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Via E-Mail

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**Re: Comments and Requested Modifications to Investigative Order No. R4-2026-0156,
Chiquita Canyon Landfill**

Dear Ms. Newman:

Chiquita Canyon, LLC (“Chiquita”) submits these comments and requested modifications to Investigative Order No. R4-2026-0156 (“Order”), issued by the Los Angeles Regional Water Quality Control Board (“Regional Board”) on June 12, 2026. Chiquita remains committed to reasonable, protective, and technically sound monitoring that provides the Regional Board with useful information regarding the Chiquita Canyon Landfill (“Landfill”). However, as currently written and discussed on our video conference with the Regional Board on July 2, 2026, the Order continues to impose multiple requirements that are unreasonable, unduly burdensome, technically infeasible, vague, duplicative, and not reasonably tailored to the Order’s stated investigative purpose. Chiquita respectfully requests that the Regional Board revise the Order to address the issues below.¹

The Order continues to impose provisions comparable to those in the Amended Investigative Order issued on February 11, 2026 (“February Order”), which has since been withdrawn except for purposes of enforcement. Chiquita previously submitted a March 13, 2026 Petition for Review and Request for Stay (“Petition”) and a June 11, 2026 Supplement to the Petition (“Supplement”) to the State Water Resources Control Board challenging the February Order, and similar concerns continue to apply to the current Order as outlined below.

¹ These comments to the Regional Board shall not in any way waive or otherwise impact Chiquita’s ability to seek remedies, including by petitioning the State Water Resources Control Board, within relevant statutory deadlines.

1. Waste Connections, Inc. is not the discharger.

The Order states that Chiquita Canyon, LLC owns and operates the Landfill, but names Waste Connections, Inc. together with Chiquita as “the Discharger.” However, Waste Connections, Inc. (“WCI”) is not a proper party to the Order, as it is not the owner or operator of the Landfill. WCI does not own or operate the Landfill and therefore WCI is not a “person who has discharged” under Water Code 13267, subdivision (b)(1), or Water Code section 13383. The Regional Board does not allege otherwise. The Regional Board has not sufficiently alleged any basis for including this separate corporate entity as a respondent in the Order. The Regional Board has previously stated that WCI is a permittee under the 2018 Waste Discharge Requirements (“WDRs”), but this is a misstatement, as explained in Chiquita’s April 3, 2026 correspondence to the Regional Board. The 2018 WDRs instead merely acknowledge that WCI is the parent company of the discharger, Chiquita Canyon, LLC, when it states: “[t]he Landfill is owned and operated by Chiquita Canyon LLC, which is a wholly-owned subsidiary of Waste Connections, Inc. (‘Discharger’).” While Chiquita preserved this objection in its prior Petition, Chiquita again reiterates that WCI is not the owner or operator of the Landfill, or the discharger, and requests that the Regional Board remove WCI as a recipient of the Order.

2. The requirement to install additional groundwater wells is not reasonably tailored to the stated purpose of the Order and imposes serious cost and feasibility concerns.

Paragraph 1 of the Order requires Chiquita to submit a workplan by July 27, 2026 to install three groundwater wells co-located with GP-14, GP-15, and GP-16. However, available data do not support any impacts to groundwater at the Landfill, and site-specific topographic, geologic, hydrogeologic, and landfill gas (“LFG”) pressure data do not support the need for installation of three additional groundwater monitoring wells at this time.

a. The Order’s technical basis for requiring the wells is unsupported.

The Order attempts to justify its requirement to install new groundwater monitoring wells through Finding 9, which states that LFG exceedances in perimeter monitoring probes GP-13 and GP-15 “demonstrate[] a failed liner” and therefore pose a substantial threat to groundwater. Chiquita understands the Order to be referencing methane exceedances at these probes. However, this reasoning is significantly flawed for several reasons.

First, methane exceedances in perimeter gas probes do not, by themselves, identify failure of the composite liner system or substantial threat to groundwater. Here, methane exceedances have been detected in only two of the five perimeter gas probes along the western boundary of the Landfill. The localized nature of these detections, together with the differing methane concentrations observed in the nested probe depths at GP-13 and GP-15 is more consistent with localized gas migration rather than widespread migration resulting from failure of the composite liner system. The methane concentrations at GP-12—adjacent to GP-13 to the north—and GP-14—adjacent to GP-15 to the south—are all non-detect at all depth intervals. This indicates that LFG impacts are localized to these wells and do not extend to GP-12 or GP-14. Further, while leachate movement is typically limited to a downgradient direction, LFG movement can readily occur upgradient based on positive pressure within

the Landfill, which can result in localized gas migration. We believe this is what is occurring at the Landfill at the moment and wholly unrelated to any potential failure of the composite liner system.

