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7 **BEFORE THE HEARING BOARD OF THE**
8 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

9 **In The Matter Of**

10 SOUTH COAST AIR QUALITY
11 MANAGEMENT DISTRICT,

12 Petitioner,

13 vs.

14 CHIQUITA CANYON, LLC a Delaware
15 Corporation,
16 [Facility ID No. 119219]

17 Respondent.

Case No. 6177-1

**REVISED [PROPOSED] FINDINGS AND
DECISION FOR A STIPULATED
ORDER FOR ABATEMENT**

District Rule 402 and Health and Safety Code
§ 41700 _____

Hearing Date: December 9, 2020, and
December 16, 2020

Time: 9:00 am

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

19 This Petition for a Stipulated Order for Abatement was heard on December 9, 2020,
20 pursuant to notice in accordance with the provisions of California Health and Safety Code Section
21 40823 and South Coast AQMD Rule 812, and continued by Order of the Hearing Board to
22 December 16, 2020. The following members of the Hearing Board were present: Julie Prussack,
23 Chair; Mohan Balagopalan, Vice Chair; Hon. Nate Holden; Allan Bernstein, DPM, MBA, and
24 Cynthia Verdugo-Peralta on December 9, 2020, and all members were also present on December
25 16, 2020, except for the Hon. Nate Holden, for whom alternate member Micah Ali was present.
26 Petitioner South Coast Air Quality Management District (“South Coast AQMD”) was
27 represented by Mary Reichert, Sr. Deputy District Counsel, and Kathryn Roberts, Deputy District
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1 Counsel. Respondent Chiquita Canyon, LLC was represented by Jacob P. Duginski, attorney at
2 law, of Beveridge & Diamond P.C. The public was given the opportunity to testify, evidence was
3 received, and the matter was submitted. The Hearing Board finds and decides as follows:

4 **FINDINGS OF FACT**

5 1. South Coast AQMD is a body corporate and politic established and existing
6 pursuant to Health and Safety Code §§ 40000, *et seq.* and §§ 40400, *et seq.*, and is the sole and
7 exclusive local agency with the responsibility for comprehensive air pollution control in the South
8 Coast Basin.

9 2. Respondent operates a landfill/solid waste disposal facility known as Chiquita
10 Canyon Landfill (“CCL”) located at 29201 Henry Mayo Dr., Castaic, California, 91384, South
11 Coast AQMD Facility ID No. 119219. Respondent operates within the South Coast AQMD’s
12 jurisdiction and is subject to the South Coast AQMD’s rules.

13 3. **South Coast AQMD Rule 402 and California Health and Safety Code (“H&S**
14 **Code”) Section 41700** prohibit the discharge, from any source whatsoever, such quantities of air
15 contaminants or other material which causes injury, detriment, nuisance, or annoyance to any
16 considerable number of persons or the public, or which cause, or have the natural tendency to
17 cause, injury or damage to business or property.

18 4. Respondent operates a landfill/solid waste disposal site with a footprint of
19 approximately 400 acres pursuant to a Conditional Use Permit issued by the County of Los
20 Angeles. Chiquita Canyon Landfill was first approved for waste disposal in 1967. The property
21 has been in use as a landfill since 1972. The property has continued as a landfill under a series of
22 Conditional Use Permits from Los Angeles County. Chiquita was most recently granted a renewed
23 Conditional Use Permit in 2017 to allow continued operations. Under its current use permit, CCL
24 is allowed to accept an average of 6,616 tons per day (TPD) of solid waste between the hours of
25 4:00am to 5:00pm Monday through Saturday. CCL may also accept green waste and beneficial
26 reuse materials. CCL may accept a maximum of 2,800,000 tons per year of solid waste and
27 beneficial reuse material combined. Beginning around April 2020, CCL moved operations for
28 solid waste disposal to a new cell of the landfill, known as Cell 6, located in the southwest corner

1 of the landfill.

2 5. The residential community of Val Verde is located less than 0.5 miles north-
3 northwest of CCL's current working face at Cell 6.

4 6. South Coast AQMD alleges Respondent is inadequately containing the fresh trash
5 and landfill gas odors at CCL, which can cause odor emissions from the landfill during operating
6 hours.

7 7. To date in 2020, South Coast AQMD has received more than 500 complaints of an
8 odor nuisance from the public, with CCL as the alleged source. Complaints include odor
9 descriptions of both trash and landfill gas.

