

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

Minutes for July 16, 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, rep by Martins Aiyetiwa, 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
Dave Nguyen, Los Angeles County Public Works
Michael Harmon, Los Angeles County Public Works
Wayde Hunter, North Valley Coalition of Concerned Citizens
Omid Mazdiyasni, Los Angeles County Public Works
Carol Oyola, Los Angeles County Public Works
Vu Truong, Los Angeles County Public Works
Julia Weissman, County Counsel
Daniel Wibisono, Los Angeles County Public Works
Elizabeth Zaragoza, 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 11:05 a.m.

II. APPROVAL OF MAY 21, 2020 MEETING MINUTES

A motion to approve the Minutes, as corrected, from the June 18, 2020, Subcommittee Meeting was made by Mr. Mohajer and seconded by Mr. Ruiz. 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 June 2020 ([Link](#)).

- During the month of June 2020, 20 complaints were made to the AQMD hotline. Of those, 7 were classified as trash, 8 were listed as No Field Response, and the rest were listed as none, which meant the inspector visited the site and did not detect any odor.
- Compared to May 2020, the number of complaints received in June 2020 decreased from 98 to 20 complaints.
- Compared to June of 2019, the number of complaints for June 2020 increased from 5 to 20 complaints.
- As of July 7, 2020, AQMD issued 1 Notice of Violation (NOVs) related to odor for the month of June 2020.
- According to the AQMD report, the total number of complaints received during 2020 is 209.

Additionally, as requested by the Subcommittee at the last meeting, a letter was sent from the Task Force to the AQMD on July 9, 2020 requesting for clarification regarding the AQMD's procedures in response to odor complaints at landfills. Staff will provide an update upon receipt of a written response from AQMD.

Mr. Wayde Hunter of the North Valley Coalition of Concerned Citizens mentioned that the AQMD attended the Sunshine Canyon Landfill – Community Advisory Committee (SCL-CAC) meeting held on July 9, 2020, and addressed questions regarding the District's procedure change of response to odor complaints. AQMD indicated that due to lack of funding, the AQMD has reduced their frequency of inspections.

Emergency Waiver due to COVID-19

Mr. Michael Harmon, staff to the Task Force, provided an update on the SCL emergency waiver and the request made by the Subcommittee at last month's meeting.

On April 27, 2020, the Local Enforcement Agency (LEA) approved Republic Services' (Republic) request for an Emergency Waiver of Standards. The waiver allowed an increase in daily and weekly tonnage limits and operational hours effective April 20, 2020, for a period of 120 days. The waiver, if not renewed, will expire next month on August 18, 2020. As of today, the LEA has not modified, canceled or revoked the use of the waiver.

At the last meeting the Subcommittee requested staff to consult with County Counsel to determine if the emergency waiver conflicts with the Landfill's Conditional Use Permit (CUP) or the Task Force's issued Finding of Conformance (FOC). Staff reached out to County Counsel and the following is a brief summation of their opinion:

- California Department of Resources Recycling and Recovery (CalRecycle) has designated the SCL-LEA as the LEA for the combined City/County Landfill. The SCL-LEA is a distinct entity from both the City and County LEAs with this authority.
- The FOC substantially falls in line with the CUP and does not provide any mechanism to increase the tonnage limit in the event of an emergency. This suggests that the FOC is not intended to preclude the LEA or the County from granting a temporary emergency increase that may be necessary.

Mr. Harmon went on to report that following the waiver issuance, Public Works received a request from Republic for the importation of clean soil for use on the site including daily cover, stability berm features and final closure cap construction, dated May 28, 2020. The request calls for 13 million cubic yards of clean soil over the next 10 years at a rate of 10,000 tons per day. The 10,000 tons per day will be in addition to the permitted capacity of 12,100 tons per day. Mr. Harmon noted that Public Works is working with the Landfill Operator on the request.

Mr. Harmon further reported that on June 27, 2020, Public Works sent a letter to Republic regarding requirements for the soil importation and is awaiting their response. A copy of the letter will be made available to the Task Force.

Ms. Landis asked where they would be placing the 10,000 tons per day of the soil as she hopes that the landfill does not disturb the revegetation of Decks A, B, and C. Mr. Chris Coyle, the General Manager of SCL, informed that they would not stockpile on Vegetation Mitigation Decks A, B, and C because that would negate

all the work they have done. He reported that the soil would be stockpiled on the active portion of the landfill.

