

Agenda

Item: 6A

Date: 1-24-11

CITY OF SIMI VALLEY MEMORANDUM

January 24, 2011

TO: City Council

FROM: Office of the City Manager

SUBJECT: REVIEW OF OPTIONS FOR ANNEXING THE SIMI VALLEY LANDFILL
AND RECYCLING CENTER INTO THE CITY OF SIMI VALLEY

RECOMMENDATION

It is recommended that the City Council review and discuss the options for annexing the Simi Valley Landfill and Recycling Center into the City of Simi Valley and provide additional direction to staff as it may determine.

BACKGROUND AND OVERVIEW

On December 13, 2010, the City Council directed staff to present options for annexing the Simi Valley Landfill and Recycling Center (SVLRC) into the City of Simi Valley. If the SVLRC is annexed into the City, then land use review authority of the proposed SVLRC expansion would be transferred from the County of Ventura to the City of Simi Valley at the time of annexation.

The issue of annexation had previously been presented in relation to the project's initial proposal that the SVLRC receive sewer service from the City. Comments were provided to the County through the City's extra-territorial review process, noting that the impacts of annexation should be addressed in the County's Environmental Impact Report (Attachment A, page 12). Waste Management subsequently elected not to propose connection to the City sewer system. Staff further reviewed the process and potential for annexation of the SVLRC as part of its review of the issues relative to the SVLRC expansion project. In response to its request, the City Council was provided a flow chart (Attachment B, page 32) outlining the Local Agency Formation Commission annexation procedures; this information was also posted on the City's website in September 2010.

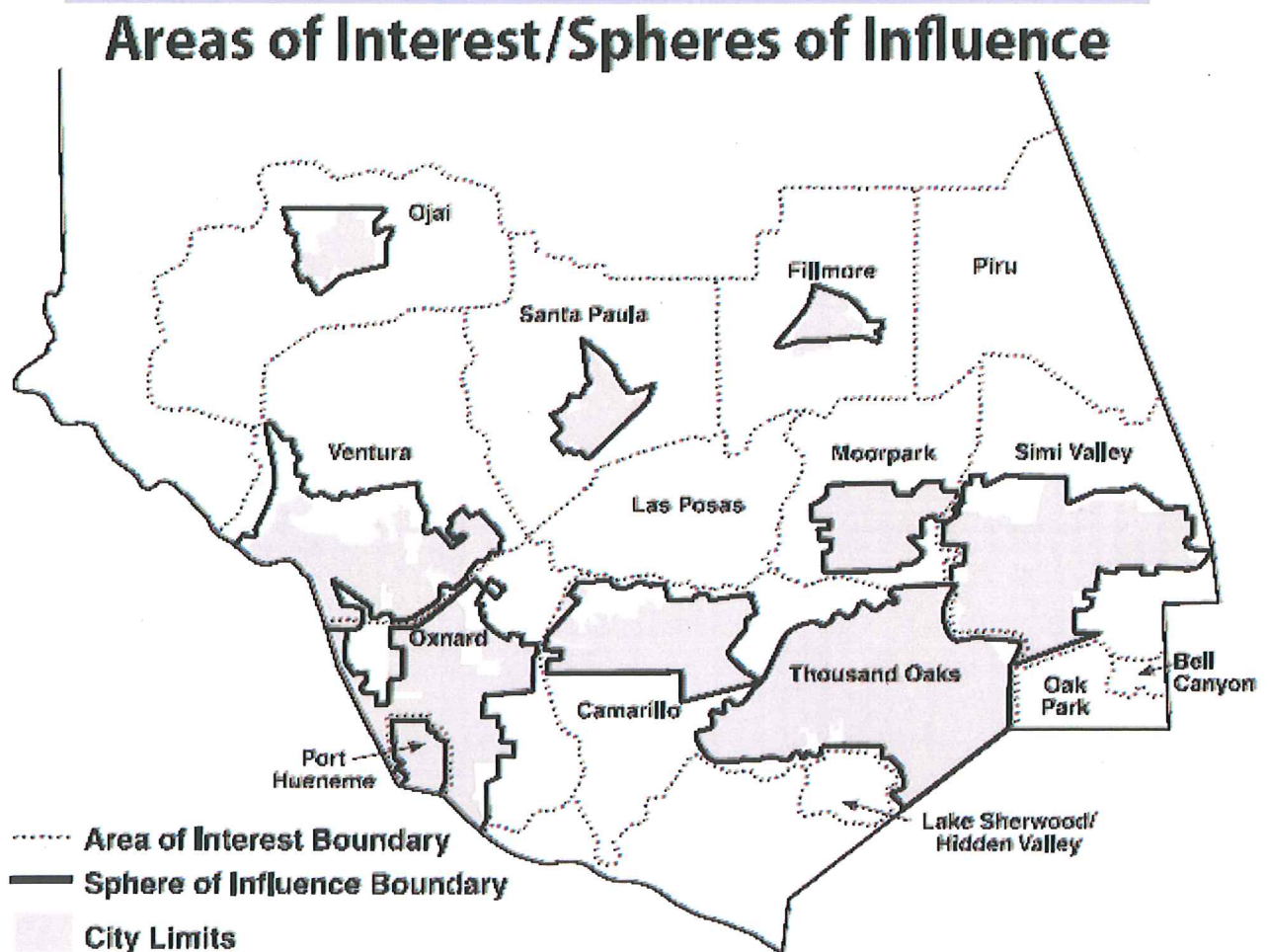
FINDINGS AND ALTERNATIVES

Staff has analyzed various options for annexing the SVLRC into the City to determine the applicable processes needed to complete the annexation and to identify potential obstacles to the annexation.

Overview of Annexation Process

All annexations into the City are subject to review and approval by the Ventura Local Agency Formation Commission (LAFCO), which seeks to ensure that annexations create logical boundaries that coincide with existing and planned service areas, and include adjacent areas that receive urban services (such as public water and/or sewer services).

LAFCO has established Areas of Interest for each City that divide Ventura County into major geographic areas reflective of community and planning identities, as shown below. Each city has its own Area of Interest, as do some unincorporated urban communities such as Oak Park and Piru. When the County of Ventura reviews development applications for unincorporated territory within a city's Area of Interest, the County will consult with the appropriate city for review and comment. The County will also seek to ensure consistency with the general land use goals and objectives of the affected city and, in some cases, may even apply a city's stricter development standards to the project.



Within each city's Area of Interest, LAFCO has further established Spheres of Influence that designate the probable physical boundaries and service area of each city. Pursuant to State and case law, a city may only annex an area within its Sphere of Influence. Based on the Guidelines for Orderly Development (adopted by the County of Ventura and the ten cities in the County to clarify the planning relationships between each), a Sphere of Influence cannot extend beyond a city's Area of Interest. An amendment to an Area of Interest may be proposed through an amendment to the Guidelines for Orderly Development, but any expansion would necessarily come from the reduction of another community's Area of Interest. Insofar as any adversely affected community would oppose its loss of influence over County land use decisions within its existing Area of Interest, an expansion of a city's Area of Interest would be very difficult to accomplish.

In determining the appropriateness of a proposed annexation of territory into a city, LAFCO's Board must first consider various statutory criteria and local policy standards, such as:

Factors Favorable to Annexation:

1. The proposal would eliminate islands, corridors, or other distortion of existing boundaries.
2. The affected territory is urban in character or urban development is imminent, requiring municipal or urban-type services.
3. The affected territory can be provided all urban services by the city as shown by the city's service plans, and the proposal would enhance the efficient provision of urban services.
4. The proposal is consistent with State law, adopted spheres of influence, applicable general and specific plans, and LAFCO policies.
5. The proposal is for the annexation of city owned property, used or to be used for public purposes.

Factors Unfavorable to Annexation:

1. The proposal would create or result in corridors, peninsulas, or flags of a city or would otherwise cause or further the distortion of existing boundaries.
2. The proposal would result in a premature intrusion of urbanization into a predominantly agricultural or rural area.
3. The proposal is inconsistent with State law, adopted spheres of influence, adopted general or specific plans, or LAFCO policies.
4. For reasons of topography, distance, natural boundaries, or like considerations, the extension of services would be financially infeasible, or another means of supplying services by acceptable alternatives is preferable.
5. Annexation would encourage a type of development in an area that, due to terrain, isolation, or other economic or social reason, is not in the public interest.
6. The proposal appears to be motivated by inter-agency rivalry or other motives not in the public interest.
7. The proposed boundaries do not include logical service areas or are otherwise improperly drawn.

