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

In The Matter Of

Case No. 6177-1

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

**FINDINGS AND DECISION FOR A
MODIFIED STIPULATED ORDER FOR
ABATEMENT**

vs.

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

District Rule 402 and Health and Safety Code
§ 41700 _____

Respondent.

Hearing Dates: March 13, 23 & 24, 2021
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

19 On March 13, 23, and 24, 2021, a Status Report hearing and Modification of Stipulated Order
20 for Abatement was held. The following members of the Hearing Board were present: Julie Prussack,
21 Chair; Mohan Balagopalan, Vice Chair; Hon. Nate Holden; Allan Bernstein, DPM, MBA; and
22 Cynthia Verdugo-Peralta. Petitioner South Coast Air Quality Management District (“South Coast
23 AQMD”) was represented by Kathryn Roberts, Deputy District Counsel and Mary Reichert, Sr.
24 Deputy District Counsel. Respondent Chiquita Canyon, LLC was represented by Jacob P. Duginski,
25 attorney at law, and Megan L. Morgan, attorney at law, of Beveridge & Diamond P.C. South Coast
26 AQMD and Respondent presented joint proposed modifications to the Stipulated Order for
27 Abatement adopted on December 16, 2020. The public was given the opportunity to testify, evidence
28 was received, and the matter was submitted. The Hearing Board finds and decides as follows:

FINDINGS OF FACT

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

5 2. Respondent operates a landfill/solid waste disposal facility known as Chiquita
6 Canyon Landfill (“CCL”) located at 29201 Henry Mayo Dr., Castaic, California, 91384, South Coast
7 AQMD Facility ID No. 119219. Respondent operates within the South Coast AQMD’s jurisdiction
8 and is subject to the South Coast AQMD’s rules.

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

14 4. Respondent operates a landfill/solid waste disposal site with a footprint of
15 approximately 400 acres pursuant to a Conditional Use Permit issued by the County of Los Angeles.
16 Chiquita Canyon Landfill was first approved for waste disposal in 1967. The property has been in
17 use as a landfill since 1972. The property has continued as a landfill under a series of Conditional
18 Use Permits from Los Angeles County. Chiquita was most recently granted a renewed Conditional
19 Use Permit in 2017 to allow continued operations. Under its current use permit, CCL is allowed to
20 accept an 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. Beginning around April 2020, CCL moved operations for solid waste disposal to a new
24 cell of the landfill, known as Cell 6, located in the southwest corner of the landfill.

25 5. The residential community of Val Verde is located less than 0.5 miles north-
26 northwest of CCL’s current working face at Cell 6.

27 6. South Coast AQMD alleges Respondent is inadequately containing the fresh trash
28 and landfill gas odors at CCL, which can cause odor emissions from the landfill during operating

1 hours.

2 7. In 2020, South Coast AQMD received more than 500 complaints of an odor nuisance
3 from the public, with CCL as the alleged source. Complaints include odor descriptions of both trash
4 and landfill gas.

5 8. South Coast AQMD Inspectors investigated the complaints and traced some of them
6 back to CCL and confirmed CCL as the source of the odors on numerous occasions. Between July
7 2020 and October 2020, South Coast AQMD issued 18 Notices of Violation (“NOVs”) against
8 Respondent for violating South Coast AQMD Rule 402 and H&S Code § 41700.

9 9. After the first odor nuisance NOV was issued in July, Respondent began taking
10 additional measures to reduce any fresh trash and landfill gas odors that could potentially be emitted
11 from the landfill. To address landfill gas odors, Respondent had a third-party contractor evaluate its
12 collection wells and make needed adjustments. From July to September, Respondent made iterative
13 changes to its landfill gas collection system, including the addition of 11 vertical wells, and increased
14 collection from existing wells.

15 10. To address potential fresh trash odors, beginning in July 2020, Respondent applied
16 an odor neutralizer to the working face area and adjusted the use and location of mister fans. In
17 August 2020, Respondent also began to cover portions of the daily working face with a tarp to reduce
18 the size of the exposed working face during the morning hours when most complaints were received.
19 In September 2020, Respondent rented additional fans and an odor neutralizer misting system.
20 Respondent also retained a third-party consultant to conduct a wind study of the landfill canyon area
21 to inform potential future mitigation measures.

22 11. Since September 22, 2020, the date of the last NOV, South Coast AQMD has
23 continued to receive complaints of trash odors. In October 2020, South Coast AQMD received more
24 than 50 complaints alleging CCL as the source of an odor nuisance. While the number of complaints
25 in November 2020 dropped significantly, South Coast AQMD Inspectors continue to investigate and
26 have confirmed CCL as the source of the odors on several occasions.

