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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.

ALLIED WASTE COMPANY, INC., and REPUBLIC
SERVICES, INC. dba SUNSHINE CANYON
LANDFILL, a California Corporation,

(Facility ID No. 49111)

Respondent.

CASE NO. 3448-13

**FINDINGS AND DECISION FOR
AN ORDER FOR ABATEMENT
(STIPULATED)**

Hearing Date: March 24, 2010

FINDINGS AND DECISION OF THE HEARING BOARD

This petition for a stipulated Order for Abatement was heard on December 17, 2009,
February 2, 3 and 6, March 3 and 24, 2010, pursuant to notice and in accordance with the
provisions of California Health and Safety Code § 40823 and SCAQMD Rule 812. The following
members of the Hearing Board were present: Edward Camarena, Chair; Barry Read, Vice Chair;
Michael Glovsky M.D (Absent on December 17, 2009); Steve Zikman; and Marti L. Klein.
Petitioner, Executive Officer, was represented by Carol L. Engelhardt, Senior Deputy District

1 Prosecutor and by Nancy Feldman, Principal Deputy District Prosecutor (March 3, 2010 only).
2 Respondents, Browning Ferris Industries of California, Inc., a wholly owned subsidiary of
3 Republic Services, Inc., (misidentified herein as "ALLIED WASTE COMPANY, and REPUBLIC
4 SERVICES, INC."), are corporations authorized to do business in the State of California
5 (hereinafter referred to as "Respondent") and were represented by Robert S. Nicksin, attorney at
6 law of the firm of O'Melveny and Myers LLP. The public was given the opportunity to testify,
7 evidence was received and the matter was submitted. The Hearing Board finds and decides as
8 follows:

9 1. Petitioner, South Coast Air Quality Management District (also referred herein as
10 the "SCAQMD"), is a body corporate and politic established and existing pursuant to Health and
11 Safety Code § 40000, *et seq.* and § 40400, *et seq.*, and is the sole and exclusive local agency with
12 the responsibility for comprehensive air pollution control in the South Coast Basin.

13 2. Respondent is a business subject to the jurisdiction of the SCAQMD. Respondent
14 owns and operates a landfill/solid waste disposal site located at 14747 San Fernando Road,
15 Sylmar, California 91342 (hereinafter referred to as the "Facility").

16 3. Portions of the Facility are located in the City of Los Angeles; the entire Facility is
17 located in the County of Los Angeles. The Facility has been in operation since the 1950s and,
18 over the years, trash and garbage (hereinafter "trash") has been placed in both the City portion of
19 the Facility and the County portion of the Facility. As the trash has been deposited, the
20 topography of the site has changed. It is anticipated that the Facility will continue to receive trash
21 for approximately 20 years. The engineered plan for future trash deposits consists of a series of
22 "cells." The deposit of trash is regulated as set forth in the Joint Technical document as approved
23 by applicable governmental agencies.

24 4. The Facility is located approximately one mile to the north of Granada Hills, an
25 area that contains a large number of residential properties and at least two schools: the Van Gogh
26 Elementary School and the Robert Frost Middle School. Schools and residential locations are
27 located approximately one mile to the south and south east of the Facility and at a lower
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1 elevation. The Facility is surrounded by mountains, and directly below the southern boundary
2 (also referred to as the "southern berm") of the Facility the topography contains at least two
3 ravines which run generally north and south from the southern berm toward the neighborhood
4 areas.

5 5. Nighttime and early morning wind flows are, at times, a drainage pattern with
6 winds flowing down slope. Nighttime generally brings cooler air temperatures. The cooler air is
7 less buoyant and may tend to hold odors that may be present down closer to the surface. During
8 the day, the air warms, becomes more buoyant and tends to rise, dispersing any odors that may
9 exist. These normal patterns can be disrupted by other meteorological events such as Santa Ana
10 wind events and other weather systems. As the Santa Ana wind events end, the air in the northern
11 San Fernando Valley tends to stagnate.

12 6. The Facility is located on approximately 1,036 acres with a waste disposal area of
13 approximately 363 acres. With the exception of the approximately one half to four acre
14 "Working Face" (the area where trash is newly deposited at the Facility), the landfill is covered
15 with soil or approved cover. The active Working Face is open to the air. During hours of non-
16 operation the Working Face is covered with tarps or other approved cover, including dirt. After
17 closing on Saturday at 2 P.M. to opening on Monday at 6 A.M., soil cover is used for odor and
18 vector control. Pursuant to government-imposed requirements (via the Local Enforcement
19 Agency), Respondent began depositing all trash at one Working Face in 2009. In prior years
20 trash was deposited at two Working Faces.

21 7. The Facility is permitted to receive up to 12,100 tons of municipal solid waste per
22 day during the hours of 6:00 A.M. to 6:00 P.M., Monday through Friday and 7:00 A.M. to 2:00
23 P.M. on Saturday. The Facility is not operating at full capacity. The amount of trash received at
24 the Facility increased during 2009 by approximately 30 percent. Monthly tonnage from June
25 2008 through March 2009 ranged from 140,000 tons to 178,000 tons. From April 2009 through
26 October 2009 the amount of trash exceeded 200,000 tons in each month. During November 2009,
27 trash deposits totaled 174,008 tons.

