

1 This Petition for a Stipulated Order for Abatement was heard on August 27, October 25, 26, 27, and
2 November 2, 3, 2016, pursuant to notice in accordance with the provisions of California Health and Safety
3 Code (“H&S Code”) §40823 and District Rule 812. The following members of the Hearing Board were
4 present: Edward Camarena, Chair; Julie Prussack, Vice Chair; Patricia Byrd; Hon. Nate Holden; and Roger
5 L. Lerner, M.D., F.A.C.P. Petitioner, Executive Officer, was represented by Nicholas A. Sanchez, Senior
6 Deputy District Counsel; Karin Manwaring, Senior Deputy District Counsel; and Mary Reichert, Senior
7 Deputy District Counsel. Respondent Browning-Ferris Industries of California, Inc. (“BFI”), a wholly-owned
8 subsidiary of Republic Services, Inc. (“REPUBLIC”), both corporations authorized to do business in the State
9 of California (collectively hereinafter referred to as “Respondents”), was represented by Thomas M. Bruen,
10 attorney at law, with the Law Offices of Thomas M. Bruen, P.C., and William G. Beck and Robert G. Rooney,
11 attorneys at law, with the law firm of Lathrop & Gage LLP. The public was given the opportunity to testify,
12 evidence was received and the matter was submitted. The Hearing Board finds and decides as follows:

13 **FINDINGS OF FACT**

14 1. Petitioner is a body corporate and politic established and existing pursuant to H&S Code
15 §40000, *et seq.* and §40400, *et seq.*, and is the sole and exclusive local agency with the responsibility for
16 comprehensive air pollution control in the South Coast Basin.

17 2. Respondent BFI, doing business as “Sunshine Canyon Landfill,” owns and operates a
18 landfill/solid waste disposal site located at 14747 San Fernando Road, Sylmar, California 91342 (hereinafter
19 referred to as “Sunshine Canyon Landfill” or the “Facility”), SCAQMD Facility ID #49111, subject to the
20 District’s jurisdiction and District Rules.

21 3. **California H&S Code §41700 and District Rule 402** prohibit the discharge from any source
22 whatsoever of such quantities of air contaminants or other material which cause injury, detriment, nuisance,
23 or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose,
24 health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury
25 or damage to business or property.

26 4. Sunshine Canyon Landfill operates under a Solid Waste Facility Permit issued by the
27 California Department of Resources Recycling and Recovery (“CalRecycle”) and handles approximately a
28 third of the daily waste of all of Los Angeles County. Sunshine Canyon Landfill receives almost 9,000 tons

1 of municipal solid waste per day.

2 5. The municipal solid waste disposed of in Sunshine Canyon Landfill generates landfill gas
3 consisting mainly of methane (50%) and carbon dioxide (50%). Landfill gas, unless adequately collected,
4 may escape from the landfill into the atmosphere.

5 6. Landfill gas collected from Sunshine Canyon Landfill is flared at multiple flare stations. The
6 flares at Sunshine Canyon Landfill are able to operate at a maximum combined total flow rate of 18,000
7 standard cubic feet per minute (scfm). The collected landfill gas is also sold to a third party who operates a
8 gas-to-energy facility and produces electricity from combustion of landfill gas in turbines.

9 7. The District alleges Respondents are insufficiently collecting the amount of landfill gas
10 currently generated at Sunshine Canyon Landfill, which can contribute to emissions of landfill gas from the
11 surface of the landfill and causes odors. The District further alleges Respondents are failing to adequately
12 treat fresh trash odors generated at the Facility, which can cause odor emissions from the landfill during
13 morning hours.

14 8. The District has received over three thousand odor complaints beginning in October 2013
15 through the present, from the public and elementary school staff working and living near Sunshine Canyon
16 Landfill alleging the Facility as the source of the odor. The District has traced the odors back to Sunshine
17 Canyon Landfill on numerous occasions.

18 9. The District alleges the odors are the result of insufficient gas collection, inadequate
19 treatment of incoming daily waste, and inadequate daily and intermediate cover procedures.

20 10. Pursuant to District Rule 1150.1(e)(3), Respondents must conduct instantaneous and
21 integrated monitoring of the landfill's surface. Monitoring conducted by Respondent demonstrates that
22 Respondents are not controlling surface emissions sufficiently at the Facility based on the frequency of high
23 surface emissions reported in Sunshine Canyon Landfill's District Rule 1150.1 monitoring reports.

