



COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

DE WITT W. CLINTON, COUNTY COUNSEL

November 22, 1993

TELEPHONE
(213) 974-1845
TELECOPIER
(213) 617-7182

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

RECEIVED

OCT 26 1994

Re: CONDITIONAL USE PERMIT NUMBER 86-312 DEPARTMENT OF PUBLIC WORKS
OAK TREE PERMIT NUMBER 86-312 WASTE MANAGEMENT DIVISION
FIFTH-SUPERVISORIAL DISTRICT/3-VOTE MATTER

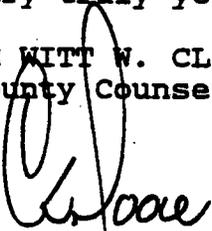
Dear Supervisors:

Your Board recently conducted a public hearing on the above-entitled zoning permits which seek permission for extension of the Sunshine Canyon Landfill into the unincorporated area of the county.

At the conclusion of your deliberations, you rendered a preliminary order to approve the permits with conditions, and instructed this office to prepare findings and conditions for your review before entry of the final order. Such findings, conditions, and order are attached hereto.

Very truly yours,

DE WITT W. CLINTON
County Counsel

By 
CHARLES J. MOORE
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


DE WITT W. CLINTON
County Counsel

CJM:vc
SS:board17.ltr

FINDINGS AND ORDER OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

CONDITIONAL USE AND OAK TREE PERMIT CASE NO. 86-312(5)

BOARD HEARING DATE: OCTOBER 21, 1993

SYNOPSIS:

Browning Ferris Industries of California, Inc. has applied for a Conditional Use and Oak Tree Permit 86-312-(5) in connection with its request for the reapproval of the Sunshine Canyon Landfill Extension, a Class III nonhazardous solid waste landfill facility consisting of a 215-acre landfill footprint with an estimated net air space capacity of 16.9 million tons, providing for an average daily waste disposal intake of approximately 6,000 tons (proposed project). The project site is located in the unincorporated territory of the County of Los Angeles.

The Board previously held duly noticed public hearings on this proposed project on November 29, 1990; January 29, 1991; February 14, 1991; February 19, 1991; and July 28, 1992. Copies of all environmental documents which comprised the Final Environmental Impact Report, Sunshine Canyon Landfill Extension, State Clearinghouse Number 89071210 (FEIR) were provided to the Board before those public hearings. The Board initially approved the proposed project on February 19, 1991, and certified the FEIR, approved the land use entitlements (Compound Plan Amendment 90-2-(5) and Sub-Plan Amendment 86-312-(5)) and issued the requisite project permits (Conditional Use Permit and Oak Tree Permit 86-312-(5)).

Following FEIR certification and project approval, litigation commenced regarding those approvals and the FEIR for the project. Initial County approvals and permits were vacated pursuant to a Peremptory Writ of Mandate (Writ) by the Superior Court of California, County of Los Angeles on April 22, 1992.

The Addendum to the Final Environmental Impact Report for the Los Angeles County Board of Supervisors, State Clearinghouse 89071210, May 1992 (Addendum to the FEIR) was prepared by the County Department of Regional Planning (County Planning Staff) to bring the FEIR into compliance with the Writ. Copies of that Addendum to the FEIR were disseminated to the Board along with the previously certified FEIR and the administrative record of the proposed project's proceedings before its action on the proposed project of July 28, 1992. At that time, the Board recertified the FEIR, reapproved the project and the land use entitlements, and reissued the project permits.

A court order entered on October 30, 1992 required the County to recirculate for public review and comment certain information

pertaining to three environmental issues addressed in the Addendum to the FEIR prior to final consideration of the project. The Additional Information and Analysis Regarding the Environmental Impact Report for the Sunshine Canyon Landfill Extension, State Clearinghouse Number 89071210, April 1993 (Additional CEQA Document) was then prepared by the County Planning Staff. Copies of this document were circulated for a 45-day public review and comment period, which commenced on April 21, 1993 and culminated on June 7, 1993. Written comments on this environmental document were accepted and responded to by County Planning staff.

Subsequent to that public review and comment period, the County Regional Planning Commission held duly noticed public hearings regarding the environmental matters addressed within the Additional CEQA Document. Noticed public hearings were held on July 14, 1993 to accept public testimony and on July 28, 1993 to deliberate on the proposed project. Final action on the proposed project was taken on August 4, 1993. At that time, the Regional Planning Commission approved the requisite permits and recommended to the Board of Supervisors that it approve the proposed General Plan Amendments.

PROCEDURE BEFORE THE BOARD OF SUPERVISORS

On October 21, 1993, the Board of Supervisors held a duly noticed public hearing. Staff provided its presentation and public testimony was then received. Written responses to that testimony were then prepared by the staff. At its meeting of November 18, 1993, the Board of Supervisors discussed and deliberated on the project.

FINDINGS

At its meeting of November 18, 1993, the Board of Supervisors, having completed its discussion, by a vote of 4-1, Supervisor Antonovich dissenting, instructed staff to prepare final findings and conditions for approval.

1. The applicant is the owner/operator of the Sunshine Canyon Landfill, a Class III nonhazardous solid waste landfill facility previously in operation within the jurisdiction of the City of Los Angeles.
2. According to certified land surveys, the overall area within the applicant's ownership and/or control is more or less 1,528 acres of land located adjacent to and southwest of the interchange of the I-5 (Golden State) and Route 14 (Antelope Valley) Freeways. The land is divided between the City of Los Angeles, about 494 acres in area, and unincorporated territory of the County of Los Angeles, about 1,034 acres in area.

3. The applicant requested entitlements to extend the existing landfill into unincorporated territory. As approved, the proposed expansion area encompasses an area of approximately 542 acres of the applicant's aforementioned ownership/control area. The balance of the applicant's ownership/control area within unincorporated territory, about 492 acres in size, is to remain undeveloped.
4. With respect to any future extension of the landfill, the County wishes to conserve and, if possible, avert destruction of significant ecological resources within unincorporated territory and to encourage the City of Los Angeles to, insofar that it is environmentally and economically appropriate, permit landfill capacity within the City's corporate limits adequate to meet the City's need for such disposal capacity. The County believes that these goals may be accomplished by the permitting of substantial additional fill on land within the City in the applicant's ownership and control. Accordingly, the conditions of approval require the applicant to diligently pursue its application to the City of Los Angeles for entitlements to expand Sunshine Canyon Landfill operations within the City. The conditions of approval further place restrictions upon access to the County portion of the landfill by City operated trash trucks, and eventually, by any truck carrying trash collection within the City, if the City has not granted a permit to allow at least 20 million tons of additional landfill capacity within City territory by certain dates.
5. The approved project proposal will begin within unincorporated County territory with a fill having an estimated waste capacity of approximately 16.9 million tons and covering a landfill footprint of approximately 215 acres exclusive of support facility sites (County Only Fill Design). If permitted by the City of Los Angeles, the filling would, after development of the initial increment of the 215 acre landfill in unincorporated territory, begin concurrent operations in the City's jurisdiction. The landfill would then increase progressively in height in the City and in the County area until the final elevation of the City-County landfill design (having approximately 100 million tons of waste disposal capacity) has been reached (City-County Fill Design). The canyons would then be filled and the landfill would close subject to a detailed closure plan unless further permits to expand the landfill were subsequently granted. If the City denies the applicant's request to extend into the City or grants a permit for a fill which does not overlay the project area associated with the County Only Fill Design, then, under the approved project, no portion of the landfill extension within the County may extend beyond the surface area associated with the County Only Fill Design.

6. The project area within unincorporated territory is zoned A-2-2 (Heavy Agriculture-Two Acre Minimum Lot Size). Waste disposal facilities require a conditional use permit in this zone.
7. Development of the unincorporated portion of the approved landfill would entail removal of an estimated 2,850 oak trees. Pursuant to the County's Oak Tree Ordinance, an Oak Tree Permit is required for the removal of one or more oak trees.
8. An environmental impact report (EIR) was prepared which addressed the environmental effects of implementing a 215 million ton landfill within the unincorporated area and the City of Los Angeles and alternatives thereto. The EIR contains detailed descriptions of the proposal and of the setting of the subject property and documents the potential impacts and proposed mitigation measures.
9. The environmental findings of fact with respect to the environmental impacts identified in the EIR, the planned mitigation measures, and the Board's Statement of Overriding Considerations are incorporated herein by this reference as if set forth in full.
10. Any landfill extension operations will entail the construction and maintenance of substantial ancillary facilities. These would include, but are not limited to, offices, employee wash rooms, caretaker's residences, parking, waste diversion, gas and leachate collection, water and waste recycling facilities, and distribution and processing installation. The EIR documents indicate there is sufficient area available for the necessary ancillary facilities.
11. The portion of the proposed landfill extension within unincorporated territory lies entirely within land designated as a "Significant Ecological Area" (SEA) on the County General Plan. The County Zoning Ordinance provides that projects within an SEA be designed so that wildlife corridors and water courses remain in their natural state. Since these provisions preclude the use of an SEA as a landfill, the applicant requested an amendment to the General Plan for deletion of 542 acres from the SEA. Based on the EIR and the studies contained therein, it has been determined that: (a) the area being deleted from SEA 20 is approximately 2.5% of SEA 20, (b) deletion of the area will not substantially inhibit gene flow and wildlife movement, and (c) in light of the impending waste disposal crisis within the County of Los Angeles, the deletion of the area from the SEA is in the public interest. The General Plan Amendment was heard concurrently with the Conditional Use and Oak Tree Permit 86-312-(5).

