12 de enero de 2026

Por e-mail
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Ref.: Respuesta de Chiquita Canyon, LLC al Aviso de la Determinación de Incumplimiento Propuesta con Determinación de Peligro Inminente y Sustancial y Orden del 26 de diciembre de 2025 en el Asunto del Vertedero de Chiquita Canyon, Expediente No. HSA-FY24/25-082

Estimada Sra. Berg:

Chiquita Canyon, LLC (Chiquita) presenta esta respuesta al Aviso de la Determinación de Incumplimiento Propuesta con Determinación de Peligro Inminente y Sustancial y Orden (el Aviso) del 26 de diciembre de 2025 del Departamento de Control de Sustancias Tóxicas (DTSC).[1] El DTSC emitió a Chiquita la Determinación de Peligro Inminente y Sustancial y Orden el 2 de abril de 2025 (la Orden de ISE).

Chiquita no está de acuerdo con ninguna de las acusaciones del Aviso del DTSC, que incluyen la caracterización de los Planes de Trabajo preliminares de Acción de Remoción (RAWs) de Chiquita y su aviso de intención de cumplir. El DTSC denuncia que Chiquita no cumplió con la Orden ISE porque supuestamente no presentó tres RAWs preliminares que el DTSC considere adecuado, conforme a la sección 5.3 de la Orden ISE.[2] Chiquita ha cooperado absolutamente con la Orden ISE, que incluye responder oportunamente cada uno de los comentarios del DTSC de los tres RAWs preliminares y presentar RAWs preliminares revisados. Mientras que las partes continúan revisando y modificando las RAWs, se está llevando a cabo correctamente la implementación de las tres RAWs, como se describe en este documento. El DTSC también denuncia que Chiquita no dio aviso de su intención inequívoca de cumplir, conforme a la sección 7 de la Orden ISE.[3] La denuncia del DTSC que indica que Chiquita no proporcionó un aviso de intención de cumplir adecuado es inconsistente con los hechos en el campo y con la ley, como se describe en mayor detalle en este documento. Por los motivos aquí descritos, Chiquita solicita respetuosamente que el DTSC

[1] Esta respuesta también trata denuncias infundadas incluidas en la carta del DTSC del 18 de noviembre de 2025 entregada a Chiquita sobre la Tarea 7, Extensión de Área Cubierta. Como el DTSC posteriormente rescinde su carta del 18 de noviembre de 2025 mediante la carta del 21 de noviembre de 2025 sobre el mismo tema, Chiquita no respondió en ese momento. Sin embargo, a pesar de rescindir la carta del 18 de noviembre de 2025, el DTSC se basa inadecuadamente en las denuncias y las declaraciones realizadas en esa carta rescindida, como base de este Aviso. Por lo tanto, Chiquita ahora debe responder.
[2] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 1.
[3] *Id.* en 2.

retire su Aviso y que después de revisar las extensas comunicaciones de Chiquita y las producciones de datos que se describen en esta carta, identifique con especificidad cualquier deficiencia percibida que quede pendiente, con las RAWs preliminares. Chiquita después se compromete a proporcionar otras revisiones de las RAWs preliminares inmediatamente, en base a plazos razonables acorde al alcance de la solicitud.

Chiquita ha realizado esfuerzos consistentes, de buena fe, para comunicarse proactivamente con el DTSC y para tratar las solicitudes de revisiones del departamento de las RAWs preliminares. Sin embargo, Chiquita no puede simplemente estar de acuerdo con los requerimientos del DTSC sin primero determinar que sean seguros, razonables y viables. Chiquita no aceptará tomar ninguna acción que afecte significativamente el sustancial progreso que ha hecho para mitigar la reacción subterránea, también conocida como evento de Vertedero de Temperatura Elevada (ETLF), en particular donde el DTSC no proporciona datos ni evidencia que respalde sus requerimientos. Por ejemplo, Chiquita ha estado ampliando diligentemente la nueva cubierta de geomembrana de EVOH/HDPE de 60 milésimas de pulgada bajo la dirección del DTSC y otras agencias. Hasta la fecha, Chiquita ha desplegado 781,783 pies cuadrados de cubierta de geomembrana adicional. Chiquita únicamente contesta el requerimiento reciente de cubrir todo el cañón principal del Vertedero para el 31 de agosto de 2026. A pesar de que Chiquita proporciona datos que muestran cómo la expansión de la cubierta dentro de los plazos del DTSC afectaría significativamente el progreso en la mitigación de reacciones y de la evidencia que indica que los plazos de construcción simplemente no son posibles, el DTSC no ha proporcionado ningún dato o evidencia que indique lo contrario.

De forma similar, con respecto al requerimiento de la barrera vertical, mientras que Chiquita continúa estando completamente comprometido en proteger la Celda 8A, no puede aceptar medidas que no cuentan con respaldo científico y que son técnicamente imposibles y es muy probable que haga retroceder el sustancial progreso que ha tenido Chiquita para mitigar la reacción. En resumen, la propuesta de Chiquita para manejar la reacción está respaldada por la ciencia y por el conocimiento en la industria, que se enfoca en análisis de datos y no es especulaciones, mientras que la propuesta del DTSC de ordenar primer y (probablemente) estudiar después es imprudente. La barrera propuesta por el DTSC ni siquiera cuenta con los fundamentos científicos y de ingeniería básicos para respaldar su construcción. Además, el DTSC no ha realizado ningún análisis del costo-beneficio que combata adecuadamente los sustanciales efectos negativos de incluso intentar, y mucho menos completar, un proyecto con un alcance sin precedentes. Mientras que los reguladores, que incluyen al DTSC, ahora reconocen que se justifican las alternativas a las barreras, Chiquita no ha faltado a ningún plazo establecido previamente por el DTSC para proporcionar estas alternativas. Chiquita no puede ser penalizado por no tomar ninguna acción de la que no haya recibido un aviso. El hallazgo del incumplimiento del DTSC es, por lo tanto, irrazonable.

El Aviso del DTSC no está designado para proteger la salud humana o el medioambiente. Los numerosos aspectos del Aviso dejan en claro que es de naturaleza punitiva y no permiten que avancen las medidas de mitigación o un diálogo constructivo entre las partes. Por ejemplo, el Aviso contiene importantes imprecisiones y caracterizaciones erróneas de las acciones de Chiquita, los plazos y las comunicaciones entre Chiquita y las agencias. Chiquita detalla estas inexactitudes en su respuesta a continuación.

Las posiciones del DTSC también son contradictorias internamente. El DTSC emitió un Aviso separado de Determinación Propuesta de Incumplimiento el 12 de diciembre de 2025, alegando que Chiquita no

proporcionó los datos crudos que el DTSC necesitaba para evaluar la reacción y sus impactos.[4] Como se detalla en la respuesta del 22 de diciembre de 2025, Chiquita no está para nada de acuerdo con estas afirmaciones.[5] Chiquita ha proporcionado acceso a datos sin precedentes y el Aviso del DTSC del 12 de diciembre de 2025 está repleto de imprecisiones y caracterizaciones erróneas de los hechos. Chiquita proporcionó más de 40,000 archivos el 22 y el 23 de diciembre de 2025. Incluso antes de descargar los datos, el DTSC emitió este Aviso denunciando que Chiquita no había tomado acciones para contener la reacción, cuando el departamento acababa de decir que tenía información inadecuada para evaluar la reacción.

Con respecto a las acciones especificadas en el Aviso, es la primera vez que el DTSC ha aclarado varios de sus requerimientos. La Orden ISE proporciona solo indicaciones de alto nivel sobre las medidas de mitigación, dejando los detalles específicos a ser desarrollados en las RAWs. Como se describe a continuación, en varias ocasiones, cuando Chiquita elevó inquietudes o pidió aclaraciones sobre los requerimientos del DTSC, el DTSC se negó a participar en un análisis constructivo con Chiquita para buscar la mejor forma para continuar. De hecho, Chiquita respondió hasta su mayor capacidad y proporcionó toda la información y las revisiones solicitadas a las RAWs preliminares. El DTSC y Chiquita se reúnen todas las semanas y Chiquita ha sido transparente en todo momento en lo relacionado a sus planes de implementación. El DTSC, por otro lado, no. Algunas de las posiciones que ha tomado el DTSC en este Aviso, de hecho contradicen otras indicaciones de los reguladores sobre las mismas medidas de mitigación. Por ejemplo, mientras que el DTSC ha alegado que la ubicación del nuevo parque de tanques de la Celda 8B no es estable, la correspondencia más reciente de la LEA no expresó ninguna inquietud sobre la ubicación del nuevo parque de tanques. Además, el DTSC afirma que Chiquita no proporcionó un programa para la instalación de la cubierta aunque previamente le indicó a Chiquita que siga el programa de la LEA.[6] Y también, mientras que la LEA y el DTSC le indicaron a Chiquita que proporcione alternativas sobre la barrera, el Aviso del DTSC sugiere que Chiquita no cumplió con los plazos de los que no había sido informado previamente.[7]

Chiquita ha solicitado reiteradamente una indicación clara de los reguladores para tratar estos problemas exactos. La imposibilidad del Estado y de las agencias locales de coordinar y proporcionarle a Chiquita indicaciones claras y consistentes ha impedido el progreso de Chiquita para manejar la reacción. La negación del DTSC en participar con Chiquita de buena fe únicamente exacerba estos problemas y va en dirección opuesta a la misión del DTSC de proteger a la gente, las comunidades y el medioambiente de California. Chiquita solicita respetuosamente que el DTSC retire este Aviso, por los motivos aquí descritos.

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[4] *Ver* el Aviso de la Determinación de Incumplimiento Propuesta con Determinación de Peligro Inminente y Sustancial y Orden del Consulte DTSC del 12 de diciembre de 2025 en 5.

[5] *Ver en general* la Respuesta de Chiquita al Aviso de la Determinación de Incumplimiento Propuesta con Determinación de Peligro Inminente y Sustancial y Orden del DTSC del 22 de diciembre de 2025.

[6] *Comparar* el Aviso de Determinación de Incumplimiento Propuesta del DTSC del 26 de diciembre de 2025 en 4-5 con la Orden de Peligro Inminente y Sustancial y Orden del DTSC (Expediente No. HAS-FY24/25-082), Tarea 7, Extensión del Área Cubierta, Programa (Código de Sitio 302132), 21 de noviembre de 2025 ("En virtud a la carta de la Agencia de Cumplimiento Local (LEA) que se envió a los Denunciados ayer, 20 de noviembre de 2025, estableciendo un plazo para la instalación de la cubierta de geomembrana en CCL, el DTSC rescinde la carta del 18 de noviembre de 2025 y los requerimientos allí escuchados").

[7] *Comparar* los Comentarios de la LEA sobre el Plan de Trabajo de Acción de Remoción (RAW) Preliminar, Vertedero de Chiquita Canyon (CCL), SWIS No, 19-AA-0052, 20 de noviembre de 2025 *con* la Determinación de Peligro Inminente y Sustancial y Orden del DTSC (Expediente No. HAS-FY24/25-082), Tarea 7, Extensión del Área Cubierta, Programa (Código de Sitio 302132), 21 de noviembre de 2025 *y con* el Aviso de Determinación de Incumplimiento Propuesta del DTSC del 26 de diciembre de 2025, en 9-12.

Por facilidad de revisión, esta respuesta está organizada de la siguiente manera:

I. La Orden ISE del DTSC entra en conflicto inadecuadamente con los requerimientos de otras agencias.

II. Chiquita ha actuado de forma diligente y de buena fe para cumplir con la Orden ISE.

III. Chiquita proporcionó oportunamente un Aviso de Intención de Cumplir apropiado.

IV. Las RAWs preliminares de Chiquita cumplieron con los requerimientos establecidos en la Orden ISE.

a. Chiquita presentó un RAW preliminar satisfactoria sobre las cubiertas.

i. Chiquita proporcionó un programa de implementación que fue lo más detallado posible en cumplimiento con la sección 5.3.(n) de la Orden ISE.

ii. Chiquita incluyó todos los criterios relevantes, planes y especificaciones en cumplimiento con la sección 5.3(c) de la Orden ISE.

iii. Chiquita identificó adecuadamente los objetivos a ser alcanzados en cumplimiento con la sección 5.3(b) de la Orden ISE.

iv. Chiquita proporcionó una descripción del sitio que incluye las condiciones actuales del sitio en cumplimiento con la sección 5.3.(a) de la Orden ISE.

v. Chiquita incluyó una descripción adecuada de los métodos de instalación de las cubiertas en cumplimiento con la sección 5.3(e) de la Orden ISE.

b. Chiquita presentó un RAW preliminar satisfactoria sobre la reubicación.

i. La reubicación del Parque de Tanques 9 en la Celda 8B cumple con la sección 5.1.2(b) de la Orden ISE porque la Celda 8B fue la única opción disponible para la inmediata reubicación del Parque de Tanques 9; fue la ubicación que mejor protege el medioambiente y actualmente es estable.

A. La historia del Parque de Tanques 9.

B. Planificación, diseño, asentamiento y construcción del nuevo parque de tanques.

C. La Celda 8B es la ubicación que mejor protege el medioambiente en el Vertedero que permitió la inmediata reubicación del Parque de Tanques 9.

D. La Celda 8B actualmente es estable y se espera que se mantendrá estable por un futuro previsible.

E. Reubicar el Parque de Tanques 9 en la Celda 8B cumple con la sección 5.1.2(b) de la Orden ISE.

ii. Chiquita ha proporcionado todos los criterios relevantes, planes y especificaciones en cumplimiento con la sección 5.3(c) de la Orden ISE.

iii. Chiquita trata los comentarios del DTSC en lo relacionado al RAW de la reubicación.

c. Chiquita se está dedicando a proteger la Celda 8A y a cumplir con todas las obligaciones de la sección 5.1.2(c) que no dañan los esfuerzos de mitigación.

i. La Celda 8A no es un peligro inminente y sustancial.

ii. La barrera vertical solicitada por el DTSC no está respaldada por análisis científicos, es técnicamente inviable e impactaría negativamente las exitosas medidas de mitigación de Chiquita.

A. La barrera solicitada por el DTSC no la respalda la evidencia científica y contradice la directiva más reciente de la LEA.

B. La barrera solicitada por el DTSC no es viable ni técnicamente ni llevada a la práctica.

C. La barrera solicitada por el DTSC impactaría negativamente las medidas de mitigación exitosas existentes de Chiquita.

iii. El RAW preliminar de la barrera y otras correspondencias proporcionan suficiente respaldo a la propuesta de Chiquita de manejar la reacción.

iv. El RAW preliminar de la barrera cumplió con todos los otros requerimientos de la Orden ISE.

I. La Orden ISE del DTSC entra en conflicto inadecuadamente con los requerimientos de otras agencias.

La Orden ISE y el Aviso del DTSC entran en conflicto con la Orden Administrativa Unilateral emitida por la Agencia de Protección Ambiental (EPA) de los Estados Unidos el 21 de febrero de 2024 (UAO) y la Orden de Cumplimiento emitida por el Departamento de Salud Pública del Condado de Los Ángeles, que actúa como Agencia de Cumplimiento Local (LEA) el 1 de mayo de 2025 (Orden de Cumplimiento de la LEA de 2025).[8] Varias comunicaciones del DTSC entregadas a Chiquita también han entrado en conflicto con las demandas de la EPA y de la lea, requiriendo que Chiquita concilie esas diferencias sin orientación suficiente del DTSC. Chiquita explica la naturaleza duplicada y contradictoria de estas órdenes estatales y federales en mayor detalle en su Solicitud de una Audiencia de Apelación Formal y Petición de Estadía de la Orden de Cumplimiento de la LEA de 2025.[9] Chiquita

[8] EPA de EE.UU., Orden Administrativa Unilateral, Expediente de la EPA No. RCRA 7003-09-2024-0001 y CERCLA 106-09-2024-05 (21 de febrero de 2024), disponible en https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2024/04/rcra-7003-09-2024-0001-cercla-106-09-2024-05-chiquita-canyon-llc-uao-2024-02-21-1.pdf; Departamento de Salud Pública del Condado de Los Ángeles, que actúa como Agencia de Cumplimiento Local, Orden de Cumplimiento (1 de mayo de 2025), disponible en https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2025%2F05%2F2025-05-01-LEA-Compliance-Order-Chiquita-Canyon-Landfill-5.1.2025-Final.pdf.

[9] *Ver* la Solicitud de Chiquita de una Audiencia de Apelación Formal y Petición de Estadía de la Orden de Cumplimiento de la LEA del 1 de mayo de 2025 (16 de mayo de 2025), proporcionada en el Adjunto A.

no está violando la Orden ISE porque tiene una buena causa para no cumplir con las demandas del DTSC que entran en conflicto o duplican los requerimientos de la UAO de la EPA y por lo tanto son reemplazadas por la UAO de la EPA.

Bajo la Cláusula de Supremacía, las leyes estatales y las leyes locales y las órdenes "que interfieren o se oponen a las leyes del Congreso" son reemplazadas y por lo tanto son inválidas.[10] Por lo tanto, existe un derecho de prioridad de conflicto cuando la Orden ISE o las demandas del DTSC bajo la Orden ISE no se oponen a la UAO federal preexistente.[11] Chiquita no disputa que el DTSC pueda ejercitar autoridad en el Vertedero. Chiquita no objeta, sin embargo, que deba o incluso pueda seguir las órdenes del DTSC que entren en conflicto con las de la EPA federal.

La sección 5.1.2 de la Orden ISE y sus tres subsecciones entran en conflicto con el requerimiento del "Plan de Trabajo Maestro" del Párrafo 22 de la UAO emitida por la EPA.[12] El Párrafo 22 de la UAO requería que Chiquita desarrollara (1) un "Plan de Gestión de Lixiviados" que controla los procedimientos operativos para acumular y gestionar lixiviados en el Vertedero; (2) un "Plan de Quiebre/Barrera de Suelo en la Reacción" que incluya la instalación de dispositivos de monitoreo de temperatura de los desechos y especificaciones de una trinchera de contención; y (3) un "Plan de Instalación de Cubiertas" que requiera la instalación de una geomembrana de Polietileno de Alta Densidad. El Plan de Trabajo Maestro, que incluye estos planes de trabajo individuales, está sujeto a supervisión y aprobación de la EPA: “Después de la aprobación o modificación del Plan de Trabajo Maestro de la EPA [Chiquita] debe implementar el Plan de Trabajo Maestro conforme al programa y a las disposiciones aprobadas por la EPA”[13] Los requerimientos de la sección 5.1.2 de la Orden ISE se superponen y entran en conflicto con los requerimientos del Párrafo 22 de la UAO. El DTSC y la EPA, que tienen autoridad de aprobación sobre las mismas acciones, están en conflicto e interfieren con la autoridad federal de la EPA.[14] Este conflicto también crea un ambiente regulador confuso propenso a ineficiencias, malas comunicaciones y frustraciones de todas las partes involucradas. Chiquita no puede violar una Orden ISE que es reemplazada por la UAO de la EPA; penalizar a Chiquita por no cumplir con requerimientos en conflicto o reemplazados violaría el proceso debido.

La sección 5.1.2 de la Orden ISE también se superpone y entra en conflicto directamente con las secciones 4.1, 4.2 y 4.3 de la Orden de Cumplimiento de la LEA de 2025, que también requiere que Chiquita extienda la cubierta de geomembrana, reubique el Parque de Tanques 9 e instale una barrera para evitar la expansión de la reacción hacia la Celda 8A.[15]

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[10] *Fireman’s Fund Ins. Co. v. Ciudad de Lodi, California*, 302 F.3d 928, 943 (9° Cir. 2002).

[11] *Consulte por ejemplo EE.UU. vs. la Ciudad y el Condado de Denver, Colo.*, 916 F. Sup. 1058 (D. Colo. 1996) (que sostiene que la orden de la Ciudad de cesar y desistir violaba la cláusula de supremacía, estando en conflicto directo con una orden de la EPA).

[12] *Consulte* el Expediente No. RCRA 7003-09-2024-0001 y CERCLA 106-09-2024-05 (21 de febrero de 2024) de la Orden Administrativa Unilateral de la EPA de la Agencia de Protección Ambiental de Estados Unidos.

[13] *Id.* en 26. La EPA misma ha notado que su UAO impide las acciones de las agencias del estado. Aunque la EPA haya indicado que está reduciendo "hasta próximo aviso" los requerimientos de la UAO relacionados con el Plan de Quiebre/Barrera de Suelo en la Reacción, la EPA ha reiterado que "se reserva el derecho bajo la Sección XXIV de la UAO, CERCLA, u otras autoridades de requerir que CCL tome medidas para tratar la potencial expansión de la reacción, que incluye un quiebre/una barrera del suelo, en el futuro, de esta manera confirmando su rol preventivo sobre las agencias del estado". Carta de la EPA a Chiquita, con referencia Segundo Plan de Quiebre/Barrera de Suelo en la Reacción Revisado de Chiquita con fecha 16 de abril de 2025, proporcionada en el Adjunto B. Por lo tanto, Chiquita objeta la sección 5.1.2 de la Orden ISE ya que es reemplazada por la UAO. *Consulte Fireman’s Fund Ins. Co*, 302 F.3d en 943.

[14] *Ver* la Solicitud de Chiquita de una Audiencia de Apelación Formal y Petición de Estadía de la Orden de Cumplimiento de la LEA del 1 de mayo de 2025 (16 de mayo de 2025) en 3.

[15] *Consulte* Departamento de Salud Pública del Condado de Los Ángeles que actúa como Agencia de Cumplimiento Local, Orden de Cumplimiento (1 de mayo de 2025).

La Orden de Cumplimiento de la LEA de 2025 también requiere que la LEA apruebe planes de trabajo relevantes de Chiquita. Tener múltiples reguladores con autoridad de revisión y aprobación independientes sobre la misma obra sustancial ha creado una situación de cumplimiento imposible. A continuación se describen en mayor detalle ejemplos específicos de conflicto, que incluyen conflictos directos entre las indicaciones de la LEA yd el DTSC con respecto a la expansión de la cubierta, la reubicación del parque de tanques y el plan para la barrera. Las órdenes enfrentadas y superpuestas son particularmente enormes cuando los planes de trabajo demandan plazos estrictos, generalmente que compiten entre sí, para el cumplimiento, a pesar del alto potencial de demoras debido a fuerzas que están fuera del control de Chiquita, por ejemplo los desafíos de ingeniería y el ambiente del vertedero en evolución, irregularidades en la cadena de suministro y excepcionalmente fuertes lluvias. Chiquita ha elevado estas inquietudes al DTSC en varias ocasiones, únicamente para que estas inquietudes sean ignoradas o se encuentren con acusaciones de incumplimientos. El cumplimiento tanto de la Orden de Cumplimiento de la LEA de 2025 como de la Orden ISE del DTSC no son viables; penalizar a Chiquita por incumplir órdenes que se superponen y entran en conflicto y con posiciones de reguladores inconsistentes sería injusto y violaría el proceso debido.

II. Chiquita ha actuado de forma diligente y de buena fe para cumplir con la Orden ISE.

Chiquita continúa dedicando muchísimo tiempo y recursos para responder a la reacción con alcance y rigor sin precedentes, que incluyen desarrollar e implementar un robusto RAWs.[16] A pesar de operar en uno de los entornos reguladores más desafiantes en los Estados Unidos, que involucran a varias agencias e importantes volúmenes de reguladores, Chiquita se ha mantenido diligente en sus esfuerzos de cumplimiento y respuesta.[17]

Como ya sabe el DTSC a través de las interacciones del departamento y de Chiquita durante las reuniones técnicas semanales permanentes, Chiquita está comprometido en implementar amplias medidas de mitigación que son individualmente difíciles y además complicadas por sus interconexiones con otras medidas en curso. Chiquita está respondiendo a un evento sin precedentes con soluciones y aplicaciones únicas y adaptadas que deben considerarse e implementarse holísticamente. No es común que las soluciones adaptadas a medida ya estén listas para implementarse sin desafíos o sin la necesidad de refinamientos. De hecho, es un testamento del compromiso continuo de Chiquita de gestionar la reacción que continúa evolucionando y mejorando sus estrategias de gestión para responder de la mejor forma posible a problemas y desafíos a medida que van surgiendo.

Considerando este evento único y los amplios esfuerzos de cumplimiento de Chiquita y la respuesta a la reacción, a Chiquita le está resultando difícil conciliar los cambios de tono del DTSC de las últimas semanas, que incluyen este Aviso, con la realidad en el lugar de los hechos. Contrario a las afirmaciones del DTSC, Chiquita ha respondido a la reacción con la gravedad que se merece.[18] Chiquita ha gastado decenas de millones de

[16] *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 1.
[17] *Ver, por ejemplo,* la 34a. Conferencia Anual sobre las Leyes Ambientales realizada en Yosemite, Sesión 6.3 - Vertedero de Chiquita Canyon - Cuando se Calientan las Externalidades de los Desechos Municipales; *consulte también por ejemplo,* el e-mail de D. Barclay enviado a K. Logan, CCL: Solicitud de Demorar el Despliegue de la Parte Final del Segmento 3 de la Cubierta de Geomembrana (Expediente No. HSA-FY24/25-082), 31 de octubre de 2025 ("Seré el punto de contacto principal para que CCL avance y Dan Ziarkowski se está jubilando a partir del lunes. Por favor, dirija sus comunicaciones a mí con copia a Christopher Kane, Tim Crick, Pete Ruttan y Bridget Floyd").
[18] *Contra* Determinación de Peligro Inminente y Sustancial y Orden del DTSC (Expediente No. HAS-FY24/25-082, Tarea 7, Extensión del Área Cubierta, Programa del 18 de noviembre de 2025 ("[R]echazando la urgencia que se debe a esta situación de emergencia, [Chiquita está] poniendo nerviosas a varias personas del gobierno de California, algunas de ellas buscando opciones de cumplimiento. Estoy solicitando que [Chiquita] trate esta situación con la gravedad que se merece").

dólares para mitigar la reacción y sus expertos han confirmado reiteradamente que sus acciones están funcionando en hacer que la reacción sea más lenta y se estabilice. Desde que el DTSC emitió la Orden ISE a Chiquita el 2 de abril de 2025, Chiquita ha instalado aproximadamente 17.9 acres de cubierta de geomembrana de EVOH/HDPE de 60 milésimas de pulgada en y alrededor de la zona reactiva; instaló 80 pozos de extracción vertical de biogás, dando un total de 365 pozos operativos, para recoger el biogás y los lixiviados; instaló y reemplazó otras bombas de desagote en pozos de extracción vertical de biogás, dando un total de 149 bombas, para extraer lixiviados; e instaló ocho sondas de monitoreo de temperatura de los desechos in-situ, dando un total de 40 sondas, en y alrededor de la zona reactiva, en profundidades variables.[19] Como se indicó en otras varias órdenes de cumplimiento, Chiquita ha instalado una nueva antorcha de combustión de biogás permanente, dando un total de tres antorchas, con planes para instalar una cuarta antorcha; tres oxidantes térmicos portátiles para que realicen la combustión y eliminen el biogás de la zona reactiva; tres nuevos pozos de monitoreo subterráneo, dos en el sitio y uno fuera del sitio; un sistema de nebulización perimetral para controlar los olores y 1,000 pies de control de olores de vapores semipermanente en la zona reactiva para reducir potenciales olores; y diez unidades de monitoreo del aire por micro cromatógrafo de gases (microGC) para monitorear constituyentes del aire las 24 horas del día, los siete días de la semana, entre otras varias medidas de mitigación. A partir de enero de 2024 y hasta fines de diciembre de 2025, Chiquita extrajo un estimativo de 163,960,668 galones de lixiviados.[20] Chiquita también aumentó la recolección de biogás a 16,700 pies cúbicos por minuto; durante diciembre de 2025, la extracción de biogás global del Vertedero fue de aproximadamente 701,249,760 pies cúbicos. En resumen, Chiquita continúa completamente dedicado a contener la reacción y a restaurar el Vertedero a condiciones típicas.

Las acciones y respuestas de Chiquita al DTSC también han sido oportunas. Donde los reguladores denuncian demoras, deben considerar, de hecho, su propio rol en esos plazos. La figura 1 a continuación muestra que el DTSC se ha tomado demostrablemente más tiempo en responder las presentaciones de Chiquita que lo que tarda Chiquita en proporcionar estas presentaciones. Debido al tiempo que les toma a los reguladores considerar los planes de trabajo y las propuestas de Chiquita, Chiquita debe implementar medidas antes de su aprobación. Si Chiquita no actuara rápidamente para implementar medidas necesarias, sus reguladores seguramente lo acusarían de demora y mala fe (como lo está haciendo ahora el DTSC). Pero actuando para implementar órdenes antes de su aprobación, Chiquita

[19] Chiquita actualmente está operando 37 sondas de temperatura en el Vertedero. Chiquita ha completado su perforación de tres sondas adicionales que todavía no están operativas. Chiquita espera comenzar a operar estas tres sondas restantes para el 6 de febrero de 2026, después de haber recibido e instalado los sensores de temperatura y los cabezales de telemetría necesarios para las sondas, como se explicó en sus informes semanales presentados al DTSC, a la EPA y a la LEA.
[20] Chiquita está proporcionando esta información a su mejor saber y entender; esta información se encuentra sujeta a cambios en base a mayores revisiones y verificaciones.

arriesga mayor tiempo y gasto para volver a realizar el trabajo.

Figura 1: Plazos de los Tiempos de Respuesta de Chiquita y del DTSC para las Tareas de la Orden ISE

Evento	**Tarea 1 - RAW de la Extensión de la Cubierta**	**Tarea 2 - RAW de la Reubicación del Parque de Tanques 9**	**Tarea 3 - RAW de la Protección de la Celda 8A**
Orden ISE emitida a Chiquita	2 de abril de 2025	2 de abril de 2025	2 de abril de 2025
Días entre la emisión de la Orden ISE y la presentación de Chiquita	44 días	37 días	90 días
Días entre la presentación de Chiquita y el primer set de comentarios del DTSC	80 días	81 días	106 días
Días entre la respuesta del DTSC y la presentación de Chiquita	60 días	52 días	23 días
Días desde la presentación sin recibir una respuesta	101 días	115 días	52 días
Tiempo total de la RAW con Chiquita	**104 días**	**89 días**	**113 días**
Tiempo total de la RAW con el DTSC	**181 días**	**196 días**	**158 días**

Chiquita se ha movido lo más rápido posible para cumplir con la Orden ISE, para comunicar problemas e inquietudes y para mantener al DTSC informado sobre su progreso. El DTSC no ha reciprocado con la misma rapidez o espíritu cooperativo. Aunque Chiquita y el DTSC no están se ponen de acuerdo con las acciones de respuesta apropiadas para gestionar la reacción, las acusaciones del DTSC que indican que Chiquita no comprender la gravedad de la situación y que personal de Chiquita trata el cumplimiento de la Orden ISE como un ejercicio de redacción inútil, son inexactas, inútiles e infundadas.[21] Además, estas acusaciones no son técnicas ni constructivas de ninguna manera para el objetivo general de la Orden ISE. Estas acusaciones, junto a la amenaza explícita de cumplimiento, son difíciles de ver como cualquier otra cosa que no sea político y son claramente inapropiadas, dado que en los últimos 24 meses Chiquita ha gastado decenas de millones de dólares en medidas de mitigación y pagos directos a la comunidad. No puede preverse razonablemente o de forma confiable soluciones a medida específicas del Vertedero años antes, en particular en un entorno regulador hostil. Por lo tanto, Chiquita respetuosamente solicita que el DTSC retire su Aviso y después de revisar las comunicaciones y las producciones de datos a las que se hace referencia, identifique con especificidad cuáles son las deficiencias percibidas que todavía observan en los RAWs preliminares y se reúnan con Chiquita para alinear

[21] *Ver la* Determinación de Peligro Inminente y Sustancial y Orden del DTSC (Expediente No. HAS-FY24/25-082, Tarea 7, Extensión del Área Cubierta, Programa del 18 de noviembre de 2025 ("[R]echazando la urgencia que se debe a esta situación de emergencia, [Chiquita está] poniendo nerviosas a varias personas del gobierno de California, algunas de ellas buscando opciones de cumplimiento. Estoy solicitando que [Chiquita] trate esta situación con la gravedad que se merece. Percibo que algunos trabajo del proyecto de CCL ven a las actualizaciones en las programaciones simplemente como un ejercicio de redacción inútil.

estos asuntos.

III. Chiquita proporcionó oportunamente un Aviso de Intención de Cumplir apropiado.

La sección 7 de la Orden ISE requirió que Chiquita proporcione un aviso escrito indicando si cumplirá con los términos de la Orden ISE o proporcione cualquier defensa con "causa suficiente" bajo las secciones 78870 y 79055(a)(1)(B) del Código de Salud y la Ley de Respuesta, Compensación y Responsabilidad Ambiental Integral (CERCLA), sección 107(c)(3). Más de nueve meses más tarde, el DTSC ahora reclama que la respuesta de Chiquita fue equívoca y no cumplió con la restricciones de la sección 7 en lo relacionado a proteger la Celda 8A.[22] No es así. La respuesta de Chiquita fue clara.

En su respuesta del 9 de abril de 2025, Chiquita indicó que creía que ya estaba cumpliendo en proporcionar medidas necesarias para proteger la Celda 8A.[23] En una reunión entre personal técnico del DTSC y de Chiquita el día anterior (8 de abril de 2025), el DTSC le dijo a Chiquita que su barrera de suelo previamente diseñada e implementada podría ser adecuada. A solicitud del DTSC, el 13 de mayo de 2025, Chiquita le presentó al DTSC un informe de Aseguramiento de la Calidad de la Construcción sobre la barrera de suelo construida previamente para que la evalúe el DTSC.[24]

Chiquita también indicó inequívocamente en su respuesta del 9 de abril de 2025 que no construiría una barrera consistente con el diseño del DTSC y presentó suficientes defensas de causas del por qué.[25] El Código de Salud y Seguridad indica que solo las partes que no se atienen a una orden "sin causa suficiente" están sujetas a penalidades.[26] El diseño solicitado por el DTSC, que se muestra a continuación en la Figura 1, requeriría "excavar un eje vertical utilizando un equipo de perforación por barrena de tres o cuatro pies", llenando el eje "con mezcla de tierra-bentonita o de tierra-cemento" e instalando ejes "tangentes" y filas de ejes verticales .[27] Como se explicó previamente al DTSC y se reitera a continuación, la barrera solicitada por el DTSC no solo no tiene fundamentos científicos, sino que además sería físicamente imposible de construir. En resumen, la barrera solicitada por el DTSC

[22] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 2.
[23] Defensas con Causa Suficiente y Aviso de Intención de Cumplir de Chiquita del 9 de abril de 2025, en 6-7.
[24] E-mail de K. Logan a P. Ruttan (DTSC), et al., CCL: Informe de Aseguramiento de la Calidad de la Construcción para el Proyecto de Construcción de una Barrera de Tierra (Expediente No. HSA-FY24/25-082), 13 de mayo de 2025 (informe adjunto).
[25] Las partes tienen “causa suficiente” si creen razonablemente que no son responsables bajo los estatutos o si pueden demostrar que las disposiciones aplicables o las pautas dan origen a creer objetivamente razonablemente y de buena fe en la invalidez o inaplicabilidad de la Orden. *Ver Solid State Circuits, Inc. v. EPA*, 812 F.2d 383, 390 (8° Cir. 1987); *ver también Pakootas v. Teck Cominco Metals, Ltd.*, 452 F.3d 1066, n.13 (9° Cir. 2006).
[26] Código de Salud y Seguridad de California §§ 79550, 79570. *Ver también Foster-Gardner, Inc. v. Nat’l Union Fire Ins. Co.*, 18 Cal. 4° 857, 867, 959 P.2d 265, 272 (1998), *y sus modificaciones* (23 de septiembre de 1998) (“[Un] PRP que incumple una Orden *sin causa suficiente* está sujeto a una sanción civil” (énfasis agregado)); *Condado de Santa Clara v. U.S. Fid. & Guar. Co.*, 868 F. Sup. 274, 278 (N.D. Cal. 1994) (“Una parte potencialmente responsable puede negarse a cumplir con una RAO si hay causa suficiente para creer que no es responsable de la remediación”); *Wagner Elec. Corp. v. Thomas*, 612 F. Sup. 736, 745 (D. Kan. 1985) (interpretando que CERCLA § 107(c)(3) prohíbe "evaluar daños punitivos contra una parte que no cumple con una orden de la EPA creyendo razonablemente que tiene una defensa válida para esa orden”); *Aminoil, Inc. v. Estados Unidos*, 646 F. Sup. 294, 299 (C.D. Cal. 1986) (daños punitivos permisibles bajo CERCLA solo cuando la parte se niega a cumplir con una orden de mala fe).
[27] Orden ISE, Ej. 6 (Memorándum de T. Stark para ERRG, Inc., Comentarios sobre el Plan Revisado de Quiebre/Barrera de Suelo en la Reacción del 26 de noviembre de 2024 y Datos de las Temperaturas de los Desechos del 20 de febrero de 2025 para el Evento de Temperatura Elevada en la Subsuperficie (SET) del Vertedero de Chiquita Canyon (Memorándum de Stark)) en 13-14.

fue y es arbitraria, caprichosa, no está sustentada por evidencia sustancial y no cumple de ninguna manera con la ley y sería dañina para la comunidad.

Figura 1– Diseño de la Barrera Solicitada por el DTSC[28]

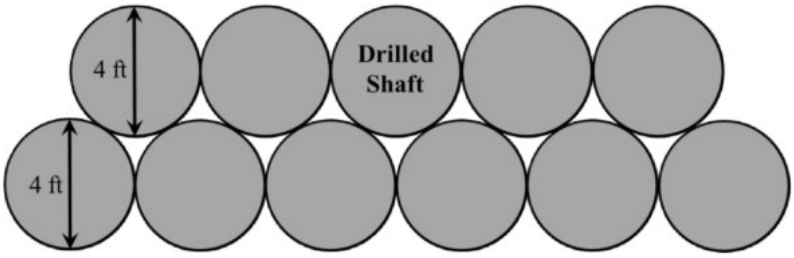

Figure 8. **Possible configurations of 3 to 4 ft diameter vertical elements to comprise a heat barrier system south of TP06 to isolate southernmost 13 acres.**

La nueva denuncia del DTSC en su correspondencia del 26 de diciembre que indica que Chiquita "no intentó comprometerse inequívocamente con el objetivo principal de proteger la Celda 8A" es falsa.[29] Para reiterar, Chiquita continúa completamente comprometido en proteger la Celda 8A. Chiquita continúa implementando todas las medidas reconocidas científicamente para evitar la expansión de la reacción hacia la Celda 8A, como se describe arriba.

