



GAIL FARBER, CHAIR  
MARGARET CLARK, VICE -CHAIR

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331  
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460  
[www.lacountywimtf.org](http://www.lacountywimtf.org)

August 22, 2016

Mr. Thomas M. Bruen  
Law Offices of Thomas M. Bruen  
1990 North California Boulevard  
Suite 620  
Walnut Creek, CA 94596

Dear Mr. Bruen:

**TASK FORCE'S ROLE AS IT PERTAINS TO THE SUNSHINE CANYON LANDFILL  
LOS ANGELES COUNTY CONDITIONAL USE PERMIT [CUP] # 00-194-(5)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) has received the enclosed letter dated June 30, 2016, from your office, which was prepared on behalf of the owner and operator of [the combined City/County] Sunshine Canyon Landfill (SCL). The letter provided your client's perspective of the Task Force's role as it pertains to the SCL.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989, as amended (AB 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents, including the Countywide Siting Element (CSE), prepared for the County of Los Angeles and the 88 cities in Los Angeles County. To that end, the Task Force is also responsible for ensuring a coordinated, cost-effective and environmentally sound solid waste management system in the countywide basis, while taking into consideration factors such as proximity to populations and/or seismic zones, and any impacts. In its capacity, the Task Force is also responsible for gathering relevant information related to the operation of a facility and making the appropriate recommendations to the regulatory agencies that has jurisdictional purview over the site.

For your information, the CSE was approved in 1997 by a majority of cities in the County containing a majority of the incorporated population, and became effective in 1998, following approval by the Los Angeles County Board of Supervisors, and the California Integrated Waste Management Board (CIWMB). In its June 24, 1998, Resolution of Approval (No. 98-190) of the CSE document, the CIWMB has indicated that "the Countywide Siting Element contains an additional description of procedures for obtaining findings of conformance [FOC] for the establishment of new and expansion of existing solid waste disposal facilities that is not required by statute or regulation to be included in the Siting Element and the Board [CIWMB] is neither approving or

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disapproving these procedures". As such, CIWMB has determined that they are not making any decision on the FOC process and that it is a local matter (emphasis added).

In addition to the fact that the FOC is a requirement of the CSE, it is also a requirement from the County of Los Angeles' Conditional Use Permit (CUP) No. 00-194-(5), which the owner/operator is aware of and accepted by signing the Acceptance Form on May 22, 2007, copy enclosed, in order to secure the new CUP to operate the combined City/County Landfill. Condition No. 6 of the said CUP specifically states that "Prior to the operation of the City/County Project, the Permittee shall obtain from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force a "Finding of Conformance" determination that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element." Republic Services on May 21, 2008, requested the Task Force for a new FOC, which was granted by the Task Force on December 18, 2008, subject to a number of conditions.

For your information, Condition No. 8 of the granted FOC specifically states that "the facility owner/operator must comply with all laws, requirements and regulations of the Federal, State, County, and local regulatory agencies." As such, the operator is obligated to provide the information that the Task Force has requested and failure to provide the information constitutes a violation of the FOC.

If you have any questions, please contact Mr. Mike Mohajer, a Member of the Task Force, at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

Enc.

cc: South Coast Air Quality Management District (Wayne Nastri, Cher Snyder,  
Laki Tisopulos, Amir Dejbakhsh)  
California Regional Water Quality Control Board, Los Angeles Region  
(Wen Yang)  
SCL Technical Advisory Committee (Lisa Webber, Jon Sanabria)  
County of Los Angeles Department of Regional Planning (Maria Masis,  
Tim Stapleton)

