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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,
[Facility ID No. 119219]

12 Respondent.

Case No. 6177-4

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

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

Hearing Date: ~~September 6, 2023~~ January 16,
2024

Time: 9:0030 am

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

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

1 ~~Abatement-partial stipulation on proposed modifications. South Coast AQMD and Respondent~~
2 ~~additionally proposed a set of contested modifications in addition to the stipulated modifications.~~

3 The public was given the opportunity to testify, evidence was received, and the matter was
4 submitted. The Hearing Board finds and decides as follows:

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7 **FINDINGS OF FACT**

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

11 2. Respondent operates a landfill/solid waste disposal facility known as Chiquita
12 Canyon Landfill (“CCL”) located at 29201 Henry Mayo Dr., Castaic, California, 91384, South Coast
13 AQMD Facility ID No. 119219. Respondent operates within the South Coast AQMD’s jurisdiction
14 and is subject to the South Coast AQMD’s rules. The landfill/solid waste disposal site has a footprint
15 of approximately 400 acres pursuant to a Conditional Use Permit issued by the County of Los
16 Angeles. ~~CCL was first approved for waste disposal in 1967. The property has been in use as a~~
17 ~~landfill since 1972. The property has continued as a landfill under a series of Conditional Use Permits~~
18 ~~from Los Angeles County.~~ Chiquita was most recently granted a renewed Conditional Use Permit
19 in 2017 to allow continued operations. Under its current use permit, CCL is allowed to accept an
20 average of 6,616 tons per day (“TPD”) of solid waste between the hours of 4:00am to 5:00pm
21 Monday through Saturday. CCL may also accept green waste and beneficial reuse materials. CCL
22 may accept a maximum of 2,800,000 tons per year of solid waste and beneficial reuse material
23 combined.

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

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

6 5. **South Coast AQMD Rule 431.1(c)(2)** prohibits burning, in any equipment requiring
7 a permit to operate, landfill gas with sulfur compounds of greater than 150 parts per million by
8 volume (“ppmv”) calculated as hydrogen sulfide (“H₂S”) averaged daily.

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

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

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

21 **8.9. CCL’s Facility-Wide Permit, Condition No. 3** prohibits CCL from using landfill
22 gas that contains sulfur compounds in excess of 150 ppmv calculated as H₂S averaged daily.

23 **9.10. South Coast AQMD Permit No. G55163, Condition No. 11** requires CCL to have
24 no more than 150 ppmv of total sulfur compounds (calculated as H₂S averaged daily) in its landfill
25 gas.

26 **10.11. South Coast AQMD Permit No. ~~G23473~~G73696, Condition No. 16** limits CCL’s
27 Flare No. 1 to a maximum of 2.5 lbs/hour of sulfur oxides (“SO_x”) as SO₂.

28 **12. South Coast AQMD Permit No. G73696, Condition No. 17** limits CCL’s Flare No.

1 2 to a maximum of 2.5 lbs/hour of SOx as SO2.

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

6 11.14. Respondent's operation at CCL also ~~operates~~includes a landfill gas collection and
7 control system that includes vertical and horizontal gas collection wells and associated piping and
8 trenches, multiple collection headers and blowers for venting landfill gas, a landfill gas treatment
9 system, a condensate/leachate collection system and two flares which combust landfill gas. CCL
10 also has an active permit application for an additional third flare which, if permitted, would be
11 incorporated into its landfill gas collection and control system.

12 12.15. South Coast AQMD alleges Respondent is inadequately containing landfill gas,
13 leachate, and associated surface emissions at CCL, which ~~can~~ cause odor and other unlawful
14 emissions from the landfill.

15 13.16. So far in~~From January to September~~ 2023, South Coast AQMD received more than
16 2,100 complaints of an odor nuisance from the public, with CCL as the alleged source. Complaints
17 include odor descriptions of both trash and landfill gas, but Petitioner and Respondent believe that
18 all odors complained of ~~are landfill gas related.~~ related to landfill gas, leachate, and associated
19 surface emissions rather than trash or the working face.

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

27 14.18. South Coast AQMD Inspectors investigated the complaints and traced some of them
28 back to CCL and confirmed CCL as the source of the odors on numerous occasions, and have

1 consistently traced odors back to the area of the landfill affected by the reaction rather than the
2 working face. Between May and September 5, 2023, South Coast AQMD issued 58 Notices of
3 Violation (“NOVs”) against Respondent for violating South Coast AQMD Rule 402 and H&S Code
4 § 41700.

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

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

12 21. Between September 6, 2023 and January 11, 2024, South Coast AQMD received a
13 total of 4860 complaints alleging CCL as the source of odors. South Coast AQMD consistently
14 responds to and investigates complaints, including verifying the existence of complained-of odors
15 and the source as CCL. Over this time period, Respondent received 46 NOVs for alleged violations
16 of South Coast AQMD Rule 402 and H&S Code § 41700. The total number of NOVs issued for
17 alleged violations of South Coast AQMD Rule 402 and H&S Code § 41700 related to this incident
18 is 105.

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

22. On October 17, 2023, South Coast AQMD, in coordination with LA Fire/Hazmat agents, conducted an unannounced inspection and attempted to collect samples of the leachate exposed to the air from Respondent’s property. Respondent denied access to collect samples of the leachate. South Coast AQMD collected air samples at both the fence line and within the nearby community at that time. Respondent permitted South Coast AQMD to collect samples of the leachate on October 20, 2023. South Coast AQMD had both the air and leachate samples analyzed. In some, but not all air samples, results indicated elevated concentrations of benzene which were higher than background, both at the fence line and in the community. On review of all sample results, South Coast AQMD Laboratory staff were unable to make conclusive determination about the impact(s) to the community, but determined that additional monitoring and/or sampling was recommended to develop a more complete understanding. Around that time, South Coast AQMD requested real-time access to Respondent’s Community Air Monitoring (“CAM”) network, which it maintains pursuant to a requirement from the Los Angeles County Department of Regional Planning, as a condition of Respondent’s Conditional Use Permit. By January 10, 2024, South Coast AQMD Monitoring and

1 Analysis Division staff had been given real-time access to some, but not all, of the air monitors
2 within Respondent's CAM network. South Coast AQMD Monitoring and Analysis Division staff
3 have also been provided laboratory reports of additional air samples taken in the community pursuant
4 to a requirement from Los Angeles County Department of Public Health, acting as Respondent's
5 LEA.

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

18 24. Also in early October, South Coast AQMD Inspectors observed Respondent
19 conducting landfill excavation activities within the Reaction Area, including to install a French drain
20 system as agreed to by Respondent following recommendation by Respondent's LEA and
21 CalRecycle. South Coast AQMD Inspectors observed several aspects of this excavation that did not
22 employ mitigation measures to prevent odors. Inspectors observed track-out through leachate
23 puddles, and stockpiling without cover of odorous leachate-saturated soil, among other things. Upon
24 review, South Coast AQMD Inspectors confirmed that Respondent did not have an approved
25 Landfill Excavation Plan as required by Rule 1150. South Coast AQMD issued Respondent NOV
26 P75296 on November 15, 2023 for conducting a landfill excavation without an approved plan,
27 among other violations. Respondent disputes this violation, as the excavation work was required to
28 repair the western slope of the landfill to ensure that all waste remained on the landfill liner, redirect

1 leachate seepage so that it remains on the lined area of the landfill and under a scrim (plastic cover),
2 and address the violations noted in the LEA's site inspection report. Respondent has since concluded
3 its remediation of the western slope and the associated leachate seeps.

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

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

17 27. On December 1, 2023, Respondent submitted the Ambient Air and Emissions
18 Monitoring Assessment required by Condition 26 of the Stipulated Order. Among other things, the
19 study concluded that macro-level modeling showed that gases with detectable levels of odors "ha[ve]
20 pathways from [the Landfill] to communities north of the Landfill in wind conditions less than 7
21 mph with the strongest concentrations in the 0.5 to 3 mph range." However, the report noted that
22 this modeling was done on a macro level and that "to accurately assess potential concentration levels
23 on a micro level" additional models would need to be created and run.

24 28. On the same day, Respondent also submitted the Dimethyl Sulfide Continuous
25 Monitoring Feasibility and Availability Report required by Condition 12(b)(iii) of the Stipulated
26 Order. The report concluded that "real-time monitoring for the estimation of DMS concentrations in
27 the community and along the property fenceline is not feasible due to . . . [t]he lack of real-time
28 sensors and monitoring methods for the direct measurement of DMS[, and the] lack of detectible

1 DMS in analytical air samples collected across the community and fenceline locations[.]”

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

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

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

19 32. South Coast AQMD’s Monitoring and Analysis Division compiled and reviewed
20 continuous monitoring data from six monitors in Respondent’s CAM network, all located within the
21 affected communities. The monitors collect real-time data for hydrogen sulfide (“H₂S”) and
22 particulate matter. South Coast AQMD Monitoring and Analysis staff determined that, based on
23 totality of evidence, particulate matter was not the primary pollutant of concern for the current
24 ongoing issues at the Landfill. Based on review of H₂S continuous monitoring across all six
25 monitors, South Coast AQMD determined that approximately 35% of all hourly average readings
26 over the past year exceeded the California Office of Environmental Health Hazard Assessment
27 (“OEHHA”) acute standard of 30 parts per billion (“ppb”) on a 1-hour average. Some readings,
28 across a 1-hour average, exceeded 300 ppb, ten times the OEHHA standard. The highest single

1 reading exceeded 500 ppb. South Coast AQMD Monitoring and Analysis staff concluded from this
2 data review that there was clear indication that air emissions from the Landfill were having
3 significant impact to the community. However, Monitoring and Analysis staff were not given access
4 to review Respondent's maintenance, quality assurance/quality control ("QA/QC") policies, so it
5 was unable to verify accuracy of the data collected.

