

Department of Regional Planning and Department of Public Works Staff Responses to the Appeals of the Regional Planning Commission April 19, 2017 Approval of Chiquita Canyon Landfill (Project R2004-00559) (Set for Hearing Before the Board of Supervisors on June 27, 2017)

INTRODUCTION

The Regional Planning Commission ("RPC") approved Project R2004-00559, including Conditional Use Permit ("CUP") 200400042 and Oak Tree Permit ("OTP") 201500007, on April 19, 2017 for the continued operation and expansion of Chiquita Canyon Landfill ("the Landfill"), a Class III landfill within the A-2 (Heavy Agricultural) Zone and the Newhall Zoned District.

Five parties have appealed RPC's approval to the Board of Supervisors ("Board") in accordance with Part 5 of Chapter 22.60 of the Los Angeles County ("County") Code. Copies of these appeals are attached.

- Chiquita Canyon LLC ("CCL"), the project applicant, submitted an appeal on May 1, 2017 seeking to modify or eliminate a number of conditions contained in the CUP and the Implementation and Monitoring Program ("IMP") approved by RPC.

In addition, the following four parties opposing the continuation and expansion of the Landfill also filed appeals:

- An appeal by Ms. Lynne Plambeck, who represents the Santa Clarita Organization for Planning and the Environment ("SCOPE"), was submitted on April 24, 2017. SCOPE's appeal was signed by 29 other individuals.
- An appeal by Mr. Jeremiah Dockray, representing Citizens for Chiquita Canyon Landfill Compliance ("C4CCLC"), was submitted on May 1, 2017.
- An appeal by Mr. Steven Howse, representing the Val Verde Civic Association ("VVCA"), was submitted on May 1, 2017.
- An appeal by the Sierra Club, represented by Ms. Sandra Cattell and CA25 United for Progress ("CA25UP"), represented by Mr. Philip Germain was submitted on May 3, 2017.

BACKGROUND

CCL previously operated the Landfill pursuant to CUP 89-081, which was issued in 1997 ("1997 CUP"). The 1997 CUP expired in June 2016, when the landfill reached the limit under the 1997 CUP of 23 million tons of solid waste.

The CUP that is the subject of the above-referenced appeals would replace the 1997 CUP and allow the continued operation and expansion of the Landfill. Since the expiration of the 1997 CUP, CCL has been operating the Landfill under a "clean hands waiver" issued by the Director of Regional Planning in accordance with Section 22.04.110 of the County Code. The clean hands waiver is set to expire on July 31, 2017.

In its application for the CUP, the applicant requested a project which includes expansion of the existing waste footprint from 257 acres to 400 acres, an increase in the maximum landfill elevation from 1,430 feet to 1,573 feet, and an increase in the daily disposal limits from 6,000 tons per day to 12,000 tons per day of solid waste, and corresponding increases in weekly disposal limits from 30,000 to 60,000 tons. In its proposal, the applicant agreed to provide a new household hazardous waste (HHW) facility, 560 tons per week of mixed organics/composting, a set-aside of land for a potential future conversion technology facility, and additional project elements.

The applicant proposed to continue the acceptance of materials that it classifies as "beneficial use materials" at existing levels (i.e., inert materials that can be used to cover the solid waste and for other beneficial uses in the landfill.). The 1997 CUP did not set a limit on beneficial use materials, but the amount of materials that CCL classified as beneficial use materials received in 2011, the year used as the baseline in the Environmental Impact Report ("EIR"), was 735,828 tons, an average of 2,358 tons per day of landfill operations. Based on an average of 60,000 tons per week, CCL would be able to receive 3,120,000 tons of solid waste per year. The applicant's proposal would allow for up to 735,828 tons of beneficial use materials per year. Up to 174,720 tons of mixed organic waste would be allowed per year based on a limit of 560 tons per week in this proposal. Under this proposal, the total for all materials received by the landfill could be up to 4,030,548 tons per year.

Staff of Regional Planning and Public Works recommended that the RPC grant a CUP to allow the continued operation of the landfill and expansion of the existing waste footprint. However, in order to minimize the impacts of the Landfill on the surrounding communities, staff did not recommend increasing the average weekly solid waste tonnages from what was permitted under the expired permit and recommended limiting beneficial use materials so that they would be more in line with the amount of beneficial use at other comparable landfills.

Specifically, staff recommended expanding the waste footprint from 257 acres to 400 acres, with no change to the maximum landfill elevation of 1,430 feet, a limit of 12,000 tons per day for all materials, yearly limits of 1,400,000 tons of solid waste and 700,000 tons of beneficial use materials (including mixed organics/composting materials), for a total annual limit of 2,100,000 tons. In addition, under staff's recommendation, monthly limits would be 175,000 tons for all materials and 58,333 and 1/3 tons of beneficial use materials, and a weekly limit of 30,000 tons per week of solid waste. The project recommended by staff also requires the applicant to build a new entrance and support facilities, authorizes mixed organics/composting, and requires the applicant to set aside land for a potential future conversion technology facility. It does not require the applicant

to build a new HHW facility but provides the applicant the option of either funding 10 local HHW collection events each year or building and operating a permanent HHW facility and funding five such events per year.

On April 13, 2017, the applicant submitted proposed modifications to staff's recommended scope and conditions, requesting to increase the annual tonnage limit to 2,893,000 tons for all materials, with a daily limit on all materials of 12,000 tons, eliminating the weekly and monthly limits proposed by staff, and increasing the maximum landfill elevation to 1,495 feet.

The RPC considered the EIR for the project, which analyzed the applicant's original request and determined that all impacts of the project could be reduced to less than significant levels with mitigation except for air quality, and greenhouse gas emissions and climate change. The RPC certified the Final Environmental Impact Report ("FEIR") for the project as well as the mitigation, monitoring and reporting program ("MMRP"). The FEIR consists of the Draft Environmental Impact Report ("DEIR"), Partially Recirculated Draft Environmental Impact Report ("PRDEIR"), and related materials. The RPC adopted findings of fact and a statement of overriding considerations, and approved the CUP and OTP with the conditions recommended by staff.

RESPONSES TO CONTENTIONS IN THE APPEALS

The following responses by the Department of Regional Planning ("DRP") and the Department of Public Works ("DPW") address the points discussed in the appeal letters and are organized based on the items of the individual appeal letters. The responses are necessarily brief due to the large amount of topics covered and are intended to address the major points and to correct the record where needed.

CCL APPEAL

In its appeal, the applicant appealed 48 of the conditions contained in the CUP as well as 10 parts in the Implementation and Monitoring Program ("IMP"), which imposes a number of reporting and tracking requirements on the applicant that verify compliance with the CUP's conditions. The applicant's appeal listed the conditions and IMP parts being appealed. Details on their proposed changes were included in a document included in the April 13, 2017 RPC hearing package, including a redline copy of the conditions for which changes were requested and the rationale for the changes. In the April 13 document, the applicant requested removal of Condition 124. This condition was removed prior to the April 19 RPC hearing. It is not the same as Condition 124 in the approved CUP, which the applicant did not appeal. The April 13 document shows that the applicant requested deletion of 15 conditions (excluding Condition 124) and changes to 33 other conditions.

Staff of DRP and DPW responded to the applicant's appeal below, and incorporated responses to objections that the applicant set forth in its earlier correspondence with the RPC.

Condition 1rrr (Definition of Solid Waste)

The definition of "Solid Waste" is consistent with the definitions contained in County ordinances and state regulation, which define solid waste to include all "waste" that is "discarded." See also *Waste Management of the Desert, Inc. v. Palm Springs Recycling Center* (1994) 7 Cal.4th 478, 485 (items that are thrown away and have no economic value are considered waste).

