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

[Facility ID No. 49111]

Respondent.

CASE NO. 3448-13

FINDINGS AND DECISION FOR THIRD AMENDED ORDER FOR ABATEMENT (STIPULATED)

District Rule 402

Hearing Dates: November 19 & 29, 2011
Time: 9:00 a.m.
Place: Auditorium
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Hearing Date: December 3, 2011
Time: 9:00 a.m.
Place: Valley Academy of Arts and Sciences
10445 Balboa Blvd.
Granada Hills, CA 91344

25 Petitioner's Petition for a Stipulated Third Amended Order for Abatement with respect to the
26 Stipulated Order for Abatement issued in this case on April 22, 2010 was heard on November 19 & 29,
27 2011 and December 3 2011, pursuant to notice and in accordance with the provisions of California Health
28 and Safety Code § 40823 and SCAQMD Rule 812. The following members of the Hearing Board were

1 present: Edward Camarena; Chair; Julie Varon; Vice Chair; Patricia Byrd; M. Michael Glovsky M.D; and
2 Marti L. Klein. Petitioner, Executive Officer, was represented by Nicholas A. Sanchez, Senior Deputy
3 District Prosecutor. Respondent, Browning-Ferris Industries of California, Inc., a wholly owned subsidiary
4 of Republic Services, Inc., (identified herein as "REPUBLIC SERVICES, INC."), corporations authorized
5 to do business in the State of California (hereinafter referred to as "Respondent"), were represented by
6 Thomas M. Bruen, attorney at law of the firm of Law Offices of Thomas M. Bruen. The parties agree that
7 all prior evidence and testimony regarding this matter, including but not limited to evidence and testimony
8 presented at all previous Hearing Board proceedings regarding this matter and all previous Findings and
9 Decisions and Minute Orders of the Hearing Board regarding this matter, should be incorporated into the
10 record of the hearing on this Stipulated Third Amended Order for Abatement. The public was given an
11 opportunity to testify. Evidence was received and the matter was submitted. The Hearing Board finds and
12 decides as follows:

13 FINDINGS OF FACT

14 1. Petitioner is a body corporate and politic established and existing pursuant to Health and
15 Safety Code § 40000, et seq. and § 40400, et seq., and is the sole and exclusive local agency with the
16 responsibility for comprehensive air pollution control in the South Coast Basin.

17 2. Respondent is a business subject to the jurisdiction of the SCAQMD. Respondent
18 Browning-Ferris Industries of California, Inc. owns and operates a landfill/solid waste disposal site located
19 at 14747 San Fernando Road, Sylmar, California 91342 (hereinafter referred to as the "Facility").

20 3. Modifications to the April 22, 2010, Stipulated Order for Abatement were approved by the
21 Hearing Board on July 25, 2010, and January 25, 2011.

22 4. District Rule 402 and California Health and Safety Code ("H&S Code") Section 41700
23 prohibit the discharge from any source whatsoever such quantities of air contaminants or other material
24 which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the
25 public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which
26 cause, or have a natural tendency to cause, injury or damage to business or property.

27 5. Petitioner alleges that Respondent is in violation and has been in violation of District Rule
28 402 and H&S Code Section 41700 since November of 2008.

1 6. From November 13, 2008 through October 25, 2011, 35 odor public nuisance Notices of
2 Violation (NOVs) have been issued against the Facility.

3 7. The Facility has implemented numerous odor control measures.

4 8. Respondent has hired consultants with the District's approval, to evaluate the immediate
5 and future needs of the landfill's gas collection and disposal systems to accommodate the capture and
6 disposal of all gas expected to be generated at the landfill.

7 9. Respondent currently has three District permitted flares which are insufficient for disposing
8 the amount of landfill gas currently generated at the landfill, which can contribute to odors.

9 10. On or about September 2, 2011, Respondent submitted a Permit to Construct application for
10 a new flare (referred to as Flare 9) to be installed at the landfill.

11 11. Respondent is in the process of providing the necessary technical information to the District
12 and other regulatory agencies regarding the installation of a temporary flare to be installed at the landfill to
13 improve the disposal of the gas generated at the landfill, until such time that the new flare is permitted and
14 operational. The temporary flare is expected to meet the federal New Source Performance Standards for
15 landfills. (See 40 Code of Federal Regulations (CFR) Part 60, Subpart WWW, Standards of Performance
16 for Municipal Solid Waste Landfills.)

17 12. Respondent is scheduled to perform all the site grading work for the temporary flare within
18 two weeks of issuance of the necessary permit(s) from the appropriate regulatory agencies, and all the form
19 and steel work for the temporary flare and all the electrical power planning for the temporary flare and
20 install the temporary power feed at the landfill within 9 weeks of issuance of the necessary permit(s) from
21 the appropriate regulatory agencies.

