

DATE RECEIVED:	7-9-25
FROM:	Ken Eklund
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Ceded time from:

#33 Illya Szilak
#34 Mathew Evans
#40 Zach Staads
#42 Jon Armstrong
#43 Annette Mees
#44 John Nelson
#45 Rin Ball

Good evening Chair Fowler and Planning Commissioners. I'm Ken Eklund, I live at Three Seven Three Four Zero Moss Rock Drive in Benton County.

Thank you, Illya, Mathew, Zach, Jon, Annette, JP and Rin, for gifting me more time to speak.

I want to speak first to a concern that you have, Chair Fowler, and try to give an answer that you tried to get from the Applicant, I think in vain. You asked them, does an input of a limit of 930,000 tons a year of organic waste into the odor model validate that model? Does it make it work at mitigating the harms of that waste? Now, I'm just a guy with a computer and motivation to use it, but let me tell you how I break that down.

The 930K limit helps, but doesn't mitigate, the odor harm. Because a lot of odors come from organic waste, but by no means all of them. Plastics, for example, produce VOCs – volatile organic compounds – as they break down. And a lot of odors result from organic and inorganic waste interacting – and as Commissioner Lee established, approving the expansion would remove the cap for non-organic waste, so then,

there could be a lot of inorganics for the organics to interact with. You could see yearly intake volumes of non-organic waste go up sharply, since the sky's now the limit. And of course, since there's no limit to any waste that Republic self-identifies as not "organic waste," you would likely see a sharp rise in intake of inherently stinky things – anything contaminated with chemicals, for example.

The other thing to remember is that the odor is landfill gas, and the odor consultant told you flat out that landfill gas generation is going to just keep going up and up, through the year 2052. That's because it's an additive thing – you're not smelling just this year's garbage, but last year's and the year before that, and so on. If landfill gas is going up, then odors are going up. We're seeing this phenomenon at landfills across the country, where more and more

waste goes to fewer and fewer landfills and the additive effect means rapidly escalating odor impacts for the communities around those landfills.

Another thing to note about the model is that it has other inputs, not just organic waste. You input gas collection efficiency, for example. We see the odor consultant has finally abandoned using an “industry standard” input and now claims to have based it on the landfill’s “actual emissions” – which, I have to pause right there and question, why didn’t they do that from the start? – But the thing about “actual emissions” is, those are numbers that Republic generates, and they are suspect and sharply contested. I think the EPA served them a Section 114 on exactly that question: how much landfill gas is leaking out of Coffin Butte? I for one have no faith in Republic’s self-generated number.

So that's my attempt at answering your odor model validation question. The answer is no, for those three reasons at least.

And then there's a fourth reason, which is this.

This is Coffin Butte Landfill on April 18 of this year, at 7:47 and 18 seconds in the evening. This is a plume of landfill gas at super-emissions levels that extends for almost two miles, from the back of the top of the landfill into homes along Highway 99W and across 99 into EE Wilson and then into more homes in Adair Village. I think it's fair to say that it's very difficult to reconcile the odor consultant's representation to you of odor travel around Coffin Butte with this real-world plot of landfill gas streaming out into the surrounding community. And remember: the plume you're

seeing is landfill gas at super-emissions levels. The odor plume is much bigger than this.

This is from a survey of Coffin Butte done by satellite by Carbon Mapper, a climate science nonprofit. Carbon Mapper just got a 2025 World Changing Idea award from Fast Company for their methane data transparency innovations, i.e., for this. Which is indeed a world-changing service. It's certainly made the odor modeling industry obsolete. Why model it when you can just look at it.

Commissioners, there are people's houses in this plume. Some of those people are here in this room.

Carbon Mapper can also quantify how much gas the landfill is leaking; they estimate this one is leaking 2.4 metric tons of landfill gas an hour,

plus or minus .4 metric tons. I don't know what number the model used for "actual emissions," but I'm guessing it's a fraction of this.

(6:00) This plume image is not an outlier. Carbon Mapper surveyed Coffin Butte three times in April and found it mega-leaking each time. In fact, for about two years now, Carbon Mapper has never surveyed Coffin Butte Landfill and found it not mega-leaking. The bad news is, their latest survey, on May 30, found that Coffin Butte is now mega-leaking from two different mega-leaks at the same time. Things are visibly getting worse.

I hope, Commissioners, that gives you some clarity into the odor model and its limitations as proof of Republic's claims of no serious interference due to odor.

Chair Fowler, and Commissioners, I haven't been able to get on paper the evidence and related material I'm citing, but I sure want to. I'm requesting a 7-day extension to do that. I really want you to see these plumes for yourselves.

So – what Carbon Mapper has done from the air, the EPA has done with boots on the ground. Which leads us into my next TED Talk, on compliance.

Legally speaking, a “burden of proof” has two parts. The first is, “Burden of Production” – that is, the burdened party has to produce evidence to support their claims.

Their “Burden of Proof” also is “Burden of Persuasion,” that is, the burdened party must provide you with a narrative that convinces you

that their evidence is valid and their claims are true. So, they can't just dump documents on you and burden you to make sense of them all. They have to explain them. And, really, they have to convince you. That's their Burden of Persuasion.