Condition 1rrr recognizes that "solid waste" excludes materials that are actually used for beneficial uses and therefore not "discarded." But it makes clear that materials that could potentially have beneficial uses but that are not actually used for a beneficial purpose are discarded and are classified as "Solid waste," and it thereby prohibits the applicant from overstating the amount of material that is classified as "beneficial use".

Condition 18 (Notice of Violation)

In the correspondence with the RPC, the applicant requested that this condition be revised to include the requirement that it receive a "courtesy" notice by email of violations. The procedures for Notices of Violation are set forth in the Zoning Code, and do not include email notification. DRP's Zoning Enforcement North Section recommends keeping this condition as currently written.

Condition 21 (Tonnage Limits)

The tonnage limits are intended to allow the applicant to accept Solid Waste at essentially the same levels as under the 1997 permit on a weekly, monthly and yearly basis, while allowing the applicant some flexibility to address daily fluctuations in the amount of material received at the Landfill. Although the 1997 CUP did not place any limits on "beneficial use" materials, Condition 21 of this CUP does place such limits to avoid allowing the applicant to classify materials as "beneficial use" that exceed the amount needed for specific uses.

Condition 25 (Requirements for a Household Hazardous Waste (HHW) Facility)

The CUP does not require the applicant to construct a permanent HHW facility. Condition 122 requires the applicant to fund 10 temporary collection events per year in the Santa Clarita Valley at a cost of \$100,000 per event (which is consistent with the costs of conducting similar events in Los Angeles County), but if the applicant constructs and operates a permanent HHW facility, it will only be required to fund 5 temporary collection events per year. The purpose of this requirement is to protect the environment and the health and safety of communities surrounding the landfill by ensuring that residents have a convenient avenue for disposing of HHW, such as unwanted/used paint, motor oil, household chemicals and electronics, in order to reduce the amount of these materials that are improperly disposed in the Landfill.

Based on research conducted on case studies of HHW facilities around LA County, DPW has determined that to properly collect, process and store HHW, the HHW facility must have minimum of 2,500 square feet of storage.

Condition 26 (Organic Waste Composting Facility)

The CUP requires that any composting facility be stationary and enclosed, in order to minimize impacts relating to odor nuisance, air quality, and visual impact. The applicant objects to this requirement and proposes instead to operate a mobile and non-stationary organic waste composting facility. The applicant acknowledges that an enclosed composting facility would be less impactful, particularly with respect to potential odors, but it complains that enclosing the facility would be expensive and unnecessary. The applicant points out that the EIR concluded that the impacts from an open, non-stationary facility will be less than significant. The applicant requests modification of the condition to require the facility be enclosed only if necessary to address an odor problem if one develops.

It is not uncommon, however, for open composting facilities to cause odor nuisance. DPW is of the view that nearby residents will be better served by requiring that the facility be enclosed from the outset to ensure an odor nuisance does not develop in the first place. Otherwise, the community may be subjected to an odor nuisance, and the County would need to enforce the CUP condition requiring enclosure of the facility in order to abate the odor nuisance at which point the impact on the community may become irreversible.

Condition 27 (Maximum Landfill Elevation)

Maintaining a maximum landfill elevation of 1,430 feet is appropriate and will minimize the visual impacts of this project. If the Landfill is operated efficiently, the maximum elevation is sufficient to accommodate the waste and beneficial use materials permitted under Condition 21, with the expansion of landfill area being approved in this CUP.

Conditions 32-35 (Insurance and Financial Assurances)

The County sets its insurance requirements based upon its determination of the amounts necessary to ensure the operator has sufficient insurance to cover all risks of liability associated with the operation of the Landfill. Those risks, particularly for pollution and environmental liability, increase as the amount of waste buried in the Landfill increases. Additionally, the County sets the financial assurance requirements to ensure that the operator has sufficient funds for the Landfill's Closure and/or Post-Closure Maintenance and maintenance of the Environmental Protection and Control System (EPCS) as well as to fund the insurance coverage necessary to cover unexpected liabilities that may arise after the landfill closes.

The applicant is correct that State regulations set forth minimum requirements for insurance and financial assurances. As the local land use authority, the County may

impose additional requirements that it determines are necessary to protect the health and safety of its citizens. DPW has determined that \$40 million is the current amount that is sufficient to cover the Landfill's current risks, and this amount is consistent with state regulations and also reflects the amount of coverage that the applicant currently carries, according to its own representations.

DPW does not expect that its requirements for the limits of insurance or amounts of financial assurance will differ significantly from those required by State regulations. However, because the County does not dictate the State's requirements or methods of ensuring compliance with those requirements, it is appropriate for the County to have the ability to set and enforce requirements independent of the State. The State regulations only set forth requirements for a 30-year period. However, the County's requirements are for the applicant to maintain sufficient funds and insurance to cover its liability so long as the landfill poses a health and safety risk to the community.

Conditions 36-37 (Termination)

The applicant has proposed that the CUP terminate only upon reaching the Limits of Fill set forth in this grant. Providing a 30-year time limit as an alternative means of triggering termination is appropriate, however, because this provides a date certain to the community as to the maximum length of this grant. The overall tonnage limit of 60 million tons is the amount of material that can be placed within the Limits of Fill with the 1,430-foot height limit, if the Landfill is operated efficiently. It is also consistent with (although slightly less than) the limit of 2.1 tons per year established in Condition 21 over a 30-year period.

The applicant has requested to modify Condition 37 to allow the continued operation of the composting and conversion technology facility with no set termination date on those activities. Nevertheless, it is appropriate for the termination of the grant to include termination of the authorization for those activities. While it may be desirable to continue operating the composting and conversion technology facilities after closure of the Landfill, these operations can be addressed in a subsequent application that takes into account conditions existing at that time. However, the community needs to know at what time the impacts being created by the landfill operation will cease or be permanently reduced.

Nothing in Conditions 36-37 prohibits the operator from acquiring beneficial use materials as necessary to comply with Closure and Post Closure requirements, but the operation of a Landfill will terminate upon termination of the grant.

Condition 38 (Operating Hours)

The limits on hours of operation are designed to minimize nighttime noise impacts to the existing nearby community as well as new planned developments which will be located within close proximity to the facility and access roads. Additionally, the CUP as approved by the RPC would allow the hours of operation to be extended to receive Inert Debris at the site to accommodate special projects that generate construction debris at nighttime.

To protect the community, the CUP requires the operator to secure Public Works' approval of an "Operational Assessment Plan" which demonstrates that such nighttime operations will not result in impacts due to noise, traffic, or visual impacts.

Conditions 39-42, 44 (Maximizing Landfill Capacity)

The requirements set forth in these conditions are necessary and appropriate in order to achieve the objective of the project as stated by the applicant, which is to provide waste disposal capacity. Additionally, these requirements are necessary and appropriate to ensure the objectives of the project are consistent with the goal of the County's Solid Waste Integrated Management Plan, which is to maintain disposal capacity in the County while not creating adverse environmental impacts on the surrounding communities.

Condition 46 (Prohibited Materials)

Prohibiting materials such as auto shredder waste, incinerator ash, and biosolids, in addition to materials that are prohibited by state law, is necessary and appropriate to minimize impacts to the surrounding communities including (but not limited to) dust and odor, even though such materials may be permitted under state and federal law.

Condition 52 (Grading/Drainage)

County has determined that the grading and drainage requirements are necessary to mitigate the impacts of the project on surface and ground water. As the proposed project includes containment structures that would discharge into the Santa Clara River, etc., the requirements ensure that off-site properties would not be impacted by the landfill's surface runoff.

