

April 9, 2008

TO: Facility and Plan Review Subcommittee Members

FROM: Martin Aiyetiwa *MA*
Staff

**FINDING OF CONFORMANCE
SUNSHINE CANYON LANDFILL – COUNTY PROJECT**

Browning-Ferris Industries of California, Inc. (BFI) has requested the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force to grant a Finding of Conformance for the Sunshine Canyon Landfill – County Project. The request is in accordance with the requirements of the approved Los Angeles Countywide Siting Element, dated June 1997.

As requested by the Subcommittee on June 21, 2007, and January 24, 2008, Attachment A is a table that summarizes Task Force's comments and associated responses from staff and BFI. BFI has requested an opportunity to make a presentation before the Subcommittee and the full Task Force to provide a status on their current activities and answer any questions that the members may have.

I. Background

Sunshine Canyon Landfill – County Project is located in Sylmar, in the unincorporated area of Los Angeles County. The Landfill is adjacent to the Sunshine Canyon City Landfill located in the City of Los Angeles. Attachments B and C are the location map and site map.

Presently, the facility is operating under Replacement Conditional Use Permit 00-194-(5) (RCUP) approved by the Los Angeles County Board of Supervisors on February 6, 2007. The RCUP (Attachment G) became effective May 24, 2007, upon its acceptance by BFI. Accordingly, BFI is proposing to develop the County Project as provided in Condition 18 of the RCUP.

BFI is proposing to utilize a portion of the "bridge area" [which is the area outside of RCUP Exhibit A-1 fill design but within RCUP Exhibit A-2 fill design] through the development of Phase V and utilization of the top deck of Exhibit A-1 fill design. The proposal will add approximately 20 acres to the lined areas, bringing the total landfill area to 139.5 acres and a total disposal capacity estimated at 21.1 million tons (a net increase of 5.2 million tons above the current Exhibit A-1 fill design capacity). The complete 139.5 acre footprint (including Phase V and the top deck) is estimated to have a net remaining disposal capacity of about 6.9 million

tons as of October 19, 2006. Attachment D is a landfill phasing plan showing the phases of operation.

Prior to May 24, 2007, the facility was operating under Conditional Use Permit (CUP) 86-312-(5), Exhibit A fill design, with a permitted disposal capacity of approximately 16.9 million tons of solid waste and a footprint stated as 215 acres. Subsequent design studies determined that approximately 119.5 acres of the permitted footprint area is feasible for construction of lined disposal cells with an estimated disposal capacity of 15.9 million tons of solid waste.

II. Request Before the Task Force

- Pursuant to Section 10.1 of the Los Angeles County Countywide Siting Element dated June 1997, BFI has requested the Task Force to consider issuance of a Finding of Conformance (FOC) for Sunshine Canyon Landfill – County Project (as defined in the RCUP).

The County Project includes the areas identified in the RCUP as Exhibit A-1 fill design and the portions of the “bridge area” authorized for landfill development, pursuant to Condition 18 of the RCUP, by the Los Angeles County Department of Public Works on June 11, 2007 (refer to As-Built Drainage and Grading Limits, Revision No. 1 approved November 29, 2007, Attachment E). This survey monument plan defines the footprint of the County Project as approved by the County Department of Public Works.

III. Item History

- On August 15, 1991, the Task Force issued an FOC with the Los Angeles County Solid Waste Management Plan for the facility operation in the unincorporated County area.
- On April 17, 2003, the Task Force issued an FOC with the Los Angeles County Countywide Siting Element for the portion of Sunshine Canyon Landfill (Unit 2) in the City of Los Angeles.

IV. Options for the Task Force

The Task Force may decide to:

1. Grant the FOC as submitted by staff;
2. Grant the FOC as submitted by staff, but with changes/modifications;
3. Request additional information and/or analysis, and instruct staff to bring the item back for consideration at a later date; or
4. Deny the FOC and state reasons for the denial.

V. Staff's Conclusion and Recommendation

BFI has submitted additional information in response to Task Force's requests. Therefore, staff recommends the Task Force to adopt Option 1: Grant the FOC for the Sunshine Canyon Landfill – County Project and find the proposal consistent with the goals and policies of the Countywide Siting Element and its Siting Criteria.

