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**ADDENDUM TO
FINAL ENVIRONMENTAL IMPACT REPORT
FOR
THE LOS ANGELES COUNTY BOARD OF SUPERVISORS**

SUNSHINE CANYON LANDFILL EXTENSION

Compound Plan Amendment No. 90-2-(5)
Sub-Plan Amendment No. 86-312-(5)
Conditional Use Permit No. 86-312-(5)
Oak Tree Permit No. 86-312-(5)

State Clearinghouse Number 89071210
(Previous SCH #84082908)

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 West Temple Street
Los Angeles, CA 90012**

MAY 1992



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SECTION 1.0

INTRODUCTION

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INTRODUCTION

PROCEDURAL HISTORY

The Final Environmental Impact Report ("FEIR") for the Sunshine Canyon Landfill Extension was certified by the Los Angeles County Board of Supervisors on February 19, 1991. Following certification, the Board of Supervisors approved Conditional Use Permit and Oak Tree Permit 86-312-(5), Sub-Plan Amendment 86-312-(5) and Compound Plan Amendment 90-2-(5). For a more complete summary of the procedural history of the FEIR, see *FEIR, Comments Received and Responses for the Los Angeles County Board of Supervisors* (February 1991), Section 1.0, Introduction, pages 1-3.

Thereafter, on or about March 22, 1991, the North Valley Coalition of Concerned Citizens and the City of Los Angeles ("petitioners") filed separate lawsuits in the Los Angeles Superior Court against the County of Los Angeles and the applicant, Browning-Ferris Industries, Inc. (Case Nos. BS 006501 and BC 024160, respectively) challenging the project approvals identified above, the sufficiency of the FEIR and the propriety of the amendments to the County's General Plan. These actions were later consolidated and tried together (hereinafter "the lawsuit"). Trial commenced on October 16, 1991, and concluded on February 4, 1992. On or about March 20, 1992, the Court, per the Honorable Ronald M. Sohigian, Judge, issued its Statement of Decision. Final judgment was entered and a peremptory writ of mandate was issued by the Court on or about April 22, 1992.

This Addendum to the FEIR is intended to bring the FEIR into compliance with the Final Judgment and Peremptory Writ of Mandate, and will be submitted to the Board of Supervisors for its reconsideration of its certification of the FEIR and approval of the Sunshine Canyon Landfill Extension project.

ANALYSIS OF THE COURT DECISION

In the lawsuit, nearly every aspect of the environmental analysis of this project was challenged by petitioners and extensively analyzed by the Court. The Court's Statement of Decision is 71 pages in length and contains detailed findings. The Court's findings indicate that, with few exceptions, the environmental analysis of the project related impacts was adequate, that the County adequately supported its conclusion that it was facing a trash disposal crisis, that alternative sites were adequately analyzed, that a reasonable range of alternative project configurations was properly discussed in the FEIR, that the project approval complied with state waste management laws, that the County properly exercised its independent judgment in the preparation of the FEIR, that the County complied with its Oak Tree Ordinance, and that the approval of the General Plan Amendment for this project was procedurally proper.

As noted, the Court did require certain additions and corrections to the FEIR. Those areas of the FEIR requiring such additions and corrections, which are identified in the Court's Statement of Decision and the Final Judgment and Peremptory Writ of Mandate, are as follows:

1. Failure to properly respond to Councilman Hal Bernson's comments concerning BFI's asserted record of not having complied with zoning variance conditions imposed by the City of Los Angeles within the City's jurisdiction at the Sunshine Canyon site, and declaring and deeming the comments to be irrelevant;
2. Failure both to incorporate in the topical responses of the FEIR and to cross-reference in that document comments from expert County agencies regarding Elsmere Canyon. (See *DEIR, Responses to Comments, Volume A*, (July 1990), Section 5.0, pages 497-499, especially comment 896, and compare with topical responses and *DEIR, Volume III*, (July 1989), Section I Introduction, pages 7 and 8, Comments 7 and 8).
3. Failure to cause the Significant Ecological Area Technical Advisory Committee ("SEATAC") to review the EIR in either draft or final form before making recommendations on the project;
4. Failure to adequately explain the cumulative air emissions analysis;
5. Failure to adequately analyze the asserted inconsistency with the City of Los Angeles General Plan; in particular, BFI's asserted past non-compliance with City zoning regulations; and
6. Failure to adequately discuss the impacts of denying use of the landfill to City of Los Angeles trash haulers.

Five of the deficiencies described above (Nos. 1, 2, 4, 5 and 6) are fully addressed in the following sections. As for item No. 3, SEATAC members will be provided with a complete copy of the FEIR and this Addendum to the FEIR prior to SEATAC'S issuing its recommendations to the Board of Supervisors.

THE FUNCTION OF AN ADDENDUM TO AN EIR

Under the California Environmental Quality Act ("CEQA"), an addendum to an EIR is used where only minor technical changes or additions are necessary to make the EIR adequate under CEQA, and those changes do not raise important new issues about significant effects on the environment. (State CEQA Guidelines, section 15164) This *Addendum to the FEIR* is intended to make those technical changes and additions which are specified by the Court's Writ of Mandate. These technical changes and additions do not raise any new issues regarding significant impacts on the environment.

SECTION 2.0

**RESPONSES TO LOS ANGELES CITY COUNCILMAN HAL BERNSON'S COMMENTS
BEFORE THE LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION
(NOVEMBER 2, 1989), AND BEFORE THE LOS ANGELES COUNTY BOARD OF
SUPERVISORS (NOVEMBER 29, 1990)**

SECTION 2.0

RESPONSES TO LOS ANGELES CITY COUNCILMAN HAL BERNSON'S COMMENTS BEFORE THE LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION (NOVEMBER 2, 1989) AND BEFORE THE LOS ANGELES COUNTY BOARD OF SUPERVISORS (NOVEMBER 29, 1990)

INTRODUCTION

The *Responses to Comments, Volume A* (July 13, 1990), of the Final Environmental Impact Report ("FEIR"), provides responses to comments, recommendations and requests for information from the Los Angeles County Regional Planning Commission ("County Regional Planning Commission"), public agencies, organizations and the general public expressed in written submittals and orally during the public hearings held on the draft environmental impact report ("DEIR") for the proposed landfill extension project (October 4, 1989; November 2, 1989; January 17, 1990; and February 22, 1990) pursuant to section 15088 of the State CEQA Guidelines, as amended. In most cases, the comments are verbatim and taken directly from the comment letters; in other cases, the comments or hearing testimony are paraphrased as appropriate. Copies of the original comments, letters and hearing transcripts are contained in a separate volume, *FEIR, Responses to Comments, Volume B* (July 1990).

In addition, another document which forms a part of the FEIR entitled *FEIR, Comments Received and Responses for the Los Angeles County Board of Supervisors* (February 1991) provides information and responses which address written and oral comments on the FEIR received from public agencies, organizations and the general public during the formal 45-day FEIR review period ending November 26, 1990, the Board of Supervisors public hearing for the proposed landfill extension project held on November 29, 1990, written comments accepted through December 15, 1990 and select pertinent letters from agencies. For additional information concerning these responses to comments volumes which form a part of the FEIR, see *DEIR, Response to Comments, Volume A* (July 13, 1990), pages 1-2 and *FEIR, Comments Received and Responses for the Los Angeles County Board of Supervisors* (February 1991), Section 1.0 Introduction, pages 1-3.

On November 2, 1989, the County Regional Planning Commission held a public hearing at John F. Kennedy High School in Granada Hills to receive verbal testimony on the proposed project known as the Sunshine Canyon Landfill Extension. Many representatives of governmental agencies, homeowners groups and interested parties spoke at the public hearing. In particular, City of Los Angeles Councilman Hal Bernson testified. Councilman Bernson's written testimony was submitted, and his verbal testimony was subsequently included verbatim as part of the public record in the *DEIR, Responses to Comments, Volume B* (July 1990), Section 6.0(B) Regional Planning Commission Hearings of Verbal Comments, November 2, 1989 Public Hearing, pages 54-58 and *DEIR, Responses to Comments, Volume B* (July 1990), Section 5.0(C) Other Comments from Citizens, Agencies and Organizations). For assistance in locating the full text of his comments, see *DEIR, Responses to Comments, Volume B* (July 1990), Table of Contents. Councilman Bernson's comments were not directly responded to in the Responses to Comments volumes of the DEIR because they were related to the existing operations within the City and were not considered at that time to be directly relevant to the environmental analysis for the proposed project. (See *DEIR*,

Responses to Comments, Volume A (July 13, 1990), Section 6.0 Planning Commission Hearings Verbal Comments, page 630). Some of the areas of concern discussed by Mr. Bernson in his testimony were, however, addressed in responses to comments made by the City agencies which have primary responsibility for compliance with the City landfill operation. (See page 2-4 for comments by the City's Enforcement Division of the Bureau of Sanitation and *DEIR, Responses to Comments, Volume B*, (July 1990), Section 6.0(A) Regional Planning Commission Hearings Verbal Testimony, page 69 and 70).

In addition, the Board of Supervisors accepted both written and verbal comments at its November 29, 1990 public hearing on the project. At this public hearing, Councilman Bernson testified. His testimony was subsequently included verbatim in that volume of the FEIR entitled, *FEIR, Comments Received and Responses for the Los Angeles County Board of Supervisors* (February 1991), Attachment C, pages 31-38. For assistance in locating Councilman Bernson's verbatim comments, see *FEIR, Comments Received and Responses for the Los Angeles County Board of Supervisors* (February 1991), Table of Contents. Councilman Bernson's comments were identified in some of the responses in that volume, specifically, Sections 3.1 Project Description/EIR Process; 3.2 Geology; and 3.11 Alternatives. (See *FEIR, Comments Received and Responses for the Los Angeles County Board of Supervisors* (February 1991), Section 1.0, Introduction, page 1). Again, many of Councilman Bernson's comments were not directly responded to because they were not considered at that time to directly relate to the environmental analysis.

