



CHIQUITA CANYON
A Waste Connections Company

April 3, 2026

Via E-Mail

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**Re: March 20, 2026 Letter – Chiquita Canyon Landfill, Castaic, California
(WDID NO. 4 19I022488)**

Dear Ms. Newman:

This is Chiquita Canyon, LLC’s (“Chiquita’s”) response to the Los Angeles Regional Water Quality Control Board’s (“Water Board’s”) March 20, 2026 correspondence (the “Letter”).¹

As explained below, the Water Board’s demands for extensive new work at the Chiquita Canyon Landfill (the “Landfill”) are factually and legally unsupportable. Chiquita welcomes a dialogue on all issues of concern to the Water Board but will vigorously defend itself against any effort to enforce demands that are unlawful, duplicative, and won’t advance our shared goal of science-based management of conditions at the Landfill.

The Letter’s portrayal of conditions at the Landfill and requested actions are flatly contradicted by the data and information collected at the site. The vast analytical record regarding the Landfill demonstrates that the site is well managed and does not present a risk of discharging pollutants in violation of any applicable requirements, as explained in greater detail in this response. The Letter asserts purported “violation[s]” and claims of “imminent” or threatened harm based on vague references to “water quality concerns that [have] emerged.” But the Water Board provides no evidence or other sources of information for these conclusions. In fact, the Letter admits that the data “do not show evidence of a leachate release to groundwater” Moreover, the Letter largely fails to identify specifically applicable standards or cite specific evidence demonstrating that a violation of any such standard occurred.

¹ While the Letter is addressed to both Chiquita and Waste Connections, Inc., as explained below in Section III.A, only Chiquita, the permittee and operator of the Landfill, is subject to the Water Board’s jurisdiction, and the Water Board’s demands can only legally and factually apply to Chiquita.

The Water Board’s demands are legally unsupportable. The Letter purports to require Chiquita to implement specific engineering response actions, but the Water Board has no authority to impose such requirements. State statutes prohibit the Water Board from requiring the specific technical responses the Letter requests, a limitation explicitly recognized by the State Water Resources Control Board’s (“State Board”) enforcement policy and Resolutions. The Letter also provides no basis to conclude that the requested response actions are technically sound, feasible, safe, or even capable of achieving.

The Water Board’s requested actions lack legal authority, are not grounded in evidence, and are vague, amounting to an arbitrary and capricious action in violation of Chiquita’s due process rights under the California and United States Constitutions. It is unclear whether the Letter is merely informal correspondence from staff or is intended to constitute an informal or formal enforcement action by the Water Board itself pursuant to its own enforcement policy, state statutes, or other authorities. The Letter provides no reference to—and therefore fails to inform Chiquita of—potential penalties (if any), appeal rights, hearing rights, sources of information relied on or its evidentiary basis, time limits to implement the requested actions, or other procedural safeguards. Given these omissions and departure from the transparency and standardization required by law and the State Board’s enforcement policy, Chiquita views the Letter as an informal communication from staff. While we respond below to the Letter’s contentions and requests, Chiquita expressly reserves all rights, remedies, objections, and defenses available to it, including any and all rights to appeal or contest the Letter in administrative proceedings and court, and nothing herein is a waiver of such rights. If the Water Board interprets the Letter as enforceable, Chiquita requests a hearing pursuant to the California Water Code section 13320, subdivision (a).

I. THE WATER BOARD LACKS AUTHORITY TO ORDER THE REQUESTED WORK

A. The Letter Impermissibly Specifies the Manner of Compliance.

California law prohibits the Water Board from specifying the manner of compliance with any requirement, order, or decree, which is reflected in the Water Board’s longstanding Notice Of Violation (“NOV”) practice. Although there is no evidence that the Landfill is discharging to ground or surface waters in violation of any applicable standard (see, e.g., §§ II.A, II.B.1, below) even if such evidence existed, the Letter’s demands for detailed engineering and technical response actions—including installation of engineered berms, liners, wells, and other structures in specified locations—are unlawful. California Water Code section 13360 expressly prohibits the Water Board from dictating the manner and means by which regulated entities comply with relevant water quality objectives.²

Specifically, the Water Code prohibits the Water Board from “specify[ing] the design, location, type of construction, or particular manner in which compliance may be had with [a

² The Letter also fails to provide Chiquita with an opportunity to select cost-effective measures and lacks any explanation for why such costly remedial work is justified by any alleged benefit to water quality, in violation of State Board Resolution No. 92-49 and California Code of Regulations, title 23, section 2907.

requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner.”³ The Board cannot “tell the discharger precisely how to meet the established limits.”⁴

The State Board Water Quality Enforcement Policy (“Policy”) and its resolutions further solidify this law. The Policy provides that:

Water Code section 13360, subdivision (a), prohibits the State Water Board or Regional Water Board from specifying the design, location, type of construction, or particular manner in which compliance may be had with a particular requirement.⁵

Section 18 of State Board Resolution No. 92-49 similarly states:

W C Section 13360 prohibits the Regional Water Boards from specifying, but not from suggesting, methods that a discharger may use to achieve compliance with requirements or orders. It is the responsibility of the discharger to propose methods for Regional Water Board review and concurrence to achieve compliance with requirements or orders.⁶

Despite these legal and policy constraints, the Letter purports to require precisely the types of actions it is prohibited from imposing. The Letter improperly uses mandatory terms such as “must” or “compels” and frames the actions section of the Letter as “required.” For example, the Letter requires:

- “buttressing of the slope and installation of berms and other containments structures”;⁷
- locating the “containment structures . . . on the western edge of the Landfill”;⁸
- berms that are “sufficiently sized to contain the volume and energy of solid waste and leachate that could be discharged” in the event of a slope failure;⁹
- development of “contingency measures” that “include any feasible combination of containment levees, soil infills, and/or buttresses, and mechanically stabilized earth walls.”¹⁰ The Letter further mandates the location and timing stating these “contingency

³ Wat. Code, § 13360, subd. (a).