Although the above guidelines are not mandatory or binding, they must be given great weight by LAFCO as part of its consideration of annexation proposals. The LAFCO Board may deny a proposed annexation that is not desirable based on the above standards.

Annexation proposals approved by LAFCO are subject to subsequent protest proceedings, unless all property owners within the annexation provide proof of support for the annexation in writing. If full owner support is not provided, notices of protest hearings are mailed to affected property owners (and registered voters, in some circumstances) and advertised in a newspaper of record. If sufficient protests are received, LAFCO's approval may be terminated (nullified). To measure protests, LAFCO must first determine whether the annexation is of "uninhabited territory" (11 or fewer registered voters residing within the territory) or "inhabited territory" (12 or more registered voters residing within the territory). After a determination is made, one of the following processes would apply.

Uninhabited Territory: Annexations of uninhabited territory are contingent upon support of the property owners within the proposed annexation area. Each property owner's voting power is determined by his/her properties' proportion of the assessed land valuation of the annexation (excluding improvement, mineral, and other valuations). If a property owner's properties constitute 10% of the annexation area's assessed land valuation, for example, that owner's vote would equal ten percentage points toward the vote. Thus, two property owners comprising 51% of an annexation area's assessed land valuation would outvote five property owners comprising 49% of an annexation area's assessed land valuation. If property owners representing a majority of the annexation area's assessed land valuation file protests against a proposed annexation, then the annexation proceedings will be terminated. Conversely, if insufficient protest exists (i.e., property owners representing less than a majority of the annexation area's assessed land valuation file protests), then the annexation proceedings will be finalized, and the boundary change will be made effective.

Inhabited Territory: Annexations of inhabited territory are contingent upon support of registered voters and property owners within the proposed annexation area, and LAFCO will conduct a protest hearing to determine the level of protest against an annexation, with one of the three following results:

- (1) An annexation is approved if less than 25% of registered voters within the annexation area protest and less than 25% of the landowners, who also own at least 25% of the annexation area's assessed land valuation, protest.
- (2) An election of registered voters within the annexation area is triggered if either of the following occurs:
 - (a) Between 25% and 50% of registered voters within the annexation area protest; or
 - (b) More than 25% of the landowners, who also own at least 25% of annexation area's assessed land valuation, protest.

- (3) An annexation is denied (LAFCO's approval is nullified) if more than 50% of the registered voters within the annexation area protest.

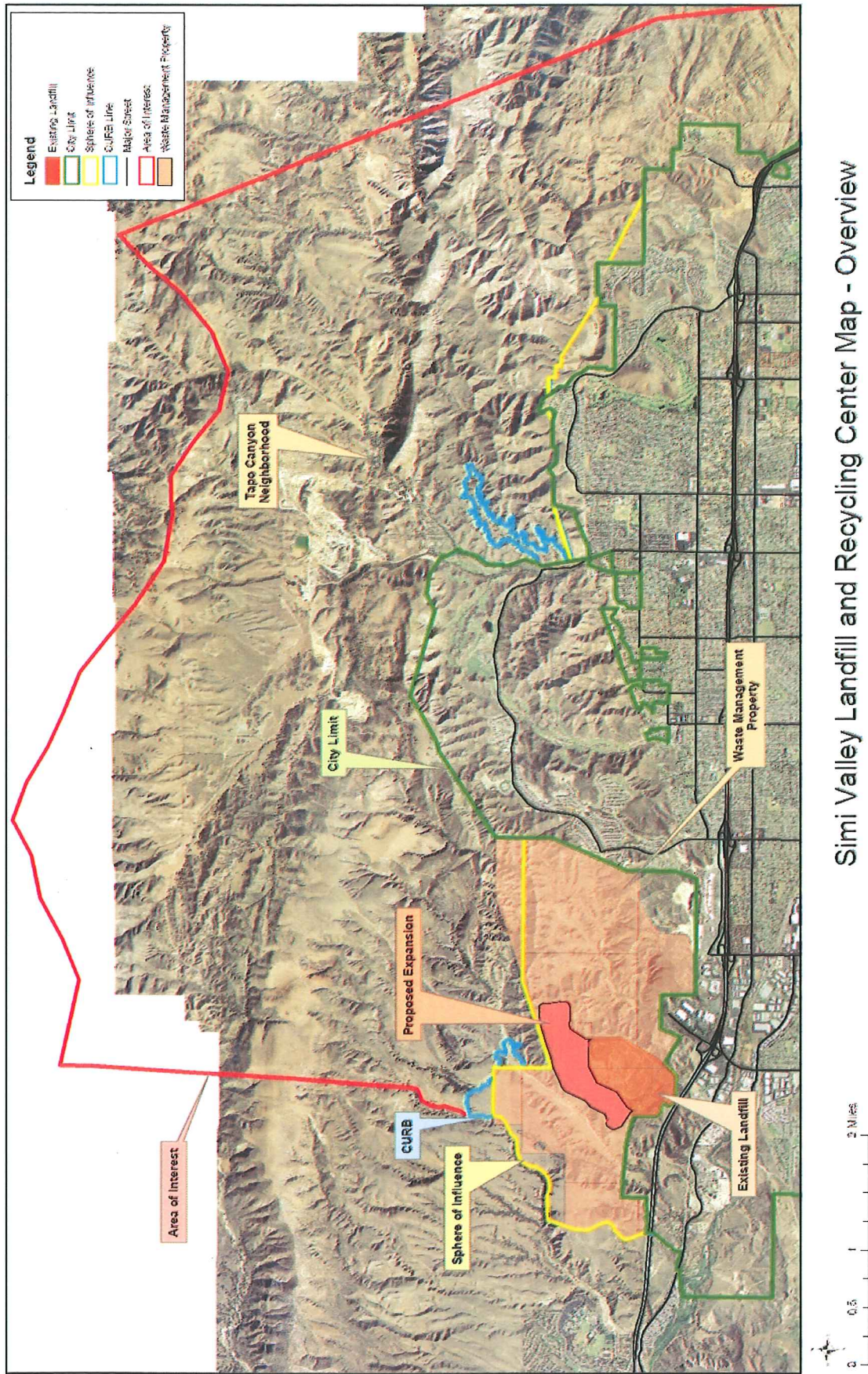
If an election is triggered, only registered voters residing in the annexation territory will vote. Property owners that are not registered voters (such as commercial entities) will not have a vote in the annexation election. A simple majority in the election will determine the outcome of the election.

Staff has conducted analyses of two annexation scenarios to determine the applicable process to achieve annexation of the SVLRC despite a decision by Waste Management to oppose annexation at this time. Because an annexation proposal is first subject to a decision by the LAFCO Board as to its desirability (as discussed on page 3), and possibly registered voters, staff cannot decisively predict an outcome. Both of these analyses assume that LAFCO has already approved the proposed annexation.

Scenario 1 examines annexation of the SVLRC and adjacent territory entirely within the City's existing Sphere of Influence. Limiting an annexation area to within this area would require no amendment to the City's Sphere of Influence or to the City Urban Restriction Boundary (CURB), which was approved by Simi Valley voters in 1998 as Measure O. The purpose of the analysis is to determine whether sufficient land valuation exists within the City's existing Sphere of Influence to override a decision by Waste Management to oppose the annexation.

Scenario 2 analyzes the effects of expanding the annexation area beyond the City's existing Sphere of Influence, potentially as far as the City's Area of Interest boundary. Expanding the annexation area has different procedural effects, depending on whether the area is of uninhabited or inhabited territory. For uninhabited territory, because voting strength is based on property owners' proportion of the annexation's total assessed land valuation, any individual property owner's voting strength would decrease as the annexation area expands and total assessed land valuation increases. For inhabited territory, a property owner's share of an annexation's total assessed land valuation only determines that owner's ability to trigger an election on the issue of annexation (only registered voters in the annexation area would vote in the election, regardless of land valuation). The Scenario 2 analysis seeks to determine if it is possible to annex a large enough area to override a Waste Management decision to oppose annexation (if it is uninhabited territory) or to override Waste Management's ability to unilaterally trigger an election on the issue of annexation (if the area now encompasses inhabited territory).

