



**CHIQUITA CANYON**  
*A Waste Connections Company*

April 9, 2026

***Via E-Mail***

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**Re: Chiquita Canyon, LLC Response to February 25, 2026 Summary of Violations**

Dear Ms. Zmily:

Chiquita Canyon, LLC (“Chiquita”) is in receipt of the Summary of Violations (“SOV”) for the Chiquita Canyon Landfill (“Landfill”) issued by the Department of Toxic Substances Control (“DTSC”) on February 25, 2026.<sup>1</sup> Based on the allegations set forth in the SOV, DTSC requested that Chiquita take certain actions and provide certain information within the schedules identified in the SOV, and identified additional issues/concerns for Chiquita’s consideration.

As discussed below, Chiquita disputes the allegations set forth in the SOV and the requested actions. Chiquita has provided voluminous and timely information about the Landfill to its regulators and continues to do so. Chiquita will continue to cooperate with reasonable requests for information that are within the scope of DTSC’s authority and applicable to the Landfill.

Chiquita provides the following information in the interest of continued cooperation with its regulators. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV.

**Allegation #1 – Failure to Minimize the Possibility of a Release of Hazardous Waste**

***Summary of DTSC Allegation:***

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<sup>1</sup> Chiquita Canyon, LLC is the sole owner, operator, and permit holder at Chiquita Canyon Landfill. Chiquita Canyon, Inc. and Waste Connections US, Inc. are not part of the facility name, nor do they manage, direct, or conduct operations at the facility as alleged in the SOV.

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DTSC asserts that Chiquita violated 22 CCR § 66262.251 by allegedly failing to minimize the possibility of a release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. DTSC lists 49 individual incidents that form the basis for this allegation.

### *Chiquita Response to Allegation:*

As explained in previous responses to similar alleged violations in SOVs dated April 1, 2025 and November 18, 2025, Chiquita denies that it violated 22 CCR § 66262.251, as alleged by DTSC. For reasons elaborated on in its previous responses, the provision cited by DTSC does not currently apply to Chiquita (and did not apply during the time of the individual incidents cited by DTSC). For further explanation as to why DTSC's allegation has no merit, please refer to Chiquita's two prior responses, dated May 1, 2025 and January 15, 2026, attached and incorporated herein as **Attachments 1 and 2**, respectively.

### *Summary of DTSC Prescribed Actions:*

DTSC directs Chiquita to continue sending DTSC the following agency reports:

- South Coast Air Quality Management District Stipulated Order for Abatement ("AQMD SOFA") Condition 27(e) Spill/Leak Reports
- AQMD SOFA Condition 27(c) Leachate Inspection Logs
- Waterboard 7-Day Waste Discharge Requirements Reports
- Waterboard 30-Day Storm Event Reports

Additionally, DTSC directs Chiquita to include the following information, as applicable, in the above noted reports:

- (i) The estimated release cleanup time;
- (ii) A waste determination identifying if the release is hazardous, non-hazardous, or characteristically non-hazardous;
- (iii) The tank number, well number, and train identification associated with the release, if applicable;
- (iv) Photographs, if taken, shall be included in AQMD's report or provided to DTSC separately within 72 hours of the release; and
- (v) Sampling results, if the release is sampled, shall be provided to DTSC within 48 hours of Chiquita receiving results.

### *Chiquita Response to DTSC Prescribed Actions:*

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Chiquita has been providing, and continues to provide, DTSC with copies of the requested reports. These reports are also posted to the publicly available website.

In DTSC's April 1, 2025 SOV, DTSC requested that Chiquita provide similar information in its release notifications. For reasons stated in Chiquita's May 1, 2025 response to that SOV, some of the information requested cannot be collected. Chiquita also disputes DTSC's authority to require Chiquita to provide this information under these circumstances. Nevertheless, in the interest of cooperation and transparency, Chiquita has been providing and will continue to provide the information requested to the best of its abilities.

As DTSC is aware, Chiquita has been providing courtesy copies of the requested reports to DTSC via email. These reports contain the available information that DTSC requests be included. Notably, the cleanup time for a leak, seep, or spill, is difficult to estimate. Given the time-sensitive nature of completing and sending a release report, there is often not enough time to complete an estimation of the cleanup time. Under SOFA Condition 27(e), Chiquita reports to South Coast AQMD each leachate spill or leak within 48 hours of discovery. It is often not feasible to provide an estimation of the cleanup time in this timeframe.

In its May 1, 2025 response, Chiquita noted that it was available to discuss its reporting with DTSC. Chiquita continues to be available to discuss a reasonable approach to address any issues identified by DTSC.

### **Allegation #2 – Transfers to Unregistered Transporters**

#### ***Summary of DTSC Allegation:***

DTSC alleges that, on and/or before February 4, 2026, Chiquita transferred custody of hazardous waste leachate and/or condensate to two transporters that did not hold valid hazardous waste transporter registrations issued by DTSC: Action Resources LLC (EPA ID ALR000007237) and Action Environmental LLC (EPA ID ALR000056689). DTSC further states that:

- (i) From February 26, 2024 to February 4, 2026, Chiquita transferred custody of hazardous waste on at least 2,165 hazardous waste manifests to EPA ID ALR000007237 (listed as Action Resources LLC);
- (ii) Action Resources LLC's DTSC transporter registration (Registration No. 6620) expired June 30, 2023 and was reinstated on February 17, 2026 (with expiration stated as February 28, 2027);
- (iii) From November 4, 2024 to September 18, 2025, Chiquita transferred custody of hazardous waste on at least 15 hazardous waste manifests to EPA ID ALR000056689 (identified on manifests as Action Environmental LLC); and

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(iv) DTSC was unable to locate records of Action Environmental LLC as a registered hazardous waste transporter and did not hold a valid registration with DTSC during the cited period.

### *Chiquita Response to Allegation:*

Chiquita takes the hazardous waste transportation requirements seriously. Chiquita has reviewed the circumstances described in the SOV, including contractor qualification and verification steps used in connection with transporter selection and manifesting, and has discussed the issue with Clean Harbors, which arranged for transport of the referenced materials. Action Resources provided Clean Harbors with a letter explaining the circumstances, attached here as **Attachment 3**.

In its letter, Action Resources explains a paperwork issue wherein Action Environmental was mistakenly listed as the transporter, instead of Action Resources. Action Resources further explains that it maintains all necessary authorizations to transport hazardous waste in California, but that a misunderstanding about proper procedures following a closed terminal led to a temporary lapse in its California hazardous waste transporter registration. However, Action Resources maintained its California Highway Patrol license and U.S. Department of Transportation materials registration throughout the cited time period, and promptly corrected the registration issue when it came to light.

Clean Harbors has provided manifests updated with the correct transporter, attached here as **Attachment 4**. Chiquita also will require Clean Harbors to provide evidence of proper registration for all of its transporters annually going forward.

### *Summary of DTSC Prescribed Actions:*

- (i) DTSC directs Chiquita to discontinue transferring custody of hazardous waste to transporters that do not hold a valid registration issued by DTSC.
- (ii) DTSC also directs Chiquita to, within 10 days of the SOV, provide confirmation in writing that all transporters used by Chiquita to transport hazardous waste within, into, out of, or through California are DTSC-registered hazardous waste transporters.

### *Chiquita Response to DTSC Prescribed Actions:*

Chiquita has ensured that all of its currently-contracted transporters for hazardous waste hold a valid registration issued by DTSC. In an email dated March 5, 2026 and attached and incorporated herein as **Attachment 5**, Chiquita provided written confirmation to DTSC that all transporters of hazardous waste Chiquita contracts with are appropriately registered with DTSC.

### Other DTSC Issues/Concerns

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In Section II of the SOV, DTSC lists three additional areas of concern identified during its investigation. Each area is discussed separately below.

### **Issue/Concern 1**

DTSC asserts that it is concerned that there are additional non-hazardous leachate leak or spill incidents, and states that “these incidents demonstrate general leachate mismanagement on-site.”

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to Issue/Concern 1 at this time. Chiquita maintains that there has been no violation with respect to this identified “issue/concern.” As mentioned above in the response regarding Allegation #1, and as Chiquita has previously explained, the occurrence of leachate and/or condensate releases does not constitute a violation of 22 CCR § 66262.251. The referenced provision does not currently apply at the facility, and the facility has implemented numerous procedures designed to minimize releases, as otherwise would be required under that provision. In addition, Chiquita has been and will continue documenting and reporting to DTSC all releases required to be documented and reported under applicable laws and regulations.

### **Issue/Concern 2**

DTSC states that recent hazardous waste manifests continue to include a phone number assigned to Steve Cassulo, who is no longer working for Chiquita.

#### ***Chiquita Response:***

Kevin Green will be listed as the point of contact on the hazardous waste manifests going forward.

### **Issue/Concern 3**

DTSC states that, on January 23, 2026, DTSC issued a letter of non-compliance regarding Allegation #3 of DTSC’s November 18, 2025 SOV (relating to labeling of hazardous waste tanks/containers), and that Chiquita has not yet provided a response to that letter or adequate documentation demonstrating compliance.

#### ***Chiquita Response:***

Chiquita acknowledges DTSC’s January 23, 2026 letter of non-compliance and is preparing a separate response, detailing Chiquita’s inventory and recordkeeping system for its hazardous waste management.

As Chiquita stated in its December 18, 2025 response to the SOV, incorporated and attached herein as **Attachment 6**, 22 CCR § 66262.17 does not apply to Chiquita. Compliance with the

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labeling and marking requirements under the referenced section is a “condition for exemption” from permitting requirements under Section 66262.17. Chiquita is not (and has not been) required to meet the conditions for the Large Quantity Generator (“LQG”) accumulation exemption from permitting set forth at Section 66262.17 because it is already covered by a different permitting exemption, namely the Immediate Response Exemption. Chiquita cannot have “violated” the conditions of an exemption that it did not need. Additionally, to the extent that labeling and marking requirements apply to Chiquita, any inadequate labeling or marking of tanks holding hazardous waste was a harmless error. It is Chiquita’s policy to manage any waste stream that is characteristically hazardous as hazardous until it is determined to be non-hazardous.

Nevertheless, Chiquita has taken numerous steps to ensure its hazardous waste tanks and containers are labeled in accordance with otherwise applicable state and federal law. Chiquita has placed permanent labels on its hazardous tanks and containers, as will be discussed further in the forthcoming response to DTSC’s January 23, 2026 letter.

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As noted above, Chiquita is providing this information in the interest of continued cooperation with its regulators. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV. Chiquita remains available to discuss these issues as needed. Please contact me if you have any questions.

Regards,

Kevin Green  
District Manager  
Chiquita Canyon Landfill

Enclosures

cc: Ken Habaradas, Los Angeles County Department of Public Health  
Robert Ragland, Los Angeles County Department of Public Health  
Liza Frias, Los Angeles County Department of Public Health  
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Karen Gork, Los Angeles County LEA  
Renee Jensen, LEA Counsel

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Blaine McPhillips, Senior Deputy County Counsel  
Emiko Thompson, Los Angeles County Public Works  
Alex Garcia, Los Angeles County Department of Regional Planning  
Ai-Viet Huynh, Los Angeles County Department of Regional Planning  
Wes Mindermann, CalRecycle  
Todd Thalhamer, CalRecycle  
Jeff Lindberg, California Air Resources Board  
Jack Cheng, South Coast Air Quality Management District  
Larry Israel, South Coast Air Quality Management District  
Enrique Casas, Los Angeles Regional Water Quality Control Board  
Thanne Berg, Department of Toxic Substances Control  
Dylan Clark, Department of Toxic Substances Control  
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Johnathan Crook, Department of Toxic Substances Control  
Lisa Winebarger, Department of Toxic Substances Control  
Gregory Gentile, Department of Toxic Substances Control  
Natasha DiPietro, Department of Toxic Substances Control  
Gregory Shaffer, Department of Toxic Substances Control  
Dylan Smith, Chiquita Canyon  
Sarah Phillips, Chiquita Canyon  
John Perkey, Chiquita Canyon  
Megan Morgan, Beveridge & Diamond, P.C.  
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May 1, 2025

***Via E-Mail***

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**Re: Chiquita Canyon Landfill Response to April 1, 2025 Summary of Violations**

Dear Ms. Neal and Ms. Zmily:

Chiquita Canyon, LLC (“Chiquita”) is in receipt of the Summary of Violations (“SOV”) for the Chiquita Canyon Landfill (“Landfill”) issued by the Department of Toxic Substances Control (“DTSC”) on April 1, 2025.<sup>1</sup> Based on the allegations set forth in the SOV, DTSC requested that Chiquita take certain actions and provide certain information within thirty (30) days of the SOV. Other actions and requests for information did not include an explicit deadline. Reserving all its rights and defenses, Chiquita provided interim responses to a portion of SOV Allegation #2A, copies of which are attached hereto as **Attachment 1**, and to a portion of SOV Allegation #2B, copies of which are attached hereto as **Attachment 2**.

As discussed below, Chiquita disputes the allegations set forth in the SOV and requested actions. Chiquita has provided voluminous and timely information about the Landfill to its regulators and continues to do so. Chiquita will continue to cooperate with reasonable requests for information that are within the scope of DTSC’s authority and applicable to the Landfill. However, none of

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<sup>1</sup> Chiquita Canyon, LLC is the sole owner, operator, and permit holder at Chiquita Canyon Landfill. Chiquita Canyon, Inc. and Waste Connections US, Inc. are not part of the facility name, nor do they manage, direct, or conduct operations at the facility as alleged in the SOV.

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the SOV's alleged violations and requested corrective actions are supported by the factual circumstances or the regulatory citations.

Chiquita nevertheless provides the following information in the interest of continued cooperation with its regulators. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV.

### **Allegation #1 – Failure to Comply with Land Disposal Restriction Requirements**

#### ***Summary of DTSC Allegation:***

DTSC alleges that Chiquita violated 22 CCR § 66262.17(a)(9) by failing to comply with land disposal restriction (“LDR”) requirements with respect to shipments on November 10 and 11, 2024, of three loads of leachate from one of Chiquita’s leachate tanks to Red Rock Landfill, located in Arizona, for disposal. In support of this allegation, DTSC asserts that Chiquita sampled Tank #172, but the leachate loads at issue were solidified and disposed of at Red Rock Landfill prior to Chiquita receiving test results. DTSC further alleges that on November 12, 2024, sample results from Tank #172 showed a methyl ethyl ketone (“MEK”) concentration of 39 mg/L, in exceedance of the nonwastewater Universal Treatment Standard (“UTS”) for MEK of 36 mg/kg. DTSC also alleges that on November 27, 2024, Chiquita sent a notification letter to Red Rock Landfill acknowledging these shipments exceeded the applicable LDR treatment standard for MEK.

#### ***Chiquita Response to Allegation:***

Chiquita denies that it violated 22 CCR § 66262.17(a)(9) for several reasons.