Condition 59 (Approved Landscaping Plan)

The requirement that the applicant submit for DRP's approval and implement a landscaping plan that meets certain specified requirements is appropriate to ensure the landfill remains in a neat, clean, aesthetically pleasing and healthy condition. Appropriate revegetation of the landfill will provide additional dust and erosion control measures which would ultimately lessen the impact of the landfill operation on the surrounding community.

Conditions 61, 66, 67, 68, 70, 71 (Air Quality)

The EIR concluded that the project has a significant impact on air quality. In addition, a number of people testified before the RPC that they have experienced odor from the Landfill and are concerned with odor, fumes and dust. These conditions are designed to minimize these impacts and provide the County with strong and effective tools to evaluate and address dust, odor and other air quality impacts.

Conditions 73-75, 77 (Traffic and Road Improvements)

These requirements are reasonable and necessary to mitigate impacts of the landfill operation on roadways that are near to the facility and of trucks idling outside of the facility. As an agency responsible for maintaining the county infrastructure, the County needs to assure that the applicant is mitigating impacts that the project has on the public right of way.

The project proposed by the applicant included relocation of the entrance facilities. The applicant asserts that the relocation of entrance facilities is unnecessary to accommodate the project approved by the RPC, however, which essentially maintains current tonnage limits and will therefore not result in any increase in traffic from current levels. Staff disagrees. The relocation of the entrance facilities is necessary to accommodate the increased urbanization of the area around the Landfill as compared to what existed in 1997, as well as Caltrans' proposed expansion of State Route 126. The applicant also objects to some of the time periods contained in these conditions for completing certain improvements. DPW believes that these time periods are reasonable and that the applicant can comply with them if it is diligent.

The applicant also takes issue with the "Bridge and Thoroughfare fees" set forth in Condition 77(vii). In accordance with Section 66484 of the California Government Code, the "Major thoroughfare and bridge fees" established in Section 21.32.200 of the Los Angeles County Code apply to subdividers, as a condition of a final map, or building permit applicants, as a condition of issuance of a building permit, for property within an identified area of benefit. The purpose of the fee is to defray the costs of constructing bridges and major thoroughfares that the County's general plan identifies as necessary to accommodate new development.

The Landfill is within the benefit area of the Westside Bridge and Major Thoroughfare Fee District (District). In accordance with the County Code, the Board of Supervisors approved a Report for the District that established a formula for calculating fees, and set forth the bridges and thoroughfares that can be constructed with District funds, as well as other relevant procedures and requirements. Condition 77(vii) requires the applicant to pay a fee in accordance with this Report. The fee required by Condition 77(ii) is not imposed under Section 21.32.200 of the County Code but as a condition of the CUP.

DPW has determined that accommodating the expansion of the Landfill will require major thoroughfare and bridge construction that is comparable to what is typically required for other industrial uses. Some of the thoroughfares identified in the Report will be used almost exclusively by the Landfill. In accordance with the procedures set forth in Section 21.32.200 of the County Code, to the extent that other conditions of the CUP require the applicant to make improvements to roads that are identified in the Report, the costs of those improvements will be reimbursed from District funds.

Staff recommends that the Board make the following clarification to Condition 77(vii):

Condition 77(vii)

Remit the fees which have been in accordance with the formulas, procedures and requirements set forth in February 2011 Report for the established by the Board of Supervisors for the Westside Bridge and Major Thoroughfare Construction Fee District, to defray the costs of the road improvements identified in the Report which are necessitated to accommodate the expansion of the Landfill. The fee amount is based upon the fee rate in effect at the time of the Project's effective date. The current fee rate is \$23,780 per Factored Development Unit (FDU) and is subject to change. Per the current Westside Bridge and Major Thoroughfare Construction Fee District Report, each gross acre of a commercial site is assessed at five times the applicable FDU rate. Similarly, each gross acre of an industrial site is assessed at three times the applicable FDU rate.

Conditions 81, 83 (Litter Control and Recovery)

These requirements are necessary to prevent litter from escaping the community and becoming a nuisance for the community.

Condition 89 (Haul Routes)

(See explanation provided for Conditions 73-75, 77.)

Condition 94 (Storm Water Mitigation)

The applicant must comply with the requirements imposed by the County in its capacity as the local land use authority as well as regulatory requirements imposed by the State. These requirements are necessary to ensure that there is no run-off from the daily operation and activities of the landfill.

Condition 104 (Solid Waste Disposal Study)

This Condition is necessary to mitigate the impacts of the project and is consistent with the objective of the project as stated by the applicant. This requirement will ensure the objectives of the project are consistent with the County's Solid Waste Integrated Management Plan, which is to maintain disposal capacity in the County while not creating adverse environmental impacts on the surrounding communities.

Condition 106 (Waste Origin Report)

These requirements are necessary to mitigate the impacts of the project and are consistent with the objective of the project as stated by the applicant along with the County's Solid Waste Integrated Management Plan, which is to maintain disposal capacity in the County, and access to disposal capacity, while not creating adverse environmental impacts on the surrounding communities. Contrary to the assertions made by the applicant in correspondence to the RPC, this Condition does not require the disclosure of proprietary customer information.

Condition 107 (Video Monitoring)

This condition requires the applicant to video record only the working face of the Landfill, and any privacy intrusion is therefore minimal. Requiring video monitoring of the working face is necessary to preserve information and to enable the County to verify that the Landfill is using proper disposal methods, and accepting only permitted materials in accordance with the CUP. For example, once disposal material is buried in the Landfill it is extremely difficult to investigate allegations that the Landfill has accepted unpermitted waste. A video recording can assist with determining whether the allegation is true, and if it is not true the recording will vindicate the Landfill.

Conditions 112-122 (Permit Fees)

The CUP will authorize the applicant to continue to operate a large, regional landfill. More than 80 percent of the waste disposed in the Landfill originates from outside of the Santa Clarita Valley area, but the impacts of these operations are primarily felt locally. The EIR has identified unavoidable, significant impacts in the areas of air quality and greenhouse gas emissions and climate change. The EIR has identified mitigation measures to reduce these impacts, as well as to reduce other impacts to less than significant levels. But even impacts that are considered less than significant for purposes of CEQA are still impacts, and they are experienced disproportionately by residents of the communities surrounding the Landfill. These impacts include, but are not necessarily limited to, traffic, odor, dust, noise, and aesthetic impacts. More generally, proximity to a major landfill, even if it is operated efficiently, is viewed as diminishing the overall quality of life of residents. And the impacts can last up to 100 years after the landfill stops accepting waste. The CUP imposes fees that reflect the true cost of waste disposal and the costs of addressing the impacts of the landfill operations, which fall disproportionately on the surrounding community.

Consistent with Los Angeles County Code § 22.040.056, the CUP imposes fees to pay for programs to mitigate specific impacts as well as to generally improve the quality of life of nearby residents in order to offset the "quality of life" impacts imposed by the Landfill, which are often difficult to quantify. Over the life of the grant and after its termination, these projects will provide an improvement in quality of life through, for example, adding parks and open space, beautifying roads and contributing to educational programs and providing other services to the residents, that approximates the diminishment caused by operation of the Landfill.

Additionally, the objective of the proposed fees is to assist the County in its effort to provide relief to the surrounding community through its countywide source reduction and recycling programs, neighborhood planning studies, transportation improvements, community benefit and environmental education programs, and the Household Hazardous/Electronic Waste Management Program, as well as to compensate DRP, DPW and other County departments to cover their monitoring and enforcement costs. These programs benefit communities in the region along with those in the vicinity of the Landfill.

