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3 **BEFORE THE HEARING BOARD OF THE**
4 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

5 **In The Matter Of**

6 SOUTH COAST AIR QUALITY
7 MANAGEMENT DISTRICT,

8 Petitioner,

9 vs.

10 CHIQUITA CANYON, LLC a Delaware
11 Corporation,
12 [Facility ID No. 119219]

13 Respondent.

Case No. 6177-4

**[PROPOSED] FINDINGS AND
DECISION FOR A MODIFIED ORDER
FOR ABATEMENT**

Health and Safety Code § 41700, and District
Rules 402, 431.1, 3002, 203,
1150_____

Hearing Date: January 16, 2024

Time: 9:30 am

Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

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16 On September 6, 2023, a hearing on a Stipulated Order for Abatement was held, and,
17 following a hearing, a Stipulated Order for Abatement was issued. Following petition from the South
18 Coast AQMD the Hearing Board held a Status/Modification Hearing pursuant to notice in
19 accordance with the provisions of California Health and Safety Code §§ 40823 and 42451(a) and
20 District Rule 812 to consider modifications to the Stipulated Order. The following members of the
21 Hearing Board were present: Cynthia Verdugo-Peralta, Chair; Jerry P. Abraham, MD, MPH, CMQ;
22 Micah Ali; Mohan Balagopalan; and Adrienne Konigar Macklin, Esq., alternate. Petitioner South
23 Coast Air Quality Management District (“South Coast AQMD”) was represented by Kathryn
24 Roberts, Senior Deputy District Counsel, Mary Reichert, Senior Deputy District Counsel and Ryan
25 Mansell, Senior Deputy District Counsel. Respondent Chiquita Canyon, LLC, was represented by
26 Jacob P. Duginski, attorney at law, and Megan L. Morgan, attorney at law, of Beveridge & Diamond,
27 P.C. South Coast AQMD and Respondent presented a partial stipulation on proposed modifications.
28 South Coast AQMD and Respondent additionally proposed a set of contested modifications in

1 addition to the stipulated modifications. The public was given the opportunity to testify, evidence
2 was received, and the matter was submitted. The Hearing Board finds and decides as follows:

3 **FINDINGS OF FACT**

4 1. South Coast AQMD is a body corporate and politic established and existing pursuant
5 to Health and Safety Code §§ 40000, *et seq.* and §§ 40400, *et seq.*, and is the sole and exclusive local
6 agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

7 2. Respondent operates a landfill/solid waste disposal facility known as Chiquita
8 Canyon Landfill (“CCL”) located at 29201 Henry Mayo Dr., Castaic, California, 91384, South Coast
9 AQMD Facility ID No. 119219. Respondent operates within the South Coast AQMD’s jurisdiction
10 and is subject to the South Coast AQMD’s rules. The landfill/solid waste disposal site has a footprint
11 of approximately 400 acres pursuant to a Conditional Use Permit issued by the County of Los
12 Angeles. Chiquita was most recently granted a renewed Conditional Use Permit in 2017 to allow
13 continued operations. Under its current use permit, CCL is allowed to accept an average of 6,616
14 tons per day (“TPD”) of solid waste between the hours of 4:00am to 5:00pm Monday through
15 Saturday. CCL may also accept green waste and beneficial reuse materials. CCL may accept a
16 maximum of 2,800,000 tons per year of solid waste and beneficial reuse material combined.

17 3. **South Coast AQMD Rule 402 and California Health and Safety Code (“H&S
18 Code”) Section 41700** prohibit the discharge, from any source whatsoever, such quantities of air
19 contaminants or other material which causes injury, detriment, nuisance, or annoyance to any
20 considerable number of persons or the public, or which cause, or have the natural tendency to cause,
21 injury or damage to business or property.

22 4. **South Coast AQMD Rule 102 and H&S Code Section 39013** define “air
23 contaminant,” including as used in Rule 402 and Section 41700, as “any discharge, release, or other
24 propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited
25 to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or
26 any combination thereof.”

27 5. **South Coast AQMD Rule 431.1(c)(2)** prohibits burning, in any equipment requiring
28 a permit to operate, landfill gas with sulfur compounds of greater than 150 parts per million by

1 volume (“ppmv”) calculated as hydrogen sulfide (“H₂S”) averaged daily.

2 6. **South Coast AQMD Rule 3002(c)(1)** requires operators to operate all Title V
3 facilities in compliance with all Title V permit conditions at all times.

4 7. **South Coast AQMD Rule 203(b)** requires all facilities to operate in compliance with
5 all conditions in their permit to operate.

6 8. **South Coast AQMD Rule 1150(b)(2)** requires all persons to obtain an Excavation
7 Management Plan approved by the South Coast AQMD prior to initiating excavation of an active or
8 inactive landfill unless the activity which exposes buried waste to the atmosphere is a normal part
9 of the daily operation of an active landfill or is exempted by South Coast AQMD Rule 1150(c),
10 which includes exemption for the maintenance of gas or leachate collection systems and emergency
11 excavations performed by, under the jurisdiction of, or pursuant to the requirements of, an authorized
12 Health Officer, Agricultural Commissioner, or Fire Protection Officer and whenever possible, the
13 Executive Officer shall be notified prior to commencing such excavation.

14 9. **CCL’s Facility-Wide Permit, Condition No. 3** prohibits CCL from using landfill
15 gas that contains sulfur compounds in excess of 150 ppmv calculated as H₂S averaged daily.

16 10. **South Coast AQMD Permit No. G55163, Condition No. 11** requires CCL to have
17 no more than 150 ppmv of total sulfur compounds (calculated as H₂S averaged daily) in its landfill
18 gas.

19 11. **South Coast AQMD Permit No. G73696, Condition No. 16** limits CCL’s Flare No.
20 1 to a maximum of 2.5 lbs/hour of sulfur oxides (“SO_x”) as SO₂.

21 12. **South Coast AQMD Permit No. G73696, Condition No. 17** limits CCL’s Flare No.
22 2 to a maximum of 2.5 lbs/hour of SO_x as SO₂.

23 13. **South Coast AQMD Permit No. A/N 624296, Condition No. 31** limits CCL’s Flare
24 No. 3 to a maximum of 124.08 lbs/day and 2,175.60 lbs/month of SO_x as SO₂. Flare No. 3 is also
25 limited by its permit to a daily average in the inlet of 85 ppmv sulfur as H₂S, and monthly average
26 of 60 ppmv sulfur as H₂S, and a daily average in the inlet of 150 ppm sulfur as H₂S

27 14. Respondent’s operation at CCL also includes a landfill gas collection and control
28 system that includes vertical and horizontal gas collection wells and associated piping and trenches,

1 multiple collection headers and blowers for venting landfill gas, a landfill gas treatment system, a
2 condensate/leachate collection system and two flares which combust landfill gas. CCL also has an
3 active permit application for an additional third flare which, if permitted, would be incorporated into
4 its landfill gas collection and control system.

5 15. South Coast AQMD alleges Respondent is inadequately containing landfill gas,
6 leachate, and associated surface emissions at CCL, which cause odor and other unlawful emissions
7 from the landfill.

8 16. From January to September 2023, South Coast AQMD received more than 2,100
9 complaints of an odor nuisance from the public, with CCL as the alleged source. Complaints include
10 odor descriptions of both trash and landfill gas, but Petitioner and Respondent believe that all odors
11 complained of related to landfill gas, leachate, and associated surface emissions rather than trash or
12 the working face.

13 17. CCL is currently experiencing a subsurface reaction or elevated temperature landfill
14 event over an inactive portion of the landfill that is causing increased temperatures, increased
15 production of landfill gas, and increased production of leachate, as well as fugitive emissions of
16 landfill gas from the surface of the landfill. The area of the landfill affected by the reaction is located
17 approximately 1000 feet from the nearest resident. South Coast AQMD alleges that the ongoing
18 subsurface reaction is the source of the odor complaints received from the public, and the root cause
19 of an ongoing public nuisance.

20 18. South Coast AQMD Inspectors investigated the complaints and traced some of them
21 back to CCL and confirmed CCL as the source of the odors on numerous occasions, and have
22 consistently traced odors back to the area of the landfill affected by the reaction rather than the
23 working face. Between May and September 5, 2023, South Coast AQMD issued 58 Notices of
24 Violation (“NOVs”) against Respondent for violating South Coast AQMD Rule 402 and H&S Code
25 § 41700.

26 19. On September 6, 2023, the Hearing Board held a hearing on South Coast AQMD’s
27 Petition for an Order for Abatement. At the conclusion of the hearing, the Hearing Board issued a
28 Stipulated Order for Abatement (“Stipulated Order”).

1 20. Following the adoption of the Stipulated Order for Abatement on September 6, 2023,
2 Respondent worked to implement the Order’s conditions. Respondent presented summaries of its
3 implementation of these conditions in declarations submitted on December 1, 2023, January 9, 2024,
4 and January 11, 2024.

5 21. Between September 6, 2023 and January 11, 2024, South Coast AQMD received a
6 total of [#] complaints alleging CCL as the source of odors. South Coast AQMD consistently
7 responds to and investigates complaints, including verifying the existence of complained-of odors
8 and the source as CCL. Over this time period, Respondent received 46 NOVs for alleged violations
9 of South Coast AQMD Rule 402 and H&S Code § 41700. The total number of NOVs issued for
10 alleged violations of South Coast AQMD Rule 402 and H&S Code § 41700 related to this incident
11 is 105.

12 22. In early October, 2023, South Coast AQMD learned of the existence of leachate
13 seeping out from the area of the landfill affected by the reaction. South Coast AQMD Inspectors
14 conducted an inspection and confirmed that leachate had seeped out of the landfill and pooled in a
15 concrete-lined stormwater channel adjacent to the area of the landfill affected by the reaction. South
16 Coast AQMD Inspectors observed that the leachate gave off a unique odor, which Inspectors
17 determined was contributing to and worsening the alleged public nuisance. On November 16, 2023,
18 South Coast AQMD issued Respondent NOV P75294 for failing to maintain Respondent’s leachate
19 collection system and for failing to report a breakdown in accordance with Respondent’s permit and
20 District Rule 430 requirements. Respondent disputes NOV P75294, specifically that there was any
21 failure of its leachate collection system as permitted by South Coast AQMD.

22 23. On October 17, 2023, South Coast AQMD, in coordination with LA Fire/Hazmat
23 agents, conducted an unannounced inspection and attempted to collect samples of the leachate
24 exposed to the air from Respondent’s property. Respondent denied access to collect samples of the
25 leachate. South Coast AQMD collected air samples at both the fence line and within the nearby
26 community at that time. Respondent permitted South Coast AQMD to collect samples of the leachate
27 on October 20, 2023. South Coast AQMD had both the air and leachate samples analyzed. In some,
28 but not all air samples, results indicated elevated concentrations of benzene which were higher than

1 background, both at the fence line and in the community. On review of all sample results, South
2 Coast AQMD Laboratory staff were unable to make conclusive determination about the impact(s)
3 to the community, but determined that additional monitoring and/or sampling was recommended to
4 develop a more complete understanding. Around that time, South Coast AQMD requested real-time
5 access to Respondent's Community Air Monitoring ("CAM") network, which it maintains pursuant
6 to a requirement from the Los Angeles County Department of Regional Planning, as a condition of
7 Respondent's Conditional Use Permit. By January 10, 2024, South Coast AQMD Monitoring and
8 Analysis Division staff had been given real-time access to some, but not all, of the air monitors
9 within Respondent's CAM network. South Coast AQMD Monitoring and Analysis Division staff
10 have also been provided laboratory reports of additional air samples taken in the community pursuant
11 to a requirement from Los Angeles County Department of Public Health, acting as Respondent's
12 LEA.

13 24. On several successive inspections, South Coast AQMD Inspectors continued to
14 routinely observe leachate exposed to the ambient air. Inspectors observed leachate at times bubbling
15 or boiling, free flowing from the surface of the landfill, pooling at the landfill, channeling through
16 soil at the landfill, and flowing to concrete lined drainage where Respondent had installed
17 checkdams to prevent the leachate from leaving Respondent's property. South Coast AQMD
18 Inspectors observed that Respondent had employed vacuum trucks to remove the leachate from the
19 concrete-lined drainage channels. On some inspections, South Coast AQMD Inspectors observed
20 leachate shooting into the air as a geyser. Where the leachate was discharged as a geyser, flowing or
21 channeling across the landfill, or ponding at the landfill, the surrounding soil became saturated with
22 leachate. The leachate-saturated soil also exhibited a foul-smelling odor. In several instances, South
23 Coast AQMD Inspectors observed that Respondent did not take immediate actions to remediate
24 either the leachate or the saturated soil prior to the leachate reaching the concrete channels.

25 25. Also in early October, South Coast AQMD Inspectors observed Respondent
26 conducting landfill excavation activities within the Reaction Area, including to install a French drain
27 system as agreed to by Respondent following recommendation by Respondent's LEA and
28 CalRecycle. South Coast AQMD Inspectors observed several aspects of this excavation that did not

1 employ mitigation measures to prevent odors. Inspectors observed track-out through leachate
2 puddles, and stockpiling without cover of odorous leachate-saturated soil, among other things. Upon
3 review, South Coast AQMD Inspectors confirmed that Respondent did not have an approved
4 Landfill Excavation Plan as required by Rule 1150. South Coast AQMD issued Respondent NOV
5 P75296 on November 15, 2023 for conducting a landfill excavation without an approved plan,
6 among other violations. Respondent disputes this violation, as the excavation work was required to
7 repair the western slope of the landfill to ensure that all waste remained on the landfill liner, redirect
8 leachate seepage so that it remains on the lined area of the landfill and under a scrim (plastic cover),
9 and address the violations noted in the LEA's site inspection report. Respondent has since concluded
10 its remediation of the western slope and the associated leachate seeps.

11 26. On October 31, 2023, Respondent submitted the initial flux chamber study, required
12 by Condition 12(d) of the Stipulated Order. The study concluded that, if the emissions observed
13 during the study held constant for an entire year, a total of around 43,000 tons per year of
14 uncontrolled/fugitive surface emissions would be produced at the Landfill. Of those emissions,
15 approximately 9.33 tons per year would be benzene, and a total of approximately 100 tons per year
16 are toxic organics as measured by EPA Method TO-15.