⁴ *In the Matter of the Petition of the U.S. Dep’t of Agriculture, Forest Service*, SWRCB Order No. WQ 83-3, 1983 WL 17606 at *2 (Apr. 21, 1983) (Best Management Practices ordered by Board prescribing specific erosion control activities violated California Water Code section 13360 by specifying the manner of compliance).

⁵ Policy § III.

⁶ State Water Resources Control Bd., Res. No. 92-49, § 18.

⁷ Letter at 5.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 6.

measures for the eastern and southern slopes must be implemented” after the western slope is addressed;

- implementation of “contingency measures that include the installation of a containment well and treatment system(s)” to prevent migration of certain contaminants to groundwater;¹¹
- “construct[ion]” of a “[g]roundwater hydraulic containment system” at a specific location—i.e., “along the length of the southern Landfill boundary”;¹²
- “clean[ing] out and lin[ing]” both “the South and East stormwater basins”;¹³ and
- the new “basin liner systems shall be engineered with an effective resistive barrier and must remain accessible for maintenance and repair during wet-weather periods.”¹⁴

The Letter thus dictates the methods of compliance—including design, location, and type of construction—that the statute and implementing authorities unambiguously prohibit.¹⁵ These mandates exceed the Water Board’s authority and the requested actions are invalid.

B. The Work Requested is Preempted by Existing Directives.

Due to the absence of authority cited in the Letter, Chiquita interprets the Letter to be an informal request for work. If the Water Board is ordering the work set out in the Letter, it is largely preempted by existing directives from the U.S. Environmental Protection Agency (“USEPA”). Most glaringly, the Letter “compels” Chiquita to complete the work directed in USEPA’s West Toe Improvements Letter “prior to” the USEPA-imposed deadline of September 15, 2026, while also requiring additional work across the Landfill that will take substantial time and resources away from the West Toe Improvements work ordered by USEPA.¹⁶ These requirements conflict with a federal directive and thus have no legal effect.¹⁷

Chiquita is also subject to the USEPA’s February 21, 2024 Unilateral Administrative Order (“UAO”), which requires development of a Master Work Plan that is specifically tailored to (1) remedy and prevent off-site impacts arising from the elevated temperature landfill event

¹¹ *Id.* at 8.

¹² *Id.*

¹³ *Id.* at 9.

¹⁴ *Id.*

¹⁵ See Wat. Code, § 13360, subd. (a); Policy section III; Resolution No. 92-49, supra, § 18; see also *In the Matter of the Petition of Operating Industries, Inc.* SWRCB Order No. WQ 85-4, 1985 WL 1120855 (Apr. 18, 1985); *In the Matter of the Petition of the U.S. Department of Agriculture, Forest Service* SWRCB Order No. WQ 83-3, 1983 WL 17606 (Apr. 21, 1983) (finding that mandating operation of a leachate management system violated Wat. Code, §13360).

¹⁶ Letter at 5.

¹⁷ U.S. Const., art. VI, cl. 2; *Smiley v. Citibank* (1995) 11 Cal.4th 138, 147 [“state law that conflicts with federal law is without effect,” citation and quotation marks omitted].) The same is true under California law; local requirements cannot conflict with state law. (Cal. Const., art. XI, § 7).

(“ETLF” or “reaction”) and (2) deploy measures to delineate, fully characterize, prevent the expansion of, contain, and reduce the reaction.

The work requested in the Letter conflicts with elements of the Master Work Plan and other directives. For example, it requires “contingency measures that include the installation of a containment well and treatment system(s)” and “[g]roundwater hydraulic containment system(s).”¹⁸ Containment is already addressed in the Off-Site Migration Plan approved by USEPA on March 13, 2025, which directly addresses Landfill hydrogeology and pathways for potential off-site migration. As noted in that Plan, numerous contingency measures to prevent off-site migration are in place, including but not limited to leachate management procedures, contingency preemptive secondary containment structures, bottom liner integrity assessments, seepage monitoring, surface water monitoring and groundwater monitoring. Accordingly, the Letter’s requirement for a containment well and treatment system conflicts with USEPA’s more detailed and governing requirements for the same systems, such that compliance with both is not feasible.

The work requested and directed conflicts with existing efforts directed by USEPA and thus has no legal basis.

II. THE WORK REQUESTED IS UNWARRANTED AND UNSUPPORTED BY THE FACTS

Beyond the Water Board’s lack of authority to require it, there is also no technical basis to require the engineering work described above. The Landfill is under close supervision by local, state, and federal agencies through the Multi-Agency Critical Action Team (“MCAT”), which includes USEPA and the California Environmental Protection Agency and its Boards and Departments, including the Department of Toxic Substances Control, Los Angeles County Department of Public Health, and others. Chiquita is subject to numerous comprehensive orders, permits and other directives by these regulators, the purpose of which is to carefully monitor, manage and mitigate the ETLF. As stated above, Chiquita is working with USEPA on a Master Work Plan under the UAO that addresses much of the same work required by the Water Board’s Letter. Chiquita has retained experts on all aspects of ETLF management, including those raised in the Letter (e.g., reaction mitigation, slope stability, and liner integrity). All of these efforts continue to show no present threat to surface and groundwater to justify the additional work.

