

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

Minutes for August 20, 2020

WEB CONFERENCE

Los Angeles County Public Works
900 South Fremont Avenue
Alhambra, CA 91803

SUBCOMMITTEE MEMBERS PRESENT:

Betsey Landis, Chair, Environmental Organization Representative
Mike Mohajer, General Public Representative
Shikari Nakagawa-Ota, County of Los Angeles Department of Public Health
Carlos Ruiz, Los Angeles County Public Works
Sam Shammass, County Sanitation Districts of Los Angeles County

SUBCOMMITTEE MEMBERS NOT PRESENT:

Wayne Nastri, South Coast Air Quality Management District
Reyna Pereira, City of Los Angeles

OTHERS PRESENT:

Martins Aiyetiwa, Los Angeles County Public Works
Chris Coyle, Republic Services
Gabriel Esparza, Los Angeles County Public Works
Dave Nguyen, Los Angeles County Public Works
Michael Harmon, Los Angeles County Public Works
Wayde Hunter, North Valley Coalition of Concerned Citizens
Omid Mazdidasni, Los Angeles County Public Works
Carol Oyola, Los Angeles County Public Works
Gladys Rietze, Los Angeles County Public Works
Vu Truong, Los Angeles County Public Works
Daniel Wibisono, Los Angeles County Public Works
Jeffrey Zhu, Los Angeles County Public Works

I. CALL TO ORDER

Ms. Betsey Landis called the meeting to order at 11:07 a.m.

II. APPROVAL OF JULY 16, 2020 MEETING MINUTES

A motion to approve the Minutes from the July 16, 2020, Subcommittee Meeting was made by Ms. Landis, as corrected, and seconded by Mr. Mohajer. Motion passed unanimously.

III. UPDATE ON SUNSHINE CANYON CITY/COUNTY LANDFILL

Odor Complaints

Mr. Vu Truong, staff to the Task Force, provided an update on the Sunshine Canyon Landfill (SCL) odor complaints from the South Coast Air Quality Management District (AQMD) for the month of July 2020 ([Link](#)).

- During the month of July 2020, 23 complaints were made to the AQMD hotline. Of those, 3 were classified as landfill gas, 18 were listed as No Field Response, and the rest were listed as odor from other source and none, which means no odors were detected from site visit.
- Compared to June 2020, the number of complaints received in July 2020 increased from 20 to 23 complaints.
- Compared to July of 2019, the number of complaints for July 2020 increased from 7 to 23 complaints.
- As of August 5, 2020, AQMD issued zero Notice of Violation (NOVs) related to odor for the month of July 2020.
- According to the AQMD report, the total number of complaints received during 2020 is 232.

Mr. Mohajer commented on receiving a copy of a letter from AQMD indicating they issued an NOV for the month of August 2020.

Mr. Wayde Hunter with North Valley Coalition of Concerned Citizens, commented that the No Field Response in the AQMD report is the bulk of what is being reported and continues to reflect the infrequency of inspections that require three calls instead of one within an hour, which was written to the AQMD. Mr. Hunter stated the large number of complaints that continue and his disappointment with AQMD's response letter. Mr. Mohajer responded that AQMD claims that due to funding, they cannot provide that service of inspectors going out with each call. Discussion ensued. Mr. Mohajer stated that the AQMD letter to the Task Force dated August 19, 2020, mentioned their policy for field inspection is when they receive three calls, which is uniform throughout the districts. Mr. Mohajer continued that

the problem is their current policy, where in the previous three or four years, AQMD had responded to each call and at that time Republic was operating under the abatement order. When the abatement order expired, AQMD stopped going out at one call. Ms. Landis commented on the AQMD chart showing there were three calls that came in at 4:35 a.m. with no field response. Mr. Mohajer read from the letter that AQMD sent to the Task Force on August 19, 2020 stating, after hours and on weekends, AQMD's policy is to dispatch an inspector, if one is available, to conduct an onsite investigation only after three or more odor complaints have been received within one hour.

Soil Importation

Ms. Gladys Rietze, staff to the Task Force, provided an update on the soil importation at SCL.

At last month's meeting, staff reported that Republic submitted a request to Public Works requesting for importation of 13 million cubic yards of clean soil over the next 10 years at a rate not to exceed 10,000 tons per day and that they began importing soil in April 2020 at a rate of approximately 1,500 tons per day.

Task Force passed a motion at last month's meeting to send a letter to Republic requesting information about the soil importation activities at SCL. The letter was sent on August 13, 2020 and requested confirmation of prior approval from required regulatory agencies for the importation of 1,500 tons per day of soil, information on potential environmental impacts relating to the soil received since April 2020, and the current soil importation request. To date, staff has not received a response from Republic.

Republic submitted a revised soil importation request to Public Works on July 16, 2020, revising their soil importation request to 14 million cubic yards of clean soil over the next 18 years at a typical rate of 5,000 tons per day; not to exceed 10,000 tons per day to be used as daily cover, stability berm features, final closure cap construction and capital project improvements. Public Works determined that the revised submittal was still incomplete and responded to Republic's request in a letter dated August 20, 2020. In the letter, Public Works directed Republic to immediately cease soil importation activities while its request is under consideration. A copy of this letter will be shared with the members of the Task Force.