First, the cited provision does not currently apply to Chiquita (and did not apply at the time of shipments during November 2024). Section 66262.17 sets forth a conditional exemption from permitting requirements for accumulation of hazardous wastes by Large Quantity Generators (“LQGs”). Subsection (a)(9) sets forth one of the “Conditions for [the] Exemption,” namely compliance with LDR requirements. However, Chiquita does not currently (and did not in November 2024) need the conditional exemption in Section 66262.17, because it is (and was) exempt from permitting under an entirely different provision, the Immediate Response Exemption of 22 CCR § 66270.1(a)(3)(A). Chiquita has previously explained<sup>2</sup> how it has

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<sup>2</sup> Previous explanations of the applicability of the Immediate Response Exemption include, but are not limited to, Chiquita’s correspondence to DTSC dated February 14, 2024. See **Attachment 3** for this correspondence. As explained in this correspondence, Chiquita was and is experiencing an Elevated Temperature Landfill (“ETLF”) event necessitating an immediate response, including treatment and containment of the on-site leachate. When operating under the Immediate Response Exemption, hazardous waste permitting requirements do not apply due to the emergency situation at hand.

An ETLF event, also referred to as a landfill reaction, is typically characterized by rapid increases in both landfill gas and leachate quantities, which can overwhelm traditionally permitted existing gas and liquids infrastructure.

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qualified for the Immediate Response Exemption and incorporates those explanations here by reference. Chiquita is not, in “violation” of a condition for an exemption that it did not need nor had it sought. (*See, e.g.*, 81 Fed. Reg. 85,732, 85,746 (Nov. 28, 2016) (“Generator Improvements Rule”) [“Meeting a condition for exemption is required only if the generator wants an exemption, and then is ‘required’ only in the sense that it is a necessary step to take in order to successfully obtain that optional exemption”]).

Second, Chiquita maintains that it complied with all numeric LDR requirements for the three loads of treated leachate that are the subject of Allegation #1. The facility properly determined that the treated leachate was non-hazardous,<sup>3</sup> and thus could be shipped to a non-hazardous waste landfill, such as the Red Rock Landfill, for treatment and disposal. Chiquita was not required to notify the receiving facility of any underlying hazardous constituents that might have been above Universal Treatment Standards (“UTS”). (*See, e.g.*, 58 Fed. Reg. 48,092, 49,135 (September 14, 1993) [“there is no current requirement that the generator notify a Subtitle D nonhazardous waste treater of the constituents subject to treatment in the waste”]; RCRA Hotline Report (November 2001) (RCRA Online #14585) [“the generator is not required to notify the Subtitle D facility of the constituents subject to treatment”]).

In any event, the Red Rock Landfill facility reportedly solidified the liquid leachate at issue in a tank before land disposing of the waste. (*See, e.g.*, 40 C.F.R. § 258.28(a) [generally prohibiting disposal of bulk or noncontainerized liquids in municipal solid waste landfill]). Such solidification would have reduced the concentration of MEK in the leachate by more than 10%, which is all that would have been necessary to reduce the measured concentration from 39 mg/L to the UTS of 36 mg/kg. The material that was ultimately land disposed (*i.e.*, solidified leachate) therefore met applicable numeric treatment standards. While the Red Rock Landfill does not appear to have verified through testing that the treatment standards were met, it was not required to do so. (*See, e.g.*, 58 Fed. Reg. at 49,135 [“there is no current requirement...for the subtitle D treater to verify compliance with the treatment standards”]; RCRA Online #14585 [“Subtitle D treaters (*i.e.*, treaters of wastes which are no longer hazardous but which require treatment to satisfy LDR treatment standards) are not currently required to verify compliance with treatment standards”]).

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Unique changes in the composition of both landfill gas and leachate can also result from an ETLF event. Chiquita has responded to the ETLF event occurring at the Landfill, in consultation with and under the supervision of its regulators, with rapid and robust expansion of its gas and liquids infrastructure.

<sup>3</sup> One of Chiquita’s leachate tanks, labeled ECT Tank #172 (“Tank 172”), was sampled on November 2, 2024, and the test results came back on November 4, 2024 showing that the leachate was non-hazardous and met Land Disposal Restriction (“LDR”) treatment standards. The contents of this tank were subsequently approved for shipment, and one load on November 6, 2024 and one load on November 7, 2024 were sent to Red Rock Landfill.

Between November 8th and 9th, the now partially-empty Tank 172 was refilled with new leachate. An additional confirmation grab sample was taken on the afternoon of November 9th. On November 10th, two loads were pulled from Tank 172 and sent to Red Rock. Early on November 11th, another load was pulled and sent to Red Rock. On November 12th, the test results from November 9th sample were returned, showing one constituent slightly above the applicable LDR treatment standard (MEK concentration of 39 mg/L), thus indicating that the three loads sent to Red Rock on November 10th and 11th were non-conforming because they were slightly above the relevant non-wastewater standard of 36 mg/kg MEK for LDRs. The leachate was originally hazardous due to benzene, but had been treated to remove that characteristic.

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Chiquita verbally informed the Red Rock Landfill on November 15, 2024, about the slightly elevated MEK test result for the treated leachate at issue. As noted in the SOV, Chiquita also sent a follow-up letter to the landfill facility on November 27, 2024, which provided additional background and information about steps the company was taking to prevent similar incidents in the future. However, such communications in no way constituted an admission of any regulatory violations. As the United States Environmental Protection Agency (“EPA”) noted when it originally established the LDR requirements for characteristic hazardous wastes, “generators and Subtitle D facilities have substantial incentives (such as CERCLA liability) to exchange information and verify compliance with treatment standards for underlying hazardous constituents *independent of federal notification requirements.*” (59 Fed. Reg. 47,980, 48,016 (September 19, 1994) (emphasis added)). Consistent with this, Chiquita conservatively sought to limit liabilities by shipping only leachate that had been measured to have MEK concentrations below the UTS to Red Rock Landfill. The fact that the loads at issue in Allegation #1 did not meet the company’s goal did not mean that any regulatory violation occurred.

### ***Summary of DTSC Prescribed Actions:***

DTSC directs Chiquita to comply with all applicable requirements for LDRs. The SOV states that Chiquita must provide the lab results for all samples collected from Tank #172 on November 2 and 9, 2024. It further directs Chiquita to provide a written description of the “Tank Release” program and a copy of the Standard Operating Guideline referenced in Chiquita’s November 27, 2024 notification letter to Red Rock Landfill.

### ***Chiquita Response to DTSC Prescribed Actions:***

The actions prescribed by DTSC with respect to Allegation #1 are without foundation, given that the allegation is without merit, as discussed above. Chiquita will nevertheless continue to comply with applicable requirements and is providing the requested information in the interest of cooperation and transparency.

Following this incident, Chiquita instituted a Tank Release program, which locks the valves on the influent and effluent ends of the tanks according to their stage in the filling, sampling, approval, and disposal process to ensure that once a tank is filled and a sample has been taken, more liquids cannot be added to that tank until that tank has been emptied. During the filling process, the influent valve is opened while the effluent valve remains locked. Once the tank is full and the liquids have been sampled, the influent valve is locked so that liquids can neither enter nor leave the tank. Upon receipt of the sample’s analytical results and approval from the disposal facility, the effluent valve is unlocked to allow for loading into trucks. During this loading process, the influent valve remains locked. Once the tank is fully emptied, the effluent valve is locked and the influent valve is unlocked so that the tank is ready to receive liquids again. This process also ensures that only Chiquita employees can control when a tank is filled or emptied.

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Lab results for all samples collected from Tank #172 on November 2 and 9, 2024 are attached as **Attachment 4**. A copy of the Standard Operating Guidelines referenced in Chiquita's November 27, 2024 notification letter to Red Rock Landfill is attached as **Attachment 5**.

In sum, Chiquita did not violate 22 CCR § 66262.17(a)(9). Chiquita complied with all numeric LDR requirements for the three loads of treated leachate, and the Red Rock Landfill facility appropriately handled the leachate before disposing of it. Chiquita additionally worked cooperatively and transparently with the Red Rock Landfill facility to ensure that the leachate at issue was handled and disposed of properly. DTSC's Allegation #1 is without merit.

### **Allegation #2A – Failure to Minimize the Possibility of a Release of Hazardous Waste**

#### ***Summary of DTSC Allegation:***

DTSC asserts that Chiquita violated 22 CCR § 66262.251 by allegedly failing to minimize the possibility of a release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. DTSC lists 42 individual releases that form the basis for this allegation. DTSC additionally claims that Chiquita did not directly notify DTSC of these alleged releases as required per the Summary of Violations issued by DTSC to Chiquita on February 15, 2024.

#### ***Chiquita Response to Allegation:***

Chiquita denies that it violated 22 CCR § 66262.251, as alleged by DTSC, for several reasons. First, that provision does not currently apply to Chiquita (and did not apply during the time of the individual incidents cited by DTSC). Compliance with Section 66262.251 is a “condition for exemption” from permitting requirements under Section 66262.17, in the same way as the LDR provisions discussed above in the context of Allegation #1. Specifically, Section 66262.17(a)(6) states that one of the conditions for that exemption is that “[t]he large quantity generator complies with the standards in article 9 of this chapter.” And, Section 66262.251 is contained in Article 9. EPA has acknowledged that the “minimize release” provision is merely a condition for exemption, stating that “[t]he condition for exemption for LQGs at [40 CFR] § 262.17(a)(6)-(7) [the federal counterpart to 22 CCR § 66262.17(6)] references 40 CFR part 262 subpart M [the federal counterpart to Article 9].” (*See* 81 Fed. Reg. at 85,790). As discussed above with respect to Allegation #1, Chiquita is not (and has not been) required to meet the conditions for the LQG accumulation exemption from permitting set forth at Section 66262.17, because it is already covered by a different permitting exemption, namely the Immediate Response Exemption. Chiquita cannot have “violated” the conditions of an exemption that it did not need.

Second, Chiquita maintains that it nevertheless did comply with Section 66262.251.<sup>4</sup> That provision states, in its entirety, that “[a] large quantity generator shall maintain and operate its facility to

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<sup>4</sup> Section 66262.251 was approved by the California Office of Administrative Law (“OAL”) on May 6, 2024, with an effective date of July 1, 2024. See OAL Regulatory Action Number: 2024-0322-01S. Accordingly, there could not have been a violation of this specific provision prior to July 1, 2024.

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- (1) minimize the possibility
- (2) of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents
- (3) to air, soil, or surface water
- (4) which could threaten human health or the environment.” (numbering added).

Each of these elements must be evaluated in assessing a potential violation:

- The provision only addresses releases from the “*facility*,” which is defined for these purposes as “all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of *hazardous waste*.” (See 22 CCR § 66260.10 (emphasis added)). Thus, any releases from non-hazardous waste units are not relevant.
- The LQG is required only to “*minimize the possibility*” of covered releases, not to eliminate them entirely. It is well established that the occurrence of a release does not necessarily indicate that a generator failed to meet this requirement. (See, e.g., *U.S. v. Environmental Waste Control, Inc.*, 710 F. Supp. 1172, 1237 (N.D. Ind. 1989) (“40 C.F.R. § 265.31 [a federal provision with essentially the same language as § 66262.251] ...is not violated simply by a sporadic fire. The regulation requires the implementation of procedures designed to minimize fire. The occurrence of a single fire, quickly contained, does not persuade the court that EWC did not implement such procedures”), *aff’d*, 917 F.2d 327 (7th Cir. 1990); *cert. denied*, 499 U.S. 975 (1991)).
- The only releases that must be minimized under this provision are releases of “*hazardous waste or hazardous waste constituents*.” (See 22 CCR § 66262.251 (emphasis added)). Releases of non-hazardous wastes are not relevant under the provision.
- Only releases “*to air, soil, or surface water*” are covered. Indeed, a “release” is defined for these purposes as “spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing *into the environment*.” (See 22 CCR § 66260.10 (emphasis added)). Accordingly, releases that are contained do not implicate Section 66262.151.
- Only releases that could “*threaten human health or the environment*” are addressed by the provision. Thus, very small releases, and even larger releases that are quickly cleaned up, are not covered.

Chiquita has reviewed each of the 42 incidents referenced by DTSC in SOV Exhibit C, in light of the limited nature of § 66262.251, notwithstanding the fact that the Immediate Response Exemption applies to each incident. All of these incidents are also outside the scope of the provision for one or more of the following reasons:

- (1) The release did not involve hazardous material;
- (2) The release involved a small volume of material and therefore posed no significant threat to human health or safety, or the environment;
- (3) The release was promptly contained and therefore did not constitute a release into the environment;
- (4) The release did not exit a “facility” within the definition of that term;

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- (5) The release did not leave secondary containment and therefore posed no significant threat to human health or safety, or the environment and did not constitute a release into the environment.

The reasons described above, as well as the reasoning explained in Chiquita's March 15, 2024 response to DTSC's February 15, 2024 SOV, all support the appropriateness of Chiquita's current release reporting approach. DTSC requested in its February 15, 2024 SOV that "Chiquita Canyon, LLC...document and report all releases of hazardous waste to DTSC." Consistent with Chiquita's response to the February 15, 2024 SOV, Chiquita has and will continue to document and report to DTSC all releases required to be documented and reported under applicable laws and regulations. There have been no instances of a release of hazardous waste at the site that were required, under applicable laws and regulation, to be reported directly to DTSC since the February 15, 2024 SOV. Any releases requiring reporting were reported to the relevant agencies pursuant to Chiquita's release reporting approach, as supported by the Immediate Response Exemption and applicable law.

Moreover, to the extent that any of the incidents could potentially be deemed to be releases of the type addressed by § 66262.251, such incidents would have been isolated and would not negate the fact that Chiquita has implemented numerous procedures designed to minimize releases—which, as noted above, is all that the provision requires.

Since January 2024, dedicated staff members have conducted inspections for the presence of leachate seeps and pooling in the Reaction Area and stormwater channels pursuant to Condition 27(b) of the Stipulated Order for Abatement in Case No. 6177-4 ("SOFA"), issued by the South Coast Air Quality Management District ("South Coast AQMD"). These inspections have been documented and reported to the South Coast AQMD on a weekly and monthly basis, as required by SOFA Condition 27(c) and Condition 8(q)(iii). In the event a seep or pooling occurs, Chiquita immediately collects and contains any standing liquids in a sealed tanker truck or leachate tank or redirects the liquid into the leachate collection system, in accordance with SOFA Condition 24. Chiquita also reports incidents in which liquid leaves the Landfill's footprint to the Los Angeles Regional Water Quality Control Board (the "Water Board") pursuant to Chiquita's Waste Discharge Requirements ("WDRs"). In response to the Unilateral Administrative Order ("UAO"), issued by EPA on February 21, 2024, Chiquita has also developed a Leachate Management Plan ("LMP"), which identifies practices to implement in the event a seep is discovered. Some measures outlined in the LMP include constructing containment structures to prevent leachate from traveling, ensuring the availability of cleaning equipment (e.g., vacuum trucks), and continued monitoring to prevent reoccurrence.

To decrease and combat seeps at the Landfill, Chiquita completed the West Slope Toe Drain Installation Project and North Slope Termination Project to better mitigate leachate seepage. As part of the projects, Chiquita installed a new toe drain and removed and replaced the temporary scrim liner that covered the area with 30-mil geomembrane liner. Since completing the projects earlier this year, Chiquita has seen a significant decrease in seeps. As of the date of this response, the last seep occurred on February 9, 2025.

