



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 28, 2011

TO: Pat Modugno, Chair
Curt Pedersen, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Harold V. Helsley, Commissioner

FROM: Rob Glaser
Principal Regional Planning Assistant
Zoning Permits North Section

**SUBJECT: ADDITIONAL CORRESPONDENCE FOR PUBLIC HEARING
PROJECT NUMBER 03-170 – (5)
CONDITIONAL USE PERMIT NO. 03-170**

**RPC Public Hearing: December 14, 2011
Agenda Item No. 6**

The following attachments were received by staff since the previous Public Hearing on October 19, 2011, regarding the above-referenced item:

- Letter dated October 10, 2011, from Leisure Lake President Bob Baker, a “senior citizen” community of 211 mobile homes located at 20th Street West and Avenue E, which is approximately 3.5 mile northwest of the Lancaster Landfill & Recycling Center (LLRC). The community is strongly opposed to the importation of trash from outside of the Antelope Valley and the doubling of the allowable amount of trash dumped per day.
- Letter dated October 17, 2011, from the Antelope Valley Air Quality Management District. This District concurs with the continued air and dust mitigation measures.
- Letter dated October 27, 2011, from the Los Angeles County Fire Department has submitted comments to be incorporated into the CUP conditions of approval.
- Email dated October 27, 2011, from Andee Leisy (Waste Management’s attorney), contains correspondence in regards to the response to conduct the soil testing on Larry Sommerfield’s property and Waste Management’s property. Attached to the initial email are several email exchanges between Waste Management staff and Jeffery Robinson (Larry Sommerfield’s attorney) and Larry Sommerfield.

- Letter dated October 28, 2011, from Jeffery Robinson, an attorney representing Larry Sommerfield, containing a diagram of the Sommerfield Property and its dimensions in relation to the LLRC.
- Letter dated November 7, 2011, from Jeffery Robinson, an attorney representing Larry Sommerfield, with a response to Commission about the applicant refusing to conduct a soil testing on the Sommerfield property.
- Letter dated November 11, 2011, from the applicant's attorney, Andrea Leisy, with a response on why it was not necessary to conduct the soil testing on the Sommerfield property. This action is supported by reporting and monitoring data for the LLRC during the most recent reporting period. This Environmental Monitoring Report, November 2011 document is discussed in two binders and is available in the Commission Library (for the Commission only) and on our website at http://planning.lacounty.gov/case/view/conditional_use_permit_03_170_5_lancaster_landfill_and_recycling_center/.

The CEQA findings for the LLRC Final Supplemental Environmental Impact Report will be available in next week's additional correspondence package.



LEISURE LAKE

Homeowners Association of 48303 N. 20th Street West
Leisure Lake Mobile Estates, Lancaster, CA.93534
Inc.

Recreation Club
Disaster Preparedness Program

October 10, 2011

Los Angeles County
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Attn: Ms. Christina Tran
CUP-03-170, LANCASTER LANDFILL, TRASH IMPORTATION

Dear Ms. Tran,

Leisure Lake is a "senior citizen" community of 211 mobile homes located at 20th Street West and Avenue E. Our traffic pattern is using 20th Street West, Avenues E and F, Sierra Highway, and Highway 14.

This letter is to restate our opposition to any importation of trash from outside the Antelope Valley to the Lancaster Landfill and, of course, we oppose the proposed doubling of allowable trash dumping per day. Truck traffic would double through the Antelope Valley and thus, impacting us senior residents of Leisure Lake Mobile Estates (LLME) as we ingress and egress our homes.

However, if the CUP is granted, then restrict/condition the trash haulers coming from outside the Antelope Valley to the Lancaster Landfill, to exit or enter Highway 14 at only "Ave. H" or "Ave. D" and to use only the surface streets "east" of the railroad tracks. This isolates the trucks away from us seniors at LLME. Of course, also condition the Lancaster Landfill to keep the streets and roads up to city/county standards.

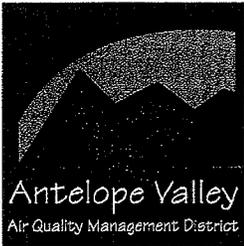
Moreover, we strongly urge a "NO" to any importation of trash to the Antelope Valley.

Sincerely,

Bob Baker, President
Space #113, phone 661-810-5460

OCT 17 2011

CC: Michael Antonovich, Supervisor, LA County



Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070
Fax 661.723.3450

Eldon Heaston, Executive Director

October 17, 2011

RECEIVED
OCT 24 2011

Christina Tran
Impact Analysis Section
LA County Dept. of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Project Description: Lancaster Landfill and Recycling Center Project (03-170-(5))

Ms. Tran,

The Antelope Valley Air Quality Management District (District) has reviewed the Final Supplemental Environmental Impact Report (FSEIR) for the Lancaster Landfill and Recycling Center Project. The proposed amendment, if approved, will increase the allowable daily volume of municipal solid waste (MSW) for disposal from 1,700 tons per day (tpd) that is currently permitted to 3,000 tpd. An estimated 1,600 tpd of soil, green/wood waste, and recyclable and beneficial use materials are also currently accepted at the LLRC. As part of the proposed project, the LLRC would receive and process up to 500 tpd of additional green/wood waste at the landfill.

Based on our review of the Notice of Preparation, the District concurs with the continued air and dust mitigation measures implemented in accordance with the approved permits.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (661) 723-8070 ext. 2 or Julie McKeehan at ext. 8.

Sincerely,

302/Bret Banks
Operations Manager

BB/jm

Lancaster Landfill and Recycling Center Project.doc



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVE
NOV 02 2011

October 27, 2011

Christina Tran
Department of Regional Planning
Impact Analysis Section
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Tran:

FINAL ENVIRONMENTAL IMPACT REPORT, FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, LANCASTER LANDFILL AND RECYCLING CENTER PROJECT, LANCASTER (FFER #201100163)

The Final Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. We have no comments at this time.

LAND DEVELOPMENT UNIT:

1. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.
2. The Fire Prevention Division, Land Development Unit has no new comments or requirements for this project at this time. During the site plan review process for the Conditional Use Permit, we updated the report along with all the previous conditions and requirements for this project. A copy of the Fire Department Conditional Use Permit Report, dated September 19, 2011, has been enclosed with this document.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWNDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Christina Tran
October 27, 2011
Page 2

3. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project. Should any questions arise, please contact Juan Padilla at (323) 890-4243 or jpadilla@fire.lacounty.gov.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

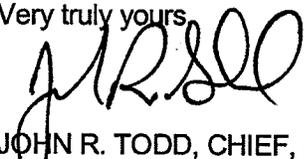
1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.
2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no objection to the proposed project.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



JOHN R. TODD, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JRT:sc

Enclosure



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

5823 Rickenbacker Road
Commerce, California 90040

DATE: September 19, 2011
TO: Department of Regional Planning
Permits and Variances
SUBJECT: CUP 03-170
LOCATION: 600 East Avenue F, Lancaster

