Execution Version

SETTLEMENT AGREEMENT

This Settlement Agreement ("**Agreement**") is entered into as of October 11, 2022 by and between Chiquita Canyon, LLC ("**Chiquita**") and the County of Los Angeles (the "**County**"). All parties to this Agreement may be referred to herein collectively as the "**Parties**" or individually as a "**Party**".

RECITALS

WHEREAS, in 2004, and reinitiated in 2011, Chiquita filed an application with the County Department of Regional Planning ("**Regional Planning**") for a conditional use permit to authorize the continued operation and expansion of the Chiquita Canyon Landfill (the "**Landfill**");

WHEREAS, the County Board of Supervisors approved the conditional use permit (CUP No. 2004-0042-(5)) on July 25, 2017 (the "**CUP**");

WHEREAS, on October 20, 2017, Chiquita filed a lawsuit in the Superior Court of the State of California, County of Los Angeles (the "**Court**"), *Chiquita Canyon, LLC v. County of Los Angeles; Los Angeles County Board of Supervisors* (Case No. BS171262), challenging many of the CUP's conditions ("**Chiquita I**");

WHEREAS, on December 11, 2017, Regional Planning issued Chiquita a notice of violation for alleged violations of CUP Conditions 48, 49, 79(B)(6), and 117 (the "**2017 NOV**"). Chiquita administratively appealed the 2017 NOV. A hearing officer upheld the 2017 NOV on March 6, 2018;

WHEREAS, on April 13, 2018, Chiquita filed a writ petition in the Superior Court of the State of California, County of Los Angeles, *Chiquita Canyon, LLC v. County of Los Angeles; Los Angeles County Department of Regional Planning* (Case No. BS173299), challenging the 2017 NOV and the hearing officer's determination ("**Chiquita II**");

WHEREAS, on June 11, 2020, Regional Planning issued to Chiquita a notice of violation for alleged violations of CUP Conditions 68, 77, 79, and 113 (the "**2020 NOV**");

WHEREAS, on July 2, 2020, Judge Daniel Murphy issued a decision in Chiquita I, granting Chiquita's petition for writ of mandate in part and denying it in part ("**Writ Decision**");

WHEREAS, on August 6, 2020, Chiquita administratively appealed the 2020 NOV, which appeal is still pending;

WHEREAS, the Parties want to resolve all of these cases and issues without further dispute and to avoid the cost and uncertainties involved with further litigation; and

NOW, THEREFORE, in light of the purposes set forth above, and in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

TERMS OF SETTLEMENT

1. Whereas Clauses and Exhibits Incorporated. Each Whereas Clause and Exhibit is true and correct and incorporated herein.

2. Effective Date. The "**Effective Date**" of this Agreement is the date set forth in the introductory paragraph, which is the date that the last party signs this Agreement.

3. Notice of Settlement. Within 15 days of the Effective Date, the Parties will submit to the Court in Chiquita I and Chiquita II a Notice of Settlement of Entire Case (Conditional), with a copy of this Agreement attached thereto, and request that the Court retain jurisdiction as set forth in paragraph 24. Each Party shall bear its own attorney fees, costs and expenses related to Chiquita I and Chiquita II. The Notice of Settlement of Entire Case (Conditional) will include a date by which a request for dismissal of Chiquita I and II will be filed. That date shall not be before the expiration of the statutory limitations periods relevant for a third party challenge to the Agreement or the "**Modified CUP**" (as defined in paragraph 9). If, on the date by which a request for dismissal of Chiquita I and II is to be filed, a third party legal challenge to the Agreement or the Modified CUP is filed and ongoing, or the statutory limitations periods relevant for a third party challenge to the Agreement or the Modified CUP have not run, the Parties will jointly represent to the Court that good cause exists to extend the date by which a request for dismissal of Chiquita I and II is to be filed.

4. Modification of the CUP. Within 30 days of the Effective Date, Chiquita will submit an application for permit modification to Regional Planning, which will include requested modifications to the CUP in the same form as the attached Exhibit A. The County will exercise best efforts to expeditiously process the permit modification application. The purpose of the permit modification application is to incorporate the modifications described in sub-paragraphs (a)-(o) below into the CUP, after a duly noticed public hearing and any legally required review of the application pursuant to the California Environmental Quality Act ("**CEQA**" - Pub. Res. Code § 21000, *et seq.*). Should the County approve the permit modification application, it shall promptly file and post the accompanying CEQA notice of exemption or notice of determination with the Los Angeles County Clerk's Office, as appropriate, pursuant to Public Resources Code section 21152. The County shall also provide any other legally required notices under CEQA. This Agreement is conditioned upon (1) the County Review Authority's final approval of the modification of the CUP in substantially the same form as the attached Exhibit A ("**Final County Approval of the Modified CUP**" – as defined in paragraph 9) and (2) in the event of any third party legal challenge to the Agreement or the Modified CUP, a successful legal defense thereto by the Parties; however, in the event that either of the aforementioned conditions precedent is not satisfied, the applicable procedures specified in paragraph 6 will be implemented by the Parties.

The modifications to the CUP that will be included in the permit modification application are:

a. CUP Condition 23.

i. Modify CUP Condition 23(C)(1) and (2), to change the monthly tonnage capacity from a maximum limit each month to a monthly average measured on an annualized basis (i.e., measured from January 1 through December 31st of each calendar year), subject to the Annual Maximum Capacity provided in CUP Condition 23(E)(1) and (2), as modified herein.

ii. Modify CUP Condition 23(E)(2) to revise the maximum annual tonnage capacity as follows:

- January 2025 through December 2029 – maximum annual capacity of 2,450,000 tons;
- January 2030 through December 2034 – maximum annual capacity of 2,300,000 tons; and
- January 2035 through July 28, 2042 – maximum annual capacity of 2,150,000 tons.

iii. Modify the CUP to exempt 250,000 tons of soil per year from certain capacity limits. Such exempted soil will not count towards the Annual Maximum Capacity, as set forth in Condition 23(E), or the Daily Maximum Capacity, as set forth in Condition 23(B). The word soil, as used in this Agreement, means soil as defined in Cal. Code Regs. Tit. 14, 17361(b) and (h).

b. CUP Condition 37. Modify CUP Condition 37 to clarify that the CUP fees will not be subject to periodic review.

c. CUP Condition 38. Modify CUP Condition 38 to shorten the maximum term of the CUP by five years, from 30 to 25 years, with a CUP termination date of July 28, 2042. The Landfill maximum elevation and tonnage capacity limits will remain unchanged.

d. CUP Condition 43(G). Modify the CUP to eliminate CUP Condition 43(G).

e. CUP Condition 54. Modify CUP Condition 54 to clarify that Chiquita will be able to stockpile soil in designated stockpile locations without a prior approval for each placement event, provided that it receives a general approval of conditions for the overall placement that complies with the County Department of Public Works' ("**Public Works**") guidelines, which will be provided to Chiquita beforehand. Public Works will not require approvals from other County or State agencies, unless such approvals are mandated by law.

f. CUP Conditions 77 and 79. Modify CUP Conditions 77 and 79 to clarify that the deadline for the completion of street improvements and opening of a new site entrance under CUP Conditions 77 and 79 will be two years after the date that Chiquita receives all requisite approvals. Chiquita will use all commercially reasonable efforts to obtain all requisite approvals. The County will exercise best efforts to assist Chiquita in obtaining all requisite

approvals from all agencies. Chiquita shall diligently and in good faith continue to pursue the completion of street improvements and opening of a new site entrance pending the Final County Approval of the Modified CUP.

g. CUP Condition 111. Modify the CUP to eliminate CUP Condition 111.

h. CUP Condition 116. Modify the CUP to eliminate CUP Condition 116.

i. CUP Condition 117. Modify the CUP to eliminate CUP Condition 117.

j. CUP Condition 118. Modify the CUP to eliminate CUP Condition 118.

k. CUP Condition 119. Modify CUP Condition 119 to revise the fee to $1.50 per ton of materials received for disposal and beneficial use. Chiquita's obligation to pay the fee shall commence on the effective date of the Modified CUP, without retroactive application, and each payment will be placed by the Department of Public Works in an interest-bearing trust account established and maintained by the Department of Public Works to help fund the development of an off-site, commercial-scale conversion technology facility in the county of Los Angeles (the "**Account**"). If Chiquita assists with the development of such facility, it will be entitled to reimbursement from the Account for eligible expenditures. Eligible expenditures for reimbursement include design, permitting, environmental document preparation, construction, and inspection that are verified by the County as reasonable, and necessary and directly related to the development of such a conversion technology facility. Prior to expending any money or incurring costs relating to assisting in development of a conversion technology facility, Chiquita shall first inform the County of its intent to pursue such development project and obtain County's consent to proceed with the development project. Any design, permitting, or environmental documents prepared for development of a conversion technology facility that are eligible expenditures pursuant to this condition shall be considered County work product and intellectual property.

l. CUP Condition 120. Modify the CUP to eliminate CUP Condition 120.

m. CUP Condition 123. Modify CUP Condition 123 to increase the fee to $1.10 per ton. The fund will be controlled by the County and will be named the Chiquita Canyon Landfill Community Benefit and Environmental Education Trust Fund. Chiquita's obligation to pay the fee shall commence on the effective date of the Modified CUP, without retroactive application, except as set forth in paragraph 5(a)(i).

n. CUP Conditions 19 and 125. Modify CUP Conditions 19 and 125 to authorize: 1) periodic unannounced inspections by Regional Planning or Public Works staff or their designees; and 2) permit the use of drones or other technologies in conjunction with announced/scheduled inspections by Regional Planning or Public Works staff or their designees. Regional Planning and Public Works will exercise best efforts to notify Chiquita of any complaints received by Regional Planning or Public Works from the public regarding Chiquita within three business days.

o. CUP Condition 126. Modify the CUP to eliminate CUP Condition 126.

5. Payments. Except as otherwise set forth in this paragraph 5, upon the Final County Approval of the Modified CUP, the Parties will take the following actions:

a. Payments by Chiquita:

i. Within 90 days of the Final County Approval of the Modified CUP, Chiquita will pay back to the County the $1,978,516.10 payment that Chiquita had made in error under Condition 123, which payment the County returned to Chiquita.

ii. Within 90 days of the Final County Approval of the Modified CUP, Chiquita will pay the County $4,000,000 to be used by the County for park purposes, such as acquisition of parkland or improvements of existing parks, in the Santa Clarita Valley, at the discretion of the director of the County Department of Parks and Recreation.

iii. On the effective date of the Modified CUP, Chiquita will recommence paying the fees under CUP Conditions 115, 121, and 122 in the amount provided in the CUP, without retroactive application. Already collected fees under these CUP conditions, and any applicable interest on those fees, will not be refunded to Chiquita, except as set forth in paragraph 6.

iv. The County will retain all fees paid under CUP Conditions 119, 120, and 123, and any applicable interest on those fees, except as set forth in paragraph 6.

v. Chiquita's obligation to pay fees under CUP Conditions 79(B)(6) and 124 is unaffected by this Agreement.

vi. The accrual of interest, statutory or otherwise, on already collected fees under CUP Conditions 115 through 123 (to which Chiquita might otherwise be entitled) shall continue to be tolled through the final action of the County Review Authority on the permit modification application or the final decision by the court of last resort in a third party legal challenge to the Agreement and/or the Modified CUP, whichever occurs later.

vii. The accrual of alleged penalties under the 2020 NOV shall be tolled from the Effective Date of this Agreement through the rescission of the 2020 NOV with prejudice, or until the final decision in an administrative appeal hearing for the 2020 NOV.

b. Payments by the County: Within 90 days of the Final County Approval of the Modified CUP, the County will refund all fees that Chiquita has paid to date pursuant to CUP Conditions 116 and 117, without interest, statutory or otherwise.

c. Late Payments: Should either Party fail to timely make a payment owed under paragraph 5(a)(i), 5(a)(ii) or 5(b), interest shall accrue on the payment owed at the rate of eight percent (8%) per annum.

6. Conditions Precedent and the Implementing Procedures. The following procedures shall govern the Parties' actions in relation to conditions precedent described in paragraph 4:

a. If Final County Approval of the Modified CUP occurs, and (1) no third party legal challenge to the Agreement or the Modified CUP is filed within the statutory limitations period set forth in Government Code section 65009 and/or CEQA, or as otherwise authorized by law; or (2) in the event a third party legal challenge is timely filed, and the Parties successfully defend such third party legal challenge to the Agreement or the Modified CUP, Chiquita will within 45 days dismiss Chiquita I and Chiquita II with prejudice, and the County will rescind the 2020 NOV with prejudice. Each Party shall bear its own attorney fees, costs and expenses related to the aforementioned lawsuits, except as set forth in paragraph 22.

b. If Final County Approval of the Modified CUP does not occur or a third party legal challenge to the Agreement or the Modified CUP is timely filed, which results in (1) a judgment setting aside or changing the Modified CUP or any material part of the Agreement, or (2) a judgment remanding the Modified CUP for further findings or analysis (in either case, an "**Adverse Judgment**"), the Parties will meet and confer to try to arrive at a mutually agreeable path forward. The Parties agree that in the spirit of cooperation, they will exercise best efforts to resolve any uncertainties related to an Adverse Judgment. Pending the outcome of the meet and confer process, Chiquita will operate the Landfill pursuant to conditions of the CUP, except for those conditions that were set aside by the Writ Decision, attached hereto as Exhibit B. Should the Parties fail to reach an agreement within 60 days, the following shall occur:

i. Within 15 days of the Parties failing to reach agreement, Chiquita will file with the Court in Chiquita I a joint proposed judgment embodying the Writ Decision and dismissing the remaining causes of action, which judgment, upon entry, shall then be appealable by either Party. Prior to submitting the joint proposed judgment to the Court, Chiquita will provide a copy of such proposed judgment to the County for review and comment. The Parties will exercise best efforts to reach an agreement on the proposed judgment. Should the Parties not reach an agreement, Chiquita will file a proposed judgment indicating where the Parties agree and where they do not. By submitting to the Court such proposed judgment, the Parties will admit no liability whatsoever, nor will they consent to or acknowledge any validity of the Writ Decision, and they specifically reserve all of their rights to appeal the same. Each Party shall bear its own attorney fees, costs and expenses related to Chiquita I.

ii. Chiquita may move the Court to set a writ hearing date in Chiquita II so that the case may proceed to trial. Each Party shall bear its own attorney fees, costs and expenses related to Chiquita II.

iii. The Modified CUP shall be set aside and the CUP shall be reinstated, except for those conditions that were set aside by the Writ Decision, or in the event of an appeal of the Writ Decision, as modified by the final decision of the court of last resort. Pending any such decision on appeal, Chiquita will operate the Landfill pursuant to conditions of the CUP, except for those conditions that were set aside by the Writ Decision.

iv. The administrative appeal hearing for the 2020 NOV, which is currently stayed, shall be set for hearing in accordance with the applicable sections of the Los Angeles County Zoning Code.

v. Within 90 days of the Parties failing to reach agreement, the County will pay back to Chiquita any payments made under paragraphs 5(a)(i) and 5(a)(ii), and Chiquita will pay back to the County any payments made under paragraph 5(b). The County will keep any payments made under the Modified CUP Conditions 115, 119, 121, 122 and 123. Should either Party fail to timely make a payment owed under this paragraph 6(b)(v), interest shall accrue on the payment owed at the rate of eight percent (8%) per annum.

7. Air Quality Monitoring. The deadline for installation and commencement of air quality monitoring under CUP Condition 68 will be one month after the date that Chiquita receives all requisite approvals. Chiquita will use all commercially reasonable efforts to obtain all requisite approvals. The County will exercise best efforts to assist Chiquita in obtaining all requisite approvals from all agencies. Chiquita shall diligently and in good faith continue to pursue the completion of installation and commencement of air quality monitoring under CUP Condition 68 pending the Final County Approval of the Modified CUP.

8. Resolution of the County's Claims Involving the Three-Party Agreement. In April 2012, the County, Chiquita, and CH2M Hill (now Jacobs Engineering Group, Inc. ("**Jacobs**")) entered into a Three-Party Agreement governing the parties' respective rights and responsibilities regarding preparation of an Environmental Impact Report ("**EIR**") for the renewal of Chiquita's conditional use permit (the "**Three-Party Agreement**"). The County will not bring claims against Jacobs or Chiquita relating to the Three-Party Agreement, and the County hereby releases, remises, acquits, and forever discharges Jacobs and Chiquita (including but not limited to their respective predecessors, successors, affiliates, parents, subsidiaries, members, shareholders, acquirers, purchasers, transferees, heirs, assigns, and related entities, and each of their respective officers, directors, shareholders, agents, consultants, servants, employees, managers, principals, partners, fiduciaries, insurers, trustees and attorneys) from any and all claims related to the Three-Party Agreement. The Parties expressly acknowledge and agree that Jacobs is a third-party beneficiary of this paragraph and is entitled to the rights and benefits hereunder and may enforce the provisions of this paragraph as if it were a party to this Agreement. Notwithstanding the foregoing, this paragraph and any rights and benefits accorded to Jacobs and Chiquita hereunder, are subject to all of the conditions upon which this Agreement is predicated (as well as the stated effects (e.g. voiding) should the conditions precedent described in paragraph 4 not occur). Any claims arising from the Three-Party Agreement shall continue to be tolled through the final action of the County Review Authority on the permit modification application or the final decision by the court of last resort in a third party legal challenge to the Agreement and/or the Modified CUP, whichever occurs later.

9. Final County Approval of the Modified CUP. The term "**Final County Approval of the Modified CUP**" means final approval of the modification of the CUP in substantially the same form as the attached Exhibit A by the County Review Authority, including the expiration of all applicable administrative appeals periods. The term "**County Review Authority**" means the final County official or body to make a decision on the permit modification application, including the director, hearing officer, the Regional Planning Commission, or the Board of Supervisors. The date of the Final County Approval of the Modified CUP is not affected by any subsequent third party legal challenge to the Modified CUP. The term "**Modified CUP**" means the conditional use permit resulting from Final County Approval of the Modified CUP.

10. Binding on Successors and Assigns. This Agreement is binding on each of the Parties' successors and assigns.

11. Entire Agreement. This Agreement embodies the entire agreement and understanding of the Parties with respect to the subject matter described herein and therefore supersedes all prior discussions, negotiations, and agreements between the Parties concerning the same. There are no representations, warranties, covenants, or agreements between the Parties concerning the subject matter of this Agreement that are not contained in this Agreement.

12. Interpretation. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing an instrument to be drafted, all Parties having had a hand in drafting this Agreement.

13. No Admission of Liability. This Agreement does not constitute an admission of liability by any Party or any recognition of the correctness of their respective positions.

14. Mutual Agreement Not to Act. Unless required by law to do so, none of the Parties shall assist, counsel, help, coordinate with or otherwise cooperate with (together, "**Act**") any person or entity not a Party to this Agreement in any action asserted against any other Party related to the subject matter of this Agreement, except that Chiquita may Act with Jacobs with respect to claims related to the Three-Party Agreement.

15. Insistence upon Performance. The failure by any Party to insist on performance of any of the terms or conditions of this Agreement shall not void any of the terms or conditions hereto, or constitute a waiver or modification of any of the terms or conditions hereto, nor be construed as a waiver or relinquishment by such Party of the performance of any such terms or conditions.

16. Costs and Expenses. Each Party shall bear its own attorney fees, costs and expenses related to this Agreement.

17. Modification. This Agreement shall not be amended except by the mutual written consent of all Parties.

18. Execution. This Agreement may be executed and delivered in any number of counterparts or copies by the Parties, which together shall constitute the entire Agreement. Signatures may be provided electronically in PDF format and such signature shall be deemed binding for all purposes hereof, without delivery of an original signature being thereafter required.

19. Governing Law and Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of California where it is deemed to have been executed and delivered. The Parties agree that all legal proceedings relating to this Agreement may be initiated only in the Superior Court of the State of California for the County of Los Angeles.

20. Captions and Headings. Captions and paragraph headings used herein are for convenience only. They are not part of this Agreement and shall not be used in construing it.

21. Good Faith Provision. The Parties agree to cooperate fully, reasonably, and in good faith in the implementation of this Agreement, including in the modification of the CUP in substantially the same form as the attached Exhibit A. The Parties also agree to execute any and all supplemental documents, and to take all additional lawful and reasonable actions which may be necessary or appropriate to give full force and effect to the basic terms and to fully implement the goals and intent of this Agreement.

22. Defense of Agreement. The Parties agree to jointly defend this Agreement, and the Modified CUP, against any claim, action, or proceeding by any third party to attack, set aside, void, or annul this Agreement or the Modified CUP. The Parties will notify each other of any court or administrative challenge to this Agreement or the Modified CUP, and shall fully cooperate with one another in the defense. In accordance with Los Angeles County Zoning Code section 22.02.060, Chiquita shall bear the cost of any joint defense of the Modified CUP.

23. Required Approvals; Authority to Execute. Each Party certifies that it has the full right and authority to enter into and perform this Agreement and that the person executing this Agreement on behalf of such Party has the full right and authority to bind fully said Party to the terms and obligations of this Agreement. This Agreement constitutes the legal, valid and binding obligations on, and of, each of the Parties.

24. Retention of Jurisdiction. Pursuant to Code of Civil Procedure section 664.6, the Court shall retain jurisdiction over the Parties and Chiquita I and Chiquita II until performance in full of the Agreement to enable either Party to apply to the Court at any time for such further orders and direction as may be necessary and appropriate, and to adjudicate any alleged violation of this Agreement.

[*signature page follows*]

IN WITNESS WHEREOF, the Parties hereto have approved and executed this Agreement on the dates specified below:

COUNTY OF LOS ANGELES

DATED: 10/11/22

By: _____
Name: MARK PESTRELLA
Title: DIRECTOR, LOS ANGELES COUNTY PUBLIC WORKS

CHIQUITA CANYON, LLC

DATED: 9/21/2022

By: _____
Name: Worthing F. Jackman
Title: President and CEO

APPROVED AS TO FORM:

COUNTY OF LOS ANGELES

DATED: 10/11/2022

By: _____
Name: Dusan Pavlovic
Title: Senior Deputy County Counsel

CHIQUITA CANYON, LLC

DATED: 9/21/2022

By: _____
Name: PATRICK J. Shea
Title: EVP, General Counsel

EXHIBIT A

CONDITIONS OF APPROVAL
PROJECT NO. R2004-00559-(5)
CONDITIONAL USE PERMIT NO. 2004-00042-(5)
OAK TREE PERMIT NO. 2015-00007-(5)

1. This grant authorizes the continued operation and maintenance of a solid waste disposal facility at the Chiquita Canyon Landfill ("CCL"). In particular, this grant will:

   A. Increase the permitted disposal area within CCL laterally by 149 acres to a total area of 400 acres to accommodate new waste and may have a maximum permitted elevation of 1,430 feet.

   B. Upon the Effective Date, as defined in this grant, through December 31, 2024, allow an annual limit of intake of combined solid waste and beneficial use materials not to exceed 2,800,000 tons per year ("tpy").

   C. ~~Effective January 1, 2025 through 2047, allow~~Allow an annual limit of intake of combined solid waste and beneficial use materials, as follows:

      1. Effective January 1, 2025 through December 31, 2029, not to exceed ~~1,800~~2,450,000 tpy;

      2. Effective January 1, 2030 through December 31, 2034, not to exceed 2,300,000 tpy; and

      3. Effective January 1, 2035 through July 28, 2042, not to exceed 2,150,000 tpy.

   ~~C.~~D. Relocate the site entrance from State Highway 126, the portion known as Henry Mayo Drive, to Wolcott Way.

   ~~D.~~E. Provide for the development and operation of an on-site household hazardous facility and a closed mixed organics composting ~~operation (~~or anaerobic digestion~~).~~ facility.

2. Unless otherwise apparent from the context, the term "permittee" shall include the permittee, and any other person, corporation, or entity making use of this grant.

3. Unless otherwise apparent from the context, the following definitions shall apply to these Conditions of Approval ("Conditions"), and to the attached Implementation and Monitoring Program ("IMP"), adopted concurrently with this grant:

   A. "Abandoned Waste" shall mean abandoned items such as mattresses, couches, doors, carpet, toilets, E-waste, and other furniture.

   B. "ADC" shall mean Alternative Daily Cover, as permitted by Title 14 and Title 27 of the California Code of Regulation, Regional Water Quality Control Board and the Local Enforcement Agency.

   C. "Alternative-to-Landfilling Technology" shall mean a technology capable of processing post-recycled or Residual Waste and other emerging technologies, in lieu of land disposal.

   D. "Anaerobic Digestion Facility" shall mean the facility that utilizes organic wastes as a feedstock from which to produce biogas.

E. "Ancillary Facilities" shall mean the facilities authorized by this grant that are directly related to the operation and maintenance of the Landfill, and shall not include the facilities related to any other enterprise operated by the permittee, or any other person or entity, unless otherwise specifically authorized by this grant.

F. "Approval Date" shall mean the date of the Board's approval of this grant.

G. "Automobile Shredder Waste" shall mean the predominantly nonmetallic materials that remain after separating ferrous and nonferrous metal from shredder output.

H. "Beneficial Use Materials" shall mean: (1) material imported to the Landfill that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for purposes of recycling or reuse, and shall include, but not be limited to, green waste and other compostable organic materials, wood waste, asphalt, concrete, or dirt; (2) imported Clean Dirt that is used to prepare interim and final fill slopes for planting and for berms, provided that such importation of Clean Dirt has been shown to be necessary and has been authorized by the Department of Public Works; and (3) all ADC material types as permitted by this grant. Only materials that are appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices, in accordance with Title 14 California Code of Regulations section 20686, may be classified as Beneficial Use Materials.

I. "Biomass" shall mean any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass shall not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

J. "Biosolid" shall mean the organic byproduct material resulting from the treatment of sewage sludge and wastewater.

K. "Board" shall mean the Los Angeles County Board of Supervisors.

L. "CAC" shall mean the Community Advisory Committee, whose members are appointed by the Board of Supervisors, who will serve as a liaison between the permittee and the community.

M. "CalRecycle" shall mean the State of California Department of Resource Recycling and Recovery or its successor agency.

N. "Caltrans" shall mean the State of California Department of Transportation.

O. "CARB" shall mean California Air Resources Board.

P. "CEO" shall mean the Los Angeles County Chief Executive Office.

Q. "Class III (non-hazardous) Landfill" shall mean a disposal facility that accepts non-hazardous Solid Waste for land disposal, pursuant to a

solid waste facilities permit and applicable federal and State laws and regulations.

R. "Clean Dirt" shall mean soil, other than Contaminated Soil, that is not mixed with any other material and that is used for coverage of the Landfill face, buttressing the Landfill, and construction of access roads, berms, and other beneficial uses at the Facility.

S. "Closure" shall mean the process during which the Facility, or portion thereof, is no longer receiving Solid Waste and/or Beneficial Use Materials for disposal or processing, and is undergoing all operations necessary to prepare the Facility, or portion thereof, for Post-Closure Maintenance in accordance with a CalRecycle approved plan for Closure or partial final closure. Said plans shall be concurred by the TAC, as defined in this grant.

T. "Closure Date" shall mean "Termination Date," as defined in this grant.

U. "Commission" shall mean the Los Angeles County Regional Planning Commission.

V. "Composting" shall mean the controlled or uncontrolled biological decomposition of organic wastes.

W. "Compostable Organic Materials" shall mean any food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed in with food material and when accumulated will become active compost.

X. "Construction and Demolition Debris" shall mean material, other than hazardous waste, radioactive waste, or medical waste, that is generated by or results from construction or demolition-related activities including, but not limited to: construction, deconstruction, demolition, excavation, land cleaning, landscaping, reconstruction, remodeling, renovation, repair, and site clean-up. Construction and Demolition Debris includes, but is not limited to: asphalt, concrete, brick, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe, steel, rock, soil, gravel, tree stumps, and other vegetative matter.

Y. "Contaminated Soil" shall mean soil that: (1) contains designated or nonhazardous material, as set forth in Title 23, Chapter 15, Article 1, section 2510, et seq., of the California Code of Regulations, including petroleum hydrocarbons, such as gasoline and its components (benzene, toluene, xylene, and ethylbenzene), diesel and its components (benzene), virgin oil, motor oil, or aviation fuel, and lead as an associated metal; and (2) has been determined pursuant to section 13263(a) of the Water Code to be a waste that requires regulation by the RWQCB or Local Oversight Agency.

Z. "Conversion Technologies" shall mean the various state-of-the-art technologies capable of converting post-recycled or residual Solid Waste into useful products, green fuels, and renewable energy through non-combustion thermal, chemical, or biological processes.

AA. "Conversion Technology Facility" shall mean a facility that processes Solid Waste into useful products, fuels, and/or energy through

anaerobic and other non-combustion thermal, chemical, or biological processes.

BB. "County" shall mean the County of Los Angeles.

CC. "County Code" shall mean the Los Angeles County Code.

DD. "CPI" shall mean Consumer Price Index, as adjusted on July 1 of each year at a minimum rate of two percent.

EE. "Department of Public Works" shall mean the Los Angeles County Department of Public Works.

FF. "Department of Regional Planning" shall mean the Los Angeles County Department of Regional Planning.

GG. "Director of Public Works" shall mean the Director of the Los Angeles County Department of Public Works and his or her designees.

HH. "Director of Regional Planning" shall mean the Director of the Department of Regional Planning and his or her designees.

II. "Disposal" shall mean the final disposition of Solid Waste onto land into the atmosphere, or into the waters of the State of California. Disposal includes the management of Solid Waste through the Landfill process at the Facility.

JJ. "Disposal Area" shall mean the "Landfill" as defined in this grant.

KK. "DPH" shall mean the Los Angeles County Department of Public Health, acting as the LEA as appropriate. DPH is currently designated as the LEA by the Board, pursuant to the provisions of Division 30 of the California Public Resources Code, to permit and inspect Solid Waste disposal facilities and to enforce State regulations and permits governing these facilities. For purposes of this grant, DPH shall also include any successor LEA governing these facilities.

LL. "Effective Date" shall mean the date of the permittee's acceptance and use of this grant as defined in Condition No. 5.

MM. "Electronic Waste" shall mean all discarded consumer or business electronic equipment or devices. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Division 4.5, Chapter 23, Article 1 (commencing with section 66273.3), and any amendments thereto.

NN. "Environmental Protection and Control Systems" shall mean any surface water and ground water-quality monitoring/control systems, Landfill gas monitoring/control systems, landscaping and irrigation systems, drainage and grading facilities, Closure activities, Post-Closure Maintenance activities, foreseeable corrective actions, and other routine operation or maintenance facilities or activities.

OO. "Facility" shall mean the entirety of the subject property, as depicted on the attached Exhibit "A," including all areas where Landfill and non-Landfill activities occur.

PP. "Final Cover shall mean the cover material required for Closure of the Landfill and all Post-Closure Maintenance required by this grant.

QQ. "Footprint" shall mean the horizontal boundaries of the Landfill at ground level, as depicted on the attached Exhibit "A".

RR. "Household Hazardous Waste" shall mean leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients, other than used oil.

SS. "IMP" shall mean the Implementation and Monitoring Program.

TT. "Inert Debris" shall mean Solid Waste and/or recyclable materials that are source-separated or separated for recycling, reuse, or resale that do not contain: (1) hazardous waste, as defined in California Code of Regulations, Title 22, section 66261.3; or (2) soluble pollutants at concentrations in excess of State water quality objectives; and (3) do not contain significant quantities of decomposable waste. Inert Debris shall not contain more than one percent (by weight) putrescible waste. Inert Debris may be commingled with rock and/or soil.

UU. "Inert Waste" shall mean a non-liquid solid waste including, but not limited to, soil and concrete, that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water-quality objectives established by a regional water board, pursuant to Division 7 (commencing with section 13000) of the California Water Code, and does not contain significant quantities of decomposable solid waste.

VV. "Landfill" shall mean the portion of the subject property where Solid Waste is to be permanently placed, compacted, and then buried under daily, interim and Final Cover, all pursuant to applicable requirements of federal, State, and local laws and regulations. No portion of the Landfill shall extend beyond the "Limits of Fill," as defined in this grant, and no allowance for settlement of fill shall be used in determining the final elevations or design contours of the Landfill. "Landfill" does not include temporary storage areas, Final Cover, and Ancillary Facilities authorized by this grant.

WW. "LEA" shall mean the Los Angeles County Local Enforcement Agency.

XX. "Limits of Fill" shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the Landfill, as depicted on the attached Exhibit "A."

YY. "Liquid waste" shall mean waste as defined in Title 27, section 20164 of the California Code of Regulations and includes non-hazardous sludge meeting the requirements contained in Title 23, Chapter 15, of the California Code of Regulation for disposal in a Class III Landfill.

ZZ. "Materials Recovery Facility" shall mean a facility that separates solid waste into recyclable materials and Residual Waste.

AAA. "MMRP" shall mean Mitigation Monitoring and Reporting Program.

BBB. "Nuisance" shall mean anything which is injurious to human health or is indecent or offensive to the senses and interferes with the

comfortable enjoyment of life or property, and affects at the same time a community, neighborhood, household, or any number of persons, although the extent of annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage, removal, transport, processing, or disposal of solid waste.

CCC. "Operating Agreement" shall mean the Operating Agreement between the County through the Department of Public Works and the permittee for the operation of the Household Hazardous Waste Facility.

DDD. "Organic Waste" shall mean food waste, green waste, and other compostable organic materials, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste, pursuant to AB1826 Chesbro (Chapter 727, Statues of 2014).

EEE. "Organic Waste Composting Facility" shall mean a facility at which composting is conducted and produces a product resulting from the controlled biological decomposition of mixed organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

FFF. "Periodic Review" shall mean the process in which the Technical Advisory Committee and a Hearing Officer or the Regional Planning Commission review the studies submitted by the permittee and issues a Finding of Fact and potentially approve changes to the IMP.

GGG. "Permittee" shall include the applicant, owner of the property, their successors in interest, and any other person, corporation, or entity making use of this grant.

HHH. "Post-Closure Maintenance" shall mean the activities undertaken at the Facility after the Closure Date to maintain the integrity of the Environmental Protection and Control Systems and the Landfill containment features, and to monitor compliance with applicable performance standards to protect public health, safety, and the environment. The containment features, whether natural or artificially designed and installed, shall be used to prevent and/or restrict the release of waste constituents onto land, into the atmosphere, and/or into the waters of the State of California, including waste constituents mobilized as a component of leachate or Landfill gas.

III. "Post-Closure Maintenance Period" shall mean the period after Closure of the Landfill when the Solid Waste disposed of during the Landfill's operation could still pose a threat to public health, safety, or the environment.

JJJ. "Post-Closure Maintenance Plan" shall mean the preliminary, partially final, or final plan or plans, as applicable, approved by CalRecycle and concurred with by the TAC for implementation of all Post-Closure Maintenance at the Facility.

KKK. "Project" shall mean the activities of the Landfill whose ultimate development is depicted on Exhibit "A" of this grant. The Project includes the Landfill, its Ancillary Facilities and activities as approved by this grant, including, but not limited to, waste diversion facilities, household hazard waste facility, organic waste composting facility, offices and other employee facilities, a leachate management facility,

material storage areas, and Closure and Post-Closure Maintenance activities.

LLL. "Recyclable" shall mean materials that could be used to manufacture a new product.

MMM. "Residual Waste" shall mean the materials remaining after removal of recyclable materials from the Solid Waste stream.

NNN. "RWQCB" shall mean the Regional Water Quality Control Board, Los Angeles Region.

OOO. "Santa Clarita Valley" shall mean the area, as defined by the Los Angeles County General Plan 2035 in figure map 5.33, which was adopted by the Board of Supervisors on October 6, 2015.

PPP. "SCAQMD" shall mean the South Coast Air Quality Management District.

QQQ. "Sewage Sludge" shall mean any residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry, semidry or liquid form.

RRR. "Sludge" shall mean accumulated solids and/or semisolids deposited from wastewaters or other fluids. Sludge includes materials specified in the California Code of Regulations, Title 27, section 20690(b)(4).

SSS. "Site Plan" shall mean the plan depicting all or a portion of the subject property, including any Ancillary Facilities approved by the Director of Regional Planning. "Site Plan" shall include what is referred to in this grant as Exhibit "A."

TTT. “Soil” shall have the meaning set forth in the California Code of Regulations, Title 14, section 17361(b) and 17361(h).

~~TTT.~~UUU. "Solid Waste" shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as municipal solid waste, garbage, refuse, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. "Solid Waste" excludes Beneficial Use Materials and substances having commercial value which are salvaged for reuse, recycling, or resale. "Solid Waste" includes Residual Waste received from any source.

Materials that are placed in the Landfill that could be classified as Beneficial Use Materials, but exceed the amount that is appropriate for a specific beneficial use in accordance with California Code of Regulations, Title 14, section 20686, or that exceed the monthly permitted quantities of Beneficial Use Materials, such as Construction and Demolition Debris, Inert Waste and green waste, are considered Solid Waste that is disposed in the Landfill.

~~UUU.~~VVV. "Stockpile" shall mean temporarily stored materials.

~~VVV.~~WWW. "Stockpile Area" shall have the same meaning as "Temporary Storage Area," as defined in this grant.

~~WWW.~~XXX. "SWFP" shall mean a Solid Waste Facilities Permit issued by CalRecycle.

~~XXX.~~YYY. "SWMP" shall mean Solid Waste Management Program of the DPH.

~~YYY.~~ZZZ. "TAC" shall mean the Chiquita Canyon Landfill Technical Advisory Committee established pursuant to Part XIV of the IMP.

~~ZZZ.~~AAAA. "Task Force" shall mean the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force.

~~AAAA.~~BBBB. "Temporary Storage Area" shall mean an area of the Landfill where materials intended for Beneficial Use, salvage, recycling, or reuse may be placed for storage on a temporary basis, as approved by the Department of Public Works for up to 180 calendar days, unless a longer period is approved by the Department of Public Works, so long as such temporary storage does not constitute Disposal, as defined in this grant. Putrescible materials, except Construction and Demolition Debris or other Inert Debris not containing significant quantities of decomposable materials and more than one percent (by visual inspection) putrescible waste, shall not be placed in a Temporary Storage Area for more than seven calendar days under any circumstances.

~~BBBB.~~CCCC. "Termination Date" shall mean the date upon which the Facility shall cease receiving Solid Waste and/or Beneficial Use Materials for disposal or processing in accordance with Condition Nos. 38 and 39 of this grant.

~~CCCC.~~DDDD. "Trash" shall have the same meaning as "Solid Waste," as defined in this grant.

~~DDDD.~~EEEE. "Wasteshed Area" shall mean the Santa Clarita Valley, as defined by the Los Angeles County Area Plan, which was updated and adopted by the Board of Supervisors on November 27, 2012.

~~EEEE.~~FFFF. "Working Face" shall mean the working surface of the Landfill, upon which Solid Waste is deposited during the Landfill operation, prior to the placement of cover material.

4. Unless otherwise expressly provided in this grant, applicable federal, State, or local definitions shall apply to the terms used in this grant. Also, whenever a definition or other provision of this grant refers to a particular statute, code, regulation, ordinance, or other regulatory enactment, that definition or other provision shall include, for the life of this grant, any amendments made to the pertinent statute, code, regulation, ordinance, or other regulatory enactment.

5. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of this grant have been recorded, as required by Condition No. 10, and until all required monies have been paid, pursuant to Condition Nos. 13, 19, 20, and 125. Notwithstanding the foregoing, this Condition No. 5 and Condition Nos. 6, 7, 8, 9, and 13 shall be effective immediately upon the Approval Date of this grant by the County. The filing of the affidavit required by Condition No. 18 constitutes a waiver of the permittee's right to challenge any provision of this grant.

6. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees brought by any third party to attack, set aside, void, or annul this permit approval, or any related discretionary approval, whether legislative or quasi-judicial, which action is brought within the applicable time period of California Government Code section 65009, or other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding, and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

7. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County for damages resulting from: a) water, air, or soil contamination~~,~~; b) health impacts~~, or~~; c) loss of property value during the operation~~,~~; d) impacts to off-site properties, including, but not limited to, slope destabilization, landslide, or improper drainage caused by Soil stockpiles within the Footprint; e) or Closure or Post-Closure Maintenance of the Facility.

8. In the event that any claim, action, or proceeding, as described above, is filed against the County, the permittee shall within ten days of the filing make an initial deposit with the Department of Regional Planning of $10,000 from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the County's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to the permittee or the permittee's counsel.

   If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $10,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee, according to County Code Section 2.170.010.

9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse.

10. Prior to the Effective Date of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of this grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee or the owner of the subject property, if other than the permittee, shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property. Upon recordation, the permittee shall provide an official copy of the recorded conditions to the Director of Regional Planning.

11. This grant shall expire, unless it is used within one year from the Approval Date of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. This grant shall be considered used upon the receipt of Solid Waste at the

Facility and disposal activities any day after Approval Date, and when permittee has completed the requirements of Condition No. 5.

12. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of this grant. Inspections shall be made to ensure compliance with the conditions of this grant, as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file.

    The permittee shall also comply with the conditions and requirements of all permits or approvals issued by other government agencies or departments, including, but not limited to, the permits or approvals issued by:

    A. CalRecycle;

    B. DPH, including the DPH letter dated February 23, 2017, and all other DPH requirements;

    C. The Department of Public Works;

    D. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force;

    E. CARB;

    F. The California Regional Water Quality Control Board ("CRWQCB");

    G. SCAQMD;

    H. The California Department of Fish and Wildlife;

    I. The United States Army Corps of Engineers;

    J. The California Department of Health Services;

    K. The Los Angeles County Fire Department, including the requirements in the Fire Department letter dated February 24, 2017; applicant must receive Fire Department clearance of gated entrance design off Wolcott Way and Fuel Modification Plan prior to Effective Date, and comply with all other Fire Department requirements; and

    L. The Department of Regional Planning.

    The permittee shall not engage in activities which may impede the abilities of these agencies and other consultants hired by the County to conduct inspections of the site, whether announced or unscheduled.

13. Within five working days of the Approval Date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements, in compliance with section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife, pursuant to section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code, currently $3,153.25

($3,078.25 for an Environmental Impact Report plus $75 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.

14. Upon the Effective Date, the permittee shall cease all development and other activities that are not in full compliance with Condition No. 12, and the failure to do so shall be a violation of this grant. The permittee shall keep all required permits in full force and effect, and shall fully comply with all requirements thereof. Failure of the permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant and shall be subject to any and all penalties described in Condition No. 20.

    It is hereby declared to be the intent of this grant that if any provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse.

15. To the extent permitted by law, the Department of Regional Planning or DPH shall have the authority to order the immediate cessation of Landfill operations or other activities at the Facility if the Board, Department of Regional Planning, or DPH determines that such cessation is necessary for the health, safety, and/or welfare of the County's residents or the environment. Such cessation shall continue until such time as the Department of Regional Planning or DPH determines that the conditions leading to the cessation have been eliminated or reduced to such a level that there no longer exists an unacceptable threat to the health, safety, and/or welfare of the County's residents or the environment.

16. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference, as if set forth fully herein.

17. The permittee shall comply with the Implementation and Monitoring Program ("IMP"), which is attached hereto and incorporated by this reference, as if set forth fully herein.

18. Within 30 days of the Approval Date, the permittee shall record a covenant and agreement, which attaches the MMRP and the IMP, and agrees to comply with the mitigation measures imposed by the Environmental Impact Report for this project and the provisions of the IMP, in the office of the County Registrar-Recorder/Clerk ("Recorder"). Prior to recordation, the permittee shall submit a draft copy of the covenant and agreement to the Department of Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures and IMP measures, the permittee shall submit annual mitigation monitoring reports to the Department of Regional Planning for approval, or as required, with a copy of such reports to the Department of Public Works, the CAC and the TAC. The report shall describe the status of the permittee's compliance with the required measures. The report shall be due for submittal on July 1 of each year, and shall be submitted for review and approval no later than March 30, annually.

19. Within 30 days of the Approval Date of this grant, the permittee shall deposit an initial sum of $10,000 with the Department of Regional Planning to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP, and inspecting the premises to ensure compliance with the MMRP, and to undertake any other activity of the Department of Regional Planning to ensure that the mitigation measures are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, providing administrative support in the oversight and enforcement of mitigation measures, performing technical studies, and retaining the services of

an independent consultant for any of the aforementioned purposes, or for routine monitoring of any and/or all of the mitigation measures. If the actual costs incurred pursuant to this Condition No. 19 have reached 80 percent of the amount of the initial deposit ($10,000), and the permittee has been so notified, the permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit ($10,000) within ten business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. The permittee shall replenish the mitigation monitoring account, if necessary, until all mitigation measures have been implemented and completed. Any balance remaining in the mitigation monitoring account upon completion of all measures and completion of the need for further monitoring or review by the Department of Regional Planning shall be returned to the permittee.

The Department of Regional Planning and the Department of Public Works, or their designees, may conduct periodic unannounced inspections of the Facility. The Department of Regional Planning and the Department of Public Works, or their designees, may use drones or other similar technologies in conjunction with announced or scheduled inspections of the Facility. The Department of Regional Planning and the Department of Public Works, or their designees, will exercise best efforts to notify the permittee of any complaints received by the Department of Regional Planning or the Department of Public Works, or their designees, from the public regarding the permittee within three business days of receipt.

20. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor, pursuant to Section 22.60.340 of the County Code. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq. of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public's health or safety, or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13, of the County Code.

In addition to, or in lieu of, the provisions just described, the permittee shall be subject to a penalty for violating any provision of this grant in an amount determined by the Director of Regional Planning, not to exceed $1,000 per day per violation. For this purpose, the permittee shall deposit the sum of $30,000 in an interest-bearing trust fund with the Department of Regional Planning, within 30 days after the Effective Date, to establish a draw-down account. The permittee shall be sent a written notice for any such violation with the associated penalty, and if the noticed violation has not been remedied within 30 days from the date of the notice, to the satisfaction of the Director of Regional Planning, the stated penalty, in the written notice shall be deducted from the draw-down account. If the stated violation is corrected within 30 days from the date of the notice, no amount shall be deducted from the draw-down account. Notwithstanding the previous sentence, if the stated violation is corrected within 30 days from the date of the notice, but said violation recurs any time within a six-month period, the stated penalty will be automatically deducted from the draw-down account upon such recurrence, and the permittee will be notified of such deduction. If the deposit is ever depleted by 50 percent of the initial deposit amount ($15,000), the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit ($30,000) within ten business days of notification of the depletion. There shall be no limit to the number of supplemental deposits that may be required during the life of this grant. The balance remaining in the draw-down account, including interest, shall be returned to the permittee, upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.

If the permittee is dissatisfied with any notice of violation, as described in the preceding paragraph, the permittee may appeal the notice of violation to the Hearing Officer, pursuant to Section 22.60.390(C)(1) of the County Code, within 15 days of receipt by the permittee of the notice of violation. The Hearing Officer shall consider such appeal and shall take one of the following actions regarding the appeal:

A. Affirm the notice of violation;

B. Rescind the notice of violation; or

C. Modify the notice of violation.

The decision of the Hearing Officer is final and shall not be subject to further administrative appeal.

21. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with, unless otherwise modified as set forth in these conditions, or as shown on the approved Site Plan or Exhibit "A", or on a revised Exhibit "A" approved by the Director of Regional Planning.

22. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated at the Facility, or that do not provide pertinent information about the Facility. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

The permittee shall also establish and maintain a graffiti deterrent program for approval by the Department of Public Works. An approved copy shall be provided to the Graffiti Abatement Section of the Department of Public Works.

PROJECT SPECIFIC CONDITIONS
GENERAL PROVISIONS

23. Upon the Effective Date, this grant shall supersede Conditional Use Permit ("CUP") 89-081(5) and shall authorize the continued operation of a Class III (nonhazardous) Solid Waste Landfill on the subject property. The maximum tonnage capacity to be received at the Facility shall be as follows:

A. Average Daily Tonnage Capacity

1. Upon Effective Date through December 31, 2024, the amount of Solid Waste that may be disposed of in the Landfill shall average 6,616 tons per day, Monday to Saturday. The amount of all incoming materials that may be received for processing disposal and beneficial use at the Facility shall average 8,974 tons per day.

2. Effective January 1, 2025 through ~~2047~~December 31, 2029, the amount of Solid Waste that may be disposed of in the Landfill shall

average ~~3,411~~5,494 tons per day, Monday to Saturday. The amount of all incoming materials that may be received for processing disposal and beneficial use at the Facility shall average ~~5,769~~7,852 tons per day.

3. Effective January 1, 2030 through December 31, 2034, the amount of Solid Waste that may be disposed of in the Landfill shall average 5,013 tons per day, Monday to Saturday. The amount of all incoming materials that may be received for processing disposal and beneficial use at the Facility shall average 7,371 tons per day.

4. Effective January 1, 2035 through July 28, 2042, the amount of Solid Waste that may be disposed of in the Landfill shall average 4,533 tons per day, Monday to Saturday. The amount of all incoming materials that may be received for processing disposal and beneficial use at the Facility shall average 6,891 tons per day.

B. Facility Daily Maximum Capacity

The maximum tonnage of any combination of Solid Waste and other materials received by the Facility for processing, Beneficial Use Materials (including Composting) and disposal shall not exceed 12,000 tons on any given day, provided the Monthly Tonnage Capacity shall not be exceeded~~.~~, subject to the additional Soil allowance set forth in Condition No. 23(F).