10 8. South Coast AQMD Inspectors have investigated the complaints and traced some of
11 them back to CCL and have confirmed CCL as the source of the odors on numerous occasions.
12 Since July 2020, South Coast AQMD has issued 18 Notices of Violation ("NOVs") against
13 Respondent for violating South Coast AQMD Rule 402 and H&S Code § 41700.

14 9. After the first odor nuisance NOV was issued in July, Respondent began taking
15 additional measures to reduce any fresh trash and landfill gas odors that could potentially be
16 emitted from the landfill. To address landfill gas odors, Respondent had a third-party contractor
17 evaluate its collection wells and make needed adjustments. From July to September, Respondent
18 made iterative changes to its landfill gas collection system, including the addition of 11 vertical
19 wells, and increased collection from existing wells.

20 10. To address potential fresh trash odors, beginning in July 2020, Respondent applied
21 an odor neutralizer to the working face area and adjusted the use and location of mister fans. In
22 August, Respondent also began to cover portions of the daily working face with a tarp to reduce
23 the size of the exposed working face during the morning hours when most complaints were
24 received. In September, Respondent rented additional fans and an odor neutralizer misting system.
25 Respondent also retained a third-party consultant to conduct a wind study of the landfill canyon
26 area to inform potential future mitigation measures.

27 11. Since September 22, 2020, the date of the last NOV, South Coast AQMD has
28 continued to receive complaints of trash odors. In the month of October, South Coast AQMD

1 received more than 50 complaints alleging CCL as the source of an odor nuisance. While the
2 number of complaints in November dropped significantly, South Coast AQMD Inspectors continue
3 to investigate and have confirmed CCL as the source of the odors on several occasions.

4 12. This Stipulated Order for Abatement represents a compromise between the Parties
5 and does not serve as an admission of liability or guilt as to any of the violations alleged herein.
6 South Coast AQMD Rule 806(b) and H&S Code § 42451(b) permit the Hearing Board to issue a
7 stipulated order for abatement upon the terms and conditions set forth in the stipulated Proposed
8 Findings and Decision without making findings regarding: (a) whether Respondent is in violation
9 of H&S Code § 41700, or any South Coast AQMD rule or regulation; (b) whether the order will
10 not constitute a taking of property without due process of law; and (c) whether the order results in
11 closing an otherwise lawful business, such closing would not be without a corresponding benefit in
12 reducing air contaminants. The Hearing Board does not make any of finding whether Respondent
13 is or was in violation of H&S Code 41700 or South Coast AQMD Rule 402.

14 **CONCLUSIONS**

15 13. The Order set forth hereinafter is likely to mitigate conditions that could contribute
16 to potential odors and potential nuisance.

17 14. The issuance of a Stipulated Order for Abatement upon a fully noticed hearing
18 would not constitute a taking of property without due process of law.

19 15. The Stipulated Order for Abatement is not intended to be nor does it act as a
20 variance.

21 **ORDER**

22 THEREFORE, subject to the aforesaid statements and good cause appearing, the Hearing
23 Board hereby orders Respondent to comply with the following conditions and increments of
24 progress:

25 **Odor Monitoring**

26 1. Respondent shall conduct odor surveillance in the communities surrounding the
27 Chiquita Canyon Landfill (the "Landfill") as follows:
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- a. Respondent shall conduct community odor surveillance at least twice on each operating day, once between the hours of 7:00 a.m. and 11:00 a.m., and once between the hours of 1:00 p.m. and 5:00 p.m. Respondent shall ensure that there is a minimum of 3 hours between the conclusion of the first daily odor surveillance and beginning of the second daily odor surveillance.
- b. Respondent shall conduct each odor surveillance at each of the following Surveillance Locations:

Stop	Description
1.	Intersection of Henry Mayo Drive and Chiquito Canyon Road
2.	Intersection of Chiquito Canyon Road and driveway leading to the LA County Fire's Del Valle Regional Training Center
3.	Intersection of Chiquito Canyon Road and Lincoln Avenue
4.	Intersection of Lincoln Avenue and Jackson Street
5.	Intersection of Lincoln Avenue and Harding Avenue
6.	Intersection of Buchanan Way and Chiquito Canyon Road
7.	Intersection of Chiquito Canyon Road and San Martinez Road
8.	Intersection of Central Avenue and Lincoln Avenue
9.	Intersection of San Martinez Road and Morningside Drive
10.	Intersection of Lexington Drive and Morningside Drive
11.	Intersection of Val Verde Road and Trellis Road
12.	Intersection of Hunstock Street and Del Valle Road
13.	Intersection of Del Valle Road and Silver Street
14.	Intersection of Del Valle Road and Hasley Canyon Road
15.	Intersection of Hasley Canyon Road and Gibraltar Lane
16.	Intersection of Hasley Canyon Road and Commerce Center Drive
17.	Intersection of Commerce Center Drive and Witherspoon Parkway
18.	Intersection of Franklin Parkway and driveway leading to the United States Postal Service
19.	Intersection of Henry Mayo Drive and Cambridge View Drive, leading into the Valencia Travel Village RV Resort
20.	Intersection of Henry Mayo Drive and Wolcott Way

- c. The employee conducting the odor surveillance shall not have visited the working face or other areas where exposed trash exists at the Landfill prior to conducting an odor surveillance that day.
- d. Odor surveillance shall be conducted by proceeding to each Surveillance Location and making an assessment of each parameter listed in Condition 1.e.

Assessment of each parameter shall be made while standing in ambient air and shall not be made from within a vehicle.

- e. Respondent shall record odor surveillance results in an “Odor Surveillance Log.” The Odor Surveillance Log shall contain, but not be limited to: (1) the date and time; (2) stop number; (3) the wind speed and direction; (4) a narrative description of any odor detected (including the type of odor, such as trash, landfill gas, chemical, odor neutralizer, as applicable); (5) current weather conditions; and (6) an assessment of the strength of any odor detected using the scale below:

0	No odor detected
1	Very light odor detected
2	Light odor detected
3	Moderate odor
4	Strong odor
5	Very strong odor

- f. Using the scale in Condition 1.e., if an odor strength of 3 or greater is detected that is of the type that may occur at a landfill at any five (5) or more Surveillance Locations during any single odor surveillance conducted by Respondent, Respondent shall immediately stop accepting waste in Cell 6. Respondent shall not accept waste in Cell 6 either until the close of that operating day or until a subsequent odor surveillance, conducted at least one hour later than the prior surveillance, determines that odors have been reduced to below the threshold of five (5) Surveillance Locations assessed at 3 or higher.

2. Respondent shall submit each month’s Odor Surveillance Log to South Coast AQMD, along with all records maintained relating to receipt and resolution of any odor complaints pursuant to Condition 128 of Respondent’s Conditional Use Permit (No. 2004-00052-(5)), by the 7th of the following month (attn: Larry Israel lisrael@aqmd.gov).

Operational Adjustments

3. Respondent shall direct 50% of incoming waste to permitted areas other than Cell 6 and ensure that the working face of Cell 6 is no larger than 50% of the maximum working face size

1 permitted by Respondent's Conditional Use Permit. Respondent may, however, subject to the
2 requirements of Condition 1(f) above, place all incoming waste in Cell 6 and increase the size of
3 the working face to the extent permitted by Condition 4 below, at any time that (i) winds are
4 projected to blow away from Val Verde, or are projected to be blowing towards Val Verde at a
5 speed of less than 1 mile per hour or greater than 5 miles per hour, and (ii) local conditions are
6 consistent with such projections. Respondent shall monitor wind projections on Weather
7 Underground and monitor real time wind conditions through its onsite air monitor and onsite
8 observations on an hourly basis during the operating day. If Respondent is operating fully within
9 Cell 6 and winds are projected to blow towards Val Verde between 1 and 5 miles per hour later in
10 the operating day, Respondent shall return to diverting 50% of incoming waste to areas other than
11 Cell 6 and shall reduce the working face size to no larger than 50% of the maximum working face
12 size permitted by Respondent's Conditional Use Permit one hour prior to such projected wind
13 conditions.

14 4. Until March 11, 2021, Respondent shall not exceed 70% of the maximum working
15 face surface area permitted by Respondent's Conditional Use Permit at any time during which
16 Respondent is using one cell for waste disposal, and 85% of the maximum permitted working face
17 surface area at any time Respondent is using more than one cell for waste disposal.
18 Notwithstanding the foregoing, until March 11, 2021, at no time shall Respondent exceed 70% of
19 the maximum permitted working face surface area in Cell 6. After March 11, 2021, Respondent
20 may use a working face size up to the maximum permitted by its Conditional Use Permit.