Mr. Mohajer commented that he assumes that the issue of the importation of 10,000 tons per day of soil, in addition to the 12,100 tons permitted daily capacity, require a preparation of the California Environmental Quality Act (CEQA) document and traffic analysis. Mr. Coyle commented that Republic is revising the initial request. Mr. Mohajer noted that stockpiling the additional soil may cause changes in the direction of air movement and impact the odor mitigations, which also needs to be addressed by the CEQA document. He estimated that assuming the Landfill is using Caltrans limitation on the weight of the trucks, it would be up to 500 additional trucks per day minimum.

Mr. Hunter also brought up the issue of traffic and agreed with Mr. Mohajer that environmental documents should be prepared to make certain that everything has been addressed properly.

Mr. Martins Aiyetiwa with Public Works said that they have just received the information by Republic and are waiting for the necessary documents to begin the process of evaluating the request.

Ms. Landis asked if Republic had a starting date of when they will start importing all the tonnage. Mr. Aiyetiwa responded that Republic has started bringing in about 1,500 tons per day of soil since April. Mr. Mohajer asked if it was 1,500 tons in addition to the expanded tonnages received under the COVID-19 waiver. Mr. Aiyetiwa confirmed Mr. Mohajer's understanding. Mr. Mohajer indicated that he wants to add this issue onto next month's Agenda with an update from staff.

Mr. Mohajer also asked who approved the 1,500 tons. Mr. Aiyetiwa responded that staff's understanding from Republic is that they did not get approval from anyone. Ms. Landis asked if Republic had anything to say but did not receive any response from Mr. Coyle.

Mr. Mohajer made a motion for the Task Force to send a letter to Republic expressing concerns about the traffic, the odor, change in direction of wind direction and whether they have received approval from any governmental entity to conduct said activities and request for a written response.

Mr. Sam Shammass with County Sanitation District asked if the tonnage covered the beneficial reuse and if it is allowed under the current permit. Mr. Aiyetiwa responded no to the question and added that Republic indicated in a conference call that they believe the soil is outside their permitted limits, which are the issues staff is discussing with Republic and are asking Republic for additional information to support their claim.

Ms. Landis reiterated Mr. Mohajer's motion and seconded. Motioned passed unanimously.

COVID-19 Concern Letters to Agencies

Mr. Harmon provided an update regarding concern letters. Staff prepared a letter to both the CalRecycle and the California Department of Food and Agriculture requesting their departments to investigate, evaluate, and respond to the various concerns regarding COVID-19 that were conveyed in the June 17, 2020, Task Force letter sent to County Public Health. The Task Force letter was sent to CalRecycle and the Department of Food and Agriculture on July 13, 2020. An electronic copy of the letter was also sent via e-mail to the Subcommittee and Task Force members.

Ms. Landis asked if staff has received any replies from them. Mr. Harmon responded that staff has not. Ms. Shikari Nakagawa-Ota with County Public Health commented she just received a response letter from Dr. Barbara Ferrer's office. Mr. Mohajer responded she should e-mail the letter to Ms. Margaret Clark, Task Force Vice-Chair, and to staff so that staff may disseminate it. Ms. Nakagawa-Ota stated that she would e-mail Ms. Clark the letter.

Mr. Mohajer had questions regarding the emergency waiver which are: 1) Is the SCL-LEA an entity by itself and has no relation to the County LEA nor the City of Los Angeles LEA and do they have a separate Board of Directors, which is not the County Board of Supervisors (Board) and not the City Council of the City of Los Angeles; and 2) Did SCL-LEA acquire any approval from the Board or the City Council for emergency increases of daily tonnages? He also commented that perhaps County Counsel can possibly confirm the Governor has issued an emergency response that supersedes everything else.

Ms. Julia Weissman of County Counsel commented that the SCL-LEA is designated as the LEA for the joint City/County Landfill and the County and City LEAs are both members. They do not both jointly report to the Board, but report to the state. Mr. Mohajer commented that he is trying to establish the legal authority for Republic to receive the additional emergency response tonnages. Ms. Weissman responded that it was bit of a grey area, and that Mr. Mohajer was correct in that the CUP is independent of the solid waste facilities permit and the fact that the SCL-LEA has increased the tonnage, does not necessarily mean that they have approval to increase the tonnage that goes above what the CUP allows. The SCL-LEA's determination, as she understands it, is in accordance with CalRecycle's regulation and California Code of Regulations 14 § 17200 and the state minimum standards with the provision that the regulations are not to be construed to limit or restrict the counties and cities from promulgating enactment which are stricter than the regulations contained in this chapter. Generally, that is interpreted that the County can have the CUP or the land use authority to impose

a stricter requirement, but in the context of an emergency, and this is not only a state emergency but world emergency. Due to the emergency, then the CUP may be inconsistent with increased tonnages. Ms. Weissman continued that an argument can be made that the state regulations take control in that context. She does not believe there is an authority that addresses this circumstance and she is not aware that the Board agreed to the increased tonnage during the emergency. Discussion ensued.