Además, la evidencia indica que las acciones de mitigación de Chiquita por proteger la Celda 8A han sido exitosas. Nueve meses después de que el DTSC emitió su Orden ISE, la Celda 8A continúa completamente protegida. No hay indicios de que la reacción se haya expandido hacia la Celda 8A o que vaya a hacerlo de forma inminente.[30] No hay indicios de que existan problemas de estabilidad de la pendiente o que se vayan a desarrollar de forma inminente, como lo evidencian múltiples análisis de la estabilidad de la pendiente presentados al DTSC.[31] En cambio, las condiciones de la reacción continúan estables, en un equilibrio general, y en algunos lugares se está enfriando.[32] El DTSC denunció hace nueve meses que existe un

[28] Memorándum de Stark, en 14.
[29] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 2.
[30] Consulte la Determinación Mensual más reciente del Comité de la Reacción sobre el Límite de la Zona Reactiva, presentado el 9 de enero de 2026 para el mes de diciembre de 2025, conforme a las Condiciones NO. 9a y 9b de la Orden de Depuración Estipulada (SOFA) emitida por el Distrito de Gestión de la Calidad del Aire de la Costa Sur (Caso No. 6177-4). Este informe estará disponible en el sitio web de Chiquita el 16 de enero de 2026.
[31] *Ver* Plan de Trabajo del Estudio de Estabilidad Global Integral, Vertedero de Chiquita Canyon, Castaic, California, 17 de diciembre de 2025; Vertedero de Chiquita Canyon - Análisis de Estabilidad Estática y Sísmica Global del Sistema de Tanques de Desechos Peligrosos Propuesto, elaborado por SCS Engineers el 27 de noviembre de 2025; Evaluación y Certificación del Sistema de Tanques de Desechos Peligrosos Propuesto por un Ingeniero Profesional, elaborado por SCS Engineers el 19 de noviembre de 2025; Análisis de Estabilidad Estática del Plan de Desarrollo Maestro, Proyecto No. RM22.1077.00, elaborado por Geo-Logic Associates el 23 de agosto de 2024; Análisis de la Estabilidad de la Pendiente Oeste y Norte, Proyecto No. RM23.1077.00, elaborado por Geo-Logic Associates en febrero de 2024; Plan de Trabajo para el Análisis de la Estabilidad de la Pendiente elaborado por Geo-Logic Associates el 14 de diciembre de 2023.
[32] La determinación más reciente del Comité Mensual de la Reacción llegó a la conclusión de que "las condiciones de ETLF están completamente contenidas dentro del límite de la Zona Reactiva y no se han expandido hacia una celda nueva". *Ver* el informe sobre la Determinación Mensual del Comité de la Reacción sobre el Límite de la Zona Reactiva, Vertedero de Chiquita Canyon, con fecha 9 de enero de 2026. En algunas instancias, las temperaturas se han reducido desde abril de 2025. Por ejemplo, las temperaturas promedio en TP-04 y TP-20 en cada profundidad fueron más bajas en noviembre de 2025 que en abril de 2025. Informe Mensual de Chiquita de abril de 2025, disponible en https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2025/05/2025-05-09-Reaction-Committee-Determination-on-Reaction-Area_Final.pdf; Informe Mensual de Chiquita de noviembre de 2025, disponible en https://s3.us-

peligro "inminente" y "sustancial" en el Vertedero. Los hechos y el importante progreso que continúa llevándose a cabo en el Vertedero demuestran otra cosa.

Con respecto a los requerimientos del DTSC en lo relacionado a la cubierta de geomembrana y a la reubicación del parque de tanques, Chiquita expresó en su intención de cumplir con los principales objetivos establecidos en la Orden ISE del DTSC. Como se describe en mayor detalle a continuación, las afirmaciones actuales de incumplimiento del DTSC surgen de los detalles en la implementación que no estaban establecidos en la Orden ISE del DTSC, pero que han sido ordenadas a través de correspondencias posteriores, que incluyen en algunas instancias, por primera vez, en el Aviso. Como aclaración, y hasta donde es necesario para preservar cualquier derecho de apelación, la respuesta de Chiquita debe ser interpretadas como que proporciona suficientes defensas con causa con respecto a la implementación y la interpretación del DTSC de estas disposiciones de la Orden ISE.

La denuncia del DTSC que indica que Chiquita no proporcionó un aviso de intención de cumplir adecuado es inconsistente con los hechos en el lugar y con la ley .[33] Chiquita por lo tanto solicita respetuosamente que el DTSC retire este Aviso, incluyendo sus denuncias de que Chiquita no cumplió con los requerimientos de la sección 7 de la Orden ISE.

IV. Las RAWs preliminares de Chiquita cumplieron con los requerimientos establecidos en la Orden ISE.

Chiquita disputa la afirmación del DTSC que indica que no cumplió con presentar RAWs preliminares que cumplan con los requerimientos de la sección 5.3 de la Orden ISE.[34] Chiquita trató todos los requerimientos de la sección 5.3 en los RAWs preliminares, que incluyen los requerimientos indicados en las subsecciones (a), (b), (c), (e), (f), (n) y (o).[35] Donde el DTSC cree que Chiquita no trató estos requerimientos satisfactoriamente en alguno o en todos los RAWs preliminares, el DTSC deberá haber proporcionado más indicaciones y comentarios para que Chiquita revise colaborativamente los RAWs preliminares para cumplir con las expectativas del DTSC en lugar de elevar estos asuntos a primera impresión en un aviso de determinación de incumplimiento propuesta.

La Orden ISE está desprovista de orientación o expectativas sobre los requerimientos de la sección 5.3. Tomando como ejemplo la subsección (b), el DTSC indicó que los RAWs preliminares debían incluir "[l]os objetivos a ser alcanzados por las acciones de remoción identificadas en 5.1.2 de esta Orden [.]"[36] Chiquita proporcionó en cada RAW preliminar una descripción de las "metas y objetivos" a ser alcanzados.[37] Sin embargo, el DTSC afirma que

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west-1.amazonaws.com/chiquitacanyon.com.bucket/2025/12/2025-12-10-Reaction-Committee-Determination-on-Reaction-Area_Final.pdf.

[33] *Ver, por ejemplo, Meghrig v. KFC W., Inc.*, 516 EE.UU. 479, 485-86 (1996) (citación omitida) ("Un peligro solo puede ser "inminente" si "amenaz[a] que va a ocurrir inmediatamente"); *Santa Clarita Valley Water Agency v. Whittaker Corp.*, 99 F.4° 458, 476 (9° Cir. 2024) (no hay actualmente en curso ningún peligro inminente o sustancial en donde "no haya "necesidad de . acción" que exceda las acciones ya tomadas y las que están actualmente en curso" que incluyen "acciones de remediación" y la instalación de "más de doscientos pozos de monitoreo") (citando *Price v. Marina de EE.UU.*, 39 F.3d 1011, 1019 (9° Cir. 1994)).

[34] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 2.

[35] *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 2-3.

[36] Orden ISE § 5.3(b).

[37] *Ver, por ejemplo*, Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, sección 2.3 ("Esta sección trata la Sección 5.3(a) de la Orden ISE. La meta/el objetivo de esta acción de remoción es extender el área del Vertedero proporcionada con una cubierta de geomembrana. El propósito principal de la extensión es mejorar la recolección de LFG y de esta manera minimizar las emisiones y reducir los olores. Además, la geomembrana reduce las filtraciones hacia los desechos del vertedero"); Plan de Trabajo Preliminar de Acción de Remoción Revisado, Reubicación y Estabilización Interina de Desechos Contenidos, 19 de septiembre de 2025, sección 2.3 ("La meta/el objetivo principal de esta acción de remoción es reubicar el Parque de Tanques 9 de forma interina

El RAW preliminar de las cubiertas de Chiquita, por ejemplo, no cumplió con este requerimiento porque "no hace referencia al evento SET/reacción del vertedero en la sección de Metas y Objetivos"[38] El RAW preliminar de las cubiertas hace referencia a la reacción en múltiples secciones.[39] La Orden ISE no indica que los RAWs preliminares de Chiquita deben hacer referencia al "evento SET/reacción del vertedero" para cumplir con la sección 5.3(b). Tampoco los comentarios del DTSC sobre el RAW de la cubierta preliminar con fecha 4 de agosto de 2025.[40]

Chiquita solicita respetuosamente que el DTSC retire este Aviso, incluyendo sus denuncias de que Chiquita no presentó RAWs preliminares que cumplan con los requerimientos de la sección 5.3 de la Orden ISE. Chiquita no debe enterarse de las expectativas del DTSC para los RAWs preliminares por primera vez en un Aviso de Determinación de Incumplimiento Propuesta. Al no haber un requerimiento más claro en la Orden ISE, estas expectativas podrían y deberían haber sido comunicadas antes a Chiquita durante cualquiera de las reuniones semanales de Chiquita y del DTSC, en la correspondencia por e-mail o durante otros métodos de comunicación. Chiquita ha demostrado consistentemente una voluntad de comunicar y cooperar, pero el DTSC primero debe indicar explícitamente cuáles son sus expectativas para darle a Chiquita la oportunidad de tratarlas. Chiquita no puede inferir razonablemente estas expectativas cuando se omiten en las comunicaciones y la correspondencia del DTSC, especialmente cuando esas expectativas parecen evolucionar a medida que se van desarrollando más los RAWs preliminares. Chiquita solicita que después de revisar las extensas comunicaciones de Chiquita y las producciones de datos descritas en esta carta, el DTSC identifique con especificidad cualquier deficiencia percibida que quede pendiente, con las RAWs preliminares. Chiquita después se compromete a proporcionar otras revisiones de las RAWs preliminares inmediatamente, en base a plazos razonables acorde al alcance de la solicitud.

a. Chiquita presentó un RAW preliminar satisfactoria sobre las cubiertas.

El RAW preliminar de la cubiertas de Chiquita cumplió con los requerimientos de la Orden ISE y respondió adecuadamente a los comentarios del DTSC.[41] Varias de las afirmaciones del DTSC sobre el RAW ignoran las visitas al sitio, las conversaciones semanales y la correspondencia consistente entre el departamento y Chiquita sobre el despliegue de la cubierta de geomembrana, incluyendo el alcance de la obra que se ha completado hasta ahora, los métodos de instalación detallados diseñados para optimizar la instalación y los problemas con los plazos de los despliegues. El tratamiento del DTSC de estas conversaciones y correspondencias como si no existieran únicamente porque no se incluyeron en las cuatro esquinas del RAW preliminar sobre las cubiertas

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a una ubicación nueva. La nueva ubicación interina facilitará el desempeño efectivo del sistema de recolección de lixiviados y no se verá impactado por las condiciones de ETLS ni por un asentamiento no relacionado del vertedero"); Plan de Trabajo Preliminar de Acción de Remoción, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, 1 de julio de 2025, sección 2.5 ("La meta/el objetivo principal de esta acción de remoción es evitar la propagación del ETLF a la Celda 8A").

[38] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 6.

[39] *Ver, por ejemplo*, Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, secciones 2.2, 3.1, 4.3,
y 4.4.

[40] *Ver* Revisión del Plan de Trabajo Preliminar de Acción de Remoción, Determinación de Peligro Inminente y Sustancial y Orden (Expediente No. HAS-FY24/25-082), Tarea 7 - Extensión de Área Cubierta (Código de Sitio 302132), 4 de agosto de 2025, Comentario Específico No. 3 ("Esta sección del RAW Preliminar debe aclarar que las metas/los objetivos de los esfuerzos de remediación son (a) cubrir todas las áreas del vertedero que actualmente no están cubiertas por una geomembrana y a las que se ha expandido la zona reactiva o que tenga el potencial de expandirse para controlar adecuadamente las filtraciones de oxígeno y agua hacia los desechos del vertedero y (b) controlar la producción de emisiones de gas, olores y lixiviados").

[41] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción, Extensión del Área Cubierta, 16 de mayo de 2025; *ver también* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión del Área Cubierta, 3 de octubre de 2025. *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 3-4.

descuenta el inmenso esfuerzo que ha Realizado Chiquita para desplegar la cubierta de geomembrana lo más rápido que era viable, utilizando los mejores métodos de instalación que protegen las medidas de mitigación existentes. La Orden ISE no indica en ningún lugar que estas conversaciones y correspondencias deben incorporarse al RAW preliminar para cumplir con los requerimientos de la Orden ISE.

El RAW preliminar de las cubiertas de Chiquita cumple con todos los requerimientos establecidos en la sección 5.3 de la Orden ISE. Contrario a las afirmaciones del DTSC, el RAW preliminar de las cubiertas de Chiquita incluyó un programa de implementación detallado consistente con la sección 5.3(n); un plan de diseño e implementación consistente con la sección 5.3(c); las metas a ser alcanzadas por la cubierta de geomembrana adicional, consistente con la sección 5.3(b); una descripción del sitio consistente con la sección 5.3(a); y una descripción de los métodos a ser empleados, consistente con la sección 5.3(e).[42] Las siguientes subsecciones tratan cada una la deficiencia afirmada en el Aviso.

i. Chiquita proporcionó un programa de implementación que fue lo más detallado posible en cumplimiento con la sección 5.3.(n) de la Orden ISE.

Chiquita dispute la denuncia del DTSC que indica que "ignoró varias instrucciones del DTSC de proporcionar un programa detallado para la instalación de la cubierta de geomembrana en el RAW de las Cubiertas, como lo requiere la Sección 5.3(n) de la Orden"[43] Chiquita no ignoró las instrucciones del DTSC de proporcionar un programa detallado. Chiquita trató las demandas de programación del DTSC directa y abiertamente por escrito y verbalmente .[44] Chiquita proporcionó un programa de implementación detallado que cubre el despliegue de la cubierta de geomembrana en los Segmentos 1 a 3 en la sección 3.2 de su RAW preliminar de las cubiertas presentado el 16 de mayo de 2025.[45] En respuesta a los comentarios del DTSC con fecha 4 de agosto de 2025 que solicitan que Chiquita incluya un "programa integral que cumpla con la instalación de la geomembrana de forma expeditiva", Chiquita presentó un RAW preliminar revisado de las cubiertas con un programa de implementación más detallado.[46] Este programa de implementación abarcó el despliegue de la cubierta de geomembrana en los otros segmentos de la Tabla 1 de su RAW preliminar revisado de las cubiertas, presentado el 3 de octubre de 2025.[47] El RAW preliminar revisado de las cubiertas proporcionó una fecha de terminación de noviembre de 2026 para los segmentos 4 a 15 y una fecha de terminación "a ser determinada" para los segmentos 16 a 20, explicando en mayor detalle que "los plazos están sujetos a las condiciones del campo y pueden verse afectados por condiciones climáticas que representen un riesgo para la seguridad (ej. mucho viento, lluvia), que otra agencia haya dirigido obras en la misma zona o la disponibilidad de materiales o grupos de trabajo.

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[42] *Ver* Plan de Trabajo Preliminar de Acción de Remoción, Extensión del Área Cubierta, 3 de octubre de 2025, secciones 2.1, 2.3, 3.0, 3.2, 4.3, Tabla 1 y Apéndices N y O. *Contra* Aviso del DTSC de la Determinación de Incumplimiento Propuesta del 26 de diciembre de 2025, en 3-7.

[43] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 4.

[44] *Ver* Respuesta de Chiquita Canyon, LLC al Requerimiento de la EPA de EE.UU., del DTSC y de la LEA de Expandir la Cubierta de Geomembrana, 15 de agosto de 2025; Respuestas de Chiquita Canyon, LLC a la Solicitud del DTSC de un Programa de Despliegue de Cubiertas de Geomembrana Actualizado, 7 de noviembre de 2025; Respuesta de Chiquita Canyon, LLC a los Comentarios del DTSC sobre el Plan de Trabajo Preliminar para la Acción de Remoción: Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, 21 de noviembre de 2025; y Respuestas de Chiquita Canyon, LLC a los Comentarios de la LEA sobre el Plan de Trabajo Preliminar Revisado para la Acción de Remoción: Extensión de Área Cubierta, 15 de diciembre de 2025, proporcionado en el Adjunto C.

[45] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción, Extensión de Área Cubierta, 16 de mayo de 2025, sección 3.2.

[46] *Ver* la Revisión del Plan de Trabajo de Acción de Remoción, Determinación de Peligro Inminente y Sustancial y Orden (Expediente No. HAS-FY24/25-082), Tarea 7 - Extensión de Área Cubierta (Código del Sitio 302132), 4 de agosto de 2025, Comentario Específico No. 5; *ver también* el Plan de Trabajo de Acción de Remoción Preliminar Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, Tabla 1 y Apéndice A.

[47] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, Tabla 1.

".[48] El DTSC después el DTSC le indicó a Chiquita en una solicitud por e-mail con fecha 31 de octubre de 2025 que "acelere" el despliegue de la cubierta de geomembrana y presente un "programa de instalación de cubiertas integral actualizado" que incluya "el cañón principal completo, incluso las áreas de despliegue D16-D20, que incluye las celdas 5, 6 y 8".[49] En otra respuesta al DTSC y a otras consultas de los reguladores, Chiquita proporcionó una correspondencia el 7 de noviembre de 2025 explicando que acelerar el despliegue de la cubierta de geomembrana sobre la zona solicitada no era viable y atrasaría el progreso de Chiquita para mitigar la reacción.[50] En respuesta a la solicitud del DTSC de un Programa Maestro en sus comentarios del RAW preliminar de la barrera, Chiquita de todas formas aceleró su programa de despliegue implementando una nueva estrategia de despliegue que permitiría que la cubierta se despliegue totalmente para el 31 de julio de 2027, sujeto a las condiciones climáticas.[51] El desacuerdo del DTSC con las respuestas de Chiquita no significa que Chiquita haya ignorado al DTSC.[52]

Como ya explicó Chiquita reiteradamente, no es viable desplegar la cubierta de geomembrana más rápido que el ritmo actual.[53] Hasta la fecha, el DTSC no ha proporcionado datos ni otra evidencia en respuesta a las explicaciones e inquietudes de Chiquita que indican que desplegar la cubierta de geomembrana a un paso más rápido que el propuesto podrá afectar significativamente las medidas de mitigación existentes. La solicitud del DTSC no es ni razonable ni viable, por los motivos explicados arriba y en la correspondencia previa de Chiquita con el DTSC y por lo tanto Chiquita tienen una buena causa para no cumplir con la solicitud del DTSC.

Chiquita además disputa la caracterización del DTSC del alcance de sus comentarios en el programa de Chiquita. El Aviso del DTSC indica que "a pesar del texto de la Orden y de la indicación adicional de la carta con comentarios del 4 de agosto de 2025, [Chiquita] continuó proponiendo un plan fragmentado para instalar la cubierta en segmentos de cinco (5) acres sin cubrir la totalidad del vertedero donde el evento SET podría impactar los desechos"[54] Pero ni la Orden ISE ni la carta con comentarios del DTSC del 4 de agosto de 2025 incluyeron las directivas que denuncia el DTSC. La Sección 5.3(n) de la Orden ISE requiere "[a] un programa detallado para la implementación de la acción de remoción consistente con el programa incluido en el Plan de Trabajo aprobado, que incluye la adquisición, la movilización, las fases de construcción, los muestreos, la puesta en marcha de las instalaciones y las pruebas[.]". La Orden ISE no proporciona más instrucciones sobre lo que el DTSC consideraría un programa adecuado. La carta con comentarios del DTSC del 4 de agosto de 2025 indica lo siguiente, en la parte relevante:

> Sección 3.2 – Programa: Deben actualizarse varias partes de esta sección. Esta sección incluye un programa para la instalación de los primeros 15 acres de geomembrana (identificados en la Figura 3 como "Área de Despliegue Inicial de la Geomembrana")

[48] *Id.* en n. 2. *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 4.
[49] E-mail de D. Barclay (DTSC) a K. Logan (Chiquita), REF.: CCL: Solicitud de Demorar el Despliegue de la Parte Final del Segmento 3 de Cubierta de Geomembrana (Expediente No. HSA-FY24/25-082), 31 de octubre de 2025.
[50] *Ver* la Respuesta de Chiquita Canyon, LLC a la Solicitud del DTSC para el Programa de Despliegue de Cubiertas de Geomembrana Actualizado del 7 de noviembre de 2025.
[51] Respuestas de Chiquita Canyon, LLC a los Comentarios del DTSC sobre el Plan de Trabajo Preliminar para la Acción de Remoción: Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, 21 de noviembre de 2025, Adjunto A. *Contra* Aviso de Determinación de Incumplimiento Propuesta por el DTSC del 26 de diciembre de 2025, en 5 (aclamando que el programa propuesto de Chiquita en su carta del 21 de noviembre de 2025 no se aceleró).
[52] *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 4.
[53] Supra n. 47.
[54] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 4.

> a ser instalada en tres (3) segmentos (de cinco acres cada uno, identificados como Segmentos 1, 2 y 3). La Orden ISE indica que *"Los denunciados deben instalar una cubierta del vertedero aprobada por el DTSC en todas las áreas del Sitio que no estén actualmente cubiertas por una geomembrana y a la que se haya expandido la zona reactiva o que tenga el potencial de expandirse"*. Actualizar el programa para que incluya las fechas de instalación como se especifica arriba; el DTSC les indica a los Demandados que deben proporcionar un programa integral que cumpla con la instalación de la geomembrana de forma expeditiva.

La carta con comentarios del DTSC del 4 de agosto de 2025 no explica qué considera que es un programa "expeditivo". Tampoco reconoce el conflicto en comprender que Chiquita actualmente está poniendo en práctica lo acordado con la EPA de desplegar la cubierta de geomembrana sobre 100 acres del Vertedero o las varias conversaciones que tuvo Chiquita con la EPA, con el DTSC y con la LEA para determinar cómo debería priorizarse el despliegue y sobre qué áreas, que determinaban directamente las áreas identificadas en el RAW preliminar de Chiquita y el programa de despliegues.[55]

Chiquita también disputa la denuncia del DTSC que indica que el RAW preliminar de las cubiertas "no intentaba describir cómo [Chiquita] optimizaría y aceleraría la instalación de la cubierta, por ejemplo instalando la cubierta contemporáneamente en diferentes áreas del sitio"[56] Chiquita describió cómo optimizaría y aceleraría la instalación de la cubierta hasta donde sea viable en sus cartas del 7 de noviembre y del 21 de noviembre de 2025 enviadas al DTSC y en su carta del 15 de diciembre del 2025 enviada a la Agencia de Cumplimiento Local, cuya copia fue entregada al DTSC.[57] Chiquita explicó que no era viable instalar la cubierta contemporáneamente en las áreas del Vertedero porque desplegar la cubierta de geomembrana de forma expeditiva no es una cuestión de maximizar la cantidad de equipos de perforación y grupos de trabajo que coloquen el revestimiento que puedan estar en el sitio para completar la obra todo en el mismo momento; sino que es una cuestión de trabajar deliberada y meticulosamente para no afectar la infraestructura de gas y otras medidas de mitigación existentes, por ejemplo tener que realizar reparaciones en la infraestructura de gas y otras medidas de mitigación existentes requeriría que Chiquita pause el despliegue. Para mantener la integridad de la infraestructura de gas y las medidas de mitigación existentes, Chiquita debe desplegar la cubierta de geomembrana a un paso atento y diligente, ante todo para continuar trabajando lo más expeditivamente posible para evitar demoras. Por lo tanto Chiquita cumplió con este requerimiento y proporcionó este detalle a las agencias. Si la inquietud del DTSC es que esta descripción no está incluida en el RAW preliminar, Chiquita revisará el RAW preliminar para incorporarla. El DTSC nunca solicitó previamente que se incluya esta información en el RAW preliminar hasta este Aviso.

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[55] *Ver, por ejemplo*, Respuesta de Chiquita Canyon, LLC al Requerimiento de la EPA de EE.UU., del DTSC y de la LEA de Expandir la
Cubierta de Geomembrana, del 15 de agosto de 2025.
[56] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 4.
[57] *Ver* Respuesta de Chiquita Canyon, LLC a la Solicitud del DTSC de un Programa Actualizado para el Despliegue de Cubiertas de Geomembrana del 7 de noviembre de 2025; Respuesta de Chiquita Canyon, LLC a los Comentarios del DTSC sobre el Plan de Trabajo Preliminar para la Acción de Remoción: Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, 21 de noviembre de 2025; y Respuestas de Chiquita Canyon, LLC a los Comentarios de la LEA sobre el Plan de Trabajo Preliminar Revisado para la Acción de Remoción: Extensión del Área Cubierta, 15 de diciembre de 2025.

Chiquita no está de acuerdo con la sugerencia del DTSC de que la zona reactiva se expandió o que tiene el potencial de expandirse al Módulo 5, Celda 6 o Celda 8 del Vertedero.[58] Como se describe arriba, las condiciones de la reacción se mantienen estables, en un equilibrio general, y en algunos lugares se está enfriando y Chiquita espera que las condiciones de la reacción se mantengan estables para que el futuro sea previsible en base a los datos actuales de la reacción. No hay datos ni otra evidencia que respalde un potencial de expansión de la zona reactiva que incluya el Módulo 5, Celda 6 o Celda 8 y por lo tanto no hay base para requerir cubierta de geomembrana en estas áreas.

Finalmente, el Aviso del DTSC contradice su carta del 21 de noviembre de 2025 sobre este mismo asunto. El 21 de noviembre el DTSC indicó que rescinde su carta del 18 de noviembre y los requerimientos allí indicados.[59] La carta del 18 de noviembre de 2025 había solicitado un programa más detallado y específico para los 100 acres que Chiquita ya había acordado cubrir y establecer plazos interinos para establecer este programa.[60] Indicó que si tomaba este tipo de medidas "el siguiente paso en este proceso podría ser que el DTSC descubra que los Demandados no estuvieran cumpliendo con la Orden ISE e indicó que se haría cumplir la fase de penalización de la orden"[61] Después, tres días más tarde, el DTSC revirtió el curso, rescindió su carta del 18 de noviembre de 2025 y le indicó a Chiquita que cumpla con una carta de la LEA del 20 de noviembre de 2025 que establecía un plazo para instalar una cubierta de geomembrana en Chiquita.[62]

Desde que el DTSC rescindió su carta del 18 de noviembre de 2025, Chiquita comprendió que no necesitaba proporcionar ninguna otra especificación o programa detallado en este momento al DTSC. En cambio, Chiquita está trabajando en un seguimiento separado con la LEA sobre su directiva. Esto nuevamente demuestra la carga confusa e injusta impuesta en Chiquita de pasar por sus múltiples reguladores y sus cambiantes posiciones. El Aviso del DTSC es inconsistente con su carta del 21 de noviembre y debe retirarse.

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[58] Aviso de Determinación de Incumplimiento Propuesta por el DTSC del 26 de diciembre de 2025, en 4-5 (indicarle a Chiquita que despliegue la cubierta de geomembrana sobre el Módulo 5 y las Celdas 6 y 8).
[59] *Ver* la Orden de Peligro Inminente y Sustancial y Orden del DTSC (Expediente No. HAS-FY24/25-082), Tarea 7, Extensión del Área Cubierta, Programa (Código de Sitio 302132), 21 de noviembre de 2025 ("En virtud a la carta de la Agencia de Cumplimiento Local (LEA) que se envió a los Denunciados ayer, 20 de noviembre de 2025, estableciendo un plazo para la instalación de la cubierta de geomembrana en CCL, el DTSC rescinde la carta del 18 de noviembre de 2025 y los requerimientos allí escuchados"). [60] *Ver* la Orden de Peligro Inminente y Sustancial y Orden del DTSC (Expediente No. HAS-FY24/25-082), Tarea 7, Extensión de Área Cubierta, Programa (Código de Sitio 302132) del 18 de noviembre de 2025 ("Sin un programa específico y detallado para el área de cubiertas de 100 acres que los Demandados ya delinearon en su mapa segmentado, el siguiente paso en este proceso podrá ser que el DTSC descubra que los Demandados están incumpliendo con la Orden ISE y están comenzando el cumplimiento de la fase de penalidad de la orden").
[61] *Id.*
[62] Supra n. 63; *ver también* Comentarios de la LEA sobre las Cartas de Respuesta y el Plan de Trabajo de Acción de Remoción Preliminar para Tratar la Extensión del Área Cubierta Presentado por Chiquita Canyon Landfill (CCL), SWIS No. 19-AA-0052, el 20 de noviembre de 2025, proporcionado como Adjunto D.

ii. Chiquita incluyó todos los criterios relevantes, planes y especificaciones en cumplimiento con la sección 5.3(c) de la Orden ISE.

El RAW preliminar de las cubiertas de Chiquita incluía suficientes detalles sobre el diseño y los planes de implementación de la cubierta de geomembrana, consistente con los requerimientos de la sección 5.3(c) de la Orden ISE.[63] La sección 5.3(c) indicaba la inclusión de lo siguiente:

> Un Plan de Diseño e Implementación. La parte del diseño del plan debe incluir, como mínimo, criterios relevantes y planes y especificaciones finales. La parte de la implementación del plan debe detallar, como mínimo, las técnicas y los métodos para implementar las actividades de remoción, que incluyan toda excavación, almacenamiento, manipulación, transporte, tratamiento y disposición de material en y fuera del Sitio.

El RAW preliminar de las cubiertas incluía sustanciales detalles sobre el diseño y la implementación de la cubierta. Explicaba que la instalación de Chiquita de la cubierta de geomembrana adicional procederá en un modelo en etapas, que es crítico para el manejo continuo del evento de ETLF. Para instalar una sección de la cubierta, todos los pozos y bombas de extracción de LFG de esa sección deben quitarse de línea y los pozos fuera de línea no extraerán gas y las bombas fuera de línea no extraerán líquido durante el período que estén fuera de línea. Esfuerzos de instalaciones previas han demostrado que incluso el cese temporal de extracción de gas y líquido tiene un impacto inmediato que pueda medirse. Para minimizar la cantidad de pozos y bombas que están fuera de línea en un momento determinado, el RAW preliminar de las cubiertas propone instalar la cubierta de geomembrana adicional en segmentos de aproximadamente cinco acres. El área sombreada en verde oscuro (aproximadamente 15 acres) en la Figura 3 del RAW preliminar de las cubiertas es el despliegue inicial propuesto por Chiquita de la cubierta de geomembrana (segmentos D01-D03). El RAW preliminar de las cubiertas también indicaba que el área a ser cubierta requiere preparación, que incluye nivelación. Si ocurre una tormenta durante este proceso, gran parte de la obra de preparación deberá volver a realizarse. Proceder con esta obra tendría un alto riesgo de que se alargue el tiempo durante el cual los pozos estarán desconectados. En cambio, para continuar progresando durante la temporada de lluvia, el RAW preliminar propone realizar reparaciones en aproximadamente 16.4 acres de la geomembrana de HDPE de 30 milésimas de pulgada existente utilizando la nueva geomembrana de EVOH/HDPE de 60 milésimas de pulgada. Después de la temporada de lluvia y de haber completado las reparaciones detalladas arriba, el RAW preliminar explicaba que Chiquita después procedería con la instalación de la cubierta de geomembrana de EVOH/HDPE. El área sombreada en verde claro en la Figura 3 del RAW preliminar de las cubiertas es el resto del área de expansión, dividido en segmentos de cinco acres. Otros segmentos recibirán geomembrana de acuerdo al programa aproximado presentado en la Tabla 1.[64]

El RAW preliminar de las cubiertas proporciona un amplio análisis de la obra a ser realizada para preparar el área de despliegue e instalar la cubierta de geomembrana. Este análisis es específico de las condiciones reales del sitio

[63] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, sección 3.0. *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 5-6.
[64] Para un mayor análisis, consulte el Plan de Trabajo de Acción de Remoción Preliminar Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, sección 3.1.

en el Vertedero y está adaptado para que cumpla con las necesidades en curso de las medidas de mitigación existentes.[65] Por ejemplo, la preparación del área de despliegue incluirán:

- Limpiar, escarbar y preparar aún más el área de trabajo, que incluye la remoción de desechos verdes y vegetación;
- Preparar la subrasante para que reciba la geomembrana de EVOH/HDPE de 60 milésimas de pulgada;
- Volver a nivelar los bancos y las pendientes existentes (según la necesidad) para asegurar el drenaje correcto;
- Instalar colectores verticales de LFG según el Programa de Diseño e Instalación Actualizado del Plan de Expansión de Pozos en el Campo del Sistema de Recolección y Control de Gases (Apéndice H del RAW preliminar de las cubiertas). Este plan fue revisado el 3 de octubre de 2025 para que refleje los cambios resultantes de este RAW preliminar:
- Instalar colectores de LFG superficiales para asegurar la correcta distribución de vacío del lado de abajo de la geomembrana. Este proyecto utilizará el mismo diseño de colectores superficiales que se utilizó para la geomembrana existente. El diseño se ilustra en el Apéndice I del RAW preliminar de las cubiertas. Las posiciones de los colectores se ubicarán en el campo y estarán espaciadas a más de 100 de distancia unos de otros. Se debe tener en cuenta que la grava que aparece en las calles de los bancos forman parte del colector y no de la calle de acceso. Toda la grava de la calle de acceso está instalada sobre la geomembrana con un geotextil subyacente para protegerla de pinchaduras y abrasión;
- Instalar drenajes de taludes para los segmentos en los que la geomembrana se instala en pendientes. El drenaje del talud estará ubicado en el talud de la pendiente debajo de la geomembrana y dentro de la trinchera de anclaje. Los sumideros temporales estarán ubicados en el extremo inferior del drenaje del talud y estarán conectados al sistema de condensados de LFG (el área de despliegue inicial no requerirá drenajes del talud); y
- Desconectar y remover temporalmente los cabezales de LFG y los laterales en el área de despliegue.[66]

La instalación de la geomembrana incluirá:

- Bases de geomembrana para las cañerías alrededor de los colectores verticales;
- Costura continua entre la geomembrana existente y la geomembrana nueva;
- Colocación de calles de acceso de geotextil y grava donde sea necesario (las ubicaciones serán determinadas en el campo por el personal de operaciones);
- Colocación de estabilizadores con bolsas de arena en otras áreas para evitar que la geomembrana sea levantada por el viento; y
- Reinstalación de los cabezales y laterales de LFG sobre la geomembrana.[67]

El RAW preliminar de las cubiertas además incluye varios Apéndices que proporcionan detalles específicos adicionales sobre el diseño y la implementación, que incluyen el Apéndice J (especificaciones y requerimientos de CQA utilizados para

[65] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, en 8-10.
[66] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, en 8.
[67] *Id.*

la instalación de la cubierta de geomembrana de EVOH/HDPE de 60 milésimas de pulgada) y el Apéndice K (secciones transversales y detalles de la calle típica que utilizan los contratistas como pautas).[68]

Chiquita disputa la caracterización del DTSC de estos planes como "demasiado generalizados como para que sean aptos para el trabajo específico" y disputa la caracterización del DTSC en su Comentario General No. 1 de su carta de comentarios del 4 de agosto de 2025 que refleja eso. Una vez más, el Aviso del DTSC alega un requerimiento que nunca fue comunicado previamente a Chiquita. En ningún lugar del Comentario General No. 1 del DTSC el departamento indica y ni siquiera deja implícito que los planes que proporciona Chiquita fueron "demasiado generalizados". El Comentario General No. 1 simplemente le indica a Chiquita que incluya especificaciones de productos que deben construirse o instalarse, en forma de llamadas en secciones independientes o apéndices del RAW preliminar. El Comentario General No. 1 del DTSC indica lo siguiente, en la parte relevante:

> Especificaciones y Secciones Transversales: Las especificaciones de productos que deben construirse o instalarse con esta acción de remoción deben destacarse en secciones independientes del RAW Preliminar o en los apéndices que son específicos de este RAW, no en hojas de otras presentaciones. Las secciones transversales que se van a desarrollar para esta acción de remoción deben estar incluidas en el RAW Preliminar y no simplemente como referencia a otros planes.
>
> Si las especificaciones y/o las secciones transversales no se incluyen en el RAW Preliminar como puntos independientes, no hay forma de confirmar si esos puntos se están incluyendo en la acción de remoción. Por ejemplo, el Apéndice G destaca la "Sección 02771" y la "Construcción del Revestimiento de la Celda 7"; esto no tiene nada que ver con la cubierta de geomembrana asociada a este RAW Preliminar.
>
> Los tipos de secciones transversales que se espera que serán incluidos, como mínimo, son:
>
> a) Secciones Transversales de Calles […]
> b) Cruces de Calles con Tuberías […]
> c) Cruces de Trincheras y Electricidad en Conjunto […]
> d) Amarres y Anclajes […]
> e) Estructuras Permanentes y Semipermanentes […]
> f) Zapatas […]

El Comentario General No. 1 además le indica a Chiquita que incluya seis tipos de secciones transversales en el RAW preliminar revisado. Chiquita respondió a los comentarios del DTSC e incluyó los seis en los Apéndices A y K y la sección 3.1 del RAW preliminar.[69]

Además, como se indica arriba, el RAW preliminar revisado de Chiquita refleja la carta de la EPA del 24 de julio de 2025, emitido conforme a la autoridad de la EPA bajo el Párrafo 90 de la UAO, que requiere que Chiquita amplíe la

[68] *Id.* en 9.
[69] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, sección 3.1 y los Apéndices A y K.

cubierta de geomembrana consistente con la Orden de Cumplimiento de la LEA de 2025 y la respuesta de Chiquita a esa carta.[70] El RAW preliminar revisado contiene todos los planes y especificaciones relacionados con estos 100 acres del Vertedero. La Orden ISE entra en conflicto directamente con el acuerdo que tiene Chiquita con la EPA, del que el DTSC tiene conocimiento.[71] Si el DTSC se opone a la extensión de la cobertura propuesta por Chiquita, el DTSC debe trabajar tanto con la EPA como con Chiquita para llegar a un acuerdo sobre la parte del vertedero que debería ser cubierta.

Como destacó el DTSC, el RAW preliminar revisado de Chiquita también refleja el compromiso de proporcionar un análisis de la hidrología en la siguiente actualización al RAW. Antes de este Aviso, el DTSC no le había indicado a Chiquita que continúe actualizando el RAW preliminar revisado. Por tal motivo, Chiquita todavía no había proporcionado el análisis de la hidrología, pero pretende hacerlo durante el mes de enero de 2026.

iii. Chiquita identificó adecuadamente los objetivos a ser alcanzados en cumplimiento con la sección 5.3(b) de la Orden ISE.

Como se describe arriba, la primera vez que el DTSC indicó que Chiquita debe "hacer referencia al evento SET/la reacción del vertedero en la sección de Metas y Objetivos" fue en este Aviso. Los comentarios previos del DTSC no especificaron que el RAW preliminar de Chiquita deben tomar hacer esta referencia para cumplir con la sección 5.3.(b) y la Orden del ISE no hace ninguna especificación de este tipo. Los objetivos indicados por Chiquita de "extender el área del Vertedero proporcionada con una cubierta de geomembrana" y de "mejorar la recolección de LFG y de esta manera minimizar las emisiones y reducir los olores" entonces cumplen con los requerimientos de la sección 5.3(b) y trata directamente los comentarios del DTSC del 4 de agosto de 2025. Los objetivos indicados por Chiquita claramente están relacionados con la reacción del vertedero. No se puede esperar que Chiquita cumpla con un requerimiento que incluya texto específico que no haya sido comunicado previamente a Chiquita. Chiquita revisará el RAW preliminar para hacer referencia más explícitamente a la reacción del vertedero en la sección de Metas y Objetivos.

iv. Chiquita proporcionó una descripción del sitio que incluye las condiciones actuales del sitio en cumplimiento con la sección 5.3.(a) de la Orden ISE.

