

December 11, 2008

TO: Members of the Los Angeles County Solid Waste Management  
Committee/Integrated Waste Management Task Force

FROM: Martin Aiyetiwa *MA*  
Staff

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

Attached are the updated staff report and its attachments for your consideration.

Please note that on November 25, 2008, the Los Angeles City Council approved a resolution authorizing development of Phase II of the City Landfill. The effective date of the resolution is contingent upon the publication date of the Alternative to Landfilling Fee ordinance or the expanded City Local Enforcement Agency authorities ordinance, whichever occurs later. The ordinances were unanimously approved by the City Council on December 9, 2008 and are expect to be signed by the City Mayor by December 18, 2008 and published by December 19, 2008.

If you have any questions, please contact me at (626) 458-3553, Monday through Thursday, 7 a.m. to 5:30 p.m.

Attach.

December 11, 2008

TO: Facility and Plan Review Subcommittee Members

FROM: Martin Aiyetiwa  
Staff

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

Pursuant to your direction of August 21, 2008, the following provides an update for your consideration in regards to granting a Finding of Conformance (FOC) for the Sunshine Canyon Landfill–City/County Project, as requested by Browning-Ferris Industries of California, Inc. (BFI), the facility owner and operator. The application was submitted by BFI to the Los Angeles County Solid Waste Management Committee–Integrated Waste Management Task Force on May 21, 2008. The request is in accordance with the requirements of the approved Los Angeles County Countywide Siting Element (CSE), dated June 1997.

This updated staff report is brought before you at the Task Force’s request during its August 21, 2008, meeting. At the meeting, the Subcommittee concluded that the submittals did not satisfy the following FOC requirements as described in Table 10-1 of the CSE: (1) Requirement No. 5, regarding description of waste material to be handled, including a clarification on whether liquid waste is allowed, (2) Requirement No. 15, regarding information and operations plan for meeting applicable permit–regulatory requirement, since the evidence of the City of Los Angeles–approval determination for operation in Phase II has not been provided, and (3) Requirement No. 16, regarding demonstration of compliance with siting criteria requirements as established in Chapter 6 of the CSE, including a more thorough description of all the waste diversion and salvage programs that BFI is currently implementing. The Subcommittee also directed staff (a) to continue to work with BFI to verify and obtain the remaining information mentioned above, including evidence that BFI has obtained the City of Los Angeles–approval–determination to proceed to Phase II of the City Landfill and (b) once the listed deficiencies have been eliminated and the requirements have been complied with, staff is to bring the matter back to the Subcommittee for its consideration.

The following provides an update on listed deficiencies:

1. Response to Requirement No. 16–BFI has provided a more detailed description of programs currently in place (Attachment A-I).
2. Response to Requirement No. 5–BFI has provided a revised submittal showing that the types of waste to be handled will be in compliance with the State Regulations as well as the requirements of the City and County

(Attachment A-II). According to California Code of Regulations, "liquids or semi solid waste (i.e., waste containing less than 50 percent solids, by weight), other than dewatered sewage or water treatment sludge as described in section 20220(c), shall not be discharged to Class III landfills (Section 20200(d)(3) of Title 27)." Furthermore, the CUP and Zoning Ordinance prohibit sludge and liquid waste, including slurries and septic tank pumping, from the facility.

3. Response to Requirement 15—on September 5, 2008, the City of Los Angeles responded to the Task Force's letter of August 4, 2008 (Attachment B). The City's letter stated that BFI did not have the City's approval to proceed to Phase II as of that date. However, as discussed below, on November 25, 2008, the Los Angeles City Council adopted a resolution authorizing Phase II.

During the last three months, there has been an ongoing negotiation between the City and the County, which resulted in the formulation of memoranda of understanding (MOU) between the two jurisdictions that directly impact the City-County Project and its operation. Specifically, in November 2008, the City and the County agreed on two MOUs that are required by the County Conditional Use Permit 00-194-(5) (CUP) for the operation of the City-County Project and will allow BFI to proceed to Phase II:

1. Revenue Allocation MOU: An MOU between the County, the City, and BFI to provide for the equitable allocation of all revenues generated from tonnage-related fees and charges. The allocation is split 70-30 based upon the remaining City-County Project capacity, which is estimated to be 70 percent on the City side and 30 percent on the County side.
2. Planning Issues MOU: An MOU between the County and the City to provide for the combined-unified enforcement of land use regulations.

BFI signed the Revenue Allocation MOU on November 4, 2008. The County Board of Supervisors approved both MOUs on November 12, 2008. On November 25, 2008, the Los Angeles City Council approved both MOUs as well as adopting a resolution authorizing development of Phase II of the City Landfill (Attachment C). However, the approval of the said resolution was made contingent on the adoption of (a) the Alternatives to Landfilling Fee (ATL) ordinance, (b) the expanded City Local Enforcement Agency authorities ordinance, and (c) publication of the said two ordinances.

On December 9, 2008, the City Council approved the ordinances. Upon approval of the said two ordinances by the City of Los Angeles Mayor and their publication, BFI would be able to operate within the Phase II of the City Landfill.

## **I. Background**

The Sunshine Canyon Landfill City-County Project combines the Sunshine Canyon City Landfill (Unit 2) and the Limit of Fill identified in Exhibit A-2

of the Sunshine Canyon County Landfill Conditional Use Permit 00-194-(5). The City Landfill is located within the limits of the City of Los Angeles, and the County Landfill is located in unincorporated Los Angeles County. Attachment D is the site location map.

Presently, the City Landfill is operating under the City's Zoning Ordinance No. 172933 (Attachment H) approved by the City Council on December 8, 1999, and approved by the City Mayor on December 9, 1999. The County Project is operating under Conditional Use Permit 00-194-(5) (CUP) approved by the Los Angeles County Board of Supervisors on February 6, 2007. The CUP became effective on May 24, 2007, upon its acceptance by BFI. Attachment E is an existing site plan.

BFI is proposing to combine the two landfills into one, the City-County Project, and operate the landfill under both the City's and County's land use permits, namely, CUP and Zoning Ordinance. The City-County Project will have a total landfill area of 363 acres and disposal capacity estimated at 91.1 million tons. The complete 363-acre footprint is estimated to have a net remaining disposal capacity of about 118.3 million cubic yards (or 76.3 million tons) as of October 19, 2006. The remaining capacity as of January 1, 2008 is 110.7 million cubic yards (or 71.4 million tons). Attachment F is a proposed landfill phasing plan showing the phases of operation.

## II. **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.
- On May 19, 2008, the Task Force issued an FOC with the Los Angeles County Countywide Siting Element for the Sunshine Canyon Landfill, Phase V and the top deck of the Exhibit "A-1" Fill Design—County Project as defined by the County of Los Angeles Conditional Use Permit No.00-194(5).

## III. **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 the Sunshine Canyon Landfill City-County Project.

- The City/County Project, as defined, includes the City Landfill (Unit 2) identified in the City's land use zoning ordinance as Phases I, II, and III and the areas identified in the County CUP as Exhibit A-2 fill design. It does not include the closed portion of the City Landfill identified as Unit 1.
- This FOC will supersede the April 17, 2003, FOC granted to Sunshine Canyon City Landfill Unit 2 and the May 19, 2008 FOC granted to Sunshine Canyon Landfill County Project.

**IV. Options for the Task Force**

The Task Force may decide to:

1. Grant the FOC as drafted by staff;
2. Grant the FOC as drafted 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**

Staff reviewed BFI's submittal for compliance with the requirements for granting of an FOC stipulated in the Countywide Siting Element as well as those comments previously brought up by members at the Subcommittee meetings of July 16, 2008 and August 21, 2008. It is staff's opinion that the application has met all the stipulated requirements. Therefore, staff recommends adoption of Option 1.

