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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,

AMERESCO CHIQUITA ENERGY, LLC
[Facility ID No. 140373],

Respondent.

CASE NO. 6143-4

**UNOPPOSED MOTION TO DISMISS
PETITION AND TERMINATE
ABATEMENT ORDER**

District Rules 431.1, 3002(c)(1), 203(b)

Date: August 7, 2024
Time: 9:30 a.m.
Place: Hearing Board
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765

Petitioner South Coast Air Quality Management District (“South Coast AQMD”) hereby moves to dismiss the petition and terminate the Order for Abatement issued in Case No. 6143-4 (“Stipulated Order”). In support of its motion, the South Coast AQMD states as follows:

South Coast AQMD and Respondent Ameresco Chiquita Energy, LLC (“Ameresco” or “Respondent”) negotiated the Stipulated Order that was approved by the Hearing Board on February 8, 2024. In those proceedings, South Coast AQMD alleged Ameresco was in ongoing violation of numerous South Coast AQMD Rules and Ameresco permit conditions, each related to the content of sulfur in landfill gas combusted as part of Ameresco’s operation. All allegations made by South Coast AQMD in the petition, as well as the Hearing Board’s jurisdiction to abate

1 the alleged violations, were premised on Ameresco's ongoing operation of its Facility. The Parties
2 agreed that the root cause of the alleged violations was excess sulfur in the landfill gas stream
3 received from the Chiquita Canyon Landfill, which is experiencing an ongoing subsurface
4 reaction.¹ Concurrent with issuance of the Stipulated Order, South Coast AQMD and Ameresco
5 entered into a Settlement Agreement that would resolve civil penalties for alleged violations of
6 sulfur requirements during the term of the Stipulated Order.

7 Changed circumstances with the landfill gas received at Ameresco caused Ameresco to
8 temporarily pause all operations and cease acceptance or combustion of any landfill gas. Based on
9 the changed character of landfill gas and landfill gas condensate currently produced at the
10 Chiquita Canyon Landfill, Ameresco has voluntarily elected to cease operations until the Chiquita
11 Canyon Landfill is able to consistently provide landfill gas that allows Ameresco to operate in
12 compliance with its facility permit.

13 Recently, South Coast AQMD and Ameresco have negotiated a revised Settlement
14 Agreement which precludes Ameresco from operating in non-compliance with all applicable
15 sulfur emission limits in its permit or applicable South Coast AQMD rules. Under the express
16 terms of the revised Settlement Agreement, Ameresco will not operate in violation of any
17 applicable sulfur limit or requirement, including those for which the Stipulated Order was issued
18 to address.


19 Ameresco has complied with all terms and conditions of the Stipulated Order to date, and
20 there is no further basis for continuation of the Stipulated Order. Specifically, due to the agreed-
21 upon non-operation of Ameresco's Facility until Ameresco can resume operations in compliance
22 with its permit conditions and South Coast AQMD rules, there is no further need for the
23 monitoring and reporting requirements in Conditions 1-5 of the Stipulated Order because no
24 landfill gas will be accepted or combusted and no excess sulfur will be emitted. Moreover, no
25 additional equipment will be brought onsite to manage landfill gas, removing the need for

26 ¹ The Hearing Board has issued a separate Order for Abatement against Chiquita Canyon, LLC, the
27 operator of the Chiquita Canyon Landfill relating to the subsurface reaction. (Case No. 6177-4.)
28 Ameresco does not own, operate, or control the Chiquita Canyon Landfill and is not a party to
Hearing Board Case No. 6177-4.

1 reporting under Condition 6, and no prioritization would apply pursuant to Condition 7 because no
2 landfill gas will be accepted. Ameresco has already completed the requirements of Conditions 8
3 and 9. While future analyses (which were anticipated but not required by the express terms of
4 Conditions 8 and 9) will not be conducted, there is not a need for such analysis to be done by
5 Ameresco since it will not be emitting any excess sulfur.² Accordingly, as there remains no further
6 basis for the continuation of the Stipulated Order, the South Coast AQMD hereby moves the
7 Hearing Board to dismiss the petition and terminate the Stipulated Order.

8 Dated: August 2, 2024

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL
Kathryn Roberts, Senior Deputy District Counsel

11 By 
12 KATHRYN ROBERTS
13 Attorney for Petitioner

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17 Good cause appearing for the termination of the Stipulated Order, it is hereby terminated and
18 the petition for abatement order for all future purposes is hereby dismissed.

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20 BOARD MEMBER: _____

21 DATED: _____

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27 ² There are similar and overlapping ongoing analyses and evaluations of sulfur impacts and potential
28 landfill gas treatment required in various conditions of the Abatement Order in Case No. 6177-4.
Nothing in those conditions is affected by dismissal of this Stipulated Order.