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SIMI VALLEY LANDFILL EXPANSION TASK FORCE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

SIMI VALLEY LANDFILL EXPANSION
TASK FORCE, an incorporated association,

Plaintiff and Petitioner,

v.

COUNTY OF VENTURA, and DOES 1
through 50, inclusive,

Defendants and Respondents.

WASTE MANAGEMENT OF CALIFORNIA,
INC. and ROES 1 through 50, inclusive

Real Party in Interest

**PETITIONER'S NOTICE OF MOTION AND MOTION FOR
INJUNCTIVE RELIEF UNDER
CCP §526 (a)**

Hearing Date: December 13, 2010
Time: 8:30 a.m.
Place: Courtroom 41

PLEASE TAKE NOTICE that on December 13, 2010 at 8:30 a.m. or as soon thereafter as the matter may be heard in Ventura County Superior Court, Department 41, located at 800 South Victoria Avenue, Ventura, California 93009, a hearing shall be held on the Motion of Petitioner and Plaintiff, Simi Valley Landfill Expansion Task Force, for injunctive relief pursuant to Code of Civil Procedure (“CCP”) §526(a) and such other and further relief as determined by the Court.

This Motion is authorized under Code of Civil Procedure §526a, which allows taxpayers to file an action to restrain and prevent any illegal expenditure of and/or waste of the funds of a county, in this case, the County of Ventura and the City of Simi Valley.

This Motion is made on grounds the County of Ventura is currently expending significant monies to process an application for the tripling of capacity at the Simi Valley Landfill, for a location that is expressly and unambiguously prohibited by state law, as expressed in the County’s own “Countywide Siting Element.” The Countywide Siting Element was approved by all of the cities within the County and by the state’s Waste Board (now CalRecycle), and the Element clearly excluded from consideration the location of the expansion. Thus, the processing of this application is a waste of public funds that must be immediately enjoined.

This Motion shall be based upon the attached Points and Authorities, the Declaration of Barbara Williamson, the Request for Judicial Notice filed concurrently herewith, upon all pleadings and papers on file in this matter, and upon such other evidence, oral and documentary, which may be presented at the time of hearing.

DATED: October 28, 2010

KATE M. NEISWENDER
Attorney for Plaintiff and Petitioner
SIMI VALLEY LANDFILL EXPANSION TASKFORCE

I. Introduction

Solid waste facilities, or “landfills,” are land use challenges, difficult to site and often controversial. For expressly that reason, the California legislature enacted laws to prevent the siting or expansion of landfills into unsuitable areas. Some locations are not suitable for trash disposal due to inconsistency with current or future surrounding land uses. Other areas cannot be used as landfills because of negative environmental impacts and nuisance factors.

In this case, the County determined years ago – with the acquiescence of all the cities within the County – that certain areas would be excluded from consideration for landfill siting or expansion. Yet right now, the County is processing an application to expand the Simi Landfill into such a prohibited area. Plaintiff asks for an Injunction under C.C.P. §526a, which allows this Court to put an immediate stop to any action that wastes taxpayer funds. In this case, the County of Ventura bypassed the prerequisites in its own Siting Element for determining whether the proposed expansion of the Simi Valley landfill was in an appropriate location. Instead, the County arbitrarily and without legal support claimed that even an initial evaluation of the suitability of the Landfill expansion was unnecessary.

The County is currently expending its valuable and limited resources on processing an application to triple the capacity of the Simi Valley Landfill, and doing so without any legal authority. The ongoing work of the County includes environmental review and administrative hearings which are and will continue to cost the taxpayers of this County -- including members of Plaintiff Simi Valley Landfill Task Force – hundreds of thousands of dollars.

For these reasons, Petitioner Simi Valley Landfill Expansion Task Force (hereinafter “Task Force”), seeks an Injunction to halt these unlawful and wasteful activities until such time as the County follows the legal mandates of State and local law regarding the siting of solid waste facility expansions.

II. State Law Provides The Framework and Legal Mandates for The Siting of All New and Expanded Landfills Within California.

The current laws applicable to the development of landfills are contained in the California Integrated Waste Management Act of 1989 (Public Resources Code (“PRC”)§40000

et seq.) and the California Code of Regulations, (“CCR”) Title 14 § 18755 *et seq.* These laws impose certain obligations and mandates on the County, but are not new. Laws governing the siting of landfills have been in existence since 1972, when the legislature enacted the Solid Waste Management and Resource Recovery Act (former Gov. Code §66700 *et seq.*).

