

July 10, 2008

TO: Facility and Plan Review Subcommittee Members

FROM: Martin Aiyetiwa *MA*
Staff

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

Browning-Ferris Industries of California, Inc. (BFI) submitted an application on May 21, 2008, to the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force for a Finding of Conformance for the Sunshine Canyon Landfill – City/County Project. The request is in accordance with the requirements of the approved Los Angeles County Countywide Siting Element, dated June 1997.

Staff reviewed the application for consistency with the Countywide Siting Element and Task Force guidelines, and determined it was incomplete because BFI has not satisfactorily met all land use permit prerequisites for operating the City/County Project. Staff sent a letter to BFI on June 30, 2008 (see Attachment A), detailing the reasons:

1. BFI must provide evidence that it has obtained approval from the Los Angeles County Department of Public Works for a combined "City/County Project" Fill Sequencing Plan for that portion with the County's jurisdiction.
2. BFI must provide evidence that it has obtained Los Angeles City's approval/determination to proceed to Phase II of the City Landfill.
3. In Section 5, Waste Material to be Handled, BFI stated that "Consistent with its Waste Discharge Requirements, Sunshine Canyon Landfill accepts contaminated soils for disposal or use as daily cover in lined areas of the site." However, the use of contaminated soil for daily cover is prohibited by the City and County's Land Use Permits.

On July 3, 2008, BFI responded indicating that the City's approval is not needed to commence the City/County Project and requested that the item be considered by the Task Force at the July meeting (see Attachment B). Staff reviewed BFI's response and determined that BFI satisfactorily addressed comment 3. However, with regard to comments 1 and 2, it is staff's opinion that they have not been fulfilled. The County of Los Angeles maintains that the County Conditional Use Permit requires the City's approval of Phase II of the City Landfill prior to authorizing a City/County Project. Attached is the County's letter to BFI dated June 24, 2008, regarding this issue (see Attachment C).

I. Background

The Sunshine Canyon Landfill City/County Project combines the Sunshine Canyon City Landfill (Unit 2) Phases I, II, and III, and the area identified in Exhibit "A-1" fill design in the Sunshine Canyon County Landfill Conditional Use Permit 00-194-(5). The City Landfill is located within the limits of the City of Los Angeles, and the County Landfill is located in unincorporated Los Angeles County. Attachment D is the site location map.

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

BFI is proposing to combine the two landfills into one, bringing the total landfill area to 367 acres and a total disposal capacity estimated at 91.1 million tons. The complete 367-acre footprint is estimated to have a net remaining disposal capacity of about 90.5 million cubic yards as of October 19, 2006. Attachment F is a proposed landfill phasing plan showing the phases of operation.

II. Request Before the Task Force

- Pursuant to Section 10.1 of the Los Angeles County Countywide Siting Element dated June 1997, BFI has requested the Task Force to consider issuance of a Finding of Conformance (FOC) for the Sunshine Canyon Landfill City/County Project.
- The City/County Project, as defined, includes the City Landfill (Unit 2) identified in the City's land use zoning ordinance as Phases I, II, and III and the areas identified in the County CUP as Exhibit "A-2" fill design. It does not include the closed portion of the City Landfill identified as Unit 1.
- This FOC will supersede the April 17, 2003, FOC granted to Sunshine Canyon City Landfill Unit 2 and the May 19, 2008 FOC granted to Sunshine Canyon Landfill County Project.

III. Item History

- On August 15, 1991, the Task Force issued an FOC with the Los Angeles County Solid Waste Management Plan for the facility operation in the unincorporated County area.

- On April 17, 2003, the Task Force issued an FOC with the Los Angeles County Countywide Siting Element for the portion of Sunshine Canyon Landfill (Unit 2) in the City of Los Angeles.
- On May 19, 2008, the Task Force issued an FOC with the Los Angeles County Countywide Siting Element for the Sunshine Canyon Landfill, Phase V and the top deck of the Exhibit “A-1” Fill Design—County Project as defined by the County of Los Angeles Conditional Use Permit No.00-194(5).

