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10 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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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.

BROWNING-FERRIS INDUSTRIES OF
CALIFORNIA, INC., a California
Corporation dba SUNSHINE CANYON
LANDFILL,

[Facility ID No. 49111]

Respondent.

Case No. 3448-18

**PETITION FOR ORDER FOR
ABATEMENT**

Health and Safety Code §41700 and
District Rule 402

Hearing Date: March 19, 2025

Time: 9:30 a.m.

Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, (hereinafter referred to as "District") petitions the District Hearing Board for an Order for Abatement directed to Respondent Browning-Ferris Industries of California, Inc. ("BFI"), a wholly-owned subsidiary of Republic Services, Inc., (with both corporations authorized to do business in the State of California)

1 hereinafter referred to as “Respondent”, with regard to the operation of a landfill/solid waste
2 disposal site referred to as “Sunshine Canyon Landfill,” and alleges as follows:

3 **FINDINGS OF FACT**

4 1. Petitioner is a body corporate and politic established and existing pursuant to H&S
5 Code §40000, *et seq.* and §40400, *et seq.*, and is the sole and exclusive local agency with the
6 responsibility for comprehensive air pollution control in the South Coast Basin.

7 2. Respondent BFI, doing business as “Sunshine Canyon Landfill,” owns and operates
8 a landfill/solid waste disposal site located at 14747 San Fernando Road, Sylmar, California 91342
9 (hereinafter referred to as “Sunshine Canyon Landfill” or the “Facility”), SCAQMD Facility ID
10 #49111, subject to the District’s jurisdiction and District Rules.

11 3. The Facility is a Title V facility. The Title V Permit system is the air pollution
12 control permit system required to implement the federal Operating Permit Program as required by
13 Title V of the federal Clean Air Act as amended in 1990.

14 4. Sunshine Canyon Landfill operates under a Solid Waste Facility Permit issued by
15 the California Department of Resources Recycling and Recovery (“CalRecycle”). Sunshine
16 Canyon Landfill is classified as a Class III landfill and accepts municipal solid waste. The facility
17 is not permitted to accept hazardous waste. The Solid Waste Facility Permit limit is 12,000 tons
18 per day and the landfill receives roughly 9,000 tons of waste per day, handling approximately one-
19 third of the daily waste of all of Los Angeles County.

20 5. In January 2025, the Los Angeles region experienced the most destructive wildfire
21 episode in the region's known history, destroying thousands of homes, businesses and other public
22 infrastructure. Respondent’s tonnage limits have been temporarily increased following approvals
23 and emergency waivers issued by the Sunshine Canyon Landfill Local Enforcement Agency¹
24 (SCL-LEA), the Regional Water Quality Control Board, and the Los Angeles County Board of

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27 ¹ An LEA is an entity designated by the governing body of a county or city and is empowered to implement delegated
28 California Environmental Protection Agency’s Cal Recycle programs and locally designated activities.

1 Supervisors (LACBOS) to address the removal and disposal of fire debris.²

2 6. The municipal solid waste disposed of in Sunshine Canyon Landfill generates
3 landfill gas as it decomposes. The major components of landfill gas are methane and carbon
4 dioxide, and odorous gases in lesser concentrations. Landfill gas, unless adequately collected, may
5 escape from the landfill into the atmosphere. Landfill disposal can also cause fresh trash odors.
6 Liquids emanating from the surface of the landfill may also cause odors.

7 7. **California H&S Code §41700 and District Rule 402** prohibit the discharge from
8 any source whatsoever of such quantities of air contaminants or other material which cause injury,
9 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which
10 endanger the comfort, repose, health or safety of any such persons or the public, or which cause,
11 or have a natural tendency to cause, injury or damage to business or property.

12 8. The District alleges that Respondent is unable to conduct operations at the Facility
13 without being in violation of H&S Code §41700 and District Rule 402 unless additional mitigation
14 measures are implemented.

15 9. The District and Respondent disagree as to whether Respondent was, is, or has been
16 in violation of H&S Code §41700 and District Rule 402.

17 10. As a result of the odors emanating from Sunshine Canyon Landfill, a considerable
18 number of persons living in the community and elementary school staff and students near the
19 Facility have experienced nuisance level odors on an ongoing basis.

20 11. Beginning in January 2023 through the present, the District has received over 3800
21 odor complaints from the public and elementary school staff working and living near Sunshine
22 Canyon Landfill alleging the Facility as the source of the odor. The District has traced the odors
23 back to Sunshine Canyon Landfill on numerous occasions.

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25 ² On January 27, 2025, the SCL-LEA approved an Emergency Waiver (until May 24, 2025) for fire recovery operations
26 and the RWQCB issued an approval for Disposal of Disaster Related Wastes, consistent with the General Order related
27 to the disposal of debris resulting from a disaster-related emergencies, as adopted by the State Water Board on February
28 18, 2020. On February 25, 2025, the LACBOS approved the "Temporary Waiver of Wasteshed Restriction and Increase
in Disposal Tonnage Limits at Local Landfills" authorizing Respondent to temporarily increase tonnage limits continuing
for 120 days. As a result, the Facility's tonnage limits are temporarily increased to 15,000 tons per day.

