

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of March 20, 2003

County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, California

COMMITTEE MEMBERS PRESENT:

Albert Avoian, Business/Commerce Representative
Margaret Clark, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
John McTaggart, League of California Cities-Los Angeles Division
David Roberti, General Public Representative

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Christopher Garner, represented by Charles Tripp, City of Long Beach
Thomas L. Garthwaite, rep. by Virginia Maloles, County of L.A. Dept. of Health Services
James A. Noyes, represented by Mike Mohajer, County of L.A. Dept. of Public Works
Jim Stahl, rep. by John Gulledge, County Sanitation Districts of Los Angeles County
Judith Wilson, represented by Enrique Zaldivar, City of Los Angeles Bureau of Sanitation
Ben Wong, rep. by Michael Miller, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS NOT PRESENT:

Ron Deaton, City of Los Angeles Appointee
David Kim, City of Los Angeles Appointee
Joe Massey, Institute of Scrap Recycling Industries
Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Shari Afshari, County of L.A. DPW
Paul Alva, County of L.A. DPW
Bob Barker, County of L.A. DPW
Karen Coca, City of L.A.
Dave Edwards, BFI
Mary Edwards, North Valley Coalition
Kurt Fuji, BFI
Chris Funk, Weston Firm
Wayde Hunter, North Valley Coalition

Gideon Kracon, City of L.A. Attorney
Ben Lucha, City of Santa Clarita
Michelle Nicholls, SCS Engineers
Josh Rosenbaum, City of Signal Hill
Philip Tamayo, City of Pico Rivera
David Thompson, City of L.A. EAD
Wayne Tsuda, City of L.A. EAD
Brian Williams, City of L.A. Mayor's
Office

I. CALL TO ORDER

The meeting was called to order at 1:31 p.m. Former State Senator David Roberti was welcomed by the Task Force as a new member appointed by the Los Angeles County Board of Supervisors representing the general public.

II. APPROVAL OF MINUTES OF FEBRUARY 20, 2003

Mr. John Gulledge stated the words "as the lead agency" should be placed after the reference to the LACSD in Section V, line 7 of the minutes. He also stated the last line of page 3 should be amended to state, "The MRF has been independently permitted...."

Mr. Mike Mohajer stated that staff made additional corrections to the minutes and distributed the corrections to the Task Force members. A motion was made to approve the minutes of February 20, 2003, as amended and passed unanimously.

III. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Mr. Albert Avoian stated the Facility and Plan Review Subcommittee met and explained Mr. Mohajer would present the Subcommittee's comments to the Task Force. Mr. Mohajer stated the Subcommittee considered Browning Ferris Industries of California's (BFI) request for a Finding of Conformance (FOC) for Sunshine Canyon Landfill, Phase I of City Landfill Unit 2. BFI's proposal is to develop 84 acres of the closed, inactive landfill that is located entirely in the jurisdiction of the City of Los Angeles. The total capacity of the proposed Phase I of City Landfill Unit 2 portion of the landfill would be approximately 7.5 million tons. Phase I of City Landfill Unit 2 is the first of three phases of development that BFI hopes will result in a combined City of Los Angeles/County of Los Angeles landfill in the future. Mr. Mohajer stated the Subcommittee voted to recommend that an FOC be granted to BFI for Sunshine Canyon Landfill, Phase I of City Landfill Unit 2.

Mr. Charles Tripp asked for clarification about what an FOC would do at the proponent's current stage of the proposal process. Mr. Mohajer stated that an FOC from the Task Force ensures the project proponent is in compliance with the requirements of the Countywide Siting Element (CSE) or clearly plans to comply with the CSE requirements.

Task Force members discussed whether a project proponent should obtain all necessary permits before requesting an FOC from the Task Force. Mr. Mohajer explained that obtaining all necessary permits can be a lengthy process. The FOC from the Task Force is contingent on whether the project proponent receives all of

the necessary permits the project requires. If the project proponent does not obtain the necessary permits, the FOC is voided.

Mr. Mohajer explained, when considering an FOC request, the Task Force members must focus only on areas that are within the jurisdiction of the Task Force and not get involved with political or other technical issues outside Task Force jurisdiction. Concerns such as BFI's plan to discharge treated leachate into the sewer system and which were discussed at the Subcommittee meeting is outside the Task Force's jurisdiction since the City of Los Angeles is responsible for addressing these during its permitting process.