IV. Options for the Task Force

The Task Force may decide to:

1. Not grant the FOC until such time as BFI satisfactorily addresses comments 1 and 2 identified in Task Force’s letter dated June 30, 2008, and any and all Subcommittee requests/comments made at its July 16, 2008, and subsequent meetings (if necessary). Furthermore, instruct staff to bring the item back for consideration at a later date;
2. Grant the FOC, but with changes/modifications;
3. Deny the FOC and state reasons for the denial.

V. Staff’s Conclusion and Recommendation

Staff reviewed BFI’s submittal for compliance with the requirements for granting of an FOC stipulated in the Countywide Siting Element. It is staff’s opinion that the application meets all the stipulated requirements (subject to the recommended conditions of approval in Item VIII below) except that comments 1 and 2 identified in Task Force’s letter dated June 30, 2008, have not been fulfilled. Therefore, staff recommends adoption of Option 1. Moreover, staff requests the Subcommittee reaffirm determination of the application’s incompleteness and provide guidance/direction to staff and BFI on how to proceed from this point forward.

VI. Project Summary and Findings

Name:	Sunshine Canyon Landfill – City/County Project
Facility Type:	Class III Landfill (Municipal Solid Waste)
Location:	14747 San Fernando Road, Sylmar 91342
Setting:	The Sunshine Canyon Landfill City/County Project is located in the City of Los Angeles and unincorporated Los Angeles County.

Operational Status: Permitted and active

Waste Type: Non-hazardous municipal solid waste

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

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

Acreage:

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

Capacity:

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

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

Daily Capacity:

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

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

Permitted Hours: 6:00 am to 6:00 pm Monday through Friday
7:00 am to 2:00 pm Saturday

Proposed Hours: No change in permitted hours of operation

Owner/Operator: Browning-Ferris Industries of California, Inc., a subsidiary of Allied Waste Services, Inc.

LEA: Sunshine County Landfill-Local Enforcement Agency (This agency is expected to be certified on July 22, 2008)

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

VII. Staff Analysis

Staff has reviewed the proposal and offers the following:

1. Compliance with the California Environmental Quality Act

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

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

2. General Plan Consistency and Land Use

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

B. General Plan consistency determination was approved for the project by the Board of Supervisors on February 19, 1991 (Sub-Plan Amendment 86-312-(5) and Compound Plan Amendment 90-2-(5)). This determination is consistent with Section 50000.5 of the California Public Resources Code.

C. The land use permit necessary for the development of the City Landfill (Unit 2) was approved by the City Council on December 8 1999, and approved by the City Mayor on December 9, 1999 (See Attachment H, City Zoning Ordinance No. 172933).

D. The City of Los Angeles amended the Los Angeles General Plan to designate the Sunshine Canyon City Landfill site as "Heavy Industrial" and change its zone to "M3-1" on December 9, 1998. General Plan Consistency as mandated by PRC 50000 was established by the City of Los Angeles by approval of the General Plan Amendment and zone change.

3. Solid Waste Facility Permit (SWFP)

The facility is currently operating under SWFP No. 19-AA-0853 revised on February 21, 2007, by the Los Angeles County Department of Public Health, acting as the Local Enforcement Agency for the County side of Sunshine Canyon Landfill and SWFP No. 19-AR-0002 issued on May 21, 2003 by the Los Angeles City Environmental Affairs Department, acting as the Local Enforcement Agency for the City side of the Landfill.

On June 17, 2008, the California Integrated Waste Management Board concurred on the issuance of a new SWFP No. 19-AA-2000 for the City/County Project. The new permit was issued on July 7, 2008.

4. Waste Discharge Requirements (WDR)

BFI submitted a WDR application for the City/County Project. The application was deemed complete and correct by the Los Angeles Region Water Quality Control Board. A WDR permit is expected to be issued in October 2008.