As discussed in *Garden Grove Sanitary Dist. v. County of Orange* (1984) 162 Cal.App.3d 842, the 1972 legislation required each county to prepare a “Master Solid Waste Management Plan” for the purpose of identifying and reserving “sites for the establishment or expansion of solid waste facilities” while ensuring “that land uses adjacent to or near those sites are compatible with the solid waste facilities.” (*Ibid.* at 845.) The adoption of the plan and all amendments to the plan “dealing with the establishment or expansion of solid waste facilities” were each “subject to review and approval ‘by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county.’” (*Id.*, at 846.) Before approval of any expansion, every county was required to establish that the use of the land for landfill was consistent with its General Plan and ensure that “primary consideration [was] given to preventing environmental damage and that the long-term protection of the environment [was] the guiding criterion.” (*Christward Ministry v. Superior Court (City of San Marcos)* (1986) 184 Cal.App.3d 180, 192, citing former Gov. Code, § 66796.33(a).)

The 1989 legislation (often referred to as “AB 939”) expanded the duties of local government. The law now requires counties to prepare Countywide Integrated Waste Management Plans (“CIWMP”) and amendments for the “establishment or expansion of solid waste facilities” through “an effective planning process” which includes “meaningful” public participation (PRC §40900(b) and (c)). The stated purpose of the current Waste Act is:

“ . . . to protect the environment, to improve regulation of existing solid waste landfills, to ensure that new solid waste landfills are environmentally sound, to improve permitting procedures for solid waste management facilities, and to specify the responsibilities of local governments to develop and implement integrated waste management programs.”

(*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 561 citing PRC § 40052.) (“*Pala Band II*”).

A vital component to each CIWMP is a “Countywide Siting Element” (PRC § 41700.) In *Pala Band II*, the appellate court explained the inter-relationship between the Waste Act and the regulations adopted to implement the Waste Act, as the laws apply to the Countywide Siting Element. The *Pala Band II* Court held that PRC § 41701 “governs the contents of the siting element,” and whenever a county determines that additional landfill capacity is desired or existing capacity will be exhausted within 15 years, “ the siting element shall include (among other things) ‘[t]he identification of an area or areas for the location of new solid waste transformation or disposal facilities or the expansion of existing facilities which are *consistent* with the applicable city or county general plan.’ (§ 41701, subd. (d), italics added, *see also* 14 CCR §18756.3(a).)” (*Pala Band II, supra*, 68 Cal.App.4th at 562). In particular, a landfill location ***must be consistent*** with both the county’s general plan land use element and any city plans (Gov. Code §65302 (a); 14 CCR §18756.3(a).)

The Countywide Siting Element must demonstrate that existing and planned solid waste disposal facilities will have sufficient capacity for a minimum of 15 years to meet countywide or regionwide needs (14 CCR §18755(a) . The Countywide Siting Element must contain a description and “identify the areas” of all new and expanded facilities which will meet this need. (14 CCR §18755 (b).) In order to provide accurate information in this regard, the Countywide Siting Element requires counties to select areas “where solid waste disposal facilities are envisioned to be expanded or sited and constructed for the purpose of meeting a required minimum of 15 year of combined permitted disposal capacity.” (14 CCR § 18755.3(c).)

Important to this case is the legal requirement that the Countywide Siting Element must include *maps drawn to scale* which show all existing permitted solid waste facilities (14 CCR Sec.18755.5 (b)) and *maps drawn to scale* for all proposed expansions and new facilities that meet the section 18756 criteria (14 CCR §18756.1(a) (1).) along with “adjacent and contiguous parcels” (*Ibid.*)

The regulations (specifically 14 CCR §18756) require the Countywide Siting Element to specify criteria for expanding existing landfills as well as establishing new landfills. The criteria focus on environmental considerations, environmental impacts, socioeconomic considerations (including “compatibility with existing and future land uses” and “consistency with county and city general plans”) , and legal considerations (“federal, state and local minimum standards and permits, liabilities and monitoring”). Each county must develop and describe in the Countywide Siting Element the process to be used to confirm that any site selected for expansion or development has undergone a procedure whereby these criteria are taken into consideration. (14 CCR§ 18756).

