

February 18, 2021

TO: Members of the Facility & Plan Review Subcommittee
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

FROM: Omid Mazdiyasni, Staff

STAFF REPORT
CHIQUITA CANYON LANDFILL
NOTICE OF VIOLATION ISSUED BY THE DEPARTMENT OF REGIONAL
PLANNING AND FOC CONDITIONS

As requested by the Facility and Plan Review Subcommittee at its February 18, 2021 meeting, Staff reviewed the Notices of Violation (NOVs) issued by the Department of Regional Planning (DRP) to the Chiquita Canyon Landfill (CCL) to determine if the issued NOVs affect any of the conditions of the Finding of Conformance issued by the Task Force to CCL on August 8, 2018. Below are staff's findings:

Background on the Department of Regional Planning's NOVs

As recommended by Public Works, DPR issued four NOVs to the CCL's operator, Waste Connections, for non-compliance with Conditions 68, 77, 79, 113 of its Conditional Use Permit (CUP). Subsequently, CCL appealed the NOVs on August 6, 2020, and the appeal hearing is currently scheduled for March 23, 2021. Below is a brief summary of each of the NOVs issued to CCL:

- **Condition 68** – This Condition required the CCL to identify locations surrounding the Landfill in the Community of Val Verde, nearby centers of employment and schools within a five-mile radius of the Landfill to install air monitoring stations. DPR issued the NOV since CCL failed to implement the air monitoring program within the CUP required timeline.
- **Condition 77** – This condition required CCL to close the existing site entrance on Henry Mayo Drive (SR-126) and relocate the site entrance, along with all its auxiliary facilities to a new site entrance located on Wolcott Drive within one year from the CUP effective date. DPR issued the NOV since CCL failed to implement the air monitoring program within the CUP required timeline.
- **Condition 79** – This condition required CCL to construct street improvements on SR126, Wolcott Way, and Franklin Parkway to the satisfaction of Public Works and Caltrans within two years of the effective date of the CUP. DPR issued the NOV since CCL failed to implement the air monitoring program within the CUP required timeline.

- **Condition 113** – This condition required CCL to preserve all financial records for a period of three years and made them available upon request for inspection by Public Health, Public Works, and Regional Planning, and the Treasurer and Tax Collector. DPR issued the NOV since CCL failed to provide the requested documents.

Staff's Findings

CCL has appealed the above NOVs and an appeal hearing is scheduled for March 23, 2021. Should the NOVs be upheld, CCL could be found in violation of the following FOC Conditions:

- **Condition 9 (Regulatory Compliance)** – This FOC condition requires CCL to comply with the requirements of all laws and regulations of the Federal, State, County, regional, and local regulatory agencies. **Thus, a violation of its CUP conditions would place CCL in non-compliance of Condition 9 of the FOC.**
- **Condition 19 (Odor Mitigation)** – This FOC Condition requires CCL to comply with all conditions listed under the Air Quality section of the CUP, Conditions 63 through 74. **Thus, a violation of Condition 68 of the CUP, would place CCL in non-compliance with Condition 19 of the FOC.**
- **Condition 22 (Notice of Violation)** – This FOC Condition requires CCL to "Upon receipt of any Notice of Violation (NOV) issued by a regulatory agency, the Applicant shall submit a copy to the Task Force within 10 business days after receipt of the NOV." **Since CCL did not submit copies of the NOVs issued by DRP to the Task Force within 10 business days after receipt of the NOVs, CCL is in non-compliance with Condition 22 of the FOC.**

Staff's Recommendations

- As required by Condition 22 of the FOC, CCL must provide to the Task Force copies of NOVs issued to CCL by the regulatory agencies within 10 business days of receiving the NOVs. Therefore, the Task Force may send a letter CCL reminding them of this requirement and directing them to submit copies of these NOVs to the Task Force within 10 business days.
- The Task Force letter should also require:
 - CCL to work with regulatory agencies to get back into compliance with their respective permits.
 - CCL to submit monthly updates on the status of the NOVs.
 - Failure to comply may result in the revocation of the FOC.
- Continue to monitor the status of the NOVs and enforcement actions by the regulatory agencies.