17 27. On November 6, 2023, Respondent submitted the report on Landfill Best
18 Management Practices for Mitigating Landfill Reaction Odors. Among other mitigation evaluated
19 and recommended, the report recommended eliminating leachate seeps to reduce leachate odors. The
20 report provided a set of best management practices for eliminating leachate seeps and noted that
21 Respondent is already and should continue following these best management practices. The report
22 also recommended that Respondent "continue its efforts to address the leachate seep on the western
23 slope by digging into the waste to redirect the leachate and prevent it from surfacing."

24 28. On December 1, 2023, Respondent submitted the Ambient Air and Emissions
25 Monitoring Assessment required by Condition 26 of the Stipulated Order. Among other things, the
26 study concluded that macro-level modeling showed that gases with detectable levels of odors "ha[ve]
27 pathways from [the Landfill] to communities north of the Landfill in wind conditions less than 7
28 mph with the strongest concentrations in the 0.5 to 3 mph range." However, the report noted that

1 this modeling was done on a macro level and that “to accurately assess potential concentration levels
2 on a micro level” additional models would need to be created and run.

3 29. On the same day, Respondent also submitted the Dimethyl Sulfide Continuous
4 Monitoring Feasibility and Availability Report required by Condition 12(b)(iii) of the Stipulated
5 Order. The report concluded that “real-time monitoring for the estimation of DMS concentrations in
6 the community and along the property fenceline is not feasible due to . . . [t]he lack of real-time
7 sensors and monitoring methods for the direct measurement of DMS[, and the] lack of detectible
8 DMS in analytical air samples collected across the community and fenceline locations[.]”

9 30. On December 5, 2023, Respondent issued Dewatering Guidelines as required by
10 Condition 18 of the Stipulated Order. The Dewatering Guidelines, among other things, provide
11 details on plans to install pumps at certain wells within the Reaction Area in order to remove leachate
12 and deprive the reaction of heat.

13 31. On December 8, 2023, Respondent submitted the Elevated Temperature Landfill
14 Causation Investigation Report as required by Condition 12 of the Stipulated Order. The report
15 concluded that “the causes of the ETLF conditions at CCL cannot be definitively identified,” but
16 that “experience at other ETLF landfills demonstrates that landfill reactions and resulting odors have
17 been mitigated by best management practices, including increased gas extraction and liquid
18 removal.”

19 32. On December 22, 2023, Respondent submitted to the Los Angeles County Dept. of
20 Public Health a Feasibility Assessment Study regarding the expanded continuous monitoring of total
21 reduced sulfurs (“TRS”) and selected air toxics (“BTEX”). The study recommended “removal of the
22 TRS continuous monitoring stations” and “removal of the BTEX continuous monitoring stations”
23 following the conclusion that the TRS monitoring was not a reliable surrogate for DMS; that BTEX
24 monitoring results did not correlate well to grab samples and that “future collection of continuous
25 BTEX data will only serve to confuse the data review process.”

26 33. South Coast AQMD’s Monitoring and Analysis Division compiled and reviewed
27 continuous monitoring data from six monitors in Respondent’s CAM network, all located within the
28 affected communities. The monitors collect real-time data for hydrogen sulfide (“H₂S”) and

1 particulate matter. South Coast AQMD Monitoring and Analysis staff determined that, based on
2 totality of evidence, particulate matter was not the primary pollutant of concern for the current
3 ongoing issues at the Landfill. Based on review of H2S continuous monitoring across all six
4 monitors, South Coast AQMD determined that approximately 35% of all hourly average readings
5 over the past year exceeded the California Office of Environmental Health Hazard Assessment
6 (“OEHHA”) acute standard of 30 parts per billion (“ppb”) on a 1-hour average. Some readings,
7 across a 1-hour average, exceeded 300 ppb, ten times the OEHHA standard. The highest single
8 reading exceeded 500 ppb. South Coast AQMD Monitoring and Analysis staff concluded from this
9 data review that there was clear indication that air emissions from the Landfill were having
10 significant impact to the community. However, Monitoring and Analysis staff were not given access
11 to review Respondent’s maintenance, quality assurance/quality control (“QA/QC”) policies, so it
12 was unable to verify accuracy of the data collected.

13 34. The Los Angeles County Department of Public Health also received monitoring data
14 of these community monitoring stations, including, eventually, real-time access to this data. Dr.
15 Nichole Quick, the Department’s Deputy Director for Health Protection, reviewed the data and
16 concluded that, if assumed accurate, it showed evidence that there were likely health impacts
17 observed in the community due to H2S exposure. Dr. Quick noted that physiological health impacts
18 of H2S at the 1-hour acute standard of 30 ppb would often include headaches, nausea, and respiratory
19 irritation. Dr. Quick noted that this opinion is consistent with OEHHA comprehensive risk
20 assessment guidelines. These guidelines are also used in setting the California Ambient Air Quality
21 Standards. Dr. Quick noted that because the data indicated significant exceedances of this standard,
22 symptoms could be more prolonged or intense. Dr. Quick last noted that because the data indicated
23 that H2S exposure in the community has been ongoing for over one year, it may also be appropriate
24 to evaluate impacts using OEHHA’s chronic standard, defined as a one year or greater exposure
25 duration. The chronic H2S standard set by OEHHA is 8 ppb.

26 35. South Coast AQMD Monitoring and Analysis staff also reviewed laboratory results
27 of 24-hour samples taken at the community monitoring stations which were analyzed for air toxics.
28 Not all laboratory reports were provided to South Coast AQMD for review, and reports were

1 provided inconsistently. Of those reviewed, several indicated levels of benzene above expected
2 background levels, but below the 8-hour acute standard of 8ppb set by OEHHA. South Coast AQMD
3 Monitoring and Analysis staff reviewed that at least one sample result, collected at MS-10 on
4 November 6, 2023, had reported benzene level well above the 8-hour acute standard, measured at
5 69.5 ppb. South Coast AQMD learned about the result on December 8, 2023 (though the lab report
6 was dated November 9, 2023). South Coast AQMD Monitoring and Analysis staff discussed this
7 result with the third-party lab that performed the analysis to inquire about potential anomalies in the
8 lab methods. The third-party lab confirmed the validity of the results. Lab samples collected at other
9 monitoring sites on the same day were all below the OEHHA standard for benzene, though one other
10 sample from a nearby monitor had reported benzene levels higher than expected background levels
11 at 2.67 ppb.

12 36. Dr. Quick, based on review of the laboratory sample reports made available to South
13 Coast AQMD, concluded that there is ample evidence that suggests potential health impacts to the
14 community from air contaminants. The Los Angeles County Department of Public Health had also
15 received and reviewed letter memoranda issued to the public from Respondent's toxicologist
16 consultants, Dr. Pablo Sanchez-Soria and Dr. Angela L. Perez, both of CTEH, which characterize
17 the monthly continuous and 24-hour samples in the community. On October 2, 2023, Dr. Sanchez-
18 Soria and Dr. Perez co-signed a letter which stated in bold-face type: "Based on our review of the
19 continuous air monitoring and discrete air sampling data, there is no evidence of increased health
20 risk to the community." On October 6, 2023, Dr. Quick, on behalf of the Los Angeles County
21 Department of Public Health, responded to Dr. Sanchez-Soria and Dr. Perez, writing that "CTEH's
22 conclusive statement in the Memorandum: that after its '*review of the continuous air monitoring and*
23 *discrete air sampling data, there is no evidence of increased health risk to the community*' is not
24 supported by sufficient data or analysis, is premature and misleading." The Department of Public
25 Health also provided seven technical issues with CTEH's letter.

26 37. On October 31, 2023, Dr. Sanchez-Soria and Dr. Perez issued another letter
27 memoranda to the public, which characterized the August and September 2023 community
28 monitoring. The letter stated, in bold-face type: "Based on our review of the continuous air

1 monitoring and discrete air sampling data from August through September 2023, no adverse health
2 effects are anticipated across the community.” On December 5, 2023, Dr. Sanchez-Soria and Dr.
3 Perez issued another letter memoranda to the public, which characterized the August, September
4 and October community monitoring. The letter again stated, in bold-face type: “Based on our review
5 of the continuous air monitoring and discrete air sampling data from August through October 2023,
6 no adverse health effects are anticipated across the community.” Dr. Sanchez-Soria was designated
7 by Respondent to serve on the DMS (now Reaction) Committee as the public health expert. Dr.
8 Sanchez-Soria did not release any other statements to the public acknowledging or addressing any
9 other expert analysis generated by the DMS Committee which may have implications for public
10 health impacts. Dr. Sanchez-Soria, though he attended the September 6, 2023 hearing, also did not
11 address any of the evidence received by the Hearing Board from members of the public who testified
12 to living in the affected community and already experiencing adverse health effects.

13 38. Following the District’s Petition for a Status/Modification hearing, the Parties began
14 negotiations regarding potential modifications. The Parties proposed a partially-stipulated
15 Modification. The South Coast AQMD proposed additional modifications that were not stipulated
16 to by Respondent.

17 **CONCLUSIONS**

18 39. The Respondent is in violation of Section 41700 of the Health and Safety Code and
19 Rule 402 of the South Coast AQMD. Respondent’s facility is experiencing a subsurface reaction
20 over an approximately 30-acre portion of the Landfill. This portion is the source of significant odors,
21 which are causing injury, detriment, nuisance and/or annoyance to a considerable number of persons
22 and the public. The reaction is causing increased production of landfill gas and leachate which is not
23 being fully contained within Respondent’s permitted landfill gas or leachate collection and treatment
24 systems. The landfill gas and leachate cause odors and cause injury, detriment, nuisance, or
25 annoyance to a considerable number of persons and the public, or endanger the comfort, repose,
26 health or safety of such persons and the public.

27 40. The Respondent is in violation of South Coast AQMD Rules 431.1(c)(2), 3002(c)(1),
28 and 203(b). Rule 431.1(c)(2) prohibits burning, in any equipment requiring a permit to operate,

1 landfill gas with sulfur compounds of greater than 150 parts per million by volume (“ppmv”)
2 calculated as hydrogen sulfide (“H₂S”) averaged daily; Condition No. 3 of Respondent’s Facility-
3 wide Permit incorporates this same requirement. Rules 3002(c)(1) and 203(b) require Respondent to
4 comply with all conditions of its permits at all times. Respondent is continuing to exceed the Rule
5 and permit limits as evidenced by Respondent’s monthly reports measuring the total sulfur in its
6 landfill gas (Section A of Exhibits A, B, C, and D of the Declaration of Patrick Sullivan).

7 41. The Respondent is in violation of Rule 1150(b)(1). Rule 1150(b)(1) requires all
8 persons to obtain an approved Excavation Management Plan prior to excavating an active landfill.
9 Respondent is regularly carrying out excavation activities but does not hold an approved Excavation
10 Management Plan. Respondent contends that its operations to remediate the portion of the Landfill
11 experiencing a subsurface reaction constitutes “a normal part of the daily operation of an active
12 landfill” such that they are not within the definition of “excavation” in Rule 1150(a)(5).
13 Respondent’s contention is unsupported by the facts. Subsurface reactions of this nature are not a
14 normal part of any landfill operation, and efforts to respond to the symptoms of this reaction, while
15 potentially appropriate, still fall within the parameters of Rule 1150(b)(1). Accordingly,
16 Respondent’s excavation activities without an approved Excavation Management Plan is a violation
17 of the Rule.

18 42. The Respondent is in violation of Rule 430, Rule 3002(c)(1) and Rule 203(b) for
19 failing to report a breakdown to the South Coast AQMD in equipment which causes a violation of a
20 rule of regulation of the South Coast AQMD. Respondent has failed to maintain the full and proper
21 working order of the leachate collection system, as required by Respondent’s leachate collection
22 system permit. Respondent’s contention that the leachate collection system has not had a breakdown
23 is refuted by the weight of the evidence. Fully and properly operated, the leachate collection system
24 captures leachate and collects it subsurface. However, leachate has been and continues to evade the
25 leachate collection system and is exposed to ambient air and is only collected by separate, external
26 trucks, which are not part of Respondent’s leachate collection system. Accordingly, the Hearing
27 Board concludes that there has been, and is ongoing, a breakdown in Respondent’s leachate
28 collection system. Respondent has not submitted a breakdown notification pursuant to South Coast

1 AQMD Rule 430, and is thus in violation of that Rule and as well as permit conditions that likewise
2 require breakdown reporting and Rules 3002 and 203 which require compliance with permit
3 conditions.

4 43. Specifically with respect to Condition Nos. 8(p), 15(f), 24, 27(b), 36, 42(e), 42(j),
5 42(k), 42(l), 42(m), and 42(s), the Conditions are appropriate to accomplish the necessary abatement.
6 These conditions will help limiting the scope and intensity of violations, further transparency of the
7 issue while ongoing, and assure public confidence in the process and outcome of the Abatement
8 Order.

9 44. The issuance of this Order for Abatement, which occurred following a fully noticed
10 hearing, and in accordance with all requirements of California law and all applicable procedures of
11 the Hearing Board of the South Coast AQMD, does not constitute a taking of property without due
12 process of law.

13 45. The issuance of this Order for Abatement is not expected to result in the closing or
14 elimination of Respondent's business. However, if such closing were to result, it would not be
15 without a corresponding benefit in reducing air contaminants.

16 46. There is good cause for adopting the modifications of the Order that are stipulated to
17 by the Parties and imposing the contested modifications as sought by the South Coast AQMD.

18 47. This Order for Abatement is not intended to be nor does it act as a variance.