C. Monthly Tonnage Capacity

1. Upon Effective Date through December 31, 2024, the total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall ~~not exceed~~average 233,333 tons ~~in any given~~a month~~.~~, measured on an annualized basis (i.e., measured from January 1 through December 31 of each calendar year). The amount of Beneficial Use Materials processed as Beneficial Use in any given month shall ~~not exceed~~average 61,308 tons.

2. Effective January 1, 2025 through ~~2047~~December 31, 2029, the total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall ~~not exceed 150,000~~average 204,166 tons ~~in any given~~a month~~.~~, measured on an annualized basis (i.e., measured from January 1 through December 31 of each calendar year). The amount of Beneficial Use Materials processed as Beneficial Use in any given month shall ~~not exceed~~average 61,308 tons.

3. Effective January 1, 2030 through December 31, 2034, the total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall average 191,666 tons a month, measured on an annualized basis (i.e., measured from January 1 through December 31 of each calendar year). The amount of Beneficial Use Materials processed as Beneficial Use in any given month shall average 61,308 tons.

4. Effective January 1, 2035 through July 28, 2042, the total quantity of all materials received for processing, disposal, and Beneficial Use Materials at the Facility shall average 179,166 tons a month,

measured on an annualized basis (i.e., measured from January 1 through December 31 of each calendar year). The amount of Beneficial Use Materials processed as Beneficial Use in any given month shall average 61,308 tons.

D. Composting Facility Capacity – The amount of incoming materials for processing at the Organic Waste Composting Facility shall not exceed 560 tons per day. This amount shall also be included in the amount of Beneficial Use Materials allowed.

E. Facility Annual Maximum Capacity

1. Upon Effective Date through December 2024, the maximum annual tonnage capacity of all materials received by the Facility for processing shall not exceed 2,800,000 tons in any calendar year~~.~~, subject to the additional Soil allowance set forth in Condition No. 23(F). Of this overall tonnage, Solid Waste disposed may not exceed 2,064,300 tons and Beneficial Use Materials (including Compost) processed as Beneficial Use may not exceed 735,700 tons in any calendar year.

2. Effective January 2025 through ~~2047~~December 2029, the maximum annual tonnage capacity of all materials received by the Facility for processing shall not exceed ~~1,800~~2,450,000 tons in any calendar year~~.~~, subject to the additional Soil allowance set forth in Condition No. 23(F). Of this overall tonnage, Solid Waste disposed may not exceed 1,~~064~~714,300 tons and Beneficial Use Materials (including Compost) processed as Beneficial Use may not exceed 735,700 tons in any calendar year.

3. Effective January 2030 through December 2034, the maximum annual tonnage capacity of all materials received by the Facility for processing shall not exceed 2,300,000 tons in any calendar year, subject to the additional Soil allowance set forth in Condition No. 23(F). Of this overall tonnage, Solid Waste disposed may not exceed 1,564,300 tons and Beneficial Use Materials (including Compost) processed as Beneficial Use may not exceed 735,700 tons in any calendar year.

4. Effective January 2035 through July 28, 2042, the maximum annual tonnage capacity of all materials received by the Facility for processing shall not exceed 2,150,000 tons in any calendar year, subject to the additional Soil allowance set forth in Condition No. 23(F). Of this overall tonnage, Solid Waste disposed may not exceed 1,414,300 and Beneficial Use Materials (including Compost) processed as Beneficial Use may not exceed 735,700 tons in any calendar year.

F. Soil Exemption

Permittee shall be allowed to exempt 250,000 tons of Soil per year from the Annual Maximum Capacity, as set forth in Condition No. 23(E), and the Daily Maximum Capacity, as set forth in Condition No. 23(B). Tonnage of exempted Soil received by the Facility shall be tracked separately from Solid Waste and Beneficial Use Material. Notwithstanding the foregoing, permittee shall not exceed the maximum daily truck traffic as analyzed in the EIR (975 inbound truck trips per day – see EIR Table 2-3) or

the daily maximum capacity as analyzed in the EIR (13,182 tons per day – see EIR Table 1-4 and Table 2-2).

24. The Board may increase maximum daily, monthly, or annual amounts of Solid Waste allowed by Condition No. 23 if, upon the joint recommendation of the DPH and the Department of Public Works, the Board determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of public health and safety, including at the time of a declared local, regional, State, or national disaster or emergency.

25. The County reserves the right to exercise its police power to protect the public health, safety, and general welfare of County residents by managing the Countywide waste stream, including preventing predatory pricing. The permittee shall not adopt waste disposal practices/policies at the Facility which discriminate against self-haulers, waste haulers, and other solid waste enterprises delivering waste originating in the unincorporated areas of Los Angeles County.

26. This grant shall also authorize the following Ancillary Facilities and activities at the Facility, as shown on the approved Exhibit "A," subject to the conditions of this grant:

    A. Office and employee facilities directly related to the Landfill, including offices or other facilities related to any other enterprise operated by the permittee or other person or entity employed by the permittee or acting on its behalf;

    B. Operations related to the placement and disposal of Solid Waste;

    C. Paint booth for equipment and containers;

    D. Leachate collection and management facilities;

    E. Facilities necessary for the collection, utilization, and distribution of Landfill gases, as required and/or approved by the Department of Public Works, the DPH, or the SCAQMD;

    F. Facilities necessary for the maintenance of machinery and equipment used at the Landfill, excluding Solid Waste collection equipment and vehicles, and equipment or machinery used by the permittee in other enterprises;

    G. On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Condition No. 45 of this grant;

    H. Facilities necessary for Environmental Protection and Control Systems, including flare stations, storage tanks, sedimentation basins, and drainage devices;

    I. Storage and repair of bins utilized for Landfill activities;

    J. Household hazardous waste consolidation area;

    K. Household Hazardous Waste Facility;

    L. Organics Waste Composting Facility; and

    M. Landfill Gas-to-Energy Plant.

In the event that revisions to the approved Site Plan, including the approved Exhibit "A," consistent with the intent of this grant and the scope of the supporting environmental documentation are proposed, such revised Site Plan shall be submitted to the Department of Public Works for review and pre-approval, and to the Director of Regional Planning for final approval, with copies filed with the Department of Public Works and the DPH. For the life of this grant, there shall be no revisions to the approved Exhibit "A" that change the Limits of Fill, and no Site Plan shall be approved that will change the Limits of Fill.

27. Household Hazardous Waste Facility and its operations shall be subject to the following use restrictions and pursuant to Condition No. 124 of this grant:

A. Household Hazardous Waste Facility may be used by the general public to drop off household hazardous wastes, including, but not limited to, used motor oil, used latex paints, used anti-freeze, and used batteries; and other wastes as may be defined in the Operating Agreement. The Household Hazardous Waste Facility is not to be used for general use by commercial or industrial entities, except for Conditionally Exempt Small Quantity Generators, which shall mean a generator that generates no more than 100 kilograms of hazardous waste in any calendar month.

B. The Household Hazardous Waste Facility shall be no smaller than 2,500 square feet in size, exclusive of ingress and egress.

C. Recyclable materials shall not be collected in quantities or stored for periods which would cause the need for a hazardous waste facilities permit, unless such permit has been obtained.

D. Operating hours shall be as defined in the Operating Agreement, but in no event shall those hours exceed 6:00 a.m. to 9:00 p.m., seven days per week.

E. The Household Hazardous Waste Facility shall be staffed continuously during operating hours by a person(s) trained in hazardous material handling and management.

F. Household Hazardous Waste Facility development shall substantially conform to Exhibit "A," any requirements of this grant, and the mitigations listed in the visual impact section of the mitigation monitoring summary referenced in the MMRP.

28. Permittee may construct and operate an Organic Waste Composting Facility, together with certain ancillary and related activities as enumerated herein, subject to the following restrictions as to use:

A. The facility may be used to receive process and compost green waste, food waste, and other organics waste materials and to store and distribute mulch, biomass fuel, and compost.

B. The facility location shall be designated on the Site Plan Exhibit "A" or an approved Revised Exhibit "A" prior to beginning operations. The location shall be approved by the Director of Public Works and shall be far away from residential and business areas. The facility shall be enclosed.

C. The Organic Waste Composting Facility operation shall receive no more than 560 tons per day of green waste, food waste, and other

organics waste materials. No wastewater biosolids (e.g., sludge or sludge components) shall be allowed.

D. Operating hours shall be within the hours of 5:00 a.m. to 6:00 p.m., Monday to Saturday.

E. Access by customers for purposes of removing the solid products and by-products, including finished mulch and compost, shall not occur outside hours of 5:00 a.m. to 5:00 p.m., Monday to Saturday.

F. Permittee shall comply with all rules for odor abatement and prevention of the SCAQMD and the DPH. The permittee shall not allow odors to become a nuisance in adjacent residential and business areas. In the event odors become a nuisance in adjacent residential and business areas, permittee shall take all necessary steps to abate that nuisance. If the permittee, despite the application of the best available technology and methodology, cannot abate the nuisance odors resulting from Organic Waste Composting Facility operations, the permittee shall terminate such operations.

G. Upon commencement date of the Organic Waste Composting Facility, the permittee shall submit to the Department of Public Works, DPH-SWMP, and SCAQMD an Odor Control and Mitigation Plan for operation of the this facility.

29. The Final Cover of the Landfill shall not exceed the permitted elevation of 1,430 feet above mean sea level, and the Footprint shall not exceed the total permitted disposal area of 400 acres. No portion of the Landfill shall extend beyond the Limits of Fill, as shown on the approved Exhibit "A." The existing Landfill consists of the following, as shown on the approved Exhibit "A": existing Primary Canyon (55 acres, currently completely filled); existing Canyon B (14 acres, currently completely filled); existing Main Canyon (188 acres, currently 182 acres have been filled); and new fill areas (143 acres currently unfilled), together with certain ancillary and related activities, as enumerated herein, subject to the restrictions contained in this grant.

30. The permittee shall not sever, sell, or convey any portion, or the entirety of property for which this CUP is granted, without first notifying the Department of Regional Planning, with a copy to the Department of Public Works, at least 90 days in advance. Any future receiver of the subject property shall be required to acknowledge and accept all conditions of this grant prior to finalization of any conveyance.

31. The permittee shall keep all required permits in full force and effect, and shall fully comply with all requirements thereof. Failure of the permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant, and shall be subject to any and all penalties described in Condition No. 20.

32. Nothing in these conditions shall be construed to require the permittee to engage in any act that is in violation of any State or federal statute or regulation.

33. The permittee shall reimburse DPH for personnel, transportation, equipment, and facility costs incurred in carrying out inspection duties, as set forth in the SWMP, including maintaining at least one full-time inspector at the Facility at least once a week, when waste is received and processed to the extent that these costs are not covered by the fees already paid for administration of the SWFP for the Landfill.

INSURANCE REQUIREMENTS

34. Prior to the Effective Date, and thereafter on an annual basis, the permittee shall provide evidence of insurance coverage to the Department of Public Works in the amount of at least $40 million that meets County requirements and that satisfies all the requirements set forth in this Condition No. 34. Such coverage shall be maintained throughout the term of this grant and until such time as all Post-Closure Maintenance requirements are met by the permittee and certified by the appropriate local, State, and federal agencies. Such insurance coverage shall include, but shall not be limited to, the following: general liability, automobile liability and pollution liability, and clean-up cost insurance coverage with, an endorsement for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable State, federal, and local requirements, with no special limitations. Upon certification of coverage, and annually thereafter, a copy of such certification shall be provided to the Department of Public Works.

35. To ensure that the permittee has sufficient funds at Closure to provide for the continued payment of insurance premiums for the period described in Condition No. 34 of this grant, the permittee shall, within 60 months prior to the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements, as approved by the CEO, showing its ability to maintain all insurance coverage and indemnification requirements of Condition Nos. 34 and 36 of this grant. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the County. The Department of Public Works shall administer the trust fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation.

36. To ensure that the permittee has sufficient funds for the Landfill's Closure and/or the Post-Closure Maintenance and maintenance of the Environmental Protection and Control System, the permittee shall, within 60 months of the anticipated Closure Date, and annually thereafter, provide financial assurance satisfactory to the Department of Public Works that meets County requirements, as approved by the CEO, that it is financially able to carry out these functions in perpetuity, or until the Landfill no longer is a threat to public health and safety, as determined by the Department of Public Works. The Department of Public Works' determination shall be based on an engineering study prepared by an independent consultant selected by the Department of Public Works. The permittee shall pay all costs associated with the independent consultant and the study within 30 days of receiving the invoice for the consultant's services. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the Department of Public Works. Permittee shall pay into the fund annually and the Department of Public Works shall administer the fund, and all interest earned or accrued by the fund shall remain in the fund to keep pace with the cost of inflation. The Department of Public Works may consider, at its sole discretion, the financial assurance mechanism required under State law and regulation in meeting the intent of this Condition No. 36.

PERIODIC REVIEW

37. Not less than one year before the 5th anniversary of the Effective Date of this grant, the permittee shall initiate a Periodic Review with the Department of Regional Planning. Additional Periodic Reviews shall be initiated by the permittee not less than one year before the 10th, 15th, and 20th~~, and 25th~~ anniversaries of the effective date of this grant. Additional Periodic Reviews may also be required at the discretion of the Director of Regional Planning. The purpose of the Periodic Reviews is to consider new or changed circumstances, such as physical

development near the Project Site, improved technological innovations in environmental protection and control systems, and other best management practices that might significantly improve the operations of the Facility, and to determine if any changes to the facility operations and IMP are warranted based on the changed circumstances. To initiate the Periodic Review, the permittee shall submit for review a permit requirement compliance study which details the status of the permittee's compliance with the conditions of approval of this grant. Additionally, an updated Closure Plan and Post-Closure Maintenance Plan shall be submitted to the Department of Regional Planning and the TAC for review at this time, as well as the comprehensive waste disposal study referred to in Condition No. 106, and any other information that is deemed necessary by the Department of Regional Planning to ensure that the Landfill operations are operating as efficiently and effectively as possible, and that any potential adverse impacts are minimized, and that the Facility is not causing adverse impacts or nuisance in the surrounding communities.

The cost of the Periodic Reviews shall be borne by the permittee and is to be paid through the draw-down account referred to in Condition No. 125. For each Periodic Review, a report based on the latest information shall be made to the Hearing Officer by Department of Regional Planning staff at a public hearing pursuant to Part 4 of Chapter 22.60 of the County Code. Each report shall include a review of the performance of the Landfill and recommendations for any actions to be taken if found necessary. Such actions may include changes or modifications to the IMP, including any measures necessary to ensure that the Landfill will continue to operate in a safe and effective manner, and the Landfill closure will be accomplished timely and effectively. The fees imposed pursuant to this grant in its original form and as modified herein are not subject to Periodic Review. The decision of the Hearing Officer on the Periodic Review may be appealed to the Regional Planning Commission. The decision of the Regional Planning Commission shall be final.

TERMINATION REQUIREMENTS

38. The maximum life of this grant shall be ~~30~~25 years, effective from the Approval Date. The Termination Date shall be either date that: (1) the Landfill reaches its Limits of Fill as depicted on Exhibit "A" (Elevation 1,430 feet Alternative); or (2) 60 million tons; or (3) ~~30~~25 years after the Approval Date of this grant, whichever occurs first. At least 12 months prior to the ~~20~~15th anniversary of the Approval Date, if the permittee has not exhausted the available Landfill capacity within the Limits of Fill depicted on Exhibit "A," the permittee shall conduct a study to determine the remaining capacity of the Landfill and identify all activities and schedules required for the Closure and Post-Closure maintenance of the Facility. The study shall be submitted to the TAC and CAC for their independent review. Upon their review, the TAC and CAC shall report to the Director of Regional Planning their findings regarding the remaining capacity of the Landfill and the Termination Date. Upon consideration of their findings, the Director of Regional Planning shall establish a certain Termination Date for the Landfill, but in no event shall the Termination Date be a date that is later than ~~30~~25 years after the Approval Date.

39. Upon the Termination Date, the Facility shall no longer receive Solid Waste and/or Beneficial Use Materials for disposal or processing; however, the permittee shall be authorized to continue operation of any and all facilities of the Landfill as are necessary to complete: (1) the mitigation measures required by this grant; (2) the Closure and Post-Closure Maintenance required by federal, State, and local agencies; and (3) all monitoring and maintenance of the Environmental Protection and Control Systems required by Condition No. 88. No later than six months after the Termination Date, all Landfill facilities not required

for the above-mentioned functions shall be removed from the subject property, unless they are allowed as a matter of right by the zoning regulations then in effect.

OPERATING HOURS

40. The Facility shall be subject to the following operating hours:

A. Upon Effective Date through December 31, 2024, the Facility may receive Solid Waste and Beneficial Use Materials only between the hours of 4:00 a.m. to 5:00 p.m., Monday through Saturday. At any given time, no offsite queuing shall be allowed.

B. Effective January 2025 through 204~~7~~2, the Facility may receive Solid Waste and Beneficial Use Materials only between the hours of 5:00 a.m. to 5:00 p.m., Monday through Saturday. At any given time, no offsite queuing shall be allowed.

C. The Facility and all of its operations shall be closed on Sundays.

D. Upon Effective Date through December 2024, the Facility operations, such as site preparation and maintenance activities, waste processing, and the application of cover, shall be conducted only between the hours of 3:00 a.m. and 7:00 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control.

E. Effective January 2025 through 204~~7~~2, the Facility operations, such as site preparation and maintenance activities, waste processing, and the application of cover, shall be conducted only between the hours of 4:00 a.m. and 7:00 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control.

F. These hours of operations in subsections A. and B., above, may be extended to receive Inert Debris at the site to accommodate special projects that generate construction debris at night time, only with an Operational Assessment Plan, approved by the Department of Public Works.

G. Upon the Effective Date through December 2024, equipment maintenance activities at the Facility may be conducted only between the hours of 3:00 a.m. and 7:00 p.m., Monday through Saturday.

H. Effective January 2025 through 204~~7~~2, equipment maintenance activities at the Facility may be conducted only between the hours of 4:00 a.m. and 7:00 p.m., Monday through Saturday.

I. Upon the Effective Date through December 2024, no diesel vehicle shall be started at the Facility between the hours of 7:00 p.m. and 3:00 a.m.

J. Effective January 2025 through 204~~7~~2, no diesel vehicle shall be started at the Facility between the hours of 7:00 p.m. and 4:00 a.m.

K. Notwithstanding anything to the contrary in this Condition No. 40, emergency operations, mitigation measures necessary to avoid adverse environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition No. 40, may

occur at any time, if approved via written electronic authorization by the DPH. A copy of this authorization shall be provided to the Director of Regional Planning.

L. Notwithstanding the forgoing, Solid Waste and Beneficial Use Materials may be received at other times than those just described, except on Sundays, if the DPH determines that extended hours are necessary for the preservation of public health and safety.

MAXIMIZING FACILITY CAPACITY

41. The permittee shall prepare fill sequencing plans for Landfill operations to maximize Landfill capacity, and such plans must be technically, environmentally, and economically feasible. The permittee shall submit fill sequencing plans to the Department of Public Works for review and approval within 90 days after the Effective Date, so that the Department of Public Works can verify that the plans have been properly prepared and adequately reflect the amount of material that will be placed in the Landfill. Any subsequent changes to the approved sequencing plans must be approved by the Department of Public Works prior to implementation. The plans approved by the Department of Public Works shall not be in conflict with those contained in the latest State-approved Joint Technical Document for the Facility.

42. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the permittee shall adopt and implement appropriate measures to ensure that the method to determine that the waste origin and the amount of Solid Waste received, processed and/or disposed at the facility is accurate. The permittee shall comply with this condition and Part IV of the IMP.

The waste origin and reporting program shall be developed by the permittee for review and approval by the Department of Public Works. The permittee shall submit the data from this program on a monthly basis to the Department of Public Works for review, or at other frequency, as determined by the Director of the Department of Public Works. Based on the initial results from this program, the Department of Public Works may require the permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 42 is satisfied.

The Waste origin and reporting program shall include all incoming solid waste, beneficial use materials, composting materials, clean soil used for daily and intermediate cover, and any other material coming to the Facility.

43. The permittee shall operate the Facility in a manner that maximizes the amount of Solid Waste that can be disposed of in the Landfill, by, at a minimum:

A. Implementing waste compaction methods to equal or exceed the compaction rates of comparable privately-operated Landfills in Los Angeles County;

B. Investigating and implementing methods to divert or reduce intake of high volume, low-density materials that are incapable of being readily compacted;

C. Investigating and implementing methods to reduce the volume of daily cover required at the Landfill, as allowed by the appropriate regulatory agencies;

D. Utilizing waste materials received and processed at the Facility as an alternative to daily intermediate, and Final Cover, to the extent such usage is deemed technically feasible and proper by the appropriate regulatory agencies. Notwithstanding the preceding sentence, green waste, automobile shredder waste, cement kiln dust, dredge spoils, foundry sands, processed exploration waste from oil wells and contaminated sites, production waste, shredded tires, and foam shall not be used as daily, intermediate, or Final Cover at the Landfill;

E. To the extent economically and practically feasible, Construction and Demolition Debris shall not be disposed, but rather shall be separated, and recycled and/or made available for reuse, consistent with the goals of the California Integrated Waste Management Act of 1989; and

~~F.~~ Investigating and implementing methods to recycle manure~~; and~~

~~G.~~F. ~~All Solid Waste accepted at the Facility that originates from outside the Santa Clarita Valley, including the metropolitan area of Los Angeles County, must be pre-processed or undergo front-end recovery methods to remove all Beneficial Use Materials and Construction and Demolition Debris from the waste stream prior to transport to the Facility to the maximum extent practicable, as determined by the Department of Public Works. As part of its annual report to the TAC and CAC required by the IMP, the permittee shall submit documentation detailing the results of this requirement. The report must, at a minimum, include the types, quantity, and amount of all Beneficial Use Materials and Construction and Demolition Debris recovered from the waste stream. Notwithstanding the foregoing, Solid Waste originating from residential areas with a three-bin curbside collection system is exempt from this requirement~~.

44. To the extent feasible, the permittee shall minimize the disposal of Solid Waste into the Landfill that is required to be diverted or recycled under the County's Source Reduction and Recycling Element of the Countywide Integrated Waste Management Plan, adopted pursuant to Division 30 of the California Public Resources Code, and/or the Waste Plan Conformance Agreement, approved by the Board on November 21, 2000, as these documents and agreements may be amended.

45. Within 180 days after the Effective Date, and thereafter as is necessary, the Waste Plan Conformance Agreement referred to in Condition No. 44 shall be amended and approved to be consistent with applicable County waste management plans. The Director of Public Works shall be authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. This Agreement shall continue to provide for (1) the control of and accounting for all the Solid Waste, and Beneficial Use Material and Composting Materials entering into, and for recycled or diverted material leaving, the Facility; (2) the implementation and enforcement of programs intended to maximize the utilization of available fill capacity, as set forth in Condition No. 43; and (3) the implementation of waste diversion and recycling programs in accordance with applicable County waste management plans.

46. Within 180 days after the Effective Date, or a longer period if approved by the Department of Public Works, the permittee shall adopt a program to assist the County in its diversion efforts, including:

A. Utilizing alternative daily cover at the Landfill, to the extent permitted by the appropriate regulatory agencies;

B. Using a portion of the Facility to transfer loads of commingled recyclables to sorting facilities;

C. To the extent feasible, recovering scrap metal and other materials from loads of waste received at the Facility;

D. To the extent feasible, recovering and recycling Construction and Demolition Debris received at the Facility to be placed into the economic mainstream and/or reusing it at the Facility, to the extent that it is appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices, in accordance with Title 14 California Code of Regulations section 20686;

E. Composting shredded wood waste and organics at the Landfill, including but not limited to Anaerobic Digestion Composting, provided such composting project is approved by the Department of Public Works and is consistent with the intent of this permit;

F. Stockpiling and grinding of wood/green material for use as mulch, boiler fuel, or feedstock for an alternative energy project, provided such energy project is approved by the Department of Public Works and is consistent with the intent of this permit;

G. Stockpiling and grinding of concrete/asphalt material for use as base, road material, and/or decking material;

H. Development of Conversion Technologies to divert waste from disposal, provided such Conversion Technology project is approved by the Department of Public Works and is consistent with the intent of this permit;

I. Consolidation of electronic waste such as computers, televisions, video cassette recorders, stereos, copiers, and fax machines;

J. Consolidation of white goods such as refrigerators, stoves, ovens, and other white-coated major appliances; and

K. Implementing a comprehensive public awareness and education program informing Santa Clarita Valley residents of the Facility's recycling activities/programs. The program must be submitted to the Department of Public Works for review and approval within 90 days after the Effective Date.

47. The permittee shall discourage haulers from delivering partial truck loads to the Facility, and from delivering trucks to the Facility during peak commuting hours; higher tipping fees for such behavior is recommended. Notwithstanding the preceding sentence, in lieu of charging higher tipping fees, the permittee may implement some other program, as approved by the Department of Public Works, to discourage this type of activity by its customers.

PROHIBITED MATERIALS

48. The following types of waste shall constitute prohibited waste and shall not be received, processed nor disposed of at the Facility: Automobile Shredder Waste; Biosolid; Sludge, or Sewage Sludge; incinerator ash; radioactive material; hazardous waste, as defined in Title 22, section 66261.3 of the California Code of Regulations; medical waste, as defined in section 117690 of the California Health and Safety Code; liquid waste; waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste that

can cause degradation of waters in the State, as determined by the RWQCB. The permittee shall implement a comprehensive Waste Load Checking Program, approved by the DPH, to preclude disposal of prohibited waste at the Landfill. The program shall comply with this Condition No. 48, Part IV of the IMP, and any other requirements of the DPH, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.

49. Notices regarding the disposal restrictions of prohibited waste at the Facility and the procedures for dealing with prohibited waste shall be provided to waste haulers and private users on a routine basis. These notices shall be printed in English and Spanish and shall be posted at prominent locations at the Facility, indicating that anyone intentionally or negligently bringing prohibited waste to the Facility may be prosecuted to the fullest extent allowed by law.

50. In the event that material suspected or known to be prohibited waste is discovered at the Facility, the permittee shall:

A. Obtain drivers name, company name, address, and any other information as appropriate, and vehicle license number;

B. Immediately notify all appropriate State and County agencies, as required by federal, State, and local law and regulations;

C. If permittee discovers that such prohibited material has been accepted at the Facility, and after further review it is determined that it cannot immediately be removed by a licensed hauler, permittee shall store the material at an appropriate site approved by the DPH and the RWQCB until it is disposed of in accordance with applicable State and local regulations; and

D. Maintain a record of the prohibited waste to be part of the permittee's annual report required under the IMP, and to include, at a minimum, the following information:

1. A description, nature, and quantity of the prohibited waste;

2. The name and address of the source of the prohibited waste, if known;

3. The quantity of total prohibited waste involved;

4. The specific handling procedures used; and

5. A certification of the authenticity of the information provided.

Nothing in this Condition No. 50 shall be construed to permit the permittee to operate the Facility in any way so as to constitute a Hazardous Waste Disposal Facility, as defined under State law.

GRADING/DRAINAGE

51. Except as otherwise provided in this Condition No. 51, areas outside of the Limits of Fill shall not be graded or similarly disturbed to create additional Landfill area, except that additional grading may be approved by the Department of Public Works, if the Department of Public Works determines, based on engineering studies provided by the permittee and independently evaluated by the Department of Public Works, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination by the

Department of Public Works shall be documented in accordance with Part I of the IMP, and the permittee shall submit a revised Site Plan for review and approval by the Department of Public Works to show the additional grading and/or disturbance. A copy of the approved revised Site Plan shall be filed with the Director of Regional Planning, the Department of Public Works, and DPH. For the life of this grant, there shall be no revisions to the approved Exhibit "A," that will change the Limits of Fill, and no Site Plan shall be approved that will change the Limits of Fill.

52. The permittee shall conduct surface water monitoring at the Facility in accordance with appropriate federal, State, and County regulations, including the National Pollutant Discharge Elimination System (NPDES), the Los Angeles County Low Impact Development Ordinance, and County Code Title 27 requirements. Permittee shall publish the results of surface monitoring on the Facility's website, and shall provide such result to the TAC and to the CAC within seven business days of providing the results to the RWQCB.

    Nothing in this grant shall be construed as prohibiting the installation of water tanks, access roads, flares, or other similar facilities at the Facility, or implementing any mitigation program, that is required by this grant or by any other permit issued by a public agency in connection with the Landfill.

53. Notwithstanding anything to the contrary in this grant, no approval shall be granted to the permittee that will modify the authorized Limits of Fill or that will lower or significantly modify any of the ridgelines surrounding the Landfill.

54. The permittee shall comply with all grading requirements of the Department of Public Works and the County Code~~.~~, including the September 1, 2022 CCL Soil Stockpiling Protocol and any subsequent written amendments thereto agreed to by the County and permittee. In addition to any other requirements that may apply, the permittee shall obtain prior approval from the Department of Public Works for all grading that is outside the Landfill footprint and all grading within the Landfill footprint that could impact off-site property, as determined by the Department of Public Works, including, but not limited to, grading in connection with cell development, stockpiling, or excavation for borrow and cover materials.

    The permittee shall be permitted to stockpile Soil in designated stockpile locations without a prior approval for each placement event, provided that permittee receives a general written approval of conditions from the Department of Public Works, as set forth in the September 1, 2022 CCL Soil Stockpiling Protocol and any subsequent written amendments thereto agreed to by the County and permittee. The Department of Public Works will not require approvals from other County or State agencies, unless such approvals are mandated by law.

55. The permittee shall install and/or maintain appropriate drainage structures at the Facility to comply with all drainage requirements of the Department of Public Works, the RWQCB, and any other appropriate regulatory agency. Except as otherwise specifically provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed to meet all applicable drainage and grading requirements of the Department of Public Works, and all design and construction plans for these structures must have prior approval from the Department of Public Works. Notwithstanding the foregoing, at the discretion of the Department of Public Works, the permittee may be permitted to install temporary drainage structures designed for day-to-day Facility operations without prior approval from the Department of Public Works. In all cases, the Landfill and its drainage structures shall be designed so as to cause

surface water to be diverted away from disposal areas. All design modifications shall have the prior approval from the Department of Public Works.

56. All development structures and activities pursuant to this grant shall conform to the requirements of the Department of Public Works.

GROUNDWATER PROTECTION

57. The permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. The design of Landfill liners shall be as approved by the RWQCB.

58. The permittee shall conduct water quality monitoring at the Facility for the protection of groundwater, as required by both State and federal regulations and under the regulatory authority of RWQCB, as contained in Title 23, Chapter 15, Article 5, of the California Code of Regulations. The permittee shall publish the results of groundwater monitoring on the Facility's website, and shall provide such reports to the TAC and to the CAC within seven business days of providing the results to the RWQCB. The permittee shall install and test any and all groundwater monitoring wells that are required by the RWQCB, and shall promptly undertake any action directed by the RWQCB to prevent or correct potential or actual contamination that may affect groundwater quality, or water conveyance, or water storage facilities. All testing and remedial actions required by the RWQCB to detect, prevent, and/or correct groundwater contamination shall be completed, or guaranteed to be completed, to the satisfaction of the RWQCB with notice to the Department of Public Works.

59. During the duration of this grant, the project shall use recycled water once a recycled water pipeline is extend to the Newhall Ranch residential development. The permittee shall obtain the necessary permits to connect to such a recycled water pipeline, construct any necessary access, and connect to the piped recycled water.

60. In the event groundwater use is restricted in the future pursuant to court order or judgment, the permittee shall purchase water from County-authorized water purveyors, including County-authorized recycled water purveyors for non-potable uses, or authorized State Water Project contractors, and shall otherwise conform to the rules, regulations, and restrictions set forth in any applicable court order or judgment, including those rules, regulations, and restrictions that would require the permittee to pay assessments, if any.

LANDSCAPING, COVER AND RE-VEGETATION AND AESTHETIC REQUIREMENTS

61. The permittee shall comply with the following landscaping, cover and re-vegetation requirements at the Landfill:

    A. Three copies of a landscape plan shall be submitted to and approved by the Director of Regional Planning within 180 days after the Effective Date. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities required as a condition of this grant. All landscaping shall be maintained in a neat, clean, and healthful condition in accordance with the approved landscape plan, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants and trees when necessary, but not to exceed quarterly (three months-period).

    B. An annual monitoring report shall be prepared by an independent, qualified biologist and submitted to the Director of Regional Planning providing status and progress of the provisions in this Condition No.

61. The monitoring report shall be submitted as part of the annual report required pursuant to Part VIII of the IMP.

C. The permittee shall employ an expert or experts, including an independent, qualified biologist, to satisfy this Condition No. 61. Soil sampling and laboratory analysis shall be conducted in all areas that are required to be re-vegetated before any re-vegetation occurs to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results. To the extent possible, as determined by the Director of Regional Planning, plant types shall blend with species indigenous to the area, be drought tolerant, and be capable of successful growth.

D. The permittee shall apply a temporary vegetation cover on any slope or other Landfill area that is projected to be inactive for a period greater than 180 days, as set forth in the IMP. The permittee shall identify such slope or areas in the annual monitoring report described in subsection B., above, and include an interim reclamation and re-vegetation plan, as well as the timing of the proposed work for review and approval by the Director of Regional Planning.

E. Except as otherwise provided in this Condition No. 61, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially in conformance with MMRP.

F. Notwithstanding the foregoing provisions of this Condition No. 61, permittee shall comply with a different re-vegetation design or plan that the Department of Regional Planning, in consultation with the TAC, CAC, and the Department of Public Works, determines would:

1. Better protect public health and safety;

2. Enable re-vegetation of the final slopes at least as well as described in subsection E., above; and/or

3. Be required because the minimum standards adopted by the CalRecycle have been amended.

Requirements imposed by the Department of Regional Planning, pursuant to this Condition No. 61, must be consistent with State regulations and may not cause the activities at the Landfill to exceed the Limits of Fill.

G. The permittee shall provide and maintain a landscape strip that is a minimum of ten feet wide along the frontage of the ancillary facilities area on Wolcott Way and along State Route 26 Highway ("SR-126").

H. No portion of the expanded Landfill may extend above the plane or outside of the surface area of the fill design, as shown on the approved site plan, attached as Exhibit "A."

The existing viewshed from Chiquito Canyon Road shall be protected for the life of the project. The dip in the natural ridgeline along the western boundary shall be maintained or enhanced. Any structure placed on the Landfill site, including, but not limited to, temporary storage areas, any materials recovery facility, composting facility, or any other ancillary facilities that may be visible from Chiquito Canyon Road, shall be

designed to be harmonious with the natural topography and viewshed and shall be reviewed by the CAC.

The Landfill operator and the CAC shall work together to prepare a tree planting and maintenance plan for the entire western boundary of the site. The objectives of the plan are to screen Landfill operations, enhance the viewshed, and establish the minimum number and type of trees to do this, and to provide adequate access to monitoring wells. Trees may be planted on slopes on either side of the ridgeline, provided the above objectives are met and such planting is practical.

62. The permittee shall operate the Facility so as to conserve water by, at a minimum, adopting the following measures:

    A. Ensuring that all water wells used for the Facility draw from the local watershed, if such usage is approved by the appropriate agencies;

    B. Investigating the feasibility of treating collected leachate on-site for reuse in the Landfill and, if feasible and the appropriate agencies approve, implementing a program to use such water;

    C. Using soil sealant, pavement, and/or other control measures for dust control wherever feasible, instead of water; and

    D. Using drought-tolerant plants to re-vegetate the Landfill slopes and other disturbed areas to the extent feasible, as determined by the Director of Regional Planning. Plant types shall blend with species indigenous to the area and shall be capable of rapid growth.

AIR QUALITY

63. As required by the SCAQMD, the permittee shall adopt and implement operational practices to mitigate air quality impacts including, but not limited to, odor, dust, and vehicular air quality impacts at the Facility. The Facility shall be operated so as not to create a nuisance in the surrounding communities.

64. The permittee shall use Landfill gas for energy generation at the Facility or other beneficial uses, rather than flaring to the extent feasible, and shall obtain all applicable local, State, and/or federal approvals for any such use.

65. The permittee shall conduct air and Landfill gas monitoring consistent with applicable regulatory requirements. Monitoring shall consist of:

    A. Monthly instantaneous Landfill surface monitoring to evaluate potential emissions on the Landfill surfaces;

    B. Quarterly integrated Landfill surface monitoring to evaluate potential emissions on the landfill surfaces;

    C. Ambient air sampling at the Landfill site boundaries to evaluate the potential off-site migration of Landfill emissions; and

    D. Quarterly and annual reporting to present the results of the preceding activities to the SCAQMD for review.

    The permittee shall comply with the Title V operating permit issued by SCAQMD for the Landfill (Facility ID 119219), which limits emissions from the existing flares. The permit requires annual source testing in accordance with SCAQMD

protocols, including prior notification to SCAQMD so that the testing may be observed by SCAQMD personnel. As part of this source testing, emissions are monitored for methane, total non-methane organic compounds, carcinogenic and toxic air contaminants, NOx, SOx, CO, PM10, oxygen, moisture content, temperature, and flowrate.

Once per year, the permittee shall obtain fleet records from haulers who transport material to the site, to document that haulers meet current GARB standards for diesel emissions. In the event one or more haulers cannot provide documentation of compliance with CARB requirements, the permittee shall take steps to assist the hauler with obtaining compliance or shall exclude haulers who cannot provide proof of compliance.

The permittee shall publish the results of air and Landfill gas monitoring on the Facility's website, and shall provide such information to the TAC and CAC, within seven business days of providing the results to the SCAQMD. The permittee shall also publish documentation of hauler compliance with GARB emission standards on the Facility's website and shall provide such information to the TAC and to the CAC on an annual basis.

The permittee shall also install and maintain a Landfill gas collection and management system that complies with SCAQMD requirements and uses best available control technology to prevent: (1) the lateral migration of gases to off-site properties; and (2) odor generation that causes impact to surrounding communities, to the satisfaction of the Department of Public Works, the DPH, and SCAQMD.

66. Landfill gas flares shall be installed in a manner that does not result in any significant adverse aesthetic impacts, and the flames shall be totally contained within the stacks. Flame arrestors shall be provided to the satisfaction of the County Fire Department.

67. The permittee shall provide access to a back-up generator <u>for emergency use within 48 hours</u> in case of a prolonged power outage at the Facility to prevent the migration/emission of Landfill gas, unless such a use is otherwise prohibited by SCAQMD due to air quality concerns.

68. The permittee shall conduct air quality monitoring at areas surrounding the facility. The permittee shall be required to identify and hire an independent consultant, subject to the Department of Public Works' approval, to work with SCAQMD, and a committee of the CAC and the TAC. The consultant shall identify locations surrounding the Landfill in the Community of Val Verde, nearby centers of employment and schools within a five-mile radius of the Landfill to install air monitoring stations. The consultant hired must have the ability to read the monitoring results and have the results analyzed by a qualified lab. Air monitoring shall be continuous. In addition, a minimum of 12 random tests shall be conducted at sites recommended by the consultant, each year for the life of this permit. The consultant reports shall be provided to the Department of Regional Planning, Department of Public Works, the TAC, the CAC and the permittee within 15 calendar days after completion of the tests. Evaluation of air quality monitoring results shall include recommendations by the DPH regarding health and safety impacts on nearby residents, schools and centers of employment. All costs for this testing shall be paid by the permittee.

Quarterly and annual reporting is required to present the results of the preceding activities to the SCAQMD and the DPH for review.

Additionally, within one year of the Effective Date, the permittee shall hire an independent consultant, subject to the DPH's approval, to conduct a Community Health Assessment Study. The permittee shall fund the expenditure of the consultant and Study, in an amount not to exceed $150,000. The Community Health Assessment Study will analyze the communities surrounding the Landfill, including schools. As part of the assessment, existing data from other agencies regarding air quality, water quality, demographic data, and socio-economic factors should all be analyzed when considering pertinent health indicators. This assessment will be done in conjunction with the CAC.

69. Upon receipt of a total of four Notices of Violation related to air quality issued by any combination of SCAQMD, DPH, the Department of Public Works, or the Department of Regional Planning in any given calendar year, the permittee shall submit a response to the Department of Public Works within 30 calendar days of the fourth such Notice of Violation, providing an explanation of each Notice of Violation and steps taken to address it, and shall provide this information within 30 calendar days of each additional Notice of Violation within the same year. The Department of Public Works shall evaluate the response and may require the permittee to thereafter increase the air quality monitoring that it conducts at the Facility and its surrounding areas. In addition, the TAC may select an independent air quality consultant to evaluate and conduct testing of: (1) Landfill gas and trash odor generated due to working face operations; (2) landfill gas collection and management system; and (3) dust and diesel particulates surrounding the perimeter of the Facility, at a frequency to be determined by the Department of Public Works in consultation with the air quality consultant. The cost of the consultant and the tests shall be borne entirely by the permittee. The consultant report shall be provided to the Department of Public Works, the TAC, the CAC, and the permittee within 15 calendar days after completion of the tests. The Department of Public Works, with the advice of the TAC and CAC, may reduce the frequency of the consultant testing, if the Department of Public Works finds that the frequency of testing is not necessary, or may discontinue it altogether if it finds that the tests are not beneficial. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC and CAC, may increase the frequency of the consultant testing, if the Director of Regional Planning finds the frequency insufficient, and may request an evaluation report and recommendations. Upon direction from the Department of Public Works, the permittee shall implement the recommendations of the independent consultant.

70. If any of the test results of Condition No. 68 and/or 69 exceed the maximum emission levels established by the EIR and/or the SCAQMD, if the Landfill is operated in a manner which, in the determination of DPH, creates an odor nuisance to the surrounding communities, or if the Department of Public Works, in consultation with the TAC and CAC, determines that additional corrective measures are necessary to address air quality impacts to the residents of the surrounding community, the permittee shall submit a corrective action plan to the TAC and CAC within 15 days after receipt of the report. Such corrective action plan shall describe the excessive emission levels, or the determination by DPH or the Department of Public Works, and set forth a schedule for remedial action. The TAC shall consider the corrective action plan within 30 calendar days of its receipt, and provide notice to the permittee if such plan has been approved. If the TAC does not approve the corrective action plan, the Director of Regional Planning may impose additional or different measures to reduce air quality impacts at the Facility. These additional measures may include, but not be limited to, requirements that the permittee: (1) pave additional unpaved roads at the Facility; (2) water and apply soil sealant to additional Working Face areas; (3) relocate Working Face areas to designated locations during windy conditions; (4) monitor sensitive sites throughout the community; (5) close the Facility during

extreme wind conditions; and (6) employ the services of an independent consultant to evaluate the air quality impacts and/or odor nuisance, and make recommendations to mitigate the impacts and/or abate the odor nuisance. The cost of the consultant and the tests shall be borne entirely by the permittee. The consultant report shall be provided to the Department of Regional Planning, the Department of Public Works, the TAC, the CAC and the permittee within 15 calendar days after completion of the tests. The Director of Public Works, with the advice of the TAC and CAC, may reduce the frequency of the consultant testing, or discontinue it altogether, if the Director of Public Works finds that the test results are invalid or lack beneficial value. Notwithstanding the preceding sentence, the Director of Regional Planning, with the advice of the TAC and CAC, may increase the frequency of the consultant testing if the Director of Regional Planning finds the frequency insufficient. The permittee may appeal the Director of Regional Planning's decision in accordance with the appeal provisions in Condition No. 20 for an appeal of a notice of violation.

71. Within 180 days after the Effective Date, all equipment, diesel fleet vehicles, and transfer trucks that are owned or operated by the permittee, its subsidiaries, or affiliated enterprises, and that utilize the Facility, shall be compliant with GARB regulations.

    As part of its annual report to the TAC and CAC required by the IMP, the permittee shall submit documentation of its compliance with this Condition No. 71, including, but not limited to, Title 13, California Code of Regulations, section 2020, et seq., regarding Diesel Particulate Matter Control Measures.

72. The permittee shall be subject to the following requirements regarding alternative fuel vehicles and equipment:

    A. For the purpose of complying with this Condition No. 72, alternative fuel vehicles shall utilize alternative fuels that are consistent with recommendations or regulations of GARB and SCAQMD, which may include, but are not limited to electricity, natural gas (liquefied natural gas or compressed natural gas), biogas, biodiesel, synthetic diesel, or renewable diesel;

    B. Within the first year after the Effective Date, the permittee shall submit an alternative fuel vehicle implementation plan to the TAC and CAC for review and approval by the TAC. The plan shall contain information on available and proposed alternative fuel technologies, a comparison of their air emissions reduction levels at the Facility, including greenhouse gas emissions, a timeline demonstrating the permittee's best-faith efforts to comply with this Condition No. 72, as well as any other information deemed necessary by the TAC to approve the plan;

    C. The permittee shall convert into alternative fuel vehicles all light-duty vehicles operating at the Facility, solid waste collection trucks, and transfer trucks that utilize the Facility and are owned by, operated by, or under contract with the permittee, its subsidiaries, or affiliated enterprises, according to the following phase-in schedule:

        1. Within four years after the Effective Date, at least 50 percent of all aforementioned vehicles shall be alternative fuel vehicles.

        2. Within seven years after the Effective Date, at least 75 percent of all aforementioned vehicles shall be alternative fuel vehicles.

3. Within ten years after the Effective Date, 100 percent of all aforementioned vehicles shall be alternative fuel vehicles.

D. Within the first year after the Effective Date, unless a later date is approved by the TAC, the permittee shall consult with the SCAQMD and design and implement at least one heavy-duty, alternative fuel off-road equipment pilot program, to the extent deemed technically and economically feasible by the TAC. The pilot program shall be certified by a major original equipment manufacturer such as, but not limited to, Caterpillar, John Deere, or Volvo.

E. As part of its annual report to the TAC and CAC required by the IMP, the permittee shall submit an on-going evaluation of its compliance with each component of this Condition No. 72.

73. Within 180 days of the effective date, the permittee shall adopt and implement a fugitive dust program that uses the most effective available methods and technology to avert fugitive dust emissions. The fugitive dust program shall be submitted to the Department of Public Works for review and approval. In addition to the re-vegetation measures in Condition No. 61, the program shall include, at a minimum, a requirement that:

A. The permittee shall not engage in any excavation, grading, or other Landfill activity during high wind conditions, or when high wind conditions are reasonably expected to occur, as determined by the DPH, where such excavation or operation will result in significant emissions of fugitive dust affecting areas not under the permittee's control;

B. The Working Face areas of the Landfill shall be limited to small contained areas of approximately one acre or less. During periods of the year when high wind conditions may be expected, the Working Face areas shall each be located in an area of minimal wind exposure, or be closed, if closure is deemed necessary by the DPH;

C. Except when there is sufficient rain or moisture to prevent dust, daily cover, haul roads, and grading locations shall be watered as required by State Minimum Standards or more frequently, when conditions dictate for dust control. Soil sealant may be required in addition to water;

D. Except when there is sufficient rain or moisture to prevent dust, all active Working Face and soil Stockpile Areas shall be watered daily, unless wind conditions dictate otherwise;

E. If determined necessary by the DPH, the permittee shall, on any day preceding a day when the Facility is closed to Solid Waste receipt, apply soil sealant to any previously active Working Face, haul roads, or soil Stockpile Area that has not already been sealed or re-vegetated;

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. If additional sealing treatment is required, the permittee shall promptly apply such treatment to assure full control of the soil particles;

G. All primary access roads to any permanent facility in the Landfill shall be paved;

H. To minimize the length of dirt roads, paved access roads to fill areas shall be extended as new fill areas are opened. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the quantity of untreated dirt;

I. All paved roads in regular use shall be regularly cleaned to remove dirt left by trucks or other vehicles;

J. Except when there is sufficient rain or moisture to prevent dust, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the DPH or the Department of Public Works, or otherwise treated to control dust emissions;

K. Loads of Solid Waste capable of producing significant dust shall be watered during the Landfill process. If such practice is deemed unacceptable to the RWQCB, the permittee shall develop alternative methods to minimize dust generation during the Landfill process and obtain approval of the method from the Department of Public Works within 90 days of the RWQCB's determination;

L. In addition to any fire flow requirements of the County Fire Department, the permittee shall maintain a supply of water for dust control in the active Working Face areas to ensure compliance with State Minimum Standards; and

M. The permittee shall install and maintain devices on-site, as approved by the SCAQMD, to monitor wind speed and direction, and shall retain qualified personnel who can read and interpret data from these devices, can obtain and use information on predicted wind conditions, and can assist in the Facility's operations related to this information.

74. The permittee shall prepare an Odor Impact Minimization Plan (OIMP) for Facility operation consistent with the Landfill Operation Odor Reduction Measure included in the MMRP, as well as an OIMP for compost facility operation consistent with Mitigation Measure AQ-4 included in the MMRP. In addition to the requirements specified in the California Code of Regulations, Title 14, Division 7, Chapter 3.1, Article 3, and section 17863.4, the permittee shall ensure that the OIMP includes clear and enforceable measures to control odor emissions from extending beyond the site property boundary. The permittee shall maintain a log demonstrating compliance with the OIMP and documenting the effectiveness of measures taken to mitigate odor generated from incoming waste hauling trucks/customers, Working Face areas, Landfill gas, and compost operation, and will provide the log annually to the TAC and CAC.