12. The Commission concurrently considered and, by resolution, recommended for adoption by the County Board of Supervisors the proposed amendments to the General Plan Policy, Land Use Policy, Special Management Areas and Santa Clarita Valley Maps of the Los Angeles County General Plan to exclude the proposed landfill expansion site from the aforementioned SEA; designate Sunshine Canyon as a planned landfill extension site on the Solid Waste Management Plan Map; and declare as a matter of policy in the Solid Waste Management Plan that uses inconsistent with the operation of the Sunshine Canyon landfill shall be prohibited within upper Bee and East Canyons adjacent to the landfill and, further, that these areas are expressly identified as unsuitable for future landfill extension.
13. The aforementioned General Plan Amendment will redesignate land uses within the areas as Hillside Management, Non-Urban Hillside and residential (non-urban). The general plan recognizes that many non-residential uses may be appropriately located in non-urban hillside management areas. Included in the listing of uses prospectively allowed are... "waste disposal facilities that require Canyon locations as a buffer to urban uses. Effectuation of approved site restoration plans shall be required at the termination of such uses".
14. The Solid Waste Management Plan Map shows the Sunshine Canyon Landfill as both an existing and potential landfill. The existing landfill site and the proposed site are identified on the current plan map, respectively, as "North Valley" and "North Valley Extension." Potential landfill sites were placed on the map on the basis of their incorporation in the Los Angeles County Solid Waste Management Plan (CoSWMP), as originally adopted by the Board of Supervisors on October 25, 1977, and subsequently amended. The CoSWMP was also approved by a majority of the cities within the County which contain a majority of the population of the incorporated areas of the County.
15. The General Plan provides that new and expanded landfill sites shown on the plan maps are potential only, and must be evaluated for possible impacts before actual approval. With respect to evaluation of proposed sites, the General Plan states in part:

"The criteria to be applied by the Regional Planning Commission in considering an application include the regional and local need for the specific waste facility as well as the potential impacts the use will have on the community ... Regional need should not outweigh the impact on the community. Potential hazards should be given greater consideration than the regional need."

16. The County Department of Public Works is the County agency charged with integrated solid waste management planning. The Department of Public Works prepared and submitted estimates of the need for landfill capacity regionally and at the Sunshine Canyon Landfill, specifically. Reports were submitted, which have been incorporated into the project's EIR. Further evidence was presented to the Board of Supervisors during the public hearing process documenting the urgent need for additional disposal capacity at Sunshine Canyon Landfill notwithstanding existing and/or proposed landfill waste diversion programs such as recycling and waste by rail haul.
17. The applicant prepared and submitted an oak tree report concerning the proposed removal of trees in conjunction with the proposed landfill extension project in conformance with the County's Oak Tree Ordinance. The County Forester reviewed the report and made recommendations to the Regional Planning Commission as required by the provisions of Section 22.56.2140 of the County's Planning and Zoning Code. The report, recommendations and a proposed mitigation plan for the removal are included in the environmental impact report for the project.
18. Development of the initial 16.9 million ton landfill extension increment would entail removal of approximately 43 percent of the total number of oak trees within the unincorporated portion of the overall City-County project site area. This rate of oak tree removal within the project operational area results from the fact that the highest concentration of trees occurs within the canyon bottoms where filling must commence. Should further filling ultimately be approved in the City territory, additional removal of oak trees would occur over a longer duration and at a much lower rate since the density of oak trees in the City area is well below that in the unincorporated territory.
19. The conditions of approval include provisions for the replacement of removed trees. These provisions substantially exceed the minimum requirements of the Oak Tree Ordinance. The conditions further include provision for the protection of the remaining oak trees and a program for the enhancement of the regional oak tree resources. The basis for these provisions and program is described in the EIR and the findings.
20. During the consideration of the proposed oak tree removals, the County Forester and Fire Warden confirmed that the methodology utilized for preparation of the project oak tree report, including the sampling techniques utilized, was valid. The January 15, 1991 report of the Forester and Fire Warden in this regard is incorporated herein by this reference.

21. The conditions of the project approval further require the applicant to financially contribute to up to six hazardous waste round-ups in the area of the landfill expansion and to help finance additional studies and monitoring of Los Angeles County SEAs to help further mitigate potential project impacts.
22. Compatibility of the proposed landfill extension with surrounding land uses will be ensured by the project conditions, which provide, among other things, for dedication to the County in fee and as easements property consisting of approximately 507 acres of open space in East Canyon and additional buffers along the landfill boundary. The applicant is further required to arrange for the acquisition as public open space of approximately 450 additional acres along the southwest boundary of the landfill within Upper Bee Canyon.
23. With reasonable care and due diligence in the regulation and operation of the landfill, hazard to the neighboring community and public services will not occur.
24. The traffic/access and utilities/services for the project are addressed in detail in the EIR and environmental findings.
25. The landfill extension will not: (a) adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; (b) be materially detrimental to the use, enjoyment or valuation of property or persons located in the vicinity of the site; or (c) jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.
26. The landfill site is adequately served by: (a) highways and streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic that the landfill extension will generate; and (b) other public and private facilities as are required.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

With Respect to the Conditional Use Permit 86-312-(5):

- A. Upon adoption of the recommended General Plan Amendments, the proposed landfill extension will be consistent with the adopted County General Plan and, specifically, will be located in a land use area authorized and designated for solid waste facilities and, further, the land uses which would be authorized adjacent to and near the facility would be compatible with the extension of the landfill facility.

- B. With the attached restrictions and conditions, the requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The project site is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance and otherwise required to integrate the use requested with the uses in the surrounding area.
- D. The project site has adequate traffic access and is adequately served by other public or private facilities which may be required.

With respect to the Oak Tree Permit 86-312-(5):

- A. Absent the oak tree removal permitted by the attached conditions, the placement of trees approved for removal precludes the reasonable and efficient use of the property for a purpose otherwise authorized.
- B. The oak tree removal approved is not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.
- C. Compliance with the measures contained in the attached conditions and monitoring program will avert damages to the remaining oak trees on the property.
- D. Compliance with grading, drainage and other requirements of County regulations and the attached conditions and monitoring program will satisfactorily mitigate any potential soil erosion through the diversion or increased flow of surface water which would otherwise result from removal of the oak trees.

THEREFORE, THE BOARD OF SUPERVISORS approves this Conditional Use Permit and Oak Tree Permit subject to the attached conditions; approves the FEIR prepared for the project and certifies that it has reviewed and considered the information contained therein; certifies that the final environmental impact report has been completed in compliance with the California Environmental Quality Act and the State and County Guidelines relating thereto and reflects the independent judgment of the Board of Supervisors; determines that the conditions of approval and mitigation measures discussed in the environmental impact report, environmental findings and monitoring program are the only

mitigation measures for this project which are feasible; determines that the remaining unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific social, economic and environmental benefits of the project; adopts the statement of overriding consideration prepared for the project; and adopts the Sunshine Canyon Landfill Extension Monitoring Program.

complete mitigation measures required by this grant or foreclosure or post closure maintenance required by federal, state and local agencies. All facilities not required for mitigation, closure or post closure maintenance shall be removed unless they are of a type permitted as a matter of course by the zoning regulations then in effect.

7. If any provision of this grant that is challenged by the permittee is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property, including but not limited to those permits issued by the following agencies:
 - a. The Local Enforcement Agency and the California Integrated Waste Management Board
 - b. The Los Angeles Regional Water Quality Control Board
 - c. The South Coast Air Quality Management District
 - d. The California Department of Fish and Game
 - e. The U.S. Army Corps of Engineers
 - f. The State Department of Health Services

Failure of the permittee to cease any development of activity not in full compliance shall be a violation of these conditions.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
10. This grant allows the establishment and operation of a Class III nonhazardous landfill facility together with certain

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and the Board of Supervisors has adopted General Plan Amendments consistent with this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, annul or seek damages or compensation in connection with this permit approval or the conditions of permit approval, which action is brought within the applicable time period of Government Code Section 65907 or other applicable time period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. Attached to these conditions is a Monitoring Program which is incorporated into these conditions by reference. The permittee shall fully perform each action required of the permittee by the monitoring program as if it were specifically set forth in these conditions.
5. This grant will expire unless used within 2 years from the date of approval (excepting any period of time deemed "tolled" as provided by law). A one year time extension may be requested before the expiration date.
6. This grant will terminate upon completion of the approved County only fill design, as shown on Exhibit "A", or, if applicable, upon completion of a City-County fill within the limits shown on Exhibit "A" (Alternate). Exhibit "A" and Exhibit "A" (Alternate) are described in Condition 10b.

Should this grant terminate without new or additional permits having been granted, no further waste shall be accepted for filling or processing. However, the permittee is authorized to continue such facilities in operation as are necessary to

ancillary and related activities, as enumerated herein, subject to the following restrictions as to use.

- a. Incinerator ash, sludge, radioactive material, hazardous waste, and medical waste as defined in Section 25023.2 of the California Health & Safety Code shall not be accepted. Should such waste be nevertheless received at the landfill, it shall be handled and disposed of as provided in Condition 26.
- b. The County wishes to conserve and, if possible, avert destruction of oak trees and other significant ecological resources within unincorporated territory and to encourage the City of Los Angeles to, insofar that it is environmentally and economically appropriate, permit landfill capacity within the City's need for such capacity. The County believes that these goals may be accomplished by the permitting of substantial additional fill on land within the City in the permittee's ownership and control. Therefore, the permittee shall diligently pursue its application to the City of Los Angeles to expand the landfill within the City (as necessary to accomplish the purpose of this condition) to the highest level of appeal within the City's decision making hierarchy.

Pending action by the City of Los Angeles on the permittee's application, no portion of the landfill may extend above the plain or outside of the surface area of the fill design shown as Sequence 1 on Drawing 3A, revised February 4, 1991, (containing an estimated 16.9 million tons of waste capacity), attached as Exhibit "A". Should the City of Los Angeles approve a fill design which, projected into unincorporated territory, would overlay the fill shown on Exhibit "A", without further action by the County to amend this grant the permittee may, as necessary to complete the City authorized design, extend the horizontal and vertical limits of fill in unincorporated territory to but not beyond those shown on Sequence 2, Drawing 3A, revised February 4, 1991, attached as Exhibit "A" (Alternate).