24 11. As a result of the odors emanating from Sunshine Canyon Landfill, a considerable number
25 of persons living in the community and elementary school staff and students near the Facility have been
26 forced to remain indoors.

27 12. From October 25, 2013, through present, the District has issued over ninety Notices of
28 Violation ("NOVs") against the Respondents for violating District Rule 402 and H&S Code § 41700.

1 13. Respondents have implemented numerous odor control measures through several previous
2 Stipulated Order for Abatement proceedings with this Board. However, despite these measures, Respondents
3 have been unable to conduct operations at the Sunshine Canyon Landfill without being in violation of state
4 law and SCAQMD Rules and Regulations regarding odor nuisance.

5 14. The City of Los Angeles City Council and the County of Los Angeles Board of Supervisors
6 designated the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) to be the primary local
7 agency that provides the regulatory permitting, enforcement, and operational compliance oversight at
8 Sunshine Canyon Landfill on behalf of the California Environmental Protection Agency's Cal Recycle.¹

9 15. Numerous regulatory agencies, including the South Coast Air Quality Management District,
10 SCL-LEA, Los Angeles County Regional Planning, City of Los Angeles Planning Department, City of Los
11 Angeles Bureau of Sanitation, the Los Angeles Regional Water Quality Control Board, the California
12 Department of Toxics Substances Control, and other state or local agencies, have jurisdiction over
13 Respondent and/or Respondent's affiliates' transfer stations.

14 16. Given the number of regulatory agencies involved and potential for events beyond the control
15 of Respondent, the SCAQMD recognizes that the necessity to modify this Order may arise. In the event that
16 a petition for modification of the requested Order is filed that asks this Hearing Board to make a finding that
17 delay in performance or non-performance of any requirement of this Order was the result of a Force Majeure,
18 the following definition shall apply: Force Majeure includes any act of God, war, fire, earthquake, flood, or
19 natural catastrophe; civil disturbance, vandalism, sabotage, or terrorism; restraint by court order or public
20 authority or agency; or the inability, despite Respondent's demonstration that it exercised due diligence and
21 best efforts, to obtain sufficient food waste or a consent, permit or approval necessary for Respondent's
22 performance of any of the requirements of this Order. Force Majeure shall not include normal inclement
23 weather, economic hardship, or inability to pay.

24 17. On April 2, 2015, the SCL-LEA Board of Directors passed a motion directing the SCL-LEA
25 Program Manager, "upon completion of the review of both SCAQMD consultants' reports, to provide the
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27 ¹ An LEA is an entity designated by the governing body of a county or city and is empowered to implement delegated
28 California Environmental Protection Agency's Cal Recycle programs and locally designated activities.

1 Board members with a report of the SCL-LEA recommendations along with the technical backup,
2 documentation and reasoning for those recommendations.”

3 18. In response to the direction provided by its governing board, the SCL-LEA produced a report
4 entitled “SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY COMPILATION OF
5 POTENTIAL MITIGATION PRACTICES AND PROGRAMS,” dated September 2015. (A true and correct
6 copy of Section 3 of the report, titled “Sunshine Canyon Landfill Local Enforcement Agency Compilation of
7 Potential Mitigation Practices and Programs” is attached hereto as Exhibit A.) The report in its entirety is
8 available at

9 [http://docs.google.com/viewer?a=v&pid=sites&srcid=c2NsbGVhLm9yZ3xzY2xsZWZ3ZWJzaXRlfGd4Oj](http://docs.google.com/viewer?a=v&pid=sites&srcid=c2NsbGVhLm9yZ3xzY2xsZWZ3ZWJzaXRlfGd4OjNlMmlyYjQ1ZWNmNjAxMDE)
10 [NlMmlyYjQ1ZWNmNjAxMDE](http://docs.google.com/viewer?a=v&pid=sites&srcid=c2NsbGVhLm9yZ3xzY2xsZWZ3ZWJzaXRlfGd4OjNlMmlyYjQ1ZWNmNjAxMDE).

