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

In The Matter Of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

vs.

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

Respondent.

Case No. 6177-1

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

District Rule 402 and Health and Safety Code
§ 41700 _____

Hearing Dates: Sept. 9 and Oct. 5, 2021
Time: 9:00 am
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

17 On September 29 and October 5, 2021, a Status Report hearing and Modification of
18 Stipulated Order for Abatement was held. The following members of the Hearing Board were
19 present: Cynthia Verdugo-Peralta, Chair; Mohan Balagopalan, Vice Chair; Hon. Nate Holden;
20 Allan Bernstein, DPM, MBA; and Robert Pearman, Esq. Petitioner South Coast Air Quality
21 Management District ("South Coast AQMD") was represented by Mary Reichert, Sr. Deputy District
22 Counsel, and Kathryn Roberts, Deputy District Counsel. Respondent Chiquita Canyon, LLC was
23 represented by Jacob P. Duginski, attorney at law, and Megan L. Morgan, attorney at law, of
24 Beveridge & Diamond P.C. South Coast AQMD and Respondent presented joint proposed
25 modifications to the Modified Stipulated Order for Abatement adopted on August 19, 2021. The
26 public was given the opportunity to testify, evidence was received, and the matter was submitted.
27 The Hearing Board finds and decides as follows:
28

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, and commission an expert to study
3 the 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, July
16 12, August 16, and September 13 to discuss the ongoing implementation of the Stipulated Order. All
17 meetings were held virtually. The next meeting is scheduled for October 18, 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 "March Stipulated Order"). Based on recommendations contained in the February 2021 Report,
10 the March Stipulated Order required Respondent to undertake the additional actions recommended
11 by BRSMT to alter operations to limit odors. The Hearing Board also set a further status hearing for
12 August 3, 2021. The status hearing was subsequently continued to August 10, 2021.

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

22 19. Following the adoption of the March Stipulated Order, Respondent worked to
23 implement each of the Modified Stipulated Order's conditions. Respondent retained SCS Engineers
24 to conduct odor surveillance training for Respondent's staff pursuant to Condition 1(a). Respondent
25 continued to undertake twice daily odor surveillance as required by Condition 1, but found it
26 necessary to adjust slightly some of the stop locations as a result of safety and access concerns.
27 Respondent appointed an Odor Control Supervisor pursuant to Condition 18 who serves as liaison
28 to the Community Advisory Committee pursuant to Condition 34. The Odor Control Supervisor, in

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

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

25 21. Respondent constructed the litter fence required by March Stipulated Order
26 Condition 33.

27 22. Between March 24, 2021, and August 18, 2021 South Coast AQMD received a total
28 of 188 complaints alleging CCL as the source of odors. South Coast AQMD was able to verify 68

1 of those complaints. Over this time period, Chiquita received four odor nuisance NOVs.

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

7 24. South Coast AQMD and Respondent appeared for Status Report hearings on August
8 10, 17, and 19 of 2021 to present a status update to the Hearing Board and to seek modifications to
9 the March Stipulated Order based on the findings in the June 2021 Report, the July 2021 Report, and
10 the testimony and evidence before the Hearing Board. The Stipulated Order was modified again on
11 August 19, 2021 after three days of hearings (the "August Stipulated Order"). The August Stipulated
12 Order required Respondent to conduct additional odor surveillance training, clarified the locations
13 of some of the odor surveillance stops, extended the time period during which Respondent must
14 minimize the size of the working face surface area, and required another air movement study of areas
15 of the landfill outside of Cell 6. The Hearing Board also set a further status hearing for November 2,
16 2021.

17 25. Since August 19, 2021, South Coast AQMD continued to receive complaints of trash
18 odors. South Coast AQMD verified seven complaints alleging CCL as the source of odors on both
19 August 28, 2021 and September 9, 2021, verified six complaints alleging CCL as the source of odors
20 on September 16, 2021, and issued CCL an odor nuisance NOV for each of those days. The number
21 of complaints and NOVs since August 19, 2021 has dropped compared to this same time period last
22 year. From August 19 to September 28, 2020, South Coast AQMD verified 109 complaints alleging
23 CCL as the source, resulting in 7 NOVs. From August 19 to September 28, 2021, South Coast
24 AQMD verified 48 complaints alleging CCL as the source, resulting in 3 NOVs.