In light of the Judgment and Writ of Mandate issued by the Court in this matter, the following responses have been prepared to specifically address Councilman Bernson's comments to the County Regional Planning Commission on November 2, 1989, and the Board of Supervisors on November 29, 1990, insofar as such comments have not been previously responded to. In general, the issues raised in the Councilman's testimony relate to the existing Sunshine Canyon Landfill operations within the City of Los Angeles. (See *DEIR, Responses to Comments, Volume B* (July 13, 1990), Section 6.0(B) Planning Commission Hearings Verbal Comments, pages 54-58). The Responses to Comments volumes are amended by this *Addendum to the FEIR*, and Councilman Bernson's comments, in light of the Court's ruling, are relevant to the environmental analyses and are responded to below.

COUNCILMAN BERNSON'S COMMENTS (EXCERPT/VERBATIM) BEFORE THE COUNTY REGIONAL PLANNING COMMISSION

During my first five years in office I had virtually no complaints about Sunshine Canyon. However, all that changed in 1984. Slowly we began to receive complaints about the operation of the dump. First odors, then dust, later trucks blowing trash, and finally, the visual pollution of the berm or dam as the residents call it. In the first year we had a few dozen complaints, but by 1987 we were receiving hundreds of calls. By the end of 1987 we'd received over a thousand complaints. This increase in calls is in direct proportion to the growth of the landfill. In the 1960's and early 70's it was a small local dump that took as little as 5-10 tons of refuse a week. By 1987, the dump was taking an estimated 7,500 tons each and every day. It was no longer a small, unknown dump. It was a mega dump and a massive community problem. (See *DEIR, Response to Comments, Volume B* (July 1990), Section 6.0(B), Regional Planning Commission Hearings Verbal Comments, pages 54 and 55).

RESPONSES

Councilman Bernson's comments state that odors, fugitive dust, litter and aesthetics were problems at the existing landfill in the City. These issues have been addressed in the FEIR prepared for the Sunshine Canyon Landfill Extension in the County, and were subsequently addressed as imposed conditions of project approval, mitigation measures or required as part of the Monitoring Program by the County. The County believes the conditions of project approval together with the required mitigation measures evidence its careful consideration of the proposed landfill operation and the extraordinary measures adopted to ensure compliance by the landfill operator. It should be noted that many of these mitigation measures were voluntarily undertaken by the project applicant in the late 1980's and their proven effectiveness became the basis for the County's subsequent adoption of such measures into the Conditional Use Permit.

Councilman Bernson's specific complaints are addressed below.

Odors

The South Coast Air Quality Management District (SCAQMD), the agency regulating landfill odors, indicated at a public hearing held on January 21, 1987, that after numerous inspections, it was determined that the landfill was not the source of odors which had caused complaints from adjacent residential areas, and that existing odor control procedures utilized at the landfill were effective in controlling refuse odors. (See *DEIR, Responses to Comments, Volume A* (July 13, 1991), Section 4.0, Response 290, page 241; and *DEIR, Volume I* (April, 1989), Section 3.2.7 Odor/Landfill Gas, page 186).

It was determined by the SCAQMD that these odors which were apparently causing odor complaints were not associated with the existing landfill or its operation. The primary odor detected by SCAQMD in the general area around Sunshine Canyon was from natural sulfur compounds which are located in the adjacent watershed area. Sulfur compounds from the adjacent watershed area are naturally released into the air when groundwater reaches the surface through natural seeps and springs. These natural seeps and springs are located southwest of the existing landfill, near Bee Canyon and O'Melveny Regional Park and adjacent to existing residential areas. In addition, oil well and gas injection storage operations, are located southwest of the existing landfill. Another potential source of odor identified by the SCAQMD was from local refinery operations. (See *DEIR, Volume I* (April 1989), Section 3.2.7 Odor/Landfill Gas, page 186; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 20, page 47, and Section 4.0, Response 291, page 241; and *FEIR, Comments Received and Responses* (February 1991), Section 3.7 Air Quality/Landfill Gas, page 44).

Dust

In 1988, the landfill operator implemented innovative procedures such as the usage of soil sealant to effectively minimize fugitive dust migration from the operating landfill area. Since the implementation of these procedures the operator received only two dust violations from SCAQMD relating to the operation of the City landfill. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 5.0 Other Comments from Citizens, Agencies and Organizations, Response 835, page 466). Both incidents occurred on non-operating days at the landfill. Dust suppression

methods are used at the landfill, including the use of watering trucks to reduce fugitive dust emissions from roadways, waste disposal operations and excavating and grading activities. Additional site operational measures included site watering and hydro-mulching, and dust control accomplished through the temporary revegetation of the landfill surface. (See *DEIR, Volume I* (April 1989), Section 3.2.6, Air Quality, pages 178-180 and *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 15, pages 37-40, Topical Response 17, page 44). In addition, the operator has developed a refined soil treatment and transport abatement plan to further ensure that the generation of dust is effectively controlled at the County landfill site and these measures have been incorporated into the Conditional Use Permit and Mitigation Monitoring Summary, as outlined on page 2-7 and page 2-8 of this *Addendum to the FEIR*. These measures include:

- ▶ Keeping the landfill working face to small contained areas of approximately 2 to 3 acres;
- ▶ Moistening the daily cover material with water containing a soil sealant;
- ▶ Moistening the active cut area of the landfill with water on a daily basis, and if wind conditions indicate a potential exposure of a cut area, a soil sealant will be applied;
- ▶ Hydraulically applying a natural ground wood fiber over the landfill slopes and mixing the fiber with binding agents, seed, and fertilizer;
- ▶ Lengthening the pavement area of onsite haul roads to minimize the length of dirt haul roads, and periodically cleaning the paved areas to remove any soils tracked in from vehicles utilizing the landfill;
- ▶ Mulching with seed areas that are to be left inactive for a period of 180 days or more and those areas that have received final cover material;
- ▶ Moistening the daily cover on the active face areas of the landfill with water daily, unless wind conditions preclude such use, in which case, soil sealant will be applied; and
- ▶ Treating areas that are left inactive for a period of 90 days or more with soil sealant.

(See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 17, pages 42-44; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Appendix 4 Sunshine Canyon Soil Treatment and Transport Abatement Plan; and *DEIR, Volume I* (April 1989), Section 3.2.6 Air Quality, pages 178 and 179).

In addition, the landfill operator agreed to have additional water trucks, equipment and operators on-site and available on non-operating days, including Sundays, for dust control. Ms. Penny Weiland, of the Enforcement Division of the Bureau of Sanitation (the co-Local Enforcement Agency for the landfill), made the following verbal comments before the County Regional Planning Commission on October 4, 1989: "On BFI's part, they have gone above and beyond what the Bureau has required to further reduce off-site litter and dust. Now, they have installed a 65-foot [25-foot] permanent litter net which runs along 3,000 feet of the southern boundary. They control the dust on the final side slopes and surfaces by using a soil sealant that they apply, and this has

been successful in eliminating any dust in winds as high as 100 miles per hour." (See *DEIR, Responses to Comments, Volume B* (July 1990) Section 6.0(A), Regional Planning Commission Hearings Verbal Testimony, pages 69 and 70; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 17, pages 42-43; Section 4.0 North Valley Coalition (NVC) Comments, Response 132, pages 158-159, Response 135, page 161 and Response 683, page 371; and Section 5.0 Other Comments from Citizens and Organizations, Response 825, page 461).

Litter

Extensive litter control measures have been implemented at the landfill to control windblown litter and debris. These measures include the usage of portable litter fences adjacent to the active working face, and the installation of a 25-foot secondary netting fence, around approximately 3,000 feet of the landfill's perimeter, which was installed in 1989. Additionally, during high wind periods, a designated wind shielded working face area was utilized. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 23, page 50, and Section 4.0 North Valley Coalition (NVC) Comments, Response 134, page 160; *DEIR, Volume IIB* (April 1989), Appendix Y, Litter Control Program, and updated in *DEIR, Volume III* (July 1989), pages 10-12).

Ms. Penny Weiland of the City Bureau of Sanitation, stated that, "BFI was ordered by our staff in January and April of '87 to make some additional corrective measures such as purchasing water trucks, landscaping of the final slopes, expansion of their litter pick-up program to include residential community and the park area...With the exception of the landscaping, other requirements were completed in June of 1987." (See *DEIR, Responses to Comments, Volume B* (July 1990), Section 6.0(A) Regional Planning Commission Hearings Verbal Comments, page 69).

In addition, the landfill operator also provided a daily litter clean-up program for the residential areas surrounding the landfill as well as open space and park areas. These litter control measures were proven effective according to the verbal comments of Mr. Charles Coffee, Program Director of the Department of Solid Waste Management, County of Los Angeles Department of Health Services (the co-Local Enforcement Agency for the landfill) before the County Regional Planning Commission on October 4, 1989. At that hearing, Mr. Coffee stated that "for the period from March 31, 1981 to the present, this department had made 327 inspections of the facility and found only six occasions of violations involving litter and/or dust." He further stated that "in reviewing our complaint file, I found that during the period January 27, 1984 through August 6, 1987, we received two litter complaints from the public, and in each instance the litter was cleaned up immediately after, following notification of the landfill operator...our file shows we have not received any complaints regarding the landfill in the last two years." (See *DEIR, Responses to Comments, Volume B* (July 1990), Section 6.0(A) Regional Planning Commission Hearings Verbal Comments, pages 73 and 74; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 6.0 Planning Commission Hearing Verbal Comments, Response 1026, page 622; and *DEIR, Volume I* (April 1989), Section 1.3.7 Dust Suppression and Litter Control, page 51).