22 13. Petitioner has offered evidence that over 2,100 odor complaints having been received by the
23 District between January 2009 to October 2011, which Petitioner alleges is an order of magnitude greater
24 than all public complaints received from all other active landfills in the District. In addition, the District has
25 offered evidence that it has received over 1,300 odor complaints in 2011 alone - about one fifth of all public
26 complaints received by the District from all sources within the District. The District has issued 35 odor
27 public nuisance NOVs against the Facility from January through mid-November 2011.

28

1 14. Despite receiving all of the above public nuisance NOVs, Petitioner alleges that Respondent
2 continues to operate in violation of state law and District Rules and Regulations.

3 15. Petitioner alleges that Respondent has been unable to conduct operations at the landfill
4 without being in violation of District Rule 402 and H&S Code Section 41700. The Stipulated Third
5 Amended Order for Abatement set forth hereinafter is likely to result in lawful operations by Respondent
6 with respect to complying with SCAQMD rules and regulations and state law.

7 CONCLUSIONS

8 1. Respondent cooperated with Counsel for the SCAQMD in seeking a solution to expedite
9 repairs and improvements to the Facility's gas collection system, increasing landfill emissions monitoring,
10 hiring an independent consulting firm to conduct Environmental Monitoring in coordination with Corrective
11 Action Managers on duty 24 hours per day/seven days a week at the landfill, and installing a temporary and
12 new flare to increase the collection and destruction of gas at the landfill.

13 2. This issuance of modifications to the April 22, 2010 Stipulated Order for Abatement will
14 not constitute a taking of property without due process of law.

15 3. The issuance of the prayed for Stipulated Third Amended Order for Abatement is not
16 expected to result in the closing or elimination of an otherwise lawful business, but if it does result in such
17 closure or elimination, it would not be without a corresponding benefit in reducing air contaminants.

18 ORDER

19 THEREFORE, subject to the aforesaid statements and good cause appearing, Respondent is hereby
20 ordered to comply with the conditions stated in the April 22, 2010 Stipulated Order for Abatement, as
21 amended below:

22 AMENDMENT OF CONDITIONS

23 1. Petitioner requests that the Order be amended, to include the following Condition:

24 **Gas Collection Systems:**

25 a. Respondent shall present a Master Plan to the District (Attn: Edwin Pupka) by
26 December 9, 2011, that details the expedited installation of vertical wells and
27 horizontal collectors. The Respondent shall begin implementation of the Master Plan,
28 by December 16, 2011, and shall comply with the requirements of the Master Plan

1 and requirements of other governmental agencies. The plan shall, at a minimum,
2 include the following requirements:

3 i. Beginning on December 16, 2011, install 7 to 10 vertical wells per
4 week, subject to adverse wind conditions and wet weather conditions,
5 in the existing fill area until the maximum number of wells in District
6 Permit to Operate no. F63135 are reached, or until the maximum
7 numbers of wells as described in the Master Plan have been installed
8 and the District has approved in writing that a lower number is
9 appropriate. Beginning on December 16, 2011, 2,000 to 3,000 feet of
10 horizontal collectors per week shall be installed in the new fill areas
11 once the appropriate fill lift height (approximately 20 feet per lift) is
12 reached for every other new lift of the waste disposal cells, and the
13 maximum vertical spacing between the collectors shall not exceed 50
14 feet, or until the maximum number of collectors as described in the
15 Master Plan have been installed and the District has approved in
16 writing that a lower number and length are appropriate. Prioritize
17 installation of wells and collectors in areas which violate state
18 minimum standards, as prescribed by Cal. Code Regs., tit., 17
19 §20921, and in the County portion of the landfill and progress to
20 other areas as needed, such prioritization to be included in the plan
21 being submitted to the District by December 9, 2011 and is subject to
22 approval by the District.

23 ii. Use odor controls during installation of wells and collectors. Odor
24 control strategies shall include at a minimum, requirements that all
25 construction spoils, as defined in District Permit to Operate no.
26 F63135, shall be completely covered to prevent odors and emissions,
27 except whenever loading/unloading is actively occurring. The cover
28

1 shall consist of foam or heavy-duty plastic sheeting approved by the
2 District.

3 b. Respondent's consultant shall evaluate whether the landfill has sufficient and/or
4 appropriate extraction, collection, zones of influence, vacuum, configuration,
5 materials, and connections of the gas collection system, and if not, recommend
6 specific measures to compensate such deficiencies. The evaluation shall be
7 completed and its report submitted to the District (Attn: Edwin Pupka) by December
8 9, 2011.

9 i. Respondent's consultant shall present a supplemental evaluation on
10 lateral pipe sizing to the District (Attn: Edwin Pupka) by January 15,
11 2012.

12 c. Respondent shall file with the District all necessary permit applications for
13 installation of the gas collection system resulting from the addition of new horizontal
14 collectors and wells in the new refuse disposal cells located along the County/City
15 line and modifications to the header lines and installation of vertical wells in the
16 existing fill area, no later than December 9, 2011.

