**California Communities Against Toxics**

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Oregon State Committee on Energy and the Environment

900 Court Street

Salem, OR 97310

February 26, 2025

Dear Committee Members,

RE: SB 726- We are writing in **SUPPORT** of measures to reduce landfill pollution in Oregon.

***1.*** Landfills emit toxic chemicals and methane and criteria pollutants into their host communities. They are a major source of toxic air pollution and have a requisite federal Clean Air Act rule that govern requirements for their operation. These requirements are designed to minimize pollution from these landfills to the greatest extent practicable and seek to protect the host communities from exposure to toxic chemicals and other air pollutants including methane. These federal regulations were last updated in February of 2020 and include important restrictions on wellhead temperatures as well as other requirements. [1] Unfortunately, these requirements are often being violated leading to exceedences of emissions restrictions designed to protect public health and the environment in the communities hosting these facilities. In fact, compliance at landfills in the U.S. is so bad that the EPA Office of Enforcement and Compliance (OECA) recently issued an

[1] ***https://www.epa.gov/stationary-sources-air-pollution/final-amendments-municipal-solid-waste-landfills-national-emission***

enforcement alert to states and operators on the pervasive noncompliance with federal regulations governing landfill emissions.[2]

2. These required temperature restrictions are designed to force operators to carefully control the temperatures in the landfill so that they prevent the runaway combustion reactions that are now occurring at the Chiquita Canyon Landfill in Los Angeles County. At Chiquita Canyon these temperature requirements were waived by the state regulatory authorities.

3. The agencies regulating landfills in Los Angeles County include: California' Department of Resources Recycling and Recovery ("CalRecycle"), the Los Angeles County Department of Public Health, Solid Waste Management Program (certified to act as the Local Enforcement Agency by CalRecycle, the "LEA"), California's South Coast Air Quality Management District ("South Coast AQMD"), the Los Angeles Regional Water Quality Control Board ("RWQCB") and California's Department of Toxic Substances Control ("DTSC")). Collectively, these agencies failed to respond to the elevated temperatures at Chiquita Canyon adequately and in fact, looked the other way while the landfill temperatures continued to rise. There is now a large subterranean fire that will burn for years and is having severe air pollution impacts for many square miles around the landfill.

4. As part of the multi agency response to public outcry about toxic emissions from the landfill, an inspection was done at the landfill where leachate sample were collected by the Department of Toxic Substances (DTSC). That leachate was so contaminated with benzene that the leachate was declared a hazardous waste. Indeed just over a year ago on February 15, 2024, DTSC issued violations to the Chiquita Canyon Landfill related to its leachate management and disposal which included violations for failing to make a proper waste determination, disposing of hazardous waste at an unauthorized facility, and failing to minimize the possibility of release of hazardous waste or hazardous waste constituents.[3] The Los Angeles County Local Enforcement Agency had previously refused to collect leachate samples and test them or compel the landfill to collect them and test them. As well, prior testing of the flaring system by the South Coast AQMD had found over 15 tons of benzene emissions just from the flare alone. These benzene emissions from the landfill exceed the collective benzene emissions from all the refineries and both ports in Los Angeles County.

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[2] https://www.esgdive.com/news/epa-warns-landfill-owners-gas-monitoring-collection-enforcement-alert/728303/

[3] https://www.epa.gov/ca/chiquita-canyon-landfill#reaction

5. After over a year of the complete failure by local and state agencies to respond to the dire public health threat at Chiquita Canyon, the USEPA issued an imminent and substantial order under the federal Clean Air Act finding that Chiquita Canyon failed to adequately operate the Landfill's active collection system at gas collection wells in applicable areas, failed to operate air pollution and control equipment in a manner consistent with good air pollution control practices, failed to correct landfill gas temperatures inside and outside the reaction area, and failed to adequately monitor landfill gas temperatures. In essence, USEPA overfiled on the authorities that the state and county has failed to use to protect the residents of communities adjacent to Chiquita Canyon. USEPA has only used its imminent and substantial endangerment authorities under the federal Clean Air Act about a half dozen times in the last 20 years.

6. All these facts are highly relevant to policymakers seeking to control pollution from landfills today. Unfortunately, landfills that accept ash have a higher propensity to experience elevated temperatures in their disposal cells and catch fire. [4]

7. Through a mechanism that is not completely understood, when ash is disposed of in landfills the landfills start exceeding the minimum temperature requirements specified in the Municipal Waste Landfill NESHAPs.[5] Los Angeles County has already experienced almost 3 years of an unmitigated, ongoing public health disaster at the Chiquita Canyon Landfill, which, despite it closure, is still spewing huge amounts of toxic air contaminants, methane, and criteria pollutants into the air[6] as the subterranean combustion of the landfill continues. Failing to maintain adequate temperatures controls at landfills bears the risk that the landfill will catch on fire and have extreme impacts on air quality.

8. Landfills also emit PFAS compounds into the air that are not mitigated by the current air pollution control systems used at landfills.[7] Leachate at all landfills in California are currently contaminated with PFAS chemicals, which are toxic in the low part per trillion range[8]. As well, airborne releases of PFAS compounds from

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[4] https://www.sciencedirect.com/science/article/abs/pii/S0956053X2200424X
[5] https://www.sciencedirect.com/science/article/abs/pii/S0956053X20304736
[6] https://www.vvamp.org/vvamp-purpleair-network]
[7] https://www.acs.org/pressroom/presspacs/2024/june/some-landfill-burps-contain-airborne-pfas-study-finds.html
[8] https://www.waterboards.ca.gov/pfas/

landfills have just started to be measured, but have been found at all landfills investigated. Ash from the burning of municipal waste has been found to contain PFAS chemicals since they are not destroyed by fires.[9] Disposal of ash into landfills will increase the emissions of PFAS chemicals into the air, groundwater, and leachate from the landfills receiving the waste unless the ash is treated to destroy the PFAS compounds or immobilize them.

9. Metals can be more leachable when in ash[10], and the ash itself can be highly corrosive[11], however without proper testing, it's impossible to know what the exact characteristics of ash being disposed of in landfills are. But we do know that when ash is disposed of in landfills it is contributing to the development of elevated temperatures in the subsurface of the landfill which increase air emissions and leachate production, and can contribute to subsurface combustion events (fires) in landfills. The properties of the ash that make them hazardous can be mitigated with treatment.

We are pleased to be able to offer these comment to help policy makers and elected officials make informed decisions regarding landfills. Clearly, landfills need to be much more highly regulated if massive air pollution, underground fires, and groundwater contamination is to be avoided. Please don't hesitate to reach out with questions or concerns you may regarding this information.

Cordially,

***Jane Williams***

Jane Williams

Executive Director

California Communities Against Toxics

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[9] https://phys.org/news/2024-09-chemicals-persist-incineration.html#:~:text=PFAS%2C%20often%20called%20%22forever%20chemicals%2C%22%20present%20in,the%20environment%20via%20residues%20from%20waste%2Dto%2Denergy%20plants.&text=The%20results%20showed%20that%20wet%20flue%20gas,significantly%20depending%20on%20the%20specific%20PFAS%20compounds.

[10]https://www.sciencedirect.com/science/article/abs/pii/S0048969719309751#:~:text=Results%20showed%20that%20leaching%20concentration,fly%20ash%20S/S%20treatment.

[11]https://www.sciencedirect.com/science/article/abs/pii/S0016236123028491#:~:text=combustion%20is%20revealed.-,Abstract,tubes%20of%20waste%20incineration%20furnaces.