Pala Band II confirms that “[n]o solid waste disposal facility identified in the Siting Element shall be established that does not satisfy the minimum criteria that are adopted in the Siting Element pursuant to 14 CCR section 18756(a).” (*Pala Band II, supra*, 68 Cal. App. 4th 563, citing 14 CCR § 18756(d.)) This mandate applies to both proposed new sites and proposed expansions of existing sites and only allows the Countywide Siting Element to include in its description those proposed sites and expansion which comply with the criteria identified in section 18756, pursuant to 14 CCR § 18756.1(a) and 18756.3(a). With regard to these minimum criteria, the *Pala Band II* case emphasizes that “ i]f a candidate site doesn't pass the eight¹ Pass/Fail [Siting] Criteria in the initial phase of a siting study, it will be dropped from further consideration.” (*Pala Band II, supra*, 68 Cal. App 4th 556, 580 fn 12.).

If a proposed site or expansion area passes these minimum criteria, it can be included in the Countywide Siting Element as a “reserved area” or “tentatively reserved area.” However, all areas designated as reserved must be determined to be “consistent with the applicable city and county general plans” as verified by “resolution, notarized statement or affidavit from each applicable city and the county.” (14 CCR§ 18756.3.)

¹1. Ventura County’s Siting Element has 13 pass/fail criteria (RJN at Document 1, [Ventura’s Countywide Siting Element (CSE)], page 4-2)

No area may be deemed consistent with a city or county general plan unless the area is one which has been designated as “reserved” for expansion or a new facility; it is “located in, or coextensive with, a land use area designated or authorized for solid waste facilities in the applicable city or county general plan” and it is “compatible with land uses “adjacent to or near the area reserved.” (PRC §41702.)

Counties must specify all “programs, regulatory ordinances, actions and strategies” that “may be established to meet the goals” of PRC§ 40051 along with an “implementation schedule” identifying the tasks required to achieve each of these goals. (14 CCR §18755.1(d).)

The Countywide Siting Element adopted by San Diego County and inferred to be legally sufficient by the court in its discussion of *Pala Band II*:

“analyzes the amount of landfill solid waste disposal capacity needed to serve the various jurisdictions in the County for the next 15 years, and describes and provides location maps of each existing solid waste disposal facility in the County. It also sets forth the siting criteria to be applied in the selection of new solid waste disposal facility sites, including eight "pass/fail" siting criteria to be used in the initial phase of a siting study and twenty "evaluation" siting criteria to be used in evaluating the sites that remain following the initial screening under the "pass/fail" criteria in the initial study.”

(*Pala Band II, supra*, 68 Cal. App 4th 556, 565-566.)

San Diego’s Countywide Siting Element identified and provided descriptions and locations of ten potential sites for additional landfill as “tentatively reserved” sites. It stated that all ten sites were “currently being studied to assure 15 years of combined permitted countywide disposal capacity” and that “ the sites must be consistent with general plans; California Code of Regulations, title 14 §18756.3, subdivision (a).” (*Pala Band II, supra*, 567.) It did not have any areas designated as reserved, but required that for any area, it would obtain “a resolution,

notarized statement or affidavit, regarding land use consistency ...from each affected jurisdiction and include [it] in the Siting Element" (*Id.* at 567.)

Once a county prepares its CIWMP or any amendments to the plan, it is required to be approved by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county (PRC § 41721.5) It is only after these approvals are obtained, that the County may modify its land use element to redesignate land for use as a solid waste facility (*Pala Band of Mission Indians v. Board of Supervisors (Pala Band I)* (1997) 54 Cal. App. 4th 565, 576; Govt. Code §65302.)

III. Ventura County Has Failed to Comply with State Law Regarding the Siting of The Proposed Expansion of The Simi Valley Landfill.

The Ventura County Integrated Waste Management Plan and its Countywide Siting Element were finalized in November 1995, but never received State approval (RJN at Document 2 [Public Works Agency letter], p3.) The County then prepared Countywide Siting and Summary Plan Elements for its CWIMP which were considered and approved by the County Board of Supervisors in or about February, 2001. The County is required to review and update this plan every five years (14 CCR§ 18787; RJN Document 1, p. 7-5.) The Countywide Siting Element was not amended in any manner which affects this litigation in either the 2005 or 2010 updates.