17 d. No later than January 15, 2012, Respondent shall also file an engineering study that
18 demonstrates the effectiveness of a single looped header line design or an alternative,
19 more effective landfill gas collection header design, and the feasibility, cost, and
20 timeline involving the option of re-routing of the gas collection system to create both
21 interior and perimeter systems consisting of higher British Thermal Unit ("BTU") gas
22 to be used for power production and lower BTU gas for combustion in each of the
23 flares and analysis of any other alternative that the respondent can demonstrate as
24 being a more effective landfill gas collection header design.

25 e. Respondent shall provide the District (Attn: Edwin Pupka) with an approvable
26 Damage Prevention Work Plan by December 9, 2011. The Plan must be approved by
27 the District. The Damage Prevention Work Plan shall include details to demonstrate
28 how Respondent will prevent damage to the gas collection piping and well heads by

1 vehicles, trucks and heavy equipment movement at the landfill during all phases of
2 landfill operations and the performance of all work required to install the new landfill
3 gas collection system enhancements.

4 f. Respondent shall implement the Damage Prevention Work Plan immediately or as
5 directed by the District, subject to all applicable regulations. The gas collection
6 system Damage Prevention Work Plan shall include, but not be limited to, the
7 following:

8 i. Standard Operating Procedures that will be utilized by all appropriate
9 site employees and contract workers to prevent and immediately
10 respond to events resulting from the damage to the landfill gas
11 collection piping and well heads caused by vehicles, trucks and
12 heavy equipment movement on the landfill. These Standard
13 Operating Procedures shall, at a minimum, include the following:

14 a) Detailed procedures for prevention of damage to the underground
15 and aboveground gas collection piping and well heads.

16 b) Detailed procedures for immediately responding to and repairing
17 such damage.

18 c) Creation of a District approved log to document the date, time
19 and location of the damage, repairs necessary to repair the
20 damage, and steps implemented to prevent future similar damage.

21 The log documenting these events shall be electronically
22 submitted to the District (Attn: Edwin Pupka) concurrent with the
23 submittal of the Respondent's Weekly Updates required in the
24 current Odor Plan of Action submitted to the District on June 24,
25 2011.

26 d) Procedures and a schedule for the expeditious training,
27 distribution, implementation, enforcement and maintenance of
28 these Standard Operating Procedures for all appropriate site

1 employees and contract workers and timelines for training of any
2 new employees or contractors.

3 e) Use of conspicuous signage, barriers, and/or one or more spotters
4 to direct vehicles, trucks and heavy equipment movement at the
5 landfill in each work area where above-ground well heads and/or
6 collection piping are present or gas collection system
7 construction is occurring. Operation of any landfill equipment or
8 vehicles in such areas without conspicuous signage, barriers, or
9 spotters shall be prohibited.

10 f) Use of conspicuous visible warning signs to clearly mark the
11 areas where well heads and/or collection piping are present.

12 g. Respondent shall, by December 9, 2011, establish and submit to the District (Attn.:
13 Edwin Pupka) written procedures, to be approved by the District, that will minimize
14 odors and emissions during installation and trenching of vertical wells and horizontal
15 collectors. Respondent shall implement the procedures as written or as directed by
16 District, subject to all applicable regulations. These procedures shall include, but are
17 not limited to, the following:

18 i. Designing and constructing crush-resistant horizontal collectors and
19 the joining of the header from both ends to mitigate the effects of
20 horizontal collector failure due to landfill settling and shifting, water
21 intrusion, etc.

22 ii. Maintaining an adequate vacuum in the trench/horizontal
23 collector/piping while trenching to collect and minimize odors and
24 emissions associated with the trenching activities.

25 iii. Properly baling the vertical well before commissioning it to service.
26 Completing weekly (or more frequent) monitoring for the first 2
27 months of operation of a new or replacement well to confirm that the
28 well is performing in accordance with design standards. Performing

1 maintenance every 4 to 6 months to maintain maximum efficiency of
2 vertical wells.

3 iv. Perform a video camera inspection of the vertical well(s)/horizontal
4 collector(s) if the well(s)/horizontal collectors are not performing to
5 design standards.

6 v. Spray odor suppressants and/or foam on the refuse/debris being
7 excavated out of the landfill while installing horizontal collectors or
8 drilling vertical wells.

9 vi. As soon as possible, but no later than 60 minutes within generation,
10 dispose of the excavated refuse and debris resulting from the drilling
11 of vertical well(s) or horizontal collector(s) at the active working face
12 of the landfill, pursuant to District Permit to Operate no. F63135.

13 vii. In lieu of items (v.) and (vi.) above, a tent covering the area being
14 excavated and vented to an air pollution control device, as approved
15 in writing by the District, can also be used during trenching and
16 installation of horizontal collectors. In the event the District
17 determines that odors are not controlled by items (v.) and (vi.) above,
18 the use of an odor control tent shall be required.

19 viii. No drilling, excavation, trenching or other well/collector installation
20 activities that expose refuse or can generate landfill gas emissions
21 during the time when adverse wind conditions (as defined in Section
22 g.iii. below) are present and until after 10 a.m. for days when adverse
23 wind conditions have been present earlier on that day.