Aesthetics, Visual Pollution and Berm

It should be noted that the southern berm of the existing landfill referenced in Councilman Bernson's comments is the closest portion of the top operating plateau overlooking residential areas

of Granada Hills (approximately 1,600 feet away), and the landfill operations directly behind the berm area were completed in 1988. (See *DEIR, Volume I* (April 1989), Section 2.4, pages 74-78, Section 3.2.9, page 214, Section 3.2.10, page 229; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 4.0 North Valley Coalition (NVC) Comments, Response 34, page 98).

Since May 1988, a tree planting program has been implemented within the offsite buffer area located south of the existing landfill to provide visual enhancement to the residential neighborhood of Granada Hills. A variety of plant species, both native and non-native, have been planted within this 100-acre buffer area. Currently, over 10,900 trees and shrubs have been planted as part of this program, including over 1,367 Coast Live Oak trees. The trees planted in the buffer zone augment the existing ridge lines blocking site lines from the neighborhood below and alleviate to some extent the visual impact of the berm. (See *DEIR, Comments Received and Responses* (February 1991), Section 3.4 Biota (Flora/Fauna), page 28; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 15, page 40, and Section 4.0 North Valley Coalition (NVC) Comments, Response 53, page 109 and Response 150, page 167).

SUMMARY OF MITIGATION MEASURES AND CONDITIONS OF PROJECT GRANT

When the County Board of Supervisors certified the FEIR on February 19, 1991 for the Sunshine Canyon Landfill Extension, Board of Supervisor members approved concurrently the Compound Plan Amendment No. 90-2-(5), Sub-Plan Amendment No. 86-312-(5), and the Conditional Use and Oak Tree Permit No. 86-312-(5). The Conditional Use and Oak Tree Permit contain conditions imposed upon the development, operation, and maintenance of the project. These permits contain conditions necessary to implement the mitigation measures and programs identified in the FEIR and, moreover, contain a comprehensive Mitigation Monitoring and Reporting Program for carrying out the conditions and mitigation measures imposed.

The mitigation measures imposed as part of the project approved by the Board of Supervisors, and contained in the Mitigation Monitoring Summary, collectively ensure that the Sunshine Canyon Landfill Extension in the County successfully complies with the conditions of the project grant and the Monitoring Programs as set forth in the FEIR for the project. The mitigation measures were prepared in accordance with the provisions of Sections 21081.6 of the Public Resources Code. Furthermore, the mitigation measures are intended to complement the enforcement and monitoring programs administered by County agencies, including the Local Enforcement Agency, and by public agencies other than the County of Los Angeles. These agencies include: the California Integrated Waste Management Board, the Los Angeles Regional Water Quality Control Board, the State Water Resources Control Board, the South Coast Air Quality Management District, the California Department of Fish and Game, the State Department of Health Services and the United States Army Corps of Engineers.

The connection between the landfill operator's performance in the City and the project proponent's future ability to comply with imposed rules and regulations by federal, state, regional and local agencies is very important to all parties involved. The County considered the operational history and performance record of the existing City landfill in developing strict and enforceable environmental protection measures for the landfill extension that far exceed those requirements and the enforcement authority under which the existing landfill had operated.

The Mitigation Monitoring Summary contains mitigation measures imposed upon the Sunshine Canyon Landfill Extension, and many of these measures relate directly to odors, fugitive dust, litter and aesthetics.

Mitigation measures imposed for odors include:

- ▶ Landfill gases will be prevented from escaping to the atmosphere through control measures which are also effective in controlling odor. The control measures include covering the working face, on a daily basis, filling any surface cracks in the cover material with clean dirt, and extracting landfill gases through the use of a landfill gas extraction system.
- ▶ The gas collection system will be installed in phases, as each portion of the site is filled. The final system will contain a network of gas extraction wells, collection system piping, and flaring facilities.
- ▶ The following odor/landfill gas monitoring program will be implemented for the landfill. The monitoring program complies with the requirements of the South Coast Air Quality Management District Rule 1150.1 and those of the County Department of Public Works. This program will include:
 - Probe installation - One probe per 500 to 1,000 feet of landfill perimeter, or as otherwise determined by the SCAQMD, will be installed in the locations of greatest concern. These probes will be monitored to ensure that gas is not migrating off-site through the subsurface soils.
 - Integrated landfill surface sampling - The landfill surface will be periodically monitored to ensure that the average concentration of total organic compounds over the landfill surface does not exceed the SCAQMD's standard of 50 ppm.
 - Ambient air samples at the landfill perimeter - Periodically, 24-hour integrated gas samples and required meteorological data will be taken to assess any impact the landfill is having on the air at the landfill perimeter.
 - Instantaneous landfill surface monitoring - Spot checks on the landfill surface will be made to determine that the maximum concentration of Reactive Organic gas compounds measured as methane measured at any one point on the landfill's surface does not exceed the SCAQMD's standard of 500 ppm.

(See *FEIR, Mitigation Monitoring Summary* (February 1991), Odor/Landfill Gas, pages 28-29).

The following mitigation measures have been imposed for fugitive dust:

- ▶ The permittee will control fugitive dust and minimize off-site migration of wind-blown dust from the landfill extension site in accordance with the South Coast Air Quality Management District's Rule 402 and Rule 403. Measures to be employed for dust control include containing operations to small 2 to 3 acre active fill areas (other operations areas for liner preparation, cut for cover, etc., will be kept to maximum 5-acre areas each), paving of access roads and regular

cleaning of pavement, daily landfill surface watering including the use of soil sealant where appropriate, and covering slopes with a hydro-mulch blanket. A soil stabilization product will be used to control blowing dust and silt, retard erosion, and enhance revegetation. The sealant is applied to selected working areas of the landfill at the end of each operating day. The sealant will also be used as a binder or tackifier to hold seed, mulch and fertilizers in place until grasses become established and stabilize the landfill surface. Equipment and operators will be working on-site and available on non-operating days for soil treatment and dust control.

- ▶ Dust control will also be accomplished through temporary revegetation of the landfill surface. A temporary vegetation cover will be established on all slopes that are to remain inactive for a period longer than 180 days. Specifications of temporary revegetation measures are provided in the case permit conditions.
- ▶ Access roadways will be paved up to the active fill to minimize fugitive dust emissions. Paved roadways will progress up the canyon to new active areas as the fill level increases.
- ▶ Material cut from one portion of the site will be used as cover material in an adjacent area, to the extent technically feasible, to reduce the distance cover material is transported.
- ▶ A (subject to approval by regulatory agencies), 20-foot maximum cell height (which includes 9-inch daily cover) will be utilized. In addition to allowing efficient filling operations, such a cell height will minimize the disturbed area of the landfill site at any one time since the longer period of operation on each cell will more effectively control fugitive dust emissions.
- ▶ The landfill will be operated in accordance with South Coast Air Quality Management District Rule 1150.1 and other applicable SCAQMD regulations and will also comply with applicable Department of Public Works requirements.

(See *FEIR, Mitigation Monitoring Summary* (February 1991), Air Quality, pages 24-25).

The following mitigation measures have been imposed for litter:

- ▶ The permittee's on-site litter control program will include, unless otherwise provided by the Local Enforcement Agency, the following:
 - Landfill personnel will continuously patrol the access road to the scales from the time it opens to the time it closes in the evening;
 - Improperly covered or contained loads which may result in a significant release of litter will be immediately detained and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load will be conducted under escort to the working face;
 - All debris found on or along the entrance and working face access roads will be immediately removed;

- Operating areas will be located in wind shielded portions of the landfill during windy periods; and
 - The permittee will install litter fences in the operating areas, as deemed necessary by the Local Enforcement Agency to enforce the intent of this condition.
- ▶ The permittee will, to the satisfaction of the Director of Public Works and the Local Enforcement Agency, maintain programs aimed at controlling the discharge on the landfill and recovery of litter from uncovered or improperly covered or contained loads traveling to the landfill.
 - ▶ The measures will 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.

(See *FEIR, Mitigation Monitoring Summary* (February 1991), Visual, pages 35-37).

In addition, mitigation measures have been imposed for aesthetics, including;

- ▶ The maximum permitted elevations for the landfill will not be allowed to be exceeded at any time during landfill development and will be verified through survey control points.
- ▶ The finished elevations for the landfill extension surface will be maintained well below the closest adjacent abutting external ownership perimeter ridgeline.
- ▶ The top of the landfill flares will be below the adjacent ridges and the flare will be totally contained within the stack of the flare.
- ▶ The cover-material excavation areas will be confined as much as possible to areas which will later be filled.
- ▶ As part of revegetation efforts for the landfill extension, the upper ridges of the canyon will be planted with native species (oaks and ground cover) to both supplement the existing vegetation on the ridges and to reestablish naturally bare areas.
- ▶ Trees will be planted around the outer enclosing ridges of the entire landfill perimeter.
- ▶ The landfill revegetation measures identified in the conditions of grant and closure plans will be implemented.
- ▶ The final cover will be landscaped with a ground cover mix and plant species that are compatible with the immediate area, and will be maintained in a natural setting until the time that it is converted to its final use.
- ▶ The 100-acre buffer zone on the southern boundary of the landfill will be maintained, and enhanced.

