

South Coast AQMD v. Chiquita Canyon, LLC
Parties' Contested Conditions

Condition No.	South Coast AQMD Proposed Language	Respondent Proposed Language (if any)
8(p)	Each monthly report shall contain at a minimum the following information: Updates on landfill excavation work, including excavation location(s) (that are identified on graphic map(s) of the landfill), and excavated/exposed waste characteristics (saturated, semi-dry, dry, odor type and intensity, etc.)	Each monthly report shall contain at a minimum the following information: Updates on landfill excavation work as defined in Rule 1150(a)(5) and performed in the Reaction Area, including excavation location(s) (that are identified on graphic map(s) of the landfill), and excavated/exposed waste characteristics (saturated, semi-dry, dry, odor type and intensity, etc.). Excavation work occurring pursuant to an exemption as listed in South Coast AQMD Rule 1150(c) must also be included in these updates.

<p>12(b)</p>	<p>Reaction Committee members shall be subject to ongoing oversight by the South Coast AQMD. If in the South Coast AQMD's determination one or more members appointed by Respondent to the Reaction Committee is not serving in this capacity satisfactorily, South Coast AQMD may provide notice to Respondent that the applicable person(s) may no longer serve on the Reaction Committee. Such notice from the South Coast AQMD shall be in writing, and may be transmitted to Respondent through counsel. If Respondent receives such notice from South Coast AQMD, Respondent shall remove the applicable person from any further work or service on the Reaction Committee within ten (10) days. Respondent shall identify and appoint a replacement member of the Reaction Committee, pursuant to Condition No. 12(a) above, within thirty (30) days.</p>	<p>Reaction Committee members shall be subject to ongoing oversight by the South Coast AQMD. If in the South Coast AQMD's determination one or more members appointed by Respondent to the Reaction Committee is not serving in this capacity satisfactorily, as defined herein, South Coast AQMD may provide written notice to Respondent through Counsel that the applicable person(s) is no longer serving satisfactorily.</p> <p>Failure to serve in a satisfactory capacity is defined as:</p> <p>Failure of a Reaction Committee member to attend regularly scheduled meetings of the Reaction Committee and South Coast AQMD technical staff;</p> <p>Failure of a Reaction Committee member to meet deadlines imposed on the Reaction Committee for deliverables set forth in this Order; or</p> <p>Failure of a Reaction Committee member to respond in a timely and substantive manner to recommendations provided by South Coast AQMD technical staff, as required by Condition 12(c)(iv).</p> <p>If Respondent receives such notice from South Coast AQMD, Respondent may respond in writing within ten (10) days to contest South Coast AQMD's conclusion that a member of the Reaction Committee is not serving satisfactorily and explain why Respondent believes that member will serve in a satisfactory capacity in the future.</p> <p>If South Coast AQMD receives such a response, South Coast AQMD shall have ten (10) days to determine whether</p>
--------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>a member of the Reaction Committee may continue to serve on the Reaction Committee by doing the following:</p> <p>If South Coast AQMD determines that Respondent's written response addresses the alleged unsatisfactory performance, then South Coast AQMD will respond in writing to Respondent stating that the Reaction Committee member may continue to serve on the Reaction Committee.</p> <p>If South Coast AQMD determines that Respondent's written response does not address the alleged unsatisfactory performance, then South Coast AQMD shall petition for a status/modification hearing before the Hearing Board and the Hearing Board shall determine if a member of the Reaction Committee should be removed.</p> <p>While awaiting a decision from the Hearing Board, a member of the Reaction Committee can continue to serve on the Reaction Committee.</p> <p>If the Hearing Board determines that a member of the Reaction Committee's performance has not been satisfactory, then it may issue an Order directing Respondent to remove and replace that member of the Reaction Committee. Respondent shall remove the applicable person from any further work or service on the Reaction Committee within ten (10) days of receipt of the Order. Respondent shall identify and appoint a replacement member of the Reaction Committee, pursuant to Condition No. 12(a) above, within thirty (30) days of receipt of the Order.</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Condition No.	South Coast AQMD Proposed Language	Respondent Proposed Language (if any)
15(f)	Each well shall be completed and capped the same day its construction commences, unless the well hole is completely sealed and the well casing is connected to the gas collection header to prevent any landfill gas from escaping into the atmosphere	Each well shall be completed and capped the same day its construction commences, unless the well hole is completely covered (using a steel plate, dirt, or both), or the subsequently installed pipe is capped
15(j)	Following the installation of additional wells per Conditions 15(a) and 15(b), Respondent shall replace any wells in the Reaction Area which are damaged, blocked, pinched, or which have gas temperatures exceeding 145 degrees Fahrenheit with CPVC wells, carbon steel, and/or stainless steel wells, or add new wells that replace the landfill gas extraction capacity. Within 7 days of discovery of any such well, Respondent shall notify South Coast AQMD in writing [attn: Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)] of a proposed installation schedule. Installation shall take place within 7 days of the notification, whenever feasible, but the schedule shall take into account availability of drilling equipment, replacement materials, and weather and safety conditions. Respondent shall notify South Coast AQMD in writing of any delays preventing installation within 7 days of the prior notification, with evidence substantiating the delay, and additionally shall provide an updated installation schedule. ;	Following the installation of additional wells per Conditions 15(a) and 15(b), Respondent shall replace any wells in the Reaction Area which are damaged, blocked, pinched, or which have gas temperatures exceeding 145 degrees Fahrenheit with CPVC wells, carbon steel, and/or stainless steel wells, or add new wells that replace the landfill gas extraction capacity. Within 7 days of discovery of any such well, Respondent shall notify South Coast AQMD in writing [attn: Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)] of a proposed installation schedule. Installation shall take place within 7 days of the notification, whenever feasible, but the schedule shall take into account availability of drilling equipment, replacement materials, and weather and safety conditions. Respondent shall notify South Coast AQMD in writing of any delays preventing installation within 7 days of the initial proposed installation date, with evidence substantiating the delay, and additionally shall provide an updated installation schedule;

