Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 20, 2011

CH2MHILL
James Hunter
1000 Wilshire Blvd. Ste. 2100
Los Angeles, CA 90017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NO. 89081 – (5)
CONDITION MODIFICATION OF CUP NO. 89081
29201 Henry Mayo Drive, Castaic, CA 91384

Dear Applicant:

Hearing Officer Alex Garcia, by his action of July 19, 2011, **APPROVED** the above described condition modification to Condition No. 41 of CUP 89081. The attached documents contain the Hearing Officer's findings and modified conditions relating to the approval. Please carefully review the documents. The permittee must file an affidavit accepting the condition modification before the revision becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on August 2, 2011**. Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and revised conditions, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Rob Glaser of the Zoning Permits North Section at (213) 974-6443 or e-mail at rglaser@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 5:00 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

for ST.

Susan Tae, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings and Revised Condition No. 41, Affidavit (Permittee's Completion)
c: DPW (Building and Safety), Zoning Enforcement, Mike Dean
SMT:rg

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NO. 89081 – (5)
CONDITION MODIFICATION TO CONDITIONAL USE PERMIT NO. 89081
HEARING DATE: July 19, 2011

SYNOPSIS:
The applicant, Waste Connections, is requesting a minor modification of Conditional Use Permit No. 89081, which was approved by the Board of Supervisors on November 21, 2000. The permit authorized the continued use and maintenance of a waste disposal facility in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) zone.

The applicant is requesting modification of condition number 41 to delete the words "gas to energy". This change will clarify administrative fees on renewable energy generation and will not alter the existing use, condition, size or capacity of the landfill in any matter. The condition, *as currently approved,* reads as follows:

> *"41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:*
>
> > *The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;*
> >
> > *Gas to energy or direct gas revenues, less any federal, state or local fees or taxes included in such revenues.*
>
> *Should the County impose a business tax on the landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41."*

With the requested modification, Condition Number 41 would read as follows:

> *"41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:*
>
> > *The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;*
> >
> > *~~Gas to energy~~ Direct gas revenues, less any federal, state or local fees or taxes included in such revenues.*
>
> *Should the County impose a business tax on the landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41."*

PROCEEDINGS BEFORE THE HEARING OFFICER:

July 19, 2011 Meeting Date: A public meeting was held on July 19, 2011 before the Hearing Officer, Mr. Alex Garcia. Staff presented the Condition Modification request to the Hearing Officer. The applicant's representative, James Hunter presented testimony in favor of the request. Since no other testimony was presented, the public hearing was closed and condition modification to Conditional Use Permit (CUP) 89081 was approved.

Findings

1. The property is located at 29201 Henry Mayo Drive, in the unincorporated community of Santa Clarita, within the Newhall Zoned District.

2. CUP No. 89081 as approved authorized the continued use and maintenance of a waste disposal facility in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) zone.

3. Modification to Condition No. 41 of CUP No. 89081 is needed to clarify the trigger point for when taxes are due to the County. This change will clarify administrative fees on renewable energy generation and will not alter the existing use, condition, size or capacity of the landfill in any matter.

4. The modification is consistent with the CUP approved in 1989 because the fees being collected will remain as what was expected at the time the CUP was approved.

5. Pursuant to the provisions of Sections 22.56.1620 and subsections A through E of 22.60.175 of the Los Angeles County Code, the community was notified of the application by mail, newspaper and property posting.

6. The number of public notices sent out for the modification request was 96, which included residences within a 1,000 foot radius of the subject property and interest groups from the Newhall Zoned District courtesy list. The number of protests receive during the protest period were 0.

7. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use is consistent with the adopted general plan for the area;

B. That the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040;

C. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and

D. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

AND, THEREFORE, the information submitted by the applicant and presented at the public meeting substantiates the required findings and burden of proof for a modification of conditions for conditional use permit as set forth in Section 22.56.1630 of the Los Angeles County Code.

