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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,

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

Petitioner,

vs.

District Rule 402 and Health and Safety Code
§ 41700 _____

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

Respondent.

Hearing Date: August 19, 2021
Time: 9:00 am
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

On August 10, 17, and 19, 2021, a Status Report hearing and Modification of Stipulated Order for Abatement was held. The following members of the Hearing Board were present: Cynthia Verdugo-Peralta, Chair; Mohan Balagopalan, Vice Chair; Hon. Nate Holden; Allan Bernstein, DPM, MBA; and Robert Pearman, Esq. Petitioner South Coast Air Quality Management District (“South Coast AQMD”) was represented by Mary Reichert, Sr. Deputy District Counsel, and Kathryn Roberts, Deputy District Counsel. Respondent Chiquita Canyon, LLC was represented by Jacob P. Duginski, attorney at law, and Megan L. Morgan, attorney at law, of Beveridge & Diamond P.C. South Coast AQMD and Respondent presented joint proposed modifications to the Modified Stipulated Order for Abatement adopted on March 24, 2021. The public was given the opportunity to testify, evidence 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. South Coast AQMD continued to receive complaints of trash odors. In October 2020,
23 South Coast AQMD received more than 50 complaints alleging CCL as the source of an odor
24 nuisance. While the number of complaints in November 2020 dropped significantly, South Coast
25 AQMD Inspectors continued to investigate and have confirmed CCL as the source of the odors on
26 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 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 in 2021 on January 19, February 8, March 22, April 19, May 10, June 7 and
16 July 12 to discuss the ongoing implementation of the Stipulated Order. All meetings were held
17 virtually. The next meeting pursuant to Condition 17 is scheduled for August 16, 2021. Pursuant to
18 Condition 18, Respondent retained SCS Engineers and Blue Ridge Services Montana, Inc.
19 ("BRSMT") to complete the required assessment and recommendations. SCS Engineers submitted
20 the final report to South Coast AQMD on February 22, 2021 ("February 2021 Report").

21 14. Between December 16, 2020 and March 24, 2021, South Coast AQMD received a
22 total of 46 complaints alleging CCL as the source of odors. South Coast AQMD was able to verify
23 8 of those complaints. 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, 23, and 24, 2021 to present a status update to the Hearing Board and to seek modifications to the
26 Stipulated Order based on the findings and recommendations in the report issued pursuant to
27 Condition 18.

28 16. BRSMT in the report recommended designating a single person as an odor control

1 supervisor with responsibility for overseeing CCL's efforts to reduce odors. BRSMT further
2 recommended the designation of an odor control zone located in the northern portion of the landfill
3 where natural barriers and known wind patterns make it less likely that odors would spread to the
4 Val Verde community. BRSMT recommended the development of standard operating procedures
5 for determining particular loads as odorous, and diverting those loads to the odor control zone where
6 wind conditions warrant. BRSMT last recommended development of key performance indicators,
7 and further refined analysis to track and study odor control efforts at CCL.

8 17. The Stipulated Order was modified on March 24, 2021 after three days of hearings
9 (the "Modified Stipulated Order"). Based on recommendations contained in the February 2021
10 Report, the Modified Stipulated Order required Respondent to undertake the additional actions
11 recommended by BRSMT to alter operations to limit odors. The Hearing Board also set a further
12 status hearing for August 3, 2021. The status hearing was subsequently continued to August 10,
13 2021.

14 18. Since March 24, 2021, the date the Modified Stipulated Order was adopted, South
15 Coast AQMD has continued to receive complaints of trash odors. South Coast AQMD verified six
16 complaints alleging CCL as the source of odors on both May 5, 2021 and July 28, 2021 and issued
17 CCL an odor nuisance NOV for each of those days. South Coast AQMD verified seven complaints
18 alleging CCL as the source of odors on both August 6, 2021 and August 12, 2021 and issued CCL
19 an odor nuisance NOV for each of those days. The number of complaints and NOVs since March
20 24, 2021 has dropped compared to this same time period last year. From March 24 to August 18,
21 2020, South Coast AQMD verified 142 complaints alleging CCL as the source, resulting in 11
22 NOVs. From March 24 to August 18, 2021, South Coast AQMD verified 68 complaints alleging
23 CCL as the source, resulting in 4 NOVs.

