



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl AICP
Director of Planning

July 14, 2005

To:

Wayne Rew, Chair
Pat Modugno, Vice Chair
Leslie G. Bellamy, Commissioner
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner

From:

Russell J. Fricano, Ph. D., AICP
Zoning Permits I

RJF

Subject: Conditional Use Permit 00-194-(5) - Sunshine Canyon Landfill
For August 10, 2005 Continued Hearing

The above-referenced case, a request to authorize modifications to a previously approved Class III landfill, was continued at the public hearings on December 1, 2004, January 12, 2005 and April 6, 2005 to allow for additional comments. The next hearing date is set for August 10, 2005. At the April 6, 2005 public hearing the Commission requested that staff report material be made available well in advance of the August 10 hearing so that all interested parties would have sufficient reviewing time; all materials for the August 10 hearing are therefore being forwarded to the Commission and made available to the public at this time.

Since the April 6, 2005 hearing the applicant, as well as the North Valley Coalition, have submitted written comments on staff's proposed draft conditions for this project. These two documents, with proposed deletions and additions to the draft conditions are included as attachments to this memorandum. Staff has also met with both the North Valley Coalition and the applicant to discuss their respective proposed changes. Staff's comments and recommendations on these changes have been included within each document following the requested change.

Just prior to the April 6, 2005 hearing the applicant submitted comments on the fee related draft conditions. Staff and County Counsel have reviewed these conditions and the objections posed by the applicant. Staff's comments on fee related conditions are also included as an attachment to this memorandum.

In the past few weeks the applicant has also provided staff with written responses to several issues, including response letters on the North Valley Coalition's comments the draft conditions, oak tree survival rates and a request to start operations at the landfill at

5 a.m. All correspondence received from the applicant since the last hearing has been included as attachments to this memorandum.

Please note that staff will be proposing a revision to our previous draft condition no. 14. The Department of Public Works has requested new language to clarify the criteria the applicant must satisfy before they could go beyond the limits of Exhibit A-1 into the so called "bridge area".

A copy of the Draft Response to Comments document dated June 2005, prepared by the applicant's consultant, has also been included for your review. Note that this is a draft version of this document and it has not yet been verified as correct by County staff. The document is being provided without its appendices.

Staff recommends:

- The Commission hear testimony from the community limited to new issues;
- That the Commission hear the applicants rebuttal; and
- That the Commission provide general direction to staff regarding the major points of contention.

RECOMMENDED MOTION

"I move that the Regional Planning Commission close the public hearing and indicate its intent to approve Conditional Use Permit Number 00-194-(5) and instruct staff to prepare findings and conditions for approval and final environmental documentation."

Should you have any questions prior to the public hearing please contact Maria Masis at (213) 974-6443 or e-mail at mmasis@planning.co.la.ca.us. The Department office hours are Monday through Thursday from 7 a.m. to 6 p.m., Department offices are closed on Fridays.

Attachments: Staff Comments on Proposed Fee Related Conditions
Altschuler (North Valley Coalition) Letter and Comments on draft Conditions dated June 9, 2005
BFI Comments on draft Conditions
County Staff Recommendations on Fee Related Conditions
Weston Benshoof (BFI) Response to June 9, 2005 Altschuler (North Valley Coalition) correspondence, letter date July 5, 2005
Response to Commissioners on Oak Tree Survival Rates, letter by Weston Benshoof (BFI), dated July 6, 2005
Response to Opposition, Weston Benshoof (BFI), dated June 30, 2005
SEIR Clearance for 5:00 a.m. Site Preparation Activities letter by Weston Benshoof (BFI), dated July 8, 2005
Draft Response to Comments, dated June 2005

ATTACHMENT A
COUNTY'S COMMENTS ON FEE RELATED DRAFT
CONDITIONS

CONDITIONAL USE PERMIT 00-194-(5)

PROPOSED FEE RELATED CONDITIONS

As part of the proposed draft conditions for Conditional Use Permit 00-194-(5) several conditions – Nos. 28, 29, 61, 62, 64, 65, and 69 – relate to fees. Conditions No. 11 and 42 refer to penalties for violating the CUP conditions. In two memorandums, both dated March 30, 2005 the applicant raises concerns over the proposed fees. The applicant also requests that staff strike or reduce penalties for CUP violations as stated in draft conditions nos. 11 and 42. Staff and County Counsel have reviewed and considered the applicant's concerns over the fees as well as penalties; a summary follows.

Condition 11

This condition will need to be revised pursuant to a maximum allowed fine of \$1,000 per day per violation. The County will allow for a 30 day cure period for any violation of the CUP conditions; if the violation is not addressed and cured during this time period a \$30,000 fine (\$1,000 for each day of the violation) will be charged. Additional fines would be assessed at a rate of \$1,000/day for any additional time needed to cure the violation.

Condition No. 28

The City currently collects a franchise fee of 12 percent; the County charges a 10 percent Business tax. Condition 28 proposes to equal the charges on the City and County sides to 12 percent to have the cost of disposal at the same rate in the County and City. The DPW has expressed a concern that the fee difference will create increased pressure to fill on the County side rather than on the City side. This condition is subject to further review and comment by County Counsel.

Condition No. 29

This fee reimburses the County for implementing and enhancing waste diversion programs pursuant to AB 939. This condition is the same as was imposed on the Puente Hills landfill.

Condition No. 42

This condition provides for penalties if more than three Notices of Violation are issued in any calendar year. Based on the same regulations as Condition No. 11, a maximum penalty of \$1,000 per day per violation may only be imposed. County Counsel will be available to discuss the issue of penalties further at the public hearing; condition 42 will be adjusted accordingly.

Condition No. 61

The current CUP (condition No. 48) requires the applicant to deposit the sum of \$81,000 each January 10 for the life of the landfill to finance planning studies and other environmental or neighborhood planning studies; the new CUP proposes a

\$100,000/year fee for the same purposes. Staff does not agree with the applicant's conclusion that the life expectancy of the County landfill is 9 years. With the addition and increased certainty of using the Bridge Area the life of the grant has essentially doubled. Compensation for additional impacts can be found to be appropriate. Staff recommends keeping Condition 61 as proposed.

Condition 62

The applicant states that they have already satisfied their obligations to the Community by donating parkland and habitat within the County. Staff, however, finds that with a doubling of the waste to be put in the landfill and as the permit requires the adoption of overriding considerations for environmental impacts, this fee should be retained. This condition is the same as Puente Hills condition 24 e.

Conditions 64

This condition requires the applicant to fund 12 household hazardous waste and electronic waste events per year. This condition is the same as Puente Hills condition 24 b. Staff proposes to retain this condition.

Condition 65

This condition provides funds to assist the County in promoting the development of conversion technology facilities. Staff proposes to keep this condition subject to certain concession if the applicant agrees to further focus on promotion and development of conversion technology.

Condition 69

With the new CUP the life of the grant has essentially doubled. Compensation for additional impacts can be found to be appropriate. Staff recommends keeping Condition 69 as proposed.

ATTACHMENT B
BFI'S PROPOSED CHANGES TO DRAFT CONDITIONS
Staff comments included within document

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these Conditions, including the attached Implementation and Monitoring Program:
 - a. "Ancillary Facilities" shall mean facilities authorized by this grant that are directly related to the operation and maintenance of the landfill, and shall not include facilities related to any other enterprises operated by the permittee or others.
 - b. "City Project" shall mean the area activities of the landfill and ancillary facilities and activities within the City of Los Angeles' jurisdiction, as approved by the City of Los Angeles through Ordinance No. 172933 ("City Ordinance") and limited to the area depicted as "Initial Development Area" on Exhibit No. E-4GB of said City Ordinance, and as generally referred to in said Ordinance as Phase I, which constitutes the entire City portion of the City/County Project depicted on Exhibit "A-12" hereto.

Staff Comments: The applicant wants this definition to refer to the whole landfill, not only the first phase. The proposed changes are not recommended.

- c. "City/County Project" shall mean the total area activities of the combined City/ County landfill conducted in either or both City and County jurisdictions, the ultimate development of which is depicted on Exhibit "A-12" hereto of this grant and the City of Los Angeles Ordinance No. 172933, Exhibit No. E-4B (City jurisdiction only), and which is generally referred to in Ordinance No. 172933 as Phase II and Phase III. The City/County Project includes the combined City/County landfill, ancillary facilities and activities within the County's jurisdiction, as approved by this grant, and ancillary facilities and activities within the City of Los Angeles' jurisdiction, as approved by the City of Los Angeles through Ordinance No. 172933, including, but not limited to, waste diversion facilities, offices and other employee facilities, leachate treatment facility, material storage areas, and closure and post-closure activities.

Staff Comments: The applicant wants this definition to refer to the whole landfill. The proposed changes are not recommended.

- d. "Class III (non-hazardous) Landfill" shall mean a disposal facility that accepts solid waste for land disposal, pursuant to applicable federal and state laws and regulations.
 - e. "Clean Dirt" shall mean uncontaminated soil used for coverage of the landfill face, buttressing of the landfill, construction of access roads and berms, etc.

- f. “County Project” shall mean the area activities of the currently operational landfill and ancillary facilities and activities within the County’s jurisdiction, as within the area depicted on Exhibit “A-1” hereto, which constitutes the entire County portion of the City/County Project and other activities as approved by this grant ~~which are conducted entirely within the County’s jurisdiction. The County Project includes the landfill and ancillary facilities and activities as described in Condition 2, including, but not limited to, waste diversion facilities, offices and other employee facilities, leachate treatment facility, and other environmental control systems, material storage areas, and closure and post-closure activities. The County Project includes activities conducted within the County’s jurisdiction prior to the commencement of operation of Phase II as approved by the City, as well as activities conducted within the County’s jurisdiction in the event that the City’s approval of Phase II or Phase III expires or is terminated. County Project does not include activities conducted within the County’s jurisdiction as part of the City/County Project.~~

Staff Comments: *The applicant wants this definition to refer to the whole landfill, not only the first phase. Proposed changes are not recommended.*

- g. “Disposal Area” shall mean “Llandfill₁” as defined herein.
- h. “Electronic Waste” shall mean all discarded consumer and business electronic equipment. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Section 66261.9 and any amendments thereto.
- i. “Exempt Material” shall mean “Materials Received for Beneficial Use₁” as defined herein.
- j. “Facility” shall mean the subject property and all activities authorized on the subject property by this grant.
- k. “Final Cover” shall mean the cover material required for landfill closure and post closure maintenance pursuant to this grant and requirements of federal and state laws and regulations.
- l. “Footprint” shall mean the horizontal boundaries of the landfill at ground level, as depicted on the attached Exhibit “A-1₁” ~~for the County Project and Exhibit “A-2” for the City/County Project.~~

Staff Comments: *The applicant wants this definition to refer to the whole landfill, not only the first phase. Proposed changes are not recommended.*

- m. "Garbage" – see "~~s~~Solid w~~Waste,~~" as defined herein.
- n. "Inert Debris" shall mean solid waste and/or recyclable materials that are source-separated or separated for recycling, reuse or resale, that do not contain hazardous waste, as defined under state laws and regulations, or soluble pollutants at concentrations in excess of state water quality objectives, and that do not contain significant quantities of decomposable waste. Inert debris shall not contain more than 1% (by weight) putrescible wastes. Inert debris may be commingled with rock and/or soil.
- o. "Landfill" shall mean the portion of the subject property where solid waste is to be permanently placed, compacted, and then buried under daily, interim and final cover material pursuant to all requirements of federal, state, and local laws and regulations. No portion of the landfill, ~~including solid waste, cover material and temporary storage/stockpile material~~ shall extend beyond the "~~L~~imits of F~~ill,~~" as defined below. "Landfill" does not include adjacent cut slopes, temporary storage areas, final cover and ancillary facilities authorized by this grant.

Staff Comments: The applicant requests authorization to temporary stockpile dirt above approved final elevations. This will result in 10 million cubic feet of dirt to be stockpiled on top of final elevations. Staff has determined that stockpiles can reach Exhibit- A Alternate heights of 1900 feet msl but not beyond under the current permit. The proposed changes are not recommended.

- p. Local Enforcement Agency" (LEA) shall mean the entity or entities (currently the County of Los Angeles Department of Health Services) designated pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect solid waste disposal facilities and to enforce State regulations and permits; provided, however, that should the function of the LEA be assigned at any time to an entity that is not designated by the Board of Supervisors, any responsibilities assigned to the LEA through the conditions of this grant which are not by law the prerogative of the LEA shall be performed by the Department of Health Services-Solid Waste Management Program (DHS-SWMP).
- q. "Limits of Fill" shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the landfill, as depicted on the attached Exhibit "A-1," ~~for the County Project and the attached Exhibit "A-2" for the City/County Project.~~

Staff Comments: The applicant wants this definition to refer to the whole landfill; the proposed changes are not recommended.

- r. "Materials Received for Beneficial Use" shall mean (1) solid waste that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for the purpose of recycling, including, but not limited to, green waste, wood waste, asphalt, concrete and dirt, in accordance with the restrictions of Condition Nos. 2 and 22 and the agreement entered into pursuant to provisions of the attached Implementation and Monitoring Program (IMP); or (2) clean dirt imported to cover and prepare interim and final fill slopes for planting and for berms; ~~provided that such importation of clean dirt has been shown to be necessary and has been authorized by the Director of Public Works.~~

Staff Comments: The applicant claims that at the end of the landfill's life they may need to import dirt for cover. DPW should have authority to approve any dirt importation as the landfill is currently dirt "rich" and does not have any needs to import dirt. Importation of dirt could add to traffic impacts. Proposed changes are not recommended.

- s. "Materials Recovery Facility" shall mean a facility that separates solid waste into recyclable materials and residual waste.
- t. "Permittee" shall mean the applicant and any other person, corporation, or other entity making use of this grant.
- u. "Refuse" - see "Solid Waste₁" as defined herein.
- v. "Residual Waste" shall mean that waste remaining following the removal of recyclable material from the solid waste stream.
- w. "Rubbish" - see "Solid Waste₁" as defined herein.
- x. "Site Plan" shall mean a plan of all or a portion of the subject property, ~~as depicted on attached including Exhibit "A-1," or Exhibit "A-2", as applicable,~~ as well as specific site plans for ancillary facilities and activities, as approved by the Director of Planning.

Staff Comments: The applicant requests that this definition to refer to the whole landfill; the proposed changes are not recommended.

- y. "Solid Waste" shall mean all putrescible and nonputrescible solid, and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other discarded solid and semi-solid wastes, but excluding materials or substances having

commercial value which have been salvaged for reuse, recycling or resale. Solid waste includes residual waste received from any source.

- z. "Stockpile Area" shall mean ~~"Temporary Storage Area,"~~ as defined herein.
- aa. "Stockpile" shall mean temporarily stored materials.
- bb. "Temporary Storage Area" shall mean an area within the landfill where ~~only these materials, including dirt stockpile, approved by the Director of Public Works may be placed for storage no longer than 180 calendar days, unless a longer period is approved by the Director, prior to further recycling or reuse,~~ so long as such storage does not constitute disposal in accordance with the regulations of the Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB). No putrescible materials shall be placed in a temporary storage area for more than seven calendar days. ~~Except that this restriction shall not apply to the storage of inert debris.~~

Staff Comments: Soil stockpile may be allowed within landfill footprint but not beyond the approved final maximum elevation of 1900 feet msl. Proposed changes are not recommended.

- cc. "Trash" shall mean ~~"Solid Waste,"~~ as defined herein.
- dd. "Working Face" shall mean the working surface of a landfill upon which solid wastes are deposited during the landfill operation, prior to the placement of cover material.

Unless otherwise expressly provided in this grant, applicable federal, state or local definitions shall apply to terms used herein.

2. This grant shall supersede the terms and Conditions of Conditional Use Permit (CUP) 86-312-(5) and allow the continued operation of a Class III (non-hazardous) landfill together with certain ancillary facilities and activities, as enumerated herein and as shown on the most currently approved site plan, subject to all of the conditions of approval:

- Offices and employee facilities related directly to the landfill and waste handling and processing operations allowed under this grant, but excluding offices and other facilities related to any other enterprises operated by the permittee or others;
- ~~Two~~ Caretaker's residences or mobile homes;

Staff Comment: Only one caretaker's residence is requested. Staff does not object to this change.

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

Staff Comments: Staff does not have any issues with this addition.

Revised site plans may be submitted for approval by the Director of Planning, as required, consistent with the intent of this grant and the scope of the environmental documentation, with copies of the submittal filed with the Director of Public Works and the LEA, except as otherwise provided in Condition 32. No revisions shall be made to Exhibit "A-1" and no site plans shall be approved that would change the limits of fill.

Staff Comments: The applicant wants this definition to refer to the whole landfill; the proposed changes are not recommended.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the property subject to this grant if other than the permittee, have filed at the office of the Department of Regional Planning (DRP) their affidavit stating that they are aware of, and agree to accept, all of the Conditions of this grant and have paid all fees and provided all deposits and security required by the Conditions of this grant, including Condition Nos. 11, 12c, and 63. Notwithstanding Condition 8, the filing of such affidavit accepting all Conditions of this grant constitutes a waiver of the permittee's right to challenge any provision of this grant.
4. Attached to these Conditions are an Implementation and Monitoring Program (IMP) to implement and ensure compliance with the conditions of grant and a Mitigation Monitoring and Reporting Summary (MMRS) to monitor compliance with required environmental impact mitigation measures, which programs are incorporated into these

Conditions by reference. The permittee shall fully perform each action required of the permittee by the Implementation and Monitoring Program and the Mitigation Monitoring and Reporting Summary as if they were specifically set forth in these Conditions.

5. This grant will expire unless used within one year from the date of approval. Prior to the use of this grant, the permittee shall comply with Part II of the Implementation and Monitoring Program and with Conditions 6 and 22. A one-year time extension may be requested in the event that compliance with these Conditions cannot otherwise be fulfilled. The Hearing Officer may extend such time for a period not to exceed one year, provided an application, with the appropriate fee, requesting such extension is filed with the DRP prior to such expiration date.
6. Prior to the operation of the City/County Project, the permittee shall obtain a Finding of Conformance with the Los Angeles County Countywide Siting Element from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.
7. The subject property shall be developed, maintained and operated in full compliance with the Conditions of this grant to the satisfaction of the Director of Planning and in full compliance with any law, statute, ordinance or other regulation applicable to any development or activity on the subject property, including, but not limited to, those permits, other approvals or findings issued by the following agencies:
 - a. The Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB)
 - b. The Regional Water Quality Control Board (RWQCB), Los Angeles Region
 - c. The South Coast Air Quality Management District (SCAQMD)
 - d. The California Department of Fish and Game
 - e. The U.S. Army Corps of Engineers
 - f. The California Department of Health Services
 - g. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
 - h. The Los Angeles County Department of Public Works
8. Failure of the permittee to cease any development or activity not in such full compliance, as described in Condition 7 above, shall be a violation of this grant, subject to written notice of any such violation, a 30-day cure period, and any agreement of corrective action. The permittee shall keep all required permits in full force and effect and shall

fully comply with any requirements thereof. Failure of permittee to provide requested information shall also constitute a violation of this grant and be subject to the penalties pursuant to condition 11.

Staff Comments: The added language is similar to current BFI/City agreement; County Counsel does not agree with the proposed changes and will discuss further at the public hearing.

9. ~~If any provision of this grant is challenged by the permittee and is held or declared by any court of competent jurisdiction to be invalid, illegal, void or unenforceable, the permit shall be void and the privileges granted hereunder shall lapse. such provision shall be deemed severed from this grant, and the remaining provisions shall continue in full force and effect.~~

~~Failure of the permittee to cease any development or activity not in such full compliance, as described above, shall be a violation of this grant. The permittee shall keep all required permits in full force and effect and shall fully comply with any requirements thereof. [Duplicate of major portion of Condition 8.]~~

Staff Comments: County Counsel agrees to the proposed changes; duplicated language can be deleted.

10. To the extent permitted by law, the LEA shall have the authority to order the immediate cessation of landfilling or other activities at the site if it determines that the health, safety and/or welfare of inhabitants of the County of Los Angeles so requires. Such cessation shall continue until such time as the LEA determines that the Conditions leading to the cessation have been eliminated or reduced to a level which no longer poses an unacceptable threat to such health, safety and/or welfare.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission (RPC) or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that ~~these c~~Conditions have been violated and permittee has failed to either cure said violation or enter into an agreement of corrective action within thirty (30) days after written notice of violation has been provided to permittee, 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.

Staff Comments: County Counsel does not agree with the proposed changes.

~~In addition to, or in lieu of, the above-noted provisions stated, the permittee shall be subject to a penalty for violation of any provisions of this grant as determined by, and at the discretion of, the RPC or a Hearing Officer, following the process set forth above, the Director of Planning in an amount not moreless than \$1,000 or more than \$10,000 per day per violation. For this purpose, the permittee shall deposit the sum of \$100,000 in an interest bearing trust fund with the DRP, prior to the effective date of this grant to establish a draw down account. A written notice of a violation and the associated penalty will be sent to the permittee. If the noted violation is not corrected within 30 days~~

~~to the satisfaction of the Director of Planning, the penalty amount cited in the written notice will be deducted from the account. If the violation is corrected within 30 days but recurs any time within a six-month period, the penalty will be deducted from the account upon each recurrence and the permittee will be notified of such deduction. Once the deposit has been depleted by 50 percent of the initial amount (\$50,000), the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$100,000) within 10 business days of notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant.~~

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

- a. Affirm the action of the RPC or Hearing Officer~~Director~~; or
- b. Refer the matter back to the RPC or Hearing Officer~~Director~~ for further review with or without instructions; or
- c. Set the matter for public hearing.

The decision of the Board of Supervisors~~Hearing Officer~~ shall be final and conclusive.

Staff Comment: County Counsel to review and comment on these changes.

12. Nothing in these ~~c~~Conditions shall be construed to require the permittee to engage in any act that is in violation of any state or federal regulation.
 - a. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees ("County Indemnified Parties") from any claim, action, or proceedings against the County Indemnified Parties or its agents, officers, or employees to attack, set aside, void, annul, or seek damages or compensation in connection with this permit approval and/or the Conditions of permit approval (individually and collectively, "Claim"), which action is brought within the applicable time period of Government Code Section 65907 or other applicable time period. The County shall notify the permittee of any ~~e~~Claim, action, or proceeding, and the County shall reasonably cooperate in the defense. The County Indemnified Parties shall be entitled to enforce such duty to defend, indemnify and hold harmless with respect to any Claim only as follows:
 - (1) Notice and Tender. Promptly upon becoming aware of any Claim, the County shall provide the permittee with written notice in reasonable detail of the nature and date of discovery of the Claim, and the permittee shall tender such claim to its insurance carrier ("Insurer").

- (2) Defense. If the Insurer accepts the defense of such Claim under any applicable policy, then the County must accept such defense without enforcing the permittee's defense obligations pursuant to this permit. If the Insurer does not accept the defense of such Claim under any applicable policy, then the County may enforce the permittee's defense obligations.

Staff Comment: County Counsel does not agree with the proposed changes.

- (3) Coverage. (i) if the Insurer accepts total coverage for such Claim under any applicable policy, then the County must accept such coverage and may not enforce the permittee's indemnity and hold harmless obligations except upon a final, non-appealable award of damages in excess of the limits of any applicable policy; (ii) if the Insurer accepts partial coverage for such Claim under any applicable policy, then the County must accept such partial coverage and may enforce the permittee's indemnity and hold harmless obligations with respect to the uncovered portion of such Claim and the partially covered portion of such Claim upon a final, non-appealable award of damages in excess of the limits of any applicable policy; and (iii) if the Insurer denies coverage for such Claim under any applicable policy, then the County may enforce the permittee's indemnity and hold harmless obligations with respect to such Claim.

- b. Each of the provisions of Condition 12.a. applies equally to any action for damages brought against the County Indemnified Parties resulting ~~The permittee shall indemnify and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding for damages resulting from water, air or soil contamination, health impacts, or loss of property value during~~ caused by the operation, closure and post-closure of the County Project or City/County Project.

Staff Comment: County Counsel does not agree with the proposed changes.

- c. Prior to the effective date of this grant, the permittee shall provide evidence of insurance (ACORD certificate form or its equivalent) coverage that meets County requirements as required and approved by the Chief Administrative Office. Such coverage shall be maintained throughout the term of this grant and until such time as all post-closure requirements are met and certified by the appropriate local, state and federal agencies. Such insurance coverage shall include but not necessarily be limited to the

following: general liability, professional liability, and environmental impairment liability coverage insuring clean-up costs, and endorsing for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all acceptable state and federal requirements, with no special limitations.

13. This grant will terminate upon completion of all landfilling activities, all mitigation measures required by this grant, all landfill closure and post-closure maintenance required by federal, state and local agencies, and all monitoring and maintenance of environmental protection and control systems required by Condition 30. Prior to termination, all facilities not required for mitigation, for landfill closure or post-closure maintenance or for environmental protection and control systems shall be removed unless they are permitted as a matter of right by the zoning regulations then in effect.

Staff Comments: Revision is to clarify only – addition acceptable.

...

14. The purpose of this condition, insofar as it is environmentally and economically appropriate and technically feasible, is to provide for landfill capacity in both the City of Los Angeles and the ~~unincorporated~~ County of Los Angeles portions of Sunshine Canyon jurisdictions, as well as to make the landfill capacity available on an equitable basis to all incorporated and unincorporated jurisdictions in the County of Los Angeles; and, further, to conserve and, if possible, prevent destruction of oak trees and other significant ecological resources within unincorporated territory. The County believes that these goals may be accomplished by the permitting by the City of substantial additional fill on land within the City in the permittee's ownership and control, and, to the extent deemed technically appropriate by agreement of the permittee and the Director of Public Works, feasible, ~~by the permittee's maximizing landfilling operations within the geographical area identified as Phase I of the City Project as specified in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d.~~ Additionally, Therefore, the permittee shall diligently pursue applications for a Solid Waste Facilities Permit (SWFP) and all other permits and approvals necessary to operate the landfill within the City (City/County Project). If the permittee's approval by the City for the City Project or City/County Project shall be invalidated by a court of law or shall be modified by the City to permit a fill which does not overlay the project area shown on Exhibit "A-1," or if a SWFP or other necessary approval for the City/County Project, including the City's approval of Phase II, shall be denied, no portion of the landfill may thereafter extend beyond the limits of fill as shown on Exhibit "A-1."

~~During the term of this grant, any disposal activity within the County's jurisdiction shall be first approved by the Director of Public Works to ensure that appropriate sequencing of landfilling operations is follows.~~

~~Prior to commencement of operation of the City/County Project, no portion of the landfill may extend beyond the limits of fill shown on Exhibit "A-1." Upon commencement of~~

~~operation of the City/County Project, the limits of fill shown on Exhibit "A-2" shall constitute the boundaries of the landfill, except that no portion of the landfill within the County's jurisdiction may extend beyond the limits of fill shown on Exhibit "A-1", until the permittee has maximized landfilling operations to the satisfaction of the Director of Public Works within the geographical area identified as Phase I of the City Project as specified in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d, and the permittee has demonstrated to the satisfaction of the Director of Public Works, based upon a report and engineering studies submitted by the permittee and independently evaluated by the DPW, that landfilling beyond the limits of fill shown on Exhibit A-1 is necessary for the efficient operation of the City/County Project.~~

Staff Comments: Staff has prepared revised language for Condition 14. Proposed changes by applicant are not recommended.

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

If the City of Los Angeles denies the permittee's request to complete any of the phasing designs specified in the City approval granted in ~~City Ordinance No. 172933 of the City of Los Angeles~~, Condition B.2.d, the permittee shall thereafter exclude all waste collected within the corporate limits of the City and transported in trucks City-operated by the City Bureau of Sanitation ("BOS") or in commercial trucks under contract with the City BOS, from any portion of the landfill within County territory. This exclusion shall continue in effect unless and until terminated by the County.

The permittee shall notify the County at least 60 days prior to any amendment to the City approval (~~Ordinance No. 172933 of the City of Los Angeles~~), settlement agreement or other agreement or instrument between the permittee and the City that may impact the disposal capacity of the County Project or City/County Project or any of the Conditions of this grant. Copies of such instruments shall be provided to the County Counsel, to the Directors of Regional Planning and Public Works, and to the County LEA.

Staff Comments: Changes/additions OK.

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

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

Staff Comments: Name correction only; change acceptable.

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

- 17. The maximum tonnage allowed shall be as follows:
 - a. The City/County Project:
 - i. When the Facility is operating as a City/County Project, the amount of all materials received, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 72,600 tons per week (12,100 tons per day average based on six working days per week); provided, however, that the amount of solid waste placed in the landfill for disposal shall not exceed 66,000 tons per week and the amount of inert debris and exempt materials received for beneficial use shall not exceed 6,600 tons per week.
 - ii. When the Facility is operating as a City/County Project, the amount of all materials received for disposal or beneficial use, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 12,100 tons on any given day, six working days per week, in either jurisdiction (based on the permitted maximum intake rate of 5,500 tons per day in the City and the permitted maximum 6,600 tons per day in the County).
 - b. The County Project:
 - i. When the Facility is operating as a County Project, the amount of all materials received for disposal or beneficial use within

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

ii. When the Facility is operating as a County Project, the amount of all materials received for disposal or beneficial use within the County's jurisdiction, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 7,200 tons on any given day; provided, however, that the amount of solid waste placed in the landfill for disposal within the County's jurisdiction shall not exceed 6,600 tons on any given day.

c. The Board of Supervisors may increase the maximum amounts of daily and weekly tonnage allowed by this condition, if the Board, upon the joint recommendation of the County LEA and the Director of Public Works, determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of the public health and safety or if there is a declared emergency, as defined in ~~California~~California Code of Regulations Title 14, Division 7, Chapter 3, Article 3.

18. The permittee shall adopt measures within 90 days of the effective date of this grant, unless a longer period is approved by the Director of Public Works, to ensure the accuracy of the County unincorporated area disposal tonnages, as further listed here in general and specifically in the attached IMP. These measures shall include, but not be limited to: 1) requiring all solid waste enterprises/waste haulers to submit accurate waste origin data, 2) a system for verifying the accuracy of the data submitted; 3) implementing a verification system for waste reported as originating in the County unincorporated areas, 4) an education and outreach program to haulers and other customers regarding the need for accurate waste origin data, and 5) imposing penalties for non-cooperation or repeatedly providing false information. The permittee shall develop the waste origin verification and reporting program, as approved by the Director of Public Works, and submit the data on a semi-monthly basis to the Department of Public Works for review. Based on the initial results obtained from this program, the Director of Public Works may modify, amend and/or require the permittee to develop/implement additional monitoring/enforcement programs to ensure the intent of this condition.
19. The permittee shall operate the Facility in a manner that maximizes the amount of solid waste that can be placed within the landfill, including but not limited to the following:
- a. Implement methods of waste compaction, which equal or exceed compaction rates achieved at comparable landfills operating in Los Angeles County as determined by the Director

of Public Works;

- b. Investigate and implement to the extent determined by the Director of Public Works to be appropriate, methods of diverting or reducing high volume, low-density materials, which are not capable of being readily compacted;
- c. Investigate and implement, as permitted by the appropriate regulatory agencies, methods to reduce the volume of daily cover required;
- d. Utilize waste materials received and processed at the Facility, such as shredded green waste, as alternative to daily, intermediate and final cover, to the extent deemed technically feasible and acceptable to the regulatory agencies; ~~However, contaminated soils, as defined by state regulations, and automobile shredder waste shall not be used as daily, intermediate or final cover;~~

Staff Comments: The Department of Public Works will review this deletion; BFI has agreed to not use auto shredder waste.

- e. Recycle or otherwise divert from disposal all clean dirt received at the facility from offsite sources. Clean dirt shall not be disposed without prior approval from the Director of Public Works; and
- f. Utilize on-site clean dirt for daily, intermediate or final cover where possible instead of imported dirt, ~~as determined by the Director of Public Works.~~

Staff Comments: OK to delete; According to the applicant the landfill will however eventually deplete dirt resources.

20. Notwithstanding any other provision of this grant, the permittee shall not negligently or intentionally deposit waste into the landfill which is required to be diverted or recycled in accordance with City and County Source Reduction and Recycling Elements of the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code, and/or the Waste Plan Conformance Agreement entered into between the County and permittee pursuant to Conditional Use Permit 86-312-(5).

- 21. Within 90 days of the effective date of this grant, and thereafter as may be necessary, the Waste Plan Conformance Agreement, which was previously approved by the County Board of Supervisors on June 26, 1996, and is currently in effect, shall be amended to maintain consistency with applicable Ceity and Ceounty waste management plans. The Director of Public Works is authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. The Agreement shall continue to provide for (1) controlling and accounting for waste entering and, in the form of recycled or diverted material, leaving the landfill, (2) the implementation and enforcement of

programs intended to maximize utilization of the available fill capacity as set forth in Condition 20, and (3) the implementation of waste diversion and recycling programs on and off-site in accordance with applicable City and County waste management plans.

22. Prior to the use of this grant, the permittee shall have submitted a program to the Director of Public Works, and shall have received the Director's approval of the program, for the purpose of preventing wasted trips to the Facility and illegal disposal, which program shall include but is not limited to:
 - a. Scheduling of regular users, such as commercial and municipal haulers, as needed to avoid their arriving at the Facility and being diverted to other landfills; and
 - b. Reservation of capacity for small commercial and private users.
23. The permittee shall charge differential tipping fees, or implement other programs approved by the Director of Public Works, to discourage hauling of partially filled loads to the Facility.
24. The following types of waste shall be prohibited from being disposed at the landfill and shall not be accepted at the Facility: incinerator ash, sludge, radioactive material, hazardous waste, medical waste, as defined in Section 25023.2 of the California Health & Safety Code, and liquid waste, as defined in state laws and regulations, waste which contains soluble pollutants in concentrations that exceed applicable water quality objectives, and waste which could cause degradation of waters of the state as determined by the RWQCB. The permittee shall implement a comprehensive waste load checking program approved by the DHS-SWMP to preclude disposal of prohibited waste at the landfill, which program shall comply with the requirements of this condition and Part IV of the attached IMP and any additional requirements of the LEA, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.

~~The permittee shall carry out the comprehensive waste load checking program approved by the DHS-SWMP. The DHS-SWMP shall maintain at least one full-time inspector at the landfill at times when waste is being received and processed. The permittee shall compensate the DHS-SWMP for any personnel, transportation, equipment and facilities costs incurred in administering the provisions of the condition not covered by fees paid for administration of the solid waste facilities permit for the landfill.~~

Staff Comment: Deleted language moved up to first paragraph.

Notification of the restrictions on disposal of prohibited waste and the procedures for proper disposal at other appropriately classified disposal sites for waste processing facilities shall be provided to waste haulers on a routine basis. Notices shall be printed in English and Spanish and shall also be posted at prominent locations at the Facility to inform waste haulers of the rules governing the disposal of prohibited waste and that anyone negligently or intentionally bringing in any prohibited waste shall be prosecuted to under the fullest extent of the law.

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

- a. If the vehicle that delivered the waste is still present, detain the driver and obtain his driver license and vehicle license number; and
- b. Immediately make all notifications to state and County agencies, as required by federal, state and local laws and regulations.
- c. If possession of the material is not immediately taken by a public official, store the material at a site developed in accordance with the regulations of the State Department of Health Services and the RWQCB until disposed of in accordance with applicable State and Federal regulations.

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

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

The Facility shall be closed on Sunday;

Solid waste and other materials received for beneficial use may be accepted at the Facility only between the hours of 6:00 a.m. (scales open) through 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except that when needed to accommodate post-holiday disposal requirements, Saturday hours may be extended to 6:00 p.m. The landfill entrance gate at San Fernando Road shall be opened at 5:00 a.m. on weekdays and 6:00 a.m. on Saturday, except as needed to allow the onsite queuing of vehicles to accommodate post-holiday disposal requirements. Furthermore, these materials may be accepted at other times if the LEA determines that extended hours are necessary to handle additional disposal for the preservation of the public health and safety;

Operations at the Facility, such as ~~site preparation and maintenance~~, the application of cover and waste processing, but excepting activities such as gas control, which require continuous operation, may be conducted only between the hours of 6.00 a.m. and 9:00 p.m., Monday through Saturday; although site preparation and maintenance activities may commence one hour prior to the time scales open;

Staff Comments: The applicant states that they need to be able to remove tarps etc. and get the landfill ready to accept waste before scales open and trucks begin arriving. The applicant has provided an analysis of the SEIR, i.e. whether the mentioned activities would conflict with the environmental assessment. The letter dated July 8, 2005 is included as an attachment and concludes that no such conflict exists.

Equipment maintenance shall be limited to the hours of 4:00 a.m. through 9:00 p.m., Monday through Saturday. No diesel vehicle shall be started before 5:00 a.m.; and

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

26. The permittee shall at all times, Monday through Saturday, maintain adequate on-site staff for operation of the Facility. These personnel shall have appropriate training and experience needed to operate the Facility. The level and qualifications of employees at the Facility shall be subject to approval by the LEA, which at its discretion may establish minimum training requirements for designated positions at the Facility. On-site staff shall be familiar with the conditions of this grant.
27. The permittee shall post a sign at the entrance gate at San Fernando Road, which indicates the following:
- a. The telephone number by which persons may contact the permittee on a 24-hour/day basis to register complaints regarding operations at the Facility. Said telephone number shall also be published in the local telephone directory;:-
 - b. The telephone number of the LEA and the hours when the office is staffed;:- and
 - c. The telephone number of the enforcement offices of the South Coast Air Quality Management District and the hours when the office is staffed.
28. | . . fee related . .
29. | . . fee related . .
30. The permittee shall be responsible for monitoring and maintenance of the Facility's environmental protection and control systems ~~in perpetuity, unless a lesser time is approved by the Director of Public Works in accordance with state law.~~ Within 12 months after the effective date of this grant, the permittee shall provide financial assurance satisfactory to the Director of Public Works of its ability to maintain such systems subsequent to certification of all post-closure requirements by the appropriate local, state and federal agencies.

Staff Comments: County Counsel to review and comment. BFI claims that State law preempts the County from imposing a more stringent standard. Proposed changes are not recommended at this time.

31. The County reserves the right to exercise its police powers to protect the public health, safety and general welfare by managing the County-wide waste stream, including such activities as the appropriate regulation of tipping fees and similar Facility rates, fees or

charges.

32. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit "A-1" for the County Project or ~~Exhibit "A-2"~~ for the County portion of the City/County Project shall not be graded or similarly disturbed to create the landfill, except that the Director of Public Works may approve additional grading if the Director determines, based upon engineering studies provided by the permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination shall be documented as provided in Part I of the attached Implementation and Monitoring Program, and the permittee shall submit a revised site plan for review and approval by the Director of Public Works. A copy of the approved site plan shall be filed with the Director of Planning and the LEA. No revisions shall be made to Exhibit "A-1" or ~~Exhibit "A-2"~~, and no revised site plan shall be approved that would change the limits of fill.

No approval shall be granted under this condition that will result in expanding the area or height of fill (i.e. changing the authorized limits of fill) or in lowering or significantly modifying any of the ridgelines surrounding the landfill.

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

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

Staff Comments: *The applicant wants this definition to apply to the whole landfill; the proposed changes are not recommended.*

33. The permittee shall ~~further~~ comply with all grading requirements of the DPW and the Los Angeles County Code. Except for routine grading associated with cell development, the permittee shall obtain prior approval from the DPW for ~~all~~ grading work which is outside the footprint of the landfill and all grading work within the landfill footprint which could impact offsite property within the County's jurisdiction, ~~including but not limited to activities such as cell development, stockpiling, and excavation for borrow and cover materials.~~ It is not the intent of this condition to duplicate the efforts of the RWQCB or other state agencies.

Staff Comments: *Proposed changes are not recommended, however, DPW will make some modifications consistent with conditions at similar landfills.*

34. The permittee shall install drainage structures and comply with all other drainage requirements of the DPW and any additional requirements of the RWQCB and any other regulatory agency. Except as otherwise specifically provided by the DPW, all drainage structures, including sedimentation basins, shall be designed and constructed so as to meet all applicable drainage and grading requirements of DPW. All design and

construction plans must have the prior approval of the DPW

The landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from disposal areas. All design modifications must have the prior approval of the DPW.