25 26. Pursuant to Condition 37 of the August Stipulated Order, because Respondent
26 received two NOVs for alleged violations of H&S Code 41700 or South Coast AQMD Rule 402
27 between the August 19, 2021 status hearing and the next set status hearing on November 2, 2021,
28 Respondent and South Coast AQMD immediately moved to set another status hearing before the

1 Hearing Board. This status hearing was set for September 29, 2021, and was continued to October
2 5, 2021.

3 27. Following the adoption of the August Stipulated Order, Respondent has worked to
4 implement each of the August Stipulated Order's conditions. Respondent has constructed and
5 deployed the orchard fans by August 24, 2021 pursuant to Condition 9. Since deployment of the
6 orchard fans, Respondent has retained BRSMT to conduct a field testing analysis of the proper
7 placement of the orchard fans. While some portions of that analysis are still ongoing, BRSMT has
8 concluded that the terrain in the Odor Control Zone prevents adequate placement of orchard fans in
9 the Odor Control Zone. The Odor Control Zone is severely limited and cannot handle all incoming
10 waste.

11 28. Respondent has continued to maintain a reduced working face size pursuant to
12 Conditions 3 and 4.

13 29. Respondent completed an additional three-week session of classroom and consultant-
14 accompanied odor surveillance training with all relevant CCL employees by September 18, 2021
15 pursuant to Condition 1(a) of the August Stipulated Order.

16 30. Respondent retained BRSMT and SCS Engineers to complete another study of air
17 movement in areas of the landfill other than Cell 6 and to assess the effectiveness of the orchard fans
18 and generate recommendations for orchard fan configuration. This study is in process, and, pursuant
19 to Condition 34(d), will be completed by October 26, 2021.

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

1 is or was in violation of H&S Code § 41700 or South Coast AQMD Rule 402.

2 **CONCLUSIONS**

3 32. The modified Stipulated Order set forth hereinafter is likely to mitigate conditions
4 that could contribute to potential odors and potential nuisance.

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

7 34. The modified Stipulated Order for Abatement is not intended to be nor does it act as
8 a variance.

9 **ORDER**

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

13 **Odor Monitoring**

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

- 16 a. Respondent shall hire a consultant to provide initial training for all relevant
17 employees on odor surveillance practices and procedures, including odor
18 detection according to the objective scale referenced below, the specific
19 odor surveillance procedures required by this Order, and best practices to
20 effectively tracking ambient odors during an odor surveillance.
21 Respondent shall hire a consultant to provide refresher training quarterly
22 for all relevant employees. Respondent shall maintain records
23 documenting both initial and refresher training. Initial training shall occur
24 by April 12, 2021. Following the initial training, and by May 10, 2021, the
25 consultant shall accompany Respondent on community odor surveillances
26 during the first daily odor surveillance for a period of three weeks to
27 provide additional instruction on conducting the odor surveillance, with
28 each employee that conducts odor surveillance going on at least three

1 consultant-accompanied odor surveillance trips (altogether, “Additional
2 Training”). Respondent shall ensure the relevant employees complete
3 another three-week session of Additional Training with the consultant by
4 September 18, 2021. Respondent shall provide records of training to South
5 Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov) upon request.

6 b. Respondent shall conduct community odor surveillance at least twice on
7 each operating day, once between the hours of 7:00 a.m. and 10:00 a.m.,
8 and once between the hours of 10:00 am and 1:00 p.m. Unless Unfavorable
9 Wind Conditions trigger the timing described in 1(c), Respondent shall
10 ensure that there is a minimum of 2 hours between the conclusion of the
11 first daily odor surveillance and beginning of the second daily odor
12 surveillance.

