



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl AICP
Director of Planning

December 21, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John C. Funk
Weston Benshoof
333 South Hope Street, Sixteenth Floor
Los Angeles, CA 90071

RE: CONDITIONAL USE PERMIT CASE NO. 00-194-(5)
Sunshine Canyon Landfill, 14747 San Fernando Road, Newhall Zoned District

Dear Applicant:

The Regional Planning Commission, by its action of December 21, 2005, **DENIED** the above described conditional use permit case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

Samuel Dea
Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings for Denial

SZD:MBM

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

CONDITIONAL USE PERMIT CASE NO. 00-194-(5)

COMMISSION HEARING DATES:

December 1, 2004, January 12, 2005, April 6, 2005, August 10, 2005, and November 3, 2005

SYNOPSIS:

The applicant, Browning Ferris Industries ("BFI"), has requested a Conditional Use Permit to authorize modifications to Conditional Use Permit 86-312 which authorizes the operation of the Sunshine Canyon landfill, a Class III landfill. The landfill property straddles the jurisdictional boundary line between the County and the City of Los Angeles. Landfill operations are currently taking place as two separate landfills; one in the County portion of the property, as provided for by the County CUP and also in the City as provided by a City Ordinance. In 1993, at the time of approval of the County CUP, the Board of Supervisors contemplated the development of a combined City/County landfill and directed the permittee to pursue City land use entitlements for such development. In 1999 the City Council approved a General Plan amendment and zone change allowing the establishment of a City as well as for a future joint City-County landfill. The applicant is requesting modifications to the County CUP to facilitate the development of a combined City-County landfill and to make the permit consistent with the City approved entitlements.

The subject property is located at 14747 San Fernando Road in the Granada Hills area of unincorporated Los Angeles County and within the Newhall Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

December 1, 2004 Public Hearing

A duly noticed public hearing was held. All Commissioners were present. The Commission heard presentations from County Staff, the applicant's presentation as well as testimony from proponents of the project. The hearing was continued to January 12, 2005 to be held in the community at the Granada Hills High School.

January 12, 2005 Public Hearing

The continued public hearing was held on January 12, 2005 at the Granada Hills High School. Commissioner Bellamy was absent. The Commission heard continued testimony from proponents and opponents to the project. The hearing was continued to April 6, 2005.

April 6, 2005 Public Hearing

The continued public hearing was held on April 6, 2005. All Commissioners were present. The Commission heard testimony both in favor of and in opposition to the project. The hearing was continued to August 10, 2005 to allow a review of the proposed fees for the project.

August 10, 2005 Public Hearing

The continued public hearing was held on August 10, 2005. All Commissioners were present. The Commission heard testimony and thereafter instructed staff to prepare a final draft of the conditions to be made available to the public by October 3, 2005. The hearing was continued to November 3, 2005, with comments to be limited to the conditions.

November 3, 2005 Public Hearing

The continued public hearing was held on November 3, 2005. Commissioner Bellamy was absent. The Commission heard testimony opposed to the project and a rebuttal from the applicant. After Commission discussion motions to approve and deny the project both failed (2-2 to deny, 2-2 to approve). The public hearing was closed and the item continued to November 21, 2005 for voting purposes. Commissioner Bellamy was instructed to listen to the tapes of the November 3, 2005 proceedings.

November 21, 2005 Discussion/Action

A duly noted continued discussion was held on November 21, 2005. All Commissioners were present. After deliberation, the Planning Commission expressed its intent to **DENY** the request by a vote of 3-2, and instructed staff to prepare findings for denial.

Findings:

1. The applicant is requesting modifications to a previously approved CUP No. 86-312-(5). The requested modifications generally fall into the following four categories:
 - a. To increase the amount of waste permitted to be filled within the County's jurisdiction on a daily basis from 6,000 tons to 12,100 tons and from 36,000 tons to 66,000 tons on a weekly basis. This quantity of waste would be the aggregate sum of waste intake approved by both the County and the City and could be disposed of anywhere within the footprint of the overall landfill, irrespective of jurisdiction. A larger total working face area is also requested.
 - b. New conditions consistent with measures imposed by the City to reduce environmental impacts, such as a reduction in operating hours.
 - c. Refinements to the permit which would eliminate limitations and requirements having no benefit, such as watering of surfaces on rainy days; and

- d. Changes to the conditions of approval which recognize unusual circumstances that may require temporary extended hours or increases in tonnage.

In addition to the amendments requested by the applicant, staff also recommended modifications and additional conditions as a result of the County's involvement with solid waste management issues including compliance with AB 939 requirements.

2. The subject property is located adjacent to and southwest of the interchange of the I-5 (Golden State) and Route 14 (Antelope Valley) Freeways, near the communities of Sylmar and Granada Hills and in the Newhall Zoned District. Access to the County landfill is taken at 14747 San Fernando Road.
3. The applicant's overall property consists of an area of approximately 1,528 acres. The property is divided between the City and County of Los Angeles. The City portion encompasses an area of approximately 494 acres and the County area is 1,034 acres in size. The landfill facility area, approved under the County CUP, is 542 acres. The 492 acre balance of the applicant's current ownership/ control area, within unincorporated territory, is to remain undeveloped. The approved County only landfill footprint area is approximately 215 acres, exclusive of support facility sites, approved with a then-estimated waste capacity of 16.9 million tons.
4. The site is characterized by hilly terrain. The property takes access from San Fernando Road within the City. A paved driveway leads from the gated entry to the scale house and scales, and then to administrative facilities and a caretaker house, both of which are presently located within the County. As the landfill operations proceed, the administrative facilities, caretaker house and scale house and scales would eventually be relocated to the southeast, within the City portion of the site, and the driveway realigned accordingly.
5. The subject property is zoned A-2-2 (Heavy Agricultural-Two Acre Required Area).
6. The surrounding properties to the north, south and west of the subject site are zoned A-2. Properties to the southeast of the subject site are located in the City of Los Angeles and are zoned [T] [Q] M3-1-0 (Heavy Industrial)
7. The subject site is presently developed as an operating Class III (non-hazardous) landfill.
8. Surrounding land uses consist of:

North: Open Space, 5-Freeway;

South: Open Space (Bee Canyon - containing 490 acres of permanent open space), gas storage fields, O'Melveny Park, City landfill, a 100-acre buffer area, beyond which are single-family homes in Granada Hills;

East: City portion of landfill, I-5 and SR-14 Freeways; and

West: Open Space (East Canyon – 430 acres of permanent open space)

9. The zoning history on the subject property include the following:

- *Compound Plan Amendment No. 90-2-(5) and Sub-Plan Amendment No. 86-312-(5)*

These amendments to the Los Angeles County General Plan were adopted by the Board of Supervisors in 1993 to allow for the extension of Sunshine Canyon landfill, an existing Class III landfill, into the unincorporated territory of the County of Los Angeles on the subject property. The landfill extension area of approximately 542 acres of land was located entirely within the land designated as Significant Ecological Area No. 20 - Santa Susana Mountains, on the County's General Plan. The Board amended the Los Angeles County General Development Policy Map, the Land Use Policy Map, the Special Management Areas Map, and Santa Clarita Valley Area Map. The subject site was re-designated to Non-Urban Hillside on the General Development Policy Map, Rural (Non-Urban) on the Land Use Policy Map, Hillside Management (HM) on the Special Management Areas and as HM on the Santa Clarita Valley Area Map. In the resolution adopted by the Board, among numerous other findings, it was found that the deleted SEA area represented approximately 2.5 % of SEA 20, that deletion of the area would not substantially inhibit gene flow and wildlife movement and that in light of the impending waste disposal crisis within the County of Los Angeles, the deletion of the area from the SEA was in the public interest (Finding No 11 of the Findings and Order of the County Board of Supervisors adopted on November 30, 1993).

County General/ Local Plan Amendments 1993		
	<i>Changed From</i>	<i>To</i>
<i>General Development Policy Map</i>	Significant Ecological Areas	Non-Urban Hillside
<i>Land Use Policy Map</i>	Significant Ecological Areas	Rural (non-Urban)
<i>Special Management Areas</i>	Significant Ecological Areas	Hillside Management (HM)
<i>Santa Clarita Valley Area Plan</i>	HM/ SEA	HM

The Board also re-designated the 542 acres of the subject landfill as a planned landfill extension site on the Solid Waste Management Plan Map.

- *Conditional Use and Oak Tree Permit No. 86-312-(5)*

A Conditional Use Permit and an Oak Tree Permit were approved by the Board of Supervisors in 1993 to allow for the extension of Sunshine Canyon landfill into the unincorporated area of the County of Los Angeles. The approved landfill consists of a 215 acre landfill footprint with an estimated net airspace capacity of 16.9 million tons and an average daily waste disposal intake of 6,000 tons (36,000 tons per week based on a 6-day week). The Oak Tree Permit authorized the removal of an estimated 2,850 oak trees from the subject site in order to provide for the extension of the landfill into the County area. The conditions of approval include provisions for replacement of removed trees, protection of the remaining oak trees located on the subject site and a program for the enhancement of the regional oak tree resources. An environmental impact report (EIR) was originally prepared which addressed the environmental impacts of a larger 215 million ton landfill within both the unincorporated area and the City of Los Angeles with alternatives thereto.

The Board initially approved the project on February 19, 1991 including certification of the Final EIR, adoption of plan amendments (Compound Plan Amendment 90-2-(5) and Sub-Plan Amendment 86-312-(5)) and approval of the requisite project permits (CUP and Oak Tree Permit 86-312-(5)) on Call for Review from the Regional Planning Commission's previous approval action on October 11, 1990. Following the County approvals, a lawsuit was filed by the North Valley Coalition of Concerned Citizens as well as the City of Los Angeles, challenging the Board's decision. The initial County approvals and permits were then vacated pursuant to a Peremptory Writ of Mandate by the Superior Court of California, County of Los Angeles on April 22, 1992. An Additional Environmental Analysis to the FEIR document was subsequently prepared by the County to bring the FEIR into compliance with the Writ. The Regional Planning Commission then held additional hearings on the project and again recommended approval to the Board of Supervisors on August 4, 1993. The Board, in turn, also held additional hearings and recertified the FEIR and re-approved the project including the plan amendment and the project permits on November 30, 1993.

The Board of Supervisors, in addition to approving a 16.9 million ton design, illustrated by a site plan marked Exhibit "A", also provided for an alternate design, illustrated by a site plan marked Exhibit "A" Alternate. Exhibit "A" Alternate recognized a combined City/County landfill estimated at 35 million tons on the County side with 70 million tons total. The design of the landfill on the city side was conceptual as it was unknown, at that time, what the City would actually approve. Further, as a condition of approval of the CUP, the

Board required that the applicant diligently pursue appropriate entitlements from the City of Los Angeles to allow for the development of a joint City/County landfill. As directed, the applicant filed for the approval of a Plan Amendment and Zoning Ordinance #172933 to allow a landfill expansion in the City and a Subsequent Environmental Impact Report (SEIR) was prepared. Subsequently, the City Council granted the necessary entitlements in December 1999, allowing for the City and joint City/County landfill.

Exhibit "A" of CUP 86-312 is the approved County design which is currently being developed by the operator of the landfill reflecting an initial 16.9 million ton capacity increment approved by the County. However, Condition 10b.of the CUP stipulates the following:

"...Should the City of Los Angeles approve a fill design which, projected into unincorporated territory, would overlay the fill shown on Exhibit "A", without further action by the County to amend this grant the permittee may, as necessary to complete the City authorized design, extend the horizontal and vertical limits of fill in unincorporated territory to but not beyond those shown on Sequence 2, Drawing 3A, revised February 4, 1991, attached as Exhibit "A" (Alternate)...."

As provided in the above-referenced condition the permittee is authorized to use a 42-acre bridge area only as necessary to complete a City authorized design that projects into County unincorporated territory and overlays the bridge area.

- *Conditional Use Permit 94-128*

Conditional Use Permit 94-128 was approved by the Board of Supervisors on March 5, 1996. The permittee proposed a modification to the previously approved CUP 86-312-(5). The applicant requested the deletion of condition 10d, which prohibited the disposal of trash generated within the City of Los Angeles. No other changes were sought by the applicant at the time. Condition 10d had its origins in a Memorandum of Cooperation and Joint Powers Agreement between the City and the County. The Agreements stated that if the City Parcel of the landfill had not been permitted for operation by January 1, 1993, then City-operated Solid Waste collection vehicles should be excluded from the County Parcel.

10. The Los Angeles County General Plan Land Use Policy Map currently designates the landfill portion (542 acres) of the property as Non-Urban. The remainder of the property is designated as SEA. The Santa Clarita Valley Area Plan Land Use map similarly depicts the subject site as Non-Urban Hillside Management and SEA.
11. The General Plan recognizes many non-residential uses can be located in a non-urban hillside management area. Waste disposal facilities are one of the uses

that are allowed within these designated areas. The General Plan further states that new and expanded landfill sites shown on the plan maps are potential only and must be evaluated for possible impacts before actual approval. The General Plan states that "The criteria to be applied by the Regional Planning Commission in considering an application include the regional and local need for the specific waste facility as well as the potential impacts the use will have on the community. Regional need should not outweigh the impact on the community and potential hazards should be given greater consideration than the regional need."

