

Facility and Plan Review Subcommittee
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of June 19, 2008 Meeting

County of Los Angeles Department of Public Works
Conference Room C
900 South Fremont Avenue
Alhambra, California 91803

SUBCOMMITTEE MEMBERS PRESENT:

Betsey Landis, Environmental Organization Representative
Mike Mohajer, General Public Representative
Carlos Ruiz, County of Los Angeles Department of Public Works
Christopher Salomon, County Sanitation Districts of Los Angeles County
Gerardo Villalobos, County of Los Angeles Department of Public Health

SUBCOMMITTEE MEMBERS NOT PRESENT:

John McTaggart, General Public Representative
Michael Miller, League of California Cities
Charles Modica, City of Los Angeles

OTHERS PRESENT:

Chuk Agu, County of Los Angeles Department of Public Works
Martin Aiyetiwa, County of Los Angeles Department of Public Works
Joe Bartolata, County of Los Angeles Department of Public Works
Russell Bukoff, County of Los Angeles Department of Public Works
Carl Pederson, County of Los Angeles Department of Public Works

I. CALL TO ORDER

The meeting was called to order at 10:05 a.m.

II. APPROVAL OF MINUTES FOR MEETING OF JANUARY 24, 2008

A motion to approve the Minutes of the January 24, 2008 meeting was unanimously approved.

III. APPROVAL OF MINUTES FOR MEETING OF MARCH 20, 2008

The Subcommittee instructed staff to change the date, "March 7, 2008", to "March 25, 2008", on the second line of the second paragraph, on page 4 of the draft Minutes of the March 20, 2008, Facility and Plan Review Subcommittee meeting. A motion to approve the Minutes of the March 20, 2008, meeting with the above changes was unanimously approved.

IV. APPROVAL OF MINUTES FOR MEETING OF APRIL 17, 2008

A motion to approve the Minutes of the April 17, 2008, meeting was also unanimously approved.

V. POTENTIAL REVISIONS TO CHAPTER 10 OF THE LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT

Mr. Chuk Agu presented the potential revisions to Chapter 10 (Finding of Conformance) of the existing Los Angeles County Countywide Siting Element (CSE), dated June 1997. Mr. Agu indicated that this was the third submittal and meeting on the Chapter. At the first meeting, the Subcommittee discussed the regulatory framework of the Finding of Conformance (FOC) process. At the second meeting, the Subcommittee discussed the potential options developed by staff for strengthening the effectiveness and enforcement of the FOC process. Mr. Agu noted that due to the complexity, sensitivity, and uncertainty of issues involved, Chapter 10 draft revisions are still in the conceptual stages. Based on Subcommittee feedback, Staff will fine-tune and re-submit the revised Chapter 10 for a more detailed review by the Subcommittee.

Mr. Agu indicated that, as directed by the Subcommittee, staff met and/or contacted the four Local Enforcement Agencies (LEA) in Los Angeles County (i.e., the County of Los Angeles Department of Public Health, and the LEA's for the Cities of Los Angeles, Vernon and West Covina) to discuss and determine the critical requirements in the disposal facility permitting process, which could be relied upon to strengthen the objectives of the FOC process.

Additionally, as instructed by the Subcommittee, staff contacted the planning departments of the host cities of major Class III landfills in Los Angeles County, in order to discuss and obtain information on FOC and permit-related issues. Staff found that most projects that require an FOC would also require some form of land use and/or solid waste facility permit. Furthermore, the California Environmental Quality Act (CEQA) process is the most effective way to strengthen the effectiveness and enforcement of the FOC process.

Mr. Agu explained the revisions to the existing CSE Chapter 6 flowcharts (Figure 6-1), which deal with the FOC and the various solid waste disposal facility permitting processes. The revised Flowchart 6-1 is a simplified version of the existing CSE Figure 6-1. The flowcharts for the individual permit processes were removed from Figure 6-1, updated and included as separate flowcharts, such as Flowchart 6-1 (Proposed Solid Waste Land Disposal Site and Transformation Facility Permitting Process), Flowchart 6-2 (Proposed Land Use Permit (LUP)/Conditional Use Permit (CUP) Process), Flowchart 6-5 (Solid Waste Facility Permit (Full Permit) Process), Flowchart 6-6 (CEQA Process), and Flowchart 10-1 (Finding of Conformance Process).

The separate flowcharts were developed to reflect the changes and complexities in the the latest permit processes. However, Flowchart 6-5 is identical to the Full SWFP flowchart developed by the California Integrated Waste Management Board (Waste Board) and available through the Waste Board's Permit Tool Box [Website](#); and Flowchart 6-6 is identical to the CEQA process flowchart developed by the California Environmental Resources Evaluation System (CERES). Therefore, Flowcharts 6-5 and 6-6 cannot be modified by Staff.