**VI. Project Summary and Findings**

Name: Sunshine Canyon Landfill/City/County Project

Facility Type: Class III Landfill (Municipal Solid Waste)

Location: 14747 San Fernando Road, Sylmar 91342

Setting: The Sunshine Canyon Landfill City/County Project is located in the City of Los Angeles and unincorporated Los Angeles County.

Operational Status: Permitted and active

Waste Type: Non-hazardous municipal solid waste

Currently Permitted Limits of Fill: County Project (Exhibit A-1 of the County CUP and 20 acres of the "bridge area") and City Landfill (Phase I of Unit 2)

Proposed Limits: Exhibit A-2 of the County CUP and Phases I, II and III of the City Landfill (Unit 2) of the City Zoning Ordinance.

Acreage:

	Total Permitted	Currently Permitted Disposal	Proposed Additional Disposal	Total Permitted Disposal
County Project	542 acres	162 acres	18 acres	180 acres
City Landfill	494 acres	84 acres	99 acres	183 acres
City/County Project	1,036 acres	N/A	121 acres	363 acres

Capacity:

	Currently Permitted	Used as of 10/19/2006	Proposed Additional	Total
County Project	37.3 mcy	20.3 mcy	17.6 mcy	54.9 mcy
City Landfill	13.4 mcy	2.6 mcy	72.9 mcy	86.3 mcy
City/County Project	50.7 mcy	N/A	90.5 mcy	141.2 mcy or 91.1 mt

Note: mcy is million cubic yards and mt is million tons.

Daily Capacity:

		Municipal Solid Waste (MSW)	Nonhazardous Inert Exempt Material (Inert)	<u>Total Intake</u>
Currently Permitted	County Project	6,600 tpd or 36,000 tpw	3,600 tpw	7,200 tpd (MSW + Inert) or 39,600 tpw (MSW + Inert)
	City Landfill	5,500 tpd or 30,000 tpw	3,000 tpw	33,000 tpw (MSW + Inert)
Proposed	City/County Project	66,000 tpw	6,600 tpw	12,100 tpd (MSW) or 72,600 tpw (MSW + Inert)

Note: tpd is tons per day and tpw is tons per week.

Permitted Hours: 6:00 am to 6:00 pm Monday through 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: Sunshine County Landfill-Local Enforcement Agency, which was certified by the California Integrated Waste Management Board on July 22, 2008.

Project Schedule: Development is expected to begin in January 2009.

## **VII. Staff Analysis**

Staff has reviewed the proposal and offers the following:

### **1. Compliance with the California Environmental Quality Act**

A Final Environmental Impact Report (FEIR) was filed with the State Clearinghouse (SCH 89071210) and certified by the County of Los Angeles, Board of Supervisors on November 30, 1993. A Final Subsequent Environmental Impact Report (FSEIR) was also filed (SCH 92041053) and certified by the City of Los Angeles Planning Commission and City Council on December 10, 1999.

An addendum to the FEIR and FSEIR (SCH 1989071210) was also prepared for the project by the County of Los Angeles, Department of Regional Planning in October 2004. The FEIR, FSEIR and addendum describe and support the design and operation of the proposed project.

### **2. General Plan Consistency and Land Use**

County Project:

- A. The subject site is zoned A-2-2 (Heavy Industrial □ two-acre minimum lot sizes). Solid waste landfills require a Conditional Use Permit (CUP) to operate in this zone. The Los Angeles County Board of Supervisors granted CUP 00-194-(5) on February 6, 2007 (see Attachment G).
- B. 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.

City Landfill Unit 2:

- C. The land use permit necessary for the development of the City Landfill (Unit 2) was approved by the City Council on December 8 1999, and approved by the City Mayor on December 9, 1999 (See Attachment H, City Zoning Ordinance No. 172933).
- D. The City of Los Angeles amended the Los Angeles General Plan to designate the Sunshine Canyon City Landfill site as "Heavy Industrial" and change its zone to "M3-1" on December 9, 1998. General Plan consistency as mandated by PRC 50000 was established by the City of Los Angeles by approval of the General Plan Amendment and zone change.

City/County Project:

- E. The combined landfill will be subject to CUP 00-194-(5) and Zoning Ordinance No. 172933.
- F. The combined landfill will not change the General Plan consistency determination previously approved for the County Project and the City Landfill.

3. Solid Waste Facility Permit (SWFP)

County Project:

- A. The facility was operating under SWFP No. 19-AA-0853, revised 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.

City Landfill Unit 2:

- B. The facility was operating under SWFP No. 19-AR-0002, issued on May 21, 2003 by the Los Angeles City Environmental Affairs Department, acting as the Local Enforcement Agency for the City side of the Landfill.

City/County Project:

- C. The facility is currently operating under SWFP No. 19-AA-2000, issued by the California Integrated Waste Management Board on July 7, 2008. The Local Enforcement Agency for the facility is Sunshine Canyon Landfill LEA.

4. Waste Discharge Requirements (WDR)

County Project:

- A. The facility was granted WDR Order No. R4-2007-0023 by the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) on April 5, 2007. The WDR expired on October 1, 2008.

City Landfill Unit 2:

- B. The facility was granted WDR Order No. R4-2003-0155 by the Waste Board on December, 4, 2003. The WDR expired on October 1, 2008.

City/County Project:

- C. The facility is currently operating under WDR Order No. R4-2008-0088 granted by the Regional Water Board on October 2, 2008.

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

The proposed City/County Project 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 City/County Project is in accordance with the provisions of the County CUP, City Zoning Ordinance, 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 90.5 million cubic yards or 58.8 million tons) 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 the previous permit, Conditional Use Permit 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.

For County's requirement pertaining to this item, see County CUP Conditions 69 and 73, and Section VIII of this staff report, Recommended Conditions of Approval, Item 10. In addition, BFI is working with the City in promoting conversion technologies.

- 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 County 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 County CUP Conditions 24 and 25 (Attachment G) and City Zoning Ordinance Condition B.6 (Attachment H).

#### 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 compliance with the requirements of County CUP, City Zoning Ordinance, and its Implementation and Monitoring Program and Mitigation Monitoring and Reporting Summary, adequately satisfies the CSE's Siting Criteria. Attachment I is the Siting Criteria Checklist.

### **VIII. Recommended Conditions of Approval**

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

1. Effective Date-This FOC shall become effective concurrent with 1) the effective date of the City's resolution authorizing development of Phase II of the City Landfill or 2) the date the County's Technical Advisory Committee certifies the facility's compliance with all prerequisites for commencement of the City/County Project, whichever occurs later.
2. Permitted Operations/Activities□This FOC is limited to landfilling activities and other waste management operations for the City/County Project, in accordance with the County CUP No. 00-194-(5) approved by the Los Angeles County Board of Supervisors on February 6, 2007 and the City Zoning Ordinance No. 172933 approved by the City Council on December 8, 1999 and approved by the City Mayor on December 9, 1999.
3. Types of Waste Materials□The waste materials to be landfilled at the subject site shall be limited to solid waste and inert debris as defined in the County CUP No. 00-194-(5) and the City Zoning Ordinance No. 172933, and as specified in the WDR Order No. R4-2008-0088 issued by the Regional Water Board, on October 2, 2008. Hazardous waste, radioactive waste, liquid waste (including slurries and septic tank pumping), designated waste, incinerator ash, sludge, and dead

animals (except for non-incidentally dead animals), other wastes requiring special treatment or handling, and untreated medical waste, as defined by State and Federal laws are prohibited. The type of beneficial use materials shall include, but not be limited to, green waste, wood waste, asphalt, concrete, and dirt.

