

May 12, 2009

Ms. Gail Goldberg
City of Los Angeles
Department of City Planning
200 N. Spring Street
Los Angeles, CA 90012

Re: Joint Sunshine Canyon Landfill Technical Advisory Committee Report

Dear Ms. Goldberg:

In anticipation of the May 27, 2009 TAC meeting, we are providing you with a status report regarding items of interest specified by City Planning since the last TAC meeting of January 9, 2009.

Joint City/County Landfill:

Your letters dated January 16, and January 23, 2009 respectively, acknowledges a joint City/County landfill from the City of Los Angeles. The County of Los Angeles Regional Planning also acknowledged the joint City/County Project in December 2008 and thus we have been operating a City/County project for most of 2009. As of March 30, 2009, the City/County project has been averaging volumes between 9,000-10,000 TPD (Monday-Friday). Currently BFI is operating one working face on the county-side of the joint landfill.

Summary of Notices of Violation:

Sunshine Canyon Landfill received an NOV from the SCL LEA on January 21, 2009 for a gas exceedence in a perimeter probe. Gas system adjustments were made and compliance with the LEA was achieved within one week on January 28, 2009. South Coast Air Quality Management District (SCAQMD) issued a NOV for odor on March 2, 2009 and Sunshine Canyon has submitted a written response to the violation. **(Exhibit A)** After reviewing field conditions and wind patterns, SCL believes the residential trash collection schedule in the local community could be the source of the odor. However, SCL advanced their timeline to this year's planned gas collection system upgrade, including installation of additional gas recovery headers and twenty-one new gas recovery wells to the landfill gas header system infrastructure.

Status on Alternative Fuel Requirements:

Light Duty Vehicles

BFI has completed the implementation of the covenant agreement, regarding the replacement of all light-duty vehicles with E-85 vehicles. These vehicles continue to be fueled using Ethanol 85 every week from a fueling station located at 11699 San Vicente Blvd., Los Angeles, California. At this time, our maintenance staff is pursuing an on-site fueling station but there is currently no CARB or UL approved pumping and dispensing equipment available to our site. Discussions will continue with select vendors in pursuit of an on site fueling station.

Heavy Duty Off-Road Equipment

Other than the proven natural and LPG technologies for on-road street sweepers, there are currently still no proven and demonstrated natural gas and LPG, or electrification technologies for landfill equipment applications. As has been communicated in past three TAC meetings (August & December 2008, January 2009) there has been no change in availability of heavy-duty alternative fuel off-road equipment. Since 2006, we have replaced all Tier I & Tier II frontline equipment with Tier III engines. This has resulted in a significant reduction of NO_x and PM₁₀ emissions. Presently, we are updating our fleet by scheduling installation of Best Available Control Technology (BACT) of Diesel Particulate Filters (DPF) on two compactors which by design can reduce PM₁₀ by at least 85%. **(Exhibit B)**

Wetlands Mitigation Project – Chatsworth Reservoir:

Condition Background and Status

As required by condition [Q] C.9, BFI is to replace disturbed riparian and wetland habitat to the satisfaction of the California Department of Fish and Game (“F&G”) and the U.S. Army Corps of Engineers (“ACOE”) to prevent any net loss of habitat and wetland areas. The replacement site shall also be located within the San Fernando Valley.

Since our last update letter dated February 9, 2009, to you; Deputy City Attorney-Keith Pritsker and our legal counsel, Tom Bruen have had ongoing discussions with City of Los Angeles Recreation & Parks Department Counsel and City of Los Angeles Department of Water & Power Counsel which has resulted in a tentative mitigation agreement of the parties on all open issues, summarized in our letter to Councilman Greig Smith’s Chief of Staff Mitch Englander dated March 18, 2009 **(Exhibit C)**. As of May 7, 2009, the parties are still in discussions regarding indemnity language and the agreement has not been executed.