12. The Commission finds that the proposed modifications to Conditional Use Permit 86-312 do not meet the stated criteria. The Commission finds that a need for the waste facility exists, but that traffic impacts have not been mitigated to acceptable levels and that the lack of a specific closure date or a maximum tonnage limit will have significant negative impact on the community.
13. The Los Angeles County Department of Regional Planning determined that the proposed revisions required the preparation of an Addendum to the previously certified Final Environmental Impact Report, or FEIR, and also the City's Subsequent EIR.
14. Traffic impacts identified in the environmental documents as related to the landfill are located in the City of Los Angeles and have previously been determined mitigated as required in the EIRs. The Commission finds that more vehicle trips will result from the proposed project causing new adverse traffic impacts.
15. As part of the proposed conditions, the applicant would be required to remit \$.50 per ton which would be used for traffic related mitigation in the future. The proposed fees to be used for traffic improvements will not resolve existing and future traffic impacts caused by the proposed modified landfill operation.
16. The Commission finds that the development of additional transfer stations, as a joint effort with the City of Los Angeles, would assist in reducing the number of vehicle trips and impacts on roadways surrounding the landfill.
17. While a requirement of the existing CUP 86-312, the Commission finds that the estimated 90 million ton capacity for the landfill will be exceeded depending on compaction rates for the material deposited at the landfill, thereby extending the life of the landfill.
18. The Commission received extensive correspondence opposed to the proposed project and also heard concerns from local residents and the North Valley Coalition, which represents surrounding communities, about traffic, other environmental impacts related to the project as well as a request for a finite closure date.

19. The Commission has recommended to the North Valley Coalition, in deliberations, to work with the City of Los Angeles, and try to find areas within the San Fernando Valley, where much of the waste going in to Sunshine Canyon Landfill is coming from, and identify where Materials Recovery Facilities may be located. This would limit the flow of trucks going to the landfill and help resolve the traffic situation.
20. The Commission is concerned that there are many uncertainties related to the proposed project, such as how many years the landfill will be operating and how much tonnage would be allowed to be placed in the County landfill.
21. The Commission visited and toured the landfill and surrounding areas on March 28, 2005.
22. The Commission is aware that there is a currently valid Conditional Use Permit, which will continue to allow landfilling on the County side. The terms and conditions of that CUP will continue to be in force including the implementation of condition 10b which will allow the landfill on the County side to increase its total capacity to approximately 35 million tons.
23. The Commission finds that while a need exists for the landfill, the modified project will not serve the needs of the local community as proposed and finds that the applicant has not met the Burden of Proof for a Conditional Use Permit.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

1. That the proposed use will not be consistent with the Los Angeles County General Plan; and
2. That the requested use at the proposed location will adversely affect the health, peace, comfort, and welfare of persons residing and working in the surrounding area, and will be materially detrimental to the use, enjoyment, and valuation of property of other persons located in the vicinity of the site, and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 00-194-(5) is **DENIED**.

VOTE: 3-2

Concurring: Rew, Helsley, Modugno

Dissenting: Valadez, Bellamy

Abstaining: none

Absent: none

Action Date: December 21, 2005

SD:MBM
12/21/2005

STAFF ANALYSIS

PROJECT NUMBER

00-194-(5)

CASE NUMBER

Conditional Use Permit No. 00-194-(5)

PROJECT DESCRIPTION

The applicant, Browning Ferris Industries of California, Inc.(BFI), a subsidiary of Allied Corporation, has filed a conditional use permit application to modify conditions of approval of the previously approved Conditional Use Permit (CUP) No. 86-312-(5). CUP 86-312-(5) was approved by the Board of Supervisors in 1993 for the extension of Sunshine Canyon Landfill, a Class III non-hazardous solid waste landfill facility, into the unincorporated area of the County. The landfill property straddles the jurisdictional boundary line between the County and the City of Los Angeles. Landfilling operations are currently taking place in the County portion of the property, as provided for by the County CUP. The City portion has contained an inactive landfill since 1991 when the City zone variance expired and the landfill was closed down.

In 1993, at the time of approval of the County CUP, the Board of Supervisors contemplated the development of a combined City/ County landfill and directed the permittee to pursue City land use entitlements for such development. In 1999 the City Council approved a General Plan amendment and zone change allowing the establishment of a City as well as for a future joint City-County landfill. As of August 2004 the applicant had obtained all necessary building permits and clearances to start grading and construction in preparation for the opening of the City landfill. Staff has recently been informed that grading for infrastructure on the City side has commenced and is ongoing. The anticipated date for start of operations is in or around April or May of 2005. The applicant is now requesting modifications to the County CUP to facilitate the development of a combined landfill and to make the permit consistent with the City approved entitlements.

In addition to the applicant's request, County Department staff, consisting of Regional Planning, in collaboration with the Chief Administrative Office, the County Counsel, Public Works, Health Services (Local Enforcement Agency), and Parks and Recreation are recommending alternative conditions more fully described below and included as an attachment to this report.

RELATED ACTIONS PROPOSED BY THE APPLICANT

In addition to the requested conditional use permit two additional actions by the County and City of Los Angeles are required to initiate the applicant's proposal:

1. The applicant will need to have an Agreement approved between the City and County of

Los Angeles establishing a revenue-sharing arrangement whereby the required tipping fees of each jurisdiction are pro-rated allowing for a streamlined approach to the disbursement of fees. The revenue sharing arrangement would complement the proposed reciprocal disposal of refuse between the two jurisdictions described above. The Chief Administrative Office will be the lead on preparing the Agreement and taking it forward for approval by the Board of Supervisors. The City Council would also need to approve it. The specifics of the Agreement are currently pending and would depend on the outcome of the subject CUP application.

2. The applicant will seek to have the County and City of Los Angeles create a combined Local Enforcement Agency (LEA) to oversee the operation of the County-City Project. Currently, the City and County LEAs function independently of each other, within their respective jurisdictions. The proposed combined LEA will require the approval of the Board of Supervisors, the City Council and the California State Integrated Waste Management Board, as Local Enforcement Agencies are an extension of that state agency. The County Counsel is currently the lead in this matter and is working with the County Health Services Department as well as the City of Los Angeles to prepare the necessary documents.

DESCRIPTION OF THE SUBJECT PROPERTY

The applicant's overall property consists of an area of approximately 1,528 acres. The property is divided between the City and County of Los Angeles. The City portion encompasses an area of approximately 494 acres and the County area is 1,034 acres in size. The landfill facility area, approved under the County CUP, is 542 acres. The 492 acre balance of the applicant's current ownership/ control area, within unincorporated territory, is to remain undeveloped. The approved County only landfill footprint area is approximately 215 acres, exclusive of support facility sites, approved with a then-estimated waste capacity of 16.9 million tons.

Overall Property	County area	City area	Landfill area within County	Landfill footprint area
1,528 acres	1,034 acres	494 acres	542 acres	215 acres

The subject property is located adjacent to and southwest of the interchange of the I-5 (Golden State) and Route 14 (Antelope Valley) Freeways, near the communities of Sylmar and Granada Hills and in the Newhall Zoned District. Access to the County landfill is taken from San Fernando Road.

The site is characterized by hilly terrain. The property takes access from San Fernando Road within the City. A paved driveway leads from the gated entry to the scale house and scales, and then to administrative facilities and a caretaker house, both of which are presently located within the County. As the landfill operations proceed, the administrative facilities, caretaker house and scale house and scales will eventually be relocated to the southeast, within the City portion of the site, and the driveway will be realigned accordingly.

ENTITLEMENTS REQUESTED

The applicant is requesting modifications to a previously approved CUP No. 86-312-(5). The requested modifications, as described in the application, generally fall into the following four categories:

- (1) To increase the amount of waste permitted to be filled within the County's jurisdiction on a daily basis from 6,000 tons to 12,100 tons and from 36,000 tons to 66,000 tons on a weekly basis. This quantity of waste would be the aggregate sum of waste intake approved by both the County and the City and could be disposed of anywhere within the footprint of the overall landfill, irrespective of jurisdiction. A larger total working face area is also requested.
- (2) New conditions consistent with measures imposed by the City to reduce environmental impacts, such as a reduction in operating hours.
- (3) Refinements to the permit which would eliminate limitations and requirements having no benefit, such as watering of surfaces on rainy days; and
- (4) Changes to the conditions of approval which recognize unusual circumstances that may require temporary extended hours or increases in tonnage.

In addition to the amendments requested by the applicant, staff is also recommending modifications and additional conditions which are a result of the County's involvement with solid waste management issues including compliance with AB 939 requirements.

EXISTING ZONING

Subject Property

The subject property is zoned A-2-2 (Heavy Agricultural-Two Acre Required Area).

Surrounding Properties

The surrounding properties to the north, south and west of the subject site are zoned A-2. Properties to the southeast of the subject site are located in the City of Los Angeles and are zoned [T] [Q] M3-1-0 (Heavy Industrial)

EXISTING LAND USES

Subject Property

The subject site is presently developed as an operating Class III (non-hazardous) landfill.

Surrounding Properties

North: Open Space, 5-Freeway

South: Open Space (Bee Canyon - containing 490 acres of permanent open space), gas storage fields, O'Melveny Park. To the immediate south of the inactive City landfill is a 100-acre buffer area, beyond which are single-family homes in Granada Hills.

East: City portion of landfill, I-5 and SR-14 Freeways

West: Open Space (East Canyon – 430 acres of permanent open space)

PREVIOUS CASES/ ZONING HISTORY

Compound Plan Amendment No. 90-2-(5) and Sub-Plan Amendment No. 86-312-(5)

These amendments to the Los Angeles County General Plan were adopted by the Board of Supervisors in 1993 to allow for the extension of Sunshine Canyon landfill, an existing Class III landfill, into the unincorporated territory of the County of Los Angeles on the subject property. The landfill extension area of approximately 542 acres of land was located entirely within the land designated as Significant Ecological Area No. 20 - Santa Susana Mountains, on the County's General Plan. The Board amended the Los Angeles County General Development Policy Map, the Land Use Policy Map, the Special Management Areas Map, and Santa Clarita Valley Area Map. The subject site was re-designated to Non-Urban Hillside on the General Development Policy Map, Rural (Non-Urban) on the Land Use Policy Map, Hillside Management (HM) on the Special Management Areas and as HM on the Santa Clarita Valley Area Map. In the resolution adopted by the Board, among numerous other findings, it was found that the deleted SEA area represented approximately 2.5 % of SEA 20, that deletion of the area would not substantially inhibit gene flow and wildlife movement and that in light of the impending waste disposal crisis within the County of Los Angeles, the deletion of the area from the SEA was in the public interest (Finding No 11 of the Findings and Order of the County Board of Supervisors adopted on November 30, 1993).

General/ Local Plan Amendments		
	<i>Changed From</i>	<i>To</i>
<i>General Development Policy Map</i>	Significant Ecological Areas	Non-Urban Hillside
<i>Land Use Policy Map</i>	Significant Ecological Areas	Rural (non-Urban)
<i>Special Management Areas</i>	Significant Ecological Areas	Hillside Management (HM)
<i>Santa Clarita Valley Area Plan</i>	HM/ SEA	HM

The Board also re-designated the 542 acres of the subject landfill as a planned landfill extension site on the Solid Waste Management Plan Map.

Conditional Use and Oak Tree Permit No. 86-312-(5)

A Conditional Use Permit and Oak Tree Permit was approved by the Board of Supervisors in 1993 to allow for the extension of Sunshine Canyon landfill into the unincorporated area of the County of Los Angeles. The approved landfill consists of a 215 acre landfill footprint with an estimated net airspace capacity of 16.9 million tons and an average daily waste disposal intake of 6,000 tons (36,000 tons per week based on a 6-day week). The Oak Tree Permit authorized the removal of an estimated 2,850 oak trees from the subject site in order to provide for the extension of the landfill into the County area. The conditions of approval include provisions for replacement of removed trees, protection of the remaining oak trees located on the subject site and a program for the enhancement of the regional oak tree resources. An environmental impact report (EIR) was originally prepared which addressed the environmental impacts of a larger 215 million ton landfill within both the unincorporated area and the City of Los Angeles with alternatives thereto.

The Board initially approved the project on February 19, 1991 including certification of the Final EIR, adoption of plan amendments (Compound Plan Amendment 90-2-(5) and Sub-Plan Amendment 86-312-(5)) and approval of the requisite project permits (CUP and Oak Tree Permit 86-312-(5)) on Call for Review from the Regional Planning Commission's previous approval action on October 11, 1990. Following the County approvals, a lawsuit was filed by the North Valley Coalition of Concerned Citizens as well as the City of Los Angeles, challenging the Board's decision. The initial County approvals and permits were then vacated pursuant to a Peremptory Writ of Mandate by the Superior Court of California, County of Los Angeles on April 22, 1992. An Additional Environmental Analysis to the FEIR document was subsequently prepared by the

County to bring the FEIR into compliance with the Writ. The Regional Planning Commission then held additional hearings on the project and again recommended approval to the Board of Supervisors on August 4, 1993. The Board, in turn, also held additional hearings and recertified the FEIR and re-approved the project including the plan amendment and the project permits on November 30, 1993.

The Board of Supervisors, in addition to approving a 16.9 million ton design, illustrated by a site plan marked Exhibit "A", also provided for an alternate design, illustrated by a site plan marked Exhibit "A" Alternate. Exhibit "A" Alternate recognized a combined City/County landfill estimated at 35 million tons on the County side with 70 million tons total. The design of the landfill on the city side was conceptual as it was unknown, at that time, what the City would actually approve. Further, as a condition of approval of the CUP, the Board required that the applicant diligently pursue appropriate entitlements from the City of Los Angeles to allow for the development of a joint City/County landfill. As directed, the applicant filed for the approval of a Plan Amendment and Zoning Ordinance #172933 to allow a landfill expansion in the City and a Subsequent Environmental Impact Report (SEIR) was prepared. Subsequently, the City Council granted the necessary entitlements in December 1999, allowing for the City and joint City/County landfill. The approvals allow development to occur in two phases described in the approvals.