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Additionally, as of August 28, 2024, under SOFA Condition 27(e), Chiquita is required to report the occurrence of leachate spills or leaks to South Coast AQMD. The majority of spills and leaks are mitigated on the day they occur. On October 18, 2024, pursuant to SOFA Condition 27(f), Chiquita developed Standard Operating Procedures (“SOPs”) for leachate tank operations in accordance with industry standards and best management practices. These SOPs outline procedures for tank filling and tank inspections conducted by Chiquita personnel, and establish leachate transfer guidelines. While these SOPs have not yet been approved by South Coast AQMD, Chiquita has proactively been implementing the SOPs to minimize potential spills and leaks. In addition to these SOPs, Chiquita has implemented additional best management practices to decrease the risk of spills and leaks. Examples of these measures include a valve tagging system, additional equipment inspections, and further training to Chiquita personnel. Since the implementation of the SOPs and additional efforts by Chiquita, the amount of liquid spilled or leaked has been trending downward. Chiquita also continues to expand its dewatering efforts to remove liquids from the Landfill pursuant to SOFA Conditions 17 and 18.

The efficacy of these procedures is demonstrated by the fact that the total volume of material involved in the incidents mentioned by DTSC is less than 0.01% of the total volume of leachate managed during the course of the 14-month period over which such incidents occurred.<sup>5</sup>

In sum, the “minimize release” provision in § 66262.251 does not currently apply to Chiquita (and has not applied throughout the period covered by DTSC’s allegation), because it is a condition for an exemption that the facility does not currently need (and has not needed during the relevant period). Chiquita nevertheless has satisfied the requirement to minimize releases. Accordingly, DTSC’s Allegation #2A is without merit.

### ***Summary of DTSC Prescribed Actions:***

- (i) DTSC states that Chiquita must operate its facility in a manner that minimizes the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents.
- (ii) DTSC further requests that Chiquita, within 72 hours of each and every release, send a Release Notification to DTSC, including the substance involved, the date and time of the release, the grid location and coordinates of the release, a detailed description of the release source (including, if applicable, tank number, tank train identification, dewatering bin identification, or well number), the cause of the release, the volume of the release, the duration of presence of the release, the waste determination of the release and any contaminated material that results from the mitigation of the release, sampling results (if applicable), photographs of the release, list of agencies notified of the release, and corrective actions taken, including the on-site disposition

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<sup>5</sup> The total estimated volume of leachate, in gallons, implicated by the 42 incidents listed in SOV Exhibit C is 6,427.5 gallons. This number utilizes the upper gallon limit reported when a gallon range was provided. From January 1, 2024 through March 16, 2025, roughly the same time period that the 42 incidents span, Chiquita estimates that it collected approximately 80,546,843 million gallons of leachate at the landfill. 6,427.5 is 0.00797982858% of 80,546,843 million gallons. This percentage would be lower if only relevant incidents were taken into account.

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and intended final destination of all recovered material and/or waste, and any contaminated media (i.e., tank farm number, train identification, tank number, grid number, and roll-off bin).

(iii) DTSC directs that all sample results for releases shall be sent to the Department within 48 hours of Chiquita's receipt of laboratory reports.

(iv) DTSC directs Chiquita, within 30 days of the SOV, to provide complete Release Notifications for each release listed in SOV Exhibit C (to the extent this information was not previously included in the reports posted on Chiquita's website or on the CalOES Spill Release Reporting Dashboard).

(v) DTSC directs Chiquita, within 30 days of the SOV, to provide a written explanation of mitigation measures taken to prevent future releases, any additional mitigation measures currently planned to address releases, and any plan for future mitigation measures should the prior or currently planned mitigation measures prove ineffective at minimizing releases.

### ***Chiquita Response to DTSC Prescribed Actions:***

The actions prescribed by DTSC with respect to Allegation #2A are without foundation, given that the allegation is without merit, as discussed above. Nevertheless, in the interest of cooperation and transparency, Chiquita also addresses each of DTSC's prescribed actions, as outlined below.

(i) As described in detail above, Chiquita has implemented and will continue to implement procedures designed to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents from the facility into air, soil, or surface water that could threaten human health or the environment.

(ii) As DTSC is aware, Chiquita is subject to numerous release reporting requirements from several agencies. Under SOFA Condition 27(e), Chiquita reports to South Coast AQMD each leachate spill or leak within 48 hours of discovery. Under SOFA Condition 27(c), Chiquita also summarizes to South Coast AQMD on a weekly basis any leachate seep that occurred during the previous week. Under Chiquita's WDRs, Chiquita must also report to the Water Board within 24 hours of any leachate seep from the landfill, and provide a follow-up report within 7 days.

These existing reporting requirements from South Coast AQMD and the Water Board already meet DTSC's request that regulators be notified of releases within 72 hours. In the spirit of cooperation and transparency, Chiquita has been providing courtesy copies of these reports to DTSC via email since receiving the SOV. Chiquita is willing to continue this practice. These reports contain most of the information that DTSC requests be included in its "Release Notifications." The additional information DTSC requests is not feasible to provide or would be burdensome to include, as the information may not be collected in the first place. If DTSC nevertheless believes that additional information pertaining to future releases is necessary, Chiquita would appreciate the opportunity to discuss a reasonable approach. As currently

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described in DTSC's SOV, imposing additional reporting requirements with additional data elements is unduly burdensome and has the potential to distract from effective release response.

(iii) Chiquita is unaware of the basis for this request, as no citation has been provided. Chiquita does not sample releases. Sampling a release would prevent Chiquita from immediately cleaning it up, which is required by the South Coast AQMD Stipulated Order. Any standing liquid from a release is collected and contained. Leachate is ultimately sampled prior to being shipped offsite.

(iv) Preparing additional Release Notifications for all 42 incidents listed in SOV Exhibit C would be duplicative of the notifications already provided, and would unnecessarily divert resources from ongoing operational and compliance activities. It would also be unreasonably burdensome to require Chiquita to reinvestigate previously noticed incidents, some of which are more than a year old. Chiquita does not track all of the information DTSC has requested, and this information cannot be readily reconstructed for incidents that occurred in the past. The information already contained within the reports for the 42 incidents should be sufficient for DTSC's enforcement and compliance purposes and is readily available on Chiquita's website, which includes download links to all 42 reports, and in the CalOES Spill Release Reporting Dashboard (where applicable), all of which is already available for DTSC's review. For DTSC's convenience, Chiquita provides the relevant reports for all 42 incidents referenced in SOV Exhibit C in **Attachment 6**.<sup>6</sup> If DTSC nevertheless believes that additional information pertaining to these 42 incidents is needed, Chiquita would appreciate the opportunity to discuss a reasonable approach.

(v) Chiquita has updated the design of its leachate management system, which has been described in detail in the LMP and related updates. These design updates include, but are not limited to, the west slope excavation project and redirection of leachate, as described above. Chiquita has also developed several SOPs for managing hazardous leachate and minimizing releases, including a Tank Inspection SOP, a Leachate Transfers by Truck SOP, and a Leachate Transfers by Pump SOP. Together, these SOPs require Chiquita personnel to take significant measures to prevent releases. These measures include: performing an inspection of each leachate tank as required by the specific tank's requirements, ensuring that each tank has available freeboard for the authorized liquids, visually inspecting tanks to confirm there is no visible physical damage prior to transfer, determining the expected fill time, monitoring the sight glass on front of tanks to ensure filling does not surpass tank capacity (if applicable), verifying which truck is authorized to load and directing drivers to the appropriate loading position, and visually inspecting the tank and area to make sure there were no spills during and after transfer.<sup>7</sup> Chiquita added employees and shifted responsibilities from contractors to employees where possible, to

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<sup>6</sup> DTSC alleges an incident involving an "unknown" amount of liquid from a condensate tank in Count 41. Chiquita has not immediately identified any reports that match DTSC's incident description for this Count. If DTSC has additional information pertaining to this incident, please let Chiquita know so that the appropriate report can be identified.

<sup>7</sup> Chiquita submitted the Tank Inspection SOP, the Leachate Transfers by Truck SOP, and the Leachate Transfers by Pump SOP to South Coast AQMD on October 14, 2024. South Coast AQMD has not yet provided comments on the SOPs, but Chiquita has been proactively implementing them as part of its regular protocol to minimize releases.

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further improve the processes. Chiquita also provides training to employees who are handling leachate, which is refreshed as needed.

Additionally, new SOFA Condition 93 requires Chiquita to install hydrostatic liquid level transmitters in all leachate storage tanks capable of having such transmitters installed to measure the level of liquids within the tanks, and for Chiquita personnel to monitor and communicate tank level information to necessary personnel involved before and during tank filling operations. These measuring and monitoring requirements will further minimize the potential for releases.

In sum, Chiquita did not violate 22 CCR § 66262.251. Chiquita has implemented numerous actions, precautions, analysis, and measures to minimize the potential for releases, which obviate the need to provide additional information for the incidents described in SOV Exhibit C, in addition to being an unduly burdensome endeavor. If DTSC nevertheless believes that all of the actions, precautions, analysis, and measures already in place are insufficient, Chiquita will make itself available to discuss DTSC's requests.

### **Allegation #2B – Failure to Minimize the Possibility of a Release of Hazardous Waste**

#### ***Summary of DTSC Allegation:***

DTSC alleges that, beginning “on or before” February 17, 2025, Chiquita violated the “minimize release” provision in 22 CCR § 66262.251 by treating and/or storing hazardous waste leachate, leachate that has been treated below hazardous waste regulatory thresholds, and condensate in Tank Farm #9 when settlement has allegedly started to occur “adjacent to” or “around” the tank farm. According to the SOV, “[s]ignificant” settlement “may have” a negative impact on the integrity and/or stability of the tanks and their associated ancillary equipment, which “could” result in hazardous waste leachate releases.

#### ***Chiquita Response to Allegation:***

Chiquita denies that it has been or is currently violating 22 CCR § 66262.251, as alleged by DTSC, for several reasons.

First, as explained above in the discussion of Allegation #2A, the “minimize release” provision in § 66262.251 does not currently apply to Chiquita. Instead, it is a condition for a permitting exemption that the facility does not currently need, because the facility is currently operating under a different permitting exemption, namely the Immediate Response Exemption. Chiquita cannot be in “violation” of a condition for an exemption that it does not need.

Second, as also discussed above in the context of Allegation #2A, Section 66262.251 addresses only releases of hazardous wastes and hazardous waste constituents from the “facility,” defined as the units that manage *hazardous* wastes. To the extent that Allegation #2B is alleging that Chiquita violated § 66262.251 by failing to minimize the potential for releases from non-hazardous waste tanks or associated ancillary equipment (*e.g.*, tanks or equipment containing

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leachate that has been treated below hazardous waste regulatory thresholds), such an allegation cannot be sustained.

Third, DTSC's suggestion that current conditions in Tank Farm #9 may jeopardize the integrity of the tank system and result in hazardous waste releases is purely speculative and therefore an insufficient basis for an allegation of a violation of § 66262.251. As discussed above in the context of Allegation #2A, a single release (or even potentially more than one) is not sufficient to demonstrate that a facility has failed to meet the "minimize release" standard. However, DTSC is now claiming the standard is not met when there is merely (in DTSC's view) a theoretical possibility that nearby settling could be substantial enough (and presumably sudden enough) to undermine the integrity of the tanks and result in a release that could threaten human health or the environment, at some unspecified point of time in the future. This is simply not what § 66262.251 requires (even if it applied to the Chiquita facility, which it does not, as discussed above).

Finally, Chiquita disputes that current conditions at Tank Farm #9, in fact, present the types of risks that DTSC claims. While some cracks or fissures have been found nearby, most appear to be the result of minor and gradual settling due to the slow compaction of buried wastes in the underlying landfill, not a major void underground nor one created by rapid thermal breakdown of buried waste due to expansion of the elevated temperature event into the area under Tank Farm #9. Chiquita has addressed (and intends to continue addressing) cracks and fissures in that area and elsewhere in and around the reaction area in a timely and effective manner, by adding cover soil and re-grading, as necessary. The cracks identified in grid 148 in the vicinity of Tank Farm #9 were repaired by placing soil and track-walking over the cracks and have not reappeared. If the reaction was underneath the tank farm and causing this degradation, the cracks would be expected to promptly reappear. Chiquita also inspects the tank system daily for evidence of leaks or conditions that could result in the development of leaks. To date, no leaks resulting from settling of the tanks at Tank Farm #9 have ever been observed.

While Chiquita disagrees with the underlying rationale, Chiquita nevertheless agrees that the tank farm should be relocated. Chiquita therefore intends to comply with the requirement to relocate the leachate storage tanks within Tank Farm #9 from the "top deck" to a stable location within the Landfill. As Chiquita's regulators, including DTSC, are aware, Chiquita has been diligently planning an effective and safe relocation of Tank Farm 9 since July 2024.<sup>8</sup> Since then, Chiquita has regularly discussed and actively planned the installation with LA County Fire, the Certified Unified Program ("CUPA") Agency, as well as DTSC, EPA, CalEPA, and other MCAT agencies.<sup>9</sup>

Chiquita also disagrees with the conclusions in Dr. Stark's Technical Memorandum that DTSC cites in the SOV. DTSC references elevated temperatures of 185°F to 189°F in the area around the tank farm. However, these temperatures are in situ waste temperatures, not wellhead temperatures. Wellhead temperatures are regulated by the EPA through New Source

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<sup>8</sup> See 2024-07-19 Email Correspondence to LA County Fire, provided in **Attachment 7**.

<sup>9</sup> See Compilation of Email Correspondence between Chiquita and LA County Fire and EPA re Tank Farm Relocation, provided in **Attachment 8**.

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Performance Standards (“NSPS”), which establish a temperature threshold of 145°F (62°C) for gas measured at the wellhead. Wellheads are compliant if their temperature is below that temperature. Published studies have found that in situ waste temperatures can be 68°F (20°C) hotter than wellhead temperatures. Thus, in situ temperatures of 185°F to 189°F do not necessarily indicate that the gas wellhead temperatures are above EPA’s NSPS threshold of 145°F and therefore do not necessarily indicate a reaction.

Further, temperature alone cannot be used as the basis for determining the boundaries of the reaction. (*See* South Coast AQMD SOFA Condition 9 [describing the reaction area boundary determination criteria]). Dr. Stark’s report focuses primarily on temperature. In contrast, Chiquita’s constant data monitoring evaluates all the potential indicators of a reaction, including but not limited to settlement, gas composition, and temperature both in situ and at the wellhead. When looking at the data as a whole, including cracks identified in the area of the tank farm, Chiquita’s experts have determined that the reaction has not spread to this area. Other data points considered include gas composition of nearby wells, wellhead temperature, and actual settlement strain rate as opposed to the presence of cracks in the cover. Cracks in landfill cover are common at all landfills due to typical settlement and loading at the top of the landfill from vehicle movement. Settlement over the past two years in the area of Tank Farm #9 is typical of a deep landfill with liquids extraction and does not show accelerated settlement as seen within the reaction area. Gas composition of wells near and to the east of Tank Farm #9 show typical landfill methane with less than 2 percent hydrogen and 1,500 ppm of carbon monoxide, indicating no reaction presence.<sup>10</sup>

As described above, Chiquita constantly evaluates numerous datapoints throughout the Landfill for signs of a reaction, as documented, for example, in its monthly reaction area determinations submitted under Condition 9 of the South Coast AQMD Stipulated Order. Chiquita will have ample time to take any additional steps that might be necessary, if any risks increase materially. The actions, precautions, analysis, and measures described above are precisely the types of procedures that are envisioned under § 66262.251 as minimizing the potential for releases. *See, e.g., U.S. v. Environmental Waste Control, Inc.*, 710 F. Supp. at 1237 (“40 C.F.R. § 265.31 [a federal provision with essentially the same language as § 66262.251] ... requires the implementation of *procedures* designed to minimize fire [or releases]” (emphasis added)).

