

May 20, 2010

TO: Facility and Plan Review Subcommittee Members

FROM: *for* Emiko Thompson *ET*  
Staff

**STAFF REPORT  
PROGRESS OF REVEGETATION AT SUNSHINE CANYON LANDFILL**

Based on the quarterly status reports regarding revegetation efforts at the Sunshine Canyon Landfill, along with concerns expressed by adjacent communities over the lack of progress in vegetation growth, the Task Force sent a letter to Browning-Ferris Industries (BFI)/Republic Services on March 25, 2010, requesting BFI, among other things, to provide a work plan with specific deadlines to achieve reliable plant growth, and for BFI to consult other landfill operators regarding proven methods.

In response, Kurt Bratton, General Manager of the Landfill, sent a letter to the Task Force on April 15, 2010, stating that BFI would continue to provide quarterly status reports and incorporate best practices from a variety of sources. During Task Force's meeting on April 15, 2010, the Task Force expressed dissatisfaction with BFI's response letter, which lacked details and did not address the Task Force's specific requests. As a result, BFI sent a second letter on April 20, 2010 (copy attached), including a Work Plan for the next 12-month period.

Subsequent to the Task Force meeting, Mike Mohajer, Betsey Landis, and staff toured the Landfill on May 5, 2010, along with Wayde Hunter of North Valley Coalition and Becky Bendikson of Granada Hills North Neighborhood Council. The tour consisted of both the County and City portions of the Landfill including the southern berm area affected by the Sesnon and Sayre fires. Re-growth in some of the fire-damaged eucalyptus trees were observed, and it was also noted that oak trees were planted as required by the City.

Staff reviewed BFI's April 20, 2010, letter and as detailed in the attached Summary Table, the Task Force's request was not fully addressed. However, BFI has committed to a series of planned actions between now through spring 2011, and is required to comply with the attached Order for Abatement issued by the South Coast Air Quality Management District (SCAQMD), which includes a mandate for BFI to prepare a

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revegetation plan to restore the vegetation damaged by the wildfires of 2008 and complete revegetation in the southern areas of the Landfill by August 31, 2010.

In addition, the County Department of Regional Planning is taking steps to ensure that BFI complies with the revegetation requirements of the Landfill's Conditional Use Permit by their letter dated May 19, 2010 (copy attached), requesting BFI to submit a revised revegetation plan to incorporate stakeholder comments.

Based on staff's review of BFI's response letter of April 20, 2010, the site visit, and the pending enforcement actions being taken by the SCAQMD and the County, staff recommended that the Subcommittee:

1. Suspend further action until after:
  - a. BFI completes planting in the Southern Berm areas of the landfill as required by the SCAQM
  - b. BFI develops a revised revegetation plan and obtain necessary approval from the appropriate County agency
2. Instruct staff to monitor BFI's progress regarding item (1) above and in the interim provide monthly updates to the Subcommittee.

If you have any questions, please contact me at (626) 458-3521, Monday through Thursday, 7 a.m. to 5:30 p.m.

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Attach.

**SUMMARY TABLE**  
**TASK FORCE’S MARCH 25, 2010, REQUEST AND BFI’S APRIL 20, 2010, RESPONSE**  
**REGARDING REVEGETATION AT SUNSHINE CANYON LANDFILL**

Task Force’s Letter Dated March 25, 2010	BFI’s Response Letter Dated April 20, 2010	Staff’s Remarks
<p><b>1. Develop a work plan including specific deadlines for achieving reliable plant growth.</b></p>	<ul style="list-style-type: none"> <li>• Sunshine Canyon developed a revegetation work plan for the next 12 months in consultation with the Site's consulting restoration specialist.</li> <li>• Temporary hydro-seed vegetation cover will continue to be applied to interim slopes that are projected to be inactive for more than 180 days.</li> </ul> <p>City Side</p> <ul style="list-style-type: none"> <li>• Coastal Sage Top Deck Area will continue to be monitored, and weeds will be controlled.</li> <li>• In fall 2010, bare areas of the Top Deck will have a soil amendment seeding plan.</li> </ul> <p>County Side</p> <ul style="list-style-type: none"> <li>• Regular monitoring will continue.</li> <li>• Irrigation will be modified or discontinued based on recommendation of the Site’s consulting specialist.</li> <li>• In summer 2010, V-ditches and terraces that were eroded will have a repair plan.</li> <li>• In summer 2010, soil amendment tests will be completed and a soil amendment plan will be developed.</li> <li>• In fall 2010, the Site will implement the soil amendment plan to optimize the growth.</li> <li>• In fall 2010, the Site will implement a seed plan.</li> </ul>	<p>BFI’s work plan does not address how reliable plant growth will be achieved. However, since BFI has committed a series of progressive actions to a schedule between now through spring 2011, it is staff’s recommendation that we continue to monitor BFI’s progress according to its plan and inform the Subcommittee of any deficiencies or lack of progress.</p>