24 h. Respondent shall amend and expand the current Odor Plan of Action submitted to the
25 District on June 24, 2011 to include specific odor mitigation measures. Respondent
26 shall provide the District (Attn: Edwin Pupka), the Sunshine Canyon Landfill Local
27 Enforcement Agency (Attn: Cindy Chen), the County Department of Public Works
28 (Attn: Emiko Thompson), and the City Department of City Planning (Attn: Ly Lam)

1 the expanded Odor Plan of Action for review by January 6, 2012, which shall be
2 implemented upon approval by the District. Respondent will no longer be required to
3 submit an Odor Plan of Action to the District and the County Department of Public
4 Works, the two plans are now consolidated into the expanded Odor Plan of Action.
5 The amended and expanded Odor Plan of Action shall include specific odor
6 minimization strategies and techniques for all phases of landfill operations, including
7 but not limited to, the activities associated with installation of gas collection systems,
8 daily receipt and disposal of refuse and operations of the working face, based on
9 adverse wind and other adverse meteorological or physical conditions. The Odor
10 Plan of Action shall also be revised to include procedures, protocols, investigation
11 techniques, odor identification and odor source resolution strategies during odor
12 detection during both community odor complaint investigations and 24 hour
13 community surveillance activities. The Odor Plan of Action shall be amended to
14 include the duties and responsibilities of the Environmental Monitor as specified in
15 Section 4 below. The following shall also apply to the expanded Odor Plan of
16 Action:

- 17 i. Within 10 days after issuance of this Order, Respondent shall extend
18 its perimeter misting system from the scale house to the landfill
19 entrance gate at San Fernando Road. The landfill entrance gate at
20 San Fernando Road shall be opened at 5:00 a.m. on weekdays, and at
21 6:00 a.m. on Saturdays, to allow the onsite queuing of vehicles
22 between the entrance gate and the landfill scale house to avert
23 parking of waste trucks in the neighborhood and on San Fernando
24 Road, to minimize any potential traffic safety and odor problems.
25 The Respondent shall operate the extended perimeter misting system
26 at all times during this vehicle queuing period. Respondent shall
27 terminate the vehicle queuing period between the entrance gate and
28 the landfill scale house within 48 hours of receiving notification from

1 the District as a result of the District receiving any verified odor
2 complaints relating to the onsite queuing of vehicles between the
3 entrance gate and the landfill scale house.

4 ii. By January 6, 2012, Respondent shall amend its Odoriferous Load
5 Management procedures to include and implement the following:

6 a) Additional details describing the processes for screening
7 odoriferous loads prior to delivery and at the scale house,
8 including clear procedures, criterion utilized for accepting or
9 rejecting loads, and the number of personnel designated.

10 b) Descriptions of the frequency and nature of any occurrences over
11 the last two years in which Respondent rejected any odoriferous
12 loads, covered such loads with soil, and/or contacted any waste
13 generators for mitigation.

14 c) Plans to enhance the existing practices for controlling odors at
15 the working face such as covering odoriferous loads with soil
16 rather than with municipal solid waste, as prescribed by Cal.
17 Code Regs., tit., 27 §20680.

18 iii. Assuming there is no measurable precipitation, adverse wind
19 conditions are defined as either: (i) Wind speed measured at the
20 existing monitor at the Southern Berm from all directions as less than
21 2 mph; or (ii) Wind speed measured at the same monitor coming
22 from the north/northeast direction from between 320 degrees and 15
23 degrees at less than 15 mph. Wind speed is based on measured winds
24 from three continuous one-hour averaging periods commencing at 3
25 a.m.

26 iv. The odor minimization strategies and techniques shall detail specific
27 steps and actions the landfill operators will take, during adverse wind
28 and weather conditions or when such conditions are predicted, in

1 order to prevent odor nuisance in the community. The strategies and
2 techniques shall also include the criteria and procedure by which
3 adverse wind conditions are predicted and/or announced.

4 i. Respondent shall re-label all the gas wells, sampling ports, header valves, and header
5 line connections and accurately mark these devices on the grid maps in Micro-
6 station/CAD drawings to assist in the quick identification and resolution of any
7 problematic areas or hotspots at the landfill.

8 2. Petitioner requests that the Order be amended, to include the following Condition:

9 **Landfill Emissions Monitoring:**

10 a. Respondent shall, beginning on December 9, 2011, perform landfill surface emission
11 integrated sampling, instantaneous landfill surface emission monitoring, and landfill
12 surface maintenance and emission monitoring of slopes less than 30 degrees. Slope
13 monitoring shall be conducted at least every 30 days during dry weather conditions
14 and at least every 60 days during wet weather conditions. Integrated and
15 instantaneous landfill surface emission monitoring shall be performed concurrently, at
16 a minimum, at least every 30 days to determine and assure continued compliance with
17 the 25 ppm Toxic Organic Compounds ("TOC") and Toxic Air Contaminants
18 ("TAC") limits and the 500 ppm TOC limits respectively, as required by District Rule
19 1150.1. Respondent shall re-grade slopes less than 30 degrees every 6 months in
20 areas where visible fissures or erosion are present. Respondent shall take corrective
21 action(s) to repair any areas of the landfill exceeding the District Rule 1150.1(e)(2)
22 and (e)(3) limits. Respondent shall take all necessary corrective action(s) to repair
23 any areas of the landfill exceeding the surface emission limits as specified in District
24 Rule 1150.1(d)(11) or (d)(12) when notified by the District through a Notice to
25 Comply or Notice of Violation, or discovered by the Respondent pursuant to District
26 Rule 1150.1(e)(2) and (e)(3) requirements. For integrated or instantaneous surface
27 measurements exceeding the limits of District Rule 1150.1, sections (d)(11), (d)(12),
28 (e)(2), and (e)(3), the Respondent shall take the actions specified in either District