11 19. The two (2) reports prepared at the direction of the District by experts in the field of trash
12 odor and landfill gas collection, concluded that Sunshine Canyon Landfill required improvements in:
13 intermediate cover, daily cover, use of alternative daily cover, additional baropneumatic field testing, enhance
14 drainage of leachate, investigation of landfill gas migration and surface leakage on sideslopes, and landfill
15 gas quality monitoring. The District is relying on these recommendations in the reports for the proposed
16 conditions in this Order for Abatement.

17 20. Organic waste includes food waste, green waste, landscape and pruning waste, non-
18 hazardous wood waste, and food-soiled paper. Organic materials make up one-third of the California’s waste
19 stream, with food waste being the highest single item disposed. Assembly Bill 1826, approved by Governor
20 Brown on September 28, 2014, and commenced April 1, 2016, requires commercial businesses and public
21 entities that generate a specified amount of organic waste per week to arrange for recycling services for that
22 organic waste in a specified manner. AB 1826 seeks to decrease the amount of organic waste disposed of at
23 landfills. Increasing the existing infrastructure to process organic waste using alternative methods is essential
24 to its success.

25 21. The District has consulted with several public agencies, including the Los Angeles County
26 Sanitation District (LACSD), in developing the terms and conditions of this stipulated order. Evidence
27 presented has shown that the diversion of food waste will help reduce the amount of landfill gas generated at
28 the landfill and will contribute to the reduction of potential odors from the landfill. Pursuant to this Order,

1 Respondent will cause to be constructed a food waste pre-processing facility to be operated at the American
2 Transfer Station that will be able to send pre-processed food waste from the American Transfer Station to the
3 LACSD's Carson waste water treatment plant. LACSD is expanding their capacity to digest such pre-
4 processed food waste at that facility. The Carson facility is also expected to generate renewable energy as a
5 byproduct of the anaerobic digestion of this pre-processed waste.

6 22. The District and Respondent disagree as to whether Respondent was, is, or has been in
7 violation of H&S Code §41700 and District Rule 402. The District alleges that Respondent is unable to
8 conduct operations at the Facility plant without being in violation of H&S Code §41700 and District Rule
9 402. The Order set forth hereinafter is likely to result in lawful operations by Respondent with respect to
10 complying with SCAQMD rules and regulations, including SCAQMD Rule 402.

11 23. District Rule 806(b) and H&S Code §42451(b) permit the Hearing Board to issue a stipulated
12 order for abatement upon the terms and conditions set forth in the stipulated Proposed Findings and Decision
13 without making findings regarding: (a) whether Respondent is in violation of H&S Code §41700, or any
14 District rule or regulation; (b) whether the order will not constitute a taking of property without due process
15 of law; and (c) whether the order results in closing an otherwise lawful business, such closing would not be
16 without a corresponding benefit in reducing air contaminants.

17 CONCLUSIONS

18 24. The Order set forth hereinafter is likely to mitigate the conditions contributing to the odor
19 nuisance and further compliance with SCAQMD rules and regulations. This Order is intended to help reduce
20 air emissions impacts to the nearby communities, implement steps to reduce any public health impacts that
21 may exist, and alleviate odors while a more permanent solution is achieved.

22 25. The District, by this Petition, seeks a Stipulated Order for Abatement to impose certain
23 conditions on Respondent's operation of its Facility. The District believes that such conditions will bring
24 Respondent's operation in compliance with the District's rules.

25 26. It is not unreasonable to require Respondent to comply with District rules and regulations.

26 27. The issuance of a Stipulated Order for Abatement upon a fully noticed hearing would not
27 constitute a taking of property without due process of law.

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

1 **ORDER**

2 THEREFORE, subject to the aforesaid statements and good cause appearing, the Hearing Board
3 hereby orders Respondent to immediately cease and desist from operating the Facility in a manner that
4 violates H&S Code §41700 and District Rule 402, or in the alternative comply with the following conditions
5 and increments of progress:

6 **CONDITIONS AND INCREMENTS OF PROGRESS**

7 **Hours of Operation**

8 1. Respondent shall submit to the District, the SCL-LEA, the Los Angeles County Department
9 of Public Works, and the Los Angeles City Bureau of Transportation within ten (10) business days of the
10 issuance of this Order, a Traffic Mitigation Program that establishes a program to address unnecessary truck
11 trips and reduce queuing of trucks outside the Facility potentially resulting from the change in operational
12 hours described below. The program shall address, at minimum, the following: (1) a schedule for regular
13 landfill users (such as commercial and municipal haulers as well as transfer trucks/trailers) that minimizes
14 queuing along San Fernando Boulevard and diversions to other landfills, and (2) and a plan to reserve landfill
15 capacity for small commercial and private users.