- The Fire Department has no additional requirements for this permit.
- The required fire flow for this development is ___ gallons per minute for ___ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- Install ___ Public and/or ___ On-site and/or ___ Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments:** The Fire Department has recommends approval of the subject Conditional Use Permit with the conditions indicated below.
- Water:** A Class II Standpipe System shall be provied and located within 200 feet of dumping operations and shall have sufficient 1 1/2-inch hose with a variable-fog nozzle to reach all portions of such operations. The use of water tender trucks may be permitted in lieu of a Class II Standpipe System provided each is equipped with an 2 1/2-inch outlets for fire department use.
- Access:** Approved access roads no less than 20 feet in width clear to the sky shall be provided and maintained at all times around the dumping areas to provide access for firefighting equipment. Weeds, grass and combustible vegetation shall be removed for a distance of 10 feet on both sides of all access roads used by rubbish trucks or the public. All access within the landfill site shall be in accordance and compliance with the County of Los Angeles Fire Code and standards.
- Special Requirements:** The subject landfill site is subject for compliance with the County of Los Angeles Fire Department Regulation 10.
Additional requirement maybe required when new construction or new development is proposed on the landfill site. Construction plans shall be submitted to the Fire Department for review and approval.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: *Juan C. Padilla*

Glaser, Rob

From: Andee Leisy [ALeisy@rtmmlaw.com]
Sent: Thursday, October 27, 2011 12:32 PM
To: Keane, Patricia
Cc: Aiyetiwa, Martins; Glaser, Rob
Subject: Re: Lancaster - LLRC request for soil sampling
Attachments: Emails btw WM Sommerfield (00156473).PDF

Patricia – It is my understanding from watching the tape of the Planning Commission hearing on October 19, 2011, and from communications between representatives of our client, Waste Management of California/Lancaster Landfill and Recycling Center (WM/LLRC) and DPW staff, that WM/LLRC has been asked to conduct and/or pay for soil sampling on the extremities of the LLRC property in response to the claims made by Mr. Sommerfield and his attorney Jeff Robinson. At the hearing, Mr. Sommerfield and Mr. Robinson also requested soil testing on the Summerfield property which, as I understand it, is managed by Mr. Summerfield as co-trustee and potential beneficiary of the family trust. Please accept this email and the attached correspondence as part of the record of proceedings in this matter and as an initial response by WM/LLRC to the requests. As you can see from the attached, Mr. Sommerfield’s primary motive in making such a request stems from an attempt to leverage our client to buy the parcel held in trust. Please forward this initial response to the Planning Commissioners and any other staff I may have inadvertently omitted as you deem fit.

For the reasons explained below, our client respectfully declines the request to conduct or pay for soil sampling (either on LLRC or Sommerfield property) because there is no evidence of any past, present or reasonably foreseeable future “leakage or seeping” of any “material,” as opined by Mr. Robinson, from the LLRC or the proposed project onto the Summerfield property. This includes stormwater, leachate or air emissions which could contaminate soil on the WM/LLRC property or the Sommerfield property. The LLRC is a heavily regulated municipal solid waste landfill which has been constructed and will continue to operate in accordance with all applicable State statutes and regulations; thus ensuring such a hypothetical past or future scenario (of soil contamination or other contamination because of the LLRC) has not, and would not, occur. A detailed response regarding the sampling and reporting requirements at the LLRC, of air, groundwater, leachate etc. as required by State law, including Title 14 (State Minimum Standards for Solid Waste Handling and Disposal) and Title 27 (water quality) of the California Code of Regulations, and the various responsible and trustee agencies with jurisdiction over the site will be forthcoming. The LLRC will also provide the most recent results of those monitoring and reporting requirements submitted to the various regulatory agencies for the Commissioners’ consideration.

As you know, the project does not involve any lateral expansion of the LLRC or change in the previously approved waste footprint or property boundaries. The existing buffer between the waste footprint and the boundary line of the Sommerfield property - of approximately 150 feet – would remain. That buffer is entirely within land already owned and managed by the LLRC, not the Sommerfield trust. Our client therefore finds the request to conduct, fund, or otherwise facilitate soil sampling without merit and born from a larger overall attempt to force WM to buy the Sommerfield property, rather than any altruistic concern over the environment. As explained in the SEIR, moreover, the LLRC includes design features which contain stormwater runoff such as retention and sedimentation ponds, earthen berms and channels. (Final SEIR, Vol. 2, §§ 4.4, 5.2.) The proposed project would continue to implement such controls to ensure there is no runoff or other risk to the environmental or adjacent landowners, including the Sommerfield property – the boundary of which is located roughly 150 feet from the liner limit of the LLRC.

All of the reasonably foreseeable and potentially significant adverse effects of the proposed project on the physical environment were identified and studied in the Supplemental Environmental Impact Report (SEIR) prepared pursuant to the California Environmental Quality Act (CEQA). In preparing the SEIR the County did not find any potential for contamination to adjacent properties, to soil or otherwise.

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. (See CEQA Guidelines, § 15204, subd. (a).) In *Society for California*

Archeology v. County of Butte (1977) 65 Cal. App. 3d 832, 838-839, the court rejected as unreasonable, and unsupported by CEQA or the CEQA Guidelines, the notion that, prior to approving a project for which an EIR is required, the lead agency must “conduct every test and perform all research, study, and experimentation recommended to it” by interested parties. (See also *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, 415 (*Laurel Heights I*) (“[a] project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information”; “[i]t is not for them to design the EIR”); *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal. App. 3d 1011, 1033 (same).) Rather, CEQA requires lead agencies to consider – based on substantial evidence - the reasonably foreseeable significant adverse environmental impacts of a proposed project on the environment. The SEIR prepared for the LLRC project does just that. There is, moreover, no substantial evidence of soil contamination, or any other form of contamination, caused by the LLRC in the past, or the proposed project in the future, to adjacent properties. Such an exercise is therefore unwarranted.

Thank you for your consideration of this response. As stated above, additional information will be provided by WM. Please call if you have any questions or require anything further in the immediate future on this issue.

Andrea K. Leisy
Attorney

Remy Thomas
Moose & Manley LLP

455 Capitol Mall, Suite 210 | Sacramento, CA 95814
P (916) 443-2745 | F (916) 443-9017 |
aleisy@rtmmlaw.com | rtmmlaw.com

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Andee Leisy

From: Jeffrey A. Robinson <JAR@rllawyers.com>
Sent: Monday, August 22, 2011 6:12 PM
To: dcorcoran@wm.com
Cc: Larry Sommerfield
Subject: Lancaster Landfill

Dear Mr. Corcoran:

I represent Mr. Larry Sommerfield, who is the co-trustee (for his 92-year old mother) of a 5-acre parcel adjacent to the Lancaster Landfill. The parcel number is 3175-002-004.

We met briefly, and you spoke with Mr. Sommerfield, when we were attending the public town-hall meeting at Lancaster City Library on July 21 concerning the proposed extension and amendment to the current "Conditional Use Permit" for the landfill. I understand that you are the Director of Public Sector Services for Waste Management, and are the Waste Management manager with responsibility for the CUP and/or for property acquisition in the Lancaster area.

As Mr. Sommerfield and I mentioned at the public hearing, Mr. Sommerfield is opposed to an extension of the CUP, and to the acceleration of operations proposed in the CUP amendment currently under consideration. We believe the landfill is severely impacting the value of the Sommerfield property in the open market, due to the landfill's proximity and the nature of its operations. We believe the proposed CUP extension and amendment will further exacerbate the damage to the Sommerfield property. Mr. Sommerfield is attempting to mitigate further damages to the Sommerfield Property caused by the landfill. We urge Waste Management to withdraw its application for the CUP extension and amendment. We plan on continuing Mr. Sommerfield's participation in the public comment process. We do not believe that an adequate or representative number of persons were notified of the last public hearing. Mr. Sommerfield has experience in direct mail communications through his company Direct Print Communications. He is prepared to use the direct mail process to invite 10,000 neighboring residents and property owners to join him in opposing the CUP extension and amendment. If the CUP extension and amendment are approved over Mr. Sommerfield's objections, Mr. Sommerfield may be pursuing this matter in the courts, perhaps on a class action basis or otherwise. Mr. Sommerfield feels strongly about the need to stop the damage to surrounding properties caused by the landfill, both as a monetary matter, and an issue of principle.