If the City of Los Angeles denies the permittee's request to expand into the City or grants a permit for a fill which does not overlay the project area shown on Exhibit "A", no portion of the landfill may extend above the

surface plain or outside of the surface area shown on Exhibit "A".

As used in this Condition 10b, "landfill" refers to the portion of the subject property in which waste is to be permanently placed and then buried under daily and interim cover material but excludes adjacent cut slopes, temporary storage areas and ancillary facilities authorized by this grant. The restrictions of Condition 10b do not apply to final cover which may be added as provided in Condition 16. Allowance for settlement of fill shall not be made in determining compliance with this Condition 10b.

The purpose of this condition is to minimize this destruction of oak trees while providing for the landfill capacity in both the City of Los Angeles and County of Los Angeles landfill operations.

- c. Nothing in Condition 10b or elsewhere in these conditions shall be construed to prohibit the permittee from applying for new permits to expand the landfill or to otherwise modify the conditions of grant.
- d. If within one year from the date of this grant, the City of Los Angeles has not granted a permit to expand the landfill within City territory by at least 20 million tons of waste capacity, the permittee shall thereafter exclude waste from City-operated trucks from any portion of the landfill within County territory. This exclusion shall continue in effect unless and until the City subsequently approves such a permit.

If within 18 months from the date of this grant, the City of Los Angeles has not granted a permit to expand the landfill within City territory by at least 20 million tons of waste capacity, the permittee shall exclude all waste collected within the corporate limits of the City and transported in City operated or commercial trucks from any portion of the landfill within County territory. This exclusion shall continue in effect unless and until the City subsequently approves such a permit.

For the purposes of this Condition 10d, the assumed weight to volume ratio shall be 0.71 tons per cubic yard.

- e. The net tonnage placed in the landfill shall not exceed 36,000 tons per week (6,000 tons per day average based upon 6 working days per week).
- f. The net tonnage of waste placed in the landfill on any given day shall not exceed 6,600 tons.
- g. Net tonnage shall not include:
 - Clean dirt imported to cover and prepare interim and final fill slopes for planting;
 - Waste processed and put to a beneficial use on the landfill or separated or otherwise diverted from the waste stream and exported from the landfill for the purpose of recycling, in accord with the restrictions of Conditions 10k and 10m and the agreement entered into pursuant to the provisions of the attached monitoring program.
- h. The Board of Supervisors may increase the net tonnage allowed by Section 10e and 10f to 48,000 tons per week (8,000 tons per average day) and 8,800 tons maximum per day if the Board of Supervisors, upon the joint recommendation of the Local Enforcement Agency and the Director of Public Works, determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of the public health and safety. No more than 313 days of overages (as provided for in this Condition 10h) may be granted over the term of this permit.
- i. The permittee shall by January 1, 1994 complete a comprehensive study of the feasibility of night time landfill operations as outlined in "Modification VIII, Attachment F" to the memorandum from the Director of Planning to the Board of Supervisors concerning the Sunshine Canyon Landfill, dated January 18, 1991. In the event the conclusion is reached that night time operations would be feasible, the permittee shall return to the County with an application to permit such operations. Such application shall be limited only to the request for night time operation. If approved, the permit shall be subject to the restrictions and requirements established by the Regional Planning Commission.

- j. The permittee shall operate the landfill in a manner which maximizes the amount of waste which can be placed within the available (approved) volume, including but not limited to the following:
- Implement methods of waste compaction which equal or exceed compaction rates achieved at comparable landfills operated by the County Sanitation Districts;
 - Investigate and implement, as appropriate, methods of diverting or reducing high volume - low density materials which are not capable of being readily compacted;
 - Investigate and implement, as permitted by the appropriate regulatory agencies, methods to reduce the volume of daily cover required;
 - Utilize waste materials received and processed at the landfill, such as shredded green waste, as a supplement to daily, intermediate and final cover, to the extent deemed technically feasible and acceptable by regulatory agencies.
- k. Notwithstanding any other provision of this grant, the permittee shall not knowingly deposit waste into the landfill which is required to be diverted or recycled in accord with City and County Source Reduction and Recycling Elements, the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code, and the agreement entered into between the County and permittee pursuant to Part II of the attached monitoring program.
- l. The subject property may be used for the following ancillary facilities:
- Offices and employee facilities related directly to the landfill and waste handling and processing operations allowed under this grant, but excluding offices and other facilities related to any other enterprises operated by the permittee or others;
 - Two caretaker's residences or mobile homes;
 - Leachate collection and processing facilities;

- Facilities necessary for the collection, disposal, utilization and distribution of landfill gases as required and/or approved by the South Coast Air Quality Management District;
 - Facilities necessary for the maintenance of machinery and equipment employed at the landfill, excluding equipment or machinery utilized by the permittee in other enterprises, including refuse collection.
- m. The permittee shall maintain on-site waste diversion and recycling facilities consistent in scale and purpose with the provisions of Condition 10k and the agreement entered into pursuant to Part II of the attached monitoring program.
- n. The hours of operation for landfill activities shall be as follows:
- The landfill shall be closed on Sunday;
 - Refuse may be accepted at the landfill scales between the hours of 6:00 a.m. through 6:00 p.m., Monday through Saturday, provided, however, that the entrance gate at San Fernando Road shall be opened at least one hour before opening the scales to avert queuing of trucks on the public street and provided, further, that refuse or dirt may be accepted at other times if the Local Enforcement Agency determines that extended hours are necessary to handle emergency disposal for the preservation of the public health and safety;
 - Landfill operations such as site preparation and maintenance, the application of cover, and waste processing, but excepting activities such as gas control which require continuous operation, shall be conducted between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday;
 - Equipment maintenance shall be limited to the hours of 4:00 a.m. through 9:00 p.m., Monday through Saturday;

- Mitigation and emergency operations which cannot be accomplished during the hours stated above may be performed at any time;
 - o. Nothing in this Condition 10 or elsewhere in these conditions of grant shall be construed to require the permittee to engage in any act which is in violation of any state or federal regulation.
 - p. The County reserves the right to exercise its police power to protect the public health, safety and general welfare by managing the County-wide waste stream, including such activities as the appropriate regulation of tipping fees and similar landfill rates.
11. If the landfill regularly meets its weekly and/or daily maximum limit, as set forth in Condition 10e-h, the permittee shall implement a program to avert wasted trips to the landfill and illegal disposal, which program shall include:
- a. Scheduling of regular users, such as commercial and municipal haulers, to avoid them from arriving at the landfill and being diverted to other landfills;
 - b. Reservation of capacity for small commercial and private users, unless an alternate landfill located within 5 miles of the permittee's landfill is available to accept such users;
12. The permittee shall charge differential tipping fees if necessary to discourage hauling of partially filled loads to the landfill.
13. The permittee shall install traffic improvements (as set forth below) at the landfill entrance and the local feeder highways to the landfill deemed warranted by the City of Los Angeles. As used in this condition "warranted" means justified on the basis of established standards of the City and/or accepted traffic engineering practice. Improvements may include, as determined by the City:
- a. Widening and/or restriping and installation of traffic signals at the landfill entrance on San Fernando Road;
 - b. Restriping turning lanes at the intersection of San Fernando Road and Balboa Boulevard;

- c. Traffic control signs and markers.
14. The permittee shall pay to the County of Los Angeles a fee equal to ten percent of the sum of the following:
- The net tipping fees collected at the landfill, (including any fees received as a part of a materials recovery program), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;
 - Gas-to-energy or direct gas sale revenues, less any federal, state, or local fees or taxes included in such revenues.

Should the County impose a business tax on landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 14.

If at any time during the life of this grant the permittee is operating the landfill within both unincorporated and City territory, the fee required by this Condition 14 shall be reduced in proportion to the relative amounts of waste placed or processed and the gas produced and used or sold in the two jurisdictions.

15. The permittee shall dedicate to the County of Los Angeles or to a public agency designated by the County of Los Angeles for open space and park and recreational use the westerly portion of the permittee's ownership, consisting of 507 acres (as determined by a certified land survey), primarily within an area referred to as East Canyon, with a smaller portion located in Sunshine Canyon.

Before commencing any site preparation work, excepting any work necessary to obtain permits for the landfill, the permittee shall either dedicate the property to the County or enter into an irrevocable agreement with the County to dedicate the property. The instrument of dedication or agreement may provide for the following:

- a. The right of the permittee and/or its contractors to enter on to the property to engage in oak tree, wetlands and other mitigation projects required by this grant or other permits;

- b. The right of the permittee to maintain such water tanks and fire access roads and other safety facilities as may be required in the operation of the landfill;
- c. A provision that no restriction upon landfill operations shall result from the dedication or agreement;
- d. A provision that the land be restricted to open space, wildlife preservation and recreational uses.

The agreement shall provide for riding and hiking trails to the satisfaction of the Director of Parks and Recreation within the limits of the area to be dedicated. The permittee shall further work with the Department of Parks and Recreation to identify, relocate where appropriate and dedicate the necessary rights-of-way for public use for the East Canyon, Bee Canyon and East Canyon/O'Melveny and Weldon Canyon Trails on other lands within the permittee's ownership and control.

The agreement shall also provide for the permittee to retain an individual who is well-qualified by education and training in the biological sciences, including local animal and plant communities, and whose duties shall include participation in the review of any installation of equipment or other activity in East Canyon and any resource assessment prepared in connection with such activity.