16 2. Respondent shall within three (3) days of approval of the Traffic Mitigation Program by the
17 Los Angeles City Bureau of Transportation, implement the operational change in the early morning (6 am to
18 8 am) to prohibit the unloading/dumping of transfer trailer loads from Republic transfer stations and from all
19 third parties, including the City of Los Angeles Bureau of Sanitation: (a) during the period from October 1
20 through March 30th; and (b) at all other times during adverse weather conditions by following the adverse
21 weather protocol described in Exhibit B attached hereto, which is incorporated herein by this reference, so
22 that during adverse weather conditions the unloading/dumping of all transfer trailers occurs no earlier than at
23 8a.m. during weekdays and Saturday.

24 a. Respondent shall, during modified operating hours, provide for independent third party
25 odor monitoring at or near Van Gogh Charter School during the hours of 6 am through 9
26 am. Respondent shall require the Odor Monitors to take measures to prevent odor fatigue
27 and to keep records. Such records shall include an odor ranking taken every twenty (20)
28 minutes that includes location, wind condition, and an odor assessment using a consistent

1 scale. The Independent Third Party Monitor shall report directly to the District, with a
2 copy to Respondent.

3 **Food Waste and Organics Diversion Program**

4 3. Respondent shall implement the Food Waste Diversion Program described in Exhibit C for
5 the purpose of increasing the diversion of Food Waste and organic materials from disposal at the Sunshine
6 Canyon Landfill. In order to implement the Food Waste Diversion Program, Respondent shall at a minimum
7 meet the following increments of progress:

8 Agromin OC Chino Organics Recycling Compost Facility

- 9 a. Respondent shall, or shall cause Agromin OC to, within fifteen (15) business days of
10 issuance of this Order, submit to the District and any other required government
11 authorities, a permit application to implement Covered Aerated Static Pile (CASP)
12 composting (the "CASP Equipment") of up to 75 tons per weekday of food waste at the
13 Agromin OC Chino Organics Recycling Compost Facility, located at 8100 Chino Corona
14 Road, in Chino, California ("the Chino Facility"). Respondent shall pay for expedited
15 processing.
- 16 b. Respondent shall, or shall cause Agromin OC to, within fifteen (15) business days of
17 issuance of this District permit, purchase all equipment necessary to implement the
18 CASP at the Chino Facility.
- 19 c. Respondent shall, within sixty (60) business days of issuance of this District permit,
20 obtain all equipment necessary to construct the CASP at the Chino Facility.
- 21 d. Respondent shall, within seven (7) days of obtaining all equipment necessary to
22 implement the CASP at the Chino Facility, commence construction.
- 23 e. Respondent shall, within ninety (90) days of obtaining all equipment necessary to
24 implement the CASP at the Chino Facility, begin receiving food waste materials at the
25 Chino Facility that have been diverted from Sunshine Canyon Landfill.
- 26 i. Respondent shall demonstrate to the Executive Officer, by no later than
27 December 31, 2017, compliance with the required diversion of 75 tons per day
28 of food waste by December 31, 2017, and the required diversion of up to 37.5

1 tons per day of food waste by June 30, 2017, from Sunshine Canyon Landfill to
2 the Chino Facility.

3 ii. If Respondent is unable to achieve the required diversion of 75 tons per day of
4 food waste by December 31, 2017, Respondent shall submit a status report to
5 the Executive Officer and Hearing Board (attention ClerkofBoard@aqmd.gov),
6 and if required by the Executive Officer shall petition for a modification to this
7 Order, by no later than June 16, 2017. The status report shall at minimum
8 identify issues, obstacles, problem solving efforts, and a revised timeline.

9 iii. Respondent shall maintain records sufficient to quantify the diversion of food
10 waste from Sunshine Canyon Landfill to the Chino Facility. Such records shall
11 be certified to be true and accurate by a responsible corporate officer and made
12 available to the District upon request.