El RAW preliminar de las cubiertas de Chiquita incluía una descripción precisa de las condiciones actuales del sitio, consistente con los requerimientos de la sección 5.3(a) de la Orden ISE.[72] Chiquita proporcionó una descripción robusta del sitio en base a los flujos de datos abundantes monitoreados y medidos en el Vertedero que reflejan las condiciones actuales del sitio. El DTSC parece no estar de acuerdo con la evaluación de Chiquita de estas condiciones del sitio. El DTSC alega que el RAW preliminar de las cubiertas no proporciona una descripción precisa

[70] *Ver* Obra Adicional Requerida Bajo la UAO para la Expansión de la Cubierta de Geomembrana, 24 de julio de 2025, proporcionada en el Adjunto E; Respuesta de Chiquita Canyon, LLC al requerimiento de la EPA de EE.UU., del DTSC y de la LEA de Ampliar la Cubierta de Geomembrana, del 15 de agosto de 2025.
[71] *Ver* Respuesta de Chiquita Canyon, LLC al Requerimiento de la EPA de EE.UU., del DTSC y de la LEA de Expandir la Cubierta de Geomembrana, del 15 de agosto de 2025.
[72] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Extensión de Área Cubierta, 3 de octubre de 2025, secciones 2.1, 2.2 y 2. *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 6.

de las condiciones actuales del sitio porque "no exhibe con precisión la extensión del evento SET y la reacción en expansión".[73]

Cada RAW preliminar debe incluir criterios de diseño, planes y especificaciones que sean elaborados por un ingeniero civil matriculado en California.[74] Chiquita y sus expertos y consultores, que incluyen a su ingeniero civil matriculado en California, revisaron atentamente y elaboraron una descripción de las condiciones actuales del sitio. Chiquita no puede requerir que esos expertos independientes reflejen la extensión percibida del DTSC de la reacción y las condiciones actuales del sitio si esos expertos independientes no están de acuerdo con la evaluación del DTSC. Como reconoce el mismo DTSC en su Aviso de Determinación de Incumplimiento Propuesto del 12 de diciembre de 2025, aparentemente no contaba con el set de datos completo que creía que necesitaba para evaluar la reacción en su totalidad.[75] Mientras que Chiquita no está de acuerdo con esa afirmación, Chiquita proporcionó los datos adicionales solicitados el 22 y el 23 de diciembre de 2025.

Expertos independientes de Chiquita proporcionaron una caracterización de las condiciones actuales del sitio respaldadas por todos los datos disponibles, informes de expertos y operaciones reales del vertedero. El DTSC discrepa en particular con Chiquita basando su caracterización de las condiciones actuales del sitio en los "hallazgos del Comité de la Reacción"[76] El quid de la cuestión por el que el DTSC se basa en las Determinaciones del Comité de la Reacción fue que el DTSC no tenía acceso a los "datos crudos" a los que se hace referencia en esos informes y por lo tanto los hallazgos eran "inverificables"[77] Esto no es lo mismo que decir que Chiquita no describió las condiciones actuales del sitio. Chiquita proporcionó una descripción detallada de las condiciones actuales del sitio en su RAW de las cubiertas preliminar, consistente con los requerimientos de la sección 5.3(a) de la Orden ISE y Chiquita le ha dado al DTSC acceso a todos los datos crudos para que los revise y confirme esta evaluación de forma independiente.

v. Chiquita incluyó una descripción adecuada de los métodos de instalación de las cubiertas en cumplimiento con la sección 5.3(e) de la Orden ISE.

La sección 5.3(e) de la Orden ISE requiere que Chiquita incluya "[u]na descripción de los métodos que serán empleados durante la acción de remoción para asegurar la salud y la seguridad de los trabajadores y del público durante la acción de remoción". El DTSC alega que el RAW preliminar de las cubiertas no cumple con este requerimiento porque el RAW no describe el nuevo proceso de despliegue que está implementando Chiquita para minimizar el potencial de olores en el sitio.[78] En el momento en el que Chiquita presentó el primer RAW preliminar de las cubiertas y el RAW preliminar de las cubiertas revisado (16 de mayo y 3 de octubre respectivamente), los métodos de instalación de la cubierta descritos en los RAWs preliminares fueron completamente precisos. Chiquita comenzó a implementar este nuevo proceso de despliegue después de observar un aumento en los olores en el sitio como resultado de retirar de servicio todos los pozos y bombas de desagote de LFG en todas las áreas de despliegue de cubiertas activo. Chiquita le informó al DTSC en una posterior correspondencia que para evitar estos potenciales impactos negativos, comenzó a emplear un nuevo proceso de despliegue que permite que los pozos y

[73] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 6.
[74] Orden ISE § 5.3(g).
[75] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 12 de diciembre de 2025, en 5.
[76] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 6.
[77] *Ver* la Revisión del Plan de Trabajo de Acción de Remoción Preliminar, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, Determinación de Peligro Inminente y Sustancial y Orden (Expediente No. HAS-FY24/25-082), Tarea 10, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada (Código de Sitio 302132), 15 de octubre de 2025, en 4. [78] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 6-7.

las bombas de las áreas de despliegue activo de cubiertas estén fuera de servicio por la menor cantidad de tiempo posible y que Chiquita necesitaba más tiempo para evaluar completamente y desarrollar aún más este proceso.[79]

Chiquita no comenzó a emplear el nuevo método de instalación de cubiertas descrito en sus cartas del 7 de noviembre de 2025, del 21 de noviembre de 2025 y del 15 de diciembre de 2025 y en sus conversaciones con el DTSC del 12 de noviembre de 2025 hasta después de que Chiquita haya presentado el RAW preliminar revisado el 3 de octubre de 2025. Por tal motivo, la descripción de los métodos de instalación de las cubiertas descritos en los RAWs preliminares tanto del 16 de mayo como del 3 de octubre de 2025 cumplieron con la sección 5.3(e) de la Orden ISE porque reflejaron con exactitud los métodos de instalación de las cubiertas empleados al momento de la presentación. No se puede esperar que Chiquita cumpla con un requerimiento que incluya texto específico que no se le comunicó previamente. Chiquita revisará el RAW preliminar para proporcionar una mayor descripción de este nuevo proceso de despliegue.

b. Chiquita presentó un RAW preliminar satisfactoria sobre la reubicación.

El RAW de la reubicación de Chiquita cumplió con los requerimientos de la Orden; incluyó todos los criterios, planes y especificaciones relevantes; y trató los comentarios del DTSC.[80] La afirmación del DTSC que indica que Chiquita no presentó un RAW de la reubicación satisfactorio se basa en alegaciones falsas, ignora el amplio compromiso de Chiquita de buena fe con el DTSC y con otros reguladores federales, estatales y locales sobre la ubicación del nuevo parque de tanques (Parque de Tanques 13) e ignora la totalidad de las circunstancias entorno a la reacción y los esfuerzos de Chiquita de gestionarla de forma efectiva.

Las alegaciones específicas del DTSC se tratan sucesivamente a continuación. Primero y ante todo, la Celda 8B permitía la reubicación inmediata del Parque de Tanques 9 a un lugar del Vertedero que actualmente está estable y que Chiquita y sus expertos prevén que se mantendrá estable por un futuro previsible, en base a los datos actuales de la reacción.[81] La Celda 8B fue la ubicación que mayor protege al medioambiente en el Vertedero y fue la única ubicación aceptable para ciertos reguladores, que incluyen al DTSC (por lo menos inicialmente) y a CalRecycle. Segundo, contrario a las alegaciones del DTSC indicadas en el Aviso, Chiquita proporcionó datos de compactación que demuestran que la construcción del Parque de Tanques 13 cumplía con las normas para la compactación y proporcionó un análisis de la estabilidad de la pendiente que también demuestra que la nueva ubicación es estable. Tercero, la alegación del DTSC que indica que Chiquita no trató los comentarios del DTSC porque la versión del Plan de Gestión de Lixiviados (LMP) de Chiquita presentada al DTSC en septiembre de 2025 no reflejaba las condiciones finales del Parque de Tanques tal como están no es así, porque entre otras cosas, el LMP es un requerimientos de la UAO de la EPA y el DTSC no tiene jurisdicción sobre su contenido y la construcción del Parque de Tanques 13 no estaba completa al momento de la presentación, por lo tanto no pudo haberse incluido en la presentación de septiembre de 2025. Como el RAW de la reubicación de Chiquita cumple con los requerimientos de la Orden ISE,

[79] *Ver* la Respuesta de Chiquita a la Solicitud del DTSC para el Programa de Despliegue de Cubiertas Actualizado, 7 de noviembre de 2025, en 2-3.
[80] *Ver* el Plan de Trabajo de Acción de Remoción Preliminar Revisado, Reubicación Interina y Estabilización de los Desechos Contenidos, 19 de septiembre de 2025; e-mail del 3 de junio de 2025 de K. Logan enviado a P. Ruttan que transmite el memorándum de la Compactación; e-mail del 25 de noviembre de 2025 de K. Logan enviado a T. Crick, P. Ruttan y B. Floyd que transmite el análisis de la estabilidad; Resumen de los Resultados de las Pruebas de Compactación del 3 de junio de 2025. *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 7-9.
[81] Observe la Determinación Mensual del Comité de Reacción Mensual sobre los Límites de la Zona Reactiva, presentada el 9 de enero de 2026 para el mes de diciembre de 2025, conforme a las Condiciones No. 9a y 9b de la SOFA.

el DTSC no debe retirar su Aviso.

i. La reubicación del Parque de Tanques 9 en la Celda 8B cumple con la sección 5.1.2(b) de la Orden ISE porque la Celda 8B fue la única opción disponible para la inmediata reubicación del Parque de Tanques 9; fue la ubicación que mejor protege el medioambiente y actualmente es estable.

la afirmación del DTSC que indica que la reubicación del Parque de Tanques 9 en la Celda 8B no cumple con la Orden ISE ignora más de dos años de compromiso constante de Chiquita con el DTSC y con otros reguladores federales, estatales y locales en lo relacionado a sus esfuerzos de buena fe por gestionar la reacción de forma efectiva, en parte construyendo un parque de tanques que cumpla con los requerimientos de una Autorización Condicional para tratar los lixiviados bajo el programa de gestión de permisos para desechos peligrosos de California. Cuando el DTSC requirió que el Parque de Tanques 9 sea reubicado bajo la Orden ISE, fue más aparente que la Celda 8B era la única ubicación viable que cumpliría con las demandas y restricciones de los reguladores y simultáneamente cumpliría con la Orden ISE en el lugar que proteja más el medioambiente en el Vertedero.

Además, la Celda 8B fue el único lugar en el Vertedero (que no sea la Celda 7, que comenzó a ser inaceptable debido a la oposición pública durante los análisis de la ubicación con los reguladores) que proporcionaría suficiente espacio para el nuevo parque de tanques. La Celda 8B también era el único lugar en el Vertedero que permitiría que se construya el nuevo parque de tanques a corto plazo debido a las restricciones de los permisos o sobre otras ubicaciones, por ejemplo la ubicación de Wolcott Way (que también enfrentó bastante oposición pública) y para lograr una reubicación inmediata del Parque de Tanques 9 en un lugar estable en el Vertedero como lo contempla la Orden ISE.

A. La historia del Parque de Tanques 9.

Como tema inicial, es importante comprender la evolución de las prácticas e gestión de lixiviados de Chiquita influenciadas y dirigidas por sus reguladores, por ejemplo el DTSC, y la historia del Parque de Tanques 9. Debido a las primeras inquietudes indicadas por el DTSC de combinar lixiviados de los pozos de extracción de diferentes áreas del Vertedero durante la respuesta inicial de Chiquita a la reacción y a la mayor producción de lixiviados a principios de 2024. Chiquita desarrolló un sistema grupal para los pozos de extracción - Grupos A, B, norte y este. Debido en parte a las instrucciones iniciales del DTSC que indicaban que un tanque solo podía manejar lixiviados de un grupo de pozos de extracción (ej. una vez que un tanque gestionaba lixiviados del Grupo A, ese tanque solo podría usarse para gestionar lixiviados de pozos del Grupo A de ahí en adelante), el Parque de Tanques 9 finalmente fue ubicado en la cubierta superior del Vertedero para acomodar las diferentes necesidades de recolección y tratamiento de lixiviados y al mismo tiempo manejar los lixiviados de los diferentes grupos de pozos en tanques específicos, como lo indicó el DTSC. A medida que fue aumentando la producción y extracción, la logística para gestionar los lixiviados de diferentes grupos de pozos en tanques específicos fue requiriendo la adquisición y colocación de más tanques en el Parque de Tanques 9. Por lo tanto, el Parque de Tanques 9 en definitiva no podría haber sido ubicado en la cubierta superior del Vertedero o podría haber sido bastante diferente a las instrucciones iniciales del DTSC que no estaban enfocadas en manejar lixiviados de diferentes grupos de pozos de extracción en tanques específicos.[82]

[82] Durante la recaracterización formal, también se estableció la compatibilidad, permitiendo la mezcla de desechos compatibles y reduciendo las cargas administrativas y logísticas.

B. Planificación, diseño, asentamiento y construcción del nuevo parque de tanques.

A fines de 2024, mientras Chiquita continuaba con sus esfuerzos de diseño, sitio y construcción del nuevo parque de tanques, comenzó a realizar análisis más amplios con el Departamento de Bomberos del Condado de Los Ángeles (la Agencia del Programa Unificado Certificado o CUPA) y con otros reguladores estatales y locales, que incluyen al DTSC, en lo relacionado a la ubicación del nuevo parque de tanques.[83] Estos análisis finalmente dieron como resultado la reunión del 28 de enero de 2025 y la visita al sitio del Vertedero donde Chiquita y varios reguladores estatales y locales analizaron, entre otras cosas, la ubicación del nuevo parque de tanques. Además de la Celda 8B, el Cañón B y Wolcott Way fueron identificados como potenciales ubicaciones para el nuevo parque de tanques en 2024. Sin embargo, tanto el Cañón B como Wolcott Way protegían menos al medioambiente que la Celda 8B y ambos presentaron desafíos logísticos haciendo que fuera impráctico y/o inaceptable.[84]

Chiquita destaca que originalmente había previsto construir el nuevo parque de tanques en el Cañón B e incluso había comenzado las preparaciones del sitio para la construcción. No obstante, después de casi seis meses de análisis con la CUPA, la CUPA le informó a Chiquita en diciembre de 2024 que otros reguladores expresaron inquietudes sobre el Cañón B como ubicación para el nuevo parque de tanques.[85] Mientras que el Cañón B no está conectado físicamente al Cañón Principal, se elevaron inquietudes sobre si el Cañón B estaba formalmente cerrado. Wolcott Way habría requerido varios permisos y aprobaciones reglamentarias (ej. modificación del Permiso de Uso Condicional los permisos y aprobaciones de la LEA y de la Junta Regional del Agua, entre otros), algunos de los cuales pudieron haber requerido un análisis CEQA, que no habría permitido la reubicación inmediata del Parque de Tanques 9, como se contempla en la Orden ISE. Otras ubicaciones alternativas, que incluyen Wolcott Way, identificadas inicialmente por los reguladores y proporcionadas a Chiquita por la CUPA fueron ubicaciones alternativas inaceptables porque estas ubicaciones protegían menos el medioambiente que la Celda 8B y la logística para construir y operar el nuevo parque de tanques en esas ubicaciones era completamente inoperable.

Chiquita reiteradamente buscó la orientación de los reguladores sobre potenciales ubicaciones del Vertedero para el nuevo parque de tanques, pero no recibió ninguna orientación importante hasta el 6 de marzo de 2025, meses después de haber sido solicitada. El e-mail de marzo que transmite los comentarios colectivos de los reguladores de la

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[83] *Ver, por ejemplo*, la invitación a la reunión en el calendario de Outlook del 2 de julio de 2024 de Chiquita -- Tratamiento de Lixiviados En el Sitio; e-mail del 19 de julio de 2024 de S. Cassulo a la CUPA con copia al DTSC, Actualización de la Autorización Condicional de CCL; e-mail del 6 de septiembre de 2024 de D. Smith a la CUPA, CCL - E-mail Propuesto de Transmisión de CUPA y Documentos; e-mail del 9 de octubre de 2024 de D. Smith a la CUPA, CCL - Actualización sobre el Progreso de la Autorización Condicional; e-mail del 23 de octubre de 2024 de S. Phillips a la EPA con copia al DTSC, Actualización de la Autorización Condicional de CCL a la CUPA; e-mail del 6 de noviembre de 2024 de D. Smith a la CUPA, CCL - Actualización sobre el Progreso de la Autorización Condicional; e-mail del 20 de noviembre de 2024 de D. Smith a la CUPA, Vertedero de Chiquita Canyon (CCL) - Actualización sobre el Progreso de la Autorización Condicional; e-mail del 27 de noviembre de 2024 de S. Phillips a la EPA y al DTSC, Vertedero de Chiquita Canyon (CCL) - Actualización sobre el Progreso de la Autorización Condicional; e-mail del 12 de diciembre de 2024 de D. Smith a la CUPA, CCL - Actualización sobre la Autorización Condicional; e-mail del 17 de diciembre de 2024 de D. Smith a la CUPA, CCL - Actualización Post Visita al Sitio.

[84] *Ver* el e-mail del 31 de enero de 2025 de J. Perkey a la EPA y a la CUPA con copia al Abogado del Condado de Los Ángeles, a CalRecycle, al DTSC, a la Junta Regional de Control de Calidad del Agua de Los Ángeles, a la LEA, al Departamento de Planificación Regional del Condado de Los Ángeles, a Obras Públicas del Condado de Los Ángeles y al Distrito de Gestión de la Calidad del Aire de la Costa Sur, que transmite el memorándum de Chiquita, Resumen de Opciones y Requerimientos de Aprobación para el Parque de Tanques.

[85] *Ver* el e-mail de T. Quiaoit (CUPA) a D. Smith, del 19 de diciembre de 2024; e-mail de E. Morofuji (Salud Pública) a S. Cassulo, 18 de diciembre de 2024.

visita al sitio del 28 de enero de 2025 y el análisis de potenciales ubicaciones para el nuevo parque de tanques contenía la siguiente declaración: "no podemos sugerir ni recomendar un sitio [para el nuevo parque de tanques] pero sí podemos ofrecer criterios para un sitio que probablemente faciliten los permisos y las aprobaciones necesarias"[86] Como ya saben los reguladores, no había ninguna opción disponible en el Vertedero que cumpla con todos los criterios. Hasta la fecha, Chiquita y los reguladores no han podido identificar una opción de este tipo.

Antes y después de la Orden ISE, Chiquita claramente les transmitió a los reguladores que la Celda 8B era la mejor ubicación para el nuevo parque de tanques porque las otras ubicaciones no funcionaban por varios motivos, que incluyen la protección ambiental y problemas de espacio.[87] Chiquita procedió con la construcción de la Celda 8B y mantuvo llamadas técnicas semanales con el DTSC y generalmente con CalRecycle. Todd Thalhammer de CalRecycle estuvo de acuerdo en que la Celda 8B era una buena ubicación interina para el nuevo parque de tanques. Fue bajo la dirección del Sr. Thalhammer y con acuerdo verbal de DTSC que Chiquita procedió con la Celda 8B como ubicación interina para el nuevo parque de tanques, entendiendo en ese momento que la ubicación final sería la Celda 7. Chiquita finalizó sus planes de diseño y construcción conforme a este entendimiento. Sin embargo, oposiciones de la comunidad con la Celda 7 como ubicación final para el nuevo parque de tanques antes de que se emita la Orden ISE, finalmente dieron como resultado que los reguladores no puedan respaldar a la Celda 7 como ubicación final del nuevo parque de tanques.

El nuevo parque de tanques requiere una gran cantidad de espacio que debe ser relativamente plano y el Vertedero no tiene ese tipo de espacio en ningún otro lugar que no sea la Celda 8B. Como se indicó arriba, Chiquita inicialmente previó colocar el nuevo parque de tanques en el Cañón B, pero se le dijo que no lo hiciera. Como el Cañón B no era una ubicación aceptable para el nuevo parque de tanques, el Cañón Principal tampoco fue una ubicación aceptable para el nuevo parque de tanques porque tenía los mismos problemas sobre el cierre formal del vertedero antiguo. Por lo tanto, además de la Celda 7 (que pasó a ser una opción inaceptable debido a la oposición de la comunidad) y de Wolcott Way (que también pasó a ser una opción inaceptable por los motivos arriba descritos), no hay otro espacio en el Vertedero que pueda acomodar los requerimientos de espacio del nuevo parque de tanques.

C. La Celda 8B es la ubicación que mejor protege el medioambiente en el Vertedero que permitió la inmediata reubicación del Parque de Tanques 9.

La Celda 8B es la ubicación que mejor protege el medioambiente en el Vertedero porque un parque de tanques en la Celda 8B mayormente se alimenta con la gravedad; esto significa que se requieren un bombeo mínimo de lixiviados peligrosos bajo presión para mover los lixiviados al parque de tanques. La ubicación de la Celda 8B también es la de mayor protección de incendios forestales. Además, la Celda 8B se encuentra dentro de la huella delineada del Vertedero, por lo tanto proporciona contención "terciaria" (considerando los revestimientos de contención primaria y secundaria del nuevo parque de tanques).

Las otras ubicaciones alternativas identificadas por los reguladores estaban fuera de la huella del vertedero y habrían requerido mucho bombeo de lixiviados peligrosos sobre importantes distancias y elevación de la tierra no delineada y nativa, para llegar al parque de tanques. Además, las otras ubicaciones alternativas

[86] *Ver* el e-mail de L. Lye enviado a Chiquita, al Abogado del Condado de Los Ángeles, a CalRecycle, al DTSC, a la Junta Regional de Control de Calidad del Agua de Los Ángeles, a la LEA, al Departamento de Planificación Regional del Condado de Los Ángeles, a Obras Públicas del Condado de Los Ángeles y al Distrito de Gestión de la Calidad del Aire de la Costa Sur, del 6 de marzo de 2025.
[87] *Ver, por ejemplo*, supra n. 87.

estaban fuera de cima del Vertedero, que hacía que fuera más susceptible a incendios forestales. Por ejemplo, Wolcott Way, una de las pocas opciones alternativas con suficiente espacio, fue la ubicación de menor protección ambiental por su proximidad a la comunidad y al Río Santa Clara. La ubicación habría requerido que se bombeen lixiviados peligrosos bajo presión, arriba y sobre una cima (sobre el terreno nativo no delineado) hacia un parque de tanques directamente contiguo a la autopista.

D. La Celda 8B actualmente es estable y se espera que se mantendrá estable por un futuro previsible.

Reubicar el Parque de Tanques 9 en la Celda 8B era la única forma de cumplir con el requerimiento de la Orden ISE de reubicar el Parque de Tanques 9 en una ubicación estable, considerando la totalidad de las circunstancias entorno a la reacción y la necesidad de reubicar inmediatamente los tanques de lixiviados del Parque de Tanques 9. Construir el nuevo parque de tanques en la Celda 8B permitió que la reubicación del Parque de Tanques 9 dentro del vertedero ocurra inmediatamente, que se eliminen amenazas inminentes y que se minimice cualquier potencial de amenaza a largo plazo en los tanques de lixiviados por la reacción.

Como se trató arriba, Chiquita no está de acuerdo con que la reacción se está expandiendo. Según la interpretación de los datos actuales de consultores de Chiquita, es muy poco probable que la reacción incluso pueda comenzar a amenazar la Celda 8B en un futuro previsible, considerando la ubicación actual de los impactos de la reacción, la tan poca cantidad de desechos debajo de una pequeña parte del Parque de Tanques 13 y las medidas de gestión actuales de Chiquita en la reacción que expertos independientes han confirmado que continúan manejando y conteniendo de forma efectiva la reacción.[88] Como se analiza en mayor detalle a continuación, la Celda 8B actualmente está estable y continuará estando estable en un futuro previsible. Por lo tanto, reubicar el Parque de Tanques 9 en la Celda 8B cumplía con la sección 5.1.2(b) de la Orden ISE porque eliminó inmediatamente cualquier amenaza inminente para los tanques de lixiviados del Parque de Tanques 9 y minimizó potenciales futuras amenazas a los tanques de lixiviados. La denuncia del DTSC que indica que la Celda 8B podría estar teóricamente sujeta a la reacción en el futuro ignora la totalidad de las circunstancias entorno a la gestión de la reacción de Chiquita y a las opciones limitadas que tenía Chiquita para reubicar inmediatamente los tanques de lixiviados del Parque de Tanques 9 a otra parte del Vertedero, como se explicó arriba.

E. Hasta el Aviso del DTSC, el DTSC indicó que Chiquita cumplió con la sección 5.1.2(b) de la Orden ISE.

Chiquita ha sido transparente con sus planes y actuó de buena fe en sus esfuerzos por construir un parque de tanques que cumpla con los requerimientos de la Autorización Condicional y que dieron como resultado la reubicación inmediata del Parque de Tanques 9 dentro del Vertedero. Personal de Chiquita ha cumplido con sus reguladores y les ha estado enviando actualizaciones sobre estos planes. Esto incluye las 33 reuniones técnicas semanales entre el DTSC y Chiquita después de la emisión de la Orden ISE durante la cual se analizó el parque de tanques de forma rutinaria, que incluye cuando no hay desarrollos nuevos. Durante este período, ningún regulador, que incluye al DTSC, en ningún momento le indicó a Chiquita que deje de construir el nuevo parque de tanques en la Celda 8B y ningún regulador sugirió otras ubicaciones alternativas que deba considerar Chiquita

[88] *Ver* la Declaración de C. Benson, El Pueblo del Estado de California y el Condado de Los Ángeles v. Chiquita Canyon, LLC; Chiquita Canyon, Inc.; y Waste Connections US, Inc., Caso No. 2:24-cv-10819-MEMF-MAR, ECF No. 82-5, proporcionada como Adjunto F. *Contra* Aviso del DTSC sobre la Determinación de Incumplimiento Propuesta, 26 de diciembre de 2025 en 8.

.[89] Chiquita no debería ser amenazado por incumplimiento ahora, después de las sustanciales coordinaciones y comunicaciones en las que el DTSC se mantuvo silencioso sobre este punto exacto.

Como se describió arriba, reubicar el Parque de Tanques 9 en la Celda 8B fue la única opción que cumpliría con la sección 5.1.2(b) de la Orden ISE. La reubicación de la Celda 8B alcanzó el objetivo principal de la Orden ISE, proporcionando la única ubicación práctica, de protección ambiental y estable en el Vertedero para lograr la reubicación inmediata del Parque de Tanques 9. Como la reubicación del Parque de Tanques 9 en la Celda 8B cumple con la sección 5.1.2(b) de la Orden ISE, el DTSC debería retirar este Aviso.

ii. Chiquita ha proporcionado todos los criterios relevantes, planes y especificaciones en cumplimiento con la sección 5.3(c) de la Orden ISE.

Chiquita no está de acuerdo con la denuncia del DTSC que indica que no cumplió con la sección 5.3(c) de la Orden ISE.[90] El Aviso indica en resumidas cuentas que Chiquita "no proporcionó documentación adecuada que demuestre que [ha] cumplido con las normas de compactación y otras normas geotécnicas para la construcción de la plataforma en el Parque de Tanques 13 en el RAW de la Reubicación" y cita la sección 5.3(c) de la Orden ISE como respaldo.[91] Esta afirmación es falsa. Chiquita proporcionó esta documentación al DTSC en varias ocasiones:

- El 7 de mayo de 2025, Chiquita les envió un e-mail a Peter Ruttan, Peter Gathungu, Perry Myers y Tim Crickcon del DTSC los resultados de la muestra de compactación de suelo previo a la construcción del suelo colocado en la Celda 8B con copia a Dan Ziarkowski del DTSC.[92]
- El 20 de mayo de 2025, después de reunirse con el DTSC el 14 de mayo de 2025, Chiquita envió un e-mail con los resultados más recientes de las muestras de suelo, que incluyeron los resultados de los análisis de laboratorio y los resultados de las pruebas de humedad/densidad del suelo colocado en la Celda 8B, a Dan Ziarkowski, Peter Ruttan y Tim Crick del DTSC, con copia a personal adicional del DTSC.[93]
- El 3 de junio de 2025, en respuesta a las preguntas recibidas del DTSC, Chiquita envió un memorándum por e-mail resumiendo los resultados de las muestras de la compactación del suelo previas a la construcción proporcionadas el 7 de mayo de 2025 a Peter Ruttan del DTSC, con copia a cinco personas más del DTSC y de CalRecycle.[94] El memorándum de la compactación - "Resumen de los Resultados los Análisis de las Muestras - Proyecto del Parque de Tanques de la Celda 8 en 2025, Vertedero de Chiquita Canyon, Castaic, California" - comienza

[89] Chiquita destaca que Obras Públicas del Condado de LA emitió órdenes de parar el trabajo por problemas con los permisos de nivelación en junio de 2025, que Chiquita está contestando y el Condado no se ha movido para hacer cumplir las órdenes. Al enterarse de las órdenes de parar el trabajo, Wes Mindermann de CalRecycle expresó dudas y le indicó a Chiquita que continúe trabajando.

[90] *Ver* el Plan de Trabajo Preliminar de Acción de Remoción Revisado, Reubicación y Estabilización Interina de los Desechos Contenidos, 19 de octubre de 2025, sección 3.1. *Contra* Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 8.

[91] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 8.

[92] *Ver* el E-mail de K. Logan (Chiquita) a P. Ruttan (DTSC), et al., del 7 de mayo de 2025.

[93] *Ver* el e-mail de K. Logan (Chiquita) a P. Ruttan (DTSC), et al., del 20 de mayo de 2025.

[94] *Ver* el e-mail de K. Logan (Chiquita) a P. Ruttan (DTSC), et al., del 3 de junio de 2025.

diciendo que "resume los resultados de las pruebas de compactación realizados durante la colocación de relleno diseñado asociado al proyecto del parque de tanques de la Celda 8 en 2025".

- El 6 de junio de 2025, después de que Chiquita haya compartido el memorándum sobre la compactación, Peter Ruttan del DTSC le envió un e-mail a Chiquita con una pregunta sobre la cantidad de tierra colocada para el nuevo parque de tanques y Chiquita respondió inmediatamente la pregunta.[95]

En resumen, el DTSC recibió la documentación sobre la compactación del suelo recibida del DTSC hace más de siete meses y analizó las preguntas sobre el suelo colocado para el nuevo parque de tanques con Chiquita aproximadamente para el momento en el que se presentó la información sobre la compactación. El DTSC tuvo numerosas oportunidades para elevar cualquier inquietud o duda adicional sobre la documentación, incluso durante las llamadas semanales de rutina. El DTSC nunca indicó que el memorándum de la compactación o la otra información relevante de la compactación proporcionada por Chiquita no documentaba adecuadamente cómo cumplía con las normas de compactación y otras normas geotécnicas para construir la plataforma del Parque de Tanques 13.

Además de la documentación descrita arriba, Chiquita presentó una evaluación de ingeniería del Parque de Tanques 13 titulada "Evaluación y Certificación del Sistema de Tanques para Desechos Peligrosos de un Ingeniero Profesional" en el Sistema de Informes Ambientales de California (CERS) de CalEPA el 20 de noviembre de 2025, como parte de su aviso de Autorización Condicional. Ese mismo día Chiquita les envió un e-mail a los gerentes y al personal de CalEPA, DTSC, EPA y la CUPA para alertarlos de que Chiquita había presentado su aviso de Autorización Condicional y que Chiquita estaba trabajando para proporcionarle a la CUPA una certificación del sistema de tanques.[96] El DTSC como mínimo tomó conocimiento de esta evaluación de ingeniería y pudo haber solicitado una copia. La evaluación incluyó, entre otras cosas, un informe de monitoreo de aseguramiento de la calidad de la construcción para el Parque de Tanques 13 que incluyó la misma información sobre la compactación del suelo. Nuevamente, el DTSC no elevó ninguna pregunta ni objetó de ninguna manera la información sobre la compactación que proporcionó Chiquita. Por lo tanto, Chiquita siempre ha entendido que proporcionó documentación adecuada que demuestra que cumplió con las normas de compactación y otras normas geotécnicas para construir la plataforma del Parque de Tanques 13. Donde el DTSC tenga comentarios o preguntas específicas sobre la documentación de la compactación que proporcionó Chiquita, Chiquita tiene la voluntad de continuar los análisis.

Este Aviso también denuncia que Chiquita no proporcionó un análisis de estabilidad de la pendiente, como lo requiere la sección 5.3(c) de la Orden ISE. Esta denuncia también es falsa. Chiquita le proporcionó al DTSC el análisis de estabilidad del Parque de Tanques 13 el 25 de noviembre de 2025, a través de un e-mail enviado a Tim Crick, Peter Ruttan y Bridget Floyd del DTSC.[97] Hasta la fecha, el DTSC no ha elevado ninguna pregunta o inquietud sobre el análisis de la estabilidad de la pendiente. Al igual que con la documentación sobre la compactación, donde el DTSC tenga comentarios o preguntas específicas sobre el análisis de la estabilidad de la pendiente, Chiquita tiene la voluntad de continuar los análisis.

Dado lo previamente mencionado, la denuncia del DTSC que indica que Chiquita no proporcionó todos los planes, criterios y especificaciones relevantes para el RAW de la reubicación es fallida porque se basa en afirmaciones falsas que indican que Chiquita no proporcionó documentación sobre la compactación del suelo y sobre la estabilidad de la pendiente, pero ambas fueron proporcionadas previamente

[95] *Ver* el e-mail de K. Logan (Chiquita) a P. Ruttan (DTSC), et al., del 6 de junio de 2025.
[96] *Ver* el e-mail de D. Smith (Chiquita) a D. Barclay y T. Berg (DTSC), et al., del 20 de noviembre de 2025, Chiquita Canyon - Aviso de Autorización Condicional.
[97] *Ver* el e-mail de K. Logan (Chiquita) a T. Crick (DTSC), et al., del 25 de noviembre de 2025, Análisis de la Estabilidad de la Pendiente - TF13.

al DTSC. El DTSC cuenta con la información que necesita para evaluar la estabilidad de la ubicación de la Celda 8B.[98] La aparente creencia del DTSC de que esta información sugiere que se está afirmando que la Celda 8B no es una ubicación estable, violando la Orden ISE sin revisar las presentaciones de Chiquita o de basarse en los hechos. Donde las inquietudes del DTSC se traten del contenido de esos documentos, debería indicar esto específicamente y explicar en detalle qué información adicional se requiere, para que las partes puedan tener un diálogo constructivo sobre cómo tratar las inquietudes del DTSC. Por lo tanto, la afirmación del DTSC que indica que Chiquita no proporcionó todos los criterios, planes y especificaciones relevantes a satisfacción de la sección 5.3(c) de la Orden ISE es infundada y el DTSC debería retirar este Aviso.

iii. Chiquita trata los comentarios del DTSC en lo relacionado al RAW de la reubicación.

Chiquita proporcionó varias respuestas sustantivas a los comentarios del DTSC sobre los tres RAWs. El Aviso denuncia que Chiquita no trató los comentarios del DTSC en lo relacionado al RAW de la reubicación.[99] Más específicamente, el Aviso denuncia que Chiquita no trató ni proporcionó la información especificada en los comentarios del DTSC del RAW de la reubicación preliminar de mayo de 2025, que incluye pruebas de compactación y clasificación de material, en base a pruebas geotécnicas previas a la colocación del relleno. Como se indicó arriba, Chiquita proporcionó esta documentación al DTSC en varias ocasiones. Como se indicó en el resumen del memorándum de la compactación del suelo, las pruebas de compactación del suelo se realizaron antes de que se coloque el relleno.[100] El supuesto incumplimiento de Chiquita en incluir esta información como parte del RAW revisado no justifica este Aviso porque Chiquita previamente había proporcionado la información directamente al DTSC a solicitud del DTSC. Si la inquietud del DTSC es que el RAW de la reubicación preliminar revisado no indicaba expresamente que los análisis del suelo ocurrieron ante de que se coloque el relleno, Chiquita revisará el RAW preliminar para incorporar esta información.

El Aviso además denuncia que Chiquita no proporcionó un LMP actualizado como lo solicita la carta con comentarios del DTSC del 29 de julio de 2025 en el RAW preliminar de la reubicación de mayo de 2025.[101] Más específicamente, el DTSC denuncia que el LMP de enero de 2025 que le proporcionó Chiquita al DTSC era inadecuado porque no incluía y reflejaba las condiciones del Parque de Tanques 13 tal como está. Como asunto inicial, el Parque de Tanques 13 todavía estaba en construcción en septiembre de 2025, por lo tanto no era posible proporcionar un LMP que reflejara las condiciones actuales en ese momento. Además, el LMP fue elaborado en respuesta a la UAO de la EPA del 21 de febrero de 2024 y Chiquita sigue esperando los comentarios de la EPA sobre la versión de enero de 2025 que Chiquita compartió con el DTSC. El DTSC no tiene jurisdicción sobre el contenido o los plazos de las revisiones al LMP. Como Chiquita todavía está esperando los comentarios de la EPA sobre la versión de enero de 2025, no es apropiado que Chiquita realice más actualizaciones en este momento. Por estos motivos, no fue posible ni necesario que el LMP refleje las condiciones del Parque de Tanques tal como estaban. Por lo tanto, al igual que con la documentación de la compactación del suelo, el LMP proporcionado al DTSC no puede servir como base para la denuncia del Aviso que indica que Chiquita no cumplió con la Orden ISE.

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[98] *Contra* Aviso del DTSC de la Determinación de Incumplimiento Propuesta del 26 de diciembre de 2025, en 8 ("Sin esta información [que Chiquita ya proporcionó], el DTSC no puede evaluar la estabilidad de la ubicación de la Celda 8B").
[99] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 8.
[100] *Ver* el Resumen de los Resultados de las Pruebas de la Compactación en 1 ("Antes de que comenzaran las obras [en el Parque de Tanques 13] y durante toda las colocación del relleno, Geo-Logic Associates (GLA) tomó muestras del suelo de la zona prestada de la Celda 7 para realizar las pruebas de la compactación. Los resultados de estas pruebas se resumen en la Tabla 1 y los resultados de los análisis están incluidos en el Adjunto 1").
[101] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 8-9.

Por lo tanto, las denuncias del DTSC que indican que Chiquita no trató los comentarios del DTSC sobre el RAW de la reubicación son inexactas y no tienen mérito y el DTSC debería retirar su Aviso.

c. Chiquita se está dedicando a proteger la Celda 8A y a cumplir con todas las obligaciones de la sección 5.1.2(c) que no dañan los esfuerzos de mitigación.

Debido a los exitosos esfuerzos de mitigación de Chiquita, el ETLF está en un estado de equilibrio localizado y no representa un peligro inminente y sustancial para la Celda 8A. En base a su análisis basado en datos, Chiquita inequívocamente no está de acuerdo con la evaluación del DTSC que indica que el ETLF representa una amenaza existencial para la Celda 8A, que garantice la construcción de la barrera vertical solicitada sin precedentes en su alcance y complejidad. Lo más importante es que el DTSC ha ordenado esta construcción sin ningún análisis científico que demuestre que la barrera vertical solicitada impediría la intrusión de calor hacia la Celda 8A y sin ningún estudio de ingeniería que demuestre que la barrera podría ser construida. El DTSC no solo no presentó ninguna evidencia que indique que la barrera tendría un efecto positivo al proteger la Celda 8A, sino que el DTSC no considera la multitud de impactos negativos sustanciales que crearía la barrera. La construcción de la barrera vertical solicitada invertiría el sustancial progreso que han logrado los esfuerzos continuos de mitigación de Chiquita por controlar el ETLF. Por estos motivos, entre otros, Chiquita tienen un buen motivo para no instalar la barrera vertical solicitada en la sección 5.1.2(c) de la Orden ISE o para incluir un análisis de su instalación en el RAW preliminar de la barrera.

A pesar de su oposición a la barrera vertical solicitada, Chiquita se ha mantenido cooperativo y presentó un RAW preliminar de la barrera que, combinado con otras medidas de mitigación activas, protegerá la Celda 8A completamente. Chiquita ha cumplido con todos los demás requerimientos de la barrera bajo la sección 5.3 de la Orden ISE. Por tal motivo, como el RAW de la barrera de Chiquita cumple con todos los requerimientos de la Orden ISE, salvo por los que no cumplió Chiquita con buena causa, el DTSC debería retirar su Aviso. Chiquita continúa completamente dedicado a proteger la Celda 8A.

i. La Celda 8A no es un peligro inminente y sustancial.