It should be noted that Exhibit "A" of CUP 86-312 is the approved County design which is currently being developed by the operator of the landfill reflecting an initial 16.9 million ton capacity increment approved by the County. However, Condition 10b.of the CUP stipulates the following:

"...Should the City of Los Angeles approve a fill design which, projected into unincorporated territory, would overlay the fill shown on Exhibit "A", without further action by the County to amend this grant the permittee may, as necessary to complete the City authorized design, extend the horizontal and vertical limits of fill in unincorporated territory to but not beyond those shown on Sequence 2, Drawing 3A, revised February 4, 1991, attached as Exhibit "A" (Alternate)...."

As provided in the above-referenced condition the permittee is authorized to use a 42-acre bridge area only as necessary to complete a City authorized design that projects into County unincorporated territory and overlays the bridge area. The applicant has requested authorization to proceed with solid waste operations in the landfill bridge area, claiming the criteria for condition 10b has been met. However, the Department of Regional Planning in consultation with the Department of Public Works has determined that no landfilling activity can take place in the subject bridge area until the City allows Phase II to proceed. A further determination would have to be made that it is necessary to extend into the bridge area to implement Phase II.

Notwithstanding the above, the applicant has now filed for a new Conditional Use Permit which would allow for the reciprocal disposal of refuse and for the revision of certain conditions as well as additional actions as described herein.

Conditional Use Permit 94-128

Conditional Use Permit 94-128 was approved by the Board of Supervisors on March 5, 1996. The permittee proposed a modification to the previously approved CUP 86-312-(5). The applicant requested the deletion of condition 10d, which prohibited the disposal of trash generated within the City of Los Angeles. No other changes were sought by the applicant at the time. Condition 10d

had its origins in a Memorandum of Cooperation and Joint Powers Agreement between the City and the County. The Agreements stated that if the City Parcel of the landfill had not been permitted for operation by January 1, 1993, then City-operated Solid Waste collection vehicles should be excluded from the County Parcel. The issue of the restriction of receipt of out-of County waste at the landfill should have been returned to the Board of Supervisors for further consideration within five years of approval of CUP 94-128 as a condition of approval, but staff is recommending the review be included as part of the current CUP, versus initiating a separate review process.

Inspection File No. EF010504

A Notice of Violation was sent on April 5, 2001 to BFI, the operator of the landfill. The Zoning Enforcement Section of the Department of Regional Planning received complaints of existing violations at the landfill in March, 2001. The complaints were forwarded from City Attorney James K. Hahn's office and included a request to revoke or modify CUP 86-312-(5) due to 24 inspection reports from the Local Enforcement Agency (LEA) dated from 9/20/99 through 10/18/00, including two (2) *Notices of Violation* and seven (7) *Notices to Comply* from the AQMD, citing various violations such as excess methane gas levels, dump trucks obstructing the road, excavation without permits, lack of adequate lighting at night, lack of adequate personnel training and reporting procedures.

On May 9, 2001 BFI provided an itemized report of corrective actions to DRP in response to the Notice of Violation issued on April 5, 2001. This included all corrective actions that were undertaken since their receipt of the Notice. On May 23, 2001 the LEA informed DRP that BFI had complied with all of the cited violations which the LEA issued prior to this date, with exception of the excessive gas emissions from the landfill, the LEA later attributed the gas emissions to existing natural gas, rather than to landfill operations.

Inspection File No. EF041754

A Notice of Violation was sent on September 29, 2004 to the operator, BFI after inspections by the Department of Public Works (DPW) reported that landfill operations had commenced in the Phase IV area without first acquiring approved grading and drainage plans. The DPW also reported that stockpiling was being conducted in areas not approved for such use. BFI was instructed to immediately submit plans and obtain approvals for stockpiling, revised grading and drainage design and construction plans to comply with the DPW requirements. On October 19, 2004 the applicant requested an extension of time to respond to the notice of violation. An extension was granted until November 30, 2004.

GENERAL PLAN

The Los Angeles County General Plan Land Use Policy Map currently designates the landfill portion (542 acres) of the property as Non-Urban. The remainder of the property is designated as SEA. The Santa Clarita Valley Area Plan Land Use map similarly depicts the subject site as Non-Urban Hillside Management and SEA.

Land Use Policy Map

Prior to the issuance of the CUP 86-312-(5), the subject landfill was located entirely within the area designated as SEA No. 20 on the County General Plan. To provide for the extension of the landfill in the unincorporated County area, the Board of Supervisors granted the deletion of 542 acres from the SEA. The Board amended the General Plan Policy, Land Use Policy, Special Management Areas and Santa Clarita Valley Maps of the Los Angeles County General

Plan to exclude the subject site from the SEA. It was found by the Board that the deletion of the subject area from the SEA was in the public interest to avoid any impending waste disposal crisis within the County of Los Angeles. The General Plan amendment re-designated the subject area as Hillside Management, Non-Urban Hillside and Non-Urban.

Pertinent Policies

The Plan provides the following guidance for non-residential uses in non-urban areas:

- a. Typical uses include industrial activities requiring remote or secluded locations.
- b. The proposed site should be appropriately landscaped 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.
- c. Consideration should be given to appropriate hours of operation.

Sufficient Commercial and Industrial Lands

A stated goal of the General Plan is to provide commercial and industrial lands sufficient to accommodate the projected labor force. A number of policies in the General Plan provide guidelines for commercial and industrial lands:

“To provide commercial and industrial lands sufficient to accommodate the projected labor force.”

(Page LU-4, Streamlined Edition)

The Plan also provides policies that protect industrial lands and solid waste facilities:

“Protect prime industrial lands from encroachment of incompatible uses.”

(Policy 4, Page III-11, 1980 General Plan, Policy 7, Page LU-5, Streamlined Edition)

“Protect major landfill and solid waste disposal sites from encroachment of incompatible uses.”

(Policy 12, 1980 Edition, Page III012; Policy 9, Page LU-5, Streamlined Edition)

Quality, Compatible Design

The General Plan also recognizes a need to maintain, to the greatest extent feasible, compatibility between residential and non-residential uses:

“Assure that new development is compatible with natural and manmade environment by implementing appropriate location controls and high quality design standards”

(Policy 7, page III-12, 1980 General Plan; Policy 14, page LU-5, Streamlined Edition)

“Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic.”

(Policy 8, Page III-12, 1980 Edition; Policy 15, Page LU-5 Streamlined Edition)

“Promote planned industrial development in order to avoid land use conflicts with neighboring activities”

(Policy 11, Page III-12, 1980 Edition; Policy 16, Page LU-5, Streamlined Edition)

Public Facilities

The General Plan Solid Waste Management Plan Map enumerates existing transfer stations and landfill facilities and identifies needed mitigations, protection as well as the need for improvements to the system:

“Encourage private firms and public agencies providing water and waste management services to cooperate with all levels of government establishing, enacting and enforcing consistent standards and criteria”

(Policy 3, Page PF-8, 1980 Edition, Streamlined Edition)

“Promote solid waste technology, including source reduction, to reduce dependence on sanitary landfills”

(Policy 12, Page PF-9, 1980 Edition, Streamlined Edition)

The General Plan recognizes many non-residential uses can be located in a non-urban hillside management area. Waste disposal facilities are one of the uses that are allowed within these designated areas. The General Plan further states that new and expanded landfill sites shown on the plan maps are potential only and must be evaluated for possible impacts before actual approval. The General Plan states that “The criteria to be applied by the Regional Planning Commission in considering an application include the regional and local need for the specific waste facility as well as the potential impacts the use will have on the community. Regional need should not outweigh the impact on the community and potential hazards should be given greater consideration than the regional need.”

The currently operating landfill can be found compatible with the stated General Plan policies, and was previously found to be compatible with the items listed above as well as the non-urban hillside management classification of the Santa Clarita Valley Area Plan.

DESCRIPTION OF SITE PLAN

Overview

The site plan submitted by the applicant depicts the 542-acre property within the County, as well as the 494 acre City portion (which is the site of the City landfill). The site plan is intended to be a revised version of Exhibit “A” Alternate, approved as part of CUP 86-312, but now depicting development approved by the City in relation to the conceptual design of Exhibit “A” Alternate. The design of the landfill footprint is intended to be the same as what was approved in Exhibit “A” Alternate within the County side.

A comparison of the conceptual design of Exhibit “A” Alternate and the newly-proposed site plan indicates several differences particularly with respect to the configuration on the City side. In

Exhibit "A" Alternate, the design of the landfill was such that it sloped consistently down the canyon from the County side to the City side. The current site plan, as approved by the City, now depicts a large mound on the City side rather than the aforementioned sloping design. Whereas on Exhibit "A" Alternate the highest elevation on the City side was between 1850 and 1875 MSL, the current site plan, as approved by the City rises to at least 2000 MSL. In addition, due to the differences on the City side, a number of drainage devices, not previously shown on Exhibit "A" Alternate, are now depicted.

The site plan depicts various existing and proposed ancillary facilities, including sedimentation basins, gas flare stations, a nursery for trees, leachate treatment facility, storage tanks, and an environmental learning center.

Consistency with Applicable Zoning Standards

The subject property is located in the A-2-2 (Heavy Agricultural-Two Acre Minimum Required Area). According to Sections 22.24.150 (A) and 22.24.100 (A), Title 22 of Los Angeles county code, solid fill projects are allowed subject to approval of a conditional use permit in these zones. The facility currently operates under a conditional use permit. The request is consistent with zoning requirements.

The subject facility has been previously found by the Board of Supervisors to be consistent with the A-2-2 (Heavy Agriculture) zone as well as the County Zoning Ordinance.

BURDEN OF PROOF

As required by Section 22.56.040 of the Zoning Ordinance the applicant is required to substantiate to the satisfaction of the Regional Planning Commission, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The applicant's response is attached.

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

The applicant's response is attached.

- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

The applicant's response is attached.

ENVIRONMENTAL DOCUMENTATION

Final Environmental Impact Report (FEIR)

An EIR was prepared by the County in 1993, in conjunction with the required land use entitlements to allow for the extension of Sunshine Canyon landfill, into the unincorporated territory of the County of Los Angeles. The EIR was prepared in compliance with the California Environmental Quality Act and State and County guidelines. The report contained a description of the project, its potential environmental impacts and mitigation measures. The Board certified the Final EIR (FEIR) on February 19, 1991 and then again on November 30, 1993. Subsequent to the 1991 approval of the project and the EIR, a law suit was filed, challenging the County's decision. The court required preparation of additional CEQA documents. These documents were prepared by the County and the FEIR was recertified by the Board. A Mitigation Monitoring and Reporting Program (MMRP) and a statement of overriding considerations were also adopted by the Board at the same time.

Subsequent Environmental Impact Report (SEIR)

To facilitate the development of a combined City/County landfill in 1991 the applicant applied for land use entitlements from the City of Los Angeles. The City determined that due to changes in the design and operation of the proposed project, a subsequent EIR (SEIR) was required. In 1999 the City adopted the SEIR and concluded that all impacts of the project except for the regional cumulative air quality impacts, were insignificant after mitigation. The City found that the air quality impacts could not be feasibly mitigated below a level of significance and consequently adopted a statement of overriding considerations in compliance with CEQA.

Addendum to the SEIR

In conjunction with the applicant's request for revisions to CUP 86-312-(5), staff has determined that the proposed revisions require the preparation of an Addendum to the SEIR and FEIR. Since the proposed revisions do not constitute a substantial change to the landfill project, as described in the City certified SEIR, a new Subsequent EIR is not required. The proposed revisions do not substantially change the circumstances under which the project is being undertaken and there is no new information of substantial importance showing significant effects or an increase in significant effects on the environment due to project changes. The Addendum was circulated to the public and various agencies on October 18, 2004. However, no comments have been solicited on this document.

Mitigation Measures

Mitigation monitoring for the following impacts is currently in effect for CUP 86-312-(5):

Geology
Surface Water
Ground Water
Biota
Archeological, Historical and Paleontological Resources
Air Quality
Odor/Landfill Gas
Traffic/Circulation
Noise

Visual
Fire Service
Hazardous materials
Recycling Measures

The updated MMRS, which reflects the proposed condition changes, was distributed to those receiving the Addendum. The MMRS describes in detail each mitigation measure, monitoring action, responsible County Department and timing of mitigation.

It is staff's opinion that the standard for an additional subsequent EIR has not been met because there is no substantial change to the Project described in the certified FEIR as supplemented by the City of Los Angeles' SEIR nor has there been any substantial changes in circumstances or new information. In accordance with CEQA regulations, the County, as a lead agency, will certify the Addendum, and will adopt a statement of overriding considerations for project impacts which cannot be feasibly avoided or substantially lessened pursuant to CEQA Guidelines §15096. The only significant impact of this project identified in the certified FEIR that cannot be feasibly avoided or substantially lessened is the permanent loss of biological resources and the City SEIR found that the cumulative impact on regional air quality cannot be fully mitigated. Therefore, a Statement of Overriding Considerations must be made which concludes that economic, social and other considerations outweigh the unavoidable adverse effects of the landfill. Supporting material is included in the County FEIR and the Final SEIR certified by the City and previous administrative County record.

LEGAL NOTIFICATION

On October 14, 2004, 389 hearing notices were sent to property owners within a 1,000-foot radius of the Sunshine Canyon Landfill. Notices were also sent to 39 other interested community groups and 24 government agencies. A legal advertisement was published in The Daily News on October 16, 2004.