Within thirty days of the effective date of this grant and before commencement of disposal operations at the landfill under the terms of this grant, the permittee shall commence negotiations for the acquisition as public open space of the real property located in Upper Bee Canyon consisting of (1) the entirety of Parcels 335 and 337 on the submitted one half mile ownership map of file, and (2) the portion of Parcel 336 on that same map which lies easterly of the road commonly known as the East Canyon Motorway (hereafter collectively designated as open space parcels). After acquisition of open space parcels, the permittee shall dedicate the parcels to the County or such other public agency acceptable to the County. Within three months from the effective date of this grant, or before commencement of disposal operations, whichever event occurs sooner, and in the event permittee is unable to obtain the open space parcels, permittee shall enter into an off-site acquisition agreement with the County. Said agreement shall provide, among other things, that all acquisition costs and expenses are to be paid by permittee. Said agreement shall be in substantial conformity with the terms and form of the

standard off-site acquisition agreement utilized by the County Department of Public Works.

16. Except as otherwise provided in this condition, the final fill slopes shall be concurrently reclaimed and revegetated in lifts substantially as shown on Figure 5, "Typical Cross-Section Final Landfill Cover and Revegetation Plan", Page 39, DEIR, Volume A, Responses to Comments (dated July 13, 1990) and as described in the "Sunshine Canyon Landfill Extension Revegetation/Closure Plan", Appendix 3, Volume A, Responses to Comments, which figure and plan are attached as Exhibit "C". The permittee shall retain an independent, qualified biologist to assist in carrying out this condition.

Final cut slopes shall not exceed an overall incline of 1.5:1.

If the Local Enforcement Agency (LEA) determines that a different design or plan would better protect the public health and safety and would enable revegetation of the final slopes as well or better than the design or plan described in Exhibit "B", and/or a change is dictated by revisions to the minimum standards adopted by the California Integrated Waste Management Board, and the LEA, therefore, directs the implementation of a different design and/or plan, the permittee shall not be bound by the provisions of this condition; provided, however, that the maximum elevations and area of fill may not exceed that permitted in Condition 10b.

The provisions of this condition requiring concurrent reclamation shall not be operative until completion of all processing of the permittee's application with the City of Los Angeles (for expansion of the landfill within City territory) as required in Condition 10b, or on January 1, 1995, whichever occurs first.

17. A temporary vegetation cover shall be established on all slopes and other areas that are to remain inactive for a period longer than 180 days.

The permittee shall employ expert assistance to carry out this condition, including an independent, qualified biologist. Soil sampling and laboratory analysis shall be conducted on all areas before revegetation to identify chemical or physical soil properties that may adversely affect plant growth and establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected based upon the above-referenced testing procedures and results. To the

extent possible, plant types shall blend with species indigenous to the area and be drought tolerant and shall be capable of rapid establishment.

18. The permittee shall utilize the most effective available technology and methodology to avert fugitive dust emissions which may be a nuisance or hazard in adjacent populated or recreational areas or cause significant damage to wildland resources. In addition to the revegetation measures required in Conditions 16 and 17, the program shall include the following:
- a. The permittee shall not engage in any excavation or other operation during high wind conditions, or when such conditions may reasonably be expected, that would result in significant emissions of fugitive dust which cannot be confined to the area under the permittee's control.
 - b. Working faces shall be kept to small contained areas of approximately 2 to 3 acres and, at times of the year when high wind conditions may be expected, shall be located within areas of minimal wind exposure. Other operations areas shall be contained to sites less than five acres each.
 - c. Daily cover shall be moistened with water. A soil sealant shall also be used as necessary to supplement water for dust control and to retard erosion when wind conditions dictate.
 - d. Any active area or active cover soil stockpile shall be moistened with water on a daily basis unless wind conditions dictate otherwise, in which case soil sealant shall be used in addition to water. Material cut from one portion of the site shall be used as a cover material in an adjacent area, to the extent feasible, to reduce the transport distance.
 - e. Before each day when the landfill will be closed to refuse receipt, the permittee shall apply soil sealant to any previously active dirt area which has not already been sealed or revegetated.
 - f. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant and, if additional

- treatment is required, it shall be promptly applied to assure full control of the soil particles.
- g. All access roads to permanent facilities, excepting those infrequently used, shall be paved.
 - h. The paved access road to the fill areas shall be extended as new areas are opened to minimize the length of dirt road.
 - i. All paved roads in regular use shall be regularly cleansed to remove dirt left by trucks and other vehicles.
 - j. All dirt roads in regular use shall be watered at least once daily on operating days and more often as needed or otherwise treated to control dust emissions.
 - k. Loads capable of producing significant dust shall be watered during the dumping process, if such a practice is deemed acceptable to the Regional Water Quality Control Board.
 - l. The permittee shall maintain water tanks and piping capable of supplying by gravity at least one full day's maximum water usage to the fill areas for dust control, which capacity shall be in addition to any fire flow required by the County Forester and Fire Warden.
 - m. The permittee shall install and maintain devices to monitor wind speed and direction, as specified by the South Coast Air Quality Management District, and shall retain qualified personnel to read and interpret the data, to obtain or utilize information on predicted wind conditions and to assist in the planning of operations at the landfill.
19. The permittee shall employ the most effective available technology and methodology to prevent litter which enters the area under the permittee's control in the form of waste from escaping the area. Notwithstanding other provisions of this condition or of this grant, the permittee shall close the landfill to incoming waste during high wind conditions if, despite the application of the most effective available technology and methodology, litter cannot be confined to the area of the permittee's control.

The permittee's on-site litter control program shall include, unless otherwise provided by the Local Enforcement Agency, the following:

- a. Landfill personnel shall continuously patrol the access road to the scales from the time it opens to the time it closes in the evening.
 - b. Improperly covered or contained loads which may result in a significant release of litter shall be immediately detained and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load shall be conducted under escort to the working face.
 - c. All debris found on or along the entrance and working face access roads shall be immediately removed.
 - d. Operating areas shall be located in wind shielded portions of the landfill during windy periods.
 - e. The permittee shall install litter fences in the operating areas, as deemed necessary by the Local Enforcement Agency to enforce the intent of this condition.
20. The permittee shall, to the satisfaction of the Director of Public Works and the Local Enforcement Agency, maintain programs aimed at controlling the discharge and recovery of litter from uncovered or improperly covered or contained loads traveling to the landfill.

The measures shall include an effective tarping program, which if necessary in the estimation of the Director of Public Works and the Local Enforcement Agency, shall provide for mandatory sale of tarps to violators and/or exclusion from the landfill of repeated violators.

21. The permittee shall post a sign at the entry gate at San Fernando Road which indicates the following:
- a. The telephone number by which persons may on a 24 hour basis contact the permittee to register complaints regarding landfill operations.
 - b. The telephone number of the Local Enforcement Agency and the hours when the number is manned.

- c. The telephone number of the enforcement offices of the South Coast Air Quality Management District and the hours when the number is manned.
22. The permittee shall at all times between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday, maintain adequate staff to promptly respond to litter and other complaints from the surrounding neighborhood.

At all other times, the permittee shall maintain on-site at least one person who is qualified to assess the need for remedial action and is authorized to summon the resources to perform any necessary remedial action. The personnel assigned shall be provided with the means to be continuously in response to the telephone number posted at the entry gate.

23. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit "A", or Exhibit "A" (Alternate), if applicable, shall not be graded or similarly disturbed to create the landfill areas approved in Condition 10b. The Director of Public Works may approve additional grading if the Director determines, based upon engineering studies provided by the permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination shall be documented as provided in Part I of the attached monitoring program.

No approval shall be granted under this condition which will result in expanding the area or height of fill or in lowering or significantly modifying any of the ridgelines surrounding the landfill.

The Director of Public Works shall confer with the County Forester before approving excavation in areas of more than five acres containing significant stands of oak and/or douglas fir trees.

Nothing in this condition shall be construed as prohibiting the installation of water tanks, access roads, flares, or similar facilities or mitigation programs required by this grant or by permits issued by other public agencies.

24. The upper perimeter ridges of the landfill shall be planted with native trees in order to minimize visibility of the landfill. Such plantings shall be coordinated with the oak

tree and douglas fir mitigation program required by Conditions 39-46.

25. The permittee shall implement a program to identify and conserve any significant archaeological and paleontological materials which may be present in accord with this condition and Part V of the attached monitoring program. If any evidence of aboriginal habitation or fossils is discovered during earthmoving activities, landfill operations shall cease in that immediate area and that shall be preserved until a qualified archaeologist or paleontologist (as appropriate) has made a determination as to the significance of the site of findings. Any significant archaeological or paleontological resources shall be recovered to the extent practicable before resuming activities in that area of the landfill.
26. The following types of waste shall be considered unacceptable waste for disposal at the landfill: incinerator ash, sludge, radioactive material, hazardous waste, and medical waste as defined in Section 25023.2 of the California Health & Safety Code ("Unacceptable Waste"). The permittee shall implement a comprehensive waste load checking program to exclude disposal of Unacceptable Waste at the landfill, which program shall comply with the requirements of this condition and Part III of the attached monitoring program and any additional requirements of the Local Enforcement Agency, the State Department of Health Services and the Regional Water Quality Control Board.

Restrictions on disposal of Unacceptable Waste and the procedures for proper disposal at other appropriately classified disposal sites for waste processing facilities shall be provided to waste haulers on a routine basis. Notices shall also be posted at prominent locations at the landfill to inform waste haulers of the rules governing the disposal of Unacceptable Waste.

In the event that material known or suspected to be Unacceptable Waste is discovered at the landfill, the permittee's agent shall:

- a. If the vehicle that delivered the waste is still present, detain the driver and obtain his drivers license and vehicle license number;
- b. Immediately make all required notifications to State and County agencies;

- c. If possession of the material is not immediately taken by a public official, store the material at a site developed in accord with the regulations of the State Department of Health Services and the Regional Water Quality Control Board until disposed of in accord with applicable State and Federal regulations.

The permittee shall also provide effective vector control measures as directed by the County Department of Health Services.