27 12. Following two days of hearings, including receiving testimony from the public, the
28 Hearing Board adopted a Stipulated Order for Abatement on December 16, 2020. The Stipulated

1 Order required Respondent to undertake a number of actions to implement immediate changes to
2 operations to limit odors, collect relevant community odor data, commission an expert to study the
3 landfill and provide recommendations going forward. The Hearing Board also set a further status
4 hearing for March 13, 2021.

5 13. Following the adoption of the Stipulated Order for Abatement on December 16, 2020,
6 Respondent has worked to implement each of the Order's conditions. Pursuant to Condition 9,
7 Respondent submitted permit applications for the "orchard fans" to South Coast AQMD on
8 December 23, 2020. Pursuant to Condition 13, Respondent on December 18, 2020 sought
9 authorization from the Los Angeles County Department of Public Works to use Enviro-Cover as
10 alternative daily cover. Respondent received authorization on January 8, 2021 from the Department
11 of Public Works and the Local Enforcement Agency, and has employed Enviro-Cover as alternative
12 daily cover since February 7, 2021. Pursuant to Condition 16, Respondent on January 6, 2021
13 launched an Odor Mitigation Section on its webpage, and continues to regularly update that page
14 with the relevant information. Pursuant to Condition 17, Respondent hosted 1-hour public
15 community meetings on January 19, 2021 and February 8, 2021 to discuss the ongoing
16 implementation of the Stipulated Order. Both meetings were held virtually. The next scheduled
17 meeting pursuant to Condition 17 is scheduled for March 22, 2021. Pursuant to Condition 18,
18 Respondent retained SCS Engineers and Blue Ridge Services Montana, Inc. ("BRSMT") to
19 complete the required assessment and recommendations. SCS Engineers submitted the final report
20 to South Coast AQMD on February 22, 2021.

21 14. Since December 16, 2020, South Coast AQMD has received a total of 46 complaints
22 alleging CCL as the source of odors. South Coast AQMD was able to verify 8 of those complaints.
23 Over this time period, Chiquita received 0 Notices of Violation.

24 15. South Coast AQMD and Respondent appeared for a Status Report hearing on March
25 13, 2021 to present a status update to the Hearing Board and to seek modifications to the Stipulated
26 Order based on the findings and recommendations in the report issued pursuant to Condition 18.

27 16. BRSMT in the report recommended designating a single person as an odor control
28 supervisor with responsibility for overseeing CCL's efforts to reduce odors. BRSMT further

1 **ORDER**

2 THEREFORE, subject to the aforesaid statements and good cause appearing, the Hearing
3 Board hereby orders Respondent to comply with the following conditions and increments of
4 progress:

5 **Odor Monitoring**

6 1. Respondent shall conduct odor surveillance in the communities surrounding
7 the Chiquita Canyon Landfill (the "Landfill") as follows:

8 a. Respondent shall hire a consultant to provide initial training for all relevant
9 employees on odor surveillance practices and procedures, including odor
10 detection according to the objective scale referenced below, the specific
11 odor surveillance procedures required by this Order, and best practices to
12 effectively tracking ambient odors during an odor surveillance.
13 Respondent shall hire a consultant to provide refresher training quarterly
14 for all relevant employees. Respondent shall maintain records
15 documenting both initial and refresher training. Initial training shall occur
16 by April 12, 2021. Following the initial training, and by March 10, 2021,
17 the consultant shall accompany Respondent on community odor
18 surveillances during the first daily odor surveillance for a period of three
19 weeks to provide additional instruction on conducting the odor
20 surveillance, with each employee that conducts odor surveillance going on
21 at least three consultant-accompanied odor surveillance trips. Respondent
22 shall provide records of training to South Coast AQMD (attn: Larry Israel,
23 lisrael@aqmd.gov) upon request.

24 b. Respondent shall conduct community odor surveillance at least twice on
25 each operating day, once between the hours of 7:00 a.m. and 10:00 a.m.,
26 and once between the hours of 10:00 am and 1:00 p.m. Unless Unfavorable
27 Wind Conditions trigger the timing described in 1(c), Respondent shall
28 ensure that there is a minimum of 2 hours between the conclusion of the

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first daily odor surveillance and beginning of the second daily odor surveillance.

c. Respondent shall, to the extent possible, schedule the two odor surveillances to begin one hour after Unfavorable Wind Conditions (defined in Condition 3 below) are projected to begin.