As explained above, PRC §41701 (d) mandates that the Countywide Siting Element include identification of an area or areas for the location of new solid waste transformation or disposal facilities or the expansion of existing facilities which are consistent with the applicable city or county general plan. In contrast to San Diego County as described in the *Pala Band II* case, the County of Ventura classified vast areas of land in the unincorporated area as “reserved” areas. Ventura’s Countywide Siting Element states that “these areas have the potential to provide a virtually unlimited amount of disposal capacity and, in total, have an immeasurable life expectancy” (RJN, Document 1 [CSE], p. 5-1). These reserved areas “are predominantly in the mountainous areas surrounding the cities and away from unincorporated pockets of significant

population concentrations.”(RJN, Document 1 [CSE], p. 5-6) The Siting Element contains a map that designates the boundaries of these reserved areas (RJN, Document 1 [CSE], Figure 5-1)

Critically, both the existing Simi Valley landfill and the proposed expansion area are **prohibited**, located in areas designated on the map as “*prohibited* per CSE siting criteria.” (*Id.*) (Emphasis added).

As the Court can see in the Countywide Siting Element (beginning at page 4-2), there are three levels of siting criteria. The initial phase consists of pass/fail criteria. If a proposed landfill site does not pass all thirteen of the pass/fail criteria, it will be eliminated from further consideration and deemed “unsuitable for landfill development.” (RJN, Document 1 [CSE], p. 4-3.) If and only if a site clears this first hurdle, will the County be permitted to study the site under the “second-phase criteria” RJN, Document 1 [CSE], p. 4-7.) All of “the requirements contained in the second-phase criteria must be met before a proposed site can be deemed consistent with the CSE.” (*Id.*) Finally, before a proposed site may be developed and after it satisfies both the first and second phase criteria, the site must undergo an assessment of the CSE’s ‘Evaluation Criteria’ (RJN, Document 1 [CSE], p. 4-10.)

Section 5 of the Siting Element states that the pass/fail criteria were applied to a broad study area of the unincorporated lands of the county “in order to identify general areas that may be considered for landfill development” (RJN, Document 1 [CSE], p. 5-1) While the Siting Element does not explain why the current Simi landfill site failed the pass/fail criteria and how many of the 13 criteria it failed, the language of criteria L which sets forth a very narrow exception for the existing landfill only, makes it clear that this land does not satisfy criteria L regarding proximity to urban areas. It states:

Areas located within 2500' of land designated Urban, Urban reserve (overlay) Existing Community, Rural, and State/Federal Facility will be eliminated from consideration, excluding that part of the Urban Reserve

overlay within the 1994 Conditional Use Permit boundary of the Simi Valley Landfill.

(RJN, Document 1 [CSE], p. 4-6)

The Simi Valley landfill including the entire proposed expansion area is designated as “urban reserve/open space” in the County’s current land use map adopted pursuant to its General Plan (see RJN, Document 3 [Landfill Draft EIR], figure 3.1-1; see also Ventura County map of its General Plan posted on its website at

[http://www.ventura.org/rma/planning/General_Plan/](http://www.ventura.org/rma/planning/General_Plan/general_plan.html)

[general_plan.html](http://www.ventura.org/rma/planning/General_Plan/general_plan.html).) It is all within the urban reserve overlay areas for the City of Simi Valley, which is designated it for business, light industrial and cemetery (RJN, Document 4 [excerpts Simi Valley General Plan, figure 2.1-1 and 2.1-2). As such, pursuant to pass/fail criteria L, none of the proposed expansion area can be used for landfill purposes.

Furthermore, none of the land included in the proposed expansion (which will result in a landfill that is 887.1 acres in size with triple the capacity, 123.1 million cubic yards of waste) was included in the 1994 Conditional Use Permit issued for the Landfill; in fact, the County informed the Landfill Operator in 2005 that the “geographic limits” of the conformance finding in the Siting Element were only for the areas described in Figure 3-2 of the Countywide Siting Element (RJN Document 5 [Letter from G. Kapucic]. Moreover, while Defendant’s Countywide Siting Element indicates a specific expansion of the Simi Valley Landfill for which an application had been submitted on October 23, 1998 and was pending (SE 5-3 through 5-5), that expansion, which has occurred, did not include any of the land designated for the current expansion. This is explicitly shown on a recent map prepared by the County as part of its environmental review of Waste Management application (RJN, Document 3 [Landfill Draft EIR], figure 3.1-1.)