21 5. Respondent shall place and secure tarp covers over exposed solid waste at the end of
22 each operating day Monday - Friday. At the beginning of each operating day, Respondent shall
23 immediately apply odor neutralizer to solid waste as soon as any such tarp covers are removed.

24 6. Respondent shall visually inspect tarp covers at least once each operating day.
25 Respondent shall record and maintain a "Tarp Cover Inspection Log." The Tarp Cover Inspection
26 Log shall contain, but not be limited to: (1) the date and time of inspection; (2) a narrative
27 description of any damage or defects observed on the tarp covers from the inspection; and (3) the
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corrective actions taken (repairs, reinforcement, replacement, etc.). Respondent shall submit each month's log to South Coast AQMD (attn: Larry Israel lisrael@aqmd.gov) by the 7th of the following month.

7. Respondent shall implement permanent repairs, reinforcement, and/or replacement of any observed damage or defects on the tarp covers from the daily inspection within 24-48 hours of identifying the damage or defect.

8. Respondent shall use fans equipped with an unscented odor control neutralizer that is prepared per manufacturer specifications and recommendations. The odor neutralizer shall be pumped into a misting nozzle to deliver the odor neutralizer around the fan face for dispersion as needed. Respondent shall position these fans around the working face of the Landfill in such a manner as to dilute and neutralize odors that could potentially travel in the direction of receptors.

9. Respondent shall, within 15 days of this Stipulated Order, submit to the South Coast AQMD (and any other applicable agency or regulator) a permit application (with expedited processing requested and paid) for each Tier 4 engine to be used to power odor dispersion and misting fans ("orchard fans") along with a Title V Permit Revision application as necessary. Once valid permits have been issued by South Coast AQMD and any other responsible agency or regulator, Respondent shall construct and deploy the fans as soon as reasonably possible, but in no case longer than 90 days after receiving the permits, and shall use the orchard fans so as to further dilute odors that could potentially travel in the direction of receptors.

Landfill Gas Collection System

10. Respondent shall continue to retain a consultant with competency in the management, inspection, operation, and maintenance of landfill gas collection systems. Such consultant shall regularly inspect, evaluate, make recommendations on any necessary improvements to efficacy of the landfill gas collection system, and implement such improvements, which may include, but not be limited to, maintenance and/or replacement of landfill gas collection

1 wells and associated landfill gas collection equipment and improved parameter monitoring of the
2 landfill gas collection system.

- 3 a. Respondent shall report the results of the consultant's inspection, evaluation,
4 recommendations, and implemented improvements to the landfill gas collection
5 system and shall submit such report to South Coast AQMD (attn: Larry Israel
6 lisrael@aqmd.gov and Harry Moon hmoon@aqmd.gov) by the 7th of the
7 following month.

8
9 11. Respondent shall expand its landfill gas collection system as necessary and
10 appropriate, and/or when recommended by Respondent's landfill gas collection system consultant,
11 to new areas of the Landfill when the new areas begin to receive solid waste material.

12 12. Respondent shall submit to the South Coast AQMD a permit application (with
13 expedited processing requested and paid) for modifications to the landfill gas collection system as
14 needed along with a Title V Permit Revision application. Modifications requiring permit changes
15 shall only be made after valid permits have been issued by South Coast AQMD.

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17 **Landfill Cover**

18 13. Within 5 days of the date of this Order Respondent shall request authorization
19 (including requesting and paying for expedited processing, if available) from the Los Angeles
20 County Department of Public Works and the Local Enforcement Agency to begin using an
21 alternative daily cover that does not need to be removed, such as Enviro-Cover, on the working
22 face. Respondent shall commence using such cover within 30 days after receiving approval for use
23 of such material. Once Respondent has commenced using such alternative daily cover material, it
24 shall cease using tarps as alternative daily cover at Cell 6.

25 14. Respondent shall visually inspect Landfill intermediate cover on a weekly basis.
26 Respondent shall record and maintain an "Intermediate Inspection Log." The Intermediate
27 Inspection Log shall contain but not be limited to, (1) the date and time of inspection; (2) a
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1 narrative description of any damage to the intermediate cover observed during the inspection; and
2 (3) the corrective actions taken (repairs, reinforcement, replacement, etc.). Respondent shall submit
3 each month's log to South Coast AQMD (attn: Larry Israel lisrael@aqmd.gov) by the 7th of the
4 following month.