PM 10 Trees:

This spring 400 oak trees were planted along the On-Site Tree Mitigation Buffer Zone ("PM-10 Berm") to bring the number of planted trees in the berm area to 1,069. As per "Q" Condition 10.b.1, "the trees were planted south of the landfill above the residential community". Many of the oak trees were planted in areas that had been previously planted with non-native vegetation that were severely damaged by the Sayer Fire last fall. The recently planted trees are currently being irrigated and monitored by an oak tree specialist as part of an ongoing monitoring and maintenance program. Landscape Development Inc, summary **(Exhibit D)**.

Groundwater Monitoring:

As required by the October 2, 2008 Waste Discharge Requirement Condition G.12 approved by the Regional Water Quality Control Board (RWQCB), the site submitted a revised Monitoring and Reporting Program to add monitoring specific to characterizing the groundwater quality of the deep groundwater beneath the landfill. The plan involves the construction of one groundwater monitoring well at the entrance area of the site, and convert two existing piezometers to groundwater monitoring wells. Three additional piezometers will be included in the groundwater monitoring network for groundwater level measurements only. The work-plan was reviewed by RWQCB staff and is being presented to the LA RWQCB at its meeting on May 7-8.

Semi-annual groundwater monitoring reports submitted to the Regional Water Quality Control Board are available online at www.sunshinecanyonlandfill.com under the Required Reports heading in the Regulatory/Environmental section of the website. It will also be included in the Annual Report.

Annual Report:

The Sunshine Canyon Landfill annual report is due out June 1, 2009 and we ask that any written comments be submitted by no later than 12 noon on Friday May 16, in order for these comments to be included in the final version of the annual report.

Please contact me at (818)-833-6504 to discuss the contents of this report, if needed.

Sincerely,



Kurt Bratton
General Manager

Cc: Larry Friedman, City Planning
Robert Duenas, City Planning
Ly Lam, City Planning
Susan Jennings, BFI

EXHIBIT A

ALSTON & BIRD LLP

333 South Hope Street
16th Floor
Los Angeles, CA 90071-1410

213-576-1000
Fax: 213-576-1100
www.alston.com

Sharon Rubalcava

sharon.rubalcava@alston.com

March 27, 2009

VIA ELECTRONIC AND FIRST CLASS MAIL

Carol Engelhardt
Senior Deputy District Prosecutor
South Coast Air Quality Management District
21965 East Copley Drive
Diamond Bar, CA 91765

Re: Response to Notices of Violation P26963 and P49903

Dear Carol:

Our office represents the Sunshine Canyon City County Landfill owned by Browning-Ferris Industries of California, Inc. and we are writing in response to your letter of March 13, 2009, concerning Notice of Violation (NOV) P26963 alleging a violation of Rule 402 – Nuisance. In addition, we are taking this opportunity to also respond to an NOV (P49903) that was issued on Monday, March 6, 2009, for nuisance odors that allegedly occurred on March 2, 2009. We would like to settle both of these NOVs at the same time.

We are responding to both NOVs in this letter to let you know that the Sunshine Canyon Landfill takes any complaints of odors very seriously and that they have taken significant and decisive steps to investigate landfill operations to see if they were the source of odors on the days of the complaints, to determine whether the landfill gas system was functioning properly, and as part to their on-going compliance efforts to design and install additional landfill gas controls. All these actions were taken to assure that odors from the Sunshine Canyon Landfill are not impacting the neighbors to the south. Also, we wanted to let you know that Allied has met with the principal of Van Gogh Elementary School to discuss the odor complaints and the actions that are being taken to reduce odors.

We want to begin by stating that we do not believe the Sunshine Canyon Landfill was the source of the odors observed on either date. No NOV's for odors had been issued to the site for many years prior to the October NOV. For the October 17, 2008, NOV (P26963) there were some very unusual circumstances in the days surrounding that event that would have caused odors in the community. Those circumstances included a large wildfire in the acreage between the site and the neighborhood, interrupted trash service in the neighborhood as a result of the fire and the presence of emergency vehicles, and high temperatures. Given these circumstances we do not believe the landfill can be considered the cause of odors that day.