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

19 34. South Coast AQMD Monitoring and Analysis staff also reviewed laboratory results
20 of 24-hour samples taken at the community monitoring stations which were analyzed for air toxics.
21 Not all laboratory reports were provided to South Coast AQMD for review, and reports were
22 provided inconsistently. Of those reviewed, several indicated levels of benzene above expected
23 background levels, but below the 8-hour acute standard of 8ppb set by OEHHA. South Coast AQMD
24 Monitoring and Analysis staff reviewed that at least one sample result, collected at MS-10 on
25 November 6, 2023, had reported benzene level well above the 8-hour acute standard, measured at
26 69.5 ppb. South Coast AQMD learned about the result on December 8, 2023 (though the lab report
27 was dated November 9, 2023). South Coast AQMD Monitoring and Analysis staff discussed this
28 result with the third-party lab that performed the analysis to inquire about potential anomalies in the

1 lab methods. The third-party lab confirmed the validity of the results. Lab samples collected at other
2 monitoring sites on the same day were all below the OEHHA standard for benzene, though one other
3 sample from a nearby monitor had reported benzene levels higher than expected background levels
4 at 2.67 ppb.

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

19 36. On October 31, 2023, Dr. Sanchez-Soria and Dr. Perez issued another letter
20 memoranda to the public, which characterized the August and September 2023 community
21 monitoring. The letter stated, in bold-face type: "Based on our review of the continuous air
22 monitoring and discrete air sampling data from August through September 2023, no adverse health
23 effects are anticipated across the community." On December 5, 2023, Dr. Sanchez-Soria and Dr.
24 Perez issued another letter memoranda to the public, which characterized the August, September
25 and October community monitoring. The letter again stated, in bold-face type: "Based on our review
26 of the continuous air monitoring and discrete air sampling data from August through October 2023,
27 no adverse health effects are anticipated across the community." Dr. Sanchez-Soria was designated
28 by Respondent to serve on the DMS (now Reaction) Committee as the public health expert. Dr.

1 Sanchez-Soria did not release any other statements to the public acknowledging or addressing any
2 other expert analysis generated by the DMS Committee which may have implications for public
3 health impacts. Dr. Sanchez-Soria, though he attended the September 6, 2023 hearing, also did not
4 address any of the evidence received by the Hearing Board from members of the public who testified
5 to living in the affected community and already experiencing adverse health effects.

6 37. Following the District's Petition for a Status/Modification hearing, the Parties began
7 negotiations regarding potential modifications. The Parties proposed a partially-stipulated
8 Modification. The South Coast AQMD proposed additional modifications that were not stipulated
9 to by Respondent.

10 **CONCLUSIONS**

11 ~~15. The Stipulated Order for Abatement set forth hereinafter is likely to mitigate~~
12 ~~conditions that could contribute to potential odors and potential nuisance.~~

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

22 39. The Respondent is in violation of South Coast AQMD Rules 431.1(c)(2), 3002(c)(1),
23 and 203(b). Rule 431.1(c)(2) prohibits burning, in any equipment requiring a permit to operate,
24 landfill gas with sulfur compounds of greater than 150 parts per million by volume ("ppmv")
25 calculated as hydrogen sulfide ("H₂S") averaged daily; Condition No. 3 of Respondent's Facility-
26 wide Permit incorporates this same requirement. Rules 3002(c)(1) and 203(b) require Respondent to
27 comply with all conditions of its permits at all times. Respondent is continuing to exceed the Rule
28 and permit limits as evidenced by Respondent's monthly reports measuring the total sulfur in its

1 landfill gas (Section A of Exhibits A, B, C, and D of the Declaration of Patrick Sullivan).

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

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

27 42. Specifically with respect to Condition Nos. 8(p), 15(f), 24, 27(b), 36, 42(e), 42(j),
28 42(k), 42(l), 42(m), and 42(s), the Conditions are appropriate to accomplish the necessary abatement.

1 These conditions will help limiting the scope and intensity of violations, further transparency of the
2 issue while ongoing, and assure public confidence in the process and outcome of the Abatement
3 Order.

4 16.43. The issuance of a Stipulated this Order for Abatement upon, which occurred following
5 a fully noticed hearing would not, and in accordance with all requirements of California law and all
6 applicable procedures of the Hearing Board of the South Coast AQMD, does not constitute a taking
7 of property without due process of law.

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

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

13 17.46. This Order for Abatement is not intended to be nor does it act as a variance.

14 **ORDER**

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

20 **Odor Surveillance**

21 1. 1. Respondent shall conduct odor surveillance in the communities surrounding

22 CCL as follows:

- 23 a. Respondent shall contract with a trained third party to conduct odor surveillance
24 each operating day within thirty (30) days after the issuance of ~~this Order~~ the
25 September 6, 2023 Order (the "Initial Order"). Respondent shall conduct odor
26 surveillance each operating day until the trained third party has been contracted.
27 Respondent, or Respondent's contractor, as applicable, shall conduct community
28 odor surveillance at least twice each operating day, once between the hours of 7:00

a.m. and 11:00 a.m. and once between the hours of 8:00 p.m. and 12:00 a.m. If a three-week period passes without Respondent receiving a Rule 402 NOV from the South Coast AQMD, or detecting odors at above an intensity of 2 at more than 2 stops during a single surveillance, then Respondent, or Respondent’s contractor, as applicable, may stop conducting the odor surveillances. If Respondent, or Respondent’s contractor, as applicable, has stopped conducting the odor surveillances pursuant to this condition and Respondent subsequently receives a Rule 402 NOV from the South Coast AQMD, then Respondent, or Respondent’s contractor, as applicable, must resume conducting the odor surveillances until another three-week period passes with no Rule 402 NOVs issued by the South Coast AQMD, or without Respondent or Respondent’s contractor, as applicable, detecting odors at above an intensity of 2 at more than 2 stops in a single surveillance.

b. Respondent, or Respondent’s contractor, as applicable, shall conduct an odor 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 |
| 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 |

| Stop | Description |
|------|---|
| 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). Assessment of each parameter shall be made while standing in ambient air and shall not be made from within a vehicle.
- e. Respondent, or Respondent’s contractor, as applicable, shall record odor surveillance results in an “Odor Surveillance Log²³” before the end of the work day. The Odor Surveillance Log shall contain, but not be limited to: (1) the date and time; (2) stop number; (3) the ~~wind speed and direction;~~ (4) name of the person performing the surveillance and written acknowledgement that they did not visit the working

1 face or other on-site areas where exposed trash or landfill odors such as, but not
2 limited to landfill gas odors, refuse or refuse contaminated material odors, or landfill
3 liquids/landfill leachate odors exist within a four hours prior to conducting an odor
4 surveillance, (4) the wind speed and direction; (5) a narrative description of any
5 odor detected (including the type of odor, such as trash, landfill gas, chemical, odor
6 neutralizer, as applicable); (~~5~~6) current weather conditions; and (~~6~~7) an assessment
7 of the strength of any odor detected using the scale below:

| | |
|---|--------------------------|
| 0 | No odor detected |
| 1 | Very light odor detected |
| 2 | Light odor detected |
| 3 | Moderate odor |
| 4 | Strong odor |
| 5 | Very strong odor |

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12 f. If Respondent, or Respondent’s contractor, as applicable, conducting the odor
13 surveillance detects odors at three or more stops that are determined to be of a
14 strength of 3 or higher on the scale above during any surveillance occurring during
15 Respondent’s operating hours (between the hours of 4:00am and 5:00pm),
16 Respondent, or Respondent’s -contractor, as applicable, shall immediately notify
17 landfill operating staff. Respondent shall designate an employee able to receive and
18 direct action related to such notifications promptly. Upon receiving such
19 notification, Respondent shall, within 30 minutes of receipt, review and
20 modifyinitiate modifications, as appropriate, to fan placement, and conduct a visual
21 inspection of the Reaction Area (as defined in Condition 9(a)) to assess, and address
22 as needed, any cracks in the surface of the area.

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

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

- 1 3. Respondent shall expedite, to the maximum extent feasible, replacement of granular
2 activated carbon media in the Landfill Gas Treatment System (under Permit G55163, A/N
3 603249), including the execution of contracts, as well as the delivery, replacement, startup,
4 and testing of any operation necessary to replenish and/or replace spent granular activated
5 carbon media in the Landfill Gas Treatment System. Respondent shall ensure adequate
6 stock of all odor control products and supplies are maintained on site.
- 7 a. Respondent shall monitor and record the landfill gas temperature at least daily at
8 the inlet of the Landfill Gas Treatment System. The temperature of the landfill gas
9 shall not exceed 145 F.
- 10 4. Respondent shall prioritize and maximize the use and operation of landfill gas ~~flares~~
11 No. 22 (under Permit G73696, A/N 645450) and No. 3 (under A/N 624296) over landfill
12 gas flare No. 1 (under Permit ~~G23473G73696~~, A/N ~~491442645450~~) to the maximum extent
13 feasible when combusting landfill gas at the facility (FID 119219). Once Respondent
14 receives the necessary permits and puts the new landfill gas flare discussed in Condition 20
15 (“landfill gas flare No. 34”) into operation, Respondent shall prioritize and maximize the
16 use and operation of landfill gas flares Nos. 23 and 34 over landfill gas ~~flares~~ No. 1
17 and No. 2 (under Permit ~~G23473G73696~~, A/N ~~491442645450~~) and prioritize and
18 maximize the use and operation of landfill gas flare No. 2 over landfill gas flare No. 1 to
19 the maximum extent feasible when combusting landfill gas at the facility (FID 119219).
- 20 5. Respondent shall sample, analyze, and record the landfill gas sulfur compounds combusted
21 in each flare (as measured at sampling location FL-150 that is representative of the gas
22 combusted in the ~~flares~~ under Permit ~~G23473G73696~~, A/N ~~49144245450~~; A/N
23 624296) at least once each week using colorimetric tests for H₂S and at least once each
24 week sample for analysis for total sulfur compounds as H₂S using South Coast AQMD
25 Method 307-91. Additionally, Respondent shall sample, analyze, and record the landfill gas
26 sulfur compounds found in the raw, pre-treatment and pre-control, landfill gas collected
27 from the Reaction Area (as defined in Condition 9(a)) at least once each calendar month for
28 total sulfur compounds as H₂S using South Coast AQMD Method 307-91.

