September 11, 2013

Wayne Tsuda, SCL LEA Program Manager
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Local Enforcement Agency Program
Los Angeles Department of Building and Safety
3550 Wilshire Blvd., 18th Floor
Los Angeles, CA 90010

Subject: Final Evaluation Results of the Sunshine Canyon Landfill LEA as Local Enforcement Agency (LEA) for the Sunshine Canyon City/County Landfill

Dear Mr. Tsuda,

The Department of Resources, Recycling and Recovery (CalRecycle) completed the evaluation of your agency as the certified solid waste local enforcement agency (LEA) for the Sunshine Canyon City/County Landfill. The September 11, 2013 exit interview provided an opportunity for the LEA to comment and CalRecycle staff to make modifications to existing language based on factual information. The attached final evaluation incorporates information provided at the exit interview.

Your agency is recognized for implementing a successful program that successfully addresses its LEA duties and responsibilities.

Evaluation staff was pleased with Sunshine Canyon Landfill LEA’s cooperation and enthusiasm during the evaluation process. We wish you continued success and support by your local governing body. CalRecycle staff looks forward to continuing our existing productive and cooperative relationship.

Please contact me at (916) 341-6379 if I may be of assistance or if there are any questions.

Sincerely,

Debbie Knight, Supervisor
LEA Evaluation Unit
Waste Evaluation and Enforcement Branch
Waste Permitting, Compliance and Mitigation Division

Attachment: Final Evaluation Results

cc:
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Sunshine Canyon Landfill LEA Evaluation Results
September 11, 2013

AUTHORITY

Statute requires the Department of Resources Recycling and Recovery (CalRecycle) to find a Local Enforcement Agency (LEA) not to be fulfilling its responsibilities, if CalRecycle, in conducting the LEA performance review makes one or more of the following findings [Public Resources Code (PRC) 43214 (d)]:

1. The local enforcement agency has failed to exercise due diligence in the inspection of solid waste facilities and disposal sites;
2. The local enforcement agency has intentionally misrepresented the results of inspections;
3. The local enforcement agency has failed to prepare, or cause to be prepared, permits, permit revisions, or closure and postclosure maintenance plans;
4. The local enforcement agency has approved permits, permit revisions, or closure and postclosure maintenance plans which are not consistent with Part 4 and Part 5 of the PRC;
5. The local enforcement agency has failed to take appropriate enforcement actions; and
6. The enforcement agency has failed to comply with, or has taken actions that are inconsistent with, or unauthorized by statute or regulations.

ACTIVITY

CalRecycle evaluated the performance of the Sunshine Canyon Landfill LEA (SCL LEA), as Local Enforcement Agency (LEA) for the Jurisdiction of the Sunshine Canyon City/County Landfill. This evaluation assessed the LEA for effective implementation and enforcement of statutory and regulatory requirements at the solid waste landfill in its jurisdiction for the time period from its previous evaluation date of July 31, 2010 through August 2, 2013, and includes emerging or on-going issues identified during the current evaluation process.

EXECUTIVE SUMMARY

CalRecycle’s evaluation of the LEA finds it is fulfilling its responsibilities. The LEA diligently inspected its sites and submitted most inspection reports within the required timeframe. The LEA granted an extension for one permit review and one non-water release corrective action plan. The LEA processed two Report of Facility Information (RFI) Amendments, issued one Notice of Violation, and participated in one California Environmental Quality Act (CEQA) review during this evaluation period. The Sunshine Canyon Landfill LEA’s Enforcement Program Plan is current and the Hearing Panel is up-to-date.
ANALYSIS

1. Diligence in Inspections (14 CCR 18083)

   **Inspection Frequencies per 18083(a)**

   a. *Active*

   Review of CalRecycle’s Solid Waste Information System (SWIS) database revealed that the LEA diligently inspected its active facility pursuant to regulatory requirements; 100% (155 of 155) of inspections were completed during this evaluation period.