A. The Letter Provides No Evidence to Support its Demand to Excavate and Line the South and East Basins.

Section 3 of the Letter demands that Chiquita “clean[] out and line[]” the South and East Basins in order to prevent the “actual and threatened discharge of pollutants,” preclude the “unauthorized discharge of leachate impacted stormwater,” and address a supposed “stormwater to groundwater pathway.”¹⁹ But the Letter provides no evidentiary basis for that demand. It identifies no actual discharge data, no specific permit prohibition that has been violated, no water

¹⁸ Letter at 8.

¹⁹ Letter at 9.

quality objective or standard that has been violated, and no pathway analysis showing that either basin is causing or threatening to cause the harms the Letter asserts.

Instead, the Letter relies on generalized references to leachate-associated pollutants allegedly “accumulating” in the basins, unidentified “discharges,” and unspecified “[r]ecent groundwater monitoring data.”²⁰ Those conclusory assertions cannot support compelling Chiquita to excavate and line two stormwater detention basins. The Letter points to no basin sampling data showing a leachate-commingled discharge to surface waters and no data establishing a basin-to-groundwater pathway for leachate-associated contaminants. To the contrary, the Letter acknowledges that groundwater monitoring data to date do not show a leachate release to groundwater.²¹ The Water Board’s demand to line the basins therefore lacks support.

The same is true of the Letter’s assertion that excavation and lining are necessary to “maintain compliance with water quality objectives.”²² The Letter cites no evidence that discharges from either basin have caused, threaten to cause, or contribute to exceedances of applicable receiving-water standards. It identifies no exceedance in receiving waters for any pollutant and provides no evidence tying any such exceedance to the intermittent discharges from Chiquita’s stormwater detention basins. There is simply no evidence that stormwater in the basins presents a risk to receiving water quality.

The record likewise does not support the Letter’s separate demand to excavate “contaminated sediments” from the South and East Basins.²³ The Letter asserts that excavation is necessary to prevent “actual and threatened discharge of pollutants,” but the basin-soil data do not show sediments loaded with leachate-associated organics or any leaching profile indicating a meaningful soil-to-surface-water or soil-to-groundwater pathway. The available data therefore do not support compelled excavation beyond the routine maintenance performed to maintain basin capacity under the Stormwater Pollution Prevention Plan (“SWPPP”).²⁴

The South Basin data prove the point. All South Basin surface-soil samples collected in November 2025 were non-detect for benzene, pyridine, 2-methylphenol, 3-,4-methylphenol, and pentachlorophenol—organic compounds that could indicate leachate contamination.²⁵ Bulk-soil metals were detected only at low concentrations generally consistent with ambient soil chemistry, with arsenic ranging from 1.6 to 6.1 mg/kg, copper from 6.7 to 23 mg/kg, lead from 1.7 to 12 mg/kg, zinc from 22 to 79 mg/kg, J-estimated mercury from 0.0071 to 0.06 mg/kg, and selenium non-detect throughout.²⁶ Subsequent soil-boring data showed continued non-detects for

²⁰ *Id.*

²¹ *Id.* at 8–9.

²² *Id.* at 9.

²³ *Id.*

²⁴ Sept. 2025 SWPPP § 6.2.

²⁵ Enthalpy Analytical Laboratory Report, No. 546019 (Nov. 6, 2025) (South Basin soil analytical report from sampling conducted on November 4, 2025, and submitted to the Board on November 7, 2025).

²⁶ *Id.*

organics, lower bulk-metals detections, and no meaningful metals-leaching profile.²⁷ That record does not support the Water Board's allegation that South Basin soils pose a meaningful threat to surface water or groundwater quality.

The East Basin record is the same. Chiquita sampled soils from six locations across the East Basin in December 2025, and all six samples were non-detect for leachate-associated organics.²⁸ Bulk-soil metals were detected at even lower concentrations than in the South Basin: arsenic from 1.3 to 3.3 mg/kg, copper from 2.2 to 11 mg/kg, lead from 1.4 to 7.5 mg/kg, and zinc from 16 to 41 mg/kg.²⁹ Mercury was non-detect throughout, and selenium was detected only once, at 0.54 mg/kg.³⁰ Those results do not show a meaningful soil-to-surface-water or soil-to-groundwater pollutant pathway, much less a basis for compelling emergency excavation.

The Letter's citation to Section III of the industrial general permit ("IGP") does not cure these evidentiary deficiencies. General discharge prohibitions are not a substitute for proof that basin sediments are causing unauthorized discharges of pollutants. Here, the data show no evidence of leachate-associated organic loading in basin soils, no meaningful Toxicity Characteristic Leaching Procedure leaching profile, and no basis to require excavation and lining of both basins beyond routine maintenance already conducted under the SWPPP.

The Letter's requested response actions depend on stacking unsupported inferences: from limited basin contact to non-stormwater discharge and receiving water limitation exceedances, from water observations to saturated basin soils, from soft-bottom design to passive groundwater release, and from those assumptions to mandatory dredging and lining. Each step outruns the proof. The remedy is unsupported.