Likewise, for the NOV issued for alleged odors on Monday March 2 (NOV P49903) we believe that other factors lead to the odors in the neighborhood. *First*, the odor complaint was called in for two locations only – the school and a single residence on Nanette Street. Both the school and the residence are within a large neighborhood and between 0.6 and 1.1 miles, respectively, from the edge of the closest part of the Landfill to the community (City Unit 1, South). There were no other complaints to either the landfill hotline or to SCAQMD that day. *Second*, Monday is the trash pickup day for residents surrounding the Van Gogh School and refuse trucks were in the process of collecting trash the morning of March 2nd. Monday was also the trash pick-up day for the Van Gogh Elementary School. We believe that it is much more likely that odors were coming from the sources within the community than from the landfill. *Third*, wind data collected from the Newhall Pass weather station shows that during the period of the complaints the general wind speed was between 3 and 5 miles per hour and was directed away from the neighborhood towards the 5 freeway. And, *fourth*, a review of site operations showed no conditions that would create odors off site.

Although Allied does not believe that the odors originated at the landfill, landfill staff diligently followed steps in addition to the normal gas control procedures to verify that all systems at the site were working properly and consistently. They looked at the system from several different directions including: 1) checking the current system; 2) re-checking areas that had previous emissions; 3) verifying that the area perimeter probes were clear; and, 4) attempting to speed up installation of additional control systems.

For the March 2, NOV, staff found:

- One week prior to the complaints, all perimeter probes in the City landfill, which is the closest part of the operation to the community, read at 0 % methane as tested by a third party monitor and the LEA.
- Staff checked the landfill for erosion, ponding, cracking or other signs that there was damage to existing landfill cover.

- An extra round of instantaneous surface readings was scheduled on the City Unit 2, which as the newest portion of the City Landfill has the least amount of cover and the least developed gas system.
- Areas that had been previously identified in instantaneous surface monitoring as having "hot" readings were revisited to verify that the areas were still clear of surface emissions.
- Site staff did a check of the existing well-field and vacuum system and made adjustments as necessary.
- Odor patrols were initiated starting at 5:45 through 9:15 weekdays and between 7 and 8:30 am on Saturdays to check for odors in the neighborhood, including the areas around Van Gogh Elementary and Nanette St.

Also, in November of 2008 as part of the on-going upgrades to the gas collection system, the site began development of a new 24" header line for a looped gas collection system and work on the system was accelerated. The first portion of the project consisted of the addition of approximately 2,400 linear feet of a 24" diameter header line including connections for future tie ins with lateral lines and a condensate collection sump. The line was placed from landfill gas Flare 8 along a newly constructed area near the north-eastern perimeter of the Landfill. The line was constructed as far south as possible but had to stop while awaiting the completion of the grading for a new area of the County Landfill (Phase VB). This portion of the header line was completed at a cost of \$260,000.

In early March 2009 the grading of County Phase VB was completed enough to allow the connection of the 24" header with existing header lines on the City Side Landfill. A section of approximately 1000 linear feet of 10 inch header line is currently being added to connect the City Side Unit 1 - North (older closed landfill) and City Side Unit 2, which is still active, to the exiting 24" line. This work is expected to be complete by April 5, 2009. The newer section of header line is expected to cost an additional \$40,000.

The site will also be adding 20 landfill gas extraction wells during April and May of this year. Currently, 8 wells have been designed for the City Side Unit 2, and 12 wells are planned for the County Landfill. The cost of these wells is expected to be approximately \$300,000.

Carol Engelhardt, Esq.
March 27, 2009
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As you can see, substantial efforts have been expended to control landfill gas at the site and Allied takes compliance with the SCAQMD rules, including Rule 402, very seriously. We hope this information is helpful in evaluating the NOV's. If you have any questions, please feel free to call.