So, to jump back up to the odor study: the Applicant has provided a new odor study, which is the latest in a long line of odor studies, under their Burden of Production. And they've made representations about it, under their Burden of Persuasion. And you collectively had questions about their evidence, and maybe more now that you've heard more public testimony and seen that plume rolling into Adair Village. And so the question is: is the Applicant's narrative about their odor study convincing to you.

OK, back to compliance – by which I mean, Republic's representation of themselves as cooperative partners in environmental stewardship of the land, and the many questions that you have, and the public has, about that representation and the proof of that narrative. It's a key question, because trying to get a non-cooperative party to adhere to 86-and-counting Conditions of Approval is a hellscape.

We've heard from Missy Ryan that we have no hard evidence, only anecdotal evidence, of Republic's non-compliance with past Conditions of Approval. Well, anecdotal evidence is still evidence. But that's not really what we're looking for anyway. We're looking for Republic fulfilling its Burden of Production on this issue. We're looking for the list of past Conditions of Approval, and Republic's

documentation of fulfilling those Conditions. Very simple and straightforward. But Republic has not done this simple and straightforward thing. As Commissioner Biscoe mentioned earlier, they didn't do it during BCTT either. So Republic has failed their Burden of Production on compliance.

Let's imagine for a moment a different landfill operator, one that embodies Republic's claims of being Environmental, Neighborly and Cooperative. Let's call it ENC for short. ENC would have no problem supplying you documentation about past Conditions of Approval, because they would have been keeping track of them. So Republic seem to diverge here from being Environmental, Neighborly and Cooperative.

Let's look for other instances where Republic's attitude toward compliance has been put to the test. Yesterday, Bret Davis mentioned that the landfill is safer now, firewise, because the open flares it used to have, have been replaced with an enclosed flare. What he didn't mention is that, if Republic had actually complied with DEQ environmental regulations, the enclosed flare would have already been installed and at least one of the grass fires would never have happened. Republic learned they had to install and certify an enclosed flare in September 2021. They didn't actually comply with that regulation until November of 2024, over three years later and a year and a half after deadline, and only after DEQ issued them a Class I Notice of Violation.

And this to me is the kicker about that story: the grass fire damaged the flare equipment. So

Republic asked for an extension of complying with their Class I Violation due to the fire that their Class I Violation caused.

Commissioners, you have been given testimony by Erin Bradley, who was downwind from that fire. She runs a horse therapy non-profit, so when she saw the fire starting she had to load up her horses and otherwise begin to evacuate. Luckily, Adair Rural got the call and arrived on scene and put out the fire. All because of Republic's lack of compliance with DEQ regulations. Something they should have disclosed to you, but didn't. Pretty big crack in their Environmental, Neighborly and Cooperative narrative.

Let's look at another instance where Republic's attitude toward compliance has been put to the

test. Let's look at Coffin Butte's compliance history with the EPA.

Republic's Burden of Production: if you ask the EPA, and I have, Republic should have provided you with at least three key documents: they should have handed over the 2022 EPA Inspection Report, the follow-up 2024 EPA Inspection Report, and the 2025 Clean Air Act Section 114 Information Request, EPA Enforcement's legal notice in January. They've given you none of those, so Republic has clearly failed their Burden of Production. They've made various representations to you about those EPA actions, but they have not provided you with the documents to prove their representations.

Republic's Burden of Persuasion: well, you tell me. What narrative has Republic told you about the EPA actions? I think it's been "nothing to see here, move along." If you ask the EPA, and we have, they will tell you Coffin Butte is an

active enforcement situation. The VNEQS lawyer says the same. I don't think Republic has admitted even to that. Has Republic convinced you that "there's nothing to see here, move along"?

I can give you a narrative about the dump's recent compliance history with the EPA, and you decide for yourselves if it clicks. I've already documented every step – just search the public record for the word "explainer."

According to Senator Jeff Merkley, his staff received a lot of constituent complaints about the dump in 2021, so he put pressure on the EPA to look into it, and the EPA made an announced inspection that July and found 61 leaks at reportable levels and higher, including 4 at explosive levels. While the EPA inspector, Daniel Heinz, was finding all these methane leaks, Phil Caruso, Environmental Technician for Republic Services, was with him. Caruso didn't dispute the findings, but said he would not have checked many of the leak locations,

that he would have spent less time monitoring, and otherwise would have carried out the inspection using interpretations of the testing protocol that would have enabled him to not find the leaks and therefore not have to report them.

Time passes. It's 2024. Republic started up this application to expand the landfill. They set the wheels in motion – and then EPA made their unannounced inspection in June last year. Another embarrassment.

And then that unannounced inspection and its findings triggered the Section 114 legal action, which is basically an audit of all the dump's environmental records.

At which point Republic had a choice. They could have come clean with you – they could have said, “Here's what happened, here's what's happening, here are the reports, let's talk about this.” That's what their Burden of Proof obligates them to do. Instead, Republic

chose to pretend, as much as possible, that “there’s nothing to see here” – that this bad compliance history with the EPA should just be ignored. They dealt themselves a bad hand and now they’re trying to bluff it out.

Republic often asserts that environmental regulation is something DEQ and EPA do, not the County. But this isn’t regulation – this is information about regulation. You on the Planning Commission require the history of the regulatory process so you can better understand what is likely to happen in the real world if that process were to expand, along with the landfill area. This information is directly relevant to your criteria and deliberations.