d. Respondent shall conduct each odor surveillance at each of the following Surveillance Locations:

| Stop | Description |
|------|--|
| 1. | Intersection of Henry Mayo Drive and Chiquito Canyon Road |
| 2. | Intersection of Chiquito Canyon Road and driveway leading to the LA County Fire's Del Valle Regional Training Center |
| 3. | Intersection of Chiquito Canyon Road and Lincoln Avenue |
| 4. | Intersection of Lincoln Avenue and Jackson Street |
| 5. | Intersection of Lincoln Avenue and Harding Avenue |
| 6. | Intersection of Buchanan Way and Chiquito Canyon Road |
| 7. | Intersection of Chiquito Canyon Road and San Martinez Road |
| 8. | Intersection of Central Avenue and Lincoln Avenue |
| 9. | Intersection of San Martinez Road and Morningside Drive |
| 10. | Intersection of Lexington Drive and Morningside Drive |
| 11. | Intersection of Val Verde Road and Trellis Road |
| 12. | Intersection of Hunstock Street and Del Valle 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 Hasley Canyon Road and Commerce Center Drive |
| 17. | Intersection of Commerce Center Drive and Witherspoon Parkway |
| 18. | Intersection of Franklin Parkway and driveway leading to the United States Postal Service |
| 19. | Intersection of Henry Mayo Drive and Cambridge View Drive, leading into the Valencia Travel Village RV Resort |
| 20. | Intersection of Henry Mayo Drive and Wolcott Way |

e. The employee conducting the odor surveillance shall not have visited the working face or other areas where exposed trash exists at the Landfill prior to conducting an odor surveillance that day. The employees conducting odor surveillance shall receive both initial training and quarterly training pursuant to Condition 1(a).

1 f. Odor surveillance shall be conducted by proceeding to each Surveillance
2 Location and making an assessment of each parameter listed in Condition
3 1(g). Assessment of each parameter shall be made while standing in
4 ambient air and shall not be made from within a vehicle.

5 g. Respondent shall record odor surveillance results in an "Odor Surveillance
6 Log." The Odor Surveillance Log shall contain, but not be limited to: (1)
7 the date and time; (2) stop number; (3) the wind speed and direction; (4) a
8 narrative description of any odor detected (including the type of odor, such
9 as trash, landfill gas, chemical, odor neutralizer, as applicable); (5) current
10 weather conditions; and (6) an assessment of the strength of any odor
11 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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16 h. Using the scale in Condition 1(g), if an odor strength of 3 or greater is
17 detected that is of the type that may occur at a landfill at any five (5) or
18 more Surveillance Locations during any single odor surveillance
19 conducted by Respondent, Respondent shall immediately stop accepting
20 waste in Cell 6. Respondent shall not accept waste in Cell 6 either until the
21 close of that operating day or until a subsequent odor surveillance,
22 conducted at least one hour later than the prior surveillance, determines
23 that odors have been reduced to below the threshold of five (5)
24 Surveillance Locations assessed at 3 or higher.

25 2. Respondent shall submit each month's Odor Surveillance Log to South Coast
26 AQMD, along with all records maintained relating to receipt and resolution of any odor complaints
27 pursuant to Condition 128 of Respondent's Conditional Use Permit (No. 2004-00052-(5)), by the
28 7th of the following month (attn: Larry Israel lisrael@aqmd.gov).

1 **Operational Adjustments**

2 3. Until implementation of the SOPs pursuant to Condition 25, Respondent shall
3 direct 50% of incoming waste to permitted areas other than Cell 6 and ensure that the working face
4 of Cell 6 is no larger than 50% of the maximum working face size permitted by Respondent's
5 Conditional Use Permit. Respondent may, however, subject to the requirements of Condition 1(h)
6 above, place all incoming waste in Cell 6 and increase the size of the working face to the extent
7 permitted by Condition 4 below, during wind conditions other than Unfavorable Wind Conditions as
8 defined below. Respondent shall monitor wind projections on Weather Underground and monitor
9 real time wind conditions through its onsite air monitor and onsite observations on an hourly basis
10 during the operating day for Unfavorable Wind Conditions. "Unfavorable Wind Conditions" are
11 defined as winds that blow from the South between 0 and 5 miles per hour. Respondent shall maintain
12 records documenting the wind projections as monitored each hour of the operating day and onsite air
13 monitor data. Respondent shall also maintain records documenting the working face size at its largest
14 on each operating day, as well as any changes made to the working face size in accordance with this
15 Stipulated Order. Such records shall be submitted to South Coast AQMD (attn: Larry Israel
16 lisrael@aqmd.gov) upon request.

17 4. Until implementation of the SOPs pursuant to Condition 25, Respondent shall
18 not exceed 70% of the maximum working face surface area permitted by Respondent's Conditional
19 Use Permit at any time during which Respondent is using one cell for waste disposal, and 85% of the
20 maximum permitted working face surface area at any time Respondent is using more than one cell
21 for waste disposal. Notwithstanding the foregoing, until implementation of the SOPs pursuant to
22 Condition 25, at no time shall Respondent exceed 70% of the maximum permitted working face
23 surface area in Cell 6.

24 5. Respondent shall place and secure tarp covers over exposed solid waste at the
25 end of each operating day Monday - Friday. At the beginning of each operating day, Respondent
26 shall immediately apply odor neutralizer to solid waste as soon as any such tarp covers are removed.