Nothing in this condition shall be construed to permit the maintenance of a hazardous waste disposal facility at the landfill.

27. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.
28. The permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the Regional Water Quality Control Board and any other regulatory agency. Except as specifically otherwise provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed so as to accommodate run off from a capital storm.

The landfill and drainage structures shall in all cases be designed so as to cause surface water to be diverted away from disposal areas.

The permittee shall further comply with all grading requirements of the Department of Public Works and County Ordinance.

29. The permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as approved and required by the State Regional Water Quality Control Board. Such systems shall, as determined by the State Regional Water Quality Control Board, equal or exceed the specifications set forth in Topical Responses 7 and 8, DEIR Volume A, Responses to Comments, July 13, 1990.

30. The permittee shall install and test ground water monitoring wells as required by the State Regional Water Quality Control Board and shall promptly undertake any action directed by the Regional Water Quality Control Board to correct or prevent contamination which may affect ground water quality or water conveyance or storage facilities, including the Metropolitan Water District Balboa Inlet Tunnel and the City of Los Angeles aqueduct and Van Norman Reservoir. Any testing or remedial actions deemed necessary by the Regional Water Quality Control Board to correct or prevent contamination or to determine the existence of any contamination from the existing landfill previously operated by the permittee shall be completed or guaranteed by the permittee before commencement of the landfill expansion authorized by this grant to the satisfaction of the Regional Water Quality Control Board.
31. The permittee shall maintain on-site fire response capabilities, construct access roads, provide water tanks, water mains, fire hydrants and fire flows and perform brush clearance to the satisfaction of the County Forester and Fire Warden.
32. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls provided in accord with the requirements of the County Forester and Fire Warden, the County Department of Public Works, the Regional Water Quality Control Board, and the South Coast Air Quality Management District.
33. The permittee shall take all necessary measures to ensure that noise emissions from the landfill at any residential receptor are within the limits of the County Noise Ordinance, as contained in Title 12 of the County Code.
34. The permittee shall install and maintain a best available control technology landfill gas collection system in compliance with the requirements of the South Coast Air Quality Management District and shall control the lateral migration of gases to the satisfaction of the Department of Public Works and the South Coast Air Quality Management District, as applicable.
35. Landfill gas flares shall be below the adjacent ridges (unless otherwise required by the South Coast Air Quality Management District) and the flames shall be totally contained within the stack. Flame arrestors shall be provided to the satisfaction of the County Forester and Fire Warden. To the extent

technically and economically feasible, gas recovered at the landfill shall be converted to energy or put to other beneficial use rather than flared.

36. The permittee shall adopt and implement operational practices to mitigate vehicular and other air quality impacts as required by the South Coast Air Quality Management District.
37. The permittee shall operate the landfill in a manner which conserves water, including but not limited to the following:
 - a. Any water wells used for the project shall, if approved by the appropriate agencies, draw from the Sunshine Canyon watershed;
 - b. The permittee shall investigate the feasibility of treating collected leachate on-site for reuse in the landfill and shall, if feasible and approved by the appropriate agencies, implement a program to utilize such water;
 - c. Soil sealant, pavement and other control measures shall be used wherever possible in preference to water for dust control;
 - d. Drought-tolerant plants shall be used to the extent possible to revegetate.
38. The permittee shall replace disturbed riparian habitat to the satisfaction of the California Department of Fish and Game and the U.S. Army Corps of Engineers in accord with plans approved before commencement of landfill development. Replacement habitat shall be provided on a 2:1 ratio through a program of tree planting streambank stabilization, streambed enlargement and/or streamzone rehabilitation in degraded drainage channels. The program shall also provide mitigation sufficient to prevent any net loss of wetland area.

Preference shall be given to habitat mitigation in the immediate vicinity of the landfill. Final site selection and the review of detailed engineering plans and working drawings shall be coordinated among the involved regulatory agencies.
39. The permittee is authorized to remove oak trees within the project areas as necessary to conduct landfill operations authorized by this grant and subject to the requirements of

Conditions 40-45 and Part VII of the attached monitoring program.

40. Except where necessary to carry out testing required to obtain permits, no oak trees shall be removed within unincorporated territory until the permittee has obtained all permits necessary to begin initial site development.
41. Except for initial site clearance and as necessary for slope stability, cover stockpile, drainage, flare installation or fire suppression or other ancillary facilities, oak trees and other native vegetation more than 50 feet above the working elevation of the landfill shall not be removed.

This condition is intended to control the rate of oak tree removal and shall not be construed to allow the disturbance of areas not authorized for disturbance pursuant to Conditions 10b and 23.

42. During site clearing operations, slash or debris and soils which may harbor pests shall be removed.

The permittee's consulting horticulturalist shall monitor the condition of trees in adjacent areas for pest infestation and shall take necessary remedial action, subject to the recommendations of the County Forester and the County Agricultural Commissioner.

43. At least two replacement oak trees for each tree removed shall be in the ground within one year of removal. Trees of various sizes may be planted, but no tree shall be counted as a replacement oak unless it has reached specimen size, defined as a tree measuring at least one inch in diameter one foot above the base.

NOTE: It is the permittee's expressed intent to plant well in excess of the required number of replacement trees in the initial three year period of development at the landfill.

44. Unless otherwise approved by the County Forester, replacement trees shall be indigenous varieties grown from a local source. The trees shall be planted in public areas located in the vicinity of the landfill and on portions of the permittee's land not proposed for eventual landfill development, substantially as shown on Figure 4, Page 35, DEIR, Volume A, Responses to Comments, entitled "Proposed Oak Tree Mitigation

Areas," attached as Exhibit "C". The planting specifications shall be substantially in accord with the "Summary-Oak Tree Mitigation Plans for the Sunshine Canyon Landfill Project," contained in Appendix 1, DEIR, Volume A, Responses to Comments, attached as Exhibit "D". The final planting locations, tree varieties and specifications, as set forth in Exhibits "C" and "D", may be adjusted in the field with the approval of the County Forester as provided in Part VII of the attached monitoring program.

45. The permittee shall maintain each replacement tree for a period of at least 5 years following attainment of specimen size or planting in the ground if the tree is specimen size or larger at the time of planting. Any tree failing to survive shall be replaced by a specimen or larger tree, which in turn shall be maintained for a minimum of five years (so that at the end of the replacement program there will be at least twice the number of trees growing for more than five years after having attained specimen size than were removed).
46. The permittee shall replace each Bigcone Douglas-fir tree removed at the rate of 5:1 at locations in the immediate vicinity of the landfill which are similar in elevation to the elevations of the trees removed. Such trees shall be selected, planted, maintained and replaced as provided above for oak trees.
47. The permittee shall contract with Cal Poly University Pomona, or an institution of similar capabilities acceptable to the County Forester, to engage in a study of Los Angeles County's hardwood forest resources and reforestation needs. The resultant study shall be provided to the County Forester and the Angeles National Forest Superintendent.
48. The permittee shall deposit the following with the Director of Planning to finance studies of remaining Significant Ecological Areas:
 - Before commencing construction of the landfill, the sum of \$432,000;
 - On each January 10 following opening of the landfill for the life of this grant, the sum of \$81,000.

It is the intent of the Board of Supervisors that if permits are granted for other projects that remove portions of the Significant Ecological Areas, such permittees will be required to share in

financing the studies on a prorata basis determined by the amount of acreage removed from the Significant Ecological Areas and this permittee shall be reimbursed accordingly.

49. The permittee shall fund fifty percent of the cost of not more than six hazardous waste roundups for the area surrounding the landfill, provided that the Board of Supervisors authorizes such roundups and the balance of required funding is provided by the County and/or other public agencies.
50. To the extent permitted by law, the Local Enforcement Agency shall have the authority to order the immediate cessation of landfilling or other activities at the site if it determines that the health, safety and/or welfare of inhabitants of the County of Los Angeles so requires. Such cessation shall continue until such time as the Local Enforcement Agency determines that the conditions leading to the cessation have been eliminated or reduced to a level which no longer poses an unacceptable threat to such health, safety and/or welfare.
51. The Department of Public Works, the Local Enforcement Agency, and the Community Advisory Committee shall monitor the performance of mitigation measures designed to minimize truck traffic, and in the event such measures are inadequate, shall recommend to the Board of Supervisors additional measures.

MONITORING PROGRAM

PROJECT NO. 86-312-(5)
THE SUNSHINE CANYON LANDFILL EXPANSION
(State Clearinghouse Number 89071210)
An Attachment to the Conditions of Grant for
Conditional Use and Oak Tree Permit 86-312-(5)

DEFINITIONS. Unless otherwise apparent from the context, the term "Condition(s)" shall refer to a condition or conditions of Conditional Use and Oak tree Permit No. 86312-(5), also referred to herein as the "grant", and "project" shall refer to the overall landfill expansion and other ancillary facilities approved by said use and oak tree permit. The term "permittee" shall be as defined in Condition 1 of the permit. The term "Local Enforcement Agency" shall refer to the entity or entities [currently the Los Angeles County Department of Health Services] designated pursuant to the provisions of Division 30 of the Public Resources Code to permit and inspect solid waste disposal facilities and to enforce state and local regulations and permits; provided, however, that should at any time the function of Local Enforcement Agency be assigned to an entity which is not designated by the Board of Supervisors, any functions assigned to the Local Enforcement Agency through the monitoring program and the conditions of grant which are not by law the prerogative of the Local Enforcement Agency shall be delegated by the Board of Supervisors to an entity of its selection.

PURPOSE. This monitoring program is intended to ensure compliance with the conditions of grant and other mitigations as set forth in the final environmental impact report for the project, in accord with the provisions of Section 21081.6 of the Public Resources Code, and to compliment the enforcement and monitoring programs routinely administered by County agencies, including the Local Enforcement Agency, and by public agencies other than the County of Los Angeles. Such other agencies include the California Integrated Waste Management Board, the Los Angeles Regional Water Quality Control Board, the California Water Resources Control Board, the South Coast Air Quality Management District, the California Department of Fish and Game, the State Department of Health Services, the U.S. Army Corps of Engineers, and the City of Los Angeles.