24 19. Following the adoption of the Modified Stipulated Order, Respondent has worked to
25 implement each of the Modified Stipulated Order's conditions. Respondent retained SCS Engineers
26 to conduct odor surveillance training for Respondent's staff pursuant to Condition 1(a). Respondent
27 continues to undertake twice daily odor surveillance as required by Condition 1, but has found it
28 necessary to adjust slightly some of the stop locations as a result of safety and access concerns.

1 Respondent appointed an Odor Control Supervisor pursuant to Condition 18 who serves as liaison
2 to the Community Advisory Committee pursuant to Condition 34. The Odor Control Supervisor, in
3 conjunction with BRSMT, conducted a waste characterization study and developed Odorous Load
4 Profiles as required by Condition 21. Respondent retained BRSMT to assist the Odor Control
5 Supervisor and develop two Standard Operating Procedures: the first to control diversion of Odorous
6 Loads to the Odor Control Zone (Conditions 18 and 21); and the second for standardized landfill
7 cell development (including odor controls) for normal operating cells and the Odor Control Zone
8 (Condition 22). BRSMT also assisted in the preparation of Key Performance Indicators to document
9 and assess odor control efforts and implementation of the two Standard Operating Procedures.
10 Respondent submitted the Standard Operating Procedures, Key Performance Indicators, and
11 Odorous Load Profiles to South Coast AQMD on May 10, 2021 (Conditions 21, 24, and 29), and
12 South Coast AQMD approved each of the documents on July 6, 2021. BRSMT trained CCL
13 employees on the Standard Operating Procedures and the Odorous Load Profiles between July 6,
14 2021 and July 21, 2021, and CCL completed implementation of the Standard Operating Procedures
15 on July 21, 2021 (Condition 25). Respondent provided notice to South Coast AQMD and the Clerk
16 of the Board that it had fully implemented the Standard Operating Procedures and ceased operations
17 under Conditions 3, 4, and 8 of the Modified Stipulated Order on July 21, 2021 (Condition 25(d)).
18 Respondent has been implementing the Standard Operating Procedures and tracking the Key
19 Performance Indicators since July 21, 2021.

20 20. Respondent also retained SCS Engineers to conduct two studies required by
21 Condition 32(c) of the Modified Stipulated Order. Respondent submitted SCS Engineers' *Air*
22 *Movement Study Report* to South Coast AQMD on June 30, 2021 (the "June 2021 Report"), which
23 evaluated whether drainage areas on the western perimeter of the Landfill were creating a
24 preferential pathway for air movement. SCS Engineers and BRSMT jointly prepared the *Assessment*
25 *of Feasibility Report – Vegetative Barrier and Air Flow Disruptor*, which Respondent submitted to
26 South Coast AQMD on July 27, 2021 (the "July 2021 Report").

27 21. Respondent constructed the litter fence required by Modified Stipulated Order
28 Condition 33.

1 22. Between March 24, 2021, and August 18, 2021 South Coast AQMD received a total
2 of 188 complaints alleging CCL as the source of odors. South Coast AQMD was able to verify 68
3 of those complaints. Over this time period, Chiquita received four odor nuisance NOV's.

4 23. South Coast AQMD sent proposed revisions to Respondent's Title V permit
5 (including addition of 3 large fans) to U.S. EPA Region IX staff on August 13, 2021 and requested
6 expedited review and a response from EPA by August 27, 2021. EPA responded with no comments
7 to the proposed revisions on August 18, 2021. The permits were issued to Respondent on August
8 18, 2021.

9 24. South Coast AQMD and Respondent appeared for Status Report hearings on August
10 10, 17, and 19 of 2021 to present a status update to the Hearing Board and to seek modifications to
11 the Modified Stipulated Order based on the findings in the June 2021 Report, the July 2021 Report,
12 and the testimony and evidence before the Hearing Board.

