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November 24, 2014

VIA EXPRESS MAIL AND EMAIL

Connie Chung
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012
D1277d5@planning.lacounty.gov

SEA Program
c/o Emma Howard
Regional Planning Department, Floor 13
320 W. Temple Street
Los Angeles, CA 90012
ehoward@planning.lacounty.gov

RE: Comments of Browning-Ferris Industries of California, Inc. re. General Plan Environmental Impact Report Analysis of Impacts of SEAS Ordinance on Sunshine Canyon Landfill

Dear Ms. Chung and Ms. Howard:

We are counsel to Browning-Ferris Industries of California, Inc. ("BFIC"), the owner and operator of the Sunshine Canyon Landfill.

Attached to this letter is a May 22, 2014, letter submitted by BFIC to the Los Angeles County Planning Commission and Department of Regional Planning regarding the impact of the proposed change in the boundary of the Significant Ecological Area (SEA) ordinance map for General Plan 2035, as it pertains to the Sunshine Canyon Landfill.

The proposed boundary revisions would now-- for the first time-- include Sunshine Canyon Landfill property that has been permitted as a municipal solid waste landfill by both the City of Los Angeles and the County of Los Angeles, as well as by the Regional Water Quality Control Board, the South Coast Air Quality Management District, and the City/County Local Enforcement Agency-- acting under the state's waste management laws administered by the California Department of Resources Recycling and Recovery (CalRecycle).

The proposed change in the boundary map and the resulting application of the SEA ordinance to Sunshine Canyon Landfill property would create a number of serious actual and potential environmental impacts with respect to the future operation of the landfill, which performs a vital public service for the County and its cities. These environmental impacts would include adverse impacts on the ability of the landfill to continue to provide an important public service to residents and businesses in Los Angeles County; interference with the transmission of electricity to surrounding areas; interference with the proposed and approved cogeneration facility at the landfill (which will reduce the creation of greenhouse gasses); safety impacts if the landfill is unable to take corrective actions to remedy landslides; environmental impacts if the landfill cannot take other corrective actions required by a regulatory agency with jurisdiction over the landfill; closure and post closure of the landfill and other activities at the landfill that produce substantial public and environmental benefits. All these operations and activities will likely require future permits, permit extensions and modifications that could be prohibited or hindered by application of the SEA ordinance.

We have been told that the SEA ordinance is not intended to interfere with existing landfilling activities that have been permitted and approved, unless new permits, or permit extensions or modifications are sought by the landfill. However, the continued operation of the landfill requires numerous new permits and approvals, and extensions and modifications of existing permits and approvals, by a variety of agencies, as the landfill is built out and operated, and eventually closed. These successive permit modifications, approvals and clearances are required by the County of Los Angeles under its Conditional Use Permit, as well as from the other jurisdictions mentioned above. Therefore, from our reading and understanding of the current draft ordinance, the SEA ordinance could hinder or even prohibit each of the important activities described above. Furthermore, if it is not the intent of the SEA ordinance to limit future landfill operations in any way, then there is no compelling reason not to maintain the status quo and redraw the map to exclude the landfill property.

We have reviewed the draft EIR for the County's General Plan 2035, including those sections on solid waste. The EIR provides no reason as to why the map is being extended on to the landfill property, and does not discuss any potential adverse impacts on the landfill or its ability to render public services in the future. Yet the draft EIR acknowledges that any planning actions that could impinge on the County's ability to ensure adequate solid waste disposal capacity for its residents and businesses would be considered to be a significant environmental impact.

The Sunshine Canyon Landfill is a disposal facility of vital importance to the County of Los Angeles and its cities, including the City of Los Angeles. Sunshine is currently taking in an average of 8500 tons a day of solid waste generated within the County.

The County has limited, cost-effective landfill capacity-- and it is dwindling. The County has recently seen the Puente Hills landfill close, which took in over 7400 tons of solid waste per day. Therefore, any ordinance change that has the potential to hinder the ability of Sunshine Canyon to continue providing its services to the residents and business in the County is clearly a project under CEQA, which could potentially cause significant environmental impacts in terms of the availability of public services. These impacts ought to have been considered in the draft EIR. And, mitigation measures, including the exclusion of the Sunshine Canyon Landfill property from the SEA ordinance map, should have been analyzed in the draft EIR.