HEARING OFFICER ACTION:
In view of the findings of fact and conclusions presented above, minor modification to Conditional Use Permit No. 89081 is APPROVED. All other conditions of approval of the original CUP No. 89081 grant remain in effect and unchanged.

c: Hearing Officer, Zoning Enforcement, Building and Safety

PROJECT NO. 89081 – (5)
CONDITION MODIFCATION TO CUP 89081
APPROVED ON July 19, 2011

This change will clarify administrative fees on renewable energy generation and will not alter the existing use, condition, size or capacity of the landfill in any matter. The condition, *as approved on November 21, 2000,* reads as follows:

> *"41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:*
>
> > *The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;*
> >
> > *Gas to energy or direct gas revenues, less any federal, state or local fees or taxes included in such revenues.*
>
> *Should the County impose a business tax on the landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41."*

The approved minor modification to Condition Number 41 shall read as follows:

> *"41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:*
>
> > *The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;*
> >
> > *~~Gas to energy~~ Direct gas revenues, less any federal, state or local fees or taxes included in such revenues.*
>
> *Should the County impose a business tax on the landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41."*

Attached are the revised conditions of approval for CUP 89081.

REVISED 7/19/11

CONDITIONS FOR APPROVAL
CONDITIONAL USE PERMIT NUMBER 89-081(5)

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or other applicable time period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

   In the event that any claim, action or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which the actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including, but not limited to, depositions, testimony and other assistance to the permittee or the permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deposited.

   a. If during the litigation process the actual costs incurred decrease the account to less than $1,000, an amount necessary to restore the balance to $5,000. There is no limit to the number of supplemental deposits that

may be required before completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The costs for collection and duplication of records shall be paid by the permittee according to the provisions of Section 2.170.010 of the County Code.

4. Attached to these conditions is a Monitoring Program which is incorporated into these conditions by reference. The permittee shall fully perform each action required of the permittee by the monitoring program as if it were specifically set forth in these conditions.

5. This grant, as it applies to the approved landfill expansion described in Condition 9, will terminate upon the completion of the approved fill design, as shown on Exhibit "A," or on November 24, 2019, whichever occurs first. Should this grant as it applies to the landfill expansion terminate without new or additional permits having been granted, no further waste shall be accepted for disposal. However, the permittee is authorized to continue such facilities in operation as are necessary to complete mitigation measures required by this grant, for closure or post-closure maintenance required by federal, state and local agencies, or for operation of the materials recovery facility described in Condition 10, the recyclable household hazardous waste facility described in Condition 11 and the composting facility described in Condition 12. All facilities not required for mitigation, closure or post-closure maintenance or such recycling facilities shall be removed unless they are of a type permitted as a matter of course by the zoning regulations then in effect.

This grant as it applies to the materials recovery facility described in Condition 10, the recyclable household hazardous waste facility described in Condition 11 and the composting facilities described in Condition 12 shall terminate on November 24, 2027. Use of the property thereafter shall be in accord with the regulations then in effect.

6. If any provision of this grant that is challenged by the permittee is held or declared to be invalid, the permit shall be void and the privileges granted

hereunder shall lapse.

7. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property, including but not limited to those permits, if any, issued by the following agencies:

   a. The Local Enforcement Agency and the California Integrated Waste Management Board;

   b. The California Regional Water Quality Control Board, Los Angeles Region;

   c. The South Coast Air Quality Management District;

   d. The California Department of Fish and Game;

   e. The California Environmental Protection Agency;

   f. The California Department of Transportation;

   g. The U.S. Army Corps of Engineers.

   Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

8. Notice is hereby given that any person intentionally violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

9. This grant allows the establishment and operation of a Class III landfill, together with certain ancillary and related activities as enumerated herein, subject to the

following restrictions as to use:

a. Liquid or hazardous waste or radioactive waste/material shall not be accepted. Should such prohibited waste be nevertheless received at the landfill, it shall be handled and disposed of as provided in Condition 26. The term "liquid waste" as used herein includes non-hazardous sludges meeting the requirements contained in Title 23, Chapter 15 of the California Code of Regulations for disposal in a Class III landfill. The landfill shall not accept sludge or sludge components at any time.

b. No portion of the expanded landfill may extend above the plane or outside of the surface area of the fill design as shown on the approved site plan, attached as Exhibit A.