B. The Requested Slope Stability Work is Not Justified.

1. There is no evidence of widespread slope instability or resulting threat to water quality.

The Letter claims that "[t]he SET event has created a risk that Landfill slopes will fail."³¹ This is a gross generalization and not supported by the data. Stability concerns at the western slope are being adequately addressed in the March 17, 2026 West Toe Improvements Letter

²⁷ Enthalpy Analytical Laboratory Report, No. 546767 (Nov. 28, 2025) (South Basin soil analytical report from sampling conducted on November 13, 2025, and submitted to the Board on December 15, 2025); see David B. Smith et al., *Geochemical and Mineralogical Data for Soils of the Conterminous United States* (U.S. Geological Survey Data Series 801, 2013), <https://doi.org/10.3133/ds801>; U.S. Geological Survey, *Appendix 2b, Geochemical and Mineralogical Data for Samples of Surface Soils Collected from a Depth of 0 to 5 Centimeters in the Conterminous United States*, https://pubs.usgs.gov/ds/801/downloads/Appendix_2b_Top5_18Sept2013.txt (reporting individual 0–5 cm surface-soil sample results; South Basin arsenic, copper, lead, zinc, mercury, and selenium concentrations fall within the observed Los Angeles regional distribution).

²⁸ Enthalpy Analytical Laboratory Report, No. 548215 (Dec. 11, 2025) (East Basin soil analytical report from sampling conducted on December 2, 2025, and submitted to the Board on December 23, 2025).

²⁹ *Id.*

³⁰ *Id.*

³¹ Letter at 4.

directed by USEPA (“West Toe Improvements Letter”).³² The Letter’s additional mandates, including berms “to be sufficiently sized to contain the volume and energy of solid waste and leachate that could be discharged in the event of complete failure of the western slope” presumes a catastrophic failure that is unsupported by the data. These and other mandates conflict with or are redundant with USEPA orders. In addition, as discussed above, requirements that conflict with USEPA directives are preempted by federal law.

The Letter impermissibly expands the west slope directive to the eastern and southern slopes, citing “an unabated expansion of the SET event towards the south, east, and west perimeters of the Landfill” and the resulting threat to water quality in the event of failure of those slopes.³³ These concerns also are not supported by the data. Chiquita conducts daily monitoring of the soil cover over the entirety of the Stipulated Order for Abatement (“SOFA”) Condition 9(a) boundary for fissures and tension cracks and of the geomembrane-covered area for damage or evidence of possible instability.³⁴ Consistently, and most recently on March 9, 2026, Chiquita’s expert concluded in its monthly report that “the field logs provide no evidence of slope instability.”³⁵ Chiquita’s experts have also prepared numerous slope stability analyses, including but not limited to a November 2025 analysis for Tank Farm 13 in Cell 8B, a November 2024 analysis for Canyon B, and a February 2024 report on Main Canyon and other slopes.³⁶

All of these previous slope stability modeling and analyses accounted for seismic stability and collectively concluded that there are no stability issues at the Landfill. The conclusion that all slopes, and in particular the eastern slope, are at risk of failure is likewise premature given ongoing analyses. Most recently, in response to DTSC’s directive that Chiquita complete an analysis of “global slope stability modeling identifying which slopes are most likely to be vulnerable to instability from the SET event and the criteria used for the analysis,”³⁷ GeoLogic submitted a Revised Comprehensive Global Stability Work Plan on March 13, 2026. The final work product is expected in August 2026 and will include an assessment of the eastern Landfill

³² Chiquita rejects the Board’s purported effort to “compel” Chiquita to undertake the requested work for the reasons set forth in this response, but also objects to the Letter’s demand that the buttress be installed *before* the deadline already provided by USEPA, i.e., before September 15, 2026. Changing this established timeline at this juncture is inconsistent with the actions imposed by USEPA and the Letter provides no data to support the need for an expedited timeline.

³³ Letter at 5.

³⁴ See LEA June 6, 2024 Compliance Order, Milestone 2B.

³⁵ Geo-Logic Associates, *February 2026 Fissure and Tension Crack Monitoring Summary* (Mar. 9, 2026), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2026/03/2026-03-06-Combined-2B-3.2-3.7.pdf>

³⁶ For a full list of slope stability analyses, see Chiquita Canyon, LLC, November 21, 2025 Response to DTSC’s Comments on Draft Barrier Removal Action Workplan (Nov. 21, 2025), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2025/11/2025-11-21-Response-to-DTSC-Comments-Barrier-RAW-with-Attachments.pdf>.

³⁷ DTSC, October 15, 2025, Review of Draft Removal Action Workplan, Protect Cell 8A From Intrusion of Elevated Temperature Landfill Event, Imminent and Substantial Endangerment Determination and Order (Docket No. Has-Fy24/25-082), Task 10, Protect Cell 8a From Intrusion of Subsurface Elevated Temperature Event (Site Code 302132) Letter (Oct. 15, 2025).

slopes in addition to the northern, western, southern, and Tank Farm 13 slopes. The Letter lacks any data or information supporting risk of a “catastrophic” failure.³⁸

Similarly, the Letter provides no evidence that slope instability poses a risk to water quality, particularly at the eastern and southern slopes, and any supposed threat is unsupported by data.³⁹ In fact, Chiquita’s experts concluded in July 2025 that “[a]bsent a demonstrated southern expansion of the reaction area, there does not seem to be a need to implement immediate mitigation measures to further protect Cell 8A beyond those that Chiquita has already deployed or is in the process of deploying.”⁴⁰ Similarly, the Letter points to no evidence of eastern slope failure. Rather than evidence of risk, the Letter merely cites issuance of orders by other agencies to conduct certain measures, including a vertical “break/barrier,” which is not evidence of actual or threatened groundwater or surface water impacts.⁴¹ Moreover, as noted in Chiquita’s responses to the LEA’s June 6, 2024 Compliance Order and the DTSC’s comments on the Draft Barrier Removal Action Workplan, a “break/barrier” is not safe or technically feasible, and would hinder the efficacy of Chiquita’s existing mitigation measures.⁴² In fact, DTSC has offered Chiquita alternatives to a vertical break/barrier, which Chiquita is discussing with DTSC.