For the foregoing reasons, we request that the Draft Environmental Impact Report be revised and re-circulated to address the environmental impacts identified in this letter, that we believe will be significant and unavoidable with adoption of the SEA ordinance as it is currently proposed- if the SEAS map is extended onto the Sunshine Canyon Landfill property.

We ask that this letter be included in the Administrative Record for the General Plan 2035 Final EIR and the SEA Ordinance.

Thank you for your consideration of these comments on the draft Environmental Impact Report.

Sincerely,

Tom Bruen

Thomas M. Bruen

Ccs. TMB:jlm
Client
Susan Tae, Supervising Regional Planner
Supervisor Mike Antonovich

SUNSHINE CANYON LANDFILL

May 22, 2014

Commissioner Esther L. Valadez, Chair
Commissioner David W. Louie
Commissioner Laura Shell, Vice Chair
Commissioner Curt Pedersen
Commissioner Pat Modugno
Los Angeles County
Department of Regional Planning
320 W. Temple Street, Room 1354
Los Angeles, CA 90012

Subject: COMMENTS ON PROPOSED SIGNIFICANT ECOLOGICAL AREA (SEA) ORDINANCE CHANGE, GENERAL PLAN 2035

Dear Commissioners,

As owner and operator of Sunshine Canyon Landfill, Republic Services (Browning-Ferris Industries of California, Inc.), wishes to inform the Regional Planning Commission of the potential impacts of the above-referenced proposed ordinance and accompanying SEA map changes on the Landfill and related developments.

Based on these impacts, which we discuss in detail below and in the attached Exhibits, we respectfully request that proposed changes in the boundaries of the Santa Susana Mountains and Simi Hills SEA ("the SEA") adjacent to Sunshine Canyon Landfill, be eliminated and that the existing boundaries of the SEA be maintained.

Our concerns with respect to draft boundary changes as shown in the SEA map contained in the County map database "GIS-NET3", are based on their potential impacts on:

- Approved grading limits for the landfill;
- Approved waste limits for the landfill;
- Approved plans for permanent and temporary grading plans, access roads and construction of Southern California Edison (SCE) transmission lines that are critical for development of the approved landfill; and
- Planned future development in a portion of the permitted landfill limits that has been deferred pending a revision of current grading limits to remove existing landslides.

Exhibits 1 through 4 illustrate these concerns, as discussed below.

Exhibit 1 - This exhibit shows the existing grading limits approved by the County for the side of the landfill north of the City/County Line. It also shows the existing and proposed boundaries of the SEA, and identifies areas where proposed SEA boundaries impinge on the approved landfill grading limits. If implemented, this change could potentially complicate completion of required and approved drainage structures as well as completion of the approved landfill liner system, and impact the site's disposal capacity and life.

14747 San Fernando Rd., Sylmar, CA 91342 (818) 833-6500 Office (818) 362-5484 Fax

Exhibit 2- This exhibit shows the approved limits of waste and the existing and proposed SEA boundaries. The area impacted by the proposed SEA boundary change contains portions of the approved waste footprint in both the City and County sides of the landfill.

Exhibit 3 - This exhibit presents plans approved by the California Public Utility Commission (CPUC) for re-routing of transmission lines of Southern California Edison (SCE) that currently cross the center of the landfill. These transmission lines must be rerouted in order to allow the site to be developed to its approved final capacity under entitlements issued jointly by the City of Los Angeles and County of Los Angeles. It shows potential conflicts with the proposed SEA boundary revision in several areas:

- The new boundary on the ridgeline east of the landfill coincides with an existing access road needed to maintain existing and proposed power lines on that side of the site; and,
- Some approved poles and access roads on the west side of the landfill fall within the proposed SEA boundary.

Exhibit 4 - This exhibit shows an area in the northwest corner of the Sunshine Canyon property. It highlights two major features of the site:

- An area of approximately 11.8 acres in the extreme northwest end of the approve landfill waste limits that was temporarily filled with soil as a buttress against adjacent landslide areas; and

- Documented landslides that would need to be removed by excavation and grading prior to removing the temporary soil fill and developing the site to its full permitted size and capacity. The landslides were known and taken into account in prior environmental documentation based on their identification in original site characterization geologic studies (Purcell, Rhodes & Associates, Site Geologic Map, May 27, 1988).