35. The permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. Such systems shall, as determined by the RWQCB, equal or exceed the specifications set forth in Topical Responses 7 and 8, DEIR Volume A, Responses to Comments, July 13, 1990.
36. The permittee shall install and test groundwater monitoring wells as required by the RWQCB and shall promptly undertake any action directed by the RWQCB to correct or prevent contamination which may affect groundwater quality or water conveyance or storage facilities, including the Metropolitan Water District Balboa Inlet Tunnel and the City of Los Angeles Aqueduct and Van Norman Reservoir.
37. Prior to the commencement of the City/County Pproject, any testing or remedial actions required by the RWQCB to correct or prevent groundwater contamination or to determine the existence of any groundwater contamination shall be completed or guaranteed by the permittee to the satisfaction of the RWQCB and notification of the DPW.
38. The permittee shall operate the Facility in a manner that conserves water, including, but not limited, to the following:
 - a. Any water wells used for the project shall, if approved by the appropriate agencies, draw from the Sunshine Canyon watershed;
 - b. 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;
 - c. Soil sealant, pavement and other control measures shall be used wherever possible in preference to water for dust control; and
 - d. To the extent feasible, as determined by the Director of Planning, drought-tolerant plants shall be used to re-vegetate the landfill slopes and other disturbed areas. Plant types shall blend with species indigenous to the area and shall be capable of rapid establishment.
39. Unless determined otherwise by the Department of Public Works, the permittee shall obtain the Department of Public Wworks' approval of a Standard Urban Stormwater Mitigation Plan for the project activities.

40. No activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required, including, but not limited to, installation, modification or removal of underground storage tanks and/or industrial waste control facilities (this includes any permanent structures intended for the treatment of post-development storm water runoff), shall be initiated on the subject property before the required permit (or revision thereof) is obtained from the DPW and any required facilities are installed.
41. The permittee shall be subject to the following landfill cover and re-vegetation requirements:
- a. The permittee shall promptly notify the LEA and the Director of Public Works of any slope that is projected to remain inactive for a period longer than 180 days and a temporary hydroseed vegetation cover shall be applied and ultimately established on all such slopes and other areas, as set forth in the attached IMP.

Staff Comment: Proposed language may be added.

- b. Prior to placing any solid waste within 10 feet of the limits of fill, the permittee shall submit to the LEA and the Director of Planning for review and approval its interim reclamation and re-vegetation plan, including the timing of the proposed work.
- c. Final cut slopes shall be no steeper than 1.5:1 (horizontal to vertical ratio, excluding benches) and all final cut slopes shall be approved by the DPW as in compliance with its grading requirements.

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

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

The permittee shall employ expert assistance to carry out this condition, including an independent, qualified biologist. Soil sampling and laboratory analysis shall be conducted on all areas before re-vegetation to identify chemical or physical soil

properties that may adversely affect plant growth and establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected based upon the above-referenced testing procedures and results. To the extent possible, plant types shall blend with species indigenous to the area and be drought tolerant and shall be capable of rapid establishment. Plant selection shall exclude non-indigenous species likely to be invasive of adjacent natural areas.

42. The permittee shall utilize the most effective available technology and methodology to avert fugitive dust emissions, which may be a nuisance or hazard in adjacent populated or recreational areas or cause significant damage to wildland resources. In addition to the re-vegetation measures required in Condition 41, the program shall include the following:
- a. The permittee shall not engage in any excavation or other operation during high wind conditions, or when such conditions may reasonably be expected, that would result in significant emissions of fugitive dust, which cannot be confined to the area under the permittee's control.
 - b. The working face areas shall be kept to small contained areas, not to exceed a total of approximately ten acres in the City/County Project, three to five acres in the County Project, or as determined by the LEA to better protect public health and safety. At times of the year when high wind conditions may be expected, any working face shall either be located in areas of minimal wind exposure or be closed, if deemed necessary by the LEA as required by Section 6.01 of the MMRS. Other operations areas shall be confined to sites less than five acres each.
 - c. Except during rainy conditions, daily cover shall be moistened with water to retard erosion, and a soil sealant shall also be used to supplement water for dust control and to retard erosion when wind conditions dictate.
 - d. Except during rainy conditions, any active area or active cover soil stockpile shall be moistened with water on a daily basis unless wind conditions dictate otherwise, in which case soil sealant shall be used in addition to water. Soil excavated from one portion of the site shall be used as a cover material in an adjacent area, to the extent feasible, as determined by the Director of Public Works to reduce the transport distance.
 - e. As determined by the LEA, before each day when the Facility will be closed to solid waste receipt, the permittee shall apply soil sealant to any previously active dirt area that has not already been sealed or re-vegetated.
 - f. Inactive areas of exposed dirt that have been sealed shall be

- regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant, and, if additional treatment is required, it shall be promptly applied to assure full control of the soil particles.
- g. All access roads to permanent facilities, except those infrequently used, shall be paved.
 - h. The paved access road to the fill areas shall be extended as new areas are opened to minimize the length of dirt road. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials or soil stabilization products to minimize the length of untreated dirt.
 - i. All paved roads in regular use shall be regularly cleansed to remove dirt left by trucks and other vehicles.
 - j. Except during rainy conditions, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the LEA or the Director of Public Works, or otherwise treated to control dust emissions.
 - k. Loads capable of producing significant dust shall be watered during the dumping process. If such a practice is deemed not acceptable to the RWQCB, the permittee shall develop alternative methods to minimize dust generation during the dumping process and obtain approval of the Director of Public Works within 90 days of the effective date of this grant.
 - l. The permittee shall maintain water tanks and piping capable of supplying by gravity at least one full day's maximum water usage, as determined by the LEA, to the fill areas for dust control, which capacity shall be in addition to any fire flow required by the County Forester and Fire Warden.
 - m. The permittee shall install and maintain devices to monitor wind speed and direction, as specified by the SCAQMD, and shall retain qualified personnel to read and interpret the data, to obtain or utilize information on predicted wind conditions and to assist in the planning of operations at the Facility.
 - n. The permittee shall submit quarterly reports to the Director of Public Works listing all fugitive dust and odor complaints received from residents and ~~and~~ all Notices of Violation issued by the SCAQMD or the LEA as well as the measures undertaken to address the complaints and to correct the violations. ~~If more than three Notices of Violation are issued in any calendar year, the permittee shall pay a fine of \$1,000 for~~

~~the first violation in excess of three and \$5,000 for each subsequent violation. Fines shall be deposited into an interest-bearing trust account administered by the Director of Planning, or as otherwise approved by the Board of Supervisors.~~

Staff Comments: County Counsel is reviewing this deletion and will discuss the penalty issue at the public hearing.

o. The Director of Public Works and the DHS-SWMP shall each have the authority to require the permittee to implement additional corrective measures when such measures are deemed appropriate to protect public health and safety.

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

The permittee's on-site litter control program shall include, unless otherwise provided by the LEA, the following:

- a. Facility personnel shall continuously patrol the access road to the scales 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 detained and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load shall be conducted under escort to the working face.
- 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 permittee shall use a primary portable litter fence at a height of eight feet at the working face and a four-foot secondary fence behind the primary fence, depending on wind conditions. The permittee shall employ additional measures as necessary to control litter. On windy days and when the fences are not sufficient, the working face shall be located within areas of minimal wind exposure or shall be closed, if so required by the LEA. The LEA may require additional measures deemed necessary to effectively control litter.

44. Within 90 days of the effective date of this grant, the permittee shall develop best

available methods or procedures to prevent vehicles leaving the Facility from carrying dirt and/or debris on to local streets or highways.

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

Landfill gas flares shall be below the adjacent ridges (unless otherwise required by the SCAQMD) and the flames shall be totally contained within the stack. Flame arrestors shall be provided to the satisfaction of the County Forester and Fire Warden.

50. The permittee shall take all necessary measures to ensure that noise emissions from the Facility at any residential receptor are within the limits of the County Noise Ordinance, as contained in Title 12 of the County Code.
51. The permittee shall maintain on-site fire response capabilities, construct access roads, provide water tanks, water mains, fire hydrants and fire flows and perform brush clearance to the satisfaction of the County Forester and Fire Warden.
52. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls provided in accord with the requirements of the County Forester and Fire Warden, the County DPW, the RWCQB, and the SCAQMD.
53. The permittee shall also provide effective vector control measures as directed by the Director of Health Services.

54. Prior to the operation of the combined City/County landfill, the permittee shall install required traffic improvements at the following intersections per the satisfaction of the City of Los Angeles Department of Transportation, when necessary, as outlined in the Supplemental Traffic Data Information report ~~(awaiting submittal of the final revised report)~~.
- a. San Fernando Road at Sierra Highway;
 - b. San Fernando Road at Facility Entrance;
 - c. San Fernando Road at Balboa Boulevard;
 - d. Roxford Street at I-5 Southbound On/Off Ramps;
 - e. Roxford Street at I-5 Northbound Off Ramp; and
 - f. Roxford Street at I-5 Northbound Off Ramp/Encinitas Avenue

55. Prior to operation of the combined City/County landfill, the permittee shall pay the State of California Department of Transportation (“Caltrans”) a sum not to exceed \$422,183 for the freeway transportation improvements as outlined in the Supplemental Traffic Data Information report ~~(awaiting submittal of the final revised report)~~. Permittee shall be given credit towards this sum for project-related mitigation performed within Caltrans’ jurisdiction.

Staff Comments: The Traffic and Lighting Division of DPW has reviewed and agrees to this addition.

56. Prior to operation of the combined City/County landfill, the permittee shall install traffic signs acceptable to the City of Los Angeles Department of Transportation along San Fernando Road to warn the public that heavy truck traffic exists in the area near the Facility entrance. The permittee shall also address any potential localized impact along the San Fernando Road bicycle lane from increased truck traffic at or near the Facility site.
57. Prior to operation of the combined City/County landfill, the permittee shall install street lights along the project frontage on San Fernando Road to the satisfaction of the City of Los Angeles Bureau of Streets Lighting.
58. The DPW, the LEA, and the Community Advisory Committee shall monitor the performance of Conditions designed to minimize truck traffic, and in the event such measures are inadequate, the Director of Planning shall recommend additional measures to the RPC which may impose additional Conditions as found to be warranted to ensure the continued adequacy of such Conditions.
59. The permittee shall implement a program to identify and conserve any significant archaeological and paleontological materials that may be present, in accordance with

this condition and Part VII of the attached Implementation Monitoring Program (IMP). If any evidence of aboriginal habitation or fossils is discovered during earthmoving activities, landfill operations shall cease in that immediate area and the evidence and site shall be preserved until a qualified archaeologist or paleontologist (as appropriate) has made a determination as to the significance of the site of findings. Any significant archaeological or paleontological resources shall be recovered to the extent practicable before resuming activities in that area of the landfill.

60. The permittee shall continue to work with the California Department of Fish and Game, the U.S. Army Corps of Engineers and the City of Pasadena to monitor the approved and implemented wetlands and riparian habitat restoration project (Lower Arroyo Seco Restoration Project, Corps File Number 94-00124-AOA, California Department of Fish and Game Streambed Alteration Agreement Number 5-445-91), as required by said permits, or at such time as the restoration project is accepted by the City of Pasadena.

Staff Comment: The proposed language can be added.

61. . . . fee related

62. . . . fee related

63. The permittee shall deposit the sum of \$50,000 with the DRP within 30 days of approval of this grant to establish a draw-down account, from which actual costs will be billed and deducted for the purpose of defraying the expenses involved in the Department's reviewing and verifying the information contained in any required reports and any other activities of the Department, including but not limited to: enforcement, permitting, inspection, coordination of mitigation monitoring, administrative support, technical studies, and the hiring of independent consultants. Once the permittee has been notified that actual costs incurred have reached 80 percent of the amount of deposit (\$40,000), the permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$50,000) within 10 business days of notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

64. . . fee related . .

65. . . fee related .

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

67. The permittee shall continue working with the waste industry and in concert with cities, the County, and other stakeholders, to modify existing laws and regulations to require that compliance with the State waste reduction mandates be measured by program implementation while the Disposal Reporting System would be used solely to identify the

trends.

68. The permittee shall implement a vehicle tarping program at the Facility as approved by the Director of Public Works, to discourage untarped vehicles from using the facility. All vehicles loaded with solid waste materials or with the potential to create litter shall be tarped upon entering and leaving the landfill site. No vehicle loaded with solid waste materials shall be allowed to enter the facility, until the driver is informed of the tarping requirements and asked to have his/her load covered. Repeat violators shall be subject to penalties and may be prohibited from using the facility.

69. .fee related . . .

70. The design of landfill liners in the eCounty unincorporated portion of the landfill shall be consistent with the liner design as approved by the California Regional Water Quality Control Board ("RWQCB") and shall be of equal effectiveness to the liner design approved by the RWQCB for for the portion of the landfill within the Ceity portion of the landfill.

Staff Comment: The intent is to have language that requires a liner that is no less effective than the liner proposed for the City landfill.

| 7/14/2005 6/28/2005 6/23/05 11/17/2004

ATTACHMENT C
NORTH VALLEY COALITION'S PROPOSED CHANGES TO
DRAFT CONDITIONS

Staff comments included within document

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

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

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

- g. "Disposal Area" shall mean landfill as defined herein.
- h. "Electronic Waste" shall mean all discarded consumer and business electronic equipment. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Section 66261.9 and any amendments thereto.
- i. "Exempt Material" shall mean "Materials Received for Beneficial Use" as defined herein.
- j. "Facility" shall mean the subject property and all activities authorized on the subject property by this grant.
- k. "Final Cover" shall mean the cover material required for landfill closure and post closure maintenance pursuant to this grant and requirements of federal and state laws and regulations.
- l. "Footprint" shall mean the horizontal boundaries of the landfill at ground level, as depicted on the attached Exhibit "A-1" for the County Project and Exhibit "A-2" for the City/County Project.
- m. "Garbage" – see "solid waste" as defined herein.
- n. "Inert Debris" shall mean solid waste and/or recyclable materials that are source separated or separated for recycling, reuse or resale, that do not contain hazardous waste, as defined under state laws and regulations, or soluble pollutants at concentrations in excess of state water quality objectives, and that do not contain significant quantities of decomposable waste. Inert debris shall not contain more than 1% (by weight) putrescible wastes. Inert debris may be commingled with rock and/or soil.
- o. "Landfill" shall mean the portion of the subject property where solid waste is to be permanently placed, compacted, and then buried under daily, interim and final cover material pursuant to all requirements of federal, state, and local laws and regulations. No portion of the landfill, including solid waste, cover material and temporary storage/stockpile material shall extend beyond the limits of fill, as defined below. "Landfill" does not include adjacent cut slopes and ancillary facilities authorized by this grant.
- p. "Local Enforcement Agency" (LEA) shall mean the entity or entities (currently the County of Los Angeles Department of Health Services) designated pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect solid waste disposal facilities and to enforce State regulations and permits; provided, however, that should the function of the LEA be assigned at any time to an entity that is not designated by the Board of Supervisors, any responsibilities assigned to the LEA through the conditions of grant which are not by law the prerogative of the LEA shall be performed by the Department of Health Services-Solid Waste Management Program (DHS-SWMP).

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

- q. "Limits of Fill" shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the landfill, as depicted on the attached Exhibit "A-1" for the County Project and the attached Exhibit "A-2" for the City/County Project.
- r. "Materials Received for Beneficial Use" shall mean (1) solid waste that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for the purpose of recycling, including but not limited to green waste, wood waste, asphalt, concrete and dirt, in accordance with the restrictions of Condition Nos. 2 and 22 and the agreement entered into pursuant to provisions of the attached Implementation and Monitoring Program (IMP); or (2) clean dirt imported to cover and prepare interim and final fill slopes for planting and for berms; provided that such importation of clean dirt has been shown to be necessary and has been authorized by the Director of Public Works.
- s. "Materials Recovery Facility" shall mean a facility that separates solid waste into recyclable materials and residual waste.
- t. "Permittee" shall mean the applicant and any other person, corporation, or other entity making use of this grant.
- u. "Refuse" - see "solid waste" as defined herein.
- v. "Residual Waste" shall mean that waste remaining following the removal of recyclable material from the solid waste stream.
- w. "Rubbish" - see "solid waste" as defined herein.
- x. "Site Plan" shall mean a plan of all or a portion of the subject property, including Exhibit "A-1" or Exhibit "A-2", as applicable, as well as specific site plans for ancillary facilities and activities, as approved by the Director of Planning.
- y. "Solid Waste" shall mean all putrescible and nonputrescible solid, and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other discarded solid and semi-solid wastes, but excluding materials or substances having commercial value which have been salvaged for reuse, recycling or resale. Solid waste includes residual waste received from any source.
- z. "Stockpile Area" shall mean temporary storage area as defined herein.

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

- aa. "Stockpile" shall mean temporarily stored materials.
- bb. "Temporary Storage Area" shall mean an area within the landfill where only those materials approved by the Director of Public Works may be placed for storage no longer than 180 calendar days, unless a longer period is approved by the Director, prior to further recycling or reuse so long as such storage does not constitute disposal in accordance with the regulations of the Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB). No putrescible materials shall be placed in a temporary storage area for more than seven calendar days. Except that this restriction shall not apply to the storage of inert debris.
- cc. "Total Disposal Capacity" shall mean the maximum amount of solid waste that may be disposed of. The Total Disposal Capacity for the County Project shall be 17 million tons. The Total Disposal Capacity for the City/County Project shall be 90 million tons.

Staff comments: The NVC is proposing that an absolute tonnage cap be placed as a condition of approval. The original approval did not have an absolute tonnage cap and was based instead on final elevations/contours of the completed landfill; it delineates the limits of fill vertically and horizontally. Tonnages were estimates based on compaction used at that time of the original approval; the previous County permit estimated 100 million tons (estimate was subsequently revised by BFI to 90 million tons). The approval also encouraged improved compaction techniques in accordance with County policies to maximize landfill capacity. Setting an absolute tonnage cap would change the nature of the original approval if this suggestion is incorporated in this new CUP.

- eedd. "Trash" shall mean solid waste as defined herein.
- edee. "Working Face" shall mean the working surface of a landfill upon which solid wastes are deposited during the landfill operation, prior to the placement of cover material. Unless otherwise expressly provided in this grant, applicable federal, state or local definitions shall apply to terms used herein.

2. ~~This grant shall supersede the terms and Conditions of Conditional Use Permit (CUP) 86-312-(5) and allows the continued operation of a Class III (nonhazardous) landfill, originally authorized by Conditional Use Permit (CUP) 86-312-(5), together with certainly those ancillary facilities and activities, as enumerated herein and as shown on the most currently approved site plan subject to all of the conditions of approval:~~

~~P Offices and employee facilities related directly to the landfill and waste handling and processing operations allowed under this grant, but excluding offices and other facilities related to any other enterprises operated by the permittee or others;~~

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

- ~~_____ P _____ Two caretaker's residences or mobile homes;~~
- ~~_____ P _____ Leachate collection, treatment, and processing facilities;~~
- ~~_____ P _____ Facilities necessary for the collection, utilization and distribution of landfill gases as required and/or approved by the Department of Public Works (DPW), the LEA, or the South Coast Air Quality Management District (SCAQMD);~~
- ~~_____ P _____ Facilities necessary for the maintenance of machinery and equipment used at the landfill, excluding refuse collection equipment and vehicles, and equipment or machinery utilized by the permittee in other enterprises;~~
- ~~_____ P _____ On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Part II of the attached Implementation and Monitoring Program; and~~
- ~~_____ P _____ Facilities necessary for other environmental protection and control systems, including flare stations, storage tanks, sedimentation basins and drainage devices uses and facilities described in the July 1997 Draft Subsequent EIR, pages 2-38 through 2-43. Any condition contained in CUP 86-312-(5) that governs a matter not addressed in these Conditions shall be incorporated by reference and where CUP 86-312-(5) and these Conditions govern the same topic, the more restrictive condition shall govern the operation of the facility.~~

Any condition governing the operation of the City/Council Landfill, as set forth in Ordinance No. 172933 of the City of Los Angeles, that governs a matter not addressed in these Conditions with respect to the operation of the City/County Landfill, shall be incorporated by reference and where Ordinance No. 172933 and these Conditions govern the same topic, the more restrictive condition shall govern the operation of the facility. This includes but is not limited to conditions governing the operation of the facility contained in local, state, or federal permits that are incorporated by reference into these Conditions or Ordinance No. 172933.

Revised site plans may be submitted for approval by the Director of Planning as required, for the sole purpose of moving or relocating ancillary facilities, as long as operations remain consistent with the intent of this grant and the scope of the environmental documentation, with copies of the submittal filed with the Director of Public Works and the LEA, except as otherwise provided in Condition 323. No revisions shall be made to Exhibit "A" and no site plans shall be approved that would change/increase the limits of fill.

Staff Comments: For enforcement reasons staff does not recommend having two active CUPs for the landfill or requiring enforcement staff to determine which of the conditions (new or old) is more restrictive. It is more appropriate and reasonable for the new CUP to supersede the current permit (86-312). Any additional language from the SEIR could be inserted into the new conditions instead of being incorporated by reference; having the conditions refer to pages in the SEIR is not recommended. (The NVC has indicated they will submit the exact language they request to be added for staff review.)

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

3 depicted on Exhibit A or the total disposal capacity.

3. Landfilling operations shall be authorized only as follows:

- a. No solid waste may be disposed of outside or above the limits of fill depicted on Exhibit A.
- b. The County Project shall cease operations when the limits of fill (i.e., the horizontal and vertical boundaries) depicted on Exhibit A-1 are reached, 17 millions tons have been disposed on the footprint depicted on Exhibit A-1, or upon expiration of this grant due to cessation or suspension of use for a consecutive period of two or more years, as provided in Section 22.56.150 of the Los Angeles County Code, whichever occurs first. Within 210 days of the date upon which the limits of fill depicted on Exhibit A-1 are reached, or 17 million tons have been disposed on the footprint depicted on Exhibit A-1, whichever date is earlier, the permittee shall install a final cover, with vegetation stabilized.
- c. During the operation of the City/County Project, in no event shall any landfilling operations occur outside the footprint depicted on Exhibit A-1, that is, in no event shall any landfilling operations occur within the "bridge area" of Sunshine Canyon until, as provided for in Condition 15, the Director of Public Works has determined that the permittee has maximized landfilling operations within the geographical area identified as Phase I of the City Project, as specified in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d.
- d. The City/County Project shall cease operations when the limits of fill (i.e., the horizontal and vertical boundaries) depicted on Exhibit A-2 are reached, 90 million tons have been disposed on the footprint depicted on Exhibit A-2, or upon expiration of this grant due to cessation or suspension of use for a consecutive period of two or more years, as provided in Section 22.56.150 of the Los Angeles County Code, whichever occurs first. Within 210 days of the date upon which the limits of fill depicted on Exhibit A-2 are reached, 90 million tons have been disposed on the footprint depicted on Exhibit A-2, whichever date is earlier, the permittee shall install a final cover and stabilize vegetation.
- e. No landfilling activities shall occur nearer than five hundred feet to any area designated on the County General Plan for open space, wildlife preservation, or recreational purposes.
- f. After the cessation of operations of the County Project and the City/County Project pursuant to Conditions 3.b and 3.d, no waste shall be received, disposed of, or in any other way processed at the site. This prohibition includes but is not limited to a prohibition against a materials recycling facility or transfer station at the site. After the cessation of operations, the site shall thereafter be dedicated for open space, wildlife preservation, or recreational use, subject to applicable local, state, and federal requirements governing post-closure maintenance.

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

Staff Comments: Sections a and b of this condition is similar to the existing condition no. 14, but with the added tonnage limit. The NVC has also added additional language from Federal regulations as to when final cover should be installed. Currently the approval of Closure and Postclosure Maintenance Plans are addressed in the MMRS and the monitoring responsibility lies with the LEA, CIWMB and RWQCB (MMRS Section 3.12) Closure Regulations are defined in the CCR, Title 14, Chapter 5 Article 3.4. Landfilling operations will cease once final approved elevations are reached. The NVC has expressed concern over BFI not following cover regulations and wants to see the most restrictive language used. As final cover is addressed elsewhere and monitored by other departments/agencies, staff is not recommending to add an additional condition.

4. This grant shall not be effective for any purpose until the permittee, and the owner of the property subject to this grant if other than the permittee, have filed at the office of the Department of Regional Planning (DRP) their affidavit stating that they are aware of, and agree to accept, all of the Conditions of this grant and have paid all fees and provided all deposits and security required by the Conditions of this grant, including Condition Nos. 142, 123c, and 636. Notwithstanding Condition 89, the filing of such affidavit accepting all Conditions of this grant constitutes a waiver of the permittee's right to challenge any provision of this grant.
45. Attached to these Conditions are an Implementation and Monitoring Program (IMP) to implement and ensure compliance with the conditions of grant and a Mitigation Monitoring and Reporting Summary (MMRS) to monitor compliance with required environmental impact mitigation measures, which programs are incorporated into these Conditions by reference. The permittee shall fully perform each action required of the permittee by the Implementation and Monitoring Program and the Mitigation Monitoring and Reporting Summary as if they were specifically set forth in these Conditions.
56. This grant will expire unless used within one year from the date of approval. Prior to the use of this grant, the permittee shall comply with Part II of the Implementation and Monitoring Program and with Conditions 67 and 223. A one-year time extension may be requested in the event that compliance with these Conditions cannot otherwise be fulfilled. The Hearing Officer may extend such time for a period not to exceed one year, provided an application, with the appropriate fee, requesting such extension is filed with the DRP prior to such expiration date.
67. Prior to the operation of the City/County Project, the permittee shall obtain a Finding of Conformance with the Los Angeles County Countywide Siting Element from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.
78. The subject property shall be developed, maintained and operated in full compliance with the Conditions of this grant to the satisfaction of the Director of Planning and in full compliance with any law, statute, ordinance or other regulation applicable to any development or activity on the subject property, including but not limited to those permits, other approvals or findings issued by the following agencies:

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

- a. The Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB)
- b. The Regional Water Quality Control Board (RWQCB), Los Angeles Region
- c. The South Coast Air Quality Management District (SCAQMD)
- d. The California Department of Fish and Game
- e. The U.S. Army Corps of Engineers
- f. The California Department of Health Services
- g. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
- h. The Los Angeles County Department of Public Works

Failure of the permittee to cease any development or activity not in such full compliance, as described above, shall be a violation of this grant. The permittee shall keep all required permits in full force and effect and shall fully comply with any requirements thereof. Failure of permittee to provide requested information shall also constitute a violation of this grant and be subject to the penalties pursuant to condition 142.

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

910. Failure of the permittee to cease any development or activity not in such full compliance, as described above, shall be a violation of this grant. The permittee shall keep all required permits in full force and effect and shall fully comply with any requirements thereof.

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

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

In addition to, or in lieu of, the provisions stated, the permittee shall be subject to a penalty for violation of any provisions of this grant as determined by, ~~and at the discretion of,~~ the Director of Planning in ~~an~~ the amount not less than \$1,000 or more than \$10 of \$25,000 per day per violation, or 10% of the gross revenue generated by the facility on the day of the violation(s), whichever amount is greater. For this purpose, the permittee shall deposit the sum of ~~\$1500,000~~ in an interest bearing trust fund with the DRP, prior to the effective date of this grant to establish a draw down account. A written notice of a violation and the associated penalty will be sent to the permittee. ~~If the noted violation is not corrected within 30 days to the satisfaction of the Director of Planning, and the penalty amount cited in the written notice~~

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

~~will be deducted from the account. If the violation is corrected within 30 days but recurs any time within a six-month period, the penalty will be deducted from the account upon each recurrence and the permittee will be notified of such deduction. Once the deposit has been depleted by 50 percent of the initial amount (\$250,000), the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$500,000) within 10 business days of notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant.~~

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

- a. Affirm the action of the Director; or
- b. Refer the matter back to the Director for further review with or without instructions; or
- c. Set the matter for public hearing.

The decision of the Hearing Officer shall be final and conclusive.

Staff Comments: Pursuant to County Code no more than a \$1,000 penalty can be charged for a misdemeanor. \$25,000 per violation would appear to be unreasonable. The suggested change also eliminates the opportunity for corrective action and may be a violation of due process.

123. Nothing in these Conditions shall be construed to require the permittee to engage in any act that is in violation of any state or federal regulation.

- a. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, annul or seek damages or compensation in connection with this permit approval and/or the Conditions of permit approval, which action is brought within the applicable time period of Government Code Section 65907 or other applicable time period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
- b. The permittee shall indemnify and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding for damages resulting from water, air or soil contamination, health impacts, or loss of property value during the operation, closure and post-closure of the County Project or City/County Project.
- c. Prior to the effective date of this grant, the permittee shall provide evidence of insurance (ACORD certificate form or its equivalent) coverage that meets County requirements as required and approved by the Chief Administrative Office and that satisfies the requirements set forth in this Condition 13-c. Such coverage shall be maintained throughout the term of this grant and ~~until such time as all post-closure requirements are met and certified by the appropriate local, state and federal agencies~~ as long as the landfill remains a threat to public health and safety or the environment. Such insurance coverage shall include but not necessarily be limited to the following: general liability, professional liability, incidence reporting coverage, and;

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

environmental impairment liability coverage insuring clean-up costs, and endorsing for “Sudden and Accidental” contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state and federal requirements, with no special limitations. On or before January 1 of each year of the operation of the facility pursuant to these Conditions, the permittee shall deposit in a trust fund an amount to ensure that at closure there will be funds sufficient to provide for continued payment of insurance premiums for the period required by this Condition 13-c.

d. The permittee shall apply to the California Integrated Waste Management Board for a revision in its post-closure maintenance plan and cost estimate and include in such plan and estimate all major routine maintenance and foreseeable corrective action that may occur during the post-closure period, including maintenance and corrective action activities that occur on less than an annual basis, such as periodic replacement (at intervals not longer than the manufacturer’s warranty) of the final cover and gas and collection wells.

e. On or before January 1 of each year of the operation of the facility pursuant to these Conditions, the permittee shall deposit in a trust fund an amount to ensure that at the conclusion of the post-closure period there will be funds sufficient to carry out routine maintenance and foreseeable corrective action during the post-closure period and for as long as the landfill remains a threat to public health and safety or the environment.

Staff Comments: The NVC is concerned that sufficient monies may not be available for post closure maintenance. The proposed change is such that insurance coverage is required based on subjective factors (as long as remains a threat...) rather than enforceable milestones. The DPW is currently satisfied with current proposed language. This condition relates to Condition No. 30 (NVC’s proposed condition No. 31).

134. This grant will terminate upon completion of all mitigation measures required by this grant, all landfill closure and post-closure maintenance required by federal, state and local agencies, and all monitoring and maintenance of environmental protection and control systems required by Condition 301. ~~–Prior to termination, all facilities not required for mitigation, for landfill closure or post-closure maintenance or for environmental protection and control systems shall be removed unless they are permitted as a matter of right by the zoning regulations then in effect.~~

~~Except as may be otherwise authorized by the granting of new or additional permit(s), upon completion of the County Project as shown on Exhibit “A-1” or the City/County Project as shown on Exhibit “A-2”, or upon expiration of this grant due to cessation or suspension of use for a consecutive period of two or more years as provided in Section 22.56.150 of the Los Angeles County Code, no further waste shall be accepted at the Facility for landfilling or processing.~~

14. _____

15. The purpose of this condition, insofar as it is environmentally and economically appropriate

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

and technically feasible, is to provide for landfill capacity in both the City of Los Angeles and the unincorporated County of Los Angeles jurisdictions as well as to make the landfill capacity available on an equitable basis to all incorporated and unincorporated jurisdictions in the County of Los Angeles; and further, to conserve and, if possible, prevent destruction of oak trees and other significant ecological resources within unincorporated territory. The County believes that these goals may be accomplished by the permitting of substantial additional fill on land within the City in the permittee's ownership and control and, to the extent technically feasible, by the permittee's maximizing landfilling operations within the geographical area identified as Phase I of the City Project as specified in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d.

Therefore, the permittee shall diligently pursue application for a Solid Waste Facilities Permit (SWFP) and all other permits and approvals necessary to operate the landfill within the City (City/County Project). If the permittee's approval by the City for the City Project or City/County Project shall be invalidated by a court of law or shall be modified by the City to permit a fill which does not overlay the project area shown on Exhibit "A-1," or if a SWFP or other necessary approval for the City/County Project, including the City's approval of Phase II, shall be denied, no portion of the landfill may thereafter extend beyond the limits of fill as shown on Exhibit "~~A-1~~"A-1" and no waste may be disposed in excess of the total disposal capacity of the County Project."

During the term of this grant, any disposal activity within the County's jurisdiction shall be first approved by the Director of Public Works to ensure that appropriate sequencing of landfilling operations is followed. Prior to commencement of operation of the City/County Project, no portion of the landfill may extend beyond the limits of fill shown on Exhibit "~~A-1~~"A-1" and no waste may be disposed of in excess of the total disposal capacity of the County Project." Upon commencement of operation of the City/County Project, the limits of fill shown on Exhibit "A-2" shall constitute the boundaries of the landfill, except that no portion of the landfill within the County's jurisdiction may extend beyond the limits of fill shown on Exhibit "A-1" and no waste may be disposed of in excess of the total disposal capacity of the County Project, until the permittee has maximized landfilling operations to the satisfaction of the Director of Public Works within the geographical area identified as Phase I of the City Project as specified in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d, and the permittee has demonstrated to the satisfaction of the Director of Public Works, based upon a report and engineering studies submitted by the permittee and independently evaluated by the DPW, and the Director of Public works has determined that landfilling beyond the limits of fill shown on Exhibit A-1 is necessary for the efficient operation of the City/County Project.

Staff Comment: Relates again to whether a tonnage limit should be set for the landfill instead of the current airspace limit. Staff has drafted revised language for Condition 14.

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

If the City of Los Angeles denies the permittee's request to complete any of the phasing designs specified in the City approval granted in Ordinance No. 172933 of the City of Los Angeles, Condition B.2.d, the permittee shall thereafter exclude all waste collected within the

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corporate limits of the City and transported in City-operated or commercial trucks under contract with the City, from any portion of the landfill within County territory. This exclusion shall continue in effect unless and until terminated by the County.

The permittee shall notify the County at least 60 days prior to any amendment to the City approval (Ordinance No. 172933 of the City of Los Angeles), settlement agreement or other agreement or instrument between the permittee and the City that may impact the disposal capacity of the County Project or City/County Project or any of the Conditions of this grant. Copies of such instruments shall be provided to the County Counsel, to the Directors of Regional Planning and Public Works, and to the County LEA.

167. The permittee shall submit to the County copies of all agreements entered into between the permittee and either the City of Los Angeles, County of Los Angeles, or both, whether by Memorandum of Understanding (MOU), Development Agreement, Joint Powers Agreement (JPA), or other instruments including but not limited to the following:
- a. Establishing a JPA, including agreements to and by the parties for items requiring collaboration on permitting, inspection and enforcement for the City/County Project. During the operation of the City/ County Project, the County LEA proposes to be designated in any JPA as the lead agency for all Solid Waste Facility Permit activities and the single point of contact for coordinating all permitting, inspections and enforcement activity at the Facility. The actual responsibilities for inspection and enforcement activities shall be as delineated in the JPA. The LEA for the City/County Project will be staffed by a minimum of two full-time on-site inspectors. The minimum qualifications of the on-site inspectors shall be that of an Environmental Specialist II within the City of Los Angeles, Department of Environmental Affairs or an equivalent position in the County.

Staff Comments: The County proposed MMRS requires one qualified full-time LEA inspector be employed (MMRS Section 13.08) in the County portion. The City has also required an on-site inspector. As such there are already two required inspectors. Staff would prefer to have the details of the enforcement activity be outlined in the Joint Powers Agreement, not in the CUP conditions.

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

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

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178. The maximum tonnage allowed shall be as follows:

a. The City County Project:

- i. When the Facility is operating as a City/County Project, the amount of all materials received, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 72,600 tons per week (12,100 tons per day average based on six working days per week); provided, however, that the amount of solid waste placed in the landfill for disposal shall not exceed 66,000 tons per week and the amount of inert debris and exempt materials received for beneficial use shall not exceed 6,600 tons per week.
- ii. When the Facility is operating as a City/County Project, the amount of all materials received for disposal or beneficial use, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 12,100 tons on any given day, six working days per week, in either jurisdiction (based on the permitted maximum intake rate of 5,500 tons per day in the City and the permitted maximum 6,600 tons per day in the County).

b. The County Project:

- i. When the Facility is operating as a County Project, the amount of all materials received for disposal or beneficial use within the County's jurisdiction, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 39,600 tons per week (6,600 tons per day average based on six working days per week); provided, however, that the amount of solid waste placed in the landfill for disposal within the County's jurisdiction shall not exceed 36,000 tons per week and the amount of inert debris and exempt materials received for beneficial use within the County's jurisdiction, shall not exceed 3,600 tons per week.
- ii. When the Facility is operating as a County Project, the amount of all materials received for disposal or beneficial use within the County's jurisdiction, including solid waste, inert debris and exempt materials received for beneficial use, shall not exceed 7,200 tons on any given day; provided, however, that the amount of solid waste placed in the landfill for disposal within the County's jurisdiction shall not exceed 6,600 tons on any given day.

b. —c.—The Board of Supervisors may increase the maximum amounts of daily and weekly tonnage allowed by this condition, if the Board, upon the joint recommendation of the County LEA and the Director of Public Works, determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of the public health and safety ~~or if~~ and there is a declared emergency, as defined in California Code of Regulations Title 14, Division 7, Chapter 3, Article 3, provided that no more than 313 days of overages may be granted over the term of this permit.

Staff Comments: This language is from the previous CUP (86-312); staff does

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not object to carrying it forth in this new CUP.

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

1920. The permittee shall operate the Facility in a manner that maximizes the amount of solid waste that can be placed within the landfill, including but not limited to the following:

- a. Implement methods of waste compaction, which equal or exceed compaction rates achieved at comparable landfills operating in Los Angeles County as determined by the Director of Public Works;
- b. Investigate and implement to the extent determined by the Director of Public Works to be appropriate, methods of diverting or reducing high volume, low-density materials, which are not capable of being readily compacted;
- c. Investigate and implement, as permitted by the appropriate regulatory agencies, methods to reduce the volume of daily cover required;
- d. Utilize waste materials received and processed at the Facility, ~~such as shredded green waste,~~ as alternative to daily, intermediate and final cover, to the extent deemed technically feasible and acceptable to the regulatory agencies. However, contaminated soils, as defined by state regulations, tarps, green waste, cement kiln dust materials, dredge spoils, foundry sands, processed exploration waste, production waste, construction and demolition waste of any kind (including but not limited to construction and demolition tailings), shredded tires, foam, and automobile shredder waste shall not be used as daily, intermediate or final cover;

Staff Comments: This change is not recommended. The operator can use green waste and other materials as cover if acceptable to the regulating agencies.

- e. Recycle or otherwise divert from disposal all clean dirt received at the facility from offsite sources. Clean dirt shall not be disposed without prior approval from the Director of Public Works; and
- f. Utilize on-site clean dirt for daily, intermediate or final cover where possible instead of

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imported dirt, as determined by the Director of Public Works.

~~201.~~ 201. Notwithstanding any other provision of this grant, the permittee shall not negligently or intentionally deposit waste into the landfill which is required to be diverted or recycled in accordance with City and County Source Reduction and Recycling Elements of the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code, ~~and/or~~ the Waste Plan Conformance Agreement entered into between the County and permittee pursuant to Conditional Use Permit 86-312-(5) and these Conditions, whichever standard is most stringent.

Staff Comments: As previously stated, staff does not recommend that enforcement staff be required to compare and evaluate multiple documents to decide which language is more stringent as this could create interpretive problems.

242. Within 90 days of the effective date of this grant, and thereafter as may be necessary, the Waste Plan Conformance Agreement, which was previously approved by the County Board of Supervisors on June 26, 1996, and is currently in effect, shall be amended to maintain consistency with applicable city and county waste management plans. The Director of Public Works is authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. The Agreement shall continue to provide for (1) controlling and accounting for waste entering and, in the form of recycled or diverted material, leaving the landfill, (2) the implementation and enforcement of programs intended to maximize utilization of the available fill capacity as set forth in Condition 20, and (3) the implementation of waste diversion and recycling programs on and offsite in accordance with applicable city and county waste management plans.

