



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



June 24, 2008

Bruce W. McClendon FAICP
Director of Planning

Mr. Dave Hauser, General Manager
Browning-Ferris Industries
Sunshine Canyon Landfill
14747 San Fernando Road
Sylmar, CA 91342

**SUBJECT: COMPLIANCE WITH CONDITIONAL USE PERMIT 00-194-(5)
PRIOR TO OPERATION OF JOINT CITY/COUNTY LANDFILL**

Dear Mr. Hauser,

This letter sets forth the explicit conditions that Browning-Ferris Industries ("BFI") must satisfy under conditional use permit 00-194-(5) and associated Implementation and Monitoring Program (collectively "CUP") prior to commencing operations of the "City/County Project", which includes a joint City/County landfill crossing the jurisdictional boundary of the County and the City of Los Angeles ("Joint Landfill"). This letter further sets forth the status of each of these conditions as of the date of this letter.

Due to the recent approval by the California Integrated Waste Management Board of a Solid Waste Facilities Permit for the Joint Landfill, the County is anticipating entering into Tolling Agreement with BFI which would, among other things, require that the County and BFI confer in good faith to resolve all outstanding CUP compliance issues.

Please note that this letter addresses only those conditions in the CUP that explicitly require compliance prior to the operation of the Joint Landfill. It does not address the status of any of the other conditions in the CUP which require ongoing compliance irrespective of whether BFI is operating in a joint capacity.

Based on the Department of Regional Planning's ("DRP's") review of these conditions, as well as its consultation with the Department of Public Works, DRP has determined that, prior to operation of the Joint Landfill, BFI must satisfy the following CUP conditions. The status of compliance for each condition is noted:

- **Condition 6** -- BFI must obtain a Finding of Conformance from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.

Status: On May 21, 2008, BFI submitted a Finding of Conformance application to Public Works (which serves as staff to the County's Integrated Waste Management Task Force) for processing. Staff's review shows the application is incomplete and will provide comments to BFI by June 26, 2008.

- **Condition 18 (part 1)** -- BFI must obtain approval from Public Works for a combined "City/County Project" Fill Sequencing Plan for that portion within the County's jurisdiction.

Status: Although Public Works is working with BFI to revise fill sequencing plans for the County-side only Landfill "County Project", BFI will need to submit specific fill sequencing plans for the combined "City/County Project".

- **Condition 18 (part 2)** -- BFI must obtain Los Angeles City's approval determination to proceed to Phase II of the City Landfill.

Status: BFI has not provided evidence of the City's approval.

- **Condition 40** -- BFI must complete or guarantee to complete all testing and remedial actions required by the Regional Water Quality Control Board to detect, prevent, and/or correct groundwater contamination with notice to Public Works.

Status: On August 27, 2007, BFI submitted a Combined Groundwater and Waste Disposal Monitoring Report to the RWQCB. BFI must provide evidence to Public Works from the RWQCB of satisfactory completion of the remedial action.

- **Condition 57** -- BFI must install the traffic improvements outlined in the Supplemental Traffic Data Information report to the satisfaction of the City Department of Transportation and Caltrans.

Status: BFI provided information in the Landfill's 2007 Annual Report indicating its compliance with this requirement. Public Works is currently awaiting City's confirmation that this requirement has been completed.

- **Condition 58** -- BFI is required to pay the California Department of Transportation an amount not to exceed \$422,183 for freeway transportation improvements near the landfill site.

Status: BFI indicates it has satisfied this condition. Public Works is currently awaiting Caltrans confirmation that this requirement has been completed.

- **Condition 59** -- BFI must install traffic signs along San Fernando Road acceptable to the City Department of Transportation to warn of possible heavy truck traffic near the Landfill's entrance. BFI must ensure that the bicycle lane is not adversely impacted.

Status: BFI provided information in the Landfill's 2007 Annual Report indicating its compliance with this requirement. Public Works is currently awaiting City's confirmation that this requirement has been completed.

- **Condition 60** -- BFI must install street lights along the Landfill's frontage on San Fernando Road to the satisfaction of the City Bureau of Street Lighting.

Status: BFI provided information in the Landfill's 2007 Annual Report indicating its compliance with this requirement. Public Works is currently awaiting City's confirmation that this requirement has been completed.

- **Condition 64** -- BFI must enter into a revenue allocation agreement with the City and County.

Status: County Staff is working with the City and BFI on a draft revenue allocation agreement. It's anticipated that the Los Angeles City Council and the County Board of Supervisors will consider the agreement in late August 2008.

- **Part I of The Implementation and Monitoring Program** -- BFI is required to install survey monuments around the perimeter of the Joint Landfill before commencing operations in the Joint Landfill.

Status: BFI has not satisfied this condition.

- **Part XII of The Implementation and Monitoring Program** -- BFI must obtain a determination of compliance with all RCUP requirements from the County's Technical Advisory Committee to ensure the Landfill is in compliance with all conditions of the RCUP.

Status: BFI will need to submit documentation to the County's Technical Advisory Committee requesting a determination of compliance with all CUP conditions for operating the "County Project" and the proposed "City/County Project", respectively. The request must be supported with evidence of compliance. Regional Planning anticipates convening a Technical Advisory Committee meeting in July 2008 to consider the 2007 Annual Report and other CUP related issues.

Please note that operating a Joint Landfill prior to fulfillment of these conditions will be a violation of the CUP and will be subject to enforcement actions. Our primary objective is to ensure that the County's conditions are met prior to the operation of the Joint Landfill. We are available to meet with you as soon as possible to discuss these outstanding CUP requirements.

If you have any questions regarding this matter, please feel free to contact me at (213) 974-6441, or Maria Masis at (213) 974-6435. Please be advised that our offices are open 7:30 a.m. to 6 p.m. Monday through Thursday. We are closed on Fridays.

Sincerely,



Sorin Alexanian
Acting Deputy Director

c: Department of Public Works, Martins Aiyetiwa
Department of Public Health/LEA, Ken Murray
County Counsel, Lawrence Hafetz