13 25. This modified Stipulated Order for Abatement represents a compromise between the
14 Parties and does not serve as an admission of liability or guilt as to any of the violations alleged
15 herein. South Coast AQMD Rule 806(b) and H&S Code § 42451(b) permit the Hearing Board to
16 issue a stipulated order for abatement upon the terms and conditions set forth in the stipulated
17 Proposed Findings and Decision without making findings regarding: (a) whether Respondent is in
18 violation of H&S Code § 41700, or any South Coast AQMD rule or regulation; (b) whether the order
19 will not constitute a taking of property without due process of law; and (c) whether the order results
20 in closing an otherwise lawful business, such closing would not be without a corresponding benefit
21 in reducing air contaminants. The Hearing Board does not make any of finding whether Respondent
22 is or was in violation of H&S Code § 41700 or South Coast AQMD Rule 402.

23 **CONCLUSIONS**

24 26. The modified Stipulated Order set forth hereinafter is likely to mitigate conditions
25 that could contribute to potential odors and potential nuisance.

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

28 28. The modified Stipulated Order for Abatement is not intended to be nor does it act as

1 a variance.

2 **ORDER**

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

6 **Odor Monitoring**

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

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

27 b. Respondent shall conduct community odor surveillance at least twice on
28 each operating day, once between the hours of 7:00 a.m. and 10:00 a.m.,

1 and once between the hours of 10:00 am and 1:00 p.m. Unless Unfavorable
2 Wind Conditions trigger the timing described in 1(c), Respondent shall
3 ensure that there is a minimum of 2 hours between the conclusion of the
4 first daily odor surveillance and beginning of the second daily odor
5 surveillance.

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

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

11 //
12 //

Stop	Description
1.	An area 40-70 feet to the north of the intersection of Henry Mayo Drive and Chiquito Canyon Road along the east side of Chiquito Canyon Road
2.	Directly across the driveway leading to the LA County Fire's Del Valle Regional Training Center on the east side of Chiquito Canyon Road
3.	An area 100-150 feet to the south of the intersection of Chiquito Canyon Road and Lincoln Avenue on the east side of Chiquito Canyon Road
4.	Intersection of Lincoln Avenue and Jackson Street
5.	Intersection of Lincoln Avenue and Harding Avenue
6.	The east side of Chiquito Canyon Road at the intersection of Buchanan Way and Chiquito Canyon Road
7.	An area 25-75 feet east of the 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.	An area 120-160 feet to the north of the intersection of Del Valle Road and Silver Street on the east side of Del Valle Road
14.	An area 70-105 feet to the south of the intersection of Del Valle Road and Hasley Canyon Road on the southeast side of Del Valle Road
15.	Intersection of Hasley Canyon Road and Gibraltar Lane

Stop	Description
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).

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

g. Respondent shall record odor surveillance results in an "Odor Surveillance Log." 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) a narrative description of any odor detected (including the type of odor, such as trash, landfill gas, chemical, odor neutralizer, as applicable); (5) current weather conditions; and (6) an assessment 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

h. Using the scale in Condition 1(g), if an odor strength of 3 or greater is detected that is of the type that may occur at a landfill at any five (5) or more Surveillance Locations during any single odor surveillance

1 conducted by Respondent, Respondent shall immediately stop accepting
2 waste in Cell 6. Respondent shall not accept waste in Cell 6 either until the
3 close of that operating day or until a subsequent odor surveillance,
4 conducted at least one hour later than the prior surveillance, determines
5 that odors have been reduced to below the threshold of five (5)
6 Surveillance Locations assessed at 3 or higher.

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

11 **Operational Adjustments**

12 3. Until September 9, 2021, Respondent shall direct at least 50% of incoming
13 waste to permitted areas other than Cell 6 and ensure that the working face of Cell 6 is no larger than
14 50% of the maximum working face size permitted by Respondent's Conditional Use Permit.
15 Respondent may, however, subject to the requirements of Condition 1(h) above, place all incoming
16 waste in Cell 6 and increase the size of the working face to the extent permitted by Condition 4
17 below, during wind conditions other than Unfavorable Wind Conditions as defined below.
18 Respondent shall monitor wind projections on Weather Underground and monitor real time wind
19 conditions through its onsite air monitor and onsite observations on an hourly basis during the
20 operating day for Unfavorable Wind Conditions. "Unfavorable Wind Conditions" are defined as
21 winds that blow from the South between 0 and 5 miles per hour. Respondent shall maintain records
22 documenting the wind projections as monitored each hour of the operating day and onsite air monitor
23 data. Respondent shall also maintain records documenting the working face size at its largest on each
24 operating day, as well as any changes made to the working face size in accordance with this
25 Stipulated Order. Such records shall be submitted to South Coast AQMD (attn: Larry Israel
26 lisrael@aqmd.gov) upon request. If Respondent receives a Notice of Violation for an alleged
27 violation of Health & Safety Code § 41700 and South Coast AQMD Rule 402 before September 9,
28 2021, then this condition shall continue for three weeks past the date of the Notice of Violation.