27 6. Respondent shall visually inspect tarp covers at least once each operating day.
28 Respondent shall record and maintain a "Tarp Cover Inspection Log." The Tarp Cover Inspection

1 Log shall contain, but not be limited to: (1) the date and time of inspection; (2) a narrative description
2 of any damage or defects observed on the tarp covers from the inspection; and (3) the corrective
3 actions taken (repairs, reinforcement, replacement, etc.). Respondent shall submit each month's log
4 to South Coast AQMD (attn: Larry Israel lisrael@aqmd.gov) by the 7th of the following month.

5 7. Respondent shall implement permanent repairs, reinforcement, and/or
6 replacement of any observed damage or defects on the tarp covers from the daily inspection within
7 24-48 hours of identifying the damage or defect.

8 8. Until implementation of the SOPs pursuant to Condition 25, Respondent shall
9 use fans equipped with an unscented odor control neutralizer that is prepared per manufacturer
10 specifications and recommendations beginning at least one hour before the time at which
11 Unfavorable Wind Conditions are projected, or as soon as possible once onsite air monitor data or
12 onsite observations indicate that there are Unfavorable Wind Conditions. The odor neutralizer shall
13 be pumped into a misting nozzle to deliver the odor neutralizer around the fan face for dispersion as
14 needed. Respondent shall position these fans around the working face of the Landfill in such a
15 manner as to dilute and neutralize odors that could potentially travel in the direction of receptors.

16 9. Once valid permits to operate for each Tier 4 engine to be used to power odor
17 dispersion and misting fans ("orchard fans") have been issued by South Coast AQMD and any other
18 responsible agency or regulator, Respondent shall construct and deploy the fans as soon as reasonably
19 possible, but in no case longer than 90 days after receiving the permits, and shall use the orchard fans
20 so as to further dilute odors that could potentially travel in the direction of receptors in accordance
21 with any SOPs developed and implemented pursuant to Condition 25.

22 **Landfill Gas Collection System**

23 10. Respondent shall continue to retain a consultant with competency in the
24 management, inspection, operation, and maintenance of landfill gas collection systems. Such
25 consultant shall regularly inspect, evaluate, make recommendations on any necessary improvements
26 to efficacy of the landfill gas collection system, and implement such improvements, which may
27 include, but not be limited to, maintenance and/or replacement of landfill gas collection wells and
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1 associated landfill gas collection equipment and improved parameter monitoring of the landfill gas
2 collection system.

3 a. Respondent shall report the results of the consultant's inspection,
4 evaluation, recommendations, and implemented improvements to the
5 landfill gas collection system and shall submit such report to South Coast
6 AQMD (attn: Larry Israel lisrael@aqmd.gov and Harry Moon
7 hmoon@aqmd.gov) by the 7th of the following month.

8 11. Respondent shall expand its landfill gas collection system as necessary and
9 appropriate, and/or when recommended by Respondent's landfill gas collection system consultant,
10 to new areas of the Landfill when the new areas begin to receive solid waste material.

11 12. Respondent shall submit to the South Coast AQMD a permit application (with
12 expedited processing requested and paid) for modifications to the landfill gas collection system as
13 needed along with a Title V Permit Revision application. Modifications requiring permit changes
14 shall only be made after valid permits have been issued by South Coast AQMD.

15 **Landfill Cover**

16 13. Respondent shall continue to use Enviro-Cover as alternative daily cover at
17 Cell 6.

18 14. Respondent shall visually inspect Landfill intermediate cover on a weekly
19 basis. Respondent shall record and maintain an "Intermediate Inspection Log." The Intermediate
20 Inspection Log shall contain but not be limited to, (1) the date and time of inspection; (2) a narrative
21 description of any damage to the intermediate cover observed during the inspection; and (3) the
22 corrective actions taken (repairs, reinforcement, replacement, etc.). Respondent shall submit each
23 month's log to South Coast AQMD (attn: Larry Israel lisrael@aqmd.gov) by the 7th of the following
24 month.

25 15. Respondent shall promptly implement permanent repairs, reinforcement,
26 and/or replacement of any observed damage or defects on the intermediate cover from the weekly
27 inspection. Repairs shall begin not later than 48 hours from discovery, shall conclude as soon as
28 reasonably possible, and shall be performed in accordance with all applicable regulations.