On behalf of Mr. Sommerfield, I am looking for a win-win solution with respect to the Sommerfield Property. A sale of the property to Waste Management could provide the quickest way to mitigate the damages to the property. Mr. Sommerfield has listed the Sommerfield property for sale in the past, with no offers due to the landfill. On the other hand, the Sommerfield property has real value to Waste Management because it is adjacent to the landfill. Waste Management's acquisition of the property would help provide a necessary and appropriate buffer for its operations. Waste Management's acquisition of the property could help give the landfill room for future expansion if the CUP is extended. Sale of the property would also give Mr. Sommerfield's mother the opportunity to realize some benefit from ownership of the property. Toward that end, Mr. Sommerfield would entertain reasonable offers for the purchase of the property and requests that Waste Management offer to purchase the property.

Please notify me by August 31, 2011 if Waste Management is interested in acquiring the Sommerfield property and is willing to make an offer.

Thanks for your consideration.

Jeff Robinson



Jeffrey A. Robinson
Robinson & Robinson, LLP
2301 Dupont Drive, Suite 530
Irvine, CA 92612
Phone: 949.752.7007

Andee Leisy

From: Larry Sommerfield <Larry@dpcprint.com>
Sent: Tuesday, August 23, 2011 9:05 PM
To: Corcoran, Doug
Cc: Jeffrey A. Robinson
Subject: Re: Sommerfield Trust -- Phase 1 Reports for Lancaster Vacant Land

Doug,

Thank you for this update. I have already done some initial research today on the Internet regarding vacant land prices in Lancaster and made contact with a reality company in Lancaster too.

Additionally, I have called on my contacts at Bank of America to obtain assistance from their real-estate appraisal department.

Doug, I am confident that we can reach an amicable solution. It is my intent to submit a reasonable asking price for the property. We look forward to seeing the numbers from Waste Management. And, I want to make sure that Jeff sends you the photos that we took during our last visit to the property.

Sent from my iPhone

Sincerely,

Larry Sommerfield
President DPC, Inc.
201 East Sandpointe, Suite 400
Santa Ana, California 92707-5742
www.dpcprint.com
Lowest Overall Prices in the Nation
(866) 588-7360 - Office
(714) 573-7363 - Fax
(714) 423-3644 - Cell

On Aug 23, 2011, at 8:34 PM, "Corcoran, Doug" <dcorcora@wm.com> wrote:

Thank you for the call today.

I have already sent a request to our real estate department to research property values for 5 acre parcels at a distance of .5 mile, 1 mile and 1.5 miles from the landfill.

I will keep you posted regarding their progress.

Andee Leisy

From: Corcoran, Doug <dcorcora@wm.com>
Sent: Tuesday, September 06, 2011 4:20 PM
To: Jeffrey A. Robinson
Cc: Larry Sommerfield
Subject: RE: Lancaster Landfill--Sommerfield Property

Hi Jeff,

Our Real Estate department is researching prices in the Antelope Valley. They did not get started immediately, so I expect to be waiting a few more days. I will keep you posted. Thanks.

From: Jeffrey A. Robinson [<mailto:JAR@rrlawyers.com>]
Sent: Tuesday, August 30, 2011 4:41 PM
To: Corcoran, Doug
Cc: Larry Sommerfield
Subject: Lancaster Landfill--Sommerfield Property

Dear Doug:

To follow up our conversation last week, attached are some of the photos of land adjacent to the landfill, including the cut with recently discolored vegetation and the "recycled water" warning sign. I have some other photos, but don't want to overwhelm the email server.

Can we schedule a time in the next few days to discuss property acquisition/land values?

Thanks,

Jeff



Jeffrey A. Robinson
Robinson & Robinson, LLP
2301 Dupont Drive, Suite 530
Irvine, CA 92612
Phone: 949.752.7007
Fax: 949.752.7023

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Waste Management recycles enough paper every year to save 41 million trees. Please recycle any printed emails.

Andee Leisy

From: Larry Sommerfield <Larry@dpcprint.com>
Sent: Tuesday, October 11, 2011 5:30 PM
To: Corcoran, Doug
Cc: nhickling@lacbos.org; evizcarra@labos.org; mchild@planning.lacounty.gov; rglaser@planning.lacounty.gov; Jeffrey A. Robinson; Newell, John P.
Subject: RE: Dump the Dump or Just Compensation

Doug,

I have proceeded with the course of action outlined in my prior e-mails. The "Dump the Dump" postcard has mailed and will be in the homes soon; probably as early as tomorrow and then continuing throughout the weekend. I am confident that with 10,000+ postcards in the mail, the public officials listed on the postcard will soon be hearing from their constituents.

Meanwhile, my attorney is preparing a formal statement of opposition to the CUP that will be sent to the appropriate officials by the end of this week in preparation of the hearing on Wednesday of next week, 10/19/11. We have heard nothing from Waste Management, Inc. regarding an offer; in fact nothing at all. We believe it is in the best interest of all property owners in the immediate area of the Waste Management, Inc. Lancaster Landfill, and the citizens of Lancaster, for the existing CUP to expire next year (2012); I am prepared to help the public organize their opposition to this project. However, I also have a fiduciary obligation to the Sommerfield Trust, and if a reasonable offer is made for our property, then I will have to accept the offer and let someone else pick up the gauntlet.

The ball is in your court, again.

Sincerely,

Larry Sommerfield
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(714) 573-7363 - Fax
(714) 423-3644 - Cell

From: Corcoran, Doug [mailto:dcorcora@wm.com]
Sent: Thursday, October 06, 2011 12:47 PM
To: Larry Sommerfield
Cc: nhickling@lacbos.org; evizcarra@labos.org; mchild@planning.lacounty.gov; rglaser@planning.lacounty.gov; Jeffrey A. Robinson; Newell, John P.
Subject: RE: Dump the Dump or Just Compensation

Larry,

I have forwarded your two recent emails to our Vice President. He is out of the office this week. I expect to talk to him on Monday.

I have also been out of the office for most of the past two weeks. I received two voice mail messages from Jeff Robinson. I was planning to call both of you today. Based on the two emails you have sent, however, I will wait to talk with you until after I speak to our VP.

From: Larry Sommerfield [mailto:Larry@dpcprint.com]
Sent: Thursday, October 06, 2011 11:40 AM
To: Corcoran, Doug
Cc: nhickling@labos.org; evizcarra@labos.org; mchild@planning.lacounty.gov; rglaser@planning.lacounty.gov; Jeffrey A. Robinson
Subject: RE: Dump the Dump or Just Compensation

Doug,

We have revised the direct mail postcard art work to help insure a better response rate. The postcard mailing is scheduled to drop next Tuesday, 10/11/11, for guaranteed arrival in the homes by 10/14/11. Please take a look at the attached PDF; I think it will be very effective!