1 8. Some of the trash deposited at the Facility is delivered in transfer trucks that have
2 been loaded at transfer stations throughout Los Angeles County, and some is delivered from
3 neighborhood collection vehicles. A significant number of transfer trucks are loaded on Friday or
4 Saturday and delivered to the Facility on Monday. Approximately 70–80% of the transfer trucks
5 visiting the Facility are under the control of Respondent. After arrival at the Facility, the trucks
6 are driven up the “haul road” to the Working Face area of the Facility and unloaded.

7 9. The delivery, unloading, movement and dumping of trash at the Working Face
8 may create odors. These odors are made up of a variety of individual constituents and
9 compounds.

10 10. SCAQMD Rule 402 states as follows:

11 A person shall not discharge from any source whatsoever such quantities
12 of air contaminants or other material which cause injury, detriment,
13 nuisance, or annoyance to any considerable number of persons or to the
14 public or which endanger the comfort, repose, health, or safety of any such
persons or the public, or which cause, or have a natural tendency to cause,
injury or damage to business or property.

15 Health and Safety Code § 41700 contains similar prohibitions.

16 11. The Facility has in recent months been the source of an increase in odor
17 complaints to the SCAQMD. The following Notices of Violation were issued in 2008, 2009 and
18 2010:

<u>Notice of Violation No.</u>	<u>Rule(s) Violated</u>	<u>Date of Violation</u>
P26963	402	10/17/08
P49903	402/H&S Code § 41700	3/2/09
P49910	402/H&S Code § 41700	10/5/09
P49911	402/H&S Code § 41700	11/2/09
P49912	402/H&S Code § 41700	11/3/09
P49913	402/H&S Code § 41700	11/4/09
P49914	402/H&S Code § 41700	11/9/09
P49915	402/H&S Code § 41700	11/10/09
P49916	402/H&S Code § 41700	1/29/10
P49917	402/H&S Code § 41700	2/1/10
P49918	402/H&S Code § 41700	2/26/10

26 12. The volume of complaints called in to the SCAQMD concerning the Facility
27 increased dramatically in October and November 2009. In 2007, the SCAQMD received 24 odor
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1 complaints concerning the Facility. In 2008, the SCAQMD received 52 complaints. In 2009, the
2 SCAQMD received 309 complaints with 46 prior to June, 1 in June, 6 in July, 18 in August, 12 in
3 September, 52 in October, 160 in November, and 14 in December. In addition, 64 complaints
4 were recorded in January, 2010 and 94 complaints were received in February 2010. Thirty
5 complaints were received on February 26, 2010. At least one school has been impacted by the
6 odors.

7 13. At hearings before the Hearing Board held on December 17, 2009, February 2, 3
8 and 6, and March 3, 2010, approximately 35 individuals who are either residents of
9 neighborhoods in the vicinity of the Facility, representatives of local community groups, parents
10 of children attending neighborhood schools, employees of those schools, or representatives of
11 government agencies responsible for areas including the neighborhood, testified that odors
12 originating from the Facility were causing them detriment, nuisance and annoyance. Among the
13 maladies reported by some of the witnesses were headache, nausea, eye and throat irritation,
14 discomfort, difficulty breathing and other symptoms. Some witnesses also reported an inability to
15 enjoy outdoor activities at their homes or the nearby parks due to the odors.

16 14. An evaluation of the wind direction and speed indicates that the odor complaints
17 increase when the wind is from the north or northeast and is 15 miles per hour or less, or, if there
18 is very little wind movement. The majority of the complaints were called in to the SCAQMD
19 during the morning hours from 7:00 A.M. to 8:00 A.M. The number of complaints has increased
20 in the months of October, November and January which is consistent with cooler airflow and also
21 associated, in some instances, with calm wind conditions.

22 15. In 2009, SCAQMD Inspector Larry Israel responded to the vicinity of the Facility
23 to investigate complaints of odor on approximately 30 days. On nine of those days he detected
24 odors, traced the odors to the Facility, interviewed impacted residents or individuals at Van Gogh
25 school, verified that the odors those people described were generated by the operations at the
26 Facility, and issued Notices of Violation of Rule 402 and Health and Safety Code § 41700.
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1 16. Testimony by the SCAQMD inspectors and public witnesses indicate that the
2 majority of odor complaints are generated in the morning hours. The heaviest volume of
3 complaints often occurs on Monday mornings when trash trucks arrive at the Facility with trash
4 that may have remained in the trucks for one or two days after the trucks were loaded at transfer
5 stations on the prior Saturday.

