

Facility and Plan Review Subcommittee
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of July 21, 2016 Meeting

County of Los Angeles Department of Public Works
Headquarters Building, Conference Room B
900 South Fremont Avenue
Alhambra, CA 91803

SUBCOMMITTEE MEMBERS PRESENT:

Betsey Landis, Environmental Organization Representative
Mike Mohajer, General Public Representative
Carlos Ruiz, County of Los Angeles Department of Public Works
Gerardo Villalobos, County of Los Angeles Department of Public Health
Christopher Salomon, County Sanitation Districts of Los Angeles County

OTHERS PRESENT:

Russell Bukoff, County of Los Angeles Department of Public Works
Nam Doan, County of Los Angeles Department of Public Works
Gabriel Esparza, County of Los Angeles Department of Public Works
Anna Gov, County of Los Angeles Department of Public Works
Bahman Hajialiakbar, County of Los Angeles Department of Public Works
Wayde Hunter, North Valley Coalition/Sunshine Canyon Landfill – Community Advisory
Committee
Patrick Kwong, County of Los Angeles Department of Public Works
Karlo Manalo, County of Los Angeles Department of Public Works
Joshua Nicholson, County of Los Angeles Department of Public Works
Dave Nguyen, County of Los Angeles Department of Public Works
Saeid Shirzadegan, County of Los Angeles Department of Public Works

I. CALL TO ORDER

The meeting was called to order at 11:05 a.m.

II. APPROVAL OF JUNE 16, 2016, MEETING MINUTES

A motion to approve the Minutes of the June 16, 2016, meeting was made by Mr. Mike Mohajer, seconded by Ms. Betsey Landis, and it was approved with Mr. Gerardo Villalobos and Mr. Christopher Salomon abstaining. Mr. Carlos Ruiz was not present at the time of the vote.

III. UPDATE ON SUNSHINE CANYON CITY/COUNTY LANDFILL

Odor Complaints

Ms. Anna Gov provided the Subcommittee with an update on the [odor complaints](#) at Sunshine Canyon City/County Landfill (Landfill) for the month of June 2016.

During the month of June 2016, 74 complaints were made to the South Coast Air Quality Management District (AQMD) hotline. In comparison with the prior month, May 2016, the number of complaints received in June 2016 increased by 147 percent (from 30 to 74 complaints). Compared to June of last year, the number of complaints received this June increased by 80 percent (from 41 to 74 complaints). Ms. Gov reported that out of the 74 complaints received in June, none of the complaints were called in from nearby schools, or from complainants whom identified themselves as parents of students attending one of the nearby schools.

The total number of Notices of Violation (NOV) issued to the Landfill by AQMD since 2009 is 181. The total number of complaints made to the AQMD hotline since 2009 is 9,172 and the total number of complaints received this year is 758. As of July 21, 2016, AQMD has issued one NOV to the Landfill in the month of June 2016.

Mr. Mohajer commented that he received a copy of an NOV last night concerning one resident who opened her windows and turned off her air conditioner, but the odor from outside her home was so bad that she had to close her windows and turn her air conditioner back on.

Status of New Access Road and Tree Planting

Ms. Gov provided the Subcommittee with an update on the new access road and tree planting project. As staff reported at the last Subcommittee meeting, hydroseeding necessary for completion of Phase 1 of the access road project cannot take place until construction of the Liner CC-3B Part 1 berm is completed. Staff was informed by Republic Services, Inc. (Republic Services) that the completion of the berm will likely occur by the end of September 2016, and hydroseeding will occur sometime in late September or early October 2016.

Update on the Use of ADC

Mr. Karlo Manalo provided the Subcommittee with an update on the Alternative Daily Cover (ADC) Pilot Project at the Landfill.

Staff received the ADC Pilot Project monthly report from Republic Services on July 19, 2016, and Republic Services reported that on the morning of June 21, 2016, their Operations Supervisor noted approximately a 10-foot portion of the ADC film panel laid over Cell CC-3A had lifted overnight. Additional ballast material was placed to prevent any future issues. No other maintenance issues and no observations of fire, vectors, scavenging, or blowing litter at the working faces related to the use of the ADC material were reported for the month of June 2016.

Mr. Ruiz asked whether there was any indication as to what caused the ADC panel to be lifted up. Mr. Villalobos indicated that there may have been a mechanical problem with the machinery in depositing ballast material over the ADC, or in overlapping the material in conjunction with wind. Mr. Manalo added that the monthly report stated that there were strong winds detected the night before and Republic Services assumes that it was the cause. Republic Services added additional ballast material the following day to remedy the problem.