- 1) Condition 112 – This condition requires the operator to pay the Business License Tax imposed on disposal facilities in accordance with Chapter 4.63 of the Los Angeles County Code. The basis for applicant's appeal of this Condition is unclear.
- 2) Condition 113 – This condition requires the applicant to pay \$0.25 on each ton of Solid Waste disposed at the site to pay for waste reduction and diversion programs. State law requires the County and other jurisdictions to divert at least 50% of all waste to recycling and beneficial use; it also sets goals of up to 75% diversion, and it imposes penalties against the County for failing to meet these requirements. The applicant argues that the Landfill itself does not generate waste but merely provides a service for the disposal of waste that is generated by others. This is a shortsighted view of the Landfill's role. The generators of the waste are residents and businesses. These are the same people for whom the Landfill ultimately provides services and at whom the waste reduction and diversion programs will be aimed. When waste is disposed in the Landfill this results in revenue to the applicant, by way of service fees that are ultimately paid by the waste generators. The costs of these services include indirect costs, such as the costs incurred by local jurisdictions to meet diversion goals.
- 3) Condition 114 – This condition imposes a fee of \$0.08 per ton of Solid Waste disposed at the Landfill to pay for disaster debris removal in the communities surrounding the Landfill. As noted, the communities surrounding the Landfill experience a disproportionate share of burden of the Landfill's impacts. In the event of a disaster, the Landfill will receive fees from accepting debris and pursuant to Condition 22 may even be permitted to accept increased tonnage amounts in the event of a declared emergency. The fee in Condition 114 will help pay for the costs of debris removal in the communities that are shouldering the bulk of impacts associated with transporting the disaster debris from the rest of the County.
- 4) Condition 115 and 116 – This condition imposes fees on waste originating outside of the Santa Clarita Valley and additional fees for waste originating outside of Los Angeles County. These fees serve to ensure that there is adequate, reasonably priced disposal capacity for residents of the Santa Clarita Valley, who experience a disproportionate share of the impacts associated with this Landfill, by limiting the amount of materials received at the facility that are generated outside the area.

The proceeds of the fee are to be used for three categories of expenditures: (1) quality of life programs in areas surrounding the Landfill; (2) programs to enhance disposal capacity and limit project impacts in the unincorporated areas; and (3) programs to promote the development of conversion technology projects.

The "quality of life" programs are intended to offset the impacts of the Landfill on residents, particularly in the Santa Clarita Valley who are disproportionately impacted. Programs designed to enhance landfill capacity and promote conversion technology are part of the County's efforts to achieve the goals set forth

in its Integrated Waste Management Plan (IWMP), and will supplement in the unincorporated area these types of programs funded by the solid waste management fees that the County imposes in accordance with Public Resources Code § 41901. The County's costs to preserve landfill capacity and encourage alternatives to disposal in accordance with the IWMP, such as conversion technologies, are part of the true, indirect cost of waste disposal. In the event that the applicant develops a conversion technology facility in accordance with Condition 116 of the CUP, the fee will be reduced by one-third.

We disagree with the applicant's contention that the out-of-area fee violates the Integrated Waste Management Act or the Dormant Commerce Clause of the United States Constitution. Public Resources Code § 40059.3, which was enacted in 2012, prohibits a city or county from enacting an ordinance to restrict or limit the importation of solid waste based upon place of origin. However, it expressly provides that this limitation does not supersede or otherwise affect the land use authority of a city or county, and it therefore does not prevent the County from imposing an otherwise lawful condition in a Conditional Use Permit that charges a fee on waste originating from outside of a certain area. Furthermore, the fee does not violate the Dormant Commerce Clause of the U.S. Constitution which would only apply to the extent that the Condition places a restriction upon waste generated outside the State. Condition 115 expressly applies only to waste originating within California.

Out-of-area fees have been imposed on landfills in other jurisdictions in Southern California. For example, Simi Valley Landfill in Ventura County and El Sobrante Landfill in Riverside County have host fees of \$4 and \$5, respectively.

- 5) Condition 117 – This Condition requires the applicant to pay a \$200,000 annual fee to fund the research promotion and development of alternative technologies. This serves the County's goal of promoting alternatives to landfilling. The applicant testified before the RPC that the continued operation of the Landfill is necessary in order to meet the County's disposal needs. Staff recommended approval of the CUP in order to ensure that the County has sufficient landfill capacity. The applicant earns revenue on Solid Waste that is landfilled in its facility rather than through alternative technologies, while the residents of the County and particularly the communities near the facility experience impacts. This fee will assist in the development of alternatives to landfilling which will ultimately reduce the impacts associated with landfilling.
- 6) Condition 118 – This Condition requires the applicant to pay a fee of \$0.50 per ton of Solid Waste to fund the acquisition and development of natural habitat and parkland within the Santa Clarita Valley. The acquisition and development of habitat and parkland funded with this fee will mitigate the loss of open space and habitat resulting from the operation of the landfill and will offset the quality of life impacts which are disproportionately felt by residents of the Santa Clarita Valley.

- 7) Condition 119 – This Condition requires the applicant to pay a fee of \$0.50 per ton of Solid Waste disposed at the Landfill to fund road improvements in the areas surrounding the Landfill. The road improvements funded with this fee will mitigate the damage to the roads caused by truck traffic to and from the landfill. While the EIR did conclude that there would be no significant impacts on transportation, it did not state there would be no impacts. The thousands of truck trips coming into the facility were discussed, and those do affect road conditions. These heavy trucks do cause wear and tear on the roads and increased traffic congestion, and are specifically coming into the region because of the landfill use.
- 8) Condition 120 – This Condition requires the applicant to pay \$50,000 every other year to fund planning studies. This is a thirty-year use grant. In that time, DRP intends to conduct studies and plans for the Castaic, Val Verde and other surrounding communities to address in part, impacts caused by the neighboring landfill. These monies will be kept in a trust account and accounted for; and any unused or uncommitted funds for such monies would be returned to the applicant.
- 9) Condition 121 – This Condition requires the applicant to pay \$1.00 per ton of Solid Waste to fund environmental, educational, and quality of life programs in the areas surrounding the landfill. The programs funded with this fee will offset impacts from the disposal activities at the Landfill which disproportionately affect these communities. On average, the environmental impacts of a landfill can last for more than 100 years after a landfill is closed. Consequently, the imposed fees help to relieve the neighboring communities from the burdens through the enhancement of community of life.
- 10) Condition 122 – This Condition requires the applicant to fund 10 HHW collection events per year in the Santa Clarita Valley or, if the applicant develops a permanent HHW center in the Santa Clarita Valley it would reduce the number of events per year to five. The purpose of this requirement is to protect the environment, the health and safety of communities surrounding the landfill by ensuring that residents have a convenient avenue for disposing of hazardous materials, in order to reduce the amount of these materials that are improperly disposed in the Landfill. DPW is familiar with the cost of HHW collection events and the needs of the community for these services because of its role in operating the Countywide HHW program in partnership with the County Sanitation Districts.

The applicant has appealed the following parts of the IMP:

- Part I Landfill Elevations
- Part II Waste Plan Conformance
- Part III Data Collection and Reporting
- Part IV Waste Origin Data Accuracy
- Part V Hazardous Waste Exclusion
- Part VI Prohibited Materials
- Part VII Indemnification Agreement

- Part XII Annual Monitoring Reports
- Part XIV Technical Advisory Committee
- Part XVI Litter Control and Recovery

The County has determined that the monitoring requirements in these parts of the IMP are necessary so that the specified provisions of the Conditional Use Permit are thoroughly monitored and not exceeded or violated by the landfill operator. The ultimate objective of these requirements is to ensure the health and safety of the surrounding community.

SCOPE APPEAL

The appeal letter from SCOPE states that the appeal is based on failure to comply with Conditions No. 44 and 46 of the 1997 CUP (CUP 89-081) regarding the closure of the landfill upon reaching the 23 million ton limit and compliance with the community agreement. CUP 89-081 had a condition (No. 9c) expressly allowing for the permittee to apply for a new permit to expand the landfill. Landfill closure would have been required upon reaching 23 million tons if there had not been a pending application for continued operation and expansion of the landfill at the time. The 1997 community agreement and CUP conditions did not preclude a new permit from being filed to continue landfill operations.