Mr. Mohajer commented that considering the tonnages specified in the County CUP, the Finding of Conformance (FOC), and the City Ordinance for SCL combining up to 12,100 tons per day for disposal and recycling, he asked if importation of additional tonnages in excess of 12,100 tons per day is specified in the CUP, and if so, what is the specified tonnage. Mr. Ruiz' understanding is that the 12,100 tons per day includes solid waste and beneficial use materials, which

includes soil for cover. Discussion ensued and Mr. Aiyetiwa clarified Republic requested an average of 5,000 tons per day with a maximum of 10,000 tons per day and for regulatory purposes, staff will be evaluating the maximum that has been requested. Mr. Hunter shared concerns regarding potential environmental impacts. Mr. Aiyetiwa stated that a letter was sent to Republic on August 20, 2020, requesting in detail what Republic needs to provide for staff to review. Mr. Mohajer stated, for the record, the Task Force issued the FOC, and as staff to the Task Force, the FOC should be considered when performing the review. Mr. Ruiz proposed staff send a letter to Republic, informing the operator that any proposal exceeding the allowable permitted tonnage established in the Finding of Conformance (FOC), will require revision to the FOC. Ms. Landis confirmed a motion would not be necessary as this letter would be a follow up to the Task Force letter sent on August 13, 2020. The Subcommittee agreed.

First Semi-Annual Waste Characterization Study

Daniel Wibisono, staff to Task Force, provided information on SCL First Semi-Annual Waste Characterization Study.

The landfill conducts two waste studies per calendar year. The first one to be completed in March and the second one in September. Due to COVID-19, the March study was delayed to June. On July 24, 2020, staff received the 2020 Semi-Annual Spring Waste Characterization dated July 24, 2020. A copy was provided to the Subcommittee on July 28, and August 13, 2020.

The study reported the following:

- During the study period, organic materials composed of 59 percent of the total waste stream. Compared to previous study period of Fall 2019, the percentage of organics is 7 percent lower.
- Other wastes such as inert solids and household hazardous waste composed of 22 percent of the total waste stream. Compared to previous study period, the percentage of inert solids and household waste is 2 percent higher.
- The remaining 16 percent of the waste stream was composed of plastic, metal, and glass. Compared to the previous study period, the percentage of these materials is 1.3 percent higher.

Mr. Mohajer asked what organics are being referred to as quantities being reduced compared to last year. Mr. Wibisono responded the quantities are based on the definition of organics under SB 1383 and staff has reclassified different waste materials into its category based on the Landfill Operator's report. To compare the accuracy of the reported data, Mr. Mohajer inquired on staff's calculations as compared to last year. He is specifically interested in the amount of food waste which he believes was over 20 percent. Mr. Wibisono concurred that food waste made up of approximately 25 percent of total organics disposed.

IV. UPDATE ON CHIQUITA CANYON LANDFILL (CCL)

Mr. Omid Mazdiyasni, staff to the Task Force, provided an update on the CCL.

Odor Complaints

The AQMD agreed to provide odor complaint data on a quarterly basis and the next quarterly odor complaint update will be presented in October. CCL received a total of eight NOVs from AQMD in July 2020. Three were issued between July 7 and 9, 2020, and the rest were issued during the last week of July.

Condition 69 of the CUP

This Condition states that “upon receipt of a total of four NOVs related to air quality issued by any combination of AQMD, Public Health, Public Works, or the Department of Regional Planning (Regional Planning) in any given calendar year, the permittee shall submit a response to Public Works within 30 calendar days of the fourth such NOV, providing an explanation of each NOV and steps taken to address it.” CCL received their fourth NOV for the calendar year on July 24, 2020, triggering the 30-day reporting requirement in Condition 69. Regional Planning required the operator to provide the required reports under Condition 69 by August 23, 2020.

Lawsuit Updates

Waste Connections, the operator of the CCL, filed separate lawsuits against the County.

- The first lawsuit was filed on October 20, 2017, challenging 17 operational conditions, and 11 fee conditions of the CUP. The court ruled in favor of the County on 14 of the 16 operating conditions, but overturned Conditions 43(G) and 126.

Mr. Mohajer asked what the two conditions called for. Mr. Mazdiyasni responded that Condition 43(G) is for the sorting of materials originating out of Santa Clarita Valley. Condition 126 is the requirement that the Landfill Operators support the County's legislative agenda on waste management issues.

Ms. Landis asked if the conditions that the court turned down, make the permit void. Mr. Mazdiyasni responded no, but the option is still available to the County.

- The court also upheld two of the fee conditions challenged by CCL; however, of the nine fee conditions found invalid, the court remanded four of the conditions back to the Board of Supervisors (Board) to make additional findings regarding their proportionality.
- The Court also upheld Condition 9, which authorizes the Board to void the permit if any material provisions are found to be invalid. County Counsel is currently reviewing options on how to proceed.