Condition No.	South Coast AQMD Proposed Language	Respondent Proposed Language (if any)
24	<p>Respondent shall operate and maintain the landfill so as to prevent standing leachate and the pooling or ponding of leachate exposed to atmosphere throughout the facility. If pooling or ponding of liquid/leachate is occurring, safety permitting, the liquid/leachate shall be immediately collected and contained in a sealed tanker truck or leachate tank that minimizes emissions, or repairs promptly performed to redirect leachate into the leachate collection system.</p>	<p>Respondent shall operate and maintain the landfill so as to prevent standing leachate and the pooling or ponding of leachate exposed to atmosphere throughout the facility. If pooling or ponding of liquid/leachate is occurring, safety permitting, the liquid/leachate shall be immediately collected and contained in a sealed tanker truck or leachate tank that minimizes emissions, or repairs promptly performed to redirect leachate into the leachate collection system. If pooling or ponding of liquid/liquid is observed on a Sunday, safety permitting, Respondent shall make reasonable attempts to have the liquid/leachate immediately collected and contained or repairs promptly performed as required by this Condition No. 24. If Respondent is unable to obtain the required truck or other equipment necessary to immediately collect and contain the liquid/leachate, and unable to begin repairs, Respondent shall immediately collect and contain the liquid/leachate or begin prompt repairs the next operating day, safety permitting.</p>

