

**SUNSHINE CANYON LANDFILL – COMMUNITY ADVISORY COMMITTEE
CITY AND COUNTY OF LOS ANGELES
MINUTES OF MEETING
Thursday, July 7, 2011, 3 p.m.
Knollwood Country Club
12024 Balboa Boulevard, Granada Hills, CA 91344**

- A.** The meeting was called to order by Chair, Becky Bendikson, at 3:12 p.m.

Roll call was called. **PRESENT: SUNSHINE CANYON LANDFILL – COMMUNITY ADVISORY COMMITTEE Members:** Becky Bendikson, Jeanette Capaldi, Gale Gundersen, Michael Hemming, Wayde Hunter, Mary Anna Kienholz, and Joe Vitti. Absent: Larry Gray, and Josh Jordahl. Quorum established with seven members.

REPRESENTATIVES FROM THE CITY, COUNTY, AND REPUBLIC SERVICES:

SCL-LEA: David Thompson, Jerry Villalobos; BFI/REPUBLIC SERVICES: David Cieply, Rafael Garcia, Clint Bartlett, Zack Venable, Tim Johnson, Patty Costa, Anthony Bertrand, Dan Janssen; SCAQMD: David Jones; CD 12 OFFICE: Nicole Bernson; LAUSD District 3: Jennifer Brogin; LOS ANGELES COUNTY REGIONAL PLANNING: Iris Chi; MEMBERS OF THE PUBLIC: Mike Mohajer, Cherie Mann

Minutes were reviewed, and minor changes made: inconsistent spelling for Ms. Gundersen and Ms. Kienholz. **Motion** to approve minutes (Hunter/Kienholz); 6-0-1 abstention.

Ms. Bendikson thanked members of the public for attending. She asked all to sign in, but made it clear that the members of the public may remain anonymous if they so wish.

B. Old Business:

1. Discussion of any outstanding administrative matters (Chair):

Ms. Bendikson pointed out that items 6 and 7 on the agenda have been struck (at the request of Mr. Kroy). As a follow up she commented on the discussion at the last meeting regarding the state of San Fernando Road, just before getting to the landfill, where rain runoff often causes mud on the roadway in winter, that Tom Clark, a well-known developer in the area, is proposing to build a self-storage facility near the landfill on San Fernando Road. Ms. Bendikson said that he had been asked that he install some sort of barrier or retaining wall to hold back the muddy runoff.

2. Treasurer's Report (Ms. Kienholz): The Treasurer's report was distributed before the start of the meeting. The balance in the operational account is \$2,259.82. In the savings account the balance is \$80,041.25. There were no questions. The report was received and filed.

3. Discussion of Odor Problems: Mr. Hunter suggested deferring this and discussing this important topic as the various reports are presented. He emphasized that odors are the number one priority for the CAC currently.

C. New Business:

1. **BFI/Republic Report: (David Cieply, General Manager SCL):** Mr. Cieply presented the CAC with a framed picture, in a long format, of a recent aerial view of the landfill. He views the road ahead as an opportunity to establish priorities. He is trying to assemble a team of like-minded executives to help SCL with its current issues. Part of the team is on board, part being assembled. He introduced Clint Bartlett, division controller; Zack Venable, borrowed for a while to address gas collection; Tim Johnson from Georgia, who has worked at large facilities and also has a gas background; Patty Costa, environmental manager, who has been on board now for more than a year and who will soon undertake additional responsibilities; Anthony Bertrand, area environmental manager, new on board; and Dan Janssen, borrowed from the corporate office since April to help on compliance issues.

Mr. Cieply said he understands the sensitivity of the community on SCL-related issues. He is here to “speak the truth.” It is the differences among people that make competition vibrant.

Recent developments: (The following is incorporated as written from Mr. Cieply’s notes):

- odor plan of action (verbally approved by AQMD on 6/7/11 and final report submitted on 6/24/11 with appropriate changes).
- patrols continue Mon - Sat 6-10 a.m. & 6-10 p.m. we also changed patrol personnel.
- patrols responded to 8 complaints that we had received. They had 2 specific issues where patrol was able to provide tools validating that the wind conditions were prevailing from the S/SW and the odor was not that of the landfill. Both complainants were satisfied that was the case.
- stepped up patrols on Sunday evening and Monday to identify and document other sole source contributors to possible odor related matters.
- in June, found that 87% of recent complaints came after hours (after 10:00 pm) with trash completely covered with 9” soil.
- 30% of calls in June have come on Sunday or Monday.
- 58% of complainants have been around Mission Tierra, Constable, Canyon Ridge, Golden Valley or Timber Ridge.
- 93% of complaints have been during adverse wind conditions (0-15 mph).
- finally, we recently secured a 3rd party engineering firm out of Florida to provide a neighborhood study over a 72-hour period to identify any and all odiferous sources. We expect the findings from the study to be provided very soon.