Ms. Landis commented that if Republic Services anticipates that strong winds are expected or if a fire may be threatening the Landfill, they should add more ballast material to ensure the ADC stays in place. Mr. Villalobos indicated that his staff is at the Landfill each morning and one of their responsibilities is to inspect that the integrity of the cover held up overnight. Mr. Villalobos added that his staff hasn't encountered any major issues but if his staff did encounter any issues, they would immediately address the issue with Republic Services to take the appropriate measures to prevent any future issues.

As discussion ensued, Mr. Mohajer requested that the Sunshine County Landfill-Local Enforcement Agency (SCL-LEA) provide a letter from their legal counsel clarifying as a Responsible Agency under California Environmental Quality Act, their authority to approve the use of the ADC at the Landfill considering that all the environmental documents for the project do not provide for the use of ADC. Mr. Mohajer added that he has already made a similar request of AQMD.

Mr. Villalobos expressed that prior to the joining of the two landfills, tarps and green waste were used as ADC, so he didn't understand why there is an issue with using film panels as ADC, since it is similar to using tarps which have been approved for use at the Landfill in the past.

Mr. Ruiz stated the County has traditionally encouraged operators to use ADC and compaction methods to optimize the use of the capacity, but the City of Los Angeles City Council prohibited certain materials from use as ADC in the City Landfill. Mr. Ruiz stated that the requirements of the joint City/County Landfill required the more restrictive requirements from the City and County land use permits to apply.

Mr. Ruiz then clarified the use of ADC under normal conditions versus a situation when there are odor problems. The use of ADC under State regulations is predicated on the fact that local conditions do not preclude the use ADC; however, if there are odor problems, ADC may be disallowed as Public Works did when it imposed the 9-inch soil cover requirement at the Landfill. Public Works authorized the implementation of the ADC Pilot Project to see whether the proposed material could be used without exacerbating the odor problems.

Mr. Ruiz agreed with Mr. Mohajer that if the Landfill is having odors problems, the environmental documents require the use of soil. Mr. Mohajer expressed his concern that AQMD's Petition for an Order of Abatement blames (to be discussed later in the meeting) County Public Works as the sole agency that caused problems which expedited and increased the amount of the odor when it required the use of the 9-inch soil cover. Mr. Mohajer commented that it was the Supplemental Environmental Impact Report adopted by the City of Los Angeles, which forced the County Public Works to enforce the 9-inch soil cover.

After further discussion ensued, Ms. Landis requested that staff provide a report that clarifies the history, authority, and agency responsibilities which allow for the use of ADC at the Landfill. Ms. Landis request that this written document be attached with the next Subcommittee meeting package.

Update on the Intermediate Cover Enhancement Project

Mr. Manalo provided the Subcommittee with an update on the Intermediate Cover Enhancement (ICE) project at the Landfill.

The SCL-LEA approved a six-month ICE project on May 16, 2016, to allow for the evaluation of several operational approaches to improve the performance of the intermediate cover at the Landfill. Subsequently, on June 27, 2016, the SCL-LEA sent an addendum to their May 16 approval letter to clarify that their approval of the project is not intended to circumvent or supersede mitigation measures adopted as part of any California Environmental Quality Act document adopted and certified for the Landfill. Both of these approvals are only for areas of the project under the jurisdiction of the SCL-LEA. Republic Services is required by the SCL-LEA to obtain all necessary approvals and clearances that may be required by other regulatory agencies that have jurisdiction over the Landfill. As of today, the necessary approvals have not been secured nor has the project commenced.

South Coast Air Quality Management District's Petition for an Order for Abatement

Mr. Gabriel Esparza provided the Subcommittee with a summary of AQMD's petition for an order for abatement. On July 12, 2016, AQMD filed a petition to its Hearing Board to issue an order for abatement to Republic.

The AQMD alleges that:

- The Respondents are insufficiently collecting the amount of landfill gas generated at the Landfill and are failing to adequately treat the fresh trash odors generated at the Landfill.
- The odors are the result of insufficient gas collection, inadequate treatment of incoming daily waste, and inadequate daily and intermediate cover procedures.