– So, my dear overworked Planning Commissioners, you can sit back and take a breath. The hard part is over. Your decision has been made for you, and Republic made it. This is a matter of key importance to this application, and Republic has totally whiffed it. Good compliance is something they need to

prove, and they have not. In fact, by their silence and evasions, they've created strong evidence of the opposite. Without this proof, Conditions of Approval are a non-starter. Game over.

“Hmmm,” you say, “it seems unlikely that some old guy with a ponytail and overalls can torpedo the entire Republic application.” Ah – but it’s not me. I’m just the messenger. What happened was, the public out-roar over the last expansion application activated our Congresspeople, who pressured the EPA to inspect, and that went poorly for Republic, as detailed in the report that Republic did not give you, so the EPA followed up with another unannounced inspection, which went even more poorly for Republic, as detailed in the second report that Republic did not give you, which escalated into the Section 114 legal action, which Republic did not tell anybody about; but the County’s Disposal Site Advisory Committee dug it up with a Freedom Of Information Act request, and this legal action,

which Republic definitely has not showed you, got passed along to Benton County's Environment and Natural Resources Advisory Committee, ENRAC, who as you know are charged to advise you on this application, and ENRAC cited the EPA's legal action as a key element in their recommendation to you to deny Republic's application. Like I said, I'm just the messenger. It took a village.

Now, the escalation of the EPA's investigation into Republic's compliance history is one thing. One bad thing. But my key point here is that what Republic chose to do with those developments is entirely another. They chose to keep them from you.

So Commissioners, I think you can realize what this means for your deliberations, and your decision. An Approval with Conditions would essentially be telling the public, "Yes, I know for sure that Republic is bad about complying, because they refused to comply with our requirements to be truthful about compliance,

but I feel sure that Republic will be honest and forthright with you going forward. After all, you have a piece of paper with Conditions of Approval written on it.” Maybe it’s just me, but I feel that would be a low thing for you to do to the public.

As attorney Kleinman has laid out for you: legally, this has to be feasible. It has to be “possible, likely and reasonably certain to succeed.” You have zero proof of that. All the proof before you, especially Republic’s evasion, indicates the opposite. At the very least, it signals strongly that trying to enforce the Conditions of Approval is going to be an undue burden on public facilities and services. As I said, a hellscape.

To be more dispassionate about it: given that Republic knowingly kept important information about their non-compliance from you, it seems you cannot rely on their compliance for any part of any Approval. So you would have to find that the proposed use would not seriously

interfere with uses on adjacent property or with the character of the area, nor impose an undue burden on any public facilities or services, etcetera, even if none of the Conditions of Approval are met. Because, if you look at the proposed Conditions of Approval, all of them depend on Republic divulging information about landfill operations, not hiding that information at the first sign of trouble.

Because that's the issue here: trouble. I'm sure the Republic guys feel that I'm being very unfair. They have tons of successful compliance they can point to, and say, "see, this, here? We complied. And this? We complied. And this? We complied." And that's all very true.

But the core issue is, especially with the proposed Conditions of Approval, is: What happens when there's trouble? When the test wells show a severe impact to groundwater? Or when those smell-ometers start lighting up like crazy? What happens then? I think the

answer to that is pretty clear. “Nothing to see here, please move along.” All the evidence points to this.

(20:00) Respectfully, I don’t think you could or should make any finding that supports a Condition of Approval. Especially because I think we all know, this situation is just going to escalate. Republic certainly thinks so: they’ve brought a veteran Environmental Manager, Paul Koster, to Coffin Butte; Paul is fresh from Republic’s Sunshine Canyon Landfill, which last year received over 2 thousand complaints and 65 Notices of Violations. But his skills are wasted there now, as the state has finally stepped in with an abatement order, and so he’s here. I’ve put an LA Public article about Sunshine Canyon into the record, Commissioners; be sure to give it a read. It’s not hard to find; the headline is, **“A stinky landfill torments its neighbors in the northern Valley.”**

I have to point something out. If we were dealing with a landfill with a good compliance record, they would have sent their EPA inspection report to you. And a good landfill would only have that one inspection. It wouldn't have a follow-up unannounced EPA Inspection by an Air Enforcement officer – like Coffin Butte had. And a good landfill wouldn't have that second inspection escalate into a Clean Air Act legal enforcement action. But Coffin Butte did. Which I believe is unique for all comparable landfills in Oregon, Washington and Idaho – based upon the results so far from my FOIA request about it. So far, it looks like Coffin Butte is the only municipal landfill in EPA Region 10 to have gotten a Section 114 in the past three years or more.

If we were dealing with a good landfill, a cooperative landfill, they could prove it to your satisfaction. They would have proved it to your satisfaction. But we're not, and they didn't, and that's a serious thing, so please take it seriously. Deny this application.

WHY REPUBLIC DIDN'T HAND OVER DOCUMENTS

2022: EPA inspector Daniel Heinz, in his report:

"Along the top of this section of tarp, from flag #52 to #54, every post or tarp hole Daniel Heins monitored exceeded the surface methane standard, with readings of up to 7% shown before the instrument maxed out. Phil Caruso did not dispute any of the readings, though he noted that he would not have checked many of the exceedance locations, that he would have spent less time monitoring, or that he would have considered a higher location to be "the ground" when placing his probe 5 to 10 centimeters (cm) above the ground per the SEM regulations."