Case related materials (factual, hearing notice, and burden of proof statement) were sent to the Valencia, Newhall, Canyon Country, San Fernando, City of Los Angeles Central Branch, Granada Hills, Sylmar, and Northridge libraries on October 15, 2004 and also posted on the Department of Regional Planning's web site (<http://planning.co.la.ca.us>). The Addendum was available for review at the above-stated libraries starting October 18, 2004.

In addition to the December 1, 2004 initial public hearing, a community public hearing is scheduled for January 12, 2005. The community hearing will be held at the Granada Hills High School located at 10535 Zelzah Avenue, Granada Hills, CA 91344.

PUBLIC COMMENT

To date staff has received four comment letters. One letter states concerns over increased traffic should the landfill be allowed to expand. The other three are letters of support from the cities of Artesia, Vernon, and Alhambra. All letters are included as an attachment to this report.

STAFF EVALUATION

History/Issues

Sunshine Canyon Landfill is owned and operated by Browning-Ferris Industries of California, Inc. ("BFI"), which is now a subsidiary of Allied Corporation. Landfill operations originally

commenced in the City portion of the canyon in 1958 and continued there until the expiration of a City zoning variance in 1991.

In the mid-1980s, BFI proposed an extension of landfill operations into the adjoining County portion of the canyon. In 1986, BFI applied for a conditional use permit and related entitlements (summarized above), and the County caused the preparation of an environmental impact report ("County EIR"). Subsequent to hearings before the Regional Planning Commission, the Board of Supervisors on February 19, 1991, certified the County EIR and approved a project accommodating disposal of an average of 6,000 tons of waste per day (with a 6,600-ton daily maximum), for a total capacity 17 million tons over the landfill's estimated life. The landfill footprint was 215 acres, and the daily working face area was limited to 5 acres.

While approving the 16.9-million ton project solely within the County, the Board of Supervisors also provided for an alternative landfill design that included a continuous fill surface stretching southeasterly from the County portion of the canyon back across the City/County line into the City area where landfilling had already occurred. Such a design would increase the combined City/County landfill capacity to approximately 100 million tons without appreciably expanding its total "footprint."

The alternative City/County conceptual landfill design contemplated by the Board required issuance of complementary entitlements by the City. Accordingly, the County imposed Condition 10b of the CUP. This condition described the alternative fill design, and required BFI to diligently seek entitlements from the City that would allow landfilling back into the City consistent with this design. In the event these approvals were obtained, the permit would automatically allow approximately 18 million tons of additional capacity within the County, through the development of a 42-acre "bridge" area on the County portion adjacent to the City/County boundary, subject to meeting criteria set forth in condition 10b.

The County project was challenged in court by the City of Los Angeles and the North Valley Coalition of Concerned Citizens (NVCCC), a group of nearby residents. In 1992, the court required preparation of additional CEQA documentation. These documents were prepared, and in November 1993 the County EIR was again certified and the project re-approved by the Board of Supervisors.

Subsequent to the County's approvals and in accordance with Condition 10b of the County CUP, BFI in June 1991 filed applications with the City to implement the City portion of a joint City/County landfill as envisioned by the County, including a City general plan amendment and zone change. Although the County EIR had already analyzed a combined City/County landfill, though somewhat larger than that contemplated in the new City application, the City determined that due to certain changes in the design and operation of the proposed project after certification of the County EIR, a subsequent EIR (SEIR) under CEQA would be required to more specifically address these changes.

In July 1997, the Draft SEIR was circulated. Subsequently, the Final SEIR, responding to several hundred individual comments, was published in June 1998. After nine public hearings before various City planning bodies, including the City Zoning Administrator, Planning Commission, City Council Planning and Land Use Management ("PLUM") Committee, and the full City Council, the City certified the SEIR and approved the City/County landfill project on

December 8, 1999. In doing so, the City adopted the SEIR's conclusion that all impacts of the project, except for the regional cumulative air quality impacts, were insignificant after mitigation. As to the air quality impact, the City found it could not be feasibly mitigated below a level of significance, and thus adopted a statement of overriding considerations in compliance with CEQA.

As finally approved by the City of Los Angeles in December 1999, the combined City/County landfill would accommodate a total disposal capacity of approximately 90 million tons, consisting of 55 million tons in the City and 35 million tons in the County. The County portion includes the existing 17-million ton County landfill and the 18-million ton overlay, both of which are authorized by the existing County CUP. Considering both the City and County approvals, a maximum of 12,100 tons may be disposed of per day (with a 66,000 tons weekly maximum) which would result in a 26-year operational life. The landfill footprint encompasses 451 acres: 194 in the City (including part of the old City landfill), and the remaining 257 in the County (including the 215-acre footprint of the operational County landfill, and the pre-approved 42-acre bridge overlay area). The project also provides for a maximum combined working face area of 10 acres.

It is proposed in the City zone change approval that the County and City enter into an agreement, such as a Memorandum of Understanding, to provide for the allocation between the parties of income derived from County and City landfill fees and, if deemed necessary, the joint oversight of landfill operations. The County local enforcement agency ("LEA"), which is the County Department of Health Services, and the City LEA, which is the City Department of Environmental Affairs, have been developing a joint LEA agreement relative to the City/County landfill, including a joint Enforcement Program Plan ("EPP") and other joint operational procedures, that would be incorporated into a Memorandum of Understanding or similar agreement. Concurrently, responsible agencies of the County and City are working on other aspects of the proposed agreement, including a formula for the equitable division of income derived from the operation of the City/County landfill. Any such agreement will require approval by the Board of Supervisors and the Los Angeles City Council.

Although the City approval contemplates that the City and County operations can be combined, it also recognizes that the combination is not certain because it requires additional approvals from the County. Therefore, the City conditions anticipated the possibility that landfill operations in the two jurisdictions will remain separate, and on two separate working face areas. In this event, the City permit provides for disposal of an average of 5,000 tons per day (5,500 tons maximum), and a working face area not to exceed 5 acres.

The City project imposes more than 200 mitigation measures on the landfill operator. Many of these were not recommended by the SEIR, but, rather, were developed to respond to concerns of project opponents, agencies and City council members. For example, in light of comments from the Los Angeles Unified School District about potential health impacts on students at a nearby school, Van Gogh Street Elementary, the City imposed a continuing obligation to monitor air quality at the school. Similarly, due to concerns voiced primarily by Council member Michael Feuer over air quality impacts from diesel equipment, the City imposed a condition requiring conversion of diesel equipment to other fuel sources.

In January 2000, the North Valley Coalition of Concerned Citizens (NVCCC) filed a lawsuit attacking the project approvals. The NVCCC alleged numerous deficiencies in the EIR, and alleged that the project was inconsistent with the City's general plan and zoning. The arguments raised in the petition included the following:

- (1) Notwithstanding the earlier County EIR, the SEIR should have included more analysis of the combined effects of the City/County landfill;
- (2) The SEIR should have anticipated that the County portion of the landfill would eventually be extended to the upper reaches of Sunshine Canyon;
- (3) The alternatives analysis of the SEIR should have included numerous other options, including waste diversion methods such as recycling; additional filling in the upper reaches of the County portion; use of Orange County landfills; use of Chiquita Canyon;
- (4) The SEIR did not contain an adequate analysis of impacts on housing values in the vicinity of the landfill; and
- (5) The project violated various policies and goals of the City's general plan including those involving solid waste and open space.

After a trial on November 15, 2000, Los Angeles Superior Court Judge Dzintra Janavs upheld the project approvals in all respects and dismissed the lawsuit. The court's November 17, 2000 Statement of Decision rejected all of the arguments made by the petitioners and found that the project complied with CEQA and the City's planning and zoning laws. A final judgment in the case was entered on December 11, 2000.

With the City entitlements now complete, the proposed County CUP would provide for development of a combined City/County landfill accommodating up to 90 million tons and involving the development of 257 acres within the County. The CUP revisions now sought would also seek to reconcile the County CUP with certain particulars of the City entitlements, thereby eliminating inefficiencies and facilitating a combined operation.

Proposed Revisions to CUP 86-312-(5) by the Applicant (BFI)

The proposed revisions, by category, are as follows (the numbers in parenthesis refers to new condition number):

1. Adjustments in Limitations on Daily and Weekly Intake Limitations and Total Working Face Area:
 - (17 a) 10e Increasing maximum weekly intake of Class III waste from 36,000 tons to 66,000 tons, in addition to 6,600 tons of inert/exempt materials.
 - (17 a) 10e Limiting the intake of inert/exempt materials to 6,600 tons per week.
 - (17 b) 10f Increasing maximum daily intake from 6,600 tons to 12,100 tons.

- (17) 10g eliminating exclusion for inert/exempt materials from intake limitations, and defining such materials.
- (17c) 10h Allowing Board to increase maximum tonnage if necessary to protect public health and safety or in declared emergency, and removing limitations on tonnage and number of days of overage in such cases.
- (42b) 18b Increasing working face areas from “small contained areas of 2 to 3 acres,” with the potential of increasing to 5 acres, to “a total of approximately 10 acres.”

2. New Environmental Mitigations to Conform to City Approvals:

- (25) 10n Reducing Saturday operating hours from 6 a.m. to 6 p.m. to 7 a.m. to 2 p.m.
- (25) 10n Changing opening of entrance gate from “at least one hour before opening the scales” to exactly one hour prior to times set for opening of scales.
- (25) 10n Changing times for equipment maintenance from 4 a.m. through 12:00 a.m. Monday through Saturday, to 4 a.m. through 9:00 p.m. Monday through Saturday.
- (25) 10n Allowing extended hours as needed to accommodate post-holiday disposal requirements.
- (25) 10n Excluding “equipment repairs” from time-of-day limitations applicable to routine “equipment maintenance.”
- (25) 10n Allowing extended hours when the LEA determines necessary to handle disposal for public and health and safety reasons, regardless of whether such disposal is for “emergency” reasons.
- (42b) 18b Permitting LEA to change the size of working face when necessary to better protect health and safety.
- (42b) 18b Authorizing the LEA to make determination that high wind conditions dictate closing of the working face, or locating working face within areas of minimal wind exposure.
- (42b) 18h Changing requirement that access roads to fill areas be paved, to requirement that they be surfaced with recycled asphalt, aggregate materials, or soil stabilization products.
- (43e) 19e Replacing general requirement of litter fences with a requirement of specific types of fences in specific locations, i.e., 8-foot portable

fence at working face and 4-foot secondary fence behind primary fence, and requiring employment of additional measures as necessary to control litter.

- (46) 22 Requiring presence of staff to respond to neighborhood complaints at all times Monday through Saturday, instead of just during operating hours, and clarifying that such staff shall have ability to correct such complaints.
- (24) 26 Posting of notices to inform waste haulers of rules governing disposal of Unacceptable Waste printed in English and Spanish. The notices also contain a warning that haulers responsible for bringing in such waste shall be prosecuted to fullest extent of the law.

3. Minor Changes to Eliminate Unnecessary Limitations:

- (14) 10b In light of City approvals for combined landfill, deleting language requiring operator to obtain such approvals.
- (42c) 18c Clarifying purpose of moistening of daily cover as being “to retard erosion,” and lifting requirement to moisten daily cover on rainy days.
- (42d) 18d Modifying requirements to moisten active areas and active cover soil stockpiles to exclude rainy days.
- (42e) 18e Changing requirement that soil sealant be applied to previously active dirt areas before days on which landfill will be closed, to “if necessary.”
- (42j) 18j Modifying requirement of watering dirt roads to exclude periods of rainy conditions.

Alternative Conditions Recommended by County

As noted previously in the project description, Inter-Departmental staff of the County of Los Angeles is recommending consideration of alternative conditions. These conditions would be substantially consistent with other similar entitlements that have been heard recently by the Regional Planning Commission, including those conditions required for the Puente Hills Landfill Expansion (CUP 02-027). These recommended conditions would also seek to clarify the terms and conditions previously approved under CUP 86-312 vis-à-vis the terms and conditions of City approvals. Given the uncertainties of City actions in the future as evidenced by published newspaper articles, including the potential termination of City waste contracts with BFI within the next several years, it is important that appropriate conditions be crafted as a contingency for potential future events.

Modifications to the Mitigation Monitoring and Reporting Summary

The Mitigation Monitoring and Reporting Summary which was incorporated by reference in the findings for the 1993 CUP has been modified to incorporate the revised CUP conditions. The MMRS identifies each mitigation measure, describes monitoring, identifies the responsible agency or department and sets forth the timing for compliance. The MMRS was distributed to those receiving the Addendum.

FEES/DEPOSITS

If approved as recommended by staff, the following fees will apply:

Fish & Game:

1. Processing fees of \$875 related to posting the Notice of Determination with the County Clerk. The fees will be required prior to the final approval date of the permit.

Cost Recovery Deposit:

2. A Cost recovery deposit of \$50,000 for the purpose of defraying the expenses involved with the Department's zoning enforcement inspections, permitting, coordination of mitigation monitoring, administrative support, technical studies and the hiring of independent consultants and any other activities of the Department, as related to this permit. The deposit will be required within 30 days of approval of this grant (per condition number 63).

Penalties:

3. A deposit of \$100,000 in an interest bearing trust fund as a draw-down account. For violations not corrected within 10 days an amount not less than \$1,000, but not more than \$10,000 will be withdrawn. This deposit will be required prior to the effective date of this grant (per condition number 11).

Operational fees:

4. Fees equal to twelve percent of the sum of tipping fees, gas-to-energy sales revenues, and revenues generated by any other activity at the Facility, less any applicable taxes (per condition number 28).