13 American Transfer Station

14 f. Contingent upon Respondent's receipt of the commercial franchise agreements from the
15 City of Los Angeles for Zones SLA and NEV, expected to be awarded in December
16 2016, Respondent shall, by no later than December 1, 2018, cause to be designed,
17 permitted, procured, constructed, and operated, a food waste pre-processing system at the
18 Republic Services American Transfer Station, located at 1449 W. Rosecrans Avenue,
19 Gardena, California (the "American Transfer Station"), that complies with all the
20 requirements of District Rule 410, and is capable of pre-processing up to 250 tons per
21 weekday of organic waste. Should Respondent not receive the commercial franchise
22 agreements from the City of Los Angeles for Zones SLA and NEV, Respondent, within
23 30 days of being so notified, shall propose an alternative facility to the Executive Director
24 to pre-process a proportionate amount of food waste and organics from Respondent's
25 share of the commercial waste stream still being collected by Respondent in the Sunshine
26 Canyon Landfill waste-shed.

27 i. Respondent shall submit, by December 1, 2017, all required applications and
28 requests for approval, including a complete application to the District for permits

1 to construct for the air pollution control equipment for the food waste processing
2 system at the American Transfer Station.

- 3 ii. Respondent shall, for each permit application or other necessary approval,
4 request and pay for expedited processing when available.
- 5 iii. Respondent shall demonstrate to the Executive Officer, by no later than March
6 30, 2019, that it is diverting 250 tons per day of food waste from Sunshine
7 Canyon Landfill to the American Transfer Station.
- 8 iv. If Respondent anticipates that it will not be able to divert 250 tons per day of
9 food waste from Sunshine Canyon Landfill to the American Transfer Station by
10 March 30, 2019, Respondent shall submit a status report to the Executive Officer
11 and the Hearing Board (attention ClerkofBoard@aqmd.gov), and if required by
12 the Executive Officer shall petition for a modification to this Order, by no later
13 than March 1, 2019. The status report shall at minimum identify issues,
14 obstacles, problem solving efforts, and a revised timeline.
- 15 v. Respondent shall maintain records sufficient to quantify in tons per day the
16 amount of food waste diverted from Sunshine Canyon Landfill to the American
17 Transfer Station. Such records shall be certified as true and accurate by a
18 responsible corporate officer and made available to the District upon request.

19 Innovative Waster Control & Falcon Transfer Station Transloading Program

20 g. Respondent shall, within thirty (30) days of issuance of this Order, implement a
21 transloading of bulk-delivered food waste program at the Falcon Transfer Station and at
22 the Innovative Transfer Station (the “Transloading Program”) to divert at least 40 tons
23 per week of food waste from the Sunshine Canyon Landfill.

- 24 i. Respondent shall, by no later than July 1, 2017, submit a report to the Executive
25 Officer and the Hearing Board (attention ClerkofBoard@aqmd.gov) and the
26 District assessing the success of the Transloading Program, including records
27 quantifying the amount of food waste diverted, and the feasibility of
28 implementing the Transloading Program at Respondent’s remaining four

1 Transfer Stations.

- 2 ii. If Respondent is unable to achieve the required diversion of food waste by July
3 1, 2017, from Sunshine Canyon Landfill by conducting the Transloading
4 Program, Respondent shall submit a status report to the Executive Officer and
5 the Hearing Board (attention ClerkofBoard@aqmd.gov), and if required by the
6 Executive Officer shall petition for a modification to this Order, by no later than
7 June 15, 2017.

8 Food Recovery Program

- 9 h. Respondent shall implement the Food Recovery Program described in Exhibit C, which
10 is made a part hereof, by performing the following:

- 11 i. Provide sufficient funding to Food Finders to purchase one hybrid-fueled pick-
12 up and delivery refrigerated truck and pay for all expenses associated with the
13 operation of the truck for one year, including, but not limited to, the cost to fuel,
14 maintain and insure the truck, and staff a delivery driver. The total purchase and
15 operational costs are not to exceed \$200,000. This vehicle shall be designated
16 for food recovery pick-ups from locations within the geographic area for which
17 such food waste would otherwise have been sent to Sunshine Canyon Landfill.
18 Such funding shall be provided by no later than February 1, 2017;
- 19 ii. Provide an additional \$30,000 in funding to Food Finders to be used for
20 marketing of the Food Recovery Program throughout the geographic area for
21 which food waste would otherwise be sent to Sunshine Canyon Landfill. Such
22 funding shall be provided to Food Finders by no later than February 1, 2017;
- 23 iii. Create and pay the costs associated with a flyer or other written material, to be
24 developed in concert with Food Finders, describing the Food Recovery Program,
25 to be included with all billing statements for one year to Respondent's customers
26 who produce food waste within the geographic area for which such waste would
27 otherwise be sent to Sunshine Canyon Landfill. This material shall first be
28 distributed to customers by no later than March 1, 2017;