1 **Community Outreach**

2 16. Respondent shall create, maintain and regularly update a dedicated section of
3 its webpage with a highly visible link on its homepage (the “odor mitigation section”) for presenting
4 information discussing odor mitigation at Chiquita Canyon Landfill. Such section shall be
5 implemented by January 6, 2021, and meet the following requirements:

6 a. The odor mitigation section shall be accessible via a direct hyperlink
7 included on the homepage of Chiquita Canyon Landfill’s website
8 (<https://chiquitacanyon.com>), via a clickable link with text stating “Click
9 HERE for Odor Mitigation Information;”

10 b. The odor mitigation section shall display prominently at the top of the page
11 a notification that complaints of any odors believed to be caused by
12 Chiquita Canyon Landfill can be made to the South Coast Air Quality
13 Management District via telephone at 1 (800) CUT-SMOG or 1 (800) 288-
14 7664 or online on South Coast AQMD’s website (which shall hyperlink to
15 the following:
16 [http://www3.aqmd.gov/webappl/complaintssystemonline/NewComplaint.](http://www3.aqmd.gov/webappl/complaintssystemonline/NewComplaint.aspx)
17 [aspx](http://www3.aqmd.gov/webappl/complaintssystemonline/NewComplaint.aspx));

18 c. The odor mitigation section shall display prominently at the top of the page
19 a notification that complaints may also be submitted to Chiquita Canyon
20 Landfill (24-Hour Hotline at (661) 253-5155);

21 d. The odor mitigation section shall include an “Updates on Implementing
22 Mitigation Measures” section which shall provide a narrative description
23 of current status of implementation of the conditions in this Stipulated
24 Order, including, without limitation, Consultant Retention, fan engine
25 permitting, and use of Enviro-Cover;

26 e. The odor mitigation section shall include an “Odor and Maintenance
27 Logs” section which shall include via hyperlink any logs created pursuant
28 to this Order, as well as any reports or logs relating to odor or odor

1 mitigation required by Respondent's Conditional Use Permit to be
2 submitted to any government agency, preceded by a brief narrative
3 description (e.g. "Odor Surveillance Logs for the Month of January can be
4 found here");

5 f. The odor mitigation section shall include a "Reports, SOPs, Permits, and
6 Orders" section which shall include via hyperlink, preceded by a brief
7 narrative description:

8 i. This Stipulated Order and any approved modifications to this
9 Stipulated Order

10 ii. The Consultant Report created pursuant to Condition # 18 of the
11 December 16, 2020 Stipulated Order

12 iii. Safety Data Sheets for odor neutralizer used at the facility and the
13 amount of such odor neutralizer used, including both the
14 concentrated and as-diluted volume employed at the Landfill per
15 month

16 iv. Any reports relating to odor or odor mitigation required by
17 Respondent's Conditional Use Permit (No. 2004-00052-(5)) to be
18 submitted to any government agency, including any responses or
19 discussion of remedial actions to odor violations or complaints
20 required by any government agency

21 v. A copy of Respondent's current Conditional Use Permit (No.
22 2004-00052-(5))

23 vi. All SOPs approved pursuant to this Order

24 vii. All Odorous Load Profiles approved pursuant to this Order.

25 g. The odor mitigation section shall include a "Air Monitoring and Health
26 Impacts Section" which shall include a brief narrative describing the
27 current status of air quality monitoring required under Condition 68 of
28 Respondent's Conditional Use Permit (No. 2004-00052-(5)). The "Air

1 Monitoring and Health Impacts Section” shall also include, via hyperlink,
2 preceded by a brief narrative description:

3 i. Any consultant reports submitted to the Community Advisory
4 Committee, Technical Advisory Committee, or any government
5 agency under Condition 68 of Respondent’s Conditional Use
6 Permit (No. 2004-00052-(5))

7 ii. Any quarterly or annual reports submitted to the Los Angeles
8 County Department of Public Health or South Coast AQMD under
9 Condition 68 of Respondent’s Conditional Use Permit (No. 2004-
10 00052-(5))

11 h. The odor mitigation section shall include an “Upcoming Public Meetings”
12 Section, which shall display the title/subject, date, time location and/or
13 virtual access information (including videoconference link or
14 teleconference number as applicable), and a note of whether public
15 comment will be received for the following meetings:

16 i. Any noticed Hearing of the South Coast AQMD Hearing Board in
17 Case No. 6177-1

18 ii. Any meeting of the Community Advisory Committee (CAC)
19 where odor mitigation and/or violations are included as an agenda
20 item or anticipated to be discussed

21 iii. Any meeting of the Technical Advisory Committee (TAC) where
22 odor mitigation and/or violations are included as an agenda item or
23 anticipated to be discussed

24 iv. Any other meeting open to the public at which the Landfill is a
25 scheduled host and/or participant where odor mitigation and/or
26 violation are included as an agenda item or anticipated to be
27 discussed

28 17. Beginning in January 2021, Respondent shall host a public one-hour
community meeting once a month. During each meeting, Respondent shall provide updates with
regards to implementation of this Order and make time available for public comment on matters
related to the Landfill. The meeting date and time and format (in-person or virtual) shall be
announced via Respondent’s website and shall also be sent via email to everyone who has signed up

1 for email notifications on Respondent’s website. The announcement shall include a link and dial-in
2 information to the virtual platform used to conduct the meeting, or if the meeting is in-person, the
3 location of the meeting. All meetings held in person shall adhere to all applicable public health
4 guidelines, and shall take place within the Val Verde community. Any presentation, meeting
5 materials, or other media created or shared by Respondent at such community meeting shall be posted
6 to the Odor Mitigation Section of Respondent’s webpage via hyperlink, including a brief narrative
7 description of the materials.