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**REGARDING REVEGETATION AT SUNSHINE CANYON LANDFILL**

Task Force’s Letter Dated March 25, 2010	BFI’s Response Letter Dated April 20, 2010	Staff’s Remarks
<p><b>2. Consult with the County Sanitation Districts of Los Angeles County and other landfill operators regarding their methods on successful revegetation, such as utilizing container plants. Based on the findings, formulate a plan to incorporate proven methods as early as the end of this year.</b></p>	<ul style="list-style-type: none"> <li>● By summer 2010, SCL will contact and consult other landfills to inquire which mitigation efforts have worked for their sites, and may be applicable to SCL under its current Conditional Use Permit and Zoning conditions.</li> <li>● In fall 2010, the Site will investigate and incorporate successful best practices for revegetation at other landfills.</li> </ul>	<p>BFI indicated that it would consult other landfill operators regarding proven methods, and report their findings in their next quarterly status reports. Concurrently, BFI is also required to submit a revegetation plan to SCAQMD by June 1, 2010, and complete planting by August 31, 2010 (see Item No. 4 below).</p>
<p><b>3. Include an update regarding the above plan and consultation efforts in BFI’s next quarterly status report to the Task Force pursuant to Condition 18 of the Finding of Conformance granted to BFI on December 18, 2008.</b></p>	<ul style="list-style-type: none"> <li>● Sunshine Canyon Landfill will continue to provide updates on the progress of revegetation plans and consultations with other landfills as part of the quarterly FOC reports.</li> </ul>	<p>BFI plans to provide updates to these requested actions by the Task Force in their upcoming quarterly reports. BFI’s response regarding this item appears adequate.</p>

**SUMMARY TABLE**  
**TASK FORCE’S MARCH 25, 2010, REQUEST AND BFI’S APRIL 20, 2010, RESPONSE**  
**REGARDING REVEGETATION AT SUNSHINE CANYON LANDFILL**

Task Force’s Letter Dated March 25, 2010	BFI’s Response Letter Dated April 20, 2010	Staff’s Remarks
<p><b>4. Forwarding to the Task Force a copy of the vegetation plan that is required by South Coast Air Quality Management District’s Order for Abatement, issued on March 24, 2010.</b></p>	<ul style="list-style-type: none"> <li>• The Site will be conducting an investigation for Condition #9 of the SCAQMD Order of Abatement.</li> <li>• Upon approval by SCAQMD, a copy of the Revegetation Work Plan will be provided to the Task Force.</li> </ul>	<p>Condition #9 of the Order for Abatement requires BFI to submit a revegetation plan by June1, 2010 to address the following and complete planting by August 31, 2010:</p> <ul style="list-style-type: none"> <li>i. Augmenting (through the planting of trees and shrubs) the existing vegetation that remains in the Southern Berm areas of the landfill after the recent Sesnon and Sayre fires;</li> <li>ii. Planting of trees in areas on the Southern Berm of the landfill where there are no remaining trees, including the appropriate height for newly-planted trees;</li> <li>iii. Maintaining of plants to maturity; and</li> <li>iv. Replacement of dead plants or trees, including the timing of replacement.</li> </ul> <p>Staff will provide an update to the Task Force upon receipt of the plan.</p>



April 20, 2010

Gail Farber  
Director – County of Los Angeles Public Works  
Integrated Waste Management Task Force  
900 South Fremont Ave.  
Alhambra, CA 91802-1460

Re: Progress of Re-vegetation Efforts at Sunshine Canyon Landfill (SCL)

Dear Ms. Farber,

This letter is in response to the letter dated March 25, 2010, from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force regarding the status of re-vegetation required by condition 44 of RCUP 00-194-(5).