1 iv. Provide reports to the SCAQMD as described below in subsection 3(i) that detail
2 the amount of food diverted pursuant to this Food Recovery Program that would
3 otherwise have been sent to Sunshine Canyon Landfill. Respondent shall consult
4 with Food Finders in developing these reports, which shall include to the extent
5 feasible the success of various marketing strategies in diverting food waste from
6 Sunshine Canyon Landfill.

7 i. Respondent shall submit quarterly reports to the Executive Officer and the Hearing
8 Board on the progress and results of the Food Waste and Organics Diversion Program,
9 including but not limited to daily tonnage diverted from the landfill.

10 j. Nothing in this Order shall prevent Respondent from achieving the required diversions
11 using alternate facilities or methods.

12 **Landfill Cover**

13 4. Respondent shall continue the use of an Alternative Daily Cover (ADC), in lieu of using a
14 nine inch daily compacted soil cover, throughout the duration of the approved pilot demonstration project
15 that began in October 2015, in order to promote horizontal permeability in the landfill mass for the purposes
16 of improving collection of landfill gas and improving the leachate collection system's ability to drain
17 properly.

18 a. Respondent shall provide to the District copies of all data provided to the SCL-LEA
19 generated as a result of the pilot demonstration project and such other information as
20 reasonably requested by the District. Respondent shall also provide any analysis used to
21 determine the success or obstacles of the pilot demonstration project within ten (10)
22 business days of finalizing the information.

23 b. Respondent shall submit to the District within ten (10) business days of the conclusion
24 of the pilot program, all reports generated from the pilot program and evidence
25 demonstrating that it has completed the pilot program as determined by the Los Angeles
26 County Departments of Public Works and Regional Planning requirements. Respondent
27 shall also submit to the District within ten (10) business days of the conclusion of the
28 pilot program written confirmation from the SCL-LEA that Respondent has duly

1 completed the pilot program.

2 5. Respondent shall implement the intermediate cover enhancement pilot program as directed
3 by the SCL-LEA, as may be amended by the Los Angeles County Department of Public Works.

4 a. Respondent shall provide District staff with copies of all reports on the status and/or
5 results of the program submitted by Respondent to the SCL-LEA and such other
6 information as reasonably requested by the District.

7 6. Respondent shall conduct the intermediate cover program in a manner to be harmonized and
8 consistent with all local land use requirements, including the requirements in Los Angeles County's
9 Conditional Use Permit ("CUP"), including section 44A, and the landfill Implementation and Monitoring
10 Plans, and the City of Los Angeles "Q" conditions.

11 7. Respondent shall submit monthly District Rule 1150.1 surface monitoring results
12 (instantaneous and integrated readings) to the District for the enhanced monitoring grids that are involved in
13 the SCL-LEA intermediate cover enhancement pilot program and for the baseline comparative reference
14 control grid (Grid L11) within fourteen (14) business days after completion of the physical landfill monitoring
15 activities. This condition does not relieve Respondent from performing Quarterly District Rule 1150.1
16 surface emission reports on the overall landfill.

17 8. Respondent shall submit to the District for review and approval, within ninety (90) days of
18 issuance of this order, a proposal for additional methods/procedures for upgrading and improving the
19 additional areas of the landfill that have intermediate landfill cover, including appropriate methodologies,
20 metrics, and protocols for evaluating the performance.

21 a. Respondent's proposal shall consider and evaluate, at a minimum, the following options
22 (or combination of options): increased thickness of intermediate cover, use of lower
23 permeability intermediate/final cover materials, utilization of higher durability plastic
24 intermediate cover film material, higher compaction to increase density of the
25 intermediate cover, use of cured/mature compost to improve vegetative growth (and
26 potential bio filter affect), use of less steep intermediate slopes or other methods to
27 provide for better compaction of the side slopes, use of alternative spray on sealants,
28 (formulated for increased durability, wet weather, and odor control) to reduce

1 permeability of existing intermediate covered areas, and utilization of ClosureTurf® (or
2 product equivalent designed for intermediate cover usage).

