

## Faye Thomas

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**From:** Clerk of Board  
**Sent:** Wednesday, October 2, 2024 9:19 AM  
**Subject:** FW: USA Waste of California dba El Sobrante Landfill (Case No. 5139-3) - Consent Calendar Stipulation and Supporting Docs

This case will not be placed on the Consent Calendar. See below.

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**From:** Clerk of Board <clerkofboard@aqmd.gov>  
**Sent:** Tuesday, October 1, 2024 8:26 AM  
**To:** Ellis, Clare <CELLis@hunton.com>  
**Cc:** Malcolm C. <mweiss@hunton.com>; Mary Reichert <mreichert@aqmd.gov>  
**Subject:** FW: USA Waste of California dba El Sobrante Landfill (Case No. 5139-3) - Consent Calendar Stipulation and Supporting Docs

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**From:** Mohan Balagopalan  
**Sent:** Tuesday, October 1, 2024 8:13 AM  
**To:** Clerk of Board <clerkofboard@aqmd.gov>  
**Subject:** Re: USA Waste of California dba El Sobrante Landfill (Case No. 5139-3) - Consent Calendar Stipulation and Supporting Docs

Hi,  
**I'm afraid I have to disagree for this Case to be heard on the Consent Calendar.** My reasons are as follows:

1. California Code, Health and Safety Code—HSC CA HLTH & S § 42353 states that no variance shall be granted if the operation, under the variance, will result in a violation of Section 41700. The Declarations and the Proposed Findings and Decision document present insufficient information to support this, i.e., that there would not be a possible Nuisance Violation, SCAQMD Rule 402. The Respondent (SCAQMD) also provided no declaration from SCAQMD's inspectors on Rule 402.
2. Mr. Christian Colline's Declaration, Exh #9, states that Petitioner submitted a Public Records Request (page 6) on August 20, 2024, and was informed that it would be provided in 90-120 days. However, in Attachment #6 of the same declaration, the Odor Complaints Summary Table is from September 2023-August 2024. Did this table reflect the data provided to the Petitioner under the PRA? Could you clarify this during the Hearing? In addition, I would also like to hear from South Coast AQMD Inspector(s) who have been to the landfill and observed the recent events and also if they had responded to complaints and what the numbers are for the last year on the number of complaints.

3. Attachment #8 shows a two-mile radius of the Landfill without any indication of its boundaries, the location of residential and commercial areas, or whether there are any schools or sensitive receptors within the 2-mile radius.
4. As indicated in Mr. Colline's declaration, the El Sobrante Landfill is experiencing elevated temperature events and is exhibiting most of the symptoms of such events: elevated temperature, high DMS concentration in landfill gas, more leachate, increased hydrogen production, cracks and leachate seeps, and pressure buildup in the wells. What is not discussed is the associated odors, if present, from chemical reaction odors from the reaction areas, and leachate-related odors from cracks and leakages associated with these types of events and how these are being addressed.
5. The petitioner has identified several data points as confidential. It is not explained why these should be treated as confidential and how they are supposed to be handled.

Additional comments.

6. The petitioner is seeking to keep the duration of the variance period under a year. However, the year should be calculated from the August 6, 2024, Interim Variance Hearing date and not from October 2, 2024. So, a revised date should be provided to keep it under a year.
7. The correct reference to essential public service is SCAQMD's Rule 1302 (m)(7) and not Rule 1203(m)(7)

Thank you for your consideration.

Mohan Balagopalan

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**From:** Clerk of Board <[clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov)>

**Sent:** Friday, September 27, 2024 6:21 PM

**Subject:** FW: USA Waste of California dba El Sobrante Landfill (Case No. 5139-3) - Consent Calendar Stipulation and Supporting Docs

Attached are documents requesting Consent Calendar approval. Please review and let me know ASAP, whether this matter may be placed on the Consent Calendar (see below). Th hearing in this matter is scheduled for **October 3, 2024**.

Also please let me know if the Board would like hard copies of all the documents, in particular, the attachments to the declarations, as they are voluminous. Please see subsequent transmittals (emails).

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**From:** Ellis, Clare <[CEllis@hunton.com](mailto:CEllis@hunton.com)>

**Sent:** Friday, September 27, 2024 4:38 PM

**To:** Clerk of Board <[clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov)>

**Cc:** Weiss, Malcolm C. <[mweiss@hunton.com](mailto:mweiss@hunton.com)>; Mary Reichert <[mreichert@aqmd.gov](mailto:mreichert@aqmd.gov)>

**Subject:** [EXTERNAL] FW: USA Waste of California dba El Sobrante Landfill (Case No. 5139-3) - Consent Calendar Stipulation and Supporting Docs

Providing a copy of the e-mail below and attachment to the Hearing Board clerk's address. I'll include this address as a cc on the subsequent transmittals.



**Clare Ellis**  
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**From:** Ellis, Clare  
**Sent:** Friday, September 27, 2024 4:29 PM  
**To:** Rosalinda Diaz <[RDiaz@aqmd.gov](mailto:RDiaz@aqmd.gov)>  
**Cc:** Weiss, Malcolm C. <[mweiss@hunton.com](mailto:mweiss@hunton.com)>; Mary Reichert <[mreichert@aqmd.gov](mailto:mreichert@aqmd.gov)>  
**Subject:** USA Waste of California dba El Sobrante Landfill (Case No. 5139-3) - Consent Calendar Stipulation and Supporting Docs

Ms. Diaz –

Please find attached Petitioner USA Waste of California and SCAQMD's stipulation to request that the regular variance in Case No. 5139-3 be placed on the Hearing Board's consent calendar.

Due to file size, this is the first of four separate e-mails containing the stipulation (attached), supporting declarations, and proposed findings and order.

All of the documents are also available at this file share link, as that may be a more convenient means for you to access them:

**Draft Stipulation and Supporting Docs ISO Consent Calendar**

<https://hunton.egnyte.com/fl/CLRNnykOt4>

Password: uh2BHiSFJFj

We are also preparing 9 hard copies to be delivered to your office on Tuesday morning.

I would appreciate confirmation of each of the four e-mails at your earliest convenience.

Thank you!



**Clare Ellis**

Counsel

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