La denuncia del DTSC que indica que el ETLF representa un peligro inminente y sustancial para la Celda 8A - originalmente realizada hace ya más de nueve meses - no se sustenta con la evidencia actual. Las medidas de mitigación continuas de Chiquita han sido exitosas para controlar los impactos del ETLF y para proteger la Celda 8A. La reacción no se ha expandido hacia la Celda 8A y los datos no sugieren que lo hará. No hay indicios de que exista ningún problema de estabilidad de la pendiente ni que se vaya a desarrollar. En cambio, la reacción continúa estable, alcanzó un equilibrio general y está enfriándose en algunas áreas.[102] Además, la ley es clara:

[102] El informe más reciente del Comité Mensual de la Reacción llegó a la conclusión de que "las condiciones de ETLF están completamente contenidas dentro del límite de la Zona Reactiva y no se han expandido hacia una celda nueva". Determinación del Comité de Reacción Mensual sobre los Límites del Área de Reacción del Vertedero de Chiquita Canyon del 10 de diciembre de 2025, disponible en https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2025/12/2025-12-10-Reaction-Committee-Determination-on-Reaction-Area_Final.pdf. En algunas instancias, las temperaturas se han reducido desde abril de 2024. Por ejemplo, las temperaturas promedio en TP-04 y TP-20 en cada profundidad fueron más bajas en noviembre de 2025 que en abril de 2025. *Comparar* el Informe Mensual de Chiquita de abril de 2025 *con* el Informe Mensual de Chiquita de noviembre de 2025. *Ver también* la Declaración de Robert Dick, P.E., B.C.E.E., en el asunto del Distrito de Gestión de la Calidad del Aire de la Costa Sur v. Chiquita Canyon, LLC, Caso No. 6177-4, 22 de octubre de 2025, ¶¶ 17-20 (“hemos notado numerosas áreas donde estamos observando mejoras en

no puede haber un peligro inminente o sustancial cuando no hay necesidad de acción que exceda las acciones ya tomadas y las que ya están en curso.[103] La barrera vertical solicitada por lo tanto no es necesario instalarla.

ii. La barrera vertical solicitada por el DTSC no está respaldada por análisis científicos, es técnicamente inviable e impactaría negativamente las exitosas medidas de mitigación de Chiquita.

El DTSC continúa ordenándole a Chiquita que instale una barrera vertical sin ninguna evidencia científica que indique que la barrera evitaría la expansión de las condiciones de ETLF hacia la Celda 8A, sin ningún análisis de ingeniería que demuestra que podría construirse y sin ningún análisis de costos-beneficios que reconozca el impacto que tendría su construcción en el Vertedero y en las comunidades de alrededor. Chiquita se ha opuesto consistentemente en la instalación de una barrera vertical y ha presentado evidencia científica que el DTSC no ha tratado. Chiquita continúa comprometido en proteger la Celda 8A, pero no obedecerá a ciegas ninguna orden que no cuente con un análisis científico y de ingeniería que pueda deshacer el progreso sustancial que han logrado las exitosas medidas de mitigación de Chiquita.

A. La barrera solicitada por el DTSC no la respalda la evidencia científica y contradice la directiva más reciente de la LEA.

El DTSC no ha ofrecido evidencia científica que respalde su barrera vertical solicitada y Chiquita no ha podido identificar ninguna evidencia o investigación que respalde la propuesta de que la barrera evitaría o imposibilitaría efectivamente la transferencia de calor bajo condiciones de ETLF. La propia orientación de la EPA no recomienda una barrera de tierra para mitigar eventos de ETLF.[104] En cambio, la orientación de la EPA y las mejores prácticas de gestión de la industria incluyen la remoción de calor a través de la extracción agresiva de lixiviados y gases.[105] Esto es precisamente lo que ha estado haciendo Chiquita. La barrera vertical solicitada por el DTSC no cumpliría con estas tareas críticas y además interferiría con ellas.

Chiquita ha mantenido esta posición - que una barrera vertical sería inviable de instalar - por los últimos 17 meses, desde que se presentó el Plan de Quiebre/Barrera de Suelo en la Reacción presentado a la EPA el 27 de marzo de 2024 y a la LEA el 12 de abril de 2024 conforme a la UAO de la EPA y en respuesta a las cartas de la LEA con fecha 21 de noviembre de 2023 y 5 de abril de 2024. Después de conversaciones tanto con la EPA como con la LEA, Chiquita volvió a presentar el Plan de Quiebre/Barrera de Suelo en la Reacción el 8 de julio de 2024 a la LEA y el 26 de noviembre de 2024 a la EPA. Aunque la naturaleza de la barrera vertical solicitada y las medidas de mitigación propuestas por Chiquita han evolucionado durante el trascurso de estas presentaciones y análisis,

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las condiciones de ETLF.... las temperaturas en los cabezales de pozos de biogás registradas cada mes demuestran varias subáreas dentro del límite basado en datos que exhiben consistentemente temperaturas sustancialmente más bajas que en otros cabezales de pozos dentro de este límite").

[103] *Santa Clarita Valley Water Agency v. Whittaker Corp*., 99 F.4° 458, 476 (9° Cir. 2024) (sin amenaza inminente y sustancial donde "ha habido amplia supervisión del gobierno" y el demandado "ha participado en acciones de remediación" e "instalado más de doscientos pozos de monitoreo").

[104] Vertedero de Temperaturas Elevadas, Agencia de Protección Ambiental de Estados Unidos, *disponible en* https://www.epa.gov/land-research/elevated-temperature-landfill (última actualización del 14 de agosto de 2025).

[105] *Id.*

la posición de Chiquita no cambió nunca—Chiquita no instalaría y no instalará la barrera vertical como lo especifican la LEA y el DTSC, por los motivos aquí descritos.

Más recientemente, el 20 de noviembre de 2025, en respuesta a la posición de Chiquita, la LEA le indicó a Chiquita que "proponga alternativas . . . para proteger la Celda 8A" además de la barrera vertical.[106] El DTSC continua insistencia de que Chiquita instale la barrera vertical se opone a las propias directivas de la LEA y a la indicación de que podrían existir alternativas satisfactorias en lugar de la barrera.[107]

B. La barrera solicitada por el DTSC no es viable ni técnicamente ni llevada a la práctica.

La barrera solicitada por el DTSC no lo se opone a la ciencia existente y a las mejores prácticas para mitigar los ETLFs, sino que la barrera solicitada no es ni técnicamente viable ni prácticamente posible de construir. Según expertos técnicos de Chiquita, no es técnicamente posible construir la barrera solicitada por el DTSC. En pocas palabras, no hay métodos de construcción existentes que den como resultado una barrera como se describe y exhibe en la Orden ISE del DTSC, que requiere "excavar un eje vertical utilizando una equipo de perforación por barrena de tres o cuatro pies", volver a llenar el eje "con mezcla de tierra-bentonita o tierra-cemento" e instalar ejes "tangentes" y filas de ejes verticales.[108]

Como se explicó en la carta de Chiquita del 21 de noviembre de 2025 enviada al DTSC, el DTSC y CalRecycle no han demostrado cómo podría instalarse la barrera vertical solicitada de forma que mitigue la reacción de forma efectiva. El DTSC y CalRecycle dicen que no sería necesario instalar la barrera vertical solicitada a las profundidades que detalla Chiquita en el RAW preliminar para contener la reacción e indican que calibres poco profundos serían suficientes.[109] Sin embargo, debido a las temperaturas pico de la reacción que están por debajo del nivel de líquido en la masa de desechos, calibres relativamente poco profundos no evitarían la propagación del calor y la reacción debajo de los calibres; serían necesarios bocas de pozo y pozos profundos. Reconociendo que el área reactiva está dentro de los desechos saturados y por debajo del nivel de líquidos dentro de la masa de desechos y por lo tanto se necesitarían calibres de pozos y pozos más profundos, se necesitarían plataformas de perforación sónica ya que las plataformas de perforación convencionales no pueden perforar profundo en la zona reactiva sin colapsar en la boca del pozo. Las plataformas de perforación sónicas asientan el revestimiento al perforar, para mantener la perforación abierta, permitiendo que estos pozos se perforen por el líquido. Este método de perforación aumentaría mucho la cantidad de tiempo requerida para crear la barrera vertical solicitada, ya que las perforaciones sónicas tienen un diámetro máximo de un pie y no de tres pies, requiriendo una mayor cantidad de perforaciones que deberían estar hasta 250 pies de profundidad. En base a las experiencias de los ingenieros de Chiquita en otros sitios de ETLF, completar cada perforación podría requerir aproximadamente tres días. Esto aumenta drásticamente los plazos para la instalación de la barrera vertical solicitada en una magnitud de años, incluso si se utilizaron varias plataformas de perforación para completar el proyecto. El DTSC

[106] Comentarios de la LEA sobre el Plan de Trabajo de Acción de Remoción (RAW) Preliminar (CCL), SWIS No, 19-AA-0052, 20 de noviembre de 2025.
[107] *Ver* los comentarios de la LEA sobre el Plan de Trabajo de Acción de Remoción (RAW) Preliminar [de la Barrera] (CCL), SWIS No, 19-AA-0052, 20 de noviembre de 2025, proporcionado en el Adjunto G.
[108] Ver el Memorándum de Stark en 13-14.
[109] *Ver* los Comentarios de CalRecycle sobre el Plan Preliminar de Acción para la Remoción para Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada del 12 de septiembre de 2025, Comentario Técnico No. 3 ("El consultor de CCL indica que las perforaciones del suelo de la barrera de corte deberían tener más de 200 pies de profundidad y esto no es viable. Esto nuevamente es confuso, dado que los desechos en la interfaz entre las Celdas 6 y 8 están aproximadamente a 80 pies de profundidad y es realmente algo puede alcanzarse").

tampoco brinda una explicación de cómo podrían perforarse los calibres tangentes uno de otro. Como Chiquita explicó reiteradamente, eso simplemente no es posible al perforar en desechos.

Incluso si fuera técnicamente posible construir la barrera vertical solicitada, daría como resultado varios problemas de seguridad en la construcción y en los trabajadores. Por ejemplo, la barrera vertical solicitada requeriría maquinaria extremadamente pesada para perforar en pendientes, generalmente 2:1 y de hasta 150 pies de altura. Utilizar las calles existentes o construir bancos nuevos en las pendientes del Vertedero no facilitaría las plataformas de perforación, ya que no hay áreas planas viables de donde perforar que puedan soportar el peso de la maquinaria pesada requerida y esto podría causar inestabilidad del vertedero y colapso de los equipos. Además, el diseño de los ejes perforados podrían hacer que los ejes mismo actúen como conductos para que el biogás llegue a la superficie. Además, una construcción sustancial adicional probablemente requeriría que el sitio del Vertedero esté listo para la barrera, algo que podría tomar años lograrse además de enfrentar problemas por sí misma.

C. La barrera solicitada por el DTSC impactaría negativamente las medidas de mitigación exitosas existentes de Chiquita.

Incluso si la barrera vertical solicitada por el DTSC pudiera construirse, su instalación impactaría negativamente las medidas de mitigación en curso en el Vertedero, tirando para atrás el sustancial progreso que ha hecho. Construir la barrera podría requerir que Chiquita reduzca o cese su extracción de biogás - una medida crítica para mitigar la reacción - cuando áreas de la construcción activa se superponen con las ubicaciones de las tuberías enterradas y con otras infraestructuras. Extraer el biogás elimina el calor y la presión de la reacción. Reducir la extracción de este tipo de gas habría tenido varios impactos perjudiciales, que incluyen la probabilidad de que causen un aumento en la temperatura y en la presión y aumentando las emisiones superficiales fugitivas.[110] En relación a esto, los ejes de perforación sin vacío aplicado podrían hacer que los ejes actúen como conducto para que el biogás llegue a la superficie, exacerbando aún más las emisiones y complicando la recolección de gas. Finalmente, construir la barrera podría aumentar el oxígeno que ingresa a la masa de desechos del Vertedero, que podría dar como resultado condiciones peligrosas, que incluyen incendios en la subsuperficie, cambios en la composición y en los derivados del gas y empeoramiento de las condiciones de ETLF.

Las inquietudes de Chiquita no son infundadas. Por ejemplo, durante el impulso para desplegar los 15 acres adicionales iniciales de cubierta de geomembrana en los Segmentos 1, 2 y 3 del Vertedero, Chiquita vio un aumento en las temperaturas medidas en ciertos pozos y sondas de monitoreo de temperatura, como se explicó al DTSC. Estas temperaturas volvieron a bajar poco después de que los pozos de extracción de LFG y las bombas de desagote de las áreas de despliegue de cubiertas activo volvieron a estar en línea. Ninguna alternativa a la barrera vertical solicitada, explorada o implementada, debe impedir la efectividad de las medidas de mitigación existentes de Chiquita.

[110] Como explicó Chiquita en varias comunicaciones, que incluyen sus cartas del 7 de noviembre y del 21 de noviembre de 2025 enviadas al DTSC, Chiquita inmediatamente observó aumentos en las temperaturas del Vertedero cuando debía retirar de servicio equipos cruciales de extracción de biogás y calor para desplegar la cubierta de geomembrana. Debe evitarse cualquier impacto en las medidas de mitigación existentes.

iii. El RAW preliminar de la barrera y otras correspondencias proporcionan suficiente respaldo a la propuesta de Chiquita de manejar la reacción.

Chiquita rechaza la afirmación del DTSC que indica que el RAW preliminar de la barrera del DTSC no cumplió con los requerimientos de la Orden ISE porque "no proponía ninguna medida alternativa nueva para proteger el evento SET de que ingrese a la Celda 8A."[111] En ningún lugar se indicó que el RAW preliminar de la barrera de Chiquita debía incluir este tipo de medidas alternativas.

El RAW preliminar de la barrera presentado el 2 de julio de 2025 no propuso alternativas a la barrera vertical solicitada por el DTSC porque la indicación de proporcionar alternativas propuestas estaba en los comentarios del DTSC del 15 de octubre de 2025. El alcance del RAW preliminar de la barrera de Chiquita estaba limitado a los requerimientos de la sección 5.1.2(c) de la Orden ISE, que solicitaba una barrera vertical.

Como se describió en toda esta respuesta, el DTSC tiene un patrón consistente de intentar ampliar la Orden ISE de formas que no se sustentan con el texto de la misma orden. Por ejemplo, el DTSC denuncia que el RAW preliminar de Chiquita falló porque la barrera de tierra existente "no se extendió totalmente en todas las áreas rellenadas" pero la Orden ISE no incluye ningún requerimiento de este tipo.[112] Además, Chiquita nunca le dijo al DTSC que pretendía ofrecer la barrera de tierra existente como "reemplazo de los requerimientos de la Sección 5.1.2(c)." La Orden ISE no indica que la barrera es el único método para proteger la Celda 8A ni que Chiquita debe necesariamente instalar una barrera nueva.[113] Por lo tanto, no es necesario que la barrera de tierra existente cumpla con todos los requerimientos de la Orden ISE sola; sino que al combinarla con la amplia estrategia de gestión de la reacción de Chiquita, la barrera de tierra existente mejora la capacidad de Chiquita de evitar la propagación de la reacción.

Además, la afirmación del DTSC que indica que el RAW preliminar de la barrera de Chiquita "no contenía un informe de CQA satisfactorio" es inexacta. Como se trató en la carta de Chiquita del 21 de noviembre de 2025 enviada al DTSC, el informe de CQA presentado originalmente el 13 de mayo de 2025 representaba con precisión la barrera de tierra existente de Chiquita. Como explicó Chiquita, el informe de CQA está previsto únicamente para que resuma las actividades de construcción para instalar la barrera de tierra existente, lo que hizo exactamente - no si la barrera de tierra existente aísla completamente para no permitir la transferencia de calor.[114] No obstante, Chiquita presentó un informe de CQA revisado para la barrera de tierra existente el 9 de enero de 2026 en respuesta a los comentarios del DTSC del 15 de octubre de 2025.

Finalmente, y lo más importante de todo, es que la descripción del DTSC de sus comentarios del 15 de octubre de 2025 en el Aviso caracteriza erróneamente las solicitudes allí realizadas. En ningún lugar de los comentarios del DTSC del 15 de octubre de 2025 el departamento indicó que la respuesta de Chiquita debe incluir "un RAW revisado" o que la respuesta debe

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[111] Aviso de Determinación de Incumplimiento propuesta por el DTSC del 26 de diciembre de 2025, en 11.
[112] Aviso de Determinación de Incumplimiento Propuesta por el DTSC del 26 de diciembre de 2025, en 9; *ver también* Sobre la Determinación [*sic*] y Orden de Peligro Inminente y Sustancial (la "Orden" - Expediente No. HAS-FY24/25-082), Tarea 10 - Presentar un Plan de Trabajo de Acción de Remoción Preliminar para la Protección de la Celda 8A de Intrusión de Evento SET (Código de Sitio 302132) del 19 de mayo de 2025 en 2 y Revisión del Plan de Trabajo de Acción de Remoción Preliminar, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, Determinación y Orden de Peligro Inminente y Sustancial (Expediente No. HAS-FY24/25-082), Tarea 10, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada (Código de Sitio 302132, 15 de octubre de 2025 en 3.
[113] La sección 5.1.2(c) de la Orden ISE indica que "Las medidas *deben incluir, pero no limitarse a*, la instalación de una barrera vertical de material inerte".
[114] Respuesta de Chiquita a los Comentarios del DTSC sobre el Plan de Trabajo Preliminar para la Acción de Remoción, 21 de noviembre de 2025.

"proponer tres alternativas". Mientras que los comentarios del DTSC proporcionan varios resultados a entregar, algunos con plazos específicos, esos resultados a entregar no incluían la presentación de un RAW preliminar revisado ni tres alternativas propuestas. En cambio, los comentarios del DTSC le indicaban a Chiquita "que trate cada uno de los comentarios y recomendaciones proporcionados arriba, como también los comentarios y las recomendaciones de la carta de CalRecycle adjunta *en una carta de respuesta* al Gerente de Proyectos del DTSC dentro de los 15 días desde que se recie esta carta con comentarios"[115]

Los comentarios del DTSC del 15 de octubre indicaban, en la parte relevante:[116]

> Si los Demandados se mantienen firmes contra la planificación y finalmente la construcción de una barrera vertical para proteger la Celda 8A del evento SET existente, *el DTSC tiene la voluntad de analizar alternativas para proteger la Celda 8A. La consideración de las alternativas propuestas del DTSC* no modifica las obligaciones del Demandado de cumplir total y completamente con la Orden ISE.
>
> *Para proseguir con la opción de "las alternativas", los Demandados deben documentar que se buscan alternativas reuniéndose con el DTSC y acordar un programa para presentar tanto el Plan de Trabajo Alternativo para la Protección de la Celda 8A como un Plan de Trabajo para la Estabilidad de la Pendiente* y los Demandados *deben presentar una versión abreviada de un RAW revisado que describa brevemente que se está buscando un Plan de Trabajo con alternativas.*

Chiquita compiló todas las solicitudes en los Comentarios del DTSC del 15 de octubre. En una respuesta del 21 de noviembre, Chiquita inequívocamente indicó su intención de buscar una opción para las "alternativas":

> Por tal motivo, Chiquita continúa negándose respetuosamente a instalar la barrera vertical solicitada y en cambio *elige explícitamente buscar la opción de las "alternativas"*. Chiquita se encuentra en el proceso de evaluar alternativas viables que aseguren el éxito continuo de las medidas de mitigación que ya están puestas en práctica para gestionar la reacción *al tratar la solicitud del DTSC de proponer alternativas que protejan la Celda 8A.* Las alternativas propuestas además incluirán la combinación de parámetros y puntos de datos que activen la implementación, como también los plazos aproximados para la implementación. Las alternativas seleccionadas dependerán de las condiciones reales del Vertedero y están sujetas a cambios. *Chiquita presentará tanto un Plan de Trabajo Alternativo para la Protección de la Celda 8A*

[115] Revisión del Plan de Trabajo de Acción de Remoción Preliminar, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, Determinación de Peligro Inminente y Sustancial y Orden (Expediente No. HAS-FY24/25-082), Tarea 10, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada (Código de Sitio 302132), 15 de octubre de 2025, en 12. El Aviso del DTSC parece expresar sorpresa sobre el formato de la respuesta de Chiquita a los comentarios del departamento, a pesar de haberle indicado a Chiquita que presente una carta de respuesta en lugar de un RAW preliminar revisado. "A pesar de haber recibido una extensión al plazo, los Demandados no presentaron un RAW revisado, sino que presentaron una carta el 21 de noviembre de 2025".

[116] Revisión del Plan de Trabajo de Acción de Remoción Preliminar, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada, Determinación de Peligro Inminente y Sustancial y Orden (Expediente No. HAS-FY24/25-082), Tarea 10, Proteger la Celda 8A de Intrusión de Evento de Vertedero de Temperatura Elevada (Código de Sitio 302132), 15 de octubre de 2025, en 6.

> *como un Plan de Trabajo para la Estabilidad de la Pendiente y una versión abreviada de un RAW preliminar revisado.* Todas las presentaciones cumplirán con el estándar de práctica de los planos de ingeniería preliminares y con los informes a ser presentados al Estado de California, porque ya es una práctica para Chiquita.[117]

Por lo tanto, la afirmación del DTSC en el Aviso que indica que las propuestas alternativas de los "Demandados" continúan vencidas, es inexacta. Chiquita ha compilado cada resultado a entregar incluido en los comentarios del DTSC del 15 de octubre de 2025. La solicitud del DTSC de un Plan de Trabajo Alternativo, un Plan de Trabajo de la Estabilidad de la Pendiente y una versión abreviada de un RAW preliminar revisado no puede estar "vencidas" si el DTSC no ha establecido un plazo máximo. Chiquita proporcionó plazos para una variedad de solicitudes del DTSC en sus comentarios del 15 de octubre de 2025, que incluyen las fechas en las que Chiquita proporcionaría el Plan de Trabajo de la Estabilidad de la Pendiente solicitado y un informe de CQA revisado, ambos proporcionados oportunamente por Chiquita. Las otras solicitudes del DTSC requieren reuniones para asegurar que tanto Chiquita como el DTSC estén alineados con las expectativas del DTSC y con las capacidades de Chiquita. Chiquita informó al DTSC en una serie de e-mails que estaba "trabajando activamente en" el Plan de Trabajo Alternativo y que le proporcionaría al departamento "una fecha propuesta para proporcionar un Plan de Trabajo Alternativo" pero que primero necesitaba una llamada "para más aclaraciones y confirmar las expectativas del DTSC", destacando que las preguntas elevadas en la carta de Chiquita del 21 de noviembre de 2025 al DTSC continuaban pendientes .[118] Chiquita ha solicitado una reunión para fines de enero de 2026, pero esta reunión todavía no fue programada, ya que el DTSC todavía no se comprometió con una fecha. Por tal motivo, el RAW preliminar de la barrera de Chiquita presentado el 2 de julio de 2025 y la respuesta de Chiquita a los comentarios del DTSC del 15 de octubre de 2025 presentados el 21 de noviembre de 2025 cumplen adecuadamente con los requerimientos de la sección 5.1.2(c) de la Orden ISE.

iv. El RAW preliminar de la barrera cumplió con todos los otros requerimientos de la Orden ISE.

El DTSC además afirma que el RAW preliminar de la barrera no incluye información sobre los antecedentes de propiedad de Chiquita, un plan de monitoreo del aire de la construcción o un programa detallado para instalar una barrera vertical, conforme a las subsecciones (a), (f) y (n) de la sección 5.3 de la Orden ISE, respectivamente. Chiquita incluyó en el RAW preliminar de la barrera su Plan de Mitigación de Olores (Revisión 1.01) en el Apéndice J, que incluye las mejores prácticas de gestión para mitigar olores que serían utilizados como requerimientos y protocolo de monitoreo del aire de la construcción. Como se explicó en el RAW preliminar de la barrera, las acciones tomadas para implementar las medidas de mitigación aquí descritas son consistente con este Plan de Mitigación de Olores, en cumplimiento con la sección 5.3(f). Además, como Chiquita no pretende construir la barrera vertical solicitada por el DTSC, no se requirió que se incluya un programa para esta barrera en el RAW preliminar de la barrera. Chiquita tienen la voluntad de incluir información sobre los antecedentes de la propiedad en la siguiente iteración del RAW preliminar pero destaca que el Aviso del DTSC es la primera instancia en la que el departamento ha realizado esta solicitud.

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[117] Respuesta de Chiquita a los Comentarios del DTSC sobre el Plan de Trabajo Preliminar para la Acción de Remoción, 21 de noviembre de 2025 (énfasis agregado).

[118] *Ver* los e-mails entre K. Logan (DTSC) y P. Ruttan (DTSC), REF.: CCL - Tarea 10 RAW - 11/21 Carta del RTC del 19 de diciembre de 2025, del 23 de diciembre de 2025 y del 31 de diciembre de 2025 ("Ante una mayor revisión de nuestra carta del 21 de noviembre de 2025 y después de nuestra conversación con nuestros consultores técnicos, Chiquita tiene preguntas pendientes sobre el alcance y sobre la barrera vertical actualmente solicitada de la que desea conversar. Esta conversación informará directamente nuestras alternativas propuestas").

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Chiquita ha sido cooperativo y transparente con sus reguladores y con el público. Ha gastado decenas de millones de dólares para implementar medidas de mitigación de vanguardia para tratar la reacción y mantener el cumplimiento de la Orden ISE y de las órdenes de sus otros reguladores. Para avanzar de forma constructiva, Chiquita respetuosamente solicita que el DTSC retire su Aviso, que, como se describió en detalle en esta carta, se basa en imprecisiones sobre los hechos y malos entendidos. Chiquita además solicita que después de revisar las extensas comunicaciones de Chiquita y las producciones de datos descritas en esta carta, el DTSC identifique con especificidad cualquier deficiencia percibida que quede pendiente, con las RAWs preliminares. Chiquita continúa teniendo la voluntad, como la ha tenido todo el tiempo, de tener un diálogo productivo con el DTSC para asegurar la correcta gestión de la reacción y la protección de la salud humana y del medioambiente. Chiquita se compromete a proporcionar otras revisiones de las RAWs preliminares inmediatamente, en base a plazos razonables acorde al alcance de la solicitud. Chiquita continúa estando disponible para reunirse inmediatamente para alinear estos temas.

Si tiene alguna pregunta no dude en comunicarse conmigo llamando al (346) 807-5547 o a Kate.Logan@WasteConnections.com.

Atentamente,

Kate Logan

Kate Logan
Gerente Sénior de Proyectos de Reparaciones
Vertedero de Chiquita Canyon

cc: John Perkey, Chiquita Canyon
Dylan Smith, Chiquita Canyon
Robert Van Hyning, Civil & Environmental Consultants, Inc.
Tim Crick, Departamento de Control de Sustancias Tóxicas
Peter Ruttan, Departamento de Control de Sustancias Tóxicas
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Todd Thalhamer, CalRecycle

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ATTACHMENT A

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May 16, 2025

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Zoe Heller
Director
Department of Resources Recycling and Recovery
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Re: Chiquita's Request for a Formal Appeal Hearing and Petition for Stay of LEA's May 1, 2025 Compliance Order

Dear Ms. Gork and Ms. Heller:

Chiquita Canyon, LLC ("Chiquita") received a Compliance Order pertaining to California Code of Regulations, title 27, section 20750 on May 1, 2025 ("LEA Compliance Order"), from the Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency ("LEA"). The LEA Compliance Order requires Chiquita to undertake four mitigation measures at the Chiquita Canyon Landfill ("Landfill"): (1) installation of an additional approved geomembrane cover; (2) relocation of Tank Farm 9; (3) implementation of a soil barrier; and (4) installation of five additional temperature monitoring probes ("TMPs").

Consistent with the procedures of the Public Resources Code ("PRC") section 44310, Chiquita hereby requests a formal hearing,[1] and provides a statement of issues it seeks to appeal. Specifically, Chiquita appeals the mitigation measures described in Sections 4.1 to 4.4 of the LEA Compliance Order as well as the underlying violations noted in Section 3.0. Chiquita also disputes many of the factual allegations set forth in the Statement of Facts in Section 2.0 of the LEA Compliance Order. Chiquita looks forward to a full presentation of evidence, including expert testimony, at the formal hearing.[2]

Chiquita also requests a stay of Section 4.3 of the LEA Compliance Order due to the potentially extreme adverse environmental impacts that would result from implementing the LEA Compliance Order during the pendency of the appeal. (See PRC, § 45017(B).) Given the complicated scientific, engineering, and environmental issues (including the exponential increase in odors that would result from implementing the order) outlined in the approximately 1000 pages of attachments, a careful and fully developed record and decision before implementing the LEA Compliance Order is warranted. Because of the complex nature of the issues involved in this case, Chiquita also agrees to waive its right to a hearing within 30 days as provided under PRC section 44310(b). Chiquita will work with the LEA to establish a reasonable briefing schedule and hearing date.

[1] Chiquita objects to the use of informal hearing procedures. Under Government Code section 11445.20(a), informal hearing procedures are appropriate only if there are no disputed issues of material fact. This request establishes that there are many disputed issues of material fact that will require cross examination. While Government Code section 1145.20(b) permits informal proceedings where there is a dispute of material fact, informal proceedings have been confined to cases that involve: (1) monetary amounts of not more than $1,000 (Gov't. Code, §11445.20(b)(1)); (2) academic sanctions involving no more than 10 days' suspension or exclusion (Gov't. Code, §11445.20(b)(2)); (3) employee disciplinary sanctions that do not involve discharge, demotion, or suspension for more than 5 days (Gov't. Code, §11445.20(b)(3)); (4) proceedings authorized by agency regulation (Gov't. Code, §11445.20(c)); or (5) proceedings in which an evidentiary hearing for determination of facts is not required by statute but the agency determines that the federal or state constitution requires a hearing (Gov't. Code, §11445.20(d)). None of these circumstances exist here. The code provisions governing informal hearings omit proceedings such as the challenge to this Compliance Order that involves many complex, disputed issues of material facts, and millions of dollars in costs. Therefore, the informal hearing procedures are inappropriate to address the issues raised by the Order.

[2] Nothing in this letter shall be construed to limit the rights, claims, and defenses Chiquita may have against the LEA or any other agency in complying with or challenging this LEA Compliance Order or in any future actions. Chiquita reserves the right to pursue all available state and federal constitutional defenses, including those related to procedural and substantive due process, takings, and equal protection. Chiquita also preserves the right to pursue any defenses available to it under any applicable state or federal statute. Moreover, nothing in this letter shall be construed as an admission of any factual allegation or legal conclusion in the Order or an admission of any liability for any matter described in the Order. Chiquita reserves the right to raise any defense, or any information in support thereof, whether mentioned in this letter or otherwise existing or known to Chiquita on the date of this letter.

I. STATEMENT OF ISSUES

A. Previous, Duplicative, and Contradictory State and Federal Orders Demand Striking Sections 4.1, 4.2, and 4.3.

The LEA Compliance Order conflicts with previously issued state and federal orders, including the U.S. Environmental Protection Agency's ("EPA") Unilateral Administrative Order ("UAO")[3] issued on February 21, 2024, and the Department of Toxic Substances Control's ("DTSC") Imminent and Substantial Endangerment Determination and Order ("ISE Order")[4] issued on April 2, 2025.

Under the Supremacy Clause, state and local laws and orders that "interfere with, or are contrary to the laws of Congress" are preempted and are therefore invalid. (*Fireman's Fund Ins. Co. v. City of Lodi, California* (9th Cir. 2002) 302 F.3d 928, 943.) Thus, conflict preemption exists wherever the LEA Compliance Order is in opposition to the pre-existing federal UAO. (See e.g., *U.S. v. City and County of Denve*r, *Colo*. (D. Colo. 1996), 916 F. Supp. 1058 [holding that the City's cease and desist order violated the supremacy clause by being in direct conflict with an EPA order].) Chiquita does not dispute that the Los Angeles County Department of Public Health may exercise authority at the Landfill. Chiquita does object, however, that Chiquita must or even *could* follow the orders of the Los Angeles County Department of Public Health, which is a local agency with delegated state authority, when those orders conflict with those of the federal EPA.

Sections 4.1, 4.2, and 4.3 of the LEA Compliance Order conflict with the "Master Work Plan" requirement of Paragraph 22 in the EPA issued UAO. Under the UAO's Master Work Plan Requirement, Chiquita must include (1) a "Leachate Management Plan" which controls the operating procedures to store leachate at the Landfill; (2) a "Soil Reaction Break/Barrier Plan" which includes the installation of temperature monitoring devices and specifications of a containment trench; and (3) a "Cover Installation Plan," requiring the installation of a High-Density Polyethylene geomembrane. The Master Work Plan, and these individual workplans, are all subject to EPA oversight and approval: "[f]ollowing EPA's approval or modification of the Master Work Plan, Respondent shall implement the Master Work Plan in accordance with the schedule and provisions approved by EPA."[5] The Master Work Plan requirements overlap with the requirements of Section 4.1, 4.2, and 4.3 of the LEA Compliance Order. LEA and EPA having approval authority over the same actions is in conflict and interferes with EPA's federal authority.

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[3] U.S. Environmental Protection Agency, Unilateral Administrative Order, EPA Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05 (February 21, 2024), provided in Attachment A. Chiquita reserves its right to supplement the record. See Cal. Rules of Court, rule 3.2225.

[4] Department of Toxic Substances Control, Imminent and Substantial Endangerment Determination and Order, Docket No. HAS-FY24/25-082 (April 2, 2025), provided in Attachment B.

[5] EPA UAO, at 26.

Although EPA has indicated it is abating "until further notice" the UAO requirements related to the Soil Reaction Break/Barrier Plan, EPA has reiterated it "reserves all rights under Section XXIV of the UAO, CERCLA, or other authorities to require CCL to take measures to address the potential expansion of the reaction, including a soil break/barrier, in the future, thus confirming its preemptive role over the state agencies."[6] Chiquita therefore objects to Section 4.1, 4.2, and 4.3 of the LEA Compliance Order as they are preempted by the UAO. (*Fireman's Fund Ins. Co*, 302 F.3d at 943.)

Similarly, Sections 4.1, 4.2, and 4.3 directly overlap and conflict with an earlier-issued order from a separate state regulator: the DTSC. On April 2, 2025, DTSC issued an ISE Order to Chiquita. The DTSC Order, issued one month before the LEA Compliance Order, also requires Chiquita to extend the geomembrane cover, relocate Tank Farm 9, and install a barrier to prevent expansion of the reaction to Cell 8A. DTSC also requires that their agency approve the relevant workplans. Chiquita cannot have multiple regulators with independent review and approval authority over the same substantive work. Chiquita therefore objects to the later-issued LEA Compliance Order.

The LEA Compliance Order is directly duplicative and violates state and federal due process by creating a potentially impossible compliance situation and the possibility for double penalties. If the regulators do not agree (and history suggests they won't) the regulators have created a "Catch-22"—Chiquita will be penalized by the LEA if it complies with a conflicting DTSC workplan, and penalized by DTSC if it complies with a conflicting LEA workplan. This is untenable. (See *Adam v. Jacobs* (2d Cir. 1991) 950 F.2d 89, 93 [holding parties should be "free from the vexation of concurrent litigation over the same subject matter"]; see also *Coleman v. Newsom* (9th Cir. 2025) 131 F.4th 948, 959 ["Inability to comply with an order is ... a complete defense to a charge of contempt."].)

Even if the agencies do agree, Chiquita will be subject to double penalties for potential violations. This is illegal. (See generally Cal. Penal Code § 654 ["An act or omission that is punishable in different ways by different provisions of law may be punished under either of such provisions, but in no case shall the act or omission be punished under more than one provision"].) The dueling and overlapping orders are particularly egregious when the workplans demand strict timelines for compliance and there is high potential for delay due to forces outside of Chiquita's control (including engineering challenges in an evolving landfill environment and

[6] Letter from US EPA to Chiquita re Second Revised Soil Reaction Break/Barrier Plan, dated Apr. 16, 2025, provided in Attachment C. EPA also indicated that it is deferring specifically to DTSC's ISE Order, although LEA had previously issued a letter requesting the same actions that the DTSC Order required. See, 2025-04-01, Letter from LEA to Chiquita, re "Review of the November 26, 2024, Revised Soil Reaction Break/Barrier Plan for the Chiquita Canyon Landfill Subsurface Elevated Temperature (SET) Event", provided in Attachment D. This further indicates that between the DTSC and LEA Order, the DTSC Order should control.

new supply chain challenges for supplies and equipment).

In addition to due process, basic equities favor striking 4.1, 4.2, and 4.3 of the LEA Compliance Order. DTSC was the first mover. (See generally *Adams v. California Dep't of Health Servs.* (9th Cir. 2007) 487 F.3d 684, 688 ["District Court may exercise its discretion to dismiss a duplicative later-filed action, to stay that action pending resolution of the previously filed action, to enjoin the parties from proceeding with it, or to consolidate both actions"]; see also generally *Hollingsworth v. Superior Ct.* (2019) 37 Cal.App.5th 927 [when tribunals have overlapping jurisdiction, the tribunal first "assuming jurisdiction" retains the matter].) The ISE Order predated the LEA Compliance Order by approximately a month. In that time, Chiquita has been diligently cooperating with DTSC to resolve their concerns. Chiquita has (i) engaged in multiple meetings with DTSC, (ii) submitted a tank farm removal plan, (iii) submitted a construction quality assurance report for the construction of a soil barrier; and (iv) will submit a plan for a cover expansion on May 16. In working with DTSC and complying with its ISE Order, Chiquita is already taking all reasonable steps to comply with the first-issued state order on the exact subject of the LEA Compliance Order. (See generally *Kelly v. Wengler* (9th Cir. 2016) 822 F.3d 1085, 1096 ["A contemnor in violation of a court order may avoid a finding of civil contempt only by showing it took all reasonable steps to comply with the order"].)

Therefore, Chiquita seeks to strike 4.1, 4.2, and 4.3 on preemption, due process, impossibility, substantial compliance, and basic equities grounds.

B. Section 4.3 is Unlawful if the LEA Insists on Additional Barriers.

In addition to the grounds described above, Section 4.3 of the LEA Compliance Order should be stricken because it is arbitrary, capricious, and dangerous.[7] The barrier will fail to

[7] As a preliminary matter, Chiquita may already be in compliance with Section 4.3 because of the soil barrier it installed in the summer of 2024. The barrier consists of a five-foot layer of soil across the length of Cell 8A's interface with Cell 6. Importantly, this barrier was installed without disturbing tons of dormant and decaying waste. For this reason, even if the barrier has limited utility in materially slowing the spread of the reaction, there was no danger of the potential extremely negative consequences associated with the construction of the massive barrier contemplated in the Order. Excavating thousands of tons of waste in constructing a new barrier will post grave risks of nuisance impacts to the surrounding community and the stability of the Landfill, as further outlined in Section B of this letter. See generally 2024-03-27 Soil Reaction Break/Barrier Plan, provided in Attachment E.

In compliance with DTSC's ISE Order, Chiquita has already submitted to DTSC a Construction Quality Assurance report regarding the construction of the installed soil barrier. 2025-05-13 Email from Chiquita to DTSC re "CC: Construction Quality Assurance Report for the Soil Barrier Construction Project (Docket No. HSA-FY24/25-082)", provided in Attachment F. To the extent the LEA takes issue with the existing soil barrier and seeks to order additional barriers, Chiquita appeals this issue. Chiquita has maintained this position for nine months. See 2024-07-08 Revised Soil Reaction Break/Barrier Plan, provided in Attachment G. For additional background on the barrier requirement, see 2023-11-21, Letter re CalRecycle's Review of Conditions at the Landfill, provided in Attachment H; see also 2023-12-7, Chiquita's Response to November 21, 2023 Letter and Additional Mitigation Measures, provided in Attachment I.

counteract the reaction, increase odors, and threaten the stability of the Landfill.[8] It will increase the risk to the surrounding community of exposure to hazardous substances. Expert evidence and objective data plainly demonstrate these flaws in the barrier and Chiquita will prove this at hearing and in any subsequent judicial review.