(See *FEIR, Mitigation Monitoring Summary* (February 1991), Visual, pages 34-35).

Project approval of the Sunshine Canyon Landfill Extension was tailored to retain substantial control and oversight by the County and other responsible agencies. The County by only approving a Conditional Use Permit for 17 million tons of capacity (instead of the full 70 million tons originally requested by the project applicant on the County portion of Sunshine Canyon) allows for continued review by the County of Los Angeles prior to any further additional expansion in the County.

The County approval is such that the lower reaches of the canyon will first be developed rather than the uppermost reaches of the canyon area. This engineered design minimizes the removal of significant biotic resources and, if the City should choose to approve capacity within their jurisdictional boundary, this action could further minimize adverse environmental effects and could mitigate impacts through additional project conditions.

In addition to mitigation monitoring program measures imposed as part of project approval by the Board of Supervisors to effectively minimize, reduce, avoid or compensate for the potential adverse effects of the project, conditions of the project grant ensure strict and enforceable environmental protection measures for the landfill extension.

Conditions of project grant that would be directly responsive to Councilman Bernson's comments as previously stated include:

► Condition 4

A Monitoring Program is incorporated into these conditions by reference requiring the permittee to fully perform each action required of it by the monitoring program as if it were specifically set forth in these conditions.

► Condition 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 approximately 524 acres within an area referred to as East Canyon.

► Condition 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 cleaned to remove dirt left by trucks and other vehicles.
- j. All dirt roads in regular use shall be watered at least once daily in 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.

► Condition 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.

► 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.

► Condition 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.

► Condition 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.

► Condition 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.

► Condition 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.

► Condition 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.

► Monitoring Program, Part II (B)

The Local Enforcement Agency shall maintain at least one, inspector at the landfill at times when waste is being received and processed, for inspection and enforcement activity.

► Monitoring Program, Part VII (A)

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

► Monitoring Program, Part VII (B)

Before removing any oak or 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 douglas fir replacement program.

► Monitoring Program, Part IX

An ad hoc committee of County agencies shall be established for the purpose of reviewing, coordinating and certifying satisfactory completion 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.

COUNCILMAN BERNSON'S COMMENTS (EXCERPT/VERBATIM) BEFORE THE COUNTY REGIONAL PLANNING COMMISSION

In response to the growing problem, I initiated a nuisance complaint for revocation of zoning. In March 1988, a hearing was conducted by the Los Angeles City Zoning Administrator. At that time, the Zoning Administrator ruled in favor of the neighbor and essentially found BFI guilty of violating conditions of their existing Conditional Use [Permit]. The ruling consisted of over 60 pages, but there were some significant statements made by the Zoning Administrator. I will quote two of them here (Quote from John Parker, Associate Zoning Administrator): "There are sufficient grounds to conclude that certain conditions of the variance have not been complied with, and that certain activities conducted on the property have proven to be materially detrimental to occupants in the surrounding property, and additional conditions are necessary to protect the public health, safety, and general welfare."

Continuing later in the ruling he states, "Dust as well as rubbish blowing from the landfill constitute violations of Condition 13, in context, the strong winds which blow from the

north. This landfill is probably in a poor location. Let me repeat that one more time. This landfill is probably in a poor location."

Numerous other violations were proven in this case. BFI not being satisfied and continuing to claim their innocence appealed the matter to the Board of Zoning Appeals who heard the case in December 1988. Not only did the BZA once again rule against BFI, but they added some new conditions. One of which is, and I quote the BZA ruling, "There was significant cause to terminate landfill operations on the majority of the site by the end of 1989."

Once again, BFI could not admit that they were wrong. So they appealed once again to the next level, the City Council. At a hearing before the Planning and Environment Committee of the City Council in April of 1989, the Committee voted unanimously to support the two previous hearing conclusions and recommended closure to the City Council. The Council then ratified the previous rulings even though they were under similar pressure as is now the County to find new landfill locations and that's significant because we were under the same pressure.

BFI won't admit that they're—won't admit it, but they have been proven time and time again to be wrong. They've had their day in court and were found guilty. For this commission to allow Sunshine Canyon to continue to pollute the neighborhood would be an environmental disaster.

One, we viewed the matter as a land use issue and kept the debate to that narrow definition. Two, we reviewed the current operation and found it to be in violation of numerous conditions. And three, we found BFI to be a major contributor to the environmental degradation of the area. We took action to close this dump. I can only reiterate the remarks of the Zoning Administrator, John Parker, in his comments when said, "In context to the strong winds which blow from the north this landfill is probably a poor location." (See *FEIR, Responses to Comments, Volume B* (July 1990), Section 6.0(B), Regional Planning Commission Hearings Verbal Comments, pages 55-58).

RESPONSE

It is acknowledged that the City of Los Angeles has determined that certain conditions of the zoning variance were violated by Browning-Ferris Industries. The operator contends that the boundary and height violations determined to have occurred resulted from ambiguous findings and conditions in the zoning variance and that these violations were not detrimental to surrounding property owners. However, in order to insure that all boundary and height limits of the proposed landfill are complied with, the Board of Supervisors has imposed precise and strict conditions concerning operation of the landfill. (See *FEIR, Mitigation Monitoring Summary* (February 1991); e.g., page 2-7 above.)

COUNCILMAN BERNSON'S COMMENTS (EXCERPT/VERBATIM) BEFORE THE COUNTY BOARD OF SUPERVISORS

Now, the last ten years have been the main problem -- 10 or 12 years. We've had numerous violations. We've exceeded the height limitations. They were closed by the City

of Los Angeles, because of the -- of the operation, the manner that the landfill was operated, and because of these violations, and because of the fact that it was obvious that type of landfill and that type of capacity was not suited to be near a residential community, such as Granada Hills. (See *FEIR, Comments Received and Responses* (February 1991), Section 5.0, Original Comments Received, Attachment C, Verbal Testimony given at November 29, 1990 Board of Supervisors Public Hearing, page 33).

RESPONSES

With respect to the Councilman's concerns regarding the proximity of the landfill to a residential community such as Granada Hills, studies were conducted to determine whether property values would be adversely affected by the landfill. As noted in Section 2.5, Existing Land Uses, of the DEIR, surrounding land uses located in close proximity to the proposed project were addressed. The DEIR indicated that, "The attractiveness of Granada Hills neighborhoods, the continued appreciation of home prices in Granada Hills ("Area Home Sales," Daily News, Valley Business section, September 12, 1988), the construction of new homes even closer to the existing landfill, and the location of the proposed project site farther from residential development than the existing facility are all factors which signify that the proposed project is not expected to have a significant effect on real estate values. To date, there is no evidence that the Sunshine Canyon Landfill has affected property values in the subject residential area." (See *DEIR, Volume I* (April 1989), Section 2.5 Existing Land Uses, page 76).

In addition, the environmental studies performed in connection with this FEIR have determined that the proposed project will have no adverse impact on the health and safety of the residential community adjacent to Sunshine Canyon. (See *DEIR, Volume I* (April 1989), Section 3.2.6 Air Quality and Section 3.2.7 Odor/Landfill Gas, pages 154-191, Section 3.2.2 and 3.2.2 and 3.2.3 Surface Water and Groundwater, pages 101-122; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Topical Responses 6, 7, 8 and 9, pages 17-27 and Topical Responses 17, 18, 19 and 20, pages 42-47).

Additionally, the County landfill will be subject to strict and enforceable conditions of the project grant. As previously mentioned the mitigation measures collectively ensure successful compliance with conditions of project grant. (See Section 2.0 of this *Addendum to the FEIR, Summary of Mitigation Measures*, page 2-6 through 2-9 for a discussion of odors, fugitive dust, litter and aesthetics).

Similarly, the landfill operator has implemented a tree planting program within the offsite buffer area south of the existing landfill to provide visual enhancement to the residential neighborhood of Granada Hills. (See this *Addendum to the FEIR*, Section 2.0, page 2-5, Aesthetics, Visual Pollution and Berm).

COUNCILMAN BERNSON'S COMMENTS (EXCERPT/VERBATIM) TO THE COUNTY BOARD OF SUPERVISORS

Well, first, let me try to respond to some of those [Supervisor Schabarum comments], if I may. First of all, I'm not saying that the City's decision in granting that permit back in the '60's was correct. In fact, if that decision were to be made today, even based upon

what was proposed to be put in there at that time, which was a ton-and-a-half a week, I would doubt whether the council would approve it.

A ton and-a-half is what they originally started with in that particular -- and it wasn't garbage. It was construction materials and other types of refuse like that, leaves and things of that nature.

The second thing is that there haven't been a lot of homes built in the last ten years, in that area—or 12 years. As a matter of fact, most of the homes that are in that area, below it, have been there for over 20 years. So at the time those homes were built, that was a very, very small landfill, not the second largest in the state.

RESPONSES

The existing landfill in the City began landfilling operations in the 1950's. The existing landfill was permitted by the City Zoning Variance (Case No. 17804), on April 18, 1966. This variance as approved by the City had no restrictions on the amount of waste intake that was to be received at the landfill. (See *DEIR, Volume I* (April 1989), Section 1.0 Project Description, page 28 and Section 2.0 Description of Environmental Setting, page 74).

Although residential homes have been built in the vicinity of the existing landfill, permit applications for these projects were also approved by the City. As stated by Supervisor Schabarum, "Those houses are there as a consequence of zoning and planning decisions by the City Council of the City of Los Angeles." (See *FEIR, Comments Received and Responses* (February 1991), Section 5.0 Original Comments Received, Attachment C, Verbal Testimony given at November 29, 1990 Board of Supervisors Public Hearing, page 36).