In consultation with the Site's consulting restoration specialist Sunshine Canyon has developed the below Revegetation Work Plan. The Work Plan covers the Site's approach for approximately the next 12-months. The work plan is consistent with revised Coastal Sage Scrub and Interim Cover Revegetation Plan approved by the County of Los Angeles in 2008 which covers interim slopes, City Side Mitigation and County Side Mitigation. Sunshine Canyon Landfill will include and incorporate current best management practices the as part of the 2010-2011 growing season planting plan.

**Revegetation Work Plan (Summer 2010 through Spring 2011):**

**Interim Slopes:**

On and ongoing basis SCL will continue to apply temporary hydro-seed vegetation cover to all interim slopes projected to be inactive for greater than 180 days.

**City Side Mitigation (Top Deck):**

Ongoing:

The Site will continue schedule monitoring and complete aggressive weed control measures the through Spring/Summer 2010 on the City Side Coastal Sage Top Deck Area.

Fall 2010:

The site will develop a soil amendment seeding plan for the bare areas of the Top Deck for implementation in the Fall of 2010.

**County Side Mitigation Plan:**

Ongoing Efforts:

SCL will continue to regular monitoring by consulting restoration specialists; and

Modify or discontinue irrigation in areas as recommended by our consulting specialist.

Summer 2010:

The site will develop a solution to repair V-ditches and terraces which have been eroded and may impact the mitigation area during the rainy season;

Along with the consulting specialist, SCL staff will complete soil amendment test plots and prepare 2010 soil amendment plan; and

SCL will contact and consult with other landfills to inquire which mitigation efforts have worked for their sites, and may be applicable to SCL under its Current RCUP and Zoning conditions.

Fall 2010:

In the fall months of 2010, the site will implement soil amendment plan in a manner which optimizes the growth capability of the seeds or plants planted as determined by the consulting specialist;

SCL will implement seed plan; and,

Investigate and incorporate successful best practices revegetation at other consulting county sanitation districts and other landfill operations.

**Follow Up on Other Orders and Conditions:**

Condition 18 Updates to the Task Force:

Sunshine Canyon Landfill will continue to provide updates on the progress of re-vegetation plans and consultations with other landfills as part of the quarterly FOC reports.

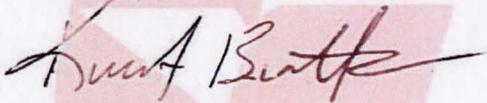
AQMD Vegetation Plan:

The site will also be conducting an investigation for Condition #9 of the SCAQMD Order of Abatement. This condition requires SCL to augment existing vegetation that remains on the southern berm following the damage caused by the Sesnon and Sayre fires. In consultation with appropriate regulatory bodies, consulting restoration specialists and the impacted public, SCLF must submit a plan to the SCAQMD by June 1, 2009. SCLF will provide the Task Force a copy of the Revegetation Work Plan once approved by SCAQMD.

**Conclusion:**

If the Task Force has any questions please contact Kurt Bratton at (818) 833-6504 [KBratton@republicservices.com](mailto:KBratton@republicservices.com) or Susan Jennings, Environmental Manager at (818) 833-6514 [SJennings4@republicservices.com](mailto:SJennings4@republicservices.com).

Sincerely,



Kurt Bratton  
Vice President/General Manager  
Republic Services, Inc



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  
28

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  
28

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.

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;
- 28

- 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  
27

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 Conditions<sup>1</sup>

- 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

23  
24 <sup>1</sup> 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](mailto: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.

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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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specific situations in the vicinity of and on Lisette and Nanette Streets;

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

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

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

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

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

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

b. Delivery Alternatives Study

Respondent shall, no later than 60 days after issuance of this Order, submit a completed study and recommendations for further action to the SCAQMD (Attn: Edwin Pupka) regarding alternatives to depositing trash on the existing Working

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**

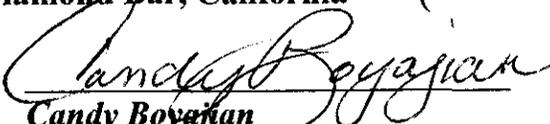
***CASE FILE NO. 3448-13***

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**



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

May 19, 2010

Kurt Bratton, General Manager  
Sunshine Canyon Landfill  
Republic Services/Browning-Ferris Industries  
14747 San Fernando Road  
Sylmar, CA 91342

