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CITY OF CALABASAS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

CITY OF CALABASAS, a California municipal corporation

Petitioner and Plaintiff,

v.

COUNTY OF LOS ANGELES, a California county; LOS ANGELES COUNTY SANITATION DISTRICT NO. 2, an independent special district; and ROES 1-10

Respondents/Defendant.

Case No.

CITY OF CALABASAS'S PETITION FOR WRIT OF MANDATE SEEKING TO COMPEL MANDATORY PERFORMANCE WITH STATE SOLID WASTE AND HAZARDOUS WASTE LAWS FOR CALABASAS LANDFILL; *REQUEST FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION*

Action Filed: February 19, 2025
Trial Date: Not Yet Set

The City of Calabasas ("City") petitions for a writ of mandate pursuant to Code of Civil Procedure Section 1085 against Respondents the County of Los Angeles ("County") and the County Sanitation District No. 2 of Los Angeles County ("San District") and DOES 1-10, inclusive, (collectively, "Respondents") as follows:

INTRODUCTION

1. On January 27, 2025 the County Sanitation District for District 2 ("San District") issued a "news list" on its website announcing that the disposal of fire debris from multiple wildfire events in Los Angeles County would be permitted at the Class III Calabasas Landfill ("Landfill") that is owned by the County of Los Angeles and operated and maintained by the San District. As to that Landfill, the San District's news list announced in part that: "This site[Calabasas Landfill] CAN accept disaster-related waste, including green waste created by the recent high winds. However, per LA County order, fire debris, including burnt green waste, MUST have a certificate that the waste is non-hazardous. Customers who bring unacceptable waste will be charged at least $500 for the extra cost incurred by the Districts."

The news list promulgated only on-line by the San District did not explain what the "certificate" would contain or who might certify as to the "non-hazardous" nature of waste brought for disposal to the Landfill. Rather, it simply referenced the San District's general website, but that website does not contain any further information about the "certificate."

2. On information and belief based on phone conversations with the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers, neither of those federal entities involved in fire debris removal will be certifying any removed debris as either "hazardous" or "non-hazardous."

3. By this action, the City seeks enforcement of the legal restrictions on the transportation and disposal of hazardous wastes to the Landfill. The Landfill, as a Class III landfill, cannot accept hazardous wastes. The Respondents, however, in their hurry to simply get rid of fire debris waste, are ignoring all state law standards and instead issuing non-transparent and false assurances about purported "certificates" to be filled out by some as of yet unknown third party.

THE PARTIES

4. The City is a general law city and municipal corporation operating and existing in the State of California, County of Los Angeles. The City's boundaries are immediately adjacent to the Calabasas Landfill, which has a common street address of 5300 Lost Hills Road, Agoura, California.

5. The County of Los Angeles ("County") is a subdivision of the State of California with its principal administrative offices located the Kenneth Hahn Hall of Administration, 500 W. Temple Street, Los Angeles, California.

6. The County Sanitation District No. 2 of Los Angeles County ("San District") is an independent special district with its principal office at 1955 Workman Mill Road, Whittier, California.

7. The County and San District jointly operate and control the Calabasas Landfill through an Amended Joint Powers Agreement in 1966 referencing the "Calabasas Landfill." On information and belief there have been subsequent amendments to the Joint Powers Agreement, but the basic structure—that the County owns the land and that the San District operates and manages the Landfill—remains consistent.

8. The City does not know the true names and capacities, whether individual, corporate, associate or otherwise, of any other Respondent or

Defendant or their real party in interest and, therefore, sues said respondents or real parties in interest under fictitious names ROES 1-10. The City will amend this Complaint to show their true names and capacities when the same has been ascertained. The City alleges each of the ROE respondent or defendant or real parties in interest is the agent, alter ego, successor-in-interest and/or employee of each other cross-defendant or real party in interest and each performed acts on which this action is based within the course and scope of their agency and/or employment.

STANDING, JURISDICTION & VENUE

9. The City sues in its own sovereign capacity and as a representative of the many residents of Calabasas who have expressed alarm and concern to City staff and the City Council about the contemplated expanded use of the Landfill for fire debris.