223. Prior to the use of this grant, the permittee shall have submitted a program to the Director of Public Works, and shall have received the Director's approval of the program, for the purpose of preventing wasted trips to the Facility and illegal disposal, which program shall include but is not limited to:

- a. Scheduling of regular users, such as commercial and municipal haulers, as needed to avoid their arriving at the Facility and being diverted to other landfills;
- b. Reservation of capacity for small commercial and private users.

234. The permittee shall charge differential tipping fees, or implement other programs approved by the Director of Public Works, to discourage hauling of partially filled loads to the Facility and to encourage utilization of the site during off-peak hours.

Staff Comment: No objection, however, need to define "traffic off peak-hours".

245. The following types of waste shall be prohibited from being disposed at the landfill and shall not be accepted at the Facility: incinerator ash, sludge, radioactive material of any kind, including low-level radioactive waste, asbestos, sewer products, hazardous waste, medical waste as defined in Section 25023.2 of the California Health & Safety Code, liquid waste as defined in state laws and regulations, waste which contains soluble pollutants in

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concentrations that exceed applicable water quality objectives, and waste which could cause degradation of waters of the state as determined by the RWQCB. The permittee shall implement a comprehensive waste load checking program to preclude disposal of prohibited waste at the landfill, which program shall comply with the requirements of this condition and Part IV of the attached IMP and any additional requirements of the LEA, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB. The minimum number of random waste vehicle loads to be inspected daily at this facility is 6 loads or 1.5 loads per every 1,000 tons of waste received at the landfill, whichever is greater.

Staff Comments: "Sewer products" appear too broad and may potentially impact DPW flood maintenance activities; it should be deleted. Minimum random inspection frequency is stipulated in the SWFP; duplication of language is not recommended as SWFP requirements may change over the life of the landfill, whereas the CUP conditions will generally not and inconsistencies may arise in the future.

The permittee shall carry out the comprehensive waste load checking program approved by the DHS-SWMP. The DHS-SWMP shall maintain at least one full-time inspector at the landfill at times when waste is being received and processed. The permittee shall compensate the DHS-SWMP for any personnel, transportation, equipment and facilities costs incurred in administering the provisions of the condition not covered by fees paid for administration of the solid waste facilities permit for the landfill.

Notification of the restrictions on disposal of prohibited waste and the procedures for proper disposal at other appropriately classified disposal sites for waste processing facilities shall be provided to waste haulers on a routine basis. Notices shall be printed in English and Spanish and shall also be posted at prominent locations at the Facility to inform waste haulers of the rules governing the disposal of prohibited waste and that anyone negligently or intentionally bringing in any prohibited waste shall be prosecuted under the fullest extent of the law.

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

- a. If the vehicle that delivered the waste is still present, detain the driver and obtain his drivers license and vehicle license number;
- b. Immediately make all notifications to state and County agencies as required by federal, state and local laws and regulations; and
- c. If possession of the material is not immediately taken by a public official, store the material at a site developed in accordance with the regulations of the State Department of Health Services and the RWQCB until disposed of in accordance with applicable State and Federal regulations.
- e. The permittee shall maintain a manifest of unacceptable waste to be made part of the annual report. Certain information must be provided, including:
 - i. A description, nature, and quantity of waste;

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- ii. Name and address of the known source;
- iii. The amount of waste involved;
- iv. Specific handling procedures used; and
- v. Certification of the accuracy of the information in the manifest.

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

The permittee shall also comply with the Procedures for Management of Potentially Untreated Medical Waste for this facility, entered into by the LEA and the State of California. To the extent the Procedures and this Condition 25 conflict, the permittee shall adhere to the more stringent requirement.

Staff Comments: At this time, staff believes that this language could be incorporated.

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

The Facility shall be closed on Sunday;

☐ Solid waste and other materials received for beneficial use may be accepted at the Facility only between the hours of 6:00 a.m. (scales open) through 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except that when needed to accommodate post-holiday disposal requirements, Saturday hours may be extended to 6:00 p.m. The landfill entrance gate at San Fernando Road shall be opened at 5:00 a.m. on weekdays and 6:00 a.m. on Saturday, except as needed to allow the onsite queuing of vehicles to accommodate post-holiday disposal requirements. Furthermore, these materials may be accepted at other times if the LEA determines that extended hours are necessary to handle additional disposal for the preservation of the public health and safety;

.-The LEA may allow for extended hours on no more than 313 days over the term of this permit.

Staff Comments: The current CUP has no such limitation; staff is concerned about setting such limits that could pose a problem in the future.

- Operations at the Facility, such as site preparation and maintenance, the application of cover, and waste processing, but excepting activities such as gas control, which require continuous operation, may be conducted only between the hours of 6.00 a.m. and 9:00 p.m., Monday through Saturday;
- Equipment maintenance shall be limited to the hours of 4:00 a.m. through 9:00 p.m., Monday through Saturday. No diesel vehicle shall be started before 5:00 a.m.; and
- Equipment repairs, mitigation measures necessary to avoid environmental impacts, and emergency operations, which cannot be accomplished during the hours stated above, may be performed at any time with the approval of the LEA.

267. The permittee shall at all times, Monday through Saturday, maintain adequate on-site staff for operation of the Facility. These personnel shall have appropriate training and experience needed to operate the Facility. The level and qualifications of employees at the Facility shall

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be subject to approval by the LEA, which at its discretion may establish minimum training requirements for designated positions at the Facility. On-site staff shall be familiar with the conditions of this grant.

2728. Community Protection Program. A community protection program shall be established that includes the following:

a. The permittee shall prepare and distribute a quarterly newsletter to all parties that have commented orally or in writing to the County Planning Commission regarding this Conditional Use Permit and to any other individual or organization who wishes to receive the newsletter. The permittee shall also distribute the newsletter to a local library and post the newsletter on a website. The quarterly newsletter shall include a summary of Hotline/Emergency Log activity of the period, a progress report that summarizes the Annual Report required by the Implementation and Monitoring Program, a discussion of all outstanding violations and programs for remediation, and any proposed changes in project operations. The Hotline, website, and 24-hour emergency phone number referenced in Conditions 28.b and 28.c shall be publicized in each issue of the newsletter. The permittee will print any contributions from the LEA, the Granada Hills North Neighborhood Council, the North Valley Coalition, the Community Advisory Committee (CAC) created by the Implementation and Monitoring Program, and the Community Advisory Committee created by Ordinance No. 172933 of the City of Los Angeles, Condition C.13 (City CAC).

b. b. The permittee shall maintain a Hotline/Emergency Log which shall record complaints as well as follow-up actions. The permittee shall provide the LEA with a copy of each complaint received and shall provide the LEA and each complainant with a description of follow-up actions. If the LEA or complainant are dissatisfied with the follow-up action, the LEA or complainant may request that the Director of Planning issue a notice of violation pursuant to Condition 12.

Staff Comment: This language was copied from the City Ordinance; Staff does not find this objectionable at this time.

c.- The permittee shall post a sign at the entrance gate at San Fernando Road, which indicates the following:

a. (1) The telephone number by which persons may contact the permittee on a 24-hour/day basis to register complaints regarding operations at the Facility. Said telephone number shall also be published in the local telephone directory.

b. (2) The telephone number of the LEA and the hours when the office is staffed.

e. (3) The telephone number of the enforcement offices of the South Coast Air Quality Management District and the hours when the office is staffed.

289. The permittee shall pay to the County of Los Angeles a fee equal to twelve percent of the sum of the following:

a. The net tipping fees collected at the Facility pursuant to the operation of the County

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Project or the City/County Project (including any fees received as a part of a materials recovery program). "Net tipping fee" shall mean the total collected less any fees or taxes imposed by any federal, state or local agency and included in the fee charged at the Facility's entrance, except that any franchise fees and enforcement fees imposed by the City of Los Angeles shall be included in the amount of the net tipping fee. "Total collected" shall be calculated as total gross receipts collected by the operator;

- b. Gas-to-energy or direct gas sale revenues, less any federal, state, or local fees or taxes included in such revenues, except that any franchise fees and enforcement fees imposed by the City of Los Angeles shall be included in such revenues. The permittee shall utilize landfill gas to generate energy at the site, except if the permittee, as a part of the annual report prepared pursuant to the requirement of Part X of the attached Implementation and Monitoring Program, determines that such activity is not feasible, and the basis and results of such a determination is submitted for review and approved by the DPW; and
- c. Revenues generated by any other activity at the Facility, less any federal, state, or local fees or taxes included in such revenues, except that any franchise fees and enforcement fees imposed by the City of Los Angeles shall be included in such revenues.

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

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

2930. The permittee shall remit to the Department of Public Works on a monthly basis a fee of \$0.25 per ton of solid waste disposed of at the landfill for use in implementation and enhancement of waste diversion programs in the County-unincorporated areas.

Staff Comments: This deletion is not acceptable. The City is assessing a fee for their areas; this fee is specifically for the unincorporated areas.

301. The permittee shall be responsible for monitoring and maintenance of the facility's environmental protection and control systems in perpetuity, ~~unless a lesser time is approved by the Director of Public Works.~~ Within 12 months after the effective date of this grant, the permittee shall provide financial assurance satisfactory to the Director of Public Works of its ability to maintain such systems subsequent to certification of all post-closure requirements by the appropriate local, state and federal agencies.

Staff Comment: As currently worded the Director of Public Works would have to make the finding for a lesser time subject to a standard. NVC is concerned that there could be failures after the operator is released from responsibility and that there is no guarantee that monies would be available (see also condition 13 c and e).

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312. The County reserves the right to exercise its police powers to protect the public health, safety and general welfare by managing the County-wide waste stream, including such activities as the appropriate regulation of tipping fees and similar Facility rates, fees or charges.
323. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit "A-1" for the County Project or Exhibit "A-2" for the City/County Project, shall not be graded or similarly disturbed to create the landfill, except that the Director of Public Works may approve additional grading if the Director determines, based upon engineering studies provided by the permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination shall be documented as provided in Part I of the attached Implementation and Monitoring Program and the permittee shall submit a revised site plan for review and approval by the Director of Public Works. A copy of the approved site plan shall be filed with the Director of Planning and the LEA. No revisions shall be made to Exhibit "A-1" or Exhibit "A-2", and no revised site plan shall be approved that would ~~change~~increase the limits of fill depicted on Exhibit A or total disposal capacity.

No approval shall be granted under this condition that will result in expanding the area or height of fill (i.e. changing the authorized limits of fill) ~~or~~, in lowering or significantly modifying any of the ridgelines surrounding the landfill, or in increasing the total disposal capacity of the County Project or City/County Project.

Staff Comment: This also relates to issue of tonnage versus airspace limit for fill as discussed previously.

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

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

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

The landfill and drainage structures shall in all cases be designed so as to cause surface

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water to be diverted away from disposal areas. All design modifications must have the prior approval of the DPW.

356. The permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. Such systems shall, as determined by the RWQCB, equal or exceed the specifications set forth in Topical Responses 7 and 8, DEIR Volume A, Responses to Comments, July 13, 1990.

367. The permittee shall install and test groundwater monitoring wells as required by the RWQCB and shall promptly undertake any action directed by the RWQCB to correct or prevent contamination which may affect groundwater quality or water conveyance or storage facilities, including the Metropolitan Water District Balboa Inlet Tunnel and the City of Los Angeles aqueduct and Van Norman Reservoir. The permittee shall also finance the installation of 5 groundwater monitoring wells to be located downgradient from the landfill and upgradient from the water conveyance systems and water treatment facilities operated by the Metropolitan Water District and the Department of Water and Power.

Staff Comment: This change is not recommended for inclusion in this permit. The Regional Water Quality Control Board has the authority to request this type of facilities, which would be outside the footprint of BFI's property. Staff does not feel it is appropriate to place specific conditions as this within the purview and expertise of the RWQCB.

378. Prior to the commencement of the City/County project, any testing or remedial actions required by the RWQCB to correct or prevent groundwater contamination or to determine the existence of any groundwater contamination shall be completed or guaranteed by the permittee to the satisfaction of the RWQCB and notification of the DPW.

389. The permittee shall operate the Facility in a manner that conserves water, including but not limited to the following:

- a. Any water wells used for the project shall, if approved by the appropriate agencies, draw from the Sunshine Canyon watershed;
- b. 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;
- c. Soil sealant, pavement and other control measures shall be used wherever possible in preference to water for dust control; and
- d. To the extent feasible, as determined by the Director of Planning, drought-tolerant plants shall be used to re-vegetate the landfill slopes and other disturbed areas. Plant types shall blend with species indigenous to the area and shall be capable of rapid establishment.

3940. Unless determined otherwise by the Department of Public Works, the permittee shall obtain the Department of Public works approval of a Standard Urban Stormwater Mitigation

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Plan for the project activities.

401. No activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required, including but not limited to installation, modification or removal of underground storage tanks and/or industrial waste control facilities (this includes any permanent structures intended for the treatment of post-development storm water runoff), shall be initiated on the subject property before the required permit (or revision thereof) is obtained from the DPW and any required facilities are installed.

442. The permittee shall be subject to the following landfill cover and re-vegetation requirements:

a. The permittee shall promptly notify the LEA and the Director of Public Works of any slope, including those outside the landfill footprint, that is projected to remain inactive for a period of 30 days or longer than 180 days and a temporary hydroseed vegetation cover shall be established on all such slopes and other areas, as set forth in the attached ~~IMP~~MMRS. The permittee shall place a temporary hydroseed vegetation cover or otherwise revegetate any slope, including those outside the landfill footprint, that has remained inactive for 30 days. Failure to do so shall constitute a violation of this permit.

Staff Comment: 180 days is the industry standard, not 30 days. This is consistent with the requirements of the Puente Hills Landfill.

b. Prior to placing any solid waste within ~~40~~20 feet of the limits of fill, the permittee shall submit to the LEA and the Director of Planning for review and approval its interim reclamation and re-vegetation plan, including the timing of the proposed work.

Staff Comment: This condition is identical to that placed on the Puente Hills Landfill. Staff recommends that it remain for consistency.

c. Final cut and fill slopes shall be no steeper than 1.5:1 (horizontal to vertical ratio, excluding benches) and all. The final maximum refuse slope gradient at the site shall be no steeper than 2:1. Final slopes shall be engineered to have a static factor of safety of at least 1.5. All final cut slopes shall be approved/reviewed by the DPW as ~~is~~ for compliance with its grading requirements.

Staff Comment: The 1.5:1 final cut slope engineering is an established standard. The MMRS (Section 1.03) requires that the maximum refuse slope gradient be no steeper than 3 horizontal to 1 vertical and subject to inspection and approval of the DPW and LEA throughout fill operations.

d. No less than 10% of the total footprint of the area depicted in Exhibit A-1 when the facility is operating as the County Project, and 10% of the total footprint of the area depicted in Exhibit A-2 when the facility is operating as the City/County Project, shall be revegetated each year.

e. Immediately after the limits of fill or total disposal capacity are reached, whichever occurs first, the entire site (including access roads) must be promptly and permanently

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- f. revegetated.
Each phase of the landfill with an exterior side shall have the final cover installed and completed on that exterior side within 210 days following completion of that phase in order to both minimize generation of landfill gases and odors at a time when gas collection is not functional and in order to further minimize intrusion of precipitation and runoff that will generate gases and leachate
- g. Prior to commencement of operations of the City/County Project, the permittee shall provide a proposed re-vegetation plan to the Technical Advisory Committee (TAC) created by the Implementation and Monitoring Program, the CAC, the Granada Hills North Neighborhood Association, the North Valley Coalition and any other individual or organization requesting the proposed plan, and the plan will be subject to revision and approval by the LEA based on input from the affected community.

Staff Comment: This is new language proposed by the NVC; it does not come from the City Ordinance and may cause conflict with Federal and State requirements. Staff is not recommending inclusion of this language.

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

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

Staff Comment: Again refers to a disposal capacity in tons.

The permittee shall employ expert assistance to carry out this condition, including an independent, qualified biologist. Soil sampling and laboratory analysis shall be conducted on all areas before re-vegetation to identify chemical or physical soil properties that may adversely affect plant growth and establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected based upon the above-referenced testing procedures and results. To the extent possible, plant types shall blend with species indigenous to the area and be drought tolerant and shall be capable of rapid establishment. Plant selection shall exclude non-indigenous species likely to be invasive of adjacent natural areas.

- 423. The permittee shall utilize the most effective available technology and methodology to avert fugitive dust emissions, which may be a nuisance or hazard in adjacent populated or recreational areas or cause significant damage to wildland resources. In addition to the re-

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vegetation measures required in Condition 41~~2~~, the program shall include the following:

- a. The permittee shall not engage in any excavation or other operation either during high wind conditions (defined as 15 minute average wind speed exceeds 15 mph or instantaneous wind speed exceeds 25 mph), or when such wind conditions may reasonably be expected, that would result in significant emissions of fugitive dust, which cannot be confined to the area under the permittee's control.

Staff Comment: The 15 mph wind speed requirement is specified in the MMRS (Section 6.01) in conformance with standards established by the South Coast Air Quality Management District. Staff is not recommending inclusion of the instantaneous wind speed of 25 mph.

- b. The working face areas shall be kept to small contained areas, not to exceed a total of ~~approximately ten acres~~ in when the facility is operating as the City/County Project, three to five acres in when the facility is operating as the County Project, or a smaller area as determined by the LEA to better protect public health and safety. At times of the year when high wind conditions may be expected, any working face shall either be located in areas of minimal wind exposure or be closed, if deemed necessary by the LEA as required by Section 6.01 of the MMRS. Other operations areas shall be confined to sites less than five acres each.
- c. Except during rainy conditions, daily cover shall be moistened with water to retard erosion, and a soil sealant shall also be used to supplement water for dust control and to retard erosion when wind conditions dictate.
- d. Except during rainy conditions, any active area or active cover soil stockpile shall be moistened with water on a daily basis unless wind conditions dictate otherwise, in which case soil sealant shall be used in addition to water. Soil excavated from one portion of the site shall be used as a cover material in an adjacent area, to the extent feasible, as determined by the Director of Public Works to reduce the transport distance.
- e. ~~As determined by the LEA, b~~ Before each day when the Facility will be closed to solid waste or refuse receipt, or more frequently if required by the LEA, the permittee shall apply soil sealant to any previously active dirt area that has not already been sealed or revegetated.

Staff Comments: Item b is acceptable; on item e the word "refuse" should be deleted as it is a subset of solid waste.

- f. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant and, if additional treatment is required, it shall be promptly applied to assure full control of the soil particles.
- g. All access roads to permanent facilities, ~~except those infrequently used~~, shall be paved.

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

Staff Comment: This relates to dust/air quality concerns by the NVC. The MMRS currently requires the access roads to fill areas be surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize lengths of untreated dirt (MMRS Section 6.03) The word “infrequently” would otherwise need to be defined.

- h. The paved access road to the fill areas shall be extended as new areas are opened to minimize the length of dirt road. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials or soil stabilization products to minimize the length of untreated dirt.
- i. All paved roads in regular use shall be regularly cleansed to remove dirt left by trucks and other vehicles.

Staff Comment: The MMRS requires all paved roads be cleaned on a regular basis (Section 6.03).

- j. Except during rainy conditions, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the LEA or the Director of Public Works, or otherwise treated to control dust emissions.
- k. LA water truck capable of discharging a high pressure spray shall be permanently stationed at the working face to knock down loads containing dust or particulates and loads capable of producing significant dust shall be watered during the dumping process. If such a practice is deemed not acceptable to the RWQCB, the permittee shall develop alternative methods to minimize dust generation during the dumping process and obtain approval of the Director of Public Works within 90 days of the effective date of this grant.

Staff Comment: This added requirement may be too specific.

- l. The permittee shall maintain water tanks and piping capable of supplying by gravity at least one full day’s maximum water usage, as determined by the LEA, to the fill areas for dust control, which capacity shall be in addition to any fire flow required by the County Forester and Fire Warden.
- m. The permittee shall install and maintain devices to monitor wind speed and direction, as specified by the SCAQMD, and shall retain qualified personnel to read and interpret the data, to obtain or utilize information on predicted wind conditions and to assist in the planning of operations at the Facility.
- n. Highly odorous loads shall be covered immediately and the permittee shall maintain an odor suppressant on hand for use when necessary.

Staff Comment: There is no standard for “highly odorous”.

- no. The permittee shall submit quarterly reports to the Director of Public Works listing all fugitive dust and odor complaints received from residents and all Notices of Violation issued by the SCAQMD or the LEA as well as the measures undertaken to address the complaints and to correct the violations. If more than three Notices of Violation are

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

issued in any calendar year, the permittee shall pay a fine of \$1,000 for the first violation in excess of three and \$5,000 for each subsequent violation. Fines shall be deposited into an interest-bearing trust account administered by the Director of Planning, or as otherwise approved by the Board of Supervisors.

ep. The Director of Public Works and the DHS-SWMP shall each have the authority to require the permittee to implement additional corrective measures when such measures are deemed appropriate to protect public health and safety.

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

Staff Comment: Staff can clarify that any litter should be prevented from escaping the landfill.

The permittee's on-site litter control program shall include, unless otherwise provided by the LEA, the following:

- a. Facility personnel shall continuously patrol the access road to the scales 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 detained and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load shall be conducted under escort to the working face.
- 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 permittee shall use a primary portable litter fence at a height of eight feet at the working face and a four-foot secondary fence behind the primary fence, depending on wind conditions. The permittee shall employ additional measures as necessary to control litter. On windy days and when the fences are not sufficient, the working face shall be located within areas of minimal wind exposure or shall be closed, if so required by the LEA. The LEA may require additional measures deemed necessary to effectively control litter.

445. Within 90 days of the effective date of this grant, the permittee shall develop best available methods or procedures to prevent vehicles leaving the Facility from carrying dirt and/or debris on to local streets or highways.

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

456. The permittee shall maintain, to the satisfaction of the Director of Public Works and the LEA, programs aimed at controlling the discharge and recovery of offsite litter from uncovered or improperly covered or contained loads traveling to the Facility, including regular off-site litter collection.
467. The permittee shall at all times, Monday through Saturday, maintain adequate staff to promptly respond to and correct dust, litter and other complaints from the surrounding neighborhood.
478. The permittee shall also maintain on-site, 24 hours per day, seven days a week, at least one person who is qualified to assess the need for remedial action and is authorized to summon the resources to perform any necessary remedial action. The personnel assigned shall be provided with the means to be continuously in communication with the telephone number posted at the entry gate.

The permittee shall at all times, Monday through Saturday, maintain adequate staff to promptly respond to and correct dust, litter and other complaints from the surrounding neighborhood.

Staff Comment: Duplication of text above; this requirement is already included in the conditions. See condition 47.

489. The permittee shall adopt and implement operational practices to mitigate vehicular and other air quality impacts as required by the SCAQMD.
4950. To the extent technically and economically feasible, as determined by and subject to the satisfaction of the Director of Public Works, the permittee will utilize landfill gas to generate energy at the site or for other beneficial uses rather than flaring, provided that the permittee must obtain all applicable local, state, and/or federal approvals for any such project. Also, the permittee shall install and maintain a best available control technology landfill gas collection system in compliance with the requirements of the SCAQMD and shall control the lateral migration of gases to the satisfaction of the Director of Public Works, LEA, and SCAQMD.

Staff Comment: Staff is not opposed to adding the proposed text.

Landfill gas flares shall be below the adjacent interior ridges (unless otherwise required by the SCAQMD) and the flames shall be totally contained within the stack. Flame arrestors shall be provided to the satisfaction of the County Forester and Fire Warden.

Staff Comment: Add "...interior ridges of Canyon..."

501. The permittee shall take all necessary measures to ensure that noise emissions from the Facility at any residential or sensitive receptor are within the limits of the County Noise Ordinance, as contained in Title 12 of the County Code.

Staff Comment: OK to add; give example of sensitive receptor, such as school.

512. 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.

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

523. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls provided in accord with the requirements of the County Forester and Fire Warden, the County DPW, the RWCQB, and the SCAQMD.
534. The permittee shall also provide effective vector control measures as directed by the Director of Health Services.
545. Prior to the operation of the combined City/County landfill the permittee shall install required traffic improvements at the following intersections per the satisfaction of the City of Los Angeles Department of Transportation, when necessary, as outlined in the Supplemental Traffic Data Information report (awaiting submittal of the final revised report).
- a. San Fernando Road at Sierra Highway;
 - b. San Fernando Road at Facility Entrance;
 - c. San Fernando Road at Balboa Boulevard;
 - d. Roxford Street at I-5 Southbound On/Off Ramps;
 - e. Roxford Street at I-5 Northbound Off Ram; and
 - f. Roxford Street at I-5 Northbound Off Ramp/Encinitas Avenue
556. Prior to operation of the combined City/County landfill the permittee shall pay the State of California Department of Transportation a sum not to exceed \$422,183 for the freeway transportation improvements as outlined in the Supplemental Traffic Data Information (awaiting submittal of the final revised report).
567. Prior to operation of the combined City/County landfill the permittee shall install traffic signs acceptable to the City of Los Angeles Department of Transportation along San Fernando Road to warn the public that heavy truck traffic exists in the area near the Facility entrance and finance the installation of on-ramps and off-ramps, acceptable to local and state authorities, from I-5 dedicated for commercial trash trucks. The permittee shall also address/mitigate any potential localized impact along the San Fernando Road bicycle lane from increased truck traffic at or near the Facility site.
- Staff Comment: No cost analysis has been provided for this proposal. The cost implications of this proposal are not known. This improvement is not necessary as the project will fully mitigate its traffic impacts with identified mitigation measures in the Supplemental Traffic Data Information. In order to impose such a requirement on this one project, a nexus to the projects individual impacts would be required.***
578. Prior to operation of the combined City/County landfill the permittee shall install street lights along the project frontage on San Fernando Road to the satisfaction of the City of Los Angeles Bureau of Streets.
589. The DPW, the LEA, and the Community Advisory Committee shall monitor the performance of

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

Conditions designed to minimize truck traffic, and in the event such measures are inadequate, the Director of Planning shall recommend additional measures to the RPC which may impose additional Conditions as found to be warranted to ensure the continued adequacy of such Conditions.

59. No waste originating from sources ten miles or more from the landfill may be received at the landfill, unless transported in a transfer truck.

Staff Comment: Staff does not recommend its incorporation. This condition could not be enforced.

60. The permittee shall implement a program to identify and conserve any significant archaeological and paleontological materials that may be present, in accordance with this condition and Part VII of the attached Implementation Monitoring Program (IMP). If any evidence of aboriginal habitation or fossils is discovered during earthmoving activities, landfill operations shall cease in that immediate area and the evidence and site shall be preserved until a qualified archaeologist or paleontologist (as appropriate) has made a determination as to the significance of the site of findings. Any significant archaeological or paleontological resources shall be recovered to the extent practicable before resuming activities in that area of the landfill.

601. The permittee shall continue to work with the California Department of Fish and Game, the U.S. Army Corps of Engineers and the City of Pasadena to monitor the approved and implemented wetlands and riparian habitat restoration project (Lower Arroyo Seco Restoration Project, Corps File Number 94-00124-AOA, California Department of Fish and Game Streambed Alteration Agreement Number 5-445-91) as required by said permits.

62. Monitoring. The permittee shall install the following monitoring equipment, and will submit the data from the monitoring devices and a report summarizing the data on a quarterly basis to the LEA, the SCAQMD, the LARWQCB, the TAC and the CAC:

- a. Devices, in operation 24-hours per day, to measure particulate matter 10 (PM₁₀), particulate matter 2.5 (PM_{2.5}) and NOx.
- b. Radiation monitors to be set at 2x background.
- c. Devices to measure groundwater pressure under the landfill.
- d. Devices to measure the efficiency of the landfill gas collection system. The permittee shall provide data on the amount of gas collected from each well and document each instance in which any well operates at less than its rated capacity.

Staff Comment: This proposed condition goes beyond the purpose of the CUP. The devices proposed would be regulated under AQMD or the State Regional Water Quality Control Board and should be included within their permitting authority if deemed appropriate. There is no need to include this here.

63. The permittee shall post on a web site and submit copies to the CAC and TAC of all reports that it is required to submit to regulatory agencies, including but not limited to the LEA, the SCAQMD and the RWQCB.

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

644. On each January 10, for the life of this grant, the permittee shall deposit the sum of \$100,000 with the Director of Planning, to be held in an interest-bearing account, to finance planning studies and other implementation including but not limited to Significant Ecological Area (SEA) studies and neighborhood planning studies as determined by the Director of Planning. Remaining funds from CUP 86-312 would be combined with the new fund.
625. In addition to any other fees required by this grant, the permittee shall make an annual payment to the County of \$1.00 per ton of refuse disposed at the landfill to be deposited into a fund on a quarterly basis for the provision of natural habitat or development of parkland within the County to provide an additional benefit available to the surrounding community for development of the Facility. The funds shall be administered by the Department of Parks and Recreation. Funds are due 30 days after the end of each calendar quarter.
636. The permittee shall deposit the sum of \$50,000 with the DRP within 30 days of approval of this grant to establish a draw-down account, from which actual costs will be billed and deducted for the purpose of defraying the expenses involved in the Department's reviewing and verifying the information contained in any required reports and any other activities of the Department, including but not limited to: enforcement, permitting, inspection, coordination of mitigation monitoring, administrative support, technical studies, and the hiring of independent consultants. Once the permittee has been notified that actual costs incurred have reached 80 percent of the amount of deposit (\$40,000), the permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$50,000) within 10 business days of notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
647. The permittee shall annually fund twelve (12) household hazardous waste and electronic waste (including discarded computers) collection events conducted within the County of Los Angeles. The cost of each event shall be calculated based on the average cost of the events conducted in the preceding 12 months, if data available, and/or as determined by the Director of Public Works. The permittee shall pay the funds to the Director of Public Works on a semi-annual basis. The first payment shall be due within 90 days from the effective date of this grant.
658. Pursuant to Goal 2.4.2. of the Los Angeles County Countywide Siting Element and the Board of Supervisors' action of July 27, 1999, with regard to promoting the development of alternatives to landfilling and incineration, the permittee shall contribute up to \$150,000 annually, but not to exceed \$3,000,000 during the term of this grant, toward the cost of studies to be conducted by the County or its agent, of such alternative technologies that may be most appropriate for Southern California from an environmental and economic perspective, as determined by the Director of Public Works and the Alternative Technology Advisory Subcommittee of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, as well as toward promoting and implementing such alternative technologies. If the study identifies a technology that is determined by the Director of Public Works and the Alternative Technology Advisory Subcommittee to be viable and appropriate, the permittee's remaining contribution shall fund the development of this technology on a pilot scale and the development of a pilot facility, if feasible and as approved

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

by the Director of Public Works. The Alternative Technology Advisory Subcommittee shall include a representative of the North Valley Coalition of Concerned Citizens and a representative of the permittee. The Director of Public Works shall consult with the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force in its implementation of this condition. Within six months of the effective date of this grant, the permittee shall deposit the first \$150,000 payment into a separate, interest bearing, account established by the Director of Public Works.

In addition, the permittee shall:

- a. support and promote legislation and regulations which would promote development of conversion technologies by providing economic incentives; and
- b. support and promote legislation and regulations, which would promote development of conversion technologies by removing them from the definition of transformation and providing full diversion credit towards the State's waste reduction mandates.

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

6770. The permittee shall continue working with the waste industry and in concert with cities, the County, and other stakeholders, to modify existing laws and regulations to require that compliance with the State waste reduction mandates be measured by program implementation while the Disposal Reporting System would be used solely to identify the trends.

6871. The permittee shall implement a vehicle tarping program at the Facility as approved by the Director of Public Works, to discourage untarped vehicles from using the facility. All vehicles loaded with solid waste materials or with the potential to create litter shall be tarped upon entering and leaving the landfill site. No vehicle loaded with solid waste materials shall be allowed to enter the facility, until the driver is informed of the tarping requirements and asked to have his/her load covered. Repeat violators shall be subject to penalties and may be prohibited from using the facility.

6972. The permittee shall make a monthly payment of \$1/ton of solid waste placed in the landfill for disposal, which shall be deposited into an interest-bearing Community Benefit and Environmental Education Trust Fund, established for the purpose of providing resources for environmental, educational, and quality of life programs, regional public facilities that serve the surrounding ~~unincorporated~~ communities, and other benefits within the ~~unincorporated~~ surrounding communities. Monies in the Fund shall be spent on programs determined by and as directed by the 5th Supervisorial District to the Director of Planning, who shall administer the Fund. All interest earned on the monies in the Fund shall remain in the Fund.

703. The minimum design of landfill liners in the county ~~unincorporated~~ portion of the landfill shall be ~~consistent with~~ the liner design approved by the California Regional Water Quality Control Board for the portion of the landfill within the city portion of the landfill provided that nothing

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

herein shall preclude a landfill liner that is more protective than that required for the city portion of the landfill.

Staff Comment: *Staff agrees that the liner should be no less effective than the City liner.*

74. The permittee shall either purchase or investigate the purchase of non-diesel, alternative-fuel vehicles and equipment, as follows:
- a. Upon commencement of operation of the landfill pursuant to this permit, all light-duty vehicles operated at the site shall be alternative fuel vehicles.
 - b. Within the first year of operation pursuant to these conditions, ten alternative fuel refuse collection trucks or transfer trucks shall be purchased by the permittee and put into operation at the landfill and the operator shall locate an alternative fuel refilling facility at the site to serve the needs of the landfill users.
 - c. Within three years of commencement of operation of the landfill pursuant to this permit, and thereafter, operation of all transfer trucks entering the landfill shall be non-diesel alternative fueled vehicles.
 - d. Within three years of commencement of operation of the landfill pursuant to this permit, all transfer and collection trucks owned and leased by the permittee and used at the landfill shall be non-diesel alternative fueled vehicles.
 - e. Within six years of commencement of operation of the landfill pursuant to this permit, seventy-five percent (75%) of all trips (by trucks which have a capacity of nine tons or greater) entering the landfill, shall be made by non-diesel alternative fueled vehicles.
 - f. Within one year of commencement of operations pursuant to this permit, the permittee shall design and begin implementation of at least one heavy-duty alternative fueled off-road equipment pilot program.
 - g. With the assistance of the South Coast Air Quality Management District, the permittee shall use its best efforts to participate in the Arco Clean Diesel Demonstration Program with one or more pieces of off-road heavy-duty equipment.
 - h. The permittee shall submit, as part of its annual report to the TAC, an ongoing evaluation of compliance with a-g above.

Staff Comment: This condition was added from City permit and would be consistent with the City approval, however, the use of alternative fuel vehicles must be technologically and economically achievable; i.e., the non-diesel trucks must be available.

75. The permittee shall install video monitoring equipment at the site to ensure compliance with the conditions of operation. At a minimum, video monitoring equipment shall be installed at the working face, at the location at which random waste vehicle loads are inspected pursuant to Condition 25, and at any site where the protocol set forth in Condition 25 for handling waste

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

known or suspected to be prohibited is implemented. The TAC and its independent consultant(s) shall have access to the video tapes for one year after such recordings are made.

Staff Comment: This proposed condition goes beyond current requirements and is also not required by the City approval. Staff is not convinced that it is warranted at this time.

76. Thirty days notice shall be provided to the CAC, the TAC, the North Valley Coalition, the Granada Hills North Neighborhood Council, and any other interested group or individual that has requested such notice of the following proposed actions. None of the following proposed actions may become final unless the affected community and the TAC are given the opportunity during the 30-day period to comment and to request hearings and California Environmental Quality Act findings regarding the following:

- a. The Director of Public Works shall provide notice of any proposed determination, authorization, or approval made pursuant to these Conditions and the reasoning therefor;
- b. The Director of Planning shall provide notice of any proposed determination, authorization, or approval made pursuant to these Conditions, and the reasoning therefor;
- c. The LEA shall provide notice of any proposed determination, authorization, or approval made pursuant to these Conditions (but not including an exemption, which is addressed by Condition 76.d below), and the reasoning therefor;
- d. The LEA shall provide notice of any proposed exemption from these Conditions, including the MMRS, that would allow operations under less stringent conditions than otherwise required, and the reasoning for the proposed exemption, provided that nothing in this Condition 78.d shall be construed to authorize the LEA to grant an exemption from these Conditions or the MMRS unless otherwise expressly authorized, and provided further that the LEA shall maintain a cumulative log of each instance in which it authorizes an exemption, stating the date of the exemption, describing the exemption, and stating the reason therefor, and the cumulative log shall be published in the quarterly newsletter provided for in Condition 28.
- e. The permittee shall provide notice of any proposed change in the operation of the facility.

Staff Comment: This change is not recommended. This type of notification is unprecedented and may become a hindrance in the daily activities of the Department of Public Works and LEA.

77. The permittee shall provide notice, including relevant documents, to the CAC, the TAC, the North Valley Coalition, the Granada Hills North Neighborhood Council, and any other interested group or individual that has requested such notice, at the time that it submits an application for a permit or for a modification to an existing permit related to this facility, including but not limited to proposed changes to a Joint Technical Document or Reported

NORTH VALLEY COALITION COMMENTS ON DRAFT CONDITIONS

Disposal Site Information, and at the time that it seeks to enter into any agreement with a governmental entity or modification of an existing agreement with a governmental entity relating to the operation of this facility. The permittee shall further provide notice, including relevant documents, to the CAC, the TAC, the North Valley Coalition, the Granada Hills North Neighborhood Council, and any other interested group or individual that has requested such notice, 30 days prior to the anticipated date on which any such permit, agreement, or modification thereto shall become final. Copies of such instruments shall be provided to the CAC, the TAC, the North Valley Coalition, the Granada Hills North Neighborhood Council, and any other interested group or individual that has requested such notice.

Staff Comment: This type of notification is unprecedented.

7/12/2005

6/29/2005

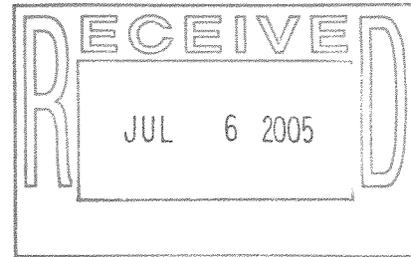
11/17/2004

ATTACHMENT D
CORRESPONDENCE

June 30, 2005

VIA HAND DELIVERY

County of Los Angeles Regional Planning Commission
Department of Regional Planning
320 West Temple Street, Room 1390
Los Angeles, CA 90012-3208



Re: Response to Opposition on Conditional Use Permit for Sunshine Canyon
[Conditional Use Permit Application No.00-194-(5)]

Honorable Commissioners:

This responds to a letter dated April 6, 2005 to the Commission by the law firms Altshuler, Berzon et al., Lerach Coughlin et al. and Chatten-Brown & Associates (collectively, "Altshuler") regarding Conditional Use Permit 00-194-(5), which is referred to in the Altshuler letter as a "draft" CUP.

The Altshuler letter was submitted following public comments made at the Commission's hearing of the same date by Ms. Linda Lye, an attorney with the Altshuler firm, on behalf of the North Valley Coalition of Concerned Citizens, Inc.; the Sierra Club; the Natural Resources Defense Council; the Environmental Law Foundation; and the International Brotherhood of Teamsters, AFL-CIO (collectively, "the CUP Opponents"). Ignoring the history of this project, its environmental documents, its prior approvals by both the County and the City and even the facts themselves, the CUP Opponents contend that the County should prepare a "supplemental" environmental impact report ("SEIR") for the "draft" CUP.

In a nutshell, the CUP Opponents create "three main reasons" to argue for an SEIR under the California Environmental Quality Act (Pub. Resources Code sections 21000 et seq., "CEQA") and its implementing guidelines (Title 14, Cal. Code Regs. sections 15000 et seq., "Guidelines"). First, they argue the draft CUP "fails to impose all of the same stringent conditions on the project as the City of Los Angeles." Second, they say that the "project authorized by the draft CUP differs in three significant respects from the project that was previously analyzed in either" the FEIR or the City's FSEIR. And

third, they argue that “new information that was not known and could not have been known at the time the FEIR and FSEIR were certified in 1993 and 1999, respectively, has become available.”

