

SUMMARY OF TASK FORCE FACILITY AND PLAN REVIEW SUBCOMMITTEE’S REQUEST AND BFI’S RESPONSE

Task Force’s Letter of June 30, 2008	BFI’s Letter of July 3, 2008	Staff’s Comments, If Any
<p>1. BFI must provide evidence that it has obtained approval from the Los Angeles County Department of Public Works for a combined “City/County Project” Fill Sequencing Plan for that portion within the County’s jurisdiction.</p>	<p>BFI submitted a Fill Sequencing Plan to the County Public Works on July 17, 2008.</p>	<p>County Public Works reviewed the Plan and will issue an approval when BFI provides evidence of City’s approval/determination on Phase II of the City Landfill.</p>
<p>2. BFI must provide evidence that it has obtained Los Angeles City’s approval/determination to proceed to Phase II of the City Landfill.</p>	<p>BFI stated that it does not need the City approval to commence the joint City/County operation. BFI further stated that there is no such requirement in the language of the County’s RCUP.</p>	<p>According to the County Chief Executive Office’s letters of November 15, 2007 and December 31, 2007 (attached), “Condition 18 of the RCUP [replacement Conditional Use Permit] requires BFI to diligently pursue and obtain all approvals necessary to develop and operate the City/County Project as defined in Condition 1.K. In the event that such approvals are not granted, the County Landfill is precluded from combining with the City Landfill and will cease operation when the limits of fill in Exhibit A-1 of the RCUP and portions of the bridge area authorized by the Director of Public Works, have reached capacity.”</p> <p>On August 4, 2008, the Task Force sent a letter to the City of Los Angeles Mayor for clarification on the status of City approval.</p>

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<p>3. In Section 5, Waste Material to be Handled, BFI stated that “Consistent with its Waste Discharge Requirements, Sunshine Canyon Landfill accepts contaminated soils for disposal or use as daily cover in lined areas of the site.” However, the use of contaminated soil for daily cover is prohibited by the City and County’s Land Use Permits.</p>	<p>BFI corrected the description in the FOC application and acknowledge that contaminated soil is not to be used as daily cover.</p>	

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Task Force Facility & Plan Review Subcommittee’s Request of July 16, 2008	BFI’s Response of August 6, 2008 (Letter and Binder)	Staff’s Comments
1) A 2-feet by 3-feet map of the Project location that is stamped and signed by a Registered Civil Engineer per Table 10-1 No. 2 of Countywide Siting Element (CSE).	BFI provided Figure 1 Location and Vicinity Map and Figure 2 Existing Site Plan in Finding of Conformance Proposal Sunshine Canon City/County Landfill, dated May 2008 and amended August 2008 (FOC Proposal).	
2) A project implementation schedule including planned dates for construction start, construction completion, start-up, planned expansion, and closure per Table 10-1 No. 3 of CSE.	BFI provided a project implementation schedule in No. 3, page 1 of the letter as well as page 1 of FOC Proposal.	
3) A condition to be added to the FOC to ensure consistency with the RCUP condition prohibiting acceptance of out-of-County waste at the Landfill per No. 6 in Table 10-1 of CSE.	“Sunshine Canyon Landfill will not receive for disposal any solid waste originating from outside of Los Angeles County.”	This is a restriction imposed by the City’s Zoning Ordinance and County’s RCUP. As directed by the Subcommittee, staff will add this condition upon approval of the FOC.
4) A table showing the projections of waste quantity to be handled at start-up and at five-year intervals in project’s life, and to forward a copy of the Table to the City of Los Angeles for comments per No. 7 in Table 10-1 of CSE.	BFI provided a waste quantity projection table in No. 7, pages 1 and 2 of the letter as well as page 3 of FOC Proposal.	<p>In 2008, the tons/day quantity does not equate the tons/year quantity, i.e. $8,500 \text{ tons/day} \times 5.3 \text{ days/week} \times 52 \text{ weeks/year} = 2,342,600 \text{ tons/year}$, not 1,892,100 as shown.</p> <p>In 2037, the City/County Landfill must terminate on February 6. The tons/year quantity should be $9,200 \text{ tons/day} \times 5.3 \text{ days/week} \times 5.5 \text{ weeks} = 268,180 \text{ tons/year}$, not 925,340 as shown.</p>

