

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of April 17, 2003

County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, California

COMMITTEE MEMBERS PRESENT:

Albert Avoian, Business/Commerce Representative
Margaret Clark, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
Joe Massey, Institute of Scrap Recycling Industries
John McTaggart, League of California Cities-Los Angeles Division
David Roberti, General Public Representative

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Thomas L. Garthwaite, rep. by Stan Uyehara, County of L.A. Dept. of Health Services
James A. Noyes, rep. by Shari Afshari, County of L.A. Dept. of Public Works
Jim Stahl, rep. by John Gullede, County Sanitation Districts of Los Angeles County
Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District
Judith Wilson, rep. by Enrique Zaldivar, City of Los Angeles Bureau of Sanitation
Ben Wong, rep. by Michael Miller, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS NOT PRESENT:

Ron Deaton, City of Los Angeles Appointee
Christopher Garner, City of Long Beach
David Kim, City of Los Angeles Appointee

OTHERS PRESENT:

Jim Aidukas, JTA & Associates
Martins Aiyetiwa, County of L.A. DPW
Paul Alva, County of L.A. DPW
Becky Bendikson
Jim Berryhill, City of Pasadena
David Edwards, BFI
Mary Edwards, North Valley Coalition
Chris Funk, Weston Firm
Clarence Gieck
Wayde Hunter, North Valley Coalition
Bernado Iniguez, City of Bellflower
Frank Kiesler, BFI
Gideon Kracon, City of L.A. Attorney

Ben Lucha, City of Santa Clarita
Carolyn Meredith, City of Pasadena
Chuck Moore, BFI
Michelle Nicholls, SCS Engineers
Fred Pfaeffle, County Counsel
David Ross, SCS Engineers
John Sheppard, City of L.A. Mayor's
Office
Isabel Schleif, City of Covina
Melissa Spraul, MWW
Brian Williams, City of L.A Mayor's
Office

I. CALL TO ORDER

The meeting was called to order at 10:05 a.m.

II. APPROVAL OF MINUTES OF MARCH 20, 2003

The minutes of March 20, 2003, were unanimously approved as presented.

III. DISCUSSION ON TASK FORCE ROLES AND RESPONSIBILITIES

Mr. Fred Pfaeffle from the County of Los Angeles County Counsel provided a report on the role of the Task Force regarding the FOC. Mr. Pfaeffle stated that he reviewed the Countywide Siting Element, relevant regulations, and State law to make his determination. He believes the role of the Task Force regarding the FOC is described primarily in Chapters 6 and 7 of Volume 1 of the Siting Element. Mr. Pfaeffle referred Task Force members to Section 7.3 of the Siting Element which states that as part of the determination of conformance with the Siting Element and the siting criteria, the project proponent must obtain approval from the Task Force. In addition, the FOC process is discussed in Chapter 10 and the siting criteria is detailed in Chapter 6.

Mr. Pfaeffle added that in Section 10.5 of Chapter 10 of the Siting Element, there is a requirement that states the Task Force must evaluate the proposed site in relation to the siting criteria in the Siting Element in its review process. He believes that staff has prepared an evaluation form that clearly addresses the siting criteria that is delineated in Appendix 6A of the Siting Element. He explained the comments in the right column on the evaluation form state the applicant is in compliance with the various siting criteria on a conditional basis. Mr. Pfaeffle stated that he believes that is legal and appropriate.

Mr. Albert Avoian asked if the particular FOC in question could be a conditional FOC that would become a final FOC when the proponent meets the rest of the requirements that are required to obtain a State permit. Mr. Pfaeffle stated that there is nothing in the law that would prevent the Task Force from taking that pathway and there is enough discretion to allow the Task Force to do that.

Ms. Betsey Landis stated that if an FOC is granted, she would like for it to include the strongest possible statements that the site is in compliance with all the requirements of the other agencies and to ensure that it will be monitored by the lead agency very carefully. Ms. Landis stated that she wants to put some burden on the agencies that are responsible for monitoring this project so that those agencies actually bring the proponent into compliance with the FOC for the current operational landfill before the Task Force grants them a new FOC.