The effectiveness of the barrier contemplated by Section 4.3 is unsupported by *any* evidence, much less substantial evidence. Chiquita has been unable to identify any evidence or research supporting the proposition that such a barrier could effectively prevent heat transfer under ETLF conditions. Further, the LEA has not identified such evidence. Importantly, US EPA guidance does not recommend a soil barrier to mitigate ETLFs.[9] Rather US EPA guidance and industry best management practices include heat removal through aggressive extraction of gas and leachate. The proposed barrier fails to accomplish these essential tasks.[10]

Any barrier of the type ordered in the LEA Compliance Order (beyond what Chiquita has already installed) would also pose significant health and safety concerns to personnel at the Landfill and members of the surrounding community. Installation of a vertical barrier would significantly increase foul odors by *exposing thousands of tons of decomposing waste* to the environment. The barrier's construction would seriously diminish the stability of the landfill. Moreover, installing the barrier would necessarily require shutting off the gas collection system and, in some instances, disconnecting gas wells altogether. If Chiquita takes such action, the effectiveness of the gas collection system would severely diminish, resulting in increased emissions. Quite clearly, such a barrier would undermine the progress Chiquita has made—by all objective scientific measurements of the site this year, off-site air quality has shown marked

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[8] See 2024-11-26, Chiquita Canyon Landfill's Revised Soil Reaction Break/Barrier Plan, at 19, provided in Attachment J.

[9] Elevated Temperature Landfill, U.S. Environmental Protection Agency (last updated September 4, 2024).

[10] See 2024-09-24, LEA Response to Chiquita's Revised Soil Reaction Break Barrier Plan, provided in Attachment K; 2024-11-26, Chiquita's Response to LEA's September 24, 2024 Letter re Revised Soil Reaction Break/Barrier Plan, provided in Attachment L; See LEA Response to Chiquita's Revised SRBBP; see also Email Correspondence between Chiquita and the LEA re Request for Information, provided in Attachment M (the original attachments to the email correspondence include voluminous data and are incorporated by reference, and will be provided upon request).

Prior to this Order, the agencies had directed Chiquita to evaluate a shallow barrier consisting of a soil trench. To the extent the agencies consider a shallow barrier appropriate here, the published literature pertaining to ETLFs and landfill reactions shows that in ETLFs, heat accumulates in deeper zones of the waste mass. CCL is not aware of any documented instances of an ETLF in the United States experiencing a subsurface exothermic chemical reaction exclusively at a shallow depth of less than 50 feet. And here, the waste zone exhibiting the highest recorded temperatures at the landfill is much deeper. Accordingly, a shallow barrier would prove ineffective in addressing potential expansion of a reaction, rendering the requirement arbitrary, capricious, and otherwise not in accordance with law.

improvement coupled with a decrease in odor complaints from the surrounding community—while providing no benefit to mitigating the reaction.[11]

The barrier lacks any evidentiary support and is arbitrary and capricious. Further, installing such a barrier will significantly harm the surrounding community. Accordingly, Chiquita seeks to strike Section 4.3 of the LEA Compliance Order and stay the effectiveness of this Section during the appeal (see section II infra).[12]

C. The Deadlines Imposed By Sections 4.1, 4.2, and 4.4 Are Arbitrary and Capricious.

1) Installation of the Cover (4.1)

The LEA Compliance Order requires Chiquita to provide by June 2, 2025 a workplan for a significant expansion of a previously installed geosynthetic cover.[13] Chiquita previously installed a 30-mil High Density Polyethylene geosynthetic cover over approximately 44.6 acres of the reaction area pursuant to the LEA's June 6, 2024 Compliance Order and South Coast AQMD's Stipulated Order for Abatement. Chiquita finished installation of the geosynthetic cover in accordance with the LEA's June 6, 2024 Compliance Order on December 27, 2024. Chiquita also completed installation of an additional approximately 1.3 acres of geosynthetic cover over the west toe drain excavation project's disposal area on January 3, 2025.[14]

As noted in correspondence with DTSC on this issue, Chiquita had already committed to expand the geosynthetic cover. Consistent with DTSC's requirements, Chiquita has now submitted a work plan to DTSC for a phased expansion of the cover.[15] The LEA Compliance Order sets an impossible and arbitrary and capricious deadline of June 2, just two weeks from today, to submit a second highly complicated work plan to a second state agency, this time for as much as 100 acres of expansion. The LEA also demands approval authority and a clear schedule of deadlines, both of which are impossible to provide. Installing a new cover will be a time intensive process, with significant room for uncertainty.[16] For each section of geosynthetic cover,

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[11] See Chiquita's February 2025 Technical Addendum to the December 2024 State of the Landfill Report.
[12] In the meantime, Chiquita will provide the LEA courtesy copies of correspondence it shares with DTSC on this issue.
[13] LEA Compliance Order, Section 4.1.
[14] See Final Completion Report of Milestone 2A-1 (Formerly Mitigation Measure #2A), Chiquita Canyon Landfill, Castaic, California, provided as Attachment N. The LEA, in collaboration with CalRecycle, conditionally approved the Final Compliance Report on April 9, 2025, contingent on Chiquita submitting an Operations and Maintenance Plan, which Chiquita submitted to the LEA on May 9, 2025, provided in Attachment O.
[15] Chiquita submitted the draft geosynthetic cover expansion workplan to DTSC on May 16, 2025. See 2025-05-02 Email from Chiquita to DTSC re "Chiquita Canyon Landfill – Order, Docket No. HAS-FY24/25 – 092, Monthly Summary Report", Provided in Attachment P.
[16] Chiquita also notes that the LEA Compliance Order is not consistent on the scope of the ordered cover. Paragraph 2.9 says the cover needs to be installed over approximately 100 acres of the Landfill, whereas paragraph 4.1 broadly

Chiquita must undertake myriad measures, including: removal of green waste and vegetation in the area; regrading to maintain positive drainage; installation of surface landfill gas collectors; disconnecting and temporarily relocating portions of the landfill gas collection system, then reconnecting and installing the same after installation; installation of geomembrane pipe boots; and installation of a sandbag ballast system.[17] Previously, Chiquita had to devote more than a year to the completion of these projects and the schedule changed numerous times because of the substantial steps involved in the installation process as well as site conditions and unforeseen circumstances.

Given growing supply chain and uncertainties with respect to procuring the materials for the cover and related equipment, and the complicated nature of cover expansion as outlined above, the accelerated LEA Compliance Order timeline for submission is arbitrary and capricious. As such, the Section should be stricken.

2) Relocation of the Tank Farm (4.2)

The LEA Compliance Order requires relocation of Tank Farm 9 with a workplan submitted to the LEA for review and approval by June 2, 2025. Chiquita agrees that Tank Farm 9 should be relocated from its present location and has undertaken diligent efforts to plan an effective and safe relocation since July 2024, as Chiquita's regulators have been made aware, including the LEA.[18] In December 2024, Chiquita began construction for such relocation efforts. However, as established by the attached correspondence,[19] multiple agencies ordered Chiquita to cease preparation activities in Canyon B for the relocation of the tank farm. Since that time, these agencies have not provided clear directives on permitting or approvals regarding technical requirements of the new installation, preventing Chiquita from taking the same action demanded by this Order.

Chiquita has already submitted a new plan for tank farm relocation consistent with the ISE Order.[20] Again, the LEA Compliance Order sets an arbitrary and capricious deadline of June 2, just two weeks from today, to submit a second highly complicated work plan to a second state agency which is also demanding approval authority. The Section is unlawful and should be stricken.

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says, "over all areas of the Site that are not currently covered by a geomembrane and to which the reaction area has expanded or has the potential to expand".

[17] See Completion Report, at Attachment 5.

[18] See 2024-07-19 Email Correspondence to LA County Fire, provided in Attachment Q.

[19] See Compilation of Email Correspondence between Chiquita and LA County Fire and EPA re Tank Farm Relocation, provided in Attachment R.

[20] See 2025-05-09 Email from Chiquita to DTSC re "CCL: Draft RAW for Interim Relocation and Stabilization of Containerized Waste (Docket No. HSA-FY24/25-082)", provided in Attachment S.

3) Installation of Temperature Monitoring Probes (TMPs) (4.4)

Chiquita is making all reasonable efforts to comply with the requirement to install five new TMPs, but the current deadline of August 4 is unreasonable. Chiquita is already working diligently to acquire the necessary parts, but the delivery of these custom order parts is complicated by current trade disputes that have caused manufacturing and shipping delays across the world. The LEA's schedule for installing the five TMPs and providing the final completion report by August 4, 2025 is tight and does not account for delays caused by, for example, weather, site conditions, and unanticipated events like supply chain disruption. There is also the potential during the drilling process for bore holes to collapse inward due to the presence of liquids saturating the waste, preventing drilling to the full planned depth, as occurred multiple times during Chiquita's installation of the second set of TMPs.[21] Chiquita will remain in close contact with its regulators regarding this issue but objects to the timeline in the LEA Compliance Order. The deadline for installation is unreasonable, arbitrary and capricious, and should be stricken.

II. A Stay Is Appropriate Due to the Likelihood of Serious Adverse Environmental Affects That Would Result with Section 4.3 Compliance.

A stay is warranted when "the immediate effect of the order … will preclude or interfere with the provision of an essential public service so that the public health and safety or the environment will be adversely affected." PRC § 45017(B). A stay requires "extraordinary circumstances." *Id*. Such circumstances are met here.

Although the Landfill no longer accepts waste, the Landfill's maintenance and upkeep and efforts to manage the reaction are an essential public service. Chiquita Canyon Landfill served Los Angeles County for 54 years and was accepting an average of approximately 200,000 tons of waste per month in the years prior to closure. The Landfill was a critical component of Southern California's solid waste infrastructure, taking in nearly a quarter of Los Angeles County's waste from millions of residents and businesses annually. At the time of closure, it was the second-largest landfill in the County. The LEA Compliance Order threatens vital response and maintenance activities at the Landfill. Now that it is experiencing a rare ETLF event, it is essential to public health and safety that the Landfill's mitigation efforts are not hamstrung.

The installation of a barrier, for the reasons outlined above,[22] would be adverse to the health and safety of the surrounding community, and threatens significant environmental issues. To start, Chiquita's ongoing mitigation efforts at the Landfill have been largely effective.[23] No

[21] See 2024-12-24 Letter from Chiquita to LEA, "Notification Regarding Change in Proposed Locations of TMPs Identified in Revised Soil Reaction Break/Barrier Plan", provided in Attachment T.
[22] See Section I(B), supra and Attachments.
[23] See Chiquita's February 2025 Technical Addendum to the December 2024 State of the Landfill Report.

hazardous materials have entered the watershed and fugitive emissions and any resulting odors have vastly decreased. The ordered barrier will unravel this progress and pose grave risks.

The barrier would force the excavation and movement of tens of thousands of tons of decaying waste. Uncovering this amount of buried waste would cause significant odors, disrupt the landfill's stability, and create the potential for the release of characteristically hazardous leachate to waterways. To Chiquita's knowledge, no barrier like the one ordered by Section 4.3 has ever been installed in any landfill anywhere. With good reason: digging up tens of thousands of tons of decaying waste and exposing it to the atmosphere would cause severe nuisance conditions and other significant environmental issues, with no evidence that it would achieve the intended goal. The proposed installation of the barrier is technically unfeasible, lacking any engineering basis, and it will seriously harm the surrounding community. In short, nearly all progress at the Landfill will be undone by the construction of a barrier such as that required by the LEA Compliance Order.

These are exactly the type of "extraordinary circumstances" that warrant a stay. The creation of a barrier would devastate the surrounding communities. In addition to the arguments above, we look forward to presenting detailed technical and scientific arguments during a formal hearing.

II. CONCLUSION

Chiquita has been working diligently to mitigate the ETLF event and address its associated impacts. The LEA should consider Chiquita's efforts and Chiquita's continued cooperation with the LEA, and all its regulators, as we work to resolve this unprecedented reaction event.

If the LEA intends to proceed, Chiquita appeals the LEA Compliance Order, which is unlawful on all grounds set forth above, as well as the underlying factual determinations leading to the Order. Chiquita further requests a stay of Section 4.3 due to the severe adverse environmental impact that would result from opening up the landfill, dislodging, and exposing tens of thousands of tons of waste.

Sincerely,

/s/ Megan Morgan

Megan Morgan
Kaitlyn Shannon
Jacob P. Duginski
Counsel for Chiquita Canyon, LLC

Enclosures: Exhibits A through T

cc:

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ATTACHMENT B

REGION 9
SAN FRANCISCO, CA 94105

April 16, 2025

Mr. Steve Cassulo
District Manager
Chiquita Canyon, LLC
29201 Henry Mayo Drive
Castaic, CA 91384-2705

RE: Second Revised Soil Reaction Break/Barrier Plan

Dear Manager Cassulo:

On March 27, 2024, the U.S. Environmental Protection Agency ("EPA") received the Soil Reaction Break/Barrier Plan (the "Plan"), submitted as Attachment C to the Master Work Plan submitted by Chiquita Canyon, LLC ("CCL") pursuant to the Unilateral Administrative Order, EPA Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05, *In the Matter of Chiquita Canyon, LLC*, issued February 21, 2024 (the "UAO"). On May 10, 2024, EPA provided a Notice of Deficiency to the Plan. On July 8, 2024, EPA received a revised copy of the Plan. On October 1, 2024, EPA provided a Second Notice of Deficiency to the Plan. On November 26, 2024, EPA received a letter from CCL to EPA regarding the resubmission of the Plan and a revised copy of the Plan (the "Second Revised Plan").

EPA has received a copy of the letter, dated April 1, 2025 (the "Third Rejection Letter"), from the Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Los Angeles County Local Enforcement Agency ("LEA") to CCL, pursuant to which the LEA provided an initial response to the Second Revised Plan. The Third Rejection Letter indicates that the LEA is preparing an official Notice and Order, which will formally establish compliance deadlines for directives to be determined by the LEA, which may include: (a) expansion of the containment and cover system; (b) relocation of leachate Tank Farm 9; (c) prevention of expansion of the reaction into Cell 8A; and (d) installation of additional temperature monitoring probes.

EPA has also received a copy of the Imminent and Substantial Endangerment Determination and Order, Docket No. HAS-FY24/25-082, *In the Matter of: Chiquita Canyon Landfill*, issued on April 1, 2025, by the California Department of Toxic Substances Control (the "ISE Order"). The ISE Order directs CCL, Chiquita Canyon, Inc., and Waste Connections US, Inc., to prepare and implement workplans for activities consistent with those outlined in the LEA's Third Rejection Letter.

Through these actions, the State of California has demonstrated it is leading efforts to address the potential expansion of the landfill reaction. EPA believes that these actions may overlap or supersede the requirements of the UAO for CCL to prepare and implement a Soil Reaction Break/Barrier Plan.

EPA, therefore, is exercising its discretion to abate until further notice the requirements under Paragraph 22(c)(2) of the UAO. EPA anticipates that successful completion of the requirements in the ISE Order may ultimately resolve or render moot further obligations under Paragraph 22(c)(2) of the UAO. Absent further notice, any obligations of CCL under the UAO conditioned upon approval of the Master Work Plan (as defined in the UAO), including but not limited to, the obligations under Paragraphs 23, 26 (Progress Reports), and 27 (Final Reports) of the UAO, shall not be conditioned upon approval of the Soil Reaction Break/Barrier Plan (as defined in the UAO).

EPA reserves all rights under Section XXIV of the UAO, CERCLA, or other authorities to require CCL to take measures to address the potential expansion of the reaction, including a soil break/barrier, in the future.

If you have any questions or comments regarding this letter, please contact Laura Friedli, EPA Attorney Advisor, at (415) 972-3325 or Friedli.Laura@epa.gov.

Sincerely,

Tyler Holybee
EPA Project Coordinator

Enclosures

cc: John Perkey, Waste Connections
Jim Little, Waste Connections
Kurt Shaner, Waste Connections
Sarah Phillips, Waste Connections
Megan Morgan, Beverage & Diamond
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Rick Sakow, United States Environmental Protection Agency
Mark Anthony Relon, United States Environmental Protection Agency
Joshua Wirtschafter, United States Environmental Protection Agency
Laura Friedli, United States Environmental Protection Agency

ATTACHMENT C

CHIQUITA CANYON
A Waste Connections Company

December 15, 2025

Via E-Mail
Eric Morofuji, EHS III
Los Angeles County Department of Public Health
Solid Waste Management Program
Local Enforcement Agency
Environmental Programs Division
5050 Commerce Drive,
Baldwin Park, California 91706
emorofuji@ph.lacounty.gov

Re: Chiquita Canyon, LLC Response to LEA's Comments on the Revised Draft Removal Action Workplan: Extension of Covered Area – LEA Compliance Order, May 1, 2025

Dear Mr. Morofuji:

Chiquita Canyon LLC (Chiquita) submits this response to the Local Enforcement Agency's (LEA) November 20, 2025 letter providing comments on Chiquita's revised draft Removal Action Workplan (RAW) for Extension of Covered Area, resubmitted on October 3, 2025, pursuant to section 4.1 of the LEA's Compliance Order issued on May 1, 2025, and Chiquita's response letters dated August 15, 2025 and August 18, 2025.

The revised draft RAW detailed Chiquita's plan to expand the area of the Chiquita Canyon Landfill (the Landfill) covered by 30-mil high density polyethylene (HDPE) geomembrane in accordance with the requirements of the United States Environmental Protection Agency's (EPA) Unilateral Administrative Order (UAO) issued on February 21, 2024, the South Coast Air Quality Management District's (SCAQMD) Stipulated Order for Abatement (SOFA) issued on November 13, 2024, and most recently modified on December 10, 2025, and the LEA's Compliance Order issued on June 6, 2024. This cover expansion will also supplement the area of the Landfill covered by 40-mil HDPE geomembrane in accordance with the west toe drain workplan. The revised draft RAW detailed Chiquita's process of installing additional geomembrane cover that is at least 60-mil thick, made from HDPE with an inner core of ethylene vinyl alcohol (EVOH) barrier resin, tan in color, and textured on both sides.

The LEA's November 20, 2025 letter directs Chiquita to install the approved geomembrane cover "over the entire facility where waste is disposed (Main Canyon waste management area)" by

August 31, 2026, to continue to install the approved cover during the winter months, and to provide an estimated cover installation schedule by December 15, 2025.

Chiquita disputes the LEA's rationale for requiring cover over the Main Canyon by August 31, 2026. Such an aggressive installation schedule is infeasible to safely and effectively deploy the remainder of the geomembrane cover, and covering the entire Main Canyon is an unnecessary and surprising change from the portion of the Landfill that Chiquita originally discussed covering. Pursuant to DTSC's Imminent and Substantial Endangerment Determination and Order (Order) and subsequent communications with EPA and the LEA, Chiquita had discussed covering 100 acres of the Landfill with geomembrane cover. These 100 acres do not include covering the tank farms or other areas, which Chiquita does not intend to cover now. Not only has the LEA moved the goal posts by unilaterally requiring the deployment of more geomembrane cover than previously agreed, but it has also imposed a deployment schedule that does not consider the multitude of complexities and pitfalls about which Chiquita has informed its regulators on several occasions. For the reasons described herein, in Chiquita's letters to EPA dated August 15, 2025 and to the Department of Toxic Substances Control (DTSC) dated November 7, 2025 and November 21, 2025,[1] and during our discussion with the LEA on December 10, 2025, Chiquita intends to act in a way that is most protective of the existing mitigation measures and continue to move forward with the installation of the geomembrane cover in accordance with the draft Master Schedule submitted to DTSC on November 21, 2025 and attached to this letter as **Attachment A**.[2]

Due to the unique and complex nature of the work needed to deploy the geomembrane cover while minimizing impacts to Chiquita's other ongoing reaction mitigation efforts and the impending rainy season, Chiquita cannot at this time commit to a further expedited and detailed schedule or to covering the entire Main Canyon. Chiquita's draft Master Schedule reflects an expeditious deployment timeline that accounts for the challenging realities, complicated logistics, and unknown variables, such as weather, that are beyond Chiquita's control and can impact the pace of such an extensive installation project.[3]

As the LEA is aware, under DTSC's Order and per directives from DTSC, EPA, and the LEA, Chiquita worked as expeditiously as possible to deploy the initial 15 additional acres of the geomembrane cover in Segments 1, 2, and 3 of the Landfill before the rainy season.[4] As described in prior correspondence, during this initial deployment process, Chiquita had to take landfill gas extraction wells and dewatering pumps in the active cover deployment areas offline to complete the cover installation. To help ensure the longevity of the installed geomembrane cover, the cover must be placed on a smooth surface. This surface must also be graded for appropriate routing of stormwater. Because of ongoing settlement in the data-driven reaction area, installation of cover across this initial 15 acres included substantial subgrade preparation, requiring use of heavy equipment to complete this subgrade preparation quickly enough before the rainy season. To protect existing infrastructure from damage during this subgrade preparation phase, existing piping

[1] Chiquita expressly incorporates these letters herein.
[2] The draft Master Schedule is approximate and subject to change based on actual conditions at the Landfill, as further described in Chiquita's November 21, 2025 response to DTSC's comments on the draft RAW.
[3] Chiquita Canyon, LLC Response to DTSC Request for Updated Cover Deployment Schedule, Nov. 7, 2025, page 2.
[4] *Id*.

and infrastructure was removed, to the extent feasible, requiring removal of portions of the piping to enable cover installation access.[5]

As a result of taking landfill gas extraction wells and dewatering pumps offline in the active cover deployment areas, Chiquita saw an increase in on-site odors and temperatures.[6] This complicated Chiquita's deployment strategy. Continuing to deploy the remainder of the geomembrane cover using this same approach could negatively impact the success of the mitigation measures in place to manage the reaction and mitigate odors. These impacts to the existing mitigation measures also raise questions about the practicality of installing geomembrane cover over the entire "Main Canyon waste management area," as installing just a portion of the additional coverage has disrupted the existing mitigation measures and the progress Chiquita has made to manage the reaction.

Chiquita will not compromise on ensuring that the reaction continues to be effectively managed for the sake of accelerating the geomembrane cover deployment rate. An unreasonably aggressive and strict cover deployment schedule that also requires covering unnecessary portions of the Landfill would limit Chiquita's ability to continue to evaluate the effectiveness and feasibility of its deployment strategy and to make optimizing adjustments as needed.[7] Such an aggressive and strict schedule could hamper effective reaction management by increasing landfill gas extraction well and dewatering pump downtime, as described in Chiquita's November 7, 2025 response to DTSC, not to mention that the LEA has not explained why covering the entire Main Canyon is necessary.[8]

To continue to deploy additional geomembrane cover as quickly, safely, and effectively as possible while maintaining Chiquita's existing mitigation measures, Chiquita has begun employing a new deployment process that enables landfill gas extraction wells and dewatering pumps in active cover deployment areas to be offline for the least amount of time possible, typically one to two days at a time.[9] As further described in prior correspondence, this new deployment process has been successful thus far, but Chiquita requires more time to fully evaluate the feasibility of this process, to optimize this process to ensure maximum operational efficiency for the remainder of the installation project, and to determine the estimated amount of time needed to complete deployment using this new process.[10] Each well, lateral, header, forcemain, electrical line, and panel located in the active cover deployment area, which is constantly changing as the active cover deployment area moves, must be managed uniquely. For example, while some pieces of the system may be relatively straightforward to take offline, others may pose particular challenges due to their apparent location and the area(s) of the Landfill they service, among other factors.[11] In these more

[5] *Id.*
[6] *Id.*
[7] *Id.* at 3.
[8] *Id.*
[9] *Id.* at 2.
[10] *Id.* at 2-3.
[11] *See id.*

complicated situations, the equipment cannot be disconnected from the system, requiring piping to be lifted so that cover may be placed underneath while maintaining connection to the system.[12]

This is extremely tedious and delicate work to ensure that the equipment and infrastructure are not damaged. Even in relatively straightforward situations that allow for equipment to be taken offline, Chiquita must coordinate efforts and schedules with at least five different groups of people to disconnect the equipment in order to move the cover deployment process forward.[13] As a point of reference, some of Chiquita's infrastructure in these areas are gas headers that are 24 inches in diameter. These headers require heavy machinery to lift, which cannot be driven directly on top of already-deployed liner, causing access issues.

Nevertheless, and despite this unavoidable reality, Chiquita's draft Master Schedule submitted to DTSC and the LEA on November 20, 2025, attempts to estimate completion dates of each phase of deployment, subject to actual conditions at the Landfill and a multitude of moving parts and competing projects, any of which could impact the installation of the geomembrane cover.[14] As an example, Chiquita requested and received an extension of the original acreage deployment schedule to allow the main access road on the north side of the Landfill to remain open while other roads to the south were completed, as well as to maintain access for a drill rig to complete installation of certain temperature monitoring probes; this demonstrates the nature of the competing projects Chiquita must balance.

Deploying the geomembrane cover expeditiously is not a matter of maximizing the number of drill rigs and liner crews that can fit onsite to complete the work all at the same time; rather, it is a matter of working deliberately and meticulously to not disrupt the gas infrastructure and other existing mitigation measures, as having to perform repairs on the gas infrastructure and other existing mitigation measures themselves would require Chiquita to pause deployment. To maintain the integrity of the gas infrastructure and existing mitigation measures, Chiquita must deploy the geomembrane cover at a careful and diligent rate while still working as expeditiously as possible to avoid delays in the first place. Chiquita cannot commit to completing the installation of the geomembrane cover "over the entire facility where waste is disposed (Main Canyon waste management area)" by August 31, 2026 for the reasons described herein and in Chiquita's August 15, November 7, and November 21, 2025 responses. Chiquita instead estimates completion of additional cover by July 31, 2027, in accordance with the draft Master Schedule submitted to DTSC and the LEA on November 21, 2025.[15]

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[12] *Id.*
[13] *Id.*
[14] For example, Chiquita recently drilled new temperature monitoring probes (TMPs) and installed thermocouples in each. These TMPs are in the same area in which the additional geomembrane cover has been or will be deployed. This necessitated pausing the cover deployment process until installation of the thermocouples in each TMP was complete. This is but one of several constantly competing projects that Chiquita must balance with the deployment of the geomembrane cover on a daily basis. Having an additional crew would not have helped because the installation of the thermocouples in the TMPs could not have been completed while the additional geomembrane cover was being deployed in the same area. *See also* Chiquita Canyon, LLC Response to DTSC Comments on Draft RAW, November 21, 2025, PDF page 33.
[15] *Id.*

The LEA's letter additionally requests that Chiquita "[e]mploy the necessary resources to complete geomembrane coverage" and "[c]ontinue to install the required geomembrane cover during the winter months to ensure completion within the required timeframe, as CCL has done previously."

Since the start of the deployment of geomembrane cover, Chiquita has employed all necessary resources to work as expeditiously and safely as possible to install the geomembrane cover despite several regulatory roadblocks. As soon as DTSC ordered Chiquita on April 2, 2025 to install the geomembrane cover pursuant to DTSC's Order, Chiquita immediately began to diligently identify and source materials for the geomembrane cover and prepare a feasible construction schedule. Chiquita provided DTSC on April 22, 2025 copies of a fact sheet of the geomembrane cover material it was evaluating at that time and a case study of the geomembrane cover material's success at another landfill. Chiquita then shared its plans with DTSC to order the geomembrane cover materials once DTSC provided its written approval. Yet, such written approval did not come until June 2, 2025 due to in large part discussions between DTSC and CalRecycle relating to the color of the geomembrane cover. Given this regulatory delay, Chiquita conferred with DTSC to come up with a prioritization plan for the deployment of the geomembrane cover. Chiquita and DTSC together agreed to prioritize a 300-foot radius or approximately 15 acres of the Landfill extending from the existing 30-mil geomembrane covered area before deploying geomembrane cover over other areas of the Landfill. This plan required Chiquita to move quickly to complete the installation before the rainy season.[16]

From the start, and as detailed in Chiquita's previous correspondence and its monthly summary reports to DTSC, Chiquita has employed all necessary resources to deploy the geomembrane cover despite regulatory setbacks. These regulatory setbacks prevented Chiquita from moving forward with the deployment of the geomembrane cover in earnest until shortly before the start of the rainy season. Chiquita has nevertheless continued to employ all necessary resources to deploy the geomembrane cover, but this process cannot again jeopardize the Landfill's existing mitigation measures.

As described in prior correspondence, Chiquita has committed to deploying EVOH in the existing 30-mil HDPE cover area to enhance odor mitigation. Employing additional crews to deploy the geomembrane cover would not lead to a more expeditious geomembrane cover deployment rate; in fact, employing additional crews could result in occupational hazards and health and safety issues and would complicate the efficacy of the geomembrane cover deployment process and further jeopardize the other mitigation measures in place. CalRecycle's letter to the LEA, dated October 3, 2025, states, "Currently, the CCL is using only one drill rig and one liner crew; the CCL should employ the necessary resources to complete the entire waste area within the recommended timeframe." To the extent that CalRecycle or the LEA intend to insinuate that Chiquita is not making as much progress as it can due to its use of one drill rig and one liner crew, Chiquita strongly disputes this allegation. More drill rigs and liner crews do not equate to more progress.

[16] Chiquita is still dealing with the repercussions of rushing to deploy the initial 15 acres of geomembrane cover before the start of the rainy season, including delays associated with deploying the final portion of geomembrane cover over Segment 3 and bringing impacted equipment back online due to the weather. See, e.g., weekly update to the LEA, Chiquita Canyon Landfill – Geosynthetic Cover – Mitigation Measure 4.1, Nov. 14, 2025; Nov. 21, 2025; Nov. 26, 2025; Dec. 5, 2025; and Dec. 12, 2025.

As described above, the work required to deploy the geomembrane cover is tedious and delicate. This is not an issue of sequencing the work like an assembly line; the pieces must fit together precisely, like a puzzle. Having more drill rigs or liner crews onsite would not expedite the deployment process, even if the liner crews were working on different jobs. To safely deploy the geomembrane cover without disrupting, or worse, breaking the existing gas infrastructure requires deliberate and meticulous work that additional hands would prevent.

Additionally, the work that must be done to deploy the geomembrane cover is highly specialized. Any crew hired to complete the work must be properly trained, as the gas infrastructure that must be moved or rerouted to accommodate deployment of the cover poses potential hazards and must be handled by crews who know how to do so safely. Finding and training knowledgeable crews is not simple, yet Chiquita has managed to add three crews to assist with the deployment of the cover in the past few months, and the contractor has brought on an additional supervisor to further assist with the deployment and train these crews.

Moreover, some portions of the Landfill have a significant amount of infrastructure that must be relocated before deployment of the geomembrane cover can occur in those areas. This infrastructure includes but is not limited to a thermal oxidizer, pump cleaning and repair equipment, and contractor trailers and offices. As the LEA is aware, Chiquita is actively working to relocate this infrastructure, but this relocation is not a simple or fast process, especially because the Landfill has limited space. Chiquita has nevertheless been diligently working to relocate this infrastructure to allow for the deployment of geomembrane cover in these areas of the Landfill.

During the winter months, also known as the rainy season, the Landfill experiences rain and other wet weather conditions that make it unsafe for personnel to access the site or operate the requisite equipment to install the geomembrane cover. Requiring Chiquita to continue deployment of the geomembrane cover regardless of weather conditions would unnecessarily endanger human health and safety and could constitute a violation of labor and occupational safety laws. Rain creates accessibility issues for heavy machinery, and to the extent that gas or liquids extraction equipment were offline, they would have to remain offline until the ground surface dried up enough to again allow machinery safe access to the area. This would further hamper Chiquita's ongoing mitigation efforts.

CalRecycle's letter to the LEA, dated October 3, 2025, states, "The CCL has previously demonstrated its ability to install a geomembrane liner during the winter months, and it should continue this approach."[17] Chiquita's ability to make progress on that 30-mil geomembrane cover during the previous rainy season has no bearing on Chiquita's ability to make progress on the deployment of the new geomembrane cover this rainy season. The Landfill today is engaged in even more mitigation measures to manage the reaction than during the previous rainy season when the 30-mil geomembrane cover was installed. For instance, and as shown in Chiquita's State of the

[17] The rate of previous cover deployment does not dictate present cover deployment possibilities. Chiquita previously installed approximately 45.9 acres of 30-mil cover over the course of about seven months, with completion in January 2025. It appears the LEA assumed Chiquita could continue working at the same rate and provided an August 31, 2026 deadline. However, every cover project is different and must take into account present day conditions and changes to the Landfill.

Landfill Report, the 30-mil deployment was initially begun in the furthest northwest corner of the Landfill, on side slopes where minimal existing infrastructure was present. The pictures in the State of the Landfill Report document progress during early 2024, which is the rainy season presumed to be referenced by CalRecycle.

As the LEA should be aware, Landfill infrastructure has changed substantially since that time. In conjunction with and upon completion of the 30-mil cover, Chiquita deployed many large gas headers to greatly expand its ability to collect and control landfill gas. As documented in the State of the Landfill Report, Chiquita added 50 miles of piping in 2024 alone, a majority of which is now in the areas being scheduled for further geomembrane deployment. Chiquita must now work around this additional infrastructure, which will slow down its ability to install further geomembrane.

Nevertheless, when the Landfill experiences a dry period long enough to allow personnel to safely access the site and operate the requisite equipment to install the geomembrane cover during the rainy season, Chiquita has been working to complete the enhancements of the existing 30-mil cover during these discrete periods. The gas infrastructure is less likely to be negatively impacted in these areas if extended pauses are needed due to the weather. Chiquita will continue to provide weekly updates on the cover installation progress to the LEA pursuant to Milestone 4.1 of the LEA's Compliance Order, including noting delays caused by the rainy season and other weather conditions.

Chiquita has detailed its geomembrane installation progress in a variety of reports, including the aforementioned weekly updates to the LEA. Chiquita also provides monthly updates to DTSC that describe in detail Chiquita's efforts since May 2025 to commence this undertaking. Consistent with our discussion with the LEA on December 10, 2025, Chiquita intends to continue to employ all necessary resources to complete the installation of the geomembrane cover by July 31, 2027, per the draft Master Schedule and subject to actual Landfill conditions.

Further deployment of the geomembrane cover to the areas that would enhance odor mitigation is of the utmost importance to Chiquita. However, the geomembrane installation process must support the continued effective management of the reaction by allowing for the unimpeded and continued extraction of heat, gas, and liquids as maximally as possible. The LEA's requested completion date of August 31, 2026 and unilateral decision that the geomembrane cover be installed over the entire Main Canyon would severely curb the progress that Chiquita has made to manage and stabilize the reaction and possibly endanger human health and safety. As such, Chiquita cannot in good conscious agree to such an infeasible request.

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If you have any questions, please do not hesitate to reach out to me at (346) 807-5547 or Kate.Logan@WasteConnections.com.

Sincerely,

Kate Logan

Kate Logan
Senior Remediation Project Manager
Chiquita Canyon Landfill

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Bridget Floyd, Department of Toxic Substances Control
John Perkey, Chiquita Canyon
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ATTACHMENT A

Draft Master Schedule

The Department of Toxic Substances Control's (DTSC) October 15, 2025 letter directed Chiquita Canyon, LLC (Chiquita) to submit a draft Master Schedule.[1] Chiquita provides the requested draft Master Schedule below, which is subject to change based on actual conditions at the Chiquita Canyon Landfill (the Landfill). This draft Master Schedule focuses on the scope of DTSC's Order, including the tasks scheduled for completion pursuant to the three Removal Action Workplans (RAWs) required by the Order as well as DTSC's data requests issued pursuant to section 6.11 of the Order.

Geomembrane Cover Deployment (60-mil EVOH/HDPE)

The following primary tasks are currently being executed as part of the cover deployment process; however, as deployment continues, it is possible that efficiencies will be established that may result in changes to the timing of tasks needed to complete deployment of the geomembrane.

1. Disconnect wellheads and piping
2. Relocate gas header piping
3. Prepare subgrade
4. Deploy liner
5. Construct Access Road
6. Reconnect gas header and wells
7. Install LFG boots

As previously stated in Chiquita's November 7, 2025 response to DTSC's request for an updated cover deployment schedule, which Chiquita incorporates herein, several factors will continue to impact deployment progress, including but not limited to weather conditions through the rainy season, technical challenges, and the need to coordinate with multiple contractors, personnel, and competing and concurrent projects. Until the rainy season concludes, it is difficult to accurately project how cover deployment will progress. All dates below are approximate and subject to weather conditions.

- Deployment Schedule
    - Segments 1 and 2 – Completed September 2025
    - Segment 3 (partial) – Completed November 2025
    - Segment 3 (remaining 1.7 acres) – December 12, 2025

[1] DTSC General Comment #1 ("The future submittal of the Draft RAW must include a Master Schedule of all activities planned for the landfill and a draft of the Master Schedule must be submitted to DTSC within seven (7) days for review. This Schedule shall also include timing of all responses to data requests."). Chiquita requested an extension to submit this draft Master Schedule as part of this response to DTSC's October 15, 2025 letter.

    - Install 16 acres of 60-mil EVOH geomembrane over the top of the existing 30-mil geomembrane cover, which involves disconnecting and reconnecting gas headers and wells, as needed, over the geomembrane cover – March 31, 2026
    - Segments 4 through 15 – November 30, 2026
    - Segments 16 through 20 – July 31, 2027 (subject to weather conditions)
- Communication and Notification Schedule for Deployment Progress
    - Provide regular updates to DTSC through:
        - Weekly technical calls (Tuesdays)
        - Written weekly updates (Fridays)
        - Bi-weekly updates regarding estimated upcoming project timelines (every other Friday)

Interim Relocation and Stabilization of Containerized Waste (Tank Farm 9)

As of November 21, 2025, Tank Farm 9 has been relocated to Cell 8B. The last primary task associated with this RAW is to obtain a grading permit from Los Angeles County Public Works (Public Works).

- Permitting Schedule
    - Submitted grading permit application – August 4, 2025
        - Received comments on grading permit application from Public Works – September 25, 2025
    - Submitted notification for Conditional Authorization of hazardous waste treatment in Tank Farm 13 to the CUPA – November 20, 2025
    - Respond to Public Works' comments on grading permit application
    - Obtain grading permit – To be determined by Public Works

Protection of Cell 8A From Intrusion of ETLF (Existing Mitigation Measures and Proposed Alternatives)

As of November 21, 2025, Chiquita has elected to consider alternatives to the requested vertical barrier in the Order. Because these alternatives have not yet been selected or finalized, Chiquita reserves the right to supplement the below schedule with additional tasks associated with the selected and finalized alternatives. The schedule below includes primary tasks associated with Chiquita's existing mitigation measures.

- Existing Mitigation Measures Schedule
    - <u>Gas Well Drilling</u>
        - Landfill gas vertical extraction well drilling will continue.
            - There are 15 additional wells to be drilled in the Tank Farm 7 area that were previously inaccessible. The drilling has already started, and there are 3 wells that have yet to be drilled.

- Borehole logs are submitted to the South Coast Air Quality Management District (South Coast AQMD) in a monthly report pursuant to Condition 8 of the Stipulated Order for Abatement in Case No. 6177-4 ("SOFA") (see Chiquita's Odor Mitigation website (https://chiquitacanyon.com/odor-mitigation/) under Odor Maintenance Logs ("Stipulated Order Condition 8 (monthly reports)").
- Weekly well drilling updates for the drilling of landfill gas vertical extraction wells and temperature monitoring probes are submitted to South Coast AQMD pursuant to SOFA Condition 15(c) (see Chiquita's Odor Mitigation website under Odor Maintenance Logs ("Stipulated Order Condition 15(c) (weekly well drilling updates)").
- Rig parts that allow for deeper drilling have been installed and the rig is now capable of drilling wells up to 195 feet in depth, subject to on-site conditions.