Chiquita is working cooperatively with the appropriate regulators, including DTSC, to investigate, develop, and implement effective mitigation measures regarding slope stability. The additional containment structures, containment well, and treatment systems are therefore not warranted.

2. Potential impacts to surface and groundwater are heavily monitored and mitigated.

The primary risks to surface water and groundwater posed by slope instability are leachate seeps, leaks, and/or spills that may enter stormwater channels and eventually reach surface and/or groundwater. Chiquita has a comprehensive monitoring and reporting program in place to prevent this from occurring, and for immediately addressing those risks if needed.

For example, under Condition 27 of South Coast Air Quality Management District (“AQMD’s”) Stipulated Order for Abatement with Chiquita, Chiquita conducts twice daily leachate seep inspections and conducts follow-up mitigation when necessary, including installation of berms and use of sandbags. These reports are shared with AQMD weekly. In

³⁸ Letter at 4–6.

³⁹ Letter at 5–6.

⁴⁰ Civil & Environmental Consultants, Inc., *Draft Removal Action Workplan: Protect Cell 8A from Intrusion of Elevated Temperature Landfill Event* (July 1, 2025); see also *Geo-Logic Associates, Master Development Plan Stability Analyses* (Aug. 10, 2024) (“The results of this evaluation show that the reaction area has no measurable effect on the south-facing, unbuttressed slope of the Landfill that is underlain by Module 4, Module 5, and Cell 8.”)

⁴¹ Letter at 5.

⁴² Chiquita Canyon, LLC, Response to the LEA’s September 24, 2024 Letter Requesting a Revised Soil Reaction Break/Barrier Plan (Nov. 26, 2024), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2024/12/2024-11-26-CCL-Response-re-SRBBP.pdf>; Chiquita Canyon, LLC, Feasibility Study/RAW, DTSC Imminent and Substantial Endangerment Determination and Order (Mar. 30, 2026).

addition, all leaks, seeps, and spills are reported within 48 hours and include the root cause analysis, estimated quantity, and all corrective actions taken.

Under the Water Board’s Investigative Order and the Waste Discharge Requirements (“WDRs”), groundwater is monitored through an extensive groundwater monitoring network onsite and offsite, and quarterly reports include analysis of over 200 analytes and landfill impacts to groundwater onsite and offsite. Chiquita likewise samples every discharge into or out of the South Basin and East Basin, whether related to a storm event, leak, seep, or anything else, for hundreds of analytes in order to evaluate potential impact to groundwater and surface water.

C. The Liner Integrity and Groundwater Environmental Controls Work is Not Necessary to Protect Surface or Groundwater.

1. There is no evidence that the reaction is impacting performance of the liner.

The Letter directs Chiquita to “install[] . . . a containment well and treatment system(s)” to ensure contaminants do not migrate within the Santa Clara River Valley Basin.⁴³ Those requirements rest on an unsupported assumption that the integrity and performance of liner systems are under threat. However, objective data from the temperature monitoring probes (“TMPs”) negates the Water Board’s assumption. A critical measurement used by Chiquita and its consultants in assessing the reaction is the temperature of waste in and around the reaction area. Chiquita installed waste TMPs in and around the reaction area to monitor waste temperatures at varying depths within the Landfill’s waste mass. The TMPs provide the data needed for a real time assessment of thermal conditions within the waste.

The very deep temperature probes installed in the waste show that peak waste temperatures occur at a waste depth ranging between 200 and 275 ft, and then diminish with increasing depth. None of the data indicate that concerning temperatures exist near the liner.⁴⁴ Weekly “Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks” submittals to LEA visually capture that reality—the vertical temperature profiles clearly indicate decreased temperatures at the deepest levels of waste mass.⁴⁵ Elevated temperatures are generally confined to the Reaction Area.⁴⁶ Further, elevated temperatures are not affecting the underlying composite liner system and leachate collection and removal system (“LCRS”) because of the cooling that occurs in the buried waste materials at lower elevations due to the underlying cooling of the earth.⁴⁷ Additionally, as the Letter concedes, the groundwater monitoring and sampling data—

⁴³ Letter at 8.

⁴⁴ *Rebuttal Declaration of Craig H. Benson, PhD, PE, BCGE, BCEE, NAE*, re Appeal of Los Angeles County LEA May 1, 2025 Compliance Order, ¶ 46 (Mar. 13, 2026) (discussing data supporting diminishing temperatures with increasing depth).

⁴⁵ See Chiquita Canyon, LLC, Attachment 4b Borehole Profiles Six Week Maximum (July 10, 2024), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2024/07/Attachment-4b-Borehole-Profiles-Six-Week-Maximum-7-10-24.pdf>.

⁴⁶ Chiquita Canyon, LLC, Fourth Quarter 2025 Liner and LCRS Integrity Report (Jan. 15, 2026), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2026/01/2026-01-15-Fourth-Quarter-2025-Liner-Integrity-Quarterly-Report.pdf>.

⁴⁷ *Id.*

the most widely used indicator for liner integrity in the industry—offer no evidence of a leachate release. Taken together, these data points provide strong, objective evidence of liner integrity.