The permittee shall submit a quarterly report to the Department of Public Works identifying: (1) all fugitive dust and odor complaints from local residents that the permittee has received for that quarter regarding the Facility; (2) all notices of violation issued by the SCAQMD or the DPH; and (3) all measures undertaken by the permittee to address these complaints and/or correct the violations. The Department of Public Works and the DPH shall each have the authority to require the permittee to implement additional corrective measures for complaints of this nature, when such measures are deemed necessary to protect public health and safety.

TRAFFIC AND ROAD IMPROVEMENT

75. Within 90 days after the Effective Date, the permittee shall submit for review and approval by the Department of Public Works a plan that establishes a program to

reduce unnecessary truck trips and queuing of trucks at the Facility and shall implement the approved plan. The program shall include, but not be limited to, the following elements:

A. A plan to schedule regular Facility users, such as commercial and municipal haulers, to avoid having these users arrive at the Facility and queue on public streets right-of-ways or be diverted to other Landfills;

B. A plan to reserve Landfill capacity until 2:00 p.m., Monday through Friday, during normal operating conditions, for small commercial and private users; and

C. A plan to discourage Landfill customers from delivering loads of less than one ton to the Facility.

76. Within 90 days after the Effective Date, the permittee shall implement a program to include, at a minimum, measures to minimize or avoid the queuing of trucks at the Facility entrance, or on SR-126 Highway and any other adjacent streets due to waste delivery or landfilling activities at all times. At any given time, no off-site queuing shall be allowed. The program shall be reviewed and approved by the Department of Public Works. A report on the effectiveness of the program shall be submitted as part of the annual report required pursuant to Part XII of the IMP.

77. Within ~~one year from the Effective Date, the permittee shall~~two years from the date the permittee receives all requisite approvals, including government-agency design approvals and construction permits to commence work on the project described in this Condition and Condition 79, the permittee shall close the existing site entrance on Henry Mayo Drive (SR-126) and relocate the site entrance, along with all its auxiliary facilities to a new site entrance located on Wolcott Drive as shown in Exhibit "A." ~~In the event that the permittee is unable to relocate the site entrance within a year, the permittee may request a one-time extension from the Department of Public Works. The extension may be granted at the sole discretion of the Department of Public Works, if the permittee demonstrates, to the satisfaction of the Department of Public Works that the extension is needed, due to activities beyond the permittee's control, and permittee is making good faith efforts to relocate the Site entrance. Notwithstanding the previous sentence, the total duration of the time extension shall not exceed 180 days~~The permittee shall use all commercially reasonable efforts to obtain all requisite approvals. The County shall exercise best efforts to assist the permittee in obtaining all requisite approvals from all agencies.

Upon opening of the new site entrance on Wolcott Drive, simultaneous use of the existing site entrance for acceptance of Solid Wastes and Beneficial Use Materials, including Soil importation, or similar activities shall be prohibited. The Department of Public Works may approve temporary use of the existing site entrance on Henry Mayo Drive (SR-126), for a period not to exceed two years from the date that permittee receives all requisite approvals, including government-agency design approvals and construction permits for any required site entrance post-closure activities, including, but not limited to, residual grading activities, landscaping, and berming.

78. The designated haul route shall be as follows:

Truck traffic to the Facility from the Interstate 5 ("1-5 Freeway") shall be restricted to the following route: (a) SR-126; and (b) Wolcott Way to travel to the Facility Driveway. Unless necessitated by road closure or other detour plan

implemented by the local jurisdictions, at no time shall any truck movement under the permittee's control to the Facility from 1-5 Freeway take place on any other route.

Truck traffic to 1-5 Freeway from the Facility shall be restricted to the following route: (a) Wolcott Way and (b) SR-126 and enter 1-5 Freeway at the SR-126 on-ramp. Unless necessitated by road closure or other detour plan implemented by the local jurisdictions, at no time shall any truck movement under the permittee's control to 1-5 Freeway from the Landfill take place on any other route.

79. Within 90 days after the Effective Date, the permittee shall provide to the Department of Public Works for review and approval a set of schedules for commencement of the "Chiquita Canyon Landfill Street Improvement Project." The street improvements identified in the "Chiquita Canyon Landfill Street Improvement Project" shall be in accordance with the following:

A. The permittee shall be responsible for the following Right-of-Way and Street Improvement Requirements.

B. Construct full street improvements on Wolcott Way and Franklin Parkway within the project frontage, compatible with the ultimate improvements per Tentative Tract Map No. 53108, to the satisfaction of the Department of Public Works.

1. The design and construction on Wolcott Way should be compatible with vertical approaches to the future grade separations at the SR-126, to the satisfaction of the Department of Public Works and Caltrans.

2. Dedicate right-of-way at a minimum of 70 feet from the latest approved centerline on SR-126, to the satisfaction of the Department of Public Works and Caltrans. The typical section and the ultimate right-of-way are contingent upon the traffic study demonstrating that the project volumes do not exceed the road capacity. In the event the project volumes exceed the road capacity, provide additional right-of-way for additional lanes, exclusive right turn lanes, and transition improvements, to the satisfaction of the Department of Public Works and Caltrans.

3. Provide slope easements at the future SR-126/Wolcott Way interchange, to the satisfaction of the Department of Public Works and Caltrans.

4. Comply with mitigation measures, including offsite improvements identified in the approved Traffic Study Analysis, to the satisfaction of the Department of Public Works and Caltrans.

5. Provide signing and striping plans for Wolcott Way, Franklin Parkway, and any other offsite roadway, based on the mitigations contained in the approved Traffic Study.

6. Remit fees in accordance with the formulas, procedures and requirements set forth in the February 2011 Report for the Westside Bridge and Major Thoroughfare Construction Fee District, to defray the costs of road improvements identified in the Report, which are necessitated to accommodate the expansion of the Landfill. The fee amount is due and payable prior to the Effective Date and is based upon the fee rate in effect at the time of the

Project's Effective Date. The current fee rate is $23,780 per Factored Development Unit (FDU) and is subject to change. Per the current Westside Bridge and Major Thoroughfare Construction Fee District Report, each gross acre of an industrial site is assessed at three times the applicable FDU rate.

7. The permittee shall install drainage structures and comply with all other drainage requirements of the Department of Public Works and any additional requirements of the RWQCB, as well as any other regulatory agency with appropriate jurisdiction. Except as specifically otherwise approved by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed so as to accommodate run-off from a capital storm.

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

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

10. The permittee shall comply with the following requirements of Street Lighting Section of the Traffic and Lighting Division of the Department of Public Works, where the installations of street lights are required. Prior to approval of any street improvement plan, the permittee shall submit a street lighting plan to the satisfaction of the Department of Public Works. Any proposed street lights that are not within the existing lighting maintenance district will need to be annexed to the district before street lighting plans can be approved.

    (1) Within one year from the Effective Date, the permittee shall provide street lights on concrete poles with underground wiring on all streets around the project boundaries to the satisfaction of the Department of Public Works. The permittee shall also contact Caltrans for street lighting requirements on Henry Mayo Drive (SR-126).

    (2) Within 30 days of the Effective Date, the permittee shall contact the Department of Public Works, Street Lighting Section, to commence and complete the Lighting District Annexation process for the operation and maintenance of the street lights around the project boundary.

11. The permittee shall pay all applicable review fees for review of all plans and engineering reports.

12. The permittee shall acquire street plan approval from the Department of Public Works, or direct check status before obtaining grading permit.

13. Within 90 days or as otherwise determined by the Department of Public Works, after the approval of the "Chiquita Canyon Landfill Street Improvement Project," execute an Improvement Agreement for the street improvements identified in this Condition No. 79, Subsection B.

14. Within 360 days after the Effective Date of this grant, the permittee shall pay its fair share to fully improve the pavement and thickening of the base/sub-base to sustain the entire truck traffic loading of the project operation and any increase in project operation on the following streets, or as required to the satisfaction of the Department of Public Works, Wolcott Way between Franklin Parkway and SR-126. The Director of the Department of Public Works, at his/her sole discretion, may grant an extension of time not to exceed an additional 360 days, if the permittee demonstrates good faith effort toward construction and completion of this Condition No. 79, subsection B.14.

b. Once every five years beginning on the Effective Date of this grant and continuing for the duration of this grant, the permittee shall conduct a Roadway Section Analysis to include a pavement section evaluation of the designated haul route (Wolcott Way and SR-126 to the Facility entrance), as well as all truck counts and traffic index calculation sheets. The findings of the revised Roadway Section Analysis shall be provided to the Department of Public Works and the City of Santa Clarita for review and approval. The permittee shall be responsible for the pro-rata costs of improving the pavement structure of the roadway segments along the designated haul route, per the recommendations in the revised Roadway Section Analysis. Upon construction of any necessary improvements to the pavement structure, the permittee shall conduct baseline deflection testing, in accordance with California Test Method 356, and submit the results to the Department of Public Works for review and approval.

c. Once every five years beginning on the Effective Date of this grant and continuing for the duration of this grant, the permittee shall conduct machine-generated truck counts at the project site entrance on three consecutive days (Tuesday through Thursday) during weeks void of national holidays. The truck counts shall be conducted by an independent count company in accordance with generally accepted traffic counting procedures. The permittee shall also calculate the 10-year Design Traffic Indices along the designated haul route Wolcott Way and SR-126 to the Facility entrance), based on the truck counts and submit them to the Department of Public Works for review and approval. Lastly, the permittee shall perform deflection tests along the designated haul route in accordance with California Test method 356 and submit the results to the Department of Public Works for review and approval. If the retested 80 percentile deflection exceeds 32 percent of the tolerable deflection, the permittee shall pay its fair share to fully remediate the pavement structure. The permittee shall submit to the Department of Public Works the proposed method of remediation and schedule for commencement of the improvement for review and approval.

~~In no event shall the "Chiquita Canyon Landfill Street Improvement Project" be more than 24 months from the Effective Date, unless otherwise extended by the Department of Public Works.~~

The "Chiquita Canyon Landfill Street Improvement Project" shall be completed within two years after the date that permittee receives all requisite approvals, including government-agency design approvals and construction permits to commence work on the project described in this Condition and Condition 77. Permittee will use all commercially reasonable efforts to obtain all requisite approvals. The County will exercise best efforts to assist the permittee in obtaining all requisite approvals from all agencies.

80. In the event the permittee elects to construct and operate a commercial-scale Conversion Technology facility at the Facility or other location in the Unincorporated County areas of the Santa Clarita Valley as approved by the Department of Public Works, the permittee is required to prepare and submit a traffic impact study to the Department of Public Works for review and approval. If the traffic impact study identifies traffic impacts, the permittee will be required to fund and/or build adequate traffic improvements, to the satisfaction of the Department of Public Works.

81. The Department of Public Works, the LEA, and the CAC may monitor the performance of the conditions of this grant designed to minimize truck traffic impact. In the event such measures are found to be inadequate, such entity or entities shall notify the Director of Regional Planning and describe the inadequacy of the conditions.

LITTER CONTROL AND RECOVERY

82. The permittee shall adopt a program that uses the most effective methods and technology to prevent waste that has entered an area under the permittee's control from escaping the area in the form of litter. Notwithstanding any other provision of this grant, the permittee shall cease accepting incoming waste during high wind conditions if, despite the methods and technology used for controlling litter, waste cannot be confined to areas under the permittee's control.

83. Within 30 days after the Effective Date, the permittee shall submit a litter control program to the DPH and the Department of Public Works for review and approval that uses the most effective methods and technology to prevent waste that has entered an area under the permittee's control from escaping the area in the form of litter. Permittee shall implement the program, as approved, and submit any revisions to the Department of Public Works for approval. The program shall include the following requirements, unless DPH requires otherwise, or the Department of Public Works approves alternative measures after determining that they are at least as effective in controlling litter

    A. Facility personnel shall continuously patrol the access road to the Facility scales during the Facility's hours of operation and remove any litter found during the patrol;

    B. Loads of Solid Waste that are improperly covered or contained and that may create significant litter shall be immediately detained, and if practicable, properly covered or contained prior to proceeding to the Working Face. If such a remedial measure cannot be taken, the load shall proceed to the Working Face under escort;

    C. All debris found on or along the entrance to the Facility and/or Working Face access roads shall be immediately removed;

    D. Operating areas shall be located in wind shielded portions of the Landfill during windy periods;

    E. The Landfill operator shall install speed bumps on Landfill property in paved areas along the route of trucks leaving the Landfill. The purpose of the speed bumps is to knock out dirt and debris accumulated in wheel wells before trucks leave the facility; and

    F. The permittee shall require open-bed trucks exiting the landfill either to be swept clean of loose debris or to be covered so as-to minimize the possibility of litter escaping onto SR-126.

The permittee shall comply with this condition and Part XVI of the IMP.

84. Within 90 days after the Effective Date, the permittee shall develop methods and/or procedures to prevent or minimize vehicles from carrying dirt and/or debris that may be dislodged onto local streets and highways and submit the methods and/or procedures for approval, and implement the approved measures to the satisfaction of the Department of Public Works.

85. In addition to the requirements described in Condition Nos. 82 and 83, the permittee shall develop and maintain a litter recovery program, to the satisfaction of the Department of Public Works and the DPH, designed to recover off-site litter from uncovered or improperly covered or contained loads traveling to the Facility or otherwise emanating from the Facility, including conducting weekly inspections of the surrounding neighborhoods within a one-mile radius of the property boundary of the combined facility. Based upon the inspection, the permittee shall collect and remove all wind-blown Trash or litter encountered in the specified area. The permittee shall maintain a log of the inspections, provide the log upon request to the DPH and the Department of Public Works, and include a copy of the log in the annual report required pursuant to Part XII of the IMP. The Department of Public Works, at its sole discretion, may increase the frequency of the litter pickup and recovery, or adjust the boundary of the specified area to improve the effectiveness of the litter recovery program.

86. The permittee shall monitor Chiquito Canyon Road, SR-126, Wolcott Way, Franklin Parkway, and other feeder roads to the entrance to Val Verde at Rancho Aviles, and the surrounding area within 100 feet of the centerline of the road (except along SR-126, where collection would start at the shoulder for safety reasons), or to any existing fence on private property for the purpose of locating and cleaning up litter in this area. Litter pickup shall be a minimum of one time per week and may be increased, upon agreement between the Landfill operator and the CAC, to maintain a litter-free environment.

87. The permittee shall develop and implement a vehicle tarping program at the Facility that effectively discourages uncovered vehicles from using the Facility. Within 30 days after the Effective Date, the permittee shall submit such vehicle taming program for approval by the Department of Public Works. Such program shall provide that all vehicles loaded with Solid Waste, or any other material that creates the potential for litter, shall be fully tarped or otherwise contained when entering and leaving the Facility, and that no such vehicle shall be allowed to enter the Facility until the driver has been informed of the tarping requirements and has been asked to have his/her load covered. The program shall impose penalties on repeat violators, up to and including, being permanently prohibited from using the Facility.

OTHER PERMITS/REQUIREMENTS

88. The permittee shall monitor and maintain the Facility's Environmental Protection and Control Systems in perpetuity, or until such time as the Department of Public Works, based on generally accepted engineering practice, determines that the routine maintenance and foreseeable corrective action that may be necessary during and after the Post-Closure Maintenance Period has been fully satisfied, and the Solid Waste disposed of in the Landfill no longer constitutes a threat to public health and safety, or to the environment.

89. The permittee shall take all necessary measures to ensure that noise emissions from the Facility at all residential receptors are within the acceptable limits of the Los Angeles County Noise Ordinance, as contained in Chapter 12.08 of the County Code.

90. The permittee shall implement effective vector control measures at the Facility pursuant to State standards, as directed by the DPH.

91. Any future traffic circulation scenario outside the current haul routes shall avoid areas of high biological diversity. Prior to utilization of a new haul route, the permittee shall submit the proposed haul route with all supporting information/report/survey of biological resources in the vicinity of the proposed haul route to the Department of Regional Planning for review and approval. The Department of Regional Planning shall consult with the Department of Public Works regarding any changes to the current haul route.

92. For fire protection purposes, the permittee shall maintain on-site fire response capabilities, construct access roads, and provide water tanks, water mains, fire hydrants, and fire flows, to the satisfaction of the County Fire Department, including, but not limited to the following:

    A. A Class II Standpipe System shall be provided and located within 200 feet of the Landfill footprint and shall have sufficient 1 1/2-inch hose with a variable-fog nozzle to reach all portions of such operations. The use of water tender trucks may be permitted in lieu of a Class II Standpipe System, provided each is equipped with 2 1/2-inch outlets for County Fire Department's use.

    B. Approved access roads no less than 20 feet in width clear to the sky shall be provided and maintained at all times around the landfilling areas to provide access for firefighting equipment. Weeds, grass, and combustible vegetation shall be removed fora distance of 10 feet on both sides of all access roads used by solid waste trucks or the public. All access within the Landfill site shall be in accordance and compliance with the County Fire Code and standards.

93. All development pursuant to this grant must be kept in full compliance with County Fire Department Regulation 10. Construction plans for access roads shall be submitted to the County Fire Department for review and approval.

94. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls for the tanks provided, in accordance with the requirements of the County Fire Department, the Department of Public Works, the RWQCB, and the SCAQMD.

95. The permittee shall develop and implement a program to identify and conserve all significant archaeological and paleontological materials found at the Facility, pursuant to Part IX of the IMP. If the permittee finds any evidence of aboriginal habitation or fossils during earthmoving activities, Landfill operations shall immediately cease in that immediate area, and the evidence and area shall be preserved until a qualified archaeologist or paleontologist, as appropriate, makes a determination as to the significance of the evidence. The Department of Regional Planning will review and approve this program, if the determination indicates that the archaeological or paleontological resources are significant, the resources shall be recovered to the extent practicable, prior to resuming Landfill operations in that immediate area of the Landfill.

96. The permittee shall develop and obtain approval from the Department of Public Works for a Standard Urban Storm Water Mitigation Plan for the Facility's activities, unless the Department of Public Works determines that such plan is unnecessary.

97. The permittee is prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility without the required permit from the Department of Public Works, and the permittee shall conduct such activities in compliance with all applicable regulations and permits. The activities covered by this Condition No. 97 include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this Condition No. 97, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.

98. The permittee shall at all operating times, Monday through Saturday, maintain adequate on-site staff, with appropriate training and experience for the operation of the Facility. At least one on-site senior level member shall be familiar with or have access to an electronic or hard copy of this grant and possess a SWANA Manager of Landfill Operation (MOLO) certification.

99. The permittee shall at all times, 24 hours a day, seven days a week, make available at least one emergency contact person, with sufficient expertise to assess the need for remedial action regarding operation-related accidents, and with the requisite authority and means to assemble the necessary resources to take such remedial action. The individual must be able to be reached on a continuous basis through the telephone number or e-mail address posted at the Facility entry gate.

100. Within 90 days after the Effective Date, the permittee shall submit a completed application to the Task Force for a "Finding of Conformance" that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element. The application must comply with all of the submittal requirements set forth in Table 10-1 thereof. The permittee shall also promptly comply with any requests from the Task Force for additional information needed in connection with the application, and shall comply with all conditions of such Finding of Conformance.

101. Upon the Effective Date, the membership of the Alternative Technology Advisory Subcommittee of the Task Force shall be increased to include a representative of the permittee and an environmental representative designated by the Fifth Supervisorial District to represent the Santa Clarita Valley. Notwithstanding the preceding sentence, the membership of the Alternative Technology Advisory Subcommittee may be adjusted, at the sole discretion of the Department of Public Works, acting as the Chair of the Task Force, as necessary upon the recommendation of the Task Force.

102. All employee, guest, and truck parking shall be developed and maintained as set forth in Part 11, Chapter 22.52, of the County Code.

103. All salvage material stored at the Facility (except materials which are to be used for Landfill operations), dumpsters, containers, construction materials, and disabled trucks and equipment shall be consolidated into one or more areas that are screened by fences or other means from public streets and adjacent private lands not owned by the permittee, in accordance with the provisions of Part 7, Chapter 22.52 of the County Code.

104. The perimeter of the Landfill shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter baffler (such as fencing) or topographic constraints enclosed by fencing to inhibit unauthorized entry. Except as otherwise required by the DPH, fencing shall conform to the detail shown on the approved Exhibit "A".

105. Business signs shall be as permitted by Part 10, Chapter 22.52, of the County Code for Zone C-1, except that no portion of any such sign may extend more than 15 feet above the ground, and the total sign area shall be based upon a street or building frontage of 100 feet.

106. Within 10 years after the Effective Date, and every 10 years thereafter, the Department of Public Works, in consultation with the Department of Regional Planning and the permittee, shall select an independent consultant(s) with expertise in engineering and planning, to conduct a comprehensive study analyzing various alternatives to serve the long-term Solid Waste Disposal needs of the Santa Clarita Valley. The purpose of the study is to ensure uninterrupted solid waste disposal services to the residents and businesses in the Santa Clarita Valley, keeping disposal fees low and stable, making existing facilities as efficient as possible, and ensuring that facilities keep pace with population growth and changing technologies in the solid waste industry. The study should include a comprehensive analyses (including a sensitivity and cost-to-benefit analysis) of all aspects of this endeavor, including but not limited to, the economic, environmental, and technical feasibility of the following alternatives/issues:

A. Evaluating rail and truck transport options for solid waste export out of the Santa Clarita Valley, including the necessary infrastructure (in and out of the Santa Clarita Valley) to realize these options;

B. Demonstrating how any proposed waste-by-rail option would tie into the existing or future County waste-by-rail system;

C. Developing Conversion Technology facilities in the Santa Clarita Valley;

D. Planning a future transfer station system in the Santa Clarita Valley;

E. Reviewing public/private ownership options;

F. Analyzing financing, staffing, and rate impacts;

G. Defining and establishing the facility siting processes;

H. Establishing a process for involving interested parties in the planning process; and

I. Any other alternatives and issues deemed appropriate by the Department of Public Works and/or the Department of Regional Planning.

The costs of the study shall be equally shared by the permittee and the Department of Public Works, Environmental Programs Division, but in no event shall the cost to the permittee exceed $50,000 per study. The permittee shall make the payment within 30 days of receiving the invoice for the consultant's services. The study shall be completed within 18 months of the selection of the independent engineering/planning consultant(s). The study's findings and recommendations shall be submitted to the TAC and CAC for review and comment. Upon addressing all the TAC's comments and CAC's comments to the satisfaction of the TAC, the independent engineering/planning consultant(s) shall submit the study to the Commission, the Department of Regional Planning, the Department of Public Works, the permittee, and all other interested parties. The permittee shall submit a detailed response to the study's findings and recommendations, including which recommendations it plans to pursue. The permittee shall make a good-faith effort to implement all recommendations to

carry out the purpose of this Condition No. 106 to the satisfaction of the Department of Public Works.

107. The permittee shall implement and comply with the following seismic monitoring requirements:

A. Complete installation of an on-site accelerometer system to measure earthquake/seismic ground motions within 180 days after the Effective Date. The system design, including but not limited to, locations of sensors, shall be reviewed and approved by the Department of Public Works. A set of as-built plans signed and sealed by a California Registered Civil Engineer, or other registered professional approved by the Department of Public Works, shall be provided to DPH and the Department of Public Works; and

B. Following a major earthquake/seismic ground motion of magnitude 5.0 or greater, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, thoroughly survey the Facility for primary and secondary surface expressions of seismic activity (such as surface ruptures, landslides, change in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the Department of Public Works and the DPH for review. The assessment report shall describe and discuss all features, including damage to the site and infrastructure caused by the earthquake and measures that will be taken to mitigate the impact to the satisfaction of the Department of Public Works.

108. The permittee shall accept all Solid Waste and Beneficial Use Materials generated and delivered to the Facility by all waste haulers and customers operating in the Unincorporated County Areas of Santa Clarita Valley. The permittee shall submit to the Department of Public Works an annual report on the origin of Solid Waste and Beneficial Use Materials accepted at the Facility by jurisdiction of origin. The annual report shall also contain information on all waste haulers (including those owned or operated by the permittee, its subsidiaries, or affiliated enterprises) and self-haul customers utilizing the Facility, whether (and why) any waste haulers and self-haul customers were turned away from the Facility, and the tipping fee charged for all waste haulers and self-haul customers. The permittee shall not engage in predatory pricing that may discourage any private waste haulers and self-haul customers from utilizing the Facility.

109. Within 90 days after the Effective Date, the permittee shall install video monitoring equipment at the Facility to record and monitor Landfill operations at each Working Face area, between the period of 5:00 a.m. to 10:00 p.m. to ensure compliance with the conditions of this grant. Copies of the video recordings shall be provided to the Department of Public Works, DPH, the TAC and CAC upon request, and shall be kept and maintained at the Facility for one year after recording, unless the DPH determines, at its sole discretion, that the video recordings should be kept for a longer period to protect public health, safety, or the environment.

110. The permittee shall provide four free quarterly clean-up days to residents of the communities of Val Verde and Castaic, showing proper identification and proof of residence at the Landfill entrance. These days may be Saturday or Sundays, subject to the approval of the Department of Public Works. The permittee shall accept all Solid Waste delivered to the site with proof of residency during the event free of charge, up to one ton per residence, and promote the program in a newspaper of general circulation. The operator shall further reimburse the CAC

for the cost of providing two roll-off bins in Val Verde and Castaic on each clean-up day with the locations determined by the CAC. The operator and CAC may jointly change this program if they mutually determine alternatives to the above can further assist the community.

~~111. The permittee shall implement the following:~~

~~A. The permittee shall designate the site as a passive park, open space or other type of publicly accessible recreational use in accordance with the covenants, conditions and restrictions on the Landfill, as indicated in the EIR at section 2.3.2.4. If requested by the County or other applicable governmental agency, the operator will offer to dedicate such area upon completion to an appropriate entity.~~

~~B. Notwithstanding this Condition No. 111, the permittee shall maintain responsibility for the Facility including, but not limited to, all Closure and Post-Closure Maintenance requirements as stated in Condition Nos. 35 and 36.~~

~~C. Within 180 days of the Effective Date, permittee shall prepare and submit to the Department of Regional Planning a Primary Canyon Park Implementation Plan, which shall establish protocols and processes to study, design, construct, operate, and fund a public access area on the closed portion of the Landfill (Primary Canyon). The Implementation Plan shall include criteria and standards for the Primary Canyon Park/Open Space and procedures for establishment of a Primary Canyon Recreation Community Working Group, which shall include representatives from the Landfill, the Department of Regional Planning, the Fifth Supervisorial District, the Department of Public Works, the LEA, the CAC, and the Castaic Town Council.~~

~~1. Permittee shall prepare a Primary Canyon Park/Open Space Master Plan in consultation with the Primary Canyon Recreation Community Working Group. The Master Plan shall balance the needs of the public for access against the following considerations:~~

~~(1) Compliance with the regulatory requirements and the final closure plan;~~

~~(2) Safety of the public with respect to ongoing Landfill operations;~~

~~(3) Safety of the public with respect to the property surrounding the public access area; and~~

~~(4) Biological mitigation measures required by the Final EIR.~~

~~The Master Plan may provide for educational signage or kiosks regarding the Landfill, the Landfill gas-to-energy plant, native and rare plants and other wildlife resources, such as, for example, public education information on the western spadefoot toad and its habitat. The Master Plan shall be submitted to the Department of Regional Planning for review and approval within one year of the approval of the Primary Canyon Park/Open Space Implementation Plan.~~

~~2. Within one year of the approval of the Master Plan, permittee shall submit to the LEA a partial closure plan/post-closure plan for Primary Canyon that incorporates the approved Primary Canyon Park/Open Space Master Plan.~~

~~3. Permittee shall pay for construction of the approved Primary Canyon Park/Open Space and begin construction within 90 days of final approval of the Closure Plan by CalRecycle.~~

~~4. Permittee shall fund the costs to prepare the Primary Canyon Park/Open Space Implementation and Primary Canyon Park/Open Space Master Plans and the costs to design, permit and construct Primary Canyon Park/Open Space, at an amount not to exceed $2,000,000. Permittee shall operate Primary Canyon Park/Open Space at its own expense.~~

111. *Condition 111 is deleted.*

PERMITTEE FEES

112. The requirement that the permittee pay the fees set forth in Condition Nos. 114 through 125, inclusive, shall not begin until the Effective Date. Prior to that date, any and all fees required by CUP 89-081-(5) shall remain in full force and effect. The following fees are cumulative and are in addition to any other fee or payment required by this grant.

113. All financial records shall be preserved fora period of three years and shall be available for inspection by the DPH, the Department of Public Works, the Department of Regional Planning, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.

114. The permittee shall pay to the office of the Los Angeles County Treasurer and Tax Collector a quarterly fee equal to 10 percent of the sum of the following, pursuant to Section 4.63, et seq., of the County Code:

A. The net tipping fees collected at the Facility as described below in this Condition No. 114. For purposes of this Condition No. 114, "net tipping

fee" shall mean the total fees collected, less any taxes or regulatory fees imposed by a federal, state, or local agency that is included in the fee charged by the permittee at the Facility entrance. "Total fees collected" shall be calculated as the total gross receipts collected by the permittee. The net tipping fees collected at the Landfill shall exclude any tipping fees received for waste processed at the material recovery, household hazardous waste and composting facilities referenced in Condition No. 27;

B. The revenue generated from the sale of Landfill gas at the Facility, less any federal, state, or local fees or taxes applicable to such revenue; and

C. The revenue generated by any other disposal—related activity or enterprise at the Facility, less any federal, State, or local fees or taxes applicable to such revenue.

115. The permittee shall pay on a monthly basis to the Department of Public Works a fee of 25 cents per ton of all Solid Waste disposed or received at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used for the implementation and enhancement of waste reduction and diversion programs, including, but not limited to, conducting document/paper shredding and waste tire collection events in unincorporated County areas.

~~116. The permittee shall pay on a monthly basis to the Department of Public Works a fee of eight cents per ton of all Solid Waste disposed at the Landfill. The fee shall be adjusted annually in accordance with the CPI. This fee shall be used at the sole discretion of the Director of the Department of Public Works for administration, implementation, and enhancement of disaster debris removal activities in Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill, including providing waste disposal and collection service vouchers to assist residents in clean-up activities.~~

116. *Condition 116 is deleted.*

~~117. For the life of this grant, except as provided in Condition No. 118 of this grant, the permittee shall pay on a monthly basis to the Department of Public Works a fee for every ton of Solid Waste originating within Los Angeles County but outside the Santa Clarita Valley Area that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month, according to the following rates:~~

Incoming Tonnage (Tons/Day)	Fee
0-1,999	$1.32 per ton
2,000-3,999	$2.64 per ton
4,000-5,999	$3.96 per ton
6,000 and over	$5.28 per ton

For the life of this grant, except as provided in Condition No. 118, the permittee shall pay on a monthly basis to the Department of Public Works a fee of $6.67 per ton for all Solid Waste and Beneficial Use Materials originating outside of Los Angeles County and within California that is processed for beneficial use, composting and/or disposed of at the Facility during the preceding month.

The fee shall be used to fund programs and activities that: (1) enhance Countywide disposal capacity, mitigate Landfill impacts in the unincorporated County areas; and (2) promote development of Conversion Technology facilities that benefit the County.

The fee applicable for every ton of material originating outside the Santa Clarita Valley Area but within Los Angeles County shall be determined using the above tiered-structured table and by dividing the total incoming waste from outside the Santa Clarita Valley by the number of delivery days. For example, if the monthly total is 50,000 tons and the number of delivery days is 20, then the average quantity is 2,500 TPD, and the fee is the sum of ($1.32 x 1,999) + ($2.64 x 501) = $3,961.32 x number of delivery days. The fee shall be adjusted annually in accordance with the CPI.

One-half (50 percent) of each monthly payment shall be deposited by the Department of Public Works into an interest-bearing deferred Landfill Mitigation Program Account, created and maintained by the Department of Public Works to fund programs and activities that enhance Countywide disposal capacity and mitigate Landfill gas impacts in the unincorporated County areas.

The remaining one-half (50 percent) of the monthly payment shall be deposited into an interest-bearing deferred Alternative-to-Landfilling Technology Account, created and maintained by the Department of Public Works to fund research and activities that promote the development of Conversion Technology facilities that benefit the County.

In the event the Department of Public Works, in consultation with the Director of Regional Planning, determines that the permittee has constructed and commenced operation of a Conversion Technology facility in full satisfaction of the requirements of Condition No. 118 of this grant, the fee requirement of this Condition No. 117 shall thereafter be reduced by one-half (50 percent). The new

~~rate shall be as follows, but only so long as the Conversion Technology facility is operating:~~

~~Disposal Quantity~~

~~Incoming Tonnage (Tons/Day)~~	~~Fee~~
~~0-1,999~~	~~$0.66 per ton~~
~~2,000-3,999~~	~~$1.32 per ton~~
~~4,000-5,999~~	~~$1.98 per ton~~
~~6,000 and 7,000~~	~~$2.64 per ton~~

~~The fee applicable to all Solid Waste and Beneficial Use Material originating outside of Los Angeles County shall remain unchanged. Upon the effective date of the new rate, the funds generated from this fee shall be deposited into the Landfill Mitigation Program Account.~~

117. *Condition 117 is deleted.*

~~118.~~ ~~In the event the permittee elects to construct and operate a commercial-scale Conversion Technology facility (excluding composting facilities) at the Facility or other location in the County as approved by the Director of Public Works, the permittee may seek to provide such facility in lieu of paying one-half (50 percent) of the fee required by Condition No. 117 of this grant. "Construct and operate" shall mean fully funding and successfully completing the siting, design, permitting, and construction of an operating facility for the conversion of a minimum of 500 tons per day of Solid Waste into useful products, fuels, and/or energy through no-combustion thermal, chemical, or biological processes (excluding composting facilities). The permittee shall be responsible for obtaining all necessary permits and approvals required to construct and operate the facility. The facility must be fully permitted, operational, and processing at least 50 percent of the daily tonnage permitted for such facility on the fifth anniversary of the Effective Date and fully operational by the sixth anniversary of the Effective Date.~~

~~After the Director of Public Works has verified the Conversion Technology facility (excluding composting facilities) has commenced operation and is in full satisfaction of the requirements of Condition No. 118 of this grant, the permittee may request reimbursement from the Altemative-to-Landfilling Technology Account, created and maintained by the Department of Public Works. Eligible expenditures for reimbursement include design, permitting, environmental document preparation, construction, and inspection that are verified by the Department of Public Works as necessary and directly related to the development of a Conversion Technology Facility (excluding composting facilities) that meets the requirements of Condition No. 118 of this grant.~~

~~The permittee must provide access to the Department of Public Works and its independent consultant(s) to all areas of the facility during all phases of the development and must respond to information requests, including operating and performance data, from the Department of Public Works in a timely manner. The permittee shall provide tours of the facility to the public at the request of the Department of Public Works.~~

~~Upon the Effective Date of this grant, the permittee shall submit to the Department of Public Works for review and comment quarterly reports, providing detailed status of the selection of the type of Conversion Technology and progress of the development. Within one year after the Effective Date, the permittee must submit a proposal for the type, location, and preliminary design of the Conversion Technology facility for review and approval by the Department of Public Works in consultation with the Director of Regional Planning. As part of the proposal, the permittee shall submit a detailed project milestone schedule, including at a minimum, a scheduled completion date for permit approvals, financing, 30 percent, 60 percent, and 90 percent design levels, construction completion, start-up, acceptance testing, and beginning of commercial operations. Within six months of receipt of the proposal, the Department of Public Works shall notify the permittee of the findings of its review and determination as to whether a Conversion Technology Facility is or is not anticipated to be successfully developed in accordance with the requirement of this Condition No. 118.~~

~~When the Conversion Technology Facility is permitted, developed and in operation, the permittee shall submit to the Department of Public Works quarterly informational reports including quantities of feedstock, output materials, output gas, energy, and/or fuel as well as an annual report for review and comment providing detailed status of the operation, permits, and regulatory compliance of the Conversion Technology facility, including quantities and origins of feedstock, quantities of output, design life, and performance efficiency.~~

~~In the event that a Conversion Technology facility is not anticipated to be successfully developed by the fifth anniversary of the Effective Date, the permittee may submit a request for a one-year time extension to the Department of Public Works, no later than three months prior to the fifth anniversary of the Effective Date. The extension may be granted at the sole discretion of the Department of Public Works, if the permittee demonstrates, to the satisfaction of the Department of Public Works, that it has made good faith efforts towards developing the facility, and shows that circumstances related to the facility's permitting process and other events outside of the permittee's control prevented the facility from being fully permitted and operational. Similarly, a one-year time extension may also be granted up to two additional times, at the request of the permittee. Such additional requests shall each be received no later than three months prior to the anniversary of the Effective Date after the sixth and seventh years. The total duration of the time extension(s) shall not exceed three years.~~

118. *Condition 118 is deleted.*

~~119. Pursuant to Goal 2.4.2 of the Los Angeles County Countywide Siting Element adopted by the Board in 1997, and the Board's policy adopted on July 27, 1999, to promote the development of alternatives to Landfill and incineration processes, the permittee shall contribute $200,000 annually, not to exceed $3,000,000 for the life of this grant, to an alternative technology development fund, which fund shall be an interest bearing account established and maintained by the Department of Public Works. This fund shall be used to research, promote, and develop the alternative technologies that are most appropriate for Southern California from an environmental and economic perspective. The determination of appropriate alternative technologies as well as the use of the fund shall be made by the Department of Public Works. Within six months after the Effective Date, the permittee shall deposit its first $200,000 payment required by this Condition No. 119, and thereafter annually by March 31.~~

119. By March 31 of each year, the permittee shall pay to the Department of Public Works an annual fee of $1.50 per ton of all Solid Waste that is processed for beneficial use, composting and/or disposed of at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited into an interest bearing account established and maintained by the Department of Public Works to help fund the development of an off-site, commercial-scale conversion technology facility in the county of Los Angeles ("the Account").

If permittee assists with the development of such a conversion technology facility, permittee will be entitled to reimbursement from the Account for eligible expenditures. Eligible expenditures for reimbursement include design, permitting, environmental document preparation, construction, and inspection that are verified by the County as reasonable, and necessary and directly related to the development of such a conversion technology facility. Prior to expending any money or incurring costs relating to assisting in development of a conversion technology facility, permittee shall first inform the County of its intent to pursue such development project and obtain County's consent to proceed with the development project. Any design, permitting, or environmental documents prepared for development of a conversion technology that are eligible expenditures pursuant to this condition shall be considered County work product and intellectual property.

120. Condition 120 is deleted.~~By March 31 of each year, the permittee shall pay to the Department of Public Works an annual fee of 50 cents per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited into an interest bearing trust fund established to acquire and/or develop natural habitat and parkland in Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill. No monies from this trust fund shall be used for projects or programs that benefit areas outside the communities surrounding the Landfill. The Director of Public Works shall administer the trust fund in consultation with the Director of Parks and Recreation, and all monies in the trust fund, including accrued interest, shall be spent for park and recreational purposes.~~

~~120.~~121. By March 31 of each year, the permittee shall pay to the Department of Public Works an annual fee of 50 cents per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The fee shall be adjusted annually in accordance with the CPI. This annual payment shall be deposited by the Department of Public Works into an interest bearing trust fund established to provide funding for road improvements in the Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill. The Department of Public Works shall administer this trust fund, and all monies in the trust fund, including accrued interest, shall be disbursed by the Department of Public Works.

~~121.~~122. By January 10 of every other year, the permittee shall pay to the Department of Regional Planning a sum of $50,000 for the purpose of financing planning studies, including, but not limited to neighborhood planning studies for Val Verde, Castaic, and the unincorporated Santa Clarita Valley, as determined by the Director of Regional Planning. The fee shall be adjusted annually in accordance with the CPI. The payments shall be held in an interest-bearing account. Payment for the first year is due within 90 days after the Effective Date. Should there be monies remaining in the account, not spent on planning studies or committed to use on such studies within the identified area, such fees will be returned to the permittee at the termination of the permit.

~~122.~~123. By March 31 of each year, the permittee shall pay to the Department of Regional Planning a fee of $1.~~00~~10 per ton of all Solid Waste disposed at the Landfill during the preceding calendar year. The payment shall be adjusted annually in accordance with the CPI. The payments shall be deposited by the Director of Regional Planning into an interest-bearing community benefit and environmental education trust fund, created and maintained by the Director of Regional Planning. This fund shall be named the "Chiquita Canyon Landfill Community Benefit and Environmental Education Trust Fund." This fund shall be used to fund environmental, educational, and quality of life programs in the Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill, and to fund regional public facilities that serve this area. All disbursement of the monies in the fund shall be determined by the Director of Regional Planning.

124. The permittee shall fund 10 collection events per year to be held by the Department of Public Works for the collection of Household Hazardous Waste and Electronic Waste, including discarded computers. The cost of each event shall be $100,000, adjusted annually in accordance with the CPI. The permittee shall make annual payments for these events. The first payment is due within 90 days after the Effective Date, and the subsequent payments are due by March 31 of each year.

    In lieu of paying for five of the ten collection events per year, the permittee may instead elect the following option:

    The permittee will fully fund the siting, development, operation, and staffing of a new permanent Santa Clarity Valley Environmental Collection Center at the Facility or other location in the unincorporated areas of the Santa Clarita Valley (substantially similar in design to the Antelope Valley Environmental Collection Center) for the collection of household hazardous/electronic waste. The permittee shall be responsible for building, constructing, and obtaining all necessary permits and approvals required to operate the center. The center, whose design and location must be approved by the Department of Public Works, must be open at least twice a month to all County residents. The operating hours shall be similar to that of the Antelope Valley Environmental Collection Center or as determined by the Department of Public Works. Upon the centers opening, the permittee shall implement an on-going comprehensive promotional campaign to reach all Santa Clarita Valley residents. The campaign must be reviewed and approved by Public Works in consultation with other interested entities.

    In the event the permittee elects the above option, the permittee shall notify the Department of Public Works of its decision within 90 days of the Effective Date, along with a detailed project timeline (including, but not limited to, estimated project costs, etc.) for review and approval. The Department of Public Works reserves the right to determine whether the permittee has satisfied the requirements for payment deduction and when the deduction will commence, and if necessary, prorate the payments to meet the intent of this Condition No. 124.

125. Prior to the Effective Date, the permittee shall:

A. Deposit the sum of $20,000 with the Department of Regional Planning. The deposit shall be placed in a performance fund draw-down account, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant, to review and verify any and all information contained in the required reports of this grant, and to undertake any other activity of the Department of Regional Planning to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections (amount charged per each inspection shall be $200, or the current recovery cost, whichever is greater), providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes, or for routine monitoring of any and/or all of the conditions of this grant for a minimum of five years. Inspections shall be conducted biennially (once every other year) to ensure that any development undertaken on the subject property is in accordance with the approved Exhibit "A" on file. If the actual costs incurred pursuant to this Condition No. 125.A have reached 80 percent of the amount of the initial deposit ($16,000), and the permittee has been so notified, the permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit ($20,000) within ten business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the permittee, the permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. 125.

B. Deposit the sum of $50,000 in an interest-bearing trust fund with the Department of Public Works from which actual costs billed and not honored by the permittee will be deducted for the purpose of defraying the expenses involved in the Department of Public Works' review and verification of any and all information contained in the required reports of this grant and the MMRP, and any other activity of the Department of Public Works to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, coordination of mitigation monitoring, providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and retaining the services of an independent consultant for any of the aforementioned purposes or for routine monitoring of any and/or all of the conditions of this grant for a minimum of five years. If the costs incurred pursuant to this Condition No. 125.6 have reached 80 percent of the amount of the initial deposit ($40,000), and the permittee has been so notified, the permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit ($50,000) within ten business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the permittee, the permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. 125.

C. The balance remaining, including interest in the draw-down account as described in subsection A above and trust fund as described in subsection B, above, shall be returned to the permittee upon the Director of Public Works' determination that the Landfill is no longer a threat to public health, safety, and the environment.

D. As also set forth in Condition No. 19, the Department of Regional Planning and the Department of Public Works, or their designees, may conduct periodic unannounced inspections of the Facility. The Department of Regional Planning and the Department of Public Works, or their designees, may use drones or other similar technologies in conjunction with announced or scheduled inspections of

the Facility. The Department of Regional Planning and the Department of Public Works, or their designees, will exercise best efforts to notify the permittee of any complaints received by the Department of Regional Planning or the Department of Public Works, or their designees, from the public regarding the permittee within three business days of receipt.

~~LEGISLATION~~

~~126. The permittee shall continue working with the waste industry, in concert with cities, the County, and other stakeholders in the industry, to seek amendment of existing laws and regulations to require that compliance with the State's waste reduction mandates be measured by diversion program implementation as opposed to disposal quantity measurement, and to further require the state-mandated Disposal Reporting System to be used solely to identify waste generation and disposal trends, to the extent that this would further the objective of the Project as stated in the EIR of continuing to provide Landfill waste diversion programs that are relied upon by many local cities and communities in achieving State mandates for waste diversion.~~

126. *Condition 126 is deleted.*

COMMUNITY INFORMATION/INQUIRIES

127. The permittee shall post a sign at the entrance gate to the Facility providing the following information:

A. The telephone number of the hotline to contact the permittee on a 24-hour basis to register complaints regarding the Facility's operations. All complaints received shall be reported to the Director of Regional Planning, and other agencies, as appropriate, on the same day, but no later than 10:00 a.m. of the following business day. Said telephone number shall be published in the local telephone directory, permittee's website, and local library;

B. The telephone number of the DPH and the hours that the DPH office is staffed; and

C. The telephone number of SCAQMD's enforcement offices and the hours that the SCAQMD offices are staffed.

128. The permittee shall maintain a hotline/emergency log at the Facility which shall record all complaints received regarding Landfill operations. The record of complaints shall include the date and time, nature of complaints, and actions taken to identify and resolve the complaint. The permittee shall at all times, 24 hours a day, seven days a week, provide at least one emergency contact person, with sufficient expertise to assess the need for remedial action to promptly respond to complaints from the surrounding neighborhood regarding dust, litter, odor, air quality, or other operational issues. The permittee shall resolve all complaints to the satisfaction of the Director of Regional Planning. Permittee shall maintain records of this hotline for three years, made available upon request, and submitted as part of the annual report required pursuant to Part XII of the IMP. The records shall include information of all complaints received regarding the Landfill operations, the permittee's follow-up action to the complaints, and their final resolution.

Additionally, the permittee shall designate one or more employees to act as an Ombudsman to be available to respond to complaints. The Ombudsman shall respond to complaints received on the hotline required by this Condition No. 128 within three business hours. Permittee shall publish on the Facility website and provide to the CAC

and to the TAC on a quarterly basis a written log of all calls to the hotline, including the time of the call, the nature of the complaint, the name and approximate location of complainant, and the resolution of the complaint (including timeframe for same).

129. The permittee shall prepare and distribute to all interested persons and parties, as shown on the interested parties list used by the Department of Regional Planning for this matter, and to any other person requesting to be added to the list, a quarterly newsletter, or electronic/social media, providing the Facility's website and its 24-hour hotline/emergency telephone numbers, and also providing the following information for the quarter: (1) "What is New" at the Facility; (2) the regulatory and permitting activities at the Facility; (3) the hotline/emergency log for the period; and (4) a summary of any and all progress reports and/or annual reports required by this grant. The newsletter shall be posted on the Facility's website and distributed to the Castaic Library and other local libraries. In addition, the permittee shall notify the Community Advisory Committee, as described in Part XI of the IMP, the Val Verde Community Advisory Committee, the Castaic Area Town Council Association, and any other interested community groups in the immediate vicinity of the Facility, of any significant operational change at the Facility.

130. Within 180 days after the Effective Date, the permittee shall update its website to provide general information to the community regarding the Facility's recycling activities/programs, environmental mitigation measures, frequently asked questions, a description of the Facility's operation, which may include video, a complaint resolution mechanism, recent Notices of Violation and how they were resolved, and any other pertinent information requested by the Department of Public Works for the life of this grant.

OAK TREE PERMIT SPECIFIC CONDITIONS

131. This grant, OTP 2015-00007-(5) shall authorize the removal of four trees (Nos. 1, 2, 3, and 89) of the oak genus *(Quercus agrifolia)* as shown on the site plan (OTP 2015-00007-(5) Exhibit "A").

132. This OTP shall not be effective until a site plan (CUP 2004-00042 Exhibit "A") is approved for the construction of the proposed Landfill facilities and associated grading, demonstrating the need to remove the said trees.

133. The permittee shall provide mitigation trees of the Oak genus at a rate of two-to-one (2:1) for each tree removed for a total of eight mitigation trees.

134. The permittee shall plant one healthy acorn of the same species of oak *(Quercus sp.)* as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.

135. All replacement trees shall be planted on native undisturbed soil, to the extent feasible, and shall be the same species of oak *(Quercus sp.)* as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

136. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak *(Quercus sp.)* as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e., "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

137. If any oak tree grows into ordinance size during the duration of this permit, removals, encroachments, or any additional impacts shall be inclusive within this permit to ensure proper mitigation.

In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches to two inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forestry Division of the County Fire Department. In no case shall more than 20 percent of the tree canopy of any one tree be removed.

138. Except as otherwise expressly authorized by this grant, any remaining oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance", prepared by the Forestry Division of the County Fire Department. A copy of the publication is enclosed with these conditions.

