting program shall include all incoming solid waste, beneficial use materials, composting materials, clean soil used for daily and intermediate cover, and any other material coming to the Facility.</p>	
<p>41.g The Permittee shall operate the Facility in a manner that maximizes the amount of Solid Waste that can be disposed of in the Landfill, by, at a minimum:</p> <p>...</p> <p>g. All Solid Waste accepted at the Facility that originates from outside the Santa Clarita</p>	<p>It is the responsibility of the County and the jurisdictions within the County to pre-process, divert, and/or recover beneficial use material and construction and demolition debris from the waste stream before it is delivered to the</p>

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<p>Valley, including the metropolitan area of Los Angeles County, must be pre-processed or undergo front-end recovery methods to remove all Beneficial Use Materials and Construction and Demolition Debris from the waste stream prior to transport to the Facility to the maximum extent practicable, as determined by the Department of Public Works. As part of its annual report to the TAG required by the IMP, the Permittee shall submit documentation detailing the results of this requirement. The report must at a minimum include the types, quantity, and amount of all Beneficial Use Materials and Construction and Demolition Debris recovered from the waste stream. Notwithstanding the foregoing, Solid Waste originating from residential areas with a 3-bin curbside collection system is exempt from this requirement.</p>	<p>landfill. Chiquita Canyon Landfill is a disposal facility, and is the “end of the line” for the waste stream it receives. Chiquita Canyon Landfill does not have a Materials Recovery Facility, as it does not manage a waste hauling company, and is not designed or equipped to pre-process or sort material. It is also not possible for the landfill to document the results of this requirement from the transfer stations and/or waste haulers to the landfill.</p>
<p>42. To the extent feasible, the Permittee shall minimize the disposal of Solid Waste into the Landfill that is required to be diverted or recycled under the County's Source Reduction and Recycling Element of the Countywide Integrated Waste Management Plan, adopted pursuant to Division 30 of the California Public Resources Code, and/or the Waste Plan Conformance Agreement, approved by the Board on November 21, 2000, as these documents and agreements may be amended.</p>	<p>It is the responsibility of the County and the jurisdictions within the County to pre-process, divert, and/or recover beneficial use material and construction and demolition debris from the waste stream before it is delivered to the landfill. Chiquita Canyon Landfill is a disposal facility, and is the “end of the line” for the waste stream it receives. Chiquita Canyon Landfill does not have a Materials Recovery Facility, as it does not manage a waste hauling company, and is not designed or equipped to pre-process or sort material. It is also not possible for the landfill to document the results of this requirement from the transfer stations and/or waste haulers to the landfill.</p>
<p>44. Within 180 days after the Effective Date, or a longer period if approved by the</p>	<p>Chiquita Canyon Landfill supports</p>

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<p>Department of Public Works, the Permittee shall adopt a program to assist the County in its diversion efforts, including:</p> <p>a. Utilizing alternative daily cover at the Landfill, to the extent permitted by the appropriate regulatory agencies.</p>	<p>Condition No. 44.a. It is, however, inconsistent with other conditions proposed in the permit, which limit the types and amounts of beneficial use materials that may be accepted, including prohibitions on materials that are permitted by the appropriate regulatory agencies. See, for example, proposed Condition No. 46.</p>
<p>44. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall adopt a program to assist the County in its diversion efforts, including:</p> <p>f. Stockpiling and grinding of wood/green material for use as mulch, erosion control, dust control, boiler fuel, or feedstock for an alternative energy project, provided such energy project is approved by the Department of Public Works and is consistent with the intent of this permit.</p>	<p>Erosion and dust control are appropriate current uses for wood/green material and a necessary uses for maintaining our outstanding compliance record.</p>
<p>44. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall adopt a program to assist the County in its diversion efforts, including:</p> <p>k. Implementing a comprehensive public awareness and education program informing Santa Clarita Valley residents of the Facility's recycling activities/programs. The program must be submitted to the Department of Public Works for review and approval within 90 180 days after the Effective Date.</p>	<p>We request additional time, consistent with the overall condition, to develop such a program.</p>
<p>45. The Permittee shall discourage haulers from delivering partial truck loads to the Facility, and from delivering trucks to the Facility during peak commuting hours; higher tipping fees for such behavior is recommended. Notwithstanding the preceding sentence, in lieu of charging higher tipping fees, the Permittee may implement some other program, as approved by the Department of Public Works,</p>	<p>No change to Condition No. 45 is proposed, but the best way to avoid trucks during peak commuting hours is to keep the site's current operating hours as we are requesting for</p>

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to discourage this type of activity by its customers.	Condition No. 38. Shortening the operating hours forces trucks to drive during peak commuting hours.
PROHIBITED MATERIALS	
<p>46. The following types of waste shall constitute prohibited waste and shall not be received, processed nor disposed of at the Facility: Automobile Shredder Waste; Biosolid; Sludge, or Sewage Sludge; incinerator ash; radioactive material; hazardous waste, as defined in Title 22, Section 66261.3 of the California Code of Regulations; medical waste, as defined in Section 117690 of the California Health & Safety Code; liquid waste; waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste that can cause degradation of waters in the State, as determined by the RWQCB. The Permittee shall implement a comprehensive Waste Load Checking Program, approved by the DPH, to preclude disposal of prohibited waste at the Landfill. The program shall comply with this Condition No. 46, Part IV of the IMP, and any other requirements of the DPH, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.</p>	<p>Title 40 of the Code of Federal Regulations (CFR), Part 258.21 (b) allows states to approve materials to be used as alternative daily cover if landfill operators demonstrate that such material and thickness will control odors, vectors, fires, litter, water infiltration, and scavenging. Materials used for alternative daily cover at Chiquita Canyon landfill are approved for use by the Local Enforcement Agency (LEA) and CalRecycle.</p> <p>Automobile Shredder Waste is one of 11 types of alternative daily cover materials that are allowed by CalRecycle under Title 27, CCR. The EIR for the project analyzes the use of Automobile Shredder Waste as alternative daily cover. It is not a prohibited material at Lancaster Landfill.</p> <p>Automobile Shredder Waste is regulated by the DTSC. As the regulatory agency in charge of Automobile Shredder Waste, DTSC controls its determination as a non-</p>

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	<p>hazardous or hazardous waste. Currently, automobile shredders are allowed, under a DTSC conditional authorization, to treat Auto Shredder Waste and to dispose of it as non-hazardous waste, under specified conditions. DTSC is currently evaluating the existing conditional authorization provided to automobile shredders. If DTSC ultimately makes the determination that Auto Shredder Waste should no longer be classified as non-hazardous waste, it would no longer be accepted at Chiquita for disposal or for use as alternative daily cover.</p> <p>Incinerator ash meets the definition of Solid Waste or Beneficial Use Material, and is an allowable material. No justification is provided for excluding it.</p>
GRADING/DRAINAGE	
<p>52. The Permittee shall comply with all grading requirements of the Department of Public Works and the County Code. In addition to any other requirements that may apply, the Permittee shall obtain prior approval from the Department of Public Works for all grading that is outside the Landfill footprint <u>limit of disturbance as shown in Exhibit "A"</u> and all grading within the Landfill footprint that could impact off-site property as determined by the Department of Public Works, including, but not limited to, grading in connection with cell development, stockpiling, or excavation for borrow and cover materials.</p>	<p>The limit of disturbance was included on figures in the EIR and potential impacts to within the limit of disturbance were addressed in the EIR. Conditions limiting grading outside the Limits of Fill to create additional landfill area are addressed in Condition No. 49.</p>
LANDSCAPING, COVER AND REVEGATION AND AESTHETIC REQUIREMENTS	

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<p>59. The Permittee shall comply with <u>Mitigation Measure BR-1, which regulates revegetation of the Facility.</u> the following landscaping, cover and re-vegetation requirements at the Landfill:</p> <p>a. Three copies of a landscape plan shall be submitted to and approved by the Director of Regional Planning within 180 days after the Effective Date. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities required as a condition of this grant. All landscaping shall be maintained in a neat, clean, and healthful condition in accordance with the approved landscape plan, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants and trees when necessary but not to exceed quarterly (3 months period).</p> <p>b. An annual monitoring report shall be prepared by an independent, qualified biologist and submitted to the Director of Regional Planning providing status and progress of the provisions in this Condition No. 59. The monitoring report shall be submitted as part of the annual report required pursuant to Part VIII of the IMP.</p> <p>c. The Permittee shall employ an expert or experts, including an independent, qualified biologist, to satisfy this Condition No. 59. Soil sampling and laboratory analysis shall be conducted in all areas that are required to be re-vegetated before any re-vegetation occurs to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results. To the extent possible, as determined by the Director of Regional Planning, plant types shall blend with species indigenous to the area, be drought tolerant, and be capable of successful growth.</p> <p>d. The Permittee shall apply a temporary vegetation cover on any slope or other Landfill area that is projected to be inactive for a period greater than 180 days, as set forth in the IMP. The Permittee shall identify such slope or areas in the annual</p>	<p>Chiquita Canyon Landfill and the County biologists have worked extensively on Mitigation Measure BR-1, which requires a Closure Revegetation Plan to be approved prior to any ground-disturbing activities at the landfill. If the proposed language is approved, Condition No. 59 may conflict with MM BR-1.</p>

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<p>monitoring report described in Subsection (b) above, and include an interim reclamation and re-vegetation plan as well as the timing of the proposed work for review and approval by the Director of Regional Planning.</p> <p>e. Except as otherwise provided in this Condition No. 59, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially in conformance with Mitigation Monitoring Program.</p> <p>f. Notwithstanding the foregoing provisions of this Condition No. 59, Permittee shall comply with a different re-vegetation design or plan that the Department, in consultation with the TAC and the Department of Public Works, determines would:</p> <p>i. better protect public health and safety;</p> <p>ii. enable re-vegetation of the final slopes at least as well as described in Subsection (e), above; and/or</p> <p>iii. be required because the minimum standards adopted by the CalRecycle have been amended.</p> <p>Requirements imposed by the Department pursuant to this Condition 59 must be consistent with State regulations and may not cause the activities at the Landfill to exceed the Limits of Fill.</p> <p>g. The Permittee shall provide and maintain a landscape strip that is a minimum of 10 feet wide along the frontage of the ancillary facilities area on Wolcott Way and along SR-126 Highway.</p> <p>h. No portion of the expanded Landfill may extend above the plane or outside of the surface area of the fill design as shown on the approved site plan, attached as Exhibit "A".</p>	

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<p>The existing viewshed from Chiquito Canyon Road shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the landfill site, including but not limited to temporary storage areas, any materials recovery facility, composting facility or any other ancillary facilities that may be visible from Chiquito Canyon Road shall be designed to be harmonious with the natural topography and viewshed and shall be reviewed by the Community Advisory Committee.</p> <p>The landfill operator and the Community Advisory Committee shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen landfill operations, enhance the viewshed, and establish the minimum number and type of trees to do this and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline provided the above objectives are met and such planting is practical.</p>	
AIR QUALITY	
<p>61. As required by the SCAQMD, the Permittee shall adopt and implement operational practices <u>as described in the MMRP</u> to mitigate air quality impacts including but not limited to odor, dust and vehicular air quality impacts at the Facility. The Facility shall be operated so as not to create a nuisance in the surrounding communities.</p>	<p>Operational practices to mitigate air quality impacts are already included in the MMRP. The conditional use permit already requires all measures in the MMRP to be implemented.</p>
<p>66. The Permittee shall conduct air quality monitoring at the Facility and its surrounding areas. In addition, an independent air quality consultant selected by the TAC shall conduct at least four random tests per year of Landfill dust and diesel particulates surrounding the perimeter of the Facility to determine whether air quality near the Landfill is consistent with the air quality levels established by the operative air quality standards for the area as determined by the SCAQMD or other appropriate State air quality agency. The consultant review shall place added emphasis on the nearby residential communities. The cost of the consultant and</p>	<p>There is no mechanism to comply with or to enforce this condition. There are no methods for air quality sampling of local concentrations of dust and diesel particulate matter that would allow attribution of some portion of the measured ambient concentrations to the landfill and/or its expansion. Nor would</p>

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<p>the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Director of Regional Planning, the Department of Public Works, the TAC and the Permittee within 15 calendar days after completion of the tests.</p>	<p>four random tests per year of ambient concentrations of dust and diesel particulate matter be sufficient to provide meaningful or representative data regarding ambient air quality. As indicated in the Final EIR, the SCAQMD continuously operates a network of ambient air quality monitors in the Los Angeles basin, including several locations near the landfill. The air monitoring stations monitor for the pollutants that the state and local air quality agencies consider to be pollutants of concern, and the stations are operated according to strict protocols for sampling, analysis, and data validation and reporting.</p> <p>This requirement was not imposed on Lancaster Landfill.</p>
<p>67. Upon receipt of a total of 4 Notice of Violations related to air quality issued by any combination of SCAQMD, DPH, the Department of Public Works, or the Department in any given calendar year, the Permittee shall submit a response to the Department of Public Works within 30 calendar days of the fourth such Notice of Violation providing an explanation of each Notice of Violation and steps taken to address it, and shall provide this information within 30 calendar days of each additional Notice of Violation within the same year. <u>For purposes of this Condition No. 67, If multiple agencies issue a Notice of Violation for the same incident, those Notices of Violation will be counted as one Notice of Violation. The</u> the Department of Public Works shall evaluate the response and may require the Permittee to thereafter increase the air quality monitoring that it conducts at the Facility and its surrounding areas. In addition, the TAC may select</p>	<p>Clarification to show that four unique notices are needed, not multiple notices for the same incident.</p>

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<p>an independent air quality consultant to evaluate and conduct testing of 1) landfill gas and trash odor generated due to working face operations, 2) landfill gas collection and management system, and 3) dust and diesel particulates surrounding the perimeter of the Facility, at a frequency to be determined by the Department of Public Works in consultation with the air quality consultant. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Department of Public Works, the TAC, and the Permittee within 15 calendar days after completion of the tests. The Department of Public Works, with the advice of the TAC, may reduce the frequency of the consultant testing if the Department of Public Works finds that the frequency of testing is not necessary, or may discontinue it altogether if it finds that the tests are not beneficial. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC, may increase the frequency of the consultant testing if the Director of Regional Planning finds the frequency insufficient and may request an evaluation report and recommendations. Upon direction from the Department of Public Works, the Permittee shall implement the recommendations of the independent consultant.</p>	
<p>70. Permittee shall be subject to the following requirements regarding alternative fuel vehicles and equipment, <u>if such fueling station is located within ten (10) miles of the Facility</u>:</p> <p>....</p> <p>c. The Permittee shall convert into <u>replace all light-duty vehicles operating at the Facility with</u> alternative fuel <u>or gasoline hybrid electric</u> vehicles <u>at the time those vehicles are retired. all light-duty vehicles operating at the Facility, if the Permittee acquires</u> solid waste collection trucks, and <u>or</u> transfer trucks that utilize the Facility and are owned by, operated by, or under contract with the Permittee, its subsidiaries, or affiliated enterprises, according to the following phase-in schedule:</p>	<p>Purpose is to limit the geographic range for additional vehicle miles traveled.</p> <p>Proposed changes allow Chiquita Canyon Landfill to convert light-duty vehicles to either alternative fuel or electric hybrid vehicles.</p> <p>Chiquita Canyon Landfill does not have collection and/or transfer trucks, so proposed changes allow for timing of vehicle conversion if the landfill ever acquires collection and/or transfer trucks.</p>

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<p>i. Within 4 years after the Effective Date <u>acquisition date (whichever is later)</u>, at least 50 percent of all aforementioned vehicles shall be alternative fuel vehicles.</p> <p>ii. Within 7 years after the Effective Date <u>acquisition date (whichever is later)</u>, at least 75 percent of all aforementioned vehicles shall be alternative fuel vehicles.</p> <p>iii. Within 10 years after the Effective Date <u>acquisition date (whichever is later)</u>, 100 percent of all aforementioned vehicles shall be alternative fuel vehicles.</p> <p><u>Diesel vehicles that are contracted by the Permittee shall comply with CARB's "How-To-Verify" Policy.</u></p>	<p>Chiquita Canyon Landfill cannot control collection and/or transfer trucks owned by others and under contract with the landfill.</p>
<p>71. Within 180 day of the effective date, the Permittee shall adopt and implement a fugitive dust program that uses the most effective available methods and technology to avert fugitive dust emissions. The fugitive dust program shall be submitted to the Department of Public Works for review and approval. In addition to the re-vegetation measures in Condition No. 59, the program shall <u>may</u> include, at a minimum, a requirement that <u>the following requirements</u>:</p> <p>a. The Permittee shall not engage in any excavation, grading, or other Landfill activity during high wind conditions, or when high wind conditions are reasonably expected to occur, as determined by the DPH, where such excavation or operation will result in significant emissions of fugitive dust affecting areas not under the Permittee's control;</p> <p>b. The Working Face areas of the Landfill shall be limited to small contained areas of approximately one acre or less. During periods of the year when high wind conditions may be expected, the Working Face areas shall each be located in an area of minimal wind exposure, or be closed, if closure is deemed necessary by</p>	<p>Proposed changes provide needed flexibility to prepare an appropriate site-specific fugitive dust control plan.</p>

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<p>the DPH;</p> <p>c. Except when there is sufficient rain or moisture to prevent dust, daily cover, haul roads, and grading locations shall be watered as required by State Minimum Standards or more frequently, when conditions dictate for dust control. Soil sealant may be required in addition to water;</p> <p>d. Except when there is sufficient rain or moisture to prevent dust, all active Working Face and soil Stockpile Areas shall be watered daily, unless wind conditions dictate otherwise;</p> <p>e. If determined necessary by the DPH, the Permittee shall, on any day preceding a day when the Facility is closed to Solid Waste receipt, apply soil sealant to any previously active Working Face, haul roads, or soil Stockpile Area that has not already been sealed or re-vegetated;</p> <p>f. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant. If additional sealing treatment is required, the Permittee shall promptly apply such treatment to assure full control of the soil particles;</p> <p>g. All primary access roads to any permanent facility in the Landfill shall be paved;</p> <p>h. To minimize the length of dirt roads, paved access roads to fill areas shall be extended as new fill areas are opened. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the quantity of untreated dirt;</p> <p>i. All paved roads in regular use shall be regularly cleaned to remove dirt left by trucks or other vehicles;</p> <p>j. Except when there is sufficient rain or moisture to prevent dust, all dirt roads in</p>	

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<p>regular use shall be watered at least once daily on operating days and more often if required by the DPH or the Department of Public Works, or otherwise treated to control dust emissions;</p> <p>k. Loads of Solid Waste capable of producing significant dust shall be watered during the Landfill process. If such practice is deemed unacceptable to the RWQCB, the Permittee shall develop alternative methods to minimize dust generation during the Landfill process and obtain approval of the method from the Department of Public Works within 90 days of the RWQCB's determination;</p> <p>l. In addition to any fire flow requirements of the County Fire Department, the Permittee shall maintain a supply of water for dust control in the active Working Face areas to ensure compliance with State Minimum Standards; and</p> <p>m. The Permittee shall install and maintain devices on-site, as approved by the SCAQMD, to monitor wind speed and direction, and shall retain qualified personnel who can read and interpret data from these devices, can obtain and use information on predicted wind conditions, and can assist in the Facility's operations related to this information.</p>	
TRAFFIC AND ROAD IMPROVEMENT	
<p>73. Within 90 days after the Effective Date, the Permittee shall submit for review and approval by the Department of Public Works a plan that establishes a program to reduce unnecessary truck trips and queuing of trucks at the Facility and shall implement the approved plan. The program shall include, but not be limited to, the following elements:</p> <p>a. A plan to schedule regular Facility users, such as commercial and municipal haulers, to avoid having these users arrive at the Facility and queue <u>queuing</u> on public streets right-of-ways or be diverted to other landfills;</p> <p>b. A plan to reserve Landfill capacity until 2 p.m. Monday through Friday during</p>	<p>Chiquita Canyon Landfill can create a plan to avoid queuing outside the landfill. The landfill, however, does not control waste haulers and therefore it cannot schedule users.</p> <p>The most effective mechanism for the landfill to avoid queuing on public streets is through keeping existing operating hours as we propose for Condition No. 38.</p>

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<p>normal operating conditions, for small commercial and private users; and</p> <p>c. A plan to discourage Landfill customers from delivering loads of less than one ton to the Facility.</p>	
<p>74. Within 90 days after the Effective Date, the Permittee shall implement <u>submit for review and approval</u> a program to include, at a minimum, measures to minimize or avoid the queuing of trucks at the Facility entrance or on SR-126 Highway and any other adjacent streets due to waste delivery or landfilling activities at all times. At any given time, no off-site queuing shall be allowed. The program shall be reviewed and approved by the Department of Public Works. A report on the effectiveness of the program shall be submitted as part of the annual report required pursuant to Part XII of the IMP.</p>	<p>The landfill cannot control the reviewing time for the Department of Public Works.</p> <p>The most effective mechanism for the landfill to avoid queuing on public streets is through keeping existing operating hours as we propose for Condition No. 38.</p>
<p>75. Within one year from the Effective Date <u>By December 31, 2019 or within two years from the Effective Date, whichever is later,</u> the Permittee shall close the existing site entrance on Henry Mayo Drive (SR-126) and relocate the site entrance, along with all its auxiliary facilities to a new site entrance located on Wolcott Drive as shown in Exhibit "A". In the event that the Permittee is unable to relocate the site entrance within a year <u>the required timeframe</u>, the Permittee may request a one-time extension from the Department of Public Works. The extension may be granted at the sole discretion of the Department of Public Works, if the Permittee demonstrates, to the satisfaction of the Department of Public Works that the extension is needed due to activities beyond the Permittee's control and Permittee is making good faith efforts to relocate the Site entrance. Notwithstanding the previous sentence, the total duration of the time extension shall not exceed 180 days. <u>Following site entrance relocation, the existing site entrance on Henry Mayo Drive (SR-126) would be closed to traffic, except for maintenance and emergency vehicles.</u></p>	<p>Proposed changes are based on a more realistic schedule needed to design, permit, and construct roadway improvements associated with the "Chiquita Canyon Landfill Street Improvement Project" required by proposed Condition No. 77.</p>
<p>77. Within 90 days <u>one year</u> after the Effective Date, the Permittee shall provide to the Department of Public Works for review and approval a set of schedules for</p>	<p>Proposed changes are based on a more realistic schedule needed to design,</p>

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<p>commencement of the "Chiquita Canyon Landfill Street Improvement Project," <u>which shall be consistent with the schedule for relocation of the Site entrance required by Condition No. 75</u>. The street improvements identified in the "Chiquita Canyon Landfill Street Improvement Project" shall be in accordance with the following:</p> <p>a. The Permittee shall be responsible for the following Right-of-Way and Street Improvement Requirements:</p> <ul style="list-style-type: none"> i. Construct full street improvements on Wolcott Way and Franklin Parkway within the project frontage compatible with the ultimate improvements per Tentative Tract Map No. 53108 to the satisfaction of the Department of Public Works. ii. The design and construction on Wolcott Way should be compatible with vertical approaches to the future grade separations at the SR-126 to the satisfaction of the Department of Public Works and Caltrans. iii. Dedicate right-of-way at a minimum of 70 feet from the latest approved centerline on SR-126, to the satisfaction of the Department of Public Works and Caltrans. The typical section and the ultimate right-of-way are contingent upon the traffic study demonstrating that the project volumes do not exceed the road capacity. In the event the project volumes exceed the road capacity provide additional right-of-way for additional lanes, exclusive right turn lanes and transition improvements to the satisfaction of the Department of Public Works and Caltrans. iv. Provide slope easements at the future SR-126/Wolcott Way interchange to the satisfaction of the Department of Public Works and Caltrans. v. Comply with mitigation measures including offsite improvements identified in the approved Traffic Study Analysis to the satisfaction of the Department of Public Works. 	<p>permit, and construct roadway improvements associated with the "Chiquita Canyon Landfill Street Improvement Project".</p> <p>With respect to the proposed changes regarding the applicable bridge and thoroughfare fees, see legal letter prepared by Cox, Castle & Nicholson, LLP.</p>

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<p>vi. Provide signing and striping plans for Wolcott Way, Franklin Parkway, and any other offsite roadway based on the mitigations contained in the approved Traffic Study.</p> <p>vii. Remit the fees which have been established by the Board of Supervisors for the Westside Bridge and Major Thoroughfare Construction Fee District. The fee amount is due and payable prior to the Effective Date and is based upon the fee rate in effect at the time of the Project's Effective Date <u>issuance of the applicable building permit</u>. The current fee rate is \$23,780 per Factored Development Unit (FDU) and is subject to change. Per the current Westside Bridge and Major Thoroughfare Construction Fee District Report, each gross acre of a commercial site is assessed at five times the applicable FDU rate. Similarly, each gross acre of an industrial site is assessed at three times the applicable FDU rate.</p> <p>viii. The Permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the RWQCB as well as any other regulatory agency with appropriate jurisdiction, <u>as related to street improvements on Wolcott Way and Franklin Parkway within the project frontage</u>. Except as specifically otherwise approved by the Department of Public Works, all drainage structures including sedimentation basins shall be designed and constructed so as to accommodate run-off from a capital storm.</p> <p>ix. The Landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from the disposal areas, <u>as related to street improvements on Wolcott Way and Franklin Parkway within the project frontage</u>.</p> <p>x. The Permittee shall further comply with all grading requirements of the Department of Public Works and Los Angeles County Ordinance, <u>as</u></p>	

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<p><u>related to street improvements on Wolcott Way and Franklin Parkway within the project frontage.</u></p> <p>xi. The Permittee shall comply with the following requirements of Street Lighting Section of the Traffic and Lighting Division of the Department of Public Works where the installations of street lights are required. Prior to approval of any street improvement plan, Permittee submit a street lighting plan to the satisfaction of the Department of Public Works. Any proposed street lights that are not within the existing lighting maintenance district will need to be annexed to the district before street lighting plans can be approved.</p> <p>a. Within one year from the Effective Date, the <u>The</u> Permittee shall provide street lights on concrete poles with underground wiring on all streets around the project boundaries to the satisfaction of the Department of Public Works. The Permittee shall also contact Caltrans for street lighting requirements on Henry Mayo Drive (SR-126).</p> <p>b. Within 30 days of the Effective Date, the Permittee shall contact Los Angeles County Department of Public Works, Street Lighting Section to commence and complete the Lighting District Annexation process for the operation and maintenance of the street lights around the project boundary.</p> <p>xii. Permittee shall pay all applicable review fees for review of all plans and engineering reports.</p> <p>xiii. Acquire street plan approval from the Department of Public Works or direct check status before obtaining grading permit.</p> <p>xiv. Within 90 days or as otherwise determined by the Department of Public Works, after the approval of the <u>schedules associated with the</u> "Chiquita</p>	

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<p>Canyon Landfill Street Improvement Project", execute an Improvement Agreement for the street improvements identified in this Condition No. 77 Subsection (a).</p> <p>xv. Within 360 90 days after the Effective Date of this grant <u>Improvement Agreement has been executed</u>, the Permittee shall pay its fair share to fully improve, the pavement and thickening of the base/sub base to sustain the entire truck traffic loading of the project operation and any increase in project operation on the following streets or as required to the satisfaction of the Department of Public Works: (1) Wolcott Way between Franklin Parkway and SR-126. The Department of Public Works, at his/her sole discretion, may grant an extension of time not to exceed an additional 360 days if the Permittee demonstrates good faith effort toward construction and completion of this condition 77 Subsection (xv).</p> <p>b. Once every 5 years beginning on the Effective Date of this grant and continuing for the duration of this grant, the Permittee shall conduct a Roadway Section Analysis to include a pavement section evaluation of the designated haul route (Wolcott Way <u>between Franklin Parkway</u> and SR-126 to the Facility entrance), as well as all truck counts and traffic index calculation sheets. The findings of the revised Roadway Section Analysis shall be provided to the Department of Public Works and the City of Santa Clarita for review and approval. The Permittee shall be responsible for the pro-rata costs of improving the pavement structure of the roadway segments along the designated haul route per the recommendations in the revised Roadway Section Analysis. Upon construction of any necessary improvements to the pavement structure, the Permittee shall conduct baseline deflection testing in accordance with California Test method 356 and submit the results to the Department of Public Works for review and approval.</p> <p>c. Once every 5 years beginning on the Effective Date of this grant and continuing for the duration of this grant, the Permittee shall conduct machine-generated truck counts at the project site entrance on three consecutive days (Tuesday through Thursday) during weeks void of national holidays. The truck counts shall be</p>	

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<p>conducted by an independent count company in accordance with generally accepted traffic counting procedures. The Permittee shall also calculate the 10-year Design Traffic Indices along the designated haul route (<u>Wolcott Way between Franklin Parkway</u> and SR-126 to the Facility entrance), based on the truck counts and submit them to the Department of Public Works for review and approval. Lastly, the Permittee shall perform deflection tests along the designated haul route in accordance with California Test Method 356 and submit the results to the Department of Public Works for review and approval. If the retested 80 percentile deflection exceeds 32 percent of the tolerable deflection, the Permittee shall pay its fair share to fully remediate the pavement structure. The Permittee shall submit to the Department of Public Works the proposed method of remediation and schedule for commencement of the improvement for review and approval.</p> <p>In no event shall the "Chiquita Canyon Landfill Street Improvement Project" be <u>completed</u> more than <u>December 31, 2019, or within two years from the Effective Date, whichever is later</u>24 months from the Approval Date, unless otherwise extended by the Department of Public Works. <u>In the event that the Permittee is unable to complete the "Chiquita Canyon Landfill Street Improvement Project" within the required timeframe, the Permittee may request a one-time extension from the Department of Public Works.</u></p>	
LITTER CONTROL AND RECOVERY	
<p>81. Within 30 days after the Effective Date, the Permittee shall submit a litter control program to the DPH and the Department of Public Works for review and approval that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Permittee shall implement the program as approved and submit any revisions to the Department of Public Works for approval. The program shall <u>may</u> include the following requirements, unless the DPH requires otherwise or the Department of Public Works approves alternative measures after determining that they are at least as effective in controlling litter:</p>	<p>Proposed changes are necessary to prepare an appropriate site-specific litter control plan. Chiquita Canyon Landfill has in place a comprehensive litter control program, including participation in the Adopt a Highway program. We have never been issued a Notice of Violation for litter.</p>

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<p>a. Facility personnel shall continuously patrol the access road to the Facility scales during the Facility's hours of operation and remove any litter found during the patrol;</p> <p>b. Loads of Solid Waste that are improperly covered or contained and that may create significant litter shall be immediately detained, and if practicable, properly covered or contained prior to proceeding to the Working Face. If such a remedial measure cannot be taken, the load shall proceed to the Working Face under escort;</p> <p>c. All debris found on or along the entrance to the Facility and/or Working Face access roads shall be immediately removed <u>as soon as it is observed and safe to do so</u>;</p> <p>d. Operating areas shall be located in wind shielded portions of the landfill during windy periods;</p> <p>e. The landfill operator shall install speed bumps on landfill property in paved areas along the route of trucks leaving the landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the facility;</p> <p>f. The Permittee shall require open-bed trucks exiting the landfill either to be swept clean of loose debris or to be covered so as to minimize the possibility of litter escaping onto State Route 126.</p> <p>The permittee shall comply with this condition and Part XVI of the IMP.</p>	<p>Continuous monitoring is not practical.</p> <p>Chiquita Canyon Landfill removes debris when it is observed and safe to do so.</p>
<p>83. In addition to the requirements described in Condition Nos. 80 and 81, the Permittee shall develop and maintain a litter recovery program to the satisfaction of the Department of Public Works and the DPH designed to recover off-site litter from uncovered or improperly covered or contained loads traveling to the Facility</p>	<p>Trash is located at the working face of the landfill, and the radius for litter removal should be related to the working face and not to the property</p>

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<p>or otherwise emanating from the Facility, including conducting weekly inspections of the surrounding neighborhoods within a 1-mile radius of the <u>Working Face property boundary of the combined facility</u>. Based upon the inspection, <u>to the extent feasible (e.g., the area is publicly accessible and safe)</u>, the Permittee shall collect and remove all wind-blown Trash or litter <u>reasonably attributable to the Facility</u> encountered in the specified area. The Permittee shall maintain a log of the inspections, provide the log upon request to the DPH and the Department of Public Works, and include a copy of the log in the annual report required pursuant to Part XII of the IMP. The Department of Public Works, at its sole discretion may increase the frequency of the litter pickup and recovery or adjust the boundary of the specified area or to improve the effectiveness of the litter recovery program <u>if it determines that the requirements of this Condition No. 83 do not prevent litter from the Facility</u>.</p>	<p>boundary.</p> <p>Federal and private properties are located within one mile of the landfill. Chiquita Canyon personnel or contractors cannot trespass on federal and private property. In addition, there is very steep and dangerous terrain in the vicinity and Chiquita Canyon Landfill cannot direct its workers or contractors into these areas.</p> <p>Chiquita Canyon Landfill is responsible only for trash and litter that is reasonably attributable to the landfill.</p> <p>If the current requirements are effective, there should be no reason to increase the frequency or radius boundary.</p>
OTHER PERMITS/REQUIREMENTS	
<p>89. Any future traffic circulation scenario outside the current haul routes shall avoid areas of high biological diversity. Prior to utilization of a new haul route, the Permittee shall submit the proposed haul route with all supporting information/report/survey of biological resources in the vicinity of the proposed haul route to the Department for review and approval. The Department shall consult with the Department of Public Works regarding any changes to the current haul route.</p>	<p>Chiquita Canyon Landfill does not control haul vehicles. Further, haul vehicles would use public roads, which would not be areas of high biological diversity. There is no reason to believe that trucks exiting I-5 would use any route other than SR-126 directly to the landfill entrance, because it is the fastest route to the landfill. It should be noted that local waste collection vehicles use and would continue to use</p>

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	local streets surrounding the landfill, including Chiquito Canyon Road, Franklin Parkway, and Commerce Center Drive.
<p>94. The Permittee shall develop and obtain approval from the Department of Public Works for a Standard Urban Storm Water Mitigation Plan for the Facility's activities, unless the Department of Public Works determines that such plan is unnecessary.</p>	<p>Stormwater management and monitoring at Chiquita is already regulated by RWQCB General Order R4-2011-0052 for the LA basin landfills and the State General Permit for Storm Water Discharges Associated with Industrial Discharges NPDES No. CAS000001.</p>
<p>104. Within 10 years after the Effective Date, and every 10 years thereafter, the Department of Public Works, in consultation with the Department and the Permittee, shall select an independent consultant(s) with expertise in engineering and planning, to conduct a comprehensive study analyzing various alternatives to serve the long-term Solid Waste Disposal needs of the Santa Clarita Valley. The purpose of the study is to ensure uninterrupted solid waste disposal services to the residents and businesses in the Santa Clarita Valley, keeping disposal fees low and stable, making existing facilities as efficient as possible, and ensuring that facilities keep pace with population growth and changing technologies in the solid waste industry. The study should include a comprehensive analyses (including a sensitivity and cost-to-benefit analysis) of all aspects of this endeavor, including but not limited to, the economic, environmental, and technical feasibility of the following alternatives/issues:</p> <p>a. Evaluating rail and truck transport options for solid waste export out of the Santa Clarita Valley, including the necessary infrastructure (in and out of the Santa Clarita Valley) to realize these options.</p> <p>b. Demonstrating how any proposed waste by rail option would tie into the existing or</p>	<p>We are perplexed by this condition. The approval of the Project serves the long-term needs of the Santa Clarita Valley. Because this is the last major landfill expansion to ever take place in Los Angeles County, minimizing the project hinders the County's goals to serve the long-term solid waste disposal needs of the County and the Santa Clarita Valley. It is illogical for Chiquita to pay for long-term disposal capacity planning after investing tens of millions of dollars and over a decade of time planning the expansion of Chiquita Canyon Landfill because the County chooses to minimize the project. Minimizing this project simply drive trash out of the County, which does not require any disposal capacity planning.</p>

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<p>future county waste-by-rail system.</p> <p>c. Developing Conversion Technology facilities in the Santa Clarita Valley.</p> <p>d. Planning a future transfer station system in the Santa Clarita Valley.</p> <p>e. Reviewing public/private ownership options.</p> <p>f. Analyzing financing, staffing, and rate impacts.</p> <p>g. Defining and establishing the facility siting processes.</p> <p>h. Establishing a process for involving interested parties in the planning process.</p> <p>i. Any other alternatives and issues deemed appropriate by the Department of Public Works and/or the Department.</p> <p>The costs of the study shall be equally shared by the Permittee and the Department of Public Works, Environmental Programs Division, but in no event shall the cost to the Permittee exceed \$50,000 per study. The Permittee shall make the payment within 30 days of receiving the invoice for the consultant's services. The study shall be completed within 18 months of the selection of the independent engineering/planning consultant(s). The study's findings and recommendations shall be submitted to the TAC for review and comment. Upon addressing all the TAC's comments to the satisfaction of the TAC, the independent engineering/planning consultant(s) shall submit the study to the Commission, the Department, the Department of Public Works, the Permittee, and all other interested parties. The Permittee shall submit a detailed response to the study's findings and recommendations, including which recommendations it plans to pursue. The Permittee shall make a good faith effort to implement all recommendations to carry out the purpose of this Condition No. 103 to the satisfaction of the Department of Public Works.</p>	

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<p>106. The Permittee shall accept all Solid Waste and Beneficial Use Materials generated and delivered to the Facility by all waste haulers and customers operating in the Unincorporated County Areas of Santa Clarita Valley. The Permittee shall submit to the Department of Public Works an annual report on the origin of Solid Waste and Beneficial Use Materials accepted at the Facility by jurisdiction of origin. The annual report shall also contain <u>describe</u> information on all waste haulers (including those owned or operated by the Permittee, its subsidiaries, or affiliated enterprises) and self-haul customers utilizing the Facility, whether (and why) any waste haulers and self-haul customers were turned away from the Facility, and the tipping fee charged for all waste haulers and self-haul customers. The Permittee shall not engage in predatory pricing that may discourage any private waste haulers and self-haul customers from utilizing the Facility.</p>	<p>Because Chiquita Canyon Landfill does not have collection operations in the Los Angeles area, predatory disposal pricing is impossible. Chiquita (as well as other waste management firms) customers' names and pricing are confidential information. Disclosing customer names and pricing is, therefore, a non-starter and will not be provided. We are willing to disclose if any waste haulers and self-haul customers were turned away from the Facility.</p>
<p>107. Within 90 days after the Effective Date, the Permittee shall install video monitoring equipment at the Facility to record and monitor Landfill operations at each Working Face area and at other critical locations as determined by the Department of Public Works, between the period of 5 a.m. to 10 p.m. to ensure compliance with the conditions of this grant. Copies of the video recordings shall be provided to the Department of Public Works, DPH and the TAC upon request, and shall be kept and maintained at the Facility for one year after recording, unless the DPH determines, at its sole discretion, that the video recordings should be kept for a longer period to protect public health, safety, or the environment.</p>	<p>This condition is open-ended, arbitrary, unnecessary, and impractical. First, there is no operational history of ongoing or repeated violations at Chiquita Canyon that would justify a new monitoring requirement. Second, the County has inspection rights and other enforcement mechanisms available, as authorized by the County Code, to ensure compliance with the permit conditions. Third, the working face moves constantly, making operation of video cameras impractical. Finally, the location of the monitoring equipment (i.e., "other critical locations") is too vague and left to the complete discretion of the Department of Public Works.</p>

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	<p>Chiquita Canyon Landfill acknowledges that it must comply with all permit conditions, but from an operational perspective, the landfill under the existing permit has demonstrated that it has the experience and procedures to do so, and it has done so. It is unnecessary for the County to impose an operational requirement that has no legal or practical basis.</p> <p>This requirement was not imposed on Lancaster Landfill.</p>
PERMITTEE FEES	
<p>112. The Permittee shall pay to the office of the Los Angeles County Treasurer and Tax Collector a quarterly fee equal to 10 percent of the sum of the following, net any amount the Permittee pays to the County pursuant to Section 4.63, et seq., of the County Code:</p> <p>a. The net tipping fees collected at the Facility as described below in this Condition No. 112. For purposes of this Condition No. 112, "net tipping fee" shall mean the total fees collected, less any taxes or regulatory fees imposed by a federal, state, or local agency that is included in the fee charged by the Permittee at the Facility entrance. "Total fees collected" shall be calculated as the total gross receipts collected by the Permittee; The net tipping fees collected at the landfill shall exclude any tipping fees received for waste processed at the material recovery, household hazardous waste and composting facilities approved in Conditions No. 24);</p> <p>b. The revenue generated from the sale of Landfill gas at the Facility, less any</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>

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<p>federal, state, or local fees or taxes applicable to such revenue; and</p> <p>c. The Revenue generated by any other activity or enterprise at the Facility, less any federal, state, or local fees or taxes applicable to such revenue.</p>	
<p>113. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 25 cents per ton of all Solid Waste disposed received at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used for the implementation and enhancement of waste reduction and diversion programs, including but not limited to, conducting document/paper shredding and waste tire collection events in County Unincorporated areas.</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>
<p>114. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 10 cents per ton of all Solid Waste disposed at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used at the sole discretion of the Director of the Department of Public works for administration, implementation, and enhancement of disaster debris removal activities in Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, including providing waste disposal and collection service vouchers to assist residents in clean-up activities.</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>
<p>115. For the life of this grant, except as provided in Condition No. 116 of this grant, the Permittee shall pay on a monthly basis to the Department of Public Works a fee for every ton of Solid Waste originating within Los Angeles County but outside the Santa Clarita Valley Area that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month, according to the following rates:</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p> <p>Note also that this fee is greater than the fee imposed on Lancaster Landfill. For Lancaster, the fee is imposed only on solid waste, not beneficial use materials, and there is no greater fee imposed on out-of-County waste.</p>

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—— Incoming Tonnage (Tons/Day)	—— Fee		
0 – 1,999	\$2.00 per ton		
2,000-3,999	\$4.00 per ton		
4,000-5,999	\$6.00 per ton		
6,000 and over	\$8.00 per ton		
<p>For the life of this grant, except as provided in Condition No. 116, the Permittee shall pay on a monthly basis to the Department of Public Works a fee of \$10.00 per ton for all Solid Waste and Beneficial Use Materials originating outside of Los Angeles County that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month.</p> <p>The fee shall be used to fund programs and activities that 1) fund environmental, educational, and quality of life programs in Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, 2) enhance Countywide disposal capacity, mitigate landfill impacts in the Unincorporated County areas, and 3) promote development of Conversion Technology facilities that benefit the County.</p> <p>The fee applicable for every ton of material originating outside the Santa Clarita Valley Area but within Los Angeles County shall be determined using the above tiered structured table and by dividing the total incoming waste from outside the Santa Clarita Valley by the number of delivery days. For example, if the monthly total is 50,000 tons and number of delivery days is 20, then the average quantity is 2,500 TPD, and the fee is the sum of $(\\$2 \times 1,999) + (\\$4 \times 501) = \\$6,002 \times$ number of delivery days. The fee shall be adjusted annually in accordance with the CPI.</p> <p>One third (33.3 percent) of the monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Unincorporated</p>			

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<p>Community Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance and environmental, educational, and quality of life programs in the communities of Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill.</p> <p>Another one third (33.3 percent) of each monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Landfill Mitigation Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance Countywide disposal capacity and mitigate landfill gas impacts in the Unincorporated County areas.</p> <p>The remaining one third (33.3 percent) of the monthly payment shall be deposited into an interest-bearing deferred Alternative to Landfilling Technology Account, created and maintained by the Department of Public Works to fund research and activities that promote the development of Conversion Technology facilities that benefit the County.</p> <p>In the event the Department of Public Works, in consultation with the Director of Regional Planning, determines that the Permittee has constructed and commenced operation of a Conversion Technology facility in full satisfaction of the requirements of Condition No. 116 of this grant, the fee requirement of this Condition No. 115 shall thereafter be reduced by one third (33.3 percent). The new rate shall be as follows, but only so long as the Conversion Technology facility is operating:</p> <table border="1" data-bbox="281 1149 1266 1383"> <tr> <th data-bbox="281 1149 819 1247">Disposal Quantity (Tons/Day)</th><th data-bbox="819 1149 1266 1247">—Fee</th></tr> <tr> <td data-bbox="281 1247 819 1317">0 - 1,999</td><td data-bbox="819 1247 1266 1317">\$1.32 per ton</td></tr> <tr> <td data-bbox="281 1317 819 1383">2,000-3,999</td><td data-bbox="819 1317 1266 1383">\$2.64 per ton</td></tr> </table>	Disposal Quantity (Tons/Day)	—Fee	0 - 1,999	\$1.32 per ton	2,000-3,999	\$2.64 per ton	
Disposal Quantity (Tons/Day)	—Fee						
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	4,000-5,999	\$3.96 per ton	
	6,000-7,000	\$5.28 per ton	
<p>The fee applicable to all Solid Waste and Beneficial Use Material originating outside of Los Angeles County shall remain unchanged. Upon the effective date of the new rate, the funds generated from this fee shall be split equally between the Unincorporated Community Program Account and Landfill Mitigation Program Account.</p>			
116.	<p>In the event the Permittee elects to construct and operate a commercial-scale Conversion Technology facility (excluding composting facilities) at the Facility or other location in the County as approved by the Director of Public Works, the Permittee may seek to provide such facility in lieu of paying thirty-four (34) percent of the fee required by Condition No. 115 of this grant. "Construct and operate" shall mean fully funding and successfully completing the siting, design, permitting, and construction of an operating facility for the conversion of a minimum of 500 tons per day of Solid Waste into useful products, fuels, and/or energy through no-combustion thermal, chemical, or biological processes (excluding composting facilities). The Permittee shall be responsible for obtaining all necessary permits and approvals required to construct and operate the facility. The facility must be fully permitted, operational, and processing at least 50 percent of the daily tonnage permitted for such facility on the 5th anniversary of the Effective Date and fully operational by the 6th anniversary of the Effective Date.</p> <p><u>The Permittee shall make a good faith effort to establish and maintain, based on, among other things, economic viability, the Conversion Technology facility. The Permittee shall perform an economic viability and marketing study on an annual basis to assess opportunities to implement a Conversion Technology facility in an expeditious manner. Nothing in this condition shall</u></p>		<p>See legal letter from Cox, Castle & Nicholson, LLP.</p> <p>Note also that, despite providing a site for a Conversion Technology facility (which Lancaster Landfill did not do), this fee credit is much less than the credit provided to Lancaster Landfill. Not only did Lancaster get access to the fund for its permitting and design costs, but if it did manage to develop a Conversion Technology facility, it was entitled to a full 100 percent fee credit, whereas Chiquita Canyon Landfill would still need to pay 2/3 of the full value of the fee.</p> <p>While Chiquita Canyon Landfill believes the proposed fee in Condition No. 115 should not be imposed, we are</p>

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<p><u>mandate the permittee to implement a Conversion Technology facility.</u></p> <p>After the Director of Public Works has verified the Conversion Technology facility (excluding composting facilities) has commenced operation and is in full satisfaction of the requirements of Condition No. 116 of this grant, the Permittee may request reimbursement from the Alternative-to-Landfilling Technology Account, created and maintained by the Department of Public Works. Eligible expenditures for reimbursement include design, permitting, environmental document preparation, construction, and inspection that are verified by the Department of Public Works as necessary and directly related to the development of a Conversion Technology Facility (excluding composting facilities) that meets the requirements of Condition No. 116 of this grant.</p> <p>The Permittee must provide access to the Department of Public Works and its independent consultant(s) to all areas of the facility during all phases of the development and must respond to information requests, including operating and performance data, from the Department of Public Works in a timely manner. The Permittee shall provide tours of the facility to the public at the request of the Department of Public Works.</p> <p>Upon the Effective Date of this grant, the Permittee shall submit to the Department of Public Works for review and comment quarterly reports, providing detailed status of the selection of the type of Conversion Technology and progress of the development. Within one year after the Effective Date, the Permittee must submit a proposal for the type, location, and preliminary design of the Conversion Technology facility for review and approval by the Department of Public Works in consultation with the Director of Regional Planning. As part of the proposal, the Permittee shall submit a detailed project milestone schedule, including at a minimum, a scheduled completion date for permit approvals, financing, 30 percent, 60 percent, and 90 percent design levels, construction completion, start-up, acceptance testing, and beginning of commercial operations. Within 6 months of receipt of the proposal, the Department of Public Works shall notify the Permittee of the findings of its review and determination as to whether a Conversion</p>	<p>suggesting certain revisions in case the fee is adopted over our objections. Based on current experience, Waste Connections does not feel it is feasible to implement a Conversion Technology facility within a 5-year period. For example, Lancaster Landfill has not been able to implement such a facility within the requirements specified in their Conditional Use Permit.</p> <p>The cessation of fees should be sufficient incentive to implement such a project, without onerous timing requirements.</p>

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<p>Technology Facility is or is not anticipated to be successfully developed in accordance with the requirement of this Condition No. 116.</p> <p>When the Conversion Technology Facility is permitted, developed and in operation, the Permittee shall submit to the Department of Public Works quarterly informational reports including quantities of feedstock, output materials, output gas, energy, and/or fuel as well as an annual report for review and comment providing detailed status of the operation, permits, and regulatory compliance of the Conversion Technology facility, including quantities and origins of feedstock, quantities of output, design life, and performance efficiency.</p> <p>In the event that a Conversion Technology facility is not anticipated to be successfully developed by the 5th anniversary of the Effective Date, the Permittee may submit a request for a one-year time extension to the Department of Public Works, no later than 3 months prior to the 5th anniversary of the Effective Date. The extension may be granted at the sole discretion of the Department of Public Works, if the Permittee demonstrates, to the satisfaction of the Department of Public Works, that it has made good faith efforts towards developing the facility, and shows that circumstances related to the facility's permitting process and other events outside of the Permittee's control prevented the facility from being fully permitted and operational. Similarly, a one-year time extension may also be granted up to 2 additional times, at the request of the Permittee. Such additional requests shall each be received no later than 3 months prior to the anniversary of the Effective Date after the 6th and 7th years. The total duration of the time extension(s) shall not exceed 3 years.</p>	
<p>117. Pursuant to Goal 2.4.2 of the Los Angeles County Countywide Siting Element adopted by the Board in 1997, and the Board's policy adopted on July 27, 1999 to promote the development of alternatives to landfill and incineration processes, the Permittee shall contribute \$200,000 annually, not to exceed \$3,000,000 for the life of this grant, to an alternative technology development fund, which fund shall be an interest bearing account established and maintained by the Department of Public Works. This fund shall be used to research, promote, and develop the alternative</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>

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<p>technologies that are most appropriate for Southern California from an environmental and economic perspective. The determination of appropriate alternative technologies as well as the use of the fund shall be made by the Department of Public Works. Within six months after the Effective Date, the Permittee shall deposit its first \$200,000 payment required by this Condition No. 117, and thereafter annually by March 31.</p>	
<p>118. By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of \$0.50 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited into an interest bearing trust fund established to acquire and/or develop natural habitat and parkland within the Santa Clarita Valley. No monies from this trust fund shall be used for projects or programs that benefit areas outside the communities surrounding the Landfill. The Director of Public Works shall administer the trust fund in consultation with the Director of Parks and Recreations, and all monies in the trust fund, including accrued interest, shall be spent for park and recreational purposes.</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>
<p>119. By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of \$0.50 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited by the Department of Public Works into an interest bearing trust fund established to provide funding for road improvements in the Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill. The Department of Public Works shall administer this trust fund, and all monies in the trust fund, including accrued interest, shall be disbursed by Department of Public Works.</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>

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<p>120. By January 10 of every other year, the Permittee shall pay to the Department of Regional Planning a sum of \$50,000 for the purpose of financing planning studies, including, but not limited to neighborhood planning studies for Val Verde, Castaic, and the Unincorporated Santa Clarita Valley, as determined by the Director of Regional Planning. The fee shall be adjusted annually in accordance with the CPI. The payments shall be held in an interest-bearing account. Payment for the first year is due within 90 days after the Effective Date. Should there be monies remaining in the account, not spent on planning studies or committed to use on such studies within the identified area, such fees will be returned to the permittee at the termination of the permit.</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>
<p>121. By March 31 of each year, the Permittee shall pay to the Department Regional Planning a fee of \$1.00 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The payment shall be adjusted annually in accordance with the CPI. The payments shall be deposited by the Director of Regional Planning into an interest-bearing community benefit and environmental education trust fund, created and maintained by the Director of Regional Planning. This fund shall be used to fund environmental, educational, and quality of life programs in the Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, and to fund regional public facilities that serve this area. All disbursement of the monies in the fund shall be determined by the Director of Regional Planning.</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>
<p>122. The Permittee shall fund 10 collection events per year to be held by the Department of Public Works for the collection of Household Hazardous Waste and Electronic Waste, including discarded computers. The cost of each event shall be \$100,000, adjusted annually in accordance with the CPI. The Permittee shall make annual payments for these events. The first payment is due within 90 days after</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>

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<p>the Effective Date, and the subsequent payments are due by March 31 of each year.</p> <p>In lieu of paying for 5 of the 10 collection events per year, the Permittee may instead elect the following option:</p> <p>The Permittee will fully fund the siting, development, operation, and staffing of a new permanent Santa Clarita Valley Environmental Collection Center at the Facility or other location in the Unincorporated areas of the Santa Clarita Valley (substantially similar in design to the Antelope Valley Environmental Collection Center) for the collection of household hazardous/electronic waste. The Permittee shall be responsible for building, constructing, and obtaining all necessary permits and approvals required to operate the center. The center, whose design and location must be approved by the Department of Public Works, must be open at least twice a month to all County residents. The operating hours shall be similar to that of the Antelope Valley Environmental Collection Center or as determined by the Department of Public Works. Upon the center's opening, the Permittee shall implement an on-going comprehensive promotional campaign to reach all Santa Clarita Valley residents. The campaign must be reviewed and approved by Public Works in consultation with other interested entities.</p> <p>In the event the Permittee elects above option, the Permittee shall notify the Department of Public Works of its decision within 90 days of the Effective Date, along with a detailed project timeline (including, but not limited to, estimated project costs, etc.) for review and approval. The Department of Public Works reserves the right to determine whether the Permittee has satisfied the requirements for payment deduction and when the deduction will commence, and if necessary, prorate the payments to meet the intent of this Condition No. 122.</p>	
LEGISLATION	
<p>124. The Permittee shall support legislation and regulations that will promote the development of Conversion Technologies. The Permittee shall consult with the</p>	<p>See legal letter from Cox, Castle & Nicholson, LLP.</p>

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<p>Department of Public Works to determine which legislation and regulations will promote the development of Conversion Technologies. The Permittee shall submit correspondence to the State legislature to support legislation and regulations which, at a minimum:</p> <p>a. Provides economic incentives for the development of Conversion Technologies;</p> <p>b. Removes from the definition of transformation under Section 40201 of the California Public Resources Code any technologies and/or processes categorized as Conversion Technologies;</p> <p>c. Provides full diversion credit for waste managed by these Conversion Technologies towards the State's waste reduction mandates; and/or</p> <p>d. Remove any unnecessary regulatory hurdles that impede such development.</p>	
IMPLEMENTATION PLAN	
<p>PART I — LANDFILL ELEVATIONS. The following measures shall be carried out to monitor compliance with Condition Nos. 10, 23, 34, 35, 37, 40, 47, 49 and 84 of this Grant, which establish the Limits of Fill.</p> <p>A. Before commencing expansion of the Landfill beyond the limits established by Conditional Use Permit No. 89-081, <u>Within 180 days of the Effective Date of this grant,</u> the Permittee shall install survey monuments around the perimeter of the Landfill, as depicted on Exhibit "A" and as established by the limits of Condition No. 27.</p> <p>The specific spacing, location, and characteristics of the survey monuments shall be as specified by the Director of Public Works and shall be at points where they will not be subject to disturbance of Landfill development.</p> <p>The survey monuments shall be inspected and approved by the Director of Public</p>	<p>Additional time is needed to install survey monuments and to prepare the annual monitoring report. Specificity and certainly is necessary to understand our obligations with respect to earthquakes.</p> <p>These proposed changes are consistent with the requirements for Lancaster Landfill.</p>

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<p>Works after installation, and the "as installed" plan shall be provided to the Director of Public Works.</p> <p>Not less than 60 or more than 90 <u>180</u> days before the deadline for the annual monitoring report required by Part XII of this IMP, the Permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the Landfill's elevations and submit the results to the Director of Public Works for approval. Additional elevation surveys shall also be conducted by either of these professionals under the following circumstances: 1) in the event of an earthquake of magnitude (Richter) 5.0 or greater in the vicinity <u>within 25 miles</u> of the Facility; 2) as directed by the Director of Public Works as he or she deems necessary to monitor compliance with the conditions of approval of the Grant; or 3) upon completion of the Landfill's final fill design.</p> <p>The Director of Public Works may also conduct or order on-site surveys as he or she deems necessary and shall promptly report any apparent violation revealed by the survey to the Director of the Department of Regional Planning and the DPH.</p> <p>B. If the Director of Public Works approves grading or other disturbance in areas outside the Limits of Fill shown on Exhibit "A" pursuant to Condition No. 49 of the Grant, the Department of Public Works shall provide a copy of such approval to the Director of the Department of Regional Planning.</p>	
<p>PART II — WASTE PLAN CONFORMANCE. The provisions of this Part II are intended to ensure compliance with the provisions of Condition Nos. 21, 22, 23, 24, 25, 26, 41 and 42 of the Grant, and to conform Landfill operations with the Los Angeles County Countywide Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code.</p> <p>A. The Permittee shall ensure the proper installation and maintenance of scales to verify the weight of Solid Waste received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and sent off-site for further handling and/or processing. The Permittee shall maintain records necessary to</p>	<p>Recording obligations with respect to fees is unrelated to the proper installation and maintenance of the scales and weight verification.</p> <p>This proposed change is consistent with the requirement for Lancaster Landfill.</p>

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<p>document the following: (1) the aforementioned weights and their origin; <u>and</u> (2) compliance with waste restrictions imposed pursuant to the conditions of the Grant; and (3) the fees charged for disposal at the Facility.</p> <p>B. All records shall be available for inspection by DPH, the Department of Public Works, the Department of Regional Planning, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.</p>	
<p>PART III — DATA COLLECTION AND REPORTING. The provisions of this Part III are intended to enhance the continuing oversight of Landfill operations by reporting to the County all materials received, disposed, and beneficially used at the facility per the following:</p> <p>A. Monthly. Within 30 days after the end of each calendar month, Permittee shall submit the Monthly Report for that calendar month to the Department of Public Works in a form and manner determined by the Director of Public Works, including the following information:</p> <p>a. The total number of commercial premises, multifamily premises, and residential premises, respectively, at which Permittee provided for regularly scheduled of Household Hazardous Waste collection or other measurement requested by County concerning these items;</p> <p>b. The respective total quantities of:</p> <p>i. Solid waste (in tons), Recyclables (in tons), and any green waste and other compostable organic materials (in tons or, if not weighed at the Solid Waste Facility where it is delivered, in tons); and Beneficial Use material (in tons or measure approved by the Director of the Department of Public Works) received by Permittee;</p> <p>ii. Materials recovered from those Recyclables, abandoned waste</p>	<p>Many of these requirements do not make sense. Chiquita Canyon Landfill does not contract with commercial, multi-family and residential properties for regularly scheduled household hazardous waste collection. When Christmas trees are delivered to the landfill, they come pre-processed and there is no way to count the trees. Chiquita does not have a collection route map, schedule or service area.</p> <p>Despite Waste Management actually having a hauling operation in the Lancaster area, where some of this data is relevant, this requirement is not included in the Implementation Plan for Lancaster Landfill.</p>

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<p>(such as Certified Electronic Device (CED) or E-waste) and residual Solid Waste remaining after processing of Recyclables;</p> <p>e. The final destination of that residual Solid Waste;</p> <p>d. Where Permittee delivered those Recyclables; and</p> <p>e. Materials processed at the composting facility.</p> <p>f. The estimated number of holiday trees, and biomass received by Permittee and their final destination;</p> <p>g. Using reasonable business efforts, the estimated number and tons of bulky items, E-waste, and CEDs collected by Permittee (such as major appliances/white goods and metallic discards, used tires and other Solid Waste recovered by Permittee during any annual cleanup campaigns), and final destination thereof;</p> <p>h. The collection route maps and schedule for the entire service area, if any map or schedule has changed during the prior month;</p> <p>i. Any other information compiled from records or formatting of that information requested by the Director of Public Works;</p> <p>j. Number of vehicle loads of all vehicles coming to the facility; and</p> <p>k. Records of material received and processed at the composting facility.</p>	
<p>PART IV — WASTE ORIGIN DATA ACCURACY. The provisions of this Part IV are intended to ensure compliance with the provisions of Condition No.21 of the Grant. The Permittee shall adopt measures at the Facility to ensure the accuracy of the Solid Waste quantity allocated to County unincorporated areas and each of the cities from which waste is received. These measures shall also ensure the accuracy of determining the waste</p>	<p>Chiquita Canyon Landfill does not have a hauling operation. Requiring our customers to provide us with this information will increase, perhaps double, the amount of time it will take to</p>

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<p>attributable to the Santa Clarita Valley Area, each city within Los Angeles County, and sources outside Los Angeles County; for purposes of complying with Condition No. 115 of the Grant. These measures shall become effective upon the Effective Date. Under these measures:</p> <p>A. The Permittee shall require written and-verifiable documentation on source jurisdiction(s) and site address(es) where the Solid Waste is generated for loads from waste hauling industry customers ("Direct Haul Loads"), and written and verifiable—documentation on source jurisdiction(s) for loads from transfer/processing facilities ("Transfer/Processing Loads"), the documentation of which shall be in a form developed by the Department of Public Works and distributed by the Permittee to its customers;</p> <p>B. The Permittee shall exempt from such documentation all customers tendering a minimum load, defined as a load having a net weight of less than one ton. However, such customers shall be required to verbally state the source of their loads; and the Permittee shall record this information for its records and include in its reports;</p> <p>C. The Permittee shall investigate and-verify the accuracy of all documentation provided for Direct Haul Loads <u>from Solid Waste enterprises/waste haulers owned or operated by the Permittee, its subsidiaries, or affiliated enterprises</u>;</p> <p>D. The Permittee shall forward all documentation for Transfer/Processing Loads to the Department of Public Works for review and-verification;</p> <p>E. <u>Upon request, the</u> The Permittee shall forward all source of origin documentation <u>within 30 days</u> for Direct Haul Loads from Solid Waste enterprises/waste haulers owned and operated by the Permittee or its subsidiaries to the Department of Public Works for review and verification;</p> <p>F. The Permittee shall impose a fee in an amount to be determined by the Permittee in consultation with the Department of Public Works on Direct Haul Loads and self-</p>	<p>process a truck through our scales. This will make it more difficult to prevent queuing outside the landfill property.</p> <p>In addition, Chiquita Canyon has no mechanism for verifying the information provided to us by our customers. The requirement to verify such information was removed from the Condition No. 40 and should be similarly removed here.</p> <p>These proposed changes are consistent with the requirements for Lancaster Landfill.</p>

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<p>haul loads that are tendered at the Facility without the required written documentation. The fee shall be non-refundable and shall offset the Permittee's cost to track non-complying loads and to follow-up with the customers involved;</p> <p>G. If the Director of Public Works determines that a Solid Waste enterprise, waste hauler, and/or Transfer/Processing operator <u>that is owned or operated by the Permittee, its subsidiaries, or affiliated enterprises</u> has failed to substantiate the origin of the Solid Waste, the Department of Public Works that was reported to have originated in County unincorporated areas, the Director of the Department of Regional Planning shall notify and direct the Permittee to impose a non-refundable penalty of \$5.00 per ton of waste whose origin the solid waste <u>The penalty shall be based on all Solid Waste tonnage allocated to the County unincorporated area by the Solid Waste</u> enterprise, waste hauler, or Transfer/Processing operator has failed to substantiate for that reporting period, which reporting period shall not exceed one month. The Permittee shall be responsible for collecting the fine and submitting it to the Department of Public Works within 60 days following such notification. The fines received by the Department of Public Works shall offset the cost of administering the waste origin verification program and of implementing other programs to mitigate any costs or penalties <u>the damages</u> the County incurred <u>red</u> under the California Integrated Waste Management Act of 1989, as amended, from such misallocation;</p> <p>H. Unless otherwise approved by the Director of Public Works, the Permittee shall suspend the disposal privileges of customers who fail to provide the written documentation required by this Part IV within 14 calendar days following the tendering of an applicable load at the Facility, or of those customers who provide false, misleading, or inaccurate written documentation. Each suspension shall last up to 60 days;</p> <p>I. The Permittee shall extend the suspension period set forth above and in appropriate circumstances terminate the customer's disposal privileges for Transfer/Processing operators or waste haulers that repeatedly fail to substantiate the origin of their waste loads as required in this Part IV, or who fail to pay the</p>	

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<p>required penalties;</p> <p>J. The Permittee shall provide a procedure for its customers to appeal the suspension to the Permittee, the Director of Public Works, or their designees, pursuant to this Part IV and for immediate reinstatement of such privileges if the appeal is successful; and</p> <p>K. If the Permittee or the Director of Public Works determines that the origin of a waste load has been incorrectly reported, the Permittee shall correct the data submitted to the disposal reporting system to ensure its accuracy.</p> <p>Prior to the implementation of the above measures, the Permittee shall, subject to the approval of the Director of Public Works, develop a waste origin verification and reporting program to include, but not be limited to, an outreach program to educate all customers of the Facility regarding the need to provide waste origin information, the requirements of the measures adopted pursuant to this Part IV, and an explanation of the consequences for failure to comply with the measures. After the effective date of the adopted measures, the Permittee shall provide a 90-day grace period to its customers prior to taking any enforcement action to provide time for customer education on these measures. Based on the initial results obtained from the verification and reporting program, these measures may be amended or modified by the Director of Public Works. The Director of Public Works shall have the discretion to terminate the verification and reporting program at any time.</p> <p>Twice <u>On a</u> monthly <u>basis</u>, the Permittee shall submit the results of the verification and reporting program to the Director of Public Works, along with any other written documentation on the waste load transactions at the Facility.</p>	
<p>PART V — HAZARDOUS WASTE EXCLUSION. This Part V ensures compliance with Condition No. 46 of the Grant regarding the exclusion of liquid, radioactive and hazardous waste from the Facility.</p>	<p>Proposed change provides flexibility for new technology.</p> <p>These proposed changes are consistent</p>

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<p>The Permittee shall maintain a comprehensive waste load checking program which shall require that:</p> <p>A. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to DPH, for the presence of radioactive materials;</p> <p>B. Sensors <u>and/or monitoring equipment</u> capable of detecting volatile organic compounds acceptable to DPH shall be available at the Facility and used as directed by DPH;</p> <p>D. The scale operator shall question all drivers of suspect loads as to the source and nature of the loads, and shall inspect for contamination all large loads of earth brought into the Facility from areas not known to be free of contamination; The Landfill's Working Face areas shall be continuously inspected for hazardous and liquid waste, medical waste, and radioactive waste/materials. This inspection shall be accomplished by equipment operators and spotters who have been trained through an inspection program approved by DPH;</p> <p>E. Unless otherwise specified by DPH or the Department of Public Works, the Permittee shall conduct at least six <u>three</u> manual inspections of randomly selected incoming <u>refuse</u> loads each operating day, for a minimum of 36 <u>18</u> inspections per week. In addition, the Permittee shall conduct a series of twelve <u>six</u>, intensive unannounced manual inspections of <u>refuse</u> loads over a twelve-month period during the life of the Grant; and</p> <p>F. If on the basis of above-described inspections, DPH or the Department of Public Works determines that significant amounts of prohibited waste are entering the Facility, DPH or the Department of Public Works may require an expanded inspection program, which may include additional, unannounced manual inspections.</p>	<p>with the requirements for Lancaster Landfill.</p>
<p>PART VI — PROHIBITED MATERIALS. This Part VI ensures compliance with Condition</p>	<p>This requirement is duplicative of the</p>

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<p>Nos. 46, 47, and 48 of the Grant regarding the prohibited materials at the Facility.</p> <p>The Permittee shall not receive, process, or dispose any of the prohibited waste at the Facility per the followings:</p> <p>A. Automobile shredder waste;</p> <p>B. Biosolid; Sludge or sewage sludge, as specified in the California Code of Regulations, Title 27, Division 2, Chapter 3, Article 1, Section 20690(b)(4), and any amendments thereto;</p> <p>C. Incinerator ash; radioactive material; hazardous waste, as defined in Title 22, Section 66261.3 of the California Code of Regulations; medical waste, as defined in Section 117690 of the California Health & Safety Code; liquid waste, as defined in Title 27, Section 20164 of the California Code of Regulations; and</p> <p>D. Waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste that can cause degradation of waters in the State, as determined by the RWQCB.</p> <p>The Permittee shall implement a comprehensive Waste Load Checking Program, approved by the Department of Public Works and DPH to preclude receipt or disposal of prohibited waste at the Landfill.</p>	<p>conditional use permit requirement. It is also not included in the Implementation Plan for Lancaster Landfill.</p>
<p>PART VII — INDEMNIFICATION AGREEMENT. Prior to <u>Within 180 days after</u> the Effective Date, the Permittee shall enter into an agreement with the County to indemnify the County for any damages to public property which may result from Landfill operations and for any liability, loss, or expense incurred by the county as a result of its issuance of the Grant of the Permittee's violation thereof, or for any expenses<u>s</u> which may be incurred by the County in performing any on- and/or off-site remedial work necessitated by the Permittee's failure to operate or maintain the Facility at a level acceptable to the Director of Public Works or DPH, or for the Permittee's failure to perform any of this work in a timely manner. , including <u>The work covered by this indemnification shall include</u> but</p>	<p>These proposed changes are consistent with the requirements for Lancaster Landfill.</p>

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<p>not limited <u>be</u> to, work related to the Environmental Protection and Control Systems, air quality and odor, and litter and dust control, noise control, vector control, and maintenance of slopes. The standards for operation and maintenance shall be as established by the provisions of the Grant and all applicable laws and implementing regulations.</p> <p>To secure performance of the agreement, the Permittee shall tender to the Director of Public Works <u>a trust fund or other security acceptable to the County in the amount of \$10 million. Any interest earned in the account shall remain in the trust fund to offset the cost of inflation. The Permittee may gradually build the trust fund with tipping fees, however, until the fund reaches \$10 million</u> a letter of credit or other security acceptable to the County in the amount of \$10 million.</p> <p>The security shall be in addition to any and all other security required by federal, state and local law, regulations and permits, including the security requirements of the Grant and of the State landfill closure regulations.</p>	
<p>PART XII — ANNUAL MONITORING REPORTS. This Part XII is intended to enhance the continuing oversight of Landfill operations and to supplement the routine enforcement activities of the various regulatory agencies having jurisdiction over the development, operation, and maintenance of the Facility.</p> <p>A. By March 1 of each year until the Landfill's Closure, the Permittee shall prepare and submit annual monitoring reports to the Commission and Technical Advisory Committee (which is described in Part XIV of this IMP). At least 90 days prior to that date, draft copies of the report shall be submitted to the following entities for review and comment:</p> <ol style="list-style-type: none"> 1. DPH; 2. Director of the Department; 3. Director of Public Works; 	<p>These proposed changes are consistent with the requirements for Lancaster Landfill.</p>

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<ol style="list-style-type: none"> 4. Los Angeles County Forester and Fire Warden; 5. Regional Water Quality Control Board-Los Angeles Region; 6. South Coast Air Quality Management District; 7. County Museum of Natural History; and 8. Community Advisory Committee; <p>The draft submittal to the above-referenced entities shall include a request that comments be sent to the Permittee within 30 days of receipt of the draft report, but no later than 30 days prior to the deadline for the final report. The Permittee shall provide documentation and certification to the Director of the Department of Regional Planning that the draft reports have been submitted to these entities and the agencies comments and proposal revisions have been fully incorporated in to the final report.</p> <p>The Permittee shall respond to each comment received by these entities and shall include every comment and response with the final report submitted to the Commission and the Technical Advisory Committee. A copy of the final report shall be provided to the local county library and posted on the Permittee's website.</p> <p>Upon receipt of the monitoring report, the Commission and Technical Advisory Committee may request the Permittee to submit additional information as it deems necessary to carry out the purposes of this IMP.</p> <p>B. Each monitoring report shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. A cumulative total of all Solid Waste disposed of, and Beneficial Use Materials received at the Landfill, the percent of total available capacity used, the remaining disposal capacity in volume and in tons, and a detailed 	

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<p>site map/plan showing the sequence of Landfill operations;</p> <ol style="list-style-type: none"> 2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved Landfill survey (as required in Part I of this IMP) showing the Limits of the Fill, current elevations, and the height and extent of the current fill; 3. The achieved ratio of weight to volume of Solid Waste disposed of at the Landfill and a comparison of that ratio with the ratio achieved at comparable landfills in the County, with an explanation of any significant deviation; 4. A summary table of the rates (quantity per month and per calendar year) of materials received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and/or sent off- site for further handling/processing, for the period established by the Director of Public Works, or from the last monitoring report, in sufficient detail to explain significant changes and variations of the rates over time; 5. A summary of the measures taken by the Permittee to divert and recycle materials at the Facility, how the measures compare with waste management plans adopted by the County and various cities, and the overall effectiveness of such measures in achieving the intent of the Grant and the County's waste management plans; 6. A summary of the number and character of litter, noise, fugitive dust, and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures taken to address or avoid future complaints; 7. A detailed accounting of any and all citations, notices of violation, or equivalent the Facility received from any regulatory agency for violations in operating the Facility (including violations related to litter, odor, fugitive 	

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<p>dust, noise, Landfill gas, or other Environmental Protection and Control Systems), the disposition of the citations, and the penalties assessed and fees paid;</p> <p>8. A report on all interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation;</p> <p>9. The archaeological and paleontological reports required in Part XII;</p> <p>10. A summary of the measures taken by the Permittee to promote and implement alternative technologies most appropriate for Southern California from an environmental and economic perspective, as required by Condition No. 117 and 124 of the Grant;</p> <p>11. A summary of the measures taken by the Permittee to maintain roads and to develop transportation improvements in the surrounding areas of the Facility, as required by Condition No. 77 and 119 of the Grant;</p> <p>12. A summary of the measures taken by the Permittee to minimize truck traffic at the Facility as required by Condition Nos. 44, 73-79 of the Grant;</p> <p>13. A summary of the measures taken by the Permittee to control and mitigate odor nuisance generated by the Facility, including measures taken to mitigate odor generated from incoming waste hauling trucks/customers, working face areas, and landfill gas;</p> <p>14. A summary of the measures taken by the Permittee to ensure effectiveness and adequacy of its landfill gas collection and management system, and to utilize Landfill gas to generate energy at the Facility as required by Condition No. 62 of the Grant; and</p> <p>15. A summary table of compliance status showing the status of compliance of</p>	

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<p>each condition of approval, this IMP and MMRP. The table shall be in a format specified by the Director of Public Works in consultation with the TAG.</p> <p>C. Nothing in this Part XII shall be construed in any way to limit the authority of a Hearing Officer, the Commission, or the Board to initiate any proceeding to revoke or modify the Grant as provided in Condition No. 18 of the Grant or under Part 13, Chapter 56, of the County Zoning Ordinance.</p>	
<p>PART XIV — TECHNICAL ADVISORY COMMITTEE ("TAC"). A committee of County departments, chaired by the Director of the Department of Regional Planning or his/her designee, shall be established for the purpose of reviewing, coordinating, and certifying the satisfactory implementation and/or completion of the plans, permits, and/or agreements required and/or authorized by the Grant, including the implementation and/or completion of the Conditions of Approval, this IMP, and the MMRP.</p> <p>A. <u>Composition.</u> The TAC shall be composed of representative(s) of the following County departments, and other County departments on an as- needed basis as determined by the Director of Regional Planning:</p> <ol style="list-style-type: none"> 1. Department of Public Health; 2. Department of Regional Planning; 3. Department of Public Works; and 4. The Forester and Fire Warden. <p>B. <u>Meeting/Purposes.</u> The TAC shall meet at least twice <u>once</u> a year to ensure the purposes of the conditions of the Grant are satisfied and to ensure compliance with the approvals and regulations of State and Federal agencies that regulate and permit the Facility. One of TAC's annual meetings shall be conducted to review the annual report submitted by the Permittee as required by Part XII of this IMP and to</p>	<p>These proposed changes are consistent with requirements for Lancaster Landfill.</p>

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<p>certify that all requirements of the conditions of the Grant have been met as reflected in the annual report. The TAC shall review specific requests from the CAC regarding compliance with the Grant.</p> <p>In addition to any other TAC requirement of this Part XIV, the TAC, <u>upon application of the Permittee</u>, shall determine compliance with the Grant: 1) within six months after the Effective Date; 2) prior to the Permittee's development of the Household Hazardous Waste Collection Facility, Conversion Technology, and Composting Facility Project (excluding final approval of plans, permits and agreements); and/or 3) prior to the Permittee's commencement of the Closure process. The TAC shall meet for this purpose and if all of the conditions and requirements of the Grant have been met for purposes of commencing any of these phases of the project, the TAC shall certify compliance.</p> <p>C. <u>Access to the Facility and Information.</u> The Permittee shall provide access to the TAC and its independent consultant(s) to all areas of the Facility during normal hours of operation and shall respond to all information requests from the TAC and its independent Consultant(s) in a timely manner as specified by the TAC regarding compliance with the conditions of the Grant and the MMRP.</p> <p>D. The Permittee may appeal an adverse determination of the TAC to the Director of the Department of Regional Planning, whose decision shall be final.</p> <p>E. Upon the effective date of the Grant, the Director of the Department of Regional Planning or the Director of Public Works, in consultation with the TAC shall retain the services of an independent engineering consultant to monitor any and/or all of the Conditions of approval and mitigation measures throughout the life of the Grant. The Permittee shall pay all costs for the independent consultant within 30 days of receiving the invoice for the consultant's services.</p> <p>The independent consultant shall perform inspections of all activities at the Facility in accordance with the conditions of approval, at least once a month, and at other frequency deemed necessary by the Director of Public Works to perform</p>	

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monitoring, evaluation, and other tasks necessary to implement the requirements of the conditions of approval of the Grant. The independent consultant shall prepare and submit its quarterly report to the Director of Public Works with copies to the TAC, the CAC and other interested community representatives or groups. The Director of Public Works shall review the report and make recommendations to the Department for necessary enforcement actions in accordance with Condition No. 18 of the Grant.	
<p>Part XVI – LITTER CONTORL AND RECOVERY. This Part XVI is intended to enhance the Condition No. 81 of this Grant which required the Permittee to adopt a program that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. In addition to the following requirements, the program shall also include the requirements as specified under Condition No. 81, unless the DPH requires otherwise:</p> <ol style="list-style-type: none"> a. At every active Working Face area, <u>as needed</u>, the Permittee shall install a primary portable litter fence of adequate height to control litter, and also a secondary fence 4 feet in height behind the primary fence when wind conditions dictate the need for a secondary fence. The Permittee shall employ Best Management Practices to control litter. On windy days, and when the fences are not sufficient, the Working Face shall be located within areas of minimal wind exposure or shall be closed, if so required by the DPH. The DPH, in coordination with the Department of Public Works, may require additional measures deemed necessary to effectively control litter, including, but not limited, requiring the Permittee to cease accepting all incoming waste during high wind conditions; and b. The landfill operator shall install and maintain temporary litter fences in those areas along the property perimeter that are regularly littered due to the location of the operating area, time of year, and climatic conditions. The landfill operator, the DPH and the CAC shall work together to identify littered areas in need of fencing. 	<p>A litter fence may not be needed at every working face location.</p>

David P. Waite
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March 1, 2017

Regional Planning Commission
County of Los Angeles
170 Hall of Records
320 West Temple Street
Los Angeles, California 90012

**Re: Chiquita Canyon Landfill– Legal Analysis of Fee Conditions Proposed By
County Staff for Conditional Use Permit No. 200400042**

Dear Commissioners:

In connection with Chiquita Canyon Landfill's application for a conditional use permit for its Master Plan revision, County of Los Angeles staff is recommending many conditions relating to fees. Many of the fees proposed by staff have no nexus, let alone a proportional one, to the impacts of the Chiquita Canyon Landfill project. In order to impose an ad hoc fee on a development project, the County must demonstrate that the fee has a proportional relationship to a project impact. This is a fundamental Constitutional requirement. For example:

- In *Nollan v. California Coastal Comm'n* (1987) 483 U.S. 825, the California Coastal Commission approved the development of a beachfront house, subject to a condition that the owners dedicate a public access easement across the beachfront portion of their property. The easement was required to mitigate the psychological barrier to using the beach created by the proposed private home blocking ocean views. The United States Supreme Court held that the public easement dedication requirement constituted a taking. Although protection of the public's ability to see the beach is a legitimate governmental interest, no nexus existed between the identified impact of the project (obstruction of ocean view) and the easement condition (physical access across the beach).

- In *Dolan v. Tigard* (1994) 512 U.S. 374, the owner of a plumbing and electrical supply store located along a creek applied for a permit to increase the size of her store and to pave her parking lot. The planning commission granted her permit application, subject to a requirement that she dedicate the portion of her property lying within the 100-year flood plain for improvement of a storm drainage system along the creek and also dedicate an additional 15-foot strip of land adjacent to the flood plain as a pedestrian/bicycle pathway. The United States Supreme Court found that a nexus between the conditions and the project's impacts existed; however, the degree of exaction demanded by the city's permit conditions was not "roughly proportional" to the projected impact of the development. The Court stated that, under the "rough proportionality" standard, "the city must make some sort of individualized determination that the

required dedication is related both in nature and extent to the impact of the proposed development.” *Id.* at 391.

The proposed development would increase the amount of impervious surface, which in turn would increase the quantity and rate of storm water flowing from the property. As such, the city could have required Dolan to keep the area open. But, by requiring complete dedication of the land, the city limited Dolan’s ability to exclude others, which is an essential property right. As such, the dedication requirement was not roughly proportional to the project’s impacts. *Id.* at 393.

Regarding the dedication of the pedestrian/bicycle pathway easement, the Court did not accept the city’s conclusory statement that the creation of the pathway could offset some of the traffic demand and lessen increase in traffic congestion. Instead, the Court stated that “the city must make some effort to quantify its findings in support of the dedication for the pedestrian/bicycle pathway beyond the conclusory statement that it could offset some of the traffic demand generated.” *Id.* at 396.

- In *Ehrlich v. City of Culver City*, 12 Cal.4th 854 (1996), the owner of an abandoned private tennis club and recreational facility applied to the city to develop a 30-unit condominium complex. The city council rejected the application based on concerns about the loss of a needed recreational facility. Ehrlich filed suit against the city. After a closed-door meeting to discuss the pending litigation, the city council voted to approve the project conditioned upon the payment of a \$280,000.00 recreation mitigation fee for the loss of the private tennis facility. The amount of the recreation mitigation fee was based upon a city study detailing the replacement costs for the recreational facilities lost as a result of approving the development.

The California Supreme Court struck down the recreational mitigation fee. The Court applied the strict scrutiny test of *Nollan/Dolan*, and concluded that although there was an essential nexus, it was not roughly proportional to the impact. The Court stated although “some type of recreational fee imposed by the city as a condition of the zoning and related changes” could be justified, “[t]he amount of such a fee, however, must be tied more closely to the actual impact of the land-use change the city granted plaintiff.” *Id.* at 884. There was a potential in logic for a connection between a social need generated by plaintiff’s condominium project and the mitigation fee imposed; however, the fee was not proper because the record was devoid of any individualized findings to support the required fit between the monetary exactions and the loss of a parcel zoned for commercial recreational use.

The *Ehrlich* decision highlighted the importance of the nexus requirement and also the Mitigation Fee Act, passed by the California legislature in response to concerns that local agencies were charging development fees to fund public improvements or other activities that were unrelated to the development project in question. *Id.* at 864. As the Court explained in *Ehrlich*, the purpose of the nexus requirement is to ensure that “the monopoly power over

development permits is not illegitimately exploited” and to prevent government from “imposing permit conditions on individual property owners . . . that, because they appear to lack any evident connection to the public impact of the proposed land use, may conceal an illegitimate demand – may, in other words, amount to ‘out-and-out . . . extortion.’” *Id.* at 876; quoting *Nollan v. California Coastal Comm’n* (1987) 483 U.S. 825, 837.

- In *Koontz v. St. Johns River Water Mgmt. Dist.* (2013) 570 U.S. ___, 133 S. Ct. 2586, a Florida property owner applied to a public agency for permits to develop a 3.7-acre section of his 14.9-acre property by raising the elevation of a section of the property to make it suitable for a building, grading the area and installing a pond for retention and release of stormwater runoff from the building and its parking lot. The property owner offered to deed a conservation easement on the 11-acre southern section of land. The District found the 11-acre conservation easement inadequate and demanded instead a reduced one-acre development and dedication of a conservation easement on the remaining 13.9 acres. It also demanded that he install a more costly stormwater management system and retaining walls. Alternatively, the owner could proceed with the 3.7-acre development and deed a conservation easement to the government on the remainder of the site, if he also improved government-owned land several miles away to enhance 50 acres of wetlands. The applicant refused and the agency denied the permit. The United States Supreme Court found that the government's demand for property from a land use permit applicant must satisfy the requirements of *Nollan* and *Dolan*, even when the government denies the permit and even when its demand is for money. *Id.* at 2603.

In addition to these important Constitutional requirements, California imposes statutory nexus requirements between a development project, fees and the fee's purpose. The Mitigation Fee Act (Government Code Sections 66000 *et seq.*) requires that the County demonstrate that a reasonable relationship exists between a development fee and the purpose for which the fee is imposed. Specifically, the Act requires the County to:

- Identify the purpose of the fee;
- Identify the use to which the fee is to be put;
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and
- For adjudicative, ad hoc fees, determine that there is a reasonable relationship between the amount of the fee and the cost of the public improvements, public services, or community amenities (or portion thereof) attributable to the development on which the fee is imposed. Govt. Section Code 66001(a)

Further, the amount of a development fee cannot exceed the estimated reasonable cost for providing the service, or constructing the improvements, for which the fee is charged, and any excess collected must be used to reduce the fee or charge that created the excess. Govt. Code Section 66005.

These nexus and rough proportionality requirements apply as a matter of statutory and Constitutional law. Notably, they also apply to any conditions proposed or imposed through the CEQA process. CEQA Guideline Section 15126.4(a)(4) requires all CEQA mitigation measures to be consistent with applicable constitutional requirements, and specifically refers to the rulings in *Nollan*, *Dolan*, and *Ehrlich*.

County staff's proposed findings and conditions for the conditional use permit do not satisfy Constitutional nexus requirements or the statutory requirements of the Mitigation Fee Act. To the contrary, the County simply cut and paste conditions that it applied to its most recent landfill approval, Lancaster Landfill, and then, in the case of fees, increased them. There has been no site-specific analysis and the County did not prepare any studies to demonstrate the project will impact any of the issues that the proposed fees are designed to address. As a general matter, the County has made no attempt to demonstrate that there is a reasonable relationship between the proposed fees and the impacts of the project. In addition, the County has made no attempt to demonstrate that there is a reasonable relationship between the amount of the proposed fees and the cost of any of the programs, improvements, or community amenities. Such findings are statutorily required and also necessary to demonstrate compliance with Constitutional nexus requirements. For example:

- **Proposed Condition No. 108** requires Chiquita Canyon Landfill to “designate” its private property as open space for recreational use in perpetuity and also to fund feasibility studies and eventual operation of a public park on its property. The County has made no attempt to describe a roughly proportional nexus or reasonable relationship between this condition and any project impact. Similar to *Koontz*, the County cannot demand public use of private property without satisfying *Nollan* and *Dolan* requirements. Chiquita Canyon Landfill is private property and has been used for private industrial purposes since 1965. Even without the project, the public would not have access to the land. Thus, the project would not take away recreational land from the public. In addition, the project does not bring new residents to the area and therefore would not increase demand for recreational amenities. As in *Ehrlich*, the County has made no individualized findings to support the required fit between this condition and the continued operation of land properly zoned for and long used as a landfill, and such a finding cannot be made because the project does not impact public recreation.

In addition to violating nexus requirements, proposed Condition No. 108 constitutes unlawful pre-condemnation activity. The County cannot force a private property owner to develop a public park on private property, short of bringing a formal eminent domain action (which would require payment of just compensation at fair market value). It is improper to propose a permit condition now that presupposes the eventual use of the site post-closure and requires a private property owner to “designate” its land as open space/recreation and to fund the County's master plan for and operation of a public park on its private property. The park conversion assumption, prior to filing a condemnation action or prior to any offer to purchase the land by a willing and able buyer, supported by available funds, effectively devalues the land and constitutes a taking. *Klopping v. City of Whittier* (1972) 8 Cal.3d 39.

- **Proposed Condition No. 112** requires Chiquita Canyon Landfill to pay 25 cents per ton on beneficial use materials received in order to fund County waste reduction and diversion programs. The landfill's use of beneficial use materials for alternative daily cover, road construction, wet weather decking, erosion control and other beneficial use is itself diversion. To charge fees on the very activity that the County wants to encourage and to use those fees for the purpose of encouraging such activity does not pass muster under either Constitutional nexus requirements or the Mitigation Fee Act. The County has made no attempt to demonstrate a nexus or reasonable relationship between the landfill's acceptance and use of beneficial use materials for diversion and the County's desire to implement and enhance waste reduction and diversion programs. In addition, the County has made no attempt to demonstrate a reasonable relationship between the amount of the fee and the cost of waste reduction and diversion programs. Both of these requirements must be met for the County to impose this fee, and such findings cannot be made because the project assists with waste reduction and diversion; it does not negatively impact such programs.

- **Proposed Condition No. 113** requires Chiquita Canyon Landfill to pay 10 cents per ton on all material received, in order to fund County illegal dumping prevention programs and disaster debris removal activities in unincorporated areas. The landfill provides a place for lawful disposal of waste, making it easier to dispose of waste legally, especially in the Santa Clarita Valley. It does not contribute to illegal dumping. To the contrary, by its very existence, it is already assisting the County with the very same efforts for which the County now proposes to charge a fee. The County has not made findings to demonstrate any nexus, much less a roughly proportional nexus, between illegal dumping and project impacts. The County also has not made findings to demonstrate a reasonable relationship between the amount of the fee and the cost of these programs. Such findings cannot be made because the project helps to avoid illegal dumping; it does not cause illegal dumping to occur.

- **Proposed Condition No. 114** requires Chiquita Canyon Landfill to pay dramatically higher fees for materials received from outside the Santa Clarita Valley and outside the County, in order to: "1) enhance Countywide disposal capacity, mitigate landfill impacts in the unincorporated County areas, 2) promote development of Conversion Technology facilities that benefit the County, and 3) fund environmental, educational, and quality of life programs in unincorporated areas surrounding the Landfill."

First, the landfill is an existing use and the project would increase disposal capacity, reinitiate a composting operation, provide a site for a new waste conversion technology facility, and provide a site and design and construct a new household hazardous waste collection facility. By its very nature, the project is already helping the County to "enhance Countywide disposal capacity" and to "promote development of Conversion Technology facilities that benefit the County". There is simply no basis for imposing further fees to achieve these same goals, which are not impacts caused by landfills generally or the project specifically. The County has not made findings to demonstrate any nexus or reasonable relationship between the fees and project

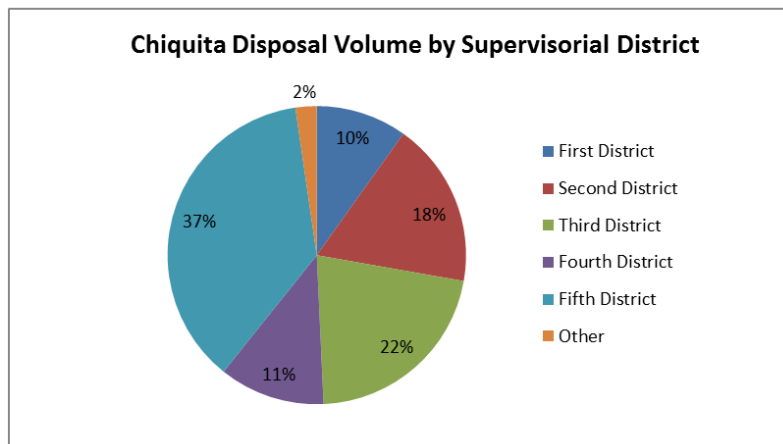
impacts and also has not demonstrated that the amount of the fees is at all related to the cost of these programs.

In addition, the County has not identified any programs or actual impacts with respect to the use of the fee to “mitigate landfill impacts in the unincorporated County areas”. Los Angeles County is large and there are unincorporated areas located very far from Chiquita Canyon that are not impacted by the project, yet the County purports to be able to use this fee to mitigate impacts of landfills within all unincorporated areas, even those located very far from Chiquita Canyon.

With respect to use of the fees to fund programs and activities that enhance environmental, educational, and quality of life programs in Val Verde and other unincorporated areas surrounding the landfill, the County has not identified such programs and has not demonstrated a reasonable relationship or roughly proportional nexus between impacts of the project and the need for such programs. For example, the project does not eliminate or affect access to educational programs nor does it bring new residents to the area to increase student demand. In addition, the County has made no findings relative to the amount of the fee and the need for these programs. Lastly, as part of the project, Chiquita Canyon Landfill is establishing community benefits funds directly with the Val Verde and Castaic communities for these same purposes. Funneling fees through the County, and thereby eliminating the negotiated community agreements in order to fund similar programs, is unnecessary.

County staff justifies this fee because it was imposed on Lancaster Landfill. This justification ignores very fundamental differences between Chiquita Canyon and Lancaster, and violates the statutory requirement imposed on the County by the Mitigation Fee Act to make individualized findings to support the required fit between the monetary exactions and the impacts of the project.

Lancaster Landfill is a much smaller facility, and it is located within a much larger and more remote geographic area. The imposition of an out-of-area fee on Lancaster Landfill reflected a policy decision to prevent it from expanding into a regional landfill, which would



involve trucks traveling great distances to reach the Antelope Valley. That is not the case at Chiquita Canyon Landfill. Unlike Lancaster, Chiquita Canyon is already a regional landfill, serving the entire County. The breakdown by Supervisorial District is shown in the chart to the left, based on operational data from the third quarter of 2016 (most recently

available). To transform Chiquita Canyon Landfill from a Countywide asset into a landfill designed to serve only the Santa Clarita Valley is a land use policy decision that must be made by the Board of Supervisors. It is improper for County staff to make policy concerning an important County asset through its recommended conditions on an administrative permit.

Further, by imposing increased fees on out-of-County material, these other counties on which we will now rely to take Los Angeles County waste could impose retaliatory fee increases on waste originating from Los Angeles County, thereby further challenging County efforts to manage its solid waste.

- **Proposed Condition No. 116** requires Chiquita Canyon Landfill to pay \$3,000,000, in \$200,000 annual increments, in order to fund alternative technologies to landfills and incineration. The project already provides a site for a Conversion Technology facility, which is an alternative technology to landfills and incineration. The project provides additional in-County capacity for solid waste disposal. It does not in any way hinder the County and private enterprise from pursuing alternative technologies. The County has not made, and cannot make, any findings that would demonstrate that the project increases the need to develop alternative technologies. Such development is occurring on a world-wide basis completely independent of the project. To impose this fee, the County must demonstrate a reasonable relationship between the purpose of this fee and project impacts and between the amount of the fee and any programs promoting landfill alternative technology. The County has not met its burden under the United States Constitution and the Mitigation Fee Act.

- **Proposed Condition No. 118** requires Chiquita Canyon Landfill to pay \$1.00 per ton on all materials received at the landfill, in order to fund transportation improvements in the Santa Clarita Valley. Not only has the County not demonstrated a nexus between the project and the need for transportation improvements in the Santa Clarita Valley, its very own Environmental Impact Report for the project found that the Project will not result in significant transportation impacts and that no mitigation measures (i.e., transportation improvements) are required. The County has made to attempt to identify specific transportation improvements or to tie those improvements in any way to project impacts. For example, the conditions proposed by staff would establish haul routes for all trucks and these haul routes traverse very few County roads, and yet the County purports to be able to charge the landfill fees to improve roads throughout the Santa Clarita Valley, including roads that are not on designated haul routes. There has been no attempt by the County to demonstrate a reasonable relationship between the purpose of this fee and project impacts, nor to demonstrate a reasonable relationship between the amount of the fee and any traffic improvement project in the Santa Clarita Valley. This fee cannot lawfully be imposed on the landfill as part of this permit application.

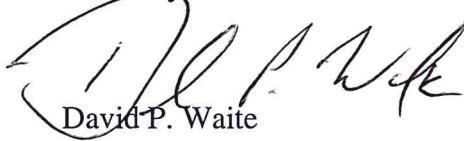
- **Proposed Condition No. 119** requires Chiquita Canyon Landfill to pay \$81,000 every other year, in order to finance “planning studies”. This condition does not describe what planning studies are needed and does not even limit such studies to the surrounding areas. Such decisions are left up to the sole discretion of the Director. The County has not demonstrated that

the project necessitates any “planning studies”, even if those studies are limited to the surrounding area. The County already prepared an Environmental Impact Report to study all impacts of the landfill, and the conditional use permit review process is itself a planning study that is specific to the landfill. The County has not explained why additional studies would be needed, and why the funding responsibility for such studies should be the responsibility of one particular business within the entire Santa Clarita Valley. By way of example, the County adopted a new Santa Clarita Valley Area Plan in 2012, which includes the areas surrounding the landfill. The prior plan was adopted in 1984. If the County keeps the same schedule, it may not update the Area Plan for another 23 years. At that rate, under this condition, Chiquita Canyon Landfill will have provided the County with close to \$1,000,000 to fund an update affecting the entire Santa Clarita Valley. The County cannot impose such a fee without first demonstrating that the continued operation of the landfill somehow drives the need for such planning studies and that the amount of the fee is related to the landfill’s fair-share contribution to such studies.

- **Proposed Condition No. 121** requires Chiquita Canyon Landfill to either operate a household hazardous waste collection facility or fund the County’s operation of up to ten collection events. The project already proposes to design and construct a facility at the landfill for the County, or a third-party operator selected by the County, to have these events. The cost of designing, permitting, and building such a facility is already high. There is no legal basis for also requiring the landfill to operate the facility or to fund its operation. The County has not demonstrated that the project will increase demand for household hazardous waste collection, or that the project has not already satisfied its obligation in this regard by providing the County with a permanent facility for such collection events. The County also has not demonstrated that there is a reasonable relationship between the \$100,000 per event fee and the cost of such events.

Thank you for your attention to these important matters.

Sincerely,



David P. Waite

DPW

071591\8604774v1

cc: Richard Bruckner
Sorin Alexanian
Mitch Glaser
Sam Dea
Richard Claghorn
Jill Jones

**SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559**

April 13, 2017

ATTACHMENT D

March 29, 2017

To Richard Claghorn
Department of Regional Planning

Dear Mr. Claghorn

I went to the March 1st meeting and listened to all who spoke on the expansion of the Chiquita Landfill. I've concluded after all that was said that:

1. Those who run the landfill provide 10,000 homes with energy but they get paid for this.
2. The Chiquita Landfill organization gives back to the community but this is their duty because of the nuisance they create.
3. No matter how good they are, nothing will change the negative effects they will have on our community in regards to (1) climate change, (2) quality of air, (3) and the endangerment of our water supply.
4. These negative effects will be Long-Term - they will continue even after the dump is closed. The negative effects will be felt for generations!
5. There is a viable alternative. Move the dump to the new location that is already bought.

Please vote NO on the expansion of the Chiquita Landfill.

Sincerely

Isabella Soriano 23224 Cuestar D. Valencia 91354

*Mayra
Huggins* - 661 476-4854

Isabella Soriano
age 8

Date: March 31, 2017

Richard Claghorn
Principal Regional Planning Assistant
Los Angeles Department of Regional Planning
320 West Temple Street
Room 1348
Los Angeles, CA 90012

Re: Chiquita Canyon Landfill Expansion

Dear Mr. Claghorn,

My husband and I moved to the Santa Clarita Valley three years ago from Los Angeles. As parents of two young children we were drawn to Valencia's charming neighborhoods, Gold Ribbon schools, beautiful green parks, and miles of natural hiking trails and secure bike paths. Our neighbors have become fast friends and local activities with our daughter's Girl Scout troop have allowed us to further explore the possibilities of our vibrant community. In other words, we're invested in continuing to make the Santa Clarita Valley a desirable place to live for other young families.

Expanding the Chiquita Canyon Landfill, just five miles away, stands in opposition to that future. Just ask the residents in nearby Val Verde, who have suffered for years from debilitating headaches and nausea due to their close proximity to the dump's toxic odors. Adding 12,000 metric tons of solid waste a day only increases the threat of dangerous health and environmental risks to the Val Verde, Castaic, and surrounding communities.

Unfortunately, I don't have specific solutions to offer on where the excess trash should go instead. What I offer is simply a mother's plea to move the waste farther away from densely inhabited urban areas. Our community's children deserve a safe and healthy environment to thrive in.

Thank you for your time and consideration.

Sincerely,



Jill Breznican

Richard Claghorn

From: camandjerry@netzero.net
Sent: Thursday, April 06, 2017 2:04 PM
To: Richard Claghorn
Subject: Chiquita Canyon Landfill April 19,2017
Attachments: Landfill Ext waiver Letter (3).pdf; 1997 approval (3).pdf

Richard Claghorn
Los Angeles County Department of Regional Planning

Please provide the attached documents to the Los Angeles Planning Commission before the April 19,2017 Chiquita Canyon Landfill meeting.

The Commission requested copies of these documents at the March 1 , 2017 Chiquita Canyon Landfill meeting.

If there were any other documents requested by the commission that we may have please reply to this email.

Thank you for your assistance.

Carmillis Noltemeyer



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 17, 2016

Chiquita Canyon
Attention: Mike Dean, Division Vice President
29201 Henry Mayo Drive
Castaic, CA 91384

Dear Mr. Dean:

I am in receipt of your letter dated November 19, 2015, concerning the Chiquita Canyon Landfill at located 29201 Henry Mayo Drive in the unincorporated community of Val Verde. In your letter you request that the Los Angeles County Zoning Ordinance Section 22.04.110 be waived to avoid temporary closure of the Chiquita Canyon Landfill in the event the landfill reaches the total maximum capacity before the Department of Regional Planning (DRP) can complete the environmental review and public hearing process for a new Conditional Use Permit (CUP).

The landfill filed and Department of Regional Planning (DRP) is currently processing CUP application No. 2004-00042) which seeks, in part, to expand the capacity of the landfill, including, but not limited to, an increase in disposal tonnage and an expansion of the horizontal and vertical "envelope" within the landfill in which waste would be deposited. Currently, the landfill is operating pursuant to CUP No. 89-081 approved in 1997, which authorized a total capacity of 23 million tons within a defined disposal "envelope."

Your letter states the landfill may reach its total capacity of 23 million tons before the processing of the pending CUP application is complete and that existing space within the approved disposal "envelope" will remain available for waste disposal beyond 23 million tons. You also indicated in your letter that closure of the landfill during the processing of the current CUP application would result in hardships to waste haulers and local communities, including price increases. Accordingly, you request that Los Angeles County Code ("County Code") section 22.04.110 be waived.

Section 22.04.110 provides in pertinent part:

No application required pursuant to this [Title 22] shall be accepted for processing or approved where an existing land use, not previously authorized by any statute or ordinance, is being maintained or operated in violation of any applicable provision of this title, or any condition of approval of a land use permit.

However, this same section provides that the prohibition may be waived "[w]here in his sole discretion the director, whose determination shall be final, determines that the use in question is consistent with the objectives, goals and policies of the General Plan, or that the continuation of said use is essential or desirable to the public convenience or welfare...."

We have reviewed the circumstances that relate to your request. We have also reviewed and considered the certified final environmental impact report (FEIR) associated with CUP No. 89-081, along with the Addendum to the FEIR prepared pursuant to California Environmental Quality Act (CEQA) Guidelines section 15164. Based on our review, we find that no circumstances requiring the preparation of a subsequent environmental impact report set forth in CEQA Guidelines section 15162 exist, and grant a limited waiver request as set forth more fully below.

Status of Current CUP Application

Based on projections and estimates at this time, we understand there may be a short time period during which the landfill will have reached capacity but the public hearing/appeal process would not have yet concluded.

We understand from waste disposal information provided by the Department of Public Works that the landfill may reach 23 million tons of capacity by November 2016; we further understand that this is an estimate only, and that capacity could be reached sooner or later than November 2016.

With respect to the landfill's current CUP application (CUP No. 2004-00042), although a draft environmental impact report has been circulated to the public, no hearing before the Regional Planning Commission has been scheduled at this time. Furthermore, if, in its sole discretion and after conducting one or more public hearing sessions on the project, the Regional Planning Commission approves the CUP, we anticipate the approval will be appealed to the Board of Supervisors for consideration, which would hold one or more public hearing sessions to consider the appeal. Based on our experience, this public hearing/appeal process may not conclude before the landfill reaches 23 million tons of capacity.

Environmental Analysis

In connection with the Board of Supervisors' approval of the CUP for the landfill in 1997, a draft environmental impact report (DEIR) was prepared by the Department which analyzed, among other things, the environmental impacts associated with disposal of a maximum of 29.4 million tons of waste in the landfill, including the vertical and horizontal expansion of the landfill required to accommodate 29.4 million tons of waste disposal.

Ultimately, the Board of Supervisors elected to limit waste disposal in the landfill to 23 million tons within a defined disposal envelope. This alternative was disclosed in the FEIR in the "Board of Supervisors Preferred Alternative," which analyzed:

- Weekly average waste disposal of 5,000 tons per day;
- 23 million ton disposal limit;
- Vertical expansion within the landfill of 78.3 acres;
- Horizontal expansion within the landfill of 103 acres; and
- A maximum permit duration of 22 years.

The Board ultimately approved the Board of Supervisors Preferred Alternative, as reflected in CUP No. 89-801.

The Addendum prepared in connection with your request discloses that, although the landfill is approaching its 23 million ton capacity, operational efficiencies have left space within the vertical and horizontal envelope analyzed and approved as part of the Board of Supervisors Preferred Alternative.

As explained in the Addendum, the landfill seeks only to continue to dispose waste within the existing approved envelope on a temporary basis during the current CUP application process, and in conformance with all other conditions of CUP No. 89-081. The Addendum appropriately updates the analysis of the DEIR and FEIR with respect to the current request. After considering the Addendum along with the FEIR for the project, we conclude the Addendum is the appropriate environmental document pursuant to CEQA, and that none of the circumstances requiring a subsequent environmental impact report identified in CEQA Guidelines section 15162 have occurred or are present here.

Interim Continuation of Landfill Operations Is Consistent with the General Plan

We find that the interim continuation of landfill operations is consistent with General Plan Policy PS/F 5.1, which states "Maintain an efficient, safe and responsive waste management system that reduces waste while protecting the health and safety of the public." Although there are no geographic constraints on the sources of waste collected by the landfill, it predominately serves the Santa Clarita Valley and surrounding communities, such as portions of the San Fernando Valley. If the landfill is forced to close during the processing of CUP No. 2004-00042, waste from these communities will need to be diverted to other landfills located further away, which will increase transportation distances. Increased transportation distances will create traffic and regional air quality impacts, increase greenhouse gas emissions, and increase costs that will be passed down to County residents. In addition, other landfills may impose out-of-area surcharges, further increasing costs; for example, the Simi Valley Landfill imposes a surcharge on waste from outside Ventura County and the Lancaster Landfill imposes a surcharge on waste from outside the Antelope Valley. Overall, closure of the landfill during the processing of CUP No. 2004-00042 will result in inefficiencies in the County's waste management system, which is inconsistent with General Plan Policy PS/F 5.1. As set forth more fully below, this limited waiver is granted subject to the landfill's ongoing compliance with the operating conditions of CUP No. 89-081, except with respect to the 23 million ton maximum set forth

in that CUP, which will protect the health and safety of the public, consistent with General Plan Policy PS/F 5.1.

Interim Continuation of Landfill Operations Is Consistent with the Santa Clarita Valley Area Plan

We find that the interim continuation of landfill operations is consistent with the Land Use Element of the Santa Clarita Valley Area Plan, a component of the General Plan. The landfill is located within the Community Serving land use designation, which allows landfills.

Interim Continuation of Landfill Operations Serves the Public Convenience and Welfare

For the reasons explained above with respect to General Plan consistency, we find that the interim continuation of landfill operations serves the public convenience and welfare. Denial of this waiver request may result in temporary closure of the landfill, which will result in increased traffic and regional air quality impacts; increased greenhouse gas emissions; and increase costs that will be passed down to County residents. County residents served by the landfill will also no longer have convenient access to waste disposal services and will no longer benefit from competitive pricing for those services. The landfill's ongoing compliance with the operating conditions of CUP No. 89-081, except with respect to the 23 million ton maximum set forth in the CUP, ensures the landfill is operated in a manner that protects the health, safety, and welfare of County residents.

Terms of This Waiver

The Department is charged with balancing not only hardships which may accrue to the landfill operator and local communities if the landfill should be forced to close during the processing of CUP No. 2004-00042, but also with ensuring that interim operation of the landfill results in minimal impacts to the surrounding Val Verde community. We believe the operating conditions of CUP No. 89-081 strike the appropriate balance between landfill operations and the local community, and further believe some additional terms and limitations are necessary to maintain this balance and to ensure the above General Plan and public convenience and welfare findings continue to be met.

Therefore, the Department is granting you a limited waiver, subject to the following:

1. This waiver shall not be effective for any purpose unless and until: (a) the landfill reaches its 23 million ton capacity; and (b) the landfill operator/applicant and the owner of the subject property, if other than the landfill operator/applicant, have filed with the Department an affidavit stating they are aware of, and agree to accept, the terms and limitations of this approval. The affidavit must be filed within 30 days of the date of this letter.
2. During the effective period of this waiver, the provisions of County Code section 22.04.110 shall not preclude DRP from processing the pending CUP application despite the landfill's accepting of waste in excess of the 23 million ton maximum set

forth in Conditions Nos. 9(g) and 46 contained in CUP No. 89-081, provided the applicant/landfill operator complies with all of the following terms and limitations:

- (a) The landfill must be operated in compliance with all applicable provisions of the County Code, and with applicable State and federal laws and regulations;
- (b) Except with respect to the 23 million ton maximum set forth in Conditions Nos. 9(g) and 46 of CUP No. 89-081, the landfill must comply with all conditions of CUP No. 89-081, including but not limited to the daily and weekly net tonnage restrictions;
- (c) Waste disposal in the landfill must take place only within the horizontal and vertical footprint (the waste disposal envelope with the maximum elevation of 1,430 feet) depicted on the approved Exhibit "A" to CUP No. 89-081, and in no event shall exceed 29.4 million tons as analyzed in the FEIR for CUP No. 89-081;
- (d) The applicant/landfill operator must not carry out or cause to be carried out any activity on the landfill site which would result in a new environmental impact or a substantial increase in the severity of an environmental impact previously identified in the FEIR for CUP No. 89-081;
- (d) The applicant/landfill operator must cooperate fully and expeditiously with the Department in the processing of the pending CUP application (CUP No. 2004-00042), including but not limited to promptly responding to requests for information by Department staff;
- (e) The applicant/landfill operator must provide the Department with weekly reports detailing, to the satisfaction of the Director, the daily disposal rates within the preceding week, the total amount in tons of waste disposed within the landfill, and the remaining capacity within the approved waste disposal envelope; and
- (f) The applicant/landfill operator must cooperate with the Department's Zoning Enforcement staff in addressing any ongoing concerns related to the operation of the landfill. The applicant/landfill operator must respond to any request for information from staff in an expeditious manner. Any inspection by the Department, which in the sole discretion of the Director is required to monitor compliance with the terms and limitations of this waiver, must be paid by the applicant/landfill operator at the rate of \$200 per inspection. The applicant/landfill operator shall reimburse any other County department for any inspection required by that department to monitor compliance with the terms and limitations of this waiver.

3. This waiver shall cease to be effective for any purpose upon the earlier of the following:

- (a) The pending CUP application (CUP No. 2004-00042) is withdrawn, approved, or denied, and such withdrawal, approval, or denial becomes final; or
 - (b) July 31, 2017; or
 - (c) This approval is revoked by the Director.
 - 4. If this waiver ceases to become effective for any purpose, and the landfill has accepted waste in excess of 23 million tons, the landfill operator shall initiate the landfill closure process as required by CUP No. 89-081.
 - 5. The applicant shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this approval. The County shall promptly notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 - 6. In the event that any claim, action, or proceeding as described above is filed against the County, the applicant shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, attorneys' fees and expenses, including but not limited to County Counsel fees and expenses, and other assistance to the applicant or the applicant's counsel. The applicant shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - (a) If during the litigation process, actual costs incurred reach 80 percent of the amount of the initial deposit, the applicant shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - (b) At the sole discretion of the applicant, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents shall be paid by the applicant in accordance with County Code Section 2.170.010.
- 7. This waiver, and compliance with the terms and limitations hereof, shall not form the basis for establishing any vested right to use the site or any structure at the site for any use or activity which requires a discretionary approval by the County of Los Angeles. Compliance with the terms of this waiver shall not be construed as an indication or assurance that the Regional Planning Commission or the Board of Supervisors will approve the pending CUP application (CUP No. 2004-00042), or

that any particular conditions will be acceptable to the Regional Planning Commission or the Board of Supervisors.

8. This waiver does not run with the land and may not be transferred.
9. Notwithstanding anything set forth herein, the terms and provisions of Items 4, 5, 6, 7, and 8, above, shall become immediately effective upon the issuance of this letter and shall survive the effectiveness of this waiver.

If the Department finds the landfill has failed to comply with any of the above terms and limitations, this waiver will be automatically revoked, without prior notice, and the provisions of County Code section 22.04.110 will immediately apply.

The Director, in his sole discretion, may also revoke this waiver if he finds that use of the subject property pursuant to this waiver no longer meets the findings required by County Code section 22.04.110. In such case, we will provide you with 14 days' notice that this approval will be revoked, and revocation will be effective on the 15th day following the date of the notice.

I trust the waiver is acceptable to the landfill. If you have any questions, please contact Mr. Oscar A. Gomez of my staff at 213-974-6483, Monday through Thursday between 7:30 a.m. and 6:00 p.m. or ogomez@planning.lacounty.gov.

Sincerely,



Richard J. Bruckner
Director of Planning

for
RSB

RB:JS:SA:OG:RG: rg

Attachment

Dept. of Regional Planning
To Frank Meneses



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Director of Planning



At its meeting held May 20, 1997, the Board took the following action:

73

The following item was called up for consideration:

County Counsel's recommendation to certify Final Environmental Impact Report, adopt Statement of Overriding Considerations, Environmental Findings and Mitigation Monitoring Program; and adopt findings, conditions and order approving Conditional Use Permit Case No: 89-081-(5), relating to the authorization and the continued operation and expansion of the Chiquita Canyon Landfill located at 29201 Henry Mayo Dr., Newhall Zoned District, applied for by Rodney Walter for Laidlaw Waste Systems.

Barbara Wampole, Lewis Berti, Allan Cameron, Patricia Schifferle, Ruth Griffin and Lewis Berti addressed the Board.

After discussion, on motion of Supervisor Antonovich, seconded by Supervisor Knabe, unanimously carried, the Board took the following actions:

- a. Certified the Final Environmental Impact Report;
- b. Adopted the Statement of Overriding Considerations and Mitigation Monitoring Program; and

(Continued on Page 2)

Syn. 73 (Continued)

- c. Adopted the attached findings, conditions and order approving Conditional Use Permit Case No. 89-081-(5), Newhall Zoned District, applied for by Rodney Walter for Laidlaw Waste Systems.

052087.73

Attachments

Copies distributed:

- Each Supervisor
- County Counsel
- Director of Internal Services
- Director of Public Works
- Laidlaw Waste Systems
- Jose Luis Vega
- Edwin Dunn
- George Carvalho
- Clean Water Action
- United Water Conservation Dist.
- Barbara Wampole
- Lewis Berti
- Allan Cameron
- Patricia Schifferle
- Ruth Griffin
- Lewis Berti



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

DE WITT W. CLINTON, COUNTY COUNSEL

May 9, 1997

TELEPHONE

(213) 974-1921

TELECOPIER

(213) 617-7182

Syn. No. 11
2/25/97

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Re: Conditional Use Permit Number 89-081(5)
Fifth Supervisorial District / 3-vote Matter

Dear Supervisors:

Your Board recently conducted a hearing on an appeal relating to the approval of the above-entitled zoning permit which proposes the expansion of the Chiquita Canyon Landfill in the Newhall Zoned District.

At the conclusion of the hearing, you rendered a preliminary order to approve the permit as revised with revised conditions and instructed us to prepare findings and conditions for approval. Such findings and conditions are attached hereto.

Very truly yours,

DE WITT W. CLINTON
County Counsel

By *Richard D. Weiss*
RICHARD D. WEISS
Principal Deputy County Counsel

APPROVED AND RELEASED:

De Witt W. Clinton
DE WITT W. CLINTON
County Counsel

A:\CUP89081.LTR

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 89-081(5)**

1. The Chiquita Canyon landfill is an existing Class III waste disposal facility located on the north side of State Route 126 westerly of Interstate 5, in the vicinity of the community of Val Verde. The landfill is operated by Laidlaw Waste Systems on land leased from the Newhall Land and Farming Company. The landfill commenced operation in 1972. Laidlaw acquired its interest in the facility in 1986.
2. The Chiquita Canyon facility has operated under a series of zoning entitlements. The most recent of these is Conditional Use Permit 1809-(5), approved November 24, 1982. This permit expires on November 24, 1997. However, the operator estimates that at the current intake rate, about 25 months of disposal capacity (1,090,000 tons) would remain in the approved landfill design at the time of permit expiration on November 24, 1997.
3. Conditional Use Permit 1809-(5) allows waste to be accepted at Chiquita Canyon 24 hours per day, 7 days per week. Use during night time hours is limited to commercial and public waste haulers and a maximum of 15 trucks. There is no maximum daily waste intake specified in the use permit. However, the Solid Waste Facility Permit (issued by the County Department of Health Services) limits waste to 5,000 tons per day. The waste received at the landfill includes sewage sludge which is currently disposed of in the landfill. The landfill has in the past received waste at its 5,000 tons per day limit, but recently has operated at a much lower rate. Laidlaw reports that in 1994, the facility received an average of approximately 1,720 tons per day.
4. Conditional Use Permit 1809-(5) authorized the fill to rise to an elevation of 1,220 feet above sea level.
5. The applicant initially proposed to continue operation of the landfill beyond 1997 by expanding the fill capacity by approximately 29.4 million tons of waste. The maximum elevation of fill would increase to 1,430 feet above sea level (210 feet

above the current limit). Filling would occur over lined portions of the existing landfill and in adjacent areas to the east and west which have not previously been part of the fill areas. The applicant further proposed that the maximum daily waste intake be increased to 10,000 tons per day. Access would continue to be from the existing entrance on State Route 126, although modifications to the entrance would be made to accommodate the increased waste flow. At 10,000 tons per day, the landfill expansion would have a service life of about 8 years, beginning in 1997. By comparison, at 5,000 tons per day, the expansion would have capacity for 16 years of waste disposal, and at the current level of waste intake, 50 years of capacity.

6. The applicant also requested authorization to conduct composting operations at the landfill. The compost would consist of shredded green waste. Waste water biosolids (e.g., sludge or sludge components) will be prohibited. The conditions of approval for this permit, as granted, provide that a maximum of 560 tons per day may be composted. The composting may be by an open, "windrow system" or an "in-vessel system".
7. The applicant further proposed to establish a materials recovery facility (MRF) and recyclable household hazardous waste facility on a site adjacent to the east side of the landfill. The MRF would handle up to 500 tons per day of source separated material and the recyclable household hazardous waste facility would handle small quantities of household hazardous waste that can be recycled. No commercial hazardous waste would be accepted. These facilities would be accessed via Wolcott Way, an entrance road to the Valencia Commerce Center.
8. The bulk of the subject property is zoned A-2-2 and A-2-5 (Heavy Agriculture-Two and Five Acre Minimum parcel sizes). The balance of the property, primarily the easterly portion to be occupied by the MRF, is zoned M-1.5 DP (Restricted Heavy Manufacturing-Development Program). The requested uses may be sited within these zones with a Conditional Use Permit. No other zoning entitlements are required.
9. Approval of a conditional use permit is dependent (among other things) upon a finding of conformance with the general plan. Other required findings relate to: compatibility of the proposed use with adjacent property; adequacy of the site for

the intended use; and availability of adequate access and utilities. The applicant's written burden of proof relative to these factors, dated July 27, 1995, was received and reviewed by the Planning Commission and the Board of Supervisors. The factors are further addressed in the environmental impact report for the project which is discussed in more detail, below.

10. The Solid Waste Management Plan, contained in the Public Facilities Element of the County General Plan, depicts the Chiquita Canyon Landfill as an existing facility with capacity which will be filled by the year 2000. Such depiction is not, however, a determinant of plan consistency. That plan provides that in considering a waste disposal facility the Board of Supervisors shall be guided by the expertise of agencies such as the County Departments of Public Works and Health Services and the State Regional Water Quality Control Board and the Air Quality Management District. "The criteria to be applied by the [Regional Planning] Commission in considering an application include the regional and local need for the specific waste disposal facility as well as the potential impacts the use will have on the community. These impacts include but are not limited to noise, odor, visual, circulation/traffic, air and water quality, seismic safety and safety. Regional need should not outweigh the impact on the community. Potential hazards should be given greater consideration than the regional need".
11. The bulk of the subject property is classified "Hillside Management" in the Santa Clarita Valley Areawide General Plan. Hillside Management is a rural designation applicable generally to steeply sloping terrain. A small portion of the property at its northeast corner is classified "Open Space" and another portion in the southeast area of the property is designated "Industry". The "Open Space" classified area was formerly owned by the Federal Government and was assigned the open space designation for that reason. The property has since been exchanged in a land transfer and is in private ownership. Because the property is now privately held, it should be treated as non-urban (rural) under the criteria of the Santa Clarita Area Plan.
12. The Santa Clarita Valley Areawide Plan provides that, subject to restrictions "to minimize environmental disruption and the loss of scenic and open space uses...", waste disposal facilities that require canyon locations as a buffer to urban uses may be sited within non-urban hillside management areas.

The applicable restrictions are as follows:

- The proposed use should be located and designed so as not to conflict with established or planned community land use and circulation patterns. Whenever necessary, the proposed land use should be located and designed so as to provide an appropriate land buffer between potentially disruptive, polluting and/or hazardous uses and surrounding lands.
 - The proposed use shall be located in areas deemed suitable from an ecologic, geologic, and topographic standpoint. The design must minimize the environmental and geologic impacts of the project and preclude ground-water contamination.
 - Access, egress, and onsite parking should be provided in a manner that maximizes safety and minimizes adverse impacts on surrounding land use patterns. Convenient all weather access will be required for fire fighting purposes.
 - The design and location of the project should ensure that the transport of toxic, explosive, or otherwise hazardous substances will avoid existing or planned residential communities. Building and site design of any potentially volatile or otherwise hazardous land use should consider as its prime objective the health, safety, and welfare of the community in which it is situated or to which it is proximate.
 - The proposed site should be appropriately landscaped, fenced, and screened to minimize the visual impact on surrounding and overlooking residences. Particular consideration shall be given to noise, odor, lights, and traffic impacts on neighboring development.
 - In identified hazard areas, the design of proposed developments should include use of appropriate hazard mitigating or avoidance measures. Such hazards include fire and flooding.
13. The portion of the property classified "Industry" is, generally, the location of the proposed MRF. SR-126 (the main access route to the landfill) is classified as a

scenic drive and is proposed for further study as a "First Priority" scenic route. SR-126 is classified as a major highway on the County Highway Plan. Santa Clarita Valley Areawide Plan policies suggest that SR-126 may be reclassified in the future as an expressway.

14. Under the California Integrated Waste Management Act, the County is required to prepare and adopt a Countywide Integrated Waste Management Plan, including a siting element providing for at least 15 years of waste disposal capacity. The County Department of Public Works is currently preparing the plan, including assessments of the need for and availability of landfill space. The Department of Public Works projects that even with full realization of waste reduction and recycling goals and maximum expansion/utilization of existing landfills, the County's landfill disposal capacity will eventually decline to the point it will be inadequate to meet the County's daily waste disposal need. The actual time of need for additional capacity will depend upon a number of variables, in particular the final closure dates of certain major landfill facilities in Los Angeles County.
15. The County's current landfill policies date to adoption of its Solid Waste Management Action Plan on April 5, 1988, by the Board of Supervisors. Action 7 of the plan provided in part: "Support the revision of all existing permits at the Azusa Western, Chiquita Canyon, North Valley (Sunshine Canyon), Puente Hills and Scholl Canyon Landfills to provide for the maximum, technically and environmentally feasible expansion of these sites..."
16. Val Verde, a community predominately of single family homes on small lots, lies to the northwest of the landfill site. To the east is a developing commercial and industrial park, currently containing a Post Office facility and one light industrial occupancy. The land to the immediate north, west and south of the landfill is undeveloped and/or devoted to agricultural use.
17. The undeveloped lands to the west, east and south of the landfill are owned by the Newhall Land and Farming Company, which is also the owner of the landfill property.

18. A Draft Environmental Impact Report (DEIR) was prepared and circulated for agency and public review. Extensive comments on the DEIR were received from both the public and government agencies, including the Departments of Public Works and Health Services, the Regional Water Quality Control Board, the Air Quality Management District and other State and County agencies having responsibility for permitting of waste disposal and processing facilities.
19. Following completion of the written comment period and public hearings on the DEIR, a final environmental impact report was prepared. The final environmental impact report consists of the DEIR and appendices, dated May 1995 and the Final Environmental Impact Report, including responses to comments, dated August 1996, and Part VI to the Final Environmental Impact Report, entitled "Summary and Overview of Board of Supervisors' Project Modifications", dated May 1997 (collectively referred to hereafter as the FEIR). The FEIR contains a detailed description of the project and documents the project's potential impacts and the proposed measures which could be undertaken to mitigate such impacts. The environmental findings, prepared in connection with the FEIR which are contained in the "Findings of Fact and Statement of Overriding Considerations Regarding The Final Environmental Impact Report, Chiquita Canyon Landfill Expansion/Closure And Resource Recovery Facilities", which document is on file at the Department of Regional Planning, are incorporated herein by reference, as if set forth in full. A Mitigation Monitoring Program consistent with the conclusions and recommendations of the FEIR has been prepared and its requirements have been incorporated into the conditions of approval for this project. The Board of Supervisors has independently reviewed and considered the FEIR and it reflects the independent judgment of the County as to the potential environmental impacts of the project.
20. The FEIR includes analysis for Traffic/Access, Biota, Geotechnical Hazard, Cultural Resources, Flood Hazard/Hydrology, Surface Water and Groundwater Quality, Air Quality, Odor and Other Nuisance, Visual Quality/Landform Alteration, Noise, Sewage Disposal, Utilities, Fire Hazard and Public Health environmental factors. The FEIR concludes that even with available mitigations, significant residual impacts would occur in the areas of air quality and landform alteration. Specifically:

Operational emissions of ozone precursors (NOx and ROC) and PM10 (fine dust) would exceed South Coast Air Quality Management District thresholds of significance and nuisance odors may potentially result from composting;

Construction emissions of NOx would exceed South Coast Air Quality Management District thresholds of significance during construction periods;

There would be a permanent change in landform due to the landfill and recycling facility development.

Accordingly, in compliance with State CEQA Guideline Section 15093, the Board of Supervisors has adopted a Statement of Overriding Considerations for the project. The Statement of Overriding Considerations, as contained in the "Findings of Fact and Statement of Overriding Considerations Regarding The Final Environmental Impact Report, Chiquita Canyon Landfill Expansion/Closure And Resource Recovery Facilities" is incorporated herein by this reference as if set forth in full. As stated in the Statement of Overriding Considerations, the Board finds that the remaining impacts on air quality and landform alteration have been reduced to the extent feasible and that the benefits of the project outweigh these unavoidable adverse impacts. Such unavoidable adverse impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations.

21. Conditions necessary to implement the mitigation measures and programs identified in the Mitigation Monitoring Program for the FEIR have been imposed as conditions of the grant of this conditional use permit.
22. After assessing the available alternatives as discussed in the FEIR and described at the public hearing and after considering the version of the project approved by the Regional Planning Commission, the Board finds that it should grant authorization for a maximum waste disposal rate of 5,000 tons per day average and for an additional seven (7) years to the life of the new permit and five (5) million tons of capacity beyond the version approved by the Commission

(for a total life of 22 years and a maximum capacity of 23 million tons). Such additional life and tonnage is justified not only by additional significant mitigation measures and the funding of a Val Verde Community Benefits Fund set forth in an agreement between the applicant and the Val Verde Civic Association, all of which have been incorporated into the conditions of grant for the landfill expansion, but also by the County's need for additional solid waste disposal capacity in order to meet the requirements of AB 939 to provide for at least 15 years of waste disposal capacity. In that regard, the Board notes that at the maximum 5,000 ton per day rate of fill, the 18.2 million ton capacity recommended by the Commission would have a life of 10 years whereas the 23 million ton capacity authorized by the Board would have a life of almost 15 years at the maximum 5,000 ton per day rate. Additional capacity may be approved in the future, if the demand for in-County fill capacity continues as now projected.

23. Based upon the FEIR, with reasonable care and due diligence in the regulation and operation of the landfill, hazard to the neighboring community and public services will not occur. Approval of the landfill expansion in increments will serve to assure that the landfill will be operated in compliance with the conditions of grant and that any warranted changes in conditions can be made, if necessary, in connection with future applications for expansion.
24. The Board finds that the proposed MRF should be authorized for a 30 year term of grant. The proposed site of this facility is within a developing business park and the nature of operation and its planned appearance is such that it will be fully compatible with other contemplated uses. The facility also has the potential to provide a necessary service in assisting to achieve waste diversion and recycling goals. A fixed term of grant is, however, appropriate to enable adjustments in the grant which may become necessary due to future changes in circumstances.
25. The Board, like the Planning Commission, does not find it appropriate to require that the MRF be constructed and operated as a condition of entitlement to expand the landfill. However, the applicant's offer of such a facility was a significant factor in the Board's decision to authorize the continued operation of the landfill. The Board therefore expects the applicant-permittee to exercise good faith and due diligence in working to establish the facility. In that regard,

the Board has required in the conditions of approval for this project that the permittee perform an economic viability and marketing study on an annual basis to assess opportunities to implement the MRF in an expeditious manner.

26. The applicant's submitted plans, copies of which are on file, verify that there is adequate area at the landfill and materials recovery site for necessary ancillary facilities, including recycling areas and employee parking.
27. The traffic, access and utility services for the project are addressed in detail in the FEIR and attached environmental findings. The proposed MRF site, which as noted in Finding 13, above, is classified "Industry" on the Santa Clarita General Plan, is also designated "urban expansion" on the Development Policy Map of the County General Plan. As such, development of the site with an urban use is subject to a finding of conformance with Development Monitoring System (DMS) criteria. Development of the MRF site and adjacent area were previously found to be in conformance with DMS criteria in connection with approval of the Valencia Commerce Center in Conditional Use Permit 87-360-(5), the findings for which are on file at the Department of Regional Planning and are incorporated herein by reference. An urban services analysis and environmental assessment specific to the proposed MRF were included in the project FEIR for Conditional Use Permit 89-081-(5). Findings with respect to the economic, social and environmental DMS factors for the MRF are contained in the environmental findings referenced in finding number 19, above. The conditions of grant for the MRF will require that the MRF development comply with all infrastructure and design specifications of Conditional Use Permit 87-360-(5).
28. A portion of the burden of proof for a conditional use permit is that "... the requested use at the location proposed will not ... be materially detrimental to the ... valuation of property of other persons located in the vicinity of the site". Opponents of the landfill have maintained that extension of the landfill as proposed would significantly diminish the value of property within adjacent residential areas. Studies on this subject have been commissioned by the applicant and presented to the Board of Supervisors. The Board determines that the preponderance of evidence does not support a finding that the project, as approved, would be materially detrimental.

29. The Board determines that it is important to the County's adopted Solid Waste Management Action Plan and the County's proposed Countywide Integrated Waste Management Plan, and to the ability of the County to meet the requirements of AB 939 by providing for at least 15 years of waste disposal capacity, that the Chiquita Canyon facility be continued as provided in this Conditional Use Permit 89-081-(5). Therefore, in the conditions of approval for the landfill expansion, the Board of Supervisors has provided that, in the event the operator is precluded from utilizing Conditional Use Permit 89-081-(5) as a result of a lawsuit, the operator may continue to operate the existing landfill under existing Conditional Use Permit 1809-(5) beyond the November 24, 1997 expiration date applicable thereto, subject to all other conditions and limitations set forth in Conditional Use Permit 1809-(5), until completion of the latest-approved fill design on file for Conditional Use Permit 1809-(5), or November 24, 2000, or until such lawsuit is resolved allowing the operator to continue the landfill under Conditional Use Permit 89-081-(5), whichever occurs first.
30. The Board of Supervisors has heard and considered the input of the Regional Planning Commission, staff, other local and state agencies and members of the public with respect to the best means of implementing the various objectives of the General Plan at the subject property.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. The use as modified and conditioned is consistent with the adopted general plan.
- B. As modified and with the attached restrictions and conditions, the requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The site is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance and otherwise required to

integrate the use requested with the uses in the surrounding area.

- D. The site has adequate traffic access and is adequately served by other public or private facilities which it requires.

THEREFORE, THE BOARD OF SUPERVISORS approves the Final Environmental Impact Report prepared for the project and certifies that it has reviewed and considered the information contained therein; certifies that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act and the State and County Guidelines relating thereto and reflects the independent judgment of the Board of Supervisors as to the environmental consequences of the project; determines that the conditions of approval and mitigation measures discussed in the Final Environmental Impact Report and the conditions of project approval are the only mitigation measures for the project which are feasible; determines that the remaining unavoidable environmental effects of the project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic and environmental benefits of the project; adopts the Statement of Overriding Considerations prepared for the project; adopts the Mitigation Monitoring Program for the project; and, approves this conditional use permit, subject to the attached conditions.

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4/30/97

**CONDITIONS FOR APPROVAL
CONDITIONAL USE PERMIT NUMBER 89-081(5)**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or other applicable time period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

In the event that any claim, action or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which the actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including, but not limited to, depositions, testimony and other assistance to the permittee or the permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deposited.

- a. If during the litigation process the actual costs incurred decrease the account to less than \$1,000, an amount necessary to restore the balance to \$5,000. There is no limit to the number of supplemental deposits that

may be required before completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The costs for collection and duplication of records shall be paid by the permittee according to the provisions of Section 2.170.010 of the County Code.

- 4. Attached to these conditions is a Monitoring Program which is incorporated into these conditions by reference. The permittee shall fully perform each action required of the permittee by the monitoring program as if it were specifically set forth in these conditions.
- 5. This grant, as it applies to the approved landfill expansion described in Condition 9, will terminate upon the completion of the approved fill design, as shown on Exhibit "A," or on November 24, 2019, whichever occurs first. Should this grant as it applies to the landfill expansion terminate without new or additional permits having been granted, no further waste shall be accepted for disposal. However, the permittee is authorized to continue such facilities in operation as are necessary to complete mitigation measures required by this grant, for closure or post-closure maintenance required by federal, state and local agencies, or for operation of the materials recovery facility described in Condition 10, the recyclable household hazardous waste facility described in Condition 11 and the composting facility described in Condition 12. All facilities not required for mitigation, closure or post-closure maintenance or such recycling facilities shall be removed unless they are of a type permitted as a matter of course by the zoning regulations then in effect.

This grant as it applies to the materials recovery facility described in Condition 10, the recyclable household hazardous waste facility described in Condition 11 and the composting facilities described in Condition 12 shall terminate on November 24, 2027. Use of the property thereafter shall be in accord with the regulations then in effect.

- 6. If any provision of this grant that is challenged by the permittee is held or declared to be invalid, the permit shall be void and the privileges granted

hereunder shall lapse.

7. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property, including but not limited to those permits, if any, issued by the following agencies:
 - a. The Local Enforcement Agency and the California Integrated Waste Management Board;
 - b. The California Regional Water Quality Control Board, Los Angeles Region;
 - c. The South Coast Air Quality Management District;
 - d. The California Department of Fish and Game;
 - e. The California Environmental Protection Agency;
 - f. The California Department of Transportation;
 - g. The U.S. Army Corps of Engineers.

Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

8. Notice is hereby given that any person intentionally violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
9. This grant allows the establishment and operation of a Class III landfill, together with certain ancillary and related activities as enumerated herein, subject to the

following restrictions as to use:

- a. Liquid or hazardous waste or radioactive waste/material shall not be accepted. Should such prohibited waste be nevertheless received at the landfill, it shall be handled and disposed of as provided in Condition 26. The term "liquid waste" as used herein includes non-hazardous sludges meeting the requirements contained in Title 23, Chapter 15 of the California Code of Regulations for disposal in a Class III landfill. The landfill shall not accept sludge or sludge components at any time.
- b. No portion of the expanded landfill may extend above the plane or outside of the surface area of the fill design as shown on the approved site plan, attached as Exhibit A.

As used in this Condition 9b "landfill" refers to the portion of the subject property in which waste is to be permanently placed and then buried under daily and interim cover material but excludes adjacent cut slopes, temporary storage areas, and any materials recovery facility, composting facility, recyclable household hazardous waste facility, and ancillary facilities authorized by this grant. Allowance for settlement of fill shall not be made in determining compliance with this Condition 9b.

The existing viewshed from Chiquito Canyon Road as presented pictorially to the Board of Supervisors on 2/25/97 shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the landfill site, including but not limited to temporary storage areas, any materials recovery facility, composting facility or any other ancillary facilities that may be visible from Chiquito Canyon Road shall be designed to be harmonious with the natural topography and viewshed and shall be reviewed by the Community Advisory Committee.

The landfill operator and the Community Advisory Committee shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen landfill operations, enhance the viewshed, establish the minimum number

and type of trees to do this and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline provided the above objectives are met and such planting is practical.

- c. Nothing in Condition 9b or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the landfill or to otherwise modify the conditions of this grant.
- d. The net tonnage placed in the landfill shall not exceed 30,000 tons per week (5,000 tons per day average based upon 6 working days per week).
- e. The net tonnage of waste placed in the landfill on any given day shall not exceed 6,000 tons.
- f. Net tonnage shall not include:
 - Clean dirt or other approved materials used for daily cover, to cover and prepare interim and final fill slopes, or for other construction purposes; and
 - Waste processed and put to a beneficial use on the landfill or separated or otherwise diverted from the waste stream and exported from the landfill for the purpose of recycling or reuse, in accord with the restrictions of Condition 9j and the agreement entered into pursuant to Part II of the attached monitoring program, and including waste handled through any materials recovery facility, household hazardous waste facility or composting facility within the restrictions set forth in Conditions 10, 11, and 12.
- g. The Board of Supervisors may increase the net tonnage allowed by Conditions 9d and 9e to 49,000 tons per week and 7,700 tons maximum per day if the Board of Supervisors, upon the joint recommendation of the Local Enforcement Agency and the Director of Public Works, determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of the public health and safety. Not more than 355 days of overages may be given over the life of this grant.

Nothing in this condition shall permit the maximum landfill capacity of 23 million tons to be increased.

- h. Operating hours may be 24 hours per day, 7 days per week, except that, other than as provided in Condition 20i, the landfill shall not accept refuse for disposal from 5:00 p.m. on Saturdays through 4:00 a.m. on Mondays. Maintenance activities may occur during these times.
- i. The permittee shall operate the landfill in a manner which maximizes the amount of waste which can be placed within the available approved volume, including but not limited to the following:

 - Investigate and implement, as appropriate, methods of diverting or reducing high volume-low density materials which are not capable of being readily compacted;
 - Investigate and implement, as permitted by the appropriate regulatory agencies, methods to reduce the volume of daily cover required; and
 - Utilize waste materials received and processed at the landfill, such as shredded green waste, as a supplement to daily, intermediate and final cover, to the extent deemed technically feasible and acceptable by regulatory agencies.
- j. Notwithstanding any other provision of this grant, the permittee shall not knowingly impede or prevent the attainment of waste diversion objectives of City and County Source Reduction and Recycling Elements and the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code.
- k. Business signs are allowed as permitted in Zone C-1.
- l. Nothing in this Condition 9 or elsewhere in these conditions of grant shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.

- m. The County reserves the right to exercise its police power to protect the public health, safety and general welfare by managing the county-wide waste stream, including such activities as the setting of appropriate taxes or fees.
 - n. The daily waste limits specified in this Condition 9 may be varied with the approval of the Local Enforcement Agency (LEA) to respond to a declared emergency.
10. This grant allows the establishment and operation of a materials recovery facility, subject to the following restrictions as to use:
- a. The facility shall be no larger than 60,000 square feet in size, and shall be designed to accommodate no more than 500 tons per day of materials.
 - b. Nothing in this Condition 10 or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the materials recovery facility or to otherwise modify the conditions of this grant.
 - c. Nothing in this Condition 10 or elsewhere in these conditions shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.
 - d. Operating hours may be 24 hours per day, 7 days per week, for purposes of processing materials, operating equipment, and/or maintaining the facility.
 - e. The delivery of material to the materials recovery facility by all but commercial and municipal entities shall not occur outside the hours of 6:00 a.m. to 8:00 p.m., 7 days per week.
 - f. Vehicles removing recyclable materials from the materials recovery facility may access the facility 24 hours per day, 7 days per week.
 - g. Site development shall substantially conform to Exhibit "A", any

requirements of Conditional Use permit 87-360 (on file at the Department of Regional Planning) not in conflict with the provisions of this grant, and the mitigations listed in the visual impact section of the environmental impact report for this Conditional Use Permit 89-081-(5).

11. This grant allows the establishment and operation of a recyclable household hazardous waste facility, subject to the following restrictions as to use:
 - a. The facility may be used by the general public to drop off recyclable household hazardous wastes, including, but not limited to, used motor oil, used latex paints, used anti-freeze, and used batteries. The facility is not to be used for general use by commercial or industrial entities.
 - b. The facility shall be no larger than 2,100 square feet in size, exclusive of ingress and egress.
 - c. Nothing in this Condition 11 or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the recyclable household hazardous waste facility or to otherwise modify the conditions of grant.
 - d. Recyclable materials shall not be collected in quantities or stored for periods which would cause the need for a hazardous waste facilities permit unless such permit has already been obtained.
 - e. Nothing in this Condition 11 or elsewhere in these conditions shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.
 - f. Operating hours may be 24 hours per day, 7 days per week, for purposes of processing materials, operating equipment, and/or maintaining the facility.
 - g. The delivery of material to the recyclable household hazardous waste facility by members of the general public shall not occur outside the hours of 6:00 a.m. to 8:00 p.m., 7 days per week.

- h. The facility shall be staffed continuously during operating hours by an individual trained in hazardous materials management.
 - i. Site development shall substantially conform to Exhibit "A", any requirements of Conditional Use Permit 87-360 not in conflict with the provisions of this grant, and the mitigations listed in the visual impact section of the mitigation monitoring summary reference in the mitigation monitoring program for this Conditional Use Permit 89-081-(5).
- 12. This grant allows the establishment and operation of a composting facility, using either windrow or in-vessel technology, together with certain ancillary and related activities as enumerated herein, subject to the following restrictions as to use:
 - a. The facility may be used to receive, process and compost green waste and to store and distribute finished mulch, biomass fuel and compost.
 - b. The facility shall consist of a receiving and processing area no more than 4 acres in size, a composting area no more than 30 acres in size, and a storage and distribution area no more than 7 acres in size.
 - c. Nothing in this Condition 12 or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the composting facility or to otherwise modify the conditions of grant.
 - d. The composting operation shall receive no more than 560 tons per day of green waste and no wastewater biosolids (e.g., sludge or sludge components).
 - e. Nothing in this Condition 12 or elsewhere in these conditions shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.
 - f. Operating hours may be 24 hours per day, 7 days per week.