10. The City also has independent statutory authority pursuant to Health & Safety Code Chapter 6.5 (Hazardous Waste Control Act), specifically section 25105 which states that "No provision of this chapter [6.5] shall limit the authority of any state or local agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce."

11. This Court has jurisdiction over actions seeking a writ of mandate. Venue is proper in the Superior Court for the County of Los Angeles, Central District which is where the primary Respondent, Los Angeles County has its home office and where the County Sanitation District No. 2's Board of Directors routinely meet. Furthermore, the Landfill is located in the County of Los Angeles.

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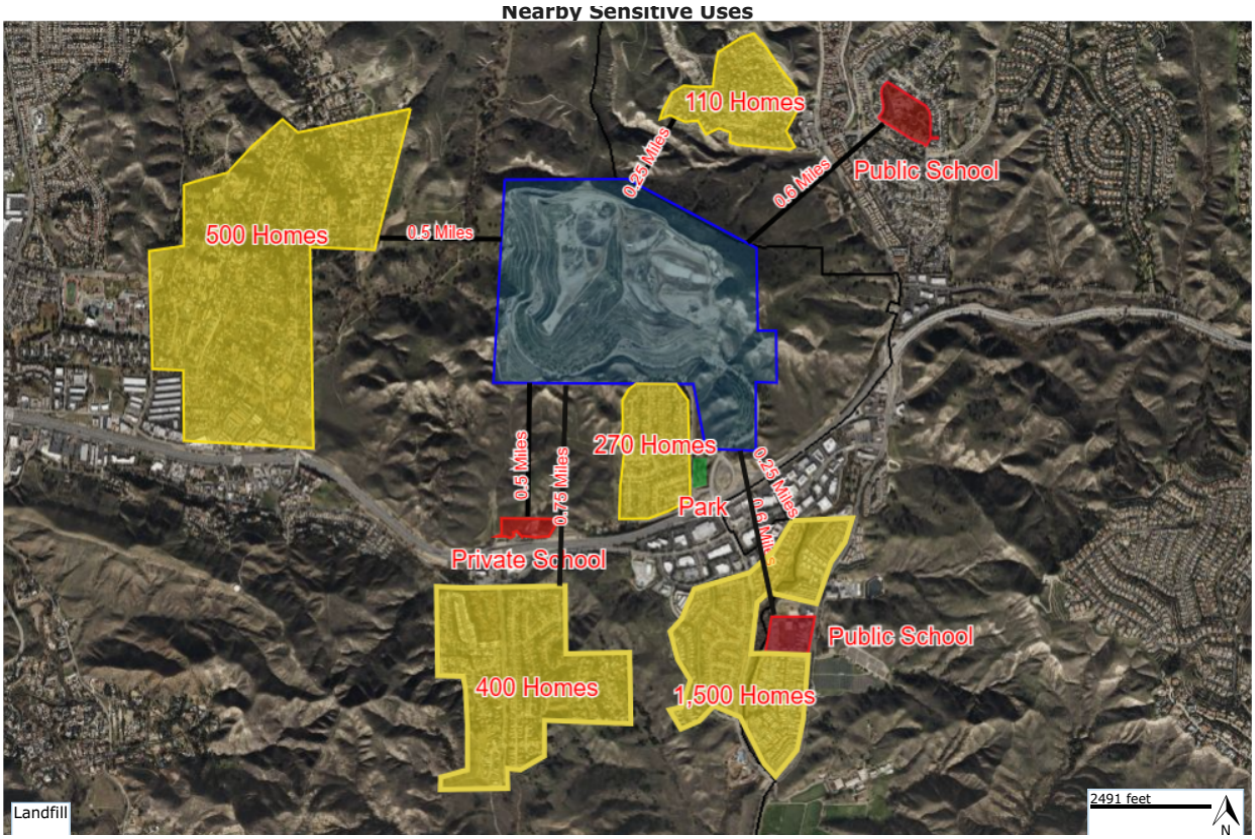
THE LANDFILL'S PROXIMITY TO RESIDENTIAL HOMES, SCHOOLS, AND OTHER ENVIRONMENTALLY SENSITIVE AREAS—AIR QUALITY

12. The Landfill is located in an area that has multiple environmentally sensitive receptors, including schools, residential homes, parks and other receptors. A map illustrating sensitive receptors within a



one mile radius of the Landfill is depicted above. The blue outlined area depicts the Landfill boundaries. Among specific sensitive receptors are two public schools, Lupin Hill Elementary School and Montessori of Malibu Canyon. In addition, as noted in the figure above, Ilan Ramon Day School, a private school is located within a quarter mile of the landfill. Other sensitive receptors near the Landfill include a dog kennel facility and a local park, Grape Arbor Park.