### ***Summary of DTSC Prescribed Actions:***

- (i) DTSC states that Chiquita must operate its facility in a manner that minimizes the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents.
- (ii) DTSC directs that Chiquita must not treat or store hazardous waste leachate, treated leachate, or hazardous waste condensate in areas that are impacted, or have the potential to be

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<sup>10</sup> CalRecycle and the Local Enforcement Agency mandated that two additional data points, hydrogen concentrations of less than 2 percent and carbon monoxide concentrations of less than 1,500 ppm, be considered as additional gas concentration data points to determine threshold criteria limits for evaluating the scope of the reaction.

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impacted by, significant settlement or high subsurface temperatures which reasonably could result in significant settlement.

(iii) The Department requests that all tanks and ancillary equipment involved in the treatment and storage of hazardous waste or hazardous waste constituents be managed properly to prevent the possibility of a release.

(iv) DTSC requests that, within 30 days of the SOV, Chiquita provide a written statement, including photographs, documenting how the facility has “returned to compliance.”

(v) The Department specifies that Chiquita must consider CalEPA’s criteria provided on March 6, 2025 when relocating leachate and condensate tanks, and must notify DTSC in writing in advance of all leachate and condensate tank movements.

(vi) DTSC requests that Chiquita provide up-to-date, annotated landfill maps of leachate or condensate collection, treatment, and storage areas, and specifies that these maps must include accurate and current labeling of tank numbers, well heads, and piping. DTSC also specifies that the maps must accurately designate which tanks hold hazardous and treated leachate and/or condensate, as well as the associated leachate train of origin.

(vii) DTSC requests Chiquita to send isopach maps, landfill settlement maps, and maximum vertical temperature maps from temperatures probes on a weekly basis to the Department.

### ***Chiquita Response to DTSC Prescribed Actions:***

The actions prescribed by DTSC with respect to Allegation #2B are without foundation, given that the underlying allegations are without merit, as discussed above. Nevertheless, in the interest of cooperation and transparency, Chiquita addresses each of DTSC’s prescribed actions, as outlined below.

(i) As noted above in the context of Allegation #2A, Chiquita has implemented and will continue to implement procedures designed to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents from the facility into air, soil, or surface water that could threaten human health or the environment, thereby meeting the “minimize release” standard of § 66262.251 (even though that standard is not currently applicable to the facility).

(ii) Chiquita cannot agree to a vague and overbroad commitment to not manage hazardous waste leachate, treated leachate, or hazardous waste condensate in “areas” that are “impacted,” or have the “potential” to be impacted, by “significant” settlement or “high” subsurface temperatures which reasonably could result in “significant” settlement. As discussed above, these conditions as described do not exist in the Tank Farm #9 area and Chiquita’s efforts to minimize potential impact are reasonable, including daily inspections and promptly addressing any issue identified. Further, as discussed above, Chiquita has been trying to move Tank Farm #9 since July 2024, but has been unable to do so because of regulatory hurdles. Now, Chiquita has

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been directed to draft and implement a Removal Action Workplan (“RAW”) under DTSC’s Imminent and Substantial Endangerment Determination and Order (“DTSC Order”), Docket No. HSA-FY24/25-082, issued on April 2, 2025 that moves the tank system in Tank Farm #9 from its current location to an interim location. Chiquita assumes that moving the tank farm in compliance with the RAW approved by DTSC will be sufficient for compliance with this prescribed action.

(iii) As noted above, even though Chiquita is not currently subject to the “minimize release” requirement of § 66262.251, it has been (and intends to continue) implementing procedures designed to minimize the possibility of a release of hazardous waste or hazardous waste constituents from the facility—including all hazardous waste tanks and their ancillary equipment—into air, soil, or surface water that could threaten human health or the environment.

(iv) The facility has not been out of compliance with the “minimize release” requirement of § 66262.251. Section 66262.251 is not currently applicable to the facility, and in any event, the facility has met and continues to meet the standard set forth in that provision. There is therefore no need for a written statement documenting how the facility has “returned to compliance.” Even if Chiquita were subject to this requirement, DTSC’s request to provide by May 1, 2025 a written statement documenting how the facility has “returned to compliance” is inconsistent with the RAW required under the DTSC Order to relocate Tank Farm #9. Chiquita has been given until May 9, 2025<sup>11</sup> to submit a draft RAW detailing the interim relocation of Tank Farm #9. These two deadlines conflict, as Chiquita cannot move Tank Farm #9 by May 1, 2025 if a draft RAW detailing the relocation of Tank Farm #9 is not due pursuant to the DTSC Order until May 9, 2025 and then subject to DTSC approval.

(v) Chiquita has been considering CalEPA’s criteria provided on March 6, 2025 as it works to relocate leachate and condensate tanks. Chiquita is also submitting to DTSC a draft RAW detailing the interim relocation of Tank Farm #9 on May 9, 2025, subject to DTSC approval. Chiquita cannot, however, commit to notifying DTSC in writing of all leachate and condensate tank movement, as situations may arise requiring leachate or condensate tank movement that precludes the facility’s ability to notify DTSC in writing in advance. Nevertheless, Chiquita will notify DTSC in writing of anticipated, significant movements, including the interim relocation of Tank Farm #9 under the RAW.

(vi) The current location of Tank Farm #9 is not in violation of the requirement to minimize the possibility of a release, for the reasons described herein, and therefore Chiquita is already in compliance. Chiquita nevertheless provides up-to-date, annotated landfill maps of leachate or condensate collection, treatment, and storage areas as **Attachment 9**. Chiquita prepares monthly maps of the leachate tanks and manifolds for South Coast AQMD under SOFA Condition 38, which are available on Chiquita’s Odor Mitigation webpage.<sup>12</sup> If DTSC believes additional detail

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<sup>11</sup> On April 22, 2025, Chiquita formally requested an extension to submit the draft RAW for Tank Farm #9 to May 9, 2025. DTSC confirmed approval in writing on April 26, 2025.

<sup>12</sup> Chiquita’s Odor Mitigation webpage is accessible at <https://chiquitacanyon.com/odor-mitigation/>. From there, click on the “Stipulated Order for Abatement” tile. To locate the monthly tank farm maps, expand the “South Coast

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beyond the maps prepared under the SOFA is necessary going forward, Chiquita would appreciate the opportunity to discuss a reasonable approach.

(vii) As noted in Chiquita's interim responses to this request, Chiquita currently prepares and submits to the LEA the requested maps on the following schedule: isopach maps quarterly, settlement maps bi-monthly, and maximum vertical temperature maps weekly and monthly. Providing isopach maps at the requested weekly frequency would be unduly burdensome. The isopach maps are created on a quarterly basis by comparing two profiles, which are not available for comparison on a more frequent basis than what is already utilized, as previously discussed with the LEA. Like the isopach maps, providing settlement maps at the requested weekly frequency would be unduly burdensome, as the settlement maps are created by comparing the flyover data and imagery collected via drone every two weeks. Chiquita therefore cannot provide the requested isopach maps or settlement maps on a weekly basis. All three requested maps are available on Chiquita's Odor Mitigation webpage as they become available.<sup>13</sup>

In sum, Chiquita did not violate 22 CCR § 66262.251. Chiquita has been working diligently to minimize the potential for releases, despite regulatory hurdles, and will continue to do so.

### **Other DTSC Issues/Concerns**

In Section II of the SOV, DTSC lists five additional areas of concern identified during its investigation. Each area is discussed separately below.

### **Issue/Concern 1 – Notification to DTSC of Releases that May Have Involved Hazardous Waste**

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to "Issue/Concern 1," and Chiquita disputes any suggestion that there is an associated issue or concern. Chiquita agrees that there has been no violation with respect to this identified "issue/concern," as explained above under Allegation #2A. Chiquita will continue documenting and reporting to DTSC all releases required to be documented and reported under applicable laws and regulations. As described above under Allegation #2A, Chiquita is also willing to provide a courtesy copy to DTSC of its reports via email to the South Coast AQMD pursuant to Conditions 27(c) and 27(e) of the Stipulated Order and to the Water Board pursuant to Chiquita's WDRs, in its ongoing spirit of

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AQMD" tile and look under "Monthly leachate sampling results submitted pursuant to Condition 38 of the Stipulated Order."

<sup>13</sup> Chiquita's Odor Mitigation webpage is accessible at <https://chiquitacanyon.com/odor-mitigation/>. From there, click on the "Stipulated Order for Abatement" tile. To locate the quarterly isopach maps and the bi-monthly settlement maps, expand the "Local Enforcement Agency" tile and look under "Weekly updates on cover issues in accordance with Milestone 2B." The weekly and monthly maximum vertical temperature maps are also located under the "Local Enforcement Agency" tile under "Weekly submittals of all temperature monitoring probe data in accordance with Mitigation 1B."

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cooperation and transparency. These copies should not be construed as an admission that the reports are statutorily or regulatorily required.

DTSC's request to provide Release Notifications "for each individual incident listed in Exhibit E 1 through 96 attached and all releases to-date that are not listed in either Exhibit C or Exhibit E" is unduly burdensome and unreasonable for the reasons provided above under Allegation #2A.

With respect to any remaining incidents that are not listed in either SOV Exhibit C or SOV Exhibit E for which DTSC requests Release Notifications, DTSC already has ready access to any such incidents via Chiquita's website and the CalOES Spill Release Reporting Dashboard, which contain much of the requested information for each incident.

### **Issue/Concern 2 – Safety Data Sheet, Description, and Sample Results Associated with July 22, 2024 Incident**

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to "Issue/Concern 2," and Chiquita disputes any suggestion that there is an associated issue or concern regarding the July 22, 2024 incident. Chiquita nevertheless provides the requested information relating to this incident. Chiquita's understanding of the incident, as reported by Clean Harbors, is as follows:

On Monday, July 22, 2024, at approximately 12:09 p.m. PST, a Clean Harbors employee was unloading a 275-gallon tote of 50 percent water and sodium hydroxide solution from an 18-wheel, flatbed truck to an approved secondary containment zone. The driver was utilizing a spotter to provide visibility and direction from outside the operating forklift. While the driver was in transit from the truck to the secondary containment, the tote bounced off the forks, fell from two to three feet height, and the top of the tote broke open and released approximately 200 gallons of the solution to the compacted earthen road. The driver contacted his supervisor, who alerted onsite personnel. Clean Harbors and Chiquita personnel used absorbent material to create a short berm around the impacted area, then deployed additional absorbent and clean soil to allow the solution to be absorbed, collected, and deposited in a clean roll off container. The area was scraped down until the soil ceased showing liquid impacts. All impacted soil was deposited into a 20 yard roll off container and tested for appropriate disposal, the results of which are provided in **Attachment 10**.

If Chiquita identifies or receives additional information regarding the final destination of the impacted soil and other media, Chiquita will supplement its response.

## **Chiquita Canyon Landfill Response to April 1, 2025 Summary of Violations**

May 1, 2025

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### **Issue/Concern 3 – Description, Cleanup Actions, and Final Destination of Impacted Media Associated with June 19, 2024 Incident**

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to “Issue/Concern 3,” and Chiquita disputes any suggestion that there is an associated issue or concern regarding the June 19, 2024 incident. The incident did not involve Chiquita personnel and did not occur at the Landfill; rather, the incident involved a third-party trailer and an off-site spill on Highway 126.

### **Issue/Concern 4 – Authorization to Treat Hazardous Waste Leachate On-Site**

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to “Issue/Concern 4,” and Chiquita disputes any suggestion that there is an associated issue or concern.

Chiquita continues to operate under the Immediate Response Exemption. Chiquita repeatedly has provided DTSC sufficient information to support the continued use of this exemption, as discussed above in footnote 2. If DTSC believes it needs additional information in this regard, Chiquita requests that DTSC state what specific additional information it believes is necessary.

As the SOV acknowledges, and as previously discussed, Chiquita has been actively working toward obtaining the appropriate authorization to treat hazardous waste leachate on-site. Chiquita intends to continue with these efforts as expeditiously as possible, pursuant to the DTSC-approved RAW timeline pertaining to the relocation of Tank Farm #9 under the DTSC Order, subject to any delays resulting from reviews by the relevant regulatory agencies involved.

### **Issue/Concern 5 – Current Waste Determination Information for all Leachate Waste Generated at the Facility**

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to “Issue/Concern 5,” and Chiquita disputes any suggestion that there is an associated issue or concern. Nevertheless, Chiquita provides the requested current waste determination information for all leachate waste generated at the facility in **Attachment 11**. The waste determinations are made at the point of generation for each leachate group, before any treatment or alteration of the waste occurs. Waste characterization sampling ports have been installed for the Group A, Group B, and Group C wells along the leachate management system’s force mains after the wellheads and before the leachate enters the accumulation tanks that hold the leachate prior to treatment. Samples of the leachate from the #2 East Perimeter and #6 North Perimeter wells are collected from sample ports attached at the respective force main manifolds which connect to the designated accumulation frac tanks, which hold the leachate prior to trucking to Tank Farm #9 for treatment. There have been no significant changes to the leachate generation process. The waste

## Chiquita Canyon Landfill Response to April 1, 2025 Summary of Violations

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determinations, as well as the analytical results for treated leachate, determine the appropriate management and final disposition of the waste. These determinations have been conducted and continue to be in accordance with the criteria set forth in Title 22 of the California Code of Regulations (22 CCR), specifically section 66262.11. We remain committed to maintaining compliance with all applicable regulations and will continue to review and update our waste determinations as needed.

\*\*\*\*\*

As noted above, Chiquita is providing this information in the interest of continued cooperation with its regulators. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV. Chiquita remains available to discuss these issues as needed. Please contact me if you have any questions.