The overall responsibilities of the various agencies are more specifically described in the document entitled "Sunshine Canyon Landfill Extension-Mitigation Monitoring Summary", which is incorporated herein by reference.

PART I - LANDFILL ELEVATIONS. The following measures shall be carried out to monitor compliance with Conditions 10(b), 10(c) and 23 which set limits upon the height of fill and disturbance to adjacent areas.

- A. The permittee shall before commencing development of the landfill install survey monuments around the perimeter of the

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approved fill area (as depicted on Exhibit "A" and Exhibit "A" (Alternate) described in Condition 10b) at points where they will not be subject to disturbance by landfill development.

The specific spacing, location, and characteristics of the monuments shall be as specified by the Department of Public Works.

The monuments shall be inspected and approved by the Department of Public Works after installation and an "as installed" plan, approved by the Department of Public Works, shall be provided to the Local Enforcement Agency.

Not less than 60 nor more than 90 days before the due date for the Biennial Report required in Part X, the permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the landfill elevations and to submit the results to the Department of Public Works for approval. Such a survey shall also take place in the event of an earthquake in the vicinity of the landfill of magnitude (Richter) 5.0 or greater (wherein significant shaking or rolling movement was experienced) and upon completion of the final fill.

The Department of Public Works may also conduct or order such on-site surveys as it deems necessary or as requested by the Local Enforcement Agency or the County Forester (in connection with the Forester's oak tree monitoring responsibilities) and shall promptly report any apparent violation revealed by a survey to the Department of Regional Planning and the Local Enforcement Agency and, where appropriate, to the County Forester.

- B. Should the Director or Public Works approve grading or other disturbance to areas outside the cut landfill shown on Exhibit "A" and Exhibit "A" (Alternate), as applicable, pursuant to the provisions of Conditions 23, the Director shall refer a copy of such authorization to the Department of Regional Planning, the County Forester and the Local Enforcement Agency.
- C. The Department of Public Works shall not give final approval for grading, drainage or other administrative permits necessary for development until confirmation of compliance with all requirements which must be met before initiating development is received pursuant to Part IX. The Department

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may grant conditional approval subject only to receipt of confirmation of compliance.

- D. The permittee shall pay to the Department of Public Works all plan checking and inspection fees associated with the Department's administration of this Part I and other permits or approvals.

PART II - WASTE PLAN CONFORMANCE. The provisions of this part are intended to insure compliance with the provisions of Conditions 10e-10m and conformity of landfill operations with City and County Plans adopted pursuant to Division 30 of the Public Resources Code.

- A. Before opening the landfill, the permittee shall enter into an agreement with the County of Los Angeles providing for:
1. Controlling and accounting (as further provided in part IIB) for waste entering and (in the form of recycled or diverted material) leaving the landfill, in accord with plans adopted by cities and the County pursuant to Division 30 of the Public Resources Code;
 2. The implementation and enforcement of programs intended to maximize utilization of the available fill capacity, as set forth in Condition 10j;
 3. The implementation of waste diversion and recycling programs on and off-site in accord with the adopted City and County plans;

The agreement required in this Part IIA, or any portion thereof, may be waived if the Local Enforcement Agency, the Director of Public Works and the County Counsel, jointly, determine that such provisions may be incorporated in the Solid Waste Facilities Permit for the landfill. Notice of such waiver shall be incorporated in the document adopting the Solid Waste Facilities Permit and copies shall be sent to the Departments of Public Works and Regional Planning.

Should all or parts of the relevant City and County plans not be adopted before the opening of the landfill, an interim agreement may be entered into pending adoption of the plans.

The agreement required by this Part IIA shall include provision for amendment as necessary to maintain conformity

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with City and County plans. Copies of the initial agreement and any amendments shall be referred to the Departments of Public Works and Regional Planning, the Local Enforcement Agency and to each City within the County of Los Angeles which has adopted plans.

- B. The agreement required in Part IIA shall provide that the permittee shall, before opening the landfill, install scales to verify the weight of waste received, diverted and recycled. The agreement shall also provide that the permittee shall, as set forth in the agreement, maintain records necessary to document tonnage and compliance with waste restrictions imposed pursuant to the conditions of grant and the agreement together with such additional records concerning the composition and origin of waste that are needed to develop city and County waste management plans.

The agreement may provide, subject to the availability of appropriate hardware and software, for electronic recording devices to document weights and other records.

All records shall be available at the landfill for inspection by the Local Enforcement Agency and authorized representatives of the Departments of Public Works and Regional Planning and the Treasurer and Tax Collector during normal business hours and shall be routinely forwarded to such agencies as may be provided in the agreement and in the agreement adopted pursuant to Part IV.

PART III - HAZARDOUS WASTE EXCLUSION. This part incorporates the program which the permittee and the Local Enforcement Agency shall carry out to exclude incinerator ash, sludge, radioactive material, hazardous waste, and medical waste as defined in Section 25023.2 of the California Health and Safety Code ("Unacceptable Waste") from the landfill in accord with the provisions of Conditions 10a and 26.

- A. The permittee shall maintain a comprehensive waste load checking program, which shall include the following:
1. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to the Local Enforcement Agency, for the presence of radioactive materials.

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2. The scale operator shall question each incoming driver as to the nature of the load. Sensors capable of detecting volatile organic compounds, acceptable to the Local Enforcement Agency, shall be installed and used as directed by the Local Enforcement Agency.
 3. A remote television monitor shall be installed to inspect incoming roll-off type loads and open top vehicles.
 4. The scale operator shall inspect for contamination all large loads of earth brought into the landfill from points not known to be free of contamination.
 5. The dumping area shall be continuously inspected for Unacceptable Waste. This inspection shall be accomplished by equipment operators and spotters who have been trained in an inspection program approved by the Local Enforcement Agency, and as provided in Part IIIB.
 6. Daily checks of randomly selected refuse loads shall be conducted. The checking program shall examine a minimum of thirty-six incoming waste loads per week. In addition, a test series of twelve, intensive unannounced manual inspections of refuse loads shall be conducted over the twelve month period commencing from the opening of the landfill. The checking programs shall be conducted by personnel trained by and under the supervision of the Local Enforcement Agency inspectors provided for in Part III B and in accord with a plan approved by the Local Enforcement Agency.
 7. If on the basis of continuing inspections of the dumping area and of daily random inspections, the Local Enforcement Agency determines that significant amounts of Unacceptable Waste may be entering the landfill, the Local Enforcement Agency may direct an expanded inspection program, including additional, unannounced manual inspections.
- B. The Local Enforcement Agency shall maintain at least one inspector at the landfill at times when waste is being received and processed. An inspector shall be either a qualified employee of the Local Enforcement Agency or a person employed under contract with the Local Enforcement Agency.

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Contract inspectors, if used, shall be persons deemed by the Local Enforcement Agency to be qualified by training and experience to carry out the assigned duties and having no conflict of interest.

The inspectors may be used, as directed by the Local Enforcement Agency, for inspection and enforcement activity other than hazardous waste exclusion.

- C. The permittee shall compensate the Local Enforcement Agency for any personnel, equipment and facilities costs incurred in administering this part not covered by fees paid for administration of the solid waste facilities permit for the landfill.

PART IV - MITIGATION AGREEMENT. Before opening the landfill, the permittee shall enter into an agreement with the County providing for indemnification of the County for any damages to public property which may result from landfill operations and for any expenses which may be incurred by the County in performing any on and off-site remedial work which may be necessitated by the permittee's failure to operate or maintain the landfill at an acceptable level or the permittee's failure to perform in a timely manner. The performance areas covered shall include, but not be limited to, landscaping, litter and dust control, noise control, vector control and maintenance of slopes and drainage structures. The standard for operation and maintenance shall be as established by the provisions of this grant and by accepted industry practice.

To secure performance on the agreement the permittee shall deposit in a fund held by the County of Los Angeles a sum equal to one percent of the net tipping fee charged at the landfill, the net tipping fee being as described in Condition 14. Until the fund reaches \$3,000,000 dollars, the permittee shall tender to the County a letter of credit or other security acceptable to the County in the amount of \$3,000,000 dollars.

The security shall be in addition to all other security required by federal, state and local regulations and permits, including other performance security required by this permit and State landfill closure regulations.

PART V - ARCHAEOLOGICAL/PALEONTOLOGICAL MONITORING.

The permittee shall implement the monitoring program described in this part to conserve archaeological and paleontological resources as required by Condition 25.

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- A. Before commencing any work to develop the landfill, the permittee shall nominate to the Director of Planning a qualified archaeologist and a qualified paleontologist which the permittee intends to retain to perform the monitoring and conservation work required by this part and Condition 25. If approved by the Director the archaeologist and paleontologist shall each submit a letter to the Director stating that he or she has been retained to perform or supervise the work required by Condition 25 and this part and that he or she agrees to report to the Director any noted failure to comply with the conditions of grant or this part.
- B. In addition to the on-site supervision required by Condition 25, the selected archaeologist shall upon identification by the permittee of new areas of excavation determine the need for archaeological resurveying based upon previous survey results, field investigation and consultation with appropriate specialists.
- C. In addition to the on-site supervision required by Condition 25, the selected paleontologist shall perform periodic monitoring when significant excavation occurs in the Miocene-early Pliocene Towsley Formation.
- D. The archaeologist and the paleontologist shall submit a written report to be included with each biennial monitoring report and/or to the Director upon termination of employment.
- E. Should the selected archaeologist or paleontologist terminate employment before completion of all excavation associated with the landfill, a replacement shall be selected, approved, retained and certified as described above.