4. 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 12,100 tons on any given day, six working days per week, with a maximum weekly capacity of 66,000 tons of non-hazardous solid waste.
  - b. The amount of materials received as inert debris and for beneficial use shall not exceed 6,600 tons per week, based upon six working days per week.
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 on Sundays. Saturday hours may be extended from 2 p.m. to 6 p.m. if necessary to accommodate post-holiday disposal requirements, where there was limited or no trash pick-up on the holiday.
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-2 □ fill design and defined as the City □ County Project of the County CUP No. 00-194-(5) and the Phases I and II fill design identified in the City Zoning Ordinance No. 172933. The maximum vertical height of the City □ County Project, including final cover, shall not exceed a final fill elevation of 2,004 feet above mean sea level for the disposal area within the City of Los Angeles and 1,904 for the disposal area within the County of Los Angeles. Attachment J shows the proposed Final Grading Plan.
6. Term □ This FOC shall terminate upon one of these conditions: 1) The facility reaching the disposal capacity, boundary limits, and □ or maximum fill elevation of Exhibit A-2 □ fill design of the County CUP No. 00-194-(5) and the fill design of Phases I and II of Unit 2 of the City Zoning Ordinance No. 172933, 2) failure of the City of Los Angeles to grant the facility owner □ operator to continue to operate the facility upon the City □ s Phase III compliance review, or (3) the operation reaching the date of February 6, 2037. This FOC will terminate if there is any Significant Change in operation of the facility as defined in Chapter 10.4 of the CSE or if the operation of the facility is prohibited by any regulatory agency, judicial court, the County of Los Angeles, or City of Los Angeles.

This FOC is subject to reconsideration concurrent with the SWFP five-year review process, the City's Phase III compliance review of the City Landfill, 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 facility owner-operator must comply with all laws, requirements and regulations of the Federal, State, County, and local regulatory agencies.
8. Waste Load-Checking—The facility owner-operator shall implement a Waste Load Checking Program as approved by the Sunshine County Landfill-Local Enforcement Agency, 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 facility owner-operator shall implement the Litter Control and Tarping Program as stipulated in Attachment K.
10. Conversion Technologies—The facility 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-operator 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 Sunshine Canyon Landfill-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 Sunshine Canyon Landfill-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 facility owner □ operator shall conduct waste characterizations of the incoming waste stream destined for disposal 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 L) with the reports due April 30 and October 31 of each year (see Condition 13 below).
13. Reports □ The facility owner □ operator 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 submittal shall be on a quarterly basis consistent with the requirements of the State's Disposal Reporting System (Section 18812.9 of the California Code of Regulations, as may be amended).
  - 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 M).

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;
- 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; and
- c. The new owner and operator shall jointly submit a written report to the Task Force within 30 days of the change of ownership detailing measures that will be implemented to insure compliance with requirements of this FOC.

15. Mitigation Measures □ The owner/operator 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 the owner/operator has obtained all necessary permits and approvals, as well as compliance with all other mitigation measures, which are required prior to operating the City/County Project, shall be submitted to the County of Los Angeles Department of Public Works at least 30 days prior to commencement of operation in the City/County Project.

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. Status Report □ The owner/operator shall submit a status report on the following:

- a. Progress of the City/County Project.

- b. 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.

## **IX. ATTACHMENTS**

- A-I Revised Page 5 for Finding of Conformance Proposal, Amended August 2008
- A-II Revised Page 2 for Finding of Conformance Proposal, Amended August 2008
- B Letter from the City of Los Angeles, dated September 5, 2008
- C The Planning MOU and Resolution approving Phase II of City Landfill

The following attachments are the same as those for the July 10, 2008, staff report and will not be attached with this staff report:

- D Site Location Map
- E Existing Site Plan
- F Landfill Phasing Plan
- G County Conditional Use Permit 00-194-(5), Exhibit A-1 Exhibit A-2
- H City Zoning Ordinance No. 172933
- I Siting Criteria Evaluation Checklist
- J Final Grading Plan
- K Litter Control and Tarping program
- L Monitoring and Reporting Form (Waste Characterization)
- M SWIMS Form 13

# **Attachment A-I**

**Revised Page 5 for Finding of  
Conformance Proposal,  
Amended August 2008**

the City of Los Angeles of a combined City/County landfill described by CUP Exhibit "A" (Alternate).

The City of Los Angeles was subsequently the lead agency for the preparation, review and approval of a draft and final Subsequent Environmental Impact Report (SEIR) under the California Environmental Quality Act (CEQA) for the establishment of the Sunshine Canyon City and City/County Landfill. The Final SEIR was approved by the City Council on December 8, 1999 and by the Mayor on December 9, 1999, together with CEQA Findings, a Statement of Overriding Considerations, and mitigation measures. The SEIR was prepared under State Clearing House Number 92041053.

The County of Los Angeles Department of Regional Planning, acting as Lead Agency, prepared an Addendum (October 2004) to the FEIR and SEIR, and certified that it had reviewed and considered the FEIR, SEIR and Addendum in reaching its decision on approving the replacement CUP issued in February 2007 for the City and County Landfill Consolidation. The Addendum to the County Final EIR and the City SEIR was prepared to describe the CUP revisions, relevant background information, and the basis for the conclusion that there has been no substantial change to the project or to the environmental impacts analyzed.

Appendix A contains the Notice of Determination and CEQA Findings for both the County and City EIRs as documentation of the final environmental documentation for the project.

### ***13. Planned Markets for Materials / Energy from Resource Recovery Projects***

Not applicable. (Sunshine Canyon Landfill is not a Resource Recovery Project.)

### ***14. Proposed Waste Diversion / Salvage Programs***

Sunshine Canyon has initiated and encouraged the diversion of waste from landfilling since the opening of the County side of the landfill in 1996. These efforts were enhanced and increased with the opening of City Landfill Unit 2 in 2005. The diversion programs currently in place include:

- Acceptance of source-separated waste oil and recyclable materials at the public dropoff facility located on the site.
- Acceptance and segregation of clean loads of soil, rock, concrete and asphalt rubble, which are used on-site as cover and construction material for roads and wet-weather areas.
- Acceptance of source-separated green waste for use on-site as mulch or for shipment to off-site processors for use in composting and fuels.

Sunshine Canyon is always focused on adding viable diversion and/or recycling activities to existing programs, in order to improve overall recycling rates for the jurisdictions using the landfill. As any new programs are identified, Sunshine Canyon will work with appropriate regulatory agencies to obtain approvals.

# **Attachment A-II**

**Revised Page 2 for Finding of  
Conformance Proposal,  
Amended August 2008**

#### **4. Project Design Capacity**

The total design capacity of the City/County Landfill is estimated to be 141.2 million cubic yards, of which approximately 50.7 million cubic yards is presently permitted in the existing City and County landfills. Thus, approval of the City/County Landfill will add approximately 90.5 million cubic yards of permitted capacity to the facility. The total estimated amount of solid waste to be disposed in the City/County Landfill is approximately 91.1 million tons.

#### **5. Waste Material to be Handled**

The waste types received at SCL consist of non-hazardous residential, commercial, and inert/exempt waste classified in accordance with 27 CCR, Sections 20220 and 20230, defining Class III and inert wastes. The municipal solid waste categories are described as follows:

- Mixed Municipal Solid Wastes (including commercial and residential waste);
- Non-hazardous industrial wastes;
- Construction/Demolition wastes that may be disposed of or are beneficially used and not disposed in the landfill; and
- Green Wastes that are beneficially used and not disposed in the landfill.