Removal of these landslides would require an adjustment in the existing grading limits shown in Exhibit 1. Such an adjustment would be subject to review and approval by the County under terms of the existing CUP, Condition 37, which requires prior approval by the Department of Public Works "for all grading within the County's jurisdiction that is outside the Landfill footprint." If the area is incorporated into the SEA as proposed, the County review process prescribed by the CUP could be superseded by Section 22.52.2915.E of the proposed ordinance as a "modification to any development previously authorized by a valid. .....Conditional Use Permit....." and thereby become subject to development standards of the SEA ordinance. We believe this change in County review procedures for the landfill is unnecessary and would impose a needless burden on both the Landfill and the County.

Given the proposed extension of the SEA map boundaries to include more property owned by the Sunshine Canyon Landfill (Browning-Ferris Industries of California, Inc.), we are very concerned with the language in the Ordinance (Section 22.52.2910 A) that states the Ordinance applies to the entirety of any lot or parcel, even if only a small fraction of that lot or parcel falls

with the revised SEA map area. Further, the exemption for property covered by existing land use permits is restricted to the lifetime of those permits and, moreover, the implication that any future land use approvals would be covered by the Ordinance creates many additional questions. What exactly is meant by the phrase "land use approval"-- as distinct from a land use permit? If an approval is required under a condition of an existing CUP, is that approval considered a "land use approval," which in turn will trigger application of the Ordinance? Can you give us a complete list of "land use approvals" that would be covered by the ordinance, and those that would not be covered?

The impact of requiring SEA Ordinance clearance of approvals for the currently- permitted build-out of the Landfill could prevent or substantially delay that build-out. The Landfill services a vital public interest for the County, the City of Los Angeles, including its residents and businesses. It could also hinder vitally important actions needed to correct safety concerns, such as existing or newly discovered landslides, or hinder access to power lines or critical landfill environmental control systems.

Any such preclusion or delay of the build-out of the Landfill under its current permits, which underwent extensive review under CEQA before these land use permits were obtained, should itself be subject to further robust CEQA review. These potential environmental impacts of implementation of the Ordinance would include, but not be limited to, the impacts on public services; interference with the transmission of electricity to surrounding areas; interference with the proposed and approved co-generation facility at the Landfill, which will greatly reduce the creation of greenhouse gases by producing significant quantities of renewal electric energy from landfill gas; safety impacts if the landfill is unable to take correction actions to remedy landslides; environmental impacts if the Landfill cannot take corrective action required by a regulatory agency with jurisdiction over the Landfill; closure and post-closure of the Landfill; and other activities that produce environmental benefits.