19 **ORDER**

20 THEREFORE, subject to the aforesaid statements and good cause appearing, the Hearing
21 Board hereby orders Respondent to comply with California Health and Safety Code Section 41700,
22 South Coast AQMD Rules 402, 203, 431.1, and 3002, and all conditions of Respondents Permits.
23 The Hearing Board further hereby orders Respondent to comply with the following conditions and
24 increments of progress:

25 **Odor Surveillance**

- 26 1. Respondent shall conduct odor surveillance in the communities surrounding CCL as
27 follows:
28

- 1 a. Respondent shall contract with a trained third party to conduct odor surveillance
 2 each operating day within thirty (30) days after the issuance of the September 6,
 3 2023 Order (the “Initial Order”). Respondent shall conduct odor surveillance each
 4 operating day until the trained third party has been contracted. Respondent, or
 5 Respondent’s contractor, as applicable, shall conduct community odor surveillance
 6 at least twice each operating day, once between the hours of 7:00 a.m. and 11:00
 7 a.m. and once between the hours of 8:00 p.m. and 12:00 a.m. If a three-week period
 8 passes without Respondent receiving a Rule 402 NOV from the South Coast
 9 AQMD, or detecting odors at above an intensity of 2 at more than 2 stops during a
 10 single surveillance, then Respondent, or Respondent’s contractor, as applicable,
 11 may stop conducting the odor surveillances. If Respondent, or Respondent’s
 12 contractor, as applicable, has stopped conducting the odor surveillances pursuant to
 13 this condition and Respondent subsequently receives a Rule 402 NOV from the
 14 South Coast AQMD, then Respondent, or Respondent’s contractor, as applicable,
 15 must resume conducting the odor surveillances until another three-week period
 16 passes with no Rule 402 NOVs issued by the South Coast AQMD, or without
 17 Respondent or Respondent’s contractor, as applicable, detecting odors at above an
 18 intensity of 2 at more than 2 stops in a single surveillance.
- 19 b. Respondent, or Respondent’s contractor, as applicable, shall conduct an odor
 20 surveillance at each of the following Surveillance Locations:

Stop	Description
1.	Intersection of Chiquito Canyon Road and driveway leading to the LA County Fire's Del Valle Regional Training Center
2.	Intersection of Chiquito Canyon Road and Lincoln Avenue
3.	Intersection of Lincoln Avenue and Jackson Street
4.	Intersection of Lincoln Avenue and Harding Avenue
5.	Intersection of Buchanan Way and Chiquito Canyon Road
6.	Intersection of Chiquito Canyon Road and San Martinez Road
7.	Intersection of San Martinez Road and Morningside Drive
8.	Intersection of Lexington Drive and Morningside Drive

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Stop	Description
9.	Intersection of Val Verde Road and Trellis Road
10.	Intersection of San Martinez Road and Euclid Ave.
11.	Intersection of San Martinez Road and Keningston Road
12.	Intersection of Hunstock Street and Windsor Road
13.	Intersection of Del Valle Road and Silver Street
14.	Intersection of Del Valle Road and Hasley Canyon Road
15.	Intersection of Hasley Canyon Road and Gibraltar Lane
16.	Intersection of Gibraltar Lane and Alton Way
17.	Intersection of Gibraltar Lane and Springvale Lane
18.	Intersection of Castlebury Place and Picadilly Place
19.	Intersection of Gibraltar Lane and Cambridge Avenue
20.	Intersection of Cambridge Avenue and Hasley Canyon Road
21.	Intersection of Creekbed Road and Firebrand Drive
22.	Intersection of The Old Road and Hillcrest Parkway
23.	Intersection of Hillcrest Parkway and Park Vista Drive at Castaic Elementary School
24.	Intersection of Hasley Canyon Road and Commerce Center Drive (Santa Clarita Valley International School & PlayMakers Preschool)
25.	Intersection of The Old Road and Live Oak Road
26.	Intersection of Live Oak Road and Hidden Trail Road
27.	Intersection of Rangewood Road and Buckskin Drive
28.	Intersection of Live Oak Elementary School at Saddleridge Way
29.	Intersection of Quincy Street and Cambridge Avenue
30.	Intersection of Commerce Center Drive and Witherspoon Parkway
31.	Intersection of Franklin Parkway and driveway leading to the United States Postal Service
32.	Intersection of Henry Mayo Drive and Cambridge View Drive, leading into the Valencia Travel Village RV Resort

- c. Respondent, or Respondent’s contractor, as applicable, conducting the odor surveillance shall not have visited the Reaction Area (as defined in Condition 9(a)), working face, or other areas where exposed trash or landfill gas odors exist at CCL within four hours prior to conducting an odor surveillance.
- d. Odor surveillance shall be conducted by proceeding to each Surveillance Location and making an assessment of each parameter listed in Condition No. 1(e).

1 Assessment of each parameter shall be made while standing in ambient air and shall
2 not be made from within a vehicle.

- 3 e. Respondent, or Respondent’s contractor, as applicable, shall record odor
4 surveillance results in an “Odor Surveillance Log” before the end of the work day.
5 The Odor Surveillance Log shall contain, but not be limited to: (1) the date and time;
6 (2) stop number; (3) the name of the person performing the surveillance and written
7 acknowledgement that they did not visit the working face or other on-site areas
8 where exposed trash or landfill odors such as, but not limited to landfill gas odors,
9 refuse or refuse contaminated material odors, or landfill liquids/landfill leachate
10 odors exist within a four hours prior to conducting an odor surveillance, (4) the wind
11 speed and direction; (5) a narrative description of any odor detected (including the
12 type of odor, such as trash, landfill gas, chemical, odor neutralizer, as applicable);
13 (6) current weather conditions; and (7) an assessment of the strength of any odor
14 detected using the scale below:

15 0	No odor detected
16 1	Very light odor detected
17 2	Light odor detected
18 3	Moderate odor
19 4	Strong odor
20 5	Very strong odor

- 21 f. If Respondent, or Respondent’s contractor, as applicable, conducting the odor
22 surveillance detects odors at three or more stops that are determined to be of a
23 strength of 3 or higher on the scale above during any surveillance occurring during
24 Respondent’s operating hours (between the hours of 4:00am and 5:00pm),
25 Respondent, or Respondent’s contractor, as applicable, shall immediately notify
26 landfill operating staff. Respondent shall designate an employee able to receive and
27 direct action related to such notifications promptly. Upon receiving such
28 notification, Respondent shall, within 30 minutes of receipt, review and initiate
modifications, as appropriate, to fan placement, and conduct a visual inspection of

1 the Reaction Area (as defined in Condition 9(a)) to assess, and address as needed,
2 any cracks in the surface of the area.

3 2. Respondent shall maintain records of all Odor Surveillance Logs for the duration of this
4 Order and shall make them available for inspection by South Coast AQMD upon request.
5 Respondent shall maintain a written record of any notification received, and any action
6 taken in response to notice under Condition 1(f).

7 **Reducing Sulfur in the Landfill Gas to be Flared**

8 3. Respondent shall expedite, to the maximum extent feasible, replacement of granular
9 activated carbon media in the Landfill Gas Treatment System (under Permit G55163, A/N
10 603249), including the execution of contracts, as well as the delivery, replacement, startup,
11 and testing of any operation necessary to replenish and/or replace spent granular activated
12 carbon media in the Landfill Gas Treatment System. Respondent shall ensure adequate
13 stock of all odor control products and supplies are maintained on site.

14 a. Respondent shall monitor and record the landfill gas temperature at least daily at
15 the inlet of the Landfill Gas Treatment System. The temperature of the landfill gas
16 shall not exceed 145 F.

17 4. Respondent shall prioritize and maximize the use and operation of landfill gas flares No. 2
18 (under Permit G73696, A/N 645450) and No. 3 (under A/N 624296) over landfill gas flare
19 No. 1 (under Permit G73696, A/N 645450) to the maximum extent feasible when
20 combusting landfill gas at the facility (FID 119219). Once Respondent receives the
21 necessary permits and puts the new landfill gas flare discussed in Condition 20 (“landfill
22 gas flare No. 4”) into operation, Respondent shall prioritize and maximize the use and
23 operation of landfill gas flares Nos. 3 and 4 over landfill gas flares No. 1 and No. 2 (under
24 Permit G73696, A/N 645450) and prioritize and maximize the use and operation of landfill
25 gas flare No. 2 over landfill gas flare No. 1 to the maximum extent feasible when
26 combusting landfill gas at the facility (FID 119219).

27 5. Respondent shall sample, analyze, and record the landfill gas sulfur compounds combusted
28 in each flare (as measured at sampling location FL-150 that is representative of the gas

1 combusted in the flares under Permit G73696, A/N 45450; A/N 624296) at least once each
2 week using colorimetric tests for H₂S and at least once each week sample for analysis for
3 total sulfur compounds as H₂S using South Coast AQMD Method 307-91. Additionally,
4 Respondent shall sample, analyze, and record the landfill gas sulfur compounds found in
5 the raw, pre-treatment and pre-control, landfill gas collected from the Reaction Area (as
6 defined in Condition 9(a)) at least once each calendar month for total sulfur compounds as
7 H₂S using South Coast AQMD Method 307-91.

8 a. Respondent shall record South Coast AQMD Method 307-91 analysis upon receipt
9 of laboratory analysis report. Each recorded measurement or result shall be
10 documented with the time and date when the measurement or sample collection was
11 conducted, and initialed by the personnel that conducted the measurement or sample
12 collection.

13 b. Sulfur compound readings and analysis shall be reported to South Coast AQMD
14 pursuant to Condition No. 8.

15 i. Tedlar bags used for Method 307-91 sampling and analysis shall not contain
16 droplets or debris.

17 ii. Colorimetric tube readings shall be conducted by taking a reading from a
18 Tedlar bag sample using an appropriate colorimetric tube sample collection
19 pump. All sampling shall be performed in accordance with the operational
20 manual for the colorimetric tube sample collection pump.

21 iii. Colorimetric tube readings shall use colorimetric tubes of appropriate
22 concentration range and shall be reported as follows:

23 1. Respondent shall first use the estimated appropriately ranged colorimetric
24 tube.

25 2. If the resulting reading reaches the upper concentration of the colorimetric
26 tube concentration range, subsequent reading(s) shall be taken using a
27 colorimetric tube with a concentration range that has a larger upper
28 concentration threshold until the result is not the upper concentration

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threshold of the concentration range. Report the tube concentration range and tube concentration result for each reading.

3. If the reading results in the lower concentration of the colorimetric tube concentration range or does not register a result, subsequent reading(s) shall be taken using a colorimetric tube with a concentration range that has a smaller lower concentration threshold, if available, until the colorimetric tubes available to the facility result in:

- a. A reading that is within the concentration range of the tube,
- b. A reading is the lower concentration of the colorimetric tube concentration range, or
- c. The colorimetric tube does not register a result.

4. When the result is the lower concentration of the colorimetric tube concentration range or does not register a result, the lower concentration of the colorimetric tube concentration shall be considered the concentration result. Report the tube concentration range and tube concentration result for each reading. If a lower range colorimetric tube is not used and the tube concentration result is below the lower range of the colorimetric tube used, Respondent shall report the result as “less than” or “<” the lower range value of the tube. Notwithstanding the forgoing, Respondent shall ensure that the colorimetric tube result is below the upper range of the colorimetric tube used and shall report the precise result of all results above the lowest range of the colorimetric tube used.

- 6. Respondent shall maintain adequate stock of appropriately ranged colorimetric tubes.
- 7. Respondent shall maintain a record of the following information, and provide such records to the South Coast AQMD pursuant to Condition No. 8:
 - a. The hourly and daily flow of landfill gas combusted, in standard cubic feet, in each flare (flares No. 1 & No. 2 under Permit G73696, A/N 645450; flare No. 3 under A/N 624296), the thermal oxidizer (under Envent Corporation A/N 645484), the

1 second thermal oxidizer/flare (under Zeeco A/N 648539), and any other equipment
2 used to combust or control landfill gas at the facility, and the total amount of landfill
3 gas combusted at the facility;

4 b. The daily flow of landfill gas not flared, in standard cubic feet, if applicable; and

5 c. The results of the sulfur readings, sampling, and analyses, calculated as H₂S with
6 the time and date when each measurement or sample collection was conducted.

7 8. Respondent shall submit a monthly written report on the landfill operation, progress of the
8 status of the Landfill Gas Flares (flares No. 1 and No. 2 under Permit G73696, A/N 645450;
9 flare No. 3 under A/N 624296), Landfill Gas Treatment System (under Permit G55163,
10 A/N 603249), and efforts to resolve the total sulfur concentration in the landfill gas
11 exceeding 150 ppmv calculated as H₂S. Monthly reports shall be submitted to Respondent
12 on the third Monday of each subsequent month (except for this first month as described
13 below) not later than 5:00pm via email to Baitong Chen, Air Quality Engineer,
14 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
15 and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov). The first report for August
16 2023 shall be due on September 30, 2023. Each monthly report shall contain at a minimum
17 the following information:

18 a. The landfill gas sulfur compounds measurements and laboratory analysis with the
19 time and date of each measurement or sample collection, as identified in Condition
20 No. 5.

21 b. The landfill gas records and calculations identified in Condition No. 7, in a
22 Microsoft Excel spreadsheet format.

23 c. The integrated landfill surface sample analysis and landfill surface monitoring
24 readings identified in Condition Nos. 9 and 10, in a Microsoft Excel spreadsheet
25 format.

26 d. Estimated schedule for any replacement or refurbishment of granular activated
27 carbon media in the Landfill Gas Treatment System (under Permit G55163, A/N
28 603249) identified in Condition No. 3. The landfill gas temperature at inlet of the

1 Landfill Gas Treatment System (under Permit G55163, A/N 603249) identified in
2 Condition No. 3(a).

3 e. Description of any problems or delays, if any, encountered or projected to occur
4 pertinent to the execution of contracts, as well as the delivery, replacement, startup,
5 and testing of any operation necessary to replenish and/or replace spent granular
6 activated carbon media in the Landfill Gas Treatment System (under Permit
7 G55163, A/N 603249). Respondent shall submit copies of documents or other
8 records to support any problems or delays noted pursuant to this Condition No. 8(e)
9 along with such description.

10 f. Specifications of the equipment and materials used for the weekly colorimetric tests
11 (only if there is a change from the previously provided specifications of the
12 colorimetric instrumentation or method used).

13 g. All wellhead temperature and CO concentration readings, lab analysis, and Draeger
14 tube readings for landfill gas from the past month in a Microsoft Excel spreadsheet
15 format.