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

The proposed City/County Project in both the City and County unincorporated portions of the property was identified in the 1997 Countywide Siting Element (Table 7-1 and pages 7-9, 7-26, and 7-27).

The CSE identified potential new landfills and potential expansions of existing landfill areas where the siting criteria may be applicable for the development of additional Class III landfill disposal capacity. Prior to development of any of these facilities, the facility proponent is required to demonstrate that the project is in conformance with the CSE. As a part of the determination of conformance with the CSE and its Siting Criteria, the project proponent must obtain an FOC from the Task Force.

A. Goals and Policies

Staff has reviewed materials provided by BFI and finds that subject to the conditions stipulated herein, development of the proposed

City/County Project is in accordance with the provisions of the County CUP, City Zoning Ordinance, and the goals and policies of the Siting Element/CoIWMP. Specifically:

- i) Promotion of policies to enhance in-County landfill disposal capacity including the expansion of the Sunshine Canyon Landfill located in the northern San Fernando Valley within the City of Los Angeles and the County unincorporated area.

The proposed project would provide additional in-County disposal capacity (approximately 90.5 million cubic yards or 58.8 million tons) to meet the disposal needs of jurisdictions in Los Angeles County.

- ii) Promotion of land use policies to discourage incompatible land uses between existing, expansion of existing, and new solid waste management facilities identified in the Siting Element and adjacent areas.

The facility will be developed in accordance with these required conditions of its land use approvals. BFI dedicated surrounding properties of East Canyon (426 acres to the west) and Upper Bee Canyon (490 acres to the south) for parkland to the County and Santa Monica Mountains Conservancy as required in the previous permit, Conditional Use Permit 86-312-(5), Condition 15 (and Finding No. 22). The dedication of these properties was intended to ensure compatibility with surrounding land uses and serve as additional buffer around the landfill Facility.

Additionally, in amending the General Plan to permit the Sunshine Canyon City Landfill (Unit 2), the City required maintenance of a 100-acre open space buffer zone in the southern part of the landfill property to provide additional visual and noise buffer for the residential community to the south and the recreational area to the west.

- iii) Promotion of policies that would foster the development of transformation and other waste disposal technologies as alternatives to land disposal.

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

- iv) Promotion of policies which would ensure that all new or expansions of existing solid waste disposal facilities conform to

the siting criteria and obtain a revised FOC whenever a revised/modified solid waste facility permit is required.

See below Section VII.5.B: Evaluation of Siting Criteria and Attachment I.

- v) Implementation of salvage/diversion operations to recover those waste materials that can be feasibly and economically reused, recycled, or composted.

The facility's previous County CUP and the Waste Plan Conformance Agreement approved by the Board of Supervisors on June 26, 1996 require BFI to implement waste diversion measures and to maintain on-site waste diversion and recycling facilities. See County CUP Conditions 24 and 25 (Attachment G) and City Zoning Ordinance Condition B.6 (Attachment H).

B. Evaluation of Siting Criteria

Staff has reviewed the information provided by the project proponent and finds that the proposal, in concert with the owner/operator's compliance with the requirements of County CUP, City Zoning Ordinance, and its Implementation and Monitoring Program and Mitigation Monitoring and Reporting Summary, adequately satisfies the CSE's Siting Criteria. Attachment I is the Siting Criteria Checklist.

VIII. Recommended Conditions of Approval

Staff does not recommend that an FOC be granted for the proposed project at this time. However, upon completion of all the identified prerequisites to operating the City/County Project, staff would recommend granting the FOC subject to the following conditions:

1. Permitted Operations/Activities—This FOC is limited to landfilling activities and other waste management operations for the City/County Project, in accordance with the County CUP approved by the Los Angeles County Board of Supervisors on February 6, 2007 and the City Zoning Ordinance approved by the City Council on December 8, 1999, and approved by the City Mayor on December 9, 1999.
2. Types of Waste Materials—The waste materials to be landfilled at the subject site shall be limited to non-hazardous solid waste and inert debris as defined in the County CUP and the City Zoning Ordinance, and as specified in the WDR issued by the CRWQCB, Los Angeles Region. Incinerator ash, sludge, hazardous waste, liquid waste,

designated waste, radioactive material, and medical wastes as defined by State and Federal laws are prohibited.