139. The permittee shall comply with all conditions and requirements contained in the County Forester and Fire Warden, Forestry Division, letter dated January 24, 2017 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

Attachments:

County Forester's Letter dated January 24, 2017

Department of Public Health letter dated February 23, 2017

Fire Department letter dated February 24, 2017

Implementation and Monitoring Program ("IMP")

Mitigation Monitoring and Reporting Program ("MMRP")

Oak Trees: Care and Maintenance Guide

Project Site Plan — Exhibit "A"

Tonnage Capacity Breakdown Table

Table for Fee Structures

Table for Monitoring Requirement and Frequency

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

January 24, 2017

Iris Chi, Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Chi:

OAK TREE PERMIT NUMBER 2015-00007
PROJECT NUMBER R2004-00559-(5)
29201 HENRY MAYO DRIVE, CASTAIC

We have reviewed the "Request for Oak Tree Permit #2015-00007." The project is located at 29201 Henry Mayo Drive in the unincorporated area of Castaic. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by sb horticulture, the consulting arborist, dated June 6, 2014.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of $300. Such fees shall be used to compensate the County Forester $100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of

approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department's Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.

5. The permittee shall install temporary chainlink fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.

6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE REMOVAL:

7. This grant allows the removal of four trees the Oak genus, three (3) (*Quercus agrifolia*) and one (1) *Quercus lobata* identified as Tree Number 1, 2, 3, and 89 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved and treated as recommended by the consulting arborist.

8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines

are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed, Six (6) *Quercus agrifolia*, and two (2) Quercus lobata, for a total of eight (8) mitigation trees.

11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.

12. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia* and *Quercus lobata*, grown from a local seed source.

13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.

15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.

19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.

21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.

22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

To schedule a County Forester inspection, please contact the Environmental Review Unit at (818) 890-5719.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,

J. LOPEZ, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JL:jl

Enclosure

COUNTY OF LOS ANGELES
Public Health

BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS, QEP
Deputy Director for Health Protection

TERRI S. WILLIAMS, REHS
Director of Environmental Health

BRENDA J. LOPEZ, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000
www.publichealth.lacounty.gov

February 23, 2017 **REVISED REPORT**

TO: Richard Claghorn
Principal Regional Planning Assistant
Department of Regional Planning

FROM: Jeanne Biehler, REHS
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2004-00559
Chiquita Canyon Landfill
29201 Henry Mayo Drive, Valencia

☒ Public Health recommends approval of this CUP.
☐ Public Health does **NOT** recommend approval of this CUP.

The Department of Public Health has reviewed the information provided for the project identified above. The project proposal is to provide additional disposal capacity to help meet the critical waste management needs of the greater Los Angeles area.

The Department recommends approval of the CUP at this time, contingent upon all requirements of the Drinking Water Program being adequately addressed at the Building Permit stage as detailed in the Drinking Water Program section, below.

Solid Waste Management Program

The Solid Waste Management Program recommends approval of the CUP.

The Solid Waste Management Program acting as the Local Enforcement Agency (LEA) for Chiquita Canyon Landfill has met with the project applicant group, and is in agreement with responses that will be provided in the Final Environmental Impact Report.

Should you have any questions or comments regarding the above statement, please feel free to contact Ms. Dorcas Hanson-Lugo at 626 430-5540 or at dlugo@ph.lacounty.gov.

Drinking Water Program

The Drinking Water Program recommends approval of this CUP upon the satisfaction of conditions contained herein at the Building Permit stage:

The Drinking Water Program has reviewed the additional information, responses and Water Supply Assessments (WSA) regarding the Chiquita Canyon Landfill Expansion. The WSA addresses the non-potable water supply increase in demand. It does not address the potable water supply demand for the project. Uniform Plumbing Code and State Water Codes specify potable water requirements for the drinking and sanitary facilities on the site. The WSA addresses the 150 AFY of *non-potable* water necessary for the expansion where 93 AFY is currently utilized. The WSA does not include potable water in its assessment but identifies that 100 GPD of potable water is utilized and fulfilled by supplying bottled water.

- As the WSA addresses the non-potable water demand only, please identify an approved safe and reliable source of potable water for the project. Bottled water does meet the demands and practicalities required by the sanitary infrastructure and the minimum safe drinking water standards for the project.
- Section 3363 Chapter 4 California Code of Regulations does not list bottled water as potable water. Section (a) states: "Potable water in adequate supply shall be provided in all places of employment for drinking and washing, and where required by the employer of these orders, for bathing, cooking, washing of food, washing of cooking and eating utensils, and washing of food preparation or processing premises, and personal service rooms," *Et. al.*
- The current description and information presented to this program regarding employee numbers is in excess of 25 persons. This requires the delivery of safe and reliable drinking water from an approved water system that is permitted, regulated and monitored per the California Safe Drinking Water Act for the users of the site. Please note that the reference of the Safe Drinking Water Act does not infer formation of a public water system.
- Please note this department's response is solely focused on the potable source(s) of water.

The Drinking Water Program proffered comments on September 29, 2015 and January 18, 2017. The following comments reflect additional information regarding the particulars for the potable water issues facing the project that will operate as a landfill and workplace for the next 30 years. The applicant must satisfy the following as they apply:

If there is an intent is to acquire a potable water service connection from the Valencia Water Company:

- Provide a signed contract, proof of entitlement or will serve letter from the Valencia Water Company that guarantees an uninterruptable *potable* supply of water. If this is attainable, no further requirements are needed.

The current information provided within the WSA denotes that non-potable water is currently provided by Newhall Land and Farming Company (NLFC) irrigation well. The following only pertains if this well is to be, or can be utilized, for potable purposes. If such a potable option is attainable through the use of the existing NLFC well, it would therefore be subject to the California State Well Standards regarding construction conformance for potable water uses and its relation to the California Safe Drinking Water Act. The following 3 bullet points will be required if this is a solution but it is recognized from the review of information, that this is an unlikely option.

- Provide the construction details of the well(s) in addition to the California State Well Drillers Completion Report(s) for each well. Each well(s) shall be in conformance to the California State Well Standards.
- Denote well locations and distribution/plumbing system layout in a scaled map that exhibits well locations, valves, taps, pumps, booster pumps, pressure gauging, backflow valving, reservoirs, building connections, dust control irrigation, vegetation irrigation and treatment-disinfection facilities where applicable. Also provide material detail or schedule for the above mentioned system components.
- Provide information or analysis of the California State Title 22 Code of Regulation regarding Primary and Secondary Drinking Water Quality Standards.

For either option, an accurate assessment regarding potable water demand will need to be identified. Provide the following:

- Employee, consultant, visitor, customer, contractor, or user of the facility population numbers.
- The number of buildings that require water service for both sanitary and potable purposes.
- Information as to the acquisition of a safe, reliable, regulated and monitored source of water for the sanitary and potable facilities utilized by the transient and non-transient users of the site. This includes visitors, employees, and contractors. The use of the term transient and non-transient does not necessarily denote a requirement to form a public water system.

For questions regarding the above section's comments, please contact Vincent Gallegos or Lusi Mkhitaryan at Drinking Water Program at (626) 430-5420, or via email at vgallegos@ph.lacounty.gov or lmkhitaryan@ph.lacounty.gov.

Land Use Program

The Land Use program recommends approval of the CUP with the conditions stated below:

The Land Use program is issuing a conceptual approval for the installation of a future OWTS based on the feasibility report submitted by the applicant. This conceptual approval is subjected to the required approval from the Los Angeles Regional Water Quality Control Board prior to this program issuing an approval for the installation of the OWTS at Building Permit phase. Further review will need to be conducted as to size, capacity, etc. when the final design is submitted to this program.

If you have any questions regarding the above section, please contact Michelle Tsiebos at (626) 430-5380 or via e-mail at mtsiebos@ph.lacounty.gov.

Toxics Epidemiology Program

The Toxics Epidemiology Program recommends approval of this CUP with the following recommendations and requirements:

Staff from Toxics Epidemiology Program has reviewed the documents and plans provided by the applicant. The following comments are presented after the site visit was conducted:

Noise

The noise that will be generated during construction, according to the environmental assessment section of the Initial Study, will not generate any significant impacts on the surrounding sensitive land use. No operational noise impacts are expected. We agree with the initial assessment.

Air Quality

Regarding fugitive dust emissions it is recommended that during the operational phase of the project, dust suppression engineering techniques be applied in order to minimize temporary increase in dust air emissions. Fugitive dust can result in public exposure to fungal spores such as *Coccidioides immitis*, which can cause Coccidiodidomycosis (Valley Fever).

Additional odor mitigation measures should be investigated. Public Health classifies odor complaints as having significant negative health impacts on the public, that is to say that odor is more than a nuisance.

For questions regarding the above section, please contact Robert Vasquez or Evenor Masis at (213) 738-3220 or at rvasquez@ph.lacounty.gov and emasis@ph.lacounty.gov.

For any other questions regarding this report, please feel free to contact me at (626) 430-5382 or at jbiehler@ph.lacounty.gov.

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2004-00559 MAP DATE: 05/01/2015

LOCATION: 29201 Henry Mayo Drive, Castaic

PLANNER: Richard Claghorn

REVISED CONDITIONS: Supersedes Fire Dept. Conditions Dated 02/22/2017

THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE FOLLOWING CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL - ACCESS

1. Fire Apparatus Access Road must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4

2. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

3. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

4. In the locations noted on the site plan, provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Apparatus Access Roads Fire Code 503.1.1 & 503.2.1

5. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Apparatus Access Road to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2

6. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1

7. Dead-end Fire Apparatus Access Roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5

8. Fire Apparatus Access Roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4

Reviewed by: Wally Collins Date: February 24, 2017

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2004-00559 MAP DATE: 05/01/2015

LOCATION: 29201 Henry Mayo Drive, Castaic

PLANNER: Richard Claghorn

9. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1

10. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

11. Gate Requirements: Provide gate access as noted on the February 24, 2017 "Fire Apparatus Access Plan".

    a. When security gates are provided, maintain a minimum access width of the access road. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6

    b. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

CONDITIONS OF APPROVAL – WATER

1. The closest public water system exceeds 2000 feet from the project site. In lieu of a public water system, a water tank is allowed to provide water for fire protection. The size of the water tank and the location of the on-site fire hydrants will be determined during the building plan check process.

Reviewed by: Wally Collins Date: February 24, 2017

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2004-00559 MAP DATE: 05/01/2015

LOCATION: 29201 Henry Mayo Drive, Castaic

PLANNER: Richard Claghorn

2. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

3. All on-site fire hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall. Fire Code Appendix C106

CONDITIONS OF APPROVAL ACCESS– LANDFILL
(Fire Department Regulation 10)

1. Approved access roads shall be provided and maintained at all times around the dumping areas, and all existing and proposed buildings to access for firefighting equipment as addressed in the Fire Code Section 503.

2. Fire Apparatus Access Roads shall have an unobstructed width not less than 20 feet and an unobstructed vertical clearance clear to the sky.

3. Fire Apparatus Access Road widths may be increased, in the opinion of the chief, when the widths are not adequate enough to provide fire apparatus access. The increase in the fire apparatus access road width may be applied for future buildings.

4. Entrances to roads, trails or other access ways that have been closed with gates and barriers shall not be obstructed by parked vehicles.

5. Weeds, grass and combustible vegetation shall be removed for a distance of 10 feet on both sides of all access roads by rubbish trucks or the public.

Additional Landfill Requirements:

1. A firebreak or clearance of al dry weeds and grass shall be provided around the dumping areas. Secondary firebreaks, as required by the Fire Department, shall be provided and maintained in order to prevent the spread of the fire beyond the dump facility. The secondary firebreaks shall be not less than 60 feet in width.

Reviewed by: Wally Collins Date: February 24, 2017

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2. The property shall be adequately fenced to prevent entry of unauthorized persons, and gates shall be locked at all times when the facility is not supervised. An attendant shall be on duty when the site is open to the public.

3. **"NO SMOKING"** signs shall be posted on the facility and at all entrances to the facility. Smoking regulations, as required by this Department, will be strictly enforced.

4. Dumping operations shall be carried on in such a manner as to minimize the possibility of fires occurring in the waste material. The waste material which is dumped on the premises shall be immediately mixed with earth, and under no circumstances shall any exposed surface or face of combustible materials be left uncovered at the close of daily operations.

5. Any fire which occurs on the premises shall be reported immediately to the Fire Department and it shall be the responsibility of the operator to immediately extinguish any such fire. A telephone shall be installed for the purpose of notifying the Fire Department in case of fire.

6. Provisions shall be made to control or prevent the blowing of papers or other combustibles water materials into the brush or outside the established dumping areas. The premises shall be kept free of any accumulations of waste combustible materials, which might constitute a fire menace.

WATER SYSTEM REQUIREMENTS – LANDFILL
(Fire Department Regulation 10)

1. A water supply shall be provided which meets the Fire Department standards as determined by the Land Development Unit of the Fire Prevention Division.

2. Adequate on-site fire hydrants shall be required per Fire Department standards. The future expansion of the facility should be considered when determining the size and placement of water mains and hydrants.

Reviewed by: Wally Collins Date: February 24, 2017

COUNTY OF LOS ANGELES FIRE DEPARTMENT
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Land Development Unit
5823 Rickenbacker Road
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PROJECT: R2004-00559 MAP DATE: 05/01/2015

LOCATION: 29201 Henry Mayo Drive, Castaic

PLANNER: Richard Claghorn

3. A Class II Standpipe System shall be provided and located within 200 feet of dumping operations and shall have sufficient 1½ -inch hose with a variable-fog nozzle to reach all portions of such operations.

4. In lieu of a Class II standpipe system, the use of water tender trucks may be permitted, provided each truck is equipped with 2½-inch outlets for fire department use.

FUEL MODIFICATION

1. This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone. A "Preliminary Fuel Modification Plan" shall be submitted and approved prior to public hearing. For details, please contact the Department's Fuel Modification Unit which is located at Fire Station 32, 605 North Angeleno Avenue in the City of Azusa CA 91702-2904. They may be reached at (626) 969-5205.

    a. The Fuel Modification Unit received the "Preliminary Fuel Modification Plan" on February 23, 2017. The review of the "Preliminary Fuel Modification Plan is pending at this time. The "Final Fuel Modification Plan" shall be reviewed and approved by the Fuel Modification Unit prior to the issuance of building permits.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.

Reviewed by: Wally Collins Date: February 24, 2017

IMPLEMENTATION AND MONITORING PROGRAM

CHIQUITA CANYON LANDFILL EXPANSION
Attachment to the Conditions of Approval for
Conditional Use Permit Number 200400042

PURPOSE. This implementation and monitoring program ("IMP") is intended to implement and ensure compliance with the conditions of Project No. R2004-00559 and its associated permits Conditional Use Permit No. 200400042 and Oak Tree Permit No. 201500007 ("Grant") and to complement the enforcement and monitoring programs routinely administered by County agencies and non-county public agencies during the life of the Grant. Unless otherwise defined in this IMP, terms herein shall have the same meaning as in the Conditions of Approval for the Grant.

PART I — LANDFILL ELEVATIONS. The following measures shall be carried out to monitor compliance with Condition Nos. 12, 26, 29, 38, 51, 53, 54, 55, 56, and 61 of this Grant, which establish the Limits of Fill.

A. Before commencing expansion of the Landfill beyond the limits established by Conditional Use Permit No. 89-081, the Permittee shall install survey monuments around the perimeter of the Landfill, as depicted on Exhibit "A" and as established by the limits of Condition No. 29.

The specific spacing, location, and characteristics of the survey monuments shall be as specified by the Director of Public Works and shall be at points where they will not be subject to disturbance of Landfill development.

The survey monuments shall be inspected and approved by the Director of Public Works after installation, and the "as installed" plan shall be provided to the Director of Public Works.

Not less than 60 or more than 90 days before the deadline for the annual monitoring report required by Part XII of this IMP, the Permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the Landfill's elevations and submit the results to the Director of Public Works for approval. Additional elevation surveys shall also be conducted by either of these professionals under the following circumstances: 1) in the event of an earthquake of magnitude (Richter) 5.0 or greater in the vicinity of the Facility; 2) as directed by the Director of Public Works as he or she deems necessary to monitor compliance with the conditions of approval of the Grant; or 3) upon completion of the Landfill's final fill design.

The Director of Public Works may also conduct or order on-site surveys as he or she deems necessary and shall promptly report any apparent violation revealed by the survey to the Director of the Department of Regional Planning and the DPH.

B. If the Director of Public Works approves grading or other disturbance in areas outside the Limits of Fill shown on Exhibit "A" pursuant to Condition No. 51 of the Grant, the Department of Public Works shall provide a copy of such approval to the Director of the Department of Regional Planning.

PART II — WASTE PLAN CONFORMANCE. The provisions of this Part II are intended to ensure compliance with the provisions of Condition Nos. 23-28, 42-45 of the Grant, and to conform Landfill operations with the Los Angeles County Countywide Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code.

A. The Permittee shall ensure the proper installation and maintenance of scales to verify the weight of Solid Waste received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and sent off-site for further handling and/or processing. The Permittee shall maintain records necessary to document the following: (1) the aforementioned weights and their origin; (2) compliance with waste restrictions imposed pursuant to the conditions of the Grant; and (3) the fees charged for disposal at the Facility.

B. All records shall be available for inspection by DPH, the Department of Public Works, the Department of Regional Planning, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.

PART III — DATA COLLECTION AND REPORTING. The provisions of this Part III are intended to enhance the continuing oversight of Landfill operations by reporting to the County all materials received, disposed, and beneficially used at the facility per the following.

A. Monthly. Within 30 days after the end of each calendar month, Permittee shall submit the Monthly Report for that calendar month to the Department of Public Works in a form and manner determined by the Director of Public Works, including the following information:

a. The total number of commercial premises, multifamily premises, and residential premises, respectively, at which Permittee provided for regularly scheduled of Household Hazardous Waste collection or other measurement requested by County concerning these items;

b. The respective total quantities of:

i. Solid waste (in tons), Recyclables (in tons), and any green waste and other compostable organic materials (in tons or, if not weighed at the Solid Waste Facility where it is delivered, in tons); and Beneficial Use material (in tons or measure approved by the Director of the Department of Public Works) received by Permittee;

ii. Materials recovered from those Recyclables, abandoned waste (such as Certified Electronic Device (CED) or E-waste) and residual Solid Waste remaining after processing of Recyclables;

c. The final destination of that residual Solid Waste;

d. Where Permittee delivered those Recyclables; and

e. Materials processed at the composting facility.

f. The estimated number of holiday trees, and biomass received by Permittee and their final destination;

g. Using reasonable business efforts, the estimated number and tons of bulky items, E-waste, and CEDs collected by Permittee (such as major appliances/white goods and metallic discards, used tires and other Solid Waste recovered by Permittee during any annual cleanup campaigns), and final destination thereof;

h. The collection route maps and schedule for the entire service area, if any map or schedule has changed during the prior month;

i. Any other information compiled from records or formatting of that information requested by the Director of Public Works;

j. Number of vehicle loads of all vehicles coming to the facility; and

k. Records of material received and processed at the composting facility.

PART IV — WASTE ORIGIN DATA ACCURACY. The provisions of this Part IV are intended to ensure compliance with the provisions of Condition No.23 of the Grant. The Permittee shall adopt measures at the Facility to ensure the accuracy of the Solid Waste quantity allocated to County unincorporated areas and each of the cities from which waste is received. ~~These measures shall also ensure the accuracy of determining the waste attributable to the Santa Clarita Valley Area, each city within Los Angeles County, and sources outside Los Angeles County; for purposes of complying with Condition No. 117 of the Grant.~~ These measures shall become effective upon the Effective Date. Under these measures:

A. The Permittee shall require written and verifiable documentation on source jurisdiction(s) and site address(es) where the Solid Waste is generated for loads from waste hauling industry customers ("Direct Haul Loads"), and written and verifiable documentation on source jurisdiction(s) for loads from transfer/processing facilities ("Transfer/Processing Loads"), the documentation of which shall be in a form developed by the Department of Public Works and distributed by the Permittee to its customers;

B. The Permittee shall exempt from such documentation all customers tendering a minimum load, defined as a load having a net weight of less than one ton. However, such customers shall be required to verbally state the source of their loads; and the Permittee shall record this information for its records and include in its reports;

C. The Permittee shall investigate and verify the accuracy of all documentation provided for Direct Haul Loads;

D. The Permittee shall forward all documentation for Transfer/Processing Loads to the Department of Public Works for review and verification;

E. The Permittee shall forward all source of origin documentation for Direct Haul Loads from Solid Waste enterprises/waste haulers owned and operated by the Permittee or its subsidiaries to the Department of Public Works for review and verification;

F. The Permittee shall impose a fee in an amount to be determined by the Permittee in consultation with the Department of Public Works on Direct Haul Loads and self-haul loads that are tendered at the Facility without the required written documentation. The fee shall be nonrefundable and

shall offset the Permittee's cost to track non-complying loads and to follow-up with the customers involved;

G. If the Director of Public Works determines that a Solid Waste enterprise, waste hauler, and/or Transfer/Processing operator has failed to substantiate the origin of the Solid Waste, the Department of Public Works shall notify and direct the Permittee to impose a non-refundable penalty of $5.00 per ton of waste whose origin the solid waste enterprise, waste hauler, or Transfer/Processing operator has failed to substantiate for that reporting period, which reporting period shall not exceed one month. The Permittee shall be responsible for collecting the fine and submitting it to the Department of Public Works within 60 days following such notification. The fines received by the Department of Public Works shall offset the cost of administering the waste origin verification program and of implementing other programs to mitigate any costs or penalties the County incur under the California Integrated Waste Management Act of 1989, as amended, from such misallocation;

H. Unless otherwise approved by the Director of Public Works, the Permittee shall suspend the disposal privileges of customers who fail to provide the written documentation required by this Part IV within 14 calendar days following the tendering of an applicable load at the Facility, or of those customers who provide false, misleading, or inaccurate written documentation. Each suspension shall last up to 60 days;

I. The Permittee shall extend the suspension period set forth above and in appropriate circumstances terminate the customer's disposal privileges for Transfer/Processing operators or waste haulers that repeatedly fail to substantiate the origin of their waste loads as required in this Part IV, or who fail to pay the required penalties;

J. The Permittee shall provide a procedure for its customers to appeal the suspension to the Permittee, the Director of Public Works, or their designees, pursuant to this Part IV and for immediate reinstatement of such privileges if the appeal is successful; and

K. If the Permittee or the Director of Public Works determines that the origin of a waste load has been incorrectly reported, the Permittee shall correct the data submitted to the disposal reporting system to ensure its accuracy.

Prior to the implementation of the above measures, the Permittee shall, subject to the approval of the Director of Public Works, develop a waste origin verification and reporting program to include, but not be limited to, an outreach program to educate all customers of the Facility regarding the need to provide waste origin information, the requirements of the measures adopted pursuant to this Part IV, and an explanation of the consequences for failure to comply with the measures. After the effective date of the adopted measures, the Permittee shall provide a 90-day grace period to its customers prior to taking any enforcement action to provide time for customer education on these measures. Based on the initial results obtained from the verification and reporting program, these measures may be amended or modified by the Director of Public Works. The Director of Public Works shall have the discretion to terminate the verification and reporting program at any time.

Twice monthly, the Permittee shall submit the results of the verification and reporting program to the Director of Public Works, along with any other written documentation on the waste load transactions at the Facility.

PART V — HAZARDOUS WASTE EXCLUSION. This Part V ensures compliance with Condition No. 48 of the Grant regarding the exclusion of liquid, radioactive and hazardous waste from the Facility.

The Permittee shall maintain a comprehensive waste load checking program which shall require that:

A. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to DPH, for the presence of radioactive materials;

B. Sensors capable of detecting volatile organic compounds acceptable to DPH shall be available at the Facility and used as directed by DPH;

D. The scale operator shall question all drivers of suspect loads as to the source and nature of the loads, and shall inspect for contamination all large loads of earth brought into the Facility from areas not known to be free of contamination; The Landfill's Working Face areas shall be continuously inspected for hazardous and liquid waste, medical waste, and radioactive waste/materials. This inspection shall be accomplished by equipment operators and spotters who have been trained through an inspection program approved by DPH;

E. Unless otherwise specified by DPH or the Department of Public Works, the Permittee shall conduct at least six manual inspections of randomly selected incoming loads each operating day, for a minimum of 36 inspections per week. In addition, the Permittee shall conduct a series of twelve, intensive unannounced manual inspections of loads over a twelve-month period during the life of the Grant; and

F. If on the basis of above-described inspections, DPH or the Department of Public Works determines that significant amounts of prohibited waste are entering the Facility, DPH or the Department of Public Works may require an expanded inspection program, which may include additional, unannounced manual inspections.

PART VI — PROHIBITED MATERIALS. This Part VI ensures compliance with Condition Nos. 48, 49, and 50 of the Grant regarding the prohibited materials at the Facility.

The Permittee shall not receive, process, or dispose any of the prohibited waste at the Facility per the followings:

A. Automobile shredder waste;

B. Biosolid; Sludge or sewage sludge, as specified in the California Code of Regulations, Title 27, Division 2, Chapter 3, Article 1, Section 20690(b)(4), and any amendments thereto;

C. Incinerator ash; radioactive material; hazardous waste, as defined in Title 22, Section 66261.3 of the California Code of Regulations; medical waste, as defined in Section 117690 of the California Health & Safety

Code; liquid waste, as defined in Title 27, Section 20164 of the California Code of Regulations; and

D. Waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste that can cause degradation of waters in the State, as determined by the RWQCB.

The Permittee shall implement a comprehensive Waste Load Checking Program, approved by the Department of Public Works and DPH to preclude receipt or disposal of prohibited waste at the Landfill.

PART VII — INDEMNIFICATION AGREEMENT. Prior to the Effective Date, the Permittee shall enter into an agreement with the County to indemnify the County for any damages to public property which may result from Landfill operations and for any liability, loss, or expense incurred by the county as a result of its issuance of the Grant of the Permittee's violation thereof, or for any expense which may be incurred by the County in performing any on- and/or off-site remedial work necessitated by the Permittee's failure to operate or maintain the Facility at a level acceptable to the Director of Public Works or DPH, or for the Permittee's failure to perform any of this work in a timely manner, including but not limited to, work related to the Environmental Protection and Control Systems, air quality and odor, and litter and dust control, noise control, vector control, and maintenance of slopes. The standards for operation and maintenance shall be as established by the provisions of the Grant and all applicable laws and implementing regulations.

To secure performance of the agreement, the Permittee shall tender to the Director of Public Works a letter of credit or other security acceptable to the County in the amount of $10 million.

The security shall be in addition to any and all other security required by federal, state and local law, regulations and permits, including the security requirements of the Grant and of the State landfill closure regulations.

PART VIII — BIOLOGICAL/HORTICULTURAL MONITORING. This Part VIII is intended to promote compliance with the provisions of Condition Nos. 61 and 62 of the Grant concerning on-site planting, revegetation, and maintenance.

A. On or before the Effective Date of the Grant, the Permittee shall retain a horticulture/forester consultant to supervise the on- and off-site slope planting and oak tree mitigation programs required by the Grant and this IMP. The consultant shall be approved by the County Forester.

This consultant shall have the requisite education, training, experience, and professional standing to carry out the specific requirements of the position, as evidenced by appropriate licensing, registration and/or academic standing in the field of horticulture/forestry.

In addition to the horticulture/forester consultant, prior to the Effective Date of the Grant, the Permittee shall retain the services of a biology consultant, whose duties shall include: (a) the ongoing review of any updated listings of threatened and endangered species contained in the Federal Register for purposes of determining whether species existing at the Facility have been re-classified with a "Category 1" status; (b) notification of the Department of any change in status of any such species; and (c) participating in the revegetation program adopted for the Landfill.

This consultant shall have the requisite education, training, experience and professional standing to carry out the specific requirements of the position, as evidenced by appropriate licensing, registration and/or academic standing in the field of biology.

B. If any retained consultant pursuant to this Part VIII terminates employment at any time during the life of the Grant, including during the Post Closure Maintenance Period, a replacement consultant shall be retained and approved as provided in this Part VIII.

The Permittee shall create and maintain adequate records to track fill areas in accordance with the California Regional Water Quality Control Board requirements. These records shall indicate fill areas transferred to an inactive status which are potentially subject to the vegetation requirements in Condition Nos. 61 and 62. The Permittee shall make copies of such records available to the horticulture/forester consultant, DPH, the County Forester, and other interested regulatory agencies, when a Landfill area becomes inactive.

PART IX — ARCHEOLOGICAL/PALEONTOLOGICAL MONITORING. The Permittee shall implement the monitoring program described in this Part IX to conserve archaeological and paleontological resources as required by Condition No. 95 of the Grant.

A. Before commencing grading activities in previously undisturbed areas, the Permittee shall nominate to the Director of the Department of Regional Planning, both a certified archaeologist and a qualified paleontologist from the Society of Professional Archaeologists which the Permittee intends to retain to perform the monitoring and conservation work required by this Part IX and Condition No. 95 of the Grant. If approved by the Director of the Department of Regional Planning, the archaeologist and paleontologist shall both submit a letter to the Director of the Department of Regional Planning stating that he/she has been retained to perform or supervise the work described herein, and that he/she agrees to report any failure of compliance with the Grant or this Part IX to the Director of Regional Planning.

B. The archaeologist and the paleontologist shall each submit a written report to the Permittee to be included in the Permittee's annual monitoring report required by Part XIII of this IMP for as long as on-site excavation activity continues at the Facility.

C. If either the archaeologist or paleontologist terminates employment before completion of the excavation work associated with the Facility, a replacement expert shall be selected, approved, retained and certified as described in this Part IX.

PART X — ANCILLARY FACILITIES. This Part X is intended to enhance compliance with Condition No. 26 of the Grant concerning the Ancillary Facilities at the Facility, and to verify that such Ancillary Facilities are consistent with the other conditions of the Grant and with the provisions of Title 22 of the Los Angeles County Code ("County Zoning Ordinance").

Before commencing development or obtaining a building permit for any Ancillary Facility, the Permittee shall submit to the Director of the Department of Regional Planning a site plan for such Ancillary Facility. The plan shall be in sufficient detail to establish compliance with the conditions of the Grant and with the standards of the County Zoning Ordinance,

including the provisions relating to the development and maintenance of parking, screening and signs, as set forth in Chapter 52 of the County Zoning Ordinance.

PART XI — COMMUNITY ADVISORY COMMITTEE. The Community Advisory Committee ("CAC") shall consist of seven members appointed by the Fifth Supervisorial District and shall be governed by its Bylaws. The CAC shall serve as an advisory body to the Board of Supervisors, Regional Planning Commission, and County Staff on issues relating to the landfill, and as a conduit for the community to communicate with the Commission and other regulatory agencies on an ongoing basis regarding issues involving the development and operation of the Facility. The CAC shall be composed of persons who reside in the Santa Clarita Valley and who are recommended by recognized community and neighborhood associations. In addition, the Fifth Supervisorial District shall also appoint a representative to serve as a coordinator for the CAC.

For the life of the Grant, the Permittee shall continue to do the following regarding the CAC:

A. Provide qualified personnel to regularly attend CAC meetings;

B. Provide the CAC reasonable access to the Facility and information concerning Landfill operations necessary for the CAC to perform its functions;

C. Provide accommodations for CAC meetings of Val Verde, Castaic, and other communities surrounding the Landfill.

The CAC shall be provided access to all reports submitted by the Permittee to any and all regulatory agencies required under the Grant, including the annual monitoring report required by Part XII of this IMP. The Permittee shall also consult the CAC on planning matters that could affect the physical development, closure date, or future use of the Facility.

PART XII — ANNUAL MONITORING REPORTS. This Part XII is intended to enhance the continuing oversight of Landfill operations and to supplement the routine enforcement activities of the various regulatory agencies having jurisdiction over the development, operation, and maintenance of the Facility.

A. By ~~March~~July 1 of each year until the Landfill's Closure, the Permittee shall prepare and submit annual monitoring reports to the Commission and Technical Advisory Committee (which is described in Part XIV of this IMP), and to the CAC. At least 90 days prior to that date, draft copies of the report shall be submitted to the following entities for review and comment:

1. DPH;

2. Director of the Department of Regional Planning;

3. Director of Public Works;

4. Los Angeles County Forester and Fire Warden;

5. Regional Water Quality Control Board-Los Angeles Region;

6. South Coast Air Quality Management District;

7. County Museum of Natural History; and

8. Community Advisory Committee;

The draft submittal to the above-referenced entities shall include a request that comments be sent to the Permittee within 30 days of receipt of the draft report, but no later than 30 days prior to the deadline for the final report. The Permittee shall provide documentation and certification to the Director of the Department of Regional Planning that the draft reports have been submitted to these entities and the agencies comments and proposal revisions have been fully incorporated in to the final report.

The Permittee shall respond to each comment received by these entities and shall include every comment and response with the final report submitted to the Commission, the Technical Advisory Committee and the CAC. A copy of the final report shall be provided to the local county library and posted on the Permittee's website.

Upon receipt of the monitoring report, the Commission and Technical Advisory Committee may request the Permittee to submit additional information as it deems necessary to carry out the purposes of this IMP.

B. Each monitoring report shall contain, at a minimum, the following:

1. A cumulative total of all Solid Waste disposed of, and Beneficial Use Materials received at the Landfill, the percent of total available capacity used, the remaining disposal capacity in volume and in tons, and a detailed site map/plan showing the sequence of Landfill operations;

2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved Landfill survey (as required in Part I of this IMP) showing the Limits of the Fill, current elevations, and the height and extent of the current fill;

3. The achieved ratio of weight to volume of Solid Waste disposed of at the Landfill and a comparison of that ratio with the ratio achieved at comparable landfills in the County, with an explanation of any significant deviation;

4. A summary table of the rates (quantity per month and per calendar year) of materials received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and/or sent off-site for further handling/processing, for the period established by the Director of Public Works, or from the last monitoring report, in sufficient detail to explain significant changes and variations of the rates over time;

5. A summary of the measures taken by the Permittee to divert and recycle materials at the Facility, how the measures compare with waste management plans adopted by the County and various cities, and the overall effectiveness of such measures in achieving the intent of the Grant and the County's waste management plans;

6. A summary of the number and character of litter, noise, fugitive dust, and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures taken to address or avoid future complaints;

7. A detailed accounting of any and all citations, notices of violation, or equivalent the Facility received from any regulatory agency for violations in operating the Facility (including violations related to litter, odor, fugitive dust, noise, Landfill gas, or other Environmental Protection and Control Systems), the disposition of the citations, and the penalties assessed and fees paid;

8. A report on all interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation;

9. The archaeological and paleontological reports required in Part XII;

~~A summary of the measures taken by the Permittee to promote and implement alternative technologies most appropriate for Southern California from an environmental and economic perspective, as required by Condition No. 119 and 126 of the Grant;~~

10. A summary of the measures taken by the Permittee to maintain roads and to develop transportation improvements in the surrounding areas of the Facility, as required by Condition No. 79 and 121 of the Grant;

11. A summary of the measures taken by the Permittee to minimize truck traffic at the Facility as required by Condition Nos. 47, 75-81 of the Grant;

12. A summary of the measures taken by the Permittee to control and mitigate odor nuisance generated by the Facility, including measures taken to mitigate odor generated from incoming waste hauling trucks/customers, working face areas, and landfill gas;

13. A summary of the measures taken by the Permittee to ensure effectiveness and adequacy of its landfill gas collection and management system, and to utilize Landfill gas to generate energy at the Facility as required by Condition No. 64 of the Grant; and

14. A summary table of compliance status showing the status of compliance of each condition of approval, this IMP and MMRP. The table shall be in a format specified by the Director of Public Works in consultation with the TAC.

C. Nothing in this Part XII shall be construed in any way to limit the authority of a Hearing Officer, the Commission, or the Board to initiate any proceeding to revoke or modify the Grant as provided in Condition No. 20 of the Grant or under Part 13, Chapter 56, of the County Zoning Ordinance.

PART XIII — COMPENSATION. The Permittee shall compensate all involved County departments for the expenses incurred in the administration of the Grant, including the administration of this IMP and the MMRP in the project's supporting environmental documentation, not otherwise covered by the fees paid for administration of the SWFP for the Facility. Such compensation shall be computed using the actual hours expended multiplied by the most current applicable hourly rates available at the time that the expenses are incurred, as approved by the County Auditor-Controller, including costs of personnel, equipment, and transportation costs.

PART XIV — TECHNICAL ADVISORY COMMITTEE ("TAC"). A committee of County departments, chaired by the Director of the Department of Regional Planning or his/her designee, shall be established for the purpose of reviewing, coordinating, and certifying the satisfactory implementation and/or completion of the plans, permits, and/or agreements required and/or authorized by the Grant, including the implementation and/or completion of the Conditions of Approval, this IMP, and the MMRP.

A. Composition. The TAC shall be composed of representative(s) of the following County departments, and other County departments on an as-needed basis as determined by the Director of Regional Planning:

1. Department of Public Health;

2. Department of Regional Planning;

3. Department of Public Works; and

4. The Forester and Fire Warden.

B. Meeting/Purposes. The TAC shall meet at least twice a year to ensure the purposes of the conditions of the Grant are satisfied and to ensure compliance with the approvals and regulations of State and Federal agencies that regulate and permit the Facility. TAC's meetings shall be open to members of the CAC, and reports to the TAC shall also be made available to the CAC. One of TAC's annual meetings shall be conducted to review the annual report submitted by the Permittee as required by Part XII of this IMP and to certify that all requirements of the conditions of the Grant have been met as reflected in the annual report. The TAC shall review specific requests from the CAC regarding compliance with the Grant.

In addition to any other TAC requirement of this Part XIV, the TAC shall determine compliance with the Grant: 1) within six months after the Effective Date; 2) prior to the Permittee's development of the Household Hazardous Waste Collection Facility, Conversion Technology, and Composting Facility Project (excluding final approval of plans, permits and agreements); and/or 3) prior to the Permittee's commencement of the Closure process. The TAC shall meet for this purpose and if all of the conditions and requirements of the Grant have been met for purposes of commencing any of these phases of the project, the TAC shall certify compliance.

C. Access to the Facility and Information. The Permittee shall provide access to the TAC and its independent consultant(s) to all areas of the Facility during normal hours of operation and shall respond to all information requests from the TAC and its independent Consultant(s) in a timely manner as specified by the TAC regarding compliance with the conditions of the Grant and the MMRP.

D. The Permittee may appeal an adverse determination of the TAC to the Director of the Department of Regional Planning, whose decision shall be final.

E. Upon the effective date of the Grant, the Director of the Department of Regional Planning or the Director of Public Works, in consultation with the TAC shall retain the services of an independent engineering consultant to monitor any and/or all of the Conditions of approval and mitigation

measures throughout the life of the Grant. The Permittee shall pay all costs for the independent consultant within 30 days of receiving the invoice for the consultant's services.

The independent consultant shall perform inspections of all activities at the Facility in accordance with the conditions of approval, at least once a month, and at other frequency deemed necessary by the Director of Public Works to perform monitoring, evaluation, and other tasks necessary to implement the requirements of the conditions of approval of the Grant. The independent consultant shall prepare and submit its quarterly report to the Director of Public Works with copies to the TAC, the CAC and other interested community representatives or groups. The Director of Public Works shall review the report and make recommendations to the Department for necessary enforcement actions in accordance with Condition No. 20 of the Grant.

Part XV — PERIODIC REVIEW.

A. In accordance with Condition No. 37 of the Conditional Use Permit, not less than one year before the 5th anniversary of the effective date of this grant, the Permittee shall initiate a Periodic Review with the Department. Additional Periodic Reviews shall be initiated by the Permittee not less than one year before the 10th, 15th, and 20th~~, and 25th~~ anniversaries of the effective date of this grant. Additional Periodic Reviews may also be required at the discretion of the Director of Regional Planning. The purpose of the Periodic Reviews is to consider new or changed circumstances, such as physical development near the Project Site, improved technological innovations in environmental protection and control systems, and other best management practices that might significantly improve the operations of the Facility, and to determine if any changes to the facility operations and IMP are warranted based on the changed circumstances. To initiate the Periodic Review, the Permittee shall submit for review a permit requirement compliance study which details the status of the Permittee's compliance with the conditions of approval of this grant. Additionally, an updated Closure Plan and Post-Closure Maintenance Plan shall be submitted to the Department and the TAC for review at this time, as well as the comprehensive waste disposal study referred to in Condition No. 106 of the Conditional Use Permit, and any other information that is deemed necessary by the Department to ensure that the landfill operations are operating as efficiently and effectively as possible and that any potential adverse impacts are minimized, and that the Facility is not causing adverse impacts or nuisance in the surrounding communities.

The cost of the Periodic Reviews shall be borne by the Permittee and is to be paid through the draw-down account referred to in Condition No. 125. For each Periodic Review, a report based on the latest information shall be made to the Hearing Officer by Department staff at a public hearing pursuant to Part 4 of Chapter 22.60 of the County Code. Each report shall include a review of the performance of the landfill and recommendations for any actions to be taken if found necessary. Such actions may include changes or modifications to the IMP, including any measures necessary to ensure that the landfill will continue to operate in a safe and effective manner and the landfill closure will be accomplished timely and effectively. The fees imposed pursuant to this grant in its original form and as modified herein are not subject to Periodic Review. The decision of the Hearing Officer on the Periodic Review may be appealed to the Regional Planning

Commission. The decision of the Regional Planning Commission shall be final.

Part XVI — LITTER CONTROL AND RECOVERY. This Part XVI is intended to enhance the Condition No. 82 of this Grant which required the Permittee to adopt a program that uses the most effective methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. In addition to the following requirements, the program shall also include the requirements as specified under Condition No. 82, unless the DPH requires otherwise:

a. At every active Working Face area, the Permittee shall install a primary portable litter fence of adequate height to control litter, and also a secondary fence 4 feet in height behind the primary fence when wind conditions dictate the need for a secondary fence. The Permittee shall employ Best Management Practices to control litter. On windy days, and when the fences are not sufficient, the Working Face shall be located within areas of minimal wind exposure or shall be closed, if so required by the DPH. The DPH, in coordination with the Department of Public Works, may require additional measures deemed necessary to effectively control litter, including, but not limited, requiring the Permittee to cease accepting all incoming waste during high wind conditions; and

b. The landfill operator shall install and maintain temporary litter fences in those areas along the property perimeter that are regularly littered due to the location of the operating area, time of year, and climatic conditions. The landfill operator, the DPH and the CAC shall work together to identify littered areas in need of fencing.

Mitigation Monitoring and Reporting Program

Introduction

The *California Environmental Quality Act* (CEQA) requires a Mitigation Monitoring and Reporting Program (MMRP) for projects where mitigation measures are a condition of project approval and development. The Original Draft Environmental Impact Report (Draft EIR) and Partially Recirculated Draft EIR prepared for the Chiquita Canyon Landfill (CCL) Master Plan Revision identified mitigation measures, where appropriate, to avoid or substantially reduce the environmental impacts associated with the Proposed Project. This MMRP is designed to monitor the implementation of those mitigation measures. Accordingly, this MMRP has been prepared in compliance with the requirements of CEQA Section 21081.6 and *CEQA Guidelines* Section 15097.

The MMRP that follows lists each of the proposed mitigation measures and identifies the corresponding action required to document compliance, the mitigation timing, the party responsible for implementation, and the monitoring agency or party responsible for overseeing that each measure is adequately implemented.

In addition to the mitigation measures proposed to avoid or substantially reduce the environmental impacts associated with the Proposed Project, this MMRP also includes construction and operation emission reduction practices and measures used in the analysis of potential air quality impacts. These emission reduction practices and measures are treated the same as Proposed Project mitigation measures.