16 h. A graphic map showing location of each well with temperature exceedances (above
17 145 degrees Fahrenheit), each well with CO exceedances (above 1,000 ppmv and
18 below 1,500 ppmv, and above 1,500 ppmv), and stratification of temperature ranges
19 during that month, which includes a description of any remedial measures taken to
20 address or lower gas well temperatures.

21 i. All vertical liquid impacted landfill gas wells, per Condition No. 17, including a
22 description of any remedial measures taken to address or reduce liquids in landfill
23 gas wells.

24 j. Updates on the investigation into the availability, viability, and utilization, including
25 pilot testing if needed, of an alternative sulfur compound treatment system that
26 controls, treats, or removes dimethyl sulfide (“DMS”) and other sulfur compounds,
27 if any.

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- 1 k. A summary report on SCS's implemented improvements to the landfill gas
2 collection system.
- 3 l. An inspection log for landfill cover inspections, pursuant to Condition No. 30.
- 4 m. Any subsequent additions to the landfill gas collection system, pursuant to
5 Condition No. 15.
- 6 n. Any subsequent additions to the landfill gas condensate or leachate collection
7 system, such as dewatering sumps/pumps, or other dewatering work performed per
8 the dewatering guidelines and implementation plan pursuant to Condition No. 18.
- 9 o. Updates on the procurement and installation of the geosynthetic cover(s), pursuant
10 to Condition No. 31.
- 11 p. Updates on landfill excavation work, including excavation location(s) (that are
12 identified on graphic map(s) of the landfill), and excavated/exposed waste
13 characteristics (saturated, semi-dry, dry, odor type and intensity, etc.).
- 14 q. Updates regarding leachate including:
- 15 i. Leachate temperature recordings pursuant to Condition No. 27(a);
- 16 ii. Daily log of inspection findings and containment activities
17 pursuant to Condition 27(b);
- 18 iii. Weekly record of leachate seepage and pooling pursuant to
19 Condition 27(c); and
- 20 iv. Quantity of leachate measured, and associated company name and
21 physical address of the off-site disposal/treatment facility(ies) that
22 receive leachate generated by the landfill, pursuant to Condition
23 27(d).
- 24 9. Respondent shall collect integrated landfill surface samples for analysis across the Reaction
25 Area (as defined in Condition 9(a)) at least every two weeks as specified in Rule 1150.1
26 Attachment A 2.0. In the event Respondent is unable to sample specific landfill surface
27 area(s) or grid(s) due to inaccessibility or dangerous conditions for a technician,
28 Respondent shall document the date and the conditions that do not allow the sampling of

1 the specific area(s) or grid(s). Documentation shall be sufficient to show the inaccessibility
2 or dangerous conditions and may include weather forecasts and actual rainfall
3 measurements, or photographs and/or videos that depict the site conditions, that prevent
4 such sampling activities for each specific area or grid affected.

5 a. The “Reaction Area” shall be defined initially by the boundary of Cells
6 1/2A, 2B/3, 4, and Module 2B/3/4 P2. The boundary of the Reaction Area
7 shall be modified to include the associated landfill surface area of the cells
8 and modules that experience well temperatures of at least 170 degrees
9 Fahrenheit, settlement, cracks in the landfill cover, presence and quantity
10 of liquids, and the presence of hydrogen in the landfill gas. The Reaction
11 Committee (defined in Condition No. 12), shall transmit to the South Coast
12 AQMD [attn: Baitong Chen, bchen@aqmd.gov; Nathaniel Dickel,
13 ndickel@aqmd.gov; Christina Ojeda, cojeda@aqmd.gov]: 1) the revised
14 map which clearly displays the proposed boundary change(s) and depicts
15 the new Reaction Area; 2) a narrative summary explaining the rationale
16 behind the proposed changes, including memorializing any dissenting
17 view of any member of the Reaction Committee; and 3) any supporting
18 data relied upon in the decision to revise the Reaction Area.

19 b. The Reaction Committee shall review applicable data and shall consider
20 revision to the Reaction Area as frequently as appropriate but shall make
21 a determination about whether to revise the Reaction Area map at least
22 once per month, with the determination and revised Reaction Area map (if
23 applicable) submitted to the South Coast AQMD [attn: Baitong Chen,
24 bchen@aqmd.gov; Nathaniel Dickel, ndickel@aqmd.gov; Christina
25 Ojeda, cojeda@aqmd.gov] no later 7 days following the end of the month.

26 10. Respondent shall conduct instantaneous landfill surface monitoring across the Reaction
27 Area (as defined in Condition 9(a)) at least every two weeks as specified in Rule 1150.1,
28 Attachment A 3.0, beginning no later than seven (7) days after the issuance of this Order.

1 In the event Respondent is unable to monitor specific landfill surface area(s) or grid(s) due
2 to inaccessibility or dangerous conditions for a technician, Respondent shall document the
3 date and the conditions that do not allow the monitoring of the specific area(s) or grid(s).

- 4 11. Respondent shall continue operating its flares and landfill gas treatment system even if the
5 emitted landfill gas exceeds the limits on total reduced sulfur and SO_x laid out in CCL's
6 permits (Permit G55163, Condition Nos. 11 and 16 and CCL's Facility-Wide Permit,
7 Condition No. 3) and South Coast AQMD Rules 431.1(c)(2), 3002(c)(1), and 203(b).
8 Respondent shall include deviation reporting associated with exceedances of these
9 emissions limits in its semi-annual Title V reports and in accordance with the requirements
10 of Respondent's Title V permit.

11 **Investigation of Underlying Reaction and Odor Impacts**

- 12 12. Respondent shall organize a committee (the "Reaction Committee") consisting of subject
13 matter experts to aid in the investigation, impact assessment, and remediation of the
14 ongoing landfill reaction and resultant odors as specified below. Respondent shall, through
15 retention of one or more consultants and/or designation of one or more new or existing
16 employees, complete the formation of the Reaction Committee within thirty (30) days of
17 the issuance of this Order. Respondent shall, within thirty (30) days of the issuance of this
18 Order, or within ten (10) days of their appointment, if appointment occurs after October 6,
19 2023, provide to the South Coast AQMD [Baitong Chen, Air Quality Engineer,
20 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
21 and Christina Ojeda, Air Quality Inspector (cojeda@aqmd.gov)] the names of all persons
22 included in the Reaction Committee along with a Curriculum Vitae, or other description of
23 the individual's credentials, experience, and/or expertise in the applicable subject matter.

- 24 a. The Reaction Committee shall include, at a minimum, at least one person with
25 subject matter expertise in each of the following areas:

- 26 i. Landfill design and operational best management practices;
27 ii. Landfill gas collection/extraction systems, landfill gas
28 condensate/leachate collection systems, and landfill gas control;

- 1 iii. Chemical reaction(s) within landfills leading to formation of and
2 elevated levels of dimethyl sulfide (“DMS”) and non-methane
3 organic compounds (“NMOC”);
4 iv. Public health relating to air quality and exposure to air
5 contaminants including DMS.

6 b. Reaction Committee members shall be subject to ongoing oversight by the South
7 Coast AQMD. If in the South Coast AQMD’s determination one or more members
8 appointed by Respondent to the Reaction Committee is not serving in this capacity
9 satisfactorily, South Coast AQMD may provide notice to Respondent that the
10 applicable person(s) may no longer serve on the Reaction Committee. Such notice
11 from the South Coast AQMD shall be in writing, and may be transmitted to
12 Respondent through counsel. If Respondent receives such notice from South Coast
13 AQMD, Respondent shall remove the applicable person from any further work or
14 service on the Reaction Committee within ten (10) days. Respondent shall identify
15 and appoint a replacement member of the Reaction Committee, pursuant to
16 Condition No. 12(a) above, within thirty (30) days.

17 c. Beginning in March 2024, Respondent shall host a monthly virtual meeting with all
18 members of the Reaction Committee and South Coast AQMD technical staff. The
19 purpose of the monthly meeting shall be to allow Reaction Committee members to
20 provide an update on progress of ongoing and future planned work performed/to be
21 performed pursuant to this Order which is directly related to the subsurface reaction
22 at the Landfill, and allow South Coast AQMD to provide recommendations and/or
23 feedback on such progress.

- 24 i. To facilitate each meeting, Respondent shall provide South Coast
25 AQMD (attn: Baitong Chen, bchen@aqmd.gov; Nathaniel Dickel,
26 ndickel@aqmd.gov; Christina Ojeda, cojeda@aqmd.gov; Payam
27 Pakbin, ppakbin@aqmd.gov; Kathryn Roberts,
28 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov) a

1 proposed agenda listing the topics to be discussed, and the
2 presenter, not later than ten (10) calendar days prior to the meeting.
3 South Coast AQMD shall have the option to expand the agenda to
4 include additional topics within the purview of the Reaction
5 Committee. If South Coast AQMD elects to expand the agenda, it
6 shall provide notice to Respondent not later than four (4) calendar
7 days prior to the meeting.

8 ii. Respondent shall ensure that all members of the Reaction
9 Committee with responsibility for any topic included on the
10 agenda shall attend that month's meeting. At Respondent's
11 election, additional staff or consultants may also attend. At South
12 Coast AQMD's sole discretion, it may invite any staff or consultant
13 of any regulatory agency with jurisdiction over Respondent,
14 including jurisdiction predicated on the subsurface reaction at the
15 Landfill, to participate in and provide recommendations or
16 feedback on any agenda topics.

17 iii. South Coast AQMD, and any personnel invited pursuant to the
18 clause above, may provide feedback or recommendations on any
19 topic on the agenda. Comments noted as "recommendations" shall
20 include suggestions to revise, change, expand, or otherwise alter
21 any aspect of the topic discussed on the agenda. All other
22 comments shall be considered feedback.

23 iv. Following each monthly meeting, Respondent shall prepare a
24 summary of the meeting, including the topics discussed and all
25 recommendations received. Respondent shall include in the
26 summary a response from the Reaction Committee to all
27 recommendations and, as applicable, any changes made as a result.
28 Respondent, at its election, may also include a summary of and

1 response to any feedback received. Respondent shall post the
2 summary of the meeting to the webpage created pursuant to
3 Condition No. 39, not later than twenty (20) days following the
4 meeting.

5 d. Respondent, through the Reaction Committee, shall conduct investigations and
6 studies into the cause of the landfill reaction, the impact of air emissions, interim
7 measures to limit odor transport, and corrective measures to reduce or abate the
8 landfill reaction. Such investigations shall include, at a minimum:

9 i. A study into known and possible methods for effective treatment
10 of DMS and preventative mechanisms for DMS formation in
11 landfill gas, including assessment of other landfills and review of
12 scientific studies. By no later than April 30, 2024, Respondent shall
13 provide a report detailing the findings of this Landfill Gas DMS
14 Treatment Study and the proposals for implementation of the
15 treatment methods. This report shall be submitted to South Coast
16 AQMD [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
17 Nathaniel Dickel, Senior Air Quality Engineer,
18 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
19 (cojeda@aqmd.gov)]. Respondent shall submit any required
20 permit applications, with information included, for equipment
21 installations or modifications necessary for implementation of the
22 remedy strategies and/or treatment methods;

23 ii. An investigation and report on 1) the cause of the alleged chemical
24 reaction(s) resulting in the elevated well temperatures, elevated
25 levels of DMS formation in the landfill gas, and elevated levels of
26 NMOG formation in the landfill gas and 2) solutions to slow and
27 stop the reaction(s) in the landfill. Investigation into the cause of
28 the alleged chemical reaction(s) shall include, but not be limited

1 to, waste characterization study of waste disposed within the
2 Reaction Area, to the extent records of such waste are within
3 Respondent's possession, including (but not limited to) analysis of
4 chemical and physical characteristics, BTU, moisture content,
5 biological methane potential. Respondent shall also conduct drill
6 core sampling in the Reaction Area (as defined in Condition 9(a))
7 to assess waste characterization in areas not affected by elevated
8 temperatures at the time of drilling. Respondent shall submit a
9 report on the findings of the investigation by no later than
10 December 8, 2023 to South Coast AQMD [Baitong Chen, Air
11 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior
12 Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda,
13 Air Quality Inspector, (cojeda@aqmd.gov)];

- 14 iii. An investigation and report on the feasibility and availability of a
15 continuous community emission monitoring system to conduct
16 continuous monitoring and provide estimates of DMS
17 concentrations at the facility fenceline and within the affected
18 community. By no later than December 1, 2023, Respondent shall
19 submit to the South Coast AQMD [Baitong Chen, Air Quality
20 Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
21 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air
22 Quality Inspector, (cojeda@aqmd.gov)], the feasibility and
23 availability findings of this fenceline and community DMS
24 monitoring program. The findings shall identify all companies,
25 vendors, contractors, and consultants that were inquired regarding
26 the feasibility and availability and the results for each inquiry,
27 including an ultimate decision if monitoring is feasible. If the
28 Reaction Committee deems monitoring under this provision

1 feasible, Respondent shall prepare and submit to the South Coast
2 AQMD [Baitong Chen, Air Quality Engineer,
3 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
4 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
5 Inspector, (cojeda@aqmd.gov)] a workplan for the installation of
6 and operation of the required monitoring equipment and related
7 installations within thirty (30) days of the Reaction Committee’s
8 decision. This workplan will include a timeline for procurement
9 of monitoring equipment and for the commencement of
10 monitoring. It will also include a timeline for reporting out on the
11 collected data, including a proposal relating to the real-time
12 posting of monitoring data on Respondent’s website or other
13 regular report-outs on the data;

- 14 iv. A study and report on landfill best management practices and
15 alternative methods to minimize the release of fugitive surface gas
16 and minimize odors from fugitive surface gas, including cover
17 practices at the Reaction Area (as defined in Condition 9(a)) and
18 working face, and how best to address related odorous emissions,
19 such as through the use of misting systems, fans, odor neutralizer,
20 or other means. By no later than November 6, 2023, Respondent
21 shall submit a report detailing the findings of this Fugitive Landfill
22 Gas Odor Mitigation Study and the proposals for the minimization
23 of landfill gas release and odors. This report shall be submitted to
24 South Coast AQMD [Baitong Chen, Air Quality Engineer,
25 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
26 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
27 Inspector, (cojeda@aqmd.gov)];