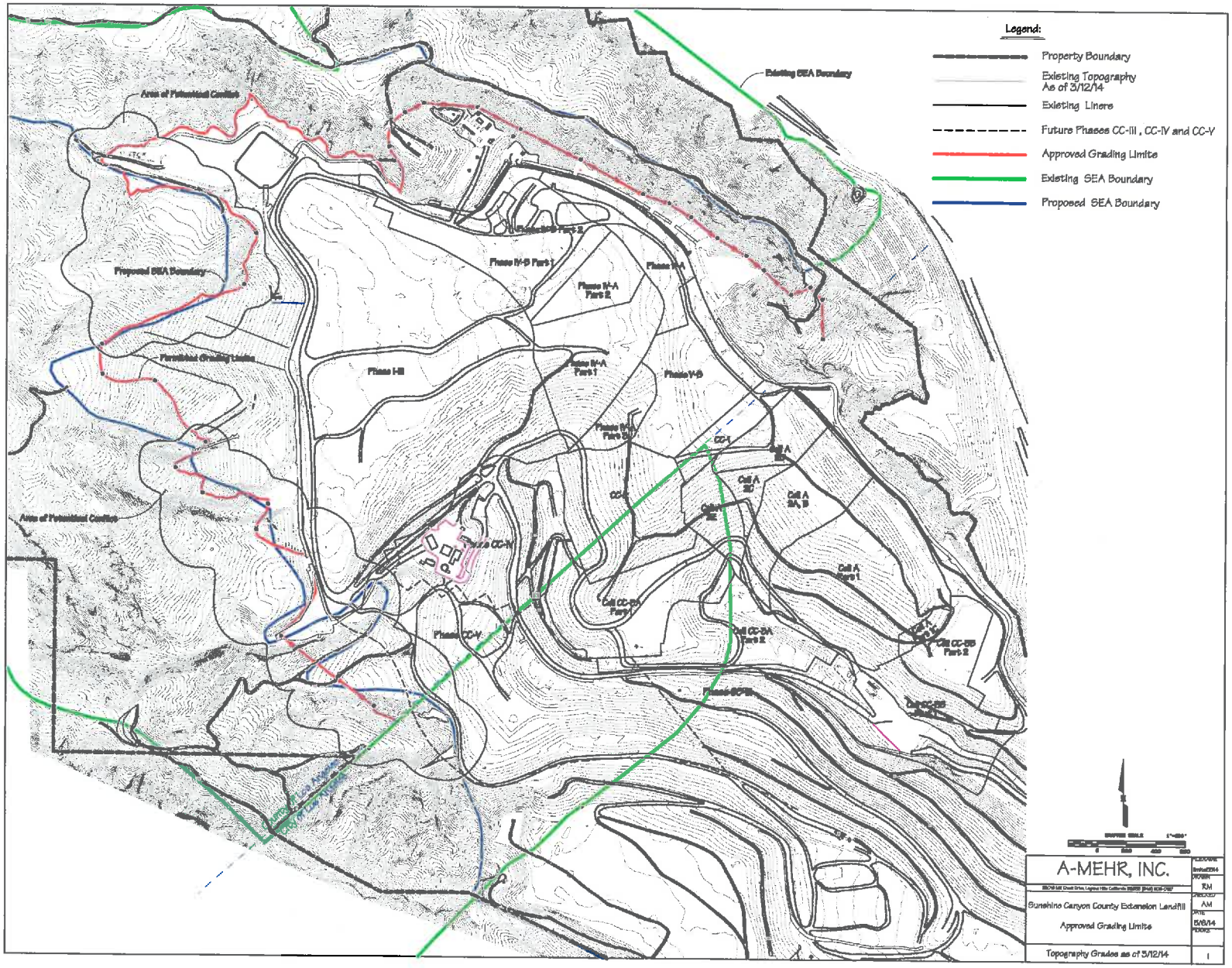
We can elaborate on the foregoing environmental concerns that should be addressed in an environmental document to support adoption of the Ordinance, but prior to doing so we request that the draft SEA map boundary simply be revised to not include additional Sunshine Canyon Landfill property, and that the existing SEA boundaries be maintained.