6 17. Testimony by the Respondent's representatives indicates that after four days of
7 extremely heavy rain from January 19, 2010 to January 22, 2010, six wells in the gas collection
8 system were affected by erosion around the wellheads resulting in excess gas being emitted to the
9 atmosphere.

10 18. Respondent testified that heavy rains on days prior to February 26, 2010 may have
11 caused damaged to the landfill gas collection system and contributed to odor complaints on
12 February 26, 2010.

13 19. Numerous factors have been identified as potential contributors to the odor issues
14 including but not limited to:

- 15 a. Increases in delivered tonnage of trash;
- 16 b. Size and location of the Working Face;
- 17 c. Monday morning deliveries containing trash that was picked up the prior
18 Friday or Saturday;
- 19 d. Wind direction and climatic conditions;
- 20 e. Trash trucks on the mile long haul road emitting odors from both trash and
21 leaking liquids;
- 22 f. Destruction of vegetation. A large number of trees and shrubs located
23 between the complainants and the Facility were destroyed as a result of two
24 wildfires in 2008. This vegetation has not grown back to its original height
25 and thickness;
- 26 g. Landfill gas emissions from either the surface of the landfill or landfill gas
27 control equipment; and

1 h. Type of cover on the working face.

2 20. Starting in March 2009, Respondent, in continual efforts to control the odors,
3 implemented changes to the operation of the Facility that it believes will have an effect on the
4 odor problems. Respondent has implemented the following changes:

5 a. A hot line was established to receive calls from members of the
6 community. These calls are answered by a worker trained to handle odor
7 complaints and are routed immediately to Respondent's management via
8 email;

9 b. Odor patrols were initiated by Respondent, utilizing management
10 employees that patrol the residential area south of the Facility, investigate
11 odors, and receive input from local residents;

12 c. The haul road and other unpaved areas of the Facility are treated on a
13 multiple-application-per-day basis with a neutralizer and water mixture for
14 both odor and dust control;

15 d. Landfill gas control improvements were made to ensure the more efficient
16 capture and destruction of landfill gases;

17 e. A perimeter misting system was established along the southern boundary of
18 the Facility. This misting system utilizes a neutralizer and water mixture to
19 control odors that may drift off of the landfill;

20 f. A movable Working Face misting system was established along the
21 southern edge of the Working Face, utilizing a neutralizer and water
22 mixture to control odors that may drift off of the Working Face;

23 g. A DustBoss system, which mists large areas of the Working Face, was
24 purchased and is being utilized;

25 h. Approval was received from the Regional Water Quality Control Board to
26 utilize misting (neutralizer and water) devices on the tarp placement
27 equipment, for treatment prior to covering;

- 1 i. At specified times, neutralizer is applied directly on the trash in the transfer
- 2 trucks at Respondent's transfer facilities prior to shipment to the Facility.
- 3 j. The size of the Working Face has been reduced by approximately half
- 4 during periods of adverse wind conditions. Limiting the size of the
- 5 Working Face is believed to have a direct effect on odor minimization;
- 6 k. Respondent has agreed to re-route transfer trucks controlled by it to other
- 7 landfills on Monday mornings and during periods of adverse winds;
- 8 l. Respondent has agreed to engage in a variety of studies aimed at better
- 9 understanding the sources of odors from the Facility, their transport,
- 10 meteorological conditions affecting odor transport; potential mitigation
- 11 measures, and related issues; and
- 12 m. Respondent has agreed to spearhead an effort to replant vegetation lost in
- 13 the wildfires of 2008 in the area south of the Facility.

14 21. Respondent indicates that the amount of trash being deposited on the Facility was
15 reduced in November and December 2009 by almost 500 tons per day.

16 22. Respondent indicates that the closure of this Facility, while reducing air
17 contaminants, would have significant consequences due to lack of capacity of other landfills to
18 handle trash currently destined for the Facility.

19 23. SCAQMD Rule 402 and California Health and Safety Code § 41700 prohibit the
20 causation of a nuisance.

21 24. Petitioner alleges that Respondent is operating the Facility in a manner which has
22 resulted in the issuance of multiple Notices of Violation.

23 **CONCLUSION**

24 1. Based on the testimony of the resident Public Witnesses described in the Findings
25 of Fact, and the corroborating testimony of the SCAQMD inspectors, the Hearing Board concludes
26 that on multiple days since October 2009 the Facility has been the source of air contaminants—and
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1 specifically of odors—that caused detriment, nuisance, or annoyance to a considerable number of
2 persons, and which endangered the comfort and repose of such persons.

3 2. The issuance of this Order for Abatement will not constitute a taking of property
4 without due process of law and is not causing the closure or elimination of Respondent's business.

5 3. If the issuance of this Order for Abatement results in the closing or elimination of
6 an otherwise lawful business, such closing would not be without a corresponding benefit in
7 reducing air contaminants in that Respondent is allegedly operating the Facility in a manner that is
8 generating air contaminants.

9 4. Petitioner alleges that operation of the Facility has on multiple days since October
10 2009 constituted a nuisance within the meaning of SCAQMD Rule 402 and Health and Safety
11 Code § 41700.