The Letter’s speculation that the reaction is spreading to Canyons A and D is equally unsupported. The data collected to date disprove the assertion that the reaction is spreading. Objective data show that the reaction is stable and, in certain areas, showing signs of improvement. Craig Benson, PhD, one of the nation’s leading experts in ETLF events and landfill engineering, confirmed that the Landfill has reached a state of local equilibrium, meaning that the reaction conditions are stable and not expanding.⁴⁸ Temperature data show that waste and liquid temperatures, critical indicators of the presence and state of an ETLF event, are stable.⁴⁹ In some locations, waste temperatures have even decreased.⁵⁰ The limited instances where peak temperatures were observed are localized around the borders of the area where the 60-mil cover was installed in 2025 and are likely caused by the gas and liquid removal systems being offline during cover installation.⁵¹ These fluctuations are not evidence of a spreading or uncontrolled reaction; they are the predictable response of a system under active intervention.⁵²

Other key indicators tell the same story. Liquid levels have stabilized, reflecting successful liquid management efforts to reduce elevated liquid levels in wells and pressures within the waste mass and to directly remove heat from the waste mass.⁵³ Lowering the liquid levels within the wells is also important for improving the landfill gas system’s ability to collect and remove hot landfill gas.⁵⁴ These independent data streams all indicate that Chiquita’s mitigation measures are working as intended to control the reaction and limit any impacts.⁵⁵

There is no evidence supporting the purported need for the installation of the requested groundwater containment system.

2. There is no evidence that the liner is degrading.

The Letter alleges there is “clear and direct evidence of liner failure associated with the SET event.”⁵⁶ Not so. The only source of alleged failure the Letter points to is detection of methane gases in boundary probes GP-13 and GP-15. Those probes have historical exceedances of methane gas and do not substantiate a claim that any part of the liner, much less the entirety of it across the Landfill, is failing. Moreover, methane readings from GP-13 and GP-15 have substantially decreased since Chiquita completed various mitigation measures in accordance with a Revised Remediation Plan approved by the LEA, including installation of soil vapor extraction wells. Chiquita provides weekly updates to the LEA with methane readings from those probes.

⁴⁸ *Declaration of Craig H. Benson, PhD, PE, BCGE, BCEE, NAE*, re Appeal of Los Angeles County LEA May 1, 2025 Compliance Order, ¶¶ 43, 48, 51 (Feb. 17, 2026).

⁴⁹ *Id.* at ¶¶ 37–38.

⁵⁰ *Id.* at ¶¶ 37–38, 44.

⁵¹ *Id.* at ¶¶ 45–46.

⁵² *Id.* at ¶ 44.

⁵³ *Id.* at ¶¶ 27–28, 39.

⁵⁴ *Id.* at ¶ 28.

⁵⁵ *Id.* at ¶¶ 43, 66.

⁵⁶ Letter at 7.

The Letter further alleges that the “Landfill liner is further *susceptible to SET* event damage because of an extensive reliance on geomembrane-based materials” without pointing to actual evidence of such damage.⁵⁷ It is unclear whether the Water Board is referring to the geomembrane cover placed over the surface of the Landfill as directed by the USEPA and the LEA, or the “bottom” composite liner underneath the waste mass. Regardless, there is no evidence that either the geomembrane cover or bottom liners are failing.

To clarify, the composite liner is made of a high-density polyethylene (“HDPE”) geomembrane layer (plastic liner) and a low hydraulic conductivity layer (clay liner). The geosynthetic cover, sometimes referred to as the geomembrane cap, is a distinct 30-mil or 60-mil HDPE (i.e., plastic) cover that is unrelated to the bottom composite liner. As for the bottom composite liner, first, there is a compacted clay liner layer underneath the protective layer which contains, *in part*, geosynthetic clay and geocomposite material. Second, the protective layer that lies on top of the clay liner contains not only geosynthetic clay and geocomposite materials but also HDPE and a drainage layer. There is no evidence that there has been any degradation to the liner. The clearest evidence of liner integrity is groundwater monitoring well data and prior reports submitted to the Water Board show there is no evidence that the integrity of the bottom liner system or the LCRS more broadly have been compromised by conditions associated with the reaction.⁵⁸

Chiquita proactively monitors for potential leaks in well seals through weekly flyovers.⁵⁹ Any leaks coming from the liner would be identified if they were occurring.

The Water Board’s concerns about potential future liner impacts and resulting threat to offsite release are largely based on perceived design flaws of the liner system and do not warrant installation of contingency measures, including a groundwater containment well and treatment system.

3. The LCRS is working as intended.

The Water Board claims there has been “no significant change in the baseline of approximately 5 million gallons per year collected in the LCRS system” and assumes this is due to a “non-functioning LCRS” in large portions of the reaction area.⁶⁰ The non-functioning LCRS theory is wrong and undermined by the Water Board’s acknowledgement that “groundwater monitoring data to date do not show evidence of a leachate release to groundwater[.]”⁶¹

⁵⁷ Letter at 7 (emphasis added).

⁵⁸ See, e.g., Chiquita Canyon, LLC, Third Quarter 2025 Liner and LCRS Integrity Report (Oct. 15, 2025), https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2025/11/2025-10-15-Third-Quarter-2025-Liner-Integrity-Quarterly-Report_Final.pdf.

⁵⁹ Chiquita Canyon, LLC, Response to LEA Comments on the Proposed Revised Remediation Plan for Perimeter Monitoring Wells at GP-13 and GP-15 at Chiquita Canyon Landfill (Oct. 1, 2025), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2025/10/2025-10-01-CCL-Response-to-LEA-Comments-on-Revised-Remediation-Plan.pdf>

⁶⁰ Letter at 7–8 (referring to failed LCRS as “a more likely explanation” for collection rates).

⁶¹ Letter at 8.