- 1 v. A report on the known health risks from acute and long-term
2 exposure to DMS, including any action levels from other public
3 health or government entities, and including a summary of
4 recommended actions for persons exposed to DMS for acute and
5 long-term durations. By no later than January 15, 2024,
6 Respondent shall submit this report to South Coast AQMD
7 [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
8 Nathaniel Dickel, Senior Air Quality Engineer,
9 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
10 (cojeda@aqmd.gov)]; and
- 11 vi. A report of the health impacts from ongoing and long-term (e.g.
12 greater than one year) exposure to hydrogen sulfide (H₂S), or other
13 speciated sulfur compounds, and any other hazardous air pollutants
14 (HAPs), as defined in the federal Clean Air Act, 42 U.S.C. § 7412.
15 The HAPs evaluated in the report shall include those which are
16 detected: (1) in landfill gas over the past twelve months at the
17 Chiquita Canyon Landfill as documented in the initial or additional
18 flux chamber study (per Condition No. 12(f)) or detected in stack
19 emissions testing; (2) in the liquids and leachate samples collected
20 and analyzed (per Condition No. 38); (3) in air sampling performed
21 to determine emissions from exposed liquids/leachate; and (4) in
22 the community pursuant to the enhanced community air
23 monitoring program in exceedance of recommended toxicity
24 screening values published by the US EPA or other applicable
25 screening values where US EPA toxicity screening values are
26 unavailable. The report shall include, but not be limited to,
27 assessment and analysis of any action levels from other public
28 health or government entities in the United States for any such

1 constituents, recommended actions for persons exposed to such
2 constituents, and recommendations on how to limit any anticipated
3 adverse health impacts. Such report shall also include a summary
4 of all findings, health impacts and recommendations in an easy-to-
5 read format designed for distribution to and use by the public. By
6 no later than August 1, 2024, Respondent shall submit this report
7 to South Coast AQMD [Baitong Chen, Air Quality Engineer,
8 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
9 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
10 Inspector, (cojeda@aqmd.gov)].

11 e. Respondent shall make public all reports resulting from investigations and studies
12 done pursuant to this Condition through a link preceded by a brief narrative
13 description on the webpage created pursuant to Condition No. 39.

14 f. Respondent has conducted an initial flux chamber study pursuant to the direction of
15 the Los Angeles County Department of Public Health. Respondent shall submit a
16 report documenting the findings of the initial study no later than October 31, 2023
17 to South Coast AQMD [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
18 Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina
19 Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)]. Respondent shall conduct an
20 additional landfill gas flux study for methane, non-methane organic compounds
21 (“NMOC”), toxic air contaminants (TAC), total reduced sulfur (“TRS”), and
22 speciated sulfur compounds to determine the surface flux throughout the landfill.
23 The study shall be conducted through the use of dynamic flux chambers oriented at
24 various locations throughout the landfill site. Respondent shall prepare a proposed
25 protocol for the study based on the results of the initial study and shall submit the
26 protocol to South Coast AQMD [Baitong Chen, Air Quality Engineer,
27 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
28 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,

1 (cojeda@aqmd.gov)] for review and approval by December 31, 2023. A report
2 documenting the differences in the findings between the initial study and the
3 additional study shall be submitted by no later than 90 days after South Coast
4 AQMD approves the protocol to South Coast AQMD [Baitong Chen, Air Quality
5 Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
6 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
7 (cojeda@aqmd.gov)].

8 **Landfill Gas Collection and Leachate/Landfill Gas Condensate Collection and Storage Systems**

9 13. Respondent shall expand its gas well system. Respondent shall continue to operate the
10 installed five deep trench collectors in the Reaction Area (as defined in Condition 9(a)) and
11 six leachate extraction pumps along the west slope. Respondent has installed 18 vertical
12 dual extraction wells, and these 18 vertical dual extraction wells shall be connected to the
13 landfill gas system by September 15, 2023 unless the circumstances outlined in Condition
14 13(a) apply.

15 a. In the event Respondent is unable to meet these deadlines due to
16 inaccessibility or dangerous conditions for a technician, Respondent shall
17 document the date and the conditions that do not allow the installation of
18 the wells and/or their connection to the landfill gas system. Respondent
19 shall submit this documentation to the South Coast AQMD and provide
20 the South Coast AQMD with an updated date of completion for the
21 required work.

22 14. Respondent shall continue to monitor each landfill gas collection system well at least
23 monthly for at least temperature pursuant to 40 CFR Part 63 Subpart AAAA. Respondent
24 shall address wells with a temperature reading of at least 170 degrees Fahrenheit or greater
25 in accordance with 40 CFR 63 Subpart AAAA. Notwithstanding temperature exceedances,
26 Respondent shall continue to operate all wells as necessary to ensure the continued
27 operation of the landfill gas collection system.

1 a. Consistent with Respondent’s Title V permit and all applicable rules and
2 regulations, Respondent shall ensure the operation of the landfill gas
3 collection system equipment does not result in the release of raw landfill
4 gas or condensate into the atmosphere.

5 b. Any breakdown or malfunction of the landfill gas collection system
6 resulting in the emission of raw landfill gas as described in Condition
7 14(a) shall be reported to the South Coast AQMD by phone (1-800-
8 CUT-SMOG) or other District-approved method within one hour after
9 occurrence or within one hour of the time said person knew or
10 reasonably should have known of its occurrence and immediate remedial
11 measures shall be undertaken to correct the problem and prevent further
12 emissions into the atmosphere.

13 15. Respondent shall continue to evaluate and install, as needed, vertical dual extraction wells
14 to collect both landfill gas and leachate. Respondent shall continue to expand the well-field
15 as needed, and notify South Coast AQMD by October 31, 2023 of the number of wells
16 added, attention to Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel
17 Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air
18 Quality Inspector, (cojeda@aqmd.gov). Any subsequent additions to the well-field shall be
19 documented in the monthly reports pursuant to Condition No. 8. In installing any additional
20 wells, Respondent shall ensure it complies with all conditions in Respondent’s currently
21 operative landfill gas collection system permit. In installing any additional wells pursuant
22 to this Condition, Respondent shall additionally take the following measures:

23 a. By January 31, 2024, Respondent shall provide to the South Coast
24 AQMD [attn: Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
25 Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
26 and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)] the
27 design and installation schedule for a minimum of an additional seventy
28 (70) wells and their associated piping The proposed well locations and

1 connecting piping shall be identified on a drawing which shows the
2 entire gas collection system and shall be described in writing. Estimated
3 gas collection volume, well depths, pipe lengths, diameters and layouts
4 shall be supplied to the South Coast AQMD in this advance notification.
5 Updates to the design and schedule shall be provided in the monthly
6 report pursuant to Condition No. 8;

7 b. Within 14 days of completion of the installation of the wells identified in
8 the plan submitted under Condition 15(a), if Respondent decides that
9 more wells are imminently necessary, Respondent shall submit to South
10 Coast AQMD [attn: Baitong Chen, Air Quality Engineer,
11 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
12 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
13 (cojeda@aqmd.gov)] the design and installation schedule of the
14 additional wells and their associated piping that Respondent will plan to
15 install. The information required by Condition 15(a) shall be included in
16 the submission. Updates to the design and schedule shall be provided in
17 the monthly report pursuant to Condition No. 8;

18 c. While installing wells pursuant to Conditions 15(a) and 15(b),
19 Respondent shall notify the South Coast AQMD [attn: Baitong Chen, Air
20 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
21 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
22 Inspector, (cojeda@aqmd.gov)] in writing, by Friday of each week,
23 which wells are scheduled to be installed the following week;

24 d. Following installation of all wells pursuant to Conditions 15(a) and
25 15(b), Respondent shall notify the South Coast AQMD in writing [attn:
26 Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel
27 Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina
28 Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)] at least one (1) week

1 in advance when an additional well or set of wells and their associated
2 piping will be installed. The information required by Condition 15(a)
3 shall be included in the notification. Updates to the design and schedule
4 shall be provided in the monthly report pursuant to Condition No. 8(m).

5 e. During any well drilling a landfill gas control box shall be used to
6 prevent the emissions of landfill gas into the atmosphere, and this control
7 box shall be vented to an approved emissions control system;

8 f. Each well shall be completed and capped the same day its construction
9 commences, unless the well hole is completely sealed and the well casing
10 is connected to the gas collection header to prevent any landfill gas from
11 escaping into the atmosphere;

12 g. Each horizontal gas collection well shall be connected to an operating
13 landfill gas header or the ends of the well shall be sealed with blind
14 flanges, glued or fused caps, or other types of seals approved by the
15 South Coast AQMD as soon as the well is installed;

16 h. All openings and connections of the landfill gas collection system shall
17 be properly covered and sealed to prevent leaks in accordance with
18 Respondent's Title V Permit and in accordance with all applicable rules
19 and regulations;

20 i. Respondent shall install additional stainless steel, carbon steel, or
21 chlorinated polyvinyl chloride (CPVC) wells in the Reaction Area per
22 recommendation of the Reaction Committee. Stainless steel or carbon
23 steel shall be installed for any well which has gas temperatures
24 exceeding 170 degrees Fahrenheit;

25 j. Following the installation of additional wells per Conditions 15(a) and
26 15(b), Respondent shall replace any wells in the Reaction Area which are
27 damaged, blocked, pinched, or which have gas temperatures exceeding
28 145 degrees Fahrenheit with CVPC wells, carbon steel, and/or stainless

1 steel wells, or add new wells that replace the landfill gas extraction
2 capacity. Within 7 days of discovery of any such well, Respondent shall
3 notify South Coast AQMD in writing [attn: Baitong Chen, Air Quality
4 Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
5 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
6 Inspector, (cojeda@aqmd.gov)] of a proposed installation schedule.
7 Installation shall take place within 7 days of the notification, whenever
8 feasible, but the schedule shall take into account availability of drilling
9 equipment, replacement materials, and weather and safety conditions.
10 Respondent shall notify South Coast AQMD in writing of any delays
11 preventing installation within 7 days of the prior notification, with
12 evidence substantiating the delay, and additionally shall provide an
13 updated installation schedule;

14 k. Respondent shall, once additional/adequate gas extraction capacity is
15 installed, operate gas extraction wells with less than 3 percent oxygen
16 where feasible, and follow landfill best management practices to keep the
17 oxygen below 5 percent in interior wells;

18 l. Respondent shall install well boots seals on all wells in the Reaction
19 Area in accordance with the installation schedule for the geosynthetic
20 cover that is being installed pursuant to Condition No. 32 and consistent
21 with requirements of the Local Enforcement Agency;

22 m. Respondent shall submit semi-annual as-built drawings in duplicate to
23 the South Coast AQMD [attn: Baitong Chen, Air Quality Engineer,
24 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
25 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
26 (cojeda@aqmd.gov)]. As-built drawings shall depict all wells
27 constructed to date.
28

1 16. Respondent shall submit, by October 6, 2023, a complete permit modification application
2 for the Landfill Gas Collection System (under Permit G43917, A/N 578102) to increase the
3 number of permitted wells in the well field. The submittal shall be accompanied with a
4 complete Title V Revision application and shall be submitted with an expedited permit
5 processing request and associated required fees, forms, and information.

6 17. Respondent shall expeditiously dewater wells being impacted by liquids, and shall take
7 proactive measures to remove additional liquids in the Reaction Area to limit the reaction
8 severity and spread. This shall be accomplished through the installation of dewatering
9 sumps/pumps at at least 60 percent of the landfill gas vertical extraction wells in the
10 Reaction Area (as defined in Condition 9(a)) that are capable of extracting liquids by March
11 15, 2024 unless otherwise determined infeasible per Condition No. 17(a). below.
12 Respondent shall provide updates in the monthly reports pursuant to Condition No. 8.

13 a. In the event Respondent determines that the installation of dewatering
14 sump/pumps at at least 60 percent of the landfill gas vertical extraction
15 wells that are capable of extracting liquids to be infeasible, Respondent
16 shall provide detailed rationale and reasoning in the monthly report
17 submitted pursuant to Condition No. 8 and shall continue with
18 implementation of the dewatering guidelines pursuant to Condition No. 18
19 to remove liquids to the maximum extent possible.

20 18. Respondent shall, in addition to the installation of dewatering sumps/pumps specified in
21 Condition No. 17 above, within ninety (90) days of the issuance of the Initial Order, provide
22 proposed Reaction Area dewatering guidelines and implementation procedures for the
23 landfill to South Coast AQMD (Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
24 Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov)) that include but are
25 not limited to the following:

26 a. Proposed methodologies and monitoring procedures that determine the level of
27 dewatering within the Reaction Area (as defined in Condition 9(a)) wells impacted
28

1 by liquid. Methods may include the measurement of the gas flow at each landfill
2 gas collection well impacted by liquids;

3 b. Use of dewatering pumps or other methods to remove liquids from Reaction Area
4 (as defined in Condition 9(a)) wells impacted by liquids;

5 c. An implementation plan for the use of dewatering pumps or other methods to
6 remove liquids from the Reaction Area wells impacted by liquids. The plan shall
7 include a list of wells in the Reaction Area and depth where liquids are expected to
8 impact landfill gas collection efficacy or be a concern, the proposed action to
9 remove the liquids, and the schedule for liquid removal. The implementation plan
10 shall also include pro-active measures, such as additional dewatering pumps, to be
11 installed at landfill gas collection wells where liquid impaction issues have not yet
12 occurred, but may be expected to occur.

13 d. Upgrades to the site leachate collection system as needed, including through the
14 addition of increased air compressor and/or drain line infrastructure;

15 e. Protocols for the pumping and monitoring of dewatering pumps and other such
16 methods to remove water from Reaction Area (as defined in Condition 9(a)) wells
17 impacted by liquids;

18 f. Well field liquid sounding in the Reaction Area (as defined in Condition 9(a)), and
19 a proposed schedule for conducting liquid sounding on a consistent basis;

20 g. A timeline for appropriate reporting on impacted wells;

21 h. The feasibility of integrity testing of all vertical gas wells in the Reaction Area (as
22 defined in Condition 9(a)) and a timeline and protocol for addressing any wells that
23 the integrity testing demonstrates are damaged or are exhibiting temperatures of at
24 least 170 degrees Fahrenheit; and

25 i. A timeline for implementation of appropriate dewatering procedures upon
26 discovery of wells impacted by liquids.