Sincerely,

Larry Sommerfield
President DPC, Inc.
201 East Sandpointe, Suite 400
Santa Ana, California 92707-5742
www.dpcprint.com
Lowest Overall Prices in the Nation
(866) 588-7360 - Office
(714) 573-7363 - Fax
(714) 423-3644 - Cell

From: Larry Sommerfield
Sent: Tuesday, October 04, 2011 9:31 PM
To: 'dcorcoran@wm.com'
Cc: 'nhickling@labos.org'; 'evizcarra@labos.org'; 'mchild@planning.lacounty.gov'; 'rglaser@planning.lacounty.gov'; Jeffrey A. Robinson
Subject: Dump the Dump or Just Compensation

Doug,

After our initial conversation more than one month ago, my attorney, Jeff Robinson, and I, were led to believe by you that a reasonable offer would be forthcoming from Waste Management, Inc. to purchase the 5 acre parcel owned by my family that unfortunately sits adjacent to the Waste Management, Inc. Lancaster Dump. As the public hearing on October 19, 2011 rapidly approaches, and the communications from your office have ceased, it has become readily apparent that in order to seek any type of justice in this matter, that I will have to use the political process, and most likely the courts, to redress my grievances. It was in the Fifth Amendment to the Constitution of the United States in which it was written "***nor shall private property be taken for public use, without just compensation.***"

In a last-ditch effort to convince you that it is in the best interest of Waste Management, Inc. and that of the LA County Board of Supervisors, to provide my family with just compensation, I have sent this email to you. Please find attached to this email a low resolution PDF of a 9" x 6" postcard that my

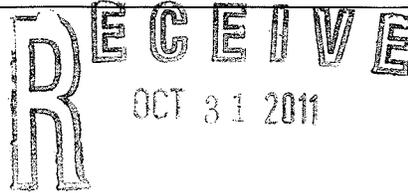
business will be printing and mailing to 10,000+ real-property owners in the same Zip Code as the Dump (i.e. 93535) by Tuesday of next week, 10/11/11, unless an offer is forthcoming from Waste Management, Inc. by the end of this week, 10/07/11.

Doug, take a look at the direct mail postcard and let me know whether or not you think an offer to purchase the Sommerfield property isn't worth the savings in dollars and political capital that might be expended by Waste Management, Inc. in responding to my efforts. We are only looking for a reasonable offer that reflects the value of what is being paid for other 5 acre parcels located approximately 2 miles from the Waste Management, Inc. Lancaster Dump.

Sincerely,

Larry Sommerfield
President DPC, Inc.
201 East Sandpointe, Suite 400
Santa Ana, California 92707-5742
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(866) 588-7360 - Office
(714) 573-7363 - Fax
(714) 423-3644 - Cell

Waste Management recycles enough paper every year to save 41 million trees. Please recycle any printed emails.



File No. 2170.05
Writer's Email:
jar@rrlawyers.com

October 28, 2011

By Email and U.S. Mail

Los Angeles County Regional Planning Commission

Hon. Pat Modugno, Chair

Hon. Esther L. Valdez, Vice-Chair

Hon. Harold V. Helsley

Hon. David W. Louie

Hon. Curt Pederson

Attn: Ms. Rosie Ruiz

Commission Secretary (rruiz@planning.lacounty.gov)

320 West Temple Street

Los Angeles, CA 90012

✓ Copy to: Mr. Rob Glaser (rglaser@planning.lacounty.gov)
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Public Hearing Held October 19, 2011; Continued to December 14, 2011
Project No. 03-170-(5)
Lancaster Landfill and Recycling Center
Opposition of Larry Sommerfield to Proposed Conditional Use Permit

Dear Commissioners:

At the hearing on October 19, 2011, Mr. Larry Sommerfield expressed opposition to the above-referenced Conditional Use Permit concerning operations at the Lancaster Landfill and Recycling Center ("Dump"). The Dump is adjacent to a five-acre undeveloped parcel of property of which Mr. Sommerfield is the co-trustee ("Sommerfield Property").

During the hearing, Commissioner Pederson requested that Mr. Sommerfield supply the Commission with a diagram of the Sommerfield Property and its dimensions. In response to that request, I enclose the following diagrams:



- Attachment 1, Sommerfield Property—Adjacent to Lancaster Landfill
- Attachment 2, Sommerfield Property—Aerial Overview
- Attachment 3, Land Use 500 Foot Radius Map (Sommerfield Property highlighted)
- Note: the Sommerfield Property dimensions are approximately 660 feet x 300 feet.

These diagrams are all based on photographs and data from the Department of Regional Planning. The Department's aerial photograph (Attachment 2) shows standing water on the access road perimeter which surrounds the Dump and runs along the Sommerfield Property. This supports the contentions of Mr. Sommerfield concerning the leaching of water and chemicals from the Dump onto the Sommerfield Property.

Please let me know if you would like any further information.

The proposed CUP should be denied.

Sincerely,

Jeffrey A. Robinson

Enc.

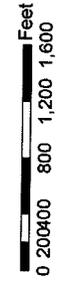
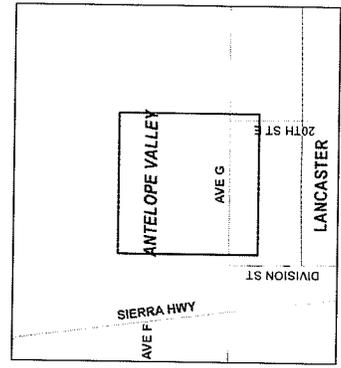
Copy: Mr. Larry Sommerfield

