Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 27, 2017

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECT NO. R2004-00559-(5)
CONDITIONAL USE PERMIT NO. 200400042
OAK TREE PERMIT NO. 201500007
ENVIRONMENTAL ASSESSMENT NO. 200400039
APPLICANT: CHIQUITA CANYON LANDFILL, LLC
NEWHALL ZONED DISTRICT
(FIFTH SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

The project would authorize the continued operation and expansion of Chiquita Canyon Landfill (CCL), an existing Class III Landfill, in the Heavy Agricultural Zone (A-2-2, Heavy Agricultural, Two-Acre Minimum Required Lot Area and A-2-5, Heavy Agricultural, Five-Acre Minimum Required Lot Area). The project site is located at 29201 Henry Mayo Drive in the unincorporated community of Castaic. Conditional Use Permit (CUP) No. 200400042 is required for a land reclamation project, such as a landfill, in the A-2 Zone, pursuant to Section 22.24.150 of the Los Angeles County (County) Code. Oak Tree Permit (OTP) No. 201500007 is required for the removal of four oak trees related to the new entrance facilities and landfill expansion, pursuant to County Code Section 22.56.2060.

An Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Final Environmental Impact Report (FEIR) consists of introductory explanatory material, an executive summary, the Draft EIR (DEIR), the Partially Recirculated Draft EIR (PRDEIR), responses to comments on the DEIR and PRDEIR, a Mitigation Monitoring and Reporting Program (MMRP), appendixes and supplements. The MMRP includes mitigation measures to mitigate project impacts to geology and hydrology, surface water drainage, biological resources, cultural and paleontological resources, air quality, greenhouse gas emissions

and climate change. Project impacts will be reduced to less than significant levels except for impacts to air quality, greenhouse gas emissions and climate change. The CEQA Findings and a Statement of Overriding Considerations (SOC) have been prepared for the project.

The Regional Planning Commission (Commission) held a public hearing on March 1, 2017, in Stevenson Ranch at Rancho Pico Junior High School and continued the hearing to April 19, 2017, in its usual location in Downtown Los Angeles, while providing a location for remote testimony at the Stevenson Ranch Library during the continued hearing. The project was approved by the Commission on April 19, 2017. The approval was appealed to the Board of Supervisors (Board) by Ms. Lynne Plambeck, who represents the Santa Clarita Organization for Planning and the Environment (SCOPE), Mr. Jeremiah Dockray, representing Citizens for Chiquita Canyon Landfill Compliance (C4CCLC), and Mr. Steven Howse, representing the Val Verde Civic Association (VVCA). An appeal was filed jointly by the Sierra Club, represented by Ms. Sandra Cattell, and CA25 United for Progress (CA25UP), represented by Mr. Philip Germain. Another appeal was filed by the project applicant, Mr. Mike Dean, representing CCL. The appeal by Mr. Mike Dean was to appeal several project conditions and parts of the Implementation and Monitoring Program (IMP). The other four appeals are appealing the approval of the project.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Certify the Final EIR, the CEQA Findings of Fact and SOC, and MMRP.

2. Deny the appeal and approve the Project, then instruct County Counsel to prepare the necessary findings of approval for CUP No. 200400042 and OTP No. 201500007.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The project is consistent with the applicable zoning requirements and the applicable General Plan and Area Plan policies. The project is consistent with the policies of the 2015 Countywide General Plan and the Santa Clarita Valley Area Plan. Both land use plans include policies regarding the need for adequate waste disposal capacity in the County while ensuring that landfills are operated in an environmentally sound manner. The County's Integrated Waste Management Plan also discusses the need to expand existing landfill capacity in the County as part of its overall waste disposal strategy. The project meets the CUP and OTP burden of Proof requirements and the requirements of all applicable County departments, subject to the conditions of approval. The EIR shows that project impacts will be reduced to less than significant levels with mitigation, except for impacts to air quality, greenhouse gas emissions and climate change. The EIR found

that impacts of the project related to greenhouse gases and climate change are less than significant through 2020 but potentially significant after 2020, because of the uncertainty regarding future emissions targets to be set by the State. The CEQA findings and SOC provide justification for approval of the project in spite of potentially significant impacts to air quality and greenhouse gas emissions. The following statements from the SOC provide reasons why the project should be approved.