For further information regarding zoning and the environmental setting of the project, see *DEIR, Volume I* (April 1989), Section 2.0, Description of Environmental Setting, pages 68-80.

SECTION 3.0

**REVISIONS TO TOPICAL RESPONSES OF THE FINAL ENVIRONMENTAL IMPACT
REPORT TO INCORPORATE AND CROSS-REFERENCE EXPERT COUNTY
AGENCIES COMMENTS REGARDING ELSMERE CANYON**

SECTION 3.0

REVISIONS TO TOPICAL RESPONSES OF THE FINAL ENVIRONMENTAL IMPACT REPORT TO INCORPORATE AND CROSS-REFERENCE EXPERT COUNTY AGENCIES COMMENTS REGARDING ELSMERE CANYON

INTRODUCTION

The topical responses in Section 2.0 of the *DEIR, Volume A* (July 13, 1990) were intended to provide "elaborative and clarifying information prepared in response to comments, recommendations and requests for information from the County Regional Planning Commission, responsible agencies, and the general public" expressed in both writing and in verbal testimony during the DEIR review period and County Regional Planning Commission proceedings. The topical responses addressed the primary issues that most frequently appeared in the various comments and provide more comprehensive discussions of these issues to supplement the individual responses provided for each comment in Sections 3.0 through 6.0 of the *DEIR, Volume A* (July 13, 1990). The topical responses are not intended to supplant responses to individual comments, nor do they address all issues raised by individual comments. The court in its Judgment and Writ of Mandate ruled that the FEIR must incorporate in the topical responses and cross-reference in the DEIR comments from expert County agencies regarding Elsmere Canyon. The following revisions are intended to address this requirement.

TOPICAL RESPONSES RELEVANT TO ELSMERE CANYON

The Elsmere Canyon Landfill project is a new solid waste disposal facility proposed for development approximately 2 miles to the northeast of Sunshine Canyon on the western slope of the San Gabriel mountains within a portion of the Angeles National Forest, intended to be operational by 1996. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 29, page 65).

Three of the topical responses in Volume A of the DEIR either directly or indirectly have relevance to the Elsmere Canyon project. The three topical responses are:

Topical Response 25: Long-Term Alternatives: Los Angeles County Solid Waste Management Action Plan and Waste Management Options

A comprehensive overview of solid waste management issues in Los Angeles County; the status of existing available disposal capacity in the regional landfill system; prospective measures for future implementation as outlined in the County's Solid Waste Management Action Plan including expansions of existing facilities and development of new disposal sites (such as Elsmere Canyon); and potential waste diversion options to reduce the demand on landfill disposal. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 25, pages 52-57).

Topical Response 26: Need for the Proposed Sunshine Canyon Landfill Extension and Availability of Short-Term Alternatives

An assessment of the ability of the existing regional disposal system to accommodate waste demands within the 1991 to 1995 short-term period without the expansion of Sunshine Canyon or provision of some other additional disposal capacity including the availability of Elsmere Canyon Landfill. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 26, pages 58-60).

Topical Response 29: Cumulative Impacts of Sunshine Canyon Landfill and Other Potential Landfill Sites

A discussion of the potential combined environmental impacts of the simultaneous operation of Sunshine Canyon and one or more of four new possible landfill sites identified in the County's Action Plan for further study and development if feasible. The discussion is presented for two scenarios: an "Elsmere/Sunshine Canyon" scenario and a "Five Landfill" scenario including Sunshine Canyon, Elsmere Canyon and three other sites from the Action Plan. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 29, pages 64-72).

SUMMARY OF COMMENTS FROM COUNTY AGENCIES ON ELSMERE CANYON

Comments from County agencies were received at many stages of the EIR process and are incorporated in several of the volumes of the FEIR documentation:

- *DEIR, Responses to Pre-Circulation Comments from County Agencies, Volume III* (July 1989);
- *DEIR, Responses to Comments, Volumes A* (July 13, 1990);
- *DEIR, Responses to Comments, Volume B* (July 1990); and
- *FEIR, Comments Received and Responses* (February 1991).

Comments from County agencies on the Elsmere Canyon Landfill project are summarized as follows:

- 1) Volume III, Section II(A) County Department of Public Works, Waste Management Division, comment letter dated May 19, 1989

Comment 7 - The comment did not agree with the statement on page 179, paragraph 5, line 4 of the DEIR, Volume I that the County's Solid Waste Management Plan (CoSWMP) did not identify any future disposal sites close to the waste source. The comment points out that Elsmere Canyon is identified in the CoSWMP. The response provided indicates that the referenced statement was addressing air pollutant emissions relative to truck travel distances to Sunshine Canyon compared to other possible future

landfill sites, and a revised statement was provided to clarify the point being made. (See also *DEIR, Volume I*, Section 4.2 Alternate Project Location, page 280).

Comment 8 - The comment did not concur with the statement on page 267, paragraph 2, last sentence of the *DEIR, Volume I* regarding Elsmere Canyon that constraints made development of the new site infeasible. The comment notes that the County's Action Plan selected Elsmere Canyon for further study as a possible site for landfill development. The response provided indicates that the referenced statement was referring to the Sunshine Canyon Landfill applicant's previous decision not to pursue the possibility for development of Elsmere Canyon instead of Sunshine Canyon because of various potential development constraints, but that the statement was not meant to imply that development of Elsmere Canyon by another party (as is currently the case) is infeasible. (See also *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 29, page 64).

- 2) Volume III, Section IV County Sanitation Districts, comment letter dated May 26, 1989.

Comment 43 - The comment suggests that a cumulative impacts analysis of traffic, biology and air quality be prepared for the possibility of the simultaneous operation of Sunshine Canyon Landfill and other "probable" future landfills as identified in the County's Action Plan, specifically Blind Canyon, Browns Canyon, Elsmere Canyon, Mission Canyon, Sullivan Canyon, Towsley Canyon and Toyon Canyon. The response provided indicates that at the time the *DEIR, Volume I* was prepared it was considered too speculative to develop an accurate or meaningful analysis on such a regional scale and for such unpredictable future probabilities of development of these other sites. However, Volume A Topical Response 29 subsequently provided such an analysis in a comprehensive manner. (See also *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 29, page 64).

Comment 44 - The comment suggests that the EIR should discuss a range of alternative sites to Sunshine Canyon, specifically the future landfill sites identified in the County's Action Plan (as listed above under Comment 43). The response provided indicates that the *DEIR, Volume I* did evaluate Elsmere Canyon as an alternative site (pages 267-281) but concluded that it did not feasibly attain the basic objective of the project and further, that the primary objective of the applicant, being to extend the life of the existing operations at Sunshine Canyon, was different from that of the County's Action Plan which was to consider these other sites in order to satisfy a regional need for additional disposal facilities. However, Volume A Topical Response 25 subsequently provided a more detailed discussion of the Action Plan's identified landfill sites as potential long-term options for solid waste management. (See also *DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 2.2, Topical Response 25, pages 52-57).

- 3) Volume A, Section 6.0(C) (1) County Public Works Department, Mr. Jack Michael, verbal comments to Planning Commission January 17, 1990.

Comment 1078 - The comment states that "It is essential that the few sites, Sunshine Canyon, Elsmere, Puente Hills, Towsley and Blind Canyon be permitted to their

maximum environmentally acceptable capacity to assure a long-term resource for this County." The response provided acknowledges the statement. Volume A Topical Responses 25 and 26 discuss the need for permitting of additional landfill capacity within the County, as is suggested in the comment, including the possibility of Elsmere Canyon being developed as the first new major facility by the year 1996, and also make many references to a report prepared by Mr. Michael for presentation to the Planning Commission as well as the County's Action Plan, both of which are included in Appendix 11 of Volume A. (See also *DEIR, Responses to Comments, Volume A*, (July 13, 1990), Section 2.2, Topical Response 25, pages 52-57 and Topical Response 26, pages 58-60; *DEIR, Responses to Comments, Volume A* (July 13, 1990), Appendix II, Report of Needed Future Landfill Capacity).

SUMMARY OF ADDITIONAL COMMENTS ON ELSMERE CANYON AS REQUIRED

The Peremptory Writ of Mandate also requires that Comments 893 through 896 of *DEIR, Responses to Comments, Volume A* (July 13, 1990), which are specific to the Elsmere Canyon project, be incorporated in the topical responses. The referenced comments are in Section 5.0(G) of Volume A and were submitted by The Elsmere Corporation, which is not a County agency, but rather is the private proponent for the proposed Elsmere Canyon Landfill project, in a letter dated November 13, 1989. Comments from The Elsmere Corporation and responses are summarized as follows:

- 1) Comment 893 - The comment disputes the statement on page 267 of the *DEIR, Volume I* that the area around Elsmere Canyon is "minimally developed." The comment claims instead that there is no development in the Elsmere Canyon area but rather in the adjacent Whitney Canyon area. The response provided acknowledges the statement.
- 2) Comment 894 - The comment disputes the statement on page 268 of the *DEIR, Volume I* that if a proposed housing development is permitted in Whitney Canyon, which is adjacent to Elsmere Canyon, then the Elsmere Canyon Landfill project would be closer to homes than would the Sunshine Canyon Landfill project. The comment notes that the referenced housing project has no entitlement nor is the area zoned for residential use. The response provided indicates that the County Regional Planning Department had assigned case numbers to the proposed project, that a determination had been made that an EIR would be required, and that even though the current status of the EIR preparation was unknown the project application was still active.
- 3) Comment 895 - The comment disagrees with the statement on page 269 of the *DEIR, Volume 1* that the Elsmere Canyon project may be in conflict with County Solid Waste Management Plan (CoSWMP) policies because the development would encroach into National Forest lands. The comment cites the agreement the National Forest Service has made to process land use and other permit applications for the project. The response provided recognizes that negotiations were ongoing between The Elsmere Corporation, the National Forest Service and the County, but notes that the *DEIR* was merely addressing the existing policies of the CoSWMP and the National Forest Service which would be considered when siting a landfill in Elsmere Canyon. The response also refers to Topical Response 25 of Volume A which provides a more detailed discussion of the

development plans for Elsmere Canyon as part of the County's overall strategy to provide long-term waste management options.

