

Countywide Siting Element (CSE)
Chapter 10 Revisions

Potential Options to Strengthen The Effectiveness and Enforcement of the Finding of Conformance Process
(Staff Seeks Further Direction)

Option No.	Potential Options ¹	Description
OPTIONS TO STRENGTHEN EFFECTIVENESS		
1	Require FOC Approval as a Condition of Land Use Permit (LUP) / Conditional Use Permit (CUP)	The CSE goals and policies could be revised to mandate for the County and the cities ² to make Finding of Conformance (FOC) approval a condition of the LUP or CUP for the applicable solid waste disposal facilities ³ (SWDF) projects located within its jurisdiction.
2	Provide FOC Requirements⁴ to Project Lead Agency early in the facility permitting process	A mechanism could be developed to provide FOC requirement information to the project's Lead Agency at the beginning of the facility permitting process. For example, develop (1) a standard list of FOC submittal requirements (e.g., Table 10-1) to be submitted/provided to lead agencies for incorporation into the project permit conditions, (2) a mechanism to provide the comments to the lead agencies earlier in the facility permitting process (e.g., during or immediately after the LUP/CUP permit process rather than later during the JTD/SWFP review process) in order for the lead agency and project proponent to become aware of the FOC requirements earlier in the process, and (3) a mechanism to identify upcoming SWDF projects within Los Angeles County for the FOC requirements comments.
3	Include FOC Requirements in the comments on the CEQA documents	A CEQA notification process could be established between the County and cities, whereby the Task Force (TF) would be automatically notified (as a responsible agency) by the Lead Agency early in the CEQA process for any solid waste disposal facility project and provided opportunity to review and comment on the project. The TF would include comments on the applicable siting criteria and FOC submittal requirements, and conformance with the requirements.
OPTIONS TO STRENGTHEN ENFORCEMENT		
4	Implement FOC process under a Joint Powers Authority (JPA)⁵ or a Memorandum of Understanding (MOU)⁶	Pursuant to PRC Sections 50001.2 and 40970-40976, and Government Code Section 6500, et seq., the County and facility host cities (or all the 88 cities ⁷ in the County) could enter into a JPA whereby the cities agree to (1) make consistency/conformance with the CSE's siting criteria and obtaining FOC approval from the TF a condition of approval of the LUP/CUP for the SWDF project, and (2) delegate FOC process and enforcement authority to TF. An MOU approach may be similarly applicable.

¹ The potential options are subject to County Counsel's review of the legal implications.

² The "cities" refer to the host cities for the solid waste disposal facility (or preferably all the 88 cities).

³ "Solid waste disposal facilities" refers to the permitted landfills and transformation facilities. Note that no new class III landfills are expected to be proposed in the County in the foreseeable future.

⁴ The FOC Submittal Requirements (see CSE Chapter 10, Table 10-1) includes the Siting Criteria.

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5	Establish FOC process as a local permit approval process	Pursuant to PRC Section 40053, a local source of authority could be established for the TF to enforce FOC process and requirements as a local permit approval process, so long as the local conditions and restrictions do not conflict with or impose lesser requirements than the State policies, standards, and requirements. This could be accomplished through a JPA/MOU.
6	Enforce FOC Requirement as a General Plan (GP) Requirement	The FOC and its requirements could be enforced as a County General Plan (GP) ⁸ requirement for SWDF projects located in unincorporated areas since the CSE is codified as part of the County GP. Also, the CSE goals and policies could be revised to require local planning agencies to enforce FOC requirements as part of the cities GP for SWDF projects in the cities.
7	Request State Attorney General to enforce FOC Requirements	The County could request for the State Attorney General to bring an action to enforce the FOC process/requirements pursuant to PRC Section 50001.5.

⁵ Joint Powers Authority (JPA) is defined as a contract between a city, a county and/or a special district in which the city or county agrees to perform services, cooperate with, or lend its powers to the special district or other government entity.

⁶ Memorandum of Understanding (MOU) is defined as a formal agreement between three or more agencies, which specifies the responsibilities of each agency in implementing the project. Validity of an MOU process is to be verified with County Counsel.

⁷ The role of Los Angeles Integrated Waste Management Authority Regional Agency (LARA) in the JPA/MOU process is to be verified with County Counsel.

⁸ The current County General Plan (GP) is countywide, however, the ongoing amendment of the County GP would limit its jurisdiction to unincorporated areas only.