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- a. Respondent shall record South Coast AQMD Method 307-91 analysis upon receipt of laboratory analysis report. Each recorded measurement or result shall be documented with the time and date when the measurement or sample collection was conducted, and initialed by the personnel that conducted the measurement or sample collection.
- b. Sulfur compound readings and analysis shall be reported to South Coast AQMD pursuant to Condition No. 8.
 - i. Tedlar bags used for Method 307-91 sampling and analysis shall not contain droplets or debris.
 - ii. Colorimetric tube readings shall be conducted by taking a reading from a Tedlar bag sample using an appropriate colorimetric tube sample collection pump. All sampling shall be performed in accordance with the operational manual for the colorimetric tube sample collection pump.
 - iii. Colorimetric tube readings shall use colorimetric tubes of appropriate concentration range and shall be reported as follows:
 - 1. Respondent shall first use the estimated appropriately ranged colorimetric tube.
 - 2. If the resulting reading reaches the upper concentration of the colorimetric tube concentration range, subsequent reading(s) shall be taken using a colorimetric tube with a concentration range that has a larger upper concentration threshold until the result is not the upper concentration 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:

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- 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 ~~G23473G73696~~, A/N ~~491442645450~~; flare No. 3 under A/N 624296), the thermal oxidizer (under Envent Corporation A/N 645484), the second thermal oxidizer/flare (under Zeeco A/N 648539), and any other equipment used to combust or control landfill gas at the facility, and the total amount of landfill gas combusted at the facility;
 - b. The daily flow of landfill gas not flared, in standard cubic feet, if applicable; and
 - c. The results of the sulfur readings, sampling, and analyses, calculated as H₂S with the time and date when each measurement or sample collection was conducted.

- 1 8. Respondent shall submit a monthly written report on the landfill operation, progress of the
2 status of the Landfill Gas Flares (flares No. 1 and No. 2 under Permit ~~G23473~~G73696, A/N
3 ~~491442645450~~; flare No. 3 under A/N 624296), Landfill Gas Treatment System (under
4 Permit G55163, A/N 603249), and efforts to resolve the total sulfur concentration in the
5 landfill gas exceeding 150 ppmv calculated as H₂S. Monthly reports shall be submitted to
6 Respondent on the third Monday of each subsequent month (except for this first month as
7 described below) not later than 5:00pm via email to Baitong Chen, Air Quality Engineer,
8 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
9 and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov). The first report for August
10 2023 shall be due on September 30, 2023. Each monthly report shall contain at a minimum
11 the following information:
- 12 a. The landfill gas sulfur compounds measurements and laboratory analysis with the
13 time and date of each measurement or sample collection, as identified in Condition
14 No. 5.
 - 15 b. The landfill gas records and calculations identified in Condition No. 7, in a
16 Microsoft Excel spreadsheet format.
 - 17 c. The integrated landfill surface sample analysis and landfill surface monitoring
18 readings identified in Condition Nos. 9 and 10, in a Microsoft Excel spreadsheet
19 format.
 - 20 d. Estimated schedule for any replacement or refurbishment of granular activated
21 carbon media in the Landfill Gas Treatment System (under Permit G55163, A/N
22 603249) identified in Condition No. 3. The landfill gas temperature at inlet of the
23 Landfill Gas Treatment System (under Permit G55163, A/N 603249) identified in
24 Condition No. 3(a).
 - 25 e. Description of any problems or delays, if any, encountered or projected to occur
26 pertinent to the execution of contracts, as well as the delivery, replacement, startup,
27 and testing of any operation necessary to replenish and/or replace spent granular
28 activated carbon media in the Landfill Gas Treatment System (under Permit

1 G55163, A/N 603249). Respondent shall submit copies of documents or other
2 records to support any problems or delays noted pursuant to this Condition No. 8(e)
3 along with such description.

- 4 f. Specifications of the equipment and materials used for the weekly colorimetric tests
5 (only if there is a change from the previously provided specifications of the
6 colorimetric instrumentation or method used).
- 7 g. All wellhead temperature and CO concentration readings, lab analysis, and Draeger
8 tube readings for landfill gas from the past month in a Microsoft Excel spreadsheet
9 format.
- 10 h. A graphic map showing location of each well with temperature exceedances (above
11 145 degrees Fahrenheit), each well with CO exceedances (above 1,000 ppmv and
12 below 1,500 ppmv, and above 1,500 ppmv), and stratification of temperature ranges
13 during that month, which includes a description of any remedial measures taken to
14 address or lower gas well temperatures.
- 15 i. All vertical liquid impacted landfill gas wells, per Condition No. 2017, including a
16 description of any remedial measures taken to address or reduce liquids in landfill
17 gas wells.
- 18 j. Updates on the investigation into the availability, viability, and utilization, including
19 pilot testing if needed, of an alternative sulfur compound treatment system that
20 controls, treats, or removes dimethyl sulfide (“DMS”) and other sulfur compounds,
21 if any.
- 22 k. A summary report on SCS’s implemented improvements to the landfill gas
23 collection system.
- 24 l. An inspection log for landfill cover inspections, pursuant to Condition No. 2430.
- 25 m. Any subsequent additions to the landfill gas collection system, pursuant to
26 Condition No. 15.
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1 n. Any subsequent additions to the landfill gas condensate or leachate collection
2 system, such as dewatering sumps/pumps, or other dewatering work performed per
3 the dewatering guidelines and implementation plan pursuant to Condition No. 1718.

4 o. Updates on the procurement and installation of the geosynthetic covers, pursuant
5 to Condition No. 2531.

6 p. Updates on landfill excavation work, including excavation location(s) (that are
7 identified on graphic map(s) of the landfill), and excavated/exposed waste
8 characteristics (saturated, semi-dry, dry, odor type and intensity, etc.).

9 q. Updates regarding leachate including:

10 i. Leachate temperature recordings pursuant to Condition No. 27(a);

11 ii. Daily log of inspection findings and containment activities
12 pursuant to Condition 27(b);

13 iii. Weekly record of leachate seepage and pooling pursuant to
14 Condition 27(c); and

15 iv. Quantity of leachate measured, and associated company name and
16 physical address of the off-site disposal/treatment facility(ies) that
17 receive leachate generated by the landfill, pursuant to Condition
18 27(d).

19 9. Respondent shall collect integrated landfill surface samples for analysis across the Reaction
20 Area (as defined in Condition 9(a)) at least every two weeks as specified in Rule 1150.1
21 Attachment A 2.0. In the event Respondent is unable to sample specific landfill surface
22 area(s) or grid(s) due to inaccessibility or dangerous conditions for a technician,
23 Respondent shall document the date and the conditions that do not allow the sampling of
24 the specific area(s) or grid(s). Documentation shall be sufficient to show the inaccessibility
25 or dangerous conditions and may include weather forecasts and actual rainfall
26 measurements, or photographs and/or videos that depict the site conditions, that prevent
27 such sampling activities for each specific area or grid affected.
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a. The “Reaction Area” shall be defined initially by the boundary of Cells 1/2A, 2B/3, 4, and Module 2B/3/4 P2. The boundary of the Reaction Area shall be modified to include the associated landfill surface area of the cells and modules that experience well temperatures of at least 170 degrees Fahrenheit, settlement, cracks in the landfill cover, presence and quantity of liquids, and the presence of hydrogen in the landfill gas. The DMSReaction Committee (defined in Condition No. 12), shall transmit to the South Coast AQMD [attn: Baitong Chen, bchen@aqmd.gov; Nathaniel Dickel, ndickel@aqmd.gov; Christina Ojeda, cojeda@aqmd.gov]: 1) the- revised map which clearly displays the proposed boundary change(s) and depicts the new Reaction Area; 2) a narrative summary explaining the rationale behind the proposed changes, including memorializing any dissenting view of any member of the DMSReaction Committee; and 3) any supporting data relied upon in the decision to revise the Reaction Area.

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

10. Respondent shall conduct instantaneous landfill surface monitoring across the Reaction Area (as defined in Condition 9(a)) at least every two weeks as specified in Rule 1150.1, Attachment A 3.0, beginning no later than seven (7) days after the issuance of this Order. In the event Respondent is unable to monitor specific landfill surface area(s) or grid(s) due

1 to inaccessibility or dangerous conditions for a technician, Respondent shall document the
2 date and the conditions that do not allow the monitoring of the specific area(s) or grid(s).

- 3 11. Respondent shall continue operating its flares and landfill gas treatment system even if the
4 emitted landfill gas exceeds the limits on total reduced sulfur and SO_x laid out in CCL's
5 permits (Permit G55163, Condition Nos. 11 and 16 and CCL's Facility-Wide Permit,
6 Condition No. 3) and South Coast AQMD Rules 431.1(c)(2), 3002(c)(1), and 203(b).
7 Respondent shall include deviation reporting associated with exceedances of these
8 emissions limits in its semi-annual Title V reports. ~~Respondent shall not need to make any~~
9 ~~additional deviation reporting associated with such exceedances.~~ and in accordance with
10 the requirements of Respondent's Title V permit.

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

- 12 12. Respondent shall organize a committee (the "DMSReaction Committee") consisting of
13 subject 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 DMSReaction Committee within thirty (30) days
17 of the issuance of this Order. Respondent shall, within thirty (30) days of the issuance of
18 this Order, or within ten (10) days of their appointment, if appointment occurs after October
19 6, 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 DMSReaction Committee along with a Curriculum Vitae, or other
23 description of the individual's credentials, experience, and/or expertise in the applicable
24 subject matter.