County of Los Angeles Department of Public Health (Cynthia Harding,  
Angelo Bellomo, Jacqueline Taylor)  
City of Los Angeles Department of City Planning (Ly Lam, Nick Hendricks)  
County of Los Angeles Department of Public Works (Dan Lafferty,  
Martins Aiyetiwa)  
SCL-LEA (David Thompson, Gerry Villalobos)  
Sunshine Canyon CAC (Wayde Hunter, Gale Gunderson, Joe Vitti)  
County of Los Angeles Department of Public Health (Gerry Villalobos,  
Dorcas Hanson-Lugo)  
Republic Services (Rob Sherman, Sunshine Canyon City/County Landfill)  
Each Member of the Los Angeles County Integrated Waste Management  
Task Force  
Each Member of the Facility and Plan Review Subcommittee

THOMAS M. BRUEN  
ERIK A. REINERTSON

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TBRUEN@TBSGLAW.COM

June 30, 2016

VIA U.S. MAIL & EMAIL

Chair Margaret Clark & Committee Members  
Los Angeles County  
Solid Waste Management Task Force  
900 S. Fremont Ave., 3<sup>rd</sup> Floor Annex  
Alhambra, CA 91803-1331  
[taskforce@dpw.lacounty.gov](mailto:taskforce@dpw.lacounty.gov)

Dear Ms. Clark and Members of the LA County Solid Waste Management Task Force:

We are writing on behalf of Browning-Ferris Industries of California, Inc. (BFIC), the owner and operator of the Sunshine Canyon Landfill (SCL). BFIC is a wholly owned subsidiary of Republic Services, Inc.

Recently, the County Solid Waste Management Task Force has requested information from SCL via letters dated May 17, 2016 and May 25, 2016, regarding SCL's compliance with City and County land use entitlements and the landfill's Solid Waste Facilities Permit. The Task Force has also moved to exert pressure on the Independent Monitor (Ultra Systems), which is employed by the joint City/County Technical Advisory Committee (TAC) to supervise SCL's compliance with its land use entitlements, to revise the Independent Monitor's reporting on SCL's compliance with City and County entitlements and its Solid Waste Facilities Permit. In short, the Task Force has been conducting itself as if it had the same general role and jurisdiction as the TAC, the County Department of Public Works, the City Dept. of Planning and the SCL Local Enforcement Agency.

In light of these developments, we feel it important to set forth our view of the Task Force's role as it pertains to the SCL.

Under California Public Resources Code section 41700, each County is to form a Countywide Solid Waste Management Task Force. The role of the Task Force, per Public Resources Code Section 41700, is not to act as a permitting agency for individual solid waste facilities, but rather to assist the County and its cities with the development of regional policies and guidelines for the preparation of City and County Source Reduction and Recycling Elements

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(SRREs) and the Siting Element of the Countywide Integrated Waste Management Plan. The limited role of the Task Force in assisting the development of regional planning policies and guidelines is further reinforced in the regulations of the California Department of Resources Recovery and Recycling (CalRecycle), specifically Title 14, California Code of Regulations, Sections 18776 and 18777.

As the staff of CalRecycle's predecessor agency (the California Integrated Waste Management Board or "CIWMB") has made clear with respect to the Los Angeles County Solid Waste Management Task Force, while the Task Force does have a role in recommending policies and guidelines for use in preparing the various elements of the Countywide Integrated Waste Management Plan (CoWIMP), it is the cities and the County—not the Task Force—which have the ultimate say in approving, disapproving or modifying the CoWIMP. The Task Force has no power to approve, disapprove or amend the CoWIMP. (See, CIWMB Agenda Item 1, Attachment 2, re "Role of the Local Task Force in the Countywide Siting Element," dated August 20-1, 2002.)