Special occurrences

- May-(9) with majority being gas lines being accidentally hit and a request to allow Edison to perform power-line repairs on Sunday.
- June- (7) two radiation loads/ two small injuries & gas line being hit.

NOV’s

- One in May for odor exceedance (May 2nd)
- The LEA and/or AQMD may address any other compliance related matters.

Gas collection system

- A tremendous amount of activity and movement since February and will continue for some time to come.

- Installed over 19,000 ft. of header and lateral piping.
- Added 4 collection sumps and associated piping.
- Performed extensive O&M work on individual wells.
- Have been performing weekly monitoring since March.
- Just received engineering work to add 20 new wells in critical underperforming areas and to provide much needed ROI coverage.
- Drilling for new wells should commence in 2 weeks.
- Installation of the 36" diameter header line should begin sometime next month and will provide the capacity for the system expansion. Expect completion of said work by the end of the year.

Gas to energy

- The DSEIR was published by the AQMD and was out for public comment/air permit is expected in October.

General

- SCE has begun the engineering for the interconnect work for the new power poles to be installed.
- We have just completed the final design work for the east drainage channel and should be submitting for review by RWQCB on 7/11 as well as public comment.
- The 6-acre new cell was approved on 6/22 with waste displacement occurring on 6/27. The next 4-acre tract was completed on 7/01 with report being submitted on 7/15. The final 5-acre portion should be substantially complete by 8/01 with the report submitted no later than 8/5.

Question (from the audience): Seem to be saying that because many of the complaints are after hours, that SCL is not responsible? Answer (Cieply): No, just that there may be other factors besides the working face. They are concerned with plumes – will check to see whether these are trash or gas. Comment (Hunter): In the back of the room copies are available of the reports they have submitted. AQMD gave the CAC copies of the complaints. Question (Mohajer): Stated that he was speaking as a private citizen. On page 5 of the report to AQMD, it states that SCL is using 9" of compacted dirt as cover. This is required to be left in place and not removed, and that "this is not standard practice." So they are removing the soil in the morning and placing more trash. Mr. Mohajer asked that they substantiate the statement that it is not standard practice. Answer (Cieply): Knows this from personal experience. Mr. Mohajer asked for the statement in writing. Mr. Cieply said he understood.

Question (Vitti): He showed again the chart that shows the number of odor complaints rising very markedly in the last couple of months. He is very concerned, and asked whether SCL knows what's causing this.

Answer (Cieply): there are strong indications that it's the gas system, but they don't know for sure.

Comment (Vitti): Something very different must have occurred around 2008 to cause a rise even before this spike. Maybe there is less material that could absorb odors?

Answer (Cieply): Removing recyclables from the trash changes the gas generation from 3-5 years to 1-2 years. There is a lot of that theory going around.

Question (Mohajer): On the document submitted to AQMD: Is that subject to review and approval?

Answer (Jones): The AQMD accepted the odor plan, after a lot of back-and-forth on additions. This is not a Plan required by any rule or by hearings, so it's more informal.

Question (Mohajer): Does it have legal standing?

Answer (Jones): Probably not, because it's not required by a Hearing Board.

Comment (Mohajer): The report says "final" and a lot of people would interpret that as approved by the AQMD.

Answer (Jones): They could not issue a NOV based on this document.

Question (Hemming): The Order of Abatement has been in force for 15 months. How will the new Plan affect the Order?

Answer (Jones): this is not an enforceable document; it was created by SCL to clarify what they were doing to address the odor problem. They're on their honor to fulfill their own plan. This is in addition to the Order of Abatement. The AQMD "will call their attention to it." The AQMD can't take action outside of that approved by the hearing Board, so they're trying for something extra.

Question (Hopkins, audience): thought SCL was scraping off the 9" of cover daily?

Answer (Jones): No, they're leaving the cover there. There is an SCL fact sheet on the back table.