36	<p>Respondent shall, within 75 days of the issuance of this Order, install and maintain instrumentation within the nearby residential community, at sites MS-10 and MS-12, as defined in Respondent’s existing Community Air Monitoring Program. These instruments shall be capable of measuring hourly concentrations of benzene, toluene, ethylbenzene, xylenes, and other relevant volatile organic compounds (VOC) with site surface emissions greater than 1 ton/year, as indicated in Table 5.5 of the Chiquita Canyon Landfill Assessment of Air Emissions from Landfill Surfaces Report dated October 2023. Respondent shall develop a monitoring plan that utilizes reliable and field-proven instrumentation, such as a micro gas chromatograph (MicroGC) with pre-concentration, and seek approval from South Coast AQMD. If measurement of any target compounds is not able to be practically achieved, Respondent shall inform and seek approval from South Coast AQMD.</p>	<p>Respondent shall, within 30 days of the issuance of this Order, submit to South Coast AQMD [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov); Christina Ojeda, Air Quality Inspector, Payam Pakbin, Atmospheric Measurements Manager, ppakbin@aqmd.gov], a work plan and timeline to install and maintain instrumentation within the nearby residential community, at sites MS-10 and MS-12, as defined in Respondent’s existing Community Air Monitoring Program. These instruments shall be capable of measuring hourly concentrations of benzene, toluene, ethylbenzene, xylenes, and other relevant volatile organic compounds (VOC) with site surface emissions greater than 1 ton/year, as indicated in Table 5.5 of the Chiquita Canyon Landfill Assessment of Air Emissions from Landfill Surfaces Report dated October 2023. Respondent shall develop a monitoring plan that utilizes reliable and field-proven instrumentation, such as a micro gas chromatograph (MicroGC) with pre-concentration, and seek approval from South Coast AQMD. If measurement of any target compounds is not able to be practically achieved, Respondent shall inform and seek approval from South Coast AQMD. Installation shall take place within 75 days of issuance of this Order, if feasible, but the schedule shall take into account equipment availability, supply chain delays, and permits and approvals required by County regulatory agencies for installation of the instrumentation, including installation of power to the sites, and approvals from site owners. Respondent shall notify South Coast AQMD in writing of any delays preventing installation within 7 days of the initial proposed installation date, with</p>
----	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Condition No.	South Coast AQMD Proposed Language	Respondent Proposed Language (if any)
		<p>evidence substantiating the delay, and additionally shall provide an updated installation schedule.</p> <p>36(b): Until installation of the additional instrumentation is complete, Respondent shall increase the number of grab samples taken and analyzed for VOCs at MS-10 and MS-12 from once per week, to three times per week.</p>
42(b)	Excavation shall not be conducted between the hours of 6:00 p.m. and 6:00 a.m. or on weekends and legal holidays unless otherwise approved in writing by the South Coast AQMD.	Excavation shall not be conducted between the hours of 6:00 p.m. and 6:00 a.m. or on weekends and legal holidays unless excavation is conducted pursuant to Condition 24, or otherwise approved in writing by the South Coast AQMD.
42(e)	Excavation shall not be conducted when the wind speed is greater than 15 mph (averaged over 15 minutes) or the wind speed instantaneously exceeds 25 mph.	None. This subpart should be removed from the Order.
42(i)	If the OVA or other approved organic monitor shows a sustained reading (greater than 15 seconds) of 2,000 ppmv Total Organic Compounds as methane or greater at the working face of the excavation, the excavation shall cease and the area generating the emissions shall immediately be completely covered with a minimum of 6 inches of clean dirt, plastic sheet, or other South Coast AQMD approved cover. Excavation shall not resume until the readings return to the background level.	If the OVA or other approved organic monitor shows a sustained reading (greater than 15 seconds) of 2,000 ppmv Total Organic Compounds as methane or greater at the working face of the excavation, the excavation shall cease and the area generating the emissions shall immediately be completely covered with a minimum of 6 inches of clean dirt, plastic sheet, or other South Coast AQMD approved cover. Excavation shall not resume until the readings return to 1,000 ppmv or lower.

Condition No.	South Coast AQMD Proposed Language	Respondent Proposed Language (if any)
42(j)	If the OVA or other approved organic monitor shows a sustained reading (greater than 15 seconds) of 200 ppmv Total Organic Compounds as methane or greater downwind from the site at the property line (or other approved locations), the excavation shall cease and the area generating the emissions shall immediately be completely covered with a minimum of 6 inches of clean dirt, plastic sheet, or other South Coast AQMD approved cover. Excavation shall not resume until the readings return to the background level.	If the OVA or other approved organic monitor shows a sustained reading (greater than 15 seconds) of 200 ppmv Total Organic Compounds as methane or greater downwind from the site at the property line (or other approved locations), the excavation shall cease and the area generating the emissions shall immediately be completely covered with a minimum of 6 inches of clean dirt, plastic sheet, or other South Coast AQMD approved cover. Excavation shall not resume until the readings return to 100 ppmv or lower.
42(k)	Excavated landfill material and refuse shall be immediately relocated for burial onsite or immediately deposited into trucks/trailers for off-site transport and completely covered with an impermeable cover, with such covers tied down, except for during active loading/unloading of refuse. All seams shall be sealed to prevent any materials from escaping during transport.	Excavated landfill material and refuse shall be immediately relocated for burial onsite or immediately deposited into trucks/trailers for off-site transport and completely covered, with such covers tied down, except for during active loading/unloading of refuse.
42(l)	When refuse loading is completed and during transport, no material shall extend above the sides or rear of the truck or trailer which will haul the excavated material. Excavated material shall be completely covered with an impermeable cover, with the cover tied down, and all seams shall be sealed to prevent any materials from escaping during transport.	When refuse loading is completed and during transport, no material shall extend above the sides or rear of the truck or trailer which will haul the excavated material. Excavated material for off-site transport shall be completely covered, with the cover tied down.
42(m)	The exterior of haul trucks or trailers including the tires shall be cleaned off prior to leaving the excavation site.	The exterior of haul trucks or trailers including the tires shall be cleaned off at the existing permitted truck wash prior to leaving the facility.

Case No. 6177-4

Hearing Date: January 16, 2024

Condition No.	South Coast AQMD Proposed Language	Respondent Proposed Language (if any)
42(s)	Mitigation measures, other than those listed in these conditions, which are deemed appropriate by South Coast AQMD personnel as necessary to protect the comfort, repose, health, and safety of the public, shall be implemented upon request	None. This subpart should be removed from the Order.