As used in this Condition 9b "landfill" refers to the portion of the subject property in which waste is to be permanently placed and then buried under daily and interim cover material but excludes adjacent cut slopes, temporary storage areas, and any materials recovery facility, composting facility, recyclable household hazardous waste facility, and ancillary facilities authorized by this grant. Allowance for settlement of fill shall not be made in determining compliance with this Condition 9b.

The existing viewshed from Chiquito Canyon Road as presented pictorially to the Board of Supervisors on 2/25/97 shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the landfill site, including but not limited to temporary storage areas, any materials recovery facility, composting facility or any other ancillary facilities that may be visible from Chiquito Canyon Road shall be designed to be harmonious with the natural topography and viewshed and shall be reviewed by the Community Advisory Committee.

The landfill operator and the Community Advisory Committee shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen landfill operations, enhance the viewshed, establish the minimum number

and type of trees to do this and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline provided the above objectives are met and such planting is practical.

c. Nothing in Condition 9b or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the landfill or to otherwise modify the conditions of this grant.

d. The net tonnage placed in the landfill shall not exceed 30,000 tons per week (5,000 tons per day average based upon 6 working days per week).

e. The net tonnage of waste placed in the landfill on any given day shall not exceed 6,000 tons.

f. Net tonnage shall not include:

- Clean dirt or other approved materials used for daily cover, to cover and prepare interim and final fill slopes, or for other construction purposes; and

- Waste processed and put to a beneficial use on the landfill or separated or otherwise diverted from the waste stream and exported from the landfill for the purpose of recycling or reuse, in accord with the restrictions of Condition 9j and the agreement entered into pursuant to Part II of the attached monitoring program, and including waste handled through any materials recovery facility, household hazardous waste facility or composting facility within the restrictions set forth in Conditions 10, 11, and 12.

g. The Board of Supervisors may increase the net tonnage allowed by Conditions 9d and 9e to 49,000 tons per week and 7,700 tons maximum per day if the Board of Supervisors, upon the joint recommendation of the Local Enforcement Agency and the Director of Public Works, determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of the public health and safety. Not more than 355 days of overages may be given over the life of this grant.

Nothing in this condition shall permit the maximum landfill capacity of 23 million tons to be increased.

h. Operating hours may be 24 hours per day, 7 days per week, except that, other than as provided in Condition 20i, the landfill shall not accept refuse for disposal from 5:00 p.m. on Saturdays through 4:00 a.m. on Mondays. Maintenance activities may occur during these times.

i. The permittee shall operate the landfill in a manner which maximizes the amount of waste which can be placed within the available approved volume, including but not limited to the following:

- Investigate and implement, as appropriate, methods of diverting or reducing high volume-low density materials which are not capable of being readily compacted;

- Investigate and implement, as permitted by the appropriate regulatory agencies, methods to reduce the volume of daily cover required; and

- Utilize waste materials received and processed at the landfill, such as shredded green waste, as a supplement to daily, intermediate and final cover, to the extent deemed technically feasible and acceptable by regulatory agencies.

j. Notwithstanding any other provision of this grant, the permittee shall not knowingly impede or prevent the attainment of waste diversion objectives of City and County Source Reduction and Recycling Elements and the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code.

k. Business signs are allowed as permitted in Zone C-1.

l. Nothing in this Condition 9 or elsewhere in these conditions of grant shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.

m. The County reserves the right to exercise its police power to protect the public health, safety and general welfare by managing the county-wide waste stream, including such activities as the setting of appropriate taxes or fees.

n. The daily waste limits specified in this Condition 9 may be varied with the approval of the Local Enforcement Agency (LEA) to respond to a declared emergency.

10. This grant allows the establishment and operation of a materials recovery facility, subject to the following restrictions as to use:

a. The facility shall be no larger than 60,000 square feet in size, and shall be designed to accommodate no more than 500 tons per day of materials.

b. Nothing in this Condition 10 or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the materials recovery facility or to otherwise modify the conditions of this grant.

c. Nothing in this Condition 10 or elsewhere in these conditions shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.

d. Operating hours may be 24 hours per day, 7 days per week, for purposes of processing materials, operating equipment, and/or maintaining the facility.

e. The delivery of material to the materials recovery facility by all but commercial and municipal entities shall not occur outside the hours of 6:00 a.m. to 8:00 p.m., 7 days per week.

f. Vehicles removing recyclable materials from the materials recovery facility may access the facility 24 hours per day, 7 days per week.

g. Site development shall substantially conform to Exhibit "A", any

requirements of Conditional Use permit 87-360 (on file at the Department of Regional Planning) not in conflict with the provisions of this grant, and the mitigations listed in the visual impact section of the environmental impact report for this Conditional Use Permit 89-081-(5).