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

- 27 i. Landfill design and operational best management practices;

- ii. Landfill gas collection/extraction systems, landfill gas condensate/leachate collection systems, and landfill gas control;
- iii. Chemical reaction(s) within landfills leading to formation of and elevated levels of dimethyl sulfide (“DMS”) and non-methane organic compounds (“NMOC”);
- iv. Public health relating to air quality and exposure to air contaminants including DMS.

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

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

- i. To facilitate each meeting, Respondent shall provide South Coast AQMD (attn: Baitong Chen, bchen@aqmd.gov; Nathaniel Dickel,

1 ndickel@aqmd.gov; Christina Ojeda, cojeda@aqmd.gov; Payam
2 Pakbin, ppakbin@aqmd.gov; Kathryn Roberts,
3 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov) a
4 proposed agenda listing the topics to be discussed, and the
5 presenter, not later than ten (10) calendar days prior to the meeting.
6 South Coast AQMD shall have the option to expand the agenda to
7 include additional topics within the purview of the Reaction
8 Committee. If South Coast AQMD elects to expand the agenda, it
9 shall provide notice to Respondent not later than four (4) calendar
10 days prior to the meeting.

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

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

26 iv. Following each monthly meeting, Respondent shall prepare a
27 summary of the meeting, including the topics discussed and all
28 recommendations received. Respondent shall include in the

1 summary a response from the Reaction Committee to all
2 recommendations and, as applicable, any changes made as a result.
3 Respondent, at its election, may also include a summary of and
4 response to any feedback received. Respondent shall post the
5 summary of the meeting to the webpage created pursuant to
6 Condition No. 39, not later than twenty (20) days following the
7 meeting.

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

- 12 i. A study into known and possible methods for effective treatment
13 of DMS and preventative mechanisms for DMS formation in
14 landfill gas, including assessment of other landfills and review of
15 scientific studies. By no later than April 30, 2024, Respondent shall
16 provide a report detailing the findings of this Landfill Gas DMS
17 Treatment Study and the proposals for implementation of the
18 treatment methods. This report shall be submitted to South Coast
19 AQMD [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
20 Nathaniel Dickel, Senior Air Quality Engineer,
21 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
22 (cojeda@aqmd.gov)]. Respondent shall submit any required
23 permit applications, with information included, for equipment
24 installations or modifications necessary for implementation of the
25 remedy strategies and/or treatment methods;
- 26 ii. An investigation and report on 1) the cause of the alleged chemical
27 reaction(s) resulting in the elevated well temperatures, elevated
28 levels of DMS formation in the landfill gas, and elevated levels of

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

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

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

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

1 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
2 Inspector, (cojeda@aqmd.gov)];

3 v. A report on the known health risks from acute and long-term
4 exposure to DMS, including any action levels from other public
5 health or government entities, and including a summary of
6 recommended actions for persons exposed to DMS for acute and
7 long-term durations. By no later than January 15, 2024,
8 Respondent shall submit this report to South Coast AQMD
9 [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
10 Nathaniel Dickel, Senior Air Quality Engineer,
11 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
12 ~~(cojeda@aqmd.gov)]-(cojeda@aqmd.gov)]; and~~

13 vi. A report of the health impacts from ongoing and long-term (e.g.
14 greater than one year) exposure to hydrogen sulfide (H2S), or other
15 speciated sulfur compounds, and any other hazardous air pollutants
16 (HAPs), as defined in the federal Clean Air Act, 42 U.S.C. § 7412.
17 The HAPs evaluated in the report shall include those which are
18 detected: (1) in landfill gas over the past twelve months at the
19 Chiquita Canyon Landfill as documented in the initial or additional
20 flux chamber study (per Condition No. 12(f)) or detected in stack
21 emissions testing; (2) in the liquids and leachate samples collected
22 and analyzed (per Condition No. 38); (3) in air sampling performed
23 to determine emissions from exposed liquids/leachate; and (4) in
24 the community pursuant to the enhanced community air
25 monitoring program in exceedance of recommended toxicity
26 screening values published by the US EPA or other applicable
27 screening values where US EPA toxicity screening values are
28 unavailable. The report shall include, but not be limited to,

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

13 e.e. Respondent shall make public all reports resulting from investigations and studies
14 done pursuant to this Condition through a link preceded by a brief narrative
15 description on the webpage created pursuant to Condition No. 2839.

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

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

Landfill Gas Collection System and Leachate/Landfill Gas Condensate Collection and Storage Systems

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

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

14. Respondent shall continue to monitor each landfill gas collection system well at least monthly for at least temperature pursuant to 40 CFR Part 63 Subpart AAAA. Respondent shall address wells with a temperature reading of at least 170 degrees Fahrenheit or greater in accordance with 40 CFR 63 Subpart AAAA. Notwithstanding temperature exceedances,

1 Respondent shall continue to operate all wells as necessary to ensure the continued
2 operation of the landfill gas collection system.

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

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

15 15. Respondent shall continue to evaluate and install, as needed, vertical dual extraction wells
16 to collect both landfill gas and leachate. Respondent shall continue to expand the well-field
17 as needed, and notify South Coast AQMD by October 31, 2023 of the number of wells
18 added, attention to 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). Any subsequent additions to the well-field shall be
21 documented in the monthly reports pursuant to Condition ~~8~~. No. 8. In installing any
22 additional wells, Respondent shall ensure it complies with all conditions in Respondent's
23 currently operative landfill gas collection system permit. In installing any additional wells
24 pursuant to this Condition, Respondent shall additionally take the following measures:

25 a. By January 31, 2024, Respondent shall provide to the South Coast
26 AQMD [attn: Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov);
27 Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
28 and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)] the

1 design and installation schedule for a minimum of an additional seventy
2 (70) wells and their associated piping The proposed well locations and
3 connecting piping shall be identified on a drawing which shows the
4 entire gas collection system and shall be described in writing. Estimated
5 gas collection volume, well depths, pipe lengths, diameters and layouts
6 shall be supplied to the South Coast AQMD in this advance notification.
7 Updates to the design and schedule shall be provided in the monthly
8 report pursuant to Condition No. 8;

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

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

26 d. Following installation of all wells pursuant to Conditions 15(a) and
27 15(b), Respondent shall notify the South Coast AQMD in writing [attn:
28 Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel

1 Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina
2 Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)] at least one (1) week
3 in advance when an additional well or set of wells and their associated
4 pipng will be installed. The information required by Condition 15(a)
5 shall be included in the notification. Updates to the design and schedule
6 shall be provided in the monthly report pursuant to Condition No. 8(m).
7 e. During any well drilling a landfill gas control box shall be used to
8 prevent the emissions of landfill gas into the atmosphere, and this control
9 box shall be vented to an approved emissions control system;
10 f. Each well shall be completed and capped the same day its construction
11 commences, unless the well hole is completely sealed and the well casing
12 is connected to the gas collection header to prevent any landfill gas from
13 escaping into the atmosphere;
14 g. Each horizontal gas collection well shall be connected to an operating
15 landfill gas header or the ends of the well shall be sealed with blind
16 flanges, glued or fused caps, or other types of seals approved by the
17 South Coast AQMD as soon as the well is installed;
18 h. All openings and connections of the landfill gas collection system shall
19 be properly covered and sealed to prevent leaks in accordance with
20 Respondent's Title V Permit and in accordance with all applicable rules
21 and regulations;
22 i. Respondent shall install additional stainless steel, carbon steel, or
23 chlorinated polyvinyl chloride (CPVC) wells in the Reaction Area per
24 recommendation of the Reaction Committee. Stainless steel or carbon
25 steel shall be installed for any well which has gas temperatures
26 exceeding 170 degrees Fahrenheit;
27 j. Following the installation of additional wells per Conditions 15(a) and
28 15(b), Respondent shall replace any wells in the Reaction Area which are

1 damaged, blocked, pinched, or which have gas temperatures exceeding
2 145 degrees Fahrenheit with CVPC wells, carbon steel, and/or stainless
3 steel wells, or add new wells that replace the landfill gas extraction
4 capacity. Within 7 days of discovery of any such well, Respondent shall
5 notify South Coast AQMD in writing [attn: Baitong Chen, Air Quality
6 Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
7 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
8 Inspector, (cojeda@aqmd.gov)] of a proposed installation schedule.
9 Installation shall take place within 7 days of the notification, whenever
10 feasible, but the schedule shall take into account availability of drilling
11 equipment, replacement materials, and weather and safety conditions.
12 Respondent shall notify South Coast AQMD in writing of any delays
13 preventing installation within 7 days of the prior notification, with
14 evidence substantiating the delay, and additionally shall provide an
15 updated installation schedule;

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

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

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

1 (cojeda@aqmd.gov)]. As-built drawings shall depict all wells
2 constructed to date.

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

8 17. Respondent shall expeditiously dewater wells being impacted by liquids, and shall take
9 proactive measures to remove additional liquids in the Reaction Area to limit the reaction
10 severity and spread. This shall be accomplished through the installation of dewatering
11 sumps/pumps at ~~20~~at least 60 percent of the landfill gas ~~collection~~vertical extraction wells
12 ~~with the worst liquid impaction issues~~ in the Reaction Area (as ~~determined~~defined in
13 Condition 9(a) that are capable of extracting liquids by ~~the DMS Committee within 60~~
14 ~~days of the issuance of this Order,~~March 15, 2024 unless otherwise determined infeasible
15 per Condition No. 17-~~(a-)~~. below. Respondent shall provide updates in the monthly reports
16 pursuant to Condition No. 8.

