

MOTION BY SUPERVISOR KATHRYN BARGER

JUNE 27, 2017

RELATED TO ITEM #8

This project was heard by the Regional Planning Commission in the Santa Clarita Valley on March 1 and at the Commission's Hearing Room on April 19. For the last three years, the Commission heard extensive testimony from businesses, grassroots organizations, Regional Planning and Public Works staff, and hundreds of members of the community. The Commission considered all the information on record and approved the project despite potentially significant impacts to air quality and greenhouse gas emissions.

The Commission concluded that the project should be approved because, among many other reasons, it would address immediate needs for maintaining landfill capacity, assist the County in achieving its sustainable waste management goals, support local employment, and assist the County and cities in providing trash collection services at reasonable costs.

The Commission also concluded that continued operation of the facility, with appropriate conditions, mitigation measures, monitoring, reporting and enforcement will help meet the waste disposal needs of the County while minimizing potential impacts to surrounding communities.

County staff sought to balance the needs of the applicant, the community, and the broader regional needs. Many community protections have been incorporated into the permit, such as tonnage limits, limits on the hours of operation, traffic and road improvements, air quality monitoring, community benefits to areas most impacted by the landfill, and out-of-area fees to discourage and minimize long-distance hauling of waste to the site.

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Nevertheless, as we heard today, concerns remain on both sides, those who want more community protections and relief from landfill operations, and the applicant and members of the business community who are concerned that the mitigation fees will cause trash rates to rise and possibly make the landfill operation economically not viable.

I have carefully listened to all concerns expressed and offer several modifications to the conditions approved by the Planning Commission to address the community's needs and concerns while allowing the project to move forward.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Close the Public Hearing;
2. Certify the Final EIR, the CEQA Findings of Fact and Statement of Overriding Considerations, and MMRP;
3. Indicate its intent to deny the appeals and its intent to approve CUP No. 200400042 and OTP No. 201500007 based on the Regional Planning Commission's recommended conditions, with the following revisions:
 - a. Revise the Project Description to be consistent with the conditions as revised herein.
 - b. Revise Condition 21 to allow an annual tonnage limit of 2,800,000 tons for the first seven years of the permit, with corresponding average daily and monthly tonnage limits of 8,974 and 233,333, respectively. For the remainder of the permit period (up to 23 additional years), change Condition 21 to allow an annual tonnage limit of 1,800,000 tons, with corresponding daily and monthly tonnage limits of 5,769 and 150,000, respectively. Throughout the term of the permit, the amount of Beneficial Use Materials shall not exceed 735,700 tons per year and 61,308 tons per month.
 - c. Revise Exhibit A: Site Plan to remove the designated set-aside area for a conversion technology facility and make corresponding change in Condition 24.

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- d. Revise Condition 38 to limit the facility's operation to 3 a.m. to 7 p.m. daily, except on Sunday when the facility is closed, during the first seven years of the permit. Also, during that period, the facility may receive solid waste and beneficial use materials only between the hours of 4 a.m. to 5 p.m., Monday through Saturday. For the remainder of the permit period (up to 23 additional years), limit the facility's operation to reduce the operation and receiving times by setting them back by one hour, 4 a.m. and 5 a.m. respectively. Additionally, allow the hours of operation to be extended to receive Inert Debris at the site to accommodate special projects that generate construction debris at nighttime, only with an Operational Assessment Plan approved by Public Works. Make corresponding changes in Condition 38.a, c, d, and e, consistent with these revisions.
- e. Revise Condition 50 to include a requirement that permittee shall conduct surface water monitoring at the Facility in accordance with federal, state and County regulations, including the National Pollutant Discharge Elimination System, the Los Angeles County Low Impact Development Ordinance, and 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 7 business days of providing the results to the RWQCB.
- f. Revise Condition 56 to add a requirement that 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 the California Regional Water Quality Control Board, as contained in Title 23, Chapter 15, Article 5, of the California Code of Regulations. 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 7 business days of providing the results to the RWQCB.
- g. Revise Condition 63 to add the following requirements: Permittee shall conduct air and landfill gas monitoring consistent with applicable regulatory requirements. Monitoring shall consist of:
- Monthly instantaneous landfill surface monitoring to evaluate potential emissions on the landfill surfaces;
 - Quarterly integrated landfill surface monitoring to evaluate potential emissions on the landfill surfaces;
 - Ambient air sampling at the landfill site boundaries to evaluate the potential off-site migration of landfill emissions; and
 - Quarterly and annual reporting to present the results of the preceding activities to the SCAQMD for review.

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, Nitrous Oxide, Sulfuric Oxide, Carbon Monoxide, Particulate Matter 10, oxygen, moisture content, temperature, and flowrate.