1 4. Until September 9, 2021, Respondent shall not exceed 70% of the maximum
2 working face surface area permitted by Respondent's Conditional Use Permit at any time during
3 which Respondent is using one cell for waste disposal, and 85% of the maximum permitted working
4 face surface area at any time Respondent is using more than one cell for waste disposal.
5 Notwithstanding the foregoing, until September 9, 2021, at no time shall Respondent exceed 70% of
6 the maximum permitted working face surface area in Cell 6. If Respondent receives a Notice of
7 Violation for an alleged violation of Health & Safety Code § 41700 and South Coast AQMD Rule
8 402 before September 9, 2021, then this condition shall continue for three weeks past the date of the
9 Notice of Violation.

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

13 6. Respondent shall visually inspect tarp covers at least once each operating day.
14 Respondent shall record and maintain a "Tarp Cover Inspection Log." The Tarp Cover Inspection
15 Log shall contain, but not be limited to: (1) the date and time of inspection; (2) a narrative description
16 of any damage or defects observed on the tarp covers from the inspection; and (3) the corrective
17 actions taken (repairs, reinforcement, replacement, etc.). Respondent shall submit each month's log
18 to South Coast AQMD (attn: Larry Israel lisrael@aqmd.gov) by the 7th of the following month.

19 7. Respondent shall implement permanent repairs, reinforcement, and/or
20 replacement of any observed damage or defects on the tarp covers from the daily inspection within
21 24-48 hours of identifying the damage or defect.

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

3 9. Once valid permits to operate for each Tier 4 engine to be used to power odor
4 dispersion and misting fans (“orchard fans”) have been issued by South Coast AQMD and any other
5 responsible agency or regulator, Respondent shall construct and deploy the fans as soon as reasonably
6 possible, but in no case longer than 6 days after receiving the permits, and shall use the orchard fans
7 so as to further dilute odors that could potentially travel in the direction of receptors in accordance
8 with any SOPs developed and implemented pursuant to Condition 25.

9 **Landfill Gas Collection System**

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

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

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

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

1 **Landfill Cover**

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

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

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

15 **Community Outreach**

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

20 a. The odor mitigation section shall be accessible via a direct hyperlink
21 included on the homepage of Chiquita Canyon Landfill's website
22 (<https://chiquitacanyon.com>), via a clickable link with text stating "Click
23 HERE for Odor Mitigation Information;"

24 b. The odor mitigation section shall display prominently at the top of the page
25 a notification that complaints of any odors believed to be caused by
26 Chiquita Canyon Landfill can be made to the South Coast Air Quality
27 Management District via telephone at 1 (800) CUT-SMOG or 1 (800) 288-
28 7664 or online on South Coast AQMD's website (which shall hyperlink to

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the following:

<http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx>);

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

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

e. The odor mitigation section shall include an “Odor and Maintenance Logs” section which shall include via hyperlink any logs created pursuant to this Order, as well as any reports or logs relating to odor or odor mitigation required by Respondent’s Conditional Use Permit to be submitted to any government agency, preceded by a brief narrative description (e.g. “Odor Surveillance Logs for the Month of January can be found here”);

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

- i. This Stipulated Order and any approved modifications to this Stipulated Order
- ii. The Consultant Report created pursuant to Condition # 18 of the December 16, 2020 Stipulated Order
- iii. Safety Data Sheets for odor neutralizer used at the facility and the amount of such odor neutralizer used, including both the