So now we have an insight into what Republic's compliance attitude is, and a handy shorthand word for it: "Caruso." What happened to all those past Conditions of Approval? What happened to the mitigation wetlands? They got Carusoed.

I hope you can follow what's going on here. The EPA guy is finding all these methane leaks, including ones at explosive levels, and Caruso, the Republic guy, doesn't dispute the findings, but says he would not have checked many of the leak locations, that he would have spent less time monitoring, and otherwise would have carried out the inspection using interpretations of the testing protocol that would have enabled him to not find the leaks and therefore not have to report them.

THE CONDITIONS OF APPROVAL THEMSELVES ARE AN UNDUE BURDEN

The Planning Commissioners would have to find that the Conditions of Approval themselves would not impose an undue burden on County government's public services and facilities. Can you really say that? It seems to me that Conditions of Approval would basically normalize and make permanent the tension and strain that we all have lived with for a year now. Which has undeniably put a great burden on County government's resources and its goodwill with the public. If you look at the proposed

Conditions of Approval, they're all driven by complaints, and it would be County government fielding all those complaints, and expected to do something about them.

MAYBE USEFUL NOTES

Kleinman (1747):

One characteristic that can be drawn from the preexisting operation, though, is the applicant's manner of operating a landfill. In this regard, please be aware that the voluminous

application materials on file do not disclose that Republic's Pollyanna-ish description of its methane emissions overlooks an ongoing action by the US Environmental Protection Agency.

(Please see the recap attached as Exhibit B – EPA Timeline-Explainer.) **Simply stated, the EPA does not believe Republic's numbers and has the dump under investigation.**

This reflects the way this operator operates. Leaking malodorous, unhealthy methane (that also contains airborne PFAS and many other air pollutants as described by the applicant during its May 1 testimony) onto adjacent properties will interfere with all uses on those properties, and with the character of the area (however "area" is defined).

My notes

The thing is, the hot water that Republic is in with the EPA over compliance isn't the main issue. The main issue is *honesty* and *transparency* – two things that are absolutely necessary to have with Conditions of Approval, as Republic has proposed them and as Planning Staff have proposed them. Without honesty and transparency, that's just a recipe for the chaos and tumult and financial drain of this application process to continue and to continue ratcheting upwards.

I suggest that it's going to be impossible for you as a Planning Commissioner to arrive at a finding where **you credit Republic for something they certainly did not do** – meet their burden of proof about compliance. And more than that, you have to admit, **the situation is a little like you found out that someone cheated on their honesty exam. That's just so many levels of wrong.**

"BEST STEWARDS OF THE ENVIRONMENT"

Brian Rupe ~

Meeting #2 2:04:10

I know a lot of the major topics of conversation have centered around environmental concerns of the landfill, and there's no doubt about it, we agree, and those are the kind of complicated and important issues that we manage every day regardless of the outcome of this hearing. However, maybe I just flip the frame a little bit in terms of perspective and think about it this way: if **the commitment here is to be the best**

stewards of the environment as possible, then maybe doesn't it make sense for Benton County to keep some of this volume here in Benton County, where you not only have a very concerned and educated citizen group, you have a county that's very involved, and [puts hand to chest] somebody who's willing to partner with you at the landfill, as opposed to that volume being pushed out of Benton County where that may not happen.

BACKGROUND

Understanding Burden of Proof

The burden of proof is a legal standard that determines which party is responsible for proving the facts in a legal dispute. In this case, Republic has the burden of proof.

Key Concepts

Burden of Production: This is the obligation to present enough evidence to support a claim. Republic must provide evidence in the form of documents, witness testimony, or physical evidence.

Burden of Persuasion: This refers to the obligation to convince the judge or jury of the truth of the claims made. Republic has this burden as well.

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DATE RECEIVED: 7-9-25
FROM: Kent Lund
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PLUME
ORIGIN
POINT



COFFIN
BUTTE
LANDFILL

HIGHWAY 99W

E. E. Wilson
Wildlife Area

E. E. WILSON
WILDLIFE AREA

LANDFILL
GAS PLUME

April 18, 2025

1.8 mi long
0.5 mi wide

ADAIR VILLAGE



DATE RECEIVED:	7/9/25
FROM:	KEN EKLUND
PHONE OR EMAIL:	

July 9, 2025

To: Benton County Planning Commission
Nicholas Fowler, Chair

From: Ken Eklund

Testimony in Opposition to LU-24-027, the application to expand Coffin Butte Landfill

Dear Chair Fowler and honorable Planning Commission members,

I'm attaching a recent article that I think you will find very instructive, as it details the situation with a landfill that's very similar to the situation with Coffin Butte Landfill. In fact, it's uncanny how little cut-pasting you would have to do to make this article about Coffin Butte.

As such, this story offers a sort of roadmap to our County's future.

As a side note, the Environmental Manager for Sunshine Canyon Landfill, Paul Koster, has been transferred to be the Environmental Manager of Coffin Butte Landfill. I wish I could say I was reassured by that, but I am not.

Don't let this be our future – Please deny LU-24-027.