Regards,



Steve Cassulo  
District Manager  
Chiquita Canyon, LLC

### Enclosures

cc: Ken Habaradas, Los Angeles County Department of Public Health  
Robert Ragland, Los Angeles County Department of Public Health  
Liza Frias, Los Angeles County Department of Public Health  
Nichole Quick, M.D., Los Angeles County Department of Public Health  
Shikari Nakagawa-Ota, Los Angeles County Department of Public Health  
Karen Gork, Los Angeles County LEA  
Renee Jensen, LEA Counsel  
Blaine McPhillips, Senior Deputy County Counsel  
Emiko Thompson, Los Angeles County Public Works  
Alex Garcia, Los Angeles County Department of Regional Planning  
Ai-Viet Huynh, Los Angeles County Department of Regional Planning  
Wes Mindermann, CalRecycle  
Todd Thalhamer, CalRecycle  
Jeff Lindberg, California Air Recourses Board  
Jack Cheng, South Coast Air Quality Management District  
Larry Israel, South Coast Air Quality Management District  
Enrique Casas, Los Angeles Regional Water Quality Control Board

**Chiquita Canyon Landfill Response to April 1, 2025 Summary of Violations**

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Thanne Berg, Department of Toxic Substances Control  
Dylan Clark, Department of Toxic Substances Control  
Daniel Ziarkowski, Department of Toxic Substance Control  
Pete Ruttan, Department of Toxic Substances Control  
Tim Crick, Department of Toxic Substances Control  
Diane Barclay, Department of Toxic Substances Control  
Christopher Kane, Department of Toxic Substances Control  
Johnathan Crook, Department of Toxic Substances Control  
Lisa Winebarger, Department of Toxic Substances Control  
Dylan Smith, Chiquita Canyon  
Sarah Phillips, Chiquita Canyon  
Amanda Froman, Chiquita Canyon  
Kate Logan, Chiquita Canyon  
John Perkey, Chiquita Canyon  
Megan Morgan, Beveridge & Diamond, P.C.  
Nicole Weinstein, Beveridge & Diamond, P.C.



# CHIQUITA CANYON

*A Waste Connections Company*

January 15, 2026

***Via E-Mail***

Erin Neal  
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**Re: Chiquita Canyon, LLC Response to Allegation #1 of November 18, 2025  
Summary of Violations**

Dear Ms. Neal and Ms. Zmily:

Chiquita Canyon, LLC (“Chiquita”) submits this letter in further response to the Summary of Violations (“SOV”) for the Chiquita Canyon Landfill (“Landfill”) issued by the Department of Toxic Substances Control (“DTSC”) on November 18, 2025.<sup>1</sup>

On December 10, 2025, Chiquita requested an extension of time to respond to the SOV because of the voluminous nature of the requested actions therein and the timing of the requests over the holiday season. On December 15, 2025, DTSC granted the extension request with respect to Allegation #1 to January 15, 2026. On December 18, 2025, Chiquita provided interim responses regarding Allegations #2 and #3, as well as the allegations contained in a section entitled “Other Issues/Concerns” in the SOV, a copy of which is attached hereto as **Attachment 1**. Chiquita also noted that it would provide proof that the condensate manifests at issue for Allegation #2 had been corrected in e-Manifest, as well as a map of tanks T1/T2 and their associated piping.

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<sup>1</sup> Chiquita Canyon, LLC is the sole owner, operator, and permit holder at Chiquita Canyon Landfill. Chiquita Canyon, Inc. and Waste Connections US, Inc. are not part of the facility name, nor do they manage, direct, or conduct operations at the facility as alleged in the SOV.

## **Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations**

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Chiquita provides the manifest correction proof as **Attachment 2** and intends to submit the requested map by January 23, 2026. Accordingly, Chiquita responds to only Allegation #1 hereinafter.

As discussed below, Chiquita disputes the allegations set forth in the SOV and requested actions. Chiquita has provided voluminous and timely information about the Landfill to its regulators and continues to do so. Chiquita will continue to cooperate with reasonable requests for information that are within the scope of DTSC's authority and applicable to the Landfill.

Chiquita provides the following information in the interest of continued cooperation with DTSC. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV.

### **Allegation #1 – Failure to Minimize the Possibility of a Release of Hazardous Waste**

#### ***Summary of DTSC Allegation:***

DTSC asserts that Chiquita violated 22 CCR § 66262.251 by allegedly failing to minimize the possibility of a release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. DTSC lists 27 individual incidents that form the basis for this allegation.

#### ***Chiquita Response to Allegation:***

Chiquita denies that it violated 22 CCR § 66262.251, as alleged by DTSC, for several reasons. First, that provision does not currently apply to Chiquita (and did not apply during the time of the individual incidents cited by DTSC). Compliance with Section 66262.251 is a “condition for exemption” from permitting requirements under Section 66262.17. Specifically, Section 66262.17(a)(6) states that one of the conditions for that exemption is that “[t]he large quantity generator complies with the standards in article 9 of this chapter.” And, Section 66262.251 is contained in Article 9. EPA has acknowledged that the “minimize release” provision is merely a condition for exemption, stating that “[t]he condition for exemption for LQGs at [40 CFR] § 262.17(a)(6)-(7) [the federal counterpart to 22 CCR § 66262.17(a)(6)] references 40 CFR part 262 subpart M [the federal counterpart to Article 9].” (*See* 81 Fed. Reg. at 85,790). Chiquita is not (and has not been) required to meet the conditions for the LQG accumulation exemption from permitting set forth at Section 66262.17 because it is already covered by a different permitting exemption, namely the Immediate Response Exemption. Chiquita cannot have “violated” the conditions of an exemption that it did not need.

Second, Chiquita maintains that it nevertheless did comply with Section 66262.251. That provision states, in its entirety, that “[a] large quantity generator shall maintain and operate its facility to:

- (1) minimize the possibility

## Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations

January 15, 2026

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- (2) of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents
- (3) to air, soil, or surface water
- (4) which could threaten human health or the environment ” (numbering added).

Each of these elements must be evaluated in assessing a potential violation:

- The provision only addresses releases from the “*facility*,” which is defined for these purposes as “all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of *hazardous waste*.” (See 22 CCR § 66260.10 (emphasis added)). Thus, any releases from non-hazardous waste units are not relevant.
- The LQG is required only to “*minimize the possibility*” of covered releases, not to eliminate them entirely. It is well established that the occurrence of a release does not necessarily indicate that a generator failed to meet this requirement. (See, e.g., *U.S. v. Environmental Waste Control, Inc.*, 710 F. Supp. 1172, 1237 (N.D. Ind. 1989) (“40 C.F.R. § 265.31 [a federal provision with essentially the same language as Section 66262.251] ...is not violated simply by a sporadic fire. The regulation requires the implementation of procedures designed to minimize fire. The occurrence of a single fire, quickly contained, does not persuade the court that EWC did not implement such procedures”), aff’d, 917 F.2d 327 (7th Cir. 1990); cert. denied, 499 U.S. 975 (1991)).
- The only releases that must be minimized under this provision are releases of “*hazardous waste or hazardous waste constituents*.” (See 22 CCR § 66262.251 (emphasis added)). Releases of non-hazardous wastes are not relevant under the provision.
- Only releases “*to air, soil, or surface water*” are covered. Indeed, a “release” is defined for these purposes as “spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing *into the environment*.” (See 22 CCR § 66260.10 (emphasis added)). Accordingly, releases that are contained do not implicate Section 66262.151.
- Only releases that could “*threaten human health or the environment*” are addressed by the provision. Thus, very small releases, and even larger releases that are quickly cleaned up, are not covered.

Chiquita has reviewed each of the 27 incidents referenced by DTSC in SOV Exhibit A, in light of the limited nature of § 66262.251, notwithstanding the fact that the Immediate Response Exemption applies to each incident. All of these incidents are also outside the scope of the provision for one or more of the following reasons:

- (1) The release did not involve hazardous material;
- (2) The release involved a small volume of material and therefore posed no significant threat to human health or safety, or the environment;
- (3) The release was promptly contained and therefore did not constitute a release into the environment;
- (4) The release did not exit a “facility” within the definition of that term;

## Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations

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- (5) The release did not leave secondary containment and therefore posed no significant threat to human health or safety or the environment, and did not constitute a release into the environment.

To the extent that any of the incidents could potentially be deemed to be releases of the type addressed by § 66262.251, such incidents would have been isolated and would not negate the fact that Chiquita has implemented numerous procedures designed to minimize releases—which, as noted above, is all that the provision requires.

Since January 2024, dedicated staff members have conducted inspections for the presence of leachate seeps and pooling in the Reaction Area and stormwater channels pursuant to Condition 27(b) of the Stipulated Order for Abatement in Case No. 6177-4 (“SOFA”), issued by the South Coast Air Quality Management District (“South Coast AQMD”). These inspections have been documented and reported to the South Coast AQMD on a weekly and monthly basis, as required by SOFA Condition 27(c) and Condition 8(q)(iii). In the event a seep or pooling occurs, Chiquita immediately collects and contains any standing liquids in a sealed tanker truck or leachate tank or redirects the liquid into the leachate collection system, in accordance with SOFA Condition 24. Chiquita also reports incidents in which liquid leaves the Landfill’s footprint to the Los Angeles Regional Water Quality Control Board (the “Water Board”) pursuant to Chiquita’s Waste Discharge Requirements (“WDRs”). In response to the Unilateral Administrative Order (“UAO”), issued by EPA on February 21, 2024, Chiquita has also developed a Leachate Management Plan (“LMP”), which identifies practices to implement in the event a seep is discovered. Some measures outlined in the LMP include constructing containment structures to prevent leachate from traveling, ensuring the availability of cleaning equipment (e.g., vacuum trucks), and continued monitoring to prevent reoccurrence.

To decrease and combat seeps at the Landfill, Chiquita completed the West Slope Toe Drain Installation Project and North Slope Termination Project to better mitigate leachate seepage. As part of the projects, Chiquita installed a new toe drain and removed and replaced the temporary scrim liner that covered the area with 30-mil geomembrane liner. Since completing the projects in 2025, Chiquita has seen a significant decrease in seeps.<sup>2</sup>

As of August 28, 2024, under SOFA Condition 27(e), Chiquita is required to report the occurrence of leachate spills or leaks to South Coast AQMD. The majority of spills and leaks are mitigated on the day they occur. On October 18, 2024, pursuant to SOFA Condition 27(f), Chiquita developed Standard Operating Procedures (“SOPs”) for leachate tank operations in accordance with industry standards and best management practices. These SOPs outline procedures for tank filling and tank inspections conducted by Chiquita personnel, and establish leachate transfer guidelines. As discussed further below, Chiquita has updated its leachate

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<sup>2</sup> In addressing steps that have been taken to minimize or respond to leachate seeps from the Landfill, Chiquita is in no way suggesting that any such seeps or associated pooling would implicate the requirement under Section 66262.251 to minimize releases, even if that requirement did apply. For example, because the Landfill manages only non-hazardous wastes, seeps from the Landfill are not from the “facility,” which as noted above is limited to units used to manage hazardous wastes.

## **Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations**

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management SOPs to account for the consolidation of its leachate accumulation and treatment tanks into Tank Farm 13.

Since the installation of Tank Farm 13 and additional efforts by Chiquita, the amount of liquid spilled or leaked has been trending downward. Chiquita also continues to expand its dewatering efforts to remove liquids from the Landfill pursuant to SOFA Conditions 17 and 18.<sup>3</sup>

The “minimize release” provision in Section 66262.251 does not currently apply to Chiquita (and has not applied throughout the period covered by DTSC’s allegation), because it is a condition for an exemption that the facility does not currently need (and has not needed during the relevant period). Chiquita nevertheless has satisfied the requirement to minimize releases. Accordingly, DTSC’s Allegation #1 is without merit.

### ***Summary of DTSC Prescribed Actions:***

- (i) DTSC states that Chiquita must operate its facility in a manner that minimizes the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents.
- (ii) DTSC further directs that Chiquita, by January 15, 2026, provide DTSC with a written plan that describes the efforts Chiquita takes to operate its facility in a manner that minimizes the possibility of the release of hazardous waste and hazardous waste constituents. DTSC requests that Chiquita assess the releases documented in this SOV and include in the written plan a description of current and future measures that Chiquita will implement to prevent releases of hazardous waste and hazardous waste constituents. The current and future measures shall include, but are not limited to, process improvements for minimizing releases involving human errors (including third-party contractors), leachate management system design, pipe maintenance/construction, trucks, equipment malfunctions/failures, and releases involving pipes, tanks, wells, sumps, and pumps. DTSC states that it is not “adequate” for the plan mentioned above to simply reference the LMP or materials prepared for other agencies.

### ***Chiquita Response to DTSC Prescribed Actions:***

The actions prescribed by DTSC with respect to Allegation 1 are without foundation, given that the allegation is without merit, as discussed above. Nevertheless, in the interest of cooperation and transparency, Chiquita also addresses each of DTSC’s prescribed actions, as outlined below.

- (i) As described in detail above, Chiquita has implemented and will continue to implement procedures designed to minimize the possibility of a sudden or non-sudden release of hazardous

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<sup>3</sup> In addressing steps that have been taken to minimize or respond to leaks or spills from leachate tanks, Chiquita is in no way suggesting that any or all such leaks or spills would implicate the requirement under Section 66262.251 to minimize releases, even if that requirement did apply. For example, some of the leachate from the Landfill is non-hazardous, and therefore any leaks or spills of such leachate would not be a release of a hazardous waste or hazardous waste constituent potentially within the scope of the referenced provision.

## Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations

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waste or hazardous waste constituents from the facility into air, soil, or surface water that could threaten human health or the environment.

(ii) To the extent that DTSC may be suggesting that Chiquita must prepare an entirely new plan for minimizing releases that does not reference the LMP or materials prepared for other agencies, Chiquita strongly objects to such duplication of effort. Indeed, DTSC's own regulations discourage duplication in similar contexts. *See, e.g.*, 22 CCR § 66262.261(b) ("If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan ... or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part"); § 66262.17(a)(7)(A)(1) ("For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations ..., the large quantity generator is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the conditions of exemption in this section"). To the extent that DTSC may believe Chiquita's plans could be improved, Chiquita is willing to discuss any provisions that the Department may have concerns with.

Chiquita is providing copies of its recently updated SOPs for Tank Farm 13 prepared for South Coast AQMD, as well as information on corrective actions taken in response to the leachate releases alleged in DTSC's SOV and a summary of recent steps Chiquita has taken to improve its leachate management system.

### Updated SOPs

Chiquita has consolidated and relocated its tank farms for accumulating and treating hazardous leachate. There is now only one tank farm for accumulating and treating hazardous leachate, Tank Farm 13, which was designed to minimize the risk of spills and other releases, and to appropriately contain and address any that may occur. The entirety of Tank Farm 13 is on a 60-millimeter liner to prevent releases to the soil. Tank Farm 13 consists of three separate sections:

- The first section of Tank Farm 13 is where leachate intake occurs, taking in characteristically hazardous leachate in clarifying tanks and then sending it to residence tanks. This entire section is within a berm and grades to a sump, so any potential leachate leaks are collected and can be pumped out for treatment. This section is double-lined and contains a sump with leak detection.
- The second section contains the carbon treatment area which is double-lined and contains a sump with leak detection. After liquids have gone through treatment, they are sampled and they are piped into the third section.
- The third section contains tanks that store post-treatment, non-hazardous, post-sampled liquids. The sample results are returned, and the liquids are then sent for final disposal. This area is single-lined and stores only non-hazardous liquids.

Chiquita has updated its previous leachate management SOPs for Tank Farm 13. These SOPs encompass the latest procedures for leachate management at the Landfill and integrate best management practices, as well as Chiquita's learned experience. The SOPs for Tank Farm 13

## **Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations**

January 15, 2026

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have been written to incorporate, where appropriate, corrective actions taken in response to leachate spills or leaks and are included as **Attachment 3**.