- 4) Comment 896 - The comment states that information included in the DEIR on page 270 which references an engineering report previously prepared on the Elsmere Canyon site is only relevant to the lower portion of Elsmere Canyon and that the landfill proposal currently under consideration, for which studies were "currently underway" and information was expected to be available by "the first quarter of 1990," is not in that area of the canyon. The response acknowledges the statement and clarifies that at the time the referenced engineering report was prepared, the conceptual Elsmere Canyon landfill site was in the lower portion of the canyon where the study was conducted. The response also refers to response to comment 892 (also from The Elsmere Corporation) which reiterates that since the preparation of the DEIR, Volume 1 the County and City of Los Angeles have entered into a Joint Powers Agreement for the purchase of Elsmere Canyon and development and operation of a landfill, and that the analysis of Elsmere Canyon in the DEIR was based on previous data available at the time of document preparation. Response to comment 892 also refers to Topical Response 25 of Volume A which provides more current information on the status of the Elsmere Canyon landfill proposal as one of the County's long-term waste management options.

CONCLUSION

The above referenced comments and responses are hereby incorporated into Topical Responses 25, 26 and 29.

SECTION 4.0

EXPLANATION OF AIR QUALITY CUMULATIVE IMPACT ANALYSIS

SECTION 4.0

EXPLANATION OF AIR QUALITY CUMULATIVE IMPACT ANALYSIS

The air quality impacts of the project and the cumulative air quality impacts of the project and related projects are analyzed in the following portions of the FEIR:

- *DEIR, Volume I* (April 1989), Section 3.2.6 Air Quality, pages 154-180;
- *DEIR, Volume IIA* (April 1989), Appendices A and I;
- *DEIR, Volume IIB* (April 1989), Appendices P and X;
- *DEIR, Volume III* (July 1989), Section II, Comments 6, 7 and 43;
- *DEIR, Volume A* (July 13, 1990), Section 2.0, Topical Responses 17, 18, 19, 23 and 29; also Section 9.0 Reference Index for EIR, page 703 (for a listing of additional comments and responses);
- *DEIR, Volume B* (July 1990), refer to Volume A Reference Index;
- *FEIR, Addendum to Draft* (October 1990), page 8;
- *FEIR, Comments Received and Responses* (February 1991), pages 43 and 67; and
- *FEIR, Addendum to FEIR* (February 1991), pages 5, 6, 9, 10, 22, 23, 34 and 36.

The Court in its Judgment and Writ of Mandate held that it was necessary for the EIR to provide an adequate explanation of the cumulative air emissions analysis. This section provides that explanation.

AIR QUALITY CUMULATIVE IMPACTS ANALYSIS METHODOLOGY

The initial step in the identification of related projects was a general determination of the geographic area in which other projects might combine with the landfill to create cumulative impacts on the environment. In accordance with County procedures, the geographic area is customarily initially defined by the County Department of Public Works, Traffic and Lighting Division. However, because the proposed landfill was located on the border of the City of Los Angeles, the County directed the environmental consultant to coordinate with the City Department of Transportation ("DOT") to initially define the geographic area. After the DOT had identified the geographic boundaries, the geographic area to be examined in the related project search was reviewed and approved by County staff. The approved geographic area included areas within both the City and County. Thereafter, the files of both the City of Los Angeles Planning Department and the County Regional Planning Department were reviewed to identify those projects which were proposed within the geographic area. (See *DEIR, Volume I* (April 1989), Section 3.2.8, Traffic/Circulation, Table 33, page 209). In addition to the projects in the geographic area that could create significant traffic

impacts, all proposed projects that would require discretionary permits, whether commercial, industrial or residential, were considered when the related projects list was compiled. Related projects (which are also referred to as "other projects" in the DEIR for the Sunshine Canyon Landfill Expansion) are defined as other projects known to be proposed for development when data was initially gathered as described above. Light industrial, commercial and residential projects were identified; no proposed heavy industrial projects were found in the area. Apparently, because the area to the north of Sunshine Canyon is relatively undeveloped, no related projects were identified in the unincorporated County area. Table 33 of the *DEIR, Volume I* (April 1989), Section 3.2.8 Traffic/Circulation, page 209, presents a listing of all proposed related projects within the City and County areas in the defined geographic vicinity of the Sunshine Canyon project site.

Table 33 appears in the traffic analysis section of the DEIR as a matter of convenience because of the initial use of the list was for cumulative impact analysis of traffic. However, Table 33 is a comprehensive list of related projects and was intended to be used in the air quality cumulative impact analysis as well. The traffic study expressly states that the nine projects listed in what became Table 33 are all of the "other known projects" (*Volume IIA*, Appendix E). While Table 33 is labeled "*Traffic Generation Other Related Projects*," it includes all related projects in the area for all cumulative impact analysis. The inclusion of this chart at this location in the DEIR apparently caused uncertainty as to its significance and general applicability.

Using Table 33 as its source of related projects, the air quality cumulative impacts analysis was performed in accordance with the guidelines set forth by the SCAQMD in its document "*Air Quality Handbook for Preparing EIRs*." In preparing the cumulative air impact analysis, both vehicle and stationary source emissions from the related projects were considered. Due to the types of related projects identified, vehicle emissions comprised the great majority of related project emissions. Nonetheless, those stationary source emissions associated with the related projects, although relatively insignificant, were also quantified, analyzed and considered. The SCAQMD Handbook requires that stationary source emissions from the consumption of natural gas and electricity for human comfort (e.g. heating and air conditioning) be quantified for the types of projects identified. The Handbook specifies utility consumption factors for different building uses and requires usage figures to be multiplied by specified emissions generation factors to calculate emissions of the five criteria pollutants. These factors were used in the DEIR to quantify stationary source emissions from the related projects. No other emission sources were identified for these projects. The stationary emissions are tabulated in Appendix I of the *DEIR, Volume IIA* and were combined with the calculated mobile source emissions from these related projects to provide the total estimated pollutant emissions from related projects (Table 33 is referenced as the source for Related Projects). These were combined with the onsite vehicular and stationary emissions for the landfill to calculate the total cumulative air quality impact for the landfill and the related projects (Table 26, *Volume I*).

The cumulative air quality analysis was prepared in accordance with the County's normal cumulative analysis procedures, and the methodology was reasonable. The related projects list was reviewed and approved by the County staff. Stationary source emissions from the related projects were quantified using SCAQMD emission generation factors. All known stationary sources were included. SCAQMD approved both the methodology used in the air quality analysis and the conclusions presented in the FEIR. Finally, in the SCAQMD letters commenting on the air quality analysis for this project, no concern was raised by the agency about the air quality emissions cumulative data. (*DEIR, Responses to Comments, Volume A* (July 13, 1990), Section 5.0 Other Comments From Citizens, Agencies and Organizations (QQ).)

SECTION 5.0

**THE PROJECT'S CONSISTENCY WITH THE CITY OF LOS ANGELES
GENERAL PLAN**

SECTION 5.0

THE PROJECT'S CONSISTENCY WITH THE CITY OF LOS ANGELES GENERAL PLAN

The Court in its Judgment and Writ of Mandate held that the FEIR was required to adequately address the project's asserted inconsistency with the City of Los Angeles General Plan and, in particular, the project applicant's asserted past non-compliance with City zoning regulations. This section analyzes that asserted inconsistency between the City of Los Angeles General Plan and the project.

THE CITY OF LOS ANGELES GENERAL PLAN

In the *DEIR, Volume I* (April 1989), Section 2.0 Description of Environmental Setting, pages 68-80, there is a description of the general setting; area plans and policies; land use designations; zoning; existing land uses; and project consistency with applicable plans for the site. In Section 2.3 Land Use Designations, the EIR addressed the applicable City land use designations. The DEIR indicated that, "The Granada Hills-Knollwood District Plan designates that portion of the property located within the City as Minimum-Low-Density Residential which corresponds to the City A-1, RE 40 and A-2 zoning. These plan and zoning classifications apply to the existing landfill and the proposed project site within the City of Los Angeles." (See *DEIR, Volume I* (April 1989), Section 2.0 Description of Environmental Setting, page 73). Section 2.2 Area Plans and Policies also notes that, "The existing permitted portion of the Sunshine Canyon Landfill is not required to show consistency with the Los Angeles City General Plan pursuant to the "grandfather" provisions of Division 7, Title 14 of the California Code of Regulations." (See *DEIR, Volume I* (April 1989), Section 2.2 Area Plans and Policies, page 69).

In Section 2.4 "Zoning" the DEIR addressed existing zoning of surrounding properties in the City. The EIR stated that "Surrounding properties are similarly zoned A-2-2, A-2-1 and A1-1-0 in the County (northerly) and A1-1-0 in the City (southerly). A small area of M-1 (Limited Industrial) zone is located near the site entrance." (*DEIR, Volume I* (April 1989), Section 2.4 Zoning, page 74).