   **Inspection Submittal Timeframes**

   Electronic SWIS Digital Inspection Program (DIP) Submittal - Review of the SWIS database revealed that the LEA did submit its inspections in a timely manner. Approximately 3% percent (4 of 155) of the inspection reports conducted during the evaluation period were delivered to CalRecycle beyond the 30 days required by 14 CCR Section 18083.

2. Inspection Results

   Evaluation staff did not find that the LEA intentionally misrepresented inspection results.

3. Permits and Closure Plans (14 CCR 18082)

   **Permit Processing Requirements (27 CCR 21650), and Relevant Title 14 Sections, Permit Review Reports (PRR) Completed:**

   1) *Application for a New, Revised or Modified Full Solid Waste Facility Permit (SWFP)* - Per 27 CCR 21650, the LEA shall accept or reject an application for a new, revised, or modified permit within 30 days of receipt of the application. The LEA may accept an incomplete package. Within 60 days of accepting the application package as complete/correct, the LEA shall submit a copy of the proposed permit to CalRecycle. Within 120 days of application acceptance, the LEA must issue or deny the permit.

   2) *Closure Permits for Closed or Closing sites* - Closure Permits are required per 27 CCR 21870 for sites which initiated closure construction after February 25, 2003; however, closure staff recommend all closed sites have a closure permit. No later than upon the approval of the certification of closure, the EA shall update the permit. The scheduled permit review is still required prior to and after a closure permit has been issued.

   3) *Permit Reviews* - All full SWFP shall be reviewed, and revised if necessary, from the date of the last issuance, at least once every five years. The application shall include proposed changes, updated amendments to the RFI, remaining site life and capacity, amended closure plan, detailed written estimate to cover the cost of foreseeable corrective action activities.

   4) *Significant Change* - A significant change at a site requires a revision of the solid waste facility permit.

   General Note: All Permit Revisions/Modifications applications submitted to CalRecycle must include a five year permit review report completed within the last five years per 27 CCR 21640(a).

According to CalRecycle’s database of active facilities for the Sunshine Canyon Landfill LEA, the jurisdiction includes the site below.
The following table describes the permitting status for all active sites:

<table>
<thead>
<tr>
<th>SWIS Number</th>
<th>Site/Facility Name</th>
<th>Permit Type and Current Issue Date</th>
<th>PRR Completion Dates, Findings and Next PRR Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-AA-2000</td>
<td>Sunshine Canyon City/County Landfill ¹</td>
<td>New Permit Issued 7/7/2008</td>
<td>PRR Due: 7/7/2013 [1]</td>
</tr>
</tbody>
</table>

¹ Sunshine Canyon City/County Landfill – Landfill and landfill gas-to-energy facility

Note:

[1] In January 2013 the LEA sent out the notification of permit review to the operator with a February 8, 2013 submittal date. The operator reviewed the current JTD and requested a time extension until May due to the new requirement for the non-water corrective action plan. After consultation with CalRecycle management, the LEA granted the time extension and received the application for the five-year permit review on May 31, 2013. The permit review report is now due to CalRecycle by October 28, 2013.

Report of Facility Information (RFI) Amendment:

Per 27 CCR 21665 (c), the LEA may approve and file an RFI amendment without revising the SWFP if the proposed change is: 1) consistent with CEQA or is exempt from CEQA, 2) consistent with state minimum standards, and 3) does not conflict with the terms and conditions of the SWFP.

The LEA processed the following pursuant to 27 CCR 21665:

Sunshine Canyon City/County Landfill (19-AA-2000) – The Report of Facility Information (RFI) Amendments application dated September 12, 2011 was to amend the 2008 Joint Technical Document (JTD) by updating the emergency contact list, greenwaste processing area, site map, and proposed phasing limits. The LEA determined the application complete and acceptable on October 28, 2011; received by CalRecycle on November 9, 2011.

Sunshine Canyon City/County Landfill (19-AA-2000) – The Report of Facility Information (RFI) Amendments application dated December 6, 2012, was to amend the 2008 JTD by updating the contact information and including the landfill gas-to-energy facility and odor control methods. The LEA determined the application complete and acceptable on January 9, 2013; received by CalRecycle on January 23, 2013.