8 **Odor Control Supervisor and Standard Operating Procedures**

9 18. Respondent shall retain a consultant or employee, with relevant qualifications
10 including experience with landfill operations and odor control procedures and practices, as an Odor
11 Control Supervisor. Respondent, through the Odor Control Supervisor, in consultation with a
12 consultant, shall profile Odorous Loads (defined below), and develop and implement a Standard
13 Operating Procedure (“SOP”) to control diversion of Odorous Loads to the OC Zone (as defined in
14 Condition 20) one hour prior to projected Unfavorable Wind Conditions and during actual
15 Unfavorable Wind Conditions (as defined in Condition 3).

16 19. “Odorous Loads” are loads that meet one of the following criteria:
17 a. Loads containing organic Materials Recovery Facility fines as referred to
18 in the Respondents’ Exhibit B (App. D at p. 7);
19 b. Loads that fit the Odorous Load Profile developed by the Odor Control
20 Supervisor through its waste characterization study and approved by South
21 Coast AQMD pursuant to Condition 21; or
22 c. Loads that have an odor intensity of 3 or higher on an objective scale
23 consistent with Condition 1(g), as determined by trained Landfill staff
24 (e.g., scale house attendants, waste load deposit directing staff, spotters)
25 from the outside of the truck in accordance with the SOP developed
26 pursuant to Condition 22(a).

27 20. Respondent, through the Odor Control Supervisor, shall designate an area
28 within the landfill’s footprint, consistent with the recommendations of the report in Respondent’s

1 Exhibit B, App. D, Section 18F, where Odorous Loads can be received outside of Cell 6 during actual
2 or projected Unfavorable Wind Conditions (the “OC Zone”).

3 21. Respondent, through the Odor Control Supervisor, shall conduct a waste
4 characterization study to identify waste streams that are regularly received by the Landfill and are
5 typically odorous (“Odorous Load Profiles”). On or before May 10, 2021, Respondent shall submit
6 the Odorous Load Profiles developed pursuant to this Condition to South Coast AQMD (attn: Larry
7 Israel, lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov;
8 Mary Reichert, mreichert@aqmd.gov) for review and approval. The Odor Control Supervisor shall
9 update the Odorous Load Profiles on a quarterly basis and Respondent shall submit such updated
10 Odorous Load Profiles to South Coast AQMD for review and approval (attn: Larry Israel,
11 lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
12 Reichert, mreichert@aqmd.gov). Respondent, through the Odor Control Supervisor, shall, in
13 conducting the waste characterization study and preparing the Odorous Load Profiles, identify waste
14 streams that are regularly received by the Landfill and are typically odorous based on objective
15 criteria, including, but not limited to:

- 16 a. odor intensity (loads with an odor intensity of 3 or higher on an objective
17 scale consistent with Condition 1(g));
- 18 b. the type of waste (e.g., construction and demolition debris, material
19 recover facility fines, green waste);
- 20 c. historical records for a particular hauler/facility (identities to be
21 anonymized);
- 22 d. amount of time since waste was loaded (if known);
- 23 e. temperature of waste relative to ambient temperature; and
- 24 f. visual inspection of physical characteristics of waste (e.g., waste color,
25 composition, decomposition, and moisture content).

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- 1 22. The SOP created pursuant to Condition 18 shall include procedures for:
- 2 a. Detection of incoming Odorous Loads by scale house attendants and waste
- 3 load deposit directing staff, and designation of such loads as Odorous
- 4 Loads;
- 5 b. Prohibition on the receiving of incoming Odorous Loads at locations other
- 6 than the OC Zone during actual or projected Unfavorable Wind Conditions
- 7 as defined in Condition 3;
- 8 c. Diversion of Odorous Loads, including where such Odorous Loads will be
- 9 routed during projected or actual Unfavorable Wind Conditions;
- 10 d. Recordkeeping of Odorous Loads diverted to the OC Zone including, but
- 11 not limited to:
- 12 i. The type of waste;
- 13 ii. Hauler/Customer number;
- 14 iii. Category used to designate the load as an Odorous Load (e.g.
- 15 whether designated under Condition 19(a), 19(b), or 19(c));
- 16 iv. Time arrived at Respondent's Landfill;
- 17 v. Wind conditions, including whether actual or projected;
- 18 vi. Daily total quantity (loads/tons) diverted to OC Zone.
- 19 e. Development and provision of odor detection training to Respondent's
- 20 frequent customers and those identified as routinely hauling Odorous
- 21 Loads regarding how to recognize Odorous Loads based on the criteria in
- 22 Condition 19, and to notify Respondent's staff when such entities are
- 23 dispatching a potentially Odorous Load to the Landfill;
- 24 f. Training of employees on the SOP and the Odorous Load Profiles; and
- 25 g. Immediately covering and prohibiting the spreading of Odorous Loads
- 26 inadvertently received at Cell 6 during Unfavorable Wind Conditions.
- 27
- 28