The existing landfill operation is permitted through City of Los Angeles' Zoning Variance Case No. 17804 (April 18, 1966) which allows operation of the landfill within the City until September 1991. It is the applicant's position that the landfill has been operated in accordance with the zoning variance conditions permitted by the City. Los Angeles City Councilman Hal Bernson has stated that certain operations at the City Landfill violated the City zoning ordinances and that expansion of the landfill into the City would be inconsistent with the City General Plan. (See Comments of Hal Bernson in Section 2.0 of their *Addendum to the FEIR*).

ASSERTED VIOLATIONS OF CITY ZONING ORDINANCES

The asserted violations of City zoning ordinances are discussed in full in Section 2.0 of this Addendum, Responses to Los Angeles City Councilman Hal Bernson's comments. Those Responses are incorporated herein by this reference.

INCONSISTENCY WITH THE CITY OF LOS ANGELES GENERAL PLAN

It is acknowledged that the current Los Angeles City General Plan designation is inconsistent with the expansion of the landfill into the City. In order to effect that expansion the applicant will need to apply to the City for a zone variance or a zone change and general plan amendment.

Mr. John Parker, City Zoning Administrator, indicated to the County Regional Planning Commission on October 4, 1989, that, "I don't think it's that particularly complex. They have to get an E.I.R. and either apply for zone change and plan amendment or apply for a variance. The applicant always has the ability to come to the City and ask for variances, even though the existing variance terminates in 1991. They always have the ability to come back to the City and seek either a modification of that variance or new variances for further expansion of their territory." (See *DEIR, Responses to Comments, Volume B* (July 1990), Section 6.0(A) Regional Planning Commission Hearings Verbal Comments, pages 64-65).

Based upon the comments of Mr. Parker and Councilman Bernson, it is probable that the City would require a General Plan Amendment and zone change rather than a zone variance, in connection with expansion of the landfill into the City.

SECTION 6.0

**ANALYSIS OF ENVIRONMENTAL IMPACTS RESULTING
FROM CITY OF LOS ANGELES USE RESTRICTION CLAUSE**

SECTION 6.0

ANALYSIS OF ENVIRONMENTAL IMPACTS RESULTING FROM CITY OF LOS ANGELES USE RESTRICTION CLAUSE

INTRODUCTION

The Court in its Judgment and Writ of Mandate held that the FEIR was required to adequately discuss the impact on the environment, if any, of denying use of the Sunshine Canyon Landfill to City of Los Angeles trash haulers. This section analyzes the possible impacts of denying use of the landfill to City trash haulers (City operated trash trucks and commercial trash trucks).

THE "CITY USE RESTRICTION" CONDITION

In the Conditional Use Permit and Oak Tree Permit No. 86-312-(5), granted by the County Board of Supervisors on February 19, 1991 condition 10(d) was included which reads as follows (hereinafter referred to as the "City Use Restriction"):

"If by July 1, 1992, 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 by January 1, 1993, 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."

(See *FEIR, Conditional Use and Oak Tree Permit*, 86-512-(5), adopted by the County Board of Supervisors (February 19, 1991), Condition 10(d), page 4).

This condition had its origins in the November 1, 1989 Memorandum of Cooperation and the May 1990 Joint Powers Agreement between the City and County. The particular provision of the Joint Powers Agreement which was the precursor to the City Use Restriction reads as follows:

"A. The West County/San Fernando Valley - North Valley (Sunshine) Landfill ("Sunshine Landfill") comprises two portions of real property: one portion within the jurisdiction of the City ("City Parcel"); the other portion within the jurisdiction of the County ("County Parcel"). Presently, a portion of the City Parcel has been duly permitted and operative as a landfill facility. Browning-Ferris Industries, Inc. ("BFI"), the current operator of the

Sunshine Landfill, is seeking to expand usage of the landfill into the County Parcel, leaving a portion of the City Parcel unused.

"B. In partial consideration of the benefits to be conferred upon the City and County by this Agreement, the City and County agree that, subject to the provisions below, the City shall allow BFI to pursue in orderly fashion its application to permit the unused portion of the City Parcel of the Sunshine Landfill following the permitting and initial utilization by BFI of the County Parcel of Sunshine Landfill. The respective obligations of the City and County to expand usage of the parcels of the Sunshine Landfill within their respective jurisdictions shall be subject to the City and County each having received the applicable regulatory approvals regarding the environmental impacts occasioned by such expanded usage.

"C. The City and County further agree that if BFI has not successfully permitted the City Parcel by January 1, 1993, then City-operated Solid Waste collection vehicles shall, at that time, be excluded from the County Parcel; provided, however, that if Elsmere Canyon landfill facility is not operational by January 1, 1995, the City may then withdraw, at its election, its acquiescence in the aforementioned exclusion."

(See *DEIR, Responses to Comments, Volume B* (July 1990), Section 7.0).

Thus, the "City Use Restriction" is a condition to which the City had previously agreed albeit in slightly different form. Of note, the Court in the lawsuit held that the imposition of such a condition restricting use of the landfill was a legitimate exercise of the County's power to provide incentives to the City to make responsible arrangements for solid waste disposal. (See *Statement of Decision on the Sunshine Canyon Landfill*, Point 12.14, Ruling 83, pages 52-53).

ANALYSIS OF IMPACTS

Introduction

The practical impact of the City Use Restriction, if fully implemented, would be to preclude City of Los Angeles trash haulers from disposing of City collected waste at the Sunshine Canyon Landfill until a landfill within the City jurisdiction of Sunshine Canyon of at least 20 million tons capacity is permitted. Implementation of this use restriction would require City trash haulers to dispose of waste at other disposal facilities.

The environmental impacts from such a restriction would include some, but not all, of those discussed in the "No Project Alternative" in the *DEIR*, and would be similar in some respects to those for the smaller landfill alternatives discussed in the *DEIR*. The *DEIR* analyzed the environmental impacts resulting from the "No Project Alternative," *DEIR, Volume I* (April 1989), Section 4.1, pages 264-267; as well as various smaller landfill configurations, *DEIR, Volume I* (April 1989), Section 4.4, Smaller Landfill Alternative, pages 291-301; *DEIR, Response to Comments, Volume A*, (July 13, 1990), Section 2.2, Topical Response 27, pages 61-63; *DEIR Comments Received and Responses* for the Los Angeles County Board of Supervisors (February 1991), Section 3.11, Alternatives, pages 59-66. Put another way, any impacts from the City Use Restriction would be similar to some impacts which would result from not proceeding with the

project, from permitting a smaller landfill or from reducing the daily waste intake capacity at the landfill from the applicant's original proposal of 17,500 tons per day. That is because any restrictions on daily intake, whether due to restrictions based on daily quantity or the point of origination of the trash, may require trash to be taken to other disposal facilities. That, in turn, would shift the impacts inherent in waste disposal to those other sites.

As described in the *DEIR, Volume I* (April 1989), Section 4.1, pages 264-267, environmental impacts associated with the No Project Alternative would eliminate direct onsite-specific impacts, but additional demand would be placed upon other landfill sites to satisfy the County's waste disposal needs. Waste generated within the watershed boundaries that utilize Sunshine Canyon would be diverted to other existing landfill facilities, thereby reducing their available capacities at an accelerated rate. Other environmental impacts which will result would vary depending on each particular landfill, but it is anticipated that increased traffic, air quality and noise impacts would occur due to the increased number and length of vehicle trips to other remaining sites (See *DEIR Volume I* (April 1989), Section 4.1 No Project Alternative, pages 265-266).

Under the No Project Alternative, the reliance on existing facilities and the diversion of impacts to these landfill facilities would be temporary. Impacts would be potentially diverted from landfill site to landfill site as existing capacity at each site is utilized. Initially, project-related impacts would be dispersed among all existing landfill facilities; these impacts would intensify at those facilities which remain in operation for the longest period of time (See *DEIR, Volume I* (April 1989), Section 4.1 No Project Alternative, page 266).

Overview Of County Landfills

County studies which were incorporated into the FEIR identified nine major landfills operating within the County. These studies also provided estimates for each of the landfills of permitted capacity, daily waste intake rates and estimated years of operation. (See *DEIR, Responses to Comment, Volume A* (July 13, 1990), Appendix 11, Report of Needed Future Landfill Capacity, Exhibit 1 and *DEIR, Volume I* (April 1989), Table I, page 33). During the lengthy environmental review for the Sunshine Canyon Landfill Extension, the Department of Public Works provided periodic updates on the County's waste disposal requirements and the status of the regional disposal system.

Landfill capacities, daily intake rates, and estimated years of operation are dependent on numerous variables, the effect of which is subject to change over time. Any projections or conclusions regarding the status of landfills and the County's waste disposal requirements must necessarily be based upon these variables and certain key assumptions which may also change over time. (See *DEIR, Responses to Comments, Volume A*, (July 13, 1990), Appendix 11, Report of Needed Future Landfill Capacity for Los Angeles County, pages 3 and 4).

As noted in the Needed Capacity Report, some of the variables that could impact these projections or assumptions include: the pending court case regarding Azusa Western Landfill (Azusa is currently closed for all waste intake except inert materials); regulatory concerns about Lopez Canyon; the success in achieving the AB 939 mandates; and the repermitting of Puente Hills Landfill and Bradley Landfill in 1993.

While there are many variables that can alter the balance between waste disposal needs and the County's overall available landfill capacity at any given time, the County studies reflect the potentially limited ability of the County's regional disposal system to absorb a significant increase in waste disposal diverted from Sunshine Canyon due to the City Use Restriction.