Very truly yours,



Sharon Rubalcava
ALSTON & BIRD LLP

SFR:dte

cc: Larry Israel
Greg Loughnane
Susan Jennings

EXHIBIT B

clēaire

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ALLMETAL™

The Cleaire Allmetal is specifically designed to provide cost-effective diesel particulate (PM) reduction for in-use diesel engines operating in off-road applications.

- Pending CARB verification to Level 3+ (>85%) compliance for PM
- Designed for higher horsepower engines (300-600 hp)
- Pending verification, eligible for local, state and federal funding programs
- The practical alternative to vehicle replacement
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The Allmetal is managed by Cleaire's proprietary MLC® which monitors system parameters. The MLC also logs the monitored parameters for later retrieval and analysis.

Cleaire uses only the highest quality materials, including all stainless steel construction and a robust silicon carbide diesel particulate filter for enhanced durability. Additionally, numerous inlet/outlet end cone configurations are available for installation ease.

Allmetal's modular design facilitates service and de-ashing of the diesel particulate filter. The reusable metal seal and band clamp design provides quick turn around for maximum up time.

The Cleaire Allmetal balances the need for cleaner air with the demanding requirements of real-world off-road diesel applications and the need to maximize the economic life cycle of your equipment while avoiding costly replacement.



ALLMETAL Quick Specs	
Filter Type	Passive diesel particulate filter
CARB Verification ¹ > Engine PM Limit	Pending
CARB Verification ¹ > Engine Model Years	Pending
CARB Verification ¹ > Engine Displacement	Pending
CARB Exclusions	Pending
Typical Applications	High Horsepower: loaders, dozers, scrapers, graders, excavators, cranes and other construction equipment
PM Reduction	Greater than 85% (Level 3+)
NOx Reduction	None
Fuel Compatibility	ULSD / Up to B20
Exhaust Temperature Requirement	260° C for at least 25% time
Regeneration Type	Passive
Regeneration Time	n/a
Engine Run Time Between Regenerations	n/a
Eligible for Local, State and Federal Funding Programs	Pending Verification
Dimensions	44" (L) x 16" (W)
Shipping Weight	170 lbs.
¹ Check verification for specific application criteria and requirements. ² Based on engine condition, maintenance practices and duty cycle. NOTE: Product specifications are for reference only and may vary or change without notice.	

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EXHIBIT C

March 18, 2009

Via Electronic Mail

Mr. Mitchell Englander
Chief of Staff, Council District 12
City Hall, City of Los Angeles
200 N. Spring Street, Room 405
Los Angeles, CA 90012

Re: Chatsworth Reservoir Mitigation Project

Dear Mitch:

At our meeting with you, Nicole Bernson, Keith Pritsker and other City staff on January 27, we expressed BFI's commitment to moving forward with this project. But at the same time we expressed our concerns regarding the potential environmental liabilities associated with the site due to its proximity to the Santa Susanna Field Laboratory.

Prior to that meeting, our counsel, Tom Bruen, had sent Keith Pritsker a revised mitigation agreement between BFI and the City with proposed indemnification language that would protect BFI in the event BFI was sued by third parties for engaging in the construction of the mitigation project at the Chatsworth Reservoir. Since then, Tom Bruen has attempted to contact Keith to discuss the issue but has not heard back yet.

The Army Corps of Engineer had asked us for a status report regarding the Chatsworth Reservoir Mitigation Project that was due to them at the end of February. We requested a one month extension, advising the Corps that we were working on indemnity and other issues with the City. Our status report is now due to the Corps of Engineers on April 1, and we are very concerned that we still have not heard back from the City regarding whether our proposed indemnity language is acceptable.

If we cannot work out the indemnity language before the end of the month, then we will have to tell the Corps of Engineers that we are unable to proceed with the Chatsworth Mitigation Project and we will then discuss other alternatives with the Corps of Engineers. As we discussed in our meeting, these other alternatives might entail finding another site acceptable to the Corps of Engineers and the City or, alternatively, exploring a payment to a mitigation fund that would be acceptable to the Corps of Engineers.