11. This grant allows the establishment and operation of a recyclable household hazardous waste facility, subject to the following restrictions as to use:

    a. The facility may be used by the general public to drop off recyclable household hazardous wastes, including, but not limited to, used motor oil, used latex paints, used anti-freeze, and used batteries. The facility is not to be used for general use by commercial or industrial entities.

    b. The facility shall be no larger than 2,100 square feet in size, exclusive of ingress and egress.

    c. Nothing in this Condition 11 or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the recyclable household hazardous waste facility or to otherwise modify the conditions of grant.

    d. Recyclable materials shall not be collected in quantities or stored for periods which would cause the need for a hazardous waste facilities permit unless such permit has already been obtained.

    e. Nothing in this Condition 11 or elsewhere in these conditions shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.

    f. Operating hours may be 24 hours per day, 7 days per week, for purposes of processing materials, operating equipment, and/or maintaining the facility.

    g. The delivery of material to the recyclable household hazardous waste facility by members of the general public shall not occur outside the hours of 6:00 a.m. to 8:00 p.m., 7 days per week.

h. The facility shall be staffed continuously during operating hours by an individual trained in hazardous materials management.

i. Site development shall substantially conform to Exhibit "A", any requirements of Conditional Use Permit 87-360 not in conflict with the provisions of this grant, and the mitigations listed in the visual impact section of the mitigation monitoring summary reference in the mitigation monitoring program for this Conditional Use Permit 89-081-(5).

12. This grant allows the establishment and operation of a composting facility, using either windrow or in-vessel technology, together with certain ancillary and related activities as enumerated herein, subject to the following restrictions as to use:

a. The facility may be used to receive, process and compost green waste and to store and distribute finished mulch, biomass fuel and compost.

b. The facility shall consist of a receiving and processing area no more than 4 acres in size, a composting area no more than 30 acres in size, and a storage and distribution area no more than 7 acres in size.

c. Nothing in this Condition 12 or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the composting facility or to otherwise modify the conditions of grant.

d. The composting operation shall receive no more than 560 tons per day of green waste and no wastewater biosolids (e.g., sludge or sludge components).

e. Nothing in this Condition 12 or elsewhere in these conditions shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.

f. Operating hours may be 24 hours per day, 7 days per week.

g. Access by customers for purposes of removing finished mulch, biomass fuel and compost shall not occur outside the hours of 6:00 a.m. to 8:00 p.m., 7 days per week.

h. All windrow areas shall be located on existing compacted landfill areas meeting all requirements of regulatory agencies for such use.

i. The permittee shall comply with all rules for odor abatement and prevention of the South Coast Air Quality Management District and the County Department of Health Services (LEA). The permittee shall not allow odors to become a nuisance in adjacent residential areas. In the event odors become a nuisance in adjacent residential areas, permittee shall take all necessary steps to abate that nuisance. If the permittee, despite the application of the best available technology and methodology, cannot abate nuisance odors resulting from composting, the permittee shall terminate such operations.

13. The subject property may be used for the following ancillary facilities or activities:

- Offices, employee facilities, and truck and equipment storage and maintenance facilities related directly to the landfill, the materials recovery facility, the composting facility, the recyclable household hazardous waste facility and/or other waste handling and processing operations allowed under this grant, but excluding offices and other facilities related to any unrelated enterprises operated by the permittee or others;

- Leachate collection and processing facilities;

- Facilities necessary for the collection, disposal, utilization and distribution of landfill gases as required and/or approved by the South Coast Air Quality Management District; and

- Facilities necessary for fire protection and similar purposes.