27 The proposed Reaction Area dewatering guidelines and implementation procedures shall
28 be implemented within seven (7) days of South Coast AQMD approval.

- 1 19. Respondent shall submit, by October 6, 2023, a complete permit modification application
2 to the Landfill Gas Condensate and Leachate Collection/Storage System (under Permit
3 G66132, A/N 613131) to increase the landfill's liquid storage capacity. The submittal
4 shall be accompanied with a complete Title V Revision application and shall be submitted
5 with an expedited permit processing request and associated required fees, forms, and
6 information.
- 7 20. Respondent shall increase its landfill gas control capacity. Respondent has submitted a
8 permit application for a new 6,000 scfm ultra-low emissions landfill gas flare (Flare No. 3),
9 which is currently in a public comment period. Once the flare is fully permitted and fully
10 operational equipment is received, Respondent shall have forty-five (45) days to finish
11 installation and begin operating the new landfill gas flare unless the circumstances outlined
12 in Condition No. 20(a) apply. Respondent shall notify the South Coast AQMD that the new
13 landfill gas flare is operational within 48 hours of beginning operation (Baitong Chen, Air
14 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
15 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).
- 16 a. In the event Respondent is unable to meet these deadlines due to inaccessibility or
17 dangerous conditions for a technician, Respondent shall document the date and the
18 conditions that do not allow the installation of the new flare. Respondent shall
19 submit this documentation to the South Coast AQMD and provide the South Coast
20 AQMD with an updated date of completion for the required work.
- 21 21. Respondent shall submit, by October 31, 2023, a complete permit application for the new
22 construction of a Landfill Gas Flare (Flare No. 4) to increase the landfill gas control
23 capacity. The submittal shall be accompanied with a complete Title V Revision application
24 and shall be submitted with an expedited permit processing request and associated required
25 fees, forms, and information.
- 26 22. Respondent shall continue to use one or multiple portable thermal oxidizer(s)/flare(s) that
27 operate under a permit to operate or temporary permit to operate for additional landfill gas
28 control capacity until the Reaction Committee concludes that such portable thermal

1 oxidizer(s)/flare(s) are no longer needed. Respondent shall notify the South Coast AQMD
2 as to the Reaction Committee's recommendation within 48 hours of when the Reaction
3 Committee's recommendation was determined (Baitong Chen, Air Quality Engineer,
4 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
5 and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

6 23. Respondent shall continue to use both 4,000 scfm flares (under Permit No. G73696, A/N
7 645450) when the Reaction Committee determines that such use is necessary due to
8 insufficient flaring capacity or other such necessity-based situations, until the second new
9 6,000 scfm ultra-low emissions flare (Flare No. 4) referenced in Condition No. 21 is
10 permitted and operational.

11 24. Respondent shall operate and maintain the landfill so as to prevent standing leachate and
12 the pooling or ponding of leachate exposed to atmosphere throughout the facility. If pooling
13 or ponding of liquid/leachate is occurring, safety permitting, the liquid/leachate shall be
14 immediately collected and contained in a sealed tanker truck or leachate tank that minimizes
15 emissions, or repairs promptly performed to redirect leachate into the leachate collection
16 system.

17 25. Respondent shall, when encountering landfill leachate geysers or other discharges of
18 pressurized leachate as a result of drilling/maintenance/other operations, perform actions to
19 mitigate odors and the dispersion and exposure of leachate into the atmosphere, to the
20 maximum extent possible. Upon the equalization of pressure or diminished flow/end of the
21 landfill leachate geysers or other discharges of pressurized leachate, Respondent shall
22 remove soil saturated with leachate or add sufficient dry soil cover to the soil saturated with
23 the leachate, to mitigate the potential for odors from the saturated soil.

24 26. Respondent shall investigate and report on the feasibility of temporary containment
25 measures for the purposes of controlling leachate and possible discharges of pressurized
26 leachate when drilling additional holes for wells, liquid pumps, temperature devices, or
27 other purposes. This Discharge of Pressurized Leachate Containment Feasibility Study
28 shall include an analysis on the feasibility of a temporary tenting, containment

1 vessel(s)/dome(s), other enclosure(s), or partial enclosure system designed to collect and
2 contain the leachate flow while limiting the escape of odors produced from drilling/
3 discharges of pressurized leachate, to allow for additional well drilling in the Reaction Area.
4 By no later than March 12, 2024, Respondent shall submit to South Coast AQMD [Baitong
5 Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
6 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
7 (cojeda@aqmd.gov)], a report on the findings of this feasibility study.

8 27. Respondent shall conduct the following actions and report them to South Coast AQMD
9 [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
10 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
11 (cojeda@aqmd.gov)] in each monthly report submitted pursuant to Condition No. 8
12 beginning with the report due on February 19, 2024:

13 a. Measure and record the leachate temperature within the four (4) 6-inch
14 inch leachate pipes feeding into the onsite frac tanks, and at the piping
15 leading into the tanks at the bottom of the hill;

16 b. Respondent shall have dedicated staff or a contractor conduct and
17 document inspections twice each calendar day, once in the morning,
18 completing the inspection prior to 10 am, and once in the afternoon,
19 starting the inspection at 1 pm at the earliest. The inspections shall begin
20 with the surface of the Western and Northern slopes of the Reaction Area
21 for liquid/leachate seepage and pooling and shall additionally consist of
22 inspecting the facility's stormwater channel(s), and the facility's
23 stormwater basin(s). Respondent shall maintain records from each
24 inspection that include the details of any leachate seepage and pooling,
25 including location(s) (identified on graphic map(s) of the landfill), time
26 discovered, estimated duration of presence of leachate at such locations,
27 the characteristics of the leachate (estimated quantity, extent of area
28 impacted, odor type and intensity), the leachate saturation level of

1 surrounding soils (standing free liquid, saturated, semi-dry, dry), and
2 additional containment systems or measures deployed to route, collect,
3 and contain the exposed leachate and prevent further leachate exposure;

4 i. In the event that two weeks of twice daily inspections show no
5 exposed liquid/leachate seepage or pooling, Respondent may
6 reduce the inspection frequency to once daily. If after another two
7 weeks of daily inspections, no exposed liquid/leachate seepage or
8 pooling is observed, Respondent may reduce the inspection
9 frequency to once every other day during the operating week (i.e.,
10 three times each operating week). If at any point inspections
11 show exposed liquid/leachate seepage or pooling, inspection
12 frequency shall return to twice daily inspections.

13 c. On a weekly basis, compile and report the details of the inspection logs
14 from that calendar week required under Condition 27(b). Respondent
15 shall additionally report on any ongoing leachate seepage and pooling at
16 the landfill, found to have occurred at a location more than once within
17 the calendar week, including location(s) (identified on graphic map(s) of
18 the landfill), estimated duration of presence of leachate at such locations,
19 characteristics of leachate (estimated quantity, extent of area impacted,
20 odor type and intensity), leachate saturation of surrounding soils
21 (standing free liquid, saturated, semi-dry, dry), and containment systems
22 or measures deployed to route, collect, and contain the exposed leachate
23 and prevent further leachate exposure. By no later than January 23, 2024,
24 Respondent shall submit to South Coast AQMD [Baitong Chen, Air
25 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
26 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
27 Inspector, (cojeda@aqmd.gov)], the first weekly report, and shall submit
28 an additional weekly report every 7 calendar days thereafter;

1 d. Measure and record quantities of leachate sent off-site for
2 disposal/treatment during the previous week for so long as all leachate is
3 transported offsite for disposal. Records shall include the associated
4 company name and physical address of the off-site disposal/treatment
5 facility(ies) that receive leachate generated by the landfill. If Respondent
6 begins onsite treatment, it shall also record on a weekly basis quantities
7 of leachate collected and leachate treated onsite. Respondent shall report
8 this information in the monthly reports pursuant to Condition 8(c).
9 Respondent shall submit copies of the manifests to South Coast AQMD
10 within three weeks of request.

11 28. Respondent shall operate and maintain the landfill gas collection and control system, and
12 condensate/leachate collection system with materials capable of handling gases and/or
13 liquids at the temperatures recorded at landfill gas wells and/or the leachate temperatures
14 measured pursuant to Condition No. 27(a). This shall include, but is not limited to,
15 landfill gas extraction wells, liquid/leachate extraction wells, sumps, pumps, piping,
16 French drain system(s), landfill gas treatment and control equipment, and
17 condensate/leachate storage equipment. Respondent shall utilize casing materials for
18 wells with elevated temperatures as agreed upon with the LEA. Information pertaining to
19 the installed equipment and its specifications, including material/temperature threshold
20 specifications, shall be provided to South Coast AQMD personnel within 48 hours of
21 request. If Respondent is not in possession of this information, it shall be requested from
22 the manufacturer within 24 hours of request by South Coast AQMD personnel and
23 provided to South Coast AQMD personnel within 24 hours of receipt from the
24 manufacturer.

25 29. Respondent shall ensure it has proper capacity to dispose of collected liquids/leachate at
26 an appropriate facility or facilities.

27 **Landfill Cover**

28

1 30. Respondent shall visually inspect the landfill cover around the Reaction Area (as defined
2 in Condition 9(a)) each operating day and shall promptly repair any cover issues identified,
3 which may include adding and spreading soil, wetting, and retracking any damaged area.
4 Respondent shall maintain a log demonstrating that it has addressed any damages to the
5 landfill cover, including the date the damage was identified, the action taken to repair the
6 damage, and the time at which the repair was completed. Results of the daily inspection and
7 the repair log required by this condition shall be included in the monthly reports required
8 pursuant to Condition No. 8.

9 31. Respondent shall install a geosynthetic cover over western portions of Module 2B/3/4 Phase
10 2, Module 2B/3, and Module 4 to limit the migration of landfill gas from the site.
11 Respondent shall submit the completed design for the cover, which will provide greater
12 definition to the cover location, including associated landfill gas extraction infrastructure
13 to be installed underneath the cover, to the South Coast AQMD by September 12, 2023
14 (Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
15 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
16 (cojeda@aqmd.gov)). Respondent shall then obtain and install the geosynthetic cover
17 material of at least 30 mil thickness. Respondent shall notify South Coast AQMD by
18 October 31, 2023 (Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel
19 Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air
20 Quality Inspector, (cojeda@aqmd.gov)) on the progress of procuring and installing the
21 geosynthetic cover. Respondent shall include updates on the procurement and installation
22 of the geosynthetic cover in the monthly reports pursuant to Condition No. 8.

23 **Ambient Air, Leachate & Emissions Monitoring**

24 32. The Reaction Committee shall review air dispersion modeling, smoke release studies, and
25 computational fluid dynamics (“CFD”) modeling that have previously been completed for
26 the landfill to assess odor and emissions transport into the nearby community. The Reaction
27 Committee shall use the previous models updated with current datapoints to undertake a
28 study to determine odor and emission transport of odors from the landfill and to identify

1 effective techniques that may be used to remedy potential odor impacts on the nearby
2 community. The study shall include an evaluation of the efficacy of odor control measures,
3 including but not limited to perimeter misting equipment, wind barriers, wind cutter fans,
4 and odor dispersion/misting fans, for purposes of minimizing odors in the surrounding
5 community. The study shall be based on both the landfill's current and projected closure
6 in 2047, topography and configuration. The study shall include, but not be limited to,
7 identifying transport trajectories and quantifying odor gas concentrations within the
8 surrounding community. Upon completion of the study, a written report documenting the
9 study and the findings, shall be submitted to South Coast AQMD by December 1, 2023.
10 [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
11 Quality Engineer, (ndickel@aqmd.gov); Christina Ojeda, Air Quality Inspector,
12 (cojeda@aqmd.gov)].

13 a. The report shall include a recommendation on whether additional modeling is
14 recommended to fully address the current odor circumstances at the landfill and
15 potential odor impacts on the nearby community.

16 b. If such additional modeling is recommended by the Reaction Committee, the
17 Reaction Committee shall, within 45 days of providing the report and
18 recommendation, provide a proposal to the South Coast AQMD that shall, at a
19 minimum, include the following:

20 i. The identification and qualifications of the primary personnel
21 and/or firms proposed to conduct the study, as well as the specific
22 techniques and location(s) where the study will be conducted;

23 ii. A timeline for completion of the study and submittal of the final
24 written reports to South Coast AQMD no later than 150 days after
25 South Coast AQMD approval of the study proposal.

26 33. Respondent shall follow the direction of DPH to expand and enhance its current ambient
27 air monitoring program to include DMS and other constituents of landfill gas, sampling at
28 residential locals where recent odor complaints have been reported and at on-site locations

1 where odors are most pronounced, and to conduct a flux chamber study (the “initial” flux
2 chamber study discussed in Condition No. 12(d)). Any reports submitted to DPH related to
3 these studies shall also be submitted to the South Coast AQMD (Baitong Chen, Air Quality
4 Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
5 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

6 34. By January 19, 2024, Respondent shall provide South Coast AQMD with access to all real-
7 time continuous monitoring data for PM2.5, PM10, and H2S recorded at all monitoring
8 stations (MS-01 through MS-12, and any subsequent additional monitoring stations).
9 Respondent shall by January 19, 2024 or within 3 calendar days after enhanced monitors
10 are brought online, provide South Coast AQMD with access to all real-time continuous
11 monitoring data for total reduced sulfur (TRS) and toxic air contaminants (TAC) recorded
12 by the enhanced monitors (MS-04, MS-12, and any additional enhanced monitors
13 thereafter, including additional monitors as required by Condition No. 36.).