17 a. In the event Respondent determines that the installation of ~~a~~ dewatering
18 sump/~~pump~~pumps at ~~a single~~at least 60 percent of the landfill gas
19 ~~collection well~~vertical extraction wells that are capable of extracting
20 liquids to be infeasible, Respondent shall provide detailed rationale and
21 reasoning in the monthly report submitted pursuant to Condition No. 8;
22 and shall continue with implementation of the dewatering guidelines
23 pursuant to Condition No. 18 to remove liquids to the maximum extent
24 possible ~~including to ensure installation across 20% of total landfill gas~~
25 ~~collection wells within the Reaction Area.~~

26 18. Respondent shall, in addition to the installation of dewatering sumps/pumps specified in
27 Condition No. 17 above, within ninety (90) days of the issuance of ~~this~~the Initial Order,
28 provide proposed Reaction Area dewatering guidelines and implementation procedures for

1 the landfill to South Coast AQMD (Baitong Chen, Air Quality Engineer,
2 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov))
3 that include but are not limited to the following:

- 4 a. Proposed methodologies and monitoring procedures that determine the level of
5 dewatering within the Reaction Area (as defined in Condition 9(a)) wells impacted
6 by liquid. Methods may include the measurement of the gas flow at each landfill
7 gas collection well impacted by liquids;
- 8 b. Use of dewatering pumps or other methods to remove liquids from Reaction Area
9 (as defined in Condition 9(a)) wells impacted by liquids;
- 10 c. An implementation plan for the use of dewatering pumps or other methods to
11 remove liquids from the Reaction Area wells impacted by liquids. The plan shall
12 include a list of wells in the Reaction Area and depth where liquids are expected to
13 impact landfill gas collection efficacy or be a concern, the proposed action to
14 remove the liquids, and the schedule for liquid removal. The implementation plan
15 shall also include pro-active measures, such as additional dewatering pumps, to be
16 installed at landfill gas collection wells where liquid impaction issues have not yet
17 occurred, but may be expected to occur.
- 18 d. Upgrades to the site leachate collection system as needed, including through the
19 addition of increased air compressor and/or drain line infrastructure;
- 20 e. Protocols for the pumping and monitoring of dewatering pumps and other such
21 methods to remove water from Reaction Area (as defined in Condition 9(a)) wells
22 impacted by liquids;
- 23 f. Well field liquid sounding in the Reaction Area (as defined in Condition 9(a)), and
24 a proposed schedule for conducting liquid sounding on a consistent basis;
- 25 g. A timeline for appropriate reporting on impacted wells;
- 26 h. The feasibility of integrity testing of all vertical gas wells in the Reaction Area (as
27 defined in Condition 9(a)) and a timeline and protocol for addressing any wells that
28

1 the integrity testing demonstrates are damaged or are exhibiting temperatures of at
2 least 170 degrees Fahrenheit; and

- 3 i. A timeline for implementation of appropriate dewatering procedures upon
4 discovery of wells impacted by liquids.

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

- 7 19. Respondent shall submit, by October 6, 2023, a complete permit modification application
8 to the Landfill Gas Condensate and Leachate Collection/Storage System (under Permit
9 G66132, A/N 613131) to increase the landfill's liquid storage capacity. The submittal
10 shall be accompanied with a complete Title V Revision application and shall be submitted
11 with an expedited permit processing request and associated required fees, forms, and
12 information.

- 13 20. Respondent shall increase its landfill gas control capacity. Respondent has submitted a
14 permit application for a new 6,000 scfm ultra-low emissions landfill gas flare (Flare No. 3),
15 which is currently in a public comment period. Once the flare is fully permitted and fully
16 operational equipment is received, Respondent shall have forty-five (45) days to finish
17 installation and begin operating the new landfill gas flare unless the circumstances outlined
18 in Condition No. 20(a) apply. Respondent shall notify the South Coast AQMD that the new
19 landfill gas flare is operational within 48 hours of beginning operation (Baitong Chen, Air
20 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
21 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

- 22 a. In the event Respondent is unable to meet these deadlines due to inaccessibility or
23 dangerous conditions for a technician, Respondent shall document the date and the
24 conditions that do not allow the installation of the new flare. Respondent shall
25 submit this documentation to the South Coast AQMD and provide the South Coast
26 AQMD with an updated date of completion for the required work.

- 27 21. Respondent shall submit, by October 31, 2023, a complete permit application for the new
28 construction of a Landfill Gas Flare (Flare No. 4) to increase the landfill gas control

1 capacity. The submittal shall be accompanied with a complete Title V Revision application
2 and shall be submitted with an expedited permit processing request and associated required
3 fees, forms, and information.

4 22. Respondent shall continue to use ~~a~~one or multiple portable thermal oxidizer(s)/flare(s) that
5 ~~operates~~operate under a permit to operate or temporary permit to operate for additional
6 landfill gas control capacity until the ~~DMS~~Reaction Committee concludes that such ~~a~~
7 portable thermal oxidizer ~~is~~(s)/flare(s) are no longer needed. Respondent shall notify the
8 South Coast AQMD as to the ~~DMS~~Reaction Committee's recommendation within 48 hours
9 of when the Reaction Committee's recommendation was determined (Baitong Chen, Air
10 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
11 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

12 23. Respondent shall continue to use both 4,000 scfm flares (under Permit No. ~~G23473G73696~~,
13 A/N ~~491442645450~~) when the ~~DMS~~Reaction Committee determines that such use is
14 necessary due to insufficient flaring capacity or other such necessity-based situations, until
15 the second new 6,000 scfm ultra-low emissions flare (Flare No. 4) referenced in Condition
16 No. 21 is permitted and operational.

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

23 25. Respondent shall, when encountering landfill leachate geysers or other discharges of
24 pressurized leachate as a result of drilling/maintenance/other operations, perform actions to
25 mitigate odors and the dispersion and exposure of leachate into the atmosphere, to the
26 maximum extent possible. Upon the equalization of pressure or diminished flow/end of the
27 landfill leachate geysers or other discharges of pressurized leachate, Respondent shall
28

1 remove soil saturated with leachate or add sufficient dry soil cover to the soil saturated with
2 the leachate, to mitigate the potential for odors from the saturated soil.

3 26. Respondent shall investigate and report on the feasibility of temporary containment
4 measures for the purposes of controlling leachate and possible discharges of pressurized
5 leachate when drilling additional holes for wells, liquid pumps, temperature devices, or
6 other purposes. This Discharge of Pressurized Leachate Containment Feasibility Study
7 shall include an analysis on the feasibility of a temporary tenting, containment
8 vessel(s)/dome(s), other enclosure(s), or partial enclosure system designed to collect and
9 contain the leachate flow while limiting the escape of odors produced from drilling/
10 discharges of pressurized leachate, to allow for additional well drilling in the Reaction Area.
11 By no later than March 12, 2024, Respondent shall submit to South Coast AQMD [Baitong
12 Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality
13 Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
14 (cojeda@aqmd.gov)], a report on the findings of this feasibility study.

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

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

23 b. Respondent shall have dedicated staff or a contractor conduct and
24 document inspections twice each calendar day, once in the morning,
25 completing the inspection prior to 10 am, and once in the afternoon,
26 starting the inspection at 1 pm at the earliest. The inspections shall begin
27 with the surface of the Western and Northern slopes of the Reaction Area
28 for liquid/leachate seepage and pooling and shall additionally consist of

1 inspecting the facility's stormwater channel(s), and the facility's
2 stormwater basin(s). Respondent shall maintain records from each
3 inspection that include the details of any leachate seepage and pooling,
4 including location(s) (identified on graphic map(s) of the landfill), time
5 discovered, estimated duration of presence of leachate at such locations,
6 the characteristics of the leachate (estimated quantity, extent of area
7 impacted, odor type and intensity), the leachate saturation level of
8 surrounding soils (standing free liquid, saturated, semi-dry, dry), and
9 additional containment systems or measures deployed to route, collect,
10 and contain the exposed leachate and prevent further leachate exposure;

11 i. In the event that two weeks of twice daily inspections show no
12 exposed liquid/leachate seepage or pooling, Respondent may
13 reduce the inspection frequency to once daily. If after another two
14 weeks of daily inspections, no exposed liquid/leachate seepage or
15 pooling is observed, Respondent may reduce the inspection
16 frequency to once every other day during the operating week (i.e.,
17 three times each operating week). If at any point inspections
18 show exposed liquid/leachate seepage or pooling, inspection
19 frequency shall return to twice daily inspections.

20 c. On a weekly basis, compile and report the details of the inspection logs
21 from that calendar week required under Condition 27(b). Respondent
22 shall additionally report on any ongoing leachate seepage and pooling at
23 the landfill, found to have occurred at a location more than once within
24 the calendar week, including location(s) (identified on graphic map(s) of
25 the landfill), estimated duration of presence of leachate at such locations,
26 characteristics of leachate (estimated quantity, extent of area impacted,
27 odor type and intensity), leachate saturation of surrounding soils
28 (standing free liquid, saturated, semi-dry, dry), and containment systems

1 or measures deployed to route, collect, and contain the exposed leachate
2 and prevent further leachate exposure. By no later than January 23, 2024,
3 Respondent shall submit to South Coast AQMD [Baitong Chen, Air
4 Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
5 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality
6 Inspector, (cojeda@aqmd.gov)], the first weekly report, and shall submit
7 an additional weekly report every 7 calendar days thereafter;

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

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

1 the manufacturer within 24 hours of request by South Coast AQMD personnel and
2 provided to South Coast AQMD personnel within 24 hours of receipt from the
3 manufacturer.

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

6 **Landfill Cover**

7 24.30. Respondent shall visually inspect the landfill cover around the Reaction Area (as defined
8 in Condition 9(a)) each operating day and shall promptly repair any cover issues identified,
9 which may include adding and spreading soil, wetting, and retracking ~~the~~any damaged area.
10 Respondent shall maintain a log demonstrating that it has addressed any damages to the
11 landfill cover, including the date the damage was identified, the action taken to repair the
12 damage, and the time at which the repair was completed. Results of the daily inspection and
13 the repair log required by this condition shall be included in the monthly reports required
14 pursuant to Condition No. 8.