- The project addresses immediate needs for maintaining landfill capacity, proposes dedicated sites for conversion technologies and organics processing, and includes multiple components that transform waste from a liability to a resource.

- The project will assist the County in achieving its sustainable waste management goals. The County's most recent 2015 Annual Report on the Countywide Integrated Waste Management Plan finds that, in order to maintain adequate disposal capacity, jurisdictions in the County must continue to pursue multiple strategies, including expanding existing landfills.

- The project will assist the County in maintaining adequate reserve (excess) disposal capacity to ensure that the disposal needs of the County are met for the next 15 years.

- The project will assist the County in achieving its waste diversion targets, as CCL is an important in-County option for local jurisdictions to obtain waste diversion credits.

- The project will further the goals of the Santa Clarita Valley Area Plan, which finds that diversion programs do not eliminate the need for new landfill space and includes Policy LU-9.1.6 to coordinate with appropriate agencies and organizations to ensure that landfill expansion needs are met while minimizing adverse impacts to Valley residents.

- The project will continue to provide in-County waste disposal options for the many jurisdictions within Los Angeles County that rely currently on CCL for disposal services, and the many jurisdictions within Los Angeles County that rely on CCL for diversion credits necessary to comply with state law. Without the project, the bulk of CCL's current customers would be forced to find an alternative disposal site outside of Los Angeles County because in-County disposal and diversion options are severely limited due to the closure of Puente Hills Landfill and current permitting restrictions for other in-County landfills. The hauling of waste to more distant landfills would increase truck traffic and emissions.

- The project will support the local economy by providing employment. Without the project, many long-term and second-generation employees at CCL would be laid off, placing a severe hardship on their families.

- The project will generate increased tax revenues that will help fund important public services in the community. The County receives more than $5.5 million in taxes and fees from CCL.

- The project will assist the County and other jurisdictions within the County in providing trash collection services at a reasonable price to County residents. Without the project, demand for in-County landfill services would rise while the supply would shrink, thereby potentially increasing prices.

- The project will extend the useful life of the landfill gas-to-energy plant on-site, which provides an important source of green energy approximately equivalent to the amount of power needed for nearly 7,000 homes.

- By providing land for a potential future conversion technology facilities, the project assists the County in its plans to encourage the development of commercial-scale conversion technologies within the County.

- By designing and constructing a household hazardous waste collection facility for the County, the project assists the County with its goal of providing new permanent household hazardous waste collection centers for County residents, as outlined in the County's Roadmap to a Sustainable Waste Management Future plan.

The project conditions include fees to provide for the following: mitigation to offset project impacts; traffic mitigation and enhancement; cost recovery for enforcement and monitoring; community benefits to areas most impacted by the landfill; support of programs for waste diversion, alternative technology and solid waste disposal planning; a park development fund and fund to plan for and develop the site as an open space use after landfill closure; waste collection events in the area; and other programs associated with the project. The primary reasons for the out-of-area fee are to encourage development of future alternatives to landfills and to serve as a disincentive to those who bring trash originating outside of the Santa Clarita Valley. This fee will also have the benefit of encouraging preservation of landfill capacity for the Santa Clarita Valley and to assist in mitigating air quality impacts.

Funds from the out-of-area fee will be used to fund programs that enhance environmental, educational, and quality of life programs in the communities near the landfill; to fund programs and activities to enhance Countywide disposal capacity and mitigate landfill gas impacts; and to fund research and activities to promote the development of conversion technology facilities.

CCL serves an important role for waste disposal in the County. In 2015 it was the second largest landfill as measured by the amount of waste disposed, accounting for 22.5% of

Class III landfill disposal in the County. It serves all areas of the County, with the largest sources being the City of Los Angeles at 55% of the total and the City of Santa Clarita at 13%. Only 2% of CCL's waste was from outside the County. In 2015, CCL accounted for 90% of the waste from the City of Santa Clarita and 77% of the waste from unincorporated areas of the Santa Clarita Valley that was sent to landfills. If CCL closes, the majority of the waste that would otherwise go there would likely be sent to more distant landfills, leading to longer truck trips, and the transfer of many of the daily operational impacts, including traffic impacts, to other locations in the region.