Planning Studies:

5. On each January 10, for the life of the grant, the permittee shall deposit \$100,000 with the Director of Planning to finance planning studies of surrounding areas, including but not limited to Significant Ecological Area studies, traffic studies and other neighborhood studies (per condition number 61).

Other fees:

6. The permittee shall remit to the County of Los Angeles Department of Parks and

Recreation \$1/ton for the provision of natural habitat or development of parkland within the County to provide an additional benefit available to the surrounding community for development of the Facility as required by the Chief Administrative Office (per condition number 62).

7. Pursuant to Goal 2.4.2 of the Los Angeles Countywide Siting Element and the Board of Supervisors' action of July 27, 1999, with regard to promoting the development of alternatives to landfilling and incineration, the permittee shall contribute up to \$150,000 annually, but not to exceed \$3,000,000 during the term of this grant, toward the cost of studies to be conducted by the County or its agent (per condition number 65).
8. The permittee shall remit to the Department of Public Works on a monthly basis a fee of \$0.25 per ton of solid waste disposed of at the landfill for use in implementation and enhancement of waste diversion programs in the unincorporated areas (per condition number 29).
9. Prior to operation of the combined City/County landfill the permittee shall pay the State of California Department of Transportation a sum not to exceed \$422,183 (per condition number 55).
10. The permittee shall remit a monthly payment of \$1/ton into a Community Benefit and Environmental Education Trust Fund to the benefit of surrounding communities (per condition number 69).

Recommendations

The following staff recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends that that Commission take testimony, and consider any additional information required to determine if the project satisfies the Conditional Use Permit Burden of Proof. Staff also recommends that County recommended conditions of grant be considered in light of the entire record prior to a final decision on this request.

RECOMMENDED MOTION

I move that the Regional Planning Commission indicate its intent to continue Conditional Use Permit 00-194-(5) to January 12, 2005 at 6 p.m. The continued hearing will be held at the Granada Hills High School located at 10535 Zelzah Avenue in Granada Hills.

ATTACHMENTS

Draft Conditions
Implementation and Monitoring Program
Applicant's Response to the Burden of Proof
Previous Conditional Use Permit No.86-312
City of Los Angeles Ordinance No. 172933
Site Plan
Land Use map

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these Conditions, including the attached Implementation and Monitoring Program:
 - a. "Ancillary Facilities" shall mean facilities authorized by this grant that are directly related to the operation and maintenance of the landfill, and shall not include facilities related to any other enterprises operated by the Permittee or others.
 - b. "Bridge Area" shall mean the portion of the landfill within the County Jurisdiction which, subject to the provisions of this grant, is authorized for landfilling beyond the limits of fill depicted on Exhibit "A-1" for the County Project but not beyond the limits of fill depicted on Exhibit A-2 for the City/County Project.
 - c. "City Project" shall mean the activities of the landfill and ancillary facilities and activities within the City of Los Angeles' jurisdiction, as approved by the City of Los Angeles through Ordinance No. 172933 ("City Ordinance") and limited to the area depicted "Initial Development Area" on Exhibit No. E-4C of said City Ordinance, and as generally referred to in said Ordinance as Phase I.
 - d. "City/County Project" shall mean the activities of the combined City/ County landfill conducted in either or both City and County jurisdictions, the ultimate development of which is depicted on Exhibit "A-2" of this grant and the City Ordinance, Exhibit No. E4B (City jurisdiction only), and which is generally referred to in the City Ordinance as Phase II and Phase III. The City/County Project includes the combined City/County landfill, ancillary facilities and activities within the County's jurisdiction, as approved by this grant, and ancillary facilities and activities within the City of Los Angeles' jurisdiction, as approved by the City Ordinance, including, but not limited to, waste diversion facilities, offices and other employee facilities, leachate treatment facility, material storage areas, and closure and post-closure activities.
 - e. "Class III (non-hazardous) Landfill" shall mean a disposal facility that accepts solid waste for land disposal, pursuant to applicable federal and state laws and regulations.
 - f. "Clean Dirt" shall mean uncontaminated soil used for coverage of the landfill face, buttressing of the landfill, construction of access roads and berms, etc.
 - g. "County Project" shall mean the activities of the landfill within the area depicted on Exhibit "A-1" and other activities as approved by this grant which are conducted entirely within the County's jurisdiction. The County Project includes the landfill and ancillary facilities and activities as described in Condition 2, including, but not limited to, waste diversion facilities, offices and other employee facilities, leachate treatment facility, and other environmental control systems, material storage areas, and closure and post-closure activities. The County Project includes activities conducted within the County's jurisdiction prior to the commencement of operation of Phase II as approved by the City, as well as activities conducted within the County's jurisdiction in the event that the City's approval of Phase II or Phase III expires or is terminated. County Project does not include activities conducted within the County's jurisdiction as part of the City/County Project.
 - h. "Disposal Area" shall mean "Landfill" as defined herein.
 - i. "Electronic Waste" shall mean all discarded consumer and business electronic equipment. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Section 66261.9 and any amendments thereto.

- j. "Exempt Material" shall mean "Materials Received for Beneficial Use," as defined herein.
- k. "Facility" shall mean the subject property and all activities authorized on the subject property by this grant.
- l. "Final Cover" shall mean the cover material required for landfill closure and post closure maintenance pursuant to this grant and requirements of federal and state laws and regulations.
- m. "Footprint" shall mean the horizontal boundaries of the landfill at ground level, as depicted on the attached Exhibit "A-1" for the County Project and Exhibit "A-2" for the City/County Project.
- n. "Garbage" – see "Solid Waste," as defined herein.
- o. "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 hazardous waste, as defined under state laws and regulations, or soluble pollutants at concentrations in excess of state water quality objectives, and that do not contain significant quantities of decomposable waste. Inert debris shall not contain more than 1 percent (by weight) putrescible wastes. Inert debris may be commingled with rock and/or soil.
- p. "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 material pursuant to all requirements of federal, state, and local laws and regulations. No portion of the landfill shall extend beyond the "Limits of Fill", as defined below. "Landfill" does not include adjacent cut slopes, temporary storage areas, final cover and ancillary facilities authorized by this grant.
- q. Local Enforcement Agency" (LEA) shall mean the entity or entities (currently the County of Los Angeles Department of Health Services) designated 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; provided, however, that should the function of the LEA be assigned at any time to an entity that is not designated by the Board of Supervisors, any responsibilities assigned to the LEA through the conditions of this grant which are not by law the prerogative of the LEA shall be performed by the Department of Health Services-Solid Waste Management Program (DHS-SWMP).
- r. "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-1." for the County Project and the attached Exhibit "A-2" for the City/County Project.
- s. "Materials Received for Beneficial Use" shall mean (1) solid waste 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 the purpose of recycling, including, but not limited to green waste, wood waste, asphalt, concrete and dirt, in accordance with the restrictions of Condition Nos. 2 and 22 and the agreement entered into pursuant to provisions of the attached Implementation and Monitoring Program (IMP); or (2) clean dirt imported to cover and 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 Director of Public Works.
- t. "Materials Recovery Facility" shall mean a facility that separates solid waste into

recyclable materials and residual waste.

- u. "Permittee" shall mean the applicant and any other person, corporation, or other entity making use of this grant.
- v. "Refuse" - see "Solid Waste" as defined herein.
- w. "Residual Waste" shall mean that waste remaining following the removal of recyclable material from the solid waste stream.
- x. "Rubbish" - see "Solid Waste" as defined herein.
- y. "Site Plan" shall mean a plan of all or a portion of the subject property, including Exhibit "A-1," or Exhibit "A-2", as applicable, as well as specific site plans for ancillary facilities and activities, as approved by the Director of Planning.
- z. "Solid Waste" shall mean all putrescible and non-putrescible solid, and semi-solid wastes, such as refuse, garbage, 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, but excluding materials or substances having commercial value which have been salvaged for reuse, recycling or resale. Solid waste includes residual waste received from any source.
- aa. "Stockpile Area" shall mean "Temporary Storage Area," as defined herein.
- bb. "Stockpile" shall mean temporarily stored materials.
- cc. "Temporary Storage Area" shall mean an area within the landfill where only those materials, approved by the Director of Public Works may be placed for storage no longer than 180 calendar days, unless a longer period is approved by the Director, prior to further recycling or reuse, so long as such storage does not constitute disposal in accordance with the regulations of the Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB). No putrescible materials shall be placed in a temporary storage area for more than seven calendar days, except that this restriction shall not apply to the storage of inert debris.
- dd. "Trash" shall mean "Solid Waste," as defined herein.
- ee. "Working Face" shall mean the working surface of a landfill upon which solid wastes are deposited during the landfill operation, prior to the placement of cover material.
Unless otherwise expressly provided in this grant, applicable federal, state or local definitions shall apply to terms used herein.

2. This grant shall supersede the terms and Conditions of Conditional Use Permit (CUP) 86-312-(5) and allow the continued operation of a Class III (non-hazardous) landfill together with certain ancillary facilities and activities, as enumerated herein and as-shown on the most currently approved site plan, subject to all of the conditions of approval:
 - Offices and employee facilities related directly to the landfill and waste handling and processing operations allowed under this grant, but excluding offices and other facilities related to any other enterprises operated by the Permittee or others;

- A caretaker's residence or mobile home;
- Leachate collection, treatment and processing facilities;
- Facilities necessary for the collection, utilization and distribution of landfill gases, as required and/or approved by the Department of Public Works (DPW), the LEA, or the South Coast Air Quality Management District (SCAQMD);
- Facilities necessary for the maintenance of machinery and equipment used at the landfill, excluding refuse collection equipment and vehicles, and equipment or machinery utilized by the Permittee in other enterprises;
- On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Part II of the attached Implementation and Monitoring Program;
- Facilities necessary for other environmental protection and control systems, including flare stations, storage tanks, sedimentation basins and drainage devices; and
- Storage of bins utilized for landfill activities.

Revised site plans may be submitted for approval by the Director of Planning, as required, consistent with the intent of this grant and the scope of the environmental documentation, with copies of the submittal filed with the Director of Public Works and the LEA, except as otherwise provided in Condition 32. No revisions shall be made to Exhibit "A" and Exhibit "A-2" and no site plans shall be approved that would change the limits of fill.

3. This grant shall not be effective for any purpose until the Permittee, and the owner of the property subject to this grant if other than the Permittee, have filed at the office of the Department of Regional Planning (DRP) their affidavit stating that they are aware of, and agree to accept, all of the Conditions of this grant and have paid all fees and provided all deposits and security required by the Conditions of this grant, including Condition Nos. 11, 12c, and 63. Notwithstanding Condition 8, the filing of such affidavit accepting all Conditions of this grant constitutes a waiver of the Permittee's right to challenge any provision of this grant.
4. Attached to these Conditions are an Implementation and Monitoring Program (IMP) to implement and ensure compliance with the conditions of grant and a Mitigation Monitoring and Reporting Summary (MMRS) to monitor compliance with required environmental impact mitigation measures, which programs are incorporated into these Conditions by reference. The Permittee shall fully perform each action required of the Permittee by the Implementation and Monitoring Program and the Mitigation Monitoring and Reporting Summary as if they were specifically set forth in these Conditions.
5. This grant will expire unless used within one year from the date of approval. Prior to the use of this grant, the Permittee shall comply with Part II of the Implementation and Monitoring Program and with Conditions 6 and 22. A one-year time extension may be requested in the event that compliance with these Conditions cannot otherwise be fulfilled. The Hearing Officer may extend such time for a period not to exceed one year, provided an application, with the appropriate fee, requesting such extension is filed with the DRP prior to such expiration date.
6. Prior to the operation of the City/County Project, the Permittee shall obtain a Finding of Conformance with the Los Angeles County Countywide Siting Element from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.
7. The subject property shall be developed, maintained and operated in full compliance with the Conditions of this grant to the satisfaction of the Director of Planning and in full compliance with any law, statute, ordinance or other regulation applicable to any development or activity on the subject property, including, but not limited to, those permits, other approvals or findings issued by the following agencies:
 - a. The Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB)
 - b. The Regional Water Quality Control Board (RWQCB), Los Angeles Region
 - c. The South Coast Air Quality Management District (SCAQMD)
 - d. The California Department of Fish and Game
 - e. The U.S. Army Corps of Engineers
 - f. The California Department of Health Services
8. Failure of the Permittee to cease any development or activity not in such full compliance, as described in Condition 7 above, shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with any requirements thereof. Failure of Permittee to provide requested information shall also constitute a violation of this grant and be subject to the penalties pursuant to condition 11.
9. 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. Failure of the Permittee to cease any development or activity not in such full compliance, as described above, shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with any requirements thereof.

10. To the extent permitted by law, the LEA 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 inhabitants of the County of Los Angeles so requires. Such cessation shall continue until such time as the LEA 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.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission (RPC) 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.

In addition to, or in lieu of, the above-noted provisions stated, the Permittee shall be subject to a penalty for violation of any provisions of this grant as determined by, and at the discretion of, the Director of Planning in an amount not more than \$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 DRP, prior to the effective date of this grant to establish a draw down account. A written notice of a violation and the associated penalty will be sent to the Permittee. If the noted violation is not corrected within 30 days to the satisfaction of the Director of Planning, the penalty amount cited in the written notice will be deducted from the account. If the violation is corrected within 30 days but recurs any time within a six-month period, the penalty will be deducted from the account upon each recurrence and the Permittee will be notified of such deduction. Once the deposit has been depleted by 50 percent of the initial 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. There is no limit to the number of supplemental deposits that may be required during the life of this grant.