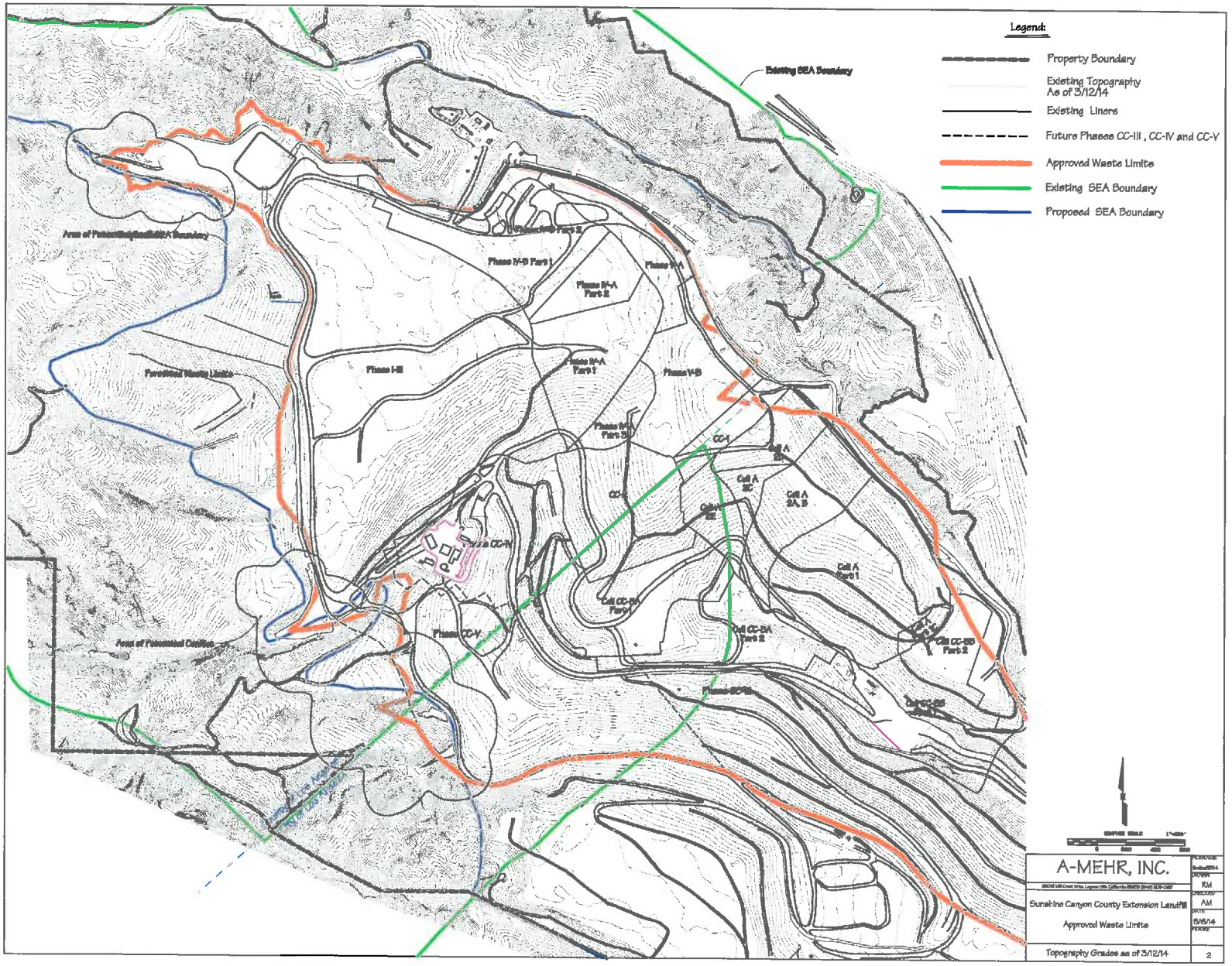
Sincerely,

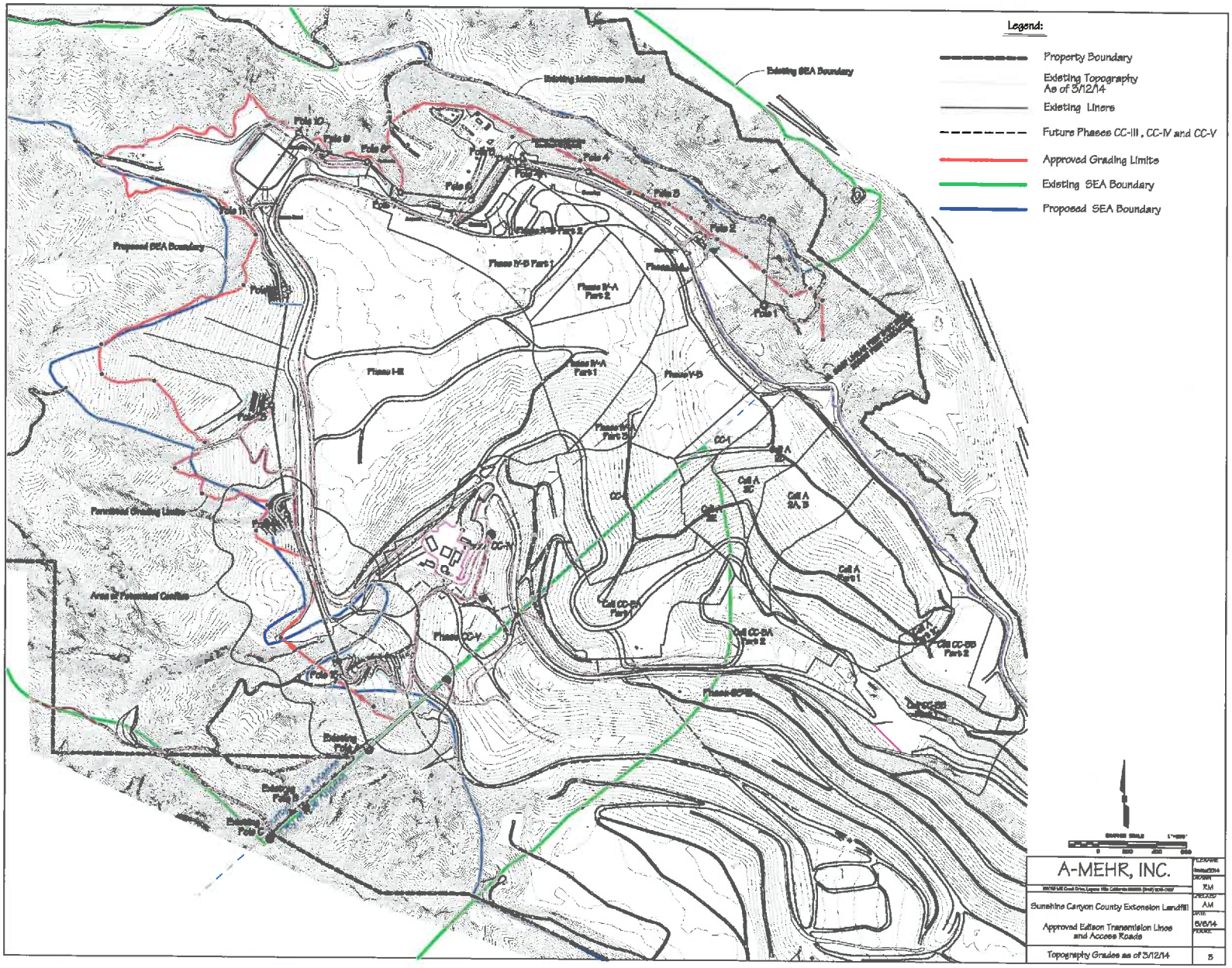
Rob Sherman
General Manager
Sunshine Canyon Landfill