VI. Project Summary and Findings

Name: Sunshine Canyon Landfill – County Project

Facility Type: Class III Landfill (Municipal Solid Waste)

Location: 14747 San Fernando Road, Sylmar 91342

Setting: The Sunshine Canyon Landfill - County Project is within the portion of the existing Sunshine Canyon Landfill that lies within unincorporated area of Los Angeles County.

Operational Status: Permitted and active

Waste Type: Non-hazardous municipal solid waste

Permitted Acreage: 215 acres [139.5 acres usable, including the proposed addition of approximately 20 acres. Approximately 5 acres of the proposed area lie within the existing permitted limits of RCUP Exhibit A-1 and approximately 15 acres are located outside of those limits but within the limits of RCUP Exhibit A-2]

Currently Permitted Limits of Fill: Exhibit A-1 of the RCUP with 16.9 million tons

Proposed Limits Exhibit A-1 of the RCUP plus Phase V and the top deck of Exhibit A-1 of the RCUP totaling 21.1 million tons (Attachment E).

Remaining Capacity (as of 10/19/06): 6.9 million tons or 9.8 million cubic yards

Current Design Capacity: 15.9 million tons

Proposed Additional Design Capacity: 5.2 million tons (above the current permitted design capacity)

Currently Permitted Daily Capacity:	6,600 tons per day maximum (weekly limit 36,000 tons) for solid waste (Previous CUP does not specify intake limit for inert debris/beneficial use materials)
Proposed Daily Capacity:	6,600 tons per day maximum (weekly limit 36,000 tons) for solid waste and 3,600 tons per week for inert debris/beneficial use materials.
Permitted Hours:	6:00 am to 6:00 pm Monday – Friday 7:00 am to 2:00 pm Saturday
Proposed Hours:	No change in permitted hours of operation
Owner/Operator:	Browning-Ferris Industries of California, Inc., a subsidiary of Allied Waste Services, Inc.
LEA:	County of Los Angeles, Department of Public Health – Solid Waste Management Program
Project Schedule:	Development in Phase VA will begin in 2008 Development in Phase VB will begin in 2009

VII. Staff Analysis

Staff has reviewed the proposal and offers the following:

1. Compliance with the California Environmental Quality Act

In 1993, the County of Los Angeles approved an Environmental Impact Report (State Clearing House Number 8907210) that allowed landfill operations to begin in the County portion of the site. Based on this approval, the County issued CUP No. 86-312-(5) authorizing development of the Sunshine County Landfill – County Extension with fill design limits described by CUP Exhibit A with an estimated capacity of 16.9 million tons of solid waste. The CUP also provided that the waste limits and capacity may be increased upon fulfillment of certain specified conditions and upon approval by the City of Los Angeles of a combined City/County landfill described by CUP Exhibit “A” (Alternate).

Subsequently, the City of Los Angeles was the lead agency for preparation, review, and approval of the Subsequent Environmental Impact Report under CEQA for the establishment of the Sunshine Canyon City Landfill (Unit 2) and the proposed combined City/County Landfill. The final SEIR (SCH No. 92041053) was approved and certified by the Los Angeles City Council on December 8, 1999, and approved by the City Mayor on December 9, 1999.

Subsequently, an Addendum to the SEIR and a Statement of Overriding Consideration was prepared for the Replacement Conditional Use Permit 00-194-(5) (RCUP) which was approved by the Los Angeles County Board of Supervisors on February 6, 2007. A Notice of Determination was filed with the County Clerk on February 8, 2007 and was posted for the public until March 12, 2007 (Attachment H).

2. General Plan Consistency and Land Use

- A. The subject site is zoned A-2-2 (Heavy Industrial – two-acre minimum lot sizes). Solid waste landfills require a Conditional Use Permit to operate in this zone. The Los Angeles County Board of Supervisors granted CUP 86-312-(5) for the facility on February 19, 1991, and RCUP 00-194-(5) which was approved on February 6, 2007 (Attachment G). The proposed project will be developed in accordance with the provisions of the RCUP, including the refuse limits specified in RCUP Condition 18.
- B. A General Plan consistency determination was approved for the project by the Board of Supervisors on February 19, 1991 (Sub-Plan Amendment 86-312-(5) and Compound Plan Amendment 90-2-(5)). This determination is consistent with Section 50000.5 of the California Public Resources Code.