1 12. In 2022, the District received approximately 650 odor complaints. With the
2 increasing wet weather extremes, the number of odor complaints has been increasing significantly.
3 In 2023, the District received over 1,720 odor complaints and in 2024, the District received over
4 2,100 odor complaints.

5 13. From January 1, 2023, through the present, the District has issued more than 138
6 Notices of Violation ("NOVs") against the Respondent for violating District Rule 402 and H&S
7 Code §41700.

8 14. The District recently issued two more public nuisance NOVs after receiving over
9 numerous odor complaints on February 16th and 17th following record breaking rains that occurred
10 in the Los Angeles region on February 13th and 14th of this year, 2025.

11 15. The City of Los Angeles City Council and the County of Los Angeles Board of
12 Supervisors designated the SCL-LEA to be the primary local agency that provides the regulatory
13 permitting, enforcement, and operational compliance oversight at Sunshine Canyon Landfill on
14 behalf of the California Environmental Protection Agency's Cal Recycle.

15 16. Numerous regulatory agencies, including the South Coast Air Quality Management
16 District, SCL-LEA, Los Angeles County Regional Planning, City of Los Angeles Planning
17 Department, City of Los Angeles Bureau of Sanitation, the Los Angeles Regional Water Quality
18 Control Board, the California Department of Toxics Substances Control, and other state or local
19 agencies, have jurisdiction over Respondent (and/or Respondent's affiliates', including its transfer
20 stations).

21 17. Additionally, the U.S. Army Corp of Engineers, in coordination with the State of
22 California, the County of Los Angeles Department of Public Works (LACDPW), and the Federal
23 Emergency Management Agency (FEMA), have been working to manage the removal and disposal
24 of debris related to the January 2025 wildfires that impacted the Los Angeles region.

25 18. On April 9, 2024, the Los Angeles County Board of Supervisors instructed the
26 Department of Regional Planning (DRP), Department of Public Works, and Department of Public
27 Health, as part of the Sunshine Canyon Landfill Technical Advisory Committee, to engage an
28 independent technical expert to provide an assessment of the odor issues that occurred at Sunshine

1 Canyon Landfill (SCL) between 2023 and 2024. In response, a report titled “Sunshine Canyon
2 Landfill Assessment of Odor Issues 2023 and 2024” was prepared and released by UltraSystems
3 Environmental (the “UltraSystems Report”) on October 16, 2024.

4 19. The UltraSystems Report includes descriptions of the effectiveness of remediation
5 actions and recommendations for operations of the landfill to more effectively address the odor
6 issues.

7 20. The District has worked closely with and is largely relying on recommendations
8 advanced by the SCL-LEA and/ or identified in the UltraSystems Report for the mitigation
9 measures to present in a proposed Findings Decision, and Order.

10 21. The mitigation measures to be presented in advance of the hearing are intended to
11 reflect a systemic approach and will include, among other measures, the utilization of
12 methanotrophs (organisms that obtain energy by oxidizing methane) in the form of pilot projects
13 intended to address changing weather conditions.

14 22. Notwithstanding successful mitigation measures implemented in prior years, the
15 District again alleges that Respondent has been unable to conduct operations at the Sunshine
16 Canyon Landfill without being in violation of state law and SCAQMD Rules and Regulations
17 regarding odor nuisance.

18 23. The District understands and believes and therefore alleges that Respondent’s
19 ability to remain in compliance with District Rule 402 and H&S Code § 41700 is impacted by
20 increasing wet weather conditions related to more extreme precipitation events experienced in the
21 region and the erosion at the landfill that results from those extreme weather events.

22 24. It is not unreasonable to require Respondent to comply with State law and District
23 Rules, including H&S Code §41700 and District Rule 402.

24 25. The issuance of an Order for Abatement upon a fully noticed hearing would not
25 constitute a taking of property without due process of law.

26 26. The requested Order for Abatement is not intended to be nor does it act as a
27 variance.

28 27. The issuance of the prayed for Order for Abatement is not expected to result in the

1 closing or elimination of an otherwise lawful business, but if it does result in such closure or
2 elimination, it would not be without a corresponding benefit in reducing air contaminants.

3 28. The District, by this petition, seeks an Order for Abatement to require Respondent
4 to cease violating H&S Code §41700 and District Rule 402, or in the alternative, comply with
5 conditions to be set forth in a proposed Findings Decision, and Order, to be submitted in advance
6 of the hearing.

7 **WHEREFORE**, the District prays for an Order for Abatement as follows:

8 1. That this Hearing Board issue an Order for Abatement consistent with the proposed
9 Findings and Decision to be submitted in advance of the hearing on the within matter, and order
10 Respondent to perform all the conditions and increments of progress set forth therein or cease and
11 desist from noncompliant operations.

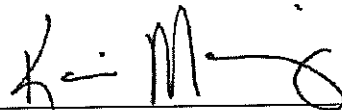
12 2. That Respondent shall comply with all conditions set forth in the Findings and
13 Decision to be submitted by the parties in advance of the hearing on the within matter.

14 3. For such other and further relief that this Board deems just and proper.

15 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
16 OFFICE OF THE GENERAL COUNSEL

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18 Dated: February 28, 2025

19 By:



20 Karin Manwaring
21 Attorney for Petitioner
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