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Task Force Facility & Plan Review Subcommittee's Request of July 16, 2008	BFI's Response of August 6, 2008 (Letter and Binder)	Staff's Comments
5) A description of the proposal for recovering methane gas for the gas-to-energy facility proposed at the Landfill per No. 9 in Table 10-1 of CSE.	Sunshine Gas Producers is preparing applicable air permits and electrical interconnect applications (see No. 9, page 2 of the letter and page 4 of FOC Proposal).	
6) A description of the planned end uses for both the County and City-sides of the Landfill per No. 11 in Table 10-1 of CSE.	The Joint Technical Document dated November 2007 describes the planned use of the site as open space (see No. 11, page 2 of the letter and page 4A of FOC Proposal).	
7) A description of the proposal for using the recovered landfill gas per No. 13 in Table 10-1 of CSE.	Not applicable. Sunshine Canyon Landfill is not a Resource Recovery Project (see No. 13, page 3 of the letter and page 5 of FOC Proposal).	See BFI's response in Item 5 above. In addition, BFI plans to use landfill gas to generate electricity as described on page 4 of FOC Proposal.
8) A description of the proposal for using green waste as alternative daily cover, and diversion of waste tires and other recovered materials per No. 14 in Table 10-1 of CSE.	BFI provided a description in No. 14, page 3 of the letter and page 5 of FOC Proposal.	
9) City approval for Phase II of the City Landfill, since City approval is needed in order to obtain County approval for the Project per No. 15 in Table 10-1 of CSE.	See BFI's response to No. 2 on page 1 above.	See Staff's comment to No. 2 on page 1 above.

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<p align="center">Task Force Facility & Plan Review Subcommittee’s Request of July 16, 2008</p>	<p align="center">BFI’s Response of August 6, 2008 (Letter and Binder)</p>	<p align="center">Staff’s Comments</p>
<p>10) PA copy of (1) the liner system design detail and details of liner interface and overlap with the closed Unit 1 of the City Landfill, and (2) the leachate collection, gas recovery/ collection, and perimeter gas monitoring systems No. 16 in Table 10-1 of CSE.</p>	<p>a) BFI provided a drawing of liner cross sections in Figure 3 of FOC Proposal. The same drawing may be found in Figure 19 and Figure 23 where a cross section of a typical landfill gas well is also shown. In addition, a detail cross section of the liner design for the City Landfill is shown in Figure 24A of the FOC Proposal. See No. 16, page 4 of the letter.</p> <p>b) BFI provided a drawing of the leachate collection and removal systems in Figure 15 of FOC Proposal as well as a detail design drawing in Figure 24 of FOC Proposal. The existing and proposed gas collection system is shown in Figure 18 of FOC Proposal. See No. 16, page 4 of the letter.</p>	<p>A drawing of the environmental control system gas monitoring was not provided in the FOC Proposal, but was included in the Joint Technical Document as Drawing 6. A copy of it may be found in the sleeve of the FOC Proposal.</p>

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<p align="center">Task Force Facility & Plan Review Subcommittee’s Request of July 16, 2008</p>	<p align="center">BFI’s Response of August 6, 2008 (Letter and Binder)</p>	<p align="center">Staff’s Comments</p>
<p>11) A set of plans, drawn-to-scale, clearly identify property lines, adjacent land uses, all structures such as scale house, administration building, locations of any above ground or underground storage tanks, surrounding streets and access roads, etc. The plans must be a minimum of 2 feet by 3 feet in dimension, clearly labeled and bearing the signature and seal of a California Registered Civil Engineer. For land disposal facilities, the plans must show initial and final grades for and delineate the extent of the fill area (see No. 20 in Table 10-1 of CSE).</p>	<p>BFI provided a location and vicinity map in Figure 1 of the FOC Proposal and an existing site plan in Figure 2 of the FOC Proposal. See No. 20, page 5 of the letter.</p>	
<p>12) Provide a description of the program that will be implemented at the facility to minimize disposal of inert waste at the facility per No. 2a, on page 10-4 of CSE.</p>	<p>BFI provided a description of Landfill Capacity Conservation Programs in No. 22, page 23 of FOC Proposal.</p>	
<p>13) Provide a description of the program that will be implemented at the facility to maximize density of disposed materials per No. 2b on page 10-4 of CSE.</p>	<p>BFI provided a description of Landfill Capacity Conservation Programs in No. 22, page 24 of FOC Proposal.</p>	
<p>14) Provide a description of the program that will be implemented at the facility to use green waste or other appropriate materials for use as landfill daily cover other than soil per No. 2c on page 10-4 of CSE.</p>	<p>BFI provided a description of Landfill Capacity Conservation Programs in No. 22, page 24 of FOC Proposal.</p>	