EIR

1. The air quality monitoring data was taken from the closest available monitoring stations.
2. The landfill gases will continue to be collected by a gas collection system which will use landfill gases to generate electrical power at the on-site plant. Use of a Best Management Practice to increase gas collection efficiency through management of daily, intermediate and final cover is anticipated to improve collection efficiency to 85%. Condition No.63 of the CUP requires that “the Permittee shall also install and maintain a landfill gas collection and management system that complies with South Coast Air Quality Management District (“SCAQMD”) requirements and uses best available control technology to prevent 1) the lateral migration of gases to off-site properties, and 2) odor generation that causes impact to surrounding communities, to the satisfaction of the Department of Public Works, the DPH, and SCAQMD.”
3. The Health Risk Assessment (“HRA”) in the EIR included Hydrogen Sulfide and Vinyl Chloride on the list of chemicals that were analyzed (Appendix H1, Table H-2) using the methodology from the Office of Environmental Health Hazard Assessment (“OEHHA”) and SCAQMD.
4. The project contains many mitigation measures related to air quality, which would reduce potential impacts to sensitive receptors, including schools. CUP conditions also address air quality issues and would help to reduce potential health impacts.
5. The Statement of Overriding Considerations explains the reasons why the

project should be approved even though the air quality impacts of some pollutants were found to be significant after implementation of mitigation measures.

6. The letter does not explain why SCOPE believes the EIR's findings on health issues are inaccurate.

7. Noted.

CUP

1. The letter does not make any suggestions on additional conditions to ensure adequate air and water monitoring. The CUP includes conditions requiring extensive air quality and water quality monitoring.

2. The permittee is subject to potential fines and enforcement action in the event of violations.

3. The letter does not say how much daily trash loads should be reduced. As discussed, the CUP approved by RPC does not increase the amount of material which may potentially be received by the landfill compared to the 1997 CUP.

4. The detailed burden of proof comment letter has not been received at this time. The CUP was found to meet the burden of proof as described in the permit findings.

5. Noted.

OTP

1. The oak tree removals are necessary to accommodate the new entrance facilities and landfill expansion area.

2. The two to one oak tree replacement ratio meets the requirement of Section 22.56.2180.A.6.a of the County Code.

3. The two-year monitoring period for the replacement oaks is based on Section 22.56.2180.A.6.b of the County Code.

C4CCLC APPEAL

CUP

1. Data from the nearest available air quality monitoring stations was included in the EIR.

2. The Mesquite Regional Landfill and other project alternatives were evaluated in the EIR. Mesquite Regional Landfill is not yet operational due largely to the high operational cost.

3. The closure process is sufficiently clear in the CUP conditions (Conditions No. 36, 37, and 109).

4. Geological factors, including seismic risks were analyzed in the EIR, and impacts were found to be less than significant. This issue is addressed in the Final EIR Topical Response #11 in the Responses to Comments. Household hazardous wastes will not be stored at the facility except for collection and temporary storage before being transported off-site to an appropriate location. The Conversion Technology facility, landfill, and ancillary uses will not result in significant impacts related to geological issues.

5. The protocol and procedures for addressing odor complaints are described in Conditions No. 67 and 68. The MMRP also contains mitigation measures,

- including AQ-4 and ORM-1, requiring development of an Odor Impact Minimization Plan.
6. CUP Condition No. 46 prohibits sludge intake. CCL has agreed not to take in sludge, and if any violations occur they will be pursued by Zoning Enforcement, working with the other regulatory agencies.
 7. Condition No. 56 requires groundwater monitoring to detect any potential contamination. Condition No. 66 requires air quality monitoring at the facility and surrounding areas.
 8. The RPC does not have jurisdiction to control the SCAQMD complaint process, as it is a State agency.
 9. Changes to the CAC procedures have been incorporated into the IMP to improve its ability to function as an effective advisory body to the Board, the RPC and County Staff on landfill issues.
 10. The EIR did analyze impacts of the landfill on surrounding communities.
 11. Air quality is a serious concern. However, the conditions and mitigation measures will help to minimize impacts. Expected air quality impacts will be less than what was analyzed in the EIR if the conditions and MMRP approved by the RPC or similar ones are implemented, since the amount of overall tonnage of materials that could be accepted at the landfill would be substantially less than the applicant's original proposal.
 12. The County is not dependent on taxes from the landfill. The fees imposed in the CUP are limited to the amounts necessary to cover the County's costs associated with the operation of the Landfill and enforcement of the CUP, and to mitigate the impacts associated with the continued operation of the Landfill.
 13. The EIR acknowledges the current non-attainment status for certain criteria pollutants based on State and Federal standards in the Air Quality chapter (Chapter 11).
 14. The County has analyzed the project alternatives as listed in Chapter 18 of the EIR. Analysis of the project alternatives was included in the CEQA Findings and Statement of Overriding Considerations.
 15. The traffic impacts were analyzed in the EIR Traffic and Transportation chapter (Chapter 10). The traffic study was conducted in accordance with all applicable requirements and was reviewed by the Traffic and Lighting Division of DPW. Impacts to surrounding communities have been analyzed.
 16. The letter doesn't explain what facts were allegedly misrepresented by the landfill's spokespersons or what specific incorrect statements they made.

EIR

1. Affected communities may report any hazards, violations and adverse effects to any of the monitoring agencies, including SCAQMD, Los Angeles County Department of Public Health ("DPH"), DRP or DPW.
1. CCL has appealed the fees for the landfill, which it considers to be excessive. However, even with the added fees, the waste disposal costs will still remain considerably less than the estimated costs for Mesquite Regional Landfill, which could be as high as \$105 to \$125 per ton.
2. Revocation of the permit in accordance with County Code Section 22.56.1780 remains a possibility if the use becomes a public nuisance or if the Director of

- DRP or the Board finds that revocation of the permit is in the public interest. Mitigation measures and conditions provide protections for surrounding communities. Truck traffic is not expected to increase based on the conditions approved by the RPC, as overall tonnage would remain similar to the 2011 level and well below the level experienced in 2016.
3. The proposed fees would not be reduced with facility growth. The fees are mostly based on tonnage, and would increase as the overall tonnage increases. The fees are sufficient to mitigate project impacts.
 4. The Health Risk Assessment, which analyzed air pollutant concentrations, was conducted in accordance with the latest guidance from OEHHA. The analysis of impacts to water quality includes regular groundwater monitoring and reporting, in accordance with Regional Water Quality Control Board ("RWQCB") requirements.
 5. The landfill gas-to-energy facility currently has contracts with the Cities of Pasadena and Burbank. However, the power is distributed through the local grid and increases the overall amount of electricity available throughout the system, including the local communities.
 6. The County is required to provide adequate waste disposal capacity for a minimum 15-year planning period. CCL helps the County to fulfill its disposal capacity needs and is part of a multi-faceted approach to meeting long-term waste disposal needs in the County.
 7. The response doesn't provide any examples of responses it considers inadequate or any reasons supporting this opinion.
 8. The Traffic study did in fact analyze the new entrance and traffic impacts to Highway 126 and Interstate 5.
 9. Staff does not agree with this opinion. The EIR analyzed project alternatives, including the waste-by-rail alternative at Mesquite Regional Landfill, and the RPC asked staff about this alternative during the April 19 hearing.
 10. This statement is incorrect. The applicant's written rebuttal included copies of both the 1996 version of CUP 89-081 findings and conditions approved by the RPC and the version approved by the Board in 1997.
 11. The locations of the public hearings were within reasonable proximity to the project location. Potential hearing sites in Val Verde or adjacent to the landfill were too small to accommodate the audience, which was approximately 500 people for the March 1, 2017 hearing at Rancho Pico Junior High School. The review time provided exceeded the minimum requirements of CEQA. Two 30-day extensions were provided for the DEIR and the PRDEIR review period was 61 days, which exceeded the 45-day requirement. County Counsel wrote a detailed letter to CalEPA dated August 4, 2015 regarding the Section 11135 complaint. It concluded that there is no reasonable cause to infer a violation of Section 11135. There was no basis to require Chapter 16 of the EIR to be rewritten.
 12. The analysis for Chapter 16 of the EIR, covering Environmental Justice and Socioeconomics, was found to be adequate by County Staff and was not one of the chapters that required recirculation.