Out-of-County landfills, such as Mesquite Regional Landfill, which is owned by the Los Angeles County Sanitation Districts, are potential alternatives to CCL. Mesquite Regional Landfill is located in Imperial County, and waste could potentially be transported there by rail in the future. However, it would take some time before this option could become available, as the rail link is not yet operational, and it is not economically viable to open the landfill at this time, according to the Los Angeles County Sanitation Districts. Mesquite Regional Landfill is not yet operational because the operation cost is far higher than the other alternatives, rendering it infeasible. Other landfills in the region may be used to receive waste that would otherwise go to CCL, but would generally result in much longer truck trips.

The project conditions for CCL, including the fees, limits on tonnage and hours of operation, are needed to minimize impacts to the surrounding communities most affected by the landfill. CCL is an important part of the County's waste disposal infrastructure, and continued operation of the facility, with appropriate conditions, mitigation measures, monitoring, reporting, and enforcement requirements will help to meet the waste disposal needs of the County while minimizing potential impacts to surrounding communities.

Implementation of Strategic Goals

The project would help implement the County's Strategic Plan Goal II, to "Foster Vibrant and Resilient Communities". This goal includes strategies and objectives to help achieve the goal. Strategy II.2, which is to "Support the Wellness of Our Communities" is supported by Objective II.2.3, to "Prioritize Environmental Health Oversight and Monitoring: Strengthen the County's capacity to effectively prevent, prepare for and respond to emergent environmental and natural hazards and reduce impacts to disproportionately affected communities." The CUP conditions, MMRP and the IMP were designed to minimize impacts from the landfill to surrounding communities and to provide regular monitoring and oversight to ensure that the requirements are met. Implementation and enforcement of the conditions of approval and compliance with the adopted mitigation measures and related requirements will help to achieve high standards and avoid adverse impacts to surrounding communities.

The CUP, IMP, and MMRP for CCL contain many conditions and requirements which require regular reporting, monitoring, inspections and routine enforcement activities. The County Departments primarily involved in enforcement of the project requirements, the Departments of Public Works, Regional Planning (Department) and Public Health, are committed to working together and with other regulatory agencies to ensure that local community issues and quality of life concerns are addressed and that land use regulation and enforcement efforts concerning the landfill are effective. The Community Advisory Committee (CAC) is to serve as an advisory body to the Board, the Commission, and County Staff, and as a conduit for the community to express its concerns about issues related to the landfill to decision makers.

Strategy II.3 is to "Make Environmental Sustainability Our Daily Reality: Envision and implement a comprehensive and integrated approach to improving the environmental, economic, and social well-being of our communities so that they may thrive now and into the future." CCL provides jobs and economic activity in the area and has the support of numerous business groups, businesses, employees, waste haulers, local residents and others. CCL has demonstrated a commitment to achieving and maintaining high environmental standards and implementation of the project's requirements will help to ensure that high environmental standards are maintained.

Objective II.3.4 is to "Reduce waste generation and recycle and reuse waste resources: Increase landfill diversion and recycling programs and infrastructure and inspire the community to reduce reuse and recycle waste materials." A significant amount of the materials received by CCL are beneficial use materials that are diverted from waste disposal and put to beneficial uses, such as building roads and berms, providing cover materials, dust control, etc. The project potentially will include an organic waste composting facility. The project includes a set-aside of land for a potential future conversion technology facilities which would divert solid waste materials and convert them to useful products. A household hazardous waste facility would also potentially be developed on the CCL site, which would provide a means for the public to properly dispose of hazardous household materials, including recyclable materials, and the Project would fund up to 10 collection events per year throughout the Santa Clarita Valley for household hazardous waste and electronic waste. The project would also establish a Waste Diversion Program Fund and solid waste disposal planning efforts to help the County achieve its long-term goals of recycling, waste diversion and waste reduction.