1 Rule 1150.1, section (e)(2) or (e)(3), as necessary to remedy the exceedance(s).
2 However, the time to correct the exceedance(s) shall be minimized such that
3 repairs/adjustments shall be performed and the exceedances re-sampled within 72
4 hours of discovery of the exceedance(s). If the exceedance continues, further
5 repairs/adjustment and re-sampling shall recur within another 10 days. If after this 10
6 day period, the exceedance(s) continues, a new or replacement well shall be installed
7 within 30 days. The new and replacement wells shall be in addition to the wells
8 required in Section 1.a.i above. For all exceedances beyond the provisions of District
9 Rule 1150.1(e)(2) and (e)(3), the Respondent shall notify the District within 24 hours
10 or on Respondent's next business day following detection of the exceedance.
11 Notifications to the District shall be made to 1.800.CUT.SMOG and reported as a
12 breakdown. A District approved log shall be maintained by Respondent documenting
13 the date, time and location of the exceedance, the readings associated with the
14 exceedance, the corrective action taken to correct the exceedance, and the final
15 reading once corrective actions have been completed. All landfill monitoring shall be
16 conducted in accordance with the provisions of District Rule 1150.1.

17 Landfill Surface Maintenance and Emission Monitoring of Slopes Thirty (30) Degrees or
18 Greater:

19 b. Respondent shall, by January 6, 2012, provide to the District (Attn: Edwin Pupka), a
20 topographic map drawn to scale identifying current topographical features of the
21 entire landfill area with contour lines. The topographic map shall clearly identify:

22 i. Location of all grids in the non-native portions of the landfill,
23 including locations on both active and inactive City and County
24 portions of the landfill.

25 ii. For each grid, clearly identify those grids on non-native portions of
26 the landfill currently exempt from landfill surface emission
27 monitoring pursuant to the Respondent's District approved District
28 Rule 1150.1 Compliance Plan.

- 1 iii. The landfill gas collection system, clearly marked and identified.
- 2 iv. All gas collection wells and all valves in the landfill gas collection
- 3 system clearly marked and labeled.
- 4 v. All condensate lines, clearly marked and labeled.
- 5 vi. All grids on non-native portions of the landfill containing slopes of
- 6 greater than thirty (30) degrees grade, clearly marked and identified.
- 7 vii. The current active working face.
- 8 viii. The current main haul road.
- 9 ix. Locations on non-native portions of the landfill where there are large
- 10 clumps of dense perennial vegetation.
- 11 x. For each grid containing slopes greater than thirty (30) degrees,
- 12 submit aerial photographs of that portion of the grid where the slope
- 13 is greater than thirty (30) degrees.

14 The topographical map shall be updated no less than once every year to reflect the most
15 current grids, gas collection system, grids with slopes of greater than thirty (30) degrees,
16 active working face, main haul road, and areas of dense perennial vegetation. The
17 updated topographical map shall be submitted to the District (Attn: Edwin Pupka) no later
18 than February 1st of each year.

19 c. By January 20, 2012, Respondent shall provide to the District (Attn: Edwin Pupka) a
20 plan to conduct semi-annual (twice-yearly) instantaneous and semi-annual integrated
21 landfill surface emission monitoring of all slopes greater than thirty (30) degrees that
22 are not currently being monitored that:

- 23 i. Are in non-native areas of the landfill.
- 24 ii. Or where refuse will be buried underneath.

25 This Plan shall exclude from surface emission monitoring those slopes in immediate
26 proximity to the active working face and the main haul road. The Plan shall include a
27 schedule by which integrated and instantaneous monitoring shall be performed.
28 Integrated and instantaneous landfill surface emission monitoring shall be performed

1 pursuant to District Rule 1150.1, Attachment A procedures. Deviation from these
2 specified procedures requires prior written District consent including, but not limited to,
3 exclusion of the area on the slopes deemed to be unsafe for surface emission monitoring
4 purposes. Integrated and instantaneous landfill surface monitoring of all slopes shall
5 commence no later than January 6, 2012. Pursuant to District Rule 1150.1 requirements,
6 quarterly instantaneous and integrated landfill surface emission monitoring shall continue
7 uninterrupted for the remaining portions of the landfill.