13. The project conditions and mitigation measures are designed to help to minimize or avoid potential impacts to neighboring communities.
14. The CUP conditions and the mitigation measures acknowledge potential adverse impacts, and include numerous requirements for monitoring, reporting and enforcement to ensure adequate oversight and enforcement is maintained throughout the life of the permit and the continued landfill operations.
15. Same response as number 14 for the first part. Condition 9c of CUP 89-081 specifically allowed for a new permit for landfill expansion to be filed. This condition was part of the CUP approved by the RPC in 1996, and the written agreement from 1997 did not remove this condition, which was also in the final version of the CUP approved by the Board in 1997. The 1997 agreement was silent regarding a new permit for continued operation of the landfill after CUP 89-081 terminated.
16. Condition No. 108 requires the landfill to provide four free quarterly clean-up days for residents of Val Verde and Castaic. Finding No. 47 mentions the clean-up days among other requirements, but it doesn't appear to be characterized there or anywhere else in the permit as a charitable act, so it's not clear why C4CCLC made this statement. The potential health concerns to the surrounding communities are taken very seriously by County Staff, and are the major reason for many of the project conditions and mitigation measures.
17. This statement is not correct. Testimony from the community has not been ignored and no one's rights are being revoked.
18. The decision to issue the Clean Hands Waiver was made by the Director of DRP in accordance with the Zoning Code and departmental policies.
19. The expanded working face area will be closer to the east property line and the adjoining Valencia Commerce Center industrial park than the current working face. The expansion area will be at most 2,000 feet closer than the current Main Canyon Landfill area, but it will be approximately the same distance from the east property line as the "Canyon B" landfill area, which was used in the past and is now permanently closed. The EIR's analysis took into consideration the expanded area and its potential impacts on surrounding areas.

VVCA APPEAL

1. The letter from the VVCA states that the rebuttal from the applicant regarding the 1997 Community Agreement was misleading because it included the CUP conditions from 1996, which did not include Condition No. 44 pertaining to the agreement. In fact, the applicant's rebuttal included both the 1996 conditions and the final version of the conditions adopted by the Board in 1997, and this information was presented to the RPC. The Staff Analysis for the project acknowledged that the 23,000,000-ton limit was exceeded, but the limit was reached only after a Clean Hands Waiver was granted to allow the continued operation of the landfill on a temporary basis while the current CUP application was being processed. CUP 89-081 Condition No. 9c expressly allows the

permittee to apply for a permit to expand the landfill and the permittee did exercise this option.

2. After extensive analysis of the Project, County Staff found that the project meets the CUP Burden of Proof findings as outlined in Section 22.56.040 of the County Code, including finding 22.56.040.A, that the use, as conditioned in the CUP, will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The RPC approved this finding as Finding No. 54 of CUP 200400042. The requirements in the 1997 CUP do not govern this CUP.
3. The VVCA letter does not identify in this item specifically which concerns that the VVCA feels were not adequately addressed in the DEIR.
4. All written comments on the project received by DRP during the CUP review process, including those critical of the project and those in support, were included in the packages provided to the RPC and posted on the DRP website for the project, with the exception of 160 of the 182 form letters supporting the project from the April 13, 2017 supplemental package. DRP staff referenced these 160 form letters in its memorandum to the RPC of April 13, 2017. All written comments received during the public comment periods for the DEIR and PRDEIR were included in the Response to Comments sections of the FEIR. During the public comment periods of the DEIR and PRDEIR, a total of 338 written comments were received by DRP from landfill opponents compared to 39 received from supporters. A total of approximately 1,183 letters of support for the landfill were received from supporters during the time period beginning from the end of the PRDEIR public comment period on January 9, 2017 until the day of the hearing on April 19, 2017. Most of these letters were form letters. During the same time period, approximately 98 letters were received from landfill opponents. The 13 additional opposition letters received after the hearing through April 20, 2017 were also posted on the DRP website. All letters received from regulatory agencies, County Departments and other agencies regarding the project, were included in the FEIR or in the RPC packages and website postings after the close of the PRDEIR comment period.
 - a. DRP did not hear directly from any members of the public that they signed support letters against their will or that such letters were obtained under false pretenses.
 - b. That the RPC didn't understand the community regulatory structures and groups is the appellant's opinion, which is not supported by any evidence.
 - c. During the discussion at the April 19, 2017 hearing, the RPC expressed interest in improving the functioning of the Community Advisory Committee ("CAC") so that it will be able to play a larger role in addressing any problems that may arise and to avoid problems which have limited the effectiveness of the CAC in the past.
 - d. The RPC made changes to the IMP and CUP conditions to clarify the role of the CAC as an advisory body to the Board, the RPC, and to County Staff on

- landfill issues, and as a conduit to communicate community concerns to decision makers. The RPC's changes to CUP conditions included ensuring that the CAC receives the reports and information it needs to fulfill its purpose and to function effectively.
- e. It's not clear which documents the letter is referring to or when they were submitted, but it may be referring to documents submitted after the April 19 hearing. All documents and correspondence submitted to DRP prior to the hearing were included in the information provided to the RPC.
 5. The IMP states that the members of the CAC are to be selected by the Fifth Supervisorial District, and that the CAC is to be composed of persons who reside in the Santa Clarita Valley and who are recommended by recognized community and neighborhood associations.
 6. CUP Conditions No. 67 and 68 provide the requirements and process for correcting notices of violation related to air quality, including odor.
 7. CUP Condition No. 68 explains the process for addressing nuisance odor problems and taking corrective action if necessary.
 8. The RPC does not have jurisdiction over the SCAQMD odor reporting processes.
 9. The Director of DRP determined that granting the Clean Hands Waiver was an appropriate action to take, and it was only a temporary measure pending final action on the pending CUP by the RPC, and the Board.
 10. The 1997 CUP did not set a limit on beneficial use materials. The 15,000 tons per day reported by the applicant during the public hearing included mostly materials that the applicant has classified as beneficial use, Condition No. 9e of CUP 89-081 set a net tonnage limit of 6,000 tons per day of waste, but Condition No. 9f says that beneficial use materials are not to be included in the net tonnage amount. Thus, the applicant has not violated the daily tonnage limits of CUP 89-081 or the terms of the Clean Hands Waiver. CCL also has not violated the terms of the 1997 community agreement with regard to daily or weekly tonnage limits. Statement 7 of the 1997 agreement says, "All conditions of CUP 89-081 (5) shall remain as approved by the Regional Planning Commission except as noted in Attachment C, Proposed Modification for Board of Supervisors' Anticipated Action 2/25/97." Attachment C changed the weekly limit in Condition No. 9d from 35,000 tons to 30,000 tons. However, it did not modify Condition No. 9f, which was part of the RPC approved conditions, and which excluded beneficial use materials from the tonnage limits. The 30,000-ton weekly limit was included as Condition No. 9d of the final CUP conditions adopted by the Board, and CCL has not exceeded 30,000 tons per week of solid waste. The new CUP as approved by the RPC would place limits on the landfill's importation of beneficial use materials.
 11. There are no permanent air quality monitoring facilities less than seven miles from CCL at this time. Air quality data will be collected at CCL at least four random times per year by an independent air quality consultant selected by the Technical Advisory Committee ("TAC") pursuant to Condition No. 66. The TAC is composed of representatives of the County departments charged with regulating the landfill. These tests would be for landfill dust and diesel particulates surrounding the perimeter of the facility to determine whether the air quality is consistent with the operative air quality standards.