LAND USE 500 FOOT RADIUS MAP

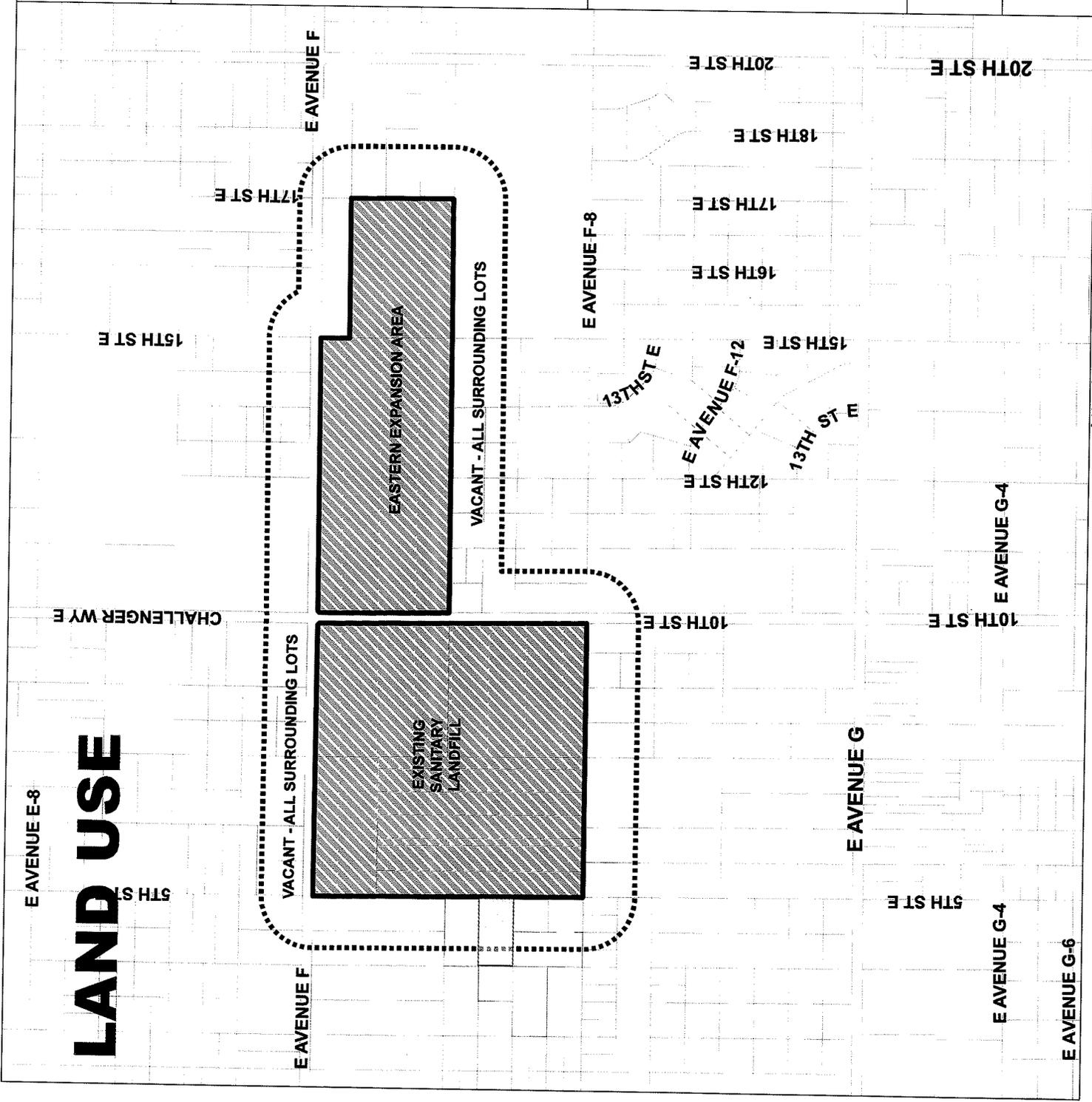
Proj. 03-170 (5)
CUP 03-170

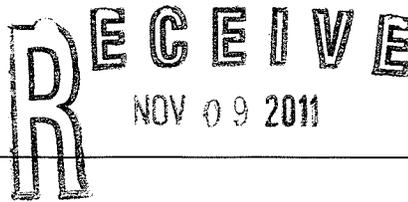
Legend
 LANDFILL
 VACANT

VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
520 W. Temple St.
Los Angeles, CA 90012





November 7, 2011

By Email and U.S. Mail

Hon. Harold V. Helsley
Los Angeles County Regional Planning Commission
c/o: Ms. Rosie Ruiz
Commission Secretary (rruiz@planning.lacounty.gov)
320 West Temple Street
Los Angeles, CA 90012

Copy to: Mr. Rob Glaser (rglaser@planning.lacounty.gov)
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Public Hearing Held October 19, 2011; Continued to December 14, 2011
Project No. 03-170-(5)
Lancaster Landfill and Recycling Center
Opposition of Larry Sommerfield to Proposed Conditional Use Permit

Dear Commissioner Helsley:

This letter is a follow-up to the October 19, 2011 hearing on the above-referenced Conditional Use Permit ("CUP") concerning operations at the Lancaster Landfill and Recycling Center ("Dump"). The Dump is adjacent to a five-acre undeveloped parcel of property of which Mr. Sommerfield is the co-trustee ("Sommerfield Property").

As you recall, at the conclusion of this hearing, you directed the staff to arrange for soil testing on the Sommerfield Property to determine whether there has been migratory movement of chemicals from the Dump onto the Sommerfield Property. We have been informed by Mr. Rob Glaser that the applicant has refused to approve or pay for the testing you requested.

The applicant (Waste Management, Inc.) asserts, without any evidence, that there could not be any migration of chemicals or other matter from the Dump. The purpose of



the testing you requested is to confirm whether the applicant's assertion is true. The applicant's assertion is belied by the photographs of discolored vegetation adjacent to the Landfill displayed at the October 19 hearing. The applicant did not bother to attend the hearing and did not address those photographs. In addition, since October 19, 2011 we have submitted photographic evidence to the Commission of water leaking out of the Landfill adjacent to the Sommerfield Property. See Attachment No. 1 (this photograph was provided in my letter of October 28, 2011). Imagine how the surface of the land in this photo must look during the torrent of a heavy rain, as the water hitting the grounds of the Dump sheets more than 100 feet down the surface of the toxic mountain flooding onto the Sommerfield Property, time and time again.

Neither the staff nor the applicant has identified any testing of the Sommerfield Property. The applicant is requesting a CUP authorizing *another thirty (30) years of operations* at the Dump. Regardless of the photographs submitted to the Commission, surely it is not too much to ask for applicant to conduct testing to confirm that the last *fifty years of Dump operations have not resulted in contamination to the soil and water* in the adjacent Sommerfield Property. Do not let Waste Management, Inc. attempt to obfuscate the facts of this case with their self-serving assertions and technical speak about what they have done to protect surrounding property owners; it is not too much to ask that the Sommerfield Property be soil tested. And as discussed above, common sense and a walk along the perimeter of the Dump provides more than enough evidence that the Sommerfield Property has not been protected from the migration of chemicals from the Dump. Generally, it is said that one's first reaction to any dilemma is most often the correct one. We ask only that you help us insure your staff stays the course of your first reaction to the pictures you saw; please help us obtain soil testing of the Sommerfield Property.

The cost of the testing to the applicant will be nominal in relation to the overall operation of the facility and its CUP application. If the applicant is, in fact, confident that there has been no contamination of surrounding properties caused by its decades of operations, it should have no problem conducting the testing you directed on the Sommerfield Property. The reluctance of the applicant to conduct the testing indicates a lack of confidence in the integrity of its Dump design and operations, and a fear that the results will contradict its assertions that the Dump is not a health risk to the surrounding community.

The applicant's soil testing on the extremities of the Sommerfield Property should be made a formal condition to any approval of the CUP. Such testing should be done well in advance of the next hearing date, December 14, 2011, so that the results can be evaluated prior to, and addressed at, the hearing.



Please let us know what we can do to assure that the applicant conducts that testing at no cost to the owners of the Sommerfield Property.

Finally, let me address the assertion by the applicant that Mr. Sommerfield is only interested in forcing the applicant to acquire the Sommerfield Property, and not in the environmental condition of his property (and the surrounding community). For Mr. Sommerfield, the inverse condemnation of his property as caused by the Waste Management, Inc. Lancaster Dump operations is considered a violation of the Fifth Amendment to the U.S. Constitution of the United States, which expressly prohibits the taking of personal property by the government without "just compensation." And, Mr. Sommerfield has environmental concerns regarding the operation of the Dump, aside from his personal interest, given that it is so close to the City of Lancaster population.

Mr. Sommerfield has already invested a significant amount of his own time and money into this matter, much more than the potential value that he seeks to gain as compensation from Waste Management, Inc. for the Sommerfield Family Trust. In fact, were it not for his obligation to the Sommerfield Family Trust, of which his 92-year-old mother is the primary beneficiary, Mr. Sommerfield would have an interest in pursuing this matter through the public forum and courts, if necessary, perhaps in the form of a class-action lawsuit by all property owners with land contiguous to the dump; but, Mr. Sommerfield's primary responsibility here would be to accept a reasonable offer from Waste Management, Inc.