Typical residential non-hazardous solid waste includes, but is not limited to, household refuse, tree and lawn clippings, leaves and brush, scrap lumber and metal, appliances, furniture, wood chips, plastic containers, newspapers, cardboard and glass containers. Commercial and industrial waste typically includes, but is not limited to, food wastes, paper, corrugated cardboard, plastic, rubber, glass, mixtures of concrete, asphalt, wood, steel, brick and block.

Universal wastes (fluorescent lamps, CRTs, instruments that contain mercury, batteries, and electronics) are prohibited for disposal at the site. SCL also does not landfill compostable material (other than incidental compostable material mixed with other landfilled loads) as defined in 14 CCR, Section 17850 as "any organic material that when accumulated will become active compost as defined in 14 CCR, Section 17852(a)(I)" nor does SCL accept biosolids, untreated medical waste or asbestos wastes.

The site may accept up to 6,600 tons per week of total exempt clean soil and waste for beneficial use (e.g., asphalt rubble and processed green material).

# **Attachment B**

**Letter from the City of Los Angeles,  
dated September 5, 2008**

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
AND  
6262 VAN NUYS BLVD., SUITE 351  
VAN NUYS, CA 91401  
CITY PLANNING COMMISSION  
JANE ELLISON USHER  
PRESIDENT  
WILLIAM ROSCHEN  
VICE-PRESIDENT  
DIEGO CARDOSO  
REGINA M. FREER  
ROBIN R. HUGHES  
FR. SPENCER T. KEZIOS  
RICARDO LARA  
CINDY MONTAÑEZ  
MICHAEL K. WOO  
GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

EXECUTIVE OFFICES

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(213) 978-1270  
www.planning.lacity.org

September 5, 2008

Ms. Margaret Clark  
Los Angeles County Solid Waste Management Committee  
Integrated Waste Management Task Force  
900 South Fremont Ave.  
Alhambra, CA 91803

Dear Ms. Clark:

**RE: LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE REQUEST  
FOR FINDING OF CONFORMANCE -- PROPOSED COMBINED CITY/COUNTY OPERATION OF  
THE SUNSHINE CANYON LANDFILL**

The following points are in response to the Task Force letter addressed to the Mayor, dated August 4, 2008:

- On the issue of the Sunshine Canyon Project implementation, the Sunshine Canyon Landfill Local Enforcement Agency (SCL LEA) has reported that there have been no changes in the operation of the Sunshine Canyon Landfill to date. The new CIWMB issued permit allows the combined tonnage on either the City or the County portions or both. BFI is currently operating under the tonnage restrictions of its old City and County permits. The SCL LEA also reported that the Waste Board approved and issued the current permit on the basis that the previous Finding of Conformance documenting the use and location of the site are adequate for their permitting purposes.
- In response to the Task Force's question about transportation routes, the routes are well documented in the transportation sections of the Sunshine Canyon Landfill FEIR dated February 1993, FSEIR dated December 1999, and the FEIR/FSEIR addendum dated October 2003. The City has no comments on the routes at this time.
- In regard to the planned end use question, the post-closure land use is to be passive recreational uses, which the City supports.
- The City's Zoning Ordinance No. 172,933, which was adopted in December 1999, clearly establishes a procedure for the Phasing Review process. The Task Force is requesting a copy of the City's formal approval which would allow for BFI to proceed to Phase II of the City Landfill. At this time, no such approval exists. The City's TAC certification has not taken place nor has BFI sent any documentation requesting the City's TAC to conduct such review.

Should you have other questions regarding this matter, please contact Larry Friedman at 213-978-1225 or Ly Lam at 213-978-1206.

Sincerely,

A handwritten signature in black ink that reads "Gail Goldberg". The signature is written in a cursive, flowing style.

GAIL GOLDBERG, AICP  
Director of Planning

GG:LF:ll

cc: Hon. Greig Smith, Councilmember, 12<sup>th</sup> District  
Wayne Tsuda, SCL LEA  
Beth Jines, City Environmental Affairs Department  
Nicole Bernson, Council District 12  
Romel Pascual, Mayor's Office  
Michael Mullin, Mayor's Office  
Rafael Prieto, Office of Chief Legislative Analyst  
Keith Pritsker, Office of the City Attorney  
Dave Hause, Browning-Ferris Industries of California  
Wayne Aller, City Community Advisory Committee

# **Attachment C**

**The Planning MOU and Resolution  
approving Phase II of City Landfill**

CITY OF LOS ANGELES

CALIFORNIA

KAREN E. KALFAYAN  
City Clerk



ANTONIO R. VILLARAIGOSA  
MAYOR

Office of the  
CITY CLERK

Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
General Information - (213) 978-1133  
Fax: (213) 978-1040

CLAUDIA M. DUNN  
Chief, Council and Public Services Division

[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)

When making inquiries  
relative to this matter,  
please refer to the Council  
File No.

08-0987-S1

December 1, 2008

Chief Legislative Analyst  
Environmental Affairs Department  
Board of Public Works  
Bureau of Sanitation  
City Administrative Officer  
Planning Department  
Controller, Room 300  
cc: Accounting Division, F&A  
Disbursement Division

RE: A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE COUNTY OF LOS ANGELES TO RECONCILE CERTAIN LAND USE CONDITIONS THAT HAD BEEN PREVIOUSLY ADOPTED BY EACH RESPECTIVE JURISDICTION, FOR MORE EFFICIENT ADMINISTRATION OF THE COMBINED CITY/COUNTY SUNSHINE CANYON LANDFILL

At the meeting of the Council held November 25, 2008, the following action was taken:

Attached report adopted .....	_____
Attached amending motion (Smith - Garcetti) adopted .....	<u>    X    </u>
Attached resolution adopted .....	<u>    X    </u>
FORTHWITH .....	<u>    X    </u>
Mayor concurred .....	_____
To the Mayor FORTHWITH .....	_____
Motion adopted to approve communication recommendation(s) .....	_____
Motion adopted to approve committee report recommendation(s) as amended .....	<u>    X    </u>
Ordinance adopted .....	_____
Ordinance number .....	_____
Publication date .....	_____
Effective date .....	_____
Mayor vetoed .....	_____

City Clerk  
srb

12

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your

ENERGY AND ENVIRONMENT

Committee

reports as follows:

ENERGY AND ENVIRONMENT COMMITTEE REPORT and RESOLUTION relative to a Memorandum of Understanding (MOU) between the City and the County of Los Angeles to reconcile certain land use conditions that had been previously adopted by each respective jurisdiction, for more efficient administration of the combined City/County Sunshine Canyon Landfill.

Recommendations for Council action, as initiated by Motion (Smith - Alarcon):

1. APPROVE the MOU, attached to the Council file, between the City and the County of Los Angeles to reconcile certain land use conditions that had been previously adopted by each respective jurisdiction, for more efficient administration of the combined City/County Sunshine Canyon Landfill, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the Director of the Planning Department to execute the MOU on behalf of the City.
3. ADOPT the accompanying RESOLUTION clarifying the time frame for commencing the Phase II combined City/County landfill operation pursuant to [Q] Condition B.2.d of Ordinance No. 172,933.

Fiscal Impact Statement: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None Submitted.