Ms. Betsey Landis stated the Phase I of City Landfill Unit 2 is in the City of Los Angeles and representatives from the City have asked the Task Force for more time to investigate concerns. She stated that in the past, when the jurisdiction in which a landfill is located asked for more time, the Task Force has usually granted it. Ms. Landis explained she does not want the Task Force to be inconsistent.

Mr. Roberti asked what County Counsel states is the Task Force's jurisdiction regarding Sunshine Canyon Landfill. Mr. Mohajer explained the Task Force voted at the last meeting to ask County Counsel to review the correspondence between the Task Force and the California Integrated Waste Management Board (CIWMB) and the State regulations and County Code regarding the FOC process. Mr. Mohajer distributed copies of the County Counsel opinion. He explained that County Counsel's opinion is that consistency with the CSE is required as it is part of State regulations and that applicants must comply with the FOC process.

IV. CONSIDERATION OF A FINDING OF CONFORMANCE FOR SUNSHINE CANYON LANDFILL

Mr. Dave Edwards, the project director for Sunshine Canyon Landfill, made a presentation on BFI's proposal for Phase I of City Landfill Unit 2. He began with a brief project overview and stated that BFI intends to implement the same programs in the proposed City portion of the landfill that are conducted in the County portion. These include: a drop off/buy back center for source-separated waste oil or recyclables onsite, source-separated green waste for use onsite as well as for sending offsite, and accepting and separating clean loads of soil, rock, concrete, and asphalt.

Mr. Edwards also detailed how BFI's proposed landfill meets all FOC requirements. The proposed capacity will not exceed 5,500 tons per day, with a maximum weekly

capacity of 30,000 tons. The landfill will also accept up to 3,000 tons per week of inert/exempt materials. The proposal includes the implementation of a load checking program to include driver interviews, visual inspections, remote TV monitors, portable and fixed radiation detection devices, and portable VOC sensors. Mr. Edwards explained leachate will be collected, stored, and treated for either discharge into the City sewer system or for use onsite. Landfill gas will be collected and treated in a landfill gas management system and incinerated in flare stations located throughout the landfill. The planned end use for the proposed landfill is open space and parkland that is consistent with the City General Plan and zoning requirements.

Mr. Edwards' presentation focused mostly how the proposed project complies with the Siting Criteria in the CSE. He explained the residential community living south of the landfill will be protected by a 100-acre open space visual and noise buffer. Over 1,000 acres of parkland will be dedicated to providing an additional buffer between the landfill and the surrounding community.

Mr. Edwards also added that the groundwater below the proposed landfill is non-potable. There are no groundwater extraction wells within a one-mile radius of the landfill. The proposed landfill will be underlain by Towsley Formation bedrock and liner systems with subdrains.

Ms. Clark asked if granting the FOC to BFI means the Task Force believes that BFI's responses to the FOC requirements are adequate. Mr. Mohajer stated that granting an FOC to BFI means the Task Force believes that BFI's responses to the FOC requirements are adequate. Staff's position is that BFI has addressed each FOC requirement and staff recommends that BFI should receive an FOC.

Ms. Clark asked if BFI must still go to the Regional Water Quality Control Board (Regional Board) after the FOC is granted to get a permit to ensure that groundwater contamination does not occur. Mr. Mohajer stated that BFI must obtain a permit from the Regional Board and the FOC is contingent on the receipt of all permits. Ms. Clark stated for clarification the role of the Task Force is to decide whether BFI's measures are adequate, but in the example of groundwater protection, the Regional Board would ultimately make the final decision.

Ms. Landis explained the old landfill was never properly closed and as a result, there is confusion regarding whether BFI is in compliance with the Siting Criteria of the CSE. Mr. Edwards explained the City of Los Angeles Local Enforcement Agency (LEA) could not approve the closure of the old landfill because of public comments and the attempt to incorporate public comments into the closure plan. After the LEA approved the closure, BFI was sued by the North Valley Coalition. Mr. Edwards stated that BFI is now in the process of closing the old landfill site.

Mr. Edwards stated groundwater is not contaminated as a result of the old landfill or due to placing a liner over the old landfill. He stated it is contaminated because of naturally occurring hydrocarbons. The installation of the subdrains is to prevent any water pressure from building up beneath the landfill.

Mr. John McTaggart asked what kind of treatment BFI is planning to use on the leachate. Mr. Edwards stated that BFI plans to use an air stripper and blow air up through the leachate to remove any volatile organics. The leachate will then be passed through a carbon-bed filtration and discharged to the sewer system.