The petition requires the Respondents, among other things, to:

- Modify the operating hours at the Landfill.
- Provide for independent odor monitoring at or near Van Gogh Charter School.
- Submit a Traffic Mitigation Program to address any necessary truck trips and

reduce queuing resulting from the change in operational hours.

- Submit a report assessing the feasibility of curtailing incoming daily tonnage. The Analysis shall assess a reduction to a maximum daily limit of 6,000 tons per day.
- Continue the use of alternative daily cover throughout the duration of the one-year pilot project.
- Implement the intermediate cover enhancement pilot program as directed by the SCL-LEA and conduct the program in a manner consistent with the Landfill's Conditional Use Permit, and Implementation and Monitoring Plan as it pertains to hydroseed and vegetation on inactive slopes and areas.
- Submit a proposal for additional methods/procedures upgrading and improving the additional areas of the Landfill that have intermediate landfill cover.
- Expand the application of intermediate cover upgrades if it demonstrates performance improvements.
- Expediently dewater wells being impacted by liquids.
- Submit a plan to evaluate and perform integrity tests on the Landfill's gas collection wells and correct any well ineffective within 14 days of such identification.
- Submit a proposal for additional best management practices to supplement practices intended to control and treat the fresh trash odors.

A hearing date has not been scheduled at this time. Staff will provide the Subcommittee with an update as it is available.

Mr. Mohajer informed the Subcommittee that the petition for an order for abatement will go before AQMD's Hearing Board, which is separate and acts independently from AQMD. The Hearing Board is a quasi-judicial panel that will make a decision based on comments they receive from AQMD staff, Republic Services, public agencies, and interested parties.

Ms. Landis asked if Public Works has made any recommendations on the petition. Mr. Ruiz answered that the Department staff is discussing the petition to

determine the appropriate response. Ms. Landis further stated that she would like to see a strong request for immediate action.

Mr. Mohajer made a motion to request the Task Force to direct staff to review the petition for order for abatement and identify the issues that the Task Force would want to raise, prepare a comment letter for Ms. Margaret Clark's approval, and send the letter to the AQMD Hearing Board. Ms. Landis seconded the motion and it passed with Mr. Villalobos abstaining.

Mr. Ruiz commented that it was stated in the petition, that based on the Landfill's quarterly monitoring reports, the Landfill is emitting excess methane gases through the surface. However, no supporting data was included.

Mr. Mohajer questioned if the amount of hydrogen sulfide emitted from the Landfill has ever been measured since residents complain about a rotten egg smell in their community. Mr. Mohajer shared his concern that the petition mentioned that Public Works indirectly put 1,100 tons of sulfur into the Landfill (as sulfur is naturally occurring in the local soils) due to the imposition of the 9-inch daily soil cover by Public Works to curb odors at the Landfill.

Mr. Mohajer expressed concern that the petition misrepresented the data to reach a conclusion that Public Works was at fault. Mr. Wayne Hunter concurred with this statement.

Mr. Hunter asked whether a letter to the Task Force dated June 30, 2016, from the Law Offices of Thomas M. Bruen on behalf of Republic Services which stated that the Task Force has no jurisdiction to enforce the Landfill's City or County land use entitlements, the solid waste facilities permit (SWFP), or any land use entitlement or permit, would be addressed at today's Task Force or Subcommittee meetings. Mr. Mohajer also commented that he did not understand why the item was not on the agenda, and he made the following points for the record:

- Sunshine Canyon Landfill was required to get a Finding of Conformance (FOC) with the Countywide Siting Element, as approved by the CalRecycle, formerly the California Integrated Waste Management Board, on June 24, 1998. As part of the approval, CalRecycle specifically indicated that they are not approving or disapproving the FOC process, which is a local matter.
- Republic Services requested the Task Force for a new FOC on May 21, 2008, to replace the then existing FOC, which resulted in the issuance of a new

FOC on December 18, 2008.

- When the Los Angeles County Department of Regional Planning issues a conditional use permit (CUP), it specifically requires the applicant of the land use permit to accept all conditions of the land use permit. Republic Services fully agreed with all conditions of the CUP in the acceptance form dated May 22, 2007.
 - Condition number 6 of the County CUP number 00-194-(5) specifically states “Prior to the operation of the City/County Project, the Permittee shall obtain from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force a “Finding of Conformance” determination that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element.” In addition to the fact that this is a requirement of the CSE, the FOC is also a requirement of the CUP, which Republic has fully signed and agreed to in order to get the CUP in order to operate the City/County Landfill.
 - FOC Condition number 8 specifically states that Republic Services must comply with all laws, requirements and regulations of Federal, State, County, and local regulatory agencies. Therefore, they are obligated to provide the information that the Task Force asks for, and their failure to provide the information is a violation of the FOC and the County land use permit.