The number of landfills which will accept trash originating in the City of Los Angeles is limited due to permit restrictions or operating constraints. (See *DEIR, Volume IIB* (April 1989), Appendix J, Solid Waste Management Status and Disposal Options in Los Angeles County, page 8). Prior to its closure in September 1991, Sunshine Canyon Landfill was one of the major landfills accepting City of Los Angeles' generated waste. Other landfills accepting City generated waste include Lopez Canyon Landfill and Bradley Landfill, both located in the City of Los Angeles. (See *DEIR, Volume IIB* (April 1989), Table 1, page 5). Calabasas Landfill located in the western unincorporated area of the County also accepts City generated trash. City-operated trash trucks continue to have access to all of these disposal sites except Sunshine Canyon, which is currently closed. Commercial haulers have access to Bradley and Calabasas Landfills (Lopez Canyon Landfill is restricted from accepting County trash or any trash from commercial haulers), and other sites throughout the County including BKK Landfill located in West Covina, and Chiquita Landfill located in Santa Clarita Valley. The continued unavailability of Sunshine Canyon as one of the major disposal sites for City generated waste will place additional demands upon these other landfill sites within the region to fulfill the City's waste disposal needs.

Possible Impacts

The nature of the impacts which might result from implementation of the City Use Restriction are impossible to predict with any certainty. This is because the response of the City trash haulers to this restriction is affected by many variables. Among other things, the decisions of trash haulers as to where to dispose of trash are based upon a variety of factors including disposal costs, landfill operating constraints, daily disposal limitations and the distance to be traveled from the waste stream source to the landfill disposal site. See *DEIR, Volume IIB* (April 1989) Appendix J, Solid Waste Management Status and Disposal Options in Los Angeles County, Exhibit 1, page 3).

However, the No Project Alternative provides a baseline for determining the environmental impacts resulting from the City Use Restriction.

One possible scenario is that City-operated trucks would utilize Bradley West Landfill in addition to Lopez Canyon Landfill for disposal of waste diverted from Sunshine Canyon because these landfills have historically accepted City trash and are generally closer to City waste stream sources than other regional landfills. Commercial haulers might also dispose of diverted waste at Bradley West due to its relatively close proximity to the City watershed and might also be expected to utilize other regional landfills offering competitively low tipping fees, such as the BKK Landfill in West Covina or Chiquita Canyon in Santa Clarita, or Calabasas Landfill in the western part of the County for that waste generated in the designated Calabasas watershed.

The potential impacts from this scenario might thus include additional air pollutant emissions within the region due to the increase in total vehicle miles traveled (vmt), an increase of traffic on the local roadways and intersections in the areas around these other landfills, and associated possible

additional noise impacts and an additional strain on these other landfills to accept the City's diverted waste.

These potential impacts would be, however, less severe than those associated with the No Project Alternative. Since there is a finite quantity of daily landfill capacity in the County which is equal to or less than the quantity of trash generated everyday, it is likely that the Sunshine Canyon Landfill project will continue to be utilized to its maximum daily limits by trash haulers originating outside of the City of Los Angeles. Thus, the net amount of trash and the net amount of landfill space actually utilized would not be expected to change; though the distribution of users might change upon implementation of the City Use Restriction.

Nonetheless, to the extent other landfills increase their daily intake to accommodate the diverted City waste, the remaining life of these landfills could consequently be reduced by implementation of the City Use Restriction, thus making critical the need to expand landfills and/or permit new landfills.

Diverted City waste from Sunshine Canyon could eventually be disposed of at the proposed Elsmere Canyon landfill site which is anticipated to be operational by 1996. Whether that facility will indeed be on-line by 1996 and what its daily disposal capacity will be to handle waste volumes beyond the anticipated "shortfall" is unknown. (See *DEIR, Responses to Comments, Volume A* (July 13, 1990), Appendix 11, Report of Needed Future Landfill Capacity, Exhibit 1.) However, the short-term period between the effective date of the City Use Restriction (July 1, 1992) and the opening of Elsmere Canyon still presents some potential additional strain on the regional landfill system.

It is important to note, however, that there are significant environmental benefits of encouraging the City, through the City Use Restriction to permit a landfill in the portion of Sunshine Canyon under its jurisdiction. The permitting of the City portion of Sunshine Canyon would allow a design of the County/City landfill which would provide the greatest capacity with the least impact on the environment of Sunshine Canyon while still meeting the project objectives of providing landfill capacity for the County. A joint landfill would result in a more complete and efficient utilization of the canyon, and minimize loss of biota resources, since the County/City extension as envisioned under the condition would be limited to a lower elevation within the canyon than would a County-only facility of similar capacity. Further, the need to remove oak trees in the canyon would be postponed many years with a City-County landfill. Finally, since there already is a landfill in the City portion of the canyon, the impacts on the environment from constructing and operating a landfill can be minimized by fully utilizing this site for that purpose instead of imposing impacts on another location in addition to Sunshine Canyon.

In conclusion, the City Use Restriction clause could have the following impacts:

1. City of Los Angeles trash haulers may be required to haul trash to other landfills, some of which may be further from the waste stream source than Sunshine Canyon, potentially resulting in additional traffic, noise and air quality impacts which cannot be quantified;

2. Landfills which accept this diverted trash from the City of Los Angeles may utilize their remaining capacity sooner and thereby shorten their years of operation absent expansion or re-permitting; and
3. The City will be encouraged to allow the resources of Sunshine Canyon to be utilized in a more efficient and environmentally sound manner.

Impacts 1 and 2 could be alleviated if the City of Los Angeles permits additional landfill expansion within Sunshine Canyon.

APPENDIX A

APR 22 1992
LOS ANGELES
SUPERIOR COURT

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1 Supervisors of the County of Los Angeles, and Regional Planning
2 Commission of the County of Los Angeles.

3
4 The court received into evidence the record of administrative
5 proceedings and additional items of evidence. The parties argued
6 fully both orally and in writing. The court took the matter under
7 submission on February 4, 1992 and made and filed a memorandum
8 order and statement of decision on March 20, 1992.

9
10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

11
12 1. Petitioners have judgment against respondents and real
13 party in interest as set forth below.

14
15 2. A peremptory writ of mandate issue from the court,
16 commanding respondents to:

17 2.1. Vacate their certification and adoption of the EIR
18 and vacate and set aside their decision of February 19, 1991,
19 in the administrative proceedings entitled "Findings and
20 Conditions for Approval of Conditional Use Permit and Oak Tree
21 Permit 86-312-(5), Sub-Plan Amendment 86-312-(5) and Compound
22 Plan Amendment 90-2-(5), for the Sunshine Canyon Landfill
23 Expansion" by reason of their having failed to comply with the
24 California Environmental Quality Act (Pub. Res. C. 21000, et
25 seq., "CEQA") in the following respects (as more fully set
26 forth in Statement of Decision, secs. 12, 20-21, 23, 33-46,
27 73-75, 106, and 114-115):

28 2.1.1. Failing properly to respond to Councilman

1 Bernson's comments concerning BFI's asserted record of
2 not having complied with zoning variance conditions
3 imposed by the City of Los Angeles within the City's
4 jurisdiction at the Sunshine Canyon site;

5 2.1.2. Declaring and deeming the comments
6 referred to in sec. 2.1.1, above to be irrelevant;

7 2.1.3. Failing both

8 (a) to incorporate in the topical
9 responses of the EIR, and

10 (b) to cross-reference in the EIR to,
11 other essential expert comments regarding Elsmere Canyon,
12 i.e., cf., I.e AR 1034-1036, especially comments 7 and 8,
13 and I.f AR 1669-1671, especially comment 896, and compare
14 with topical responses;

15 2.1.4. Failing to cause the Significant
16 Ecological Area Technical Advisory Committee to review
17 the EIR in either draft or final form before making
18 recommendations on the project;

19 2.1.5. Failing adequately to explain the
20 cumulative air emissions analysis;

21 2.1.6. Failing adequately to analyze the
22 project's asserted inconsistency with the City of Los
23 Angeles General Plan, in particular, BFI's asserted past
24 non-compliance with City zoning regulations;

25 2.1.7. Failing adequately to discuss the impacts
26 of denying use of the landfill to City of Los Angeles
27 trash haulers.

28 2.2. Suspend all activity that could result in any change

1 or alteration to the physical environment of the area for the
2 proposed Sunshine Canyon Landfill until respondents have taken
3 such action as is necessary to bring their determinations,
4 findings, and decisions into compliance with the California
5 Environmental Quality Act;

6 2.3. Refrain from approving the proposed project until
7 respondents take such actions as is necessary to bring their
8 determinations, findings, and decision into compliance with
9 CEQA by proceeding consistently with this Judgment this
10 court's writ;

11 2.4. Make, serve, and file a return to this court's writ
12 within 140 days from service of this court's writ.
13

14 3. Nothing in this Judgment or the court's writ shall
15 require respondents to exercise their lawful discretion in any
16 particular way.
17

18 4. Petitioner North Valley Coalition of Concerned Citizens
19 shall have and recover from respondent County of Los Angeles and
20 real party in interest BFI the amount of \$_____, as
21 costs and the amount of \$_____, as attorney's fees
22 pursuant to CCP 1021.5, together with interest at the rate of 10%
23 on said amount of attorney's fees from the date of award until the
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1 award is satisfied.

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3 5. Petitioner City of Los Angeles shall have and recover
4 from respondent County of Los Angeles and real party in interest
5 BFI costs in the amount of \$_____.

6
7 DATED: APR 22 1992

RONALD M. SOHIGIAN

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RONALD M. SOHIGIAN

10 Judge of the Superior Court
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