PART VI - BIOLOGICAL/HORTICULTURAL MONITORING. This part is intended to promote compliance with provisions of Conditions 16, 17 and 24 concerning on-site planting, revegetation and maintenance, and portions of the oak tree mitigation program contained in Conditions 39-45.

- A. The permittee shall, before commencing any work to develop the site, retain the services of a consulting horticulturalist/forester to supervise the on and off-site slope planting and oak tree mitigation programs required as a condition of grant and this monitoring program. The permittee's selection shall be approved by the County Forester.

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The consulting horticulturalist/forester shall be a person who by education, training, experience and professional standing, as evidenced by appropriate licensing, registration and/or academic standing in the field of horticulture/forestry, is qualified to carry out the specific requirements of the position.

- B. The Permittee shall, before commencing any work to develop the site, retain the services of a consulting biologist, whose duties shall include (a) periodic review of any updated listings of threatened and endangered species contained in the Federal Register for the purpose of determining whether species existing at the project site have been re-classified as a species with a "Category 1" status; (b) participation in the revegetation program adopted for the landfills; and (c) participation in the review in any installation of equipment or other activity in East Canyon and any resource assessment prepared in connection with such activity.

The consulting biologist shall be a person who by education, training, experience and professional standing, as evidenced by appropriate licensing, registration and/or academic standing in the field of biology, is qualified to carry out the specific requirements of the position.

- C. Should at any time during the life of the grant plus any additional required maintenance period the initially selected consultant terminate employment, a replacement shall be retained and approved as provided in Part VIA.
- D. The permittee shall make and maintain records to track fill areas in accordance with Regional Water Quality Control Board requirements. These records shall be used to indicate areas transferred to an inactive status and therefore potentially subject to being vegetated as provided in Condition 17. The permittee shall make copies of such records available to the consulting horticulturalist/forester and the Local Enforcement Agency on a routine basis and to the County Forester and other regulatory agencies upon request.
- E. The County Forester shall provide consulting services to the Local Enforcement Agency in its review and monitoring of planting programs.

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PART VII - OAK TREE MONITORING. This part is intended to ensure compliance with the oak tree/Bigcone Douglas-fir mitigation program required by Conditions 39-46.

- A. The County Forester shall serve as the monitor for all oak tree and Bigcone Douglas-fir removal and replacement and mitigation programs authorized or required by the conditions of grant and this monitoring program.

Before commencing oak or Bigcone Douglas-fir removal (except as provided in Condition 40), the permittee shall deposit the sum of \$30,000 with an escrow agent or trust company acceptable to the County for the purpose of paying costs incurred by the County Forester in monitoring the permittee's compliance. The County Forester shall present invoices documenting the costs incurred to the escrow agent or trust company on a monthly basis. Invoices not exceeding \$10,000 in a single month shall be automatically paid to the County Forester. Invoices in excess of \$10,000 in any single month shall be subject to reasonable review and approval by the permittee. The permittee shall make regular deposits so that the balance of said escrow or trust account shall at no time be less than \$10,000.

- B. Before removing any oak or Bigcone Douglas-fir tree (except as provided in Condition 40), the permittee shall enter into an agreement with the County specifying the procedures which shall be followed by the permittee and the County Forester in monitoring compliance with the oak tree and Bigcone Douglas-fir replacement program. The agreement shall include:
1. Provision for accounting for each tree removed, provided that trees removed before consummation of the agreement to enable site testing as provided in Condition 40 shall be added to the total of trees removed under the agreement;
 2. Provision for a comprehensive annual inventory to be conducted in August of each year by the County Forester and the consulting horticulturalist/forester to document the growth, the condition and survival of all oak and Bigcone Douglas-fir trees planted;
 3. Provision for additional regular and unannounced inspection conducted by the County Forester;

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4. Provision that the permittee shall submit a corrective plan to the County Forester within 15 days after receipt of a notice of correction, with corrective measures timed to good horticultural practices and seasonal conditions;
 5. Provision that should the County Forester determine the permittee has at any time failed to plant and maintain adequate replacement trees, as provided in Conditions 43 and 45, the County Forester shall direct that further cutting be suspended until the deficiency is corrected;
 6. Provision that disputes between the County Forester and the permittee which cannot be mutually resolved between the parties shall be referred to the Regional Planning Commission for disposition; and
 7. Provision that the agreement shall be secured by a letter of credit or other instrument acceptable to the County in the initial amount of \$1,000,000, which security shall be reduced as provided in the agreement upon successful completion of planting and post planting maintenance.
- C. The permittee shall submit a comprehensive, biennial report detailing oak tree and Bigcone Douglas-fir removal and the status of all replacement oaks and Bigcone Douglas-fir trees to the County Forester. The form and content of the report shall be as approved by the County Forester. The initial report shall be due on or before January 31st of the year in which the first biennial project monitoring report is to be submitted pursuant to Part X. An executive summary of each such report, approved by the County Forester, shall be included in the next biennial project monitoring report.

PART VIII - ANCILLARY FACILITIES. This part is intended to provide a means to enforce compliance with Condition 10 (1) concerning the provision of ancillary facilities at the landfill, and to verify that such facilities are consistent with other conditions of the grant and monitoring program and with the provisions of the County Zoning Ordinance.

Before commencing development of the landfill or obtaining building permits for any of the ancillary facilities to be provided at the landfill, the permittee shall submit to the Director of Planning specific site plan for such facilities. The plan shall be in sufficient detail to establish compliance with the conditions of grant and with the standards of the County Zoning Ordinance,

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including the provisions of said ordinance relating to the provision and development of parking, as set forth in Part 11, Chapter 52, Title 22 of the County Planning and Zoning Code.

If approved, the Director shall forward copies of the plans to the Department of Public Works and the Local Enforcement Agency.

PART IX - COMPLIANCE COMMITTEE. An ad hoc committee of County agencies shall be established for the purpose of reviewing coordinating and certifying satisfactory completion of plans, permits and agreements required and/or authorized by the grant and this monitoring program before commencing work or opening of the landfill.

The committee shall be composed of representatives of the following County officers and departments:

- The Chief Administrative Officer
- The County Counsel
- The Department of Public Works
- The Local Enforcement Agency [Department of Health Services]
- The Forester and Fire Warden
- The Department of Parks and Recreation
- The Department of Regional Planning.

During the preparation of plans, permits and agreements required by the conditions of grant, the committee shall meet as often as it deems necessary. It shall, as necessary to carry out the purposes of this Part IX, invite the participation of other County agencies as well as city, state and federal agencies involved in the regulation and permitting of the landfill.

Upon application of the permittee, the committee shall meet to determine if all requirements precedent to commencement of development of the landfill (excepting final approval of plans, permits and agreements) have been met. If the committee so determines, it shall certify completion and notify each affected agency.

Upon application of the permittee, the Committee shall meet to determine if all requirements precedent to opening the landfill (excepting final approval of plans, permits and agreements) have been met. If the Committee so determines, it shall certify completion and notify each affected agency.

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No County agency shall give final approval to any administrative permit or to any plan or agreement required or entered into pursuant to the conditions of grant or this monitoring program until the committee has made a determination of compliance. However, county agencies shall give conditional approval, subject only to the committee's determination, if the plans otherwise comply with requirements.

The permittee may appeal an adverse determination of the Committee to the Regional Planning Commission. An adverse decision of the Regional Planning Commission shall be further appealable by the permittee to the Board of Supervisors.

PART X - MONITORING REPORTS. This part is intended to provide for a means of continuing oversight of landfill operations as a supplement to the routine enforcement activities of the various regulatory agencies having control over the development, operation and maintenance of the landfill.

- A. The permittee shall prepare and submit biennial monitoring reports to the Regional Planning Commission, the first such report being due June 1, 1993 and subsequent reports being due June 1, every other year until closure of the landfill. At least 60 days before the due date, draft copies of the report shall be submitted to the following for review and comment;
1. The Local Enforcement Agency;
 2. The Director of Public Works;
 3. The Los Angeles County Forester and Fire Warden;
 4. The Los Angeles Regional Water Quality Control Board;
 5. The South Coast Air Quality Management District;
 6. The Community Advisory Committee, required pursuant to Part XI of this monitoring program.

Each referral shall include a request that comments be sent to the Commission in care of the Director of Planning on or before the due date of the report. The permittee shall provide documentation of each referral to the Director in a form acceptable to the Director.

- B. Except as otherwise provided in this Part X B, each monitoring report shall contain the following:
1. A cumulative total of all waste deposited in the landfill and the percent of total available volume consumed.

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2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved landfill survey (as required in Part I of the monitoring program) showing the height and extent of the fill.
3. The achieved ratio of weight to volume of waste placed in the landfill and a comparison of that ratio with the ratio achieved at comparable landfills operated by the County Sanitation Districts, and an explanation of any significant deviation.
4. A summary of the rates of waste received, recycled or otherwise diverted at the landfill since opening or the last report, as applicable, in sufficient detail to explain significant changes and variations over time and an explanation of any significant variations or changes.
5. A summary of measures undertaken by the permittee to divert and recycle material at the landfill, and how such measures interact with waste management plans adopted by cities and the County and the overall effectiveness of such measures in achieving the intent of the grant and the waste management plans.
6. A summary of the number and character of litter, fugitive dust and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures which have been undertaken to abate or address future complaints.
7. A detailed accounting of any citations for violations received from any regulatory agency in connection with operation of the landfill (including those for litter, odor or fugitive dust) and the disposition of the citations.
8. A report on interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation.
9. The approved summary oak tree/Bigcone Douglas-fir mitigation report (as required in Part VII of this monitoring program).

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10. The archaeological and paleontological reports required in Part V.
11. A summary of progress implementing the wetlands/habitat mitigation programs required pursuant to Condition 38.