14 a. Within 30 days of this issuance of this Order, Respondent shall ensure that live, real-
15 time H2S concentration data from all monitors within the Val Verde and surrounding
16 community are posted to and accessible at the webpage created pursuant to Condition
17 39 for public access, displayed in a format which is simple to review and understand.
18 The display shall allow the public to determine the real-time H2S concentration, and
19 the geographic location where the concentration is monitored. The display shall
20 additionally reference and display the acute 1-hour Reference Exposure Level (REL)
21 for H2S established by California Office of Environmental Health Hazard Assessment
22 (OEHHA), which is the same as the state-level standard for this compound (30 ppb).

23 i. Real-time data shall include, but not be limited to, chronological one-hour
24 average H2S concentrations as time series at each monitoring location. Wind
25 speed and direction shall also be included, if currently monitored by
26 Respondent.

27 ii. The website shall include a map which clearly marks the location of each air
28 monitoring station.

1 b. Within 30 days of this issuance of this Order, weekly data (from Saturday at 12:00
2 am to Friday at 11:59 pm) collected by these monitors shall be made available on the
3 webpage created pursuant to Condition 39, in a manner which allows for user defined
4 data download, no later than the following Monday at 5:30 pm. Data from these
5 monitors shall be kept on file and made available to South Coast AQMD personnel
6 upon request.

7 i. In the event of unexpected downtime of a monitor, Respondent shall document
8 those dates and/or times during which the monitors did not collect data. This
9 documentation shall be kept on file and posted publicly to the website created
10 pursuant to Condition No. 34(a).

11 35. Respondent shall, by January 19, 2024, provide all standard operating procedures (SOPs)
12 and any other Quality Control and Quality Assurance (QA/QC) documents describing the
13 operation and maintenance of all instruments used at the air monitoring stations and/or
14 enhanced monitoring stations specified in Condition No. 34. These QA/QC documents shall
15 include detailed information on the calibration, and maintenance of the monitoring
16 equipment and associated instrumentation, and procedures used for data handling,
17 validation, and analysis. They shall additionally include the frequency/schedule of these
18 actions. Respondent shall provide these QA/QC documents to South Coast AQMD
19 [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
20 Quality Engineer, (ndickel@aqmd.gov); Christina Ojeda, Air Quality Inspector, Payam
21 Pakbin, Atmospheric Measurements Manager, ppakbin@aqmd.gov)]. Respondent shall
22 provide updates to these QA/QC documents (if any) and a log for calibration, and
23 maintenance activities performed on the monitors in the monthly reports pursuant to
24 Condition No. 8.

25 a. Respondent shall provide South Coast AQMD with the same access that Respondent
26 has to on-site and off-site monitoring equipment. With respect to on-site monitoring
27 equipment, Respondent may require all visitors, including South Coast AQMD staff,
28 to don appropriate personal protective equipment. Upon request by South Coast

1 AQMD, Respondent shall, within 24 hours, provide a list of all personal protective
2 equipment that Respondent deems appropriate for accessing the monitoring
3 equipment. Respondent shall not prohibit South Coast AQMD staff from access to
4 Respondent's facility, including the monitoring equipment, if South Coast AQMD
5 staff don all personal protective equipment included on a list issued by Respondent
6 pursuant to this condition. With respect to off-site monitoring equipment, South Coast
7 AQMD shall arrange permission from third-party property owners for access, if
8 necessary, and Respondent shall provide access to equipment and accompany South
9 Coast AQMD personnel.

10 36. Respondent shall, within 60 days of the issuance of this Order, install and maintain
11 instrumentation within the nearby residential community, at sites MS-10 and MS-12, as
12 defined in Respondent's existing Community Air Monitoring Program. These instruments
13 shall be capable of measuring hourly concentrations of benzene, toluene, ethylbenzene,
14 xylenes, and other relevant volatile organic compounds (VOC) with site surface emissions
15 greater than 1 ton/year, as indicated in Table 5.5 of the Chiquita Canyon Landfill
16 Assessment of Air Emissions from Landfill Surfaces Report dated October 2023.
17 Respondent shall develop a monitoring plan that utilizes reliable and field-proven
18 instrumentation, such as a micro gas chromatograph (MicroGC) with pre-concentration,
19 and seek approval from South Coast AQMD. If measurement of any target compounds is
20 not able to be practically achieved, Respondent shall inform and seek approval from South
21 Coast AQMD.

- 22 a. Upon installation, data from these instruments shall be made available to
23 the public via the publicly accessible webpage detailed in Condition No.
24 34. The display shall additionally reference and display the acute 1-hour
25 Reference Exposure Levels (RELs) for any compounds with established
26 acute exposure limits by California Office of Environmental Health
27 Hazard Assessment (OEHHA).
28

1 37. Respondent shall, by March 5, 2024, take at least ten liquid samples from wells with pumps
2 located in the Reaction Area, including wells with the highest average temperatures to the
3 extent feasible. Respondent shall submit the liquid samples to a laboratory for analysis.
4 Sampling and analysis shall be performed per U.S. EPA Method 624.1. Respondent shall,
5 within 1 week of receipt from the contract laboratory, submit the results to South Coast
6 AQMD (Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel,
7 Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
8 Inspector, (cojeda@aqmd.gov)). With the results, Respondent shall also submit laboratory
9 analysis from samples taken on October 20, 2023 from leachate seeps on the western slope
10 of the Reaction Area.

11 38. Respondent shall take at least one representative monthly sample of liquids from the
12 Reaction Area of the Landfill and at least one representative monthly sample of leachate
13 from the bottom tanks where liquids/leachate from the entire Landfill collect and analyze
14 them per U.S. EPA Method 624.1 for the presence of volatile organic compounds (VOCs)
15 and toxic air contaminants (TACs). In the event that Respondent demonstrates, to the
16 satisfaction of South Coast AQMD, that generated liquid/leachate is sufficiently collected
17 with no remaining seepage or potential for discharges of pressurized leachate, then the
18 leachate sampling and analysis shall be reduced to a quarterly schedule. If further leachate
19 seepage or discharges of pressurized leachate are found to occur, resulting in the exposure
20 of the liquid/leachate to atmosphere, then the sampling and analysis shall return to a
21 monthly schedule. Respondent shall, within 1 week of receipt from the contract laboratory,
22 post the analytical results on Respondent's website, and provide to South Coast AQMD
23 along with a detailed description and depiction of the sampling locations (Baitong Chen,
24 Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
25 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

26 **Community Outreach**
27
28

1 39. Respondent shall continue to maintain and update regularly (on a weekly basis) a dedicated
2 page of its website with a highly visible link on its homepage (the “odor mitigation section”)
3 for presenting information discussing odor mitigation at CCL. Such webpage shall include
4 all information in English and Spanish within 30 days of the issuance of this Order and
5 meet the following requirements:

6 a. The odor mitigation webpage shall be accessible via a direct hyperlink included on
7 the homepage of CCL’s website (<https://chiquitacanyon.com>), via a clickable link
8 with text stating “Odor Mitigation;”

9 b. The odor mitigation webpage shall display prominently at the top of the page a
10 notification that complaints of any odors believed to be caused by CCL can be made
11 to CCL (24-Hour Hotline) at (661) 253-5155;

12 c. The odor mitigation webpage shall display prominently at the top of the page a
13 notification that complaints may also be submitted to the South Coast Air Quality
14 Management District via telephone at 1 (800) CUT-SMOG or 1 (800) 288-7664 or
15 online on South Coast AQMD’s website (which shall hyperlink to the following:
16 <http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx>);

17 d. The odor mitigation webpage shall include a “Recent Updates” section which shall
18 provide a narrative description of Respondent’s understanding of the reaction and
19 DMS;

20 e. The odor mitigation webpage shall include an “Odor Mitigation Efforts” section
21 which shall describe the efforts Respondent is taking to mitigate potential odors;

22 f. The odor mitigation webpage shall include an “Odor and Maintenance Logs”
23 section which shall include via hyperlink any logs created pursuant to this Order,
24 preceded by a brief narrative description;

25 g. The odor mitigation webpage shall include a “Reports, Permits, and Other
26 Documents” section which shall include via hyperlink, preceded by a brief narrative
27 description:

28 i. This Order;

- 1 ii. Safety Data Sheets for odor neutralizer used at the facility and compounds
2 used in the Semi-Permanent Vapor Odor Control system referenced in
3 Condition No. 43;
- 4 iii. A copy of Respondent’s current Conditional Use Permit (No. 2004-00052-
5 (5));
- 6 iv. Any reports relating to odor or odor mitigation required by Respondent’s
7 Conditional Use Permit (No. 2004-00052-(5)) to be submitted to any
8 government agency, including any responses or discussion of remedial actions
9 to odor violations or complaints required by any government agency; and
- 10 v. All reports created by the Reaction Committee pursuant to this Order.
- 11 vi. Any other reports or correspondence requested by the County of Los Angeles
12 agencies related to the reaction, odor, and Respondent’s mitigation efforts.
- 13 h. The odor mitigation webpage shall include an “Air Monitoring and Health Impacts
14 Section” which shall include a brief narrative describing the current status of air
15 quality monitoring required under Condition 68 of Respondent’s Conditional Use
16 Permit (No. 2004-00052-(5)). The “Air Monitoring and Health Impacts Section”
17 shall also include, via hyperlink, preceded by a brief narrative description:
- 18 i. Any consultant reports submitted to the Community Advisory Committee
19 (“CAC”), TAC, or any government agency under Condition 68 of
20 Respondent’s Conditional Use Permit (No. 2004-00052-(5)).
- 21 ii. Any quarterly or annual reports submitted to the Los Angeles County
22 Department of Public Health or South Coast AQMD under Condition 68 of
23 Respondent’s Conditional Use Permit (No. 2004-00052-(5)).
- 24 i. The odor mitigation webpage shall include an “Upcoming Public Meetings”
25 Section, which shall display the title/subject, date, time, location and/or virtual
26 access information (including videoconference link or teleconference number as
27 applicable), and a note of whether public comment will be received for the following
28 meetings:

- 1 i. Any noticed hearing of the South Coast AQMD Hearing Board in Case No.
- 2 6177-4;
- 3 ii. Any meeting of the CAC where odor mitigation and/or violations are included
- 4 as an agenda item or anticipated to be discussed;
- 5 iii. Any meeting of the TAC where odor mitigation and/or violations are included
- 6 as an agenda item or anticipated to be discussed; and
- 7 iv. Any other meeting open to the public at which CCL is a scheduled host and/or
- 8 participant where odor mitigation and/or violation are included as an agenda
- 9 item or anticipated to be discussed.

10 40. Respondent shall host a public one-hour community meeting once each calendar month
11 following a month in which Respondent receives three or more Rule 402 NOVs from the
12 South Coast AQMD. If Respondent does not receive three or more Rule 402 NOVs from
13 the South Coast AQMD in a calendar month, Respondent does not need to host a
14 community meeting during the following month. During each meeting, Respondent shall
15 provide updates with regards to implementation of this Order and make time available for
16 public comment on matters related to CCL. The meeting date and time and format (in-
17 person or virtual) shall be announced via Respondent’s website and shall also be sent via
18 email to everyone who has signed up for email notifications on Respondent’s website. The
19 announcement shall include a link and dial-in information to the virtual platform used to
20 conduct the meeting, or if the meeting is in-person, the location of the meeting. All meetings
21 held in person shall adhere to all applicable public health guidelines and shall take place
22 within the Val Verde community. Any presentation, meeting materials, or other media
23 created or shared by Respondent at such community meeting shall be posted to
24 Respondent’s Odor Mitigation webpage via hyperlink, including a brief narrative
25 description of the materials.

26 **Rule 1150 Landfill Excavation**

27 41. Respondent shall submit, by January 30, 2024, a complete plan application for a Rule
28 1150 Landfill Excavation Plan. The submittal shall be accompanied with a complete Title

1 V Revision application and shall be submitted with an expedited processing request and
2 associated required fees, forms, and information. A generic Rule 1150 plan application
3 and Title V Revision application shall include the following:

- 4 a. A signed and completed Form 400-A.
- 5 b. A signed and completed Form 400-CEQA.
- 6 c. Reason for excavation.
- 7 d. A site summary indicating the site history.
- 8 e. A list of materials buried or suspected materials buried in the site based on
9 available records.
- 10 f. Results of any boring tests done to characterize the disposal site.
- 11 g. Results of recent landfill gas analysis or soil vapor phase analysis including the
12 concentrations of methane, sulfur compounds, and speciated non-methane
13 hydrocarbons.
- 14 h. A plot plan indicating the location of the excavation, staging areas, vehicle
15 route(s), vehicle cleaning area, and any nearby buildings, roadways, or other site
16 identifying features, and including any schools, residential area or other sensitive
17 receptors such as hospitals or locations where children or elderly people live or
18 work up to 2,500 feet away.
- 19 i. Operating schedule for excavation and removal (hours/day, days/week,
20 weeks/year, or equivalent).
- 21 j. Scheduled excavation starting and completion dates, and number of working days
22 required for the excavation.
- 23 k. Description of how the excavation will be conducted, including excavation
24 equipment and vehicles hauling the excavated material.
- 25 l. Description of mitigation measures for dust, odors, and hydrocarbons.
- 26 m. Description of monitoring to be conducted, including monitoring equipment and
27 techniques.
- 28 n. Total amount of material to be excavated in cubic yards under this project.

- 1 o. Description of disposal of the material (re-burial on-site or sent off site for
- 2 disposal, if off-site provide name of landfill where material will be disposed).
- 3 p. Maximum surface area of excavation workface.
- 4 q. Maximum surface area of refuse or contaminated material to be exposed to
- 5 atmosphere at any one time.
- 6 r. Fees in the amount \$1,090.43 (for Title V facilities, fee schedule FY 23-24).
- 7 s. A Title V Permit Revision application shall be submitted with associated
- 8 application fees in the amount of \$1,820.84 (fee schedule FY 23-24) and required
- 9 forms (Form 400-A, Form 500-A2, Form 500-C1).
- 10 t. A signed Form 400-XPP and additional 50% more fees from the plan fees listed
- 11 above (\$545.22).