If the Permittee is dissatisfied with the action of the Director, an appeal may be filed with the Hearing Officer within 15 days after receipt by Permittee of written notification. Upon receiving a notice of appeal, the Hearing Officer shall take one of the following actions:

- a. Affirm the action of the Director; or
 - b. Refer the matter back to the Director for further review with or without instructions; or
 - c. Set the matter for public hearing.
 - d. The decision of the Hearing Officer shall be final and conclusive.
12. 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 regulation.
 - a. The Permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceedings against the County or its agents, officers, or employees to attack, set aside, void, annul, or seek damages or compensation in connection with this permit approval and/or the Conditions of permit approval, which action is brought within the applicable time period of Government Code Section 65907 or other applicable time period. The

County shall notify the Permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense

- b. The Permittee shall indemnify and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding for damages resulting from water, air or soil contamination, health impacts or loss of property value during the operation, closure and post-closure of the County Project or City/County Project.
 - c. Prior to the effective date of this grant, the Permittee shall provide evidence of insurance (ACORD certificate form or its equivalent) coverage that meets County requirements as required and approved by the Chief Administrative Office and that satisfies all the requirements set forth in this condition 12. Such coverage shall be maintained throughout the term of this grant and until such time as all post-closure requirements are met and certified by the appropriate local, state and federal agencies. Such insurance coverage shall include but not necessarily be limited to the following: general liability, automobile liability and pollution legal liability coverage, insuring clean-up costs, and endorsing for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all acceptable state and federal requirements, with no special limitations.
 - d. In order to ensure that at closure there will be funds sufficient to provide for continued payment of insurance premiums for the period required by Conditions 12 and 30 of this CUP, within 60 months prior to the anticipated closure date, the Permittee shall provide financial assurance satisfactory to the Chief Administrative Office and the Department of Public Works of its ability to maintain all insurance coverage/indemnifications required under this Condition subsequent to certification of closure requirements by the appropriate local, state and federal agencies. Such financial assurance shall be in the form of a trust fund or other financial instruments acceptable to the County.
13. This grant will terminate upon completion of all landfilling activities, all mitigation measures required by this grant, all landfill closure and post-closure maintenance required by federal, state and local agencies, and all monitoring and maintenance of environmental protection and control systems required by Condition 30. Prior to termination, all facilities not required for mitigation, for landfill closure or post-closure maintenance or for environmental protection and control systems shall be removed unless they are permitted as a matter of right by the zoning regulations then in effect.
14. The purpose of this condition is to (1) provide for landfill capacity in both the City of Los Angeles and the unincorporated County of Los Angeles portions of Sunshine Canyon, insofar as it is environmentally and economically appropriate and technically feasible; (2) make the landfill capacity available on an equitable basis to incorporated and unincorporated jurisdictions in the County of Los Angeles; and (3) conserve and, if possible, prevent destruction of oak trees and other significant ecological resources within unincorporated territory. The County believes that these goals may be accomplished by the permitting of substantial additional fill on land within the City in the Permittee's ownership and control and, to the extent it constitutes good engineering practice, by the Permittee's maximizing landfilling operations within the City (as specified in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d).
- The County acknowledges that the Permittee has obtained a Solid Waste Facilities Permit (SWFP) and all other permits and approvals necessary to operate the landfill within the City (the City Project). During the first five years of operation of the City Project, landfilling operations within the City are limited to the geographical area identified as Phase I of the City Project, as specified in Condition B.2.d of City Ordinance No. 172933 ("Phase I").

Therefore, the Permittee shall also diligently pursue application for a Solid Waste Facilities Permit (SWFP) and all other permits and approvals necessary to develop and operate a combined City/County landfill (City/County Project). If the Permittee's approval by the City is invalidated by a court of law or is modified by the City to permit a fill which does not overlay the project area shown on Exhibit "A-1," or if a SWFP or other necessary approval for the Phase II of the City Landfill as specified in Condition B.2.d of the City Ordinance No. 172933 ("Phase 2") is denied, no portion of the County landfill may thereafter extend beyond the limits of fill as shown on Exhibit A-1 and portions of the "Bridge Area" that may have been authorized by the County during the Phase 1 operation of the City Project.

During the term of this grant, fill sequencing plans for landfilling operations within the County's jurisdiction shall be first approved by the Director of Public Works to ensure consistency with the purpose of this condition.

Prior to commencement of operation of the City/County Project, no portion of the landfill may extend beyond the limits of fill shown on Exhibit "A-1", except that during Phase 1 of the City Project, the landfill may be extended beyond the limits shown on Exhibit "A-1" into the "Bridge Area," subject to the following conditions: (1) Permittee shall not accept any waste into the "Bridge Area" until a fill sequencing plan is approved by the Director of Public Works; (2) at least 50 percent of the cumulative total waste accepted by both the City Project and County Project shall be deposited on the City side; (3) the horizontal extension of the landfill "Bridge Area" shall be restricted to an area not to exceed 20 acres; and (4) the Permittee has demonstrated to the satisfaction of the Director of Public Works that landfilling beyond the limits of fill shown on Exhibit A-1 has met conditions 1 through 3 above and is necessary for the efficient operation of the City/County Project. Upon commencement of operation of the City/County Project, or Phase II of the City landfill, the limits of fill shown on Exhibit "A-2" shall constitute the boundaries of the landfill.

15. Nothing in these Conditions of approval shall be construed to prohibit the Permittee from applying for new permits to expand the Facility or to otherwise modify the Conditions of this grant.

If the City of Los Angeles denies the Permittee's request to complete any of the phasing designs specified in the City approval granted in the City Ordinance Condition B.2.d, the Permittee shall thereafter exclude all waste collected within the corporate limits of the City and transported in trucks under contract with the City from any portion of the landfill within County territory. This exclusion shall continue in effect unless and until terminated by the County.

The Permittee shall notify the County at least 60 days prior to any amendment to the City-Ordinance settlement agreement or other agreement or instrument between the Permittee and the City that may impact the disposal capacity of the County Project or City/County Project or any of the Conditions of this grant. Copies of such instruments shall be provided to the County Counsel, to the Directors of Regional Planning and Public Works, and to the County LEA.

16. The Permittee shall submit to the County copies of all agreements entered into between the Permittee and either the City of Los Angeles, County of Los Angeles, or both, whether by Memorandum of Understanding (MOU), Development Agreement, Joint Powers Agreement (JPA), or other instruments including but not limited to the following:
 - a. Establishing a JPA, including agreements to and by the parties for items requiring collaboration on permitting, inspection and enforcement for the City/ County Project. During the operation of the City/ County Project, the County LEA proposes to be designated in any JPA as the lead agency for all Solid Waste Facility Permit activities and the single point of contact for coordinating all permitting, inspections and enforcement activity at the Facility. The actual responsibilities for inspection and enforcement activities shall be as delineated in the JPA.
 - b. Establishing City/County rights to use the Facility and/or related allocation of capacity and

disposal fees.

- c. Establishing franchise fees, charges for gas to energy or direct gas sales or other fees and bond or security arrangements with the City of Los Angeles.
- d. Establishing an environmental education or community amenities programs.
- e. Amending the City's approval of the Facility, in connection with either the City Project or the City/County Project.
- f. Amending the City's Mitigation Reporting and Monitoring Program for the Facility.

Copies of such instruments shall be provided to the County Counsel, to the Directors of Regional Planning and Public Works, and to the County LEA. Failure to comply with the above condition will result in penalties as provided in Condition 11.

17. The maximum tonnage allowed shall be as follows:

a. The City/County Project:

When the Facility is operating as a City/County Project, the amount of all materials received, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 72,600 tons per week (12,100 tons per day average based on six working days per week); provided, however, that the amount of solid waste placed in the landfill for disposal shall not exceed 66,000 tons per week and the amount of inert debris and exempt materials received for beneficial use shall not exceed 6,600 tons per week.

When the Facility is operating as a City/County Project, the amount of all materials received for disposal or beneficial use, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 12,100 tons on any given day, six working days per week, in either jurisdiction (based on the permitted maximum intake rate of 5,500 tons per day in the City and the permitted maximum 6,600 tons per day in the County).

b. The County Project:

i. When the Facility is operating as a County Project, the amount of all materials received for disposal or beneficial use within the County's jurisdiction, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 39,600 tons per week (6,600 tons per day average based on six working days per week); provided, however, that the amount of solid waste placed in the landfill for disposal within the County's jurisdiction shall not exceed 36,000 tons per week and the amount of inert debris and exempt materials received for beneficial use within the County's jurisdiction, shall not exceed 3,600 tons per week.

ii. When the Facility is operating as a County Project, the amount of all materials received for disposal or beneficial use within the County's jurisdiction, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 7,200 tons on any given day;

provided, however, that the amount of solid waste placed in the landfill for disposal within the County's jurisdiction shall not exceed 6,600 tons on any given day.

- c. The Board of Supervisors may increase the maximum amounts of daily and weekly tonnage allowed by this condition, if the Board, upon the joint recommendation of the County LEA 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 or if there is a declared emergency, as defined in California Code of Regulations Title 14, Division 7, Chapter 3, Article 3.**

- 18. The Permittee shall adopt measures within 90 days after the effective date of this grant, unless a longer period is approved by the Director of Public Works, to ensure the accuracy of the County unincorporated area disposal tonnages, as further listed here in general and specifically in the attached IMP. These measures shall include, but not be limited to: 1) requiring all solid waste enterprises/waste haulers to submit accurate waste origin data, 2) a system for verifying the accuracy of the data submitted: 3) implementing a verification system for waste reported as originating in the County unincorporated areas, 4) an education and outreach program to haulers and other customers regarding the need for accurate waste origin data, and 5) imposing penalties for non-cooperation or repeatedly providing false information. The Permittee shall develop the waste origin verification and reporting program, as approved by the Director of Public Works, and submit the data on a semi-monthly basis to the Department of Public Works for review. Based on the initial results obtained from this program, the Director of Public Works may modify, amend and/or require the Permittee to develop/implement additional monitoring/enforcement programs to ensure the intent of this condition.

- 19. The Permittee shall operate the Facility in a manner that maximizes the amount of solid waste that can be placed within the landfill, including but not limited to the following:

Implement methods of waste compaction, which equal or exceed compaction rates achieved at comparable landfills operating in Los Angeles County as determined by the Director of Public Works;

Investigate and implement to the extent determined by the Director of Public Works to be 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;

Utilize waste materials received and processed at the Facility, such as shredded green waste, as alternative to daily, intermediate and final cover, to the extent deemed technically feasible and acceptable to the regulatory agencies. Automobile shredder waste shall not be used as daily, intermediate, or final cover;

Recycle or otherwise divert from disposal all clean dirt received at the facility from offsite sources. Clean dirt shall not be disposed without prior approval from the Director of Public Works; and

- f. Utilize on-site clean dirt for daily, intermediate or final cover where possible instead of imported dirt.**

20. Notwithstanding any other provision of this grant, the Permittee shall not negligently or intentionally deposit waste into the landfill which is required to be diverted or recycled in accordance with City and County Source Reduction and Recycling Elements of the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code, and/or the Waste Plan Conformance Agreement entered into between the County and Permittee pursuant to Conditional Use Permit 86-312-(5).
21. Within 90 days after the effective date of this grant, and thereafter as may be necessary, the Waste Plan Conformance Agreement, which was previously approved by the County Board of Supervisors on June 26, 1996, and is currently in effect, shall be amended to maintain consistency with applicable City and County waste management plans. The Director of Public Works is authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. The Agreement shall continue to provide for (1) controlling and accounting for waste entering and, in the form of recycled or diverted material, leaving the landfill, (2) the implementation and enforcement of programs intended to maximize utilization of the available fill capacity as set forth in Condition 20, and (3) the implementation of waste diversion and recycling programs on and off-site in accordance with applicable City and County waste management plans.
22. Prior to the use of this grant, the Permittee shall have submitted a program to the Director of Public Works, and shall have received the Director's approval of the program, for the purpose of preventing wasted trips to the Facility and illegal disposal, which program shall include but is not limited to:
 - a. Scheduling of regular users, such as commercial and municipal haulers, as needed to avoid their arriving at the Facility and being diverted to other landfills; and
 - b. Reservation of capacity for small commercial and private users.
23. The Permittee shall charge differential tipping fees, or implement other programs approved by the Director of Public Works, to discourage hauling of partially filled loads to the Facility and to encourage utilization of the site during off-peak commuting hours.
24. The following types of waste shall be prohibited from being disposed at the landfill and shall not be accepted at the Facility: incinerator ash, sludge, radioactive material, hazardous waste, medical waste, as defined in Section 25023.2 of the California Health & Safety Code, and liquid waste, as defined in state laws and regulations, waste which contains soluble pollutants in concentrations that exceed applicable water quality objectives, and waste which could cause degradation of waters of the state as determined by the RWQCB. The Permittee shall implement a comprehensive waste load checking program approved by the DHS-SWMP (the LEA as of the effective date of this grant) to preclude disposal of prohibited waste at the landfill, which program shall comply with the requirements of this condition and Part IV of the attached IMP and any additional requirements of the LEA, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.

The DHS-SWMP shall maintain at least one full-time inspector at the County landfill at times when waste is being received and processed and shall carry out the City/County landfill inspection duties as provided in any joint City/County LEA agreement, as contemplated in Condition 16a, above. The Permittee shall compensate the DHS-SWMP for any personnel, transportation, equipment and facilities costs incurred in administering the provisions of this condition not covered by fees paid for administration of the solid waste facilities permit for the landfill.