12 5. The adoption of the conditions set forth hereinafter is likely to result in lawful
13 operations by Respondent with respect to complying with SCAQMD rules and regulations.

14 **ORDER**

15 THEREFORE, subject to the aforesaid statements and good cause appearing, Respondent
16 is hereby ordered to cease and desist conducting operations at the Facility that result in
17 noncompliance with SCAQMD rules, or to comply with the conditions set forth below:

18 1. Restriction of Working Face and Reduction of Incoming Trash on Monday Mornings and
19 During Adverse Wind Conditions¹

- 20 a. On all Monday mornings from 6:00.A.M. to 9:00 A.M., Respondent shall not
21 deposit at the active Working Face incoming trash contained in any transfer truck
22 that is under the control or ownership of Respondent. These transfer trucks shall
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24 ¹ Adverse Wind Conditions are defined as either: (i) Wind speed measured at the existing
25 monitor at the southern berm from all directions as less than 2 mph; or, (ii) Wind speed
26 measured at the same monitor coming from the north/northeast direction from between 320
27 degrees and 15 degrees at less than 15 mph. Wind speed is based on measured winds from
28 three continuous one-hour averaging periods commencing at 3 a.m. Any hour in which there is
measurable precipitation will not be classified as an Adverse Wind Condition under this order,
in that precipitation generally suppresses odors at landfills.

1 be re-routed to other offsite locations, or not allowed to unload until after 9:00
2 A.M. Records shall be kept for three years in the Landfill Scale House as to the
3 ownership, transfer station origin, weigh time, load deposit time and tonnage of the
4 load of each separate transfer truck that either deposits trash during the 6:00–9:00
5 A.M. hours or is delayed at the Facility until after 9:00 A.M., and shall be made
6 available to the SCAQMD upon request. Records shall be provided to the
7 SCAQMD upon request. In addition, Respondent shall, on a monthly basis, send
8 to the SCAQMD (Attn: David Jones, AQ Analysis & Compliance Supervisor,
9 Engineering & Compliance, Email: DJones@aqmd.gov) a summary of total
10 tonnage deposited during the 6:00–9:00 A.M timeframe and the origin of vehicles.

11 b. On all days other than Monday, Respondent shall not deposit incoming trash at the
12 active Working Face contained in any transfer truck that is under its control or
13 ownership from 6:00 A.M. to 9:00 A.M. if Adverse Wind Conditions are measured
14 as defined in Condition 1(a) immediately above. These transfer trucks shall be re-
15 routed to other offsite locations, or not allowed to unload until after 9:00 A.M.
16 Records identical to those described in Condition 1(a) above shall be kept for three
17 years in the Landfill Scale House as to the ownership, transfer station origin, weigh
18 time, load deposit time and tonnage of the load of each truck and shall be made
19 available to the SCAQMD upon request.

20 c. The size of the active landfill Working Face shall immediately be restricted and
21 covered with tarps or soil cover so that no more than 30,000 square feet shall be
22 open and/or uncovered at any time from 6:00 A.M. to 10:00 A.M. on all Monday
23 mornings and from 6:00 A.M. to 10:00 A.M. on all other days that Adverse Wind
24 Conditions are measured;

25 Respondent shall, starting at 6:00 A.M. and on an hourly basis thereafter from 6:00
26 A.M. to 10:00 A.M., measure the size of the Working Face using a measuring
27 device satisfactory to the SCAQMD and maintain records as to the length and
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1 width of the Working Face for at least three years and make such records available
2 to the SCAQMD upon request.

3 d. Respondent shall apply an odor neutralizer (not an odor masking agent) to each
4 trash load prior to the departure of any transfer truck from transfer stations owned
5 or operated by Respondent whenever Adverse Wind Conditions are measured at
6 the landfill and where a trash load is to be deposited at the Facility;

7 Documentation of the date and location of the loading of the truck and the method
8 and frequency of the application of the neutralizer shall be maintained for three
9 years as to each transfer truck and provided to the SCAQMD upon request.

10 2. Working Face Controls

11 a. Working Face Perimeter Misting System

12 i. Respondent shall maintain and be ready to operate a perimeter misting
13 system to apply odor neutralizer. The system shall be located on the
14 downwind side of the landfill Working Face, within 100 yards of the
15 Working Face unless it is necessary to locate the perimeter system on an
16 adjacent bench above or below the Working Face because the Working
17 Face is less than 100 yards from the edge of the Working Face bench.

18 ii. Respondent shall operate the misting system continuously on Mondays
19 from 6:00 A.M. to 10:00 A.M. and when Adverse Wind Conditions are
20 measured from 6:00 A.M. to 10:00 A.M. when trash is being deposited on
21 the Working Face or when the Working Face is not covered by a tarp or
22 alternative daily cover.