**(The Ad Hoc Committee on Recovering Energy, Natural Resources and Economic Benefit from Waste for Los Angeles waived consideration of this matter).**

Summary:

At a special meeting on November 20, 2008, your Committee considered a report from the Planning Department and Resolution in response to Motion (Smith - Alarcon) relative to an MOU between the City and the County of Los Angeles to reconcile certain land use conditions that had been previously adopted by each respective jurisdiction. In its November 13, 2008 report, attached to the Council file, the Planning Department states that the Sunshine Canyon Landfill (SCL) is currently operating as two separate landfills, one within the City jurisdiction and the other within the County jurisdiction. The City side of the landfill is operating under the December 1999 adopted Zone Change and Conditions of Approval (Ordinance No. 172,933). On February 6, 2007, the County certified an Addendum to the previously certified subsequent environmental impact report (SEIR) and final environmental impact report (FEIR) and replaced the 1993 conditional use permit (CUP) with a modified CUP in an effort to make the relevant conditions consistent with those of the City's 1999 Conditions of Approval.

The Planning Department also reports that the City of Los Angeles and the County of Los Angeles seek to enter into an MOU to merge and/or reconcile certain land use conditions adopted by each respective jurisdiction to allow for more efficient monitoring efforts and administration of the combined City/County landfill. This MOU only addresses certain land use conditions where there is clear overlapping, and/or where certain clarifications are needed, and/or where merging of the conditions makes sense for the combined City/County operation. In cases where City and County condition conflict, the strictest condition would apply. Conditions that are unique to each jurisdiction will continue to be monitored and enforced by the respective jurisdiction.

During the discussion of this item, the Committee Chair stated for the record that the Council President appointed Councilmember Greig Smith to serve on the Committee in the absence of Councilmember Garcetti, pursuant Council Rule 60. The Planning Department representative then proceeded to provide an overview of the matter and responded to related questions posed by the Committee members.

After additional discussion and offering the opportunity for public comment, the Committee recommended that Council approve the recommendations contained in the Planning Department's report, with an additional recommendation to authorize the Director of the Planning Department to execute the MOU on behalf of the City, as reflected above. This matter is now submitted to Council for its consideration.

Respectfully submitted,

ENERGY AND ENVIRONMENT COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
PERRY:	YES
SMITH:	YES*
CARDENAS:	ABSENT
ALARCON:	ABSENT
GREUEL:	YES

MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

*Rosa,*  
**ADOPTED**  
NOV 25 2008  
*As Amended*  
**LOS ANGELES CITY COUNCIL**  
**FORTHWITH**

\*One-day appointment, per Council Rule 60

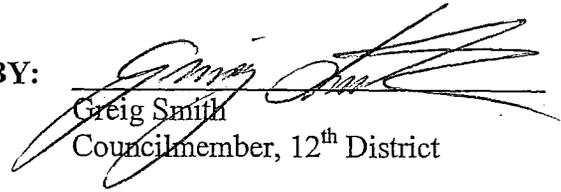
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08-0987-S1\_rpt\_ee\_10-21-08

- Not Official Until Council Acts -

**MOTION**

**I MOVE**, that the matter of the Communication from the Planning Department, relative to a Memorandum of Understanding between the City and the County of Los Angeles to reconcile certain land use conditions that had been previously adopted by each respective jurisdiction, for more efficient administration of the combined City/County Sunshine Canyon Landfill, Item 12 on today's Council Agenda (CF 08-0987-S1) BE AMENDED to require that any approval of the Draft Resolution attached to the report from the Department of City Planning dated November 13, 2008, be made contingent upon the publication of adopted ordinances related to the creation of an Alternatives to Landfill Fee and expanded Local Enforcement Agency authorities proposed in Council Files 05-1405 and 08-2690, and Council File 08-3101 respectively, and that that Resolution become effective only upon the publication date of the adopted Alternatives to Landfill Fee ordinance or the expanded Local Enforcement Agency authorities ordinance, whichever comes later.

**PRESENTED BY:**

  
Greg Smith  
Councilmember, 12<sup>th</sup> District

**SECONDED BY:**



*Amending Motion*  
**ADOPTED**  
NOV 25 2008  
**LOS ANGELES CITY COUNCIL**  
**FORTHWITH**

**NOV 25 2008**

NOV 25 2008



## Executive Office

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012



November 13, 2008

TO: Honorable Members of the City Council

FROM: S. Gail Goldberg  
Director of Planning

SUBJECT: **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND COUNTY OF LOS ANGELES ON THE LAND USE CONDITIONS FOR THE SUNSHINE CANYON LANDFILL JOINT OPERATION**

### RECOMMENDATIONS

ADOPT the Memorandum of Understanding (MOU) (Attachment A), between the City of Los Angeles and the County of Los Angeles, to reconcile certain land use conditions that had been previously adopted by each respective jurisdiction, for more efficient administration of the combined City/County Landfill.

CONSIDER FOR ADOPTION the attached draft Resolution (Attachment B), which clarifies the time frame for commencing the Phase II combined City/County landfill operation pursuant to [Q] Condition B.2.d of Ord. No. 172,933.

### SUMMARY

The Sunshine Canyon Landfill (SCL) is currently operating as two separate landfills, one within the City jurisdiction and the other within the County jurisdiction. The City side of the landfill is operating under the December 1999 adopted Zone Change and Conditions of Approval (Ordinance No. 172,933). On February 6, 2007, the County certified an Addendum to the previously certified subsequent environmental impact report (SEIR) and final environmental impact report (FEIR) and replaced the 1993 conditional use permit (CUP) with a modified CUP in an effort to make the relevant conditions consistent with those of the City's 1999 Conditions of Approval.

The City of Los Angeles and the County of Los Angeles seek to enter into a MOU to merge and/or reconcile certain land use conditions adopted by each respective jurisdiction to allow for more efficient monitoring efforts and administration of the combined City/County Landfill.

This MOU only addresses certain land use conditions where there are clear overlapping, and/or where certain clarifications are needed, and/or where merging of the conditions makes sense for the combined City/County operation.

**ENERGY & THE ENVIRONMENT**

AD HOC ON RENEW LA

NOV 19 2008

A total of nine conditions are called out in this MOU. These include:

- Merging of the City and County Technical Advisory Committee (TAC)
- Merging of the City and County Community Advisory Committee (CAC)
- One independent air quality monitoring consultant shall be hired
- One independent environmental mitigation monitoring consultant shall be hired
- Revegetation plan and fugitive dust plan to be reviewed by the Sunshine Canyon Landfill – Local Enforcement Agency (SCL-LEA) and LA County Department of Public Works
- The strictest alternative fuel vehicle requirements between the two adopted sets of conditions shall apply
- Permittee to provide Insurance and/or bond policies coverage that would afford the most coverage for both jurisdictions in the combined landfill operation
- The review of the City's phasing requirements (Conditions Q.B.2.d.) and the County's fill sequencing and capacity requirements (Condition 18) shall be enforced
- Violations shall be subject to fines as imposed by the County's Condition 11 regardless of where the violation takes place in the combined landfill operation

In cases where City and County condition conflict, the strictest condition would apply. Conditions that are unique to each jurisdiction will continue to be monitored and enforced by the respective jurisdiction.

In addition, a draft Resolution is attached that clarifies the time frame for commencing the Phase II combined City/County landfill operation pursuant to [Q] Condition B.2.d of Ordinance No. 172,933. The City landfill operation (Phase I) is already well into its fourth year and it would serve no practical purpose to delay commencement of Phase II operations (Combined City/County Landfill) until July 27, 2009, which would mark the end of the initial four years of the City landfill operation.