- 2. SCAQMD Report (David Jones):** Larry Israel has been on vacation, so they have used different inspectors, John Anderson and Kim Bolander. In June there were 45 complaints, 62% of them from 7:00 p.m. to midnight. Another 27% were from before 8:00 a.m. Some seemed due to wind patterns. There is not as much downward flow in the summer. For comparison, in June of 2005 there were 10 complaints; this June there were 45. On June 14th, received the Working Face Study. The only document outstanding is on the feasibility of odor capture; they're hoping to get this by October. Republic has asked that they receive odor complaints more timely from the AQMD, while they can still be investigated. He suggests that the CAC discuss this. As an example, the other long-running odor problem he can recall was with an old General Motors plant; they provided the information to GM without the name or the exact address. Perhaps they could do something like that with

SCL. AQMD is looking for feedback from the community; he feels that perhaps SCL could better assess the problem.

Comment (Hunter): The firm of O'Melveny and Meyers requested similar information from the AQMD. He thinks it was a terrible plan. What Mr. Israel provides, a street but not an address, is more than enough. There is a long history of bad relations between the community and the landfill, going back to instance where even detectives were going through residents' trash to find information on community organizations. Speaking for the North Valley Coalition, he is adamantly against the suggestion. Also he believes that people on the Neighborhood Council would agree.

Comment (Bernson): The Fact Sheet from SCL seems to attempt to drive complaint calls to the landfill and away from the AQMD.

Comment (Hemming): The most important concept is trust. SCL has misused the residents' trust. He suggests SCL start doing things differently.

Comment (Hunter): The AQMD **is** the go-to agency for the official record of complaints. Larry Israel will tell them the street.

Comment (Jones): The AQMD **never** releases the name of the complainant nor the numerical address on a street. Ultimately if it goes to court, (they) may have to release the names at that point.

Comment (Gundersen): SCL came into Van Gogh Elementary School and asked for the names of the teachers and staff who had complained of odors. The AQMD clarified that they need not be provided.

Question (Garcia): Is that because of multiple people from the same location?

Answer (Jones): They have some less experienced inspectors who were entering all the names and complaints in the system. They are supposed to contact them first and verify. For example, in May there were 4 complaints removed from the database because the inspector had not spoken to them to verify the complaint.

Question (Hemming): When do they expect the report on the feasibility of odor capture?

Answer (Jones): The Order of Abatement did not specify a date. Originally the parties had agreed on a six-month time frame, which would have been February; it was then agreed to extend to June. It has been difficult for SCL to get a contractor to agree to do the study, because it is very unusual. Now they think they have a contractor. He thinks this is probably the most important of the reports.

Comment (Kienholz): On the issue of trust – I have been working with BFI for over 30 years, and always giving my name without a problem. But nothing has ever been done, so now she has absolutely no trust. SCL must **earn** the trust.

Question (Hemming): Reading from the Order of Abatement, this proposal was due in June 2010?

Answer (Jones): SCL did submit a proposal. Perhaps the definition should have been sharper. There is no legal tie-in between the Order of Abatement and the Odor Plan. This possibly could return to the Hearing Board.

Comment (Hemming): The Order addresses overlapping NOVs, and we've had that 5-6 times in the past year, yet nothing happens. There are no consequences to the SCL.

Answer (Jones): They are in a position of having to wait for fall or winter to see whether things are working. If not, they will have to take a different tack.

Question (Vitti): What actions are possible?

Answer (Jones): Civil actions, or refer NOVs for criminal actions, or go before a Hearing Board again.

- 3. SCL-LEA Report (Thompson):** In May/June there were 2 NOVs issued for gas migration on the north side of the landfill, for emissions > 5%. They are closely working with the operator to put in additional wells to capture the gas, but this is difficult close to the working face, could not get the equipment in. This should start by 7/18. On June 15, the State (CalRecycle) inspected and also detected landfill gas on perimeter probes. The reports are available at SCL-LEA.org. The operator will submit plans for re-stripping the areas near the entrance. With the earth asides, the scale house was moved to the County side, but will be moved back soon; the permit application is expected soon. Also working to get ready for the next rainy season.

Question (Mann, audience): Edison is generating electricity from the gas on the county side. What about LADWP?

Answer (Thompson): This is outside of his jurisdiction.

Comment (Tsuda): In May, after Board of Directors meeting, there was training for staff on odor control, and on what can agencies do to regulate odors. Following this, they will purchase equipment. Every day they will do a litter survey in the community. They will also do an odor survey. AQMD has the lead for odors. This is not really LEA, but the LEA can take stronger measures if the problem is not fixed. This allows them to do their own survey based on what their own inspectors report, not depending on resident complaints. They can work with their own directors and CalRecycle. They have had discussions with both

CalRecycle and the City Attorney, and hope to have programs in place and operating by the end of summer.

Question (Vitti): Where is the funding coming from?