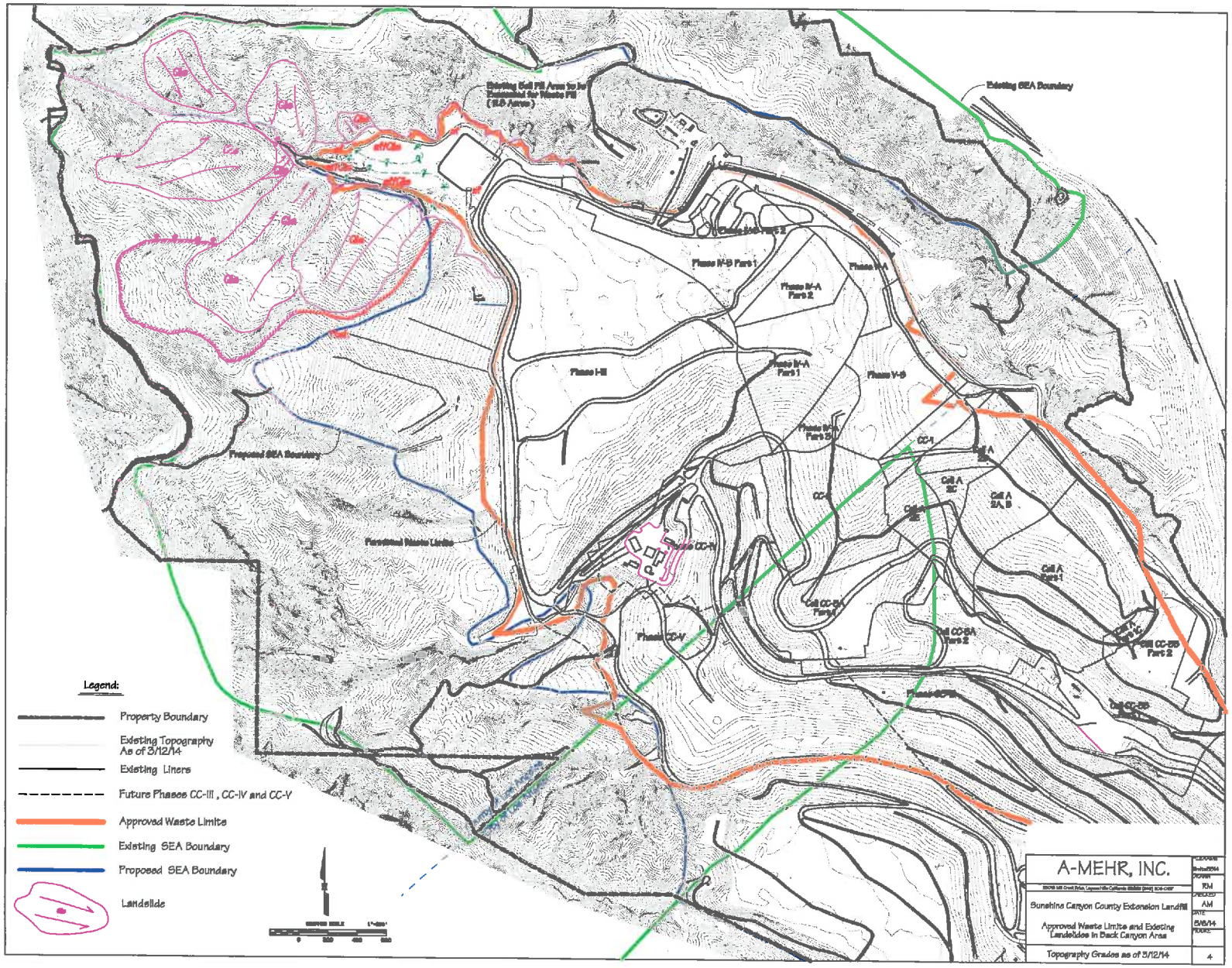
Cc: Mr. Tom Bruen, Esq.
Mr. Michael Stewart, Republic Services
Mr. Harold Barber, Republic Services
Mr. Ron Krall, Republic Services