Mr. McTaggart asked for clarification regarding seismic monitoring at the proposed landfill. Mr. Edwards stated they will look for any tear in the liner following any major seismic activity per the CSE requirements and will evaluate gas samples to determine if seismic activity has breached the landfill gas collecting system.

Mr. Tripp asked if the old landfill is lined and expressed concern regarding the weight of the new landfill that will be on top. Mr. Kurt Fuji, engineer for BFI, stated they are planning to place a piggyback liner on those areas of the existing landfill. Mr. Fuji explained that BFI must close those areas of the old landfill before they can place more waste. For these areas, a final cover of 4 to 5 feet of soil will be applied for support and to prevent damage to the liner. The first area that BFI plans to develop is not underlaid by waste.

The purpose of the liner is to contain liquid. It is at a steep slope to direct the leachate to its collection point. The liner is a geosynthetic clay liner with a permeability of 1×10^{-9} , with a plastic liner above the clay liner. Mr. Fuji stated that subdrains will work to prevent water from getting into the liners.

Mr. Zaldivar asked when BFI anticipates getting the Waste Discharge Requirement permit from the Regional Board. Mr. Edwards stated that BFI has a hearing set for June 5, 2003, and explained that the Regional Board will address potential runoff issues and investigate their proposed liner system. Ms. Clark asked if it would cause a delay for BFI's remaining permitting process if the Task Force were to postpone the FOC decision. Mr. Mohajer reiterated the Task Force must decide if the proponent has met the requirements of the CSE. He stated the FOC is conditional and if the Regional Board does not issue a permit to BFI, the FOC will be voided.

Mr. Zaldivar stated the City of Los Angeles has a goal of reaching a 70 percent diversion rate by 2020. He stated that BFI has offered to do more in the area of alternative technology and he wants the opportunity to talk with BFI to find out specifically what they will offer, and he also wants the opportunity to discuss with

BFI what diversion activities they will offer within the proposed facility. Mr. Zaldivar explained that there is confusion as to where the Task Force's responsibilities fall in the proposal approval sequence. He stated that he believed Task Force members would be more at ease waiting for the permit from the Regional Board to be issued before granting the FOC.

Mr. Roberti stated that he is concerned because under Protect Air Quality and Protection of Environmentally Sensitive Areas in the staff report CSE checklist, the comments say that BFI will comply, but there is no checkmark in the compliance column. Mr. Carlos Ruiz stated that the lack of a checkmark is a typographical error and that column was meant to have checkmarks. Mr. Gullledge asked if the staff report CSE checklist is for the existing or the proposed facility and also asked if the reason that those areas regarding compliance on the checklist are not checked is because the facility does not yet exist and therefore, the subject of compliance cannot yet be addressed. Mr. Ruiz stated the checklist is for the proposed facility and explained the recommendation is subject to compliance with the CSE requirements.

Mr. Mohajer stated the City of Los Angeles approved the land use permit and did not address alternative technology. The Task Force has gone further than the City by addressing alternative technology. The City could have required conversion technology and more diversion from BFI as part of the land use permit, but did not choose to do so. Mr. Mohajer reiterated that those issues are under the discretion of the City of Los Angeles and not the Task Force, and therefore the Task Force should not debate on issues over which it has no jurisdiction. The Task Force must focus on what the committee responsibility is and cannot encroach on political or technical issues outside of its jurisdiction.

Mr. Enrique Zaldivar stated that in the staff report, it is clear what the goals and policies of the Task Force are and that is what he is addressing here. Condition number 10 on page 7 of the staff report states the owner/operator shall actively work with the Task Force in promoting alternative technologies as alternatives to land filling and incineration. Mr. Zaldivar stated that considering the City's goal for increasing diversion, he is asking for more time to discuss specifics regarding alternative technology with BFI. He stated this is clearly in the jurisdiction of the Task Force. Mr. Mohajer stated that nothing is preventing the City of Los Angeles from meeting with BFI and discussing those alternative technologies.

Mr. Chris Funk, attorney for BFI, stated the alternative technology issue is already covered by the 12 percent fee that is applied to the landfill by the City of Los Angeles. It is a franchise fee that was established in 1999. The fee became

effective in January 2000 and over half of that 12 percent fee goes to discretionary activities for the City of Los Angeles. The other half goes to the community within a five mile radius of Sunshine Canyon for its use. It is estimated that each year, the 12 percent fee will generate \$7 million. Money from that fee can be applied to investigating alternative technology, alternative hauling methods, and non-diesel fuel use. Mr. Funk stated that once the landfill starts operating, the money will be there for those purposes.