1 concentrated and as-diluted volume employed at the Landfill per
2 month

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

8 v. A copy of Respondent's current Conditional Use Permit (No.
9 2004-00052-(5))

10 vi. All SOPs approved pursuant to this Order

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

12 g. The odor mitigation section shall include a "Air Monitoring and Health
13 Impacts Section" which shall include a brief narrative describing the
14 current status of air quality monitoring required under Condition 68 of
15 Respondent's Conditional Use Permit (No. 2004-00052-(5)). The "Air
16 Monitoring and Health Impacts Section" shall also include, via hyperlink,
17 preceded by a brief narrative description:

18 i. Any consultant reports submitted to the Community Advisory
19 Committee, Technical Advisory Committee, or any government
20 agency under Condition 68 of Respondent's Conditional Use
21 Permit (No. 2004-00052-(5))

22 ii. Any quarterly or annual reports submitted to the Los Angeles
23 County Department of Public Health or South Coast AQMD under
24 Condition 68 of Respondent's Conditional Use Permit (No. 2004-
25 00052-(5))

26 h. The odor mitigation section shall include an "Upcoming Public Meetings"
27 Section, which shall display the title/subject, date, time location and/or
28 virtual access information (including videoconference link or

1 teleconference number as applicable), and a note of whether public
2 comment will be received for the following meetings:

- 3 i. Any noticed Hearing of the South Coast AQMD Hearing Board in
4 Case No. 6177-1
- 5 ii. Any meeting of the Community Advisory Committee (CAC)
6 where odor mitigation and/or violations are included as an agenda
7 item or anticipated to be discussed
- 8 iii. Any meeting of the Technical Advisory Committee (TAC) where
9 odor mitigation and/or violations are included as an agenda item or
10 anticipated to be discussed
- 11 iv. Any other meeting open to the public at which the Landfill is a
12 scheduled host and/or participant where odor mitigation and/or
13 violation are included as an agenda item or anticipated to be
14 discussed

15 17. Beginning in January 2021, Respondent shall host a public one-hour
16 community meeting once a month. During each meeting, Respondent shall provide updates with
17 regards to implementation of this Order and make time available for public comment on matters
18 related to the Landfill. The meeting date and time and format (in-person or virtual) shall be
19 announced via Respondent's website and shall also be sent via email to everyone who has signed up
20 for email notifications on Respondent's website. The announcement shall include a link and dial-in
21 information to the virtual platform used to conduct the meeting, or if the meeting is in-person, the
22 location of the meeting. All meetings held in person shall adhere to all applicable public health
23 guidelines, and shall take place within the Val Verde community. Any presentation, meeting
24 materials, or other media created or shared by Respondent at such community meeting shall be posted
25 to the Odor Mitigation Section of Respondent's webpage via hyperlink, including a brief narrative
26 description of the materials.

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

28 18. Respondent shall retain a consultant or employee, with relevant qualifications
including experience with landfill operations and odor control procedures and practices, as an Odor
Control Supervisor. Respondent, through the Odor Control Supervisor, in consultation with a
consultant, shall profile Odorous Loads (defined below), and develop and implement a Standard
Operating Procedure ("SOP") to control diversion of Odorous Loads to the OC Zone (as defined in

1 Condition 20) one hour prior to projected Unfavorable Wind Conditions and during actual
2 Unfavorable Wind Conditions (as defined in Condition 3).

3 19. "Odorous Loads" are loads that meet one of the following criteria:

- 4 a. Loads containing organic Materials Recovery Facility fines as referred to
5 in the Respondents' Exhibit B (App. D at p. 7);
6 b. Loads that fit the Odorous Load Profile developed by the Odor Control
7 Supervisor through its waste characterization study and approved by South
8 Coast AQMD pursuant to Condition 21; or
9 c. Loads that have an odor intensity of 3 or higher on an objective scale
10 consistent with Condition 1(g), as determined by trained Landfill staff
11 (e.g., scale house attendants, waste load deposit directing staff, spotters)
12 from the outside of the truck in accordance with the SOP developed
13 pursuant to Condition 22(a).