14. If the landfill regularly meets its weekly and/or daily maximum limit, as set forth in Condition 9d and 9e, the permittee shall implement a program to avert wasted trips to the landfill and illegal disposal, which program shall include:

    a. Scheduling of regular users, such as commercial and municipal haulers, to prevent them from arriving at the landfill and being diverted to other landfills; and

    b. Reservation of capacity for small commercial and private users, unless an alternate landfill located within 15 miles of the permittee's landfill is available to accept such users.

15. The permittee shall implement programs if necessary to discourage trucking of partially filled loads to the landfill by commercial and municipal haulers. The permittee shall also take such measures as are necessary to prevent queuing of trucks waiting to enter the landfill on State Route 126.

16. The permittee shall install and/or pay for traffic improvements as set forth below, to the extent deemed warranted by the County's Department of Public Works and the California Department of Transportation. As used in this condition, "warranted" means justified on the basis of established standards of the County, the California Department of Transportation and/or by accepted traffic engineering practice. Improvements may include, as determined by the County and the California Department of Transportation:

    a. Installation of advance entrance signs on State Route 126 on both sides of the landfill entrance notifying motorists of the approaching entrance and of the exclusive left-turn and right-turn lanes for landfill traffic;

    b. Installation of a second incoming truck scale at the landfill entrance before acceptance of waste in the landfill expansion area or as otherwise directed by the Local Enforcement Agency. In the event the permittee or the Local Enforcement Agency determines that an additional truck scale is necessary before acceptance of waste in the expansion area, the permittee shall install a temporary truck scale as soon as reasonably feasible. Any such temporary scale shall be replaced by a permanent

truck scale upon completion of any necessary permitting and construction;

c. Coordination with the California Department of Transportation on its State Route 126 widening project to provide for a left-turn and acceleration/deceleration lane in the center of State Route 126 near the landfill entrance;

d. Installation of a traffic control signal at the entrance of the landfill as may be required based on a warrant analysis approved by the California Department of Transportation;

e. As required to serve the materials recovery facility, improve Wolcott Way from State Route 126 to the materials recovery facility site and the site frontage to the satisfaction of the Director of Public Works; and

f. Permittee's financial contribution toward the installation of a traffic control signal at the intersection of State Route 126 and Interstate 5, as may be required by a warrant analysis approved by the California Department of Transportation. Permittee's contribution shall be based on permittee's facilities' traffic impacts as a percentage of total traffic at this intersection.

17. Except as otherwise provided in this condition, the final landfill surface shall be concurrently reclaimed and revegetated as described in the Revegetation and Erosion Control Program (Oasis Associates, Inc. March, 1995) developed for the landfill expansion.

If the Local Enforcement Agency determines either (1) that a different design or plan would better protect the public health and safety and would enable revegetation of the final landfill surface as well as or better than the Revegetation and Erosion Control Program, and/or (2) that a change is dictated by revisions to the minimum standards adopted by the California Integrated Waste Management Board, and as a result the Local Enforcement Agency directs the implementation of a different design and/or plan, then the permittee shall not be bound by the provisions of this condition.

18. A temporary vegetation cover shall be established on all slopes and other areas that are to remain inactive for a period longer than 180 days.

The permittee shall employ expert assistance to carry out this condition. Soil sampling and laboratory analysis shall be conducted before revegetation to identify chemical or physical soil properties that may adversely affect plant growth and establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected as indicated by the tests. To the extent possible, plant types shall blend with species indigenous to the area and be drought tolerant and shall be capable of rapid establishment. For specific requirements, see the Revegetation and Erosion Control Program (Oasis Associates, Inc., March 1995).

19. The permittee shall utilize the most effective available technology and methodology to avert fugitive dust emissions which may be a nuisance or hazard in adjacent populated locations or which may cause significant damage to wildland resources. In addition to the revegetation measures required in Conditions 17 and 18 and listed in the mitigation monitoring summary, the permittee shall comply with the regulations approved by the Local Enforcement Agency and the rules for dust abatement and prevention of the South Coast Air Quality Management District.