1 23. Respondent shall, through its Odor Control Supervisor, in consultation with a
2 consultant, develop SOPs for standardized cell development for normal operating cells and the OC
3 Zone. Such SOPs shall include procedures for:

- 4 a. Minimizing exposed waste surface area using methods such as an
5 advancing face or pancake cell operation;
- 6 b. Employing daily cell geometry that will enhance odor control efforts;
- 7 c. Employing odor controls including, but not limited to, wind flow
8 disrupters, odor neutralizer delivery systems (e.g., misting lines), and odor
9 neutralizer dispersion equipment (e.g., orchard fans), and ceasing use of
10 controls determined ineffective, (e.g., the use of a water truck as an odor
11 control mechanism);
- 12 d. Application of daily cover over exposed waste at the end of the day and
13 removal of cover at the beginning of the day, including appropriate
14 application of odor neutralizer before applying cover or after removing it;
- 15 e. Recordkeeping of cell development and odor controls including but not
16 limited to:
 - 17 i. Recording the total maximum exposed waste surface area, and
18 time of day such maximum used;
 - 19 ii. Recording daily cell geometry used;
 - 20 iii. Recording operation or non-operation of each odor control
21 measure employed.
- 22 f. Training of employees on the SOPs. Respondent shall train all applicable
23 employees on a quarterly basis. Newly hired applicable employees shall
24 receive training as needed.

25 24. On or before May 10, 2021, Respondent shall submit the SOPs developed
26 pursuant to Conditions 18 and 23 to South Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry
27 Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary Reichert,
28 mreichert@aqmd.gov) for review and approval.

1 25. Within 15 days of receiving approval from South Coast AQMD, Respondent
2 shall finalize and implement the SOPs as follows:

- 3 a. Respondent shall post the approved SOPs in a separately labeled section
4 of the webpage created pursuant to Condition 16;
- 5 b. Respondent shall train all applicable employees on the SOPs prior to
6 implementation. Respondent shall train all applicable employees on a
7 quarterly basis. Newly hired applicable employees shall receive initial
8 training in addition to quarterly training.
- 9 c. On implementation, Respondent shall cease operations under Conditions
10 3, 4 and 8, and shall follow the procedures as dictated in the SOPs.
- 11 d. Respondent shall notify the South Coast AQMD (attn: Larry Israel,
12 lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts,
13 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov) and the Clerk
14 of the Board (clerkofboard@aqmd.gov) when the SOPs are implemented
15 and operations under Conditions 3, 4 and 8 have ceased.

16 26. Once implemented pursuant to Condition 25, Respondent shall follow all
17 procedures in the SOPs.

18 27. Respondent, through its Odor Control Supervisor, may as appropriate, revise
19 the SOPs after approval and implementation. Revised SOPs shall be submitted to South Coast
20 AQMD for review and approval pursuant to Condition 24 and following approval by South Coast
21 AQMD shall be implemented pursuant to Condition 25.

22 **Key Performance Indicators**

23 28. Respondent, through its Odor Control Supervisor, shall develop Key
24 Performance Indicators (“KPIs”) that can be tracked to document and assess odor mitigation efforts
25 and SOP implementation. Each KPI shall include a metric to enable assessment of progress.

26 29. On or before May 10, 2021, Respondent shall submit to the South Coast
27 AQMD (attn: Larry Israel, lisrael@aqmd.gov) the list of KPIs, including a description of how KPIs
28 are to be tracked. South Coast AQMD may suggest additional KPIs to be included.

1 30. On implementation of the SOPs pursuant to Condition 25, Respondent shall
2 begin tracking all metrics proposed as KPIs.

3 31. Beginning on the 7th of the month following implementation of SOPs, and
4 monthly on the 7th thereafter, Respondent shall submit to South Coast AQMD (attn: Larry Israel,
5 lisrael@aqmd.gov) logs documenting each KPI. Logs of KPIs shall be posted publicly pursuant to
6 Condition 16(e).