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
Geology and Hydrology				
GH-1 Debris Flow: Debris flow is a rapid and fluid type of downhill mass wasting, consisting of heterogeneous debris lubricated with water caused by heavy rainfall. Similar terms for debris flow are mudflow and mudslide. There is a potential for debris flow occurring at the site during heavy rains within existing drainage areas at the subject site. The proposed design shall include provisions for control and cleanup of debris flows that may encroach into the landfill cell, perimeter maintenance road, and proposed development areas. Potential mitigation measures could consist of combinations of the following mitigation measures, such as elevated development areas, drainage devices, impact walls, debris basins, and avoidance. Additional debris flow evaluation and mitigation should be performed as part of future development of rough grading plans for the entrance road.	A. Retain a qualified engineer to evaluate the site's potential for debris flow, identify areas of concern and recommend design provisions for control and cleanup of debris flows should such design provisions be justified based on the evaluation.	During Project design	CCL / Qualified Engineer	Los Angeles County Department of Public Works (LACDPW), Regional Water Quality Control Boards (RWQCB)
	B. Incorporate provisions, as recommended by a qualified engineer, into the design for control and cleanup of debris flows that may encroach into the landfill cell, perimeter maintenance road, and proposed development areas.	During Project design	CCL / Qualified Engineer	LACDPW, RWQCB
	C. Perform additional debris flow evaluation and mitigation as part of future development of rough grading plans for the entrance road.	During future development of rough grading plans for entrance road	CCL /Qualified Engineer	LACDPW, RWQCB
GH-2 Expansive Soil: There is a potential for buildings and/or other structures to be located on expansive soil, because the site is underlain by bedrock of the Pico and Saugus formations, both of which contain potentially expansive clay-rich strata. Additional testing of the expansive properties of the soils may be required if buildings and/or other structures sensitive to expansive soils are planned for the site. Additional testing should be completed during the grading plan review if deemed necessary by the Project geotechnical and civil engineers.	A. Retain a qualified engineer to perform design-level geotechnical investigations to identify areas with potentially expansive or collapsible soils in relation to buildings and/or other structures.	During Project design	CCL / Qualified Engineer	LACDPW
	B. Perform additional testing if deemed necessary by the Project geotechnical and civil engineers.	During grading plan review	CCL / Qualified Engineer	LACDPW

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
Surface Water Drainage				
SW-1: There is a potential for mudflow (i.e., debris flow) during repeated heavy rains within existing drainage areas at the subject site. The proposed design should evaluate and specify an appropriate amount of waiting time following heavy and sustained precipitation events before CCL staff occupy the area, to avoid the potential to expose people to the risk of injury or death from this debris. This would supplement Mitigation Measure GH-1, which specifies that the proposed design should allow for the cleanup or control of any debris flows that may encroach into the landfill cell and perimeter maintenance road from the natural drainages and slopes that are not included in the proposed grading and construction of drainage/debris basins.	A. Retain a qualified engineer to evaluate and specify an appropriate amount of waiting time following heavy and sustained precipitation events before CCL staff occupy the area.	During Project design	CCL / Qualified Engineer	LACDPW, RWQCB
	B. Implement specified wait time following heavy and sustained precipitation events prior to CCL staff occupying the area.	During construction and operation	CCL / Construction Manager / Operations Manager	LACDPW, RWQCB
Biological Resources				
BR-1: The applicant shall develop a Closure Revegetation Plan for the Project in consultation with the Los Angeles County Department of Regional Planning (LADRP), consistent with the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of the Partially Recirculated Draft EIR. The Plan would require approval prior to authorization of land disturbance under the Proposed Project. The Plan shall require that CCL be revegetated to offset permanent impacts to native and naturalized habitats, in accordance with the following criteria: • Native vegetation shall be used under the direction of specialists in restoration plantings. Native revegetation shall achieve a 1:1 ratio of impacted native, revegetated, and semi-natural habitat to revegetated mitigation land. Non-native grassland habitats would be initially seeded with native grassland species.	A. Develop Closure Revegetation Plan consistent with Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E of the Partially Recirculated Draft EIR.	Prior to earth-moving activities	CCL / Qualified Ecological Restoration Specialist	LADRP, Permittee's Registered Forester or Biologist

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
• Revegetation types, monitoring requirements, and success criteria including milestones, along with proposed remedial actions should vegetation alliances not achieve success criteria shall be included in the Closure Revegetation Plan, in accordance with the preliminary approach outlined in the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of the Partially Recirculated Draft EIR. • In order to replicate and potentially expand the available amount of native shrubland on the site, the Closure Revegetation Plan shall include a final soil cover of approximately 5 feet, or alternatively a depth approved by regulatory agencies and suitable to allow for proper root growth. • The Closure Revegetation Plan shall be developed and implemented by an ecological restoration specialist familiar with restoration of native and naturalized Southern California plant alliances, and shall specify that revegetation will be done with locally native plants, and that revegetation will not include plant species on Los Angeles County's list of invasive species nor invasive species on the lists of the California Invasive Plant Council (Cal-IPC) nor invasive species listed by the California Native Plant Society. • If success criteria for vegetation alliances are not met, remedial actions will be performed onsite consistent with the Closure Revegetation Plan. • If success criteria for native shrub or forest alliances are not met even after remedial actions are performed, offsite mitigation land shall be purchased to offset the loss of the portion of the alliance vegetation that does not meet the success criteria at a 1:1 ratio (impacted:mitigation land). The acreage acquired shall, if feasible, be generally local to the site or the general site area, ideally situated adjacent to	B. Implement Closure Revegetation Plan, per specified criteria.	Site closure, or at the time of revegetation	CCL / Qualified Ecological Restoration Specialist	LADRP, Permittee's Registered Forester or Biologist
	C. Perform onsite remedial actions consistent with the Closure Revegetation Plan, if success criteria are not met.	Following revegetation, according to the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria included in Appendix D of the Partially Recirculated Draft EIR	CCL / Qualified Ecological Restoration Specialist	LADRP, Permittee's Registered Forester or Biologist

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
or in the general proximity of the Santa Clara River, Hasley Canyon, or Angeles National Forest, and will connect with other protected open space. First priority would be given to lands that contribute to connecting the wildlife movement between the Santa Clara River through CCL to Hasley Canyon and to the Angeles National Forest. • Any purchased mitigation land shall be protected by fee simple deed which contains a covenant restricting the use of such land for conservation purposes to a conservation organization experienced in management of natural lands. • Additional mitigation for vegetation communities is included in Mitigation Measure BR-5 (vegetation associated with jurisdictional waters), Mitigation Measure BR-9 (rare plant communities), and Mitigation Measure BR-15 (oaks and oak woodlands). Mitigation ratios for replacement of these vegetation communities may be greater than the 1:1 ratio specified above, in coordination with California Department of Fish and Wildlife (CDFW) for jurisdictional waters and rare plant communities and in coordination with LADRP for compliance with the County Oak Woodland Conservation and Management Plan.	D. Purchase offsite mitigation land, if success criteria are not met following onsite remedial actions.	Following revegetation, according to the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria included in Appendix D of the Partially Recirculated Draft EIR	CCL	LADRP, Permittee's Registered Forester or Biologist
BR-2: The construction area boundaries shall be delineated clearly. No construction activities, vehicular access, equipment storage, stockpiling, or significant human intrusion shall occur outside of the designated construction areas. In addition, CCL ingress and egress routes shall be marked, and vehicle traffic outside these routes shall be prohibited. Vehicular traffic shall adhere to a speed limit of 15 miles per hour on non-public access roads during construction to ensure avoidance of impacts to sensitive biological resources.	A. Clearly delineate construction area boundaries.	Prior to and during construction	CCL / Construction Manager	LADRP
	B. Restrict construction activities, vehicular access, equipment storage, stockpiling, or significant human intrusion to within designated construction area.	During construction	CCL / Construction Manager	LADRP
	C. Mark CCL ingress and egress routes and restrict vehicle traffic to these routes.	Prior to and during construction	CCL / Construction Manager	LADRP
	D. Restrict vehicular traffic to a speed limit of 15 miles per hour on non-public access roads during construction.	During construction	CCL / Construction Manager	LADRP

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
BR-3: Soil or invasive plant seed transfer from clothing, shoes, or equipment shall be minimized through cleaning and monitoring of personnel or equipment transfers between sites, or prior to initial entry at CCL. Contract requirements to ensure all construction vehicles, including any vehicles entering areas of site construction, are pressure washed and/or clean and free of soil or invasive weed seeds and other plant parts prior to entering the site will be implemented. Contracts will specify that pressure-washing of construction vehicles is to take place immediately before bringing the vehicle to CCL. The contractor will provide written documentation that the vehicles have been pressure washed or otherwise free of plant material that is checked by both CCL management and the biological monitor, who will jointly assure that this mitigation is implemented. The biological monitoring report will include a record of compliance with this measure. Within 1 year of Project approval invasive tamarisk (*Tamarix* spp.) located onsite will be identified and removed completely. All parts of removed tamarisk will be disposed of in a landfill.	A. Specify in contracts that construction vehicles are pressure washed and/or clean and free of soil or invasive weed seeds and other plant parts prior to site entry.	During construction	CCL	LADRP
	B. Provide written documentation that construction vehicles have been pressure washed or otherwise free of plant material.	During construction	Construction Contractor	CCL / Construction Manager / Biological Monitor, LADRP
	C. Identify, remove, and dispose of invasive tamarisk located onsite within 1 year of Project approval. Immediately report any tamarisk that may appear in the future on the site to LADRP biologist if detected and remove from the site.	Within 1 year of Project approval and ongoing before and after construction	CCL	LADRP, Permittee's Registered Biologist
BR-4: On-road vehicles on the construction sites will be equipped with spark arresters on exhaust equipment. Camp fires, trash-burning fires, and warming fires shall be prohibited in the construction area.	A. Require on-road vehicles on construction sites to be equipped with spark arresters on exhaust equipment.	Prior to and during construction	CCL / Construction Manager	LADRP, Fire Marshall
	B. Prohibit camp fires, trash-burning fires, and warming fires in the construction area.	During construction	CCL / Construction Manager	LADRP, Fire Marshall
BR-5: For potential impacts to jurisdictional waters, permits shall be obtained for the Proposed Project from United States Army Corps of Engineers (USACE; Section 404, Clean Water Act [CWA]) and CDFW (Streambed Alteration Agreement, Section 1603); conditions of these permits would be complied with for the Proposed Project. The terms and conditions of these permits are anticipated to require mitigation consistent with *Compensatory Mitigation for Losses of Aquatic Resources; Final*	A. As applicable, obtain permits from USACE and CDFW for potential impacts to jurisdictional waters.	Prior to impacting jurisdictional waters	CCL	USACE and/or CA Dept. of Fish & Wildlife (CDFW), LACDPW
	B. Implement mitigation consistent with terms and conditions of permits.	During construction and post construction	CCL	USACE and/or CDFW, LACDPW

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
Rule (USACE, United States Environmental Protection Agency [EPA], *Federal Register*, April 10, 2008), and with CDFW requirements for Streambed Alteration Agreements. A mitigation plan may be required prior to permit issuance. If a mitigation plan is required, ratios of waters impacted to waters mitigated would be negotiated with the regulatory agencies and the results of that negotiation included in the plan.	C. Prepare mitigation plan, if required.	Prior to permit issuance, if required	CCL	USACE and/or CDFW, LACDPW
BR-6: Stationary equipment such as motors, pumps, generators, and welders shall be located a minimum of 50 feet outside CDFW and USACE jurisdictional drainages where impacts have not been permitted. Construction staging areas, stockpiling, and equipment storage shall be located a minimum of 50 feet outside non-permitted CDFW and USACE jurisdictional drainages. Construction vehicles and equipment shall be checked periodically to ensure they are in proper working condition, including regular inspections for leaks, which would require immediate repair. Refueling or lubrication of vehicles and cleaning of equipment, or other activities that involve open use of fuels, lubricants, or solvents, shall occur at least 100 feet away from CDFW and USACE jurisdictional drainages where impacts have not been permitted, and at least 50 feet from other flagged, sensitive biological resources.	A. Locate stationary equipment a minimum of 50 feet outside non-permitted CDFW and USACE jurisdictional drainages.	During construction	CCL / Construction Manager	CDFW and/or USACE, LACDPW
	B. Locate construction staging areas, stockpiling, and equipment storage a minimum of 50 feet outside non-permitted CDFW and USACE jurisdictional drainages.	During construction	CCL / Construction Manager	CDFW and/or USACE, LACDPW
	C. Check construction vehicles and equipment periodically to ensure they are in proper working condition.	During construction	CCL / Construction Manager	CDFW and/or USACE, LADRP, LACDPW
	D. Locate refueling or lubrication of vehicles and cleaning of equipment, or other activities that involve use of fuels, lubricants, or solvents, a minimum of 100 feet outside non-permitted CDFW and USACE jurisdictional drainages and at least 50 feet from other flagged, sensitive biological resources.	During construction	CCL / Construction Manager	CDFW and/or USACE, LADRP, LACDPW

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
BR-7: Only pesticides, herbicides, fertilizers, dust suppressants, or other potentially harmful materials approved by EPA and/or the California Department of Toxic Substance Control shall be applied at CCL, in accordance with relevant state and federal regulations. Rodenticides will not be used. Instead, methods that do not persist and infiltrate the natural food chain will be used for pest elimination, such as trapping, gassing, etc. Sediment basins are present along all drainages at CCL, which capture runoff prior to discharging offsite. Sediment basins will continue to be regularly maintained.	A. Apply only pesticides, herbicides, fertilizers, dust suppressants, or other potentially harmful materials approved by the EPA and/or the California Department of Toxic Substance Control (DTSC), in accordance with state and federal regulations.	During construction and operation	CCL / Construction Manager / Operations Manager	LADRP, RWQCB
	B. Prohibit use of rodenticides. Instead, use trapping, gassing, or other methods that do not persist and infiltrate the natural food chain.	During construction and operation	CCL / Construction Manager / Operations Manager	LADRP, RWQCB
	C. Maintain sediment basins regularly.	During operation	CCL / Operations Manager	LADRP, RWQCB, LACDPW
BR-8: Construction sites and landfill operation shall be kept free of trash and litter. Food-related trash and litter shall be placed in closed containers and disposed of daily. Nuisance wildlife breeding will be discouraged at CCL by excluding such species from cavities in buildings and/or equipment or facilities to be left idle for more than 6 months. To reduce risk of infestation by the non-native Argentine ant (*Linepithema humile*), a 500-foot buffer will be established adjacent to natural habitats at CCL within which no permanent, artificial water sources will be applied, and inspections for exotic ant infestations will be required for any landscape or restoration container-stock plants proposed for installation. Landfill operations require daily covering of all portions of the active landfill; this practice would be continued, further reducing risk of nuisance wildlife.	A. Keep construction sites and landfill operation free of food-related trash and litter.	During construction and operation	CCL / Construction Manager / Operations Manager	LADRP, Local Enforcement Agency (LEA)
	B. Place food related trash and litter in closed containers and dispose daily.	During construction and operation	CCL / Construction Manager / Operations Manager	LADRP, LEA
	C. Install exclusionary devices on cavities in buildings and/or equipment or facilities to be left idle for more than 6 months.	During construction and operation	CCL / Construction Manager / Operations Manager	LADRP, LEA
	D. Establish 500-foot buffer and manage risk of Argentine ant infestation, per measure.	During construction and operation	CCL / Construction Manager / Operations Manager	LADRP, LEA
	E. Provide daily covering of all portions of active working face of the landfill.	During operation	CCL / Operations Manager	LEA, LACDPW

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
BR-9: Preconstruction surveys by qualified botanists shall be conducted for special-status plant species in impact areas prior to ground-disturbing activities, and if necessary and feasible, resource relocation or avoidance shall be implemented. Resource relocation will be to a location deemed suitable for successful relocation by a qualified biologist and conducted in coordination with CDFW. Avoidance zones shall be established with fencing and/or signage that restricts access. • For rare plants, this shall include focused surveys by a qualified botanist conducted during the appropriate season for detection (generally during flowering period) prior to ground-disturbing activities over the entire disturbance area proposed for the Project, and then again the first season prior to disturbance over the area proposed to be disturbed for each phase (cell) of landfill development. If suitable transplant areas for rare plants exist at CCL, surveys will also include potential areas for relocation onsite in order to provide background data for determining transplant success. If no suitable relocation areas exist at CCL, potential mitigation areas in conserved areas within the local watersheds will be identified and surveyed at the same time in order to have background data. Surveys shall follow standard survey protocol for rare plants outlined in *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (United States Fish and Wildlife Service [USFWS], 1996) and/or *Protocols for Surveying and Evaluation Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2009). • If special-status plants are found at CCL they shall be field marked and mapped with global positioning system units to evaluate potential for impacts from proposed grading. Where feasible, special-status plants will be avoided; protective measures to avoid adverse impacts to the area shall be implemented. Protected zones adjacent to active construction or active landfill will be demarcated with permanent fencing. More remote protected zones not accessible by construction equipment or near adjacent	A. Conduct preconstruction special-status plant surveys.	Prior to ground-disturbing activities	CCL / Qualified Botanist	CDFW, Permittee' s Registered Forester or Biologist, LACDRP
	B. Implement resource relocation or avoidance (if necessary and feasible) as specified in Mitigation Measure BR-9, including focused surveys, Avoidance zones, implementation of a Rare Plant Relocation Plan, and performance monitoring.	Prior to construction, during construction, and post construction	CCL / Qualified Botanist	CDFW, Permittee' s Registered Forester or Biologist, LACDRP

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
road access points shall be demarcated by temporary fencing (e.g., orange construction fencing) when road access is within 100 feet. If road access becomes immediately available to the area, permanent fencing will be installed. Fencing shall be maintained and construction crews informed about avoidance during construction. The site biological monitor will continue to monitor compliance with protected zones. • Rare plants have been identified within construction limits during 2016 surveys. For these, and any additional rare plants identified prior to ground disturbance that are within the grading footprint or other areas identified for unavoidable disturbance (including species of CNPS Rare Plant Ranks 1-4 or Locally Rare), a Rare Plant Relocation Plan will be developed in consultation with CDFW. Plant salvage for transplanting shall take place before any clearing or grading of the sensitive plant occurs. Preliminary performance criteria, general methods of transplanting, and other anticipated components of this plan are provided in the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of the Partially Recirculated Draft EIR. • The Rare Plant Relocation Plan shall address mitigation for special-status plants, including topsoil salvage to preserve seed bank and management of salvaged topsoil; seed collection, storage, possible nursery propagation, and planting; salvage and planting of other plant propagules (e.g., rhizomes, bulbs) as feasible; location of receptor sites to include on- or off-site property that could serve as permanent open space areas; land protection instruments for receptor areas; and funding mechanisms. The Rare Plant Relocation Plan shall include methods, monitoring, reporting, success criteria, adaptive management, and contingencies for achieving success. Where feasible, background data for up to 3 years will be collected on receptor sites. • If rare plant relocation cannot be achieved, through lack of receptor sites, or lack of success during the monitoring				

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
period, then purchase of mitigation credits or offsite property with known populations of the affected species for inclusion in permanent open space areas or a conservation easement would be implemented, with priority given to acquisition of offsite property. • Locations within CCL that will not be developed are present adjacent to existing population of these species that may serve as receptor sites, and would be investigated for additional data. If found suitable, topsoil from impacted sites may be conserved and placed on these sites, seeds, bulbs (e.g., *Calochortus* spp.), rhizomes (e.g., *Calystegia peirsonii*), and entire plants and pads (e.g., *Opuntia basilaris* var. *basilaris*), may be collected/salvaged and planted on these sites, and ongoing monitoring and maintenance of plantings implemented. The Rare Plant Relocation Plan shall have the final details of plant transplant methods. • The on-site receptor/mitigation sites would be monitored for a minimum of 5 years to determine mitigation success or failure, consistent with the Draft Revegetation, Rare Plant Relocation, and Oak Tree Performance Criteria provided in Appendix E3 of the Final EIR and the Rare Plant Relocation Plan. If necessary, remedial measures consistent with the approved plan would be implemented to satisfy mitigation objectives.				

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
BR-10: Preconstruction surveys by qualified biologists shall be conducted for special-status wildlife species in impact areas prior to ground-disturbing activities, and if necessary and feasible, resource relocation or avoidance for special-status species shall be implemented. Wherever practical, relocation shall be passive, allowing animals to exit the area on their own. Any grubbing, grading or other ground disturbing activities at CCL would be done in a manner that encourages mobile wildlife species to leave the Project area to escape safely into immediately adjacent undisturbed habitat, wherever feasible. For low mobility species, salvage and relocation by a qualified biological monitor would be implemented. Resource relocation shall be to a location deemed suitable for successful relocation by a qualified biologist and conducted by individuals with appropriate handling permits as required by CDFW or USFWS. Where practical, avoidance zones shall be established in lieu of relocation with fencing and/or signage that restricts access. Construction and construction monitoring for animals will occur at discrete time periods. Construction monitoring shall be conducted in areas containing native vegetation at the time of construction activity within the limit of active construction disturbance. Within areas containing native vegetation, ground-disturbing activities shall be prohibited until the area is cleared by a qualified biological monitor during a preconstruction survey within 7 days prior to the beginning of construction activities. Biological monitors shall also monitor construction activities within 100 feet of avoided CDFW and USACE jurisdictional drainages. • For burrowing owl, suitable burrows will be identified during surveys and if feasible, protected from disturbance during construction. If avoidance is not feasible, burrows will be scoped during the non-breeding season (September 1 to January 31) to determine if they are occupied. If unoccupied, burrows will be collapsed. If burrows are occupied, owls will be evicted by installing one-way doors in burrow openings during the non-breeding season to exclude burrowing owls. After eviction, burrows will be collapsed. If feasible, alternative man-made burrows will be	A. Conduct preconstruction special-status wildlife species surveys.	Prior to ground-disturbing activities	CCL / Qualified Biologist	CDFW and/or USFWS , Permittee's Registered Forester or Biologist, LACDRP
	B. Implement resource relocation or avoidance (if necessary and feasible) as specified in Mitigation Measure BR-10, including agency coordination, acquisition of appropriate handling permits, field monitoring, clearance sweeps, avoidance zones.	Prior to construction, during construction, and post construction	CCL / Qualified Botanist	CDFW and/or USFWS, Permittee's Registered Forester or Biologist, LACDRP

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
installed on lands not subjected to construction disturbance, and within 300 feet of cleared burrows. Surveys would be consistent with the CDFW requirements for burrowing owl survey; mitigation measures presented here are consistent with CDFW (2012), and details of how mitigation would be implemented would be consistent with this document. • For special-status reptiles (coast patch-nosed snake, coastal western whiptail, California legless lizard, San Diego horned lizard), preconstruction surveys in areas where land clearing will occur shall consist of gently raking areas of soft soils, sand, and dense leaf litter to identify individuals burrowed or buried in leaf litter. Individuals encountered will be captured and translocated to an area of undisturbed, intact habitat nearby deemed suitable for successful translocation by a qualified biologist. Translocation will be performed by biologists with appropriate handling permits by CDFW. • Special-status land mammals (San Diego black-tailed jackrabbit, San Diego desert woodrat, American badger): pre-construction surveys will consist of surveying and identifying evidence of occupancy and use, including rabbit forms, woodrat nests, and badger natal dens. If located during the breeding season for these species, features will be surveyed or scoped to determine occupancy if possible. If unoccupied, they will be dismantled or collapsed. If occupied, or if occupancy cannot be determined, avoidance zones will be established until occupancy can be determined or until the breeding season concludes. If features are identified during the non-breeding season, they will be gently dismantled or collapsed, allowing any occupants if present to disperse. Where habitat must be dismantled, alternative habitat features will be established in nearby undisturbed areas, including creating specific conditions suitable for the species if necessary, such as downed wood structures in shade suitable for woodrat. • For western spadefoot, if ground-disturbing activities will be conducted within 1,000 feet of the sedimentation basins				

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
at CCL, preconstruction ground surveys shall occur within 1,000 feet of potential breeding ponds (sediment basins). The top 6 inches of soft soils and leaf litter shall be gently raked and small mammal burrows and soil cracks will be inspected or scoped for aestivating spadefoot. In addition, silt fencing will be installed between upland habitat slated for vegetation removal and grading, and potential breeding ponds (detention basins), if the basins are holding water at the time of construction, with pitfall traps located along the silt fence. Depending on proposed scheduling of upland habitat disturbance (relative to spadefoot breeding season), fencing and pitfall traps will target spadefoot moving from or to the upland habitat. Pitfall traps will be inspected daily when active, which will be during periods of likely spadefoot emergence or movement (during early season rainfall and pool formation and during late season drawdown of the basins). If found or trapped, western spadefoot will be relocated to suitable natural or artificial burrows adjacent to a proposed western spadefoot mitigation pond (BR-16). This pond will serve as an alternative habitat for spadefoot found at CCL, and will be set aside to support spadefoot breeding with adjacent upland habitat for aestivation. Any aestivating western spadefoot encountered during construction within 1,000 feet of sedimentation basins would be relocated to the spadefoot mitigation pond, and placed in similar habitat and conditions. Details of spadefoot mitigation, to include components described above including the spadefoot mitigation pond, will be documented in a Spadefoot Mitigation Plan, to be reviewed by CDFW and LADRP. • Bird nests: Preconstruction surveys for nesting pairs, nests, and eggs shall occur in areas proposed for vegetation removal and in surrounding areas, including cliff sites, and active nesting areas flagged. Mitigation shall be implemented as described below under BR-13. • Bat Roosts: Where bat roosting habitat cannot be avoided, preconstruction surveys consisting of exit surveys, roost surveys of potential roost sites, and evidence of bat sign				

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
(guano) shall occur to identify bat species, as feasible, and active roosts. Mitigation shall be implemented as described below under BR-14.				
BR-11: USFWS protocol-level surveys shall be conducted for all coastal California gnatcatcher habitat well in advance of any ground-disturbing activities. If surveys are negative, the species shall be presumed absent, and no further impacts shall be anticipated or mitigation measures required. If the surveys are positive (i.e., coastal California gnatcatcher is present), then coordination shall be initiated with USFWS on required measures to avoid, minimize, or mitigate take of this species. These are anticipated to include: • Construction activities in the vicinity of active gnatcatcher nests shall be prohibited within a specified distance of nests (500 feet unless otherwise agreed to by USFWS) until after the young have fledged and the nesting is complete. • Clearing of occupied habitat shall be avoided if possible or practicable. If it is not practicable, clearing shall be prohibited during the nesting season (February to August).	A. Conduct USFWS protocol-level surveys for coastal California gnatcatcher well in advance of ground-disturbing activities.	Well in advance of ground-disturbing activities	CCL / Qualified Biologist	USFWS, , Permittee' s Registered Forester or Biologist
	B. Coordinate with USFWS if surveys are positive and implement required measures to avoid, minimize, or mitigate take.	Prior to and during ground-disturbing activities	CCL / Qualified Biologist / Construction Manager	USFWS, , Permittee' s Registered Forester or Biologist
BR-12: Although no nighttime construction is anticipated, lighting for construction activities conducted during early morning or early evening hours shall be minimized to the extent possible through the use of directional shading to minimize impacts to nocturnal or crepuscular wildlife. Only CDFW-recommended designs for lighting, fences, power poles, or other man-made features would be implemented where available.	A. Use directional shading for construction lighting to minimize impacts to nocturnal or crepuscular wildlife.	During construction	CCL / Construction Manager	LADRP
	B. Implement only CDFW-recommended designs for lighting, fences, power poles, or other man-made features where available.	During Project design	CCL / Construction Manager	CDFW

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
BR-13: In habitats where nesting birds might occur, vegetation removal shall be avoided when feasible during the nesting season (December through August); winter months are included because this area has potential for owls and hummingbirds, which may breed during this period. In addition, raptor nesting may be initiated by early January. Where this is not feasible, preconstruction surveys for nesting pairs, nests, and eggs shall occur in areas proposed for vegetation removal, and in buffer areas affected by construction, and active nesting areas flagged. The biological monitor shall assign a buffer around active nesting areas (typically 300 feet for songbirds, 500 feet for raptors, and 1,000 feet for sensitive cliff-nesting raptors – golden eagle, prairie falcon, and turkey vulture). The biological monitor will also clearly communicate the limits of buffers to the contractor and crew, and post and maintain, throughout the time of nest use, flagging, fencing, staking, or signs as otherwise needed. Construction activities shall be prohibited within the buffer until the nesting pair and young have vacated the nests, unless it can be demonstrated through biological monitoring that the construction activity is not hindering the nesting effort. Alternatively, if unused nests are identified in the disturbance area during preconstruction surveys, nests may be destroyed prior to active nesting. Rocky escarpments that may support cliff-nesting raptors not proposed for current construction activity at CCL would not be disturbed for the duration of the construction activity.	A. Avoid vegetation removal in nesting bird habitat during the nesting season.	During Project construction	CCL / Construction Manager	LADRP
	B. Conduct preconstruction nesting bird surveys where vegetation avoidance is not feasible and flag active nesting areas.	Prior to vegetation removal in nesting bird habitat	CCL / Qualified Biologist	LADRP, CDFW, USFWS,
	C. Assign buffers around active nests, clearly communicate limits to contractor/crew, and post and maintain flagging, fencing, and staking.	During Project construction	CCL / Qualified Biologist / Construction Manager	LADRP, CDFW, USFWS
	D. Prohibit construction activities within buffer until nests are vacated, or unless biological monitoring can demonstrate activity is not hindering nesting.	During Project design	CCL / Qualified Biologist / Construction Manager	LADRP, CDFW, USFWS, CDFW USFWS
	E. Destroy unused nests in the disturbance area prior to active nesting.	Prior to vegetation removal in nesting bird habitat, and following preconstruction surveys	CCL / Qualified Biologist	LADRP, CDFW, USFWS, CDFW USFWS
BR-14: A qualified bat biologist acceptable to CDFW shall be employed to supervise and report on construction activities with respect to bats. In habitats where roosting bats may occur, ground disturbance and roost destruction shall be scheduled, as feasible, during October 1 through February 28 or 29. Ground disturbance and roost destruction shall be avoided during the parturition period (generally March through August). Where this is not feasible, a qualified bat biologist shall conduct exit	A. Employ qualified bat biologist to supervise and report on construction activities with respect to bats.	During Project construction	CCL / Qualified Biologist	LADRP
	B. Schedule ground disturbance and roost destruction in bat roost habitat to avoid the parturition period.	During Project construction	CCL / Qualified Biologist / Construction Manager	LADRP

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
surveys, roost surveys of potential roost sites, or surveys for bat sign (e.g., guano) to identify bat species, if feasible, and active roosts. Construction activity within 300 feet of identified active roosts shall be prohibited until the completion of parturition (end of August), unless it can be demonstrated through biological monitoring that the construction activity is not affecting the active roost. Alternatively, if potential roosts are identified prior to onset of parturition, with concurrence from CDFW, roosts may be vacated during the evening forage period (within 4 hours after dark) or fitted with one way exit doors to effectively eliminate and exclude roosting bats. If tree roosts are identified that require disturbance, and from which bats can't be excluded, the trees would be initially disturbed by cutting small branches (less than 2 inches) to encourage habitat abandonment, prior to full tree removal (implemented the following day and supervised by a qualified bat biologist). Roost eviction will be conducted by a qualified bat biologist. Eviction shall be preferentially done before March or after September for eviction of a maternity colony, and only with concurrence from CDFW. If eviction is necessary, the bat biologist shall identify the bat species to be evicted, as feasible, and roost sites appropriate to the species to be displaced in the vicinity (within 1 mile) prior to any bat eviction. Alternative active roost areas, including rock escarpments at CCL that are not proposed to be disturbed by current construction activity would be avoided for the duration of the construction activity. If no alternative roost sites are identified, CCL shall provide artificial roost construction appropriate to the bat species to be displaced to offset loss of active roosts. Artificial roost construction would follow industry standard design, be sized to offset impacted roost(s), and be located greater than 300 feet from the active construction area, but within CCL property. A report will be prepared for submittal to CDFW and copied to LADRP on activities related to bat surveys and eviction, including survey methods, findings including species and size of roosts if available, alternative roost locations and characteristics, and constructed roosts.	C. Conduct exit surveys, roost surveys of potential roost sites, or surveys for bat sign (e.g., guano) to identify bat species and active roosts if ground disturbance cannot be scheduled outside parturition period.	Prior to disturbance activities in active roost areas within the parturition period	CCL / Qualified Biologist / Construction Manager	LADRP, CDFW,
	D. Prohibit construction activities within 300 feet of active roosts until completion of parturition, or unless biological monitoring can demonstrate activity is not affecting active roost.	During Project construction	CCL / Qualified Biologist / Construction Manager	LADRP, CDFW,
	E. Exclude roosts (with CDFW concurrence) prior to onset of parturition, as identified in Mitigation Measure BR-14 (including requirements for artificial roost construction and reporting).	Prior to disturbance activities in active roost areas, and following preconstruction surveys	CCL / Qualified Biologist	LADRP, CDFW,

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
BR-15: For unavoidable impacts to qualifying oak trees, an Oak Tree Permit application has been submitted to the LADRP. All permit terms and conditions shall be complied with from the final permit issuance, including planting of replacement trees. An Oak Tree and Woodland Mitigation Plan which identifies the mitigation area shall be submitted to LADRP for review and approval prior to impacts to any scrub oaks or issuance of a grading permit for the Proposed Project that would disturb areas within the protected zone of any oak trees regulated by the County Oak Tree Ordinance. The site shall be assessed for oak woodlands, including scrub oaks, at the time of disturbance according to the County Oak Woodland Conservation and Management Plan, and the Oak Tree and Woodland Mitigation Plan would also address mitigation for oak woodland impacts, including scrub oaks. As appropriate, potential impacts to oak woodlands shall be mitigated by planting understory plants in the same area identified onsite for mitigation oaks pursuant to the Oak Tree Permit and Oak Tree and Woodland Mitigation Plan for the Proposed Project. CCL will coordinate with Tataviam to provide a monitor during the removal or disturbance of native oak trees at CCL, if desired by the tribe.	A. Comply with Oak Tree permit terms and conditions, including planting of replacement trees.	During Project construction and post construction	CCL	LADRP, Permittee's Registered Forester or Biologist
	B. Submit Oak Tree and Woodland Mitigation Plan.	Prior to any impacts to oak woodlands, including scrub oaks, or issuance of a grading permit where any oaks are to be impacted	CCL	LADRP, Permittee's Registered Forester or Biologist
	C. Implement approved Oak Tree and Woodland Mitigation Plan.	During Project construction and post construction	CCL	LADRP, Permittee's Registered Forester or Biologist
BR-16: To avoid operational impacts to western spadefoot which may occur during intentional draining of detention basins, or sediment removal from detention basins, the following protocol must be implemented, under an approach coordinated with CDFW: (1) All drainage equipment would be new or used exclusively for detention basins on CCL to avoid transfer of Chytridiomycosis (i.e., chytrid fungus) or any other amphibian diseases or pathogens to detention basins on CCL from other	A. Coordinate approach for draining or removing sediment from detention basins with CDFW.	Prior to draining or removing sediment from detention basins	CCL	CDFW, Permittee's Registered Forester or Biologist, LACDPW

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
sites; (2) pumping equipment intakes would be screened with fine mesh and would pump from deeper portions of the detention ponds to ensure that eggs, larvae, or adults of western spadefoot would not be entrained in pump apparatus; (3) if a biological monitor determines that spadefoot adults, larvae, or egg masses are present during pumping, a secondary pump enclosure with maximum pore size of 0.125 inches will be utilized if determined necessary by the biological monitor; (4) at any given pumping event, only 80 percent of the volume (measured as depth at the deepest point of the detention basin) would be pumped, leaving pooled water of at least a 5-inch depth for any potential western spadefoot to complete its life cycle; however, the biological monitor would evaluate remaining pooled water volume and spadefoot development stage and make a determination if the remaining water was sufficient for spadefoot to complete their life cycle; and (5) sediment removal would only occur during the dry season, when ponded water was not present. A Spadefoot Mitigation Plan will be developed in consultation with CDFW, to incorporate the above measures and other measures in BR-10 to protect spadefoot. The Spadefoot Mitigation Plan will include design and development of a spadefoot breeding pond on CCL property in a relatively undisturbed location where adjacent uplands are present, including 1,000 feet of undeveloped land as feasible. This pond will be suitable for establishment of a western spadefoot breeding pond, and will not undergo the regular maintenance that is necessary for the onsite stormwater detention basins. Relocation of western spadefoot will be to the mitigation pond.	B. Implement protocol for draining or removing sediment from detention basins, as coordinated with CDFW and identified in Mitigation Measure BR-16.	During detention basin draining or sediment removal activities	CCL / Operations Manager	CDFW, Permittee's Registered Forester or Biologist, LACDPW
Cultural Resources and Paleontological Resources				
CR-1: A qualified archaeologist will flag off the area around Bowers Cave and establish a buffer in consultation with the Permittee to ensure avoidance of grading of the cave site. Grading plans will clearly depict the sensitive area and state that	A. Flag off the area around Bowers Cave and establish a buffer in consultation with CCL.	Prior to earth-moving activities	CCL / Construction Manager / Qualified Archaeologist	LADRP

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grading must not occur beyond the established buffer. The qualified archeologist will monitor earth-moving activities that would occur within 100 feet of the established buffer.	B. Depict sensitive area on grading plans and state that grading must not occur beyond the established buffer.	During development of grading plans	CCL / Qualified Engineer	LADRP
	C. Archaeological monitoring and reporting.	During earth-moving activities within 100 feet of the established buffer	CCL / Construction Manager / Qualified Archaeologist	LADRP
CR-2: Prior to the start of monitoring activities, a Cultural Resources Monitoring Plan (CRMP) will be developed. The CRMP will include, at a minimum: (1) the location of areas to be monitored, (2) frequency of monitoring, (3) description of resources expected to be encountered, (4) description of circumstances that would result in a construction halt, (5) description of monitoring reporting requirements, and (6) disposition of found/collected materials.	Develop a CRMP.	Prior to construction	CCL / Qualified Archaeologist	LADRP
CR-3: Native American consultation has indicated that Bowers Cave and the surrounding region may be important to local Native Americans, specifically Tataviam. Provisions will be made to provide cave access to interested Tataviam, and Tataviam will have the option to provide a construction oversight monitor during ground-disturbing activities. The Tataviam monitor will act as a liaison between archaeologists, the Permittee, contractors, and public agencies to ensure that cultural features are treated appropriately from the Tataviam point of view. All artifacts that may be found will be returned to the Tataviam or reinterred into the earth.	A. Make provisions to provide Bower's Cave access to interested Tataviam.	Prior to and during construction	CCL / Construction Manager / Tataviam Native American	LADRP Native American Heritage Commission (NAHC)
	B. Tataviam Native American monitoring and reporting and liaison activities, as applicable.	During construction	CCL / Construction Manager / Tataviam Native American	LADRP NAHC
	C. Return all artifacts that may be found to the Tataviam or reinterred into the earth.	During construction	CCL / Construction Manager / Tataviam Native American	LADRP NAHC

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
CR-4: Prior to construction, the services of a qualified vertebrate paleontologist shall be retained to develop and implement a Paleontological Resources Mitigation Plan prior to earth moving activities. The Plan will include the following elements: • development of agreement with a recognized museum repository; • identification of final disposition, permanent storage, and maintenance of any fossil remains and associated specimen data and corresponding geologic and geographic site data that might be recovered; and • determination of level of treatment (preparation, curation, cataloguing) of the remains that would be required before the mitigation program fossil collection would be accepted for storage.	Retain a qualified vertebrate paleontologist to develop and implement a Paleontological Resources Mitigation Plan (PRMP).	Prior to earth-moving activities	CCL / Qualified Vertebrate Paleontologist	LADRP
CR-5: The paleontologist and/or monitor shall conduct a preconstruction survey of the Project site prior to the start of any earth moving associated with the landfill expansion.	Preconstruction survey.	Prior to earth-moving activities	CCL / Qualified Vertebrate Paleontologist and/or Environmental Monitor	LADRP
CR-6: The paleontologist or monitor shall coordinate with landfill personnel to provide information regarding regulatory agency requirements for the protection of paleontological resources. Landfill personnel also will be briefed on procedures to be followed in the event that a fossil site or fossil occurrence is encountered during construction, particularly when the monitor is not onsite. The briefing will be presented to new landfill personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to the landfill manager.	A. Coordinate with landfill personnel to provide information regarding regulatory agency requirements and procedures for the protection of paleontological resources.	Prior to and during construction	CCL / Qualified Vertebrate Paleontologist and/or Environmental Monitor	LADRP
	B. Brief landfill personnel on procedures when a fossil site or fossil is encountered during construction.	Prior to and during construction	CCL / Qualified Vertebrate Paleontologist and/or Environmental Monitor	LADRP

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
	C. Provide monitor and mitigation program contact information to the landfill manager.	Prior to and during construction	CCL / Qualified Vertebrate Paleontologist and/or Environmental Monitor	LADRP
CR-7: Earth-moving activities shall be monitored by the paleontologist only in those areas of the Project site where these activities would disturb previously undisturbed strata in the Saugus and upper Pico Formations (not in areas underlain by artificial fill or younger alluvium). With concurrence from the Project paleontologist, if no fossil remains are found once 50 percent of earth moving has been completed in an area underlain by a particular rock unit, monitoring can be reduced or suspended in that area.	A. Paleontological monitoring in areas of the Project site where activities would disturb previously undisturbed strata in the Saugus and upper Pico Formations (not in areas underlain by artificial fill or younger alluvium).	During construction	CCL / Qualified Vertebrate Paleontologist	LADRP
	B. Paleontological monitoring and reporting.	During construction	CCL / Qualified Vertebrate Paleontologist	LADRP
CR-8: All diagnostic fossil specimens recovered from the Project site shall be treated (prepared, curated, catalogued) in accordance with designated museum repository requirements.	Treat all diagnostic fossil specimens recovered from the Project site in accordance with designated museum repository requirements. Treatment of recovered fossil specimens would be documented in final paleontological technical report prepared by the Project paleontologist.	During and after construction	CCL / Qualified Vertebrate Paleontologist	LADRP

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
CR-9: The monitor shall maintain daily monitoring logs. A final technical report of results and findings shall be prepared by the paleontologist and included with the material submitted for curation (see above).	A. Maintain log demonstrating compliance.	During construction	CCL / Qualified Vertebrate Paleontologist and/or Environmental Monitor	LADRP
	B. Prepare and submit a final paleontological technical report.	Following earth-moving activities within previously undisturbed strata in the Saugus and upper Pico Formations	CCL / Qualified Vertebrate Paleontologist	LADRP
Air Quality				
AQ-1: CCL shall use certified street sweepers that comply with South Coast Air Quality Management District (SCAQMD) Rule 1186.1.	Use certified street sweepers.	During construction	CCL / Construction Manager	, LEA
AQ-2: CCL shall use innovative approaches to reducing potential air emissions from construction of buildings, such as modular building products, where prefabricated portions of structures are assembled elsewhere and are erected at the construction site, as feasible. This would eliminate the need for onsite painting, a majority of the plumbing, and other consumer product usage.	Incorporate air emissions reducing provisions for construction of building into the design.	During Project design	CCL	, LACDPW
AQ-3: CCL shall provide offsetting emission reduction credits for predicted net emission increases from sources requiring permitting under New Source Review regulations.	Provide offsetting emission reduction credits.	During permitting	CCL	SCAQMD
AQ-4: Prior to operation of the composting facility, CCL shall develop an Odor Impact Minimization Plan (OIMP) pursuant to the requirements of the *California Code of Regulations* (CCR), Title 14, Division 7, Chapter 3.1, Article 3, and Section 17863.4; CCL shall comply with the OIMP during compost facility operation.	A. Develop OIMP.	Prior to operation of composting facility	CCL	LEA, LACDPW
	B. Maintain log demonstrating compliance.	During operation of composting facility	CCL	LEA, LACDPW

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
Current Emission Reduction Measures: CCL currently implements the following emission reduction measures on an ongoing basis, and these measures would continue to be implemented during construction and operation of the Proposed Project. • Onsite traffic is managed. • Engine-powered equipment is properly maintained. • Onsite vehicles are routed along the most direct routes. • Electrically powered equipment is used to the extent feasible. • A 15 mile per hour (mph) speed limit is enforced on paved roads and 10 mph speed limit on unpaved roads. • Permanent onsite haul roads are paved, to the extent feasible. • Temporary unpaved roads are surfaced with low-dust courses of material. • Roads are watered four to seven times daily, dependent on conditions, including weather. • Active sites of soil disturbance are watered four to seven times daily, dependent on conditions, including weather. • Soil stabilizers are used in areas with long-term exposure of disturbed or un-vegetated surfaces (e.g., stockpiles). • Trucks hauling dirt, sand, or other loose materials for site construction projects on public roadways are covered or maintain at least 2 feet of free board in accordance with the requirements of California Vehicle Code Section 23114. • Construction access roads are paved at least 100 feet onto the site from the main road. • Where feasible, other construction roads not covered by the above measure heaving a daily traffic volume of 50 vehicular trips, are paved; where infeasible, these roads are watered. • Disturbed areas are covered with erosion control materials if needed.	Maintain log demonstrating compliance.	Ongoing	CCL	, LEA, LACDPW

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• SCAQMD-approved street sweepers are used on all paved haul roads onsite as needed during rainy periods to reduce mud and during dry periods to reduce dust.				
Construction Emission Reduction Best Management Practices (BMPs): • The construction equipment, not owned by CCL, would be equipped with engines meeting California Air Resources Board (CARB) requirements for a large fleet at the time of construction (13 CCR 2449). • The construction equipment, not owned by CCL, would be equipped with engines meeting Tier 4f emission standards after Project year 2020. • Trucks would be prevented from idling longer than 5 minutes, to the extent feasible. • Construction equipment idling times and excessive use would be prevented, to the extent feasible. • Use of construction equipment would be suspended during Stage 2 and 3 smog alerts. • To reduce/minimize construction-related fugitive dust, water would be applied four to seven times daily, dependent on weather, within the construction site. • Fugitive dust from vehicle travel on unpaved roads would be controlled through the application of water 4 to 7 times daily, dependent on weather.	Maintain log demonstrating compliance.	During construction	CCL	, LEA, LACDPW
Operation Emission Reduction BMPs: • Off-road diesel equipment purchased by CCL for operation of the Proposed Project (used for additional waste received) would be equipped with engines meeting Tier 4f emission standards. • Unnecessary truck and equipment idling would be limited to less than 5 minutes, to the extent feasible. • Use of all off-road diesel equipment would be suspended during Stage 2 and 3 smog alerts (SCAQMD, 1993), to the extent feasible.	Maintain log demonstrating compliance.	During operation	CCL	LEA, LACDPW

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• Fugitive dust BMPs for vehicle travel on paved roads, vehicle travel on unpaved roads, and soil disturbance would be the same as described above for construction. • Operate the landfill to improve landfill gas collection efficiency to a site-wide average of 85 percent through application of a combination of daily cover, intermediate cover, and final cover to provide a beneficial improvement in ongoing landfill gas collection efficiency. • The existing, approved landfill gas-to-energy (LFGTE) plant would be optimized to use collected landfill gas (LFG) as fuel to produce electricity and to minimize flaring of collected LFG.				
Composting Emission Reduction BMPs: • Green waste composting piles would be covered with at least 6 inches of finished compost within 24 hours of initial pile formation. • Piles would not be turned for the first 7 days of active phase composting. • For the first 15 days of initial pile formation, and within 6 hours before turning, the top half of the pile would be kept wet to a depth of at least 3 inches. • Covered, aerated composting system would be equipped with an SCAQMD-approved emission control system (e.g., thermal oxidizer, bio-filtration) (SCAQMD, 2015). • Composting facility would implement a site-specific Odor Impact Minimization Plan (OIMP).	A. Maintain log demonstrating compliance.	During operation of composting facility	CCL	LACDPW, SCAQMD, LEA
	B. Implement site-specific OIMP.	During operation of composting facility	CCL	LACDPW, SCAQMD, LEA
Landfill Operation Odor Reduction Measure (ORM) **ORM-1:** For landfill operation, CCL shall develop an Odor Impact Minimization Plan (OIMP). The OIMP will describe an odor monitoring protocol, a description of meteorological conditions that affect migration of odors, a complaint response protocol, a description of design considerations for minimizing odors, and a description of operating procedures for minimizing odors.	A. Develop OIMP For approval by the responsible agencies	Within 3 months of receipt of CUP	CCL	SCAQMD, LEA, LACDPW, LADRP
	B. Maintain log demonstrating compliance and implementing all remedial action as recommended by the responsible agencies	During operation of landfill	CCL	SCAQMD, LEA, LACDPW, LADRP

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Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
Greenhouse Gas Emissions and Climate Change				
GHG-1: Beginning in 2020, the applicant shall provide the Department of Regional Planning with reports every 5 years, which shall evaluate consistency of landfill operations with current State and County greenhouse gas (GHG) emission reduction plans. If the Department of Regional Planning finds that a report demonstrates that landfill operations do not meet the GHG emission reduction targets of then-current State and County GHG emission reduction plans, the applicant shall develop and within one year submit to the Department of Regional Planning for review and approval of a GHG Emission Reduction Plan, which shall require implementation of additional feasible GHG emission reduction measures within the waste management sector to further reduce GHG emissions in accordance with then-current State and County goals. The GHG Emission Reduction Plan may incorporate some or all of the following measures: • Further or additional composting; • Further or additional recycling; • Development of alternative energy, including additional landfill gas-to-energy production capacity and/or development of other on-site renewable energy generation capacity; • Use of alternative fuels in on-site equipment; or some combination of the listed strategies; and/or • Other waste management sector strategies developed by California Department of Resources Recycling and Recovery (CalRecycle) and CARB addressing GHG emissions from waste management	A. Provide reports evaluating consistency of landfill operations with current State and County GHG emission reduction plans	Beginning in 2020, and subsequently every 5 years	CCL	LADRP, LACDPW, SCAQMD, LEA
	B. Develop GHG Emission Reduction Plan.	Within one year, if LADRP finds consistency reports demonstrate GHG emission reduction targets of then-current State and County GHG emission reduction plans are not met	CCL	LADRP, LACDPW, SCAQMD, LEA
GHG-2: Following closure of the landfill, the applicant shall continue to operate, maintain, and monitor the landfill gas collection and control system as long as the landfill continues to produce landfill gas, or until it is determined that emissions no longer constitute a considerable contribution to GHG emissions, whichever comes first.	Maintain monitoring log of landfill gas collection and control system.	Following closure of the landfill	CCL / Operations Manager	SCAQMD, LACDPW

Table 1. Chiquita Canyon Landfill Master Plan Revision Mitigation Monitoring and Reporting Program

Mitigation Measure / Project Design Measure	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
Notes: BMP = best management practice Cal-IPC = California Invasive Plant Council CalRecycle = California Department of Resources Recycling and Recovery CARB = California Air Resources Board CCR = *California Code of Regulations* CDFW = California Department of Fish and Wildlife CRMP = Cultural Resources Monitoring Plan CWA = Clean Water Act DTSC = California Department of Toxic Substance Control EPA = United States Environmental Protection Agency GHG = greenhouse gas LACDPW = Los Angeles County Department of Public Works LADRP = Los Angeles County Department of Regional Planning LEA = Local Enforcement Agency LFG = landfill gas LFGTE = landfill gas-to-energy mph = miles per hour NAHC = Native American Heritage Commission OIMP = Odor Impact Minimization Plan PRMP = Paleontological Resources Mitigation Plan SCAQMD = South Coast Air Quality Management District USACE = United States Army Corps of Engineers USFWS = United States Fish and Wildlife Service				

References

California Department of Fish and Wildlife (CDFW). 2009. *Protocols for Surveying and Evaluation Impacts to Special Status Native Plant Populations and Natural Communities*.

California Department of Fish and Wildlife (CDFW). 2012. *Special-status species and vegetation communities search within 10 miles of the Project area.* California Natural Diversity Database. December.

South Coast Air Quality Management District (SCAQMD). 1993. <?>

South Coast Air Quality Management District (SCAQMD). 2015. <?>

United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency (EPA). 2008. *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule. Federal Register.* April 10.

United States Fish and Wildlife Service (USFWS). 1996. *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants.*

OAK TREES:
Care and Maintenance

This Oak Tree Care and Maintenance Guide offers basic information and practical guidelines aimed at the preservation and continued health and survival of oak trees in the residential landscape.

Increasing pressure for development is changing the oak woodland of Los Angeles County. Heritage oaks which once survived in open rolling hills are now being preserved or replanted and incorporated into the community.

How do we protect these trees during the planning and development process, and ensure their survival once they are in the home garden?

The Oak Tree

Oak Trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the trees show obvious signs of disease it is usually too late to help.

Improper watering, especially during the hot summer months, and disturbance to critical root areas are most often the causes. This booklet will provide guidelines on where these critical areas lie and ways to avoid disturbing them, as well as information on long-term care and maintenance of both natural and planted oaks. Lists of additional resources for more information and demonstration areas to visit are also included.

The Oak Tree Ordinance

The Los Angeles County Oak Tree Ordinance has been established to recognize oak trees as significant historical, aesthetic, and ecological resources. The goal of the ordinance is to create favorable conditions for the preservation and propagation of this unique and threatened plant heritage. By making this part of the development process, healthy oak trees will be preserved and maintained.

The Los Angeles County Oak Tree Ordinance applies to all unincorporated areas of the County. Individual cities may have their own ordinances, and their requirements may be different.

Permit Requirements:

Under the Los Angeles County Ordinance, a person shall not cut, destroy, remove, relocate, inflict damage, or encroach into the *protected zone* (see text) of any ordinance sized tree of the oak tree genus without first obtaining a permit.

Damage includes but is not limited to :

- Burning
- Application of toxic substances
- Pruning or cutting
- Trenching
- Excavating
- Paving
- Operation of machinery or
- equipment
- Changing the natural grade

Chapter 22.56.2050: Oak Tree Permit Regulations, Los Angeles County, Adopted: August 20, 1982. Amended: September 13, 1988.

For more information about the County Oak Tree Ordinance, visit the Forestry Division's website at:

http://lacofd.org/Forestry_folder/otordin.htm

Or contact:

Department of Regional Planning
320 W. Temple Street, 13th floor
Los Angeles, CA 90012-3284
(213) 974-6411
TDD: (213) 617-2292
http://planning.co.la.ca.us

Types of oaks commonly found in Los Angeles County:

Many kinds of oak trees are native to Los Angeles County. A few of the more common ones are shown below, but *all* oak trees are covered by the Oak Tree Ordinance.

Older oaks which have thrived under the natural rainfall patterns of dry summers and wet winters often can't handle the extra water of a garden setting. These trees must be treated with special care if they are to survive.

Those oaks that have been planted into the landscape or sprouted naturally tend to be more tolerant of watered landscapes. These vigorous young trees may grow 1½ to 4 feet a year in height under good conditions. Once established these trees would benefit from the same special care outlined in this guide.

Valley Oak
QUERCUS LOBATA

LARGE DECIDUOUS TREE 60'-75' HIGH, BROADLY SPREADING 50'-80' WIDE.