- Sonic Drill Rig – TMPs and SVEs
  - The sonic drill rig finished drilling TMP-36 to TMP-40 on September 24, 2025. Chiquita ordered temperature sensors and remote telemetry heads for the drilled TMPs (TMP-36 to TMP-40). The vendor was delayed in shipment. Chiquita expects to receive the equipment by November 24, 2025, and once they arrive, Chiquita expects to install them by December 5, 2025, subject to weather conditions. The thermocouples had to be ordered after drilling was completed because the Local Enforcement Agency (LEA) directed Chiquita to use an equation that depends on the final installed TMP depth to ensure equal spacing among the thermocouples.
  - The mobilization of the drill rig and widening of the existing perimeter road to allow drill rig access required more time than initially anticipated to begin the installation of soil vapor extraction (SVE) wells. The installation of SVE well SW-3S/M was completed on October 23, 2025, and SW-3D on October 27, 2025.
  - Drilling of the remaining temperature probes (TMP-22, TMP-23, and TMP-33) is being conducted concurrently to expedite the projects to the extent feasible.
    - The sonic drill rig was redirected to complete the installation of TMP-23, while the road work continued for the SVE wells.
    - As TMP-23 was being completed, Chiquita prepared the west side road for the drilling of the SVE wells.
    - Over the upcoming weeks, the sonic drill rig will move between the SVE wells and TMPs to complete both projects.
    - TMP-23 was completed on October 22, 2025, and TMP-22 was completed on October 31, 2025.

        - Due to the current and expected rain conditions on-site, the west side road is currently inaccessible. We anticipate drilling will resume on December 1, 2025, after the Thanksgiving holiday.
    - Chiquita and the LEA held a meeting on October 17, 2025, and determined where TMP-33 should be located. This location has been staked out and the additional work required to allow the drill rig to access this location has been completed.
    - Please also see the weekly well drilling updates for the drilling of landfill gas vertical extraction wells and temperature probes submitted to South Coast AQMD pursuant to SOFA Condition 15(c) (see Chiquita's Odor Mitigation website under Odor Maintenance Logs ("Stipulated Order Condition 15(c) (weekly well drilling updates)").
    - See the weekly TMP reports submitted to the LEA pursuant to the LEA's June 6, 2024 Compliance Order and to the US EPA (see Chiquita's Odor Mitigation website under Reports, Permits, and Other Documents, LEA ("Weekly submittals of all temperature monitoring probe data in accordance with Milestone 1B")).
- Flares/TOxs
    - The HERO thermal oxidizer (TOx) is now online, and the work to relocate the Parnel TOx has been completed. All three TOx are currently running.
    - The ongoing discussion with South Coast AQMD has resulted in Chiquita modifying the permit applications for the 3 gas destruction units to be classified as flares, with verbal agreement from South Coast AQMD staff on September 24, 2025, supporting the ongoing operation of the 3 units until Flares 4 and 5 are online. Chiquita submitted an application for a permit to construct/operate and a Title V permit modification for Flare 4 to South Coast AQMD on October 30, 2023. This flare will provide additional critical destruction capacity once installed. Under the current SOFA, Chiquita would need to take down Flare 1 once Flare 4 is permitted and operational.
    - Chiquita is working through problems with the Los Angeles County Electronic Permitting & Inspections (EPIC LA) system regarding the review and approval of grading permits for Flare 4.

Data Requests (Order Section 6.11)

As of November 21, 2025, Chiquita has provided DTSC with access to data pursuant to Order section 6.11 on the following dates. Several of these documents were previously submitted to DTSC and other regulators.

- Soil compaction results for the soil placed in Cell 8B – May 7, 2025
- Follow up summary of soil compaction results – June 3, 2025

- AutoCAD files for the January 2023 topographic map and subgrade map – June 12, 2025
- Surface and base elevations for TMP-21 through TMP-35 – July 2025
- Proposed data delivery schedule pursuant to Order section 6.11 – July 21, 2025
- Raw gas data collected for the Landfill from August 20, 2024 to August 20, 2025 – August 25, 2025
- Topography of the surface of the Landfill in AutoCAD format for August 2025, ground survey points to fix the 2025 topography and properly orient the AutoCAD data, and boring logs for TMP-01 through TMP-21 and TMP-24 through TMP-35 – September 8, 2025
- EVOH Construction Quality Assurance documents – September 25, 2025
- Spreadsheet with latitudes and longitudes for a specific list of wells – October 14, 2025
- Data Management Plan – October 21, 2025 (originally submitted to US EPA and the RMAC in July 2024)
- Raw data via SCS eTools – October 30, 2025
- Raw data via RMC – November 3, 2025

ATTACHMENT D

COUNTY OF LOS ANGELES
Public Health

BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

MUNTU DAVIS, M.D., M.P.H.
County Health Officer

ANISH P. MAHAJAN, M.D., M.S., M.P.H.
Chief Deputy Director

AZAR KATTAN, J.D., M.P.H.
Deputy Director for Health Protection

LIZA FRIAS, REHS
Director of Environmental Health

SCOTT ABBOTT, REHS, M.P.A.
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5374 • FAX (626) 813-3000

www.publichealth.lacounty.gov/eh/

November 20, 2025

Via Electronic Correspondence

Mr. Steve Cassulo, District Manager
Steven.cassulo@wasteconnections.com
Chiquita Canyon Landfill
29201 Henry Mayo Drive
Castaic, CA 91384

SUBJECT: LEA COMMENTS ON THE RESPONSE LETTERS AND THE DRAFT REMOVAL ACTION WORKPLAN TO ADDRESS THE EXTENSION OF COVERED AREA SUBMITTED BY CHIQUITA CANYON LANDFILL (CCL), SWIS NO. 19-AA-0052

Dear Mr. Cassulo,

The Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency (LEA), is responding the following three (3) submittals received from Chiquita Canyon Landfill's (CCL) addressing the LEA's May 1, 2025, Compliance Order (Order), Section 4.1:

- ***"CCL's Response to U.S. EPA's, DTSC's, and the LEA's Requirement to Expand the Geomembrane Cover,"*** dated August 15, 2025. This letter served as CCL's response to the U.S. Environmental Protection Agency's (EPA) July 24, 2025 letter titled *"Additional Work required under UAO for Geomembrane Cover Expansion."* The submittal also addressed the Department of Toxic Substances Control (DTSC) April 1, 2025 Imminent and Substantial Endangerment Order, and the LEA's May 1, 2025 Compliance Order requiring expansion of the geomembrane cover.

- ***"Response to LEA Comments on the DRAFT RAW: Extension of Covered Area, for May 1, 2025 Compliance Order Mitigation Measure 4.1,"*** dated August 18, 2025. This letter served as CCL's response to the LEA's August 1, 2025 comment letter on the *"Draft Removal Acton Workplan (Draft RAW): Extension of Covered Area,"* dated May 2025, prepared by Civil and Environmental Consultants, Inc. (CEC).

- ***"Revised Draft Removal Action Workplan (Revised RAW): Extension of Covered Area,"*** dated October 2025. This document, prepared by CEC, was submitted to address Section 4.1 of the LEA's Order.

CCL's response letters and the Draft RAW propose to install additional geomembrane cover in five-acre segments, which CCL asserts would effectively control emissions while minimizing disturbance to the landfill gas control system. CCL further proposed to discontinue the installation during the rainy season and instead, conduct repairs to the existing geomembrane cover. CCL's estimated installation schedule did not have a completion date and is described as "To Be Determined," allowing for adjustments based on field conditions and unforeseen delays.

The LEA, in consultation with the California Department of Resources Recycling and Recovery (CalRecycle), has determined these submittals are unacceptable. Furthermore, since CCL has failed to install a vertical soil barrier and the reaction continues to expand, the LEA's current directive is for CCL to install the approved geomembrane cover over all areas to which the reaction has expanded or has the potential to expand as stated in Section 4.1 of LEA's Order. The entire facility where waste is disposed (Main Canyon waste management area) shall be covered by August 31, 2026. As part of compliance with Section 4.1, CCL must also:

1. By December 15, 2025, provide an estimated schedule for the 60 ml geomembrane cover installation, with final completion of no later than August 31, 2026.
2. Employ the necessary resources to complete geomembrane coverage over the entire facility where waste is disposed (Main Canyon waste management area) by August 31, 2026.
3. Continue to install the required geomembrane cover during the winter months to ensure completion within the required timeframe, as CCL has done previously.

The LEA reserves the right to issue a new directive or order if site conditions or available data indicate that additional corrective actions are necessary to protect public health and the environment.

Ensure to obtain all permits and approvals from Federal, State and Local agencies as required by the law and regulations.

If you have any questions, please email me at emorofuji@ph.lacounty.gov or call me at (213) 668-2206.

Sincerely,

Eric Morofuji, EHS III
Solid Waste Management Program
Local Enforcement Agency (LEA)

Enclosed: CalRecycle comment letter for Directive 4.1 – Expansion of the Geomembrane Cover Schedule dated October 3, 2025.

Cc: (Via Electronic Correspondence Only)

- Robert Ragland, Los Angeles County Department of Public Health
- Liza Frias, Los Angeles County Department of Public Health
- Azar Kattan, J.D., M.P.H, Los Angeles County Department of Public Health
- Ken Habaradas, Los Angeles County LEA
- Karen Gork, Los Angeles County LEA
- Renee Jensen, LEA Counsel (rjensen@bgsplaw.com)
- Blaine McPhillips, Senior Deputy County Counsel
- Emiko Thompson, Los Angeles County Department of Public Works
- Alex Garcia, Los Angeles County Department of Regional Planning
- Ai-Viet Huynh, Los Angeles County Department of Regional Planning
- Wes Mindermann, CalRecycle (wes.mindermann@calrecycle.ca.gov)
- Todd Thalhamer, CalRecycle (todd.thalhamer@calrecycle.ca.gov)
- Rachel Beck, CalRecycle (rachel.beck@calrecycle.ca.gov)
- Janelle Heinzler, CalRecycle (janelle.heinzler@calrecycle.ca.gov)
- Jeff Lindberg California Air Recourses Board (jeff.lindberg@arb.ca.gov)
- Jack Cheng, South Coast Air Quality Management Board (jcheng@aqmd.gov)
- Larry Israel, South Coast Air Quality Management Board (lisrael@aqmd.gov)
- Enrique Casas, Los Angeles Regional Water Quality Control Board (enrique.casas@waterbaords.ca.gov)
- Amy Miller, United States Environmental Protection Agency (Miller.Amy@epa.gov)
- Joel Jones, United States Environmental Protection Agency (Jones.Joel@epa.gov)
- Peter Ruttan, Department of Toxic Substances Control (Peter.Ruttan@dtsc.ca.gov)

October 3, 2025 Via Email: kgork@ph.lacounty.gov

Karen Gork
Chief Environmental Health Specialist
Los Angeles County Department of Public Health
5050 Commerce Drive
Baldwin Park, California 91706

Subject: Chiquita Canyon Landfill (19-AA-0052) Technical Review – Directive 4.1, Expansion of the Geomembrane Cover Schedule and Directive 4.2 Relocation of Tank Farm 9 at Chiquita Canyon Landfill

Dear Ms. Gork:

CalRecycle staff is providing this letter in response to your request for technical assistance in the proposed schedule for the additional geomembrane cover and relocation of Tank Farm 9.

The following comments are provided to the Los Angeles County Department of Public Health [Local Enforcement Agency (LEA)] as assistance to support the program in carrying out its responsibilities at permitted disposal sites. The final determination as to the comments to be provided to the responsible party is within the sole purview of the LEA, acting within the parameters of its discretion, in accordance with its vested authority under its certification as defined in Title 14, California Code of Regulations (14 CCR), Division 7, 27 CCR, Division 2, Subdivision 1 (Section 20005 et seq.), and Division 30 of the Public Resources Code.

Directive 4.1 Comments

CalRecycle staff have reviewed the proposed Chiquita Canyon Landfill (CCL) Proposed Cover Installation and Repair Plan for Directive 4.1 and find it inadequate. Since CCL has chosen not to install any barriers in the main fill, the Subsurface Elevated Temperature (SET) Event has the potential to expand to the entire waste area. CCL's current strategy of using an unproven heat exchange and pressure control methodology is not preventing the SET from expanding or controlling the emissions and/or odors at the facility. According to the South Coast Air Quality Management District, the facility has received over 4,600 complaints and 80 Notices of Violation since January 1, 2025. The SET Event continues to expand and impact the community.

CalRecycle staff recommends that the LEA consider requiring the entire Main Canyon Fill waste management unit to be covered by July 1, 2026. The CCL has previously demonstrated its ability to install a geomembrane liner during the winter months, and it should continue this approach. Currently, the CCL is using only one drill rig and one liner crew; the CCL should employ the necessary resources to complete the entire waste area within the recommended timeframe.

Directive 4.2 Comments

The CCL relocated the hazardous waste treatment and leachate storage facility, known as Tank Farm 9, from the top deck to the bottom of the facility at Cell 8B. CalRecycle staff have provided comments for consideration to the Department of Toxic Substances Control (DTSC) regarding this temporary location. CalRecycle staff consider the current location temporary and susceptible to being affected by the current and future SET Events, which may require relocating the facility again. CalRecycle staff recommends that the LEA consider requiring the CCL to take the necessary actions as soon as practicable to establish a permanent location for the leachate treatment facility (Tank Farm 13) that will not be impacted by the current and future SET Events.

If you have comments or questions, please call (916) 341-6356 or email Todd.Thalhamer@Calrecycle.ca.gov.

Sincerely,

Todd Thalhamer, P.E.
Senior Waste Management Engineer
Engineering Support Branch

Cc Via Email:

Peter Ruttan, Department of Toxic Substances Control (Peter.Ruttan@dtsc.ca.gov)
Todd Sax, CalEPA (Todd.Sax@calepa.ca.gov)

ATTACHMENT E

REGION 9

SAN FRANCISCO, CA 94105

July 24, 2025

Mr. Steve Cassulo
District Manager
Chiquita Canyon, LLC
29201 Henry Mayo Drive
Castaic, CA 91384-2705

RE: Additional Work required under UAO for Geomembrane Cover Expansion

Dear Steve Cassulo:

This letter directs Chiquita Canyon LLC ("CCL") to implement additional work under Paragraph 90 of the Unilateral Administrative Order, EPA Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05, In the Matter of Chiquita Canyon, LLC, issued February 21, 2024 (the "UAO"), the U.S. Environmental Protection Agency ("EPA"). Paragraph 90 allows EPA to direct additional work consistent with the objectives of the UAO.

The overall objectives of the UAO are set forth in Paragraph 1 of the UAO as the performance of response actions to address off-site impacts and ongoing subsurface reactions causing off-site impacts, in connection with the Chiquita Canyon Landfill ("Landfill") in Castaic, California, including identifying, investigating, remedying, and/or preventing the potential endangerment to human health or the environment from activities involving solid and hazardous waste. The objectives of the UAO specifically include the objectives of the Master Work Plan (as defined in the UAO) set forth in Paragraph 22 of the UAO as:

> (1) remedy[ing] and prevent[ing] off-Site impacts caused by odors, emissions, leachate or other waste streams; and
>
> (2) deploy[ing] measures to delineate, fully characterize, prevent the expansion of, contain, and reduce the smoldering or the subsurface reaction occurring at the Landfill.

A. Additional Work

EPA has determined that the following additional work ("Additional Work") is necessary to meet the foregoing objectives:

1. CCL shall install an EPA-approved landfill cover on all areas of the Landfill which are not presently covered by a geomembrane and to which the reaction area has expanded or has the

potential to expand. The Additional Work shall be consistent with the California's Department of Toxic Substances Control ("DTSC's") Imminent and Substantial Endangerment Determination and Order, Docket No. HAS-FY24/25-082, dated April 1, 2025 ("DTSC ISE Order") and the Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency ("LEA") Compliance Order, dated May 1, 2025 ("LEA Compliance Order").[1] Consistent with the LEA Compliance Order, the additional geomembrane cover must be installed over at least 100 acres outside the existing geomembrane cover. In no event shall installation of the cover be conditioned upon findings of the Reaction Committee.[2]

B. Basis for Determination

EPA has determined, based on temperature monitoring data showing the migration of the reaction at the Landfill, findings regarding the potential for the reaction to expand to the entire main canyon of the Landfill, and the continued issuance of notices of violation based on odor complaints from community members, as described below, that the Additional Work is necessary to meet the objectives of the UAO.

State and local agencies have found, based on extensive analysis of temperature monitoring data, that the reaction has migrated beyond the portion of the Landfill currently covered with geomembrane cover. DTSC determined that "[u]nderground temperatures recorded at [the Landfill] between January 9, 2025 and February 19, 2025 demonstrate the SET event has expanded beyond the original 30 acres in the northwestern portion of the landfill in Cell 1/2A, Module 2B/3, Module 4, and Module 2B/3/4 P2," and, as of April 1, 2025, encompassed "approximately 90 acres of [the Landfill]." *See* **Enclosure A** at pp. 5-6. Similarly, the LEA concluded that the reaction was continuing to expand as of May 1, 2025: "Contrary to CCL's stated belief that the reaction has not expanded, new temperature data from the recently installed TMPs . . . indicates that the reaction is expanding." *See* **Enclosure B** at p. 5. These statements were consistent with the findings of Dr. Timothy Stark, a leading landfill expert, based on a review of Waste Borehole Maximum Temperature Profiles Over 6 Weeks from January 9, 2025 to

[1] The DTSC ISE Order and the LEA Compliance Order contain specific requirements for the work to expand the geomembrane cover and for the geomembrane cover, which are hereby incorporated by reference. These requirements include, without limitation: "The geomembrane cover shall accommodate landfill settlement/subsidence, sufficiently limit the transmission of gases (e.g. methane permeance less than 2.5x10-13 m/s using ASTM D1434), and provide durability from foot traffic, exposure to ultraviolet radiation, and inclement weather, or motorized equipment, if any. In addition, the cover shall have material properties to address site-specific conditions, including but not limited to, elevated landfill temperatures, settlement, and harmful landfill gas/odor emissions. This work shall be conducted with appropriate air monitoring, use Construction Quality Assurance techniques, and be consistent with South Coast AQMD's order and other applicable requirements. The geomembrane thickness shall be adequate to withstand the activities and conditions at the facility, but no less thick than 40 mil, with material consistent to prevent heat degradation and control odors and emissions as documented in the Stark Memo, Exhibit 6," and "Install a 40- to 60-mil thick tan or green HDPE-EVOH textured geomembrane underlain by a minimum 6 oz/sy nonwoven geotextile over approximately 100 acres outside the existing geomembrane cover. This new barrier must be welded to the existing 30-mil-thick white HDPE geomembrane or placed in a suitable anchor trench. A construction and quality assurance/quality control (QA/QC) plan must be submitted for approval." *See* **Enclosure A** at pp. 11-12; **Enclosure B** at p. 2.)

[2] The Reaction Committee was formed in response to the South Coast Air Quality Management District ("SCAQMD") Stipulated Order of Abatement (Case No. 6177-4) to review applicable data, estimate the extent of the reaction, and determine the reaction area. The findings of the Reaction Committee have been disputed by regulatory agencies, such as CalRecycle, which has asserted that the "Reaction Committee has taken a conservative approach in determining the reaction area," disregarding critical data such as carbon monoxide results. *See* **Enclosure C** at pp. 6-7.

February 19, 2025, that CCL's contractor "believes the SET Event covers about 28 acres as of February 20, 2025 whereas [Dr. Stark's] extent of the SET Event covers about 90 acres." *See* **Enclosure** A, Exhibit 6 at p. 6. Analysis of temperature monitoring probe data demonstrates that the reaction has migrated beyond the area of the Landfill covered with geomembrane cover.

Further, various statements of state and local agencies, based on analyses of temperature monitoring and other data, confirm that the reaction at the Landfill has the potential to expand to the entire main canyon of the Landfill. On March 28, 2025, CalRecycle issued a letter ("CalRecycle Letter") to the LEA stating, "The reaction area is expanding, and the current containment strategy has failed." *See* **Enclosure C**, CalRecycle Letter at pp. 18-19. CalRecycle based its conclusion on an analysis of various reaction metrics, including temperature, landfill gas levels, settlement, cover fissures, leachate outbreaks, damage to the Landfill's gas collection and control system, and emissions and odors, among other metrics. *See* **Enclosure C,** CalRecycle Letter at p. 5. Similarly, DTSC found that, "Without additional action, the SET event may consume the entire waste fill in the Main Canyon, which could threaten the stability of the southern toe of the waste fill in Cell 8A." *See* **Enclosure A** at p. 6.

The potential for the reaction to affect the entire main canyon of the Landfill warrants expansion of the geomembrane cover over the remaining uncovered portion of the Landfill. Indeed, Dr. Stark has confirmed that given the lack of containment strategy for the reaction, that "the only option for controlling odors and emissions is to cover the area with a geomembrane . . . over which the temperature monitoring probes (TPs) have been installed." *See* **Enclosure A** at Exhibit 6, p. 4. Dr. Stark specifically recommended extending the cover to "cover about 183 acres and leave only about 13 acres at the southern end of the [Landfill] uncovered for current disposal operations." *See* **Enclosure A** at Exhibit 6, p. 5. CalRecycle also recommended installing geomembrane cover "over the approximately 100 acres outside of the current geomembrane cover." *See* **Enclosure C**, CalRecyle Letter at p. 19.

CCL reported to the LEA that it completed the installation of 30-mil HDPE geosynthetic cover over approximately 44.6 acres of the reaction area and over approximately 1.3 acres over the disposal area in accordance with the west toe drain workplan, as of January 17, 2025. *See* **Enclosure D**. CCL has reported that "[t]he cover has contributed to the substantial decrease of odors at the Landfill." *See* **Enclosure E** at p. 4.

Notwithstanding completion of the initial geomembrane cover, members of the community surrounding the Landfill continue to report odors from the Landfill. According to CCL's Notice of Violation Log, available at https://chiquitacanyon.com/reports/notice-of-violation-log/, SCAQMD has issued approximately 50 Notices of Violation to CCL for discharging air contaminants from the Landfill, based on odor complaints from the community, between February 2025 and July 8, 2025.

State and local regulatory agencies agree that expanding the geomembrane cover will address the ongoing odor issues. DTSC stated: "Extending the area covered by a geomembrane is necessary to adequately control infiltration of oxygen and water into the landfill waste, and to control production of gas emissions, odors, and leachate." *See* **Enclosure A** at p. 11. CCL has even acknowledged that the geomembrane cover can effectively mitigate odors: "Chiquita agrees that installation of additional cover may be an appropriate method for mitigating potential odor impacts." *See* **Enclosure E** at p. 4.

EPA concurs with the state and local regulatory agencies that covering the remaining uncovered portion of the Landfill with geomembrane cover is a necessary and appropriate measure to control the Landfill reaction and related odors. Expanding and improving the geomembrane cover will, among other things, control the migration of odors from the Landfill and, therefore, mitigate off-site impacts from odors or emissions.

Further, extending the geomembrane cover will control infiltration of oxygen and water into the landfill mass, which can help prevent the expansion of the smoldering or subsurface reaction occurring at the Landfill.

The Additional Work, therefore, serves the dual objectives of the Master Work Plan and the UAO, as set forth above.

Moreover, the Additional Work is necessary to meet the broader objective of the UAO to address the imminent and substantial endangerment to the public health or welfare from the Landfill resulting from the release or threatened release of a hazardous substance.

C. Submittal of Work Plan and Opportunity to Meet and Confer

EPA directs CCL to submit a Work Plan for the Additional Work within fifteen (15) days of this letter to EPA for approval, in accordance with Paragraph 90 of the UAO. Within five (5) days after the receipt of this letter, CCL shall have the opportunity to meet or confer with EPA to discuss the Additional Work. On approval of the Work Plan for the Additional Work, Respondent shall implement the Work Plan in accordance with the schedule and provisions contained therein, and the Work Plan for the Additional Work shall be incorporated by reference into the UAO.

If you have any questions or comments regarding this letter, or if you wish to exercise the opportunity to meet and confer, please contact Laura Friedli, EPA Attorney Advisor, at (415) 972-3325 or Friedli.Laura@epa.gov.

Sincerely,

AMY MILLER-BOWEN

Digitally signed by AMY MILLER-BOWEN
Date: 2025.07.23 17:01:34 -07'00'

Amy C. Miller-Bowen
Enforcement and Compliance Assurance Division Director
U.S. Environmental Protection Agency, Region 9

MICHAEL MONTGOMERY

Digitally signed by MICHAEL MONTGOMERY
Date: 2025.07.24 16:59:11 -07'00'

Michael Montgomery
Superfund and Emergency Management Division Director
U.S. Environmental Protection Agency, Region 9

Enclosures
Enclosure A – DTSC ISE Order
Enclosure B – LEA Compliance Order
Enclosure C – LEA March 2025 Letter attaching CalRecycle March 2025 Letter
Enclosure D – Cover Completion Report
Enclosure E – CCL Notice of Intent to Comply with DTSC ISE Order

cc: John Perkey, Waste Connections
Jim Little, Waste Connections
Kurt Shaner, Waste Connections
Sarah Phillips, Waste Connections
Megan Morgan, Beverage & Diamond
Nicole Weinstein, Beverage & Diamond
Allyn Stern, Beverage & Diamond
Todd Sax, California Environmental Protection Agency
Joel Jones, United States Environmental Protection Agency
Roshni Brahmbhatt, United States Environmental Protection Agency
Kaoru Morimoto, United States Environmental Protection Agency
Rick Sakow, United States Environmental Protection Agency
Tyler Holybee, United States Environmental Protection Agency
Mark Anthony Relon, United States Environmental Protection Agency
Tara Frost, United States Environmental Protection Agency
Laura Friedli, United States Environmental Protection Agency

ATTACHMENT F

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Attorneys for Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc. and Waste Connections US, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles, and THE COUNTY OF LOS ANGELES,

Plaintiffs,

vs.

CHIQUITA CANYON, LLC, a Delaware limited liability company; CHIQUITA CANYON, INC., a Delaware corporation; and WASTE CONNECTIONS US, INC., a Delaware corporation,

Defendants.

CASE NO. 2:24-cv-10819-MEMF-MAR

DECLARATION OF CRAIG H. BENSON, PHD, PE, BCGE, BCEE, NAE

Filed Concurrently with Opposition to Motion for Preliminary Injunction

Date: July 17, 2025
Time: 10:00 a.m.

Assigned to Hon. Maame Ewusi-Mensah Frimpong, Courtroom 8B

DECLARATION OF CRAIG H. BENSON, PhD, PE, BCGE, BCEE, NAE

I, Craig H. Benson, PhD, PE, BCGE, BCEE, NAE, declare:

1. I have been engaged by Defendants' Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc. (collectively, "Chiquita Defendants") to provide expertise regarding the Chiquita Canyon Landfill (the "Landfill"), in support of Defendants' opposition to Plaintiffs' Motion for Preliminary Injunction in the above-captioned action. This Declaration sets forth my professional opinions regarding the Chiquita Canyon Landfill's ongoing Elevated Temperature Landfill ("ETLF") event. My opinions in this Declaration are based on industry standards and are stated to a reasonable degree of scientific and engineering certainty. If called as a witness, I could and would testify competently to the material facts and opinions herein.

2. This Declaration is based on my assessments to date, which were conducted over a limited time frame. With additional time, I could have and would have done additional analysis. My opinions could change with additional information and analysis. I reserve the right to update my opinions should additional information become available.

3. I hold the titles of Wisconsin Distinguished Professor Emeritus at the University of Wisconsin-Madison and Dean of Engineering Emeritus at the University of Virginia. I have a PhD in engineering with a focus on landfills and waste containment, and nearly 40 years of experience in engineering research and practice related to municipal solid waste ("MSW") landfills and solid waste containment systems as a Wisconsin Distinguished Professor Emeritus at the University of Wisconsin-Madison and as Dean of Engineering Emeritus at the University of Virginia. I am a board-certified environmental engineer by the American Academy of Environmental Engineering and Scientists ("AAEES") and board-certified geotechnical engineer by the Geo-Institute of the American Society

of Civil Engineers. I am an elected member of the US National Academy of Engineering ("NAE") and am past-Chair of NAE Section 4 on Civil and Environmental Engineering.

4. I have extensive experience working on landfills and waste containment systems for a diversity of waste streams at locations throughout the United States, Canada, South America, Europe, Africa, Japan, Australia, and New Zealand. This experience has provided me with a broad and detailed knowledge of operational and design issues for landfills and other waste containment systems.

5. I served as a co-Principal Investigator on an expert team of engineers charged by the Environmental Research and Education Foundation ("EREF") to develop an understanding of MSW landfills with elevated temperatures that persist over large areas, which are referred to as ETLFs. This expert team, referred to as the EREF ETLF team, was charged with understanding causative mechanisms for the persistent high temperatures at ETLFs, identifying strategies to prevent ETLFs, and recommending best management practices for ETLFs.

6. I have been engaged in evaluating many of the major ETLFs over the past two decades, including those at Countywide Landfill, Congress Landfill, Waimanalo Gulch Landfill, Bridgeton Landfill, Middle Point Landfill, and Bristol Landfill. I am currently engaged as the expert engineer for the Bristol Landfill in Bristol, Virginia, providing oversight, review, and recommendations associated with managing the Bristol ETLF. I am also engaged as an engineering expert evaluating conditions and practices at the Middle Point Landfill ETLF in Murfreesboro, Tennessee. I have published referred research papers regarding mechanisms contributing to heat accumulation in ETLFs, thermal properties of MSW affecting heat transfer in ETLFs, pyrolytic reactions in ETLFs, and temperature-dependent compression and settlement of MSW. Causative mechanisms and best management practices to address ETLFs was one of the

lecture themes for my 2024 Kappe Lecture series tour for the American Association of Environmental Engineers and Scientists.

7. My education, training, professional background, and expertise are summarized in my curriculum vitae, attached as **Exhibit A**.

8. I have been engaged as an expert by a broad range of private sector and public sector entities. My public sector engagements include the US Environmental Protection Agency, US Department of Energy, US Nuclear Regulatory Commission, US Department of Defense, Wisconsin Department of Natural Resources, Iowa Department of Natural Resources, Missouri Department of Natural Resources, Tennessee Department of Environmental Conversation, Michigan Department of Environmental Quality, Idaho Department of Environmental Quality, Utah Department of Environmental Quality, Texas Commission on Environmental Quality, Montana Department of Environmental Quality, Wyoming Department of Environmental Quality, and the Virginia Department of Environmental Quality. My private sector engagements include Republic Services Inc., Waste Management Inc., GFL Inc., Cleveland-Cliffs Inc., Bayer Corporation, Simplot Corporation, Morrow Energy, Evergy Inc., Energy Fuels Resources Inc., Alcoa, and the Electric Power Research Institute.

Background on Elevated Temperature Landfills

9. Landfills are highly engineered containment facilities for solid wastes that include engineered barriers and control systems for managing liquids and gases associated with the waste with the objective of protecting groundwater and air. Modern MSW landfills include engineered liners beneath the waste that retain leachate (contaminated water released from the waste) and engineered covers above the waste to control the ingress of precipitation and egress of gases.

Leachate collection and treatment systems are used to collect the leachate contained on the liner surface, followed by treatment to remove contaminants prior to discharge. Typically, leachate treatment occurs offsite. Gas collection and control systems ("GCCS") are used to collect gas emitted from the waste and to treat the gas so that it can be discharged to the atmosphere.

10. A portion of the organic fraction of MSW placed in a landfill undergoes microbial decomposition. This process produces landfill gas ("LFG"), which is comprised primarily of methane and carbon dioxide under typical conditions along with much smaller fractions of other constituents. Under normal conditions, LFG is collected and treated by the GCCS prior to discharge. In some cases, the treatment system may include combustion or conversion of the methane to produce renewable energy. The microbial decomposition process also produces heat, which results in the waste mass temperature being above ambient atmospheric temperatures. Under normal conditions, heat does not accumulate to a level at which the biological process is inhibited.

11. Water is present in waste due to the ingress of precipitation after disposal in the landfill and wetting that may have occurred prior to disposal. Water in contact with waste solids and gases is referred to as leachate. Leachate contains a variety of inorganic and organic constituents that have the potential to impact groundwater and other water resources, and therefore is collected for treatment. Leachate drains by gravity to the bottom of the landfill, where the liner redirects flow laterally to a sump. Leachate in the sump is removed by a pump. In some cases, when drainage within the waste is constrained, vertical extraction wells with pumps are installed in the waste to remove leachate. The wells generally are also used to collect LFG, and are referred to as dual-phase extraction wells, with the two phases being leachate and LFG.

12. The EREF ELTF research team defined ETLFs as MSW landfills with gas wellhead temperatures substantially in excess of 65 ºC (150 ºF) that persist over a large area for a sustained period of time. This definition has been broadly adopted by practitioners and environmental regulators throughout the United States. The elevated temperatures have a variety of impacts, including alterations in gas composition, higher rates of settlement, alterations in leachate chemistry, and generation of odors. ELTFs differ from MSW landfills with a limited number of wells operating under a higher operating value (HOV) exemption, which are landfill gas wells permitted to operate at a temperature in excess of 55 ºC (131 ºF). An informal survey I conducted indicated that approximately one-third of the MSW landfills in the United States have at least one gas well operating under an HOV exemption.

13. ETLFs are uncommon. The first ETLF occurred circa 2006. Since then, approximately ten to 15 ETLFs have been recognized. Some of these are described in a fact sheet issued by the US Environmental Protection Agency ("USEPA")[1].

14. ETLFs occur when exothermic, or heat-releasing, processes within the waste mass generate heat at a rate that is faster than the rate at which the heat can dissipate into the surrounding environment. Consequently, the heat accumulates in the waste, resulting in increasing temperatures. The heat spreads and waste temperatures increase until an equilibrium is reached between the rate of heat generation and the rate heat dissipation.

15. Exothermic reactions are the source of heat in ETLFs. These reactions are known at some ETLFs, such as the exothermic reactions associated with

[1] USEPA, When Does a Municipal Solid Waste Landfill Become an Elevated Temperature Landfill (ETLF)? (Jan. 2022), https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=CESER&dirEntryId=354569.

aluminum metal in aluminum processing wastes at the Countywide Landfill in Sparta, Ohio and the Middle Point Landfill in Murfreesboro, Tennessee. At other landfills, such as the Congress Landfill in Chicago, Illinois or and the Bristol Landfill in Bristol, Virgina, the exothermic reactions have not been identified conclusively. The exothermic reactions responsible for ETLFs are generally believed to be abiotic (non-biological in origin) with origins in hydration and carbonation of reactive surfaces in the waste (e.g., some coal combustion and incinerator ashes can have reactive surfaces) and potentially exothermic pyrolysis.

16. Very wet or saturated waste and high leachate levels are common in ETLFs, precluding combustion reactions (smoldering combustion, fire) as significant sources of heat. Consequently, the mechanisms causing ETLFs generally are different from landfill fires or smoldering combustion, which are more common near the landfill surface where oxygen is available. Combustion generates charred waste, combustion odors, and gas laden with particulate (smoke), each of which is not common at ETLFs. Strategies to address heat in ETLFs necessarily are very different from those used to manage combustion in MSW.

17. ETLFs typically have several common characteristics in addition to the elevated waste and landfill gas temperatures. These include (1) landfill gas composition that differs from that of gas released from conventional microbial decomposition processes in MSW; (2) elevated leachate generation rates; (3) elevated concentrations of inorganic and organic constituents and suspended solids in the leachate; and (4) higher rates of compression of the MSW.

18. The elevated temperatures in ETLFs suppress the methanogenic microbial community in MSW associated with decomposing the organic matter in MSW under typical MSW landfill conditions. Consequently, the LFG in ETLFs generally has lower methane content and higher carbon dioxide content compared

to LFG in a landfill operating under conventional conditions with methanogenic microbial decomposition.

19. LFG in ETLFs often contains reduced sulfide compounds that are highly odiferous, even at low concentrations. Consequently, LFG from ETLFs has a distinct pungent odor that is different from conventional LFG. Dimethyl sulfide (DMS) is one of the most common of these odiferous reduced sulfide compounds in LFG at ELTFs.

20. The elevated temperatures in an ETLF soften the solid components in MSW, reducing the stiffness of the solid matrix in MSW, resulting in increased magnitude and rate of settlement. The softening of the solid matrix also results in the release of moisture that is typically bound within the pores of the waste. This release of moisture is responsible for much of the higher leachate generation rates associated with ETLFs.

21. The elevated temperatures and the absence of oxygen in MSW in an ETLF may result in pyrolysis, which is defined as the thermal decomposition of organic matter in the absence of oxygen. The pyrolytic decomposition process results in the release of constituents from the solids to the leachate, a factor responsible for the elevated concentrations of organic constituents in leachate at ETLFs. These organic constituents often include acetone, benzene, toluene, and ketones. Pyrolysis in ETLFs generally is endothermic, meaning that the decomposition process consumes energy. However, pyrolysis can be exothermic (energy and heat releasing) under certain pressure and energy conditions. The role of exothermic pyrolysis in ETLFs is a topic of current research.

22. A crock pot is a useful analog to an ETLF. A crock pot is filled with organic solid matter (meats, vegetables, etc.), with the pore spaces between the solids filled with liquid (broth). When the crock pot is first filled, the solids are relatively firm and rigid, and the pore water between the solids is dilute. A lid is

placed on the upper surface, constraining the release of heat and moisture. Heat is applied to the contents in the pot. This heat for cooking softens the solid matter, which releases substances to the broth. The process also releases an aroma. After a period of sustained heat application, the solid matrix is soft and compressible, and the liquid phase is highly concentrated. These analogous processes occur in the MSW within an ETLF.

Chiquita has Followed Best Management and Control Practices for Elevated Temperature Landfills

23. Even with aggressive actions, dissipation of heat within an ETLF occurs slowly. Noticeable reductions in waste temperature often do not occur for several years after heat removal has been initiated. For example, experience at the Congress Landfill in Illinois has shown that a decade or more is required to dissipate the heat accumulated in an ETLF. Best management practices developed based on findings and recommendations from the EREF ETLF team along with industry experience recognize these limitations, and focus on practical outcomes that minimize impacts while removing heat.

24. Heat is released from an ETLF by thermal diffusion into the surroundings and by convection through the removal of LFG and leachate. Thermal diffusion into the surroundings is a slow heat transfer process controlled by thermal conductivity of the MSW and the surroundings. Convection is a more rapid heat removal process, where the heat contained within the MSW is physically extracted when leachate and gas are removed. The heat capacity of liquid is much greater than that of gas. Therefore, aggressive leachate removal is a best management practice and is regarded as the most effective and practical heat removal strategy in ETLFs.

25. ETLFs tend to be very wet or saturated, with high leachate levels. Vertical dual-phase extraction wells are often installed in ETLFs to concurrently remove leachate and gas from the waste mass. These wells remove heat that has accumulated in the waste, and also drain liquid-filled pore spaces. Drainage of the pores enhances the gas permeability of the MSW, resulting in more effective removal of gas and management of odors. Thus, best management practices for ETLFs include deployment of a dense network of dual-phase gas collection wells that remove both leachate and gas. The aggressive gas removal via these wells also reduces impacts by reducing odiferous emissions provided that there is an effective gas treatment system.