14 20. Respondent, through the Odor Control Supervisor, shall designate an area
15 within the landfill's footprint, consistent with the recommendations of the report in Respondent's
16 Exhibit B, App. D, Section 18F, where Odorous Loads can be received outside of Cell 6 during actual
17 or projected Unfavorable Wind Conditions (the "OC Zone").

18 21. Respondent, through the Odor Control Supervisor, shall conduct a waste
19 characterization study to identify waste streams that are regularly received by the Landfill and are
20 typically odorous ("Odorous Load Profiles"). On or before May 10, 2021, Respondent shall submit
21 the Odorous Load Profiles developed pursuant to this Condition to South Coast AQMD (attn: Larry
22 Israel, lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov;
23 Mary Reichert, mreichert@aqmd.gov) for review and approval. The Odor Control Supervisor shall
24 update the Odorous Load Profiles on a quarterly basis and Respondent shall submit such updated
25 Odorous Load Profiles to South Coast AQMD for review and approval (attn: Larry Israel,
26 lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
27 Reichert, mreichert@aqmd.gov). Respondent, through the Odor Control Supervisor, shall, in
28 conducting the waste characterization study and preparing the Odorous Load Profiles, identify waste

1 streams that are regularly received by the Landfill and are typically odorous based on objective
2 criteria, including, but not limited to:

- 3 a. odor intensity (loads with an odor intensity of 3 or higher on an objective
4 scale consistent with Condition 1(g));
- 5 b. the type of waste (e.g., construction and demolition debris, material
6 recover facility fines, green waste);
- 7 c. historical records for a particular hauler/facility (identities to be
8 anonymized);
- 9 d. amount of time since waste was loaded (if known);
- 10 e. temperature of waste relative to ambient temperature; and
- 11 f. visual inspection of physical characteristics of waste (e.g., waste color,
12 composition, decomposition, and moisture content).

13 22. The SOP created pursuant to Condition 18 shall include procedures for:

- 14 a. Detection of incoming Odorous Loads by scale house attendants and waste
15 load deposit directing staff, and designation of such loads as Odorous
16 Loads;
- 17 b. Prohibition on the receiving of incoming Odorous Loads at locations other
18 than the OC Zone during actual or projected Unfavorable Wind Conditions
19 as defined in Condition 3;
- 20 c. Diversion of Odorous Loads, including where such Odorous Loads will be
21 routed during projected or actual Unfavorable Wind Conditions;
- 22 d. Recordkeeping of Odorous Loads diverted to the OC Zone including, but
23 not limited to:
 - 24 i. The type of waste;
 - 25 ii. Hauler/Customer number;
 - 26 iii. Category used to designate the load as an Odorous Load (e.g.
27 whether designated under Condition 19(a), 19(b), or 19(c));
 - 28 iv. Time arrived at Respondent's Landfill;

- v. Wind conditions, including whether actual or projected;
- vi. Daily total quantity (loads/tons) diverted to OC Zone.
- e. Development and provision of odor detection training to Respondent's frequent customers and those identified as routinely hauling Odorous Loads regarding how to recognize Odorous Loads based on the criteria in Condition 19, and to notify Respondent's staff when such entities are dispatching a potentially Odorous Load to the Landfill;
- f. Training of employees on the SOP and the Odorous Load Profiles; and
- g. Immediately covering and prohibiting the spreading of Odorous Loads inadvertently received at Cell 6 during Unfavorable Wind Conditions.

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

- a. Minimizing exposed waste surface area using methods such as an advancing face or pancake cell operation;
- b. Employing daily cell geometry that will enhance odor control efforts;
- c. Employing odor controls including, but not limited to, wind flow disrupters, odor neutralizer delivery systems (e.g., misting lines), and odor neutralizer dispersion equipment (e.g., orchard fans), and ceasing use of controls determined ineffective, (e.g., the use of a water truck as an odor control mechanism);
- d. Application of daily cover over exposed waste at the end of the day and removal of cover at the beginning of the day, including appropriate application of odor neutralizer before applying cover or after removing it;
- e. Recordkeeping of cell development and odor controls including but not limited to:
 - i. Recording the total maximum exposed waste surface area, and time of day such maximum used;

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- ii. Recording daily cell geometry used;
- iii. Recording operation or non-operation of each odor control measure employed.

f. Training of employees on the SOPs. Respondent shall train all applicable employees on a quarterly basis. Newly hired applicable employees shall receive training as needed.

