

Ruling by Superior Court Regarding Challenged CUP Conditions (Case No. BS 171262)¹

Condition	Court's Ruling on Challenge
23 – Limits on Disposal and Beneficial Use Tonnage	Condition upheld.
28 – Requirement to enclose compost facility	Chiquita abandoned this challenge.
29 – Limiting elevation of landfill to 1430 feet.	Condition upheld.
34-36 – Insurance and financial assurance requirements	Chiquita abandoned this challenge.
37 – Periodic review of permit every 5 years	Condition upheld.
38-39 – Landfill termination at 30 years, 60 million tons or reaching 1430 elevation, whichever is first.	Condition upheld.
40 – Limit on hours of operation	Condition upheld.
42 – Waste origin tracking program.	Chiquita abandoned this challenge.
43(D) – Limitations on using certain types of materials as alternative daily cover.	Chiquita abandoned or waived this challenged except regarding use of treated auto-shredder waste (TASW). Court upheld the restriction on use of TASW.
43(G) – Sorting of materials originating outside of Santa Clarita Valley	Condition found to be invalid as preempted by the Integrated Waste Management Act (IWMA).
48 – restrictions on acceptance of certain types of waste	Chiquita abandoned or waived this challenge except regarding acceptance of TASW. Court

¹ This is an unofficial, high-level summary of the Court's lengthy ruling. For the actual ruling, please refer to the decision itself, which can be accessed via a link that has been on the digitally posted agenda for the Task Force Meeting or by contacting Public Works to obtain a copy.

	upheld the restriction on acceptance of TASW.
79(B)(6) – Requirement that operator pay an \$11.6 million "Bridge and Thoroughfare" fee.	Condition upheld.
109 – Video monitoring of working face.	Chiquita abandoned this challenge.
111 – Requirement to offer to dedicate landfill for use as a park and pay a park development fee upon closure.	Condition found to be invalid under the Mitigation Fee Act (MFA) due to lack of "nexus" to an impact caused by the landfill.
115 - \$0.25 per ton fee to pay for waste reduction and disposal programs.	Court found a sufficient "nexus" under the MFA to an impact caused by the landfill but that the record does not provide support that the amount of the fee is "reasonably proportional" to this impact. Court remanded to the Board of Supervisors, to make additional findings.
116 – Fee of \$.08 per ton for disaster debris removal.	Condition found to be invalid under the MFA due to lack of "nexus" to impacts caused by the landfill.
117, 118 – Escalating fee imposed on waste originating from outside of the Santa Clarita Valley; reduction in the fee if the operator constructs a conversion technology facility.	Conditions found to be invalid as preempted by the IWMA.
119 – Annual fee of \$200,000 to fund development of alternatives to landfilling.	Remanded to the Board of Supervisors. (See explanation of ruling on Condition 115.)
120 – Fee of \$0.50 per ton to fund development of natural habitat and parkland.	Condition found to be invalid under the MFA due to lack of "nexus" to impacts caused by the landfill.
121 - \$0.50 per ton road improvement fee.	Remanded to the Board of Supervisors. (See explanation of ruling on Condition 115.)
122 – Fee of \$50,000 every other year to fund planning studies.	Condition found to be invalid under the MFA due to lack of "nexus" to impacts caused by the landfill.

123 – Fee of \$1 per ton to fund community benefit and environmental education programs.	Remanded to Board of Supervisors. No direct "nexus" under the MFA between community benefit programs and impacts caused by the landfill, but court remanded the Condition to allow the Board to make findings regarding nexus based upon landfill's agreements with the community.
124 – Condition requiring payment of \$100,000 per event to hold 10 household hazardous waste events per year; in lieu of paying for 5 of these HHW events, operator can construct an HHW facility.	Condition upheld.
126 – Requirement that the operator support the County's legislative agenda on waste management issues.	Condition found to be unconstitutional.
9 – Providing that if any material provision of the permit is invalid, the entire permit is void.	Upheld.