23 b. DustBoss Odor Control System

24 i. Respondent shall locate and be ready to operate at least one DustBoss, or
25 equivalent system as approved by the SCAQMD, at the active Working
26 Face of the landfill. The DustBoss or equivalent shall have the capacity to
27 cover a minimum of 21,000-square feet with neutralizer in less than five
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1 minutes and shall be operated and maintained in accordance with all
2 manufacturer specifications.

3 ii. The DustBoss or equivalent shall be operated from 6:00 A.M. to 10:00
4 A.M. on all days Adverse Wind Conditions are measured from 6:00 A.M.
5 to 10:00 A.M. The DustBoss shall be operated in such a manner and with
6 sufficient neutralizers to mitigate transient odors from the landfill Working
7 Face.

8 iii. Respondent shall notify the SCAQMD [1-800-CUT-SMOG] within one
9 hour of any breakdown of the DustBoss or equivalent and will further
10 notify the SCAQMD if the DustBoss or equivalent system is not repaired
11 within 48 hours. Written documentation for the operation and maintenance
12 of the equipment shall be maintained on-site and made available to the
13 SCAQMD upon request.

14 3. Landfill Perimeter Misting System

15 a. Respondent shall, no later than March 3, 2010, install, maintain in good working
16 order, and be ready to operate a landfill perimeter odor control misting system,
17 situated along the entire southern boundary of the landfill for the application of
18 neutralizer mist. The system shall be constructed and operated to the satisfaction
19 of the SCAQMD.

20 b. Respondent shall operate the system:

21 i. Continuously on Mondays commencing no less than 30 minutes prior to
22 the first placement of refuse at the landfill and continuing during Monday
23 landfill working hours;

24 ii. Continuously on days other than Mondays as long as Adverse Wind
25 Conditions persist; and

26 iii. In such a manner and with sufficient neutralizers to mitigate transient odors
27 from the landfill.

1 c. Respondent shall, no later than May 1, 2010, provide to the SCAQMD (Attn:
2 Edwin Pupka, Senior Enforcement Manager, Engineering & Compliance,
3 Telephone No. (909) 396-3332, Email: epupka@aqmd.gov) a detailed diagram of
4 the system as installed including lengths of segments, locations of sprays and any
5 other requested information.

6 4. Tarping Misting System

7 a. Respondent shall treat the Working Face with neutralizer prior to covering the
8 Working Face with tarps each night;

9 b. Respondent shall continue to maintain and operate an odor neutralization system
10 on its tarp deployment equipment for direct application of the neutralizer to the
11 Working Face as the tarp is put in place;

12 c. Respondent shall operate the system during all tarping activities, applying
13 neutralizer directly to the Working Face; and

14 d. Respondent may test an approach that uses the DustBoss prior to tarping for the
15 night with the goal of testing the capability of the DustBoss to provide broader
16 misting coverage to the Working Face based on the topography of the site. The
17 SCAQMD (Attn: Larry Israel, 1-800-CUT SMOG) shall be notified at least 48
18 hours prior to the testing and the results of the testing shall be summarized and
19 provided to the SCAQMD (Attn: Edwin Pupka) within one week of the
20 completion of the tests.

21 5. Haul Roads

22 a. Respondent shall not allow waste collection or transfer station trucks/vehicles on
23 the main haul road prior to the opening of the landfill at 6:00 A.M.; and

24 b. Respondent shall apply water-containing odor neutralizer to the main haul road
25 and all access roads to the landfill Working Face at least once every two hours of
26 active landfill operations except during periods of measurable precipitation.

1 Records of these applications shall be maintained for three years and made
2 available to the SCAQMD upon request.

3 6. Wind Monitoring

4 a. Respondent will continue (or modify) its ongoing contract with a qualified third
5 party to forecast, not more than 24 hours in advance, the predicted wind speed and
6 wind direction for each day to assist Respondent in implementing management
7 practices for Adverse Wind Conditions as defined in Condition 1 of this Order.
8 Records of the predictions and actions taken shall be maintained on site for three
9 years and made available to the SCAQMD upon request;

10 b. Respondent shall at all times maintain at their existing locations, unless otherwise
11 approved by the SCAQMD (Attn: Edwin Pupka), an on-site landfill
12 meteorological station (on the southern berm, and at the Van Gogh School so long
13 as the School continues to provide permission) to measure wind speed and
14 direction on an hourly basis. The stations shall record and preserve all available
15 readings for three years and the readings shall be made available to the SCAQMD
16 upon request; and

17 c. Respondent shall submit to the SCAQMD upon request, in an electronic format
18 satisfactory to the SCAQMD, all available monitoring data from both
19 meteorological stations for 2008, 2009 and 2010.