Moreover, it is self-evident that a “non-functioning” LCRS would not be collecting 5 million gallons of material.⁶²

Chiquita has explained to the Water Board the more likely reason for the unchanged levels of liquid capture. Independent experts concluded that leachate from within the Landfill’s waste mass exceeds the amount extracted by the LCRS.⁶³ The excess leachate was added to the entrained moisture within the waste mass and stored in the form of saturated zones created by historic practices prior to Chiquita’s presence at the site.⁶⁴ Previous landfill operations did not remove layers of cover soil to allow for uniform flow of leachate and LFG—a hypothesis that has been further confirmed by reports of saturated zones encountered during drilling operations.⁶⁵ The Water Board’s conclusory statements about liner failure are contrary to data on liner performance and are further undermined in view of an alternative, well-supported theory that is best fit to explain the liquid extraction data.

D. There is No Actual or Threat of Pollution or Nuisance Warranting Remedial Action.

In addition to the legal prohibition discussed above on requiring the specific manner and means of compliance, the Water Board is also constrained by law from ordering remedial actions unless express criteria are met, which the Water Board has not done and cannot do. Remedial actions pursuant to California Water Code section 13304 require proof that (1) the discharger “caused or permitted” or threatened to cause or permit “waste to be discharged or deposited” into state waters (the “discharge element”), or that (2) the discharged waste “creates, or threatens to create,” pollution or nuisance conditions (the “nuisance creation element”).⁶⁶ Under Section 13304(e), “threaten” is defined as “a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or natural resources.”⁶⁷

In order to determine whether the discharger creates or threatens to create a nuisance, regional water boards “generally assess the impact or extent of harm from the discharged waste (or threatened discharge) and determine whether remedial action is reasonably necessary by the named person.”⁶⁸ The nuisance element requires “assessment of the impact or extent of harm from an actual or threatened discharge of waste and determination that remedial action is reasonably necessary by a named person.”⁶⁹

⁶² Moreover, the materials captured by the LCRS do not account for liquids collected and extracted by separate dewatering pumps.

⁶³ See Chiquita Canyon, LLC, Model of Liquid Generation and Total Quantity Report (Jan. 7, 2026), <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2026/01/2026-01-07-Liquids-Report-FINAL.pdf>.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Wat. Code, § 13304; *San Diego Gas & Electric Co. v. San Diego Regional Water Quality Control Board* (2019) 36 Cal.App.5th 427, 439–40.

⁶⁷ Wat. Code, § 13304, subd. (e).

⁶⁸ *San Diego Gas & Electric Co.*, supra, 36 Cal.App.5th at p. 440.

⁶⁹ *Id.* at p. 442.

Apart from vague and unsubstantiated allegations that the Landfill poses a risk to the Santa Clara River and groundwater generally, the Water Board makes no effort to assess the impact or extent of harm posed by the Landfill.⁷⁰ Further, the remedial actions required by the Letter go far beyond what might be reasonably necessary to protect water quality. Groundwater and basin sampling shows there is no threat to groundwater or the Santa Clara River by the Landfill because there is no “substantial probability of harm” which would “make it reasonably necessary to take immediate action.” The Water Board provides no support for the allegation that the Landfill will in the near future exceed any water quality standards or pose any threat to groundwater or the Santa Clara River, and this allegation is undermined by recent reports submitted to the Water Board.⁷¹

III. CORRECTION OF FACTUAL ALLEGATIONS AND HISTORY

A. WCI Is Not an Operator of the Landfill.

The March 26 Letter names Waste Connections, Inc. (“WCI”) as an operator of the Landfill.⁷² This is incorrect, as the Water Board is well aware. Chiquita Canyon, LLC independently owns and operates the Chiquita Canyon Landfill and is the entity named on the facility’s operating permit.⁷³ The Letter’s statement that “Waste Connections, Inc. is the permittee under the 2018 WDRs” is a blatant misstatement. The 2018 WDRs merely acknowledge that WCI is the parent company of the discharger Chiquita Canyon, LLC: “[t]he Landfill is owned and operated by Chiquita Canyon LLC, which is a wholly-owned subsidiary of Waste Connections, Inc. (“Discharger”).”⁷⁴ The Discharger is Chiquita Canyon, LLC, which is also reflected in the Water Board’s own website.⁷⁵

Further, WCI has no employees and has no control or direct involvement in the operation, maintenance, oversight, or monitoring of Chiquita Canyon, LLC or the Landfill. Nor is WCI involved in hiring, firing, or supervision of day-to-day work activities of employees of Chiquita Canyon, LLC. While the Letter states that “staff are also present at site inspections . . . correspond with Los Angeles Water Board staff in response to environmental operations, and

⁷⁰ See *Matter of the Petition of Hr Textron, Inc.*, SWQCB Order No. WQ 94-2, 1994 WL 86342 (Feb. 17, 1994) (holding that it was unreasonable to require groundwater monitoring under the cleanup and abatement order because extensive site investigation showed contamination had not migrated making it unlikely waste from the tanks had migrated to groundwater and groundwater monitoring was not “cost-effective”).

⁷¹ See *Chevron Pipe Line Company*, SWQCB Order No. WQO 2002-0002, 2002 WL 232808 (Jan. 23, 2002) (remanding the cleanup and abatement order because no sufficient data to determine the cleanup level for the soil consistent with background level concentrations and requiring consideration of economically and technologically feasible solutions).

⁷² Letter at 1 fn.1.

⁷³ See County of Los Angeles Department of Public Health, Local Enforcement Agency, Solid Waste Facility Permit No. 19-AA-0052 (Chiquita Canyon Sanitary Landfill).

⁷⁴ California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2018-0172, p. 1 (Dec. 13, 2018), https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/docs/6231_R4-2018-0172_WDR_PKG.pdf.