3. Solid Waste Facility Permit

The facility is currently operating under a revised Solid Waste Facilities Permit Number 19-AA-0853 issued on February 21, 2007, by the Los Angeles County Department of Public Health, acting as the Local Enforcement Agency for the County side of Sunshine Canyon Landfill. The revised SWFP included the proposed Phases V, VI, and VII areas as additions to Exhibit A-1 fill design of the RCUP. The CIWMB concurred in the issuance of the SWFP on February 13, 2007.

Note, however, that this FOC does not include Phases VI and VII (which are part of the revised SWFP) because BFI does not have County approval to develop these phases at this time.

4. Waste Discharge Requirements (WDR)

On April 5, 2007, the facility was granted a revised WDR by the California Regional Water Quality Control Board, Los Angeles Region, for the proposed Phases V, VI, and VII. The WDR contain a “reopener” which stipulates certain restrictions on the development of Phases VI and VII and requires BFI to fulfill specified requirements within 2 years.

5. Consistency with Los Angeles County Countywide Siting Element/Countywide Integrated Waste Management Plan

The currently inactive Class III landfill located on the City side of the site was identified as an existing landfill site in the former County Solid Waste Management Plan dated August 1985 (Table 6-1). A proposed expansion of the Landfill in both the City and County unincorporated portions of the property was identified in the 1997 Countywide Siting Element (Table 7-1 and pages 7-9, 7-26, and 7-27).

The CSE identified potential new landfills and potential expansions of existing landfill areas where the siting criteria may be applicable for the development of additional Class III landfill disposal capacity. Prior to development of any of these facilities, the facility proponent is required to demonstrate that the project is in conformance with the CSE. As a part of the determination of conformance with the CSE and its Siting Criteria, the project proponent must obtain an FOC from the Task Force.

A. Goals and Policies

Staff has reviewed materials provided by BFI and finds that subject to the conditions stipulated herein, development of the proposed Phase V and top deck of Exhibit A-1 fill design of the County Project is in accordance with the provisions of the RCUP and the goals and policies of the Siting Element/CoIWMP. Specifically:

- i) Promotion of policies to enhance in-County landfill disposal capacity including the expansion of the Sunshine Canyon Landfill located in the northern San Fernando Valley within the City of Los Angeles and the County unincorporated area.

The proposed project would provide additional in-County disposal capacity (approximately 5.2 million tons within Phase V and the top deck of RCUP Exhibit A-1) to meet the disposal needs of jurisdictions in Los Angeles County.

- ii) Promotion of land use policies to discourage incompatible land uses between existing, expansion of existing, and new solid waste management facilities identified in the Siting Element and adjacent areas.

The facility will be developed in accordance with these required conditions of its land use approvals. BFI dedicated surrounding properties of East Canyon (426 acres to the west) and Upper Bee Canyon (490 acres to the south) for parkland to the County and Santa Monica Mountains Conservancy as required in CUP

86-312-(5), Condition 15 (and Finding No. 22). The dedication of these properties was intended to ensure compatibility with surrounding land uses and serve as additional buffer around the landfill Facility.

Additionally, in amending the General Plan to permit the Sunshine Canyon City Landfill (Unit 2), the City required maintenance of a 100-acre open space buffer zone in the southern part of the landfill property to provide additional visual and noise buffer for the residential community to the south and the recreational area to the west.

- iii) Promotion of policies that would foster the development of transformation and other waste disposal technologies as alternatives to land disposal.

See RCUP conditions 69 and 73, and Section VIII of this staff report, Recommended Conditions of Approval, Item 10.

- iv) Promotion of policies which would ensure that all new or expansions of existing solid waste disposal facilities conform to the siting criteria and obtain a revised FOC whenever a revised/modified solid waste facility permit is required.

See below Section VII-5-B: Evaluation of Siting Criteria and Attachment I.

- v) Implementation of salvage/diversion operations to recover those waste materials that can be feasibly and economically reused, recycled, or composted.

The facility's previous CUP and the Waste Plan Conformance Agreement approved by the Board of Supervisors on June 26, 1996 require BFI to implement waste diversion measures and to maintain on-site waste diversion and recycling facilities. See Conditions 24 and 25 of the RCUP (Attachment G).

B. Evaluation of Siting Criteria

Staff has reviewed the information provided by the project proponent and finds that the proposal, in concert with the owner/operator's full compliance with the requirements of RCUP, and its Implementation and Monitoring Program and Mitigation Monitoring and Reporting Summary, adequately satisfies the CSE's Siting Criteria. Attached is the Siting Criteria Checklist (Attachment I).