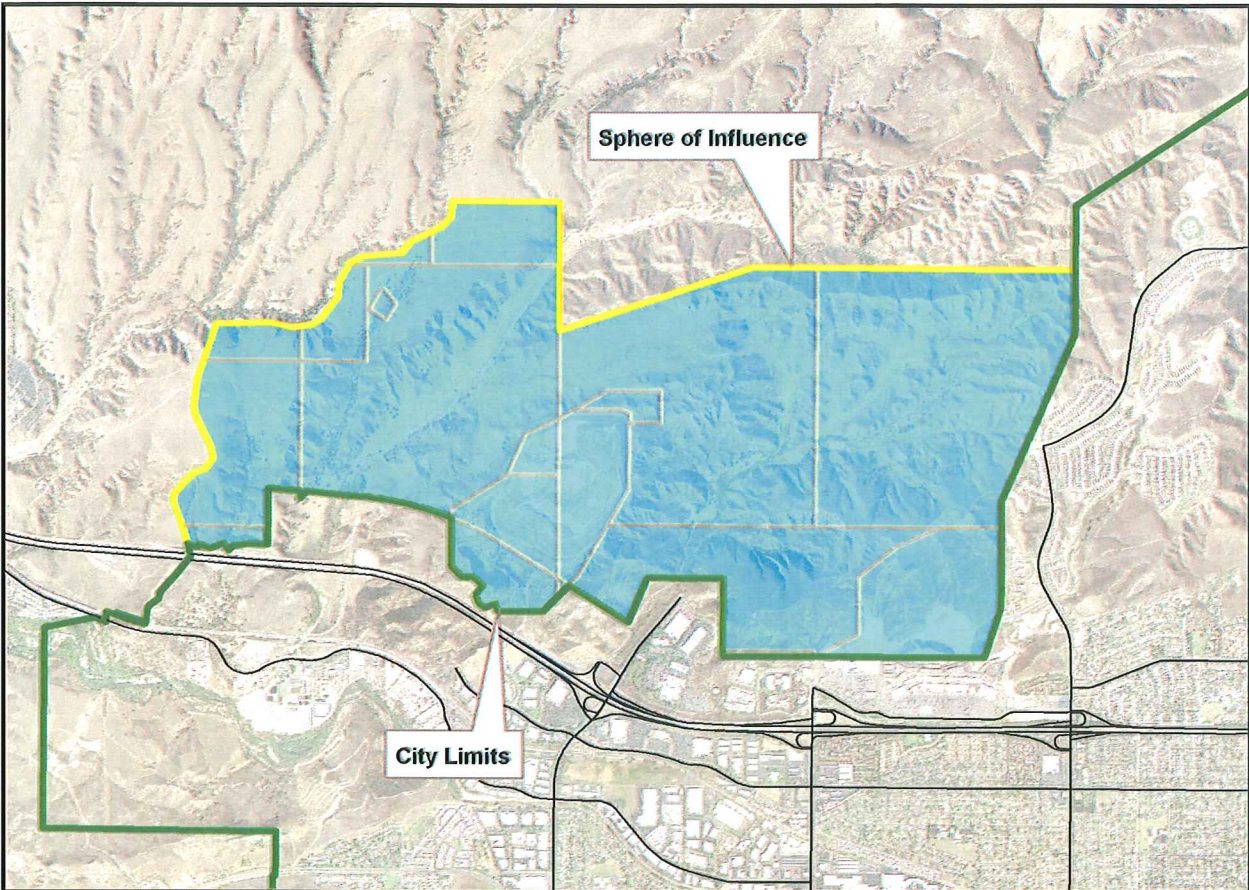
An annotated map of the City's northern Area of Interest is also provided on the following page for reference purposes.



Simi Valley Landfill and Recycling Center Map - Overview

SCENARIO 1: ANNEXATION WITHIN THE CITY'S EXISTING SPHERE OF INFLUENCE

This scenario examines annexation of territory within the City's existing Sphere of Influence. There are 19 properties, totaling approximately 2,540 acres, located outside the City's northwestern City limits but within the City's existing Sphere of Influence, as shown below.



There are fewer than 12 registered voters in this area; thus, this annexation would be of uninhabited territory. As such, LAFCO's measure of protest would be based on property owners' assessed land valuations. Four commercial entities own land within this area. Their respective voting power is shown in the following table:

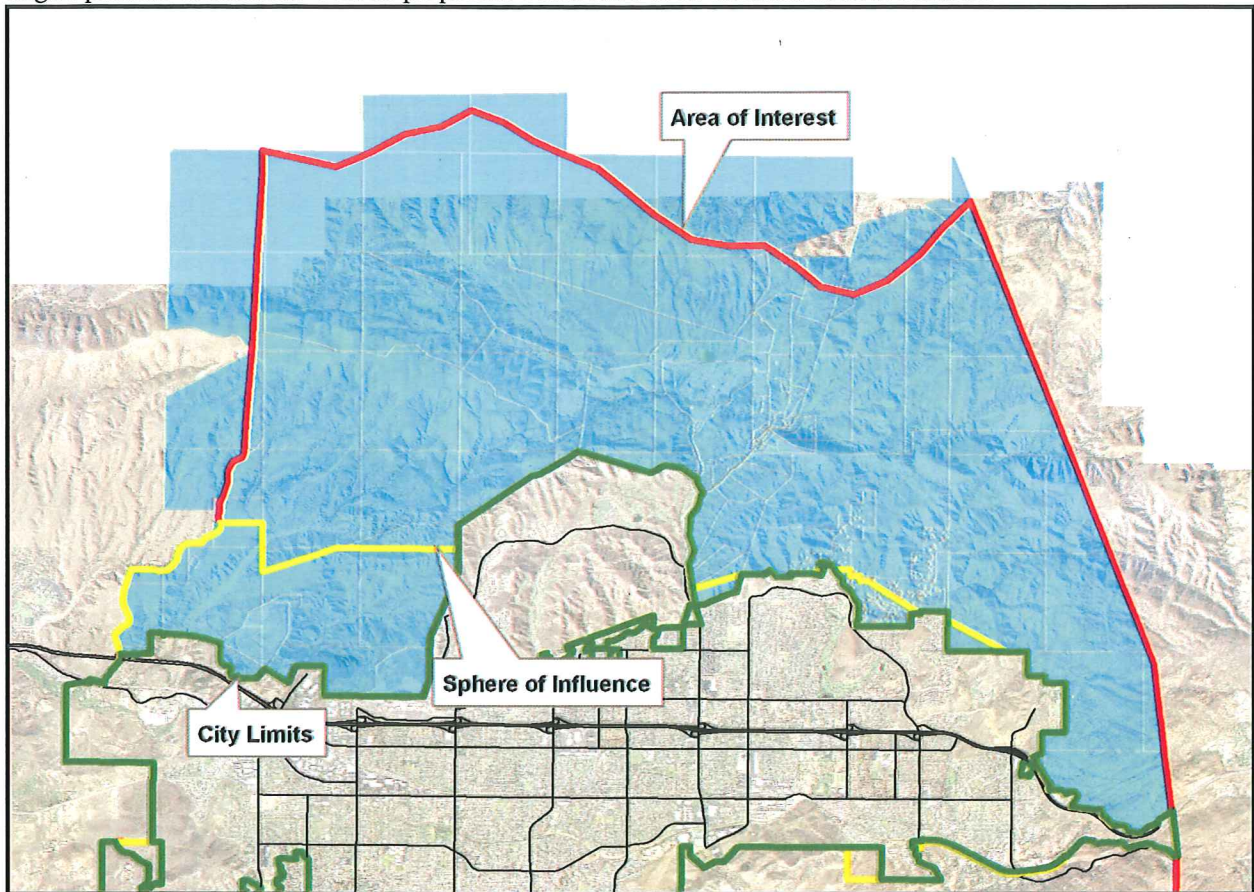
| Property Owner | Assessed Land Valuation | Voting Power on Annexation |
|-----------------------------|-------------------------|----------------------------|
| HCR Moorpark Investors, LLC | \$848,615 | 1.98% |
| James H. Parkinson Trust | \$197,973 | 0.46% |
| SVJV Partners, LLC | \$7,577,025 | 17.67% |
| Waste Management | \$34,256,336 | 79.89% |
| Total | \$42,879,949 | 100.00% |

Because Waste Management controls a majority of the voting strength in LAFCO's determination of protest, a decision by Waste Management to oppose this annexation would be insurmountable even if all other affected property owners supported the annexation.

SCENARIO 2: ANNEXATION WITHIN THE CITY'S AREA OF INTEREST

This scenario examines annexation beyond the City's existing Sphere of Influence, wherein the Sphere of Influence would be extended. The largest possible expansion of the City's Sphere of Influence would be up to the City's existing Area of Interest. This area extends along the northern City boundary from Alamos Canyon Road to the west to Rocky Peak Road to the east. The area includes approximately 500 properties and constitutes approximately 40 square miles. By comparison, the City is currently approximately 42 square miles in size.

Below: Properties that could be included in an annexation to the City's Area of Interest, which represents the largest possible annexation. Not all properties would have to be included in an annexation.