7 **Continued Analysis**

8 32. Respondent shall retain a consultant to continue to provide monitoring and
9 analysis as follows:

- 10 a. Review of meteorological data from the onsite air quality monitoring
11 stations erected under Condition 68 of Respondent's Conditional Use
12 Permit (No. 2004-00052-(5)), and other nearby data sets as appropriate,
13 to determine prevailing wind patterns in Cells 7, and 9-13. The
14 consultant shall prepare a report regarding the prevailing wind patterns in
15 these locations from May through October 2021 to inform further
16 potential odor mitigation needs once those cells are developed;
- 17 b. Review of meteorological data collected from the Chiquita West MET
18 station, and other nearby data sets as appropriate, to evaluate any
19 changes in wind dynamics as a result of developing Cells 6 and 8;
- 20 c. Additional study of air movement along the western perimeter of the
21 Landfill (near Cells 6 and 8) to determine whether drainage areas may be
22 creating a preferential path for air movement outside of the Landfill,
23 including an assessment of the feasibility of a vegetative barrier or other
24 air flow disruptors, and basic design concepts. The analysis and
25 conclusions of the air movement study shall be documented in a report
26 prepared for Respondent and shall be submitted to South Coast AQMD
27 (attn: Larry Israel, lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov;
28 Kathryn Roberts, kroberts@aqmd.gov; Mary Reichert,

1 mreichert@aqmd.gov) on or before June 30, 2021. The assessment of
2 the feasibility of a vegetative barrier or other air flow disruptors, shall be
3 documented in a report prepared for Respondent and shall be submitted
4 to South Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry
5 Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
6 Reichert, mreichert@aqmd.gov) on or before July 27, 2021.

7 d. All reports created by this section shall be posted publicly pursuant to
8 Condition 16(f).

9 33. On or before April 30, 2021, Respondent shall construct a litter fence to serve as an air
10 flow disrupter at the western ridgeline of the Landfill, adjacent to Cells 6 and 8, including but not
11 limited to, along both saddles or low points in the ridgeline.

12 34. Respondent shall appoint its Odor Control Supervisor to serve as a liaison to the
13 Community Advisory Committee convened under Part XI of the Implementation and Monitoring
14 Program attached to Respondent's Conditional Use Permit (No. No. 2004-00052-(5)).

15 35. Respondent shall return for a status hearing on **August 3, 2021**, or as soon thereafter as
16 the Hearing Board can schedule the status hearing, to report on the status of implementation of the
17 SOPs and other provisions of this Stipulated Order, and consider modification or dissolution of this
18 Order, as appropriate.

19 36. Upon South Coast AQMD issuing Respondent two Notices of Violation for an alleged
20 violation of H&S Code 41700 or South Coast AQMD Rule 402 at any point between this date and
21 next set status hearing, the Parties shall immediately move to set a status hearing before the Hearing
22 Board.

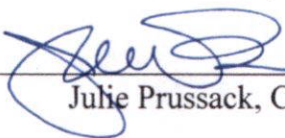
23 37. The Hearing Board may modify this Order for Abatement without the stipulation of the
24 parties upon a showing of good cause therefore, and upon making the findings required by Health and
25 Safety Code Section 42451(a) and District Rule 806(a). Any modification of the Order shall be made
26 only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

28 38. The Hearing Board shall retain jurisdiction over this matter until **December 9, 2021** and

1 at that time this Order shall no longer be of any force or effect, unless this Order is amended, modified, or
2 dissolved before then.

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

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BOARD MEMBER:  _____
Julie Prussack, Chair

DATED: 3/30/21 _____

PROOF OF SERVICE BY MAIL

Case No. 6177-1

I, the undersigned, declare that I am employed in the **County of Los Angeles, State of California**. I am over the age of eighteen years and am not a party to the within action. My business address is **21865 Copley Drive, Diamond Bar, California 91765**.

**Michael Hearn / Assistant District Manager
Chiquita Canyon LLC
29201 Henry Mayo Drive
Castaic, CA 91384**

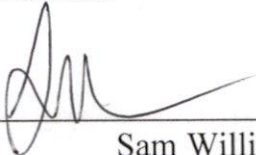
BY MAIL – By placing a true copy of the foregoing document(s) in a sealed envelope addressed and set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with the United States Postal Service; this correspondence would be deposited with the United States Postal Service on the above date in the ordinary course of business.

| | |
|---|---|
| CALIFORNIA AIR RESOURCES BOARD ATTN: <u>Variance@arb.ca.gov</u> | US ENVIRONMENTAL PROTECTION AGENCY REGION IX ATTN: ROSHNI BRAHMBHATT <u>brahmbhatt.Roshni@epa.gov</u> |
|---|---|

BY E-MAIL - By transmitting a true pdf copy of the Findings and Decision and/or Minute Orders before the Hearing Board by e-mail transmission from swilliams@aqmd.gov to each of the interested party at the e-mail addresses set forth above. Said transmission(s) were completed on the aforesaid date at the time stated on declarant's email transmission record.

I declare under penalty of perjury under the laws of the **State of California** that the foregoing is true and correct.

Executed on *April 8, 2021* at **Diamond Bar, California**.



Sam Williams
Office Assistant