Note, as the lawsuits are pending litigation and until they are settled or resolved, the Landfill Operator is under strict requirement to comply with all conditions as listed under the CUP and the Implementation and Monitoring Program.

- The second lawsuit challenged a decision by the hearing officer that upheld an NOV issued by Regional Planning on December 11, 2017. CCL's writ of administrative mandamus challenging the NOV was filed on April 13, 2018. The trial in the second lawsuit was previously set for June 25, 2020. Due to COVID-19, the parties agreed to continue the trial on October 22, 2020.
- The third lawsuit was filed by Environmental and Community Groups on August 24, 2017, alleging that the project EIR was inadequate and not in compliance with the California Environmental Quality Act. The court issued a decision on October 10, 2019, in favor of the County and CCL. The Community has filed an appeal and the case is pending.

NOVs for Non-Compliance with the CUP

- Regional Planning issued four NOVs to Waste Connections on June 11, 2020, for Conditions 68, 77, 79, and 113 at the request of Public Works. CCL filed its appeal on August 6, 2020. Regional Planning has scheduled a virtual hearing on September 15, 2020.

V. TENTATIVE TERMINATION OF REGIONAL WATER BOARD ORDER NO. 91-93

Mr. Gabriel Esparza, staff to the Task Force, provided information on Los Angeles Regional Water Quality Control Board's (Regional Board) tentative termination of General Waste Discharge Requirements (WDRs) for discharge of non-hazardous contaminated soils to class III landfills, Order No. 91-93 (1991 Order).

On July 30, 2020, the Regional Board disseminated a letter providing their intention for tentative termination of the 1991 Order and their findings leading to the proposed termination.

As background, on July 22, 1991, the Regional Board adopted the General Waste Discharge Requirements for Discharge of Non-Hazardous Contaminated Soils, the 1991 Order. Subsequently, on March 3, 2011, the Regional Board adopted Amendments to WDRs for Disposal and Onsite use of Non-designated/Non-hazardous Contaminated Soils at Municipal Solid Waste Landfills Order No. R4-2011-0052 (2011 Order). The 2011 Order amends existing individual WDRs for the active class III landfills in the Region and does not directly amend the 1991 Order.

The following are the Regional Board's findings and rationale for their intention for tentative termination of the 1991 Order:

- The 2011 Order includes broad requirements on the levels of contamination and related best management practices for the discharge and onsite reuse of contaminated soils at landfills.
- The Regional Board finds that with the adoption of the 2011 Order, coverage under the 1991 Order becomes unnecessary. Since 2015, the Regional Board has not received any application for enrollment under the 1991 Order.
- The Regional Board finds that the discharges formerly regulated by the 1991 Order will continue to be regulated by other means, such as the 2011 Order and based on this determination, there is no possibility of having a significant effect on the environment.

The Regional Board has requested comments on the tentative termination be submitted to them by August 21, 2020. The Regional Board will also hold a virtual public hearing on September 10, 2020, to consider the tentative termination Order. The Regional Board's cover letter, proposed tentative order, and notice of opportunity for public comments were made available to the Task Force.

Mr. Mohajer confirmed with staff that there was no need for the Task Force to make any comment by the deadline.

Mr. Hunter commented speaking with Mr. Wen Yang of the Regional Board regarding the tentative termination order and pointed out that the 2011 Order should have been provided by the Regional Board as supporting documentation for the public's reference. Mr. Yang sent Mr. Hunter an email agreeing with him stating he would bring it up to the Regional Board.

VI. DISCUSSION ON FOC REPORTS

Mr. Daniel Wibisono, staff to the Task Force, provided information regarding FOC reports submitted by Landfill Operators, which include monitoring and progress reports for SCL and CCL.

Staff received the 2nd Quarter 2020 Monitoring Report for SCL dated July 15, 2020:

- SCL disposed of 700,000 tons in the second quarter of 2020. Compared to the first quarter of 2020, the disposal tonnage increased by 18 percent.
- The beneficial reuse material total for the second quarter of 2020 was 28,800 tons. Compared to the first quarter of 2020, the beneficial reuse tonnage decreased by 15 percent.

Staff received the 2nd Quarter 2020 Monitoring Report for CCL dated July 15, 2020:

- CCL disposed of 423,000 tons in the second quarter of 2020. Compared to the first quarter of 2020. The disposal tonnage decreased by 6 percent.
- The beneficial reuse material total for the second quarter of 2020 was 149,000 tons. Compared to the first quarter of 2020, the beneficial reuse tonnage increased by 15 percent.

VII. PUBLIC COMMENTS

No public comments.

Before adjournment, Mr. Mohajer requested the Los Angeles County Green Zone Ordinance be included on next month's Subcommittee Meeting Agenda.

VIII. ADJOURNMENT

The meeting adjourned at 12:45 p.m. The next meeting is tentatively scheduled remotely for Thursday, September 17, 2020, at 11 a.m.