

James Chavez

From: Clerk of Board
Sent: Tuesday, July 15, 2025 3:57 PM
To: Mary Reichert; Karin Manwaring; Weiss, Malcolm C.; Ellis, Clare
Subject: FW: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Good afternoon,

Your request for consent calendar has been approved.

Clerk of the Boards Office
South Coast Air Quality Management District

T: (909) 396-2500

F: (909) 396-3317

www.aqmd.gov



From: Micah Ali
Sent: Tuesday, July 15, 2025 3:49 PM
To: Clerk of Board <Front_PC@aqmd.gov>
Subject: Re: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Afternoon:

We shall proceed forward with the matter as a consent calendar item.

Hearing Board
South Coast Air Quality Management District

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On Jul 15, 2025, at 3:35 PM, Clerk of Board <Front_PC@aqmd.gov> wrote:

Please see Board Member Balagopalan's response to parties response to question.

Clerk of the Boards Office
South Coast Air Quality Management District

T: (909) 396-2500

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<image001.jpg>

From: Mohan Balagopalan

Sent: Tuesday, July 15, 2025 3:34 PM

To: Clerk of Board <Front_PC@aqmd.gov>

Subject: Re: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Hi,

No change to No for Consent Hearing.

Mohan Balagopalan

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From: Clerk of Board <Front_PC@aqmd.gov>

Sent: Tuesday, July 15, 2025 3:00:29 PM

To: Mohan Balagopalan

Subject: FW: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Please see additional response below.

Clerk of the Boards Office
South Coast Air Quality Management District

T: (909) 396-2500

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<image001.jpg>

From: Mary Reichert <mreichert@aqmd.gov>
Sent: Tuesday, July 15, 2025 2:54 PM
To: Weiss, Malcolm C. <mweiss@hunton.com>; Clerk of Board <Front_PC@aqmd.gov>
Cc: Karin Manwaring <kmanwaring@aqmd.gov>; Ellis, Clare <CEllis@hunton.com>
Subject: RE: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Dear Clerk,

The District concurs that based on the facility's previous operations under the variance without issuance of a Notice of Violation for nuisance, it does not anticipate the granting of this variance will result in a nuisance in violation of Rule 403 and Health and Safety Code section 41700. While the District has received approximately 20 odor complaints during the regular variance period, the complaints have been sporadic and have not been sufficient to meet the District's threshold for an odor nuisance.

District counsel is attempting to obtain a declaration from compliance staff regarding the precise number of complaints, but counsel has been unable to secure one yet and it is unclear whether we will be able to do so prior to the end of the day.

Thank you,
Mary

From: Weiss, Malcolm C. <mweiss@hunton.com>
Sent: Tuesday, July 15, 2025 2:33 PM
To: Clerk of Board <Front_PC@aqmd.gov>
Cc: Mary Reichert <mreichert@aqmd.gov>; Karin Manwaring <kmanwaring@aqmd.gov>; Ellis, Clare <CEllis@hunton.com>
Subject: [EXTERNAL] RE: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Dear Clerk,

As mentioned in my email below, and after consultation with District Counsel, attached is a supplemental declaration from Christian Colline which addresses concerns raised by Board Member Balagopalan. As the Board will see, Mr. Colline's declaration provides support for the Board to find that operation of the facility under the modified variance is not expected to result in a violation of H&S Code section 41700 (nuisance).

As such, we would be most appreciative if Mr. Balagopalan feels he is able to allow this matter to proceed on Consent or, alternatively, if the Chair would feel comfortable utilizing appropriate discretion to keep the item on the Consent Calendar.

Thank you kindly.

Stay safe,

Malcolm

From: Weiss, Malcolm C.
Sent: Tuesday, July 15, 2025 1:12 PM
To: Clerk of Board <Front_PC@aqmd.gov>
Cc: Mary Reichert <mreichert@aqmd.gov>; Karin Manwaring <kmanwaring@aqmd.gov>; Ellis, Clare <CEllis@hunton.com>
Subject: RE: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Dear Clerk,

The District and Petitioner are working on a response to Board Member Balagopalan's inquiry. In the meantime, though we do not expect to call Mr. Christian Colline as a witness, out of an abundance of caution, we wanted to let you know that should Mr. Colline testify, it will need to be via Zoom. AQMD Counsel has informed us they do not object to this request.

If needed, we assume that Mr. Colline should access the Zoom link provided in the Hearing Board Agenda to provide his testimony, but please advise if a different link is needed.