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<p>15) Provide a description of the program that will be implemented at the facility to acquire and provide to the County all data necessary for cities in the Los Angeles County and the County to comply with the mandates of Assembly Bill 939 per No. 3a on page 10-4 of CSE.</p>	<p>BFI provided a description of AB939 and Litter Control in No. 23, page 24 of FOC Proposal.</p>	<p>BFI has an approved Waste Origin Verification Program with the County Public Works.</p>
<p>16) Provide a description of the program that will be implemented at the facility to discourage transportation of uncovered waste to the disposal facility through vehicle tarping enforcement at the gate per No. 3b on page 10-4 of CSE.</p>	<p>BFI provided a description of Tarping Program in No. 18, page 22 of FOC Proposal.</p>	<p>BFI has an approved Litter Control and Tarping Program with the County of Public Works.</p>
<p>17) Provide a description of the program that will be implemented at the facility to control litter on the streets, highways, and properties surrounding the disposal facility per No. 3c on page 10-4 of CSE.</p>	<p>BFI provided a description of AB939 and Litter Control No. 23, page 24 of FOC Proposal.</p>	<p>BFI has an approved Litter Control and Tarping Program with the County of Public Works.</p>

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<p align="center">Task Force Facility & Plan Review Subcommittee’s Request of July 16, 2008</p>	<p align="center">BFI’s Response of August 6, 2008 (Letter and Binder)</p>	<p align="center">Staff’s Comments</p>
<p>18) The Subcommittee requested that a copy of the FOC application including above items be provided to all Subcommittee members as well as 2 full Joint Technical Documents with the amendments and changes be made available to the public and them.</p>	<p>BFI provided 9 copies of FOC Proposal and 2 copies of JTD. BFI also provided copies in electronic media.</p>	<p>Staff mailed copies of FOC Proposal to Subcommittee members. A copy of it was delivered to the public library on August 12, 2008</p> <p>Staff called the library and confirmed that the library still retains a full copy of the JTD. Instead of sending another copy to the library, a copy has been made available to the public at the Los Angeles County Department of Public Works at 900 S. Fremont Avenue, Alhambra, CA 91803. The second copy of the JTD was delivered to Mr. Mike Mohajer.</p>
<p>19) The Subcommittee directed staff to send a letter to the City of Los Angeles Mayor and City Council requesting comments regarding the FOC application from BFI for the City/County Project and clarification on whether the City has granted approval to BFI to commence development and operation of Phase II of the City Landfill.</p>		<p>The letter to Mayor Antonio Villaraigosa was sent on August 4, 2008. Staff has not received a response from the Mayor’s office or the City Planning Department.</p>
<p>20) An FOC application will be made available to the public at Petit Park Library and the staff report will be sent to the City and County Community Advisory Committees.</p>		<p>Staff delivered a copy of FOC Proposal to the public library at 10640 Petit Avenue, Granada Hills, CA 91344 on August 12, 2008. The Presidents of the City and County CAC have been notified and electronic copies were emailed to them.</p>

SUMMARY OF TASK FORCE FACILITY AND PLAN REVIEW SUBCOMMITTEE’S REQUEST AND BFI’S RESPONSE

<p align="center">Task Force Facility & Plan Review Subcommittee’s Request of July 16, 2008</p>	<p align="center">BFI’s Response of August 6, 2008 (Letter and Binder)</p>	<p align="center">Staff’s Comments</p>
<p>21) The following quarterly reports for 2nd quarter 2008 are to be submitted in July.</p> <p>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.</p> <p>b. Progress of Phases I and II of the City Landfill.</p> <p>c. Progress of the combined City/County Project (Attachment F, Condition 1K).</p> <p>d. Progress of the site’s landscaping activities and revegetation of the permanent slope areas for the first half of 2008 including.</p>	<p>BFI provided the status reports in a letter and report, The Quarterly Vegetation Project Status Report – Second Quarter 2008, to the Task Force, dated July 28, 2008 (attached).</p>	<p>Due to its volume, the Vegetation Report was not mailed to the Subcommittee members. A copy is available upon request.</p> <p>In summary. BFI finished planting sage on a rocky permanent slope of the County Landfill and continues to monitor the area. For one interim slopes on the County Landfill, BFI used 3 different techniques to plant the seeds including hydroseeding, using wood chips, and imprinting. In another area, the slopes were treated with seeds and amendments. Monitoring of these areas is ongoing.</p> <p>For the 3rd quarter, sage mitigation and hydroseeding will be applied to more permanent slopes and interim slopes on both the County Landfill and City Landfill.</p>