Upon receipt of the report and agency comments, the Commission may request that the permittee submit such additional information as it deems necessary to carry out the purposes of this Part X.

The initial report required on June 1, 1993, shall include an accounting of the status of the application to expand the landfill into the City of Los Angeles.

Notwithstanding any other provision of this Part X B, should the landfill not have opened by March 1, 1993, the initial report due June 1, 1993, shall be limited to an account of progress toward opening the landfill and the status of the application filed with the city.

- C. Nothing in this Part X shall be construed to in any way limit the authority of the Commission or the Board of Supervisors to initiate any proceeding to revoke or modify the grant as provided in Condition 9 and Part 13, Chapter 56, of Title 22 of the County Planning and Zoning Code.

PART XI - COMMUNITY ADVISORY COMMITTEE. The Board of Supervisors shall appoint a Community Advisory Committee to serve as a liaison between the permittee and the community and as a means for the community to communicate with the Regional Planning Commission and other regulatory agencies on an ongoing basis regarding issues involved in the development and operation of the landfill. The committee shall be composed of persons who reside in the vicinity of the landfill and are nominated by recognized community and neighborhood associations. The supervisors in whose district the landfill is located and the district most nearly adjacent to the landfill shall appoint a representative from each such district to serve as coordinators for the Committee and shall nominate Committee members.

Upon appointment of the Committee by the Board of Supervisors, the permittee shall do the following:

1. Provide qualified personnel to regularly attend Committee meetings;

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2. Provide reasonable access to the landfill site and information concerning landfill operations necessary for the committee to perform the committee's functions;
3. Provide accommodations for committee meetings; and
4. Provide funding, not to exceed \$11,000 dollars per annum, for the committee to retain independent consultants; provided that any consultant retained shall be a person who by education, training and experience is qualified to undertake the work for which the consultant is retained and who has no conflict of interest with the permittee or any member of the Committee.

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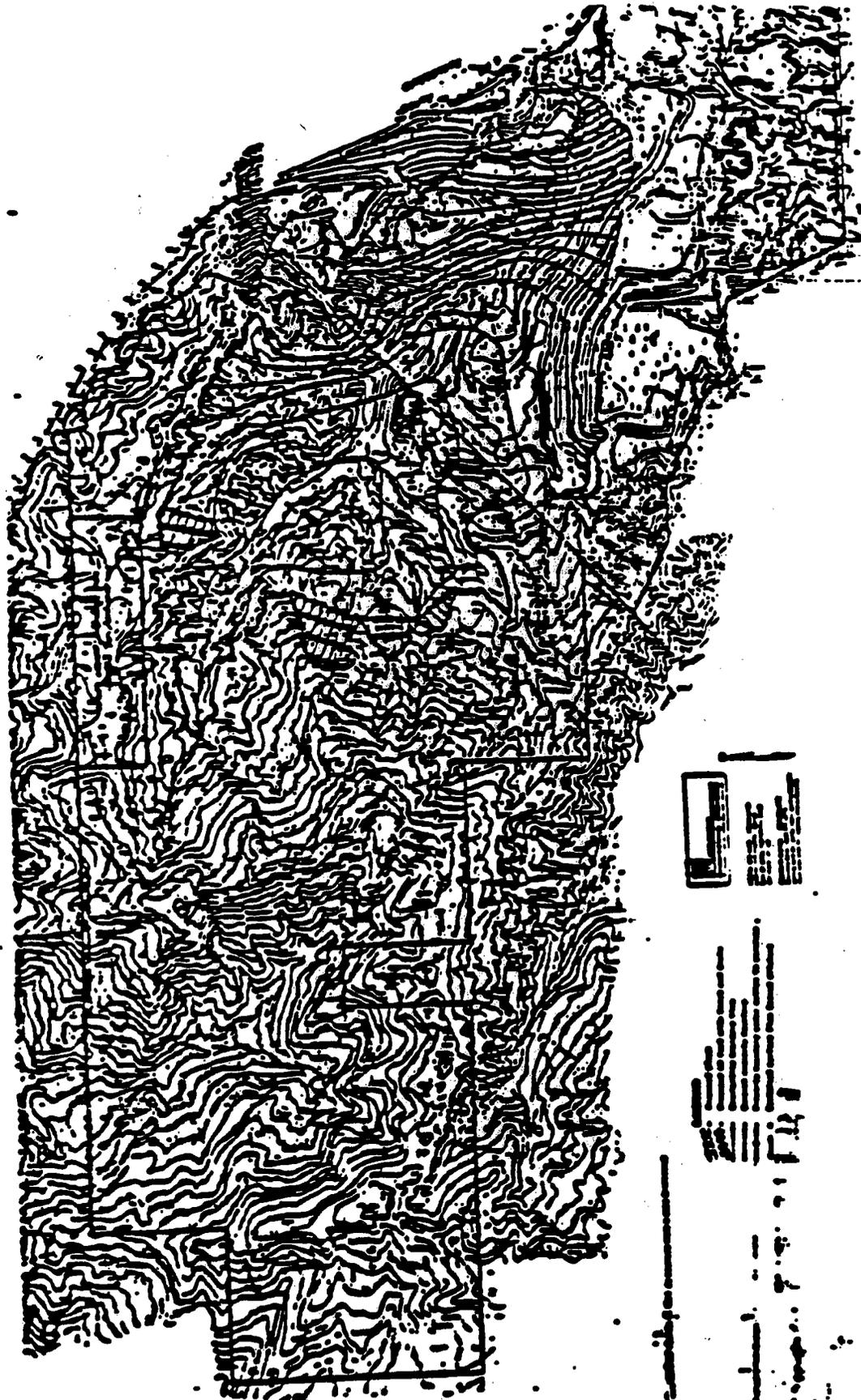
EXHIBIT A

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EXHIBIT A (ALTERNATE)

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EXHIBIT B



BRITISH AIRWAYS		30
E 118 - SEVENTH FLOOR, BRISTOL 30		
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EXHIBIT A (ALTERNATE)

NOTES:

- 1. Trees and shrubs planted on the side 10 feet or less from the road.
- 2. Minimum depth of cover needed for any proposed planting, and backfilling to 10 feet.
- 3. Road build-up will be constructed to 10:1 slope.

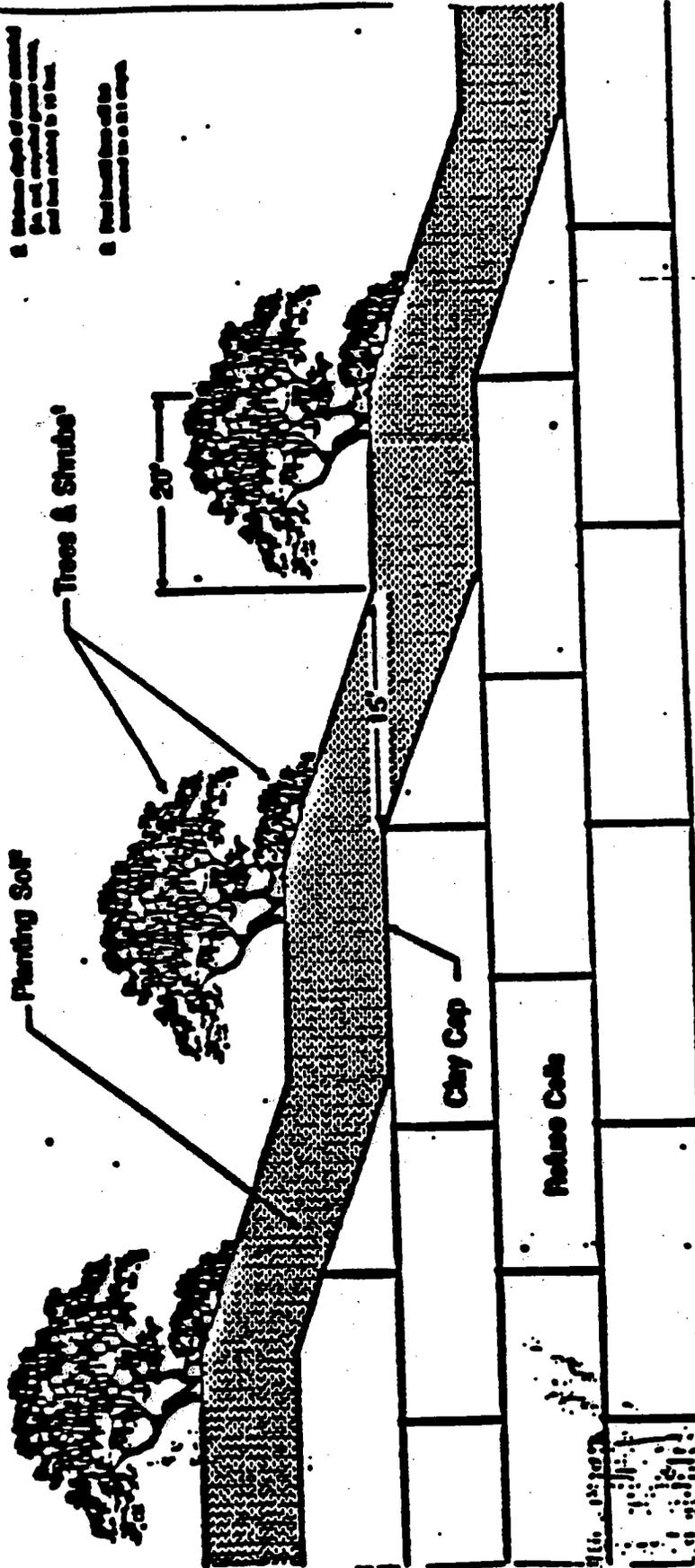


EXHIBIT "B"

TYPICAL CROSS-SECTION
RIGHT SIDEWALK CURB

TITLES

Sheet

RALPH ESTERLING CONSULTANTS, INC.