We will be back in touch soon with a substantive response to Mr. Balagopalan's inquiry.

Stay safe,

Malcolm

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Tuesday, July 15, 2025 10:59 AM
To: Weiss, Malcolm C. <mweiss@hunton.com>
Cc: Mary Reichert <mreichert@aqmd.gov>; Karin Manwaring <kmanwaring@aqmd.gov>; Ellis, Clare <CEllis@hunton.com>
Subject: FW: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

This Message Is From An External Sender

Hunton Andrews Kurth warning: This message came from outside the firm.

Reforwarding to include Karin.

Thank you,

Clerk of the Boards Office
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<image001.jpg>

From: Clerk of Board <Front_PC@aqmd.gov>

Sent: Tuesday, July 15, 2025 10:53 AM

To: Weiss, Malcolm C. <mweiss@hunton.com>; Ellis, Clare <cellis@hunton.com>

Cc: Mary Reichert <mreichert@aqmd.gov>

Subject: FW: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Please see below for Board Member Balgopalan's response (highlighted in yellow) and provide response. HB-1 is attached for reference.

Clerk of the Boards Office

South Coast Air Quality Management District

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<image001.jpg>

From: Micah Ali <

Sent: Tuesday, July 15, 2025 10:42 AM

To: Clerk of Board <Front_PC@aqmd.gov>

Subject: Re: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Morning:

Please have the appropriate party respond to Board Member Balagopalan's queries and concerns.

Thank you.

Hearing Board

South Coast Air Quality Management District

T: (909) 396-2500

F: (909) 396-3317

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On Jul 15, 2025, at 9:23 AM, Clerk of Board <Front_PC@aqmd.gov> wrote:

Good morning,

Please see Mohan's response below.

Thank you,

Clerk of the Boards Office
South Coast Air Quality Management District
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<image001.jpg>

From: Mohan Balagopalan <mbalagopalan@aqmd.gov>
Sent: Tuesday, July 15, 2025 7:00 AM
To: Clerk of Board <front_pc@aqmd.gov>
Subject: Re: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Hi,

No to Consent Hearing as per Hearing Board Rule (4)(b)(5). Also, please see the previous reasons cited in Hearing Board Exhibit #1 for not agreeing to the last hearing on the Consent Calendar. Thanks.

Mohan Balagopalan

From: Clerk of Board <front_pc@aqmd.gov>
Sent: Thursday, July 10, 2025 11:08 AM
Subject: FW: El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Please review the attached documents and advise **ASAP**, if you support having the matter heard on the Consent Calendar. This case is scheduled for a MFCD/EXT hearing on Wednesday, July 16, 2025.

From: Weiss, Malcolm C. <mweiss@hunton.com>
Sent: Thursday, July 10, 2025 10:35 AM
To: Clerk of Board <front_pc@aqmd.gov>
Cc: Mary Reichert <mreichert@aqmd.gov>; Karin Manwaring <kmanwaring@aqmd.gov>; Ellis, Clare <CEllis@hunton.com>

Subject: [EXTERNAL] El Sobrante Landfill Petition for Modification of an Existing Variance -- Case No. 5139-3.

Dear Clerk,

Attached are materials requesting the above matter be placed on the Hearing Board's Consent Calendar for July 16, 2025. The attachments include:

- A fully executed Stipulation to Place Petition for Modification of an Existing Variance on Consent Calendar,
- Declaration of Christian Colline signed, with 2 attachments, and
- [Proposed] Findings and Decision and Order Granting Extension (both in pdf and Word formats).

Please confirm receipt of these materials.

Should you have any questions or need anything further, please reach out to me at the number below or my colleague Clare Ellis at 310.592.1975.

Thank you.

Stay safe,

HUNTON

Malcolm Weiss

Partner

mweiss@hunton.com

p 213.532.2130

m 213.422.5111

bio | vCard | LinkedIn

www.huntonnickelreportblog.com

www.HuntonProp65.com

Hunton Andrews Kurth LLP

550 South Hope Street

Suite 2000

Los Angeles, CA 90071

Hunton.com

This communication is confidential. If you are not an intended recipient, please advise by return email immediately and then delete this message, including all copies and backups.

<Exhibit HB-1.pdf>

<HBRules&ProceduresRule 4(b)(5).pdf>

<Supplemental Declaration of Christian Colline re Variance Modification (07152025).pdf>