Closure and Postclosure Maintenance Plan Review and Approvals:

At the time of the next permit review report and as required under 27 CCR 21640(b) (4), an amended closure and postclosure maintenance plan (Updated Plans) or a statement to the effect that amendments are not necessary, certified by a registered civil engineer or certified engineering geologist, shall be included in the permit review process as required under 27 CCR 21865(a). In addition, closure and postclosure maintenance plans shall be amended to include all updates and any changes in the regulations; such as: 1) February 2008- Update of cost estimates as required under 27 CCR 21780 (a) (2); 2) February 2009- the approved Landfill Gas Monitoring and Control Plan as required under 27 CCR 20921; 3) July 2010- water/non water release corrective action plan including cost estimates (CAP) as required under 27CCR 22101 and 22103.
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Sunshine Canyon City/County Landfill (19-AA-2000) – Preliminary Closure and Postclosure Maintenance Plans (PCPMP) were approved by RWQCB on February 17, 2009, and by CalRecycle on February 18, 2009.

Note: Updated Plans and non-water CAP were due on January 7, 2013. The LEA granted an extension, and the plans will be submitted to CalRecycle by October 28, 2013.

California Environmental Quality Act (CEQA) Participation:

The LEA participated as a lead agency and/or a responsible agency for environmental document review in accordance with the CEQA during the evaluation period for the following projects:

Sunshine Canyon City/County Landfill (19-AA-2000) – May 17, 2010; Subsequent Environmental Impact Report; the proposed project is to develop and operate the Sunshine Gas Producers Renewable Energy Project, a landfill gas-to-energy facility. On January 9, 2013, the LEA approved the JTD Amendment to include the landfill gas-to-energy facility into the JTD and landfill site plan.

4. Approval of Inconsistent Permits/Closure Plans

CalRecycle Evaluation staff did not identify any inconsistent approvals of permits/closure plans.

5. Enforcement (14 CCR 18084)

During this evaluation period, enforcement was implemented for the following:


6. Failure to comply with or actions inconsistent with statute or regulations.

CalRecycle Evaluation staff did identify any issues.

7. Designation/Certification Maintenance (14 CCR 18081)

On December 10, 2010, CalRecycle approved the Sunshine Canyon Landfill Local Enforcement Agency as the Local Enforcement Agency within the facility boundary of Sunshine Canyon City/County Landfill, issued the certification types A, B, C, & D, and approved the enforcement agency designation of the Sunshine Canyon Landfill Local Enforcement Agency (LEA) for the jurisdiction of the Sunshine Canyon City/County Landfill.

Review of the Sunshine Canyon Landfill LEA’s Enforcement Program Plan updates and conditions of July 17, 2013, reveals that the LEA has met certification maintenance requirements for staffing and budget resources which are consistent with the time task analysis. The agency also maintains non-conflict of interest with the operating units. The Hearing Panel is up-to-date.
CONCLUSION

Based upon the above analysis and findings, and pursuant to PRC Section 43214, this document constitutes notification that Sunshine Canyon Landfill LEA as Local Enforcement Agency:

1. Is exercising due diligence in the inspection of solid waste facilities;

2. has not intentionally misrepresented the results of inspections;

3. has not failed to prepare, or cause to be prepared, permits, permit revisions, or closure and postclosure maintenance plans; however, see section 3, page 3 and 4;

4. has not approved permits, permit revisions, or closure and postclosure maintenance plans which are inconsistent with Part 4 and Part 5 of the PRC;

5. has not failed to take appropriate enforcement actions; and

6. has not failed to comply with, or taken actions that are inconsistent with, or unauthorized by, statute or regulations.

Sunshine Canyon Landfill LEA has implemented a successful program that meets its responsibilities. CalRecycle staff acknowledges the LEA’s professionalism and responsiveness during the evaluation process. We look forward to continuing our partnership with the local enforcement agency and extend our support to provide assistance to resolve any current or upcoming issues.