The Dump has destroyed the value of the Sommerfield Property. As noted at the hearing, the Dump operations have created a dead zone for development in the area surrounding the Dump—the "vacant land" referenced by staff in its analysis. Mr. Sommerfield has invited, and continues to invite, the applicant to solve the problem and end his involvement in this matter by purchasing the Sommerfield Property at a fair price, or else by abandoning the CUP and ceasing operations at the Lancaster Landfill. In either event, both the applicant and the Commission should be concerned about the environmental integrity of the Dump and, to that end, the testing is important not only to Mr. Sommerfield, but the community in general.

Commissioner Helsley, you saw the patch of dead vegetation adjacent to the Dump, and rather than ignore that image you made a reasonable request for soil testing on the Sommerfield Property. Aside from Mr. Sommerfield's interest in this matter, if Waste Management, Inc. is granted the revised CUP without addressing the serious concerns you raised at the October 19, 2011 hearing, and if in fact, the discolored dead vegetation belies a serious underlying problem with the Dump operations; then, indeed, it would be a public



Commissioner Harold V. Helsley
Los Angeles Regional Planning Commission
Opposition of Larry Sommerfield to CUP 03-170-(5)
November 7, 2011
Page 4

tragedy of record if it were subsequently discovered that the soil testing you requested on the Sommerfield Property could have led to the implementation of new protocols and systems at the Dump to protect the surrounding desert and citizens of the Lancaster area.

Sincerely,

Jeffrey A. Robinson

Enc.

Copy: Mr. Larry Sommerfield

Andrea K. Leisy
aleisy@rtmmlaw.com

November 11, 2011

Via Electronic & Regular Mail

Rob Glaser
Principal Planner
Zoning Permits North Section
Los Angeles County Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



Re: Lancaster Landfill and Recycling Center (Project No. 03-170-(5)/ CUP No. 03-170) – Request for Soil Sampling

Dear Mr. Glaser:

This letter follows up on my email of October 27, 2011. As I noted in that communication, it is my understanding that, in response to the claims made by Mr. Sommerfield and his attorney Jeff Robinson, Waste Management of California/Lancaster Landfill and Recycling Center (WM/LLRC) was asked by staff to conduct and/or pay for soil sampling on the extremities of the LLRC property. Mr. Sommerfield and Mr. Robinson also requested WM conduct soil testing on the Summerfield property located adjacent to the LLRC property line.

As demonstrated by the enclosed binders of reporting and monitoring data for the LLRC during the most recent reporting period, and for the reasons expressed in my October 27, 2011 email, WM respectfully declines the request to conduct or pay for soil sampling (either on LLRC or Sommerfield property) because there is no evidence or other basis warranting the need for such testing. As reflected in the enclosed data, and contrary to Mr. Robinson's claims articulated at the last Planning Commission hearing, there is no evidence of any past, present or reasonably foreseeable future "leakage or seeping" of any "material" (including stormwater, leachate or air emissions) from the LLRC or the proposed project onto the Summerfield property.

The LLRC is a heavily regulated non-hazardous (Class III) municipal solid waste landfill which has been constructed and will continue to operate in accordance with all applicable federal, State and local statutes and regulations to control potential risks to soil, groundwater and air. WM remains in compliance with all regulatory permits

required to operate the facility. Such permits include: a Solid Waste Facilities Permit (SWFP); Antelope Valley Air Quality Management District (AVAQMD); Waste Discharge Requirements (WDRs); a Stormwater Discharge Permit; and permits to construct and operate landfill gas management systems. These permits are issued and enforced by various agencies, including the California Department of Resources Recycling Recovery (CalRecycle), the County of Los Angeles Agency's Department of Health Services, which is the local enforcement agency (LEA), the California Regional Water Quality Control Board, Lahontan Region, and the Antelope Valley Air Quality Management District (AVAQMD).

I. Background - Regulatory Framework

The LLRC is consistent with the state minimum standards governing municipal solid waste facilities. (Pub. Resources Code, §§ 44010, 44152.) The minimum standards for the handling and disposal of solid waste and other operations and facilities are outlined in California Code of Regulations (CCR) Title 14, Chapters 3 and 3.1. Minimum standards are the basic starting point for the development of a specific facility permit. Such minimum standards include provisions relating to general design requirements (CCR Title 14, Section 17406.2), dust control (CCR Title 14, Section 17407.4), litter control (CCR Title 14, Section 17408.1), nuisance control (CCR Title 14, Section 17408.5). Furthermore, for operations of facilities that are not in compliance with State minimum standards or the conditions contained within their SWFPs, the LEA has the authority to issue Corrective Action Orders, Cease and Desist Orders, and civil penalties. (See Pub. Resources Code, §§ 45000, 45005, 45022; see also CCR Title 14, Chap. 5, Art. 4.) The LLRC has no enforcement actions or notices of violation pending.

A. Groundwater and Surface Water Protection Standards and Regulations

Construction and operation of the LLRC is subject to federal, State and local statutes and regulations governing protection of water resources. Applicable standards that regulate water resources as they relate to Class III landfills, like LLRC, include the following:

- United States Environmental Protection Agency (EPA) administers the federal Clean Water Act (CWA). The EPA delegates authority to the State Water Resources Control Board (SWRCB) and, ultimately, to the applicable regional water board, in this case the Regional Water Quality Control Board, Lahontan Region (Lahontan RWQCB).
- Requirements of a National Pollutant Discharge Elimination System (NPDES) permit control the discharge of stormwater from the site. Code of Federal

Regulations [CFR] Title 40, Part 122 outlines the regulatory provisions to implement the NPDES program under Sections 318, 402, and 405 of the CWA. CFR Title 40, Part 122 provides the criteria and standards for the NPDES program, and CFR Title 40, Part 258, Subpart A, outlines the groundwater sampling program requirements for municipal solid waste landfills.

- CCR Title 23, Chapter 3, Subchapter 15 implements regulations issued by the SWRCB to protect state surface and groundwater quality from potential contamination caused by landfill leachate.
- CCR Title 27, Division 3, Chapter 15, implements the federal Resource Conservation and Recovery Act (RCRA), which sets the regulations to protect human health and the environment from the potential hazards posed by the disposal of municipal solid waste.
- CCR Title 27 also implements the following standards and regulations:
 - California Porter-Cologne Water Quality Act of 1970, contained in the California Water Code, which regulates the disposal and/management of various types of wastes relative to the protection of surface and groundwater resources.
 - CFR Title 40 Part 258, Subpart D for Class III landfills, which established federal requirements for the design and construction of landfills, groundwater monitoring programs, and potential corrective actions associated with the operation of landfills.
 - Section 20030, which implements the California Public Resources Code, Section 43020, 43020.1, 43021, 4330, 43101, and 43103, and the California Health and Safety Code (HSC), Section 4520, which are the regulations set to protect human health and the environment from the potential hazards posed by the disposal of municipal solid waste.
 - Sections 20080, 20200, and 21720, which provide the Lahontan RWQCB with its authority to adopt WDRs to protect waters of the state from contamination.
 - Section 20380, which requires holders of WDRs to provide financial assurance of their ability to fund potential corrective action programs in the event that contamination of waters of the state occurs as a result of their actions.