20 7. Studies and Reports

21 a. Meteorological Study

22 i. No later than 60 days after the issuance of this Order for Abatement,
23 Respondent shall submit to the SCAQMD (Attn: Edwin Pupka) a proposal
24 for a detailed study designed to characterize wind flow patterns at the
25 Facility, between the Facility and the neighborhood south of the Facility,
26 and within that neighborhood. The proposal shall include the identification
27 and qualifications of the primary personnel and/or firms proposed to
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1 conduct the study. The District will determine which study will be
2 conducted by an independent consultant. The goal of the study shall be to
3 eliminate violations of California Health and Safety Code §41700. The
4 study shall discuss and make recommendations concerning appropriate
5 odor abatement measures. The study may consider contractual and other
6 legal limitations on the operation of the Facility. The proposal shall:

- 7 A. Include a timeline for completion of the study no later than 150
8 days after SCAQMD approval of the study proposal. A single
9 extension of the completion date of no more than 60 days may be
10 approved by the SCAQMD (Edwin Pupka) upon a showing of good
11 cause therefore. Any further extension of the deadline for
12 completion of the study requires approval by the Hearing Board;
- 13 B. Be designed to characterize wind flow patterns (including but not
14 limited to wind speed, wind direction, diurnal day and night time
15 wind flow, wind drainage, and seasonal patterns), ambient
16 temperature, humidity, temperature inversions, precipitation, and
17 other available meteorological data and effects. The
18 characterization of wind flow patterns shall include analysis of data
19 from the southern berm and Van Gogh School monitors for the
20 years 2008, 2009 and 2010;
- 21 C. Include data provided by the SCAQMD on the location of
22 community complaints for the years 2008, 2009, and 2010 and
23 reasonably attributed to the landfill;
- 24 D. Include the communities located at the base of or in proximity to
25 the southern berm portion of the landfill and as far south as the area
26 of Robert Frost Middle School with special emphasis on the
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1 specific situations in the vicinity of and on Lisette and Nanette
2 Streets;

3 E. Include consideration of the amount and hourly rates of delivery of
4 trash to the Working Face;

5 F. Include the number, date and time of community complaints
6 received;

7 G. Include the location of planned future placement of refuse, future
8 Working Face locations, and elevation changes in the landfill as it is
9 filled;

10 H. Include provisions for the analysis of the use and placement of odor
11 control methods and materials at the Facility including haul roads,
12 landfill refuse, landfill Working Face, operating methods during
13 adverse wind conditions; placement of the DustBoss or equivalent
14 misting systems; and

15 I. Consider contractual or other legal limitations on relocation of these
16 elements within the landfill. To the extent that such contractual or
17 other legal limitations are identified, respondent shall clearly cite
18 the source of these limitations, evaluate and quantify the impact of
19 those limitations may have on odor control measures, and discuss
20 the modification or removal of those limitations.

21 ii. Upon receipt of District approval of the proposal, Respondent shall
22 immediately commence the study and shall upon completion deliver a copy
23 to the District (Attn: Edwin Pupka).

24 b. Delivery Alternatives Study

25 Respondent shall, no later than 60 days after issuance of this Order, submit a
26 completed study and recommendations for further action to the SCAQMD (Attn:
27 Edwin Pupka) regarding alternatives to depositing trash on the existing Working
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1 Face on Monday mornings and during Adverse Wind Conditions. This study is to
2 take into account contractual issues between Respondent, third-party haulers, the
3 City and County of Los Angeles, and other impacted governmental entities. The
4 study shall include details and analysis of the number of trucks diverted, disposal
5 facility destinations and tonnage, and the transfer station where loaded.
6 Respondent shall comply within 15 days with any SCAQMD-approved
7 recommendations and provisions of the study.

8 c. Neutralizer at Transfer Station Study

9 Respondent shall, no later than 60 days after issuance of this Order, submit for
10 approval to the SCAQMD (Attn: Edwin Pupka) a proposal for a study to
11 evaluate, determine, and recommend the most effective type and method of
12 application of an odor neutralizer(s) to materials contained in incoming transfer
13 trucks. The proposal shall include the identification and qualifications of the
14 primary personnel and/or firms proposed to conduct the study. The District will
15 determine which study will be conducted by an independent consultant. The study
16 shall be completed no later than 180 days after receipt of approval of the proposal.
17 Any recommendation for further action that is approved by the District shall be
18 implemented as soon as practical but in no event later than 60 days after its
19 approval.

20 d. Neutralizer Study

21 Respondent shall, no later than 60 days after issuance of this Order, conduct and
22 complete a study that evaluates the use of alternative odor containment control or
23 elimination materials (including neutralizers and the DustBoss DB-M-High-
24 density, low-velocity mist product applicator, and the application of foam) and
25 develop findings and recommendations which support the choice of materials and
26 methods of application being used by Respondent, and provide the written results
27 of its findings and recommendations for further action to the SCAQMD (Attn:
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1 Edwin Pupka). Any recommendation for further action that is approved by the
2 District shall be implemented as soon as practical but in no event later than 30 days
3 after its approval.

4 e. Working Face Study

5 i. Within 30 days after issuance of this Order, Respondent shall provide to the
6 District (Attn: Edwin Pupka) a proposal for a study, the goal of which is to
7 determine best practices for minimizing odors from the Working Face. The
8 proposal shall include the identification and qualifications of the primary
9 personnel and/or firms proposed to conduct the study. The District will
10 determine which study will be conducted by an independent consultant.