LEAVES : DEEP GREEN, 3"-4" LONG : PAPER-LIKE TEXTURE WITH DEEP ROUNDED LOBES ON THE LEAF EDGE.

TENDS TO FAVOR VALLEY BOTTOMS : FOR THIS REASON THE VALLEY OAK HAS DISAPPEARED FROM THE LANDSCAPE MORE RAPIDLY, IMPACTED SEVERELY BY AGRICULTURE and URBAN DEVELOPMENT.

Coast Live Oak
QUERCUS AGRIFOLIA

LARGE EVERGREEN TREE WITH A BROAD, ROUND SHAPE AND LARGE LIMBS. 30'-70' HIGH, 35'-80' WIDE.

LEAVES : GLOSSY GREEN, 1"-3" LONG : SPINY, ROUNDED, AND HOLLY-LIKE : BUT DISTINCTLY CUPPED OR CURLED UNDER AT THE EDGES.

Interior Live Oak
QUERCUS WISLIZENii

EVERGREEN TREE 30'-75' HIGH OR A SHRUB 8'-10' HIGH IN CHAPARRAL AREAS. HAS A FULL, DENSE ROUNDED SHAPE, NOT BROAD OR WITH LARGE LIMBS LIKE A COAST LIVE OAK. THEY TEND TO GROW IN CLUMPS RATHER THAN AS A SINGLE TREE.

LEAVES : DARK GREEN, 1"-4" LONG. EDGES EITHER SMOOTH OR SPINY, BUT ALWAYS FLAT— NOT CURLED UNDER.

OTHER COMMON OAKS :
CALIFORNIA BLACK OAK : QUERCUS KELLOGGI
CANYON LIVE OAK : QUERCUS CHRYSOLEPIS
ENGELMANN OAK : QUERCUS ENGELMANNii

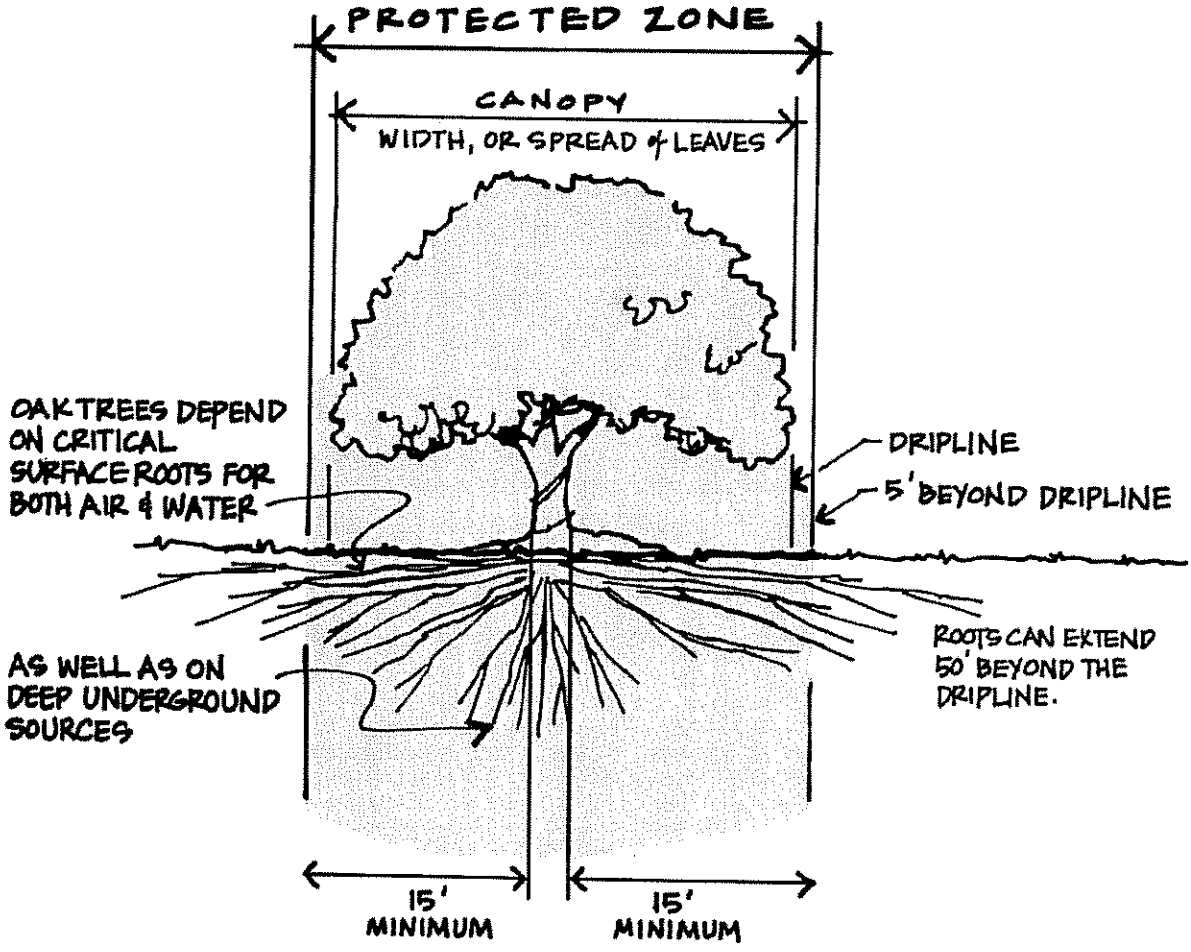
THE PROTECTED ZONE

The ***protected zone*** defines the area most critical to the health and continued survival of an oak tree. Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment.

The root system is extensive but surprisingly shallow, sometimes radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the *dripline*, is especially important: the tree obtains most of its surface water and nutrients here, and conducts an important exchange of air and other gases.

The protected zone is defined in the Oak Tree Ordinance as follows:

> "The Protected Zone shall mean that area within the dripline of an oak tree and extending there from to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater."



CONSTRUCTION ACTIVITY WITHIN THE PROTECTED ZONE

Changes in Grade

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. Water should drain away from this area and not be allowed to pond so that soil remains wet at the base.

Retaining walls designed to hold back soil above or below an existing tree should avoided if at all possible, especially within the protected zone. These types of structures cause critical areas at the dripline to be buried, or require that major roots be severed. Water trapped at the base of the tree could lead to root rot or other impacts, and to the decline and premature death of a highly valued landscape tree.

Construction activities outside the protected zone can have damaging impacts on existing trees. Underground water sources can be cut off due to falling water tables, or drainage may be disrupted.

Trenching

Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed.

If trenches must be placed within the protected zone, utilities can be placed in a conduit, which has been bored through the soil, reducing damage to the roots. Insist that as many utilities as allowed be placed in a single trench, instead of the common practice of digging a separate trench for each individual line.

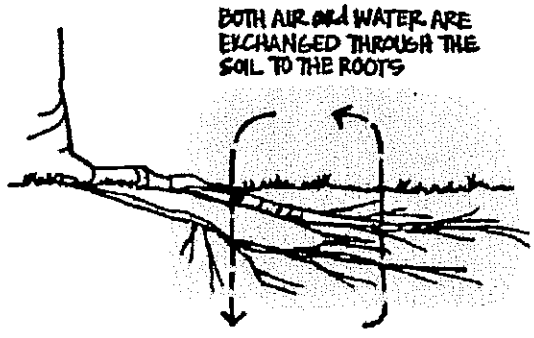
Trenching can also be accomplished using hand tools or small hand held power equipment to avoid cutting roots. Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced.

Soil Compaction and Paving

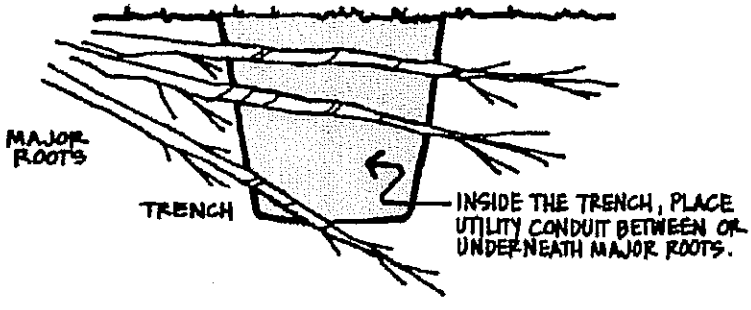
The roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity that compacts the soil in this area blocks this exchange and can have serious long-term negative effects on the tree.

If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips (note the advantages of natural materials for providing nutrients under *mulching*).

SOIL COMPACTION



TRENCHING



MAINTENANCE

Watering

The key is prevention – **do not over water**. Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem.

The seasonal weather pattern for this region is one of dry summers and winter rain. Oak trees are naturally drought tolerant and adapted to this cycle. If the tree is vigorous and thriving it should not require **any** additional water.

If the natural source of surface or underground water has been altered, some supplemental water may be necessary, but proceed with caution. The goal of any watering schedule for oak trees should be to supplement natural rainfall and it should occur only when the tree would normally receive moisture. This might be in the winter, if rains are unusually late, or in spring if rainfall has been below normal levels.

Over watering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.

Newly planted oaks may need supplemental watering during their first few summers. After they become established water should be applied according to the previous guidelines.

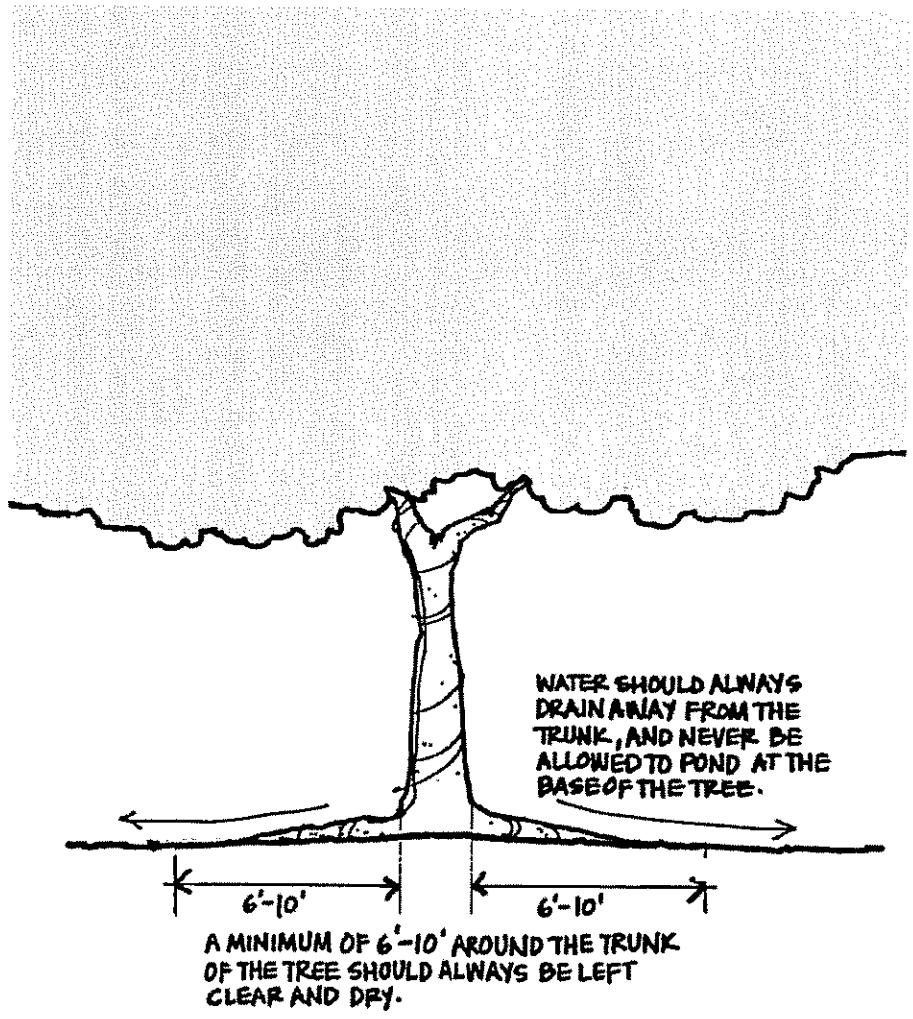
Pruning

For oak trees the periodic removal of dead wood during periods of tree dormancy should be the only pruning needed. Any cutting of green wood opens scars that could allow the entry of organisms or disease.

Before pruning obtain the advice of a certified arborist or other professional and consult the local city or county where the tree is located to find out what regulations apply. Pruning of both live and dead wood can sometimes require a permit.

Mulching

Leaf litter from the tree is the best mulch and should be allowed to remain on the ground within the protected zone. Crushed walnut shells or wood chips can be used, but the oak leaves that drop naturally provide the tree with a source of nutrients. Avoid the use of packaged or commercial oak leaf mulch which could contain Oak Root Fungus. Redwood chips should not be used due to certain chemicals present in the wood.



Disease and Pests

Trees that are stressed, especially because of improper watering practices, are prone to certain diseases and attacks by pests.

The most damaging of these diseases is the Oak Root Fungus *Armillaria mellea*. Occurring naturally in the soil, the fungus thrives under wet conditions and dies back in the summer when soils dry out. This is why summer watering of oaks can be a deadly practice. As noted in the watering guidelines, wet soil in the summer allows the fungus to grow all year. As the population grows, their natural food sources are depleted and they begin feeding on oak tree roots. The fungus does not require an open wound in the tree to gain entry.

Indications of the fungus include:

- die back of branches or tips.
- honey colored fungus at or near the root crown.
- white fan-like fungus between wood and bark.
- the presence of black, shoestring-like growths in the soil.

Once the tree begins to show obvious signs of infection treatment is generally ineffective. The best treatment is to *avoid* the conditions that lead to Oak Root Fungus infections.

Pit Scale, Oak Moth, and other pests: any significant changes in leaf color, branch die back, presence of black sooty materials on leaves or other changes should be noted. Seek the advice of a professional forester, arborist, farm advisor or other expert before the application of any pesticides on an oak tree.

Planting Underneath Oaks

The natural leaf litter is by far the best ground cover within the protected zone. If plants must be placed, the following guidelines should be followed:

There should be no planting within a minimum 6 to 10 feet of the trunk.

Avoid plants that require any supplemental water once established.

Choose plants suited for "dry shade." Those listed in the box below offer some good choices. To see some examples of how these plants have been used under oaks refer to the Additional Resources section on the following page.

PLANTS TO CONSIDER:

Plant Name	Description
Arctostaphylos densiflora 'Howard McMinn' Manzanita	3' high, 6' wide. Toughest of available forms. Whitish-pink flowers.
Arctostaphylos edmundsii Little Sur Manzanita	1-2' high, 4-5' wide. Tolerant of full shade.
Arctostaphylos hookeri Monterey Carpet Manzanita	1-2' high, spreading to 12' wide by rooting branches. White to pink flowers.
Ceanothus griseus horizontalis Carmel Creeper	Less than 2 1/2' tall, low & creeping. Clusters of small blue flowers.
Heuchera spp. Coral Bells	2-4' mound. Flowers on an upright stem 2-3" high and spotted with red or pink.
Mahonia aquifolium compacta Oregon Grape	2-4' high, spreading by underground roots. Bright yellow flower clusters.
Ribes viburnifolium Evergreen or Catalina Currant	2-3' high, spreading to 12' wide. Flowers pink to red in small clusters.

NOTES:

Before deciding on plants, check a source such as the *Sunset Western Garden Book* to determine which plants will grow in your area.

When choosing shade tolerant plants, consider that the ground under the south side of the tree will get more sunlight while the northern side will tend to remain more deeply shaded.

ADDITIONAL RESOURCES and Places to Visit

Public Agencies

County of Los Angeles Fire Department
Prevention Bureau, Forestry Division
5823 Rickenbacker Road, Rm #123
Commerce, CA 90040-3027
(323) 890-4330
http://lacofd.org/forestry.htm

University of California
Integrated Hardwood Range Management Program
163 Mulford Hall, Berkeley, CA 94720-3114
http://danr.ucop.edu/ihrmp

Private Organizations

The Theodore Payne Foundation
10459 Tuxford Street
Sun Valley, CA 91352-2126
(818) 768-1802
www.theodorepayne.org

California Native Plant Society
1722 J Street, Suite 17
Sacramento, CA 95814-3033
(916) 447-2677
www.cnps.org

The California Oak Foundation
1212 Broadway, Suite 810
Oakland, CA 94612-1810
(510) 763-0282
www.californiaoaks.org

Arboretums and Botanic Gardens

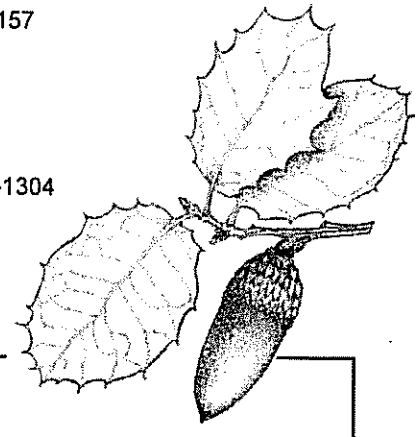
Los Angeles County Arboreta and Botanic Gardens
301 N. Baldwin Ave.
Arcadia, CA 91007-2697
(626) 821-3222
www.arboretum.org

Los Angeles County South Coast Botanic Garden
26300 Crenshaw Blvd.
Palos Verdes Peninsula, CA 90274-2515
(310) 544-6815
www.southcoastbotanicgarden.org

Los Angeles County Descanso Gardens
1418 Descanso Drive
La Canada-Flintridge, CA 91011-3102
(818) 949-4200
www.descansogardens.org

Rancho Santa Ana Botanic Garden
1500 North College
Claremont, CA 91711-3157
(909) 625-8767
www.rsabg.org

The Lummis Home
200 E. Avenue 43
Los Angeles, CA 90031-1304
(213) 222-0546



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Growing California Native Plants. Marjorie G. Schmidt, Univ. California Press. 1981.

Illustrated Guide to the Oaks of the Southern Californian Floristic Province. Fred M. Roberts. FM Roberts Publications. 1996.

Living Among the Oaks: A Management Guide for Landowners. University of California Integrated Range Management Program. 1995.

Oaks of California. Bruce M. Pavlik...[et al]. Cachuma Press & the California Oak Foundation. 1995.

Proceedings of the Fifth Symposium on Oak Woodlands: Oaks in California's Changing Landscape. GTR PSW-GTR-184. Forest Service, U.S. Department of Agriculture. 2001.
Available from the University of California Integrated Hardwood Range Management Program.

Regenerating Rangeland Oaks in California. University of California Integrated Range Management Program. 2001.

County of Los Angeles Fire Department
Forestry Division

County of Los Angeles
Board of Supervisors

Gloria Molina, First District
Yvonne Brathwaite Burke, Second District
Zev Yaroslavsky, Third District
Don Knabe, Fourth District
Michael D. Antonovich, Fifth District

County of Los Angeles Fire Department

P. Michael Freeman, Fire Chief

Brush Clearance Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-2375

Camp 17
6555 Stephens Ranch Road
La Verne, CA 91750-1144
(909) 593-7147

Environmental Review Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5719

Fire Plan/Interpretive Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5783

Fuel Modification Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-5205

Henninger Flats Forestry Unit
2260 Pinecrest Drive
Altadena, CA 91001-2123
(626) 794-0675

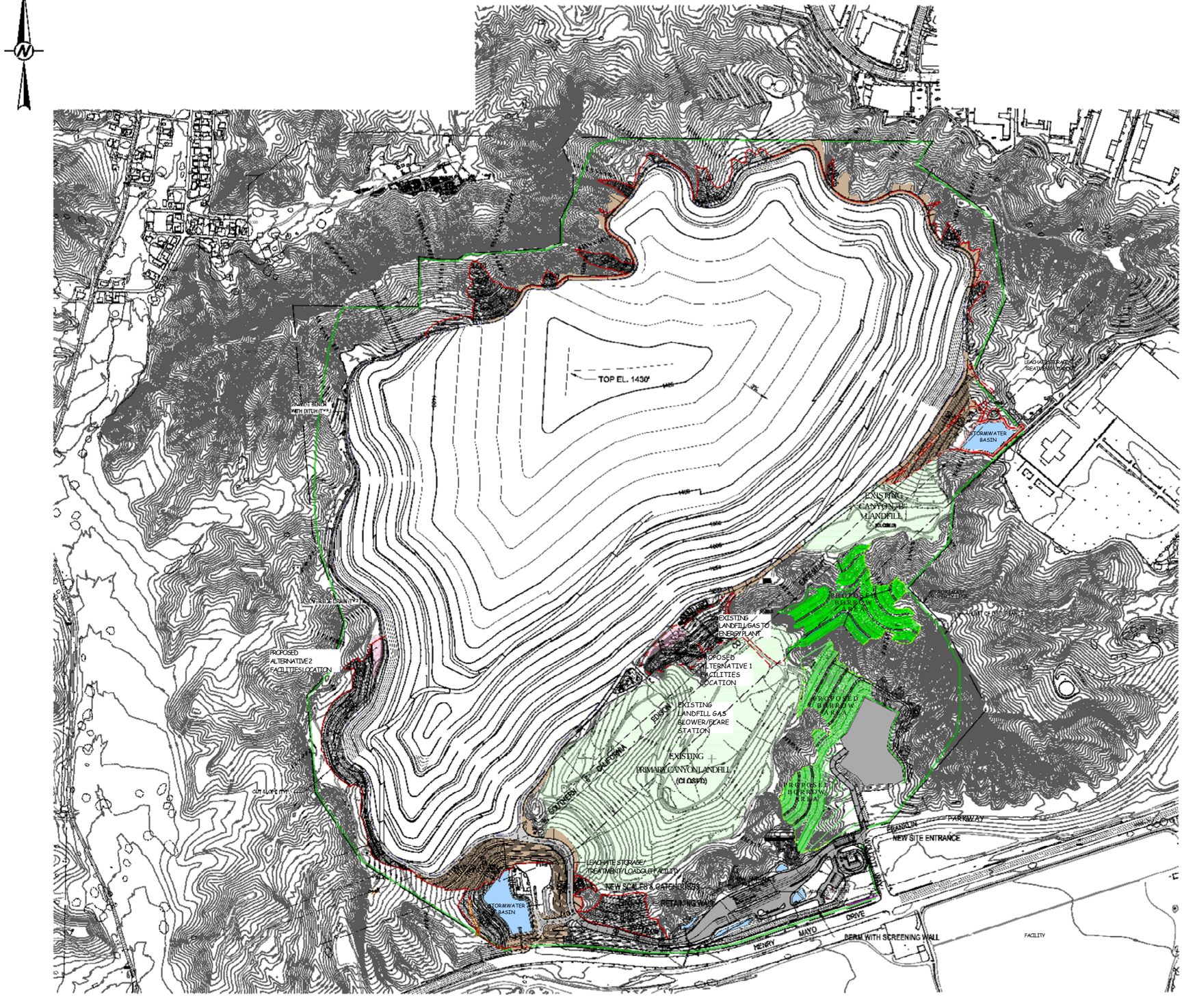
Lake Hughes Forestry Unit
42150 N. Lake Hughes Road
Lake Hughes, CA 93532-9706
(661) 724-1810

Malibu Forestry Unit
942 N. Las Virgenes Road
Calabasas, CA 91302-2137
(818) 222-1108

San Dimas Forestry Unit
1910 N. Sycamore Canyon Road
San Dimas, CA 91773-1220
(909) 599-4615

Saugus Forestry Unit
28760 N. Bouquet Canyon Road
Saugus, CA 91390-1220
(661) 296-8558

Vegetation Management Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5720



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1" = 800' FEET

CLIENT
WASTE CONNECTIONS, INC.
CHIQUITA CANYON LANDFILL
LOS ANGELES COUNTY, CALIFORNIA

PROJECT
CHIQUITA CANYON LANDFILL

TITLE
ELEVATION 1,430-FOOT ALTERNATIVE

CONSULTANT
Golder Associates

YYYY-MM-DD	2017-03-31
DESIGNED	JDR
PREPARED	JDR
REVIEWED	RDH
APPROVED	RDH

PROJECT NO. 1663646 | REV. 0 | FIGURE 1

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED | FROM: ANSI B

Tonnage Breakdown For Years 1-7 (2017-2024)				
Description	**Daily Average Capacity (ton/day-6)**	**Daily Maximum Tonnage (tons/day)**	**Monthly ~~Maximum~~Average Tonnage**	**Yearly Maximum Tonnage**
Solid Waste	6,616	any combination	172,025	2,064,300
Beneficial Use/Composting	2,358	any combination	61,308	735,700
Total*	**8,974**	**12,000**	**233,333**	**2,800,000**

Tonnage Breakdown For Years 8-~~30~~12 (2025-20~~47~~29)				
Description	**Daily Average Capacity (ton/day-6)**	**Daily Maximum Tonnage (tons/day)**	**Monthly ~~Maximum~~Average Tonnage**	**Yearly Maximum Tonnage**
Solid Waste	~~3,411~~5,494	any combination	~~88,692~~142,858	1,~~064~~714,300
Beneficial Use/Composting	2,358	any combination	61,308	735,700
Total*	**7,852**	**12,000**	**204,166**	**2,450,000**

Tonnage Breakdown For Years 13-17 (2030-2034)				
Description	**Daily Average Capacity (ton/day-6)**	**Daily Maximum Tonnage (tons/day)**	**Monthly Average Tonnage**	**Yearly Maximum Tonnage**
Solid Waste	5,013	any combination	130,358	1,564,300
Beneficial Use/Composting	2,358	any combination	61,308	735,700
Total*	**7,371**	**12,000**	**191,666**	**2,300,000**

Tonnage Breakdown For Years 18-25 (2035-2042)				
Description	**Daily Average Capacity (ton/day-6)**	**Daily Maximum Tonnage (tons/day)**	**Monthly Average Tonnage**	**Yearly Maximum Tonnage**
Solid Waste	4,533	any combination	117,858	1,414,300
Beneficial Use/Composting	2,358	any combination	61,308	735,700
Total*	~~**5,769**~~**6,891**	**12,000**	~~**150,000**~~**179,166**	~~**1,800**~~**2,150,000**

Note: Daily Average Capacity is based on the Yearly Maximum Tonnage and 312 days of operations.

* Up to 250,000 tons of Soil may be exempted each year from the above totals

Summary of Fee Structure For Chiquita Canyon Landfill Expansion Project

CUP Condition No./IMP No.	Fee / Fund Type	Fees
19	**Mitigation and Monitoring Fund**	$10,000 (initial deposit, refillable if balance is below 80%)
114	**Net Tipping Fee**	See Note 1
115	**Waste Diversion Program Fund ***	$0.25+CPI/ton
~~**116**~~	~~**Disaster Debris Planning Fund ***~~	~~$0.08+CPI/ton~~
~~**117**~~	~~**Out-of-Area Fee**~~	~~Variable Out-of-Santa Clarita Valley Fee ($1.32-$5.28/ton) and Out-of-County Fee ($6.67/ton)~~
119	**Countywide Siting Element/Alternative Technology Development**	~~$200,000/yr~~ ~~Not to exceed $3 million total~~$1.50+CPI/ton
~~**120**~~	~~**Natural Habitat and Park Development Fund ***~~	~~$0.50+CPI/ton~~
121	**Traffic Mitigation & Enhancement Fee ***	$0.50+CPI/ton
122	**Planning Studies Fee**	**$50,000** every other year
123	**Community Benefit & Environmental & Educational Fund ***	$1.~~00~~10+CPI/ton
124	**HHW/E-Waste Collection Fund**	$100,000+CPI/event 10 events per year
125	**Routine Monitoring and Inspection Funds**	$20,000 initial deposit for inspection (refillable if balance is below 80%) **$50,000** initial deposit for incidental expenses (refillable if balance is below 80%)

Note 1: Quarterly fee equal to 10% of the sum of the following: (a) the net tipping fees collected at the Facility, (b the revenue generated from the sale of Landfill gas at the Facility, less any federal, state, or local fees or taxes included in such revenue, and (c) the revenue generated by any other activity at the Facility, less any federal, state, or local fees or taxes Included in such revenue.

Note 2: *Fees for Conditions No, 115, ~~116, 120,~~ 121, and 123 apply only to solid waste, not to beneficial use materials.

Chiquita Canyon Landfill IMP/CUP Monitoring Reports Due Dates

Item Number	Type of Review/Report	Responsible Monitoring Agency	Frequency	Purpose
IMP PART I-A	Annual Monitoring Report	DPW	Once a Year (prior to use of the CUP and annually thereafter, March 1st)	Survey Monuments
IMP PART XII-A	Annual Monitoring Report Draft	DRP	Once a Year (90 days prior to March 1st)	To enhance the continuing oversight of Landfill operations
IMP PART XII-A	Annual Monitoring Report	DRP	Once a Year (due March 1st)	To Provide oversight of Landfill operations, activities, and maintenance of the facility
CUP-18	Annual Mitigation Monitoring	DRP	Once a Year (Due July 1st)	To depict the status of the Permittee's compliance with the required measures
CUP-37	Periodic Review	DRP	On the 10th, 15th, and 20th, ~~and 25th~~ anniversary of the effective date of the new CUP	To allow the Hearing Officer and/or the Regional Planning Commission and TAC to review the studies submitted by the Permittee and issue a Finding of Fact and potentially approve changes to the IMP

EXHIBIT B

Superior Court of California

County of Los Angeles

Department 32

CHIQUITA CANYON, LLC, Petitioner, v. COUNTY OF LOS ANGELES, et al. Respondents.	Case No.: BS 171262 Hearing Date: June 22, 2020 **DECISION ON PETITION FOR WRIT OF MANDATE: GRANTED IN PART AND DENIED IN PART**

Background

Petitioner Chiquita Canyon, LLC ("Petitioner") petitions for a writ of administrative mandate directing Respondents County of Los Angeles and Los Angeles County Board of Supervisors ("Respondents" or "County") to set aside conditions 9, 23, 29, 37, 38-39, 40, 43(D), 43(G), 48, 79(B)(6), 111, 115 through 124, and 126 in Petitioner's conditional use permit for the Chiquita Canyon Landfill ("Landfill").

Judicial Notice; Motion to Augment Record

Respondents' Request for Judicial Notice, Exhibits 1-3 – Granted.

Respondents' Motion to Augment the Administrative Record with Declaration of Principal Engineer Vander Vis – Granted.

Factual and Procedural Background

The Landfill and July 2011 CUP Application

Petitioner owns and operates the Landfill, located at 29201 Henry Mayo Drive, in the unincorporated community of Castaic. The Landfill is a Class III waste disposal facility, which accepts non-hazardous residential and commercial solid wastes. (AR 5-7, 24.) County first approved the Landfill pursuant to a conditional use permit in 1965. The permit was subsequently extended and revised on four separate occasions, in 1977, 1982, 1997, and 2017. (AR 7 ¶ 16.) At issue before the court is the 2017 conditional use permit ("CUP").

The Landfill is situated in a canyon on 639 acres of mostly hilly terrain. As described by the Board of Supervisors in its findings: "Most of the site is mountainous, with elevations ranging from approximately 950 feet above sea level near the south property line, to a high of approximately 1,640 feet near the north property line. The Project Site fronts State Highway 126, the portion known as Henry Mayo Drive, on the south side. The intersection of Wolcott Way and Henry Mayo Drive forms the southeast corner of the Project Site." (AR 5-6 ¶ 5.)

"The existing residential community of Val Verde is located to the northwest of the Project Site. The nearest residence is located on Roosevelt Avenue in the south part of Val Verde and is approximately 500 feet from the Project Site and approximately 1,100 feet from the developed area of the Project Site. Steep hillsides separate the Project Site from Val Verde." (AR 7 ¶ 14.)

In July 2011, Petitioner submitted a CUP application seeking to continue operation of the Landfill. In the application, Petitioner sought to expand the Landfill's existing waste footprint laterally from 257 acres to 400 acres; increase the maximum elevation from 1,430 feet to 1,573 feet; and increase daily disposal limits from 6,000 tons per day of waste to 12,000 tons per day. Petitioner also sought approval for development of a household hazardous waste facility, continued operation of the landfill gas-to-energy

facility ("LFGTE"), and new facilities and design features. (AR 5 ¶ 4; see also AR 277 [map of existing and proposed landfill footprint], 10242-44, 34421-22 [design plans].)

County's CEQA Review and Approval of the CUP with Conditions

In November 2011, County published a Notice of Preparation of a Draft Environmental Impact Report for the Landfill project. Subsequently, on July 10, 2014, November 9, 2016, and February 2017, County completed the Draft Environmental Impact Report ("DEIR" - AR 238- 2301), Partially Recirculated Draft Environmental Impact Report ("PRDEIR" - AR 2302-3393), and Final Environmental Impact Report ("FEIR" - AR 3394-6306), respectively. (AR 14948-49.) Collectively, these documents may be referred to as the EIR.

The EIR found that the Landfill project would create environmental impacts to geology and hydrology, surface water drainage, biological resources, cultural and paleontological resources, air quality, GHG emissions, and climate change. A Mitigation Monitoring and Reporting Program ("MMRP") was prepared to mitigate the impacts, except for certain impacts related to air quality, GHG emissions, and climate change, which could not be mitigated to a less than significant level. (See e.g. AR 114-154, 155-237.) As a result of those remaining significant unavoidable impacts, County prepared and adopted CEQA Findings of Fact and a Statement of Overriding Considerations ("SOC") for the project.[1] (AR 9 ¶ 23, 155-237.)

Concurrently with finalization of the FEIR in 2017, staff of the County Department of Regional Planning ("DRP") submitted a proposed CUP to the Planning Commission for approval. (AR 9887-10027.) DRP's recommendations imposed various fees and operating conditions on the Landfill. (See AR 9888-9947, 3423-30, 3938.) Petitioner objected to certain fees and operating conditions before the Planning Commission. (See AR 10085-120; 12207-12298 [March 1, 2017 letter re: fees]; 14956-57 [hearing transcript].)

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[1] In its opening brief, Petitioner indicates that the EIR withstood legal challenge in the trial court. (See OB at 11, fn. 3, citing *Val Verde Association, et al. v. County of Los Angeles,* LASC Case No. BS170715.) In opposition, Respondents indicate that the judgment in the CEQA action is currently on appeal and, thus, is not final. (Oppo. 8, fn. 2, citing COA Case No. B302885.)

On March 1, 2017, the Regional Planning Commission held a public hearing on the CUP. (AR 9200- 9204, 16253-58.) The hearing was continued to April 19, 2017, due to large number of speakers and Commission's need to review the supplemental materials. (AR 10, ¶ 28; 16257.) At the conclusion of the April 19, 2017 hearing, the Commission approved the CUP as recommended by staff, with several modifications. (AR 10-11; 16260-68.)

Thereafter, Petitioner and several community-interest groups separately appealed the Planning Commission's approval to the Board of Supervisors ("Board"). (AR 11; 12980-13023.) Petitioner argued that certain fees and exactions violated the Mitigation Fee Act and other constitutional limitations, and that the operational conditions were unjustified. (See e.g. AR 12980-81, 13217-13240 [June 21, 2017 appeal letter].) DRP and the Department of Public Works ("DPW") submitted a written response to Petitioner's appeal. (See AR 13024-13049.)

On June 27, 2017, the Board held a public hearing on the appeals. (AR 12971-13023.) At the conclusion of the public's testimony, the Board certified the FEIR, adopted the CEQA findings, SOC and MMRP, and indicated its intent to deny the appeals. (AR 4; 11; 12928-34; 12945-51.) It instructed County Counsel to prepare final findings and conditions for the Board's consideration, including modifications to the conditions approved by the Commission. (AR 11; 12945-51.)

On July 25, 2017, following preparation of revised findings by County Counsel and incorporation of all revisions to the CUP, the Board denied the appeals, certified FEIR, adopted the CEQA findings, SOC, MMRP, and adopted the project as revised. (AR 1.) County filed a Notice of Determination on July 25, 2017. (AR 1.)

Board made numerous findings relevant to the CUP conditions, including the following: "Over the course of proceedings for the CUP/OTP application, Regional Planning staff ('Staff') received approximately 2,000 letters, emails, and oral testimony from both proponents and opponents to the Project regarding the environmental review and the Project in general. Many of the commenters submitted multiple comments in writing and at hearings held regarding the environmental review. The

most frequent concerns expressed by the public and by other agencies were potential impacts to public health, air quality, odors, traffic, environmental justice issues, biological resources, greenhouse gases, the CUP 89-081 conditions, and a 1997 agreement between the Val Verde community and the previous operator of Chiquita Canyon Landfill, property values, project alternatives, and water quality. The Final EIR contains detailed topical responses to 34 of the most common topics and specific responses to each of the public comments. The Project conditions, an Implementation and Monitoring Program ('IMP'), and the MMRP include requirements that address community concerns." (AR 9 ¶ 24.)

"The Board finds that the Project conditions of approval, the IMP, and MMRP are designed to ensure that the landfill is operated in a way that avoids or mitigates potential nuisance, traffic and visual impacts to surrounding communities, including those within the CSD [Castaic Area Community Standards District], and to ensure that the landfill operates safely and efficiently." (AR 12 ¶ 37.)

"Project conditions require the permittee to pay fees that will be used to offset impacts to the County and its residents associated with operation of a landfill and disposal of waste, by funding programs and activities that enhance Countywide disposal capacity, mitigate landfill impacts in the unincorporated County areas, fund environmental, educational, and quality of life programs in unincorporated areas surrounding the landfill, and promote source reduction and recycling programs and the development of Conversion Technology facilities that benefit the Santa Clarita Valley and the County, and assist the County with meeting its goals and requirements for waste diversion and organics recycling." (AR 12-13 ¶ 38.)

Petitioner Files Letter of Protest

On October 13, 2017, Petitioner informed County by letter that it protests certain fees imposed by the 2017 CUP pursuant to the Mitigation Fee Act. (See 3AC ¶ 50; Answer ¶ 50.)

Writ Proceedings

On October 20, 2017, Petitioner filed a verified petition for writ of administrative mandate and complaint against County challenging the legality of numerous conditions of the CUP. On August 9, 2019, Petitioner filed its operative third amended petition and complaint ("petition" or "3AC").

On November 13, 2019, after a hearing, the court (Judge Daniel Murphy) ruled that County is equitably estopped from asserting in this writ action, based on *Lynch v. California Coastal Com.* (2017) 3 Cal.5th 470 and related cases, that Petitioner forfeited its right to challenge operational conditions in Petitioner's CUP for the Landfill. (See RJN Exh. 2.)

On January 31, 2020, after a hearing, the court entered the parties' joint stipulation on briefing limits and claim presentation. The court set a hearing on the petition for writ of mandate in count 14 and related declaratory and injunctive relief in counts 1, 3, 4, 5, and 9. The court indicated that Petitioner's remaining claims (counts 2, 6-7, 8, 10-11, and 12-13) would be heard before an individual calendar department after resolution of the writ proceeding. (See Local Rules 2.8(d) and 2.9.)

On February 21, 2020, Petitioner filed its opening brief ("OB") in support of the writ petition. On May 7, 2020, Respondents lodged a digital copy of the administrative record. On May 8, 2020, Respondents filed their opposition ("Oppo."). On May 29, 2020, Petitioner filed its reply.

Standard of Review

The writ petition is brought pursuant to CCP section 1094.5. (3AC ¶¶ 214-220.) "The issuance of a conditional use permit is a quasi-judicial administrative action, which the trial court reviews under *administrative* mandamus procedures pursuant to Code of Civil Procedure section 1094.5.... [T]he trial court reviews the whole administrative record to determine whether the agency's findings are supported by substantial evidence and whether the agency committed any errors of law. [Citations.]" (*Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal.App.4th 997, 1005.)

Substantial evidence is relevant evidence that a reasonable mind might accept as adequate to support a conclusion (*California Youth Authority v. State Personnel Board* (2002) 104 Cal. App. 4th 575, 584-85), or evidence of ponderable legal significance which is reasonable in nature, credible and of solid value. (*Mohilef v. Janovici* (1996) 51 Cal. App. 4th 267, 305 n. 28.) "Courts may reverse an [administrative] decision only if, based on the evidence ..., a reasonable person could not reach the conclusion reached by the agency." (*Sierra Club v. California Coastal Com.* (1993) 12 Cal.App.4th 602, 610; see also *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1244.)

"'In the context of an administrative hearing, relevant personal observations are evidence. For example, an adjacent property owner may testify to traffic conditions based upon personal knowledge.' [Citations.] However, ... '[u]nsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence....'" (*Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274.)

The petitioner seeking administrative mandamus has the burden of proof and must cite to the administrative record to support its contentions. (See *Bixby v. Pierno* (1971) 4 Cal. 3d 130, 143; *Steele v. Los Angeles County Civil Service Commission*, (1958) 166 Cal. App. 2d 129, 137; see also *Alford v.* Pierno (1972) 27 Cal.App.3d 682, 691 ["[T]he burden of proof falls upon the party attacking the administrative decision to demonstrate wherein the proceedings were unfair, in excess of jurisdiction or showed prejudicial abuse of discretion."].)

Petitioner's burden under CCP section 1094.5 is important; the administrative record in this case is nearly 35,000 pages. "[A] trial court must afford a strong presumption of correctness concerning the administrative findings." (See *Fukuda v. City of Angels* (1999) 20 Cal. 4th 805, 817.) The court is not required to search the record to ascertain whether it supports an appellant's contentions, nor make the parties' arguments for them. (*Inyo Citizens for Better Planning v. Inyo County Board of Supervisors* (2009) 180 Cal.App.4th 1, 14.) A reviewing court "will not act as counsel for either party ... and will not assume the task of initiating and prosecuting a search of the record for any purpose of discovering errors

not pointed out in the briefs." (*Fox v. Erickson* (1950) 99 Cal.App.2d 740, 742.) When an appellant challenges "'the sufficiency of the evidence, all material evidence on the point must be set forth and not merely [its] own evidence." (*Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309, 317; see also *County of San Diego v. Assessment Appeals Bd. No. 2* (1983) 148 Cal.App.3d 548, 554; *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 113.)

On questions of law arising in mandate proceedings, the court exercises its independent judgment. (*Christensen v. Lightbourne* (2017) 15 Cal.App.5th 1239, 1251.)

Analysis

Waiver of Challenge to Certain Conditions

Petitioner's opening brief does not discuss conditions 28, 34-36, 42, and 109. Petitioner has waived any challenges to those six conditions. (*Nelson v. Avondale HOA* (2009) 172 Cal.App.4th 857, 862-863 [argument waived if not raised or adequately briefed]; see Reply Appendix A.)

County's Police Powers, and Obligation to Issue Findings to Grant or Deny a CUP

Respondents assert "County is vested with broad discretionary powers to determine what conditions are suitable to address the Landfill's integration into the community." (Oppo. 13.) While that is true, County's exercise of discretion must be reasonable and is subject to judicial review pursuant to CCP section 1094.5.

California Constitution, article XI, section 7 provides that "a county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." "'Land use regulation in California has historically been a function of local government under the grant of police power contained in California Constitution, article XI, section 7.'" (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 782.) "The 'inherent local police power includes broad authority to determine, for purposes of the public health, safety, and welfare, the appropriate uses of land within a local jurisdiction's borders.'" (*T-Mobile West LLC v. City and County of San Francisco* (2019) 6 Cal.5th 1107, 1116.)

Landfills raise site-specific concerns such as potential noise, traffic, odor, air pollution, and congestion effects on neighboring properties. (See e.g. Pub. Res. Code § 40000(b).) County does not allow landfills by right and may impose conditions of approval. (See LACC § 22.16.030(C)(1).)

To grant a CUP, County must make certain findings, including that: "The requested use at the location proposed will not: a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare." (LACC § 22.158.050(B)(2); see Resp. RJN Exh. 3.) County must also find that the proposed site "is adequately served ... By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate." (LACC § 22.158.050(B)(4)(a).) County may impose "conditions to ensure that the approval will be in accordance with the findings required by the application." (LACC § 22.158.060.)

CCP section 1094.5 also requires Board to issue sufficient findings to support its decision. In *Topanga Assn. for a Scenic Community v. County of Los Angeles,* (1974) 11 Cal. 3d 506, 515, the Supreme Court held that "implicit in ... section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order."[2] "Administrative agency findings are generally permitted considerable latitude with regard to their precision, formality, and matters reasonably implied therein" but must allow for "meaningful judicial review." (*Southern Pacific Transportation Co. v. State Bd. of Equalization* (1987) 191 Cal.App.3d 938, 954; *Glendale Memorial Hosp. & Health Center v. Department of Mental Health* (2001) 91 Cal.App.4th 129, 139.)

The court reviews the administrative findings of the agency, in this case the Board of Supervisors. Petitioner and Respondents regularly refer to analyses of County staff as if they were the Board's

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[2] Although Petitioner did not cite *Topanga* in the opening brief, it made arguments about the sufficiency of Board's findings. (See e.g. OB 9-10 and 18:11-5.) Also, in the writ petition, Petitioner alleged that "the findings do not expose the 'analytic route' that the Board took from the evidence available to its ultimate conclusion." (3AC ¶ 216.)

findings. (See e.g. OB 22:24-27 and 23:13-15; Oppo. 26:15-17; AR 13024-13036.) It appears that Board granted the CUP, and denied Petitioner's administrative appeal, consistent with staff's recommendations. (See AR 10-11 ¶¶ 25-32; see *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 701-702 ["Findings may consist of adopting the recommendations in a staff report."].) While the County staff analyses are not administrative findings, they may explain or supplement the findings made by Board.

Relevance of CEQA Findings to Board's Approval of CUP with Conditions

Petitioner argues throughout its opening brief that "Board's findings that the challenged conditions in Chiquita's permit were needed ... are contrary to the FEIR." (See e.g. OB 11-12.) Petitioner contends that many environmental impacts were found by the FEIR to be "either not significant or mitigated below any significance by mitigation measures," and that this precluded some conditions imposed by County. (OB 11-12.) Respondents challenge this reasoning. (Oppo. 13.)

Petitioner cites no legal authority that CEQA findings of significance were necessary for County to impose conditions of approval on the Landfill. Petitioner also does not show that findings of significance or non-significance for purposes of CEQA must be applied rigidly or mechanically to non-CEQA land use decisions. Indeed, under CEQA, "a less than significant impact does not necessarily mean no impact at all." (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 899; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 206 ["'CEQA grants agencies discretion to develop their own thresholds of significance'"].) Moreover, conditions may have been imposed by Board to mitigate significant impacts (e.g. air quality, GHG emissions, and climate change) or to enable the Board to make the necessary findings under County Code section 22.158.050.

Nonetheless, as Respondents admit, the EIR and evidence from the CEQA proceedings inform County's CUP decision. (Oppo. 13:20-22.) The CEQA findings are relevant to this writ petition, but are not necessarily dispositive.

Operational Conditions

Petitioner contends that the Board prejudicially abused its discretion in approving conditions 23, 29, 38-39, 40, 43(D), 48, 43(G), 37, and 126. (OB 9-16.)

Condition 23 (Tonnage Limitation)

Condition 23 imposes daily, monthly, and annual tonnage limitations on the Landfill, and caps the total amount of waste to be received by the Landfill to 60 million tons. (AR 36-37; 43, ¶ 38.) It allows Chiquita to take in a daily average of 6,616 tons per day ("tpd") of solid waste through December 31, 2024. Starting January 1, 2025, until the termination of the CUP, the intake amount is reduced to 3,411 tons per day. (AR 37.) Condition 23 also limits Chiquita to taking in 2,358 tpd of beneficial reuse materials over the life of the permit. (AR 36-37, 23.)

Board found that the conditions of approval, including the tonnage limits, "are designed to ensure that the landfill is operated in a way that avoids or mitigates potential nuisance, traffic and visual impacts to surrounding communities, including those within the CSD [Castaic Area Community Standards District], and to ensure that the landfill operates safely and efficiently." (AR 12 ¶ 37; see also AR 10 ¶ 26.)

Limits on Solid Waste through December 31, 2024

Petitioner contends that "the County fails to point to substantial evidence of the need for such restrictions." (OB 12.) Petitioner cites to statements by DRP staff and in the FEIR that the environmental impacts from Petitioner's proposed waste disposal capacity of 12,000 tpd would be mitigated by mitigation measures mandated by the FEIR, and that "overall impacts would be generally the same" as an alternate project in which 6,000 tpd are received. (OB 12:2-20, citing AR 10259, 3938.)

As a preliminary matter, a tonnage limit for a landfill is a local land use restriction that falls with the discretion of local government to avoid potential nuisances. (See e.g. Pub. Res. Code § 40053.) Petitioner does not dispute that County could impose some tonnage limit. The tonnage limit is discretionary with County and depends on various factors, including the location of the Landfill in relation

to existing or planned residential or business development. Further, Petitioner cites no authority that the tonnage limit must stay the same for the life of the Landfill permit.

To the extent Petitioner challenges the sufficiency of Board's findings for Condition 23 under *Topanga*, Petitioner does not persuasively develop the argument in its writ briefs. In any event, the court finds sufficient explanation from Board that the condition is "designed to ensure that the landfill is operated in a way that avoids or mitigates potential nuisance, traffic and visual impacts to surrounding communities, including those within the CSD." (AR 12 ¶ 37; see also AR 10 ¶ 26 and AR 13 ¶ 40.) Reading Board's decision as a whole, Board's findings reasonably disclose that Board believed that the tonnage limits would avoid or mitigate potential nuisance (including odor and air quality), traffic, and visual impacts to surrounding communities.