⁷⁵ California Regional Water Quality Control Board, Los Angeles Region, Permits Search Tool Results for Order No. R4-2018-0172, https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/query.php?id=8273 (naming Chiquita Canyon, LLC as the Discharger).

contract and direct compliance with Los Angeles Water Board regulatory efforts,”⁷⁶ those statements are inaccurate and such activities do not make an entity an operator under California law.⁷⁷ Please correct the Water Board’s records accordingly.

B. There is No Evidence of an “Uncontrolled” SET Event or Fundamental Instability.

The Letter contends that the Landfill is experiencing an “expanding, uncontrolled [SET] event.”⁷⁸ However, the reaction at the Landfill is neither “uncontrolled” nor a “SET event.” The Elevated Temperature Landfill Event the Landfill is currently experiencing is being addressed and controlled through an aggressive mitigation program overseen by several regulatory agencies. Chiquita has undertaken all best practices associated with managing an ETLF. Since the onset of the reaction, Chiquita has increased the Landfill’s ability to extract and destroy landfill gas and prevent fugitive emissions, including through installation of 50 miles of landfill gas and leachate piping in 2024 alone; installed 46 acres of 30-mil geosynthetic cover; increased leachate extraction capabilities with an extensive network of vertical and horizontal extraction wells, and more.⁷⁹ These efforts have proven successful—the ETLF is stable and not expanding. Leachate temperatures within the waste mass (a key indicator of ETLF conditions) remained stable throughout 2025, methane emissions have dramatically decreased, offsite hydrogen sulfide emissions have decreased, and odor complaints have dropped dramatically as well.⁸⁰ As a result of these efforts, the reaction is not threatening the “fundamental stability of the Landfill mass,” as discussed above.

C. Past Water Board NOVs Do Not Justify the Requested Work.

The letter lists past Water Board NOVs without acknowledging Chiquita’s thorough legal and factual rebuttals to those NOVs, as well as corrective actions taken in response. Past NOVs contain mere allegations and do not, without more, grant the Water Board authority or otherwise justify the requested work.

The Letter alleges certain work is necessary to “preclude the unauthorized discharge of leachate impacted stormwater, which is prohibited by the 2018 WDRs and the Industrial General Permit, and to maintain compliance with water quality objectives.”⁸¹ The Letter does not provide any indication of which “water quality objectives” necessitate this work. Even if there are isolated detections of analytes in basin effluent, this would not justify the requested work. Past NOVs have made allegations of IGP and WDR violations based on inapplicable data. For example, the March 28, 2024 NOV alleged failure to comply with the IGP’s discharge prohibitions because of effluent samples taken from the South Basin with TSS levels above the

⁷⁶ Letter at 1.

⁷⁷ 27 Cal. Code Regs., § 20164.

⁷⁸ Letter at 2.

⁷⁹ *Declaration of Steven J. Cassulo* re Appeal of Los Angeles County LEA May 1, 2025 Compliance Order (Feb. 17, 2026) (discussing ETLF mitigation efforts).

⁸⁰ *Declaration of Craig H. Benson, PhD, PE, BCGE, BCEE, NAE*, re Appeal of Los Angeles County LEA May 1, 2025 Compliance Order, ¶¶ 43, 48, 51 (Feb. 17, 2026).

⁸¹ Letter at 9.

Effluent Limitations Guidelines (“ELG”) maximum monthly average, iron detections above the annual Numeric Action Level, and other “notable” detections. As noted in Chiquita’s April 29, 2024 response, application of monthly or annual averages to one-time sampling events is inappropriate for evaluating individual qualifying storm event samples from the basins, and does not substantiate allegations that leachate has commingled with stormwater and discharged to the Santa Clara River.⁸² Here, too, the Letter does not point to any exceedances of applicable water quality standards that would indicate the presence of leachate.

The most recent Water Board NOV dated January 7, 2026 likewise alleged violations of the IGP based on discharges from the East Basin in December 2025, which the Water Board alleges were commingled with leachate. As established in the March 12, 2026 response, multiple sampling analyses, including those by DTSC and the Water Board, showed zero or trace detections of benzene and other VOCs. Nor is there any evidence that these discharges exceeded the IGP’s ELGs and benchmark levels. Any potential impact from leachate present in the East Basin on November 14, 2025 was heavily mitigated by other factors, including dilution with rain and significant evaporation.

* * * * *

Chiquita respectfully submits that the Water Board’s request to implement specific response actions exceeds the Water Board’s legal authority, is not supported by the large record of data regarding the Landfill, and is unnecessary and counterproductive. Chiquita has worked for many years with technical experts and multiple regulators to assure that the management of the Landfill is legally, scientifically, and technically sound and that any risks are identified and appropriately addressed. The Letter takes an alarmist approach, mandating action at odds with the vast amounts of available data and inconsistent with or otherwise duplicative of existing federal and state orders and directives. Chiquita is prepared to take all appropriate administrative and legal steps to defend itself against any efforts to enforce the requests in the Letter.

Chiquita remains committed to working cooperatively with the Water Board and all regulators, and welcomes an opportunity to discuss in more detail the specific concerns raised in the Letter. We’re confident that such a discussion can yield a useful path forward.

Regards,



Kevin Green
District Manager
Chiquita Canyon, LLC

⁸² The Water Board has the burden of demonstrating any violations of the IGP and/or related state law by the preponderance of available evidence, data, and information. *See In re Colin-Strawberry Water Co., Inc.* (Cal. P.U.C., July 21, 2005) 2005 WL 1798306.

Asst. Ex. Off. Newman

April 3, 2026

Page 17 of 17

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