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

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

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

Stop	Description
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
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: (i) an odor strength of 3 or greater is detected that is of the type that may occur at a landfill at any two (2) or more Surveillance Locations during any odor surveillance conducted by Respondent, or (ii) a South Coast AQMD employee notifies Respondent that there have been three (3) or more verified odor complaints within any two-hour period and Respondent is notified within thirty (30) minutes of verification of the last odor complaint, including verifying the source of the odor, Respondent shall for that operating day: (i) reduce any working face to a maximum of 50% of the maximum working face surface area permitted by Respondent's Conditional Use Permit, and (ii) cease tipping Odorous Loads identified in Condition 20 anywhere in the landfill. Notwithstanding the foregoing, Respondent shall be authorized to accept Odorous Loads identified in Condition 20 during that same operating day, if Respondent completes a subsequent odor surveillance, completed at least two hours later than the prior surveillance or notification by South Coast AQMD employee as provided for above, and such subsequent odor surveillance determines that odors have been reduced to below the threshold 3 or higher at all Surveillance Locations.

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

1 **Operational Adjustments**

2 3. Respondent shall direct all waste to Cell 6 or a single inclement weather
3 working face. Management of waste shall occur according to the conditions below, including
4 management procedures applicable during Unfavorable Wind Conditions. “Unfavorable Wind
5 Conditions” are defined as winds that blow from the South between 0 and 5 miles per hour.
6 Respondent shall maintain records documenting the wind projections as monitored each hour of the
7 operating day and onsite air monitor data.

8 4. Respondent shall not exceed 70% of the maximum working face surface area
9 permitted by Respondent’s Conditional Use Permit.

10 5. Respondent shall not exceed 50% of the maximum working face surface area
11 permitted by Respondent’s Conditional Use Permit during Unfavorable Wind Conditions, except
12 that:

- 13 a. If Respondent has not received a Notice of Violation for an alleged
14 violation of Health & Safety Code § 41700 and/or South Coast AQMD
15 Rule 402 at any time from October 5, 2021 until July 31, 2022, then
16 Respondent shall be permitted to increase its working face size to 60% of
17 the maximum working face surface area permitted by Respondent’s
18 Conditional Use Permit during Unfavorable Wind Conditions.
- 19 b. If Respondent has not received a Notice of Violation for an alleged
20 violation of Health & Safety Code § 41700 and South Coast AQMD Rule
21 402 at any time from October 5, 2021 until August 31, 2022, then
22 Respondent shall be permitted to increase its working face size to 70% of
23 the maximum working face surface area permitted by Respondent’s
24 Conditional Use Permit during Unfavorable Wind Conditions.
- 25 c. If Respondent is allowed to increase its maximum working face size in
26 accordance with Condition 5(a) or 5(b) and subsequently receives a Notice
27 of Violation for an alleged violation of Health & Safety Code § 41700
28 of Violation for an alleged violation of Health & Safety Code § 41700

1 and/or South Coast AQMD Rule 402, Respondent shall reduce its
2 maximum allowable working face size by 10% of the maximum permitted
3 working face surface area during Unfavorable Wind Conditions.

4 d. If Respondent's working face size is limited to 50% of the maximum
5 working face surface area during Unfavorable Wind Conditions and
6 Respondent receives a Notice of Violation for an alleged violation of
7 Health & Safety Code § 41700 and/or South Coast AQMD Rule 402 at
8 any time, Respondent shall cease acceptance of Odorous Loads identified
9 in Condition 20 one hour prior to projected Unfavorable Wind Conditions
10 and during actual Unfavorable Wind Conditions (as defined in Condition
11 3) on any operating day for a period of 45 operating days. If Respondent
12 receives an additional Notice of Violation for an alleged violation of
13 Health & Safety Code § 41700 and South Coast AQMD Rule 402
14 following the implementation of this Condition, this Condition shall
15 remain in effect until a further status hearing is held.

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

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

25 8. Respondent shall implement permanent repairs, reinforcement, and/or
26 replacement of any observed damage or defects on the tarp covers from the daily inspection within
27 24-48 hours of identifying the damage or defect.