Petitioner's evidentiary arguments for Condition 23 are incomplete and unpersuasive. The burden is on Petitioner, not County, to discuss the administrative record comprehensively and show that no substantial evidence supports Board's finding. If Petitioner fails to do so, then the Board's findings are presumed to be correct. (See *Fukuda, supra,* 20 Cal. 4th at 817; *Inyo Citizens for Better Planning, supra*, 180 Cal.App.4th at 14; *Citizens for a Megaplex-Free Alameda, supra,* 149 Cal.App.4th at 113.) A less than significant impact for purposes of CEQA does not necessarily mean that the project will have no impact, or that the amount of waste processed each day is irrelevant to the impacts on the community or the necessary conditions of approval. Indeed, Petitioner's own citation to the FEIR states that the lower 6,000 tpd project "would result in fewer truck trips and fewer acres of disturbance" compared to the 12,000 tpd project. (AR 3938.) Elsewhere, the FEIR also states that Alternative B, which maintained waste limits of 6,000 tpd, would lessen potential environmental impacts compared to the proposed project and "generally reduce the intensity of impacts to the area immediately around the landfill in comparison to the Project." (AR 227.)

In opposition, Respondents cite evidence that supports Condition 23's limitations on waste disposal. (Oppo 12-12.) There are several existing, and some planned, residential communities in close

proximity to the Landfill, some as close as 500 feet. (Oppo. 20; see AR 6-7, 3542-44.) The proposed Landfill led to site-specific and non-speculative observations, testimony, and comments with respect to potential noise, traffic, odor, air pollution, and congestion effects on neighboring properties. (See e.g. AR 10034-66; 10257-58; 34105; see also AR 11035 [odor survey noting "landfill sourced odors" on one sampling date]; AR 898, 4279, 15460-62, 16366 [examples of odor comments]; AR 4445, 4739, 14982, 15053, 17065 [traffic and truck comments]; AR 888, 899-900, 3888-93 [evidence of impacts on views]; AR 8944, 5885 [SCAQMD comments].) From 2014 through 2016, the South Coast Air Quality Management District ("SCAQMD") received over 200 complaints per year about odors coming from the Landfill. (AR 8944.) SCAQMD, which is the agency with expertise and regulatory authority over air quality and odor, provided comments in the CEQA process that suggest odor complaints could be an ongoing issue as the Landfill and surrounding community expand. (AR 5885.)[3] This and other evidence, not discussed by Petitioner, supports Board's decision to impose tonnage limits on the Landfill.

The initial limit of 6,616 tpd of solid waste through December 31, 2024, is somewhat greater than the status quo from the prior permit, which allowed the operator to dispose up to 6,000 tpd of solid waste. (See e.g. AR 2331, 11287.) Given the non-speculative community comments about impacts related to noise, odor, traffic, air quality, or views, and also the CEQA findings of significant impacts on air quality, GHG emissions, and climate change, it seems reasonable that Board would seek to maintain the status quo in terms of tonnage limits or decrease tonnage limits to reduce impacts on the community.

In the opening brief, Petitioner argued that the "drastic limitation on the Landfill's core function will harm thousands of customers." (OB 12.) However, Petitioner did not cite any evidence to support this contention. Thus, the contention is rejected.

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[3] "SCAQMD staff is concerned that the expansion of the landfill would increase the proximity of active working surfaces of the landfill to existing receptors, resulting in increased odor complaints and potential Rule 402 Nuisance violations, which would be a potentially significant impact." (Ibid.) "SCAQMD staff believes that the number of complaints may increase substantially due to the increased tonnage and expanded operations...." (Ibid.)

In reply, Petitioner contends that the "Landfill was specifically cited as needing an expansion to continue to provide for the County's waste management needs." (Reply 8, citing AR 9208-11.) Petitioner refers to an advocacy letter of its attorney to the Regional Planning Commission, not to any County documents showing a determination that an expansion of the Landfill is necessary. The cited evidence does not show that County was bound by any planning documents to increase the operational limits of the Landfill.

Substantial evidence supports the limitations on solid waste tonnage in Condition 23 through December 31, 2024.

Limits on Solid Waste starting January 1, 2025

Petitioner contends that "the even more stringent limit imposed on Chiquita starting in 2025... has no basis in the record." (OB 13; see Reply 7-8.) Petitioner cites to the FEIR to argue that the tonnage decrease starting in 2025 will not allow County to meet its waste disposal needs. (OB 13:10-18, citing AR 228.) The cited evidence only suggests that the reduced tonnage limit "would not be *as effective* at meeting the long term disposal needs of the County" as the proposed project. (AR 228 [emphasis added].) This evidence does not show that Board was required to maintain or increase tonnage limits to meet the County's waste disposal needs.

Petitioner suggests that Board did not comply with *Topanga* with respect to the tonnage limit starting 2025 because Board provided "no rationale in the record showing how this will either meet the County's need for disposal capacity or what Landfill impacts are sought to be reduced by this measure, or by how much." (OB 13:14-16.) As discussed above, Board sufficiently identified the Landfill impacts sought to be reduced by Condition 23. Petitioner cites no authority that Board was required to make findings about County-wide disposal needs to approve this condition, or about "how much" the condition would reduce impacts. Moreover, although additional findings from Board for the tonnage limits starting 2025 might have been helpful, the court cannot say that Board's findings are inadequate. The reductions imposed in 2025 would necessarily help reduce or mitigate the noise, traffic, odor, air pollution, and

congestion effects on neighboring properties discussed above. Substantial evidence, summarized above, supports that those impacts could occur through the life of the Landfill. (See e.g. AR 10034-66; 10257-58; 34105; 11035; 898; 4279; 15460-62; 16366; 4445; 4739; 14982; 15053; 899-900; 3888-93; 8944; 5885.)

Under CCP section 1094.5, the burden is on Petitioner to show, by citation to the record, that the tonnage limit is unreasonable. Although Petitioner refers to the tonnage limit as "drastic," it fails to cite to evidence suggesting that the tonnage limit starting 2025 will have a detrimental effect on the Landfill operations or was otherwise an unreasonable exercise of County's authority to prevent or mitigate potential nuisances. (See Pub. Res. Code § 40053.)

Petitioner does not show that Board prejudicially abused its discretion in approving the limitations on solid waste tonnage in Condition 23 starting January 1, 2025. Substantial evidence supports that part of the condition.[4]

Limits on Beneficial Reuse Materials

With respect to the limits on beneficial reuse materials, Board made the following finding: "Materials that are source separated and diverted for use at the landfill for beneficial purposes are considered beneficial use and not solid waste. However, only those materials appropriate for the specific use and, in accordance with engineering, industry guidelines, or other standard practices in accordance with Title 14 California Code of Regulations section 20686, may be characterized as beneficial use. The Board finds that the conditions limits on beneficial use materials are consistent with the amount that is appropriate for such uses." (AR 13, ¶ 42.) As Petitioner indicates, Board followed the recommendation of DRP and DPW staff to impose this limit on beneficial reuse materials "to avoid allowing the applicant to

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[4] In opposition, Respondents contend that Condition 23's tonnage restrictions are also consistent with state and County goals for reduction of waste. (Oppo. 14.) In reply, Petitioner contends that Board did not justify Condition 23 based on these policies and that the court "may not affirm an agency's action on a basis not embraced by the agency itself." (Reply 7; *S. Cal. Edison Co. v. PUC* (2000) 85 Cal.App.4th 1086, 1111.) Because the court affirms Condition 23 on other grounds, the court need not decide these issues.

classify materials as 'beneficial use' that exceed the amount needed for specific uses." (See OB 12, citing AR 13027.)

Petitioner challenges Board's findings by arguing that "the record shows that Chiquita responsibly uses such materials, classifies them appropriately, and uses such materials for safer Landfill operations. (See AR 008542, 008547, 008548, 008553, 008556, 008566.)" (OB 13.) Petitioner cites to a report prepared by a solid waste consultant, for Petitioner, "to evaluate the landfill's performance, and to develop an opinion regarding their use of the diverted waste (beneficial reuse) material." (AR 8545.) The consultant found that the Landfill used beneficial reuse materials in compliance with pertinent regulations. He also found that the surrounding environment and community benefited from the Landfill's use of beneficial reuse material, including from increased regulatory compliance compared to other landfills. (AR 8547-8566.)

Respondents dispute Petitioner's consultant's conclusion that there was a correlation between the amount of material that Petitioner classified as beneficial use and a low incidence of regulatory issues as compared with other landfills. (Oppo. 16, fn. 5.) Having reviewed the report, the court cannot say that the consultant's analysis was so compelling that Board was required to find a correlation between the amount of beneficial use materials at the Landfill and Petitioner's regulatory compliance record. The report includes evidence that could be interpreted to contradict the correlation found by the consultant. For instance, Calabasas, Puente Hills and Scholl Canyon landfills used significantly less beneficial use material than the Landfill but had compliance records comparable to Petitioner's. (Ibid., citing AR 8552.)

As noted in opposition, the consultant also found that Petitioner's Landfill used more beneficial use materials per ton of solid waste than any other landfill in the county of Los Angeles between 2011 and 2015. (Oppo. 15; see AR 8545; 8547; 8550.) It classified 40% of the total tonnage received at the Landfill as "non-landfilled" material, which includes about 35% for beneficial use. (AR 8545, 8552.) The report indicates that while the Landfill had the third largest "landfilled tonnage" from 2011-2015 in the county, it accounted for 51% of all non-landfilled tonnage in the county for that same period, substantially

more than any other landfill. (AR 8547-8550.) Given the large amount of beneficial use materials processed by the Landfill compared to other landfills in LA County, Board could reasonably conclude that Petitioner was not using such materials as efficiently as it could.

Respondents argue that "overuse or inefficient use of beneficial use material does not serve the goals of recycling and diversion, as set forth in the Integrated Waste Management Act." (Oppo. 15; see Pub. Res. Code §§ 40180, 40124 [defining "recycling" and "diversion"].) The court agrees with that statement. Petitioner does not argue to the contrary.

The CUP limits beneficial use to approximately 26% of the total tonnage received through 2024. Twenty-six percent brings the Landfill more in line with ratios of several other landfills in the area with respect to non-landfilled tonnage. (AR 8545, 8552.) It was reasonable for Board, and within its discretion, to seek to limit the beneficial use materials at the Landfill to a proportionate amount that is more consistent with other landfills in the County.[5]

Substantial evidence supports the limitations on beneficial use materials in Condition 23.

Condition 29 (Landfill Elevation Limitation)

Condition 29 limits the Landfill's elevation to the same limit in its previous permit: 1,430 feet. (AR 41.) The Board found that the conditions of approval were designed, in part, to avoid "visual impacts" to surrounding communities, and County staff also reasoned that impacts to visual resources justified this height limitation. (AR 12 ¶ 37; AR 13028; see also AR 10259.)

Petitioner challenges Condition 29 by arguing that "the County's own FEIR determined that: (1) there would be no significant visual impacts from Chiquita's proposed project; (2) no views of significant

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[5] After January 1, 2025, the limit on beneficial use would be similar to Petitioner's ratio of landfilled to non-landfilled tonnage from 2011-2015 (around 40%). In reply, Petitioner argues that "there is no rational basis for these different limits." (Reply 9.) However, the amount of beneficial reuse material allowed before and after January 1, 2025 would be the same. (AR 36-37, 23.) The increase in the ratio of beneficial reuse materials is a result of a *decrease* in the amount of solid waste allowed starting January 1, 2025. Since the allotted amount of beneficial reuse materials remains the same, the change in ratio does not undermine Board's findings.

ridgelines would be significantly impacted; (3) there are no scenic vistas in the Landfill area; and (4) the Landfill's topography and location within a canyon would protect against any potential visual impacts. (AR 003549, 003888-003889, 003897.)" (OB 13-14.) Petitioner's record citations do not show that Board prejudicially abused its discretion. As discussed, a less than significant impact for purposes of CEQA does not mean that the project will have no impact.

Condition 29 is supported by evidence, including from the EIR, showing that the Landfill elevation does create visual impacts. (See e.g. AR 888, 899-900, 3888-93.) Santa Clarita Valley Area Plan ("SCVAP") designates SR 126 highway, which passes south of the Landfill, as a scenic route. (AR 3888.) From outside, the Landfill is screened by the ridgeline by most, but not all views. (AR 3889.) The EIR determined that the proposed project would be visible from residential areas to the north and east of the Landfill, Valencia Travel Village, Chiquito Canyon Road, and by travelers on State Route 126. Visual sensitivity from these areas ranges from moderately high to high. (AR 3890, 3893-94; see also AR 3903-3914 [photos with simulated view of proposed project].)[6] Further, as the Landfill fills and increases in height, the active working face will be at higher elevations, and thus the working face and the night lighting associated with it will have the potential to be more visible. (AR 3896-97.)

Although the EIR concluded that impacts to visual resources would not be significant for purposes of CEQA, substantial evidence shows that visual impacts do exist. Therefore, it was reasonable for the County to limit the elevation of the Landfill to also address aesthetic impacts. Substantial evidence supports Condition 29.

Conditions 38-39 (Landfill Termination Requirements)

Conditions 38 and 39 require Petitioner to terminate operations once any of three limits are met: (1) the grant term of 30 years has been reached; (2) the Landfill receives 60 million tons of material; or (3)

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[6] As an example, for the potential impact on views from State Route 126, the EIR stated: "The hillsides are visually pleasing, but are not highly distinctive. Thus the level of vividness of this view is average or moderate.... SR-126 is a First Priority scenic route that carries high volumes of traffic; however, because travelers along this segment of the highway are moving at high speeds, this view is visible for only brief periods of time. The overall visual sensitivity of this view is moderate." (AR 3893-94.)

the height limit of 1,430 feet is reached. (AR 43-44.) Board found that these conditions were "necessary." (AR 18 ¶ 59.) County staff reasoned that a 30-year time limit was appropriate "because this provides a date certain to the community as to the maximum length of this grant." (AR 13029.) Staff reasoned that "the overall tonnage limit of 60 million tons is the amount of material that can be placed within the Limits of Fill with the 1,430- foot height limit, if the Landfill is operated efficiently." (Ibid.)

Petitioner implies that Board did not provide sufficient findings to support Conditions 38-39, stating that "Board found that these limits were necessary, but never stated why." (OB 14.) However, it can be inferred that Board adopted the reasoning of County staff for the termination conditions. (See AR 13029; see also AR 10 ¶ 26 [referring to staff recommendations].) Moreover, Board's decision to place a time limit on the operation of the Landfill is explained by other findings in the decision, including about community concerns and about unavoidable impacts on air quality, GHG emissions, and climate change. (See e.g. AR 9-10 ¶¶ 23-24.)

Apparently, Petitioner contends that *none* of the three termination requirements is justified. (OB 14:7-19; Reply 9.) However, Petitioner does not dispute Staff's comment that 60 million tons of waste is the amount that could reasonably fit under the height limitation of 1,430 feet. (Ibid.) Thus, Petitioner's challenge to Conditions 38-39 is unpersuasive for the same reasons discussed above as to Condition 29, which imposes the 1,430-foot height limit.

Petitioner contends that "if the justification for the tonnage restriction was indeed height, then the height limit would accomplish the objective and the tonnage restriction could only assure a premature closing of the Landfill unconnected to any impact." (OB 14.) Although the height limit may have been a sufficient termination trigger, the court cannot say it was unreasonable for County to impose a similar trigger based on waste volume, especially where Petitioner cites no evidence to dispute staff's rationale that 60 million tons would likely fill the 1,430 height limit.

Petitioner's challenge to the 30-year time limit is unclear. Since Board had the power to deny the CUP altogether, and received substantial opposition to the Landfill, it seems entirely reasonable for Board

to impose some outer time limit for the CUP. Petitioner fails to show otherwise. As discussed above and in opposition, substantial evidence supports that community members had ongoing and non-speculative concerns about the Landfill, including with respect to odor and truck traffic. (See Oppo. 18, fn. 6 and 7 [citing comments about odor and traffic from Landfill]; see also AR 898, 4279, 15460-62, 16366 [examples of odor comments]; AR 4445, 4739, 14982, 15053, 17065 [traffic and truck comments]; see also AR 8944, 5855 [SCAQMD comments].) This evidence supports Board's decision to impose both time and operational limits on the extension of the Landfill.

The landfill termination requirements in Conditions 38 and 39 are supported by substantial evidence. Board provided sufficient findings to support these conditions.

Condition 40 (Operating Hours Restriction)

Condition 40 limits the Landfill to daytime operations, with narrow exceptions. Through December 2024, the Landfill may operate from 3:00 am to 7:00 pm and accept waste from 4:00 am to 5:00 pm, Monday through Saturday. Effective 2025, the Landfill may operate from 4:00 am to 7:00 pm, and accept waste from 5:00 am to 5:00 pm, Monday through Saturday. (AR 44-45.) Board approved Condition 40 to minimize impacts of the Landfill on surrounding communities, including with respect to noise. (AR 9-10 ¶¶ 24-26 and 12 ¶ 37; see also AR 13029-30.)

Petitioner contends that the FEIR "demonstrated ... that under a 24/7 operating scenario, there would be insignificant noise impacts." (OB 14-15, citing AR 3877.) Although this finding from the FEIR is relevant to the Board's decision, it is not dispositive. As discussed above, under CEQA, a less than significant impact does not necessarily mean no impact at all. The Landfill will generate noise from construction and operations. (AR 3876-77.) The Landfill will operate as close as 1,200 feet from an existing residential area, and new residential developments are being constructed or are planned for construction in close proximity to the Landfill. (AR 3877, 3541-44.)

Petitioner contends, without citing evidence, that "nighttime noise impacts ... were never complained about or otherwise shown to exist." (OB 5.) Petitioner contends that "it must comply with the

Los Angeles County Code, which prohibits certain levels of noise during the nighttime hours. (L.A. County Code, § 12.08.)" (OB 15.) As Petitioner does not comprehensively discuss the evidence, these arguments are not persuasive. Despite the County noise regulation, residents have, in fact, complained of noise impacts from the Landfill. (See AR 858 [resident can hear the Landfill in the middle of the night]; AR 4594 [Val Verde residents have complained of noise during "sleeping hours."].) "It is appropriate and even necessary for the [agency] to consider the interest of neighboring property owners in reaching a decision whether to grant or deny a land use entitlement, and the opinions of neighbors may constitute substantial evidence on this issue." (*Harris v. City of Costa Mesa* (1994) 25 Cal.App.4th 963, 973.) Because the Landfill is located in a populated area whose density will only increase, it was reasonable for the County to balance the competing interests, including with respect to potential noise impacts, and limit the Landfill's hours of operation.

Other than referring to a lack of operating hour limits in the prior CUP (see Reply 10), Petitioner does not cite any evidence that the restrictions on operating hours would have a detrimental effect on the Landfill operations. The CUP does allow the hours of operation to be extended in limited circumstances (e.g. to receive inert debris to accommodate special projects that generate construction debris at nighttime, or for preservation of public health and safety). (AR 45.) Condition 40 is supported by substantial evidence.

Condition 43(D) (Prohibition of Materials for Use as Cover)

Trash received at the Landfill must be covered by other material on a daily basis for health and safety purposes. (See AR 3796.) Condition 43(D) prohibits the Landfill from using nine separate materials as cover for solid waste. (AR 46-47.) Specifically, Condition 43(D) states that "green waste, automobile shredder waste, cement kiln dust, dredge spoils, foundry sands, processed exploration waste from oil wells and contaminated sites, production waste, shredded tires, and foam shall not be used as daily, intermediate, or Final Cover at the Landfill." (AR 46-47.)

County staff reasoned that Condition 43(D) "is necessary and appropriate to minimize impacts to the surrounding communities including (but not limited to) dust and odor, even though such materials may be permitted under state and federal law." (AR 13030.) The Board adopted that reasoning. (AR 9-10 ¶¶ 24-26 and 12 ¶ 37.)[7]

In the opening brief, Petitioner challenged Condition 43(D) as to all nine prohibited materials. (OB 15.) However, Petitioner failed to exhaust administrative remedies except as to treated auto shredder waste (TASW). (Oppo. 20, citing AR 10116, 12244-5, 12981, 13217-300.) "The petitioner bears the burden of demonstrating that the issues raised in the judicial proceeding were first raised at the administrative level." (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 536.) Petitioner has not cited any evidence that it exhausted administrative remedies with respect to Condition 43(D) for materials other than TASW. (Reply 10.) Petitioner also withdrew its challenge to Condition 43(D) except with respect to TASW. (Reply Appendix A.)

Petitioner contends that Condition 43(D) is not supported by substantial evidence because "the FEIR assumed that [the Landfill] would accept all nine materials that this condition seeks to prohibit and found no significant impacts related to Chiquita's use of these materials." (OB 15, citing 3499.) Petitioner contends that the only evidence supporting Condition 43(D) "is a stray comment on an early version of the EIR which stated that some unidentified studies determined that emissions from the use of treated autoshredder waste may result in adverse impacts." (Ibid., citing AR 18461.)

In opposition, Respondents point out that there are several existing, and some planned, residential communities in close proximity to the Landfill, some as close as 500 feet. (Oppo. 20; see AR 6-7, 3542-44.) Neighbors expressed concerns about treated auto-shredder waste residue being blown and carried into the residential areas. (AR 891, 900, 10667; 33775.) For instance, a Nancy Carder of Castaic commented that treated auto shredder waste (TASW) "is allowed to contain 50 mg/l lead when

[7] In the opening brief and reply, Petitioner does not develop an argument with respect to the sufficiency of Board's findings with respect to this condition. (OB 15; Reply 10.)

the hazardous waste level for lead is 5 mg/l..... If it is used as daily cover, the metals are subject to dispersal by the wind, and these elevated lead levels are a potential health concern." (AR 10667.)

In addition, as noted by Respondents, the record contains evidence that pre-processing of TASW is not always be done correctly to remove harmful materials. (See AR 4139-40, 17085-510 [SA Recycling, LLC, a recycling company that sends its treated auto-shredder waste to the Landfill was prosecuted by the Los Angeles County District Attorney's Office for shipping to the Landfill improperly treated autoshredder waste, contaminated with lead, zinc, and/or cadmium (LASC Case No. BC458943); the case was ultimately disposed through a stipulated judgment].)

The FEIR's response to comments about TASW provides additional information relevant to Petitioner's challenge to Condition 43(D). (AR 4138-4140.) According to the FEIR, "commenters indicated concern that TASW is very permeable to rainwater and contains contamination elements of its own." (Id. at 4138.) "TASW is one of 11 types of ADC [alternative daily cover] materials that are allowed by CalRecycle" and state regulations. (Ibid.) "TASW ... is regulated by DTSC [Department of Toxic Substances Control]. As the regulatory agency in charge of TASW, DTSC controls the determination of TASW as a nonhazardous or hazardous waste. Currently, automobile shredders are allowed, under a DTSC conditional authorization, to treat TASW and to dispose of it as non-hazardous waste, under specified conditions. DTSC is currently evaluating the existing conditional authorization provided to automobile shredders. If DTSC ultimately makes the determination that TASW should no longer be classified as non-hazardous waste, [the Landfill] would no longer accept TASW for disposal or for use as ADC." (Ibid.)

Although the FEIR found no significant impact from the use of TASW as cover, the FEIR also discloses that TASW must be treated properly to ensure it is not hazardous. In imposing Condition 43(D), the Board could reasonably weigh the benefits of using TASW as cover against the community concerns about TASW and risks of improper processing of harmful materials. Board could also reasonably consider the proximity of existing and planned residential communities.

In reply, Petitioner's sole response to the opposition is that "untreated, or poorly treated, autoshredder waste is by definition not 'treated autoshredder waste.'" (Reply 10.) Thus, Petitioner does not dispute that mistakes are made in treating autoshredder waste, a fact that County could reasonably consider given the close proximity of the Landfill to residences.

Condition 43(D), as applied to TASW, is supported by substantial evidence. Petitioner did not exhaust its administrative remedies with respect to its challenge to the other materials prohibited for use as cover in Condition 43(D). Nor did Petitioner develop an argument that Board made insufficient findings for Condition 43(D).

Condition 48 (Prohibition on Acceptance of Certain Waste Materials)

Similar to Condition 43(D), Condition 48 prohibits Petitioner from accepting, processing, or disposing various materials, including TASW, at the Landfill. (AR 49.) Board and County staff justified this condition for the same reasons as stated above for Condition 43(D). (AR 13030; AR 9-10 ¶¶ 24-26 and 12 ¶ 37.)

Condition 48 is supported by evidence of County's and community's concerns about Landfill's acceptance of auto-shredder waste that has been improperly treated and its potential impact on the groundwater. (See AR 891, 900, 902, 10667, 4138-40, 4680, 10749.) The court cannot say these concerns were unreasonable given evidence that TASW is a hazardous waste if not treated properly. As noted, in prohibiting TASW, Board could also reasonably consider that proximity of existing and planned residential communities. As discussed, the finding of non-significance for purposes of CEQA is not dispositive.

Condition 48, as applied to TASW, is supported by substantial evidence. Petitioner did not develop an argument that Board prejudicially abuse its discretion with respect to its findings for Condition 48.

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Condition 43(G) (Pre-Processing of Out-of-Area Waste)

Condition 43(G) directs, with exceptions, that all waste from outside of the Santa Clarita Valley be pre-processed "or undergo front-end recovery methods" before coming to the Landfill to remove all beneficial reuse materials and construction and demolition debris. (AR 47.) As discussed in detail *infra*, Condition 43(G) is preempted by the state Integrated Waste Management Act. The court need not decide whether Board's findings for Condition 43(G) are supported by substantial evidence.[8]

Condition 37 (Five-Year Review)

Condition 37 requires that the CUP be reviewed and subject to revision every five years to consider whether more stringent requirements should be placed upon the Landfill. (AR 43.) The periodic review process requires Petitioner to submit information to the Department of Regional Planning ("DRP"). The review is adjudicated by a hearing officer, whose decision may be appealed to the Regional Planning Commission. (AR 43.) The Board determined that this condition was necessary to consider changing circumstances, waste disposal needs of the County, and better environmental control systems or management practices that might significantly improve Landfill operations. (AR 18 ¶ 59.)

Petitioner contends that Condition 37 is not supported by the record because the Landfill "is already regulated ... under different permits by sophisticated environmental agencies ... [and] those requirements are already incorporated by reference in the CUP." (OB 16.) That the Landfill is regulated by various agencies does not show that Condition 37 is unreasonable.

The periodic review requirement was a reasonable exercise of Board's discretion. The FEIR found that the Landfill project will cause significant and unavoidable impacts on GHG emissions and climate change, even after implementation of mitigation measures. (AR 221-2.) Condition 37 is consistent with mitigation measure GHG-1, which required Petitioner to provide reports to DRP every five years to "evaluate consistency of landfill operations with current state and county GHG emission

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[8] Petitioner seems to contend that Board did not make sufficient findings to justify Condition 43(G). (OB 16:3-7.) Board sufficiently explained why it included Condition 43(G), as indicated below with respect to preemption. (See AR 46-47, 13030, 13034.)

reduction plans." (AR 222.) Periodic review of the CUP is also in line with the County's stated goals for waste reduction and diversion. (AR 34022-94.)

Substantial evidence supports Condition 37. Petitioner fails to show that Board prejudicially abused its discretion in imposing this condition.

Condition 126 (Legislation)

Condition 126 requires that Petitioner work with the County "to seek amendment of existing laws and regulations" related to the State's waste management goals. (AR 82.) Petitioner contends that "the Board made no specific findings about this requirement, and nothing in the Staff reports provide any justification for it." (OB 16.) The court agrees. (See AR 4-21; see also AR 13024-13037.) In opposition, Respondents cite no findings or other justification for Condition 126. (Oppo. 21.)

Petitioner also contends that Condition 126 is unconstitutional because it compels Petitioner to engage in speech to "work towards the County's own waste management agenda." (OB 16.) "The government may not prohibit the dissemination of ideas that it disfavors, nor compel the endorsement of ideas that it approves." (*Knox v. Service Employees Intern. Union, Local 1000* (2012) 567 U.S. 298, 309.) Because Condition 126 compels Petitioner to endorse specific government policies and ideas, it is unconstitutional.

In opposition, Respondents do not respond to and apparently concede Petitioner's constitutional argument with respect to Condition 126. (See Oppo. 21:11-13; see *Sehulster Tunnels/Pre-Con v. Traylor Brothers, Inc.* (2003) 111 Cal.App.4th 1328, 1345, fn. 16 [failure to address point is "equivalent to a concession"].) Contrary to Respondents' argument, Condition 126 does compel Petitioner to "endorse County's position." There is no difference between requiring Petitioner to start this process anew or "continue" to seek amendment of laws; either one is a requirement to support the County.

Board issued no findings that support Condition 126. Moreover, Condition 126 is unconstitutional. Because of the constitutional defect, the court finds no reason to remand for Board to issue findings in support of Condition 126.

Mitigation Fee Act

Petitioner contends that various fees and exactions imposed by the CUP violate the Mitigation Fee Act because there is no reasonable relationship between the fees and impacts from the Landfill. (OB 17-28.)

Summary of Relevant Law

The Mitigation Fee Act, codified at sections 66000-66025 of the Government Code, "sets forth procedures for protesting the imposition of fees and other monetary exactions imposed on a development by a local agency." (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 864.) "[T]he Act was passed by the Legislature 'in response to concerns among developers that local agencies were imposing development fees for purposes unrelated to development projects.'" (Ibid.)

"The Mitigation Fee Act requires the local agency to identify the purpose of the fee and the use to which the fee will be put. (§ 66001, subd. (a)(1) and (2).) The local agency must also determine that both 'the fee's use' and 'the need for the public facility' are reasonably related to the type of development project on which the fee is imposed. (§ 66001, subd. (a)(3) and (4).) In addition, the local agency must 'determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.' (§ 66001, subd. (b).) 'Public facilities' are defined as including 'public improvements, public services, and community amenities.' (§ 66000, subd. (d).)" (*Home Builders Assn. of Tulare/Kings Counties, Inc. v. City of Lemoore* (2010) 185 Cal.App.4th 554, 561.)

The "reasonable relationship" standard in the Mitigation Fee Act adopts U.S. Supreme Court takings jurisprudence establishing that governmental exactions and fees imposed in permits must have an "essential nexus" between a legitimate government end and the fee, and that the amount of any fee must be "roughly proportional" to the impact of the project. (*Ehrlich, supra* at 866 [discussing *Dolan v. City of Tigard* (1994) 512 U.S. 374 and *Nollan v. Cal. Coastal Com.* (1987) 483 U.S. 825].)

Case law under the Mitigation Fee Act and its Takings Clause standard require the government to clear two hurdles for an exaction to be valid. First, the government must establish an "essential nexus" between the burden created by the project and the purpose of the fee. "[U]nless the permit condition serves the same governmental purpose as the development ban [i.e. denial of the permit], the building restriction is not a valid regulation of land use but 'an out-and-out plan of extortion.'" (*Nollan, supra* at 837; *Ehrlich, supra* at 869-870.) Second, if there is such a nexus, the fee must be "roughly proportional" to the burden created by the project. While no "precise mathematical calculation is required" the agency must "'make some effort to quantify its findings in support of the [fee]' beyond mere conclusory statements that it will mitigate or offset some anticipated burden created by the project." (*Ehrlich, supra* at 871-73.)

Ehrlich is instructive. "There, the owner of a private recreational facility, whose parcel was restrictively zoned for commercial recreational use, sought a zoning change to build condominiums. The city agreed to rezone the property but required an in-lieu fee of $280,000 for the development of new recreational facilities elsewhere. The court found the requisite nexus between the loss of recreational facilities and the imposition of an in-lieu mitigation fee to develop new ones. However, the court concluded that the amount of the fee was not roughly proportional to the impact of the zoning change." (See *Ocean Harbor House Homeowners Assn. v. California Coastal Com.* (2008) 163 Cal.App.4th 215, 230-231 [summarizing *Ehrlich*].)

"The court noted the lack of 'individualized findings' to establish a connection between the amount of the fee and the loss of the restrictive zoning on the parcel. The city argued that the fee was partial compensation for the loss of $800,000 in recreational improvements on the property. However, the court pointed out that the impact to be mitigated was the loss of the restrictive zoning not the loss of recreational improvements on the property. The city also asserted that if it had denied the zoning change, four new private tennis courts would have been built.... The court again found the amount of the fee unjustified because the cost of private courts would have been paid by the members of the private

club, and the general public would not have had access to them." (*Ocean Harbor House, supra* at 230-231 [discussing *Ehrlich*].)

"The court opined, however, that the city could impose a fee that was 'tied more closely to the actual impact of the land-use change the city granted plaintiff,' such as a fee to help defray the administrative cost of rezoning other property for commercial recreational use, or a fee to mitigate a decrease in the city's ability to attract private recreational development and defray the costs of inducing such development." (*Ocean Harbor House, supra* at 230-231 [discussing *Ehrlich*].) The high Court remanded the case to the City "to make specific findings supported by substantial evidence—that is, the city 'must make some effort to quantify its findings' supporting any fee, beyond 'conclusory statements,' although '[n]o precise mathematical calculation is required' either by the takings clause or the Act." (*Ehrlich, supra* at 885.)

Condition 115 (Waste Reduction and Diversion Program Fees)

Condition 115 requires Petitioner to pay on a monthly basis a fee of $0.25 per ton of solid waste disposed or received at the Landfill. The fee shall be used to fund "the implementation and enhancement of waste reduction and diversion programs, including, but not limited to, conducting document/paper shredding and waste tire collection events in unincorporated County areas." (AR 75.)

Board justified the permit fees generally as follows: "Project conditions require the permittee to pay fees that will be used to offset impacts to the County and its residents associated with operation of a landfill and disposal of waste, by funding programs and activities that enhance Countywide disposal capacity, mitigate landfill impacts in the unincorporated County areas, fund environmental, educational, and quality of life programs in unincorporated areas surrounding the landfill, and promote source reduction and recycling programs and the development of Conversion Technology facilities that benefit the Santa Clarita Valley and the County, and assist the County with meeting its goals and requirements for waste diversion and organics recycling." (AR 12-13 ¶ 38.)

County staff justified Condition 115 as follows: "State law requires the County and other jurisdictions to divert at least 50% of all waste to recycling and beneficial use; it also sets goals of up to 75% diversion, and it imposes penalties against the County for failing to meet these requirements.... The generators of the waste are residents and businesses. These are the same people for whom the Landfill ultimately provides services and at whom the waste reduction and diversion programs will be aimed. When waste is disposed in the Landfill this results in revenue to the applicant, by way of service fees that are ultimately paid by the waste generators. The costs of these services include indirect costs, such as the costs incurred by local jurisdictions to meet diversion goals." (AR 13034.)

Staff's comments apparently refer to AB 1383 (Short-Lived Climate Pollutants law), which imposes significant targets for the statewide reduction of organic waste disposal. (AR 2543; Health. & Saf. Code § 39730.6.) AB 1383 also directed CalRecycle to adopt regulations to achieve these targets, which in turn, imposed requirements on local jurisdictions such as the County to divert organic waste from landfills. (Pub. Resources Code § 42652.5.)

Petitioner contends that "Chiquita is not a waste generator; in fact, it's the opposite—the Landfill facilitates waste reduction and diversion through its recycling of huge quantities of beneficial reuse materials ...." (OB 19, citing AR 3943.) Petitioner contends that "County cannot show that Chiquita's expansion hinders waste reduction and diversion programs, thereby failing to show the requisite nexus between a Landfill impact and the purpose of this fee." (Ibid.)

Contrary to Petitioner's position, to satisfy the nexus requirement County did not need to show that the Landfill "hinders waste reduction and diversion programs." In *Nollan*, "the heart of the takings analysis ... lay in the presence (or absence) of a *link* between the commission's power to deny the Nollans a development permit altogether, and its power to impose a condition on its issuance that furthers the *same end* as an outright prohibition on development." (*Ehrlich, supra*, 12 Cal.4th at 877.) Outright

denial of the Landfill permit would further various ends, including avoidance of impacts on the local community.[9]

Petitioner, which has the burden under CCP section 1094.5, does not show that Condition 115 lacks an essential nexus. As noted by Board in its findings, a purpose of the fee conditions is to "offset" or "mitigate" impacts of the Landfill. (AR 12.) While the Landfill may not generate waste itself, it receives waste and, as found in the EIR, creates significant impacts on air quality. (See e.g. AR 114-154, 155-237, 3775-3823 [discussion of air quality impacts].) Further, as discussed above with respect to operational conditions, there is substantial evidence that the Landfill would have some impacts on nearby residents over the 30-year extension (e.g. noise, odor, traffic, view impacts), even if such impacts were not found significant for purposes of CEQA. (See e.g. AR 10034-66 [comments]; 11035 [odor survey]; AR 898, 4279, 15460-62, 16366 [odor comments]; AR 4445, 4739, 14982, 15053, 17065 [traffic and truck comments]; AR 888, 899-900, 3888-93 [impacts on views]; AR 8944, 5885 [SCAQMD comments].)

Over the life of the Landfill, implementation and enhancement of waste reduction and diversion programs (Condition 115), could reduce the amount of waste that is landfilled and thereby reduce the impacts resulting from operating a landfill. Petitioner cites no evidence to the contrary. (See OB 19, citing AR 3943 and Reply 11-13, citing AR 3933, 3931.) The essential nexus requirement is satisfied for Condition 115.

In reply, Petitioner contends that "the same impacts will generally occur whether Chiquita's doors are open or not." (Reply 12.) However, as discussed above, substantial evidence supports that the Landfill would have local impacts on nearby residents, including with respect to air quality, noise, odor, traffic, and views, over the 30-year extension. Even assuming *arguendo* that non-local impacts on climate change or GHG emissions would simply be transferred to another landfill, the local impacts could be avoided by denial of the Landfill permit.

[9] Of course, denial of the permit would also prevent County from pursuing waste disposal objectives at the Landfill.

Petitioner also contends that "any argument that these programs will in the future somehow reduce 'quality of life' impacts of landfills is too attenuated from this Landfill to pass muster under the MFA." (Reply 12, citing *Surfside Colony, Ltd. V. Cal. Coastal Com.* (1991) 226 Cal.App.3d 1260, 1270.) *Surfside* is factually distinguishable because, unlike in that case, Condition 115 does not depend on nonsite-specific or generalized studies. Petitioner does not dispute, with evidence, that the waste reduction and diversion programs funded by Condition 115 could, over the 30-year extension, lead to a meaningful reduction in waste disposed of at the Landfill, which could mitigate the local impacts. Petitioner admits that the Landfill processes a substantial percentage of the solid waste management needs of Los Angeles County. (See 3AC ¶ 2; see also AR 13 ¶ 39, 14 ¶ 47.) Thus, waste reduction and diversion programs that reduce County-wide waste could be expected to reduce waste received at the Landfill.

However, in addition to a nexus, County was also required to show that the fee is "roughly proportional" to the burden created by the project. While no "precise mathematical calculation is required" the agency must "'make some effort to ***quantify*** its findings in support of the [fee]' ***beyond mere conclusory statements*** that it will mitigate or offset some anticipated burden created by the project." (*Ehrlich, supra* at 871-73 [emphasis added].) The Supreme Court's use of the word "quantify" is important. The agency must perform some factual analysis or calculation, even if not precise, to satisfy the proportionality requirement.

Petitioner contends that "the County makes no effort to quantify Chiquita's supposed impact and relate it to costs of the programs allegedly needed." (OB 19.) In the opposition brief, Respondents do not address this argument with respect to many of the challenged fees, including Condition 115. (See Oppo. 22-27; see *Sehulster Tunnels/Pre-Con v. Traylor Brothers, Inc.* (2003) 111 Cal.App.4th 1328, 1345, fn. 16 [failure to address point is "equivalent to a concession"].) The court has not found in the record, and Respondents have not cited, any findings or analysis by the Board or County staff that show how the $0.25 per ton fee in Condition 115 is roughly proportional to the purported impacts that the fee was

intended to offset or mitigate. Accordingly, for this reason, Respondents violated the Mitigation Fee Act. Because it appears possible that Board could make proportionality findings supported by substantial evidence for Condition 115, either for the specific fee amount stated or in some other amount determined by the Board, the court will remand the case for further proceedings and Board findings. (See *Ehrlich, supra* at 885.)

Conditions 117-118 (Out-of-Area Waste Fees)

Condition 117 imposes an escalating fee on Petitioner for each ton of waste accepted at the Landfill originating outside of the Santa Clarita Valley Area (starting at $1.32 per ton and increasing to $5.28 per ton as more waste is accepted), and a flat fee of $6.67 per ton for waste originating outside of Los Angeles County. (AR 75-76.) The fees will be divided between a "Landfill Mitigation Program Account" and an "Alternative-to-Landfilling Technology Account." (Ibid.) Condition 118 would reduce the Condition 117 fee by 50% if Petitioner were to construct and operate a Conversion Technology facility. (AR 77.)

Assuming without deciding that there was a nexus for Conditions 117-118, County was also required to show that the fees are "roughly proportional" to the burden created by the Landfill. County and Board failed to do so. Accordingly, County violated the Mitigation Fee Act. Moreover, as discussed in detail *infra*, Conditions 117-118 are preempted by the state Integrated Waste Management Act. Because the conditions are preempted, the court need not decide whether County and Board could make additional findings under the Mitigation Fee Act.

Condition 119 (Alternative Technology Research Fee)

Condition 119 requires Petitioner to pay $200,000 annually, not to exceed $3 million, to research, promote, and develop "alternatives to Landfill and incineration processes ... that are most appropriate for Southern California from an environmental and economic perspective." (AR 79.) Board and County staff justified this condition on similar grounds as summarized above for Conditions 115, 117-118. (AR 13035.)

Petitioner contends that there is no nexus for Condition 119 because the Landfill "the Landfill does not impede the research, promotion, or development of alternative technologies." (OB 21-22.) Petitioner incorrectly frames the issue. As discussed, the nexus analysis focuses on whether the condition "furthers the *same end* as an outright prohibition on development." (*Ehrlich, supra*, 12 Cal.4th at 877.) The Landfill receives waste and would result in certain impacts, including to nearby residents, as discussed above for Condition 115. As found by the Board and by County staff, Condition 119 is intended to mitigate such impacts by encouraging development of future alternatives to landfills. (AR 19, 13034-35.)

Petitioner, which has the burden under section 1094.5, has not cited to any evidence that the program funded by Condition 119 is not reasonably designed to mitigate or offset the Landfill impacts, including air quality and the other local impacts discussed above. (See OB 20-22.) In opposition, Respondents cite evidence that waste reduction and alternative technologies, including conversion technology, reduce the amount of waste that is disposed in a landfill and thereby reduce the impacts from operation of a landfill. (See Oppo. 22-24; see e.g. AR 755-759; 2592-2601 [waste reduction and alternative technologies]; 4839-4844 [GHG emissions]; 33378-79.) Condition 119 could be expected to reduce the amount of waste disposed of at the Landfill, and thereby reduce local impacts in Santa Clarita Valley. Accordingly, the essential nexus requirement is satisfied for Condition 119.

However, County was also required to show that the fees are "roughly proportional" to the burden created by the Landfill. County and Board failed to do so. Respondents do not address this point, and do not cite any findings or analysis with respect to the proportionality requirement. (See Oppo. 22-24.) Accordingly, Respondents violated the Mitigation Fee Act with respect to Condition 119. Because it appears possible that Board could make proportionality findings supported by substantial evidence for Condition 119, either for the specific fee amount stated or in some other amount determined by the Board, the court will remand the case for further proceedings. (See *Ehrlich, supra* at 885.)

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Condition 116 (Disaster Debris Removal Fee)

Condition 116 requires that Petitioner pay an $0.08 per ton fee to fund the "administration, implementation, and enhancement of disaster debris removal activities in Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill, including providing waste disposal and collection service vouchers to assist residents in clean-up activities." (AR 75.)

In addition, Board's general findings related to fees (see AR 12-13 ¶ 38 and AR 19), County staff justified Condition 116 as follows: "[T]he communities surrounding the Landfill experience a disproportionate share of burden of the Landfill's impacts. In the event of a disaster, the Landfill will receive fees from accepting debris and pursuant to Condition 22 may even be permitted to accept increased tonnage amounts in the event of a declared emergency. The fee in Condition [116] will help pay for the costs of debris removal in the communities that are shouldering the bulk of impacts associated with transporting the disaster debris from the rest of the County." (AR 13034.)

Petitioner contends that there is no nexus between a Landfill impact and Condition 116 because the Landfill "does not create disasters" and "does not create the need to clean up any disaster debris in the surrounding community." (OB 20.) In opposition, Respondents contend that there is a nexus because "the Landfill will reap benefits from accepting additional waste [during a disaster], but community will suffer increased traffic, noise, and air quality impacts." (Oppo. 24.)

As Petitioner indicates, in the event of a disaster the Landfill could receive a "temporary tonnage limit increase" to accept additional waste. (OB 20; see also AR 36-38 [conditions 23 and 24].) Although neither party cites evidence on point, it seems theoretically possible that such tonnage increase could lead to temporary impacts on the local community, such as additional traffic, noise, or air quality impacts. However, the fee from Condition 116 would not be used to mitigate such temporary increases in impacts caused by the Landfill during a disaster. Rather, as stated by Respondents, the fee would be use for "disaster clean-up" in the local communities. There appears to be no evidence, and none was cited by County staff or in Respondents' opposition, that the Landfill operations would contribute to the need for

disaster clean-up in the local communities. The likelihood of a local disaster requiring debris cleanup is the same whether the Landfill is open or not. Thus, the nexus requirement is not satisfied.

County was also required to show that the fee is "roughly proportional" to the burden created by the Landfill. County and Board failed to do so. Respondents do not address this point, and do not cite any findings or analysis with respect to the proportionality requirement for Condition 116. (See Oppo. 24.) Accordingly, County violated the Mitigation Fee Act with respect to Condition 116.

Condition 120 (Natural Habitat and Parkland Fee)

This condition requires Petitioner to contribute an annual fee of $0.50 per ton of solid waste disposed at the Landfill during the preceding year to fund the acquisition and development of natural habitat and parkland within the Santa Clarita Valley. All funds generated by the fee "shall be spent for park and recreational purposes." (AR 79.)

County staff reasoned, in part, that "this fee will mitigate the loss of open space and habitat resulting from the operation of the landfill." (AR 13035.) The Landfill is located on private property. In the EIR, County found that the Landfill would not "would not conflict with, any applicable local plan or policy including general plans, specific plans, the Los Angeles County Integrated Waste Management Plan (CIWMP), zoning ordinances, and habitat conservation plans," and the Landfill project "would not encourage growth in the area." (OB 22, citing AR 161, 223.) From this conclusion in the EIR, it stands to reason that the Landfill operations would not cause any loss of open space or habitat. In opposition, Respondents do not show otherwise with citation to the record. (See Oppo. 24, citing AR 34110 [Executive Summary of County Climate Action Plan discussing Land Conservation and Tree Planting].) It appears from the parties' record citations that there is no substantial evidence that the Landfill will cause a loss of open space or habitat.

County staff also justified Condition 120 as a means to offset "quality of life impacts which are disproportionately felt by residents of the Santa Clarita Valley." (AR 13035.) As discussed above, there is evidence that the Landfill will have some impacts on local residents with respect to noise, odor, traffic,

air quality, or views, even if such impacts were deemed insignificant for purposes of CEQA. However, there is no apparent connection between those impacts and the natural habitat and parkland that would be purchased with the fees from Condition 120. In opposition, Respondents do not explain or cite evidence showing how the purchase of natural habitat and parkland would mitigate impacts related to noise, odor, traffic, air quality, or views. (See Oppo. 24, citing AR 34110.) Thus, the nexus requirement is not satisfied for Condition 120.

County was also required to show that the fee is "roughly proportional" to the burden created by the Landfill. County and Board failed to do so. Respondents do not address this point, and do not cite any findings or analysis with respect to the proportionality requirement for Condition 120. (See Oppo. 24.) Accordingly, County violated the Mitigation Fee Act with respect to Condition 120.

Condition 121 (Road Improvement Fee)

Condition 121 requires Petitioner to pay a fee of $0.50 per ton of solid waste disposed at the Landfill to provide funding for road improvements in the Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill. (AR 79.) In addition to Board's general findings related to fees, County staff justified Condition 121 as follows: "The thousands of truck trips coming into the facility ... affect road conditions. These heavy trucks do cause wear and tear on the roads and increased traffic congestion, and are specifically coming into the region because of the landfill use." (AR 13036.)

In the opening brief, Petitioner contends that there is no nexus because "the FEIR determined that any traffic impacts from Chiquita would be less than significant." (OB 22, citing AR 3454.) Petitioner also cites to Board's finding that "the Project Site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of vehicle traffic the landfill use would generate, and by other public or private service facilities as are required." (OB 23, citing AR 16.)