20. The permittee shall employ the most effective available technology and methodology to prevent litter which enters the area under the permittee's control in the form of waste from escaping the area. The permittee's on-site litter control program shall include, unless otherwise provided by the Local Enforcement Agency, the following:

    a. Landfill personnel shall regularly patrol the access road from the scales to the working face from the time it opens to the time it closes in the evening;

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

face.

c. All debris found on or along the entrance and working face access roads shall be immediately removed;

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

e. The landfill operator shall install and maintain temporary litter fences in operating areas and in those areas along the property perimeter that are regularly littered due to the location of the operating area, time of year, and climatic conditions. The landfill operator and the Community Advisory Committee shall work together to identify littered areas in need of fencing.

f. The permittee shall require open-bed trucks exiting the landfill either to be swept clean of loose debris or to be covered so as to minimize the possibility of litter escaping onto State Route 126.

g. The landfill operator shall install speed bumps on landfill property in paved areas along the route of trucks leaving the landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the site.

h. Landfill personnel shall police Chiquito Canyon Road from SR 126 to the entrance to Val Verde at Rancho Avilos and the surrounding area within 100 feet of the centerline of the road or to any existing fence on private property for the purpose of locating and cleaning up litter in this area. Litter pickup shall be a minimum of one time per month and may be increased, upon agreement between the landfill operator and the Community Advisory Committee, to maintain a litter free environment.

i. The landfill operator shall provide four free quarterly clean-up days to residents of Val Verde, showing proper identification and proof of residence at the landfill entrance. These days may be Sundays. The operator shall further reimburse the Community Advisory Committee for

the cost of providing two rolloff bins in Val Verde on each clean-up day. The operator and Committee may jointly change this program if they mutually determine alternatives to the above can further assist the community.

21. The permittee shall, to the satisfaction of the Director of Public Works and the Local Enforcement Agency, maintain programs aimed at controlling the discharge and recovery of litter from uncovered or improperly covered or contained loads traveling to the landfill.

    The measures shall include an effective tarping program, which if necessary in the estimation of the Director of Public Works and the Local Enforcement Agency, shall provide for mandatory sale of tarps to violators and/or punitive fees and exclusion from the landfill of repeated violators.

22. The permittee shall post a sign at the entry gate at State Route 126 which indicates the following:

    a. The telephone number by which persons may on a 24-hour basis contact the permittee to register complaints and/or comments regarding landfill operations;

    b. The telephone number of the Local Enforcement Agency and the hours when the number is manned; and

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

23. The permittee shall at all times during operating hours maintain adequate staff to promptly respond to litter and other complaints from the surrounding neighborhood. The permittee shall have bilingual (Spanish/English) employees available during business hours. The permittee shall arrange to have Spanish speaking operators available for messages 24 hours per day.

24. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit A (including borrow areas) shall not be graded or

similarly disturbed to create the landfill areas approved in Condition 9b or new soil stockpile areas or disturbed areas for construction staging not shown on Exhibit A. The Director of Public Works may approve additional grading if the Director determines, based upon engineering studies provided by the permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes or for soil stockpiling or construction staging. Such a determination shall be documented as provided in Part I of the attached monitoring program.

In the case of soil stockpiling and staging areas not shown on Exhibit "A" or located within the approved fill area, the permittee shall submit a letter from a qualified biologist certifying that the affected area is not a location of biological sensitivity as identified in the project environmental impact report. No approval shall be granted under this condition which will result in expanding the area or height of fill or in lowering or significantly modifying any of the ridgelines surrounding the landfill.

Nothing in this condition shall be construed as prohibiting the installation of water tanks, access roads, flares, or similar facilities or mitigation programs required by this grant or by permits issued by other public agencies.

25. The permittee shall implement a program to identify and conserve any significant archaeological or paleontological materials which may be present in accord with this condition. If any evidence of such materials is discovered during earth moving activities, landfill operations shall cease in that immediate area and said area shall be preserved until a qualified archaeologist or paleontologist has made a determination as to the significance of the site or findings. Any significant archaeological or paleontological resources shall be recovered, to the extent practicable, before resuming activities in that area of the landfill.

26. The permittee shall implement a comprehensive waste load checking program designed to exclude disposal of liquid and hazardous wastes and radioactive material at the landfill, which program shall comply with the requirements of this condition and Part III of the attached monitoring program and any additional requirements of the Local Enforcement Agency, the California Environmental Protection Agency, the Regional Water Quality Control Board, and the California

Integrated Waste Management Board.