In response, Mr. Pfaeffle clarified the issue of reliance on other agencies in the FOC process by stating that it is his opinion that the Task Force can rely on

permitting agencies to oversee and monitor the permits they issue. He stated there is language in the Siting Element that supports his opinion, specifically Section 6.3.1, page 6-2.

Ms. Landis stated that she wants to require that all the agencies in question understand the history of the area and make sure that it is in compliance before the proponent begins the new project and that it remains in compliance throughout the life of the project. She is concerned because the Task Force often grants an FOC under the condition that other agencies will do their job and then the Task Force gets one back where it does not seem the agencies have been doing their job, but yet the Task Force is set to issue another FOC.

Mr. John McTaggart stated the water quality problem is not the purview of the Task Force; it is the purview of the Regional Water Quality Control Board and the Air Quality Management District. Mr. McTaggart explained that he agrees the agencies should be notified regarding the information the Task Force has received from the North Valley Coalition. However, he explained that it is up to those agencies to do the work for which they are responsible and for which taxes and fees are paid. He stated that a conditional FOC is an appropriate option so that the Task Force can pass the responsibility onto those agencies to which the responsibility actually belongs.

Mr. Carlos Ruiz stated that as a part of staff's review of the FOC, staff looked at the requirements of the City of Los Angeles' ordinance approving the project and there are provisions in the City's ordinance that require the project proponent to complete the closure of the existing landfill in the areas that are going to be overlain by any new waste. The applicant will not be able to place any waste on top of those areas until they have demonstrated compliance with the closure requirements.

IV. CONSIDERATION OF A FINDING OF CONFORMANCE FOR SUNSHINE CANYON LANDFILL

Mr. Ruiz stated the revised version of Attachment D of the staff report for Sunshine Canyon Landfill, Phase I of the City of Los Angeles Landfill, Unit 2 (attached), has corrected the location of the checkmarks that the Task Force members questioned at the March 20, 2003, meeting. He explained that based on the mitigation measures identified in the comment section of the evaluation form there are sufficient "checks and balances" provided for, either through the City's ordinance or State agency oversight, to comply with the siting criteria and staff recommends the Task Force approve the FOC subject to compliance with all of the conditions listed in the staff report.

Mr. Jay Chen from the AQMD commented on the staff evaluation form. He stated that on page 3, the Prevention of Significant Deterioration item under the "Protect Air Quality" section, the comments indicate the proponent will comply

with the requirements of the AQMD. However, the Federal Environmental Protection Agency has just recently taken the Prevention of Significant Deterioration permitting authority away from the AQMD. Mr. Chen suggested that EPA should be added to the item in addition to the AQMD.

Mr. Enrique Zaldivar asked when a check of compliance is placed on the evaluation form, whether that means the applicant plans to comply or the applicant has already complied. Mr. Ruiz stated there are many agencies that are involved and their requirements are met as the project progresses. Attempting to hold approval of the FOC until all of those requirements are met may be unreasonable. As long as appropriate checks and balances are there that ensure the appropriate agency will be reviewing the requirements at the appropriate time, staff feels that means the proponent is in compliance with the factors of the siting criteria.

Ms. Landis stated when the requirements are met, someone must change the FOC from a conditional FOC to a final FOC. Task Force members stated that in order to change the FOC from a conditional to the final FOC, they would like a signed report from the various agencies involved that states the proponent has met the agencies' requirements with information on the permit the agency issued to the proponent.

Mr. McTaggart stated that for the five factors on the staff evaluation form that do not apply to the project in question, it would be better to add a third column to the evaluation form for those factors.

Ms. Landis stated the staff evaluation report does not mention the proponent is not in compliance because the old landfill has not yet been properly closed. Mr. Ruiz referred Task Force members to page 9, Attachment B of the staff report and explained that the proponent must provide documentation to substantiate the existing, inactive landfill has been properly closed prior to placement of any waste. Mr. Ruiz also explained that condition 15 of the conditions for granting the FOC requires the operator to submit documentation that they have obtained all necessary permits and approvals and that they are in compliance with all mitigation measures at least 30 days prior to commencement with disposal operations at the landfill.