12. DRP conferred with DPW regarding all of the project alternatives discussed in the EIR, including Mesquite Regional Landfill. DPW consulted with the Los Angeles County Sanitation Districts, which own Mesquite Regional Landfill, regarding the feasibility of opening this landfill. Based on the available information, Mesquite Regional Landfill would have a per ton fee for waste-by-rail, which is approximately double or more the cost at many other landfills in the region. The intermodal rail facility which would transport waste to Mesquite is not yet available. Mesquite is not yet operational due to economic and logistical issues.
13. Condition No. 121 requires payment of a \$1.00 per ton fee on solid waste which is for a community benefit and environmental education trust fund to be used for environmental, educational, and quality of life programs in Val Verde, Castaic and other unincorporated County areas surrounding the landfill, and to fund regional facilities that serve this area. One-third of the out-of-area fee in Condition No. 115 is to be used for environmental, educational, and quality of life programs in Val Verde, Castaic and other unincorporated County areas surrounding the landfill. The fees in Conditions No. 114 for disaster debris removal activities and No. 119 for traffic mitigation and enhancement are also reserved for use in Val Verde, Castaic and other unincorporated County areas surrounding the landfill. The permittee is also required by Condition No. 17 to pay into a drawdown account to ensure that the Mitigation Monitoring and Reporting Program (“MMRP”) is adequately funded and all mitigation measures are implemented.
14. Condition No. 21 sets clear maximum limits for daily, monthly and annual totals of all incoming materials. It sets a weekly limit for solid waste only. It also mentions daily averages for solid waste and for all incoming materials for informational purposes only, but these averages are not to be confused with the maximum daily tonnage limits. The daily average of 5,000 tons per day of solid waste is based on the 30,000-ton solid waste limit averaged over a six-day work week. The 6,730 ton overall average daily capacity is based on the daily average for all materials over the course of a year but is not a maximum limit. The annual limit for all materials is 2,100,000 tons, which is much lower than the applicant’s requested project analyzed in the EIR. The applicant’s preferred project alternative evaluated in the EIR would have had a limit of 3,120,000 tons of solid waste and up to 4,030,548 tons for all materials. The impacts for the project based on the conditions approved by the RPC will be considerably less than the project as analyzed in the EIR due to the much lower total annual tonnage allowed.
15. Figure 11.5 in the EIR shows the locations identified as the maximally exposed individual resident and maximally exposed individual worker based on the guidance for 2015 from the Office of Environmental Health Hazard Assessment (“OEHHA”) for preparing health risk assessments, and these locations are not necessarily “cancer risk sites”. The maps show the maximum cancer risk locations in the study area, regardless of the actual level of risk at these locations. The impacts of the project were found to be less than significant for cancer risk under both the 2003 methodology and 2015 methodology as shown in Tables 11-12 and 11-13 of the FEIR, which means that even at the most sensitive locations the cancer risk for the project was determined to be less than significant.

16. The analysis for greenhouse gas (“GHG”) emissions for the project was in fact done through the year 2050, as described in Chapter 12 of the FEIR. The reason that the project was found to have significant and unavoidable impacts for GHGs after 2020 is because the California Air Resources Board (“CARB”) standards for after 2020 were not yet available when the EIR was prepared. Although the project includes conditions and mitigation measures to minimize GHG-related impacts, the EIR conservatively assumed a significant impact for Climate Change and GHGs beyond 2020.
17. Although CCL is closer to Val Verde than Sunshine Canyon is to Granada Hills, it has had far fewer complaints and notices of violation. Moreover, the CUP contains several conditions that require the operator to retain a consultant to monitor air quality and to take corrective action to address odor nuisance violations.
18. The County agencies which have reviewed the project have found that it is consistent with CEQA requirements. Section 15093 of the CEQA Guidelines allows for an agency to make a Statement of Overriding Considerations for a project if it is supported by substantial evidence in the record. Project alternatives were analyzed in the EIR and mitigation measures have been incorporated to lessen potential impacts of the project.

SIERRA CLUB/CA25UP APPEAL

Project Scope: Sunshine Canyon Landfill is not due to close for approximately 20 more years. The amount of waste accepted at CCL originating outside of Los Angeles County was only 2% in 2015, and is expected to remain low due to the higher rates to be imposed for waste originating outside the County. The amount of waste originating outside of the Santa Clarita Valley is also likely to decline because of the out-of-area fees in the CUP approved by the RPC, if the CUP is approved on appeal and this condition remains. CCL uses “green technology”, including a landfill gas collection system that captures landfill gas and converts it to electricity.

CEQA: See response #18 to VVCA appeal letter. The EIR concluded that the impacts related to geology and hydrogeology are less than significant with mitigation. These findings were based on detailed studies prepared for the EIR.

Santa Clara River: A hydrogeologic report was included as Appendix C of the FEIR, as well as in the DEIR in 2014. It included an analysis of the hydrogeologic conditions in order to make recommendations for groundwater and landfill gas monitoring. There was also a geotechnical investigation done to identify existing or potential geologic hazards and to determine if the site is suitable for the proposed landfill expansion, which was Appendix D in the FEIR and was included in the 2014 DEIR. These reports are described in Chapter 5 of the FEIR. Further details were provided in the Topical Responses to Comments #11 in the FEIR and the Applicant’s rebuttal #6 from the April 6, 2017 RPC package.

Biota: The MMRP includes mitigation measures to protect special-status species. The County Zoning Code standard for oak tree mitigation trees is at least two to one (Section 22.56.2180.A.6). A ten to one replacement ratio is used for heritage oaks in Los Angeles County, but none of the oaks being removed are heritage oaks. A ten to one ratio for replacement of oak trees is used for Coastal Development Permits in the Santa Monica Mountains where oaks are impacted, but that ratio does not apply to this project since it is not located within the applicable area.

Fine Particulate Matter: SCAQMD reviewed the DEIR and PRDEIR and did not indicate that the monitoring data or analysis regarding fine particulate matter provided in those documents was deficient. CUP Condition No. 66 requires at least four random tests per year of landfill dust and diesel particulates surrounding the landfill, to be conducted by an independent air quality monitor. It also requires the Permittee to conduct air quality monitoring at the facility and its surrounding areas. Such monitoring could potentially include fine particulate matter.

Landfill Gases and Criteria Pollutants: Monitoring required under Condition No. 66 could also potentially include other pollutants and gases of concern.

Hydrogeology and Groundwater Quality: These issues are addressed in the Final EIR Topical Responses to Comments. The following topical responses relate to this issue: #10 Environmental Monitoring, #11 Geologic Hazards, #14 Landfill Liner System, and #30 Water Quality. Conditions No. 55 to 58 are related to groundwater protection and include regular groundwater monitoring.