Petitioner has not shown a lack of nexus between Condition 121 and Landfill impacts. As discussed above, a less than significant impact for purposes of CEQA does not necessarily mean no impact at all. As discussed in opposition, the Santa Clarita Valley Area Plan ("SCVAP") recommends

collection of traffic impact fees from developers in Santa Clarita Valley to fund roadways. (Oppo. 25; see AR 33828, 33847.) From 2011-2016, the Landfill averaged from a low of 342 truck trips per day (2012) to a high of 567 truck trips per day (2016). (AR 3476.) The truck trips include collection vehicles carrying an average of 10 tons of waste and transfer trucks carrying an average of 22 tons. (AR 3470.) Several intersections near the Landfill operate at level-of-service ("LOS") levels of E or F during peak hours. (AR 530; 534.) The LOS levels are even worse under projected growth and development conditions. (AR 554.) Traffic and diesel emissions from the Landfill were a significant concern for many residents. (AR 4445; 4739; 5561; 5575; 11481; 14964; 14973; 14982; 15053; 15062; 17065.) Considering the size of the trucks and the number of trips per day, it was reasonable for County and Board to conclude that the Landfill would cause wear and tear on local roads. Moreover, there was substantial evidence that the Landfill would have some impact on traffic congestion. Thus, as Petitioner concedes in reply, the nexus requirement is satisfied for Condition 121. (Reply 11:21-23 and 14:5-7.)

However, County was also required to show that the fee is "roughly proportional" to the burden created by the Landfill. County and Board failed to do so and violated the MFA. Respondents do not meaningfully address this issue in opposition. (See Oppo. 25.) While Respondents attempt to show how many passenger car equivalents may travel to the Landfill on any given day (Oppo. 25:6-16), they do not cite any findings or evidence that $0.50 per ton of waste intake is proportional to the road improvements required by that impact. The court also has not found any proportionality analysis or findings for Condition 121. Because it appears possible that Board could make proportionality findings supported by substantial evidence for Condition 121, either for the specific fee amount stated or in some other amount determined by the Board, the court will remand the case for further proceedings. (See *Ehrlich, supra* at 885.)

Condition 122 (Planning Studies Fee)

Condition 122 requires that Chiquita pay $50,000 every other year to fund "planning studies, including, but not limited to neighborhood planning studies for Val Verde, Castaic, and the unincorporated

Santa Clarita Valley, as determined by the Director of Regional Planning." (AR 79.) In addition to Board's general findings related to fees, Staff defended the fee by arguing that "this is a thirty-year use grant" and "in that time" DRP "intends to conduct studies and plans . . . to address in part, impacts caused by the neighboring landfill." (AR 13036.)

In the Board findings and County staff's analyses, Respondents failed to show a nexus between Condition 122 and impacts created by the Landfill. As concluded by the Board, the Landfill's design is adequate "as is required to integrate the Project into the surrounding area." (AR 16 ¶ 51.) Similarly, as found in the EIR, the Landfill would not have any land use impacts requiring mitigation. (AR 161-162.) Although it is true that the Landfill could operate for up to 30 years, Board and County staff did not identify any anticipated changes to the Landfill operations that would justify the need for planning studies. Respondents' assertion that the planning studies would be "geared towards improving quality of life of the residents" is vague and lacks citation to evidence. (Oppo. 25-26.) The nexus requirement is not met as to Condition 122.

County was also required to show that the fee is "roughly proportional" to the burden created by the Landfill. County and Board failed to do so. Respondents do not address this point, and do not cite any findings or analysis with respect to the proportionality requirement for Condition 122. (See Oppo. 25-26.) Accordingly, County violated the Mitigation Fee Act with respect to Condition 122.

From Respondents' terse opposition and the findings and evidence discussed above, the court concludes that there is no likelihood that Board could issue findings under the MFA as to Condition 122 and no basis for further proceedings under *Ehrlich*. (See Oppo. 25-26.) Nonetheless, that remand issue seems close for this condition. Respondents may elaborate on their position at the hearing.

Condition 123 (Community Benefit and Environmental Education Trust Fund)

Condition 123 requires Petitioner to pay $1.00 per ton of solid waste disposed at the Landfill "to fund environmental, educational, and quality of life programs in the Val Verde, Castaic, and other unincorporated areas of the County surrounding the Landfill, and to fund regional public facilities that

serve this area." (AR 80.) In addition to Board's general findings related to fees, County staff justified this fee as follows: "On average, the environmental impacts of a landfill can last for more than 100 years after a landfill is closed. Consequently, the imposed fees help to relieve the neighboring communities from the burdens through the enhancement of community of life." (AR 13036.)

Board's findings and County staff's analyses do not show a sufficient nexus for Condition 123. As noted by Petitioner, the EIR determined that the Landfill's continued operations would not significantly increase local employment or otherwise encourage growth, impacts which may otherwise require greater public programs or public facilities. (OB 24; AR 223.) Although the Landfill could potentially subject local residents "to odor and other air quality impacts, traffic and noise" and impacts on views (see Oppo. 26:14-15), it is unclear how "environmental, educational, and quality of life programs" or "regional public facilities" could possibly mitigate such impacts. In justifying Condition 123, Board relied on some unspecified quality-of-life impact that must be mitigated through "enhancement of community of life." However, Board cannot show an essential nexus without specifying and explaining, even if imprecisely, the burden to be mitigated. Board's nexus findings for Condition 123 violate *Topanga* and the Mitigation Fee Act.

Even if some nexus could be found for Condition 123, County was also required to show that the fee is "roughly proportional" to the burden created by the Landfill. County and Board failed to do so. Board's findings and County staff's appeal response do not identify what programs or public facilities would even be needed, how much such things would cost, or how such costs are proportional to the alleged Landfill impacts. (See AR 12-13, 19, 13036.) Accordingly, County violated the Mitigation Fee Act.

In opposition, Respondents cite to evidence that Petitioner or its predecessor privately agreed to pay into a community benefit fund for the Val Verde and Castaic communities; that Petitioner asserted that such monies would not be paid if County imposed a fee pursuant to Condition 123; and that the $1.00 per ton required by Condition 123 "is in line with" Petitioner's private $.80 per ton community

commitment. (Oppo. 26-27; see e.g. AR 10092-93, 18311-16, 31142-51, 15108.) These private agreements could plausibly be used as evidence to support nexus or proportionality findings with respect to a community benefit fund similar to that required by Condition 123. However, these private agreements cannot supply the administrative findings required by *Topanga* and the Mitigation Fee Act.

Board's nexus findings for Condition 123 are insufficient under *Topanga* and the Mitigation Fee Act. Board failed to make any proportionality findings for Condition 123. Nonetheless, because it appears possible that Board could make the necessary findings supported by substantial evidence for the Condition 123 fee in some amount, including from the opposition evidence summarized above (e.g. Petitioner's agreements with Val Verde and Castaic), the court will remand the case for further proceedings. (See *Ehrlich, supra* at 885.)

Condition 124 (Household Hazardous Waste Collection Events)

Condition 124 requires Petitioner to fund 10 household hazardous waste and electronic waste ("HHW") collection events per year in the Santa Clarita Valley, at a cost of $100,000 per event. In lieu of paying for five of the ten collection events, Petitioner may "fully fund the siting, development, operation, and staffing of a new permanent Santa Clarity Valley Environmental Collection Center ... for the collection of household hazardous/electronic waste." (AR 80.) Board found that this condition "will help protect the environment and the health and safety of residents near the landfill by providing residents with convenient, legal options for disposing of HHW and, thereby, discourage illicit disposal of HHW in the landfill." (AR 13 ¶ 41; AR 13036.)

In the opening brief, Petitioner contends that there is no nexus for Condition 124 because the Landfill, as a Class III facility, does not accept or generate hazardous waste. (OB 24.) Respondents counter that "it is common, everyday occurrence that consumer items, such as batteries, cell phones, old TVs and computers, antifreeze, latex paints, and other household waste get improperly discarded into trash bins, and ultimately, may end up buried in the Landfill." (Oppo. 27.) The Statement of Overriding Considerations ("SOC") also recognizes establishment of a permanent HHW collection facility as a project

objective. (AR 157-157.) The EIR also states that "a Household Hazardous Waste Facility (HHWF) will be constructed at [the Landfill]" and was part of Petitioner's proposed project. (AR 335-336; see also AR 275, 280, 284.)

The court finds sufficient nexus between Condition 124 and burdens created by the Landfill, including on the local community. Although the Landfill is a Class III facility, it seems reasonable for Board to infer, as it did, that "illicit disposal" of HHW is likely to occur unless "discouraged" by collection events and that such disposal can have negative impacts on the local community. (See AR 13 ¶ 41.) Petitioner cites no evidence to the contrary and concedes the point in reply. (Reply 11:21-23 and 14:5-7.)

The record also contains sufficient evidence of proportionality between the $100,000-per-event fee and the related Landfill burdens. Given the undisputed and serious concern about illicit disposal of HHW at the Landfill, Condition 124 should be roughly proportional to the cost of holding a reasonable number of HHW collection events. The cost of collection events required by Condition 124 is in line with the cost incurred by DPW to operate similar events in Santa Clarita Valley in recent years. (AR 34398-420.) Petitioner's evidence suggests that about three collection events per year have been held in recent years in the Santa Clarita area. (AR 34413.) Petitioner does not cite any evidence to suggest that the increase to ten events per year is inconsistent with Board's rationale of discouraging illicit disposal of HHW or is otherwise unreasonable for the needs of the local community. Condition 124 would fund a little less than one collection event per month. The court cannot say that such requirement is unreasonable.

In reply, Petitioner contends that "Board made no finding that the costs for such events ($100,000 each) was warranted." (Reply 14.) Although Board did not specifically discuss the costs of the collection events, County staff did and Board adopted staff's recommendation for this condition. (See AR 13036.) Staff noted that "DPW is familiar with the cost of HHW collection events and the needs of the community for these services because of its role in operating the Countywide HHW program ...." (Ibid.) Board's findings were sufficient. The petition is denied as to Condition 124.

Condition 79(B)(6) (Bridge and Major Thoroughfare Fee)

Condition 79(B)(6) requires Petitioner to pay fees "in accordance with the formulas, procedures and requirements set forth in the February 2011 Report ["2011 Report" or "Report"] for the Westside Bridge and Major Thoroughfare Construction Fee District, to defray the costs of road improvements identified in the Report, which are necessitated to accommodate the expansion of the Landfill." (AR 63.)

Board found that "the required contribution to the Westside Bridge and Major Thoroughfare Construction Fee District," along with certain traffic-related improvements, "will adequately offset the Project's traffic impacts." (AR 16 ¶ 52.) County staff reasoned that the County was not applying this fee under the state and county statutes governing Bridge and Thoroughfare fees. (AR 13031; see Gov. Code § 66484 and County Code § 21.32.200.) Rather, staff justified Condition 79(B)(6) based on County's police powers: "DPW has determined that accommodating the expansion of the Landfill will require major thoroughfare and bridge construction that is comparable to what is typically required for other industrial uses." (AR 13031.)

The 2011 Report was issued pursuant to Government Code section 66848 and County Code section 21.32.200. Section 66848 provides that "a local ordinance may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares." (Gov. Code § 66848(a).) Section 66848(a) states that the local ordinance must satisfy various requirements, including: (1) refer to relevant parts of the general plan; (2) provide for a public hearing; and (3) provide "that at the public hearing the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established." The "[f]ees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund." (§ 66848(e).)

County Code section 21.32.200 provides that "a subdivider, as a condition of approval of a final map for property within an area of benefit, or a building permit applicant, as a condition of issuance of a building permit for property within an area of benefit, shall pay a fee as hereinafter established to defray the cost of constructing bridges over waterways, railways, freeways and canyons, and/or constructing major thoroughfares." (§ 21.32.200(A).)

In July 2011, DPW staff recommended that the Board adopt a resolution establishing the Westside Bridge and Major Thoroughfare Construction Fee District based on the 2011 Report. (AR 33667-70.) The staff report stated: "If District is established, all subdivisions and certain qualifying building permits within District would be subject to a fee at the time that the subdivision is recorded or when the building permit is issued. The amount of the fee would be proportional to the impact of the vehicle trips estimated to be generated by the development based on development type and nationally accepted trip generation rates." (AR 33668.) Board adopted the resolution and the 2011 Report on July 26, 2011. (AR 33671-74.)

The 43-page Report states, *inter alia*: The District "will provide an equitable financing mechanism by which new development within an identified area will share the costs of providing full mitigation improvements." (AR 33679.) "This report describes the concept and mechanics of the District. Information included in this report will enable subject property owners to determine the fee to be assessed against their property if and when it is developed." (Ibid.) "This new District analyzes build-out development for vacant land for which there is no previously-recorded map." (AR 33680.) "The adoption of this type of funding district does not levy any fees against existing development." (AR 33702.) After discussing statutory authority for the District (see §§ 66848, 21.32.200, supra) and the District's purpose, the Report provides a list of proposed District improvements and an analysis of estimated costs. (AR 33683-33709, 33713-33720.)

Petitioner contends that Condition 79(B)(6)'s fee is unlawful because "the Subdivision Map Act does not allow for such fees to be imposed on existing land uses" and because Petitioner's "CUP is not a

final map or building permit." (OB 25.) Respondents contend that "County does not need an enabling statute or ordinance, but may do so through its general police power." (Oppo. 28.) Thus, Respondents concede Condition 79(B)(6) was not justified based on sections 66848 and 21.32.200, which apply only to final maps or building permits.

Although bridge and thoroughfare fees presumably could be imposed pursuant to County's police powers, County must still comply with the Mitigation Fee Act. Petitioner contends that "the Report cannot be used to substantiate the findings the Board needed to make under the Mitigation Fee Act." In particular, Petitioner contends that Board did not make the nexus and proportionality findings required by the Act. (OB 25-27.) Petitioner relies, in part, on the finding from the EIR that traffic impacts would be less than significant. (OB 27, citing AR 3454.) As discussed above, that finding of non-significance under CEQA did not necessarily prevent the Board from finding a nexus between the Landfill and burdens on the community, including with respect to roads and traffic.

In opposition, Respondents contend that the Report satisfies the nexus and proportionality requirements because "the Report explains how the fee is related to the Landfill project," even though "the Report does not specifically reference the Landfill." (Oppo. 28, citing AR 33682, 33698-705, 33713-15.) Respondents' record citations suggest that the Landfill is within the "area of benefit" for the District and that new developments related to a Landfill extension could potentially contribute to "peak-hour vehicle trips" in the District. (See AR 33682, 33702.) Respondents also contend that the Board's CUP decision and the 2011 Report identify the purpose of the fee and the public infrastructure to be financed, as required by Government Code section 66001(a)(1) and (a)(2). (See AR 63 ¶ 6; see Oppo. 28, citing AR 33682, 22685-97.)

Petitioner suggests that the Landfill would not entail any "new development". (See OB 26-27; Reply 15.) However, as discussed above for Condition 121 (Road improvement fees), substantial evidence supports that the Landfill project could lead to additional wear and tear on local roads and increased traffic congestion. (See e.g. 3470-3476; 530-554; 4445; 4739; 5561; 5575; 11481; 14964;

14973; 14982; 15053; 15062; 17065.) Moreover, the record contains evidence that the CUP authorized an expansion of the Landfill in a manner that could impact local roads. For instance, Board finding 52 states: "The relocation of the entrance facility is necessary to accommodate the plan by the California Department of Transportation ('Caltrans') to widen SR 126 and accommodate the landfill's operations with the increased development and urbanization of the area." (AR 16.) County staff also stated that "DPW has determined that accommodating the expansion of the Landfill will require major thoroughfare and bridge construction that is comparable to what is typically required for other industrial uses. Some of the thoroughfares identified in the Report will be used almost exclusively by the Landfill." (AR 13031.) Finally, although the 2011 Report referred to the prior landfill site as "recorded/built" land, it also included the Landfill within the area of benefit. (AR 33682.)

Based on the foregoing, the court finds substantial evidence to show a nexus between the Landfill project and a need to finance major thoroughfare and/or bridge construction in the area, and the declaration of principal engineer Arthur Vander Vis shows how the fee was calculated. As such, Board has complied with the Mitigation Fee Act with respect to Condition 79(B)(6).

Condition 111 (Dedication of Landfill as Park; $2 Million Park Development Fee)

Condition 111 requires Petitioner "to designate the [Landfill] site as a passive park, open space or other type of publicly accessible recreational use in accordance with the covenants, conditions and restrictions on the Landfill, as indicated in the EIR at section 2.3.2.4." (AR 73-74.) The condition requires development of a park, not to exceed $2,000,000, for the Primary Canyon area of the Landfill. (Ibid.; see also AR 3487.)

Petitioner contends that the Mitigation Fee Act also regulates "exactions" and "dedications." (OB 27.) Respondents do not argue to the contrary. (Oppo. 28; see also Gov. Code §§ 66020, 66021 [protest procedure for "any party on whom a fee, tax, assessment, dedication, reservation, or other exaction has been imposed"].) In any event, Condition 111 imposes a monetary fee of up to $2 million, and a dedication of land must satisfy nexus and proportionality requirements to be imposed as a condition of

approval without compensation to the landowner. (See generally *Rohn v. City of Visalia* (1989) 214 Cal.App.3d 1463.)

Petitioner contends that Board did not make nexus or proportionality findings for Condition 111. (OB 27-28.) The court agrees. In its decision, Board found that that it was "necessary" for Petitioner to dedicate the Landfill site as a park or other public recreation use. However, Board did not elaborate or make any findings that connect an impact from the Landfill to a requirement to convey hundreds of acres of private property and develop a park at a cost of up to $2 million. (AR 19 ¶ 16.) Nor did Board make any individualized determinations of the rough proportionality between Condition 111, including the $2 million fee, and Landfill impacts.

In opposition, Respondents suggest that Condition 111 is necessary "to ensure that if the operator becomes bankrupt and abandons the land without proper clean-up, the public is not left holding the bag." (Oppo. 30.) Board did not justify Condition 111 on that basis in its decision. Moreover, Respondents do not show that the statutes and regulations cited in their brief justify the dedication of land or $2 million fee required by Condition 111. (See Pub. Res. Code §§ 43500 et seq.; 27 CCR § 21090 et seq.) For instance, Public Resources Code section 43500 requires "financial assurances" related to the closure and postclosure maintenance of solid waste landfills. This statute does not require or authorize a post-closure dedication of private property from a landfill operator. Petitioner does not challenge other post-closure requirements, including a requirement for financial assurances, that apply to the Landfill. (See e.g. AR 42, 44.)

In its opening brief, Petitioner contends that "the Quimby Act, governing such park dedications in regards to subdivisions, provides useful guidance in assessing the reasonableness of any park dedication requirement, and does not sanction Condition 111 here." (OB 27.) Board did not purport to require Condition 111 pursuant to the Quimby Act. Accordingly, the court need not provide an advisory opinion

as to whether Condition 111 violates the Quimby Act, as Petitioner seeks in its fourth cause of action.[10] (See 3AC ¶ 119.)

Based on the foregoing, Board did not provide sufficient findings to justify Condition 111 under the Mitigation Fee Act. Nor does there appear to be any evidence, and Respondents have cited none, that Board could make nexus and proportionality findings for this condition. Accordingly, the court sees no grounds for remanding for further findings with respect to Condition 111.

Integrated Waste Management Act

Petitioner contends that "Conditions, 43(D), 43(G), 48, 117, and 118 are all preempted because they conflict with the Integrated Waste Management Act [IWMA]." (OB 31.)

"'Under article XI, section 7 of the California Constitution, '[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.' If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void. A conflict exists if the local legislation duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication. Local legislation is 'duplicative' of general law when it is coextensive therewith. Similarly, local legislation is 'contradictory' to general law when it is inimical thereto. *Finally, local legislation enters an area that is 'fully occupied' by general law* when the Legislature has expressly manifested its intent to 'fully occupy' the area, *or when it has impliedly done so in light of one of the following indicia of intent: '....*" (*San Diego Gas & Electric Co. v. City of Carlsbad* (1998) 64 Cal.App.4th 785, 792-793.)

Courts "have been particularly 'reluctant to infer legislative intent to preempt a field covered by municipal regulation when there is a significant local interest to be served that may differ from one locality to another.'" (*Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1149.) "'The common thread of the cases is that if there is a significant local interest to be served which may differ

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[10] Petitioner also states that Condition 111 "is plainly an unconstitutional taking." (OB 27.) The court does not reach this contention. The second cause of action under the takings clause is stayed pending resolution of the writ.

from one locality to another then the presumption favors the validity of the local ordinance against an attack of state preemption.' " (Ibid.)

To decide Petitioner's preemption claims, the court must construe the IWMA and associated regulations. Interpretation of a statute or regulation is a legal question that the court reviews *de novo*. "The rules governing statutory construction are well settled. We begin with the fundamental premise that the objective of statutory interpretation is to ascertain and effectuate legislative intent. [Citations.] To determine legislative intent, we turn first to the words of the statute, giving them their usual and ordinary meaning. [Citations.] When the language of a statute is clear, we need go no further. However, when the language is susceptible of more than one reasonable interpretation, we look to a variety of extrinsic aids, including the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part." (*Nolan v. City of Anaheim* (2004) 33 Cal.4th 335, 340.)

"The party claiming that general state law preempts a local ordinance has the burden of demonstrating preemption." (*Big Creek Lumber Co., supra*, 38 Cal.4th at 1149.)

Brief Summary of the IWMA

"By 1988, landfills throughout the state were nearly filled.... To meet this crisis, the Legislature passed the Waste Management Act.... Local agencies such as cities which were responsible for waste disposal within their boundaries were obliged to enact comprehensive waste management plans that would eventually divert half of their trash from landfills. " (*Valley Vista Services, Inc. v. City of Monterey Park* (2004) 118 Cal.App.4th 881, 886.)

In enacting the IWMA, "[t]he Legislature declare[d] that the responsibility for solid waste management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe

management of all solid waste generated within the state and shall oversee the design and implementation of local integrated waste management plans." (Pub. Res. Code § 40001(a).)[11]

"The purpose of [the IWMA] is to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner to conserve water, energy and other natural resources, to protect the environment, to improve regulation of existing solid waste landfills, to ensure that new solid waste landfills are environmentally sound, to improve permitting procedures for solid waste management facilities, and to specify the responsibilities of local governments to develop and implement integrated waste management programs." (§ 40052.)

"This division, or any rules or regulations adopted pursuant thereto, is not a limitation on the power of a city, county, or district to impose and enforce reasonable land use conditions or restrictions on solid waste management facilities in order to prevent or mitigate potential nuisances, if the conditions or restrictions do not conflict with or impose lesser requirements than the policies, standards, and requirements of this division and all regulations adopted pursuant to this division." (§ 40053.)

The IWMA expressly delegates authority to local government over certain aspects of solid waste handling. For instance, section 40059(a)(1) states that local government may determine "[a]spects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services."

Conditions 43(D) and 48

As discussed above, Condition 43(D) prohibits the Landfill from using nine separate materials as cover for solid waste, including treated auto shredder waste (TASW). (AR 46-47; Oppo. 34-35, fn. 15.) Condition 48 prohibits Petitioner from accepting, processing, or disposing various materials, including TASW, at the Landfill.[12] (AR 49.) Board reasoned that these conditions are necessary to minimize

[11] Unless otherwise stated, statutory references in this section are to the Public Resources Code.
[12] Petitioner's preemption arguments for these conditions are limited to TASW. (OB 32-33.)

impacts to the surrounding communities, even though materials may be permitted under state and federal law. (AR 13030; 9-10 ¶¶ 24-26 and 12 ¶ 37.)

Petitioner does not contend, or show, that Conditions 43(D) and 48 duplicate state law or enter an area fully occupied by state law with respect to TASW. (OB 32-33.) Section 40053, cited by Petitioner, allows for reasonable local land use restrictions "in order to prevent or mitigate potential nuisances" and does not show an intent to preempt local government with respect to TASW or similar materials.

Petitioner contends that these conditions contradict the IWMA: "Conditions 43(D) and 48 expressly prohibit what the IWMA permits and interfere with state-mandated diversion goals." (OB 33.) Specifically, Petitioner contends that the IWMA preempts these provisions because "the IWMA requires localities and disposal facilities to divert wastes from disposal"; diversion is often accomplished by beneficial reuse of waste; and the IWMA expressly authorizes Landfills to accept and use TASW as beneficial reuse material. (OB 32-33.)

"'The 'contradictory and inimical' form of preemption does not apply unless the ordinance directly requires what the state statute forbids or prohibits what the state enactment demands.' [Citations.] '[N]o inimical conflict will be found where it is reasonably possible to comply with both the state and local laws.'" (*T-Mobile West LLC v. City and County of San Francisco* (2019) 6 Cal.5th 1107, 1121.) Thus, it is not sufficient for Petitioner to show that the IWMA simply "permits" landfills to use TASW for cover or beneficial reuse.

Petitioner could show a conflict if the IWMA recycling or diversion goals mandate that landfills use TASW as cover or for beneficial reuse. The IWMA requires state and local authorities to promote the following waste management practices "in order of priority: (1) Source reduction. (2) Recycling and composting. (3) Environmentally safe transformation and environmentally safe land disposal, *at the discretion of the city or county*." (§ 40051(a) [italics added].) This italicized language suggests that local government retains some discretion with respect to landfilling (i.e. disposal of solid waste). (See also *City of Dublin v. County of Alameda* (1993) 14 Cal.App.4th 264, 278.) As noted above, other parts of the

IWMA highlight the "shared responsibility" between state and local governments over solid waste management. (§ 40001; § 40059; § 40053.) Despite this shared responsibility, the IWMA creates a *statewide* program "to reduce, recycle, and reuse solid waste" (§ 40052) and preempts local restrictions that "conflict with or impose lesser requirements than the policies, standards, and requirements." (§ 40053.)

The IWMA prioritizes recycling and reduction of solid waste through diversion. (See § 40051, § 40052, § 41780.) The IWMA defines recycling as "the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace." (§ 40180.) Diversion is defined as "activities which reduce or eliminate the amount of solid waste from solid waste disposal." (§ 40124.) State law further provides that "the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, which reduces or eliminates the amount of solid waste being disposed pursuant to Section 40124, shall constitute diversion through recycling and shall not be considered disposal for purposes of this division." (§ 41781.3.)

However, Petitioner does not show that the IWMA *demands* that local governments prioritize recycling or reduction of waste through beneficial reuse of TASW. Diversion of waste could be accomplished through many different methods. Petitioner cites to state regulations that authorize landfills to accept and use TASW, among other materials, for beneficial reuse. (See OB 32-33, citing 27 CCR §§ 20686, 20690; 14 CCR § 18815.9.) Petitioner does not discuss the requirements of these detailed regulations, which generally concern beneficial reuse of solid wastes, procedures for alternate daily cover (ADC), and reporting methods for certain materials, including TASW. These regulations do not require the use of TASW as ADC or for beneficial reuse. (See e.g. 27 CCR § 20690(a)(1)-(3), (b)(6).) Notably, Petitioner does not argue that Conditions 43(D) and 48 are preempted by the IWMA with respect to other

materials that are permitted by state regulation, such as green waste, cement kiln dust, foam, and sludge. (See e.g. 27 CCR § 20690(b).)

Nor does Petitioner cite any authorities that *demand* that a landfill accept TASW for disposal (as opposed to beneficial reuse). Petitioner challenges both the restriction on the acceptance of TASW for cover (Condition 43(D)), and the prohibition of acceptance of TASW for any purpose (Condition 48). As argued in opposition, to the extent TASW would be buried at the Landfill after it had been used as cover, it would appear that such use of TASW would no longer be considered recycling or diversion. (Oppo. 35:15-21.)

Under the IWMA, the local agency retains authority to impose reasonable land use restrictions "to prevent or mitigate potential nuisances." (§ 40053.) An important consideration for a local agency in preventing or mitigating nuisances is the proximity of the landfill to residences or businesses. As discussed above in the section on operational conditions, in imposing Conditions 43(D) and 48, the Board could reasonably weigh the benefits of using TASW as cover against the non-speculative community comments about TASW and risks of improper processing of harmful materials. Board could also reasonably consider that proximity of existing and planned residential communities. (See e.g. AR 6-7, 3542-44, 891, 900, 10667, 33775, 4139-40, 17085-510, 4138-4140.)

In reply, Petitioner for the first time cites to section 40051(b), which states that local agencies "shall … [m]aximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal." (Reply 18-19.) Respondents may respond to this sub-provision at the hearing. Based on the briefs, the court is not persuaded that section 40051(b) *mandates* acceptance or beneficial reuse of TASW at all landfills, or is intended to limit the discretion of local agencies to impose reasonable land use restrictions "to prevent or mitigate potential nuisances." (§ 40053.) "[N]o inimical conflict will be found where it is reasonably possible to comply with both the state and local laws." (*T-Mobile West LLC , supra,* 6 Cal.5th at 1121.) Courts "have been particularly 'reluctant to infer legislative intent to preempt a field covered by municipal

regulation when there is a significant local interest to be served that may differ from one locality to another,'" which appears to be the case for TASW. (*Big Creek Lumber Co., supra*, 38 Cal.4th at 1149.)

To the extent there could be any ambiguity in the IWMA with respect to whether it demands that landfills accept TASW for cover, including as a result of the statute's recycling and diversion goals, Petitioner has not cited any relevant legislative history or other extrinsic aids.

Petitioner does not show that Conditions 43(D) and 48 contradict the IWMA or are otherwise preempted by the IWMA.

Conditions 43(G), 117, and 118

As discussed above, Condition 43(G) directs, with exceptions, that all waste from outside of the Santa Clarita Valley be pre-processed "or undergo front-end recovery methods" before coming to the Landfill to remove all beneficial reuse materials and construction and demolition debris. (AR 47.) Condition 117 imposes on Petitioner an escalating fee on each ton of waste accepted at the Landfill originating outside of the Santa Clarita Valley Area (starting at $1.32 per ton and increasing to $5.28), and a flat fee of $6.67 per ton for waste originating outside of Los Angeles County. (AR 75-76.) Condition 118 would reduce the Condition 117 fee by 50% if Petitioner were to construct and operate a Conversion Technology facility. (AR 77.)

Petitioner contends that these conditions "frustrate the IWMA's purpose and are contrary to the IWMA's prohibition that no city or county can enact legislation to 'restrict or limit the importation of solid waste into a privately owned facility in that city or county based on the place of origin.' (Pub. Resources Code, § 40059.3.)" (OB 33-34.) The court agrees.

In 2012, the Legislature amended the IWMA to prohibit local authorities or ordinances that restrict or limit the importation of solid waste into a privately owned landfill based on place of origin. Specifically, section 40002(b) provides: "The Legislature further declares that restrictions on the disposal of solid waste that discriminate on the basis of the place of origin of the waste are an obstacle to, and conflict with, statewide and regional policies to ensure adequate and appropriate capacity for solid waste

disposal." Section 40059.3(a) similarly provides: " An ordinance adopted by a city or county or an ordinance enacted by initiative by the voters of a city or county shall not restrict or limit the importation of solid waste into a privately owned facility in that city or county based on the place of origin." Section 40059.3(b) states that this section does not, among other things, "[p]rohibit a city, county, or regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, including a regional agency."

The parties agree that the Legislature enacted these amendments in response to litigation over a Solano County voter initiative that restricted solid waste from outside the county. As stated by Respondents, "Solano County's Measure E capped the amount of solid waste that could be imported to any landfill in the County to 95,000 tons annually, compared to 600,000 tons that were imported in the absence of Measure E. (See *Portero Hills Landfill, Inc. v. County of Solano* (9th Cir. 2011) 657 F.3d 876.)" (Oppo. 33, fn. 14; see also OB 32.)

Sections 40002 and 40059.3 do not define what it means for an ordinance to "restrict or limit the importation of solid waste." A common definition of "restrict" is "to confine or keep within limits, as of space, action, choice, intensity, or quantity." Definitions of "limit" include "to confine or keep within limits." (Dictionary.com.) As shown by section 40002(b)'s use of the word "discriminate" and also the titles of sections 40002 and 40059.3, the Legislature's intent was to prohibit "discrimination based on origin of waste." To discriminate is "to make or constitute a distinction in or between; differentiate." (Dictionary.com.)

Petitioner interprets these words to include conditions that "*effectively* restrict and limit the importation of solid waste." Petitioner highlights the Legislature's use of the word "discriminate." (OB 33-34.) Respondents interpret these words narrowly and suggest that only a cap on imported waste or a fee imposed directly on waste producers are prohibited. (Oppo. 32-33.) Respondents contend that the challenged conditions are permissible because "they charge a premium" on imported waste and that the IWMA "does not concern itself with Chiquita's expected profits." (Oppo. 33-34.) Thus, in Respondents'

view, local agencies may impose reasonable fees on waste from outside their jurisdictions as long as the landfill operator pays the fee. (See Ibid.)

Petitioner's interpretation is more sensible and achieves harmony with other parts of the IWMA. When interpreting a statute, the court must construe the statute, if possible to achieve harmony among its parts. (*People v. Hall* (1991) 1 Cal. 4th 266, 272.) "It has been called a golden rule of statutory interpretation that unreasonableness of the result produced by one among alternative possible interpretations of a statute is reason for rejecting that interpretation in favor of another which would produce a reasonable result." (*Armstrong v. County of San Mateo* (1983) 146 Cal.App.3d 597, 615.) Although the IWMA grants authority to local agencies over certain local matters (see e.g. § 40059), the IWMA also makes clear that the actions of local agencies must be consistent with the state policies expressed in the statutory scheme. (See e.g. § 40002(a); 40053.) "As an essential part of the state's comprehensive program for solid waste management, and for the preservation of health and safety, and the well-being of the public, the Legislature declares that it is in the public interest for the state, as sovereign, to authorize and require local agencies, as subdivisions of the state, ***to make adequate provision for solid waste handling, both within their respective jurisdictions and in response to regional needs.***" (§ 40002(a) [emphasis added].) Respondents' interpretation of sections 40002(b) and 40059.3 would lead to absurd results because, while a cap on imported waste is prohibited, local agencies could achieve a similar result by imposing fees and other conditions that would effectively restrict or limit the amount of imported waste.

Here, conditions 43(G), 117, and 118 were explicitly intended by the Board to "restrict or limit the importation of solid waste into a privately owned facility in that city or county based on the place of origin." (§ 40059.3.) The Board found that Condition 117 was needed to "***to serve as a disincentive to those who bring trash originating outside of the Santa Clarita Valley***." (AR 19 ¶ 64 [emphasis added].) Board indicated that Condition 43(G) is intended to "maximize[] the amount of Solid Waste that can be disposed of in the Landfill," which, as Respondents admit, would be accomplished by discouraging waste

from outside Santa Clarita Valley area. (AR 46; Oppo. 20:22-23 ["Consistent with Condition 117, [Condition 43(G)] also discourages waste coming from outside of the Santa Clarita Valley ...."].)

A conflict with sections 40002 and 40059.3 of the IWMA is also shown by how Conditions 43(G), 117, and 118 would impact the Landfill operations. Condition 43(G) mandates pre-processing of waste from outside the Santa Clarita Valley, as well as documentation of such pre-processing, and would presumably make it more time consuming and expensive to transfer waste from outside Santa Clarita Valley to the Landfill.[13] Conditions 117 and 118 impose a fee on waste coming from outside of the Santa Clarita Valley. Although Petitioner would pay the fee, it stands to reason that this fee would either be passed on to Petitioner's customers or would cause Petitioner to give preference to local waste. Respondents admit that these constraints would, as a practical matter, "discourage[] waste coming from outside of the Santa Clarita Valley" and "serve as a disincentive to those who bring trash originating outside of the Santa Clarita Valley." (Oppo. 20; AR 19.) Notably, the EIR suggests that a substantial percentage of waste accepted at the Landfill comes from outside the Santa Clarita Valley. (See e.g. AR 3470 [transfer truck trips]; Oppo. 21, citing AR 5845 [waste from outside Santa Clarita Valley generally comes from transfer trucks].)

In opposition, Respondents contend that Conditions 43(G), 117, and 118 are not preempted because the IWMA "allows local agencies to determine aspects of solid waste handling of local concern, including charges and fees." (Oppo. 32, citing § 40059.) Later, Respondents contend that "the legislature expressly preserved local jurisdictions' authority to site, permit, and oversee solid waste activities by allowing them to impose site-specific regulations geared towards maximizing local waste-disposal capacity." (Oppo. 34, citing § 40059.3.) These statutes must be harmonized, if possible, with the prohibition against "discrimination based on origin of waste" in sections 40002(b) and 40059.3.

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[13] The limited exceptions in Condition 43(G), including for "residential areas with a three-bin curbside collection system," cannot save the rest of the condition from preemption. (AR 47.) Respondents do not argue to the contrary. Nor do Respondents dispute that Condition 43(G) would, as a practical matter, discourage waste from outside Santa Clarita Valley.

Section 40059 reserves to local agencies "[a]spects of solid waste handling which are of local concern," including "means of collection and transportation, level of services, charges and fees." (See also § 40053.) The IWMA also permits local governments to "assess special fees of a reasonable amount on the importation of waste from outside of the county."[14] (§ 41903.) Harmonizing these provisions with sections 40002(b) and 40059.3, the most reasonable interpretation is that local agencies may impose "charges and fees" on landfill operators, but must do so in a manner that does not restrict, limit, or discriminate against waste from other jurisdictions. Further, while cities and counties may impose a fee on out-of-county waste, they must do so in a manner consistent with section 41903.

This case does not present complex or fact-intensive questions about whether Conditions 43(G), 117, and 118 would "effectively" restrict or limit imported waste. Board admitted in its decision, and opposition brief, that the purpose of these conditions was to "serve as a disincentive to those who bring trash originating outside of the Santa Clarita Valley." (AR 19; Oppo. 20.) Because the discriminatory intent and conflict with the IWMA are clear, the court need not determine the outer bounds of local authority under the IWMA to impose conditions or fees on imported waste.

Other than the reference to the Solano County ordinance, the parties do not cite any relevant legislative history or extrinsic aids to support their interpretations of 40002(b) and 40059.3. Given Board's admission of discriminatory intent, the conflict with the IWMA is clear and the court need not consider legislative history. Nonetheless, counsel are encouraged to discuss any relevant legislative history or extrinsic aids at the hearing.

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[14] It is undisputed that County did not impose a "special fee" pursuant to section 41903 and also did not limit the fee to waste outside the county. In opposition, Respondents do not contend that Conditions 117 and 118 were authorized by section 41903.

Based on the foregoing, Conditions 43(G), 117, and 118 contradict sections 40002(b) and 40059.3 of the IWMA and are preempted. Accordingly, the writ petition is granted as to these conditions.[15]

Condition 9

Petitioner references Condition 9 in a footnote. (OB 17, fn. 7.) Condition 9 states: "If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse." (AR 32.)

Respondents contend that Petitioner failed to exhaust administrative remedies with respect to Condition 9. (See Oppo. 11-12.) Petitioner has not shown, including in reply, that it objected to Condition 9 at any stage of the administrative proceedings. (See OB 17, fn. 7 and Reply 19; see also AR 10085-120, 12981, 13217-300 [Petitioner's administrative filings].) Accordingly, Petitioner did not exhaust administrative remedies with respect to Condition 9.

With respect to operational conditions, Petitioner states that "this Court determined that the County was equitably estopped from raising forfeiture as a defense and that Chiquita has a right to challenge the operational conditions in the CUP, and thus Condition 9 has no effect." (OB 17, fn. 7.) Petitioner misconstrues the court's ruling. The court found that County was equitably estopped from raising forfeiture as a defense to the writ challenge to operational conditions. However, Condition 9 does not prohibit the writ challenge. In finding that County was estopped, the court did not determine that Condition 9 "has no effect" or that Petitioner was excused from exhausting administrative remedies.

In reply, Petitioner contends that "stripping Chiquita of its approval to operate would shut down an essential piece of public infrastructure, obviously raising 'important questions of public policy' that excuse Chiquita from needing to exhaust its challenge to Condition 9. (*Lindeleaf v. Agric. Labor Relations Bd.* (1986) 41 Cal.3d 861, 870-871.)" (Reply 19.) The court agrees with this reply argument, which

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[15] Petitioner also cites *City of Los Angeles v. County of Kern* (C.D. Cal. 2007) 509 F.Supp.2d 865, 898, to support its preemption claims. (OB 34.) For the reasons stated in opposition, this district court decision has no precedential value and little or no persuasive value. (Oppo. 34.) The court has not relied on or considered *City of Los Angeles*.

Respondents anticipated in opposition. (Oppo. 11.) As stated by our High Court in *Lindeleaf*, courts may decide "important questions of public policy" even if the parties did not exhaust administrative remedies. Here, the Landfill processes a substantial percentage of the solid waste management needs of Los Angeles County. (See e.g. 3AC ¶ 2; AR 13 ¶ 39, 14 ¶ 47.) Enforcement of Condition 9 could detrimentally impact Petitioner's customers, including individuals, businesses, cities, counties, and government agencies that use the Landfill and that are not parties to this action. Accordingly, exhaustion is excused. (See also *Steinhart v. County of Los Angeles* (2010) 47 Cal.4th 1298, 1318.)

On the merits, Petitioner did not analyze the enforceability of Condition 9 in its written briefs and petition. Petitioner's argument based on the court's estoppel ruling is unpersuasive, as indicated above. The petition alleges that Condition 9 is "arbitrary" and violates due process, but does not develop those contentions. (3AC ¶¶ 52, 84, 185.) With respect to the challenged fees, Petitioner contends that "Condition 9 ... violates the Mitigation Fee Act's prohibition on retaliatory actions by local government aimed at silencing lawful protests, and is therefore invalid." (OB 17, fn. 17, citing Gov. Code § 66020(b).) [16] However, Petitioner provided no reasoned analysis in support of this assertion, (Oppo. 12.) and Petitioner fails to show how § 66020(b) would apply to non-fee provisions. Finally, Petitioner also does not analyze what constitutes a "material provision" of the CUP for purposes of Condition 9. Petitioner has not shown that Condition 9 should be invalidated or how it would apply in this case. (See *Inyo Citizens for Better Planning v. Inyo County Board of Supervisors* (2009) 180 Cal.App.4th 1, 14 [court does not make parties' arguments for them]; *Nelson v. Avondale HOA* (2009) 172 Cal.App.4th 857, 862-863 [legal arguments must be supported by reasoned analysis and citation to authorities].)

[16] Section 66020(b) states in part: "Compliance by any party with subdivision (a) shall not be the basis for a local agency to withhold approval of any map, plan, permit, zone change, license, or other form of permission, or concurrence, whether discretionary, ministerial, or otherwise, incident to, or necessary for, the development project." A fee protest may lead to various remedies, including a refund of unlawful fees. (§ 66020(e).)

The California Supreme Court briefly summarized the effect of § 66020(b) as follows: "In general, if a developer has tendered payment of the disputed fee and given written notice of the grounds for protest, local agencies cannot withhold project approval during litigation of the dispute. (Gov. Code, § 66020(a)-(b).) If the challenge is successful, the agency must refund the unlawful fees with interest. (Gov. Code, § 66020(e).)" (*Lynch v. California Coastal Com.* (2017) 3 Cal.5th 470, 479.) One purpose of section 66020(b) is to allow a developer to pay and protest a disputed fee and then start the project, even while the developer challenges the fee. As explained by the California Supreme Court, "Before the Mitigation Fee Act, developers that wished to challenge the legality of a fee had to delay construction until mandamus proceedings ended. [Citations.] The Mitigation Fee Act authorized a simultaneous challenge...." (*Lynch,* supra at 479.)

§ 66020(b) says nothing explicitly about whether or not the local agency can impose a condition that would invalidate the project if "material provisions" are held invalid. It is also possible for an agency to comply with section 66020(b), but also impose Condition 9. As such, the Court finds that section 66020(b) does not invalidate Condition 9, and Board has the right to reconsider its CUP decision in light of the court's writ.

Scope of Writ Relief under Mitigation Fees Act

Petitioner contends that the "unlawful mitigation fees paid by Chiquita to date must be refunded with interest, and those fees for which no 'essential nexus' has been established must be deleted from the permit." (Reply 19; see also OB 5, 9 and 3AC p. 48.) In opposition, Respondents do not address the refund requirement under the MFA.

Government Code section 66020 provides in part: "(e) If the court finds in favor of the plaintiff in any action or proceeding brought pursuant to subdivision (d), the court shall direct the local agency to refund the unlawful portion of the payment, with interest at the rate of 8 percent per annum, or return the unlawful portion of the exaction imposed." (See also § 66020(f)(1).)

Given the lack of findings or evidence with respect to the nexus and proportionality requirements for Conditions 111, 116, 120, and 122, there appears to be no basis for further Board findings under *Ehrlich* with respect to those conditions. Conditions 117-118 are preempted by the IWMA. Accordingly, Respondents must refund to Petitioner any fees paid by Petitioner pursuant to Conditions 111, 116, 117-118, 120, and 122 with interest in accordance with section 66020. Neither Petitioner nor Respondents provide the court sufficient evidence about the amount of fees paid or interest calculations. Board should address this issue on remand.

As analyzed above, it appears possible that County and Board could make specific findings supported by substantial evidence for Conditions 115, 119, 121, and 123, either for the specific fee amount stated or in some other amount determined by the Board. Accordingly, the court will remand the case for further proceedings as to those conditions. (See *Ehrlich, supra* at 885.) Because Respondents violated the Mitigation Fee Act as to these conditions, it appears that Petitioner is entitled to a refund of fees already paid, along with interest, subject to payment of fees in the future if Board complies with the Act. Neither Petitioner nor Respondents provide the court with sufficient evidence about the total amount of fees paid or interest calculations. Board should address this issue on remand.

Condition 9 is valid, and Board has the right to reconsider its CUP decision in light of the court's writ.

<u>Alternative Argument: Illegal Taxes</u>

Petitioner contends, in the alternative, that if Conditions 79(B)(6), 111, and 115-124 are not subject to the Mitigation Fee Act, they are unconstitutional special taxes in violation of Articles XIIIC and XIIID of the California Constitution. (OB 28-31; see *Jacks v. City of Santa Barbara* (2017) 3 Cal.5th 248, 267.) Based on the court's determinations with respect to the Mitigation Fee Act and preemption, the court will issue a writ directing Board to set aside Conditions 111, 116, 117-118, 120, and 122. Because the conditions will be set aside, the court need not decide or issue an advisory opinion as to whether the challenged fees could be illegal taxes. Furthermore, for some of the challenged fees (Conditions 115,

119, 121 and 123, the court remands for further findings with respect to nexus and/or proportionality, and such findings could impact whether or not the fees could be challenged as illegal taxes. Thus, the challenge to those conditions as illegal taxes is premature.

Declaratory Relief Causes of Action Related to Writ Petition[17]

In its opening writ brief and reply, Petitioner has not developed any separate arguments in support of its first, third, fourth, fifth, and ninth causes of action for declaratory relief. These causes of action appear entirely derivative of issues analyzed above for the writ petition. Because Petitioner does not provide any legal briefing showing that a judicial declaration should be issued in addition to a writ, the court denies the first, third, fourth, fifth, and ninth causes of action. (*Nelson v. Avondale HOA* (2009) 172 Cal.App.4th 857, 862-863 [argument waived if not raised or adequately briefed]; see also CCP § 1060 and *Environmental Defense Project of Sierra County v. County of Sierra* (2008) 158 Cal.App.4th 877, 885 [issuance of declaratory relief is matter of discretion for trial court].)

Furthermore, Petitioner fails to show that declaratory relief is an appropriate remedy to challenge the CUP decision, including its conditions. "In addition to traditional mandamus, an action for declaratory relief is generally an appropriate means of *facially* challenging a legislative or quasi-legislative enactment of a public entity ...; however, the appropriate remedy for a challenge to the application of an enactment to specific property—i.e., an 'as-applied challenge'—is through administrative mandamus." (See *Beach & Bluff Conservancy v. City of Solana Beach* (2018) 28 Cal.App.5th 244, 259-260.) "[T]he law is well established that an action for declaratory relief is not appropriate to review an administrative decision." (Ibid.)

The first, third, fourth, fifth, and ninth causes of action for declaratory relief are denied.

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[17] The writ petition was originally assigned to Judge Mary Strobel in Department 82, a writs department. As amended for 2020, Local Rules 2.8(d) and 2.9 do not include a claim for declaratory relief as a special proceeding assigned to the writs departments. Nonetheless, Department 32, to which the writ petition is now assigned after a ruling on the estoppel issue, may rule on counts 1, 3, 4, 5, and 9 for declaratory relief, including because these counts are entirely derivative of arguments made for the writ petition.

Conclusion

The fourteenth cause of action for writ of administrative mandate is granted in part and denied in part. After entry of judgment, the court will issue a writ directing Board to set aside its CUP decision with respect to Conditions 43(G), 111, 115-123, and 126 and to reconsider the case in light of the court's ruling. (CCP § 1094.5(f).) The writ petition is denied as to all other conditions.

It appears possible that County and Board could make specific findings under the Mitigation Fee Act supported by substantial evidence for Conditions 115, 119, 121, and 123, either for the specific fee amount stated or in some other amount determined by the Board. Accordingly, the court will remand for further proceedings and for Board to make additional findings as to those conditions. (See *Ehrlich, supra* at 885.) Board is not limited to the existing administrative record on remand as to those conditions.

Condition 9 is valid, and Board has the right to reconsider its CUP decision in light of the court's writ.

For all fee conditions set aside by the court, specifically Conditions 111, and 115-123, on remand Respondents must refund to Petitioner any fees paid with interest in accordance with Government Code section 66020.

The first, third, fourth, fifth, and ninth causes of action for declaratory relief are denied.

Prior to entry of judgment, the remaining causes of action will be transferred to Department 1 for assignment to an independent calendar court. (See Local Rules 2.8(d) and 2.9.)

DATED: July 2, 2020

Honorable Daniel S. Murphy
Judge, Los Angeles Superior Court