Restrictions on disposal of radioactive material and hazardous and liquid wastes and the procedures for proper disposal at other appropriately classified disposal sites or waste processing facilities shall be provided to waste haulers on a routine basis. Notices shall also be posted at prominent locations at the landfill to inform waste haulers of the rules governing the disposal of liquid and hazardous waste, and radioactive material.

In the event that material known or suspected to be hazardous waste or radioactive material is discovered at the landfill, the permittee's agent shall:

a. If the vehicle that delivered the waste is still present, attempt to identify the driver and obtain his driver's license number and vehicle's license number;

b. Immediately make all required notifications to State and County agencies; and

c. If possession of the material is not immediately taken by a public official, store the material at a site developed in accord with the regulations of the California Environmental Protection Agency and the Regional Water Quality Control Board until disposed of in accord with applicable State and Federal Regulations.

The permittee shall also provide effective vector control measures as directed by the County Department of Health Services.

Nothing in this condition shall be construed to permit the maintenance of a hazardous waste disposal facility at the landfill.

27. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any

requirements thereof.

28. The permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the Regional Water Quality Control Board and any other regulatory agency with appropriate jurisdiction. Except as specifically otherwise provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed so as to accommodate run-off from a capital storm.

    The landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from disposal areas.

    The permittee shall further comply with all grading requirements of the Department of Public Works and County Ordinance.

29. The permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as approved and required by the Regional Water Quality Control Board.

30. The permittee shall install and test ground water monitoring wells as required by the Regional Water Quality Control Board and shall promptly undertake any action directed by the Regional Water Quality Control Board to correct or prevent contamination which may affect ground water quality or water conveyance or storage facilities. Any testing or remedial actions deemed necessary by the Regional Water Quality Control Board to correct or prevent contamination or to determine the existence of any contamination from the existing landfill operated by the permittee which, in the opinion of the Regional Water Quality Control Board, should be completed or guaranteed before commencement of landfill expansion shall be completed or guaranteed by the permittee before commencement of the expansion to the satisfaction of the Regional Water Quality Control Board.

31. The permittee shall maintain on-site fire response capabilities, construct access roads, provide water tanks, water mains, fire hydrants and fire flows and perform brush clearance to the satisfaction of the County Forester and Fire Warden.

32. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls provided in accord with the requirements of the County Forester and Fire Warden, the County Department of Public Works, the Regional Water Quality Control Board, and the South Coast Air Quality Management District.

33. The permittee shall take all necessary measures to ensure that noise emissions from the on-site facilities at any residential receptor are within the limits of the County Noise Ordinance, as contained in Title 12 of the County Code.

34. Unless otherwise authorized by the South Coast Air Quality Management District, the permittee shall install and maintain a best available control technology landfill gas collection system in compliance with the requirements of the South Coast Air Quality Management District. The permittee shall also control the lateral migration of gases to the satisfaction of the Department of Public Works, the Local Enforcement Agency, the California Integrated Waste Management Board and the South Coast Air Quality Management District, as applicable. The permittee shall use his best efforts to maximize landfill gas collection consistent with applicable government regulations. The permittee shall use the best available technology when installing and maintaining landfill gas collection systems. Permittee shall purchase a maximum of five combustible gas monitors, at least one of which is able to be used outdoors, an organic vapor analyzer, similar to the monitors used in structures at the Chiquita Canyon Landfill, and provide same to the Community Advisory Committee for placement in locations of concern to the community, as determined by the Committee. These monitors are designed to detect and provide warning in the event of a build-up of methane gas. The Committee shall be responsible for locating, monitoring and maintaining such monitors. In the event such monitors indicate discernible levels of methane gas, the Committee and the landfill operator shall jointly investigate the situation and if it is determined that the landfill is the cause of such methane gas build-up, the landfill operator will take corrective action. The permittee shall work with the Citizens Advisory Committee in understanding the requirements of Rule 1150.1 governing the control of gaseous emissions from active landfills. The permittee shall forward copies of any notices or reports filed with or received from the regulatory agency or agencies responsible for oversight.