Answer (Tsuda): From the Evergreen fund provided by the SCL and controlled by the LEA.

Question (Hunter): He referenced a letter that said Republic at TAC had said something about an accounting error. But the trash is still comingled, and there is out-of-County waste combined with County/City waste, in violation of their permit.

Answer (Tsuda): There are two types of enforceable conditions: Q-Conditions and MMRP (Mitigation Monitoring Reporting Process). This was a Q-Condition, a technical issue, so they rescinded the order.

Comment (Hunter): Stated that he wanted a copy of the letter. He stated that they (Republic) accepted the Q-Conditions, but are now not living up to them. He would like to make sure of the veracity of their statement about accounting errors. He would like to see the MRFs informed that they cannot take out-of-County waste.

Answer (Tsuda): This cannot be done by the SCL-LEA but by City and County and agreed to refer.

4. **City and County Planning Departments (Iris Chi, County Planning):** Accepting out-of-County waste is a violation of condition #78 of the Conditional Use Permit. They determined that the letter sent by the operator to the LEA was a sufficient response.

Comment (Hunter): The CAC, which is supposed to be on the distribution list of all correspondence on the SCL, did not get a copy of the letter, and requests again that the CAC be added to all correspondence.

Answer (Chi): The letter was distributed at the TAC.

5. **Other persons representing City or County:** There were none.
6. **Item struck.** Struck with the consent of initiator Mr. Ralph Kroy.
7. **Item struck.** Struck with the consent of initiator Mr. Ralph Kroy.

D. Public Comment: None.

Adjourn main meeting at 4:40 p.m.; Ms. Bendikson announced that the Committee will reconvene for overtime discussion on Budget and Financial matters. All are welcome.

E. Special Overtime Discussion on Financial Matters: (Reconvened at 4:55 p.m.):
Quorum maintained with Bendikson, Capaldi, Gundersen, Hemming, Hunter, Kienholz, and Vitti.

Comment (Kienholz): The CAC had hired someone to do the CAC's books in QuickBooks. She is not happy with the results. There are not a lot of transactions, as can be seen from the Treasurer's report she distributed, yet the CAC was charged 6 hours. She would like to tell the contractor that her services are not needed any more. There will be an election for new officers soon, and she hopes not to be the Treasurer again.

Comment (Hunter): The agreement says either side may terminate the relationship. When they put out the RFQ, this was the only response. The references were happy (with her work). He then suggests that they terminate the agreement.

Comment (Kienholz): Stated that she can do the few transactions a month for the next few months, but does not want to do them long term.

Question (Vitti): How long does this take?

Answer (Kienholz): If done in QuickBooks as agreed upon perhaps at the most 30 minutes, but I don't do QuickBooks so it takes me much longer... but I would have my daughter help me for the next report.

Motion (Kienholz/Capaldi): *To terminate the services of the current bookkeeper.* **Carried** 6-0-1.

Comment (Vitti): Stated he would like to see a website for the CAC.

Answer (Hunter): That is the next project. He distributed an RFQ for web design. Has contacted Aaron DeVandry, who had done the websites for a number of the Neighborhood Councils in the Valley. The advantage is that the navigation is familiar. The cost of hosting is \$80 per year. The development is \$500 and that includes maintenance for one year. Hunter did not try anyone else, and wants that to be transparent.

Motion (Kienholz/Vitti): *That the CAC hire Aaron DeVandry to develop a website for the CAC, and re-evaluate the agreement in one year.* **Carried** unanimously.

Comment (Vitti): The price seems very reasonable.

Question (Hunter): Any particular colors preferred by the CAC? He suggested a soft yellow or light green. He asked if anyone wanted to be involved with the design.

Comment (Vitti): He asked that the proposed design be circulated to the Committee for comment.

Comment (Bendikson): Ms. Bendikson stated for informational purposes that the CAC had approved a \$0.50 per mile reimbursement for travel. The IRS has recently changed its rules to allow a deduction of \$0.55.

Comment (Bendikson): Ms. Bendikson reminded the Committee of what the terms of their appointments are on the CAC:

Bendikson – 7/14/2011

Kienholz, Hemming, Vitti - 7/28/2011

Wrobloski replaced by Gundersen - 9/03/2011

Capaldi, Gray, Jordahl, Hunter - 9/01/2011

She concluded by say that now it will be up to Councilman Englander to re-appoint for the City, Supervisor Antonovich for the County, and Ms. Galatzan for the LAUSD.

Adjourn at 5:45 p.m.

Minutes by Agnes Lewis. Minutes Approved by Committee as amended