8 d. By January 20, 2012, Respondent shall provide to the District (Attn: Edwin Pupka) a
9 plan for the ongoing inspection and maintenance of all slopes determined to be
10 greater than thirty (30) degrees that are not currently being monitored for landfill
11 surface emissions, are in non-active areas of the landfill, or where refuse was buried
12 or will be buried underneath. The purpose of the Plan elements shall include, but not
13 limited to:

- 14 i. Visual monitoring of the integrity of landfill surfaces on those slopes
15 of greater than thirty (30) degrees.
- 16 ii. Establishing and implementing procedures for the timely repairs to
17 those damaged landfill slope surface areas.
- 18 iii. Establishing and implementing procedures to inspect and maintain
19 the landfill slope surfaces so that they are free from invasive
20 vegetation allowing for a 'walkable' surface and provide for the clear
21 visibility of landfill slope surface integrity.
- 22 iv. Developing and implementing Standard Operating Procedures for:
 - 23 a) Conducting no less than quarterly inspections of these slopes to
24 identify those areas on the landfill surface where cracks, fissures,
25 slippage and the presence or indication of the presence of
26 leachate.
 - 27 b) Timely repairing damage to landfill slope surfaces.

- 1 c) Conducting no less than quarterly inspections of these slopes to
2 identify those areas on the landfill surface where invasive/
3 intrusive vegetation/brush is obscuring the view of the landfill
4 slope surface.
5 d) Regular scheduled routine vegetation/brush clearing.
6 e) Documenting inspections, identification, and repairs of
7 vegetation clearing of landfill slope surfaces.

8 3. Petitioner requests that the Order be amended, to include the following Condition:

9 **Physical Modeling Study:**

- 10 a. By January 6, 2012, Respondent shall provide to the District (Attn: Edwin Pupka) for
11 review and approval, a proposal for a Physical (water tank, wind tunnel or other
12 model) or Computer Modeling Study, the goal of which shall be to determine the odor
13 and emission transport of odors from the landfill to identify effective techniques that
14 may be used to remedy potential odor impacts on the nearby community. The
15 proposal shall include the identification and qualifications of the primary personnel
16 and/or firms proposed to conduct the study, as well as the specific techniques and
17 location(s) where the study will be conducted.
18 b. The proposal shall include a timeline for completion of the study and submittal of the
19 final report to the District no later than 150 days after District approval of the study
20 proposal.
21 c. Respondent shall, at their expense and upon approval by the District, contract to have
22 the Physical (water tank, wind tunnel or other model) or Computer Modeling Study
23 completed based on the landfill's current topography and configuration and the
24 projected closure of the landfill in 2037.
25 i. The study shall include, but not be limited to, indentifying transport
26 trajectories and quantifying odor gas concentrations within the
27 community. Either a water tank, a wind tunnel or other model, as
28 approved by the District, shall be used for the purpose of completing

1 this study. The physical modeling method selected shall produce, in
2 the form of an optical disc storage media format or DVD, a clear,
3 documented, visible and viewable record of transport patterns, three
4 dimensional flow vectors and concentration distributions in the
5 vicinity of the landfill and the nearby community and a written report
6 documenting the study and findings. Given the lack of available
7 measurements, particularly upper air measurements for numerical
8 model validation, the physical modeling results shall be utilized to
9 cross check the ongoing numerical modeling.

10 ii. The results of the study shall be used to evaluate the efficacy of odor
11 control measures, including, but not limited to, wind barriers and
12 wind cutter fans, for purposes of minimizing odors in the community.
13 Proposed control measures shall be evaluated in both physical and
14 numerical modeling platforms. Upon completion of the study, all
15 requested deliverables shall be delivered to the District (Attn: Edwin
16 Pupka).

17 d. Any extension of the deadline for completion of the study requires approval by the
18 Hearing Board.

19 4. Petitioner requests that the Order be amended, to include the following Condition:

20 **Corrective Action Managers:**

21 a. Respondent shall designate, at their expense, qualified and trained employees as the
22 Landfill's "Corrective Action Managers" and assign its Managers in shifts so that one
23 of these Managers will be on duty to provide on-site coverage 24 hours per day/seven
24 days a week at the Landfill for purposes of providing on-site monitoring for odor
25 abatement purposes. The Respondent shall submit to the District (Attn: Edwin
26 Pupka) the names and qualifications of prospective Corrective Action Managers for
27 approval by December 9, 2011. Respondent shall authorize these employees to
28 address, respond to, investigate, and take corrective action(s) as necessary and

1 feasible to remediate the source of the odors and document the Landfill's response to
2 odor issues timely reported to the Landfill.

3 b. Respondent's Corrective Action Managers shall:

- 4 i. Have had formal training in Engineering, Environmental Science or
5 Industrial Hygiene and have technical knowledge and understanding
6 of landfill operations and gas collection systems.
- 7 ii. Be fully empowered to expend company resources without delay to
8 take necessary and feasible corrective action to remediate the source
9 of the odors reported to the Landfill.
- 10 iii. Be trained in odor control detection and control methodologies and
11 regulations by national and/or local training providers or experts in
12 this field.
- 13 iv. Fully cooperate with the District and any of its agents concerning
14 Respondent's landfill/solid waste disposal businesses located within
15 the jurisdiction of the District. The District and its agents shall be
16 given unrestricted access to Respondent's Corrective Action
17 Managers' files during reasonable business hours and will be allowed
18 to inspect all records that they deem necessary for such inspection.