Many blessings for all you do,

Ken Eklund

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attachment: "A stinky landfill torments its neighbors"

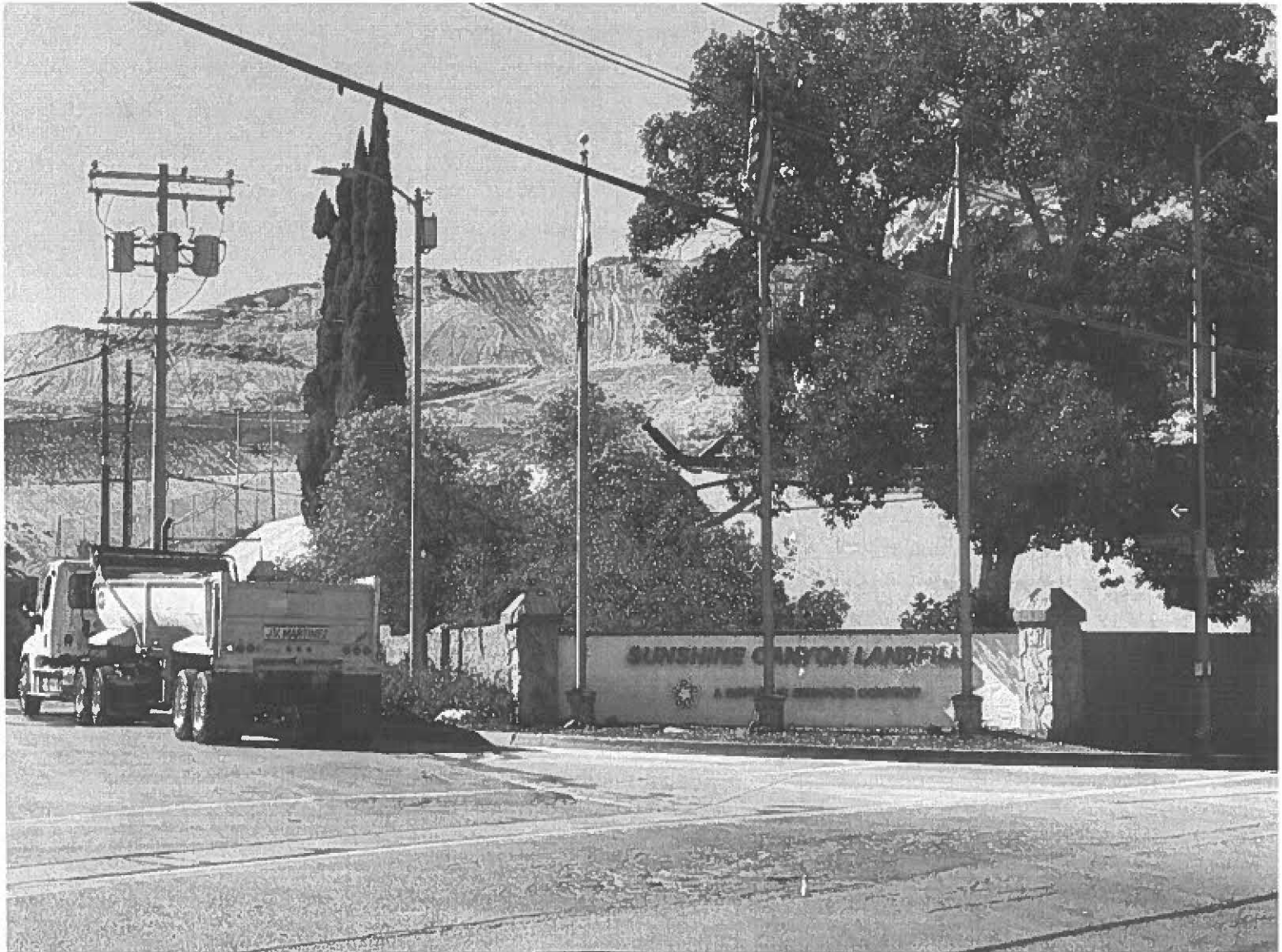
NEWS

A stinky landfill torments its neighbors in the northern Valley

Residents say the smell can sometimes be unbearable, and irritates throats, noses, and eyes.

by Ashley Orona and Dan Ross

03/11/2025 11:28 am



Last year, 2,187 complaints — a 20-year record — translated into 65 notices of violation at Sunshine Canyon Landfill. Credit: Ashley Orona / LA Public Press

In Granada Hills, at the northern tip of the San Fernando Valley, residents are surrounded by mountains, walking trails, and parks. But they can't seem to enjoy all the natural beauty because the neighborhood's other major defining feature is a giant, stinky landfill.

"It's just rotten trash. It's really distinctive. You can't miss it," said Jacqui Cunz, who for nine years, has lived about a mile from Sunshine Canyon Landfill in Sylmar.

Some days the smell is simply an annoyance. Other days it is strong enough to burn people's nostrils and make their eyes water and throats itch. When that happens, Cunz prefers to stay inside. But even when she seals all of her doors and windows shut, she said the smell can still creep in.

In the summer, residents said the smell worsens. And on windy days, plastic bags and paper trash blow onto their manicured lawns. Others said they have to clean up layers of dirt in their yards from the landfill operator constantly **importing soil**, and using it to cover the trash.