For the design and construction of the LLRC, the regulations include specific requirements to reduce the risk of surface water and groundwater contamination. These requirements include, but are not limited to, the following:

- Class III landfills are required to be designed for the 100-year, 24-hour storm event per CCR Title 27, Sections 20310 and 20320 and Table 4-1.
- Seismic design to withstand the maximum credible earthquake (MCE) for Class III landfills, per CCR Title 27, Section 20370 and Table 4-1.
- New Class III landfills shall be sited, designed, constructed, and operated to ensure that waste will be a minimum of 5 feet above the highest anticipated elevation of underlying groundwater, per CCR Title 27, Section 20240.
- New and existing Class III landfills shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return period, per CCR Title 27, Section 20260.
- CCR Title 27 also addresses requirements for the design, construction, operation, and maintenance of the following elements:
 - Liner systems per CCR Title 27, Section 20330 for Class III landfills.
 - Leachate management systems per CCR Title 27, Section 20340 for Class III landfills.
 - Drainage monitoring per CCR Title 27, Section 20385 for Class III landfills.
 - Landfill closure and final cover per CCR Title 27, Sections 21090 and 21140 for solid waste landfills.
 - Landfill post-closure monitoring and maintenance per CCR Title 27, Section 21180 for Class III landfills.

B. Air Quality Protection Standards and Regulations

Construction and operation of the LLRC is also subject to federal, State and local statutes and regulations regarding air quality, including:

- Federal (CFR Subtitle D) and State (CCR Title 27) regulations require landfills to control landfill gas by establishing a program to periodically check for methane emissions, prevent landfill gas from migrating away from the landfill boundaries.
- National Emissions Standards for Hazardous Air Pollutants (NESHAP) require that hazardous air pollutant emissions be minimized and that a Startup, Shutdown and Malfunction Plan (SSMP) for the landfill gas collection system be developed and incorporated into daily operations. (40 CFR Part 60, Subpart WWW.)
- CCR Title 27, Sections 20921 through 20939 set forth the performance standards and the minimum substantive requirements for landfill gas monitoring and control

as it relates to active solid waste disposal sites and to proper closure, postclosure maintenance and ultimate reuse of such sites and to ensure protection of public health, safety and the environment.

- CCR Title 17, Section 95460, et seq. provides requirements for operating landfill gas collection and control systems to reduce methane emissions from municipal solid waste landfills pursuant to the California Global Warming Solutions Action of 2006 (AB 32).
- AVAQMD Rule 1150.1 sets forth requirements for installation of a landfill gas control system.
- AVAQMD Rule 431.1 requirements for flaring of landfill gas and the installation and proper operation of a continuous fuel gas monitoring system (CFGMS) to determine the sulfur content of the fuel gas prior to burning, or a continuous emission monitoring system (CEMS) to determine SO_x emissions after burning.

In addition, the AVAQMD enforces the following state and federal air quality regulations that require the control of criteria pollutants and toxic air contaminants into the atmosphere:

- National ambient air quality standards (NAAQS) established under the Clean Air Act for criteria pollutants, including: ozone, PM₁₀, PM_{2.5}, carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead.
- California ambient air quality standards (NAAQS) established under the California Clean Air Act Amendments for the NAAQS criteria pollutants, as well as additional standards from sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.
- New Source Performance Standards (NSPS) issued by the EPA setting design and performance standards for municipal solid waste landfills that have a design capacity greater than 3.27 million cubic yards. Municipal solid waste landfills that exceed this capacity are required to obtain a federal operating (Title V) permit. (40 CFR 63, Part AAA.)
- AVAQMD Rules 1302 and 1402 requiring preparation of a Comprehensive Emission Inventory Report (CEIR) setting forth the prior year's emissions of Oxides of Nitrogen; Total Organic Gases; Oxides of Sulfur; Ammonia; Lead and Lead compounds; and Particulate Matter as well as toxic air contaminants for a facility to satisfy all of the Federal, State, and District requirements for air emission inventories.

- AVAQMD Rule 1401 requirements for controlling the emissions of Toxic Air Contaminants as required pursuant to Chapter 3.5 of Part 1 of Division 26 of the California Health and Safety Code (commencing with §39650).

C. Water and Air Quality Control Systems

Pursuant to the requirements discussed above, air and water quality are protected by control systems which have been integrated into the design and construction of the existing LLRC. These systems include the landfill liner, leachate control and removal (LCRS), landfill gas extraction and flare, drainage controls and landfill final cover plans.

Landfill Liner System

The LLRC includes, and would continue to include, a liner system that meets or exceeds federal (CFR Title 40, Section 258.40—Subtitle D) and state (CCR Title 27, Section 20330) requirements. Although a prescriptive liner design was originally proposed for use within the unconstructed portions of the Eastern and Western Expansion Areas of the LLRC, an alternative liner design was developed and has been approved, pursuant to CCR Title 27, Section 20080, and constructed in the Western Area. This system consists of bottom and side slope liners which are equally protective of the environment.

The base liner system includes (from top to bottom) the following components: a minimum 12-inch thick gravity drainage layer; a geotextile; a 60-mil HDPE geomembrane; and a geosynthetic clay liner (GCL) placed on the finished subgrade. The liner design consists of two barrier components (i.e., 60-mil HDPE and geosynthetic clay liner) in place of the 24-inch thick layer of low-permeability material meeting a hydraulic-conductivity of 1×10^{-7} cm/sec. The GCL component of the liner renders an effective performance characteristic that exceeds the prescriptive standard low-permeability soil layer component.

Leachate control and removal system (LCRS)

As defined in CCR Title 27, Section 20164, leachate is any liquid that is formed by the drainage of liquids from waste or by the percolation or flow of liquid through solid waste. Leachate generation is minimized in the Lancaster area due to the arid climate and drainage control efforts at the LLRC. The leachate management system at the LLRC is intended to prevent or minimize leachate generation, detect leachate generation, contain and collect generated leachate within designated sumps, and reclaim any resulting wastewater.

LFG Control System

The decomposition of organic wastes within a landfill also generates landfill gas as a by-product. This gas generally consists of equal amounts of methane and carbon dioxide along with traces of other constituents.

The LLRC currently has an LFG collection and extraction system as required by federal and state regulations that began its operation at the LLRC in February 1993. Since this time, the LFG system has been continuously upgraded and is providing protection against gas phase migration of VOCs to groundwater. Since vapor phase VOCs are normally entrained in LFG, migration of the gas, and gas to water phase transfer, can facilitate migration of these substances to groundwater. Controlling LFG migration is thus an important element of the groundwater quality protection strategy. The LFG extraction system consists of a series of wells, placed in the waste fill, connected to a header pipe network. A vacuum is applied to the header, drawing LFG out of the fill for destruction in a ground flare, and thereby preventing lateral migration of gas.

LFG flares are considered by the air districts to be Best Available Control Technology (BACT). A permit to operate the gas/condensate separation and holding system and flare/blower to incinerate the collected landfill gas has been issued by the South Coast Air Quality Management District and is now regulated by the AVAPCD. Although the gas generation rate will increase slightly due to the projected increase in daily tonnage under the Proposed 3,000 tpd Project, the flow of LFG will not exceed currently permitted flare limits. The LFG system, including additional collection wells and flares, will be expanded as the landfill is developed to provide ongoing control within the performance criteria established and mandated by the AVAPCD and State and federal regulations.