Mr. John Gullledge suggested that the Task Force should remove the additional conditional status that members had contemplated adding to the FOC. He stated the proponent would need a standard FOC to satisfy the various agency requirements that were discussed previously. Considering that condition 15 ensures an inherent conditional status, members agreed to consider issuing a standard FOC.

Mr. Wayde Hunter from the North Valley Coalition provided reasons the Task Force should deny the FOC for the Sunshine Canyon Landfill expansion, or at least postpone the FOC decision until more investigation occurs. Mr. Hunter stated that because the proposed project is a Landfill expansion, the Task Force must consider BFI's past record with the currently operational Sunshine Canyon Landfill. He stated the Landfill was opened illegally in 1956 and BFI assumed ownership of the Landfill in 1978.

According to Mr. Hunter, BFI has been continually violating their permit since then. Examples of the violations Mr. Hunter gave include: taking more trash than permitted, exceeding operating hours, exceeding permitted height, destroying hundreds of oak trees without a permit, allowing trash to encroach upon the primary water course, and destroying portions of Federally protected wetlands.

Mr. Hunter also stated that BFI refused to comply with the conditions of their permit when ordered by the City of Los Angeles to: restore the water course, replace the oak trees, conduct a correct boundary survey, remove buildings, conduct a health survey, and hire an inspector.

According to Mr. Hunter, water for 17 million people in California is treated and stored less than a mile southeast of the Landfill. He explained that the Los Angeles Aqueduct's Balboa inlet tunnel is located only 400 feet from the entrance of the Landfill. He stated the inlet tunnel is a pipe that has been cracked and broken by earthquakes and the groundwater from the Landfill flows over it. Mr. Hunter emphasized that if leachate ever enters the inlet tunnel pipe, there is no method for removing the leachate from the drinking water. He stated the surface waters from the Landfill also enter the San Fernando recharge basin and unlined sections of the County flood control channel next to the Jensen Filtration Plant and a second section further along before Angry Bull Creek.

Mr. Hunter stated there is only a 30-year post-closure maintenance requirement for BFI and rhetorically inquired about who will protect the drinking water after that period of time has expired. Mr. Hunter stated the Task Force should be looking at the information that he has provided and should consider more than just a checklist that claims BFI is in compliance, when, as he asserted, they really are not.

Mr. Hunter stated the Regional Board and the AQMD have found the joint technical document to be incomplete because they have similar concerns about the water. In addition, he stated a Los Angeles City Council motion was introduced which stated the Mayor of Los Angeles directed the City Department of Environmental Affairs to withdraw its approval of Sunshine Canyon Landfill expansion documents and request the Waste Board return the documents to the City.

Mr. Hunter concluded his statements by requesting that the Task Force not approve the FOC for the Sunshine Canyon Landfill expansion or, failing that, continue deliberations until all questions have been fully addressed before rendering a decision.

Ms. Mary Edwards from the North Valley Coalition stated when she attended the last Task Force meeting, the purview of the Task Force was not clear. Ms. Edwards stated that sometimes she thinks the only exercise she gets is an exercise in futility because she has been to numerous meetings similar to this meeting where one agency says to another agency, "It's not my job." She stated that what she sees happening here is a rush to judgment to get the FOC through so the project can begin.

Ms. Edwards distributed the Regional Board's latest statement regarding volatile organic compounds that have been detected in the subdrain, because of leaks in the liner and other reasons. She stated there are big problems with the landfill and asked the Task Force to wait to make the decision until the problems are solved. She asked the Task Force to give an FOC when BFI really has conformed, because at this point they have not conformed.

Ms. Becky Bendison explained that she attended the Task Force meeting to read a written statement from Esther Simmons from LASER, who was unable to attend the meeting.