Mitchell Englander
March 18, 2009
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At this point, anything you could do to expedite the resolution of the mitigation agreement would be greatly appreciated. We hope you understand we have an obligation under our permit with the Corps of Engineers to provide mitigation for the construction at Sunshine Canyon, and if we cannot resolve these outstanding issues with the City, we will have to move forward with another mitigation proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hauser", with a long horizontal flourish extending to the right.

For Dave Hauser
General Manager

Cc: Keith Pritsker-Deputy City Attorney

EXHIBIT D



February 23, 2009

Maria Gutzeit
14747 San Fernando Road
Sylmar, CA 91342

Re: PM10 Oak Tree Installation Report

Dear Maria,

This letter serves as notification that the installation of the (400) 15g *Quercus agrifolia* trees has been completed, along with irrigation, per the direction of Greg Ainsworth of Impact Sciences. These additional oaks were installed as described in the outline provided by Impact Sciences dated October 10, 2008, and spotted on site by Greg Ainsworth. Impact Sciences also observed the installation and planting techniques of these trees.

The following is a list of work performed:

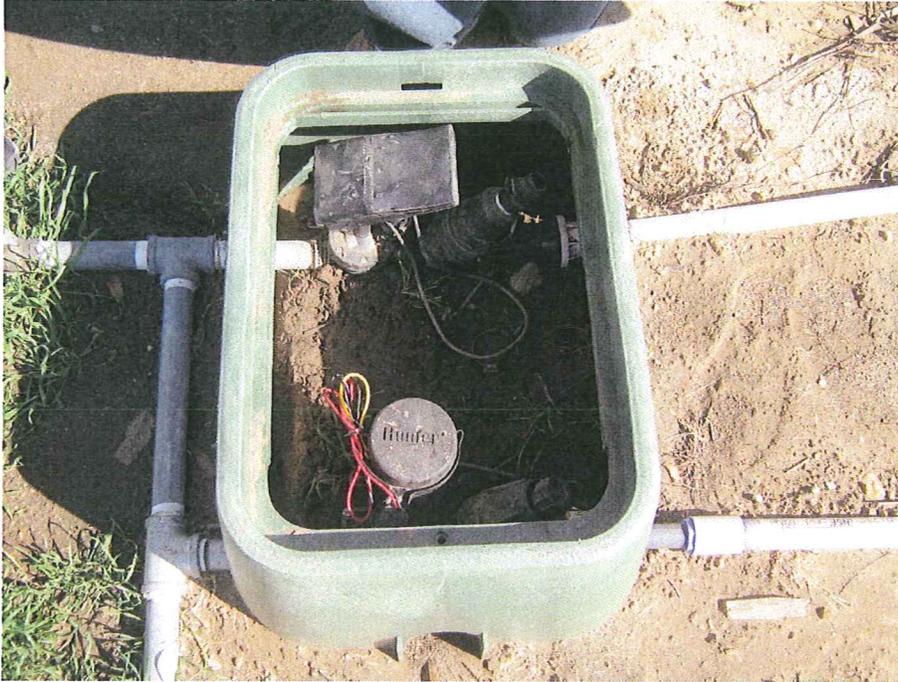
New UVR lateral pipe added for new trees	(4) New drip valves added with battery timers
Dripline and emitters added for new trees	Valve boxes installed for newly added valves
Clean up and demolition of underbrush (per Greg Ainsworth's recommendations)	Bark mulch added around newly planted trees
	Blue and orange flags mark newly planted trees.

Included are photos of some of the new trees and irrigation that were installed. Thank you for this opportunity. We hope to be of additional service to you in the near future.

Sincerely,

Kevin Ten Eyck
Landscape Development, Inc.

New Valves in Valve Box



Newly Planted Oak with Mulch and Drip Emitter



Newly Planted Oaks on Slope



Holes for New Trees