26. Other best management practices that address emissions include application of interim cover to control surface emissions and installation of seals around gas well penetrations. Interim cover using a geomembrane has been found to be very effective, including but not limited to EVOH geomembranes that have very low gaseous diffusion coefficient. Perimeter misting systems can also be applied to treat odiferous gases that could not be captured for treatment, and odor and gas surveillance systems can be installed to detect odors and monitor the concentrations of constituents released into the atmosphere.

27. State regulators have mandated that Chiquita Canyon Landfill implement numerous mitigation measures including installing cover to contain surface emissions and additional dual-phase extraction wells. These actions have been undertaken, as described subsequently.

28. As detailed in the Declaration of Steve Cassulo, Chiquita Canyon Landfill has implemented these best management practices. Since 2023, 292 additional vertical gas wells have been placed that have the capacity for dual-phase extraction, and 170 leachate pumps have been installed in the vertical extraction wells. Cassulo Decl. ¶¶ 16, 34. More pumps are planned for deployment. *Id.* ¶ 34.

Geomembrane has been installed over approximately 46 acres, with an additional geomembrane installation scheduled. *Id.* ¶ 21. A perimeter misting system has been deployed to address odoriferous emissions, odor monitoring is being conducted routinely, drone surveillance has been deployed to monitor for surface emissions, and air monitoring stations have been installed on-site and within the community. *Id.* ¶¶ 48, 51. The monitoring stations include on-location gas chromatography to provide real-time assessment of volatile organic compounds in the atmosphere. *Id.* ¶ 50. Chiquita Canyon Landfill has also installed two thermal oxidizers and one additional flare to treat the gas being extracted. *Id.* ¶¶ 19, 20.

By Following Established Guidance, Chiquita is Succeeding in Mitigating the ETLF's Effects

29. The Declarations of Steve Cassulo and Patrick Sullivan, who is an air quality and LFG systems specialist and Senior Vice President with SCS Engineers, Inc., demonstrate that these practices have had significant impact. Gas extraction at Chiquita Canyon Landfill has nearly doubled since 2023, leachate extraction has increased considerably, with more than 7 million gallons extracted in April 2025 alone, surface exceedances measured by drone have been reduced, sulfide concentrations in the atmosphere have declined steadily, and odor surveillance has shown that the frequency of objectionable odor (defined as an odor index >3+) present in the Landfill surroundings has dropped substantially. *See* Cassulo Decl. ¶ 39; Sullivan Decl. ¶¶ 20, 32, 40 and exhibits.

30. Frequency of odor complaints, while subjective, can be an indicator of the effectiveness of best management practices at ETLFs. The monthly complaint record for 2023, 2024, and 2025 is included in the Sullivan Declaration (Ex. 20)

and shows that odor complaints declined by more than a factor of three since the best management practices were implemented.

31. Data collected from the temperature monitoring probes ("TMPs") also indicate that the best management practices are maintaining stable conditions within the landfill. I have reviewed the temperature profiles from the TMPs, and they indicate that temperatures have changed little on a year-on-year basis. Three TMPs have shown larger increases in temperature year-on-year (TMP-8, TMP-11, and TMP-13), but even in these TMPs, the temperatures remain modest and considerably lower than observed at many other ETLFs.

Todd Thalhamer's Report and the County Declarants' Conclusions are Scientifically Unsound and Deviate from Best Practices

32. Mr. Thalhamer has provided an assessment of the Chiquita Canyon Landfill ETLF in a letter to Ms. Karen Gork of the Los Angeles County Department of Public Health dated 28 March 2025. He refers to the condition at Chiquita Canyon Landfill as a subsurface elevated temperature ("SET") event. The SET nomenclature is used by Mr. Thalhamer and one of his collaborators to describe ETLFs, but is not a broadly accepted term in industry, regulatory, or academic environments.

33. Mr. Thalhamer correctly recognizes that a portion of Chiquita Canyon Landfill is an ETLF, with persistent elevated temperatures monitored within the waste and at gas well heads, gas composition consistent with ETLF conditions, and accelerated waste settlements due to elevated temperatures. This recognition is consistent with my review of the data and site conditions.

34. My review of Mr. Thalhammer's report indicates that he has not identified the mechanisms responsible for the elevated temperatures using the

accepted scientific method, which includes hypothesis formulation and evaluation using data and other factors. In the short period in which I have been engaged in this assessment, I have not had the opportunity to evaluate and identify the mechanisms responsible for elevated temperatures. ETLFs are very complex, and understanding the causative mechanisms requires detailed study over a considerable period. Even with a high level of effort, the causative mechanisms frequently are not identified. To my knowledge, no one has drawn firm and defensible conclusions regarding causation of the ETLF at Chiquita Canyon Landfill.

35. Mr. Thalhammer has inferred that separate areas of heat generation are evolving within the ETLF in response to gas collection system operations. I found no scientific basis for these inferences based on the information contained in his report.

36. Mr. Thalhamer has concluded that the "reaction area is expanding" and that the "containment strategy has failed." I found no convincing scientific evidence in his report to support this conclusion. My own review of the thermal data that has been collected to date, albeit over the relatively short period in which I have been engaged in this assessment, suggests that the subsurface temperatures that are elevated are stable.

37. I found no evidence that the area comprising the ETLF is expanding or that a process is underway that would accelerate expansion. A local equilibrium appears to exist that precludes expansion of the area comprising the ETLF.

38. Mr. Thalhamer has concluded that a "soil barrier" must be installed to provide a "thermal block" to prevent expansion of the ETLF. No rational basis for this recommendation is provided and no engineering analysis or design is used to illustrate how this barrier will provide a "thermal block." My own assessment, albeit in the limited period for which I have had to study the issue, suggest that

using a soil barrier as a "thermal block" is illogical, inconsistent with thermodynamic principles, and potentially could exacerbate subsurface conditions, emissions, and impacts on the surrounding community. Installation of the soil barrier based on the current logic would be contrary to best management practices from my assessment.

39. The facts show that subsurface temperatures have remained relatively stable, airborne emissions have diminished, and complaints have dropped considerably in response to implementation of best management practices at Chiquita Canyon Landfill. These facts suggest that the best management practices have been effective, the ETLF is stable, and impacts on the surrounding community have been reduced. The logical inference from these facts is that the best management practices should continue to be implemented unless new information to the contrary becomes available.

Conclusion

40. Chiquita Canyon Landfill is applying the best management and control practices to address the ETLF consistent with site-specific conditions. These practices have been highly successful at other ETLFs and are expected to be successful at Chiquita Canyon Landfill.

41. The data suggest that the thermal conditions are stable, and that emissions at Chiquita Canyon Landfill are being managed effectively. The best management practices that are being applied are effective.

42. Experience from other ETLFs suggests that application of these best management practices at Chiquita Canyon Landfill will continue to be successful in controlling the impacts, and that the ETLF conditions will diminish over time provided these best management practices are continued.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 12th day of June 2025 in the Town of Middleton, Wisconsin.

Craig H. Benson, PhD, PE, BCGE, BCEE, NAE

Exhibit 1

CRAIG H. BENSON, PHD, PE, BCGE, BCEE, NAE

Wisconsin Distinguished Professor Emeritus, University of Wisconsin-Madison
Dean of Engineering Emeritus, University of Virginia

3299 Saracen Way, Verona, Wisconsin, 53593 USA
Phone: +1 (608) 444-0007
Email: chbenson@chbenson.org

EDUCATION

BSCE, Lehigh University - 1985
MSE, University of Texas at Austin – 1987 (Civil Engineering, Geotechnical/Geoenvironmental)
PhD, University of Texas at Austin – 1989 (Civil Engineering, Geotechnical/Geoenvironmental)

REGISTRATION AND APPOINTMENTS

US National Academy of Engineering, Inducted 2012
US National Academy of Inventors, Inducted 2018
American Association for Advancement of Science, Fellow, Inducted 2019
Professional Engineer, State of Wisconsin, License No. 34108-006
Board Certified Environmental Engineer, American Society of Environ. Engrs. & Scientists
Board Certified Geotechnical Engineer, Geo-Institute of the American Society of Civil Engineers

ACADEMIC LEADERSHIP APPOINTMENTS

Dean, School of Engineering, University of Virginia, Charlottesville, Virginia, July 2015 – June 2021 (Reappointed June 2020, Retired July 2021, Emeritus December 2022).
Director of Sustainability Research and Education and Co-Director of the Office of Sustainability, University of Wisconsin, Madison, Wisconsin, 2011-2015.
Chair, Civil & Environmental Engineering, University of Wisconsin, Madison, Wisconsin, 2011-2015.
Chair, Geological Engineering, University of Wisconsin, Madison, Wisconsin, 2007-2015.
Chair, Civil & Environmental Engineering, University of Washington, Seattle, WA, 2008-August 2009.
Director, Recycled Materials Resource Center, University of Wisconsin, Madison, Wisconsin, 2007-2011. ⓘ
Director, Wisconsin Geotechnics Laboratory, University of Wisconsin, Madison, Wisconsin, 2000-2015.
Management Board, Consortium for Risk Evaluation and Stakeholder Participation, US Department of Energy, 2009-present. ⓘ
Associate Chair for Environmental Science and Engineering, Dept. of Civil & Environmental Engineering, University of Wisconsin, Madison, Wisconsin, 2004-2007.
Co-Director, Consortium for Fly Ash Use in Geotechnical Engineering, University of Wisconsin-Madison, Co-Director, 1999-2007.

PROFESSIONAL AND COMMUNITY LEADERSHIP APPOINTMENTS

Roundtable Linking Defense Basic Research to Leading Academia Research and Engineering Communities, National Academy of Engineering and US Department of Defense, 2019-2021.
Board of Trustees, Lehigh University, Bethlehem, Pennsylvania, 2018-2021.
Engineering Advisory Board, Lehigh University, Bethlehem, Pennsylvania, 2018-2020.
Sustainability Advisory Panel, ExxonMobil Corporation, Irving, Texas, 2017-2023 (disbanded).
National Academy of Engineering, Washington, DC.
- Committee on Awards (2019-2022, Vice Chair 2020–2021, Chair 2021-2022)
- Section 4, Chair (2021 – 2023), Vice Chair (2019 – 2021), Secretary (2016 – 2018), Nomination Committee (Chair, 2016 – 2018)
- Committee on Grand Challenges and Opportunities in Environmental Engineering and Science for the 21st Century (2017-1018).

Board of Directors, Commonwealth Center for Advanced Manufacturing, Disputanta, Virginia, 2015-2021, Chair (2018-2021), Vice Chair (2016–2018), Executive Committee (2015–2021), Compensation Committee (2018-2021), Governance Committee (Chair, 2016–2018; Vice Chair, 2018-2021).
Advisory Board, Global Waste Research Institute, California Polytechnic Institute at San Louis Obispo, 2010-present.
Board of Directors, Sustain Dane, Madison, Wisconsin, 2014-2015.
Geo Institute of ASCE, Board of Governors, Board Member 2007-2014, Treasurer 2010-11, Vice President 2011-12, President, 2012-13.
Editor-in-Chief, *Journal of Geotechnical and Geoenvironmental Engineering*, 2004-06.
Executive Committee, Committee D18 on Soil & Rock, ASTM International, 2006-2013, Liaison to Geo Institute Board of Governors, 2007-2011, Vice Chair, 2011-2013.
Glacier's End Homeowners Association, Town of Middleton, WI, President, 2012-2015, Vice President, 2010 – 2012, 2020-present.
Independent Technical Review Committee for On-Site Disposal Facilities, US Department of Energy, Appointed by Asst. Secretary J. Rispoli, Chair 2007-2010 (disbanded).
Park Commission, Town of Middleton, Wisconsin, Commissioner, 2010-12.
Research Council, Environmental Research and Education Foundation, 2011-present, Vice Chair 2016-2017, Chair 2017-2018.

INDUSTRY EXPERIENCE

Dr. Benson has been extensively engaged by the environmental, energy, mining, and manufacturing industries over the last 30+ years. His recent roles include specialty engineering consultant, strategy advisor, leadership advisor, expert witness in litigation support, and corporate board director/chair. Dr. Benson's industry experience spans six continents and more than 100 companies. More information on Dr. Benson's industry experience can be provided on request.

FACULTY APPOINTMENTS

Hamilton Endowed Chair in Engineering, University of Virginia, 2015-2022 (Emeritus Dec. 2022).
Honorary Professor, Southwest Jiaotong University, Chengdu, China, 2017.
Adjunct Professor, School of Civil, Environmental, and Mining Engineering, University of Western Australia, Crawley, WA, Australia, July 2015.

Wisconsin Distinguished Professor, University of Wisconsin, Madison, Wisconsin, 2007, Geological Engineering, Civil & Environ Engineering (Emeritus May 2021).
Affiliate Professor, Nelson Institute for Environmental Studies, University of Wisconsin, Madison, Wisconsin, 2010-2015.
A.H. Fuller Professor, University of Washington, Seattle, WA, 2008- 2009.
Professor, University of Wisconsin, Madison, Wisconsin, 2000-2007 (joint appointment in Geological Engineering, Civil & Environmental Engineering).
Associate Professor, University of Wisconsin, Madison, Wisconsin, 1995-2000 (joint appointment in Geological Engineering, Civil & Environmental Engineering).
Assistant Professor, University of Wisconsin, Madison, Wisconsin, 1990-1995 (joint appointment in Geological Engineering, Civil & Environmental Engineering).

HONORS AND AWARDS

Professional

L. David Suits Award, Committee D35 on Geosynthetics, ASTM International, 2024
Kappe Lecturer, American Academy of Environmental Engineers and Scientists, 2024 ⓘ
Karl Terzaghi Award, Geo-Institute of the American Society of Civil Engineers, 2021
A. Ivan Johnson Outstanding Achievement Award, ASTM International, 2015
Fellow, ASTM International, 2011
Fellow, American Society of Civil Engineers, 2009
Fellow, Sigma Xi, Scientific Research Honor Society, 2017
Academy of Distinguished Alumni, University of Texas at Austin, 2009 ⓘ
Diplomate, Geotechnical Engineering, Academy of Geo-Professionals, 2009 ⓘ

Research

Lymon C. Reese Distinguished Lecturer, University of Texas at Austin, 2023
Best Paper Award, *Geotextiles and Geomembranes J.*, 2019
Best Paper Award, *Geosynthetics International J.*, 2019
Superior Paper Award, Waste Management Symposium, 2019, 2021, 2024
Spencer J. Buchanan Lecturer, Texas A&M University, 2014
Best Paper Award, Waste Management Symposium, 2014
G. Leonards Lecturer, Purdue University, 2013
Best Paper Honorable Mention (2nd Place), *Geosynthetics International*, 2013.
Ralph B. Peck Award, American Society of Civil Engineers, 2012
Outstanding Article on the Practice of Geotechnical Testing, ASTM International, 2011, 2013
Croes Medal, American Society of Civil Engineers, 1998 and 2008
Alfred P. Noble Prize, American Society of Civil Engineers, 2008
IJOG Excellent Paper Award, Intl. Assoc. Computer Methods & Advances in Geomechanics, 2008
Second Paper Award, Global Waste Management Symposium, 2008
Kellet Mid-Career Research Award, University of Wisconsin, 2005
Walter L. Huber Civil Engineering Research Award, ASCE, 2000
Casagrande Award, American Society of Civil Engineers, 1995
Middlebrooks Award, American Society of Civil Engineers, 1995, 2013
Collingwood Prize, American Society of Civil Engineers, 1994
Distinguished Young Faculty Award, U.S. Department of Energy, 1991
Presidential Young Investigator, National Science Foundation, 1991

Teaching
Polygon Outstanding Instructor Award, College of Engr., Univ. of Wisconsin, 1991, 93, 97
Outstanding Professor Award, ASCE Wisconsin Student Chapter, 1992
Top 100 Educators Award, Wisconsin Students Association, Univ. of Wisconsin, 1991

Professional Service
Honor Medal, Eurasian National University and Kazakhstan Geotechnical Society, 2013
Order of the Engineer, Geo Institute, 2011
Award of Merit, ASTM International, 2011
Richard S. Ladd Standards Development Award, Committee D18, ASTM International, 2002, 03, 04, 06, 08, 11
Special Service Award, Committee D18, ASTM International, 2007

Academics
Ford Foundation Fellowship, Univ. of Texas at Austin, 1989
John A. Focht Endowed Presidential Scholarship in Civil Engr., Univ. of Texas at Austin, 1988
Dawson Endowed Presidential Scholarship in Civil Engr., Univ. of Texas at Austin, 1986
Engineering Foundation Fellowship, University of Texas at Austin, 1985
John B. Carson Prize in Civil Engineering, Lehigh University, 1985
Phi Beta Kappa, Chi Epsilon, and Tau Beta Pi

CONGRESSIONAL TESTIMONY & DISCUSSION

Invited Testimony on Proposed USEPA Regulations Related to Coal Combustion Products; House Small Business Committee, Congressman H. Shuler, Chair (D-NC), 22 July 2010.
Invited Discussion on Environmental Regulation and Sustainable Materials Management; Senators for Environmental Policy and Sustainability, 29-30 May 2012.

LEADERSHIP DEVELOPMENT

Academic Leadership Program, Committee on Institutional Cooperation, Big10 Academic Alliance, 2010 – 2011.
Manager's Boot Camp, Center for Executive Education, Haas School of Business, University of California-Berkeley
Negotiations and Influence, Center for Executive Education, Haas School of Business, University of California-Berkeley
Philanthropy Fundamentals: Developing and Stewarding Donors, UW Foundation

UNIVERSITY SERVICE

Academic Council, UW Dept. of Civil and Environmental Engineering (1994-99, Chair 1997-99)
Academic Planning Council, UW Nelson Institute for Environmental Studies (2012-2016)
Ad Hoc Committee on Fossil Fuel Use and Climate Change, UW (2013-2014)
Admissions Chair, UW Geotechnical Engineering Program (1990-2006)
Becker Award Committee, UW Civil and Environmental Engineering (Chair 2002-04)
Bicentennial Commission, Future of Public Education Committee, UVA (2017-2022)
Bollinger Academic Staff Award Committee, UW (2010-11, Chair)
Byron Bird Award Committee, UW College of Engineering (1995)
Chancellor's Campus Budget Model Committee, UW (2013-2014)

Civil and Environmental Engineering Strategic Hiring Committee, UW (2010-12, Chair 2010)
Civil and Environmental Engineering Merit Committee, UW (1998, 2002, 2004-2006, Chair 2002)
Classroom Space Utilization Committee, Co-Chair, UW (2014)
Climate Change Solutions Committee, UW (2013-2015, Chair)
College of Engineering Search Committee for Executive Associate Dean, UW (Chair, 2014)
College of Engineering Leadership Council, UW (2013-2015)
College of Engineering Promotion and Tenure Committee, UW (2014-2015)
College of Engineering Search Committee for Associate Dean for Advancement, UW (2013)
College of Engineering Search Committee for Assistant Dean for Facilities, UW (2013)
College of Engineering Academic Planning and Curriculum Committee, UW (1996-99)
College of Engineering Curriculum Committee, UW (1997-99, 2002-04)
College of Engineering Diversity Committee, UW (2002-04)
Conflict of Interest Oversight Committee, University of Wisconsin (2000-02)
Governance Committee, UW Nelson Institute for Environmental Studies (2012-present).
Graduate Committee, UW Geological Engineering (1999-2006, Chair 1999-2001, 2003-2006)
Master Planning Committee, Deans' Council Representative, University of Virginia (2018-19)
Scholarship Committee, UW Dept. of Civil and Environmental Engineering (1998-2002)
Search Committee for Vice President for Research, UVA (2015-2017)
Search Committee for Assoc. Vice Chancellor for Facilities Planning & Mgmt., UW (Chair, 2012)
Search Committees for UW Geological Engineering (Chair, 1997-98, 2003-04)
Tau Beta Pi, Virginia Alpha Chapter, Advisor, 2019 – 2022.
Undergraduate Committee, UW Geological Engineering (Chair, 2002-2008)
University of Wisconsin Information Technology Committee (2010-12)
University of Wisconsin Honors Committee (2010-2011)

PROFESSIONAL SERVICE & AFFILIATIONS

National Academy of Engineering, 2012- present.
Science Advisory Board, Environmental Engineering Committee, US Environmental Protection Agency, 2015-2018 (committee disbanded).
Steering Committee, Performance and Risk Assessment Community of Practice, US Department of Energy, 2013-2022, co-Chair 2024-present.
Research Council, Environmental Research and Education Foundation, 2013-present, Vice Chair 2015-2016, Chair, 2017-2018.
External Advisory Board, School of Engineering, University of Connecticut (2019)
American Association for the Advancement of Science
Colorado School of Mines
  External Advisory Board, College of Earth Resource Sciences and Engineering (2016)
  External Advisory Board, Dept. of Geology and Geological Engineering (2015, 2018)
  External Advisory Board, College of Engineering (2012)
External Advisory Board, Department of Civil and Environmental Engineering, Vanderbilt University (2015-2022)
External Advisory Board, Engineering School of Sustainable Infrastructure & Environment, University of Florida (2011)
ASTM International
  D18 Executive Committee (2006-13, Vice Chair 2011-13)
  D18.04 - Hydrologic Properties of Soil & Rock (1991-present, Chair 1996-2006)
  D18.14 – Sustainable Geotechnical Construction (founding member, 2008-present)

D18.19 - Frozen Soil & Rock (1992-present)
Geo-Institute of the American Society of Civil Engineers (Fellow ASCE)
Board of Governors (Treasurer 2010-11, V. President, 2011-12, President 2012-13)
Org. Committee, Geo-Chicago 2016: Sustainability, Energy, & Geoenviron. Conf. (2014-16)
Awards Committee (Chair, 1999-01, Member 2023-current)
Editor-in-Chief, *JGGE*, 2004-06, Editor *JGGE*, 1996-99, Ombudsman *JGGE*, 2023-present.
Geoenvironmental Engineering Committee (1990-present, chair 1996-99)
Geo-Strata Magazine Task Force (1997-99)
Technical Publications Committee (1993-99, 2004-2006, BoG Liaison 2010-2013)
TPC Subcommittee on Policies for Specialty Conferences (1997-99)
American Geophysical Union
British Geotechnical Association
Canadian Geotechnical Society
International Geosynthetics Society
National Ground Water Association
North American Geosynthetics Society
Soil Science Society of America

PATENTS

Apparatus and Method for Testing the Hydraulic Conductivity of Geologic Materials, United States Patent No. 6,178,808.
Pressure Plate Extractor, United States Patent No. 6,718,835.
Bentonite Collars for Wellbore Casings, United States Patent No. 9,080,419.

LIVE INTERVIEWS, KEYNOTE AND SPECIAL LECTURES

Performance of Final Covers for Waste Containment Systems: Lessons Learned From the Field, Kappe Lecture, American Academy of Environmental Engineers and Scientists, Drexel University, 2 April 2025.
Elevated Temperature Landfills (ETLFs): Causation, Impacts, and Best Management Practices Learned from the Field, Kappe Lecture, University of Miami, 28 March 2025.
Does Harvesting Coal Ash for Use as Cementitious Material Promote Sustainability? Kappe Lecture, University of Nebraska-Lincoln, 20 February 2025.
Does Harvesting Coal Ash for Use as Cementitious Material Promote Sustainability? Kappe Lecture, Missouri University of Science and Technology, 12 February 2025.
Elevated Temperature Landfills (ETLFs): Causation, Impacts, and Best Management Practices Learned from the Field, Kappe Lecture, St. Louis University, 11 February 2025.
Elevated Temperature Landfills (ETLFs): Causation, Impacts, and Best Management Practices Learned from the Field, College of Engineering and Computer Science (CECE) Distinguished Lecturer Series, University of Central Florida, 5 December 2024.
Performance of Final Covers for Waste Containment Systems: Lessons Learned From the Field, Kappe Lecture, American Academy of Environmental Engineers and Scientists, University of New Mexico, 13 November 2024.
Does Harvesting Coal Ash for Use as Cementitious Material Promote Sustainability? George Mason Univ., Dept. of Civil Engineering Distinguished Speaker Lecture Series, 24 October 2024. ☁

Elevated Temperature Landfills (ETLFs): Causation, Impacts, and Best Management Practices Learned from the Field, Kappe Lecture, American Academy of Environmental Engineers and Scientists. LA County Sanitation District, 25 June 2024, ; Clemson University, 10 October 2024, .

Performance of Waste Containment Systems for Long-Lived Waste Forms: Lessons Learned From the Field, Lymon C. Reese Distinguished Lecture, University of Texas at Austin, Austin, Texas, 14 April 2023.

Lessons Learned for the Practicing Engineer: How and When Geosynthetic Clay Liners are Effective for Containment, Keynote Lecture, GeoANZ 1 Advances in Geosynthetics, Brisbane, Queensland, Australia, 9 June 2022.

In-Service Condition of Radon Barriers over Uranium Mill Tailings Disposal Facilities in the United States, Craig H. Benson, National Council on Radiation Protection and Measurements 2022, Bethesda, Maryland, USA, 29 March 2022

Stress-Induced Porewater Pressures in the Vadose Zone Beneath a Composite-Lined Landfill, 3rd International Symposium on Coupled Phenomena in Environmental, Kyoto, Japan, October 2021.

Tackling Geoenvironmental Problems in the Unsaturated Zone: Principles and Practice, Keynote Lecture, 12th Asian Regional Conference of the International Association of Engineering Geologists, Jeju Island, Korea, September 2019.

Factors Affecting the Long-term Hydraulic Conductivity of Geosynthetic Clay Liners used in Liners, Workshop on Advances In Characterization of Hydraulic Barrier Performance of GCLs, ASTM International, Denver, Colorado, June 2019.

Using Life Cycle Analysis to Evaluate Options to Promote Infrastructure Sustainability, Sustainability in Urban Planning and Infrastructure, Celfi Sustentabilidida Y Desarrollo, Universidad Nacional de Córdoba, Córdoba, Argentina, May 2019.

Sustainability in Geoengineering: A New Paradigm for Engineering with Earthen Materials, 8th International Congress on Environmental Geotechnics, Hangzhou China, November 2018.

Water Balance Covers for Waste Containment: Engineering with Unsaturated Soils from Theory to Practice, Dr. Arthur T. Corey Distinguished Lecture Series, Colorado State University, Fort Collins, Colorado, October 2018.

Sustainability: Compelling Value Proposition for Engineers, Southwest Jiaotong University, Chengdu, China, November 2017.

Principles of Unsaturated Soil Behavior to Design Water Balance Covers for Waste Containment, Pan-Am UNSAT 2017, Dallas, Texas, November 2017.

Infusing Sustainability into Geotechnics: Opportunity for a New Value Proposition, Geo-Chicago 2016 - Sustainability, Energy, & the Geoenvironment, ASCE Geo-Institute, Chicago, August 2016.

Earthen & Geosynthetic Covers for Mine Waste Containment – Lessons Learned from Case Histories, Symposium on Caps and Covers for Mine Waste, Society for Mining Engineers, Pocatello, Idaho, April 2016.

Civil & Environmental Engineering: Creating a Compelling Value Proposition for the Future, Lehigh University, 150th Anniversary Reunion, April 2016.

Engineering Bentonite-Polymer Composite Materials for Extreme Environmental Applications, T.H. Wu Distinguished Lecture, Ohio State University, March 2016.

Are We Designing for Sustainability? Using Life Cycle Analysis to Assess Sustainability Accomplishment, Higley Endowed Lecture, Case Western Reserve University, April 2015.

Next Generation GCLs with Polymer-Bentonites for Extreme Environmental Applications, Keynote Lecture, Global Waste Research Institute, San Luis Obispo, CA, February 2015.

Landfill Covers: Water Balance, Unsaturated Soils, and the Pathway from Theory to Practice, Spencer J. Buchanan Lecture, Texas A&M University, November 2014.

Polymer-Modified Bentonites for Extreme Environmental Applications, Keynote Lecture, 7th Intl. Conference on Environmental Geotechnics, Melbourne, Australia, November 2014.

Strategies for Long-Term Monitoring and Stewardship, Best Practices for Risk-Informed Remedy Selection, Closure, and Post-Closure Control of Contaminated Sites, National Academy of Sciences, Washington, DC, January 2014.

Sustainable Closure of Waste Containment Systems Using Water Balance Covers: Lessons Learned from a Nationwide Field Experiment, Distinguished Lecture Series, University of Texas at Austin, November 2013.

Organoclays: Barrier Media for Managing Groundwater Flow and Transport At NAPL-Sites, University of Michigan, November 2013.

Solid Waste in the USA: Moving from Disposal to Sustainable Materials and Energy Management, University of California, Los Angeles, November 2013.

Organoclays: Novel Barrier Media for Managing Groundwater Flow and Transport at NAPL-Contaminated Sites, 11th G. A. Leonards Lecture, Purdue Geotechnical Society, April 2013.

Sustainability -- Opportunity for Innovation in the Solid Waste Industry, Engineering Society of Detroit, Keynote, April 2013.

Earthen and Geosynthetic Final Covers for Mine Waste Containment, Geosynthetics in Mining, Pocatello, ID, February 2013.

The Solid Waste Industry as a Sustainability Industry: Moving from Disposal to Materials and Energy Management, Keynote Lecture, Global Waste Management Symposium, Phoenix, AZ, October 2012.

Geosynthetic Clay Liners (GCLs): Lessons Learned from Full-Scale Applications, 2012 Ralph M. Peck Lecture, ASCE Geo Institute, Oakland, CA, March 2012.

Designing Water Balance Covers for Sustainable Waste Containment: Transitioning State-of-the-Art to State-of-the-Practice, *GeoCongress 2012*, ASCE Geo Institute, Oakland, CA, March 2012.

Unsaturated Geotechnics: Transitioning from State-of-the-Art to State-of-the Practice, 5th Asia-Pacific Conference on Unsaturated Soils, Bangkok, Thailand, February 2012.

Recycled Materials, Infrastructure, and Sustainability, Waste Management Association of Australia National Conference 2011, Adelaide, S. Australia, August 2011.

Novel Developments in Geosynthetic Clay Liner Technology, Innovations in Geosynthetic Materials Used in Environment and Infrastructure Symposium, Ministry of Environment and Ministry of Interior, Almaty, Republic of Kazakhstan, February 2011.

Role of Recycled Materials in Sustainable Infrastructure, Weston Roundtable Lecture, Nelson Institute for Environmental Studies, University of Wisconsin-Madison, January 2011.

Sustainable Bioreactor Landfills: North American State-of-the-Practice and State-of-the-Art in North America, Keynote Lecture, Sixth Asian Pacific International Landfill Symposium, Seoul, Korea, October 2010.

Physical and Chemical Processes Altering Geosynthetic Clay Liners In Situ, Distinguished Lecture Series, Department of Geology, Korea University, Seoul, Korea, October 2010.

Hydraulic & Chemical Properties of Geosynthetic Clay Liners Exhumed from Landfill Final Covers: Lessons Learned from a Decade of Research, Keynote Lecture, 3rd International Symposium on Geosynthetic Clay Liners, International Geosynthetics Society and SKZ – ConSem GmbH, Wurzburg, Germany, September 2010.

Evaluating our Predictive Capabilities in Geoenvironmental Engineering, Distinguished Lecture Series, Dept. of Civil and Materials Engineering, University of Illinois-Chicago, April 2010.

Prediction in Geoenvironmental Engineering: How Good are our Models?, Keynote Lecture, GeoFlorida 2010, Advances in Analysis, Design, and Modeling, ASCE Geo Institute, West Palm Beach, FL, February 2010.

Final Covers for Waste Containment: Lessons Learned from a Nationwide Field Experiment, Sowers State-of-the-Art Lecture, 12th Annual George F. Sowers Symposium, Georgia Institute of Technology, Atlanta, Georgia, May 2009.

Chemical Alterations and Their Impact on the Hydrologic Properties of Bentonite, Monash University, Melbourne, Victoria, Australia, December 2008.

Hydrology and Settlement in Bioreactor Landfills, Cutting Edge Technological Advances in Design and Operation, Reducing Leachate Quantity, Spatial Needs, and Costs, and Accelerating Landfill Gas Recovery Rates, World Bank, Washington, DC, November 2007.

Modeling Unsaturated Flow and Atmospheric Interactions, Keynote Speaker, Second International Conference on Mechanics of Unsaturated Soils, Weimar, Germany, March 2007.

Geosynthetic Clay Liners for Waste Containment: Panacea or Future Problem?, Geosynthetic Research Institute, Drexel University, Philadelphia, November 2005.

Effects of Heterogeneity on Mineral Fouling of Permeable Reactive Barriers, 2nd International Conference on Reactive Barriers, Belfast, Northern Ireland, March 2004.

Lessons Learned from North American Failures, Keynote Lecture, Fifth International Conference on Environmental Geotechnics, ISSMGE, Rio de Janeiro, Brazil, August 2002.

Waste Containment Systems: Strategies and Performance, Keynote Lecture, GeoEnvironment 2002, Australian-New Zealand Geomechanics Society, Newcastle, NSW, Australia, Nov. 2001

Engineered Barriers, Keynote Lecture, National Academy of Sciences, Washington, DC, July 2001.

Solid Waste Containment Systems, Keynote Lecture (with M. Manassero), GeoEng2000, Melbourne, Australia, November 2000.

Liners and Covers for Waste Containment, Keynote Speaker, Fourth Kansai International Geotechnical Forum, Creation of a New Geo-Environment, Japanese Geotechnical Society, Kyoto, Japan, June 2000

Environmental Geotechnics in the New Millennium, Keynote Speaker, Geotechnics for Developing Africa, African Geotechnical Society, Durban, South Africa, March 1999.

Final Covers for Waste Containment Systems: A North American Perspective, Keynote Speaker, XVII Conference of Geotechnics of Torino, Control and Management of Subsoil Pollutants, Italian Geotechnical Society, Torino, Italy, January 1999.

WEBINARS, SHORTCOURSES, AND VIDEO CLIPS

Black Goo: What is This Stuff and What Can We Do About It?, Engineering Science and Wastewater Technology Program, Waste Management Inc., 15 May 2025.

Black Goo: What is This Stuff and What Can We Do About It?, Kappe Lecture Webinar, American Academy of Environmental Engineers and Scientists, 20 March 2025.

Principles of Soil Physics and Vadose Zone Hydrology Applied to Practice, Electric Power Research Institute, 2024. *1 – What is the Vadose Zone?*; *2 – Quantifying Water Movement in the Vadose Zone*; *3 – Simulating Variably Saturated Flow for Practical Problems*; *4 – Measuring Hydraulic Properties in the Laboratory*; *5 – Measuring Hydraulic Properties in the Field*

Landfill Design for Coal Combustion Products, Electric Power Research Institute, 2024. *0–Introduction and course content*; *1–Basics of CCP Landfills: Foundational Principles and Concepts*; *2–Geosynthetics in CCP Landfill Design*; *3A–Principles of Compacted Soil Liners*; *3B–Construction Considerations for Compacted Clay Liners*; *4–Geosynthetic Clay Liners*; *5–*

Leachate Collection Systems; *6–Final Covers for Waste Containment Facilities*; *7–Performance Based Design: Making the Case for Alternative Liners*; *8–Slope Stability for Landfills*.

Water Balance Covers: Principles, Performance Prediction, and Performance, Iowa Dept. of Natural Resources, 16 July 2024. Entire course; Purpose and Scope; Introduction to Water Balance Covers; Water Balance Cover Modeling; Monitoring and Case Histories.

Black Goo II - Understanding and Treating Black Goo in Landfills, SCS Learning Center, 23 April 2023.

Science Session - Black Goo: The Unseen Challenge in Modern Waste Management, Environmental Research and Education Foundation, 16 August 2023.

Identifying and Managing Elevated Temperature Landfills, SCS Learning Center, 27 July 2023.

Bentonite-Polymer Composite Geosynthetic Clay Liners for Heap Leach Liners, 5th International Conference on Heap Leach Mining Solutions 2022, Sparks, Nevada, 17 October 2022. [starts at 36:34].

Lessons-Learned in the Design and Construction of Capping Systems Used in the Closure of Near Surface Disposal Facilities, International Atomic Energy Agency's International Low Level Waste Disposal Network (DISPONET) Meeting on Lessons Learned from the Disposal of Low-Level Waste, Bulgaria, 4 October 2022.

Enhancing Armored Final Covers for Radioactive Waste Disposal Facilities Through Naturalization, Performance and Risk Assessment Community of Practice, US Dept. of Energy, Washington, DC, 17 August 2022.

Plastic Recycling and Upcycling as an Element of Sustainable Waste Management, USAID, Washington, DC, 12 August 2022.

In-Service Condition of Radon Barriers over Uranium Mill Tailings Disposal Facilities in the United States, National Council on Radiation Protection and Measurements 2022, Bethesda, Maryland, 29 March 2022.

PFAS Containment by Modern Liner Systems: the Good News – and the Bad!, Craig H. Benson and R. Kerry Rowe, International Geosynthetics Society-North America, 13 January 2022.

In-Service Condition of Final Covers Over Historic Uranium Mill Tailings Disposal Facilities, International Webinar Series - Geoenvironmental Engineering: Polluted Land, Waste Management & Sustainability/Resiliency, University of Illinois-Chicago, 15 October 2021.

A Career in Environmental Engineering with Geosynthetics, Simak's Geosynthetics Podcast, 16 March 2021.

Bentonite-Polymer Composite Geosynthetic Clay Liners for Containment of Highly Aggressive Leachates, International Webinar Series - Geoenvironmental Engineering: Polluted Land, Waste Management & Sustainability/Resiliency, University of Illinois-Chicago, 29 April 2021.

Performance-Based Landfill Liner Design, 21st National Course on Solid Waste Landfill Design, University of Wisconsin Madison, 23 March 2021.

Geosynthetic Clay Liners, 21st National Course on Solid Waste Landfill Design, University of Wisconsin Madison, 23 March 2021.

Final Covers for Waste Containment Facilities, 21st National Course on Solid Waste Landfill Design, University of Wisconsin Madison, 23 March 2021.

Elevated Temperature Landfills, 21st National Course on Solid Waste Landfill Design, University of Wisconsin Madison, 24 March 2021.

Stability of Final Covers, 21st National Course on Solid Waste Landfill Design, University of Wisconsin Madison, 23 March 2021.

In-Service Condition of Final Covers Over Historic Uranium Mill Tailings Disposal Facilities, Australasian Chapter of the International Geosynthetics Society, 24 February 2021.

Geosynthetics in Landfills: Accomplishments and Future Directions, GeoAmericas 2020, 4th Pan American Conference on Geosynthetics, 31 October 2020.

Fundamentals of GCLs as Exceptional Hydraulic Barriers, Webinar 1 of 4, GCL Webinar Series, 12 August 2020.

Bentonite-Polymer Composite GCLs for Aggressive Conditions, Webinar 2 of 4, GCL Webinar Series, 10 November 2020.

Evaluating Chemical Compatibility of Geosynthetic Clay Liners (GCLs), Webinar 3 of 4, GCL Webinar Series, 16 February 2021.

Practical Lessons Learned from Geosynthetic Clay Liner (GCL) Case Histories, Webinar 4 of 4, GCL Webinar Series, 4 August 2021.

GCL Tech Talk: The Science Behind the Magic of Bentonite, 7 April 2020.

GCL Tech Talk: Hydraulic Conductivity of Engineered Bentonite-Polymer Composite (BPC) Materials, 7 April 2020.

Engineering in Real Time: Accelerating the Innovation Cycle, with Jennifer Pulley and Innovation Now, National Public Radio, 13 July 2018.

The Internet of All Things: LinkLab Collaborative Environment, with Jennifer Pulley and Innovation Now, National Public Radio, 3 July 2018.

Coal Combustion Residual Containment, Craig H. Benson and John T. Allen, Geosynthetica, 15 July 2016.