19 **Environmental Monitor (Independent Consultant):**

- 20 a. Respondent shall, at their expense, contract for the services of an independent
21 consulting firm to conduct Environmental Monitoring. The Respondent shall submit
22 to the District (Attn: Edwin Pupka) the names and qualifications of prospective
23 independent consulting firms for approval by December 30, 2011. Neither the
24 independent consulting firm, their employees, nor any related entity, shall have a
25 financial interest in the Respondent or in any company related to the Respondent, nor
26 shall the Environmental Monitor, their employer, or any related entity or person be in
27 partnership with any entity or person who has a financial interest in Respondent.

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1 b. Respondent shall assign a minimum of one Environmental Monitor on duty seven
2 days a week at the landfill for purposes of providing on-site monitoring for
3 compliance. Respondent shall authorize the Environmental Monitor to coordinate
4 with the Corrective Action Managers to address, respond to, investigate, and take
5 corrective action(s) to remediate the source of the odors and document odor issues
6 reported by the community.

7 c. Respondent's independent consulting firm employees, at a minimum, shall:

8 i. Have had formal training in Environmental Science or Industrial
9 Hygiene and have technical knowledge and understanding of landfill
10 operations and gas collection systems.

11 ii. Be capable of correctly implementing and accurately documenting
12 the District approved community odor surveillance protocol as
13 specified in the amended and expanded Odor Plan of Action, as
14 specified in Section 1.g. above.

15 iii. Be fully empowered to coordinate with the Corrective Action
16 Managers to expend company resources without delay to take the
17 necessary corrective action(s) to remediate the source of the odors.

18 iv. Be trained in odor control methodologies, regulations and community
19 relations by national and/or local training providers or experts in this
20 field.

21 d. Respondent's Environmental Monitor shall, at a minimum, implement the following:

22 i. Train Respondent's odor surveillance program participants in (a) the
23 use of scientific odor measurement devices, including the Nasal
24 Ranger, and hand held wind gauges, (b) the taking of air samples
25 using a "Vac-U-Tube" or equivalent Tedlar® Bag sampler, and (c)
26 procedures and forms for recording and simultaneous reporting of
27 odor observations to the District and the landfill.

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1 ii. Perform and monitor Respondent's odor surveillance in the nearby
2 communities on a daily basis, and conduct a thorough investigation
3 when landfill related odors are detected or an odor complaint is
4 received by the Respondent and/or upon notification to the District of
5 receipt of a complaint.

6 1) The investigation shall include comparing the wind direction
7 from the landfill's meteorological stations and the location of
8 the odor detection, determination of odor characteristics
9 (type, intensity, etc.), location of the odor source(s), and
10 identification of corrective measures taken to remediate the
11 odor and the time taken to effect such corrective action(s).

12 2) The Environmental Monitor and Respondent's odor
13 surveillance personnel shall at all times have available for
14 immediate use a "Vac-U-Tube" or equivalent Tedlar® Bag
15 sampler for the collection of an air sample when odors are
16 detected. All samples shall be taken at chest height, and the
17 Environmental Monitor and Respondent's odor surveillance
18 personnel shall document the chain of custody of the sample
19 from the collection through submission of the sample for
20 laboratory analysis. The collected sample must be analyzed
21 by a laboratory within 24 hours for sulfur compounds and
22 within 5 days for TO-15 compounds. Sulfur compound
23 analysis must have a minimum detection limit (MDL) of 1
24 ppb or less for all compounds and the MDL for all TO-15
25 compounds must be 0.10 ppb or less.

26 3) The Environmental Monitor shall maintain surveillance odor
27 complaint investigation log entries documenting any odors
28 detected at specified locations in the community.

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- iii. Establish a 24 hour dedicated odor complaint telephone line, at Respondent's expense, within one week of hiring the independent consulting firm that is routed directly to the Environmental Monitor and to the District's 1.800.CUT.SMOG complaint line.
- iv. The Environmental Monitor and Respondent's odor surveillance personnel shall record, compile, and maintain a log book of the odor surveillance and odor complaint investigations; when air samples are taken (including the date, time, and location where the sample was taken) and the laboratory analysis results; and documentation of mitigation actions recommended by the Environmental Monitor and Respondent's Corrective Action Managers and odor surveillance personnel's response (actions taken and time taken), which shall provide a monthly report to the District (Attn.: Edwin Pupka).
- v. Coordinate with the Corrective Action Managers to take any corrective measures deemed necessary and reasonable to immediately mitigate the odor problems detected or reported in the nearby communities. The measures taken and effectiveness of such measures shall be recorded in the odor surveillance log book.
- vi. The independent consulting firm, Environmental Monitor and Respondent's odor surveillance personnel shall fully cooperate with the District and any of its agents concerning odor surveillance and odor complaint investigations. The District and its agents shall be given unrestricted access to the independent consulting firm, Environmental Monitor and Respondent's odor surveillance personnel's files during reasonable business hours and shall be allowed to inspect all records that they deem necessary for such inspection.