3. Waste Quantities—The materials received at the facility shall be subject to the following:
 - a. Maximum daily tonnage of solid waste disposed at the site shall be limited to 12,100 tons on any given day, six working days per week, with a maximum weekly capacity of 66,000 tons of non-hazardous solid waste.
 - b. The amount of materials received as inert debris and for beneficial use shall not exceed 6,600 tons per week, based upon six working days per week.
4. Hours of Operation—The hours of operation for solid waste disposal at the site shall be 6 a.m. to 6 p.m. Monday through Friday and 7 a.m. to 2 p.m. on Saturday. The Landfill shall be closed to the public on Sundays. Saturday hours may be extended from 2 p.m. to 6 p.m. if necessary to accommodate post-holiday disposal requirements, where there was limited or no trash pick-up on the holiday.
5. Limits of Fill—Total disposal quantity, excavations, horizontal boundaries, and minimum and maximum elevations (contours) shall be limited to those established in Exhibit “A-2” fill design of the County CUP and Phase II of Unit 2 of the City Zoning Ordinance. The maximum vertical height of the City/County Project shall not exceed a final fill elevation of 2,004 feet above mean sea level, including final cover (2,004 feet on City-side and 1,904 on County-side). Attachment J is the proposed Final Grading Plan.
6. Term—This FOC shall terminate upon one of these conditions: 1) The facility reaching the disposal capacity, boundary limits, and/or maximum fill elevation of Exhibit “A-2” fill design of the County CUP and Phase II of Unit 2 of the City Zoning Ordinance and 2) reaching the date February 6, 2037. This FOC will terminate if there is any Significant Change in operation of the facility or if the operation of the facility is prohibited by any regulatory agency, judicial court, or the County of Los Angeles.

This FOC is subject to reconsideration concurrent with the SWFP five-year review process, or at an earlier date as may be determined by the Task Force. No less than 90 days before the five-year anniversary of the FOC the owner/operator shall submit a request for review of its FOC to the Task Force. The request shall indicate any changes in the operation that may necessitate a revision in the provisions/conditions of this FOC.

7. Regulatory Compliance—The owner/operator must comply with all requirements of the Federal, State, County, and local regulatory agencies.
8. Waste Load-Checking—The owner/operator shall implement a Waste Load Checking Program as approved by the Sunshine County Landfill-Local Enforcement Agency, and submit a copy of the approved program to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California, 91802-1460.
9. Litter Control—The owner/operator shall implement the Litter Control and Tarping Program as stipulated in Attachment K.
10. Conversion Technologies—The owner/operator shall actively work with the Task Force in promoting conversion technologies as alternatives to landfilling and incineration. This shall include, but not be limited to, (a) supporting and promoting legislation and regulations which would provide economic incentives for the development of conversion technologies, and (b) supporting and promoting legislation and regulations which would remove conversion technologies from the definition of transformation and give them full diversion credit towards the State waste reduction mandates.
11. Seismic Monitoring—The facility owner shall implement and comply with the following seismic monitoring requirements:
 - a. Complete installation of an accelerometer onsite to measure earthquake/seismic ground motions within 60 days of approval of this FOC. A set of as-built plans signed and sealed by a California Registered Civil Engineer shall be provided to the Sunshine Canyon Landfill-Local Enforcement Agency and the County of Los Angeles Department of Public Works, Environmental Programs Division.
 - b. Following a major earthquake/seismic ground motion of magnitude 5.0 or greater, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, thoroughly survey the landfill for primary and secondary surface expressions of seismic activity (such as surface ruptures, landslides, change in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the County of Los Angeles Department of Public Works, Environmental Programs Division and the Sunshine Canyon Landfill-Local Enforcement Agency for review. The assessment report needs to describe and discuss all features, including damage to the site and infrastructure caused by the earthquake and measures that will be taken to mitigate the impact.