5 15. Respondent shall promptly implement permanent repairs, reinforcement, and/or
6 replacement of any observed damage or defects on the intermediate cover from the weekly
7 inspection. Repairs shall begin not later than 48 hours from discovery, shall conclude as soon as
8 reasonably possible, and shall be performed in accordance with all applicable regulations.

9 **Community Outreach**

10 16. Respondent shall create, maintain and regularly update a dedicated section of its
11 webpage with a highly visible link on its homepage (the "odor mitigation section") for presenting
12 information discussing odor mitigation at Chiquita Canyon Landfill. Such section shall be
13 implemented by January 6, 2021, and meet the following requirements:

- 14 a. The odor mitigation section shall be accessible via a direct hyperlink included on
15 the homepage of Chiquita Canyon Landfill's website
16 (<https://chiquitacanyon.com>), via a clickable link with text stating "Click HERE
17 for Odor Mitigation Information;"
- 18 b. The odor mitigation section shall display prominently at the top of the page a
19 notification that complaints of any odors believed to be caused by Chiquita
20 Canyon Landfill can be made to the South Coast Air Quality Management
21 District via telephone at 1 (800) CUT-SMOG or 1 (800) 288-7664 or online on
22 South Coast AQMD's website (which shall hyperlink to the following:
23 <http://www3.aqmd.gov/webappl/complaintsystemonline/NewComplaint.aspx>);
- 24 c. The odor mitigation section shall display prominently at the top of the page a
25 notification that complaints may also be submitted to Chiquita Canyon Landfill
26 (24-Hour Hotline at (661) 253-5155);
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- 1 d. The odor mitigation section shall include an “Updates on Implementing
2 Mitigation Measures” section which shall provide a narrative description of
3 current status of implementation of the conditions in this Stipulated Order,
4 including, without limitation, Consultant Retention, fan engine permitting, and
5 use of Enviro-Cover;
- 6 e. The odor mitigation section shall include an “Odor and Maintenance Logs”
7 section which shall include via hyperlink any logs created pursuant to this Order,
8 as well as any reports or logs relating to odor or odor mitigation required by
9 Respondent’s Conditional Use Permit to be submitted to any government
10 agency, preceded by a brief narrative description (e.g. “Odor Surveillance Logs
11 for the Month of January can be found here”);
- 12 f. The odor mitigation section shall include a “Reports and Orders” section which
13 shall include via hyperlink, preceded by a brief narrative description:
- 14 i. This Stipulated Order and any approved modifications to this Stipulated
15 Order
- 16 ii. The Report created pursuant to Condition # 18
- 17 iii. Safety Data Sheets for odor neutralizer used at the facility and the
18 amount of such odor neutralizer used, including both the concentrated
19 and as-diluted volume employed at the Landfill per month
- 20 iv. Any reports relating to odor or odor mitigation required by Respondent’s
21 Conditional Use Permit (No. 2004-00052-(5)) to be submitted to any
22 government agency, including any responses or discussion of remedial
23 actions to odor violations or complaints required by any government
24 agency
- 25 g. The odor mitigation section shall include a “Air Monitoring and Health Impacts
26 Section” which shall include a brief narrative describing the current status of air
27 quality monitoring required under Condition 68 of Respondent’s Conditional
28 Use Permit (No. 2004-00052-(5)). The “Air Monitoring and Health Impacts

Section” shall also include, via hyperlink, preceded by a brief narrative description:

- i. Any consultant reports submitted to the Community Advisory Committee, Technical Advisory Committee, or any government agency under Condition 68 of Respondent’s Conditional Use Permit (No. 2004-00052-(5))
- ii. Any quarterly or annual reports submitted to the Los Angeles County Department of Public Health or South Coast AQMD under Condition 68 of Respondent’s Conditional Use Permit (No. 2004-00052-(5))
- h. The odor mitigation section shall include an “Upcoming Public Meetings” Section, which shall display the title/subject, date, time location and/or virtual access information (including videoconference link or teleconference number as applicable), and a note of whether public comment will be received for the following meetings:
 - i. Any noticed Hearing of the South Coast AQMD Hearing Board in Case No. 6177-1
 - ii. Any meeting of the Community Advisory Committee (CAC) where odor mitigation and/or violations are included as an agenda item or anticipated to be discussed
 - iii. Any meeting of the Technical Advisory Committee (TAC) where odor mitigation and/or violations are included as an agenda item or anticipated to be discussed
 - iv. Any other meeting open to the public at which the Landfill is a scheduled host and/or participant where odor mitigation and/or violation are included as an agenda item or anticipated to be discussed