## **BACKGROUND**

The SCL straddles between two jurisdictions, the City of Los Angeles and the County of Los Angeles. Browning-Ferris Industries, Inc. (BFI) owns and operates the SCL, a Class III, non-hazardous, solid waste landfill. Landfill operations commenced in the City portion of the SCL in 1958 pursuant to a City-issued variance. In 1966, the City approved a 25-year variance that permitted the expansion of landfilling activities to encompass a 300-acre area. Then in September 1991, upon the expiration of the variance, landfilling operations ceased at which time SCL became an inactive City landfill.

In November 1993, the County certified and approved a final environmental impact report (FEIR) and a conditional use permit (1993 CUP) allowing BFI to initiate

landfill operations in the County portion of the SCL. BFI subsequently commenced operations on the County-side in August 1996.

The County's 1993 CUP also directed BFI to obtain approvals from the City to initiate landfilling in the City side of the SCL, which would allow for both a separate City landfill and a joint City/County Landfill. In December 1999, the City adopted a subsequent environmental impact report (SEIR) and a General Plan Amendment and zone change (GPA/ZC) that permitted BFI to operate and maintain a separate City landfill and eventually a joint City/County Landfill at the SCL.

In July 2005, the City's portion of the SCL commenced operations. The City landfill allows for a daily maximum waste intake rate not to exceed 5,500 tons on any given day with a weekly capacity of 30,000 tons. The combined City/County landfill authorizes a maximum intake rate of 12,100 tons per day in either jurisdiction (based on the County's maximum daily intake rate of 6,600 tons per day with a maximum weekly capacity of 66,000 tons on the County side).

In February 2007, the County certified an Addendum to the SEIR and FEIR and replaced the 1993 CUP with a replacement conditional use permit (RCUP) to authorize landfilling operations in the County and subsequently as a joint City/County landfill. The RCUP also added and/or modified various provisions to be consistent with the City's 1999 GPA/ZC. The various City and County approvals permit the operation of a Class III, non-hazardous solid waste landfill that shares environmental control elements, use of access roads, scales, administrative offices and other related elements located in both the City and County. As a result, a landfill footprint for the combined City/County landfill will encompass approximately 409 acres, with a total solid waste disposal capacity of approximately 130 million cubic yards of airspace. Of the 409 acres covered, approximately 194 acres are authorized for landfilling in the City, with an estimated disposal capacity of 80 million cubic yards, and approximately 215 acres are authorized for landfilling in the County, with a disposal capacity of approximately 50 million cubic yards.

Attachments:       A - Planning Issues MOU  
                          B - Draft Council Resolution

1  
2 **THE SUNSHINE CANYON COMBINED CITY/COUNTY LANDFILL**

3 **PLANNING ISSUES**

4 **MEMORANDUM OF UNDERSTANDING**

5  
6  
7 This MEMORANDUM OF UNDERSTANDING (the "MOU"), dated  
8 \_\_\_\_\_, is entered into by and between the CITY OF LOS ANGELES, a  
9 municipal corporation and California charter city pursuant to the Constitution and the laws of the  
10 State of California (the "City"), and the COUNTY OF LOS ANGELES, a political subdivision  
11 of the State of California (the "County"), referred to as the "Parties", with respect to the  
12 following:  
13

14 **RECITALS**

15 A. In 1958, Browning-Ferris Industries, Inc. ("BFI" or "Permittee") commenced  
16 landfilling in the portion of Sunshine Canyon located within the boundaries of the City of Los  
17 Angeles. In 1966, the City authorized the expansion of such activities within a 300-acre area by  
18 the granting of a 25-year variance. In September 1991, upon the expiration of this variance,  
19 landfilling operations within the City portion of the landfill ceased.  
20

21 B. In November 1993, the County certified a final environmental impact report (the  
22 "FEIR") for landfilling within that portion of Sunshine Canyon located within the County of Los  
23 Angeles, including the consideration of impacts and mitigation measures in both the County and  
24 the City portions of the landfill, and it approved a conditional use permit (the "1993 CUP") to  
25 allow BFI to extend landfilling into the County portion of Sunshine Canyon. In August 1996,  
26  
27

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1 landfilling operations commenced in the County portion of the landfill (the "County Landfill").

2 C. In the 1993 CUP, the County directed BFI to seek approvals from the City to  
3 resume landfilling in the City, which would provide for both a separate City Landfill and a  
4 combined City/County Landfill (the "Landfill").

5 D. In December 1999, the City certified a subsequent environmental impact report  
6 (the "SEIR"), based upon the FEIR, and approved a General Plan Amendment and zone change  
7 (the "GPA/ZC") to allow BFI to develop, operate and maintain both a separate City Landfill and  
8 ultimately a combined City/County Landfill in the City portion of Sunshine Canyon. The City  
9 also approved a Mitigation Reporting and Monitoring Program (the "City MRMP") for the  
10 landfill.  
11

12 E. On February 6, 2007, the County certified an Addendum to the previously  
13 certified SEIR and FEIR and replaced the 1993 CUP with a modified conditional use permit (the  
14 "CUP") to authorize enhanced landfilling operations in the County, including both the County  
15 Landfill and ultimately a combined City/County Landfill in the County, and to make the relevant  
16 conditions contained within the CUP consistent with those of the 1999 City GPA/ZC. At that  
17 time, the County also approved a Mitigation Monitoring and Reporting Summary (the "County  
18 MMRS"). The County Board of Supervisors subsequently adopted the replacement conditional  
19 use permit on February 6, 2007.  
20

21 F. Collectively, the City and County approvals permit a Class III, non-hazardous  
22 solid waste landfill that is designed to share environmental control systems (e.g. landfill liner,  
23 leachate collection and removal system, landfill gas extraction and flaring system), with shared  
24 use of the access road, scales, administrative offices, and other ancillary uses located in both the  
25 City and County. As a result, a landfill footprint for the combined City/County  
26  
27

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1 Landfill was established in Sunshine Canyon, encompassing approximately 409 acres, with a  
2 total solid waste disposal capacity of approximately 130 million cubic yards of airspace. Of the  
3 409 acres covered, approximately 194 acres are located in the City (the "City Area"), with an  
4 estimated disposal capacity of 80 million cubic yards, and approximately 215 acres are  
5 authorized for landfilling in the unincorporated portion of the County (the "County Area"), with  
6 a disposal capacity of approximately 50 million cubic yards.  
7

8 NOW, THEREFORE, the Parties do hereby agree as follows:

9 Section 1. **Reconciliation of City and County Land Use Conditions.**

10 The City of Los Angeles Department of City Planning ("DCP") and the County of Los  
11 Angeles Department of Regional Planning ("DRP") hereby desire that monitoring efforts for the  
12 operation of the combined Landfill regarding certain land use conditions that had been  
13 previously adopted by each respective jurisdiction be consolidated, merged and/or reconciled for  
14 any inconsistencies. The Parties further desire to allow coordination of specified land use  
15 requirements for more efficient administration of the combined City/County Landfill, and to  
16 institute joint measures consistent with this coordination.  
17

18 Therefore, the Parties hereby agree to the following:

- 19
- 20 a) The Technical Advisory Committees of the City and the County shall be merged into a  
21 single committee that shall meet at least twice a year. This combined Technical  
22 Advisory Committee ("combined TAC") shall be co-chaired by the City's Director of  
23 Planning or Designee and the County's Director of Regional Planning or Designee.  
24 The combined TAC shall be an ad hoc committee composed from the agencies listed in  
25 the City condition's [Q]C.12 and Part XII of the County's Implementation and  
26 Monitoring Program (IMP), and any other designees as deemed necessary by the  
27 respective Co-Chairs, and shall include one member appointed by the combined

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1 Community Advisory Committee (“combined CAC”). The combined TAC shall  
2 develop guidelines to establish operating standards and procedures. The County  
3 Counsel and the City Attorney shall represent the parties and act as attorneys for the  
4 combined TAC.