Together, these SOPs require Chiquita personnel to take significant measures to prevent releases. These measures include: performing an inspection of each leachate tank as required by the specific tank's requirements, ensuring that each tank has available freeboard for the authorized liquids, visually inspecting tanks to confirm there is no visible physical damage prior to transfer, determining the expected fill time, monitoring the sight glass on front of tanks to ensure filling does not surpass tank capacity (if applicable), verifying which trucks are authorized to load and directing drivers to the appropriate loading position, and visually inspecting the tank and area to make sure there were no spills during and after transfer. Chiquita added employees and shifted responsibilities from contractors to employees where possible, to further improve the processes. Chiquita also provides training to employees who are handling leachate, which is refreshed as needed.

### **Corrective Actions Taken**

In addition to incorporating lessons learned from previous incidents into the Tank Farm 13 design and SOPs, Chiquita has implemented a variety of corrective actions to mitigate the possibility of leachate releases, including infrastructure improvements and increasing automation wherever possible. More specifically, these include:

- Retraining Chiquita personnel on leachate system operations, including procedures regarding pump operation and enabling pumps, as well as on proper maintenance procedures.
- Ensuring that third-party contractors provide proper training to their employees on relevant operations, such as securing specific equipment during shift changes.
- Making infrastructure upgrades and improvements such as upgrading pneumatic pumps to Lorentz pumps, which are better suited to certain in-well environments.
- Conducting more routine maintenance, inspections, or actions to prevent potential releases, to include:
  - Using a vacuum truck to collect liquids while performing maintenance on the forcemain.
  - Inspecting the top hatch of haul trucks to ensure they are closed before trucks are allowed to leave the tank farm.
  - Inspecting underneath haul trucks before they exit the facility to ensure there are no leaks.
  - Increasing the frequency of inspection of magnetic flow meters.

### **Improvements to Leachate Management System**

Additionally, Chiquita installed hydrostatic liquid level transmitters to measure the level of liquids within the tanks in all leachate accumulation tanks capable of having such transmitters installed. This allows Chiquita personnel to monitor and communicate tank level information to

## Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations

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necessary personnel involved before and during tank filling operations, further minimizing the potential for releases.

In sum, Chiquita did not violate 22 CCR § 66262.251. Chiquita has implemented numerous actions, precautions, analyses, and measures to minimize the potential for releases. Chiquita has greatly expanded its personnel training and equipment inspections to prevent human error and reduce the chances of equipment failure/malfunction and releases involving pipes, tanks, wells, sumps, and pumps. Furthermore, as demonstrated by the updated SOPs attached hereto, Chiquita has designed Tank Farm 13 to minimize as much as possible any releases of leachate.

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As noted above, Chiquita is providing this information in the interest of continued cooperation with DTSC. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV. Chiquita remains available to discuss these issues as needed. Please contact me if you have any questions.

Regards,

*Kate Logan*

Kate Logan  
Senior Remediation Project Manager  
Chiquita Canyon, Landfill

Enclosures

cc: Ken Habaradas, Los Angeles County Department of Public Health  
Robert Ragland, Los Angeles County Department of Public Health  
Liza Frias, Los Angeles County Department of Public Health  
Nichole Quick, M.D., Los Angeles County Department of Public Health  
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Karen Gork, Los Angeles County LEA  
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Blaine McPhillips, Senior Deputy County Counsel  
Emiko Thompson, Los Angeles County Public Works  
Alex Garcia, Los Angeles County Department of Regional Planning  
Ai-Viet Huynh, Los Angeles County Department of Regional Planning  
Wes Mindermann, CalRecycle  
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Larry Israel, South Coast Air Quality Management District  
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Tim Crick, Department of Toxic Substances Control  
Diane Barclay, Department of Toxic Substances Control  
Christopher Kane, Department of Toxic Substances Control  
Johnathan Crook, Department of Toxic Substances Control  
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Sarah Phillips, Chiquita Canyon  
Amanda Froman, Chiquita Canyon  
John Perkey, Chiquita Canyon  
Megan Morgan, Beveridge & Diamond, P.C.  
Nicole Weinstein, Beveridge & Diamond, P.C.



March 5, 2026

**Via: Email**

Shorey III, Lee <[shorey.lee@cleanharbors.com](mailto:shorey.lee@cleanharbors.com)>

Re: **CONFIDENTIAL INFORMATION/PREPARED SUBJECT TO SETTLEMENT DISCUSSIONS**

Dear Mr. Shorey:

As you know, Action Resources greatly values its longstanding relationship with Clean Harbors and its role as one of the company's key transportation providers. We write to provide you with our present understanding of the temporary lapse in the company's California hazardous waste transporter registration.<sup>1</sup> Action Resources regrets the inconvenience this has caused Clean Harbors and looks forward to cooperatively working with you to resolve this matter. We sincerely appreciate your patience.

We want to assure you as an initial matter that, upon learning that its California hazardous waste transporter registration had lapsed, Action Resources took immediate steps to successfully reinstate that registration. The California Department of Toxic Substances Control (DTSC) reinstated the company's registration as of February 17, 2026 and Action Resources is listed as an active transporter in DTSC's Registered Hazardous Waste Transporter Database. Together with the company's California Highway Patrol (CHP) Hazardous Materials Transportation License and U.S. DOT Hazardous Materials Registration, Action Resources maintains all necessary authorizations to transport hazardous waste in California.

Action Resources' present understanding is that the temporary lapse in its California hazardous waste transporter registration resulted from a communications misunderstanding with DTSC. Action Resources previously operated a terminal in California. When we closed that terminal, our staff contacted DTSC to inquire into the necessity of maintaining the transporter registration, to which the agency replied in the negative. In retrospect, however, it appears that our staff may not have appreciated the regulatory distinctions between ceasing terminal operations but continuing hazardous waste transportation operations in California, which led to an incomplete inquiry to DTSC and subsequent misinterpretation of its response. As a result of that misunderstanding, the company's California hazardous waste transporter registration lapsed.

Importantly, at all relevant times Action Resources maintained its CHP license and its U.S. DOT hazardous materials registration. There was no lapse in either authorization. Further, to the company's knowledge, Action Resources has no enforcement history with DTSC under any prior hazardous waste transporter registration, nor has Action Resources been the subject of any enforcement by CHP related to its hazardous materials license.

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<sup>1</sup> Please note that nothing by or in this letter is intended to admit any fact or any liability and Action Resources hereby reserves all of its rights in all respects.



Action Resources is committed to cooperating with Clean Harbors to address regulatory compliance issues that may result from the transporter registration lapse. We are actively working with external and internal resources to ensure ongoing compliance with applicable regulatory requirements and to put in place necessary measures to prevent a recurrence of the registration lapse. Our goal is to resolve this matter amicably, promptly, and transparently while continuing to uphold the high compliance standards that have always been central to our operations.

Thank you for your understanding and please do not hesitate to contact me if you would like to discuss or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "RM", written over a horizontal line.

Rick Moore  
President  
Action Resources



Clean Harbors Environmental Services, Inc.  
2247 South Highway 71  
Kimball, Nebraska 69145

308.235.4012  
www.cleanharbors.com

Sent via FedEx 8702 7637 6917

April 2, 2026

Mr. Brian Gorman  
Waste Compliance Section  
Nebraska Department Water, Energy, and Environment  
245 Fallbrook Blvd.  
Lincoln, NE 68521

Re: Manifest Correction Letter  
Clean Harbors Environmental Services, Inc.  
Kimball, Nebraska  
NED 981 723 513

Dear Mr. Gorman,

Clean Harbors Environmental Services, Inc. (CHESI) received shipments of hazardous waste from Wc 4050 – Chiquita Canyon Landfill in Castaic, CA on the following manifests: 019300338FLE, received on December 7, 2024; 019300339FLE, received on December 7, 2024; 019814875FLE, received on November 11, 2024; 019814878FLE, received on November 8, 2024; 019814882FLE, received on November 6, 2024. CHESI was notified on March 5, 2026 that the manifests listed the incorrect transporter and transporter EPA ID number. CHESI made corrections to the transporter name and transporter EPA ID number in Section 6 of each of the above listed manifests on March 5, 2026.

If you have any questions or comments concerning the enclosed information, please contact me by email or at (308) 235-8212.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyssa King", with a long horizontal flourish extending to the right.

Alyssa King  
Environmental Compliance Manager  
[king.alyssa@cleanharbors.com](mailto:king.alyssa@cleanharbors.com)

Attachment: Manifests 019300338FLE, 019300339FLE, 019814875FLE, 019814878FLE,  
019814882FLE

Auth. B2411042

Generator acknowledges that no material change has occurred either in the characteristics or in the process generating the material.

Please print or type.

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number <b>CAL000347030</b>	2. Page 1 of <b>1</b>	3. Emergency Response Phone <b>(800) 493-3718</b>	4. Manifest Tracking Number <b>019814875 FLE</b>		
5. Generator's Name and Mailing Address <b>W44090 - Chiquita Canyon Landfill 29201 Henry Mayo Dr Castaic, CA 91384</b>			Generator's Site Address (if different than mailing address) <b>SAME</b>				
Generator's Phone: <b>(861) 371-8214</b> <b>ATTN: Steven Casado</b>			U.S. EPA ID Number <b>ALR000056689</b>				
6. Transporter 1 Company Name <b>Action Environmental LLC</b>			U.S. EPA ID Number				
7. Transporter 2 Company Name			U.S. EPA ID Number				
8. Designated Facility Name and Site Address <b>Clean Harbors Environmental Services, Inc. 2247 South Highway 71 Kimball, NE 68145</b>			U.S. EPA ID Number <b>NED981723613</b>				
Facility's Phone: <b>(308) 235-4012</b>							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	x	<b>HA3082, HAZARDOUS WASTE, LIQUID, N.O.S., (BENZENE), 9, PG III</b>	1	<b>TTN</b>	<b>420</b>		<b>0018 213</b>
	2.						
	3.						
	4.						
14. Special Handling Instructions and Additional Information <b>Truck 129008    Tank 30-32 Trailer 749001    IR 32520</b>							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offeror's Printed/Typed Name <b>Laura Luendo</b>			Signature 		Month Day Year <b>11 17 2004</b>		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.    Port of entry/exit: _____ Date leaving U.S.: _____							
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials						
	Transporter 1 Printed/Typed Name <b>Derrick Danna</b>			Signature 		Month Day Year <b>11 17 2004</b>	
Transporter 2 Printed/Typed Name			Signature		Month Day Year		
DESIGNATED FACILITY	18. Discrepancy						
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection <b>Section 6 should read "Action Resources Incorporated" and "ALR000007237" per Justin Adelman</b>						
	18b. Alternate Facility (or Generator)			U.S. EPA ID Number			
Facility's Phone:							
18c. Signature of Alternate Facility (or Generator)							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1. <b>H040</b>		2.		3.		4.	
20. Designated Facility Owner or Operator. Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a							
Printed/Typed Name <b>ED AVILA</b>			Signature 		Month Day Year <b>11 11 24</b>		



Printed Date : Jul 8, 2024

MANIFEST INFORMATION

Generator : Wc 4050 - Chiquita Canyon Landfill  
Address: 29201 Henry Mayo Dr Castaic, CA 91384

Manifest Tracking Info.

019814875FL

EPA ID #: CAL000347030

Sales Order No: 2404594076-002

LINE ITEM INFORMATION

Line Item:	Page No:	Profile No:	Treatability Group:	LDR Disposal Category
1	1	CH2716662KP	WASTEWATER	2 (This is subject to LDR.)

EPA Waste Code  
D018

EPA Waste SubCategory  
NONE

Certification

Applies to Manifest Lin  
Items

Pursuant to 40 CFR 268.7(a), I hereby notify that this shipment contains waste restricted under 40 CFR Part 268.

Waste analysis data, where available, is attached

Signature :

Print Name

Title :

Agent of Chiquita Landfill/CHES

Date :

*[Handwritten Signature]*  
11/7/2024

Auth. B2411033

Generator acknowledges that no material change has occurred either in the characteristics or in the process generating the material.

Form Approved. OMB No. 2050-0039

Please print or type.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number CAL000347030	2. Page 1 of 1	3. Emergency Response Phone (800) 483-3718	4. Manifest Tracking Number 019814878 FLE				
5. Generator Site Address (if different than mailing address) 29201 Henry Mayo Dr Castaic, CA 91384 Generator's Phone: (661) 371-9214 ATTN: Steven Cassulo				SAME					
6. Transporter 1 Company Name Action Environmental LLC				U.S. EPA ID Number ALR000056689					
7. Transporter 2 Company Name				U.S. EPA ID Number					
8. Designated Facility Name and Site Address Clean Harbors Environmental Services, Inc. 2247 South Highway 71 Kimball, NE 68145 Facility's Phone: (308) 235-4012				U.S. EPA ID Number NED981723513					
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No.	Type	11. Total Quantity	12. Unit WT./Vol.	13. Waste Codes	
	X	1. HA3082, HAZARDOUS WASTE, LIQUID, N.O.S., (BENZENE), 9, PG III		1	TT	44500	P	D018	213
		2.							
		3.							
		4.							
14. Special Handling Instructions and Additional Information 1. <del>EA271686228</del> <del>EA27171</del> Truck 124013 Tank 18-33 TR 34240 Trailer SIR0023 TW 78820 Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf for purposes of transportation efficiency, convenience, or safety.									
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.									
Generator's/Offeror's Printed/Typed Name TAMM LUX INTO Agent for chemical landfill				Signature 				Month Day Year 11/16/24	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____									
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name Chris Rowley Signature Chris Rowley Month Day Year 11/16/24 Transporter 2 Printed/Typed Name Signature Month Day Year									
18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Section 6 should read "Action Resources Incorporated" and "ALR000007237" per Justin Abuchon Manifest Reference Number: _____ U.S. EPA ID Number: _____									
18b. Alternate Facility (or Generator) U.S. EPA ID Number: _____ Facility's Phone: _____ 18c. Signature of Alternate Facility (or Generator) Month Day Year									
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. H040 2. 3. 4.									
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name ED AVILA Signature Month Day Year 11/08/24									



Printed Date : Jul 8, 2024

MANIFEST INFORMATION

Generator : Wc 4050 - Chiquita Canyon Landfill  
Address : 29201 Henry Mayo Dr Castaic, CA 91384

Manifest Tracking Info.

019814978FLK

EPA ID #: CAL000347030

Sales Order No: 2404594076-002

LINE ITEM INFORMATION

Line Item:	Page No:	Profile No:	Treatability Group:	LDR Disposal Category
1.	1	CH2716662KP	WASTEWATER	2 (This is subject to LDR.)

EPA Waste Code  
D018

EPA Waste SubCategory  
NONE

Certification

Applies to Manifest Lin  
Items

Pursuant to 40 CFR 268.7(a), I hereby notify that this shipment contains waste restricted under 40 CFR Part 268.

Waste analysis data, where available, is attached.

Signature :

Print Name

Wendy L. Lewis J

Title :

Agent of Chiquita Landfill/CHES

Date :

11/06/24

B2411020

Generator acknowledges that no material change has occurred either in the characteristics or in the process generating the material.