17. Beginning in January 2021, Respondent shall host a public one-hour community meeting once a month. During each meeting, Respondent shall provide updates with regards to implementation of this Order and make time available for public comment on matters related to the Landfill. The meeting date and time and format (in-person or virtual) shall be announced via Respondent’s website and shall also be sent via email to everyone who has signed up for email notifications on Respondent’s website. The announcement shall include a link and dial-in information to the virtual platform used to conduct the meeting, or if the meeting is in-person, the

1 location of the meeting. All meetings held in person shall adhere to all applicable public health
2 guidelines, and shall take place within the Val Verde community.

3 **Consultant Retention**

4 18. Respondent shall retain a consultant to assess the following aspects of the Landfill's
5 operations. Upon completion of the assessment of operations, the consultant shall propose
6 adjustments or modifications to landfill systems or operations that the consultant reasonably
7 believes, based on its professional judgment, could reduce the potential emission of odors from the
8 Landfill and related community impacts. The consultant shall include an assessment of the
9 feasibility and limitations of any proposed operational adjustment or modification. The consultant
10 shall document its proposals in a final report to be submitted to the South Coast AQMD (attn: Mary
11 Reichert mreichert@aqmd.gov and Kathryn Roberts kroberts@aqmd.gov) on or before February
12 22, 2021. The consultant shall conduct the following assessments or studies:

- 13 a. A study in the community of Val Verde based on available meteorological data to
14 determine prevailing wind patterns in the community and related meteorological
15 conditions. This study shall include an assessment of prevailing wind direction
16 and speeds throughout the course of the past five calendar years.
- 17 b. Onsite study to characterize wind patterns and related meteorological conditions
18 at each of the locations identified for future landfill cell development. Study
19 shall include an assessment of potential ridgeline and vegetative barriers between
20 current and future landfill cell locations and the surrounding residential
21 community.
- 22 c. Analysis of verified complaint trends throughout the course of the past five
23 calendar years.
- 24 d. Onsite assessment for odiferous waste streams and waste stream combinations
25 that includes a profiling of known waste streams, and a characterization of the
26 total mix and any notable interactions between waste streams.
- 27 e. Onsite assessment of when odorous wastes are received at the Landfill.
- 28 f. Onsite assessment of fill sequencing and timing.

- g. Onsite assessment of solid waste receiving, queuing, unloading and compaction practices.
- h. Onsite assessment of cover material practices throughout and at the end of the operating day.
- i. Onsite assessment of odor neutralizer uses and applications.
- j. A list of general landfill best management practices to mitigate potential odors from a landfill.
- k. An evaluation of alternative or future working face and/or cell locations which may be maintained in parallel to the primary open working face/cell location for use in times of odor complaints

19. Respondent shall return for a status hearing on **March 11, 2021**, or as soon thereafter as the Hearing Board can schedule the status hearing, to report on the findings of the Consultant Report, and status of mitigation measures, and consider modification or Dissolution of this Order, as appropriate.

20. The Hearing Board may modify this Order for Abatement without the stipulation of the parties upon a showing of good cause therefore, and upon making the findings required by Health and Safety Code Section 42451(a) and District 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 the Respondent.

21. The Hearing Board shall retain jurisdiction over this matter until **December 9, 2021** and at that time this Order shall no longer be of any force or effect, unless this Order is amended, modified, or dissolved before then.

22. This Order for Abatement is not intended to be nor does it act as a variance. 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, to seek civil penalties or injunctive relief, or to seek further Orders for

1 Abatement or other administrative or legal relief. The Findings of Fact are based on evidence
2 presented by Petitioner and Respondent as of the date of this Order.

3
4 BOARD MEMBER: _____

5
6 DATED: _____

7 **SO STIPULATED:**

8
9 December 15, 2020



10 Kathryn Roberts,
11 Deputy District Counsel II
Attorneys for Petitioner South Coast AQMD

12 **SO STIPULATED:**

13
14 December 15, 2020



15 Jacob P. Duginski, Esq.
16 Beveridge & Diamond P.C.
Attorneys for Respondent Chiquita Canyon, LLC