Frac-Sand Mining Roundtable, with Joy Cardin on the Joy Cardin Show, Wisconsin Public Radio, 11 May 2015.

Coal Ash = Environmental Win (when you recycle it), with Dan Weissmann and Marketplace, National Public Radio, 28 April 2014.

PUBLICATIONS

Refereed Journal Articles: Environmental Containment Systems

Abichou, T., Powelson, D., Aitchison, E., Benson, C., and Albright, W. (2005), Water Balances in Vegetated Lysimeters at a Georgia Landfill, *Soil and Crop Society of Florida Proc.*, 64, 1-8.

Abichou, T., Benson, C., and Edil, T. (2004), Network Model for Hydraulic Conductivity of Sand-Bentonite Mixtures, *Canadian Geotech. J.*, 41(4), 698-712.

Abichou, T., Benson, C., and Edil, T. (2002), Micro-Structure and Hydraulic Conductivity of Simulated Sand-Bentonite Mixtures, *Clays and Clay Minerals*, 50(5), 537-545.

Abichou, T., Benson, C., and Edil, T. (2002), Foundry Green Sands as Hydraulic Barriers: Field Study, *J. Geotech. Geoenvironmental Eng.*, 128(3), 206-215.

Abichou, T., Benson, C., and Edil, T. (2000), Foundry Green Sands as Hydraulic Barriers: Laboratory Study, *J. Geotech. Geoenvironmental Eng.*, 126(12), 1174-1183.

Abu-Hassanein, Z., and Benson, C., and Blotz, L. (1996), Electrical Resistivity of Compacted Clays, *J. Geotech. Eng.*, 122(5), 397-407.

Abu-Hassanein, Z. and Benson, C., Wang, X., and Blotz, L. (1995), Determining Bentonite Content in Soil-Bentonite Mixtures Using Electrical Conductivity, *Geotech. Testing J.*, 19(1), 51-57.

Albrecht, B. and Benson, C. (2002), Predicting Airflow Rates in the Coarse Layer of Passive Dry Barriers, *J. Geotech. Geoenvironmental Eng.*, 128(4), 338-346.

Albrecht, B. and Benson, C. (2001), Effect of Desiccation on Compacted Natural Clays, *J. Geotech. Geoenvironmental Eng.*, 127(1), 67-76.

Albright, W., Benson, C., and Apiwantragoon, P. (2013), Field Hydrology of Landfill Final Covers with Composite Barrier Layers, *J. Geotech. Geoenvironmental Eng.*, 139(1), 1-12.

Albright, W., Benson, C., Gee, G., Abichou, T., Tyler, S., Rock, S. (2006), Field Performance of Three Compacted Clay Landfill Covers, *Vadose Zone J.*, 5(6), 1157-1171.

Albright, W., Benson, C., Gee, G., Abichou, T., Tyler, S., Rock, S. (2006), Field Performance of a Compacted Clay Landfill Final Cover at A Humid Site, *J. Geotech. Geoenvironmental Eng.*, 132(11), 1393-1403.

Albright, W., Benson, C., Gee, G., Roesler, A., Abichou, T., Apiwantragoon, P., Lyles, B., and Rock, S. (2004), Field Water Balance of Landfill Final Covers. *J. Environ. Quality*, 33(6), 2317-2332.

Akpinar, M. and Benson, C. (2005), Effect of Temperature on Shear Strength of Two Geomembrane-Geotextile Interfaces, *Geotextiles and Geomembranes*, 23, 443-453.

Apiwantragoon, P., Benson, C., and Albright, W. (2014), Field Hydrology of Water Balance Covers for Waste Containment, *J. Geotech. Geoenvironmental Eng.*, 04014101.

Bareither, C., Foley, J., and Benson, C. (2015), Using Surrogate Meteorological Data to Predict the Hydrology of a Water Balance Cover, *J. Geotech. Geoenvironmental Eng.*, 04015092.

Bareither, C., Benson, C., Barlaz, M., Edil, T., and Tolaymat, T. (2010), Performance of North American Bioreactor Landfills: I. Leachate Hydrology and Waste Settlement, *J. Environmental Engineering*, 136(8), 824-838.

Bareither, C., Benson, C., and Edil, T. (2012), Effects of Waste Composition and Decomposition on the Shear Strength of Municipal Solid Waste, *J. Geotech. Geoenviron. Eng.*, 138(10), 1161-1174.

Bareither, C., Benson, C., Cook, E., and Scalia, J. (2020), Hydraulic and Mechanical Behavior of Municipal Solid Waste and High-Moisture Waste Mixtures, *Waste Management*, 105, 540–549.

Barlaz, M., Bareither, Hossain, A., Saquing, J., Mezzari, I., Benson, C., and Tolaymat, T. (2010), Performance of North American Bioreactor Landfills: II. Chemical and Biological Characteristics, *J. Environmental Engineering*, 136(8), 838-853.

Benson, C., Albright, W., Waugh, W., Apiwantragoon, P., Tigar, A., and Holbrook, D. (2024), Field Hydrology of Armored Earthen Final Covers With and Without Vegetation, *J. Geotech. Geoenvironmental Eng.*, 150(1), 04023125. **(Editor's Choice)**

Benson, C., Chen, J., Likos, W., and Edil, T. (2018), Hydraulic Conductivity of Compacted Soil Liners Permeated with Coal Combustion Product Leachates, *J. Geotech. Geoenvironmental Eng.*, 144(4), 04018011. **(Editor's Choice)**

Benson, C. and Yesiller, N. (2016), Variability of Saturated Hydraulic Conductivity Measurements Made Using a Flexible-Wall Permeameter, *Geotech. Testing J.*, doi: 10.1520/GTJ20150138, 39(3), 476-491.

Benson, C., Edil, T., and Wang, X. (2012), Evaluation of a Final Cover Slide at a Landfill with Recirculating Leachate, *J. Geotextiles and Geomembranes*, 35, 100-106.

Benson, C., Oren, A., Gates, W. (2010), Hydraulic Conductivity of Two Geosynthetic Clay Liners Permeated with a Hyperalkaline Solution, *J. Geotextiles and Geomembranes*, 28(2), 206-218.

Benson, C., Kucukkirca, I., and Scalia, J. (2010), Properties of Geosynthetics Exhumed from the Final Cover at a Solid Waste Landfill, *J. Geotextiles and Geomembranes*, 28, 536-546.

Benson, C. and Meer, S. (2009), Relative Abundance of Monovalent and Divalent Cations and the Impact of Desiccation on Geosynthetic Clay Liners, *J. Geotech. Geoenvironmental Eng.*, 135(3), 349-358.

Benson, C., Thorstad, P., Jo, H., and Rock, S. (2007), Hydraulic Performance of Geosynthetic Clay Liners in a Landfill Final Cover, *J. Geotech. Geoenvironmental Eng.*, 133(7), 814-827.

Benson, C., Barlaz, M., Lane, D., and Rawe, J. (2007), Practice Review of Five Bioreactor/Recirculation Landfills, *Waste Management*, 27(1), 13-29.

Benson, C., Sawangsuriya, A., Trzebiatowski, B., and Albright, W. (2007), Post-Construction Changes in the Hydraulic Properties of Water Balance Cover Soils, *J. Geotech. Geoenvironmental Eng.*, 133(4), 349-359.

Benson, C., Abichou, T., and Jo, H. (2004), Forensic Analysis of Excessive Leakage from Lagoons Lined with a Composite GCL, *Geosynthetics Intl.*, 11(3), 242-252.

Benson, C. (2001), Waste Containment: Strategies and Performance, *Australian Geomechanics*, 36(4), 1-25.

Benson, C., Abichou, T., Albright, W., Gee, G., and Roesler, A. (2001), Field Evaluation of Alternative Earthen Final Covers, *Intl. J. Phytoremediation*, 3(1), 1-21.

Benson, C., Daniel, D., and Boutwell, G. (1999), Field Performance of Compacted Clay Liners, *J. Geotech. Geoenvironmental Eng.*, 125(5), 390-403.

Benson, C., Gunter, J., Boutwell, G., Trautwein, S., and Berzanskis, P. (1997), Comparison of Four Methods to Assess Hydraulic Conductivity, *J. Geotech. Geoenvironmental Eng.*, 123(10), 929-937.

Benson, C., Olson, M., and Bergstrom, W. (1996), Temperatures of Insulated Landfill Liner, *J. Transportation Research Board*, 1534, 24-31.

Benson, C. and Trast, J. (1995), Hydraulic Conductivity of Thirteen Compacted Clays, *Clays and Clay Minerals*, 43(6), 669-681.

Benson, C., Chamberlain, E., Erickson, A., and Wang, X. (1995), Assessing Frost Damage in Compacted Clay Liners, *Geotech. Testing J.*, 18(3), 324-333.

Benson, C., Abichou, T., Olson, M., and Bosscher, P. (1995), Winter Effects on the Hydraulic Conductivity of Compacted Clay, *J. Geotech. Eng.*, 121(1), 69-79.

Benson, C., Zhai, H., and Wang, X. (1994), Estimating Hydraulic Conductivity of Compacted Clay Liners, *J. Geotech. Eng.*, 120(2), 366-387.

Benson, C. and Daniel, D. (1994), Minimum Thickness of Compacted Soil Liners: I-Stochastic Models, *J. Geotech. Eng.*, 120(1), 129-152.

Benson, C. and Daniel, D. (1994), Minimum Thickness of Compacted Soil Liners: II-Analysis and Case Histories, *J. Geotech. Eng.*, 120(1), 153-172.

Benson, C., Bosscher, P., Lane, D., and Pliska, R. (1994), Monitoring System for Hydrologic Evaluation of Landfill Final Covers, *Geotech. Testing J.*, 17(2), 138-149.

Benson, C., Zhai, H. and Rashad, S. (1994), Statistical Sample Size for Construction of Soil Liners, *J. Geotech. Eng.*, 120(10), 1704-1724.

Benson, C. and Othman, M. (1993), Hydraulic and Mechanical Characteristics of Compacted Municipal Solid Waste Compost, *Waste Management and Research*, 11(1), 127-142.

Benson, C. (1993), Probability Distributions for Hydraulic Conductivity of Compacted Soil Liners, *J. Geotech. Eng.*, 119(3), 471-486.

Benson, C. and Othman, M. (1993), Hydraulic Conductivity of Compacted Clay Frozen and Thawed In Situ, *J. Geotech. Eng.*, 119(2), 276-294.

Benson, C. and Daniel, D. (1990), Influence of Clods on Hydraulic Conductivity of Compacted Clay, *J. Geotech. Eng.*, 116(8), 1231-1248.

Blotz, L., Benson, C., and Boutwell, G. (1998), Estimating Optimum Water Content and Maximum Dry Unit Weight for Compacted Clays, *J. Geotech. Geoenvironmental Eng.*, 124(9), 907-912.

Bohnhoff, G., Ogorzalek, A., Benson, C., Shackelford, C., and Apiwantragoon, P. (2009), Field Data and Water-Balance Predictions for a Monolithic Cover in a Semiarid Climate, *J. Geotech. Geoenvironmental Eng.*, 135(3), 333-348.

Bradshaw, S. and Benson, C. (2014), Effect of Municipal Solid Waste Leachate on Hydraulic Conductivity and Exchange Complex of Geosynthetic Clay Liners, *J. Geotech. Geoenvironmental Eng.*, 04013038.

Bradshaw, S., Benson, C., and Scalia, J. (2013), Cation Exchange During Subgrade Hydration and Effect on Hydraulic Conductivity of Geosynthetic Clay Liners, *J. Geotech. Geoenvironmental Eng.*, 139(4), 526-538.

Bradshaw, S., Benson, C., and Rauen, T. (2015), Hydraulic Conductivity of Geosynthetic Clay Liners to Recirculated Municipal Solid Waste Leachates, *J. Geotech. Geoenvironmental Eng.*, 04015074.

Chen, J., Benson, C., Edil, T., and Likos, W. (2018), Hydraulic Conductivity of Geosynthetic Clay Liners with Sodium Bentonite to Coal Combustion Product Leachates, *J. Geotech. Geoenvironmental Eng.*, 144(3), 0401800.

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Chen, J., Salihoglu, S., Benson, C., Likos, W., and Edil, T. (2019), Hydraulic Conductivity of Bentonite-Polymer Composite Geosynthetic Clay Liners Permeated with Coal Combustion Product Leachates, *J. Geotech. Geoenvironmental Eng.*, 145(9), 04019038.

Daniel, D. and Benson, C. (1990), Water Content-Density Criteria for Compacted Soil Liners, *J. Geotech. Eng.*, 116(12), 1811-1830.

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Eun, J., Tinjum, J., Benson, C., and Edil, T. (2018), Methane Transport Through Simulated Landfill Covers with a PE Geofilm or Ethylene-Vinyl Alcohol (EVOH), LLDPE, or PVC Geomembranes *J. Environmental Eng.*, 144(2): 04017106.

Foose, G., Benson, C., and Edil, T. (2002), Comparison of Solute Transport in Three Composite Landfill Liners, *J. Geotech. Geoenvironmental Eng.*, 128(5), 391-403.

Foose, G., Benson, C., and Edil, T. (2001), Predicting Leakage Through Composite Landfill Liners, *J. Geotech. Geoenvironmental Eng.*, 127(6), 510-520.

Foose, G., Benson, C., and Edil, T. (2001), Analytical Equations for Predicting Concentration and Mass Flux from Composite Landfill Liners, *Geosynthetics Intl.*, 8(6), 551-575.

Fuhrmann, M., Caldwell, T. Likos, Waugh, W., Williams, M., Benson, C. (2023), Evolving Radon Diffusion Through Earthen Barriers At Uranium Waste Disposal Sites, *J. Environmental Radioactivity*, 262, 107140, https://doi.org/10.1016/j.jenvrad.2023.107140.

Fuhrmann, M., Benson, C., Likos, W., Stefani, N., Michaud, A., Waugh, W., Williams, M. (2021), Radon Fluxes at Four Uranium Mill Tailings Disposal Sites After 20 Years of Service, *J. Environmental Radioactivity*, 237, 106719.

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SPONSORED RESEARCH

Environmental Containment Systems

Field and Laboratory Assessment of the Radon Barrier at the Mexican Hat, Utah Disposal Site, US Department of Energy, Office of Legacy Management, with W. Likos.

Understanding, Managing, and Preventing Clogging of Landfill Systems with Black Sticky Material, Environmental Research and Education Foundation.

Effectiveness of Landfill Liners to Control Transport of PFAS in Leachate, Environmental Research and Education Foundation.

Spatial and Temporal Correlation Between Physical and Chemical Odor Measurements and Odor Complaints, Advanced Disposal Services, with A. Benson.

Evaluation and Management of High-Moisture Waste Disposal in Municipal Solid Waste Landfills, Environmental Research and Education Foundation, with J. Scalia and C. Bareither (Colorado State University).

Geochemical Assessment of Long Term Leachate Quality and Impacts of Wastewater Management Practices at Coal Combustion Product (CCP) Disposal Facilities, Electric Power Research Institute, with D. Kosson (Vanderbilt University).

Water Balance Analysis and Data Quality Assurance Assessment for Monticello and Grand Junction Disposal Cell Lysimetry, Navarro Corporation and US Department of Energy.

Service Life of Bentonite-Polymer Geosynthetic Clay Liners, CETCO, Inc.

Behavior of Bentonite-Polymer Geosynthetic Clay Liners Permeated with Aggressive Leachates, CETCO, Inc., with W. Likos.

Evaluating the Long-Term Performance of the SDF Closure Cap, Savannah River Remediation, Inc. and US Department of Energy.

Understanding and Predicting Temperatures in Municipal Solid Waste Landfills, Environmental Research and Education Foundation, with M. Barlaz, NC State University.

Evaluating Effectiveness of Surface Covers for Controlling Water and Radon Fluxes at Uranium Mill Tailings Disposal Facilities, US Nuclear Regulatory Commission, with W. Likos.

Behavior of Polymer-Modified Bentonites Contacted with Aggressive Leachates, Colloid Environmental Technologies Corporation, with W. Likos.

Compatibility of Compacted Clay Liners and Leachate from CCP Containment Facilities, Electric Power Research Institute.

Compatibility of Geosynthetic Clay Liners and Leachate from CCP Containment Facilities, Electric Power Research Institute.

Bench-Scale Comparison of EVOH and HDPE Geomembranes as Barriers to VOC and Methane Emissions, Kuraray America Inc.

Consortium for Risk Evaluation and Stakeholder Participation, US Department of Energy, with Vanderbilt University, Rutgers University, New York University, Oregon State University, University of Pittsburgh, Howard University, University of Arizona, Robert Wood Johnson Medical School.

Coupling Effects of Erosion and Hydrology on the Long-Term Performance of Engineered Surface Barriers, US Nuclear Regulatory Commission

Predicting the Long-Term Performance of Surface Barriers for LLRW Containment, US Department of Energy, Consortium for Risk Evaluation with Stakeholder Participation

Effectiveness of Engineered Covers: From Modeling to Performance Monitoring, US Nuclear Regulatory Commission

Bentonite-Polymer Nanocomposites for Geoenvironmental Applications, National Science Foundation, with T. Edil and C. Shackelford

Prion Transport in Porous Media: Influence of Electrostatic and Non-DLVO Interactions, National Science Foundation, with J. Pedersen and J. Aiken

Effect of Stress, Hydration, and Ion Exchange on the Hydraulic Conductivity of Geosynthetic Clay Liners, Colloid Environmental Technologies Corporation

Innovative Methods for Natural Restoration of Final Covers for Mill Tailings, US Dept. of Energy, with W. Albright and J. Waugh

Evaluating Long-Term Impacts on Final Covers - Exhumation of the ACAP Test Sections, National Science Foundation, US Environmental Protection Agency, Environmental Research and Education Foundation, with D. Fratta and W. Albright

Toxin/Pathogen Inactivation and Disposal of Intentionally Contaminated Foods, National Center for Food Protection and Defense, US Dept. of Homeland Security, with D. Noguera

Predictive Tools for Sustainable Solid Waste Management Using Bioreactor Landfills, National Science Foundation, with M. Barlaz (*Bioreactor Partnership*)

The State of Municipal Solid Waste Bioreactor Landfills-II, US Environmental Protection Agency, with M. Barlaz

VOC Transport Through Composite Landfill Liners, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

VOC Transport in Lined Containment Facilities, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

Hydrology of the Monticello Water Balance Cover, Stoller Corporation and US Dept. of Energy.

Effect of Freeze Thaw on Compacted Soil Liners and Covers, University of Wisconsin Graduate School.

Fate and Transport of Chronic Waste Disease Prions in Municipal Solid Waste Landfills, US Environmental Protection Agency, with J. Pedersen and J. Aiken.

Evaluation of VOC Contamination of Groundwater from Lined Landfills in Wisconsin, Groundwater Research Advisory Council, State of Wisconsin.

Hydrologic Modeling of Covers Used for Mine Waste Containment, US Environmental Protection Agency, with C. Shackelford.

Bioreactor Landfills: State of the Practice, US Environmental Protection Agency, with D. Lane and M. Barlaz.

Field Performance of Alternative Covers, US Environmental Protection Agency.

Integrated Long-Term Stewardship for Low-Level Radioactive Waste, US Department of Energy and Flour Fernald, Fernald, Ohio.

Chemical Interactions Between Mine Waste Liquids and Geosynthetics, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

Long-term Chemical Compatibility of Geosynthetic Clay Liners, National Science Foundation, with C. Shackelford.

Hydraulic Conductivity Testing Protocols for Paper Sludges, National Council of the Pulp and Paper Industry for Air and Stream Improvement.

Dry Barriers for Waste Containment, National Science Foundation, with S. Kung

Alternative Cover Assessment Program, United States Environmental Protection Agency, with W. Albright (Desert Research Institute) and Glendon Gee (Battelle PNNL).

Large-Scale Verification of a VOC Transport Model for Composite Liners, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

Field Assessment of Geosynthetic Clay Liners in Final Covers, United States Environmental Protection Agency.

Unsaturated Hydraulic Properties of Alternative Cover Soils, Waste Management, Waste Connections, Bluestem Solid Waste Authority, and Marina Solid Waste Management District

Alternative Covers for Waste Containment in Southern California, San Bernardino County, CA.

Equivalency of Subtitle D and Alternative Earthen Covers, City of Glendale, Arizona.

Development of *Win*UNSAT-H, a Windows Implementation of UNSAT-H, WMX Technologies.

Hydraulic Characterization of Mine Rock Backfill for the Flambeau Mine, Flambeau Mining Company, Ladysmith, WI

Hydraulic Characterization of Mine Rock Backfill for the Flambeau Mine: II-In Situ Verification, Flambeau Mining Company, Ladysmith, WI

Field Hydraulic Conductivity Assessment of the NCASI Test Plots, National Council of the Paper Industry for Air and Stream Improvement

Effect of Freeze-Thaw on the Hydraulic Conductivity of Compacted Papermill Sludge, the National Council of the Paper Industry for Air and Stream Improvement.

Engineering Properties of Paper Sludges Used for Hydraulic Barriers in Landfill Covers, Solid Waste Research Program, State of Wisconsin.

Shear Strength of Municipal Solid Waste, WMX Technologies, Inc., with T. Edil.

Evaluating the Effectiveness of Landfill Liners, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

Laboratory and Field Evaluation of the Effects of Freeze-Thaw on Barrier Materials, United States Environmental Protection Agency.

Field-Evaluation of Geoinsulation-A Geosynthetic Insulation Material, Envotech Limited Partnership, with P. Bosscher

Hydraulic Conductivity Assessment of Compacted Soil Liners, Waste Management of North America, Inc.

Rational Construction Quality Control Criteria for Compacted Soil Liners, University of Wisconsin Graduate School.

Final Cover Hydrologic Evaluation, Waste Management of North America, Inc.

Evaluation of Freezing and Thawing on the Hydraulic Conductivity of a Test Pad, Waste Management of Wisconsin, Inc.

Improved Design Methods for Landfill Final Covers, National Science Foundation.

Quality Assurance and Hydraulic Conductivity Assessment of Compacted Soil Liners, Waste Management of North America and Chemical Waste Management, Inc.

Hydrologic Analysis of a Co-Composting Landfill, Solid Waste Research Council, State of Wisconsin.

Sustainability and Sustainable Infrastructure

Center for Mineral and Metal Oxide Removal from Biomass (CMORE), Schmidt Sciences and the Foundation for Food & Agriculture Research, with Idaho National Laboratory, Iowa State University, University of Kansas, and Idaho State University.

Using Harvested Ash in Concrete and Cement Production, Electric Power Research Institute, Palo Alto, California.

Multi-University Center on Chemical Upcycling of Waste Plastics (CUWP), Office of Energy Efficiency and Renewable Energy US Department of Energy, with U. Wisconsin-Madison, U. Massachusetts, and Iowa State U.

Greenhouse Gas Emissions, Climate Change, and the Impacts of Climate Policy on the Global Coal Industry, Vigoris Coal Coalition LLP, Vancouver, BC.

Sustainability Assessment and Greenhouse Gas Implications of Envirocoal, Adaro Energy PT, Jakarta Indonesia.

Exchange Network for Expanded Polystyrene Bio-Shipping Containers, People, Prosperity, & Planet (P3) Program-Phase II, US Environmental Protection Agency

Exchange Network for Expanded Polystyrene Bio-Shipping Containers, People, Prosperity, & Planet (P3) Program-Phase I, US Environmental Protection Agency

Leaching from Roadways Constructed with Unencapsulated CCPs: Data Assessment & Synthesis, Electric Power Research Institute, with T. Edil.

Climate Change Mitigation and Adaptation in Dairy Production Systems of the Great Lakes Region, United States Department of Agriculture, National Institute of Food and Agriculture, with Matthew Ruark (PI) and others.

Recycled Materials Resource Center – Third Generation, Federal Highway Administration Pooled Fund, with T. Edil.

Recycled Materials Resource Center, Federal Highway Administration and United States Environmental Protection Agency, with K. Gardner

Environmental Benefits of Using Coal Combustion Products in Construction, Electric Power Research Institute, with T. Edil

Engineering Behavior of Recycled Unbound Materials, US Dept. of Transportation Pooled Fund, with T. Edil.

Assessing Environmental Impacts Associated with Bases and Subgrades Stabilized with Coal Combustion Products, Center for Freight and Infrastructure Research and Education, US Department of Transportation, with T. Edil.

User Guidelines for Waste and By-Product Materials in Highway Pavements, US Environmental Protection Agency, with A. Graettinger and J. Jambeck

Gravel Equivalency of Fly Ash Stabilized Reclaimed Roads, Minnesota Local Roads Research Board, with T. Edil

In Situ Stabilization of Gravel Roads with CCPs, Combustion Byproducts Recycling Consortium, US Dept. of Energy, with T. Edil

Leaching of Heavy Metals from Gray-Iron Foundry Slags Used in Geo Engineering Applications, Solid Waste Research Council, State of Wisconsin, with T. Edil.

Monitoring and Analysis of Leaching from Subbases Constructed with Industrial Byproducts, FHWA Recycled Materials Research Center, with T. Edil.

Ash Utilization in Low Volume Roads, Minnesota Department of Transportation, with T. Edil

Integrated Approach for Assessing Groundwater Impacts from Fly Ash Stabilized Soils, Alliant Energy, with T. Edil.

Geoenvironmental Assessment of Soft Soils Stabilized with High Carbon Fly Ashes, Solid Waste Research Program, State of Wisconsin, with T. Edil.

Are High Carbon Fly Ashes Effective Stabilizers for Soft Organic Soils?, National Science Foundation, with T. Edil.

Consortium for Beneficial Reuse of Fly Ashes, Alliant Energy, Northern States Power, and Mineral Solutions, Inc., with T. Edil.

Reuse of Fly Ash for Soil Stabilization, US Dept. of Energy, with T. Edil.

Field Demonstration of Earth Structures Constructed with Soil-Tire Chip Mixtures, Solid Waste Research Council, State of Wisconsin, with T. Edil.

Use of Foundry Sands in Hot Mix Asphalt, University Industrial Relations, with H. Bahia

Fly Ash Stabilization of Soft Subgrades, US Dept. of Energy, Mineral Solutions, Inc., and Alliant Power, with T. Edil.

Field Demonstration of Beneficial Reuse of Foundry Byproducts in Highway Subgrade, Wisconsin Department of Transportation, with T. Edil.

Properties of Foundry Sand Relevant to Design of Embankments and Retaining Wall Backfill, State of Wisconsin, Recycling Market Development Board, with T. Edil.

National Practice Survey: Beneficial Re-use of Waste Foundry Sands, State of Wisconsin Recycling Market Development Board, with T. Edil.

Using Waste Foundry Sands as Hydraulic Barriers, Solid Waste Research Council, State of Wisconsin, with T. Edil.

Field Assessment of Barrier Layers Constructed with Foundry Sands, Solid Waste Research Council, State of Wisconsin, with T. Edil.

Use of Shredded Waste Tires in Highway Construction, United States Environmental Protection Agency, with T. Edil.

Sub-base Replacement with Waste Foundry Sands, State of Wisconsin, Recycling Market Development Board, with T. Edil.

Using High Carbon Class F Fly Ash as a Lining Material: I-Laboratory Study, Solid Waste Research Council, State of Wisconsin, with T. Edil.

Using High Carbon Class F Fly Ash as a Lining Material: II-Field Verification, Solid Waste Research Council, State of Wisconsin, with T. Edil.

Reinforcement of Soils with Shredded Waste Tires, Solid Waste Research Council, State of Wisconsin, with P. Bosscher.

Use of Reclaimed Waste HDPE as Soil Reinforcement, Solid Waste Research Council, State of Wisconsin.

Groundwater

Leaching and Mobility of Per and Polyfluoroalkyl Substances (PFAS) from Concrete and Asphalt, Strategic Environmental Research and Development Program, US Dept. of Defense, with J. Guelfo and D. Kosson.

Sorption and Transport of Polycyclic Aromatic Hydrocarbons in Organoclays used for Permeable Adsorptive Barriers, CH2M Hill Inc. and Union Pacific Inc.

Environmental Impacts of Engineered Nanomaterials, Nanoscale Science and Engineering Center, National Science Foundation, with J. Pedersen and R. Hammers

Gray-Iron Foundry Slags as a Reactive Medium for Removing Arsenic from Ground Water and Drinking Water, Groundwater Research Advisory Council, State of Wisconsin, with D. Blowes.

Innovative Treatment of COPR Wastes in Coastal Areas, US Dept. of Transportation, with T. Edil.

Development of Large-Scale Application for Remediation of Chromium Ore Processing Residue, University Industrial Relations, University of Wisconsin, with T. Edil.

An Integrated Approach to Evaluating Environmental Impacts from Soils Stabilized with Fly Ashes, State of Wisconsin Recycling Program and Alliant Energy, Inc.

Uncertainty Based Design of Permeable Reactive Barriers, Wisconsin Ground Water Research Advisory Council, with G. Eykholt

Innovative Groundwater Treatment: Reactive Walls Constructed with Excess Foundry Sand, Wisconsin Groundwater Research Advisory Council, with G. Eykholt.

Development of Integrated Decision Support System for Wellhead Protection, Wisconsin Water Resources Council, State of Wisconsin.

Reducing Uncertainty in Subsurface Characterization, U.S. Department of Energy.

Ultrasonic Probe to Evaluate the Integrity of Borehole Seals, Federal Highway Administration, with T. Edil.

Field Assessment of Monitoring Well Seal Integrity, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

A Tool for Evaluating the Integrity of Monitoring Well Seals, Groundwater Research Advisory Council, State of Wisconsin, with T. Edil.

Characterization of Air Plumes and Modeling Mass Removal During In Situ Air Sparging, Groundwater Research Advisory Council, State of Wisconsin, with G. Eykholt.

Education

Wisconsin-Puerto Rico Partnership for Research and Education in Materials [Wi(PR)EM], US National Science Foundation, with J. de Pablo, J. Pedersen, et al.

A Modular Geoenvironmental Curriculum, National Science Foundation, with other faculty from Wisconsin, Northwestern, Michigan, and Argonne National Laboratory.

Research Experience for Undergraduates Site, Geothermal and Energy Geotechnics, National Science Foundation, with J. Tinjum (PI), D. Fratta (co-PI), and S. Bradshaw.

Transforming CEE/GLE 330, Soil Mechanics, to Blended Learning, Division of Continuing Studies, University of Wisconsin-Madison.

Other Topics

Wisconsin Highway Research Program, Wisconsin Department of Transportation, with T. Edil.

Fate and Transport of Chronic Waste Disease Prions in Waste Water Treatment Plants, US Environmental Protection Agency

Stiffness and Stress State in Unsaturated Soils, Minnesota Department of Transportation, with T. Edil.

Thermal Conditions Below Highway Pavements During Winter, Wisconsin Department of Transportation, with P. Bosscher.

Design Protocols for Cellular Confinement with Geoweb, University Industrial Relations and Presto Products, Appleton, WI, with T. Edil.

Equivalency of Subgrade Improvement Methods, Wisconsin Department of Transportation, with T. Edil.

Reinforcement of Soft Subgrades with Geosynthetics, Wisconsin Department of Transportation, with T. Edil.

Evaluation of the DCP and SSG for Subgrade Evaluation, Wisconsin Department of Transportation, with T. Edil.

Shear Strength of Granular Backfill Materials, Wisconsin Department of Transportation, with T. Edil.

Correlating Index Properties and Engineering Behavior of Wisconsin Soils, Wisconsin Department of Transportation, with T. Edil.

Incorporating Alternative Subgrade Improvement Methods in Pavement Design, Wisconsin Department of Transportation, with T. Edil.

STEM TEACHER ENGAGEMENT

The following STEM teachers have been engaged in our research and educational programs through NSF's *Research Experience for Teachers* (RET) program:

Hayden, Matthew, Earth Science Teacher, Glacier Creek Middle School, Middleton-Cross Plains School District, Middleton, Wisconsin.

Kisting, Richard, Science Teacher, Badger Ridge Middle School, Verona Area School District, Verona, Wisconsin.

GRADUATE STUDENTS SUPERVISED

PhD Students

Abichou, T., Hydraulic Properties of Foundry Sands, co-advised with T. Edil, 1999.

Albrecht, B., Passive Dry Barriers: Air Circulation and Mass Transfer, 2001.

Albright, W., Field Performance of Landfill Covers, 2005.

Apiwantragoon, P., Alternative Covers: Field Performance and Modeling Methods, 2007.

Bareither, C., Settlement of Bioreactor Landfills: Compression Mechanisms, co-advised with T. Edil, 2010.

Breitmeyer, R., Unsaturated Hydraulic Properties of Solid Waste and Hydrology of Bioreactor Landfills, co-advised with T. Edil, 2010.

Bin-Shafique, S., Leaching of Heavy Metals from Fly Ash Stabilized Soils, co-advised with T. Edil, 2002.

Chalermyanont, T., Reliability Analysis of Mechanically Stabilized Earth (MSE) Walls, 2002.

Chang, P., Geophysical Characterization of Water and Solute Movement in an Arid Climate, 2003, co-advised with D. Alumbaugh.

Chen, J., Chemical Interactions between Coal Combustion Products and Geosynthetic Clay Liners, 2015.

Elder, C., Effect of Heterogeneity on Performance of Permeable Reactive Barriers, 2000.

Eun, J., Diffusive Transport of Organic Compounds in Liquid and Gas Phases through Co-Extruded EVOH Geomembranes, with J. Tinjum, 2014.

Foose, G., Leakage Rates and Chemical Transport Through Composite Landfill Liners, co-advised with T. Edil, 1997.

Gulec, S., Compatibility of Geosynthetics and Mine Waste Liquids, co-advised with T. Edil, 2003.

Gustitus, S. Accelerated Degradation and Service Life Prediction of Bentonite-Polymer Composite GCLs, 2021.

Hunter, E., Sorption of Radionuclides in Engineered Barrier Materials, with J. Tinjum, 2014.

Jo, H., Fundamental Factors Affecting Interactions Between Bentonite and Inorganic Liquids, 2003.

Khire, M., Field Hydrology and Water Balance Modeling of Earthen Final Covers for Waste Containment, 1995.

Kim, H., Oxygen Transport Through Multi-Layer Caps Over Mine Waste, 2000.

Kim, W., Alternative Subgrades Stabilization with Geosynthetics, co-advised with T. Edil, 2003.

Komonweeraket, K., Mechanisms Controlling Release of Trace Elements from Soils Stabilized with Fly Ash, co-advised with T. Edil, 2010.

Lee, T., Using Waste Foundry Sands as Reactive Media in Permeable Reactive Barriers, 2002.

Li, L., Impacts of Mineralogical Fouling of Permeable Reactive Barriers in Heterogeneous Environments, 2004.

Nokkaew, K., Unsaturated Hydraulic Behavior of Recycled Base Course Materials, co-advised with J. Tinjum, 2014

Othman, M., Effect of Freeze/Thaw on the Structure and Hydraulic Conductivity of Compacted Clays, 1992.

Park, M., Transport of VOCs in Composite Landfill Liners, co-advised with T. Edil, 2011.

Scalia, J., Bentonite-Polymer Nanocomposites for Environmental Containment, 2012.

Tachavises, C., Flow Rates Past Vertical Groundwater Cut-Off Walls: Influential Factors and Their Impact on Wall Selection, 1998.

Tanyu, B., Equivalency of Alternative Subgrade Stabilization Methods, co-advised with T. Edil, 2003.

Tian, K., Life Expectancy of Geomembranes Used in Low-Level Radioactive Waste Containment, 2015.

Tinjum, J., Innovative Remedial Treatment of Chromium Ore Processing Residues, co-advised with T. Edil, 2006.

Yesiller, N., Ultrasonic Evaluation of Cased Borehole Seals, 1994, co-advised with T. Edil.

Yu, T., Effect of PFAS on Effectiveness of Landfill Liner Systems, 2023, in progress.

MS Students

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ATTACHMENT G

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November 20, 2025

Via Electronic Correspondence

Mr. Steve Cassulo, District Manager
Steven.cassulo@wasteconnections.com
Chiquita Canyon Landfill
29201 Henry Mayo Drive
Castaic, CA 91384

SUBJECT: LEA COMMENTS ON THE DRAFT REMOVAL ACTION WORKPLAN (RAW) CHIQUITA CANYON LANDFILL (CCL), SWIS NO. 19-AA-0052

Dear Mr. Cassulo,

On June 2, 2025, the Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency (LEA), received Chiquita Canyon Landfill's (CCL) *Draft Removal Action Workplan: Interim Relocation and Stabilization of Containerized Waste, Chiquita Canyon Landfill* (Workplan) dated May 9, 2025, and prepared by Civil and Environmental Consultants, Inc. The Workplan was prepared in response to the Imminent and Substantial Endangerment Determination and Order (ISE Order) issued by the California Department of Toxic Substances Control (DTSC) on April 2, 2025, regarding the Subsurface Elevated Temperature (SET) Event occurring at the CCL. CCL has submitted the Workplan to the LEA to address Section 4.3 of the LEA's May 1, 2025 Compliance Order (LEA Order).

CCL's Workplan again does not propose construction of a vertical soil barrier and instead provides justification for not installing one. Further, CCL has informed the U.S. EPA, DTSC, CalRecycle and the LEA that it does not intend to construct the required barrier. Rather, CCL asserts that continued gas and leachate removal will contain the Subsurface Elevated

Temperature (SET) event. However, available data indicate that the SET event continues to expand, and the current gas and leachate extraction approach has not proven effective in containing or stopping the growth of the reaction. The LEA has significant concerns with both the current and future conditions at the landfill.

CCL has failed to install a vertical soil barrier pursuant to the LEA's May 1, 2025 Compliance Order, which was required to protect Cell 8A from the intrusion of the SET event. Section 4.3 of the LEA Order directed CCL to verify or extend the "previously constructed soil barrier" that CCL represented was present, to connect the western and eastern edges of Cell 8A. Based upon current available data, there is no "previously constructed soil barrier" that would have been capable of extension to connect the western and eastern edges of Cell 8A. Since CCL has elected not to install any vertical barrier to protect Cell 8A from the expanding SET event, CCL is directed to propose alternatives, identical to the proposed alternative requirements provided on pages 5-6 of DTSC's October 15, 2025 letter to CCL and in compliance with DTSC's conditions, to protect Cell 8A. Please confirm to the LEA by November 26, 2025, CCL's agreement to provide a Cell 8A Protection Alternative Workplan to the LEA.

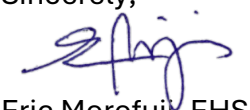
Based on deteriorating site conditions and available data, CalRecycle and the DTSC have expressed serious concerns regarding global slope stability impacts and potential need for alternative mitigation measures as the SET event continues to expand. After technical consultation with CalRecycle, the LEA now requires CCL to conduct a global slope stability study for areas where critical infrastructure is located (e.g., Temporary Tank Farm 13, located in Cell 8B). The LEA understands that CCL is currently preparing a Slope Stability Workplan, as required in DTSC's October 15, 2025 letter to CCL, which is due to be submitted to DTSC by November 21, 2025. Provide a copy of the Slope Stability Workplan to the LEA at the time it is submitted to DTSC to satisfy this requirement. This will allow the LEA to participate in the technical review of CCL's new Plan and provide comments.

The LEA reserves the right to issue a new directive or order if site conditions or available data indicate that additional corrective actions are necessary to protect public health and the environment.

Ensure to obtain all permits and approvals from Federal, State and Local agencies as required by the law and regulations.

If you have any questions, please email me at emorofuji@ph.lacounty.gov or call me at (213) 668-2206.

Sincerely,



Eric Morofuji, EHS III
Solid Waste Management Program
Local Enforcement Agency (LEA)

Cc: (Via Electronic Correspondence Only)

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