BK



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

November 15, 2007

David Hauser, General Manager
Browning-Ferris Industries (BFI)
Sunshine Canyon Landfill
14747 San Fernando Road
Sylmar, CA 91342

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Dear Mr. Hauser:

SUNSHINE CANYON LANDFILL PROPOSED SOLID WASTE FACILITY PERMIT FOR A COMBINED CITY/COUNTY LANDFILL OPERATION

On October 19, 2007 and on October 31, 2007, the California Integrated Waste Management Board (CIWMB) sent letters to the Board of Supervisors and my Office, respectively, related to the CIWMB's decision to accept and process a Solid Waste Facilities Permit (SWFP) application from Browning Ferris Industries (BFI) for the combined Sunshine Canyon Landfill (SCL) within the jurisdictions of the City of Los Angeles (City) and County of Los Angeles (County). Based on those letters, there seems to be a misunderstanding as to the requirements and timing associated with a combined City/County landfill. As described more fully in this letter, the County has determined that the application for the combined operation is premature at this point because BFI does not currently have the necessary local approvals, including land use approvals, to begin the operation of a joint City/County landfill.

City/County Landfill Requirements

Based on the Replacement Conditional Use Permit 00-194-(5) (RCUP) granted by the County Board of Supervisors on February 6, 2007, there are a number of requirements that BFI must meet prior to operating a combined City/County landfill. Below are the key RCUP requirements:

1. Approval from the City of Los Angeles to Proceed to Phase II
 - Several sections of the RCUP articulate that the combined landfill operation (the "City/County Project") commences with the City's approval of Phase II (as stipulated under the City Land Use Zoning Ordinance 172933, Qualified Conditions of Approval [Q] Section B.2.d). According to the RCUP, Phase II will commence after the City-only landfill has operated for five years and satisfied certain other conditions, and the approvals for Phase II are necessary before any combined operation can take place.

- Under Condition 1.K of the RCUP, the combined landfill operation or the "City/County Project" is clearly defined as "the activities of the combined City/County landfill conducted in either or both the City and County jurisdictions, the ultimate development of which is depicted on Exhibit 'A-2' of this grant and on Exhibit 'E-4B' of the City Ordinance....**and which is generally referred to in the City Ordinance as Phase II and Phase III.** The City/County Project includes the combined City/County landfill, its Ancillary Facilities and activities within the County's jurisdiction as approved by this grant, and the combined City/County landfill, ancillary facilities and activities within the City's jurisdiction as approved by the City Ordinance...." [Emphasis added]
- Under the definition of "County Project" in Condition 1.V of the RCUP, there is further clarification that the "County Project includes activities conducted within the County's jurisdiction **prior to the commencement of the City-approved Phase II.**" [Emphasis added]
- Condition 18 of the RCUP requires BFI to diligently pursue and obtain all approvals necessary to develop and operate the City/County Project as defined in Condition 1.K. In the event that such approvals are not granted, the County Landfill is precluded from combining with the City Landfill and will cease operation when the limits of fill in Exhibit A-1 of the RCUP and portions of the bridge area authorized by the Director of Public Works, have reached capacity.

2. Public Works' Approval of a Fill Sequencing Plan for the Combined Landfill

Condition 18 of the RCUP requires prior approval of a fill sequencing plan by the County Director of Public Works for all landfill operations within the County's jurisdiction, including that portion of the City/County Project within the County jurisdiction. The SWFP application and associated Joint Technical Document (JTD) submitted to the CIWMB includes a fill sequencing plan that has not been approved by the Director of Public Works.