40. In order to undertake and administer planning studies for unincorporated communities in the vicinity of the landfill, the permittee shall pay to the Department of Regional Planning $75,000 on July 1, 1998, $75,000 on July 1, 1999, and $100,000 on July 1, 2000. In order to provide funding for community planning needs as identified by such planning studies, the permittee shall pay to the Department of Regional Planning $30,000 per annum commencing July 1, 2001 and continuing each July 1 for the life of this grant applicable to the landfill. The funds received shall be placed in an interest bearing trust account until used for the specified purposes.

41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:

- The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;

Modified 7/19/11 → - ~~Gas to energy~~ or direct gas sale revenues, less any federal, state or local fees or taxes included in such revenues.

Should the County impose a business tax on landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41.

42. As agreed, the permittee shall make a good faith effort to establish and maintain, based on, among other things, economic viability, the materials recovery and recyclable household hazardous waste facilities approved in Conditions 10 and 11. The permittee shall perform an economic viability and marketing study on an annual basis to assess opportunities to implement a materials recovery facility in an expeditious manner. Nothing in this condition shall mandate the permittee to implement a materials recovery facility.

43. The permittee shall present its Emergency Response Plan to the Community

35. Landfill gas flares shall be below the adjacent ridges and the flames shall be totally contained within the stack, unless otherwise required by the South Coast Air Quality Management District. Flame arresters shall be provided to the satisfaction of the County Forester and Fire Warden.

36. The permittee shall adopt and implement operational practices to mitigate vehicular and other air quality impacts as required by the South Coast Air Quality Management District.

37. The permittee shall operate the on-site facilities in a manner which conserves water, including but not limited to the following:

    a. The permittee shall investigate the feasibility of treating collected leachate on-site for reuse in the landfill and shall, if feasible and approved by the appropriate agencies, implement a program to utilize such water;

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

    c. Drought-tolerant plants shall be used to the extent possible to revegetate.

38. The permittee shall comply with any applicable provisions of Sections 1601-1603 of the California Fish and Game Code and Section 404 of the Clean Water Act before alteration of drainage courses and shall mitigate any disturbed wetland habitat or jurisdictional habitat to the satisfaction of the California Department of Fish and Game and/or the United States Army Corps of Engineers, as applicable.

39. To the extent permitted by law, the Local Enforcement Agency shall have the authority to order the immediate cessation of landfilling or other activities at the site if it determines that the health, safety and/or welfare of the inhabitants of the County of Los Angeles so requires. Such cessation shall continue until such time as the Local Enforcement Agency determines that the conditions leading to the cessation have been eliminated or reduced to a level which no longer poses an unacceptable threat to such health, safety and/or welfare.

Advisory Committee and develop an additional component with the Committee for emergency notification to the Val Verde community. The landfill operator shall bear the reasonable costs, if any, of plan implementation.

44. Permittee shall comply with the Statement of Agreements and Understandings it entered into with certain community representatives on February 21 and 24, 1997, as that agreement has been amended and as it may be amended according to its terms. County enforcement of this condition shall be limited to a revocation or modification proceeding under County Code Section 22.56.1780 et seq., which may be commenced only in the event that a court or other decision maker of competent jurisdiction determines that the Permittee has breached its obligations under the Statement of Agreements and Understandings.

45. The permittee shall purchase translation equipment as specified by the Val Verde Civic Association for a one time cost not to exceed $8,000, by or before the first Val Verde Community Benefits Fund payment is made in accordance with the Statement of Agreements and Understandings referenced in condition no. 44, above.

46. The maximum total capacity of the landfill shall be 23 million tons. Landfill closure shall occur when this capacity is reached or by November 24, 2019, whichever occurs first.

47. In the event that the permittee is precluded from utilizing this grant as a result of a lawsuit, the permittee may continue to operate the existing landfill under CUP 1809-(5) beyond the November 24, 1997 expiration date applicable thereto, subject to all other conditions and limitations set forth in CUP 1809-(5), until completion of the fill design shown on the latest approved Exhibit A on file with CUP 1809-(5), or November 24, 2000, or resolution of the lawsuit challenging the grant of this CUP 89 081-(5), whichever occurs first.

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