Notification of the restrictions on disposal of prohibited waste and the procedures for proper disposal at other appropriately classified disposal sites for waste processing facilities shall be provided to waste haulers on a routine basis. Notices shall be printed in English and Spanish and shall also be posted at

prominent locations at the Facility to inform waste haulers of the rules governing the disposal of prohibited waste and that anyone negligently or intentionally bringing in any prohibited waste shall be prosecuted to the fullest extent of the law.

In the event that material known or suspected to be prohibited waste is discovered at the Facility, the Permittee's agent shall:

If the vehicle that delivered the waste is still present, detain the driver and obtain his driver license and vehicle license number;

Immediately make all notifications to state and County agencies, as required by federal, state and local laws and regulations.

- c. **If possession of the material is not immediately taken by a public official, store the material at a site developed in accordance with the regulations of the State Department of Health Services and the RWQCB until disposed of in accordance with applicable State and Federal regulations.**
- d. The Permittee shall maintain a manifest of unacceptable waste to made part of the biennial report. Certain information must be provided, including:
 - i. A description , nature, and quantity of waste;
 - ii. Name and address of the known source;
 - iii. The amount of waste involved;
 - iv. Specific handling procedures used; and
 - v. Certification of the information in the manifest

NOTHING IN THIS CONDITION SHALL BE CONSTRUED TO PERMIT THE MAINTENANCE OF A HAZARDOUS WASTE DISPOSAL FACILITY AT THE FACILITY.

25. The hours of operation of the Facility shall be as follows:

THE FACILITY SHALL BE CLOSED ON SUNDAY;

SOLID WASTE AND OTHER MATERIALS RECEIVED FOR BENEFICIAL USE MAY BE ACCEPTED AT THE FACILITY ONLY BETWEEN THE HOURS OF 6:00 A.M. (SCALES OPEN) THROUGH 6:00 P.M., MONDAY THROUGH FRIDAY, AND 7:00 A.M. TO 2:00 P.M. ON SATURDAY, EXCEPT THAT WHEN NEEDED TO ACCOMMODATE POST-HOLIDAY DISPOSAL REQUIREMENTS, SATURDAY HOURS MAY BE EXTENDED TO 6:00 P.M. THE LANDFILL ENTRANCE GATE AT SAN FERNANDO ROAD SHALL BE OPENED AT 5:00 A.M. ON WEEKDAYS AND 6:00 A.M. ON SATURDAY, EXCEPT AS NEEDED TO ALLOW THE ONSITE QUEUING OF VEHICLES TO ACCOMMODATE POST-HOLIDAY DISPOSAL REQUIREMENTS. FURTHERMORE, THESE MATERIALS MAY BE ACCEPTED AT OTHER TIMES IF THE LEA DETERMINES THAT EXTENDED HOURS ARE NECESSARY TO HANDLE ADDITIONAL DISPOSAL FOR THE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY;

OPERATIONS AT THE FACILITY, SUCH AS THE APPLICATION OF COVER AND WASTE PROCESSING, BUT EXCEPTING ACTIVITIES SUCH AS GAS CONTROL, WHICH REQUIRE CONTINUOUS OPERATION, MAY BE CONDUCTED ONLY BETWEEN THE HOURS OF 6.00 A.M. AND 9:00 P.M., MONDAY THROUGH SATURDAY; ALTHOUGH SITE PREPARATION AND MAINTENANCE ACTIVITIES MAY COMMENCE ONE HOUR PRIOR TO THE TIME SCALES OPEN;

EQUIPMENT MAINTENANCE SHALL BE LIMITED TO THE HOURS OF 4:00 A.M. THROUGH 9:00 P.M., MONDAY THROUGH SATURDAY. NO DIESEL VEHICLE SHALL BE STARTED BEFORE 5:00 A.M.; AND

Equipment repairs, mitigation measures necessary to avoid environmental impacts, and emergency operations, which cannot be accomplished during the hours stated above, may be performed at any time with the approval of the LEA.

26. The Permittee shall at all times, Monday through Saturday, maintain adequate on-site staff for operation of the Facility. These personnel shall have appropriate training and experience needed to operate the Facility. The level and qualifications of employees at the Facility shall be subject to approval by the LEA, which at its discretion may establish minimum training requirements for designated positions at the Facility. On-site staff shall be familiar with the conditions of this grant.

27. The Permittee shall post a sign at the entrance gate at San Fernando Road, which indicates the following:

The telephone number by which persons may contact the Permittee on a 24-hour/day basis to register complaints regarding operations at the Facility. Said telephone number shall also be published in the local telephone directory.

The telephone number of the LEA and the hours when the office is staffed; and

The telephone number of the enforcement offices of the South Coast Air Quality Management District and the hours when the office is staffed.

28. The Permittee shall pay to the County of Los Angeles a business license tax equal to ten percent of the sum of the following:

- a. The net tipping fees collected at the Facility pursuant to the operation of the County Project or the City/County Project (including any fees received as a part of a materials recovery program), except as otherwise provided in a revenue-allocation agreement between the City, the County and the Permittee as set forth in Condition 16b, above. "Net tipping fee" shall mean the total collected less any fees or taxes imposed by any federal, state or local agency and included in the fee charged at the Facility's entrance, except that any franchise fees and enforcement fees imposed by the City of Los Angeles shall be included in the amount of the net tipping fee. "Total collected" shall be calculated as total gross receipts collected by the operator;
- b. Gas-to-energy or direct gas sale revenues, less any federal, state, or local fees or taxes included in such revenues, except that any franchise fees and enforcement fees imposed by the City of Los Angeles shall be included in such revenues. The Permittee shall utilize landfill gas to generate energy at the site, except if the

Permittee, as a part of the annual report prepared pursuant to the requirement of Part X of the attached Implementation and Monitoring Program, determines that such activity is not feasible, and the basis and results of such a determination are submitted for review and approved by the DPW; and

- c. Revenues generated by any other activity at the Facility, less any federal, state, or local fees or taxes included in such revenues, except that any franchise fees and enforcement fees imposed by the City of Los Angeles shall be included in such revenues.

Any amount received from the Permittee in payment of the County's business license tax on landfill revenues shall be credited against the fee required by this condition.

Prior to the operation of the City/County Project, a revenue allocation agreement between the City, the County, and the Permittee shall be approved and executed by all three parties. Execution for the County shall be by the Board of Supervisors.

29. The Permittee shall remit to the Department of Public Works on a monthly basis a fee of \$0.25 per ton of solid waste disposed of at the landfill for use in implementation and enhancement of waste diversion programs in the County unincorporated areas.
30. The Permittee shall be responsible for monitoring and maintenance of the facility's environmental protection and control systems in perpetuity or until such time that the Director of Public Works determines that all routine maintenance and foreseeable corrective action activity that may be necessary during and after the State-mandated post-closure maintenance period has been fully satisfied by the Permittee, and the waste placed in the landfill no longer constitutes a threat to public health and safety, as well as the environment.

In order to ensure that the Permittee will have funds sufficient to carry-out closure, routine maintenance, and foreseeable correction action activity that may be necessary during and after the State-mandated post-closure maintenance period, within 60 months prior to the anticipated closure date and thereafter on an annual basis, the Permittee shall provide financial assurance satisfactory to the Director of Public Works of its ability to maintain such systems subsequent to certification of all post-closure requirements by the appropriate local, state and federal agencies. Such financial assurance shall be in the form of a trust fund or other financial instruments acceptable to the County.

31. The County reserves the right to exercise its police powers to protect the public health, safety and general welfare by managing the County-wide waste stream, including such activities as the appropriate regulation of tipping fees and similar Facility rates, fees or charges.
32. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit "A-1" for the County Project or Exhibit "A-2"-for the County portion of the City/County Project shall not be graded or similarly disturbed to create the landfill, except that 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. Such a determination shall be documented as provided in Part I of the attached Implementation and Monitoring Program, and the Permittee shall submit a revised site plan for review and approval by the Director of Public Works. A copy of the approved site plan shall be filed with the Director of Planning and the LEA. No revisions shall be made to Exhibit "A-1" or Exhibit "A-2", and no revised site plan shall be approved that would change the limits of fill.

No approval shall be granted under this condition that will result in expanding the area or height of fill (i.e.

changing the authorized limits of fill) or in lowering or significantly modifying any of the ridgelines surrounding the landfill.

The Director of Public Works shall confer with the County Forester and Fire Warden before approving excavation in areas of more than five acres containing significant stands of oak and/or Douglas fir trees.

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.

33. The Permittee shall comply with all grading requirements of the DPW and the Los Angeles County Code. The Permittee shall obtain prior approval from the DPW for all grading work within the County's jurisdiction which is outside the footprint of the landfill and all grading work within the landfill footprint which could impact offsite property, including but not limited to activities such as cell development, stockpiling, and excavation for borrow and cover materials. It is not the intent of this condition to duplicate the efforts of the RWQCB or other state agencies.
34. The Permittee shall install drainage structures and comply with all other drainage requirements of the DPW and any additional requirements of the RWQCB and any other regulatory agency. Except as otherwise specifically provided by the DPW, all drainage structures, including sedimentation basins, shall be designed and constructed so as to meet all applicable drainage and grading requirements of DPW. All design and construction plans must have the prior approval of the DPW

The landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from disposal areas. All design modifications must have the prior approval of the DPW.
35. 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 in the County unincorporated portion of the landfill shall be as approved by the RWQCB and shall be of equal effectiveness to the liner design approved by the RWQCB for the City portion of the landfill.
36. The Permittee shall install and test groundwater monitoring wells as required by the RWQCB and shall promptly undertake any action directed by the RWQCB to correct or prevent contamination which may affect groundwater quality or water conveyance or storage facilities, including the Metropolitan Water District Balboa Inlet Tunnel and the City of Los Angeles Aqueduct and Van Norman Reservoir.
37. Prior to the commencement of the City/County Project, any testing or remedial actions required by the RWQCB to correct or prevent groundwater contamination or to determine the existence of any groundwater contamination shall be completed or guaranteed by the Permittee to the satisfaction of the RWQCB and notification of the DPW.
38. The Permittee shall operate the Facility in a manner that conserves water, including, but not limited, to the following:

Any water wells used for the project shall, if approved by the appropriate agencies, draw from the Sunshine Canyon watershed;

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;

Soil sealant, pavement and other control measures shall be used wherever possible in preference to water for dust control; and

To the extent feasible, as determined by the Director of Planning, drought-tolerant plants shall be used to re-vegetate the landfill slopes and other disturbed areas. Plant types shall blend with species indigenous to the area and shall be capable of rapid establishment.

39. Unless determined otherwise by the Department of Public Works, the Permittee shall obtain the Department of Public Works' approval of a Standard Urban Storm water Mitigation Plan for the project activities.
40. No activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required, including, but not limited to, installation, modification or removal of underground storage tanks and/or industrial waste control facilities (this includes any permanent structures intended for the treatment of post-development storm water runoff), shall be initiated on the subject property before the required permit (or revision thereof) is obtained from the DPW and any required facilities are installed.
41. The Permittee shall be subject to the following landfill cover and re-vegetation requirements:
- a. **The Permittee shall promptly notify the LEA and the Director of Public Works of any slope that is projected to remain inactive for a period longer than 180 days and a temporary hydroseed vegetation cover shall be applied and ultimately established on all such slopes and other areas, as set forth in the attached IMP.**
 - b. **Prior to placing any solid waste within 10 feet of the limits of fill, the Permittee shall submit to the LEA and the Director of Planning for review and approval its interim reclamation and re-vegetation plan, including the timing of the proposed work.**
 - c. **Final cut slopes shall be no steeper than 1.5:1 (horizontal to vertical ratio, excluding benches) and all final cut slopes shall be approved by the DPW as in compliance with its grading requirements.**

Except as otherwise provided in this condition, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially as shown on Figure 5, "Typical Cross-Section Final Landfill Cover and Re-vegetation Plan," Page 39, FEIR, Volume A, Responses to Comments (dated July 13, 1990), which figure is attached as Exhibit "B", and as described in the "Sunshine Canyon Landfill Extension Re-vegetation/Closure Plan," FEIR, Volume A, Responses to Comments, Appendix 3, which figure and plan are attached as Exhibit "C".

If the LEA determines in consultation with the DPW that a different design or plan would better protect the public health and safety and would enable re-vegetation of the final slopes as well as or better than the design or plan described in Exhibit "B", and/or that revisions to the minimum standards adopted by the CIWMB are necessary-and, that require the implementation of a different design and/or plan, the Permittee shall not be bound by the provisions of this subsection but shall be bound by the requirements of the LEA; provided, however, that the limits of fill may not be exceeded.

The Permittee shall employ expert assistance to carry out this condition, including an independent, qualified biologist. Soil sampling and laboratory analysis shall be conducted on all areas before re-vegetation 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 based upon the above-referenced testing procedures and results. 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. Plant selection shall exclude non-indigenous species likely to be invasive of adjacent natural areas.

42. 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 or recreational areas or cause significant damage to wildland resources. In addition to the re-vegetation measures required in Condition 41, the program shall include the following:

The Permittee shall not engage in any excavation or other operation during high wind conditions, or when such conditions may reasonably be expected, that would result in significant emissions of fugitive dust, which cannot be confined to the area under the Permittee's control.

The working face areas shall be kept to small contained areas, not to exceed a total of ten acres when the facility is operating as the City/County Project, three to five acres when the facility is operating as the County Project, or a smaller area as determined by the LEA to better protect public health and safety. At times of the year when high wind conditions may be expected, any working face shall either be located in areas of minimal wind exposure or be closed, if deemed necessary by the LEA as required by Section 6.01 of the MMRS. Other operations areas shall be confined to sites less than five acres each.