3. County's Technical Advisory Committee (TAC) Certification of Compliance

Part XII.B of the Implementation and Monitoring Program ensures compliance with the RCUP, and complements the enforcement and monitoring programs administered by the County. BFI is required to obtain from the TAC a certification of compliance with the RCUP prior to development of the City/County Project.

4. Revenue Allocation Agreement

Condition 64 of the RCUP requires a revenue allocation agreement prior to operating as a City/County Project.

David Hauser
November 15, 2007
Page 3

Additional RCUP Requirement

The RCUP requires County approval of the Closure and Post-Closure Maintenance Plan. Conditions 1.O and 1.RR, which define Closure Plans and Post-Closure Maintenance Plans require plan approval of a Closure or partial final closure plan, as well as a Post-Closure Maintenance Plan by the TAC to protect public health and safety and the environment. The JTD submitted for the SWFP includes a preliminary closure and post-closure maintenance plan that has not been approved by the County's TAC.

It is our understanding that BFI does not currently have the necessary permits and approvals for Phase II and the fill sequencing plan, closure plan and post-closure maintenance plan, the TAC's certification of compliance, and an executed revenue allocation agreement and, therefore, according to the RCUP, it is not yet possible to begin joint operations.

If you have any questions, please contact Lari Sheehan, Deputy Chief Executive Officer at (213) 893-2477, or via e-mail at lsheehan@ceo.lacounty.gov.

Sincerely,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LS
DSP:BK:os

- c: Supervisor Gloria Molina, First Supervisorial District
- Supervisor Yvonne B. Burke, Second Supervisorial District
- Supervisor Zev Yaroslavsky, Third Supervisorial District
- Supervisor Don Knabe, Fourth Supervisorial District
- Supervisor Michael D. Antonovich, Fifth Supervisorial District
- Dr. Jonathan E. Fielding, Director and Health Officer of Public Health
- Raymond G. Fortner, Jr., County Counsel
- Bruce W. McClendon, Director of Regional Planning
- Donald L. Wolfe, Director of Public Works
- Margo Reid Brown, Chair, California Integrated Waste Management Board
- Ted N. Rauh, California Integrated Waste Management Board

BK



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WILLIAM T FUJIOKA
Chief Executive Officer

December 31, 2007

Dave Hauser
General Manager
Browning Ferris Industries
14747 San Fernando Road
Sylmar, CA 91342

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Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Dear Mr. Hauser:

SUNSHINE CANYON LANDFILL

We are writing in response to your letter dated December 5, 2007. In your letter, you respond to the County's correspondence dated November 15, 2007, in which the County states there are a number of requirements in Replacement Conditional Use Permit No. 00-194-(5) ("RCUP") with which Browning Ferris Industries (BFI) must comply prior to commencing a joint City/County landfill.

We appreciate BFI's acknowledgment of the necessity of satisfying a number of the enumerated conditions, such as the fill sequencing provisions of Condition No. 18 and the Technical Advisory Committee ("TAC") Certification of Compliance in Part XII.B of the Implementation and Monitoring Program, prior to commencing a combined operation. We also appreciate BFI's acknowledgment that the provisions of Condition No. 64 requiring a revenue allocation agreement must be satisfied prior to BFI's commencement of a joint operation. As you know, the County is preparing a draft revenue allocation agreement and will be working with the City and BFI to finalize that agreement.

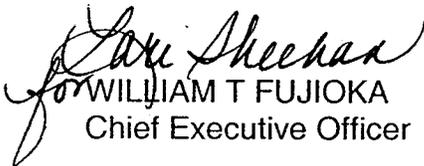
Although we appreciate BFI's willingness to satisfy the conditions necessary to commence a joint operation and BFI's interest in expediting the process necessary to open that joint landfill, as the County has indicated in prior correspondence and discussions, the County has determined that the commencement of a joint operation at this time is premature. As stated in the November 15, 2007 letter, the County has determined that BFI does not currently have the necessary local approvals, including land use approvals, to begin the operation of a joint landfill. According to the applicable approvals, BFI's operation of the joint landfill cannot begin until BFI obtains the necessary approvals to proceed to Phase II pursuant to the City of Los Angeles Land Use Ordinance No. 172933. Further, as we have previously indicated, according to the applicable approvals, Phase II will commence after the City-only landfill has operated for five years.