The estimated total assessed land valuation for an annexation to the City's Area of Interest is \$68,144,519¹. Of this amount, Waste Management-owned properties have an assessed land valuation of \$34,395,621², or 50.5%, of the assessed land valuation of the entire annexation area.

Because Waste Management-owned properties comprise more than 50% of the assessed land valuation of any possible annexation area within the City's northern Area of Interest,

¹ This figure includes the full value of a small number of parcels that are partially inside and outside of the City's Area of Interest. Therefore, the actual assessed land valuation for an annexation to the City's Area of Interest would be slightly lower.

² This figure is higher than the figure used in Scenario 1 because Waste Management owns properties outside the City's Sphere of Influence, but within the City's Area of Interest.

it is mathematically impossible to override a Waste Management decision to oppose annexation even if all uninhabited territory within the northerly Area of Interest were annexed. Therefore, to become mathematically possible to override a Waste Management decision to oppose annexation, the annexation area would have to include 12 or more registered voters (and therefore become of inhabited territory, whose annexation would be subject to an election by registered voters within the annexation area), or the land valuations of other property owners would have to be significantly increased.

OPTIONS FOR ANNEXATION

Given that Scenario 1 rules out the possibility of an annexation within the City's existing Sphere of Influence and that Scenario 2 determines that Waste Management owns a majority of the land valuation within the City's Area of Interest, two options for annexation remain.

Option A – Annexation of Inhabited Territory: It is possible to incorporate 12 or more registered voters into the annexation by including the residential neighborhood at the north end of Tapo Canyon Road, thereby reclassifying the annexation from uninhabited territory to inhabited territory. Under this option, LAFCO would conduct a protest hearing to determine if sufficient protest against the annexation exists to either approve the annexation, deny the annexation, or conduct an election of registered voters in the annexation area. Because Waste Management owns properties comprising significantly more than 25% of the total assessed land valuation of any such annexation, Waste Management could unilaterally trigger an election if it decided to protest against the annexation.

Elections typically result in larger turnouts than protest hearings, although there would not necessarily be a change in the levels of support or opposition with a larger turnout. To approve an annexation of inhabited territory, a simple majority of participating registered voters must vote in favor of the annexation. Staff has not conducted outreach to determine the anticipated level of support or opposition toward a hypothetical annexation.

Option B – Increasing Land Valuations in Surrounding Uninhabited Territory: Although there is not currently sufficient valuation in land surrounding the SVLRC to override a Waste Management decision to oppose annexation, increased land valuations in the surrounding area could decrease Waste Management's voting power on annexation of uninhabited territory. This could occur if the surrounding property owners were to obtain zone changes from the County of Ventura to allow major urban development. Based on the extent of Waste Management ownership, the affected area would be north and northwest of the Big Sky development, would likely consist of the high hundreds or low thousands of acres, and most likely thousands of developed units, depending on the densities allowed. Such upzoning would create sufficient land valuation such that Waste Management would constitute only a minority of land valuation in the annexation area.

OBSTACLES TO ANNEXATION

Annexations under either Option A or Option B would face significant procedural challenges and subjective votes. Any one of the following would terminate any annexation attempt.

LAFCO Review: LAFCO reviews any proposal to expand the City's Sphere of Influence or any annexation within it. If LAFCO determines that a proposal is not desirable, LAFCO will disapprove the proposal. Insofar as the factors are intended to prevent premature urbanization of areas and there are no development applications for the proposed annexation area, there is strong likelihood that LAFCO may not support an annexation. Under Option A, the annexation of an area stretching five miles from the SVLRC to Tapo Canyon may be especially problematic to LAFCO, which will question whether such an annexation would constitute annexation of an urban area. Under Option B, the lack of any proposed urban development in the area at this time, in a generally remote area north of the City, would be similarly problematic.

CURB Line Amendment: Before the City could pursue either Option A or Option B with LAFCO, the City must first expand its Sphere of Influence. Before the City could apply for a Sphere of Influence amendment, it must first amend the CURB Line approved in 1998 by Simi Valley voters as Measure O. The CURB Line amendment would require a vote of the people, and a failure of that vote would terminate the annexation attempt. The CURB Line amendment would likely create an area in the high hundreds or low thousands of acres for the eventual development of urban uses to the north of the SVLRC.

Williamson Act Contracts: A large annexation area under Option A may include properties that are subject to Land Conservation Act (Williamson Act) contracts with the State, wherein property owners have agreed not to develop land in exchange for property tax relief. LAFCO cannot approve a Sphere of Influence amendment to include property to a Land Conservation Act contract if the annexing agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets/roads, unless those facilities or services benefit land uses that are allowed under the Land Conservation Act contract and the property owner consents. Any annexation area drawn under Option A must either avoid properties with Land Conservation Act contracts or comply with the above criteria.

Election of Registered Voters Within Annexation Area: Under Option A, if a majority of votes cast in an election of registered voters within the proposed annexation area are against the annexation, the vote would terminate the annexation attempt.

Failure to Upzone Surrounding Uninhabited Territory: Under Option B, if there is no developer interest in upzoning or if the requests for upzoning are rejected, then land values would not be increased sufficiently to override a Waste Management decision to oppose an annexation.

The following alternatives are available to the City Council:

1. Review and discuss the options for annexing the Simi Valley Landfill and Recycling Center and provide direction to staff;
2. Provide staff with other direction.

Staff recommends Alternative No. 1.

SUMMARY

Staff has analyzed various options for annexing the SVLRC into the City amid Waste Management opposition to annexation at this time, to determine the applicable processes needed to complete annexation. It is recommended that the City Council discuss the options for annexing the SVLRC and provide direction to staff.


 Laura Behjan
 Assistant City Manager

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CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

February 15, 2008

Dan Klemann, Planner
Ventura County Planning Division
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: RESPONSES TO THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE SIMI VALLEY LANDFILL EXPANSION (LU07-0048)

Dear Mr. Klemann:

The City of Simi Valley has reviewed the Notice of Preparation of a Draft EIR for the proposed Landfill Expansion Project. In accordance with the City's extra-territorial review process, the project was presented to all four Neighborhood Councils, the Planning Commission, and the City Council for comment. All meetings provided for public input. Attached to this letter are the issues and concerns that were raised by the City Council (Attachment A). Also attached are the issues and concerns raised during the extra-territorial review process (Attachments B and C). The City Council directed that all of the comments be sent to you for consideration when finalizing the scope of the EIR. The Planning Commission continued the discussion of the project to February 20, 2008, so that they would have time to review the full project application and other materials. Therefore, if any additional comments are made, they will be forwarded to you later this month.

Please review the attachments and revise the proposed scope of the EIR if necessary to respond to the identified concerns. If you have any questions regarding the attachments, please feel free to contact Lauren Funaiole, Senior Planner at (805) 583-6772.

Sincerely,

Paul Miller
Mayor

Attachments

cc: Ventura County Supervisor Peter Foy
City Council
City Manager
City Attorney
Director of Environmental Services

BACKGROUND AND OVERVIEW

The County of Ventura recently deemed Waste Management's application to expand the Landfill complete and determined that an EIR will be required for the project. In accordance with the City's Extra-Territorial Review Process, a process agreed to unanimously by the entire City Council, the project has been presented to all four Neighborhood Councils, the Planning Commission, and is before the City Council tonight. (The project itself will come back to the City Council and our respective Boards for further review after the EIR has been completed.) The community input from the meetings along with any additional issues/questions added by the City Council will be forwarded to the County of Ventura for consideration during preparation of the EIR. It is my recommendation that the full City Council review/add/delete from the following compiled list of issues and questions to be used as the baseline questions to forward to the County of Ventura for consideration and response in their EIR. All comments and questions from the City Council, Planning Commission, Neighborhood Councils, City Staff, and public comments have been compiled in this list and should get full consideration in the County's EIR.

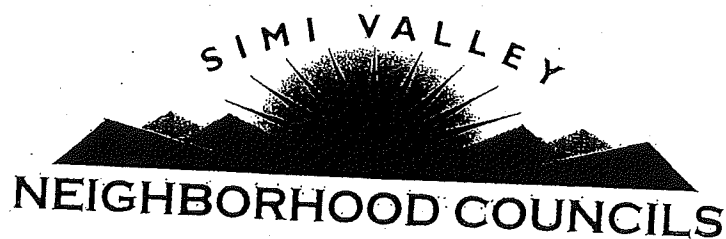
1. The EIR must address the potential impacts of annexation of the office portion of the site to the City of Simi Valley, including the potential impacts of the extension of sewer lines and other City services to the site.
2. The EIR must consider the environmental impact of establishing a Landfill Wasteshed Boundary for Ventura County.
3. In the Waste Management presentation there was a reference to future needs. Which communities' future needs will the proposed expansion accommodate? Will this include communities outside of Ventura County?
4. What are the environmental impacts of redistributing the permitted capacity from recycling to waste tonnage?
5. What impact will the proposal have on the number of vehicles, carbon dioxide, waste, noise, traffic, and air quality?
6. Are recycling efforts expanding?
7. How is this proposal helping from a global perspective?
8. Will hazardous waste be accepted at the landfill?
9. How are we safeguarding the community from the increased potential for contamination related to the increase in hazardous waste in the landfill in the short-term?