Ms. Nakagawa-Ota commented that when the SCL-LEA processed the request, they consulted with AQMD, Public Works and CalRecycle. They approved the waiver and as discussed, the land use authority; which is the County and City Departments of Regional Planning (DRPs) and to a lesser extent Public Works (as engineering advisors to the County DRP), if there is the need to take it to the authority to get the emergency waiver that Republic requested, then they may go through the channels to do so. SCL-LEA has its own channel to make it happen. Ms. Nakagawa-Ota reiterated that the SCL-LEA did consult with the regulatory agencies and commented if she is not mistaken that when Mr. Mohajer asked Public Works in a previous meetings if there was any conflict with the CUP that Mr. Aiyetiwa responded that there were no conflicts. She added the land use authority for the County portion, did not have any inconsistencies or conflicts so she is not certain what else can be done. Mr. Mohajer stated the Subcommittee must move on, but that his comments still stand.

Mr. Mohajer's next issue is the SCL semi-annual Waste Characterization Study which was delayed due to COVID-19. He wanted to know why it has not been provided to the Subcommittee since it is part of the FOC. Mr. Aiyetiwa responded that Republic conducted the study the third week of June. Therefore, the results are not available yet. Mr. Aiyetiwa stated they would have the results by the next meeting.

Update on Chiquita Canyon Landfill

Mr. Omid Mazdidasni, staff to the Task Force, provided an update on the Chiquita Canyon Landfill (CCL).

Odor Complaints

The South Coast Air Quality Management District reported 3 odor complaints in April, 28 odor complaints in May, 43 odor complaints in June, and no NOVs were reported between April and June 2020.

Lawsuit Updates

Waste Connections, the operator of the CCL, filed two 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. The court also upheld two of the fee conditions challenged by CCL; however, of the six fee conditions found invalid, the court remanded four of the conditions back to the 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.

Mr. Omid reported that the lawsuits are pending litigation and until they are settled or resolved. Until then, 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.
- The trial in the second lawsuit was previously set for June 25, 2020. Due to COVID-19, the parties agreed to continue the trial to October 22, 2020.
- A third suit was filed by Environmental and Community Groups on August 24, 2017, alleging that the project EIR was inadequate and not in compliance with the CEQA. 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.

NOV's for Non-Compliance with the CUP

- The Department of Regional Planning issued four NOV's to Waste Connections on June 11, 2020, at the request of Public Works for the following items:
 - Condition 68 – Community Air Monitoring Program
 - Condition 77 – Relocation of the existing site entrance
 - Condition 79 – Roadway improvement on Wolcott Avenue and State Route 126
 - Condition 113 – Failure to provide information with respect to the gas to energy facility
- The operator has been given an opportunity to clear the violations within 30 days.

Ms. Landis asked if the four NOV's were for June. Mr. Mazdiyasi responded yes, on June 11, 2020.

Mr. Mohajer asked for a copy of the court's decision on the conditions that are public. Ms. Weissman commented that she prepared a chart for staff that briefly

describes which conditions were upheld, overturned, or remanded back to the Board. She asked staff to share the document with the members of the Task Force.

Discussion on FOC Reports

Mr. Daniel Wibisono, staff to the Task Force, gave an update on FOC reports.

Staff did not receive any FOC reports for this period. Staff will provide an update on the FOC reports at next month's Subcommittee meeting.

To clarify the issue regarding the postponed Waste Characterization study by the SCL consultant, staff has been following up with the Landfill Operator since May 2020, which the study was scheduled for. However, due to COVID-19, it was pushed back to June 15, 2020. The report will be available in July and staff will present an update at next month's Subcommittee meeting.

Mr. Mohajer reiterated that the Waste Characterization Report for SCL is important. The FOC requires SCL to conduct the study on a semi-annual basis. Putting COVID-19 aside, the issue becomes important from the standpoint of the amount of organic waste that is being disposed and the impact that it will have on programs and the plans and comments on Senate Bill 1383 proposed regulations.

IV. PUBLIC COMMENTS

No public comments.

V. ADJOURNMENT

The meeting adjourned at 12:02 p.m. The next meeting is tentatively scheduled remotely for Thursday, August 20, 2020, at 11 a.m.