"It's a bummer because everybody loves living here, everybody loves the area," said Cunz. "Not when you wake up to smells almost everyday."

The strong odors inundate the neighborhood as frequently as a few times a week. Meg Volk, who has lived in the area for 33 years, said in the past month she has made 11 calls to the South Coast Air Quality Management District, or AQMD, the region's air regulatory agency, to report strong odors from the landfill.

There's been a few times where Volk has taken a chance and slept with the window open in her bedroom but was awoken by putrid smells early in the morning. Even if it's 2 a.m., she said she gets up to call AQMD because she's "so pissed."

In January, AQMD received **118 complaints** from locals about odor and issued three notices of violation. Jan. 6 looked like a particularly smelly morning, with **27 complaints just minutes apart**, with many coming from addresses nearby Van Gogh Charter School.

The community's frustrations aren't new — the landfill has been a nuisance neighbor for decades, and not just for Granada Hills, but other nearby neighborhoods. But the problems appear to have accelerated over the past couple of years. **The landfill is also slated to take in fire ash and debris from January's devastating Palisades and Eaton fires** — putting a renewed focus on decades of complaints from local residents.

Last year, regulators issued 65 separate notices of violation for a record annual number of public odor complaints for the facility. According to publicly available data, this number is significantly higher than for the other three solid waste landfills in LA and Simi Valley taking in ash and debris from January's fires in Altadena and Pacific Palisades. AQMD has filed a petition for an abatement order against the landfill operator, Phoenix-based Republic Services, to try to force it to comply with state and local rules on nuisance odors. A **hearing for the** order is scheduled for later this month.

In response to questions about Sunshine Canyon's compliance history and the complaints by local residents, a Republic Services media representative wrote that the company has "comprehensive safety and environmental programs in place," including a "state-of-the-art liner system," and "robust gas collection system to help ensure material is managed safely and responsibly."

Jane Williams, executive director of California Communities Against Toxics, an environmental advocacy organization, said she doesn't believe the operators are doing nearly enough to protect the community. "Everyone knows that this landfill is completely out of control," she said.

"It never should have been put there in the first place"

The Sunshine Canyon Landfill started life back in the 1950s as an illegal dump. People would pull up to the edge of the canyon and tip into it all sorts of garbage and waste.

In 1958, the city of Los Angeles issued to Republic Services a permit for a 40-acre landfill. Since then, it has grown into the largest dump site in the county, said Wayde Hunter, president of the North Valley Coalition of Concerned Citizens, a nonprofit that has historically opposed any expansion to the landfill and has advocated for action by local authorities on years of odor complaints by community members. And he's not happy about it.

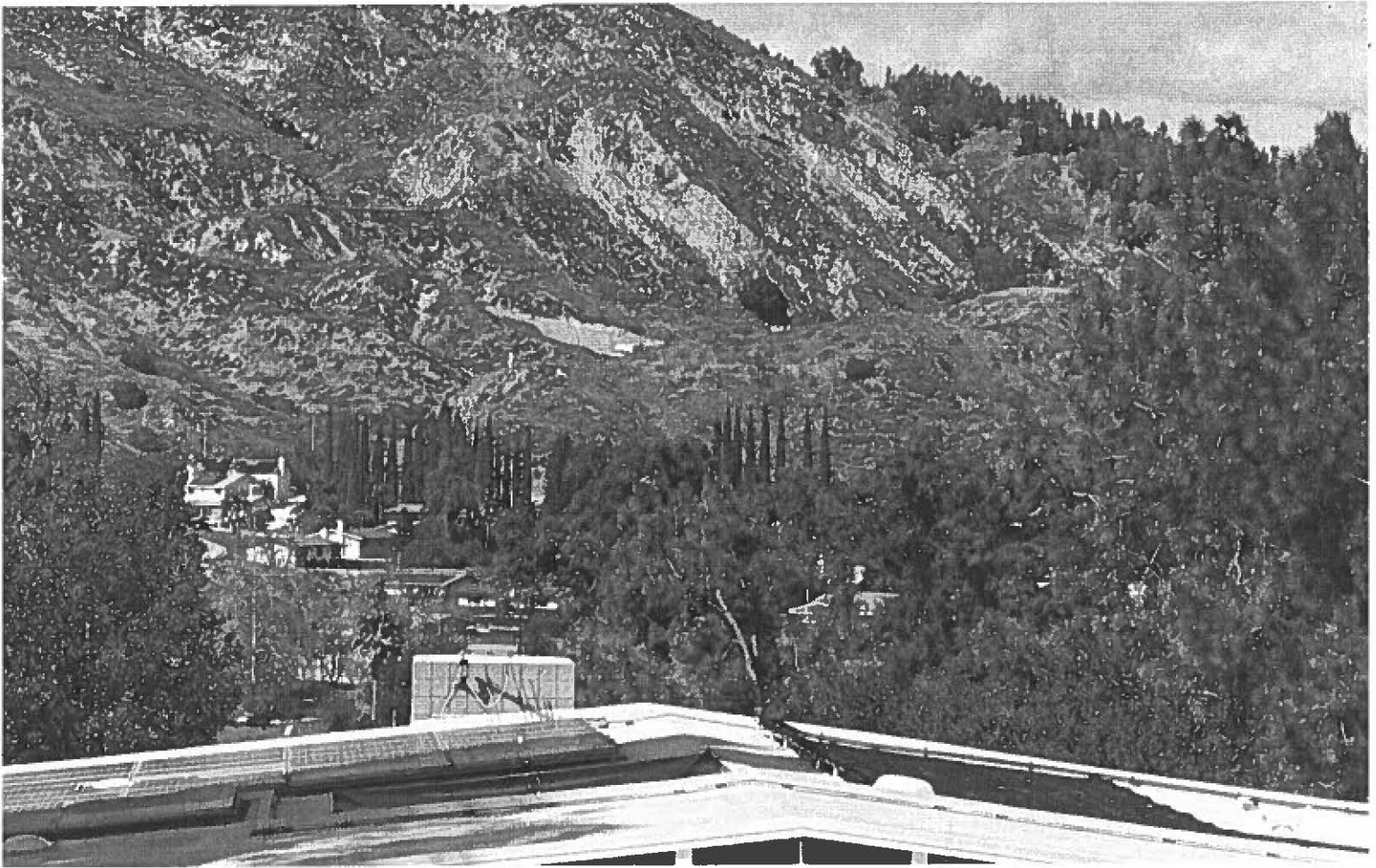
"It never should have been put there in the first place," said Hunter, who explained that the canyon is in the notoriously windy Newhall Pass. "What happens in the landfill happens in our houses. And we're stuck with this stinking landfill until 2037," he added, highlighting its planned closure date, when it's expected to reach capacity.