Mr. Gideon Kracon from the Los Angeles City Attorney's Office stated that City Attorney Rocky Delgadillo asked him to speak on his behalf to express his opposition to the expansion of Sunshine Canyon Landfill. He stated that new information on landfill environmental impacts requires denial of the FOC or, at a minimum, warrants a 60-day continuance to better evaluate these impacts.

Mr. Kracon explained that protecting neighborhoods is a top priority for the City Attorney's Office. This includes protecting public health and safety and ensuring a clean environment. Mr. Kracon stated the expansion of Sunshine Canyon Landfill threatens to undermine that foundation in Granada Hills and other north valley communities, which is why the City Attorney is working with the Mayor of Los Angeles and other City officials to oppose the expansion of Sunshine Canyon Landfill.

Mr. Kracon stated the City Attorney respectfully urges the Task Force to deny the FOC or, at least to defer consideration of the FOC for 60 days to allow review of new environmental impacts and the health and safety concerns of surrounding residents. Many of the environmental issues before the Task Force relate to new conditions that were identified and alleged by residents who live next to the landfill. These include severe odors from treatment facilities at the landfill, landfill gas leaks, lack of compliance with the City's Quality & Transportation (Q&T) conditions that are part of the Sunshine Canyon Landfill zoning ordinance, detection of toxic, volatile organic compounds in water samples, and substantial differences between the landfill expansion project proposed to the City of Los Angeles and the landfill that BFI now plans to build. These differences include the use of contaminated soil and auto-shredder fluff as cover for the landfill that may negatively impact air quality for miles.

Mr. Kracon stated this is relevant to the Siting Criteria in the CSE. The City of Los Angeles needs time to review the environmental impacts and therefore, a 60-day continuance is warranted. Other agencies with environmental expertise, including the Regional Board, have yet to approve the central permits for water discharges and alterations to the streambeds at the Sunshine Canyon Landfill. He stated it is sensible to wait for these agencies to complete their review before approving an FOC.

Task Force members stated that they find the Los Angeles City Attorney's Office comments disingenuous as the Task Force has fought for years without result to get support from the City of Los Angeles for new technology. In response to a question from Mr. Mohajer, Mr. Edwards confirmed the Sunshine Canyon Landfill on the unincorporated County area must accept all of the waste the City of Los Angeles Bureau of Sanitation brings up to the daily maximum limit. Mr. Mohajer stated the City must accept responsibility for its disposal needs instead of using another jurisdiction as its dumping ground.

Mr. Zaldivar stated the Task Force is trying to assess fairness and other areas that are not in its jurisdiction. Mr. Roberti added he is unclear as to what the jurisdiction of the Task Force is in regards to the landfill expansion. He stated he wants to vote strictly within the parameters of the Task Force responsibility. Mr. Roberti explained the staff report mentions subject matter criteria that is policy-oriented, which is different than what he originally thought was the role of the Task Force. He thought its role was to act as a control committee to determine whether other agencies have performed their duties. He stated he is uncertain to what extent the Task Force can go into policy matters. Mr. Roberti also stated that he does not want to vote yet because of the typographical errors in the staff report, which could prove to be significant. He stated he would like some time to resolve these issues.

Mr. Roberti motioned to postpone the FOC decision for 30 days. Ms. Landis seconded the motion. However, it was mentioned members of the audience were still waiting for their opportunity to speak before the Task Force on this issue.

Ms. Landis stated the problem she has with granting the FOC is that she does not believe that BFI has demonstrated the project is in conformance with the CSE. She stated that she believes there are areas that are confusing and the Task Force needs time to get more information and clarification on those issues.

Mr. Avoian stated the Task Force must rule on whether the project meets the Siting Criteria of the CSE and if there are typographical errors in the staff report, those can be changed later. Mr. Avoian stated an FOC is among one of the many requirements that must be satisfied by BFI in the permitting process and voting for the FOC means nothing until BFI meets the requirements of every applicable agency. Mr. Tripp stated the Task Force should get a report from County Counsel explaining exactly what the role of the Task Force is in the FOC process.

Task Force members voted on the motion to postpone the FOC item for Phase I of City Landfill Unit 2 of the Sunshine Canyon City Landfill for 30 days. The motion passed with three members opposing.

Ms. Mary Edwards of the North Valley Coalition stated that she does not know what the jurisdiction of the Task Force is and what it can and cannot do. She stated that she wants to know what comments on the project from her group would be applicable to the Task Force so she can tailor her comments accordingly.