28

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

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

15 **Landfill Gas Collection System**

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

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

28

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

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

8 **Landfill Cover**

9 14. Respondent shall continue to use Enviro-Cover as alternative daily cover at
10 Cell 6.

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

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

22 **Community Outreach**

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

- 27 a. The odor mitigation section shall be accessible via a direct hyperlink
28 included on the homepage of Chiquita Canyon Landfill's website

1 (https://chiquitacanyon.com), via a clickable link with text stating “Click
2 HERE for Odor Mitigation Information;”

3 b. The odor mitigation section shall display prominently at the top of the page
4 a notification that complaints of any odors believed to be caused by
5 Chiquita Canyon Landfill can be made to the South Coast Air Quality
6 Management District via telephone at 1 (800) CUT-SMOG or 1 (800) 288-
7 7664 or online on South Coast AQMD’s website (which shall hyperlink to
8 the following:

9 [http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.](http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx)
10 [aspx](http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx));

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

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

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

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

- 1 i. This Stipulated Order and any approved modifications to this
- 2 Stipulated Order
- 3 ii. The Consultant Report created pursuant to Condition # 18 of the
- 4 December 16, 2020 Stipulated Order
- 5 iii. Safety Data Sheets for odor neutralizer used at the facility and the
- 6 amount of such odor neutralizer used, including both the
- 7 concentrated and as-diluted volume employed at the Landfill per
- 8 month, and the Safety Data Sheets for any spray-on odor control
- 9 barrier used to assist in the suppression of odors, if any
- 10 iv. Any reports relating to odor or odor mitigation required by
- 11 Respondent's Conditional Use Permit (No. 2004-00052-(5)) to be
- 12 submitted to any government agency, including any responses or
- 13 discussion of remedial actions to odor violations or complaints
- 14 required by any government agency
- 15 v. A copy of Respondent's current Conditional Use Permit (No.
- 16 2004-00052-(5))
- 17 vi. All SOPs approved pursuant to this Order
- 18 vii. All Odorous Load Profiles approved pursuant to this Order.
- 19 g. The odor mitigation section shall include a "Air Monitoring and Health
- 20 Impacts Section" which shall include a brief narrative describing the
- 21 current status of air quality monitoring required under Condition 68 of
- 22 Respondent's Conditional Use Permit (No. 2004-00052-(5)). The "Air
- 23 Monitoring and Health Impacts Section" shall also include, via hyperlink,
- 24 preceded by a brief narrative description:
 - 25 i. Any consultant reports submitted to the Community Advisory
 - 26 Committee, Technical Advisory Committee, or any government
 - 27 agency under Condition 68 of Respondent's Conditional Use
 - 28 Permit (No. 2004-00052-(5))

1 ii. Any quarterly or annual reports submitted to the Los Angeles
2 County Department of Public Health or South Coast AQMD under
3 Condition 68 of Respondent's Conditional Use Permit (No. 2004-
4 00052-(5))

5 h. The odor mitigation section shall include an "Upcoming Public Meetings"
6 Section, which shall display the title/subject, date, time location and/or
7 virtual access information (including videoconference link or
8 teleconference number as applicable), and a note of whether public
9 comment will be received for the following meetings:

- 10 i. Any noticed Hearing of the South Coast AQMD Hearing Board in
11 Case No. 6177-1, or any variance hearing scheduled pursuant to
12 Condition 34(e)
13 ii. Any meeting of the Community Advisory Committee (CAC)
14 where odor mitigation and/or violations are included as an agenda
15 item or anticipated to be discussed
16 iii. Any meeting of the Technical Advisory Committee (TAC) where
17 odor mitigation and/or violations are included as an agenda item or
18 anticipated to be discussed
19 iv. Any other meeting open to the public at which the Landfill is a
20 scheduled host and/or participant where odor mitigation and/or
21 violation are included as an agenda item or anticipated to be
22 discussed