10. Explain what plan safeguards will be required to protect the community from long-term effects of the proposed hazardous waste facility.
11. How much hazardous waste from other counties will be accepted?
12. What are the environmental impacts of the proposed programs?
13. What are the environmental impacts of processing methane gas?
14. How large of a service area will the proposed expansion accommodate?
15. What impacts will the proposal have on the line of sight?
16. What population will be served by the expansion?
17. What is the impact of the reallocation of tonnage from recycling to waste?
18. How high will the landfill be filled?
19. Will the proposal result in an increased number of trucks on the road?
20. How will an increased number of trucks impact traffic on and around SR-118?
21. What are the environmental impacts of the proposed green energy programs?
22. What are the environmental impacts of reallocating tonnage from recycling to waste?
23. What are the environmental impacts of the proposal's drainage plan?
24. Where is the plume in relation to the groundwater station?
25. What are the impacts of the proposal on the groundwater?
26. If there is an intake liner from prior hazardous dumps. Does it have any existing leaks?
27. Will the proposed expansion include a liner?
28. Will there be a plume?
29. Will new waste (Class III) be placed on top of prior waste (Class I)?

30. Is the buffer area sufficient for any potential environmental impacts?
31. What is the project baseline date?
32. What new alternatives to the project must be considered in the EIR?
33. What are the environmental impacts of developing/expanding a landfill over an oil field?
34. What are the environmental impacts of developing/expanding a landfill in close proximity to a seismically active area?
35. What are the environmental impacts of expanding the landfill into, and adjacent to undeveloped land identified by the City of Simi Valley's General Plan as industrial?
36. What are the environmental impacts of expanding the Class III landfill over and upon a previously unclosed class I landfill?
37. What are the environmental impacts of expanding the landfill with domestic and other waste from jurisdictions outside Ventura County?
38. What environmental impact will the odor have on the community and are there adverse health risks associated with the chemical odorant currently being used by the landfill?
39. What environmental impacts will the additional landfill height being requested have on the community? Will it impact spread of odor and or chemical odorant?
40. What are the environments impacts on Simi Valley and the County of Ventura with respect to the "No project" option?
41. Does the "buffer area" defined in the project application include the engineered berms and slopes?
42. What is the purpose of the proposed buffer area?
43. What is the definition of "buffer area" as it pertains to this project?
44. What are the environmental impacts from the construction and debris operation?
45. Will collected construction material and debris waste be used for alternative daily cover? If so, what is the projected tonnage?
46. What are the environmental impacts from the proposed heavy equipment and vehicle maintenance facility?

47. What are the environmental impacts from the proposed processing of up to 500 tons per day of recyclables?
48. How many trips per day of recyclable material will be delivered to the site? Please include off site delivery post processing as well.
49. Where will these materials be transferred to and how much material will remain at the landfill as waste and included in the landfill waste matrix?
50. Will medical waste be disposed of in the subject landfill?
51. What are the environmental impacts from Green House Gases?
52. What are the environmental impacts from diesel emissions and particulate associated with the subject project?
53. What are the environmental impacts of not using current technology to reduce diesel emissions?
54. What are the environmental impacts from proposed gas flares and the emissions?
55. What are the environmental impacts from the proposed removal of native and non-native trees in proposed project area?
56. What are the environmental impacts on state water resources?
57. What is the preliminary closure plan for the landfill, including the detailed end use of the site?
58. What are the closure procedures for a class III landfill and what impacts will it have on the environment, land uses and infrastructure in and around the City of Simi Valley?
59. What new alternatives to the project must be considered in the EIR?
60. What "Green" technologies will be incorporated into the proposed expansion of the landfill?
61. Will the proposed administrative offices be LEED certified?
62. What are the fiscal impacts on the residents of Simi Valley?
63. What are the costs and benefits to Simi Valley?
64. Are there educational alternatives to decrease the need for increasing the landfill capacity?

65. What are the impacts of increasing recycling efforts beyond the levels included in the proposal?
66. What more can be done that is not currently being done to decrease the need for additional waste capacity?
67. What is the plan for the regional Southern California Waste management system in relationship to the project?
68. Why aren't Zero waste goals and policies of the California Integrated Waste Management Board incorporated in the project discussion?
69. What are the existing and proposed disposal rates for all haulers and users of the landfill and an associated equity analysis?
70. Will new technologies impact maintenance of the landfill operations under current permits through 2020?
71. What is the long-term impact of E-waste generation?
72. What are the quantities, material, depth and source of the alternative daily cover required by the CIWMB for the proposed expansion?



Neighborhood Council Community Input

Project Description:

Informational Presentation by Waste Management on the Proposed Simi Valley Landfill Expansion Project and Discussion of Recommended Questions and Issues that Residents Would Like to See Addressed in the County of Ventura's Environmental Review Process for the Project

At the start of the agenda item, the Neighborhood Council Chair informed the Executive Board members and audience that the specific purpose of this agenda item was to compile a list of questions and issues that residents would like to see addressed in the County's environmental review process for the project.

Waste Management representatives provided an informational presentation on the proposed landfill expansion project. Then members of the public, followed by Executive Board, were provided with an opportunity to pose questions and raise issues they would like to see addressed in the County's Environmental Impact Report (EIR).

Neighborhood Council #1

NC Meeting Date: February 7, 2008

Recommended Questions and Issues Residents Would Like to See Addressed in the County's EIR:

The Chair of the Simi Valley Landfill Expansion Task Force, representing members of the Task Force present in the audience, submitted a handout with twenty-six questions and issues the Task Force would like to see addressed related to the proposed expansion of the landfill. (Exhibit 1)

Recommended Questions and Issues the Executive Board Would Like to See Addressed in the County's EIR:

In the Waste Management presentation there was a reference to future needs. Which communities' future needs will the proposed expansion accommodate? Will this include communities outside of Ventura County?

What are the environmental impacts of redistributing the permitted capacity from recycling to waste tonnage?

What impact will the proposal have on the number of vehicles, carbon dioxide, waste, noise, traffic, and air quality?

Are recycling efforts expanding?

How is this proposal helping from a global perspective?

Will hazardous waste be accepted at the landfill?

How are we safeguarding the community from the increased potential for contamination related to the increase in hazardous waste in the landfill in the short-term?

Explain what kind of safeguards will be required to protect the community from long-term effects of the proposed hazardous waste facility.

How much hazardous waste from other counties will be accepted?

What are the environmental impacts of the proposed programs?

What are the environmental impacts of processing methane gas?

How large of a service area will the proposed expansion accommodate?

What impacts will the proposal have on the line of sight?

Neighborhood Council #3

NC Meeting Date: January 10, 2008

Recommended Questions and Issues Residents Would Like to See Addressed in the County's EIR:

The Chair of the Simi Valley Landfill Expansion Task Force, representing members of the Task Force present in the audience, read and submitted a handout with nineteen questions and issues the Task Force would like to see addressed to the proposed expansion of the landfill. (Exhibit 2)

Other residents had the following questions:

What population will be served by the expansion?

What is the impact of the reallocation of tonnage from recycling to waste?

How high will the landfill be filled?

Will the proposal result in an increased number of trucks on the road?

How will an increased number of trucks impact traffic on and around SR-118?

Recommended Questions and Issues the Executive Board Would Like to See Addressed in the County's EIR:

What are the environmental impacts of the proposed green energy programs?

What are the environmental impacts of reallocating tonnage from recycling to waste?

Neighborhood Council #4

NC Meeting Date: January 15, 2008

Recommended Questions and Issues Residents Would Like to See Addressed in the County's EIR:

The Chair of the Simi Valley Landfill Expansion Task Force, representing members of the Task Force present in the audience, read and submitted a handout with nineteen questions and issues the Task Force would like to see addressed to the proposed expansion of the landfill. (Exhibit 3)

Other residents had the following questions:

What are the environmental impacts of the proposal's drainage plan?