Form Approved OMB No. 2050-0038

Please print or type.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number CAL000347030	2. Page 1 of 1	3. Emergency Response Phone (800) 483-3718	4. Manifest Tracking Number 019814882 FLE		
5. Generator's Site Address (if different than mailing address) 29201 Henry Mayo Dr Castaic, CA 91384 Generator's Phone: (661) 371-9214 ATTN: Steven Cassulo				SAME			
6. Transporter 1 Company Name Action Environmental LLC				U.S. EPA ID Number ALR000056689			
7. Transporter 2 Company Name				U.S. EPA ID Number			
8. Designated Facility Name and Site Address Clean Harbors Environmental Services, Inc. 2247 South Highway 71 Kimball, NE 68145 Facility's Phone: (308) 235-4012				U.S. EPA ID Number NED981723513			
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes
	x	1 NA3082, HAZARDOUS WASTE, LIQUID, N.O.S., (BENZENE), 9, PG III	1	TT	95880 P		0018 213
		2					
		3					
		4					
14. Special Handling Instructions and Additional Information Truck # 123039 Tank # 33 TW 80 000 Trailer # 714 TR 34,120 Contract retained by generator confers agency PRIORITY ON INITIAL TRANSPORTER TO ADD OR SUBSTITUTE ADDITIONAL TRANSPORTERS ON GENERATOR'S BEHALF FOR PURPOSES OF TRANSPORTATION EFFICIENCY, COORDINATION, OR SAFETY							
15. GENERATOR/SOFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Officer's Printed/Typed Name Steven Cassulo				Signature 		Month Day Year 11/14/2014	
TRANSPORTER INTL	16. International Shipments		Port of entry/exit		Date leaving U.S.		
	<input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.				Month Day Year 11/17/2014		
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials						
	Transporter 1 Printed/Typed Name Joe Joshua		Signature 		Month Day Year 11/17/2014		
DESIGNATED FACILITY	18. Discrepancy						
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Section 6 US EPA ID Number should read "ALR00007237" per Justin Aubuchon and Transporter Name "Action Resources Inc" per Manifest Reference Number.						
	18b. Alternate Facility (or Generator)				U.S. EPA ID Number		
18c. Signature of Alternate Facility (or Generator)							Month Day Year
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1. H040		2.		3.		4.	
20. Designated Facility Owner or Operator. Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a.							
Printed/Typed Name Debbie Keller				Signature 		Month Day Year 11/06/24	



Printed Date: Jul 8, 2024

MANIFEST INFORMATION

Generator: Wc 4050 - Chiquita Canyon Landfill  
Address: 29201 Henry Mayo Dr Castaic, CA 91384

Manifest Tracking Info.

019814892 FLG

EPA ID #: CAL000347030

Sales Order No: 2404594076-002

LINE ITEM INFORMATION

Line Item	Page No	Profile No	Treatability Group	LDR Disposal Category
1.	1	CH2716662KP	WASTEWATER	2 (This is subject to LDR.)

EPA Waste Code  
D018

EPA Waste SubCategory  
NONE

Certification

Applies to Manifest Lin  
Items

Pursuant to 40 CFR 268.7(a), I hereby notify that this shipment contains waste restricted under 40 CFR Part 268.

Waste analysis data, where available, is attached.

Signature

Print Name

Tony Lopez

Title

Agent of Chiquita Landfill/CHES

Date

11/04/2024

B2412102

Generator acknowledges that no material change has occurred either in the characteristics or in the process generating the material.

Form Approved, OMB No. 2050-0039

Please print or type.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number EAL000047030 EAB000381574	2. Page 1 of 1	3. Emergency Response Phone (800) 483-3718	4. Manifest Tracking Number 019300338 FLE						
5. <del>Site Address</del> <del>Chaparral Canyon Landfill</del> 29201 Henry Mayo Dr Castaic, CA 91384 Generator's Site Address (if different than mailing address) SAME Generator's Phone: (661) 371-9214 ATTN: Steven Cassulo											
6. Transporter 1 Company Name Action Environmental LLC				U.S. EPA ID Number ALR0000510089							
7. Transporter 2 Company Name				U.S. EPA ID Number							
8. Designated Facility Name and Site Address Clean Harbors Environmental Services, Inc. 2247 South Highway 71 Kimball, NE 68148 Facility's Phone: (308) 235-4012				U.S. EPA ID Number NED981723513							
9a. HM	9b. U.S. DCT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))			10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes			
	1. NA3082, HAZARDOUS WASTE, LIQUID, N.O.S., (BENZENE), 9, PG III			1	TT	45,280	P	D018	213		
	2.										
	3.										
	4.										
14. Special Handling Instructions and Additional Information TRUCK-12508 TRAILER-749001 REGISTRATION - 27, 29, 30 TR-34,260 TW-79,510						Contract retained by generator confirms agency authority on initial transporter to add or substitute additional transporters on generator's behalf for purposes of transportation efficiency, convenience, or safety.					
15. GENERATOR/SHOFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Officer's Printed/Typed Name Alyse Dinos				Signature Alyse Dinos		Month		Day		Year	
16. International Shipments		<input type="checkbox"/> Import to U.S.		<input type="checkbox"/> Export from U.S.		Port of entry/exit:				Date leaving U.S.:	
17. Transporter Acknowledgment of Receipt of Materials		Transporter 1 Printed/Typed Name REYARD PLOLOP		Signature REYARD PLOLOP		Month		Day		Year	
18. Discrepancy		18a. Discrepancy Indicator: Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection <input type="checkbox"/>		section 6 should read "Action Resources Incorporated" and "ALR000007237" per JUSTIN ADACHI		Manifest Reference Number					
18b. Alternate Facility (or Generator)		Facility's Phone:		U.S. EPA ID Number		Month		Day		Year	
18c. Signature of Alternate Facility (or Generator)		Month		Day		Year					
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
1. H040		2.		3.		4.					
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a											
Printed/Typed Name Dobbie Keller				Signature Dobbie Keller		Month		Day		Year	



Land Disposal Restriction  
Notification Form

Printed Date : Nov 7, 2024

MANIFEST INFORMATION

Generator : Wc 4050 - Chiquita Canyon Landfill	Manifest Tracking Info.  019300 338 FLE  Sales Order No: 2404594070-004
Address: 29201 Henry Mayo Dr Castaic, CA 91384	
EPA ID #: CAL000391574 <del>CAL000547030</del>	

LINE ITEM INFORMATION

Line Item:	Page No:	Profile No:	Treatability Group:	LDR Disposal Category
1.	1	CH2716662 RP	WASTEWATER	2 (This is subject to LDR.)
EPA Waste Code D018			EPA Waste SubCategory NONE	

Certification

Applies to  
Manifest Line  
Items

Pursuant to 40 CFR 268.7(a), I hereby notify that this shipment contains waste restricted under 40 CFR Part 268.

1.

Waste analysis data, where available, is attached.

Signature :

*Alyse Dinoff*

Print Name

Alyse Dinoff

Title :

Agent of Chiquita Landfills

Date :

12/5/24

B2412101

Generator acknowledges that no material change has occurred either in the characteristics or in the process generating the material.

Form Approved. OMB No. 2050-0039

Please print or type.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number EAT088331539	2. Page 1 of 1	3. Emergency Response Phone (800) 483-3718	4. Manifest Tracking Number 019300339 FLE		
5. Generator Name and Mailing Address 29201 Henry Mayo Dr Castaic, CA 91384 Generator's Phone: (661) 371-9214 ATTN: Steven Cassulo		Generator's Site Address (if different than mailing address) SAME					
6. Transporter 1 Company Name Action Environmental LLC		U.S. EPA ID Number ALL000056689					
7. Transporter 2 Company Name		U.S. EPA ID Number					
8. Designated Facility Name and Site Address Clean Harbors Environmental Services, Inc. 2247 South Highway 71 Kimball, NE 69145 Facility's Phone: (308) 235-4012		U.S. EPA ID Number NED981723513					
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol	13. Waste Codes	
X	HA3082, HAZARDOUS WASTE, LIQUID, H.O.S., (BENZENE), 9, PG III	1	TT	19340	P	D018 213	
2.							
3.							
4.							
14. Special Handling Instructions and Additional Information TRUCK - 120015 TRAILER - 5120053 TANK - 29, 30 TR-32,580 TW-8920 Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf for purposes of transportation efficiency, convenience, or safety.							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 46 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offeror's Printed/Typed Name Tanya Lorenz Agent for Clean Harbors		Signature 			Month Day Year 12 5 2024		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Part of entry/exit Date leaving U.S.:							
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name MICHAEL BROOKS Signature 							
18. Discrepancy 18a. Discrepancy Indication Space Section 6 should read "Action Resources Incorporated" and "ALL000007237" per Justin Aulbach Manifest Reference Number U.S. EPA ID Number							
18b. Alternate Facility (or Generator) Facility's Phone: 18c. Signature of Alternate Facility (or Generator) Month Day Year							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. H040 2. 3. 4.							
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a Printed/Typed Name Debbie Keller Signature 							



Land Disposal Restriction Notification Form

Printed Date : Nov 7, 2024

MANIFEST INFORMATION

Generator : Wc 4050 - Chiquita Canyon Landfill	Manifest Tracking Info.  019300339 FLE Sales Order No: 2404594070-004
Address: 29201 Henry Mayo Dr Castaic, CA 91384	
EPA ID #: CAL000301574 CAL000347020	

LINE ITEM INFORMATION

Line Item:	Page No:	Profile No:	Treatability Group:	LDR Disposal Category
1.	1	CH2716662 KP	WASTEWATER	2 (This is subject to LDR.)
EPA Waste Code D018			EPA Waste SubCategory NONE	

Certification

Applies to Manifest Line Items

Pursuant to 40 CFR 268.7(a), I hereby notify that this shipment contains waste restricted under 40 CFR Part 268.

1.

Waste analysis data, where available, is attached.

Signature :

Print Name

Title :

Date :

*[Handwritten Signature]*  
Agent for  
Chiquita Land

*[Handwritten Name]*  
12/5/2024

---

**From:** Kevin Green <Kevin.Green@WasteConnections.com>  
**Sent:** Thursday, March 5, 2026 11:37 PM  
**To:** Neal, Erin@DTSC  
**Cc:** Zmily, Zanalee@DTSC; Clark, Dylan@DTSC; Sarah Phillips; Dylan Smith; Megan L. Morgan; Nicole B. Weinstein  
**Subject:** RE: 2/25/2026 DTSC Summary of Violations

[EXTERNAL SENDER: Use caution with links/attachments]

---

Dear Ms. Neal,

I am writing to confirm that, to the best of Chiquita's knowledge, all the contractors Chiquita Canyon Landfill is working with to transport hazardous waste have an active registration with DTSC. Chiquita is currently preparing a more detailed response to the other issues raised in the SOV.

Thank you,  
Kevin

**Kevin Green** | District Manager  
**Chiquita Canyon Landfill**  
**Avenal Regional Landfill**  
29201 Henry Mayo Dr.  
Castaic, CA 91384  
661-812-5846





# CHIQUITA CANYON

*A Waste Connections Company*

December 18, 2025

***Via E-Mail***

Erin Neal  
Senior Environmental Scientist  
Department of Toxic Substances Control  
7575 Metropolitan Drive, Suite 108  
San Diego, CA 92108  
[Erin.Neal@dtsc.ca.gov](mailto:Erin.Neal@dtsc.ca.gov)

Zanalee Zmily  
Senior Environmental Scientist  
Department of Toxic Substances Control  
7575 Metropolitan Drive, Suite 108  
San Diego, CA 92108  
[Zanalee.Zmily@dtsc.ca.gov](mailto:Zanalee.Zmily@dtsc.ca.gov)

**Re: Chiquita Canyon, LLC Response to November 18, 2025 Summary of Violations**

Dear Ms. Neal and Ms. Zmily:

Chiquita Canyon, LLC (“Chiquita”) is in receipt of the Summary of Violations (“SOV”) for the Chiquita Canyon Landfill (“Landfill”) issued by the Department of Toxic Substances Control (“DTSC”) on November 18, 2025.<sup>1</sup> Based on the allegations set forth in the SOV, DTSC requested that Chiquita take certain actions and provide certain information within thirty (30) days of the SOV. Other actions and requests for information did not include an explicit deadline.

As discussed below, Chiquita disputes the allegations set forth in the SOV and the requested actions. Chiquita has provided voluminous and timely information about the Landfill to its regulators and continues to do so. Chiquita will continue to cooperate with reasonable requests for information that are within the scope of DTSC’s authority and applicable to the Landfill.

---

<sup>1</sup> Chiquita Canyon, LLC is the sole owner, operator, and permit holder at Chiquita Canyon Landfill. Chiquita Canyon, Inc. and Waste Connections US, Inc. are not part of the facility name, nor do they manage, direct, or conduct operations at the facility as alleged in the SOV.

## **Chiquita Canyon Landfill Response to November 18, 2025 Summary of Violations**

December 18, 2025

Page 2 of 10

Chiquita provides the following information in the interest of continued cooperation with its regulators. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an admission of any liability for any matter described in the SOV.

Chiquita notes that this response addresses only Allegations #2 and #3 as well as the “Other Issues/Concerns” raised in the SOV. On December 10, 2025, Chiquita requested an extension of time to respond to the SOV because of the voluminous nature of the requested actions therein and the timing of the requests over the holiday season. On December 15, 2025, DTSC granted the extension request with respect to Allegation #1 to January 15, 2026, so Allegation #1 is therefore not addressed herein. DTSC denied the extension request with respect to the remaining allegations, so Chiquita responds to those allegations to the extent feasible herein.

### **Allegation #2**

#### ***Summary of DTSC Allegation:***

DTSC alleges that, beginning “on and/or before” October 27, 2025, Chiquita failed to properly complete hazardous waste manifests for hazardous waste condensate. DTSC alleges that such actions violate 22 CCR § 66262.23(a) (requirement to complete and certify hazardous waste manifests) and potentially HSC § 25189.2(a) (false statement or representation in, *inter alia*, a manifest).

#### ***Chiquita Response to Allegation:***

To the extent that DTSC is alleging improper completion of manifests based on conservative (i.e., over-inclusive) coding of condensate, Chiquita notes that “over-managing” a waste as hazardous is a long-recognized and permissible approach under the hazardous waste regulations where it is intended to ensure protective management of the waste. EPA confirmed in the Generator Improvements Rule that:

Even if the waste may not be hazardous, “over managing” the waste is acceptable and meets the requirements in [40 C.F.R.] § 262.11 [the federal counterpart to 22 CCR § 66262.11] because the generator has made a determination intended to ensure, beyond a doubt, proper and protective management of the waste within the RCRA regulatory program. The practice of over-managing non-hazardous waste as hazardous waste has been in existence for years and EPA’s final language in § 262.11 continues to allow this practice.

*See* 81 Fed. Reg. 85732, 85750 (Nov. 28, 2016). Chiquita’s use of conservative waste codes was intended to ensure protective management, not to misrepresent the waste or evade regulatory controls. Accordingly, the inclusion of additional waste codes on a manifest, by itself, does not establish a violation of the hazardous waste regulations, let alone a false statement under the Health & Safety Code.