18 18. Beginning in January 2021, Respondent shall host a public one-hour
19 community meeting once a month. During each meeting, Respondent shall provide updates with
20 regards to implementation of this Order and make time available for public comment on matters
21 related to the Landfill. The meeting date and time and format (in-person or virtual) shall be
22 announced via Respondent's website and shall also be sent via email to everyone who has signed up
23 for email notifications on Respondent's website. The announcement shall include a link and dial-in
24 information to the virtual platform used to conduct the meeting, or if the meeting is in-person, the
25 location of the meeting. All meetings held in person shall adhere to all applicable public health
26 guidelines, and shall take place within the Val Verde community. Any presentation, meeting
27 materials, or other media created or shared by Respondent at such community meeting shall be posted
28

1 to the Odor Mitigation Section of Respondent’s webpage via hyperlink, including a brief narrative
2 description of the materials.

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

4 19. Respondent shall retain a consultant or employee, with relevant qualifications
5 including experience with landfill operations and odor control procedures and practices, as an Odor
6 Control Supervisor. Respondent, through the Odor Control Supervisor, in consultation with a
7 consultant, shall profile Odorous Loads (defined below), and develop and implement a Standard
8 Operating Procedure (“SOP”) to control detection and handling of Odorous Loads and non-Odorous
9 Loads one hour prior to projected Unfavorable Wind Conditions and during actual Unfavorable Wind
10 Conditions (as defined in Condition 3).

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

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

1 Odorous Load Profiles to South Coast AQMD for review and approval (attn: Larry Israel,
2 lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
3 Reichert, mreichert@aqmd.gov). Respondent, through the Odor Control Supervisor, shall, in
4 conducting the waste characterization study and preparing the Odorous Load Profiles, identify waste
5 streams that are regularly received by the Landfill and are typically odorous based on objective
6 criteria, including, but not limited to:

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

- 17 22. The SOP created pursuant to Condition 19 shall include procedures for:
- 18 a. Detection of incoming Odorous Loads by scale house attendants and waste
19 load deposit directing staff, and designation of such loads as Odorous
20 Loads;
 - 21 b. Handling of Odorous Loads and non-Odorously Loads, including during
22 projected or actual Unfavorable Wind Conditions as defined in Condition
23 3;
 - 24 c. Recordkeeping of Odorous Loads received including, but not limited to:
 - 25 i. The type of waste;
 - 26 ii. Hauler/Customer number;
 - 27 iii. Category used to designate the load as an Odorous Load (e.g.
28 whether designated under Condition 20(a), 20(b), or 20(c));

- iv. Time arrived at Respondent's Landfill;
- v. Wind conditions, including whether actual or projected;
- vi. Daily total quantity (loads/tons) received.

- d. 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 20, and to notify Respondent's staff when such entities are dispatching a potentially Odorous Load to the Landfill;
- e. Training of employees on the SOP and the Odorous Load Profiles; and
- f. Burying Odorous Loads with non-Odororous Loads or inert material during Unfavorable Wind Conditions within 15 minutes of deposition.

23. Respondent shall, through its Odor Control Supervisor, in consultation with a consultant, develop SOPs for standardized cell development. Such SOPs shall include procedures for:

- a. Minimizing exposed waste surface area using methods such as an advancing face or pancake cell operation;
- b. Application of a spray-on odor control barrier to assist in the suppression of odors;
- c. Employing daily cell geometry that will enhance odor control efforts;
- d. 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);
- e. 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;

1 f. Recordkeeping of cell development and odor controls including but not
2 limited to:

3 i. Recording the total maximum exposed waste surface area, and
4 time of day such maximum used;

5 ii. Recording daily cell geometry used;

6 iii. Recording operation or non-operation of each odor control
7 measure employed.

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

11 24. On or before May 10, 2021, Respondent shall submit the SOPs developed
12 pursuant to Conditions 19 and 23 to South Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry
13 Moon, hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary Reichert,
14 mreichert@aqmd.gov) for review and approval.

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

17 a. Respondent shall post the approved SOPs in a separately labeled section
18 of the webpage created pursuant to Condition 17;

19 b. Respondent shall train all applicable employees on the SOPs prior to
20 implementation. Respondent shall train all applicable employees on a
21 quarterly basis. Newly hired applicable employees shall receive initial
22 training in addition to quarterly training.