11 The study is to consider:

- 12 A. Restricting or otherwise limiting the size and the partial tarping of
13 the active landfill Working Face;
- 14 B. The examination of the tonnage of waste deposited at the Working
15 Face, on an hourly and daily basis;
- 16 C. Total tarping of the inactive landfill Working Face;
- 17 D. The use of soil as an alternative to or in conjunction with tarping;
- 18 E. The effect, if any, of the use of soil cover on leachate flow and
19 landfill gas collection;
- 20 F. The effect, if any, of the alternative covers on the solid waste
21 disposal operations at the Facility;
- 22 G. The impact of the removal of the soil cover on Monday mornings
23 on odors;
- 24 H. The daily size (area) of the Working Face and any correlation
25 between the size of the Working Face and odor control;
- 26 I. The correlation between the type of cover and any odor complaints;

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J. The correlation between any odor complaints and activities at the Facility, including the use of neutralizers;

K. Odor events and complainant data as provided by the SCAQMD; and

ii. One hundred and eighty days after approval by the SCAQMD (Ed Pupka) of the proposal, a report of the study shall be submitted to the SCAQMD Ed Pupka which shall include the details of items A through K above, analysis, conclusions and recommendations for action, including recommendations for daily cover methods and materials at the Working Face. Any recommendation for action that is approved by the SCAQMD (Edwin Pupka) shall be implemented as soon as practical but in no event later than 60 days after its approval.

iii. Three hundred and sixty-five days after the approval by the SCAQMD (Ed Pupka) of the proposal, a supplemental report shall be filed which may include additional analysis, conclusions and recommendations for action. Any recommendation for action that is approved by the SCAQMD (Edwin Pupka) shall be implemented as soon as practical, but in no event later than 60 days after its approval.

iv. Quarterly reports shall be due 90 days and 270 days after approval of the study proposal by the District, and shall be submitted to the District (Attn: Edwin Pupka). These quarterly reports are to document the size of the Working Face for the prior quarter and examine the correlation between the size of the Working Face and any odor events that may have occurred during the period.

8. Consultation for Odor Control
Respondent shall consult with the Los Angeles County Sanitation landfills and at least two other operators outside of the SCAQMD and develop a report on successful landfill odor-

1 abatement practices and operational procedures including control of landfill gas surface
2 emissions resulting from rain impacts to the control system. The report shall include an
3 analysis and recommendations concerning methods to protect and prevent erosion and
4 other water-caused impacts to the gas collection system. A report concerning
5 Sunshine/Republic's efforts including a listing of names and addresses of contacts,
6 research resources and findings and recommendations shall be submitted to the SCAQMD
7 (Attn: Edwin Pupka) no later than 30 days after the issuance of this Order. Any
8 recommendation for further action that is approved by the District shall be implemented as
9 soon as practical but in no event later than 60 days after its approval.

10 9. Vegetation

11 Respondent shall after consultation with and approval from applicable governmental
12 agencies and their designated arborists, present a plan by June 1, 2010, that addresses the
13 following: (a) augmenting (through the planting of trees and shrubs) the existing
14 vegetation that remains after the recent Sesnon and Sayre fires on the southern berm areas
15 of the landfill including, if possible, the southward descending canyons; (b) the selection
16 and planting of trees in areas on the southern berm of the landfill where there are no
17 remaining trees; (c) the maintaining of plants to maturity; (d) replacement of dead plants
18 or trees, including the timing of replacement, and; (e) an analysis of the ownership of all
19 properties downslope between the Facility and the community to the south of the Facility
20 and the practicality of replanting those properties. The planting of the southern berm shall
21 be completed no later than August 31, 2010 or any later date recommended by the
22 designated arborists. The area shall be monitored on a weekly basis to determine the
23 health of the vegetation. An extension of the above deadlines may be approved by the
24 SCAQMD (Edwin Pupka) upon a showing of good cause therefore.

25 10. Odor Survey

26 a. Commencing as soon as practical but in no event later than 15 days after approval
27 of this Order, Respondent shall conduct odor surveys.

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- b. Odor surveys shall be conducted by Facility employees or authorized third parties who have received training in odor detection and characterization.
- c. The survey area shall be the Granada Hills residential area bounded by Balboa Boulevard on the east, Jolett Avenue on the south and west, and the foothills north of Sesnon Avenue. However, if an odor complaint is received from a location outside of the survey area and reasonably attributable to the Facility, Respondent shall also investigate and report that complaint as described below.
- d. The survey shall identify and document odors originating from the Facility, including:
 - i. The intensity of the odors, as measured by the District's odor classification chart;
 - ii. The character of the odors;
 - iii. The source of the odors, including actions taken to identify the source, and
 - iv. Actions taken to eliminate or mitigate the odors.
- e. The survey shall be conducted continuously between the hours of 7:00 a.m. and 9:00 a.m., Monday through Friday except for days when the Facility is closed.
- f. An odor survey shall be conducted immediately when the Facility receives an odor complaint during normal Facility working hours from any source including, but not limited, to the Local Enforcement Agency, the SCAQMD, any school, or directly from any person in the community.
- g. Each daily survey shall be documented, including:
 - i. Names of the individuals conducting the survey;
 - ii. A map of the route taken by the survey;
 - iii. Stop locations and times;
 - iv. Wind direction(s) and speed(s);
 - v. Descriptions of odor and odor intensity, and
 - vi. Actions taken in response to detected odors.