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To the extent that DTSC is alleging improper completion of manifests based on discrepancies between the waste codes on a manifest and on a Waste Stream Documentation Form or a waste profile, Chiquita notes that those documents are not the regulatory benchmark for manifest compliance. The Waste Stream Documentation Form prepared by Chiquita's hazardous waste management consultant, Montrose, reflects Chiquita's waste determination for the condensate and identifies the applicable waste codes pursuant to 22 CCR § 66262.40(c) and 40 C.F.R. § 262.11(f). As explained below, Chiquita has aligned its manifest corrections with that determination. By contrast, the waste profiles are administrative documents generated by Clean Harbors (which coordinates Chiquita's hazardous waste shipments to its own permitted incineration facilities) to support manifest assembly upon waste pick-up and to inform appropriate transportation procedures, but are not themselves required under federal or state law.

To the extent that DTSC is alleging improper completion of manifests based on tank- and shipment-specific analytical results, Chiquita notes that waste determinations and toxicity characteristic designations are based on a "representative sample" of a waste, not on isolated results that may not be representative. *See, e.g.*, 22 CCR § 66261.24(a) (requiring a "representative sample" to characterize a waste as toxic); 40 C.F.R. § 261.24(a) (same). The hazardous waste regulations generally indicate that in order to obtain the requisite "representative sample," there should be "in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste." *See* 40 C.F.R. § 260.22(h), incorporated by reference in 22 CCR § 66261.3(a)(2)(B) (discussing delisting of hazardous wastes). For instance, EPA guidance provides an example where—in the context of a representative sample of analytical data—"it is definitively concluded that [a certain constituent] is not present in [a waste] at a hazardous level" even though two samples were above the regulatory threshold. EPA, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846), Chapter 9 at 14–17; *see* 22 CCR § 66260.11 (incorporating SW-846 by reference); 22 CCR § 66261.20(c) (stating that the sampling methods described in EPA's SW-846 guidance shall be considered representative). Therefore, an isolated exceedance in an individual grab sample does not, by itself, necessarily support recharacterizing the waste stream or concluding that a new waste determination is required.

Accordingly, the fact that a single sample in June 2025 reflected pyridine slightly above the regulatory threshold (6.4 mg/L versus 5.0 mg/L) did not, standing alone and based on the dataset then available for the condensate waste stream, warrant adding D038 to the manifests for the condensate shipments at issue.

However, on review of the Waste Stream Documentation Form prepared by Montrose, the waste profiles prepared for the condensate waste stream by Clean Harbors, and the associated manifests, Chiquita identified an administrative discrepancy that resulted in omission of the arsenic waste code (D004) from the hazardous condensate manifests. In conducting the waste determination and preparing the Waste Stream Documentation Form, Montrose analyzed nine condensate samples collected over a ten-day period in February 2024. Those analytical results show consistent exceedances of the toxicity characteristic threshold for arsenic (detections ranging from 35 to 50 mg/L, versus a 5.0 mg/L threshold), and Montrose therefore appropriately included D004 on the Waste Stream Documentation Form.

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Chiquita has advised Clean Harbors on multiple occasions that its condensate may contain arsenic above applicable regulatory thresholds, including by providing laboratory reports. That information, however, was not reflected in Clean Harbors' waste profiles for Chiquita's condensate stream (CH2712208<sup>2</sup>, CH2712208EL-1<sup>3</sup>, and CH2909598<sup>4</sup>). Because Clean Harbors generates manifests from the applicable profile, D004 was likewise not listed on the associated manifests. Chiquita is working with Clean Harbors to correct the hazardous waste manifests for condensate shipments to add D004, consistent with Montrose's waste determination.

With respect to other waste codes, Montrose did not include D035 (MEK) on the Waste Stream Documentation Form because the February 2024 results did not, in Montrose's judgment, support designating the condensate waste stream as hazardous for MEK. Chiquita and Montrose did include D018 (benzene) as a conservative over-characterization. For purposes of this SOV response, and as a further conservative measure, Chiquita is also including D035 on the revised manifests.

In 2024 through January 2025, all hazardous condensate shipped offsite bore the D001 waste code. However, no condensate analytical data from May 2024 to present shows a flash point below 203 °F, let alone 140 °F (the ignitability/D001 threshold). In March 2025, Clean Harbors generated a new profile that removed the D001 waste code, with the intent that it would conservatively ship any future condensate load under the former, D001-bearing profile if a sample of the tank load to be shipped tested ignitable. No D001 waste code was improperly included on or omitted from a hazardous condensate manifest.

### ***Summary of DTSC Prescribed Actions:***

DTSC directs Chiquita to, within 30 days of the SOV:

- (i) Determine which hazardous waste manifests for hazardous waste condensate require corrections and submit manifest corrections via US EPA's e-Manifest system for all hazardous waste condensate shipments that contained arsenic and/or pyridine (with documentation of the completed corrections sent to DTSC).
- (ii) Provide an updated waste characterization for hazardous waste condensate.
- (iii) Provide complete analytical laboratory reports for all condensate samples, including but not limited to, samples collected in 2025 from Tanks 68, 69, 190, T1, and T2.

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<sup>2</sup> This profile for disposal at Clean Harbors' Aragonite incineration facility in Utah is based on analytical reports of condensate samples collected on January 19 and 23, 2024. Approximately one week after this profile was signed, Chiquita received—and promptly provided to Clean Harbors—the report for a full TCLP analysis of another January 23 sample, which included detections of arsenic and pyridine above their respective toxicity characteristic thresholds. Clean Harbors did not amend the profile.

<sup>3</sup> This profile is substantively the same as CH2712208 but was intended for use at Clean Harbors' El Dorado incineration facility in Arkansas in June 2024 while Aragonite was temporarily full.

<sup>4</sup> This new profile was created to remove the D001 waste code because no condensate sample taken since May 2024 had tested with a flash point below 140 °F.

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(iv) Provide a map of the condensate tank area including T1/T2 and its associated piping as requested in DTSC's information request on October 13, 2025.

### *Chiquita Response to DTSC Prescribed Actions:*

(i) Chiquita (working with Clean Harbors, which prepares the manifests for condensate shipments) has identified the hazardous waste condensate manifests that require revision. Chiquita understands that Clean Harbors is in the process of updating the manifests and expects to submit the revisions via US EPA's e-Manifest system tomorrow, if at all possible. The revised manifests will align with Montrose's formal waste determination by adding the D004 (arsenic) waste code. As a conservative over-characterization, Chiquita will also include the D035 waste code for MEK on the revised manifests. Based on the data available for the condensate shipments at issue, and for the reasons described above, the revised manifests will not include the D038 waste code. Documentation of completion for these corrections will be provided next week if possible, but no later than in conjunction with our response to Allegation #1 in January.

Chiquita is not altering the manifests with regard to any existing ignitability (D001) waste codes or lack thereof. The manifests for loads of condensate that were transported, treated, and disposed of as ignitable waste under Clean Harbors Profiles CH2712208 and CH2712208EL-1 will continue to bear the D001 waste code, and manifests for loads that were transported, treated, and disposed of as non-ignitable waste under Profile CH2909598 will continue not to bear the D001 waste code.

The revised manifests will include all hazardous condensate manifests generated and submitted from January 1, 2024, to present. Chiquita's condensate waste stream was not hazardous prior to 2024. Chiquita's first shipments of hazardous condensate for off-site treatment and disposal occurred on February 26, 2024 (Manifests 018767996FLE and 018767997FLE).

(ii) Chiquita has performed an updated waste determination for hazardous waste condensate. Specifically, Chiquita (through Montrose) has determined that the condensate is hazardous for arsenic (D004). This updated waste determination is based on eight samples taken at three-day intervals between November 19 and December 10, 2025. Copies of the analytical laboratory reports for these samples are provided in **Attachment 1**. The new Waste Stream Documentation Form is provided in **Attachment 2**. The waste continues to be permissible for combustion under the regulatory exemptions in 40 C.F.R. § 268.3(c)(1) and (6) and 22 CCR § 66268.3(b)(1) and (6), as described above.

(iii) Copies of all complete analytical laboratory reports for all condensate samples taken over the same time period covered by (i) are provided in **Attachment 3**. Chiquita's condensate waste stream was not hazardous prior to 2024.

(iv) A map of the condensate tank area including T1/T2 has previously been provided, a copy of which was attached to our May 1, 2025 response to DTSC's April 1, 2025 Summary of

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Violations. Chiquita is working with its consultants to produce an updated map as expeditiously as possible.

### **Allegation #3**

#### ***Summary of DTSC Allegation:***

DTSC alleges that “on and/or before” August 19, 2025 Chiquita failed to properly label tanks containing hazardous waste leachate, which it alleges violates 22 CCR § 66262.17(a)(5).<sup>5</sup> DTSC states it observed 20,000-gallon tanks storing hazardous waste leachate and/or condensate that it alleges were not properly labeled with the words “Hazardous Waste,” a description of its contents, and the accumulation start date.

DTSC also alleges that Chiquita provided tank inspection logs from June 2025 to September 2025 that showed containers with alleged “unsatisfactory” labeling.

#### ***Chiquita Response to Allegation:***

Chiquita denies that it violated 22 CCR § 66262.17(a)(5), as alleged by DTSC, for several reasons. First, that provision does not currently apply to Chiquita (and did not apply during the relevant times cited by DTSC). Compliance with the labeling and marking requirements under the referenced section is a “condition for exemption” from permitting requirements under Section 66262.17. Chiquita is not (and has not been) required to meet the conditions for the Large Quantity Generator (“LQG”) accumulation exemption from permitting set forth at Section 66262.17 because it is already covered by a different permitting exemption, namely the Immediate Response Exemption. Chiquita cannot have “violated” the conditions of an exemption that it did not need.

Second, to the extent that DTSC is alleging that Chiquita failed to properly label certain tanks as Non-Hazardous or Pending Analysis, Chiquita notes that potentially inadequate labeling of tanks not holding hazardous wastes is not a violation of the hazardous waste regulations.

To the extent that labeling and marking requirements apply to Chiquita, any inadequate labeling or marking of tanks holding hazardous waste was a harmless error. It is Chiquita’s policy to treat any waste stream that is characteristically hazardous as hazardous until it is determined to be non-hazardous. This includes waste streams that are pending analysis. This existing approach is already protective against any concerns of inadequate labeling and marking or improper accumulation time and further ensures that all waste streams are managed appropriately. Further, each tank, container, or bin, regardless of their contents, has other indications such as location,

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<sup>5</sup> DTSC also vaguely cites to HSC § 25153.6, which requires a generator of non-RCRA hazardous waste to “comply with any notification requirements for non-RCRA hazardous waste which the department adopts by regulation.” HSC § 25153.6(b). DTSC does not appear to allege any such notification requirements that it believes to have been violated. To the extent there is a suggestion that notification requirements have been violated, Chiquita also denies that allegation.

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knowledge of waste streams flowing into and out of the tanks, logs, standard operating procedures, and other tracked information that ensure that all Chiquita personnel working with or around the tanks, containers, and bins know of their contents and whether they contain hazardous waste. Because of this knowledge and Chiquita's hazardous waste management practices, Chiquita personnel are aware of tank contents, and all waste streams are managed appropriately.

### *Summary of DTSC Prescribed Actions:*

(i) DTSC directs Chiquita to immediately label all containers and tanks accumulating hazardous waste, and to provide documentation of compliance to DTSC within 30 days of the SOV.

(ii) DTSC also directs Chiquita to label blue and green containers used to accumulate leachate from drip pans and to accumulate soiled absorbent.

### *Chiquita Response to DTSC Prescribed Actions:*

Although Chiquita believes that it is not currently subject to the cited labeling and marking requirements due to the Immediate Response Exemption, Chiquita is nevertheless in the process of labeling and marking the containers (including bins) and tanks accumulating hazardous waste consistent with 22 CCR § 66262.17(a)(5).<sup>6</sup> Ordering labels and properly marking numerous containers is a time-consuming process. Chiquita had already begun taking steps to obtain the proper labels for the new Tank Farm 13, but proper labels require planning and cannot be implemented on the aggressive schedule that DTSC has directed. Because DTSC was not willing to grant an extension, Chiquita has implemented a temporary measure to comply with DTSC's directive. Photos of the interim labels are included as **Attachment 4**.

### **Other DTSC Issues/Concerns**

In Section II of the SOV, DTSC lists two additional areas of concern identified during its investigation. Each area is discussed separately below.

#### **Issue/Concern 1**

##### *Chiquita Response:*

It does not appear that DTSC is alleging a violation with respect to "Issue/Concern 1" at this time, but it states that "[f]urther research may identify additional violations." Chiquita maintains that there has been no violation with respect to this identified "issue/concern." As will be explained in more detail when Chiquita submits its response to Allegation #1, and as previously explained in Chiquita's May 1, 2025 response to DTSC's April 1, 2025 SOV, the occurrence of leachate and/or condensate releases does not constitute a violation of 22 CCR § 66262.251, both

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<sup>6</sup> Chiquita interprets both of DTSC's directives as relating to hazardous waste labeling, given the underlying authority cited.

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because that provision does not currently apply at the facility and because the facility has implemented numerous procedures designed to minimize releases, as would be required under that provision. In addition, Chiquita has been and will continue documenting and reporting to DTSC all releases required to be documented and reported under applicable laws and regulations.

### **Issue/Concern 2**

#### ***Chiquita Response:***

It does not appear that DTSC is alleging a violation with respect to “Issue/Concern 2” at this time, but it requests additional information about the handling of solids at the facility and states that “[f]urther research may identify additional violations.” As discussed below, Chiquita maintains that its handling of leachate- and/or condensate-contaminated solids (such as soil or rock, absorbent, spent carbon media, and sludge) is consistent with applicable regulatory requirements.

Chiquita does not commingle hazardous and non-hazardous waste streams. Chiquita utilizes separate rolloff bins to ensure that hazardous waste streams are managed separately from non-hazardous waste streams. The designated rolloff bin for hazardous waste streams receives only solids used for cleanup of spills of characteristically hazardous leachate or leachate that is managed as hazardous due to cross contamination or other concerns. Once the designated rolloff bin for hazardous waste streams is full, it is sampled to confirm whether it is hazardous and then disposed accordingly.

Each rolloff bin therefore contains a single waste stream that can and should be characterized as one. Some variability in a single waste stream is to be expected, but determining which rolloff bin a waste should go into based on knowledge is appropriate under these circumstances.

Chiquita is in the process of labeling and marking the designated rolloff bin for hazardous waste streams consistent with 22 CCR § 66262.17(a)(5), as set forth in response to Allegation #3 above. Regardless, each rolloff bin has other indications such as location, logs, standard operating procedures, and other tracked information that ensure that all Chiquita personnel working with or around the rolloff bins know of their contents and whether they contain hazardous waste. This information has also been communicated to all Chiquita personnel working with or around the rolloff bins. Because of this knowledge and Chiquita’s hazardous waste management practices, Chiquita personnel are aware of the contents, and all waste streams are managed appropriately.

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As noted above, Chiquita is providing this information in the interest of continued cooperation with its regulators. The information, documents, and attachments provided herein should not be construed as an admission of any factual allegation or legal conclusion in the SOV or an

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admission of any liability for any matter described in the SOV. Chiquita remains available to discuss these issues as needed. Please contact me if you have any questions.

Regards,

*Kate Logan*

Kate Logan  
Senior Remediation Project Manager  
Chiquita Canyon, Landfill

Enclosures

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