3 9. Respondent shall expand the application of the SCL-LEA/District approved intermediate
4 cover upgrades to additional SCL-LEA designated District Rule 1150.1 surface emissions monitoring grids
5 if the data or other performance metrics demonstrate cover performance improvements (as determined by the
6 District, the SCL-LEA and Respondent).

7 **Improved Gas Collection Well Efficiency and Integrity**

8 10. Respondent shall expeditiously dewater wells being impacted by liquids.

9 a. Respondent shall provide monthly reports to the District and the SCL LEA on all landfill
10 gas collection wells which have more than 30% of their overall length or more than 30%
11 of their perforated area below grade filled with leachate or water. Respondent shall
12 provide a graphic map showing the location of each liquid “impacted well” every other
13 month. For the monthly reports, Respondent shall provide a description of the remedial
14 measure(s) taken to address the landfill gas collection wells that are impacted by liquids.

15 b. Respondent shall, within sixty (60) days of the issuance of this order, provide proposed
16 methodologies and monitoring procedures to the District that determine the level of
17 dewatering within each impacted well. Methods may include the measurement of the
18 gas flow at each landfill gas collection well impacted by liquids.

19 c. Respondent shall install dewatering pumps in gas wells affected by liquids identified in the
20 October 2016 well sounding no later than February 28, 2017. This includes dewatering
21 pumps in gas wells at the Landfill that do not have pumps installed as of November 15,
22 2016.

23 d. Respondent shall also upgrade the site leachate collection system through the addition of
24 both increased air compressor and drain line infrastructure no later than February 28, 2017,
25 to enable conveyance of liquids removed from the wells. Liquids from the existing pumps
26 and the new pumps will be pumped and monitored under the site’s O&M dewatering
27 program guidelines (Exhibit D).
28

- 1 e. Respondent will perform a complete well field liquid sounding on a quarterly basis to
2 further determine the presence or absence of liquids in each of the site's vertical gas
3 extraction wells and will address gas wells affected by liquids as described in Exhibit D.
4 f. Respondent shall maintain records relating to compliance with this Condition and shall
5 provide District staff with copies upon request.

6 **Well Integrity Testing Program**

- 7 11. No later than December 15, 2016, and in addition to the liquid management program described
8 in Section 9, Respondent shall commence integrity testing of all vertical gas wells at the
9 Landfill (estimated to require approximately 90 days) to evaluate the performance of each gas
10 well. Respondent shall correct any such well identified by the testing as ineffective or impacted
11 (other than by liquids) to the point that landfill gas flow is appreciably restricted as identified
12 by the test. The corrective action shall commence no later than 30-days after such
13 identification. Respondent shall commence the needed corrective action within the 30-day time
14 limit, and thereafter diligently prosecute the correction of the well as required. If corrective
15 action is infeasible, the well will be abandoned in accordance with NSPS regulations. Further,
16 if corrective action is recommended but does not resolve the identified issue in the gas
17 collection well, it shall be abandoned in accordance with NSPS regulations.
18 12. Respondent shall maintain records relating to compliance with this Condition and shall provide
19 District staff with copies upon request.

20 **Treatment of Fresh Trash Odors**

- 21 13. Respondent shall submit to the District for review and approval (which will be conducted in
22 consultation with other regulatory agencies), within sixty (60) days of the issuance of this
23 Order, a proposal for additional best management practices to supplement Respondent's
24 existing practices intended control and treat the fresh trash odors (the "Revised Best
25 Management Practices Plan").
26 a. Such proposal shall consider and evaluate, at a minimum, the following options:
27 use of trash truck and transfer trailer unloading practices that minimize creation
28 of odors, use of additional misting fan units (Dust Boss or equivalent) to treat

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odors onsite, use of alternative working faces located in more advantageous locations for early morning loading, consideration of special procedures (e.g., immediate covering/burying of odorous loads at the working face) and other practices to mitigate fresh trash odors.