15 25.31. Respondent shall install a geosynthetic cover over western portions of Module 2B/3/4 Phase
16 2, Module 2B/3, and Module 4 to limit the migration of landfill gas from the site.
17 Respondent shall submit the completed design for the cover, which will provide greater
18 definition to the cover location, including associated landfill gas extraction infrastructure
19 to be installed underneath the cover, to the South Coast AQMD by September 12, 2023
20 (Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air
21 Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector,
22 (~~cojeda@aqmd.gov~~)-cojeda@aqmd.gov). Respondent shall then obtain and install the
23 geosynthetic cover material of at least 30 mil thickness. Respondent shall notify South
24 Coast AQMD by October 31, 2023 (Baitong Chen, Air Quality Engineer,
25 (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov),
26 and Christina Ojeda, Air Quality Inspector, (~~cojeda@aqmd.gov~~)-cojeda@aqmd.gov) on the
27 progress of procuring and installing the geosynthetic cover. Respondent shall include
28

1 updates on the procurement and installation of the geosynthetic cover in the monthly reports
2 pursuant to Condition No. 8.

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

4 26.32. The DMSReaction Committee shall review air dispersion modeling, smoke release studies,
5 and computational fluid dynamics (“CFD”) modeling that have previously been completed
6 for the landfill to assess odor and emissions transport into the nearby community. The
7 DMSReaction Committee shall use the previous models updated with current datapoints to
8 undertake a study to determine odor and emission transport of odors from the landfill and
9 to identify effective techniques that may be used to remedy potential odor impacts on the
10 nearby community. The study shall include an evaluation of the efficacy of odor control
11 measures, including but not limited to perimeter misting equipment, wind barriers, wind
12 cutter fans, and odor dispersion/misting fans, for purposes of minimizing odors in the
13 surrounding community. The study shall be based on both the landfill’s current and
14 projected closure in 2047, topography and configuration. The study shall include, but not
15 be limited to, identifying transport trajectories and quantifying odor gas concentrations
16 within the surrounding community. Upon completion of the study, a written report
17 documenting the study and the findings, shall be submitted to South Coast AQMD by
18 December 1, 2023. [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel
19 Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov); Christina Ojeda, Air Quality
20 Inspector, (cojeda@aqmd.gov)].

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

24 b. If such additional modeling is recommended by the DMSReaction Committee, the
25 DMSReaction Committee shall, within 45 days of providing the report and
26 recommendation, provide a proposal to the South Coast AQMD that shall, at a
27 minimum, include the following:
28

- i. The identification and qualifications of the primary personnel and/or firms proposed to conduct the study, as well as the specific techniques and location(s) where the study will be conducted;
- ii. A timeline for completion of the study and submittal of the final written reports to South Coast AQMD no later than 150 days after South Coast AQMD approval of the study proposal.

27.33. Respondent shall follow the direction of DPH to expand and enhance its current ambient air monitoring program to include DMS and other constituents of landfill gas, sampling at residential locals where recent odor complaints have been reported and at on-site locations where odors are most pronounced, and to conduct a flux chamber study (the “initial” flux chamber study discussed in Condition No. 12(d)). Any reports submitted to DPH related to these studies shall also be submitted to the South Coast AQMD (Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

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

a. Within 30 days of this issuance of this Order, Respondent shall ensure that live, real-time H2S concentration data from all monitors within the Val Verde and surrounding community are posted to and accessible at the webpage created pursuant to Condition 39 for public access, displayed in a format which is simple to review and understand. The display shall allow the public to determine the real-time H2S concentration, and the geographic location where the concentration is monitored. The display shall

1 additionally reference and display the acute 1-hour Reference Exposure Level (REL)
2 for H2S established by California Office of Environmental Health Hazard Assessment
3 (OEHHA), which is the same as the state-level standard for this compound (30 ppb).

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

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

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

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

20 35. Respondent shall, by January 19, 2024, provide all standard operating procedures (SOPs)
21 and any other Quality Control and Quality Assurance (QA/QC) documents describing the
22 operation and maintenance of all instruments used at the air monitoring stations and/or
23 enhanced monitoring stations specified in Condition No. 34. These QA/QC documents shall
24 include detailed information on the calibration, and maintenance of the monitoring
25 equipment and associated instrumentation, and procedures used for data handling,
26 validation, and analysis. They shall additionally include the frequency/schedule of these
27 actions. Respondent shall provide these QA/QC documents to South Coast AQMD
28 [Baitong Chen, Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air

1 Quality Engineer, (ndickel@aqmd.gov); Christina Ojeda, Air Quality Inspector, Payam
2 Pakbin, Atmospheric Measurements Manager, ppakbin@aqmd.gov)]. Respondent shall
3 provide updates to these QA/QC documents (if any) and a log for calibration, and
4 maintenance activities performed on the monitors in the monthly reports pursuant to
5 Condition No. 8.

6 a. Respondent shall provide South Coast AQMD with the same access that Respondent
7 has to on-site and off-site monitoring equipment. With respect to on-site monitoring
8 equipment, Respondent may require all visitors, including South Coast AQMD staff,
9 to don appropriate personal protective equipment. Upon request by South Coast
10 AQMD, Respondent shall, within 24 hours, provide a list of all personal protective
11 equipment that Respondent deems appropriate for accessing the monitoring
12 equipment. Respondent shall not prohibit South Coast AQMD staff from access to
13 Respondent's facility, including the monitoring equipment, if South Coast AQMD
14 staff don all personal protective equipment included on a list issued by Respondent
15 pursuant to this condition. With respect to off-site monitoring equipment, South Coast
16 AQMD shall arrange permission from third-party property owners for access, if
17 necessary, and Respondent shall provide access to equipment and accompany South
18 Coast AQMD personnel.

19 36. Respondent shall, within 60 days of the issuance of this Order, install and maintain
20 instrumentation within the nearby residential community, at sites MS-10 and MS-12, as
21 defined in Respondent's existing Community Air Monitoring Program. These instruments
22 shall be capable of measuring hourly concentrations of benzene, toluene, ethylbenzene,
23 xylene, and other relevant volatile organic compounds (VOC) with site surface emissions
24 greater than 1 ton/year, as indicated in Table 5.5 of the Chiquita Canyon Landfill
25 Assessment of Air Emissions from Landfill Surfaces Report dated October 2023.
26 Respondent shall develop a monitoring plan that utilizes reliable and field-proven
27 instrumentation, such as a micro gas chromatograph (MicroGC) with pre-concentration,
28

1 and seek approval from South Coast AQMD. If measurement of any target compounds is
2 not able to be practically achieved, Respondent shall inform and seek approval from South
3 Coast AQMD.

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

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

20 38. Respondent shall take at least one representative monthly sample of liquids from the
21 Reaction Area of the Landfill and at least one representative monthly sample of leachate
22 from the bottom tanks where liquids/leachate from the entire Landfill collect and analyze
23 them per U.S. EPA Method 624.1 for the presence of volatile organic compounds (VOCs)
24 and toxic air contaminants (TACs). In the event that Respondent demonstrates, to the
25 satisfaction of South Coast AQMD, that generated liquid/leachate is sufficiently collected
26 with no remaining seepage or potential for discharges of pressurized leachate, then the
27 leachate sampling and analysis shall be reduced to a quarterly schedule. If further leachate
28 seepage or discharges of pressurized leachate are found to occur, resulting in the exposure

1 of the liquid/leachate to atmosphere, then the sampling and analysis shall return to a
2 monthly schedule. Respondent shall, within 1 week of receipt from the contract laboratory,
3 post the analytical results on Respondent’s website, and provide to South Coast AQMD
4 along with a detailed description and depiction of the sampling locations (Baitong Chen,
5 Air Quality Engineer, (bchen@aqmd.gov); Nathaniel Dickel, Senior Air Quality Engineer,
6 (ndickel@aqmd.gov), and Christina Ojeda, Air Quality Inspector, (cojeda@aqmd.gov)).

7 **Community Outreach**

8 ~~28.39.~~ Respondent shall continue to maintain and update regularly (on a weekly basis) a dedicated
9 page of its website with a highly visible link on its homepage (the “odor mitigation section”)
10 for presenting information discussing odor mitigation at CCL. Such webpage shall include
11 all information in English and Spanish within 30 days of the issuance of this Order and
12 meet the following requirements:

- 13 a. The odor mitigation webpage shall be accessible via a direct hyperlink included on
14 the homepage of CCL’s website
15 (~~https://chiquitacanyon.com~~<https://chiquitacanyon.com>), via a clickable link with
16 text stating “Odor Mitigation;”
17
18 b. The odor mitigation webpage shall display prominently at the top of the page a
19 notification that complaints of any odors believed to be caused by CCL can be made
20 to CCL (24-Hour Hotline) at (661) 253-5155;
21
22 c. The odor mitigation webpage shall display prominently at the top of the page a
23 notification that complaints may also be submitted to the South Coast Air Quality
24 Management District via telephone at 1 (800) CUT-SMOG or 1 (800) 288-7664 or
25 online on South Coast AQMD’s website (which shall hyperlink to the following:
26 ~~http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx~~<http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx>);
27
28

- 1 d. The odor mitigation webpage shall include a “Recent Updates” section which shall
2 provide a narrative description of Respondent’s understanding of the reaction and
3 DMS;
- 4 e. The odor mitigation webpage shall include an “Odor Mitigation Efforts” section
5 which shall describe the efforts Respondent is taking to mitigate potential odors;
- 6 f. The odor mitigation webpage shall include an “Odor and Maintenance Logs”
7 section which shall include via hyperlink any logs created pursuant to this Order,
8 preceded by a brief narrative description;
- 9 g. The odor mitigation webpage shall include a “Reports, Permits, and Other
10 Documents” section which shall include via hyperlink, preceded by a brief narrative
11 description:
- 12 i. This Order;
- 13 ii. Safety Data Sheets for odor neutralizer used at the facility and compounds
14 used in the Semi-Permanent Vapor Odor Control system referenced in
15 Condition No. ~~3243~~;
- 16 iii. A copy of Respondent’s current Conditional Use Permit (No. 2004-00052-
17 (5));
- 18 iv. Any reports relating to odor or odor mitigation required by Respondent’s
19 Conditional Use Permit (No. 2004-00052-(5)) to be submitted to any
20 government agency, including any responses or discussion of remedial actions
21 to odor violations or complaints required by any government agency; and
- 22 v. All reports created by the ~~DMS~~Reaction Committee pursuant to this Order.
- 23 vi. Any other reports or correspondence requested by the County of Los Angeles
24 agencies related to the reaction, odor, and Respondent’s mitigation efforts.
- 25 h. The odor mitigation webpage shall include an “Air Monitoring and Health Impacts
26 Section” which shall include a brief narrative describing the current status of air
27 quality monitoring required under Condition 68 of Respondent’s Conditional Use
28