Not one argument by the CUP Opponents has merit or demonstrates even a modicum of familiarity with this project, its extensive environmental review history, or the facts of the proposed CUP revisions. Instead, the CUP Opponents rely on misstatements of fact and revisionist history to make their case. Nonetheless, Browning-Ferris Industries of California, Inc. (“BFI”) must respond to these misstatements and mischaracterizations to preserve the record and protect its and the County’s interests. As previously considered and decided by staff, there are no new facts or changed circumstances to warrant preparation of a “supplemental” EIR under CEQA or any other governing law.

I. SUMMARY OF CEQA’S REQUIREMENTS FOR A SUPPLEMENTAL EIR

The CUP Opponents fail to advise the County of the proper CEQA standards to use when determining whether, or when, a supplemental EIR is required. Once an EIR is prepared for a project, no further environmental review may be required unless one of the statutory triggering events occurs. That is, a “supplemental” EIR is not the norm, it’s the exception. The statute itself contains language stating that an agency shall not require a supplemental or subsequent EIR unless a statutory exception exists. [Pub. Resources Code § 21166; Guidelines § 15162.] The CUP Opponents fail to recognize these laws or to show that a statutory exception exists.

Permitted exceptions, or “triggering events,” that might authorize a supplemental EIR under CEQA are as follows:

- (a) *Substantial changes* are proposed in the project which will require *major revisions* of the environmental impact report.
- (b) *Substantial changes* occur with respect to the circumstances under which the project is being undertaken which will require *major revisions* in the environmental impact report.
- (c) New information, *which was not known and could not have been known* at the time the environmental impact report was certified as complete, becomes available. Further, the “new information” must be of *substantial importance*, and *must demonstrate that the project will have significant or substantially more severe effects* than shown

in the prior EIR. [Pub. Resources Code § 21166; Guidelines § 15162 (emphasis added).]

The purpose behind these rules is to provide a level of certainty and finality for the lead agency and the applicant once an environmental review has been completed. Thus, the simple question to ask is “whether circumstances have changed enough to justify repeating a substantial portion of the process?” [Bowman v. City of Petaluma (1986) 185 Cal. App. 1065, 1073.] Here, the answer is, “No.”

II. THE CUP OPPONENTS DO NOT SATISFY ANY OF CEQA’S REQUIREMENTS FOR A SUPPLEMENTAL EIR

The CUP Opponents do not satisfy a single requirement under the law that would authorize preparation of an SEIR. None of the “three main reasons” created by the CUP Opponents shows that an SEIR should be prepared; and they have also failed to provide any evidence to show the project will have significant or substantially more severe impacts than what has already been studied by the County and City environmental documents.

A. The City’s Conditions Do Not Constitute “New Information” Sufficient to Trigger a Supplemental EIR.

The CUP Opponents argue an SEIR must be prepared because “[t]he draft CUP does not include all feasible mitigation measures.” As “evidence,” they point to the City’s conditions which they believe are more stringent than the County’s conditions. They also state that “the draft CUP contains, or appears to contain, less environmentally protective measures than those adopted by the City of Los Angeles.” [Altshuler letter, p. 4.] These arguments are legally irrelevant and factually misleading.

1. The City’s Conditions Do Not Demonstrate The Project Will Have A Significant Or Substantially More Severe Effect Than Studied In The FEIR and FSEIR.

Legally, nothing in the City’s conditions constitutes “new information” of substantial importance that would trigger the requirement for an SEIR. [Guidelines § 15162(a)(3).] As stated, the “new information” must be of “substantial importance” and must also prove the following:

- (a) The project will have *significant effects not previously evaluated*;
- (b) Significant effects will be *substantially more severe* than those previously evaluated;

- (c) Mitigation previously found to be infeasible is, in fact, feasible *and would substantially reduce significant effects* but the project proponents decline to adopt it; or
- (d) Mitigation different from that analyzed in the previous EIR *would substantially reduce one or more significant effects* but the project proponents decline to adopt them.

The CUP Opponents fail to show that any of the City's conditions or mitigation measures constitute "new information" – or new technology – of substantial importance that was not known or could not have been known when the FEIR and FSEIR were certified. Further, the City's conditions themselves do not alter the environmental effects of the project. That is, they do not show (a) the project will have a significant effect that was not previously evaluated; (b) that the project's effects will be substantially more severe than shown in the prior EIRs; (c) that mitigation measures will substantially reduce any identified significant effect; or (d) that any different mitigation would reduce one or more significant effect.

In short, there is nothing about the City's conditions that demonstrates circumstances concerning the landfill project have changed enough to justify repeating a substantial portion of the environmental review process.

2. The "Draft" CUP Contains Equivalent Mitigation.

The CUP Opponents contend the "draft" CUP differs from the City approvals in the following ways: (a) it does not contain alternative fuel requirements; (b) it does not require a double composite liner; and (c) it does not contain equivalent reporting and monitoring requirements. These statements are uninformed and incorrect.

a. Alternative Fuel Requirements.

The City CUP contains Condition C.10.d. that requires the purchase of alternative fuel vehicles *if technologically and economically feasible* ("within... years of the date that the Technical Advisory Committee determines that the technology and economics are feasible"). The commenter requests that this condition be carried forward in the County CUP. BFI believes that alternative fuel vehicles are no longer the only way to reduce diesel exhaust emissions from the vehicles calling at the landfill and that the condition should not be included in the County CUP. BFI believes that in light of subsequent state and local rulemaking, a fuel-neutral approach is more appropriate for the reasons set forth below.

Condition C.10.d. was added to reduce diesel emissions. The Findings for the Condition state that “the SFEIR (sic) anticipates that all trucks transporting waste to the landfill will use diesel fuel” and that it was reasonable to reduce the number of diesel trucks coming to the landfill because “alternative fueled trucks are being phased in as it becomes technically feasible to do so.” [Supplemental Findings Regarding Changed Conditions and Mitigation Measures, December 1999, at p. 17]

Condition C.10.d. of the City CUP was added shortly in advance of the approval of the City CUP in December 1999 in recognition of the rulemaking then underway by the South Coast Air Quality Management District (“SCAQMD”) to require new refuse collection vehicles to be alternative fuel vehicles. [See SCAQMD Rule 1193, adopted June 2000.] At that time, the City and BFI anticipated that alternative fuel refuse trucks capable of meeting performance specifications would be commercially and technologically available. However, that has not proven to be the case.

To comply with Condition C.10.d.2, in 2001 BFI purchased ten alternative fuel refuse trucks and put them into operation carrying refuse to Sunshine Canyon. However, BFI found the trucks to be unreliable, prone to serious breakdowns, and to require frequent replacement of significant equipment. Most importantly, BFI found that alternative fuel trucks lack sufficient power to meet required performance specifications. In other words, fully loaded trucks can have difficulty driving up the hill to the landfill. Other waste haulers have reported similar problems with alternative fueled refuse trucks. The City of Los Angeles has had better luck with its fleet of refuse trucks, but it purchased dual-fueled vehicles that operate on both diesel and alternative fuels. However, as of July 1, 2004, such vehicles can no longer be purchased pursuant to SCAQMD Rule 1193.

Also, in April 2004, the U.S. Supreme Court held that Rule 1193 and other fleet rules adopted by the SCAQMD were preempted by Section 209 of the Clean Air Act and remanded the matter to the District Court for further proceedings. [Engine Mfrs. Ass’n v. S. Coast Air Quality Mgmt. Dist., 541 U.S. 246 (2004).] In May 2004, on remand the District Court decided the fleet rules were valid *on their face* as to public fleets and reinstated the rules. It is not known at this time if the Engine Manufacturers Association will appeal or ask the District Court to determine if the rules are invalid *as applied* to private fleet operators. According to the SCAQMD website, the fleet rules, including Rule 1193, are not being enforced against private fleet operators. [A copy of the SCAQMD advisory is attached.] Due to the uncertainty in the status of Rule 1193, the SCAQMD has asked the California Air Resources Board (“CARB”) to adopt Rule 1193 as a state rule so that a waiver from Clean Air Act Section 209 can be requested. At this time, it is unclear what form that rule will take or if it will be adopted.

Since Condition C.10.d was included in the City CUP, conditions have changed with regard to heavy duty truck technology. Regulations adopted by CARB, after the approval of the City condition, call for new diesel trucks to meet the same emissions standards as alternative fuel trucks in the future. This will affect the type of trucks that will be available for purchase. Also, CARB has adopted regulations requiring refuse trucks to be retrofitted with control devices to reduce diesel exhaust emissions. Thus, the objective of the condition – to reduce diesel exhaust particulate – now can be met without mandating the purchase of alternative fuel vehicles.

Currently, our research has shown that no equipment manufacturer has alternative fuel refuse or transfer trucks available for purchase, and it is unclear whether such products will be commercially available in the future. Since CARB has adopted equivalent performance standards that new alternative fuel and diesel fuel heavy duty trucks must meet, these so-called “fuel neutral” rules will drive the development of the technology for reducing emissions from refuse trucks. BFI is not a truck manufacturer and can only buy equipment that is available on the market. It does not make sense to limit future purchases to just one technology.

On June 28, 2005, the City of Los Angeles, BFI and the SCAQMD met to discuss condition C.10.d.1 of the City CUP, which requires the use of alternative fuel light-duty vehicles upon commencement of operation of the landfill. At that meeting, it was agreed that light-duty alternative fuel vehicles meeting BFI’s specifications were not available for purchase at this time. The parties agreed to form a working group to periodically investigate alternative fuel vehicle and fuel availability issues and to develop a compliance schedule for phasing in such vehicles if they become available. The working group will consist of representatives from the Los Angeles City Planning Department, the Environmental Affairs Department (Air Quality Section and the LEA), the SCAQMD and BFI.

All of these factors combine to raise serious questions about the technological and economic feasibility of a condition requiring the purchase of only alternative fuel vehicles. Since the objective of the City CUP condition was to reduce emissions of diesel exhaust particulate, and CARB has adopted a fuel-neutral performance standard for reducing diesel exhaust particulate that would allow the purchase of either alternative fuel or diesel refuse trucks, so long as the truck meets certain performance standards, we see no sensible reason why City Condition 10.d. should be carried forward in its present form and replicated in any “draft” CUP condition.

Also, the implication on page 5 of the Altshuler letter – that in the absence of an alternative fuel requirement, additional emissions of NOx and diesel particulate matter would be released and that this would constitute a significant air quality impact – is not accurate. The emissions from diesel trucks were fully evaluated in the FEIR and the FSEIR and did not take into account any reductions attributable to the adoption of the fleet rules. The County FEIR analyzed the truck emissions associated with a 17,500 ton per day combined City/County landfill, although a reduced volume alternative was eventually approved. The City FSEIR analyzed the impacts from a combined City/County project that would accept 11,000 tons per day *average* with a 12,100 ton per day *maximum*, which are the same limits as proposed in the current CUP. [See section B.1. of this letter.] Thus, NOx and particulate emissions from a far larger landfill have been fully analyzed, and there is no new information showing significant effects that were not previously analyzed, nor are such effects “substantially more severe” than those previously analyzed.¹ Thus, this information does not require preparation of an SEIR.

b. Double Composite Liner.

The comment questions whether “draft” CUP Condition 70 will require the remaining portions of the County landfill to have a double composite liner as required in the Waste Discharge Requirements for the City landfill. Since the comment was made, Condition 70 has been revised and now states as follows:

...the design of landfill liners in the County unincorporated portion of the landfill shall be as approved by the California Regional Water Quality Control Board (“RWQCB”) and shall be of equal effectiveness to the liner design approved by the RWQCB for the City portion of the landfill.

BFI does not object to the revised language and agrees that any additional liner installed on the County landfill will meet the performance specifications of a double composite liner. Approval of the liner design is within the jurisdiction of the RWQCB and is beyond the expertise of the County. By specifying that the design must be approved by the RWQCB, and stating that the County requires the design to be of equal effectiveness as the City liner design, the County has provided the protection requested by the commenter and addressed the issue raised by Dr. G. Fred Lee, whose materials reiterate claims that were part of the record for the FEIR and FSEIR.

¹ (See 1989 Draft EIR, p. 9, 197; 1997 Draft SEIR, Section 4.13 Transportation/Circulation; 1998 Final SEIR, Appendix D2, Revisions to Draft SEIR Section 4.2, Air Quality; FSEIR Appendix D3, Revisions to Draft SEIR Appendix B6, Low Level Health Risk Assessment; FSEIR Appendix D4, Revisions to Draft SEIR Appendix B8, Air Quality Monitoring and Wind Speed and Direction Summary.)

The comment also contains an important misstatement in asserting that “in 2003, the RWQCB found that the groundwaters underlying the Landfill are hydraulically connected to an important groundwater basin just downgradient from the mouth of Sunshine Canyon.” [See Altshuler letter, p. 6.] There is no groundwater basin “just downgradient” of the mouth of the canyon. Finding 26, which is cited in part by the commenter, reads in its entirety:

The Facility is *not* underlain by a major groundwater basin. However, the northern boundary of the San Fernando Groundwater Basin, an important groundwater resource in this Region, is located approximately *one mile* to the south of the project site. Pollutants released from the landfill can potentially be carried out the canyon and reach the groundwater basin and cause pollution. [WDR Order No. R4-2003-0155, Finding 26 (emphasis added).]

The WDR goes on to say that the “majority of groundwater flow beneath the Facility occurs within the alluvium and weathered bedrock near the canyon bottoms” (Finding 28) and that “because of high concentrations of [naturally occurring] salts and low yield, groundwater at the site is currently not used as a drinking water source” (Finding 29). A permeable extraction trench has been installed downgradient of the closed City Landfill (Finding 39) and the RWQCB directed BFI to construct an impermeable subsurface barrier (cutoff wall) across the main alluvial channel (Finding 65 and Order I.2.) thus severing any potential connection with the San Fernando Groundwater Basin. The cutoff wall was completed in 2004.

c. Recordkeeping

The complaint of the CUP Opponents that the County has more lenient recordkeeping requirements under the “draft” CUP Condition 24 than the City has in Condition B.5 is moot, in that BFI has agreed with a later proposal from the CUP Opponents that Condition 24 be modified to include the “Manifest of Unacceptable Waste” requirements of City Condition B.5.c.4.

It is worth noting, however, that the goal of deterring the unlawful disposal of unacceptable waste is already being well-served by the recordkeeping and monitoring protocols in effect at the County landfill. Pursuant to the 1993 County CUP and Findings, BFI has implemented a “waste load checking program to counteract the accidental or illicit disposal of prohibited materials at the landfill.” (1993 CUP, Findings 1.H.) The comprehensive waste load checking program called for in current Condition

26, and repeated in “draft” Condition 24, must comply with Part IV of the County’s Implementation and Monitoring Program (“IMP”) and any additional requirements of the LEA, the State Department of Health Services (“DHS”), the State Department of Toxic Substances Control (“DTSC”) and the RWQCB.

The existing waste load checking program also requires review and approval by the DHS, the agency actually responsible for, and having jurisdiction over, BFI’s Solid Waste Facilities Permit (“SWFP”); and the SWFP requires monthly – as opposed to annual – reporting of the quantities and types of hazardous, medical, or otherwise prohibited wastes found in the waste stream and the disposition of these materials.

d. Monitoring

The CUP Opponents claim that the County is deficient for not calling for a technical advisory committee (“TAC”), apparently in lock-step with the City’s TAC established in 1999 City Condition C.12. They allege essentially that the County’s multiple oversight agencies (most notably the Department of Health Services, which serves as the LEA) are not up to the task of overseeing the operation of Sunshine Canyon Landfill, even though they’ve done so successfully since 1996. Needless to say, BFI—and, we trust, the County – disagrees with this low opinion of the ability of County professionals to do their jobs individually, rather than collectively.

On a separate note, BFI has already agreed to the inclusion of the City’s video monitoring requirement (Condition C.14) into the “draft” CUP, as new Condition No. 75. However, while we accept the installation and use of monitoring equipment in the same manner described in the City’s condition, we do not agree with the attempt of the CUP Opponents, in their correspondence to the County of June 9, 2005, to dictate that such monitoring equipment be installed “at the working face” and other specified locations, inasmuch as BFI must ensure that the placement of video monitoring equipment will not interfere with the safe conduct of disposal operations.

B. There Has Not Been A “Substantial Change” In The Project That Might Trigger A Supplemental EIR.

Based apparently on a misunderstanding of the facts, the CUP Opponents conclude that the project has “changed” and must therefore be subject to additional environmental review. To support this conclusion, they argue that the draft CUP (1) authorizes disposal of 600 to 1,100 more tons per day, therefore resulting in greater air and traffic impacts; (2) proposes an expansion into the 42-acre “bridge” area for an additional 18 million ton capacity, therefore resulting in greater significant environmental

effects; and (3) reduces the facility's operation hours, therefore resulting in greater air quality impacts. These assertions are factually wrong and misleading.

1. The "Draft" CUP Does Not Authorize Increased Tonnage.

The CUP Opponents mistakenly claim that the "draft" CUP authorizes BFI to intake 600 to 1,100 more tons per day than what was studied and approved by the County under the FEIR, and by the City under the FSEIR. [Altshuler letter, pp. 9-10.]

First, the CUP Opponents argue that Condition 17-b-ii "authorizes the landfill to receive up to 7,200 TPD," but that the 1993 CUP "established a maximum intake rate of 6,600 TPD." They therefore conclude that there is "an increase of 600 TPD" under the "draft" CUP. [Altshuler letter, p. 9.] This argument, however, compares apples and oranges. The 6,600 tons per day under the 1993 CUP represents the maximum daily intake of Class III solid waste within the County landfill area. By contrast, the 7,200 tons per day under Condition 17-b-ii represents the *combined* maximum allowable intake of (1) Class III solid waste (6,600 tons) *and* (2) inert debris and exempt materials received for beneficial use (600 tons). In addition, the 1993 CUP contains no limitations on the amount of inert debris and exempt materials that BFI can take in. Thus, the "draft" CUP is actually more restrictive than the current CUP, because it imposes a 600-ton limit on inert debris and exempt materials.

Second, the CUP Opponents argue that the "draft" CUP "permits up to 12,100 tons per day to be received at the landfill" [Condition 17-a], whereas the FSEIR "analyzed environmental impacts associated with an intake rate of only 11,000 tons per day." [Altshuler letter, p. 9.] This argument fails to distinguish between "*maximum*" daily tonnage and "*average*" daily tonnage – both of which are analyzed in the project documents, and neither of which has changed under the "draft" CUP. Both the 1993 CUP and the "draft" CUP authorize 6,000 *average* TPD and 6,600 *maximum* TPD on the County-only side. [Compare 1993 CUP Condition 10.e-f; "draft" CUP Condition 17.a.ii, 17.b.] Similarly, the City approvals and the "draft" CUP authorize 5,000 *average* TPD and 5,500 *maximum* TPD on the City-only side. [Compare City Condition B.4.a.; "draft" CUP Condition 17.a.ii.] Combined, the joint County/City landfill intake is limited to 12,100 *maximum* tons per day and an *average* of 11,000 tons per day. Thus, there is no 1,100 ton per day disparity requiring additional review, as the CUP Opponents contend. [See Table 1 "Summary of County and City Intake Rates."]²

² Because there is no increased tonnage allowed, there is no need to respond to the analysis by Gladstein, Neandross & Associates (GNA) on a potential increase in emissions due to the alleged increase in

TABLE 1
Summary of County and City Intake Rates

	County 1993 CUP [Condition 10]	City 1999 Entitlements [Condition B.4.a]	Joint County/City [Condition 17]
Class III <i>Max.</i> Tons Per Day	6,600	5,500	12,100
Class III <i>Avg.</i> Tons Per Day	6,000	5,000	<u>1st 18-24 mos:</u> 11,000 County: 6,000 City: 5,000 <u>Joint:</u> 11,000
Class III <i>Max.</i> Tons Per Week	36,000	30,000	<u>1st 18-24 mos:</u> 66,000 County: 36,000 City: 30,000 <u>Joint:</u> 66,000
Inert/Exempt <i>Max.</i> Tons Per Week	No Limit	3,000	<u>1st 18-24 mos:</u> 6,600 County: 3,600 City: 3,000 <u>Joint:</u> 6,600
Class III + Inert/Exempt <i>Max.</i> Tons Per Week			<u>1st 18-24 mos:</u> 72,600 County: 39,600 City: 33,000 <u>Joint:</u> 72,600

tonnage. In addition, many of the assertions made by GNA are without citation and therefore cannot be addressed.

Based on the facts, there is no increased tonnage requiring additional environmental review, as the CUP Opponents contend.

2. The 42-Acre Bridge Area Was Already Studied And Approved Under The 1993 County Approvals And The 1999 City Approvals.

The CUP Opponents assert the County's project approvals and environmental review did not include BFI's eventual movement into the 42-acre "bridge" area (i.e., the "link" between the joint County/City landfill), and, therefore, the proposed "expansion" into this area constitutes a "changed condition" that must be studied. This assertion simply ignores the County's 1993 CUP and FEIR, as well as the City's approvals and FSEIR.

The County's 1993 CUP authorized development of the currently operational 215-acre County landfill, with an estimated net disposal capacity of 17 million tons, as well as eventual development of the 42-acre bridge area. [See 1993 CUP Condition 10.b.] Development of the 42-acre bridge area, however, was further conditioned on BFI's diligent pursuit, and the City's approval, of a fill design that would extend to the County line and the 42-acre bridge area for a combined County/City landfill footprint. [See 1993 CUP, Condition 10b.] The County's FEIR also contemplated and studied the eventual use of the 42-acre bridge area, as evidenced in the 1993 FEIR Findings that state as follows:

...In the event that the City issues all necessary approvals for development of the landfill within City territory in conformance with Exhibit A (Alternate), Permittee shall be entitled automatically to proceed with landfilling operations within unincorporated territory in conformance with Exhibit A (Alternate), subject to additional provisions set forth in the Conditional Use and Oak Tree Permit. [1993 FEIR Findings, p. 7.]

Thus, while approving the 17-million ton County landfill project solely within the County, the County also required that BFI pursue City approvals to accommodate an alternative design that would extend the landfill operation and increase the combined capacity of the City and County portions to approximately 100 million tons (1993 estimate) without appreciably expanding the total footprint of the separate operations. The FEIR analyzes this alternative landfill design as a combined County/City

operation. [See 1993 FEIR Findings, p. 7 and Exhibit “A” (Alternate); 1989 Draft EIR, Summary, p. 1; Draft EIR, Drawing 3a.]

The City’s approvals also studied and analyzed the eventual use of the 42-acre bridge area under the County’s 1993 approvals and the City’s 1999 entitlements and FSEIR. The City’s FSEIR itself analyzes the development and operation of the entire 451-acre combined County/City landfill area: 215 acres in the County (currently operational) + 42-acre County “bridge” area + 194-acre City-only landfill area. As described in the FSEIR and as approved by the City, the combined County/City landfill will accommodate a disposal capacity of approximately 90 million tons (reduced from the 100 million tons contemplated by the County in 1993 due to design modifications) – consisting of 55 million tons in the City, 17 million tons in the currently operational County portion, and 18 million tons in the 42-acre bridge area.

Therefore, the CUP Opponents are wrong in arguing that the 42-acre bridge area constitutes a “changed” condition requiring further environmental review. The 42-acre bridge area was and has been contemplated by all approving agencies as a critical element of the landfill project—there is nothing “new” or “changed” about it. This assertion demonstrates their lack of knowledge about the basic elements of the project, the County’s and City’s approval and environmental review history, and the purported need for supplemental EIR on this issue.

3. Hours of Operation.

CUP Opponents say that the Draft CUP reduces the facility’s “operation” hours and that this reduction could have an adverse impact on air quality (i.e., more idling of trucks and more emissions if the waste disposal trucks are unable to go to Sunshine Canyon and have to go farther). The change in the “hours of operation” is proposed to be consistent with current operations and the conditions in the City CUP and does not constitute a substantial change resulting in additional adverse impacts that were not previously discussed.

The current County CUP limits landfill hours of operation for the receipt of waste from 6:00 a.m. to 6:00 p.m., Monday through Saturday. [County CUP Condition 10.n.] The City [Q] Condition B.3.c. has the same hours of operation for the receipt of waste, except that Saturday hours are limited to 7:00 a.m. to 2:00 p.m. Proposed CUP Condition 25 has the same hours as the City CUP. Thus, there is no difference between the old hours of operation and the new hours, except as to when waste can be received on Saturdays.

While the current County CUP allows receipt of waste on Saturdays from 6:00 a.m. to 6:00 p.m., the landfill has operated on Saturdays only from 8:00 a.m. to 2:00 p.m. for at least the last five years. This is because waste volumes are generally light on Saturdays, and the landfill can only accept capacity that has not been used during the week. Thus, the limiting condition is the limit on tonnage rather than hours of operation. The claim that reducing landfill hours of operation without also reducing hours could create long queues of idling trucks or possibly diversion of trucks is without merit. The condition is simply consistent with current operations. The commenter has presented no evidence that increased idling or diversion is occurring under current operations.

C. **The “Lee Report,” “WDR Order No. R4-2003-0155” and “2001 Air Quality Testing” At Van Gogh Elementary School Are Not “New Information” Requiring A Supplemental EIR.**

Last, the CUP Opponents argue that an SEIR is required due to “new information” or a “change of circumstances.” To that end, they argue that the following constitutes “new information” under CEQA: (1) recent scientific research demonstrates the inadequacy of single composite liners, and an SEIR should evaluate the effects of liner failures; (2) dioxane and other contamination was discovered at Sunshine Canyon in 2003; and (3) air quality testing performed near Sunshine Canyon in 2001-2002 indicates that state standards for PM10 were exceeded 24% of the time. As discussed below, none of these points constitutes “new information” under CEQA or requires an SEIR.

1. **The “Lee Report” Is Not New Information.**

CUP Opponents contend that “recent scientific research demonstrates the inadequacy of single composite liners” and that a “new” EIR should evaluate the effects of liner failures. As stated above, the North Valley Coalition has submitted information by Dr. G. Fred Lee on numerous occasions over the years. This is not new information, even though his comments may have been repackaged and updated. The bottom line concerning his claims whenever first made and now remains the same, *i.e.* he contends that all landfill liners leak.

The commenter cites Dr. Lee’s materials to support the request that the CUP contain a condition that “the design of landfill liners for the portions of the landfill within any portion of the County of Los Angeles shall be governed by the waste discharge requirements approved by the Regional Water Quality Control Board for the portion of the landfill within the City of Los Angeles.” [Altshuler letter, p. 7.] Since BFI has agreed to a liner of “equal effectiveness” to the City liner, the material from Dr. Lee, even if it were “new information,” which it is not, does not give rise to a requirement to

prepare an SEIR, because the project proponent has agreed to adopt the desired mitigation measure. [See Guideline § 15162(a)(3)(D).]

2. The “WDR Order No. R4-2003-0155” Is Not New Information.

The CUP Opponents argue that dioxane and other contamination were discovered at Sunshine Canyon in 2003 and that this is “new information” requiring preparation of an SEIR. It is true that a compound referred to as 1,4-dioxane was discovered in monitoring wells downgradient of the unlined City Landfill, which is no longer in operation. However, there have been no detections of 1,4-dioxane in the monitoring wells for the County landfill, which has a single composite liner. Thus, the detection of this compound on-site as a result of historical operations does not constitute new information showing that the project, which will be a lined landfill, will have a significant effect on the environment.

In considering this issue, it is helpful to understand the nature of 1,4-dioxane. According to the RWQCB, “1,4-dioxane is a manmade organic compound that exists in many household substances, including shampoos (less than 50,000 to 300,000 ug/l), liquid soap (less than 2,000 to 65,000 ug/l), and hair lotions (47,000 to 108,000 ug/l)”. [Regional Water Quality Control Board Staff Report, November 6, 2003.] It is a common chemical found in many household products and is present in such products at levels far higher than found in the groundwater monitoring wells. The monitored levels at the landfill range from “non-detect” to 120 ug/l. Also, because 1,4-dioxane is such a common chemical, it is not surprising that it was detected in the leachate at both landfills.

The RWQCB Staff Report found that “because the monitoring wells where the contaminant was detected are located downgradient of the unlined inactive City Side Landfill, it is most probable that 1,4-dioxane in groundwater at the site is from the wastes that were disposed at the City Side Landfill. It is highly unlikely that 1,4-dioxane could have come from the County Extension Landfill because none has been detected in any groundwater monitoring wells at the County Extension Landfill which is equipped with a composite liner and leachate collection and removal system.” Id.

It is clear that the presence of 1,4-dioxane is from past operations, that it is being remediated under the direction of the RWQCB as set forth in the WDRs (WDR Finding 65-66), and that appropriate mitigations in the form of an approved liner of equal effectiveness to the approved City landfill design have been included in the “draft” CUP to protect against any releases of contaminants to groundwater. [Conditions 35, 70.] The detections of 1,4-dioxane in 2003 do not constitute new information requiring the preparation of a subsequent or supplemental EIR, because they are not related to an effect of the proposed project; rather, they are the result of operations at the closed landfill.

Furthermore, BFI has agreed to mitigation measures in the form of a more protective liner design than analyzed in the previous EIR.

3. The “2001 Air Quality Testing” Is Not New Information.

The CUP Opponents argue air quality testing performed near Sunshine Canyon in 2001-2002 indicates State standards for PM10 were exceeded 24% of the time and that, presumably, this is new information. Again, these assertions are wrong.

Air quality monitoring was conducted near the landfill following the certification of the FSEIR as required by the City CUP, but the results of that monitoring do not constitute new information justifying the preparation of a supplemental EIR. The FEIR and FSEIR both contained discussions of existing air quality in the project area showing that the State PM10 standard was exceeded in the area of the landfill. In fact, the discussion of existing air quality in section 4.2.4 of the July 1997 SEIR states that “the State standard for PM10 was exceeded at the Santa Clarita station [the closest air monitoring station] during 69 of the 289 monitoring events (24 percent) in the last 5 years.” [SEIR, p. 4-53.] Therefore, additional monitoring data showing that the State PM10 standard is being exceeded at the school approximately 24% of the time is entirely consistent with past discussions of air quality and is neither a new significant environmental effect nor a substantial increase in the severity of a previously identified significant effect. [Guidelines § 15162.]

It should also be noted that the above-noted monitoring was a mitigation measure proposed by the North Valley Coalition and conducted in compliance with Condition C.10.a of the [Q] Conditions for the City Zone Change. The monitoring report shows that PM10 levels near the landfill compare favorably with monitored levels of PM10 at other monitoring stations in the South Coast Air Basin. Of the 17 monitoring stations in the basin with available PM10 data, the range of exceedances was between 5 to 67%, with an average exceedance rate of 27%. [See Results of the Baseline Ambient Air Monitoring Program for the Sunshine Canyon Landfill, June 6, 2003, p. 3-11.]

III. CONCLUSION

The arguments submitted by the CUP Opponents are based on misstatements of fact and law, and, regrettably, they appear to be primarily intended to hinder and delay this project. The joint County/City landfill project has been studied and restudied under the approved FEIR and FSEIR, as well as under the Addendum prepared for the present approvals. Not one issue raised by the CUP Opponents has merit or satisfies CEQA’s requirements for additional study under an SEIR.

BFI respectfully requests that this response be added to the Commission's record of proceedings, and that the Commission deny the CUP Opponents' request for a supplemental EIR.

Very truly yours,



Barbara J. Higgins

WESTON BENSHOOF
ROCHEFORT RUBALCAVA & MacCUISH LLP

BJH/amf
Attachment

cc: James E. Hartl, AICP
Frank Meneses
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**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
CLEAN FLEET VEHICLE RULES**

**ADVISORY NOTICE TO FLEETS
SUBJECT TO SOUTH COAST AQMD FLEET VEHICLE RULES
(1186.1, 1191, 1192, 1193, 1194, 1195, and 1196)**

**RECENT SUPREME COURT DECISION AND
FLEET RULE IMPLEMENTATION**

(Date: May 26, 2004)

The South Coast Air Quality Management District is taking the following steps conforming to the recent decision announced by the United States Supreme Court in *Engine Manufacturers Association v. South Coast Air Quality Management District*:

- The Fleet Rules remain in full force and effect as they apply to state and local public entities including the State of California, counties, cities, and special districts.
- The SCAQMD will not affirmatively enforce the requirements of the Fleet Rules as they apply to private entities.
- The SCAQMD will not affirmatively enforce the requirements of the Fleet Rules as they apply to vehicle fleets owned by private entities and contracted to public entities.
- The SCAQMD encourages all fleet operators to continue purchasing clean-fuel vehicles to benefit the environment. When making vehicle-purchasing decisions, fleet operators should be aware that the SCAQMD is exploring administrative actions making the Fleet Rules fully enforceable as to all vehicle fleets, both public and private.

Please review detailed information below regarding the Fleet Rules affecting your vehicle fleets.

Rules 1191 and 1196

Rule 1191 – Clean On-Road Light- and Medium-Duty Public Fleet Vehicles and Rule 1196 – Clean On-Road Heavy-Duty Public Fleet Vehicles remain in full force and effect as they apply to public entities.

Rule 1192 – Clean On-Road Transit Buses

Rule 1192 remains in full force and effect as it applies to public entities. The SCAQMD will not take affirmative steps to enforce the requirements of Rule 1192 when private fleet entities provide vehicles by contracting with public entities.

Rule 1193 – Clean On-Road Residential and Commercial Refuse Collection Vehicles

Rule 1193 remains in full force and effect as it applies to public entities. The SCAQMD will not take affirmative steps to enforce the requirements of Rule 1193 as it applies to private entities. Nor will the SCAQMD take affirmative steps to enforce the requirements of Rule 1193 when private entities provide vehicles by contracting with public entities.

Rule 1194 – Airport Ground Access

Rule 1194 remains in full force and effect as it applies to public entities. The SCAQMD will not take affirmative steps to enforce Rule 1194 as it applies to private entities. To the extent that an airport authority provides services with vehicles it owns, the airport authority is considered a public fleet operator. SCAQMD staff will continue to work with airport authorities to monitor taxicab and shuttle operations at the commercial airports. The SCAQMD will continue to provide funding assistance for taxicab operators who wish to purchase alternative-fueled vehicles as provided under Rule 1194. Taxicab operators who have purchased vehicles with SCAQMD funding have contractual obligations that the SCAQMD will continue to enforce, including the obligation to operate their taxicabs in the South Coast Air Basin.

Rule 1195 – Clean On-Road School Buses

Rule 1195 remains in full force and effect as it applies to public entities. The SCAQMD will not take affirmative steps to enforce Rule 1195 as it applies to private entities. Nor will the SCAQMD take affirmative steps to enforce the requirements of Rule 1195 when private entities provide vehicles by contracting with public entities.

Rule 1186.1 – Less-Polluting Sweepers

Rule 1186.1 remains in full force and effect as it applies to public entities. Rule 1186.1 remains in full force and effect to the extent that it requires public entities to solicit bids for street-sweeping services from vehicle operators providing clean-fuel street sweepers. The SCAQMD will not affirmatively enforce Rule 1186.1 as it applies to private entities.

Rule Exemption Requests

The SCAQMD staff currently has a number of pending exemption requests. Relative to requests from public fleets, SCAQMD staff will complete its evaluation of those requests. Requests from private fleet operators will be processed expeditiously consistent with this Advisory.

Fleet Rule Compliance and Enforcement

SCAQMD staff will continue monitoring fleet purchase activities as required under the Fleet Rules. As of the date of this Advisory, the SCAQMD will postpone pending enforcement actions affecting private fleets.

Effective Dates of this Advisory

This Advisory shall be in effect as of the date stated above. This Advisory is subject to change and may be superceded by subsequent Advisories or Notices. Affected fleet operators are advised to check periodically with SCAQMD staff or access the SCAQMD's website at the address shown below for further Advisories or Notices.

There is an overall need to continue to reduce emissions from mobile sources as early as possible. Many alternative-fuel engines are inherently cleaner than conventional-fueled vehicles (in particular, diesel-fueled vehicles) relative to nitrogen oxides and particulate matter (if the diesel vehicle is not equipped with after-treatment controls). Accelerated reductions are needed to meet particulate-matter and ozone air-quality standards as early as practicable.

For More Information

The Fleet Rules are available on the SCAQMD website at: www.aqmd.gov/tao/Fleetrules. This fact sheet and any additional status updates will be provided to affected parties and on the website. In addition, contact information is provided below.

Mr. Dean Saito, Fleet Rules Implementation Manager
Fleet Rule Implementation Section
Science and Technology Advancement
SCAQMD
21865 Copley Drive
Diamond Bar, CA 91765
(909) 396-2647

or call or write to the Fleet Rules Implementation Section at:
Hotline: (909) 396-3044
e-mail: fleetrules@aqmd.gov

July 5, 2005

VIA MESSENGER and E-MAIL

Ms. Maria B. Masis
Senior Regional Planning Assistant
Zoning Permits Section
Department of Regional Planning
County of Los Angeles
320 West Temple Street, Room 1348
Los Angeles, CA 90012-3225

Re: Response to June 9, 2005 Altshuler Letter Proposing Revisions
to the Sunshine Canyon Landfill CUP (No. 00-194-(5))

Dear Ms. Masis:

The purpose of this correspondence, submitted on behalf of Browning-Ferris Industries of California, Inc. (“BFI”), permittee for Conditional Use Permit (“CUP”) 86-312-(5), under which the County landfill is operating, and applicant for certain modifications to that CUP contained in proposed CUP 00-194-(5), is to respond to the correspondence to you from the firm of Altshuler, Berzon, Nussbaum, Rubin & Demain, dated June 9, 2005 (the “Altshuler letter”).

In the Altshuler letter, prepared on behalf of the North Valley Coalition (the “NVC”) and other parties referenced in the letter (collectively, the “landfill opponents”), the landfill opponents have proposed various revisions to the November 2004 County staff-proposed CUP and the related Mitigation Monitoring and Reporting Summary (“MMRS”) and Implementation and Monitoring Program (“IMP”). While BFI finds certain of the requested changes acceptable, particularly those which simply restate conditions of the 1999 Zone Change approved by the City of Los Angeles (the “City”) for the combined City/County landfill, many of the suggested revisions are onerous, punitive and unnecessary and would serve only the interests of the NVC and related opponents to the landfill, not the public interest.

Ms. Maria B. Masis
July 5, 2005
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A. Responses to Proposed Changes to CUP 00-194-(5)

For the sake of consistency, we will present BFI's responses to the Altshuler-proposed revisions by reference to the numbering in the November 2004 staff-proposed version of the CUP, and, where appropriate, we will make reference to the BFI-proposed CUP revisions transmitted to you on June 23, 2005.

Subject to further clarifications which may be presented by BFI prior to or at the scheduled Regional Planning Commission hearing of August 10, 2005, the following are BFI's responses to the revisions contained in the Altshuler letter, by CUP condition number:

1. The definition of "Total Disposal Capacity" proposed as substitute Condition 1.cc is unacceptable. The approvals granted by the County in the 1993 CUP and by the City in the 1999 Zone Change relate to specific contours and footprints within which waste may be placed; they do not set forth tonnage maximums for either the County landfill or the City/County landfill.

2. BFI disagrees with the landfill opponents' proposal to eliminate the bullet-point listing of authorized facilities and activities and the language which properly states that the new CUP will replace or "supersede" the 1993 CUP.

Specifically, BFI concurs with the staff's list of "ancillary facilities and activities," except for our previously requested reference to "one caretaker's residence or mobile home" and the addition of "storage of bins utilized for landfill activities" as a new final bullet item.

By contrast, the opponents' initial addition to the final bullet item is unacceptable, in that the "uses and facilities" described in the 1997 draft SEIR represented the items proposed at that time, which served as the basis of the final environmental analysis that was certified in 1999. They did not represent the final list of "uses and facilities" ultimately approved by authorized agencies, subject to the requirement that such "uses and facilities" would not exceed the scope of the environmental impacts assessed in the SEIR. As for the last sentence of the final bullet item of Condition 2, CUP (No. 86-312-(5)) is being replaced by the new CUP, contrary to the proposed language.