Dear Mr. Bratton:

**SUBJECT: REQUEST FOR INFORMATION TO DETERMINE COMPLIANCE WITH  
CONDITION NO. 44 OF CONDITIONAL USE PERMIT 00-194-(5)**

As you are aware, Sunshine Canyon Landfill was authorized under Conditional Use Permit (CUP) 00-194-(5) and is subject to periodic review and inspections from various local agencies, including the Los Angeles County Department of Regional Planning (DRP). The Joint City/County Technical Advisory Committee (TAC) is responsible for ensuring satisfactory implementation of the requirements of the CUP. It recently came to our attention that we were unable to determine Browning-Ferris Industries' (BFI) compliance with Condition No. 44 of the CUP due to inadequate information currently being provided.

In order for the TAC to evaluate BFI's compliance with Condition No. 44 regarding revegetation, BFI must submit for review and approval:

1. A revised revegetation plan within 60 days of the date of this letter, which incorporates:
  - Lessons learned from the implementation of the existing plan entitled *Coastal Sage Scrub and Interim Cover Revegetation Plan for Sunshine Canyon County Landfill*, dated January 15, 2008 (Revegetation Plan);
  - Comments made in our letter, dated December 7, 2009 (copy attached);
  - Identification of plants and revegetation methods that have proven successful at other landfills in the County, such as Puente Hills Landfill and Spadra Landfill;
  - Timeline for implementing each task identified in the revised plan;
2. Quarterly progress reports commencing the second quarter of 2010 due to the TAC within 30 days after the end of each quarter. The reports must include, at a minimum, the information specified below:
  - a. Condition No. 44A

- On a copy of the approved Site Plan, identify locations of slopes or landfill areas that are projected to be inactive for a period greater than 180 days;
  - Provide detailed status of vegetation growth on each slope or area already identified in the Revegetation Plan and the revised plan, including BFI's current or planned activities and an assessment of the relative progress thus far, including photographs;
- b. Condition No. 44B
- On a copy of the approved Fill Sequencing Plan, identify the locations where solid waste has been or is anticipated to be placed within 10 feet of the horizontal and/or vertical boundary of the Limits of Fill, and a timeline for reaching those elevations;
  - Provide a schedule of when solid waste is expected to reach the Limits of Fill at the identified locations;
  - Provide a revegetation plan or revise the existing plan to incorporate the identified locations;
- c. Condition No. 44C
- Identify locations of all final or proposed cut slopes and their maximum steepness;
- d. Condition No. 44D
- Status of vegetation growth on each final cut slope for conformance with Figure 5 "Typical Cross-Section Final Landfill Cover and Revegetation Plan" as referenced in the condition, including photographs;
- e. Condition No. 44F
- Identify and list qualifications of vegetation experts employed by BFI to satisfy this condition;
  - Explain the results of soil sampling for each slope planned to be revegetated and provide work plans to address soils that may adversely affect plant growth;
  - Explain the results of soil amendment and fertilizer recommendations for each slope and provide work plans to address negative results;
  - List recommendations made by the expert and status of implementation of those recommendations; and
  - Plant types used for revegetation on each slope consistent with the intent of this condition.

Copies of the quarterly progress reports should be submitted to the TAC, including Los Angeles County Departments of Regional Planning, Public Works, Public Health, Sunshine Canyon Landfill Local Enforcement Agency, and the City of Los Angeles Department of City Planning.

Should you have additional questions or comments regarding the matters covered in this letter, please contact Ms. Maria Masis of the Zoning Permits II Section at (213) 974-6435

Kurt Bratton – Sunshine Canyon Landfill  
May 19, 2010  
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Monday through Thursday between 7 am and 6 pm, or via email at [mmasis@planning.lacounty.gov](mailto:mmasis@planning.lacounty.gov). Our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
Director



Maria B. Masis, AICP  
Supervising Regional Planner  
Zoning Permits II

Attachment: December 7, 2009 letter from Regional Planning

Cc:

Joint City/County Technical Advisory Committee  
Los Angeles County Department of Public Works  
Los Angeles County Department of Public Health  
City of Los Angeles Department of City Planning  
Sunshine Canyon Landfill Local Enforcement Agency  
Los Angeles County Integrated Waste Management Task Force  
North Valley Coalition of Concerned Citizens