Where is the plume in relation to the groundwater station?

What are the impacts of the proposal on the groundwater?

Recommended Questions and Issues the Executive Board Would Like to See
Addressed in the County's EIR:

If there is an intake liner from prior hazardous dumps, does it have any existing leaks?

Will the proposed expansion include a liner?

Will there be a plume?

Will new waste (Class III) be placed on top of prior waste (Class I)?

Is the buffer area sufficient for any potential environmental impacts?

8 February 2008

Mayor Paul Miller
City Councilmembers
City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063.

**RE: SIMI VALLEY LANDFILL AND RECYCLING CENTER VENTURA
COUNTY, CALIFORNIA - MODIFICATION OF C.U.P. 3142 LANDFILL
EXPANSION;**

**QUESTIONS FOR CONSIDERATION IN THE ENVIRONMENTAL
IMPACT REPORT (EIR) DOCUMENT**

Dear Mayor and Councilmembers:

The Simi Valley Landfill Expansion Task Force is pleased to submit the following thirty-one (31) questions for your consideration in response to the call for input and items to be addressed in the Environmental Impact Report (EIR) for the expansion of the Simi Valley Landfill.

Our Task Force has worked diligently for many months in its review of Waste Management's application to the County, available environmental documents, previous applications, existing Conditional Use Permits, and Waste Management's operations at numerous facilities throughout the United States. While we believe our list of questions is comprehensive, we are sure you will identify additional questions to put forth to the County.

It has been, and continues to be, our intention to work with you in protecting the interests of our community as we evaluate the impacts that the proposed landfill expansion will have on Simi Valley, its environment, future growth, business development, economic vitality and general quality of life. We thank you for establishing your new review process and look forward to continuing through this review process over the next year or two. Together, our community will be an even better City, and the landfill will continue to service our waste disposal and recycling needs.

Please find our questions following:

A. STATE AND REGIONAL ENVIRONMENTAL IMPACTS:

1. WHAT IS THE PLAN FOR THE REGIONAL SOUTHERN CALIFORNIA WASTE MANAGEMENT SYSTEM IN RELATIONSHIP TO THE PROJECT?

Characterize the current and projected future Southern California waste management system, including regional waste generation, disposal facilities, etc., and how changes in that system, including upcoming landfill closures, the development of landfill bioenergy alternatives, and changes in State recycling policy (increasing diversion mandates), may impact the nature and intensity of Simi Valley landfill operations. This analysis should cover the same timeline as the requested Conditional Use Permit.

2. WHAT ARE THE ENVIRONMENTAL IMPACTS OF EXPANDING THE LANDFILL WITH DOMESTIC AND OTHER WASTE FROM JURISDICTIONS OUTSIDE VENTURA COUNTY?

The current expansion application states, and otherwise implies, that the expansion is to meet the refuse needs of Ventura County. Nevertheless, historically 30 - 35% of the daily waste delivered to the landfill has come from outside of Ventura County and more particularly from Los Angeles, Orange and Santa Barbara Counties and from military bases transporting waste from the Middle East and particularly Iraq. Environmental impacts of concern may be, but are not limited to, spent uranium military shells and casings, lead from discarded electronic parts, economic blight on surrounding communities when the subject landfill reaches daily capacity, freeway and other roadway traffic and related roadway structural and cosmetic, deterioration, damage and safety impacts resulting from waste hauling over undefined and potentially long distances and negative impacts on the economy of Simi Valley resulting from the operations of this mega-landfill serving multiple counties and other wide ranging jurisdictions as suggested herein.

3. WHY AREN'T ZERO WASTE GOALS AND POLICIES OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD INCORPORATED IN THE PROJECT DISCUSSION?

The alleged "need" to double the size of this landfill is based on a simple straight-line projection of increased waste generation vs. population growth. It is assumed that per capita waste generation rates will continue unchanged for the next 45 years. No credence is given to the impact of new policies and technologies on local/regional disposal needs through 2020, let alone 2045. Pending legislation (SB 1020) directs the CIWMB to develop a strategic plan for accomplishing local waste diversion rates of 60% by 2012 and 75% by 2020. These higher diversion rates will be reached, in part, by new waste conversion technologies that produce fuels and chemicals from materials now destined for

landfills and from legislation mandating manufacturers take responsibility for reducing the waste stream associated with product manufacturing and packaging.

4. WHAT ARE THE PROJECTED REFUSE NEEDS OF VENTURA COUNTY RELATIVE TO THE PROJECT?

The project applicant suggests and otherwise concludes that the landfill is required for the refuse needs of Ventura County. Nevertheless, LAFCO and other growth figures prepared by governmental agencies conclude that the refuse disposal needs of the County will be met under current operations until at least the year 2024 or beyond and without any expansion. The project applicant has further suggested and concludes that another landfill within Ventura County will close or otherwise not expand thereby limiting local waste capacity. No data exists for this conclusion, however. Nowhere in the project description or the Initial Study do we find a detailed analysis of projected population growth and waste generation that supports this conclusion. Nor do we find any reference to other strategies in combination with the capacity available in existing 2020 permits which would alleviate the need for an expansion.

5. WHAT ARE THE ENVIRONMENTAL IMPACTS ON SIMI VALLEY AND ON THE COUNTY OF VENTURA WITH RESPECT TO THE "NO PROJECT" OPTION?

According to LAFCO population growth forecasts, Ventura County's future waste disposal assessments, the rapidly changing landscape in solid waste management and renewable energy technologies, the "No Project" alternative may meet existing CUP footprint and tonnage limits, implement selected improvements (such as the MRF, HHW facility, and LNG facility), incorporate a limitation on waste imports, and defer the decision on the expansion for at least five years when greater clarity on the alternatives to continued burying of waste is available.

6. WHY ISN'T A LANDFILL WASTESHED BOUNDARY PROPOSED AND INCLUDED AS A PROJECT ALTERNATIVE?

Reestablishment of a Landfill Wasteshed Boundary must be considered. This alternative is to limit utilization of the landfill to waste generated in a specific and limited geographic area similar to a former Ventura County ordinance that restricted use of the landfill to Ventura County and areas west of De Soto Avenue in Los Angeles County. While the 1994 Supreme Court Carbone decision may impact mandatory restrictions, a voluntary wasteshed boundary should be considered. EIR alternative should analyze the impact of such waste import restrictions on disposal capacity over time, including daily tonnages, truck trips, air quality, GHG, etc., including a reassessment of long-term disposal needs.

While a wasteshed boundary may not be conditional, it can be reestablished by voluntary agreement between the County and Waste Management through a renegotiation of the existing landfill operating contract. As an EIR alternative, defining the wasteshed boundary would provide a means to analyze the impact of such waste import restrictions on disposal capacity over time, including daily tonnages, truck trips, air quality, GHG, etc., including a reassessment of long-term disposal needs (i.e. whether the landfill needs to be expanded beyond its current 2020 permits), and provide the County with a means for ensuring project operational compliance with the conditions of approval.

B. IMPACTS ON THE CITY OF SIMI VALLEY:

7. WHAT ARE THE ENVIRONMENTAL IMPACTS OF EXPANDING THE LANDFILL INTO, AND ADJACENT TO, UNDEVELOPED LANDS IDENTIFIED BY THE CITY OF SIMI VALLEY'S GENERAL PLAN AS INDUSTRIAL?

The project cumulative impacts may pertain to loss of jobs, increased and sustained inter- and intra- commuting traffic to available jobs, increased economic loss sustained by that increased commute, degradation of air quality resulting from commutes, loss of corporate relocation and location into the Simi Valley sphere of influence. Other impacts include odor, noise and degradation of community services resulting from the loss of revenue otherwise available with industrial development, and impact at landfill closure.

8. WHAT ARE THE IMPACTS ON SIMI VALLEY IF THE PROJECT IS ANNEXED TO THE CITY OF SIMI VALLEY?

LAFCO has determined that annexation is reasonable and would be approved by the agency in the event the landfill is connected to the city's sewage treatment plant. Since the most significant environmental impacts of the landfill's expansion affect the City of Simi Valley, annexation of the landfill into the City would serve to place certain oversight of the landfill's operations into City government. Land use related to future development of Waste Management's property would rest in the hands of local politicians and not those 40 miles away from the impacted community.

9. WHAT ARE THE BENEFITS TO THE CITY OF SIMI VALLEY?

The only substantive benefit to the City is maintenance of local long-term disposal capacity. Can this benefit be obtained by means other than the proposed landfill expansion; i.e. through waste import restrictions, reusing existing landfill airspace via the construction of bioreactor cells, and/or implementing new upstream bioenergy technologies within the next decade that could significantly reduce waste disposal needs?