13. The three nearby schools qualify as "sensitive receptors" within the meaning of California Health & Safety Code Section 42705.5 (a)(5)

which focuses on potential exposure (and related monitoring) for air quality. This is due to the potential exposure by young children to air pollutants.

14. The County San District was recently subject to a monetary penalty for violation of South Coast Air Quality Management District ("AQMD") Rule 3002 (requirements for Title V Permit), as reported by the AQMD staff to its Governing Board in October 2024. Specifically, the San District was subject to a penalty of $9,088.00 pursuant to Notice of Violation Number 75260. On information and belief based on AQMD on-line records, that Notice of Violation related to an infraction at the Landfill committed in 2022 and was not resolved until August 2024.

15. The County San District provides reports of its emissions (to the air) to the AQMD. Based on its 2023 report to the AQMD as reflected in AQMD's website for the Landfill (facility No. 42514), it released into the air literally tons of "priority pollutants" including NOX, a precursor to Ozone, and Particulate Matter, which can impact human lungs. The report FOR 2023, as contained in AQMD webpage available at:https://xappprod.aqmd.gov/find//facility/AQMDsearch?facilityID=42514 show emissions of various priority pollutant emissions in tons per year:

CO
Carbon Monoxide
Annual Emissions: 8.956

NOX
Nitrogen Oxides
Annual Emissions: 7.234

PM
Particulate Matter
Annual Emissions: 6.411

SOX
Sulfur Oxides
Annual Emissions: 14.222

VOC
Volatile Organic Compounds
Annual Emissions: 3.699

Based on these admitted levels of admissions in 2023, the Landfill is deemed a "major source" pursuant to the Clean Air Act Section 112(a)(1).

16. The City is unaware of whether Respondents have notified the AQMD of their intent to alter the operations of the Landfill facility by allowing the disposal of fire debris containing potentially potent air toxins into the facility. The County's staff report (signed by the Director of the County Department of Public Works, Mr. Pestrella) to the Board of Supervisors requesting authorization for this expanded use makes no mention of any such application to AQMD by either the County or the San District.

THE RESPONDENTS HAVE AN ABSOLUTE DUTY TO ENSURE THAT NO HAZARDOUS WASTE GOES TO THIS CLASS III LANDFILL

17. The County and the San District are the owner and operator (respectively) of the Landfill.

18. The County as the owner and the San District as the operator have a legal duty to comply with laws regulating the disposal of waste. The Hazardous Waste Control Act (Health & Safety Code Sec. 25100, et. seq., also known as "Chapter 6.5") defines "waste" to mean "any solid, liquid, semisolid or contained gaseous discarded material." It further

defines "a discarded material" as "any material that is *any* of the following: (1) Relinquished by being any of the following: (A) Disposed of; (B) Burned or incinerated." (Health & Safety Code Section 25124 [defining "waste" for statutory purposes].)

19. The term "hazardous waste" is defined in Chapter 6.5 as meaning: "a waste that meets any of the criteria for identification of a hazardous waste adopted by the department [Department of Toxic Substances Control ("DTSC")] pursuant to section 25141. (Health & Safety Code Section 25117(a).)

20. The DTSC has promulgated a list of hazardous wastes as an appendix to the California Code of Regulations (Appendix XII). That appendix lists many compounds that are likely and probable to be among the wastes created by the Palisades Fire, the Eaton Fire and others including but not limited to the following. It is available on-line at: https://govt.westlaw.com/calregs/Document/I8527194E5B6111EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)

a. Asbestos-containing waste (Waste Code No. 151): Likely found in older residential homes built before the ban on use of asbestos for home insulation materials;

b. Metal sludge (Waste Code 171): Likely found as a result of fire destruction of metal washer/dryers, metal light fixtures, metal stoves and dishwasher interiors, and metal stands for coffee tables or other related items.

c. Paper sludge/pulp (Waste Code 471): Likely found as a result of fire destruction of books, papers used in home offices, and water used to douse those materials.