VIII. Recommended Conditions Of Approval

Staff recommends that an FOC be granted for the proposed project subject to the following conditions:

1. Permitted Operations/Activities–This FOC is limited to landfilling activities and other waste management operations for Phase V and the top deck of RCUP Exhibit A-1 fill design, in accordance with Condition 18 of the RCUP approved by the Los Angeles County Board of Supervisors on February 6, 2007.
2. Types of Waste Materials–The waste materials to be landfilled at the subject site shall be limited to non-hazardous solid waste and inert debris as defined in the RCUP approved by the Los Angeles County Board of Supervisors on February 6, 2007, and as specified in the WDR issued by the CRWQCB, Los Angeles Region. Incinerator ash, sludge, hazardous waste, liquid waste, designated waste, radioactive material, and medical wastes as defined by State and Federal laws are prohibited.
3. Waste Quantities–The materials received at the facility shall be subject to the following:
 - a. Maximum daily tonnage of solid waste disposed at the site shall be limited to 6,600 tons on any given day, six working days per week, with a maximum weekly capacity of 36,000 tons of non-hazardous solid waste as defined in the RCUP.
 - b. The amount of materials received for beneficial use shall not exceed 3,600 tons per week, based upon six working days per week.
 - c. Pursuant to Condition 18 of the RCUP, during the City Project, at least 50% of the cumulative total waste accepted by both the City Project and the County Project measured on an annual basis shall be deposited on the City side.
4. Hours of Operation–The hours of operation for solid waste disposal at the site shall be 6 a.m. to 6 p.m. Monday through Friday and 7 a.m. to 2 p.m. on Saturday. The Landfill shall be closed to the public on Sundays.
5. Limits of Fill–Total disposal quantity, excavations, horizontal boundaries, and minimum and maximum elevations (contours) shall be limited to those established in Exhibit A-1 fill design and the additional Phase V and top deck of Exhibit A-1 in accordance with the provisions of Condition 18 of the RCUP. The maximum vertical height of the Landfill at build-out shall not exceed a final fill elevation of 1900 feet

above mean sea level. The horizontal boundary shall not exceed the Limit of Fill shown on Attachment E.

6. Term—This FOC shall terminate upon the facility reaching the disposal capacity, boundary limits, and/or maximum fill elevation of Phase V and the top deck of Exhibit A-1 fill design in accordance with the provisions of Condition 18 of the RCUP. This FOC will terminate if there is any Significant Change in operation of the facility or if the operation of the facility is prohibited by any regulatory agency, judicial court, or the County of Los Angeles. A new FOC is required prior to the facility operating as a joint or combined City/County Landfill.

This FOC is subject to reconsideration concurrent with the SWFP five-year review process, or at an earlier date as may be determined by the Task Force. No less than 90 days before the five-year anniversary of the FOC the owner/operator shall submit a request for review of its FOC to the Task Force. The request shall indicate any changes in the operation that may necessitate a revision in the provisions/conditions of this FOC.

7. Regulatory Compliance—The owner/operator must comply with all requirements of the Federal, State, County, and local regulatory agencies.
8. Waste Load-Checking—The owner/operator shall implement a Waste Load Checking Program as approved by the County LEA, and submit a copy of the approved program to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California, 91802-1460.
9. Litter Control—The owner/operator shall implement the Litter Control and Tarping Program as stipulated in Attachment J.
10. Conversion Technologies—The owner/operator shall actively work with the Task Force in promoting conversion technologies as alternatives to landfilling and incineration. This shall include, but not be limited to, (a) supporting and promoting legislation and regulations which would provide economic incentives for the development of conversion technologies, and (b) supporting and promoting legislation and regulations which would remove conversion technologies from the definition of transformation and give them full diversion credit towards the State waste reduction mandates.
11. Seismic Monitoring—The facility owner shall implement and comply with the following seismic monitoring requirements:
 - a. Complete installation of an accelerometer onsite to measure earthquake/seismic ground motions within 60 days of approval of

this FOC. A set of as-built plans signed and sealed by a California Registered Civil Engineer shall be provided to the Local Enforcement Agency and the County of Los Angeles Department of Public Works, Environmental Programs Division.