RJB: MBM:BD



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

December 7, 2009

Allied/BFI  
Sunshine Canyon Landfill  
14747 San Fernando Road  
Sylmar, CA 91342  
Attn: Susan Jennings

**SUBJECT: SUNSHINE CANYON LANDFILL VEGETATION QUARTERLY STATUS REPORTS**

Dear Ms. Jennings:

The following comments are in response to the second and third 2009 quarterly reports on the Sunshine Canyon Landfill vegetation project. The reports include assessments (in Appendix C) of the vegetation project for the County Side Mitigation Area based on field inspections by staff of Chambers Group Inc. The assessments dated June 22, 2009 and October 7, 2009, identify several issues related to native plant seed mix, container plants, overall native plant conditions, weed conditions, and the irrigation system.

**Seed Mix**

Both assessments indicate sparse cover of plants from seedlings and sparse/moderate cover of native plants from seed mix, and that there has been no significant increase in seed germination over the time covered by the assessments. Assessments of "Dense cover" of plants from seedlings and seed mix would be considered successful by the Department of Regional Planning.

**Container Plants**

The assessments identify stunted growth and substantial dieback/mortality in relation to container plantings. According to the assessments, substantial die-backs have occurred in toxic soils in the southern and northern portions of the slopes. Assessments that indicates greater establishment of container plantings would be considered successful by the DRP.

**Overall Native Plant Conditions**

The assessments indicate minimal to moderate native plant cover and evidence of plant stress. The northern and southern segments of Sage Hill appear to have minimal plant cover, while only the middle segment has medium to high cover on the lower portion of this area of the slope. Assessments of "Dense" plant coverage and "High" species richness would be considered successful by the DRP.

**Weed Conditions**

The assessments indicate minimal to moderate weed coverage and weed flowering. No improvements to weed conditions and weed coverage are identified in the assessments over the time covered. Assessments of less than minimal weed coverage would be considered successful by the DRP.

**Irrigation System**

The assessments indicate several problems with respect to the project site's irrigation system. Specifically, the irrigation system was not working or working well during the field inspections. Other issues have also

been noted. Assessments indicating an efficient irrigation system and sufficient irrigation would be considered successful by the DRP.

In addition, the assessments indicate that erosion problems persist despite being mentioned in "several previous reports." Recommendations have been included in the assessments to address erosion issues. Based on the assessments, the recommendations are not being followed.

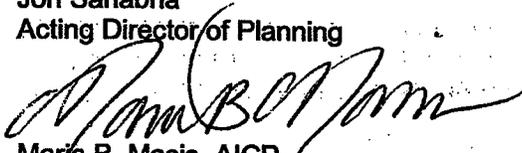
The reports provide information on the work that has been done in the immediate past quarter, as well as work planned for the upcoming quarter. However, the reports fail to respond to recommendations provided in the assessments. Specifically, the reports give no indication of following the recommendations identified in the assessments, nor do they demonstrate any attempts to address ongoing problems, such as with the irrigation system. Of greatest concern to DRP staff is the lack of attention to the repeated calls for improvements to erosion and toxic soils conditions. Because soil health and stability is tantamount to successful native plant growth and coverage, the site's erosion and soil conditions must be remedied.

The next and subsequent vegetation quarterly reports must demonstrate that the recommendations of Chambers Group Inc. are being followed to: address erosion and soil conditions; improve plant coverage and growth; reduce weeds; and improve the irrigation system. Overall, the reports and assessments must indicate that successful vegetation growth and coverage is being achieved in the County Side Mitigation Area.

Please respond to the comments in this letter in the 2009 fourth quarterly report. Because you may need more time to provide an adequate response, the report submittal date may be extended 30 days. However, keep in mind that the 2010 first quarterly report submittal date is unchanged. If you have any questions regarding this matter please contact Maria Masis at (213) 974-6435 or via email at [mmasis@planning.lacounty.gov](mailto:mmasis@planning.lacounty.gov).

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING  
Jon Sanabria  
Acting Director of Planning



Maria B. Masis, AICP  
Supervising Regional Planner  
Zoning Permits II

MM: JS

cc: Linda Lee, Los Angeles County DPW  
Gerry Villalobos, Sunshine Canyon LEA  
Ly Lam, City of Los Angeles, Dept. of City Planning