12. Waste Characterizations—On a semi-annual basis, BFI shall conduct waste characterizations of the incoming waste stream over a one-week period during the months of March and September. The results shall be submitted in the attached Monitoring and Reporting Form (Attachment L) with the reports due April 30 and October 31 of each year (see Condition 13 below).

13. Reports—BFI shall submit monthly reports on a quarterly basis within 30 days of the end of the quarter to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California 91802-1460. The report shall contain the following information for each month of the reporting period:

- a. Type and quantity of waste (weight) received at the facility for processing, recycling, and disposal.
- b. Waste source and quantity identified by weight and/or volume for each jurisdiction of origin, including each city within the County of Los Angeles, unincorporated area of the County, and any jurisdiction outside the County of Los Angeles, if any.
- c. Quantity of recovered recyclable materials, including tires and green waste, if any, by weight and/or volume, and final destination of recovered materials.
- d. Quantity of household hazardous waste and electronic waste, if any, recovered from the waste stream, and final destination of recorded materials.
- e. The frequency of the report shall be as specified in the Los Angeles County Solid Waste Information Management System.
- f. Remaining landfill disposal capacity by weight (tons) and volume (cubic yards).
- g. The information shall be provided in the format approved by the Task Force through the Los Angeles County Solid Waste Information Management System, and/or as may be updated by the Task Force (Attachment M).

Failure to comply with these reporting requirements shall be considered as a cause for revocation of this FOC.

14. Change in Ownership—In the event of any change in operator or control of ownership of the facility by BFI and/or Allied Waste, the applicant must:

- a. Notify the Task Force, in writing, of such change within ten calendar days; and
 - b. Notify the succeeding owner and operator by letter, a copy of which shall be filed with the Task Force, of the existence of this FOC.
15. Mitigation Measures—BFI must obtain and fully comply with all the permits and approvals (including but not limited to drainage, grading, stormwater, building, and industrial waste), as well as comply with all other mitigation measures, which are listed in Attachment I to comply with the Siting Criteria. Documentation substantiating that BFI has obtained all necessary permits and approvals, as well as compliance with all other mitigation measures, which are required prior to operating the City/County Project, shall be submitted to the County of Los Angeles Department of Public Works at least 30 days prior to commencement of operation in the City/County Project.
16. Subsurface Gas Migration—The owner/operator must protect all on-site buildings and enclosed structures within 1,000 feet of the disposal area against intrusion of migrating landfill gas in accordance with the requirements of Chapter 15 of the City of Los Angeles Building Code and Section 110 of the Los Angeles County Building Code, as applicable.
17. Status Report—BFI shall submit a status report on the following:
- a. Progress of the City/County Project.
 - b. Progress of the site's landscaping activities and revegetation of the permanent slope areas.
- The status report shall be submitted on a quarterly basis within 30 days of the end of the quarter to the Los Angeles County Integrated Waste Management Task Force, P.O. Box 1460, Alhambra, California 91802-1460.

IX. ATTACHMENTS

- A Staff's Letter of June 30, 2008
- B BFI's Letter of July 3, 2008
- C County of Los Angeles' Letter of June 24, 2008
- D Site Location Map
- E Existing Site Plan
- F Landfill Phasing Plan
- G County Conditional Use Permit 00-194-(5), Exhibit "A-1" & Exhibit "A-2"
- H City Zoning Ordinance No. 172933
- I Siting Criteria Evaluation Checklist

- J Final Grading Plan
- K Litter Control and Tarping program
- L Monitoring and Reporting Form (Waste Characterization)
- M SWIMS Form 13

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