12 42. Respondent shall comply with the following requirements in the interim period, starting
13 upon issuance of this Order and until the final approval of the Rule 1150 landfill
14 excavation plan under the application specified in Condition No. 41 above, for all
15 excavation, as defined in Rule 1150(a)(5), unless excavation is occurring pursuant to one
16 or more exemption as listed in South Coast AQMD Rule 1150(c):

17 a. The South Coast AQMD shall be notified at least two (2) days prior to each
18 excavation commencement and within five (5) days after its completion. The
19 notification shall be made by email [Christina Ojeda, Air Quality Inspector,
20 cojeda@aqmd.gov; Gerardo Vergara, Air Quality Inspector,
21 gvergara@aqmd.gov; and Rule1150notifications@aqmd.gov]. The subject line of
22 the email shall contain “Rule 1150 Notification.” The body of the email shall
23 contain the following information:

- 24 i. Company Name and Company ID
- 25 ii. Site Address
- 26 iii. Notification Type (2 days prior or 5 days after)
- 27 iv. Estimated Excavation Start Date and Completion Date
- 28

v. A Map of the Facility with Excavation Location Indicated

- 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.
- c. Excavation shall not be conducted on days when South Coast AQMD forecasts first, second, or third stage episodes for area number 13 or when South Coast AQMD requires companies in area number 13 to implement their first, second or third stage episode plans. Episode forecasts for the following day can be obtained by calling (800) 288-7664.
- d. During excavation, continuous monitoring and recording of the wind speed and directions shall be conducted at an appropriate site or, through the meteorological station if present at the site.
- 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.
- f. During excavation, all working excavation areas, excavated material and unpaved roadways shall be watered down until the surface is moist and then maintained in a moist condition to minimize dust and emissions without creating a safety hazard condition.
- g. VOC contaminated soil (as defined by Rule 1166) shall not be spread onsite or offsite, nor stockpiled, if it results in uncontrolled evaporation of VOC to the atmosphere. VOC contaminated soil shall not be used for landfill cover.
- h. During excavation, monitoring for Total Organic Compounds as methane using an Organic Vapor Analyzer (OVA) or other monitor approved by the South Coast AQMD shall be conducted continuously at the working face of the excavation and at the downwind property line or other approved locations. The maximum sustained readings (greater than 15 seconds) shall be recorded every 15 minutes. The OVA or other approved monitor shall be calibrated each day in accordance with manufacturers' specifications.

- 1 i. If the OVA or other approved organic monitor shows a sustained reading (greater
2 than 15 seconds) of 2,000 ppmv Total Organic Compounds as methane or greater
3 at the working face of the excavation, the excavation shall cease and the area
4 generating the emissions shall immediately be completely covered with a minimum
5 of 6 inches of clean dirt, plastic sheet, or other South Coast AQMD approved cover.
6 Excavation shall not resume until the readings return to the background level.
- 7 j. If the OVA or other approved organic monitor shows a sustained reading (greater
8 than 15 seconds) of 2,000 ppmv Total Organic Compounds as methane or greater
9 downwind from the site at the property line (or other approved locations), the
10 excavation shall cease and the area generating the emissions shall immediately be
11 completely covered with a minimum of 6 inches of clean dirt, plastic sheet, or other
12 South Coast AQMD approved cover. Excavation shall not resume until the readings
13 return to the background level.
- 14 k. Excavated landfill material and refuse shall be immediately relocated for burial
15 onsite or immediately deposited into trucks/trailers for off-site transport and
16 completely covered with an impermeable cover, with such covers tied down, except
17 for during active loading/unloading of refuse. All seams shall be sealed to prevent
18 any materials from escaping during transport.
- 19 l. When refuse loading is completed and during transport, no material shall extend
20 above the sides or rear of the truck or trailer which will haul the excavated material.
21 Excavated material shall be completely covered with an impermeable cover, with
22 the cover tied down, and all seams shall be sealed to prevent any materials from
23 escaping during transport.
- 24 m. The exterior of haul trucks or trailers including the tires shall be cleaned off prior
25 to leaving the excavation site.
- 26 n. Landfill materials and refuse which have been exposed to the atmosphere as a result
27 of the excavation, which have not been excavated and relocated for burial or
28 transported off site, shall be immediately covered (with a minimum of 6 inches of

1 clean soil, , with secured plastic sheeting that is at least 10 mil, or other South Coast
2 AQMD approved cover) whenever excavation is not actively in progress, and at the
3 end of each working day so that no portion of landfill material and refuse is exposed
4 to the atmosphere. Foam by itself shall not be used as a night cover if it is raining
5 or rain is predicted by the National Weather Service prior to the next scheduled day
6 of excavation.

- 7 o. Daily inspections shall be conducted of any covered excavation area (per
8 Conditions 41(i), 41(j), and 41(n) above) to ensure the integrity of the cover(s) is
9 maintained and secured so that no portion of the soil is exposed to atmosphere. If
10 the cover material is not completely covering the landfill materials and refuse
11 generating emissions, or if the integrity of the cover has been compromised,
12 immediate corrective action shall be taken to add and secure a new cover, or
13 additional cover, on the area requiring corrective action. An inspection log shall be
14 maintained to record the time of the inspections and any corrective action
15 performed.
- 16 p. All materials that are listed as hazardous by a federal or state agency shall be
17 considered “hazardous materials” for the purpose of this Order.
- 18 i. All excavated hazardous material shall be transported in such a manner as to
19 prevent any emissions of hazardous materials.
- 20 ii. All hazardous materials shall be transported in containers clearly marked as to the
21 type of material contained and what procedures should be followed in case of
22 accidental spills.
- 23 iii. Excavated liquid hazardous materials with the potential to cause air emissions shall
24 be encapsulated or enclosed in containers with sealed lids before loading into the
25 transport vehicles.
- 26 q. Excavation, handling and stockpiling activities shall comply with the applicable
27 requirements of Rule 403.
28

1 r. All records required to demonstrate compliance with Condition No. 42 shall be kept
2 and maintained for at least 5 years.

3 s. Mitigation measures, other than those listed in these conditions, which are deemed
4 appropriate by South Coast AQMD personnel as necessary to protect the comfort,
5 repose, health, and safety of the public, shall be implemented upon request.

6 **Other Conditions**

7 43. To ensure that fresh trash odors remain controlled, Respondent shall maintain the
8 following fresh trash-related odor mitigation measures recommended by its landfill
9 operations expert from the Stipulated Order for Abatement in Case No. 6177-1 during
10 Unfavorable Wind Conditions, as defined in the Stipulated Order for Abatement in Case
11 No. 6177-1. Respondent shall maintain the following odor mitigation measures:

- 12 a. Use orchard fans, and tow-and-blow fans as needed, placed and spaced around the
13 working face in accordance with the recommendations of Chiquita's landfill
14 operations expert;
- 15 b. Use equipment equipped with odor neutralizer misting systems in various portions
16 of CCL to neutralize any fresh trash odors. This equipment shall include, but not be
17 limited to, fans and arm tower misters;
- 18 c. Identify and appropriately handle odorous loads at the scale and working face as
19 new waste loads enter CCL;
- 20 d. Haul odorous loads with proper sequencing and cover; and
- 21 e. Regularly train staff on all aspects of landfill operations, employee safety, and odor
22 control.

23 44. Respondent shall obtain, install, and maintain an on-site landfill meteorological station to
24 measure wind speed and direction by October 31, 2023. The meteorological station shall
25 be installed at a location appropriate for determining wind speed and direction on the top
26 deck of the landfill in the Reaction Area (as defined in Condition 9(a)) on a 1-hour
27 average basis, with measurements recorded every 5 minutes. The station shall record and
28 preserve all available readings for three years and the readings shall be made available to

1 the South Coast AQMD upon request.

2 45. Respondent shall install, maintain in good working order, and operate 1,000 feet or more
3 of Semi-Permanent Vapor Odor Control in the Reaction Area (as defined in Condition 9(a))
4 within 14 days of the approval of this Order. Respondent shall operate the Semi-Permanent
5 Vapor Odor Control system immediately and continuously.

6 46. Respondent shall operate and maintain in good working order a landfill perimeter odor
7 control misting system on permanent fencing on the west and northwest of the property.

8 47. The landfill perimeter odor control misting system shall be operated immediately and
9 continuously upon receiving data from the meteorological station, referenced in Condition
10 No. 43 above, that the 1-hour averaged wind direction is blowing in West, Northwest,
11 North, or Northeast directions (270 degrees to 45 degrees). The misting system shall
12 continue to operate until the 1-hour averaged wind direction data demonstrates the wind is
13 no longer blowing in the specified directions. The system shall be operated in such a
14 manner and with sufficient odor neutralizers to mitigate, to the extent possible, transient
15 odors from the landfill into surrounding communities, as determined by the Reaction
16 Committee.

17 48. Respondent shall notify the South Coast AQMD (attn: Kathryn Roberts,
18 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov; Christina Ojeda,
19 cojeda@aqmd.gov) of any substantial operational changes designed to or anticipated to
20 reduce odors, such as an operational change not contemplated by this Order, within seven
21 days of implementing such changes.

22 49. Equipment and operations at the Facility are subject to the jurisdiction and regulatory
23 requirements of multiple agencies, including but not limited to the District, CalRecycle,
24 Los Angeles County Public Works, Los Angeles County Department of Regional Planning,
25 and Los Angeles County Department of Public Health. The conditions in this Order shall
26 not in any way restrict or expand the scope of jurisdiction of any agency. If any agency that
27 shares jurisdiction over the Facility with the South Coast AQMD requires Respondent to
28 take any action that is inconsistent with this Order, Respondent shall immediately contact

1 the South Coast AQMD by email at [Kathryn Roberts, kroberts@aqmd.gov and Mary
2 Reichert, mreichert@aqmd.gov] and describe the inconsistent provisions, including
3 providing any written directive from any other agency which Respondent considers
4 inconsistent with one or more conditions in this Order. Respondent shall endeavor to
5 resolve the inconsistency with the Executive Officer, while adhering to the Condition(s) in
6 the Order. If the inconsistency is not resolved within 3 working days of the relevant agency,
7 Respondent shall immediately inform the South Coast AQMD and shall petition for a
8 status/modification hearing before the Hearing Board for further proceedings. At such
9 proceeding, only the provision in dispute shall be resolved by the Hearing Board while the
10 other conditions in this Order shall remain in full force and effect.

11 a. If Respondent notifies South Coast AQMD per Condition No. 49 above
12 that the inconsistency with one or more Condition and an order of another
13 agency cannot be resolved, compliance with the applicable Condition(s)
14 of this Order shall be waived until further Order of the Hearing Board.
15 Notwithstanding the above, in no instance shall compliance with
16 Condition No. 49 or Condition No. 49(a) be waived.

17 50. Respondent shall provide a workplan which lists the actions that Respondent plans to take
18 in order to address the subsurface reaction and return all aspects of the CCL to good and
19 compliant working order, including liquid/leachate seepage and discharges of pressurized
20 leachate, methane surface exceedances, fugitive emissions of landfill gas, well
21 temperature exceedances, and non-compliant composition of landfill gas. This workplan
22 shall include a timeline of the proposed work, and shall include both short-term and long-
23 term solutions planned to mitigate impacts to the surrounding communities and return the
24 facility into compliance. Respondent shall submit the complete workplan to South Coast
25 AQMD by March 13, 2024 (Baitong Chen, Air Quality Engineer, (bchen@agmd.gov);
26 Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@agmd.gov), and Christina
27 Ojeda, Air Quality Inspector, (cojeda@agmd.gov). Respondent shall provide quarterly
28 updates on the workplan, by the 13th day of every third month, starting June 13, 2024,

1 specifying any updates to the plan or associated work timelines.

2 51. Respondent shall permit South Coast AQMD personnel to conduct all inspections deemed
3 necessary by South Coast AQMD Compliance staff, including, but not limited to,
4 collection of samples. If Respondent denies South Coast AQMD staff access to collect
5 sample(s) of any liquid observed onsite and exposed to ambient air, such liquid shall be
6 deemed to be leachate for the purpose of enforcing this Order, any applicable South Coast
7 AQMD Rule, and/or any permit condition applicable to Respondent. Notwithstanding the
8 preceding, Respondent may require all visitors, including South Coast AQMD staff, to
9 don appropriate personal protective equipment prior to visiting the Reaction Area. Upon
10 request by South Coast AQMD, Respondent shall, within 24 hours, provide a list of all
11 personal protective equipment that Respondent deems appropriate for visiting the
12 Reaction Area. Respondent shall not prohibit South Coast AQMD staff from access to
13 Respondent's facility, including the Reaction Area, if South Coast AQMD staff don all
14 personal protective equipment included on a list issued by Respondent pursuant to this
15 condition.

16 52. Respondent shall reserve 30 minutes biweekly to host a virtual meeting between South
17 Coast AQMD technical staff and Respondent / Respondent's technical consultants to
18 discuss key updates on Respondent's implementation of this Order and any changes to
19 Landfill conditions or operations. Any instance of the biweekly meeting may be cancelled
20 at South Coast AQMD's sole discretion.

21 53. Respondent shall return for a status hearing on **April 24 and 25, 2024**, or as soon thereafter as
22 the Hearing Board can schedule the status hearing, to report on the status of implementation
23 of this Stipulated Order, and consider modification or dissolution of this Order, as
24 appropriate.

25 54. The Hearing Board may modify this Order for Abatement without the stipulation of the
26 parties upon a showing of good cause therefore, and upon making the findings required by
27 Health and Safety Code Section 42451(a) and District Rule 806(a). Any modification of the
28 Order shall be made only at a public hearing held upon 10 days published notice and

1 appropriate written notice to the Respondent.

2 55. The Hearing Board shall retain jurisdiction over this matter until **September 6, 2024** and at
3 that time this Order shall no longer be of any force or effect, unless this Order is amended,
4 modified, or dissolved before then.

5 56. This Order for Abatement is not intended to be nor does it act as a variance. Respondent is
6 subject to all rules and regulations of the District and to all applicable provisions of
7 California law. Nothing herein shall be deemed or construed to limit the authority of the
8 District to issue Notices of Violation, to seek civil penalties or injunctive relief, or to seek
9 further Orders for Abatement or other administrative or legal relief. The Findings of Fact
10 are based on evidence presented by Petitioner and Respondent as of the date of this Order.

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BOARD MEMBER: _____

DATED: _____