10. WHAT ARE THE EXISTING AND PROPOSED DISPOSAL RATES FOR ALL HAULERS AND USERS OF THE LANDFILL AND AN ASSOCIATED EQUITY ANALYSIS?

Why are residents charged for green waste, a majority of which is used for landfill operations and not reused off-site?

C. ALTERNATIVES - TECHNOLOGICAL ADVANCEMENTS:

11. HOW DOES THE PROJECT ADDRESS ADVANCES IN WASTE-TO-FUEL GENERATION AND CLEAN TECHNOLOGY?

Alternatives of New Technologies should be evaluated. This alternative should examine the scenario of maintaining landfill operations under current permits through 2020 (no expansion), coupled with the development, within the next decade, of at least one conversion technology (bioenergy) facility in Ventura County capable of diverting 1,000 TPD of waste from the Simi Valley Landfill. This alternative should be further evaluated with respect to the impact of applying new engineering technologies at the landfill, such as bioreactor cells that can recycle existing airspace and thereby mitigate the need for lateral expansion.

Waste Management has proposed to include two bioenergy components; new generators for landfill gas-to-electricity and a future liquefied natural gas facility to produce fuels from landfill gas. While utilization of landfill gas for power and fuels is preferable to simply burning the gas off in a flare, an environmentally superior alternative is not to produce landfill gas in the first place - to divert waste materials before they reach the landfill. It has been estimated that as much as 50% of the methane, which is 20 times more potent than carbon dioxide as a GHG precursor, escapes into the atmosphere from a landfill.

12. WILL NEW TECHNOLOGIES IMPACT MAINTENANCE OF THE LANDFILL OPERATIONS UNDER CURRENT PERMITS THROUGH 2020?

This alternative examines the scenario of maintaining landfill operations under current permits through 2020 (no expansion), coupled with the development, within the next decade, of at least one conversion technology (bioenergy) facility in Ventura County capable of diverting 1,000 TPD of waste from the Simi Valley Landfill. Conversion technologies are commercially ready, and are already under consideration for development here, in Santa Barbara County, and in the City and County of Los Angeles. Since the life of the proposed landfill expansion extends decades into the future, it is mandatory that the EIR address alternatives that can significantly mitigate the need for new disposal capacity. This alternative can also address the impact of applying new engineering technologies at the landfill, such as bioreactor cells, that can recycle existing airspace and thereby mitigate the need for lateral expansion.

D. AIR QUALITY AND GREENHOUSE GAS EMISSIONS:

13. WHAT ARE THE AIR QUALITY AND GREENHOUSE GAS IMPACTS OF THE PROJECT FROM MOBILE SOURCES?

Preparation of an air quality and GHG impact analysis in the EIR is necessary. This is important, since as the further afield waste is transported to the landfill, the air quality and GHG impacts will significantly increase. It is imperative to provide a thorough analysis on the vehicle trips generated from hauling (beginning destinations of haulers) to site delivery, projected increases, size of vehicles, emissions of vehicles, and impacts on air quality. The GHG analysis also has relevance for the evaluation of Alternatives since the future development of clean technology bioenergy facilities at MRFs and/or closer to the sources of waste generation has major GHG gains when compared to landfill transport and mega landfill fugitive emissions.

14. WHAT ARE THE ENVIRONMENTAL IMPACTS OF NOT USING CURRENT TECHNOLOGY TO REDUCE DIESEL EMISSIONS?

Specific technologies to reduce air pollution have not been identified by the applicant. Consideration should be given to impacts on the conditioning of the project to require hauler franchisees to have plans in place for conversion of fossil fuel trucks to alternative energy, particulate filters on diesels, etc., and enforcement mechanism for non-compliance including fines.

15. WHAT ARE THE AIR QUALITY AND GREENHOUSE GAS IMPACTS OF THE PROJECT FROM STATIONARY SOURCES?

Provide source, type and amount of air pollution generated from carbon dioxide, methane, nitrous oxide, volatile chlorinated solvents and other chemicals associated with climate change.

16. WHAT ARE THE ENVIRONMENTAL IMPACTS FROM PROPOSED GAS FLARES AND THEIR EMISSIONS?

Atmospheric impacts from carbon dioxide, sulfur dioxide and resulting hydrochloric acid require evaluation.

E. HEALTH RISKS, HAZARDS AND TOXINS:

17. WHAT ARE THE ENVIRONMENTAL IMPACTS OF DEVELOPING A LANDFILL OVER AN OIL FIELD AND IN CLOSE PROXIMITY TO A SEISMICALLY ACTIVE AREA?

Oil fields range from "tight" to those exhibiting vertical migration through unconsolidated strata, well bores and well casings. This presents a threat to

neighboring developed land. For example, the Montebello, CA landfill was developed over an oil field. Methane and other toxic and carcinogenic chemicals migrated vertically from the oil field, deeper gas repository and municipal landfill into residential and commercial occupied structures. Certificates of Occupancy were revoked and homes were abandoned, and then purchased by government agencies and private interests, and the site deemed a significant health risk. The subject Simi Valley site may contain oil and gas wells, well boreholes, exploratory wells, water wells, natural seeps and is in close proximity to a significant active geologic hazard zone. This is a potential environmental as well as economic impact on the community of Simi Valley.

18. WHAT ARE THE ENVIRONMENTAL IMPACTS AND HEALTH RISKS OF EXPANDING THE CLASS III LANDFILL OVER AND UPON A PREVIOUSLY UNCLOSED CLASS I LANDFILL?

Prior use of the subject site included development of a Class I landfill containing heavy metals, volatile organic solvents, pesticides, herbicides and other known and unknown toxic substances. Class III rubbish and other permitted and regulated nontoxic substances have been historically emplaced or otherwise dumped over the toxic substances to a degree that has been described by a previously completed EIR and governmental agencies as "unknown," "to an unknown degree" and within an area "not known at this time." While the current and proposed Class III landfill may include within its operations gas impermeable membrane and collections systems, physical impacts on buried Class I toxins, including migration, are unknown and have not been quantified.

19. WHAT ARE THE ENVIRONMENTAL IMPACTS AND HEALTH RISKS ASSOCIATED WITH DAILY EXPOSURE TO THE FOUL ODORS AND CHEMICAL ODORANTS EMANATING FROM THE REQUESTED INCREASED LANDFILL OPERATIONS?

It is further unknown what the impacts of the requested added height and spread of the landfill will be on the dispersion of generated odors and chemical odorants into the community. Simi Valley, historically known as Valley of the Winds, has significant and sustained winds of high intensity. Currently, the subject landfill operates with chemical odorants dispersed into the atmosphere throughout the boundaries of the landfill proper. Information on the health risks caused by the sustained exposure to these odorants has not been provided.

20. WHAT ARE THE ENVIRONMENTAL IMPACTS FROM A PROPOSED HEAVY EQUIPMENT AND VEHICLE MAINTENANCE FACILITY?

Provide cleaning mechanisms to remove toxins including, but not limited to, oil, antifreeze, transmission fluids, brake pads, etc.

21. WILL MEDICAL WASTE BE DISPOSED OF IN THE SUBJECT LANDFILL?

Environmental impacts from potentially dangerous, explosive, flammable or otherwise hazardous chemicals are unknown.

22. WHAT IS THE LONG-TERM IMPACT ON THE ENVIRONMENT OF E-WASTE GENERATION?

The proliferation of e-waste may increase the hazardous waste stream resulting in a toxic slurry 5, 10, 25, 50 years from now as the process of decomposition and mixing with methane, water, polyvinyls, and other chemicals at the landfill takes place. For example, California is considering banning standard light bulbs and replacing them with compact fluorescents (CFL). CFL's contain mercury necessitating the property disposal to avoid environmental impacts. Most people are unaware of this and will toss the CFL's along with tier batteries, cell phones, and computer parts into the trash.

F. LANDFILL OPERATIONS:

23. WHAT ARE THE ENVIRONMENTAL IMPACTS FROM THE PROPOSED PROCESSING OF RECYCLABLES? HOW MANY TONS OF THIS MATERIAL WILL REMAIN ON-SITE AS WASTE AND INCLUDED IN THE LANDFILL WASTE MATRIX?

Chain-of-disposal/reuse for each "recyclable" components is necessary to assess impacts. In the project application, "recyclables" refer to certain types of waste materials for which Waste Management can charge a premium to take (e.g. auto-shredder wastes, contaminated soils, concrete and asphalt), and then put to use for onsite operations in a manner that enhances their bottom line (to provide base for all-weather roads, or to utilize for daily cover as a substitute for clean dirt or tarps). To call these materials "recyclables" is misleading. Green waste is also included in this category, but is not "recycled" in the traditional sense - it simply goes back into the landfill as daily cover.