Regarding the paragraph inserted after the last bullet item of Condition 2, the new CUP ultimately approved by the County will govern the development and

operation of any landfill within the County, whether a County-only landfill or the County portion of the City/County landfill. The referenced City ordinance would not control such development and operation. Moreover, the requested language relative to other “local, state, or federal permits” is unnecessary, as such permits will apply to any area of landfilling within the County in the manner provided by their respective enabling laws.

Finally, with regard to the opponents’ proposal that revised site plans be accepted by the Director of Planning solely for the purpose of moving or relocating ancillary facilities, such a provision would be overly restrictive; and, as for the final sentence, which pertains to restrictions on the limits of fill and the “total disposal capacity,” BFI recommends the language proposed by the County, except for the reference to “Exhibit ‘A’,” which will be modified by the refined version of Condition 14 now being processed by the County Department of Public Works (“DPW”).

3. The entirety of Condition 3 proposed by the Altshuler letter is unacceptable. By reference to each subparagraph/subsection, BFI’s reasons for recommending the County’s rejection of this condition are as follows:

a. This provision is being covered under the revised Condition 14 proposed by DPW.

b. As noted, the limits of landfilling within the County are established by contour and footprint, not by any estimated tonnage capacity or life of the landfill. Additionally, permittee’s requirements for installation of final cover are properly set forth in the Waste Discharge Requirements (“WDRs”) specified by the Regional Water Quality Control Board (“RWQCB”).

c. The timing of permittee’s extension of landfilling operations into the “bridge area” will be covered under DPW-proposed Condition 14.

d. Again, the limits of fill are established by contour and footprint, not by estimated tonnage or landfill life. Furthermore, the final cover and related requirements are specified by the RWQCB.

e. BFI knows of no provision within the County Code that requires landfilling activities to be kept at least 500 feet away from open space areas. (Ironically, in this case, the nearly 1,000 acres of open space dedicated by BFI in the area surrounding Sunshine Canyon as a buffer zone.)

f. The closure and post-closure requirements of Federal and State law, including those that have shaped the provisions of the Solid Waste Facilities Permit (“SWFP”) and the WDRs for Sunshine Canyon, will control the nature and scope of operations during such periods.

....

11. In response to the opponents’ proposal to amend this condition (their No. 12), we refer you to the modified version of Condition No. 11 set forth in our June 23 submittal. In particular, the extraordinarily punitive monetary fines they have proposed (\$25,000 per day or 10% of gross revenue generated by the landfill on such day, which ever is greater) grossly exceed the \$1,000 per day limit established by State and County law. Similarly, the proposed “violation fund” deposit of \$500,000 is clearly improper, unwarranted and punitive.

12. With respect to the indemnification and financial assurance provisions proposed by the opponents (their Condition 13), please see the BFI version of Condition 12 presented to you on June 23. BFI’s proposed condition, which has been accepted by the City, expands the coverage language set forth in County staff’s version of this condition.

13. BFI finds the first paragraph of this condition (numbered 14 by Altshuler) to be acceptable, but the second paragraph is unnecessary and unwarranted. The completion of filling within the County landfill will be determined by the County, and the completion of the City/County landfill will be determined by the City and County jointly, with each determination being based upon the exhaustion of capacity within the respective approved footprints. The refined version of Condition 14 being completed by DPW will help define those limits.

As for the last clause of the opponents’ new paragraph, the effect of any “cessation or suspension of use” of the landfill will be determined by responsible authorities pursuant to applicable law, including the County Code.

14. As you know, DPW is completing a modified Condition 14 (opponents’ No. 15); and, reportedly, this new condition will cover the landfill contour issues and related matters discussed in the Altshuler letter and in BFI’s Condition 14 in our June 23rd submittal. It bears restating, however, that the opponents’ call for a limit

based upon "total disposal capacity" is contrary to the existing CUP, the staff-proposed CUP and the 1999 City Zone Change.

16. In subparagraph a of Condition 16 (opponents' No. 17), they have called for a minimum of two full-time, on-site inspectors, with specified "minimum qualifications" for such inspectors. However, the qualifications and number of inspectors utilized by the Joint LEA, to be formed by the County and City LEAs, will be decided by that body. Therefore, the opponents' proposal should be rejected.

17. In subparagraph c of their No. 18, the opponents have proposed that the hands of the Board of Supervisors be tied relative to increasing the maximum daily and weekly tonnages allowed at the landfill, even though such increases would only be allowed as necessary "for the protection of the public health and safety or if there is a declared emergency, . . ." Opponents' request to limit such "overages" to 313 days over the life of the landfill (likely 23 years or more) is misguided. During the period of a quarter of a century, earthquakes and other acts of nature or man could well produce substantial rubble, debris and other excess waste that would necessitate overages approved by the Board of Supervisors that could exceed a total of 313 days. Therefore, their hands should not be tied.

....

19. The opponents propose under subparagraph d of this condition (their No. 20) that the list of waste deemed unacceptable for use as cover material at the landfill be substantially enhanced, to include, among other items, tarps, green waste, and construction and demolition waste. BFI's response is that State law has already established the types of waste that cannot be used as cover, and the opponents' substantially expanded list of "unacceptable" waste materials is excessive and unreasonable. Additionally, BFI would note that DPW is currently preparing a revision to this subsection.

20. The opponents' version of this condition (their No. 21) is contrary to the requirements of the documents referenced in the County's version. Therefore, their version should be rejected.

....

23. The proposed language in the opponents' Condition 24 is acceptable to BFI.

24. There are numerous aspects of the opponents' proposed Condition 25 that BFI finds objectionable.

First, with regard to the description of the types of waste which cannot be disposed of at or accepted by the landfill, the County's term "radioactive material" already includes "low-level radioactive waste," and the term "sewer products" used by the opponents is vague and ambiguous. However, BFI agrees to the addition of the term "asbestos" to the existing list.

Second, inasmuch as the State establishes the criteria for the inspection of random waste vehicle loads, the language proposed by the landfill opponents is improper.

As to the last portion of the opponents' Condition 25, BFI agrees with the language in the introductory paragraph: "the permittee shall perform the following:" Additionally, relative to the requirements set forth in their subparagraph e (which should be subparagraph d), BFI accepts the proposed language, which comes directly from a condition of the 1999 City Zone Change.

With regard to the final paragraph proposed, the requirements for the management of "potentially untreated medical waste" are set by the State in consultation with the County LEA. Accordingly, the proposed language should be rejected.

25. The language in opponents' No. 26 would improperly limit the discretion of the County LEA in extending hours in order to preserve the public health and safety. Therefore, it should be rejected.

....

27. To the extent that the language of this proposed condition (opponents' No. 28) repeats verbatim the Community Protection Program described in the 1999 City Zone Change, BFI accepts such language. However, the last sentence of subparagraph a, which would require BFI to print any "contributions" from a variety of sources, and the last two sentences of subparagraph b, which go far beyond the appropriate scope of a complaint response system at the landfill, are excessive and overly burdensome, and they should be rejected by the County.

28. BFI has submitted a revised version of this condition (opponents' No. 29), and we refer you to that language. As stated to the County, it is "double-taxation" to include "any franchise fees and enforcement fees imposed by the City of Los

Angeles” in the total “net tipping fee” collected by BFI, upon which the County’s waste disposal tax would be calculated.

29. BFI does not object to the opponents’ proposed Condition 30.

30. Instead of the language proposed by the opponents (their No. 31), BFI requests that our June 23rd version of this condition be accepted, as it properly indicates that permittee’s monitoring and maintenance of the landfill’s environmental protection and control systems should be “in accordance with state law.”

....

32. While BFI does not disagree with the opponents’ proposal to substitute the word “increase” for the word “change,” the language of this condition (their No. 33) should be in line with the version of Condition No. 14 being completed by DPW. Additionally, as indicated, opponents’ use of their term “total disposal capacity” is improper.

....

36. BFI recommends rejection of the opponents’ proposal to add a sentence to this condition (their No. 37) to require BFI’s funding of the installation of multiple down-gradient and up-gradient monitoring wells. As properly stated in the County’s condition, the installation and use of groundwater monitoring wells will be as specified by the RWQCB in the WDRs.

....

41. The opponents’ version of this condition (their No. 42) is particularly onerous and unreasonable. As noted in BFI’s June 23 set of conditions, we have endorsed the staff-proposed condition, with only minor clarifications. We urge staff to reject the opponents’ proposal, which, among other things, would require (1) the revegetation of any slope at the landfill, including areas outside of the landfill footprint, that remains inactive for a period of only 30 days, as opposed to the County’s 180-day threshold relative to slopes that are within the landfill footprint; (2) the submittal of reclamation and revegetation plans prior to the placement of waste within 20 feet of the limits of fill (rather than 10); and (3) the changing of established final cut slope engineering from a 1.5:1 to a 2:1 grade, with a “static factor of safety” of at least 1.5. In

each instance, the landfill opponents are simply taking an established standard and arbitrarily extending it in order to make life more difficult for BFI.

Similarly, the opponents have set forth a number of onerous requirements in proposed subparagraphs d through g:

(1) In d, they call for the revegetation of at least 10 percent of the total footprint of the landfill each year, without regard to the ongoing operation of the facility;

(2) Subparagraph e calls for prompt and permanent revegetation, including access roads, immediately after the limits of fill had been reached, without taking into account Federal and State closure and post-closure requirements;

(3) They specify in f that “each phase” of the landfill with “an exterior side” have final cover completed within 210 days after completion of “that phase,” without defining these terms and without regard for the proper jurisdiction of the State; and,

(4) They require in subparagraph g that before joint landfill operations begin, BFI must subject a revegetation plan to the scrutiny and likely redrafting of a host of organizations, including active opponents of the landfill: the NVC and the Granada Hills North Neighborhood Council (“GHNNC”).

Without exception or qualification, all of these proposed subparagraphs (d – g) are unacceptable to BFI, and they should be rejected by County staff.

Finally, two terms used by the landfill opponents in the latter portion of Condition 41 (their 42) are unreasonable and inappropriate: (1) that all final fill slopes to be “concurrently” reclaimed and revegetated; and (2) that “total disposal capacity,” rather than just the contour/footprint “limits of fill,” be a determinant of capacity.

42. BFI’s responses to the various subparagraphs of this condition (opponents’ No. 43) that have been amended are as follows:

(1) Subparagraph a is unreasonable, onerous and inconsiderate of proper jurisdictional requirements. Specifically, it calls for permittee not to engage in any excavation or other operation when “15-minute average wind speed exceeds 15

mph or instantaneous wind speed exceeds 25 mph.” These unreasonably low thresholds are contrary to the established rules of the South Coast Air Quality Management District (“SCAQMD”), and they should be rejected.

(2) Proposed subparagraph b is acceptable.

(3) Relative to subparagraph e, the language proposed by staff already satisfies the objectives of the opponents. By contrast, their language changes are, in order, inadequate and unnecessary. First, the term “solid waste” already includes “refuse,” as well as trash, garbage and the like; and, second, under the staff’s language, the LEA already has the authority to require the application of soil sealant more frequently than daily.

(4) In subparagraph g, the phrase “except those infrequently used” should not be removed. It is there for a good and sensible reason: The paving of the smaller, little-used access roads is unwarranted, as only minimal, “infrequent” dust emissions would be produced.

(5) The opponents’ proposal in subparagraph k that BFI permanently station a “high pressure spray” water truck at the working face is unreasonable. The current language is appropriate.

(6) New subparagraph n is acceptable to BFI.

43. The proposed revision to this condition (opponents’ No. 44) is acceptable to BFI.

....

47. The second paragraph of this condition (opponents’ No. 48) is acceptable to BFI.

....

49. The language inserted by the opponents at the end of the first paragraph of this condition (their No. 50) is acceptable to BFI.

The insertion of the word “interior” in the second paragraph of this condition, however, would create an unreasonable and unnecessary requirement relative to the siting and operation of landfill gas flares, and it should be rejected by the County.

50. The condition as proposed by the County will ensure that BFI’s operation of the landfill does not create a level of noise at any residence, all of which are south of the landfill, that would exceed the limits of the County Noise Ordinance. In their Condition No. 51, the opponents seek to add the term “sensitive receptor,” to BFI’s noise mitigation responsibility. BFI objects to this unnecessary and ambiguous broadening of the subject mitigation.

In the first place, the term “sensitive receptor” is not defined in Title 12 of the County Code, nor is BFI aware of the use of this term by the County in noise mitigation conditions. County Code section 12.08.260 refers to a “noise-sensitive zone,” but that is an area specifically designated by the County for the purpose of “ensuring exceptional quiet.”

Furthermore, because BFI does not know of any non-residential receptor within the area of the landfill that could properly be deemed “sensitive,” BFI is unwilling to subject itself to such an ambiguous, arbitrary standard.

....

56. BFI strongly objects to the extraordinarily burdensome requirement proposed by opponents’ Condition 57. It is apparent to any reasonable person that, based upon common sense and the County’s discussions to date, the installation of on-and-off ramps connecting the I-5 Freeway directly to the entrance of the landfill on San Fernando Road – to be dedicated to the use of commercial trash trucks only – is financially and logistically infeasible. Therefore, opponents’ proposed addition to the first sentence of the County’s Condition No. 56 should be rejected. However, BFI accepts the use of the term “mitigate” in the second sentence of this condition.

....

59. Opponents’ new Condition No. 59, which is misnumbered, is unacceptable to BFI. Their recommended exclusion from the landfill of any waste originating from a source 10 miles or more from the landfill, unless transported by a transfer truck, is unreasonable and unfounded, and it would constitute bad public policy.

....

62. New Condition 62 in the Altshuler letter mixes a variety of monitoring requirements, some of which are already established by State law, and others of which are derived apparently from existing conditions in the 1999 City Zone Change. The result is a confusing list of monitoring requirements that are in part excessive and in part duplicative. BFI's objections to the listed requirements are as follows:

(1) In proposed subparagraph a, the opponents ask for continuous monitoring for certain air quality constituents. This proposal is overly burdensome and unnecessary, given the extensive air quality monitoring requirements that are set forth in City [Q] condition C.10.a. Among other things, this condition requires the retention by the City, funded by BFI, of an "independent air quality consultant;" a task which was completed nearly two years ago. It also calls for extensive testing of landfill dust and diesel particulates around the perimeter of the landfill property, with special attention paid to the southern berm area (in the City) which separates the landfill from the residential community to the south. Accordingly, the opponents' onerous, punitive measure should be rejected.

(2) Their subparagraph b calls for radiation monitors to be set at an unreasonably low threshold (2x background), as opposed to BFI's already low setting of 4x background. The current threshold, in line with State standards, should be retained.

(3) Relative to subparagraph c, the RWQCB, through its extensive regulations and WDRs, has already specified the manner in which groundwater pressure under the landfill is to be monitored.

(4) With respect to subparagraph d, the SCAQMD has specified the way in which BFI is to monitor the efficiency of the landfill gas collection system, as well as the documentation of such monitoring.

63. Opponents' new Condition No. 63 improperly calls for BFI to broadly disseminate reports that are submitted to authorized regulatory agencies, such as the RWQCB. The sharing of such reports with the public is determined by each regulatory agency, based upon established procedures. Accordingly, we request that the County reject this proposed condition.

....

70. BFI has submitted to the County a version of this condition (opponents' No. 73) which would ensure that any liner installed in the County unincorporated portion of the landfill will be of an effectiveness equal to the liner design approved by the RWQCB for the City portion of the landfill, without improperly restricting the discretion of that Board solely to the specific liner design approved nearly 18 months ago. Therefore, BFI requests that the County accept BFI's version of this condition.

....

74. In this proposed new condition, the landfill opponents have taken an already exacting condition from the 1999 City Zone Change (C.10.d) and have made it substantially more demanding. As discussed with the County, the City condition was predicated upon certain assumptions about the advancement of non-diesel, "alternative-fuel" vehicles that have not come to pass.

For example, with regard to City condition C.10.d.(1), which calls for all "light-duty vehicles" operated at the site to be "alternative-fuel" vehicles upon commencement of the City-only landfill, the City itself has deemed this requirement infeasible, since "alternative-fuel" light-duty trucks are not available at this time. Accordingly, the City is currently considering different ways, including the use of gasoline-powered trucks, to satisfy the goal of having "non-diesel" vehicles in operation at the site.

As you can see from a comparison of the opponents' proposed provisions with the comparable provisions of the City "alternative-fuel" condition, the opponents have made virtually every requirement much more strict and onerous.

For example, where even the City allows that the operation of non-diesel, alternative-fuel transfer trucks need only occur within three years after the City's Technical Advisory Committee determines that "the technology and economics are feasible," the opponents eliminate the requirement that such operation be deemed technologically or economically feasible. In fact, the opponents have eliminated the feasibility determination from each of the City subsections in which this common-sense standard is set forth.

Because of the obviously punitive, unreasonable nature of the condition proposed by the landfill opponents, BFI urges the County to reject it.

75. To the extent that this proposed new condition follows verbatim the video monitoring requirement established by the City in 1999 (C.14), BFI accepts the condition. However, we oppose the inclusion of a new second sentence which would unduly and improperly require the placement of monitoring equipment directly at locations (such as the working face) where the positioning and operation of that equipment would likely interfere with the safe conduct of disposal operations by BFI.

76. The condition proposed by the landfill opponents essentially dismisses the established public process for the consideration by the Director of Public Works, the Director of Regional Planning and the LEA of “any proposed determination, authorization, or approval made pursuant to these Conditions . . .” Again, it appears that the opponents of the landfill are simply trying to make more onerous and punitive a public process which is already extremely exacting and time-consuming, including ongoing compliance with an array of applicable local, State and Federal laws. We therefore request that the County reject subparagraphs a, b and c of proposed Condition No. 76.

By the same token, subparagraph d seeks to constrain the discretion of the LEA in overseeing the operations of the landfill. As with the circumstances described above, there are ample rules, regulations and procedures already guiding the LEA in its consideration of any proposed exemption from the subject CUP conditions, and another layer of constraint is not warranted or proper.

Once again, the opponents are ambiguous and overly broad in proposing a condition that BFI provide notice to the CAC, the TAC, the NVC, the GHNNC and “any other interested group or individual that has requested such notice” of “any proposed change in the operation of the facility.” Obvious questions arise: What constitutes “any proposed change in the operation of the facility”? What about the established procedures, both in the CUP and in related local, State and Federal documents, such as the Solid Waste Facilities Permit and the Waste Discharge Requirements, that already establish procedures for consideration of any meaningful modification in operations by BFI? Accordingly, this proposed provision should be rejected by the County.

77. Virtually the same objections expressed by BFI relative to proposed Condition 76 apply to their No. 77. Specifically, there are already properly established procedures for public and agency notice of applications for a “permit” or for a “modification to an existing permit.” As you know, major modifications to permits, depending upon the permitting agency, typically require a formal application process

which results in documents that are available to the public, as well as public hearings. However, certain permits and permit modifications are more administrative, and they, quite appropriately, do not involve an extensive public process.

Similarly, BFI's entry into an agreement with a government agency, or a modification to an existing agreement, either will or will not involve public involvement, depending upon the established substantive and procedural requirements of the agency in question.

In short, the opponents of the landfill are once more simply trying to make the task of operating a landfill substantially more difficult for BFI, and we urge the County not to do their bidding.

B. Responses to Proposed Changes to Mitigation Monitoring and Reporting Summary

The following are BFI's responses to the opponents' proposed revisions to the County MMRS, listed by item number set forth in the June 9 Altshuler letter:

1. The language of Mitigation Measure 1.11 that the opponents seek to delete should remain. As prescribed in staff-proposed Condition 19d, cognizant regulatory agencies will determine the technical feasibility and acceptability of BFI's use of green waste and yard waste materials as a supplement to daily, intermediate and final cover.

2. The proposed revision to Mitigation Measure 3.12 is unacceptable, inasmuch as it attempts to use "total disposal capacity," as defined by the opponents in their proposed CUP Condition No. 1cc, to determine the point at which landfilling operations in the County must cease. As noted, the approved contours and footprints define the limits of landfilling in the County, whether as a County-only landfill or the County portion of the joint City/County landfill.

3. As noted with respect to the opponents' proposed Condition No. 42, a 30-day threshold relative to revegetation of "inactive areas," as opposed to the County-proposed 180 days, is clearly unreasonable.

4. BFI strongly disagrees with the attempt of the opponents in amending Mitigation Measure 4.07 to take the jurisdiction over uses in the 100-acre

buffer zone situated in the City out of the City's hands. The mitigation measure should remain as proposed by the County.

5. With respect to Mitigation Measure 4.10, BFI must already comply with extensive County requirements in surveying oak trees within the County that may require removal, as well as the maintenance of replacement trees planted by BFI. Accordingly, the proposed additional language should not be accepted by the County.

6. Please refer to BFI's objections to the opponents' proposed revisions to CUP Condition 42 (their No. 43). The proposal to lower wind-speed thresholds below those established by the SCAQMD is both unreasonable and an attempted usurpation of the District's jurisdictional authority.

7. BFI disagrees with the proposed change in Mitigation Measure 6.02, which would establish a 30-day threshold relative to the provision of temporary vegetation cover. As stated above, this is an unreasonably short period.

8. With respect to proposed Mitigation Measure 7.03(1), it should be noted that the currently required spacing of monitoring probes around the landfill perimeter is set by the SCAQMD, and BFI objects to the opponents' attempt to arbitrarily truncate the spacing and considerably increase the number of required probes.

9. Again, BFI objects to the opponents' call for a 30-day threshold relative to the inactivity of landfill areas prior to revegetation, and Mitigation Measure 10.07(2) should not be amended.

10. BFI's proposed version of CUP Condition 64, which pertains to BFI's funding of household hazardous waste collection events, is now under consideration by County staff. We urge staff to endorse the proposal submitted by BFI, rather than either the current staff-proposed version or the substantially more costly and unwarranted requirements set forth in the opponents' version of Mitigation Measure 13.10.

11. BFI disagrees with the opponents' attempt to characterize the buffer zone south of the City landfill as being in excess of 100 acres. It is not. Therefore, Mitigation Measures 4.06, 4.07 and 10.09 should not be amended as requested by the Altshuler letter.

C. Responses to Proposed Changes to Implementation and Monitoring Program

BFI's responses to the proposed revisions to the IMP for the landfill are as follows:

1. It is overly restrictive for the composition of the Community Advisory Committee to be limited to people who reside "within three miles of the outer perimeter" of the landfill. The current use of the term "in the vicinity" appropriately grants the Board of Supervisors greater discretion in appointing members of this committee.

2. In subsection 2 under PART IX, opponents would have you change the requirement that BFI provide "reasonable access to the landfill site for the Community Advisory Committee" to a requirement that areas of the landfill "from which the public is restricted" be necessarily opened to committee members. BFI opposes this language change, which unreasonably limits BFI's exercise of sound judgment regarding the restriction of access where deemed necessary for safety or other operational purposes.

3. The insertion of the term "community" in PART X, subparagraph a7, is appropriate.

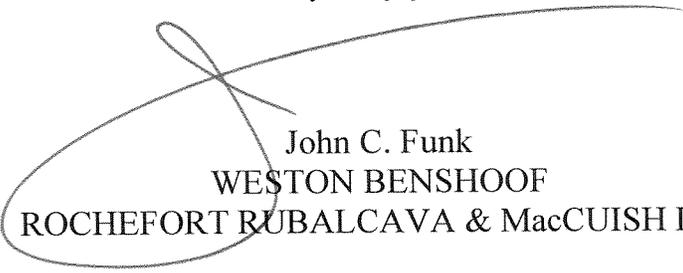
4. With respect to PART X, subparagraph b6, BFI objects to the proposed language change, which would require that all complaints recorded by BFI in its Hotline/Emergency Log, many of which may have nothing to do with the quality of landfill operations, be included in the annual monitoring report submitted to the Regional Planning Commission.

5. Finally, in regard to the proposed addition of a subparagraph b14 to PART X, as explained above relative to proposed Condition 62d, the results of landfill gas monitoring at Sunshine Canyon are already properly provided to the SCAQMD, which has jurisdiction over such matters. To the extent that such monitoring results are deemed appropriate by the District for disclosure, they will be disclosed.

Ms. Maria B. Masis
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If you have any questions with respect to the responses set forth above, please contact me at your earliest opportunity. Representatives of BFI, including Dave Edwards, hope to meet with staff of the Regional Planning Department, DPW and County Counsel early the week of July 11 to discuss these matters and the issues remaining relative to the BFI-proposed CUP conditions submitted on June 23.

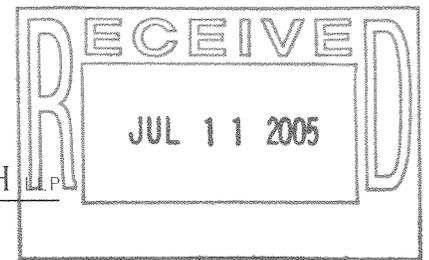
Very truly yours,



John C. Funk
WESTON BENSHOOF
ROCHEFORT RUBALCAVA & MacCUISH LLP

JCF/amf

cc: James E. Hartl, AICP (Via Messenger and E-mail)
Frank Meneses (Via Messenger and E-mail)
Dave Edwards (Via E-mail)
Charles J. Moore, Esq. (Via E-mail)



(213) 576-1102
jcfunk@wbcounsel.com

July 8, 2005

VIA E-MAIL and U.S. MAIL

Ms. Maria B. Masis
Senior Regional Planning Assistant
Zoning Permits Section
Department of Regional Planning
County of Los Angeles
320 West Temple Street, Room 1348
Los Angeles, CA 90012-3225

Re: SEIR Clearance for 5:00 a.m. Site Preparation Activities at Sunshine Canyon Landfill

Dear Ms. Masis:

At a recent meeting with Los Angeles County staff, representatives of Browning-Ferris Industries of California, Inc. (“BFI”) were asked to review the Subsequent EIR (“SEIR”) for the Sunshine Canyon City/County Landfill to determine if changing the daily start time for site preparation and similar activities in the staff-proposed CUP from 6:00 a.m. to 5:00 a.m. would conflict with the findings of that environmental analysis.

The purpose of this correspondence is to report the results of a review of the SEIR and related documents by this office; namely, that the proposed start time of 5:00 a.m. for such activities would not conflict with the subject environmental assessment. In fact, starting such preparatory tasks one hour prior to the acceptance of waste is supported by not only the SEIR, but also the 1999 City Council discussion of and action on the landfill approvals.

Background

In new CUP Condition 25, County staff has proposed limiting certain landfill “operations,” such as site preparation activities, to the hours of 6:00 a.m. to 9:00 p.m., Monday through Saturday, consistent with 1999 City [Q] Condition B.3.c. For very practical and apparent reasons, BFI has asked staff to change the daily commencement time of such activities to 5:00 a.m.; and staff has shown a willingness to consider this change, if the 1999 SEIR and the record of related City actions do not conflict with such a change.

Analysis

The City/County landfill project analyzed in the SEIR was assumed to “operate” from 5:00 a.m. to 9:00 p.m., Monday through Saturday; and the SEIR concluded that there would be no significant noise or light impacts from the project. The following is a review of the key portions of the SEIR and related documents that support this conclusion.

1. The Subsequent EIR

Both the Project Description and Noise Impacts sections of the Draft SEIR (“DSEIR”) include an analysis of landfilling operations that would start at 5:00 a.m., and the analysis concluded that there would be no significant noise impacts. Most notably, as quoted below, the environmental analysis specifically assumed that certain site preparation and maintenance activities would begin at 5:00 a.m.; and this was reinforced during the City Council hearings, as discussed in a later section.

DSEIR, Project Description:

2.12 PROPOSED HOURS OF OPERATION

“The proposed City/County Landfill would be operational 16 hours per day (i.e., 5:00 a.m. to 9:00 p.m., Monday through Saturday), 6 days per week, two shifts per day. The proposed landfill . . . would be open to wastehauling vehicles at 5:00 a.m. (approximately 1 hour prior to the scales being opened). This opening is to prevent any vehicles from queuing on San Fernando Road.”

“Landfill personnel would conduct operations at the landfill site for daily preparation and maintenance activities, . . . during the hours of 5:00 a.m. to 9:00 p.m., Monday through Friday, . . .” (Emphasis supplied.)

DSEIR, Noise Impacts:

CITY MITIGATION MEASURES

....

No significant adverse noise impacts are anticipated from the implementation of the proposed City/County Landfill Project.

2. Hearing Testimony

The issue of allowing site preparation and related activities to begin at 5:00 a.m., one hour prior to the commencement of waste acceptance, arose at the August 17, 1999 hearing of the Planning and Land Use Management Committee (PLUM) of the L.A. City Council. BFI explained the nature of such activities, the logistical reasons why they should start prior to actual “landfilling operations,” and the fact that there would be no significant impacts from the activities (as noted in the SEIR).

MR. TEMPELIS: I'm Dan Tempelis with BFI. At the early morning hours what we're doing is we are lubing our equipment and making sure it's operational and ready to go. We're also running light service vehicles. In our case we use tarps on the landfill to cover --

CHAIR BERNSON: What are light service vehicles?

MR. TEMPELIS: Light pickup trucks and lube trucks and things like that, not heavy equipment at that point. We also run water trucks at that time to make sure that the area, the operational area, is wetted down.

....

COUNCILMEMBER HERNANDEZ: What's the purpose of the water trucks?

MR. TEMPELIS: The water trucks get out within the landfill area and wet down the haul roads and the operational area so that when the first trash truck deliveries come in the morning . . . we have our dust situation under control.

CHAIR BERNSON: What time do the first trash trucks come in the morning?

MR. TEMPELIS: Our first trash trucks would enter the gate but queue at the scale houses early in the morning [5:00 a.m.], but they would not go into the landfill until after 6:00 a.m.

CHAIR BERNSON: Why early in the morning? Why do you need it that early in the morning?

MR. TEMPELIS: Because as things have dried out during the evening and before you start increasing traffic within the landfill area you have to moisten up the area, . . . Typically at 5:00 a.m. that's when we start up the water trucks to begin that wetting process.

. . . .

At the October 26, 1999 City Council hearing, Councilman Bernson introduced a motion that would have limited equipment maintenance to 6:00 a.m. to 6:00 p.m. The motion failed. The hearing transcript includes the rationale of Council Member Miscikowski for not imposing such limits:

COUNCILMEMBER MISCIKOWSKI: This was an item that was in a motion that had been made by Councilman Bernson. . . . What this deals with is the hours of operation. Trash is allowed under the recommendation that was brought forward to be that trash can come into the site at 6 A.M. and closed at 6 P.M. Prior to that, the operators of the site need to be able to prepare the site. . . . But they do not turn engines on until 5 A.M. So, . . . Mr. Bernson's motion is saying not even turn their own engines on until 6. But at 6, you've got trash trucks already queuing up waiting to get in to bring the trash in. So you need a little bit of lead time for the operators to be operating their own equipment on site. . . . (Emphasis supplied.)

3. City Council Finding

The relevant City Council finding is as follows:

“[Q] Condition B.3.d: Equipment maintenance shall be limited to the hours of 4:00 a.m. through 9:00 p.m., Monday through Saturday, except for equipment repairs. No diesel vehicle shall be started before 5:00 a.m.”

“Finding: The modification is consistent with PLUM’s instructions to not allow the operation of any diesel vehicles before 5 a.m. due to concerns regarding noise.” (Emphasis supplied.)

4. City [Q] Condition B.3

Contrary to the above-noted Council discussion and the defeat of the relevant motion, City [Q] Condition B.3.c provides that certain “landfill operations,” including “site preparation and maintenance,” are to be conducted between 6:00 a.m. and 9:00 p.m., Monday through Saturday. However, the very next condition (B.3.d) allows equipment maintenance to begin at 4:00 a.m., and it sets the earliest time for diesel equipment to be started at 5:00 a.m. This clearly indicates that some maintenance activities requiring the starting of the diesel motors are allowed as early as 5:00 a.m. It can be fairly concluded, therefore, that the start time for site preparation and similar activities was mistakenly set at 6:00 a.m. in City [Q] Condition B.3.c.

Ms. Maria B. Masis
July 8, 2005
Page 6

Conclusion

The record supports a 5:00 a.m. start time for site preparation and similar activities, instead of the currently proposed 6:00 a.m. commencement.

Please contact me if you need any back-up materials.

Very truly yours,

John C. Funk
WESTON BENSHOOF
ROCHEFORT RUBALCAVA & MacCUISH LLP

JCF/amf

cc: Frank Meneses (Via E-mail and U.S. mail)
Dr. Daryl Koutnik (E-mail and U.S. mail)
Dave Edwards (Via E-mail and U.S. mail)
Charles J. Moore, Esq. (Via E-mail and U.S. mail)

July 6, 2005

VIA MESSENGER

Ms. Maria B. Masias
County of Los Angeles
Department of Regional Planning
Zoning Permits Section
320 West Temple Street, Room 1348
Los Angeles, CA 90012-3225

Re: Response to Commissioners on Oak Tree Survival Rates
CUP (No. 00-194-(5))

Dear Ms. Masias:

At the December 1, 2004, hearing on the Replacement Conditional Use Permit for the Sunshine Canyon Landfill, a question was asked about the survival rate for mitigation trees at the County landfill. Attached is the most recent monitoring report entitled "Sunshine Canyon Landfill Oak Tree Mitigation Monitoring Report No. 11", dated November 1, 2004. The report shows that all oak and bigcone Douglas-fir trees removed during the development of the County landfill have been mitigated.

The 1993 Conditional Use Permit and Oak Tree Permit for the Sunshine Canyon County Extension Landfill required mitigation of all qualifying oak trees and bigcone Douglas-fir trees removed in conjunction with the development of the landfill. As of the end of 2003, a total of 3,385 oak trees and 27 bigcone Douglas-fir trees had been removed. At the required mitigation ratios of 2:1 for oak and 5:1 for bigcone Douglas-fir, 6,770 oak trees and 135 bigcone Douglas-fir trees of qualifying size are required for tree loss mitigation.

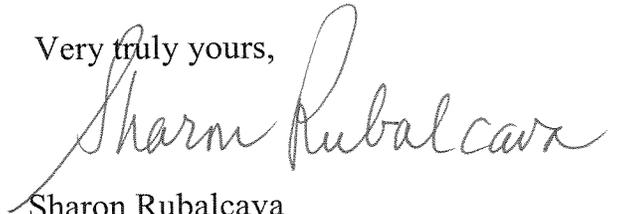
The removed oak trees have been fully mitigated at the required ratios and have completed the five-year post-planting monitoring period. Likewise, the bigcone Douglas-fir trees that were removed have all been replaced at the required ratio. The fir trees have a seven-year monitoring period, and 90 trees have completed the monitoring period. The conclusions of the monitoring report were verified by the County of Los Angeles, Forestry Division. The specific tree counts are set forth in the table below.

Ms. Maria B. Masias
July 6, 2005
Page 2

SUNSHINE CANYON LANDFILL OAK AND FIR TREE MITIGATION STATUS					
	Trees Removed	Mitigation Trees Required ¹	Mitigation Trees Planted	Completed Mitigation Monitoring ²	Trees Still Being Monitored ³
Oaks	3385	6770	9078	6847	1173
Bigcone Douglas-fir	27	135	675	90	235

We hope this report answers the Commissioner's questions. If you need any additional information, please feel free to call.

Very truly yours,



Sharon Rubalcava
WESTON BENSHOOF

ROCHEFORT RUBALCAVA & MacCUISH LLP

SFR/dtc
Attachment

¹ Mitigation required: 2:1 oaks; 5:1 Bigcone Douglas-fir

² Trees must reach qualifying size. Oaks monitored for 5 years; Bigcone Douglas-fir for 7 years.

³ 1160 Oaks and 235 Bigcone Douglas-fir have reached qualifying size

ATTACHMENT E
DRAFT RESPONSE TO COMMENTS
PREPARED BY ULTRASYSTEMS

BFI Sunshine Canyon City/County Landfill

New CUP

Draft Response To Comments

June 2005



UltraSystems
environmental • management • planning

**RESPONSE TO COMMENTS
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APPENDICES

APPENDIX A: Comment Letters Received

APPENDIX B: December 1, 2004 Public Hearing Transcript

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APPENDIX D: April 6, 2005 Public Hearing Transcript

APPENDIX E: Final Report on Community Health Concerns and Sunshine Canyon Landfill

1.0 INTRODUCTION

This Response to Comments (“RTC”) document provides written responses to comments associated with revisions to Los Angeles County Conditional Use Permit 86-312-(5) issued in 1993 (the “1993 County CUP”) for landfilling in the County portion of Sunshine Canyon. The proposed revisions to the 1993 County CUP, collectively referred to as the “New CUP,” facilitate the development of a combined Los Angeles City and County landfill in Sunshine Canyon. Potential environmental impacts that would result from the New CUP are discussed in the October 2004 *Addendum to Final Environmental Impact Report and Final Subsequent Environmental Impact Report*, referred to as the “Addendum.” This document specifically addresses comments regarding the provisions of the New CUP. Comments regarding the Addendum are addressed in a separate document: *BFI Sunshine Canyon City/County Landfill, Addendum to FEIR/SEIR Draft Response to Comments* (March 2005).

1.1 Comments Received

This document responds to comments on the new CUP solicited as part of a 45-day review period for the Addendum, as well as comments submitted following the close of the review period on December 1, 2004, and during the three Los Angeles County Regional Planning Commission (LARPD) public hearings held to date on the New CUP. Specifically, this document responds to comments from the following sources:

- Comment letters mailed to LARPD.
- Comment letters submitted by hand at the public hearings.
- Testimony at the Regional Planning Commission public hearings held on the following dates: December 1, 2004; January 12, 2005; and April 6, 2005.

Copies of all comment letters submitted to the LARPD or at the public hearings are included in **Appendix A**. Complete transcripts of the public hearing are included in **Appendices B, C, and D**. The following lists all of the public agencies, organizations and individual commenters that commented on the New CUP in written comment letters or public hearing testimonies.

1.1.1 Comment Letters

Jerome C. Daniel, Chairperson
Santa Monica Mountains Conservancy
Ramirez Canyon Park
5750 Ramirez Canyon Road
Malibu, CA 90265

Letter # 1
Dated December 6, 2005

Michael Greenwald, Chair
Granada Hills North Neighborhood Council
11862 Balboa Boulevard, PMB 137
Granada Hills, CA 91344

Letter # 2
Dated January 6, 2005

Greig Smith
Councilman, 12th District, City of Los Angeles
City Hall

Letter # 3
Dated January 12, 2005

❖ RESPONSE TO COMMENTS ❖

200 N. Spring Street, Room 405
Los Angeles, CA

North Valley Coalition of Concerned Citizens
11862 Balboa Boulevard, Box 172
Granada Hills, CA 91344

Letter # 4
Dated January 12, 2005

Valley Industry and Commerce Association
5121 Van Nuys Boulevard, Suite 203
Sherman Oaks, CA 91403

Letter # 5
Dated January 12, 2005

Note that this list does not include a comment letter sent from the South Coast Air Quality Management District (SCAQMD) on November 30, 2004, because the letter comprised a compilation of internal background information and was sent in error. A fax dated January 12, 2005, sent from Steve Smith, Program Supervisor of the CEQA Section at the SCAQMD, to Daryl Koutnik at the LARPD requested that the November 30, 2004 letter be deleted from the administrative record.