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- g. Access by customers for purposes of removing finished mulch, biomass fuel and compost shall not occur outside the hours of 6:00 a.m. to 8:00 p.m., 7 days per week.
 - h. All windrow areas shall be located on existing compacted landfill areas meeting all requirements of regulatory agencies for such use.
 - i. The permittee shall comply with all rules for odor abatement and prevention of the South Coast Air Quality Management District and the County Department of Health Services (LEA). The permittee shall not allow odors to become a nuisance in adjacent residential areas. In the event odors become a nuisance in adjacent residential areas, permittee shall take all necessary steps to abate that nuisance. If the permittee, despite the application of the best available technology and methodology, cannot abate nuisance odors resulting from composting, the permittee shall terminate such operations.
13. The subject property may be used for the following ancillary facilities or activities:
- Offices, employee facilities, and truck and equipment storage and maintenance facilities related directly to the landfill, the materials recovery facility, the composting facility, the recyclable household hazardous waste facility and/or other waste handling and processing operations allowed under this grant; but excluding offices and other facilities related to any unrelated enterprises operated by the permittee or others;
 - Leachate collection and processing facilities;
 - Facilities necessary for the collection, disposal, utilization and distribution of landfill gases as required and/or approved by the South Coast Air Quality Management District; and
 - Facilities necessary for fire protection and similar purposes.

14. If the landfill regularly meets its weekly and/or daily maximum limit, as set forth in Condition 9d and 9e, the permittee shall implement a program to avert wasted trips to the landfill and illegal disposal, which program shall include:
 - a. Scheduling of regular users, such as commercial and municipal haulers, to prevent them from arriving at the landfill and being diverted to other landfills; and
 - b. Reservation of capacity for small commercial and private users, unless an alternate landfill located within 15 miles of the permittee's landfill is available to accept such users.
15. The permittee shall implement programs if necessary to discourage trucking of partially filled loads to the landfill by commercial and municipal haulers. The permittee shall also take such measures as are necessary to prevent queuing of trucks waiting to enter the landfill on State Route 126.
16. The permittee shall install and/or pay for traffic improvements as set forth below, to the extent deemed warranted by the County's Department of Public Works and the California Department of Transportation. As used in this condition, "warranted" means justified on the basis of established standards of the County, the California Department of Transportation and/or by accepted traffic engineering practice. Improvements may include, as determined by the County and the California Department of Transportation:
 - a. Installation of advance entrance signs on State Route 126 on both sides of the landfill entrance notifying motorists of the approaching entrance and of the exclusive left-turn and right-turn lanes for landfill traffic;
 - b. Installation of a second incoming truck scale at the landfill entrance before acceptance of waste in the landfill expansion area or as otherwise directed by the Local Enforcement Agency. In the event the permittee or the Local Enforcement Agency determines that an additional truck scale is necessary before acceptance of waste in the expansion area, the permittee shall install a temporary truck scale as soon as reasonably feasible. Any such temporary scale shall be replaced by a permanent

truck scale upon completion of any necessary permitting and construction;

- c. Coordination with the California Department of Transportation on its State Route 126 widening project to provide for a left-turn and acceleration/deceleration lane in the center of State Route 126 near the landfill entrance;
 - d. Installation of a traffic control signal at the entrance of the landfill as may be required based on a warrant analysis approved by the California Department of Transportation;
 - e. As required to serve the materials recovery facility, improve Wolcott Way from State Route 126 to the materials recovery facility site and the site frontage to the satisfaction of the Director of Public Works; and
 - f. Permittee's financial contribution toward the installation of a traffic control signal at the intersection of State Route 126 and Interstate 5, as may be required by a warrant analysis approved by the California Department of Transportation. Permittee's contribution shall be based on permittee's facilities' traffic impacts as a percentage of total traffic at this intersection.
17. Except as otherwise provided in this condition, the final landfill surface shall be concurrently reclaimed and revegetated as described in the Revegetation and Erosion Control Program (Oasis Associates, Inc. March, 1995) developed for the landfill expansion.

If the Local Enforcement Agency determines either (1) that a different design or plan would better protect the public health and safety and would enable revegetation of the final landfill surface as well as or better than the Revegetation and Erosion Control Program, and/or (2) that a change is dictated by revisions to the minimum standards adopted by the California Integrated Waste Management Board, and as a result the Local Enforcement Agency directs the implementation of a different design and/or plan, then the permittee shall not be bound by the provisions of this condition.

18. A temporary vegetation cover shall be established on all slopes and other areas that are to remain inactive for a period longer than 180 days.

The permittee shall employ expert assistance to carry out this condition. Soil sampling and laboratory analysis shall be conducted before revegetation to identify chemical or physical soil properties that may adversely affect plant growth and establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected as indicated by the tests. To the extent possible, plant types shall blend with species indigenous to the area and be drought tolerant and shall be capable of rapid establishment. For specific requirements, see the Revegetation and Erosion Control Program (Oasis Associates, Inc., March 1995).

19. The permittee shall utilize the most effective available technology and methodology to avert fugitive dust emissions which may be a nuisance or hazard in adjacent populated locations or which may cause significant damage to wildland resources. In addition to the revegetation measures required in Conditions 17 and 18 and listed in the mitigation monitoring summary, the permittee shall comply with the regulations approved by the Local Enforcement Agency and the rules for dust abatement and prevention of the South Coast Air Quality Management District.

20. The permittee shall employ the most effective available technology and methodology to prevent litter which enters the area under the permittee's control in the form of waste from escaping the area. The permittee's on-site litter control program shall include, unless otherwise provided by the Local Enforcement Agency, the following:

- a. Landfill personnel shall regularly patrol the access road from the scales to the working face from the time it opens to the time it closes in the evening;
- b. Improperly covered or contained loads which may result in a significant release of litter shall be immediately stopped and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load shall be transported under escort to the working

face.

- c. All debris found on or along the entrance and working face access roads shall be immediately removed;
- d. Operating areas shall be located in wind shielded portions of the landfill during windy periods;
- e. The landfill operator shall install and maintain temporary litter fences in operating areas and in those areas along the property perimeter that are regularly littered due to the location of the operating area, time of year, and climatic conditions. The landfill operator and the Community Advisory Committee shall work together to identify littered areas in need of fencing.
- f. The permittee shall require open-bed trucks exiting the landfill either to be swept clean of loose debris or to be covered so as to minimize the possibility of litter escaping onto State Route 126.
- g. The landfill operator shall install speed bumps on landfill property in paved areas along the route of trucks leaving the landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the site.
- h. Landfill personnel shall police Chiquito Canyon Road from SR 126 to the entrance to Val Verde at Rancho Avilos and the surrounding area within 100 feet of the centerline of the road or to any existing fence on private property for the purpose of locating and cleaning up litter in this area. Litter pickup shall be a minimum of one time per month and may be increased, upon agreement between the landfill operator and the Community Advisory Committee, to maintain a litter free environment.
- i. The landfill operator shall provide four free quarterly clean-up days to residents of Val Verde, showing proper identification and proof of residence at the landfill entrance. These days may be Sundays. The operator shall further reimburse the Community Advisory Committee for

the cost of providing two rolloff bins in Val Verde on each clean-up day. The operator and Committee may jointly change this program if they mutually determine alternatives to the above can further assist the community.

21. The permittee shall, to the satisfaction of the Director of Public Works and the Local Enforcement Agency, maintain programs aimed at controlling the discharge and recovery of litter from uncovered or improperly covered or contained loads traveling to the landfill.

The measures shall include an effective tarping program, which if necessary in the estimation of the Director of Public Works and the Local Enforcement Agency, shall provide for mandatory sale of tarps to violators and/or punitive fees and exclusion from the landfill of repeated violators.

22. The permittee shall post a sign at the entry gate at State Route 126 which indicates the following:
- a. The telephone number by which persons may on a 24-hour basis contact the permittee to register complaints and/or comments regarding landfill operations;
 - b. The telephone number of the Local Enforcement Agency and the hours when the number is manned; and
 - c. The telephone number of the enforcement offices of the South Coast Air Quality Management District and the hours when the number is manned.
23. The permittee shall at all times during operating hours maintain adequate staff to promptly respond to litter and other complaints from the surrounding neighborhood. The permittee shall have bilingual (Spanish/English) employees available during business hours. The permittee shall arrange to have Spanish speaking operators available for messages 24 hours per day.
24. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit A (including borrow areas) shall not be graded or

similarly disturbed to create the landfill areas approved in Condition 9b or new soil stockpile areas or disturbed areas for construction staging not shown on Exhibit A. The Director of Public Works may approve additional grading if the Director determines, based upon engineering studies provided by the permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes or for soil stockpiling or construction staging. Such a determination shall be documented as provided in Part I of the attached monitoring program.

In the case of soil stockpiling and staging areas not shown on Exhibit "A" or located within the approved fill area, the permittee shall submit a letter from a qualified biologist certifying that the affected area is not a location of biological sensitivity as identified in the project environmental impact report. No approval shall be granted under this condition which will result in expanding the area or height of fill or in lowering or significantly modifying any of the ridgelines surrounding the landfill.

Nothing in this condition shall be construed as prohibiting the installation of water tanks, access roads, flares, or similar facilities or mitigation programs required by this grant or by permits issued by other public agencies.

25. The permittee shall implement a program to identify and conserve any significant archaeological or paleontological materials which may be present in accord with this condition. If any evidence of such materials is discovered during earth moving activities, landfill operations shall cease in that immediate area and said area shall be preserved until a qualified archaeologist or paleontologist has made a determination as to the significance of the site or findings. Any significant archaeological or paleontological resources shall be recovered, to the extent practicable, before resuming activities in that area of the landfill.
26. The permittee shall implement a comprehensive waste load checking program designed to exclude disposal of liquid and hazardous wastes and radioactive material at the landfill, which program shall comply with the requirements of this condition and Part III of the attached monitoring program and any additional requirements of the Local Enforcement Agency, the California Environmental Protection Agency, the Regional Water Quality Control Board, and the California

Integrated Waste Management Board.

Restrictions on disposal of radioactive material and hazardous and liquid wastes and the procedures for proper disposal at other appropriately classified disposal sites or waste processing facilities shall be provided to waste haulers on a routine basis. Notices shall also be posted at prominent locations at the landfill to inform waste haulers of the rules governing the disposal of liquid and hazardous waste, and radioactive material.

In the event that material known or suspected to be hazardous waste or radioactive material is discovered at the landfill, the permittee's agent shall:

- a. If the vehicle that delivered the waste is still present, attempt to identify the driver and obtain his driver's license number and vehicle's license number;
- b. Immediately make all required notifications to State and County agencies; and
- c. If possession of the material is not immediately taken by a public official, store the material at a site developed in accord with the regulations of the California Environmental Protection Agency and the Regional Water Quality Control Board until disposed of in accord with applicable State and Federal Regulations.

The permittee shall also provide effective vector control measures as directed by the County Department of Health Services.

Nothing in this condition shall be construed to permit the maintenance of a hazardous waste disposal facility at the landfill.

27. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any

requirements thereof.

28. The permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the Regional Water Quality Control Board and any other regulatory agency with appropriate jurisdiction. Except as specifically otherwise provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed so as to accommodate run-off from a capital storm.

The landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from disposal areas.

The permittee shall further comply with all grading requirements of the Department of Public Works and County Ordinance.

29. The permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as approved and required by the Regional Water Quality Control Board.
30. The permittee shall install and test ground water monitoring wells as required by the Regional Water Quality Control Board and shall promptly undertake any action directed by the Regional Water Quality Control Board to correct or prevent contamination which may affect ground water quality or water conveyance or storage facilities. Any testing or remedial actions deemed necessary by the Regional Water Quality Control Board to correct or prevent contamination or to determine the existence of any contamination from the existing landfill operated by the permittee which, in the opinion of the Regional Water Quality Control Board, should be completed or guaranteed before commencement of landfill expansion shall be completed or guaranteed by the permittee before commencement of the expansion to the satisfaction of the Regional Water Quality Control Board.
31. The permittee shall maintain on-site fire response capabilities, construct access roads, provide water tanks, water mains, fire hydrants and fire flows and perform brush clearance to the satisfaction of the County Forester and Fire Warden.

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32. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls provided in accord with the requirements of the County Forester and Fire Warden, the County Department of Public Works, the Regional Water Quality Control Board, and the South Coast Air Quality Management District.
 33. The permittee shall take all necessary measures to ensure that noise emissions from the on-site facilities at any residential receptor are within the limits of the County Noise Ordinance, as contained in Title 12 of the County Code.
 34. Unless otherwise authorized by the South Coast Air Quality Management District, the permittee shall install and maintain a best available control technology landfill gas collection system in compliance with the requirements of the South Coast Air Quality Management District. The permittee shall also control the lateral migration of gases to the satisfaction of the Department of Public Works, the Local Enforcement Agency, the California Integrated Waste Management Board and the South Coast Air Quality Management District, as applicable. The permittee shall use his best efforts to maximize landfill gas collection consistent with applicable government regulations. The permittee shall use the best available technology when installing and maintaining landfill gas collection systems. Permittee shall purchase a maximum of five combustible gas monitors, at least one of which is able to be used outdoors, an organic vapor analyzer, similar to the monitors used in structures at the Chiquita Canyon Landfill, and provide same to the Community Advisory Committee for placement in locations of concern to the community, as determined by the Committee. These monitors are designed to detect and provide warning in the event of a build-up of methane gas. The Committee shall be responsible for locating, monitoring and maintaining such monitors. In the event such monitors indicate discernible levels of methane gas, the Committee and the landfill operator shall jointly investigate the situation and if it is determined that the landfill is the cause of such methane gas build-up, the landfill operator will take corrective action. The permittee shall work with the Citizens Advisory Committee in understanding the requirements of Rule 1150.1 governing the control of gaseous emissions from active landfills. The permittee shall forward copies of any notices or reports filed with or received from the regulatory agency or agencies responsible for oversight.

35. Landfill gas flares shall be below the adjacent ridges and the flames shall be totally contained within the stack, unless otherwise required by the South Coast Air Quality Management District. Flame arresters shall be provided to the satisfaction of the County Forester and Fire Warden.
36. The permittee shall adopt and implement operational practices to mitigate vehicular and other air quality impacts as required by the South Coast Air Quality Management District.
37. The permittee shall operate the on-site facilities in a manner which conserves water, including but not limited to the following:
 - a. The permittee shall investigate the feasibility of treating collected leachate on-site for reuse in the landfill and shall, if feasible and approved by the appropriate agencies, implement a program to utilize such water;
 - b. Soil sealant, pavement and other control measures shall be used wherever possible in preference to water for dust control; and
 - c. Drought-tolerant plants shall be used to the extent possible to revegetate.
38. The permittee shall comply with any applicable provisions of Sections 1601-1603 of the California Fish and Game Code and Section 404 of the Clean Water Act before alteration of drainage courses and shall mitigate any disturbed wetland habitat or jurisdictional habitat to the satisfaction of the California Department of Fish and Game and/or the United States Army Corps of Engineers, as applicable.
39. To the extent permitted by law, the Local Enforcement Agency shall have the authority to order the immediate cessation of landfilling or other activities at the site if it determines that the health, safety and/or welfare of the inhabitants of the County of Los Angeles so requires. Such cessation shall continue until such time as the Local Enforcement Agency determines that the conditions leading to the cessation have been eliminated or reduced to a level which no longer poses an unacceptable threat to such health, safety and/or welfare.

40. In order to undertake and administer planning studies for unincorporated communities in the vicinity of the landfill, the permittee shall pay to the Department of Regional Planning \$75,000 on July 1, 1998, \$75,000 on July 1, 1999, and \$100,000 on July 1, 2000. In order to provide funding for community planning needs as identified by such planning studies, the permittee shall pay to the Department of Regional Planning \$30,000 per annum commencing July 1, 2001 and continuing each July 1 for the life of this grant applicable to the landfill. The funds received shall be placed in an interest bearing trust account until used for the specified purposes.
41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:
- The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;
 - Gas to energy or direct gas sale revenues, less any federal, state or local fees or taxes included in such revenues.
- Should the County impose a business tax on landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41.
42. As agreed, the permittee shall make a good faith effort to establish and maintain, based on, among other things, economic viability, the materials recovery and recyclable household hazardous waste facilities approved in Conditions 10 and 11. The permittee shall perform an economic viability and marketing study on an annual basis to assess opportunities to implement a materials recovery facility in an expeditious manner. Nothing in this condition shall mandate the permittee to implement a materials recovery facility.
43. The permittee shall present its Emergency Response Plan to the Community

Advisory Committee and develop an additional component with the Committee for emergency notification to the Val Verde community. The landfill operator shall bear the reasonable costs, if any, of plan implementation.

44. Permittee shall comply with the Statement of Agreements and Understandings it entered into with certain community representatives on February 21 and 24, 1997, as that agreement has been amended and as it may be amended according to its terms. County enforcement of this condition shall be limited to a revocation or modification proceeding under County Code Section 22.56.1780 et seq., which may be commenced only in the event that a court or other decision maker of competent jurisdiction determines that the Permittee has breached its obligations under the Statement of Agreements and Understandings.
45. The permittee shall purchase translation equipment as specified by the Val Verde Civic Association for a one time cost not to exceed \$8,000, by or before the first Val Verde Community Benefits Fund payment is made in accordance with the Statement of Agreements and Understandings referenced in condition no. 44, above.
46. The maximum total capacity of the landfill shall be 23 million tons. Landfill closure shall occur when this capacity is reached or by November 24, 2019, whichever occurs first.
47. In the event that the permittee is precluded from utilizing this grant as a result of a lawsuit, the permittee may continue to operate the existing landfill under CUP 1809-(5) beyond the November 24, 1997 expiration date applicable thereto, subject to all other conditions and limitations set forth in CUP 1809-(5), until completion of the fill design shown on the latest approved Exhibit A on file with CUP 1809-(5), or November 24, 2000, or resolution of the lawsuit challenging the grant of this CUP 89 081-(5), whichever occurs first.

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4/29/97

MONITORING PROGRAM

PROJECT NO. 89-081
THE CHIQUITA CANYON LANDFILL EXPANSION
(State Clearinghouse No. 92071053)
An Attachment to the Conditions of Grant for
Conditional Use Permit 89081-(5)

DEFINITIONS. Unless otherwise apparent from the context, the term "Condition(s)" shall refer to a condition or conditions of Conditional Use Permit No. 89081-(5), also referred to herein as the "grant", and "project" shall refer to the overall landfill expansion and the addition of a materials recovery facility, a recyclable household hazardous waste facility, a composting facility, and/or any ancillary facilities approved by said use permit. The term "permittee" shall be as defined in Condition 1 of the permit. The term "Local Enforcement Agency" shall refer to the entity or entities [currently the Los Angeles County Department of Health Services] designated pursuant to the provisions of Division 30 of the Public Resources Code to permit and inspect solid waste disposal facilities and to enforce state and local regulations and permits; provided, however, that should at any time the function of Local Enforcement Agency be assigned to an entity which is not designated by the Board of Supervisors, any functions assigned to the Local Enforcement Agency through the monitoring program and the conditions of grant which are not by law the prerogative of the Local Enforcement Agency shall be delegated by the Board of Supervisors to an entity of its selection.

PURPOSE. This monitoring program is intended to ensure compliance with the conditions of grant and other mitigations as set forth in the final environmental impact report for the project, in accord with the provisions of Section 21081.6 of the Public Resources Code, and to complement the enforcement and monitoring programs routinely administered by County agencies, including the Local Enforcement Agency, and by public agencies other than the County of Los Angeles. Such other agencies include the California Integrated Waste Management Board, the California Regional Water Quality Control Board, Los Angeles Region, the State Water Resources Control Board, the South Coast Air Quality Management District, and the California Department of Fish and Game.

The overall responsibilities of the monitoring agencies are more specifically described in the document entitled "Mitigation Monitoring Summary - Chiquita Canyon Landfill Expansion/Closure and Resource Recovery Facilities Project" contained in Appendix "A" of the final environmental impact report for the project.

GENERAL OBLIGATION. The landfill operator shall comply with all mitigation measures identified in the Final Environmental Impact Report for this project or with any substitute measures that may be imposed in the future by the Department of Regional Planning or the agencies listed in Condition 7 to reflect changed laws or regulations. The landfill operator shall also comply with all project features identified in the Final Environmental Impact Report for this project that are designed to prevent or reduce potential environmental impacts of the project or with any substitute features that may be authorized in the future by the Department of Regional Planning or the agencies listed in Condition 7 to reflect changed laws or regulations. The Department of Regional Planning shall have the power to enforce this obligation.

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PART I — LANDFILL ELEVATIONS. The following measures shall be carried out to monitor compliance with Conditions 9.b, and 24 which set limits upon the height of fill and disturbance to adjacent areas.

- A. Other than as needed to establish on-site access roads, before commencing expansion of the landfill beyond the limits established by Conditional Use Permit 1809-5 the permittee shall install permanent survey monuments around the perimeter of the approved fill area as depicted on Exhibit A (referenced in Condition 9b) at points where they will not be subject to disturbance by landfill development.

The spacing, location and characteristics of the monuments shall be as specified by the Department of Public Works. The monuments shall be inspected by the Department of Public Works after installation and an as installed plan, approved by the Department of Public Works, shall be provided to the Local Enforcement Agency.

Not less than 60 nor more than 90 days before the due date for the Biennial Report required in Part VII, the permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the landfill elevations and to submit the results to the Department of Public Works for approval. Such a survey shall also take place within 60 days after the occurrence of any earthquake of magnitude Richter 5.0 or greater having an epicenter within 20 miles of the landfill, and upon the completion of the final fill.

The Department of Public Works may also conduct or order such on-site surveys as it deems necessary or as requested by the Local Enforcement Agency and shall promptly report any apparent violation revealed by a survey to the Department of Regional Planning and the Local Enforcement Agency.

- B. Should the Director of Public Works approve grading or other disturbance to areas outside the cut and fill limits shown on Exhibit "A" pursuant to the provisions of Condition 24, the Director shall refer a copy of such authorization to the Department of Regional Planning and the Local Enforcement Agency.

PART II — WASTE PLAN CONFORMANCE. The provisions of this part are intended to insure compliance with the provisions of Conditions 9d-9j and conformity of landfill operations with city and county plans adopted pursuant to Division 30 of the State Public Resources Code.

- A. Before November 24, 1997, the permittee shall enter into an agreement with the County of Los Angeles providing for:
1. Controlling and accounting (as further provided in Part II B) for waste entering and (in the form of recycled or diverted material) leaving the landfill, in accord

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with plans adopted by cities and the County pursuant to Division 30 of the Public Resources Code.

2. The implementation and enforcement of programs intended to maximize utilization of the available fill capacity, as set forth in Condition 9i.
3. The implementation of waste diversion and recycling programs in accord with the applicable city and county plans.

The agreement required in this Part II A, or any portion thereof, may be waived if the Local Enforcement Agency, the Director of Public Works and the County Counsel, jointly, determine that such provisions may be incorporated in the solid waste facilities permit for the landfill.

Should all or parts of any applicable city and County plans not be adopted before the expansion of the landfill, an interim agreement may be entered into pending adoption of the plans.

The agreement required by this Part II A shall include provision for amendment as necessary to maintain conformity with applicable city and County plans. Copies of the initial agreement and any amendments shall be referred to the Departments of Public Works and Regional Planning, the Local Enforcement Agency, and to each city within the County of Los Angeles which has adopted plans and is a significant disposer of waste to the landfill.

- B. The agreement required in Part II A shall provide that the permittee shall maintain scales to verify the weight of waste received, diverted and recycled. The agreement shall also provide that the permittee shall, as set forth in the agreement, maintain records necessary to document tonnage and compliance with waste restrictions imposed pursuant to the conditions of grant and the agreement together with such additional records concerning the composition and origin of waste that are needed to develop city and County waste management plans.

The agreement may provide, subject to the availability of appropriate hardware and software, for electronic recording devices to document weights and other records.

All records shall be available at the landfill for inspection by the Local Enforcement Agency and authorized representatives of the Departments of Public Works and Regional Planning and the Treasurer and Tax Collector during normal business hours and shall be routinely forwarded to such agencies as may be provided in the agreement and in the agreement adopted pursuant to Part II.

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PART III — HAZARDOUS WASTE EXCLUSION. This part incorporates the program to be implemented by the permittee and the Local Enforcement Agency, and which was designed to exclude liquid, radioactive and hazardous wastes from the landfill in accordance with the provisions of Conditions 9a and 26.

- A. The permittee shall maintain a comprehensive waste load checking program, which shall include the following:
1. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to the Local Enforcement Agency, for the presence of radioactive materials;
 2. The scale operator shall question each incoming driver as to the nature of the load. Sensors capable of detecting volatile organic compounds, acceptable to the Local Enforcement Agency, shall be installed and used as directed by the Local Enforcement Agency;
 3. The load checker shall inspect for contamination all large loads of soil brought into the landfill from points not known to be free of contamination. For purposes of this paragraph, "contamination" shall mean any substances contained in such soil that are not approved to be in such soil pursuant to the Special Waste Acceptance Program;
 4. The dumping area shall be monitored for hazardous and liquid waste and radioactive waste or materials. This monitoring shall be accomplished by equipment operators and spotters who have been trained in a monitoring program approved by the Local Enforcement Agency;
 5. Manual inspection of randomly selected refuse loads shall be conducted. The frequency of inspections shall be as determined by the Local Enforcement Agency. The checking program shall be conducted by personnel trained in accordance with a program approved by the Local Enforcement Agency; and
 6. If on the basis of monitoring of the dumping area and of random inspections the Local Enforcement Agency determines that significant amounts of hazardous, liquid or radioactive waste or material may be entering the landfill, the Local Enforcement Agency may direct an expanded inspection program, including additional, unannounced manual inspections.

PART IV — MITIGATION AGREEMENT. Before November 24, 1997, the permittee shall enter into an agreement with the County providing for indemnification of the County for any

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damages to public property which may result from landfill operations and for any expenses which may be incurred by the County in performing any on-site or off-site remedial work which may be necessitated by the permittee's failure to operate or maintain the landfill at an acceptable level or the permittee's failure to perform in a timely manner. The performance areas covered shall include, but not be limited to, landscaping, litter and dust control, noise control, vector control and maintenance of slopes and drainage structures. The standard for operation and maintenance shall be as established by the provisions of this grant and by accepted industry practice.

To secure performance on the agreement, the permittee shall tender to the County a certificate of deposit, letter of credit or other security acceptable to the County in the amount of one million dollars (\$1,000,000). The security shall be in addition to all other security required by federal, state and local regulations and permits, including other performance security required by this permit and State landfill closure regulations. Upon termination of the grant applicable to the landfill the security shall be released and returned to the permittee.

PART V — HORTICULTURAL MONITORING. This part is intended to promote compliance with the provisions of Conditions 17 and 18 concerning on-site planting and maintenance.

- A. The permittee shall, before commencing expansion of the landfill beyond the limits established by Conditional Use Permit 1809-5, retain the services of a consulting horticulturalist or landscape architect to supervise the on-site slope planting required as a condition of grant and this monitoring program. The permittee's selection shall be approved by the Local Enforcement Agency with the advise of the Staff Biologist, Department of Regional Planning.

The consulting horticulturalist or landscape architect shall be a person who by education, training, experience and professional standing, as evidenced by appropriate licensing, registration and/or academic standing in the field of horticulture, is qualified to carry out the specific requirements of the position.

- B. Should at any time during the life of the grant plus any additional required maintenance period the initially-selected consultant terminate employment, a replacement shall be retained and approved as provided in Part V A.
- C. The permittee shall make and maintain records to track fill areas in accordance with Regional Water Quality Control Board requirements. These records shall be used to indicate areas transferred to an inactive status and therefore potentially subject to being vegetated as provided in Condition 18. The permittee shall make copies of such records

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available to the consulting horticulturalist or landscape architect and the Local Enforcement Agency on a routine basis and to other regulatory agencies upon request.

PART VI — RECYCLING AND ANCILLARY FACILITIES. This part is intended to provide a means to enforce compliance with Conditions 10,11,12 and 13 concerning the provision of recycling and ancillary facilities at the landfill, and to verify that such facilities are consistent with other conditions of the grant and the monitoring program and with the provisions of the County Zoning Ordinance.

Before obtaining building permits for any of the recycling or ancillary structures to be provided at the site, the permittee shall submit to the Director of Planning a specific site plan for such structures. The plan shall be in sufficient detail to establish compliance with the conditions of the grant and with the standards of the County Zoning Ordinance, including the provisions of said ordinance relating to the provision and development of parking, as set forth in Part 11, Chapter 52, Title 22 of the County Code.

If approved, the Director shall forward copies of the plans to the Department of Public Works and the Local Enforcement Agency.

PART VII — MONITORING REPORTS. This part is intended to provide for a means of continuing oversight of landfill operations as a supplement to the routine enforcement activities of the various regulatory agencies having control over the development, operation and maintenance of the landfill.

- A. The permittee shall prepare and submit biennial monitoring reports to the Regional Planning Commission. the first such report being due December 1, 1999 and subsequent reports being due December 1, every other year until closure of the landfill. At least 60 days before the due date, draft copies of the report shall be submitted to the following for review and comment:
1. The Local Enforcement Agency;
 2. The Director of Public Works;
 3. The Los Angeles County Forester and Fire Warden;
 4. The California Regional Water Quality Control Board, Los Angeles Region;
 5. The South Coast Air Quality Management District; and

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6. The Community Advisory Committee, required pursuant to Part VIII of this monitoring program.

Each referral shall include a request that comments be sent to the Regional Planning Commission in care of the Director of Planning on or before the due date of the report. The permittee shall provide documentation of each referral to the Director of Planning in a form acceptable to the Director.

- B. Except as otherwise provided in this Part VII B, each monitoring report shall contain the following:
1. A cumulative total of all waste deposited in the landfill and the percent of total available volume consumed;
 2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved landfill survey—(as required in Part I A of the monitoring program) showing the height and extent of fill;
 3. The achieved ratio of weight to volume of waste placed in the landfill and a comparison of that ratio with the ratio achieved at comparable landfills and an explanation of any significant deviation;
 4. A summary of the rates of waste received, recycled or otherwise diverted at the landfill since November 24, 1997 or the last report, as applicable, in sufficient detail to explain significant changes and variations over time and an explanation of any significant variation or changes;
 5. A summary of measures undertaken by the permittee to divert and recycle material at the landfill and to establish and maintain the materials recovery and household hazardous waste facilities approved in Conditions 10 and 11, and how such measures interact with waste management plans adopted by cities and the County and the overall effectiveness of such measures in achieving the intent of the grant and the waste management plans;
 6. A summary of the number and character of litter, fugitive dust and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures which have been undertaken to abate or address future complaints;

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7. A detailed accounting of any citations for violations received from any regulatory agency in connection with operation of the landfill (including those for litter, odor or fugitive dust) and the disposition of the citations;
8. A report prepared by the horticultural monitor on interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation; and
9. A summary of compliance with the individual mitigation measures set forth in the mitigation monitoring summary and the conditions of grant; one time measures documented in a monitoring report need not be documented in subsequent reports.

Upon receipt of the report and agency comments, the Commission may request that the permittee submit such additional information as it deems necessary to carry out the purposes of this Part VII.

The Community Advisory Committee shall receive a copy of the completed report and agency comments upon submittal to the Regional Planning Commission. All reports in this section will be forwarded to the Community Advisory Committee within 5 working days of being made available to the Permittee.

The permittee and its technical staff shall be available to present the findings and implications of the report at no cost, in a timely manner, to the Community Advisory Committee upon request.

- C. Nothing in this Part VII shall be construed to in any way limit the authority of the Commission or the Board of Supervisors to initiate any proceeding to revoke or modify the grant as provided in Condition 8 and Part 13, Chapter 56, of Title 22 of the County Code.

PART VIII — COMMUNITY ADVISORY COMMITTEE. The Board of Supervisors shall appoint a Community Advisory Committee to serve as a liaison between the permittee and the community and as a means for the community to communicate with the Regional Planning Commission and other regulatory agencies on an ongoing basis regarding issues involved in the development and operation of the on-site facilities. The committee shall be comprised of a majority of persons who reside in Val Verde. The supervisor in whose district the site is located shall appoint a representative from such district to serve as coordinator for the Committee and shall nominate Committee members.

Upon appointment of the Committee by the Board of Supervisors, the permittee shall do the following:

PROJECT NO. 89-081
THE CHIQUITA CANYON LANDFILL EXPANSION
(State Clearinghouse No. 92071053)
An Attachment to the Conditions of Grant for
Conditional Use Permit 89081-(5)

1. Provide qualified personnel to regularly attend Committee meetings;
2. Provide reasonable access to the site and information concerning site operations necessary for the committee to perform the committee's functions; and
3. Provide funding, not to exceed \$20,000 per annum, for the committee to retain independent consultants; provided that any consultant retained shall have appropriate qualifications for the work for which the consultant was retained and have no conflict of interest with the permittee or any committee member.

PART IX — COMPENSATION. The permittee shall compensate the Department of Public Works and the Department of Regional Planning for expenses incurred in the administration of this monitoring program and grant not otherwise covered by permit fees. Such compensation shall be computed on the basis of actual hours expended multiplied by the most current applicable hourly rate approved by the auditor controller that is available at the time that the expenses are incurred.

The permittee shall similarly compensate the Local Enforcement Agency for any extraordinary expense incurred in the administration of this monitoring program and grant not covered by fees paid for normal administration of the solid waste facility permit.

At the time of submission of the affidavit referred to in Condition 2 of the grant, the permittee shall deposit with the County of Los Angeles the sum of \$10,000. The deposit shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for the actual cost of expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of grant.

Rev. 5-8-97

**FINAL MITIGATION MONITORING SUMMARY
CHIUQUITA CANYON LANDFILL EXPANSION/
CLOSURE AND RESOURCE RECOVERY FACILITIES (BOARD MODIFIED PROJECT)
A PORTION OF THE FINAL MITIGATION MONITORING PROGRAM
For Conditional Use Permit 89-081-(5)
County of Los Angeles**

FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
TRAFFIC/ACCESS			
• The landfill operator will install a traffic control signal at the landfill entrance intersection with SR-126 in accordance with Caltrans signalization standards.	At the time a traffic signal is warranted or as otherwise directed by the California Department of Transportation.	Landfill operator will maintain regular contact and coordinate with Caltrans.	— Caltrans — California Department of Transportation
• A second truck scale will be installed at the landfill entrance. Design and installation of the second truck scale will be coordinated with the County of Los Angeles Department of Public Works.	Prior to acceptance of waste in the landfill expansion area or as otherwise directed by the LEA.	Landfill operator will submit truck scale/entrance design for review and approval by County staff and installation of second truck scale.	— LEA — Dept. of Public Works
• The landfill operator will coordinate with Caltrans regarding roadway design features near the entrance of the landfill. The design should provide a left-turn out lane in the center of SR-126 with enough distance for acceleration/deceleration.	Prior to SR-126 widening to four lanes.	Landfill operator will maintain regular contact and coordinate with Caltrans.	— Caltrans
• Advance entrance signs will be installed on SR-126 on both sides of the facility entrance to advise all motorists of the approaching landfill driveway. The signage will be installed in accordance with Caltrans standards. The signage program will include identification of the exclusive left-and right-turn lanes available to access landfill.	As directed by Caltrans.	Issuance of signage permit from Caltrans.	— Caltrans

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** In addition to the agencies listed, all measures subject to review by the Community Advisory Committee.

FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
TRAFFIC/ACCESS (Continued)			
<ul style="list-style-type: none"> The landfill operator shall contribute a proportionate share of funding for the installation of a traffic control signal at the SR-126 and the I-5 northbound name intersection. 	At the time a traffic signal is warranted or otherwise directed by the California Department of Transportation.	Landfill operator will maintain regular contact and coordinate with Caltrans.	— Caltrans
BIOTA			
<ul style="list-style-type: none"> For disturbances to "waters of the U.S.", the landfill operator will abide by the regulatory requirements of the Army Corps of Engineers (ACOE) Section 404 and California Department of Fish and Game Streambed Alteration Agreement conditions. 	Prior to disturbance of "waters of the U.S." (See Figure 4.B-2 of the Draft EIR).	Issuance of Nationwide #26 Permit and Section 1601 Streambed Alteration Agreement.	— ACOE — CDFG — Dept. of Regional Planning
<ul style="list-style-type: none"> Staging areas for heavy equipment and stockpiling (in areas other than those identified on Exhibit A) of excavated soil will not occur in areas with biological sensitivity. 	Identification prior to commencement of landfill construction involving creation of stockpile or staging areas outside of areas approved for disturbance.	Identification of stockpile and staging areas on construction plans. Consultation with a qualified biologist to confirm that biologically sensitive areas will not be disturbed during cell construction. A letter of confirmation from biologist will be submitted to the County with required plans.	— Dept. of Public Works
<ul style="list-style-type: none"> Revegetation of final cover will be implemented in accordance with applicable regulatory requirements using native plant species. Revegetation plan will establish clear and measurable performance standards to ensure successful revegetation is achieved. An irrigation and non-natives control program will be implemented. 	Prior to submittal of final Closure Plan and during the closure-post-closure maintenance period.	Retention of a qualified biologist or specialist in revegetation by landfill operator for design and implementation of revegetation plan.	— LEA — Dept. of Regional Planning — RWQCB

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FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
BIOTA (Continued)		Regular monitoring of revegetation effort on final cover through semi-annual site visits by qualified biologist or specialist for 1 year after installation or until revegetation performance standards are successfully achieved.	<ul style="list-style-type: none"> Dept. of Regional Planning RWQCB Horticultural Monitor
		Submittal of biennial monitoring reports by qualified specialist to Dept. of Regional Planning.	<ul style="list-style-type: none"> Dept. of Regional Planning

GEOTECHNICAL HAZARD

- A geotechnical evaluation will be conducted for slide areas in the northwestern portion of the site (Fill Module 2/Excavation Cell 1). Should it be determined that portion of the landslide mass would not be incorporated into project grading, an evaluation will be conducted on the static and pseudostatic stability of the remaining slide mass. Based on the results of the stability analysis, it may be necessary to remove the slide masses or construct either a permanent or temporary stability fill or buttress.
- A geotechnical evaluation will be performed to evaluate potential seismic effects characteristics and condition of subsurface earth materials on the MRF/HHWF site and will outline foundation design and construction methods applicable to site-specific conditions for major onsite structures. Recommendations provided by the geotechnical consultant will be incorporated into final design of building and construction plans.

Prior to commencement of grading in Excavation Cell 1.

Prior to issuance of building and grading permits.

Retention of certified engineering geologist and/or registered civil engineer by landfill operator for preparation of report. Approval of report by qualified County staff.

Retention of a certified engineering geologist, registered civil engineer or qualified geotechnical consultant by the landfill operator to perform study. Submittal and approval of building and construction plans by County staff.

- LEA
- Dept. of Public Works
- RWQCB

- Dept. of Public Works

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FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
CULTURAL RESOURCES			
<ul style="list-style-type: none"> In the event during earthwork and site grading, that previously obscured or buried cultural or paleontological resources are exposed, the landfill operator will cease operations in that particular location and will contact a qualified archaeologist or paleontologist who will reexamine the location and assess any resources found to be present. 	Once resources are identified and prior to continuation of excavation, cell construction and development.	Retention of a qualified expert by the landfill operator to conduct site significance testing and data recovery program.	— Dept. of Regional Planning
FLOOD HAZARD HYDROLOGY			
Design of drainage facilities at the MRF will be compatible with drainage facility design for the adjacent Valencia Commerce Center and County Hydrology Manual. A drainage study will be conducted by the permittee demonstrating that runoff volumes generated by the proposed MRF/HHWF will be accommodated.	Prior to issuance of building permit for MRF.	Completion of drainage study, in accordance with L.A. County District Flood Control Manual, and approval of final drainage plans.	— Dept. of Public Works — RWQCB
WATER QUALITY			
Ground-water			
<ul style="list-style-type: none"> Water-level data from all wells will be utilized to assess ground-water gradients in the vicinity of the waste management units (WMU). This data would be reviewed by Laidlaw and the RWQCB and the need for revising the monitoring program will be evaluated. 	Upon completion of well installation and commencement of ground-water monitoring program.	Review and approval of project's design, Report of Waste Discharge and issuance of Waste Discharge Requirements.	— RWQCB
<ul style="list-style-type: none"> Point of compliance monitoring well DW-20 will be positioned to minimize the distance between well and waste management unit boundaries. 	Two years prior to commencing fill operations in Fill Module 6/Excavation Cell 3.	Review and approval of project's design, Report of Waste Discharge and issuance of Waste Discharge Requirements.	— RWQCB

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FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
AIR QUALITY			
To reduce impacts of NO _x emission during construction (i.e. liners, final covers, MRF/HHWF, LCRS) the landfill operator will:	Prior to and during construction activities.	Monitoring and inspection of landfill operations by SCAQMD.	— SCAQMD
<ul style="list-style-type: none"> • Suspend construction equipment operations during Stage 2 and 3 smog alerts; • Prevent trucks from idling longer than 2 minutes (whenever feasible); and • Reduce idling times and prevent excessive use of construction equipment. 			

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FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
AIR QUALITY (Continued)			
To minimize emission rates of PM ₁₀ , regular watering of exposed dirt surfaces will continue to be conducted by the landfill operator. Further measures will be implemented on a daily basis:	Throughout landfill operations.	Monitoring and inspections of site operations by LEA and SCAQMD.	— SCAQMD — LEA
• On-site traffic management;			
• Proper maintenance of engine-powered equipment;			
• Routing vehicles along the most direct routes;			
• Use of electrically-powered equipment to the extent feasible;			
• Enforcement of a 10 mph speed limit;			
• Pave permanent on-site haul roads, to the extent feasible;			
• Surface temporary unpaved roads with low-dust courses of materials;			
• Water roads 4 to 7 times daily;			
• Water active sites of soil disturbance 4 to 7 times daily;			
• Use of soil stabilizers to areas with long-term exposure of disturbed or unvegetated surfaces (e.g., stockpiles);			
• All trucks hauling dirt, sand, or other loose materials will be covered or will maintain at least two feet of free board in accordance with the requirements of CVC Section 23114;			
• Construction access roads will be paved at least 100 feet onto the site from the main road.			

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FEIR Issue and Mitigation Measures(s)	Timing	Monitoring Action Indicating Compliance with Mitigation*	Monitoring Responsibility**
VISUAL			
The MRF final design will incorporate the following measures:			
• Variable slope ratios will be utilized on all manufactured slopes over 30 feet in vertical height as permitted by geotechnical investigation.	Prior to receipt of grading permit.	Review and approval of grading plans or construction drawings.	— Dept. of Public Works
• Contour grading will be employed to blend the manufactured slopes with adjacent hillsides to simulate a natural appearance.	Prior to receipt of grading permit.	Review and approval of grading plans or construction drawings.	— Dept. of Public Works
• All structures will be painted in warm tone colors and/or cool range gray tones.	Prior to issuance of occupancy permit.	Review and approval of building/site plans.	— Dept. of Regional Planning
• Ventilation equipment will be situated away from tops of structures or concealed using roof-top treatments or vegetated soil berms at entrance to MRF.	Prior to issuance of occupancy permit.	Review and approval of building plans.	— Dept. of Public Works
• Exterior lighting will be directed downward and shielded to prevent excessive glare or light spillage onto adjacent areas.	Prior to issuance of occupancy permit.	Review and approval of building plans and onsite inspection.	— Dept. of Public Works — Dept. of Regional Planning
• Revegetation of all manufactured slopes in excess of 5 feet in height will be conducted in accordance with erosion control recommendations.	Prior to issuance of occupancy permit.	Retention of a qualified biologist or specialist with demonstrated knowledge in revegetation by landfill/MRF operator to prepare revegetation plans.	— Dept. of Public Works
• Landscaping will be installed around outer perimeter of employee parking area to screen parking from views along SR-126.	Prior to issuance of occupancy permit.	Retention of landscape specialist by landfill/MRF operator to prepare landscape plan in accordance with County requirements. Review and approval of landscape plans.	— Dept. of Regional Planning

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FEIR Issue and Mitigation Measures(s)

Timing

Monitoring Action Indicating Compliance with Mitigation *

Monitoring Responsibility **

VISUAL (Continued)

- MRF structure will be compatible with the design guidelines for the Valencia Commerce Center development, to extent feasible.

Prior to issuance of occupancy permit.

Review and approval of grading and building plans verifying consistency with design guidelines.

— Dept. of Regional Planning

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I SUPPORT THE FULL EXPANSION OF CHIQUITA CANYON LANDFILL

Mr. Sam Dae
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

RE: CHIQUITA CANYON LANDFILL FULL EXPANSION – SUPPORT

Chiquita Canyon Landfill is a model disposal facility and should be fully expanded to meet the needs of Los Angeles County's solid waste disposal demands.

While the proposed changes include an increased disposal rate and volume, footprint extension, and increased elevation, the expanded landfill will not negatively impact the visual integrity of the area. In addition, Chiquita has practiced due diligence in addressing potential environmental, noise, traffic, and cultural impacts of the expansion and ongoing operation.

Chiquita Canyon has been serving the region continuously for more than four decades, and plays an important role in the solid waste management of the Santa Clarita Valley and Los Angeles County.

In addition, the expansion includes a set aside area for a future conversion technology facility.

For this and many other reasons, I feel that Chiquita Canyon has demonstrated a true commitment to the community and the people that live and work here.

I am pleased to support the full expansion of Chiquita Canyon Landfill!

Signature



Print Name



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Signature



Print Name

Luis Zambrano

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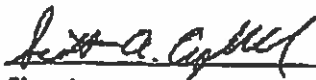
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Estela Reyes
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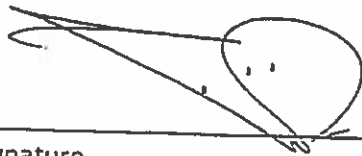
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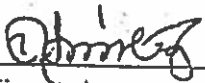
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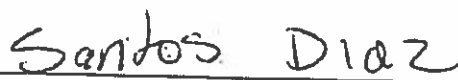
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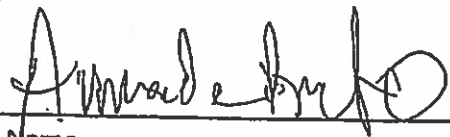
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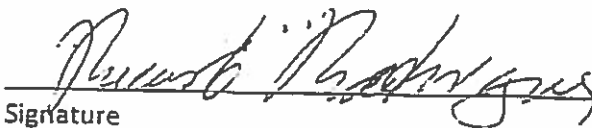
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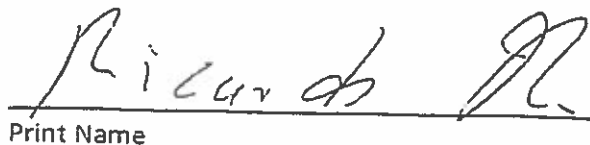
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LOCAL WASTE HAULERS SUPPORT EXPANSION OF CHIQUITA CANYON LANDFILL

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Signature



Print Name

LOCAL WASTE HAULERS SUPPORT EXPANSION OF CHIQUITA CANYON LANDFILL

Mr. Sam Dae
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

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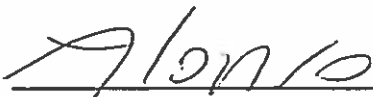
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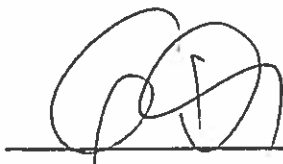
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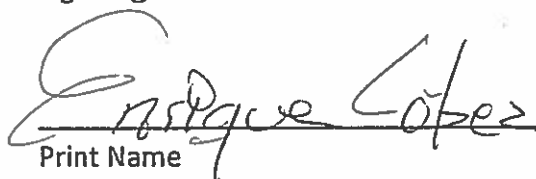
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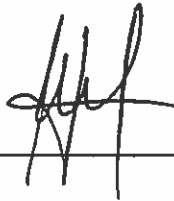
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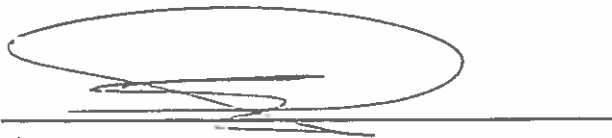
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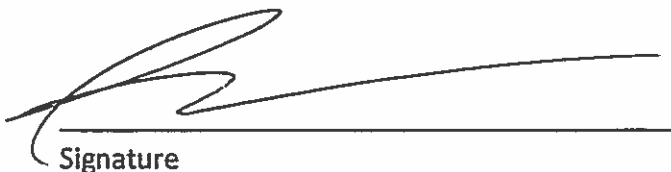
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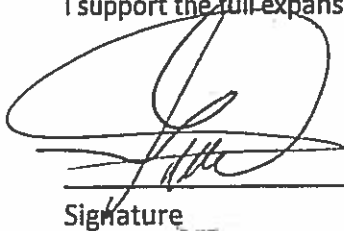
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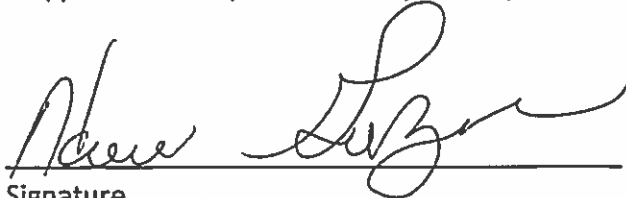
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APOYO LA EXPANSIÓN COMPLETA DE CHIKUITA CANYON TERRENO

Mr. Sam Dae
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

RE: CHIKUITA CANYON LANDFILL EXPANSION COMPLETA – SOPORTE

Chiquita Canyon Landfill es una instalación de eliminación de modelos y debe ser ampliada para satisfacer las necesidades de eliminación de residuos sólidos del condado de Los Angeles.

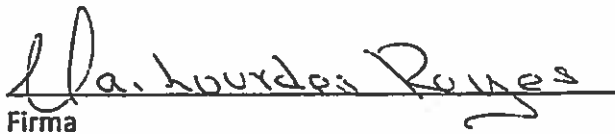
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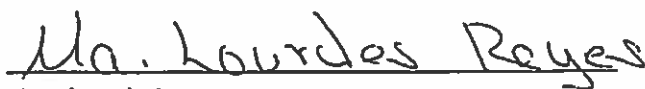
Chiquita Canyon ha estado sirviendo a la región continuamente por más de cuatro décadas, y juega un papel importante en el manejo de residuos sólidos del Valle de Santa Clarita y el Condado de Los Ángeles.

Además, la expansión incluye un área reservada para una instalación futura de tecnología de conversión.

Por esta y muchas otras razones, siento que Chiquita Canyon ha demostrado un verdadero compromiso con la comunidad y las personas que viven y trabajan aquí.

Me complace apoyar la plena expansión de Chiquita Canyon Landfill!


Firma


Nombre de imprenta

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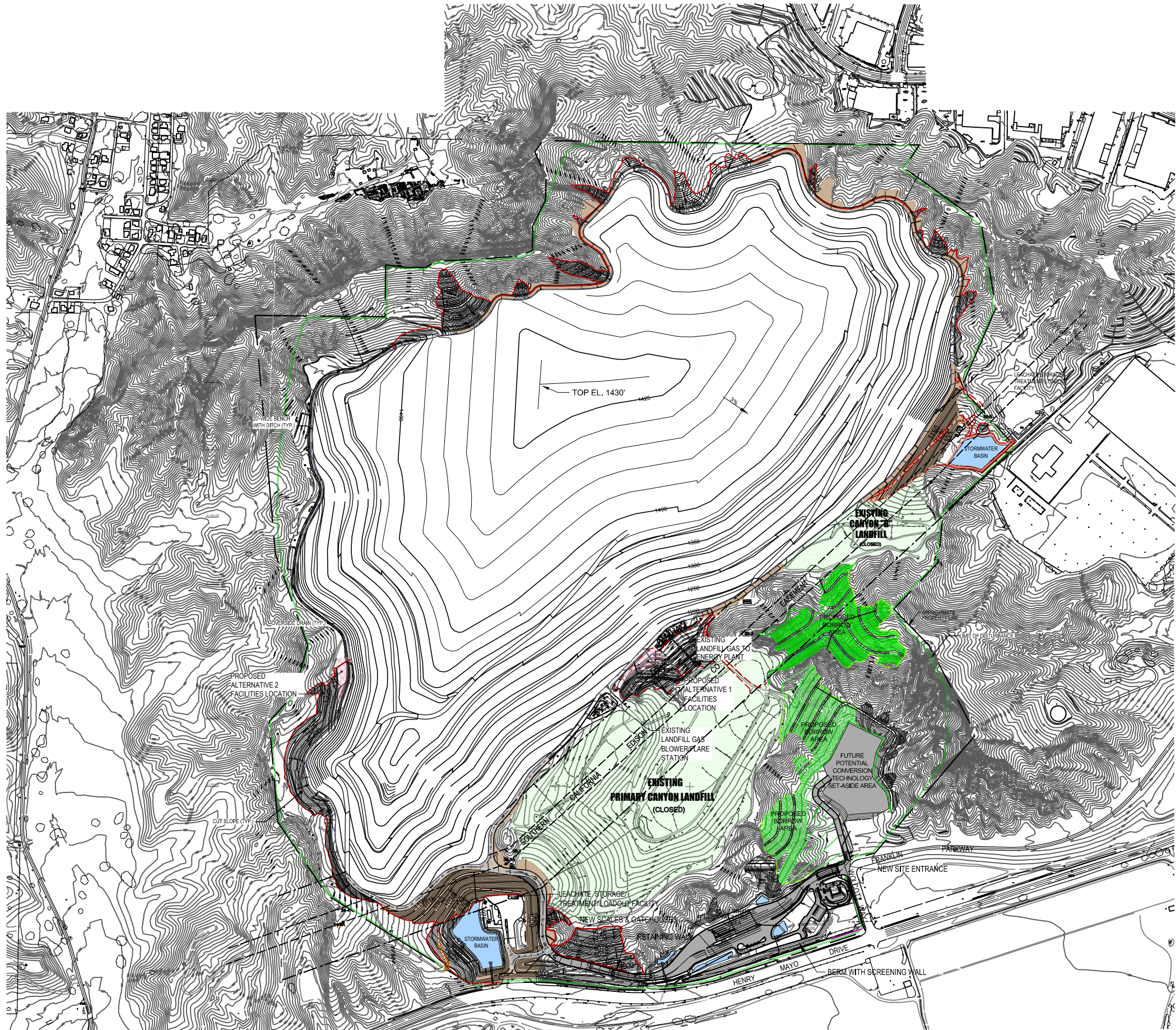
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**SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559**

April 13, 2017

ATTACHMENT E

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CLIENT
WASTE CONNECTIONS, INC.
CHIQUITA CANYON LANDFILL
LOS ANGELES COUNTY, CALIFORNIA

PROJECT
CHIQUITA CANYON LANDFILL

TITLE
ELEVATION 1,430-FOOT ALTERNATIVE

CONSULTANT	YYYY-MM-DD	2017-03-31
	DESIGNED	JDR
	PREPARED	JDR
	REVIEWED	RDH
	APPROVED	RDH

PROJECT NO.
1663646

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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 19, 2017

TO: Doug Smith, Chair
David W. Louie, Vice Chair
Laura Shell, Commissioner
Elvin W. Moon, Commissioner
Pat Modugno, Commissioner

FROM: Richard Claghorn 
Zoning Permits North Section

Project No. R2004-00559

Conditional Use Permit No. 200400042, Oak Tree Permit No. 201500007

RPC Meeting: April 19, 2017 - Agenda Item: 6

The above-mentioned item is a request for the approval of a conditional use permit ("CUP") and an oak tree permit to authorize the continued operation and expansion of a Class III landfill ("Project") within the A-2 (Heavy Agricultural) Zone, the Newhall Zoned District and the Castaic Area Community Standards District.

Please find enclosed additional materials for the above referenced item. The new items include: revised draft findings #36 and #50 (only the changes since the April 6, 2017 draft findings are provided); complete revised draft conditions (clean copy); complete revised draft conditions with changes since March 1, 2017 (track changes redline copy); correspondence since the last supplemental hearing package; copy of 1997 community agreement, including amendments; and responses prepared by the applicant to letters commenting on the Project.

If you need further information, please contact Richard Claghorn at (213) 974-6443 or rclaghorn@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 5:30 p.m. The Department is closed on Fridays.

SZD:RC

Enclosure(s): (A) revised findings; (B) revised conditions; (C) revised conditions (redline); (D) correspondence; (E) 1997 agreement; (F) applicant's responses to letters

SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559

April 19, 2017

ATTACHMENT A

36. The Project's new entrance facilities off of Wolcott Way, the related street improvements required for the Project and the closure of the existing entrance facilities will improve traffic flow in the area and avoid queuing of trucks on the Highway 126. A condition requires the closure of the existing entrance on Highway 126 and relocation of the entrance to Wolcott Way within one year of the effective date of the CUP. This will help to alleviate many of the traffic issues in the area. The relocation of the entrance facility is necessary to accommodate the plan by the California Department of Transportation ("Caltrans") to widen SR 126 and accommodate the landfill's operations with the increased development and urbanization of the area.

50. The Commission finds that the following policies of the General Plan are applicable to the proposed project:

General Plan Public Services and Facilities Element Policy PS/F 5.1: "Maintain an efficient, safe and responsive waste management system that reduces waste while protecting the health and safety of the public." Chiquita Canyon Landfill is an important part of the County's waste management system. Project conditions and mitigation measures are designed to ensure that the landfill is operated in a safe and efficient manner.

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General Plan Public Services and Facilities Element Policy PS/F 5.2: "Ensure adequate disposal capacity by providing for environmentally sound and technically feasible development of solid waste management facilities, such as landfills and transfer/processing facilities." In 2015, the amount of waste disposed in or from Los Angeles County was 9,721,311 tons. Class III landfills in the County accounted for 4,772,823 tons, or approximately 49.1% of the total. The three largest landfills in the County had the following amounts of waste disposed in 2015: Sunshine Canyon Landfill, 2,402,704 tons; Chiquita Canyon Landfill, 1,075,207 tons, and Antelope Valley Landfill, 488,807 tons. Chiquita Canyon Landfill accounted for 22.5% of the waste disposed in Class III landfills in the County and 11.1% of the total solid waste for the County in 2015. In 2015, 4,127,261 tons, or approximately 42.5% of solid waste from the County was transported to landfills outside the County. In 2015, 2.7% of the County's solid waste was disposed at an inert waste landfill and 5.7% was disposed at transformation facilities. The sources of waste at CCL in 2015 were as follows: City of Santa Clarita 13%, unincorporated Los Angeles County 5%, City of Los Angeles 55%, Santa Monica 6%, other cities in Los Angeles County 19% and outside of Los Angeles County 2%.

Chiquita Canyon Landfill provides the County significant capacity to help meet its current waste disposal needs and in meeting the projected needs as anticipated in the Integrated Waste Management Plan for Los Angeles County. The Project Conditions, MMRP, and IMP provide requirements to ensure that the landfill

implements recognized best practices and technological advancements in a way that is environmentally sound while helping to meet the County's waste disposal capacity needs.

General Plan Public Services and Facilities Element Policy PS/F 5.4: "Encourage solid waste management facilities that utilize conversion and other alternative technologies and waste to energy facilities." The Project includes continued operation of a landfill gas-to-energy ("LFGTE") facility. The Project Site includes an existing 9.2 megawatt LGTFE plant operated by Ameresco Chiquita Energy LLC. The LGTFE plant uses gases extracted from the landfill through an onsite gas collection system and converts it into energy, which is delivered to the local electrical grid. It provides enough energy to power approximately 10,000 homes per year. The plant is staffed with two full time employees and operates 24 hours a day, seven days per week, and operates independently of the landfill. An area of land on the Project Site has been set aside for a future conversion technology facility.

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General Plan Public Services and Facilities Element Policy PS/F 5.5: "Reduce the County's waste stream by minimizing waste generation and enhancing diversion." The Project includes diversion of waste materials from disposal and putting them to beneficial use. Some examples of beneficial use materials diverted from the waste stream include: ~~shredded curbside green waste, which is used for temporary slope stabilization, erosion control, fugitive dust control and alternative daily cover; treated auto shredder waste, used as alternative daily cover;~~ shredded tires, used to protect the methane gas pipeline system as trench backfill for the construction of the landfill gas collection system; and construction and demolition debris, including concrete and other materials used to build all-weather roads and other surfaces onsite.

General Plan Public Services and Facilities Element Policy PS/F 5.6: "Encourage the use and procurement of recyclable and biodegradable materials." The Project includes an organic waste composting facility. The composting facility would allow up to 560 tons per day of green waste, food waste, and other organic waste materials for composting. The organic material is to be processed on site for distribution and use as mulch, biomass fuel and compost. Some of these materials would be used onsite as beneficial use materials, and other materials would be available to customers who would use the materials offsite.

SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559

April 19, 2017

ATTACHMENT B

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2004-00559-(5)
CONDITIONAL USE PERMIT NO. 200400042
OAK TREE PERMIT NO. 201500007**

PROJECT DESCRIPTION

The project seeks to continue the operation and maintenance of a solid waste disposal facility at the Chiquita Canyon Landfill ("CCL"). The project will increase the permitted disposal area laterally by 149 acres to a total area of 400 acres to accommodate new waste and may have a maximum permitted elevation of 1,430 feet. This project has an annual limit of intake of combined solid waste and beneficial use materials not to exceed 2,100,000 tons per year ("tpy"). Also, the project will relocate the site entrance from Henry Mayo Drive (SR-126) to Wolcott Way.

The project anticipates an average daily quantity of solid waste and beneficial use materials of 6,730 tons per day ("tpd"), but, the daily intake of these materials has a maximum limit of 12,000 tpd a day. This average provides for the same allowance of daily disposal limits of 5,000 tpd of solid waste, but adds a daily limit and average for beneficial use materials as well, the latter of which was not conditioned in the 1997 permit (CUP 89-081). The quantity of all materials received for processing, disposal and beneficial use at CCL shall not exceed 175,000 tons per month.

The project also provides for the development and operation of an on-site household hazardous facility and a closed mixed organics composting operation (anaerobic digestion) while setting-aside a portion of the subject site for possible future development of a conversion technology facility.

The project is approved through Conditional Use Permit ("CUP") No. 200400042 for the landfill and ancillary facilities and by Oak Tree Permit ("OAK") No. 201500007 for the removal of four oak trees. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these Conditions of Approval ("Conditions"), and to the attached Implementation and Monitoring Program ("IMP"), adopted concurrently with this grant:
 - a. "Abandoned Waste" shall mean abandoned items such as mattresses, couches, doors, carpet, toilets, E-waste, and other furnitures.
 - b. "ADC" shall mean Alternative Daily Cover as permitted by Title 14 and title 27 of the California Code of Regulation, Regional Water Quality Control Board and the Local Enforcement Agency.

- c. "Alternative-to-Landfilling Technology" shall mean a technology capable of processing post-recycled or Residual Waste and other emerging technologies, in lieu of land disposal.
- d. "Anaerobic Digestion Facility" shall mean facility that utilizes organic wastes as a feedstock from which to produce biogas.
- e. "Ancillary Facilities" shall mean the facilities authorized by this grant that are directly related to the operation and maintenance of the Landfill, and shall not include the facilities related to any other enterprise operated by the Permittee or any other person or entity, unless otherwise specifically authorized by this grant.
- f. "Approval Date" shall mean the date of the Commission's approval of this grant, or the Board's approval if appealed.
- g. "Automobile Shredder Waste" shall mean the predominantly nonmetallic materials that remain after separating ferrous and nonferrous metal from shredder output.
- h. "Beneficial Use Materials" shall mean: (1) material imported to the Landfill that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for purposes of recycling or reuse, and shall include, but not be limited to, green waste and other compostable organic materials, wood waste, asphalt, concrete, or dirt; (2) imported Clean Dirt that is used to prepare interim and final fill slopes for planting and for berms, provided that such importation of Clean Dirt has been shown to be necessary and has been authorized by the Department of Public Works; and (3) all ADC material types as permitted by this grant. Only materials that are appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices in accordance with 14 CCR § 20686 may be classified as Beneficial Use Materials.
- i. "Biomass" shall mean any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass shall not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.
- j. "Biosolid" shall mean the organic byproduct material resulting from the treatment of sewage sludge and wastewater.
- k. "Board" shall mean the Los Angeles County Board of Supervisors.

- l. "CAC" shall mean the Community Advisory Committee whose members are appointed by the Board of Supervisors who will serve as a liaison between the Permittee and the community .
- m. "CalRecycle" shall mean the State of California Department of Resource Recycling and Recovery or its successor agency.
- n. "Caltrans" shall mean the State of California Department of Transportation.
- o. "CARB" shall mean California Air Resources Board.
- p. "CEO" shall mean the Los Angeles County Chief Executive Office.
- q. "Class III (non-hazardous) Landfill" shall mean a disposal facility that accepts non-hazardous Solid Waste for land disposal pursuant to a solid waste facilities permit and applicable federal and state laws and regulations.
- r. "Clean Dirt" shall mean soil, other than Contaminated Soil, that is not mixed with any other material and that is used for coverage of the Landfill face, buttressing the Landfill and construction of access roads, berms, and other beneficial uses at the Facility.
- s. "Closure" shall mean the process during which the Facility, or portion thereof, is no longer receiving Solid Waste and/or Beneficial Use Materials for disposal or processing and is undergoing all operations necessary to prepare the Facility, or portion thereof, for Post-Closure Maintenance in accordance with a CalRecycle approved plan for Closure or partial final closure. Said plans shall be concurred by the TAC, as defined in this grant.
- t. "Closure Date" shall mean "Termination Date," as defined in this grant.
- u. "Commission" shall mean the Los Angeles County Regional Planning Commission.
- v. "Composting" shall mean the controlled or uncontrolled biological decomposition of organic wastes.
- w. "Compostable Organic Materials" shall mean any food waste, green waste, landscape and pruning waste, non hazardous wood waste, and food-soiled paper waste that is mixed in with food material and when accumulated will become active compost.
- x. "Construction and Demolition Debris" shall mean material, other than hazardous waste, radioactive waste, or medical waste, that is generated by or results from construction or demolition-related activities including, but not limited to: construction, deconstruction, demolition, excavation, land cleaning, landscaping, reconstruction, remodeling, renovation, repair, and site clean-up. Construction and Demolition Debris includes, but is not

limited to: asphalt, concrete, brick, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe, steel, rock, soil, gravel, tree stumps, and other vegetative matter.

- y. "Contaminated Soil" shall mean soil that 1) contains designated or nonhazardous material as set forth in Title 23, Chapter 15, Article 1, section 2510 et seq. of the California Code of Regulations, including petroleum hydrocarbons, such as gasoline and its components (benzene, toluene, xylene, and ethylbenzene), diesel and its components (benzene), virgin oil, motor oil, or aviation fuel, and lead as an associated metal; and, 2) has been determined pursuant to section 13263(a) of the Water Code to be a waste that requires regulation by the RWQCB or Local Oversight Agency.
- z. "Conversion Technologies" shall mean the various state-of-the-art technologies capable of converting post-recycled or residual Solid Waste into useful products, green fuels, and renewable energy through non-combustion thermal, chemical, or biological processes.
- aa. "Conversion Technology Facility" shall mean a facility that processes Solid Waste into useful products, fuels, and/or energy through anaerobic and other non-combustion thermal, chemical, or biological processes.
- bb. "County" shall mean the County of Los Angeles.
- cc. "County Code" shall mean the Los Angeles County Code.
- dd. "CPI" shall mean Consumer Price Index as adjusted on July 1 of each year at a minimum rate of 2 (%) percent.
- ee. "Department of Regional Planning" shall mean the Los Angeles County Department of Regional Planning.
- ff. "Director of Regional Planning" shall mean the Director of the Department of Regional Planning and his or her designees.
- gg. "Disposal" shall mean the final disposition of Solid Waste onto land into the atmosphere, or into the waters of the State of California. Disposal includes the management of Solid Waste through the Landfill process at the Facility.
- hh. "Disposal Area" shall mean the "Landfill" as defined in this grant.
- ii. "DPH" shall mean the Los Angeles County Department of Public Health acting as the LEA as appropriate. DPH is currently designated as the LEA by the Board pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect Solid Waste disposal facilities and to enforce State regulations and permits governing these facilities. For

purposes of this grant, DPH shall also include any successor LEA governing these facilities.

- jj. "Effective Date" shall mean the date of the Permittee's acceptance and use of this grant as defined in Condition No. 3.
- kk. "Electronic Waste" shall mean all discarded consumer or business electronic equipment or devices. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Division 4.5, Chapter 23, Article 1 (commencing with Section 66273.3), and any amendments thereto.
- ll. "Environmental Protection and Control Systems" shall mean any surface water and ground water-quality monitoring/control systems, landfill gas monitoring/control systems, landscaping and irrigation systems, drainage and grading facilities, Closure activities, Post-Closure Maintenance activities, foreseeable corrective actions, and other routine operation or maintenance facilities or activities.
- mm. "Facility" shall mean the entirety of the subject property as depicted on the attached Exhibit "A", including all areas where Landfill and non-Landfill activities occur.
- nn. "Final Cover" shall mean the cover material required for Closure of the Landfill and all Post-Closure Maintenance required by this grant.
- oo. "Footprint" shall mean the horizontal boundaries of the Landfill at ground level, as depicted on the attached Exhibit "A".
- pp. "Household Hazardous Waste" shall mean leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients, other than used oil.
- qq. "Inert Debris" shall mean Solid Waste and/or recyclable materials that are source-separated or separated for recycling, reuse, or resale that do not contain: (1) hazardous waste, as defined in California Code of Regulations, Title 22, Section 66261.3; or (2) soluble pollutants at concentrations in excess of state water quality objectives; and (3) do not contain significant quantities of decomposable waste. Inert Debris shall not contain more than 1 percent (by weight) putrescible waste. Inert Debris may be commingled with rock and/or soil.
- rr. "Inert Waste" shall mean a non-liquid solid waste including, but not limited to, soil and concrete, that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water-quality objectives established by a regional water board pursuant to division 7 (commencing

with section 13000) of the California Water Code (CWC), and does not contain significant quantities of decomposable solid waste.

- ss. "Landfill" shall mean the portion of the subject property where Solid Waste is to be permanently placed, compacted, and then buried under daily, interim and Final Cover, all pursuant to applicable requirements of federal, state, and local laws and regulations. No portion of the Landfill shall extend beyond the "Limits of Fill," as defined in this grant, and no allowance for settlement of fill shall be used in determining the final elevations or design contours of the Landfill. "Landfill" does not include temporary storage areas, Final Cover, and Ancillary Facilities authorized by this grant.
- tt. "LEA" shall mean the Los Angeles County Local Enforcement Agency.
- uu. "Limits of Fill" shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the Landfill, as depicted on the attached Exhibit "A".
- vv. "Liquid waste" shall mean waste as defined in Title 27, Section 20164 of the California Code of Regulations and includes non-hazardous sludge meeting the requirements contained in Title 23, Chapter 15 of the California Code of Regulation for disposal in a Class III Landfill.
- ww. "Materials Recovery Facility" shall mean a facility that separates solid waste into recyclable materials and Residual Waste.
- xx. "MMRP" shall mean Mitigation Monitoring and Reporting Program.
- yy. "Nuisance" shall mean anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time a community, neighborhood, household or any number of persons although the extent of annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste
- zz. "Operating Agreement" shall mean the Operating Agreement between the County through the Department of Public Works and the Permittee for the operation of the Household Hazardous Waste Facility.
- aaa. "Organic Waste" shall mean food waste, green waste and other compostable organic materials, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste, pursuant to AB1826 Chesbro (Chapter 727, Statutes of 2014).
- bbb. "Organic Waste Composting Facility" shall mean a facility at which composting is conducted and produces a product resulting from the

controlled biological decomposition of mixed organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

- ccc. "Periodic Review" shall mean the process in which the Technical Advisory Committee and a Hearing Officer or the Regional Planning Commission review the studies submitted by the Permittee and issues a Finding of Fact and potentially approve changes to the IMP.
- ddd. "Permittee" shall include the applicant, owner of property, their successors in interest, and any other person, corporation, or entity making use of this grant.
- eee. "Post-Closure Maintenance" shall mean the activities undertaken at the Facility after the Closure Date to maintain the integrity of the Environmental Protection and Control Systems and the Landfill containment features, and to monitor compliance with applicable performance standards to protect public health, safety, and the environment. The containment features, whether natural or artificially designed and installed, shall be used to prevent and/or restrict the release of waste constituents onto land, into the atmosphere, and/or into the waters of the State of California, including waste constituents mobilized as a component of leachate or landfill gas.
- fff. "Post-Closure Maintenance Period" shall mean the period after Closure of the Landfill when the Solid Waste disposed of during the Landfill's operation could still pose a threat to public health, safety, or the environment.
- ggg. "Post-Closure Maintenance Plan" shall mean the preliminary, partially final, or final plan or plans, as applicable, approved by CalRecycle and concurred by the TAC for implementation of all Post-Closure Maintenance at the Facility.
- hhh. "Project" shall mean the activities of the landfill whose ultimate development is depicted on Exhibit "A" of this grant. The Project includes the landfill, its Ancillary Facilities and activities as approved by this grant, including, but not limited to, waste diversion facilities, household hazardous waste facility, organic waste composting facility, offices and other employee facilities, a leachate management facility, material storage areas, and Closure and Post-Closure Maintenance activities.
- iii. "Department of Public Works" shall mean the Los Angeles County Department of Public Works; the term "Director of Public Works" shall mean the Director of the Los Angeles County Department of Public Work and his or her designees.
- jjj. "Recyclable" shall mean materials that could be used to manufacture a new product.

- kkk. "Residual Waste" shall mean the materials remaining after removal of recyclable materials from the Solid Waste stream.
- lll. "RWQCB" shall mean the Regional Water Quality Control Board, Los Angeles Region.
- mmm. "Santa Clarita Valley" shall mean the area as defined by the Los Angeles County General Plan 2035 in figure map 5.33, which was adopted by the Board of Supervisors on October 6, 2015.
- nnn. "SCAQMD" shall mean the South Coast Air Quality Management District.
- ooo. "Sewage Sludge" shall mean any residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry, semidry or liquid form.
- ppp. "Sludge" shall mean accumulated solids and/or semisolids deposited from wastewaters or other fluids. Sludge includes materials specified in the California Code of Regulations, Title 27, Division 2, Chapter 3, Article 1, Section 20690(b)(4).
- qqq. "Site Plan" shall mean the plan depicting all or a portion of the subject property, including any Ancillary Facilities approved by the Director of Regional Planning. "Site Plan" shall include what is referred to in this grant as Exhibit "A".
- rrr. "Solid Waste" shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as municipal solid waste, garbage, refuse, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. "Solid Waste" excludes Beneficial Use Materials and substances having commercial value which are salvaged for reuse, recycling, or resale. Solid Waste includes Residual Waste received from any source.

Materials that are placed in the Landfill that could be classified as Beneficial Use Materials but exceed the amount that is appropriate for a specific beneficial use in accordance with 14 CCR § 20686, or that exceed the monthly permitted quantities of Beneficial Use Materials, such as Construction and Demolition Debris, Inert Waste and green waste, are considered Solid Waste that is disposed in the Landfill.

- sss. "Stockpile" shall mean temporarily stored materials.
- ttt. "Stockpile Area" shall have the same meaning as "Temporary Storage Area," as defined in this grant.

- uuu. "SWFP" shall mean a Solid Waste Facilities Permit issued by CalRecycle.
 - vvv. "SWMP" shall mean Solid Waste Management Program of the Department of Public Health.
 - www. "TAC" shall mean the Chiquita Canyon Landfill Technical Advisory Committee established pursuant to Part XIV of the IMP.
 - xxx. "Task Force" shall mean the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.
 - yyy. "Temporary Storage Area" shall mean an area of the Landfill where materials intended for Beneficial Use, salvage, recycling, or reuse may be placed for storage on a temporary basis, as approved by the Department of Public Works for up to 180 calendar days, unless a longer period is approved by the Department of Public Works, so long as such temporary storage does not constitute Disposal, as defined in this grant. Putrescible materials, except Construction and Demolition Debris or other Inert Debris not containing significant quantities of decomposable materials and more than 1 percent (by visual inspection) putrescible waste, shall not be placed in a Temporary Storage Area for more than 7 calendar days under any circumstances.
 - zzz. "Termination Date" shall mean the date upon which the Facility shall cease receiving Solid Waste and/or Beneficial Use Materials for disposal or processing in accordance with Condition No. 36 of this grant.
 - aaaa. "Trash" shall have the same meaning as "Solid Waste," as defined in this grant.
 - bbbb. "Wasteshed Area" shall mean the Santa Clarita Valley as defined by the Los Angeles County Area Plan, which was updated and adopted by the Board of Supervisors on November 27, 2012.
 - cccc. "Working Face" shall mean the working surface of the Landfill upon which Solid Waste is deposited during the Landfill operation prior to the placement of cover material.
- 2. Unless otherwise expressly provided in this grant, applicable federal, state, or local definitions shall apply to the terms used in this grant. Also, whenever a definition or other provision of this grant refers to a particular statute, code, regulation, ordinance, or other regulatory enactment, that definition or other provision shall include, for the life of this grant, any amendments made to the pertinent statute, code, regulation, ordinance, or other regulatory enactment.
 - 3. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property (if other than the Permittee), have filed at the office of the Department their affidavit stating that they are aware of and agree to accept all of

the conditions of this grant, and that the conditions of this grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 11, 16, 18, and 123. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, 9, and 11 shall be effective immediately upon the Approval Date of this grant by the County. Notwithstanding Condition No. 16 of this grant, the filing of such affidavit constitutes a waiver of the Permittee's right to challenge any provision of this grant.

4. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees brought by any third party to attack, set aside, void, or annul this permit approval, or any related discretionary approval, whether legislative or quasi-judicial, which action is brought within the applicable time period of California Government Code Section 65009 or other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding, and the County shall fully cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County for damages resulting from water, air, or soil contamination, health impacts, or loss of property value during the operation, or Closure or Post-Closure Maintenance of the Facility.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within 10 days of the filing make an initial deposit with the Department of \$10,000 from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to the Permittee or the Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$10,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse.
8. Prior to the Effective Date of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall record the terms and conditions of this grant in the office of the County Registrar Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the subject property during the term of this grant, the Permittee or the owner of the subject property if other than the Permittee, shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property. Upon recordation, the Permittee shall provide an official copy of the recorded conditions to the Director of Regional Planning.
9. This grant shall expire unless it is used within one year from the Approval Date of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. This grant shall be considered used upon the receipt of Solid Waste at the Facility and disposal activities any day after Approval Date and Permittee has completed the requirements of Condition No. 3.
10. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of this grant. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file.

The Permittee shall also comply with the conditions and requirements of all permits or approvals issued by other government agencies or departments, including, but not limited to, the permits or approvals issued by:

- a. The California Department of Resources Recycling and Recovery ("CalRecycle");
- b. The County LEA/Los Angeles County Department of Public Health ("DPH"), including the DPH letter dated 2/23/17 and all other DPH requirements;
- c. The Los Angeles County Department of Public Works ("Public Works");
- d. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force;
- e. The California Air Resource Board ("CARB");
- f. The California Regional Water Quality Control Board ("CRWQCB");

- g. The South Coast Air Quality Management District ("SCAQMD");
- h. The California Department of Fish and Game;
- i. The United States Army Corps of Engineers;
- j. The California Department of Health Services;
- k. The Los Angeles County Fire Department, including the requirements in the Fire Department letter dated 2/24/17; Applicant must receive Fire Department clearance of gated entrance design off Wolcott Way and Fuel Modification Plan prior to effective date of the permit, and comply with all other Fire Department requirements; and
- l. The Los Angeles County Department of Regional Planning.

The Permittee shall not engage in activities which may impede the abilities of these agencies and other consultants hired by the County to conduct inspections of the site, whether announced or unscheduled.

- 11. Within five (5) working days of the Approval Date of this grant, the Permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$3,153.25 (\$3,078.25 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
- 12. Upon the Effective Date, the Permittee shall cease all development and other activities that are not in full compliance with Condition No. 10, and the failure to do so shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with all requirements thereof. Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant and shall be subject to any and all penalties described in Condition No. 18.

It is hereby declared to be the intent of this grant that if any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.

- 13. To the extent permitted by law, the Department or DPH shall have the authority to order the immediate cessation of landfill operations or other activities at the Facility if the Board, Department or DPH determines that such cessation is necessary for

the health, safety, and/or welfare of the County's residents or the environment. Such cessation shall continue until such time as the Department or DPH determines that the conditions leading to the cessation have been eliminated or reduced to such a level that there no longer exists an unacceptable threat to the health, safety, and/or welfare of the County's residents or the environment.

14. The Permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
15. The Permittee shall comply with the Implementation and Monitoring Program ("IMP"), which is attached hereto and incorporated herein by this reference.
16. Within 30 days of the Approval Date, the Permittee shall record a covenant and agreement, which attaches the MMRP and the IMP and agrees to comply with the mitigation measures imposed by the Environmental Impact Report for this project and the provisions of the IMP, in the office of the Recorder. Prior to recordation, the Permittee shall submit a draft copy of the covenant and agreement to the Department for review and approval. As a means of ensuring the effectiveness of the mitigation measures and IMP measures, the Permittee shall submit annual mitigation monitoring reports to the Department for approval, or as required, with a copy of such reports to the Department of Public Works, the CAC and the TAC. The report shall describe the status of the Permittee's compliance with the required measures. The report shall be due for submittal on July 1st of each year and shall be submitted for review and approval no later than March 30th annually.
17. Within 30 days of the Approval Date of this grant, the Permittee shall deposit an initial sum of \$10,000.00 with the Department in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP and inspecting the premises to ensure compliance with the MMRP and to undertake any other activity of the Department to ensure that the mitigation measures are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, providing administrative support in the oversight and enforcement of mitigation measures, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes, or for routine monitoring of any and/or all of the mitigation measures. If the actual costs incurred pursuant to this Condition No. 17 (a) have reached 80 percent of the amount of the initial deposit (\$10,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$10,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. The Permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed. Any balance remaining in the mitigation monitoring account upon completion of all measures and completion of the need for further monitoring or review by the

Department shall be returned to the Permittee.

18. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor pursuant to Section 22.60.340 of the County Code. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq. of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

In addition to, or in lieu of, the provisions just described, the Permittee shall be subject to a penalty for violating any provision of this grant in an amount determined by the Director of Regional Planning, not to exceed \$1,000 per day per violation. For this purpose, the Permittee shall deposit the sum of \$30,000 in an interest-bearing trust fund with the Department within 30 days after the Effective Date to establish a draw-down account. The Permittee shall be sent a written notice for any such violation with the associated penalty, and if the noticed violation has not been remedied within 30 days from the date of the notice, to the satisfaction of the Director of Regional Planning, the stated penalty, in the written notice shall be deducted from the draw-down account. If the stated violation is corrected within 30 days from the date of the notice, no amount shall be deducted from the draw-down account. Notwithstanding the previous sentence, if the stated violation is corrected within 30 days from the date of the notice but said violation recurs any time within a 6 month period, the stated penalty will be automatically deducted from the draw-down account upon such recurrence and the Permittee will be notified of such deduction. If the deposit is ever depleted by 50 percent of the initial deposit amount (\$15,000), the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$30,000) within 10 business days of notification of the depletion. There shall be no limit to the number of supplemental deposits that may be required during the life of this grant. The balance remaining in the draw-down account, including interest, shall be returned to the Permittee upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.

If the Permittee is dissatisfied with any notice of violation as described in the preceding paragraph, the Permittee may appeal the notice of violation to the Hearing Officer pursuant to Section 22.60.390(C)(1) of the County Code within 15 days of receipt by the Permittee of the notice of violation. The Hearing Officer shall consider such appeal and shall take one of the following actions regarding the appeal:

- a. Affirm the notice of violation;

- b. Rescind the notice of violation; or
- c. Modify the notice of violation.

The decision of the Hearing Officer is final and shall not be subject to further administrative appeal.

- 19. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved Site Plan or Exhibit "A", or on a revised Exhibit "A" approved by the Director of Regional Planning.
- 20. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by the Department. These shall include any of the above that do not directly relate to the business being operated at the Facility or that do not provide pertinent information about the Facility. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the Permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

The Permittee shall also establish and maintain a graffiti deterrent program for approval by the Department of Public Works. An approved copy shall be provided to the Graffiti Abatement Section of the Department of Public Works.

PROJECT SPECIFIC CONDITIONS

GENERAL PROVISIONS

- 21. Upon the Effective Date, this grant shall supersede Conditional Use Permit ("CUP") 89-081(5) and shall authorize the continued operation of a Class III (non-hazardous) Solid Waste landfill on the subject property. The maximum tonnage capacity to be received at the Facility shall be as follows:
 - a. Average Daily Tonnage Capacity – The amount of Solid Waste that may be disposed of in the Landfill shall average 5,000 tons per day, Monday to Saturday, provided the weekly total shall not exceed 30,000 tons in any given week. The overall average daily capacity of all incoming materials received for processing, disposal, and beneficial use at the facility shall not exceed 6,730 tons per day.

- b. Facility Daily Maximum Capacity – The maximum tonnage of any combination of Solid Waste and other materials received by the Facility for processing, Beneficial Use Materials (including Composting) and disposal shall not exceed 12,000 tons on any given day, provided the Monthly Tonnage Capacity shall not be exceeded.
 - c. Monthly Tonnage Capacity – The total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall not exceed 175,000 tons in any given month. The amount of Beneficial Use Materials processed and/ or disposed in any given month shall not exceed 58,333 and 1/3 tons.
 - d. Composting Facility Capacity – The amount of incoming materials for processing at the Organic Waste Composting Facility shall not exceed 560 tons per day. This amount shall also be included in the amount of Beneficial Use Materials allowed.
 - e. Facility Annual Maximum Capacity – The maximum annual tonnage capacity of all materials received by the Facility for processing shall not exceed 2,100,000 tons in any calendar year. Of this overall tonnage, Solid Waste disposed may not exceed 1,400,000 tons and Beneficial Use Materials (including Compost) may not exceed 700,000 tons in any calendar year.
22. The Board may increase the maximum daily amounts of Solid Waste allowed by Condition No. 21 if, upon the joint recommendation of the DPH and the Department of Public Works, the Board determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of public health and safety, including at the time of a declared disaster or national emergency. Notwithstanding the preceding sentence, there shall not be allowed more than 312 total days during the life of this grant where the maximum daily tonnage amount exceeds the limits set forth in Condition No. 21, excluding any days where the tonnage capacity was exceeded due to a declared disaster or national emergency.
23. The County reserves the right to exercise its police power to protect the public health, safety, and general welfare of County residents by managing the Countywide waste stream, including preventing predatory pricing. The Permittee shall not adopt waste disposal practices/policies at the Facility which discriminate against self-haulers, waste haulers, and other solid waste enterprises delivering waste originating in the Unincorporated Los Angeles County areas.
24. This grant shall also authorize the following Ancillary Facilities and activities at the Facility, as shown on the approved Exhibit "A", subject to the conditions of this grant:

- a. Office and employee facilities directly related to the Landfill, including offices or other facilities related to any other enterprise operated by the Permittee or other person or entity employed by the Permittee or acting on its behalf;
- b. Operations related to the placement and disposal of Solid Waste;
- c. Paint booth for equipment and containers;
- d. Leachate collection and management facilities;
- e. Facilities necessary for the collection, utilization, and distribution of Landfill gases, as required and/or approved by the Department of Public Works, the DPH, or the SCAQMD;
- f. Facilities necessary for the maintenance of machinery and equipment used at the Landfill, excluding Solid Waste collection equipment and vehicles, and equipment or machinery used by the Permittee in other enterprises;
- g. On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Condition No. 43 of this grant;
- h. Facilities necessary for Environmental Protection and Control Systems, including flare stations, storage tanks, sedimentation basins, and drainage devices;
- i. Storage and repair of bins utilized for Landfill activities;
- j. Household hazardous waste consolidation area;
- k. Household Hazardous Waste Facility;
- l. Organics Waste Composting Facility;
- m. Landfill Gas-to-Energy Plant; and
- n. Conversion Technology Facility.

In the event that revisions to the approved Site Plan, including the approved Exhibit "A", consistent with the intent of this grant and the scope of the supporting environmental documentation are proposed, such revised Site Plan shall be submitted to the Department of Public Works for review and pre-approval, and to the Director of Regional Planning for final approval, with copies filed with the Department of Public Works and the DPH. For the life of this grant there shall be

no revisions to the approved Exhibit "A" that change the Limits of Fill, and no Site Plan shall be approved that will change the Limits of Fill.

25. Household Hazardous Waste Facility and its operations shall be subject to the following use restrictions and pursuant to Condition No. 122 of this grant:
- a. Household Hazardous Waste Facility may be used by the general public to drop off household hazardous wastes, including, but not limited to, used motor oil, used latex paints, used anti-freeze, and used batteries; and other wastes as may be defined in the Operating Agreement. The Household Hazardous Waste Facility is not to be used for general use by commercial or industrial entities except for Conditionally Exempt Small Quantity Generators, which shall mean a generator that generates no more than 100 kilograms of hazardous waste in any calendar month.
 - b. The Household Hazardous Waste Facility shall be no smaller than 2,500 square feet in size, exclusive of ingress and egress.
 - c. Recyclable materials shall not be collected in quantities or stored for periods which would cause the need for a hazardous waste facilities permit unless such permit has been obtained.
 - d. Operating hours shall be as defined in the Operating Agreement, but in no event shall those hours exceed 6:00 a.m. to 9:00 pm, 7 days per week.
 - e. The Household Hazardous Waste Facility shall be staffed continuously during operating hours by a person(s) trained in hazardous material handling and management.
 - f. Household Hazardous Waste Facility development shall substantially conform to Exhibit "A", any requirements of this grant, and the mitigations listed in the visual impact section of the mitigation monitoring summary reference in the MMRP.
26. Permittee may construct and operate an Organic Waste Composting Facility together with certain ancillary and related activities as enumerated herein, subject to the following restrictions as to use:
- a. The facility may be used to receive process and compost green waste, food waste, and other organics waste materials and to store and distribute mulch, biomass fuel and compost.
 - b. The facility location shall be designated on the Site Plan Exhibit "A" or an approved Revised Exhibit "A" prior to beginning operations. The location shall be approved by the Director of Public Works and shall be far away from residential and business areas. The facility shall be enclosed.

- c. The Organic Waste Composting Facility operation shall receive no more than 560 tons per day of green waste, food waste, and other organics waste materials. No wastewater biosolids (e.g. sludge or sludge components) shall be allowed.
 - d. Operating hours shall be within the hours of 5 a.m. to 6 p.m., Monday to Saturday.
 - e. Access by customers for purposes of removing the solid products and by-products including finished mulch and compost shall not occur outside hours of 5:00 a.m. to 5:00 p.m., Monday to Saturday.
 - f. Permittee shall comply with all rules for odor abatement and prevention of the South Coast Air Quality Management District and the DPH. The Permittee shall not allow odors to become a nuisance in adjacent residential and business areas. In the event odors become a nuisance in adjacent residential and business areas, Permittee shall take all necessary steps to abate that nuisance. If the Permittee, despite the application of the best available technology and methodology, cannot abate the nuisance odors resulting from Organic Waste Composting Facility operations, the Permittee shall terminate such operations.
 - g. Upon commencement date of the Organic Waste Composting Facility, the Permittee shall submit to the Department of Public Works, DPH-SWMP, and SCAQMD an Odor Control and Mitigation Plan for operation of the this facility.
27. The Final Cover of the Landfill shall not exceed the permitted elevation of 1,430 feet above mean sea level, and the Footprint shall not exceed the total permitted disposal area of 400 acres. No portion of the Landfill shall extend beyond the Limits of Fill as shown on the approved Exhibit "A." The existing Landfill consists of the following as shown on the approved Exhibit "A": existing Primary Canyon (55 acres, currently completely filled); existing Canyon B (14 acres, currently completely filled); existing Main Canyon (188 acres, currently 182 acres have been filled); and new fill areas (143 acres currently unfilled), together with certain ancillary and related activities, as enumerated herein, subject to the restrictions contained in this grant.
28. The Permittee shall not sever, sell, or convey any portion or the entirety of property for which this CUP is granted without first notifying the Department, with a copy to the Department of Public Works, at least 90 days in advance. Any future receiver of the subject property shall be required to acknowledge and accept all conditions of this grant prior to finalization of any conveyance.
29. The Permittee shall keep all required permits in full force and effect, and shall

fully comply with all requirements thereof. Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant, and shall be subject to any and all penalties described in Condition No. 18.

30. Nothing in these conditions shall be construed to require the Permittee to engage in any act that is in violation of any state or federal statute or regulation.
31. The Permittee shall reimburse DPH for personnel, transportation, equipment, and facility costs incurred in carrying out inspection duties as set forth in the SWMP, including maintaining at least one full time inspector at the Facility at least once a week when waste is received and processed to the extent that these costs are not covered by the fees already paid for administration of the SWFP for the Landfill.

INSURANCE REQUIREMENTS

32. Prior to the Effective Date, and thereafter on an annual basis, the Permittee shall provide evidence of insurance coverage to the Department of Public Works in the amount of at least \$40 million that meets County requirements and that satisfies all the requirements set forth in this Condition No. 32. Such coverage shall be maintained throughout the term of this grant and until such time as all Post-Closure Maintenance requirements are met by the Permittee and certified by the appropriate local, state and federal agencies. Such insurance coverage shall include, but shall not be limited to, the following: general liability, automobile liability and pollution liability, and clean-up cost insurance coverage with, an endorsement for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state, federal, and local requirements, with no special limitations. Upon certification of coverage, and annually thereafter, a copy of such certification shall be provided to the Department of Public Works.
33. To ensure that the Permittee has sufficient funds at Closure to provide for the continued payment of insurance premiums for the period described in Condition No. 32 of this grant, the Permittee shall, within 60 months prior to the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements as approved by the CEO showing its ability to maintain all insurance coverage and indemnification requirements of Condition Nos. 32 and 34 of this grant. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the County. the Department of Public Works shall administer the trust fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation.
34. To ensure that the Permittee has sufficient funds for the Landfill's Closure and/or the Post-Closure Maintenance and maintenance of the Environmental

Protection and Control System, the Permittee shall, within 60 months of the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements as approved by the CEO that it is financially able to carry out these functions in perpetuity or until the Landfill no longer is a threat to public health and safety as determined by the Department of Public Works. The Department of Public Works' determination shall be based on an engineering study prepared by an independent consultant selected by the Department of Public Works. The Permittee shall pay all costs associated with the independent consultant and the study within 30 days of receiving the invoice for the consultant's services. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the Department of Public Works. Permittee shall pay into the fund annually and the Department of Public Works shall administer the fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation. The Department of Public Works may consider, at its sole discretion, the financial assurance mechanism required under State law and regulation in meeting the intent of this Condition No. 34.

PERIODIC REVIEW

35. Not less than one year before the 10th anniversary of the effective date of this grant, the Permittee shall initiate a Periodic Review with the Department. Another Periodic Review shall be initiated by the Permittee not less than one year before the 20th anniversary of the effective date of this grant. The purpose of the Periodic Reviews is to consider new or changed circumstances, such as physical development near the Project Site, improved technological innovations in environmental protection and control systems, and other best management practices that might significantly improve the operations of the Facility, and to determine if any changes to the facility operations and IMP are warranted based on the changed circumstances. To initiate the Periodic Review the Permittee shall submit for review a permit requirement compliance study which details the status of the Permittee's compliance with the conditions of approval of this grant. Additionally, an updated Closure Plan and Post-Closure Maintenance Plan shall be submitted to the Department and the TAC for review at this time, as well as the comprehensive waste disposal study referred to in Condition No. 103, and any other information that is deemed necessary by the Department to ensure that the landfill operations are operating as efficiently and effectively as possible and that any potential adverse impacts are minimized, and that the Facility is not causing adverse impacts or nuisance in the surrounding communities.

The cost of the Periodic Reviews shall be borne by the Permittee and is to be paid through the draw-down account referred to in Condition No. 123a. For each Periodic Review, a report based on the latest information shall be made to the Hearing Officer by Department staff at a public hearing pursuant to Part 4 of Chapter 22.60 of the County Code. Each report shall include a review of the performance of the landfill and recommendations for any actions to be taken if

found necessary. Such actions may include changes or modifications to the IMP, including any measures necessary to ensure that the landfill will continue to operate in a safe and effective manner and the landfill closure will be accomplished timely and effectively. The decision of the Hearing Officer on the Periodic Review may be appealed to the Regional Planning Commission. The decision of the Regional Planning Commission shall be final.

TERMINATION REQUIREMENTS

36. The maximum life of this grant shall be 30 years, effective from the Approval Date. The Termination Date shall be either date that 1) the Landfill reaches its Limits of Fill as depicted on Exhibit "A" (Elevation 1,430 feet Alternative), or 2) 60 million tons, or 3) 30 years after the Approval Date of this grant, whichever occurs first. At least twelve (12) months prior to the 25th anniversary of the Approval Date, if the Permittee has not exhausted the available Landfill capacity within the Limits of Fill depicted on Exhibit "A", the Permittee shall conduct a study to determine the remaining capacity of the Landfill and identify all activities and schedules required for the Closure and Post-Closure maintenance of the Facility. The study shall be submitted to the TAC for its independent review and upon its review, the TAC shall report to the Director of Regional Planning its finding regarding the remaining capacity of the Landfill and the Termination Date. Upon consideration of the TAC's finding, the Director of Regional Planning shall establish a certain Termination Date for the Landfill, but in no event shall the Termination Date be a date that is later than 30 years after the Approval Date.
37. Upon the Termination Date, the Facility shall no longer receive Solid Waste and/or Beneficial Use Materials for disposal or processing; however, the Permittee shall be authorized to continue operation of any and all facilities of the Landfill as are necessary to complete: (1) the mitigation measures required by this grant; (2) the Closure and Post-Closure Maintenance required by federal, state, and local agencies; and (3) all monitoring and maintenance of the Environmental Protection and Control Systems required by Condition No. 86. No later than 6 months after the Termination Date, all Landfill facilities not required for the above-mentioned functions shall be removed from the subject property unless they are allowed as a matter of right by the zoning regulations then in effect.

OPERATING HOURS

38. The Facility shall be subject to the following operating hours:
 - a. The Facility may receive Solid Waste and Beneficial Use Materials only between the hours of 5 a.m. (scales open) to 5 p.m. (scales closed). The Facility entrance gate may be open at 5 a.m., Monday through Saturday, to allow on-site queuing only and preparations of the Facility for operations. However, the gate opening hours may be extended to 4 a.m.

by the Director of Public Works, at his sole discretion, if the Permittee submits and if the Department of Public Works approves an Operational Assessment Plan for special construction projects showing a reduction in traffic, noise and visual impacts from a modification of the hours. At any given time, no offsite queuing shall be allowed.

- b. The Facility and all of its operations shall be closed on Sundays.
- c. Facility operations, such as site preparation and maintenance activities, waste processing, and the application of cover, may be conducted only between the hours of 5 a.m. and 10 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control.
- d. Equipment maintenance activities at the Facility may be conducted only between the hours of 5 a.m. and 10 p.m., Monday through Saturday.
- e. No diesel vehicle shall be started at the Facility between the hours of 10 p.m. and 5 a.m.
- f. Notwithstanding anything to the contrary in this Condition No. 38, emergency operations, mitigation measures necessary to avoid adverse environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition No. 38, may occur at any time if approved via written electronic authorization by the DPH. A copy of this authorization shall be provided to the Director of Regional Planning.
- g. Notwithstanding the forgoing, Solid Waste and Beneficial Use Materials may be received at other times than those just described, except on Sundays, if the DPH determines that extended hours are necessary for the preservation of public health and safety.

MAXIMIZING FACILITY CAPACITY

- 39. The Permittee shall prepare fill sequencing plans for Landfill operations to maximize Landfill capacity, and such plans must be technically, environmentally, and economically feasible. The Permittee shall submit fill sequencing plans to the Department of Public Works for review and approval within 90 days after the Effective Date so that the Department of Public Works can verify that the plans have been properly prepared and adequately reflect the amount of material that will be placed in the Landfill. Any subsequent changes to the approved sequencing plans must be approved by the Department of Public Works prior to implementation. The plans approved by the Department of Public Works shall not be in conflict with those contained in the latest State-approved Joint Technical Document for the Facility.

40. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall adopt and implement appropriate measures to ensure that the method to determine that the waste origin and the amount of Solid Waste received, processed and/or disposed at the facility is accurate. The permittee shall comply with this condition and Part IV of the IMP.

The waste origin and reporting program shall be developed by the Permittee for review and approval by Public Works. The Permittee shall submit the data from this program on a monthly basis to Public Works for review or at other frequency as determined by the Director of Public Works. Based on the initial results from this program, Public Works may require the Permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 40 is satisfied.

The Waste origin and reporting program shall include all incoming solid waste, beneficial use materials, composting materials, clean soil used for daily and intermediate cover, and any other material coming to the Facility.

41. The Permittee shall operate the Facility in a manner that maximizes the amount of Solid Waste that can be disposed of in the Landfill, by, at a minimum:
- a. Implementing waste compaction methods to equal or exceed the compaction rates of comparable privately-operated landfills in Los Angeles County;
 - b. Investigating and implementing methods to divert or reduce intake of high volume, low-density materials that are incapable of being readily compacted;
 - c. Investigating and implementing methods to reduce the volume of daily cover required at the Landfill as allowed by the appropriate regulatory agencies;
 - d. Utilizing waste materials received and processed at the Facility as an alternative to daily intermediate, and Final Cover, to the extent such usage is deemed technically feasible and proper by the appropriate regulatory agencies. Notwithstanding the preceding sentence, green waste, automobile shredder waste, cement kiln dust, dredge spoils, foundry sands, processed exploration waste from oil wells and contaminated sites, production waste, shredded tires, and foam shall not be used as daily, intermediate, or Final Cover at the Landfill;
 - e. To the extent economically and practically feasible, Construction and Demolition Debris shall not be disposed, but rather be separated, and recycled and/or made available for reuse, consistent with the goals of the

California Integrated Waste Management Act of 1989;

- f. Investigating and implementing methods to recycle manure; and
 - g. All Solid Waste accepted at the Facility that originates from outside the Santa Clarita Valley, including the metropolitan area of Los Angeles County, must be pre-processed or undergo front-end recovery methods to remove all Beneficial Use Materials and Construction and Demolition Debris from the waste stream prior to transport to the Facility to the maximum extent practicable, as determined by the Department of Public Works. As part of its annual report to the TAC required by the IMP, the Permittee shall submit documentation detailing the results of this requirement. The report must at a minimum include the types, quantity, and amount of all Beneficial Use Materials and Construction and Demolition Debris recovered from the waste stream. Notwithstanding the foregoing, Solid Waste originating from residential areas with a 3-bin curbside collection system is exempt from this requirement.
42. To the extent feasible, the Permittee shall minimize the disposal of Solid Waste into the Landfill that is required to be diverted or recycled under the County's Source Reduction and Recycling Element of the Countywide Integrated Waste Management Plan, adopted pursuant to Division 30 of the California Public Resources Code, and/or the Waste Plan Conformance Agreement, approved by the Board on November 21, 2000, as these documents and agreements may be amended.
43. Within 180 days after the Effective Date, and thereafter as is necessary, the Waste Plan Conformance Agreement referred to in Condition No. 42 shall be amended and approved to be consistent with applicable County waste management plans. The Director of Public Works shall be authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. This Agreement shall continue to provide for: (1) the control of and accounting for all the Solid Waste, and Beneficial Use Material and Composting Materials entering into, and for recycled or diverted material leaving, the Facility; (2) the implementation and enforcement of programs intended to maximize the utilization of available fill capacity as set forth in Condition No. 41; and (3) the implementation of waste diversion and recycling programs in accordance with applicable County waste management plans.
44. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall adopt a program to assist the County in its diversion efforts, including:
- a. Utilizing alternative daily cover at the Landfill, to the extent permitted by the appropriate regulatory agencies.

- b. Using a portion of the Facility to transfer loads of commingled recyclables to sorting facilities.
 - c. To the extent feasible, recovering scrap metal and other materials from loads of waste received at the Facility.
 - d. To the extent feasible, recovering and recycling Construction and Demolition Debris received at the Facility to be placed into the economic mainstream and/or reusing it at the Facility to the extent that it is appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices in accordance with 14 CCR § 20686.
 - e. Composting shredded wood waste and organics at the Landfill including but not limited to Anaerobic Digestion Composting, provided such composting project is approved by the Department of Public Works and is consistent with the intent of this permit.
 - f. Stockpiling and grinding of wood/green material for use as mulch, boiler fuel, or feedstock for an alternative energy project, provided such energy project is approved by the Department of Public Works and is consistent with the intent of this permit.
 - g. Stockpiling and grinding of concrete/asphalt material for use as base, road material, and/or decking material.
 - h. Development of Conversion Technologies to divert waste from disposal provided such Conversion Technology project is approved by the Department of Public Works and is consistent with the intent of this permit.
 - i. Consolidation of electronic waste such as computers, televisions, VCRs, stereos, copiers, and fax machines.
 - j. Consolidation of white goods such as refrigerators, stoves, ovens, and other white-coated major appliances.
 - k. Implementing a comprehensive public awareness and education program informing Santa Clarita Valley residents of the Facility's recycling activities/programs. The program must be submitted to the Department of Public Works for review and approval within 90 days after the Effective Date.
45. The Permittee shall discourage haulers from delivering partial truck loads to the Facility, and from delivering trucks to the Facility during peak commuting hours; higher tipping fees for such behavior is recommended. Notwithstanding the preceding sentence, in lieu of charging higher tipping fees, the Permittee may

implement some other program, as approved by the Department of Public Works, to discourage this type of activity by its customers.

PROHIBITED MATERIALS

46. The following types of waste shall constitute prohibited waste and shall not be received, processed nor disposed of at the Facility: Automobile Shredder Waste; Biosolid; Sludge, or Sewage Sludge; incinerator ash; radioactive material; hazardous waste, as defined in Title 22, Section 66261.3 of the California Code of Regulations; medical waste, as defined in Section 117690 of the California Health & Safety Code; liquid waste; waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste that can cause degradation of waters in the State, as determined by the RWQCB. The Permittee shall implement a comprehensive Waste Load Checking Program, approved by the DPH, to preclude disposal of prohibited waste at the Landfill. The program shall comply with this Condition No. 46, Part IV of the IMP, and any other requirements of the DPH, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.
47. Notices regarding the disposal restrictions of prohibited waste at the Facility and the procedures for dealing with prohibited waste shall be provided to waste haulers and private users on a routine basis. These notices shall be printed in English and Spanish and shall be posted at prominent locations at the Facility indicating that anyone intentionally or negligently bringing prohibited waste to the Facility may be prosecuted to the fullest extent allowed by law.
48. In the event that material suspected or known to be prohibited waste is discovered at the Facility, the Permittee shall:
 - a. Obtain driver's name, company name, address, and any other information as appropriate, and vehicle license number;
 - b. Immediately notify all appropriate state and County agencies, as required by federal, state, and local law and regulations;
 - c. If Permittee discovers that such prohibited material has been accepted at the Facility and after further review it is determined that it cannot immediately be removed by a licensed hauler, Permittee shall store the material at an appropriate site approved by the DPH and the RWQCB until it is disposed of in accordance with applicable state and local regulations; and
 - d. Maintain a record of the prohibited waste to be part of the Permittee's annual report required under the IMP, and to include, at a minimum, the following information:

- i. A description, nature, and quantity of the prohibited waste;
- ii. The name and address of the source of the prohibited waste, if known;
- iii. The quantity of total prohibited waste involved;
- iv. The specific handling procedures used; and
- v. A certification of the authenticity of the information provided.

Nothing in this Condition No. 48 shall be construed to permit the Permittee to operate the Facility in any way so as to constitute a Hazardous Waste Disposal Facility, as defined under state law.

GRADING/DRAINAGE

49. Except as otherwise provided in this Condition No. 49, areas outside of the Limits of Fill shall not be graded or similarly disturbed to create additional Landfill area, except that additional grading may be approved by the Department of Public Works if the Department of Public Works determines, based on engineering studies provided by the Permittee and independently evaluated by the Department of Public Works, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination by the Department of Public Works shall be documented in accordance with Part I of the IMP, and the Permittee shall submit a revised Site Plan for review and approval by the Department of Public Works to show the additional grading and/or disturbance. A copy of the approved revised Site Plan shall be filed with the Director of Regional Planning, the Department of Public Works, and DPH. For the life of this grant, there shall be no revisions to the approved Exhibit "A", that will change the Limits of Fill, and no Site Plan shall be approved that will change the Limits of Fill.
50. Nothing in this grant shall be construed as prohibiting the installation of water tanks, access roads, flares, or other similar facilities at the Facility, or implementing any mitigation program, that is required by this grant or by any other permit issued by a public agency in connection with the Landfill.
51. Notwithstanding anything to the contrary in this grant, no approval shall be granted to the Permittee that will modify the authorized Limits of Fill or that will lower or significantly modify any of the ridgelines surrounding the Landfill.
52. The Permittee shall comply with all grading requirements of the Department of Public Works and the County Code. In addition to any other requirements that may apply, the Permittee shall obtain prior approval from the Department of Public Works for all grading that is outside the Landfill footprint and all grading within the Landfill footprint that could impact off-site property as

determined by the Department of Public Works, including, but not limited to, grading in connection with cell development, stockpiling, or excavation for borrow and cover materials.

53. The Permittee shall install and/or maintain appropriate drainage structures at the Facility to comply with all drainage requirements of the Department of Public Works, the RWQCB, and any other appropriate regulatory agency. Except as otherwise specifically provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed to meet all applicable drainage and grading requirements of the Department of Public Works, and all design and construction plans for these structures must have prior approval from the Department of Public Works. Notwithstanding the foregoing, at the discretion of the Department of Public Works, the Permittee may be permitted to install temporary drainage structures designed for day-to-day Facility operations without prior approval from the Department of Public Works. In all cases, the Landfill and its drainage structures shall be designed so as to cause surface water to be diverted away from disposal areas. All design modifications shall have the prior approval from the Department of Public Works.
54. All development structures and activities pursuant to this grant shall conform to the requirements of the Department of Public Works.

GROUNDWATER PROTECTION

55. The Permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. The design of Landfill liners shall be as approved by the RWQCB.
56. The Permittee shall install and test any and all groundwater monitoring wells that are required by the RWQCB and shall promptly undertake any action directed by the RWQCB to prevent or correct potential or actual contamination that may affect groundwater quality, or water conveyance or water storage facilities. All testing and remedial actions required by the RWQCB to detect, prevent, and/or correct groundwater contamination shall be completed or guaranteed to be completed to the satisfaction of the RWQCB with notice to the Department of Public Works.
57. During the duration of this grant, the project shall use recycled water once a recycled water pipeline is extended to the Newhall Ranch residential development. The Permittee shall obtain the necessary permits to connect to such recycled water, construct any necessary access, and connect to the piped recycled water.
58. In the event groundwater use is restricted in the future pursuant to Court Order or Judgment, the Permittee shall purchase water from County-authorized water purveyors, including County-authorized recycled water purveyors for non-

potable uses, or authorized State Water Project contractors, and shall otherwise conform to the rules, regulations, and restrictions set forth in any applicable Court Order or Judgment, including those rules, regulations, and restrictions that would require the Permittee to pay assessments, if any.

LANDSCAPING, COVER AND REVEGETATION AND AESTHETIC REQUIREMENTS

59. The Permittee shall comply with the following landscaping, cover and re-vegetation requirements at the Landfill:

- a. Three copies of a landscape plan shall be submitted to and approved by the Director of Regional Planning within 180 days after the Effective Date. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities required as a condition of this grant. All landscaping shall be maintained in a neat, clean, and healthful condition in accordance with the approved landscape plan, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants and trees when necessary but not to exceed quarterly (3 months-period).
- b. An annual monitoring report shall be prepared by an independent, qualified biologist and submitted to the Director of Regional Planning providing status and progress of the provisions in this Condition No. 59. The monitoring report shall be submitted as part of the annual report required pursuant to Part VIII of the IMP.
- c. The Permittee shall employ an expert or experts, including an independent, qualified biologist, to satisfy this Condition No. 59. Soil sampling and laboratory analysis shall be conducted in all areas that are required to be re-vegetated before any re-vegetation occurs to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results. To the extent possible, as determined by the Director of Regional Planning, plant types shall blend with species indigenous to the area, be drought tolerant, and be capable of successful growth.
- d. The Permittee shall apply a temporary vegetation cover on any slope or other Landfill area that is projected to be inactive for a period greater than 180 days, as set forth in the IMP. The Permittee shall identify such slope or areas in the annual monitoring report described in Subsection (b) above, and include an interim reclamation and re-vegetation plan as well as the timing of the proposed work for review and approval by the Director of Regional Planning.

- e. Except as otherwise provided in this Condition No. 59, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially in conformance with Mitigation Monitoring Program.
- f. Notwithstanding the foregoing provisions of this Condition No. 59, Permittee shall comply with a different re-vegetation design or plan that the Department, in consultation with the TAC and the Department of Public Works, determines would:
 - i. better protect public health and safety;
 - ii. enable re-vegetation of the final slopes at least as well as described in Subsection (e), above; and/or
 - iii. be required because the minimum standards adopted by the CalRecycle have been amended.

Requirements imposed by the Department pursuant to this Condition 59 must be consistent with State regulations and may not cause the activities at the Landfill to exceed the Limits of Fill.

- g. The Permittee shall provide and maintain a landscape strip that is a minimum of 10 feet wide along the frontage of the ancillary facilities area on Wolcott Way and along SR-126 Highway.
- h. No portion of the expanded Landfill may extend above the plane or outside of the surface area of the fill design as shown on the approved site plan, attached as Exhibit "A".

The existing viewshed from Chiquito Canyon Road shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the landfill site, including but not limited to temporary storage areas, any materials recovery facility, composting facility or any other ancillary facilities that may be visible from Chiquito Canyon Road shall be designed to be harmonious with the natural topography and viewshed and shall be reviewed by the Community Advisory Committee.

The landfill operator and the Community Advisory Committee shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen landfill operations, enhance the viewshed, and establish the minimum number and type of trees to do this and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline provided the above objectives are met and such planting is practical.

60. The Permittee shall operate the Facility so as to conserve water by, at a minimum, adopting the following measures:
- a. Ensuring that all water wells used for the Facility draw from the local watershed, if such usage is approved by the appropriate agencies;
 - b. Investigating the feasibility of treating collected leachate on-site for reuse in the Landfill and, if feasible and the appropriate agencies approve, implementing a program to use such water;
 - c. Using soil sealant, pavement, and/or other control measures for dust control wherever feasible, instead of water; and
 - d. Using drought-tolerant plants to re-vegetate the Landfill slopes and other disturbed areas to the extent feasible, as determined by the Director of Regional Planning. Plant types shall blend with species indigenous to the area and shall be capable of rapid growth.

AIR QUALITY

61. As required by the SCAQMD, the Permittee shall adopt and implement operational practices to mitigate air quality impacts including but not limited to odor, dust and vehicular air quality impacts at the Facility. The Facility shall be operated so as not to create a nuisance in the surrounding communities.
62. The Permittee shall use landfill gas for energy generation at the Facility or other beneficial uses, rather than flaring to the extent feasible, and shall obtain all applicable local, state, and/or federal approvals for any such use.
63. The Permittee shall also install and maintain a landfill gas collection and management system that complies with SCAQMD requirements and uses best available control technology to prevent 1) the lateral migration of gases to off-site properties, and 2) odor generation that causes impact to surrounding communities, to the satisfaction of the Department of Public Works, the DPH, and SCAQMD.
64. Landfill gas flares shall be installed in a manner that does not result in any significant adverse aesthetic impacts and the flames shall be totally contained within the stacks. Flame arrestors shall be provided to the satisfaction of the County Fire Department.
65. The Permittee shall provide access to a back-up generator for emergency use within 48 hours in case of a prolonged power outage at the Facility to prevent the migration/emission of landfill gas, unless such a use is otherwise prohibited by SCAQMD due to air quality concerns.

66. The Permittee shall conduct air quality monitoring at the Facility and its surrounding areas. In addition, an independent air quality consultant selected by the TAC shall conduct at least four random tests per year of Landfill dust and diesel particulates surrounding the perimeter of the Facility to determine whether air quality near the Landfill is consistent with the air quality levels established by the operative air quality standards for the area as determined by the SCAQMD or other appropriate State air quality agency. The consultant review shall place added emphasis on the nearby residential communities. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Director of Regional Planning, the Department of Public Works, the TAC and the Permittee within 15 calendar days after completion of the tests.
67. Upon receipt of a total of 4 Notice of Violations related to air quality issued by any combination of SCAQMD, DPH, the Department of Public Works, or the Department in any given calendar year, the Permittee shall submit a response to the Department of Public Works within 30 calendar days of the fourth such Notice of Violation providing an explanation of each Notice of Violation and steps taken to address it, and shall provide this information within 30 calendar days of each additional Notice of Violation within the same year. the Department of Public Works shall evaluate the response and may require the Permittee to thereafter increase the air quality monitoring that it conducts at the Facility and its surrounding areas. In addition, the TAC may select an independent air quality consultant to evaluate and conduct testing of 1) landfill gas and trash odor generated due to working face operations, 2) landfill gas collection and management system, and 3) dust and diesel particulates surrounding the perimeter of the Facility, at a frequency to be determined by the Department of Public Works in consultation with the air quality consultant. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Department of Public Works, the TAC, and the Permittee within 15 calendar days after completion of the tests. The Department of Public Works, with the advice of the TAC, may reduce the frequency of the consultant testing if the Department of Public Works finds that the frequency of testing is not necessary, or may discontinue it altogether if it finds that the tests are not beneficial. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC, may increase the frequency of the consultant testing if the Director of Regional Planning finds the frequency insufficient and may request an evaluation report and recommendations. Upon direction from the Department of Public Works, the Permittee shall implement the recommendations of the independent consultant.
68. If any of the test results of Condition No. 66 and/or 67 exceed the maximum emission levels established by the EIR and/or the SCAQMD, if the Landfill is operated in a manner which, in the determination of DPH, creates an odor nuisance to the surrounding communities, or if the Department of Public Works, in consultation with the TAC, determines that additional corrective measures are

necessary to address air quality impacts to the residents of the surrounding community, the Permittee shall submit a corrective action plan to the TAC within 15 days after receipt of the report. Such corrective action plan shall describe the excessive emission levels, or the determination by DPH or the Department of Public Works, and set forth a schedule for remedial action. The TAC shall consider the corrective action plan within 30 calendar days of its receipt and provide notice to the Permittee if such plan has been approved. If the TAC does not approve the corrective action plan, the Director of Regional Planning may impose additional or different measures to reduce air quality impacts at the Facility. These additional measures may include, but not be limited to, requirements that the Permittee: (1) pave additional unpaved roads at the Facility; (2) water and apply soil sealant to additional Working Face areas; (3) relocate Working Face areas to designated locations during windy conditions; (4) monitor sensitive sites throughout the community; and/or (5) close the Facility during extreme wind conditions; 6) employ the services of an independent consultant to evaluate the air quality impacts and/or odor nuisance and make recommendations to mitigate the impacts and/or abate the odor nuisance. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Department, the Department of Public Works, the TAC, and the Permittee within 15 calendar days after completion of the tests. The Director of Public Works, with the advice of the TAC, may reduce the frequency of the consultant testing, or discontinue it altogether, if the Director of Public Works finds that the test results are invalid or lack beneficial value. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC, may increase the frequency of the consultant testing if the Director of Regional Planning finds the frequency insufficient. The Permittee may appeal the Director of Regional Planning's decision in accordance with the appeal provisions in Condition No. 18 for an appeal of a notice of violation.

69. Within 180 days after the Effective Date, all equipment, diesel fleet vehicles, and transfer trucks that are owned or operated by the Permittee, its subsidiaries, or affiliated enterprises, and that utilize the Facility, shall be CARB compliant.

As part of its annual report to the TAC required by the IMP, the Permittee shall submit documentation of its compliance with this Condition No. 69, including, but not limited to, Title 13, California Code of Regulations, Section 2020, et seq. regarding Diesel Particulate Matter Control Measures.

70. Permittee shall be subject to the following requirements regarding alternative fuel vehicles and equipment:
- a. For the purpose of complying with this Condition No. 70 alternative fuel vehicles shall utilize alternative fuels that are consistent with recommendations or regulations of CARB and SCAQMD, which may include, but is not limited to electricity, natural gas (liquefied natural gas

or compressed natural gas), biogas, biodiesel, synthetic diesel, or renewable diesel.

- b. Within the first year after the Effective Date, the Permittee shall submit an alternative fuel vehicle implementation plan to the TAC for review and approval. The plan shall contain information on available and proposed alternative fuel technologies, a comparison of their air emissions reduction levels at the Facility, including greenhouse gas emissions, a timeline demonstrating the Permittee's best-faith efforts to comply with this Condition No. 70, as well as any other information deemed necessary by the TAC to approve the plan.
 - c. The Permittee shall convert into alternative fuel vehicles all light-duty vehicles operating at the Facility, solid waste collection trucks, and transfer trucks that utilize the Facility and are owned by, operated by, or under contract with the Permittee, its subsidiaries, or affiliated enterprises, according to the following phase-in schedule:
 - i. Within 4 years after the Effective Date, at least 50 percent of all aforementioned vehicles shall be alternative fuel vehicles.
 - ii. Within 7 years after the Effective Date, at least 75 percent of all aforementioned vehicles shall be alternative fuel vehicles.
 - iii. Within 10 years after the Effective Date, 100 percent of all aforementioned vehicles shall be alternative fuel vehicles.
 - d. Within the first year after the Effective Date, unless a later date is approved by the TAC, the Permittee shall consult with the SCAQMD and design and implement at least 1 heavy-duty, alternative fuel off-road equipment pilot program, to the extent deemed technically and economically feasible by the TAC. The pilot program shall be certified by a major original equipment manufacturer such as, but not limited to, Caterpillar, John Deere, or Volvo.
 - e. As part of its annual report to the TAC required by the IMP, the Permittee shall submit an on-going evaluation of its compliance with each component of this Condition No. 70.
71. Within 180 day of the effective date, the Permittee shall adopt and implement a fugitive dust program that uses the most effective available methods and technology to avert fugitive dust emissions. The fugitive dust program shall be submitted to the Department of Public Works for review and approval. In addition to the re-vegetation measures in Condition No. 59, the program shall include, at a minimum, a requirement that:

- a. The Permittee shall not engage in any excavation, grading, or other Landfill activity during high wind conditions, or when high wind conditions are reasonably expected to occur, as determined by the DPH, where such excavation or operation will result in significant emissions of fugitive dust affecting areas not under the Permittee's control;
- b. The Working Face areas of the Landfill shall be limited to small contained areas of approximately one acre or less. During periods of the year when high wind conditions may be expected, the Working Face areas shall each be located in an area of minimal wind exposure, or be closed, if closure is deemed necessary by the DPH;
- c. Except when there is sufficient rain or moisture to prevent dust, daily cover, haul roads, and grading locations shall be watered as required by State Minimum Standards or more frequently, when conditions dictate for dust control. Soil sealant may be required in addition to water;
- d. Except when there is sufficient rain or moisture to prevent dust, all active Working Face and soil Stockpile Areas shall be watered daily, unless wind conditions dictate otherwise;
- e. If determined necessary by the DPH, the Permittee shall, on any day preceding a day when the Facility is closed to Solid Waste receipt, apply soil sealant to any previously active Working Face, haul roads, or soil Stockpile Area that has not already been sealed or re-vegetated;
- f. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant. If additional sealing treatment is required, the Permittee shall promptly apply such treatment to assure full control of the soil particles;
- g. All primary access roads to any permanent facility in the Landfill shall be paved;
- h. To minimize the length of dirt roads, paved access roads to fill areas shall be extended as new fill areas are opened. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the quantity of untreated dirt;
- i. All paved roads in regular use shall be regularly cleaned to remove dirt left by trucks or other vehicles;
- j. Except when there is sufficient rain or moisture to prevent dust, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the DPH or the Department of Public Works, or

otherwise treated to control dust emissions;

- k. Loads of Solid Waste capable of producing significant dust shall be watered during the Landfill process. If such practice is deemed unacceptable to the RWQCB, the Permittee shall develop alternative methods to minimize dust generation during the Landfill process and obtain approval of the method from the Department of Public Works within 90 days of the RWQCB's determination;
 - l. In addition to any fire flow requirements of the County Fire Department, the Permittee shall maintain a supply of water for dust control in the active Working Face areas to ensure compliance with State Minimum Standards; and
 - m. The Permittee shall install and maintain devices on-site, as approved by the SCAQMD, to monitor wind speed and direction, and shall retain qualified personnel who can read and interpret data from these devices, can obtain and use information on predicted wind conditions, and can assist in the Facility's operations related to this information.
72. Permittee shall submit a quarterly report to the Department of the Department of Public Works identifying: (1) all fugitive dust and odor complaints from local residents that the Permittee has received for that quarter regarding the Facility; (2) all notices of violation issued by the SCAQMD or the DPH; and (3) all measures undertaken by the Permittee to address these complaints and/or correct the violations. The Department of Public Works and the DPH shall each have the authority to require the Permittee to implement additional corrective measures for complaints of this nature when such measures are deemed necessary to protect public health and safety.

TRAFFIC AND ROAD IMPROVEMENT

73. Within 90 days after the Effective Date, the Permittee shall submit for review and approval by the Department of Public Works a plan that establishes a program to reduce unnecessary truck trips and queuing of trucks at the Facility and shall implement the approved plan. The program shall include, but not be limited to, the following elements:
- a. A plan to schedule regular Facility users, such as commercial and municipal haulers, to avoid having these users arrive at the Facility and queue on public streets right-of-ways or be diverted to other landfills;
 - b. A plan to reserve Landfill capacity until 2 p.m. Monday through Friday during normal operating conditions, for small commercial and private users; and

- c. A plan to discourage Landfill customers from delivering loads of less than one ton to the Facility.
74. Within 90 days after the Effective Date, the Permittee shall implement a program to include, at a minimum, measures to minimize or avoid the queuing of trucks at the Facility entrance or on SR-126 Highway and any other adjacent streets due to waste delivery or landfiling activities at all times. At any given time, no off-site queuing shall be allowed. The program shall be reviewed and approved by the Department of Public Works. A report on the effectiveness of the program shall be submitted as part of the annual report required pursuant to Part XII of the IMP.
75. Within one year from the Effective Date, the Permittee shall close the existing site entrance on Henry Mayo Drive (SR-126) and relocate the site entrance, along with all its auxiliary facilities to a new site entrance located on Wolcott Drive as shown in Exhibit "A". In the event that the Permittee is unable to relocate the site entrance within a year, the Permittee may request a one-time extension from the Department of Public Works. The extension may be granted at the sole discretion of the Department of Public Works, if the Permittee demonstrates, to the satisfaction of the Department of Public Works that the extension is needed due to activities beyond the Permittee's control and Permittee is making good faith efforts to relocate the Site entrance. Notwithstanding the previous sentence, the total duration of the time extension shall not exceed 180 days.
76. The designated haul route shall be as follows:

Truck traffic to the Facility from the I-5 FWY shall be restricted to the following route: (a) SR-126 and (b) Wolcott Way to travel to the Facility Driveway. Unless necessitated by road closure or other detour plan implemented by the local jurisdictions, at no time shall any truck movement under the Permittee's control to the Facility from I-5 FWY take place on any other route.

Truck traffic to I-5 FWY from the Facility shall be restricted to the following route: (a) Wolcott Way and (b) SR-126 and enter I-5 FWY at the SR-126 on-ramp. Unless necessitated by road closure or other detour plan implemented by the local jurisdictions, at no time shall any truck movement under the Permittee's control to I-5 FWY from the Landfill take place on any other route.
77. Within 90 days after the Effective Date, the Permittee shall provide to the Department of Public Works for review and approval a set of schedules for commencement of the "Chiquita Canyon Landfill Street Improvement Project." The street improvements identified in the "Chiquita Canyon Landfill Street Improvement Project" shall be in accordance with the following:

- a. The Permittee shall be responsible for the following Right-of-Way and Street Improvement Requirements:
 - i. Construct full street improvements on Wolcott Way and Franklin Parkway within the project frontage compatible with the ultimate improvements per Tentative Tract Map No. 53108 to the satisfaction of the Department of Public Works.
 - ii. The design and construction on Wolcott Way should be compatible with vertical approaches to the future grade separations at the SR-126 to the satisfaction of the Department of Public Works and Caltrans.
 - iii. Dedicate right-of-way at a minimum of 70 feet from the latest approved centerline on SR-126, to the satisfaction of the Department of Public Works and Caltrans. The typical section and the ultimate right-of-way are contingent upon the traffic study demonstrating that the project volumes do not exceed the road capacity. In the event the project volumes exceed the road capacity provide additional right-of-way for additional lanes, exclusive right turn lanes and transition improvements to the satisfaction of the Department of Public Works and Caltrans.
 - iv. Provide slope easements at the future SR-126/Wolcott Way interchange to the satisfaction of the Department of Public Works and Caltrans.
 - v. Comply with mitigation measures including offsite improvements identified in the approved Traffic Study Analysis to the satisfaction of the Department of Public Works.
 - vi. Provide signing and striping plans for Wolcott Way, Franklin Parkway, and any other offsite roadway based on the mitigations contained in the approved Traffic Study.
 - vii. Remit the fees which have been established by the Board of Supervisors for the Westside Bridge and Major Thoroughfare Construction Fee District. The fee amount is due and payable prior to the Effective Date and is based upon the fee rate in effect at the time of the Project's Effective Date. The current fee rate is \$23,780 per Factored Development Unit (FDU) and is subject to change. Per the current Westside Bridge and Major Thoroughfare Construction Fee District Report, each gross acre of a commercial site is assessed at five times the applicable FDU rate. Similarly, each gross acre of an industrial site is assessed at three times the applicable FDU rate.

- viii. The Permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the RWQCB as well as any other regulatory agency with appropriate jurisdiction. Except as specifically otherwise approved by the Department of Public Works, all drainage structures including sedimentation basins shall be designed and constructed so as to accommodate run-off from a capital storm.
- ix. The Landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from the disposal areas.
- x. The Permittee shall further comply with all grading requirements of the Department of Public Works and Los Angeles County Ordinance.
- xi. The Permittee shall comply with the following requirements of Street Lighting Section of the Traffic and Lighting Division of the Department of Public Works where the installations of street lights are required. Prior to approval of any street improvement plan, Permittee submit a street lighting plan to the satisfaction of the Department of Public Works. Any proposed street lights that are not within the existing lighting maintenance district will need to be annexed to the district before street lighting plans can be approved.
 - a. Within one year from the Effective Date, the Permittee shall provide street lights on concrete poles with underground wiring on all streets around the project boundaries to the satisfaction of the Department of Public Works. The Permittee shall also contact Caltrans for street lighting requirements on Henry Mayo Drive (SR-126).
 - b. Within 30 days of the Effective Date, the Permittee shall contact Los Angeles County Department of Public Works, Street Lighting Section to commence and complete the Lighting District Annexation process for the operation and maintenance of the street lights around the project boundary.
- xii. Permittee shall pay all applicable review fees for review of all plans and engineering reports.

- xiii. Acquire street plan approval from the Department of Public Works or direct check status before obtaining grading permit.
 - xiv. Within 90 days or as otherwise determined by the Department of Public Works, after the approval of the "Chiquita Canyon Landfill Street Improvement Project", execute an Improvement Agreement for the street improvements identified in this Condition No. 77 Subsection (a).
 - xv. Within 360 days after the Effective Date of this grant, the Permittee shall pay its fair share to fully improve, the pavement and thickening of the base/sub base to sustain the entire truck traffic loading of the project operation and any increase in project operation on the following streets or as required to the satisfaction of the Department of Public Works: (1) Wolcott Way between Franklin Parkway and SR-126. The Department of Public Works, at his/her sole discretion, may grant an extension of time not to exceed an additional 360 days if the Permittee demonstrates good faith effort toward construction and completion of this condition 77 Subsection (xv).
- b. Once every 5 years beginning on the Effective Date of this grant and continuing for the duration of this grant, the Permittee shall conduct a Roadway Section Analysis to include a pavement section evaluation of the designated haul route (Wolcott Way and SR-126 to the Facility entrance), as well as all truck counts and traffic index calculation sheets. The findings of the revised Roadway Section Analysis shall be provided to the Department of Public Works and the City of Santa Clarita for review and approval. The Permittee shall be responsible for the pro-rata costs of improving the pavement structure of the roadway segments along the designated haul route per the recommendations in the revised Roadway Section Analysis. Upon construction of any necessary improvements to the pavement structure, the Permittee shall conduct baseline deflection testing in accordance with California Test method 356 and submit the results to the Department of Public Works for review and approval.
 - c. Once every 5 years beginning on the Effective Date of this grant and continuing for the duration of this grant, the Permittee shall conduct machine-generated truck counts at the project site entrance on three consecutive days (Tuesday through Thursday) during weeks void of national holidays. The truck counts shall be conducted by an independent count company in accordance with generally accepted traffic counting procedures. The Permittee shall also calculate the 10-year Design Traffic Indices along the designated haul route Wolcott Way and SR-126 to the Facility entrance), based on the truck counts and submit them to the Department of Public Works for review and approval. Lastly, the Permittee

shall perform deflection tests along the designated haul route in accordance with California Test Method 356 and submit the results to the Department of Public Works for review and approval. If the retested 80 percentile deflection exceeds 32 percent of the tolerable deflection, the Permittee shall pay its fair share to fully remediate the pavement structure. The Permittee shall submit to the Department of Public Works the proposed method of remediation and schedule for commencement of the improvement for review and approval.

In no event shall the "Chiquita Canyon Landfill Street Improvement Project" be more than 24 months from the Approval Date, unless otherwise extended by the Department of Public Works.

78. In the event the Permittee elects to construct and operate a commercial-scale Conversion Technology facility at the Facility or other location in the Unincorporated County areas of the Santa Clarita Valley as approved the Department of Public Works, the Permittee is required to prepare and submit a traffic impact study to the Department of Public Works for review and approval. If the traffic impact study identifies traffic impacts, the Permittee will be required to fund and/or build adequate traffic improvements, to the satisfaction of the Department of Public Works.
79. The Department of Public Works, the LEA, and the CAC may monitor the performance of the conditions of this grant designed to minimize truck traffic impact. In the event such measures are found to be inadequate, such entity or entities shall notify the Director of Regional Planning and describe the inadequacy of the conditions.

LITTER CONTROL AND RECOVERY

80. The Permittee shall adopt a program that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Notwithstanding any other provision of this grant, the Permittee shall cease accepting incoming waste during high wind conditions if, despite the methods and technology used for controlling litter, waste cannot be confined to areas under the Permittee's control.
81. Within 30 days after the Effective Date, the Permittee shall submit a litter control program to the DPH and the Department of Public Works for review and approval that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Permittee shall implement the program as approved and submit any revisions to the Department of Public Works for approval. The program shall include the following requirements, unless the DPH requires otherwise or the Department of Public Works approves alternative measures after determining that they are at least as effective in controlling litter:

- a. Facility personnel shall continuously patrol the access road to the Facility scales during the Facility's hours of operation and remove any litter found during the patrol;
- b. Loads of Solid Waste that are improperly covered or contained and that may create significant litter shall be immediately detained, and if practicable, properly covered or contained prior to proceeding to the Working Face. If such a remedial measure cannot be taken, the load shall proceed to the Working Face under escort;
- c. All debris found on or along the entrance to the Facility and/or Working Face access roads shall be immediately removed;
- d. Operating areas shall be located in wind shielded portions of the landfill during windy periods;
- e. The landfill operator shall install speed bumps on landfill property in paved areas along the route of trucks leaving the landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the facility;
- f. The Permittee shall require open-bed trucks exiting the landfill either to be swept clean of loose debris or to be covered so as to minimize the possibility of litter escaping onto State Route 126.

The permittee shall comply with this condition and Part XVI of the IMP.

- 82. Within 90 days after the Effective Date, the Permittee shall develop methods and/or procedures to prevent or minimize vehicles from carrying dirt and/or debris that may be dislodged onto local streets and highways and submit the methods and/or procedures for approval, and implement the approved measures to the satisfaction of the Department of Public Works.
- 83. In addition to the requirements described in Condition Nos. 80 and 81, the Permittee shall develop and maintain a litter recovery program to the satisfaction of the Department of Public Works and the DPH designed to recover off-site litter from uncovered or improperly covered or contained loads traveling to the Facility or otherwise emanating from the Facility, including conducting weekly inspections of the surrounding neighborhoods within a 1-mile radius of the property boundary of the combined facility. Based upon the inspection, the Permittee shall collect and remove all wind-blown Trash or litter encountered in the specified area. The Permittee shall maintain a log of the inspections, provide the log upon request to the DPH and the Department of Public Works, and include a copy of the log in the annual report required pursuant to Part XII of the IMP. The Department of Public Works, at its sole discretion may increase the frequency of the litter pickup and recovery or adjust the boundary of the specified area or to improve the

effectiveness of the litter recovery program.

84. The Permittee shall monitor Chiquito Canyon Road, SR 126, Wolcott Way, Franklin Parkway, and other feeder roads to the entrance to Val Verde at Rancho Aviles and the surrounding area within 100 feet of the centerline of the road (except along SR-126 where collection would start at the shoulder for safety reasons) or to any existing fence on private property for the purpose of locating and cleaning up litter in this area. Litter pickup shall be a minimum of one time per week and may be increased, upon agreement between the landfill operator and the CAC, to maintain a litter free environment
85. The Permittee shall develop and implement a vehicle tarping program at the Facility that effectively discourages uncovered vehicles from using the Facility. Within 30 days after the Effective Date, the Permittee shall submit such vehicle tarping program for approval by the Department of Public Works. Such program shall provide that all vehicles loaded with Solid Waste or any other material that creates the potential for litter shall be fully tarped or otherwise contained when entering and leaving the Facility, and that no such vehicle shall be allowed to enter the Facility until the driver has been informed of the tarping requirements and has been asked to have his/her load covered. The program shall impose penalties on repeat violators up to and including being permanently prohibited from using the Facility.

OTHER PERMITS/REQUIREMENTS

86. The Permittee shall monitor and maintain the Facility's Environmental Protection and Control Systems in perpetuity, or until such time as the Department of Public Works, based on generally accepted engineering practice, determines that the routine maintenance and foreseeable corrective action that may be necessary during and after the Post-Closure Maintenance Period has been fully satisfied, and the Solid Waste disposed of in the Landfill no longer constitutes a threat to public health and safety, or to the environment.
87. The Permittee shall take all necessary measures to ensure that noise emissions from the Facility at all residential receptors are within the acceptable limits of the Los Angeles County Noise Ordinance, as contained in Chapter 12.08 of the County Code.
88. The Permittee shall implement effective vector control measures at the Facility pursuant to State standards, as directed by the DPH.
89. Any future traffic circulation scenario outside the current haul routes shall avoid areas of high biological diversity. Prior to utilization of a new haul route, the Permittee shall submit the proposed haul route with all supporting information/report/survey of biological resources in the vicinity of the proposed haul

route to the Department for review and approval. The Department shall consult with the Department of Public Works regarding any changes to the current haul route.

90. For fire protection purposes, the Permittee shall maintain on-site fire response capabilities, construct access roads, and provide water tanks, water mains, fire hydrants, and fire flows, to the satisfaction of the County Fire Department including, but not limited to the following:
 - a. A Class II Standpipe System shall be provided and located within 200 feet of the landfill footprint and shall have sufficient 1 1/2-inch hose with a variable-fog nozzle to reach all portions of such operations. The use of water tender trucks may be permitted in lieu of a Class II Standpipe System provided each is equipped with 2 1/2-inch outlets for County Fire Department's use.
 - b. Approved access roads no less than 20 feet in width clear to the sky shall be provided and maintained at all times around the landfiling areas to provide access for firefighting equipment. Weeds, grass, and combustible vegetation shall be removed for a distance of 10 feet on both sides of all access roads used by solid waste trucks or the public. All access within the landfill site shall be in accordance and compliance with the County Fire Code and standards.
91. All development pursuant to this grant must be kept in full compliance with County Fire Department Regulation 10. Construction plans for access roads shall be submitted to the County Fire Department for review and approval.
92. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls for the tanks provided, in accordance with the requirements of the County Fire Department, the Department of Public Works, the RWQCB, and the SCAQMD.
93. The Permittee shall develop and implement a program to identify and conserve all significant archaeological and paleontological materials found at the Facility pursuant to Part IX of the IMP. If the Permittee finds any evidence of aboriginal habitation or fossils during earthmoving activities, Landfill operations shall immediately cease in that immediate area, and the evidence and area shall be preserved until a qualified archaeologist or paleontologist, as appropriate, makes a determination as to the significance of the evidence. The Department will review and approve this program, if the determination indicates that the archaeological or paleontological resources are significant, the resources shall be recovered to the extent practicable prior to resuming Landfill operations in that immediate area of the Landfill.
94. The Permittee shall develop and obtain approval from the Department of Public

Works for a Standard Urban Storm Water Mitigation Plan for the Facility's activities, unless the Department of Public Works determines that such plan is unnecessary.

95. The Permittee is prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility without the required permit from the Department of Public Works, and the Permittee shall conduct such activities in compliance with all applicable regulations and permits.. The activities covered by this Condition No. 95 include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this Condition No. 95, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
96. The Permittee shall at all operating times, Monday through Saturday, maintain adequate on-site staff, with appropriate training and experience for the operation of the Facility. At least one on-site senior level member shall be familiar with or have access to an electronic or hard copy of this grant and possessed a SWANA Manager of Landfill Operation (MOLO) certification.
97. The Permittee shall at all times, 24 hours a day, 7 days a week, make available at least one emergency contact person, with sufficient expertise to assess the need for remedial action regarding operation-related accidents, and with the requisite authority and means to assemble the necessary resources to take such remedial action. The individual must be able to be reached on a continuous basis through the telephone number or e-mail address posted at the Facility entry gate.
98. Within 90 days after the Effective Date, the Permittee shall submit a completed application to the Task Force for a "Finding of Conformance" that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element. The application must comply with all of the submittal requirements set forth in Table 10-1 thereof. The Permittee shall also promptly comply with any requests from the Task Force for additional information needed in connection with the application and shall comply with all conditions of such Finding of Conformance.
99. Upon the Effective Date, the membership of the Alternative Technology Advisory Subcommittee of the Task Force shall be increased to include a representative of the Permittee and an environmental representative designated by the Fifth Supervisorial District to represent the Santa Clarita Valley. Notwithstanding the preceding sentence, the membership of the Alternative Technology Advisory Subcommittee may be adjusted at the sole discretion of the Department of Public Works, acting as the Chair of the Task Force, as necessary upon the recommendation of the Task Force.
100. All employee, guest, and truck parking shall be developed and maintained as set

forth in Part 11, Chapter 22.52 of the County Code.