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d. Detergent and soap (Waste Code 561): Likely result of fire destruction of common household detergents and cleaning agents.

21. On information and belief, the City believes that there are additionally a number of other California listed wastes likely to be contained in fire debris waste, including but not limited to lead. The City reserves the right to supplement the list of such listed wastes in a subsequent filing.

22. The Department of Toxic Substances Control (DTSC) has issued its "DTSC Emergency Guidance on Wildfires #1-Fact Sheet" (updated January 2025) which states in part: "Ash, charred debris, and other contaminated materials from burned structures may be hazardous wastes."

23. The Landfill is a Class III landfill. By state law, a Class III landfill cannot accept hazardous wastes. (Pub. Res. Code § 40060(d)(1).) The Permit for this Landfill specifically prohibits certain types of waste disposals, including disposal of any "hazardous waste."

THE RESPONDENT'S FAILURE TO ADHERE TO THEIR REGULATORY DUTY AND EFFORT TO "PASS-THE-[HAZARDOUS WASTE] BUCK"

24. Respondents County and San District have a statutory duty to ensure that only non-hazardous waste from the fire debris wastes is deposited at the Landfill.

25. To date, the San District has stated that as to the Landfill: "This facility can take Disaster-related waste, including fire debris that is certified as having hazardous waste removed." The San District further states on its webpage for the Calabasas Landfill: "We will not accept fire

debris without a certificate." (Calabasas Landfill webpage available at: https://www.lacsd.org/services/solid-waste/facilities/calabasas-landfill)

26. To date, there is absolutely no transparent information about: (a) the form of the proposed "certificate of waste"; (b) the nature of the individual or entity authorized to sign such a "certificate;" (c) the procedures or testing required before certifying the debris does not contain any hazardous waste; or (d) any effort by the San District or the County to verify the accuracy and completeness of such a "certificate."

27. Indeed, the only proposed "enforcement" mechanism suggested by the San District is a $500.00 fine (as to waste brought but not unloaded) at the Landfill. On information and belief, the alternative cost of transporting waste to a Class I landfill, which is permitted to accept hazardous waste, would be far greater than a $500.00 fine because the price per ton of waste for disposal at a Class I landfill is much greater than the price per ton of waste at Calabasas ($90.40).

28. Given the economic differential between costs per ton of disposal of hazardous waste at a Class I landfill and the costs per ton of disposal of "non-hazardous waste" at a Class III landfill such as Calabasas, the Respondents have effectively created a strong economic incentive to lie and cheat. That is, if they accept in a "pass-the-buck" fashion a certificate by a third-party vendor eager to dispose of its fire debris waste that all hazardous materials have been removed, then the Respondents have created an enormous opportunity to evade state hazardous waste laws and regulations.

29. The County's Department of Public Works (DPW) prepared a letter dated February 18, 2025, entitled: "Environmental Services Core Service Area Temporary Waiver of Wasteshed Restriction and Increase in Disposal Tonnage Limits at Local Landfills." That letter, which is

currently available as part of the agenda package for the County Board of Supervisors' meeting as agenda item no. 29 for the February 18, 2025, meeting of the Board, states in one conclusory sentence that: "Materials taken to the Calabasas, Sunshine Canyon, and Lancaster Landfills will not include household hazardous waste." (DPW letter to Supervisors dated Feb. 18, 2025 at p.2). The letter, however, is devoid of any reference to other types of hazardous wastes or how those other types of hazardous wastes might be (or will be) screened by the County from disposal into the Landfill. The DPW letter of February 18, 2025, does not elucidate on the "certificate" suggested in the San District webpage that "hazardous waste has been removed" from fire debris waste going to the Landfill. Nor does the DPW letter of February 18, 2025, indicate how household hazardous wastes will be screened by the County from the bulk of the fire debris wastes.