1.1.2 Comments at December 1, 2004 Public Hearing

Commissioner Helsley
Los Angeles Regional Planning Commission

Commenter # PH-1 1

Commissioner Modugno
Los Angeles Regional Planning Commission

Commenter # PH-1 2

Chairman Bellamy
Los Angeles Regional Planning Commission

Commenter # PH-1 3

Larry Friedman
City of Los Angeles Planning Department

Commenter # PH-1 4

Bonny Herman
President/CEO, Valley Industry and Commerce Association

Commenter # PH-1 5

Ann Kinzle
Executive Director, Reseda Chamber of Commerce

Commenter # PH-1 6

Enrique Gonzales
General Manager, American Waste Industries

Commenter # PH-1 7

Nicole Bernson
Representative for Greig Smith, Councilman, 12th District, City of Los Angeles

Commenter # PH-1 8

Daniel Hackney
Office of the Mayor of the City of Los Angeles

Commenter # PH-1 9

Joel Simonian
Representative, Waste Solutions

Commenter # PH-1 10

1.1.3 Comments at January 12, 2005, Public Hearing

Greig Smith Councilman, 12th District, City of Los Angeles	Commenter # PH-2 1
Commissioner Modugno Los Angeles Regional Planning Commission	Commenter # PH-2 2
Daniel Hackney Office of the Mayor of the City of Los Angeles	Commenter # PH-2 3
Lynn Levitt Chairman, Mid-Valley Chamber of Commerce	Commenter # PH-2 4
John Lauritzen School Board Member	Commenter # PH-2 5
Sheldon Levitt Resident, Northridge	Commenter # PH-2 6
John McCabe Valley Industry and Commerce Association	Commenter # PH-2 7
Melody Le Blanc Encino Chamber of Commerce	Commenter # PH-2 8
Richard Lainer Resident, Northridge	Commenter # PH-2 9
Brian Green Providence Holy Cross Medical Center	Commenter # PH-2 10
Flip Smith Owner, Flip's Tire Center	Commenter # PH-2 11
Sister Carmel Summers Administrator, Valley Medical Center	Commenter # PH-2 12
Tom Soulé CPA, North Hollywood	Commenter # PH-2 13
Don Schultz President, Van Nuys Homeowners Association	Commenter # PH-2 14
Wade Adelstein President, North Valley Regional Chamber of Commerce	Commenter # PH-2 15
Kim Thompson Representative for Congressman Brad Sherman	Commenter # PH-2 16

Chuck Thompson North Valley Coalition	Commenter # PH-2 17
Michael Greenwald Chairman, Granada Hills North Neighborhood Council	Commenter # PH-2 18
Jim Alford Northridge West Neighborhood Council	Commenter # PH-2 19
Wayde Hunter President, North Valley Coalition	Commenter # PH-2 20
Dr. Wayne Aller President, Knollwood Property Owner's Association	Commenter # PH-2 21
Tony Swan President, North Hills Community Coordinating Council	Commenter # PH-2 22
Mary Ellen Crosby Chairman, Friends of O'Melveny Park	Commenter # PH-2 23
Mary Edwards Spokesperson, North Valley Coalition	Commenter # PH-2 24
Hank Feldman Resident, Granada Hills	Commenter # PH-2 25
Don P. Mullaly Resident, Granada Hills	Commenter # PH-2 26
Harvey Abram Teacher, Van Gogh Elementary School	Commenter # PH-2 27
Sal Shortino Resident, North Hollywood	Commenter # PH-2 28
Michelle Travis Resident, Granada Hills	Commenter # PH-2 29
Commissioner Rew Los Angeles Regional Planning Commission	Commenter # PH-2 30
1.1.4 Comments at January 12, 2005, Public Hearing	
Commissioner Helsley Los Angeles Regional Planning Commission	Commenter # PH-3 1
Linda Lye Altshuler, Berzon, Nussbaum, Rubuin & Demain	Commenter # PH-3 2

Sheryl Mann
Granada Hills resident

Commenter # PH-3 3

Commissioner Modugno
Los Angeles Regional Planning Commission

Commenter # PH-3 4

Commissioner Valadez
Los Angeles Regional Planning Commission

Commenter # PH-3 5

1.2 Response Methodology

As shown above, each comment letter or public hearing commenter is assigned a number in chronological order. Where several comment letters share the same date, the letters are organized in alphabetical order according to the name of the organization that authored the letter. For the public hearings, testimony is ordered in the same manner in which it was given. Within each letter or each individual's testimony, comments directly relating to the New CUP are sequentially numbered as they appear in the original letter or testimony. For example, the first comment in the letter with earliest date is numbered "Comment 1.1," and the second comment in the same letter is numbered "Comment 1.2." Note that portions of some comment letters and portions of the public hearing testimonies do not address the New CUP, but, rather, address other matters related to the combined City/County Landfill. Comments that do not address the New CUP are not responded to in this document. Accordingly, portions of certain comment letters and portions of the transcripts are not bracketed and numbered for the purposes of this Response to Comment document.

Comments in the copies of the original comment letters and public hearing transcripts are bracketed and numbered and included in the appendices for reference. (Copies of the original comment letters are contained in **Appendix A**. Transcripts of the public hearings are included in **Appendices B, C, and D**.) Each comment is extracted verbatim from these letters and transcripts. A response to the comment is presented immediately following the comment, and the responses are numbered the same as the comment.

Many responses were of a similar nature, and, therefore, several topical responses have been created to cover a number of comments. When a comment pertains to one of these topics, the response to the comment refers to the applicable topical response. All topical responses are provided in Section 2.0. Individual comments and a limited number of individual responses to comments are provided in Section 3.0.

2.0 TOPICAL RESPONSES

TOPICAL RESPONSE # 1: Revisions to CUP Result in Less Restrictive Conditions

COMMENTS: This topical response addresses the following individual comments: 2.1, 3.1, 4.5, 4.9, 4.10, 4.12, PH-1 4.1, PH-2 20.2, PH-2 20.5, PH-2 20.7, PH-2 24.1, PH-2 26.4, PH-2 28.1, and PH-3 2.2.

RESPONSE:

The modifications to the CUP are requested by the Project proponent to facilitate the development of the combined landfill contemplated in 1993 by the County and to ensure consistency between County and City approvals for the City/County Landfill described in the 1999 SEIR. The revisions to the 1993 County CUP proposed by the Project proponent fall into three general categories:

- (1) Revisions to satisfy joint landfill objectives, including the limitations on daily and weekly trash intake to conform to the overall limitations approved by the City in 1999, consistent with the sum of the daily and weekly intake limitations already imposed by the County and City for their respective operations, and an increase in the total allowable working face area;
- (2) Revised conditions to be consistent with the generally more restrictive mitigation measures imposed by the City; and
- (3) Appropriate changes to the permit language to eliminate superfluous limitations and requirements having no environmental or other benefit, such as watering of surfaces on rainy days.

As noted in Item (2), above, in several instances, these revisions increase the mitigation obligations of the Project proponent relative to those contained in the 1993 County CUP. For example, the proposed revision to Condition 10n would change Saturday operating hours from 6:00 a.m. to 6:00 p.m. to 7:00 a.m. to 2:00 p.m. Similarly, the proposed revision to Condition 22 would require the presence of staff to respond to neighborhood complaints at all times Monday through Saturday, instead of just during operating hours, and would clarify that staff must have ability to correct complaints. The proposed revision to Condition 26 would require that notices in English and Spanish must be posted to inform waste haulers of the rules governing disposal of unacceptable waste, and that violations of these rules would result in the prosecution of haulers to the fullest extent of the law.

In some cases, the revisions are less restrictive so as to eliminate superfluous limitations and requirements having no environmental or other benefit. For example, the proposed revision to Condition 18c would clarify the purposes of moistening daily cover and the use of soil sealant, lift the requirement to moisten daily cover on rainy days, and allow the County Department of Health Services, as the Local Enforcement Agency (LEA) under State law, to determine when wind conditions dictate the use of soil sealant. Similarly, the proposed revision to Condition 18d would lift the requirement to moisten active areas and soil stockpiles on rainy days, and the proposed revision to Condition 18j would lift the requirement to water dirt roads during rainy conditions.

TOPICAL RESPONSE # 2: Landfill Capacity and Duration

COMMENTS: This topical response addresses the following individual comments: 4.4, 4.5, 4.6, PH-1 9.1, PH-1 10.3, PH-1 10.4, PH-2 2.1, PH-2 5.1, PH-2 17.3, PH-2 19.1, and PH-2 20.7

RESPONSE:

The New CUP would not increase the waste intake rates, disposal capacity, landfill footprint or Project site life beyond that which was described and assessed in the SEIR for the combined City/County Landfill. Specifically, though the New CUP would allow daily and weekly waste intakes in the County area that are greater than those permitted solely in the County Landfill under the 1993 County CUP, the proposed rates only apply in the context of a combined City/County Landfill, and they are consistent with what was envisioned for the Project described in the SEIR. As stated on page 2-44 of Section 2.6.2 (City/County Landfill Disposal Capacity and Operational Site Life) of the SEIR:

The ultimate City/County Landfill would combine landfilling operations and provide an estimated net disposal capacity of approximately 90 million tons and allow an average waste intake rate of approximately 11,000 tpd. The maximum net tonnage that can be deposited per operating day is 12,100 tpd (based on a maximum intake rate of 5,500 tpd in the City and 6,600 tpd in the County) with a maximum weekly capacity of 72,600 tons (an average of 11,000 tpd based on 6 working days per week).

These waste intake rates agree with the rates proposed in the New CUP. New CUP Condition 17a proposes a maximum weekly intake of 66,000 tons of Class III waste and 6,600 tons of inert/exempt waste. New CUP Condition 17b proposes a maximum daily intake of 12,100, which matches the rate assessed in the SEIR and approved in the 1999 City zone change that allows development of a combined City/County Landfill. Thus, the daily and weekly maximum intake rates proposed under the New CUP were previously assessed in the SEIR. Furthermore, mitigations of the potential environmental impacts of increasing the waste intakes have already been identified in the SEIR and included in the related City approvals.

The SEIR (Section 2.5.1, pages 2-25 through 2-26, and Section 2.6.2, page 2-44) identifies the joint Project maximum disposal capacity, operational site life and landfill footprint, and these limits are reiterated in the current EIR Addendum (Section 2.2.2, pages 2-5 through 2-6). First, the combined City/County Landfill will accommodate a total disposal capacity of approximately 90 million tons, consisting of 55 million tons in the City and 35 million tons in the County (approximately 21 million tons of capacity remain in the County as of April 2005).¹ Second, given an estimated total capacity remaining of 76 million tons, an average disposal rate of 11,000 tons per day, six days per week, of Class III solid waste, and 6,600 tons per week of inert/exempt materials, the combined City/County Landfill has an operation site life of approximately 23 years.² Lastly, the approved landfill footprint encompasses 451 acres: 194 acres in the City (including part of the inactive City Landfill) and 257 acres in the County (including the 215-acre footprint of the operational County Landfill and the 42-acre bridge area).

As discussed in the SEIR (Section 2.5.6, pages 2-38 through 2-39), the combined City/County Landfill facility would require a minimum 30-year mandatory closure and postclosure maintenance period. Therefore, the total life span, including both the operation and closure/postclosure maintenance of the proposed City/County Landfill, would be at least 53 years. The precise lifespan of the Project is a function of the following considerations: (1) efficiency of operation, (2) flexibility of operation, (3) reliability of environmental protection and monitoring systems, (4) sensitivity to surrounding areas, and

¹ Because of the setback requirements and a change in the location of the sedimentation basin and related drainage issues, the approved joint landfill design provides less capacity than the 100-million ton landfill envisioned in the FEIR.

² Note that in 1999, the SEIR indicated an operational site life of 26 years. However, the SEIR envisioned that landfill operations would be combined 18 to 24 months after commencement of landfilling operations in the City, which was anticipated for 2001. Because the landfill operations have still not been combined at the time of the writing of this document (May 2005), the current estimate is more reflective of the operational site life of the Project.

(5) adequate disposal capacity to ensure short- and long-term commitments to both public agencies and private entities. Because of these factors, an absolute life span for the Project cannot be definitively stated. In any case, the New CUP does not increase disposal capacity or otherwise extend the total life span of the Project.

Finally, as stated in the SEIR (Section 2.5.6, page 2-38) and reiterated in the Addendum (Section 2.2.2, page 2-6), the combined City/County Landfill would utilize a maximum 10-acre working face area (i.e., the area where waste is being deposited). This size of working face agrees with the size proposed in the New CUP in Condition 42b. Thus, the working face size proposed in the New CUP and addressed in EIR Addendum is consistent with what was analyzed in the SEIR and approved in 1999 for the Project.

TOPICAL RESPONSE # 3: No New Environmental Impacts

COMMENTS: This topical response addresses the following individual comments: 4.1, 4.12, PH-1 8.1, PH-1 9.2, PH-2 2.3, PH-2 5.2, PH-2 17.1, PH-2 17.2, PH-2 20.6, PH-2 21.1, PH-2 22.1, PH-2 27.1, PH-2 28.2, and PH-2 29.1

RESPONSE:

Implementation of the New CUP would not result in new significant environmental impacts or in additional environmental impacts exceeding those previously disclosed in the FEIR and SEIR. Rather, the potential environmental impacts from implementation of the New CUP would be essentially the same as those presented in the FEIR and SEIR. The New CUP would facilitate the development of a combined City/County Landfill and ensure consistency between County and City approvals for the City/County Landfill described in the SEIR. Some of the proposed modifications included in the New CUP increase the mitigation obligations of the Project proponent. For example, as noted above, the proposed revision to Condition 10n would change Saturday operating hours from 6:00 a.m. to 6:00 p.m. to 7:00 a.m. to 2:00 p.m.

Note that since approval of the FEIR and SEIR, recent information regarding air quality, health risk, water quality and traffic has become available, and the current information has been incorporated in the analyses presented in the Addendum. The additional information has confirmed the conclusions of the FEIR and SEIR. For example, subsequent to publication and circulation of the Addendum, the County Department of Health Services (DHS) submitted to the Board of Supervisors a "Final Report on Community Health Concerns and the Sunshine Canyon Landfill," dated February 22, 2005, on the most recent investigation of the community's health concerns. (The study is attached as **Appendix E** of this document.)

The DHS investigation included eight components: (1) an analysis of cancer data by the University of Southern California Cancer Surveillance Program (CSP);³ (2) an analysis of low birth weights;⁴ (3) an analysis of birth defect data from the California Birth Defects Monitoring Program (CBDMP);⁵ (4) an

3/ Cozen, W., Assistant Professor of Preventive Medicine. Department of Preventive Medicine, University of Southern California Cancer Surveillance Program. *Community Cancer Assessment on the Sunshine Canyon Landfill Area*. Final Report October 18, 2003.

4/ Rangan, C., Director. Toxics Epidemiology Program, Los Angeles County Department of Health Services. *Low Birth Weight Assessment in the Sunshine Canyon Landfill Area*. Final Report November 17, 2003.

5/ Harris, J., Chief. California Birth Defects Monitoring Program, California Department of Health Services. *Community Birth Defects Assessment on the Sunshine Canyon Landfill Area*. Final Report October 24, 2003.

analysis of death rates and causes of death;⁶ (5) an analysis of childhood asthma;⁷ (6) a household survey;⁸ (7) a cancer case verification;⁹ and (8) a literature review.¹⁰ With the exception of an increase in self-reported asthma among women, which was not attributed to the landfill, the DHS investigation did not find evidence of unusually high rates or unusual patterns of disease in the concerned community relative to disease rates and patterns seen countywide. These findings are consistent with the results of air quality monitoring, air modeling studies, and numerous health studies and reviews of health data that have been conducted for the surrounding community by academicians and professionals. (Reference pages 3-28 through 3-29 of Section 3.2.2 of the Addendum for a summary of studies conducted since 1988.) All of the studies confirm that there is no evidence to substantiate alleged health impacts resulting from landfill activities at Sunshine Canyon.

Regarding impacts to water quality, implementation of the New CUP would not generate new impacts to groundwater or surface water. To safeguard existing groundwater quality, Sunshine Canyon Landfill incorporates a number of environmental protection and control systems, including a groundwater extraction trench/cut-off wall, an LFG collection and flaring system, a leachate collection and removal system (LCRS), a landfill liner system at the County Landfill and the new City Landfill, and ongoing water quality monitoring.

Requirements for water quality monitoring are determined by the Los Angeles Regional Water Quality Control Board (LARWQCB) and set forth in adopted Waste Discharge Requirements (WDRs). Ongoing water quality monitoring continually evaluates the performance of the environmental protection and control systems and safeguards water quality. Furthermore, surface water is monitored in accordance with the General National Pollutant Discharge Elimination System (NPDES) permit requirements developed by the LARWQCB for the site, thereby mitigating potential downstream water quality impacts.

As stated in the FEIR and the SEIR, the Project will not impact the Los Angeles water supply, particularly the Metropolitan Water District's (MWD's) Balboa Inlet Tunnel or the Joseph Jensen Filtration Plant facilities of the Los Angeles Department of Water and Power (DWP), and neither the MWD nor the DWP has opposed the expansion of the landfill. Because the Project is protective of on- and off-site water quality and will not impact the Los Angeles water supply, the Project does not present a water-borne health risk to the surrounding communities, and reviews conducted by medical experts have supported this conclusion.

Regarding traffic impacts, a Supplemental Traffic Data Report (STDR) was prepared to provide the County of Los Angeles Department of Public Works (LACDPW) with additional traffic information requested in a May 2002 LACDPW memorandum to the County Board of Supervisors, as well as information resulting from a number of meetings among representatives of LACDPW, Caltrans, the City

6/ Rangan, C., Director. Toxics Epidemiology Program, Los Angeles County Department of Health Services. *Mortality Assessment in the Sunshine Canyon Landfill Area*. Final Report November 17, 2003.

7/ Toxics Epidemiology Program staff obtained parental consent and reviewed 150 health records of students at the elementary school nearest the landfill.

8/ A door-to-door health survey of a random sample of 100 households was performed in the census tract closest to the landfill. In addition, 100 households were randomly selected and surveyed in a comparison community with similar demographics but not close to the landfill. These surveys were conducted during March and April 2004.

9/ To address community concerns, two streets identified by community members as having clusters of cancer were selected to assess the completeness of reporting to the CSP.

10/ A review of the published literature revealed at least 50 studies that examined potential health risks associated with living near landfills. Nearly all of these studies focused on hazardous landfills rather than municipal landfills. Sunshine Canyon is classified as a municipal landfill.

of Los Angeles Department of Transportation (LADOT), and the Project's traffic consultants. The STDR confirmed that the traffic volume projections contained in the June 1995 traffic study for both the County and City portions of the Sunshine Canyon Landfill were very conservative. Based on updated STDR traffic generation projections for the City portion of the Landfill, it was concluded the traffic impacts of the combined City/County Landfill were adequately addressed in the 1999 SEIR. With implementation of the mitigation measures and voluntary improvements detailed in the Addendum on pages 3-74 through 3-76 (Section 3.3.1, Traffic/Access), the Landfill's traffic impacts will be less-than-significant.

In sum, the combined City/County Landfill and its potential environmental impacts were fully analyzed in the SEIR. Comparison of the landfill analyzed in the FEIR and SEIR with the Project described in the Addendum indicates that no new information of substantial importance shows that (i) the Project would have a new significant effect, (ii) significant effects previously examined would be substantially more severe, or (iii) new mitigation measures or alternatives would substantially reduce a significant effect, but the Project proponent declines to adopt the mitigation measure or alternative. Under CEQA, changes to a project, changes to the circumstances of the project, or the presence of new information do not trigger a need for public involvement if the changes do not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (See *CEQA Guidelines* Sections 15162, 15163, and 15164.)

TOPICAL RESPONSE # 4: Changes to Mitigation Measures in Mitigation Monitoring and Reporting Summary (MMRS)

COMMENTS: This topical response addresses the following individual comments: 4.3, 4.7, 4.11, and 4.13

RESPONSE:

In the revised MMRS, the more restrictive of the City and County mitigation measures was selected, provided that the measure was still applicable to the combined City/County Landfill.

TOPICAL RESPONSE # 5: Alternative Technologies and Sites for Waste Disposal

COMMENTS: This topical response addresses the following individual comments: PH-1 1.1, PH-1 1.2, PH-1 1.3, PH-1 1.4, PH-1 10.2, PH-1 10.5, PH-2 22.3, PH-2 24.2, PH-2 26.2, PH-2 26.3, PH-2 30.1, and PH-2 30.2

RESPONSE:

A discussion of alternative waste management technologies and strategies is provided in the SEIR, Section 1.9 (Alternatives Summary). The SEIR states in this section, on page 1-14:

Even with the implementation of advanced and aggressive waste management alternatives, solid waste landfills would still be needed to adequately provide for the amount of waste being generated within the City. Therefore, alternative waste management strategies and technologies are not considered viable alternatives to the proposed project because they would not attain most of the basic objectives or avoid or substantially lessen any of the significant effects of the project.

For the foreseeable future, alternative solid waste management technologies and strategies, by themselves, will not eliminate the need for high-intake, high-capacity solid waste landfills in the County

due to the existing and projected disposal capacity shortfall. In this regard, over 36,000 tons per day (tpd) of solid waste currently requires disposal within the County after source reduction, recycling and composting programs have diverted as much of the recyclables as is feasible. Current alternative waste management technologies and strategies would not be able to accommodate, by themselves, the volume of solid waste generated on a daily basis within the County. For example, a significant percentage of the daily intake received at the proposed City/County Landfill will be end-disposal wastes that have been processed at existing MRFs/transfer stations. These facilities would initially receive, process and recycle waste, but residual wastes (i.e., material not recovered from the waste stream) will have to be transported by transfer trucks to the landfill for end disposal. Based upon current data, approximately 50 percent of the maximum daily intake to the site will originate from MRFs/transfer stations.

A comprehensive analysis of remote landfill facilities alternatives (both in-state and out-of-state), including the Mesquite Regional Landfill, was included in the SEIR, Section 5.10 (Remote Landfill Facilities In-State/Out-of-State) on pages 5-43 through 5-66. As concluded in the SEIR, alternative landfills using waste-by-rail systems would result in greater environmental impacts than the Project because their footprint areas and areas of disturbance are larger. Refer to the SEIR, Section 5.10 (Remote Landfill Facilities In-State/Out-of-State) on pages 5-43 through 5-66, and Table 5.3-1 on pages 5-72 through 5-94, for a comparison of environmental topical issues between the City/County Landfill and alternative waste-by-rail landfill projects.

With respect to the alternatives addressed in the SEIR, in accordance with CEQA Guidelines Section 15126(d), an EIR must:

...describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.

In regard to the feasibility of alternatives, CEQA Guidelines Section 15126(d)(5)(A) states that:

...among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).

Reference the SEIR Section 5.0 (Alternatives) for a thorough discussion, including feasibility, of alternatives to the Project.

TOPICAL RESPONSE # 6: Violations

COMMENTS: This topical response addresses the following individual comments: PH-2 25.1 and PH-2 25.2

RESPONSE:

The Project proponent has successfully operated the County Landfill in compliance with the 1993 County CUP Conditions, as well as State, regional and local environmental regulatory agency permit

requirements. While the full-time County inspector assigned to the County Landfill has, on occasion, issued notices of non-compliance, the Project proponent has taken immediate actions to correct problems that were brought to its attention. According to various regulatory agencies, control measures that were implemented by BFI have been proven effective.

Additionally, the Project proponent provides management personnel with intensive training designed to give them the knowledge and tools necessary to manage their facilities and operation in the most environmentally sound manner. With respect to management training, careful attention to the health and safety of workers and the public is required. This training has been successfully completed by the onsite managers presently employed at the Sunshine Canyon Landfill site.

The Project proponent has issued reports reviewing its progress in achieving the stated goal of "environmental excellence." The Project proponent's corporate Environmental Health and Safety Policy (Policy) states:

"It is the company's policy to:

- Comply with all applicable environmental, health and safety laws and regulations, minimize adverse environmental health or safety effects from the company's business activities and take positive action toward achieving a cleaner global environment;
- Adopt administrative and operational standards where protective laws do not exist or where the company believes existing laws or regulations may not be fully protective of health and the environment;
- Cease to operate a facility or process, temporarily or permanently, if necessary, to conform to this Policy in a manner consistent with the highest industry standards or otherwise to control environmental, health, or safety risks;
- Work constructively with host communities and appropriate regulatory agencies in the implementation of this policy."

To carry out this policy, the company will:

- Conduct appropriate training and audit programs to ensure that all employees are equipped with necessary information relevant to their duties within the company to implement this full policy;
- Proactively identify and controls hazards to health, safety, and the environment resulting from its operations;
- Conduct appropriate information sharing programs to communicate the significant operating aspects of the company's facilities with employees, the surrounding communities and appropriate regulatory agencies;
- Utilize cross-company quality committees to identify and develop additional company environmental, health and safety policies which are more protective than existing laws and regulations;
- Encourage those affiliations where the company would not be the majority owner to adopt policies compare to this Environmental, Health and Safety Policy;
- Require each business segment to develop specific plans, programs and procedures appropriate to that segment to ensure effective implementation of this policy;
- Work constructively with trade associations, elected officials, governmental agencies and others to develop equitable and effective laws and regulations to protect human health and the environment;

- Conducts reviews of new facility designs and construction specifications to assure that appropriate environmental, health and safety controls are in place.”

For a copy of the Policy, reference page 24 of the “Browning-Ferris Industries, Inc., Environmental Health and Safety Report,” included in the Draft SEIR, Appendix C11.

In sum, Federal, State and local laws require the Project proponent to immediately cure or rectify any violation at the Landfill. Comprehensive and enforceable mitigation measures, operating conditions, and monitoring activities by numerous regulatory agencies are ongoing to ensure that the Project is operated in a safe manner by the Project proponent to avoid or alleviate any impacts on public health and the environment.

TOPICAL RESPONSE # 7: City’s Withdrawal from Landfilling at Sunshine Canyon

COMMENTS: This topical response addresses the following individual comments: PH-2 1.1, PH-2 1.2, PH-2 14.1, PH-2 19.2, PH-3 1.7, PH-3 4.1, PH-3 4.3, PH-3 4.4, PH-3 4.5, PH-3 4.10, PH-3 4.13, and PH-3 5.2.

RESPONSE:

The City has an agreement with the Project proponent for the disposal of City-hauled residential waste at Sunshine Canyon Landfill. As amended in 1999, the agreement has an initial six-year term, which runs through June 30, 2006, and three five-year renewal options. Relative to the possible withdrawal of the City from Sunshine Canyon Landfill, when the above-referenced comments were made, the City was pursuing a Request For Proposal (RFP) process to ensure that the City was receiving the lowest cost for disposal, with the possibility that the agreement with BFI might not be extended.

However, the City has since determined through the RFP process that the Project proponent continues to offer the lowest available waste disposal cost, and the City is currently negotiating with BFI for the extension of the agreement. In this regard, the City now has until July 22, 2005 to exercise its option to extend the agreement to June 30, 2011.

3.0 RESPONSES TO COMMENTS ON NEW CUP

3.1 Comment Letters

Letter # 1: *Jerome C. Daniel, Chairperson, Santa Monica Mountains Conservancy*

Comment 1.1: We urge the County to retain all existing mitigation measures for biological and visual impact contained in the Mitigation Monitoring and Reporting summary. In no case should any of those mitigation measures be weakened and we welcome any strengthening of those measures.

Response 1.1: Refer to Topical Response #4: Changes to Mitigation Measures in Mitigation Monitoring and Reporting Summary (MMRS).

Letter # 2: *Granada Hills North Neighborhood Council*

Comment 2.1: The Granada Hills North Neighborhood Council (GHNNC) was certified by the City of Los Angeles on September 10, 2002, and has had a duly elected and installed Board of Directors as of March 31, 2003. The area it represents and services is bounded by the Los Angeles City/County line and I-5 (Golden State Freeway) to the north, the 405 (San Diego Freeway) to the east, the 118 (Ronald Reagan Freeway) to the south, and Aliso Canyon to the west, encompassing approximately 28,600 residents.

At duly noticed meeting of the GHNNC Board on December 27, 2004 the Neighborhood Council passed a motion "To approve the recommendations from the Ad Hoc Committee on Sunshine Canyon Landfill, to write a letter with the recommendations as amended to the County Regional Planning Commission with c.c.'s to the Mayor, City Council, Environmental Affairs, Sanitation, and City Planning, and to have the letter read into the record on January 12, 2005 at the County Planning Commission Hearing in Granada Hills."

The items listed represent the Conditions from the current Conditional Use Permit, the City Q-Conditions, Mitigation Monitoring Requirement Plans (MMRPs), the Ordinances passed by the City and the County, the programs presented in the adopted Environmental Impact Reports (EIRs), the Solid Waste Facilities Permit (SWFP), and the Findings of Conformance (FOC). The current City Permit directs that when two Conditions conflict, the most restrictive will prevail and current County Permit states that the facility must comply with all mitigation measures given in any certified environmental document.

Response 2.1: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment 2.2: We have listed both the requests from the GHNNC and the adopted current Conditions that are in place in one of the above mentioned documents. Those marked with a star (*) represent adopted Conditions that the GHNNC is also requesting being carried forward.

Response 2.2: Reference the letter, attached as Letter #1 in **Appendix A** of this document, to view the items that are marked with a star.

Comment 2.3: In conclusion, we are supportive of the Conditions that require a double-liner and join the County in seeking price leveling. We also support the funds for the acquisition and care of parks and urge that a priority and special attention be given to areas near the affected communities, such as the Santa Clarita Woodlands.

Response 2.3: This comment is acknowledged.

Letter # 3: *Greig Smith, City of Los Angeles Councilman, 12th District*

Comment 3.1: I want to thank you for this opportunity to address you on the Sunshine Canyon Landfill Conditional Use Permit. This permit greatly affects health, safety and quality of life in both the City and County of Los Angeles, but is of particular significance to my constituents, as they live in close proximity to the landfill.

There are some issues that I would like to see clarified in order that they provide the highest level of protection for residents in the City and County of Los Angeles:¹

1. That County and City conditions be consistent – with the more restrictive condition prevailing.

Response 3.1: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Letter # 4: *North Valley Coalition of Concerned Citizens*

Comment 4.1: Without a public review and with a very limited internal decision (in two cases made by individual fiat), the following can and has occurred without due process and public comment:

A new map replaces the map approved by the County and attached to the approvals and referred to in the CUP. This change prevents the implementation of the concurrent revegetation plan that was a part of both the City and the County EIR.

The County arbitrarily seeks to renumber key maps/exhibits in the Conditional Use Permit No. 00-194-(5) without making such changes known to the public, without proper justification, and without prior public comment. This unannounced renumbering has already resulted in confusion on the part of the public reviewing both the CUP and the Addendum, and will result in confusion and muddying of the record in future research and legal actions. For instance on page 2-4 of the Addendum in part states: “(T)he County wishes to conserve and if possible, avert destruction of oak trees and other significant ecological resources...” and “(no) portion of the landfill may extend above

¹ With the exception of the first issue, the issues brought up in this letter do not address the New CUP, but, rather, address other matters related to the combined City/County Landfill. As this document only addresses matters directly related to the New CUP, only the first issue from the letter is presented here and responded to in this document.

the plain or outside of the surface area of the fill design shown as sequence 1 on Drawing 3A, revised February 4, 1991 (containing an estimated 16.9 million tons of waste capacity), attached as Exhibit "A". Should the City of Los Angeles approve a fill design which projected into unincorporated territory, would overlay the fill shown on Exhibit "A" without further action of the County to amend this grant the permittee may as necessary to complete the City authorized design, extend the horizontal and vertical limits of fill in unincorporated territory to but not beyond those shown on Sequence 2, Drawing 3A, revised February 4, 1991, attached as Exhibit "A" (Alternate)."

Response 4.1: Refer to Topical Response #3: No New Environmental Impacts.

Also note that the Lead Agency has determined that the New CUP does not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Under CEQA, changes to a project, changes to the circumstances of the project, or the presence of new information do not trigger a need for public involvement if the changes do not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (See *CEQA Guidelines* Sections 15162, 15163, 15164.)

Comment 4.2: The protection provided by the Monitoring and Reporting Summary, Conditional Use Permit 00-194-(5), Oak Tree Permit 86-312-(5), revised November 2004 under #4.09 which allowed native vegetation to remain as long as possible and to prevent the "wholesale or large scale clearing of vegetation in Sunshine Canyon" has been removed.

Response 4.2: The statement regarding prevention of the "wholesale or large scale clearing of vegetation in Sunshine Canyon" has been reinstated under measure #4.09 in the more current version of the revised Mitigation Monitoring and Reporting Summary (MMRS).

Comment 4.3: The revegetation plan presented and adopted in the EIR has been abandoned in the Mitigation Monitoring and Reporting Summary, Conditional Use Permit 00-194-(5), Oak Tree Permit 86-312-(5), Revised November 2004 under #4.16.

Response 4.3: Refer to Topical Response #4: Changes to Mitigation Measures in Mitigation Monitoring and Reporting Summary (MMRS).

Comment 4.4: An increase of daily tonnage to an unlimited amount for an unlimited duration under Condition #17(c) of the Conditional Use Permit No. 00-194-(5), which states in part: "(T)he Board of Supervisors may increase the maximum amount of daily and weekly tonnage allowed by this condition if..."

Response 4.4: Refer to Topical Response #2: Landfill Capacity and Duration, and Response 4.1, above.

Comment 4.5: The daily inflow hours are not limited under Condition #25, bullet #2 of the Conditional Use Permit No. 00-194-(5) which states in part: "(F)urthermore these materials may be accepted at other times if the LEA determines that the extended hours are necessary to handle additional disposal for the preservation of the public health and safety."

Response 4.5: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions, and Topical Response #2: Landfill Capacity and Duration, and Response 4.1, above.

Comment 4.6: The fill design and the previously adopted design can be changed, resulting in a large increase in volume under Condition #14, paragraph 4 of the Conditional Use Permit No. 00-194-(5) which states in part: *“(T)he permittee has demonstrated to the satisfaction for the Director of Public Works, based upon a report and engineering studies submitted by the permittee and individually evaluated by the DWP, that landfilling beyond the limits of the fill shown on Exhibit A-1 is necessary for the efficient operation of the City/County Project.”*

Response 4.6: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment 4.7: The removal of language that would require closer spacing of probes goes to the NVC argument that by revising the existing County CUP now, and removing the stricter language, the proponent can avoid more restrictive measures when the landfill is eventually combined with the City under the Joint Powers Agreement (JPA), and as such also represents a significant change. See comment under title “Least Restrictive Conditions Selected”.

The City Mitigation Monitoring Requirements Plan (MMRP) 4.2.13 #34 (a) states in part that” *“(O)ne monitoring probe per 1,000 feet.. ..in the landfill expansion”* and *“(o)ne probe per 650 feet along the landfill perimeter or which ever is more restrictive..”*. The City Solid Waste Facilities Permit 19-AR-0002-2, page 6, #17 LEA Conditions, Item “S” states in part that: *“(o)ne probe per 1,000 feet around the area of the landfill expansion and one probe per 650 feet in the area of Unit I.”* The County Mitigation Monitoring and Reporting Summary, CUP 00-194-(5), Oak Tree Permit 86-312-(5), Revised November 2004 under 7.03 on page 30 has been changed to remove one monitoring probe per 500 feet, plus has added additional clauses *“where feasible”* and *“or as otherwise determined by the SCAQMD.”* The selection of 1000 feet is obviously not the most restrictive either in the existing County documentation or the City documentation. The additional language is also less restrictive, both situations fly in the face of the stated goal of combining City and County with the most restrictive requirements being used.

Response 4.7: The project proponent is not avoiding more restrictive measures; rather, the project proponent has determined the appropriate mitigation measures based on the applicability of the measures to the combined Landfill. For a discussion of how measures were selected, refer to Topical Response #4: Changes to Mitigation Measures in Mitigation Monitoring and Reporting Summary (MMRS).

Comment 4.8: Condition #25 of Conditional Use Permit No. 00-194-(5) specifies the hours of operation. BFI now uses Condition #3 (b) of the (Q) Qualified Conditions of Approval for the City which allows for the onsite queuing of vehicles, but with no mention of the County CUP prohibition against allowing diesel trucks to idle more than 5 minutes. BFI now seeks to remove the more restrictive County requirement. The prohibition of idling diesel vehicles was required by the County to protect the surrounding communities to the south and east of the City property.

Response 4.8: The requirement prohibiting diesel vehicles from idling more than 5 minutes is, in fact, maintained. Condition #36 of the New CUP (i.e. Conditional Use Permit No. 00-194-(5))

and measure # 6.09 of the revised MMRS prohibit diesel vehicles from idling more than 5 minutes.

Comment 4.9: Condition #42 (e) of Conditional Use Permit No. 00-194-(5) states in part that: “As determined by the LEA, before each day when the Facility will be closed to solid waste receipt, the permittee shall apply soil sealant to any previously active dirt area which has not already been sealed or revegetated”. The qualifying statement added to this Condition weakens the current Conditional Use Permit No. 86-312-(5) approvals which do not specify any exceptions and which state: “Before each day when the landfill will be closed to refuse receipt, the permittee shall apply soil sealant to any previously active dirt area which has not already been sealed or revegetated”. The addition of the ability of the LEA to permit the operator not to use soil sealant is not acceptable because currently with the use of tarps, the only time the soil sealant is applied to active areas is once a week. Also a question of semantics. Is “solid waste receipt” different from “refuse receipt” or “Facility” different from “landfill” in that somehow the choice of words might present an exception not anticipated by 86-312-(5)?

Response 4.9: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment 4.10: Condition #42 (b) of Conditional Use Permit No. 00-194-(5) states in part that: “(A)t times of the year when high wind conditions may be expected, any working face shall either be located in areas of minimal wind exposure or be closed, if deemed necessary by the LEA.” The current CUP, Conditional Use Permit No. 86-312-(5) mandates closure on windy days and the power to close it is not at the discretion of an agency representative. This condition is less restrictive. Since an anemometer exists on site, the wind-speeds can accurately be monitored and fixed parameters established for landfill closure.

Response 4.10: As discussed in the SEIR in Sections 4.2.2 (California’s SCAB Regional Climatic Characteristics) and 4.9.3 (Litter), the project site is located in the eastern edge of the Santa Susana Mountains near the entrance of the Newhall Pass area and may be subject to strong winds that can blow litter or generate dust. During high wind conditions, the project site manager will designate confined and shielded portions of the landfill for disposal. Because of certain topographic features and the separation distance from O’Melveny Park or residential areas within Granada Hills to the working face, the potential for litter migration into these areas is very unlikely. In case such an event occurs, the landfill’s litter control crew would be dispatched immediately to clean up any migrating litter from the landfill. Furthermore, the Project foreman has the authority to cease construction activities and/or close the landfill if warranted by high wind conditions. For a listing of dust suppression and litter control measures employed at the Project, see the mitigation measures listed on pages 178 through 180 (Section 3.2.6, Air Quality) of the FEIR, and on page 4-86 (Section 4.2.11, Construction), pages 4-88 through 4-90 (Section 4.2.12, Operations), and pages 4-305 through 4-306 (Section 4.9.3, Litter) of the SEIR. For additional information regarding the potential impact of winds on the Project, reference the Final SEIR, Section 3.0, Response to Comments, Topical Issue 3 (Landfill Fugitive Dust Emissions During High Wind Conditions) and Topical Issue 18 (Litter Control).

Comment 4.11: The City Mitigation Monitoring Requirements Plan (MMRP) 4.2.13 #34 (a) states in part that “(O)ne monitoring probe per 1,000 feet.. ..in the landfill expansion” and “(o)ne probe per 650 feet along the landfill perimeter or which ever is more restrictive..”. The City Solid Waste Facilities Permit 19-AR-0002-2, page 6, #17 LEA Conditions, Item “S” states in part that: “(o)ne probe per 1,000 feet around the area of the landfill expansion and one probe per 650 feet in the area of Unit 1.” The County Mitigation Monitoring and Reporting Summary, CUP 00-194-(5), Oak Tree Permit 86-312-(5), Revised November 2004 under 7.03 on page 30 has been changed to remove one monitoring probe per 500 feet, plus has added additional clauses “where feasible” and “or as otherwise determined by the SCAQMD.” The selection of 1000 feet is obviously not the most restrictive either in the existing County documentation or the City documentation. The additional language is also less restrictive, both situations fly in the face of the stated goal of combining City and County with the most restrictive requirements being used. The removal of the language that would require closer spacing of probes goes to the NVC argument that by revising the County CUP now, and removing the stricter language, the proponent can avoid more restrictive measures when the landfill is eventually combined with the City under the Joint Powers Agreement (JPA) and as such also represents a significant change. See comment under title “Significant Change”.

Response 4.11: Refer to Topical Response #4: Changes to Mitigation Measures in Mitigation Monitoring and Reporting Summary (MMRS).