Except during rainy conditions, daily cover shall be moistened with water to retard erosion, and a soil sealant shall also be used to supplement water for dust control and to retard erosion when wind conditions dictate.

Except during rainy conditions, any active area or active cover soil stockpile shall be moistened with water on a daily basis unless wind conditions dictate otherwise, in which case soil sealant shall be used in addition to water. Soil excavated from one portion of the site shall be used as a cover material in an adjacent area, to the extent feasible, as determined by the Director of Public Works to reduce the transport distance.

As determined by the LEA, before each day when the Facility will be closed to solid waste receipt, the Permittee shall apply soil sealant to any previously active dirt area that has not already been sealed or re-vegetated.

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, and, if additional treatment is required, it shall be promptly applied to assure full control of the soil particles.

All access roads to permanent facilities, except those infrequently used, shall be paved.

The paved access road to the fill areas shall be extended as new areas are opened to minimize the length of dirt road. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials or soil stabilization products to minimize the length of untreated dirt.

All paved roads in regular use shall be regularly cleansed to remove dirt left by trucks and other vehicles.

Except during rainy conditions, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the LEA or the Director of Public Works, or otherwise treated to control dust emissions.

Loads capable of producing significant dust shall be watered during the dumping process. If such a practice is deemed not acceptable to the RWQCB, the Permittee shall develop alternative methods to minimize dust generation during the dumping process and obtain approval of the Director of Public Works within 90 days of the effective date of this grant.

The Permittee shall maintain water tanks and piping capable of supplying by gravity at least one full day's maximum water usage, as determined by the LEA, to the fill areas for dust control, which capacity shall be in addition to any fire flow required by the County Forester and Fire Warden.

The Permittee shall install and maintain devices to monitor wind speed and direction, as specified by the SCAQMD, and shall retain qualified personnel to read and interpret the data, to obtain or utilize information on predicted wind conditions and to assist in the planning of operations at the Facility.

- n. The Permittee shall submit quarterly reports to the Director of Public Works listing all fugitive dust and odor complaints received from residents and all Notices of Violation issued by the SCAQMD or the LEA as well as the measures undertaken to address the complaints and to correct the violations.**
- o. The Director of Public Works and the DHS-SWMP shall each have the authority to require the Permittee to implement additional corrective measures when such measures are deemed appropriate to protect public health and safety.**

- 43. The Permittee shall employ the most effective available technology and methodology to prevent litter that enters the area under the Permittee's control in the form of waste from escaping the area. Notwithstanding other provisions of this condition or of this grant, the Permittee shall close the Facility to incoming waste during high wind conditions if, despite the application of the most effective available technology and methodology, litter cannot be confined to the area under the Permittee's control.**

THE PERMITTEE'S ON-SITE LITTER CONTROL PROGRAM SHALL INCLUDE, UNLESS OTHERWISE PROVIDED BY THE LEA, THE FOLLOWING:

Facility personnel shall continuously patrol the access road to the scales from the time it opens to the time it closes in the evening.

Improperly covered or contained loads which may result in a significant release of litter shall be immediately detained and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load shall be conducted under escort to the working face.

All debris found on or along the entrance and working face access roads shall be

immediately removed.

Operating areas shall be located in wind-shielded portions of the landfill during windy periods.

The Permittee shall use a primary portable litter fence at a height of eight feet at the working face and a four-foot secondary fence behind the primary fence, depending on wind conditions. The Permittee shall employ additional measures as necessary 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 LEA. The LEA may require additional measures deemed necessary to effectively control litter.

44. Within 90 days after the effective date of this grant, the Permittee shall develop best available methods or procedures to prevent vehicles leaving the Facility from carrying dirt and/or debris on to local streets or highways.
45. The Permittee shall maintain, to the satisfaction of the Director of Public Works and the LEA, programs aimed at controlling the discharge and recovery of offsite litter from uncovered or improperly covered or contained loads traveling to the Facility, including regular off-site litter collection.
46. The Permittee shall at all times, Monday through Saturday, maintain adequate staff to promptly respond to and correct dust, litter and other complaints from the surrounding neighborhood.
47. The Permittee shall also maintain on-site, 24 hours per day, seven days a week, at least one person who is qualified to assess the need for remedial action and is authorized to summon the resources to perform any necessary remedial action. The personnel assigned shall be provided with the means to be continuously in communication with the telephone number posted at the entry gate.
48. The Permittee shall adopt and implement operational practices to mitigate vehicular and other air quality impacts as required by the SCAQMD.
49. To the extent technically and economically feasible, as determined by and subject to the satisfaction of the Director of Public Works, the Permittee will utilize landfill gas to generate energy at the site or for other beneficial uses rather than flaring, provided that the Permittee must obtain all applicable local, state, and/or federal approvals for any such project. Also, the Permittee shall install and maintain a best available control technology landfill gas collection system in compliance with the requirements of the SCAQMD and shall control the lateral migration of gases to the satisfaction of the Director of Public Works, LEA, and SCAQMD.

Landfill gas flares shall be below the adjacent interior ridges (unless otherwise required by the SCAQMD) and the flames shall be totally contained within the stack. Flame arrestors shall be provided to the satisfaction of the County Forester and Fire Warden.
50. The Permittee shall take all necessary measures to ensure that noise emissions from the Facility at any residential receptor are within the limits of the County Noise Ordinance, as contained in Title 12 of the County Code.
51. 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.

52. 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 DPW, the RWCQB, and the SCAQMD.
53. The Permittee shall also provide effective vector control measures as directed by the Director of Health Services.
54. Prior to the operation of the combined City/County landfill, the Permittee shall install required traffic improvements at the following intersections per the satisfaction of the City of Los Angeles Department of Transportation and the State of California Department of Transportation (Caltrans), when necessary, as outlined in the Supplemental Traffic Data Information report:
 - San Fernando Road at Sierra Highway;
 - San Fernando Road at Facility Entrance;
 - San Fernando Road at Balboa Boulevard;
 - Roxford Street at I-5 Southbound On/Off Ramps;
 - Roxford Street at I-5 Northbound Off Ramp; and
 - Roxford Street at I-5 Northbound Off Ramp/Encinitas Avenue
55. Prior to operation of the combined City/County landfill, the Permittee shall pay to the State of California Department of Transportation ("Caltrans") a sum not to exceed \$422,183 for the freeway transportation improvements as outlined in the Supplemental Traffic Data Information report. Permittee shall be given credit towards this sum for project-related mitigation performed within Caltrans' jurisdiction.
56. Prior to operation of the combined City/County landfill, the Permittee shall install traffic signs acceptable to the City of Los Angeles Department of Transportation along San Fernando Road to warn the public that heavy truck traffic exists in the area near the Facility entrance. The Permittee shall also address any potential localized impact along the San Fernando Road bicycle lane from increased truck traffic at or near the Facility site.
57. Prior to operation of the combined City/County landfill, the Permittee shall install street lights along the project frontage on San Fernando Road to the satisfaction of the City of Los Angeles Bureau of Street Lighting.
58. The DPW, the LEA, and the Community Advisory Committee shall monitor the performance of Conditions designed to minimize truck traffic, and in the event such measures are inadequate, the Director of Planning shall recommend additional measures to the RPC which may impose additional Conditions as found to be warranted to ensure the continued adequacy of such Conditions.
59. The Permittee shall implement a program to identify and conserve any significant archaeological and paleontological materials that may be present, in accordance with this condition and Part VII of the attached Implementation Monitoring Program (IMP). If any evidence of aboriginal habitation or fossils is discovered during earthmoving activities, landfill operations shall cease in that immediate area and the evidence and site shall be preserved until a qualified archaeologist or paleontologist (as appropriate) has made a determination as to the significance of the site of findings. Any significant archaeological or paleontological resources shall be recovered to the extent practicable before resuming activities in that area of the landfill.

60. The Permittee shall continue to work with the California Department of Fish and Game, the U.S. Army Corps of Engineers and the City of Pasadena to monitor the approved and implemented wetlands and riparian habitat restoration project (Lower Arroyo Seco Restoration Project, Corps File Number 94-00124-AOA, California Department of Fish and Game Streambed Alteration Agreement Number 5-445-91), as required by said permits, or at such time as the restoration project is accepted by the City of Pasadena.
61. a. In addition to any other fees required by this grant, the Permittee shall make an annual payment to the County of 50 cents per ton of refuse disposed at the County landfill or in the County portion of the City/County landfill to be deposited into an interest bearing Trust Fund, established for the purpose of providing natural habitat or development of parkland within the County to provide an additional benefit available to the surrounding community for development of the Facility. No monies from the Fund shall be spent on projects or programs in areas outside the surrounding communities. Monies in the Fund, including interest, shall be spent as determined by and as directed by the 5th Supervisorial District to the Department of Parks and Recreation, who shall administer the Fund.
- b. In addition to any other fees required by this grant, the Permittee shall make an annual payment to the County of 50 cents per ton of refuse disposed at the County landfill or in the County portion of the City/County landfill to be deposited into an interest bearing Trust Fund, established for the purpose of providing funding for transportation improvements in areas surrounding the landfill as an additional benefit available to the surrounding community for development of the Facility. Monies in the Fund, including interest, shall be spent as determined by the Department of Public Works and the 5th Supervisorial District. The Fund will be administered by the Department of Public Works.
62. On each January 10, for the life of this grant, the Permittee shall deposit the sum of \$81,000 with the Director of Planning, to be held in an interest-bearing account, to finance planning studies and other implementation including but not limited to Significant Ecological Area (SEA) studies and neighborhood planning studies as determined by the Director of Planning. Remaining funds from CUP 86-312 would be combined with the new fund.

63. The Permittee shall deposit the sum of \$50,000 with the DRP within 30 days of approval of this grant to establish a draw-down account, from which actual costs will be billed and deducted for the purpose of defraying the expenses involved in the Department's reviewing and verifying the information contained in any required reports and any other activities of the Department, including but not limited to: enforcement, permitting, inspection, coordination of mitigation monitoring, administrative support, technical studies, and the hiring of independent consultants. Once the Permittee has been notified that actual costs incurred have reached 80 percent of the amount of deposit (\$40,000), 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 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 amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
64. During Phase I of the City Project, the Permittee shall annually fund five (5) household hazardous waste and electronic waste (including discarded computers) collection events conducted within the County of Los Angeles, and thereafter the Permittee shall annually fund eleven (11) collection events. The cost of each event shall be calculated at (a) \$100,000 for the first year, adjusted annually based on the increase, if any, in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, and Riverside areas, as published by the United States Government Bureau of Labor Statistics, or (b) the average cost of the events conducted in the preceding 12 months, as determined by the Director of Public Works, whichever is less. The Permittee shall pay the funds to the Director of Public Works on a semi-annual basis. The first payment shall be due within 90 days from the effective date of this grant.
65. Pursuant to Goal 2.4.2. of the Los Angeles County Countywide Siting Element and the Board of Supervisors' action of July 27, 1999, with regard to promoting the development of alternatives to landfilling and incineration, the Permittee shall contribute up to \$200,000 annually, but not to exceed \$2,000,000 during the term of this grant, into an Alternative Technology Development Fund, which shall be used to research, promote, and develop such alternative technologies that may be most appropriate for Southern California from an environmental and economic perspective, as determined by the Director of Public Works and the Alternative Technology Advisory Subcommittee of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. The Alternative Technology Advisory Subcommittee shall include a representative of the North Valley Coalition of Concerned Citizens and a representative of the Permittee. The Director of Public Works shall consult with the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force in its implementation of this condition. Within six months of the effective date of this grant, the Permittee shall deposit the first \$200,000 payment into a separate, interest bearing, account established by the Director of Public Works.

In addition, the Permittee shall support and promote legislation and regulations which would promote development of conversion technologies by:

- a. providing economic incentives; and
- b. removing them from the definition of transformation; and
- c. providing full diversion credit towards the State's waste reduction mandates; and
- d. removing any unnecessary restrictive regulatory hurdles which impede their development.

66. The Permittee shall comply with all terms and Conditions of Oak Tree Permit No. 86-312-(5). The Permittee is authorized to remove oak trees within the project areas as necessary to conduct landfill operations authorized by this grant and subject to the requirements of Part VII of the Implementation and Monitoring Program attached to Oak Tree Permit 86-312-(5).

67. The Permittee shall continue working with the waste industry and in concert with cities, the County, and other stakeholders, to modify existing laws and regulations to require that compliance with the State waste reduction mandates be measured by program implementation while the Disposal Reporting System would be used solely to identify the trends.
68. The Permittee shall implement a vehicle tarping program at the Facility as approved by the Director of Public Works, to discourage untarped vehicles from using the facility. All vehicles loaded with solid waste materials or with the potential to create litter shall be tarped upon entering and leaving the landfill site. No vehicle loaded with solid waste materials shall be allowed to enter the facility, until the driver is informed of the tarping requirements and asked to have his/her load covered. Repeat violators shall be subject to penalties and may be prohibited from using the facility.
69. The Permittee shall make a monthly payment of \$1/ton of solid waste placed in the landfill for disposal, which shall be deposited into an interest-bearing Community Benefit and Environmental Education Trust Fund, established for the purpose of providing resources for environmental, educational, and quality of life programs, regional public facilities that serve the surrounding unincorporated communities, and other benefits within the unincorporated surrounding communities. Monies in the Fund shall be spent on programs determined by and as directed by the 5th Supervisorial District to the Director of Planning, who shall administer the Fund. All interest earned on the monies in the Fund shall remain in the Fund.

10/3/2005