Attachments


Legend:
Property Boundary
Existing Topography As of 3/12/14
Existing Liners
Future Phases CC-III, CC-IV and CC-V
Approved Grading Limits
Existing SEA Boundary
Proposed SEA Boundary
Existing SEA Boundary
Area of Potential Conflict
Proposed SEA Boundary
Permitted Grading Limits
Phase I-III
Phase IV-B Part 1
Phase IV-A Part 2
Phase IV-A Part 1
Phase V-B
Phase CC-V
Phase CC-IV
Cell A Part 1
Cell CC-5A Part 1
Cell CC-5A Part 2
Cell CC-5B Part 2
A-MEHR, INC.
Sunshine Canyon County Extension Landfill
Approved Grading Limits
Topography Grades as of 3/12/14
RM
AM
5/6/14
1


Legend:
Property Boundary
Existing Topography As of 3/12/14
Existing Liners
Future Phases CC-III, CC-IV and CC-V
Approved Waste Limits
Existing SEA Boundary
Proposed SEA Boundary
Existing SEA Boundary
Phase I-III
Phase IV-B Part 1
Phase IV-A Part 2
Phase IV-A Part 1
Phase V-B
Phase CC-V
Cell A Part 1
Cell CC-BA Part 2
Cell CC-BB Part 2
A-MEHR, INC.
Sunshine Canyon County Extension Landfill
Approved Waste Limits
Topography Grades as of 3/12/14
RM
AM
5/6/14
2


Legend:
Property Boundary
Existing Topography As of 3/12/14
Existing Liners
Future Phases CC-III, CC-IV and CC-V
Approved Grading Limits
Existing SEA Boundary
Proposed SEA Boundary
Existing SEA Boundary
Proposed SEA Boundary
Phase I-II
Phase IV-A Part 1
Phase IV-A Part 2
Phase IV-B Part 1
Phase V-B
Phase CC-V
Cell A Part 1
Cell A 2A, B
Cell A 2C
Cell CC-5A Part 1
Cell CC-5A Part 2
Cell CC-5B Part 2
Pole 1
Pole 2
Pole 3
Pole 4
Pole 5
Pole 6
Pole 8
Pole 9
Pole 10
Pole 11
Pole 12
Pole 13
Pole 14
Pole 15
Existing Pole A
Existing Pole B
Existing Pole C
A-MEHR, INC.
Sunshine Canyon County Extension Landfill
Approved Edison Transmision Lines and Access Roads
Topography Grades as of 3/12/14
RM
AM
5/6/14
5


Existing SEA Boundary
Proposed SEA Boundary
Permitted Waste Limits
Phase I-III
Phase IV-A Part 1
Phase IV-A Part 2
Phase IV-B Part 1
Phase V-B
Phase CC-V
Cell A Part 1
Cell A 2A, B
Cell A 2C
Cell CC-5A Part 1
Cell CC-5A Part 2
Cell CC-5B Part 2
Legend:
Property Boundary
Existing Topography As of 3/12/14
Existing Liners
Future Phases CC-III, CC-IV and CC-V
Approved Waste Limits
Existing SEA Boundary
Proposed SEA Boundary
Landslide
A-MEHR, INC.
Sunshine Canyon County Extension Landfill
Approved Waste Limits and Existing Landslides in Back Canyon Area
Topography Grades as of 3/12/14
RM
AM
5/6/14
4