101. All salvage material stored at the Facility (except materials which are to be used for landfill operations), dumpsters, containers, construction materials, and disabled trucks and equipment shall be consolidated into one or more areas that are screened by fences or other means from public streets and adjacent private lands not owned by the Permittee, in accordance with the provisions of Part 7, Chapter 22.52 of the County Code.
102. The perimeter of the Landfill shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier (such as fencing) or topographic constraints. enclosed by fencing to inhibit unauthorized entry. Except as otherwise required by the DPH, fencing shall conform to the detail shown on the approved Exhibit "A".
103. Business signs shall be as permitted by Part 10, Chapter 22.52 of the County Code for Zone C-1, except that no portion of any such sign may extend more than 15 feet above the ground and the total sign area shall be based upon a street or building frontage of 100 feet.
104. Within 10 years after the Effective Date, and every 10 years thereafter, the Department of Public Works, in consultation with the Department and the Permittee, shall select an independent consultant(s) with expertise in engineering and planning, to conduct a comprehensive study analyzing various alternatives to serve the long-term Solid Waste Disposal needs of the Santa Clarita Valley. The purpose of the study is to ensure uninterrupted solid waste disposal services to the residents and businesses in the Santa Clarita Valley, keeping disposal fees low and stable, making existing facilities as efficient as possible, and ensuring that facilities keep pace with population growth and changing technologies in the solid waste industry. The study should include a comprehensive analyses (including a sensitivity and cost-to-benefit analysis) of all aspects of this endeavor, including but not limited to, the economic, environmental, and technical feasibility of the following alternatives/issues:
 - a. Evaluating rail and truck transport options for solid waste export out of the Santa Clarita Valley, including the necessary infrastructure (in and out of the Santa Clarita Valley) to realize these options.
 - b. Demonstrating how any proposed waste-by-rail option would tie into the existing or future county waste-by-rail system.
 - c. Developing Conversion Technology facilities in the Santa Clarita Valley.
 - d. Planning a future transfer station system in the Santa Clarita Valley.
 - e. Reviewing public/private ownership options.

- f. Analyzing financing, staffing, and rate impacts.
- g. Defining and establishing the facility siting processes.
- h. Establishing a process for involving interested parties in the planning process.
- i. Any other alternatives and issues deemed appropriate by the Department of Public Works and/or the Department.

The costs of the study shall be equally shared by the Permittee and the Department of Public Works, Environmental Programs Division, but in no event shall the cost to the Permittee exceed \$50,000 per study. The Permittee shall make the payment within 30 days of receiving the invoice for the consultant's services. The study shall be completed within 18 months of the selection of the independent engineering/planning consultant(s). The study's findings and recommendations shall be submitted to the TAC for review and comment. Upon addressing all the TAC's comments to the satisfaction of the TAC, the independent engineering/planning consultant(s) shall submit the study to the Commission, the Department, the Department of Public Works, the Permittee, and all other interested parties. The Permittee shall submit a detailed response to the study's findings and recommendations, including which recommendations it plans to pursue. The Permittee shall make a good-faith effort to implement all recommendations to carry out the purpose of this Condition No. 103 to the satisfaction of the Department of Public Works.

105. The Permittee shall implement and comply with the following seismic monitoring requirements:
- a. Complete installation of an on-site accelerometer system to measure earthquake/seismic ground motions within 180 days after the Effective Date. The system design, including but not limited to, locations of sensors, shall be reviewed and approved by the Department of Public Works. A set of as-built plans signed and sealed by a California Registered Civil Engineer, or other registered professional approved by the Department of Public Works, shall be provided to DPH and the Department of Public Works.
 - b. Following a major earthquake/seismic ground motion of magnitude 5.0 or greater, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, thoroughly survey the Facility for primary and secondary surface expressions of seismic activity (such as surface ruptures, landslides, change in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the Department of Public Works and the DPH for review. The assessment report shall describe and discuss all features, including damage to the site and infrastructure caused by the earthquake

and measures that will be taken to mitigate the impact to the satisfaction of the Department of Public Works.

106. The Permittee shall accept all Solid Waste and Beneficial Use Materials generated and delivered to the Facility by all waste haulers and customers operating in the Unincorporated County Areas of Santa Clarita Valley. The Permittee shall submit to the Department of Public Works an annual report on the origin of Solid Waste and Beneficial Use Materials accepted at the Facility by jurisdiction of origin. The annual report shall also contain information on all waste haulers (including those owned or operated by the Permittee, its subsidiaries, or affiliated enterprises) and self-haul customers utilizing the Facility, whether (and why) any waste haulers and self-haul customers were turned away from the Facility, and the tipping fee charged for all waste haulers and self-haul customers. The Permittee shall not engage in predatory pricing that may discourage any private waste haulers and self-haul customers from utilizing the Facility.
107. Within 90 days after the Effective Date, the Permittee shall install video monitoring equipment at the Facility to record and monitor Landfill operations at each Working Face area, between the period of 5 a.m. to 10 p.m. to ensure compliance with the conditions of this grant. Copies of the video recordings shall be provided to the Department of Public Works, DPH and the TAC upon request, and shall be kept and maintained at the Facility for one year after recording, unless the DPH determines, at its sole discretion, that the video recordings should be kept for a longer period to protect public health, safety, or the environment.
108. The Permittee shall provide four free quarterly clean-up days to residents of the community of Val Verde and Castaic, showing proper identification and proof of residence at the landfill entrance. These days may be Saturday or Sundays, subject to the approval of the Department of Public Works. The Permittee shall accept all Solid Waste delivered to the site with proof of residency during the event free of charge, up to 1 ton per residence, and promote the program in a newspaper of general circulation. The operator shall further reimburse the CAC for the cost of providing two roll-off bins in Val Verde and Castaic on each clean-up day with the locations determined by the CAC. The operator and CAC may jointly change this program if they mutually determine alternatives to the above can further assist the community.
109. The Permittee shall designate as open space for recreational use in perpetuity those portions of the site on which fill has or will be placed. In addition, the permittee shall provide all funds needed for the preparation of a park feasibility study, park master plan and environmental documentation as well as reasonable funding for the development, operation and maintenance of the park to support recreational use upon closure of the Landfill.

Within one year of the effective date of this grant, the permittee shall submit a notice of intent to the Los Angeles County Department of Parks and Recreation,

to complete a park master plan feasibility study with input from the Department of Parks and Recreation. Such study shall be submitted not later than January 1, 2040. The study will conceptually analyze options and funding needed for development, operation and maintenance of portions of the site on which fill has been or will be placed for recreational use. Upon approval of the study by the Director of Parks and Recreation, the Director of Parks and Recreation will use such study to establish an amount of funding that the Permittee will be required to provide for development, operation and maintenance of a park on the site. In the event that the amount of funding that is set aside is not sufficient to cover the activities of the park, the permittee shall supplement the funding deficiency.

At the discretion of the Director of Parks and Recreation, but no later than five years before the termination of disposal operations under this grant, the permittee will fund the completion of a park master plan for portions of the site on which fill has been or will be placed. Funding for the park master plan and environmental documentation will be held in an interest bearing trust account and will be available for the purpose of fulfilling this condition, at least five years before the termination of disposal operations under this grant.

If the designated park site is offered to and accepted by the County, then the County should have access to the funds in the trust account. Alternatively, the designated park site may be offered to another acceptable agency or entity, to the satisfaction of the Director of Regional Planning, and upon acceptance by said agency or entity, the funding would thereafter be available to such agency or entity.

PERMITTEE FEES

110. The requirement that the Permittee pay the fees set forth in Condition Nos. 112 through 122, inclusive, shall not begin until the Effective Date. Prior to that date, any and all fees required by CUP 89-081 (5) shall remain in full force and effect. The following fees are cumulative and are in addition to any other fee or payment required by this grant.
111. All financial records shall be preserved for a period of 3 years and shall be available for inspection by the DPH, the Department of Public Works, the Department, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.
112. The Permittee shall pay to the office of the Los Angeles County Treasurer and Tax Collector a quarterly fee equal to 10 percent of the sum of the following, pursuant to Section 4.63, et seq., of the County Code:
 - a. The net tipping fees collected at the Facility as described below in this Condition No. 112. For purposes of this Condition No. 112, "net tipping fee" shall mean the total fees collected, less any taxes or regulatory fees imposed by a federal, state, or local agency that is included in the fee

charged by the Permittee at the Facility entrance. "Total fees collected" shall be calculated as the total gross receipts collected by the Permittee; The net tipping fees collected at the landfill shall exclude any tipping fees received for waste processed at the material recovery, household hazardous waste and composting facilities approved in Conditions No. 24);

- b. The revenue generated from the sale of Landfill gas at the Facility, less any federal, state, or local fees or taxes applicable to such revenue; and
- c. The Revenue generated by any other disposal –related activity or enterprise at the Facility, less any federal, state, or local fees or taxes applicable to such revenue.

- 113. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 25 cents per ton of all Solid Waste disposed received at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used for the implementation and enhancement of waste reduction and diversion programs, including but not limited to, conducting document/paper shredding and waste tire collection events in County Unincorporated areas.
- 114. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 8 cents per ton of all Solid Waste disposed at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used at the sole discretion of the Director of the Department of Public works for administration, implementation, and enhancement of disaster debris removal activities in Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, including providing waste disposal and collection service vouchers to assist residents in clean-up activities.
- 115. For the life of this grant, except as provided in Condition No. 116 of this grant, the Permittee shall pay on a monthly basis to the Department of Public Works a fee for every ton of Solid Waste originating within Los Angeles County but outside the Santa Clarita Valley Area that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month, according to the following rates:

Incoming Tonnage (Tons/Day)	Fee
0 - 1,999	\$2.00 per ton
2,000-3,999	\$4.00 per ton
4,000-5,999	\$6.00 per ton
6,000 and over	\$8.00 per ton

For the life of this grant, except as provided in Condition No. 116, the Permittee shall pay on a monthly basis to the Department of Public Works a fee of \$10.00 per ton for all Solid Waste and Beneficial Use Materials originating outside of Los Angeles County and within California that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month.

The fee shall be used to fund programs and activities that 1) fund environmental, educational, and quality of life programs in Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, 2) enhance Countywide disposal capacity, mitigate landfill impacts in the Unincorporated County areas, and 3) promote development of Conversion Technology facilities that benefit the County.

The fee applicable for every ton of material originating outside the Santa Clarita Valley Area but within Los Angeles County shall be determined using the above tiered-structured table and by dividing the total incoming waste from outside the Santa Clarita Valley by the number of delivery days. For example, if the monthly total is 50,000 tons and number of delivery days is 20, then the average quantity is 2,500 TPD, and the fee is the sum of $(\$2 \times 1,999) + (\$4 \times 501) = \$6,002 \times$ number of delivery days. The fee shall be adjusted annually in accordance with the CPI.

One third (33.3 percent) of the monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Unincorporated Community Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance and environmental, educational, and quality of life programs in the communities of Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill.

Another one third (33.3 percent) of each monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Landfill Mitigation Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance Countywide disposal capacity and mitigate landfill gas impacts in the Unincorporated County areas.

The remaining one third (33.3 percent) of the monthly payment shall be deposited into an interest-bearing deferred Alternative-to-Landfilling

Technology Account, created and maintained by the Department of Public Works to fund research and activities that promote the development of Conversion Technology facilities that benefit the County.

In the event the Department of Public Works, in consultation with the Director of Regional Planning, determines that the Permittee has constructed and commenced operation of a Conversion Technology facility in full satisfaction of the requirements of Condition No. 116 of this grant, the fee requirement of this Condition No. 115 shall thereafter be reduced by one-third (33.3 percent). The new rate shall be as follows, but only so long as the Conversion Technology facility is operating:

Disposal Quantity (Tons/Day)	Fee
0 - 1,999	\$1.32 per ton
2,000-3,999	\$2.64 per ton
4,000-5,999	\$3.96 per ton
6,000-7,000	\$5.28 per ton

The fee applicable to all Solid Waste and Beneficial Use Material originating outside of Los Angeles County shall remain unchanged. Upon the effective date of the new rate, the funds generated from this fee shall be split equally between the Unincorporated Community Program Account and Landfill Mitigation Program Account.

116. In the event the Permittee elects to construct and operate a commercial-scale Conversion Technology facility (excluding composting facilities) at the Facility or other location in the County as approved by the Director of Public Works, the Permittee may seek to provide such facility in lieu of paying thirty-four (34) percent of fee required by Condition No. 115 of this grant. "Construct and operate" shall mean fully funding and successfully completing the siting, design, permitting, and construction of an operating facility for the conversion of a minimum of 500 tons per day of Solid Waste into useful products, fuels, and/or energy through no-combustion thermal, chemical, or biological processes (excluding composting facilities). The Permittee shall be responsible for obtaining all necessary permits and approvals required to construct and operate the facility. The facility must be fully permitted, operational, and processing at least 50 percent of the daily tonnage permitted for such facility on the 5th anniversary of the Effective Date and fully operational by the 6th anniversary of the Effective Date.

After the Director of Public Works has verified the Conversion Technology facility (excluding composting facilities) has commenced operation and is in full satisfaction of the requirements of Condition No. 116 of this grant, the Permittee may request reimbursement from the Alternative-to-Landfilling Technology Account, created and maintained by the Department of Public Works. Eligible expenditures for reimbursement include design, permitting, environmental document preparation, construction, and inspection that are verified by the Department of Public Works as necessary and directly related to the development of a Conversion Technology Facility (excluding composting facilities) that meets the requirements of Condition No. 116 of this grant.

The Permittee must provide access to the Department of Public Works and its independent consultant(s) to all areas of the facility during all phases of the development and must respond to information requests, including operating and performance data, from the Department of Public Works in a timely manner. The Permittee shall provide tours of the facility to the public at the request of the Department of Public Works.

Upon the Effective Date of this grant, the Permittee shall submit to the Department of Public Works for review and comment quarterly reports, providing detailed status of the selection of the type of Conversion Technology and progress of the development. Within one year after the Effective Date, the Permittee must submit a proposal for the type, location, and preliminary design of the Conversion Technology facility for review and approval by the Department of Public Works in consultation with the Director of Regional Planning. As part of the proposal, the Permittee shall submit a detailed project milestone schedule, including at a minimum, a scheduled completion date for permit approvals, financing, 30 percent, 60 percent, and 90 percent design levels, construction completion, start-up, acceptance testing, and beginning of commercial operations. Within 6 months of receipt of the proposal, the Department of Public Works shall notify the Permittee of the findings of its review and determination as to whether a Conversion Technology Facility is or is not anticipated to be successfully developed in accordance with the requirement of this Condition No. 116.

When the Conversion Technology Facility is permitted, developed and in operation, the Permittee shall submit to the Department of Public Works quarterly informational reports including quantities of feedstock, output materials, output gas, energy, and/or fuel as well as an annual report for review and comment providing detailed status of the operation, permits, and regulatory compliance of the Conversion Technology facility, including quantities and origins of feedstock, quantities of output, design life, and performance efficiency.

In the event that a Conversion Technology facility is not anticipated to be successfully developed by the 5th anniversary of the Effective Date, the

Permittee may submit a request for a one-year time extension to the Department of Public Works, no later than 3 months prior to the 5th anniversary of the Effective Date. The extension may be granted at the sole discretion of the Department of Public Works, if the Permittee demonstrates, to the satisfaction of the Department of Public Works, that it has made good faith efforts towards developing the facility, and shows that circumstances related to the facility's permitting process and other events outside of the Permittee's control prevented the facility from being fully permitted and operational. Similarly, a one-year time extension may also be granted up to 2 additional times, at the request of the Permittee. Such additional requests shall each be received no later than 3 months prior to the anniversary of the Effective Date after the 6th and 7th years. The total duration of the time extension(s) shall not exceed 3 years.

117. Pursuant to Goal 2.4.2 of the Los Angeles County Countywide Siting Element adopted by the Board in 1997, and the Board's policy adopted on July 27, 1999 to promote the development of alternatives to landfill and incineration processes, the Permittee shall contribute \$200,000 annually, not to exceed \$3,000,000 for the life of this grant, to an alternative technology development fund, which fund shall be an interest bearing account established and maintained by the Department of Public Works. This fund shall be used to research, promote, and develop the alternative technologies that are most appropriate for Southern California from an environmental and economic perspective. The determination of appropriate alternative technologies as well as the use of the fund shall be made by the Department of Public Works. Within six months after the Effective Date, the Permittee shall deposit its first \$200,000 payment required by this Condition No. 117, and thereafter annually by March 31.
118. By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of \$0.50 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited into an interest bearing trust fund established to acquire and/or develop natural habitat and parkland within the Santa Clarita Valley. No monies from this trust fund shall be used for projects or programs that benefit areas outside the communities surrounding the Landfill. The Director of Public Works shall administer the trust fund in consultation with the Director of Parks and Recreations, and all monies in the trust fund, including accrued interest, shall be spent for park and recreational purposes.
119. By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of \$0.50 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited by the Department of Public Works into an interest bearing trust fund established to provide funding for road improvements in the Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill. The Department of Public

Works shall administer this trust fund, and all monies in the trust fund, including accrued interest, shall be disbursed by Department of Public Works.

120. By January 10 of every other year, the Permittee shall pay to the Department of Regional Planning a sum of \$50,000 for the purpose of financing planning studies, including, but not limited to neighborhood planning studies for Val Verde, Castaic, and the Unincorporated Santa Clarita Valley, as determined by the Director of Regional Planning. The fee shall be adjusted annually in accordance with the CPI. The payments shall be held in an interest-bearing account. Payment for the first year is due within 90 days after the Effective Date. Should there be monies remaining in the account, not spent on planning studies or committed to use on such studies within the identified area, such fees will be returned to the permittee at the termination of the permit.
121. By March 31 of each year, the Permittee shall pay to the Department Regional Planning a fee of \$1.00 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The payment shall be adjusted annually in accordance with the CPI. The payments shall be deposited by the Director of Regional Planning into an interest-bearing community benefit and environmental education trust fund, created and maintained by the Director of Regional Planning. This fund shall be used to fund environmental, educational, and quality of life programs in the Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, and to fund regional public facilities that serve this area. All disbursement of the monies in the fund shall be determined by the Director of Regional Planning.
122. The Permittee shall fund 10 collection events per year to be held by the Department of Public Works for the collection of Household Hazardous Waste and Electronic Waste, including discarded computers. The cost of each event shall be \$100,000, adjusted annually in accordance with the CPI. The Permittee shall make annual payments for these events. The first payment is due within 90 days after the Effective Date, and the subsequent payments are due by March 31 of each year.

In lieu of paying for 5 of the 10 collection events per year, the Permittee may instead elect the following option:

The Permittee will fully fund the siting, development, operation, and staffing of a new permanent Santa Clarity Valley Environmental Collection Center at the Facility or other location in the Unincorporated areas of the Santa Clarita Valley (substantially similar in design to the Antelope Valley Environmental Collection Center) for the collection of household hazardous/electronic waste. The Permittee shall be responsible for building, constructing, and obtaining all necessary permits and approvals required to operate the center. The center, whose design and location must be approved by the Department of Public

Works, must be open at least twice a month to all County residents. The operating hours shall be similar to that of the Antelope Valley Environmental Collection Center or as determined by the Department of Public Works. Upon the center's opening, the Permittee shall implement an on-going comprehensive promotional campaign to reach all Santa Clarita Valley residents. The campaign must be reviewed and approved by Public Works in consultation with other interested entities.

In the event the Permittee elects above option, the Permittee shall notify the Department of Public Works of its decision within 90 days of the Effective Date, along with a detailed project timeline (including, but not limited to, estimated project costs, etc.) for review and approval. The Department of Public Works reserves the right to determine whether the Permittee has satisfied the requirements for payment deduction and when the deduction will commence, and if necessary, prorate the payments to meet the intent of this Condition No. 122.

123. Prior to the Effective Date, the Permittee shall:

- a. Deposit the sum of \$20,000 with the Department. The deposit shall be placed in a performance fund draw-down account, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant, to review and verify any and all information contained in the required reports of this grant, and to undertake any other activity of the Department to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections (amount charged per each inspection shall be \$200.00, or the current recovery cost, whichever is greater), providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes, or for routine monitoring of any and/or all of the conditions of this grant for a minimum of 5 years. Inspections shall be conducted biennially (once every other year) to ensure that any development undertaken on the subject property is in accordance with the approved Exhibit "A" on file. If the actual costs incurred pursuant to this Condition No. 123 (a) have reached 80 percent of the amount of the initial deposit (\$16,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$20,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the Permittee, the Permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. 123 (a).

- b. Deposit the sum of \$50,000 in an interest-bearing trust fund with the Department of Public Works from which actual costs billed and not honored by the Permittee will be deducted for the purpose of defraying the expenses involved in the Department of Public Works' review and verification of any and all information contained in the required reports of this grant and the MMRP, and any other activity of the Department of Public Works to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, coordination of mitigation monitoring, providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes or for routine monitoring of any and/or all of the conditions of this grant for a minimum of 5 years. If the costs incurred pursuant to this Condition No. 123 (b) have reached 80 percent of the amount of the initial deposit (\$40,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$50,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the Permittee, the Permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. 123 (b).
- c. The balance remaining including interest in the draw-down account as described in Subsection (a) above and trust fund as described in Subsection (b) above shall be returned to the Permittee upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.

LEGISLATION

- 124. The Permittee shall continue working with the waste industry, in concert with cities, the County, and other stakeholders in the industry, to seek amendment of existing laws and regulations to require that compliance with the State's waste reduction mandates be measured by diversion program implementation as opposed to disposal quantity measurement, and to further require the State-mandated Disposal Reporting System to be used solely to identify waste generation and disposal trends, to the extent that this would further the objective of the Project as stated in the EIR of continuing to provide landfill waste diversion programs that are relied upon by many local cities and communities in achieving state mandates for waste diversion.

COMMUNITY INFORMATION/INQUIRIES

125. The Permittee shall post a sign at the entrance gate to the Facility providing the following information:
- a. The telephone number of the hotline to contact the Permittee on a 24-hour basis to register complaints regarding the Facility's operations. All complaints received shall be reported to the Director of Regional Planning, and other agencies, as appropriate, on the same day but no later than 10 a.m. of the following business day. Said telephone number shall be published in the local telephone directory, Permittee's website and local library;
 - b. The telephone number of the DPH and the hours that the DPH office is staffed; and
 - c. The telephone number of SCAQMD's enforcement offices and the hours that the SCAQMD offices are staffed.
126. The Permittee shall maintain a hotline/emergency log at the Facility which shall record all complaints received regarding Landfill operations. The record of complaints shall include the date and time, nature of complaints, and actions taken to identify and resolve the complaint. The Permittee shall at all times, 24 hours a day, 7 days a week, provide at least one emergency contact person, with sufficient expertise to assess the need for remedial action to promptly respond to complaints from the surrounding neighborhood regarding dust, litter, odor, air quality, or other operational issues. The Permittee shall resolve all complaints to the satisfaction of the Director of Regional Planning. Permittee shall maintain records of this hotline for 3 years, made available upon request, and submitted as part of the annual report required pursuant to Part XII of the IMP. The records shall include information of all complaints received regarding the landfill operations, the Permittee's follow-up action to the complaints, and their final resolution.
127. The Permittee shall prepare and distribute to all interested persons and parties, as shown on the interested parties list used by the Department of Regional Planning for this matter, and to any other person requesting to be added to the list, a quarterly newsletter, or electronic/social media, providing the Facility's website and its 24-hour hotline/emergency telephone numbers, and also providing the following information for the quarter: (1) "What is New" at the Facility; (2) the regulatory and permitting activities at the Facility; (3) the hotline/emergency log for the period; and (4) a summary of any and all progress reports and/or annual reports required by this grant. The newsletter shall be posted on the Facility's website and distributed to the Castaic library and other

local libraries. In addition, the Permittee shall notify the Community Advisory Committee, as described in Part XI of the IMP, the Val Verde Community Advisory Committee, the Castaic Area Town Council Association, and any other interested community groups in the immediate vicinity of the Facility, of any significant operational change at the Facility.

128. Within 180 days after the Effective Date, the Permittee shall update its website to provide general information to the community regarding the Facility's recycling activities/programs, environmental mitigation measures, frequently asked questions, a description of the Facility's operation, which may include video, a complaint resolution mechanism, recent Notices of Violation and how they were resolved, and any other pertinent information requested by the Department of Public Works for the life of this grant.

OAK TREE PERMIT SPECIFIC CONDITIONS

129. This grant, OAK 201500007, shall authorize the removal of four (4) trees (# 1, 2, 3, and 89) of the oak genus (*Quercus agrifolia*) as shown on the site plan (OAK 201500007 Exhibit "A").
130. This permit (OAK 201500007) shall not be effective until a site plan (CUP 200400042 Exhibit "A") is approved for the construction of the proposed landfill facilities and associated grading, demonstrating the need to remove the said trees.
131. The Permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of eight (8) mitigation trees.
132. The Permittee shall plant one healthy acorn of the same species of oak (*Quercus sp.*) as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
133. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus sp.*) as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
134. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus sp.*) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

135. If any oak tree grows into ordinance size during the duration of this permit, removals, encroachments or any additional impacts shall be inclusive within this permit to ensure proper mitigation.

In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches to two inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forestry Division of the County of Los Angeles Fire Department. In no case shall more than 20 percent of the tree canopy of any one tree be removed.

136. Except as otherwise expressly authorized by this grant, any remaining oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance", prepared by the Forestry Division of the County of Los Angeles Fire Department. A copy of the publication is enclosed with these conditions.
137. The Permittee shall comply with all conditions and requirements contained in the County Forester and Fire Warden, Forestry Division, letter dated January 24, 2017 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

Attachments:

Project Site Plan – Exhibit "A"

County Forester's Letter dated January 24, 2017
Oak Trees: Care and Maintenance Guide

Fire Department letter dated February 24, 2017

Department of Public Health letter dated February 23, 2017

Implementation and Monitoring Program (IMP)

Mitigation Monitoring and Reporting Program (MMRP)

Tonnage Capacity Breakdown Table

Table for Fee Structures

Table for Monitoring Requirement and Frequency

SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559

April 19, 2017

ATTACHMENT C

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2004-00559-(5)
CONDITIONAL USE PERMIT NO. 200400042
OAK TREE PERMIT NO. 201500007**

PROJECT DESCRIPTION

The project ~~is seeks~~ to allow/continue the ~~continued~~ operation and maintenance of a solid waste disposal facility at the Chiquita Canyon Landfill ("CCL") ~~with an average allowable daily quantity of municipal solid waste ("MSW") and Beneficial Use Materials of 6,730 tons per day ("tpd") based on the annual maximum not to exceed 2,100,000 tons per year ("tpy"); provide weekly maximum limit of 50,000 tons per week ("tpw"); provide average disposal limit of 5,000 tpd; provide a limit of 12,000 tpd for disposal and Beneficial Use Materials,")~~. The project will increase the permitted disposal area laterally by 149 acres to a total area of 400 acres; ~~with no increase to the~~ to accommodate new waste and may have a maximum permitted elevation of 1,430 feet; ~~and. This project has an annual limit of intake of combined solid waste and beneficial use materials not to exceed 2,100,000 tons per year ("tpy").~~ Also, the project will relocate the site entrance from Henry Mayo Drive (SR-126) to Wolcott Way.

The project anticipates an average daily quantity of solid waste and beneficial use materials of 6,730 tons per day ("tpd"), but, the daily intake of these materials has a maximum limit of 12,000 tpd a day. This average provides for the same allowance of daily disposal limits of 5,000 tpd of solid waste, but adds a daily limit and average for beneficial use materials as well, the latter of which was not conditioned in the 1997 permit (CUP 89-081). The quantity of all materials received for processing, disposal and beneficial use at CCL shall not exceed 175,000 tons per month.

The project also provides for the development and operation of an on-site household hazardous facility and a closed mixed organics composting operation (anaerobic digestion) while setting-aside a portion of the subject site for possible future development of a conversion technology facility.

The project is approved through Conditional Use Permit ("CUP") No. 200400042 for the landfill and ancillary facilities and by Oak Tree Permit ("OAK") No. 201500007 for the removal of four oak trees. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these Conditions of Approval ("Conditions"), and to the attached Implementation and Monitoring Program ("IMP"), adopted concurrently with this grant:
 - a. "Abandoned Waste" shall mean abandoned items such as mattresses, couches, doors, carpet, toilets, E-waste, and other furnitures.

- b. "ADC" shall mean Alternative Daily Cover as permitted by Title 14 and title 27 of the California Code of Regulation, Regional Water Quality Control Board and the Local Enforcement Agency.
- c. "Alternative-to-Landfilling Technology" shall mean a technology capable of processing post-recycled or Residual Waste and other emerging technologies, in lieu of land disposal.
- d. "Anaerobic Digestion Facility" shall mean facility that utilizes organic wastes as a feedstock from which to produce biogas.
- e. "Ancillary Facilities" shall mean the facilities authorized by this grant that are directly related to the operation and maintenance of the Landfill, and shall not include the facilities related to any other enterprise operated by the Permittee or any other person or entity, unless otherwise specifically authorized by this grant.
- f. "Approval Date" shall mean the date of the Commission's approval of this grant, or the Board's approval if appealed.
- g. "Automobile Shredder Waste" shall mean the predominantly nonmetallic materials that remain after separating ferrous and nonferrous metal from shredder output.
- h. "Beneficial Use Materials" shall mean: (1) material imported to the Landfill that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for purposes of recycling or reuse, and shall include, but not be limited to, green waste and other compostable organic materials, wood waste, asphalt, concrete, or dirt; (2) imported Clean Dirt that is used to prepare interim and final fill slopes for planting and for berms, provided that such importation of Clean Dirt has been shown to be necessary and has been authorized by the Department of Public Works; and (3) all ADC material types as permitted by this grant. Only materials that are appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices in accordance with 14 CCR § 20686 may be classified as Beneficial Use Materials.
- h.i. "Biomass" shall mean any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass shall not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

- ~~h.i.~~ i.j. “Biosolid” shall mean the organic byproduct material resulting from the treatment of sewage sludge and wastewater.
- ~~j.k.~~ k.l. “Board” shall mean the Los Angeles County Board of Supervisors.
- ~~k.l.~~ l.m. “CAC” shall mean the Community Advisory Committee whose members are appointed by the Board of Supervisors who will serve as a liaison between the Permittee and the community .
- ~~l.m.~~ m.n. “CalRecycle” shall mean the State of California Department of Resource Recycling and Recovery or its successor agency.
- ~~m.n.~~ n.o. “Caltrans” shall mean the State of California Department of Transportation.
- ~~n.o.~~ o.p. “CARB” shall mean California Air Resources Board.
- ~~o.p.~~ p.q. “CEO” shall mean the Los Angeles County Chief Executive Office.
- ~~p.q.~~ q.r. “Class III (non-hazardous) Landfill” shall mean a disposal facility that accepts non-hazardous Solid Waste for land disposal pursuant to a solid waste facilities permit and applicable federal and state laws and regulations.
- ~~q.r.~~ r.s. “Clean Dirt” shall mean soil, other than Contaminated Soil, that is not mixed with any other material and that is used for coverage of the Landfill face, buttressing the Landfill and construction of access roads, berms, and other beneficial uses at the Facility.
- ~~r.s.~~ s.t. “Closure” shall mean the process during which the Facility, or portion thereof, is no longer receiving Solid Waste and/or Beneficial Use Materials for disposal or processing and is undergoing all operations necessary to prepare the Facility, or portion thereof, for Post-Closure Maintenance in accordance with a CalRecycle approved plan for Closure or partial final closure. Said plans shall be concurred by the TAC, as defined in this grant.
- ~~s.t.~~ t.u. “Closure Date” shall mean “Termination Date,” as defined in this grant.
- ~~t.u.~~ u.v. “Commission” shall mean the Los Angeles County Regional Planning Commission.
- ~~u.v.~~ v.w. “Composting” shall mean the controlled or uncontrolled biological decomposition of organic wastes.
- ~~v.w.~~ w.x. “Compostable Organic Materials” shall mean any food waste, green waste, landscape and pruning waste, non hazardous wood waste, and food-soiled paper waste that is mixed in with food material and when accumulated will become active compost.

~~w-x.~~ “Construction and Demolition Debris” shall mean material, other than hazardous waste, radioactive waste, or medical waste, that is generated by or results from construction or demolition-related activities including, but not limited to: construction, deconstruction, demolition, excavation, land cleaning, landscaping, reconstruction, remodeling, renovation, repair, and site clean-up. Construction and Demolition Debris includes, but is not limited to: asphalt, concrete, brick, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe, steel, rock, soil, gravel, tree stumps, and other vegetative matter.

~~x-y.~~ “Contaminated Soil” shall mean soil that 1) contains designated or nonhazardous material as set forth in Title 23, Chapter 15, Article 1, section 2510 et seq. of the California Code of Regulations, including petroleum hydrocarbons, such as gasoline and its components (benzene, toluene, xylene, and ethylbenzene), diesel and its components (benzene), virgin oil, motor oil, or aviation fuel, and lead as an associated metal; and, 2) has been determined pursuant to section 13263(a) of the Water Code to be a waste that requires regulation by the RWQCB or Local Oversight Agency.

~~y-z.~~ “Conversion Technologies” shall mean the various state-of-the-art technologies capable of converting post-recycled or residual Solid Waste into useful products, green fuels, and renewable energy through non-combustion thermal, chemical, or biological processes.

~~z-aa.~~ “Conversion Technology Facility” shall mean a facility that processes Solid Waste into useful products, fuels, and/or energy through anaerobic and other non-combustion thermal, chemical, or biological processes.

~~aa-bb.~~ “County” shall mean the County of Los Angeles.

~~bb-cc.~~ “County Code” shall mean the Los Angeles County Code.

~~cc-dd.~~ “CPI” shall mean Consumer Price Index as adjusted on July 1 of each year at a minimum rate of 2 (%) percent.

~~dd-ee.~~ “Department of Regional Planning” shall mean the Los Angeles County Department of Regional Planning.

~~ee-ff.~~ “Director of Regional Planning” shall mean the Director of the Department of Regional Planning and his or her designees.

~~ff-gg.~~ “Disposal” shall mean the final disposition of Solid Waste onto land into the atmosphere, or into the waters of the State of California. Disposal includes the management of Solid Waste through the Landfill process at the Facility.

~~gg-hh.~~ “Disposal Area” shall mean the “Landfill” as defined in this grant.

- ~~hh~~.ii. "DPH" shall mean the Los Angeles County Department of Public Health acting as the LEA as appropriate. DPH is currently designated as the LEA by the Board pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect Solid Waste disposal facilities and to enforce State regulations and permits governing these facilities. For purposes of this grant, DPH shall also include any successor LEA governing these facilities.
- ~~ii~~.jj. "Effective Date" shall mean the date of the Permittee's acceptance and use of this grant as defined in Condition No. 3.
- ~~jj~~.kk. "Electronic Waste" shall mean all discarded consumer or business electronic equipment or devices. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Division 4.5, Chapter 23, Article 1 (commencing with Section 66273.3), and any amendments thereto.
- ~~kk~~.ll. "Environmental Protection and Control Systems" shall mean any surface water and ground water-quality monitoring/control systems, landfill gas monitoring/control systems, landscaping and irrigation systems, drainage and grading facilities, Closure activities, Post-Closure Maintenance activities, foreseeable corrective actions, and other routine operation or maintenance facilities or activities.
- ~~ll~~.mm. "Facility" shall mean the entirety of the subject property as depicted on the attached Exhibit "A", including all areas where Landfill and non-Landfill activities occur.
- ~~mm~~.nn. "Final Cover" shall mean the cover material required for Closure of the Landfill and all Post-Closure Maintenance required by this grant.
- ~~nn~~.oo. "Footprint" shall mean the horizontal boundaries of the Landfill at ground level, as depicted on the attached Exhibit "A".
- ~~oo~~.pp. "Household Hazardous Waste" shall mean leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients, other than used oil.
- ~~pp~~.qq. "Inert Debris" shall mean Solid Waste and/or recyclable materials that are source-separated or separated for recycling, reuse, or resale that do not contain: (1) hazardous waste, as defined in California Code of Regulations, Title 22, Section 66261.3; or (2) soluble pollutants at concentrations in excess of state water quality objectives; and (3) do not contain significant quantities of decomposable waste. Inert Debris shall not contain more than 1 percent (by weight) putrescible waste. Inert Debris may be commingled with rock and/or soil.

~~rr.~~ rr. “Inert Waste” shall mean a non-liquid solid waste including, but not limited to, soil and concrete, that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water-quality objectives established by a regional water board pursuant to division 7 (commencing with section 13000) of the California Water Code (CWC), and does not contain significant quantities of decomposable solid waste.

~~qq-ss.~~ ss. “Landfill” shall mean the portion of the subject property where Solid Waste is to be permanently placed, compacted, and then buried under daily, interim and Final Cover, all pursuant to applicable requirements of federal, state, and local laws and regulations. No portion of the Landfill shall extend beyond the “Limits of Fill,” as defined in this grant, and no allowance for settlement of fill shall be used in determining the final elevations or design contours of the Landfill. “Landfill” does not include temporary storage areas, Final Cover, and Ancillary Facilities authorized by this grant.

~~rr-tt.~~ tt. “LEA” shall mean the Los Angeles County Local Enforcement Agency.

~~ss-uu.~~ uu. “Limits of Fill” shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the Landfill, as depicted on the attached Exhibit “A”.

~~tt-vv.~~ vv. “Liquid waste” shall mean waste as defined in Title 27, Section 20164 of the California Code of Regulations and includes non-hazardous sludge meeting the requirements contained in Title 23, Chapter 15 of the California Code of Regulation for disposal in a Class III Landfill.

~~uu-ww.~~ ww. “Materials Recovery Facility” shall mean a facility that separates solid waste into recyclable materials and Residual Waste.

~~vv-xx.~~ xx. “MMRP” shall mean Mitigation Monitoring and Reporting Program.

~~ww-yy.~~ yy. “Nuisance” shall mean anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time a community, neighborhood, household or any number of persons although the extent of annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste

~~xx.~~ xx. “Organic Waste” shall mean food waste, green waste and other compostable organic materials, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste, pursuant to AB1826 Chesbro (Chapter 727, Statutes of 2014).

yy-zz. “Operating Agreement” —~~Shall~~shall mean the Operating Agreement between the County through the Department of Public Works and the Permittee for the operation of the Household Hazardous Waste Facility.

zz-aaa. “Organic Waste” shall mean food waste, green waste and other compostable organic materials, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste, pursuant to AB1826 Chesbro (Chapter 727, Statutes of 2014).

aaa-bbb. “Organic Waste Composting Facility” shall mean a facility at which composting is conducted and produces a product resulting from the controlled biological decomposition of mixed organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

bbb-ccc. “Periodic Review” shall mean the process in which the Technical Advisory Committee and a Hearing Officer or the Regional Planning Commission review the studies submitted by the Permittee and issues a Finding of Fact and potentially approve changes to the IMP.

eee-ddd. “Permittee” shall include the applicant, owner of property, their successors in interest, and any other person, corporation, or entity making use of this grant.

ddd-eee. “Post-Closure Maintenance” shall mean the activities undertaken at the Facility after the Closure Date to maintain the integrity of the Environmental Protection and Control Systems and the Landfill containment features, and to monitor compliance with applicable performance standards to protect public health, safety, and the environment. The containment features, whether natural or artificially designed and installed, shall be used to prevent and/or restrict the release of waste constituents onto land, into the atmosphere, and/or into the waters of the State of California, including waste constituents mobilized as a component of leachate or landfill gas.

eee-fff. “Post-Closure Maintenance Period” shall mean the period after Closure of the Landfill when the Solid Waste disposed of during the Landfill's operation could still pose a threat to public health, safety, or the environment.

fff-ggg. “Post-Closure Maintenance Plan” shall mean the preliminary, partially final, or final plan or plans, as applicable, approved by CalRecycle and concurred by the TAC for implementation of all Post-Closure Maintenance at the Facility.

ggg-hhh. “Project” shall mean the activities of the landfill whose ultimate development is depicted on Exhibit “A” of this grant. The Project includes

the landfill, its Ancillary Facilities and activities as approved by this grant, including, but not limited to, waste diversion facilities, household hazardous waste facility, organic waste composting facility, offices and other employee facilities, a leachate management facility, material storage areas, and Closure and Post-Closure Maintenance activities.

~~hhh-iii.~~ “Department of Public Works” shall mean the Los Angeles County Department of Public Works; the term "Director of Public Works shall mean the Director of the Los Angeles County Department of Public Work and his or her designees.

~~iii-iii.~~ “Recyclable” shall mean materials that could be used to manufacture a new product.

~~iii-kkk.~~ “Residual Waste” shall mean the materials remaining after removal of recyclable materials from the Solid Waste stream.

~~kkk-iii.~~ “RWQCB” shall mean the Regional Water Quality Control Board, Los Angeles Region.

~~iii-mmm.~~ “Santa Clarita Valley” shall mean the area as defined by the Los Angeles County General Plan 2035 in figure map 5.33, which was adopted by the Board of Supervisors on October 6, 2015.

~~mmm-nnn.~~ “SCAQMD” shall mean the South Coast Air Quality Management District.

~~nnn-ooo.~~ “Sewage Sludge” shall mean any residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry, semidry or liquid form.

~~ooo-ppp.~~ “Sludge” shall mean accumulated solids and/or semisolids deposited from wastewaters or other fluids. Sludge includes materials specified in the California Code of Regulations, Title 27, Division 2, Chapter 3, Article 1, Section 20690(b)(4).

~~ppp-qqq.~~ “Site Plan” shall mean the plan depicting all or a portion of the subject property, including any Ancillary Facilities approved by the Director of Regional Planning. "Site Plan" shall include what is referred to in this grant as Exhibit “A”.

~~qqq-rrr.~~ “Solid Waste” shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as municipal solid waste, garbage, refuse, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Solid Waste” excludes Beneficial Use Materials and substances having commercial value

which are salvaged for reuse, recycling, or resale. Solid Waste includes Residual Waste received from any source.

Materials that are placed in the Landfill that could be classified as Beneficial Use Materials but exceed the amount that is appropriate for a specific beneficial use in accordance with 14 CCR § 20686, or that exceed the monthly permitted quantities of Beneficial Use Materials, such as Construction and Demolition Debris, Inert Waste and green waste, are considered Solid Waste that is disposed in the Landfill.

~~fff.~~sss. "Stockpile" shall mean temporarily stored materials.

~~sss.~~ttt. "Stockpile Area" shall have the same meaning as "Temporary Storage Area," as defined in this grant.

~~ttt.~~uuu. "SWFP" shall mean a Solid Waste Facilities Permit issued by CalRecycle.

~~uuu.~~vvv. "SWMP" shall mean Solid Waste Management Program of the Department of Public Health.

~~vvv.~~www. "TAC" shall mean the Chiquita Canyon Landfill Technical Advisory Committee established pursuant to Part XIV of the IMP.

~~www.~~xxx. "Task Force" shall mean the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.

~~xxx.~~yyy. "Temporary Storage Area" shall mean an area of the Landfill where materials intended for Beneficial Use, salvage, recycling, or reuse may be placed for storage on a temporary basis, as approved by the Department of Public Works for up to 180 calendar days, unless a longer period is approved by the Department of Public Works, so long as such temporary storage does not constitute Disposal, as defined in this grant. Putrescible materials, except Construction and Demolition Debris or other Inert Debris not containing significant quantities of decomposable materials and more than 1 percent (by visual inspection) putrescible waste, shall not be placed in a Temporary Storage Area for more than 7 calendar days under any circumstances.

~~yyy.~~zzz. "Termination Date" shall mean the date upon which the Facility shall cease receiving Solid Waste and/or Beneficial Use Materials for disposal or processing in accordance with Condition No. 36 of this grant.

~~zzz.~~aaaa. "Trash" shall have the same meaning as "Solid Waste," as defined in this grant.

~~aaaa.bbbb.~~ "Wasteshed Area" shall mean the Santa Clarita Valley as defined by the Los Angeles County Area Plan, which was updated and adopted by the Board of Supervisors on November 27, 2012.

~~bbbb.cccc.~~ "Working Face" shall mean the working surface of the Landfill upon which Solid Waste is deposited during the Landfill operation prior to the placement of cover material.

2. Unless otherwise expressly provided in this grant, applicable federal, state, or local definitions shall apply to the terms used in this grant. Also, whenever a definition or other provision of this grant refers to a particular statute, code, regulation, ordinance, or other regulatory enactment, that definition or other provision shall include, for the life of this grant, any amendments made to the pertinent statute, code, regulation, ordinance, or other regulatory enactment.
3. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property (if other than the Permittee), have filed at the office of the Department their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of this grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 11, 16, 18, and ~~422~~123. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, 9, and 11 shall be effective immediately upon the Approval Date of this grant by the County. Notwithstanding Condition No. 16 of this grant, the filing of such affidavit constitutes a waiver of the Permittee's right to challenge any provision of this grant.
4. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees brought by any third party to attack, set aside, void, or annul this permit approval, or any related discretionary approval, whether legislative or quasi-judicial, which action is brought within the applicable time period of California Government Code Section 65009 or other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding, and the County shall fully cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County for damages resulting from water, air, or soil contamination, health impacts, or loss of property value during the operation, or Closure or Post-Closure Maintenance of the Facility.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within 10 days of the filing make an initial deposit with the Department of \$10,000 from which actual costs and expenses

shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to the Permittee or the Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$10,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse.
8. Prior to the Effective Date of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall record the terms and conditions of this grant in the office of the County Registrar Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the subject property during the term of this grant, the Permittee or the owner of the subject property if other than the Permittee, shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property. Upon recordation, the Permittee shall provide an official copy of the recorded conditions to the Director of Regional Planning.
9. This grant shall expire unless it is used within one year from the Approval Date of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. This grant shall be considered used upon the receipt of Solid Waste at the Facility and disposal activities any day after Approval Date and Permittee has completed the requirements of Condition No. 3.
10. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of this grant. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file.

The Permittee shall also comply with the conditions and requirements of all permits or approvals issued by other government agencies or departments, including, but not limited to, the permits or approvals issued by:

- a. The California Department of Resources Recycling and Recovery ("CalRecycle");
- b. The County LEA/Los Angeles County Department of Public Health ("DPH"), including the DPH letter dated 2/23/17 and all other DPH requirements;
- c. The Los Angeles County Department of Public Works ("Public Works");
- d. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force;
- e. The California Air Resource Board ("CARB");
- ~~f. The RWQCB;~~
- ~~f. The California Regional Water Quality Control Board ("CRWQCB")~~;
- g. The South Coast Air Quality Management District ("SCAQMD");
- h. The California Department of Fish and Game;
- i. The United States Army Corps of Engineers;
- j. The California Department of Health Services;
- k. The Los Angeles County Fire Department, including the requirements in the Fire Department letter dated 2/24/17; Applicant must receive Fire Department clearance of gated entrance design off Wolcott Way and Fuel Modification Plan prior to effective date of the permit, and comply with all other Fire Department requirements; and
- l. The Los Angeles County Department of Regional Planning.

The Permittee shall not engage in activities which may impede the abilities of these agencies and other consultants hired by the County to conduct inspections of the site, whether announced or unscheduled.

11. Within five (5) working days of the Approval Date of this grant, the Permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as

provided for in Section 711.4 of the Fish and Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$3,153.25 (\$3,078.25 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.

12. Upon the Effective Date, the Permittee shall cease all development and other activities that are not in full compliance with Condition No. 10, and the failure to do so shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with all requirements thereof. Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant and shall be subject to any and all penalties described in Condition No. 18.

It is hereby declared to be the intent of this grant that if any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.

13. To the extent permitted by law, the Department or DPH shall have the authority to order the immediate cessation of landfill operations or other activities at the Facility if the Board, Department or DPH determines that such cessation is necessary for the health, safety, and/or welfare of the County's residents or the environment. Such cessation shall continue until such time as the Department or DPH determines that the conditions leading to the cessation have been eliminated or reduced to such a level that there no longer exists an unacceptable threat to the health, safety, and/or welfare of the County's residents or the environment.
14. The Permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
15. The Permittee shall comply with the Implementation and Monitoring Program ("IMP"), which is attached hereto and incorporated herein by this reference.
16. Within 30 days of the Approval Date, the Permittee shall record a covenant and agreement, which attaches the MMRP and the IMP and agrees to comply with the mitigation measures imposed by the Environmental Impact Report for this project and the provisions of the IMP, in the office of the Recorder. Prior to recordation, the Permittee shall submit a draft copy of the covenant and agreement to the Department for review and approval. As a means of ensuring the effectiveness of the mitigation measures and IMP measures, the Permittee shall submit annual mitigation monitoring reports to the Department for approval, or as required, with a copy of such reports to the Department of Public Works, the CAC and the TAC. The report shall describe the status of the Permittee's compliance with the required measures. The report shall be due for submittal on July 1st of each year and shall be submitted for review and approval no later than March 30th annually.

17. Within 30 days of the Approval Date of this grant, the Permittee shall deposit an initial sum of \$10,000.00 with the Department in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP and inspecting the premises to ensure compliance with the MMRP and to undertake any other activity of the Department to ensure that the mitigation measures are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, providing administrative support in the oversight and enforcement of mitigation measures, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes, or for routine monitoring of any and/or all of the mitigation measures. If the actual costs incurred pursuant to this Condition No. 17 (a) have reached 80 percent of the amount of the initial deposit (\$10,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$10,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. The Permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed. Any balance remaining in the mitigation monitoring account upon completion of all measures and completion of the need for further monitoring or review by the Department shall be returned to the Permittee.
18. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor pursuant to Section 22.60.340 of the County Code. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq. of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

In addition to, or in lieu of, the provisions just described, the Permittee shall be subject to a penalty for violating any provision of this grant in an amount determined by the Director of ~~the Department~~Regional Planning, not to exceed \$1,000 per day per violation. For this purpose, the Permittee shall deposit the sum of \$30,000 in an interest-bearing trust fund with the Department within 30 days after the Effective Date to establish a draw-down account. The Permittee shall be sent a written notice for any such violation with the associated penalty, and if the noticed violation has not been remedied within 30 days from the date of the notice, to the satisfaction of the Director of ~~the Department~~Regional Planning, the stated penalty, in the written notice shall be deducted from the draw-down account. If the stated violation is corrected within 30 days from the date of the notice, no amount shall be deducted from the draw-down account. Notwithstanding the previous sentence, if the stated violation is corrected within 30 days from the date of the notice but said violation recurs any time within a 6

month period, the stated penalty will be automatically deducted from the draw-down account upon such recurrence and the Permittee will be notified of such deduction. If the deposit is ever depleted by 50 percent of the initial deposit amount (\$15,000), the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$30,000) within 10 business days of notification of the depletion. There shall be no limit to the number of supplemental deposits that may be required during the life of this grant. The balance remaining in the draw-down account, including interest, shall be returned to the Permittee upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.

If the Permittee is dissatisfied with any notice of violation as described in the preceding paragraph, the Permittee may appeal the notice of violation to the Hearing Officer pursuant to Section 22.60.390(C)(1) of the County Code within 15 days of receipt by the Permittee of the notice of violation. The Hearing Officer shall consider such appeal and shall take one of the following actions regarding the appeal:

- a. Affirm the notice of violation;
- b. Rescind the notice of violation; or
- c. Modify the notice of violation.

The decision of the Hearing Officer is final and shall not be subject to further administrative appeal.

19. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved Site Plan or Exhibit "A", or on a revised Exhibit "A" approved by the Director of Regional Planning.
20. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by the Department. These shall include any of the above that do not directly relate to the business being operated at the Facility or that do not provide pertinent information about the Facility. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the Permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

The Permittee shall also establish and maintain a graffiti deterrent program for approval by the Department of Public Works. An approved copy shall be provided to the Graffiti Abatement Section of the Department of Public Works.

PROJECT SPECIFIC CONDITIONS

GENERAL PROVISIONS

21. Upon the Effective Date, this grant shall supersede Conditional Use Permit ("CUP") 89-081(5) and shall authorize the continued operation of a Class III (non-hazardous) Solid Waste landfill on the subject property. The maximum tonnage capacity to be received at the Facility shall be as follows:
- a. Weekly Average Daily Tonnage Capacity – The amount of Solid Waste that may be disposed of in the Landfill shall average 5,000 tons per day, Monday to Saturday, provided the weekly total shall not exceed 30,000 tons per in any given week, Monday to Saturday. The overall ~~total~~average daily capacity of all incoming materials received for processing, ~~disposal~~disposal, and beneficial use at the Facility~~facility~~ shall not ~~exceed~~ 50,000 6,730 tons per weekday.
 - ~~b. Quarterly Tonnage Capacity – the amount of beneficial use materials process and or dispose in any given quarter shall not exceed 175,000 tons.~~
 - b. Facility Daily Maximum Disposal Capacity – The ~~daily~~ maximum tonnage ~~capacity of all of any combination of Solid Waste and other~~ materials received by the Facility for processing, Beneficial Use Materials (including Composting) and disposal shall not exceed 612,000 tons on any given day, provided the Weekly Monthly Tonnage Capacity shall not be exceeded ~~over six working days per week, Monday to Saturday.~~
 - c. Monthly Tonnage Capacity – The total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall not exceed 175,000 tons in any given month. The amount of Beneficial Use Materials processed and/ or disposed in any given month shall not exceed 58,333 and 1/3 tons.
 - ~~d. Composting Facility Capacity~~ – The amount of incoming materials for processing at the Organic Waste Composting Facility shall not exceed 560 tons per day. This amount shall also be included in the amount of ~~beneficial use materials~~Beneficial Use Materials allowed.
 - ~~e.d. Facility Daily Maximum Capacity~~ – The maximum tonnage of any combination of solid waste and other materials received by the Facility for processing, beneficial use (including Composting) and disposal shall not exceed 12,000 tons on any given day, except as provided in subparagraphs a, b and c above.

- f.e. Facility Annual Maximum Capacity – The maximum annual tonnage capacity of all materials received by the Facility for processing, ~~beneficial use (including Composting) and disposal~~, shall not exceed 2,100,000 tons in any calendar year. Of this overall tonnage, Solid Waste disposed may not exceed 1,400,000 tons and ~~beneficial-use materials~~ Beneficial Use Materials (including Compost) may not exceed 700,000 tons in any calendar year.
22. The Board may increase the maximum daily amounts of Solid Waste allowed by Condition No. 21 if, upon the joint recommendation of the DPH and the Department of Public Works, the Board determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of public health and safety, including at the time of a declared disaster or national emergency. Notwithstanding the preceding sentence, there shall not be allowed more than 312 total days during the life of this grant where the maximum daily tonnage amount exceeds the limits set forth in Condition No. 21, excluding any days where the tonnage capacity was exceeded due to a declared disaster or national emergency.
23. The County reserves the right to exercise its police power to protect the public health, safety, and general welfare of County residents by managing the Countywide waste stream, including preventing predatory pricing. The Permittee shall not adopt waste disposal practices/policies at the Facility which discriminate against self-haulers, waste haulers, and other solid waste enterprises delivering waste originating in the ~~unincorporated~~ Unincorporated Los Angeles County areas.
24. This grant shall also authorize the following Ancillary Facilities and activities at the Facility, as shown on the approved Exhibit "A", subject to the conditions of this grant:
- a. Office and employee facilities directly related to the Landfill, including offices or other facilities related to any other enterprise operated by the Permittee or other person or entity employed by the Permittee or acting on its behalf;
 - b. Operations related to the placement and disposal of Solid Waste;
 - c. Paint booth for equipment and containers;
 - d. Leachate collection and management facilities;
 - e. Facilities necessary for the collection, utilization, and distribution of Landfill gases, as required and/or approved by the Department of Public Works, the DPH, or the SCAQMD;

- f. Facilities necessary for the maintenance of machinery and equipment used at the Landfill, excluding Solid Waste collection equipment and vehicles, and equipment or machinery used by the Permittee in other enterprises;
- g. On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Condition No. 43 of this grant;
- h. Facilities necessary for Environmental Protection and Control Systems, including flare stations, storage tanks, sedimentation basins, and drainage devices;
- i. Storage and repair of bins utilized for Landfill activities;
- j. Household hazardous waste consolidation area;
- k. Household Hazardous Waste Facility;
- l. Organics Waste Composting Facility;
- m. Landfill Gas-to-Energy Plant; and
- n. Conversion Technology Facility.

In the event that revisions to the approved Site Plan, including the approved Exhibit "A", consistent with the intent of this grant and the scope of the supporting environmental documentation are proposed, such revised Site Plan shall be submitted to the Department of Public Works for review and pre-approval, and to the Director of Regional Planning for final approval, with copies filed with the Department of Public Works and the DPH. For the life of this grant there shall be no revisions to the approved Exhibit "A" that change the Limits of Fill, and no Site Plan shall be approved that will change the Limits of Fill.

25. Household Hazardous Waste Facility and its operations shall be subject to the following use restrictions and pursuant to Condition No. ~~424~~122 of this grant:
- a. Household Hazardous Waste Facility may be used by the general public to drop off household hazardous wastes, including, but not limited to, used motor oil, used latex paints, used anti-freeze, and used batteries; and other wastes as ~~may be~~may be defined in the Operating Agreement. The Household Hazardous Waste Facility is not to be used for general use by commercial or industrial entities except for Conditionally Exempt Small Quantity Generators, which shall mean a generator that generates no more than 100 kilograms of hazardous waste in any calendar month.

- b. The Household Hazardous Waste Facility shall be no smaller than ~~4,000~~2,500 square feet in size, exclusive of ingress and egress.
 - ~~c. Nothing in this Condition 25 or elsewhere in these conditions shall be construed to prohibit the Permittee from applying for new permits to expand the Household Hazardous Waste Facility or to otherwise modify the conditions of this grant for that purpose.~~
 - ~~d.c.~~ Recyclable materials shall not be collected in quantities or stored for periods which would cause the need for a hazardous waste facilities permit unless such permit has been obtained.
 - ~~e.d.~~ Operating hours shall be as defined in the Operating Agreement, but in no event shall those hours exceed 6:00 a.m. to 9:00 pm, 7 days per week.
 - ~~f.e.~~ The Household Hazardous Waste Facility shall be staffed continuously during operating hours by a person(s) trained in hazardous material handling and management.
 - ~~g.f.~~ Household Hazardous Waste Facility development shall substantially conform to Exhibit "A", any requirements of this grant, and the mitigations listed in the visual impact section of the mitigation monitoring summary reference in the MMRP.
26. Permittee may construct and operate an Organic Waste Composting Facility together with certain ancillary and related activities as enumerated herein, subject to the following restrictions as to use:
- a. The facility may be used to receive process and compost green waste, food waste, and other organics waste materials and to store and distribute mulch, biomass fuel and compost.
 - b. The facility location shall be designated on the Site Plan Exhibit "A" or an approved Revised Exhibit "A" prior to beginning operations. The location shall be approved by the Director of Public Works and shall be far away from residential and business areas. The facility shall be enclosed.
 - c. The Organic Waste Composting Facility operation shall receive no more than 560 tons per day of green waste, food waste, and other organics waste materials. No wastewater biosolids (e.g. sludge or sludge components) shall be allowed.
 - d. Operating hours shall be within the hours of 5 a.m. to 6 p.m., Monday to Saturday.
 - e. Access by customers for purposes of removing the solid products and by-

products including finished mulch and compost shall not occur outside hours of 5:00 a.m. to 5:00 p.m., Monday to Saturday.

- f. Permittee shall comply with all rules for odor abatement and prevention of the South Coast Air Quality Management District and the DPH. The Permittee shall not allow odors to become a nuisance in adjacent residential and business areas. In the event odors become a nuisance in adjacent residential and business areas, Permittee shall take all necessary steps to abate that nuisance. If the Permittee, despite the application of the best available technology and methodology, cannot abate the nuisance odors resulting from Organic Waste Composting Facility operations, the Permittee shall terminate such operations.
 - g. Upon commencement date of the Organic Waste Composting Facility, the Permittee shall submit to the Department of Public Works, DPH-SWMP, and SCAQMD an Odor Control and Mitigation Plan for operation of the this facility.
27. The Final Cover of the Landfill shall not exceed the permitted elevation of 1,430 feet above mean sea level, and the Footprint shall not exceed the total permitted disposal area of 400 acres. No portion of the Landfill shall extend beyond the Limits of Fill as shown on the approved Exhibit "A." The existing Landfill consists of the following as shown on the approved Exhibit "A": existing Primary Canyon (55 acres, currently completely filled); existing Canyon B (14 acres, currently completely filled); existing Main Canyon (188 acres, currently 182 acres have been filled); and new fill areas (143 acres currently unfilled), together with certain ancillary and related activities, as enumerated herein, subject to the restrictions contained in this grant.
28. The Permittee shall not sever, sell, or convey any portion or the entirety of property for which this CUP is granted without first notifying the Department, with a copy to the Department of Public Works, at least 90 days in advance. Any future receiver of the subject property shall be required to acknowledge and accept all conditions of this grant prior to finalization of any conveyance.
29. The Permittee shall keep all required permits in full force and effect, and shall fully comply with all requirements thereof. Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant, and shall be subject to any and all penalties described in Condition No. 18.
30. Nothing in these conditions shall be construed to require the Permittee to engage in any act that is in violation of any state or federal statute or regulation.
31. The Permittee shall reimburse DPH for personnel, transportation, equipment, and facility costs incurred in carrying out inspection duties as set forth in the

SWMP, including maintaining at least one full time inspector at the Facility at least once a week when waste is received and processed to the extent that these costs are not covered by the fees already paid for administration of the SWFP for the Landfill.

INSURANCE REQUIREMENTS

32. Prior to the Effective Date, and thereafter on an annual basis, the Permittee shall provide evidence of insurance coverage to the Department of Public Works in the amount of at least \$40 million that meets County requirements ~~as required and approved by the CEO~~ and that satisfies all the requirements set forth in this Condition No. 32. Such coverage shall be maintained throughout the term of this grant and until such time as all Post-Closure Maintenance requirements are met by the Permittee and certified by the appropriate local, state and federal agencies. Such insurance coverage shall include, but shall not be limited to, the following: general liability, automobile liability and pollution liability, and clean-up cost insurance coverage with, an endorsement for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state, federal, and local requirements, with no special limitations. Upon certification of coverage, and annually thereafter, a copy of such certification shall be provided to the Department of Public Works.
33. To ensure that the Permittee has sufficient funds at Closure to provide for the continued payment of insurance premiums for the period described in Condition No. 32 of this grant, the Permittee shall, within 60 months prior to the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements as approved by the CEO showing its ability to maintain all insurance coverage and indemnification requirements of Condition Nos. 32 and 34 of this grant. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the County. the Department of Public Works shall administer the trust fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation.
34. To ensure that the Permittee has sufficient funds for the Landfill's Closure and/or the Post-Closure Maintenance and maintenance of the Environmental Protection and Control System, the Permittee shall, within 60 months of the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements as approved by the CEO that it is financially able to carry out these functions in perpetuity or until the Landfill no longer is a threat to public health and safety as determined by the Department of Public Works. The Department of Public Works' Works' determination shall be based on an engineering study prepared by an independent consultant selected by the Department of Public Works. The Permittee shall pay all costs associated with the independent consultant and the study within 30 days of receiving the invoice for the consultant's services.

Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the Department of Public Works. Permittee shall pay into the fund annually and the Department of Public Works shall administer the fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation. The Department of Public Works may consider, at its sole discretion, the financial assurance mechanism required under State law and regulation in meeting the intent of this Condition No. 34.

PERIODIC REVIEW

35. Not less than one year before the 10th anniversary of the effective date of this grant, the Permittee shall initiate a Periodic Review with the Department. Another Periodic Review shall be initiated by the Permittee not less than one year before the 20th anniversary of the effective date of this grant. The purpose of the Periodic ~~Review~~Reviews is to consider new or changed circumstances, such as physical development near the Project Site, improved technological innovations in environmental protection and control systems, and other best management practices that might significantly improve the operations of the Facility, and to determine if any changes to the facility operations and IMP are warranted based on the changed circumstances. To initiate the Periodic Review the Permittee shall submit for review a permit requirement compliance study which details the status of the Permittee's compliance with the conditions of approval of this grant. Additionally, an updated Closure Plan and Post-Closure Maintenance Plan shall be submitted to the Department and the TAC for review at this time, as well as the comprehensive waste disposal study referred to in Condition No. 103, and any other information that is deemed necessary by the Department to ensure that the landfill operations are operating as efficiently and effectively as possible and that any potential adverse impacts are minimized, and that the Facility is not causing adverse impacts or nuisance in the surrounding communities.

The cost of the Periodic ~~Review~~Reviews shall be borne by the Permittee and is to be paid through the draw-down account referred to in Condition No. ~~122a~~123a. For ~~the each~~ Periodic Review, a report based on the latest information shall be made to the Hearing Officer by Department staff at a public hearing pursuant to Part 4 of Chapter 22.60 of the County Code. Each report shall include a review of the performance of the landfill and recommendations for any actions to be taken if found necessary. Such actions may include changes or modifications to the IMP, including any measures necessary to ensure that the landfill will continue to operate in a safe and effective manner and the landfill closure will be accomplished timely and effectively. The decision of the Hearing Officer on the Periodic Review may be appealed to the Regional Planning Commission. The decision of the Regional Planning Commission shall be final.

TERMINATION REQUIREMENTS

36. The maximum life of this grant shall be 2030 years, effective from the Approval Date. The Termination Date shall be either date that 1) the Landfill reaches its Limits of Fill as depicted on Exhibit "A", (Elevation 1,430 feet Alternative), or 2) 3460 million tons _____, or 3) 2030 years after the Approval Date of this grant, whichever occurs first. At least twelve (12) months prior to the ~~15th~~25th anniversary of the Approval Date, if the Permittee has not exhausted the available Landfill capacity within the Limits of Fill depicted on Exhibit "A", the Permittee shall conduct a study to determine the remaining capacity of the Landfill and identify all activities and schedules required for the Closure and Post-Closure maintenance of the Facility. The study shall be submitted to the TAC for its independent review and upon its review, the TAC shall report to the Director of Regional Planning its finding regarding the remaining capacity of the Landfill and the Termination Date. Upon consideration of the TAC's finding, the Director of Regional Planning shall establish a certain Termination Date for the Landfill, but in no event shall the Termination Date be a date that is later than 2030 years after the Approval Date.
37. Upon the Termination Date, the Facility shall no longer receive Solid Waste and/or Beneficial Use Materials for disposal or processing; however, the Permittee shall be authorized to continue operation of any and all facilities of the Landfill as are necessary to complete: (1) the mitigation measures required by this grant; (2) the Closure and Post-Closure Maintenance required by federal, state, and local agencies; and (3) all monitoring and maintenance of the Environmental Protection and Control Systems required by Condition No. 86. No later than 6 months after the Termination Date, all Landfill facilities not required for the above-mentioned functions shall be removed from the subject property unless they are allowed as a matter of right by the zoning regulations then in effect.

OPERATING HOURS

38. The Facility shall be subject to the following operating hours:
- The Facility may receive Solid Waste and Beneficial Use Materials only between the hours of 5 a.m. (scales open) to 5 p.m. (scales closed). The Facility entrance gate may be open at 5 a.m., Monday through Saturday, to allow on-site queuing only and preparations of the Facility for operations. However, the gate opening hours may be extended to ~~receive Beneficial Use Materials~~4 a.m. by the Director of Public Works, at the Facility if his sole discretion, if the Permittee submits and if the Department of Public Works approves an Operational Assessment Plan for special construction projects showing a reduction in traffic, noise and visual impacts from a modification of the hours. At any given time, no offsite queuing shall be allowed.
 - The Facility and all of its operations shall be closed on Sundays.

- c. Facility operations, such as site preparation and maintenance activities, waste processing, and the application of cover, may be conducted only between the hours of 5 a.m. and 10 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control.
- d. Equipment maintenance activities at the Facility may be conducted only between the hours of 5 a.m. and 10 p.m., Monday through Saturday.
- e. No diesel vehicle shall be started at the Facility between the hours of 10 p.m. and 5 a.m.
- f. Notwithstanding anything to the contrary in this Condition No. 38, emergency operations, mitigation measures necessary to avoid adverse environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition No. 38, may occur at any time if approved via written electronic authorization by the DPH. A copy of this authorization shall be provided to the Director of Regional Planning.
- g. Notwithstanding the forgoing, Solid Waste and Beneficial Use Materials may be received at other times than those just described, except on Sundays, if the DPH determines that extended hours are necessary for the preservation of public health and safety.

MAXIMIZING FACILITY CAPACITY

- 39. ~~All~~The Permittee shall prepare fill sequencing plans for Landfill operations to maximize Landfill capacity ~~shall first be reviewed, and approved by Public Works, and such plans~~ must be technically, environmentally, and economically feasible. The Permittee shall submit ~~a set-off~~ sequencing plans to the Department of Public Works for review and approval within 90 days after the Effective Date. ~~The sequencing plans for so that the Department of Public Works can verify that the plans have been properly prepared and adequately reflect the amount of material that will be placed in the~~ Landfill ~~operations must be technically, environmentally, and economically feasible.~~ Any subsequent changes to the approved sequencing plans must be approved by the Department of Public Works prior to implementation. The plans approved by the Department of Public Works shall not be in conflict with those contained in the latest State-approved Joint Technical Document for the Facility.
- 40. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall adopt and implement appropriate measures to ensure that the method to determine that the waste origin and the amount of Solid Waste received, processed and/or disposed at the facility is accurate. These measures~~The permittee shall include, but shall not be limited to: (1) requiring all solid waste haulers and other customers of the~~

- ~~Permittee to submit accurate waste origin data; (2) implementing a system to verify the accuracy of the data submitted; (3) implementing a system to verify that Solid Waste reported as having originated in any city or County unincorporated area actually has such origination; (4) adopting education and outreach programs for solid waste haulers and other customers of the Permittee regarding the need for accurate IMP.~~
40. ~~The waste origin data; and (5) creating strong disincentives, including imposing penalties, for solid waste haulers and other customers of the Permittee for non-cooperation with these measures, or for repeatedly providing false information regarding waste origin data to the Permittee.~~

~~The waste origin verification~~ and reporting program shall be developed by the Permittee for review and approval by Public Works. The Permittee shall submit the data from this program on a monthly basis to Public Works for review, or at other frequency as determined by the Director of Public Works. Based on the initial results from this program, Public Works may require the Permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 40 is satisfied.

The Waste origin ~~verification~~ and reporting program shall include all incoming solid waste, beneficial use materials, composting materials, clean soil used for daily and intermediate cover, and any other material coming to the Facility.

41. The Permittee shall operate the Facility in a manner that maximizes the amount of Solid Waste that can be disposed of in the Landfill, by, at a minimum:
- a. Implementing waste compaction methods to equal or exceed the compaction rates of comparable privately-operated landfills in Los Angeles County;
 - b. Investigating and implementing methods to divert or reduce intake of high volume, low-density materials that are incapable of being readily compacted;
 - c. Investigating and implementing methods to reduce the volume of daily cover required at the Landfill as allowed by the appropriate regulatory agencies;
 - d. Utilizing waste materials received and processed at the Facility, ~~such as processed green material,~~ as an alternative to daily intermediate, and Final Cover, to the extent such usage is deemed technically feasible and proper by the appropriate regulatory agencies. Notwithstanding the preceding sentence, green waste, automobile shredder waste, cement kiln dust, dredge spoils, foundry sands, processed exploration waste from oil wells and contaminated sites, production waste, shredded tires, and

foam shall not be used as daily, intermediate, or Final Cover at the Landfill;

- e. To the extent economically and practically feasible, Construction and Demolition Debris shall not be disposed, but rather be separated, and recycled and/or made available for reuse, consistent with the goals of the California Integrated Waste Management Act of 1989;
 - f. Investigating and implementing methods to recycle manure; and
 - g. All Solid Waste accepted at the Facility that originates from outside the Santa Clarita Valley, including the metropolitan area of Los Angeles County, must be pre-processed or undergo front-end recovery methods to remove all Beneficial Use Materials and Construction and Demolition Debris from the waste stream prior to transport to the Facility to the maximum extent practicable, as determined by the Department of Public Works. As part of its annual report to the TAC required by the IMP, the Permittee shall submit documentation detailing the results of this requirement. The report must at a minimum include the types, quantity, and amount of all Beneficial Use Materials and Construction and Demolition Debris recovered from the waste stream. Notwithstanding the foregoing, Solid Waste originating from residential areas with a 3-bin curbside collection system is exempt from this requirement.
42. To the extent feasible, the Permittee shall minimize the disposal of Solid Waste into the Landfill that is required to be diverted or recycled under the County's Source Reduction and Recycling Element of the Countywide Integrated Waste Management Plan, adopted pursuant to Division 30 of the California Public Resources Code, and/or the Waste Plan Conformance Agreement, approved by the Board on November 21, 2000, as these documents and agreements may be amended.
43. Within 180 days after the Effective Date, and thereafter as is necessary, the Waste Plan Conformance Agreement referred to in Condition No. 42 shall be amended and approved to be consistent with applicable County waste management plans. The Director of Public Works shall be authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. This Agreement shall continue to provide for: (1) the control of and accounting for all the Solid Waste, and Beneficial Use Material and Composting Materials entering into, and for recycled or diverted material leaving, the Facility; (2) the implementation and enforcement of programs intended to maximize the utilization of available fill capacity as set forth in Condition No. 41; and (3) the implementation of waste diversion and recycling programs in accordance with applicable County waste management plans.

44. —~~The~~ Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the Permittee shall ~~continue~~adopt a program to assist the County in its diversion efforts, including:
- a. Utilizing alternative daily cover at the Landfill, to the extent permitted by the appropriate regulatory agencies.
 - b. Using a portion of the Facility to transfer loads of commingled recyclables to sorting facilities.
 - c. To the extent feasible, recovering scrap metal and other materials from loads of waste received at the Facility.
 - d. ~~Recycling and/or reusing~~ To the extent feasible, recovering and recycling Construction and Demolition Debris received at the Facility to be placed into the economic mainstream and/or reusing it at the Facility to the extent that it is appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices in accordance with 14 CCR § 20686.
 - e. Composting shredded wood waste and organics at the Landfill including but not limited to Anaerobic Digestion Composting, provided such composting project is approved by the Department of Public Works and is consistent with the intent of this permit.
 - f. Stockpiling and grinding of wood/green material for use as mulch, boiler fuel, or feedstock for an alternative energy project, provided such energy project is approved by the Department of Public Works and is consistent with the intent of this permit.
 - g. Stockpiling and grinding of concrete/asphalt material for use as base, road material, and/or decking material.
 - h. Development of Conversion Technologies to divert waste from disposal provided such Conversion Technology project is approved by the Department of Public Works and is consistent with the intent of this permit.
 - i. Consolidation of electronic waste such as computers, televisions, VCRs, stereos, copiers, and fax machines.
 - j. Consolidation of white goods such as refrigerators, stoves, ovens, and other white-coated major appliances.
 - k. Implementing a comprehensive public awareness and education program informing Santa Clarita Valley residents of the Facility's recycling activities/programs. The program must be submitted to the Department of

Public Works for review and approval within 90 days after the Effective Date.

45. The Permittee shall ~~charge its customers higher tipping fees for discourage haulers from~~ delivering partial truck loads to the Facility, and ~~for from~~ delivering trucks to the Facility during peak commuting hours; higher tipping fees for such behavior is recommended. Notwithstanding the preceding sentence, in lieu of charging higher tipping fees, the Permittee may implement some other program, as approved by the Department of Public Works, to discourage this type of activity by its customers.

PROHIBITED MATERIALS

46. The following types of waste shall constitute prohibited waste and shall not be received, processed nor disposed of at the Facility: Automobile Shredder Waste; Biosolid; Sludge, or Sewage Sludge; incinerator ash; radioactive material; hazardous waste, as defined in Title 22, Section 66261.3 of the California Code of Regulations; medical waste, as defined in Section 117690 of the California Health & Safety Code; liquid waste; waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste that can cause degradation of waters in the State, as determined by the RWQCB. The Permittee shall implement a comprehensive Waste Load Checking Program, approved by the DPH, to preclude disposal of prohibited waste at the Landfill. The program shall comply with this Condition No. 46, Part IV of the IMP, and any other requirements of the DPH, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.
47. Notices regarding the disposal restrictions of prohibited waste at the Facility and the procedures for dealing with prohibited waste shall be provided to waste haulers and private users on a routine basis. These notices shall be printed in English and Spanish and shall be posted at prominent locations at the Facility indicating that anyone intentionally or negligently bringing prohibited waste to the Facility may be prosecuted to the fullest extent allowed by law.
48. In the event that material suspected or known to be prohibited waste is discovered at the Facility, the Permittee shall:
- Obtain driver's name, company name, address, and any other information as appropriate, and vehicle license number;
 - Immediately notify all appropriate state and County agencies, as required by federal, state, and local law and regulations;
 - If Permittee discovers that such prohibited material has been accepted at the Facility and after further review it is determined that it cannot immediately be removed by a licensed hauler, Permittee shall store the

material at an appropriate site approved by the DPH and the RWQCB until it is disposed of in accordance with applicable state and local regulations; and

- d. Maintain a record of the prohibited waste to be part of the Permittee's annual report required under the IMP, and to include, at a minimum, the following information:
 - i. A description, nature, and quantity of the prohibited waste;
 - ii. The name and address of the source of the prohibited waste, if known;
 - iii. The quantity of total prohibited waste involved;
 - iv. The specific handling procedures used; and
 - v. A certification of the authenticity of the information provided.

Nothing in this Condition No. 48 shall be construed to permit the Permittee to operate the Facility in any way so as to constitute a Hazardous Waste Disposal Facility, as defined under state law.

GRADING/DRAINAGE

49. Except as otherwise provided in this Condition No. 49, areas outside of the Limits of Fill shall not be graded or similarly disturbed to create additional Landfill area, except that additional grading may be approved by the Department of Public Works if the Department of Public Works determines, based on engineering studies provided by the Permittee and independently evaluated by the Department of Public Works, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination by the Department of Public Works shall be documented in accordance with Part I of the IMP, and the Permittee shall submit a revised Site Plan for review and approval by the Department of Public Works to show the additional grading and/or disturbance. A copy of the approved revised Site Plan shall be filed with the Director, of Regional Planning, the Department of Public Works, and DPH. For the life of this grant, there shall be no revisions to the approved Exhibit "A", that will change the Limits of Fill, and no Site Plan shall be approved that will change the Limits of Fill.
50. Nothing in this grant shall be construed as prohibiting the installation of water tanks, access roads, flares, or other similar facilities at the Facility, or implementing any mitigation program, that is required by this grant or by any other permit issued by a public agency in connection with the Landfill.
51. Notwithstanding anything to the contrary in this grant, no approval shall be

granted to the Permittee that will modify the authorized Limits of Fill or that will lower or significantly modify any of the ridgelines surrounding the Landfill.

52. The Permittee shall comply with all grading requirements of the Department of Public Works and the County Code. In addition to any other requirements that may apply, the Permittee shall obtain prior approval from the Department of Public Works for all grading that is outside the Landfill footprint and all grading within the Landfill footprint that could impact off-site property as determined by the Department of Public Works, including, but not limited to, grading in connection with cell development, stockpiling, or excavation for borrow and cover materials.
53. The Permittee shall install and/or maintain appropriate drainage structures at the Facility to comply with all drainage requirements of the Department of Public Works, the RWQCB, and any other appropriate regulatory agency. Except as otherwise specifically provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed to meet all applicable drainage and grading requirements of the Department of Public Works, and all design and construction plans for these structures must have prior approval from the Department of Public Works. Notwithstanding the foregoing, at the discretion of the Department of Public Works, the Permittee may be permitted to install temporary drainage structures designed for day-to-day Facility operations without prior approval from the Department of Public Works. In all cases, the Landfill and its drainage structures shall be designed so as to cause surface water to be diverted away from disposal areas. All design modifications shall have the prior approval from the Department of Public Works.
54. All development structures and activities pursuant to this grant shall conform to the requirements of the Department of Public Works.

GROUNDWATER PROTECTION

55. The Permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. The design of Landfill liners shall be as approved by the RWQCB.
56. The Permittee shall install and test any and all groundwater monitoring wells that are required by the RWQCB and shall promptly undertake any action directed by the RWQCB to prevent or correct potential or actual contamination that may affect groundwater quality, or water conveyance or water storage facilities. All testing and remedial actions required by the RWQCB to detect, prevent, and/or correct groundwater contamination shall be completed or guaranteed to be completed to the satisfaction of the RWQCB with notice to the Department of Public Works.

57. During the duration of this grant, the project shall use ~~recycled~~recycled water once a recycled water pipeline is extend to the ~~Newall~~Newhall Ranch residential development. The Permittee shall obtain the necessary permits to connect to such recycled water, construct any necessary access, and connect to the piped recycled water.
58. In the event groundwater use is restricted in the future pursuant to Court Order or Judgment, the Permittee shall purchase water from County-authorized water purveyors, including County-authorized recycled water purveyors for non-potable uses, or authorized State Water Project contractors, and shall otherwise conform to the rules, regulations, and restrictions set forth in any applicable Court Order or Judgment, including those rules, regulations, and restrictions that would require the Permittee to pay assessments, if any.

LANDSCAPING, COVER AND REVEGETATION AND AESTHETIC REQUIREMENTS

59. The Permittee shall comply with the following landscaping, cover and re-vegetation requirements at the Landfill:
- a. Three copies of a landscape plan shall be submitted to and approved by the Director of Regional Planning within 180 days after the Effective Date. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities required as a condition of this grant. All landscaping shall be maintained in a neat, clean, and healthful condition in accordance with the approved landscape plan, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants and trees when necessary but not to exceed quarterly (3 months-period).
 - b. An annual monitoring report shall be prepared by an independent, qualified biologist and submitted to the Director of Regional Planning providing status and progress of the provisions in this Condition No. 59. The monitoring report shall be submitted as part of the annual report required pursuant to Part VIII of the IMP.
 - c. The Permittee shall employ an expert or experts, including an independent, qualified biologist, to satisfy this Condition No. 59. Soil sampling and laboratory analysis shall be conducted in all areas that are required to be re-vegetated before any re-vegetation occurs to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results. To the extent possible, as determined by the Director of Regional Planning, plant types shall blend with species indigenous to the area, be drought tolerant, and be capable of successful growth.

- d. The Permittee shall apply a temporary vegetation cover on any slope or other Landfill area that is projected to be inactive for a period greater than 180 days, as set forth in the IMP. The Permittee shall identify such slope or areas in the annual monitoring report described in Subsection (b) above, and include an interim reclamation and re-vegetation plan as well as the timing of the proposed work for review and approval by the Director of Regional Planning.
- e. Except as otherwise provided in this Condition No. 59, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially in conformance with Mitigation Monitoring Program.
- f. Notwithstanding the foregoing provisions of this Condition No. 59, Permittee shall comply with a different re-vegetation design or plan that the Department, in consultation with the TAC and the Department of Public Works, determines would:
 - i. better protect public health and safety;
 - ii. enable re-vegetation of the final slopes at least as well as described in Subsection (e), above; and/or
 - iii. be required because the minimum standards adopted by the CalRecycle have been amended.

Requirements imposed by the Department pursuant to this Condition 59 must be consistent with State regulations and may not cause the activities at the Landfill to exceed the Limits of Fill.

- g. The Permittee shall provide and maintain a landscape strip that is a minimum of 10 feet wide along the frontage of the ancillary facilities area on Wolcott Way and along SR-126 Highway.
- h. No portion of the expanded Landfill may extend above the plane or outside of the surface area of the fill design as shown on the approved site plan, attached as Exhibit "A".

The existing viewshed from Chiquito Canyon Road shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the landfill site, including but not limited to temporary storage areas, any materials recovery facility, composting facility or any other ancillary facilities that may be visible from Chiquito Canyon Road shall be designed to be harmonious with the natural topography and viewshed and shall be reviewed by the Community Advisory Committee.

The landfill operator and the Community Advisory Committee shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen landfill operations, enhance the viewshed, and establish the minimum number and type of trees to do this and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline provided the above objectives are met and such planting is practical.

60. The Permittee shall operate the Facility so as to conserve water by, at a minimum, adopting the following measures:
- a. Ensuring that all water wells used for the Facility draw from the local watershed, if such usage is approved by the appropriate agencies;
 - b. Investigating the feasibility of treating collected leachate on-site for reuse in the Landfill and, if feasible and the appropriate agencies approve, implementing a program to use such water;
 - c. Using soil sealant, pavement, and/or other control measures for dust control wherever feasible, instead of water; and
 - d. Using drought-tolerant plants to re-vegetate the Landfill slopes and other disturbed areas to the extent feasible, as determined by the Director of ~~the Department~~Regional Planning. Plant types shall blend with species indigenous to the area and shall be capable of rapid growth.

AIR QUALITY

61. As required by the SCAQMD, the Permittee shall adopt and implement operational practices to mitigate air quality impacts including but not limited to odor, dust and vehicular air quality impacts at the Facility. The Facility shall be operated so as not to create a nuisance in the surrounding communities.
62. The Permittee shall use landfill gas for energy generation at the Facility or other beneficial uses, rather than flaring to the extent feasible, and shall obtain all applicable local, state, and/or federal approvals for any such use.
63. The Permittee shall also install and maintain a landfill gas collection and management system that complies with SCAQMD requirements and uses best available control technology to prevent 1) the lateral migration of gases to off-site properties, and 2) odor generation that causes impact to surrounding communities, to the satisfaction of the Department of Public Works, the DPH, and SCAQMD.
64. Landfill gas flares shall be installed in a manner that does not result in any

significant adverse aesthetic impacts and the flames shall be totally contained within the stacks. Flame arrestors shall be provided to the satisfaction of the County Fire Department.

65. The Permittee shall provide access to a back-up generator for emergency use within 48 hours in case of a prolonged power outage at the Facility to prevent the migration/emission of landfill gas, unless such a use is otherwise prohibited by SCAQMD due to air quality concerns.
66. The Permittee shall conduct air quality monitoring at the Facility and its surrounding areas. In addition, an independent air quality consultant selected by the TAC shall conduct at least four random tests per year of Landfill dust and diesel particulates surrounding the perimeter of the Facility to determine whether air quality near the Landfill is consistent with the air quality levels established by the operative ~~environmental impact report ("EIR") prepared for this Project.~~air quality standards for the area as determined by the SCAQMD or other appropriate State air quality agency. The consultant review shall place added emphasis on the nearby residential communities. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Director, of Regional Planning, the Department of Public Works, the TAC and the Permittee within 15 calendar days after completion of the tests.
67. Upon receipt of a total of 4 Notice of Violations related to air quality issued by any combination of SCAQMD, DPH, the Department of Public Works, or the Department in any given calendar year, the Permittee shall submit a response to the Department of Public Works within 30 calendar days of the fourth such Notice of Violation providing an explanation of each Notice of Violation and steps taken to address it, and shall provide this information within 30 calendar days of each additional Notice of Violation within the same year. the Department of Public Works shall evaluate the response and may require the Permittee to thereafter increase the air quality monitoring that it conducts at the Facility and its surrounding areas. In addition, the TAC may select an independent air quality consultant to evaluate and conduct testing of 1) landfill gas and trash odor generated due to working face operations, 2) landfill gas collection and management system, and 3) dust and diesel particulates surrounding the perimeter of the Facility, at a frequency to be determined by the Department of Public Works in consultation with the air quality consultant. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Department of Public Works, the TAC, and the Permittee within 15 calendar days after completion of the tests. The Department of Public Works, with the advice of the TAC, may reduce the frequency of the consultant testing if the Department of Public Works finds that the frequency of testing is not necessary, or may discontinue it altogether if it finds that the tests are not beneficial. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC, may increase the frequency of the consultant testing if the Director of Regional Planning finds the frequency

insufficient and may request an evaluation report and recommendations. Upon direction from the Department of Public Works, the Permittee shall implement the recommendations of the independent consultant.

68. If any of the test results of Condition No. 66 and/or 67 exceed the maximum emission levels established by the EIR and/or the SCAQMD, if the Landfill is operated in a manner which, in the determination of DPH, creates an odor nuisance to the surrounding communities, or if the Department of Public Works, in consultation with the TAC, determines that additional corrective measures are necessary to address air quality impacts to the residents of the surrounding community, the Permittee shall submit a corrective action plan to the TAC within 15 days after receipt of the report. Such corrective action plan shall describe the excessive emission levels, or the determination by DPH or the Department of Public Works, and set forth a schedule for remedial action. The TAC shall consider the corrective action plan within 30 calendar days of its receipt and provide notice to the Permittee if such plan has been approved. If the TAC does not approve the corrective action plan, the Director of Regional Planning may impose additional or different measures to reduce air quality impacts at the Facility. These additional measures may include, but not be limited to, requirements that the Permittee: (1) pave additional unpaved roads at the Facility; (2) water and apply soil sealant to additional Working Face areas; (3) relocate Working Face areas to designated locations during windy conditions; (4) monitor sensitive sites throughout the community; and/or (5) close the Facility during extreme wind conditions; 6) employ the services of an independent consultant to evaluate the air quality impacts and/or odor nuisance and make recommendations to mitigate the impacts and/or abate the odor nuisance. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Department, the Department of Public Works, the TAC, and the Permittee within 15 calendar days after completion of the tests. The Director of Public Works, with the advice of the TAC, may reduce the frequency of the consultant testing, or discontinue it altogether, if the Director of Public Works finds that the test results are invalid or lack beneficial value. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC, may increase the frequency of the consultant testing if the Director of Regional Planning finds the frequency insufficient. The Permittee may appeal the ~~Director's~~ Director of Regional Planning's decision in accordance with the appeal provisions in Condition No. 18 for an appeal of a notice of violation.
69. Within 180 days after the Effective Date, all equipment, diesel fleet vehicles, and transfer trucks that are owned or operated by the Permittee, its subsidiaries, or affiliated enterprises, and that utilize the Facility, shall be CARB compliant.

As part of its annual report to the TAC required by the IMP, the Permittee shall submit documentation of its compliance with this Condition No. 69, including, but

not limited to, Title 13, California Code of Regulations, Section 2020, et seq. regarding Diesel Particulate Matter Control Measures.

70. Permittee shall be subject to the following requirements regarding alternative fuel vehicles and equipment:

- a. For the purpose of complying with this Condition No. 70 alternative fuel vehicles shall utilize alternative fuels that are consistent with recommendations or regulations of CARB and SCAQMD, which may include, but is not limited to electricity, natural gas (liquefied natural gas or compressed natural gas), biogas, biodiesel, synthetic diesel, or renewable diesel.
- b. Within the first year after the Effective Date, the Permittee shall submit an alternative fuel vehicle implementation plan to the TAC for review and approval. The plan shall contain information on available and proposed alternative fuel technologies, a comparison of their air emissions reduction levels at the Facility, including greenhouse gas emissions, a timeline demonstrating the Permittee's best-faith efforts to comply with this Condition No. 70, as well as any other information deemed necessary by the TAC to approve the plan.
- c. The Permittee shall convert into alternative fuel vehicles all light-duty vehicles operating at the Facility, solid waste collection trucks, and transfer trucks that utilize the Facility and are owned by, operated by, or under contract with the Permittee, its subsidiaries, or affiliated enterprises, according to the following phase-in schedule:
 - i. Within 4 years after the Effective Date, at least 50 percent of all aforementioned vehicles shall be alternative fuel vehicles.
 - ii. Within 7 years after the Effective Date, at least 75 percent of all aforementioned vehicles shall be alternative fuel vehicles.
 - iii. Within 10 years after the Effective Date, 100 percent of all aforementioned vehicles shall be alternative fuel vehicles.
- d. Within the first year after the Effective Date, unless a later date is approved by the TAC, the Permittee shall consult with the SCAQMD and design and implement at least 1 heavy-duty, alternative fuel off-road equipment pilot program, to the extent deemed technically and economically feasible by the TAC. The pilot program shall be certified by a major original equipment manufacturer such as, but not limited to, Caterpillar, John Deere, or Volvo.

~~e.~~ As part of its annual report to the TAC required by the IMP, the

- f.e. Permittee shall submit an on-going evaluation of its compliance with each component of this Condition No. 70.
71. Within 180 day of the effective date, the Permittee shall adopt and implement a fugitive dust program that uses the most effective available methods and technology to avert fugitive dust emissions. The fugitive dust program shall be submitted to the Department of Public Works for review and approval. In addition to the re-vegetation measures in Condition No. 59, the program shall include, at a minimum, a requirement that:
- a. The Permittee shall not engage in any excavation, grading, or other Landfill activity during high wind conditions, or when high wind conditions are reasonably expected to occur, as determined by the DPH, where such excavation or operation will result in significant emissions of fugitive dust affecting areas not under the Permittee's control;
 - b. The Working Face areas of the Landfill shall be limited to small contained areas of approximately one acre or less. During periods of the year when high wind conditions may be expected, the Working Face areas shall each be located in an area of minimal wind exposure, or be closed, if closure is deemed necessary by the DPH;
 - c. Except when there is sufficient rain or moisture to prevent dust, daily cover, haul roads, and grading locations shall be watered as required by State Minimum Standards or more frequently, when conditions dictate for dust control. Soil sealant may be required in addition to water;
 - d. Except when there is sufficient rain or moisture to prevent dust, all active Working Face and soil Stockpile Areas shall be watered daily, unless wind conditions dictate otherwise;
 - e. If determined necessary by the DPH, the Permittee shall, on any day preceding a day when the Facility is closed to Solid Waste receipt, apply soil sealant to any previously active Working Face, haul roads, or soil Stockpile Area that has not already been sealed or re-vegetated;
 - f. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant. If additional sealing treatment is required, the Permittee shall promptly apply such treatment to assure full control of the soil particles;
 - g. All primary access roads to any permanent facility in the Landfill shall be paved;
 - h. To minimize the length of dirt roads, paved access roads to fill areas shall

be extended as new fill areas are opened. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the quantity of untreated dirt;

- i. All paved roads in regular use shall be regularly cleaned to remove dirt left by trucks or other vehicles;
 - j. Except when there is sufficient rain or moisture to prevent dust, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the DPH or the Department of Public Works, or otherwise treated to control dust emissions;
 - k. Loads of Solid Waste capable of producing significant dust shall be watered during the Landfill process. If such practice is deemed unacceptable to the RWQCB, the Permittee shall develop alternative methods to minimize dust generation during the Landfill process and obtain approval of the method from the Department of Public Works within 90 days of the RWQCB's determination;
 - l. In addition to any fire flow requirements of the County Fire Department, the Permittee shall maintain a supply of water for dust control in the active Working Face areas to ensure compliance with State Minimum Standards; and
 - m. The Permittee shall install and maintain devices on-site, as approved by the SCAQMD, to monitor wind speed and direction, and shall retain qualified personnel who can read and interpret data from these devices, can obtain and use information on predicted wind conditions, and can assist in the Facility's operations related to this information.
72. Permittee shall submit a quarterly report to the Department of the Department of Public Works identifying: (1) all fugitive dust and odor complaints from local residents that the Permittee has received for that quarter regarding the Facility; (2) all notices of violation issued by the SCAQMD or the DPH; and (3) all measures undertaken by the Permittee to address these complaints and/or correct the violations. The Department of Public Works and the DPH shall each have the authority to require the Permittee to implement additional corrective measures for complaints of this nature when such measures are deemed necessary to protect public health and safety.

TRAFFIC AND ROAD IMPROVEMENT

73. Within 90 days after the Effective Date, the Permittee shall submit for review and approval by the Department of Public Works a plan that establishes a program to reduce unnecessary truck trips and queuing of trucks at the Facility- and shall implement the approved plan. The program shall include, but not be limited to, the

following elements:

- a. A plan to schedule regular Facility users, such as commercial and municipal haulers, to avoid having these users arrive at the Facility and queue on public streets right-of-ways or be diverted to other landfills;
 - b. A plan to reserve Landfill capacity until 2 p.m. Monday through Friday during normal operating conditions, for small commercial and private users; and
 - c. A plan to discourage Landfill customers from delivering loads of less than one ton to the Facility.
74. Within 90 days after the Effective Date, the Permittee shall implement a program to include, at a minimum, measures to minimize or avoid the queuing of trucks at the Facility entrance or on SR-126 Highway and any other adjacent streets due to waste delivery or landfilling activities at all times. At any given time, no off-site queuing shall be allowed. The program shall be reviewed and approved by the Department of Public Works. A report on the effectiveness of the program shall be submitted as part of the annual report required pursuant to Part XII of the IMP.
75. Within one year from the Effective Date, the Permittee shall close the existing site entrance on Henry Mayo Drive (SR-126) and relocate the site entrance, along with all its auxiliary facilities to a new site entrance located on Wolcott Drive as shown in Exhibit "A". In the event that the Permittee is unable to relocate the site entrance within a year, the Permittee may request a one-time extension from the Department of Public Works. The extension may be granted at the sole discretion of the Department of Public Works, if the Permittee demonstrates, to the satisfaction of the Department of Public Works that the extension is needed due to activities beyond the Permittee's control and Permittee is making good faith efforts to relocate the Site entrance. Notwithstanding the previous sentence, the total duration of the time extension shall not exceed 180 days.
76. The designated haul route shall be as follows:
- Truck traffic to the Facility from the I-5 FWY shall be restricted to the following route: (a) SR-126 and (b) Wolcott Way to travel to the Facility Driveway. Unless necessitated by road closure or other detour plan implemented by the local jurisdictions, at no time shall any truck movement under the Permittee's control to the Facility from I-5 FWY take place on any other route.
- Truck traffic to I-5 FWY from the Facility shall be restricted to the following route: (a) Wolcott Way and (b) SR-126 and enter I-5 FWY at the SR-126 on-ramp. Unless necessitated by road closure or other detour plan implemented by the local jurisdictions, at no time shall any truck

movement under the Permittee's control to I-5 FWY from the Landfill take place on any other route.

77. Within 90 days after the Effective Date, the Permittee shall provide to the Department of Public Works for review and approval a set of schedules for commencement of the "Chiquita Canyon Landfill Street Improvement Project." The street improvements identified in the "Chiquita Canyon Landfill Street Improvement Project" shall be in accordance with the following:
- a. The Permittee shall be responsible for the following Right-of-Way and Street Improvement Requirements:
 - i. Construct full street improvements on Wolcott Way and Franklin Parkway within the project frontage compatible with the ultimate improvements per Tentative Tract Map No. 53108 to the satisfaction of the Department of Public Works.
 - ii. The design and construction on Wolcott Way should be compatible with vertical approaches to the future grade separations at the SR-126 to the satisfaction of the Department of Public Works and Caltrans.
 - iii. Dedicate right-of-way at a minimum of 70 feet from the latest approved centerline on SR-126, to the satisfaction of the Department of Public Works and Caltrans. The typical section and the ultimate right-of-way are contingent upon the traffic study demonstrating that the project volumes do not exceed the road capacity. In the event the project volumes exceed the road capacity provide additional right-of-way for additional lanes, exclusive right turn lanes and transition improvements to the satisfaction of the Department of Public Works and Caltrans.
 - iv. Provide slope easements at the future SR-126/Wolcott Way interchange to the satisfaction of the Department of Public Works and Caltrans.
 - v. Comply with mitigation measures including offsite improvements identified in the approved Traffic Study Analysis to the satisfaction of the Department of Public Works.
 - vi. Provide signing and striping plans for Wolcott Way, Franklin Parkway, and any other offsite roadway based on the mitigations contained in the approved Traffic Study.
 - vii. Remit the fees which have been established by the Board of Supervisors for the Westside Bridge and Major Thoroughfare

Construction Fee District. The fee amount is due and payable prior to the Effective Date and is based upon the fee rate in effect at the time of the Project's ~~effective date~~Effective Date. The current fee rate is \$23,780 per Factored Development Unit (FDU) and is subject to change. Per the current Westside Bridge and Major Thoroughfare Construction Fee District Report, each gross acre of a commercial site is assessed at five times the applicable FDU rate. Similarly, each gross acre of an industrial site is assessed at three times the applicable FDU rate.

- viii. The Permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the RWQCB as well as any other regulatory agency with appropriate jurisdiction. Except as specifically otherwise approved by the Department of Public Works, all drainage structures including sedimentation basins shall be designed and constructed so as to accommodate run-off from a capital storm.
- ix. The Landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from the disposal areas.
- x. The Permittee shall further comply with all grading requirements of the Department of Public Works and Los Angeles County Ordinance.
- xi. The Permittee shall comply with the following requirements of Street Lighting Section of the Traffic and Lighting Division of the Department of Public Works where the installations of street lights are required. Prior to approval of any street improvement plan, Permittee submit a street lighting plan to the satisfaction of the Department of Public Works. Any proposed street lights that are not within the existing lighting maintenance district will need to be annexed to the district before street lighting plans can be approved.
 - a. Within one year from the Effective Date, the Permittee shall provide street lights on concrete poles with underground wiring on all streets around the project boundaries to the satisfaction of the Department of Public Works. The Permittee shall also contact Caltrans for street lighting requirements on Henry Mayo Drive (SR-126).
 - b. Within 30 days of the Effective Date, the Permittee shall

contact Los Angeles County Department of Public Works, Street Lighting Section to commence and complete the Lighting District Annexation process for the operation and maintenance of the street lights around the project boundary.

- xii. Permittee shall pay all applicable review fees for review of all plans and engineering reports.
 - xiii. Acquire street plan approval from the Department of Public Works or direct check status before obtaining grading permit.
 - xiv. Within 90 days or as otherwise determined by the Department of Public Works, after the approval of the "Chiquita Canyon Landfill Street Improvement Project", execute an Improvement Agreement for the street improvements identified in this Condition No. 77 Subsection (a).
 - xv. Within 360 days after the Effective Date of this grant, the Permittee shall pay its fair share to fully improve, the pavement and thickening of the base/sub base to sustain the entire truck traffic loading of the project operation and any increase in project operation on the following streets or as required to the satisfaction of the Department of Public Works: (1) Wolcott Way between Franklin Parkway and SR-126. The Department of Public Works, at his/her sole discretion, may grant an extension of time not to exceed an additional 360 days if the Permittee demonstrates good faith effort toward construction and completion of this condition 77 Subsection (xv).
- b. Once every 5 years beginning on the Effective Date of this grant and continuing for the duration of this grant, the Permittee shall conduct a Roadway Section Analysis to include a pavement section evaluation of the designated haul route (Wolcott Way and SR-126 to the Facility entrance), as well as all truck counts and traffic index calculation sheets. The findings of the revised Roadway Section Analysis shall be provided to the Department of Public Works and the City of Santa Clarita for review and approval. The Permittee shall be responsible for the pro-rata costs of improving the pavement structure of the roadway segments along the designated haul route per the recommendations in the revised Roadway Section Analysis. Upon construction of any necessary improvements to the pavement structure, the Permittee shall conduct baseline deflection testing in accordance with California Test method 356 and submit the results to the Department of Public Works for review and approval.

- c. Once every 5 years beginning on the Effective Date of this grant and continuing for the duration of this grant, the Permittee shall conduct machine-generated truck counts at the project site entrance on three consecutive days (Tuesday through Thursday) during weeks void of national holidays. The truck counts shall be conducted by an independent count company in accordance with generally accepted traffic counting procedures. The Permittee shall also calculate the 10-year Design Traffic Indices along the designated haul route Wolcott Way and SR-126 to the Facility entrance), based on the truck counts and submit them to the Department of Public Works for review and approval. Lastly, the Permittee shall perform deflection tests along the designated haul route in accordance with California Test Method 356 and submit the results to the Department of Public Works for review and approval. If the retested 80 percentile deflection exceeds 32 percent of the tolerable deflection, the Permittee shall pay its fair share to fully remediate the pavement structure. The Permittee shall submit to the Department of Public Works the proposed method of remediation and schedule for commencement of the improvement for review and approval.

In no event shall the "Chiquita Canyon Landfill Street Improvement Project" be more than 24 months from the Approval Date, unless otherwise extended by the Department of Public Works.

78. In the event the Permittee elects to construct and operate a commercial-scale Conversion Technology facility at the Facility or other location in the ~~unincorporated~~Unincorporated County areas of the Santa Clarita Valley as approved ~~by~~the Department of Public Works, the Permittee is required to prepare and submit a traffic impact study to the Department of Public Works for review and approval. If the traffic impact study identifies traffic impacts, the Permittee will be required to fund and/or build adequate traffic improvements, to the satisfaction of the Department of Public Works.
79. The Department of Public Works, the LEA, and the CAC may monitor the performance of the conditions of this grant designed to minimize truck traffic impact. In the event such measures are found to be inadequate, such entity or entities shall notify the Director of Regional Planning and describe the inadequacy of the conditions.

LITTER CONTROL AND RECOVERY

80. The Permittee shall adopt a program that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Notwithstanding any other provision of this grant, the Permittee shall cease accepting incoming waste during high wind conditions if, despite the methods and technology used for controlling litter, waste cannot be confined to areas under the Permittee's control.

81. Within 30 days after the Effective Date, the Permittee shall submit a litter control program to the DPH and the Department of Public Works for review and approval: that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Permittee shall implement the program as approved and submit any revisions to the Department of Public Works for approval. The program shall include the following requirements, unless the DPH requires otherwise or the Department of Public Works approves altertative measures after determining that they are at least as effective in controlling litter:
- a. Facility personnel shall continuously patrol the access road to the Facility scales during the Facility's hours of operation and remove any litter found during the patrol;
 - b. Loads of Solid Waste that are improperly covered or contained and that may create significant litter shall be immediately detained, and if practicable, properly covered or contained prior to proceeding to the Working Face. If such a remedial measure cannot be taken, the load shall proceed to the Working Face under escort;
 - c. All debris found on or along the entrance to the Facility and/or Working Face access roads shall be immediately removed;
 - d. Operating areas shall be located in wind shielded portions of the landfill during windy periods;
 - e. The landfill operator shall install speed bumps on landfill property in paved areas along the route of trucks leaving the landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the facility;
 - ~~f. At every active Working Face area, the Permittee shall install a primary portable litter fence of adequate height to control litter, and also a secondary fence 4 feet in height behind the primary fence when wind conditions dictate the need for a secondary fence. The Permittee shall employ Best Management Practices to control litter. On windy days, and when the fences are not sufficient, the Working Face shall be located within areas of minimal wind exposure or shall be closed, if so required by the DPH. The DPH, in coordination with Public Works, may require additional measures deemed necessary to effectively control litter, including, but not limited, requiring the Permittee to cease accepting all incoming waste during high wind conditions;~~
 - ~~g. The landfill operator shall install and maintain temporary litter fences in those areas along the property perimeter that are regularly littered due to the location of the operating area, time of year, and climatic conditions.~~

~~The landfill operator, the DPH and the CAC shall work together to identify littered areas in need of fencing; and~~

~~h.f.~~ The Permittee shall require open-bed trucks exiting the landfill either to be swept clean of loose debris or to be covered so as to minimize the possibility of litter escaping onto State Route 126.

The permittee shall comply with this condition and Part XVI of the IMP.

82. Within 90 days after the Effective Date, the Permittee shall develop methods and/or procedures to prevent or minimize vehicles from carrying dirt and/or debris that may be dislodged onto local streets and highways and submit the methods and/or procedures for approval, and implement the approved measures to the satisfaction of the Department of Public Works.
83. In addition to the requirements described in Condition Nos. 80 and 81, the Permittee shall develop and maintain a litter recovery program to the satisfaction of the Department of Public Works and the DPH designed to recover off-site litter from uncovered or improperly covered or contained loads traveling to the Facility or otherwise emanating from the Facility, including conducting weekly inspections of the surrounding neighborhoods within a 21-mile radius of the property boundary of the combined facility. Based upon the inspection, the Permittee shall collect and remove all wind-blown Trash or litter encountered in the specified area. The Permittee shall maintain a log of the inspections, provide the log upon request to the DPH and the Department of Public Works, and include a copy of the log in the annual report required pursuant to Part XII of the IMP. The Department of Public Works, at its sole discretion may increase the frequency of the litter pickup and recovery or adjust the boundary of the specified area or to improve the effectiveness of the litter recovery program.
84. The Permittee shall monitor Chiquito Canyon Road, SR 126, Wolcott Way, Franklin Parkway, and other feeder roads to the entrance to Val Verde at Rancho Aviles and the surrounding area within 100 feet of the centerline of the road (except along SR-126 where collection would start at the shoulder for safety reasons) or to any existing fence on private property for the purpose of locating and cleaning up litter in this area. Litter pickup shall be a minimum of one time per week and may be increased, upon agreement between the landfill operator and the CAC, to maintain a litter free environment
85. The Permittee shall develop and implement a vehicle tarping program at the Facility that effectively discourages uncovered vehicles from using the Facility. Within 30 days after the Effective Date, the Permittee shall submit such vehicle tarping program for approval by the Department of Public Works. Such program shall provide that all vehicles loaded with Solid Waste or any other material that creates the potential for litter shall be fully tarped or otherwise contained when entering and leaving the Facility, and that no such vehicle shall be allowed to

enter the Facility until the driver has been informed of the tarping requirements and has been asked to have his/her load covered. The program shall impose penalties on repeat violators up to and including being permanently prohibited from using the Facility.

OTHER PERMITS/REQUIREMENTS

86. The Permittee shall monitor and maintain the Facility's Environmental Protection and Control Systems in perpetuity, or until such time as the Department of Public Works, based on generally accepted engineering practice, determines that the routine maintenance and foreseeable corrective action that may be necessary during and after the Post-Closure Maintenance Period has been fully satisfied, and the Solid Waste disposed of in the Landfill no longer constitutes a threat to public health and safety, or to the environment.
87. The Permittee shall take all necessary measures to ensure that noise emissions from the Facility at all residential receptors are within the acceptable limits of the Los Angeles County Noise Ordinance, as contained in Chapter 12.08 of the County Code.
88. The Permittee shall implement effective vector control measures at the Facility pursuant to State standards, as directed by the DPH.
89. Any future traffic circulation scenario outside the current haul routes shall avoid areas of high biological diversity. Prior to utilization of a new haul route, the Permittee shall submit the proposed haul route with all supporting information/report/survey of biological resources in the vicinity of the proposed haul route to the Department for review and approval. The Department shall consult with the Department of Public Works regarding any changes to the current haul route.
90. For fire protection purposes, the Permittee shall maintain on-site fire response capabilities, construct access roads, and provide water tanks, water mains, fire hydrants, and fire flows, to the satisfaction of the County Fire Department including, but not limited to the following:
 - a. A Class II Standpipe System shall be provided and located within 200 feet of the landfill footprint and shall have sufficient 1 1/2-inch hose with a variable-fog nozzle to reach all portions of such operations. The use of water tender trucks may be permitted in lieu of a Class II Standpipe System provided each is equipped with 2 1/2-inch outlets for County Fire Department's use.
 - b. Approved access roads no less than 20 feet in width clear to the sky shall be provided and maintained at all times around the landfilling areas to provide access for firefighting equipment. Weeds, grass, and combustible

vegetation shall be removed for a distance of 10 feet on both sides of all access roads used by solid waste trucks or the public. All access within the landfill site shall be in accordance and compliance with the County Fire Code and standards.

91. All development pursuant to this grant must be kept in full compliance with County Fire Department Regulation 10. Construction plans for access roads shall be submitted to the County Fire Department for review and approval.
92. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls for the tanks provided, in accordance with the requirements of the County Fire Department, the Department of Public Works, the RWQCB, and the SCAQMD.
93. The Permittee shall develop and implement a program to identify and conserve all significant archaeological and paleontological materials found at the Facility pursuant to Part IX of the IMP. If the Permittee finds any evidence of aboriginal habitation or fossils during earthmoving activities, Landfill operations shall immediately cease in that immediate area, and the evidence and area shall be preserved until a qualified archaeologist or paleontologist, as appropriate, makes a determination as to the significance of the evidence. The Department will review and approve this program, if the determination indicates that the archaeological or paleontological resources are significant, the resources shall be recovered to the extent practicable prior to resuming Landfill operations in that immediate area of the Landfill.
94. The Permittee shall develop and obtain approval from the Department of Public Works for a Standard Urban Storm Water Mitigation Plan for the Facility's activities, unless the Department of Public Works determines that such plan is unnecessary.
95. The Permittee is prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility without the required permit from the Department of Public Works, and the Permittee shall conduct such activities in compliance with all applicable regulations and permits.. The activities covered by this Condition No. 95 include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this Condition No. 95, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
96. The Permittee shall at all operating times, Monday through Saturday, maintain adequate on-site staff, with appropriate training and experience for the operation of the Facility. At least one on-site senior level member shall be familiar with or have access to an electronic or hard copy of this grant and possessed a SWANA Manager of Landfill Operation (MOLO) certification.

97. The Permittee shall at all times, 24 hours a day, 7 days a week, make available at least one emergency contact person, with sufficient expertise to assess the need for remedial action regarding operation-related accidents, and with the requisite authority and means to assemble the necessary resources to take such remedial action. The individual must be able to be reached on a continuous basis through the telephone number or e-mail address posted at the Facility entry gate.
98. Within ~~180~~90 days after the Effective Date, the Permittee shall ~~obtain from~~submit a completed application to the Task Force for a "Finding of Conformance" ~~determination or an equivalent determination by the Task Force~~ that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element. The application must comply with all of the submittal requirements set forth in Table 10-1 thereof. The Permittee shall also promptly comply with any requests from the Task Force for additional information needed in connection with the application and shall comply with all conditions of such Finding of Conformance.
99. Upon the Effective Date, the membership of the Alternative Technology Advisory Subcommittee of the Task Force shall be increased to include a representative of the Permittee and an environmental representative designated by the Fifth Supervisorial District to represent the Santa Clarita Valley. Notwithstanding the preceding sentence, the membership of the Alternative Technology Advisory Subcommittee may be adjusted at the sole discretion of the Department of Public Works, acting as the Chair of the Task Force, as necessary upon the recommendation of the Task Force.
100. All employee, guest, and truck parking shall be developed and maintained as set forth in Part 11, Chapter 22.52 of the County Code.
101. All salvage material stored at the Facility (except materials which are to be used for landfill operations), dumpsters, containers, construction materials, and disabled trucks and equipment shall be consolidated into one or more areas that are screened by fences or other means from public streets and adjacent private lands not owned by the Permittee, in accordance with the provisions of Part 7, Chapter 22.52 of the County Code.
102. The perimeter of the Landfill shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier (such as fencing) or topographic constraints. enclosed by fencing to inhibit unauthorized entry. Except as otherwise required by the DPH, fencing shall conform to the detail shown on the approved Exhibit "A".
103. Business signs shall be as permitted by Part 10, Chapter 22.52 of the County Code for Zone C-1, except that no portion of any such sign may extend more than 15 feet above the ground and the total sign area shall be based upon a street or

building frontage of 100 feet.

104. Within 10 years after the Effective Date, and every 10 years thereafter, the Department of Public Works, in consultation with the Department and the Permittee, shall select an independent consultant(s) with expertise in engineering and planning, to conduct a comprehensive study analyzing various alternatives to serve the long-term Solid Waste Disposal needs of the Santa Clarita Valley. The purpose of the study is to ensure uninterrupted solid waste disposal services to the residents and businesses in the Santa Clarita Valley, keeping disposal fees low and stable, making existing facilities as efficient as possible, and ensuring that facilities keep pace with population growth and changing technologies in the solid waste industry. The study should include a comprehensive analyses (including a sensitivity and cost-to-benefit analysis) of all aspects of this endeavor, including but not limited to, the economic, environmental, and technical feasibility of the following alternatives/issues:
- a. Evaluating rail and truck transport options for solid waste export out of the Santa Clarita Valley, including the necessary infrastructure (in and out of the Santa Clarita Valley) to realize these options.
 - b. Demonstrating how any proposed waste-by-rail option would tie into the existing or future county waste-by-rail system.
 - c. Developing Conversion Technology facilities in the Santa Clarita Valley.
 - d. Planning a future transfer station system in the Santa Clarita Valley.
 - e. Reviewing public/private ownership options.
 - f. Analyzing financing, staffing, and rate impacts.
 - g. Defining and establishing the facility siting processes.
 - h. Establishing a process for involving interested parties in the planning process.
 - i. Any other alternatives and issues deemed appropriate by the Department of Public Works and/or the Department.

The costs of the study shall be equally shared by the Permittee and the Department of Public Works, Environmental Programs Division, but in no event shall the cost to the Permittee exceed \$50,000 per study. The Permittee shall make the payment within 30 days of receiving the invoice for the consultant's services. The study shall be completed within 18 months of the selection of the independent engineering/planning consultant(s). The study's findings and recommendations shall be submitted to the TAC for review and comment. Upon

addressing all the TAC's comments to the satisfaction of the TAC, the independent engineering/planning consultant(s) shall submit the study to the Commission, the Department, the Department of Public Works, the Permittee, and all other interested parties. The Permittee shall submit a detailed response to the study's findings and recommendations, including which recommendations it plans to pursue. The Permittee shall make a good-faith effort to implement all recommendations to carry out the purpose of this Condition No. 103 to the satisfaction of the Department of Public Works.

105. The Permittee shall implement and comply with the following seismic monitoring requirements:

- a. Complete installation of an on-site accelerometer system to measure earthquake/seismic ground motions within 180 days after the Effective Date. The system design, including but not limited to, locations of sensors, shall be reviewed and approved by the Department of Public Works. A set of as-built plans signed and sealed by a California Registered Civil Engineer, or other registered professional approved by the Department of Public Works, shall be provided to DPH and the Department of Public Works.
- b. Following a major earthquake/seismic ground motion of magnitude 5.0 or greater, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, thoroughly survey the Facility for primary and secondary surface expressions of seismic activity (such as surface ruptures, landslides, change in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the Department of Public Works and the DPH for review. The assessment report shall describe and discuss all features, including damage to the site and infrastructure caused by the earthquake and measures that will be taken to mitigate the impact to the satisfaction of the Department of Public Works.

106. The Permittee shall accept all Solid Waste and Beneficial Use Materials generated and delivered to the Facility by all waste haulers and customers operating in the Unincorporated County Areas of Santa Clarita Valley. The Permittee shall submit to the Department of Public Works an annual report on the origin of Solid Waste and Beneficial Use Materials accepted at the Facility by jurisdiction of origin. The annual report shall also contain information on all waste haulers (including those owned or operated by the Permittee, its subsidiaries, or affiliated enterprises) and self-haul customers utilizing the Facility, whether (and why) any waste haulers and self-haul customers were turned away from the Facility, and the tipping fee charged for all waste haulers and self-haul customers. The Permittee shall not engage in predatory pricing that may discourage any private waste haulers and self-haul customers from utilizing the Facility.

107. Within 90 days after the Effective Date, the Permittee shall install video monitoring

equipment at the Facility to record and monitor Landfill operations at each Working Face area ~~and at other critical locations, between the period of 5 a.m. to 10 p.m.~~ to ensure compliance with the conditions of this grant. Copies of the video recordings shall be provided to the Department of Public Works, DPH and the TAC upon request, and shall be kept and maintained at the Facility for one year after recording, unless the DPH determines, at its sole discretion, that the video recordings should be kept for a longer period to protect public health, safety, or the environment.

108. The Permittee shall provide four free quarterly clean-up days to residents of the community of Val Verde and Castaic, showing proper identification and proof of residence at the landfill entrance. These days may be Saturday or Sundays, subject to the approval of the Department of Public Works. The Permittee shall accept all Solid Waste delivered to the site with proof of residency during the event free of charge, up to 1 ton per residence, and promote the program in a newspaper of general circulation. The operator shall further reimburse the CAC for the cost of providing two roll-off bins in Val Verde and Castaic on each clean-up day with the locations determined by the CAC. The operator and CAC may jointly change this program if they mutually determine alternatives to the above can further assist the community.
109. The Permittee shall designate as open space for recreational use in perpetuity those portions of the site on which fill has or will be placed. In addition, the permittee shall provide all funds needed for the preparation of a park feasibility study, park master plan and environmental documentation as well as reasonable funding for the development, operation and maintenance of the park to support recreational use upon closure of the Landfill.

Within one year of the effective date of this grant, the permittee shall submit a notice of intent to the Los Angeles County Department of Parks and Recreation, to complete a park master plan feasibility study with input from the Department of Parks and Recreation. Such study shall be submitted not later than January 1, 2030-2040. The study will conceptually analyze options and funding needed for development, operation and maintenance of portions of the site on which fill has been or will be placed for recreational use. Upon approval of the study by the Director of Parks and Recreation, the Director of Parks and Recreation will use such study to establish an amount of funding that the Permittee will be required to provide for development, operation and maintenance of a park on the site. In the event that the amount of funding that is set aside is not sufficient to cover the activities of the park, the permittee shall supplement the funding deficiency.

At the discretion of the Director of Parks and Recreation, but no later than five years before the termination of disposal operations under this grant, the permittee will fund the completion of a park master plan for portions of the site on which fill has been or will be placed. Funding for the park master plan and environmental documentation will be held in an interest bearing trust account and will be available

~~tefor~~ the ~~County~~purpose of fulfilling this condition, at least five years before the termination of disposal operations under this grant.

~~Permittee shall provide funding to the County for the implementation of the park master plan at the close of the landfill.~~

~~If the designated park site is offered to and accepted by the County, then the County should have access to the funds in the trust account. Alternatively, the designated park site may be offered to another acceptable agency or entity, to the satisfaction of the Director of Regional Planning, and upon acceptance by said agency or entity, the funding would thereafter be available to such agency or entity.~~

PERMITTEE FEES

110. The requirement that the Permittee pay the fees set forth in Condition Nos. ~~444~~112 through ~~424~~122, inclusive, shall not begin until the Effective Date. Prior to that date, any and all fees required by CUP 89-081 (5) shall remain in full force and effect. The following fees are cumulative and are in addition to any other fee or payment required by this grant.

111. All financial records shall be preserved for a period of 3 years and shall be available for inspection by the DPH, the Department of Public Works, the Department, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.

112. The Permittee shall pay to the office of the Los Angeles County Treasurer and Tax Collector a quarterly fee equal to 10 percent of the sum of the following, ~~net any amount the Permittee pays to the County~~ pursuant to Section 4.63, et seq., of the County Code:

a. The net tipping fees collected at the Facility as described below in

this Condition No. ~~444~~112. For purposes of this Condition No. ~~444~~112, "net tipping fee" shall mean the total fees collected, less any taxes or regulatory fees imposed by a federal, state, or local agency that is included in the fee charged by the Permittee at the Facility entrance. "Total fees collected" shall be calculated as the total gross receipts collected by the Permittee; The net tipping fees collected at the landfill shall exclude any tipping fees received for waste processed at the material recovery, household hazardous waste and composting facilities approved in Conditions No. 24);

b. The revenue generated from the sale of Landfill gas at the Facility,

less any federal, state, or local fees or taxes applicable to such revenue;
and

c. The Revenue generated by any other disposal –related activity or enterprise at the Facility, less any federal, state, or local fees or taxes applicable to such revenue.

~~112.113.~~ The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 25 cents per ton of all Solid Waste ~~and Beneficial Use Materials received~~ disposed received at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used for the implementation and enhancement of waste reduction and diversion programs, including but not limited to, conducting document/paper shredding and waste tire collection events in County ~~unincorporated~~ Unincorporated areas.

~~113.114.~~ The Permittee shall pay on a monthly basis to the Department of Public Works a fee of ~~108~~ cents per ton of all Solid Waste ~~and Beneficial Use Materials received~~ disposed at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used at the sole discretion of the Director of the Department of Public works for administration, implementation, and enhancement of ~~illegal dumping prevention programs and~~ disaster debris removal activities in Val Verde, Castaic, and other Unincorporated County ~~unincorporated~~ areas surrounding the landfill, including providing waste disposal and collection service vouchers to assist residents in clean-up activities.

~~114.115.~~ For the life of this grant, except as provided in Condition No. ~~115~~ 116 of this grant, the Permittee shall pay on a monthly basis to the Department of Public Works a fee for every ton of Solid Waste originating within Los Angeles County but outside the Santa Clarita Valley Area that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month, according to the following rates:

Incoming Tonnage (Tons/Day)	Fee
0 - 1,999	\$2.00 per ton
2,000-3,999	\$4.00 per ton
4,000-5,999	\$6.00 per ton
6,000 and over	\$8.00 per ton

For the life of this grant, except as provided in Condition No. ~~115~~ 116, the Permittee shall pay on a monthly basis to the Department of Public Works a fee

of \$10.00 per ton for all Solid Waste and Beneficial Use Materials originating outside of Los Angeles County and within California that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month.

The fee shall be used to fund programs and activities that 1) fund environmental, educational, and quality of life programs in Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, 2) enhance Countywide disposal capacity, mitigate landfill impacts in the ~~unincorporated~~Unincorporated County areas, 2and 3) promote development of Conversion Technology facilities that benefit the County, ~~and 3) fund environmental, educational, and quality of life programs in unincorporated areas surrounding the Landfill.~~

The fee applicable for every ton of material originating outside the Santa Clarita Valley Area but within Los Angeles County shall be determined using the above tiered-structured table and by dividing the total incoming waste from outside the Santa Clarita Valley by the number of delivery days. For example, if the monthly total is 50,000 tons and number of delivery days is 20, then the average quantity is 2,500 TPD, and the fee is the sum of $(\$2 \times 1,999) + (\$4 \times 501) = \$6,002 \times$ number of delivery days. The fee shall be adjusted annually in accordance with the CPI.

~~Thirty-three (33) percent of each monthly payment shall be deposited by~~One third (33.3 percent) of the monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Unincorporated Community Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance and environmental, educational, and quality of life programs in the communities of Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill.

Another one third (33.3 percent) of each monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Landfill Mitigation Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance Countywide disposal capacity and mitigate landfill gas impacts in the ~~unincorporated~~Unincorporated County areas.

~~Another, thirty-three (33) percent of the monthly payment shall be deposited by Public Works into an interest-bearing deferred Unincorporated Community Program Account, created and maintained by Public Works to fund programs and activities that enhance and environmental, educational, and quality of life programs in in the community of Val Verde and other unincorporated communities surrounding the Landfill.~~

The remaining ~~thirty-four (34)~~one third (33.3 percent) of the monthly payment shall be deposited into an interest-bearing deferred Alternative-to-Landfilling

Technology Account, created and maintained by the Department of Public Works to fund research and activities that promote the development of Conversion Technology facilities that benefit the County.

In the event the Department of Public Works, in consultation with the Director of Regional Planning, determines that the Permittee has constructed and commenced operation of a Conversion Technology facility in full satisfaction of the requirements of Condition No. ~~415~~116 of this grant, the fee requirement of this Condition No. ~~414~~115 shall thereafter be reduced by ~~thirty-four (34)~~one-third (33.3 percent-). The new rate shall be as follows, but only so long as the Conversion Technology facility is operating:

Disposal Quantity (Tons/Day)	Fee
0 - 1,999	\$1.32 per ton
2,000-3,999	\$2.64 per ton
4,000-5,999	\$3.96 per ton
6,000-7,000	\$5.28 per ton

The fee applicable to all Solid Waste and Beneficial Use Material originating outside of Los Angeles County shall remain unchanged. Upon the effective date of the new rate, the funds generated from this fee shall be split equally between the ~~Landfill Mitigation Program Account and the~~ Unincorporated Community Program Account and Landfill Mitigation Program Account.

~~415-116.~~ 116. In the event the Permittee elects to construct and operate a commercial-scale Conversion Technology facility (excluding composting facilities) at the Facility or other location in the County as approved by the Director of Public Works, the Permittee may seek to provide such facility in lieu of paying thirty-four (34) percent of fee required by Condition No. ~~414~~115 of this grant. "Construct and operate" shall mean fully funding and successfully completing the siting, design, permitting, and construction of an operating facility for the conversion of a minimum of 500 tons per day of Solid Waste into useful products, fuels, and/or energy through no-combustion thermal, chemical, or biological processes (excluding composting facilities). The Permittee shall be responsible for obtaining all necessary permits and approvals required to construct and operate the facility. The facility must be fully permitted, operational, and processing at least 50 percent of the daily tonnage permitted for such facility on the 5th anniversary of the Effective Date and fully operational by the 6th anniversary of the Effective Date.

After the Director of Public Works has verified the Conversion Technology facility (excluding composting facilities) has commenced operation and is in full satisfaction of the requirements of Condition No. 445116 of this grant, the Permittee may request reimbursement from the Alternative-to-Landfilling Technology Account, created and maintained by the Department of Public Works. Eligible expenditures for reimbursement include design, permitting, environmental document preparation, construction, and inspection that are verified by the Department of Public Works as necessary and directly related to the development of a Conversion Technology Facility (excluding composting facilities) that meets the requirements of Condition No. 445116 of this grant.

The Permittee must provide access to the Department of Public Works and its independent consultant(s) to all areas of the facility during all phases of the development and must respond to information requests, including operating and performance data, from the Department of Public Works in a timely manner. The Permittee shall provide tours of the facility to the public at the request of the Department of Public Works.

Upon the Effective Date of this grant, the Permittee shall submit to the Department of Public Works for review and comment quarterly reports, providing detailed status of the selection of the type of Conversion Technology and progress of the development. Within one year after the Effective Date, the Permittee must submit a proposal for the type, location, and preliminary design of the Conversion Technology facility for review and approval by the Department of Public Works in consultation with the Director of Regional Planning. As part of the proposal, the Permittee shall submit a detailed project milestone schedule, including at a minimum, a scheduled completion date for permit approvals, financing, 30 percent, 60 percent, and 90 percent design levels, construction completion, start-up, acceptance testing, and beginning of commercial operations. Within 6 months of receipt of the proposal, the Department of Public Works shall notify the Permittee of the findings of its review and determination as to whether a Conversion Technology Facility is or is not anticipated to be successfully developed in accordance with the requirement of this Condition No. 445116.

When the Conversion Technology Facility is permitted, developed and in operation, the Permittee shall submit to the Department of Public Works quarterly informational reports including quantities of feedstock, output materials, output gas, energy, and/or fuel as well as an annual report for review and comment providing detailed status of the operation, permits, and regulatory compliance of the Conversion Technology facility, including quantities and origins of feedstock, quantities of output, design life, and performance efficiency.

In the event that a Conversion Technology facility is not anticipated to be successfully developed by the 5th anniversary of the Effective Date, the

Permittee may submit a request for a one-year time extension to the Department of Public Works, no later than 3 months prior to the 5th anniversary of the Effective Date. The extension may be granted at the sole discretion of the Department of Public Works, if the Permittee demonstrates, to the satisfaction of the Department of Public Works, that it has made good faith efforts towards developing the facility, and shows that circumstances related to the facility's permitting process and other events outside of the Permittee's control prevented the facility from being fully permitted and operational. Similarly, a one-year time extension may also be granted up to 2 additional times, at the request of the Permittee. Such additional requests shall each be received no later than 3 months prior to the anniversary of the Effective Date after the 6th and 7th years. The total duration of the time extension(s) shall not exceed 3 years.

~~116-117.~~ Pursuant to Goal 2.4.2 of the Los Angeles County Countywide Siting Element adopted by the Board in 1997, and the Board's policy adopted on July 27, 1999 to promote the development of alternatives to landfill and incineration processes, the Permittee shall contribute \$200,000 annually, not to exceed \$3,000,000 for the life of this grant, to an alternative technology development fund, which fund shall be an interest bearing account established and maintained by the Department of Public Works. This fund shall be used to research, promote, and develop the alternative technologies that are most appropriate for Southern California from an environmental and economic perspective. The determination of appropriate alternative technologies as well as the use of the fund shall be made by the Department of Public Works. Within six months after the Effective Date, the Permittee shall deposit its first \$200,000 payment required by this Condition No. ~~116117~~, and thereafter annually by March 31.

~~117-118.~~ By March 31 of each year, the Permittee shall pay to the County Department of ~~Parks and Recreation~~ Public Works an annual fee of ~~\$1,000.50~~ per ton of all Solid Waste ~~and Beneficial Use Materials received~~ disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited into an interest bearing trust fund established to acquire and/or develop natural habitat and parkland within the County-Santa Clarita Valley. No monies from this trust fund shall be used for projects or programs that benefit areas outside the communities surrounding the Landfill. The ~~Department~~ Director of ~~Parks and Recreation~~ Public Works shall administer the trust fund in consultation with the Director of Parks and Recreation, and all monies in the trust fund, including accrued interest, shall be spent ~~by the Department of Parks and Recreation in a manner consistent with applicable Department of Parks and Recreation requirements and policies for the Santa Clarita Valley region for park and recreational purposes.~~

~~118-119.~~ By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of ~~\$1,000.50~~ per ton of all Solid Waste ~~and Beneficial Use Materials received~~ disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual

payment shall be deposited by the Department of Public Works into an interest bearing trust fund established to provide funding for ~~transportation road~~ improvements in the ~~Santa Clarita Valley~~ Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill. The Department of Public Works shall administer this trust fund, and all monies in the trust fund, including accrued interest, shall be disbursed by Department of Public Works.

~~119.120.~~ By January 10 of every other year, the Permittee shall pay to the Department of Regional Planning a sum of ~~\$8450,000~~ for the purpose of financing planning studies, including, but not limited to neighborhood planning studies for ~~surrounding neighborhoods~~ Val Verde, Castaic, and the Unincorporated Santa Clarita Valley, as determined by the Director of Regional Planning. The fee shall be adjusted annually in accordance with the CPI. The payments shall be held in an interest-bearing account. Payment for the first year is due within 90 days after the Effective Date. Should there be monies remaining in the account, not spent on planning studies or committed to use on such studies within the identified area, such fees will be returned to the permittee at the termination of the permit.

~~120.121.~~ By March 31 of each year, the Permittee shall pay to the Department Regional Planning a fee of \$1.00 per ton of all Solid Waste ~~and Beneficial Use Materials received~~ disposed at the Landfill during the preceding calendar year. The payment shall be adjusted annually in accordance with the CPI. The payments shall be deposited by the Director of Regional Planning into an interest-bearing community benefit and environmental education trust fund, created and maintained by the Director of Regional Planning. This fund shall be used to fund environmental, educational, and quality of life programs in the ~~Santa Clarita Valley~~ Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill, and to fund regional public facilities that serve this area. All disbursement of the monies in the fund shall be determined by the Director of Regional Planning.

~~121.122.~~ The Permittee shall fund 10 collection events per year to be held by the Department of Public Works for the collection of Household Hazardous Waste and Electronic Waste, including discarded computers. The cost of each event shall be \$100,000, adjusted annually in accordance with the CPI. The Permittee shall make annual payments for these events. The first payment is due within 90 days after the Effective Date, and the subsequent payments are due by March 31 of each year.

In lieu of paying for 5 of the 10 collection events per year, the Permittee may instead elect the following option:

The Permittee will fully fund the siting, development, operation, and staffing of a new permanent Santa Clarity Valley Environmental Collection Center at the Facility or other location in the

~~unincorporated~~Unincorporated areas of the Santa Clarita Valley (substantially similar in design to the Antelope Valley Environmental Collection Center) for the collection of household hazardous/electronic waste. The Permittee shall be responsible for building, constructing, and obtaining all necessary permits and approvals required to operate the center. The center, whose design and location must be approved by ~~Public Works in consultation with other interested entities, including the City of Santa Clarita~~the Department of Public Works, must be open at least twice a month to all County residents. The operating hours shall be similar to that of the Antelope Valley Environmental Collection Center or as determined by the Department of Public Works. Upon the center's opening, the Permittee shall implement an on-going comprehensive promotional campaign to reach all Santa Clarita Valley residents. The campaign must be reviewed and approved by Public Works in consultation with other interested entities.

In the event the Permittee elects above option, the Permittee shall notify the Department of Public Works of its decision within 90 days of the Effective Date, along with a detailed project timeline (including, but not limited to, estimated project costs, etc.) for review and approval. The Department of Public Works reserves the right to determine whether the Permittee has satisfied the requirements for payment deduction and when the deduction will commence, and if necessary, prorate the payments to meet the intent of this Condition No. ~~121~~122.

~~122~~123. Prior to the Effective Date, the Permittee shall:

- a. Deposit the sum of \$20,000 with the Department. The deposit shall be placed in a performance fund draw-down account, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant, to review and verify any and all information contained in the required reports of this grant, and to undertake any other activity of the Department to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections (amount charged per each inspection shall be \$200.00, or the current recovery cost, whichever is greater), providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes, or for routine monitoring of any and/or all of the conditions of this grant for a minimum of 5 years. Inspections shall be conducted biennially (once every other year) to ensure that any development undertaken on the subject property is in accordance with the approved Exhibit "A" on file. If the actual costs incurred pursuant to this Condition No. ~~122~~123 (a) have reached 80 percent of the amount of the

initial deposit (\$16,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$20,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the Permittee, the Permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. ~~122~~123 (a).

- b. Deposit the sum of \$50,000 in an interest-bearing trust fund with the Department of Public Works from which actual costs billed and not honored by the Permittee will be deducted for the purpose of defraying the expenses involved in the Department of Public ~~Works'~~Works' review and verification of any and all information contained in the required reports of this grant and the MMRP, and any other activity of the Department of Public Works to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, coordination of mitigation monitoring, providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes or for routine monitoring of any and/or all of the conditions of this grant for a minimum of 5 years. If the costs incurred pursuant to this Condition No. ~~122~~123 (b) have reached 80 percent of the amount of the initial deposit (\$40,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$50,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the Permittee, the Permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. ~~122~~123 (b).
- c. The balance remaining including interest in the draw-down account as described in Subsection (a) above and trust fund as described in Subsection (b) above shall be returned to the Permittee upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.

LEGISLATION

~~123. The Permittee shall support legislation and regulations that will promote the development of Conversion Technologies. The Permittee shall consult with Public Works to determine which legislation and regulations will promote the~~

~~development of Conversion Technologies. The Permittee shall submit correspondence to the State legislature to support legislation and regulations which, at a minimum:~~

- ~~a. Provides economic incentives for the development of Conversion Technologies;~~
- ~~b. Removes from the definition of transformation under Section 40201 of the California Public Resources Code any technologies and/or processes categorized as Conversion Technologies;~~
- ~~c. Provides full diversion credit for waste managed by these Conversion Technologies towards the State's waste reduction mandates; and/or~~
- ~~d. Remove any unnecessary regulatory hurdles that impede such development.~~

124. The Permittee shall continue working with the waste industry, in concert with cities, the County, and other stakeholders in the industry, to seek amendment of existing laws and regulations to require that compliance with the State's waste reduction mandates be measured by diversion program implementation as opposed to disposal quantity measurement, and to further require the State-mandated Disposal Reporting System to be used solely to identify waste generation and disposal trends-. to the extent that this would further the objective of the Project as stated in the EIR of continuing to provide landfill waste diversion programs that are relied upon by many local cities and communities in achieving state mandates for waste diversion.

COMMUNITY INFORMATION/INQUIRIES

125. The Permittee shall post a sign at the entrance gate to the Facility providing the following information:
- a. The telephone number of the hotline to contact the Permittee on a 24-hour basis to register complaints regarding the Facility's operations. All complaints received shall be reported to the Director of Regional Planning, and other agencies, as appropriate, on the same day but no later than 10 a.m. of the following business day. Said telephone number shall be published in the local telephone directory, Permittee's website and local library;

- b. The telephone number of the DPH and the hours that the DPH office is staffed; and
 - c. The telephone number of SCAQMD's enforcement offices and the hours that the SCAQMD offices are staffed.
126. The Permittee shall maintain a hotline/emergency log at the Facility which shall record all complaints received regarding Landfill operations. The record of complaints shall include the date and time, nature of complaints, and actions taken to identify and resolve the complaint. The Permittee shall at all times, 24 hours a day, 7 days a week, provide at least one emergency contact person, with sufficient expertise to assess the need for remedial action to promptly respond to complaints from the surrounding neighborhood regarding dust, litter, odor, air quality, or other operational issues. The Permittee shall resolve all complaints to the satisfaction of the Director of Regional Planning. Permittee shall maintain records of this hotline for 3 years, made available upon request, and submitted as part of the annual report required pursuant to Part XII of the IMP. The records shall include information of all complaints received regarding the landfill operations, the Permittee's follow-up action to the complaints, and their final resolution.
127. The Permittee shall prepare and distribute to all interested persons and parties, as shown on the interested parties list used by the Department of Regional Planning for this matter, and to any other person requesting to be added to the list, a quarterly newsletter , or electronic/social media, providing the Facility's website and its 24-hour hotline/emergency telephone numbers, and also providing the following information for the quarter: (1) "What is New" at the Facility; (2) the regulatory and permitting activities at the Facility; (3) the hotline/emergency log for the period; and (4) a summary of any and all progress reports and/or annual reports required by this grant. The newsletter shall be posted on the Facility's website and distributed to at least one the Castaic library and other local library. —libraries. In addition, the Permittee shall notify the Community Advisory Committee, as described in Part XI of the IMP, the Val Verde ~~Town Council Association~~ Community Advisory Committee, the Castaic Area Town Council Association, and any other interested community groups in the immediate vicinity of the Facility, of any significant operational change at the Facility.
128. Within 180 days after the Effective Date, the Permittee shall update its website to provide general information to the community regarding the Facility's recycling activities/programs, environmental mitigation measures, frequently asked questions, a description of the Facility's operation, which may include video, a complaint resolution mechanism, recent Notices of Violation and how they were resolved, and any other pertinent information requested by the Department of Public Works for the life of this grant.

OAK TREE PERMIT SPECIFIC CONDITIONS

129. This grant, OAK 201500007, shall authorize the removal of four (4) trees (# 1, 2, 3, and 89) of the oak genus (*Quercus agrifolia*) as shown on the site plan (OAK 201500007 Exhibit "A").
130. This permit (OAK 201500007) shall not be effective until a site plan (CUP 200400042 Exhibit "A") is approved for the construction of the proposed landfill facilities and associated grading, demonstrating the need to remove the said trees.
131. The Permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of eight (8) mitigation trees.
132. The Permittee shall plant one healthy acorn of the same species of oak (*Quercus sp.*) as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
133. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus sp.*) as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
134. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus sp.*) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
135. If any oak tree grows into ordinance size during the duration of this permit, removals, encroachments or any additional impacts shall be inclusive within this permit to ensure proper mitigation.

In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches to two inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forestry Division of the County of Los Angeles Fire Department. In no case shall more than 20 percent of the tree canopy of any one tree be removed.

136. Except as otherwise expressly authorized by this grant, any remaining oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance", prepared by the Forestry Division of the County of Los Angeles Fire Department. A copy of the publication is enclosed with these conditions.
137. The Permittee shall comply with all conditions and requirements contained in the County Forester and Fire Warden, Forestry Division, letter dated January 24, 2017 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

Attachments:

Project Site Plan – Exhibit "A"

County Forester's Letter dated January 24, 2017
Oak Trees: Care and Maintenance Guide

Fire Department letter dated February 24, 2017

Department of Public Health letter dated February 23, 2017

Implementation and Monitoring Program (IMP)

Mitigation Monitoring and Reporting Program (MMRP)

Tonnage Capacity Breakdown Table

Table for Fee Structures

Table for Monitoring Requirement and Frequency

SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559

April 19, 2017

ATTACHMENT D

April 12, 2017

Kathryn Barger, Fifth District Supervisor
Janice Hahn, Fourth District Supervisor
Sheila Kuehl, Third District Supervisor
Mark Ridley-Thomas, Second District Supervisor
Hilda L. Solis, First District Supervisor
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90082

Dear Supervisors Barger, Hahn, Kuehl, Ridley-Thomas, and Solis:

We wish to provide our input concerning the FEIR and environmental review of the Chiquita Canyon Landfill Master Plan Revision, as part of the hearing on the FEIR scheduled for April 19, 2017. For the reasons we discuss below, our assessment of the project is that it will continue to injure, with significantly greater impact, the health and well-being of nearby residents, especially those residing in the town of Val Verde. We feel that the injustice is great enough to warrant retraction of the FEIR and denial of the expansion permit.

As importantly, the FEIR itself is inadequate. The FEIR itself did not specifically address issues raised by various parties, including one of the authors of this letter; it instead repeated text found in the DEIR. The purpose of the public review is to address and respond to these comments, which the FEIR did not do. Some of the major objections to the proposed expansion and the FEIR include the following.