23 c. On implementation, Respondent shall cease operations under Condition 9,
24 and shall follow the procedures as dictated in the SOPs.

25 d. Respondent shall notify the South Coast AQMD (attn: Larry Israel,
26 lisrael@aqmd.gov; Harry Moon, hmoon@aqmd.gov; Kathryn Roberts,
27 kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov) and the Clerk
28

1 of the Board (clerkofboard@aqmd.gov) when the SOPs are implemented
2 and operations under Condition 9 have ceased.

3 26. Once implemented pursuant to Condition 25, Respondent shall follow all
4 procedures in the SOPs. From October 5, 2021, SOPs concerning the Odor Control Zone or the
5 diversion of Odorous Loads away from the primary working face are suspended, subject to
6 operational changes directed by Conditions 37 through 40.

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

11 28. On or before November 12, 2021, Respondent shall submit revised SOPs to
12 South Coast AQMD for review and approval pursuant to Condition 24. Such revised SOPs shall
13 incorporate operational changes directed by Conditions 37 through 40 and shall provide best
14 practices for disposal of Odorous Loads and non-Odororous Loads at Cell 6 or any single inclement
15 weather working face one hour prior to projected Unfavorable Wind Conditions and during actual
16 Unfavorable Wind Conditions (as defined in Condition 3). Following approval by South Coast
17 AQMD, Respondent shall implement such revised SOPs pursuant to Condition 25.

18 **Key Performance Indicators**

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

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

25 31. On or before November 12, 2021, Respondent shall submit a revised list of
26 KPIs, including a description of how KPIs are to be tracked. South Coast AQMD may suggest
27 additional KPIs to be included.

28

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

3 33. 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 17(e).

7 **Continued Analysis**

8 34. 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 Respondent shall also rent and erect additional wind monitors for the
18 Unfavorable Wind Season (May through October) in the Northeast
19 corner of the Landfill and the North Canyon area;
- 20 b. Review of meteorological data collected from the Chiquita West MET
21 station, and other nearby data sets as appropriate, to evaluate any
22 changes in wind dynamics as a result of developing Cells 6 and 8;
- 23 c. Additional study of air movement along the western perimeter of the
24 Landfill (near Cells 6 and 8) to determine whether drainage areas may be
25 creating a preferential path for air movement outside of the Landfill,
26 including an assessment of the feasibility of a vegetative barrier or other
27 air flow disruptors, and basic design concepts. The analysis and
28 conclusions of the air movement study shall be documented in a report

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

10 d. Additional study of air movement to determine whether there are any
11 preferential pathways for air movement outside of the Landfill, to assess
12 the effectiveness of the orchard fans deployed pursuant to Condition 10,
13 and to generate recommendations for fan configuration, including, but
14 not limited to, the number, size, and placement of such fans. This study
15 shall analyze areas that CCL uses for waste disposal, including the OC
16 Zone, and Cell 6. The study required by this Condition 34(d) shall be
17 documented in a report prepared for Respondent and submitted to South
18 Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry Moon,
19 hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
20 Reichert, mreichert@aqmd.gov) on or before October 26, 2021;

21 e. Additional study of air movement to determine how air is moving from
22 the Landfill and into and through the community of Val Verde.
23 Respondent shall submit an application by February 1, 2022 for a Short
24 Variance from South Coast AQMD Rule 401 for the purpose of
25 completing this study. Respondent shall work with South Coast AQMD
26 to prepare variance conditions, and shall take any needed steps to ensure
27 sufficient evidence is presented to the Hearing Board of the South Coast
28 AQMD relating to each required finding for a Short Variance. If