Traffic burden to City of Santa Clarita: The amount of traffic is not expected to rise based on the tonnage limits in the RPC-approved CUP conditions, so the traffic impacts to the City of Santa Clarita from the project are negligible. The annual tonnage limit of 2.1 million tons in the RPC approved CUP is based on the overall tonnage received by the landfill in 2011, the baseline year, including solid waste and beneficial use materials. The tonnage received by CCL in 2016 was over 2.8 million tons, including 1,417,668 tons of solid waste and 1,417,503 tons of beneficial use materials. CCL did not violate the tonnage limits of CUP 89-081, the CUP approved in 1997. CUP 89-081 did not set a limit on beneficial use materials, and CCL remained within the daily and weekly limits for solid waste established in the CUP. See response #10 for the VVCA letter for further details. The EIR traffic analysis considered the impacts based on the applicant's request, which included a much higher level of allowable tonnage and traffic than the CUP conditions approved by the RPC.

Proximity to Schools: Notices for the project were sent to the Newhall School District, Castaic Union School District and William S. Hart Union High School District. Saugus Union School District was not sent notices, but the nearest school in that district is over four miles from the project site. The project includes conditions and mitigation measures to reduce air quality impacts to surrounding land uses, including sensitive receptors such as schools.

Cancer Risk and 1997 Agreement / Letter from UCI and NYU Professors: A response to the letter from Doctors Lejano and Stokols was prepared by the applicant and both letters were included in the package submitted to the RPC on April 19, 2017. The response points out flaws in the methodology used by the professors in estimating cancer risk. For example, the analysis was performed in 2005, long before the DEIR was released in 2014, it did not follow the OEHHA methodology, it did not use data from CCL, and it vastly overestimated the area for calculating diesel emissions. Responses to the Community agreement comments are found in the previous appeal responses. Environmental justice comments are addressed later in this response.

Health Problems: The potential health impacts related to air quality are discussed in depth in Topical Response #1 in the Responses to Comments in the FEIR and in the Applicant's Rebuttals from April 6, 2017. The cancer risk levels and other potential health-related impacts of the project as approved by the RPC would be lower than what was evaluated in the FEIR because the approved tonnage limits are much lower than the proposed project that was evaluated, and associated truck trips would also be much lower, leading to lower actual air quality impacts and associated potential health impacts. The approved maximum annual tonnage limit is 2.1 million tons of all materials in the RPC-approved conditions, which compares to over 4 million tons per year of all materials based on the applicant's preferred alternative that was the basis of the air quality analysis and Health Risk Assessment.

Environmental Justice: A civil rights complaint was filed in 2015 regarding the project. County Counsel responded to the complaint in a letter dated August 4, 2015. The County agreed to provide Spanish language notification, translation services, and other steps to ensure opportunity for Spanish-speaking members of the community to participate in the process. For more details, see also the response under "Public Comments from regulatory agencies" later in this document, and the attached copy of the August 4, 2015 letter from County Counsel.

Community Standards District ("CSD"): The project will be in compliance with the requirements of the Castaic Area CSD (Section 22.44.137 of Zoning Code). The CSD requires that a minimum 50-foot buffer be maintained around designated primary significant ridgelines and a minimum 25-foot buffer for secondary significant ridgelines. No grading or other activities are proposed within these protected areas. The CSD does not have any requirement that prohibits landfills or industrial uses near trails or residential areas, nor does it contain any requirement that would prohibit the landfill from being visible from off-site locations.

Compliance: Continuous testing, reporting, monitoring, and inspections are required by the CUP to verify compliance. CCL is subject to fines and enforcement action if there are any problems of noncompliance.

Project Alternatives: As explained in the responses to the VVCA and C4CCLC appeals, Mesquite Regional Landfill has been found to not be economically feasible to operate at the present time. Sweden has virtually eliminated landfills, partly due to recycling, but it

incinerates approximately half of its trash, which would not be a feasible alternative in this area due to air quality and greenhouse gas issues.

Use of Mitigation Funds: Condition No. 17 of the CUP is for a mitigation monitoring fund related to DRP's enforcement of the MMRP. Condition No. 123 is for a performance fund related to enforcement of the CUP conditions by DRP. Condition No. 125 is for a fund to cover the costs incurred by DPW related to enforcement of the CUP conditions, MMRP, and other related costs enumerated in the condition. These are drawdown accounts to cover the actual costs incurred, and each must be replenished when the fund balance drops to 20 percent or less of the initial deposit. The use of other fees received for the permit is also detailed in the conditions. The role and duties of the CAC are detailed in Part XI of the IMP. The role and duties of the TAC are explained in Part XIV of the IMP.

Incompatible Land Uses: The existence of the neighboring uses, including the Valencia Commerce Center adjacent to the project was considered in the review process, as was the proposed Newhall Ranch project. Mitigation measures for neighboring approved projects already account for the existence of CCL. The current project also includes mitigation measures as well as project conditions which address potential impacts to surrounding uses.

Seismic and Liquefaction Hazards: Chapter 5 of the EIR on Geology and Soils, which is based on detailed geotechnical investigation, analyzed seismic hazards, including liquefaction. The liquefaction hazard is discussed in Section 5.6.5.6, which concluded "the proposed development area is considered to have a very low potential for liquefaction. The site is also not considered to be subject to lateral spreading." The analysis also studied other geological and seismic hazards and found that the potential impacts are less than significant. Further discussion on geological issues is in FEIR Topical Response #11 and in the applicant's rebuttal provided in the April 6, 2017 RPC hearing package.

Public Comments from regulatory agencies: No letters from the California Air Resources Board ("CARB") or the California Environmental Protection Agency ("Cal EPA") were submitted to DRP regarding the EIR for the project. There was one letter related to the project from Cal EPA, also signed by the Directors of CARB and the California Department of Resources Recycling and Recovery ("Cal Recycle") dated January 4, 2017 and addressed to SCOPE, C4CCLC, and others. This letter dealt with the Section 11135 civil rights complaint mentioned earlier. This letter described a series of actions, including providing hearing notices in Spanish, making Spanish translation services available, providing signage and newspaper notices in Spanish, holding a Hearing Examiner meeting in the community on the PRDEIR, holding an RPC meeting in the community on the project, etc., which DRP had agreed to. This agreement has been followed by DRP. The letter from Cal EPA, CARB, and Cal Recycle says "We believe that these future commitments regarding the site will allow for full and equal participation by ensuring that the community will be informed about the project and have opportunities to provide input." The letter does not provide any indication that there are any unresolved concerns they have about the project. This letter was sent to DRP as an attachment to an email sent

by Jeremiah Dockray on March 24, 2017, and was included in the correspondence that was part of the supplemental RPC hearing package from April 6, 2017.

Local Agriculture: Water quality monitoring for the protection of groundwater is required by Federal and State regulations. CUP Condition No. 56 requires groundwater monitoring wells in accordance with RWQCB requirements. Groundwater monitoring has been occurring on the site and will continue. Surface water drainage and water quality are covered in Chapters 6 and 7 of the FEIR. Topical response #30 in the Response to Comments section of the FEIR addresses water quality concerns. The FEIR found that the project would not have significant impacts to water quality. Downstream agricultural uses would not be adversely impacted by the project.

Clean Hands Waiver: The decision to issue the Clean Hands Waiver was made by the Director of DRP in accordance with the Zoning Code and with departmental policies.

CONCLUSION

The decision by the RPC to approve the CUP and OTP and to certify the EIR is supported by the project findings, and the project's conditions, IMP, and MMRP will provide appropriate requirements to regulate the landfill operations while protecting the environment and the neighboring communities. The project's fees, conditions and related requirements as approved by the RPC are appropriate to the project. The project has been thoroughly reviewed by all the applicable County Departments. County Staff recommends that the Board deny the appeals, uphold the RPC's approval of the project, approve the CUP and OTP and certify the EIR.

For further information, please contact Richard Claghorn at (213) 974-6443 or at rclaghorn@planning.lacounty.gov.

Attachments: Letter from County Counsel dated August 4, 2015
Appeal forms from CCL, SCOPE, C4CCLC, VVCA, and Sierra Club/CA25UP