1 e. The Environmental Monitor may not be fired without prior written approval by the
2 District.

3 5. Petitioner requests that the Order be amended, to include the following Condition:

4 **Additional Flares:**

5 a. By December 16, 2011, Respondent shall provide all necessary technical information
6 to the District and the other regulatory agencies regarding the temporary flare to be
7 installed at the landfill until such time that the new Flare 9 is permitted and
8 operational.

9 b. Respondent shall perform all the site work construction, foundation work and pour
10 the concrete for the temporary flare within one week of issuance of the necessary
11 permit(s) from the appropriate regulatory agencies.

12 c. Respondent shall have the temporary flare and blower skid at the landfill within five
13 weeks of issuance of the necessary permit(s) from the appropriate regulatory
14 agencies.

15 d. Respondent shall install the flare stack and blower skid for the temporary flare within
16 five weeks of issuance of the necessary permit(s) from the appropriate regulatory
17 agencies.

18 e. Respondent shall install the remaining temporary flare equipment and complete all
19 the mechanical and electrical work within eight weeks of issuance of the necessary
20 permit(s) from the appropriate regulatory agencies.

21 f. Respondent shall work closely with the other regulatory agencies to quickly obtain all
22 the necessary approvals to install the temporary flare. Operation of the temporary
23 flare shall commence as soon as possible, but no later than February 17, 2012.

24 g. Respondent shall immediately begin operation of the temporary flare upon
25 completion of installation, and concurrently operate the existing Flare 8 at a minimum
26 of 3,000 scfm.

27 h. Respondent shall conduct a source test at the temporary flare within 30 days of its
28 initial operation. The source test shall be conducted by a District-approved

1 independent source-testing firm to determine the emissions of all the criteria
2 pollutants and the flare's ability to meet the applicable requirements of District Rule
3 1150.1 and federal standards¹. A test protocol shall be submitted to the District for
4 approval by December 16, 2011, and the complete test report shall be submitted to the
5 District within 30 days after completion of the test.

- 6 i. Respondent shall work closely with the District and other agencies to quickly obtain
7 all the necessary permits and/or approvals for the new Flare 9. Installation of Flare 9
8 shall be completed as soon as possible, but no later than June 22, 2012.
- 9 j. Respondent shall immediately begin operation of Flare 9 upon completion of
10 installation, and at such time Respondent shall permanently shut down the temporary
11 flare. Operation of Flare 9 and shutdown of the temporary flare shall occur no later
12 than June 29, 2012. Beginning on June 30, 2012, Respondent shall operate all flares
13 at the landfill at a combined total flow rate of at least 12,000 scfm.

- 14 6. Petitioner also requests that the Order be amended, to include the following Condition:

15 **Ambient Monitoring:**

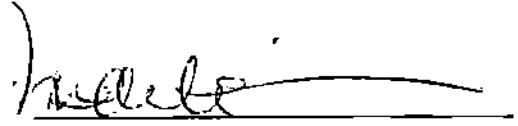
16 Beginning on December 9, 2011, and continuing for the next 12 consecutive months, the
17 Respondent shall conduct air toxics monitoring for volatile organic compounds ("VOCs")
18 and carbonyls at both current air monitoring locations (Van Gogh Elementary School and
19 the landfill site). Twenty-four hour samples are to be collected on a one-in-six day basis on
20 the U.S. Environmental Protection Agency sampling schedule. Sampling and analysis
21 methods as well as minimum detection limits shall be consistent with the District's Multiple
22 Air Toxics Study ("MATES") III protocols. This condition is in addition to the
23 requirements of District Rule 1150.1(e)(6) and the four random tests per year required by
24 the County/City of Los Angeles and any other particulate sampling being conducted or
25 required by the County/City of Los Angeles. Protocols for the monitoring of air toxics,

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27 ¹ See 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part
28 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

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sampler placement, and equipment specifications including calibration and equipment backup provisions; and QA/QC procedures shall be submitted to the District (Attn.: Edwin Pupka) for review and approval. Ambient monitoring reports shall be due every 60 days after approval of the protocols by the District, and shall be submitted to the District (Attn.: Edwin Pupka).

7. The Hearing Board shall retain jurisdiction over this matter until **March 30, 2013**, or until Respondent is operating in compliance, whichever occurs first, unless the Order is amended or modified.
8. This Stipulated Third Amended Order for Abatement is not and does not act as a variance, and Respondent is subject to all rules and regulations of the District, and to all applicable provisions of California law. Nothing herein shall be deemed or construed to limit the authority of the District 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.

BOARD MEMBER: 
Marti L. Klein

DATED: Dec 6, 2011