1 Respondent complies with the forgoing and a variance is not granted by
2 the Hearing Board of the South Coast AQMD, Respondent shall work
3 with its consultants to determine if a modified version of this study can
4 be conducted; if such a modification cannot be designed, Respondent
5 shall not be required to undertake this study. This study shall also be
6 conditioned upon any necessary approvals from the Los Angeles County
7 Fire Department and the Los Angeles County Sherriff's Department,
8 which shall be requested no later than February 1, 2022, with expedited
9 review requested and paid for, if available. In the month leading up to the
10 study, Chiquita will discuss the study at its monthly community meeting
11 pursuant to Condition 18 and post a notice regarding the study with days
12 that the community may observe smoke on the top of the Odor
13 Mitigation webpage created pursuant to Condition 17. The study required
14 by this Condition 34(e) shall be completed by June 30, 2022, and
15 documented in a report prepared for Respondent and submitted to South
16 Coast AQMD (attn: Larry Israel, lisrael@aqmd.gov; Harry Moon,
17 hmoon@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov; Mary
18 Reichert, mreichert@aqmd.gov) on or before July 29, 2022; and

19 f. All reports created by this section shall be posted publicly pursuant to
20 Condition 17(f).

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

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

27 37. Respondent shall apply odor neutralizer directly to active waste disposal operations
28 which employ tipper engines to deposit waste material one hour prior to projected Unfavorable Wind

1 Conditions and during actual Unfavorable Wind Conditions.

2 38. Respondent shall, within 3 business days, begin sequencing loads to ensure immediate
3 (within 15 minutes) burial of Odorous Loads (as defined by Condition 20) by non-odorous material,
4 such as non-Odororous Loads.

5 39. Respondent shall only accept Odorous Loads as defined by Condition 20(a) after 12
6 p.m.

7 40. Respondent shall, by October 13, 2021, begin application of a spray-on odor control
8 barrier to assist in the suppression of odors. Respondent shall submit to South Coast AQMD (attn:
9 Kathryn Roberts, kroberts@aqmd.gov; Mary Reichert, mreichert@aqmd.gov) any Safety Data
10 Sheets available for the spray-on odor control barrier.

11 41. Respondent shall, within seven (7) calendar days of this Order, submit applications to
12 the South Coast AQMD for three (3) additional engines to power three (3) orchard fans. Respondent
13 may, with notice to and consent from South Coast AQMD permitting staff (attn.: Angela Shibata,
14 ashibata@aqmd.gov), seek to begin the permitting process prior to obtaining final serial numbers of
15 the additional engines.

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

20 43. Respondent shall return for a status hearing on **November 18, 2021**, or as soon
21 thereafter as the Hearing Board can schedule the status hearing, to report on the status of
22 implementation of the SOPs and other provisions of this Stipulated Order, and consider modification
23 or dissolution of this Order, as appropriate.

24 44. Upon South Coast AQMD issuing Respondent two Notices of Violation for an alleged
25 violation of H&S Code 41700 or South Coast AQMD Rule 402 at any point within a 30-day period,
26 the Parties shall immediately move to set a status hearing before the Hearing Board.

27 45. The Hearing Board may modify this Order for Abatement without the stipulation of the
28 parties upon a showing of good cause therefore, and upon making the findings required by Health and

1 Safety Code Section 42451(a) and District Rule 806(a). Any modification of the Order shall be made
2 only at a public hearing held upon 10 days published notice and appropriate written notice to the
3 Respondent.

4 46. The Hearing Board shall retain jurisdiction over this matter until **November 15, 2022**
5 and at that time this Order shall no longer be of any force or effect, unless this Order is amended, modified,
6 or dissolved before then.

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

13
14
15 BOARD MEMBER: *Mohan Balagopalan*
16 **Mohan Balagopalan, Vice Chair**

17
18 DATED: 10/18/21

19
20
21 I VOTE NO: *Robert Pearman*
22 **Robert Pearman**

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

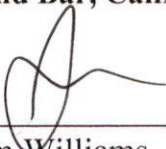
BY MAIL – By placing a true copy of the foregoing document(s) in a sealed envelope addressed and set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the practice of this office for collection and processing of correspondence 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: Variance@arb.ca.gov	US ENVIRONMENTAL PROTECTION AGENCY REGION IX ATTN: ROSHNI BRAHMBHATT brahmbhatt.Roshni@epa.gov
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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 **October 21, 2021** at **Diamond Bar, California**.



Sam Williams
Office Assistant