Mr. Mohajer explained that the requirements guiding the CSE revision process fall under the planning guidelines and procedures of AB 939 (governed by Title 14 of the CCR), rather than the permitting aspects of

AB 939 (governed by Title 27 of the CCR). As a result, Chapter 10 revisions should focus on complying with Title 14. Title 14 requires that CSE establish a process (FOC) to ensure that disposal facilities in the County comply with the siting criteria of the CSE, in order for the CSE to be approved by the Waste Board. Mr. Mohajer emphasized that the Waste Board's "dot-on-the map" approach contradicts this Title 14 requirement.

Additionally, Ms. Betsey Landis emphasized that revisions to Chapter 10 (and the CSE in general) should be expanded to (1) address issues concerning facilities other than landfills, such as transformation facilities, conversion and other alternative technology facilities, etc., and (2) to address the facilities' impact and other environmental concerns such as water and energy needs, discharges into sewer lines, etc.

The Subcommittee had an extensive discussion during which they provided staff with the following general comments:

- Keep in mind the distinction between the planning and permitting requirements of Title 14 and 27 of the CCR when making CSE revisions.
- Focus Chapter 10 and CSE revisions on compliance with the planning requirements in Title 14, instead of the permitting requirements of Title 27 of the CCR.
- Emphasize that all facilities have to comply with CEQA, and that during the CEQA process, the Task Force will submit comments regarding the FOC requirements and be involved in the local planning process with the local jurisdictions.
- Include CEQA mitigation and monitoring programs where appropriate in the revised CSE flowcharts regarding the facility permit process.
- Expand Chapter 10 and Table 10-1 (FOC Application Submittal Requirements) to address issues relating to facilities other than Class III landfills, e.g., transformation facilities, conversion and other alternative technology facilities.

The Subcommittee also provided Staff with the following specific comments on the revised flowcharts, Chapter 10, and Table 10-1:

- **Flowchart 6-1:** Make the FOC process timeline concurrent with the other permit processes.
- **Flowchart 6-1:** Incorporate the “FOC comment” process as part of the CEQA process.
- **Flowchart 6-5:** Include the FOC process as part of the Waste Board’s Report of Facility Information Completeness review in Part B of the flowchart under Title 27, Section 21685(b) requirements.
- **Flowchart 6-6:** Identify and include a separate location in the CEQA process flowchart for the public participation process.
- **Revised Chapter 10, Section 10.2.2:** Keep the language used for the term “significant change” as is in the existing Chapter 10, and create a table outlining and comparing the various definitions of significant change under CCR Title 14 and 27, for review and consideration by the Subcommittee.
- **Revised Chapter 10, Section 10.5:** Keep the description of “exempt facilities” as is in the existing Chapter 10.
- **Revised Chapter 10, Section 10.6 (Potential Options to Strengthen the Effectiveness and Enforcement of the Finding of Conformance Process):** Remove this Section in its entirety, since the write-up is intended for discussion purposes only.
- **Revised Chapter 10, Section 10.7.2, Item No. 1, Bullet No. 3:** Delete the requirement regarding the policies of the local jurisdiction’s (city or the County, as applicable) General Plan in the FOC review process, since there is no way of ascertaining the up-to-date policies in the local jurisdiction’s General Plan.

- **Revised Chapter 10, Section 10.7.2 and Table 10-1:** Expand the FOC submittal requirements to address issues regarding the facilities' by-products, water, energy, environmental impacts, and County/region-wide impacts.
- **Revised Chapter 10, Table 10-1, Section B (Facility Site Information), Bullet No. 1:** Expand the description of "facility location" to include more information beyond the physical address (i.e. a "dot on the map"), or rename this bullet only as "facility location information."
- **Revised Chapter 10, Table 10-1, Section B (Facility Site Information):** Develop a more comprehensive definition of "property site acreage" and "disposal area acreage" to address other facilities such as transformation and conversion/alternative technology facilities.
- **Revised Chapter 10, Table 10-1, Section C (Facility Operation Information), Bullet No. 1:** Expand the operational status information required for the facilities, to include construction status, levels of permits, the Solid Waste Facility Permit tier, etc.
- **Revised Chapter 10, Table 10-1, Section D (Facility Expansion and/or Closure Information):** Expand the scope of this requirement to include solid waste disposal facilities other than landfills.
- **Revised Chapter 10, Table 10-1, Section I:** Revise the last sentence of the first paragraph to include wastewater treatment equipment as part of the plan requirements for transformation facilities.

Mr. Mike Mohajer and Ms. Betsey Landis also provided staff with written comments. The Subcommittee instructed staff to incorporate all the above comments and resubmit a revised draft of Chapter 10 for further review and consideration.

VI. OPEN DISCUSSION/PUBLIC COMMENT

Mr. Martin Aiyetiwa noted that based on recent developments at the Waste Board regarding the FOC process, and in concurrence with staff's recommended Option No. 2 for strengthening the effectiveness and enforcement of the FOC process, FOC requirements could be enforced as

part of CEQA Mitigation and Monitoring Program. Option No. 2 recommends that FOC requirements be provided to the Project's lead agency early in the facility permitting process for inclusion and enforcement as part of the permit conditions and the CEQA process.

VII. NEXT MEETING DATE

To be announced at a later date.

VIII. ADJOURNMENT

The meeting adjourned at 11:07 a.m.