Comment 4.12: Exhibit A-1 and Alternate should have been included. Condition #2 of the Conditional Use Permit No. 00-194-(5) also states in part that: “(R)evised site plans may be submitted for approval by the Director of Planning as required, consistent with the intent of this grant and ;the scope of the environmental documentation, with copies if the submittal filed with the Direct of Public ‘Works and the LEA, except as otherwise provided in Condition 32. No revision shall be made to Exhibit ‘A’ “. This ignores the fact that Solid Waste Facilities Permit 18-AR-002-2 17 (O), which states in part that: “ (T)he LEA and other relevant City agencies must approve of any new activity within the landfill boundaries, including additional environment review that may be necessary. If conflicting conditions, mitigations or operational descriptions exist between the JTD and environmental documents approved by the City, the most restrictive interpretation will be made by the appropriate agency.”

Response 4.12: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions, and Topical Response #3: No New Environmental Impacts. The proposed change in design is not a “new activity” requiring additional environmental review; it is a change in an existing activity within the scope of review of the LEA.

Comment 4.13: The County Mitigation Monitoring and Reporting Summary, CUP 00-194-(5), Oak Tree Permit 86-312-(5), Revised November 2004 under 4.07 on page 15 states in part that: “(T)he 100-acre buffer zone will not be developed with the exception of development necessary to continue the existing use for gas, oil an [sic] lease operations, and..” This statement is incorrect as the buffer zone is 120 acres with the proponent in the past removing and excluding 20 acres specifically for gas, oil, and lease operations. This leaves the 100-acre buffer zone unencumbered by these operations and the section should be amended accordingly.

Response 4.13: Refer to Topical Response #4: Changes to Mitigation Measures in Mitigation Monitoring and Reporting Summary (MMRS).

In addition, the FEIR, SEIR, and Addendum identify the size of the buffer zone as 100 acres, not 120 acres. As stated in the FEIR on page 28, "...and a 100-acre buffer area to the southwest also shield the site from development in the foothills of the San Fernando Valley." The FEIR again states on page 53 that, "The 100-acre buffer are on the southeast portion of the property will be retained as a buffer in its natural state." On page 60, the FEIR references operating oil wells located on land outside of the fill areas that is leased to outside companies. The project proponent did not reduce the area of the buffer zone to allow for these operations.

Throughout Section 2.0 (Project Description) of the SEIR, the buffer zone is describes as 100 acres in size. For example, reference page 2-13, Table 2.41 on page 2-14, and Figure 2.45 on page 2-21. A specific description of the buffer area is provided in the SEIR in Section 2.11.7 (Visual/Landscaping Buffer Area) on pages 2-85 through 2-86 and in Figure 2.11-1 on page 2-87. As stated on page 2-85:

"Located directly south of the existing inactive landfill is a +/- 100 acre open space buffer area, which was established by the project proponent as a buffer zone to separate that landfill form residential areas in Granada Hills. This buffer area was permanently set aside in the early 1980's and serves as an onsite mitigation area. This buffer zone also supports various uses (i.e., leased oil wells or associated facilities)."

This description again demonstrates that the project proponent did not reduce the area of the buffer zone to allow for oil and gas operations. The SEIR further discusses pre-existing gas and oil wells on pages 4-283 through 4-288 in Section 4.8 (Natural Resources).

Finally, the Addendum mentions the 100-acre buffer area in the discussion of noise on page 3-12 and in the discussion of air quality on page 3-27; and the 100-acre buffer area is identified on Figure 1-2 on page 1-4 of the Addendum.

Letter # 5: *Valley Industry and Commerce Association*

Comment 5.1: VICA has been a consistent supporter of containing waste disposal costs borne by local business. Because these costs are a major business expense, our members pay close attention to waste disposal issues and how Los Angeles can improve upon current solid waste management practices and avoid an impending waste crisis.

We understand the concerns that have been raised by the community and those by the operators of Sunshine Canyon Landfill. We believe that until a long term plan is identified by the City and County that articulates clear objectives for decreasing the region's dependence on these facilities, calls for closing any landfill are shortsighted and premature.

Businesses in the County already generate 18,000 tons of waste each day, with residents producing 12,000 tons per day. Economic and population forecasts strongly indicate these numbers will continue to rise creating a greater demand for disposal capacity.

Meanwhile, many of our members have visited the site to see first-hand how it is managed and operated. We're satisfied.

VICA has not heard of a short-term or long term, *viable* alternative to in-county land filling, although we do support the planning and development of such an alternative. In fact, we are holding a waste management workshop in the near future to share what other businesses and cities are doing; and what businesses can do to reduce their waste streams and learn about incentives to reduce waste and recycle.

Additionally, we are concerned that the cost of shipping trash out of the County will be significant; not only for businesses but also for residents. For businesses, it could be as much as 40 to 60 percent higher than what they currently pay. This is a major impact on a business's bottom line, and realistically, a majority of these costs will be passed on to consumers.

Your approval of BFI's request to operate Sunshine Canyon Landfill as a combined City/County Landfill, as opposed to two separate operations, is strongly encouraged by VICA. With few viable options on the table, this is the most responsible choice.

In closing ... VICA continues to be on record as supporting the creation of a joint City/County landfill at Sunshine Canyon.

Response 5.1: VICA's support for the Project is acknowledged for the record.

3.2 Comments Submitted at December 1, 2004, Public Hearing

PH-1 Commenter # 1: *Commissioner Helsley*

Comment PH-1 1.1: I would like to go to the slide following this for one moment, too, if I might. Two-thirds of the way down, it says study, promoting, developing alternatives to landfill and incineration. The County or agencies have been studying, promoting, developing alternatives to landfill and incineration for a number -- number of years. And I have some real concerns here in that we need to see some physical siting of some of this material. I'm to the point where La Puente -- we have that wording in there, and there's a fee that's added to it for that purpose. I'm not personally in a position where I think that's a good position here if we start implementation of -- I think that's a better statement -- so that we get something going. And we have some facilities available. In the county you had two red dots on a map that are part of that.

Response PH-1 1.1: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-1 1.2: ...we have two conversion facilities that one of them way down by the port so it really doesn't service -- it all has to go reverse direction. So it doesn't really service a lot of transportation out on the roadways. We have one that's rather centrally located, but we have nothing in the other exteriors of this county. And so we have a tremendous -- what I call -- lack or need for these facilities in and around.

Response PH-1 1.2: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-1 1.3: Yes, you're going to say, well, we can't do it because of air pollution. Well, we have one facility in Commerce that, yes, it may -- it's operating there. We have scrubbers today. I know in the water industry they are very effective. We can, I think, apply very similar technologies to air so that we don't have that ability to have smoke.

Response PH-1 1.3: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-1 1.4: So now it becomes a political issue of, are we going to put that trash burner in my backyard and -- or where is it going to be? Well, we all generate trash. We all have a responsibility for that, taking care of it, someplace within our own local vicinity. I don't see that happening as I look that map, and we've got to do something along that line.

Response PH-1 1.4: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

PH-1 Commenter # 2: *Commissioner Modugno*

Comment PH-1 2.1: As we implement, if we were to implement all of the proposed recommendations that Public Works has put forward, it's going to substantially raise the cost of putting waste in that landfill.

Response PH-1 2.1: County staff has been directed to address questions regarding fees.

Comment PH-1 2.2: What I observe is the fact that we have landfills all over the county. And, as you've indicated on your map that sort of done this [sic] locations, and there's landfills in surrounding counties that we export our trash to. As we change the economics of each landfill by raising tipping fees, what happens is the haulers or the cities or whoever is taking trash to landfills is going to do it seeking the lowest possible cost for them to dispose of the trash. I'd like an analysis done by your department, if possible, that will come back to us and have sort of lines of where trash is going from the various cities and the various haulers to which landfills, if that can be found, and the cost of tipping or dumping the trash in the various landfills.

Response PH-1 2.2: County staff has been directed to address questions regarding fees.

Comment PH-1 2.3: All we're doing is moving trash trucks around and putting them on the freeways, burning fossil fuels, adding to the level of, you know, air pollution, et cetera. I find that my instinct is sort of telling me that as we've raised the prices of various landfills and we brought them up to certain standards -- and I think that's terrific -- trash trucks just tend to go to the cheapest place that they can go unless they're

under contract. And as they renegotiate those contracts, they're going to go someplace cheaper -- that my concern with the types of level of fees which are being asked here and the conditions is -- do we make this landfill more costly and, therefore, just move the trash further away which exasperates the situation that's already on our impacted freeways? And the same would hold true of trash that's being diverted away from a city, way south, that could go south, that's going to go way north. So if we're moving trash from someplace in the southern part of the county through the city of Los Angeles through the San Fernando Valley -- which is city of Los Angeles -- up in and then out in the Antelope Valley, it's merely a cost of what are the tipping fees and add to that the transportation costs. The hauler is going to look that and factor that into their equations.

Response PH-1 2.3: County staff has been directed to address questions regarding fees.

Comment PH-1 2.4: So before we proceed and get at a final determination on this, I really would like to have your department, if possible, do some level of study in terms of the tipping fees at the various landfills within the county and some estimates, if you can find the information, of tipping fees outside, and to the extent to which you know where the trash is going because I think it's crucial as we look at adding costs to this and we're not adding capacity, is that going to cause, then, haulers to say, then, "Well, gee, we won't take it to Sunshine, but we'll take elsewhere." And then somebody is going to look at their cost and say, "Well, gee, we're going to go into Sunshine." So indeed, then we send trash who knows where, and then somebody down in San Diego may decide Sunshine suddenly becomes cheaper, and then we've got trash moving 200 miles to get -- it's just -- you see where I'm heading?

Response PH-1 2.4: County staff has been directed to address questions regarding fees.

PH-1 Commenter # 3: *Chairman Bellamy*

Comment PH-1 3.1: In conjunction with that, I've always been very concerned about how the monitoring of the reporting takes place. If the haulers are going to the landfills based upon tipping fees, it seemed to me it would be very difficult to determine which city that solid waste was coming from or if it's coming from the county at all. And I've never really got a good answer about how you're going to monitor. Maybe that's the reason why the county has this problem as far as meeting their requirement for AB 939, is the monitoring.

Response PH-1 3.1: County staff has been directed to address questions regarding fees.

PH-1 Commenter # 4: *Larry Friedman, City of Los Angeles Planning Department*

Comment PH-1 4.1: Just to reflect our same concern, we have not completed our review of the draft conditions. We have some concerns about some of the conditions which do address a combined City/County landfill. We do not feel that that should be

predetermined prior to a joint agreement between the two jurisdictions. One condition in the city ordinance that I do not see in the draft condition concerns the acceptance of waste from outside L.A. County. In the City ordinance, that's prohibited; it's not permitted. I don't see that condition in the draft County conditions. I think that's a concern of ours, particularly in light of the discussion you had earlier about potential effects on air quality and traffic both in the city and county, and we feel that there should be consistency, preferably that the County conditions would match ours in that regard.

Response PH-1 4.1: The County and the Project proponent have not proposed a CUP condition that would prohibit the acceptance of out-of-County waste. Additionally, refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

PH-1 Commenter # 5: *Bonny Herman, President/CEO, Valley Industry and Commerce Association*

Comment PH-1 5.1: Good morning, Mr. Commissioner and fellow Commissioners, other Commissioners. My name is Bonny Herman, and I am president and CEO of the Valley Industry and Commerce Association, also known as VICA. It's a private, nonprofit, nonpartisan business organization based in the San Fernando Valley. And as such, the environment committee, the environment infrastructure and water committee of the VICA, has made it a priority over the years to follow the development of the Sunshine Canyon landfill. We know it's the most regulated landfill in the county, has a federally-approved liner system, and a full-time, on-site inspector.

Like everyone in attendance today, VICA's concerned with how the solid-waste-disposal needs of Los Angeles City and County are met. VICA has been following waste management as a whole for the past several years, has come to the conclusion that Sunshine Canyon landfill needs to continue to play a major role in this region's waste disposal strategy. Los Angeles County faces a regional deficit in landfill capacity, is already operating -- excuse me -- exporting at least 8,000 tons of trash per day to other counties. We know over the next 25 years the number of people and businesses in the region will increase, as will the amount of waste they produce. We will see more landfill closures with no new in-county capacity to make up the difference.

VICA urges you to grant the modified conditional use permit -- excuse me -- in January that allows Sunshine Canyon to operate as a single entity, as the 1993 Board of Supervisors originally intended, to guarantee the complete utilization of the previously approved capacity. Keeping costs low to residents and businesses is crucial to staying competitive in today's economy in the region. And as president of VICA, we work daily to battle against the creeping costs of doing business in the area. The price of even the most basic services can have a considerable impact on a company's survival. Currently, certain alternatives to Sunshine Canyon landfill could cost businesses up to 40 to 60 percent more. Allowing Sunshine Canyon landfill to develop and operate as a single entity is a very good business decision.

We all generate waste, and the safe disposal is crucial to the health of the community today and in the years to come. Sunshine Canyon landfill presently is the best option at the lowest cost currently available and is safe and well-regulated. VICA strongly urges this Planning Commission to grant the modified conditional use permit requested today.

Response PH-1 5.1: VICA's support for the Project is acknowledged for the record.

PH-1 Commenter # 6: *Ann Kinzle, Executive Director, Reseda Chamber of Commerce*

Comment PH-1 6.1: The Reseda Chamber of Commerce Board of Directors supports the conforming revisions of the 1993 CUP creating a joint Sunshine Canyon city/county landfill. Environmentally safe and most effective waste disposal is a very critical issue facing the county of Los Angeles. And we believe the management of the region's solid waste is important and are writing this letter to be on record as supporting the creation of a joint city/county landfill at Sunshine Canyon. We strongly urge the Commission to approve the conforming revisions to Sunshine Canyon's CUP. It really has been successfully operated since 1958 under some of the strictest environmental regulations in the county and offers low-cost solid-waste disposal.

We all produce waste, so we must be responsible for safe disposal. This is a region-wide issue and concerns all the communities. Even while it impacts nearby communities the most, it doesn't matter what the issue is, even waste disposal. Every community must bear the responsibility and the burdens to benefit the region at large.

Landfill capacity across Southern California is becoming scarce and finding immediate disposal options are very difficult. Approving the conforming revisions to the 1993 CUP guarantees the Sunshine Canyon landfill will be able to maximize its capacity, assist the county in meeting its AB 939 requirements, and to be more self-sufficient in meeting its waste disposal needs for the next 25 years. We believe that Sunshine Canyon landfill is a critical part of the region's ability to manage solid waste in the short and long term in an environmentally safe and cost-effective manner. And that's signed by Tigran Kojoglyan, the President, and myself.

Response PH-1 6.1: The Reseda Chamber of Commerce's support for the Project is acknowledged for the record.

PH-1 Commenter # 7: *Enrique Gonzalez, General Manager, American Waste Industries*

Comment PH-1 7.1: American Waste Industries is one of the many independent haulers and one of the few recyclers in the Los Angeles County area. And the reason why I'm here to speak is that I'm in -- to urge the Commission to approve the expansion for the county and city landfill.

On a daily basis, with the landfill closing early, I have to deal with finding ways to dispose of the waste material that I haul on a daily basis. The two recycling facilities that I operate -- one is for CUD, and the other one is for dry material recovered facility.

Even with all of the recycling that we do, there is still a residual amount of material that needs to be disposed of on a daily basis, and when the landfill closes early, I have to find other locations to take this material to, which means that I got to send my trucks longer distances to dispose of -- the majority of the waste hauling that I do is for the city of Los Angeles, and so when BFI does close early, I have to find locations that accept materials from the city of Los Angeles, which there's really not that many.

The valley currently does not have transfer stations that accept tonnage from the city of Los Angeles, which means the trucks now -- I have to send either down to Long Beach or out of county, which means that they're on the road longer and which puts all of my routes between five and six hours behind schedule. When that happens, there are parts of town that I'm not able to pick up waste from, which means that I have to now push those -- push those customers out to the following day, which means that there's residents out there in the city of Los Angeles that are not getting their scheduled pickup days on their scheduled days, which means that there's more trash that has to be picked up the following day, which means that apartment complex have bins that are being overloaded, and I got trash being stacked up to second, third, fourth floors which I believe causes a health and safety hazard. I urge for the approval of this so that we can try to establish more facilities that can handle the amount of waste that is picked up on a daily basis.

Response PH-1 7.1: American Waste Industries' support for the project is acknowledged for the record.

PH-1 Commenter # 8: *Nicole Bernson, representative for Greig Smith*

Comment PH-1 8.1: Lastly, I would like to commend staff for their recommendations on Item 70, requiring the county portion of the landfill to be lined by the double composite liner system required by the Los Angeles Regional Water Quality Control Board for the city-side expansion. I strongly recommend the adoption of this recommendation because it is more protective of our ground water which cannot be confined to county or city sides.

Response PH-1 8.1: Refer to Topical Response # 3: No New Environmental Impacts.

PH-1 Commenter # 9: *Daniel Hackney, Office of the Mayor of the City of Los Angeles*

Comment PH-1 9.1: The mayor would like to state that for your body he is concerned that an approval of this permit does coincide with the opening of the city side of the facility in

spring of 2005 as far as the 12,100 tons per day capacity, and that that capacity not be reached before the opening on the city side and joint powers agreement being reached between the city and the county. We do want to reemphasize that until that joint powers agreement is reached, the City LEA would continue its enforcement entitlements on the city side of the landfill.

Response PH-1 9.1: Refer to Topical Response #2: Landfill Capacity and Duration. It is recognized that until an agreement is reached between the County and the City LEAs relative to the joint oversight of the City/County landfill, the City LEA would continue its enforcement of City conditions on the City side of the landfill. Specifically it is stated in measure # 13.04 of the MMRS that separate City and County LEA inspectors will perform full-time inspections within their own jurisdictions until the adoption of a joint LEA agreement delineating a joint enforcement program.

Comment PH-1 9.2: And finally, we enthusiastically commend the county and its staff for the double-liner requirement and emphasize our desire that that be included in the county side of the permit.

Response PH-1 9.2: Refer to Topical Response #3: No New Environmental Impacts.

PH-1 Commenter # 10: *Joel Simonian, Waste Solutions*

Comment PH-1 10.1: The gentleman that spoke earlier from operations-- the general manager from American Waste Industries -- I've watched him struggle to get trash picked up to a point to where it's become a public health and safety issue, where trash is piled up a chute all the way up to the second floor, and kids ranging from the ages of two to six are pulling trash out of the little door because they're just playing. They're running up and down the hallways and stuff, and managers are calling, and guys like me are fielding the calls as the managers call in a panic because they don't know what to do.

So I urge you not to wait, but to please move forward. This is a critical issue. It's not something to be taken too lightly. And it certainly isn't something to be over-analyzed. I know there's a lot of very, very, very serious issues that need to be looked at here, but we've got a real serious issue about capacity, landfill capacity. And it's for real, and it's here now.

Response PH-1 10.1: Waste Solutions's support for the Project is acknowledged for the record.

Comment PH-1 10.2: Commissioner Helsley: The MRFs in the vicinity out there, where we have material recovery facilities.

Mr. Simonian: Most are darn-near capacity. I know that Community Recycling is pretty close to capacity, and that's about the only MRF or transfer station in the Valley.

Response PH-1 10.2: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-1 10.3: Now, how we define capacity is two different things. Capacity is measured on paper, and then we're sending a truck over there. The owner of the facility is out there, flagging us down, saying, "No, there's no more room; go back." So somewhere in between there, you determine capacity. The reason I mention that is because I've heard so many arguments by individuals who feel very strongly that we have all the capacity in the world, but we really don't.

The Athens facility, I believe, is near capacity. They're trying to expand currently. They're -- they have some real, real serious hurdles to get over in their area. It's kind of going to be a little congested up and down Valley Boulevard maybe.

Response PH-1 10.3: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment PH-1 10.4: And it still probably won't be quite enough when you measure the population growth. You know, there's no -- Enrique didn't quite explain in detail. What they did is they sent -- it was one of my clients down in the South Bay. They sent a truck from the Valley all the way down to South Gate to dump. That's crazy. In the meantime, I had a manager on the phone calling, like, repeatedly in a panic about trash piling, and glass breaking on the ground, and some kids cutting their feet or something. How do you answer questions like that?

Response PH-1 10.4: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment PH-1 10.5: Well, Los Angeles has got a pretty good plan put together so far. I mean, they're moving forward in the right direction. I think L.A. County -- I just attended the L.A. County CND ordinance meeting, and you know, we're all moving in the right direction. We just need time. We need time. There needs to be some type of a transition period there where you take a city that's the second largest or third largest -- whichever of the two -- in the nation in size, and where you take it from landfilling all the way to no landfilling. There needs to be a transition period, and we need the landfill during that period. I have run -- well, I have been involved in building facilities. I've been involved in running facilities. And you can't recycle more than a certain percentage of the waste stream economically. You've got to have some type of disposal capacity.

Response PH-1 10.5: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

3.3 Comments Submitted at January 12, 2005, Public Hearing

PH-2 Commenter # 1: *Greig Smith, City of Los Angeles Councilman, 12th District*

Comment PH-2 1.1: I want to make a statement to you, first of all, that I believe that this Commission need not process this application any further. The City of Los Angeles has issued an RFP to take its trash out of Sunshine Canyon. That RFP will be heard by our Public Works Commission within two weeks time, and it is my belief that, at the

direction of the Mayor, Mayor Hahn, with my support and the Council's support, that the City of L.A. will be removing its trash from the Sunshine Canyon dump.

Response PH-2 1.1: Refer to Topical Response #7: City of Los Angeles Withdrawal.

Comment PH-2 1.2: Now I hope you will take that into account and, as you process forward, you will take a look at what the City of Los Angeles does in the next few weeks to end our dependence on Sunshine Canyon.

Response PH-2 1.2: Refer to Topical Response #7: City of Los Angeles Withdrawal.

PH-2 Commenter # 2: *Commissioner Modugno*

Comment PH-2 2.1: There is a City-permitted landfill and there's a County-permitted landfill, and this is looking at merging the two from an operational standpoint. It doesn't lessen or increase the amount of daily fill that's going into the landfill.

Response PH-2 2.1: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment PH-2 2.2: I see this, and you clearly understand this as well or better than most people in this room, we're going to be set with choice here. The choice is either not to approve this, and we'll recommend it to the Board of Supervisors, which allows a continuation under its current standards of a Los Angeles City dump and a County facility. Separate guidelines, separate operations. And that's one way of just saying, don't approve this at this point in time, or the other way is trying to approve it with conditions.

Response PH-2 2.2: This comment has been acknowledged for the record.

Comment PH-2 2.3: I'm not seeking the conditions, but it would be a matter of, at this point in time, look, let's move forward and say no, which just lets them operate as they are currently doing with two separate facilities, one of which is not yet back in operation, but once it becomes back in operation, I just dread the additional traffic that's going to be coming that's going to make matters worse, not better. And that's something we're going to be facing coming, I think fairly soon.

Response PH-2 2.3: Refer to Topical Response #3: No New Environmental Impacts.

PH-2 Commenter # 3: *Daniel Hackney, Office of the Mayor*

Comment PH-2 3.1: I am simply here on behalf of Mayor Jim Hahn to say that, yes, in fact we met today with Councilmember Smith, and the Mayor is in total support of all of the measures and requests that the Councilman has just put before you. That's all we have to say.

Response PH-2 3.1: This comment has been acknowledged for the record.

PH-2 Commenter # 4: *Lynn Levitt, Chairman, Mid-Valley Chamber of Commerce*

Comment PH-2 4.1: The Mid-Valley Chamber of Commerce supports BFI's request to the Regional Planning Commission to create a joint City/County landfill that will fully utilize landfill capacity and provide cost-effective and safe disposal for County businesses and residences for the next 25 years.

Our Chamber has followed the discussions and arguments about waste disposal with interest. Every Chamber meeting includes a formal or informal discussion about the rising costs of doing business. And when we read the cost of sending our trash somewhere other than in-County landfill could cost as much as \$20 million more each year, we are alarmed. On top of the cost issues, we are confused as to some of the reasons given opposing the landfill as negativity impacts air, the negative due to impact air quality, it causes cancer, and the traffic congestion. The first two, we understand, have repeatedly been proven to not be true. And as for traffic, we are not clear on the traffic impact at this time. Can it be that, with a single working entrance as opposed to the two current separate entrances, would that have any change to the traffic impact that is going on at this time.

In closing, I encourage you to approve the CUP that will allow Sunshine Canyon to operate as a combined City/County landfill as opposed to the two separate operations. It not only is the lowest cost option for the County businesses and residences, it also represents a reduced environmental impact as compared to the alternatives.

Response PH-2 4.1: Refer to Topical Response #3: No New Environmental Impacts. Additionally, Mid-Valley Chamber of Commerce's support for the Project is acknowledged for the record.

PH-2 Commenter # 5: *John Lauritzen, School Board Member*

Comment PH-2 5.1: So we would hope that you would not approve an additional tonnage allocation for this landfill. We would like to see it, obviously, closed down.

Response PH-2 5.1: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment PH-2 5.2: As a resident of the Valley, I am very concerned about the health and safety of my neighbors, but, most of all, I am concerned about the health and safety of the students of Los Angeles Unified.

Response PH-2 5.2: Refer to Topical Response #3: No New Environmental Impacts.

PH-2 Commenter # 6: *Sheldon Levitt, Resident, Northridge*

Comment PH-2 6.1: We already export over 8,000 tons of trash per day to other counties. Los Angeles County takes measures to ensure that it does not handle waste from other regions. It should not increase its reliance on other counties and municipalities to dispose of its own trash. I strongly urge the Commission to approve a joint City/County operation at Sunshine Canyon landfill and allow all the development process and maximizes the utilization of all available landfill space.

Response PH-2 6.1: Mr. Levitt's support for the Project is acknowledged for the record.

PH-2 Commenter # 7: *John McCabe, Valley Industry and Commerce Association*

Comment PH-2 7.1: VICA has been a consistent supporter of containing waste disposal costs borne by local businesses. Because these costs are a major business expense, our members pay close attention to waste disposal issues and how Los Angeles can improve upon current solid waste management practices and avoid an impending waste crisis.

We understand the concerns that have been raised by the Community and those by the operators of Sunshine Canyon Landfill. We believe that until a long term plan is identified by the City and County that articulates clear objectives for decreasing the Region's dependence on these facilities, calls for closing any landfill are short-sighted and premature.

Businesses in the County already generate 18,000 tons of waste each day, with residents producing approximately 12,000 tons each day. Economic and population forecasts strongly indicate these numbers will continue to rise, creating a greater demand for disposal capacity. Meanwhile many of our members have visited the site to see firsthand how it is managed and operated, and were satisfied. VICA has not heard of a short term or long term viable alternative to in-County landfilling, although we support the planning and development of such an alternative. In fact, we are holding a waste management workshop in the near future to share what other businesses and cities are doing, and what businesses can do to reduce their waste streams, learn about incentives to reduce waste, and recycle.

Additionally, we are concerned that the cost of shipping trash out of the County will be significant, not only for businesses but also for residents. For businesses, it could be as much as 40 to 60% higher than what they currently pay. This is a major impact on a business' bottom line.

Realistically, a majority of these costs will be passed on to consumers. Your approval of BFI's request to operate Sunshine Canyon Landfill as a combined City/County landfill, as opposed to two separate operations, is strongly encouraged by VICA. Of the few viable options on the table, this is the most reasonable

choice, we believe. In closing, VICA continues to be on the record as supporting the creation of a joint City/County landfill at Sunshine Canyon.

Response PH-2 7.1: VICA's support for the Project is acknowledged for the record.

PH-2 Commenter # 8: *Melody Le Blanc, Encino Chamber of Commerce*

Comment PH-2 8.1: Approving the conforming revision to the 1993 CUP guarantees that Sunshine Canyon Landfill will be able to maximize its capacity. Also, this will assist the County in meeting its AB939. Sunshine Canyon Landfill will be more self-sufficient in meeting the waste disposal needs for the next 25 years, and during that time, maybe we will find a better place to put it.

Response PH-2 8.1: The Encino Chamber of Commerce's support for the Project is acknowledged for the record.

PH-2 Commenter # 9: *Richard Lainer, Resident, Northridge*

Comment PH-2 9.1: As a resident of the area of Sunshine, I too would like to see the landfill closed. However, I am realistic enough to realize it will be decades before this is possible. We need Sunshine Canyon to be able to fully utilize the capacity available working as a single operation,...

Response PH-2 9.1: Mr. Lainer's support for the Project is acknowledged for the record.

Comment PH-2 9.2: I encourage the Commission to approve BFI's request for a CUP to combine the City and County landfills into a single operation calling for an efficient operation into the foreseeable future. Bottom line, Sunshine Canyon is here and operation, operational, and the County trash must be managed efficiently and in a cost-effective manner. We don't have any choice. In closing, I would encourage the Commission's approval of the CUP that would allow Sunshine Canyon to operate as a combined City/County landfill as opposed to two separate operations.

Response PH-2 9.2: Mr. Lainer's support for the Project is acknowledged for the record.

PH-2 Commenter # 10: *Brian Green, Providence Holy Cross Medical Center*

Comment PH-2 10.1: They have a documented history of supporting a number of local causes besides the Hospital. They've made extensive efforts to keep the community informed of the news and events that are going on around the landfill. They've had more than 200 site visits and tours over the past four years. And we feel they have been diligent in their efforts to address the concerns and educate the community at large. And

so, on behalf of Providence Holy Cross Medical Center, we are here to support them in their endeavors to continue to serve the Valley and its residents.

Response PH-2 10.1: Providence Holy Cross Medical Center's support for the Project is acknowledged for the record.

PH-2 Commenter # 11: *Flip Smith, Owner, Flip's Tire Center*

Comment PH-2 11.1: The cost of doing business has increased substantially with workmen's comp, health care; every angle we have has increased substantially. Frankly, getting rid of my waste is, probably includes the least amount. I think efficiently it has held the line better than anything else. Recently, just in January, California has decided to go from \$1 a tire tax to \$1.75 a tire tax. I'm inspected by Building and Safety by 7 different inspectors; it costs money. It seems like I'm – oh, there's a sewer surtax at this point for increase. The cost of doing business is going up constantly. Naturally a lot of these costs are being passed on to my customers and I'll doing it as much as I possibly can. But the residents and customers who come to me are paying for these taxes. I think that the waste has to be moved somewhere. I am not even mentioning the tires that we have to dispose of. I spend \$3600 a year just getting rid of waste, let alone tires which are over \$10,000 a year to throw away. Those costs are getting passed on to the customers as much as possible. A businessman still has to absorb a lot of that. I think that the Conditional Use Permit should be allowed for BFI. I think they are efficient. I think any additional costs of use added to them will ultimately be passed on to me which will just be passed on to my customers. So, as a retail business, I would recommend that you pass the Conditional Use Permit.

Response PH-2 11.1: Mr. Smith's support for the Project is acknowledged for the record.

PH-2 Commenter # 12: *Sister Carmel Summers, Administrator, Valley Medical Center*

Comment PH-2 12.1: The replacement Conditional Use Permit providing for joint operation of the landfills will facilitate more efficient management of the City/County facility. This combined operation was proposed by the County Board of Supervisors in 1993 and is supported by two environmental impact studies.

Response PH-2 12.1: Valley Medical Center's support for the Project is acknowledged for the record.

Comment PH-2 12.2: This combined landfill would provide lower costs than are presently available in disposal alternatives. These savings would benefit businesses in the area and provide resources for other needs, hopefully including solutions to our ever-increasing landfill needs. At this time Valley Family Center supports a joint City/County operation at Sunshine Canyon and the granting of a new CUP to provide for this.

Response PH-2 12.2: Valley Medical Center's support for the Project is acknowledged for the record.

PH-2 Commenter # 13: *Tom Soulé, CPA, North Hollywood*

Comment PH-2 13.1: I am here today to voice my support for a replacement Conditional Use Permit that will allow Sunshine Canyon to operate as a single entity. I have been to the BFI Sunshine Canyon Landfill in Granada Hills. I was very impressed with the way that the facility was managed. The trash, after being emptied from the trucks, was immediately covered over with dirt to prevent any smell or flying debris. Also the area was wetted with a large hose to reduce any dust. The whole area was very clean as far as I saw.

Considering the landfill capacity the County faces today and the years to come and it is crucial for the Region's waste disposal assets to be developed in a manner that promotes the maximum utilization of the resource. The need for convenient, low cost and environmentally sound waste disposal cannot be overstated. I strongly urge you to allow the most efficient development of Sunshine Canyon Landfill so that the Region can continue to rely upon it as an integral part of the County's waste disposal strategy.

Response PH-2 13.1: Mr. Soule's support for the Project is acknowledged for the record.

PH-2 Commenter # 14: *Don Schultz, President, Van Nuys Homeowners Association*

Comment PH-2 14.1: Commissioners, we are asking you this evening to deny the CUP at this time. Tonight you heard from the City Councilman for this District urge you to delay any action on this CUP. His reasoning, which certainly sounds reasonable, is that the City of Los Angeles, namely the City Council, will be making a decision which could come as soon as just a few weeks that would ultimately make Los Angeles a landfill-free city. The Los Angeles City Council may or may not come up with a solution that will please the County. Certainly waiting until the City completes this action, which Councilman Smith indicates will only take a few weeks, would appear to be a rational request. Our Mayor and our local City Council request that you delay this decision.

Response PH-2 14.1: Refer to Topical Response #7: City of Los Angeles Withdrawal.

PH-2 Commenter # 15: *Wayne Adelstein, President, North Valley Regional Chamber of Commerce*

Comment PH-2 15.1: Tonight you're considering an action to allow the County and City portions of Sunshine Canyon Landfill really to operate as one. This would result in there being, for all intents and purposes, one operation going on rather than two. Approval of the request will have positive consequences for the community,

notwithstanding one's position on the existence of the landfill. And I sort of have an environmental spin on this.

First of all, the City and the County will be able to consolidate their oversight and inspection programs, thus ending any kind of duplication, and there will be cost savings associated with that. The consolidation will also allow the spreading of refuse across both sections and minimizing the back-up of disposal vehicles which are emitting significant pollutants as a holding pattern. Moving the vehicles in and out is a superior environmental option.

When the daily capacity is reached in either the City or County portion, independent haulers are advised that the landfill is closed, notwithstanding the fact that the overall daily capacity of both has not been reached. Consequently, commercial collection of refuse is halted, resulting in overflowing trash bins in alleyways for apartments, condominium and retail commercial centers. This results in overflow trash finding its way into the public streets, further degrading the environment.

Notwithstanding one's support or opposition to the operation of the landfill, this is a different issue. This is an efficiency issue. I have trouble with the concept that if we don't like a project, we attempt to make sure it stays bad and oppose anything that might make it better. While I certainly appreciate any, we should all appreciate the efforts that Councilman Smith is making in trying to eliminate the need for landfills and we look forward to the day when that occurs and we have a better use for our precious resource land, at this point in time that simply isn't the case. And while the City is in fact moving forward, and that should they in fact not use Sunshine Landfill, there are 80 some odd cities out there that may in fact want to use that facility. And to my knowledge, and perhaps you can let us know, whether or not a different user for the City portion, would that in fact not trigger a review by the County or require in fact that there be another EIR that would change in any way the operation of the landfill. And I have that question; perhaps the Staff could answer that – but for these reasons here, we support the, the granting of the CUP.

Response PH-2 15.1: North Valley Regional Chamber of Commerce's support for the Project is acknowledged for the record.

PH-2 Commenter # 16: *Kim Thompson, representative for Congressman Brad Sherman*

Comment PH-2 16.1: I am confident the Regional Planning Commission will consider the communities' recommendations and evaluate each alternative necessary to protect the interests of the community and the environment.

Response PH-2 16.1: This comment is acknowledged.

PH-2 Commenter # 17: *Chuck Thompson, North Valley Coalition*

Comment PH-2 17.1: We are here today to respond to BFI's request for modifications to the 1993 County Conditional Use Permit to be consistent with the City landfill conditions allowing a combined City/County landfill operation. Less than one mile from the nearest elementary school, located in close proximity to Los Angeles water supply, is the proposed dump expansion. The largest water treatment facilities in the United States are down stream and directly adjacent to the dump.

Response PH-2 17.1: Refer to Topical Response #3: No New Environmental Impacts.

Comment PH-2 17.2: We have suffered long enough. We therefore request that, based on the volume of trash adopted by the County and BFI's assurance in your December 1st meeting that they would seek no further expansion in the County,...

Response PH-2 17.2: Refer to Topical Response #3: No New Environmental Impacts.

Comment PH-2 17.3: ...[+] that the County give the community an exact amount of trash, not an approximate, that will be accepted in the County or a date certain that the landfill will be closed forever and returned to open space.

Response PH-2 17.3: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment PH-2 17.4: This is a list of community opposition. Community opposition is widespread. There are organized community groups and neighborhood councils from Chatsworth to San Pedro, homeowners associations across the City and even the Granada Hills Chamber of Commerce. Political opposition ranges from Congressmen, Senators, Assemblymen, County Supervisors, and most of the City Council members.

Response PH-2 17.4: This comment is acknowledged.

Comment PH-2 17.5: As written in the permit, all of these can increase by size, by the Director of Public Works, the amount of tonnage by the Board of Supervisors, the hours of operation, by the LEA, the Lead Enforcement Agency.

Response PH-2 17.5: Refer to Topical Response #2: Landfill Capacity and Duration.

PH-2 Commenter # 18: *Michael Greenwald, Chairman, Granada Hills North Neighborhood Council*

Comment PH-2 18.1: After the presentation you just saw, I think you will find the recommendations that we forwarded to be very sound recommendations.

Response PH-2 18.1: This comment is acknowledged.

Comment PH-2 18.2: So, our residents have a sincere worry about this landfill and the way it's being handled currently and you will see our concerns in our letter.

Response PH-2 18.2: This comment is acknowledged.

PH-2 Commenter # 19: *Jim Alford, Northridge West Neighborhood Council*

Comment PH-2 19.1: The Northridge West Neighborhood Council has adopted as its official position to support the Granada Hills North Neighborhood Council's desire to see the Sunshine Canyon Landfill closed.

Response PH-2 19.1: Refer to Topical Response #2: Landfill Capacity and Duration.

Comment PH-2 19.2: So now Plan B, if we can't dump the City trash any more, we need to find a new revenue stream. So here's a brilliant idea. Let's go back to the County, modify everything that has already been approved, ask for more, and then we can dump the entire state's trash there if we want to. Of course, this just puts the gun back to the head of the City of Los Angeles. This is a cycle that has been going on for decades.

Response PH-2 19.2: Refer to Topical Response #7: City of Los Angeles Withdrawal.

Comment PH-2 19.3: I have brought my 12-year-old son here with me today, not just to show you who is being affected by decisions that are made here, but to let him see what we the people means. To let him see how our government truly can be one of the people, by the people, and for the people. So he can see for himself that that flag he salutes every morning, that symbol of self-governing that we speak of and that soldiers are dying to defend at this moment, means something. And to groom the next generation for the fight that the generation before me has started. The people of Los Angeles have asked for your help in upholding the requests as presented by the Granada Hills North Neighborhood Council, and it is my deepest hope that the will of the people will prevail.

Response PH-2 19.3: This comment is acknowledged.

PH-2 Commenter # 20: *Wayde Hunter, President, North Valley Coalition*

Comment PH-2 20.1: I just want you to note that the document we are now giving you is the same as the one that we had submitted, which was Draft 7, with the exceptions of changes being noted on the cover of the new document which is called NC Final Regional Planning Hearing with today's date on it. So, it's just basically had a few alterations. Hopefully we thought you might have an opportunity, because Staff did say that they were going to submit it to you and you would have a chance to read through what we had presented, all of our concerns. But, and again, they are many.

Response PH-2 20.1: This comment is acknowledged.

Comment PH-2 20.2: BFI has a County CUP and can operate in the County. BFI also has a City CUP and they can operate in the City. Both landfills will come together in the future under a JPA agreement and nothing can change that. What they don't understand is BFI is jumping the gun and asking for a modification of their County CUP now. And ostensibly they're saying we're trying to make it look like what this JPA agreement will eventually come to. But we're saying, when we went through it, they're not. They're "cherry picking" conditions. They're leaving things out. This basically is a farce that is occurring.

And the people here are very concerned that the conditions and things that are already existent, if the document is changed, that it in no way shape or form be weakened. Because later on when it comes over and we go look at the City, we look at the City CUP and we're looking at a new County CUP, we don't want to have lost anything in the translation between the old County CUP and the new one. So, we're trying to protect those rights.