Compared to other states, California's solid waste landfills are among the most strictly regulated, said Craig Benson, a member of the National Academy of Engineering with decades of experience on the topic. "They're really very careful and very thoughtful about the way they regulate landfills," he said.

But that doesn't mean landfills are necessarily safe or pleasant to live near, said Nick Lapis, director of advocacy with **Californians Against Waste**, a nonprofit pushing for better waste management practices and an overall reduction in waste-streams. He pointed to LA County's Chiquita Canyon Landfill, which recently closed due to a hard-to-quench chemical reaction within the body of the trash causing it to heat up, at the same time exacerbating air emissions and odors stemming from the facility.

"The El Sobrante Landfill [in Riverside County] is also having a subsurface fire, which I didn't even know about until this morning," said Lapis, recently. "It's pretty clear that our requirements aren't especially protective, even if they're stricter than the federal rules. It's a pretty low bar."





Sunshine Canyon Landfill is tucked into the hills. Credit: Ashley Orona / LA Public Press

2,187 complaints in one year

The AQMD issues notices of violations to landfills in its region when inspectors can confirm that public nuisance complaints are directly attributed to the facility — typically from at least six separate households, or from a school when children are present.

After Sunshine Canyon took additional steps around 2014 to **better manage** odors and **air emissions**, public complaints dropped off precipitously. But they've spiked again over the past two years. In 2023, 1,721 odor complaints resulted in 61 notices of violation. Last year, 2,187 complaints — a 20-year record — translated into 65 notices of violation.

Though notices of violation can come with a fine, no financial penalties have been issued to Sunshine Canyon since the start of 2023. An AQMD spokesperson explained that the agency is still in the process of negotiating potential penalties, with delays due in part to disruptions from the January fires.

The facility also faces regulatory actions for the way it has managed rainwater runoff over the past two years, exacerbated by two unusually wet winters.

In May 2023, the Regional Water Quality Control Board issued Sunshine Canyon a **notice of violation** for 11 separate water discharge and stormwater violations requiring corrective actions, like allowing waste to wash into water drainage facilities or watercourses.

The growing criticism against operations at Sunshine Canyon in recent years provides a backdrop to the more recent public outcry over plans to deliver fire ash debris to the facility, with serious questions over exactly what's in the ash.

During a recent **virtual townhall**, Dr. Muntu Davis, the county health officer at the LA County Department of Public Health, said the ash "can be toxic and dangerous, depending on what burned." **Officials in Hawaii** tested the wildfire ash left after the 2023 fires and found elevated levels of potentially toxic lead, arsenic, cobalt, and copper.

Sanjay Mohanty, an associate professor at UCLA's Samueli School of Engineering, said he's not unduly concerned about the ash going to the landfill provided extra monitoring is performed as a precaution, and the findings are made accessible to the public to assuage concerns.

"There should be a high frequency of monitoring, and monitoring at more locations around the community," said Mohanty. "I think transparency is key here."

Will this be done at Sunshine Canyon? Not exactly. There will be no additional air monitors positioned at and around Sunshine Canyon, according to AQMD spokesperson Rainbow Yeung.

The agency, however, has begun conducting "field activities" at landfills set to receive the fire ash, Yeung added, including unannounced on-site inspections and community surveillance. It also plans to respond "to public complaints submitted by local residents, emphasizing schools and other locations that may have vulnerable populations."

But critics say that's not enough.

"Those are not just odors the nearby residents are smelling," said Williams, the anti-pollution advocate with California Communities Against Toxics, referencing federal air emissions data from 2020. These "**dangerous air pollutants**," she said, include almost 45 tons of sulphur dioxide (which is responsible for the odor complaints), 16 tons of particulate pollution, 33 tons of nitrogen oxide, and almost six tons of volatile organic compounds.