With respect to the permitting of individual solid waste facilities, it is the role of the LEA and CalRecycle to determine whether a proposed facility is identified in the Countywide Siting Element. As stated in CIWMB Board resolution 2000-330, adopted at the September 19-20, 2000 Board meeting:

*"...in considering proposed Solid Waste Facility Permits, the Board shall interpret PRC 50001 to only require a finding that the facility's location be identified in the SE or NDFE, either by the facility address or general location on a map, and shall not review the facility's conformance to the description set forth in those documents for the purposes of this finding." (Emphasis added.)*

In the case of SCL's conditional use permit, the County required a finding from the Task Force that the joint Sunshine Canyon City/County landfill was identified in the Siting Element of the CoWIMP. That finding was made by the Task Force in 2008. At that time, the Task Force purported to place conditions on the operation of the landfill, but it was SCL's position at the time—which SCL communicated to the Task Force in writing—and it remains now, that the Task Force has no jurisdiction to issue or enforce permit conditions as part of the Task Force's Siting Element conformance finding.

In sum, it is SCL's position that there is no state or local law, ordinance or regulation that vests the Task Force with the power to issue permits to SCL or other solid waste facilities, or to enforce permits or entitlements granted to the SCL or any other solid waste facility by the City, County, the LEA or CalRecycle/CIWMB.

For these reasons, SCL wishes to place you and the other the Task Force board members

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on notice that SCL does not consider the Task Force to have jurisdiction to enforce SCL's County or City land use entitlements, or SCL's Solid Waste Facilities Permit, or any other permit or entitlement. SCL will object to any efforts by the Task Force to overstep what we believe are the clear limits on its governmental role and jurisdiction.

SCL intends to continue to cooperate with the Task Force to the extent the Task Force requests information from SCL reasonably related to its role of recommending regional policies and guidelines for implementation of the Countywide Integrated Waste Management Plan.

Sincerely,



Thomas M. Bruen

cc: Mr. David Thompson, Mr. Gerry Villalobos: SCL-LEA  
Mr. Mohsen Nazemi: South Coast Air Quality Management District  
Ms. Lisa Webber, Mr. Jon Sanabria: SCL Technical Advisory Committee  
Ms. Maria Masis, Mr. Tim Stapleton: Department of Regional Planning  
Mr. Angelo Bellomo, Ms. Jacqueline Taylor: Department of Public Health  
Ms. Ly Lam, Mr. Nick Hendricks: Department of City Planning  
Mr. Martin Aiyetiwa, Mr. Dan Lafferty: Department of Public Works  
Mr. Wen Yang: Regional Water Quality Control Board  
Mr. Wayde Hunter, Ms. Gale Gunderson, Mr. Joe Vitti: Sunshine Canyon CAC

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

NAME David Hauser

MAILING <sup>BFI</sup> 14747 San Fernando Rd.

CITY, STATE Sylmar, CA

ZIP CODE 91342

CC 05/23/07 ted  
....  
Has l ...  
Orig. 20071254955 ral.  
processing has been completed.  
LOS ANGELES COUNTY REGISTRAR - RECORDER

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

Acceptance Form

Please complete this form and return to:

The Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012



### ACCEPTANCE FORM

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } SS

Case No. 00-194-(5)

I, the undersigned state:  
We

I am the owner:  
We are

-Of the real property described in the above-numbered case.

I am aware of, and accept, all the stated conditions in said grant  
We are

Executed this 22<sup>ND</sup> day of MAY, 2007.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.  
We

*(Where the owner and applicant are not the same, both must sign.)*

#### Type or Print

Applicant Name Jo LYNN WHITE  
Address 18500 N. ALLIED WAY  
City, State PHOENIX, AZ 85054  
Signature [Signature]

Owner Name Jo LYNN WHITE  
Address 18500 N. ALLIED WAY  
City, State PHOENIX, AZ 85054  
Signature [Signature]

This signature must be acknowledged by a notary public. Attach appropriate acknowledgements.



State of ARIZONA }

County of MARICOPA }

On MAY 22, 2007 before me, Susanne A. Webb,  
(Insert Name of Notary Public and Title)  
personally appeared JO LYNN WHITE

personally known to me (or proved to me the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Susanne A. Webb



Notary Public State of Arizona  
Maricopa County  
Susanne A Webb  
Expires September 17 2008