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

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

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

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

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

5 **Key Performance Indicators**

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

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

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

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

18 **Continued Analysis**

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

- 21 a. Review of meteorological data from the onsite air quality monitoring
22 stations erected under Condition 68 of Respondent’s Conditional Use
23 Permit (No. 2004-00052-(5)), and other nearby data sets as appropriate,
24 to determine prevailing wind patterns in Cells 7, and 9-13. The
25 consultant shall prepare a report regarding the prevailing wind patterns in
26 these locations from May through October 2021 to inform further
27 potential odor mitigation needs once those cells are developed;
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- 1 b. Review of meteorological data collected from the Chiquita West MET
2 station, and other nearby data sets as appropriate, to evaluate any
3 changes in wind dynamics as a result of developing Cells 6 and 8;
- 4 c. Additional study of air movement along the western perimeter of the
5 Landfill (near Cells 6 and 8) to determine whether drainage areas may be
6 creating a preferential path for air movement outside of the Landfill,
7 including an assessment of the feasibility of a vegetative barrier or other
8 air flow disruptors, and basic design concepts. The analysis and
9 conclusions of the air movement study shall be documented in a report
10 prepared for Respondent and shall be submitted to South Coast AQMD
11 (attn: Larry Israel, lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov;
12 Kathryn Roberts, kroberts@aqmd.gov; Mary Reichert,
13 mreichert@aqmd.gov) on or before June 30, 2021. The assessment of the
14 feasibility of a vegetative barrier or other air flow disruptors, shall be
15 documented in a report prepared for Respondent and shall be submitted
16 to South Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry
17 Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
18 Reichert, mreichert@aqmd.gov) on or before July 27, 2021;
- 19 d. Additional study of air movement to determine whether there are any
20 preferential pathways for air movement outside of the Landfill, to assess
21 the effectiveness of the orchard fans deployed pursuant to Condition 9,
22 and to generate recommendations for fan configuration, including, but
23 not limited to, the number, size, and placement of such fans. This study
24 shall analyze areas that CCL uses for waste disposal, including the OC
25 Zone, and Cell 6. The study required by this Condition 32(d) shall be
26 documented in a report prepared for Respondent and submitted to South
27 Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry Moon,
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1 hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary

2 Reichert, mreichert@aqmd.gov) on or before October 26, 2021; and

3 e. All reports created by this section shall be posted publicly pursuant to
4 Condition 16(f).

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

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

11 35. Respondent shall notify South Coast AQMD (attn: Kathryn Roberts,
12 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov; Larry Israel, lisrael@aqmd.gov) of any
13 substantial operational changes designed to or anticipated to reduce odors, such as an operational
14 change not contemplated by this Order, within seven days of implementing such changes.

15 36. Respondent shall return for a status hearing on **November 2, 2021**, or as soon thereafter
16 as 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 37. 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.

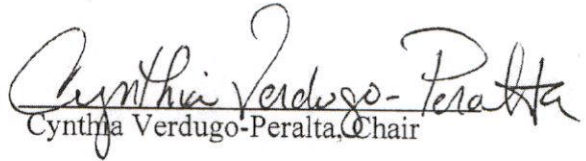
23 38. The Hearing Board may modify this Order for Abatement without the stipulation of the
24 parties upon a showing of good cause therefore, and upon making the findings required by Health and
25 Safety Code Section 42451(a) and District Rule 806(a). Any modification of the Order shall be made
26 only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

28

1 39. The Hearing Board shall retain jurisdiction over this matter until **December 9, 2021** and
2 at that time this Order shall no longer be of any force or effect, unless this Order is amended, modified, or
3 dissolved before then.

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

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11
12 BOARD MEMBER:


Cynthia Verdugo-Peralta, Chair

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14
15 DATED:

09/17/21

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 Dr.
Castaic, CA 91384

Jacob P. Duginski
Beveridge & Diamond
456 Montgomery St, Suite 1800
San Francisco, CA 94104-1251


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>
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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 *September 21, 2021* at **Diamond Bar, California**.



Sam Williams
Office Assistant