5 The TAC shall be established for the purpose of reviewing, coordinating and certifying  
6 satisfactory compliance with plans, permits and/or agreements required and/or  
7 authorized for the landfill operation by the City’s GPA/ZC and MMRP and by the  
8 County’s CUP and MMRS, including the implementation and/or completion of the  
9 Conditions of Approval. The Co-Chairs shall be delegated the responsibility to make  
10 all decisions on behalf of the combined TAC; the other remaining members of the  
11 combined TAC shall be advisory to the Co-Chairs. In the event that an impasse is  
12 reached between the Co-Chairs on any issue within the purview of the combined TAC,  
13 and such impasse lasts at least thirty (30) days, the Co-Chairs shall, within five (5)  
14 business days, refer the issue to an independent third party agreed to by the Co-Chairs.  
15 The independent third party selected shall confer with the Co-Chairs to reach joint  
16 resolution of the issue, which shall then be deemed the decision of the combined TAC.  
17 On instances when there are issues concerning City or County land use conditions that  
18 are unique to one or the other jurisdiction, the respective Co-Chair of the combined  
19 TAC representing that jurisdiction shall make the final determination on the matter.  
20 Appeals by the Permittee regarding the combined TAC’s determination shall be heard  
21 jointly by both the County’s Director of Regional Planning or Designee and the City’s  
22 Director of Planning or Designee, whose joint decision shall be final.

- 23 b) The Community Advisory Committees of the City and the County shall be merged into  
24 a single committee. The combined CAC shall be composed of members appointed per  
25 the City’s condition [Q]C.13 and Part IX of the County IMP. The Permittee shall  
26 continue to provide funding to the combined CAC as required by Part IX(D) of the  
27 County IMP. The combined TAC shall establish by-laws for the combined CAC in  
order to clarify representation, eliminate duplication of appointees, and to define the

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1           duties and responsibilities of the combined CAC.

2  
3       c) A single air quality monitoring consultant shall be hired at the Permittee's expense to  
4       satisfy the City condition [Q]C.10.a., and the County condition 81. The Parties hereby  
5       also agree under this provision that the Air Quality Consultant shall be selected by the  
6       Co-Chairs of the combined TAC. The procurement process and standards of either the  
7       County or the City, as agreed to in advance by the Co-Chairs of the combined TAC,  
8       will be used to retain the consultant's services. Administration of contract(s) shall be  
9       outlined in the consultant's agreement.

10       d) A single independent mitigation monitoring consultant shall be hired at the Permittee's  
11       expense to satisfy the City condition [Q]C.12.c and the County IMP Part XII(E). The  
12       Parties hereby also agree that the independent mitigation and condition monitoring  
13       consultant shall be selected by the Co-Chairs of the combined TAC. The procurement  
14       process and standards of either the County or the City, as agreed to in advance by the  
15       Co-Chairs of the combined TAC, will be used to retain the consultant's services.  
16       Administration of the contract(s) shall be outlined in the consultant's agreement.

17       Upon commencement of the City/County Project, the Independent Mitigation  
18       Monitoring Consultant shall be responsible for monitoring (1) each of the conditions  
19       and requirements of the City Zoning Ordinance and the County CUP and Oak Tree  
20       permits, and (2) all mitigation measures identified in the County MMRS for the  
21       Sunshine Canyon Landfill. The Consultant shall prepare and submit a report to the  
22       combined TAC in advance of each of its required bi-annual meetings detailing the  
23       status of compliance with the land use permits and mitigation measures, as well as  
24       measures taken by the Permittee to ensure compliance. On a monthly basis, and as  
25       often as needed, the consultant shall make referrals as necessary to the combined TAC,  
26       the Sunshine Canyon Landfill-Local Enforcement Agency (SCL-LEA), and any of the  
27       associated City or County agencies identified with the requirement, if the consultant  
28       observes that any of the conditions and requirements of the City Zoning ordinance and

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1 the County CUP have been or may be violated. The City and County are individually  
2 responsible for enforcement of their respective land use permits and measures within its  
3 jurisdiction.

4 e) The revegetation plan and fugitive dust plan submitted by the Permittee shall be  
5 provided to the SCL-LEA and the County Department of Public Works for review and  
6 approval. The revegetation plan and fugitive dust plan shall comply with County  
7 conditions 44 and 45, and PART VI of the County IMP.

8  
9 f) City condition [Q]C.10d1-8 and County condition 77 shall be compared and the most  
10 restrictive requirements, as determined by the Co-Chairs of the combined TAC, of the  
11 alternative fuel vehicles conditions shall be met by the Permittee.

12 g) The Permittee shall provide insurance and/or bond policies that will afford the most  
13 coverage and protection to the City and County for the combined Landfill. The  
14 Permittee's insurance policy shall also include the SCL-LEA as an additionally insured  
15 entity.

16 h) The combined Landfill shall be subject to the phasing requirements as set forth in the  
17 City condition [Q]B.2.d. and the fill sequencing and capacity requirements of condition  
18 18 of the County CUP.

19  
20 i) Violations at the combined Landfill shall be subject to fines as imposed by condition 11  
21 of the County CUP regardless of where the violation takes place at the landfill.

22  
23 Section 1.1 Other City/County Conditions. Wherever there is a discrepancy  
24 between the City Zone Change Conditions (Ordinance No. 172,933) and the County  
25 Conditional Use Permit No. 00-194-(5), the more restrictive condition, as determined by  
26 the Co-Chairs of the TAC, shall apply.  
27

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Section 2. Miscellaneous Provisions.

Section 2.1 Prior Agreements. This MOU constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous understandings and agreements with respect thereto, whether written or oral. No addition or modification of any term or provision shall be effective unless set forth in writing, signed by the Parties hereto. However, this MOU shall not supersede or replace any provision of the City GPA/ZC, County CUP, or any other local approval or entitlement associated with this landfill operation ("Other Approvals"). In the event of a conflicting provision between this MOU and any provision of the City GPA/ZC, County CUP, or with any Other Approvals, the provisions in the City GPA/ZC, County CUP, or Other Approvals shall prevail within the respective City and County jurisdictions.

Section 2.2 Counterparts. This MOU may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

Section 2.3 Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be delivered personally (including by means of professional messenger service) or sent by first class mail.

If to the City: Councilmember of the Twelfth District  
Room 405, City Hall  
200 N. Spring Street, Los Angeles, CA 90012

Chief Legislative Analyst  
Room 255, City Hall  
200 N. Spring Street, Los Angeles, CA 90012

Director, Department of Planning  
Room 525, City Hall  
200 N. Spring Street, Los Angeles, CA 90012

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1 General Manager, Environmental Affairs Department  
2 Suite 2005, City Hall  
200 N. Spring Street, Los Angeles, CA 90012

3 City Attorney  
4 Office of the City Attorney  
800 City Hall East  
5 200 N. Main Street, Los Angeles, CA 90012

6 If to the SCL-LEA Chair of the Board of Directors  
7 Copy to Program Manager  
Suite 2005, City Hall  
8 200 N. Spring Street, Los Angeles, CA 90012

9 If to the County: County of Los Angeles  
10 Chief Executive Office  
Deputy Chief Executive Officer,  
11 Community & Municipal Services  
Kenneth Hahn Hall of Administration - Room 723  
12 500 West Temple Street  
Los Angeles, CA 90012

13  
14 County of Los Angeles  
Administrator, Current Planning Division  
15 Department of Regional Planning  
1390 Hall of Records  
16 320 West Temple Street  
Los Angeles, CA 90012

17  
18 County of Los Angeles  
Department of Public Works  
19 Assistant Deputy Director, Environmental Programs  
20 Division  
900 South Fremont Avenue  
21 Alhambra, CA 91803

22  
23 County of Los Angeles  
Department of Public Health  
24 Director, Environmental Health  
5050 Commerce Drive  
25 Baldwin Park, CA 91706

26 Office of the County Counsel  
27 Kenneth Hahn Hall of Administration - Room 648

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500 West Temple Street  
Los Angeles, CA 90012

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2  
3 Section 2.4 Applicable Law. This MOU shall be governed by and construed in  
4 accordance with the laws of the State of California.