1. As Dr. Raul Lejano discussed in his comments on the DEIR (August 23, 2014), the estimated excess cancer risk (i.e., the additional risk due to the landfill's emissions alone) to the maximum exposed individual (MEI) is around 420 in a million, well in excess of the significance threshold.¹ This was not specifically addressed in the FEIR. The latter only stated that risk analyses are conservative and, so, provide inflated risk estimates --a claim which is not responsible, given that there is no evidence showing that the DEIR's analysis is conservative or not. Moreover, such a statement would preclude conducting analysis altogether. The technical opinion offered by Dr. Lejano, an authority on risk assessment, is that the estimate of 420 in a million is not conservative and is indicative of the risk burden borne by residents of Val Verde due to the continued operation of the landfill. Expanding the landfill would increase cancer risk by 100 in a million or more. In addition, potential impacts on groundwater and surface water quality were not addressed.

2. There is considerable epidemiological evidence of injuries to residents around these types of landfills from exposure to air toxics and particulates through airborne and waterborne routes of exposure. Mataloni et al. 2016 found evidence of increased cancer mortality rates and higher hospitalization rates (due to respiratory illness) within 5 km of the municipal landfills studied.² Other studies also found serious health

¹ Lejano, R., Environmental analysis of the proposed Chiquita Canyon Landfill expansion. 2005, Department of Planning, Policy, and Design, University of California, Irvine: Irvine, CA.

² Mataloni, F. et al. (2016) "Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study." *International journal of epidemiology* 45(3): 806-815.

effects, including congenital malformations, due to proximity to landfills.³ The DEIR did not consider such striking evidence, and the FEIR did not address comments submitted for the DEIR review and civil rights complaint, which highlighted that evidence.

3. There is ample reason to suspect that analyses of environmental health risks are, in fact, understated (not conservative).

The most exposed residents (MEIR) and most exposed workers (MEIW) (e.g., at the postal facility) live or work within 0.2 miles of the landfill border. In contrast, the air quality data cited in the DEIR were gathered from SCAQMD monitoring sites located 7 or more miles away from the landfill (i.e., those in Burbank, Rededa, and Santa Clarita).⁴ None of the samples were drawn from the immediate vicinity (e.g., within 3 miles) of the landfill. Also, estimates of air pollution risks are calibrated for separate pollutants and rarely take into account cumulative/synergistic health effects of multiple air contaminants (e.g., those emitted from the landfill itself and from surrounding land uses such as Interstate 5, nearby oil drilling and pesticide production sites, etc.).

The EPA's one-in-a-million criterion and the SCAQMD's ten-in-one-million criterion focus on cancer risk alone and do not take into account the links between air, water, and soil contaminants on other health problems such as asthma, ENT irritation/inflammation, respiratory infections, reactive airway disease, and the emotional and physiological impacts of chronic psychological distress.

4. The FEIR did not address various comments on the flawed Environmental Justice analysis found in the DEIR⁵, which only mentions that the percentage Hispanic population in the area surrounding the landfill is close to that in the County in general. As scholars of environmental justice, we object to such a faulty analysis. This is not the way environmental justice is analyzed, especially in a case where the residents immediately adjacent to the landfill bear health and safety hazards due to the landfill that other residents in the County do not. In effect, residents of Val Verde bear the brunt of others' solid waste. Presently more than 80% of the trash disposed at Chiquita Canyon Landfill comes from Southern California communities outside the Santa Clarita Valley, all transported to the immediate vicinity of Val Verde and neighboring communities. This, legally and substantively, violates Federal and State criteria for environmental justice. CalEPA defines environmental justice as "fairness, regardless of race, color, national origin or income, in the development of laws and regulations that affect every community's natural surroundings, and the places people live, work, play and learn" with an emphasis on "those individuals disproportionately impacted by pollution in decision making processes".⁶ The residents of Val Verde are clearly, and significantly, disproportionately impacted by pollution from the operation of the landfill, which the FEIR (and DEIR) avoid addressing.

³ Vrijheid, M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. Environmental health perspectives, 2000. 108(Suppl 1): p. 101.

Croen, L.A., et al., Maternal residential proximity to hazardous waste sites and risk for selected congenital malformations. Epidemiology, 1997. 8(4): p. 347-354.

⁴ Los Angeles County Department of Regional Planning (July 10, 2014). Chapter 11 - Air Quality - Chiquita Canyon Landfill Master Plan Revision: Draft environmental impact report (DEIR) [Project No. R2004-00559-(5)] <http://dpw.lacounty.gov/epd/tf/chiquitadeir.html>. Los Angeles, CA, LACounty.gov, Department of Regional Planning.

⁵ Los Angeles County Department of Regional Planning (July 10, 2014). Chapter 16 - Environmental justice and socioeconomics - Chiquita Canyon Landfill Master Plan Revision: Draft environmental impact report (DEIR) [Project No. R2004-00559-(5)] <http://dpw.lacounty.gov/epd/tf/chiquitadeir.html>. Los Angeles, CA, LACounty.gov, Department of Regional Planning.

⁶ <https://www.calepa.ca.gov/envjustice/>

5. We submit our own work as evidence of the continued adverse impact of the Chiquita Canyon Landfill on the health and well-being of the residents of Val Verde.⁷ This includes serious nuisance effects (noise, odor, litter) and psychological distress/trauma experienced by its residents. The FEIR did not address these issues (which were also brought up in Lejano's comments on the DEIR, mentioned above).

We add that such effects, which include significant impacts on property value, are not confined to Val Verde but also extend to communities in Valencia and Newhall and other parts of Santa Clarita. A review of property value impacts of landfills is found in Farber (1998) --e.g., Reichert et al. (1992) find property value reductions of 5.5-7.3% around landfills.⁸

6. Since the landfill was expanded in 1998, new residential neighborhoods, schools, and childcare facilities have been constructed within 1-2 miles of the proposed expanded landfill perimeter. So there are now many more sensitive land uses near Val Verde that are within a three-mile radius of the landfill than there were two decades ago. In light of existing epidemiological evidence of the health problems associated with living close to toxic waste sites, and notwithstanding Waste Connections' assurances of improved air filtration systems and improved liners/seals to be installed beneath the landfill, a cautionary approach (closing vs. continuing and expanding the landfill) is strongly advised.

7. The community signed an agreement with the landfill owner in 1997 that the landfill would be closed after exceeding 23M tons of trash (which were surpassed in July 2016) or by Nov. 2019, whichever came first.⁹ In fact, the proposed expansion would extend the life of the landfill through 2037, expand its waste disposal footprint from 257 to 400 acres, and grow from a maximum of 30K tons of trash per week to 60K tons—more than are processed by the Apex Landfill in Las Vegas, currently the largest operating waste site in the U.S. The proposed project violates the trust and good faith of the residents.

It is our professional opinion that the injuries borne by the residents of Val Verde from the continued operation of the landfill are real and unjust and would be exacerbated further by its expansion. We urge you to protect the health and well-being of residents in the 5th District, deny the move to expand the Chiquita Canyon Landfill, and initiate closure of the same.

Sincerely,



Raul Lejano, Ph.D.
Associate Professor of Environmental Education
Steinhardt School of Culture,
Education, and Human Development
New York University



Daniel Stokols, Ph.D.
Chancellor's Professor Emeritus
School of Social Ecology and
UCI College of Health Sciences
University of California, Irvine

⁷ Lejano, R., & Stokols, D. (2010). Understanding minority residents' perceptions of neighborhood risks and EJ: New modalities, findings, and policy implications. *Journal of Architectural and Planning Research*, 27(2), 107-123.

⁸ Farber, S. (1998). Undesirable facilities and property values: a summary of empirical studies. *Ecological Economics*, 24(1), 1-14.

Reichert, A., Small, M., & Mohanty, S. (1992). The impact of landfills on residential property values. *Journal of Real Estate Research* 7(3): 297-314..

⁹ Williams, T., Board of Supervisors OKs expansion of Chiquita Canyon Landfill http://articles.latimes.com/1997-02-26/local/me-32660_1_chiquita-canyon-landfill, in Los Angeles Times. February 26, 1997, LA Times: Los Angeles, CA.

cc: Richard Claghorn
Zoning Permits Section Rm 1345
Los Angeles County Dept of Regional Planning
320 W. Temple St.
Los Angeles CA 90012

Matthew Rodriguez
Secretary for Environmental Protection
Cal EPA
1001 I Street
Sacramento, CA 95812-2815

Richard Claghorn

From: Bruce Seidel <bruceseidel@hotmail.com>
Sent: Friday, April 14, 2017 1:17 PM
To: Richard Claghorn
Cc: Robert Glaser; Robert Glaser
Subject: Protect your Constituents and STOP Chiquita Landfill Expansion

Dear Mr. Claghorn, Mr. Glaser and Mr. Gomez,

I recently sent the below email to our Los Angeles County Supervisors regarding closing the Chiquita Landfill and denying its unwise expansion. As those entrusted with planning our community's future, your support would be invaluable to protect our community from the health, traffic and livability issues associated with expansion.

I would appreciate hearing your view on this issue. In addition, I request that you include my comments below into the administrative record.

Regards,

Bruce Seidel

Dear Supervisor,

I implore you to **vote against the Chiquita Landfill Expansion**. Santa Clarita has been voted one of the most livable communities in the country; we threaten that reputation and lower our community's desirability by inviting trash trucks from all over the state (mostly outside our Santa Clarita valley).

As you are entrusted with protecting our community and your constituents, you are in a position to prevent the community from housing the largest dump in the state and:

- Putting 12,000 local school kids at increased cancer risk (Live Oak Elem. is acknowledged as a cancer risk site in the environmental impact report.)
- Adding 500 trucks per day to the already-congested I-5 and 126 freeways
- Burdening hundreds of local residents who already smell the dump from their homes and are experiencing health issues. (Imagine not being able to sit in your yard or open windows due to the putrid smell of dump gases.)
- Worsening the area's air pollution with dangerous PM2.5 levels of daily particulate release, linked to eye, nose, throat and lung irritation; coughing; shortness of breath; and intensified asthma and heart disease
- Endangering contamination of all of Santa Clarita's groundwater, as the dump is close to an active fault line
- Decreasing the property values (and County tax revenue) from houses and business located in Val Verde, Castaic and surrounding areas

Landfills of this scale are typically 20 or more miles from any community residents or non-plant workers. **Chiquita Landfill is just 500 feet from a business park and within a mile of an elementary school, churches, restaurants and thousands of homes.** This landfill had been promised to close by 2019 or when it reached capacity, which has already occurred.

I hope you agree that sacrificing the health, safety and livability of our community is not worth any expansion fee paid by the Landfill company. Vote no on expansion to honor the promise made years ago to local residents.

Please contact me to confirm how you will be voting to support your constituents' interests.

Regards,

Bruce Seidel
Castaic, CA
(916) 793-7293

Richard Claghorn

From: Nell Campbell <nellcampbell.ca@gmail.com>
Sent: Sunday, April 16, 2017 3:41 PM
To: Richard Claghorn
Subject: Chiquita Canyon Upcoming Hearing

dear Mr. Claghorn,

I hope you enjoyed your Easter weekend.

As an public employees/official, irrespective of party, it must be your responsibility to represent the concerns of the public - and not private business – in the matter of the Chiquita Canyon Landfill expansion. Please do not just 'tow the line' with the County and Board of Supervisors.

The County of Los Angeles Employee Handbook clearly states that:

"The Vision Statement and the County Mission are elements of the Board of Supervisors' Strategic Plan for the direction and operation of County services."

and the **County Mission** is stated as being:

"TO ENRICH LIVES THROUGH CARING AND EFFECTIVE SERVICE"

The **County Vision** "... is to improve the **quality of life** in the County of Los Angeles...", and speaks of the "well-being and prosperity of individuals, families... communities" in a spirit of teamwork and collaboration, anchored in:

- Responsiveness
- Commitment
- Compassion
- Integrity
- Accountability
- Respect for Diversity
- Professionalism
- A Can-Do Attitude
- A pledge to always work to earn the public trust.

In its obstinate **pursuit of profit** the **County** is ignoring the 20 year old agreement to close this landfill and, instead, is poised to further **jeopardize the health and wellbeing of its citizens**.

Our Quality of Life is impacted by:

- Air Pollution
- Water Pollution and the Integrity of the Aquifer
- Wildlife and the Santa Clarita River habitat
- The proximity of the Landfill to Local K-12 schools
- The proximity of the Landfill to Local Homes
- Residential Property Values
- Excessive Truck Traffic generated by this Landfill
- Deaths and Severe Illnesses from Asthma and Cancer

The County and Chiquita care for little more than PR and profit.

☹ Close Chiquita

☹ Send Trash BY RAIL to the existing Mesquite Regional Landfill – far away from schools, families and populations.

☹ Use the existing rail link instead of hundreds of polluting and congesting trucks **every day**.

KEEP YOUR PROMISE

DO YOUR MORAL DUTY TO THE PUBLIC!

CLOSE THE DUMP!!!

PLEASE INCLUDE THESE COMMENTS IN THE ADMINISTRATIVE RECORD.

Sincerely

Nell Campbell
[970] 389-1237

28126 BRYCE DRIVE, CASTAIC, CA 91384



what will you do with your one wild and precious life?



Richard Claghorn

From: DRP LDCC
Sent: Monday, April 17, 2017 7:42 AM
To: Richard Claghorn; Samuel Dea
Subject: FW: Chiquita Canyon Landfill - Proposed Expansion

FYI

Thank you,

Alice Wong, AICP
Principal Planner
Land Development Coordinating Center Section
Department of Regional Planning
320 W. Temple Street, Room 1360
Los Angeles, CA 90012
<http://planning.lacounty.gov/>

Department Front Counter Hours:
M, Tu, Th 7:30am-5:30pm & W 8:30am-5:30pm
Closed every Friday



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From: Nell Campbell [mailto:nellcampbell.ca@gmail.com]
Sent: Sunday, April 16, 2017 3:39 PM
To: DRP LDCC <D4@planning.lacounty.gov>
Subject: Chiquita Canyon Landfill - Proposed Expansion

dear Sirs,

I hope you enjoyed your Easter weekend.

As an public employees/official, irrespective of party, it must be your responsibility to represent the concerns of the public - and not private business – in the matter of the Chiquita Canyon Landfill expansion. Please do not just 'tow the line' with the County and Board of Supervisors.

The County of Los Angeles Employee Handbook clearly states that:

"The Vision Statement and the County Mission are elements of the Board of Supervisors' Strategic Plan for the direction and operation of County services."

and the County Mission is stated as being:

"TO ENRICH LIVES THROUGH CARING AND EFFECTIVE SERVICE"

The County Vision "... is to improve the quality of life in the County of Los Angeles...", and speaks of the "well-being and prosperity of individuals, families... communities" in a spirit of teamwork and collaboration, anchored in:

- Responsiveness
- Commitment
- Compassion
- Integrity
- Accountability
- Respect for Diversity
- Professionalism
- A Can-Do Attitude
- A pledge to always work to earn the public trust.

In its obstinate pursuit of profit the County is ignoring the 20 year old agreement to close this landfill and, instead, is poised to further jeopardize the health and wellbeing of its citizens.

Our Quality of Life is impacted by:

- Air Pollution
- Water Pollution and the Integrity of the Aquifer
- Wildlife and the Santa Clarita River habitat
- The proximity of the Landfill to Local K-12 schools
- The proximity of the Landfill to Local Homes
- Residential Property Values
- Excessive Truck Traffic generated by this Landfill
- Deaths and Severe Illnesses from Asthma and Cancer

The County and Chiquita care for little more than PR and profit.

☹ Close Chiquita

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CLOSE THE DUMP!!!

Sincerely

Nell Campbell
[970] 389-1237

28126 BRYCE DRIVE, CASTAIC, CA 91384



what will you do with your one wild and precious life?



Richard Claghorn

From: Robert Glaser
Sent: Monday, April 17, 2017 7:24 AM
To: Richard Claghorn; Samuel Dea
Subject: FW: Chiquita Canyon Upcoming Hearing

Hi Richard,
Please add this to the Public Comment.
Thanks
Rob

From: Nell Campbell [mailto:nellcampbell.ca@gmail.com]
Sent: Sunday, April 16, 2017 3:43 PM
To: Robert Glaser <rglaser@planning.lacounty.gov>
Subject: Chiquita Canyon Upcoming Hearing

dear Mr. Glaser,

I hope you enjoyed your Easter weekend.

As an public employees/official, irrespective of party, it must be your responsibility to represent the concerns of the public - and not private business – in the matter of the Chiquita Canyon Landfill expansion. Please do not just 'tow the line' with the County and Board of Supervisors.

The County of Los Angeles Employee Handbook clearly states that:

"The Vision Statement and the County Mission are elements of the Board of Supervisors' Strategic Plan for the direction and operation of County services."

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Sincerely

Nell Campbell
[970] 389-1237

28126 BRYCE DRIVE, CASTAIC, CA 91384



what will you do with your one wild and precious life?



Richard Claghorn

From: Hannah Smith <radiculgal@gmail.com>
Sent: Sunday, April 16, 2017 5:53 PM
To: Richard Claghorn
Subject: Chiquita Canyon Landfill Expansion -- Project #R2004-00559

Dear Mr. Claghorn,

My name is Hannah, I am a senior at Valencia High School and I greatly oppose expanding the Chiquita Canyon Landfill.

As it is, the landfill has grown far too large, greatly surpassing a safe and legal distance from homes, schools, and offices.

Both my school and home are only 4 miles from the landfill. There are more than 13,200 students in this valley that live less than 4 miles from the landfill at its current size. There are more than 55 senior living centers in the Santa Clarita Valley, only 8 miles from the landfill at its current size.

If the Chiquita Canyon Landfill is expanded our living conditions, in terms of air and water quality, will go from precarious to DISASTROUS. The Chiquita Landfill is FULL, and should not be expanded. Why continue to endanger the lives of so many people when trash can be safely brought to the Mesquite Regional Landfill where no one will be in harms way?

I beg of you sir, to put our health first and halt the expansion of Chiquita Canyon Landfill.

Thank you for consideration.

Respectfully,

Hannah E. Smith

Richard Claghorn

From: Hunt Williams <huntwilliams2002@yahoo.com>
Sent: Monday, April 17, 2017 6:37 AM
To: Erica Larsen-Dockray; Steven Howse; Kevan Smalley; Terri Harrah; Chris Morris; Sara Sage; Rosalind Wayman; Kathryn Barger; DR S. FAYE SNYDER Snyder; Vince Cantella; Richard Claghorn; Mitch Glaser
Subject: CBFC-Chiquita Canyon Landfill
Attachments: CBFCltr4-17-2016.pdf

Dear VVCA Board,

Please find attached my comments to the proposed CBFC-Landfill mitigation agreement.

I formally request that my comments be shared at the CBFC Land Development Committee meeting on April 18, 2017 at the Val Verde Clubhouse.

Thanks for your efforts and faithful service to the Val Verde Community.

Regards, Hunt (435)901-3488



April 17, 2017

Via Overnight mail, US Mail, Email

Community Benefits Funding Committee
30133 San Martinez Rd, Suite A
Val Verde, CA 91384
cbfcoffice@yahoo.com

RE: VAL VERDE COMMUNITY FUNDING

Memorandum of Agreement ("Agreement") by and between Chiquita Canyon Landfill, LLC ("CCL") and the Val Verde Community Benefits Funding Committee ("CBFC")

Dear CBFC, VVCA and Citizens of the Val Verde Area,

I write this letter as a concerned citizen and long time property owner in the Val Verde Area.

My grandfather, Ted Sterling was a pioneer to the Santa Clarita Valley since the early 1940's. Ted's discovery of oil in Castaic, in 1952, helped put "Castaic" on the map.

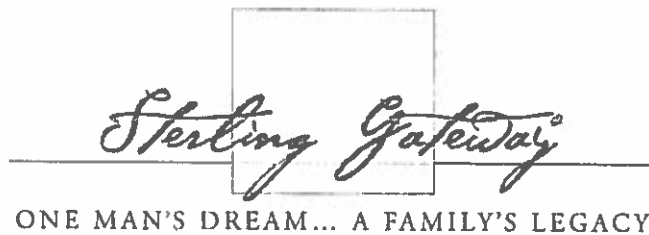
Our family purchased 325 acres of land in the Val Verde area in the early 1960's. For over 40 years, we have worked closely with the Val Verde Civic Association (VVCA), Castaic Area Town Council (CATC) and Los Angeles County in the General Plan, Land Use and Zoning of our land.

116 acres of our land (sold to IAC Valencia Commerce Center in 2014), is currently under construction for 1.3 million square feet of light industrial buildings that will create 3,000 direct jobs for the immediate area.

The remaining +/- 209 acres is zoned and planned for 231-269 single-family homes. This project will not only provide much needed new housing to this area, but will also provide many new benefits to the Val Verde area, including a 6 acre, active community park with multi-use playing field, hiking trails and over 100 acres of open space.

The project complies with the Val Verde Area (Region 2), of the Castaic Area Community Standards District (CSD), approved and adopted by Los Angeles County on November 17, 2004 (See attached boundary map). And the One Valley One Vision (OVOV) Master General Plan adopted by Los Angeles County on December 12, 2012.

After reviewing the above referenced agreement, I have the following comments.



1. Typically, a Memorandum of Agreement is a recordable, short form of a more complete agreement. Is this the entire Agreement?

2. In the Recitals, CCL proposes to extend the permitted height of the landfill by 143 feet and laterally extend the footprint of the existing landfill by 143 acres and to increase the maximum tonnage for disposal from 6,000 and 30,000 tons to maximum of 12,000 tons to 60,000 tons per week.

Is this what Los Angeles County Department of Regional Planning is recommending for approval?

2. Paragraph 5 of the Agreement references the "Val Verde Area", defined as Region 2 of the Castaic Area Town Council (CATC). Described in Attached B and specifically shown in Attachment C.

Attachment C is NOT, nor is it consistent with the "Val Verde Area" map defined as Region 2 of the Castaic Area Town Council and Los Angeles County Department of Regional Planning.

By creating new boundaries for the "Val Verde Area", CCL and the CBFC would create a division and conflict between the current and future residents of Val Verde. This is wrong and discriminatory!

Attachment A (List of Allowable Expenditures) lists "Val Verde Area" General Community Welfare items which include Increase opportunities of Children, youth, adults and seniors of the community, Increase access to health services, Promote programs and activities for youth and "at risk" youth, Promote quality of life improvement for families, adults and seniors of the community and Capital investment programs to improve the aesthetics of the community.

The Chiquita Canyon Landfill (CCL) and the CBFC are proposing to exclude our proposed 231-269 homes from the Val Verde Area community benefits and opportunities for the Val Verde Area.

I was told by Mike Dean of CCL that the reason we were excluded from the Val Verde area is because "We haven't come out in support of the Landfill expansion project".

I have never made any public comments on this issue.

What is the CBFC's reason for supporting the removal of our property from the Val Verde Area?



Please consider some of the potential impacts of this proposed, new Val Verde Area Map. Suppose you are a current and/or future resident/family (children, youth, adults and seniors) who lives in the Val Verde Area and currently eligible for CBFC programs, and may want to relocate into one of the new homes proposed in our project. Is it fair that that you and your family will no longer be eligible for the CBFC Benefits referenced above?

Is it fair that your kids will not to have equal access to Youth sports programs, Youth education, job skills training or Participation in Sherriff's "at risk" programs, as the kid next door?

This discrimination could also apply to every other General Community Welfare item in Attachment A.

Our project is proposing to provide a 6-acre, active community park for the benefit of the Val Verde Area.

Suppose there are Community programs and/or functions that use the new park (ie; Soccer, Lacrosse, football, baseball, farmers market, craft fair etc.), which are supported and or/sponsored by the CBFC. Is it fair that only certain residents in the Val Verde Area have access to, and the benefit of these programs in the park, or for that matter, anywhere else in the Val Verde Area?

How can the CBFC and CCL consider this agreement to be "good neighbor relations".

3. Paragraph 6 of the Agreement talks about grants or direct funding of infrastructure within the Val Verde Area. I would assume this could include improvements such as sewer, water, roads, safety, security and lighting?

If so, these items should be listed in Attachment A (List of Allowable Expenditures).

4. Paragraph 7 of the Agreement states "The CBFC II shall be free to utilize the Funds as general revenues, provided that the fee monies are no way utilized in any manner, directly or indirectly, adverse to the CCL, its parent company, affiliates or subsidiary companies as determined by CCL in its sole discretion".

This is quite subjective and open ended. CCL has the right "in its sole discretion" to decide if the funds are used in adverse way against the Landfill. Chiquita Canyon Landfill's Parent company, affiliates or subsidiary companies could be anybody. Does the CBFC and Val Verde Community know who all these entities are, and what business' they are in?

Unless you know who these entities are, how can you say whether or not you will be in conflict with them?

5. Paragraphs 23-25 describe additional benefits and preferences given to those in the "Val Verde Area".



It is not fair to segregate certain areas of the Val Verde Area.

Use the same Val Verde Area map recognized by Val Verde, CATC and Los Angeles County.

6. Paragraph 32 states "This agreement governed by California Law". Does California Law allow for segregation and discrimination?

In closing, if the CBFC represents the interest of the Val Verde Area, it should immediately demand that the Val Verde Area map referenced in this agreement be replaced with the map recognized by the Val Verde Community, Castaic Area Town Council and County of Los Angeles (attached).

As a law abiding, tax paying property owner in the Val Verde Area, I respectfully request that my questions and comments be presented at the CBFC LDC meeting with the Community of Val Verde on Tuesday April 18, 2017.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Hunt Williams', is written over a horizontal line.

R. Hunt Williams




General Partner (435) 901-3488

Cc; VVCA, CATC, Richard Claghorn, Rosalind Wayman, Dr. Faye Snyder

**Val Verde Area
Subarea of the Castaic Area
Community Standards District**

Date Adopted: _____

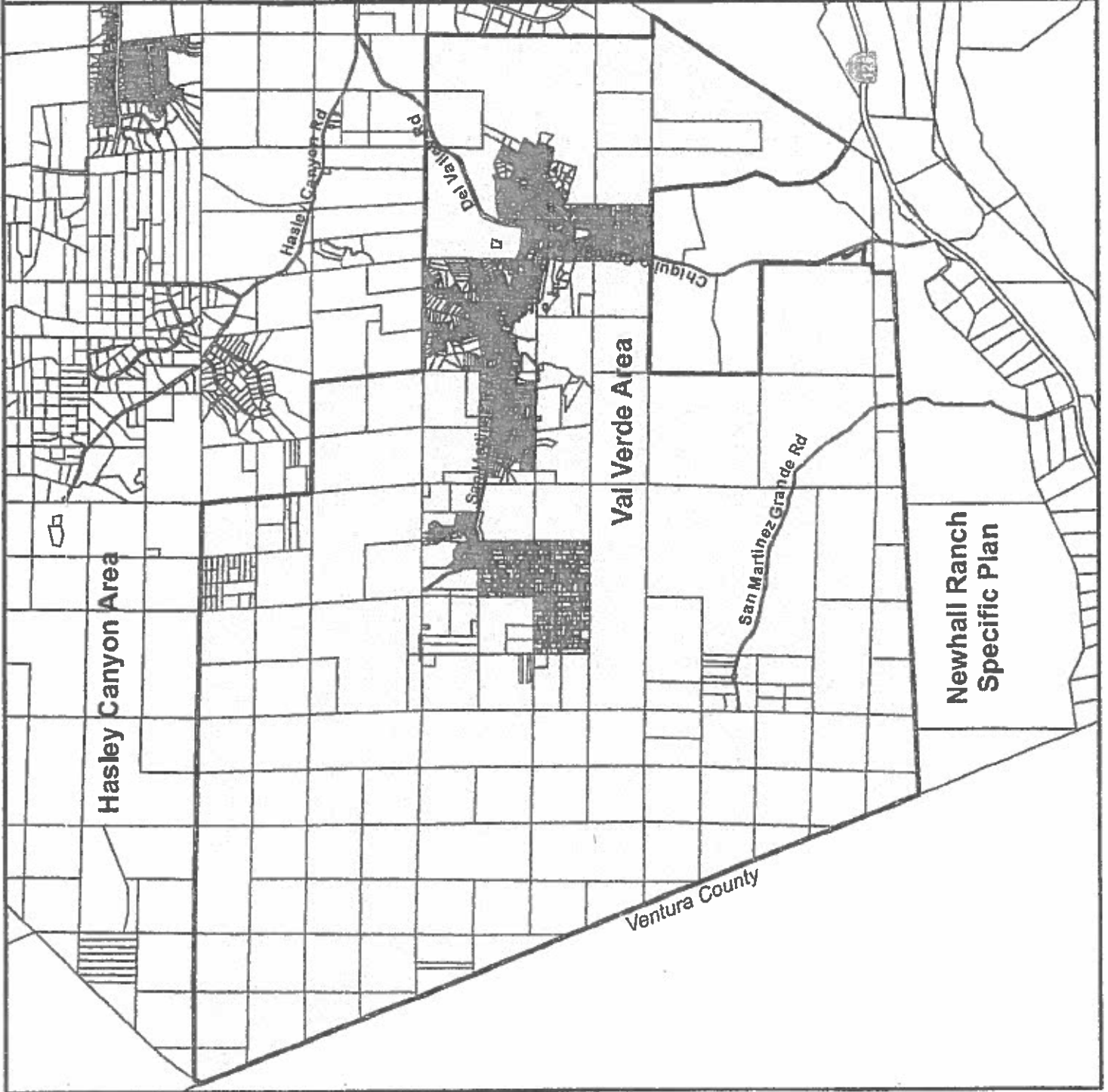
Legend:

-  Freeways
-  Parcels
-  Val Verde Area Boundary

Key Map:



Los Angeles County
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012



Richard Claghorn

From: Steven Howse <showse@sbcglobal.net>
Sent: Monday, April 17, 2017 8:23 AM
To: Hunt Williams; Erica Larsen-Dockray; Kevan Smalley; Terri Harrah; Chris Morris; Sara Sage; Rosalind Wayman; Kathryn Barger; DR S. FAYE SNYDER Snyder; Vince Cantella; Richard Claghorn; Mitch Glaser
Cc: Frank Miscione; Jaime Brian's; Ramon Hamilton; Carlos Lopez; CBFC Office/Esmeralda Lopez
Subject: Re: CBFC-Chiquita Canyon Landfill

Thanks Mr. Williams,

I would've thought you would include the CBFC in this email as they are the one negotiating with Chiquita Canyon Landfill and organizing this meeting. The VVCA is not an interested party nor listed on this agreement and the VVCA is not running the meeting or the vote.

I copied the CBFC on this email so they may see your request.

Steven Howse

VVCA President

From: Hunt Williams <huntwilliams2002@yahoo.com>
To: Erica Larsen-Dockray <erica@eekart.com>; Steven Howse <showse@sbcglobal.net>; Kevan Smalley <k.smalley@sbcglobal.net>; Terri Harrah <delwoodplace@gmail.com>; Chris Morris <fnboy0172@yahoo.com>; Sara Sage <sageknees@gmail.com>; Rosalind Wayman <rwayman@bos.lacounty.gov>; Kathryn Barger <kathryn@bos.lacounty.gov>; DR S. FAYE SNYDER Snyder <drfaye1@me.com>; Vince Cantella <vfcantella@sbcglobal.net>; "rclaghorn@planning.lacounty.gov" <rclaghorn@planning.lacounty.gov>; Mitch Glaser <mglaser@planning.lacounty.gov>
Sent: Monday, April 17, 2017 6:36 AM
Subject: CBFC-Chiquita Canyon Landfill

Dear VVCA Board,

Please find attached my comments to the proposed CBFC-Landfill mitigation agreement.

I formally request that my comments be shared at the CBFC Land Development Committee meeting on April 18, 2017 at the Val Verde Clubhouse.

Thanks for your efforts and faithful service to the Val Verde Community.

Regards, Hunt (435)901-3488

Richard Claghorn

From: Hunt Williams <huntwilliams2002@yahoo.com>
Sent: Monday, April 17, 2017 8:25 AM
To: Steven Howse; Erica Larsen-Dockray; Kevan Smalley; Terri Harrah; Chris Morris; Sara Sage; Rosalind Wayman; Kathryn Barger; DR S. FAYE SNYDER Snyder; Vince Cantella; Richard Claghorn; Mitch Glaser
Cc: Frank Miscione; Jaime Brian's; Ramon Hamilton; Carlos Lopez; CBFC Office/Esmeralda Lopez
Subject: Re: CBFC-Chiquita Canyon Landfill

Thank you Steve.

From: Steven Howse <showse@sbcglobal.net>
To: Hunt Williams <huntwilliams2002@yahoo.com>; Erica Larsen-Dockray <erica@eekart.com>; Kevan Smalley <k.smalley@sbcglobal.net>; Terri Harrah <delwoodplace@gmail.com>; Chris Morris <fnboy0172@yahoo.com>; Sara Sage <sageknees@gmail.com>; Rosalind Wayman <rwayman@bos.lacounty.gov>; Kathryn Barger <kathryn@bos.lacounty.gov>; DR S. FAYE SNYDER Snyder <drfaye1@me.com>; Vince Cantella <vfcantella@sbcglobal.net>; "rclaghorn@planning.lacounty.gov" <rclaghorn@planning.lacounty.gov>; Mitch Glaser <mglaser@planning.lacounty.gov>
Cc: Frank Miscione <fmconsulting@icloud.com>; Jaime Brian's <jaimeb1211@yahoo.com>; Ramon Hamilton <ramon@thinktenmediagroup.com>; Carlos Lopez <magnificocarlos@sbcglobal.net>; CBFC Office/Esmeralda Lopez <cbfcoffice@yahoo.com>
Sent: Monday, April 17, 2017 9:22 AM
Subject: Re: CBFC-Chiquita Canyon Landfill

Thanks Mr. Williams,

I would've thought you would include the CBFC in this email as they are the one negotiating with Chiquita Canyon Landfill and organizing this meeting. The VVCA is not an interested party nor listed on this agreement and the VVCA is not running the meeting or the vote.

I copied the CBFC on this email so they may see your request.

Steven Howse

VVCA President

From: Hunt Williams <huntwilliams2002@yahoo.com>
To: Erica Larsen-Dockray <erica@eekart.com>; Steven Howse <showse@sbcglobal.net>; Kevan Smalley <k.smalley@sbcglobal.net>; Terri Harrah <delwoodplace@gmail.com>; Chris Morris <fnboy0172@yahoo.com>; Sara Sage <sageknees@gmail.com>; Rosalind Wayman <rwayman@bos.lacounty.gov>; Kathryn Barger <kathryn@bos.lacounty.gov>; DR S. FAYE SNYDER Snyder <drfaye1@me.com>; Vince Cantella <vfcantella@sbcglobal.net>; "rclaghorn@planning.lacounty.gov" <rclaghorn@planning.lacounty.gov>; Mitch Glaser <mglaser@planning.lacounty.gov>
Sent: Monday, April 17, 2017 6:36 AM
Subject: CBFC-Chiquita Canyon Landfill

Dear VVCA Board,

Please find attached my comments to the proposed CBFC-Landfill mitigation agreement.

I formally request that my comments be shared at the CBFC Land Development Committee meeting on April 18, 2017 at the Val Verde Clubhouse.

Thanks for your efforts and faithful service to the Val Verde Community.
Regards, Hunt (435)901-3488

Richard Claghorn

From: Kathy Howse <howsemom@sbcglobal.net>
Sent: Monday, April 17, 2017 10:44 PM
To: Richard Claghorn
Subject: I oppose the Chiquita Canyon Landfill

Dear Mr Claghorn,

I can't make it to the hearing on April 19th, however I would like it to be known I oppose the expansion of the landfill. I have been a resident of Val Verde for nearly 14yrs. We chose to build our home on Buchanan Way in good faith after reading the agreement the landfill had with Val Verde to close. At the time we thought how nice of the landfill to be giving money to Val Verde. Thinking this is for the inconveniences experienced by its neighbors is partly why we chose not to complain more than we have. Now, my opinion is no amount of money is worth it, even if personally received any benefit from it.

The original agreement should be honored and the landfill closed.

A landfill has no business being this close to any residential or business areas, especially schools.

There are air quality issues as well as truck traffic concerns.

The odor does leave health concerns due to our own experiences, We have had gatherings at our house when we had to go inside because of the odor, headaches and nauseousness. Maybe there's no scientific data to support this conclusion yet, but that doesn't prove there are no ill affects.

I encourage you work towards another option, not only closing the landfill here but not allowing one to operate any where close to populated areas.

Respectfully submitted,
Kathy Howse
30014 Buchanan Way
Val Verde, CA

Sent from my iPad

Richard Claghorn

From: Tanya Hauser <tanyagrace70@yahoo.com>
Sent: Tuesday, April 18, 2017 2:05 PM
To: Richard Claghorn
Subject: Re: CCL, CUP, #21

Thank you for your help, today and all through the last year.

I appreciate it.

Tanya

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>
To: 'Tanya Hauser' <tanyagrace70@yahoo.com>
Sent: Tuesday, April 18, 2017 1:56 PM
Subject: RE: CCL, CUP, #21

That is correct. The 6,730 tons per day would be the maximum that they could receive, averaged out over a year. However, it would be possible to have a single day of up to 12,000 tons per day of all materials based on the recommendations. This is actually below what they have often been doing. While CUP 89-081 limits them to 6,000 tons/day of solid waste, the beneficial use materials plus solid waste has frequently been over 12,000/per day.

Richard Claghorn
Principal Regional Planning Assistant
Zoning Permits North Section
Department of Regional Planning
320 W. Temple Street, Room 1348
Los Angeles, CA 90012
Phone: 213-974-6443

From: Tanya Hauser [mailto:tanyagrace70@yahoo.com]
Sent: Tuesday, April 18, 2017 1:50 PM
To: Richard Claghorn <rclaghorn@planning.lacounty.gov>
Subject: Re: CCL, CUP, #21

Thank you for your explanation, Mr. Claghorn.

I will pass it along to others.

So 12,000 tons/day is the absolute limit for solid waste plus beneficial use.

However, it is expected that solid waste plus beneficial use materials would be about 6,730 tons/day.

Am I saying that right?

Thanks,
Tanya

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>
To: Tanya Hauser' <tanyagrace70@yahoo.com>
Sent: Tuesday, April 18, 2017 1:30 PM
Subject: RE: CCL, CUP, #21

Hello Ms. Hauser,

Condition #21 of the draft CUP conditions has the tonnage limits, not #60. In the recommended draft conditions there is a 12,000 tons/day limit of all materials, including solid waste plus beneficial use materials. However, there is also a 30,000 tons per week limit on solid waste. Solid waste is commonly called "trash", and the beneficial use materials are not typically considered trash, and are a separate category. However, some materials that may be used for beneficial use in some situations may be included in the solid waste category if the permittee is not able to use the material for a verifiable beneficial use. On a monthly basis, there will be a limit of 175,000 tons of all materials, and on an annual basis the limit is 2.1 million tons of all materials. That comes out to an average of about 6,730 tons/day, of all materials.

Please note that there have been changes to many conditions, including #21, since the March 1 hearing. The most recent version available is on our website at the link below as part of the "RPC Package for April 19, 2017".

[http://planning.lacounty.gov/case/view/project no r2004 00559 5 conditional use permit 2004 00042 chiquita canyon /](http://planning.lacounty.gov/case/view/project%20no%20r2004%2000559%205%20conditional%20use%20permit%202004%2000042%20chiquita%20canyon/)

The draft conditions are pages 29-90 of this document. You should be aware that the conditions are still subject to change, and the Regional Planning Commission may or may not follow the recommendations. I hope that information is helpful.

Richard Claghorn
Principal Regional Planning Assistant
Zoning Permits North Section
Department of Regional Planning
320 W. Temple Street, Room 1348
Los Angeles, CA 90012
Phone: 213-974-6443

From: Tanya Hauser [mailto:tanyagrace70@yahoo.com]
Sent: Tuesday, April 18, 2017 11:16 AM
To: Richard Claghorn <rclaghorn@planning.lacounty.gov>
Subject: Fw: CCL, CUP, #60

Hi again,

I think I was given wrong information.

Seems #21 actually addresses the issue?

Thanks for your help.

Tanya

----- Forwarded Message -----

From: Tanya Hauser <tanyagrace70@yahoo.com>

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Sent: Tuesday, April 18, 2017 10:40 AM

Subject: CCL, CUP, #60

Hello Mr. Claghorn,

It's my understanding that #60 of the new CUP for Chiquita Canyon Landfill allows for 6500 tons/day of garbage, not to exceed 12,000 tons.

Is Regional Planning recommending that CCL be allowed to bring in up to 12,000 tons of pure garbage?

Or is all that comes in from 6,500 tons to 12,000 diversionary material?

Thanks for your clarification.

Tanya Hauser

SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559

April 19, 2017

ATTACHMENT E

CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES PROJECT 89-081

STATEMENT OF AGREEMENTS AND UNDERSTANDINGS BY AND BETWEEN

NEWHALL LAND AND FARMING CO
LAIDLAW WASTE SYSTEMS (CHIQUITA), INC.
VAL VERDE CIVIC ASSOCIATION

1. Laidlaw agrees to add the name of a contact person, phone number, physical and electronic addresses, and the contact person's supervisor to each entity identified in the February 1997 document entitled:

"Regulatory Process for the Permitting of the Landfill expansion and Material Recovery Facilities and a Description of the General Regulatory Oversight Environment During Normal Operations"
2. All parties agree to review and approve the attached list of approved possible expenditures of the annual Community Benefit Fund (Attachment A). The parties agree Val Verde Civic Association shall accept and spend the funds within its existing 501C3 designation amended to include a representative from Laidlaw, Newhall Land and Farming Co., and the County of Los Angeles Fifth District Supervisor's Office.
3. Laidlaw agrees to participate in good faith, on a regular basis, with the Community Advisory Committee and to assist wherever possible in furthering communication between the community of Val Verde and the landfill, including information sharing, education, understanding of landfill operations, and response to calls. Laidlaw further agrees to forward all notices and reports from or to its regulatory agencies to the Community Advisory Committee within five business days of receipt of transmittal.
4. Val Verde Civic Association agrees to attend the Board of Supervisors hearing on February 25, 1997, and give oral and written testimony that their concerns have been satisfied.
5. Val Verde Civic Association agrees to oppose any action by any party to deny CUP 89-081-(5) during the appeals process and subsequent regulatory approval process. The parties agree the Val Verde Civic Association is solely responsible for defining how its opposition takes place. Val Verde Civic Association further agrees to support the continuation of operations of existing CUP 1809-5 should this become necessary because the permittee is precluded from operating under proposed CUP 89-081 as a result of a lawsuit.
6. The parties agree community benefit funds shall be dispersed according to the attached Payment Schedule (Attachment B).

7. All conditions of CUP 89-081 (5) shall remain as approved by the Regional Planning Commission except as noted in Attachment C, Proposed Modification for Board of Supervisors' Anticipated Action 2/25/97.
8. Val Verde Civic Association agrees no funds received at any time as a result of approval of CUP 89-081 shall be used in any manner against the good name or activities of The Newhall Land and Farming Co. and its subsidiaries, the landfill operator, and/or landowner, in any way.
9. Val Verde Civic Association agrees to accept the Memorandum of Understanding between Laidlaw and the United Water Conservation District as mitigation of water issues, Laidlaw agrees to provide the Community Advisory Committee with any and all reports, data, and information provided to the District from the landfill and/or provided by the District to the landfill. *within 5 working days.*
10. Laidlaw and Newhall Land and Farming Co. agree to legally bind all successors in interest in all conditions of approval of CUP 89-081 (5) and all agreements between the parties. Val Verde Civic Association agrees to execute the legal documents needed to accomplish this and any other documents needed for the fulfillment of these agreements and understandings.
11. If any term or provision of this Statement of Agreements and Understandings ("Agreement") is determined to be invalid or unenforceable, the remaining terms and provisions shall not be affected thereby and shall remain in full force and effect to the maximum extent permitted by law.
12. If any party to this Agreement is a corporation, trust, general or limited partnership, or community organization, each individual executing this Agreement on behalf of such entity represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said entity.

Dated: February 21, 1997

LIDLAW WASTE SYSTEMS (CHIQUITA), INC.

By: Rodney W. Walter II
Printed Name: RODNEY W. WALTER II
Title: GENERAL MANAGER

Dated: February 21, 1997

NEWHALL LAND AND FARMING CO.

By: Gary M. Cusumano
Printed Name: GARY M. CUSUMANO
Title: President

[Handwritten initials]

Dated: February 24 1997

VAL VERDE CIVIC ASSOCIATION

By: [Signature]
Printed Name: RITA P. GRIFFIN
Title: PRESIDENT

Dated: February 24, 1997

CITIZENS AGAINST CHIQUITA

By: [Signature]
Printed Name: MERRY FARMER
Title: CHAIRPERSON

[Signature]
[Signature]

ATTACHMENT A
VAL VERDE
COMMUNITY BENEFITS FUNDS

LIST OF PERMITTED EXPENDITURES

A. General Community Welfare

1. Increase opportunities for the children, ^{adults and seniors} and youth of the community

- Examples:
- a. Bi-lingual education
 - b. Headstart type programs
 - c. Computer training
 - d. Literacy skills enhancement
 - e. Increased library services
 - f. Equipment for above

2. Increase access to health services

- Examples:
- a. Increased availability of Sam Dixon clinic services
 - b. Indigent care programs
 - c. Teen pregnancy programs
 - d. Transportation to medical services

3. Promote programs and activities for youth and "at risk" youth

- Examples:
- a. Youth sports, such as Midnight Basketball
 - b. Youth education
 - c. Job skills training
 - d. Participation in Sheriff's "at risk" programs

B. Capital Investment Programs

1. Aesthetic improvements

- Examples:
- a. Rehabilitation of existing publicly owned or non-profit organization owned buildings
 - b. Construction of new community buildings such as library, senior center
 - c. Maintenance of buildings
 - d. *LANDSCAPING*

C. Administration

1. Costs associated with gathering community input on level of expenditures and furthering understanding in the community of the Community Benefit Fund

Examples: a. Advertising and convening public meetings or forums
b. Translation services
c. Recordation of input

2. Costs associated with accountability of funds received and funds spent

Examples: a. Audits
b. Production of annual financial statement
c. Tax filings

3. Leveraging of funds

Examples: a. Matching grant programs
b. Public/private partnerships

4. Technical consultant assistance to address items A, B and C above

Examples: a. Completion of administrative functions above
b. Contract compliance for community welfare programs

The parties agree any expansion or addition of items to this list requires written approval of the Newhall Land and Farming Co., the landfill operator, the landfill owner, and the Val Verde Civic Association.

Dated: February 21, 1997

LAIDLAW WASTE SYSTEMS (CHIQUITA), INC.

By: Rodney W. Walter II
Printed Name: RODNEY W. WALTER II
Title: GENERAL MANAGER

Dated: February 21, 1997

NEWHALL LAND AND FARMING CO..

By: Gary M. Lusumano
Printed Name: GARY M. LUSUMANO
Title: President

Dated: February 24, 1997

VAL VERDE CIVIC ASSOCIATION.

By: Ruth P. Griffin
Printed Name: RUTH P. GRIFFIN
Title: President

Dated: February 22, 1997

CITIZENS AGAINST CHIQUITA

By: Merry Farmer
Printed Name: MERRY FARMER
Title: CHAIRPERSON

[Handwritten signatures]

ATTACHMENT B

VAL VERDE COMMUNITY BENEFITS FUND PAYMENT SCHEDULE

CALENDAR YEAR	250,000 TONS OR MORE		LESS THAN 250,000 TONS	
	OWNER	OPERATOR	OWNER	OPERATOR
Year 1	\$125,000	\$125,000	\$12,500	\$12,500
Year 2	127,500	127,500	12,750	12,750
Year 3	130,050	130,050	13,005	13,005
Year 4	132,651	132,651	13,265	13,265
Year 5	135,304	135,304	13,530	13,530
Year 6	138,010	138,010	13,801	13,801
Year 7	140,770	140,770	14,077	14,077
Year 8	143,586	143,586	14,359	14,359
Year 9	146,457	146,457	14,646	14,646
Year 10	149,387	149,387	14,939	14,939
Year 11	152,374	152,374	15,237	15,237
Year 12	155,422	155,422	15,542	15,542
Year 13	158,530	158,530	15,853	15,853
Year 14	161,701	161,701	16,170	16,170
Year 15	164,935	164,935	16,493	16,493
Year 16	168,234	168,234	16,823	16,823
Year 17	171,598	171,598	17,160	17,160
Year 18	175,030	175,030	17,503	17,503
Year 19	178,531	178,531	17,853	17,853
Year 20	182,101	182,101	18,210	18,210
Year 21	185,743	185,743	18,574	18,574
Year 22	189,458	189,458	18,946	18,946

- Notes: 1. Actual payment to be determined according to the actual tonnage landfilled during the previous calendar year.
2. The Year 1 payment may be pro-rated so as to have all remaining payments paid on the calendar year.

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ATTACHMENT C

**CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES, PROJECT #89-081
(STATE CLEARINGHOUSE NO. 92071053)**

**PROPOSED MODIFICATIONS TO CUP 89 081-(5)
CONDITIONS OF APPROVAL AND MONITORING PROGRAM**

**REGIONAL PLANNING COMMISSION ACTION 9/11/96
BOARD OF SUPERVISORS ANTICIPATED ACTION 2/25/97**

Pgs. 1 & 2, Conditions of Project Approval Condition for 1 Use Permit 89-081-(5), #5 is modified as follows:

- | | | |
|----|--------|-------------------|
| 5. | Delete | November 24, 2012 |
| | Add | November 24, 2019 |

Page 3, Condition #9 is modified as follows:

- 9a. Add The Landfill shall not accept sludge or sludge components at any time.

- 9b. Add The existing viewshed from Chiquito Canyon Road as presented pictorially to the Board of Supervisors on 2/25/97 shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the landfill site, including but not limited to temporary storage areas, any materials recovery facility, composting facility or any other ancillary facilities that may be visible from Chiquito Canyon Road shall be designed to be harmonious with the natural topography and viewshed and shall be reviewed by the Community Advisory Committee.

- Add The landfill operator and the Community Advisory Committee shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen landfill operations, enhance the viewshed, establish the minimum number and type of trees necessary to do this and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline provided the above objectives are met and such planting is practical.

- | | | |
|-----|--------|---|
| 9d. | Delete | 35,000 tons per week and 7 working days |
| | Add | 30,000 tons per week and 6 working days |

[Handwritten signatures and initials]

**CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES, PROJECT #89-081
(STATE CLEARINGHOUSE NO. 92071053)**

**PROPOSED MODIFICATIONS TO CUP 89 081-(5)
CONDITIONS OF APPROVAL AND MONITORING PROGRAM**

9g. Add Nothing in this condition shall permit the maximum landfill capacity of 23 million tons to be increased.

9h. Delete sentence as written.

Add "The landfill shall not accept refuse for disposal from 5:00 p.m. on Saturdays through 4:00 a.m. on Mondays. Maintenance activities may occur during these times.

Page 6, Condition #12 is modified as follows:

12a. Second line, the word "biosolids" is deleted.

Page 7, Condition #12 is modified as follows:

12d is deleted and replaced by:

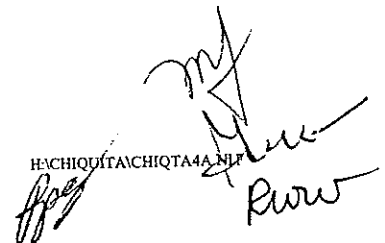
12d. The composting operation shall receive no more than 560 tons per day of green waste and no waste water biosolids (e.g., sludge or sludge components).

Page 9, Condition #20 is modified as follows:

20e is deleted and replaced by:

20e. The landfill operator shall install and maintain temporary litter fences in operating areas and in those areas along the property perimeter that are regularly littered due to the location of the operating area, time of year, and climatic conditions. The landfill operator and the Community Advisory Committee shall work together to identify littered areas in need of fencing.

Add 20g. The landfill operator shall install speed bumps on landfill property in paved areas along the route of trucks leaving the landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the site.


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**CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES, PROJECT #89-081
(STATE CLEARINGHOUSE NO. 92071053)**

**PROPOSED MODIFICATIONS TO CUP 89 081-(5)
CONDITIONS OF APPROVAL AND MONITORING PROGRAM**

Add 20h. Landfill personnel shall police Chiquito Canyon Road from SR 126 to the entrance to Val Verde at Rancho Avilos and the surrounding area within 100 feet of the centerline of the road or to any existing fence on private property for the purpose of locating and cleaning up litter in this area. Litter pickup shall be a minimum of one time per month and may be increased, upon agreement between the landfill operator and the Community Advisory Committee, to maintain a litter free environment.

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Add 20i. The landfill operator shall provide four free quarterly clean-up days to residents of Val Verde, showing proper identification and proof of residence at the landfill. These days may be Sundays. The operator shall further reimburse the Community Advisory Committee for the cost of providing two rolloff bins in Val Verde on each clean-up day. The operator and Committee may jointly change this program if they mutually determine alternatives to the above can further assist the community.

Page 11, Condition #23 is modified to:

Add The permittee shall have bilingual (Spanish/English) employees available during business hours. The permittee shall arrange to have Spanish speaking operators available for messages 24 hours per day.

Page 13, Condition #34 is modified to:

Add The permittee shall use his best efforts to maximize landfill gas collection consistent with applicable government regulations. The permittee shall use the best available technology when installing and maintaining landfill gas collection systems.

Add Permittee shall purchase a maximum of five combustible gas monitors, at least one of which is able to be used outdoors, an organic vapor analyzer, similar to the monitors used in structures at the Chiquita Canyon Landfill, and provide same to the Community Advisory Committee for placement in locations of concern to the community, as determined by the Committee. These monitors are designed to detect and provide warning in the event of a build-up of methane gas. The Committee shall be responsible for locating, monitoring and maintaining such monitors. In the event such monitors indicate discernible levels of methane gas, the Committee and the landfill operator shall jointly investigate the situation and if it is determined that the

**CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES, PROJECT #89-081
(STATE CLEARINGHOUSE NO. 92071053)**

**PROPOSED MODIFICATIONS TO CUP 89 081-(5)
CONDITIONS OF APPROVAL AND MONITORING PROGRAM**

landfill is the cause of such methane gas build-up, the landfill operator will take corrective action.

- Add The permittee shall work with the Citizens Advisory Committee in understanding the requirements of Rule 1150.1 governing the control of gaseous emissions from active landfills. The permittee shall forward copies of any notices or reports filed with or received from the regulatory agency or agencies responsible for oversight.

Page 15, Condition #42

- Add The permittee shall perform an economic viability and marketing study on an annual basis to assess opportunities to implement a materials recovery facility in an expeditious manner. *NOTHING IN THIS CONDITION SHALL MANDATE THE PERMITEE TO IMPLEMENT A MATERIALS RECOVERY FACILITY.*

Page 15, New Condition #43:

- Add The permittee shall present its Emergency Response Plan to the Community Advisory Committee and develop an additional component with the Committee for emergency notification to the Val Verde community. The landfill operator shall bear the reasonable costs, if any, of plan implementation.

New Condition #44

- Add The permittee and the land owner shall establish an ongoing Val Verde Community Benefits Fund for the life of the project as follows:

The minimum funding provided during any annual period when the landfill has accepted less than 250,000 tons of waste for disposal in the previous calendar year shall be \$12,500 from the owner and \$12,500 from the operator. If the landfill is accepting waste for disposal during any annual period and accepted 250,000 tons of waste for disposal or more in the previous calendar year, the funding to be paid for that annual period will be \$125,000 from the owner and \$125,000 from the operator. The funding amount shall be adjusted 2% per year.

*AS DIRECTED BY THE COUNTY
THIS CONDITION #44 MAY BE
MORE APPROPRIATE IN THE
STATEMENT OF AGREEMENTS
AS ITEM # 13*

**CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES, PROJECT #89-081
(STATE CLEARINGHOUSE NO. 92071053)**

PROPOSED MODIFICATIONS TO CUP 89 081-(5)

CONDITIONS OF APPROVAL AND MONITORING PROGRAM

The commencement date for provision of funds shall be the later of (1) January 1, 1998 or (2) the date upon which all of the County approvals and the subsequent approvals are complete and effective and no appeals, litigation or other challenges to such approvals are pending or permitted pursuant to applicable statutes of limitation.

The payment for the first year may be pro-rated so as to have all subsequent payments made on a calendar year basis.

New Condition #45:



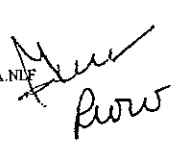
- Add The permittee shall purchase translation equipment as specified by the Val Verde Civic Association for a one time cost not to exceed \$8,000, by or before the first payment is made in Condition #44.

New Condition #46

- Add The maximum total capacity of the landfill shall be 23 million tons. Landfill closure shall occur when this capacity is reached or by November 24, 2019, whichever occurs first.

New Condition #47

- Add In the event that permittee is precluded from utilizing this grant as a result of a lawsuit, permittee may continue to operate the existing landfill under CUP 1809-(5) beyond the November 24, 1997 expiration date applicable to, and subject to all other conditions and limitations set forth in CUP 1809-(5) until completion of the design shown on the latest approved Exhibit A on file with CUP 1809-(5) or November 24, 2000, or until lawsuit resolution granting this CUP 89 081-(5), which ever occurs first.


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ATTACHMENT B

VAL VERDE COMMUNITY BENEFITS FUND PAYMENT SCHEDULE

CALENDAR YEAR	250,000 TONS OR MORE		LESS THAN 250,000 TONS	
	OWNER	OPERATOR	OWNER	OPERATOR
Year 1	\$125,000	\$125,000	\$12,500	\$12,500
Year 2	127,500	127,500	12,750	12,750
Year 3	130,050	130,050	13,005	13,005
Year 4	132,651	132,651	13,265	13,265
Year 5	135,304	135,304	13,530	13,530
Year 6	138,010	138,010	13,801	13,801
Year 7	140,770	140,770	14,077	14,077
Year 8	143,586	143,586	14,359	14,359
Year 9	146,457	146,457	14,646	14,646
Year 10	149,387	149,387	14,939	14,939
Year 11	152,374	152,374	15,237	15,237
Year 12	155,422	155,422	15,542	15,542
Year 13	158,530	158,530	15,853	15,853
Year 14	161,701	161,701	16,170	16,170
Year 15	164,935	164,935	16,493	16,493
Year 16	168,234	168,234	16,823	16,823
Year 17	171,598	171,598	17,160	17,160
Year 18	175,030	175,030	17,503	17,503
Year 19	178,531	178,531	17,853	17,853
Year 20	182,101	182,101	18,210	18,210
Year 21	185,743	185,743	18,574	18,574
Year 22	189,458	189,458	18,946	18,946

Notes: 1. Actual payment to be determined according to the actual tonnage landfilled during the previous calendar year.

2. The Year 1 payment may be pro-rated so as to have all remaining payments paid on the calendar year.

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CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES, PROJECT #89-081
(STATE CLEARINGHOUSE NO. 92071053)

PROPOSED MODIFICATIONS TO CUP 89 081-(5)
CONDITIONS OF APPROVAL AND MONITORING PROGRAM

MONITORING PROGRAM MODIFICATIONS

Page 2, Attachment to Conditions, Monitoring Program, Part I Landfill Elevations, A, third line,
shall be modified to read as follows:

"... the permittee shall install *permanent* survey monuments ..."

Pages 7 and 8, Attachment to Conditions, Part VII, Monitoring Reports, shall be modified as
follows:

Add The Community Advisory Committee shall receive a copy of the completed report
and agency comments upon submittal to the Regional Planning Commission. *All reports*
in this section will be forwarded to the Community Advisory Comm.
The permittee and its technical staff shall be available to present the findings and *within*
implications of the report at no cost, in a timely manner, to the Community Advisory *5 weeks*
Committee upon request. *done!*
Just PPP
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Page 9 - Attachment to Conditions, Part VIII, Community Advisory Committee, shall be modified
as follows:

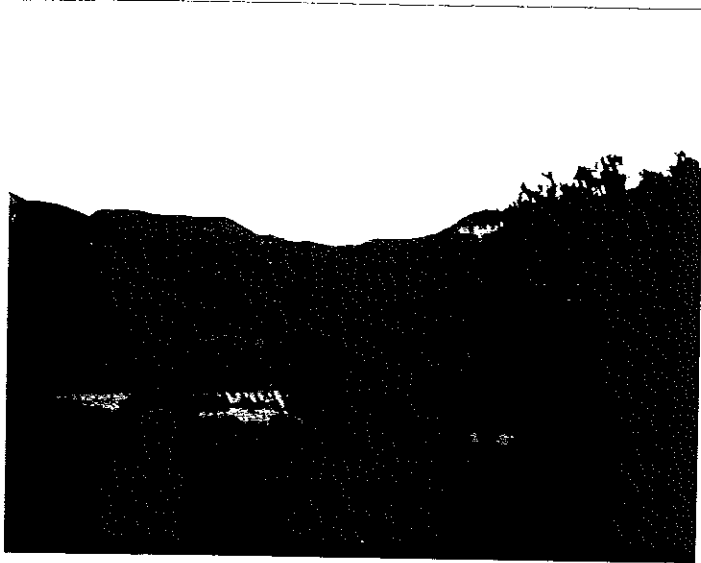
Add "The committee shall be comprised of a majority of persons who reside in
Val Verde.

Delete "persons who reside in the vicinity of the site."

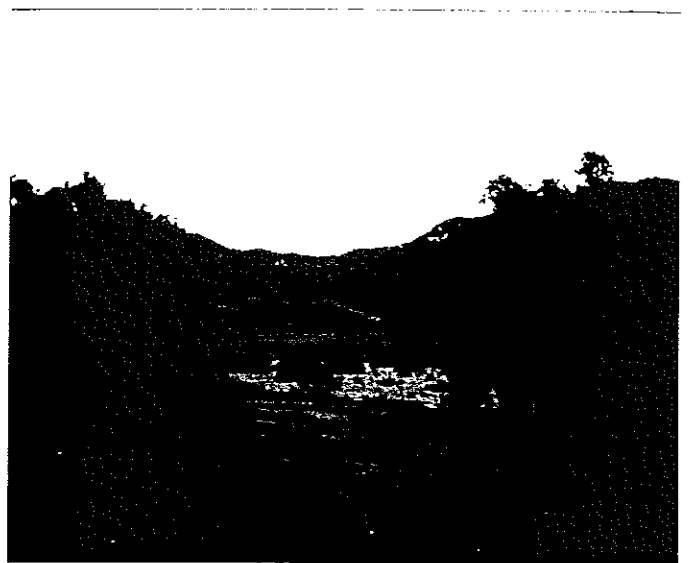
Page 9, Part VIII, #3

Delete \$11,000 per annum

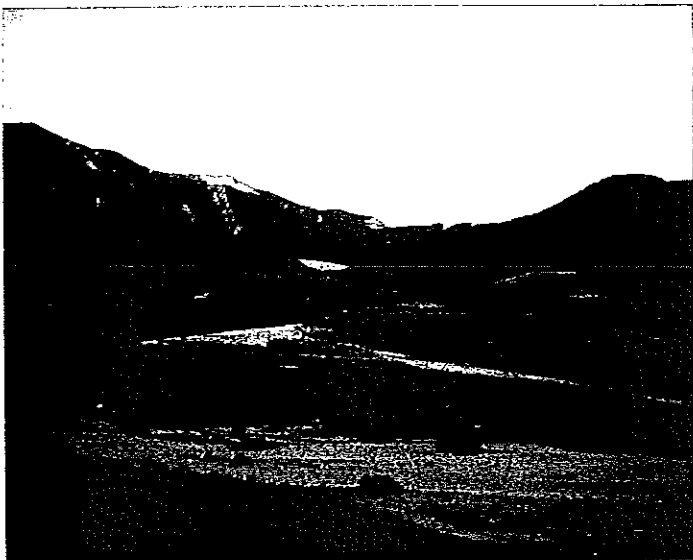
Add \$20,000 per annum



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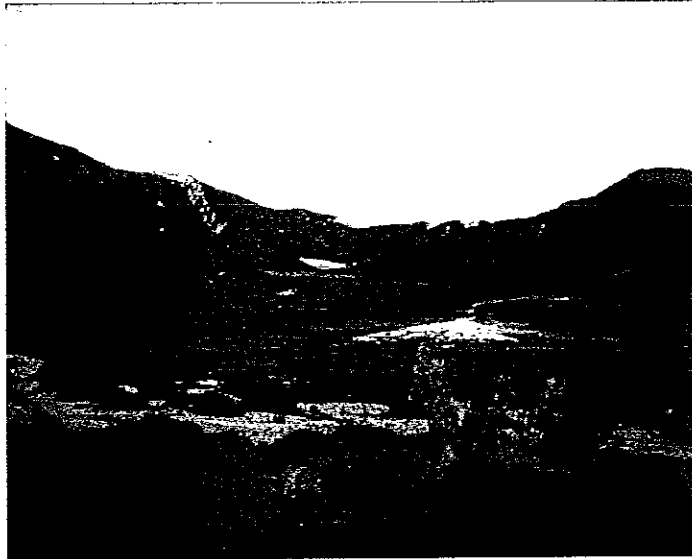


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CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES PROJECT 89-081

FIRST AMENDMENT TO
STATEMENT OF AGREEMENTS AND UNDERSTANDINGS BY AND BETWEEN

NEWHALL LAND AND FARMING CO
LAIDLAW WASTE SYSTEMS (CHIQUITA), INC.
VAL VERDE CIVIC ASSOCIATION
CITIZENS AGAINST THE CHIQUITA CANYON LANDFILL EXPANSION

The parties hereto hereby amend the "Statement of Agreements and Understandings" entered into between them on February 21 and 24, 1997 (the "Agreement") as follows:

1. Paragraph 2 of the Agreement is hereby deleted and replaced with the following new Paragraph 2:

"2. Expenditures of funds received pursuant to this Agreement shall be limited to the list of permitted expenditures set forth in Attachment A to the Agreement, as may be amended from time to time according to its terms. The Val Verde Civic Association shall accept and expend the funds received pursuant to this Agreement through an independent committee of the Val Verde Civic Association (the "Community Benefits Funding Committee"), which the Val Verde Civic Association shall create on or before September 30, 1997 by amending its Bylaws as needed. The Community Benefits Funding Committee shall consist of: (a) five voting members all of whom shall be elected in an open, inclusive election process in accordance with the election provisions set forth in Attachment D hereto; and (b) four non-voting members, one each as designated by Laidlaw Waste Systems (Chiquita), Inc., the Newhall Land and Farming Co., the Los Angeles County Supervisor for the district that includes the landfill, and the Val Verde Civic Association."

2. "New Condition #44" as set forth in Attachment C to the Agreement is hereby deleted and replaced with the following "New Condition #44":

"New Condition #44: Permittee shall comply with the Statement of Agreements and Understandings it entered into with certain community representatives on February 21 and 24, 1997, as that agreement has been amended and as it may be amended according to its terms."

3. New Paragraphs 13, 14, and 15 are hereby added to the main body of the Agreement, as follows:

"13. The community benefits funds shall be paid to the Community Benefits Funding Committee established pursuant to paragraph 2 above. The funding provided during any annual period when the landfill is accepting waste for disposal and accepted less than 250,000 tons of waste for disposal in the previous calendar year shall be \$12,500 from the owner and \$12,500 from the operator. If the landfill is accepting waste for disposal during any annual period and accepted 250,000 tons of waste for disposal or more in the previous calendar year, the funding to be paid for that annual period will be \$125,000 from the owner and \$125,000 from the operator. The funding amount otherwise due shall be adjusted up 2% per year as shown on Attachment B. The commencement date triggering the owner's and operator's obligation to pay such funds shall be the later of (1) January 1, 1998 or (2) the date upon which all of the County approvals and the subsequent approvals necessary for the initial operation of the landfill expansion are complete and effective and no appeals, litigation or other challenges to such approvals are pending or permitted pursuant to applicable statutes of limitation (the "Commencement Date"). The landfill operator shall use its best efforts to complete the permitting process at the earliest practicable time."

"14. Payments hereunder shall be made in advance based on the previous year's tonnage of waste disposed of at the landfill. The first payment shall be due within 30 days after the Commencement Date. Thereafter, each payment shall be due by January 31 of each year for which a payment is due. By making payments in advance it is understood that no payment shall be made for any year in which the landfill does not accept waste for disposal even if the landfill has accepted waste for disposal in the preceding year. For the final year in which the landfill accepts waste for disposal, the payment due by January 31 of that year shall be pro-rated as a portion of an entire year's payment based on the landfill operator's estimate of the number of months in that year that the landfill will actually accept waste for disposal. If the landfill operator's estimate is ultimately shorter than the actual number of months in that year in which the landfill accepts waste for disposal, then an additional pro-rated payment shall be made within 30 days of the date on which the landfill stops accepting waste for disposal."

"15. The parties hereby agree that any amendments to this Agreement made after the Commencement Date may only be made in writing and signed by representatives of Laidlaw Waste Systems (Chiquita), Inc. (or its successors or assigns), The Newhall Land and Farming Co. (or its successors or assigns), and the Val Verde Civic Association (or its successors). No other party's consent shall be required to amend this Agreement after the Commencement Date, and the Citizens Against the Chiquita Canyon Landfill Expansion hereby waives its right to participate in matters pertaining to the Agreement after the Commencement Date. There are no third party beneficiaries to the Agreement. In the event that the Val Verde Civic Association ceases to exist, or if the Community Benefits Funding Committee becomes legally incapable of existing as an independently-elected committee of the Val Verde Civic Association in accordance with this Agreement, then the Community Benefits Funding Committee shall establish itself as an independent corporation organized in compliance with this Agreement and all applicable laws and regulations, and all rights of the Val Verde Civic Association and the Community Benefits Funding Committee under this Agreement (including the right to agree to amend this Agreement) shall transfer automatically to that new corporation. The Val Verde Civic Association shall not be deemed to have ceased existence solely due to a change or changes in its name and/or its constituent documents. In the event of such a change, the Association shall give notice thereof to the parties to this Agreement."

IT IS SO AGREED.

Dated: April 23, 1997

LAIDLAW WASTE SYSTEMS (CHIQUITA), INC.

By: Rodney W. Walter II
Printed Name: RODNEY W. WALTER II
Title: GENERAL MANAGER

Dated: April 23 1997

NEWHALL LAND AND FARMING CO. WB

By: Gary M. Cusumano
Printed Name: GARY M. CUSUMANO
Title: President

Dated: April __, 1997

VAL VERDE CIVIC ASSOCIATION

By: Ruth P. Griffin
Printed Name: Ruth P. Griffin 4/23/97
Title: President Val Verde Civic Assoc.

Dated: April 23, 1997

CITIZENS AGAINST THE CHIQUITA CANYON
LANDFILL EXPANSION

By: Merry L. Farmer
Printed Name: MERRY L. FARMER
Title: Chairperson

ATTACHMENT D

ELECTION REQUIREMENTS FOR THE COMMUNITY BENEFITS FUNDING COMMITTEE

Section 1. The First Election of Voting Members

- a. The Executive Committee of the Val Verde Civic Association (the "Association") shall coordinate and call the first election for the five Voting Members of the Community Benefits Funding Committee (the "Committee") in strict compliance with the requirements of this Attachment D.
- b. The first election must occur by September 30, 1997, and the Voting Members elected at that election shall take their positions immediately.
- c. At the first election, all five Voting Members will be elected. The three highest vote getters will be designated as holding the "odd year" positions with those positions becoming open for new elections in 1999 and in every odd-numbered year thereafter. The other two Voting Members will be designated as holding the "even year" positions with those positions becoming open for new elections in 1998 and in every even-numbered year thereafter.
- d. The election procedural duties given by this Attachment D to the Committee's Voting Members (as set forth in Section 3 below) shall be exercised, for the first election only, by the Executive Committee of the Association with assistance from the Non-Voting Member designated by the Los Angeles County Supervisor for the district that includes the Chiquita Canyon Landfill.

Section 2. Subsequent Elections of Voting Members

After the first election of the Voting Members, the Committee shall coordinate and call all future elections of its Voting Members, which elections must occur during the months of October or November each year. All subsequently elected Voting Members shall take their positions effective as of December 1 following their election.

Section 3. Conduct of Elections

The five Voting Members will be elected by an open, inclusive, annual, privately-run election process, as set forth below.

- a. A notice of election providing the date, time, purpose, and location of the election must be published not less than three weeks nor more than eight weeks before the date of the election in two community newspapers selected by the Voting Members and serving the Val Verde community, one of which

must be an English-language newspaper and one of which must be a Spanish-language newspaper. For the first election, notice must be published in The Signal and La Opinion.

- b. A bilingual (English and Spanish) notice of the election must be posted in a prominent location in the community of Val Verde at least three weeks before the election and must remain posted continuously until the election. In the event of any vandalism defacing or removing the posted election notice, notice shall be replaced or repaired as soon as reasonably possible and the act of vandalism shall not prevent the election from occurring as scheduled.
- c. The election shall take place within the community of Val Verde if reasonably practicable or, if no venue within Val Verde is reasonably available, as close to Val Verde as is practicable.
- d. The election shall be held from 7:00 a.m. to 7:00 p.m., and shall be held on a Tuesday, Wednesday, or Thursday, but not on any legal holiday.
- e. All persons registered to vote in the community of Val Verde, County of Los Angeles, whose primary residence is in the community of Val Verde and who attend the election in person shall be eligible to vote for the Voting Member positions being elected at that election.
- f. Any person registered to vote in the community of Val Verde, County of Los Angeles, and whose primary residence is in the community of Val Verde shall be eligible to be nominated as a candidate for any Voting Member position. If any person serves two consecutive terms as a Voting Member, then such person shall not be eligible to serve as a Voting Member for at least one year.
- g. Candidates wishing to run for the Voting Member openings shall obtain an application from the Committee in advance of the election. Bilingual notice of the availability of the applications shall be posted on the community bulletin board at Val Verde Park at least two months in advance of the election. The completed applications must be returned to the Committee at least 30 days prior to the election. The application must include the signatures of five qualified voters, in addition to the candidate, supporting the candidate's nomination.
- h. Election shall be by secret ballot and each eligible resident shall be entitled to cast one vote for each position open, and the highest eligible vote-getters shall be elected.

- i. In the event of an exact tie, the then-current Voting Members, including the outgoing Voting Members, shall break the tie by selecting one of the tied voters to fill the position.

Section 4. Definition of Community of Val Verde

For purposes of this Attachment D, the "community of Val Verde" shall mean that portion of Los Angeles County, State of California, described as follows:

From the Val Verde, California, U.S.G.S. 7.5 minute series topographic map (photorevised 1988):

The northeast quarter of Section 8, all of Section 9, and the west half of Section 10, all of Township 4 North, Range 17 West, S.B.M.

EXCEPTING THEREFROM the southwest quarter of said Section 9 and the north half of the northwest quarter of Section 10.

Notwithstanding the foregoing description, the following addresses shall be deemed to be within the community of Val Verde:

- a. 29050 Elk Street;
- b. 29053 Coolidge Avenue;
- c. 31513 San Martinez Road; and
- d. 31510 San Martinez Road.

CHIQUITA CANYON LANDFILL EXPANSION
AND RELATED FACILITIES PROJECT 89-081

SECOND AMENDMENT TO
STATEMENT OF AGREEMENTS AND UNDERSTANDINGS BY AND BETWEEN

NEWHALL LAND AND FARMING CO
LAIDLAW WASTE SYSTEMS (CHIQUITA), INC.
VAL VERDE CIVIC ASSOCIATION

The parties hereto amend the "Statement of Agreements and Understandings" entered into between them on February 21 and 24, 1997, as modified by the First Amendment thereto dated April 23, 1997 (together the "Agreement") as follows:

1. Attachment D to the Agreement is hereby replaced in its entirety with the revised Attachment D attached hereto. All other terms of the Agreement remain unchanged.

IT IS SO AGREED.

Dated: May 16, 1997

LAIDLAW WASTE SYSTEMS (CHIQUITA), INC.

By: Rodney W. Walter II
Printed Name: RODNEY W. WALTER II
Title: GENERAL MANAGER

Dated: May 16, 1997

NEWHALL LAND AND FARMING CO.

By: Daniel N. Bryant
Printed Name: Daniel N. Bryant
Title: Asst. Sec

Dated: May 16, 1997

VAL VERDE CIVIC ASSOCIATION

By: Ruth P. Griffin
Printed Name: Ruth P. Griffin
Title: President

Dated: May 16, 1997

CITIZENS AGAINST THE CHIQUITA CANYON
LANDFILL EXPANSION

By: Merry Farmer
Printed Name: MERRY FARMER
Title: Chairperson

MS

ATTACHMENT D

ELECTION REQUIREMENTS FOR THE COMMUNITY BENEFITS FUNDING COMMITTEE

Section 1. The First Election of Voting Members

- a. The Executive Committee of the Val Verde Civic Association (the "Association") shall coordinate and call the first election for the five Voting Members of the Community Benefits Funding Committee (the "Committee") in strict compliance with the requirements of this Attachment D.
- b. The first election must occur by September 30, 1997, and the Voting Members elected at that election shall take their positions immediately.
- c. At the first election, all five Voting Members will be elected. The three highest vote getters will be designated as holding the "odd year" positions with those positions becoming open for new elections in 1999 and in every odd-numbered year thereafter. The other two Voting Members will be designated as holding the "even year" positions with those positions becoming open for new elections in 1998 and in every even-numbered year thereafter.
- d. The election procedural duties given by this Attachment D to the Committee's Voting Members (as set forth in Section 3 below) shall be exercised, for the first election only, by the Executive Committee of the Association with assistance from the Non-Voting Member designated by the Los Angeles County Supervisor for the district that includes the Chiquita Canyon Landfill.

Section 2. Subsequent Elections of Voting Members

After the first election of the Voting Members, the Committee shall coordinate and call all future elections of its Voting Members, which elections must occur during the months of October or November each year. All subsequently elected Voting Members shall take their positions effective as of December 1 following their election.

Section 3. Conduct of Elections

The five Voting Members will be elected by an open, inclusive, annual, privately-run election process, as set forth below.

- a. A notice of election providing the date, time, purpose, and location of the election must be published not less than three weeks nor more than eight weeks before the date of the election in two community newspapers selected by the Voting Members and serving the Val Verde community, one of which

Handwritten signature and initials, possibly "R2" and "R2" or "R2" and "R2", in the bottom right corner.

must be an English-language newspaper and one of which must be a Spanish-language newspaper. For the first election, notice must be published in The Signal and La Opinion.

- b. A bilingual (English and Spanish) notice of the election must be posted in a prominent location in the community of Val Verde at least three weeks before the election and must remain posted continuously until the election. In the event of any vandalism defacing or removing the posted election notice, notice shall be replaced or repaired as soon as reasonably possible and the act of vandalism shall not prevent the election from occurring as scheduled.
- c. The election shall take place within the community of Val Verde if reasonably practicable or, if no venue within Val Verde is reasonably available, as close to Val Verde as is practicable.
- d. The election shall be held from 7:00 a.m. to 7:00 p.m., and shall be held on a Tuesday, Wednesday, or Thursday, but not on any legal holiday.
- e. All persons at least 18 years old, who have a valid California driver's license or California-issued photo identification card showing primary residence in the community of Val Verde, who have a current utility bill, telephone bill, or other similarly trustworthy document substantiating current primary residence in Val Verde, and who attend the election in person shall be eligible to vote for the Voting Member positions being elected at that election.
- f. Any person eligible to vote for the Voting Member positions pursuant to the preceding paragraph shall be eligible to be nominated as a candidate for any Voting Member position. If any person serves two consecutive terms as a Voting Member, then such person shall not be eligible to serve as a Voting Member for at least one year.
- g. Candidates wishing to run for the Voting Member openings shall obtain an application from the Committee in advance of the election. Bilingual notice of the availability of the applications shall be posted on the community bulletin board at Val Verde Park at least two months in advance of the election. The completed applications must be returned to the Committee at least 30 days prior to the election. The application must include the signatures of five qualified voters, in addition to the candidate, supporting the candidate's nomination.
- h. Election shall be by secret ballot and each eligible resident shall be entitled to cast one vote for each position open, and the highest eligible vote-getters shall be elected.

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KWS*

- i. In the event of an exact tie, the then-current Voting Members, including the outgoing Voting Members, shall break the tie by selecting one of the tied vote-getters to fill the position.

Section 4. Definition of Community of Val Verde

For purposes of this Attachment D, the "community of Val Verde" shall mean that portion of Los Angeles County, State of California, described as follows:

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EXCEPTING THEREFROM the southwest quarter of said Section 9 and the north half of the northwest quarter of Section 10.

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- a. 29050 Elk Street;
- b. 29053 Coolidge Avenue;
- c. 31513 San Martinez Road; and
- d. 31510 San Martinez Road.

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SUPPLEMENTAL HEARING PACKAGE FOR
PROJECT R2004-00559

April 19, 2017

ATTACHMENT F

April 12, 2017

Kathryn Barger, Fifth District Supervisor
Janice Hahn, Fourth District Supervisor
Sheila Kuehl, Third District Supervisor
Mark Ridley-Thomas, Second District Supervisor
Hilda L. Solis, First District Supervisor
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90082

Dear Supervisors Barger, Hahn, Kuehl, Ridley-Thomas, and Solis:

We wish to provide our input concerning the FEIR and environmental review of the Chiquita Canyon Landfill Master Plan Revision, as part of the hearing on the FEIR scheduled for April 19, 2017. For the reasons we discuss below, our assessment of the project is that it will continue to injure, with significantly greater impact, the health and well-being of nearby residents, especially those residing in the town of Val Verde. We feel that the injustice is great enough to warrant retraction of the FEIR and denial of the expansion permit.

As importantly, the FEIR itself is inadequate. The FEIR itself did not specifically address issues raised by various parties, including one of the authors of this letter; it instead repeated text found in the DEIR. The purpose of the public review is to address and respond to these comments, which the FEIR did not do. Some of the major objections to the proposed expansion and the FEIR include the following.

#1

1. As Dr. Raul Lejano discussed in his comments on the DEIR (August 23, 2014), the estimated excess cancer risk (i.e., the additional risk due to the landfill's emissions alone) to the maximum exposed individual (MEI) is around 420 in a million, well in excess of the significance threshold.¹ This was not specifically addressed in the FEIR. The latter only stated that risk analyses are conservative and, so, provide inflated risk estimates --a claim which is not responsible, given that there is no evidence showing that the DEIR's analysis is conservative or not. Moreover, such a statement would preclude conducting analysis altogether. The technical opinion offered by Dr. Lejano, an authority on risk assessment, is that the estimate of 420 in a million is not conservative and is indicative of the risk burden borne by residents of Val Verde due to the continued operation of the landfill. Expanding the landfill would increase cancer risk by 100 in a million or more. In addition, potential impacts on groundwater and surface water quality were not addressed.

#2

2. There is considerable epidemiological evidence of injuries to residents around these types of landfills from exposure to air toxics and particulates through airborne and waterborne routes of exposure. Mataloni et al. 2016 found evidence of increased cancer mortality rates and higher hospitalization rates (due to respiratory illness) within 5 km of the municipal landfills studied.² Other studies also found serious health

#3

¹ Lejano, R., Environmental analysis of the proposed Chiquita Canyon Landfill expansion. 2005, Department of Planning, Policy, and Design, University of California, Irvine: Irvine, CA.

² Mataloni, F. et al. (2016) "Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study." International journal of epidemiology 45(3): 806-815.

effects, including congenital malformations, due to proximity to landfills.³ The DEIR did not consider such striking evidence, and the FEIR did not address comments submitted for the DEIR review and civil rights complaint, which highlighted that evidence.

#3,
cont.

3. There is ample reason to suspect that analyses of environmental health risks are, in fact, understated (not conservative).

The most exposed residents (MEIR) and most exposed workers (MEIW) (e.g., at the postal facility) live or work within 0.2 miles of the landfill border. In contrast, the air quality data cited in the DEIR were gathered from SCAQMD monitoring sites located 7 or more miles away from the landfill (i.e., those in Burbank, Rededa, and Santa Clarita).⁴ None of the samples were drawn from the immediate vicinity (e.g., within 3 miles) of the landfill. Also, estimates of air pollution risks are calibrated for separate pollutants and rarely take into account cumulative/synergistic health effects of multiple air contaminants (e.g., those emitted from the landfill itself and from surrounding land uses such as Interstate 5, nearby oil drilling and pesticide production sites, etc.).

#4

The EPA's one-in-a-million criterion and the SCAQMD's ten-in-one-million criterion focus on cancer risk alone and do not take into account the links between air, water, and soil contaminants on other health problems such as asthma, ENT irritation/inflammation, respiratory infections, reactive airway disease, and the emotional and physiological impacts of chronic psychological distress.

4. The FEIR did not address various comments on the flawed Environmental Justice analysis found in the DEIR⁵, which only mentions that the percentage Hispanic population in the area surrounding the landfill is close to that in the County in general. As scholars of environmental justice, we object to such a faulty analysis. This is not the way environmental justice is analyzed, especially in a case where the residents immediately adjacent to the landfill bear health and safety hazards due to the landfill that other residents in the County do not. In effect, residents of Val Verde bear the brunt of others' solid waste. Presently more than 80% of the trash disposed at Chiquita Canyon Landfill comes from Southern California communities outside the Santa Clarita Valley, all transported to the immediate vicinity of Val Verde and neighboring communities. This, legally and substantively, violates Federal and State criteria for environmental justice. CalEPA defines environmental justice as "fairness, regardless of race, color, national origin or income, in the development of laws and regulations that affect every community's natural surroundings, and the places people live, work, play and learn" with an emphasis on "those individuals disproportionately impacted by pollution in decision making processes".⁶ The residents of Val Verde are clearly, and significantly, disproportionately impacted by pollution from the operation of the landfill, which the FEIR (and DEIR) avoid addressing.

#5

³ Vrijheid, M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. Environmental health perspectives, 2000. 108(Suppl 1): p. 101.

Croen, L.A., et al., Maternal residential proximity to hazardous waste sites and risk for selected congenital malformations. Epidemiology, 1997. 8(4): p. 347-354.

⁴ Los Angeles County Department of Regional Planning (July 10, 2014). Chapter 11 - Air Quality - Chiquita Canyon Landfill Master Plan Revision: Draft environmental impact report (DEIR) [Project No. R2004-00559-(5)] <http://dpw.lacounty.gov/epd/tf/chiquitadeir.html>. Los Angeles, CA, LACounty.gov, Department of Regional Planning.

⁵ Los Angeles County Department of Regional Planning (July 10, 2014). Chapter 16 - Environmental justice and socioeconomics - Chiquita Canyon Landfill Master Plan Revision: Draft environmental impact report (DEIR) [Project No. R2004-00559-(5)] <http://dpw.lacounty.gov/epd/tf/chiquitadeir.html>. Los Angeles, CA, LACounty.gov, Department of Regional Planning.

⁶ <https://www.calepa.ca.gov/envjustice/>

5. We submit our own work as evidence of the continued adverse impact of the Chiquita Canyon Landfill on the health and well-being of the residents of Val Verde.⁷ This includes serious nuisance effects (noise, odor, litter) and psychological distress/trauma experienced by its residents. The FEIR did not address these issues (which were also brought up in Lejano's comments on the DEIR, mentioned above).

#6

We add that such effects, which include significant impacts on property value, are not confined to Val Verde but also extend to communities in Valencia and Newhall and other parts of Santa Clarita. A review of property value impacts of landfills is found in Farber (1998) --e.g., Reichert et al. (1992) find property value reductions of 5.5-7.3% around landfills.⁸

#7

6. Since the landfill was expanded in 1998, new residential neighborhoods, schools, and childcare facilities have been constructed within 1-2 miles of the proposed expanded landfill perimeter. So there are now many more sensitive land uses near Val Verde that are within a three-mile radius of the landfill than there were two decades ago. In light of existing epidemiological evidence of the health problems associated with living close to toxic waste sites, and notwithstanding Waste Connections' assurances of improved air filtration systems and improved liners/seals to be installed beneath the landfill, a cautionary approach (closing vs. continuing and expanding the landfill) is strongly advised.

#8

7. The community signed an agreement with the landfill owner in 1997 that the landfill would be closed after exceeding 23M tons of trash (which were surpassed in July 2016) or by Nov. 2019, whichever came first.⁹ In fact, the proposed expansion would extend the life of the landfill through 2037, expand its waste disposal footprint from 257 to 400 acres, and grow from a maximum of 30K tons of trash per week to 60K tons—more than are processed by the Apex Landfill in Las Vegas, currently the largest operating waste site in the U.S. The proposed project violates the trust and good faith of the residents.

#9

It is our professional opinion that the injuries borne by the residents of Val Verde from the continued operation of the landfill are real and unjust and would be exacerbated further by its expansion. We urge you to protect the health and well-being of residents in the 5th District, deny the move to expand the Chiquita Canyon Landfill, and initiate closure of the same.

Sincerely,



Raul Lejano, Ph.D.
Associate Professor of Environmental Education
Steinhardt School of Culture,
Education, and Human Development
New York University



Daniel Stokols, Ph.D.
Chancellor's Professor Emeritus
School of Social Ecology and
UCI College of Health Sciences
University of California, Irvine

⁷ Lejano, R., & Stokols, D. (2010). Understanding minority residents' perceptions of neighborhood risks and EJ: New modalities, findings, and policy implications. *Journal of Architectural and Planning Research*, 27(2), 107-123.

⁸ Farber, S. (1998). Undesirable facilities and property values: a summary of empirical studies. *Ecological Economics*, 24(1), 1-14.

Reichert, A., Small, M., & Mohanty, S. (1992). The impact of landfills on residential property values. *Journal of Real Estate Research* 7(3): 297-314..

⁹ Williams, T., Board of Supervisors OKs expansion of Chiquita Canyon Landfill http://articles.latimes.com/1997-02-26/local/me-32660_1_chiquita-canyon-landfill, in Los Angeles Times. February 26, 1997, LA Times: Los Angeles, CA.

cc: Richard Claghorn
Zoning Permits Section Rm 1345
Los Angeles County Dept of Regional Planning
320 W. Temple St.
Los Angeles CA 90012

Matthew Rodriguez
Secretary for Environmental Protection
Cal EPA
1001 I Street
Sacramento, CA 95812-2815

Comment #1

Summary of Comment

Commenters state that the Final EIR did not address issues raised by various parties.

Response

The issues were addressed. Comments received on the Original Draft EIR and Partially Recirculated Draft EIR were responded to in the Final EIR for the Proposed Project. The letter submitted by one of the authors of this letter is included in the Final EIR as Comment Letter #22, located in Volume 2A of the Final EIR. The response to Comment Letter #22 addresses the issues raised in Comment Letter #22. The response refers to the revised Air Quality chapter included in the Recirculated Draft EIR, plus multiple detailed topical responses included in Volume 2A of the Final EIR, including:

- Topical Response #1, Air Quality
- Topical Response #9, Environmental Justice
- Topical Response #17, Odor
- Topical Response #21, Public Health

Response to Comment #2

Summary of Comment

Commenters state that the estimated excess cancer risk is higher than that described in the EIR. In particular, the commenters state the estimated excess cancer risk (i.e. the additional risk due to the landfill's emissions alone) to the maximum exposed individual is around 420 in a million, well in excess of the significance threshold. In addition, the commenters take issue with the statement in the Final EIR that risk analyses are conservative, stating that there is no evidence showing that the EIR's analysis is conservative. Lastly, the commenters state that potential impacts on groundwater and surface water quality were not addressed.

Response

The opinion stated by the commenters does not reflect the actual project-related impacts evaluated in the EIR for the Proposed Project according to the methodology established by the South Coast Air Quality Management District.

Estimated Cancer Risk

The commenters state that the estimated excess cancer risk (i.e. the additional risk due to the landfill's emissions alone) to the maximum exposed individual is around 420 in a million, well in excess of the significance threshold. The commenters cite to Dr. Lejano's 2005 Environmental Analysis for this estimate.

However, the methodology of Dr. Lejano's 2005 Environmental Analysis does not meet standards for analysis set by the Office of Environmental Health Hazard Assessment (OEHHA) and it is not based on data related to Chiquita Canyon Landfill. Dr. Lejano's Environmental Analysis states that the risk assessment was prepared before the Original Draft EIR for the landfill expansion was published, and did not use information from the Draft EIR prepared in the early 1990s for the prior permit. "As no data was readily available, emissions from diesel exhaust were estimated from draft EIRs of other landfill projects."

CHIKUITA CANYON LANDFILL RESPONSE TO LEJANO-STOKOLS LETTER

Dr. Lejano's 2005 Environmental Analysis is not only not based on data regarding Chiquita Canyon Landfill; it also oversimplifies emissions from the landfill operation and proposed expansion. The report states:

[t]he Air Analysis section located in the Draft EIR of the Olinda Landfill indicated an average disposal rate of 7,000 tons per day (tpd). The Olinda Landfill PM10 emission was divided by the tons per day and the data was normalized by multiplying by the current CCL maximum disposal rate of 5,000 tpd. In order to input the data into the air dispersion model, the emission rate in grams per second had to be divided by the area of the landfill estimated within the rectangles created on the GIS map. This area was determined to be 645 m x 1,800 m = 1,160,000 m².

This statement suggests that diesel particulate emissions, inferred using PM10 as a surrogate, could occur from the entire landfill surface; in other words, these emissions were modeled as an area source. This approach is inconsistent with the OEHHA risk assessment guidelines for characterization of sources of emissions to the air. Under the OEHHA guidelines, emissions from diesel-emitting vehicles would be modeled as line sources with inputs including "a composite fleetwide emission factor, roadway geometry, hourly vehicle activity (i.e. diurnal vehicle per hour pattern), hourly meteorological data, and receptor placement" (OEHHA, 2015, Section 4.11.1.2). "Examples of line sources include: conveyor belts and rail lines, freeways, and busy roadways" (OEHHA, 2015, Section 4.3.1.2). "Fugitive particulate (PM2.5, PM10, total suspended particles) emission sources include areas of disturbed ground (e.g. open pits, parking lots) which may be present during operation phases of a facility's life. Also included are areas of exposed material (e.g. storage piles and slag dumps) and segments of material transport where potential fugitive emissions may occur (uncovered haul trucks or rail cars, emissions from unpaved roads)" (OEHHA, 2015, Section 4.3.1.3). Because Dr. Lejano's Environmental Analysis used modeled diesel particulate emissions as an area source, rather than line sources, it is not consistent with OEHHA risk assessment guidelines for air emissions.

The methodology of Dr. Lejano's 2005 Environmental Assessment, is an overly simplified representation of emissions from the landfill operation and proposed expansion. Dr. Lejano's methodology would result in emissions, concentrations in air and health risks that are considerably higher than the more realistic (but still conservative) emissions information in the health risk assessment supporting the Draft EIR. For example, with diesel particulate matter, Dr. Lejano's 2005 Environmental Assessment assumes that emissions occur across the entire surface of the landfill – which is incorrect. The emissions and modeling approach in Dr. Lejano's 2005 Environmental Assessment is overly conservative and simple and should not be used to assess human health risks. Therefore, the commenters' claim that the estimated excess cancer risk to the maximum exposed individual is around 420 in a million does not provide an accurate representation of health risk associated with the landfill operation and proposed expansion.

Risk Analysis

The commenter is critical of the statement in the Final EIR that risk analyses are conservative, stating that there is no evidence showing that the Partially Recirculated Draft EIR's analysis is conservative or not.

The evidence that the health risk assessment supporting the Draft EIR and described in the Air Quality and Public Health response to comments, includes the following points which demonstrate the conservative nature of risk analyses:

1. Modeling of impacts to air quality focus on presenting results for the maximum exposed individual – an individual assumed to be located continuously over a lifetime at the location where the maximum air quality impacts are assumed to fall. Health risks for individuals at all other locations will be lower than the hypothetical maximum exposed individual.

CHIQUITA CANYON LANDFILL RESPONSE TO LEJANO-STOKOLS LETTER

2. Lifetime cancer risks are estimated in an upper-bound manner, and are an overstatement of actual cancer risks.
3. Non-cancer health impacts are based on the no-effect level for the most sensitive adverse effect estimated in the most sensitive species (whether human or laboratory animal); safety factors are added to the no-effect level to provide additional margins of safety. These conservative methods are built into the risk assessment guidelines published by OEHHA (OEHHA, 2015), which were used to prepare the health risk assessment that supports the EIR.

Groundwater and Surface Water Quality

The commenters state that potential impacts on groundwater and surface water quality were not addressed.

The EIR includes thorough evaluation and topical responses regarding groundwater and surface water quality, in Chapter 6, Surface Water, and Chapter 7, Water Quality, and associated appendices. The impact assessment prepared by the County is based on site-specific analysis developed in accordance with CEQA.

Response to Comment #3

Summary of Comment

The commenters state that there is considerable epidemiological evidence of injuries to residences around these types of landfills from exposures to air toxics and particulates through airborne and waterborne routes of exposure. The commenters also state that other studies also found serious health effects, including congenital malformations, due to proximity to landfills. In addition, the commenters reference a study completed by Mataloni et al, 2016, and states that it found evidence of increased cancer mortality rates and higher hospitalization rates (due to respiratory illness) within 5 km of the municipal landfills studied.

Response

Epidemiological Evidence and Other Studies

The commenters state that there is considerable epidemiological evidence of injuries to residences around these types of landfills from exposures to air toxics and particulates through airborne and waterborne routes of exposure. The commenters also state that other studies found serious health effects, including congenital malformations, due to proximity to landfills.

While the commenters provide an example of a large, recently-published epidemiological study of human health risks in proximity to several landfills in Italy, the commenters fail to show that the results of that study are applicable to Chiquita Canyon Landfill. For example, the commenters fail to show that the landfills in Italy are similar in operational nature to Chiquita Canyon Landfill, or that the populations in proximity to Italian landfills are exposed to similar health risks to the populations in proximity to Chiquita Canyon Landfill. A more judicious look at the epidemiological literature raises doubts about the existence of considerable evidence of adverse health effects in populations living near landfills.

Numerous published epidemiological studies examine the relationships between exposures to emissions or releases from landfills and adverse health effects in surrounding communities. A systematic review of these studies published in 2009 under European Union sponsorship (Porta et al., 2009)

That study reviewed the available epidemiological literature on health effects in the vicinity of landfills and incinerators and among workers at waste processing plants to derive usable excess risk estimates for health impact assessment. Their paper reviewed a total of 49 papers of epidemiological studies

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reported between 1983 and 2008; 32 concerned health effects in communities in proximity to waste management or disposal sites and 17 on effects to employees at these sites. Most of the studies addressed municipal solid waste disposal and incinerators. A summary of the overall epidemiological evidence for municipal solid waste landfills and incinerators was that the level of evidence for a wide range of health effects, including cancer at multiple sites, birth defects, low birth weight and respiratory effects, was either “inadequate” or “limited”. “Inadequate” meant that the available studies were of insufficient quality, consistency, or statistical power to decide the presence or absence of a causal association; “limited” was defined as a positive association having been observed between exposure and disease for which a causal interpretation is considered to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence. For studies with sufficient quality and statistical power, Porta et al., 2009 presented estimates of relative risks (i.e. the disease rate in an exposed population relative to the rate in an unexposed population). For example, the relative risks of different birth defects and low birth weight for residents within 2 km of municipal landfills in the United Kingdom (Elliott et al., 2001) ranged from 1.02 to 1.18. The relative risks of different birth defects and cancers for residents within 3 km of municipal incinerators in the UK (Jarup et al, 2002) ranged from 1.04 to 1.55. Relative risks for cancers in residents living in proximity to municipal landfills is not presented by Porta et al., 2009, suggesting there were no studies of sufficient quality and statistical power to quantify risks. As is discussed below, rate ratios such as relative risks lower than 2.0 are considered to be a weak association between exposure and disease (Monson, 1980).

Porta et al., 2009 concludes, “it is clear that the studies on cancer are not sufficient to draw conclusions regarding health effects near landfills, both with toxic and non-toxic wastes. The largest study conducted in England by Jarup et al does not suggest an increase in the cancer types that were investigated. Investigations of other chronic diseases are lacking, especially of respiratory diseases, yet there is one indication of an increased risk of asthma in adults, but with no replication of the findings. Overall, the evidence that living near landfills may be associated with health effects in adults is inadequate.”

Mataloni et al, 2016

The commenters reference a study completed by Mataloni et al, 2016, and state that the study found evidence of increased cancer mortality rates and higher hospitalization rates (due to respiratory illness) within 5 km of the municipal landfills studied.

Mataloni et al., 2016 is a study of the potential health effects in proximity to nine municipal waste landfills in the Lazio region of Italy. This study determined that there is a weak association between several types of cancers, cardiovascular diseases and respiratory diseases and proximity to landfills. The study encompassed a cohort of 242,409 residents within 5 km of the landfills and addressed health records between 1996 and 2008. Mataloni et al., 2016 notes the conclusion of Porta et al., 2009 that evidence of living close to a landfill and adverse health effects is inconclusive. This study evaluated potential health effects associated with contamination from landfills using hydrogen sulfide concentrations in air as a surrogate measure of exposure.

Mataloni et al., 2016 quantified “hazard ratios” (HR) which is a rate ratio similar to others used in epidemiology, such as relative risk (RR) or odds ratios (OR). Based on their analysis, the authors found associations between hydrogen sulfide exposure from landfills and mortality from lung cancer as well as mortality and morbidity for respiratory diseases. They note that the occurrence of respiratory diseases have been observed in some studies but not others. They conclude that the excess lung cancer incidence is a relatively new finding, noting it had not been observed in a large study of residents near municipal landfills (Elliott et al., 2002, described previously).

CHIKUITA CANYON LANDFILL RESPONSE TO LEJANO-STOKOLS LETTER

The Mataloni et al., 2016 study quantified HRs for several types of cancers, cardiovascular diseases and respiratory diseases, with most of the values below 2, which is considered a weak association. Rate ratios such as HR that are less than 2 to 3 generally are considered to be weak associations between exposure and disease (Monson, 1980; Boffetta, 2010). Strength of association between exposure and disease is one of the “Bradford-Hill” guidelines for causality in epidemiological studies. Weak associations magnify the three major methodological problems normally observed in observational research such as epidemiology: chance, bias and confounding (Boffetta, 2010). The fact that such a large study found only a weak association between exposure to landfill emissions and adverse effects in surrounding communities does not represent the “striking evidence” asserted by the commenters. In fact, the Mataloni et al. study confirms previous studies finding little if any evidence of adverse health effects of proximity to landfills.

Response to Comment #4

Summary of Comment

The commenters state there is ample reason to suspect that analyses of environmental health risks are understated and response not conservative.

Response

Exposure

The commenters state the most exposed residents (MEIR) and most exposed workers (MEIW) (e.g. at the postal facility) live or work within 0.2 miles of the landfill border. In contrast, the commenters stated, the air quality data cited in the Original Draft EIR were gathered from SCAQMD monitoring sites located 7 or more miles away from the landfill (i.e. those in Burbank, Reseda, and Santa Clarita). The commenters stated that none of the samples were drawn from the immediate vicinity (e.g., within 3 miles) of the landfill.

Note that the MEIR and MEIW locations were defined using air dispersion modeling of emissions from the Proposed Project. The quantitative estimates of human health risks at the MEIR and MEIW locations are based on the Proposed Project’s emissions estimation and dispersion modeling performed as part of the human health risk assessment. These estimates do not represent existing levels of risk at the Project’s MEIR and MEIW locations.

The SCAQMD operates and maintains an array of ambient air monitors throughout the South Coast Air Basin. These monitoring station locations were selected by SCAQMD to determine general background levels of criteria air pollutants in the South Coast Air Basin. Although the monitoring stations used in the Draft EIR/Final EIR are up to 7 miles away from the MEIR and MEIW locations impacted by the Proposed Project, these data represent the closest and best data available data for representing existing levels of criteria air pollutants at the communities near the Project.

Estimates of Air Pollution Risks

The commenters state that estimates of air pollution risks are calibrated for separate pollutants and rarely take into account cumulative/synergistic health effects of multiple air contaminants (e.g. those emitted from the landfill itself and from surrounding land uses such as Interstate 5, nearby oil drilling and pesticide production sites, etc.).

While it is correct that the estimates of human health risks for emissions from the landfill and supporting operations are calculated on a pollutant-by-pollutant basis, cumulative risks are addressed from multiple air toxics emitted from the landfill and supporting operations. Lifetime cancer risks presented in the human health risk assessment are calculated as the sum of the risks from individual

CHIKUITA CANYON LANDFILL RESPONSE TO LEJANO-STOKOLS LETTER

carcinogenic substances. For non-carcinogenic substances, the exposures are summed for substances with a common toxic effect or common target organ, to calculate a value referred to as a “hazard index.” While the human health risk assessment focused on the emissions from the landfill operations, an assessment was performed to address cumulative effects from other air contaminants. This assessment was presented in the Public Health Evaluation Technical Memorandum prepared as part of the supporting documentation for this project (Appendix M of the Final EIR), and incorporated information developed in the SCAQMD’s Multiple Air Toxics Exposure Study (MATES), CalEnviroScreen, and disease statistics collected by the Los Angeles County Department of Public Health, to provide further perspective on the health risks potentially associated with landfill emissions.

EPA and SCAQMD Criterion

The commenter states the EPA’s one-in-a-million criterion and the SCAQMD’s ten-in-one-million criterion focuses on cancer risk alone and do not take into account other health problems such as asthma, ear, nose, and throat irritation/inflammation, respiratory infections, reactive airway disease and emotional and physiological impacts of chronic psychological distress.

EPA and SCAQMD target cancer risk levels focus on cancer risk, and do not address other types of adverse effects. However, as summarized in Topical Response 21 – Public Health – other adverse health effects were addressed.

Psychological Distress

Assessing psychological distress/trauma in a community associated with a specific situation can be difficult. However, health statistics associated with substance abuse (including tobacco), suicide rates, diagnoses of depression or anxiety, and physiological effects with a stress-related component such as hypertension, can contribute to overall indications of well-being, both physical and psychological. A 2013 survey of key indicators published by the Los Angeles County Department of Public Health summarizes these statistics at a Service Planning Area (SPA) level. For SPA 2, which includes the Santa Clarita Valley communities, including Val Verde, many of these indicators of health status, health behaviors, health outcomes (particularly hypertension and stroke), suicide, or mental health outcomes (particularly depression and anxiety) are not substantially different from other SPAs in Los Angeles County. This description is limited with regard to the Val Verde community, as the available information pertains only to the larger SPA that encompasses the Val Verde community.

Response to Comment #5

Summary of Comment

Commenters state the Final EIR does not address comments on Environmental Justice analysis found in the Original Draft EIR.

Response

The Final EIR responded to comments on Environmental Justice in its Topical Response #xx, Environmental Justice. In addition, the Final EIR included the RCLCO study (insert actual name of study) and the Public Health Evaluation Technical Memorandum, which address impacts to property values and public health. The Public Health Evaluation Technical Memorandum presented an environmental indicators analysis using CalEnviroScreen 3.0, which “. . . identifies communities in California most burdened by pollution from multiple sources and most vulnerable to its effects, taking into account their socioeconomic characteristics and underlying health status,” (OEHHA, 2016). CalEnviroScreen 3.0 is a geographically-based environmental indicators modeling methodology that calculates a score representing cumulative impacts as a function of 1) pollution burden, and 2) population characteristics. Disadvantaged communities included areas disproportionately affected by environmental pollution and

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other hazards that can lead to negative public health effects, exposure, or environmental degradation, and areas with concentrations of people that are of low income, high unemployment, low levels of home ownership, high rent burden, sensitive populations or low levels of educational attainment.

Census tracts with CalEnviroScreen scores in the 75th percentile or higher or in other words, the top 25 percent of census tracts in the state in terms of combined pollutant impacts and population characteristics, were considered disadvantaged. The CalEnviroScreen 3.0 score for the census tract containing the Proposed Project site and the Val Verde community fall within the 66th to 70th percentile of census tracts across the state which falls below a 75th percentile threshold used to identify disadvantaged communities. Therefore, the census tract containing the Proposed Project site and Val Verde does not meet the threshold for disadvantaged communities using CalEnviroScreen.

Response to Comment #6

Summary of Comment

Commenters state that their own work provides evidence of the continued adverse impacts of the Chiquita Canyon Landfill on the health and well-being of the residents of Val Verde, including nuisance effects (noise, odor, litter) and psychological distress/trauma experienced by its residents. The commenters also state the Final EIR did not address these issues.

Response

The commenters' statements are based on general and policy-oriented analysis and recommendations, whereas the impact assessment prepared by the County is based on site-specific analysis developed in compliance with applicable state regulations, including guidance developed by the South Coast Air Quality Management District and the state's Office of Environmental Health Hazard Assessment. The EIR provides substantial evidence supporting the County's determinations, which are included in the Final EIR, in particular Chapter 11, Air Quality and Chapter 13, Noise.

Response to Comment #7

Summary of Comment

Commenters state that effects, which include significant impacts on property value, are not confined to Val Verde but also extend to communities in Valencia and Newhall and other parts of Santa Clarita. Commenters reference studies Farber, 1998, and Reichert et al, 1992, which found property value reductions of 5.5 – 7.3 percent around landfills.

Response

The referenced studies were completed approximately 19 and 25 years ago, are not specific to the communities surrounding CCL and do not address current property value conditions.

As stated in EIR Topical Response #20, Property Values, a CCL Housing Price Impact Study (Study) was conducted for the Proposed Project by real estate advisory firm RCLCO to evaluate residential pricing trends in Val Verde and similar surrounding areas of CCL as compared to the Los Angeles Metropolitan Statistical Area (MSA). The Los Angeles Metropolitan Statistical Area is defined as Los Angeles and Orange counties.

The Study compared the annual rates of change in the average price per square foot for single-family properties in the 91384 zip code located within five miles of CCL to the Los Angeles MSA. The Study examines two time periods: 1997 to 1999 and 2005 to 2014.

CHIKUITA CANYON LANDFILL RESPONSE TO LEJANO-STOKOLS LETTER

The Study concludes that CCL “has not impacted the rate of change in home prices in the Subject Areas, and that there is no clear relationship between the Landfill and changes in home prices in its surrounding residential areas.” The Study found that from 1997 to 1999, home prices in Val Verde outpaced the Los Angeles MSA by 21.4 to 29.6 percent, and from 2010 to 2014, home prices in Val Verde outpaced the Los Angeles MSA by 4.4 to 17.8 percent. Only from 2005 to 2009 did home prices in Val Verde decline at a faster rate than the broader Los Angeles MSA, by 14.4 to 30.4 percent. Based on this data, there is “no basis to conclude that the Landfill has impacted surrounding area home price appreciation.”

The RCLCO Study is attached to the Final EIR as Appendix L.

Response to Comment #8

Summary of Comment

Commenters state that since the landfill expanded in 1998, new residential neighborhoods, schools, and childcare facilities have been constructed within 1-2 miles of the proposed expanded landfill perimeter, and that there are now more sensitive land uses near Val Verde that are within a three-mile radius of the landfill than there were two decades ago. Commenters state that, in light of existing epidemiological evidence of the health problems associated with living close to toxic waste sites, a cautionary approach (closing vs. continuing and expanding the landfill) is strongly advised.

Response

Refer to Responses to Comment #2, 3, and 4, above. The EIR prepared by the County is based on site-specific analysis developed in compliance with applicable state regulations, including guidance developed by the South Coast Air Quality Management District and the state’s Office of Environmental Health Hazard Assessment. Moreover, this site-specific assessment was based on the existing condition at the time the Notice of Preparation was filed in 2009, and includes new development that has occurred since 1998 in its analysis. The County can and should rely on this more specific information in determining the adequacy of the EIR analysis. The EIR provides substantial evidence supporting the County’s determinations, which are included in the EIR.

As noted previously, the existing epidemiological evidence of the health problems associated with living close to landfills generally has been characterized as inconclusive. In cases where disease rates can be quantified, disease rates have been low, and can be characterized as weak associations between potential exposure to landfill emissions or releases and occurrences of disease. Assessing human health risks at the MEIR or MEIW locations is intended to show the highest risk expected from landfill emissions – risks at all other locations would be lower than the results presented in the human health risk assessment. This approach assures that the results of the risk assessment address both current and future land uses.

Response to Comment #9

Summary of Comment

The commenters state that the community signed an agreement with the landfill owner in 1997 that the landfill would be closed after exceeding 23M tons of trash or by November 2019, whichever came first. The commenters state the proposed expansion would extend the life of the landfill through 2037, expand its waste disposal footprint from 257 to 400 acres, and grow from a maximum of 30K tons of trash per week to 60K tons—more than are processed by the Apex Landfill in Las Vegas, currently the largest operating waste site in the U.S. The commenters conclude the proposed project violates the trust and good faith of the residents.

CHIQUITA CANYON LANDFILL
RESPONSE TO LEJANO-STOKOLS LETTER

Response

This issue was addressed in EIR Topical Response #5, Conditional Use Permit and Community Agreement. Although Los Angeles County was not a party to the Community Agreement, a major focus of the Community Agreement was to insert certain agreed-to conditions into Los Angeles County's Conditional Use Permit. The County included certain new conditions as part of the final permit approval by the Board of Supervisors, as described below.

Attachment C to the Agreement includes specific conditions that were proposed to be added to the Regional Planning Commission-approved Conditional Use Permit (No. 89-081[5]), and those conditions were added consistent with the terms of the Agreement. The specific conditions related to landfill closure are listed below:

#9g Nothing in this condition shall permit the maximum landfill capacity of 23 million tons to be increased.

#461 The maximum total capacity of the landfill shall be 23 million tons. Landfill closure shall occur when this capacity is reached, or by November 24, 2019, whichever occurs first.

However, the Regional Planning Commission-approved Conditional Use Permit for CCL also included the following condition:

#9c Nothing in Condition 9b or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the landfill or to otherwise modify the conditions of this grant.

The Community Agreement proposed no changes to this condition and it remained as part of permit approved by the County Board of Supervisors. Condition #9c makes clear that there is no prohibition against a future request for expansion. Also, when the Board of Supervisors approved the prior expansion in 1997, the Board specifically found that "additional capacity may be approved in the future..." The County's decision regarding whether to grant the current application will be based on balancing, as applicable, the economic, social, technical, or other benefits of the proposed project against its potential environmental risks.

With respect to Proposed Project making CCL the largest operating waste site in the U.S.:

- Even if Chiquita Canyon Landfill were granted a permit for the tonnage requested and evaluated in the Final EIR, it wouldn't even be the largest landfill in Southern California.

Based on the Los Angeles County Department of Public Works Solid Waste Information Management System, the daily permitted capacity at Sunshine Canyon Landfill in Los Angeles County is 12,100 tons per day and El Sobrante Landfill in Riverside County is 16,054 tons per day. It should be further noted that landfills in California are restricted by daily tonnage limits, while landfills in every other state are typically not restricted by daily limits. Therefore, it is impossible to compare the Proposed Project, which requested 12,000 tons per day, to landfills throughout the United States and the world without a daily tonnage limit.

April 18, 2017

VIA E-MAIL

Regional Planning Commission
County of Los Angeles
170 Hall of Records
320 West Temple Street
Los Angeles, CA 90012

**Re: Chiquita Canyon Landfill – Legal Points in Response to the April 12 letter
from Professors Lejano and Stokols**

Dear Commissioners:

This letter provides several legal points in response to the April 12th letter submitted by the two professors opposing the permit and final EIR for the Chiquita Canyon Landfill master plan revision.

First, although the letter claims that health risk and environmental justice issues were not evaluated or were insufficiently evaluated, in fact every issue raised in the professors' letter has been addressed in the EIR, and addressed in detail. For example, the EIR includes thorough topical responses regarding environmental justice, public health and property values. The EIR also includes specific responses to an earlier comment from Professor Lojano on the original Draft EIR.

Second, as the Commission and the County evaluate the EIR and the comments upon it, the legal question is not whether there may be some claimed evidence or opinions supporting the comments that challenge the EIR. Instead, the adequacy of the EIR is judged by whether there is substantial evidence supporting the County's determinations in the EIR. *Laurel Heights Improvement Ass'n v. Regents* (1988) 47 Cal.3d 376, 409; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889. This is a fundamental principal of California Environmental Quality Act jurisprudence, and in these decisions by the California Supreme Court and the Court of Appeal, this principal was specifically applied to claims regarding health impacts.

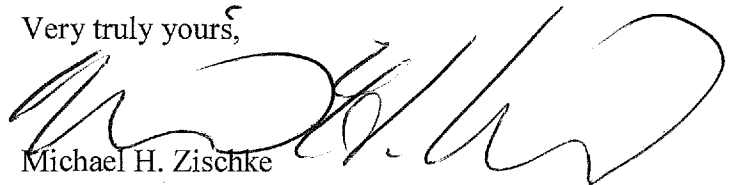
Finally, while the Professors' letter is based on general and policy-oriented analysis and recommendations, the impact assessment prepared by the County is based on site-

Regional Planning Commission
April 18, 2017
Page 2

specific analysis developed in compliance with applicable state regulations, including guidance developed by the South Coast Air Quality Management District and the state's Office of Environmental Health Hazard Assessment. The County can and should rely on this more specific information in determining the adequacy of the EIR analysis.

We appreciate your consideration of these points.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Zischke", written over a horizontal line.

Michael H. Zischke

MHZ/rk

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March 29, 2017

Letter from Los Angeles County Solid Waste
Management Committee/Integrated Waste
Management Task Force



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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March 29, 2017

Mr. Richard Claghorn
County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Claghorn:

**COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT
CHIQUITA CANYON LANDFILL - SCH NO. 2005081071
MASTER PLAN REVISION PROJECT NO.: R2004-00559-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Final Environmental Impact Report (FEIR) for the Chiquita Canyon Landfill Master Plan Revision, Project No. R2004-00559-(5), which was released to the public on February 16, 2017, and the following comments are offered:

Chapter 1: Introduction

- **In section 1.4, Project Need**, the Task Force has previously provided comments on this section during the initial release of the Draft Environmental Impact Report (DEIR) 2014 and subsequently in 2017 during the partial recirculation of the DEIR. The provided comments requested for in-depth discussions to substantiate the need for the expansion of the existing Chiquita Canyon Landfill (Landfill) taking into consideration the potential impacts on the Project Need from various legislative proposals specially SB 32 and SB 1383 (2016). Based on the FEIR, the Task Force believes the environmental document has not adequately addressed the issues. SB 32, among other things, requires landfill GHG emission to be reduced to 60% of the year 1990 level by 2030. Further, the newly enacted SB 1383, among other GHG reductions, requires all jurisdictions in California to reduce the amount of organic waste landfilled by 75% by the year 2025 as compared to the amount disposed of in 2014. This comment needs to be fully addressed in the FEIR.

Similarly, the Task Force, in its 2014 and 2017 letters, has previously requested the environmental document to incorporate a detailed discussion in this Chapter as how the proposed Project would meet the siting criteria as specified in the June 1997 Los Angeles County Countywide Siting Element (Volume I - The Element, Chapter 6, Facility Siting Criteria). This comment is yet to be addressed as well. The Siting Element Document was set up to ensure jurisdictions in Los Angeles County have adequate disposal capacity to manage their waste disposal needs. It also to ensure the identified facilities are safely operated and appropriated sited under the required siting criteria. Thus, it is crucial for the environmental document to discuss and provide details how these criteria were met. The information would allow the residents as well and responsible agencies to make an informed decision about the project.

Chapter 2: Project Description

The FEIR needs to specify the locations of any potential long term soil stockpile areas including the duration of the stockpiles at those locations. Stock piling locations are important information to be identified along with all mitigation measures such as dust and erosion control. This comment needs to be fully addressed in the FEIR.

Chapter 11.1 Air Quality

Section 11.4.3 Local Regulations and Standards – Since FEIR identified that peeling back of previous day's cover would be a standard operating procedure at the Landfill, this Section should be expanded and elaborated on how odors will be managed and contained during the peeling back process. The provided response to address this matter is insufficient as it did not explain what procedures will be considered to control the odor emitting from the peeling back process. Considering odor nuisance has significant impacts to the surrounding community, this topic needs to be fully addressed in the Final EIR.

Chapter 18: Project Alternatives

Environmental Analysis 18.3.2.6 (Pg. 18-16). The conclusion provided under Visual Resources Section states that “[visual] *Impacts would be less than significant*”. The provided response is contradicting with the provided visual simulations in Figures 18-3, 18-4, 18-8, 18-9 18-13 and 18-14. The visual simulation demonstrated that the landfill would substantially be increasing in height and the surrounding community such as the residents located at North and East of Hasley Canyon Road would have a clear view of the landfill. It is clear that the

impact is significant and unavoidable. This conclusion to this section needs to be amended.

As provided by Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee

Task Force Comment

“...substantiate the need for the expansion of the existing Chiquita Canyon Landfill (Landfill) taking into consideration the potential impacts on the Project Need from various legislative proposals specially SB 32 and SB 1383 (2016).”

Applicant Response

Various Legislative Proposals

The need for the Proposed Project was addressed in the Original Draft EIR, Partially Recirculated Draft EIR, and Final EIR Topical Response #19, Project Need. Topical Response #19 describes how the need for the project uses the County’s 2015 Annual Report to the Countywide Integrated Waste Management Plan (LACDPW, 2016¹), which itself takes into account the requirements of Assembly Bill (AB) 939, AB 341, AB 32, AB 1594, AB 1826, Senate Bill (SB) 1016, and SB 498. Topical Response #19 is attached.

SB 32 and SB 1383

In addition to the various legislative acts accounted for in the County’s 2015 Annual Report to the Countywide Integrated Waste Management Plan and therefore analyzed in the Final EIR, there are two pieces of legislation recently adopted and not yet considered in the County’s waste management planning documents: Senate Bill 32 and Senate Bill 1383. While the County’s planning documents have not yet been updated, the Final EIR included analysis of Senate Bill 32 and Senate Bill 1383 in the Greenhouse Gas Emissions and Climate Change chapter.

Senate Bill 32. Signed in September 2016, SB 32 amends the Global Warming Solutions Act of 2006 to include this new 2030 target for GHG emissions reductions. Under Senate Bill 32, CARB is required to ensure that GHG emissions are reduced to 40 percent below the 1990 level by 2030. The Final EIR describes this new requirement. CARB has not yet adopted a plan to achieve these targets, and it is not yet known what, if any, requirements will be placed on the waste management sector.

Senate Bill 1383. SB 1383, signed by the Governor on September 19, 2016, requires CARB, no later than January 1, 2018, to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The new law also requires reductions of organic waste at landfills to 50 percent below 2014 standards by 2020, and 75 percent below 2014 by 2025. These latter targets are aggregate statewide and need not be met by each jurisdiction. The regulations to achieve these latter targets shall take effect on or after January 1, 2022, and may require local jurisdictions to impose requirements on generators, shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025, shall not establish a numeric organic waste disposal limit for individual landfills, and may include different levels of requirements and phased timelines for local jurisdictions and penalties for noncompliance. The Final EIR describes this new requirement. Assuming these targets can be met, there remains a need for in-County landfill capacity. The County currently exports half of its waste to out-of-County landfills. The County’s waste management plans include goals to preserve capacity, including excess capacity, to ensure that the County has flexibility to manage the County’s waste stream in the long-term. Even with the reductions in waste proposed by Senate Bill 1383,

¹ County of Los Angeles Department of Public Works (LACDPW). 2016. *County of Los Angeles Countywide Integrated Waste Management Plan 2015 Annual Report, Countywide Summary Plan & Countywide Siting Element*. December.

the County benefits from permitting landfill capacity within the County. By permitting additional capacity, the County ensures that landfill space within the County is available if it is needed.

Task Force Comment

“...incorporate a detailed discussion... as how the proposed Project would meet the siting criteria as specified in the June 1997 Los Angeles County Countywide Siting Element (Volume 1 – The Element, Chapter 6, Facility Siting Criteria).”

Applicant Response

Chiquita Canyon Landfill has existed at its current location for decades. It has already been sited. No new landfill within Los Angeles County is likely to ever be sited. The best place to permit landfill capacity is at an existing landfill.

The table below identifies the Facility Siting Criteria from the June 1997 Los Angeles County Countywide Siting Element and identifies where each siting criteria was addressed in the Final EIR for the Proposed Project.

Siting Criteria	Where Addressed in EIR
Proximity to populations	Chapter 4, Land Use Section 4.5.2, Surrounding Land Uses Section 4.5.3, Planned Surrounding Land Uses
Flood hazard areas	Chapter 5, Geology and Hydrogeology Section 5.6, Local Setting Section 5.6.5.5, Flooding Hazard
Areas subject to tsunamis, seiches, and storm surges	Chapter 5, Geology and Hydrogeology Section 5.6.5, Potential Geologic Hazards
Proximity to active or potentially active faults	Chapter 5, Geology and Hydrogeology Section 5.5.3, Seismicity and Faults Section 5.6.5, Potential Geologic Hazards
Slope suitability	Chapter 5, Geology and Hydrogeology Section 5.4.2, Geotechnical Investigation Section 5.6.4, Slope Stability
Subsidence/liquefaction	Chapter 5, Geology and Hydrogeology Section 5.6.5.6, Liquefaction Hazard
Dam failure inundation areas	Not applicable to Proposed Project
Aqueducts and reservoirs	Not applicable to Proposed Project
Discharge of treated effluent	Not applicable to Proposed Project
Proximity to supply wells and well fields	Chapter 5, Geology and Hydrogeology Section 5.5.4, Hydrogeology
Depth to groundwater	Chapter 5, Geology and Hydrogeology Section 5.5.4, Hydrogeology
Groundwater monitoring	Chapter 7, Water Quality

CHIQUITA CANYON LANDFILL
 APPLICANT RESPONSE
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Siting Criteria	Where Addressed in EIR
	Section 7.6, Groundwater Monitoring at CCL
Major aquifer recharge areas	Chapter 5, Geology and Hydrogeology Section 5.5.4, Hydrogeology
Permeability of surficial materials	Chapter 5, Geology and Hydrogeology Section 5.5.4, Hydrogeology
Existing groundwater quality	Chapter 7, Water Quality Section 7.6, Groundwater Monitoring at CCL
PSD areas	Chapter 11, Air Quality Section 11.4.1.2, National Ambient Air Quality Standards
Nonattainment areas	Chapter 11, Air Quality Section 11.3.3.1, Attainment Status
Landfill surface emissions	Chapter 12, Greenhouse Gas Emissions and Climate Change Section 12.4.1, Landfill Surface Emissions
Wetlands	Chapter 8, Biological Resources Section 8.5.3, Potential Jurisdictional Waters Section 8.6.3.2, Potential Impacts to CDFW and USACE Jurisdictional Areas
Proximity to habitats of threatened and endangered species	Chapter 8, Biological Resources Section 8.6.3.4 through Section 8.6.3.11
Agricultural lands	Not Applicable to Proposed Project
Natural, recreational, cultural, and aesthetic resources	Chapter 9, Cultural and Paleontological Resources Chapter 15, Visual Resources
Significant ecological areas	Chapter 8, Biological Resources Section 8.3.4.2, Significant Ecological Areas
Proximity to areas of waste generation	Chapter 2, Project Description
Distance from major transportation routes	Chapter 2, Project Description
Structures and properties fronting minor routes	Chapter 2, Project Description
Highway accident rate	Chapter 10, Traffic
Capacity versus AADT of access route	Chapter 10, Traffic
Consistency with General Plan	Chapter 4, Land Use

Task Force Comment

“The FEIR needs to specify the locations of any potential long term soil stockpile areas including the duration of the stockpiles at those locations.”

Applicant Response

Soil stockpiling could occur onsite anywhere within the limit of disturbance shown on Figure 2-5, Proposed Project Limits, of the Final EIR. The duration of any specific stockpile is unknown at this time, depending on timing of construction, future legislation, etc.

Task Force Comment

“...this Section should be expanded and elaborated on how odors will be managed and contained during the peeling back process.”

Applicant Response

As standard operating procedure at Chiquita Canyon Landfill, a portion of the prior day's soil cover, the portion that can be reused, is peeled back and reserved for reuse. This peeling back occurs immediately before fresh waste is placed in the same location.

The procedures and exceptions for peeling back the soil cover are the same procedures and exceptions used presently and described in Final EIR Chapter 11, Air Quality, Section 11.5.4, Current Odor Management Strategies at CCL. Procedures and exceptions will be included in the Odor Impact Minimization Plan prepared for the Proposed Project (see Topical Response #17, Odor).

Task Force Comment

“Environmental Analysis 18.3.2.6 (Pg. 18-16). The conclusion provided under Visual Resources Section states that ‘[visual] *Impacts would be less than significant*’. The provided response is contradicting with the provided visual simulations in Figures 18-3, 18-4, 18-8, 18-9 18-13 and 18-14. The visual simulation demonstrated that the landfill would substantially be increasing in height and the surrounding community such as the residents located at North and East of Hasley Canyon Road would have a clear view of the landfill. It is clear that the impact is significant and unavoidable. This conclusion to this section needs to be amended.”

Applicant Response

The subject of how a determination of significance for visual resources was made for the Final EIR was discussed in Topical Response #27, Visual Resources, in particular Section 27e, Explanation of Significance Conclusions. The threshold of significance under CEQA is not simply that the project is visible. To be significant and unavoidable, the project must substantially degrade the existing visual character or quality of the site and its surroundings. Topical Response #27 is attached.

In referencing Section 18.3.2.6 (Pg. 18-16) of Chapter 18, Project Alternatives, the Task Force is specifically stating that the impact conclusion for visual resources for Alternative C, 50% Reduction of Proposed Additional Daily Waste Disposal Tonnage, should be changed from less than significant to significant and unavoidable.

It is true that the visual simulations for Alternative C demonstrated that the landfill would increase in height and the surrounding community such as the residents located at North and East of Hasley Canyon Road would have views of the landfill (late in the life of the project). However, based on CEQA significance criteria, this impact is not significant and unavoidable. The visual resources evaluation for the Proposed Project included visual simulations from the same locations as used for Alternative C. Those visual simulations show that the landfill would be more visible from these locations than Alternative C, but the visual resources evaluation for the Proposed Project concluded that impacts would be less than

significant. Below is the description of visual impact for the residential area East of Hasley Canyon Road for the Proposed Project from the Final EIR:

After the closure of CCL, the presence of the fill area in the view would create a partial but not dominating change in the landscape. While the level of vividness, intactness, and unity would be slightly diminished from the existing condition, the fill area would create a relatively small change on the landscape and would not represent a substantial decrease in visual character or scenic quality. The scenic quality of the view would remain moderately low.

Therefore, the potential long-term visual impacts as a result of the Proposed Project would be less than significant from the residential area east of Hasley Canyon Road.

Attachments

- Final EIR Topical Response #19, Project Need
- Final EIR Topical Response #27, Visual Resources

CCL Topical Responses

19. Project Need

Summary of Comments

Generally, comments received focused on requests to justify the Proposed Project need. One comment was received stating that according to the Los Angeles County Siting Element (Volume II, Appendix 1- D) prepared by the Los Angeles County Department of Public Works (LACDPW) Environmental Program Division in June 1997, there is no landfill capacity shortfall in Los Angeles County at this time. Several comments were received stating that the analysis to justify the project need is outdated due to recently approved legislation and that the need for additional disposal capacity be re-evaluated to reflect the following legislation:

- Assembly Bill (AB) 939
- Senate Bill (SB) 1016
- AB 341
- AB 32
- AB 1594
- AB 1826
- SB 498

Response

The Los Angeles County Siting Element referenced in one comment was prepared in 1997. The analysis contained in the 1997 Siting Element is outdated and no longer accurate (LACDPW, 1997).¹ The Original Draft EIR relied on the 2012 Annual Report to the Countywide Integrated Management Plan prepared by the LACDPW, which had the most current data regarding disposal and capacity rates for the County at the time the Original Draft EIR was released for public review.

The evaluation of the need for the project in the Original Draft EIR took into consideration the requirements of AB 939, AB 341, SB 1016, and AB 32, while also evaluating other competing policies. These bills are discussed in both Original Draft EIR, Chapter 1, Introduction and Chapter 18, Project Alternatives. AB 1594, AB 1826, and SB 498 were all signed into law following release of the Original Draft EIR for public review in July 2014. The overall goals of these bills are aimed at maximizing the amount of waste diverted from landfills.

There has been a great deal of activity in California's legislature with regard to phasing out the land disposal of organic waste and encouraging organic waste recycling programs and alternative and/or conversion technologies for the treatment of waste. Given this, the Proposed Project relies on LACDPW's assessment of waste disposal capacity for Los Angeles County, rather than an assessment of individual pieces of legislation, to determine the need for the Proposed Project. The 2015 Annual Report

¹ Los Angeles County Department of Public Works (LACDPW). 1997. *City of Santa Clarita Circulation Element, Amendment Final Environmental Impact Report*. October.

to the Countywide Integrated Waste Management Plan (LACDPW, 2016²) addresses AB 939, AB 341, SB 1016, AB 32, AB 1594, AB 1826, and SB 498.

The 2015 Annual Report was used to update the discussion of need for the Proposed Project (LACDPW, 2016). The discussion of Proposed Project need from the Partially Recirculated Draft EIR (Chapter 1, Introduction, Section 1.4) is included below in its entirety:

LACDPW prepares an Annual Report to the County of Los Angeles CIWMP. The 2014 Annual Report evaluates seven scenarios assuming various capacity options that are currently available or may become available in the future (e.g., existing in-County landfill capacity, import/exports, out-of-County disposal facilities, diversion, alternative technologies, etc.) to assist the County in meeting the Daily Disposal Demand for the planning period, from 2014 to 2029. All seven scenarios assume an increase in diversion rate considering all jurisdictions in the County are required to comply with new state law such as the mandatory commercial recycling and diversion of organics from landfills. The report concludes that in order to maintain adequate disposal capacity, jurisdictions in the County must continue to pursue all of the following strategies:

- *Maximize Waste Reduction and Recycling*
- *Expand Existing Landfills*
- *Study, Promote, and Develop Alternative Technologies*
- *Expand Transfer and Processing Infrastructure*
- *Out-of-County Disposal (including Waste-by-Rail)*

The 2014 Annual Report (LACDPW, 2015) specifically identifies several areas in which the Proposed Project supports the waste management needs of Los Angeles County. These are summarized below:

- *“To meet disposal capacity needs during the planning period, jurisdictions in the County must..., if found to be environmentally sound and technically feasible, expand in-County Class III landfill capacity.”*
- *“Expanded landfill capacity is necessary, provided it can be done in a technically feasible and environmentally safe manner.”*
- *“The County acknowledges that although all the scenarios assume an increase in diversion rate, there will be significant challenges in developing the processing capacity needed by the 2020 deadline. Therefore, maintaining adequate reserve (excess) capacity will be essential in ensuring that the disposal needs of the County are met throughout the 15-year planning period.”*

The 2014 Annual Report also includes an update to the Countywide Siting Element (CSE), a component of the County General Plan. The current CSE revision includes the proposed expansion of two in-County Class III landfills – Chiquita Canyon and Scholl Canyon Landfills – in order to increase landfill capacities within the County (LACDPW, 2015).

² County of Los Angeles Department of Public Works (LACDPW). 2016. *County of Los Angeles Countywide Integrated Waste Management Plan 2015 Annual Report, Countywide Summary Plan & Countywide Siting Element*. December.

The Proposed Project includes a 560 ton per day mixed organics processing/composting facility and a Set-Aside for a Future Waste Conversion Facility. Both of these project elements support the County's goals to promote, encourage, and expand waste diversion activities at disposal facilities, to reduce or remove organic material from landfills, to develop additional in-County solid waste management infrastructure for composting and anaerobic digestion facilities, and to assist jurisdictions in achieving higher diversion rates.

Subsequent to release of the Partially Recirculated Draft EIR for public review on November 9, 2016, LACDPW issued the 2015 Annual Report to the CIWMP (LACDPW, 2016). The 2015 Annual Report draws the same conclusions as the 2014 Annual Report used to update the Proposed Project need, which is that in-County landfills (including Chiquita Canyon Landfill) should be expanded, if found to be environmentally sound and technically feasible, and that expansion of existing in-County landfills is an important part of Los Angeles County's overall waste management strategy for the next 15 years.

Both the 2014 and 2015 Annual Reports also update the countywide siting element (CSE), a component of the County General Plan. The current CSE revision includes the proposed expansion of two in-County Class III landfills – Chiquita Canyon Landfill and Scholl Canyon Landfills – in order to increase landfill capacities within the County (LACDPW, 2016).

CCL Topical Responses

27. Visual Resources

Comments regarding visual resources include concerns about impacts to State Route (SR) 126, conflicts with local community plans, inadequate and inaccurate visual simulations, impacts to the surrounding neighborhoods, and cumulative impacts. A summary of the comments by topic and the responses is provided below.

27a. SR-126

Summary of Comments

Commenters indicated that SR-126 is a first Priority Scenic Highway and that the proposed landfill height and visibility would make this roadway forfeit the scenic designation resulting in a potentially significant impact.

Response

Los Angeles County Department of Regional Planning (LADRP) considered scenic routes and roadways in the analysis presented in the Draft Environmental Impact Report (EIR) for the Proposed Project. Approximately 35 miles of SR-126 (from SR-150 to Interstate [I] 5) is a proposed first Priority Scenic Highway. This portion of SR-126 became eligible as a scenic highway in 1963. As such, the roadway currently has no formal scenic highway designation. The Scenic Highway Element of the General Plan identifies the section of SR-126 south of CCL, between I-5 and Ventura County as a First Priority scenic route, proposed for further study. Nothing in the General Plan Scenic Highway Element restricts development along First Priority scenic routes. The Scenic Highways Plan of the Santa Clarita Valley Area Plan reiterates the designation of the portion of SR-126 south of Chiquita Canyon Landfill (CCL) as a First Priority scenic route. This designation does not preclude development. Official designation of a scenic route by the California Department of Transportation (Caltrans) also does not preclude development along the route.

CCL is one of many features along the overall length of the proposed scenic highway, which also includes the urban setting of Fillmore, a large subdivision located immediately east of Fillmore along the south side of SR-126, the commercial and industrial uses within the Valencia Commerce Center, and the proposed full diamond interchange at Commerce Center Drive and SR-126, all of which are/or will be visible from SR-126.

Based on the findings of the Original Draft EIR, Chapter 15, Visual Resources, as well as the Visual Supplement included in the Partially Recirculated Draft EIR, the Proposed Project would not represent a significant decrease in visual character and/or scenic quality. Thus the Proposed Project would not interfere with or prevent the consideration of SR-126 as a scenic route compared to existing conditions. As part of the Proposed Project entrance, a berm and screening wall would be constructed so that entrance facilities would be screened from view from SR-126. A combination of berm and/or wall would extend along the west side of Wolcott Way, along the entire Proposed Project entrance as it parallels SR-126, and across the existing landfill entrance. The berm and area between the berm and roadways (outside of Caltrans rights of way) would be landscaped with native grasses, shrubs, and trees. After the closure of CCL, the presence of the new fill area would create a negligible change in the landscape and these changes would not represent a significant decrease in visual character and/or scenic quality.

compared to existing conditions. Therefore, the Proposed Project would not render the roadway ineligible for the proposed designation as a Scenic Highway.

27b. Community Plans

Summary of Comments

It was stated that the Castaic Area Community Standards District (CACSD) and the Santa Clarita Valley Significant Ecological Area (SEA) vista regulations are not listed as regulations in the Draft EIR. Commenters noted that CCL is located in the CACSD (22.44.137) in Los Angeles County, and is not listed as exempt from section D.6, "Significant Ridgeline Protection". It was stated that the proposed increase in height would violate the CACSD. Commenters stated that the proposed height would also be visible throughout the valley including Stevenson Ranch, I-5 and the City of Santa Clarita. It was stated that this is a violation of the One Valley One Vision Ordinance. Commenters asked about what mitigations will be made to the extended Santa Clarita Valley.

Response

The Original Draft EIR Chapter 4, Land Use, and Chapter 15, Visual Resources, Section 15.3.3, addresses the CACSD, as does the Visual Supplement included in the Partially Recirculated Draft EIR. The Proposed Project is located within the CACSD and conforms to the CACSD requirements for ridgeline protection. Specifically, the CACSD states that "no development, grading, construction, or improvements shall be allowed on:

- i. a significant ridgeline
- ii. within a 50-foot radius from every point on the crest of a primary ridgeline
- iii. within a 25-foot radius from every point on the crest of a secondary ridgeline"

Grading for the Proposed Project complies with all of these conditions. The Proposed Project does not include grading on a protected ridgeline or within a 50-foot radius of a protected ridgeline. The Final Grading Plan for the Proposed Project as shown in Figure 2-3 of the Original Draft EIR, Chapter 2, Project Description and Figure 2-3 of the Partially Recirculated Draft EIR, Chapter 2, Project Description was designed to be consistent with the CACSD requirements to ensure that the Proposed Project does not violate any of these provisions. To demonstrate the Proposed Project compliance with the CACSD requirements for ridgeline protection, Figures 1 and 2 of this Topical Response were created to show the primary and secondary ridgelines surrounding CCL and the extent of grading for the Proposed Project.

CCL is not located within an SEA and therefore regulations associated with SEAs do not apply to the Proposed Project.

The One Valley One Vision General Plan, June 2011, describes City of Santa Clarita and County of Los Angeles standards to preserve hillside areas and significant ridgelines. The Proposed Project is not located within the City of Santa Clarita and therefore, the discussion of hillside areas and significant ridgelines within the city is not applicable to the Proposed Project. The Proposed Project is located within the County of Los Angeles. Los Angeles County standards to preserve hillside areas and significant ridgelines relevant to the Proposed Project are found in the CACSD and the relevant policies of the Santa Clarita Valley Area Plan. As described above, the Proposed Project conforms to the CACSD regarding ridgeline protection.

27c. Neighborhood Impacts and Visual Simulations

Summary of Comments

Comments were received regarding visual impacts to the surrounding communities and regarding the adequacy and accuracy of the visual simulations to depict these potential impacts. Commenters requested that all height projections be shown using photos from all visually affected roadways, community ingress/egress pathways, and from the neighborhoods of Live Oak, Valencia Industrial Park, Mission Village, North River, and Val Verde. Commenters also indicated that other scenic jurisdictions along the SR-126 corridor must be considered. It was stated that within the areas of Hasley Hills and Live Oak, the CACSD violation will be considerable during the landfill operation and after closure. It was claimed that the unnatural and unsightly landform will destroy the view of the Santa Susana and San Gabriel Mountains in both Castaic and Santa Clarita.

One comment was made that the Draft EIR does not have a section regarding visual impacts on Del Valle Road and that it does not include a view from Newhall Ranch Road east of I-5 where the landfill is already visible. It was stated that the visual simulations in the EIR show only views of the landfill after it has been closed and do not include simulations prior to landfill closure, which would show trash trucks. It was stated that the simulations do not accurately depict the infrastructure needed for a closed landfill, including the 20-foot wide benches that would be required in the final landfill cap. It was suggested that the simulations do not correctly depict the view from the intersection of Commerce Center Drive and SR-126, including the proposed overpass. It was stated that the “after-simulations” show a repaired sign for the Travel Village. An explanation was requested as to why this was repaired, if CCL will be repairing it, the rust removal procedure for the sign and what type of paint will be used prevent future rust. Commenters also stated that the height, shape and dimensions of the simulated buildings should be verified.

Response

Original Draft EIR Chapter 15, Visual Resources, concludes that the Proposed Project will result in no significant impacts to the surrounding communities. The Proposed Project will not be in violation of the CACSD. The primary visual impact associated with the Proposed Project is the change in landform, as discussed in detail in the Original Draft EIR, Chapter 15, Visual Resources. The visual simulations prepared for the Proposed Project correctly reflect the anticipated landform change.

There are no known formally designated scenic vistas with views of the Proposed Project. In lieu of formal scenic vistas, and because photos of the Proposed Project cannot be shown from all viewable locations, representative locations where the Project would likely be seen by members of the general public (referred to as Key Observation Points [KOPs]) were identified to show existing and future views of CCL. The baseline photos used for visual simulations in the Original Draft EIR, Chapter 15, Visual Resources, are of existing conditions approximately at the time the Notice of Preparation was released for the Proposed Project (November 2011).