30. The Board of Supervisors was currently scheduled to vote to approve: (a) expansion of the aerial scope of fire debris wastes going to the Landfill and effectively override an existing Ordinance No. 91-0003 that limited to just the Calabasas wasteshed area wastes that could be sent to the Landfill; (b) allow this change to be "effective immediately and continuing for six (6) months initially and (c) recognize that the Landfill's waste permit limiting tonnage per day may be modified.

31. The Board of Supervisors was scheduled to vote on this item as Agenda item No. 29 on February 18, 2025. On that day, it was announced that the Board would defer consideration of this agenda item until the following week. On information and belief, this request was made by the head of DPW without further explication of why such a deferral was appropriate.

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FIRST CAUSE OF ACTION
(WRIT OF MANDATE AGAINST ALL RESPONDENTS/DEFENDANTS)

32. The City incorporates Paragraphs 1-31 as if fully set forth herein.

33. A writ of mandate is necessary in this case because the City has no plain, speedy and adequate remedy at law. This is so for several reasons: (a) if hazardous waste is admitted to the Landfill any subsequent judicial order would be inadequate to attempt to segregate 5,000 tons per day of waste received at the Landfill from ordinary non-hazardous wastes; (b) if hazardous waste is admitted to the Landfill it could be subject to winds and aerial dispersion into the nearby schools and residences and cause irreparable injury to human health and the environment. In addition, there may be exposure through releases of the collected waste via migration to the local groundwater.

35. Respondents, as the owner and operator respectively of the Landfill are the appropriate entities to whom the writ should be directed as they directly control use and operation of the Landfill.

36. A writ pursuant to Section 1085 of the Code of Civil Procedure is appropriate to compel an act that is required under the Hazardous Waste Control Act (Health & Safety Code, Chapter 6.5), and to ensure compliance with the existing Title V permit issued by the AQMD for this facility No. 42514 and Rule 3200.

37. The law specifically enjoins the deposit of hazardous waste at a Class III landfill, but in this case Respondents are directly ignoring that requirement. Alternatively, Respondents are blithely accepting "certificates" of compliance by third-party sources without any independent verification or quality assurance/quality control measures.

38. As demonstrated by the San District's 2023 report to the South Coast Air Quality Management District, the Landfill is an existing source of "particulate matter." If no injunction is issued to mandate compliance with the Hazardous Waste Control Act, then the Landfill could be a much larger source of particulate matter emissions that would reach local schools and residences. Those emissions, particularly if they included aerial dispersion of hazardous wastes, could impair human health and the environment.

39. Scientific studies have demonstrated the known association between landfills and adverse health effects to humans. Such studies include A. Siddiqua, J. Hahladakis, W. Al-Attiya, "An overview of environmental pollution and health effects associated with waste landfilling and open dumping" 29 Environmental Science and Pollution Research 58514-58636 (July 2022).

40. The potential for adverse human health effects will significantly increase if the Landfill starts to accept large volumes of fire debris waste that is not adequately and directly screened by Respondents to prevent the disposal of hazardous wastes.

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PRAYER FOR RELIEF

WHEREFORE, the City prays for judgment against the County of Los Angeles, the County Sanitation District No.2 of the County of Los Angeles and ROES 1- 10, inclusive, as follows:

1. For a granting of the Petition for a Writ of Mandate commanding the Respondents to::

a. Vacate and rescind any approvals, decisions, or website announcements to the general public suggesting acceptance of any fire debris waste at the Calabasas Landfill until such time as the Respondents have developed processes and procedures to ensure that the fire debris to be disposed of at the Landfill does not contain any hazardous wastes..

b. That Respondents are mandated to provide clear and explicit notice to the City of Calabasas, its residents, and all adjacent communities of the exact nature of the waste certification program specific to fire debris wastes and provide at least two separate town-hall type meetings to explain such terms to local residents and school administrators;

2. For actual costs and reasonable attorneys' fees pursuant to Civil Procedure Code Section 1021.5 for enforcement of an important public right affecting the public interest against two public entities; and

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3. For such other and further relief as the Court may deem proper and just.

DATED: February 19, 2025

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