24. WHAT ARE THE QUANTITIES, MATERIALS, DEPTH, AND SOURCES OF THE ALTERNATIVE DAILY COVER REQUIRED BY THE CIWMB FOR THE PROPOSED EXPANSION?

25. WHAT ARE THE ENVIRONMENTAL IMPACTS FROM CONSTRUCTION AND DEBRIS OPERATIONS? WILL CONSTRUCTION AND DEBRIS WASTE BE USED FOR ALTERNATIVE DAILY COVER? IF SO, WHAT IS THE PROJECTED TONNAGE?

Provide a complete description of the C&D operations including license franchisees, identification of debris, sorting, re-use, disposal costs, control and off-site hauling.

26. WHAT IS THE PRELIMINARY CLOSURE PLAN FOR THE LANDFILL, INCLUDING THE DETAILED END USE OF THE SITE? WHAT ARE THE CLOSURE PROCEDURES AND WHAT CAN THE COMMUNITY OF SIMI VALLEY ANTICIPATE AS IT MAY IMPACT FUTURE ENVIRONMENTAL CONCERNS, LAND USES, AND INFRASTRUCTURE?

G. TRAFFIC IMPACTS:

27. WHAT ARE THE PROJECT'S TRAFFIC IMPACTS?

The traffic data supplied with the original initial study did not distinguish between the origin of tons for trash vs. "recyclables." The traffic impacts should address the potential differences between the types and points of origin of garbage trucks versus trucks hauling "recyclables" and offsite hauling of salvaged recyclables and construction debris. An updated traffic study and analysis is needed to adequately ascertain the traffic impacts.

28. HOW MANY TRAFFIC TRIPS PER DAY ARE PROJECTED FOR THE DELIVERY OF RECYCLABLE MATERIALS, AND OFF-SITE PROCESSING?

H. BIOLOGICAL RESOURCES AND LANDSCAPING:

29. WHAT ARE THE ENVIRONMENTAL IMPACTS FROM THE PROPOSED REMOVAL OF NATIVE AND NON-NATIVE TREES?

Species and number of trees proposed for removal should be delineated.

30. DOES THE "BUFFER AREA" DEFINED IN THE PROJECT APPLICATION INCLUDE THE ARTIFICIALLY ENGINEERED BERMS AND SLOPES? WHAT IS THE PURPOSE OF THIS BUFFER AREA? WHAT IS THE DEFINITION OF "BUFFER" AREA AS IT PERTAINS TO THE PROJECT?

I. WATER RESOURCES:

31. WHAT ARE THE ENVIRONMENTAL IMPACTS ON STATE WATER RESOURCES?

Although the subject landfill proposes to use reclaimed water, it is not known whether this source of water will remain available to the landfill. Impacts on local water resources should be evaluated. The projected use of water for the project is 30-35 million gallons of water annually (potable and reclaimed). What water efficiencies and reductions are proposed? What are the alternates to the current practices? What impacts will there be on the region's water supply? Has the applicant provided information on the imbedded energy association with

water purification and conveyance to the site and associated impacts on global warming?

We respectfully request that the environmental concerns identified herein be forwarded to the County of Ventura with your support for inclusion into the scoping of the Environmental document required by the County of Ventura.

Barbra Williamson
Barbra Williamson, Chair
City Councilmember

Charles Blaugrund
Charles Blaugrund

Lloyd Maitland
Lloyd Maitland

Louis J. Pandolfi
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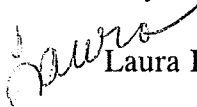
Alice Sterling
Alice Sterling

Bob Swoish
Bob Swoish

CITY OF SIMI VALLEY • MEMORANDUM

DATE: September 23, 2010

TO: City Council

From:  Laura Behjan, Assistant City Manager

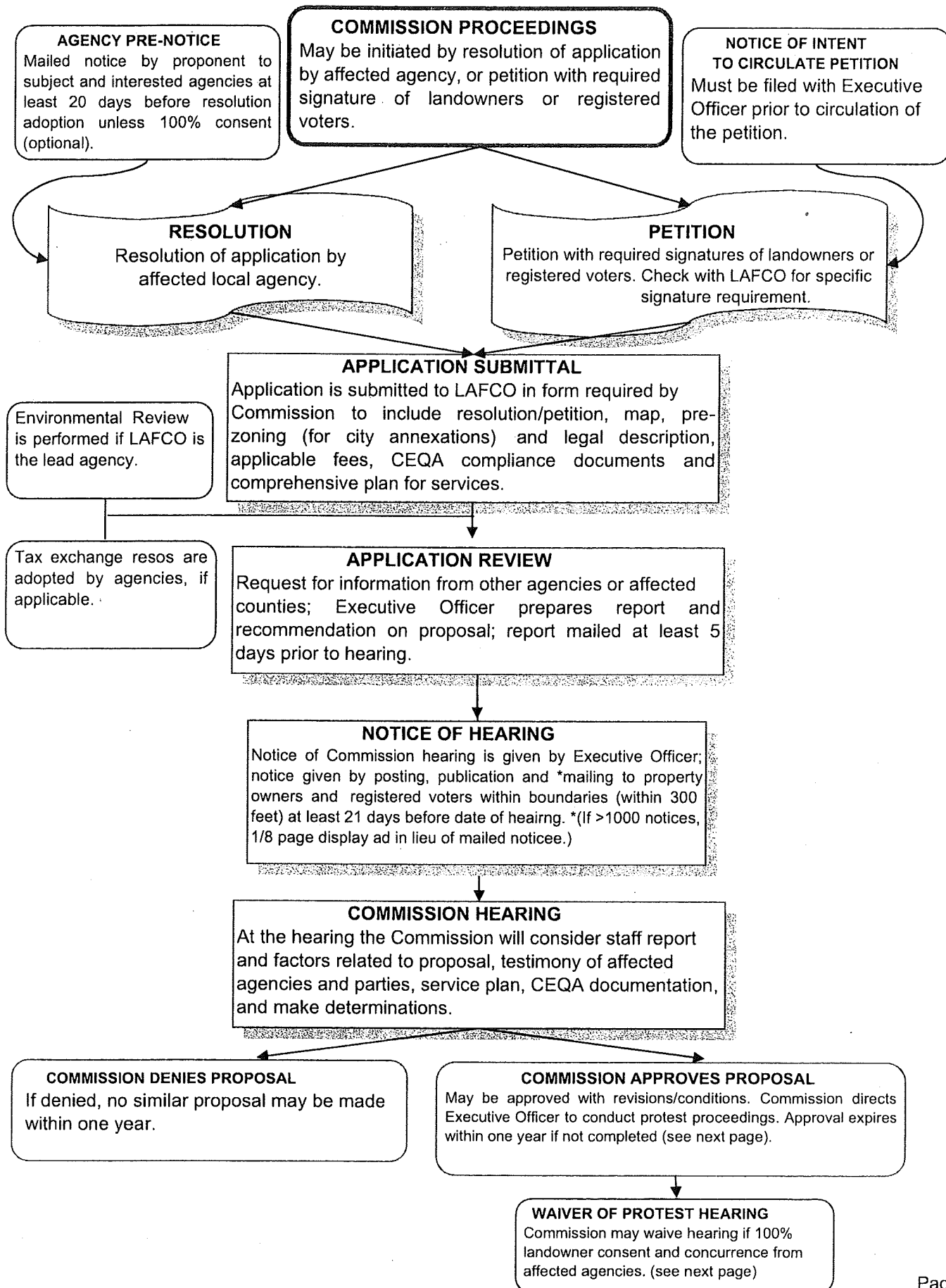
Subject: LOCAL AGENCY FORMATION COMMISSION ANNEXATION PROCESS

In response to the City Council's request for information on the annexation process, the attached flow chart outlines the Local Agency Formation Commission (LAFCO) annexation procedures. Please note the protest proceedings on page 2 that indicate annexation proceedings will be terminated in cases where one or more property owners owning 50% or more of the land protest the proposed annexation.

Staff will continue to explore all viable and appropriate options in the ongoing evaluation and dialogue regarding the Simi Valley Landfill.

Attachment

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000
ANNEXATION/DETACHMENT/REORGANIZATION PROCEDURE DIAGRAM



*These are generalized procedures. Processing of specific proposals can vary slightly.

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000
ANNEXATION/DETACHMENT/REORGANIZATION PROCEDURE DIAGRAM