Mr. Brian Williams, from the City of Los Angeles Mayor's Office, stated that he appreciates that County Counsel will review the role of the Task Force. However, he would like to ask County Counsel what will happen if after 30 days, the Task Force meets again and still cannot or does not make a decision regarding the FOC for the landfill.

Mr. Wayne Hunter from the North Valley Coalition stated he wants to be notified about the next meeting.

Ms. Clark asked that public comments be submitted in writing prior to the next meeting, so that Task Force members have the opportunity to review them.

V. CITY OF LOS ANGELES DISPOSAL-BASED HAULER FEE

This item was postponed due to time constraints.

VI. MONTHLY STATUS REPORT ON AB 939 REGIONAL AGENCY FORMATION

Ms. Karen Coca from the City of Los Angeles Bureau of Sanitation stated the Regional Agency currently has 15 members, but will likely have 16 members by the end of the month. Ms. Coca is meeting with the CIWMB staff on March 21, 2003, to discuss the Regional Agency. She stated she would like to go before the CIWMB in May and is hoping for a CIWMB staff recommendation approving the Regional Agency.

Mr. Mohajer asked what happens with those cities that are members of the Regional Agency, but are on a compliance order from the CIWMB. Ms. Coca stated those cities have agreed to compliance plans that stipulate the implementation of specific programs. Those cities must still implement those programs to satisfy the CIWMB compliance order. Mr. Mohajer stated that he read that the CIWMB also wants to place the Regional Agency under a compliance order. Ms. Coca explained that is under discussion right now. She stated there is a possibility that because two members of the Regional Agency are under a compliance order, the CIWMB may place the Regional Agency under a compliance order. That is one of the issues that will be discussed with the CIWMB on March 21, 2003.

VII. DISPOSAL REPORTING SYSTEM AND ADJUSTMENT METHOD REGULATIONS

This item was postponed due to time constraints.

VIII. STATUS OF CONSTRUCTION AND DEMOLITION DEBRIS REGULATIONS

This item was postponed due to time constraints.

IX. REPORT ON BRADLEY LANDFILL REVISED SOLID WASTE FACILITY PERMIT

Mr. Mohajer stated that he attended a CIWMB hearing on Bradley Landfill on March 19, 2003, and provided the County Counsel opinion to the CIWMB. This included reading the County Counsel opinion letter into the official CIWMB record. Afterward, CIWMB Member Paparian questioned him and implied the Task Force is just a tool that Mr. Mohajer is using for personal reasons. Mr. Mohajer replied the position of the Task Force is written in the County Counsel opinion. Mr. Mohajer stated he took exception to the issue being discussed on a personal level. After the meeting, Mr. Paparian approached him outside of the meeting room and Mr. Mohajer explained to him that he is staff to the Task Force and there is no reason to make it a personal issue. Subsequently, Mr. Paparian sent an e-mail to Mike regarding the incident. Mr. Mohajer distributed the e-mail to the Task Force members.

According to Mr. Mohajer, the CIWMB decided not to make a decision on concurrence on Bradley Landfill for expansion. Currently, the CIWMB's position is that an FOC is not required. All that is needed is a "dot on the map." The CIWMB decided to postpone the consideration until April 9, 2003, and added the item to its agenda for the April 9, 2003, meeting as an emergency item.

Mr. Mohajer stated that he believes the Task Force has done everything it can do in the Bradley Landfill situation. The CIWMB is failing to comply with its own regulations and if the CIWMB chooses to concur with the Solid Waste Facility Permit, that is its prerogative.

X. REPORT FROM THE CIWMB

Mr. Uselton stated there will be no update from the CIWMB today. He distributed handouts on CIWMB workshops.

XI. LEGISLATIVE UPDATE

Mr. Paul Alva distributed the legislative update to Task Force members, but did not provide an oral report due to time constraints.

XII. OPEN DISCUSSION/PUBLIC COMMENT

Mr. Mohajer stated that after many years of service to the County and to this Task Force he is now retiring from County service. Ms. Shari Afshari will be replacing him.

Doris Powell from the City of Commerce stated the 30-day extension on the Sunshine Canyon FOC would end on a Saturday. Task Force members explained they meant to postpone the item until the next Task Force meeting.

XIII. NEXT MEETING DATE

The next meeting is tentatively scheduled for April 17, 2003, at 10 a.m. The earlier time was agreed by Task Force members to provide time for further consideration of Sunshine Canyon Landfill.

XIV. ADJOURNMENT

The meeting adjourned at 3:37 p.m.