1 Permit (No. 2004-00052-(5)). The “Air Monitoring and Health Impacts Section”
2 shall also include, via hyperlink, preceded by a brief narrative description:

- 3 i. Any consultant reports submitted to the Community Advisory Committee
4 (“CAC”), TAC, or any government agency under Condition 68 of
5 Respondent’s Conditional Use Permit (No. 2004-00052-(5)).
- 6 ii. Any quarterly or annual reports submitted to the Los Angeles County
7 Department of Public Health or South Coast AQMD under Condition 68 of
8 Respondent’s Conditional Use Permit (No. 2004-00052-(5)).
- 9 i. The odor mitigation webpage shall include an “Upcoming Public Meetings”
10 Section, which shall display the title/subject, date, time, location and/or virtual
11 access information (including videoconference link or teleconference number as
12 applicable), and a note of whether public comment will be received for the following
13 meetings:
- 14 i. Any noticed hearing of the South Coast AQMD Hearing Board in Case No.
15 6177-4;
- 16 ii. Any meeting of the CAC where odor mitigation and/or violations are included
17 as an agenda item or anticipated to be discussed;
- 18 iii. Any meeting of the TAC where odor mitigation and/or violations are included
19 as an agenda item or anticipated to be discussed; and
- 20 iv. Any other meeting open to the public at which CCL is a scheduled host and/or
21 participant where odor mitigation and/or violation are included as an agenda
22 item or anticipated to be discussed.

23 ~~29.40.~~ Respondent shall host a public one-hour community meeting once each calendar month
24 following a month in which Respondent receives three or more Rule 402 NOV’s from the
25 South Coast AQMD. If Respondent does not receive three or more Rule 402 NOV’s from
26 the South Coast AQMD in a calendar month, Respondent does not need to host a
27 community meeting during the following month. During each meeting, Respondent shall
28 provide updates with regards to implementation of this Order and make time available for

1 public comment on matters related to CCL. The meeting date and time and format (in-
2 person or virtual) shall be announced via Respondent’s website and shall also be sent via
3 email to everyone who has signed up for email notifications on Respondent’s website. The
4 announcement shall include a link and dial-in information to the virtual platform used to
5 conduct the meeting, or if the meeting is in-person, the location of the meeting. All meetings
6 held in person shall adhere to all applicable public health guidelines and shall take place
7 within the Val Verde community. Any presentation, meeting materials, or other media
8 created or shared by Respondent at such community meeting shall be posted to
9 Respondent’s Odor Mitigation webpage via hyperlink, including a brief narrative
10 description of the materials.

11 **Rule 1150 Landfill Excavation**

12 41. Respondent shall submit, by January 30, 2024, a complete plan application for a Rule
13 1150 Landfill Excavation Plan. The submittal shall be accompanied with a complete Title
14 V Revision application and shall be submitted with an expedited processing request and
15 associated required fees, forms, and information. A generic Rule 1150 plan application
16 and Title V Revision application shall include the following:

- 17 a. A signed and completed Form 400-A.
- 18 b. A signed and completed Form 400-CEQA.
- 19 c. Reason for excavation.
- 20 d. A site summary indicating the site history.
- 21 e. A list of materials buried or suspected materials buried in the site based on
22 available records.
- 23 f. Results of any boring tests done to characterize the disposal site.
- 24 g. Results of recent landfill gas analysis or soil vapor phase analysis including the
25 concentrations of methane, sulfur compounds, and speciated non-methane
26 hydrocarbons.
- 27 h. A plot plan indicating the location of the excavation, staging areas, vehicle
28 route(s), vehicle cleaning area, and any nearby buildings, roadways, or other site

1 identifying features, and including any schools, residential area or other sensitive
2 receptors such as hospitals or locations where children or elderly people live or
3 work up to 2,500 feet away.

4 i. Operating schedule for excavation and removal (hours/day, days/week,
5 weeks/year, or equivalent).

6 j. Scheduled excavation starting and completion dates, and number of working days
7 required for the excavation.

8 k. Description of how the excavation will be conducted, including excavation
9 equipment and vehicles hauling the excavated material.

10 l. Description of mitigation measures for dust, odors, and hydrocarbons.

11 m. Description of monitoring to be conducted, including monitoring equipment and
12 techniques.

13 n. Total amount of material to be excavated in cubic yards under this project.

14 o. Description of disposal of the material (re-burial on-site or sent off site for
15 disposal, if off-site provide name of landfill where material will be disposed).

16 p. Maximum surface area of excavation workforce.

17 q. Maximum surface area of refuse or contaminated material to be exposed to
18 atmosphere at any one time.

19 r. Fees in the amount \$1,090.43 (for Title V facilities, fee schedule FY 23-24).

20 s. A Title V Permit Revision application shall be submitted with associated
21 application fees in the amount of \$1,820.84 (fee schedule FY 23-24) and required
22 forms (Form 400-A, Form 500-A2, Form 500-C1).

23 t. A signed Form 400-XPP and additional 50% more fees from the plan fees listed
24 above (\$545.22).

25 42. Respondent shall comply with the following requirements in the interim period, starting
26 upon issuance of this Order and until the final approval of the Rule 1150 landfill
27 excavation plan under the application specified in Condition No. 41 above, for all
28

1 excavation, as defined in Rule 1150(a)(5), unless excavation is occurring pursuant to one
2 or more exemption as listed in South Coast AQMD Rule 1150(c):

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

10 i. Company Name and Company ID

11 ii. Site Address

12 iii. Notification Type (2 days prior or 5 days after)

13 iv. Estimated Excavation Start Date and Completion Date

14 v. A Map of the Facility with Excavation Location Indicated

15 b. Excavation shall not be conducted between the hours of 6:00 p.m. and 6:00 a.m. or
16 on weekends and legal holidays unless otherwise approved in writing by the South
17 Coast AQMD.

18 c. Excavation shall not be conducted on days when South Coast AQMD forecasts
19 first, second, or third stage episodes for area number 13 or when South Coast
20 AQMD requires companies in area number 13 to implement their first, second or
21 third stage episode plans. Episode forecasts for the following day can be obtained
22 by calling (800) 288-7664.

23 d. During excavation, continuous monitoring and recording of the wind speed and
24 directions shall be conducted at an appropriate site or, through the meteorological
25 station if present at the site.

26 e. Excavation shall not be conducted when the wind speed is greater than 15 mph
27 (averaged over 15 minutes) or the wind speed instantaneously exceeds 25 mph.

1 f. During excavation, all working excavation areas, excavated material and unpaved
2 roadways shall be watered down until the surface is moist and then maintained in a
3 moist condition to minimize dust and emissions without creating a safety hazard
4 condition.

5 g. VOC contaminated soil (as defined by Rule 1166) shall not be spread onsite or
6 offsite, nor stockpiled, if it results in uncontrolled evaporation of VOC to the
7 atmosphere. VOC contaminated soil shall not be used for landfill cover.

8 h. During excavation, monitoring for Total Organic Compounds as methane using an
9 Organic Vapor Analyzer (OVA) or other monitor approved by the South Coast
10 AQMD shall be conducted continuously at the working face of the excavation and
11 at the downwind property line or other approved locations. The maximum sustained
12 readings (greater than 15 seconds) shall be recorded every 15 minutes. The OVA
13 or other approved monitor shall be calibrated each day in accordance with
14 manufacturers' specifications.

15 i. If the OVA or other approved organic monitor shows a sustained reading (greater
16 than 15 seconds) of 2,000 ppmv Total Organic Compounds as methane or greater
17 at the working face of the excavation, the excavation shall cease and the area
18 generating the emissions shall immediately be completely covered with a minimum
19 of 6 inches of clean dirt, plastic sheet, or other South Coast AQMD approved cover.
20 Excavation shall not resume until the readings return to the background level.

21 j. If the OVA or other approved organic monitor shows a sustained reading (greater
22 than 15 seconds) of 2,000 ppmv Total Organic Compounds as methane or greater
23 downwind from the site at the property line (or other approved locations), the
24 excavation shall cease and the area generating the emissions shall immediately be
25 completely covered with a minimum of 6 inches of clean dirt, plastic sheet, or other
26 South Coast AQMD approved cover. Excavation shall not resume until the readings
27 return to the background level.

1 k. Excavated landfill material and refuse shall be immediately relocated for burial
2 onsite or immediately deposited into trucks/trailers for off-site transport and
3 completely covered with an impermeable cover, with such covers tied down, except
4 for during active loading/unloading of refuse. All seams shall be sealed to prevent
5 any materials from escaping during transport.

6 l. When refuse loading is completed and during transport, no material shall extend
7 above the sides or rear of the truck or trailer which will haul the excavated material.
8 Excavated material shall be completely covered with an impermeable cover, with
9 the cover tied down, and all seams shall be sealed to prevent any materials from
10 escaping during transport.

11 m. The exterior of haul trucks or trailers including the tires shall be cleaned off prior
12 to leaving the excavation site.

13 n. Landfill materials and refuse which have been exposed to the atmosphere as a result
14 of the excavation, which have not been excavated and relocated for burial or
15 transported off site, shall be immediately covered (with a minimum of 6 inches of
16 clean soil, , with secured plastic sheeting that is at least 10 mil, or other South Coast
17 AQMD approved cover) whenever excavation is not actively in progress, and at the
18 end of each working day so that no portion of landfill material and refuse is exposed
19 to the atmosphere. Foam by itself shall not be used as a night cover if it is raining
20 or rain is predicted by the National Weather Service prior to the next scheduled day
21 of excavation.