Simply put, pursuant to the language of the County’s own Siting Element, the Siting Element map, and State law (14 CCR § 18756(d)) as discussed in *Pala Band II, supra*, 68 Cal. App 4th 556, 580 fn 12, the designation of the land to be used for the proposed expansion as

“urban reserve (overlay) existing community” requires the County to eliminate this property from consideration for use as a solid waste facility. Despite this, the County is spending tens of thousands of dollars in processing an application that must be denied as a matter of law.

Even though the law mandates dropping a site from consideration whenever the pass/file criteria are not satisfied, this site would also not be able to survive the mandate of State law that countywide siting elements be consistent with the applicable city and county general plans” as verified by “resolution, notarized statement or affidavit from each applicable city and the county.” (14 CCR§ 18756.3;Govt. Code §65302(a).) The site chosen for the expansion of the Simi Valley Landfill **is not consistent** with either the County’s General Plan or Simi Valley’s General Plan. (See RJN, Document 3 [Landfill Draft EIR], figure 3.1-10, and Declaration of Barbra Williamson at ¶7).

Moreover, the County has no authority to jump to phase three of the siting element criteria and evaluate a site for actual development – as it is now doing with taxpayer dollars -- until the site survives phases one and two and is designated in the Siting Element as a “reserved” area. This must include a description of the land and maps, identifying the areas of all expanded facilities which will meet the County’s needs (14 CCR §18755 (b); 14CCR section 18756.1(a) (1).) Ventura’s Countywide Siting Element **does not include** the area slated for expansion of the Simi Valley Landfill in its “reserved” area. Instead, those maps identify the expansion area **as unsuitable** for expansion of the Simi Valley Landfill (RJN Document 3 [CSE], at figure 5.2 and Declaration of B.Williamson at ¶6).

Title 14 CCR §18756 requires the Countywide Siting Element to specify criteria for expanding existing landfills as well as establishing new landfills. The criteria focus on environmental considerations, environmental impacts, socioeconomic considerations (including “compatibility with existing and future land uses” and “consistency with county general plans”) , and legal considerations (“federal, state and local minimum standards and permits, liabilities and monitoring”). Each county must develop and describe in the Countywide Siting Element the

process to be used to confirm that any site selected for expansion or development has undergone a procedure whereby these criteria are taken into consideration.

While the County has gone through the procedural steps to develop its Siting Element, it has chosen to completely **ignore** the State mandated procedures by processing Waste Management expansion application knowing that the site fails the Countywide Siting Element's minimum criteria (14 CCR section 18756(a) and (d).) (See RJN Document 3 [CSE], at figure 5-2 and Declaration of B. Williamson at ¶¶6-8).

Similarly, it has ignored the requirements of PRC §41702 and 14 CCR §18756.3 by failing to obtain a “resolution, notarized statement or affidavit” from the City of Simi Valley regarding whether or not all areas designated for the landfill expansion are consistent with the city's general plan. In fact, it is not consistent (See RJN Document 4 [Simi Valley General Plan], RJN Document 3 [Landfill Draft EIR] figure 3.1-2 showing County General Plan designations]) and no statement of consistency has been obtained from the City of Simi Valley (Declaration of B. Williamson at ¶ 6).

As is obvious from an examination of the law, and consistent with the County's Countywide Siting Element, the tripling of Landfill capacity and expansion into a “fail” area is in direct violation of state law, state regulations, and the County and City General Plans governing this area.

IV. CCP §526a Allows A Taxpayer To Obtain An Injunction To Prevent Waste Of Public Funds Under The Circumstances Of This Case.

The Supreme Court has held that a taxpayer may sue to enjoin actions that are illegal, and thus a waste of taxpayer funds, and to request reimbursement as appropriate. In one case, it involved the use of public monies for illegal wiretaps:

“The Code of Civil Procedure, section 526a, provides that plaintiff may maintain an action to restrain the expenditure of public funds for illegal purposes. It is immaterial that the amount of the illegal expenditures is small or that the

illegal procedures actually permit a saving of tax funds. [citations] **It is elementary that public officials must themselves obey the law.”**

(*Wirin v. Parker* (1957) 48 Cal. 2d 890, 894)

That is what Plaintiff-Petitioner herein is doing: asking for an Injunction to prevent and restrain the illegal expenditure of public funds. The tripling in capacity of the Simi Valley Landfill is by itself a controversial act, especially considering that the vast majority of the trash will be trucked in from Los Angeles County. However, like the Court in *Wirin v. Parker*, this Court must recognize that the County must obey its own rules and regulations, its own Siting Element and the laws that govern placement and expansion of landfills.