Sunshine Canyon has also long been a **massive emitter** of methane — more than 17 thousand tons of it in 2020 alone, according to federal data. Methane is a potent greenhouse gas and primary contributor to the formation of ground-level ozone, a dangerous air pollutant. Landfills in general are **one of the biggest emitters of methane** in California. Typically, **methane is extracted** through a series of wells and pipes before being flared off or recycled as a fuel. The state, however, could be doing a much better job at making landfill operators plug the problem, said Lapis with Californians Against Waste.

The California Air Resources Board is **considering an update** to its 2010 "**Landfill Methane Regulation**," in part

because the current approach to methane monitoring is ineffective and inefficient, experts say. The updates come as new research shows emissions are significantly higher than previously estimated, according to the board.

Methane isn't the only problem chemical at Sunshine Canyon. In 2019, leachate (the liquid that seeps through landfills) and non-drinking water groundwater testing at the facility found **per- and polyfluoroalkyl substances, or PFAS**, a vast class of chemicals found in everyday products, from non-stick cookware to clothes to carpets. Some of the most ubiquitous PFAS are known to be toxic to humans.

A subsequent **report** found that the PFAS concentrations in the leachate at Sunshine Canyon was within the expected range, and no further sampling was recommended. But as our understanding of PFAS grows, so does the problem. A **recent study** found that PFAS are potentially leaving landfills at a greater rate through the air than through water. Limited testing means it's wholly unclear the extent of PFAS pollution leaving Sunshine Canyon, and how.

Veronica Herrera, a UCLA associate professor of urban planning and political science, said that while safe disposal technologies exist, landfills typically have "just so many associated problems."

Herrera was part of a team that **last year found** residents living around landfills — often in low-income, vulnerable communities — are overburdened by the risks from plastic pollution, like inhaling and ingesting microplastics.

"It's important to think about who can distance themselves from waste, and who can't," she said

To address changing weather patterns, Republic Services has regraded certain areas of the landfill to prevent ponding, modified berms to prevent erosion and better manage more rainfall alongside other erosion controls, and improved the permanent drainage structures, according to the company's spokesperson. It has also installed 100 vertical gas extraction wells within the last year to better manage odors, with 100 more scheduled for installation this year.

"We've also installed more than 10,000 linear feet of horizontal or slope collectors to help enhance gas collection. We have deployed new vapor and misting systems throughout the landfill, and a dedicated Odor Patrol Team patrols the site and nearby neighborhoods every day," the spokesperson said in an email.

These steps have not appeased the residents living in the landfill's shadow.

A showdown is coming

Meg Volk's backyard in Granada Hills with a grassy lawn, pool, and spa looks like the kind pictured in home improvement magazines. She used to enjoy hosting friends and barbecues. But she has stopped inviting guests over to visit.

"It's just so annoying that you just cannot enjoy your own personal property," said Volk.

Jacqui Cunz can see the landfill from her backyard. That wasn't always the case — but the landfill has grown and become more visible over the nearly 20 years she's lived there. When the mountain vegetation is dry and brown, the landfill blends in with the mountain ranges. When the mountains are green, Cunz said, the dump looks like a "scar" along the hillside.

Granada Hills resident Tiffany Sayaphupha does not consider Republic Services to be "good stewards" of the neighborhood. She said the company is not doing enough to contain and handle the smells from the regular household trash it handles. And she's not confident the operator will do its due diligence in handling **the additional fire debris going to the landfill.**

"We're at their mercy," said Sayaphupha.

Sayaphupha has children who attend Van Gogh Charter School, located about two miles away from the landfill. She and other parents are especially concerned about the possible long-term health consequences of odors and incoming fire debris on their children.

At the school's dismissal time last Tuesday, it was warm enough to not wear a jacket. But there was a breeze, especially in the shade. Neighbors walked their dogs at Bee Canyon Park, and a few teenage boys were skateboarding nearby in a dried up reservoir.

Asked about the landfill, some parents said they'd been notified about smells in the past, others said no.

A spokesperson for the Los Angeles Unified School District said in an email that if odors are present at levels that are determined to be "strong" or "disruptive" during school hours, the Van Gogh principal is expected to implement an "indoor activity" schedule until odors disappear. The Van Gogh administration should also submit a complaint to AQMD and the district's Office of Environmental Health and Safety.

Eric Fefferman, a former Van Gogh parent and Granada Hills North Neighborhood Council member, said at a meeting last month that he recently pulled his son from the school because the odor was "so strong."

On a recent morning, Leonardo Muñoz, another Van Gogh parent, said a putrid trash smell was coming from the landfill as he dropped off his child at school, which is not uncommon.

He immediately called AQMD to report it.

"I think it does affect our health at least to some degree, whether you have kids or not," said Muñoz.

The community's growing chorus of criticism will come to a head at the AQMD's offices in Diamond Bar on March 19, when the hearing on the petitioned abatement order is scheduled to go ahead. Disillusioned community members aren't holding their breath the hearing will result in action. "Don't expect miracles but these are the only people who

can make them do anything like reduce tonnage or reduce hours if only temporarily until the odors are abated,” wrote Wayde Hunter, in an email to the community last week.

“[Residents] don’t want to take it anymore,” said Cunz. “It’s like nobody is doing anything in the political realm to listen to our problems or help us.”

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