5 Section 2.5 No Waiver. A waiver by any party of the breach of any of the  
6 terms and conditions under this MOU to be performed by any other party shall not be construed  
7 as a waiver of any succeeding breach of the same terms and conditions of this MOU.  
8

9 Section 2.6 Modifications. Any alteration, change or modification of or to this  
10 MOU, in order to become effective, must be made in writing and in each instance signed on  
11 behalf of each party hereto.

12 Section 2.7 Severability. If any term, provision, condition, or covenant of this  
13 MOU or its application to any party or circumstances shall be held, to any extent, invalid or  
14 unenforceable, the remainder of this MOU, or the application of the term or condition or  
15 covenant to persons or circumstances other than those as to whom or which it is held invalid or  
16 unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent  
17 permitted by law.  
18

19 Section 2.8 County/City Authority and Right to Inspect. Nothing in this MOU  
20 shall be deemed to constitute a waiver of any of the County's and/or City's authority to enforce  
21 their land use permits or conditions or to exercise their police powers to protect health, safety  
22 and/or the environment. In addition, nothing in this MOU shall preclude the City or the County,  
23 at its sole discretion and consistent with its land use authority, from at any time conducting  
24 inspections otherwise legally permissible at the combined City/County Landfill for purposes  
25 other than as those that may be authorized by or described in this MOU.  
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1           Section 2.9   No Obligation to Third Parties. The provisions of this MOU are  
2 intended to be solely for the benefit of the Parties, and execution and delivery of this MOU shall  
3 not be deemed to confer any rights upon, or obligate either of the Parties to, any person or entity  
4 other than the Parties.  
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IN WITNESS WHEREOF, the undersigned have executed this Memorandum on the date first indicated above.

CITY OF LOS ANGELES

By: \_\_\_\_\_  
[to be determined]

APPROVED AS TO FORM:

Rockard J. Delgadillo, City Attorney

By: \_\_\_\_\_  
Deputy

COUNTY OF LOS ANGELES

By: \_\_\_\_\_  
[to be determined]

APPROVED AS TO FORM:

Raymond G. Fortner, County Counsel

By: \_\_\_\_\_  
Deputy

**DRAFT RESOLUTION**

WHEREAS, on December 8 1999, the City of Los Angeles adopted a General Plan Amendment and zone change and certified a subsequent environmental impact report (the "SEIR"), to allow Browning-Ferris Industries, Inc. ("BFI" or "Permittee") to develop, operate and maintain both a separate City Landfill and ultimately a combined City/County Landfill in the City portion of Sunshine Canyon. The City also approved a Mitigation Reporting and Monitoring Program (the "City MRMP") for the landfill. The zone change, Ordinance No. 172,933, became effective on January 22, 2000;

WHEREAS, BFI commenced operations of the City Landfill, Phase I, on July 27, 2005, and the City landfill is now well into the fourth year of operation under Phase I;

WHEREAS, on February 6, 2007, the County of Los Angeles (the "County") adopted a modified conditional use permit (the "CUP") that replaced a prior 1993 conditional use permit which allowed BFI to extend landfilling into the County portion of Sunshine Canyon. The modified CUP authorized enhanced landfilling operations in the County, including both the County Landfill and ultimately a combined City/County Landfill in the County, and to make the relevant conditions contained within the CUP consistent with those of the 1999 City zone change. At that time, the County also certified an Addendum to the previously certified SEIR and FEIR and approved a Mitigation Monitoring and Reporting Summary (the "County MMRS");

WHEREAS, collectively, the City and County approvals permit a Class III, non-hazardous solid waste landfill that is designed to share environmental control systems (e.g. landfill liner, leachate collection and removal system, landfill gas extraction and flaring system), with shared use of the access road, scales, administrative offices, and other ancillary uses located in both the City and County. As a result, a landfill footprint for the combined City/County Landfill was established in Sunshine Canyon, encompassing approximately 409 acres, with a total solid waste disposal capacity of approximately 130 million cubic yards of airspace. Of the 409 acres covered, approximately 194 acres are located in the City (the "City Area"), with an estimated disposal capacity of 80 million cubic yards, and approximately 215 acres are authorized for landfilling in the unincorporated portion of the County (the "County Area"), with a disposal capacity of approximately 50 million cubic yards;

WHEREAS, [Q] Condition B.2.d of the City's zone change ordinance establishes two phases for landfill operations plus a third phase for a 10-year review by the City. The City's review for proceeding to Phase II, which consists of the remaining operation of the ultimate City/County landfill, is required by said [Q] Condition to "begin no later than the beginning of the third quarter of the third year of the City landfill operation and shall be concluded within six months". Said [Q] Condition also stipulates that there be "at least four years of landfill operation under Phase I" prior to proceeding to Phase II;

WHEREAS, on April 25, 2008, the City Council approved a Joint Powers Agreement (CF #08-0987) between the City and the County to create a Joint City/County Local Enforcement Agency for the Sunshine Canyon Landfill (SCL-LEA), which was established to regulate the combined operations at the landfill and enforce local and state laws to protect the public health and the environment, and in addition, to receive and process any applicable solid waste permits associated with the combined operation of the Landfill;

WHEREAS, on June 17, 2008, the California Integrated Waste Management Board issued a Solid Waste Facilities Permit for the Combined City/County Landfill;

WHEREAS, various City departments in cooperation with the Department of City Planning have prepared, along with their counterparts in the County, a Memorandum of Understanding addressing reconciliation of City and County land use conditions to enable a combined City/County Landfill operation, subject to approval by the Board of Supervisors and City Council;

WHEREAS, given all these circumstances, in order to combine the existing, separate City and County Landfills into one joint landfill which would provide for additional disposal capacity and encompass Phase II of the City's zoning ordinance, it is necessary to clarify the intent of [Q] Condition B.2.d with regard to the provision that requires "at least four years of landfill operation under Phase I";

WHEREAS, such clarification is necessary in order to carry out the wider intent of the City Council in having adopted the 1999 zone change that permits the Phase II operation of a combined City/County Landfill;

WHEREAS, to date there has been substantial compliance by the Permittee with the [T] and [Q] Conditions of the zone change (Ordinance No. 172,933);

WHEREAS clarification of the intent of [Q] Condition B.2.d will have only a minimal or no effect on adjacent property and will not result in a significant or substantial deprivation of the property rights of other property owners;

NOW THEREFORE, BE IT RESOLVED that the general intent of the provision within [Q] Condition of B.2.d of Ordinance No. 172,933 requiring at least four years of landfill operation under Phase I has been satisfied, given the circumstances described above, and that it would serve no practical purpose to delay commencement of Phase II operations (Combined City/County Landfill) until July 27, 2009.

Presented By: \_\_\_\_\_

Seconded By: \_\_\_\_\_