Dave Hauser
December 31, 2007
Page 2

Finally, you state that County TAC approval is only required on the final Closure and Post-Closure Maintenance Plans. However, pursuant to the RCUP, the County TAC's review and approval is required to ensure that the landfill and its ancillary facilities are developed, operated, closed, and maintained after closure in accordance with the intent and conditions of approval stated in the RCUP. Therefore, the County TAC's review and approval are required for all preliminary, partial final, or final closure and post-closure maintenance plans and activities in order to protect public health and safety, as well as the environment, in the event of the site's premature closure and to ensure that the specific closure details of each discrete unit are compatible with the final closure of the entire landfill.

If you have any questions, please feel free to contact Burt Kumagawa at (213) 893-9742.

Sincerely,


for WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LS:
DSP:BK:ib

c: Supervisor Gloria Molina, First Supervisorial District
Supervisor Yvonne B. Burke, Second Supervisorial District
Supervisor Zev Yaroslavsky, Third Supervisorial District
Supervisor Don Knabe, Fourth Supervisorial District
Supervisor Michael D. Antonovich, Fifth Supervisorial District
Raymond G. Fortner, County Counsel
Dr., Jonathan E. Fielding, Director and Health Officer of Public Health
Donald L. Wolfe, Director of Public Works
Bruce W. McClendon, Director of Regional Planning
Margo Reid Brown, Chair, California Integrated Waste Management Board
Ted N. Rauh, California Integrated Waste Management Board

July 28, 2008

Mr. Dean Efstathiou
Interim Director - County of Los Angeles
Integrated Waste Management Task Force
P.O. Box 1460
Alhambra, CA 91802-1460

Re: BFI Status Report

Dear Mr. Efstathiou,

Please find the first quarterly status report for the period of April through June 2008 as requested in a Department of Public Works Findings of Conformance Sunshine Canyon Landfill-County Project staff report from Martin Aiyetiwa (item 17, dated April 9, 2008).

A. Progress of 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 County Project measured on an annual basis shall be deposited on the City side:

BFI Response: On June 20, 2008, a letter was sent (see attached) to Fred Rubin (Department of Public Works - DPW), in response to his letter, dated June 9, 2008. The letter summarizes our position on Condition 18 requirements.

B. Progress of Phases I & II of the City Landfill:

BFI Response: In our May 14, 2008 letter to Fred Rubin (DPW) and our July 16, 2008 letter to Maria Masis (Department of Regional Planning – DRP), we outlined our position regarding the City approval of Phase II. Included in our prior communications on this subject is correspondence from the City of Los Angeles Planning Department that states that there is no Phase II approval required as a pre-condition to the commencement of joint City/County landfilling operations at Sunshine Canyon. The letter confirms that the City has approved a 452 acre joint City/County landfill of approximately 90 million tons as supported by the SEIR. There is no requirement that the City must approve Phase II before joint City/County landfill operations may commence. Indeed, the correspondence indicates that during Phase I of the City landfill, joint City/County landfilling operations may commence.

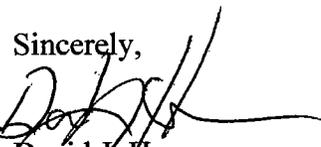
C. Progress of the combined City/County Project:

BFI Response: As of the date of this letter, as directed by the County Board of Supervisors, we are diligently pursuing a SWFP and all other permits and approvals necessary to develop and operate the City/County project (Condition 18). On July 7, 2008, the California Integrated Waste Management Board (CIWMB) issued a Solid Waste Facility Permit for a combined City/County project and on July 22, 2008, the CIWMB approved the designation of the new joint Sunshine Canyon Landfill – Local Enforcement Agency (SCL-LEA). We are working closely with the newly established County Technical Advisory Committee (TAC) to address all RCUP conditions, before commencing operations as a joint City/County project.

D. Progress of the site's landscaping activities and re-vegetation of the permanent slope areas:

BFI Response: We have included with this report a copy of our "Quarterly Vegetation Project Status Report – Second Quarter 2008." This report outlines the vegetation activities taken in the 2nd quarter of 2008 and the activities expected in the 3rd quarter 2008. The vegetation report was also provided to the County TAC on July 16, 2008.