The fact that the County is exercising its lawful powers to review an application for a legal project (the landfill) is not dispositive. The project might be legal in another location, but the expansion area failed the pass/fail criteria and is not a legitimate site:

“The courts should not take judicial cognizance of disputes which are primarily political in nature, nor should they attempt to enjoin every expenditure which does not meet with a taxpayer's approval. **On the other hand, a court must not close its eyes to wasteful, improvident and completely unnecessary public spending, merely because it is done in the exercise of a lawful power.**” (*City of Ceres v. City of Modesto* (1969) 274 Cal.App.2d 545, 555)

(*See, also, Los Altos Property Owners Assn. v. Hutcheon* (1977) 69 Cal.App.3d 22)

The purpose of §526a was stated in *Bledsoe v. Watson* (1973) 30 Cal. App. 3d 105, 108-109: “Quite obviously, the purpose of this section is to enable a citizen-resident taxpayer to question public expenditures of local governments that might otherwise pass unchallenged.” Any citizen and taxpayer may file suit; the fact that a person may also have an “ulterior motive”

in bringing the suit does not disqualify him (*Mock v. City of Santa Rosa* (1899) 126 Cal. 330,

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Case law has held that a plaintiff in a C.C.P. § 526a action need not make pre-litigation demands for cure where such demands would be unavailing. (*Briare v. Mathews* (1927) 202 Cal. 1, 9; *Bank of America National Trust & Savings Assn. v. Cory* (1985) 164 Cal.App.3d 66, 84.) Nevertheless, members of the Task Force have made presentations to the Ventura County Organization of Governments and sent letters to the County on this issue, to no avail (Declaration of Barbra Williamson at ¶8).

The only adequate remedy available to Petitioner to halt this waste of public funds is for this court to enjoin the County from continuing to process the application for the expansion of the Simi Valley Landfill under C.C.P. §526a as a waste of taxpayer funds.

V. Injunctive Relief is Necessary and Warranted.

For ten years, the County has gone on record establishing the specific boundaries of the areas of the County which are not only suitable, but reserved for the construction and growth of solid waste facilities. These areas are of such magnitude that their “life expectancy” is “immeasurable” to meet the County’s needs (RJN, Document 1 [CSE], p.5-1.) The County has no need and no right to proceed with Waste Management’s application to expand its landfill into

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The County may argue that it has a contractual agreement with Waste Management to reimburse it for the County’s costs in performing this work, and therefore no taxpayer funds are being wasted. However, no agreement will capture all of the actual costs incurred by the County in engaging in these activities. For example, the time expended by County Supervisors and their paid staff both within and outside of any hearings held on the matter and certain work performed by County departments (other than the Planning Department) would be borne by taxpayers. The members of the Ventura County Organization of Governments (VCOG) have held hearings, as has the Simi Valley City Council and these entities are engaged in ongoing work and expenditure of public funds as a direct result of the County’s proceeding with WMC’s application. All this time and money is wasted, because the expansion area is illegal under the law, the regulations and the County’s Siting Element. Moreover, the contract with WMC may be void and unenforceable if it is determined in this litigation that the County’s actions are not in compliance with State law and its own duly adopted programs and plans. (Civil Code §1441.)

a “fail” area under the Siting Element, and an area in the City of Simi Valley’s backyard, in violations of the provisions and regulations of the Waste Management Act, the Code of Regulations, and the County’s own Siting Element.

We seek the Court’s assistance in halting these illicit activities by requesting the issuance of an order enjoining Defendant and for Petitioner’s costs and attorney fees in bringing this action.

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VI. Conclusion

An Injunction must issue to halt the processing of the Waste Management of California application to expand the Simi Valley Landfill into the “expansion area,” because that area is a “fail” area under the Countywide Siting Element (RJN Document 3). The Landfill’s 2005 boundaries are set; no expansion outside of those boundaries is allowed by law, as acknowledged by the County’s own waste experts (RJN Document 5). There is no need to allow this waste of public funds to go any further; CCP §526a allows this Court to put an end to it now.

DATED: October 28, 2010

KATE M. NEISWENDER
Attorney for Plaintiff and Petitioner
SIMI VALLEY LANDFILL EXPANSION TASKFORCE