Ms. Simmons' written statement addressed two of the siting factors in the staff evaluation form. The first siting factor she addressed is Factor A: Protect the Residents. According to Ms. Simmons' statement, the comments under Factor A state the City of Los Angeles requires BFI to maintain a 100-acre buffer zone between the Landfill and the closest residential community. However, the written statement explained the 100-acre zone that BFI maintains contains 22 operating oil wells and a clarifier that BFI uses to discharge treated leachate and condensate from the County and closed City landfill. Ms. Simmons stated that a buffer zone should remain untouched and the buffer zone BFI maintains is hardly a buffer. In addition, Ms. Simmons stated that BFI's clarifier is outside the boundaries of the landfill. She believes the clarifier and the discharge of leachate into the residential sewer line has been producing noxious odors in the neighborhood for the last two years. She stated that BFI should relocate their clarifier onto the permitted landfill site and install a separate sewer line for their discharge.

Ms. Simmons' written statement also addressed Factor D: Protect Groundwater. She stated that Inspector Richard Lange outlined the Landfill's subdrain problem in a letter to the Department of Fish and Game. His letter states the modification to the subdrain systems to remedy the excess of explosive methane gas has blocked the sub-surface water flow and has diverted all naturally flowing water away from the creek. Ms. Simmons' statement explained that Factor D states

the applicant must ensure there is no impairment of beneficial use of surface water or groundwater beneath or adjacent to the Landfill. According to Ms. Simmons, the creek has been dry since October 2001 and the beneficial use of the surface water and groundwater has been impaired in the County portion of Sunshine Canyon Landfill.

Ms. Simmons' written statement concluded by explaining the currently operational landfill is not in compliance with the siting criteria, so the Task Force should not believe that compliance will occur with the proposed landfill. She stated the Task Force should deny the FOC until BFI remedies the siting factors in question.

Mr. Gideon Kracon from the Los Angeles City Attorney's Office addressed the Task Force on behalf of City Attorney Rocky Delgadillo to express his opposition to the expansion of Sunshine Canyon Landfill. He stated the Task Force must consider new information on environmental impacts that was identified here today by the community. The new conditions include landfill gas leaks in the landfill liner system and the Regional Board's March 27, 2003, and April 11, 2003, letters that identify volatile organic compounds in the water collected in Sunshine Canyon County-extension Landfill. In addition, the Regional Board has deemed BFI's technical document incomplete.

Mr. Kracon stated that all of this information relates to the siting criteria in Appendix 6A of the Siting Element. He respectfully urged the Task Force to review and consider the community health and safety concerns with respect to the FOC being considered. Mr. Kracon stated that it is sensible for the Task Force to wait until the Regional Board and AQMD have reviewed the concerns and issued their permits before granting an FOC.

Mr. John Sheppard from the Los Angeles City Mayor's Office spoke on behalf of Mayor Hahn. He stated that based on the information the Task Force received today and advice of County Counsel, it seems to him that the Task Force does not have to make a decision today regarding the FOC. He stated the Mayor's Office requests that the Task Force wait to make their decision until they have heard from the other agencies involved in the permitting process.

Mr. McTaggart asked Mr. Kracon whether the City of Los Angeles is planning on taking any legal action to speed up the process of addressing the residents' concerns such as odors. Mr. Kracon stated the issue has been referred to the City's environmental quality committee. The City Attorney and the LEA are going to report to the environmental quality committee regarding this issue at their next hearing which he believes will be in early May.

Mr. Michael Miller asked Mr. Pfaeffle if the Task Force has land use authority, water quality authority, or air quality protection authority. Mr. Pfaeffle stated the Task Force has the oversight authority that is given in the Siting Element.

Mr. Pfaeffle stated he is concerned about the Task Force impinging on the technical authority that is vested in other agencies by the State law. He stated he does not think that is the role of the Task Force. Mr. Pfaeffle stated according to section 10.5 of the Siting Element, the Task Force must take some action on the FOC within 60 days.

Mr. Miller stated if the Task Force grants the FOC, it is still within the purview of the City of Los Angeles to grant the conditional use permit, to add conditions to the permit, and to enforce that permit based on recently received information. In addition, it is also within the purview of the County and City LEA, the Regional Board, and the AQMD to review the recently received technical information as they go through their permitting process. Mr. Miller stated the FOC merely signifies the proponent is in compliance with the Siting Element, not that they are in compliance with every regulation regarding air, land, and water.