22 o. Daily inspections shall be conducted of any covered excavation area (per
23 Conditions 41(i), 41(j), and 41(n) above) to ensure the integrity of the cover(s) is
24 maintained and secured so that no portion of the soil is exposed to atmosphere. If
25 the cover material is not completely covering the landfill materials and refuse
26 generating emissions, or if the integrity of the cover has been compromised,
27 immediate corrective action shall be taken to add and secure a new cover, or
28 additional cover, on the area requiring corrective action. An inspection log shall be

1 maintained to record the time of the inspections and any corrective action
2 performed.

3 p. All materials that are listed as hazardous by a federal or state agency shall be
4 considered “hazardous materials” for the purpose of this Order.

5 i. All excavated hazardous material shall be transported in such a manner as to
6 prevent any emissions of hazardous materials.

7 ii. All hazardous materials shall be transported in containers clearly marked as to the
8 type of material contained and what procedures should be followed in case of
9 accidental spills.

10 iii. Excavated liquid hazardous materials with the potential to cause air emissions shall
11 be encapsulated or enclosed in containers with sealed lids before loading into the
12 transport vehicles.

13 q. Excavation, handling and stockpiling activities shall comply with the applicable
14 requirements of Rule 403.

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

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

20 **Other Conditions**

21 ~~30-43.~~ To ensure that fresh trash odors remain controlled, Respondent shall maintain the
22 following fresh trash-related odor mitigation measures recommended by its landfill
23 operations expert from the Stipulated Order for Abatement in Case No. 6177-1 during
24 Unfavorable Wind Conditions, as defined in the Stipulated Order for Abatement in Case
25 No. 6177-1. Respondent shall maintain the following odor mitigation measures:

- 26 a. Use orchard fans, and tow-and-blow fans as needed, placed and spaced around the
27 working face in accordance with the recommendations of Chiquita’s landfill
28 operations expert;

- 1 b. Use equipment equipped with odor neutralizer misting systems in various portions
2 of CCL to neutralize any fresh trash odors. This equipment shall include, but not be
3 limited to, fans and arm tower misters;
- 4 c. Identify and appropriately handle odorous loads at the scale and working face as
5 new waste loads enter CCL;
- 6 d. Haul odorous loads with proper sequencing and cover; and
- 7 e. Regularly train staff on all aspects of landfill operations, employee safety, and odor
8 control.

9 ~~31.44.~~ Respondent shall obtain, install, and maintain an on-site landfill meteorological station to
10 measure wind speed and direction by October 31, 2023. The meteorological station shall
11 be installed at a location appropriate for determining wind speed and direction on the top
12 deck of the landfill in the Reaction Area (as defined in Condition 9(a)) on a 1-hour
13 average basis, with measurements recorded every 5 minutes. The station shall record and
14 preserve all available readings for three years and the readings shall be made available to
15 the South Coast AQMD upon request.

16 ~~32.45.~~ Respondent shall install, maintain in good working order, and operate 1,000 feet or more
17 of Semi-Permanent Vapor Odor Control in the Reaction Area (as defined in Condition 9(a))
18 within 14 days of the approval of this Order. Respondent shall operate the Semi-Permanent
19 Vapor Odor Control system immediately and continuously.

20 ~~33.46.~~ Respondent shall operate and maintain in good working order a landfill perimeter odor
21 control misting system on permanent fencing on the west and northwest of the property.

22 ~~34.47.~~ The landfill perimeter odor control misting system shall be operated immediately and
23 continuously upon receiving data from the meteorological station, referenced in Condition
24 No. ~~31.43~~ above, that the 1-hour averaged wind direction is blowing in West, Northwest,
25 North, or Northeast directions (270 degrees to 45 degrees). The misting system shall
26 continue to operate until the 1-hour averaged wind direction data demonstrates the wind is
27 no longer blowing in the specified directions. The system shall be operated in such a
28 manner and with sufficient odor neutralizers to mitigate, to the extent possible, transient

1 odors from the landfill into surrounding communities, as determined by the ~~DMS~~Reaction
2 Committee.

3 ~~35-48.~~ Respondent shall notify the South Coast AQMD (attn: Kathryn Roberts,
4 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov; Christina Ojeda,
5 cojeda@aqmd.gov) of any substantial operational changes designed to or anticipated to
6 reduce odors, such as an operational change not contemplated by this Order, within seven
7 days of implementing such changes.

8 ~~36-49.~~ Equipment and operations at the Facility are subject to the jurisdiction and regulatory
9 requirements of multiple agencies, including but not limited to the District, CalRecycle,
10 Los Angeles County Public Works, Los Angeles County Department of Regional Planning,
11 and Los Angeles County Department of Public Health. The conditions in this Order shall
12 not in any way restrict or expand the scope of jurisdiction of any agency. If any agency that
13 shares jurisdiction over the Facility with the South Coast AQMD requires Respondent to
14 take any action that is inconsistent with this Order, Respondent shall immediately contact
15 the South Coast AQMD by email at [Kathryn Roberts, kroberts@aqmd.gov and Mary
16 Reichert, mreichert@aqmd.gov] and describe the inconsistent provisions, including
17 providing any written directive from any other agency which Respondent considers
18 inconsistent with one or more conditions in this Order. Respondent shall endeavor to
19 resolve the inconsistency with the Executive Officer, while adhering to the Condition(s) in
20 the Order. If the inconsistency is not resolved within 3 working days of the relevant agency,
21 Respondent shall immediately inform the South Coast AQMD and shall petition for a
22 status/modification hearing before the Hearing Board for further proceedings. At such
23 proceeding, only the provision in dispute shall be resolved by the Hearing Board while the
24 other conditions in this Order shall remain in full force and effect.

- 25 a. If Respondent notifies South Coast AQMD per Condition No. ~~3649~~ above
26 that the inconsistency with one or more Condition and an order of another
27 agency cannot be resolved, compliance with the applicable Condition(s)
28 of this Order shall be waived until further Order of the Hearing Board.

1 Notwithstanding the above, in no instance shall compliance with
2 Condition No. 3649 or Condition No. 3649(a) be waived.

3 50. Respondent shall provide a workplan which lists the actions that Respondent plans to take
4 in order to address the subsurface reaction and return all aspects of the CCL to good and
5 compliant working order, including liquid/leachate seepage and discharges of pressurized
6 leachate, methane surface exceedances, fugitive emissions of landfill gas, well
7 temperature exceedances, and non-compliant composition of landfill gas. This workplan
8 shall include a timeline of the proposed work, and shall include both short-term and long-
9 term solutions planned to mitigate impacts to the surrounding communities and return the
10 facility into compliance. Respondent shall submit the complete workplan to South Coast
11 AQMD by March 13, 2024 (Baitong Chen, Air Quality Engineer, (bchen@agmd.gov);
12 Nathaniel Dickel, Senior Air Quality Engineer, (ndickel@agmd.gov), and Christina
13 Ojeda, Air Quality Inspector, (cojeda@agmd.gov). Respondent shall provide quarterly
14 updates on the workplan, by the 13th day of every third month, starting June 13, 2024,
15 specifying any updates to the plan or associated work timelines.

16 51. Respondent shall permit South Coast AQMD personnel to conduct all inspections deemed
17 necessary by South Coast AQMD Compliance staff, including, but not limited to,
18 collection of samples. If Respondent denies South Coast AQMD staff access to collect
19 sample(s) of any liquid observed onsite and exposed to ambient air, such liquid shall be
20 deemed to be leachate for the purpose of enforcing this Order, any applicable South Coast
21 AQMD Rule, and/or any permit condition applicable to Respondent. Notwithstanding the
22 preceding, Respondent may require all visitors, including South Coast AQMD staff, to
23 don appropriate personal protective equipment prior to visiting the Reaction Area. Upon
24 request by South Coast AQMD, Respondent shall, within 24 hours, provide a list of all
25 personal protective equipment that Respondent deems appropriate for visiting the
26 Reaction Area. Respondent shall not prohibit South Coast AQMD staff from access to
27 Respondent's facility, including the Reaction Area, if South Coast AQMD staff don all
28 personal protective equipment included on a list issued by Respondent pursuant to this

1 condition.

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

7 ~~37.53.~~ Respondent shall return for a status hearing on January 16 April 24 and 25, 2024, or as soon
8 thereafter as the Hearing Board can schedule the status hearing, to report on the status of
9 implementation of this Stipulated Order, and consider modification or dissolution of this
10 Order, as appropriate.

11 ~~38.54.~~ The Hearing Board may modify this Order for Abatement without the stipulation of the
12 parties upon a showing of good cause therefore, and upon making the findings required by
13 Health and Safety Code Section 42451(a) and District Rule 806(a). Any modification of the
14 Order shall be made only at a public hearing held upon 10 days published notice and
15 appropriate written notice to the Respondent.

16 ~~39.55.~~ The Hearing Board shall retain jurisdiction over this matter until September 6, 2024 and at
17 that time this Order shall no longer be of any force or effect, unless this Order is amended,
18 modified, or dissolved before then.

19 ~~40.56.~~ This Order for Abatement is not intended to be nor does it act as a variance. Respondent is
20 subject to all rules and regulations of the District and to all applicable provisions of
21 California law. Nothing herein shall be deemed or construed to limit the authority of the
22 District to issue Notices of Violation, to seek civil penalties or injunctive relief, or to seek
23 further Orders for Abatement or other administrative or legal relief. The Findings of Fact
24 are based on evidence presented by Petitioner and Respondent as of the date of this Order.

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BOARD MEMBER: _____

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DATED: _____

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~~SO STIPULATED:~~

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*Kathryn Roberts, Esq.
Senior Deputy District Counsel
Attorney for Petitioner South Coast AQMD*

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~~SO STIPULATED:~~

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*Jacob P. Duginski, Esq.
Beveridge & Diamond P.C.
Attorney for Respondent Chiquita Canyon, LLC*

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