We've outlined many things here for you today, showing and giving you examples of what they omitted, things that they cherry picked, those kinds of issues. Because we have suffered over the past and we talked about that illegal landfill that started and was legalized in 1958. That's exactly what happened. They were dumping trash out there; somebody gave them, the City gave them a permit. And for years we have suffered.

Okay, we've taken L.A.'s trash; we've taken the County's trash all these years, and we think that we deserve protections. And, so, that's the kind of things we are asking for.

Response PH-2 20.2: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment PH-2 20.3: Commissioner Helsley: "One of the concerns I have is that if there's not going to be a landfill operation, what would be your feelings about a joint generation operation where that material is not really, 20, 20% of it maybe becomes a landfill problem, rather than 100%?"

Wayde Hunter: I can only give you my opinion. I cannot speak for the people here because, as I pointed out, they have suffered for over 50 years with trash, and I don't think it's fair to ask people to bear an undue burden of the waste stream for so long.

Response PH-2 20.3: This comment is acknowledged.

Comment PH-2 20.4: We cannot take away what BFI already has. It has permits from the County; it has permits for the City. Nobody's shutting them down.

Response PH-2 20.4: This comment is acknowledged.

Comment PH-2 20.5: And what we're talking about is a revision of their existing CUP that they have and we're saying, okay, if you going to do this and you say you're going to make it look like the City one that's coming up, when you get to the JPA, then do it. Do it right. And make sure that everything is in there.

Response PH-2 20.5: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment PH-2 20.6: And not only that, we'd like to see things that you guys have thrown in, like having the double liner and those additional protections, because this is a time that we can get things into this that we really need.

Response PH-2 20.6: Refer to Topical Response #3: No New Environmental Impacts.

Comment PH-2 20.7: I wouldn't want it approved without the recommendations that the North Valley Coalition has made, that the GHNNC has made, that the other NCs have made. These are things that the people say you've really got to have to make sure that this landfill, if it's going to be able to, in the County side, suddenly go from what was a limited daily tonnage of say, 6/6 [6,600] to 12/1 [12,100], kind of thing like this, that they're going to be able to go over there, that we're going to need all of the conditions that we have. Also, we want to make sure that there is no loss of any of the more stringent conditions, okay. And we point out many things, you know, BFI asked for — probes, space further away than we feel — those kinds of thing. If we can get everything we want, I would say, nah, okay, you know, kind of thing like that. I'm just very hesitant about BFI.

BFI has a bad rapport with the neighborhood. They have, you know, quote "screwed us over" many times. We've just had problems. They say one thing; they do another. And if you guys don't close the loopholes, they drive trash trucks through them. And that's a big concern. So unless we can tighten up that language and get all the RLAs, I would say no, if you can't do that for us, then I would rather it not be approved at all. But if you can get those conditions tightened up, get in the things we ask for, including, as we said, dedicated on and off ramps, those kind of issues. Tonnage is a big thing for us; either lock down the tonnage that there was because, right now, there is no limit, they can shove as much as they want, given the footprint and the elevation, or give us a time certain when this landfill will close, which every other landfill has —

Response PH-2 20.7: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions, and Topical Response #2: Landfill Capacity and Duration.

PH-2 Commenter # 21: *Dr. Wayne Aller, President, Knollwood Property Owner's Association*

Comment PH-2 21.1: As I have heard the arguments tonight, it seems to me it's sort of health, quality of life versus increased costs. That's basically what a lot of this boils down to.

Response PH-2 21.1: Refer to Topical Response #3: No New Environmental Impacts.

PH-2 Commenter # 22: *Tony Swan, President, North Hills Community Coordinating Council*

Comment PH-2 22.1: We are asking you today to do the job that the City of Los Angeles should have done. It's tragic that they did approved it before. They regret it now. All the Council members in this, for this San Fernando Valley voted against it. But, unfortunately, the other City Council members voted it because it was the cheapest, easiest thing to do. And it really is tragic that when you look at it, a mile away, we have the reservoirs for the City's, the whole City, and yet people happen live right up against the Dump. We are unfortunately having to ask you to help us with the problem.

Response PH-2 22.1: Refer to Topical Response #3: No New Environmental Impacts.

Comment PH-2 22.2: I very much appreciated your input, sir, when you said that we have to come up with some sort of solution, rather than a flat no, because no would be what we all would ask for. With all the wonderful conditions that have been so clearly thought out by the prior speakers, we would support that, rather than just say no and allow it to go on.

Response PH-2 22.2: This comment is acknowledged.

Comment PH-2 22.3: But we really urge that somebody takes a strong stance against BFI and say, please, come up with a program, a situation where you can recycle. We can't continue to dump -- to allow them, to prohibit them from doing business as normal. They're not going to willingly join the club to reduce this. We don't want to dump it elsewhere but, unfortunately, Granada Hills and this whole neighborhood has been dumped on far too many years, for far too long.

Response PH-2 22.3: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

PH-2 Commenter # 23: *Mary Ellen Crosby, Chairman, Friends of O'Melveny Park*

Comment PH-2 23.1: And my other comment is, I'm an old babe and I've been around here for a long time and there's something I've learned a long time ago. There's no better way to learn than from experience. And all I've got to say, and Mary Edwards and some of the people that have been around for a long time and they're very involved with the North Valley Coalition, I hope the County will come to them and take some of their advice, because, I'll tell you right now, they've had a lot of experience with BFI, both good and a lot of it bad, and we know them and we know what we can trust from them. So, if the County, if we do have to do this, please talk to the North Valley Coalition and get some experience from them.

Response PH-2 23.1: This comment is acknowledged.

PH-2 Commenter # 24: *Mary Edwards, Resident, Granada Hills*

Comment PH-2 24.1: What I really have always wanted to say is a brilliant “Cross of Gold” type speech that would convince you that this landfill should not have been in this place at all, but I know that this is not in our purview tonight nor is it in yours. But what I would hope that we could do, as a community, work with the County to be sure that all of the things that we asked for were adopted and put forward because we have worked very hard comparing documents, permits, the CUPs from the, three different CUPs, the, the findings of conformance, and all of these things to get out so many required things that have been somehow neglected to be brought forward.

Response PH-2 24.1: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment PH-2 24.2: We really support recycling. I was on the Mayor’s Committee also. I know about the debris, the grievance we’ve had about waste sheds and how it can work with recycling going into transfer stations and then going long haul. It could -- the recyclers save you 20% -- so when you, when you permit a landfill, you actually put the heart, you cut the heart out of recycling because you can’t price level because the waste stream will follow money. And the money will actually dictate where it goes. And if the recyclery is that -- so much more expensive, so any of the fees that will level prices are a good thing. And we need to know that.

Response PH-2 24.2: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

PH-2 Commenter # 25: *Hank Feldman, Resident, Granada Hills*

Comment PH-2 25.1: What I’d like to do this evening is bring us down as many of you have already done, bring us focus on what it is we can do realistically. Now, whether or not we get rid of the, the dump behind us is a long range kind of a thing. We have it now. Our best hope is to make it operate according to the rules set out by the CUP, according to Waste Management Operating Rules, period.

Response PH-2 25.1: Refer to Topical Response #6: Violations.

Comment PH-2 25.2: BFI unfortunately has had a long history of violations. And in the current CUP in front of you, that you are considering, there’s penalties for violation. Now, the penalties talk about, and this is on, on Section, paragraph 11, I believe, page 7, that they will be fined \$1,000 to \$10,000 a day for each violation. Folks, they’ve been violating at the rate of one violation citation per month for the past eight years. There hasn’t been anything significant enough to stop them from these violations. They cover the map, and all kinds of violations. And you’ve got to put it in a perspective. Think of what BFI is.

Response PH-2 25.2: Refer to Topical Response #6: Violations.

PH-2 Commenter # 26: *Don P. Mullaly, Resident, Granada Hills*

Comment PH-2 26.1: This whole issue of a landfill kind of sounds like we're almost trying to decide what to do with the dinosaurs. You know, dinosaurs are extinct. Well, these kind of landfills should be extinct, too.

Response PH-2 26.1: This comment is acknowledged.

Comment PH-2 26.2: Way back in the days of the cave man during the Ice Age, the Pleistocene, what did people do with their garbage? They threw it out the mouth of the cave and down the hill. We know that. It's a matter of scientific fact. Here, we are 10 to 20,000 years later, what are we doing? Well, we throw it out the mouth of the cave into a trash barrel and then a truck picks it up and takes it to the Sunshine Canyon. They throw it in a land -- they throw it in a canyon up there. So we haven't progressed; we're still arguing about the dinosaurs.

Response PH-2 26.2: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-2 26.3: But actually there's nothing that goes into a landfill that can't be recycled and used. The intelligent advanced countries of the world use everything. They don't have any City dumps. They don't have any County dumps. They don't have anything like that. They use it all up. It can all be used for something. The plastic, the wood, even the garbage. Everything's that taken and used. Of course, the metals are used.

Response PH-2 26.3: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-2 26.4: Anyway, here we are today, still talking about the good old cave man dump, so here we go. I remember when the County agreed to BFI's present landfill plan, the issues in the Conditional Use Permit to BFI for the landfill. I thought this was the final decision regarding the landfill, but obviously, it isn't, and we're going to, now we have a possibility of a new Conditional Use Permit required for changing the plan of the landfill. When I was working up at O'Melveny Park, why, I thought that once we settled the issue of the landfill, with the Conditional Use Permit, that was it, that the subject was dead, and we could go on and think about other things. But now it's, it's the same old fight that's come back here again.

Response PH-2 26.4: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

PH-2 Commenter # 27: *Harvey Abram, Teacher, Van Gogh Elementary School*

Comment PH-2 27.1: So, for the sake of the health and welfare of my teachers and, especially, my 8 and 9 year old students, please stop this conspiracy. Please put an end to this series of lies. Please cause BFI to expire before they cause my 8 and 9 year olds to expire.

Response PH-2 27.1: Refer to Topical Response #3: No New Environmental Impacts.

PH-2 Commenter #28: *Sal Shortino, Resident, North Hollywood*

Comment PH-2 28.1: I don't think that enough care was taken by the County to ensure that BFI wasn't eliminating any of the more restrictive conditions or that the appropriate City conditions were being included, all of which would apply to the joint powers agreement when the City and County landfills combine in the future. A lot of this has been brought up before, and I think that the points made by North Valley Coalition bear this out.

Response PH-2 28.1: Refer to Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment PH-2 28.2: I believe that the expansion is not safe. It's in a highly populated area.

Response PH-2 28.2: Refer to Topical Response #3: No New Environmental Impacts.

PH-2 Commenter # 29: *Michelle Travis, Resident, Granada Hills*

Comment PH-2 29.1: Because of this landfill, my son has asthma. He is constantly on a nebulizer, breathing treatments. When I take him to school in the mornings, it's like an infirmary. All the kids are on nebulizers and breathing treatments. And I have to explain to him why he cannot go outside when the Santa Anas kick up because he can't breathe. So, I don't know what the solution is, but I'm asking you guys to please help me protect my child.

Response PH-2 29.1: Refer to Topical Response #3: No New Environmental Impacts.

PH-2 Commenter # 30: *Commissioner Rew*

Comment PH-2 30.1: It's a difficult problem. We're faced with a land-use problem, but the industry itself must look within themselves for changes. Someone, someone mentioned that other countries of the world do not have this, this problem.

Response PH-2 30.1: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

Comment PH-2 30.2: Remember we had garbage day and we had can day. So, we have to find a new way to handle and dispose of our trash. That's not this Commission's

responsibility, but it is, I think, the responsibility of those that are in the business of handling trash.

Response PH-2 30.2: Refer to Topical Response #5: Alternative Technologies for Waste Disposal.

3.3 Comments Submitted at April 6, 2005, Public Hearing

PH-3 Commenter # 1: *Commissioner Helsley*

Comment PH-3 1.1: I guess I have a question for Public Works, and that is, as we take, and have road improvements that might be put in place from the I-5 at Roxford and coming down along the San Fernando Road, in that area, as the approach to the landfill, are there different standards that would be put in place there for that road surfacing due to the weight of the trucks? ... Because I, I would think that it would have a tendency to wear greater than normal ... road facing. ... I have not seen that as a traffic improvement, and so I've been kind of wondering - that's why I wondered whether this came from Staff or whether this came from [the] Applicant.

Response PH-3 1.1: *[Response to come from the Traffic and Lighting Division of the County Department of Public Works.]*

PH-3 Commenter # 2: *Linda Lye, Altshuler, Berzon, Nussbaum, Rubuin & Demain*

Comment PH-3 2.1: Specifically, we urge the Planning Commission to reject the proposed CUP in its current form ... most importantly, this proposed CUP should not be adopted unless and until increased environmental mitigation conditions are imposed. We also urge the Planning Commission to order the preparation of a new subsequent environmental impact report.

Response PH- 3 2.1: This comment is acknowledged.

Comment PH-3 2.2: Contrary to the representations of the Applicant, the draft CUP does not actually consistently conform to County Conditions for the operation of the Countyside of the proposed combined landfill to the City's more protective environmental mitigation conditions. There are numerous examples which we set forth in our written comments.

Response PH-3 2.2: Refer to BFI response letter of June 30, 2005 ("BFI Response"), which responds to a letter of April 6, 2005, from Ms. Lye, and Topical Response #1: Revisions to CUP Result in Less Restrictive Conditions.

Comment PH-3 2.3: Just one example is the requirement that alternative fuel vehicles be used at the landfill. Let me give you an example of what the consequences of failure to conform the County's Conditions to the City Conditions would be if the County side of the combined landfill does not require the same alternative fuels

requirement as the City, as is currently in place on, in the City Conditions. There would be increased air emissions, toxic air emissions, if waste, the same amount of waste that would otherwise be disposed of in the City, where the alternative fuels requirement does apply, is instead taken to the County side of the landfill, where the alternative fuels requirement does not apply. And let me give you an example of what that means.

We project up to an additional 93.1 tons of NOx emissions per year, as well as an additional 1.8 tons of PM10 per year. Now this is based on a somewhat conservative estimate of only roughly a fifth of the City side's allocation, 5500 tons being shifted over to the County side. If you actually analyze what's going on with the combined landfill, the project allows the net tonnage in the City and County of 12,100 to be hauled to either side of the combined landfill. If it's 12,100 going to the City versus 12,100 going to the County in diesel trucks, the air impacts would be that much greater than the numbers I just gave you.

Response PH-3 2.3: Refer to BFI Response.

Comment PH-3 2.4: The second major reason why a new subsequent environmental impact report must be prepared is that the project authorized by the draft CUP actually differ in significant respects from what was previously analyzed or approved. If you were just to take the County only landfill, I'm not talking about the combined landfill right now, the County only landfill authorized in the 1993 CUP, there was an intake rate of 6,000 tons per day. The draft CUP now before you for the County only landfill allows a maxi -- maximum of 6600 tons per day. This is an increase of 600 tons per day that would be hauled to the County only landfill. There are other aspects of the combined landfill that actually indicate that this draft CUP would authorize as much as 1100 more tons per day to be hauled to the, to the facility and our explanation of that is set forth in our written comments.

Response PH-3 2.4: Refer to BFI Response.

Comment PH-3 2.5: This increased tonnage being hauled to the landfill would, of course, result in serious environmental impacts. There would be necessarily be more vehicle trips to the landfill and, again, increased emissions. As much, we project, as 34.47 additional tons of NOx emissions per year, as well as an additional .67 tons of PM10 emissions per year.

As the Commission is well aware, PM10 is a toxic air contaminant. These, this increased tonnage which will result in increased emissions will necessarily expose the public to an increased amount of toxic air pollutants.

Response PH-3 2.5: Refer to BFI Response.

Comment PH-3 2.6: Finally, the third reason why a new SEIR is required is that there is new information relating to groundwater contamination, as well as air quality. New scientific research indicates that single composite liners of the type used in the existing County landfill will ultimately fail. There was contamination of dioxane

discovered in 2003. This was of sufficient concern to prompt the Regional Water Quality Control Board to require the installation of a double composite liner.

Response PH-3 2.6: Refer to BFI Response.

Comment PH-3 2.7: So, in summary, there are, there have been significant changes with respect to the project. There is new information. There are new circumstances. All of these warrant the preparation of a proper, thorough environmental review in the form of a subsequent environmental impact report. But, most significantly, the California Environmental Quality Act mandates that projects not be approved as proposed unless there are feasible mitigation, alterna-, mitigation measures or alternatives that would substantially reduce significant adverse impacts. That is the case here. So we urge the Commission to prepare a new SEIR and not to approve the proposed CUP.

Response PH-3 2.7: This comment is acknowledged.

PH-3 Commenter # 3: Sheryl Mann (Granada Hills resident)

Comment PH-3 3.1: My name is Sheryl Mann, 17353 Los Alamos, Granada Hills. It's a very scary position to be in. With this caveat, my concern is the meetings with the Applicant that did not extend to the community. That's one concern.

Response PH-3 3.1: This comment is acknowledged.

Comment PH-3 3.2: The other, I wasn't sure what you had meant by chain link fence. I can't imagine a chain link fence containing trash at 20 to 60 miles an hour in the community. I wasn't sure what you meant by that.

Response PH-3 3.2: Refer to Addendum Topical Response # 3: Air Quality and Health Impacts.

Comment PH-3 3.3: And the other thing was talking about your family that had had a dump on the property and how complicated it's become. But in the old days it was an old buggy; it was a tire, it wasn't the toxic waste that's now going to be put into a neighborhood dump. And I, this has all been reiterated so I will say no more. But only that I do not think the mitigations that the Applicant is requesting are appropriate. I appreciate it. Thank you.

Response PH-3 3.3: This comment is acknowledged. Refer to the characterization of Sunshine Canyon Landfill as a "regional major Class III nonhazardous solid waste landfill" in the SEIR.

PH-3 Commenter # 4: Commissioner Modugno

Comment PH-3 4.1: What hinges on a lot of this is really the direction the City of Los Angeles is going to be taking in terms of its, its permit or its contract with you that expires a year from now. There's a notification date, is there not, in which they have to specify to you that they are going to cancel that contract, and what date is that?

Response PH-3 4.1: Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.

Comment PH-3 4.2: I don't think it's appropriate to close a public hearing at this point. I have reviewed in detail this little two page traffic summary. I quite frankly find it very weak. As I have indicated before, this is a roadway I travel twice a day and I see the impact. This Body's Staff made a presentation to the City Council of Santa Clarita a month or two ago and showed that there were 60-some thousand housing units who have at least filed applications north of this site. Many of those people will be driving through, through the pass.

I saw in the paper this morning that, that Ritter Ranch broke ground yesterday with another 7,000 homes that were not even included in those numbers, and there will be additional homes in the Cities of Lancaster and Palmdale. There was an indication in here that, that, that the original traffic study done in 1993 and the subsequent one done in 1999 and then the 2004, rarely took into consideration the impacts of this landfill on traffic. And I would absolutely concur that, bar outside housing, that this landfill has probably mitigated what has happened as its traffic impacts. However, we have Cal Trans, with its head in the sand, who's ignoring the impacts that are falling on that particular land.

Response PH-3 4.2: This comment is acknowledged. Refer to Addendum Topical Response # 2: Traffic Impacts.

Comment PH-3 4.3: If indeed the City of Los Angeles does state and notify you that it's no longer going to utilize Sunshine and put its trash in the City of Los Angeles but then somehow decides it's going to put its trash in the County of Los Angeles, a foot away, and if the Los Angeles Board of Supervisors says, no, you can't put the trash there, you still have a permitted landfill and can accept trash from multiple other places.

You've indicated, and I agree, that if Los Angeles decides to put its trash elsewhere, that all the local pick-up that is done in the communities surrounding this landfill, that are bringing smaller collection trucks and bringing that trash in can dropping it off and then going, will be replaced by trash coming from elsewhere that will not come in local delivery trucks for all intents and purposes unless it's an independent contractor other than the City that may be picking up from apartments, etc. So, the likelihood of trash coming into the facility if Los Angeles decides not to bring trash in the facility, is really going to come by, after it's gone through a transportation station, and it's going to be much larger trucks. And the impact of those larger trucks, while fewer, may be substantially greater on the traffic.

Response PH-3 4.3: Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.

- Comment PH-3 4.4: You've indicated that the likelihood of trash coming from north is probably unlikely and, yet, what if the County of Ventura decides to enter into a contract with you and bring trash across Highway 126 and drop it then? What if Kern County finds it attractive to bring it down? There's, there's a likelihood as the north portion of the County grows, and another 60,000 units in the County ultimately do get built, hopefully that will be some protracted period way, way out, but the added development that perhaps there will be a lot of additional movement.
- Response PH-3 4.4: Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon and Addendum Topical Response # 2: Traffic Impacts.
- Comment PH-3 4.5: If indeed the routes in terms of what trash is coming into the facility remains consistent, that it's coming from the south, and indeed that has all been covered in the traffic plan and if Los Angeles changes where it's going to put its trash and it's limited for not bringing it north, then I think I'd certainly want to see at least a Condition that you would accept, we put a limitation to the amount of trash that you might accept coming from the north.
- Response PH-3 4.5: Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.
- Comment PH-3 4.6: But the traffic mitigation measures which were approved as part of the Los Angeles Permit, and I've stressed it before, add nothing to capacity. They only control traffic. And in some situations, as water flows and finds its way to flow, it shifts some of the burden. That light alone at Sierra Highway and the Old Road is going to get preferential treatment to traffic coming from Sierra Highway versus traffic coming down the Old Road as the alternative to the 5. And so, that shifts people over to the 14 who will say, gee, we'll get off at San Fernando Road and we'll come down because now we've got a signal and we've got the right of way or we're in back up traffic in the other direction.
- Response PH-3 4.6: Refer to Addendum Topical Response # 2: Traffic Impacts. Additionally, it should be noted that the proposed improvement at San Fernando Road (Old Road) at Sierra Highway includes both the installation a traffic signal as well as a capacity enhancing improvement consisting of an addition left-turn lane on the westbound approach of Sierra Highway. Based on evaluation of this intersection, San Fernando Road at Sierra Highway currently operates at LOS F during the AM peak commute hour. With implementation of the proposed improvements, this intersection is projected to operate at LOS C during the critical morning commute hour. The installation of a traffic signal at this location will provide for the orderly movement of traffic, increase the traffic handling capacity of the intersection, and permit traffic from Sierra Highway to enter, or cross, continuous traffic on the San Fernando Road, especially during the AM peak commute hour. The signal will be properly timing to ensure that "preferential treatment" is not given to traffic coming from Sierra Highway versus traffic coming down the Old Road.
- Comment PH-3 4.7: These are minor things, but the way in which the traffic then transitions on to Roxford and the improvements which are, were added here, I find inadequate.

Again, nothing that happens with the trucks, and trying to draw that nexus together, is very difficult because it's not the landfill that is causing the traffic. It's the housing and the development north that's causing the traffic. I have witnessed the huge back-up on Balboa Boulevard that the residents in Granada Hills have to deal with. Now much of that is created because some of those neighborhoods appealed to their former City Council person who blocked off a lot of neighborhood which just drove more traffic on to Balboa.

And so you find traffic again trying to shift its way through. Traffic south of, of, of Rinaldi wanders its way through, comes up on Woodley and then connects on Balboa. The City of Los Angeles recently approved a significant housing project at the Cascades. There is no on or off ramp to the freeway. Where is that traffic going to go? That traffic has to come across Balboa and then either work its way over to the 118, work its way over the Old Road to get on at, at Roxford or work its way to Foothill and try to get on the freeway at Yarnell. To my knowledge, there was no traffic mitigation requested as a part of that project or, if anything, it was maybe a signal.

So my concerns have not changed as far as it deals with traffic. And so to close this hearing today in anticipation that Los Angeles may be taking some action that could seriously alter the traffic patterns, I, quite frankly, wouldn't even want to go to June the 8th. I'd like to, to look beyond that point until we know specifically what Los Angeles has done, and at that point in time, then move forward.

Response PH-3 4.7: This comment is acknowledged. Refer to Addendum Topical Response # 2: Traffic Impacts.

Comment PH-3 4.8: The other aspect of it and, Mr. Edwards, you rightly raised fees. I look at this as, I'm not going to use harsh words, a word that is coming is almost like hostage, there's some \$60 million worth of potential fees that are trying to be extracted from you ... where additional capacity was added. You're not getting additional capacity; however, what you're getting is an efficiency of operation. And efficiency of operation comes from the standpoint of not having to run two separate businesses but be one combined. By not having to have double the numbers of the huge big tractors that we saw pushing the trash around doing the various sorts of things. By not having had double staff, double bookkeeping and multiple other things.

Not having to say, well, this one is under this sort of process and this is under that sort of process. There's great -- there should be savings. And in previous discussions we've talked about what those savings may be. Those savings may not be the \$60 million of additional extractions that have asked to be built into this. And yet of those additional amounts, \$60 million of potential new monies coming to the County, \$400,000 going towards roads, in my estimation, is entirely inadequate. But that's -- you know, I don't have control over the way some of those monies, those monies get driven, but what I see from your standpoint, you're not getting anything more other than potential savings from efficiency and yet being asked to pay a huge amount of money.

To go through the process of getting this supplemental environmental impact report, if I were in your shoes, I'd walk out of here today. That's, that to me opens a whole new can of worms that probably you, as an Applicant, would not accept. You'll say, we'll just run our, our Permits. And, so, there's a judgment call from a business standpoint that you're going to be making that however we condition this is either going to make it so totally unacceptable financially that you'll just go roll with the same, same process. Or you're saying, look, we're willing to, to move forward.

Response PH-3 4.8: This comment is acknowledged.

Comment PH-3 4.9: In which case, the Coalition probably should come back and say, it's unrealistic that we're going to get a new supplemental environmental impact report. We may get some study on the traffic standpoint; why don't we try to come in with conditions that are going to make this consistent with Los Angeles. And that would be the simple process. To say, try to build it consistent with the Los Angeles permit; try to get these types of improvements. Get some blending out of this. The difference of 6600 tons a day or 6000 tons a day, I think, really came in the weekly numbers. And you take a weekly number and sort of divide those out and come up with some things, or a weekly maximum or daily maximum. That, I think, is almost irrelevant.

Response PH-3 4.9: This comment is acknowledged. Regarding the differences in daily tonnage analyzed, as previously indicated, the 1999 SEIR for the combined City/County Landfill is very conservative, because the FEIR for the County Landfill significantly overestimates the number of trips generated by that landfill. Utilizing the same collection and transfer truck mix as currently seen at the Sunshine Canyon Landfill, the daily traffic estimated in the Final SEIR for just the 6,000-tpd County portion of the Sunshine Canyon Landfill is equivalent to that of a facility with a daily intake of 10,200 tons per day.

Comment PH-3 4.10: But I believe it's going to be critical from my standpoint to wait and see what happens with Los Angeles. Because if Los Angeles is changing its pattern of where it's going to take its trash and if the County of Los Angeles comes back from a political standpoint and say no trash is going to go in the County side of the landfill, isn't it somewhat disingenuous on the City's part to say it's no longer in the City but it's a foot away in the County. I mean, last time I looked, the City of Los Angeles was in the County of Los Angeles. So, it's not as if this entire landfill is not in the County. It's just part of it falls jurisdictionally in terms of incorporated portions of the City of Los Angeles and unincorporated portions of the City of Los Angeles. But, yes, I think when we started this process, our intent would have been if the City of Los Angeles had reached a point -- but as I believe that information's come forward, and as these new fees have come forward, that is a change of direction from where we were on January 12 at that hearing. And all of that caused, and I know it's a disappointment -- I've seen in their faces in terms of where's this guy going with this.

Because it's an extension beyond that that you expected. However, I don't think that I am in good conscientiousness could vote anything but moving forward with

this without that information in terms of where the City of Los Angeles politically is going to go with it because it has significant impact. And while what they do with their trash is their business, if indeed they're going to take it away, then I want see some other Conditions in this and I do at least want to see some traffic sort of analysis.

If those local haul trucks are not coming in, what is the nature of it? Because, quite frankly, I don't know that you can fill that gap immediately. If you can't fill that daily gap immediately, then what happens, without a date limitation on this landfill, if this landfill is not to close at the estimated closure date, what you're looking at in terms of maximum daily tonnage and maximum tonnage in the whole landfill, it's going to go on many years beyond that.

Because as refuse gets diverted and you still have capacity, that capacity will continue to be able to flow in. And I think it's those kinds of practical issues that the Coalition in working with you and Staff in working with you and working with the Coalition, you really need to pay attention to. This is a business and we have a land use board decision to make. If it was a land use decision on my part, I'd say this is an inappropriate place to have a landfill, just because in the way in which everything functions. But somebody made that decision prior to my sitting here. And so we've got these permits.

But it's a very long sort of oratory, and I apologize for it, but I think I want to get it on, at least on, out on the table for discussion as to why I would not support closing the public hearing today unless it was for the purpose of denial of the Permit, and why I will not even support continuance to June 8th and want to at least go beyond the date in which the City of Los Angeles is going to, has the action date in terms of which it will support or submit to you its desire to, to cancel.

Response PH-3 4.10: This comment is acknowledged. Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.

Comment PH-3 4.11: Our powers to, to provide lanes on Cal-, on freeways rest with CalTrans. We can mitigate to the freeway, but CalTrans doesn't come to us and say we need extra numbers of dollars from this project. There's no way of getting that. And so, quite frankly, you know, our hands are very much tied as we have had meetings with CalTrans and have looked at how do we resolve this and it really is going to become a much greater comprehensive part. ...

Response PH-3 4.11: This comment is acknowledged.

Comment PH-3 4.12: And so, that's the little nuances of the fallacies, I think, is, as the Conditions lay out, and so well it represents a truck takes a space. But a truck on the freeway - how many times have we gone down the freeway and watched a truck. I'd rather deal with two cars sometimes than with a truck. But that's the way the studies are laid out.

And there's not a way of sort of massaging that. And so it's the observations. And so I don't necessar-, I don't disagree with, with the way in which the studies were

conducted. I disagree somewhat on the way in which the analysis came out and the way in which mitigations were laid.

And I will, quite frankly, concur. You've done more than your fair share of mitigating but it's all these other things that now sort of play in here. And if there's an opportunity for us as a body to extract something voluntarily, not necessarily as a mitigation to the project but in terms of that cooperative of the savings which will occur. Environmentally running one operation's going to be superior to running two operations.

It's half the numbers of truck emitting emissions as they're moving, as we observe those big things pushing the track in, doing some things, that's going on twice as many places as one. It's going to be more detrimental toward the environment.

I can see all the reasons as to why to proceed with this, but there are situations as I am envisioning that I would like to have as much information as possible before I render a decision. And the impact of what Los Angeles may do, and while they will have to look at what's going to happen as far as each of their trucks and where they're going to go from transfer stations, etc., to relocate away from Sunshine, there's trash that's going to come in and it's going to be a different mixture of trucks that may be coming, and it may be coming from slightly different areas. There may be more trucks getting on and off the freeway if they're coming from longer distance than they are from coming down Balboa.

And that's—I think we're going to end up agreeing to disagree through this process.

Response PH-3 4.12: This comment is acknowledged. Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.

Comment PH-3 4.13: Just, just a comment. And I don't disagree with what you said. Because, again, you were looking at specific points of time and what the environment was at those times. You were preparing traffic studies for the City of Los Angeles, specifically for roads that are within the City of Los Angeles. And looking at the impact, presumably their responsibility is Los Angeles City residents.

And, therefore, they would work with you to mitigate those things that are going to impact to their residents and to whatever extent to which you are causing or can create some benefits. You also have to work with CalTrans and CalTrans is dealing with transportation throughout the entire state of California. Yesterday the announcement of what they're going to do with the 101/405. And they've got bigger fish to fry than to worry about the impact of, of Sunshine Landfill on the I-5 or the 14.

Response PH-3 4.13: This comment is acknowledged.

Comment PH-3 4.14: I don't believe that we necessarily even have jurisdiction because it's within the City of Los Angeles. I'm just putting on the table that I think that many of the patterns that were assessed specifically from my standpoint, and one of the recent

improvements that was put in place within this last year was a right turn lane onto Balboa that has helped mitigate the backing up of traffic going south in the morning. It's only driven more traffic on to Balboa as people are coming out of the north and trying to get the 118. I mean they'll come that way and they'll go to Balboa and they'll pick up the 118 at that point in time.

Traffic's going to flow just like water. Given an opportunity, it's going to flow. And, and what is occurring as a result of some of the mitigation which was part of the Los Angeles Permit, some of which has not yet been done, I will tell you is going to shift traffic patterns from the north and some of it's going to shift in the negative to some people at the expense, for the benefit of others. And that's going to cause some shifting. The 60,000 units that we sort of laid out, the additional units, are going to cause major changes in the activity there. You were the first one at the drinking fountain. But now you've got a whole flood of thirsty people standing around you. Do you have first rights? Or do you sort of share that?

When Elsmere was being looked at, and that was mentioned in here, when Elsmere Canyon was being looked at, to come in as a potential landfill fought vehemently by the City of Santa Clarita, there were mitigation measures there which included new on and off ramps to the freeway, new lanes to the freeway. All types of things in terms of adding infrastructure where infrastructure didn't exist. You just happened to take advantage of infrastructure which was in place which is trying to be utilized by many others.

Response PH-3 4.14: This comment is acknowledged. Refer to Addendum Topical Response # 2: Traffic Impacts.

Comment PH-3 4.15: And my only intent in trying to move all of this discussion forward is that is there a savings on your part, that while I will concur that it is not a matter of what needs to be mitigated to make your project work, but it's a matter of being a participant within the broader regional sort of, sort of process. And we had the same discussion with LAX in terms of regional solutions. There has to be a regional solution to the traffic that's impacting that area. And, and Mr. Edwards so far has been very generous in his attempt to join with this Coalition that's looking at those things and be a participant. And I'm only suggesting that perhaps there's a, there's something that we, I don't want to miss the opportunity, if there's a chance of doing that opportunity at this point in time. We're then going to have to, we can condition some things and part of that's going to be some added improvements to traffic within the City of Los Angeles, you know, to convincing the Los Angeles Traffic Engineers that that is necessary. If they don't say it's necessary, then we're going to have to sort of say this is something that's compelling to do. There's an opportunity along the Old Road to put a bypass for part of the stuff with the I-5.

Response PH-3 4.15: This comment is acknowledged.

Comment PH-3 4.16: There's all those junk little businesses that operate across the way. I can envision, as I drive by there, getting rid of those pretty cheaply and adding some, some roads and doing some bypass that's a heck of lot cheaper than building freeway lanes. But that's a responsibility of CalTrans. And all I'm looking for is I don't want to

miss an opportunity here and, quite frankly, if I see these other \$60 million worth of fees, I don't see benefiting the direct community. If there's money on the table, I'd like certainly like to extract a piece of it to try and get this accommodation. So, that's a philosophical discussion. It's not something that you can argue, argue against because you're absolutely correct. You have fully mitigated. You've gone beyond the mitigation for the City of Los Angeles within whose jurisdiction these roads.

Response PH-3 4.16: This comment is acknowledged.

PH-3 Commenter # 5: *Commissioner Valadez*

Comment PH-3 5.1: You recognize that there are some funds in play here that have the potential of going to various types of mitigation and that you would like to view traffic as the number one mitigation, and then move on to mitigations that are, you know, environmental or SEA, or all the other types of fees that people are talking about. But you'd like to push traffic back up onto like the first source of any additional funds that may be coming from the, the merger of the two landfills. ... You're saying I would like to take a look at prioritizing any funds which come in in a mitigation environment for the landfill merger and I'd like to take that and prioritize traffic up here as opposed to just assuming that would have been required by the City or the County as sufficient. Okay. I think that's pretty easy.

Response PH-3 5.1: This comment is acknowledged.

PH-3 Commenter # 1: *Commissioner Helsley (again speaking)*

Comment PH-3 1.2: I think that, that the mitigations that have come forward have been reasonable. You heard me say the statement that I, I really hate to see the impact on traffic. I talked about a fly-away, taking it up and over the top. In looking at some of the costs on that after talking with, with not anybody a party with this hearing but some friends that I know that are engineers out in the Los Virgenes area, they gave me some ideas as to how to try to pencil that. And it is totally unreasonable. In, in long term costs, it's going to exist after 25 years. It's still going to be there. And now, now you have to demolish it. Or do something else with that fly-away because it goes to, basically to a specific point. So I don't think that's a reasonable solution.

Response PH-3 1.2: This comment is acknowledged.

Comment PH-3 1.3: We do have a traffic problem that's going to get worse as we put in, the 60 units that have been talked about really become 75 or 78, something like this, thousands units, yeah. And it becomes 78,000 units potentially in there. And we have little control over the traffic aspect even though it's going to be the major problem as we look at land use from the rest of the County. It is here where we have an

opportunity - 76, 78,000 units -- if there were to be an extraction from those units of \$500 a bedroom or \$300 a bedroom or something like that to, start looking at a different transportation rather than right at that point having all the traffic funnel through that point. It's something that needs to be looked at very seriously. It is not under our authority to do that and so this becomes a problem. Land use issues, as they relate to that roadway, we don't have the right to put a fee on. You look at the school districts have a right to put a fee on bedrooms for building schools. CalTrans, State Legislature, one of those is going to have the ability to put a fee on to build either a tunnel or a mag lev or a transportation facility going on either side of that. And one may be to Sand Canyon and one to the 126 or something of that nature. But that's not us. And, and I think you, you withstand the brunt of a lot of community frustration as it relates to that concern.

Response PH-3 1.3: This comment is acknowledged.

Comment PH-3 1.4: I have some concerns in relation to the \$60 million. I, I think it can be given a nexus of over a 25 year period of time. You're looking at \$2.2 million, something like that, per year coming into extra things that assist the community in becoming a better place. So I'm not too, too highly concerned with that. I think, and as I've said before, and I realize this is going to upset the community some, but I think that we also 25 years or 20 years from now need to look at a higher level for the County side because we are not visually impacting at that point the completion of trash. So I think that there, and I would hope that that would have a potential in the future for discussion of expansion.

Response PH-3 1.4: This comment is acknowledged.

Comment PH-3 1.5: The business tax versus the 12% fee. I don't know where the business tax goes, but this is something I'm going to delve into in comparison to where does the 12% fee - does one get a better use than the other? Is it of a better community service? And I think this is a concern that we maybe, we don't directly have impact on it, but it might be of benefit to the community.

Response PH-3 1.5: This comment is acknowledged.

Comment PH-3 1.6: The funding and planning of the SEAs, I think that you've done an excellent job in the donation of lands currently and in meeting that need as it relates to park land and public use.

Response PH-3 1.6: This comment is acknowledged.

Comment PH-3 1.7: I feel very strongly that the decision that we make here needs to reflect on what the County, what the City of L.A. does. And I had written on my sheet on Saturday that we need this date of June 8th extended into July, and I was looking toward the middle of July, for that extension as we take a look at the continuation of our decision. I personally am in favor or in support of the position as we have it now presented, but I don't feel that my decision is, should be made at this time without that further information from the City of L.A. as to where they decide to go. And so I think this is a, a concern that I still have. I, I would be in hopes that they, they

would come out with a position of alternative technology rather than transportation of trash, and if that's true, then I think that, that these mitigation fees have some availability of being applied potentially to the City of L.A. project or something of that nature. And that's where my concern on holding back a final decision basically relates to. And I realize that's a disappointment for the Applicant in position, but I think that in making the best decision possible, that's still, that's something we need information on.

Response PH-3 1.7: Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.

PH-3 Commenter # 5: *Commissioner Valadez (again speaking)*

Comment PH-3 5.2: I understand the concern to, to want to know what the City of Los Angeles is doing. I think we all recognize that the City of Los Angeles may be going through some political change soon. It may not. But it may also. So there may be changes that are going to be occurring that could impact the ability of the City of Los Angeles to make a short term decision. What I, I know that in terms of the extension of the contract, etc., I have no idea what the City Attorney would be recommending to the City with regard to that extension or potentially ways in which they could short term extend, other things that they might do. What I don't want to get caught up in, and I'm willing to cooperate, I believe, for one extension, one extended time period to see what the City does but I don't want to get caught up in waiting for the City of L.A. to act.

Response PH-3 5.2: Refer to Topical Response # 7: City's Withdrawal from Landfilling at Sunshine Canyon.