Once per year, Permittee shall obtain fleet records from haulers who transport material to the site, to document that haulers meet current California Air Resources Board standards for diesel emissions. In the event one or more haulers cannot provide documentation of compliance with CARB requirements, Permittee shall take steps to assist the hauler with obtaining compliance or shall exclude haulers who cannot provide proof of compliance. 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 to the CAC, within 7 business days of providing the results to the SCAQMD. Permittee shall also publish documentation of hauler compliance with CARB emission standards on the Facility's website and shall provide such information to the TAC and to the CAC on an annual basis.

- h. Revise Condition 66 to delete the existing requirement and replace with the following: The permittee shall conduct air quality monitoring at areas surrounding the facility. The permittee shall be required to identify and hire a consultant, subject to Public Works approval, to work with SCAQMD, and a committee of the CAC and the TAC. The consultant will identify locations surrounding the landfill in the Community of Val Verde, nearby centers of employment and schools within a 5-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 the CUP. The consultant reports shall be provided to Planning, 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 County Health Department 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 Department of Public Health for review.

Additionally, within one year of the Effective Date, permittee shall hire a consultant approved by the Department of Public Health to conduct a Community Health Assessment Study, in an amount not to exceed \$150,000. The fund will be used to complete a Community Health Assessment of 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.

- i. Revise Condition 72 to include a requirement for the permittee to prepare an Odor Impact Minimization Plan for the facility operation consistent with the mitigation measures included in the environmental impact report. This report must include clear and enforceable measures to control odor emissions extending beyond the site property boundary. Permittee must maintain a log demonstrating compliance with the Plan and documenting the effectiveness of measures taken to mitigate odor generated from incoming waste hauling trucks/customers, working face areas, landfill gas, and compost operations. The log will be presented to the TAC and CAC annually.
- j. Revise Condition 77.v to add that mitigation measures must also be completed to the satisfaction of Caltrans. Revise Condition 77.vii to clarify the requirement will be imposed as a condition in the use permit and fees related to the relevant Bridge and Thoroughfare Construction District shall be imposed in accordance with formulas, procedures, and requirements set forth in a February 2011 Report for the Westbridge and Major Thoroughfare Construction Fee District to defray costs of road improvements identified in that Report as necessary to accommodate expansion of the Landfill.
- k. Revise Condition 109 to clarify that the end use of the site, as indicated in the environmental impact report, shall be as a passive park, open space, park or other type of publicly accessible recreational use in accordance with the covenants, conditions and restrictions on the landfill, and that if requested by the County or other applicable governmental agency, the operator will offer to dedicate such park or area upon completion to an appropriate entity. Remove the requirements that require funds for a park feasibility study, park master plan and associated documents, as it will be the responsibility of the permittee, consistent with commitments made in section 2.3.2.4 of the Post Closure and End Use section of the

environment impact report.

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Add the requirement to Condition 109 that within 180 days of the Effective Date, permittee will prepare and submit to the Department of Regional Planning a Primary Canyon Passive Park/Open Space Implementation Plan, to establish protocols for the study, design, construction, and operation of 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 Passive Park/Open Space and set procedures for establishment of a Primary Canyon Recreation Community Working Group, which shall include representatives from the landfill, the Departments of Regional Planning, Parks and Recreation, and Public Works, the Fifth Supervisorial District, the LEA, the CAC, and the Castaic Town Council. Permittee shall thereafter prepare a Primary Canyon Passive 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:

- Compliance with the regulatory requirements and the final closure plan;
- Safety of the public with respect to ongoing landfill operations;
- Safety of the public with respect to the property surrounding the public access area; and
- 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 Passive Park/Open Space Implementation Plan.

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 Passive Park/Open Space Master Plan.

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

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

- I. Revise Condition 115, the out-of-area fee, to eliminate the portion of the fund allocated to the unincorporated community programs (one-third or 33 1/3 percent), and make corresponding changes in Conditions 115 and 116, which thus lowers the fee and reallocate 50/50 to the remaining two programs.
 - m. Revise Condition 118, the Natural Habitat and Park Development Fund. Change from "natural habitat and parkland within the Santa Clarita Valley" to "natural habitat and parkland in Val Verde, Castaic, and other Unincorporated County areas surrounding the landfill," and make changes necessary to reflect changes made to Condition 109.
 - n. Revise Condition 126 to add a requirement that permittee create a hotline that accepts complaints 24 hours a day, seven days a week for the life of the permit. The permittee must also designate one or more employees to act as an Ombudsman and is responsible for responding to all such complaints within 3 business hours. Permittee shall publish quarterly a log of all calls to the hotline, including the time of the call, nature of the complaint, name and approximate location of complainant and the resolution of the complaint to the Facility website as well as providing a copy to the TAC and CAC.
4. Instruct County Counsel to prepare the necessary findings and conditions for approval for CUP No. 200400042 and OTP No. 201500007 with changes as directed by this motion.

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