The Visual Supplement included in the Partially Recirculated Draft EIR updated the existing condition photos for the visual simulations conducted from KOPs where the existing condition changed subsequent to the Original Draft EIR (KOP 1, KOP 2, and KOP 3). The Visual Supplement also added two KOPs (KOP 8 and KOP 9) to document additional views of the Proposed Project.

During operation of the project, the presence of trucks at the landfill, if visible, would not be expected to affect the viewer given distance and viewing angle to activities. The approximate distance between the viewer (KOP) and slopes on which activities would be occurring are shown below:

KOP 1 – 1.2 to 1.5 miles

KOP 2 – 1.1 to 1.4 miles

KOP 3 – 0.9 to 1.2 miles

KOP 5 – 0.6 to 0.9 miles

KOP 6 – 0.6 to 0.9 miles

KOP 7 – 0.6 to 0.8 miles

KOP 8 – 0.4 to 0.8 miles

KOP 9 – 1.6 to 2.0 miles

Other KOPs discussed in the EIR would not have a view of ongoing operations.

With respect to the intersection of Commerce Center Drive and SR-126, at the time the Original Draft EIR was released for public review in July 2014, the overpass was not yet constructed and it was not feasible to provide a view of the Proposed Project from that location. Between the Original Draft EIR and August 2016, the existing condition at, and view from, KOP 2 (the intersection of Commerce Center Drive and SR-126) changed significantly. Specifically, the intersection of SR-126 and Commerce Center Drive has been replaced by a fly-over intersection in approximately the same location, and on- and off-ramps to SR-126 from/to Commerce Center Drive were under construction. Drivers no longer have an extended view toward CCL from this 4-way intersection. Instead, drivers now have an elevated, but oblique, high-speed view as vehicles pass through the vicinity of SR-126 and Commerce Center Drive. The updated existing condition view of CCL from KOP 2 is shown in Figure VS-3 of the Partially Recirculated Draft EIR Visual Supplement, and simulated views of the Proposed Project from KOP 2 are shown in Figures VS-4 and VS-5.

The visual simulations of the landfill at the time of the Proposed Project closure are an accurate representation of the future condition. The simulations include facilities present at the landfill, although these facilities may not be discernable given the location of the viewer (for example, facilities such as landfill gas flares are located in the center of the site and are not visible in the visual simulations). The landfill would have 20-foot wide benches required for the final landfill cap, but from the distance and angle of the visual simulations, these benches would not be discernable. Revegetation will be guided by requirements specified in Mitigation Measure BR-1, Closure Revegetation Plan, and the Preliminary Closure and Post Closure Plan required by California Department of Resources Recycling and Recovery for the site. These requirements will help ensure that revegetated landfill slopes will closely match vegetation on existing surrounding slopes as shown in the visual simulations in the Draft EIR. This vegetation will blunt the look of the benches.

With regard to the “repair” of the Travel Village sign between the existing condition and simulated view, the “after” simulation for Figure 15-12 in the Original Draft EIR depicts a “repaired” sign for Travel Village because it is a simulated view for a future cumulative project scenario, and it is assumed that Travel Village has or will have repaired the sign. CCL did not repair the sign and will not be repairing it in the future. Further, the view of CCL from Travel Village has changed significantly from that shown in the Original Draft EIR. Figure VS-3 of the Partially Recirculated Draft EIR Visual Supplement shows the current existing condition view of CCL from Travel Village, and the Visual Supplement demonstrates that there are no longer views of CCL, existing or future, from Travel Village because of a newly constructed sound wall associated with the State Route 126/Commerce Center Drive improvements.

Regarding the request to verify the dimensions of simulated buildings, the buildings shown in the “after” simulation for Figures 15-11 and 15-12 are based on information provided by Newhall Land and Farm (NLF).

Buildings are also shown in the “after” simulation for KOP 8. This simulation is based on best available information from the preliminary site plans shown for the Newhall Ranch Specific Plan as well as building types of the style being constructed in the vicinity of CCL.

27d. Cumulative Impacts

Summary of Comments

Commenters suggested that visual impacts may be significant and unavoidable with respect to the proposed Newhall Land and Farming development immediately west and south of CCL. Mitigation measures should be proposed to minimize the view of the landfill and/or Mixed Organics Composting operation from these future residential developments.

Response

The Original Draft EIR evaluated potential views of the landfill from the west, east, and south of the landfill. KOPs 3, 4, and 5, described in the Original Draft EIR, Chapter 15, Visual Resources, show these views. The most applicable of these views related to the proposed NLF developments is KOP 4, which is a view of CCL from the south side of SR-126 at Wolcott Way, which is a future ingress/egress for NLF developments. The Original Draft EIR found that future views from these locations would be less than significant.

In addition, the Proposed Project includes lighting design that will ensure that the Project has minimal visibility during nighttime hours. The lighting design will contribute to minimizing potential views from future NLF developments. Further, development of CCL is proposed in phases that would move landfill development to the north over time, away from SR-126 and proposed developments south of SR-126. The Proposed Fill Module Layout Plan, shown in Figure 2-7 of the Partially Recirculated Draft EIR Chapter 2, Project Description, shows that development of fill areas in the southern portion of the site would occur before fill activities in the East Canyon. Partially Recirculated Draft EIR Section 2.2.5.3, Entrance and Support Facilities Construction, states that:

- Construction of the site entrance and associated support facilities will occur following project approval, and will take approximately 10 months to complete
- It is estimated that construction will be completed within 2 years following issuance of all required project approvals and resolution of any legal challenges related to those approvals

Draft EIR Chapter 15, Visual Resources, Section 15.6.3, Changes Associated with the Proposed Project, states that:

- Entrance construction would likely occur immediately upon project approval (according to the constraints identified above), which would allow fill activities to commence to the south
- Initial fill activity would move southward from the existing permitted fill area into the South Footprint before it moves into the East Canyon (with the goal to finish filling in the South footprint before significant development occurs at Newhall Ranch)
- A berm and/or screening wall would be constructed along the west side of Wolcott Way, along the entire access road as it parallels SR-126

This combination of phasing between CCL and NLF with shielded lighting to minimize nighttime views from NLF will help ensure that impacts to Visual Resources from future NLF are less than significant, similar to those described in the Original Draft EIR.

The Partially Recirculated Draft EIR Visual Supplement included a visual simulation of CCL from the Newhall Ranch Homestead Village development (KOP 9, Figure VS-10). As stated in the Visual Supplement, “the increased maximum final elevation of the expanded landfill for the Proposed Project would be visible from KOP 9, but following landfill closure, the revegetated landfill would represent an improvement in view over the existing view. Further, the engineered fill of the landfill would not block background ridgeline views, further reducing the potential for visual impacts.” Visual resource impacts associated with the Proposed Project from KOP 9 were found to be less than significant, requiring no mitigation.

27e Explanation of Significance Conclusions

Summary of Comments

Commenters stated their belief that visual impacts are significant and unavoidable, rather than less than significant.

Response

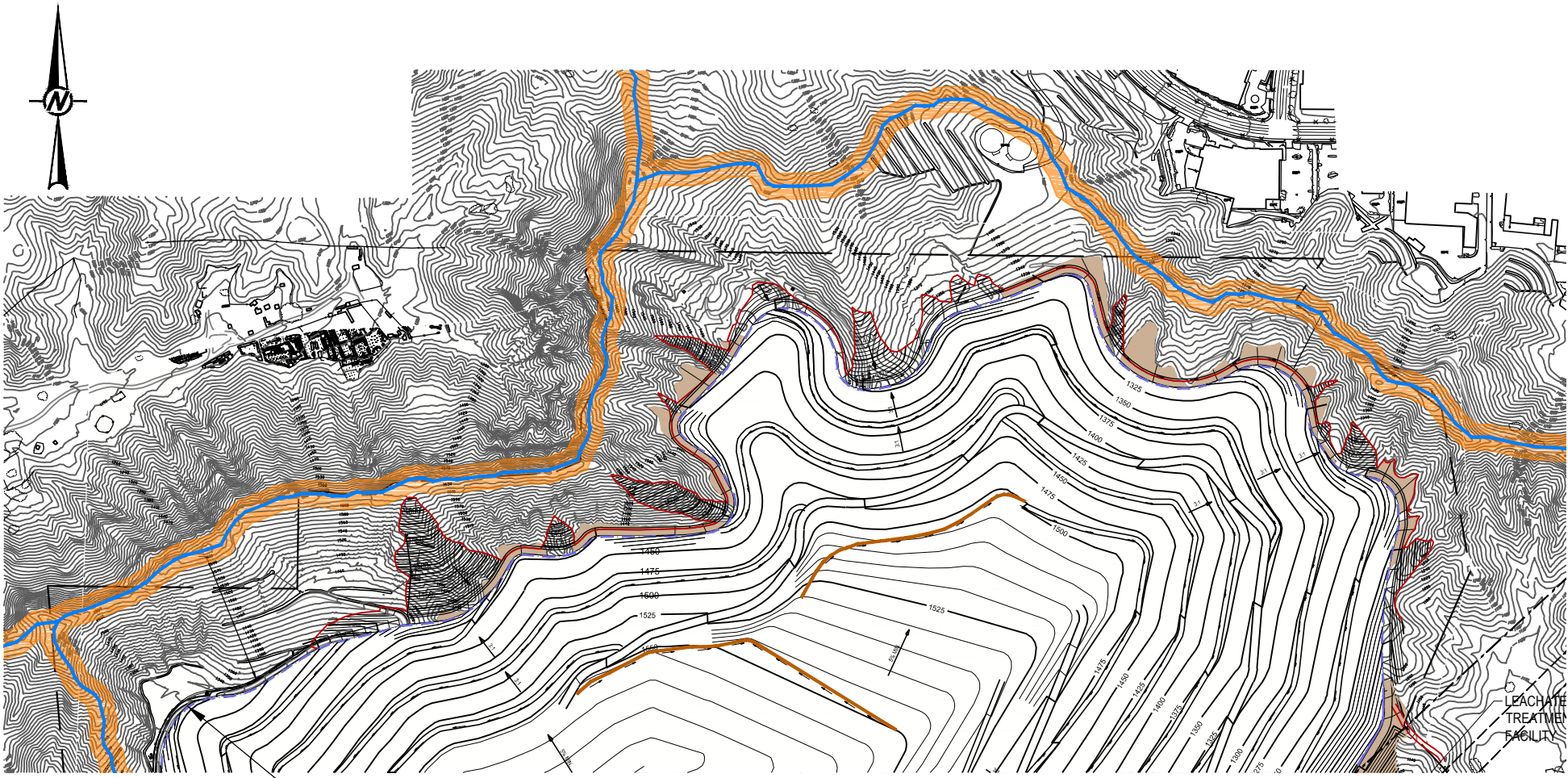
The determination of whether or not the proposed project’s visual effects would have a significant impact was based on a systematic analysis that applied the significance criteria that are defined by the Guidelines for the implementation of the California Environmental Quality Act (CEQA). Under the CEQA Guidelines, the mere visibility of a project from one or more viewpoints does not by itself constitute a significant visual impact. The key question that the CEQA Guidelines poses for establishing whether a project’s impacts are significant is: “Would the project substantially degrade the existing visual character or quality of the site and its surroundings?”

To answer the question of whether a substantial degradation would occur, the analysis used simulations to document the visual changes that the project would make to the existing views from each of the viewpoints analyzed. These changes were then evaluated in terms of a range of factors that considered how much of the view would be affected by the visual changes, what the nature of those changes would be, and the extent to which the changes would block views toward important visual features or would change the existing the levels of vividness, unity, and intactness of the view or would alter the view’s visual character.

In addition, in making a final determination of the significance of the visual change, the sensitivity of the view was taken into account. Views considered to be most sensitive are those that are seen by large numbers of people for extended periods of time, particularly when they are seen from residential and recreational areas. Views considered to have lower levels of sensitivity are those seen by smaller numbers of viewers, which are seen for short periods of time (for example, when there is a fleeting glance seen by a motorist traveling down a road), and when they are seen from places like commercial and industrial areas where it is reasonable to assume that the attention of the users of those areas is less likely to be less focused on the surrounding scenery.

The assessment of the view from the entrance to the Del Valle Emergency Training Center on Chiquito Canyon Road (KOP 8, evaluated in the Visual Resources Supplement) provides a good case in point of how the criteria for evaluating the significance of the visual impacts were applied. In this view, the landfill would be readily visible, but it would not block views toward important landscape features. In addition, the form, line, color, and texture of the closed landfill would be generally similar to those of the existing elements of the view. Although there would be some reductions in the existing levels of vividness, unity, and intactness of this view, these reductions would not be so great as to substantially degrade the view’s existing visual character and quality. Furthermore and very importantly, the visual sensitivity of this view is low. The view depicted in the existing condition and visual simulation images is

the view taken directly in front of the Emergency Training Center, a specific view that would be seen by relatively few viewers. In this vicinity, there are no residential or recreational areas with similar views toward the landfill site, and there are no other areas that would have sustained views toward the landfill. The effect of the visual changes on the experience of travelers on Chiquito Canyon Road would be limited. The view looking toward the proposed landfill would be somewhat outside the primary cone of vision of these travelers and would be seen for very short periods of time as they travel along the segment of the road where this view is available. When all of these factors are taken into account, the final determination is that although the project would be visible in this view, its impacts would be less than significant.



APPROXIMATE INTERFACE BETWEEN EXISTING AND EXPANSION

LEGEND

- PRIMARY RIDGELINE
- SECONDARY RIDGELINE
- RIDGELINE BUFFER ZONE



NOTE(S)

- RIDGELINE INFORMATION OBTAINED FROM LOS ANGELES COUNTY GIS DATA PORTAL WEBSITE ([HTTP://EGIS3.LACOUNTY.GOV/DATAPORTAL/](http://EGIS3.LACOUNTY.GOV/DATAPORTAL/)). DATE OF INFORMATION: OCTOBER 29, 2014. RIDGELINE BUFFER ZONE IS 50 FEET FROM PRIMARY RIDGELINE AND 25 FEET FROM SECONDARY RIDGELINE.



CLIENT
WASTE CONNECTION, INC.
CHIQUITA CANYON LANDFILL
LOS ANGELES COUNTY, CALIFORNIA

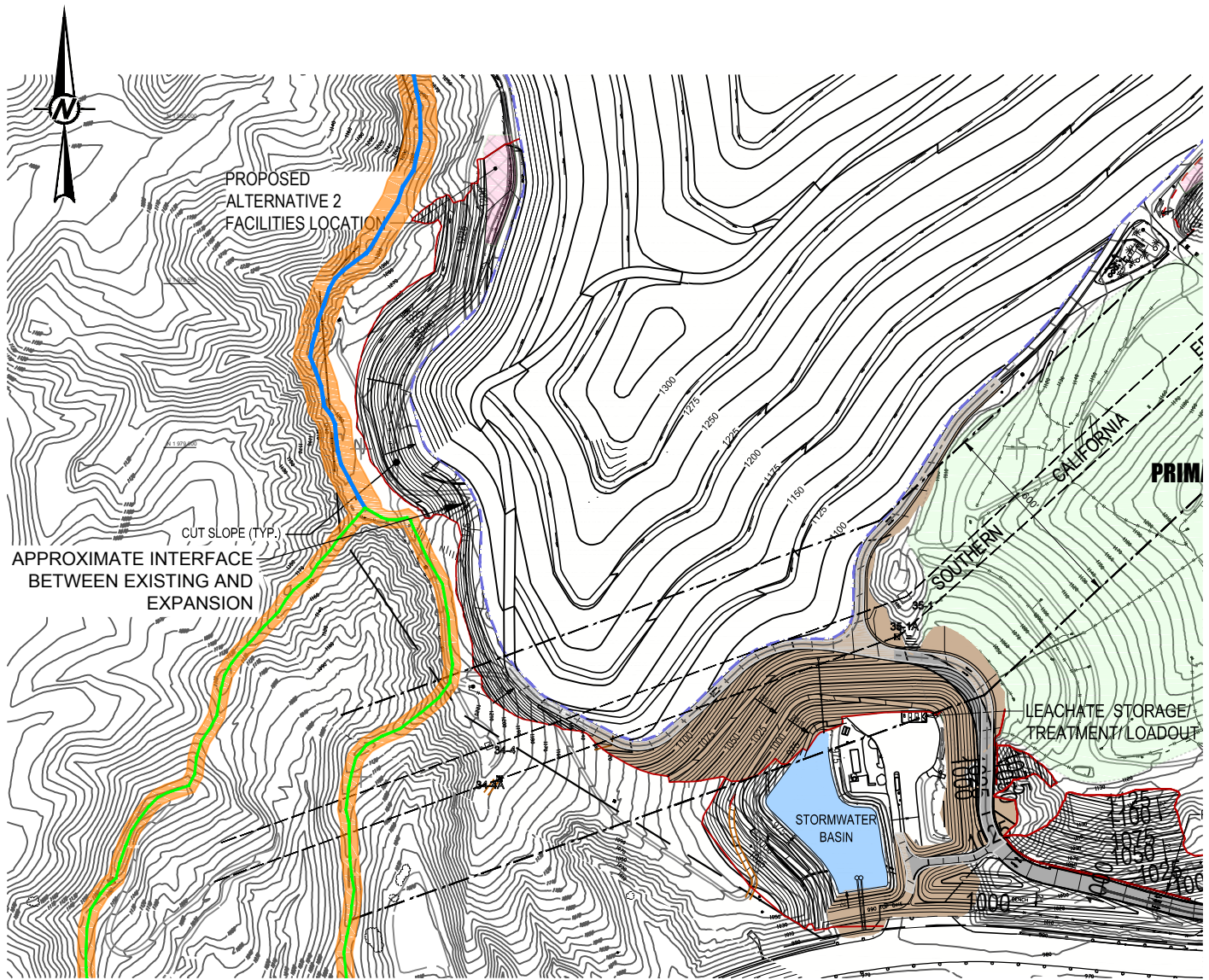
CONSULTANT	YYYY-MM-DD	2017-01-24
DESIGNED	JDR	
PREPARED	JDR	
REVIEWED	RDH	
APPROVED	RDH	

PROJECT
CHIQUITA CANYON LANDFILL
CLOSURE/POST-CLOSURE MAINTENANCE PLAN

TITLE
NORTHERLY LATERAL EXTENSION AREA

PROJECT NO.	REV.	FIGURE
1663646	0	1

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI A



NOTE(S)

1. RIDGELINE INFORMATION OBTAINED FROM LOS ANGELES COUNTY GIS DATA PORTAL WEBSITE ([HTTP://EGIS3.LACOUNTY.GOV/DATAPORTAL/](http://EGIS3.LACOUNTY.GOV/DATAPORTAL/)). DATE OF INFORMATION: OCTOBER 29, 2014. RIDGELINE BUFFER ZONE IS 50 FEET FROM PRIMARY RIDGELINE AND 25 FEET FROM SECONDARY RIDGELINE.

LEGEND

- PRIMARY RIDGELINE
- SECONDARY RIDGELINE
- RIDGELINE BUFFER ZONE

CLIENT
WASTE CONNECTIONS, INC.
CHIQUITA CANYON LANDFILL
LOS ANGELES COUNTY, CALIFORNIA

CONSULTANT



YYYY-MM-DD 2017-01-24

DESIGNED JDR

PREPARED JDR

REVIEWED RDH

APPROVED RDH

PROJECT
CHIQUITA CANYON LANDFILL
CLOSURE/POST-CLOSURE MAINTENANCE PLAN

TITLE
SOUTHWESTERLY LATERAL EXTENSION AREA

PROJECT NO.
1663646

REV.
0

FIGURE
2

April 3, 2017

Letter from Los Angeles County Solid Waste
Management Committee/Integrated Waste
Management Task Force



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 3, 2017

Mr. Richard Claghorn
County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Claghorn:

**COMMENTS ON PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT
REPORT - SCH No. 2005081071 - CHIQUITA CANYON LANDFILL
MASTER PLAN REVISION PROJECT NO.: R2004-00559-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Partially Recirculated Draft Environmental Impact Report (DEIR) for the Chiquita Canyon Landfill Master Plan Revision, Project No. R2004-00559-(5), which was released for public review on November 9, 2016.

The proposed Project, among other things, entails increasing the permitted daily disposal tonnage from 6,000 to 12,000 tons per day; increasing the disposal footprint laterally by 143 acres; and increasing the maximum elevation by 143 feet. As indicated in the DEIR, this would extend the existing Chiquita Canyon Landfill's life by additional 24 to 38 years, depending on the amount of the daily disposal rate. The Project also provides for the development of an on-site household hazardous facility and an open mixed organics composting operation while setting-aside a portion of the subject site for possible development of a conversion technology facility, sometime in the future.

As provided by Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities and ensures a coordinated, cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League

of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Accordingly, the Task Force has reviewed the Partially Recirculated DEIR for the proposed Project in concert with our letter of August 25, 2014 (copy enclosed) and offers the following comments:

Chapter 1: Introduction

- On August 25, 2014, the Task Force provided comments for the Project's DEIR released on July 10, 2014. In section 1.4, Project Need, the Task Force requested to provide in-depth discussions substantiating the need for the expansion of the existing Chiquita Canyon Landfill (Landfill) taking into consideration the potential impacts from various legislative proposals and statutes currently in effect as of 2015. However, our review indicates these comments were not fully addressed in the Partially Recirculated DEIR. Additionally, two more State legislations have been enacted effective January 1, 2017, which further impacts the proposed Project and its Partially Recirculated DEIR. Namely SB 32, among other things, requires landfill GHG emission to be reduced to 60% of the year 1990 level by 2030. Further, the newly enacted SB 1382, among other GHG reductions, requires all jurisdictions in California reduce the amount of organic waste landfilled by 75% as compared to the amount disposed of in 2014 by the year 2025. The previous comments together with the SB 32 and SB 1383 mandates need to be fully addressed in the Partially Recirculated DEIR.
- Additionally, the Task Force requested to Incorporate a discussion in this Chapter (Chapter 1) regarding how the proposed Project would meet the siting criteria specified in the June 1997 Los Angeles County Countywide Siting Element, Volume I-The Element, Chapter 6-Facility Siting Criteria. This comment is yet to be addressed as well. These comments need to be fully addressed in the Partially Recirculated DEIR.
- **Section 1.3, Project Purpose and Objective, and Section 1.4, Project Need** – These Sections made numerous references to the studies conducted by the LACDPW and the Task Force to signify the need for further in- Los Angeles County disposal capacity. Based on the subject analysis, it is clear that the Project will not be accepting any solid waste from sources out of-Los Angeles County for disposal. This point needs to be made clear in the Partially Recirculated DEIR.

Chapter 2: Project Description

- The final permitted elevation includes the final cover. Please revise the sentence in section 2.2.2.2 Detailed Description to read, “The Proposed Project also will increase the permitted elevation of the landfill by 143 feet to a maximum elevation of 1,573 feet, **including the final cover**”, emphasize added. These comment needs to be fully addressed in the Partially Recirculated DEIR.
- **In section 2.2.3, Type of Material to be Received**, please identify any other materials (e.g. friable/non-friable asbestos, radioactive and liquid waste) that are proposed or may be prohibited from being accepted at the Landfill. These comments need to be fully addressed in the Partially Recirculated DEIR.
- **In the Table 2-1. Beneficial Use Materials, Typical Use at CCL**, since Mixed Organics composting facility will be part of the Project, pre- and post-consumer food waste should be listed under the “Material Type Diverted from Waste Disposal” column in Table 2-1. Also, the description under the “Typical Beneficial Use at CCL” column for pre- and post-consumer food waste, as well as Shredded Curbside Green Waste, should include “Used as feedstock for the ‘Mixed Organics’ composting facility.” These comments need to be fully addressed in the Partially Recirculated DEIR.
- **In section 2.2.6.4, Load Checking and Waste Screening** - Provide a description on how radioactive waste and odiferous loads will be checked and screened, and what measures will be implemented when such wastes or loads are identified. These comments need to be fully addressed in the Partially Recirculated DEIR.
- The Partially Recirculated DEIR needs to specify the locations of any potential soil stockpile areas including the duration of the stockpiles at those locations. These comments need to be fully addressed in the Partially Recirculated DEIR.
- **2.2.8.8 Nuisance and Health Hazard Monitoring** - It has been stated on Page 2-45 that “During compost processing, odors are controlled by maintaining aerobic conditions in the windrows where yard waste is deposited for composting. The compost windrows are monitored for temperature, oxygen content, and moisture on a daily basis to provide odor and process control.” The composting operation is relatively close to the Community of Vale Verde and there is significant potential for odor nuisance caused by food waste decomposition. To mitigate the resulting odor nuisance, the Partially Recirculated DEIR needs to provide an analysis for conducting aerobic composting in an enclosed structure(s) operating under negative pressure.

Chapter 11.1 Air Quality

- **Section 11.4.2 State Regulation and Standards** – All references to the “California Integrated Waste Management Board (CIWMB)” need to be deleted since the CIWMB no longer exist and has been replaced by CalRecycle. Additionally, while the document provides discussions in reference to odor monitoring and mitigations, the suggested measures have not served the Sunshine Canyon neighboring community well. The Community and SCAQMD would be a good source of information to expand on the mitigation measures provided.
- **Section 11.4.3 Local Regulations and Standards** - Expand this Section to specifically reference the requirements of the Title 11 of the County Code, Section 11.02.300 (E) being enforced by the Los Angeles County Health Officer and elaborate on measures to prevent nuisances due to odors emanating from the Landfill including those related to the working face, leachate, landfill gas control system, and “Mixed Organics” composting operations. If the removal or peeling back of daily cover prior to placing waste on each operating day is being proposed discuss how odors will be managed and contained.

Chapter 18: Project Alternatives

- **No Project Alternative Conclusion 18.3.1.3 (Pg. 18-7).** In the second bullet, delete or revise the last sentence. The sentence is to read *Under those circumstances, additional unanticipated significant environmental impacts of increased waste disposal could be transferred to other locations in the county or elsewhere. To change permits or expand other sites, each permitting agency would have to undertake a permit revision, as discretionary projects under CEQA. Changes to permits would potentially entail a public review process under CEQA.*

Depending on each landfill's respective permits, other facilities may or may not need to change their permits to accept waste from Chiquita Canyon Landfill. These comments need to be fully addressed in the Partially Recirculated DEIR.

- **Environmental Analysis 18.3.2.2 (Pg. 18-11)** - Under Visual Resources, add a sentence at the end to the first paragraph “however, a certain vantage points, the landfill's operation and working face could be visible.” This section states that “Impacts would be less than significant”. However, we believe the impact is

Mr. Richard Claghorn
April 3, 2017
Page 5

significant and unavoidable. These comments need to be fully addressed in the Partially Recirculated DEIR.

- **Environmental Analysis 18.3.2.6 (Pg. 18-16).** Under Visual Resources, this section states that "*Impacts would be less than significant*". However, we believe the impact is significant and unavoidable. These comments need to be fully addressed in the Partially Recirculated DEIR.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

ND:kk

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Enc.

cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee



GAIL FARBER
CHAIR

MARGARET CLARK
VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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www.lacountyiswmtf.org

August 25, 2014

Ms. Iris Chi
County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Chi:

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
CHIQUITA CANYON LANDFILL
MASTER PLAN REVISION PROJECT NO.: R2004-00559-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Chiquita Canyon Landfill Master Plan Revision, Project No. R2004-00559-(5), which was released for public review on July 10, 2014.

The proposed Project, among other things, entails increasing the permitted daily disposal tonnage from 6,000 to 12,000 tons per day; increasing the disposal footprint laterally by 143 acres; and increasing the maximum elevation by 143 feet. As indicated in the DEIR, this would extend the existing Chiquita Canyon Landfill's life by additional 21 to 38 years, depending on the amount of the daily disposal rate. The Project also provides for the development of an on-site household hazardous facility and an open mixed organics composting operation while setting-aside a portion of the subject site for possible development of a conversion technology facility, sometime in the future.

As provided by Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated,

cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Accordingly, the Task Force has reviewed the DEIR for the proposed Project and offers the following comments:

Project Need:

Need for Landfill Capacity:

In-depth discussions substantiating the need for expansion of the existing Chiquita Canyon Landfill (Landfill) including the following key points need to be provided:

- Identify jurisdictions that currently utilize the Landfill for disposal of municipal solid waste (MSW) as well as jurisdictions to be served by the Project.
- Discuss whether any out-of-County waste will be accepted at the Landfill.
- Discuss the impacts of the full development of the Waste-by-Rail System to the Mesquite Regional Landfill by the County Sanitation Districts of the Los Angeles County on the proposed Landfill expansion.
- Address impacts from the following 2014 legislative proposals and statutes currently in effect on the need for additional landfill capacity, including, but not limited, to the following:
 - Assembly Bill (AB) 32 (the California Global Warming Solution Act of 2006 [Act]) – Mandatory commercial recycling to achieve a reduction in greenhouse gas emissions of five million metric tons of carbon dioxide (CO₂) equivalents.
 - AB 32 [Act] – Mandatory commercial organic waste recycling program if the Legislature fails to pass legislation in 2014 that would accomplish the same.
 - AB 341 (2011) – State legislative mandated policy goal of achieving a 75-percent recycling rate by the year 2020.

- AB 1594 (2014) – Beginning January 1, 2020, using green waste as alternative daily cover (ADC) would no longer constitute diversion but rather be considered disposal for purposes of AB 939. Additionally, it prohibits disposal of green material by a jurisdiction that is not in compliance with AB 939 diversion mandates
- AB 1826 – Starting April 1, 2016, it would require businesses, governmental entities and multi-family residential of five units and more that generate certain thresholds of organic waste per week to implement a mandatory commercial organic waste recycling program consistent with the requirements of the bill and the host jurisdiction. Failure of a jurisdiction (city/county) to monitor and enforce the implementation of a commercial organic waste recycling program by businesses within the said city/county may subject the jurisdiction to a daily penalty of \$10,000 even if the jurisdiction is in full compliance with the AB 939 diversion mandates. The goal of the legislation is to reduce the amount of organic waste being disposed in landfills and transformation facilities in 2014 by 50 percent by the year 2020.
- Senate Bill 498 – Revises the definition of “biomass conversion” to mean the production of heat, fuel, or electricity by the controlled combustion, or the use of other noncombustion thermal conversion technologies on biomass materials.

It should be noted that the Legislature has approved AB 1594, AB 1826, and SB 498 and the bills need to be signed by the Governor in order for them to take effect on January 1, 2015.

Need for Development of Composting, Anaerobic Digestion, and Conversion Technology Capacity

Provide in-depth discussions and analysis for on-site development of facilities using the above processes in conjunction with the full and/or partial development of the Landfill expansion.

Chapter 1.0 (Introduction)

- **Federal, State, and Local Approvals, Section 1.5.2 (Pg. 1-12).** Table 1-3 does not specify the associated water permits under “State Water Resources Control Board” and “RWQCB,” and should be revised to include the following:
 - Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Monitoring Program (SWMP) under “State Water Resources Control Board.”
 - National Pollutant Discharge Elimination System (NPDES) under “RWQCB”
- **County of Los Angeles Approvals, Section 1.5.3 (Pg. 1-12).** Include the following in addition to the required permits and approvals listed in this Section:

Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force

- Finding of Conformance with the Los Angeles County Countywide Siting Element

Siting Criteria—Incorporate a discussion regarding how the proposed Project would meet the siting criteria specified in the June 1997 Los Angeles County Countywide Siting Element, Volume I-The Element, Chapter 6-Facility Siting Criteria.

Chapter 2.0 (Project Description)

- **Lateral Extension of the Waste Footprint and Increased Maximum Elevation, Section 2.2.2 (Pg. 2-5).** The current CUP has a maximum permitted elevation of 1,430 feet, as shown in the approved Exhibit “A” Site Plan. Revise the third sentence under this Section to read, “The Proposed Project also will increase the permitted elevation of the landfill by 143 feet to a maximum elevation of 1,573 feet, including the final cover.”
- **Wastes to be Received, Section 2.2.4 (Pg. 2-6).** Clarify whether sludge and sludge components (or biosolids) are proposed to be prohibited from being accepted as part of the Project. Also, identify any other materials (e.g. friable/non-friable asbestos, radioactive and liquid waste) that are proposed to be prohibited from being accepted at the Landfill.

- **Materials Diverted from Waste Disposal and Typical Beneficial Reuse at CCL, Table 2-2 (Pg. 2-15).** If a “Mixed Organics” composting facility will be part of the Project, pre- and post-consumer food waste should be listed under the “Material Type Diverted from Waste Disposal” column in Table 2-2. Also, the description under the “Beneficial Reuse at CCL” column for pre- and post-consumer food waste, as well as Shredded Curbside Green Waste, should include “Used as feedstock for the ‘Mixed Organics’ composting facility.” Also, see comments under the Project Need Section.
- **Materials to be Diverted from Waste Disposal, Section 2.2.5 (Pg. 2-15).** Describe whether or not the 20,505 cubic yards per day of diverted materials analyzed include food waste, and whether this value is in addition to the 12,000 tons per day disposal limit. Also, see comments under the Project Need Section.
- **Load Checking and Waste Screening, Section 2.2.7.2 (Pg. 2-16).** Provide a description on how radioactive waste and odiferous loads will be checked and screened, and what measures will be implemented when such wastes or loads are identified.
- **Hours of Operation, Section 2.2.7.4 (Pg. 2-17).** According to **Section 2.2.10 Household Hazardous Waste Facility**, a HHW facility will be constructed on site. Indicate the operating days and hours of the HHW facility in this Section.
- **Disposal and Cover Procedures, Section 2.2.7.7 (Pg. 2-18).** Discuss whether the Landfill will continue the practice of removing or peeling back the daily cover at the beginning of each operation day. If such practice is proposed please indicate any potential impacts such as those pertaining to odor, vector and other quality of life issues as well as potential mitigating measures to address possible negative impacts.
- **Sewage and Water, Section 2.2.7.8 (Pg. 2-18).** Address the adequacy of the water supply to accommodate dust control and irrigation even after the Newhall Land and Farming Projects are developed. If water supply is inadequate, identify measures to mitigate any potential shortage in water supply to support landfill operations.
- **Traffic, Section 2.2.7.9 (Pg. 2-19 to 2-21).** Identify the source of traffic that would be considered “Other” outbound traffic in Tables 2-3 to 2-5. Clarify whether the outbound trucks include those hauling leachate, household hazardous waste from the HHW facility, compost materials, and comingled recyclables.

- **Excavation, Section 2.2.8.1 (Pg. 2-21).** Specify the locations of any potential soil stockpile areas including the duration of the stockpiles at those locations.
- **Excavation, Section 2.2.8.1 (Pg. 2-22).** Revise the reference in the last paragraph to reflect the correct reference regarding soil quantities.
- **Leachate Monitoring, Section 2.2.9.3 (Pg. 2-33).** Indicate whether there are any plans to install a leachate treatment facility onsite. If such a facility is planned, provide detailed information including site location, facility capacity, and any associated structures for storing treated leachate for beneficial use.
- **Nuisance and Health Hazard Monitoring, Odor, Section 2.2.9.6 (Pg. 2-35).** In concert with the Section 11.02.300 (E) of Title 11 of the Los Angeles County Code, elaborate on measures to prevent nuisances due to odors emanating from the Landfill including those related to the working face, leachate, landfill gas control system, and “Mixed Organics” composting operations. If the removal or peeling back of daily cover prior to placing waste on each operating day is being proposed discuss how odors will be managed and contained.
- **Household Hazardous Waste Facility, Section 2.2.10 (Pg. 2-41).** Indicate the duration the materials collected at the HHW facility are expected to be stored on-site, as well as the frequency of delivery of the materials, and mitigation measures to ensure the health and safety of the surrounding residents and staff.
- **Mixed Organics Composting Facility, Section 2.2.11 (Pg. 2-42).** In accordance with California Code of Regulations, Title 14, § 17863.4, “All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the [Enforcement Agency] with the [Enforcement Agency] Notification or permitted application.” Accordingly, describe the preparation and submittal of an Odor Impact Minimization Plan (OIMP) to the appropriate Local Enforcement Agency for review and approval. In addition, consistent with Title 11 of the Los Angeles County Code, Section 11.02.300 (E), the OIMP also needs to be submitted to the Los Angeles County Health Officer (the County Department of Public Health) for review and approval.

Chapter 3.0 General Setting and Resource Area Analysis

- **Cumulative Impacts, Section 3.2.9 (Pg. 3-4).** Table 3-1, needs to include additional information regarding the proposed residential developments in the vicinity of the Landfill, including the distance from the disposal footprint to the

nearest enclosed structures. One of the siting criterion contained in the County of Los Angeles Countywide Siting Element, which was approved by a majority of the cities containing a majority of the incorporated population, followed by the County Board of Supervisors, and CalRecycle in 1998, prohibits construction of buildings or structure on or within 1,000 feet of a land disposal facility which contains decomposable materials/waste unless the facility is isolated by an approved natural or manmade protective system. Furthermore, as a point of reference, the CUP for the Puente Hills Landfill, when in effect, contained a requirement for the disposal footprint to be at least 2,000 feet away from the residential community.

Chapter 4.0 Land Use

- **Planned Surrounding Land Uses, Section 4.5.3 (Pg. 4-4).** Provide additional analyses of some of the major residential developments within the vicinity of the proposed Project, including but not limited to the Newhall Land and Farming residential developments, which consists of approximately 7,200 units. It is imperative that the DEIR acknowledges all existing and proposed residential, educational, and immobile population developments that may be impacted by the proposed Project, and measures to protect public health and safety, and the environment.
- **Potential Impacts, Mitigation Measures, Significant After Mitigation, and Cumulative Impacts; Sections 4.6 to 4.9 (Pg. 4-4 to 4-6).** Update the information in Sections 4.6 to 4.9 to include any potential impacts and associated mitigation measures for the proposed Project. If these impacts and mitigation measures are further discussed in other portions of the DEIR, please include references to those chapters.

Chapter 5.0 Geology and Hydrogeology

- According the DEIR, there is potential for debris flow to encroach outside of the Landfill property. Please provide additional analysis to demonstrate the adequacy of the proposed mitigation measures to prevent any potential encroachments onto the proposed residential developments to the west and south of the Landfill property.

Chapter 6.0 Surface Water Drainage

- According the DEIR, there is also potential for mud flow to affect operations onsite as well as outside of the Landfill property. Provide additional analyses to

demonstrate the adequacy of the sedimentation basins at the Landfill to accommodate any increases in onsite water runoff to prevent any releases to nearby properties and existing flood plains in the vicinity of the Landfill property.

Chapter 11.0 Air Quality

- Analyses contained in this Chapter need to be consistent with the AB 32 Scoping Plan Update which was approved by the Air Resources board on May 22, 2014.
- **Criteria Pollutant Emission Impacts, Section 11.9.2.1 (Pg. 11-37).** According to the DEIR, impacts to air quality are significant and unavoidable due to water availability concerns for irrigation and dust control. However, discussions in the Water Supply, Section 14.5.2.5 (Pg. 14-6) of the DEIR concluded there is sufficient amount of water that can be used for dust control and irrigation for the Project. The DEIR needs to clarify this discrepancy.
- **Operation Impacts, Section 11.6.3.2 (Pg. 11-31).** Airborne particulate matters may be a substantial health risk to communities in the vicinity of the Landfill. Therefore, the DEIR needs to provide detailed analysis regarding the effects of wind direction and airborne particulate matters associated with operations of the Landfill and the open Mixed Organics Composting Facility. The proposed increase in elevation in combination with prevailing wind patterns may result in particulate matters being blown into existing or proposed residential, educational, and immobile population developments.
- **Operation Impacts, Section 11.6.3.2 (Pg. 11-31).** Provide additional discussions and analyses regarding any odor issues the Project may create as a result of the proposed increase in elevation and open Mixed Organics Composting Facility. If the Landfill operates at higher elevations there may be greater potential for odors to travel offsite into nearby communities.
- **Operation Impacts, Section 11.6.3.2 (Pg. 11-31).** Include additional analyses regarding any potential impacts associated with the operation of the proposed "Mixed Organics" composting operation at the Landfill, and provide any mitigation measures if found to have a significant impact.

Chapter 12.0 Greenhouse Gas Emission and Climate Change

- The analysis in this Chapter may need to be updated to be consistent with the AB 32 Scoping Plan Update which was approved by the Air Resources Board on May 22, 2014.

Chapter 15.0 Visual Resources

- Potential impacts to Visual Resources may be considered significant and unavoidable due to the proposed Newhall Land and Farming residential developments, of which 7,200 units will be constructed immediately west and south of the landfill, respectively. Mitigation measures should be proposed to minimize the view of the Landfill and/or Mixed Organics Composting operation from these future residential developments.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

KM:fm

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cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Waste Connections, Inc. (Mike Dean, District Manager)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee

Task Force Comment

Task Force letter provided on April 3, 2017.

Applicant Response

The letter provided by the Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) dated April 3, 2017 is identical to that submitted by the Task Force on the Partially Recirculated Draft EIR on January 9, 2017. The letter submitted on January 9, 2017 also included a letter submitted by the Task Force on the Original Draft EIR on August 25, 2014. The January 9, 2017 letter was included in the Final EIR as Comment Letter #298, and the August 25, 2014 letter was included in the Final EIR as Comment Letter #23. Comment Letters #298 and #23, along with the responses included in the Final EIR, are provided on the following pages.



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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www.lacountyiswmf.org

January 9, 2017

Mr. Richard Claghorn
County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Claghorn:

**COMMENTS ON PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT
REPORT - SCH No. 2005081071 - CHIQUITA CANYON LANDFILL
MASTER PLAN REVISION PROJECT NO.: R2004-00559-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Partially Recirculated Draft Environmental Impact Report (DEIR) for the Chiquita Canyon Landfill Master Plan Revision, Project No. R2004-00559-(5), which was released for public review on November 9, 2016.

The proposed Project, among other things, entails increasing the permitted daily disposal tonnage from 6,000 to 12,000 tons per day; increasing the disposal footprint laterally by 143 acres; and increasing the maximum elevation by 143 feet. As indicated in the DEIR, this would extend the existing Chiquita Canyon Landfill's life by additional 24 to 38 years, depending on the amount of the daily disposal rate. The Project also provides for the development of an on-site household hazardous facility and an open mixed organics composting operation while setting-aside a portion of the subject site for possible development of a conversion technology facility, sometime in the future.

As provided by Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally-sound solid waste management system in

Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Accordingly, the Task Force has reviewed the Partially Recirculated DEIR for the proposed Project in concert with our letter of August 25, 2014 (copy enclosed) and offers the following comments:

Chapter 1: Introduction

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- Additionally, the Task Force requested to incorporate a discussion in this Chapter (Chapter 1) regarding how the proposed Project would meet the siting criteria specified in the June 1997 Los Angeles County Countywide Siting Element, Volume I-The Element, Chapter 6-Facility Siting Criteria. This comment is yet to be addressed as well. These comments need to be fully addressed in the Partially Recirculated DEIR. 298-2
- **Section 1.3, Project Purpose and Objective, and Section 1.4, Project Need**
These Sections made numerous references to the studies conducted by the LACDPW and the Task Force to signify the need for further in- Los Angeles County disposal capacity. Based on the subject analysis, it is clear that the Project will not be accepting any solid waste from sources out of-Los Angeles 298-3

County for disposal. This point needs to be made clear in the Partially Recirculated DEIR.

298-3
cont'd

Chapter 2: Project Description

- The final permitted elevation includes the final cover. Please revise the sentence in section 2.2.2.2 Detailed Description to read, "The Proposed Project also will increase the permitted elevation of the landfill by 143 feet to a maximum elevation of 1,573 feet, **including the final cover**", emphasize added. These comment needs to be fully addressed in the Partially Recirculated DEIR.

298-4

- **In section 2.2.3, Type of Material to be Received**, please identify any other materials (e.g. friable/non-friable asbestos, radioactive and liquid waste) that are proposed or may be prohibited from being accepted at the Landfill. These comments need to be fully addressed in the Partially Recirculated DEIR.

298-5

- **In the Table 2-1. Beneficial Use Materials, Typical Use at CCL**, since Mixed Organics composting facility will be part of the Project, pre- and post-consumer food waste should be listed under the "Material Type Diverted from Waste Disposal" column in Table 2-1. Also, the description under the "Typical Beneficial Use at CCL" column for pre- and post-consumer food waste, as well as Shredded Curbside Green Waste, should include "Used as feedstock for the 'Mixed Organics' composting facility." These comments need to be fully addressed in the Partially Recirculated DEIR.

298-6

- **In section 2.2.6.4, Load Checking and Waste Screening** - Provide a description on how radioactive waste and odiferous loads will be checked and screened, and what measures will be implemented when such wastes or loads are identified. These comments need to be fully addressed in the Partially Recirculated DEIR.

298-7

- The Partially Recirculated DEIR needs to specify the locations of any potential soil stockpile areas including the duration of the stockpiles at those locations. These comments need to be fully addressed in the Partially Recirculated DEIR.

298-8

- **2.2.8.8 Nuisance and Health Hazard Monitoring** - It has been stated on Page 2-45 that "During compost processing, odors are controlled by maintaining aerobic conditions in the windrows where yard waste is deposited for composting. The compost windrows are monitored for temperature, oxygen content, and moisture on a daily basis to provide odor and process

298-9

control.” The composting operation is relatively close to the Community of Vale Verde and there is significant potential for odor nuisance caused by food waste decomposition. To mitigate the resulting odor nuisance, the Partially Recirculated DEIR needs to provide an analysis for conducting aerobic composting in an enclosed structure(s) operating under negative pressure.

298-9
cont'd

Chapter 11.1 Air Quality

- **Section 11.4.2 State Regulation and Standards** – All references to the “California Integrated Waste Management Board (CIWMB)” need to be deleted since the CIWMB no longer exist and has been replaced by CalRecycle. Additionally, while the document provides discussions in reference to odor monitoring and mitigations, the suggested measures have not served the Sunshine Canyon neighboring community well. The Community and SCAQMD would be a good source of information to expand on the mitigation measures provided.

298-10

- **Section 11.4.3 Local Regulations and Standards** - Expand this Section to specifically reference the requirements of the Title 11 of the County Code, Section 11.02.300 (E) being enforced by the Los Angeles County Health Officer and elaborate on measures to prevent nuisances due to odors emanating from the Landfill including those related to the working face, leachate, landfill gas control system, and “Mixed Organics” composting operations. If the removal or peeling back of daily cover prior to placing waste on each operating day is being proposed discuss how odors will be managed and contained.

298-11

Chapter 18: Project Alternatives

- **No Project Alternative Conclusion 18.3.1.3 (Pg. 18-7).** In the second bullet, delete or revise the last sentence. The sentence is to read”... *Under those circumstances, additional unanticipated significant environmental impacts of increased waste disposal could be transferred to other locations in the county or elsewhere. To change permits or expand other sites, each permitting agency would have to undertake a permit revision, as discretionary projects under CEQA. Changes to permits would potentially entail a public review process under CEQA.*”

298-12

Depending on each landfill’s respective permits, other facilities may or may not need to change their permits to accept waste from Chiquita Canyon Landfill. These comments need to be fully addressed in the Partially Recirculated DEIR.

- **Environmental Analysis 18.3.2.2 (Pg. 18-11).** Under Visual Resources, add a sentence at the end to the first paragraph “however, a certain vantage points, the landfill’s operation and working face could be visible.” This section states that “Impacts would be less than significant”. However, we believe the impact is significant and unavoidable. These comments need to be fully addressed in the Partially Recirculated DEIR. 298-13
- **Environmental Analysis 18.3.2.6 (Pg. 18-16).** Under Visual Resources, this section states that “*Impacts would be less than significant*”. However, we believe the impact is significant and unavoidable. These comments need to be fully addressed in the Partially Recirculated DEIR. 298-14

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

ND:kk

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Enc.

cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee



GAIL FARBER
CHAIR

MARGARET CLARK
VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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August 25, 2014

Ms. Iris Chi
County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Chi:

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
CHIQUITA CANYON LANDFILL
MASTER PLAN REVISION PROJECT NO.: R2004-00559-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Chiquita Canyon Landfill Master Plan Revision, Project No. R2004-00559-(5), which was released for public review on July 10, 2014.

The proposed Project, among other things, entails increasing the permitted daily disposal tonnage from 6,000 to 12,000 tons per day; increasing the disposal footprint laterally by 143 acres; and increasing the maximum elevation by 143 feet. As indicated in the DEIR, this would extend the existing Chiquita Canyon Landfill's life by additional 21 to 38 years, depending on the amount of the daily disposal rate. The Project also provides for the development of an on-site household hazardous facility and an open mixed organics composting operation while setting-aside a portion of the subject site for possible development of a conversion technology facility, sometime in the future.

As provided by Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated,

cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Accordingly, the Task Force has reviewed the DEIR for the proposed Project and offers the following comments:

Project Need:

Need for Landfill Capacity:

In-depth discussions substantiating the need for expansion of the existing Chiquita Canyon Landfill (Landfill) including the following key points need to be provided:

- Identify jurisdictions that currently utilize the Landfill for disposal of municipal solid waste (MSW) as well as jurisdictions to be served by the Project.
- Discuss whether any out-of-County waste will be accepted at the Landfill.
- Discuss the impacts of the full development of the Waste-by-Rail System to the Mesquite Regional Landfill by the County Sanitation Districts of the Los Angeles County on the proposed Landfill expansion.
- Address impacts from the following 2014 legislative proposals and statutes currently in effect on the need for additional landfill capacity, including, but not limited, to the following:
 - Assembly Bill (AB) 32 (the California Global Warming Solution Act of 2006 [Act]) – Mandatory commercial recycling to achieve a reduction in greenhouse gas emissions of five million metric tons of carbon dioxide (CO₂) equivalents.
 - AB 32 [Act] – Mandatory commercial organic waste recycling program if the Legislature fails to pass legislation in 2014 that would accomplish the same.
 - AB 341 (2011) – State legislative mandated policy goal of achieving a 75-percent recycling rate by the year 2020.

- AB 1594 (2014) – Beginning January 1, 2020, using green waste as alternative daily cover (ADC) would no longer constitute diversion but rather be considered disposal for purposes of AB 939. Additionally, it prohibits disposal of green material by a jurisdiction that is not in compliance with AB 939 diversion mandates
- AB 1826 – Starting April 1, 2016, it would require businesses, governmental entities and multi-family residential of five units and more that generate certain thresholds of organic waste per week to implement a mandatory commercial organic waste recycling program consistent with the requirements of the bill and the host jurisdiction. Failure of a jurisdiction (city/county) to monitor and enforce the implementation of a commercial organic waste recycling program by businesses within the said city/county may subject the jurisdiction to a daily penalty of \$10,000 even if the jurisdiction is in full compliance with the AB 939 diversion mandates. The goal of the legislation is to reduce the amount of organic waste being disposed in landfills and transformation facilities in 2014 by 50 percent by the year 2020.
- Senate Bill 498 – Revises the definition of “biomass conversion” to mean the production of heat, fuel, or electricity by the controlled combustion, or the use of other noncombustion thermal conversion technologies on biomass materials.

It should be noted that the Legislature has approved AB 1594, AB 1826, and SB 498 and the bills need to be signed by the Governor in order for them to take effect on January 1, 2015.

Need for Development of Composting, Anaerobic Digestion, and Conversion Technology Capacity

Provide in-depth discussions and analysis for on-site development of facilities using the above processes in conjunction with the full and/or partial development of the Landfill expansion.

Chapter 1.0 (Introduction)

- **Federal, State, and Local Approvals, Section 1.5.2 (Pg. 1-12).** Table 1-3 does not specify the associated water permits under “State Water Resources Control Board” and “RWQCB,” and should be revised to include the following:
 - Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Monitoring Program (SWMP) under “State Water Resources Control Board.”
 - National Pollutant Discharge Elimination System (NPDES) under “RWQCB”
- **County of Los Angeles Approvals, Section 1.5.3 (Pg. 1-12).** Include the following in addition to the required permits and approvals listed in this Section:

Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force

- Finding of Conformance with the Los Angeles County Countywide Siting Element

Siting Criteria—Incorporate a discussion regarding how the proposed Project would meet the siting criteria specified in the June 1997 Los Angeles County Countywide Siting Element, Volume I-The Element, Chapter 6-Facility Siting Criteria.

Chapter 2.0 (Project Description)

- **Lateral Extension of the Waste Footprint and Increased Maximum Elevation, Section 2.2.2 (Pg. 2-5).** The current CUP has a maximum permitted elevation of 1,430 feet, as shown in the approved Exhibit “A” Site Plan. Revise the third sentence under this Section to read, “The Proposed Project also will increase the permitted elevation of the landfill by 143 feet to a maximum elevation of 1,573 feet, including the final cover.”
- **Wastes to be Received, Section 2.2.4 (Pg. 2-6).** Clarify whether sludge and sludge components (or biosolids) are proposed to be prohibited from being accepted as part of the Project. Also, identify any other materials (e.g. friable/non-friable asbestos, radioactive and liquid waste) that are proposed to be prohibited from being accepted at the Landfill.

- **Materials Diverted from Waste Disposal and Typical Beneficial Reuse at CCL, Table 2-2 (Pg. 2-15).** If a “Mixed Organics” composting facility will be part of the Project, pre- and post-consumer food waste should be listed under the “Material Type Diverted from Waste Disposal” column in Table 2-2. Also, the description under the “Beneficial Reuse at CCL” column for pre- and post-consumer food waste, as well as Shredded Curbside Green Waste, should include “Used as feedstock for the ‘Mixed Organics’ composting facility.” Also, see comments under the Project Need Section.
- **Materials to be Diverted from Waste Disposal, Section 2.2.5 (Pg. 2-15).** Describe whether or not the 20,505 cubic yards per day of diverted materials analyzed include food waste, and whether this value is in addition to the 12,000 tons per day disposal limit. Also, see comments under the Project Need Section.
- **Load Checking and Waste Screening, Section 2.2.7.2 (Pg. 2-16).** Provide a description on how radioactive waste and odiferous loads will be checked and screened, and what measures will be implemented when such wastes or loads are identified.
- **Hours of Operation, Section 2.2.7.4 (Pg. 2-17).** According to **Section 2.2.10 Household Hazardous Waste Facility**, a HHW facility will be constructed on site. Indicate the operating days and hours of the HHW facility in this Section.
- **Disposal and Cover Procedures, Section 2.2.7.7 (Pg. 2-18).** Discuss whether the Landfill will continue the practice of removing or peeling back the daily cover at the beginning of each operation day. If such practice is proposed please indicate any potential impacts such as those pertaining to odor, vector and other quality of life issues as well as potential mitigating measures to address possible negative impacts.
- **Sewage and Water, Section 2.2.7.8 (Pg. 2-18).** Address the adequacy of the water supply to accommodate dust control and irrigation even after the Newhall Land and Farming Projects are developed. If water supply is inadequate, identify measures to mitigate any potential shortage in water supply to support landfill operations.
- **Traffic, Section 2.2.7.9 (Pg. 2-19 to 2-21).** Identify the source of traffic that would be considered “Other” outbound traffic in Tables 2-3 to 2-5. Clarify whether the outbound trucks include those hauling leachate, household hazardous waste from the HHW facility, compost materials, and comingled recyclables.

- **Excavation, Section 2.2.8.1 (Pg. 2-21).** Specify the locations of any potential soil stockpile areas including the duration of the stockpiles at those locations.
- **Excavation, Section 2.2.8.1 (Pg. 2-22).** Revise the reference in the last paragraph to reflect the correct reference regarding soil quantities.
- **Leachate Monitoring, Section 2.2.9.3 (Pg. 2-33).** Indicate whether there are any plans to install a leachate treatment facility onsite. If such a facility is planned, provide detailed information including site location, facility capacity, and any associated structures for storing treated leachate for beneficial use.
- **Nuisance and Health Hazard Monitoring, Odor, Section 2.2.9.6 (Pg. 2-35).** In concert with the Section 11.02.300 (E) of Title 11 of the Los Angeles County Code, elaborate on measures to prevent nuisances due to odors emanating from the Landfill including those related to the working face, leachate, landfill gas control system, and “Mixed Organics” composting operations. If the removal or peeling back of daily cover prior to placing waste on each operating day is being proposed discuss how odors will be managed and contained.
- **Household Hazardous Waste Facility, Section 2.2.10 (Pg. 2-41).** Indicate the duration the materials collected at the HHW facility are expected to be stored on-site, as well as the frequency of delivery of the materials, and mitigation measures to ensure the health and safety of the surrounding residents and staff.
- **Mixed Organics Composting Facility, Section 2.2.11 (Pg. 2-42).** In accordance with California Code of Regulations, Title 14, § 17863.4, “All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the [Enforcement Agency] with the [Enforcement Agency] Notification or permitted application.” Accordingly, describe the preparation and submittal of an Odor Impact Minimization Plan (OIMP) to the appropriate Local Enforcement Agency for review and approval. In addition, consistent with Title 11 of the Los Angeles County Code, Section 11.02.300 (E), the OIMP also needs to be submitted to the Los Angeles County Health Officer (the County Department of Public Health) for review and approval.

Chapter 3.0 General Setting and Resource Area Analysis

- **Cumulative Impacts, Section 3.2.9 (Pg. 3-4).** Table 3-1, needs to include additional information regarding the proposed residential developments in the vicinity of the Landfill, including the distance from the disposal footprint to the

nearest enclosed structures. One of the siting criterion contained in the County of Los Angeles Countywide Siting Element, which was approved by a majority of the cities containing a majority of the incorporated population, followed by the County Board of Supervisors, and CalRecycle in 1998, prohibits construction of buildings or structure on or within 1,000 feet of a land disposal facility which contains decomposable materials/waste unless the facility is isolated by an approved natural or manmade protective system. Furthermore, as a point of reference, the CUP for the Puente Hills Landfill, when in effect, contained a requirement for the disposal footprint to be at least 2,000 feet away from the residential community.

Chapter 4.0 Land Use

- **Planned Surrounding Land Uses, Section 4.5.3 (Pg. 4-4).** Provide additional analyses of some of the major residential developments within the vicinity of the proposed Project, including but not limited to the Newhall Land and Farming residential developments, which consists of approximately 7,200 units. It is imperative that the DEIR acknowledges all existing and proposed residential, educational, and immobile population developments that may be impacted by the proposed Project, and measures to protect public health and safety, and the environment.
- **Potential Impacts, Mitigation Measures, Significant After Mitigation, and Cumulative Impacts; Sections 4.6 to 4.9 (Pg. 4-4 to 4-6).** Update the information in Sections 4.6 to 4.9 to include any potential impacts and associated mitigation measures for the proposed Project. If these impacts and mitigation measures are further discussed in other portions of the DEIR, please include references to those chapters.

Chapter 5.0 Geology and Hydrogeology

- According the DEIR, there is potential for debris flow to encroach outside of the Landfill property. Please provide additional analysis to demonstrate the adequacy of the proposed mitigation measures to prevent any potential encroachments onto the proposed residential developments to the west and south of the Landfill property.

Chapter 6.0 Surface Water Drainage

- According the DEIR, there is also potential for mud flow to affect operations onsite as well as outside of the Landfill property. Provide additional analyses to

demonstrate the adequacy of the sedimentation basins at the Landfill to accommodate any increases in onsite water runoff to prevent any releases to nearby properties and existing flood plains in the vicinity of the Landfill property.

Chapter 11.0 Air Quality

- Analyses contained in this Chapter need to be consistent with the AB 32 Scoping Plan Update which was approved by the Air Resources board on May 22, 2014.
- **Criteria Pollutant Emission Impacts, Section 11.9.2.1 (Pg. 11-37).** According to the DEIR, impacts to air quality are significant and unavoidable due to water availability concerns for irrigation and dust control. However, discussions in the Water Supply, Section 14.5.2.5 (Pg. 14-6) of the DEIR concluded there is sufficient amount of water that can be used for dust control and irrigation for the Project. The DEIR needs to clarify this discrepancy.
- **Operation Impacts, Section 11.6.3.2 (Pg. 11-31).** Airborne particulate matters may be a substantial health risk to communities in the vicinity of the Landfill. Therefore, the DEIR needs to provide detailed analysis regarding the effects of wind direction and airborne particulate matters associated with operations of the Landfill and the open Mixed Organics Composting Facility. The proposed increase in elevation in combination with prevailing wind patterns may result in particulate matters being blown into existing or proposed residential, educational, and immobile population developments.
- **Operation Impacts, Section 11.6.3.2 (Pg. 11-31).** Provide additional discussions and analyses regarding any odor issues the Project may create as a result of the proposed increase in elevation and open Mixed Organics Composting Facility. If the Landfill operates at higher elevations there may be greater potential for odors to travel offsite into nearby communities.
- **Operation Impacts, Section 11.6.3.2 (Pg. 11-31).** Include additional analyses regarding any potential impacts associated with the operation of the proposed "Mixed Organics" composting operation at the Landfill, and provide any mitigation measures if found to have a significant impact.

Chapter 12.0 Greenhouse Gas Emission and Climate Change

- The analysis in this Chapter may need to be updated to be consistent with the AB 32 Scoping Plan Update which was approved by the Air Resources Board on May 22, 2014.

Chapter 15.0 Visual Resources

- Potential impacts to Visual Resources may be considered significant and unavoidable due to the proposed Newhall Land and Farming residential developments, of which 7,200 units will be constructed immediately west and south of the landfill, respectively. Mitigation measures should be proposed to minimize the view of the Landfill and/or Mixed Organics Composting operation from these future residential developments.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

KM:fm

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cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Waste Connections, Inc. (Mike Dean, District Manager)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee

Letter No. 298

Margaret Clark, Vice Chair
Los Angeles County Solid Waste Mgmt. Committee
Integrated Waste Management Task Force
900 South Fremont Avenue
Alhambra, CA 91803-1331

Response to Comment No. 298-1

Please see Topical Response #19, Project Need. The regulatory information requested is accounted for in the County's Annual Report to the Countywide Integrated Waste Management Plan (CIWMP), which is used to help establish the need for the Proposed Project.

Response to Comment No. 298-2

CCL is designated in the County's General Plan Siting Element. The 2015 Annual Report to the CIWMP (Siting Element Revision) identifies the expansion of CCL as accounted for in the Siting Element. The analysis contained in the EIR for the Proposed Project will be the basis on which conformance with the County's Siting Element is based.

Response to Comment No. 298-3

The 2015 Annual Report to the CIWMP states that 600 tons per day of imported waste is included in planning quantities of waste disposed, a portion of which may be delivered to CCL.

As detailed in the 2015 Annual Report, Los Angeles County not only imports waste, but exports a substantial amount of waste – assumed to be 15,000 tons per day for the 15-year planning period.

See also Topical Response #24, Source of Waste/Importation of Out-of-County Waste.

Response to Comment No. 298-4

Please see Section 2.2.2.2 of the Final EIR for this text revision.

Response to Comment No. 298-5

There are no other materials proposed for acceptance or exclusion beyond those described in Section 2.2.3.

Response to Comment No. 298-6

Table 2-1 addresses only those materials related to landfill operation. It does not include material types for the mixed organics processing/composting facility, the set-aside for future conversion technology, or the Household Hazardous Waste Facility.

Response to Comment No. 298-7

Please see Topical Response #29b for CCL's Waste Screening and Acceptance Program. In addition, see Appendix K for CCL's Odorous Load Training Program, included in response to South Coast Air Quality Management District Letter No. 296.

Response to Comment No. 298-8

Soil stockpiling could occur onsite anywhere within the limit of disturbance shown on Final EIR Figure 2-5, Proposed Project Limits, for the Proposed Project. The duration of any specific stockpile is unknown at this time, depending on the timing of construction, future legislation, etc.

Response to Comment No. 298-9

Mitigation Measure AQ-4 requires development and implementation of an Odor Impact Minimization Plan (OIMP) for the mixed organics processing/composting facility. The OIMP will include facility enclosure as one option for controlling odors.

Response to Comment No. 298-10

Please see Chapter 11 of the Final EIR for this requested text change.

Response to Comment No. 298-11

Section 11.02.330(E) of the County Code is a definitional section, and Title 11 generally governs a variety of health and safety issues. Measures to reduce odors are set forth in Chapter 11, Air Quality, of the Final EIR. In addition, see Topical Response #17, Odor.

As standard operating procedure at CCL, a portion of the prior day's soil cover, the portion that can be reused, is peeled back and reserved for reuse. This peeling back occurs immediately before fresh waste is placed in the same location. The procedures and exceptions for peeling back the soil cover will be included in the OIMP prepared for the Proposed Project.

Response to Comment No. 298-12

See Section 18.3.1.3 of the Final EIR for revisions to the referenced text.

Response to Comment No. 298-13

Please see Topical Response #27e, Visual Resources, Explanation of Significance Conclusions.

Response to Comment No. 298-14

Please see Topical Response #27e, Visual Resources, Explanation of Significance Conclusions.



GAIL FARBER
CHAIR

MARGARET CLARK
VICE-CHAIR

LOS ANGELES COUNTY
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August 25, 2014

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County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
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Los Angeles, CA 90012

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<ul style="list-style-type: none"> • Discuss whether any out-of-County waste will be accepted at the Landfill. 	23-2
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23-4
cont'd

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Need for Development of Composting, Anaerobic Digestion, and Conversion Technology Capacity

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23-5

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23-6

- **County of Los Angeles Approvals, Section 1.5.3 (Pg. 1-12).** Include the following in addition to the required permits and approvals listed in this Section:

Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force

- Finding of Conformance with the Los Angeles County Countywide Siting Element

Siting Criteria—Incorporate a discussion regarding how the proposed Project would meet the siting criteria specified in the June 1997 Los Angeles County Countywide Siting Element, Volume I-The Element, Chapter 6-Facility Siting Criteria.

23-7

Chapter 2.0 (Project Description)

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23-8

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23-9

<ul style="list-style-type: none"> • Materials Diverted from Waste Disposal and Typical Beneficial Reuse at CCL, Table 2-2 (Pg. 2-15). If a “Mixed Organics” composting facility will be part of the Project, pre- and post-consumer food waste should be listed under the “Material Type Diverted from Waste Disposal” column in Table 2-2. Also, the description under the “Beneficial Reuse at CCL” column for pre- and post-consumer food waste, as well as Shredded Curbside Green Waste, should include “Used as feedstock for the ‘Mixed Organics’ composting facility.” Also, see comments under the Project Need Section. 	23-10
<ul style="list-style-type: none"> • Materials to be Diverted from Waste Disposal, Section 2.2.5 (Pg. 2-15). Describe whether or not the 20,505 cubic yards per day of diverted materials analyzed include food waste, and whether this value is in addition to the 12,000 tons per day disposal limit. Also, see comments under the Project Need Section. 	23-11
<ul style="list-style-type: none"> • Load Checking and Waste Screening, Section 2.2.7.2 (Pg. 2-16). Provide a description on how radioactive waste and odiferous loads will be checked and screened, and what measures will be implemented when such wastes or loads are identified. 	23-12
<ul style="list-style-type: none"> • Hours of Operation, Section 2.2.7.4 (Pg. 2-17). According to Section 2.2.10 Household Hazardous Waste Facility, a HHW facility will be constructed on site. Indicate the operating days and hours of the HHW facility in this Section. 	23-13
<ul style="list-style-type: none"> • Disposal and Cover Procedures, Section 2.2.7.7 (Pg. 2-18). Discuss whether the Landfill will continue the practice of removing or peeling back the daily cover at the beginning of each operation day. If such practice is proposed please indicate any potential impacts such as those pertaining to odor, vector and other quality of life issues as well as potential mitigating measures to address possible negative impacts. 	23-14
<ul style="list-style-type: none"> • Sewage and Water, Section 2.2.7.8 (Pg. 2-18). Address the adequacy of the water supply to accommodate dust control and irrigation even after the Newhall Land and Farming Projects are developed. If water supply is inadequate, identify measures to mitigate any potential shortage in water supply to support landfill operations. 	23-15
<ul style="list-style-type: none"> • Traffic, Section 2.2.7.9 (Pg. 2-19 to 2-21). Identify the source of traffic that would be considered “Other” outbound traffic in Tables 2-3 to 2-5. Clarify whether the outbound trucks include those hauling leachate, household hazardous waste from the HHW facility, compost materials, and comingled recyclables. 	23-16

<ul style="list-style-type: none"> • Excavation, Section 2.2.8.1 (Pg. 2-21). Specify the locations of any potential soil stockpile areas including the duration of the stockpiles at those locations. 	23-17
<ul style="list-style-type: none"> • Excavation, Section 2.2.8.1 (Pg. 2-22). Revise the reference in the last paragraph to reflect the correct reference regarding soil quantities. 	23-18
<ul style="list-style-type: none"> • Leachate Monitoring, Section 2.2.9.3 (Pg. 2-33). Indicate whether there are any plans to install a leachate treatment facility onsite. If such a facility is planned, provide detailed information including site location, facility capacity, and any associated structures for storing treated leachate for beneficial use. 	23-19
<ul style="list-style-type: none"> • Nuisance and Health Hazard Monitoring, Odor, Section 2.2.9.6 (Pg. 2-35). In concert with the Section 11.02.300 (E) of Title 11 of the Los Angeles County Code, elaborate on measures to prevent nuisances due to odors emanating from the Landfill including those related to the working face, leachate, landfill gas control system, and "Mixed Organics" composting operations. If the removal or peeling back of daily cover prior to placing waste on each operating day is being proposed discuss how odors will be managed and contained. 	23-20
<ul style="list-style-type: none"> • Household Hazardous Waste Facility, Section 2.2.10 (Pg. 2-41). Indicate the duration the materials collected at the HHW facility are expected to be stored on-site, as well as the frequency of delivery of the materials, and mitigation measures to ensure the health and safety of the surrounding residents and staff. 	23-21
<ul style="list-style-type: none"> • Mixed Organics Composting Facility, Section 2.2.11 (Pg. 2-42). In accordance with California Code of Regulations, Title 14, § 17863.4, "All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the [Enforcement Agency] with the [Enforcement Agency] Notification or permitted application." Accordingly, describe the preparation and submittal of an Odor Impact Minimization Plan (OIMP) to the appropriate Local Enforcement Agency for review and approval. In addition, consistent with Title 11 of the Los Angeles County Code, Section 11.02.300 (E), the OIMP also needs to be submitted to the Los Angeles County Health Officer (the County Department of Public Health) for review and approval. 	23-22
<u>Chapter 3.0 General Setting and Resource Area Analysis</u>	
<ul style="list-style-type: none"> • Cumulative Impacts, Section 3.2.9 (Pg. 3-4). Table 3-1, needs to include additional information regarding the proposed residential developments in the vicinity of the Landfill, including the distance from the disposal footprint to the 	23-23

nearest enclosed structures. One of the siting criterion contained in the County of Los Angeles Countywide Siting Element, which was approved by a majority of the cities containing a majority of the incorporated population, followed by the County Board of Supervisors, and CalRecycle in 1998, prohibits construction of buildings or structure on or within 1,000 feet of a land disposal facility which contains decomposable materials/waste unless the facility is isolated by an approved natural or manmade protective system. Furthermore, as a point of reference, the CUP for the Puente Hills Landfill, when in effect, contained a requirement for the disposal footprint to be at least 2,000 feet away from the residential community.

23-23
cont'd

Chapter 4.0 Land Use

- **Planned Surrounding Land Uses, Section 4.5.3 (Pg. 4-4).** Provide additional analyses of some of the major residential developments within the vicinity of the proposed Project, including but not limited to the Newhall Land and Farming residential developments, which consists of approximately 7,200 units. It is imperative that the DEIR acknowledges all existing and proposed residential, educational, and immobile population developments that may be impacted by the proposed Project, and measures to protect public health and safety, and the environment.

23-24

- **Potential Impacts, Mitigation Measures, Significant After Mitigation, and Cumulative Impacts; Sections 4.6 to 4.9 (Pg. 4-4 to 4-6).** Update the information in Sections 4.6 to 4.9 to include any potential impacts and associated mitigation measures for the proposed Project. If these impacts and mitigation measures are further discussed in other portions of the DEIR, please include references to those chapters.

23-25

Chapter 5.0 Geology and Hydrogeology

- According the DEIR, there is potential for debris flow to encroach outside of the Landfill property. Please provide additional analysis to demonstrate the adequacy of the proposed mitigation measures to prevent any potential encroachments onto the proposed residential developments to the west and south of the Landfill property.

23-26

Chapter 6.0 Surface Water Drainage

- According the DEIR, there is also potential for mud flow to affect operations onsite as well as outside of the Landfill property. Provide additional analyses to

23-27

demonstrate the adequacy of the sedimentation basins at the Landfill to accommodate any increases in onsite water runoff to prevent any releases to nearby properties and existing flood plains in the vicinity of the Landfill property.	23-27 cont'd
<u>Chapter 11.0 Air Quality</u>	
<ul style="list-style-type: none"> Analyses contained in this Chapter need to be consistent with the AB 32 Scoping Plan Update which was approved by the Air Resources board on May 22, 2014. 	23-28
<ul style="list-style-type: none"> Criteria Pollutant Emission Impacts, Section 11.9.2.1 (Pg. 11-37). According to the DEIR, impacts to air quality are significant and unavoidable due to water availability concerns for irrigation and dust control. However, discussions in the Water Supply, Section 14.5.2.5 (Pg. 14-6) of the DEIR concluded there is sufficient amount of water that can be used for dust control and irrigation for the Project. The DEIR needs to clarify this discrepancy. 	23-29
<ul style="list-style-type: none"> Operation Impacts, Section 11.6.3.2 (Pg. 11-31). Airborne particulate matters may be a substantial health risk to communities in the vicinity of the Landfill. Therefore, the DEIR needs to provide detailed analysis regarding the effects of wind direction and airborne particulate matters associated with operations of the Landfill and the open Mixed Organics Composting Facility. The proposed increase in elevation in combination with prevailing wind patterns may result in particulate matters being blown into existing or proposed residential, educational, and immobile population developments. 	23-30
<ul style="list-style-type: none"> Operation Impacts, Section 11.6.3.2 (Pg. 11-31). Provide additional discussions and analyses regarding any odor issues the Project may create as a result of the proposed increase in elevation and open Mixed Organics Composting Facility. If the Landfill operates at higher elevations there may be greater potential for odors to travel offsite into nearby communities. 	23-31
<ul style="list-style-type: none"> Operation Impacts, Section 11.6.3.2 (Pg. 11-31). Include additional analyses regarding any potential impacts associated with the operation of the proposed "Mixed Organics" composting operation at the Landfill, and provide any mitigation measures if found to have a significant impact. 	23-32
<u>Chapter 12.0 Greenhouse Gas Emission and Climate Change</u>	
<ul style="list-style-type: none"> The analysis in this Chapter may need to be updated to be consistent with the AB 32 Scoping Plan Update which was approved by the Air Resources Board on May 22, 2014. 	23-33

Ms. Iris Chi
August 25, 2014
Page 9

Chapter 15.0 Visual Resources

- Potential impacts to Visual Resources may be considered significant and unavoidable due to the proposed Newhall Land and Farming residential developments, of which 7,200 units will be constructed immediately west and south of the landfill, respectively. Mitigation measures should be proposed to minimize the view of the Landfill and/or Mixed Organics Composting operation from these future residential developments.

23-34

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

KM:fm

P:\leppub\EnvAffairs\EnvAffairs\TF\TF\Letters\2014\Chiquita DEIR_Aug2014

cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Waste Connections, Inc. (Mike Dean, District Manager)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee

Letter No. 23

Margaret Clark
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force
900 South Fremont Ave.
Alhambra, CA 91803-1331

Response to Comment No. 23-1

Please see Topical Response #24, Source of Waste/Importation of Out-of-County Waste.

Response to Comment No. 23-2

Please see Topical Response #24, Source of Waste/Importation of Out-of-County Waste.

Response to Comment No. 23-3

Please see Topical Response #18 for a discussion of Project Alternatives.

Response to Comment No. 23-4

Please see Topical Response #19 for a discussion of Project Need.

Response to Comment No. 23-5

Please see Topical Response #3, Composting Facility and Conversion Technology.

Response to Comment No. 23-6

Please see Final EIR Table 1-9 for revisions as suggested.

Response to Comment No. 23-7

Please see Final EIR Section 1.9.3 for revisions as suggested.

Response to Comment No. 23-8

Please see Final EIR Section 2.2.2 for this revision.

Response to Comment No. 23-9

Sludge will be prohibited from disposal at CCL under a new Conditional Use Permit (CUP). Please see Topical Response #29a for a discussion of Wastes to be Disposed.

Response to Comment No. 23-10

Please see Topical Response #28, Waste Diverted, for a discussion of pre- and post-consumer food waste.

Response to Comment No. 23-11

Please see Topical Response #28, Waste Diverted, for a discussion of how food waste is addressed in the EIR.

Response to Comment No. 23-12

Please see Topical Response #29b, Waste Screening and Acceptance Program.

Response to Comment No. 23-13

See Topical Response #13 for a discussion of the Household Hazardous Waste Facility (HHWF).

General hours of operation for the HHWF are described in Section 2.2.9 of the Final EIR and in Topical Response #13. The HHWF may be operated by Los Angeles County or a third party selected by the County; exact days and hours of operation will be set by the County.

Response to Comment No. 23-14

Please see revised Chapter 2, Project Description, in the Partially Recirculated Draft EIR for an updated discussion of Proposed Project Earthwork. Specifically, see Table 2-5, Estimated Proposed Project Earthwork. As currently planned, the proposed excavation quantity balances the landfill soil requirements.

Response to Comment No. 23-15

Section 2.2.7.8 of the Original Draft EIR states: "when the Newhall Ranch Project is developed, the irrigation well on Newhall Ranch that currently supplies the landfill will be removed. At that time, CCL will begin using the water supply line north of the landfill, which is connected to Valencia Water Company's system, for both construction and routine operation."

Original Draft EIR Chapter 14, Public Services and Utilities, describes the potential water impacts associated with the project. That discussion references the Water Supply Assessment prepared for the Proposed Project and confirms that there is adequate water available to serve the Project. Also see Topical Response #23c, Water Supply, for a discussion of the Water Supply Assessment, and Appendix J of the Final EIR for an updated Water Supply Assessment for the Proposed Project.

Response to Comment No. 23-16

Please see EIR section 2.2.6.11, Traffic, for updated traffic tables. In addition, please see Topical Response #25 for a discussion of Traffic.

Response to Comment No. 23-17

Soil stockpiling could occur onsite anywhere within the limit of disturbance shown on Figure 2-5, Proposed Project Limits, of the Final EIR. The duration of any specific stockpile is unknown at this time, depending on timing of construction, future legislation, etc.

Response to Comment No. 23-18

Please see revised Chapter 2, Project Description, in the Partially Recirculated Draft EIR for an updated discussion of Proposed Project Earthwork. Specifically, see Table 2-5, Estimated Proposed Project Earthwork. As currently planned, the proposed excavation quantity balances the landfill soil requirements.

Response to Comment No. 23-19

Please see Topical Response #10, Environmental Monitoring for a discussion of leachate monitoring and beneficial use.

Response to Comment No. 23-20

Section 11.02.330(E) of the County Code is a definitional section, and Title 11 generally governs a variety of health and safety issues. Measures to reduce odors are set forth in the revised Chapter 11, Air Quality, of the Partially Recirculated Draft EIR. Also see Topical Response #17, Odor.

As standard operating procedure at CCL, a portion of the prior day's soil cover, the portion that can be reused, is peeled back and reserved for reuse. This peeling back occurs immediately before fresh waste is placed in the same location. The procedures and exceptions for peeling back the soil cover will be included in the Odor Impact Minimization Plan prepared for the Proposed Project (see Topical Response #17, Odor).

Response to Comment No. 23-21

See Topical Response #13 for a discussion of the Household Hazardous Waste Facility.

Response to Comment No. 23-22

Please see Chapter 11, Air Quality, of the Final EIR, which includes an Odor Impact Minimization Plan as a mitigation measure for a mixed organics processing/compost facility at CCL. Please also see Topical Response #3, Composting Facility and Conversion Technology.

Response to Comment No. 23-23

Please see Topical Response #7 for a discussion of Cumulative Impacts.

For a discussion of compatibility of land uses, please see Topical Response #15, Land Use.

Response to Comment No. 23-24

The Original Draft EIR, in Chapter 3, identified cumulative projects to be considered in conjunction with the Proposed Project, and each of the resource areas in the Original Draft EIR and Partially Recirculated Draft EIR addressed potential cumulative impacts. Chapter 4, Land Use, of the Final EIR has been revised to direct readers to these areas of discussion in the EIR. Please also see Topical Response #7 for a discussion of Cumulative Impacts and Topical Response #15 for a discussion of Land Use.

Response to Comment No. 23-25

Each of the resource area discussions in Draft EIR Chapters 5 through 15 addresses potential impacts and associated mitigation measures for the Proposed Project. Additional discussion has also been added to Chapter 4, Land Use, of the Final EIR, to direct the reader to the sections of the EIR that address those potential impacts.

Response to Comment No. 23-26

The Original Draft EIR Chapter 5, Geology and Hydrology, Section 5.7, describes the potential for debris flow or mudflow within the natural drainages and slopes along the north side of the future entrance road and identifies Mitigation Measure GH-1 to control any debris flow. As designed and engineered, the Proposed Project does not include the potential for debris flow to encroach outside of the landfill property.

Response to Comment No. 23-27

The Original Draft EIR Chapter 6, Surface Water Drainage, Section 6.7.2.7, describes the potential for mudflow. The terms debris flow and mudflow are used interchangeably, and Mitigation Measure GH-1 was identified to control debris flow onsite. As designed and engineered and described in the Original

Draft EIR, the Proposed Project does not include the potential for mudflow to encroach outside of the landfill property.

Response to Comment No. 23-28

The air quality analysis of the Final EIR has been updated to reflect the Assembly Bill 32 Scoping Plan, along with other comments on the Original Draft EIR.

Response to Comment No. 23-29

Please see revised Chapter 11, Air Quality, of the Partially Recirculated Draft EIR, which updates and replaces the referenced discussion. The revised Air Quality chapter includes dust control best management practices for construction and operation. An updated Water Supply Assessment for the Proposed Project, which documents the availability of water for the Proposed Project, is included in Appendix J of the Final EIR.

Response to Comment No. 23-30

Please see the revised Chapter 11, Air Quality, of the Partially Recirculated Draft EIR, as well as Topical Response #1, Air Quality, Topical Response #17, Odor, and Topical Response #21, Public Health. The cumulative impact analysis in revised Chapter 11, Air Quality, includes reasonably foreseeable projects identified in Chapter 3.0, General Setting and Resource Area Analysis. Existing locations of sensitive receptors and locations of planned schools, residences, and businesses are included in the air quality and health risk analyses for the Proposed Project and Cumulative Impacts analyses for the Proposed Project, even if not specifically identified in the text of the Air Quality chapter. Please see Chapter 11, Air Quality, Section 11.9 of the Partially Recirculated Draft EIR.

Proposed increases in elevation were included in the model inputs. Meteorological data inputs for the Health Risks Assessment are provided in Appendix H, which incorporates observed meteorological data trends. Please also see Topical Responses #1d and #1e, Air Quality, for additional information.

Response to Comment No. 23-31

Please see the expanded odor analysis in the revised Chapter 11, Air Quality, of the Partially Recirculated Draft EIR. Please also see Topical Response #17, Odor.

Response to Comment No. 23-32

Please see revised Chapter 11, Air Quality, of the Partially Recirculated Draft EIR, as well as Topical Response #3, Composting Facility and Conversion Technology.

Response to Comment No. 23-33

Please see revised Chapter 12, Greenhouse Gas Emissions and Climate Change, of the Partially Recirculated Draft EIR, which replaces the Original Draft EIR chapter.

Response to Comment No. 23-34

Please see the Visual Supplement of the Partially Recirculated Draft EIR for a discussion of potential visual impacts to the proposed Newhall Land and Farming residential developments.

Please see Topical Response #7 for a discussion of Cumulative Impacts, including potential impacts to Visual Resources associated with the proposed Newhall Land and Farming residential developments.

Please also see Topical Response #27 for a discussion of Visual Resources.

April 4, 2017

Letter from Los Angeles County Solid Waste
Management Committee/Integrated Waste
Management Task Force



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

April 4, 2017

Mr. Richard Claghorn
County of Los Angeles Department of Regional Planning
Zoning Permits North Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Claghorn:

**COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT - CHIQUITA CANYON
LANDFILL - SCH No. 2005081071 - MASTER PLAN REVISION PROJECT NO.: R2004-
00559-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Final Environmental Impact Report (FEIR) for the Chiquita Canyon Landfill Master Plan Revision, Project No. R2004-00559-(5), which was released to the public on February 16, 2017, and the following comments are offered:

Chapter 1: Introduction

- **In section 1.4, Project Need**, the Task Force has previously provided comments on this section during the initial release of the Draft Environmental Impact Report (DEIR) 2014 and subsequently in 2017 during the partial recirculation of the DEIR. The provided comments requested for in-depth discussions to substantiate the need for the expansion of the existing Chiquita Canyon Landfill (Landfill) taking into consideration the potential impacts on the Project Need from various legislative proposals specially SB 32 and SB 1383 (2016). Based on the FEIR, the Task Force believes the environmental document has not adequately addressed the issues. SB 32, among other things, requires landfill GHG emission to be reduced to 60% of the year 1990 level by 2030. Further, the newly enacted SB 1383, among other GHG reductions, requires all jurisdictions in California to reduce the amount of organic waste landfilled by 75% by the year 2025 as compared to the amount disposed of in 2014. This comment needs to be fully addressed in the FEIR.

Similarly, the Task Force, in its 2014 and 2017 letters, has previously requested the environmental document to incorporate a detailed discussion in this Chapter as how the proposed Project would meet the siting criteria as specified in the June 1997 Los Angeles County Countywide Siting Element (Volume I – The Element, Chapter 6, Facility Siting Criteria). This comment is yet to be addressed as well. The Siting Element Document was set up to ensure jurisdictions in Los Angeles County have adequate disposal capacity to manage their waste disposal needs. It also ensures the identified facilities are safely operated and appropriately sited under the required siting criteria. Thus, it is crucial for the environmental document to discuss and provide details how these criteria were met. The information would allow the residents as well as responsible agencies to make an informed decision about the project.

Chapter 2: Project Description

- The FEIR needs to specify the locations of any potential long term soil stockpile areas including the duration of the stockpiles at those locations. Stock piling locations are important information to be identified along with all mitigation measures such as dust and erosion control. This comment needs to be fully addressed in the FEIR.

Chapter 11.1 Air Quality

Section 11.4.3 Local Regulations and Standards – Since FEIR identified that peeling back of previous day's cover would be a standard operating procedure at the Landfill, this Section should be expanded and elaborated on how odors will be managed and contained during the peeling back process. The provided response to address this matter is insufficient as it did not explain what procedures will be considered to control the odor emitting from the peeling back process. Considering odor nuisance has significant impacts to the surrounding community, this topic needs to be fully addressed in the Final EIR.

Chapter 18: Project Alternatives

- **Environmental Analysis 18.3.2.6 (Pg. 18-16).** The conclusion provided under Visual Resources Section states that “[visual] *Impacts would be less than significant*”. The provided response is contradicting with the provided visual simulations in Figures 18-3, 18-4, 18-8, 18-9, 18-13 and 18-14. The visual simulation demonstrated that the landfill would substantially be increasing in height and the surrounding community such as the residents located at North and East of Hasley Canyon Road would have a clear view of the landfill. It is clear that the

Mr. Richard Claghorn
April 4, 2017
Page 3

impact is significant and unavoidable. This conclusion to this section needs to be amended.

As provided by Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

ND:kk

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cc: Each Member of the County of Los Angeles Regional Planning Commission
County of Los Angeles Department of Regional Planning (Richard Bruckner)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Facility & Planning Review Subcommittee

Task Force Comment

Task Force letter provided on April 4, 2017.

Applicant Response

The letter provided by the Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) dated April 4, 2017 is identical to that submitted by the Task Force on the Final EIR on March 29, 2017. Please see the response to the March 29, 2017 Task Force comment letter.

**Los Angeles County Waste Management Association
1851 East First Street
Suite 1220
Santa Ana, CA 92705**

April 18, 2017

Mr. Sam Dea
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012
sdea@planning.lacounty.gov

Dear Mr. Dea:

As general counsel for the Los Angeles County Waste Management Association (LACWMA), I'm writing you to voice the organization's support of Chiquita Canyon and its proposed Master Plan Revision. The continued operation of Chiquita Canyon is vital to the members of the LACWMA.

Chiquita Canyon offers our members the ability to serve the needs of our local community and operates in the best interest of waste collection firms by providing an opportunity to utilize the facility at very competitive rates. The premature closure of this facility will be detrimental to its customers and to rate payers as well.

Chiquita Canyon has been providing an important service to the homes and businesses in the Santa Clarita Valley and the Los Angeles region for more than four decades. The proposed plans will go far toward ensuring that the landfill can continue to responsibly meet the solid waste needs of the region for another 20-40 years and continue to serve the small hauler businesses throughout the area.

The construction and operation needs of the expanded landfill will also result in additional local jobs, increased tax and fee revenues, and an increased Community Benefits Fund – things which will also benefit local businesses and the region at-large.

Our members appreciate and benefit from the services that Chiquita Canyon provides, and we recognize it is important that the company's Master Plan be approved in order to better serve the

LACWMA

Mr. Sam Dea
County of Los Angeles
April 18, 2017
Page 2

needs of the region. Chiquita Canyon has been an important part of our business operations and we look forward to our continued partnership with the company.

Very truly yours,



JOHN KELLY ASTOR, General Counsel

cc: Supervisor Hilda L. Solis, 1st District
Supervisor Mark Ridley-Thomas, 2nd District
Supervisor Sheila Kuehl, 3rd District
Supervisor Janice Hahn, 4th District
Supervisor Kathryn Barger, 5th District

Richard Claghorn

From: Janai Leeb <janaileeb@gmail.com>
Sent: Tuesday, April 18, 2017 5:18 PM
To: Richard Claghorn; executiveoffice@bos.lacounty.gov
Subject: Chiquita Canyon Landfill Testimony

Dear Mr. Claghorn,

As a property owner and resident of Val Verde, I am writing to say I absolutely OPPOSE the proposed expansion of Chiquita Canyon Landfill.

-The dump is located too close to homes, schools, and businesses. Of particular concern is the dump's proximity to multiple populations of children. Since the dump began operations decades ago, several new neighborhoods, businesses, and schools have been built within 1-2 miles of Chiquita Canyon. The proposed expansion of the dump is an acute cancer risk to the people living, working, and learning in these areas.

-The expansion of Chiquita Canyon Landfill is an unjust burden on Val Verde residents. I am not willing to accept any amount of elevated environmental risk for myself, my family, or my community when a viable alternative, Mesquite Landfill, exists and should be used. In 1997 the landfill owner signed an agreement with the community of Val Verde stating that the landfill would close after exceeding 23 millions tons or by November 2019, whichever came first. The landfill has also been found to be in violation of its Conditional Use Permit by accepting sludge from the Cater Water Treatment Plant in Santa Barbara. Several other violations have also been issued against Chiquita Landfill from the AQMD and other government agencies. These actions are a violation of the trust and good faith of the community.

I am calling on the county to "do the right thing" and oppose the expansion of the dump in the interest of the health, safety, and well-being of Val Verde and the Santa Clarita Valley.

Janai Leeb
31413 San Martinez Rd
Val Verde, CA 91384

Richard Claghorn

From: Thomas Leeb <thomas@thomasleeb.com>
Sent: Tuesday, April 18, 2017 5:27 PM
To: Richard Claghorn; executiveoffice@bos.lacounty.gov
Subject: Chiquita Canyon Landfill Testimony

Dear Mr. Claghorn,

As a property owner and resident of Val Verde, I am writing to say I absolutely OPPOSE the proposed expansion of Chiquita Canyon Landfill.

- The dump is located too close to homes, schools, and businesses. Of particular concern is the dump's proximity to multiple populations of children. Since the dump began operations decades ago, several new neighborhoods, businesses, and schools have been built within 1-2 miles of Chiquita Canyon. The proposed expansion of the dump is an acute cancer risk to the people living, working, and learning in these areas.

- The expansion of Chiquita Canyon Landfill is an unjust burden on Val Verde residents. I am not willing to accept any amount of elevated environmental risk for myself, my family, or my community when a viable alternative, Mesquite Landfill, exists and should be used. In 1997 the landfill owner signed an agreement with the community of Val Verde stating that the landfill would close after exceeding 23 millions tons or by November 2019, whichever came first. The landfill has also been found to be in violation of its Conditional Use Permit by accepting sludge from the Cater Water Treatment Plant in Santa Barbara. Several other violations have also been issued against Chiquita Landfill from the AQMD and other government agencies. These actions are a violation of the trust and good faith of the community.

I am calling on the county to "do the right thing" and oppose the expansion of the dump in the interest of the health, safety, and well-being of Val Verde and the Santa Clarita Valley.

Thomas Leeb
31413 San Martinez Rd
Val Verde, CA 91384

Richard Claghorn

From: John Soriano <soriano.john.m@gmail.com>
Sent: Tuesday, April 18, 2017 9:24 PM
To: Richard Claghorn
Subject: Please vote NO on the Chiquita Landfill expansion

My wife attended the March 1st meeting in person, and we will be unable to travel downtown for the April 19th continuation. We are both extremely concerned about the landfill expansion and want to weigh in our urgent request to please vote NO on Waste Connections' request to expand the landfill. We moved to Santa Clarita for the healthy quality of life - and this expansion would severely impinge on public health.

Thank you for your consideration and respecting the concerns of thousands of Santa Clarita families whose children's health would be adversely affected.

Respectfully,

John & Jennifer Soriano
23018 Edenton Place
Valencia, CA 91354
(818) 445-1136

Richard Claghorn

From: nancy <nancyaflores@aol.com>
Sent: Tuesday, April 18, 2017 10:30 PM
To: Richard Claghorn; lynnep11@juno.com; nancyaflores@aol.com
Subject: Chiquita Canyon Landfill

Dear Mr. Claghorn,

I am an attorney and local Santa Clarita resident. I am concerned that this Megafill is going to affect a large swath of city that is no longer a remote area for a landfill, but the major developing area of Santa Clarita and beyond.

Small municipal landfills were the norm in the United States until the 1990s when landfill operators, to comply with air and water pollution standards and to earn billions of dollars from operating landfills, began to collect trash in 5,000+ ton per day megafills. The methods they are using to control air and water quality as a result of landfill decomposition, are basically an experiment awaiting long-term results. For instance, there is no evidence to show that methods used to allow some methane to escape to prevent explosions actually work. In addition, the California Air Resources Control Board *selected* 10 toxic gases habitually produced by landfills for measurement because they are known to have toxic effects on humans, particularly cancer. They are vinyl chloride, benzene, ethylene dibromide, ethylene dichloride, methylene chloride, perchloroethylene, carbon tetrachloride, 1,1,1-trichloroethane (methyl chloroform), trichloroethylene, and chloroform. This is in addition to landfill gas releases of oxygen, nitrogen, methane, and carbon dioxide.

The CARB results were that 67% of 340 tested California landfills emitted one or more of these toxic gases, hazardous waste landfills and municipal solid waste landfills were similar in their ability to produce toxic gases, and toxic gases, including methane, a greenhouse gas 21 times more potent than CO₂, were escaping the landfill boundaries. Other tests of outdoor air quality on 288 landfill sites showed 83% had off-site gas migrations including methane. The State Water Resources Control Board also found in testing water supplies between 2006 and 2016, that trichloroethylene, a carcinogen found in landfill leachate, was above the state maximum contaminant level in 3 counties, Los Angeles being one of them. It takes less than 4 drops of TCE mixed with 20,000 gallons of water to make the water undrinkable. All sources point to the fact that landfill liners break and leachate is not contained. The EPA has stressed that even with double liners, the probability of leaking is very high. Testing for small breaks in the liner of such a massive proposed addition, (in addition to the current development) by wells that may be no where near the leak, is not adequate testing. Of personal note, I recently interviewed with the State Water Resources Control Board and my interviewer was not aware of ANY water testing completed for the Chiquita Canyon FEIR.

By reports, this will be the largest landfill in the United States and the second largest on earth. How can you ethically consider such a massive addition to a major population area? Please deny the expansion for the sake of future generations.

Sincerely,

Nancy Oliver Flores

Richard Claghorn

From: Julie Viereck <turtle-beach@att.net>
Sent: Tuesday, April 18, 2017 11:40 PM
To: Richard Claghorn; Samuel Dea
Subject: Chiquita Canyon Landfill expansion

Dear Mr. Claghorn and Mr. Dea,

We are writing to voice our opposition to the expansion of the Chiquita Canyon Landfill. We were promised that the landfill would be closed, and now the County is not only considering reneging on its word but also is considering an expansion of the landfill. This is atrocious. Just ask yourself how you would vote if you lived near the landfill. Of course you wouldn't vote to keep it open and expand it. And neither of these is necessary since the Mesquite Regional Landfill is available.

At the community meeting in March, everyone who spoke in favor of the expansion was receiving a financial benefit from the owners of the landfill. This should tell you something.

We urge you to do what is right for the residents of Castaic and Val Verde. Let the Chiquita Canyon Landfill close as scheduled.

Sincerely,

Rogelio Lopez and Julie Viereck
27931 Rainier Road
Castaic, CA 91384

Louise Logan

April 19, 2017

Chiquita Canyon Landfill Expansion Hearing Comment:



Hello, My name is Louise Logan,
I have been a resident of Valencia since 1989.

I oppose the expansion of the Chiquita Canyon landfill.
It is a corporation like any other: Its goal is to make a financial profit.

But the department of regional planning responsibilities are much broader.
Please consider the impact on air quality, water safety and other issues that individual homeowners in Val Verde and parts of Castaic must endure with even the current landfill size.

When the Chiquita landfill originally opened it was placed in a relatively unpopulated area outside of Los Angeles. Not unlike the location of the Mesquite landfill today.

Since then, however, the Santa Clarita Valley has become an incorporated city with a growing population.

Pollutants add up. We do not need to become home to the nation's biggest landfill. It is a given that the Santa Clarita Valley has both the 5 and 14 freeways adding pollutants to the air. We are just north of the Alyso Canyon Gas Leak. Our geography and our weather means we are always fighting high ozone levels.

This expansion will further jeopardize our air quality.

- Truck traffic headed to Chiquita could continue at more than 500 trucks per day coming from outside the SCV (affecting the commute of thousands of Santa Clarita Valley and Castaic residents who travel the I-5.)

This additional truck traffic, as well as the time diesel trucks spend idling at Chiquita, will add diesel exhaust to our air. This will affect the air quality of the entire bowl-shaped Santa Clarita Valley. Breathing diesel exhaust exposes people to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm, (including benzene and 1,3-butadiene, which is why it is included in Proposition 65 (The Safe Drinking Water and Toxic Enforcement Act of 1986) Diesel Exhaust contains gas compounds and fine particles (called "soot" or "particulate matter" that we should try to limit in our ever growing valley.

This expansion will place not only current and but also future residents, schools and businesses into close proximity with the expanded landfill. The location is in a growing area. A large master-planned community known as "net zero" and others will likely become its neighbor.

5 Bints

- Commonly, landfills of the scale Chiquita is trying to get approval for are no less than 20 miles from ANY PERSON minus the employees.

OK

- Many Santa Clarita schools are too close to the expansion border. The nearest school is .8 miles away, and *more than 13,000 children* will be going to school or preschool within 5 miles or less of the landfill expansion border. Students at Van Gogh Elementary are 2 miles from Sunshine Canyon Landfill and despite filters to mitigate landfill odors, the odors still seep into classrooms and hang over the schoolyard..... This is a particular concern for me because my house is within Charles Helmers Elementary School which is part of the Saugus Union School District.

Even the best run operations make mistakes. No one controls when or where earthquakes will occur. Our water resources are extremely precious and should not be put at risk with the expanded landfill.

Please do not put the air-quality and water resources at risk in our ever-growing Santa Clarita Valley. I urge you not to allow this proposed expansion to go forward.

Thank you for your time.

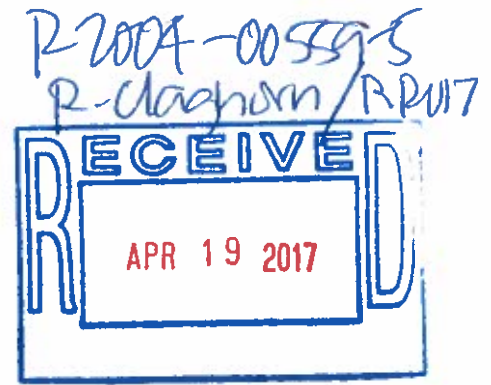


Louise Logan
27152 Bidwell Lane
Valencia, CA 91354



April 19, 2017

Planning Commission



I am here to plead with you to stop the expansion of the dump.

The dump has not fulfilled promises, they have broken EPA laws, the CUP and the clean hands wavier. This shows the fox is guarding the henhouse.

Val Verde, a town of about 2,500 has more cancer per capita than the neighborhoods surrounding Sunshine.

Whatever was put into the dump prior to the 1997 CUP is now seeping through to our ground water, which Val Verde gets it's water from.

If I memory serves me correctly, there is a citrus bug quarantine in many of our neighboring counties, and those counties put their trash in this dump. This leads me to believe the bugs are in this dump. That alone should stop the dump from its current operations until this can be investigated.

The clean hands wavier should have never been issued because the dump violated the CUP. But the county wants the money. You obviously don't care about the residents that live and work in the area.

There is an alternative, Mesquite landfill, which was paid for by LA County taxes and is ready and waiting for trash. Utilize what we have paid for with our taxes and quit using Chiquita Canyon Landfill that is polluting our air, land and water.

Susan M. Evans
29830 Lincoln Ave.
Val Verde, CA 91384
Sheffs@pacbell.net
Home 661-702-9782
Cell 661-433-1380

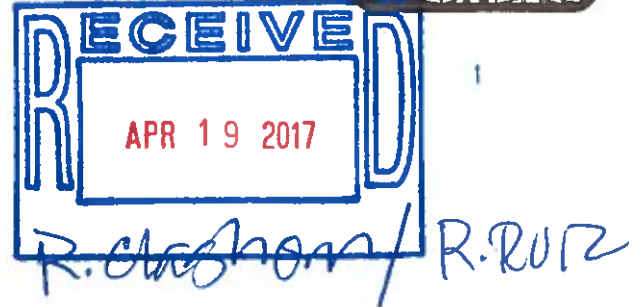


SCOPE
Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386



4-18-17

Attn: Richard Claghorn
Zoning Permits Section Rm 1345
Los Angeles County Dept of Regional Planning
320 W. Temple St.
Los Angeles CA 90012



Re: Chiquita Canyon Landfill Expansion Draft Environmental Impact Report
Project No. R2004-00559-(5) SCH No. 2005081071 Comments on the FEIR, Conditions,
Burden of Proof

Dear Mr. Claghorn:

SCOPE, now celebrating its 30th year in the Santa Clarita Valley, is conservation and planning organization founded in 1987, to focus on the Santa Clarita Valley and the watershed of the Santa Clara River. We provided extensive comments on the former Chiquita Canyon Landfill expansion process that began in 1995. We also submitted comments on the NOP, Draft EIR, DSEIR and now these comments on the SFEIR. We attended the hearing examiner meeting held on July 31st 2014, and Dec. 15th 2016 and the March 1st, 2017 for the FSDEIR.

We remain concerned about the affects of the landfill and its expansion on water supply, and water and air quality in the Santa Clarita Valley as well as greenhouse gas and traffic issues arising from the substantial proposed increase in truck traffic that will be generated and the additional greenhouse gases in the form of methane that will be released, if the requested capacity increases are allowed. We believe that the County failed to adequately address our comments in these areas, especially in the area of water and greenhouse gases. We continue to believe that the proposed mitigation is inadequate to reduce the many significant impacts, that feasible mitigation has not been included and that the over-riding considerations do not rise to the level of need which would permit allowing this project to move forward.

We continue to believe that this proposal will discourage the County's efforts to reduce waste generation and rather than promoting reuse and recycling.

This comment letter is timely filed on April 19th, 2017 at the public hearing on this issue. N

County Process Concerns

We continue to note a process for the review of this project that seems bias in favor of the developer. For instance, while a local site was established in ostensibly in accordance with a settlement agreement with the State of California so that residents of Val Verde would have access to the Planning Commission Hearing, the meeting was held at Rancho Pico Jr. High, not readily accessible by public transport. The room was too small to accommodate all the speakers, especially after the many workers brought in by the landfill operator, and the Planning Commission did not rent the room for an adequate time period for the hearing. The landfill workers spoke, precluding many of the Val Verde residents from speaking whose, voice was supposed to be heard at this meeting.

Also, for some reason, the County staff organized the comment letters by putting the support forms signed by the landfill operator into two files titled “Support” while not codifying or sorting any of the opposition letters, making it appear that there were not opposition letters.

The FSEIR and staff reports contained thousands of pages of material which the public had only limited time to review before the March 1st hearing

We continue to object to the “Clean Hands Waiver” granted to Chiquita Canyon Landfill by the executive director of regional planning because it appears to be merely a way for this operator not to comply with specified, long-standing conditions to close down. That magnitude of both the waiver and in violation it addresses makes it unusual and unwarranted.

We believe that the above issues constitute serious errors in the County process. These errors deprive the public of due process on this project.

Air Quality Issues Remain Unaddressed

The community of Val Verde and all of us in Santa Clarita have been dealing with the ill effects of air pollution generated by Chiquita Canyon Landfill for decades. The Environmental Impact Report admits that PM2.5 is a significant impact that cannot be mitigated¹. Dust and diesel truck soot particulates (PM2.5) and other pollution is particularly harmful to children's lungs, as the small particles lodge there and cause asthma as well as other severe respiratory diseases as documented in our previous comments.

Over ten schools which may house as many as 13,000 students lie are sited within a 5 mile radius of the landfill, thus exposing these sensitive receptors to additional pollution. New schools in proposed developers are slated to be sited even closer to this major air polluter. Yet the SFEIR claims it has satisfied its burden of proof by making showing a need for the project and providing all feasible mitigation for continued operation and should be granted a finding of over-riding considerations.

We disagree. *Over 80% of the garbage dumped in this landfill comes from outside the Santa Clarita Valley. There are other options for our waste.* There is no reason that trash has to come to Santa Clarita. Disposal could be limited to locally generated trash which would substantially reduce the air pollution risks.

We also suggest the following:

- We support additional air quality testing to ensure that pollution levels of all pollutants have been accurately measured. Air monitoring locations reported in the EIR were too distant to be accurate². This issue was not addressed in the response to comments.



¹ REIR, p. 11-34 “As discussed above, combined emissions of NO_x, ROG, PM₁₀, and PM_{2.5} from construction and operation would exceed the SCAQMD mass daily operational thresholds. Modeled ambient concentrations resulting from the project-related emissions of PM₁₀ and PM_{2.5} would exceed the applicable LSTs. On this basis, air quality impacts associated with combined emissions from construction and operation of the Proposed Project would be significant, and additional mitigation measures were evaluated for their feasibility of implementation. With additional mitigation, impacts from construction and operation of the Proposed Project would be reduced, but would remain potentially significant and unavoidable.”

² Monitoring data were taken from the Santa Clarita Monitoring Station monitor, with the exception of SO₂ data, which were taken from the Burbank station, and PM_{2.5} data, which were taken from the Reseda station. (Footnote on page 11-10). Taking monitoring data from station that are not even in the Santa Clarita Valley will not give reliable

- We request that the Regional Planning Department develop mitigation measures that would lower the significant effect of air pollution from this landfill to below a level of significance.
- Since more than 80% of the trash land filled at Chiquita Canyon Landfill comes from areas outside our Valley, we ask that the Supervisors explore limiting trash disposal to just the amount generated locally, thus substantially reducing dust pollution and soot from truck traffic.
- Explore a Waste-by-rail option that would allow areas outside Santa Clarita to take their trash elsewhere. The infrastructure for this alternative already exists.
- Edel Vizcarra, staff to Fifth District Supervisor, stated in a news article dated Dec. 23, 2016 ““It’s a massive project and you have to look at everything,” Vizcarra said. “It’s not going to move quickly.”The county also noted there’s a contingency plan if the landfill’s application is not approved, and the county’s waste management plans do not operate around one facility opening or closing.³ What are these contingency plans? Why weren’t they disclosed as alternatives in the SDEIR?
- Aggressively promote waste reduction and recycling in order to comply with state mandated rules and new requirements for reduction in methane generation from landfills
- We ask that the County develop a firm date and closure plan for this landfill so that it will not affect the health of our children in the future. Granting this facility another 30 years of operation is not acceptable.

Greenhouse gas Generation

To reduce the impacts of climate change, the County has set a target to reduce GHG emissions from community activities in the unincorporated areas of Los Angeles County by at least 11 percent below 2010 levels by 2020, which is consistent with the recommendations in the AB 32 Scoping Plan for municipalities to support the overall AB 32 reduction targets. According to the CCAP, waste generation accounts for 535,148 metric tons of CO₂e (MT CO₂e), or 7 percent, of 2010 GHG emissions in unincorporated Los Angeles County. (Page 12-11, previous DEIR). We note that this figure appears to make the waster generation GHG substantially higher than the previous CARB calculations noted above.)

Methane Capture Rate Methodology Error

As stated in our previous comments, the SCAQMD stated that the capture rate for methane at the CCL facility should be averaged at a 75% capture rate, the project proponent hired Golder Associates, to provide a report inaccurately claiming a current average 81.5% capture rate and a future rate of 85%. We provided information stating in detail why this conclusion was inaccurate. This concern was not adequately address in the response to comments. This landfill will not comply with future regulation regarding greenhouse gas reduction. It is imperative that the County address this issue if it is going to make any headway on its claims to curb climate change in the Los Angeles basin.

As stated in our previous comment letter, the choice of methodology affects the calculation of air quality emissions, and greenhouse gas calculations. It appears that the SDEIR has again intentionally underestimated and mis-represented a significant GHG impact by over-stating capture rates. The calculations are once again found only in the appendix and not in the body of the EIR. The only information in the EIR itself is a reference to the Golder Report, and does not even mention that

data on air pollution. A nearby monitoring station should be set up. It is doubtful that even the Santa Clarita station, which is located 7 miles away, will be an accurate indicator of landfill emissions.

³ County Expects To Make Chiquita Canyon Landfill Decision in January, KHTS Radio, December 23, 2016

the report can be found in the Appendices. None of the SCS Engineers reports are disclosed. Further problems are described under the biogenic gas section of the air pollution comments.

Such critical information does not belong hidden in an appendix. It must be disclosed prominently as a crucial assumption on which DEIR data calculations are based.⁴ We believe that these assumptions and the failure to disclose them in the body of the EIR is a serious omission requiring recirculation of the EIR. Further, the DEIR preparer fails to describe the limitations of the model as required by CEQA.

TOXIC GASES EMITTED FROM LANDFILLS Not Addressed.

A recent report⁵ from California state government takes a fresh look at a problem that has been ignored for years: toxic gases released from landfills. Solid waste landfills and hazardous waste landfills both emit toxic gases into the surrounding air. U.S. EPA (Environmental Protection Agency) published its opinion back in 1982 that air pollution from landfills is a significant problem but said it would have to ignore the problem because no one knew how to get a handle on it.

Under California state law (Health and Safety Code Section 41805.5) all solid and hazardous waste landfills must be tested for toxic gas emissions. The California Air Resources Board (CARB) selected 10 toxic gases for measurement; they selected these particular gases because they are known to have ill effects (particularly cancer) on humans who are exposed for extended periods. The ten toxic gases they tested for are: vinyl chloride, benzene, ethylene dibromide, ethylene dichloride, methylene chloride, perchloroethylene, carbon tetrachloride, 1,1,1-trichloroethane (methyl chloroform), trichloroethylene, and chloroform. In addition, landfill gas samples were also analyzed for oxygen, nitrogen, methane, and carbon dioxide.

The CARB summarized their findings this way:

- 1) One or more of the 10 toxic chemicals could be measured in gases emitted from 240 out of 356 landfills tested; in other words, 67% of the tested landfills emitted one or more of the toxic gases.
- 2) Hazardous waste landfills and municipal solid waste landfills appeared to be similar in their ability to produce toxic gases.
- 3) In many cases, but not all, toxic gases escaping from landfills could be measured at the property line, the legal boundary of the landfill.
- 4) Methane at concentrations greater than the regulatory limit of 5% was found to be migrating offsite underground at approximately 20% of the landfills. Methane is a naturally-occurring gas created by the decay of organic matter inside a landfill. As methane is formed, it builds up pressure and then begins to move through the soil, following the path of least resistance; often it moves sideways for a time before breaking through to the surface of the ground. Methane is lighter than air and is flammable. If it enters a closed building and the concentration builds up to about 15% in the air, a spark or a flame is likely to cause a serious explosion. For this reason, landfill designers sometimes install a set of pipes full of holes like a swiss cheese to provide a known pathway for the methane to escape through; such systems are sometimes successful and sometimes not.

⁴ "It is buried in an appendix. ... It is not enough for the EIR simply to contain information submitted by the public and experts. Problems raised by the public and responsible experts require a good faith reasoned analysis in response. (*Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348, 357 [173 Cal. Rptr. 390].) The requirement of a detailed analysis in response ensures that stubborn problems or serious criticism are not "swept under the rug." (*Ibid.*)", *SCOPE v. County of Los Angeles*, 106 Cal. App. 4th 715; 131 Cal. Rptr. 2d 186; 2003 Cal. App. LEXIS 291; 2003 Cal. Daily Op. Service 1767; 2003 Daily Journal DAR 2219

⁵ <http://www.ejnet.org/rachel/rhwn226.htm#1>, **RACHEL'S HAZARDOUS WASTE NEWS #226**, March 27, 199, News and resources for environmental justice, Environmental Research Foundation, P.O. Box 5036, Annapolis, MD 21403, Fax (410) 263-8944; Internet: erf@igc.apc.or

The new California study does not go into great detail, but it certainly provides evidence that toxic gases are likely to be measurable in the air near landfills. For example, of 340 California landfills studied, more than half had measurable airborne releases of benzene (average: 2.5 parts per million [ppm]), methylene chloride (average: 4.8 ppm), perchloroethylene (average: 1.1 ppm), 1,1,1-trichloroethane (average 650 parts per billion [ppb]), and trichloroethylene (average: 840 ppb). Nearly half had releases of vinyl chloride (average: 2.2 ppm). Methane was found at three quarters of all landfills tested. At half of these, the concentration was 10% or less. In the other half, the concentration varied from 11% to 73%. These were measurements at the ground surface of the cap of the landfill.

Another set of measurements was taken at the property boundary of each of 288 landfills, to see if toxic gases could be detected in the "ambient" outdoor air. At 57% of these landfills, 1,1,1-trichloroethane was detected (maximum: 51 ppb); at 49%, perchloroethylene was detected (maximum: 269 ppb); at 45%, methylene chloride (maximum: 1.3 ppm); at 40%, benzene (maximum: 500 ppb); at 32%, trichloroethylene (maximum: 130 ppb); at 22%, carbon tetrachloride (maximum: 15 ppb); at 13%, chloroform (maximum: 32 ppb).

In all, off-site migration of gases, including methane, was detected at 83% of all the 288 landfills. Why were such measurements not taken and included in the SDEIR in response to earlier comments about air quality problems?

Fugitive Dust

According to section 11.4.3.2 of the SDEIR, the Proposed Project construction and operations will be subject to SCAQMD Regulations Rule 403 (Fugitive Dust). Additional requirements for large operations with 50 acres or more of disturbed surface area or with a daily earth-moving or throughput volume of 5,000 cubic yards are listed Rule 403 Tables 2 and 3. It appears that this rule applies to the proposed landfill expansion, but there is no explanation as to how you will comply. The Proponent must develop a plan and mitigation measures to comply with this rule.

11.8 Significance After Mitigation - "Implementation of the Project Design Measures would results in less-than-significant impacts associated with air quality" This statement is no longer true because measures for Fugitive Dust Control have been eliminated due to water availability concerns in the project area.

Water Supply

In our SDEIR comments we stated "The landfill will use substantial amounts of water to reduce dust (see mitigation measures). The effect of this water use on the local ground water table and water availability in general was not properly addressed in the DEIR and is not addressed at all the supplemental EIR."

In response to this comment the CH2MHill provided what they purported to be an updated water supply assessment dated January 25th, 2017⁶. This assessment is not updated. The conclusion refers to water documents that are almost and sometimes over a decade old and makes no reference to any of the newer water supply documentation including the 2015 UWMP or the recent 6 year drought and subsequent drop in the ground water table that resulted from the low rainfall.

"4.0 CONCLUSION

Based on the analysis set forth in this revised WSA and as supported by the documents relied on for its preparation, Valencia Water Company's total existing and projected water supplies will meet the water demands associated with the Project in combination with existing and other planned uses within Valencia's service area. This determination is consistent with the best

⁶ FEIR, Appendix J WSA Addendum

available information, including the updated 2005 UWMP, DWR's 2009 Delivery Reliability Report, the updated 2009 Basin Yield Study and the most recent annual Santa Clarita Valley Water Report (SCVWR 2010)." (WSA Addendum, Pg. 24

This facility cannot mitigate its dust pollution without watering. This serious issue must be addressed before any approvals are granted.

Conclusion

This proposed expansion will affect the health and quality of life the entire Santa Clarita Valley as well as the local community of Val Verde. It is therefore especially important that the DEIR and SDEIR accurately disclose the impacts it will create and all alternatives so that, if approved, impacts can be mitigated to the fullest extent possible, and the decision makers are fully aware of alternatives that are available. We believe that this has still not occurred.

Thank you in advance for your attention to our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond A. Plumbach".

President

Chiquita Canyon Landfill Master Plan Revision R2004-00559-(5) CUP & OTP

Address: 29201 Henry Mayo Drive

Community: Santa Clarita Valley, Castaic Area CSD

Property Size: 639 acres

Existing Use: Class III Landfill

Zoning: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area)

A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area)

Plan Designation: P-CS – Community Serving

Environmental Determination: EIR

Regional Planning Commission Public Hearing: April 19, 2017



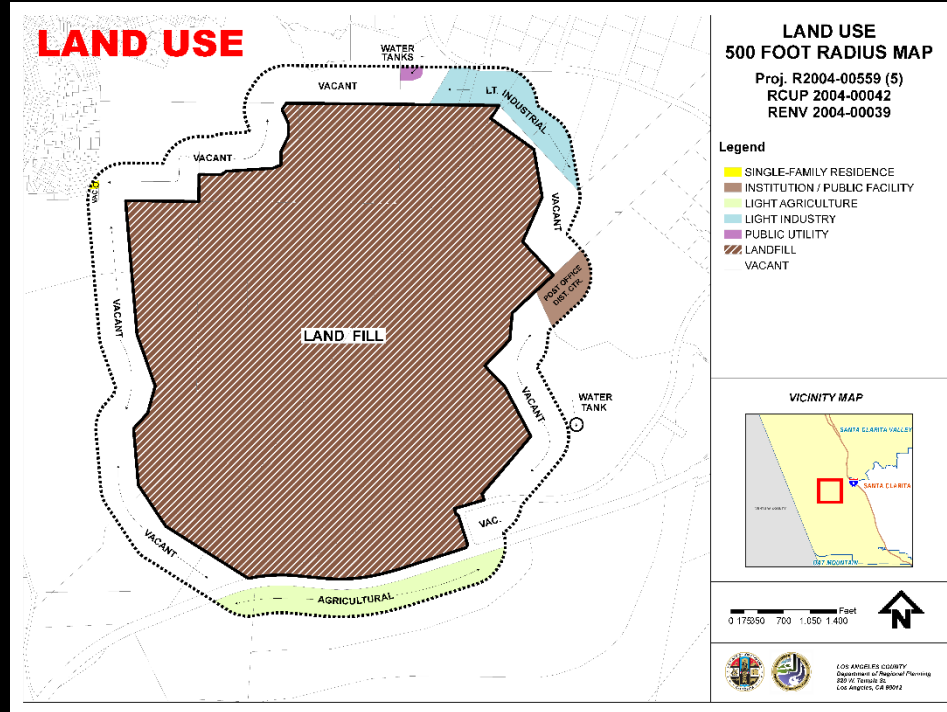
Project Update:

- Hearing for Project on 3/1/17 in Santa Clarita Valley was continued to 4/19/17 due to the large number of speakers and need for more time to review all materials
- RPC instructed staff to respond to questions regarding the 1997 Community Agreement, 1997 CUP Conditions (CUP 89-081), 2016 Clean Hands Waiver, landfill ownership history, landfill's proximity to schools and potential impacts to schools, potential impacts if Sunshine Canyon Landfill closes, and County Zero Waste goals. Responses are included in the hearing package.
- Written rebuttals from the applicant were provided and included in the hearing package.
- Additional changes have been made in the draft CUP findings and conditions, CEQA Findings and SOC and Project Site Plan.

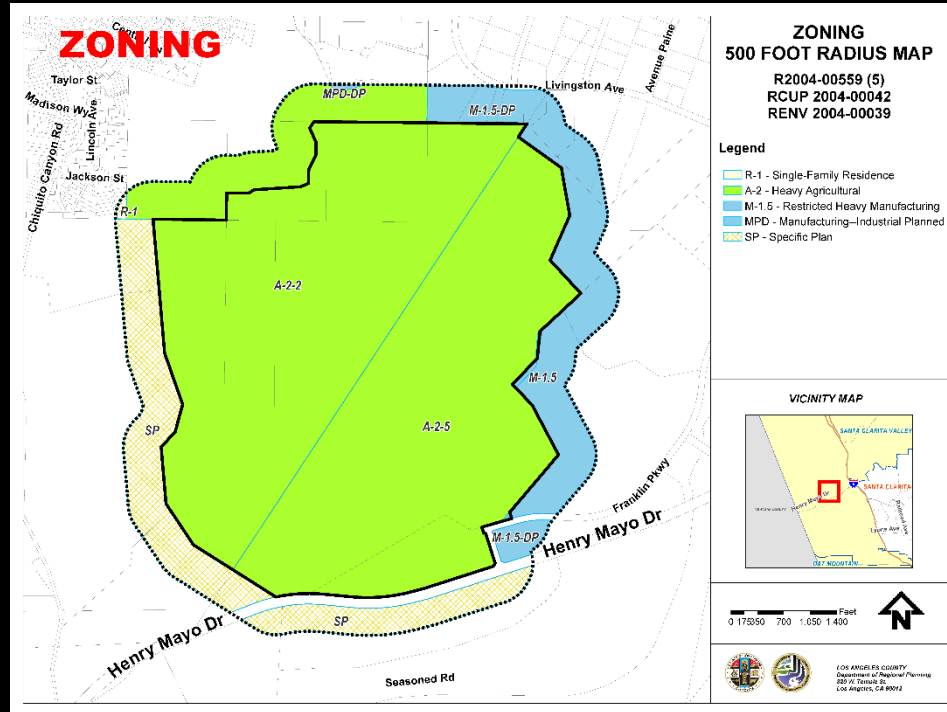
Project Location



Existing Land Use Map



Existing Zoning Map



Project No. R2004-00559 Chiquita Canyon Landfill Expansion

- Public Works' presentation at March 1, 2017, Commission hearing
- Los Angeles County Countywide Siting Element- Long Term Strategy
- Based on our evaluation, the proposed Chiquita Canyon Landfill expansion project would have a positive role in meeting the County's long-term disposal needs provided it is conditioned as recommended in the Department of Regional Planning Staff Report

Existing and Proposed Landfill Map

- Current approved waste footprint area: 257 acres
- Current area used: 251 acres
- Proposed expansion area: 143 acres
- Proposed total waste footprint area: 400 acres
- The property will remain 639 acres overall.
- Maximum landfill elevation to remain at 1,430 feet above sea level

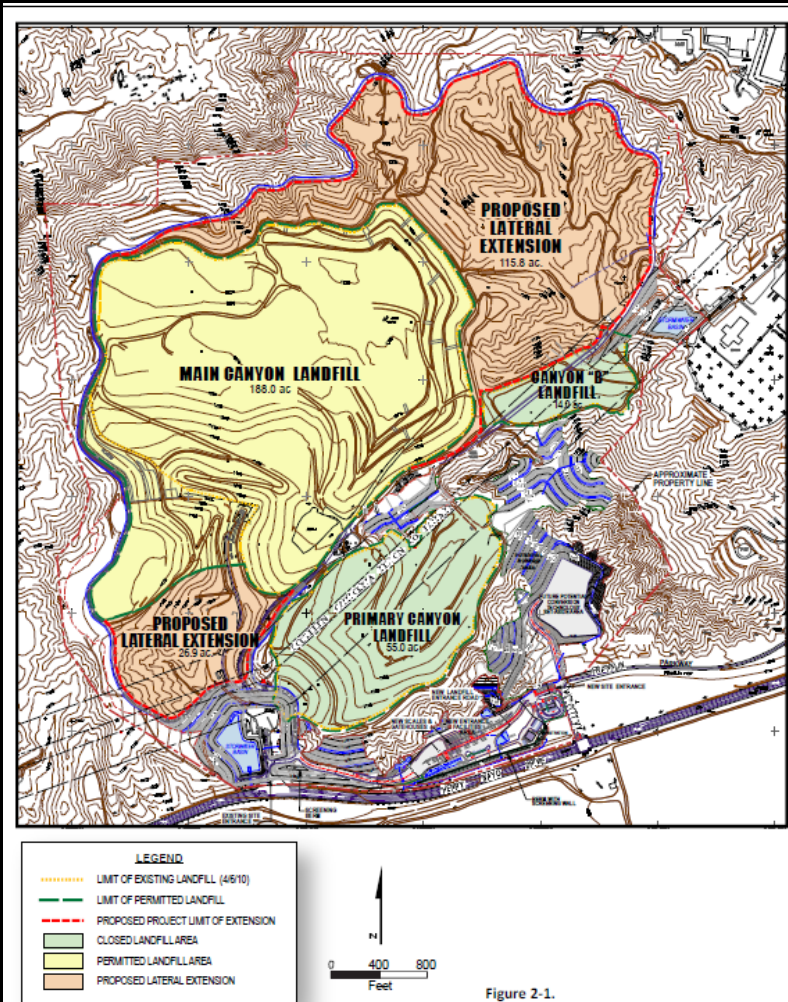
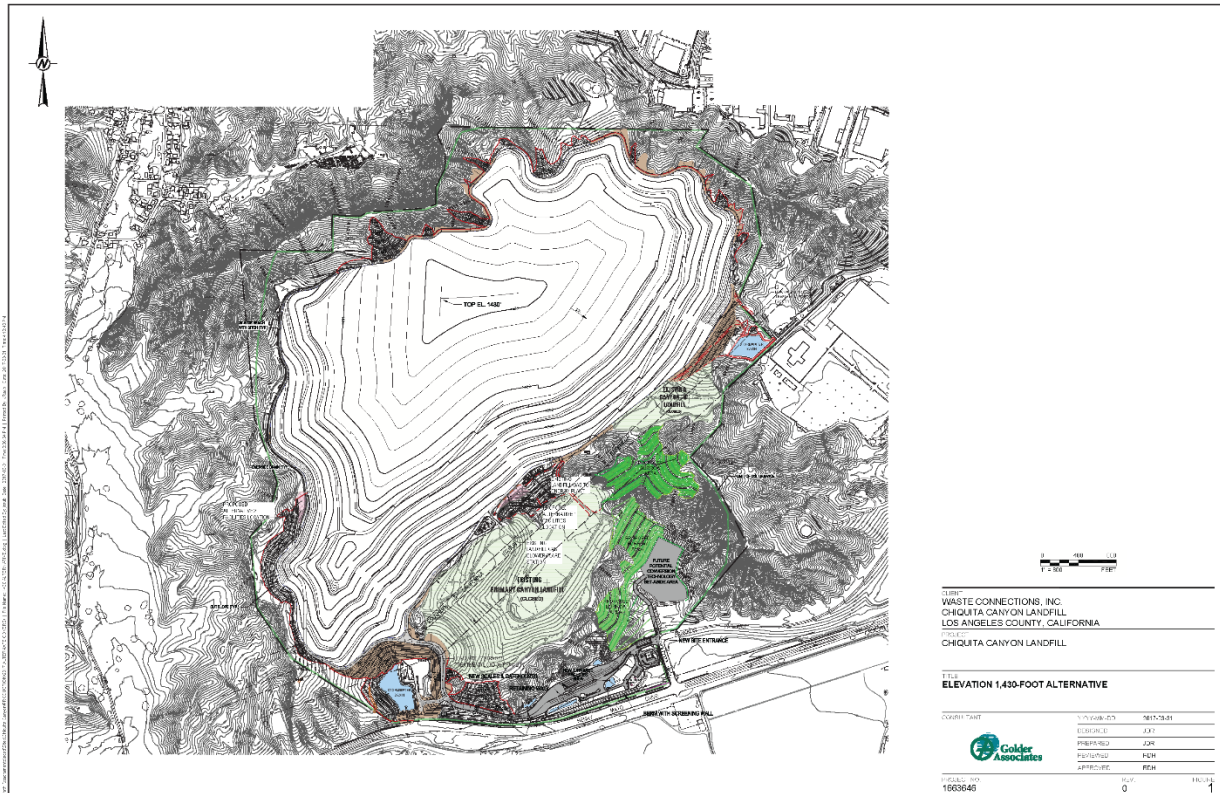


Figure 2-1.
Existing and Proposed Landfill Footprint
Chiquita Canyon Landfill

Revised Site Plan- maximum elevation 1,430 feet



Solid Waste & Beneficial Use Materials, 2011-2016

Chiquita Canyon Landfill Total Tonnage

2011-2016

Year	Solid Waste	Beneficial Use	Total
2011	1,330,310	735,828	2,066,138
2012	926,864	699,972	1,626,836
2013	1,029,326	652,572	1,681,898
2014	1,110,206	869,423	1,979,629
2015	1,075,207	764,360	1,839,567
2016	1,417,668	1,417,503	2,835,171

CUP 89-081 did not limit Beneficial Use Materials, but this CUP will set a limit of 700,000 tons/year. Examples of Beneficial Use Materials include construction and demolition materials used to build roads, materials used for slope stabilization, dust control and alternative daily cover and other diverted materials used in a beneficial way.

Project Comparison

Proposed Project

Type of material	maximum tons per year
waste disposal	3,120,000
beneficial use + composting	910,416
total	4,030,416

Recommended Conditions

Type of material	
waste disposal	1,400,000
beneficial use + composting	700,000
total	2,100,000

Key Conditions & Mitigations

- The CUP may be in effect for up to 30 years, when landfill volume reaches its limits of fill, or when the tonnage limit of 60 million tons is reached, whichever occurs first.
- Periodic Review at 10 years and 20 years
- IMP may be updated during Periodic Reviews
- Air Quality Monitoring
- Odor Impact Minimization Plan & odor control measures
- Leachate liner systems for groundwater protection
- Annual reports and regular ongoing monitoring.
- Out of Area fee: higher fees for waste from outside of the Santa Clarita Valley; fee is highest for waste from outside LA County.

Recommended Project Conditions

- Recommended Project conditions include: daily combined waste disposal limit plus beneficial use materials of up to 12,000 tons per day; Maximum weekly limit of 30,000 tons of solid waste; monthly limit of 175,000 tons of all materials, including 58,333 tons of beneficial use materials; annual limit of 2,100,00 tons, including up to 1,400,000 tons of waste and 700,000 tons of beneficial use materials.
- New entrance and support facilities on Wolcott Way
- Development of a Household Hazardous Waste Facility (HHWF)
- Mixed organics composting operation
- Set-aside of land for potential future conversion technology
- No sludge, medical waste, hazardous waste, radioactive waste, and other prohibited materials
- Reporting requirements and Implementation and Monitoring Program (IMP)

Notable Changes to Draft CUP Conditions Since March 1, 2017 hearing

- Monthly overall tonnage limit of 175,000 tons per month is added (58,333 1/3 tons per month of beneficial use) (21.c)
- Minimum size of HHWF changed to 2,500 sf (25.a)
- Landfill height limit changed from 1,495 feet to 1,430 feet (27 & 36)
- Insurance coverage minimum of \$40 million added (32)
- Clean-up days to include Castaic residents in addition to Val Verde (108)
- Park requirement modified to add option for another entity to manage future park; change wording for park fund (109)
- Waste Diversion Program Fund fee no longer applies to Beneficial Use Material; paper shredding events added (113)
- Disaster Debris Removal Fund fee no longer applies to Beneficial Use Material; Use of fund is limited to Val Verde, Castaic and other unincorporated areas surrounding the landfill (114)
- Out-of-area fee applies only to areas of CA outside of LA County; out-of-area fund to be used only in Val Verde, Castaic and other unincorporated areas surrounding the landfill (115)
- Natural Habitat and Park Development fee no longer applies to Beneficial Use Material; the amount is reduced from \$1.00/ton to \$0.50/ton (118)
- Traffic Mitigation & Enhancement fee no longer applies to Beneficial Use Material; the amount is reduced from \$1.00/ton to \$0.50/ton; Use of fund is limited to Val Verde, Castaic and other unincorporated areas surrounding the landfill (119)
- Planning Studies fee reduced from \$81,000 to \$50,000 every other year (120)
- Community Benefit & Environmental & Educational Fund fee no longer applies to Beneficial Use Material; Use of fund is limited to Val Verde, Castaic and other unincorporated areas surrounding the landfill (121)

Environmental Impacts in Final EIR

- All Project Impacts, including Traffic, Biological Resources, Geology, Hydrology, etc. to be reduced to less than significant after implementation of mitigation measures of MMRP.
- Significant and unavoidable impacts:
 - Air Quality
 - Greenhouse Gases & Climate Change

Oak Tree Permit

- Removal of 4 existing oak trees in area of new entrance facilities, near existing office and the south landfill expansion area are required due to the project.
- Trees are to be replaced with mitigation trees at a ratio of 2:1.

Project fees

- Project fees are necessary to help offset Project impacts and provide benefits to the communities surrounding the landfill which are most impacted by the landfill. Fees will also be used to help in Countywide waste disposal planning efforts and to promote Conversion Technology and other waste diversion programs.
- Disposition of funds will be coordinated by the County with input from the community through the Community Advisory Committee.

Conclusion

- Recommend approval of the CUP and OTP for Chiquita Canyon Landfill, subject to the draft Conditions, IMP, and MMRP and certification of the EIR.

Chiquita Canyon Landfill

A LANDFILL FOR LOS ANGELES COUNTY

APRIL 19, 2017



Chiquita Canyon Landfill

Los Angeles County's #1 environmentally-compliant landfill

Los Angeles County's #1 landfill for:

minority,

small business,

family owned and

independent waste haulers



Thank You, RPC

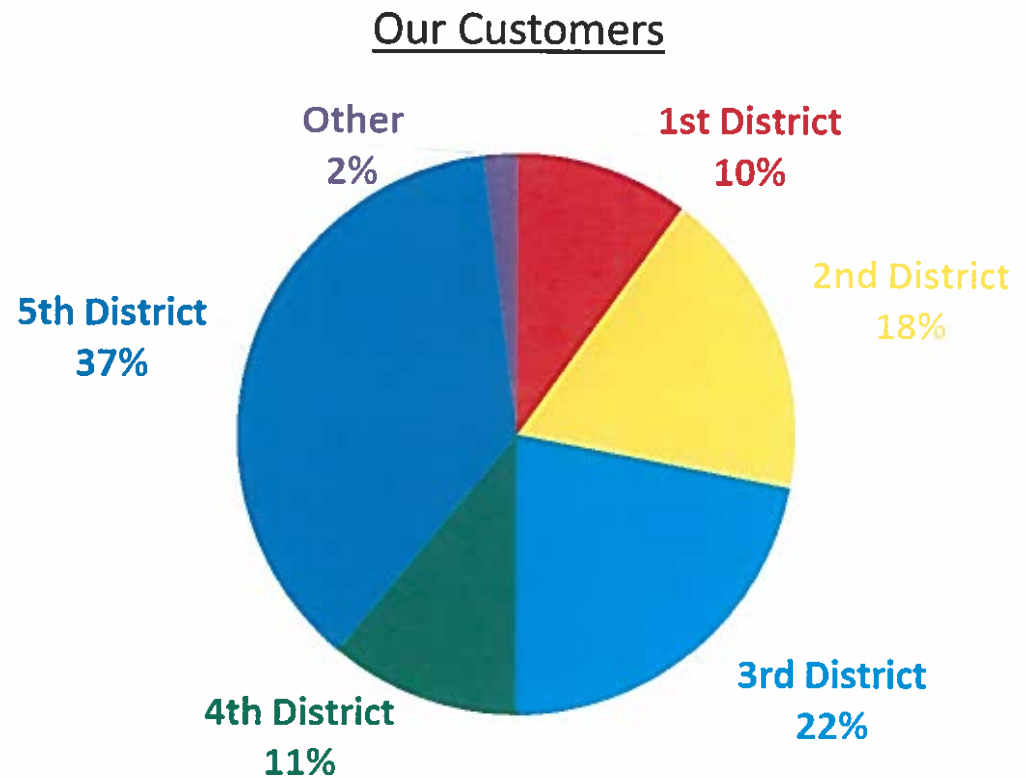
- Out of respect for your time, we will not repeat our previous presentation.
- We are also not going to verbally correct comments heard at this hearing or the previous hearing, as we've provided a detailed rebuttal in our submitted materials.
- We appreciate County staff's efforts in working with us on the Draft CUP. The conditions require further refinement to better serve Los Angeles County.
- We want to highlight changes to 3 areas of the Draft CUP Conditions, which we think will benefit CCL's customers and the residents of Los Angeles County.

Big Three

- Unprecedented Increase in Fees
- Simplify the Math
- Fewer Trucks During Peak Hours

Unprecedented Increase in Fees

- **587%** maximum increase to our customers.
- Highest fees in entire LA Basin.



Reasonable Fees

CCL Respectfully Requests the Commission to:

- Direct staff to establish **reasonable** fees.
- Recent example: 37-93% fee increase.
- Anticipated reasonable range is 50-100% increase over current fees.
- Benchmark: \$1.86.

Simplify the Math

- CCL supports the daily **all-in concept** and **accepts** the 12,000 tons per day maximum limitation.
- This all-in concept meets the needs of our customers and the residents and businesses of Los Angeles County.
- Weekly and monthly limits on material tonnage and mix restrict the ability to meet those needs and should be eliminated.

CCL Respectfully Requests the Commission to:

- Direct staff to remove weekly and monthly limits for tonnage and material mix and to hold CCL accountable to an annual limit.

Simplify the Math

- 2.89 million tons in 2016 meets the needs of Los Angeles County residents.
- 3.1 million tons is trending for 2017.
- 2.1 million tons is the proposed CUP limit – 37% reduction from 2016.
- **County Policy Goal:** “... *maintaining adequate reserve (excess) capacity will be essential...*”

CCL Respectfully Requests the Commission to:

- Direct staff to revise annual limit from 2.1 million tons to 2.89 (same as 2016).
- Apply the same **all-in concept** used in setting the daily limit.

Fewer Trucks During Peak Hours

- Proposed CUP condition limiting hours of operation puts more trucks on the road with commuters.
- Allow us to continue to accept trucks at off-peak times. It's working today.

CCL Respectfully Requests the Commission to:

- Direct staff to revise CUP to current hours of operation.

Request to Regional Planning Commission

Close the public hearing.

Allow time for County staff to work with us to revise the 4 CUP conditions listed below for the good of our customers and the residents of Los Angeles County. Return to RPC in 4 weeks for review.

- Fees limited to 50-100% increase over current
- No weekly or monthly limits on tonnage or material mix
- Annual capacity set at 2.89 million all-in tons
- Hours of operation to match current flexibility (24-hours per day, 6-days per week)

THANK YOU



WEDNESDAY APRIL 19, 2017. LOS ANGELES COUNTY. REGIONAL PLANNING COMMISSION MEETING.

>> CHAIR SMITH: GOOD MORNING, EVERYONE, I WOULD LIKE TO CALL THIS MEETING TO ORDER OF THE LOS ANGELES REGIONAL PLANNING COMMISSION, IT'S 9:00 ON APRIL 19, 2017. WELCOME TO THOSE OF YOU HERE IN THE HALL OF RECORDS AND TO THOSE OF YOU WHO ARE JOINS US FROM THE STEVENSON RANCH LIBRARY, I WOULD LIKE TO BEGIN THIS MORNING WITH THE PLEDGE OF ALLEGIANCE LED BY COMMISSIONER MODUGNO.

>> COMMISSIONER MODUGNO: WOULD YOU PLEASE STAND IN JOINING US IN ON HONORING OUR NATION. (PLEDGE OF ALLEGIANCE).

>> I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

>> CHAIR SMITH: THANK YOU, EVERYONE, AND WELCOME TO THOSE OF YOU COMING IN. A COUPLE OF ADMINISTRATIVE ITEMS BEFORE WE GET STARTED, THERE ARE AGENDAS LOCATED IN THE BACK OF THE ROOM, WE HAVE SPEAKER CARDS, IF YOU PLAN TO SPEAK TODAY, PLEASE BE SURE TO FILL OUT A COMMENT CARD FIRST AND WE HAVE STAFF THAT CAN ASSIST YOU WITH THAT BOTH HERE AND AT OUR REMOTE LOCATION. WE

ALSO HAVE TRANSLATION PROVIDED TODAY. HEADSETS ARE AVAILABLE TO ANY MEMBERS OF THE PUBLIC WHO WOULD LIKE TO LISTEN TO THE LIVE SPANISH TRANSLATION OF THE HEARING. ANY MEMBERS OF THE PUBLIC WISHING TO TESTIFY IN SPANISH MAY DO SO BY NOTING ON THE SPEAKER CARD THAT YOU WISH TO TESTIFY IN SPANISH, IN ADDITION, A TRANSLATOR IS AVAILABLE TO TRANSLATE SPANISH TESTIMONY INTO ENGLISH AND ADDITIONAL TIME WILL BE ALLOTTED FOR THAT TRANSLATION. SO, WE'LL START ON OUR AGENDA TODAY WITH APPROVAL OF THE AGENDA, DO I HAVE A MOTION?

>> COMMISSIONER MODUGNO: I WOULD LIKE TO MOVE FOR APPROVAL OF THE AGENDA BUT I WOULD LIKE TO CHANGE THE 10:09:55 ORDER AND HAVE ITEM 7 HEARD BEFORE ITEM 6.

>> CHAIR SMITH: WE HAVE A MOTION, DO WE HAVE A SECOND?

>> COMMISSIONER MOON: I WILL BE ABSTAINING FROM 6 AND 7.

>> CHAIR SMITH: WE HAVE A MOTION TO APPROVE THE AGENDA AS AMENDED, AND A SECOND, ALL IN FAVOR? AYE. EXCELLENT. DO WE HAVE ANY REPORTS FROM COUNTY COUNSEL THIS MORNING?

>> NO.

>> CHAIR SMITH: ANY DIRECTOR'S REPORT?

>> GOOD MORNING, NO REPORT.

>> CHAIR SMITH: GREAT, GREAT, NOW WE HAVE APPROVAL OF THE
MINUTES FROM MARCH 29, 2017. DO I HAVE A MOTION.

>> SO MOVED. 10:10:34

>> SECOND.

>> CHAIR SMITH: A MOTION AND A SECOND, ALL IN FAVOR, AYE.

>> COMMISSIONER MOON: ABSTAIN.

>> CHAIR SMITH: WE'LL RECORD FOUR AYES AND ONE ABSTENTION FROM
COMMISSIONER MOON. SO, VERY GOOD, SO THAT BRINGS US TO ITEM
NUMBER 7, THIS IS PROJECT NUMBER R2016000334. WELCOME.