FISCAL IMPACT/FINANCING

Implementation of the proposed CUP should not result in any new significant costs to the County, or to the Department as the inspection fees and other fees needed for monitoring, enforcement, mitigation, waste disposal planning, community benefit funding and other

costs related to the project will be borne by the applicant through the required fees. Operating costs will be borne by the applicant.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A Hearing Examiner public hearing was held on July 31, 2014, at the Castaic Sports Complex in Castaic on the DEIR. The public comment period for the DEIR began on July 10, 2014, and ended on October 23, 2014, after two time extensions. At this hearing three testifiers spoke in favor of the project while 24 spoke in opposition. During the public comment period, 38 written comments in support of the project and 44 opposition comments were received.

A Hearing Examiner public hearing was held on December 15, 2016, at West Ranch High School in Stevenson Ranch on the PRDEIR. The public comment period for the DEIR began on November 9, 2016, and ended on January 9, 2017. At this hearing seven testifiers spoke in favor of the project while 36 spoke in opposition. During the public comment period, only one written comment in support of the project was received, compared to 294 comments from opponents. However, from January 10, 2017, to April 19, 2017, written comments received in support of the project outnumbered those from project opponents by approximately 1,200 to 100. Most of the support letters were form letters.

The Commission conducted a duly noticed public hearing on March 1, 2017, at Rancho Pico Junior High School in Stevenson Ranch. A total of 67 speakers testified before time expired, including 29 in favor of the project and 37 opposed to the project. However, there were 41 people who signed up to speak who were unable to do so because of time constraints, and the Commission had questions about the project and needed time to review the materials that had been submitted for the project, so the Commission approved a motion to continue the hearing to April 19, 2017.

On April 19, 2017, the Commission hearing was continued at its usual location in Downtown Los Angeles, with a remote testimony location at the Stevenson Ranch Library. Ten speakers at the remote location testified, including one who spoke in favor of the project and nine who spoke in opposition. Following the remote location testimony, 15 speakers at the main hearing location spoke, including 10 in opposition and five in favor of the project. Following the speakers, the project representative, Mr. Mike Dean, provided a rebuttal, which focused on the applicant's concerns about the project's draft conditions, especially the fees, tonnage limits, and limits on hours of operation.

Following the rebuttal, the Commission asked questions of the applicant, staff, and others. The Commission discussed several of the draft CUP conditions and IMP requirements,

including the Periodic Review procedure, air quality monitoring, fees, tonnage limits, maximum landfill capacity, hours of operation, closure plan and termination of the use, the CAC, the emergency provisions in the draft conditions, and other issues related to the project. The Commission directed Staff to make changes and clarifications to the draft conditions based on the testimony it received. Subsequently, the Commission certified the EIR, adopted the CEQA Findings and SOC, and the MMRP at the conclusion of the public hearing and approved CUP No. 200400042 and OTP No. 201500007, subject to the modified draft conditions and IMP. The Commission voted four to zero (four concurring, one abstaining) to approve the project.

Four appeals by opponents of the project and an appeal by the applicant were filed during the appeal period for the project ending on May 3, 2017. A public hearing is required pursuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

An EIR has been prepared pursuant to CEQA (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. An MMRP has been prepared to mitigate project impacts to geology and hydrology, surface water drainage, biological resources, cultural and paleontological resources, air quality, greenhouse gas emissions and climate change. Project impacts will be reduced to less than significant levels except for impacts to air quality, greenhouse gas emissions and climate change. At its hearing on April 19, 2017, the Commission certified the EIR and MMRP and adopted the CEQA Findings and SOC for the project.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed project is anticipated to have an impact on current waste disposal services. Approval of the CUP for the project will provide significant waste disposal capacity for County residents and businesses in the future, as well as potential for other benefits, including a conversion technology facilities, household hazardous waste facility, and an organic waste composting facility. Denial of the CUP for the project will mean less waste disposal capacity in the County and a need to find alternative facilities for waste disposal, conversion technology development, household hazardous waste collection, and organic waste composting.

For further information, please contact Richard Claghorn at (213) 974-6443 or at rclaghorn@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SA:SD:lm

Attachments: Appeal Forms
RPC Approval Documents
Hearing Packages
Final Environmental Impact Report
Applicant Rebuttals
Correspondence
Hearing Presentations
Hearing Transcripts

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

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