Mr. Dave Edwards from BFI addressed the main concerns that were raised earlier. He stated the letters that BFI received from the Regional Board are common in these types of permitting issues and the Regional Board would never allow BFI to be out of compliance with their permits. Mr. Edwards stated that Sunshine Canyon Landfill does have a subdrain problem that BFI is working to resolve. In response to concerns about the formal closure of the City portion of the Landfill, Mr. Edwards stated that staff who worked at BFI before him worked diligently to identify community concerns and BFI is taking the appropriate action to ensure the Landfill is closed properly. In regard to odor concerns, Mr. Edwards stated that BFI has worked with the County and City LEA and the AQMD regarding the issue. He stated the source of the odor has not been identified, but just because they have not identified it does not mean they have given up on the idea that the odor could be caused by BFI.

After more deliberation regarding what to include in the motion, a motion was made to grant the FOC consistent with staff recommendations and to send letters to the Regional Board, AQMD, County and City LEA, and the Planning Department, instructing those agencies to notify Public Works when permits are issued and whether BFI is in compliance with those issued permits. Public Works staff will then notify the Task Force members about information received from those agencies. The motion passed with one member abstaining and two members opposing.

Another motion was made to send letters to the Mayor of the City of Los Angeles, the Los Angeles City Attorney asking them to give this issue a higher profile and to use all of their authority to protect the residents. The motion also included sending the letter to the Board of Supervisors, since the unclosed Landfill is in the County of Los Angeles, they should give it a higher profile and ensure the Landfill is not a nuisance to surrounding communities. The motion passed with two members abstaining and one member opposing.

V. MONTHLY STATUS REPORT ON AB 939 REGIONAL AGENCY FORMATION

This item was postponed as Ms. Karen Coca from the City of Los Angeles Bureau of Sanitation was unable to attend the meeting.

VI. DISPOSAL REPORTING SYSTEM AND ADJUSTMENT METHOD REGULATIONS

Mr. Martins Aiyetiwa from Public Works distributed copies of the proposed Disposal Reporting System flow chart (attached) to Task Force members and stated that back in November 2002, the California Integrated Waste Management Board released the draft disposal reporting system and adjustment method regulations. The Waste Board conducted two workshops in December 2002 to receive input on the regulations from various agencies and stakeholders. After the workshops, Waste Board staff went before the Waste Board and made a presentation regarding input received at the workshops. The Waste Board then revised their requirements to make them simpler.

These revisions will allow jurisdictions to request information directly from waste haulers and transfer stations, which jurisdictions do not have the authority to request under the current regulations. The Waste Board is also requiring that waste haulers provide landfill operators with waste origin addresses.

Task Force members expressed concern about providing waste origin addresses to landfill operators. Mr. John Gullede stated that providing waste origin addresses is a condition of the CUP that was issued for Puente Hills Landfill. Mr. Aiyetiwa explained that landfill operators who collect the information will keep the information private, but jurisdictions will have the right to request the information.

Mr. Avoian asked if a hauler gives a list of their customers to BFI's landfill whether that hauler has any assurance that BFI will not then go out and solicit the hauler's customers based on the list provided. Mr. Avoian stated that he does not know of any business that supplies a list of their customers to any public or private agency.

Senator David Roberti asked whether this regulation is a staff draft regulation. Mr. Aiyetiwa stated this is a staff draft regulation on which the Waste Board is collecting information.

Mr. Joe Massey stated that one of the comments addressed the importance of accurate information. Mr. Massey asked who would be verifying the information given to landfills and also asked whether truck drivers would be depended upon to give accurate information to landfills. Mr. McTaggart stated waste origin addresses would be inaccurate because haulers would just provide landfills with

route lists and just because a residence is on the list does not mean residence placed their trash out for pick up on the scheduled day.

Mr. McTaggart explained that hauler ratios of serviced jurisdictions should be used instead of physical addresses. He stated that based on their scheduled routes, haulers can determine the percentage of trash that belongs to each jurisdiction serviced by each of their trucks. The haulers can then explain to their drivers what jurisdictions they are servicing in their trucks and in what ratio. The drivers can then report that information to the landfills, without revealing the actual customer address.