>> MR. NADELA: YES, GOOD MORNING, GOOD MORNING, COMMISSIONERS,
MY NAME IS CARL NADELA FROM THE ZONING PERMIT'S EAST SECTION,
AGENDA ITEM NUMBER 7 BEFORE YOU TODAY IS PROJECT NUMBER 2016-
000334-4, CONDITIONAL USE PERMIT NUMBER RPPL2016002104, AND
MINOR PARKING DEVIATION NUMBER RPPL2016004305, THIS IS A REQUEST

FOR A CONDITIONAL USE PERMIT TO AUTHORIZE THE CONTINUED OPERATION FOR 327 SPACE MOBILE HOME PARK AND A MINOR PARKING DEVIATION TO AUTHORIZE LESS THAN THE GUEST PARKING SPACES. THE LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION CONDUCTED A PUBLIC NOTICED PUBLIC HEARING ON JANUARY 25, 2017 TO CONSIDER THIS PROJECT. ON THIS DATE, THE COMMISSION HEARD PRESENTATION FROM STAFF AS WELL AS RECEIVE TESTIMONY FROM THE APPLICANT AND MEMBERS OF THE PUBLIC. AT THE END OF THE PROCEEDINGS, THE COMMISSION CLOSED THE PUBLIC HEARING BUT CONTINUED IN ITEM TO TODAY, APRIL 19, 2017, TO GIVE STAFF TIME TO CONDUCT FURTHER INVESTIGATIONS ON THE FACILITY PROVIDING A SECONDARY EMERGENCY ACCESS AND ADDITIONAL PARKING SPACES AT THE SITE. THE COMMISSION ALSO REQUESTED THE DIRECTOR OF PLANNING TO WORK WITH THE APPLICANT AND RESIDENTS TO SEE IF THE SATISFACTORY AGREEMENT CAN BE REACHED AMONG THE CONCERNED PARTIES. SINCE THEN, STAFF HAS RECEIVED A REQUEST FROM THE APPLICANT THAT THIS ITEM BE FURTHER CONTINUED TO A LATER DATE. IN RESPONSE, STAFF HAS IDENTIFIED NEXT WEDNESDAY AS APRIL 26, 2017 AS A VIABLE ALTERNATIVE DATE FOR THE CONTINUED MEETING. NOTICES REGARDING THE REQUESTED CONTINUANCE HAVE BEEN SENT TO THE RESIDENTS AND TO PROPERTY OWNERS WITHIN A 500 FOOT RADIUS OF THE SITE AND THIS INFORMATION WAS CONTAINED IN A NOTICE POSTED AT THE SITE AS WELL, AND NO COMMENTS WERE RECEIVED FROM THE PUBLIC REGARDING THIS CONTINUANCE. WITH THAT, STAFF RECOMMENDS THAT TODAY'S AGENDA

ITEM NUMBER 7 BE CONTINUED TO APRIL 26, 2017. AND THIS CONCLUDES MY PRESENTATION, I'LL BE AVAILABLE FOR ANY QUESTIONS.

>> CHAIR SMITH: GREAT, THANK YOU VERY MUCH, AND SO WE HAVE A REQUEST TO CONTINUE AND I THINK YOU KNOW IF WE DO CONTINUE THE ITEM, WE COULDN'T OPEN IT UP FOR PUBLIC COMMENT, THAT WOULD HAPPEN WHEN WE OPEN IT UP NEXT WEEK, WE HAD TRANSLATION 10:13:17 AND LANGUAGE ACCESS, IS THERE ANYONE HERE TODAY ON THIS ITEM? DO WE HAVE ANY -- DID ANYONE SIGN UP?

>> I WANT TO CLARIFY, WHEN YOU HEARD THIS ITEM THE LAST TIME, YOU CLOSED THE PUBLIC HEARING SO THERE WILL BE NO MORE COMMENT ON THE ITEM BUT THERE CAN BE PUBLIC COMMENT ON THE SAME DAY THE ITEM IS HEARD.

>> CHAIR SMITH: AND WE DON'T HAVE ANYONE?

>> NO SPEAKERS ON THIS ITEM.

>> CHAIR SMITH: OKAY, THANK YOU VERY MUCH, WITH THOSE CLARIFICATION, I THINK WE'RE READY FOR A MOTION.

>> COMMISSIONER SHELL: I MOVE THE REGIONAL PLANNING COMMISSION CONTINUE AGENDA ITEM NUMBER 7 TO APRIL 26, 2017.

>> CHAIR SMITH: MOTION AND A SECOND, ALL IN FAVOR? AYE.

EXCELLENT, THANK YOU VERY MUCH.

>> MR. NADELA: THANK YOU.

>> CHAIR SMITH: SEE YOU NEXT WEEK. VERY GOOD. WITH THAT, NOW WE OPEN UP ITEM NUMBER 6, THIS IS PROJECT NUMBER R200400559, THIS ITEM HAS BEEN CONTINUED, WE HELD A HEARING THAT SOME OF YOU MAY HAVE ATTEND .ED BACK ON MARCH 1, 2017 AT RANCHO PICO JR. HIGH SCHOOL, WE HEARD FROM STAFF, THE APPLICANT AND SEVERAL HOURS OF PUBLIC COMMENT BEFORE WE NEEDED TO ADJOURN FOR THE EVENING, AT THE CONCLUSION OF THAT MEET, WE NOTED THE NEED TO HEAR FROM ADDITIONAL SPEAKERS WHO WERE NOT ABLE TO TESTIFY AND WE ASKED STAFF TO REPORT BACK WITH ANSWERS TO SEVERAL CRUCIAL QUESTIONS AND ISSUES THAT WERE RAISED AT THAT HEARING, SO TODAY WE'RE GOING TO RESUME THAT HEARING AND BEFORE WE GET STARTED, I WANT TO GIVE EVERYONE A QUICK OVERVIEW OF OUR PROCESS. SO, WE'LL START WITH THE PRESENTATION FROM STAFF, AFTER THAT, WE'LL OPEN IT BACK UP TO PUBLIC COMMENT, BECAUSE THIS IS A CONTINUED ITEM, THE PUBLIC COMMENT TODAY IS LIMITED TO PEOPLE WHO DID NOT SPEAK AT OUR FIRST HEARING. WE'LL BEGIN PUBLIC COMMENT AT THE REMOTE LOCATION AND THEN MOVE TO HEAR FROM FOLKS HERE. WE'RE GOING TO HAVE TWO MINUTES CONSISTENT WITH WHAT WE DID AT THE LAST

HEARING, TWO MINUTES FOR PUBLIC COMMENT, AS I NOTED EARLIER, WE HAVE TRANSLATION SERVICES AVAILABLE DURING PUBLIC COMMENT, SO IF YOU NEED ASSISTANCE, WE HAVE HEADSETS AVAILABLE AND IF YOU WISH TO TRANSLATE OR IF YOU WISH TO PROVIDE TESTIMONY IN SPANISH, INDICATE ON THE SPEAKER CARD. AFTER PUBLIC COMMENT, WE'LL INVITE THE APPLICANT BACK UP WHO WILL HAVE 10 MINUTES OF REBUTTAL TIME IN ADDITION TO QUESTIONS FROM THE COMMISSION. WE'LL BE HEARING FROM A LOT OF FOLKS TODAY AND COVERING A LOT OF GROUND AND THE TRANSLATORS WILL BE COVERING ALL OF THIS SO I WOULD LIKE TO ASK YOU TO KEEP THAT IN MIND AS YOU SPEAK, AVOID SPEAKING TOO FAST, ALLOW FOR SOME PAUSES SO WE CAN APPROPRIATELY TRANSLATE AND MAKE SURE EVERYONE'S ABLE TO UNDERSTAND AND PARTICIPATE. I WOULD LIKE TO ASK WE DO ALL WE CAN TO MAKE SURE EVERYONE HAS AN EQUAL CHANCE TO SPEAK AND, SO SILENCE YOUR CELL PHONE, REFRAIN FROM INTERRUPTING AND TAKE YOUR CONVERSATIONS OUT INTO THE HALL IF YOU NEED TO. I WOULD ALSO LIKE TO ANNOUNCE WE ARE GOING TO HAVE A CUT OFF TIME FOR ACCEPTING PUBLIC COMMENT CARDS, SO WE'RE GOING TO ACCEPT COMMENT CARDS FOR ITEM NUMBER 6 FOR THOSE OF YOU WHO DID NOT SPEAK AT THE PRIOR HEARING AND WANT TO COMMENT ON THIS ITEM, WE'LL ACCEPT CARDS UP TO 9:45 AND THEN WE'RE GOING TO CUT OFF GENERAL PUBLIC COMMENT AT 10:00, IF YOU WANT TO SPEAK IN GENERAL PUBLIC COMMENT, ITEM NUMBER 8 ON THE GENERAL ABASING WE'LL ACCEPT THOSE CARDS UP UNTIL 10:00, I WANT TO MAKE SURE, I KNOW IT'S TRICKY GETTING DOWN HERE AND TRAFFIC, SO I WANT TO

MAKE SURE EVERYONE HAS THAT OPPORTUNITY TO SUBMIT THOSE CARDS AND SPEAK IF THEY WISH AND IF THEY SO DESIRE. SO, WITH THAT, I WOULD LIKE TO INVITE STAFF BACK UP TO RESUME THE PRESENTATION. THANK YOU. I'M SORRY, I WAS MISSING SOMETHING. ONE ADDITIONAL ANNOUNCEMENT, I JUST WANT TO MAKE SURE IT'S ON THE RECORD AND EVERYONE IS AWARE THAT A REPRESENTATIVE OF THE SOLID WASTE MANAGEMENT PROGRAM LOCAL ENFORCEMENT AGENCY FROM LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH IS PRESENT AT TODAY'S HEARING AND IS AVAILABLE TO RESPOND TO RELEVANT QUESTIONS REGARDING SOLID WASTE SPECIFICATION PERMITS, SPECIFICATION FROM THE PROJECT FROM THE COMMISSION AND/OR THE PUBLIC AT THIS HEARING. THANK YOU.

>> MR. CLAGHORN: GOOD MORNING, MY NAME IS RICHARD CLAGHORN WITH THE ZONING PERMIT'S NORTH SECTION OF THE DEPARTMENT OF REGIONAL PLANNING. THE MATTER BEFORE YOU TODAY IS A CONDITIONAL USE PERMIT FOR THE CONTINUED OPERATION AND EXPANSION OF CHIQUITA CANYON LANDFILL, CUP 200400042 AND THE RELATED OAK TREE PERMIT 201500007 IN THE ENVIRONMENTAL IMPACT REPORT EIR FOR THE PROJECT. THE PROJECT IS LOCATED IN THE UNINCORPORATED COMMUNITY OF THE SANTA CLARITA VALLEY WITHIN THE CASTAIC AREA COMMUNITY STANDARDS DISTRICT. THIS HEARING IS A CONTINUATION OF THE MARCH 1, 2017 HEARING FOR THIS PROJECT HELD AT RANCHO PICO JR. HIGH SCHOOL IN THE SANTA CLARITA VALLEY. A CUP SUPPLEMENTAL HEARING

PACKAGE HAS BEEN PROVIDED TO YOU TODAY BEFORE THIS HEARING WHICH INCLUDES ADDITIONAL CORRESPONDENCE AND REVISIONS TO THE DRAFT PERMIT FINDINGS AND CONDITIONS. AT THE MARCH 1 HEARING, THE COMMISSION ASKED STAFF QUESTIONS REGARDING SEVERAL ITEMS. I WILL PROVIDE BRIEF RESPONSES IN THIS PRESENTATION BUT MORE DETAILED WRITTEN RESPONSES WERE INCLUDED IN THE HEARING PACKAGE FOR THIS HEARING. THERE WAS AN AGREEMENT BETWEEN THE LANDFILL OPERATOR, COMMUNITY GROUPS AND OTHERS SIGNED IN 1997, COUNTY WAS NOT A PARTY TO THIS AGREEMENT, THE AGREEMENT INCLUDE RECOMMENDED CUP CONDITIONS, INCLUDING CUP CONDITION NUMBER 46 WHICH STATED THE LANDFILL WAS TO CLOSE WHEN THE CAPACITY OF 23 MILLION TONS IS REACHED OR BY NOVEMBER 24, 2019, WHICHEVER OCCURRED FIRST. THIS CONDITION WAS APPROVED BY THE COUNTY AS PART OF THE APPROVED CUP 89-081, HOWEVER, THE CUP ALSO INCLUDED ANOTHER CONDITION NUMBER 9C WHICH SPECIFICALLY ALLOWED THE LANDFILL OPERATOR THE OPTION OF FILING NEW OPTIONS OR TO EXPAND THE LANDFILL OR TO REQUEST CHANGES TO CUP CONDITIONS. THE COMMUNITY AGREEMENT AS WRITTEN IN 1997 DID NOT CONTAIN ANY PROVISIONS STATING THAT THE LANDFILL OPERATOR COULD NOT FILE FOR A NEW CUP TO EXPAND OR CONTINUE THE LANDFILL OPERATIONS. CUP 89-081 SET LIMITS OF 6 THOUSAND TONS PER DAY AND 30 THOUSAND TONS PER WEEK OF SOLID WASTE BUT SET NO LIMIT OF BENEFICIAL USE MATERIALS. A CLEAN HANDS WAIVER WAS GRANTED BY THE DIRECTOR OF PLANNING IN MARCH, 2016 TO ALLOW THE LANDFILL TO CONTINUE OPERATING ON A TEMPORARY BASIS WHILE THE

CURRENT CUP IS BEING PROCESSED. THE WAIVER EXPIRES ON JULY 31, 2017. THE LANDFILL SITE HAD A TOTAL AREA OF 521 ACRES AT THE TIME OF THE 1997 CUP. IT WAS INCREASED BY APPROXIMATELY 47 ACRES IN TWO LOT LINEBACKER LINE ADJUSTMENTS IN 2011 AND 2014. THE REST OF THIS AREA WAS FOR THE NEW ENTRANCE FACILITY AND THE REST WAS TO MAKE THE PROPERTY BOUNDARY MATCH THE SIGNIFICANT RIDGE LINE FOR DRAINAGE. ONLY ABOUT 2.3 ACRES OF THE LANDFILL EXPANSION AREA IS IN THE LAND ACQUIRED SINCE 1997. THERE WERE 30 SCHOOLS AND EDUCATIONAL FACILITIES INCLUDING PROPOSED FACILITIES WITHIN A 5 MILE RADIUS OF THE LANDFILL, FOUR OF THEM ARE WITHIN ONE MILE AND TWO MORE ARE WITHIN TWO MILES OF THE LANDFILL SITE. ACCORDING TO THE HEALTH RISK ASSESSMENT PERFORMED FOR THE PROJECT WHICH IS DISCUSSED IN DEPTH IN THE EIR, THE RISK TO HUMAN HEALTH IS LESS THAN SIGNIFICANT BASED ON A CRITERIA ESTABLISHED BY THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT FOR MEASURING THE POTENTIAL HEALTH IMPACTS EVEN FOR THE NEAREST SENSITIVE RECEPTORS. L.A. COUNTY HAS ADOPTED GOALS TO INCREASE THE AMOUNT OF WASTE THAT IS DIVERTED FROM THE LANDFILLS FROM ABOUT TWO-THIRDS TODAY TO 80% BY 2025, 90% BY 2035 AND 95% BY 2045. ADDITIONAL TIME IS NEEDED TO DEVELOP THE NECESSARY INFRASTRUCTURE TO ACHIEVE THESE GOALS. THE APPLICANT PROVIDED DETAILED WRITTEN REBUTTALS TO ISSUES RAISED PREVIOUSLY AND THESE WERE ALSO INCLUDED IN THE HEARING PACKAGE. THE ONLY DRAFT PERMIT FINDINGS WHICH WERE REVISED WERE NUMBERS 36 AND 50. A RED LINE

COPY OF THE CONDITIONS HAS BEEN PROVIDED TO SHOW ALL THE CHANGES TO THE CONDITIONS WHICH HAVE BEEN MADE SINCE THE MARCH 1 HEARING. THE PROJECT SITE IS LOCATED AT 29201 HENRY MAYO DRIVE, THREE MILES WEST OF THE HIGHWAY AND STATE ROUTE 36 AND 35 MILES NORTHWEST OF DOWNTOWN LOS ANGELES. EXISTING AND PROPOSED LAND USE IS ACROSS THREE LANDFILLS, SURROUNDING LAND USES CONSIST OF VACANT LAND, SINGLE FAMILY RESIDENCES AND INDUSTRIAL BUILDINGS. THE SUBJECT SITE IS ZONED A-2-2 AND A-2-5, HEAVY AGRICULTURAL IN THE SANTA CLARA AREA PLAN DESIGNATION IS PCS, COMMUNITY SERVING. SURROUNDING ZONING INCLUDES INDUSTRIALLY ZONED LAND TO THE WEST AND TO THE NORTH, THE NEWHALL RANCH SPECIFIC PLAN TO THE SOUTH AND WEST, SINGLE FAMILY RESIDENTIAL ZONING TO THE NORTHWEST WITH WHERE THE COMMUNITY OF VAL VERDE IS, THE REPRESENTATIVE FROM THE COUNTY'S DEPARTMENT OF PUBLIC WORKS ENVIRONMENTAL PROGRAMS DIVISION WILL SPEAK BRIEFLY ABOUT THE PROJECT. I WILL NOW TURN THE PRESENTATION OVER TO BAHMAN HAJI ALIAKBAR.

>> GOOD MORNING, EVERYONE. MY NAME IS BAHMAN AND I'M A PRINCIPAL ENGINEER WITH THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS, AT THE LAST HEARING, I PROVIDED AN OVERVIEW OF THE ROLE OF PUBLIC WORKS AND SOLID WASTE MANAGEMENT IN LOS ANGELES COUNTY. IN SUMMARY, PUBLIC WORKS IS THE LEAD COUNTY AGENCY RESPONSIBLE FOR ADVISING THE BOARD OF SUPERVISORS ON SOLID 10:24:30 WASTE MANAGEMENT POLICY AND PROVIDES LONG TERM DISPOSAL CAPACITY

PLANNING. THE LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT WHICH DIRECTS DISPOSAL CAPACITY PLANNING IN LOS ANGELES COUNTY AND WAS APPROVED BY THE CITY'S IN LOS ANGELES COUNTY, THE COUNTY BOARD OF SUPERVISOR AND THE STATE OF CALIFORNIA IDENTIFIES THE CHIQUITA CANYON LANDFILL AS ONE OF THE LANDFILL IN LOS ANGELES COUNTY THAT COULD BE UTILIZED THE MEET THE COUNTY'S LONG TERM DISPOSAL NEEDS. PROVIDED IT'S FOUND TO BE ENVIRONMENTALLY SAFE AND TECHNICALLY FEASIBLE. BASED ON THE DEPARTMENT OF PUBLIC WORKS EVALUATION OF THE PROPOSED CHIQUITA CANYON LANDFILL EXPANSION PROJECT AND ITS ENVIRONMENTAL DOCUMENTS FROM THE SOLID WASTE MANAGEMENT PERSPECTIVE, THE PROJECT WOULD HAVE A POSITIVE ROLE TO PLAY IN MEETING THE COUNTY'S LONG TERM DISPOSAL NEEDS. PUBLIC WORKS SUPPORT THE RECOMMENDED CONDITIONAL USE PERMIT BY DEPARTMENT OF REGIONAL PLANNING STAFF. THE PROPOSED CONDITION WOULD ENSURE THAT THE LANDFILL IS PROPERLY OPERATED AND BALANCES THE NEEDS OF THE APPLICANT AND THE NEEDS OF 10:25:45 COMMUNITY. THANK YOU.

>> MR. CLAGHORN: THANK YOU, BAHMAN.

>> MR. CLAGHORN: THE LANDFILL IS CURRENTLY [INAUDIBLE] OF A WASTE OF 257 ACRES OF WHICH 251 ACRES HAS BEEN USED, THE TOTAL PROPOSED WASTE DISPOSAL AREA AFTER THE EXPANSION WOULD BE 400 ACRES, AN INCREASE OF 143 ACRES. ON THIS MAP, THE 188 ACRE

CURRENT APPROVED LAND PER AREA IS IN YELLOW AND THE CLOSED AREA IS TOTAL IN 69 ACRES ARE IN GREEN. THE PROPOSED EXPANSION AREAS ARE IN ORANGE. AND THIS IS WHERE THE NEW WASTE MATERIALS WOULD BE DISPOSED AFTER ONCE THE CURRENT APPROVED AREA REACHES ITS LIMIT OF FILL, THE COMMITTEE HAS REQUESTED A MAXIMUM LANDFILL OF ELEVATION OF 1573 FEET, AN INCREASE FROM THE CURRENT MAXIMUM ELEVATION OF 10:26:48 1430 FEET. STAFF RECOMMENDS MAINTAINING THE CURRENT MAXIMUM LANDFILL HEIGHT OF 1430 FEET. THERE IS A REVISED SITE PLAN SHOWING A MAXIMUM FILL HEIGHT OF 1430 FEET, THE OVERALL SITE AREA WILL REMAIN 1430 ACRES. DURING THE PERIOD FROM 2011 TO 2016, THE LANDFILL HAS ACCEPTED FROM 926 THOUSAND TO OVER 1.4 MILLION TONS PER YEAR OF SOLID WASTE AND FROM 652 THOUSAND TO OVER 1.4 MILLION TONS PER YEAR OF BENEFICIAL USE MATERIALS. THE TOTAL THROUGH ALL MATERIALS HAS RANGED FROM APPROXIMATELY 1.6 MILLION TONS PER YEAR TO 2.8 MILLION TONS PER YEAR. THE HIGHEST TOTAL DURING THIS PERIOD WAS 2016, BENEFICIAL USE MATERIALS WERE NOT LIMITED BY CUP 89-081 BUT THE NEW CUP WILL PLACE A LIMIT OF 700 THOUSAND TONS PER YEAR ACCORDING TO THE DRAFT CONDITIONS. BENEFICIAL USE MATERIALS INCLUDE CONSTRUCTION AND DEMOLITION DEBRIS THAT IS PUT TO BENEFICIAL USES ON THE SITE SUCH AS BUILDING NEW ROADS AND OTHER MATERIALS THAT ARE USED BENEFICIALLY ON THIS SITE FOR USES SUCH AS ALTERNATIVE DAILY COVER MATERIALS, SLOPE STABILIZATION AND DUST CONTROL, MATERIALS WHICH ARE 10:28:13 NOT USED BENEFICIALLY ARE

CATEGORIZED AS SOLID WASTE. THE PROPOSED PROJECT REQUESTED BY THE APPLICANT WHICH IS FOR 12 THOUSAND TONS PER DAY OF SOLID WASTE WOULD RESULT IN UP TO 3 MILLION 120 THOUSAND TONS PER YEAR OF WASTE RECEIVED BY THE LANDFILL. THE APPLICANT HAS PROPOSED TO CONTINUE THE EXISTING LEVEL OF BENEFICIAL USE MATERIALS ACCEPTED, THE AMOUNT OF BENEFICIAL USE MATERIALS INCLUDING 560 TONS PER DAY FOR COMPOSTING PLUS 2358 TONS PER DAY BASED ON THE 2011 LEVELS THAT RESULT IN 910 THOUSAND 416 TONS PER YEAR BENEFICIAL USE MATERIALS. THE OVERALL MATERIALS RECEIVED BY THE LANDFILL COULD BE AS HIGH AS 4 MILLION TONS PER YEAR BASED UPON THIS REQUEST. THE RECOMMENDED PROJECT CONDITIONS IMPOSED A MUCH LOWER LIMIT ON THE MATERIALS RECEIVED ON ANNUAL BASIS, THE WASTE DISPOSED WOULD BE LIMITED TO 1.4 MILLION TONS WITH A LIMIT OF 700 THOUSAND TONS OF BENEFICIAL USE MATERIALS FOR A TOTAL OF 2.1 MILLION TONS PER YEAR ALL MATERIALS. THE CURRENT MAXIMUM LANDFILL ELEVATION ALLOWED UNDER CUP 89-081 IS 1430 FEET, THE APPLICANT HAS REQUESTED 1573 FEET, UPON FURTHER REVIEW, IT HAS BEEN CALCULATED THAT UP TO 60 MILLION TONS OF MATERIAL COULD BE ACCOMMODATED WITHIN THE LANDFILL WITHIN THE EXPANDED FOOTPRINT EVEN IF THE MAXIMUM HEIGHT LIMIT OF 1430 FEET IS MAINTAINED DEPENDING ON THE TYPES OF MATERIALS AND THE DENSITY OF MATERIALS AFTER COMPACTION. STAFF RECOMMENDS MAINTAINING A LIMIT OF 1430 FEET FOR THE LANDFILL HEIGHT AND SETTING A LIMIT OF 60 MILLION TONS OF ALL MATERIALS OVER THE LIFE OF THE PERMIT. THE

RECOMMENDED DRAFT CONDITIONS HAVE BEEN DESIGNED TO LIMIT PROJECT IMPACTS TO NO MORE THAN CURRENT LEVELS, THE NEW ENTRANCE AND SUPPORT FACILITIES WILL BE REQUIRED OFF OF WILCOTT WAY IN THE EXISTING ENTRANCE WILL BE CLOSED, THE HOUSEHOLD HAZARDOUS WASTE FACILITY MIXED ORGANICS COMPOSTING ORGANIZATION AND A FURTHER CONVERSION FACILITY WILL BE POTENTIALLY DEVELOPED ON THE PROJECT SITE. PROJECT CONDITIONS PROHIBIT SLUDGE, MEDICAL WASTE, HAZARDOUS WASTE, RADIOACTIVE WASTE AND OTHER PROHIBITED MATERIALS, THE CUP INCLUDES THE RELATED IMPLEMENTATION OF MONITORING PROGRAM WHICH REQUIRES ANNUAL REPORTS AND REGULAR MONITORING TO VERIFY COMPLIANCE WITH ALL PROJECT REQUIREMENTS. SOME NOTABLE CHANGES HAVE BEEN MADE TO THE PROJECT CONDITIONS SINCE MARCH 1, SOME EXAMPLES INCLUDE THE FOLLOWING, A MONTHLY TONNAGE LIMIT OF 175 THOUSAND IS ADDED, THE MAXIMUM LANDFILL HEIGHT WAS REDUCED TO 1430 FEET, MAXIMUM OVERALL TONNAGE LIMIT WAS INCREASED TO 60 MILLION TONS, CLEANUP DAYS WILL INCLUDE RESIDENTS OF CASTAIC IN ADDITION TO VAL VERDE. SOME FEES NO LONGER APPLY TO BENEFICIAL USE MATERIALS INCLUDING THE FEES IN CONDITIONS 113, 114, 118, 119 AND 121. THE FUNDS RAISED FROM SOME OF THE FEES ARE RESTRICTED TO USE IF THE VAL VERDE, CASTAIC AND OTHER AREAS SURROUNDING THE LANDFILL INCLUDING THOSE MENTIONED IN 114, 15, 119 AND 121, THE PARK DEVELOPMENT FEE AND THE TRAFFIC MITIGATION FEE IS INCREASED TO [INAUDIBLE] PLANNING STUDY FEE WAS REDUCED FROM 81 THOUSAND TO 50 THOUSAND EVERY

OTHER YEAR, CONDITION 124 PERTAINING TO THE LEGISLATIVE SUPPORT WAS DELETED. ALL PROJECT IMPACTS INCLUDING TRAFFIC, BIOLOGICAL RESOURCES, GEOLOGY, HYDROLOGY, ETC., ARE TO BE REDUCED TO LESS THAN SIGNIFICANT LEVELS AFTER IMPLEMENTATION OF THE MITIGATION MEASURES AND THE PROJECT'S MITIGATION AND MONITORING REPORTING PROGRAM OR MMRP EXCEPT FOR TWO AREAS. THE PROJECT RESULTS IN SIGNIFICANT AND UNAVOIDABLE IMPACTS TO AIR QUALITY AND GREENHOUSE GAS EMISSIONS, GHG, CLIMATE CHANGE, THESE IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE FOR ALL THE PROJECT ALTERNATIVES ANALYZED IN THE EIR. THE PROJECT ANALYSIS CONCLUDED THAT THE PROJECT'S GHG IMPACTS WOULD BE LESS THAN SIGNIFICANT THROUGH 2020 BUT ARE POTENTIALLY SIGNIFICANT AND UNAVOIDABLE IMPACTS AFTER 2020 DUE TO UNCERTAINTY OVER FUTURE STATE EMISSION TARGETS AND REQUIREMENT, THE MMRP CONTAINS MITIGATIONS TO REDUCE AIR QUALITY AND GHG IMPACTS FOR THOSE AREAS TO THE EXTENT POSSIBLE, IN ADDITION, TO THE OTHER MITIGATION MEASURES. THE PROJECT WILL REQUIRE THE REMOVAL OF UP TO FOUR EXISTING ORDINANCE SIZED OAK TREES LOCATED NEAR THE PROPOSED ENTRANCE FACILITIES, THE EXISTING OFFICE AND THE LANDFILL EXPANSION AREA, THESE TREES SHALL BE REPLACED BY MITIGATION TREES AT A RATIO OF 2 TO 1. PROJECT FEES ARE NECESSARY TO HELP OFFSET PROJECT IMPACTS AND PROVIDE BENEFITS TO THE COMMUNITY SURROUNDING THE LANDFILL WHICH ARE THE MOST IMPACTED BY THE LANDFILL. THESES WILL ALSO BE USED TO HELP IN COUNTYWIDE WASTE DISPOSAL PLANNING

EFFORTS AND TO PROMOTES CONVERSION TECHNOLOGY AND OTHER WASTE
DIVERSION PROGRAMS,, THE DISPOSITION OF FUNDS WILL BE
COORDINATED BY THE COUNTY WITHIN THE COMMUNITY THROUGH THE
COMMUNITY ADVISORY COMMITTEE. THE PROJECT IS CONSISTENT WITH THE
ZONING CODE REQUIREMENTS AND RELEVANT POLICIES OF THE GENERAL
PLAN IN SANTA CLARITA VALLEY AREA PLAN, COUNTY STAFF FROM THE
DEPARTMENT OF REGIONAL PLANNING, PUBLIC WORKS, PUBLIC HEALTH AND
FIRE HAVE REVIEWED THE PROJECT. ALL REQUIRED CLEARANCES HAVE
BEEN RECEIVED AND THE PROJECT WILL BE REQUIRED TO COMPLY WITH
ALL APPLICABLE REQUIREMENTS. IN CONCLUSION, COUNTY STAFF
RECOMMENDS APPROVAL FOR THE PROJECT INCLUDING THE CUP AND OAK
TREE PERMIT SUBJECT TO THE DRAFT CONDITIONS OF APPROVAL, RELATED
IMPLEMENTATION OF MONITORING PROGRAM AND THE MITIGATION
MONITORING AND REPORTING PROGRAM AND CERTIFICATION OF THE EIR.
THE PROJECT'S CONDITIONS WILL HELP TO REDUCE IMPACTS TO THE
ENVIRONMENT ON THE SITE AND THE SURROUNDING AREA. CONTINUED
OPERATIONS OF THE LANDFILL WILL HELP THE COUNTY TO CONTINUE TO
MEET ITS WASTE DISPOSAL NEEDS AND THE PROJECT CONDITIONS IMP AND
MMRP WILL PROVIDE RESTRICTS TO HELP AVOID ADVERSE IMPACTS TO THE
COMMUNITY, THIS CONCLUDES MY PRESENTATION, I'M AVAILABLE FOR
QUESTIONS.

>> CHAIR SMITH: THANK YOU VERY MUCH, DO WE HAVE QUESTIONS OF STAFF AT THIS POINT? I MEAN, I KNOW WE WILL HAVE MANY, BEFORE WE OPEN IT BACK UP TO PUBLIC HEARING, DO WE HAVE ANY QUESTIONS?

>> COMMISSIONER MODUGNO: IT'S NOT A QUESTION, MORE OF A COMMENT, AT THIS TIME, I REALLY WOULD LIKE TO THANK STAFF, PUBLIC WORKS, THE APPLICANT AND THE COMMUNITY FOR THE CLARITY THAT I THINK WE'VE GOTTEN FROM MARCH 1. I THINK THAT -- I'LL SAVE THE APPLICANT TIME, THESE WERE THEIR RESPONSES TO THE COMMENTS FROM THE PUBLIC WHICH I THOUGHT WERE VERY USEFUL TO HAVE AND HAVE THE OPPORTUNITY TO BE ABLE TO READ THOSE VERSUS HEARING THEM IN A TEN MINUTE REBUTTAL PERIOD. I THINK STAFF HAS BROUGHT GREAT CLARITY TO MANY TO HAVE QUESTIONS I HAD DOZENS OF QUESTIONS ON MARCH 1, I HAVE A HANDFUL THAT I'LL RESERVE TO LATER IN THE MEETING, PUBLIC WORKS HAS BROUGHT CLARITY TO ITS ROLE IN THIS PROCESS AS WELL, SO I WANT TO ACKNOWLEDGE THAT WITH THE ABUNDANCE OF INFORMATION THAT'S COME TO US IN TWO BOX LOADS THAT WE HAVE TAKEN THE TIME, AT LEAST I CAN SAY I'VE TAKEN THE TIME, I'M SURE OTHERS HAVE, AS WELL TO REVIEW IT, SO I WANT TO THANK EVERYONE FROM WHERE WE'VE LEFT OFF ON MARCH 1 TO GET US TO TODAY AND I THINK THAT IT HAS HELPED BRING GREAT -- NOT YET CLOSURE, BUT GETTING US CLOSER TO BEING ABLE TO RESOLVE THIS ISSUE. THANK YOU.

>> CHAIR SMITH: THANK YOU, COMMISSIONER MODUGNO, YES, PLEASE?

>> COMMISSIONER SHELL: JUST ONE PIECE OF INFORMATION I WOULD LIKE THE HAVE AND THE REST OF THE COMMISSIONERS IF WE COULD IS TO GET A COPY OF THE BOARD MOTION I GUESS IT WAS FROM 1997 ON THE EARLIER CUP, SO IF IT'S POSSIBLE FOR SOMEONE TO PULL THAT, ILL LIKE TO HAVE A LOOK AT IT, PLEASE.

>> MR. CLAGHORN: A COPY OF THE 1997 BOARD APPROVED CONDITIONS?

>> COMMISSIONER SHELL: NOT THE CONDITIONS, THE BOARD MOTION.

>> MR. CLAGHORN: OKAY, ALRIGHT.

>> COMMISSIONER SHELL: THANK YOU.

>> CHAIR SMITH: ANY OTHER QUESTIONS OR COMMENTS AT THIS TIME? ALRIGHT, SEEING NONE, WE WILL NOW MOVE BACK INTO PUBLIC COMMENT ON THIS ITEM. A NUMBER OF FOLKS HAVE JOINED US SINCE WE BEGAN THIS MORNING, I WANT TO SAY WELCOME AND THANK YOU FOR TAKING THE TIME TO BE HERE, IF YOU PLAN TO SPEAK ON THIS ITEM, YOU'LL NEED TO FILL OUT A COMMENT CARD LOCATED IN THE BACK OF THE ROOM AND A STAFF MEMBER CAN ASSIST YOU WITH THAT BOTH HERE AND IN OUR REMOTE LOCATION. JUST A QUICK REMINDER, WE'RE GOING TO LIMIT

COMMENTS TO TWO MINUTES CONSISTENT WITH WHAT WE DID AT THE PREVIOUS HEARING AND PUBLIC COMMENT IS AVAILABLE TO THOSE OF YOU WHO 10:37:52 DID NOT HAVE AN OPPORTUNITY TO SPEAK AT THE PRIOR HEARING. WE'RE GOING TO START PUBLIC COMMENT FROM OUR REMOTE LOCATION. ONE MORE QUICK REMINDER, WE'RE GOING TO STOP ACCEPTING COMMENT CARDS AT 9:45, SO PLEASE BE SURE, IF YOU FEEL LIKE YOU MIGHT WANT THE SPEAK ON THIS ITEM, PLEASE BE SURE TO GET YOUR COMMENT CARD IN BEFORE THAT TIME PERIOD, AND WE'RE GOING TO BEGIN IN OUR REMOTE LOCATION BUT I WANT TO TAKE THIS OPPORTUNITY TO SWEAR EVERYONE IN, SO --

>> I'M JUST GOING TO CLARIFY, THE CUTOFF FOR 9:45 IS FOR ITEM 6 AND YOU SET A CUTOFF TIME FOR NUMBER 8 AT 10:00.

>> CHAIR SMITH: SO, IF THIS ITEM, CUTOFF IS 9:45, WE HAVE PUBLIC COMMENT AVAILABLE ON AGENDA NUMBER 8, CUTOFF FOR THAT WILL BE AT 10:00, THANK YOU. SO, I DO WANT TO MAKE SURE WE SWEAR EVERYONE IN, SO BOTH HERE AND IN OUR REMOTE LOCATION, IF YOU PLAN TO SPEAK ON THIS ITEM OR PUBLIC COMMENT OR ANY ITEM ON TODAY'S AGENDA, PLEASE STAND IF YOU'RE ABLE AND RAISE YOUR RIGHT HAND. THANK YOU. (SWEARING-IN OF TESTIFIERS).

>> CHAIR SMITH: THANK YOU, ALL. SO, AS I MENTIONED, WE'RE GOING TO BEGIN AT OUR REMOTE LOCATION IN STEVENSON RANCH AND I GUESS WE'LL TAKE IT AWAY.

>> COMMISSIONERS, WE ARE HERE AT THE STEVENSON RANCH LIBRARY WITH A TOTAL OF 11 SPEAKERS, ALL OF THEM HAVE BEEN SWORN IN AND WE'RE READY TO TESTIFY.

>> CHAIR SMITH: THANK YOU, AND WE CAN HEAR YOU AND SEE YOU, GREAT NEWS, THANKS. -----

>> GOOD MORNING, I'M JOLENE KELLY AND I'M A RESIDENT OF CASTAIC. I'VE SPENT 30 YEARS IN REAL ESTATE IN SEATTLE AND WAS PROJECT MANAGER IN THE LATE 80'S FOR THE METHANE GAS LANDFILL UNDER THE GROUND THAT WENT ACROSS INTERSTATE 5 OVER TO HOUSING AREA, SO I WAS PROJECT MANAGER TO FIX UP THE HOUSE THAT METHANE GAS WAS ALLOWED TO BE LET OF THE GROWN, METHANE GAS WILL EXPLODE IF IT'S KEPT UNDERSTOOD GROUND AND I SAW THE DEVASTATION WITH HOME OWNERS, WHAT HAPPENED TO THEIR HOUSES BUT I WAS IN CHARGE TO [INAUDIBLE] THE HOUSES OVER THIS TO LET SEATTLE PURCHASE THE HOUSES, AND THEY MOVED OUT AND THEY CORRECTED THE PROBLEM AND OWNED UP TO IT BUT I SAW WHAT THE EFFECTS WERE AND HOW IT AFFECTED THE ECONOMY, SO I AM CONCERNED ABOUT BEING EXPOSED TO

ANYTHING THAT'S NOT GOOD, THE ECONOMY, THE HOUSING VALUES, I SPENT 30 YEARS IN REAL ESTATE, AND I JUST FEEL LIKE IT'S BIG ENOUGH NOW WITHOUT BEING EXPANDED BESIDES THE TRAFFIC INCREASE, THE VALUES OF HOUSING BECAUSE I HAVE A NEIGHBOR WHO HAS HAD HOUSES IN VAL VERDE, THEY SMELL SOMETHING ALL THE TIME WHEN THEY'RE OUT RIDING THE HOUSES AND THAT'S JUST IN VAL VERDE AND I'M NOT FAR AWAY SO I'M CONCERNED. I HAVE SENT SEVERAL E-MAILS SAYING NO, NO EXPANSION, IT'S GOING TO INCREASE TRAFFIC AND ODORS PROBABLY, BUT I DO REALIZE THAT WAS THE LATE 80'S AND HOPEFULLY THEY'RE MUCH MORE AWARE OF WHAT TO DO FROM KEEPING IT FROM BEING A PROBLEM. THANK YOU.

>> CHAIR SMITH: THANK YOU. (AUDIO LOW AND UNCLEAR AT TIMES).

>> GOOD MORNING, COMMISSIONERS, THANK YOU FOR HEARING US TODAY, MY NAME'S JULIE OLSON AND I'M A GOVERNING BOARD MEMBER OF THE [INAUDIBLE] SCHOOL DISTRICT, HOWEVER I'M SPEAKING TO YOU TODAY AS AN INDIVIDUAL AND A HOMEOWNER AND A PARENT TO AN ASTHMATIC FIRST GRADER AND AS A CANCER SURVIVOR, YOU HEARD AT THE LAST HEARING THAT THERE ARE NUMEROUS SCHOOLS AND CHILD HERE FACILITIES IN THE CHIQUITA DUMP, THERE ARE THREE ADDITIONAL SCHOOLS THAT ARE BEING CONSIDERED FOR SITING IN EVEN CLOSER PROXIMITY TO SUPPORT THE NEWHALL RANCH PROJECT, I'M HERE TO ASK THAT THESE FUTURE SCHOOL AND THE HUNDREDS OF CHILDREN TO BE

SERVED BY THEM ARE GIVEN YOUR DUE CONSIDERATION, CHILDREN NEED TO HAVE A HEALTHY ENVIRONMENT TO ACHIEVE THE BEST OF THEIR CAPABILITIES, AIR POLLUTION AFFECTS CHILDREN'S HEALTH, INCREASES ASTHMA RATES AND MAY CAUSE CHRONIC LUNG DISEASE. IT SIGNIFICANTLY AND ADVERSELY AFFECTS THE QUALITY OF LIFE FOR THOSE ALREADY SUFFERING FROM ASTHMA AND SUPPRESS IMMUNITIES LIKE MY SON AND MANY OTHERS, IT'S A KNOWN FACT THAT POLLUTION, PARTICULARLY DUST AND SOOT OF 2.5 MEGA GRAMS OR LESS ESPECIALLY AFFECT CHILDREN'S LUNGS AS THEY ARE DEVELOPING AND THE DUST AND DIESEL TRUCKS AND PARTICULATE PM2.5 AND OTHER POLLUTION ARE PARTICULARLY HARMFUL TO THEIR LUNGS, THE PROPOSED EXPANSION WOULD GIVE IT THE POTENTIAL DISTINCTION AS THE LARGEST OPERATING DUMP IN THE COUNTRY AND ALLOW IT TO CONTINUE OPERATING FOR 30 OR MORE YEARS AFFECTING CURRENT AND FUTURE GENERATIONS AND ALSO OUR PROPERTY VALUE. WHILE IT IS MY SINCERE HOPE THAT THIS APPLICATION BE DENIED, I REQUEST THAT LIMITATIONS BE PLACED IN THE EVENT IT GETS APPROVED AND THOSE LIMITATIONS REQUESTED WOULD INCLUDE THE LIMIT ON TRASH INTAKE ORIGINATION DISTANCES TO SUBSTANTIALLY REDUCE POLLUTION AND TRUCK TRAFFIC AND FURTHER INFILTRATION OF WASTE PER OPTION TO ALLOW RESOURCES TO TAKE THE TRASH AWAY FROM RESIDENTIAL NEIGHBORHOODS AND SCHOOL, I WOULD ASK THAT YOU PLEASE IDENTIFY AND ENFORCE A FIRM DATE AND CLOSURE PLAN FOR THIS LANDFILL SO IT WILL NOT CONTINUOUSLY ADVERSELY AFFECT THE HEALTH OF OUR CHILDREN AND OTHERS IN THE FUTURE AND

PLEASE IMPOSE SIGNIFICANT PENALTIES FOR VIOLATIONS OF THE CUP,
PARTICULARLY THE INTAKE OF PROHIBITED SUBSTANCES INCLUDING THE
TYPES THAT THIS APPLICANT HAS PREVIOUSLY BEEN CITED FOR AT TIMES
IN THE PAST. THANK YOU FOR YOUR CONSIDERATION.

>> CHAIR SMITH: THANK YOU. WELCOME.

>> HELLO, MY NAME IS [INAUDIBLE] LOGAN, LOUISE, I HAVE BEEN A
RESIDENT OF VALENCIA SINCE 1989, I OPPOSE THE EXPANSION OF THE
CHIQUITA CANYON LANDFILL, IT IS A CORPORATION LIKE ANY OTHER,
ITS GOAL IS TO MAKE FINANCIAL PROFIT. THE DEPARTMENT OF PLANNING
RESPONSIBILITIES IS MUCH BROADER, PLEASE CONSIDER THE IMPACT ON
AIR QUALITY, WATER SAFETY AND OTHER ISSUES THAT ARE SANTA
CLARITA VALLEY, THAT INDIVIDUAL HOME OWNERS IN VAL VERDE AND
PARTS OF CASTAIC MUST ENDURE EVEN WITH THE CURRENT LANDFILL
SIZE. WHEN THE CHIQUITA LANDFILL ORIGINALLY OPENED, IT WAS
PLACED IN A RELATIVELY UNPOPULATED AREA OUTSIDE OF LOS ANGELES,
NOT UNLIKE THE LOCATION OF THE MOS KEITH LANDFILL TODAY, SINCE
THEN, HOWEVER, THAT SANTA CLARITA VALLEY HAS BECOME AN
INCORPORATED CITY WITH A GROWING POPULATION, POLLUTANTS ADD UP,
WE DO NOT NEED TO BECOME HOME TO THE NATION'S BIGGEST LANDFILL,
IT IS A GIVEN THAT THE SANTA CLARITA VALLEY HAS THE 5 AND 14
FREEWAYS AND ADD POLLUTANTS OF THE AIR, WE ARE JUST NORTH OF
THERE, OUR GEOGRAPHY AND OUR WEATHER MEANS WE ARE ALWAYS

FIGHTING HIGH OZONE LEVELS. THIS EXPANSION WILL FURTHER JEOPARDIZE OUR AIR QUALITY. TRUCK TRAFFIC HEADED TO CHIQUITA COULD CONTINUE AT MORE THAN 500 TRUCKS PER DAY COMING FROM OUTSIDE THE SANTA CLARITA VALLEY. THIS ADDITIONAL TRUCK TRAFFIC AS WELL AS THE TIME DIESEL TRUCKS IDLING AT CHIQUITA WILL ADD DIESEL EXHAUST TO OUR AIR. THIS EXPANSION WILL PLACE NOT ONLY CURRENT BUT ALSO FUTURE RESIDENTS AND BUSINESSES INTO CLOSE PROXIMITY WITH THE EXPANDED LANDFILL. THE LOCATION IS IN A GROWING AREA, THE LARGE MASTER PLAN COMMUNITY KNOWN AS 5 POINT NET ZERO AND OTHERS WILL LIKELY BECOME ITS NEIGHBOR, EVEN THE BEST RUN OPERATIONS MAKE MISTAKE, NO ONE CONTROLS WHEN AND WHERE EARTHQUAKES WILL OCCUR, OUR WALTER RESOURCES ARE EXTREMELY PRECIOUS AND SHOULD NOT BE PUT AT RISK WITH THE EXPAND LANDFILL, PLEASE DO NOT PUT THE AIR QUALITY AND LAND RESOURCES AT RISK IN OUR EVER-GROWING SANTA CLARITA VALLEY, I ASK YOU TO NOT ALLOW THIS EXPANSION TO GO FORWARD. THANK YOU FOR YOUR TIME.

>> CHAIR SMITH: THANK YOU.

>> GOOD MORNING, MY NAME IS BARBARA WAFFLE, I LIVE IN VAL VERDE AREA AND THE THANK YOU FOR YOUR CONSIDERATION ON MARCH 1 WHEN WE CAME TO THE HEARING AND FOR THIS REMOTE HEARING LOCATION TODAY. I OPPOSE THE CHIQUITA LANDFILL EXPANSION, I KNEW PEOPLE ON THE VAL VERDE ASSOCIATION WHO ORIGINAL OPPOSED THE LANDFILL IN 1998

AND IT WAS A [INAUDIBLE] COMMUNITY, I OPPOSE THE VAL VERDE ASSOCIATION BOARD MEMBER AND I OPPOSE TO ALLOW THE SITING OF LANDFILL WITH A RESIDENTIAL AREA, HISTORICALLY MINORITY AREA, WE SMELL IT, FEEL IT AND FEEL ITS HEALTH EFFECTS DAILY, I AND MY VAL VERDE NEIGHBORS HAVE DONE OUR SHARE IN TRASH DISPOSAL, THE COUNTY HAS HAD 45 YEARS AND MILLIONS OF DOLLARS OF TIPPING FEES TO FIND AN ALTERNATIVE SITE, AND WE PLEAD FOR YOU TO CARE FOR US, YOU ARE COUNTY NEIGHBORS AND FULFILL THE PROPOSES WE UNDERSTOOD 20 YEARS AGO AND OPPOSE THIS EXPANSION, [INAUDIBLE] THANK YOU TO YOU, THE PLANNERS AND ALL MY NEIGHBORS HERE WHO HAVE THEIR HEART FELT IMPORTANT TESTIMONY TAKEN. THANK YOU VERY MUCH.

>> CHAIR SMITH: THANK YOU. (AUDIO LOW AND UNCLEAR AT TIMES).

>> GOOD MORNING, AND THANK YOU FOR ALLOWING ME TO SPEAK, MY NAME IS JEAN DORIA, I'M A PHYSICIAN IF SANTA CLARITA AND I PRACTICE HERE AND LIVED HERE NOR OVER 30 YEAR, I HAVE A MASTERS DEGREE IN TOXICOLOGY, I WORRY OF THE EXPANSION OF CHIQUITA WILL EXPOSE OUR BODY TO MICRO BIOLOGICAL [INAUDIBLE] METE THE LANDFILL, AS A RUNNER, I HAVE NOTICED GARBAGE TRUCKS LEAKING RANCID BACTERIAL FLUID IN OUR STREETS, EVEN STAINING THEM AND I KNOW THIS TRASH IS DUMPED INTO CHIQUITA. 50% OF SANTA CLARITA'S WATER IS DERIVED FROM AQUIFERS, SHOULD THE LEECHING PERCOLATE FROM CHIQUITA INTO

OUR AQUIFERS AND CONTAMINATE OUR WATER SUPPLY, THIS COULD CREATE AN EXTREME HEALTH CRISIS, THERE IS AMPLE SCIENTIFIC EVIDENCE SUPPORTING THIS POSSIBILITY. THE STATE WATER RESOURCE CONTROL BOARD MANDATES MONITORING REQUIREMENTS FOR E-COLI FORM BACTERIA, THEY ADMIT THEY FAILED TO MONITOR DRINKING WATER FOR BACTERIA AND THAT IS ON PAGE 5. THE COMBINATION OF ALLOWING EXPANSION OF CHIQUITA LANDFILL AND THE FAILURE OF A LOCAL WATER AGENCY TO MONITOR MICRO BIOLOGICS IS A RECIPE FOR A HEALTH CARE DISASTER THAT MIGHT RIVAL FLINT MICHIGAN, THANK YOU.

>> CHAIR SMITH: THANK YOU. WELCOME.

>> MY NAME IS DENNIS WERNER, I'M THE DIVISION MANAGER FOR PROJECT WASTE INDUSTRIES HERE IN SANTA CLARITA, WE PICK UP THE TRASH AT SANTA CLARITA. WE ARE ONE OF THE LOCAL OWNERS WITH FRANCHISE WITH L.A. COUNTY TO HAUL THE TRASH FROM STEVENSON RANCH, VAL VERDE, THOSE AREAS, I'M CONCERNED ABOUT THE FEES THAT MAY BE IMPOSED, ADDITIONAL FEES, THE WAY THAT THE CUP IS BEING REWRITTEN, THESE FEES WOULD HAVE TO BE PASSED ON TO THE LOCAL RESIDENTS AND WE WOULD BE PASSING THEM THROUGH DIRECTLY. ALSO, I'M CONCERNED IF THE LANDFILL WERE TO BE SHUT DOWN, WHERE WOULD WE TAKE THE TRASH? WE'RE BASICALLY LIKE A UPS COMPANY, WE PICK UP THE TRASH AND DUMP IT TO THE LANDFILL AND OUR TRUCKS RETURN EMPTY. IF THEY WERE TO SHUT DOWN THE LANDFILL, IT WILL GO TO

OTHER LOCAL LANDFILLS AND WE MAY NOT BE ABLE TO GET OUR LOCAL TRASH IN THERE. ALSO, BEFORE WORKING AT BERTEC, WE'VE BEEN HAULING TRASH THERE SINCE EARLY 2000'S, ALSO I WORKED AT [INAUDIBLE] AS A GENERAL MANAGER, WE'RE RESPONSIBLE FOR TAKING THE LOCAL TRASH TO CHIQUITA CANYON SINCE 89, DURING THAT PERIOD, THERE'S BEEN SEVERAL DIFFERENT OWNERS OF THAT LANDFILL AND AT THIS POINT, I HAVE NEVER SEEN A BETTER COMMUNITY PARTNER THAN CHIQUITA CANYON, I WOULD TRY TO KEEP WASTE CONNECTIONS OF THAT CURRENT LANDFILL. THANK YOU.

>> CHAIR SMITH: THANK YOU, AT THIS TIME, I WANT TO ANNOUNCE LAST CALL FOR COMMENT CARDS, IF YOU'RE HERE OR THE REMOTE LOCATION AND YOU WANT TO SPEAK ON THIS ITEM, PLEASE TURN IN YOUR COMMENT CARD RIGHT NOW. THANK YOU VERY MUCH. WELCOME.

>> MY NAME IS MARTIAL LEFT COURT, I'VE BEEN A RESIDENT IN VAL VERDE FOR OVER 30 YEARS AS A HOMEOWNER AND A COUPLE OF THINGS I WANT TO BRING UP. I UNDERSTAND THAT L.A. COUNTY OWNS AND HAS ACQUIRED THE SKEET CANYON SERVING AND A LANDFILL, I BELIEVE IT'S A [INAUDIBLE] AND IT'S ALREADY PAID FOR, IT'S BEEN BUILT, I'VE SEEN VIDEOS OF IT AND SO FORTH AND L.A. COUNTY PAID FOR IT AND IT SITS IDLE WITHOUT A SINGLE TRASH TRUCK PER WEEK USING IT AND I THINK THAT'S A GREAT ALTERNATIVE AND NO RESIDENTS OR BUSINESSES LOCAL TO IT, IT'S A VERY SAFE ALTERNATIVE AND IT'S A

WAY TO GO AND I THINK THAT ALL L.A. TAX PAYERS SHOULD KNOW THE SUPERVISORS AUTHORIZED THE MONEY, SPENT THE MONEY AND IT JUST SITS IDLE. I DON'T THINK ANYONE WOULD BE IN FAVOR OF THAT.

SECONDLY FOR CHIQUITA CANYON LANDFILL, THE REPRESENTATIVES AND SO FORTH HAVE SUBMITTED TO YOU ALL, I'VE SEEN ONLINE THE PDF FILES OF THE -- OF COMMENT CARDS SUCH AS THESE, SEVERAL PAGES OF THEM, AND INTERESTING ENOUGH, MANY OF THESE WERE FILLED OUT IN DECEMBER 6TH OF 2014, INCLUDING A NEIGHBOR OF MINE, HE DIDN'T KNOW HE WAS AGREEING TO ANYTHING, THEY SUPERIMPOSED THE CHECKED ABOVE ON TO IT AFTER THE FACT, THEY FALSIFIED THE INFORMATION THEY SENT YOU AND ON TOP OF THAT, THIS GENTLEMAN PASS AWAY IN DECEMBER, 2015, AND HAD NO KNOWLEDGE OF IT THEN AND THEY'RE PRESENTING IT TO YOU AS A RECENT SIGNEE OF WANTING TO KEEP THE LANDFILL OPEN AND HE UNFORTUNATELY PASSED AWAY, HE WAS A GOOD FRIEND OF MINE LIVING DOWN THE STREET FROM ME, SO THEY FALSIFIED IT AND THEY DIDN'T EVEN KNOW HE PASS AWAY AND THEY USED HIS NAME AND CARD AND SO FORTH. OKAY, SO THAT'S PRETTY MUCH IT. I APPRECIATE YOUR HELP AND YOUR INTEREST AND I HOPE YOU DO THE RIGHT THING FOR RESIDENTS OF VAL VERDE, MANY OF WHICH NOW HAVE HEALTH PROBLEMS. THANK YOU.

>> CHAIR SMITH: THANK YOU. WELCOME.

>> YES, GOOD MORNING, SUPERVISORS, MY NAME IS DEBRA MYERS AND I AM AN ATTORNEY AT LAW, I'VE BEEN PRACTICES LAW 31 YEARS AND HAVE LIVED IN THE SANTA CLARITA VALLEY FOR 26 OF THOSE YEARS. I DON'T OFTEN SPEAK PUBLICLY BUT THIS IS A GRAVE CONCERN FOR ME, I WAS ALSO ON THE DIESEL WELL INJECTION COMMITTEE WHICH SUCCESSFULLY OPPOSED THE HEALTH RISK AND THAT IS WHY I AM HERE TODAY. I BELIEVE THAT THE EXPANSION OF THIS PROJECT IS NOT ENVIRONMENTALLY SAFE AND IT AMES FOR THE FOLLOWING REASONS, I BELIEVE THAT THE DEPARTMENT OF EDUCATION, THE STATE DEPARTMENT OF EDUCATION HAS SAFETY REQUIREMENTS FOR ITS SCHOOLS WHICH ARE BEING VIOLATED, ALSO, THIS AREA IS NOT SEISMICALLY STABLE AND IT THEREFORE FAILS ANY SEISMIC STABILITY REQUIREMENTS. IT VIOLATES STATE AND LOCAL LAWS REGARDING AIR QUALITY, IT SIGNIFICANTLY INCREASES THE RISK OF CANCER. THE ORIGINAL ENGINEERING OF THIS STRUCTURE IS NOT GOING TO BE COMPATIBLE WITH THE INCREASE WHICH WOULD ALLOW FOR A COLLAPSE OF THE INFRASTRUCTURE AND I WOULD ALSO LIKE TO SPECIFICALLY POINT OUT AND JOIN WITH THE APRIL 12, 2017 LETTER WRITTEN BY THE PUBLIC UNIVERSITIES IN THE COUNTRY, THE UNIVERSITY OF CALIFORNIA AT IRVINE AND NEW YORK UNIVERSITY, THEY SUBMITTED LETTERS TO YOU EXPLAINING ADDITIONAL REASONS WHY THIS DID NOT MEET SAFETY REQUIREMENTS FOR THE PUBLIC, AND I REALLY ENCOURAGE EACH OF YOU SUPERVISORS TO TAKE A LOOK AT THE CURRENT ENVIRONMENTAL ONSLAUGHT THAT WE ARE EXPERIENCING AND I

URGE YOU TO FOLLOW CALIFORNIA'S VERY STRICT ENVIRONMENTAL IMPACT LAWS SO THAT WE CAN PROTECT OUR COMMUNITY. THANK YOU.

>> CHAIR SMITH: THANK YOU.

>> GOOD MORNING, I'M JOHN PALEDON, I'M AN ATTORNEY AND REAL ESTATE BROKER IN [INAUDIBLE], THANK YOU FOR HAVING US, I'M OPPOSED TO THE EXPANSION OF THE CHIQUITA CANYON LANDFILL, IT SHOULD NOT BE ALLOWED TO OPERATE BEYOND THE ORIGINALLY AGREED SIZE LIMIT. THE LANDFILL BUSINESS IS OUT OF CHARACTER FOR THE COMMUNITY AND IS OUT OF PLACE IN THIS COMMUNITY. THIS COMMUNITY HAS GROWN SIGNIFICANTLY SINCE THE LANDFILL STARTED ITS OPERATIONS MANY YEARS AGO, THERE ARE MANY MORE SCHOOL, HOMES AND BUSINESSES IN THE AREA OF THE LANDFILL NOW. IT'S NOT APPROPRIATE TO HAVE A LANDFILL OR A SIGNIFICANT LANDFILL EXPANSION IN A SCENIC AREA ALONG HIGHWAY 126 NEAR SO MANY PEOPLE. LANDFILL NEEDS OF SANTA CLARITA AND OTHER COMMUNITIES OF SOUTHERN CALIFORNIA SHOULD BE MET BY LANDFILLS IN OTHER MORE REMOTE LOCATIONS SUCH AS PLACES THAT ARE REACHED BY RAILROAD. IT'S ALSO INAPPROPRIATE FOR THIS LANDFILL AND FOR THIS COMMUNITY TO ACCEPT TRASH FROM FAR AWAY PLACES, THIS SHOULD NOT BE A DESTINATION LANDFILL FOR A LARGE AREA. EXPANDING THIS LANDFILL OR CONTINUING ITS OPERATION BEYOND THE ORIGINAL SIZE LIMIT WILL IMPOSE SIGNIFICANT AND UNREASONABLE AMOUNTS OF TRAFFIC AND AIR

POLLUTION IN THIS AREA. THAT SHOULD NOT BE THE CASE AND IT SHOULD NOT BE ALLOWED TO EXPAND. THE CHIQUITA -- THE LANDFILL BUSINESS SUCH AS THIS SHOULD ONLY BE IN A REMOTE LOCATION NOT NEAR HOMES, SCHOOLS AND OFFICES. THE ORIGINAL AGREEMENT FOR THIS LANDFILL TO BE CLOSED BY A CERTAIN DATE OR BY A CERTAIN SIZE SHOULD BE ENFORCED. NO FURTHER EXPANSION SHOULD BE ALLOWED. THANK YOU.

>> CHAIR SMITH: THANK YOU.

>> HELLO, MY NAME IS BONNIE AND I'M A RESIDENT OF SANTA CLARITA FOR OVER 20 YEARS. I WANT TO EXPRESS MY PERSONAL OPPOSITION FOR CHIQUITA CANYON'S LANDFILL FOR THE MASTER PLAN REVISION. IT IS INADEQUATE AND UNNECESSARY PLAN FOR THE LANDFILL. AS A RESIDENT, I RECOGNIZE THAT CHIQUITA CANYON HAS BEEN TOO CLOSE TO NEARBY COMMUNITIES FOR MORE THAN FOUR DECADES AND PLAYS A BIG ROLE IN THE DECLINE OF AIR QUALITY OF THE SANTA CLARITA VALLEY, THIS IS ESPECIALLY IMPORTANT THAT AN EXPANSION CAN MAKE THE AIR QUALITY AND TRAFFIC IN THE SANTA CLARITA VALLEY MUCH WORSE WHILE COMMUNITIES CONTINUE TO BE BUILT NEARBY. IN LOOKING AT THE EIR, IT'S CLEAR THAT CHIQUITA COUNTY HAS NOT CONSIDERED THE ENVIRONMENTAL IMPACTS AND TRAFFIC AS WELL AS RESULTING BY-PRODUCTS OF THE CONSTRUCTION AND EXPANSION PROCESS. THE REPORT STATES THAT DAILY EMISSIONS OF PM2.5 DUST PARTICLES FROM

CONSTRUCTION AND OPERATION WOULD EXCEED THE AIR QUALITY MANAGEMENT DISTRICT THRESHOLD THAT EVEN WITH ADDITIONAL MITIGATION, PM2.5 WOULD REMAIN POTENTIALLY SIGNIFICANT AND UNAVOIDABLE. ASIDE FROM THE ISSUES SURROUNDING THE PM2.5 LEVELS, THERE IS NO LOCAL DATA FOR HYDROGEN SULFIDE AND [INAUDIBLE] CHLORIDE LEVELS IN THE REPORT. HIDE RICK AND SULFIDE ODORS ABOVE PM2.5 [INAUDIBLE] YOUR 2014 HEARING AT THE EXPANSION, RESIDENTS TESTIFIED TO HAVING SYMPTOMS OF HYDROGEN SULFIDE POISONING INCLUDING NAUSEA AND [INAUDIBLE] ONE RESIDENT IN HIS TESTIMONY DESCRIBED THE SYMPTOMS LIKE SOMEONE'S CHOKING ME, UNTIL THERE'S MORE DATA ON AIR QUALITY AND HEALTH CONDITIONS IN VAL VERDE AND SURROUNDING AREAS, THIS PROJECT MUST NOT BE APPROVED. (AUDIO LOW AND UNCLEAR AT TIMES.

>> THAT CONCLUDES OUR REMOTE TESTIMONY.

>> CHAIR SMITH: THANK YOU VERY MUCH. AND I JUST WANT THE APPRECIATE ALL OF THOSE OF YOU AT OUR REMOTE TESTIMONY LOCATION WHO SPENT THE TIME THIS MORNING TO COME OUT AND SPEAK TO US AND SHARE YOUR CONCERNS AND PRIORITIES, I ALSO WANT TO THANK STAFF FOR HEADING UP THERE AND FACILITATING THAT OPTION, IT'S VERY IMPORTANT FOR US TO HEAR FROM EVERYBODY RECOGNIZING THAT NOT EVERYONE HAS THE ABILITY TO COME ALL THE WAY DOWN HERE, SO THANKS TO ALL OF YOU AND THANKS TO STAFF FOR HELPING US MAKE

THAT HAPPEN. AT THIS TIME THEN, WE CAN SHIFT TO OUR PUBLIC COMMENT HERE IN THE ROOM. PERHAPS MAYBE WE SHOULD TAKE A FIVE MINUTE BREAK THOUGH BEFORE WE TRANSITION INTO THAT. WE'RE GOING TO TAKE A 5 MINUTE RECESS AND RECONVENE AT 10:00 WHICH IS ALSO YOUR CUTOFF PERIOD FOR PUBLIC COMMENT, SO MAKE SURE TO GET YOUR CARDS IN IF YOU WISH TO SPEAK ON PUBLIC COMMENT, SO WE'LL RECONVENE AT 10:00. THANK YOU. (MEETING IN RECESS, WILL RESUME AT 10:00).

>> CHAIR SMITH: OKAY, WELCOME BACK, EVERYONE. THANK YOU. SO, THIS SERVES AS THE LAST CALL FOR PUBLIC COMMENT CARDS FOR PUBLIC COMMENT ON ITEM NUMBER 8, GENERAL PUBLIC COMMENT. AND WE'LL NOW MOVE INTO PUBLIC COMMENT ON THIS AGENDA ITEM, ON THE CHIQUITA CANYON, AND WE'LL TAKE TESTIMONY FROM FOLKS THAT ARE HERE FROM US IN THE ROOM TODAY, SO IF WE CAN CALL UP THE FIRST FEW SPEAKERS AND YOU'LL HAVE TWO MINUTES, SAME AS LAST HEARING.

>> WE HAVE A TOTAL OF 16 SPEAKERS, I WILL CALL UP THE FIRST FOUR. (CALLING SPEAKER NAMES).

>> CHAIR SMITH: THANK YOU, IF YOU HEARD YOUR NAME CALLED, YOU CAN HEAD UP ON TO THE FRONT, THE FIRST TWO FOLKS CAN TAKE A SEAT UP HERE AT THE FRONT AND YOU CAN -- I'M SORRY, HERE AT THE SEATS, NOT THE PODIUM. NO PROBLEM. PERFECT, SO YOU'LL HAVE TWO

MINUTES, YOU'LL SEE A CLOCK IN FRONT OF YOU THAT WILL GO ON WHEN YOU BEGIN, GREEN LIGHT WHEN YOU BEGIN, YELLOW LIGHT WHEN THERE'S 30 SECONDS LEFT AND RED LIGHT TO WRAP UP. STATE YOUR NAME FOR THE RECORD WHEN YOU BEGIN.

>> THANK YOU. THANK YOU FOR HEARING EVERYBODY WHO WAS THERE ON MARCH 1 AND DIDN'T GET A CHANCE TO SPEAK. MY NAME IS NELL CAMPBELL, I'M A RESIDENT OF CASTAIC. AROUND US WE SEE ALL SORTS OF INSPIRATIONAL QUOTES FROM PRESIDENT EISENHOWER AND JOHN F. KENNEDY AND I NOTICE YOUR TICKER IN THE LOBBY SAYS CLEAN AIR IS EVERYBODY'S BUSINESS, BUT THE CONVERSATION IN PROGRESS IS IN OPPOSITION TO BOTH THE SPIRIT AND [INAUDIBLE] IN THESE, ON ONE HAND, WE HAVE THE COUNTY WHO SEEMS COMPLAISANT WITH THE LANDFILL AND ITS ISSUANCE OF CLEAN HANDS WAIVERS AND THE RELUCTANCE TO ENFORCE THE 20 YEAR-OLD AGREEMENT TO CLOSE CHIQUITA DRIVEN BY PROFIT IN THE STATUS QUO. ON THE OTHER, WE HAVE LOCAL RESIDENTS CONCERNED OVER WATER QUALITY, AIR QUALITY, PROPERTY VALUES, THE SAFETY OF THEIR CHILDREN, THE ENVIRONMENT, THE INTEGRITY OF THE AQUIFER, THE QUALITY OF THE SANTA CLARITA RIVER AND SO FORTH. WE WOULD REQUEST FURTHER INVESTIGATION AND CONSULTATION WITH LOCAL PEOPLE TO ESTABLISH THE SAFETY OF THIS OPERATION. WE DON'T KNOW WHAT HAS ALREADY GONE INTO THE GROUND FROM EARTHQUAKES AND SO FORTH IN THE PAST. NONE OF YOU HERE WOULD [INAUDIBLE] THIS TOXIC PIT IN YOUR BACKYARD BUT IT'S OKAY IN OURS? WE URGE THE

DECISION-MAKERS TO COMPLY WITH THE SPIRIT OF INTEGRITY EMBODIED IN THE COUNTY'S VISION GOALS AND DO WHAT IS RIGHT TO PROTECT THE ENVIRONMENT AND THE RESIDENTS OF THE SANTA CLARITA VALLEY WITH CASTAIC AND VAL VERDE. TO ALLOW THIS EXPANSION IS MORALLY REP ENDIVE, PLEASE SEND THE LANDFILL TO MOS KEITH REGIONAL LANDFILL.

>> THANK YOU, CHAIR GILMORE AND I LIVE IN NEWHALL, PLANNING COMMISSION MEMBERS, THE BASIC FARTING AS I UNDERSTAND THEM ARE ONE, THE LANDFILL IS LOCATED ABOVE SANTA CLARITA'S VALLEY AQUIFER, JUST SOUTH OF A FAULT LINE PUTTING OUR FRESH WATER SUPPLY IN JEOPARDY. TWO, PEOPLE KNEW THE LANDFILL INCLUDING CHILDREN IN TWO LOCAL SCHOOLS WITHIN A MILE OF IT AND 30 ALL TOGETHER AS WE HEARD THIS MORNING ARE EXPOSED TO POLLUTANTS SUCH AS PM2.5 DUST PARTICLES WHICH LODGE IN THE LUNGS AND CAUSE ASTHMA AND OTHER SERIOUS RESPIRATORY DISEASES, MANY ARE ALREADY SUFFERING FROM IT. THE EIR SAYING THIS POLLUTION WILL REMAIN SIGNIFICANT EVEN AFTER MITIGATION. THREE, THE COUNTY HAD A CONTRACTUAL AGREEMENT WITH THE COMMUNITY OF VAL VERDE TO CHOSE CHIQUITA WHEN IT REACHED 23 MILLION TONS WHICH HAPPENED IN JUNE OF 2016 BUT HAS RENEGED ON IT. THERE'S A VIABLE ALTERNATIVE TO ENLARGING CHIQUITA AND THAT'S MESQUITE REGIONAL LANDFILL, THERE'S ALREADY RAIL SERVICE TO IT AND IS NOT BEING USED. FIVE, THE COUNTY GETS A TIPPING FEE OF ABOUT 775 THOUSAND DOLLARS A MONTH FROM CHIQUITA. IF YOU REPRESENTING THE COUNTY DECIDE TO

ENLARGE THE LANDFILL, YOU'RE CLEARLY STATING THE FOLLOWING, WE KNOW THERE ARE SERIOUS ISSUES WITH CHIQUITA AND ITS POLLUTION IS DAMAGING THE HEALTH OF BOTH CHILDREN AND ADULTS NEARBY, HOWEVER, WE THINK THESE PEOPLE ARE LESS IMPORTANT THAN THE FEES THE COUNTY GETS FROM THE LANDFILL, AND SO WE'RE GOING TO MAKE IT BIGGER. MY QUESTION IS, COULD YOU LIVE WITH YOURSELF IF YOU MADE THAT DECISION? I COULDN'T AND MY SINCERE HOPE IS THAT YOU COULDN'T EITHER. PLEASE DON'T EXPAND THE LANDFILL. THANK YOU.

>> CHAIR SMITH: THANK YOU. WELCOME.

>> WELCOME, I WOULD LIKE TO PRESENT A PETITION FROM THE RESIDENTS OF VAL VERDE, WE ADDRESSED MOST OF THIS AT THE MEETING AS THE CBFC TRIED TO FORCE OUR TERM SHEET LIMIT. I WANT YOU TO SEE THERE'S REAL PEOPLE AND REAL FAMILIES AT STAKE HERE. I DON'T KNOW IF THIS IS FOR AN EXHIBIT, YOU CAN KEEP IT. AND I AM NOT GOING TO DISCUSS THE HEALTH AND NUISANCE ISSUES SURROUNDING THE PROPOSED EXPANSION.

>> CHAIR SMITH: I'M SORRY, MA'AM, CAN YOU STATE YOUR NAME.

>> CLARA TAYLOR FROM VAL VERDE, I'M NOT GOING TO DISCUSS THE HEALTH AND NUISANCE ISSUES SURROUNDING THIS, YOU ARE ALL WELL AWARE OF THE HEALTH AND ENVIRONMENTAL IMPLANTING OF THIS

DECISION AND TO PRETEND OTHERWISE IS DISINGENUOUS, INSTEAD I WOULD LIKE TO QUOTE SOMEONE, STAFF RECOMMENDED APPROVAL TO AUTHORIZE CONTINUED OPERATION OF THE LANDFILL TO HELP MEET FUTURE DISPOSAL NEEDS, CLOSURE WOULD CONTRIBUTE TO A SHORTFALL IN WASTE DISPOSAL CAPACITY, THAT'S MR. CLAGHORN. INDULGE MANY IF YOU WILL FOR ANOTHER COURT, LACK OF PREPARATION AND ORGANIZATION ON YOUR PART DOES NOT CONSTITUTE AN EMERGENCY ON MY PART. WILL KEEPING CCL OPEN HELP RESOLVE YOUR PROBLEMS? CERTAINLY, BUT YOU HAD 45 YEARS TO FIGURE OUT AN ALTERNATIVE. YOU KNEW WHEN THE CONTRACT WAS UP, YOU KNEW WHEN PE WENT HILLS WAS CLOSING, YOU KNEW THEY WERE TRYING TO BECOME A ZERO WASTE CITY, THIS IS UTTER INCOMPETENCE OR DISORGANIZATION OR MUCH WORSE, TOTAL COLLUSION WITH THE LANDFILL TO CONSPIRE TO MARGINALIZE AND EXPLOIT A SMALL LOW-INCOME COMMUNITY THAT DOES NOT HAVE THE RESOURCES TO DEFEND ITSELF. THAT'S ENVIRONMENTAL RACISM AND INJUSTICE AND EITHER SCENARIO DOES NOT MAKE L.A. COUNTY LOOK GOOD. CONSPIRACY, COMPLAISANCY, DESPITE THE CLOSURE, THERE'S A LOOPHOLE THAT ALLOWS CCL TO ALLOW EXPANSION INSTEAD OF CLOSING, WHY BOTHER HAVING AN AGREED UPON CLOSURE LIMIT WHILE NEITHER THE COUNTY OR CCL NEVER INTENDED TO HONOR SUCH A THING AND THE CLEAN HANDS WAIVER, WHAT A JOKE, NOBODY'S HANDS IN THIS ARE CLEAN. BECAUSE OF THE CLAUSE, IT PROVES THE COUNTY HAS COLLUDED SINCE 1997 TO DO AN END RUN AROUND THE COMMUNITY OF VAL VERDE AND LEAVE US NO ALTERNATIVE TO BE DUMPED ON FOR ANOTHER 30 YEARS. I WOULD LIKE

TO DO ANOTHER [INAUDIBLE] NOW, THEREFORE THE REQUESTED USE WILL NOT ADVERSELY AFFECT THE HEALTH, PEACE, COMFORT, WELFARE OF PERSONS, WILL NOT BE MATERIALLY DETRIMENTAL TO USE, ENJOYMENT OR VALUATION OF PROPERTY WILL NOT CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, AGAIN, QUOTING MR. CLAGHORN, STAFF ANALYSIS, PAGE 12 OF 19, THAT'S THE VERY DEFINITION OF ALTERNATIVE FACTS, DON'T YOU THINK? SERIOUSLY, HOW CAN YOU SLEEP AT NIGHT WITH THIS NONSENSE. VAL VERDE HAS --

>> CHAIR SMITH: I HAVE TO ASK YOU TO WRAP UP, THANK YOU VERY MUCH.

>> THANK YOU, I REQUEST THAT YOU CLOSE IT.

>> GOOD MORNING, MY NAME IS AMBER ALTORN, I'M A LICENSED CIVIL ENGINEER WITH THE CITY OF LOS ANGELES BUT TODAY I'M HERE TO SPEAK AS A PRIVATE CITIZEN, MY FAMILY MOVED TO VAL VERDE OVER 30 YEARS AGO, I ENDURE A LONG COMMUTE TO DOWNTOWN LOS ANGELES BECAUSE I LOVE LIVING IN VAL VERDE, IT IS A BEAUTIFUL AND PEACEFUL PLACE TO LIVE, MY KIDS LOVE TO GO ON WHAT THEY CALL ADVENTURE, WE GO EXPLORING IN THE HILLS ACROSS THE STREET FROM OUR HOUSE, THEY RUN THROUGH THE TALL GRASS, THEY PUT THEIR FINGERS IN THE DIRT AND THEY ENJOY NATURE, I'M PROUD TO LIVE IN VAL VERDE, IT WAS HERE BEFORE THE LANDFILL AND HOLDS A RICH

HISTORY AS A PLACE OF SAFETY AND SOLITUDE FOR AFRICAN AMERICANS DURING LESS ACCEPTING TIMES. AS A CHILD, I REMEMBER THE ADULTS CONSTANTLY TALKING ABOUT THE LANDFILL BUT ONE DAY IT STOPPED BECAUSE THE LANDFILL PROMISED TO CLOSE. WHEN I DECIDED TO RAISE MY CHILDREN HERE, I DID IT WITH THE EXPECTATION THAT THE LANDFILL WOULD CLOSE WHEN THEY REACHED UPON THE AGREED UPON AMOUNT, I LIVE AT THE TOP OF HUNTON STREET AND THE LANDFILL IS HEADED STRAIGHT FOR ME. 13:12:58 MY FATHER WAS DIAGNOSED WITH CANCER IN THE SUM OF 2011 AND WAS TAKEN FROM US BY CHRISTMAS, WHEN MY BROTHER HEARD ABOUT THE PROPOSED EXPANSION, HE DIDN'T WASTE ANY TIME. HE SOLD HIS HOME, HIS DREAM HOME THAT WAS A TRIPLE LOT AND MOVED AWAY FOR THE HEALTH AND SAFETY OF HIS FAMILY. I DON'T FEEL LIKE I CAN EXPRESS HOW SAD THE LANDFILL EXPANSION MAKES ME FEEL. I'M BEING FORCED TO CHOOSE BETWEEN MY HOME AND MY HEALTH. I FEEL LIKE MY HOME IS BEING TAKEN FROM ME, NOT MY HOUSE, MY HOME. I WAS AFRAID OF WHAT I WOULD FIND WHEN I LOOKED AT THE CANCER MAP CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT, WHAT I FOUND WAS A BOX IN MY CHILD'S ELEMENTARY SCHOOL THAT SAYS CANCER RISK SENSITIVE, THIS IS UNACCEPTABLE, THIS IS UNACCEPTABLE, THIS IS WHY WE HAVE EIR'S, TO EXPOSE THE DANGERS OF THE PROPOSED PROJECT. WHEN THE EIR USES LANGUAGE LIKE SIGNIFICANT CUMULATIVE IMPACT AND SIGNIFICANT AND UNAVOIDABLE IMPACTS OF AIR QUALITY, THAT SCREAMS WAKE UP, DON'T BUILD IT, BUT THE POWER IS WITH YOU, THE DECISION-MAKERS, I HAVE TO ASK

THE QUESTION, WHAT WOULD CAUSE ANY HUMAN BEING TO VOTE IN FAVOR OF A ARE CANCER RISK AREA AT AN ELEMENTARY SCHOOL, PLEASE THINK OF OUR CHILDREN, MY FATHER GOT SO SICK SO QUICKLY, I FELT LIKE WE JUST WATCHED IT HAPPEN AND WE DIDN'T HAVE A CHANCE TO TAKE ANY ACTION. PLEASE, IT'S TIME TO TAKE ACTION.

>> CHAIR SMITH: THANK YOU.

>> I'LL CALL UP THE NEXT FOUR SPEAKERS. (CALLING SPEAKER NAMES).

>> CHAIR SMITH: STATE YOUR NAME AND YOU CAN BEGIN.

>> OKAY. MY NAME IS ISAAC AMOEBAE MAN, I'M A REGISTERED NURSE, I LIVE IN SANTA CLARITA WHERE I RAISED MY KIDS SINCE 1994. WHY DON'T YOU IRON FOUR LEAF CLOVERS? BECAUSE YOU DON'T WANT THE PRESS YOUR LUCK. THIS DUMP IS PROPOSED TO ACCEPT MORE TRASH THAN THE BIGGEST DUMP IN THE UNITED STATES. BROUGHT BY TRUCK TRANSPORT, FILTHY INFRASTRUCTURE DESTROYING TRUCK TRANSPORT TO LESS THAN A THOUSAND FEET FROM RESIDENTS, YOUR CONSTITUENTS WHOSE HEALTH AND SAFETY YOU PERSONALLY, EACH INDIVIDUALLY, ARE RESPONSIBLE FOR. LAST I WHICH HE COULD, THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT SHOWED THAT THE AIR QUALITY IN THE SANTA CLARITA VALLEY IS THE WORST IN THE ENTIRE REGION FOLLOWING

ONLY CRESTLINE AND SAN BERNARDINO. WHY THIS DUMP? TRAINS CAN TAKE THIS TRASH MUCH MORE SAFELY, MUCH MORE EFFICIENTLY AND ENVIRONMENTALLY RESPONSIBLY TO THE UNUSED MESQUITE REGIONAL LANDFILL. WHY ALLOW THIS BLOATED DUMP TO CONTINUE POISONING YOUR CONSTITUENTS' CHILDREN. WHY? WHAT I HEARD IS THAT A LOCAL POLITICAL PARTY CHAIR IN SANTA CLARITA NOTIFIED HIS PARTY MEMBERS THAT THAT PARTY GETS FINANCIAL CONTRIBUTIONS FROM THE CORPORATION THAT RUNS AND PROFITS FROM THIS CRIMINAL DUMP AND THEY OFFERED FREE FOOD AND CLOTHING TO ITS MEMBERS IF THEY WOULD SHOW UP TO TESTIFY IN SUPPORT OF THIS OUTRAGEOUS EXPANSION AND VIOLATION, UTTER CORRUPTION. WHAT'S MEANT TO BE A REPRESENTATIVE DEMOCRACY BUT IS RAPIDLY BECOMING A CORRUPT BANANA REPUBLIC, DO YOUR JOB, PLEASE. MAKE THE ONLY RESPONSIBLE, THE ONLY MORAL, THE ONLY ETHICAL CHOICE YOU HAVE, SHUT IT DOWN NOW AS IT SHOULD HAVE BEEN SHUT DOWN NEARLY A YEAR AGO. THANK YOU.

>> CHAIR SMITH: THANK YOU.

>> GOOD MORNING, MY NAME IS MARTHA SIMMONS, THANK YOU FOR TAKING THE TIME TODAY TO UNDERSTAND THE FULL IMPACT OF THIS PROPOSED LANDFILL EXPANSION. I AM PLEADING WITH YOU, THE PLANNING COMMISSION, THE COUNTY BOARD OF SUPERVISORS AND ALL ELECTED CITY COUNTY AND OFFICIALS TO LOOK AT THE TOTAL IMPLICATIONS OF THE QUALITY OF PI LIFE AND THE LIVES OF SO MANY IN SANTA CLARITA,

CASTAIC AND THE VAL VERDE RESIDENTS. I'M A 25 YEAR RESIDENT OF THIS COMMUNITY, I CANNOT SPEND MORE TIME OUTSIDE OF MY COMMUNITY AND THE AIR QUALITY, I TAKE CARE OF MY 90 YEAR-OLD MOTHER, MY HUSBAND AND I MOVED TO VAL VERDE 25 YEARS AGO BECAUSE WE LOVED THE SLOW PACE AND THE COUNTY ATMOSPHERE, WE HAVE BOTH SERVED ON THE VAL VERDE COMMUNITY ASSOCIATION, I CURRENTLY SERVE ON THE VAL VERDE COMMUNITY ADVISORY COMMITTEE, MY HUSBAND CONTRIBUTED TO THE WRITING OF THE BYLAWS OF THE COMMUNITY BENEFITS FUNDED COMMITTEE, HE WAS ALSO ONE OF THE ORIGINAL NEGOTIATORS ON THE CONTRACT IN 1997 WITH THE LANDFILL. WE WORKED LONG AND HARD TO WRITE THAT AGREEMENT THAT OBVIOUSLY HAS BEEN BROKEN. WE STAYED IN THE COMMUNITY BECAUSE WE TRUSTED OUR FAMILY WAS GOING TO BE SAFE BUT NOW WE UNDERSTAND THE CONSTANT HARM WE WERE SUBJECTED TO BY THE THINGS THAT THEY BROKE THE AGREEMENT, THE SLUDGE THAT THEY TOOK IT, THE PLACES THEY SAID THEY WEREN'T GOING TO TAKE TRASH FROM AND THE TOXIC CHEMICAL, WE NOT ONLY LIVE IN THE COMMUNITY BUT I WORK DIRECTLY WITH MANY OF THE FAMILIES IN CASTAIC AND VAL VERDE THROUGH THE OFFICE OF COUNTY EDUCATION HEAD START PROGRAM, I KNOW MANY OF THESE PEOPLE PERSONALLY AND ARE AFRAID TO BE HERE, AFRAID TO SPEAK AND AFRAID OF REPERCUSSIONS, MANY ARE HISPANIC AND LIVE BELOW THE POVERTY LINE, I FEEL BAD THAT YOU DO NOT PROTECT THE CITIZENS, JUST THE ONES THAT ENHANCE YOUR CAMPAIGNS, [INAUDIBLE] WE'RE ALSO AWARE OF THE MONETARY BENEFIT THE LANDFILL BRINGS TO THE COUNTY OF LOS

ANGELES, BUT WHAT IS THE TRUE COST OF THE HEALTH AND WELL-BEING OF OUR COMMUNITY IN SANTA CLARITA AND VAL VERDE, YOU'RE AWARE THE RESIDENT SCHOOLS AND EVERYTHING ELSE A WITHIN THE 5 MILE RADIUS PER YOUR OWN EIR, THIS INCLUDES THE CONTAMINATION TO AIR, WATER, SOIL, YOU'RE WELL AWARE OF THE TRAFFIC ISSUES ON THE HIGHWAYS, I FEAR MOST OF WHAT I'M WRITING IS A MUTE POINT BECAUSE YOU HAVE A PRO STANCE, THE CLEAN HANDS WAIVER WHICH WE ALL KNOW THERE WAS NOTHING CLEAN ABOUT THAT WAIVER. YOU KNOW THE BILLIONS OF DOLLARS -- WE ARE AWARE THE BILLIONS OF DOLLARS YOU HAVE TO USE HERE, WHAT IS THE COST TO US? WE DON'T HAVE THE BILLIONS OF DOLLARS TO PAY YOU, WE ARE ASKING YOU TO TAKE THE MORALLY RIGHT POSITION AND CARE FOR THE RESIDENTS YOU WERE ELECTED TO PROTECT. I KNOW THAT MANY OF YOU PROBABLY ARE AWARE WE VOTED LAST NIGHT, OUR COMMUNITY VOTED NOT TO TAKE THE MONEY FROM THE LANDFILL. OUR HEALTH IS MORE IMPORTANT THAN ANY MONETARY GAIN. I HOPE THAT YOU TAKE THAT SAME STANCE. 13:20:23

>> CHAIR SMITH: THANK YOU. THANK YOU.

>> GOOD MORNING, MY NAME IS PATRICIA HOW WE WILL, I LIVE IN ON SLOAN CANYON AND I'VE LIVED THERE FOR 36 YEARS WHICH IS IN CASTAIC, I LIVE ON A RANCH WHICH IS 15 ACRES, I LOVE THE RURAL ENVIRONMENT. I'M GREATLY OPPOSED TO THE CHIQUITA LANDFILL EXPANSION DUE TO THE ENVIRONMENTAL AND THE PROPERTY VALUE

IMPACTS THAT IT WILL HAVE. ALSO MY CONCERNS ARE AIRBORNE POLLUTANTS IN THE PROXIMITY TO THE SCHOOLS, ONE BEING THE HIGH SCHOOL THAT'S BEING BUILT IN [INAUDIBLE] CANYON. I ALSO HAVE A CONCERN THAT CAME UP WHEN YOU HAD THE PLANNER UP HERE AND HE SPOKE OF THE EXPANSION THAT WOULD BE DONE FOR TOXIC WASTE IN THE FUTURE. I'M WONDERING, IS THAT EXPANSION INCLUDED IN THE EIR NOW? I WOULD URGE YOU TO VOTE NO ON THIS LANDFILL EXPANSION AND UTILIZE THE MESQUITE LANDFILL. THANK YOU.

>> CHAIR SMITH: THANK YOU.

>> MY NAME IS DR. FAYE 13:21:41 SCHNEIDER, I'M A RESIDENT OF VAL VERDE FOR 29 YEARS AND I PRESUME ALL OF YOU ARE HERE BECAUSE YOU WERE HIRED OR APPOINTED OR VOTED IN, I DON'T REALLY UNDERSTAND WHAT WE'RE DOING HERE, TO ME, IT LOOKS LIKE THAT THIS IS AN ONGOING APPEARANCE THAT WE'RE DOING THIS TO LOOK LIKE WE'VE DONE ALL THE PROPER THINGS IN ORDER FOR YOU TO APPROVE THE LANDFILL THAT YOU'VE HEARD US OUT, BUT WE'VE BEEN THROUGH THE LAST TWO OR THREE YEARS SINCE WE'VE HEARD ABOUT THIS, REPORTING THE AQMD, WE'VE BEEN GOING THROUGH ALL THE PROPER HOOPS, WE'VE BEEN TO THE MEETINGS, WE'VE BEEN TALKING TO YOU AND EVERYTHING JUST KEEPS GOING FORWARD LIKE WE NEVER SAID A WORD, LIKE NOTHING MATTERS, THE LANDFILL REACHES CAPACITY, BREAKS THE AGREEMENT THAT WE HAVE WITH THE LANDFILL AND EVERYTHING JUST GOES FORWARD AS IF NOTHING

IS WRONG AND THEN THE CLEAN HANDS WAIVER SHOWS UP AND EVERYTHING GOES FORWARD AS IF NOTHING IS WRONG. SO, THERE'S NO SHERIFF IN TOWN. THERE'S NO LAW OF THE LAND, THERE'S NO COURT, THERE'S NO FAIR PLAY, THERE'S NO JUSTICE, IT'S LIKE THE WILD WEST OR FUTILE EUROPE. WE ARE GOING THROUGH THIS -- WHAT WE'RE GOING THROUGH IS ARCHAIC, IT'S TAXATION WITHOUT REPRESENTATION TO PUT IT MILDLY, CLEARLY MONEY MATTERS MORE THAN PEOPLE WHO HOLD A LEGAL PIECE OF PAPER. THIS LANDFILL SHOULD BE CLOSED BY NOW LEGALLY, THEIR CONTINUED OPERATION IS ILLEGAL, BUT THERE'S NO SHERIFF IN TOWN. WE RESIDENTS OF VAL VERDE HAD A SIGNED AGREEMENT AS TO WHAT KIND OF WASTE THE LANDFILL WOULD BRING NEAR US AND HOW MUCH OF IT WE COULD ENDURE, BUT THE LANDFILL BROKE THE AGREEMENT AGAIN AND AGAIN, AS A MATTER OF FACT, IT WAS YOU PEOPLE THAT HELPED THEM COVER UP THEIR CRIMES TO BREAK THE AGREEMENT TWICE, YOU CLEARED THE WAY FOR THEM, YOU ALLOWED THEM TO APPLY FOR A NEW CUP WHEN WE HAD BEEN PROMISED A LIMIT. WHEN THEY BROKE THAT LIMIT, YOU HELPED THEM BETRAY US FURTHER WITH YOUR CLEAN HANDS WAIVER. OF COURSE YOU REALIZE THERE IS A SAFER PAID FOR PLACE TO TAKE THE TRASH. WE WERE TOLD BY THE AIR QUALITY DISTRICT THAT WE COULD CALL AND COMPLAIN, THAT MEANT NOTHING. THERE ARE MONITORS THAT YOU GUYS USE IN THE REFERENCE IN THE EIR OR THE DEIR, THEY'RE IN NEWHALL, IN BURBANK, TOTALLY IRRELEVANT LOCATION. WHY IS THERE NOT A MONITORING VAL VERDE, WHY IS THERE NOT A 24 HOUR DIGITAL MONITOR THAT RECORDS THE CONDITIONS? BECAUSE WE NEED EVIDENCE

AND WE'RE NOT -- WE DON'T HAVE THE MONEY TO PROVIDE THAT LEVEL OF EVIDENCE BUT WE NEED IT AND WE DESERVE IT AND THE MONITOR SHOULD BE IN VAL VERDE, IF YOU GO FORWARD WITH THIS, THE OTHER THING IS, A MILLION DOLLAR PENALTY EVERY TIME THEY BREAK A RULE BECAUSE RIGHT NOW, THEY GET AWAY WITH EVERYTHING.

>> CHAIR SMITH: THANK YOU.

>> THE NEXT FOUR SPEAKERS. (CALLING SPEAKER NAMES).

>> CHAIR SMITH: WELCOME.

>> [INAUDIBLE] ECONOMIC DEVELOPMENT CORPORATION, WE'RE A NON-PROFIT THAT ATTRACTS BUSINESS TO THE SANTA CLARITA VALLEY, I'M ALSO A 12 YEAR RESIDENT OF THE CITY OF SANTA CLARITA, I WANT TO THANK YOU FOR THE EXHAUSTIVE PROCESS YOU GUYS HAVE GONE THROUGH, MULTIPLE HEAR, HOLDING HEAR RINSING THE SANTA CLARITA VALLEY, I THINK IT'S PORN TO HAVE THAT INPUT, THIS IS OBVIOUSLY A VERY SIGNIFICANT DECISION NOT JUST FOR THE SANTA CLARITA VALLEY BUT FOR THE COUNTY OVERALL. AND WE'VE WORKED WITH CHIQUITA CANYON MANSION, THEY ARE GOOD CORPORATE CITIZENS, THEY SUPPORT A NUMBER OF CHAIRS AND THE COMMUNITIES SURROUNDING THE FACILITY AND REALLY THE FACILITY APPEARS TO BE A VERY WELL RUN FLAGSHIP FACILITY AND I GREW UP IN THE MIDWEST, NOT FAR FROM AN ILLEGAL

DUMP THAT WAS OPERATING AND SO WHEN I HEAR PEOPLE CALL THIS A DUMP, I THINK IT IGNORES THE REALITY THAT BUSINESSES IN CALIFORNIA AND LANDFILLS IN PARTICULAR ARE SOME OF THE MOST REGULATED ENTITIES. THIS IS A LANDFILL, THIS IS AN ENGINEERED FACILITY AND DESIGNED FACILITY AND THE MISCHARACTERIZATION I FIND REALLY UNDERREPRESENTED THE AMOUNT OF TECHNOLOGY THAT IS EMPLOYED AT THIS TYPE OF FACILITY, I ASK AS YOU MAKE THIS DECISION AND OBVIOUSLY THIS IS A LONG TERM DECISION THAT HAS LONG RANGING CONSEQUENCES FOR THE ENTIRE COUNTY INCLUDING THE BUSINESS COMMUNITY, I ASK THAT YOU BE THOUGHTFUL OF THE IMPACT THAT IT HAS ON YOUR BUSINESSES AND NOT DOING ANYTHING THAT CREATES MAJOR DISRUPTIONS TO RATES OR OTHER SHOCKING CHANGES, AND SO THAT WE CAN REALLY BE PLANNING AHEAD. IT IS DIFFICULT TO DO BUSINESS IN CALIFORNIA OVERALL AND WE REALLY WANT TO HAVE SOME STABILITY AND PREDICTABILITY ABOUT WHAT'S GOING TO HAPPEN TO OUR RATES SO I THANK YOU AGAIN FOR THE CONSIDERED PROCESS YOU'RE WORKING THROUGH AND TRYING TO BALANCE ALL OF THESE INTERESTS AND FOR YOUR CONSIDERATION. THANK YOU.

>> THANK YOU.

>> VICE CHAIR LOUIE: SO, ARE YOU SUPPORTING?

>> OUR BOARD HAS TAKEN A SUPPORT POSITION, YES.

>> CHAIR SMITH: WELCOME.

>> GOOD MORNING, MY NAME IS GERARD WRIGHT, POLICY MANAGER WITH L.A. COUNTY BIZ FED, DIVERSE ASSOCIATIONS REPRESENTING 325 THOUSAND BUSINESSES, EMPLOYING 3 MILLION PEOPLE IN L.A. COUNTY, THIS BENEFICIALLY SUPPORTS CHIQUITA CANYON LANDFILL SINCE 2014 AND THE IMPORTANT WORK THEY DO IN SAFELY DISPOSING OF SOLID WASTE FOR THE COUNTY OF LOS ANGELES THAT SERVES ALL FIVE COUNTY SUPERVISORIAL DISTRICTS. ONLY 2% OF THE WASTE COMES FROM OUT OF THE COUNTY MAKING CHIQUITA LANDFILL'S L.A.'S IN-COUNTY LANDFILL, THEIR ENVIRONMENTAL PROTECTIONS AND HANDLING OF SOLID WASTE REFLECTS THEIR COMMITMENT TO BEING A GOOD NEIGHBOR. IN THE PAST 10 YEARS, CHIQUITA CANYON HAS ONLY RECEIVED ONE NOTICE OF VIOLATION COMPARED TO OTHER NEARBY LANDFILLS, OUR FORMER SPEAKER JUST TALKED ABOUT, THAT OVER 200 IN THAT SAME TIME PERIOD, IN ADDITION TO THEIR TRADITIONAL WASTE DISPOSAL OP ATTESTING, SPACE HAS BEEN SET ASIDE FOR CONVERSION FACILITY WILL FIND A WAY TO DISPOSE OF 13:28:30 WASTE IN THE FUTURE. REGIONAL WASTE DISPOSAL FACILITY HAS BEEN A SIGNIFICANT MEMBER OF THE SANTA CLARITA VALLEY AND THE SURROUNDING L.A. AREA. THIS DRIVE TO WORK WITH LOCAL WORKING CLASS AND UNDERSERVED COMMUNITIES HAVING PROVIDED MORE THAN 6 MILLION DOLLARS TO VAL VERDE COMMUNITIES FOR SCHOLARSHIPS, TUTORS AND YOUTH PROGRAM, IT IS A MODEL LANDFILL

WHO DOES IT RIGHT AND THE COUNTY SHOULD USE THEM AS A LEADING
EXAMPLE OF HOW A REGIONAL FACILITY SHOULD OPERATE. I'M URGING
YOU TO ENSURE THE NEW CUP ALLOWS CHIQUITA CANYON LANDFILL TO
CONTINUE ITS SUCCESSFUL OPERATIONS, TOO MANY CONDITIONS AND
RESTRICTIONS ONLY HURT THE OPERATIONS, WITH THAT IN HON NOVEMBER
OF BIZ FED, THANK YOU FOR THE OPPORTUNITY TO SPEAK.

>> DO YOU LIVE IN THE AREA?

>> I PERSONALLY DO NOT LIVE IN THE AREA, I REPRESENT AS PART OF
BIZ FED OF MANY DIVERSE ORGANIZATIONS THAT SURROUND ALL OF L.A.
COUNTY, SO I PERSONALLY DO NOT LIVE THERE BUT THERE ARE OTHER
ORGANIZATIONS WHO REPRESENT -- WHO ARE REPRESENTATIVE OF BIZ FED
WHO LIVE IN THE AREA WHO SPEAK IN SUPPORT OF THIS SINCE 2014.

>> CHAIR SMITH: THANK YOU.

>> HI, ANY NAME IS KATIE HILL AND AS SOMEBODY WHO'S BEEN WORKING
TO DEVELOP PERMANENT SUPPORTIVE HOUSING, I UNDERSTAND THE
DANGERS OF [INAUDIBLE] AND I UNDERSTAND THE UNIQUE CHALLENGES
THAT YOU ALL FACE IN TRYING TO DECIDE ON REGIONAL SOLUTIONS FOR
OUR ENTIRE COMMUNITY. HOWEVER, THOSE NEEDS FALL SHORT WHEN
INDIVIDUALS LIVES ARE AT STAKE IN OUR HEALTH AND WELL-BEING, I'M
A RESIDENT OF SANTA CLARITA VALLEY, I'M SUBMITTING LETTERS FROM

NEW RESEARCHERS FROM [INAUDIBLE] WHO ARE EXPERTS IN EPIDEMIOLOGY AND THE ENVIRONMENT AND PUBLIC POLICY WHO HAVE RESERVED VAL VERDE AND CHIQUITA CANYON FOR 20 YEARS, THEIR REPORT EXPLAIN IT IS SHORTCOMINGS OF THE FEIR WHICH SHOULD BE A HUGE BASIS OF YOUR DECISION. IT INCLUDES EVIDENCE OF INCREASED CANCER RISK AS WELL AS CONSIDERABLE EPIDEMIOLOGICAL EVIDENCE TO AIR TOXINS INCLUDING INCREASED CANCER RATES INCLUDING HIGHER HOSPITALIZATION RATES, THESE WERE NOT ADDRESSED SUFFICIENTLY IF THE FEIR, THE EPA ONE IN A MILLION CRITERIA DID NOT INCLUDE ASTHMA, RESPIRATORY INFECTIONS AND MORE, AND PERHAPS MOST IMPORTANTLY, THE FLAWED ENVIRONMENTAL JUSTICE ANALYSIS WHICH FAILS TO ACKNOWLEDGE THE FACT THAT MORE THAN 80% OF THE TRASH COMES FROM OUTSIDE OF THE SANTA CLARITA VALLEY CAUSING VAL VERDE RESIDENTS TO BEAR THE BRUNT OF OTHERS WASTE, THIS IMPACTS OUR COMMUNITY AND LEGALLY AND SUBSTANTIVELY VIOLATES STATE AND FEDERAL CRITERIA FOR ENVIRONMENTAL JUSTICE, THIS IS A BROKEN PROMISE, OUR COMMUNITY SIGNED AN AGREEMENT 20 YEARS AGO ENSURING US AS GOOD NEIGHBORS THAT THE LANDFILL WOULD BE CLOSED AFTER EXCEEDING -- OR BY 2019, SO THIS IS THROWING OUR PROMISE IN OUR FACE AND IT SETS A SHAMEFUL PRECEDENT THAT CORPORATE INTERESTS SUPERSEDE THOSE OF OUR COMMUNITY, WE'RE TRUSTING YOU AND WE HOPE YOU WILL ENSURE THAT THAT DOESN'T HAPPEN. THANK YOU.

>> CHAIR SMITH: THANK YOU.

>> LAST CALL FOR LINDY SCHAEFER, AND THE LAST SPEAKERS. (CALLING SPEAKER NAMES).

>> GOOD MORNING, GUYS, MY NAME IS ERICA LARSON, I'M A RESIDENT OF VAL VERDE, I SPECIFICALLY JUST WANT TO TALK ABOUT HOW MR. RICHARD CLAGHORN IS NOT REALLY OFFERING YOU MUCH OPPOSITION TO THIS PROJECT, WE'RE REALLY LOOKING AT THE PAPER BASIC OF IT AND I FEEL LIKE YOUR COMMUNICATION IS MOSTLY BETWEEN THE LANDFILL. WHEN IT COMES DOWN TO THE COMMENTS, I COULD SAY THAT 95% OF THE COMMUNITY IS AGAINST IT AND I HOPE THAT THAT IS PART OF THIS AND I'M KIND OF SHOCKED THAT MR. CLAGHORN IS NOT OFFERING THAT, THAT HE'S WILLING TO APPROVE THIS PROJECT EVEN IF YOU'RE NOT ACCEPTING THE SAME AMOUNT OR THE HEIGHT, THE HEIGHT OF THIS LANDFILL IS ALREADY EXPOSED TO THE EASTERN RIDGE, THERE'S 9 MILLION SQUARE FEET OF BUSINESSES THAT ARE WITHIN 500 FEET OF THAT RIDGE, AND I'LL JUST -- I WOULD SAY IT AGAIN THAT OVER 1500 KIDS GO TO SCHOOL WITHIN TWO MILES ALONG THAT RIDGE SITE. HE MENTIONED THAT THE HEALTH IMPACT IS LESS THAN SIGNIFICANT BUT I SAY BASED ON WHAT? IN 2014, I BROUGHT UP THE FARTING THAT HYDROGEN SULFIDE IS NOT MENTIONED ANYWHERE IN THIS REPORT, YOU HAVE RESIDENTS OF THIS COMMUNITY SAYING THAT THEY'RE HAVING THE SAME SYMPTOMS OF HYDROGEN SULFIDE EXPOSURE AND I KNOW THAT YOU'RE NOT THERE, BUT ONE TIME WHEN I WAS AT THE PARK, I HAD A 7

YEAR-OLD TALK TO ME ABOUT HOW HIS TWO YEAR-OLD WOULD HAVE ASTHMA ATTACKS EVERY TIME THEY SMELLED THE LANDFILL. THIS IS REAL, THIS IS GOING TO IMPACT THIS COMMUNITY TREMENDOUSLY AND YOU DO NOT HAVE THE INFORMATION IN THIS ENVIRONMENTAL IMPACT REPORT TO MAKE A SOLID EDUCATED DECISION. AND I WOULD LIKE THE KNOW WHAT ABOUT THE RECOURSE, THE LANDFILL IS ALREADY SAYING IT'S TAKING 15 THOUSAND TONS A DAY, THAT'S MORE THAN THEIR PERMIT, I DON'T KNOW IF THEY'RE RUNNING WITH THIS CLEAN HANDS WAIVER OR WHATEVER AND THEY'RE TAKING ADVANTAGE OF THE SITUATION. AND IF IT'S IMPROVED, IF YOU APPROVE IT, I REALLY FEEL YOU'RE IGNORING THIS COMMUNITY, YOU'RE IGNORING THE FACT THAT SO MANY PEOPLE HAVE COME TO YOU AND TESTIFIED UNDER OATH THAT THEY'RE HAVING SYMPTOMS OF HEALTH ISSUES RELATED TO THIS LANDFILL. I ASK YOU TO THE NOT IGNORE THIS COMMUNITY AND PUT IT AHEAD OF THE BENEFIT THAT MAY SUPERSEDE CORPORATE INTEREST. I'M REALLY ASKING YOU TO SHUT IT DOWN AND PLEASE OFFER SOLID MITIGATION TO THIS COMMUNITY IF YOU ARE GOING TO APPROVE IT, PLEASE OFFER CLOSURE PLANS AND, PLEASE, FOR GOD'S SAKES, PUT AIR MONITORS IN VAL VERDE IN THE CASTAIC REGION, THE CLOSEST ONE IS 7 MILES AWAY, YOU ARE NOT BASING YOUR INFORMATION ON SOLID INFORMATION, YOU DO NOT KNOW THE AIR QUALITY THAT WILL AFFECT THESE RESIDENTS. THANK YOU.

>> CHAIR SMITH: THANK YOU.

>> GOOD MORNING, MY NAME IS MARK BLACKBURN, I'M PRESIDENT OF THE UNIVERSAL WASTE SYSTEMS, I HAVE 7 FRANCHISES CURRENTLY WITH THE COUNTY FOR RESIDENTIAL AND COMMERCIAL CONTRACTS, I HAD ALL MY BUELL LET POINTS READY, PLEASE BEAR WITH ME AFTER LISTENING TO THE COMMUNITY, I WOULD LIKE TO CHANGE WHAT I WAS GOING TO SAY. NUMBER ONE, I DEFINITELY SUPPORT CHIQUITA CANYON, I SUPPORT IT FOR A LOT OF REASONS, OPERATIONALLY, WE NEED IT, THE COUNTY NEEDS IT, OUR WHOLE ENTIRE WASTE SYSTEM IN LOS ANGELES COUNTY NEEDS THE LANDFILL. I'VE BEEN IN THIS BUSINESS FOR 35, 40 YEARS AND I CAN TELL YOU IT'S ONE OF THE FINEST LANDFILLS WE HAVE EVER SEEN, WE TAKE BETWEEN 10 AND 20 THOUSAND TONS AND THAT IS COMING FROM L.A. COUNTY, NOT ONLY RESIDENTS BUT THE COMMERCIAL SECTOR. THEY HAVE A CLEAN, I CAN'T SAY IT ENOUGH, EXCELLENT LANDFILL AND I THINK IF YOU LOOK AT THE RECORD, THE RECORD SPEAKS FOR ITSELF WITH THE CITATIONS THAT THEY'VE HAD. OUR WASTE COMMUNITY IS CHANGING, YOU KNOW, THE NEW LAWS, ORGANIC RECYCLING, ZERO WASTE, WE BELIEVE IN ZERO WASTE AND WITH THE COUNTY, WE'RE WORKING ON A LOT OF PROGRAMS CURRENTLY ON ZERO WASTE. I THINK WE NEED MORE TIME, WE NEED THIS LANDFILL TO SUPPORT US WHILE WE DEVELOP THESE NEW PROGRAMS. FOOD WASTE, ORGANIC PROGRAMS, THE HAULERS, THE HAULING COMMUNITY, THE COUNTY, WE'RE WORKING HARD TO GET THESE GOALS ACHIEVED. IF WE CAN TAKE THE ORGANICS AND THE METHANE GAS OUT OF THE LANDFILL, THAT'S GOING TO HELP A LOT AND THAT'S HAPPENING AS WE SPEAK. ANOTHER THING I WOULD LIKE TO SAY TO THE

COMMUNITY AND I SAY IT WITH ALL DUE RESPECT, I DON'T THINK THE PEOPLE IN MESQUITE CANYON WANT THE TRASH FROM SANTA CLARITA VALLEY ANY MORE THAN SANTA CLARITA WANTS TRASH FROM OTHER NEIGHBORHOODS, IT'S JUST THE WAY THAT EVERYBODY FEELS AND I UNDERSTAND THAT. IT'S NOT OUR TRASH, IT'S NOT CHIQUITA CANYON'S TRASH, IT'S THE COMMUNITY'S TRASH. WE PICK IT UP AS A SERVICE. MYSELF AS A HAULER, WE PICK IT UP AS A SERVICE, WE RECYCLE WHAT WE CAN, NOW WE'RE GOING TO TAKE OUT THE ORGANICS AND THE CONSTRUCTION AND ALL THE THINGS WE DO, WHEN WE TAKE THE RESIDUAL TO A LANDFILL AT THIS POINT AND CHIQUITA CANYON RECEIVES THAT TRASH, IT'S NOT THEIR TRASH, THEY'RE PROVIDING THE SERVICE AND I THINK THE NOTION THAT THERE'S A CONSPIRACY IS RIDICULOUS, THERE IS NO CONSPIRACY, WE'RE ALL TRYING TO DO THE BEST WE CAN TO GET THE JOB DONE, AND L.A. COUNTY HAS A RESPONSIBILITY TO ALL THE PEOPLE OF THE COUNTY TO HANDLE THEIR OWN WASTE, RIGHT NOW WE HAVE WASTE GOING TO ORANGE COUNTY, WE HAVE WASTE GOING TO CURRENT COUNTY, WE HAVE WASTE LEAVING L.A. COUNTY GOING TO OTHER COUNTIES AND I DON'T THINK THOSE COUNTIES WANT L.A. COUNTY TRASH.

>> CHAIR SMITH: IF YOU CAN FINISH YOUR THOUGHTS.

>> VICE CHAIR LOUIE: QUESTION. IF CHIQUITA CANYON WAS CLOSED, WHERE WOULD YOU HAUL TO?

>> I'LL TELL YOU, IT WOULD BE DEVASTATING. I DON'T KNOW WHERE WE WOULD HAUL ALL OUR TRASH. SUNSHINE CANYON WHICH IS AN ISSUE GOT THEIR STARTING TIME WAS 6:00 IN THE MORNING AND IT WAS CHANGED TO 9:00 IN THE MORNING AND THE DISRUPTION IS UNBELIEVABLE THAT THREE HOURS CAN DO TO THE WHOLE SYSTEM. WE HAVE TO HAVE A PLACE TO TAKE THIS. I DON'T KNOW WHERE WE WOULD GO, WE'RE LOOKING AT THOSE OPTIONS RIGHT NOW.

>> VICE CHAIR LOUIE: WHEN WOULD THE OPPORTUNITY AT MESQUITE KICK IN?

>> WELL, FIRST OF ALL, I THINK IT WOULD TAKE SOME TIME TO DO THAT. THE COST WOULD GO WAY UP. THE COUNTY -- L.A. COUNTY HAS GREAT RATES ESPECIALLY ON THE RESIDENTIAL SECTOR HAS SOME OF THE CHEAPEST RATES IN THE COUNTRY AND THAT'S BECAUSE WE HAVE LANDFILLS LIKE CHIQUITA CANYON THAT WE CAN USE, AND IF ALL THE RESIDENTS ARE WILLING TO PAY TWO OR THREE TIMES MORE FOR THEIR TRASH COLLECTION, I THINK MESQUITE WILL WORK AND MAYBE MESQUITE WILL WORK IN TIME BUT I THINK IT'S GOING TO TAKE TIME TO GET THERE.

>> VICE CHAIR LOUIE: SO, AS YOUR PERSPECTIVE FROM A HAULER, THIS IS AN ECONOMIC ISSUE THAT CHIQUITA BECAUSE IT'S GOT A GREAT OPERATOR AND IT'S LOCATED IN CLOSE PROXIMITY REPRESENTS THE BEST

ECONOMIC MODEL FOR YOU TO FULFILL. IF IT AND SUNSHINE WERE NOT AVAILABLE, AT SOME POINT, 13:39:48 MESQUITE WOULD COME INTO PLAY AND YOU WOULD HAVE ADDITIONAL COSTS THAT YOU WOULD PASS THROUGH TO YOUR CLIENTS, CUSTOMERS?

>> RIGHT.

>> VICE CHAIR LOUIE: THANK YOU.

>> CAN I ADD ONE THING TO THAT, I HOPE IN THAT AMOUNT OF TIME, WE WOULD BE ABLE TO DEVELOP SOME OF THE NEW PROGRAMS WE ARE WORKING ON AND I THINK OUR LANDFILL, WE'RE BASICALLY SHOOTING FOR ZERO WASTE, IF WE HAVE ANOTHER TEN YEARS TO DO THAT, I THINK THAT'S GOING TO SOLVE A LOT OF THAT PROBLEM ALSO.

>> VICE CHAIR LOUIE: AS A HAULER, WE SEE THIS DISCUSSION ABOUT TECHNOLOGY, CONVERSION, I'M ASSUMING IT MEANS THE ENERGY PUT INTO DEVELOPING THE ENERGY THAT COMES OUT, THERE'S SOME BENEFIT. ARE YOU PART OF THAT DEVELOPMENT?

>> ABSOLUTELY, YES.

>> VICE CHAIR LOUIE: AND HOW CLOSE ARE YOU TO HAVING SOME NEW TECHNOLOGY?

>> WE'RE IN THE MIDDLE OF IT NOW, WE HAVE A COMPOST SITE, WE ARE DOING FOOD WASTE, WE'RE DOING A LOT OF ORGANIC RECYCLING, WE'RE LOOKING AT DEHYDRATION, [INAUDIBLE] DIGESTION, WE'RE IN SEVERAL PROGRAMS, WE'RE DIVERTING SEVERAL OF HUNDRED OF TONS PER MONTH NOW AND IF I GO BACK TO -- I THINK IN TEN YEARS FROM TODAY, I THINK WE'RE GOING TO BE CLOSE -- A LOT CLOSE TORE THAT ZERO WASTE, WE'RE NOT GOING TO NEED LANDFILLS AS MUCH, THAT'S GOING TO REDUCE THE TRAFFIC, THAT'S GOING TO REDUCE -- TAKE OUT THE ORGANICS, [INAUDIBLE] THAT'S MOST OF THE LANDFILL THAT WILL BE GONE IN FIVE YEARS.

>> VICE CHAIR LOUIE: THANK YOU.

>> VICE MARE LOUIE, NOBODY WANTS THOSE FACILITIES IN THEIR NEIGHBORHOODS EITHER, IT'S DIFFICULT TO PERMIT THOSE AS WELL IN OUR COUNTY.

>> MY NAME IS GIDDIAN [INAUDIBLE], MANY MINORITY OWNED AND OPERATOR, THE RECYCLES AND HAULERS THAT USE THIS LANDFILL DAY IN, DAY OUT EVERY DAY, THEY SERVE AS CUSTOMERS THROUGHOUT OUR COUNTY. IN EACH SUPERVISORIAL DISTRICT, THE RESIDENTS OF THIS WHOLE COUNTY, VOTERS IN THIS WHOLE COUNTY DEPEND ON THIS LANDFILL. WE SUPPORT RENEWAL OF THE CUP WITH FAIR FEES, OUR

REGION, OUR ECONOMY REQUIRES LANDFILL CAPACITY. THIS LANDFILL'S ABSOLUTELY ESSENTIAL. WE ALL WANT ZERO WASTE, BUT AS YOU JUST DESCRIBED, THE FACT IS WE'RE NOT THERE YET. WILMINGTON, EAST L.A., SUN VALLEY, SAN GABRIEL VALLEY ARE DOING THEIR PART TO SERVE THE REGIONAL INFRASTRUCTURE, PROCESSING LANDFILLS, MANY OF WHOM ARE CLOSER TO RESIDENTS THAN THIS ONE. THIS LANDFILL WITH STRONG ENVIRONMENTAL PROTECTION CONDITIONS IS NOT A LOCAL LANDFILL. IF WE WANT TO MAINTAIN FAIR RATES AND AVOID HUGE MARKET DISRUPTIONS, IT CANNOT BE A LOCAL LANDFILL. IT WOULD NOT BE RESPONSIBLE TO CLOSE OR OVERFEE THIS LANDFILL OUT OF EXISTENCE, IT'S NOT RESPONSIBLE TO RAIL OR TRUCK HAUL OUR WASTE TO IMPERIAL COUNTY WHICH IS A TRUE ENVIRONMENTAL JUSTICE COMMUNITY. SECOND, THE FEES, IT'S AN INCREASE OF MORE THAN 500 %, YOU KNOW FEES MUST BE COST JUSTIFIED, HERE THEY'RE NOT, ENTERPRISE ME, ADD A SANTA CLARITA FEE WHICH WILL SIGNIFICANTLY IMPACT FEES THROUGHOUT THE REGION INCLUDING FOR THE LOW-INCOME RESIDENTS WHO NEED IT, QUALITY OF LIFE FEES, MOST OF WHICH HAVE NO NEXUS OR COST JUSTIFICATION, IN SUM, OUR MEMBERS SUPPORT THE CUP RENEWAL WITH FAIR FEES, FAIR ENVIRONMENTAL PROTECTION CONDITIONS, THANK YOU FOR YOUR PROCESS TODAY.

>> CHAIR SMITH: THANK YOU.

>> THIS CONCLUDES OUR PUBLIC SPEAKERS, I CAN CALL UP THE
APPLICANT AT THIS TIME.

>> CHAIR SMITH: PLEASE.

>> WE HAVE JUSTIN FELHOWLER AND MIKE DEAN REPRESENTING THE
APPLICANT.

>> CHAIR SMITH: AS THE APPLICANT, WE'LL BEGIN YOUR 10 MINUTE
REBUTTAL PERIOD SO YOU'LL HAVE A PERIOD TO COME FORWARD AND
RESPOND TO THE COMMENTS WE'VE HEARD TODAY AND AT THE PREVIOUS
HEARING.

>> [INAUDIBLE].

>> CHAIR SMITH: OKAY, DID YOU SPEAK LAST TIME?

>> [INAUDIBLE].

>> CHAIR SMITH: OKAY, THEN YOU CAN COME FORWARD AND YOU'LL HAVE
TWO MINUTES FOR GENERAL PUBLIC COMMENT. IF YOU COULD STATED YOUR
NAME FOR THE RECORD.

>> YES, GOOD MORNING, MR. CHAIR, AND COMMISSIONERS, MY NAME IS JUSTIN FELHOWER, I'M AN EMPLOYEE OF CHIQUITA LANDFILL, MY TITLE IS SALES MANAGER, I WANTED TO SPEAK BRIEFLY ABOUT THE SMALL SPECIALTY DIVERSE CUSTOMER BASE THAT WE SERVE, WE -- I WORK CLOSELY WITH A LOT OF TRUCKING COMPANY, DEMOLITION COMPANY, REMEDIATION COMPANIES AND EXCAVATION COMPANIES TO FACILITATE WORK INTO CHIQUITA, THESE INCLUDE COMPANIES LIKE GLOBAL 13:45:03 TRANSLOADING, BELSHIRE ENVIRONMENTAL, VERAZA AND SONS, RIVERA TRUCKING, THESE ARE SMALL BUSINESS ENTERPRISES, MINORITY BUSINESS ENTERPRISE AND WOMEN OWNED AND OPERATED BUSINESS ENTERPRISE. THIS CUSTOMER BASE IS OFTENTIMES SERVING A SUBCONTRACTORS FOR LARGER ENTERPRISES LIKE METRO, LIKE THE PORT OF LONG BEACH, OFTENTIMES MAYBE EVEN THE COUNTY ITSELF AND SO THESE LARGER ENTITIES REQUIRE THESE CUSTOMERS AND THEIR CONTRACTS TO DO THIS KIND OF WORK AND ADDITIONALLY, A LOT OF THE WORK THAT THESE SMALL SPECIALTY CUSTOMERS DO REQUIRE OFF HOURS, THEY REQUIRE WORK AT NIGHT AND SO THEY RELY ON US AS CHIQUITA TO HELP THEM TO FACILITATE THE WORK AND GET IT IN AS THEY'RE REQUIRED UNDER THE CONTRACTS IN WHICH THEY ARE OPERATING AS MBE AND WBE CUSTOMER BASE, SO JUST QUICKLY, I WOULD ASK THAT IN YOUR CONSIDERATION THAT YOU GRANT CHIQUITA THE CONDITIONS THAT ARE REQUESTED AND I 13:46:11 WOULD ALSO ASK YOU TO CAREFULLY CONSIDER THE IMPACT ON THE DEVIATION OF THOSE CONDITIONS BONN THESE MINORITY AND SMALL BUSINESS AND WOMEN-OWNED BUSINESS

OPERATIONS THAT ARE OPERATING AND TRYING TO GROW THEIR BUSINESS THROUGHOUT LOS ANGELES COUNTY. THANK YOU.

>> CHAIR SMITH: THANK YOU. SO, WITH THAT, WE'LL INVITE THE APPLICANT TO COME FORWARD. ASK -- AND YOU'LL HAVE 10 MINUTES IF YOU NEED TO IT TO RESPOND TO COMMENTS OR QUESTIONS YOU'VE HEARD, WE APPRECIATE THE THOROUGH BINDER AND RESPONSE TO COMMENTS AND CONCERNS HEARD AT THE LAST HEARING BUT THIS IS YOUR OPPORTUNITY, ANYTHING YOU WOULD LIKE THE SAY IN RESPONSE, WE'VE LOVE TO HEAR, IF YOU CAN STATE YOUR NAME FOR THE RECORD AND YOU CAN BEGIN.

>> I'M MIKE DEAN, I'M WITH WASTE CONNECTIONS. JUST A QUICK REMINDER, YOU'VE HEARD FROM OUR CUSTOMERS, YOU HEARD FROM PEOPLE TODAY ABOUT WHO WE ARE BUT I USE A TERM LAST TIME, WE'RE SWITZERLAND OF THE LANDFILLS, WE DON'T OWN OUR OWN COLLECTION COMPANY, WE DON'T HAUL TRASH TO OURSELVES, WE'RE INDEPENDENT, WE PROVIDE A FAIR RATE AND AN OPEN MARKET TO THE CUSTOMERS THAT YOU'VE HEARD FROM TODAY, THE GUYS THAT SECOND, THIRD GENERATION BUSINESSES THAT ARE THE FABRIC OF L.A. COUNTY. AND OUT OF RESPECT FOR YOUR TIME, I WON'T REPEAT OUR PREVIOUS PRESENTATION THAT WE DID ON MARCH 1, WE'RE ALSO NOT GOING TO VERBALLY CORRECT COMMENTS HEARD AT THIS HEARING OR THE PREVIOUS HEARING BECAUSE WE PROVIDED A PRETTY DETAILED RESPONSES IN THE PACKET PROVIDED TO COMMISSION. I WANT TO THANK COUNTY STAFF ESPECIALLY THE LAST

COUPLE OF WEEK, WE'VE WORKED ON OUR CONCERNS ON THE PERMIT CONDITIONS AND WE'VE MADE SOME GOOD PROGRESS, HOWEVER, THERE ARE CONDITIONS THAT REQUIRE FURTHER REFINEMENT IN OUR OPINION TO BETTER SERVE THE BUSINESSES AND RESIDENTS OF L.A. COUNTY. WHAT I WANT TO DO IS TAKE THE NEXT FEW MINUTES TO HIGHLIGHT CHANGES IN THREE AREAS ARE THE DRAFT CUP WHICH WE THINK WILL BENEFIT OUR CUSTOMER AND IS THE RESIDENTS OF THE COUNTY AS A WHOLE. THOSE BIG THREE ITEMS ARE FIRST THE UNPRECEDENTED INCREASE IN FEES, AND THEN I WANT TO TAKE A LOOK AT SIMPLIFYING THE MATH, THERE ARE MANY CONDITIONS IN THE PERMIT THAT RELATE TO TONNAGE, WHETHER THEY'RE A DAILY, WEEKLY, MONTHLY, ANNUAL AND THE SPECIFIC MIX OF MATERIALS WE RECEIVE, SO I WANT TO TAKE A LOOK AT SIMPLIFYING THAT MATH AND THEN FINALLY THE HOURS OF OPERATION AND THE OPPORTUNITY THAT THE COMMISSION WOULD HAVE TO PUT FEWER TRUCKS ON THE ROAD DURING COMMUTE HOURS. THE FIRST ONE, THE FEE, IF WE LOOKED AT THE HIGHEST INCREMENTAL FEES WE WOULD HAVE TO CHARGE OUR CUSTOMERS NOW AS THE CUP STAND, IT REPRESENTS A 587% INCREASE, WE PAY TWO FEES TO THE COUNTY, \$1.50 TO PUBLIC WORKS AND 36 CENTS TO THE HEALTH DEPARTMENT, WITH THE 12 ADDITIONAL FEES PER TON FEES AND ANY OTHER [INAUDIBLE] IN THE PERMIT, THAT GOES UP TO \$12.79 A TON IN THE HIGHEST INCREMENT. WE CAN'T AFFORD TO STAY IN BUSINESS AND PAY THAT MONEY AND WE'D HAVE TO PASS IT TO OUR CUSTOMER, YOU HEARD OUR CUSTOMERS TESTIFY, THEY CAN'T ABSORB THAT UNLESS THEY PASS IT ON TO THEIR CUSTOMERS

WHICH ARE RESIDENTS AND BUSINESSES, THESE ARE THE HIGHEST IN L.A. COUNTY, WE SERVE OUR COUNTY AS OBSERVED IN THE PIE CHART. WHAT WE'RE ASKING IS REASONABLE FEES, WE DIRECTED STAFF TO ESTABLISH REASONABLE FEE SOS THE QUESTION COMES UP, WHAT'S REASONABLE? A RECENT EXAMPLE WE LOOKED AT WERE A STATE AGENCY RAISED FEES ACROSS THE BOARD FOR THEIR SOLID WASTE SYSTEM, AND THAT INCLUDED 57% TO THE LANDFILL TO 93% FOR THE TRANSFER STATIONS, SO WE PROPOSE THAT A REASONABLE RANGE FOR FEE INCREASE IS 50-100% OVER OUR CURRENT FEES, THE BENCHMARK WE PAY IS \$1.86 A TON, AND THAT'S EXCLUSIVE OF A 10% REVENUE TAX THAT WE PAY ON ALL REVENUE TO THE COUNTY, WE'RE STILL GOING TO PAY THAT, AND THE STATE FEES THAT WE PAY WHICH WERE \$1.40 A TON, THOSE ARE LOOKING AT THOSE FEES PAID DIRECTLY TO THE COUNTY LIMITED TO THE CONDITIONAL USE PERMIT AND THAT BENCHMARK RIGHT NOW IS [INAUDIBLE]. 13:51:05 NOW, SIMPLIFYING THE MATH, WE MADE PROGRESS WITH STAFF ON THE DAILY LIMIT WE CAN TAKE, THAT NUMBER NOW AS IT STANDS IS 12 THOUSAND TONS PER DAY, THERE'S NO DISTINCTION ON THE TYPE OF MATERIAL WHICH IS DIRECTLY IN LINE WITH THE EIR TO ANALYZE IMPACTS ON THE ENVIRONMENT, THE EIR DOESN'T DISTINGUISH WHAT'S IN A TRUCK, WHETHER IT'S TRASH, WHETHER IT'S GREEN WASTE, WHETHER IT'S DEMOLITION MATERIAL, ASPHALT, CONCRETE, IT DOESN'T CARE, IT LOOKS AT THE IMPACT, SO WE THINK THAT THE PERMIT SHOULD PARALLEL WITH WHAT THE EIR ANALYZED AND WE MADE THAT PROGRESS ON THE DAILY LIMIT, IT'S 12

THOUSAND TONS PER DAY AND IT'S THE ALL-IN CONCEPT AND WE SUPPORT THAT CONCEPT AND ACCEPT THE 12 THOUSAND TONS DAILY LIMIT, HOWEVER THERE ARE WEEKLY AND MONTHLY LIMITS THAT ARE PLACED IN THE PERMIT AS THEY STAND NOW WHICH KIND OF CONFLICT THAT AND LIMIT OUR ABILITY TO REACH THE [INAUDIBLE], SO WHAT WE'RE ASKING IS THAT THE COMMISSION DIRECT STAFF TO REMOVE THE MONTHLY AND WEEKLY LIMITATIONS AND HOLD US TO THE DAILY AND THE ANNUAL TONNAGE, AND THAT WE'RE HELD ACCOUNTABLE TO THAT ANNUAL LIMIT AND THAT ALLOWS US TO PROVIDE THE FLEXIBILITY TO OUR CUSTOMERS TO RESPOND TO THEIR DEMANDS AND THE FLUCTUATIONS THEY HAVE IN THEIR MATERIAL FLOW. THE OTHER PART OF THE MATH IS THE TOTAL CAPACITY ON AN ANNUAL BASIS. I WOULD LIKE TO POINT OUT THAT IF 2016, WE TOOK IN ABOUT 2.9 MILLION TONS OF ALL MATERIAL INTO THE LANDFILL. AND THAT IN 2017, LOOKING BACK UP THROUGH LAST WEEK, WE'RE TRENDING TO A NUMBER OF 3.1, SO MR. CLAGHORN EARLIER SHOWED A FIVE YEAR SNAPSHOT OF THE LANDFILL AND AN ANNUAL NUMBER WE TOOK IN AND THERE WAS A CONCERN THAT 2016 WAS AN ANOMALY, AN OUTLIER BECAUSE IT WAS HIGHER THAN THE PRIOR YEARS. WELL, I THINK IT'S A REFLECTION OF TIME THE DEMAND PLACED ON US BY OUR CUSTOMERS AND THE NUMBERS THIS YEAR SUPPORT LAST YEAR'S NUMBERS AND AT THE CURRENT CUP ESTABLISHES A 2.1 MILLION WHICH IS A 37% REDUCTION OVER STATUS QUO OR REALITY. SO, AND THE COUNTY INTEGRATED WASTE MANAGEMENT PLAN HAS A GOAL AND IT'S QUOTED HERE, THAT MAINTAINING ADEQUATE RESERVE OR EXCESS CAPACITY IS

ESSENTIAL FOR THE COUNTY MEETING ITS GOALS, SO I ASK 13:53:38
YOU HOW DOES A 37% REDUCTION OVER WHAT WE NEED TO PROVIDE MEET
THAT GOAL? SO, ONCE AGAIN, WE'RE RESPECTFULLY REQUESTING THE
COMMISSION TO DIRECT STAFF TO REVISE THE ANNUAL LIMIT FROM 2.1
TO 2.9 BECAUSE THAT'S WHAT ALLOWS US THE FLEXIBILITY TO MEET THE
NEEDS OF OUR CUSTOMERS, AND TO APPLY THE SAME ALL-IN CONCEPT
THAT NOT TO TRY TO DIVIDE THAT UP INTO LIMITING SPECIFIC AMOUNTS
OF MATERIAL INTO THE LANDFILL. FINALLY, YOU'VE HEARD THEM SPEAK
ABOUT THE NEEDS TO DO THINGS IN OFF HOURS, I DON'T THINK ANYBODY
WANTS TO ADD TRUCKS DURING YOUR COMMUTE TIME OR WHEN PARENTS ARE
TAKING THEIR KIDS TO SCHOOL, BUT OUR CUP AS IT STANDS NOW DOES
THAT. EXISTING CUP ALLOWS US TO OPERATE 24 HOURS A DAY SIX DAYS
A WEEK AND WE SUCCESSFULLY HAVE DONE THAT FOR THE PAST 20 YEARS,
SOMETIMES WE'RE OPEN AT NIGHT TO ACCOMMODATE SPECIAL PROJECTS,
OTHER TIMES, WE'RE NOT. IT ALLOWS US FLEXIBILITY, BUT ON A
REGULAR BASIS, WE'RE OPEN UNTIL 3 A.M. FOR COMMERCIAL TRAFFIC,
AND WE TYPICALLY GET MAYBE 40-50% OF OUR VOLUME IN BEFORE 7:00,
7:30 IN THE MORNING AND THERE'S A MESSAGE THERE, IT COMES
BECAUSE IT'S VERY EFFICIENT AND FAST FOR PEOPLE TO GET TO US
THAT TIME OF DAY BECAUSE THEY'RE NOT ON THE ROAD WITH EVERYBODY
ELSE, THIS CUP CUTS BACK THOSE HOURS TO 5 A.M., SO WE'RE GOING
TO GET THE SAME AMOUNT OF MATERIAL, IT'S JUST IN A SHORTER
PERIOD OF TIME AND IT PUTS THOSE TRUCKS ON THE ROAD WITH
COMMUTERS, WITH PEOPLE GOING TO WORK, WITH PEOPLE TAKING THEIR

KIDS TO SCHOOL SO WE'RE ASKING THAT YOU ALLOW US TO ACCEPT TRUCKS AT OFF PEAK HOURS AND BASICALLY ESTABLISH OUR OPERATING HOURS THE SAME AS THEY ARE NOW. SO, IN CLOSING, WE ASK THAT YOU CLOSE THE PUBLIC HEARING AND GIVE US A LITTLE BIT MORE TIME TO WORK WITH STAFF ON THE SPECIFIC CHANGES TO THE CUP AND I DON'T KNOW IF THAT'S TODAY OR IF IT'S ALLOWING STAFF TO WORK OVER THE NEXT COUPLE OF WEEKS AND COME BACK TO YOU WITH A REVISED PERMIT THAT YOU CAN PUT ON THE CONSENT CALENDAR, I'LL LEAVE THAT UP TO YOU, BUT IN CLOSING, THE ITEMS WE'D LIKE TO SEE CHANGED THAT BENEFIT OUR CUSTOMERS IN THE COMMUNITY AS A WHOLE IS LIMITING THE FEE INCREASE IN THE RANGE OF 50-100%, ELIMINATING THE WEEKLY AND MONTHLY LIMITS WHICH ACTUALLY DON'T ALLOW US TO MEET THE ANNUAL LIMITS AND THEN RAISING THE ANNUAL CAPACITY TO REFLECT WHAT IS THE NEEDS OF OUR CUSTOMERS RIGHT NOW AND THEN FINALLY GIVE US THE FLEXIBILITY TO OPERATE AS WE HAVE SUCCESSFULLY FOR THE PAST 20 YEARS WITH THE 24 HOUR SIX DAY PER WEEK OPERATING LIMITATIONS. THANK YOU.

>> CHAIR SMITH: THANK YOU, DO WE HAVE ANY QUESTIONS FOR THE APPLICANT AT THIS TIME? I HAVE A GENERAL QUESTION, NOT SO MUCH A SPECIFIC, AND I THINK WE WILL WANT TO HEAR FROM STAFF ON SOME OF THE THINGS YOU PROPOSED SO WE'LL HAVE A CONVERSATION. I JUST WANT TO HEAR -- I KNOW THAT THERE ARE SOME CONDITIONS THAT ARE BEING PROPOSED, THERE'S A COMMUNITY ADVISORY COMMITTEE, THERE

ARE OTHER AVENUES, I JUST WANT TO -- IF I CAN -- HEAR FROM YOU, IF THIS WERE TO BE APPROVED, YOU KNOW, WHAT IS YOUR COMMITMENT AND WHAT IS YOUR STRATEGY TO ADDRESS THE MANY CONCERNS THAT WE'VE HEARD FROM COMMUNITY MEMBERS, AND I KNOW THERE'S BEEN A LOT OF I THINK DISCUSSION ABOUT REGIONAL NEED AND REGIONAL PIM PACTS WHICH IS HELPFUL AND WE FLEXED TO TAKE THAT INTO CONSIDERATION. WE NEED TO ALSO UNDERSTAND THE SORT OF MESSAGE THAT SENDS IN TERMS OF TAKE ONE FOR THE TEAM IN TERMS OF THE COMMUNITY FEELING THE BRUNT OF THOSE IMPACTS, I KNOW STAFF IS RECOMMENDING SOME CONDITIONS AROUND THAT AND WE HAVE SOME STRATEGIES, FROM A GENERAL SENSE, CAN YOU TALK ABOUT YOUR COMMITMENT TO A RELATIONSHIP, A COLLABORATIVE RELATIONSHIP, A STRATEGY TO BE RESPONSIVE AND ADDRESS CONCERNS IF THIS WERE TO MOVE FORWARD.

>> WELL, I THINK OUR RECORD SPEAKS FOR ITSELF, WHEN YOU LOOK AT HOW THE LANDFILL HAS BEEN RUN AND OUR COMPLIANCE RECORD WITH ONE NOTICE OF VIOLATION IN THE PAST 10 YEARS FROM AIR QUALITY MANAGEMENT DISTRICT FOR ODORS AND I KNOW EXACTLY WHEN THAT HAPPENED AND WE TAKE FULL RESPONSIBILITY FOR THAT, AS COMPARED TO SUNSHINE WHOSE HAD 213 IN THE LAST 8 YEARS, AND OUR RECORD SPEAKS TO OUR EFFECTIVENESS AS AN OPERATOR AND OUR ABILITY TO BE A GOOD NEIGHBOR. WE CAN'T PLEASE EVERYONE, THERE ARE PEOPLE THAT IGNORE WHAT'S IN THE EIR, THE EXTENSIVE ANALYSIS THAT WAS DONE

THAT ADDRESSES AIR QUALITY, HEALTH IMPACTS, WATER QUALITY, TRAFFIC, ALL OF THESE THINGS AND I DON'T HAVE AN ANSWER FOR THE FACT THAT THEY DON'T LIKE THE ANSWER, BUT WE CAN BE THE BEST NEIGHBOR WE CAN BY RUNNING THE BEST LANDFILL WE CAN, AND BEING A PART OF THE COMMUNITY AND WE'VE DONE THAT WITH -- WE'VE PARTNERED WITH BUSINESS ORGANIZATIONS, LOCAL CHARITIES, THAT'S BEEN OUR PATTERN FOR THE PAST 20 YEAR, IT DIDN'T START YESTERDAY BECAUSE WE'RE TRYING TO GET THIS PERMIT AND I WOULD SEE THAT CONTINUING AND WE CERTAINLY WANT TO BE RESPONSIVE TO CONCERNS OF THE COMMUNITY AND WE WILL AND WE'LL ADDRESS ANY LEGITIMATE CONCERNS THAT WE CAN ADDRESS.

>> COMMISSIONER MODUGNO: I HAVE AN OPERATIONAL QUESTION THAT WAS LINGERING FROM THE LAST MEETING. AND I COULD HOLD IT TO ASK FOR PUBLIC WORKS BUT PROBABLY IT'S BETTER TO GET AN ANSWER FROM YOU. I RECALL AT THE LAST HEARING DISCUSSION ABOUT EXCESS WATER THAT WAS DRAWN OUT OF THE LANDFILL THAT UNLIKE PUENTE HILLS WHERE IT WAS TREATED ON SITE USED BACK IN IRRIGATION THAT YOU HAULED THAT OFF-SITE AND WAS I CORRECT THAT THAT WATER IS BEING TRUCKED TO ORANGE COUNTY AND BEING PUT INTO A WATER TREATMENT FACILITY? WATER THAT'S BEING DRAWN OUT -- FROM THE PLASTIC LINER, SO YOU'RE TAKING THE METHANE OFF T METHANE IS GOING --

>> TO THE POWER PLANT.

>> COMMISSIONER MODUGNO: TO THE POWER PLANT TELEVISION'S WATER BEING DRAWN OFF AS WELL AND SOME OF THE LANDFILL, I THINK SUNSHINE DOES THE SAME THING, TREATS THE WATER ON-SITE, THEN USE THAT WATER BACK FOR IRRIGATION OR FOR WATERING DOWN AFTER THE DIRT AND OTHER MATERIAL, BENEFICIAL MATERIALS ARE PUT ON THE SOLID WASTE. WAS I CORRECT THAT THAT WATER'S BEING DRAWN OFF AND SHIPPED ELSEWHERE?

>> BECAUSE THE LANDFILL HAS A PLASTIC LINER, WE COLLECT ALL THE LIQUID THAT COMES OFF THE BOTTOM AND RIGHT NOW THAT LIQUID IS COLLECTED AND TRANSPORTED OFF-SITE TO AN AUTHORIZED TREATMENT FACILITY WHERE THEY TREAT IT AND DISPOSE OF IT. WE CAN'T USE IT ON-SITE RIGHT NOW BECAUSE OF THE RESTRICTIONS IN THE PERMIT ISSUED BY THE WATER BOARD. MOST OTHER LANDFILLS OF OUR CLASS CAN JUST TAKE THAT LIQUID AND GO BACK AND SPRAY IT ON TOP OF THE LINE PORTION OF LANDFILL TO CONTROL THE DUST, WE CAN'T, WE WANT TO BE ABLE TO DO THAT BECAUSE IT'S WATER CONSERVATION BUT RIGHT NOW WE CAN'T.

>> COMMISSIONER MODUGNO: I USED THE WRONG TERM IN TERMS OF WATER BECAUSE IT'S TECHNICALLY LIQUIDS, AND IT'S MY RECOLLECTION THAT'S BEING TRUCKED OFF TO SOMEWHERE IN ORANGE COUNTY?

>> NO, TO BE HONEST WITH YOU, I'M NOT SURE EXACTLY -- THERE'S ONLY TWO LOW CASES IT CAN GO, ONE OF THEM WAS IN VENTURA COUNTY TO A FACILITY THERE AND THE OTHER ONE WAS DOWN IN L.A. SOMEWHERE.