If you have any questions regarding this status report, feel free to contact me at 818-833-6511

Sincerely,

David J. Hauser
General Manager

Cc: Carlos Ruiz, County DPW (report only)
Fred Rubin, County DPW (report only)
Linda Lee, County DPW (report only)
Larry Hafetz, County Counsel (report only)
Michael Moore, County Counsel (report only)
Sorin Alexanian, County Planning (report only)
Maria Masis, County Planning (report only)
Gerry Villalobos, County DPH (report only)
Lari Sheehan, County CEO's Office (report only)
Burt Kumagawa, County CEO's Office (report only)
Tom Bruen, Esq.
Greg Loughnane, Allied/BFI
Tony Pelletier, Allied/BFI
Susan Jennings, Allied/BFI



 COPY

June 20, 2008

Mr. Fred Rubin
Los Angeles County Department of Public Works
Environmental Programs Division
900 South Fremont Avenue, Annex 3rd Floor
Alhambra, CA 91803-1331

RE: Response to June 9, 2008 letter

Dear Fred:

In response to your June 9 letter regarding Condition 18 of our RCUP, Condition 18 is very explicit that the requirement of disposal of 50 percent of cumulative waste on the City side of the Landfill is no longer applicable once Sunshine Canyon commences operation of the joint City/County landfill Project. The sole purpose of the 50 percent requirement was to preserve disposal capacity on the County side of the Landfill until we could obtain the permits necessary for operation of a joint City/County landfill, which would ensure adequate long-term disposal capacity for both the City and the County. Therefore, while we have differences of opinion regarding the calculation (annual measurement vs. five year cumulative total waste) and the interpretation of the language regarding the 50/50 City County split, it is clear that this requirement becomes irrelevant when we receive approvals to join the City and County landfills.

As you know, Condition 18 of our RCUP requires that we “diligently pursue a [Solid Waste Facilities Permit or “SWFP”] and all other permits and approvals necessary to develop and operate the City/County Project.” (RCUP, Condition 18, on p. 12.) On June 17, 2008, the California Integrated Waste Management Board approved a new SWFP for a joint City/County Landfill, and the new SWFP permit will be issued on July 7, 2008. The new permit allows us to commence operation of the joint City/County landfill Project at any point after the issuance of the new SWFP.

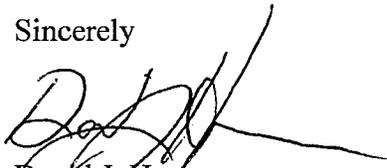
In your letter you also make reference to the Landfill’s maintaining compliance with the 50/50 split for calendar years 2008 and 2009, following the commencement of joint City/County Landfill operations. This is not a requirement of Condition 18. Your letter seems focused on continued operation of the two landfills separately during that time period. However that it not our intent and clearly does not meet the intent of the CEQA documents for the landfill, nor the land use approvals granted by the City and the County.

On page 2 of your letter, you state, "it should be noted that our approval of the fill sequencing plans for the County Project on June 11, 2007, do not include the proposed City & County Airspace Use and Development Option B table dated April 2, 2007, since it was not revised as agreed to during our meeting in May 2007. As such, the said Option B table is not an approved plan". We do not concur with this determination. When Option B was presented to the Department of Public Works, a drawing "Sunshine Canyon Landfill, Master Plan, Landfill Cells Sequence Plan, dated March 13, 2007", was submitted with the aforementioned table. The table and the document include the same information. The drawing illustrates the dimensional boundaries of the proposed cells and sequence and, the table illustrates the timing of the cell construction, with related airspace derived. As such, we believe that one cannot approve one document and disregard the other, as they include the same information, and outline the same sequencing strategy.

Furthermore, requiring the Landfill to continue to meet the 50/50 split requirement in lieu of operating the joint City/County Landfill Project would force Sunshine Canyon to prematurely move approximately 5 million cubic yards of native cut and stockpile out of appropriate landfill sequencing, and at a cost estimated between \$15-\$20 million. This premature earth movement work is not required by the RCUP, and would make no engineering sense in terms of landfill sequencing and the avoidance of negative environmental impacts, including heavy equipment emissions and potential dust generation.

In conclusion, we believe we are in compliance with all requirements of Condition 18 of our RCUP, and that the requirement that 50 percent of all solid waste be disposed of in the City side of the Landfill, is no longer applicable once we commence operations as a joint City/County landfill Project.

Sincerely



David J. Hauser
General Manager

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