Drainage controls

A Stormwater Management Plan for the LLRC has been implemented as required by the Lahontan RWQCB, in accordance with CCR Titles 23 and 27. The LLRC surface water drainage system has been designed and constructed to assure that stormwater run-on and runoff do not affect existing operations at the site. Best Management Practices (BMPs) are currently in use at LLRC to effectively address runoff and potential erosion conditions. Specifically, LLRC has installed sediment and erosion control features to control surface water runoff and prevent erosion of slopes and surface soil layers.

Controls include runoff control berms and benches, proper land grading and final cover design and proper revegetative practices. Excessive soil loss is addressed by limiting the distance water must travel before reaching a channel or other drainage structure. Additional measures that are implemented include, but are not limited to silt fences, bale dikes, wood chips, and sand bags. These measures, which include

sedimentation ponds, drainage facilities, revegetation, etc., will continue to be implemented as landfilling occurs in the future at the site. Furthermore, because the Proposed Project only calls for an increased daily intake of MSW at the LLRC, the surface hydrology of the landfill would not change. Thus, the storm drainage and flood control facilities approved for the LLRC are adequate to accommodate the Project.

Final cover

Upon completion of refuse disposal operations, a final cover layer of compacted soil and/or a synthetic cap will be placed over the landfill to retard the infiltration of precipitation. A vegetation program will also minimize erosion. Future permanent drainage systems will include corrugated steel pipes and culverts to eliminate erosion potential from major conveyances. Further, maintenance of the sedimentation basins within the LLRC is conducted annually and will continue throughout the post-closure maintenance period.

D. Groundwater, Surface Water and Air Quality Monitoring Reports – Binders 1 thru 2 (Included with this Letter)

Groundwater monitoring has been conducted at LLRC since 1987 in compliance with Article 1 of Title 27 of the California Code of Regulations, as implemented through the site specific WDR Order No. 6-87-11 and later WDR Order No. 6-00-55 issued by the Lahontan RWQCB. The current LLRC water quality monitoring system has been designed and certified by a registered professional in accordance with Title 27, section 20415, subdivision (e)(1) of the California Code of Regulations and includes regular sampling at 11 groundwater wells. Pursuant to the site specific WDRs and CCR Title 27, Section 20385, LLRC provides semi-annual groundwater reports to the Lahontan RWQCB to ensure groundwater quality protection is occurring at the site. The most recent reports (Semiannual Groundwater Report - July 2010 and Semiannual Groundwater Report - January 2011) are attached hereto in Binder 1.

The quality of the surface water at the landfill is monitored in accordance with the Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the requirements of the LLRC's National Pollution Discharge and Elimination System General Storm Water Permit issued by the SWRCB. Surface water entering the footprint of the landfill is monitored after two major rainstorms each rainy season at one upgradient location, and that the surface water leaving the footprint is monitored at two downgradient locations. An Annual Report for stormwater discharges is prepared each year and submitted to the Lahontan RWQCB. The 2010/2011 Annual Stormwater Report is attached hereto in Binder 1.

To ensure the landfill gas control system flare is operating appropriately, annual source tests are required pursuant to CCR Title 17, Section 95464. The February 15, 2011 Annual Flare Source Test Report is attached hereto in Binder 2. LLRC also submits quarterly monitoring reports to the AVAQMD in compliance with Rule 1150.1, to ensure there is no off-site migration of landfill gas, and Rule 431.1, reporting the sulfur compound emissions after LFG flaring and ensuring compliance with the sulfur content requirements of the AVAQMD Rules. The Quarterly Rule 1150.1 Reports for the 3rd and 4th Quarters 2010 and 1st and 2nd Quarters 2011 as well as the Quarterly Rule 431.1 reports for the 3rd and 4th Quarters 2010 and 1st and 2nd Quarters 2011 are attached hereto in Binder 2.

Pursuant to AVAQMD Rules 1302 and 1402, LLRC provides an annual Comprehensive Emission Inventory Report (CEIR) setting forth the prior year's emissions of Oxides of Nitrogen; Total Organic Gases; Oxides of Sulfur; Ammonia; Lead and Lead compounds; and Particulate Matter as well as documenting the emissions of TACs. The 2010 Annual Comprehensive Emissions Inventory Survey, Plan and Report is attached hereto in Binder 2.

Pursuant to the NSPS and the NSHAP, LLRC also provides semi-annual NSPS/SSM reports to the AVAQMD and EPA to summarize the monitoring and recordkeeping procedures associated with the landfill gas collection and control system. These reports satisfy the requirements under the NSPS for municipal landfills. (40 CFR Part 60, Subpart WWW.) The SSM report satisfies the requirements under the Maximum Achievable Control Technology (MACT) rule for semi-annual reporting of SMM plan implementation. (40 CFR 63, Part AAA.) The Semi-annual NSPS/SSM reports for July 2010 and January 2011 are attached hereto in Binder 2.

Furthermore, a screening level health risk assessment (AVAQMD Rule 1401 Tier 2 evaluation), which combines information on the emission rate, toxicity, meteorological variation, lifetime exposure, and possible multi-pathway impacts as well as atmospheric dispersion, was conducted for the small fraction of toxic air contaminants that may escape within the fugitive portion of LFG. The analysis indicated that although near-term LFG production will increase with the Proposed Project, production of LFG will taper off gradually after the landfill closes. The AVAQMD considers a risk of less than one in one million (i.e., 1.0×10^{-6}) to be insignificant. Risks up to 10 in one million (i.e., 10×10^{-6}) are considered a manageable level of risk, if toxics best available control technology (T-BACT) for toxics is used. LFG recovery and waste gas flaring is considered T-BACT.

The Tier 2 screening risk concluded that there is no significant public health risk from TAC emissions.¹

* * *

Continued implementation of the multitude of design and operational requirements, in addition to the monitoring and reporting requirements for the LLRC, will continue to ensure there is no potential for runoff or other risk to the environment that might affect a neighboring landowner's property (including to soils). Likely because of the above requirements, the SEIR did not find any reasonably foreseeable potential for contamination to adjacent properties from the continued operation of the LLRC. (*See Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, 415 (*Laurel Heights I*) (“[a] project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information”; “[i]t is not for them to design the EIR”).)

Please forward this additional response to the Planning Commissioners and any other staff I may have inadvertently omitted as you deem fit. If you would like additional CD's of the monitoring and reporting data provided please let me know. Thank you.

Very truly yours,



Andrea K. Leisy

cc: Patricia Keane (w/o enclosures)

^{1/} The proposed project also includes a new wood waste grinder which requires a diesel-powered internal combustion engine. Under AVAQMD Rule 1401, permitting of a new emission source requires Best Available Control Technology for Toxics (T-BACT) if predicted cancer risk exceeds 1 in one million, and a permit application is denied if predicted cancer risk exceeds 10 in one million. Control is required for existing sources under Rule 1402 if predicted cancer risk exceeds 25 in one million. The maximum predicted cancer risk to an individual at 500 meters downwind of this grinder is 1.1 in one million (1.1×10^{-6}); thus, LLRC will implement T-BACT would be required for the grinder. But both the acute and chronic hazard indices for the grinder are below the SCAQMD threshold for chronic and acute hazard indices is 1.0.