>> COMMISSIONER MODUGNO: SO, THE TWO EXISTING WATER TREATMENT PLANTS OF SANTA CLARITA VALLEY AS WELL AS THE PROPOSED PLANT THAT IS LITERALLY GOING ACROSS FROM YOU ARE INCAPABLE OF TAKING THOSE TYPE OF LIQUID TO THEIR TREATMENT PLANTS?

>> YES, BECAUSE THEY HAVE PRE-TREATMENT STANDARDS, IT'S NOT THAT THEIR LIQUID IS HAZARDOUS, IT'S NOT HAZARDOUS AT ALL, IT'S JUST RICH IN CERTAIN CONSTITUENTS THAT DON'T MEET THEIR REQUIREMENTS FOR DISCHARGING INTO A PUBLICLY OWNED TREATMENT PLANT, SO IT GOES TO AN INDUSTRIAL TREATMENT FACILITY WHICH CAN TAKE MATERIALS WHICH ARE MORE CONCENTRATED OR RICHER.

>> COMMISSIONER MODUGNO: I GUESS MY LINE OF QUESTION IS REALLY THE MAGNITUDE OF IT, HOW MANY TRUCKLOADS ARE THAT AND HOW MANY TRUCKS ARE BEING 14:03:14 PUT ON THE ROAD AND BEING TAKEN TO DISTANT LOCATIONS WHERE I DON'T KNOW AGAIN IF THAT'S FEASIBLE THAT YOU'RE ABLE TO PROCESS ON SITE OR UTILIZE THE TWO EXISTING TREATMENT PLANTS THAT ARE LOCAL AND THE THIRD ONE THAT LITTER IS GOING ACROSS 126 FROM YOU, SO AS THAT PLANT GETS BUILT OUT IN

PLAN, IF PART OF THAT PLANNING WHICH IS NOT REALLY PART OF THIS PERMIT PROCESS BUT CLEARLY JUST TO TRY AGAIN TO KEEP FEWER TRUCKS ON THE ROAD, FEWER FOSSIL FUELS BEING USED, WHETHER IT'S ELECTRICITY, WHATEVER'S BEING USED TO MOVE THAT TRUCK BACK AND FORTH AND WHAT IS THE MAGNITUDE OF THAT.

>> I BELIEVE THAT NOW WE'RE DOING -- DON'T HOLD ME TO THIS, IT'S LIKE TWO OR THREE TRUCKLOADS A WEEK, MAYBE FOUR OUT OF THE SITE, AND WE WOULD LOVE TO TREAT IT ON-SITE AND USE IT, IT'S JUST THAT WE CAN'T RIGHT NOW AND IF WE GET A NEW CONDITIONAL USE PERMIT, WE ALSO HAVE TO GET NEW WASTE DISCHARGE REQUIREMENTS FROM THE WATER BOARD AND HOPEFULLY IN THOSE REQUIREMENTS, WE'LL BE ABLE TO APPLY DIRECTOR OR TREAT THEM TO SOME STANDARD THAT ALLOW US TO DO THAT.

>> COMMISSIONER MODUGNO: FROM COMMISSIONER LOUIE'S QUESTION, SOMEONE FROM THE INDUSTRY, AND THERE IS WITHIN THIS APPLICATION AND CONDITIONS AS FAR AS FUTURE CONVERSION TECHNOLOGIES.

>> YES.

>> COMMISSIONER MODUGNO: AND I THINK YOU RIGHTFULLY SAID THAT, AGAIN, NEIGHBORHOODS ARE NOT WANTING THOSE EITHER, AND I THINK I'VE SAID AT THE LAST HEARING, I DID TOUR AND WE HAVE A COUPLE

IN L.A. COUNTY THAT ARE PRETTY DECENT FACILITIES THAT BASICALLY BURN THE TRASH, GENERATE ASH, ASH GETS PUT INTO [INAUDIBLE] AND CONCRETE AND WATER IS HEATED, STEAM IS GENERATED AND ELECTRICITY COMES OUT OF IT, SO YOU END UP WITH LEST TRYST AND ASH GOES TO CONCRETE AND THE ONLY THING I SAW EXITING THAT BUILDING IS STEAM, NOT SMOKE, BUT I THINK THE RESPONSE WAS AND WHILE IT WAS AMAZING TECHNOLOGY THAT IT'S GOING TO BE VERY DIFFICULT TO PUT THEM -- I THINK THERE'S ONE IN LONG BEACH AND ONE IN THE CITY OF COMMERCE, SO I'M GETTING A GOOD NOD FROM PUBLIC WORKS, THE WALL STREET JOURNAL THIS WEEK HAD A WHOLE SECTION THAT WAS ON CITIES OF THE FUTURE, AND I WAS INTRIGUED BY A WASTE MANAGEMENT SITE IN COPENHAGEN, THEY PRODUCED ENOUGH HEAT FOR 157 HOME, COMPLETE CONVERSION FOR ELECTRICITY, THE BUILDING'S DESIGN ARCHITECTURALLY WAS FASCINATING BECAUSE WHAT IT HAD ON THE TOP OF IT AND COMING DOWN THE SIDE BECAUSE THE WAY THE BUILDING WAS BUILT WAS A SKI SLOPE, SO PEOPLE COULD GO SKIING DURING MAJOR PORTIONS OF THE YEAR ON TOP OF A WASTE CONVERSION SITE, AND SO THERE ARE TECHNOLOGIES OUT THERE, THE ORGANIZATION I WORK FOR IS BUILDING A WHOLE NEW BUILDING AND PROCESS AND WE'RE GOING -- WE'RE ALREADY NET ZERO ENERGY, WE'RE GOING NET ZERO WATER HOPEFULLY AND BECAUSE OF SOME OF THE PROCESSING WE'RE GOING, WE'RE TRYING TO GO TO NET ZERO, THE BLACK WATER TREATMENT WITH COMPOSTING AND OTHER TYPES OF THINGS, COSTLY, YES, BUT AGAIN THOSE TECHNOLOGIES ARE THERE, THE ADVANCEMENTS ARE THERE AND SO

I WOULD JUST SORT OF WHILE IT'S NOT GETTING INTO DETAILS HERE, BUT JUST ADD AGAIN IF THAT IS THE DIRECTION, WORKING WITH PUBLIC WORKS, WORKING IF THIS PERMIT GETS APPROVED, WE WOULD BE VERY INTRIGUED HOW THAT INDUSTRY MOVES AND HOPEFULLY THEN THAT EXCESS LIQUID COULD ALSO BE INCORPORATED THEN.

>> OUR COMMITMENT, COMMISSIONER, TO FACILITATING THAT IS SETTING ASIDE A LARGE PARCEL OF OUR PROPERTY IN FRONT FOR A WASTE CONVERSION PROJECT. WHAT THE COUNTY LACKS NOW AND PUBLIC WORKS WOULD PROBABLY AGREE WITH THIS, IT'S SITED LOCATIONS FOR THESE FACILITIES AND WE HAVE AN OPTION TO DEVELOP A PROJECT THERE AND WASTE CONNECTIONS IS VERY FAMILIAR WITH THESE TECHNOLOGIES, I PERSONALLY NEGOTIATED THE CONTRACT WITH THE FIRM IN SWITZERLAND LAST YEAR TO CONSTRUCT ONE OF THESE FACILITIES ON OUR PROPERTY IN SAN OBISPO, WE WILL GENERATE ELECTRICITY FOR THE COMMUNITY AND COMPOST AND BASICALLY A LIQUID FERTILIZER FOR THE AGRICULTURAL COMMUNITY AROUND THERE, SO IT'S OUT THERE AND IT'S STARTING.

>> CHAIR SMITH: COMMISSIONER SHELL?

>> COMMISSIONER SHELL: I HAVE A QUESTION, IN YOUR SUBMITTAL TO US THAT YOUR ATTORNEY SUBMITTAL STATED THAT THE NEW ENTRANCE FACILITY WOULD NOT BE -- WAS NOT NECESSARY IF THE COUNTY

APPROVES THE PERMIT AT THE REDUCED LEVEL RECOMMENDED BY STAFF.

NOW, I SEE WITH HAVE AN AMENDED FINDING STATING THAT THE NEW ENTRANCE IS REQUIRED TO ACCOMMODATE THE WIDENING OF THE 126, THAT CALTRANS HAS PLANNED, SO CAN I HEAR FROM YOU ON THAT ISSUE TODAY.

>> OUR NEW ENTRANCE FACILITY THAT WAS PROPOSED TAKES INTO ACCOUNT THE WIDENING OF 126. WAS THAT THE QUESTION?

>> COMMISSIONER SHELL: WELL, MY QUESTION IS, YOU SEEM TO -- YOUR ATTORNEY WAS ALLEGING THAT IF THE PROJECT WAS APPROVED AT THE LEVEL RECOMMENDED BY STAFF, THAT YOU WOULD NOT NEED TO BUILD THE NEW ENTRANCE FACILITY.

>> YEAH, IN THE EIR, WE PROPOSED A LARGER PROJECT THAN TODAY AND MORE TRAFFIC. THE PROJECT THAT'S RECOMMENDED IN THE CUP IS SIGNIFICANTLY LESS THAN TODAY, SO OUR LOGIC IS WE'VE SUCCESSFULLY ACCOMMODATED THAT TRAFFIC IN EVERYTHING WITH OUR CURRENT ENTRANCE AND IT'S DIFFICULT TO MAKE THE INVESTMENT TO PROVIDE THE NEW ENTRANCE WHEN WE'RE REDUCING OUR TRAFFIC BASICALLY AND THAT'S THE LOGIC, THE PROJECT GOT SMALLER FROM OUR PROPOSAL TO THE COMMENT HAD TO DO WITH THE PROJECT GOT SMALLER, THE ENTRANCE SUPPORTED THE NEW PROJECT, SO THAT'S THE COMMENT.

>> COMMISSIONER SHELL: OKAY, WE'LL HEAR I'M SURE MORE FROM OUR STAFF ON THAT IN A MINUTE, AND THEN YOU REQUEST THE FEES BE LIMITED TO 50-100% INCREASE OVER CURRENT, CAN YOU TELL ME, AND THE CONDITIONS JUST BECAUSE I'M NOT CLEAR EXACTLY ON WHICH FEES, I UNDERSTAND YOU'RE SAYING THEY'RE TOO HIGH, WHICH ONES ARE THE NEW FEES AND WHICH ONES ARE ALREADY EXISTING?

>> THEY'RE ALL NEW FEES EXCEPT FOR THE [INAUDIBLE] OF 50 A TON THAT'S PAID TO PUBLIC WORKS AND THE 36 CENTS PAID TO THE HEALTH DEPARTMENT AND THE 10% TAX IS THERE NOW, SO ANYTHING ABOVE THAT IS A NEW FEE AND I THINK THERE WAS 12 NEW FEES THAT ARE A PER TON FEE, THEN I BELIEVE THERE'S 6 OR SO THAT ARE ANNUAL PAYMENTS FOR SOMETHING, ANNUAL OR SEMI-ANNUAL PAYMENTS FOR OTHER THINGS THAT ARE ESSENTIALLY WOULD HAVE TO BE COVERED ALSO IN THE TIPPING FEE BUT THERE'S 12, I BELIEVE 12 NEW PER TON FEES AND THEN HOSE HALF A DOZEN ANNUAL, SEMI-ANNUAL PAYMENT TYPE OF FEES.

>> COMMISSIONER SHELL: OKAY, BUT UNDER THE AGREEMENT, THERE WERE ADDITIONAL MONIES BEING PAID INTO FUNDS IS MY UNDERSTANDING FOR THE COMMUNITY. THAT WAS ALREADY EXISTING.

>> ONE OF THE FEES IN THERE, YES, WAS A FEE TO FUND LOCAL ENHANCEMENTS TO THE COMMUNITY.

>> COMMISSIONER SHELL: OKAY.

>> WE HAVE THAT AGREEMENT NOW WITH VAL VERDE, THAT'S WHY THE COMMUNITY BENEFITS FUNDING COMMITTEE WAS ESTABLISHED AND WE PAY THEM DIRECTLY. AND WE WANTED TO BROADEN THAT TO CASTAIC, WE SIGNED AN AGREEMENT WITH CASTAIC TO PROVIDE FUNDING DIRECTLY TO THEM, CONTINGENT UPON THE LANDFILL NOT BEING HIT WITH A DUPLICATE FEE, SO THE FEE STRUCTURE NOW IN THE CUP ALLOWS -- REQUIRES US TO PAY THE COUNTY MONEY THAT THEN THEY PAY BACK TO THE COMMUNITY, SO ONE OF THE TWO WILL BE IN PLACE.

>> COMMISSIONER SHELL: OKAY, BUT AT THIS TIME, YOU DON'T HAVE AN AGREEMENT WITH THE COMMUNITY ATTACHED TO THIS APPLICATION?

>> NO, IT'S NOT -- IT WOULD BE A PRIVATE AGREEMENT BETWEEN US AND THE COMMUNITY, NOT -- IT'S NOT PART OF THE CUP.

>> COMMISSIONER SHELL: THANK YOU.

>> CHAIR SMITH: ARE THERE CONVERSATIONS?

>> COMMISSIONER MOON: DO YOU HAVE 24 HOUR MONITORING?

>> 24 HOUR MONITORING?

>> COMMISSIONER MOON: SOMEONE BROUGHT UP ABOUT MONITORING?

>> THEY WERE TALKING ABOUT 24 HOUR AIR MONITORING IN THE COMMUNITY, NO, WE DON'T HAVE THAT, IT'S NOT A REQUIREMENT BY THE AIR QUALITY MANAGEMENT DISTRICT.

>> COMMISSIONER MOON: BUT YOU COULD DO THAT, RIGHT, COULD YOU VOLUNTEER AND DO THAT, WORK WITH THE COMMUNITY AND HAVE 24 HOUR MONITORING?

>> WELL, WE COULD WORK WITH SOMEBODY TO FIGURE OUT WHAT WOULD BE MONITORED AND HOW IT WOULD BE INTERPRETED. IT SOUNDS SIMPLE BUT TO HAVE IT MEAN SOMETHING, YOU HAVE TO HAVE A PLAN FOR WHAT YOU'RE GOING TO MONITOR FOR AND WHAT IT MEANS. IT'S KIND OF HARD TO EXPLAIN. THEIR CONCERN IS THAT SOMETHING'S COMING FROM THE LANDFILL AND IMPACTING THEIR HEALTH SO IF YOU MONITOR 24 HOURS AND 20 HOURS A DAY, THE WIND IS BLOWING FROM THE COMMUNITY TO THE LANDFILL AND NOT FROM THE LANDFILL TO THE COMMUNITY, WHAT ARE YOU MONITORING, YOU KNOW, IT HAS TO BE TIED TO SOMETHING 14:13:48 RELATED TO THE LANDFILL, AND WE DO THAT, WE MONITOR THE LANDFILL MONTHLY, EVERY SQUARE INCH OF THE LANDFILL, WE MONITOR SURFACE EMISSIONS AND THAT'S REPORTED AND THE REPORTS ARE GIVEN TO THE COMMUNITY AND THINGS LIKE THAT, BUT THERE IS NO

MONITORING IN THE COMMUNITY, WE'RE NOT OPPOSED TO THAT. IF THERE'S SOME LOGICAL SENSE BEHIND WHAT IT'S SUPPOSED TO ACCOMPLISH AND WHAT IT'S SUPPOSED TO MEAN.

>> CHAIR SMITH: I APPRECIATE EVERYONE'S INVOLVEMENT AND CONCERN, I JUST WANT TO REMIND EVERYONE THAT COMMENT FROM THE AUDIENCE ARE NOT A PART OF THE RECORD SO IT'S NOT TAKEN INTO ACCOUNT, IT'S NOT ENTERED INTO THE RECORD, SO IF WE COULD JUST MAKE SURE WE DON'T INTERRUPT EACH OTHER AND WE'RE ABLE TO CONTINUE WITH THE DIALOGUE, THAT WOULD BE HELPFUL.

>> VICE CHAIR LOUIE: MR. CHAIR, COULD I ASK A QUESTION?

>> CHAIR SMITH: YES, PLEASE.

>> VICE CHAIR LOUIE: IS THERE ADDITIONAL CAPACITY BEYOND THIS CONDITIONAL USE PERMIT, IN 30 YEAR, IS IT POSSIBLE THAT THE LANDFILL COULD BE EXPANDED AGAIN, OR HAVE YOU REACHED THE MAXIMUM CAPACITY?

>> THE EIR ADDRESSED A LITTLE BIT MORE CAPACITY THAN IS PRESENTED IN THE CONDITIONAL USE PERMIT, SO TO ANSWER YOUR QUESTION, YES, THE EIR MAXED OUT THE SITE, IT CREATED AN ENVELOPE THAT COULDN'T BE EXPANDED, THERE WASN'T ANY ROOM LEFT.

THE CUP DIALED THAT BACK AND SAID YOU GET THIS, SO YES, I GUESS THERE IS ROOM BEYOND WHAT'S IN THE DRAFT CUP NOW FOR ADDITIONAL CAPACITY.

>> VICE CHAIR LOUIE: WHAT'S THE MAGNITUDE OF THE DIFFERENCE, IS IT SIGNIFICANT, 10%, 5%, 100%?

>> I THINK THE EIR HAD ABOUT 90 MILLION TONS OR YARDS OF AIR SPACE AND THE CURRENT PERMIT LIMITS IT TO 60, SO THE DIFFERENCE WOULD BE CLOSE TO 30.

>> VICE CHAIR LOUIE: AND AS A CONDITION, IS THERE THE ABILITY TO HAVE A HARD LINE THAT THIS IS IT, NO MASS?

>> THERE'S A PROBLEM LEGALLY WITH YOU GUYS TYING THE HANDS OF LEGISLATORS IN 30 YEARS, WE DON'T KNOW WHAT THE WORLD IS GOING TO LOOK LIKE, THEN THERE MIGHT BE NEW TECHNOLOGIES, DIFFERENT NEEDS, YOU CANNOT TELL FUTURE LEGISLATORS THAT THEY CAN NEVER TAKE AN ACTION. YOU WON'T BE [INAUDIBLE] OR IF YOU ARE IN POWER, YOU WOULD STILL HAVE THE POWER AT 14:16:33 THAT TIME.

>> VICE CHAIR LOUIE: ALTHOUGH WE HAVE THE ABILITY TODAY TO SUGGEST TO LEGISLATORS.

>> YES, AND YOU ABSOLUTELY HAVE THE ABILITY TODAY TO SET THE LIMITS FOR THIS USE PERMIT, SHOULD YOU CHOOSE TO ALLOW IT. YOU SET THE ALLOWABLE PERMS AND TIME PERIOD TODAY.

>> VICE CHAIR LOUIE: THANK YOU.

>> CHAIR SMITH: I HAVE ONE MORE CLARIFICATION QUESTION, WE HAVE A PROPOSED QUESTION, CONDITION 70 REGARDING ALTERNATIVE FUEL VEHICLE THAT IS WOULD APPLY TO VEHICLES THAT ARE OWNED, OPERATED BY OR UNDER CONTRACT WITH YOUR OPERATION. I'M CURIOUS, DO YOU HAVE A SENSE, HOW MANY OF THE VEHICLES USED BY THE HAULERS THAT COME TO YOUR FACILITY WOULD MEET THOSE STANDARDS? HOW MANY OF THEM WOULD QUALIFY AS ALTERNATIVE FUEL VEHICLES AND DO YOU HAVE A SENSE, YOU KNOW YOU'RE NOT THEM BUT DO YOU HAVE A SENSE OF WHAT ARE THE EFFORTS WITHIN THE INDUSTRY TO MEET THESE ALTERNATIVE FUEL VEHICLE STANDARDS?

>> IT'S A FAIRLY SIGNIFICANT PERCENTAGE I WOULD SAY BECAUSE THE TRUCKERS ARE UNDER CALIFORNIA AIR RESOURCES BOARD REGULATIONS TO CONVERT A CERTAIN PERCENTAGE OF THEIR FLEET BY CERTAIN DEADLINES IN THE FUTURE INTO ALTERNATIVE FEES, USUALLY COMBUSTION, LIQUEFIED NATURAL GAS, MANY OF THE TRUCKS COME INTO THE LANDFILL, ESPECIALLY THE LOCAL TRUCKS THAT PICK UP YOUR TRASH ARE ALTERNATIVE FUEL VEHICLES. I THINK THE TRANSFER TRUCKS, I'VE

SEEN SOME OF THOSE, BUT THOSE, THERE AREN'T AS HIGH A PERCENTAGE OF THOSE BEING CONVERTED YET AS THE SMALLER TRUCKS.

>> CHAIR SMITH: SURE, OKAY, THANK YOU. DO WE HAVE ANY OTHER QUESTIONS OF THE APPLICANT AT THIS TIME? OKAY. WELL, THANK YOU BOTH, THANK YOU VERY MUCH. I KNOW I PERSONALLY HAVE A NUMBER OF QUESTIONS FOR STAFF. I IMAGINE THAT OTHERS DO. I ALSO THINK THIS MAY BE AN APPROPRIATE TIME TO TAKE OUR HOURLY RECESS, SO WE'RE GOING TO BREAK FOR ANOTHER FIVE MINUTES AND WE'LL RECONVENE AT 11:25. THANK YOU. (MEETING IN RECESS, WILL RESUME AT 11:25).

>> CHAIR SMITH: WELCOME BACK, EVERYONE. LET'S SETTLE IN. THANK YOU ALL FOR YOUR PATIENCE AND FOR SPENDING THE MORNING WITH US. AT THIS POINT, I THINK WE'RE READY TO ASK SOME QUESTIONS OF STAFF, SO I WOULD LIKE TO INVITE STAFF BACK UP WHO ARE ALREADY HERE AND PUBLIC WORKS. I THINK, YOU KNOW, WE ALL PROBABLY HAVE A NUMBER OF QUESTIONS OR SEVERAL AT LEAST. I WANT TO START WITH SORT OF ONE BIG PICTURE QUESTION AND INVITE COUNTY COUNSEL TO WEIGH IN AS WELL AS I IMAGINE I THINK WE TOUCHED ON THIS A LITTLE BIT EARLIER, BUT YOU KNOW, I'M A LITTLE BIT TROUBLED BY THIS PERCEPTION THAT THERE WAS A COMMITMENT TO CLOSE THE LANDFILL AND WE HEARD IT TIME AND TIME AGAIN ABOUT A COMMITMENT, ABOUT A PROMISE, AND I THINK WE'RE LOOKING AT THE EXISTING OR THE PRIOR CUP AND WE'VE GOT A CONDITION 9C THAT CLEARLY SAY IT

IS APPLICANT HAS THE ABILITY TO APPLY FOR A NEW PERMIT, WE'VE GOT CONDITION 46 THAT SPEAKS OF CLOSURE AND SO I JUST WANT TO SORT OF UNDERSTAND HOW DO WE UNDERSTAND THOSE TWO CONDITIONS TOGETHER AND THEN I ALSO KNOW THERE'S A PRIVATE AGREEMENT REACHED BETWEEN THE COALITION OF COMMUNITY MEMBERS AND THE APPLICANT OR THE OPERATOR WHICH IS NOT PART OF THE PUBLIC APPROVAL PROCESS WHICH IS A SEPARATE CONTRACT MATTER, SO I'M JUST TRYING TO NAVIGATE THOSE DIFFERENT AGREEMENTS, THOSE DIFFERENT PROVISIONS AND TRY TO UNDERSTAND HOW WE CAN -- HOW WE READ -- I GUESS I'LL SEPARATE THE QUESTION INTO TWO PARTS SO HOW DO WE READ 14:31:27 CONDITION 9C WITH CONDITION 46 IN THE PRIOR CUP, IT'S 89081 I BELIEVE, 46 AND 9C, AND THEN QUESTION 2 IS HOW DOES THIS IMPACT OR RELATE TO THE EXISTENCE OF A PRIVATE AGREEMENT THAT ISN'T PART OF THE CUP APPROVE PROCESS?

>> MR. CLAGHORN: SO, WITH CONDITION 46 OF THE 1997 CUP HAS A CONDITION, 23 MILLION, IT SAYS THAT ONCE THEY REACH 23 MILLION TONS, THE 1997 CUP HAS THE CONDITION 46 WHICH SAYS THAT ONCE THE CAPACITY REACHES 23 MILLION TONS, OR THE DATE OF NOVEMBER, 2019, THE LANDFILL WOULD CLOSE, WHICHEVER COMES FIRST, SO IF THEY REACH THE 23 MILLION CAPACITY BEFORE THAT, THEN THAT WOULD TRIGGER THE END OF THE CUP, AND SO THE CONDITION 9C THOUGH ALLOWS THEM TO FILE A NEW PERMIT, SO IN THE ABSENCE OF ANY NEW PERMIT BEING FILED, THEN THEY WOULD NEED TO CLOSE ONCE THEY

REACH THE 23 MILLION TONS OR NOVEMBER, 2019, IF THAT WERE TO OCCUR BEFORE THEY REACH THE 23 MILLION. THEY DID FILE A NEW CUP PRIOR TO -- BACK IN 2004 BUT IT WENT THROUGH -- THAT WAS UNDER THE PREVIOUS LANDFILL OPERATOR, THE CURRENT EIR --

>> [INAUDIBLE].

>> MR. CLAGHORN: SO, THE CURRENT EIR BASELINE HERE FOR THE CURRENT EIR IS 2011 AND THAT'S BEEN -- MOST OF THE ACTIVITY HAS BEEN SINCE FROM 2011 TO CURRENT.

>> CHAIR SMITH: HOW'S THAT?

>> BETTER.

>> CHAIR SMITH: THANK YOU.

>> MR. CLAGHORN: SO, THE LANDFILL OPERATOR HAS BEEN WORKING WITH THE COUNTY SINCE THAT TIME, SINCE ABOUT 2011 PRETTY CONSISTENTLY, HOWEVER, THE -- LATE IN 2015, THEY NOTIFIED THE COUNTY THAT THEY WERE REACHING THE LIMIT OF 23 MILLION TONS MORE RAPIDLY THAN THEY HAD EXPECTED AND JUST PRIOR TO THAT, THE EIR REQUIRED SOME CHAPTERS TO BE RECIRCULATED AND SO THE HEARING FOR THE CUP WAS POSTPONED LATER THAN WHAT HAD BEEN ANTICIPATED, SO

THAT'S WHY THEY HAD REQUESTED THE CLEAN HANDS WAIVER TO GIVE THEM -- TO BUY THEM SOME TIME WHILE THE PERMIT IS STILL BEING PROCESSED.

>> CHAIR SMITH: SO, THE APPLICANT IS APPLYING FOR A NEW CONDITIONAL USE PERMIT WHICH IS CONSISTENT WITH WHAT THEY'RE PERMITTED TO DO UNDER 9C AND AS WE HEARD FROM COUNTY COUNSEL, ALSO CONSISTENT WITH WHAT THEY'RE ABLE TO DO AND IT'S NOT SOMETHING THAT A LEGISLATURE HAS THE ABILITY TO TIE THEIR HANDS FROM DOING, SO I GUESS I'M JUST CURIOUS THEN, CONDITION 46 WHICH USES THE TERM CLOSURE, I GUESS I WANT TO JUST UNDERSTAND THAT WE CAN'T READ THAT TO REQUIRE CLOSURE WHEN THERE'S A CONDITION 9C THAT SAYS THAT THEY HAVE THE ABILITY TO APPLY FOR A NEW PERMIT?

>> IT'S UP TO YOUR DISCRETION AND GOING BACK TO COMMISSIONER LOUIE'S -- ONE OF THE MITIGATION ANALYZED IN THE EIR, IT'S IN THE TEXT SO YOU CAN'T REQUIRE CLOSURE BUT WHAT'S PERMITTING IS CLOSURE, IN THE NEW EIR BEFORE YOU, IT DOES TALK ABOUT RECREATIONAL PURPOSES AND WHAT THEY'RE GOING TO DO WITH CLOSURE, THE CLOSURE PLAN PUT BEFORE THE STATE, SO IF I DON'T KNOW SAY YOU CHOOSE TO EXTEND THIS OR GRANT THIS NEW PERMIT FOR A 40 YEAR PERIOD, IF THAT 40 YEAR PERIOD, THEY STILL FEEL THEY HAVE CAPACITY OR THEY COME BEFORE A NEW COMMISSION FOR ANOTHER EXTENSION, THEY WOULD THEN HAVE TO ANALYZE IN THAT EIR THE NEW

ENVIRONMENTAL DOCUMENT, HOW THEY MITIGATE FOR THE FACT THAT THERE WAS NO CLOSURE PLAN OR HOW THEY'RE GOING TO PUT OFF THAT CLOSURE PLAN, SO THEY DO HAVE TO LOOK AT THE IMPACTS THAT WERE ANALYZED UNDER THE PREVIOUS PERMIT AND THE PROMISES THEY MADE THEREFORE, SO THERE IS STILL A LINK AND YOU CAN REQUIRE MITIGATION FOR THIS PERMIT, ABSOLUTELY, AND THE IMPACTS THAT THE PERMIT BEFORE YOU WILL CAUSE.

>> CHAIR SMITH: SO, I APPRECIATE THAT, THAT'S HELPFUL AND THAT'S GOING FORWARD IF THIS PERMIT OR SOME FORM OF IT IS APPROVED BUT JUST TO BE RESPONSIVE AND TO ACKNOWLEDGE THE FEELING OUT THERE THAT THERE WAS A COMMITMENT TO CLOSE AND NOW THERE'S NOT A PROPOSAL TO CLOSE, I JUST WANT TO UNDERSTAND THAT -- CLARIFY THAT THAT'S NOT A COMMITMENT IN THE PRIOR CUP BECAUSE IT CAN'T BE, THERE IS A PRIVATE AGREEMENT BUT THAT'S NOT SOMETHING THAT WE ARE LOOKING AT. IS THAT A FAIR ASSESSMENT? 14:36:56 AND, PLEASE, I JUST WANT TO REMIND EVERYONE NOT TO SHOUT OUT FROM THE AUDIENCE. WE CAN'T TAKE ANYTHING -- IT'S NOT IN THE PUBLIC RECORD, IT'S NOT SOMETHING WE CAN CONSIDER, SO I APPRECIATE THE PASSION AND THE CONCERN BUT WE DON'T HAVE THE ABILITY TO JUST TAKE THOSE COMMENTS FROM THE AUDIENCE. THANK YOU.

>> AND EVEN IN LOOKING AT THE 1997 AGREEMENT, THE COUNTY IS NOT A PARTY TO THAT BUT MANY OF THE CONDITIONS AND READING OVER THAT

AGREEMENT, MANY OF THE AGREEMENTS MADE THEREIN DID MAKE IT INTO THE CONDITIONAL USE PERMIT, SO IN SO FAR AS THE MEMORIALIZING THE CONDITIONAL USE PERMIT, THE COUNTY IS BOUND BY THOSE COMMITMENTS AND THAT YOU DO SEE IN THE 199. AGREEMENT, THERE ARE CHANGES MADE TO CONDITION 9, AND THEY DID LEAVE IN THERE THE 9C, THERE ARE ALSO CONDITIONS 44 WHICH DOES REFERENCE THAT AGREEMENT AND 46 WHICH TALKS ABOUT THE MAXIMUM CAPACITY ALLOWED UNDER THAT PREVIOUS PERMIT, SO THAT PREVIOUS PERMIT HAS COME TO EXPIRATION, THAT'S EXPIRED, THAT'S WHY THERE WAS THE NEED FOR THE CLEAN HANDS WAIVER.

>> CHAIR SMITH: OKAY, THANK YOU. AND THEN, YOU KNOW, I DO WANT TO ALSO GET A LITTLE MORE CLARIFICATION FROM STAFF ON -- AND I APPRECIATE, YOU KNOW, AT THE END OF THE LAST HEARING, WE THREW A BUNCH OF QUESTIONS AT YOU VERY QUICKLY AND YOU CAME BACK AND ADDRESSED ALL OF THEM SUCCINCTLY AND APPROPRIATELY AND I APPRECIATE THAT. I DO WANT TO ASK ABOUT ONE OF THE RESPONSES WHICH WAS THIS QUESTION ABOUT MESQUITE AND WHETHER IT'S AN APPROPRIATE ALTERNATIVE AND WHY OR WHY NOT THE DEPARTMENT IS RECOMMENDING THAT, AND I'M JUST LOOKING, BEAR WITH ME ONE SECOND, OKAY, SO THE QUESTION, WHY ISN'T RAIL BY MESQUITE FOR WASTE DISPOSAL, AND STAFF HAS PROVIDED A COUPLE OF RESPONSES TO THAT QUESTION AND I JUST WANT TO CLARIFY, YOU KNOW, THESE ARGUMENTS, THESE BULLET POINTS ARGUMENTS AND PERHAPS THIS IS A

QUESTION FOR PUBLIC WORKS AS WELL, WHERE DO THESE COME FROM? IS THIS SORT OF STAFF OPINION OR ARE THESE ROOTED IN OR RELATED TO EXISTING COUNTY POLICIES, THE INTEGRATED WASTE MANAGEMENT PLAN FOR EXAMPLE OR IS THIS MORE JUST SORT OF A STAFF OPINION RECOMMENDATION?

>> MR. CLAGHORN: I'M GOING TO DEFER TO PUBLIC WORKS ON THIS QUESTION.

>> HI, SO, WE'VE HAD DISCUSSION WITH L.A. COUNTY [INAUDIBLE] ON THIS ISSUE. THERE IS BASICALLY THE ECONOMY OF SCALE AND THE ECONOMIC FACTOR THAT MAKE THE OPERATION OF THAT LANDFILL FEASIBLE. AT THIS POINT, THEY DO NOT THINK THAT IS THE CASE AND UNTIL THAT HAPPENS, THEY WOULD NOT BE ABLE TO OPERATE IT, BUT FURTHER DOWN THE ROAD, I'M SURE THAT THAT WILL BE ONE OF THE OPTIONS THAT COULD BE CONSIDERED.

>> CHAIR SMITH: BUT THE QUESTION ABOUT, YOU KNOW, WHETHER MESQUITE IS EQUIPPED AND READY TO ABSORB IN THE EVENT THAT A PERMIT WAS DENIED FOR CHIQUITA CANYON THAT THE RESPONSE -- THE ASSESSMENT IS THEY IT'S NOT READY.

>> NO, IT IS READY, HOWEVER, AS I SAID, THEY NEED TO AS FAR AS THE SCHEDULING, HOW THE LINES -- BECAUSE AS YOU KNOW, THEY WILL

TRAVEL BY RAIL, THEY DO NEED SOME PREPARATION TIME TO PUT THINGS IN ORDER AND OBVIOUSLY THAT WOULD -- WE TALKED ABOUT COST, THAT IT WOULD ALSO INCREASE, DOUBLE THE COST OR HIGHER IF THAT HAPPENS, BUT THE FACILITY ITSELF IS READY BUT THEY NEED TO WORK OUT THE OPERATIONAL ISSUES AS FAR AS THE TRAIN MOVEMENTS AND GETTING THE LOADS AGAIN TO GO THERE BECAUSE BY JUST HAVING THEM OPERATING, IF THE HAULERS CHOOSES AND THIS IS VERY -- BETWEEN THE WASTE MANAGEMENT HAULERS THAT WE HAVE, LANDFILL OPERATOR, THEY HAVE THEIR OWN BUSINESS POLICIES AS TO HOW DO THEY FIT THEIR BUSINESS SCHEME WORKS, SOME MAY CHOOSE TO TAKE IT OUT OF COUNTY BECAUSE THEY HAVE A BETTER DEAL WITH THE LANDFILLS IN OTHER COUNTIES OUTSIDE L.A., AND SOME MAY NOT, FOR MESQUITE, IT CLEARLY HAS TO BE ASSURANCE THAT THE TONNAGE WOULD BE THERE AND THEN AS I SAID, THE FACILITY IS THERE, THEY JUST NEED SOME TIME TO GET THINGS ORGANIZED AND IT HAS -- THE L.A. COUNTY SAND DISTRICT HAS TO MOVE ON WITH THAT OPERATION, WITH THE ASSURANCES THEY NEED BECAUSE IT'S GOING TO BE VERY COSTLY AND THEY WANT THE MAKE SURE THE REVENUE WILL BE COMING IN ORDER FOR THEM TO OPERATE THIS.

>> CHAIR SMITH: SO, GIVEN ALL THAT, WHAT I'M TRYING TO GET THAT, GIVEN ALL THAT, STAFF IS STILL RECOMMENDING APPROVAL OF A NEW PERMIT FOR CHIQUITA CANYON AND I GUESS I'M TRYING TO GROUND THAT RATIONAL IN AS IT RELATES TO MESQUITE AS A VIABLE ALTERNATIVE

AND WHAT I'M HEARING IS THERE'S COST CONSIDERATIONS AND THEN THERE'S THESE REASONS THAT ARE LISTED IN OUR STAFF REPORT THAT SORT OF GET AT SOME OF THOSE CONSIDERATIONS AND A SUGGESTION THAT THERE'S GREATER ENVIRONMENTAL IMPACTS BY DIVERTING OUT THERE AND MY QUESTION I GUESS WAS MORE SPECIFIC WAS, SO IS THAT GROUNDED IN DOCTOR OR LINKED TO COUNTY POLICY OR IS THAT JUST SORT OF AN ASSESSMENT OF THE ON THE GROUND CONDITIONS AND WHAT WOULD BE --

>> AS FAR AS ST POLICY IS CONCERNED, IT'S BEEN THE COUNTY POLICY TO DO AS MUCH WHEN WE GENERATE THE WASTE THE TAKE CARE OF YOUR OWN WASTE IN COUNTY AS MUCH AS POSSIBLE, THAT WAS ONE OF THE -- THAT'S BEEN THE POLICY THAT WE'VE BEEN FOLLOWING AND THAT'S WHY IN THE SITING ELEMENT, THERE HAS BEEN LANDFILL THAT HAS BEEN IDENTIFIED FOR EXPANSION, SO THEREFORE, THIS IS -- MESQUITE IS A RELIEF VALVE IF YOU WILL IF THINGS COME UP THAT WE HAVE TO ABSOLUTELY USE IT AND, AGAIN, I TALKED ABOUT THE ECONOMY SIDE OF IT, HOWEVER, THERE ARE -- WE THINK THAT THIS PERMIT FOR CHIQUITA WOULD HELP THE COUNTY IN A SENSE OF A LONG TERM PLANNING IS CONCERNED, AS FAR AS LONG TERM PLANNING IS CONCERNED AND WE ARE GOING TOWARDS ZERO WASTE BUT THERE 14:43:37 IS AN INFRASTRUCTURE THAT WE HAVE TO HAVE IN PLACE TO BE ABLE TO -- TECHNOLOGIES, YOU NEED THOSE FACILITIES TO BE IN PLACE.

>> CHAIR SMITH: COMMISSIONER LOUIE?

>> VICE CHAIR LOUIE: AS A FOLLOW-UP TO YOUR QUESTION, WHO OWNS MESQUITE COUNTY.

>> COUNTY OF LOS ANGELES.

>> VICE CHAIR LOUIE: AND WHO SPENT THE 36.5 MILLION DOLLARS TO PREPARE IT AS A LANDFILL?

>> THE MONEY THAT HAS BEEN COLLECTED IS FROM THE COUNTY OF LOS ANGELES RESIDENTS THAT THE SAND DISTRICT PUT TOGETHER THE PLANS AND BUILT THE FACILITY.

>> VICE CHAIR LOUIE: SO, MESQUITE CANYON REALLY REPRESENTS AN ALTERNATIVE OR A COMPETITOR TO SUNSHINE, TO CHIQUITA, TO OTHER LANDFILLS IN OTHER COUNTIES?

>> POTENTIALLY, YES, HOWEVER, AGAIN, AT THIS, WE ARE TALKING ABOUT TODAY IF YOU'RE LOOKING AT IT TODAY, THE COST IS GOING TO BE SIGNIFICANTLY HIGHER.

>> VICE CHAIR LOUIE: SO, AS WE LOOK AT THE RATES AND FEES THAT WE ARE SUGGESTING OR SETTING, WE ARE SETTING UP THIS PARTICULAR

VENDOR, THIS PARTICULAR SOURCE, WE'RE SETTING THEIR COMPETITIVE BASIS?

>> THAT'S CORRECT.

>> VICE CHAIR LOUIE: THANK YOU.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, BEFORE WE GET INTO THE REAL SPECIFIC QUESTIONS OF THE APPLICATION AND THE DETAILS, I WOULD LIKE TO TAKE 14:45:11 US SORT OF FROM THAT BIGGER PER SPECIE AND BRING US DOWN TO OUR WALL, AND I WOULD LIKE COUNTY COUNSEL'S SORT OF INPUT AT THE END. WE'RE APPOINTED BY MEMBERS OF THE BOARD OF SUPERVISORS WHO ARE ELECTED, AS APPOINTED POSITIONS, WE ARE A LAND USE BODY TO MAKE LAND USE DECISIONS. THERE ARE SO MANY POLICY ISSUES IMBEDDED IN ALL THESE CONVERSATIONS. DO WE HAVE A ROLE IN FEES, FOR EXAMPLE? BECAUSE FEES AS IMPOSED HAVE BEEN IMPOSED OR SUGGESTED BY PUBLIC WORKS, NOT BY -- AND THEY'VE BEEN ADOPTED AND INCORPORATED WITHIN THIS. THE WHOLE MESQUITE CANYON, THE WHOLE DIVERSION, THE WHOLE OTHER ASPECT OF IT, THE WAY THAT THIS PERMIT OR EXTENSION IS DONE DOES NOT GET INTO THOSE BROADER PERSPECTIVES, IT JUST SORT OF LEAVES THE DOOR OPEN FOR CONVERSION TECHNOLOGY, IT LEVERS THE DOOR OPEN BECAUSE THERE'S NOT A SPECIFIC CLOSURE REQUIREMENT HERE IN TERMS OF HOW THAT'S ALL GOING THE TAKE PLACE, PUENTE HILLS

SUCCESSFULLY CLOSED, SUNSHINE CANYON, I REMEMBER WE WENT THROUGH THAT HAS GOT HUGE DETAILS AND PARKLAND ACTIVITIES, ENDOWMENTS ESTABLISHED FOR THE LONG TERM CARE OF THAT OPEN SPACE, WE CAN DRIVE ALONG THE 405 AND SEE HOW MOUNTAIN GATE, THAT WHOLE COMMUNITY, THERE'S A GOLF COURSE ON TOP OF AN OLD LANDFILL AND PRETTY EXPENSIVE HOUSING THAT SURROUNDS IT. SO, THERE'S A BIG DOOR OPEN ON THIS ONE IN TERMS OF -- AS COMMISSIONER LOUIE WAS HEADING WITH CAPACITY, IF THERE'S CAPACITY TO GROW THIS BY ANOTHER 50% BEYOND WHAT IS PROPOSED WITHIN AT LEAST THE REQUIREMENTS OF THIS CONDITION BY THIS PERMIT, THOSE I DON'T THINK ARE EVEN WITHIN OUR DOMAIN BUT I THINK WE NEED TO ACKNOWLEDGE AND RECOGNIZE THAT THAT'S WHAT THIS IS SO I WOULD LIKE A PIECE ON THAT AND THE LAST PIECE BEFORE YOU COMMENT IS WITH OUR MATERIALS ON FRIDAY, WE RECEIVED A COPY OF A 23 PAGE LETTER FROM COX, CASTLE, NIXON, I HIGHLY RESPECT THE COUNTY HAS WORKED WITH FOR YEARS ON LAND USE MATTERS AND THE AUTHOR OF THIS LETTER, DAVID WHITE, CLAIMS IN HIS CONCLUSIONS FOR THE FOLLOWING REASONS, FOREGOING REASONS, WE REQUEST THE REGIONAL PLANNING COMMISSION REMOVE ALL OF THE UNLAWFUL CONDITIONS REMOVED FROM STAFF PRIOR TO APPROVAL. THE TERM UNLAWFUL, THAT BOTHERS ME, AND I FOR ONE IF WE HAVE A RESPECTED LAW FIRM THAT IS SENDING US A 23 PAGE LETTER CONCLUDING THAT WHAT WE'RE DOING IS UNLAWFUL, I WOULD LIKE SOME RESPONSE FROM COUNTY COUNSEL THAT THIS HAS BEEN REVIEWED THOROUGHLY AND THAT WHAT WE'RE GOING TO BE ASKED TO

APPROVE IF WE MOVE FORWARD WITH APPROVAL IS NOT EITHER PUTTING US IN A POSITION OF APPROVING SOMETHING WHICH IS DEEMED UNLAWFUL OR IS IT MERELY AN OPINION ON THE PART OF COUNSEL IN TERMS OF THINGS THAT THEY QUESTION, THE LEGALITY, BUT IF YOU COULD SORT OF COMMENT ON -- I KNOW THERE'S ABOUT THREE OR FOUR QUESTIONS THERE.

>> CHAIR SMITH: AND IF I CAN JUMP IN QUICK, I'M EAGER TO HEAR THE ANSWER TO THOSE QUESTIONS, I'M SENSING SOME DIFFICULTY HEARING US, I DON'T KNOW IF WE CAN BUMP INTO THE MIC. OR TRY TO SPEAK INTO THE MIC. CLOSER, I WANT TO MAKE SURE AS WE'RE DELIBERATING THAT EVERYBODY HAS A CHANCE TO HEAR. THANKS.

>> TO CLARIFY, THESE FEES THAT SEEM TO ME TO BE THE MAJORITY OF COX CASTLE'S LETTER TO US AND THEY RAISED THOSE QUESTIONS IN THE PRESENTATION, THEY ARE BEING 14:49:28 IMPOSED AS LAND USE REGULATIONS SO THERE DOES HAVE TO BE A NEXUS AND PROPORTIONALITY AND THE FEES VERY MUCH ARE TO OFFSET THE IMPACTS TO THE COMMUNITY, YOU'VE HEARD FROM A LOT OF COMMUNITY MEMBERS, YOU HAVE THE APPLICANT SAYING OTHER THAN AIR QUALITY, THERE'S NO SIGNIFICANT IMPACTS, AIR QUALITY AND I BELIEVE TRAFFIC, BUT JUST BECAUSE YOU DON'T FIND A SIGNIFICANT IMPACT IN THE FINAL ENVIRONMENTAL IMPACT REPORT DOESN'T MEAN THAT THERE'S NO IMPACTS, SO YOU ALSO HAD A QUESTION ABOUT AT THE COMMUNITY

BENEFITS FUN, THAT WAS THROUGH THE 1997 AGREEMENT, THE COUNTY HAS THE DUTY AND THIS LAND USE COMMISSION TO LOOK AT THE IMPACTS TO THE COMMUNITY OF THE USE BEING PROPOSED AND THE USE BEING SOUGHT. I THINK A LANDFILL IS A VERY IMPACT USE, THERE ARE - AS THE COMMUNITY HAS TESTIFIED, THEY ARE ALLEGING THAT THERE ARE ABSOLUTELY IMPACTS TO THEM SO, THIS NEW CONDITIONAL USE PERMIT DOES PROPOSE FEES THAT WERE ABSENT FROM THE 1997 CONDITIONAL USE PERMIT, AND THOSE ARE TO OFFSET THE IMPACTS TO THE COMMUNITY. SPECIFICALLY, THE APPLICANT ALLEGES THINGS LIKE OUT OF AREA TRASH HAS NO MORE IMPACTS THAN IN AREA TRASH, THEY ARGUE THAT THERE SHOULDN'T BE HIGHER FEES FOR THAT. THE COUNTY STAFF DOES FEEL LIKE YOU DO HAVE TRUCKS TRAVELING GREATER DISTANCES, AND THAT THERE SHOULD BE -- THAT THERE'S ADDITIONAL IMPACTS SHOULD BE ADDRESSED FOR THE COMMUNITY. YOU'RE ALSO SPEAKING TOWARDS THE NEW SITING ENTRANCE. IN THE EIR, IT DOES TALK ABOUT NOT ONLY AS THE ADDITIONAL TONNAGE OR TONNAGE BEING CONTINUED TONNAGE BEING OUGHT SOUGHT UNDER THIS USE PERMIT, THEY'RE ALSO PROPOSING TWO NEW USES, HOUSEHOLD HAZARDOUS WASTE CONVERSION SITE AS WELL AS THEY'RE PUTTING A SOLID LOCATION FOR CONVERSION AND TECHNOLOGY IN THE FUTURE. THE EIR ITSELF TALKING ABOUT THE NEW ENTRANCE WOULD BE SITED CLOSER TO THAT HOUSEHOLD HAZARDOUS WASTE FACILITY, SO YOU HAVE THE EXPANSION OF THE 126, YOU HAVE THE URBANIZATION OF THE AREA, ALL OF THESE ARE REAL IMPACTS OF THIS USE TO THAT COMMUNITY IN OUR VIEW, SO WE THINK THAT THE FEES

THAT HAVE BEEN PROPOSED, THERE IS A NEXUS, WE THINK THEY ARE ABSOLUTELY ALLOWED AS PROPER LAND USE REGULATIONS FOR THE USE THAT'S BEING PROPOSED.

>> CHAIR SMITH: COMMISSIONER SHELL?

>> COMMISSIONER SHELL: THANK YOU, MS. JONES, I WANTED TO ASK PUBLIC WORKS ON THE FEE QUESTION. 14:52:17 I BELIEVE THAT OTHER LANDFILLS IN THE COUNTY INCLUDING COUNTY SANITATION ON LANDFILLS HAVE FEES FOR EXAMPLE FOR AN OPEN SPACE FUND OR A COMMUNITY BENEFIT FUND, I'M WONDERING IF YOU COULD EXPLAIN THAT A BIT PERHAPS SO WE CAN LEARN MORE TO SEE ARE THESE FEES IN KEEPING WITH WHAT IS IMPOSED AT OTHER FACILITIES AND I WOULD ALSO LIKE TO KNOW, AT OTHER FACILITIES, DO WE HAVE DIFFERENT FEE STRUCTURE BASED ON TRASH AND AREA AND OUT OF AREA?

>> JUST ONE GENERAL COMMENT, EVERY ONE OF THESE FEES THAT WE HAVE PUT IN HERE IS BECAUSE OF ADDRESSING AN IMPACT, TO OFFSET THE IMPACT TO THE COMMUNITY, THE 1997 CUP THAT WAS ISSUED SINCE THEN UNTIL 2018, THIS AREA'S POPULATION HAS GROWN, NOW IT'S STILL GROWING AND THERE ARE MORE FOLKS THAT ARE GOING TO BE IN THE AREA, EVERY ONE OF THE CONDITIONS WE HAVE PUT IN, THERE IS AN IMPACT TO THE COMMUNITY AND WHAT WE ARE DOING WITH THESE FEES, TRYING TO ADDRESS OR MINIMIZE WHAT THE COMMUNITY WILL TAKE

INTO THE BURDEN OF THIS THING AND WE'RE TRYING TO MINIMIZE THIS BURDEN. IN TERMS OF OTHER LANDFILL, YES, THEY HAVE SOME SIMILAR CONDITIONAL USE FEES THAT THEY WILL PAY FOR AND THIS IS NO EXCEPTION, IT JUST HAPPENS THAT CHIQUITA DID NOT HAVE ANY FEES ASSOCIATED WITH THEIR 1997 CUP, IF YOU GO BACK TO PUENTE HILLS LANDFILL, SUNSHINE AND LANCASTER, THEY ALL HAVE FEES ASSOCIATED INCLUDING FOR COMMUNITY FEES, INCLUDING FOR CONVERSION TECHNOLOGY THAT WE HAVE, INCLUDING FOR TRANSPORTATION BECAUSE WE FEEL THAT IN THEIR PROJECT OBJECTIVE, I WAS LOOKING AT THE PROJECT OBJECTIVE THAT CHIQUITA HAS SUBMITTED, THEY SAY THEY WANT TO SUPPORT THE COUNTY'S GOAL TO [INAUDIBLE] COUNTY'S DISPOSAL NEEDS, SINCE 1997, THERE HAS BEEN NUMEROUS REGULATION ON LEGISLATION THAT THEY HAVE MANDATED ON LOCAL AGENCIES ABOUT INCREASING RECYCLING AND THEREFORE REDUCING THE NEEDS FOR LANDFILL. HOWEVER, AS I SAID, WE DO NEED -- THIS IS A LONG TERM PLAN THAT WE HAVE AND WE DO NEED SOME OF THIS LANDFILL IN ORDER TO GET TO THAT ZERO 14:54:45 WASTE, IT IS IN OUR PLANNING, WE HAVE PLANS, WE ARE RECYCLING, REUSING OF WHAT WE CAN DO AS FAR AS THE PROGRAMS ARE CONCERNED, WE'RE LOOK AT CONVERSION TECHNOLOGY BUT AT THE SAME TIME YOU DO NEED FEES TO ADDRESS THESE IMPACTS.

>> COMMISSIONER SHELL: THANK YOU.

>> AND I'M JUST LOOKING BACK OVER MY NOTE, SOME MORE THINGS ABOUT THAT 1997 PERMIT THAT I THINK HAVE BEEN CAUSING SOME CONFUSION, IN THE 1997 PERMIT, BENEFICIAL USE MATERIALS, THE INTAKE OF THOSE WERE ALSO NOT REGULATED OR NOT CONDITIONED, SO YOU HEAR A LOT ABOUT TONNAGE FROM THE APPLICANT SAYING THEY'RE BRINGING IN 3.1 MILLION TONS IS WHAT THEY'RE TRENDING FOR THIS YEAR, THEN YOU HEAR FROM STAFF THAT THERE'S A LIMIT OF 6 THOUSAND TONS A WEEK AND 14:55:38 THOSE NUMBERS DON'T ADD UP. WHEN YOU LOOK AT THE 1997 USE, THEY'RE ONLY LOOKING AT CONDITIONS ON SOLID WASTE, SO YOU HAVE UNLIMITED AMOUNTS OF BENEFICIAL USE MATERIALS THAT WERE ALLOWED IN, SO IT'S NOT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH THEIR 1997 CONDITIONAL USE PERMIT, IT'S JUST THAT MORE WAS UNCONDITIONED OR UNREGULATED. THAT IS WHY STAFF IS PROPOSING IN THIS NEW CONDITIONAL USE PERMIT TO CONDITION BOTH SOLID WASTE INTAKE AS WELL AS BENEFICIAL USE, COMPOST AND OTHER INTAKES, THEY'RE TRYING TO BE MUCH MORE SPECIFIC SO IN THE FUTURE, THERE WON'T BE THAT CONFUSION. LIKEWISE, I BELIEVE THE LATEST DRAFT, THERE SHOULD BE A RED LINE VERSION AVAILABLE TO THE PUBLIC AND TO THE COMMISSION OF WHAT'S BEING PROPOSED. I DO BELIEVE THAT PUBLIC WORKS CAN CONFIRM THAT THE WEEKLY TONNAGE WAS TAKEN OUT BUT YOU DO HAVE A MONTHLY LIMIT THAT DID PROVIDE FOR SOME FLEXIBILITY. THE MONTHLY LIMIT IS 175 THOUSAND TONS PER MONTH, IF YOU TIMES THAT TIMES 12, YOU GET 2.1 MILLION, SO THE NUMBERS DO ADD UP.

AND I THINK THAT STAFF WOULD STILL RECOMMEND THE 2.1 MILLION TON LIMIT BECAUSE THAT'S BASED ON THE SOLID WASTE THAT IS CURRENTLY ALLOWED AND THEN ALSO A LIMIT ON THE BENEFICIAL USE MATERIALS RATHER THAN WHAT'S BEING TAKEN IN TODAY. THE OTHER ONE, WHEN WE TALK ABOUT THE PROMISES TO CLOSURE AND THINGS, WHEN YOU TALK ABOUT THE EIR AND WHAT'S ANALYZED TO MITIGATE THOSE IMPACTS, IN THE EIR BEFORE YOU, THEY DO TALK ABOUT A CLOSURE PLAN AND THEY DO TALK ABOUT OPEN SPACE USE AND RECREATIONAL USE AT THE CLOSURE OF THE -- OR WHEN THEY HIT THE LIMITS WITHIN THE PERMIT THAT'S BEFORE YOU. I THINK THOSE ARE IMPORTANT COMMITMENTS AND CONDITIONS TO HAVE IN HERE, SO THAT IN THE FUTURE, IF IN 20 YEARS OR 30 YEARS OR THE EXPIRATION OF THIS PERMIT, IF THERE IS STILL CAPACITY, THEN THEY NEED TO ADDRESS HOW THEY'RE GOING TO THEN MITIGATE THOSE CLOSURE IMPACTS OR OPEN SPACE PROMISES, THOSE WOULD HAVE TO BE ADDRESSED AT THAT FUTURE DATE.

>> COMMISSIONER SHELL: THANK YOU, CAN I FOLLOW UP, ONE MORE SORRY, I'M NOT SURE IF IT'S MORE MR. CLAGHORN OR PUBLIC WORKS BUT ON THE PROPOSED CHANGE IN HOURS OF OPERATION, WE HEARD FROM THE APPLICANT, FOR EXAMPLE, THEY'D LIKE TO TAKE DELIVERIES AT 3 A.M., I'M MAKING THIS UP, BUT WHEN TRAFFIC IS REDUCED ON THE FREEWAYS, CAN YOU EXPLAIN WHY I GUESS YOU DON'T AGREE WITH ALLOWING THE HOURS TO CONTINUE AS THEY ARE CURRENTLY?

>> MR. CLAGHORN: WELL, THE PERMIT DOES ALLOW THEM TO MOVE IT UP TO 4 A.M. CONTINGENT UPON APPROVAL OF A REVIEW OF THE TRAFFIC PLAN TO MAKE SURE THAT THERE WILL NOT BE IMPACTS, AND I THINK A LOT A CHANGED SINCE THE 1997 PERMIT TO TODAY AND THERE'S MORE HOUSING PROPOSED IN THE AREA IN THE FUTURE AND WE JUST WANT THE MAKE SURE IT DOESN'T BECOME A NUISANCE TO RESIDENTS IN THAT AREA SO WE DO WANT TO ALLOW FOR SOME FLEXIBILITY BUT AT THE SAME TIME, WE NEED TO HAVE SOME REVIEW OF [INAUDIBLE], SO THAT'S WHY WE ALLOWED THAT TO -- CONTINGENT UPON APPROVAL OF A TRAFFIC PLAN BY PUBLIC WORKS.

>> I THINK THE IDEA -- I HEARD WHEN STAFF WAS WORKING ON THIS CONDITION WITH THE APPLICANT THAT THIS AREA IS BECOMING URBANIZED SO YOU WILL HAVE COMMUNITIES RIGHT ALONG 126 AND THEY DO NOT NECESSARILY WANT TO HAVE BIG TRUCKS DRIVING BY 24 HOURS A DAY IN THE MIDDLE OF THE NIGHT, THEY THINK THERE MIGHT BE SOME NOISE IMPACTS FROM THAT OR IMPACTS TO COMMUNITIES, IN THE EVENT, THERE IS A CONSTRUCTION PROJECT OR SOME BIG PROJECT THAT THEY DON'T WANT TO ADD ALL THAT TRAFFIC, THEY KNOW THEY CAN PLAN IN ADVANCE, THOSE TRUCKS WILL BE COMING IN FROM SAY THE 405 PROJECT AND I'LL LET YOU SPEAK TO THIS, THAT THEY COULD APPROVE A SPECIAL MITIGATION PLAN FOR A SPECIAL PROJECT TO TAKE IN THOSE EXTRA LOADS.

>> YES, AND WE DID WORK WITH FOLKS TO BE ABLE TO ADDRESS THEIR CONCERN BUT AT THE SAME TIME, WE ARE MINDFUL AS THIS IS AN URBANIZED AREA NOW, THAT THINGS ARE GROWING, THERE'S RESIDENTS THAT ARE GOING TO BE THERE, WE WANT TO MINIMIZE, THE NOISE, THE TRAFFIC AS MUCH AS POSSIBLE TO THESE FOLKS AND THAT'S WHY WE SAID IF YOU HAVE SOME PROJECTS THAT IS IN NEED OF THAT, SUBMIT TO US A PLAN HOW YOU'RE GOING ADDRESS THE NOISE, THE TRAFFIC AND THE DIRECTOR OF PUBLIC WORKS, WE WILL REVIEW AND PROVIDE YOU WITH EITHER APPROVING IT OR DENYING IT, IT DEPENDS ON --

>> COMMISSIONER SHELL: I'M PLAYING DEVIL'S ADVOCATE, THE MAJORITY OF THE TRUCKS ARE COME FROM THE 5 TO THE 126, THEY'RE NOT COMING FROM THE WEST OF THE FACILITY, THE VENTURA COUNTY SIDE OBVIOUSLY, I'M JUST -- OKAY, AGAIN, I MIGHT NOT BE STATING WHAT'S CORRECT, THEY'RE COMING FROM THE 5 TO THE 126 TO THE FACILITY. IN TERMS OF -- I MEAN, THE NOISE WOULD BE NOISE ON THE FREEWAY, THE TRUCKS WOULD NOT MOVE THROUGH RESIDENTIAL STREETS TO GET TO THE FACILITY, CORRECT, THEY GO FROM THE FREEWAY TO THE NEW -- WOULD GO TO THE NEW ENTRANCE?

>> MR. CLAGHORN: WELL, THERE ARE RESIDENTIAL NEIGHBORHOODS THAT ARE -- LIKE NEWHALL RANCH, THEY DON'T EXIST TODAY, BUT THEY HAVE BEEN APPROVED SOUTH OF THE 126, SO THERE COULD BE FUTURE RESIDENTS THERE BASED ON THE NEWHALL RANCH PROJECT, FOR EXAMPLE.

AND THERE ARE OTHER RESIDENTS IN THAT AREA, THERE IS NOT A LOT RIGHT NEAR WHERE THE ENTRANCE IS, BUT THERE ARE RESIDENCES PROPOSED RIGHT ACROSS FROM WHERE THE ENTRANCE IS THAT ARE PART OF THE NEWHALL RANCH PROJECT.

>> I JUST WANT TO POINT OUT THAT THIS IS POTENTIALLY A 30 YEARS PERMIT SO YOU CAN ONLY IMAGINE THE GROWTH THAT WOULD BE HAPPENING ALL IN THAT AREA AS WELL, SO THAT'S WHY WE WANT TO MAKE SURE THAT WE CAN CONTROL IN A ACCEPTS OF PROTECTING THE COMMUNITY FROM WHAT IS COMING THERE AS FAR AS THE TRAFFIC AND NOISES CONCERN TO THE LEAST EXTENT POSSIBLE.

>> COMMISSIONER SHELL: I UNDERSTAND, THANK YOU.

>> YOU'RE WELCOME.

>> CHAIR SMITH: I WANT TO HEAR A LITTLE BIT MORE ABOUT SOME OF THE MITIGATION THAT'S BEING PROPOSED AND WHAT'S BEING PROPOSED IN TERMS OF ADDRESSING COMMUNITY CONCERNS AND OVERSIGHT MOVING FORWARD AND I ASKED THE APPLICANT ABOUT COMMITMENT TO COLLABORATION AND MEANINGFUL RELATIONSHIPS AND PROBLEM-SOLVING AND I APPRECIATE THAT THE APPLICANT, THIS OPERATOR HAS A GOOD RECORD OF COMPLIANCE BUT I'M NOT TOTALLY SATISFIED WITH THAT AS A RESPONSE TO MY QUESTION, SO I DO WANT TO ASK ABOUT -- BECAUSE

I THINK THAT'S IMPORTANT AND ONE THING AND YOU SHOULD BE APPLAUDED FOR THAT BUT WE'RE ALSO HEARING REAL CONCERNS THAT EXIST OUTSIDE OF THAT SORT OF NARROW FRAMING, SO I WANT TO HEAR A LITTLE BIT ABOUT IF YOU CAN HELP ME UNDERSTAND AND I KNOW IT'S ALL IN HERE, I WANT TO TEASE IT OUT A LITTLE BIT, THE COMMUNITY ADVISORY COMMITTEE, WHAT DOES THAT LOOK LIKE, WHO IS ON IT, HOW ARE YOU APPOINTED, WHAT'S ITS OVERSIGHT ROLE AS PROPOSED BY THE IMPLEMENTATION PLAN?

>> MR. CLAGHORN: WELL, THE NUMBERS ARE SLAKED BY THE BOARD OFFICE, FIFTH DISTRICT BOARD OFFICER FROM MEMBERS OF THE COMMUNITY, SO THEY WOULD BE PEOPLE FROM THE SANTA CLARITA VALLEY.

>> CHAIR SMITH: AND WHAT IS THEIR ROLE VIS-A-VIS THE APPLICANT AND WHAT IS THEIR SORT OF -- HOW ACCOUNTABLE IS THAT BODY TO MEMBERS OF THE PUBLIC THAT AREN'T ON THAT BODY THAT HAVE CONCERNS OR ARE FEELING THAT THERE ARE IMPACTS THAT THEY ARE FACING?

>> MR. CLAGHORN: THE INTENT IS THAT THEY WILL BE ABLE TO GIVE VOICE TO COMMUNITY CONCERNS AND TO RELAY THAT INFORMATION TO THE BOARD OFFICE AND TO THE COUNTY DEPARTMENTS.

>> CHAIR SMITH: DO WE KNOW 15:04:41 THE MECHANICS OF HOW THEY WOULD GIVE VOICE TO THE COMMUNITY, ARE THEY GOVERNED BY BYLAWS, WILL THEY ATTEND THE MEETINGS?

>> MR. CLAGHORN: THERE ARE BYLAWS AND REGULAR MEETINGS, PUBLIC MEETINGS WHERE PEOPLE CAN PROVIDE INPUT.

>> CHAIR SMITH: AND THEN THAT INPUT PRESUMABLY WOULD THEN BE PASSED -- I'M JUST TRYING TO GET TO AN UNDERSTANDING OF HOW DO WE BE BETTER IF THIS MOVES FORWARD, HOW ARE WE BETTER AND MORE RESPONSIVE AND IS THIS THE CAC, THE MECHANISM FOR THAT OR IS IT NOT, IS THERE SOMETHING ELSE WE SHOULD BE LOOKING AT? DO WE HAVE A SENSE OR IS THIS SOMETHING WE'RE -- I MEAN, BECAUSE I KNOW THAT THIS IS A BODY THAT EXISTED UNDER THE PRIOR CUP.

>> MR. CLAGHORN: IT DOES EXIST, THERE ARE SOME MODIFICATIONS INTO HOW THAT WORKS BUT THE IDEA IS TO PROVIDE A FORUM WHERE PEOPLE CAN SPEAK THEIR CONCERNS AND THEY WILL BE LISTENED TO AND TAKEN INTO CONSIDERATION.

>> IF I MAY, JUST TO ADD TO THAT, WE HAVE EXPERIENCED WITH OTHER LANDFILLS, THIS FORUM ALLOWS THE COMMUNITY TO BE UNIFIED IN A SENSE OF ISSUES THAT IS ON TOP OF THEIR LIST AND SOME OF THE NEEDS THAT THEY HAVE THAT PEOPLE THAT LIVE IN THE AREA, THEY CAN

CLEARLY COMMUNICATE THAT. THEY HAVE MEETINGS ON A MONTHLY BASIS, THEY COMMUNICATE VIA E-MAIL AND MEETINGS AND SEND LETTERS TO HMD, PUBLIC WORKS, PUBLIC HEALTH, REGIONAL PLANNING ABOUT THE ISSUES THAT THEY ARE CONCERNED WITH, SO IT WOULD GIVE A VERY EFFECTIVE WORDS TO THE COMMUNITY TO COMMUNICATE THAT.

>> CHAIR SMITH: AND I KNOW THERE IS ANNUAL REPORTING, THAT INFORMATION IS AVAILABLE TO THE PUBLIC?

>> CORRECT.

>> CHAIR SMITH: SO, HOW DOES THIS INTERPLAY BECAUSE WE ALSO HAVE A PROPOSED CONDITION WITH RESPECT TO PERIODIC REVIEW, CONDITION 35, WHICH OCCURS AT YEAR 10 AND YEAR 20 AND AS I UNDERSTAND IT, THIS IS SORT OF A MORE INVOLVED REASSESSMENT OF EXISTING CONDITIONS. HOW DOES THIS -- I GUESS MY QUESTION IS HOW WOULD THIS INTERPLAY WITH THE ANNUAL OR THE ONGOING COMMUNITY 15:07:01 ADVISORY PROCESS AND THEN ALSO HOPE ME UNDERSTAND WHY THOSE BENCHMARKS, WHY YEAR 10 AND 20 AND WHY NOT SOONER AND MORE FREQUENT?

>> WELL, WHAT WE'VE LEARNED IS WE WANT TO ENSURE A GUARANTEE IN A SENSE TO MAKE SURE NOT ONLY THE APPLICANT IS COMPLYING WHAT YOU NEED TO DO IMMEDIATELY WITH ISSUES THAT THEY HAVE TO

ADDRESS, BUT ALSO YOU LOOK AT THIS 10 YEAR AND 20 YEAR PERIOD AND SEE IF THEY HAVE IN FACT BEEN A GOOD NEIGHBOR, IF THEY HAVE BEEN IN COMPLIANCE WITH THE LAWS AND REGULATIONS, IF YOU THINK THAT THEY HAVE HAD EXCESSIVE NUMBER OF VIOLATIONS, SO ALL OF THAT GIVES THIS -- GIVES THE COUNTY AN OPPORTUNITY TO REVISIT THE ISSUES, AND MAKING SURE THE ISSUES ARE RESOLVED OR TAKING ADDITIONAL ACTIONS AT THOSE POINTS.

>> CHAIR SMITH: AND THE RATIONAL WAITING UNTIL YEAR 10?

>> WE DON'T WAIT, THE ISSUES COME UP, THE ISSUES GET ADDRESSED BUT IT GIVES THE GOVERNING BODY ANOTHER OPPORTUNITY TO LOOK AT SAY, YOU KNOW, FOR INSTANCE, TEN YEARS FROM NOW, ADDITIONAL REGULATIONS COULD COME IN PLACE, A NEW REQUIREMENT COULD BE ISSUED OUT THERE BY CALRECYCLE, ETC., THAT YOU NEED TO THINK ABOUT IT AND SAY WHAT ELSE DO WE NEED TO DO IN THE FORM OF COMPLIANCE, SO IT GIVES YOU THAT OPPORTUNITY, THE UMBRELLA OPPORTUNITY AS TO WHAT DO WE WANT TO DO, WHAT OTHER ITEMS DO WE NEED TO ADDRESS HERE, ARE THEY TAKING CARE OF THE COMMUNITY, ARE THE ISSUES RESOLVED. WE'RE LOOKING AT A TEN YEAR SORT OF A CALENDAR VERSUS IMMEDIATE NEEDS.

>> CHAIR SMITH: SO, YEAH, AND I APPRECIATE THE NEED TO SORT OF HAVE THIS PROCESS OR THIS MECHANISM ACROSS THE HORIZON OF THE

TIMELINE, PERSONALLY I WONDER IF IT DOESN'T MAKE SENSE TO FRONT LOAD IT A LITTLE BIT AT YEAR 5 BUT I THINK WE CAN MARINATE ON THAT. I WANT TO JUST QUICKLY AND THEN I KNOW YOU'RE PROBABLY SICK OF HEARING FROM ME SO I'LL TURN IT OVER TO MY FELLOW COMMISSIONERS, BUT WHAT ARE THE PENALTIES IF ANY FOR ACCEPTING PROHIBITED MATERIALS? WE HEARD SOME CONCERNS FROM APPLICANTS -- I'M SORRY, FROM COMMUNITY MEMBERS, WHAT'S IN HERE, WHAT'S IN OUR CONDITIONS ABOUT THOSE PENALTIES AND IF THERE ARE ANY, YEAH, I GUESS THAT'S THE QUESTION.

>> MR. CLAGHORN: WOULD YOU LIKE TO ANSWER THAT, BAHMAN?

>> SORRY, WHAT PENALTIES?

>> CHAIR SMITH: DO WE HAVE CONDITIONS ABOUT PENALTIES?

>> ANY TIME THE FACILITY IS IN VIOLATION, WE -- THERE IS OVER HUNDREDS OF CONDITIONS THAT PUBLIC WORKS, PUBLIC HEALTH, REGIONAL PLANNING, LEA THAT'S IN THE ARMS OF THE STATE, THEY MONITOR AND IF THE ISSUES ARE NOT ADDRESSED CORRECTLY, THEN WE WOULD -- BASED ON THE DOCUMENTATION, BASED ON THE INFORMATION THAT'S BEEN SUBMITTED, BASED ON THE FEEDBACK FROM THE COMMUNITY, WE WOULD WRITE A LETTER TO REGIONAL PLANNING AND ASKING THEM TO LOOK INTO THE ISSUE AND THE NOTICE OF VIOLATION WHICH THE NOTICE

OF VIOLATION I BELIEVE IS A THOUSAND DOLLARS PER DAY, RICHARD? SO, THAT WOULD BE IF THEY GET 30 DAYS BASICALLY TO COMPLY AND RESOLVE ANY ISSUES THAT THERE IS, OTHERWISE, THEY WOULD BE SUBJECT TO PENALTIES AND THEN DISCRETIONAL AS FAR AS OTHER CONDITIONS ARE CONCERNED, YOU CAN IMPOSE ADDITIONAL REQUIREMENTS ON THE LANDFILL OPERATOR.

>> AND THIS IS A LITTLE BIT SEPARATE BUT CONDITION 107 ALSO ASKS THAT THEY HAVE WHEN YOU WERE TALKING ABOUT SURVEILLANCE EARLIER, THEY HAVE A VIDEO GOING ON ALL THE TIME AT THE FACE OF THE LANDFILL AND THAT IS I UNDERSTAND TO MONITOR THE MATERIALS THAT COME IN, SO THAT IF PROHIBITED MATERIALS ARE BROUGHT IN, THEY DON'T BECOME BURIED AND IN ESSENCE CONDITION FIND THE EVIDENCE.

>> CHAIR SMITH: SO, ASIDE FROM THE VIDEO, HOW WOULD WE KNOW AND HOW WOULD THE OPERATOR KNOW FOR EXAMPLE IF PROHIBITED MATERIALS WERE COMING IN AND I IMAGINE YOU KNOW THERE'S AN OBLIGATION TO BE DILIGENT ABOUT THAT, BUT HOW IS THAT ENFORCED OR MONITORED?

>> MR. CLAGHORN: THERE ARE SOME CONDITIONS 46-48, CONDITIONS THAT TALK ABOUT THAT AND THEY HAVE EQUIPMENT THAT CAN DETECT THINGS LIKE RADIOACTIVE MATERIALS AND THEY ALSO -- THEY TALK TO THE DRIVERS AND THEY REGULARLY MONITOR WHAT'S COMING IN TO MAKE

SURE THAT THERE'S NO PROHIBITED MATERIALS THERE AND SO THERE IS THAT ALREADY HAPPENING AND THAT'S GOING TO CONTINUE.

>> CHAIR SMITH: OKAY. AND THEN CONDITION 38 TALKS -- PROHIBITS OFF-SITE QUEUING OR -- YEAH, OFF-SITE QUEUING, WHICH SEEMS IMPORTANT TO ME. HOW'S THAT ENFORCED?

>> MR. CLAGHORN: ON SITE QUEUING?

>> CHAIR SMITH: OFF-SITE QUEUING.

>> MR. CLAGHORN: RIGHT NOW WITH WHERE THE ENTRANCE IS, I THINK IT'S DIFFICULT TO ADDRESS THAT, I THINK WITH THE NEW FACILITIES BEING ON [INAUDIBLE] WOULD HELP TREMENDOUSLY WITH THAT ISSUE. THERE'S ALSO THE HOURS OF OPERATION CONCERN FROM THE APPLICANT AND THEIR CONCERN IS IF IN THE EARLY MORNING HOURS RIGHT BEFORE THEY OPEN, THE TRUCKS WILL START LINING UP AND THAT'S WHY THEY WANT TO BE ABLE TO HAVE THE 24 HOUR OPERATIONS, SO IN TERMS OF WHAT HAPPENS IF TRUCKS STARTED LINING UP AT 4 A.M. OR BEFORE THEY'RE ALLOWED TO COME IN AND THAT'S WHY WE HAVE THE FLEXIBILITY BUILT IN TO ALLOW SOME -- IN SOME CASES TO ALLOW THE EARLIER HOURS, BUT IT ONLY ALLOWS UP TO 4:00 A.M. UNDER THE CURRENT ONE THE WAY IT'S WRITTEN NOW AND THAT'S ONLY IF A

TRAFFIC PLAN SHOWS THIS IS BECOMING A PROBLEM, THEN WE WOULD BE ABLE TO MODIFY THAT, BUT ONLY UP TO THAT POINT.

>> CHAIR SMITH: SO, I MEAN, I ABSOLUTELY UNDERSTAND THIS IS A CHALLENGE AND -- BUT HAS THERE BEEN ANY THOUGHT GIVEN TO ASIDE FROM THE FLEXIBILITY TO ADJUST THE HOUR TO 4:00 A.M., BEYOND THAT, I MEAN, WHAT -- ARE WE BEING CREATIVE IN THINKING ABOUT HOW WE WOULD PREVENT THAT FROM HAPPENING, IT'S TRICKY TO HAVE A CONDITION THAT ASKS AN OPERATOR TO ENFORCE SOMETHING OFF-SITE, SO HOW DO WE -- BUT IT'S IMPORTANT, SO HOW DO WE GET AT THAT GOAL?

>> MR. CLAGHORN: I'M NOT SURE AT THIS POINT.

>> IN THE EIR WHEN IT TALKED ABOUT THE ENTRANCE, IT TALKED ABOUT HOW THEY PROCESS, OR MAYBE THE OPERATOR CAN SPEAK TO THAT OR PUBLIC WORK, HOW THEY WEIGHED THE MACHINES, HOW MANY LANES THEY HAVE OPEN, THEY HAVE OVERFLOW LANES, IN READING SECTION 10 OF THE FINAL EIR, THERE WERE MITIGATION MEASURES TO ADDRESS AND STEPS THAT COULD BE TAKEN ON-SITE TO EFFECT OFF-SITE QUEUE.

>> CHAIR SMITH: AND THOSE MITIGATION MEASURES ARE THEN INCORPORATED INTO OUR MITIGATION MONITORING PROGRAM THAT BECOME BINDING?

>> THOSE CAN BE -- THOSE WERE THROUGH THE SECOND -- THE NEW ENTRANCE, SO THAT'S PART OF THE STAFF'S RECOMMENDATION TO HAVE THE ENTRANCE OFF OF WILCOTT.

>> CHAIR SMITH: SO, IF THERE IS A SEPARATE ENTRANCE, THOSE MITIGATION MEASURES ATTACH?

>> YES.

>> CHAIR SMITH: OKAY. I'LL TAKE A BREATHER IF ANYONE ELSE HAS ADDITIONAL QUESTIONS. COMMISSIONER LOUIE?

>> VICE CHAIR LOUIE: JUST TO FOLLOW UP FROM A PUBLIC HEALTH STANDPOINT, ADDITIONAL MONITORING STATION AT THE SITE, WHAT WOULD YOU MONITOR, HOW BENEFICIAL WOULD IT BE, WHAT WOULD THAT MONITORING TELL YOU?

>> MR. CLAGHORN: WE HAD SOMEONE FROM PUBLIC HEALTH WHO WAS GOING TO BE -- I'M NOT SURE IF THEY'RE HERE RIGHT NOW.

>> IF I MAY JUST -- HMD HAS SOME REQUIREMENT AND IN SOME LOCATIONS, THEY HAVE PUT IN THESE DEVICES TO MONITOR OTHER LANDFILLS, THEY HAVE A REQUIREMENT AS TO THE MONITORING THE

CERTAIN CHEMICALS AND THAT IT WOULD ALLOW THEM IF THEY'RE ABOVE THE BACKGROUND LEVEL, THEY ESTABLISH A BACKGROUND LEVEL AND THEY ARE ABLE TO MONITOR IF THAT PARTICULAR STATION IS EXPERIENCING ANYTHING ABOVE BACKGROUND LEVEL THAT GENERALLY ANYWHERE YOU ARE, THERE IS SOME BACKGROUND LEVEL ABOUT THE ISSUES BUT THESE UNITS THAT THEY WOULD PUT IN AND THEY COULD MONITOR 24 HOURS A DAY, IT WOULD IDENTIFY -- IT IDENTIFIES THAT IF IN FACT IN THAT LOCATION THE NUMBERS ARE ABOVE THE BACKGROUND LEVEL OR NOT.

>> CHAIR SMITH: SO, THAT'S AN AQMD PROCESS, WHAT'S THE COUNTY'S ABILITY TO ENCOURAGE SOMETHING LIKE OR CONDITION, WHAT'S THE JURISDICTIONAL INTERPLAY THERE?

>> I BELIEVE IF WE THINK THAT THERE IS A STUDY NEEDS TO BE DONE BASED ON THE DIRECTION OF WINDS FOR INSTANCE TO FIND OUT WHAT IS THE IMPACT TO CERTAIN AREAS SURROUNDING THE LANDFILL, YOU COULD HAVE DISCUSSION WITH AQMD AND AUTHORIZE SOME USE OF THAT AND THAT'S WHY SOME OF THESE FEES ARE HERE TO MAKE SURE THAT WE ARE CAPABLE OF GETTING PEOPLE ON BOARD TO BE ABLE TO ASSIST US WITH THAT.

>> VICE CHAIR LOUIE: IS IT POSSIBLE TO SEE IF SOMEONE FROM PUBLIC HEALTH COULD COME OVER NOW?

>> MR. CLAGHORN: IF THEY'RE HERE.

>> CHAIR SMITH: WE'RE ALSO GETTING CLOSE TO OUR BREAK TIME AGAIN, SO MAYBE WE CAN -- OH, THEY ARE HERE, NEVER MIND.

>> HI THERE, I'M CARRIE TAYLOR, I'M AN EPIDEMIOLOGIST WITH THE TOXIC EPIDEMIOLOGY PROGRAM IN PUBLIC HEALTH AND I WOULD DEFER TO THE AIR QUALITY MANAGEMENT DISTRICT AS WELL, THEY WOULD NEED TO PROVIDE THE DETAILS ON SETTING UP SUCH A MONITOR OR COST IF -- UNLESS THE COUNTY WERE TO LOOK INTO SOME CONTRACTOR TO DO SUCH A MONITORING. AROUND THE COUNTY, THE AIR QUALITY MANAGEMENT DISTRICT HAS AIR MONITORS, WE WORK WITH THEM AND WE INTERPRET DATA AS NEEDED BUT WE DO NOT CONDUCT THE AIR MONITORING OURSELVES. YOU WOULD NEED TO CONSULT WITH THEM ABOUT THAT.

>> VICE CHAIR LOUIE: THERE WAS REFERENCE TO MONITORING STATIONS AT OTHER LANDFILLS, IS THAT AT AQMD?

>> I'M NOT AWARE OF THE MONITORING SPECIFICALLY.

>> I BELIEVE THE OTHER OPERATION IS AQMD REQUIREMENTS FOR THAT PARTICULAR LANDFILL, YES.

>> VICE CHAIR LOUIE: OKAY. MR. CLAGHORN, HAD THERE BEEN CONSIDERATION GIVEN TO THE POSSIBILITY OF INSTALLING A MONITORING STATION AT THIS LOCATION?

>> MR. CLAGHORN: WELL, THERE'S A CONDITION 66 THAT TALKS ABOUT THE PERMITTEE SHALL CONDUCT AIR QUALITY MONITORING AT THE FACILITY AND ITS SURROUNDING AREAS. IT DOESN'T PROVIDE SPECIFICS AS TO WHAT THEY'RE MONITORING FOR AND THINGS LIKE THAT, BUT THERE IS THAT --

>> VICE CHAIR LOUIE: YOU BROKE OFF, WOULD WAS SUPPOSED TO MONITOR?

>> MR. CLAGHORN: THE PERMITTEE, THE OPERATOR OF THE LANDFILL.

>> VICE CHAIR LOUIE: SO, NOT AQMD?

>> MR. CLAGHORN: THAT'S RIGHT.

>> CHAIR SMITH: DOES THE [INAUDIBLE] TOUCH ON THIS SF I KNOW WE HAVE AN EIR AIR QUALITY AS UNAVOIDABLE AND THERE'S MITIGATION MEASURES PROPOSED, IS THERE A TIE IN AND I CAN TRY TO FIND IT TOO, I DON'T KNOW IF COUNTY COUNSEL KNEW OFF THE TOP OF THEIR HEAD, WHAT ARE WE LOOKING AT THERE AS IT RELATES TO AQMD.

>> MR. CLAGHORN: THERE ARE MITIGATION MEASURES. AND IT SAYS THE CCL SHOULD USE -- IN TERMS OF MONITORING --

>> VICE CHAIR LOUIE: WHILE YOU'RE THINKING ABOUT THAT OR MARINATING, PUBLIC WORKS, WHAT IS BEING MONITORED? WHAT USEFUL INFORMATION DID WE LEARN? MY SENSE IS THERE'S NOTHING NOD GOOD IF THE AIR, THIS IS BAD FOR THE COMMUNITY. IS THAT WHAT WOULD BE MONITORED?

>> BASICALLY A COUPLE OF COMMENT, I WANT TO MAKE SURE, THERE IS NO ENFORCEMENT POWER EXCEPT FOR AQMD WITH RESPECT TO AIR QUALITY ARE CONCERNED, THEY'RE THE ONES THAT HAVE THE AUTHORITY TO ENFORCE THAT. OF COURSE PUBLIC HEALTH REGULATES WHEN HEALTH IS PRESENT AND THE STATE HAS DESIGNATED AQMD AS THEIR AIR QUALITY ENFORCER. NOW, IT IS THEIR REQUIREMENTS THAT THEY WILL ENFORCE AND MY KNOWLEDGE IS LIMITED AS TO HOW DETAILED THEY GET INTO WHAT KIND OF CHEMICAL THEY ANALYZE, YOU KNOW, THESE MACHINES ARE CAPABLE OF ANALYZING.

>> COMMISSIONER MOON: I HAVE A QUESTION, HOW DO YOU MONITOR PROHIBITED MATERIAL?

>> WELL, AS -- FIRST OF ALL, WHEN THE APPLICANT, IF THIS CUP IS ISSUED TO THE APPLICANT, THEY AGREE WITH THE CONDITION THAT IS LISTED IN THERE OF WHICH IS IT EXCLUDES ACCEPTANCE OF CERTAIN MATERIAL. IF IT COMES TO OUR ATTENTION AND WE FIND OUT THAT IS NOT THE CASE, AGAIN, IT GOES INTO THE PROCESS OF ISSUING NOTICE OF, FIRST OF ALL, LETTING THEM CORRECT THE MEASURE, EXPLAIN WHAT HAPPENED AND 15:22:50 ISSUING NOTICE OF VIOLATION TO THEM.

>> COMMISSIONER MOON: WHO'S MONITORING THAT?

>> WELL, THAT WOULD BE ANY TIME THEY ARE GETTING MATERIALS, THEY'RE SUPPOSED TO -- ON THE RECEIPT THEY RECEIVE, IT'S SUPPOSED TO SAY WHAT KIND OF MATERIAL THEY'RE RECEIVING, AND WHEN THEY'RE UNLOADING THESE TRUCK, THEY'RE OBSERVING TO SEE WHAT KIND OF MATERIAL IS COMING TO THEIR FACILITY. IN SOME CASES, IF THEY FIND OUT A HAULER IS BRINGING MATERIALS THAT IS NOT AUTHORIZED, THEY HAVE HIM PUT THE STUFF BACK ON AND SEND HIM BACK WHEREVER TO TAKE IT TO ANOTHER LANDFILL -- OR APPROPRIATE LANDFILL.

>> COMMISSIONER MOON: WHO'S OBSERVING, YOU SAY SOMEONE'S OBSERVING, WHO IS THAT?

>> WHAT IS HAPPENING, THE APPLICANT, THE LEA IS OUT THERE AT THE SITE THAT THEY LOOK AT THE INFORMATION, THEY LET US KNOW IF THERE IS SOMETHING GOING ON, AT TIMES, OUR STAFF IS OUT THERE, BUT IT IS AGAIN -- WE ARE LOOKING AT WHEN A PERMIT IS ISSUED THAT THE APPLICANT IS GOING TO COMPLY AND WE WILL MONITOR TO MAKE SURE THEY ARE DOING IT.

>> CHAIR SMITH: SO, THE WAY -- THAT'S HELPFUL. I MEAN, I THINK THE WAY I'VE BEEN THINKING ABOUT IT OR APPROACHING IT IN THIS LINE OF QUESTIONING I GUESS IS WE'VE GOT THESE -- THIS INFRASTRUCTURE IN PLACE THAT IS SUPPOSED TO ALLOW FOR COMMUNITIES TO UNDERSTAND WHAT'S HAPPENING, RESPOND TO WHAT'S HAPPENING, ADDRESS THINGS THAT ARE HAPPENING IF THEY PERCEIVE IT HAPPENING. FOR THAT TO BE MEANINGFUL, THEY HAVE TO HAVE THE BEST INFORMATION AVAILABLE, OTHERWISE WE DON'T WANT THIS TO BE A CHARADE, RIGHT, SO I KNOW WE HAVE THE OPERATOR SAYING WE DON'T HAVE ANY VIOLATIONS WHICH IS GREAT, WE'VE GOT THE COMMUNITY SAYING WE'RE SENSING AND FEELING AND BEING AFFECTED, SO TO NAVIGATE THOSE TWO, THAT TENSION, WE NEED TO HAVE ALL THE INFORMATION AND THE BEST ASSESSMENT AND THE BEST STUDIES THAT WE POSSIBLY K. I UNDERSTAND WE'RE NOT AQMD AND WE CAN'T TELL THEM WHAT TO DO, I'M INTERESTED ON WHAT WE CAN DO TO MOVE THAT BALL ALONG, TO MAKE SURE IF WE'RE SETTING UP STRUCTURES FOR PEOPLE TO

WEIGH IN AND HAVE CONCERNS, THAT THEY HAVE WAYS TO MEANINGFULLY DO THAT.

>> MR. CLAGHORN: IN CONDITION 66, THEY SAY THE PERMITTEE SHALL CONDUCT MONITORING AND AN INDEPENDENT AIR QUALITY [INAUDIBLE] SHOULD CONDUCT FOUR RANDOM TESTS OF DIESEL PARTICULATES AROUND THE PERIMETER OF THE AREA [INAUDIBLE] AIR QUALITIES ESTABLISHED BY AQMD AND OTHER APPROPRIATE STATE AIR QUALITY AGENCY.

>> CHAIR SMITH: WHICH IS GREAT, YOU KNOW, IF THIS MOVES FORWARD, I'M SUPPORTIVE OF THAT AS A BASELINE, ABSOLUTELY. I DO SEE THAT THE CONSULTANT REPORT IS PROVIDED TO PLANNING AND PUBLIC WORK AND IS THE TECHNICAL ADVISORY, I WOULD ASSUME THAT THE COMMUNITY ADVISORY COMMITTEE SHOULD BE RECEIVING THOSE REPORTS AS WELL, WHAT IS THE GOLD STANDARD FOR ACCURATE INFORMATION AND AQMD MONITORING DEVICE IS SOMETHING WE SHOULD BE THINKING ABOUT TO AUGMENT THE RANDOM TEST AND THE OTHER THINGS THAT WE HAVE IN HERE. BUT AGAIN, I KNOW IT'S TRICKY BECAUSE WE'RE NOT AQMD.

>> IF I MAY, I WOULD LIKE TO, MR. MOON, AS FAR AS MONITORING IS CONCERNED, IT IS LEA THAT ON A DAILY BASIS, THEY COMPLY, THEY HAVE TO COMPLY WITH THE STATE REQUIREMENT AND THEY MONITOR THESE LOADS COMING IN. WE DO PERIODIC FIELD CHECK ON ALL OPERATIONAL ELEMENTS TO MAKE SURE THEY ARE DOING WHAT WE ARE SAYING IN OUR

CUP -- IN THIS CUP, AND, AGAIN, PERIODIC ON-SITE INSPECTION OF OPERATIONS AND ANYTHING WE SEE THAT'S NOT UP TO PAR, THAT'S WHY WE HAVE COMMUNICATION WITH LEA, WITH REGIONAL PLANNING TO MAKE SURE THEY'RE COMPLYING WITH THE REQUIREMENTS OF THE CUP, BUT LEA IS THE ONE THAT MONITORS THE LOADS COMING IN EVERY DAY.

>> ALSO CONDITION 67 SAYS THAT THE DEPARTMENT OF PUBLIC WORKS SHALL EVALUATE RESPONSE AND MAY REQUIRE THE PERMITTEE TO THEREAFTER INCREASE AIR QUALITY MONITORING CONDUCTED IN THE FACILITY AND ITS SURROUNDING AREAS, IN ADDITION, THE TAC MAY SELECT AN INDEPENDENT AIR QUALITY CONSULTANT TO EVALUATE AND CONDUCT TESTING, SO IT LOOKS LIKE THERE IS A CONDITION IN THERE ALREADY WHETHER OR NOT PUBLIC WORKS ACTUALLY -- MAYBE THAT WOULD BE MORE FOR THE QUESTION, AND THAT COST IS BORN BY THE PERMITTEE.

>> CHAIR SMITH: DO WE HAVE OTHER QUESTIONS? PLEASE.

>> VICE CHAIR LOUIE:

>> COUNSEL, IS THERE ANYTHING ELSE THAT THIS COMMISSION NEEDS TO DO TO MAKE SURE THAT THERE IS A CLOSURE PLAN IN PLACE THAT WILL NEED TO BE ADDRESSED AS WE APPROACH THAT 30 YEARS?

>> YEAH, I MEAN, AND I'LL LOOK TO PUBLIC WORKS AS WELL BECAUSE I UNDERSTAND THE STATE ALSO HAS REGULATIONS AS TO CLOSURE PLANS, LANDFILLS, IS THAT CORRECT?

>> YES, USUALLY FOR INSTANCE IN PUENTE HILLS LANDFILL CLOSURE, THEY START HAVING AND SUBMIT WHAT IS THEIR CLOSURE PLAN AND WHAT IS IT THAT IS ENTAILED IN THAT CLOSURE PLAN, IN THIS CASE, THEY'RE GOING TO HAVE A PARK IN THAT AREA, AND THE DETAIL AND THE DIFFERENT COUNTY AGENCY WOULD GET INVOLVED AS FAR AS THE PARK AND REC IS INVOLVED WITH THAT AND MAKING SURE THAT WHAT KIND OF A FACILITY IS GOING TO GO THERE, DETAIL ABOUT THE FACILITIES, WHAT PHASE GOES IN WHEN, AT WHAT TIME, SO DURING -- BEFORE THE CLOSURE COMES, ALL THESE THINGS ARE IN PLACE AND READY TO GO HAVING DISCUSSIONS AMONG THE COUNTY AGENCIES.

>> VICE CHAIR LOUIE: WHEN IS THAT LAID OUT?

>> MR. CLAGHORN: I THINK IT'S FIVE YEARS BEFORE THE PERMIT AND THEY NEED TO SUBMIT A PARK PLAN TO PARKS AND RECREATION TO DO REVIEW.

>> AND'S ALSO TRUST FUNDS AND THINGS, THE LAND WILL NOT NECESSARILY GO TO THE COUNTY, THIS IS PRIVATE LAND. IN THEIR ENVIRONMENTAL IMPACT REPORT, THE APPLICANT SUGGESTED THAT IT

WOULD MAKE AN OFFER TO THE COUNTY SO THE CONDITION NOW MIRRORS THE FINAL IMPACT REPORT WHERE IT SAYS YOU'LL OFFER IT TO THE COUNTY OR SOME OTHER NON-PROFIT AGENCY FOR THE USES YOU'VE COMMITTED TO IN THE MITIGATION PLAN.

>> VICE CHAIR LOUIE: SO, IN YOUR OPINION, THIS APPLICATION IS ADEQUATE AS FAR AS PROVIDING FOR A CLOSURE PLAN?

>> YES, I THINK WE'VE PUT IN CONDITIONS THAT WE COULD TIE THAT IN.

>> VICE CHAIR LOUIE: OKAY, THANK YOU.

>> CHAIR SMITH: ANY OTHER QUESTIONS? YES, PERHAPS WE SHOULD TAKE A BREAK AGAIN AT THIS POINT. THANK YOU, EVERYONE, FOR BROKERING WITH US, WE'RE SUPPOSED TO TAKE HOURLY BREAKS, AND I'M NOT SO GOOD AT DOING THIS. WE'RE GOING TO TAKE A FIVE MINUTE BREAK, EXCUSE ME, WE'RE GOING TO BREAK FOR 20 MINUTES AND RECONVENE AT 12:50, THANK YOU. (MEETING IS IN RECESS, TO RESUME AT 12:50).

>> CHAIR SMITH: WELCOME BACK, EVERYONE. ONCE AGAIN, THANK YOU VERY MUCH FOR YOUR PATIENCE, FOR BEARING WITH US AND STAYING WITH US HERE. WE'RE GOING TO JUMP BACK INTO IT. I THINK -- WELL, I WANT TO MAKE SURE BEFORE WE MOVE INTO A DISCUSSION, I WANT TO

GIVE ONE MORE CHANCE FOR SPECIFIC QUESTIONS FROM THE COMMISSIONERS TO STAFF OR THE APPLICANT OR PUBLIC WORKS. DO WE HAVE ANY?

>> COMMISSIONER MODUGNO: I WOULD LIKE TO FOCUS ON CONDITIONS 21 AND 22. AND MS. JONES EARLIER HAD STATED SHE THOUGHT THERE WERE SOME CHANGES IN THE DAILY, MONTHLY, WEEKLY COLLECTION AND YET THE CONDITIONS THAT WERE HANDED OUT TO US AT LEAST THAT WERE ON OUR TABLES HERE THIS MORNING ON CONDITION 21 IS PRETTY MUCH THE SAME, IT STILL HAS DAILY USE, MONTHLY USE, ANNUAL SORT OF CAPS, BUT THEN I WANT TO GET INTO CONDITION 22 BECAUSE I'M BOTH TROUBLED BY IT AND CONFUSED BY IT, I'M GOING TO READ IT, THE BOARD MAY INCREASE THE MAXIMUM DAILY AMOUNTS OF SOLID WASTE ALLOWED BY CONDITION 21 IF UPON THE JOINT RECOMMENDATION OF THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF PUBLIC WORKS, THE BOARD DETERMINES THAT AN INCREASE IS NECESSARY TO APPROXIMATELY MANAGE OR APPROPRIATELY MANAGE THE OVERALL COUNTY WASTE STREAM FOR PROTECTION OF THE PUBLIC HEALTH AND SAFETY INCLUDING ALL TIMES DECLARED DISASTER AND NATIONAL EMERGENCY, NO WITH STANDING THE PRECEDING SENTENCE THAT SHOULD NOT BE ALOUD MORE THAN 312 TOTAL DAYS DURING THE LIFE OF THIS GRAN WHERE THE MAXIMUM DAILY TONNAGE AMOUNT EXCEEDS THE LIMIT SET FORTH IN CONDITION 21 EXCLUDING ANY DAYS WHERE THE TONNAGE CAPACITY WAS EXCEEDED DUE TO THE CLEAR DISASTER NATIONAL EMERGENCY, AND I

THINK I UNDERSTAND THE CONTEXT OF THIS IN RELATIONSHIP IF THERE WERE AN EARTHQUAKE OR THERE WAS FLOODS OR THERE WERE SOME OTHER SORTS OF MEANS WHERE THERE'S MASSIVE AMOUNT OF TRASH, REFUGE WHICH IS GENERATED, HAS TO GO SOMEWHERE, A FREEWAY COLLAPSED OR SOMETHING, ETC., AND IT NEEDS TO GO AND THIS MAY BE THE CLOSEST AND MOST CONVENIENT PLACE TO GO TO IT. WHAT I DON'T UNDERSTAND IS HOW IT RESOLVED TO AN ODD NUMBER LIKE 312 DAYS AND WHY IT DOES NOT GET INTO SOME DEFINITION OF SOME CAPS THAT MERELY ONLY REFERS TO THE DAILY CAP WHICH COULD BE EXCEEDED I SUPPOSE FAIRLY DRAMATICALLY, BUT DOESN'T GET AT WEEKLY, MONTHLY OR ANNUAL, AND SO DOES THE CUMULATIVE KICK OFF IF IT ONLY ADDRESSES DAILY AT WHATEVER THE WEEKLY CAP IS, THE MONTHLY CAP OR AN ANNUAL CAP, IS I GUESS THE 312 DAYS, I'M A LITTLE BIT TROUBLED BY BECAUSE THE BOARD UNDER THOSE CIRCUMSTANCES SHOULD HAVE THE FREEDOM TO DO WHATEVER NUMBER OF TIMES IT IS, AND I WOULDN'T WANT THE SUPPLY TO SAY THAT THE APPLICANT GOES BACK AND SAYS, GEE, WE'VE GOT SOME NEED TO DO IT AND WE HAVEN'T EXCEEDED THE 312, MY PREFERENCE WOULD BE TO AM ELIMINATE 312 BUT TO ADD, ARE WE GOING TO THEN LEAVE IN IF THERE'S THESE TYPES OF DISASTERS OR FIT'S A PUBLIC HEALTH OR SAFETY MATTER THAT WE HAVE SOME ASSURANCE, UNDERSTANDING, IS IT GOING TO BE 150% OF CAPACITY, 200% OF CAPACITY, 300 % OF CAPACITY, DAILY, WEEKLY, MONTHLY, ANNUALLY AND HOW THAT MIGHT FALL IN. IN MY OPINION, I THINK THAT NEEDS A LITTLE MORE CLARITY, IF STAFF CAN COMMENT ON THAT ONE.

>> MR. CLAGHORN: WELL, 312 DAYS, I CAN'T SPEAK TO HOW THAT WAS DETERMINED FOR THIS. I KNOW THAT 312 DAYS IS THE NUMBER OF DAYS IN A YEAR, BUT MAYBE PUBLIC WORKS CAN COMMENT ON THAT.

>> YEAH, THE 312 COMES FROM THE NUMBER OF DAYS A LANDFILL CAN OPERATE ANNUALLY, ROUGHLY IT'S 312 DAYS IT WOULD COME 16:00:24 UP TO, TAKING OUT CERTAIN DAYS THAT THEY ARE CLOSED, THEN IT COMES UP TO 312 DAYS THAT THE LANDFILL CAN OPERATE.

>> IT SAYS -- SO, NOW I HAVE A QUESTION FROM LEGAL, IT SAYS DURING THE LIFE OF THIS GRANT, SO I TAKE THAT TO BE THAT SHOULD THE COMMISSION GRANT A 20 YEAR TERM, YOU WOULD ONLY HAVE 312 DAYS WITHIN 20 YEARS OR SHOULD THEY GRANT A 30 YEAR TERM, 16:00:49 YOU WOULD HAVE 312 WITHIN 30 YEARS. IS THAT NOT RIGHT? AND I ALSO READ THIS THAT IT'S FOR ANY PUBLIC HEALTH OR SAFETY READING WHEN YOU HAVE A FINDING FROM THE BOARD, BUT THAT WOULD EXCLUDE DECLARED DISASTERS WHICH IS A DEFINED TERM OR A NATIONAL EMERGENCY, SO IF SAY THERE WAS -- SO, THOSE DON'T COUNT AGAINST THE 312 DAYS.

>> COMMISSIONER MODUGNO: YES, SO WHAT I'M SORT OF ENVISIONING AND FOR THOSE OF YOU OLD ENOUGH TO RECALL, MANY YEARS AGO, THE CITY OF NEW YORK RAN OUT OF A PLACE TO SEND THEIR TRASH AND THEY

WENT OUT TO BARGES AND SENT IT OUT TO THE ATLANTIC OCEAN,
SUNSHINE CANYON CAN CLOSE AND SUNSHINE CANYON HAS NO PLACE TO
PUT THE TRASH AND THE BOARD OF SUPERVISORS MAY DETERMINE THAT
THE CLOSEST AND BEST PLACE TO PUT IT IS CHIQUITA CANYON INSTEAD
OF HAVING TRASH TRUCK US ALL OVER THE PLACE. NOW, THAT'S GOING
TO IMPOSE A MAJOR IMPACT I THINK ON THE AREA, AND CLEARLY HAVING
A LOT OF TRASH TRUCKS ALONG THE SIDE OF THE FREEWAY WOULD BE
PUBLIC HEALTH, IT WOULD BE PUBLIC SAFETY, AND THEREFORE THE 312
DAYS WHICH I UNDERSTAND ARE THE WORKING DAYS THAT THIS PERMIT
FUNCTIONS DURING THE COURSE OF SINGLE YEAR, BUT 300 OVER THE
LIFE OF IT AND AS COUNTY COUNSEL POINTED OUT, THE 20 YEARS, 30
YEARS, BUT THIS IS LOOKING FOR 30 YEARS IN THE 312 DAYS, I WOULD
HAVE A BETTER UNDERSTANDING OR FEEL IT'S MORE COMFORTABLE EITHER
LAYING A NUMBER OF DAYS PER YEAR, ELIMINATING IT ENTIRELY IN
TERMS OF THE DAYS AND HAVING THOSE EMERGENCY REASONS THAT THE
BOARD OF SUPERVISORS WHO CLEARLY HAVE ULTIMATE RESPONSIBILITY
WITHIN THIS COUNTY BEYOND LAND USE WITH FULL PROTECTION OF IF
COUNTY MAKING A REASONABLE AND RATIONAL DECISION AS FAR AS
PLACEMENT AND IF THAT'S THE MOST CONVENIENT AREA, BUT I STILL
WOULD LIKE TO HAVE A SENSE OF HOW THAT'S FITTING IN BECAUSE IT
LIMITS THE DAILY CAPACITY BUT DOESN'T ADDRESS MONTHLY, WEEKLY,
ANNUAL TYPES OF THINGS AND HAS SOME TIE-IN, PROVIDED THEY DO NOT
EXCEED SOME LEVEL OVER THE COURSE OF EITHER A MONTH OR A YEAR
AND BE THAT 150% OF CAPACITY, SO IF IT'S 2.1 MILLION CUBIC YARDS

OF -- I'M SORRY, A MILLION TONS OF MATERIAL OVER THE COURSE OF A 12 MONTH PERIOD, THAT IT WOULD CAP AT SOMETHING OR DO WE MAINTAIN THAT CAP AT 2.1, SO I JUST WOULD LIKE A LITTLE BIT MORE BETTER UNDERSTANDING OR STAFF TO TAKE THAT INTO ACCOUNT DEPENDING UPON WHERE WE GO WITH THE REST OF THIS HEARING, BUT THAT ONE DOES BOTHER ME.

>> COMMISSIONER SHELL: I THINK IT'S A GOOD CATCH, IS THE INTENT TO MANAGE WASTE OF THE TIME OF SAY AN EARTHQUAKE IF THAT'S WHAT THIS IS MEANT TO COVER?

>> THAT'S CORRECT.

>> COMMISSIONER SHELL: SO, WHY DON'T WE JUST SAY THAT AND SAY IN THE EVENT OF A DECLARED EMERGENCY, THEN THIS WOULD BE ALLOWED. BECAUSE RIGHT NOW IS IF THE BOARD DETERMINES IT'S NECESSARY, IF IT'S MEANT TO COVER NEEDS AFTER A NATURAL DISASTER, WHY DON'T WE JUST MAKE THAT MORE CLEAR? THAT THIS ONLY CAN BE TRIGGERED IF THAT NEED ARISES.

>> COMMISSIONER MODUGNO: I ALMOST WOULD NOT WANT TO DO THAT ON THE STOP. SCHMELTZER IF THAT'S WHAT'S MEANT TO COVER, WHY NOT DO THAT.

>> COMMISSIONER MODUGNO: IF WE COULD HAVE PUBLIC HEALTH AND PUBLIC WORKS PETITION TO DO IT WITH POTENTIAL OF A NATURAL DISASTER.

>> COMMISSIONER SHELL: I THINK THAT'S THE PART THAT'S CONCERNING, YEAH.

>> I BELIEVE THINKING THE 312 DAYS TIMES THE LIMIT IS THE TOTAL AMOUNT BUT THE DAILY AMOUNT IS NOT CAPPED FOR DISASTER. THE 312 DAYS IS USED TO ENSURE THE ANNUAL AMOUNT THAT IS NOT EXCEEDED BASICALLY.

>> CHAIR SMITH: IF THIS MOVES FORWARD, IS THERE A REASON NOT TO MAKE THIS PROVISION THAT IS TRIGGERED WHEN THERE IS A DISASTER?

>> NO, I CAN'T THINK OF ANY REASON.

>> CHAIR SMITH: I'M SIMILARLY UNCOMFORTABLE WITH THE POSSIBLE OF THIS BECOMING A LOOPHOLE TO APPLY UP TO YOUR CEILING AND THE AMBIGUITY OF WHY -- I THINK TONNAGE LIMITS ARE TONNAGE LIMITS AND STUDYING AN ANALYSIS WENT INTO THAT AND THAT'S WHAT THEY SHOULD BE, NOT SOME SORT OF BACK DOOR WAY TO INCREASE THEM SAY FOR AN EMERGENCY WHICH WE HAVE ANOTHER POLICY, WE DO THIS AND

OTHER POLICIES WHERE WE SET RULES AND REGULATION AND IS WE SAY
IN THE EVENT OF AN EMERGENCY, THINGS CAN BE ADJUSTED.

>> IF I MAY, I WOULD LIKE TO ASK [INAUDIBLE] TO COME TO THE
PODIUM AND THERE ARE SOME ADDITIONAL REASONS THAT -- FOR PUBLIC
WORKS AND HE CAN TALK ABOUT THAT AS WELL.

>> CHAIR SMITH: WELCOME. YOU TOOK THAT OATH.

>> PARTS OF THE CONDITION WAS WRITTEN THAT WAY TO ADDRESS
CERTAIN ASPECTS OF THE COUNTY'S RESPONSIBILITIES, FOR EXAMPLE,
ONE OF THOSE RESPONSIBILITIES IS THE ISSUE OF THE COUNCIL'S
AUTHORITY DURING EMERGENCY OR DISASTER, SO I THINK YOU ALLUDED
TO THAT. THE SECOND IS ALSO THERE ARE OTHER MINOR EVENTS THAT
WOULD CAUSE IN THE COUNTY AND AT CERTAIN POINTS, WE NEED THE
AUTHORITY TO ALLOW US TO GO TO THAT PARTICULAR OPERATOR SO THAT
WE CAN BE ABLE TO TAKE THOSE MATERIALS, FOR EXAMPLE, IN SOME
PART OF [INAUDIBLE] COUNTY, I BELIEVE IT'S THE STATION FIRE,
THERE WAS A FIRE INSIDE A COMMUNITY AND AFTER THE FIRE, PUBLIC
WORKS AND WE NEEDED TO GO TO [INAUDIBLE] LANDFILL TO BE ABLE TO
TAKE THE MATERIAL SO AS TO PROTECT THE PUBLIC FOR SAFETY
REASONS, SO IF THE LANDFILL AT THAT TIME ALREADY REACHES
CAPACITY, SO WE NEEDED AUTHORITY, THE BOARD WHO GRANTS AUTHORITY
FOR US TO BE ABLE TO RAISE THE LIMIT AND TO BE ABLE TO TAKE

THOSE MATERIALS TO THAT, SO THAT IS WHY THE LANGUAGE IS WRITTEN THE WAY IT IS WRITTEN TO PROVIDE ADDITIONAL FLEXIBILITY IN ADDITION TO DECLARED EMERGENCY.

>> COMMISSIONER MODUGNO: I THINK IT COULD BE BETTER WRITTEN TO BASICALLY THAT THE BOARD HAS EMERGENCY POWERS TO AUTHORIZE THE INCREASE IN TONNAGE BUT THEN SPECIFY IF IT'S GOING TO BE DAILY TONNAGE WHAT THAT MIGHT BE IN TERMS OF CAP OR ARE WE MEANT TO EXCEED BECAUSE WE CAN CERTAINLY DO DAILY TONNAGE AND 312 OVER A SPAN OF 30 YEAR, IT MAY INCREASE DAILY TONNAGE HERE AND THERE BUT IS THAT THEN GOING TO CHANGE THE ANNUAL TONNAGE, BUT I DO THINK IF WE'RE LOOKING AT ANNUAL TONNAGE, PROVIDED IT DOES NOT PROVIDE TO INCREASING ANNUAL TONNAGE BY 20%, 30%, WHATEVER IT MAY BE, BUT THE BOARD HAS BROAD EMERGENCY POWERS TO KEEP THIS COUNTY OPERATING, SO AS YOU POINTED OUT, THE FIRE, THERE COULD BE SOMETHING THAT LOCKS THE ABILITY TO GET THINGS OUT TO A COLLAPSE OF A FREEWAY OR SOMETHING, IT'S VERY AMBIGUOUS IN MY OPINION THE WAY IT'S WRITTEN RIGHT NOW, I WOULD JUST LIKE TO HAVE THAT CLEANED UP.

>> AND I GUESS I WOULD HAVE A QUESTION FOR PUBLIC WORKS BECAUSE WE'RE GOING TO BE STUCK WITH REDRAFTING THIS POTENTIALLY, THIS FIRE, ARE THERE ANY IMPLICATIONS, AND THEY ARE EMERGENCY SERVICES, WE HAVE A WHOLE ARM WITHIN THE COUNTY THAT DOES

EMERGENCY SERVICES, I DON'T WELL ENOUGH IF TO DECLARE SOMETHING A DISASTER HAS OTHER UNINTENDED CIRCUMSTANCES AND IMPLICATIONS, YOU DON'T WANT TO NECESSARILY DECLARE A FIRE A DISASTER.

>> THAT INCIDENT, IT WAS NOT A DECLARED EMERGENCY AS DEFINED BY THE STATE, BUT WE CAN -- YOU'RE RIGHT, WE CAN MODIFY THE CONDITIONS TO ADDRESS MR. MODUGNO'S CONCERNS AND MAKE IT FLEXIBLE TO ALLOW THE BOARD TO EXERCISE WHETHER IT IS A DECLARED EMERGENCY OR IT IS A TRUE ACTION OF THE BOARD BECAUSE THE WAY TO INDICATE AN EMERGENCY AS IT'S WRITTEN RIGHT NOW, ACCORDING TO STATE LAW, IT INCLUDES WHATEVER THE BOARD NEEDS TO DECLARE AN EMERGENCY IN ANY PART OF THE COUNTY, BUT WE CAN MAKE THE CHANGE TO ADDRESS THAT.

>> I MEAN, THIS ALREADY SAYS IT'S THROUGH A BOARD ACTION UPON THE RECOMMENDATION OF DPH AND PUBLIC WORKS, SO IF IT'S ANY TIME THEY WANT TO DECLARE A DISASTER AND NATIONAL EMERGENCY, I DON'T KNOW THAT -- WELL, IT'S REWRITING, I'M HEARING FROM COMMISSIONER SHELL, IF IT'S REALLY JUST FOR THESE -- UPON THE BOARD'S DECLARATION OF A DISASTER THAT'S AN END DEFINING THING, THEN YOU COULD JUST SAY SPECIFICALLY AT THE TIME A DECLARED DISASTER, A DECLARED EMERGENCY AND YOU COULD TAKE OUT ALL OF THE WITH STANDING NOT 312 TOTAL DAYS, IT WOULD JUST BE THE BOARD HAS THE

ABILITY TO DO IT WHEN THEY THINK THERE'S A DISASTER. I'M GOING WITH WHAT'S BEING PROPOSED.

>> WE CAN REVISE IT TO ELIMINATE THE NUMBER OF DAYS AND WE CAN LOOK AT THE POSSIBILITY OF CONDITIONAL USE TO SAY IF THEY GO ABOVE A PERCENT, THERE IS ALSO THE STATE REQUIREMENT THAT WE ALSO HAVE TO CONSIDER.

>> SO, WE WOULD LOOK AT THE LANGUAGE AGAIN.

>> COMMISSIONER MODUGNO: I SEE THIS, IT'S NOT JUST THE DISASTERS BECAUSE IF IT'S PUBLIC HEALTH REASONS, WHICH -- SO, THERE'S TWO SEPARATE REASONS, THAT'S A LOWER THRESHOLD IN MY OPINION THAN IS A DECLARED NATURAL DISASTER THAT'S EITHER APPROVED BY THE NATIONAL GOVERNMENT, WE HAVE FEMA RUNNING OUT, WE HAVE EVERYTHING ELSE VERSUS JUST PUBLIC HEALTH OR PUBLIC SAFETY AS PRESENTED BY THE HEALTH DEPARTMENT OF PUBLIC WORKS, THAT'S A DIFFERENT BAR, AND THAT SUDDENLY GIVES ME A LITTLE BIT MORE CONCERN.

>> RIGHT.

>> COMMISSIONER MODUGNO: IN TERMS OF AGAIN REPRESENTING THE COMMUNITY, GEE, THE BOARD JUST SAID THERE'S SOME PUBLIC HEALTH

ISSUE BECAUSE SUNSHINE HAS SOME THINGS GOING UP, SOMEBODY
BLOCKED THE FRONT ROAD SO WE'RE GOING TO ALLOW ALL THE TRASH TO
COME FROM SUNSHINE.

>> COMMISSIONER SHELL: OR WHAT IF THERE'S A BUILDING BOOM IN
SANTA CLARITA VALLEY AND MORE THAN FULL CAPACITY IS NEEDED, YOU
KNOW. WE'RE TRYING TO PRECLUDE THOSE REASONS.

>> COMMISSIONER MODUGNO: ALL THE DIRT AND GRADING AND ALL THE
CONSTRUCTION MATERIALS.

>> COMMISSIONER SHELL: EXACTLY.

>> CHAIR SMITH: THAT'S SUPPOSED TO BE TAKEN INTO ACCOUNT OF WHAT
WE'RE PROPOSING NOW, SO [INAUDIBLE] IS WHAT WE'RE HAVING TROUBLE
WITH.

>> COMMISSIONER SHELL: COULD WE NOT SAY STATE OF NATURAL LOCAL
EMERGENCY.

>> I WAS GOING TO WRITE THE DEFINITION OF A -- IF IT'S LOCAL,
STATE OR NATIONAL EMERGENCY.

>> WE CAN CHANGE THE LANGUAGE TO CLARIFY THAT.

>> CHAIR SMITH: SO, I WANT TO TRY TO REPLICATE THAT PROCESS FOR A COUPLE OF OTHER THINGS WE HEARD AND ADDRESSED TODAY, SO WHAT I WOULD PROPOSE AND PLEASE FEEL FREE TO DISAGREE OR PROPOSE SOMETHING ELSE, I THINK THERE'S A NUMBER OF BUCKETS OF ISSUES THAT RISE TO THE SURFACE, I WOULD LIKE TO CALL THEM OUT, NAME THEM AND HAVE A DISCUSSION WITHIN SO WE'RE ORGANIZED AND NOT BOUNCING ALL OVER THE PLACE, THAT CONDITION WAS ONE OF THOSE BUCKETS SO I THINK WE HAD A GOOD CONVERSATION. SOME OF THE OTHER THINGS WE WANT TO TALK ABOUT AND ASSESS THE IDEA OF -- AND THESE ARE BUCKETS TO TALK ABOUT NOTWITHSTANDING THE BIGGER QUESTION OF MOVING FORWARD OR NOT, I THINK PERIODIC REVIEW, WHEN PERIODIC REVIEW IS TRIGGERED AND WHAT IT LOOKS LIKE, I WOULD PROPOSE A CONVERSATION AROUND AQMD MONITORING DEVICES, I THINK WE HAD A ROBUST CONVERSATION ABOUT THAT, I WANT TO TIE THAT UP AND SEE WHERE WE'RE AT AND WHAT WE CAN DO. THERE ARE THE ITEM, THE APPLICANT HAS BROUGHT TO US, THE QUESTION OF FEES, IF QUESTION OF TOTAL TONNAGE, THE QUESTION OF HOURS OF OPERATION, AND I THINK THERE WAS ALSO A CONVERSATION ABOUT CLOSURE, BOTH WITH RESPECT TO WHAT WAS IN THE PREVIOUS CUP AND WHAT WE'RE LOOKING AT AS IT RELATES TO THE EIR MOVING FORWARD, SO THOSE ARE SOME OF THE BUCKS OF CONVERSATION THAT I WOULD LIKE TO PROPOSE, BUT ARE THERE OTHERS THAT FOLKS FEEL LIKE WE WANT TO ADD TO THAT LIST?

>> COMMISSIONER MODUGNO: HOURS OF OPERATION AND MAXIMUM CAPACITY.

>> CHAIR SMITH: MAXIMUM CAPACITY BEING DISTINCT --

>> COMMISSIONER MODUGNO: YOU DID COVER THE APPLICANT'S REQUEST?

>> CHAIR SMITH: YES. I WOULD ASK MY FELLOW COMMISSIONERS IF OTHER ISSUES OCCUR TO YOU, IF OTHER BUCKETS OF INFORMATION OCCUR TO YOU, THROW THEM OUT, BUT MAYBE WE CAN START WITH A CONVERSATION ABOUT THE PROPOSED CONDITION AROUND PERIODIC REVIEW, AND TO ME, THIS IS SOMETHING THAT IS IMPORTANT. I THINK, YOU KNOW, IF THIS MOVES FORWARD AND I DON'T WANT TO PRESUPPOSE ANYTHING, IF THIS MOVES FORWARD, WE DON'T WANT TO BE IN A POSITION OF SAYING, ALREADY, SEE YOU IN 30 YEARS, THIS IS SOMETHING THAT NEEDS TO BE CONTINUOUSLY ADDRESSED, MONITORED, WE WANT CONVERSATIONS, WE WANT TO UNDERSTAND CHANGE IN CONDITIONS, I APPRECIATE THE CONDITION 35, PERSONALLY I FEEL LIKE I WOULD LOVE TO SEE THAT HAPPEN SOONER AND I 16:16:16 THINK SOME OF THE OTHER CONCERNS WE'RE GOING TO TALK ABOUT CAN BE ADDRESSED IN THAT SPACE, I KNOW THERE'S CONCERNS ABOUT AQMD MONITORING, WE CAN'T DIRECT THAT BUT PERHAPS THIS IS A SPACE TO IDENTIFY THAT NEED AND MOVE US IN A DIRECTION TOWARDS THAT. THAT'S MY FEELINGS, IF SOMETHING MOVES FORWARD, I WOULD FEEL LIKE WE DON'T

WANT TO WAIT 10 YEARS TO START HAVING THOSE IMPORTANT CONVERSATIONS SO I'LL LEAVE IT TO THAT AND OPEN IT UP TO OTHER THOUGHTS AND COMMENTS.

>> VICE CHAIR LOUIE: MR. CHAIR, I AGREE, TEN YEARS IS A LONG TIMING. I WOULD SUPPORT GOING TO A FIVE YEAR PERIOD. ALSO, THERE ARE SOME OF THE ITEMS THAT ARE REVIEWED BY THE TECHNICAL ADVISORY COUNCIL VERSUS THE CITIZEN'S ADVISORY COUNCIL, I WANT TO MAKE SURE THAT BOTH GROUPS ARE AWARE OF THE INFORMATION THAT IS PROVIDED. IT GIVES SOME LEVERAGE TOO TO EACH ONE OF THOSE COMMITTEES THAT IF THERE'S A PROBLEM, IT'S BROUGHT UP BUT BROUGHT UP IN A FORMAL BASIS MUCH MORE FREQUENTLY AND GIVES SOME TRACTION TO THOSE ISSUES THAT HAVE TO BE ADDRESSED.

>> COMMISSIONER MODUGNO: I SORT OF FALL BACK IN THE POSITION THOUGH IN TERMS OF HOW WE DEAL WITH OTHER CONDITIONAL USE PERMITS AND THERE ARE REVIEW PERIODS. IN THIS CASE, THIS IS A MASSIVELY REGULATED INDUSTRY. THE REPORTING THAT THE APPLICANT HAS TO DO ON A DAILY BASIS ALMOST SORT OF LIKEN TO A MUCH DIFFERENT SCALE, SOMEBODY SELLING ALCOHOL, MAYBE AN ALCOHOLIC BEVERAGE CONTROL BOARD ISSUES SOME OTHER THINGS, HAVE SOME VIOLATIONS BUT HOW DO YOU MONITOR SELLING ALCOHOL TO SOMEBODY WHO'S UNDERAGE OR CIGARETTES, THAT'S REALLY THE VENDOR IS KEEPING RECORDS IF 16:18:11 A VIOLATION IS KNOWN THAN SOMEBODY

COMES IN. IN THIS CASE, THE APPLICANT IS REQUIRED TO TAKE ACCURATE RECORDS IN TERMS OF MATERIALS COMING IN, TONNAGE COMING IN, THOSE ARE OPEN TO AUDITS, PUBLIC WORKS HAS ITS ROUTINE OF THAT, IF EVERYTHING IS MOVING SMOOTHLY, YOU KNOW, TO THE EXTENT TO WHICH THIS IS AN INDUSTRY THAT'S REVIEWED PROBABLY AS MUCH IF NOT MORE SO THAN POST -- MOST OTHERS, AND IF THEY HAPPEN TO HAVE THOSE VIOLATIONS, IT'S NOT TIED TO 5 OR 10 YEARS, IF IT'S NOT REMEDIED, IT WOULD COME BACK TO THE ATTENTION OF A REVOCATION HEARING, SO IT REALLY, IF THEY'RE NOT BEHAVING CORRECTLY, THEN THERE'S A MECHANISM TO BRING IT BACK, I WOULD ALMOST TRIGGER IT TO SOME LANGUAGE IN THERE THAT'S HARDENED AS FAR AS THAT -- THE ENFORCEMENT PIECE OF IT BUT ALSO AS YOU'RE APPROACHING CLOSURE, THE CLOSURE PLANS OR THE OPPORTUNITY, SO IF IT'S TEN YEARS AWAY FROM POTENTIAL TERMINATION, ISSUING OF THIS PERMIT, WHETHER THERE'S DISCUSSIONS ABOUT SOME -- A NEW EXTENSION BECAUSE OF NEEDS BUT IT WOULD ALSO -- THE TRIGGERS OF THE UNKNOWN IS HOW THIS LAND MIGHT BE USED WITH CONVERSION TECHNOLOGIES, AND THAT I THINK IS AN OPPORTUNITY TO REALLY REVISIT THIS AND WHETHER IT'S AT THE PLANNING COMMISSION LEVEL, THE BOARD LEVEL, CLEARLY WITH A LOT OF STAFF LOOKING AT IT BECAUSE LET'S SAY THERE IS A GREAT CONVERSION TECHNOLOGY THAT THIS LAND IS REALLY AN APPROPRIATE PLACE TO DO IT ON AND IT MAY BE SOMETHING THAT BECAUSE OF THE INVESTMENT THAT'S REQUIRED FOR THAT, IT MIGHT HAVE A 30 OR 40 YEAR PAYBACK PERIOD AND IT MAY BE A WHOLE DIFFERENT BALL

GAME. NOW, THAT TO ME WOULD TRIGGER THAT COMING OF IT BUT WE DON'T KNOW WHEN THAT'S GOING TO HAPPEN, HOW THAT'S GOING TO HAPPEN, IN TERMS OF THE ENFORCEMENT, THERE'S ALWAYS SOME MECHANISM THAT THIS COULD COME BACK TO US A YEAR FROM NOW IF THERE'S STRONG VIOLATIONS AND A SENSE TO PUSH IT FOR REVOCATION, SO I THINK IT'S THERE, WE MAYBE HAVE TO TWEAK THE LANGUAGE A BIT TO FIRM UP THAT ASPECT OF 16:20:45 HOW IT COMES IN BUT THE DEFINITE TIME PERIOD AT LEAST AS YOU GET TOWARDS THE END OF THE CUP OR IF THE CONVERSION TECHNOLOGY SORT OF SURFACES BUT THAT WOULD BE MY SUGGESTION.

>> CHAIR SMITH: SO, JUST TO CLARIFY, WHAT YOU'RE SUGGESTING IS RATHER THAN A FIVE YEAR PERIOD FOR PERIODIC REVIEW, YOU WOULD MOVE UP THE CLOSURE ANALYSIS TO ADDRESS THE CONVERSION TECHNOLOGY AND --

>> COMMISSIONER MODUGNO: IF WE'RE DOING A 30 YEAR PERMIT, I WOULD SAY HAVE THAT DISCUSSION TEN YEARS PRIOR TO, IT JUST GIVES -- BECAUSE, AGAIN, IF WE'RE LOOKING AT CLOSURE AND CONVERSION TO SOME OTHER USE AND THAT GOING INTO A PUBLIC AGENCY OR A NON-PROFIT, IT MAY TAKE TEN YEARS TO LOOK IN TERMS OF THE FEES AND HOW THE FEES ARE GOING TO GET SET ASIDE FOR PERPETUAL CARE OF THAT LAND, THAT PARK, WHATEVER IT MIGHT BE AND WHATEVER THAT ECONOMIC USE OF THAT WOULD BE OUT IN THE FUTURE.

>> CHAIR SMITH: GO AHEAD.

>> COMMISSIONER SHELL: I THINK THE CONDITION IS WRITTEN NOW, IT SAYS THE CLOSURE MAINTENANCE PLAN IS SUBMITTED AT THE TIME OF THE REVIEWS, PERIODIC REVIEW AND IS THE CONDITION HAS ONE AT TEN YEARS AND AT 20 YEARS. AND IT'S A PUBLIC HEARING AT THE HEARING OFFICER THAT'S APPEALABLE TO THE PLANNING COMMISSION. SO, I THINK THAT PART IS IN THERE. I THINK FOR A PUBLIC -- SINCE IT'S A PUBLIC HEARING EVERY FIVE YEARS, I THINK THAT FEELS MUCH BUT I DO THINK THIS IS WHERE IN TERMS OF WHAT'S THE ENFORCEMENT AND WHAT'S OUR HOOK, THIS IS WHERE THAT MIGHT PLAY IN OR COULD WELL PLAY IN, SO I MEAN, MAYBE THAT'S SOMETHING THAT STAFF MIGHT WANT THE THINK ABOUT AND GET BACK TO US ON. I THINK THAT'S SORT OF THE INTENT OF IT.

>> THAT IS THE INTENT BUT I WOULD LOVE TO HEAR FROM PUBLIC WORKS AND THE OTHER STAFF MEMBERS ABOUT THE IMPLEMENTATION MONITORING REPORT OR PROGRAM BECAUSE WHEN I WAS READING THESE REPORTS, THERE WAS A CHART AND I THINK IT WAS AT THE LAST HEARING THAT TALKED ABOUT THE QUARTERLY REVIEWS, THE ANNUAL REVIEWS, THERE'S A LOT OF DIFFERENT REVIEWS GOING ON SIMULTANEOUSLY SO I FELT IT BENEFICIAL TO READ THEM, AND IF STAFF COULD TALK ABOUT THAT.

>> CHAIR SMITH: I AGREE, I WANT TO HEAR THAT QUESTION, I ALSO DEFINITELY ACKNOWLEDGE AND UNDERSTAND ALL OF THE OTHER REPORTING THAT'S REQUIRED AND I GUESS BECAUSE YOU KNOW I THINK COMMISSIONER MODUGNO, YOUR POINTS ARE WELL TAKEN IN THE CONTEXT OF ENFORCEMENT AND I AGREE, I GUESS WHERE I WAS HEADED WAS BROADENING A LITTLE BIT BEYOND JUST ENFORCEMENT BECAUSE I AGREE WITH YOU IN THE ENFORCEMENT CONTEXT BUT WE ALSO HAVE A SITUATION WHERE THE CONCERNS AND THE IMPACTS AND I THINK EXTEND BEYOND -- ARE BROADER THAN THE FOUR CORNERS OF WHAT IS COVERED BY ENFORCEMENT AND I THINK WE HAVE A SITUATION WHERE WE HAVE AN APPLICANT WHO DOESN'T HAVE ANY VIOLATIONS AND THAT'S WONDERFUL AND GREAT BUT THAT SHOULD BE THE BASELINE, NOT THE STANDARD, THIS IS A USE THAT IS A NEIGHBOR TO MANY PEOPLE, SO I SEE THIS PERIODIC REVIEW AS BEING, YOU KNOW, YES, TOUCHING ON THESE ENFORCEMENT QUESTIONS BUT IN THE PLACE TO DO THAT BUT ALSO AN OPPORTUNITY TO JUST REASSESS, TO SIT DOWN AND SAY, OKAY, WHAT'S CHANGED AND WHAT ARE THE CHALLENGES AND WHAT ARE THE CHALLENGES AND THE IMPACTS THAT WE MAY BE FEELING THAT DON'T FIT NEATLY WITHIN THE CONTEXT OF ENFORCEMENT AND LITIGATION BUT HOW CAN WE COLLABORATIVELY WORK THROUGH THESE, WE'RE TALKING ABOUT THE HEALTH AND SAFETY IMPACTS OF SOMETHING, WE'RE NOT TALKING ABOUT THE ENFORCEMENT REGIME, SO MY HOPE WAS -- BECAUSE I AGREE, BUT MY HOPE IS THIS ALSO SERVE AS A CONVENING OR A TABLE TO MORE MEANINGFULLY ACCOUNT FOR THE THINGS THAT PEOPLE ARE FEELING THAT

DON'T GET ADDRESSED AND FOLKS MAY NOT FEEL HEARD WHEN THEY'RE EXPRESSING PAIN AND THE RESPONSE IS, WELL, WE DON'T HAVE ANY VIOLATIONS BECAUSE THAT'S IMPORTANT THAT WE DON'T HAVE VIE LACES BUT WE WANT TO GET AT THOSE IMPACTS THAT ARE MISSED OR GO BY FROM WHEN WE'RE LOOKING AT JUST AN ENFORCEMENT LENS.

>> I WOULD LIKE TO ASK MARTIN TO COME UP AND TALK ABOUT THE MONITORING REQUIREMENTS THAT WE HAVE AS PART OF THE CUP CONDITIONS. JUST TO GIVE YOU A LITTLE BIT MORE --

>> CHAIR SMITH: THANK YOU.

>> MY NAME IS MARTIN, I'M A SENIOR CIVIL ENGINEER WITH PUBLIC WORKS. THE MONITORING REQUIREMENT FOR THE PROPOSED CUP, IT INVOLVES, THE FIRST PART IS WE DO HAVE A TECHNICAL ADVISORY COMMITTEE THAT MEETS MINIMUM OF TWICE A YEAR AND THE PURPOSE OF THE TECHNICAL ADVISORY COMMITTEE IS TO EVALUATE THE CONDITIONS OF APPROVAL TO MAKE SURE THAT THE FACILITY IS OPERATING PROPERLY AND THE IMPACTS TO THE COMMUNITY IS REDUCED, SO DURING THAT PERIOD, IF THERE IS ANY ISSUES THAT IS BROUGHT TO THE COUNTY'S ATTENTION, THE TECHNICAL ADVISORY COMMITTEE WILL BE ABLE TO SEE WITHIN THE EXISTING PERMIT, IS IT SOMETHING THAT STAFF CAN ADDRESS WITH THE APPLICANT. IF IT IS SOMETHING THAT THE APPLICANT -- THAT THE STAFF CAN ADDRESS WITH THE APPLICANT THAT

IT INVOLVES ISSUANCE OF A NOTICE OF VIOLATION OR IT HAS TO BE ELEVATED TO THE -- EITHER THE HEARING OFFICER OR TO THE REGIONAL PLANNING COMMISSION, SO THOSE PROCESSES ARE LAID OUT IN THE IMPLEMENTATION OF MONETARY PROGRAM AND ALSO IN THE CUP BECAUSE WE DO REALIZE THAT THE PERMIT IS A 30 YEAR PERMIT, IT'S A VERY LONG TIME SO, WE HAVE THOSE MONITORING REQUIREMENTS IN PLACE.

>> CHAIR SMITH: THANK YOU.

>> VICE CHAIR LOUIE: A CLARIFICATION, WHO SITS ON THE TAC AND HOW ARE THEY SELECTED?

>> THE TAC CURRENTLY IS THE DEPARTMENT OF REGIONAL PLANNING, STAFF FROM THE DEPARTMENT OF REGIONAL PLANNING, STAFF FROM DEPARTMENT OF PUBLIC HEALTH AND STAFF FROM DEPARTMENT OF PUBLIC WORKS.

>> THIS IS THE TECHNICAL ADVISORY COMMITTEE, TAC.

>> VICE CHAIR LOUIE: YES, AND THEN THERE IS THE CAC, THE CITIZEN'S ADVISORY COMMITTEE. IS THE CAC AWARE OF WHAT IS GOING ON AT THE TAC?

>> YES, THE COMMUNITY ADVISORY COMMITTEE REPRESENTATIVE IS ALLOWED TO ATTEND ALL THE MEETINGS SO THAT THEY CAN ADDRESS ANY CONCERNS FROM THE COMMUNITY, COUNTY STAFF CAN BE ABLE TO BE HEAR IT AND WE'LL BE ABLE TO ADDRESS IT.

>> THEY PROVIDE RECOMMENDATION ALSO FOR TAC TO TAKE INTO CONSIDERATION SO THEY GET THE FEEDBACK FROM THE CAC AND THEIR REPRESENTATIVE WOULD COME TO THIS TECHNICAL ADVISORY MEETING AND THEY WOULD BRING UP THE ISSUES AND ASK TAC TO TAKE SOME ADDITIONAL ACTION.

>> VICE CHAIR LOUIE: HOW DOES THE CAC HAVE SOME OF THE INFORMATION OR THE INFORMATION THAT TAC IS CONSIDERING?

>> THE REQUIREMENTS IS THAT ALL COMMUNICATIONS, ALL REPORTS SUBMITTED TO THE TECHNICAL ADVISORY COMMITTEE, A COPY IS REQUIRED TO BE SUBMITTED TO THE COMMITTEE ADVISORY COMMITTEE SO THEY HAVE OPPORTUNITY TO REVIEW IT AND IF A REQUEST COMES FROM THE OPERATOR THAT MAY LEAD TO A PERSONAL CHANGE AND DECIDES, THE COMMUNITY WILL HAVE OPPORTUNITIES TO COMMENT ON IT BEFORE COUNTY STAFF ISSUES AN OPINION OR ISSUES A [INAUDIBLE].

>> VICE CHAIR LOUIE: SO, OVER THIS PAST OPERATING PERIOD, HAS CAC BEEN ACTIVE, HAVE THEY MADE THEMSELVES VISIBLE, HAVE THEY

VOICED CONCERNS, HAVE THEY HAD THAT TYPE OF DIALOGUE, AND A FURTHER QUESTION, WHAT'S CAC'S POSITION ON THE EXTENSION OF THIS CUP?

>> THE 1997 [INAUDIBLE] DOES NOT HAVE THE REQUIREMENT FOR THE TECHNICAL ADVISORY COMMITTEE, THERE IS A COMMUNITY ADVISORY COMMITTEE IN EXISTENCE TODAY BUT BECAUSE THERE IS NO DIRECT COMMUNICATION BETWEEN THE TAC AND COUNTY STAFF, BETWEEN THE COMMUNITY ADVISORY AND COUNTY STAFF, THERE IS NO MECHANISM FOR DIRECT COMMUNICATION, BUT WITH THE NEW PROPOSED PANELS, THERE WILL BE DIRECT COMMUNICATION BETWEEN THE COMMUNITY AND COUNTY STAFF TO ADDRESS ISSUES THAT THE COMMUNITY WILL HAVE.

>> VICE CHAIR LOUIE: AND THE NEW TAC HAS THE ABILITY TO REQUIRE OR TO HAVE MONITORING. IS YOUR EXPECTATION THAT THIS TAC WILL DO THAT?

>> YES. MONITORING, I'M NOT SURE --

>> VICE CHAIR LOUIE: YEAH, ME EITHER, I'M NOT SURE WHAT AQMD DOES AND HOW VALUABLE THAT INFORMATION WILL BE.

>> THERE IS A REQUIREMENT IN THE PROPOSED CUP WITH RESPECT TO AIR QUALITY MONITORING.

>> IT'S CONDITION 66.

>> CONDITION 66, IT'S PROPOSING THAT THERE WILL BE AIR QUALITY MONITORING PERFORMED BY AN INDEPENDENT CONSULTANT EVERY QUARTER AND WHEN THEY DO THAT MONITORING, THEY WILL BE CHECKING FOR THREE BASIC ELEMENTS, THEY WILL BE CHECKING FOR/O DOOR, CERTAIN CHEMICALS THAT LEAD THE ODOR, CERTAIN PARTICULATES, BECAUSE IT'S DUE TO THE HEALTHY TRAFFIC THAT COMES TO THE FACILITY, THERE IS A TENDENCY TO HAVE -- THE PARTICULATES WITH SUBSTANCES OF PM, SO WE'LL BE ABLE TO MEASURE ALL THOSE ELEMENTS TO MAKE SURE THAT THEY'RE WITHIN THE THRESHOLD ESTABLISHED BY AQMD.

>> VICE CHAIR LOUIE: SO, THE INTENT FROM PUB LUCK WORKS BEING A MEMBER OF THE TAC IS GOING AHEAD AND EXECUTING THIS MONITORING?

>> YES, PUBLIC WORKS PROVIDES THE TECHNICAL AND ENGINEERING SUPPORT TO REGIONAL PLANNING AND ALSO WITH RESPECT TO ENFORCING THE PERMIT.

>> VICE CHAIR LOUIE: THANK YOU, THANK YOU, THANK YOU, AND MR. CLAGHORN, DO YOU KNOW ANY MEMBERS OF THIS CAC?

>> MR. CLAGHORN: DO I KNOW THE MEMBERS?

>> VICE CHAIR LOUIE: HAVE YOU MET WITH THEM, HAVE YOU HAD DISCUSSIONS WITH THEM?

>> MR. CLAGHORN: NO.

>> VICE CHAIR LOUIE: DO THEY ACTUALLY EXIST, IS THERE A CAC?

>> MR. CLAGHORN: YES.

>> COMMISSIONER SHELL: DO THEY MEET WITH THE LANDFILL OPERATOR, WHO DO THEY MEET WITH BESIDES THEMSELVES?

>> CHAIR SMITH: YEAH, I THINK WE HAVE A MEMBER OF THE AUDIENCE WHO MAY BE A MEMBER OF THE CAC, CAN WE CALL HER FORWARD, IF YOU ARE A MEMBER OF THE CAC, I THINK WE WOULD LOVE TO CALL YOU FORWARD AND HEAR FROM YOU.

>> VICE CHAIR LOUIE: I APPRECIATE YOUR ATTENDANCE AND THANK YOU FOR INDULGING US IN THIS DISCUSSION. HOW MANY MEMBERS OF THE CAC ARE THERE?

>> FOUR IS A QUORUM, RIGHT NOW WE HAVE 3, WE'VE BEEN UP TO 7 THAT I KNOW OF.

>> VICE CHAIR LOUIE: SO, EACH SUPERVISOR APPOINTS ONE MEMBER?

>> NO, ROSELIN WAYMAN APPOINTS EVERYBODY THAT GOES ON THE CAC AND THERE ARE PEOPLE WHO WOULD LOVE TO BE ON IT RIGHT NOW THAT CAN'T BE ON IT BECAUSE SHE WOULDN'T CHOOSE THEM.

>> COMMISSIONER MODUGNO: JUST FOR CLARIFICATION, SHE'S SUPERVISOR FIELD'S IN SANTA CLARITA VALLEY.

>> VICE CHAIR LOUIE: SO, ONLY ONE SUPERVISOR HAS THE AUTHORITY TO APPOINT MEMBERS TO THIS PARTICULAR CAC?

>> AND WE HAVE TO APPEAR TO BE NEUTRAL OR WE CAN'T BE --

>> THAT'S THE ONLY WAY SHE'LL ACCEPT US.

>> VICE CHAIR LOUIE: AND DO YOU HAVE MEETINGS ON A REGULAR BASIS?

>> WE TRY TO HAVE THEM ONCE A MONTH, SOMETIMES EVERY OTHER MONTH.

>> VICE CHAIR LOUIE: AND DO YOU HAVE OPINIONS ABOUT EXTENDING THE CONDITIONAL USE PERMIT?