Mr. Salomon stated his view on the nature of Republic’s letter, which he understood to state that the Task Force’s responsibility is not to enforce the land use permit, because that is the responsibility and purview of Regional Planning. Likewise, enforcement of the solid waste facilities permit would not be the responsibility of Task Force, but the SCL-LEA. Mr. Ruiz commented that failure to comply with the requirements of regulatory agencies becomes a violation of the CUP. Mr. Salomon asked Mr. Ruiz who is responsible for enforcement of the CUP, and Mr. Ruiz answered it is Regional Planning’s role and responsibility.

Ms. Landis indicated that she would bring up Mr. Bruen’s letter at her report to the Task Force and recommend that the Task Force respond to the letter.

In addition, Mr. Mohajer informed the Subcommittee that at the last Sunshine Canyon Landfill - Community Advisory Committee (CAC) meeting on July 14, 2016, the City of Los Angeles Unified School District recommended that the CAC

adopt the two following motions:

- Request AQMD and the County Department of Public Health (Public Health), as the Health Officer, prepare or cause to be prepared a detailed facility-specific health risk assessment which considers all emission sources in order to effectively quantify the potential acute and chronic health impacts associated with the landfill's operation.
- Request AQMD complete the necessary working face studies to identify and effectively reduce and/or control odiferous emission; and request the SCL-LEA, County Public Works, and all responsible agencies review the efficacy of available topical applications suitable for use in waste hauling operations and require its immediate application.

The two motions were passed by the CAC. Mr. Mohajer made a motion recommending that the Task Force send a letter to the AQMD and Public Health in support of the two motions. Ms. Landis seconded the motion, and it passed with Mr. Villalobos and Mr. Ruiz abstaining.

IV. UPDATE ON CALABASAS LANDFILL REVISED SWFP REVISION

Ms. Gov provided an update on the Calabasas Landfill's SWFP revision. As staff previously reported, the Local Enforcement Agency (LEA) issued a revised SWFP for the Calabasas Landfill on April 4, 2016, and as the result, a FOC is required for the Landfill. Staff received a FOC package from the Los Angeles County Sanitation Districts (LACSD) on April 28, 2016. Staff reviewed the proposal and provided comments to the LACSD on May 16, 2016.

On May 24, 2016, staff received a response from LACSD with a link to Calabasas Landfill's JTD, indicating that the requested information could be found in the appendices of the JTD, as well as indicating that the LACSD will provide an update to the Evaluation Form at a later date. Staff reviewed the JTD and was able to locate most of the items. However, some items are still missing.

Since then, staff had been following up on several occasions with the LACSD for a timeline of completion and was informed that the Siting Criteria form is expected to be completed by the end of July 2016. Staff will continue to work with the LACSD to obtain the remaining documents for the completion of the FOC package in order for the Task Force to make its finding of conformance. As mentioned above, Mr. Salomon stated that the LACSD is already preparing appropriate responses and plans to submit it in August 2016.

V. UPDATE ON CHIQUITA CANYON LANDFILL AND LANCASTER LANDFILL

Mr. Saeid Shirzadegan informed the Subcommittee that there was nothing new to present on Chiquita Canyon Landfill and Lancaster Landfill. Staff will continue to monitor and provide status updates when they become available.

VI. DISCUSSION ON FOC REPORTS

Mr. Nam Doan informed the Subcommittee that Sunshine Canyon Landfill and Chiquita Canyon Landfill both submitted their Second Quarter 2016 FOC reports to Public Works on July 15, 2016. On July 19, 2016, Public Works disseminated both FOC status reports to the members of the Task Force. As requested by the Subcommittee at last month's meeting to provide the Subcommittee with adequate time to review the reports, staff will present these two items at the next Subcommittee meeting in August.

Ms. Landis inquired as to why the reports from Sunshine Canyon Landfill consist of a one to two page letter, while the reports from Chiquita Canyon Landfill contain more pages and details. Mr. Doan answered that he will research this matter for the Subcommittee.

VII. OPEN DISCUSSION/PUBLIC COMMENTS

There was no discussion or comments made from the public.

VIII. ADJOURNMENT

The meeting adjourned at 12:42 p.m.