- b. Following a major earthquake/seismic ground motion of magnitude 5.0 or greater, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, thoroughly survey the landfill for primary and secondary surface expressions of seismic activity (such as surface ruptures, landslides, change in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the County of Los Angeles Department of Public Works, Environmental Programs Division and the Local Enforcement Agency for review. The assessment report needs to describe and discuss all features, including damage to the site and infrastructure caused by the earthquake and measures that will be taken to mitigate the impact.

12. Waste Characterizations—On a semi-annual basis, the owner/operator shall conduct waste characterizations of the incoming waste stream over a one-week period during the months of March and September. The results shall be submitted in the attached Monitoring and Reporting Form (Attachment K) with the reports due April 30 and October 31 of each year (see Condition 13 below).

13. Reports—BFI shall submit monthly reports on a quarterly basis within 30 days of the end of the quarter to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California 91802-1460. The report shall contain the following information for each month of the reporting period:

- a. Type and quantity of waste (weight) received at the facility for processing, recycling, and disposal
- b. Waste source and quantity identified by weight and/or volume for each jurisdiction of origin, including each city within the County of Los Angeles, unincorporated area of the County, and any jurisdiction outside the County of Los Angeles, if any
- c. Quantity of recovered recyclable materials, including tires and green waste, if any, by weight and/or volume, and final destination of recovered materials
- d. Quantity of household hazardous waste and electronic waste, if any, recovered from the waste stream, and final destination of recorded materials

- e. The frequency of the report shall be as specified in the Los Angeles County Solid Waste Information Management System
- f. Remaining landfill disposal capacity by weight (tons) and volume (cubic yards)
- g. The information shall be provided in the format approved by the Task Force through the Los Angeles County Solid Waste Information Management System, and/or as may be updated by the Task Force (Attachment L)

Failure to comply with these reporting requirements shall be considered as a cause for revocation of this FOC.

14. Change in Ownership—In the event of any change in operator or control of ownership of the facility by BFI and/or Allied Waste, the applicant must:
 - a. Notify the Task Force, in writing, of such change within ten calendar days; and
 - b. Notify the succeeding owner and operator by letter, a copy of which shall be filed with the Task Force, of the existence of this FOC.
15. Mitigation Measures—BFI must obtain and fully comply with all the permits and approvals (including but not limited to drainage, grading, stormwater, building, and industrial waste), as well as comply with all other mitigation measures, which are listed in Attachment I to comply with the Siting Criteria. Documentation substantiating that BFI has obtained all necessary permits and approvals, as well as compliance with all other mitigation measures, which are required prior to operating the County Project, shall be submitted to the County of Los Angeles Department of Public Works at least 30 days prior to commencement of disposal operations in Phase V and the top deck of RCUP Exhibit A-1 fill design.
16. Subsurface Gas Migration—The owner/operator must protect all on-site buildings and enclosed structures within 1,000 feet of the disposal area against intrusion of migrating landfill gas in accordance with the requirements of Chapter 15 of the City of Los Angeles Building Code and Section 110 of the Los Angeles County Building Code, as applicable.
17. The permittee, BFI, shall submit a status report on the following:
 - a. Progress of the County Project, specifically with respect to the requirement that during the City Project, at least 50% of the cumulative total waste accepted by both the City Project and the County Project measured on an annual basis shall be deposited on the City side.

- b. Progress of Phases I and II of the City Landfill.
- c. Progress of the combined City/County Project.
- d. Progress of the site's landscaping activities and revegetation of the permanent slope areas.

The status report shall be submitted on a quarterly basis within 30 days of the end of the quarter to the Los Angeles County Integrated Waste Management Task Force, P.O. Box 1460, Alhambra, California 91802-1460. The first quarterly report shall be for the period of April through June 2008.

IX. ATTACHMENTS

- A Summary of Facility and Plan Review Subcommittee's Comments and BFI'S Response
- B Site Location Map
- C Site Map of City and County Portions
- D Landfill Phasing Plan
- E As-Built Drainage and Grading Limits, Revision No. 1
- F Final Grading Plan
- G RCUP No. 00-194-(5), Exhibit A-1 and Exhibit A-2
- H CEQA Notice of Determination
- I Siting Criteria Evaluation Checklist
- J Litter Control and Tarping program
- K Monitoring and Reporting Form (Waste Characterization)
- L SWIMS Form 13
- M Revegetation Plan 1st Quarter 2008
- N Revegetation Plan Schedule