>> WE HAVE DIVISION, THERE ARE SOME PEOPLE ON THE COMMITTEE THAT ARE VERY PRO LANDFILL AND OTHER PEOPLE ON THE COMMITTEE THAT ARE VERY MUCH OPPOSED TO IT AND WE ALWAYS HAVE AN AUDIENCE THAT IS EXPRESSING THEIR CONCERNS AND ALWAYS FEELING LIKE WE'RE IRRELEVANT, THAT NOTHING COMES OF IT, THAT THERE'S -- WE HAVE BEEN TOLD BY THE LANDFILL IN FRONT OF THE AUDIENCE THAT IF WE MONITOR, THAT WE COULD BE SUED.

>> WE'VE HAD --

>> VICE CHAIR LOUIE: MONITOR WHAT?

>> THE AIR QUALITY. EVEN THOUGH IT'S WITHIN OUR CHARTER, THEY'VE SENT LETTERS FROM THEIR ATTORNEY SAYING IF WE TRY TO MONITOR THE AIR, THAT WE WILL BE SUED. AND AS DR. FAYE STATED, THERE ARE PEOPLE ON THE BOARD WHO ARE OPPOSED THE LANDFILL AND SOME ARE PRO LANDFILL, PEOPLE WHO ARE MOST IMPACTED THAT ARE AGAINST THE LANDFILL, PEOPLE WHO LIVE IN THE COMMUNITY AND ARE DAILY AFFECTED BY IT.

>> WE'VE RECEIVED THREATENING LETTERS FROM THE LANDFILL'S ATTORNEY FOR TALKING ABOUT MONITORING.

>> EVEN THOUGH IT'S IN OUR CHARTER TO DO SO.

>> CHAIR SMITH: ASIDE FROM THE LETTERS AND THE ISSUE AROUND MONITORING, DO YOU FEEL LIKE YOU HAVE THE ACCESS TO THE REPORTING AND THE 16:36:06 INFORMATION THAT YOU NEED TO EFFECTIVELY DO WHAT YOU WERE CHARTERED TO DO?

>> WE'VE TAKEN STEPS IN THAT DIRECTION. WE'RE QUESTIONING WHY IN 20 YEARS THIS HASN'T BEEN DONE, WHY -- AND I REQUEST WHY AT THIS POINT BEFORE THIS HEARING YOU HAVEN'T DONE TO SEE FOR YOURSELF WHAT THE AIR QUALITY IS LIKE. I'M KIND OF APPALLED AS A COMMUNITY MEMBER THAT [INAUDIBLE] ABOUT US. DR. FAYE AND MYSELF ARE TAKING STEPS WITHIN OUR CHARTER TO TRY TO IMPLEMENT SOME AIR QUALITY MONITORING SYSTEMS.

>> CHAIR SMITH: OKAY.

>> COMMISSIONER MODUGNO: JUST TO GET AT THIS LETTER THAT YOU'VE MENTIONED BECAUSE I READ A COMMENT FROM A LETTER THAT WE RECEIVED ALSO FROM THE LAWYERS WHO WERE ACCUSED US OF BEING UNLAWFUL, SO I WOULD SUGGEST THAT THAT BE PASSED ON TO ROSELIN.

>> SHE'S HERE, SHE'S PRESENT TODAY.

>> COMMISSIONER MODUGNO: JILL, WOULD THAT BE SOMETHING COUNTY COUNSEL, THIS IS AN APPOINTED BODY FROM THE BOARD OF SUPERVISORS, I SUPPOSE IT'S SORT OF ADVISORY SIMILAR TO THE TOWN COUNCILS.

>> I DON'T KNOW WHAT THEIR STATUS IS, I SHOULD KNOW, WE'LL LOOK INTO IT.

>> CHAIR SMITH: AND A POINT OF CLARIFICATION, SO WE HAVE A CURRENT CAC AND WE HAVE -- IT SOUND LIKE THERE ARE FOUR MEMBERS.

>> CURRENTLY THREE, PEOPLE CONSTANTLY DROP OUT BECAUSE THEY'RE BEING AFRAID OF BEING SUED BY THE ATTORNEYS.

>> CHAIR SMITH: WE CERTAINLY HAVE SOME ISSUES WITH THE CAC, I'M CURIOUS IF THERE'S A NEW PROPOSED IMPLEMENTATION PLAN THAT DESCRIBES THE COMMUNITY ADVISORY COMMITTEE, IS THIS A CONTINUATION OF THE EXISTING CAC, ARE WE RECONVENING IF THIS CONDITIONAL USE PERMIT IS APPROVED, ARE WE CONVENING A NEW COMMUNITY ADVISORY COMMITTEE, IF SO, WHAT ARE THE PROCEDURES OF

CARRYING ON MEMBERS, WHAT DOES THAT LOOK LIKE IF THIS MOVES FORWARD?

>> ARE YOU ADDRESSING SOMEONE IN PARTICULAR?

>> CHAIR SMITH: I'M ASKING STAFF, SORRY ABOUT THAT.

>> THAT'S ALRIGHT.

>> MR. CLAGHORN: I'M SORRY, CAN YOU REPEAT THAT.

>> CHAIR SMITH: YEAH, AND IT WAS A CONVOLUTED QUESTION SO I APOLOGIZE, I GUESS MY BASIC QUESTION IS IF WE HAVE A CAC THAT WAS ESTABLISHED UNDER THE PRIOR CUP, WE HAVE A PROPOSAL FOR THE NEW CUP, THE NEW CUP INCLUDES AN IMPLEMENTATION MONITORING PLAN THAT CALLS FOR A COMMUNITY ADVISORY COMMITTEE, IS THAT THE SAME COMMUNITY ADVISORY COMMITTEE FROM THE PREVIOUS ONE OR ARE WE CONVENING AN ENTIRELY NEW COMMUNITY ADVISORY COMMITTEE?

>> MR. CLAGHORN: THIS IS GOING TO BE A NEW COMMUNITY ADVISORY COMMITTEE, IT'S NOT THE SAME RULES AS THE EXISTING CAC AND THE IMPLEMENTATION AND MONITORING PROGRAM PART 11, IT TALKS ABOUT THE CAC AND IT TALKS ABOUT THE -- HOW THE MEMBERS ARE APPOINTED AND HOW IT'S FUNDED AND THINGS LIKE THAT.

>> CHAIR SMITH: CAN YOU WALK US THROUGH THAT A LITTLE BIT.

>> MR. CLAGHORN: SO, THE COMMUNITY ADVISORY COMMITTEE IS APPOINTED BY THE BOARD AND SHALL CONTINUE TO SERVE AS A LIAISON BETWEEN THE PERMITTEE AND THE COMMUNITY.

>> CHAIR SMITH: SORRY, THE THE BOARD OR THE FIFTH DISTRICT SUPERVISOR.

>> MR. CLAGHORN: THEY'RE APPOINTED BY THE FIFTH DISTRICT. I'M IN PART 11 OF THE IMP IMPLEMENTATION AND MONITORING PROGRAM.

>> COMMISSIONER SHELL: THIS IMPLIES THAT IT'S THE SAME ONE THAT'S EXISTING.

>> MR. CLAGHORN: THERE WILL BE CHANGES IN THE WAY THAT IT'S COMPOSED.

>> COMMISSIONER SHELL: BUT THIS SAYS THE COMMITTEE APPOINTED BE THE BOARD NEXT WITH THE PREVIOUS CUP SHALL CONTINUE TO SERVE AS A LIAISON BETWEEN THE PERMITTEE AND THE COMMUNITY.

>> MR. CLAGHORN: THE CAC SHOULD BE COMPOSED OF PEOPLE WHO RESIDE IN THE SANTA CLARITA -- SO, I'M NOT SURE SPARSE THE MECHANICS OF THE EXISTING MEMBERS, I'M ASSUMING THAT THE EXISTING CAC MEMBERS WILL CONTINUE BUT THERE WILL BE NEW MEMBERS AS WELL.

>> CHAIR SMITH: AND I WANT TO CONFIRM WE'RE ALL LOOKING AT THE SAME THING BECAUSE THERE WAS A REVISION TO THIS SECTION SO I'M NOT SURE --

>> COMMISSIONER SHELL: I'M LOOK AT APRIL 6TH.

>> CHAIR SMITH: IN THE APRIL 13TH PACKET, THERE WAS A REVISION TO THE CAC, AND IT DOESN'T HAVE A PAGE NUMBER BUT IT'S IN THE MIDDLE. IT'S ATTACHMENT B. SO, IT'S ATTACHMENT B AND AS I UNDERSTAND IT AND STAFF SHOULD CONFIRM, THIS IS THE -- THERE WERE SOME MINOR REVISIONS AND THIS IS THE NEW LANGUAGE FOR PART 11 TO BE INSERTED INTO THE IMPLEMENTATION MONITORING PROGRAM. IS THAT ACCURATE? I JUST WANT TO MAKE SURE WE'RE ALL LOOKING AT THE RIGHT LANGUAGE.

>> MR. CLAGHORN: THIS IS FROM THE APRIL 6TH HEARING PACKAGE SO THAT HAS NOT BEEN CHANGED. THE IMP IS TILL THE SAME AS IT'S IN THE APRIL 6TH SUPPLEMENTAL PACKAGE.

>> CHAIR SMITH: I HAVE AN ATTACHMENT B IN APRIL 13TH WHICH IS A NEW LANGUAGE FOR A PART 11 COMMUNITY ADVISORY COMMITTEE.

>> MR. CLAGHORN: LET'S SEE, HOLD ON. THE APRIL 13TH -- OH, OKAY, YEAH, I'M SORRY, YEAH, YOU'RE RIGHT, THE APRIL 13TH.

>> CHAIR SMITH: AND I'M NOT SURE HOW DIFFERENT IT IS THAN WAS IN THE APRIL 6TH PACKET, BUT IT WAS INCLUDED AS A CHANGE.

>> MR. CLAGHORN: THERE WERE SOME MINOR CHANGES, LET ME SEE, I DON'T HAVE THE RED LINE COPY HERE.

>> CHAIR SMITH: REGARDLESS OF WHAT THE CHANGES FROM APRIL 6TH TO 13 ARE, THE ONE WE'RE LOOK AT FROM APRIL 13TH IS WHAT'S BEING PROPOSED?

>> MR. CLAGHORN: THAT'S RIGHT. AND I JUST WANTED TO MENTION THAT RIGHT NOW IT DOESN'T HAVE ANY LANGUAGE IN THERE ABOUT REPORTING TO THE PLANNING COMMISSION BUT WE WOULD RECOMMEND ADDING A PROVISION IN THE CAC PROVISION IN THE IMP REGARDING REPORTING TO THE PLANNING COMMISSION ON A REGULAR BASIS.

>> CHAIR SMITH: YEAH, SO I GUESS I THINK THAT'S GOOD, THAT'S IMPORTANT, I WANT TO SORT OF GROUND US AGAIN BECAUSE I THINK WE

STARTED THE CONVERSATION TALKING ABOUT CONDITION 35, THE PERIODIC REVIEW, WE'VE SORT OF MERGED INTO A CONVERSATION ABOUT THE CAC. MY SENSE IS -- AND I KNOW WAS IT CONDITION 46, NO, WHAT IS THE MONITORING, YOU MENTIONED -- I WANT TO MAKE -- 66, WHICH IS -- I WANT TO CONFIRM ON CONDITION 66 THAT YOU MENTIONED QUARTERLY TESTS, I WANT TO CONFIRM THESE ARE NOT QUARTERLY BUT RATHER RANDOM, FOUR RAN -- RANDOM PER YEAR BUT NOT QUARTERLY, I THINK CONDITION 66 AND OTHERS THAT MOVE FORWARD THAT REFERENCE REPORTING AND SHARING INFORMATION TO THE TAC SHOULD ALSO SHARE INFORMATION TO THE CAC, I THINK FAR CAC TO DO ITS JOB, IT NEEDS TO HAVE THE INFORMATION AND UNDERSTAND 16:44:21 WHAT'S HAPPENING, AND THEN JUST TO BRING US BACK TO -- I THINK WE STILL HAVE AN UNANSWERED QUESTION ABOUT WHO WAS APPOINTED AND HOW ARE YOU APPOINTED TO THE CAC, AS WE WORK THAT OUT, I WANT TO BRING US BACK TO CONDITION 35, THIS QUESTION ABOUT PERIODIC REVIEW, AND I THINK THAT WE NEED TO -- IF THIS MOVES FORWARD, WE NEED A STRONG CAC AND WE NEED A CAC THAT HAS ALL THE INFORMATION THAT THEY NEED TO DO THEIR JOBS AND I THINK THAT THAT INTERPLAY WITH PERIODIC REVIEW BUT IT IS NOT THE SAME AS PERIODIC REVIEW AS I SEE IT AND I FEEL LIKE PERIODIC REVIEW IS AN OPPORTUNITY, THERE'S GOING TO BE REPORTING, THERE'S GOING TO BE MONITORING, THERE'S GOING TO BE REPORTS THAT ARE SUBMITTED, SOME OF THEM ARE ANNUAL, SOME OF THEM ARE LESS FREAK, AND WE HAVE THAT AND WE HAVE A CAC TO ASSESS THESE THINGS THE PERIODIC REVIEW IS IN MY

MIND AUGMENT TO THAT, IT'S AN OPPORTUNITY TO EVERY TEN YEAR, FIVE YEARS, WHATEVER WE LAND ON, ALL GET TOGETHER AND SIT DOWN AND SAY WHAT'S CHANGED, WE'RE HAVING CONVERSATIONS ABOUT CONVERSION TECHNOLOGY AND THE URBANIZATION OF THIS AREA, THINGS ARE GOING TO CHANGE AND THIS IS AN OPPORTUNITY TO LEAKIER SIT DOWN, TALK ABOUT THOSE THINGS AND TRY TO UNDERSTAND WHAT ARE THE IMPACTS THAT MAY BE BEING FELT THAT AREN'T BEING CAPTURED BY OUR TAC'S AND OUR CACKLER'S AND OUR REPORTS, WE CAN PUT THE INFRASTRUCTURE IN PLACE BUT THERE ARE STILL THINGS PEOPLE ARE FEELING AND ABSORBING AND IMPACTS THAT ARE NOT BEING COMMUNICATED THROUGH THOSE CHANNELS SO THIS IS AS I SEE IT AN OPPORTUNITY TO SIT DOWN AND REVISIT THAT. I APPRECIATE THAT MAYBE WE DON'T NEED A HEARING EVERY FIVE YEARS.

>> WHEN WE GET THE [INAUDIBLE] DEPARTMENT ON THIS, WOULD YOU GET INVOLVED IN THIS?

>> WE DON'T HEAR THE PUBLIC HEARINGS IN FRONT OF THE HEARING OFFICER, COUNTY COUNSEL TYPICALLY ONLY COMES WHEN IT'S BEFORE THE REGIONAL PLANNING COMMISSION OR THE BOARD OF SUPERVISORS AND THEY'LL SPECIFICALLY ASK, THE DEPARTMENTS ALWAYS WORK WITH THEIR ATTORNEYS AND COUNTY COUNSEL, WE PROVIDE ADVICE.

>> COMMISSIONER MODUGNO: BUT I THINK IF WE'RE SETTING UP A
VEHICLE --

>> WELL, WITH THIS COUNSEL, WE'LL GET INVOLVED.

>> SO, THE PUBLIC WORKS ATTORNEY WILL GET INVOLVED IN THIS?

>> THE WAY IT HAS WORKED IN THE PAST, WHAT WOULD HAPPEN IS WHEN
WE OBSERVE THE VIOLATIONS, WE HAVE -- AND IF YOU SEE THE
APPLICANT IS NOT CORRECTING THOSE, WE WORK WITH OUR COUNSEL, WE
DRAFT A LETTER ADVISING OR RECOMMENDING TO REGIONAL PLANNING TO
EXPLAIN THE SITUATION, THE BACKGROUND INFORMATION AND WHY THE
APPLICANT HAS NOT BEEN COOPERATING WITH US AND BASED ON THAT,
REGIONAL PLANNING WOULD ISSUE A NOTICE OF VIOLATION TO THEM TO
CORRECT THE ACTIONS AND TAKE THE APPROPRIATE ACTION THAT THEY
NEED TO CORRECT THE SITUATION.

>> AND THERE ARE ATTORNEYS INVOLVED.

>> COMMISSIONER MOON: THEY STATED THEY'RE SCARED TO DO IT
BECAUSE THEY'RE BEING THREATENED.

>> THERE'S SO MANY QUESTIONS ON THE TABLE, TO THE EXTENT THERE
IS A VIOLATION AND ENFORCEMENT ACTION, THERE'S ABSOLUTELY COUNTY

COUNSEL INVOLVER, THERE'S TECHNICAL ADVICE ON THE PUBLIC WORKS SIDE AND FOR THE ENGINEERS AND THERE'S ANOTHER ATTORNEY THAT HANDLES THE ENFORCEMENT ACTION, THERE'S ANOTHER ATTORNEY THAT REPRESENTS THE HEARING OFFICER, SO THERE'S A LOT OF ATTORNEYS THERE.

>> COMMISSIONER MOON: WELL, SOMEONE NEEDS TO TAKE THE LEAD ON THIS. I'M ASKING SOMEONE TO TAKE THE LEAD ON IT BECAUSE THEY'RE AFRAID. AM I HEARING YOU SAYING THAT?

>> I THINK SHE AND I ARE THE ONLY ONES LEFT BRAVE ENOUGH TO BE ON THE COMMITTEE AND RIGHT NOW, IT'S KIND OF A THREATENING SITUATION FOR US TO SPEAK UP BUT THIS HAS BEEN A WHOLE HISTORY OF THIS KIND OF STUFF. I COULD BURN YOUR EARS.

>> CHAIR SMITH: SO, COMMISSIONER MODUGNO, I COMPLETELY AGREE, I THINK IT'S UNFORTUNATELY THAT THE FIRST TIME ANYONE HEARS ABOUT THESE FEARS AND CONCERNS IS AT A PLANNING COMMISSION LEVEL, SO WHAT I SEE PERIODIC REVIEW AS THE OPPORTUNITY TO ADDRESS THINGS LIKE THAT. I DON'T WANT TO -- I KNOW THERE ARE MECHANISMS IN PLACE WITH RESPECT TO VIOLATIONS AND CORRECTING VIOLATIONS AND I APPRECIATE THAT. WHAT I'M INTERESTED IN AND OTHERS MAY DISAGREE, I'M INTERESTED IN A BIGGER CONVERSATION THAT IT'S NOT LIMITED TO JUST VIOLATIONS BUT IT'S THINGS LIKE THIS THAT DOESN'T FIT IN

THE NEAT BOX OF A PARTICULAR VIOLATION BUT IS SOMETHING THAT IS A CONCERN THAT IS PREVENTING THIS FROM BEING AN EFFECTIVE, COLLABORATIVE PROCESS, SO THAT'S WHAT I SEE THE PERIODIC REVIEW CONDITION SERVING AND I APPRECIATE THAT IT'S IN THERE, AND MY FEELING IS THAT I WOULD LIKE THE SEE IT HAPPEN AT YEAR 5 BECAUSE I THINK THAT TEN YEARS IS A LONG TIME TO WAIT FOR SOME OF THESE THINGS THAT WE ONLY ON EARTH -- UNEARTH IN A CONVERSATION LIKE THIS. I THINK WE SHOULD HAVE THIS TRIGGERED AT YEAR FIVE BECAUSE WE DON'T WANT TO WAIT TEN YEARS TO FIND OUT THINGS THAT AREN'T "VIOLATIONS".

>> I HAVE AN IDEA THAT WOULD SIMPLIFY THE WHOLE PROCESS AND THAT WOULD BE THAT THE MEMBERS OF THE BOARD DETERMINE WHETHER OR NOT -- OR FIND PEOPLE FROM THEIR COMMUNITY, THERE'S TWO BIASES, IF WE CAN FIND PEOPLE FROM VAL VERDE AND THEY WOULDN'T BE VETOED AND THEY CAN FIND PEOPLE LOYAL TO THE LANDFILL AND WE WOULDN'T DETER THEM, I THINK IT WOULD BE MUCH MORE FAIR. IF WE DIDN'T HAVE ONE PERSON HANGING OVER OUR HEAD DECIDING WHO -- ARE YOU GOING TO AGREE WITH THE LANDFILL BEFORE WE EVEN GET ON THE COMMITTEE.

>> CHAIR SMITH: I APPRECIATE THAT, I THINK THAT IS ONE OF THE MANY ISSUES WITH RESPECT TO THE FORMATION OF THE CAC.

>> COMMISSIONER SHELL: CAN I GIVE A DIFFERENT SUGGESTION MAYBE BECAUSE I HEAR DEFINITELY WHAT'S BEING SAID. MY FEELING WHEN I SAID IT'S A PUBLIC HEARING PROCESS, THE HEARING OFFICER APPEAL TO BELIEVE THE COMMISSION AND IT SEEMS BURDENSOME TO ARBITRARILY MAYBE SAY EVERY FIVE YEARS BUT WHAT IF WE ADDED LANGUAGE AT THE DIRECTOR'S RECESSIOIN, THEY COULD CALL FOR A PERIODIC REVIEW IN ADDITION TO THE TEN YEARS SO IF THE DIRECTOR'S HEARING EXTENSIVE COMPLAINT FROM THE COMMUNITY, FROM THE COMMUNITY ADVISORY COMMITTEE, THAT AT THE DIRECTOR'S DETERMINATION, IT COULD BE ONE YEAR FROM NOW, A REVIEW COULD COME UP, MAYBE IT'S ONE YEAR AND THE NEXT YEAR HE DOES IT AGAIN AND THE NEXT YEAR WE DO IT AGAIN UNTIL WE GET IT RIGHT, YOU KNOW, I THINK THAT ALSO THEN HOPEFULLY INCENTIVE THE LANDFILL OPERATOR TO CONDUCT THE LANDFILL IN THE PROPER MANNER SO THE LANDFILL DOESN'T HAVE TO GO THROUGH THIS PROCESS.

>> COMMISSIONER MOON: I AGREE WITH THAT, THAT'S A GOOD ONE. WHAT DO YOU THINK ABOUT THAT?

>> THAT SOUNDS -- IF BOTH IDEAS COULD BE IN PLACE, THAT WOULD BE FANTASTIC.

>> COMMISSIONER SHELL: KEEP 16:51:45 THE EVERY TEN YEARS NO MATTER WHAT, WE CAN ADD AN ADDITIONAL AT THE DISCRETION OF THE

DIRECTOR, AND ADDS OF THE MAKE-UP OF THE COMMITTEE, I MEAN, I WOULD FEEL COMFORTABLE WITH THE COMMISSION RECOMMENDING THAT IT'S, I DON'T KNOW, THREE MEMBERS, FOUR MEMBERS FROM THE COMMUNITY AND FOUR MEMBERS SELECTED BY THE -- REPRESENTING THE LANDFILL, SOMETHING THAT MAKES SENSE.

>> IT'S BEEN FOUR AND THREE, LIKE FOUR FROM POSSIBLE FROM VAL VERDE AND THREE POSSIBLE FROM THE LANDFILL, SINCE WE HAVEN'T BEEN ABLE TO CHOOSE OUR OWN PEOPLE, IT DOESN'T REALLY WORK OUT THAT WAY, BUT IF WE COULD VET OUR OWN PEOPLE, WE KNOW OUR NEIGHBORS AND WE KNOW WHO WOULD HELP OUT AND WE KNOW WHO WOULD RUN INTERFERENCE AND HELP US WORK.

>> COMMISSIONER MODUGNO: MY RECOMMENDATION WOULD BE TO STAY WITH THE LANGUAGE, JUST INSERT THE DIRECTOR PIECE WITH IT BECAUSE OVER THE NEXT 30 YEARS, IF THE COURTS AND EVERYTHING ELSE GO AS PLANNED, THERE'S POTENTIALLY 70 THOUSAND NEW RESIDENTS LIVING OVER NEWHALL RANCH. I THINK IT'S BROUGHT DOWN, BUT THERE'S GOING TO BE A WHOLE NEW STAKEHOLDERS COMBINING IN WHO ARE GOING TO HAVE SOME VIEWS AS WELL, SO WE NEED TO THINK OF THE -- THAT NOT RESIDENTS OF THE COMMUNITY THAT ARE GOING TO BE THERE AND WE CERTAINLY HAVE AN EXPANSION, THE COMMERCE DISTRICT IN TERMS OF PEOPLE THERE WORKING, WHOSE WORKING LIVES ARE PROBABLY MORE AFFECTED DURING THE DAY APPROXIMATE TO THE LANDFILL, SO THE

COMPOSITION OF THAT SHOULD BE ABLE TO CHANGE POSSIBLY OVER TIME BUT I THINK JUST HAVING THAT [INAUDIBLE] THAT THERE IS THIS GROUP REPRESENTING THE COMMUNITY THAT HAS SOME ABILITY TO PETITION THROUGH TO THE DIRECTOR, THERE IS CLEARLY THE APPOINTMENT AND THE DIALOGUE THROUGH THE SUPERVISOR'S OFFICE AND SO THE VIABILITY OF THAT ORGANIZATION AND GROUP IS REALLY UP TO THE PEOPLE WHO ARE PART OF IT, SO I THINK THE LANGUAGE THE WAY IT'S WRITTEN AS I LOOKED THROUGH IT QUICKLY PROBABLY ALLOWS FOR THAT AS LONG AS WE HAVE THIS ABILITY AS COMMISSIONER SHELL HAS INDICATED OF BEING ABLE TO HAVE THE DIRECTOR PULLED UP AND ESCALATE THE PROCESS.

>> COMMISSIONER SHELL: I ALSO THINK THAT DEFINITELY ANY REPORTS THAT ARE DIRECTED TO THE TAC AT ANY TIME SHOULD ALSO BE DECKED TO THE COMMUNITY ADVISORY COMMITTEE. I MEAN, IT'S A PUBLIC DOCUMENT, IT MAKES TOTAL SENSE, IT SHOULDN'T BE CHALLENGING FOR THE COMMUNITY 16:54:28 TO REVIEW THEM.

>> CHAIR SMITH: THROUGHOUT THE CONDITIONS, WE WENT THROUGH 66.

>> COMMISSIONER SHELL: ONE HERE IS ON THE POST CLOSURE PLAN AND THE 35 WE'RE LOOKING AT, IT WILL COME UP I'M SURE IN A NUMBER OF DIFFERENT WAYS.

>> AND THEN IN YOUR APRIL 13TH SAYS CAC SHOULD HAVE ACCESS
SUBMITTED BY THE PERMITTEE AS WELL TO THE VARIOUS REGULATORY --

>> COMMISSIONER SHELL: ANY MEMBER OF THE PUBLIC SHOULD HAVE
ACCESS TO THEM, IT'S JUST PROVIDE THEM TO CAC.

>> CHAIR SMITH: IF YOU'RE PROVIDING --

>> COMMISSIONER SHELL: SO THEY DON'T HAVE THEIR HEADS AGAINST
THE WALL TRYING TO OBTAIN THEM.

>> VICE CHAIR LOUIE: MR. CHAIR?

>> CHAIR SMITH: YES, PLEASE.

>> VICE CHAIR LOUIE: I WANT TO THANK YOU, SURVIVING MEMBERS OF
THE CAC FOR STEPPING FORWARD AND WE HEARD A LOT OF PUBLIC
TESTIMONY TODAY BUT FRANKLY YOUR HESITANCY TO REACT WHEN THE CAC
WAS MENTIONED, YOUR RELUCTANCE TO EVEN STEP FORWARD AND YOUR
HESITANCY IN SPEAKING, THE WORD BRAVE WAS USED, SO THANK YOU FOR
TAKING THAT RISK AND SPEAKING UP. AS ANOTHER ALTERNATIVE TO THE
16:55:49 SUGGESTIONS FROM COMMISSIONER SHELL IS THAT MAYBE WE
CAN INTEGRATE A FIVE YEAR REVIEW PERIOD AND WITH THE KNOWLEDGE
THAT THE DIRECTOR GIVEN THE RIGHT CIRCUMSTANCES COULD CALL FOR A

REVIEW AT ANY TIME. I'M INTERESTED IN MAKING SURE THAT THE CAC IS FUNCTIONAL, THAT IT'S EMPOWERED AND THAT GIVEN THAT THERE WOULD BE A REVIEW AT FIVE YEARS JUST PUTS THE APPLICANT IN A POSITION WHERE THEY NEED TO BE CAREFUL FOR MAYBE TWO YEARS, THREE YEARS AS OPPOSED TO SAY WE CAN WAIT 7 YEARS UNTIL WE HAVE TO PAY ATTENTION TO IT. FROM ALL I'VE SEEN AS THE OPERATOR AND THEY HAVE A PERIOD TO BE OUTSTANDING AND THAT I'M A LITTLE BIT SURPRISED, I WOULD BE INTERESTED TO HEAR FROM THE APPLICANT HOW -- WHAT THEIR TAKE ON THESE LETTERS OF THREAT AND THREATENING IF YOU WERE TO TRY TO MOVE FORWARD ON MONITORING, BUT I THINK IT JUST GIVES THE CAC MORE LEVERAGE AND CREDIBILITY TO BE ABLE TO HAVE THAT REVIEW PERIOD OCCUR AT A MINIMUM EVERY FIVE YEARS.

>> CHAIR SMITH: THANK YOU, COMMISSIONER LOUIE, SO I THINK AND I JUST WANT THE MAKE SURE WE'RE CLEAR BECAUSE THERE'S SOME -- WE'RE DOING SOME CONFLATING AND I THINK THERE ARE TWO ISSUES, THERE'S THE COMMUNITY ADVISORY COMMITTEE WHICH IS A BODY THAT WILL BE APPOINTED AND WE NEED TO WORK SOME OF THE KINKS OUT THERE, AND THEN THERE'S THE QUESTION OF PERIODIC REVIEW WHICH IS ITSELF A SEPARATE CONDITION, AND THEY INTERPLAY OBVIOUSLY BUT I THINK THE QUESTION THAT WE HAVE RIGHT NOW IS I THINK WE ALL -- I'M SENSING CONSENSUS ON SOME OF THE FIXES WE NEED TO SEE IN MAKING THE COMMUNITY ADVISORY COMMITTEE AN EFFECTIVE BODY, THE QUESTION THEN IS THAT FEEDING INTO PERIODIC REVIEW AND DO WE

WANT TO MAKE THAT A FIVE YEAR PERIOD WITH DIRECTOR'S DISCRETION TO CALL AT ANY TIME OR TEN YEAR. PERSONALLY I AGREE WITH COMMISSIONER LOUIE, I UNDERSTAND THE CONCERNS, I DON'T WANT TO ADDRESS THESE THINGS TOO MUCH. I THINK CREATING THE TEN YEARS IS A LONG TIME AND TO COMMISSIONER LOUIE'S POINT, A FIVE YEAR PUTS EVERYONE ON NOTICE THAT WE'RE GOING TO HAVE THIS SIT-DOWN AND TALK ABOUT HOW THINGS ARE WORKING AND HOW THINGS AREN'T WORKING AND FIVE YEARS IS ALSO NOT A SHORT AMOUNT OF TIME EITHER, URBANIZATION OCCURS, IMPACTS OCCUR, THERE ARE CHANGES, SO I THINK IT'S A REALLY IMPORTANT THING TO BUILD IN HERE TO HAVE THAT PAUSE AND THAT OPPORTUNITY TO RECONVENE AND ASSESS WHERE WE ARE AND I'M SUPPORTIVE OF 5, BUT IF WE CAN SEE WHERE WE LAND ON IT. YES, PLEASE?

>> I JUST REALLY IMPORE YOU THE CONSIDER LETTING THE PEOPLE WHO ARE FROM VAL VERDE VET PEOPLE FROM VAL VERDE SO WE DON'T GET ANYMORE NAYS WITH WE TRY TO PROPOSE SOMEBODY THAT WE'D LIKE TO HAVE ON THE COMMITTEE TO HELP US OUT. IT'S A LOT OF WORK FOR VOLUNTEERS AND I REALLY, REALLY WISH THAT VAL VERDE PEOPLE WEREN'T REJECTED BY ROSELIN, YOU KNOW, AND THAT WE COULD CHOOSE OUR OWN VAL VERDE PEOPLE AND SHE CAN CHOOSE THE LANDFILL PEOPLE.

>> CHAIR SMITH: I APPRECIATE THAT AND I UNDERSTAND THE SORT OF MOTIVATION BEHIND THAT. I WANT TO -- I'M NOT SURE HOW WE ACHIEVE THAT.

>> WELL, WE'RE SHUT DOWN RIGHT NOW, WE'RE NOT GETTING ANOTHER VOLUNTEER BECAUSE SHE DOESN'T WANT TO APPOINT ANYBODY YET.

>> VICE CHAIR LOUIE: JUST BEING AN OLD GUY, YOU KNOW, THE -- I DON'T THINK IT IS THIS COMMISSION'S ROLE TO INSTRUCT THE SUPERVISOR'S OFFICE HOW TO SELECT PEOPLE THEY APPOINT. I THINK THERE IS A CERTAINLY REALITY OF WHO THEY APPOINT IS A REFLECTION OF WHAT THEY THINK, SO THAT MAY BE THE REALITY OF WHAT'S GOING ON, BUT IT'S NOT OUR --

>> SHE WANTS TO BE THE GATE KEEPER.

>> VICE CHAIR LOUIE: YUP, I WOULD SAY THAT'S PROBABLY A CORRECT DESCRIPTION.

>> CHAIR SMITH: I WOULD LIKE TO INVITE DR. BRUCKNER.

>> MR. BRUCKNER: GOOD AFTERNOON, LET ME JUST UNDERSCORE WHAT COMMISSIONER LOUIE SAID, WE HAVE A NEW ELECTED OFFICIAL WHOSE RENEWED [INAUDIBLE] TO COMMUNITY OUTREACH AND I DO UNDERSCORE

HIS COMMENT, COMMUNITY PARTICIPATION IS ONE OF THE TENANTS OF HER PHILOSOPHY, SO TO ALLOW THE SUPERVISOR TO DO THAT I THINK IS AN APPROPRIATE INPUT, AND THEY'VE -- I'M SURE THAT IN HER WISDOM, SHE WILL APPOINT A SECTION OF THE COMMUNITY FULLY REPRESENTATIVE OF THE COMMUNITY AND WITH REGULAR REPORTS BACK TO THIS COMMISSION, WE'LL MAKE OUR STAFF COMMITTED TO DO THAT TO ENSURE YOU'RE FULLY INFORMED AND THAT IT'S WORKING AND THERE ARE BYLAWS THAT ARE ENACTED AND THEY CAN BE AMENDED WITHIN THE CONDITION THAT'S PROPOSED.

>> VICE CHAIR --

>> COMMISSIONER MODUGNO: AND I COULDN'T SUPPORT THAT MORE STRONGLY BECAUSE THESE ARE ADVISORY PEOPLE, IT'S PEOPLE IN THE COMMUNITY WE WANT TO GET INPUT, THE IMPORTANT THING IS IF YOU FEEL STRONGLY ON ONE SIDE OR THE OTHER, OFTENTIMES PASSION DRIVES DECISIONS THAT GET IN THE WAY OF MAKING THINGS THAT ARE MORE REPRESENTATIVE FOR EVERYONE AND THAT IS GOING TO BE -- THERE'S ALL THE NEW NEIGHBORS THAT ARE GOING TO COME IN POTENTIALLY, AS I SAY, THE WORKPLACE THAT COMES IN, SO WHATEVER THE REPRESENTATION, I REALLY THINK -- TO MAKE THOSE THE BEST POSSIBLE WORKING GROUPS, THEY'VE GOT TO HAVE SOMETHING IN SYNC WITH FROM AN ADVISORY STANDPOINT TO THE SUPERVISOR'S OFFICE BECAUSE THAT IS THE INTENT, IT'S THE REASON THE TOWN COUNCILS

WERE SET UP, THEY DON'T NECESSARILY HAVE STRONG LEGISLATIVE POWERS BUT THEY CERTAINLY HAVE THE POWER OF VOICE, THE POWER OF THE PEN, AND THESE MEETINGS ARE OPEN TO THE PUBLIC AND THEY HAVE TO BE OPEN MEETINGS, NOT CLOSED MEETINGS SO ALL OF US CAME OUT HERE AND ATE LUNCH OUT HEREIN STEAD OF IN THE BACK BECAUSE WE'RE NOT DOING BACK ROOM SORT OF THIN THINGS, WE ARE ADHERENT TO BROWN ACT PROVISIONS AND SO ON, SO WE WANT INPUT FROM PEOPLE JUST LIKE THESE PUBLIC HEARINGS, IT'S AN OPPORTUNITY FOR EVERYONE TO COME OUT AND SPEAK, EVERYONE'S VIEWS HERE, BUT I REALLY THINK THAT THE PROVISION HERE IS LITERALLY FOR THE RIGHT KIND OF INPUT FROM CITIZENS IN THE AREA TO COME THROUGH, SO I THINK THE LANGUAGE IS PROPER.

>> CHAIR SMITH: THANK YOU. DO WE HAVE -- I THINK WE MAY BE READY TO MOVE ON TO OUR NEXT BUCKET, UNLESS THERE'S ANYTHING ELSE ON THAT ITEM?

>> VICE CHAIR LOUIE: THANK YOU, LADIES.

>> CHAIR SMITH: AGAIN, THANK YOU. SO, NEXT BUCKET THAT I HAD ON MY LIST WAS THIS QUESTION ABOUT AQMD MONITORING AND THIS MAY BE A SHORT CONVERSATION, I THINK WE REALLY ADDRESSED A LOT OF IT PREVIOUSLY. OUR HANDS ARE TIED, WE'RE NOT AQMD, WE CAN'T DIRECT A MONITORING PROCESS BE PUT IN PLACE. MY SENSE IS PERHAPS IF

THAT CONTINUES TO BE SOMETHING THAT'S NEEDED AND NECESSARY, THAT'S SOMETHING THAT CAN BE A CONVERSATION THAT OCCURS IN THIS PERIODIC REVIEW. I THINK THAT WE WERE ALSO DECKED TO CONDITION 66 WHICH GETS AT SOME OF THIS, IT'S NOT AQMD MONITORING DEVICE BUT IT IS A RANDOM FOUR TIMES A YEAR INDEPENDENT CONSULTANTS ASSESSMENT THAT THEN GETS DIRECTED TO RUT RESULTS OF WHICH GET DIRECTED TO THE CAC AND THE TAC SO I THINK THAT'S WHERE WE STAND. I DON'T KNOW IF ANYONE ELSE WANTS TO ADD TO THAT.

>> VICE CHAIR LOUIE: I WOULD ASK IF THE DEPARTMENT COULD INQUIRE WHAT FUNCTION AQMD COULD HAVE IN MONITORING OF AIR QUALITY NEAR A LANDFILL, SO IN THE FUTURE, I CAN BE ABLE TO UNDERSTAND WHAT ROLE THEY COULD OR CAN OR HAVE PLAYED.

>> MR. CLAGHORN: THEY DO PLAY A ROLE AND THEY DO HAVE MONITORING BUT IT'S NOT -- PROBABLY NOT AS ROBUST AS WE WOULD LIKE DID -- BUT THEY HAVE BEEN MONITORING THE ODOR VIOLATIONS, SO WHEN THOSE REPORTS ABOUT ODOR, PEOPLE CAN CALL THE AQMD AND THEY RESPOND TO THAT AND THAT'S BEEN SOMETHING THAT HAS BEEN TAKING PLACE.

>> VICE CHAIR LOUIE: I'M MOST INTERESTED IN A PERMANENT MONITORING FACILITY AT A LANDFILL. IS THAT SOMETHING THAT IS TYPICALLY DONE? IS THERE A COST, WHO PICKS UP THE COST? HOW USEFUL IS THAT INFORMATION? WHAT ARE WE MONITORING? I WOULD LIKE

TO KNOW, SO THIS IS NOT PART OF PASSING OR NOT PASSING OR APPROVING OR NOT APPROVING BUT JUST AS A POINT OF INTEREST AND INFORMATION FOR MY BACKGROUND, THANK YOU.

>> CHAIR SMITH: I WOULD AGREE, I THINK DECISIONS HAVE BEEN MADE BY THE AQMD TO MONITOR CERTAIN MONITORING DECISIONS IN SOME LOCATIONS AND NOT OTHERS AND UNDERSTANDING WHY NOT IN THIS LOCATION WOULD BE WORTH KNOWING. SEEING NOTHING ELSE ON THAT PARTICULAR BUCKET OF ISSUES, THAT PARINGS US -- BRINGS US TO THE QUESTION OF FEES. WE HAVE A SERIES OF FEES PROPOSED BY THE DEPARTMENT, WE HAVE A REQUEST BY THE APPLICANT TO SCALE THOSE DOWN, A SUGGESTION THAT THIS MOVE FORWARD BUT WITH A DIRECTION THAT FEES BE LIMITED TO REASONABLE FEES IDENTIFIED AS SOMEWHERE IN THE RANGE OF A 50-100% INCREASE OVER CURRENT, SO LET'S OPEN IT UP FOR DISCUSSION AND THOUGHTS ON THAT.

>> COMMISSIONER MODUGNO: I WOULD ACCEPT THE FEES AS THEY'VE BEEN ACCEPTED BECAUSE QUITE FRANKLY I DON'T HAVE ANY BASIS BEYOND THAT TO DO SOMETHING. I REALLY THINK THAT'S LESS AS PART OF OUR PURVIEW, I THINK THERE'S TECHNOLOGY, WITH LAND USE TO COME UP WITH A NEXUS, BUT AS FAR AS THOSE FEES FROM A POLICY STANDPOINT, THOSE GET DRIVEN DOWN BY THE BOARD, IF THE APPLICANT FEELS STRONGLY ENOUGH, THEY CERTAINLY HAVE THE ABILITY TO APPEAL THE ACTION TO THE BOARD, IT IS REALLY THE ONES PROPERLY CHARGED WITH

MAKING THAT FEE DISCUSSION, SO I WOULD LIKE TO QUICKLY MOVE BEYOND THAT FROM MY STANDPOINT AND WE ACCEPT THE FEES AS PRESENTED AS GIVEN.

>> CHAIR SMITH: YEAH, AND I WOULD AGREE AND I APPRECIATE THE CLARIFICATION TODAY IN THIS HEARING ABOUT THE EXISTENCE OF THE NEXUS BETWEEN THOSE BEING CONDITIONS AND WHAT WE'RE ADDRESSING, SO I APPRECIATE PUBLIC WORKS AND PLANNING ARTICULATING THAT FURTHER.

>> AND I THINK TOO, WITH YOU LOOK AT THE INCREASE TO 500%, THAT'S BECAUSE THEY WERE NOT -- THERE WEREN'T FEES WITH THESE IMPACTS IN THE 1997 CONDITIONAL USE PERMIT, SO THEY ARE NEW FEES BECAUSE WE'RE ADDRESSING COMMUNITY CONCERNS AND IMPACTS.

>> CHAIR SMITH: GREAT, THANK YOU. OKAY, SO THEN WE ALSO WANTED TO TOUCH ON THE CAPACITY OR THE TONNAGE QUESTION AND I THINK I APPRECIATED THE CLARIFICATION, I THINK THERE WAS SOME CONFUSION AT THE PREVIOUS HEARING ABOUT WHY DIFFERENT NUMBERS WERE BEING THROWN OUT AND THE DISTINCTION BETWEEN BENEFICIAL USE AND SOLID WASTE AND WHAT WAS AND WASN'T COVERED UNDER THE PREVIOUS CUP SO I APPRECIATE THE CLARIFICATION. I GUESS, SO, YEAH, I FEEL BETTER OF UNDERSTANDING WHAT'S BEING PROPOSED, WE HAVE A REQUEST OR A RECOMMENDATION FROM THE APPLICANT TO INCREASE THE ANNUAL

CAPACITY TO 2.89 MILLION, CURRENT STAFF PROPOSAL IS 2.1, AND WE'VE HAD A GOOD CONVERSATION ABOUT CONDITION 22 AND WHEN THE BOARD MAY OR MAY NOT ADJUST THAT WHICH WAS HELPFUL TO FLUSH OUT. I DON'T KNOW IF THERE'S ANYTHING ELSE WE WANT TO ADD?

>> COMMISSIONER MODUGNO: IT SHOULD BE NOTED THAT THE RUNNING RATE CURRENTLY AT 3.1 MILLION TONS AND THE 2016, 2.89 MILLION, MOBSTER OF THAT HAS BEEN DURING THE FREE HAND WAIVER PERIOD AND NOT DURING THE ACTIVE PERMIT, SO -- AND WITH THAT CLARIFICATION AND TIGHTENING WITH THE SEPARATION BETWEEN SOLID WASTE AND BENEFICIAL, AGAIN, I THINK STAFF BOTH FROM PUBLIC WORKS STANDPOINT AND DEPARTMENT OF REGIONAL PLANNING PUT MASSIVE AMOUNTS OF THOUGHT TO THIS, HAVE COME UP WITH CALCULATIONS AND, AGAIN, NOTWITHSTANDING CONDITION 22, I THINK THERE NEEDS TO BE SOME CLARITY THERE AS HOW THAT TIES INTO THE LIFETIME CAP, ANNUAL CAP, MONTHLY CAP, QUARTERLY, WHATEVER THE CAP IS, THERE NEEDS TO BE SOME CONNECTION WITHIN THAT, BUT I QUITE FRANKLY ACCEPT THE RECOMMENDATIONS.

>> CHAIR SMITH: THANK YOU, THOSE WERE VERY IMPORTANT CLARIFICATIONS. SEEING NO ADDITIONAL COMMENTS ON THAT, THAT BRINGS US THEN TO THE QUESTION OF HOURS OF OPERATION AND, AGAIN, I THINK WE HAD A PRETTY MEATY CONVERSATION ABOUT THIS, BUT JUST TO SORT OF BRING US BACK AND CENTER US, I THINK THE PROPOSAL TO

LIMIT HOURS OF OPERATION WHEREAS UNDER THE PREVIOUS CUP, THERE WAS NOT NECESSARILY THAT LIMIT. I THINK THERE'S A SUGGESTION BY THE APPLICANT THAT YOU'RE SEEING -- WHATEVER YOU'RE SEEING COME IN, YOU'RE GOING TO SEE COME IN, IF YOU NARROW THE TIMEFRAME, THERE'S A POTENTIAL FOR IMPACTS OF TRUCK IDLING AND QUEUING AND THOSE SORTS OF THINGS SO I THINK WE'VE HEARD THOSE ARGUMENTS AND PERSPECTIVES. AND HERE AGAIN AS ONE WHO LIVES PROBABLY TWO OR THREE MILES FROM SUNSHINE CANYON AND PROBABLY 7 OR 8 MILES FROM CHIQUITA, GOING FROM SANTA CLARITA TO AGOURA HILLS EVERY WAY AND PAST SUNSHINE TWO OR THREE TIMES A DAY, WHEN I CAN'T COME THROUGH THE NEWHALL PASS BECAUSE OF TRAFFIC AND PROBABLY AT LEAST FOUR TIMES -- FOUR OR FIVE TIMES A WEEK GO PAST THE LANDFILL AT SIMI VALLEY, YEAH, SO I'VE SORT OF BEEN SURROUNDED BY LANDFILLS, SUNSHINE CANYON IS A KILLER. THAT'S ONE THAT THREE DAYS THIS WEEK, THE ODOR JUMPED IN MY CAR AND STAYED WITH ME PAST THE 118, CHIQUITA CANYON, I CAN'T SAY I'VE EVER SMELLED ANYTHING THAN THE DAY THAT WE DID OUR LITTLE TOUR, THERE WAS ONE MOMENTARY WHIFF, I DON'T SMELL THE OTHERS BUT -- AND THE WAY IN WHICH THE TRAFFIC HAS TO GO BY SUNSHINE, THE WAY THEY HOOKED UP THE ROAD, THAT I THINK IN TERMS OF REGULATED BECAUSE THERE'S MASSIVE CON FLICK WITH COMMUTING TRAFFIC SO I THINK THERE WAS SOMETHING THERE TRYING TO NOT GET TO THE HIGH COMMUTE AT TIMES, I THINK CHIQUITA RIGHT NOW PROBABLY WORKS FINE I HAVE NO IDEA WHAT'S GOING TO HAPPEN ONCE NEWHALL RANCH IF THAT'S GOING TO

EVER GOING TO GET DEVELOPED IS GOING TO TAKE PLACE. QUITE FRANKLY, I WOULD LIKE TO SEE THE FLEXIBILITY GIVEN BACK TO THE DIRECTOR OF PLANNING OR PUBLIC WORKS OR SOMETHING THAT THIS DUN HAVE TO COME BACK TO US BUT THE FLEXIBILITY TO EXTEND THOSE HOURS OUT AS LIFE CHANGES OVER TIME BECAUSE I THINK THE RESTRICTION RIGHT NOW AGAINST THE OPERATIONS THAT THEY'VE GOT SORT OF 24 HOUR TYPE OF THING SEEMS TO WORK. IT'S NOT NECESSARILY CAUSING HUGE IMPACTS, BUT TO SORT OF TIGHTEN THOSE HOURS DOWN I THINK MIGHT CAUSE SOME PROBLEMS LATER ON.

>> COMMISSIONER SHELL: I AGREE, ALSO THE RATIONAL WAS MOSTLY IN REGARDS TO FUTURE RESIDENTS AND THOSE TRACT MAPS I BELIEVE HAVEN'T BEEN APPROVED YET, SO I FEEL LIKE WE'RE PLANNING FOR SOMETHING WHERE PEOPLE MAY NOT BE LIVING THERE FOR 20 YEARS OR SO OR NEVER AND WE HAVE THAT PERIODIC REVIEW PROCESS AGAIN WHERE MAYBE THAT'S THE PLACE WHERE IF NEEDED THE HOURS CAN BE MODIFIED. I THINK THAT'S ONE OF THE SPECIFIED RATIONALES IN THAT PERIODIC REVIEW. I SORT OF AGREE, I WOULD RATHER THAT TRUCKS BE ON THE FREEWAYS IF I LIVED THERE AT 2:00, RIGHT, SO WHEN I'M COMMUTING TO WORK, THEY'RE NOT THERE, BUT AGAIN, I GROW, IF IT BECOMES A PROBLEM AND NEEDS TO BE CHANGED, THEN CHANGE IT, BUT DON'T CHANGE IT IN ANTICIPATE FOR A PROBLEM FOR PEOPLE WHO AREN'T THERE.

>> COMMISSIONER MOON: I WOULD LIKE TO HEAR FROM THOSE TWO LADIES ABOUT THE HOURS. WHAT'S YOUR INPUT ON THIS? I WOULD LIKE TO HEAR YOUR INPUT ON THIS.

>> THANK YOU SO MUCH, I'M SITTING THERE THINKING, PEOPLE ARE TALKING ABOUT FUTURE RESIDENTS BUT NOBODY IS ADDRESSING CURRENT RESIDENTS, AND THERE ARE PEOPLE THAT LIVE WITHIN 100 FEET OF THAT LANDFILL AND TELL ME IF YOU HAD SMALL CHILDREN OR A BUB BY, WOULD YOU LIKE TO HAVE TRUCK TRAFFIC WAKING UP YOUR CHILD AT 3:00 IN THE MORNING, DO YOU THINK THAT DOESN'T IMPACT US? I DON'T UNDERSTAND, WE'RE NOT BEING CONSIDERED.

>> COMMISSIONER SHELL: SO, IT'S THE TRUCKS IN THE LANDFILL IS THE NOISE YOU'RE HEARING THEM.

>> ABSOLUTELY.

>> COMMISSIONER SHELL: FINESSING I WAS THINKING WHEN WE WERE HEARING ABOUT NOISE FROM TRUCKS ON THE FREEWAY.

>> ENTERING THE LANDFILL.

>> COMMISSIONER SHELL: RIGHT, AT THE ENTRANCE.

>> COMMISSIONER MOON: AGAIN, TELL US WHAT YOU WOULD LIKE TO SEE.

>> I WANT TO DISAGREE WITH HER A LITTLE BIT. I THINK IT WOULD BE BETTER TO -- I HAVEN'T DISCUSSED THIS WITH ANYONE, BUT I THINK 17:15:27 NIGHT TIME IS BETTER THAN THE DAYTIME, I DISAGREE AND I THINK THAT THIS IS A REAL ISSUE FOR OUR COMMUNITY THAT I WOULD LIKE TO ADDRESS WITH OUR COMMUNITY AS A BOARD MEMBER.

>> COMMISSIONER MODUGNO: BUT, AGAIN, MAYBE THERE'S A DIFFERENCE BETWEEN OPERATIONAL LANDFILL WHICH IS NOT SUGGESTED TO BE 24 HOURS, IT'S THE TRUCKS COMING INTO THE ENTRANCE WHICH IS GOING TO BE A NEW ENTRANCE AND BEING WEIGHED AND THEN WAITING FOR THE OPERATION OF THE LANDFILL TO OPEN SO IT'S REALLY TRYING TO MORE REGULATE AND SPREAD OUT TRAFFIC ON 126 AS IT'S COMING IN. IT'S NOT KEEPING TRUCKS DRIVING UP AND DUMPING THINGS OFF, SO THAT'S MORE WHERE THIS DISCUSSION IS GOING.

>> ARE YOU SURE IT'S CLEAR ON THAT BECAUSE MY UNDERSTANDING IS THEY'RE COMING IN TO DUMP, EVEN THOUGH THEY'RE NOT SUPPOSE TO, IT'S HAPPENING RIGHT NOW, THAT THEY'RE COMING IN AT 2:00 OR 3:00 IN THE MORNING TO DUMP.

>> COMMISSIONER MODUGNO: MY READ OF THE CONDITIONS MOVING FORWARD THAT THE OPERATION OF THE LANDFILL ITSELF IN TERMS OF THE DUMPING --

>> THAT WOULDN'T BE POSSIBLE, THERE ISN'T A LONG ENOUGH DRIVEWAY. I'M SAYING IT WOULDN'T BE POSSIBLE, THERE IS NO LONG ENOUGH DRIVEWAY TO STAND THERE AND WAIT.

>> CHAIR SMITH: I WOULD LIKE TO ASK STAFF TO READ TO US AND EXPLAIN THE CONDITION THAT WE'RE ASSESSING RIGHT NOW BECAUSE I THINK THERE'S SOME CONFUSION AND WE SHOULD ALL BE TALKING ABOUT THE SAME THING AS WE'RE ASSESSING THIS.

>> MR. CLAGHORN: LET ME FIND IT, 38.

>> 38, I'M TOLD. RIGHT NOW, IT DOESN'T HAVE THAT DISTINCTION BETWEEN WEIGHING AND OPERATE, IT'S THE WHOLE FACILITY'S OPEN.

>> CHAIR SMITH: SO, IT IS HOURS OF OPERATION.

>> 5 A.M. TO 5 P.M. AND WITH SPECIAL PERMISSION OF THE DISCRETION OF PUBLIC WORKS WHERE THERE'S SPECIAL CONSTRUCTION PROJECTS, THEY COULD GET AS EARLY AS 4 A.M., IT'S -- THE

CONDITION THAT'S BEEN DISCUSSED IS NOT AT ALL WHAT'S WRITTEN IN
HERE.

>> CHAIR SMITH: I BELIEVE WHAT THE APPLICANT IS REQUESTING AND I
CAN ASK TO CONFIRM THIS, THEY WOULD LIKE HOURS OF OPERATION FOR
ENTIRE FACILITY TO BE 24 HOURS.

>> YES, AND THAT'S THE ENTIRE FACILITY, NOT JUST WEIGHING IN.

>> CHAIR SMITH: THE RATIONAL AS WE HEARD IT IS ASSOCIATED WITH
THE TRUCKS.

>> COMMISSIONER MODUGNO: AND THAT'S NOT WHERE I WAS HEADING
BECAUSE I WOULD PREFER TO SEE SOME DISTINCTION IN TERMS OF
TRUCKS COMING TO SITE BUT NOT THE HOURS OF OPERATION.

>> SO, YOU'RE TALKING ABOUT THE GATE OPENING HOURS, AND RIGHT
NOW, THEY CAN EXTEND IT TO 4 A.M. OR [INAUDIBLE] WITH THE
DISCRETION OF PUBLIC WORKS SO IS YOUR RECOMMENDATION THEY CAN
AUTOMATICALLY, THEY CAN OPEN AT 4 A.M. WITH OPERATIONS BEGINNING
AT 5 A.M.? I DON'T KNOW.

>> COMMISSIONER MODUGNO: I GUESS GIVEN THE CONFUSION, LET'S
LEAVE IT AS IS BECAUSE -- AS IS WRITTEN.

>> COMMISSIONER MOON: AS IS WRITTEN, WHAT'S WRITTEN AGAIN.

>> WHAT'S WRITTEN RIGHT NOW, IT IS OPERATING 5 A.M. TO 5 P.M.,
MONDAY THROUGH SATURDAY.

>> CHAIR SMITH: WITH THE DISCRETION FOR PUBLIC WORKS TO REQUEST
THAT THEY OPEN AT 4 A.M.

>> 4 A.M. FOR SPECIAL PROJECTS ONLY.

>> CHAIR SMITH: AND I THINK TO COMMISSIONER SHELL POINTED OUT,
THIS IS EXACTLY THE TYPE OF THING THAT I THINK WE WANT TO TALK
ABOUT IN OUR PROCEEDING I CAN REVIEW.

>> COMMISSIONER MOON: ABSOLUTELY.

>> CHAIR SMITH: IF WE'RE GOING TO DO PERIODIC REVIEW, WE SHOULD
REASSESS AND RE-EVALUATE IF THAT MAKES SENSE.

>> BOTH ON OUR COMMUNITY PAGE NEXT DOOR AND IN OUR COMMUNITY
MEET, PEOPLE DO COMPLAIN THAT THEY CAN'T SLEEP AT NIGHT BECAUSE
NOT ONLY OF THE LOUD NOISES BECAUSE WHEN THEY ARE IN OPERATION,

THEY HAVE BRIGHT LIGHTS THAT AFFECT OUR COMMUNITY, SO I REALLY ASK YOU TO TAKE BOTH THOSE THINGS INTO CONSIDERATION. THANK YOU.

>> CHAIR SMITH: THANK YOU VERY MUCH AND THANK YOU BOTH.

>> COMMISSIONER MODUGNO: IS THERE ANY REASON NOT TO ALLOW IF WE'RE GOING AN HOUR EARLIER TO GO AN HOUR LATER, UP TO 6 P.M.?

>> I DON'T KNOW ENOUGH ABOUT THE OPERATION, SO I WOULD HAVE TO DEFER TO PUBLIC WORKS, DO THEY SCALE AND DO THINGS ON THEIR WAY OUT AS WELL?

>> I WAS GOING TO POINT OUT THERE IS CONDITION C AND D THAT SORT OF TALKS ABOUT ALSO THE FACILITY OPERATIONS SUCH AS SITE PREPARATION AND MAINTENANCE ACTIVITIES, [INAUDIBLE] PROCESSING AND APPLICATION OF COVER MAY BE SKULDED WITHIN THE HOURS OF 5 A.M. AND 10 P.M. OPERATIONS.

>> CHAIR SMITH: RIGHT, SO THEY'RE RECEIVING MATERIAL.

>> FROM 5 TO 5, RIGHT.

>> CHAIR SMITH: RIGHT, THERE'S TWO IS USE AT HAND, THERE'S WHEN THE FACILITY CAN RECEIVE MATERIALS AND THEN THERE'S HOW LONG THE

FACILITY CAN DO ITS NORMAL OPERATIONS AND OPERATIONS CAN GO UP TO 10 P.M. AS PROPOSED,, WE'RE PROPOSING THE TIME TO CUT OFF THE TIME THEY CAN RECEIVE MATERIALS AT 5 P.M. I THINK THE QUESTION IS WE HAVE SOMETHING IN HERE THAT GIVES PUBLIC WORKS THE DISCRETION TO GO FROM 5 A.M. TO GO EARLIER TO 4 A.M., THE QUESTION IS SHOULD WE ALLOW PUBLIC WORKS TO EXTEND TO 6 P.M. TO RECEIVE MATERIALS, I GUESS FROM -- WHY WAS IT PROPOSED -- WHY WAS THE FLEXIBILITY PROPOSED IN THE MORNING BUT NOT IN THE AFTERNOON?

>> MARTIN?

>> MR. BRUCKNER: IN OUR RECOLLECTION, WE HAVE NOT HEARD A COMPLAINT ABOUT NOISE OR LIGHT, AND AS I HEARD THE DISCUSSION, WE WOULD BE WILLING TO MODIFY IT AND PROVIDE MORE FLEXIBILITY AS I HEARD THE DISCUSSION ABOUT FREEWAY TRAFFIC, ETC., THERE'S A NEW ENTRANCE THAT SHOULD HELP SHIELD FROM WHAT THE NOISE IS FROM WHEN THE TRUCKS ENTER, SO I THINK THERE IS SOME REASON TO MODIFY THAT.

>> COMMISSIONER MODUGNO: BUT WE'RE ALSO SHIFTING THE AREA IN WHICH THE LANDFILL IS GOING TO BE FUNCTIONING OVER TO THAT AREA WE OBSERVED THAT SEEMED TO BE -- MY OBSERVATION FURTHER AWAY

FROM RESIDENTS AND GETTING CLOSER TO BUSINESSES IN WHICH CASE THERE MIGHT NOT BE ANY INTERRUPTION.

>> MR. BRUCKNER: ALSO THERE'S RIDGE THERE AND THROUGH OUR CONDITION, WE HAVE LIMITED THE HEIGHT OF THE LANDFILL AS WELL SIGNIFICANTLY SO ALL OF THOSE FACTORS COMBINED WITH THE LIMITED PEAK HOUR TRIPS MAKES A CASE FOR MORE FLEXIBILITY IN HOURS OF OPERATION.

>> COMMISSIONER MOON: THE HOURS ARE GOING TO STAY AS WRITTEN ON THIS, IS THAT CORRECT?

>> [INAUDIBLE].

>> CHAIR SMITH: CORRECT.

>> COMMISSIONER MOON: OKAY.

>> [INAUDIBLE].

>> CHAIR SMITH: YEAH, JUST TO BE CLEAR, NO MOTION HAS BEEN MADE WHATSOEVER, RIGHT, WE HAVE IDENTIFIED BUCKS OF ISSUES THAT WERE ELEVATED FROM COMMUNITY DIALOGUE AND WE'RE TRYING TO CONSOLIDATE

AND SORT THEM OUT, SO THERE IS NO MOTION ON THE TABLE. I THINK -
- I GUESS I'LL WAIT, GO.

>> [INAUDIBLE].

>> CHAIR SMITH: YES, WE'RE WORKING THROUGH. SO, I DON'T
PERSONALLY FEEL COMFORTABLE GIVEN WHAT WE HEARD, I'M NOT SUPER
SUPPORTIVE OF EXTENDING TO 24 HOURS TO RECEIVE MATERIALS. I
THINK THERE'S A QUESTION ABOUT FLEXIBILITY, I DO THINK THAT WE
NEED TO TAKE INTO ACCOUNT SORT OF TRUCK IDLING, I'M CONCERNED
THAT WE HAVE A CONDITION IN HERE THAT SAYS NO OFF SITE QUEUING
CAN BE ALLOWED BUT WE DON'T KNOW HOW WE'RE GOING TO ENFORCE
THAT.

>> MR. CLAGHORN: I WANTED TO MAKE A QUICK POINT ABOUT THAT, IN
THE NEW ENTRANCE, THEY DID FACTOR THE QUEUING IN IN TERMS OF
WHERE THE GATE IS AND WHERE THE ENTRANCE IS TO FACTOR IN, SO I
DON'T THINK THERE WILL BE QUEUING PROBLEMS BASED ON THE ANALYSIS
BY PUBLIC WORKS AND THEY CAN COMMENT ON THAT AS WELL.

>> WITH RESPECT TO QUEUING, THE APPLICANT SUBMITTED A SITE PLAN
TO US, SO WE DID A QUEUING ANALYSIS BASED ON THE DAILY TONNAGE
THAT IS BEING PROPOSED, SO WE MADE SURE THAT THERE'S ADEQUATE
DISTANCE BETWEEN THE PROPERTY FOR TRUCKS TO QUEUE IN WITHOUT

IMPACTING PUBLIC RIGHT-OF-WAYS, SO THAT IS WHY WE MADE SURE AND THAT IS ALSO A CONDITION IN THE CUP THAT ALLOWS PROPERTIES TO REVIEW -- FOR THE QUEUING ANALYSIS, IF WE DETERMINE THAT THERE IS A PROBLEM AT THE SITE AND SO WE HAVE THAT IN ONE OF THE CONDITIONS THAT IS BEING PROPOSED SO WE HAVE THAT THERE IS NO QUEUING ON PUBLIC RIGHT OF WAY IS NOT ALLOWED.

>> CHAIR SMITH: AND I APPRECIATE THAT, THAT'S VERY HELPFUL AND I THINK WHAT YOU'RE TALKING ABOUT IS A CONDITION THAT WILL TAKE TRUCKS OFF OF THE PUBLIC RIGHT OF WAY AND OUT OF NEIGHBORHOODS AS THEY'RE WAITING TO GET INTO THE FACILITY. I'M ASSUMING THAT THAT'S GOING TO BE CONSISTENT WITH REGULATIONS THAT THE COUNTY HAS AND IS CONSIDERING AROUND TRUCK IDLING AND THE IMPACTS ASSOCIATED WITH THAT, IS THAT FAIR TO SAY?

>> YES, THE REASON WE DID THAT IS TO LESSEN THE IMPACTS IN THE COMMUNITY WITH RESPECT TO AIR QUALITY BECAUSE WHEN YOU HAVE TRUCKS ON PUBLIC RIGHT-OF-WAY IDLING, THE IMPACTS, IT'S -- IT LESSENS THE AIR QUALITY IS IMPACTED BY THE TRUCKS ON PUCK LICK STREETS.

>> AND I GUESS WHEN YOU DID YOUR ANALYSIS, YOU DID CONSIDER WITH EVEN SHORTER HOURS THAN THE PROPOSED HOURS OR THAT WAS THE -- THAT'S A HELPFUL FACT.

>> CHAIR SMITH: THAT IS, YES. SO, I MEAN I THINK AGAIN, THERE'S NO MOTION ON THE TABLE SO WE'LL SEE HOW THIS PLAYS OUT, BUT MY FEELING IS IF ANYTHING MOVES FORWARD, I THINK THERE'S -- AND I'M JUST SHARING PERSONALLY WHERE I'M AT, AGAIN, THERE'S TWO SETS OF HOURS WE NEED TO TAKE INTO CONSIDERATION, THERE'S OPERATIONS WHICH WAS PROPOSED FROM 5 A.M. TO 5 P.M. AND WHERE THEY CAN RECEIVE MATERIALS FROM 5 A.M. TO 10 P.M., I'M COMFORTABLE WITH OPERATIONS AT 5 A.M. TO 10 P.M. AND NOT CHANGING THAT, IF ANYTHING IS TO MOVE FORWARD, I THINK I UNDERSTAND AND APPRECIATE THAT. [INAUDIBLE] I HOPE IT IS ADDRESSED THERE. I'M GOOD WITH SOME FLEXIBILITY WRITTEN INTO THE CONDITION CONSISTENT WITH WHAT WE HAVE BUT A LITTLE MORE FLEXIBLE TO REACT AND RESPOND TO NEEDS AS THEY ARISE. I DON'T KNOW THAT I WOULD SUPPORT 24 HOURS AS BEING PROPOSED THOUGH, I'M JUST PUTTING OUT WHERE I'M LANDING ON THAT AT THE MOMENT.

>> COMMISSIONER MODUGNO: SO, I GUESS MAYBE TO START MOVING TOWARDS SOME CLOSURE, IF I WERE TO PUT FORTH A MOTION WHICH I'M NOT DOING AT THE MOMENT.

>> CHAIR SMITH: WE HAVE ONE MORE BUCKET.

>> COMMISSIONER MODUGNO: LET'S DO THAT FIRST.

>> CHAIR SMITH: I DIDN'T MEAN TO INTERRUPT, I JUST WANT TO MAKE SURE BEFORE WE START MERGING INTO THAT TERRITORY, WE ADDRESS THE OTHER BUCKET THAT WE IDENTIFIED OF ISSUE THAT AROSE, AND THIS IS THE QUESTION OF CLOSURE AND I THINK THAT -- CLOSURE, AND I THINK THAT THERE'S TWO QUESTIONS HERE THAT I'LL REPEAT WHAT I SAID IN THE BEGINNING THAT I'M STILL A LITTLE BIT UNCOMFORTABLE AND TROUBLED BY THE FACT THAT SO MANY MEMBERS OF THE COMMUNITY FELT LIKE THERE WAS A COMMITMENT TO CLOSE THIS FACILITY AT THIS TIME, AND I THINK THAT WE GOT THAT CLARIFICATION FROM COUNTY COUNSEL THAT THAT'S NOT IN THE CONDITIONAL USE PERMIT AND LEGALLY IT CANNOT BE IN THE CONDITIONAL USE PERMIT. I WANT TO ACKNOWLEDGE IT AND RECOGNIZE THAT'S AN ISSUE AND A CONCERN. THERE IS A PRIVATE AGREEMENT AND I THINK THAT THAT'S SOMETHING THAT IS SOMETHING THAT WE'RE GRAPPLING WITH, BUT COUNTY COUNSEL HAS PROVIDED CLARIFICATION ON READING THOSE CONDITIONS IN THE PREVIOUS CUP WHICH IS HELPFUL AS WE ASSESS THIS. BUT THEN THAT QUESTION SORT OF REAPPEARS IN THE CONDITIONS WE HAVE MOVING FORWARD IF SOMETHING IS TO MOVE FORWARD AND I THOUGHT WE HAD A GOOD CONVERSATION WITHIN THE LEGAL PARAMETERS OF WHAT A BODY LIKE THIS CAN DO IN TERMS OF CLOSURE BUT THERE ARE FINDINGS IN THE EIR RELATED TO MITIGATION AND OPEN SPACE AND REQUIREMENTS THAT -- AND I THINK THAT IF THERE WAS A REQUEST FOR A NEW PERMIT IN THE FUTURE, THERE WOULD NEED TO BE FINDINGS ASSOCIATED AND

TETHERED BACK TO THE EIR FINDINGS ABOUT OPEN SPACE AND PARK SPACE, SO THAT'S WHERE -- AS I UNDERSTAND IT, WHERE WE'RE AT IN THAT CONVERSATION SO I WOULD INVITE ANY ADDITIONAL THOUGHTS OR COMMENTS ON THAT.

>> VICE CHAIR LOUIE: YES, AGAIN FOR CLARIFICATION AND I SUSPECT YOU'VE ALREADY SAID IT, SO IN THE PRIVATE AGREEMENT WHICH IS NOT PART OF OUR CONSIDERATION, WAS THERE A COMMITMENT TO CLOSE THE FACILITY?

>> MR. CLAGHORN: WELL, THE PERMIT SAID THEY WOULD CLOSE AT 23 MILLION TONS AND THE CONDITION THAT THEY HAD RECOMMENDED AND THAT CONDITION WAS ADOPTED INTO THE PERMIT, BUT THAT DOES NOT FACTOR IN THE OTHER CONDITION WHICH DOES ALLOW THEM THE ABILITY TO FILE A NEW PERMIT TO EXPAND, SO --

>> VICE CHAIR LOUIE: I UNDERSTAND THE CONDITIONAL PERMIT, I KNOW WHAT'S BEEN INTEGRATED IN.

>> MR. CLAGHORN: YEAH, THERE'S NO SEPARATE --

>> THE PRIVATE AGREEMENT JUST MIRRORS IN WHAT'S IN THE CONDITION.

>> VICE CHAIR LOUIE: SO, THERE WAS NO COMMITMENT

>> CLOSURE OF 23 THOUSAND TONS OR 2019, AND THAT CAN BE -- IS ALSO IN THE CONDITIONAL USE PERMIT.

>> VICE CHAIR LOUIE: AND WAS THE ADDITIONAL CONDITION THAT THEY COULD REAPPLY, WAS THAT WRITTEN INTO THE PRIVATE AGREEMENT?

>> MR. CLAGHORN: THAT WAS NOT.

>> VICE CHAIR LOUIE: THANK YOU.

>> THAT AGREEMENT IS IN EVERYBODY'S PACKAGE.

>> COMMISSIONER MODUGNO: SO GIVEN THE COMMENTS THAT COUNTY COUNSEL PROVIDED TO US EARL YE, WE CANNOT TIE THE HANDS OUT IN THE FUTURE, THEN PERHAPS THERE SHOULD BE FAR MORE CLARITY IN IT, SOMETHING LIKE THE EXTENT TO WHICH NO LATER THAN 10 YEARS PRIOR TO THE EXPIRATION OF THIS CONDITIONAL USE PERMIT, CONVERSATIONS SHOULD BEGIN REGARDING CLOSURE PLANS OR POTENTIAL PLANS OR CONSIDERATION OF EXTENSION OF A NEW OR REVIEW OF A NEW CONDITIONAL USE PERMIT AND WHAT I ALSO WOULD LIKE TO TIE IN THERE, SO AGAIN, THAT IT'S NO LATER THAN -- AS I MENTIONED EARLIER, IF THERE'S SOME CONVERSION LANGUAGE AND SOME CONVERSION

THINGS COME UP THAT WANT TO CHANGE THE WAY THE WHOLE THING IS OPERATED, THAT COULD TRIGGER THAT DISCUSSION BECAUSE AGAIN THERE MAY BE SORT OF A BIFURCATED OPPORTUNITY, THERE COULD BE THOSE AREAS OF PAST FILL, WE CERTAINLY WILL HAVE THAT AS WE MOVE OVER TO THE NEW AREA THAT THAT COULD INCLUDE SOME VEGETATION, TURNING OVER PORTIONS OF THIS TO SOME PUBLIC AGENCY, SO THERE COULD BE SOME -- NOT THE END OF SOMETHING BUT THERE COULD BE SOME PERIODIC CLOSURE AND TURN IT OVER TO PARKS OR NON-PROFIT, WHATEVER IT MIGHT BE, OPEN SPACE, BUT AGAIN THAT WOULD BE TRIGGERED NO LATER 10 YEARS TO EXPIRATION OF THIS CONDITIONAL USE PERMIT OR TRIGGERED BY SOMETHING ELSE, EITHER ONE OF THE PERIODIC REVIEWS OR INTO THE -- A DIFFERENT TYPE OF CONVERSION TECHNOLOGIES.

>> SO MANY OF THESE CONDITIONS ARE IN HERE, SOMETHING SIMILAR SO I WANT TO MAKE SURE WE'RE TALKING ABOUT THAT, AND PUBLIC WORKS, MAYBE STAFF CAN HELP, I KNOW THERE WAS A CONDITION THAT TALKS ABOUT AT THE END OF THE TERM OF THIS GRANT, THERE WOULD BE NO MORE DISPOSAL ALLOWED, NOT FOR COMPOST OR CONVERSION TECHNOLOGY, SO I THINK WE NEED TO TAKE A LOOK AT THAT.

>> COMMISSIONER SHELL: I THINK IT'S CONDITIONS 36 AND 37, IS THAT RIGHT IS THIS

>> YES, CONDITION 36, TERMINATION REQUIREMENT.

>> COMMISSIONER SHELL: RIGHT.

>> TALKS TO THE MAXIMUM LIFE OF THIS PERMIT SHOULD BE 30 YEARS AND TALKS ABOUT IT COULD BE BECAUSE OF THE LANDFILL WHICH HAS ITS LIMIT OF FILL OR FOR 1030 FEET FOR THE ELEVATION OR IT COULD BE 60 MILLION TONS OF MATERIAL OR 30 YEARS AFTER APPROVAL DATE OF THIS GRANT, WHICHEVER OCCURS FIRST, AND AT LEAST 12 MONTHS PRIOR TO THE 25TH ANNIVERSARY OF THE APPROVAL DATE IF THE PERMITTEE HAS NOT EXHAUSTED THE AVAILABLE LANDFILL CAPACITY WITHIN THE LIMIT OF THE [INAUDIBLE], THE STUDY OF THE REMAINING CAPACITY OF THE LANDFILL AND IDENTIFY ALL ACTIVES AND POST CLOSURE MAINTENANCE OF THE FACILITY. THIS STUDY MUST BE SUBMITTED TO TEXAS -- TAC FOR ITS INDEPENDENT REVIEW AND IT SHOULD GET ITS FINDING REGARDING THE CAPACITY OF THE LANDFILL AND THE TERMINATION DATE, THE DIRECTOR OF REGIONAL PLANNING SHOULD ESTABLISH A TERMINATION DATE FOR THE LANDFILL BUT THE TERMINATION DATE SHOULDN'T BE LATER THAN 30 YEARS LATER THAN THE TERMINATION DATE.

>> THIS CONDITIONAL USE PERMIT WILL TERMINATE, BUT AT THAT TIME, WILL THERE BE A NEW PERMIT APPLICATION FOR CONVERSION TECHNOLOGY FACILITY OR COMPOST FACILITY, I DON'T KNOW. AND THAT'S NOT

REALLY FORECLOSED, THIS ONLY DEALS WITH THE TERMINATION OF THIS USE.

>> COMMISSIONER MODUGNO: WELL, THAT'S WHY I WAS SUGGESTING THAT IT BE WRITTEN IN THE LANGUAGE IF INDEED YOU'RE FIRM THAT WE DON'T HAVE THE ABILITY OF PUTTING SOME ACTION IN THE FUTURE THAT WE CAN'T IMPOSE, ALL WE CAN SAY IS THIS CONDITIONAL USE PERMIT TERMINATES, BUT THAT DOES NOT NECESSARILY -- SO, NOTWITHSTANDING SOMEWHAT PRIOR TO THAT AND I WOULD CERTAINLY THINK A YEAR IS NOT LONG ENOUGH TIME TO HAVE THOSE CONVERSATIONS BUT WHETHER IT'S TEN YEARS OR FIVE YEARS BUT THERE NEEDS TO BE THAT SORT OF DATE THAT'S GOING TO TRIGGER THAT MORE DETAILED DISCUSSION, ARE WE HEADING TOWARDS CLOSURE, ARE WE HEADING TOWARDS CONSIDERATION OF AN EXTENDED OR NEW CUP, AND I JUST THINK THAT THAT NEEDS TO BE MORE CLEARLY STATED SO 30 YEARS FROM NOW, 25 YEARS FROM NOW, PEOPLE AREN'T WRESTLING BACK AND SAYING IT WAS PROMISED TO US.

>> CHAIR SMITH: AND I THINK 10 SEEMS -- THIS CASE NUMBER IS 2004, RIGHT, THIS CUP WAS INITIATED IN 2004, SO THESE THINGS I THINK -- YEAH, I THINK -- YEAH.

>> VICE CHAIR LOUIE: ALSO, AND THERE WAS REFERENCE TO THE TAC, I WOULD ALSO LIKE TO INCLUDE THE CAC, THE CITIZEN'S ADVISORY COUNCIL IN THAT.

>> CHAIR SMITH: YEAH, MY RECOMMENDATION THERE WOULD BE THAT ANY CONDITION IN HERE THAT REFERENCES MATERIAL OR INFORMATION GOING TO THE TAC THAT IT ALSO GO TO THE CAC, I DON'T KNOW.

>> COMMISSIONER SHELL: I THINK THE CLOSURE PLAN IS ALSO PART OF THE PERIODIC REVIEW CONDITION, I'M LOOKING AT THAT ONE AGAIN, SO -- YEAH, IT SAYS AN UPDATED PLAN OR POST CLOSURE MAINTENANCE PLAN IS SUBMITTED,

>> STAFF HAS BROUGHT UP, THERE ARE PLANNING STUDIES IN HERE AS WELL FOR THE VICINITY, SO THERE'S MULTIPLE WAYS TO GO WITH THIS BUT IT IS ULTIMATELY GOING TO BE UP TO 17:37:51 THE DISCRETION OF A FUTURE -- YOU KNOW, I DON'T THINK THE LANDFILL WILL BE ALLOWED BY RIGHT IF THEY WERE TO CHANGE THE ZONE TO THE THAT, THEY WOULD HAVE TO COME BACK BEFORE THE REGIONAL PLANNING COMMISSION, BOARD OF SUPERVISORS TO DO THAT, LIKEWISE, [INAUDIBLE] TO NOT ALLOW LANDFILL, A NEW APPLICANT CAN SEEK A ZONE CHANGE OR A PLAN AMENDMENT, SO THERE ARE ALWAYS WAYS.

>> EXACTLY, I WOULD LIKE TO EXPAND ON MS. JONES' ANSWER TO THE QUESTION, SO THERE ARE CONDITIONS REQUIRING THAT THE APPLICANT SET ASIDE MONEY FOR A PLANNING STUDY, AT SOME FUTURE POINT, ANTICIPATING THE DETERMINATION OF THIS GRANT, THE PLANNING

DEPARTMENT COULD INITIATE A PLAN UPDATE TO REDESIGNATE THE LAND USE OF THE LANDFILL TO PREVENT -- ESSENTIALLY NOT TO PREVENT BUT TO REQUIRE ADDITIONAL REVIEW IF AN APPLICATION WERE TO COME IN FOR EITHER A CONTINUED OPERATION OF THE LANDFILL OR SOME ASPECT OF A WASTE [INAUDIBLE].

>> I BELIEVE RIGHT NOW, I THINK IT'S CONDITION 109 HAS THE OPEN SPACE CONVERSATION HAPPENING FIVE YEARS BEFORE CLOSURE, MAYBE THAT'S SOMETHING YOU WANT TO CONSIDER CHANGING TO 10. I MEAN, THAT'S A VERY [INAUDIBLE].

>> MR. CLAGHORN: I THINK IT'S 7 YEARS.

>> IN THE CURRENT DRAFT, IT'S 7.

>> COMMISSIONER MODUGNO: THOSE THINGS DON'T HAPPEN NO LATER THAN 10 YEARS OR BEFORE, THE CLEARER OPTIONS YOU HAVE, THE GREATER THE PASSION GETS AND TEN YEARS OUT IS ADEQUATE TIME I THINK FOR --

>> MR. CLAGHORN: BUT THE PERIODIC REVIEW CONDITION SAYS THAT THEY HAVE TO DO -- ADDRESS THE CLOSURE PLAN AT 10 YEARS AND 20 YEAR SOS THAT WOULD NEED TO BE DISCUSSED AT BOTH OF THOSE TIMES.

>> THEN I HAVE A MINOR [INAUDIBLE] MOTION THAT 109 WOULD BE CHANGED TO THE YEAR 2037, AND THAT'S WHEN THE PARK PLAN STUDY WOULD BE DUE.

>> COMMISSIONER SHELL: THAT'S 20 YEARS, YES.

>> I COULD BE DOING THE MATH WRONG, OKAY.

>> CHAIR SMITH: DOES IT MAKE SENSE RATHER THAN PEGGING THIS TO A YEAR PRESUMING WHEN THINGS HAPPEN, DOES IT MAKE SENSE TO SAY 10 YEARS OUT OR DOES IT NOT MATTER?

>> YES, BECAUSE IF THIS GETS APPEALED, LITIGATED, YOU HAVE NO CONTROL OVER THE YEARS, SO YEAH, I WOULD PROBABLY SAY 20 YEARS FROM THE DATE OF -- FROM THE EFFECTIVE DATE, YEAH.

>> COMMISSIONER MODUGNO: AND HOW DO WE ENVISION WHEN THE CONVERSION TECHNOLOGY IF WE GO THAT ROUTE, A SUB APPLICATION, DISCUSSION, WHAT PROCESS TAKES PLACE AT THAT POINT? ALL WE'VE DONE IS PUT A PLACE HOLDER ON THAT AND I GUESS I WOULD LIKE TO SEE A LITTLE BIT MORE LANGUAGE WITH THAT OR PERHAPS TYING THAT IN WITH THE DISCUSSION OF THE CLOSURE REVIEW CONTINUATION TYPE OF THING. SO, I GUESS SORT OF BEEFING THAT OUT AND LEAVING THAT LANGUAGE IN WOULD BE HELPFUL FROM MY STANDPOINT. 17:42:14

>> I WAS GOING TO MENTION FOR THAT CONVERSION TECHNOLOGY, THE APPLICANT IS PROVIDING A PIECE OF LAND, THAT CONVERSION TECHNOLOGY HAS TO GO THROUGH ITS OWN EIR REVIEW.

>> COMMISSIONER SHELL: I HAD A QUESTION ON THAT CONDITION 109 AND I FORGOT I HAD IT UNTIL COUNSEL BROUGHT UP THAT CONDITION, FIRST I THINK OBVIOUSLY THE COMMUNITY ADVISORY COMMITTEE AS WE'VE DISCUSSED SHOULD BE A PART OF THE PARK MASTER PLAN PROCESS, RIGHT NOW IT'S JUST THE PERMITTEE AND THE COUNTY PARKS DEPARTMENT, SO LET'S -- I THINK WE SHOULD INCLUDE THE COMMUNITY IN THAT. IT ALSO SAYS FUNDING FOR THE MASTER PLAN IS TO BE HELD IN A TRUST ACCOUNT AVAILABLE FOR THE PURPOSE OF FULFILLING THIS CONDITION AND THEN IF THE PARK SIDE IS OFFERED TO AND ACCEPTED BY THE COUNTY, THE COUNTY SHOULD HAVE ACCESS TO THE FUNDS IN THE TRUST ACCOUNT, ARE THEY MERELY FOR THE FUNDING OF THE MASTER PLAN, THE FUNDS, OR ARE THEY FOR BUILDING OF A PARK? BECAUSE ONE COSTS A LOT MORE THAN THE OTHER?

>> NO, IT'S TWO COMPONENTS IN THAT CONDITION, SO ONE IS THE MASTER PLAN STUDY WHICH IS REQUIRING THE APPLICANT TO FUND THAT AND THROUGH THAT STUDY, YOU'LL DETERMINE WHAT SORT OF PARK PROGRAM YOU COULD HAVE ON THIS PROPERTY AND BASED ON THAT STUDY, THAT'S WHEN YOU SET ASIDE THE FUND, THE REASON FOR THAT PARKS

AND REC, WHEN IT'S THE END OF THE LIFE OF THE GRANT SO YOU KNOW YOU GET A MORE REALISTIC COST OF WHAT THE PARK PROGRAM WILL COST YOU SO YOU CAN SET ASIDE APPROPRIATE FUND FOR THE COUNTY IF THE COUNTY ACCEPTS IT WILL OPERATE THAT FACILITY AND USING THE FUNDS THAT'S SET ASIDE.

>> COMMISSIONER SHELL: I DON'T THINK THIS WORDING IS CLEAR TO THAT. I AGREE WITH WHAT YOU JUST SAID BUT I DON'T KNOW THAT THAT'S CLEAR IN THE WORDING.

>> THAT WAS THE INTENT FROM OUR COUNTY'S PARKS AND REC DEPARTMENT AND THAT WAS SIMILAR TO HOW IT WAS WORDED IN PUENTE HILL AS WELL.

>> COMMISSIONER SHELL: SO, THE FUNDING IS FOR THE MASTER PLAN FOR CONSTRUCTION, WHATEVER CONSTRUCTION IS NECESSARY TO CREATE A PARK, THERE'S A PARKING LOT IF THERE'S TRAILS OR ARE WE PLANTING TREES?

>> THIS IS THE ENVIRONMENTAL DOCUMENTATION, IT DOESN'T ACTUALLY SET UP AN ENDOWMENT FOR --

>> COMMISSIONER SHELL: OR MAINTENANCE.

>> CHAIR SMITH: AND IT'S NOT PRESUMED IT WOULD BE DEDICATED TO THE COUNTY SO IT WOULDN'T BE [INAUDIBLE] TO THE PART OF THE COUNTY.

>> WE COULD REWORD THAT TO THAT IT'S FUNDING FOR THE MASTER PLAN AS WELL AS THE ENVIRONMENTAL PROGRAM AND NECESSARY FUNDS SET ASIDE TO THE SATISFACTION OF THE PARKS AND REC FOR THE PROGRAM COVERED BY THE MASTER PLAN.

>> COMMISSIONER SHELL: I THINK IT NEEDS TO BE REALLY CLEAR OR YOU'RE GOING TO END UP WITH A GREAT PARK MASTER PLAN AND NOT A PARK, SO THIS IS THE EXACT KIND OF LANGUAGE THAT NEEDS TO BE TIGHT A MASTER PLAN IS -- I DON'T KNOW WHAT IT WILL COST IN 30 YEARS AND FOR A FORMER LANDFILL SITE, IT'S A SIGNIFICANT PROCESS I'M SURE, BUT LET'S SAY THAT'S HALF A MILLION DOLLARS, CONSTRUCTION OF A PARK IS SIGNIFICANTLY GREATER, RIGHT.

>> WE UNDERSTAND IT'S SUBSTANTIAL AND I THINK IT'S [INAUDIBLE] WITH PARKS AND THE APPLICANT AS FAR AS HOW MUCH OF THOSE PARKS PROGRAM GETS INCLUDED IN THE APPROVED MASTER PLAN AND THAT'S USUALLY WHEN THE COST WILL BE SERVING AND THAT'S WHEN PARKS PREFERENCE IS TO HAVE THAT DISCUSSION TOWARDS THE END OF THE GRANT RATHER THAN HAVE IT AT THE BEGINNING AND FIGURE OUT A COST THAT MAY NOT BE REALISTIC 20 YEARS LATER.

>> COMMISSIONER SHELL: BUT WE NEED TO CLARIFY THE LANGUAGE.

>> CHAIR SMITH: THANK YOU, THAT WAS HELPFUL. SO, I WANT TO MOVE US ALONG. I THINK WE'VE NOW COVERED BIG BUCKETS OF ISSUES THAT WE IDENTIFIED THAT WE WANTED TO DISCUSS AND I THINK PERHAPS WE'RE READY TO HEAR COMMISSIONER MODUGNO.

>> COMMISSIONER MODUGNO: LET'S START ON THIS, I DON'T KNOW THAT IT'S GOING TO BE NECESSARY TO GET ADDITIONAL PUBLIC COMMENT, I THINK WE'VE HEARD ENOUGH ON THAT, SO I THINK WE COULD PROCEED WITH CLOSING THE HEARING. I'M NOT SURE IF WE'VE GIVEN ENOUGH CLARITY TO STAFF ON THOSE AREAS TO REVISE SOME CONDITIONS OR IF WE WANT TO HAVE THOSE CONDITIONS COME BACK AND REVIEW THEM AGAIN. THE FOCUS ON THEM IS GETTING BACK ON CONDITION 22 AND DOING A REWRITE WITH SOME CLARITY ON THAT, PRETTY MUCH ACCEPTING THE BULK OF THE RECOMMENDATIONS FROM STAFF CONSISTING ESPECIALLY WITH THE LANDFILL LIMITS, THE FEES THE SORT OF OPERATIONAL COMPONENTS OF IT, THE HOURS OF OPERATION, I WOULD LIKE STAFF TO THINK ABOUT THAT IN TERMS OF HOW THAT WILL WORK OVER THE LIFE OF THIS BECAUSE, AGAIN, WITH THE NEW ENTRANCE, WITH THE LANDFILL SORT OF SHIFTING OVER IN THAT OTHER LITTLE CREVICE THAT WE SAW WHERE THE NEW ACTIVITY WOULD TAKE PLACE, HOW THOSE OPERATING HOURS COULD BE DONE SO, SHOULD WE ADDRESS THAT NOW, SHOULD WE

ADDRESS THAT DURING THESE TWO REVIEWS OR PUT SOMETHING IN THERE THAT WITH THE APPROVAL OF THE DIRECTORS OF PUBLIC WORKS AND DIRECTOR OF PLANNING PERHAPS -- I WOULD LIKE STAFF TO THINK ABOUT THAT ONE IN TERMS OF A RECOMMENDATION. THE REVIEWS IN TERMS OF THOSE DISCUSSIONS AND WHILE I WAS OKAY WITH THE TEN YEARS, I THINK I'VE HEARD ENOUGH FROM THE COMMISSIONERS TO GET THAT TO A FIVE YEAR SCHEDULE WITH THE ABILITY TO ESCALATE THAT BASED ON NEEDS COMING FROM THE COMMUNITY AND THE PLANNING DIRECTOR LOOKING AT THAT ASPECT. THE CLOSURE LANGUAGE NEEDS BETTER CLARIFICATION, AGAIN, LATER THAN TEN YEARS, PRIOR TO THAT DATE AND CERTAINLY IMPOSE AND PUT IN THERE THE LANGUAGE THAT CONSIDERATION COULD BE GIVEN AGAIN TOWARDS A NEW CONDITIONAL USE PERMIT FOLLOWING THE END OF THIS ONE. I THINK THOSE ARE THE BROAD AREAS I JOTTED DOWN. ARE THERE ANY OTHERS?

>> CHAIR SMITH: I HAD ONE OTHER JUST NOTE ABOUT, YOU KNOW, I THINK THROUGHOUT, WE'VE IDENTIFIED AREAS WHERE RESOURCES AND INFORMATION IS GOING TO THE TECHNICAL ADVISORY COMMITTEE BUT WE ALSO WANTED TO MAKE SURE THAT IT GOES TO THE COMMUNITY ADVISORY COMMITTEE AS WELL.

>> IS THAT A MOTION? IF SO, I HAVE SOME QUESTIONS.

>> COMMISSIONER MODUGNO: I'M PUTTING IT ON THE TABLE IN TERMS OF OUR NEXT STEP. I SAW THE DIRECTOR WALK FORWARD, SO YOU MAY HAVE --

>> MR. BRUCKNER: MY SUGGESTION IS THAT THIS IS ALL FRONT IN CENTER TODAY AND THAT WE'VE ASKED THE COMMUNITY TO COME DOWN TODAY AND JUST PUBLICLY PEOPLE ARE WATCHING US IS THAT WE TRY AND CONCLUDE THIS TODAY WITH ALL RESPECT FOR THE COMMUNITY WOULD CAME DOWN SO THEY KNOW THE OUTCOME. ON THE HOURS OF OPERATION, IF I COULD SUGGEST THAT THE HOURS OF OPERATION AND ARRIVAL BE THE SAME WITH THE EXCEPTION OF OPENING FOR ARRIVAL AN HOUR BEFORE SO IT WILL BE ARRIVE 4:00 AND NOT LATER THAN 10, OPERATE 5 A.M. TO 10 P.M., THAT GETS THINGS OFF THE FREEWAY AND, AGAIN, WE'VE HEARD NO NOISE OR LIGHT COMPLAINTS DURING THE LAST YEARS AND I THINK THAT SPREADS THE PEAK IF YOU WILL, SO THAT WOULD BE OUR RECOMMENDATION. THE OTHER OPEN ISSUES WERE -- I THINK IT'S FAIR TO SAY THAT ALL THE INFORMATION THAT GOES TO THE TAC AND THE CAC SHOULD COME -- PROBABLY WOULD BE COPIED TO YOU ALSO TO KEEP YOU INFORMED OF HOW THAT PROCESS IS GOING, IT'S EASIER FOR US TO DO ELECTRONICALLY.

>> COMMISSIONER MODUGNO: IS THERE ENOUGH CLARITY IN TERMS OF THE DISCUSSION WE'VE HAD, THE CONSENSUS WE'VE BUILT TO WRITE THAT IN AND I CERTAINLY UNDERSTAND AND IT WILL BE CLEANER FROM OUR

STANDPOINT TO CLOSE THE PUBLIC HEARING, APPROVE THIS AS MODIFIED WITH THOSE COMPONENTS, SO I'LL LEAVE IT TO STAFF TO COME BACK AND MAKE SURE EACH OF THOSE WERE PICKED UP WITH THOSE.

>> COMMISSIONER SHELL: YOU'RE SUGGESTING THAT WE TAKE A VOTE BUT THEN THE FINAL CONDITIONS TO COME BACK FOR REVIEW?

>> COMMISSIONER MODUGNO: IF THERE'S ENOUGH CLARITY TO STAFF THAT THEY UNDERSTAND THE CONDITIONS, MAYBE WE WANT THEM TO ECHO BACK WHAT THEY'VE HEARD SO THAT WE'RE CONSISTENT AND THEN THAT BECOMES -- THAT MIGHT BE BETTER.

>> CHAIR SMITH: YEAH.

>> ON PROCEEDED I CAN REVIEW, WITH YOU TALK ABOUT THE FIVE YEAR PERIOD, DO YOU THEN WANT -- THEN ARE WE DOING, 10, 15 AND 20 OR DOES IT GO 5, THEN -- OR SORRY -- 25, OKAY, SO YOU WENT A LOT MORE PERIODIC REVIEWS, OKAY.

>> CHAIR SMITH: YEAH, I MEAN, I FEEL LIKE WE CAN -- IF THAT'S WHAT'S ON THE TABLE, I FEEL LIKE WE MAY BE ABLE TO GET THERE IN TERMS OF SPECIFICITY THAT STAFF NEEDS. I THINK THE INFORMATION TO THE COMMUNITY ADVISORY COMMITTEE IS STRAIGHT FORWARD, I THINK PERIODIC REVIEW EVERY FIVE YEARS IS PRETTY STRAIGHTFORWARD. I

THINK THERE'S STILL SOME AMBIGUITY OF HOW WE WOULD AMEND
CONDITION 22 IN TERMS OF THE CLARITY ON THE ABILITY TO ADDRESS
PURSUANT TO AN EMERGENCY AND I THINK WE COULD PROBABLY FIGURE
THAT OUT IN THE NEXT -- I THINK WE COULD HAVE A CONVERSATION TO
FIGURE THAT OUT, THEN THERE'S 17:53:37 THE EXTENSION ABOUT
EXTENDING THE HOURS, THE FLEXIBILITY TO EXTEND THE HOURS, I
THINK THE RECOMMENDATION AND MAYBE I'LL PARROT THIS BACK AND
DIRECTOR BRUCKNER CAN CORRECT ME, I THINK WHAT WE'RE
RECOMMENDING IS OR WHAT I'M HEARING STAFF IS OPEN TO IS THE
FACILITY OPERATIONS STAY THE SAME, 5 A.M. TO 10 P.M., THAT THE
FACILITY -- THE ABILITY TO -- THE TIME IN WHICH A HAULER CAN
DELIVER MATERIALS IS 5 A.M. TO 5 P.M. WITH THE FLEXIBILITY IF
PUBLIC WORKS DETERMINES IT'S NECESSARY TO BUMP THAT TO 4 A.M.,
BUT THAT THAT ALSO BE SOMETHING THAT IS REVISITED EVERY FIVE
YEARS DURING OUR PERIODIC REVIEW. IS THAT ACCURATE?

>> MR. BRUCKNER: I WOULD SAY IT WOULD BE OPEN TO RECEIVE
MATERIALS FROM 4 A.M. TO 10 P.M. AND IT COULD BE LIMITED IF
THERE ARE IMPACTS ON THE COMMUNITY.

>> CHAIR SMITH: 4 A.M. TO 10 P.M.

>> MR. BRUCKNER: I THINK THE RIVALRIES, BASED ON THE
CONVERSATION HERE, I'M OPEN TO SPREADING THE ARRIVAL WHICH IS

SPREADING THE PEAK HOUR TRAFFIC IF YOU WILL. I THINK THE RIVALRIES IS IMPORTANT SO YOU HAVE TRUCKS OFF THE FREEWAY, THERE'S A POTENTIAL TO GET TRUCKS THERE EARLIER AND YOU SPREAD THE PEAK IMPACT OF TRAFFIC.

>> CHAIR SMITH: BECAUSE I UNDERSTAND THAT CONSIDERATION, DO WE RUN INTO TROUBLE IF THE ARRIVAL HOURS IS THE SAME AS THE CLOSURE OF THE OPERATION, SO IF YOU'RE RECEIVING MATERIALS, UP UNTIL 10:00 AND THEN IT TAKES -- PRESUMABLY IT TAKES THEM TIME.

>> MR. BRUCKNER: MAYBE DO THEM AN HOUR -- THEY CAN'T ARRIVE 9 P.M., SO YOU HAVE AN HOUR TO DROP OFF AND GET OUT OF THERE. I'M FINE WITH THAT, I'M SYMPATHETIC EXTENDING THE PEAK HOUR, WE'VE HAD NO COMPLAINTS AND WITH THE NEW ARRIVAL SEQUENCE, TRUCKS ARE OFF OF THE FREEWAY AND THEY CAN STACK MATERIAL TO THE SITE.

>> CHAIR SMITH: OKAY. I MEAN, I THINK, YOU KNOW, WE HAD TWO MEMBERS OF THE COMMUNITY ADVISORY COMMITTEE WHO DIDN'T NECESSARY SEE THIS THE SAME WAY, SO I THINK THAT IS A POTENTIAL A GOOD COMPROMISE THAT IT ADDRESSES THE CONCERNS WE HAD OF AN OVERCONCENTRATION OF TRUCKS AT A PARTICULAR TIME IN A PEAK HOUR WHILE NOT OPENING IT UP TO IMPACTS ALL HOURS OF THE NIGHT. SO, THEN -- AND THEN THE OTHER THING THAT I HEARD WAS THIS -- BL IT'S CONDITION 109 OR ELSEWHERE, BUT THIS BEGINNING THE

CONVERSATION ABOUT CLOSURE TEN YEARS OUT OR 20 YEARS IN, HOWEVER WE WANT TO DESCRIBE IT, BUT I THINK THAT'S -- I BELIEVE THAT'S - - WE SHOULD IDENTIFY WHICH CONDITION THAT'S GOING TO GO IN, I THINK THAT MAKES SENSE IN 109, I THINK IT MAY MAKE SENSE IN OTHERS AS WELL. I WANT TO GET TO SORT OF MAKE SURE WE ARE ALL ON THE SAME PAGE. 109, I HEARD THAT WE NEEDED ADDED CLARIFICATION THAT'S ALSO INTENDED TO ADDRESS THE PAYMENT FOR THE PARK CREATION AND THE ENDOWMENT FOR MAINTENANCE THEREOF.

>> COMMISSIONER SHELL: STAFF INDICATED THAT WAS THE INTENT, I THINK THE WORDING NEEDS TO BE MORE CLEAR TO THAT.

>> AND THAT IS THE MITIGATION DISCUSSED IN THE FINAL EIR.

>> COMMISSIONER SHELL: AND I THINK ON THE TERMINATION, IT'S ALSO CONDITIONS 36 AND MAYBE 37 ABOUT WHEN THE POST CLOSURE PLAN AND THE CLOSURE PLAN.

>> CHAIR SMITH: AND IT'S ALREADY PART OF 35, IS THAT CORRECT, THE PERIODIC REVIEW? BECAUSE THAT'S THE OTHER PLACE IT WOULD OCCUR AT THE AUDIT REVIEW.

>> COMMISSIONER SHELL: RIGHT, IT'S IN 35 AND 36, BUT 36 DISCUSSES IT AS BEING A YEAR PRIOR TO THE 25TH ANNIVERSARY OF

THE APPROVAL DATE AND WE TALKED ABOUT IT BEING 20 YEARS AFTER
THE EFFECTIVE DATE. 17:57:46

>> CHAIR SMITH: RIGHT.

>> CHAIR SMITH: SO, I GUESS I WOULD ASK COMMISSIONER MODUGNO IF
YOU'RE COMFORTABLE WITH THAT AS IT RELATES TO A MOTION AND I
WOULD ASK THE SAME QUESTION I GUESS TO COUNTY COUNSEL, WHAT ELSE
DO YOU NEED?

>> IF YOU ARE COMFORTABLE WITH THAT AS THE MOTION, I HAVE TWO
OUTSTANDING QUESTIONS, ONE IS TO HOURS, WHICH ONE'S BEING
RECOMMENDED AND THE OTHER IS TIBETAN UP THE LANGUAGE ON 22, FROM
MY NOTES PREVIOUSLY IN THE DISCUSSION, COMMISSIONER SHELL HAD
RECOMMENDED LOCAL, STATE OR NATURAL DISASTER WHICH GAVE THE
BOARD OF SUPERVISORS A LOT MORE AUTHORITY BUT I WAS HEARING FROM
COMMISSIONER MODUGNO THAT HE WANTED TO INCREASE THE OVERALL
ANNUAL CAP POTENTIALLY WHEREAS RIGHT NOW, -- THE CONDITION DOES
NOT DO THAT AND IT'S REALLY NOT THE INDENTED, THE CONDITION IS
JUST TO DEAL WITH THOSE IMMEDIATE DISASTERS BUT DOES NOT --

>> COMMISSIONER MODUGNO: I THINK AGAIN IF WE HAVE LOCAL,
REGIONAL, STATE OR NATURAL DISASTER, THEN THE BOARD OF
SUPERVISORS HAS ITS POWER TO DECLARE A DISASTER. WHERE I THINK

WE NEED TO -- AND I THINK THAT IS ACCEPTABLE LANGUAGE BECAUSE IT DOESN'T REQUIRE THESE RECOMMENDATIONS AND THESE OTHER THINGS, IT'S JUST THAT THEY'RE DECLARING A DISASTER AND THAT DISASTER IS GOING TO HAVE AN IMPACT IN TERMS OF CHIQUITA TAKING ADDITIONAL MATERIALS AND I'M LOOKING TO STAFF MORE FOR THAT, SHOULD IT HAVE A DAILY CAPACITY TWICE WHAT'S IN HERE, THRICE WHAT'S IN THERE, 150% OF IT AND HOW DOES THAT THEN IMPACT THE ANNUAL SORT OF THING BECAUSE I THINK AS YOU GET TO THE ANNUAL, IT PROBABLY SHOULD BE NO MORE THAN 25% INCREASE OR SOMETHING.

>> AS IT'S WRITTEN, IT'S BROAD, IT WOULD DEPEND ON THE NATURE OF THE DISASTER SO I THINK RIGHT NOW, THE BOARD PUTTING UP THE LIMIT WHEN IT CONSIDERS THE DISASTER.

>> COMMISSIONER MODUGNO: SO, LET'S DO THAT, SO IF IT'S LEFT TO THE BOARD, THEN THE ONLY THING THAT THEN IS GOING TO POTENTIALLY GET TO CLOSURE IS WHAT WE RECENTLY EXPERIENCED A COUPLE OF YEARS AGO WHERE THEY REACHED CAPACITY UNDER THE CUP BUT NOT THE TIME, SO ONCE THEY HIT THE 6, SO IT'S NOT THEN -- SO, IT'S BROAD LANGUAGE, IT JUST BASICALLY TAKES THAT, IF IT'S DECLARED REGIONAL, LOCAL, REGIONAL, STATE OR NATIONAL, THAT THEY CAN INCREASE CAPACITY. AND THAT'S REALLY THE BOARD'S PURVIEW AND THAT SORT OF DEPENDS HOW MUCH ONE NEEDS TO GO IN THERE, THERE'S GOING TO BE A DISCUSSED SORT OF PIECE, THEY HOLD ALL THE CHIPS

SO THEY HAVE THE AUTHORITY, THE RESPONSIBILITY AND THE ACCOUNTABILITY. BUT THEN I THINK WHAT IT DOES, IT DOES NOT IMPACT THE MAXIMUM AMOUNT OF MATERIALS THAT CAN COME INTO THE SITE ON ITS LIFETIME BASIS SO I'M OKAY WITH IT.

>> CHAIR SMITH: WE'RE ALSO STRIKING TO NUMBER OF TOTAL DAYS WITH RESPECT TO THE LIFE.

>> COMMISSIONER MODUGNO: YES.

>> YOUR RECOMMENDATION OF THE HOUR, I STILL DON'T KNOW THE HOURS.

>> COMMISSIONER MODUGNO: I SORT OF LIKE DIRECTOR BRUCKNER WAS GOING WITH THAT, THAT MAYBE THE ACCEPTANCE, MAYBE WE'LL GO AHEAD AND PUT FROM 4 A.M. UNTIL -- I'M MORE INCLINED -- RIGHT NOW IT'S 5-5, MAYBE THAT'S TOO CONFINED, SO MAYBE IT'S 4 A.M., YOU WERE SUGGESTING 9 P.M.

>> MR. BRUCKNER: I WAS SUGGESTING AN HOUR BEFORE OPERATIONS STOP.

>> COMMISSIONER MODUGNO: WHICH I THINK IS REASONABLE. I WOULD LIKE 10 P.M. BETTER.

>> MR. BRUCKNER: I LIKE SPREADING THE PEAK.

>> COMMISSIONER MODUGNO: SO, 4 A.M. TO 9 P.M. AND THE HOURS OF OPERATION CAN BE 4 A.M. TO 10 P.M. IS THAT ACCEPTABLE? OKAY.

>> I GUESS I WOULD JUST ASK PEOPLE WHO ACTUALLY OPERATE THESE, MAYBE PUBLIC WORKS OR EVEN THE APPLICANT, WHETHER THAT'S POSSIBLE TO HAVE YOUR LAST LOAD AT 9:00 AND HAVE YOUR COVER BY 10:00.

>> I CAN ONLY SHARE OUR EXPERIENCE WITH SOME OTHER OPERATOR, SOMETIMES THEY DO NEED TWO TO THREE HOURS TO FINISH UP EVERYTHING FOR THE DAY, BUT I THINK THE APPLICANT CAN TELL YOU IN THEIR OPERATION. I DON'T KNOW IF ONE HOUR WILL BE SUFFICIENT.

>> COMMISSIONER MODUGNO: THEN LET'S MAKE IT THREE HOUR, MAKE IT 7 P.M., IT'S TWO MORE THAN WHAT'S BEEN RECOMMENDED, IT GIVES MORE FLEXIBLE, IT'S THREE HOURS SPREADING, IF EVERYONE'S OKAY WITH THAT.

>> CHAIR SMITH: YEAH, WITH THE EXPECTATION THAT THIS IS ONE OF THOSE THINGS THAT IS CONSISTENTLY REGISTERED AS WE SIT DOWN IN OUR PERIODIC REVIEW BECAUSE CONDITIONS WILL CHANGE.

>> COMMISSIONER MODUGNO: AGAIN, ONCE THE NEW ENTRANCE IS IN PLACE, ONCE THEY'VE CLOSED OFF, THEY'RE MOVING FURTHER AND FURTHER AWAY FROM RESIDENCES, BUT AGAIN, HOW MUCH IS THIS SITE RECEIVING AND THE RECOMMENDATION AS IT STANDS IS LESS MATERIAL THAN THEY'RE RECEIVING TODAY AND LESS MATERIAL THEY RECEIVED LAST YEAR.

>> LET'S HEAR THE PLANNING DIRECTOR'S INPUT ON THAT.

>> MR. BRUCKNER: I LIKE SPREADING THE PEAK, I WOULD SUGGEST THAT COMMISSIONER MODUGNO THAT THERE BE AN OPENER THAT IN FULL OPERATION IN THE NEW ENTRY WAY, STAFF COULD RE-EVALUATE THAT AND THE DIRECTOR COULD ADJUST THE HOURS TO SPREAD THE HOURS OF ARRIVAL.

>> COMMISSIONER MOON: WHAT DO YOU THINK ABOUT THAT?

>>

>> MR. BRUCKNER: NOT TO EXCEED THE HOUR OF OPERATION.

>> CHAIR SMITH: THERE'S STILL THAT CAP.

>> COMMISSIONER MODUGNO: WOULD YOU MIND SHARING THAT WITH THE DIRECT DOOR OF PUBLIC WORKS.

>> MR. BRUCKNER: ABSOLUTELY.

>> COMMISSIONER MODUGNO: SO, LET'S PUT THAT DOWN AS THE DIRECTOR OF PLANNING. ANY OTHER OPEN PIECES? I THINK YOU'VE GOT ENOUGH CLARITY IN TERMS OF THE DIRECTION WE HAVE SPECIFICALLY WITH RESPECT TO THE CITIZEN'S ADVISORY AND PAC AND THAT.

>> VICE CHAIR LOUIE: I HAVE ONE OPEN ITEM, I WOULD LIKE THE HEAR FROM THE APPLICANT. THERE WAS A SUGGESTION THAT THERE HAD BEEN THREATS OF SUING IF THERE WAS ANY MONITORING SUGGESTED BY THE CAC, IS THAT JUST A MISSTATEMENT, MISUNDERSTANDING?

>> GOOD AFTERNOON F, COMMISSIONERS, COMMISSIONER LOUIE, I THINK THE -- I'M LEGAL COUNCIL FOR CHIQUITA CANYON LANDFILL, I APPRECIATE ALL THE TIME WE'RE PUTTING INTO THIS THIS AFTERNOON, THE CONTEXT IS IMPORTANT WITH RESPECT TO THE CLAIM OF A LEGAL THREAT. THE BYLAWS FOR THE CAC ARE VERY SPECIFIC IN TERMS OF THE CONCEPT OF WHAT THE ROLE IS OF THE CAC, IS ROLE OF THE CAC IS DEFINED IN THE ARTICLES IN THE LAWS IS TO BE A LIAISON WEAN THE LAND OPERATOR AND THE COMMUNITY, IT IS CLEAR THAT THE CAC'S NOT TO ACT IN AN ADVOCACY ROLE IN ANY CAPACITY WITH OPPOSING THE

LANDFILL. THERE WAS A CIRCUMSTANCE THAT AROSE WITH RESPECT TO THE CAC AND YOU'LL SEE THAT THE CAC MEMBERS, SOMETIMES THEY'RE WEARING THE HAT OF LOCAL COMMUNITY MEMBERS WHO HAVE 18:06:08 STRONGLY HELD VIEWS ABOUT THE LANDFILL AND THE LANDFILL OPERATION AND ANOTHER DAY, THEY'RE WEARING A HAT OF THE CAC MEMBER, THE BYLAWS CLEARLY PROHIBIT THE INTENTION AND USE OF FUNDS THAT THE LANDFILL OPERATOR FUNDS THE CAC FOR, FOR HIRING OUTSIDE LEGAL COUNSEL, CONSULTANTS WHO WOULD BE RETAINED TO OPPOSE THE LANDFILL. CURRENTLY THAT'S PROHIBITED, SO WHAT HAD OCCURRED WAS THERE WAS I THINK A COUPLE OF THINGS, LACK OF COMMUNICATION BECAUSE THERE WEREN'T MINUTES THAT WERE BEING REGULARLY MIN STAINED BY THE CAC, AND THIS IS SORT OF SOME OF THE DYSFUNCTION THAT I THINK YOU HEARD EARLIER TODAY ABOUT HOW THE CAC OPERATES BUT THEY WERE INTENDING ON RETAINING OUTSIDE COUNSEL IN CAPACITY OF THE CAC AND OTHER EXPERTS TO OPPOSE THE LANDFILL. WE FELT THAT THOSE WERE SO-CALLED OUTSIDE THE SCOPE OF WHAT THE BYLAWS ALLOW AND WE THOUGHT IT WAS IMPORTANT WE PUT THEM ON NOTICE THAT THIS WAS OUTSIDE THE SCOPE THAT WAS LEGALLY PERMISSIBLE UNDER THE ARTICLES AND BYLAWS AND IT'S THIS DYSFUNCTION OF HOW THE CAC OPERATES AS A LIAISON BETWEEN THE COMMUNITY AND WHAT'S PERMISSIBLE UNDER THE BYLAWS AND THE ARTICLE, THE NOTION THAT THEY ARE INTENDED TO HAVE DIFFERENT VOICES ULTIMATELY NEUTRAL AS AN ORGANIZATION FROM THE STANDPOINT OF SHARING COMMUNITY CONCERNS AND REPRESENTATION BUT CLEARLY NOT

RETAINING LEGAL COUNSEL OR OTHER EXPERTS TO OPPOSE THE LANDFILL,
THAT BECAME APPARENT UNDER THE BYLAWS.

>> VICE CHAIR LOUIE: THANK YOU.

>> COMMISSIONER MODUGNO: DON'T LEAVE. I GUESS SINCE THEY ARE
APPOINTED THROUGH THE AUSPICES OF A BOARD OFFICE, THEN WOULDN'T
IT HAVE BEEN -- RETROSPECTIVELY, WOULDN'T IT HAVE BEEN MORE
APPROPRIATE TO HAVE COMMUNICATION WITH THE BOARD OFFICE VERSUS
DARKLY WITH THEM?

>> IT WAS.

>> COMMISSIONER MODUGNO: THEN WHY WAS THAT NOT IN THE HANDS OF
THE BOARD OFFICE?

>> THAT'S A GREAT QUESTION BUZZ THEY WERE PROCEEDING SO THE
LETTER WAS WRITTEN.

>> COMMISSIONER MODUGNO: THE TONE OF THE LETTER THAT WE RECEIVED
THAT WE'RE BEHAVING UNLAWFULLY WHICH I DON'T THINK WAS YOUR
INTENT BUT THAT -- THOSE SORT OF WORDS COMING FROM A LAWYER WITH
THE FIRM I HAVE A GREAT DEAL OF RESPECT FOR, I FIND A LITTLE
INSULTING AND UNNERVING.

>> I APPRECIATE THAT. WE DO FEEL STRONGLY ABOUT THE NEXUS REQUIREMENTS, THEY ARE ARTICULATED IN OUR LETTER. WE STILL DON'T BELIEVE THAT NOT WITH STANDING COUNTY COUNSEL'S STATEMENTS TO THE CONTRARY THAT YOU BELIEVE THE NEXUS FINDINGS ARE SUPPORTABLE, WE DISAGREE, WE DON'T THINK THERE'S BEEN AN ANALYSIS OF THAT, CERTAINLY NOT BY CONDITION BY CONDITION BASIS, AND YOUR POINT IS TAKEN, THE LEGAL LETTER IS SOMETHING THAT UNFORTUNATELY WE LIVE WITH BOTH AS U.S. PUBLIC OFFICIALS AND UNFORTUNATELY IT'S AN UNFORTUNATE PART OF THE PROCESS. HAVING SAID THAT, WE STAND BY THE POSITIONS WE'VE TAKEN, SO WE WANT TO BE CLEAR ON THAT.

>> COMMISSIONER MODUGNO: WELL, IT MAY SEEM ONEROUS, BUT I GUESS THE COURT OF LAW HAS DETERMINED LAWFULNESS.

>> THAT'S CORRECT, WE AGREE WITH THAT.

>> COMMISSIONER MODUGNO: OKAY, SO THAT MATTER CAN BE TAKEN UP ACROSS THE STREET.

>> EXACTLY.

>> COMMISSIONER MODUGNO: OKAY, THANK YOU.

>> THANK YOU, HOPEFULLY THAT EXPLANATION WAS SOMEWHAT HELPFUL.

>> VICE CHAIR LOUIE: YES, IT WAS. WHEN I THINK IN TERMS OF A CAC, CITIZEN'S ADVISORY COMMITTEE, IT IS A GROUP OF CITIZENS ADVISING THE SUPERVISOR. I'M NOT COMFORTABLE FOR THEM TO ACT AS A LIAISON BETWEEN THE APPLICANT AND I GUESS THE COMMUNITY, THAT THEY ARE FORBIDDEN FROM OPPOSING THE ACTIONS OF THE APPLICANT. IT SEEMS TO, FOR ME, NOT REPRESENT WHAT A CAC IS, SO I'M WONDERING IF WE NEED TO TAKE A LOOK AT THAT, WHAT THE CAC IS, WHAT ITS RESPONSIBILITIES ARE, WHO IT'S REPORTING TO AND THAT THEY -- THEY DO WHAT I'M THINKING WHICH IS ADVISING THE SUPERVISOR ABOUT THEIR OPINIONS FROM THE COMMUNITY ON THE ACTIONS OF THE APPLICANT.

>> AND MAYBE PUBLIC WORKS CAN SPEAK TO THAT, I THINK OTHER LANDFILLS ALSO HAVE CAC'S, IS THAT RIGHT, DEFINITELY THE WAY THIS ONE WAS SET UP WAS --

>> AND WE CAN TELL YOU THE OTHER CAC'S ARE EXTREMELY ACTIVE, EXTREMELY INFORMATIVE, THEY ALERT US TO ISSUES THAT THEY SEE, THEY NOTICE, THEY COME ACROSS REPORTS THEY SHARED WITH US, SO THEY DON'T HAVE TO NECESSARILY TAKE THE BRUNT OF IT, WE TAKE ON WITH WE RECEIVE SOME INFORMATION, WE ACT ON IT.

>> MR. BRUCKNER: LET ME TRY THIS, COMMISSIONER, IF WE WOULD ADJUST THE LANGUAGE, I HEAR WHAT YOU'RE SAYING, THAT IT IS AN ADVISORY BODY TO BOTH STAFF AND THE BOARD OF SUPERVISORS IN THAT BOTH PUBLIC WORKS AND PLANNING TAKE A MORE ACTIVE ROLE IN THIS, WE DO THE SAME THING AT BALDWIN HILLS AND IT'S WORKED WELL, SO LET US -- WITH YOUR PERMISSION AND INSTRUCTION TO ENSURE THAT IT'S AN ADVISORY BODY THAT ADVISES STAFF, THE BOARD OF SUPERVISORS AND THEIR ADVICE IS ALSO PROVIDED TO THIS COMMISSION AND IT'S CLEAR THAT THEY'RE ADVISORY. I THINK WHAT THE ATTORNEY FOR THE APPLICANT WAS SAYING IS THERE WAS A SIDE AGREEMENT WHERE THERE WAS MONEY PROVIDED TO THEM AND THEY WERE USING THAT MONEY IN THE WORDS OF THE ATTORNEY TO DO SOMETHING THAT WAS OUTSIDE OF THE AGREEMENT AND THAT WAS I BELIEVE IN THE PRIVATE AGREEMENT.

>> VICE CHAIR LOUIE: I HEARD THAT AS WELL. WHAT I ALSO HEARD WAS THAT IT WAS NOT THEIR POSITION TO OPPOSE THE LANDFILL, SO MY QUESTION IS, HECK, WHY DO YOU EVEN HAVE A CAC, WHY WOULD YOU HAVE A CAC REVIEWING WHAT'S GOING ON IF THEY CAN'T VOICE THEIR OPINION ABOUT, HEY, THIS IS NOT RIGHT.

>> MR. BRUCKNER: I THINK THEY CAN PROVIDE ANY AND ALL ADVICE ON THE OPERATION AND I THINK MY EXPERIENCE WITH OTHERS IS THAT THEY DO PROVIDE THAT ADVICE. WHERE I THINK THE ATTORNEY POINTED OUT

THAT IN HIS OPINION IT CROSSED THE LINE WAS USING FUNDS TO HIRE
A COUNSEL TO OPPOSE THE PROJECT, ASIDE FROM THE ADVICE.

>> VICE CHAIR LOUIE: I DIDN'T GET THAT DISTINCTION,, I HEARD
THEY COULD NOT OPPOSE.

>> MR. BRUCKNER: THAT'S WHAT I HEARD, THEY WERE USING ACTUAL
FUNDS TO HIRE OUTSIDE COUNSEL.

>> VICE CHAIR LOUIE: SO, THAT WAS THE ONLY ISSUE?

>> MR. BRUCKNER: THAT WAS THE ISSUE. AND, AGAIN, IT'S THE IDEA
OF ADVICE, ALL AND ANY ADVICE IS WELCOME.

>> VICE CHAIR LOUIE: SO, IN HERE, A DIFFERENT WAY OF HANDLING
THIS WOULD HAVE BEEN THAT THE CAC WOULD GO BACK TO THE
SUPERVISOR'S OFFICE AND SAY, HEY, I THINK WE OUGHT TO ENGAGE OR
YOU OUGHT TO ENGAGE A MONITORING SYSTEM BECAUSE WE'RE CONCERNED
ABOUT --

>> MR. BRUCKNER: AND THEN WE WOULD TAKE THAT UNDER
CONSIDERATION.

>> VICE CHAIR LOUIE: SO, YOU AGREE THIS IS A GOOD STATEMENT OF YOUR POSITION?

>> I THINK THERE'S -- I THINK YOU PUT YOUR FINGER ON THE DYSFUNCTION AND BARE IN MIND THE CAC WHEN FUNCTIONING DURING A NORMAL OPERATING PERIOD WHERE THE CAC IS OPERATING IN ITS PROPER ROLE TO A LIAISON TO RELAY THINGS TO THE COMMUNITY, TO GATHER INFORMATION, THAT'S ONE THING, ASSUMING THEY'RE COMPLYING WITH THE BYLAWS AND RESTRICTIONS AND USING THE FUNDS THAT ARE PROVIDED TO THE CAC IN A REASONABLE AND LAWFUL WAY, BUT IT GOT DICEY IN THIS SITUATION, WE'RE IN AN APPLICATION AND PERMIT PROCESS, WE ARE BEFORE YOU AS PLANNING COMMISSIONERS ON AN APPLICATION AND CAC WANTS TO DO OTHER THINGS NEXT WITH THAT PERMIT APPLICATION, BEYOND JUST THE NORMAL MONITORING AND LIAISON COMMUNICATION FUNCTIONS, SO I THINK THAT'S WHERE PERHAPS THEY WERE PUSHING BEYOND WHAT THE BYLAWS ALLOW IN TERMS OF RETAINING EXPERTS TO ACT IN AN ADVOCACY ROLE, TO FURTHER SYSTEM OF NAIR OBJECT TIERS SO I THINK THAT'S WHERE IT CROSSED THE LINE AND I THINK THAT'S WHERE WE'RE GOING TO HAVE TO BE THOUGHTFUL IF THERE IS GOING TO BE A CAC, HOW YOU DEFINE SPECIFICALLY WHAT THAT ROLE IS AND WHAT THEIR LIMITATIONS ARE, THAT'S CLEARLY GOING TO BE IN THE CONTEXT OF THE OPERATION, THAT'S ONE THING AND WHAT THEY CAN LAWFULLY DO AS WE'RE GOING THROUGH AN ENTITLEMENT PROCESS.

>> MR. BRUCKNER: LET ME JUMP IN HERE AND I APOLOGIZE, THE ADVISORY GROUPS WE'VE BEEN INVOLVED WITH WERE NEVER FUNDED, THEY CAME TOGETHER AS CITIZENS SO THEY DIDN'T HAVE ACCESS TO FUNDS, THIS ONE, THERE WAS SOMETHING ABOUT THE FUNDING THAT MADE THEM DIFFERENT.

>> THAT'S RIGHT.

>> CHAIR SMITH: SO, THERE'S AN UNRESOLVED QUESTION FOR ME IF THIS MOVES FORWARD, ARE WE CREATES NEW BYLAWS, DO THE BYLAWS FROM THE PREVIOUS CAC SURVIVE?

>> MR. BRUCKNER: I WANT TO REVISIT IT AS AN ADVISORY BODY.

>> CHAIR SMITH: I WOULD LIKE THAT AS WELL, I THINK THAT I ABSOLUTELY UNDERSTAND WHEN FUNDING IS AT PLAY AND THERE'S THOSE CONSIDERATIONS THERE, I WANT TO ALSO SEE A BODY THAT IS EQUIPPED AND EMPOWER AND ADVISE AND IF THAT ADVISE AT CERTAIN TIMES COMES ACROSS AS OPPOSITION TO CERTAIN PRAXES, THAT'S SOMETHING WE SHOULD BE ABLE TO HEAR, I DON'T WANT TO HAVE OVERLY RESTRICTED BYE LAWS FROM HAVING A CAC TO BE A RESTRICTIVE BODY BUT WHILE ACKNOWLEDGING THAT WHEN RESOURCES AND BASES ARE AT PLAY, THERE'S THINGS WE NEED TO BE CONCERNED ABOUT.

>> IT SAYS FUNDING NOT TO EXCEED 20 THOUSAND PER YEAR FOR CAC RELATED MATTERS, THAT'S PROBABLY THE -- THAT'S IN THE PROPOSAL BEFORE YOU TODAY.

>> MR. BRUCKNER: I WOULD SUGGEST THAT THE FUNDING -- THAT STAFF PROVIDE THE RESOURCES AND CALL THEM TOGETHER. IF THEY WANT TO HAVE A PRIVATE AGREEMENT TO FUND A COMMUNITY GROUP, THEY DO THAT. I HAVE CONCERN ABOUT IT.

>> THE FUNDAMENTAL QUESTION IT SEEMS IS -- AND OBVIOUSLY THIS INVOLVES A DISCUSSION WITH THE SUPERVISOR'S OFFICE IN TERMS OF THEIR DESIRE, BUT THE FUNDAMENTAL QUESTION IS IF YOU HAVE A CAC THAT IS FUNDED BY THE APPLICANT, THAT SORT OF, YOU KNOW, APPLICANTS TYPICALLY ARE HAPPY TO FUND THE APPLICATION AND COMMUNICATION PROCESS, WHEN IT CROSSES THE LINE INTO ADVOCATING FROM THEIR POSITION, THEY'RE NOT GOING TO DO THAT, IF IT TRULY BECOMES A CAC BECOMES A QUASI ARM OF THE COUNTY AS OPPOSED TO A PRIVATE ENTITY THAT HAS PRIVATE FUNDING, THAT MAY ULTIMATELY ACHIEVE A GREATER OBJECTIVES THAT I THINK YOU'RE AFTER.

>> VICE CHAIR LOUIE: YES, THE EXISTING CAC CAME FORWARD AND HAD AN OPINION ABOUT THIS CONDITIONAL USE PERMIT AND THEY SAID, HEY, AFTER DUE CONSIDERATION, WE HAVEN'T ENGAGED ANYBODY, WE HAVEN'T

PAID ANYBODY, WE HAVEN'T USED YOUR 20 THOUSAND BUCKS FOR ANY OF THIS, BUT BASED ON THE INFORMATION WE HAVE AND AS MEMBERS OF THE COMMUNITY, WE OPPOSE THIS CONDITIONAL USE PERMIT. WOULD YOU FEEL THAT THAT IS A VIOLATION OF THEIR CURRENT BYLAWS AND THAT THEY WERE STEPPING OUT OF LINE?

>> I THINK INTERNALLY IF THOSE DISCUSSIONS WERE OCCURRING AT THE BOARD MEETINGS IN WHICH THE LANDFILL OPERATOR IS ALSO A PART PANT IN THOSE BOARD MEETINGS AND OTHERS, THAT'S PERFECTLY ACCEPTABLE IN THE DISCOURSE OF WHAT OCCURS IN A CAC MEETING, WHERE I THINK IT CROSSES THE LINE IS RETAINING THE EXPERTS TO ODD VA KATE AGAINST A PROJECT AND GOING OUTSIDE OF WHAT THE BYLAWS CURRENTLY PRESCRIBED.

>> COMMISSIONER MOON: IF YOU TOOK THAT OUT OF THE EQUATION.

>> THAT'S THE QUESTION, THE QUESTION IS HOW YOU REMOVE THAT, DO YOU EXCISE THE RETENTION --

>> COMMISSIONER MOON: HOW, YOU JUST TAKE IT OUT. WE NEED TO MOVE THE AGENDA. MR. CHAIR, WE NEED TO MOVE THE AGENDA.

>> CHAIR SMITH: I WOULD LIKE TO ASK -- I HAVE A HARD TIME HEARING MULTIPLE PEOPLE AT THE SAME TIME, I UNDERSTAND WE NEED

TO MOVE THE AGENDA ALONG, WE LOSE THE REMOTE ROOM AT 3:40, THIS IS IMPORTANT AND WE OWE IT TO EVERYONE TO GETTING IT RIGHT, WHAT'S ON THE TABLE IN TERM OF A RECOMMENDATION, I'M SUFFER SUPPORTIVE, TO REMOVE THE FUNDING TO BE THE CAC THAT IT NEEDS TO BE THE BODY IT NEEDS TO BE, I DON'T AGREE THAT IF YOU RECEIVE SOME FUNDING, YOU'RE NOT ABLE TO RETAIN A CONSULTANT THAT SAYS SOMETHING THAT YOU AS THE APPLICANT DON'T AGREE WITH, FOR SIMPLICITY SAKE, I THINK MY SENSE IS THAT IT MAKES SENSE TO REMOVE THAT FUNDING AND FREE THE CAC TO BE THE ROBUST BODY THAT IT SHOULD BE.

>> COMMISSIONER MODUGNO: I THINK THE BEST FUNCTION IN CITIZEN ADVISORY COMMITTEES IS THEY EXIST IF THEY NEED FUNDING, IT COMES FROM THE COUNTY. WITH YOU START MIXING PRIVATE FUNDING AND THEN USE OF THOSE AND OTHER THINGS AND THEN WHAT IS THE ACCOUNTING, SO I CAN UNDERSTAND NOW WHY THE SUPERVISOR'S OFFICE DIDN'T GET INVOLVED WITH THIS BECAUSE IT REALLY WAS NOT ACCOUNTABLE, THEIR ACTIONS WERE ACCOUNTABLE BECAUSE THEY WERE APPOINTED BUT MONETARILY, IT WASN'T LEFT WITH ANY ACCOUNTABILITY, SO I THINK TAKING ALL OF THAT PRIVATE FUNDING OUT MAKES THE MOST SENSE.

>> MR. BRUCKNER: COMMISSIONER, FROM MY OVERSIGHT, I DIDN'T REALIZE THAT THE FUNDING WAS IN THERE AND WOULD NOT HAVE RECOMMENDED THAT. WE WILL PROVIDE WITH PUBLIC WORKS STAFFING FOR

THAT, WE'LL LISTEN TO YOUR REQUESTS, YOU'LL BE IDENTIFIED --
INFORMED OF THAT AND I THINK SUNSHINE WILL HELP TREMENDOUSLY.

>> CHAIR SMITH: ABSOLUTELY, THANK YOU.

>> COMMISSIONER MODUGNO: WITH ALL OF THAT, I'M GOING TO MAKE A
MOTION AND MOVE THE REGIONAL PLANNING COMMISSION -- SORRY, WRONG
ONE, JUST A SECOND. IT WAS THE ONE WE CONTINUED, MOVE THE
REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND
CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT ALONG WITH THE
REQUIRED FINDINGS OF FACTS AND STATEMENT OVERRIDING
CONSIDERATIONS, ADOPT THE MITIGATING MONITORING AND REPORTING
PROGRAM FOR THE PROJECT PURSUANT TO STATE AND LOCAL CEQA
GUIDELINES.

>> SECOND.

>> CHAIR SMITH: I'M SORRY, COMMISSIONER MODUGNO, IT APPEARS
THERE WAS SOME DIFFICULTY HEARING, SO I'M GOING TO ASK YOU TO
REPEAT THE MOTION.

>> COMMISSIONER MODUGNO: I MOVE THE REGIONAL PLANNING COMMISSION
CLOSE THE PUBLIC HEARING AND CERTIFY THE ENVIRONMENTAL IMPACT
REPORT ALONG WITH THE REQUIRED FINDINGS OF FACT AND STATEMENT

OVERRIDING CONSIDERATIONS AND ADOPT THE MITIGATED MONITORING AND REPORTING PROGRAM FOR THE PROJECT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

>> SECOND.

>> [INAUDIBLE].

>> VICE CHAIR LOUIE: AS AN OPERATOR, I FIND THE APPLICANT IS STERLING, THEY'VE DONE A GREAT JOB, NE MAY BE THE BEST LANDFILL OPERATOR IN LOS ANGELES COUNTY, THEIR OPERATION AND THEIR PERFORMANCE HAS BEEN EXCEPTIONAL. AS AN APPLICANT, I FIND THAT THEY HAVE MET THE BAR AND SHOULD BE ALLOWED TO HAVE THEIR CONDITIONAL USE PERMIT APPROVED, BUT I ALSO SEE A MUCH LARGER ISSUE AND THAT IS WHETHER OR NOT THERE SHOULD BE A LANDFILL THERE AND I THINK THAT GOES BEYOND THE SCOPE OF WHAT MY ROLE AS REGIONAL PLANNING COMMISSIONER IS. MY 12 YEAR-OLD DAUGHTER WANTS TO SAY, DAD, STAY IN YOUR LANE AS WE DRIVE ALONG, SO WITH THAT SILTATION OF UNDERSTANDING, I SUPPORT THIS MOTION.

>> CHAIR SMITH: WE HAVE A MOTION AND A SECOND, ALL IN FAVOR?
AYE.

>> ABSTAIN.

>> COMMISSIONER MODUGNO: I MOVE THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER 200400042 AND OAK TREE PERMIT NUMBER 201500007 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS AS MODIFIED THROUGH DISCUSSION THAT WE'VE HAD TODAY AND I THINK THERE'S CLARITY IN TERMS OF EACH OF THOSE POINTS, RELATED IMPLEMENTATION MONITORING PROGRAM AND MITIGATION MONITORING AND REPORTING PROGRAM.

>> SECOND.

>> CHAIR SMITH: WE HAVE A MOTION AND A SECOND, ALL IN FAVOR? AYE.

>> COMMISSIONER MOON: ABSTAIN.

>> CHAIR SMITH: THANK YOU, I BELIEVE WE HAVE AN APPEAL DATE

>> THIS ACTION MAY BE APPEALED TO THE BOARD OF SUPERVISORS, THE LAST DAY TO FILE AN APPEAL IS MAY 3.

>> CHAIR SMITH: THANK YOU FOR EVERYONE FOR BEING HERE, TO ALL YOUR INVOLVEMENT IN THIS AND TO THOSE OF YOU IN OUR REMOTE LOCATION, IF YOU'RE STILL THERE, WE APPRECIATE YOU. WITH THAT,

WE'RE GOING TO MOVE TO ITEM NUMBER 8, THIS IS GENERAL PUBLIC COMMENT, THIS IS PUBLIC COMMENT FOR ITEMS THAT ARE NOT ON OUR AGENDA TODAY. I BELIEVE WE HAVE A COUPLE OF CARDS.

>> THAT'S CORRECT, WE HAVE LYNN PLANBECK AND KIM ALTAMYER.

>> LYNN PLANBECK, SANTA CLARA ORGANIZATION FOR PLANNING IN THE ENVIRONMENT AND I WOULD LIKE THE SPEAK TO YOU TODAY ON THE SUBJECT THAT I'VE SPOKEN TO YOU BEFORE AND THAT IS THE HEARING EXAMINER PROCESS. I'VE BEEN TESTIFYING BEFORE THE PLANNING COMMISSION AT THE BOARD OF SUPERVISORS ON LAND USE ISSUES FOR PROBABLY 20 YEARS. THAT PROCESS WAS INSTITUTED ABOUT 2011 AND I WOULD REQUEST THAT THE COMMISSION REVISIT IT. I THINK THE PROBLEM WITH NOT HEARING ITEMS AS YOU EXPRESSED TODAY WAS AS A RESULT OF THE HEARING EXAMINER PROCESS BECAUSE I WOULD REALLY BE INTERESTED IF YOU WOULD SEARCH YOUR SOULS AND ASK OF YOURSELVES HOW MANY OF YOU ACTUALLY READ THE TRANSCRIPTS FOR ANY OF THESE MEETINGS AND I'M NOT TALKING ABOUT CHIQUITA, I'M TALKING ABOUT ALL THE OTHER ONES, THE NEWHALL RANCH ONES, ALL OF THEM, DID YOU READ THOSE TRANSCRIPTS? AND DID IT COME THROUGH TO YOU THE CONCERNS OF THE COMMUNITY WITH YOU COULDN'T LOOK AT US OR HEAR US. AND MANY OF THE THINGS THAT I HAVE HEARD, ALL OF THE COMMISSIONERS SAY THEY DIDN'T HEAR, THEY DIDN'T UNDERSTAND WERE BROUGHT UP IN HEARING EXAMINER PROCESS, BUT YOU DIDN'T HEAR IT

BECAUSE YOU DIDN'T GO BACK AND READ THE TRANSCRIPTS. NOW, I SIT ON A BOARD, I'M ON A WATER BOARD AND I KNOW IT'S DIFFICULT TO READ ALL THE MATERIAL THAT COME BEFORE YOU, BUT I ASSURE THE PUBLIC THEY'RE GOING TO HEAR ALL THEIR CONCERNS THROUGH HEARING EXAMINER, NEWHALL RANCH WILL NOT EVEN BE HEARD BEFORE YOUR COMMISSION SO THE MANY CONCERNS WE HAVE ABOUT THAT PROJECT AND THESE TWO TRACT MAPS THAT WILL BE COMING BACK WHICH TO US, THE NET ZERO IS A PRETTY BOGUS STUNT WILL NOT BE HEARD BEFORE THIS COMMISSION AND I DON'T UNDERSTAND WHY THAT'S HAPPENING, THE SUPERVISORS DON'T HAVE TIME TO REALLY HEAR THAT STUFF. HOW ARE WE GOING TO BRING UP OUR CONCERNS TO YOU? AND I CAN'T UNDERSTAND HOW ON A CONDITION OF APPROVAL A SHELL DOESN'T MEAN SHELL, I'M TOTAL MRI COMPLETELY DISCOURAGED AFTER 20 YEARS OF COMING HERE THAT WE CANNOT COUNT ON CONDITIONS OF APPROVAL. THIS IS NOT THE FIRST TIME BUT IT'S ONE OF THE MOST DISCOURAGING TIMES.

>> CHAIR SMITH: THANK YOU.

>> KIM ALTAMYER, ALSO A [INAUDIBLE] BOARD MEMBER, THE STATE OF PUBLIC TRUST IS AT A NEW LOW AND IT JUST WENT A LITTLE LOWER TODAY. INFORMATION FROM THE DEVELOPERS' ATTORNEY DATED MARCH 13, 2017, PUBLIC HAD NO OPPORTUNITY TO ADDRESS THIS ISSUE WHEN WE SPOKE AT THE PRIOR CONTINUED MEETING. I GAVE YOU A COPY OF THAT. MY CONCERN IS NOW THAT YOU CAN CLOSE YOUR MEETING AND YOU CAN GO

IN THE BACK ROOM AND YOU CAN CONTINUE DEALING WITH THIS DEVELOPER WHO SAYS TAKE ALL OF THIS OUT BEFORE YOU APPROVE IT OR WE'LL SUE YOU, AND THAT'S WHAT YOU'RE GOING TO DO, YOU'RE GOING TO GO TO THE BACK ROOM AND SAY WE HAVE TO DO THIS BECAUSE IT'S AGAINST THE LAW, WE SHOULD HAVE HAD THAT OPEN AND OUT IN THE FRONT AT THIS MEETING, YOU DENIED US THAT AVAILABILITY. WE JUST SAT THROUGH 6 HOURS OF TRIVIAL PURSUIT WHEN YOU SHOULD HAVE BEEN LOOKING AT ALL OF THE STUFF I GAVE YOU AND REALLY GETTING INTO WHAT'S HAPPENED. THIS HAS BEEN A MONEY CAMPAIGN, NOT AN INTELLECTUAL ONE. AN HONEST DISCUSSION HAS NOT PREVAILED. THE PUBLIC DOES VOTE AND SOME LOCAL POLITICIANS WILL HAVE TO ADDRESS AT THE BALLOT BOX, BUT WE SHOULD HAVE BEEN ABLE TO ADDRESS THAT INFORMATION AND I REALLY WANT TO SEE HOW MUCH I READ IT ALL, THAT WHOLE THING FROM THAT DEVELOPER CLEARLY STATING THIS IS AGAINST THE LAW AND I WANT TO -- I'LL READ IT, FOR THE FOREGOING REASONS, WE REQUEST THAT THE REGIONAL PLANNING COMMISSION REMOVE ALL OF THE UNLAWFUL CONDITIONS PROPOSED BY STAFF FROM THE CONDITIONAL USE PERMIT PRIOR TO THE CONDITIONS OF APPROVAL. THANK YOU FOR YOUR ATTENTION TO THESE IMPORTANT MATTERS. I GUESS THEY WEREN'T IMPORTANT ENOUGH TO LET THE PUBLIC HEAR.

>> CHAIR SMITH: THANK YOU. NO OTHER CARDS? WITH THAT, WEAL MOVE TO ITEM NUMBER 9, CALL FOR REVIEW? SEEING NONE, ANY CONTINUATION OF REPORTS? DIRECTOR OR COUNTY COUNSEL? WITH THAT, WE ARE

ADJOURNED TO 9:00 A.M. WEDNESDAY APRIL 26, 2017. THANK YOU. (
MEETING IS ADJOURNED).