- 1 h. Respondent shall maintain for three (3) years and make available to the District
2 upon request:
- 3 i. Records of all daily odor surveys; and
4 ii. Records of training in odor detection and characterization for each
5 individual employee conducting odor surveys.
- 6
- 7 11. Respondent, in consultation with the SCAQMD, shall submit to the Hearing Board a
8 written proposal for a feasibility study designed to examine the collection and destruction
9 or capture of odors at the Facility that are now reasonably classified as fugitive odor
10 emissions. The proposal will include the trash handling process from the arrival of the
11 trash at the facility, its removal from the transportation containers, handling, and ultimate
12 disposition, including the deposit and covering of the trash at the Working Face. This
13 proposal will set forth the criteria by which feasibility will be determined, including, but
14 not limited to, those measures of feasibility currently employed by the SCAQMD. This
15 proposal shall be due by June 10, 2010 at noon.
- 16 12. In the event that more than one Notice of Violation for SCAQMD Rule 402 is issued to
17 the Facility during a rolling 60-day period, Respondent shall meet and confer with the
18 SCAQMD (Attn: Edwin Pupka) and propose additional measures to address any
19 determined causes of the odors.
- 20 13. Respondent shall, by June 1, 2010 and every three months thereafter, submit a written
21 status report to the Hearing Board detailing:
- 22 a. The implementation and effectiveness of odor abatement measures required by this
23 Order of Abatement;
- 24 b. The number of complaints received by the Facility, tabulated by month and with a
25 summary of the causes of odors and measures taken to abate odors;
- 26 c. The status of studies undertaken pursuant to this Order of Abatement, including:
- 27 i. The status of any studies in progress;
28 ii. A summary of any completed studies submitted to the District;

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- iii. Recommended and approved measures to abate odors; and
- iv. The schedule for implementation of each approved measure.

d. The initial status report and each quarterly status report shall also be provided to the SCAQMD and posted on the Sunshine Canyon Landfill website for public viewing throughout the effective dates of this Order of Abatement.

14. The Hearing Board shall retain jurisdiction over this matter until March 1, 2012, unless the order is amended or modified.

15. Any submission required to be made by Respondent to any individual at the SCAQMD may also be made to that person's designee. Any deadline contained in this Order for Abatement that falls on a day when the SCAQMD is not open for regularly conducted business shall be due on the next following day that the SCAQMD is open for regularly conducted business.

16. The Hearing Board may modify the Order for Abatement including, without limitation, the elements or deadlines of any required study, without the stipulation of the parties upon a showing of good cause, therefore, and upon making the findings required by Health and Safety Code § 42451(a) and SCAQMD Rule 806(a). Any modification of the Order shall be made only at a public hearing held upon 10 days published notice and appropriate written notice to Respondent.

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17. This Order for Abatement is not and does not act as a variance, and Respondent is subject to all rules and regulations of the SCAQMD, and with all applicable provisions of California law. Nothing herein shall be deemed or construed to limit the authority of the SCAQMD to issue Notices of Violation, or to seek civil penalties, criminal penalties, or injunctive relief, or to seek further orders for abatement, or other administrative or legal relief.

FOR THE BOARD: Marti L. Klein
Marti L. Klein

DATED: Apr. 22, 2010

PROOF OF SERVICE BY MAIL

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 I am not a party to the within action. My business address is **21865 Copley Drive, Diamond Bar, California 91765**.

On **April 23, 2010** I deposited in the **United States Mail at Diamond Bar, California**, an envelope sealed and addressed to

**ROBERT S NICKSIN ESQ
O'MELVENY & MYERS LLP
400 SOUTH HOPE STREET
LOS ANGELES CA 90071-2899**

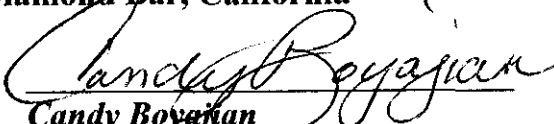
CASE FILE NO. 3448-13

which, envelope contained a true and correct copy of the attached **Findings and Decision and/or Minute Orders** before the **Hearing Board**, which envelope was then sealed and placed for collection, mailing and deposit on the above date, in the **United States Postal Service**, 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.

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

Executed on **April 23, 2010** at **Diamond Bar, California**


Candy Boyajian
Office Assistant