- b. Such proposal shall also consider, for use during the initial three hours of the opening of the landfill at a minimum, applications of Odor-Shell® (or equivalent product) designed for odor control for odorous loads identified during unloading and on exposed portions of the working face.
- c. Such proposal shall also consider and evaluate options to control, treat, and minimize the impact of the odors that leave the site, including a methodology to identify meteorological conditions before the start of operations to determine best procedures/practices taken to minimize odor transport into the neighborhood. The proposal shall also consider the utilization of innovative technologies such as dry (waterless) vapor-phase (gas) for treatment of fresh trash and landfill gas odors, which can be employed along potential odor pathways.
- d. Such proposal shall also consider and evaluate utilization, for use during the initial three hours at a minimum of the opening of the landfill, of backpack sprayer and/or other portable spray system (with odor neutralizer or equivalent product) for directed use on identified odorous loads during unloading.
- e. Such proposal shall also consider and evaluate utilization of stockpiled “odor buffering/adsorbing material” (e.g., compost, ground greenwaste, soil) at the working face. Respondent’s evaluation shall also consider and analyze the potential for enhancing adsorbent material with odor adsorbents or other odor neutralizers to increase effectiveness.
- f. Respondent shall, within ten (10) business days of receiving written approval from the District, implement the Revised Best Management Practices Plan. If a “conditional approval” is granted, Respondent shall implement those

1 with this Order, Respondent shall immediately contact the District by email at nsanchez@aqmd.gov and
2 describe the inconsistent provisions. Respondent shall endeavor to resolve the inconsistency with the
3 Executive Officer. If the inconsistency is resolved, Respondent shall immediately inform the Hearing
4 Board in writing. If the inconsistency cannot be resolved, Respondent shall notice a hearing before the
5 Board for further proceedings. At such proceeding, only the provision in dispute shall be resolved by the
6 Hearing Board while the other conditions in this Order shall remain in full force and effect.

7 2. Respondent shall immediately contact the District (via email at nsanchez@aqmd.gov),
8 should the District's review of any of Respondent's submissions required hereunder cause the District to
9 conclude in writing that additional measures are necessary at the landfill to control odors and Respondent is
10 unable to agree to such measures. Such notice shall describe the reasons for the infeasibility of the
11 provisions or other concerns with the provision. Respondent shall endeavor to resolve the infeasibility with
12 the Executive Officer of his designee. If the feasibility of the provision cannot be resolved, Respondent
13 shall petition the Hearing Board for further proceedings. Such proceeding shall be limited to a hearing on
14 the imposition of the measure(s) described in the notice to the District as infeasible or otherwise
15 problematic.

16 3. Any notices, reports, or other information required by this Order shall be provided to the
17 District via email (Attn: Laki Tisopulos, ltisopulos@aqmd.gov).

18 4. Respondent shall submit a timely petition to modify this Order if Respondent anticipates it
19 is unable to meet any increment of progress ordered herein, or may otherwise not comply with the terms of
20 this Order. Respondent shall notify the District via email (Attn: Nicholas Sanchez, nsanchez@aqmd.gov)
21 upon learning of any such anticipated delay or need to request changes in conditions or the final compliance
22 deadline.

23 5. The Hearing Board shall hold a hearing on _____ to review the status of this
24 matter and consider the modification and/or extension of this Order.

25 6. The Hearing Board shall retain jurisdiction over this matter until **June 30, 2019**, or until
26 Respondent has met all Conditions and Increments of Progress hereunder, whichever occurs first, unless the
27 Order is amended or modified.

28 7. The Hearing Board may modify the Order for Abatement without the stipulation of the parties

1 upon a showing of good cause, therefore, and upon making the findings required by H&S Code §42451(a)
2 and District Rule 806(a). Any modification of the Order shall be made only at a public hearing held upon 10
3 days published notice and appropriate written notice to Respondent.

4 8. This Order for Abatement is not and does not act as a variance, and Respondent is subject to
5 all rules and regulations of the District, and to all applicable provisions of California law. Nothing herein
6 shall be deemed or construed to limit the authority of the District to issue Notices of Violation, or to seek
7 civil penalties, criminal penalties, or injunctive relief, or to seek further orders for abatement, or other
8 administrative or legal relief.

9 BOARD MEMBER: _____

10 DATED: _____

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