Mr. Mike Miller stated another reason that waste origin addresses are not accurate is that postal addresses identify city names, but some addresses could be in unincorporated County areas and trash would be incorrectly attributed to the city identified in the postal address, instead of the County. Mr. Miller agreed that percentages of jurisdictions served would be more accurate.

A motion was made to write a letter to the Waste Board explaining that their solution of requiring waste origin addresses will not lead to improved record-keeping and tracking accuracy. Instead, the regulations should require haulers to provide lists of the jurisdictions they service and the ratios of jurisdictions per route. The letter will also state that this solution is a violation of business privacy as it requires haulers to submit customer information to landfill operators that could potentially sell the information or use the information against the haulers in an effort to take their customers. The motion passed with two members abstaining.

VII. STATUS OF CONSTRUCTION AND DEMOLITION DEBRIS REGULATIONS

Mr. Carlos Ruiz stated the Waste Board is developing construction and demolition regulations in two phases. The idea is to place facilities and operations into regulatory tiers where the level of oversight over these facilities would be consistent with potential impact on public health and safety.

Under Phase I, the Waste Board has developed draft regulations for which one 45-day comment period and three 15-day comment periods were held. The last version of the regulations changed the thresholds for the various tiers. Processing facilities that receive up to 25 tons per day will be placed in the enforcement agency notification tier. Facilities that receive between 25 and 175 tons per day will be placed in the registration permit tier. Facilities that receive 175 tons per day or more will be placed in the full Solid Waste Facility permit tier. The Waste Board adopted the Phase I regulations at their April 9, 2003, meeting.

Regarding Phase II, the Waste Board directed their staff to initiate a 45-day public comment period in April 2002. The Waste Board conducted a public

hearing at their Permitting and Enforcement Committee meeting on April 7, 2003. The Waste Board did not make any decisions regarding any changes to the regulation at that meeting, but will present a revised regulation package to the Permitting and Enforcement Committee at the May 5, 2003, meeting. At that time, they will request an additional 15-day public comment period.

VIII. REPORT FROM THE WASTE BOARD

This item was postponed as no representative from the Waste Board was present at the meeting.

IX. LEGISLATIVE UPDATE

Mr. Paul Alva from the County of Los Angeles Department of Public Works distributed a table providing updates on proposed solid waste-related legislation to Task Force members and provided a legislative update.

- SB 23 - Introduced by Sher

Under this Bill, the redemption fee levied on beverage containers will increase to five cents. In addition, the redemption fee on 24-ounce beverage containers will be increased to ten cents. This bill would also require the "Bottle Bill" program to lend the State's general fund \$80 million, to be paid back by 2010. The Bill would also require the "Bottle Bill" program to give the State's general fund \$200 million by 2006.

- SB 537 - Introduced by Romero

This Bill is specifically aimed at the County Sanitation Districts of Los Angeles County and would give veto power to any City Council over all materials recovery facilities, waste-by-rail facilities, and other similar facilities that are operated by the LACSD in the County unincorporated areas. Mr. Gulledge explained the wording of the Bill is such that a City could veto existing operations as well as new operations. In addition, the Bill would also allow City Councils to veto facility expansions. A motion was made to write a letter opposing SB 537. The motion passed unanimously.

- SB 983 - Introduced by Alarcon

This spot Bill states that any solid waste facility permit application will contain measures that the operator will be implementing to address environmental justice concerns of the surrounding communities.

X. OPEN DISCUSSION/PUBLIC COMMENT

Mr. Mike Miller stated that the League of California Cities has called for a general assembly on May 15 to address budget concerns. Task Force members discussed canceling the May Task Force meeting as most members plan to attend the general assembly meeting. Task Force members decided to cancel the May meeting, with the understanding that they would be notified if any important legislation is introduced that they would like to address.

XI. NEXT MEETING DATE

The next meeting is tentatively scheduled for June 19, 2003. The May 15, 2003, meeting was cancelled at the request of the Task Force members.

XII. ADJOURNMENT

The meeting was adjourned at 3:37 p.m.