In fact, modern landfill designs, including Chiquita's, rely primarily on a gas collection and control system ("GCCS") to manage LFG generation and maintain inward pressure gradients, while the composite liner system is intended primarily to minimize liquid leakage and protect groundwater. Treating any detection of LFG in perimeter monitoring probes as evidence of liner failure conflates the functions of these two landfill engineering systems. Thus, detection of LFG in perimeter monitoring probes—GP-13 and GP-15 in this case—should not warrant a finding that the composite liner system has failed or that contaminants have been released to groundwater.

Available groundwater monitoring data likewise does not support the conclusion that LFG migration, even if localized, has adversely affected groundwater quality or poses a threat to groundwater at the Landfill. Chiquita currently collects groundwater quality data from multiple monitoring wells around the perimeter of the Landfill. Volatile organic compounds ("VOCs") have never been detected in DW-8 or DW-9 and inorganic constituents have consistently remained within their applicable concentration limits, which supports a lack of any impacts to groundwater in the area near the west slope of the Landfill. The absence of VOC detections is particularly significant because VOCs are among the primary indicators of groundwater impacts associated with LFG migration.

As summarized in Chiquita's Leachate Collection and Removal System ("LCRS")/liner integrity quarterly reporting, there are no indications that the liner has failed. The evidence supports that elevated temperatures at the Landfill are not affecting the underlying composite liner system. In fact, data from the deepest temperature monitoring probes shows cooling occurring in deep waste due to the underlying cooling of the earth. This is specifically demonstrated in the temperatures recorded in the deepest intervals at TP-24, TP-27, TP-31, TP-32, TP-36, TP 38, and TP-40. The temperature profiles in the seven (7) probes that were installed to within 25 feet of the bottom liner (TP-24, TP-27, TP-31, TP-32, TP-36, TP-38, and TP-40) demonstrate temperature reductions—rather than increases—occurring within the lowest waste layers and in close proximity to the bottom liner system, further supporting that there is no evidence the liner has failed.

Finally, any exceedances identified at gas perimeter monitoring probes, particularly where there are no indicators of groundwater impacts, are better addressed by the agency with primary jurisdiction: the Los Angeles County Department of Public Health ("Local Enforcement Agency" or "LEA"). Chiquita has already successfully taken effective corrective actions to address the exceedances referenced by the Regional Board in Finding 9 of the Order. Chiquita installed soil vapor extraction ("SVE") wells for GP-13 and GP-15 pursuant to the Revised Remediation Plan approved by the LEA on August 5, 2025. Chiquita has been monitoring GP-13 and GP-15 weekly for compliance with regulatory limits, as well as for potential negative pressure generated from the SVE wells in accordance with this plan. Therefore, this alleged finding should be struck. There is no technical basis connecting the observed methane exceedances at two probes to the conclusion of liner failure as alleged by the Regional Board.

b. The need for the groundwater wells in two of the three identified locations is not supported.

Pursuant to the Order, the purpose of the new groundwater wells co-located with GP-14, GP-15, and GP-16 is to monitor future potential impacts from the west slope of the Landfill. During the July 2, 2026 video conference, the Regional Board also indicated interest in locating a well downgradient of the west slope area within the Saugus Formation.

Existing well DW-9 is already downgradient of the west slope area, downgradient of GP-14 and GP-16, and is located within the Saugus Formation. DW-8 is also already co-located with GP-13 and is both cross-gradient of and in close proximity to the west slope area, as well as located within the Pico Formation.

Since available groundwater data to date does not indicate any impacts to groundwater at the Landfill, Chiquita disputes the need for any new groundwater wells. However, should any new groundwater monitoring wells be required, a phased approach would be more appropriate. Chiquita could first install one groundwater monitoring well at an appropriate location in the GP-15 geological area. After collecting and evaluating groundwater quality data from that well, Chiquita could then assess whether additional wells are needed to provide broader groundwater monitoring coverage. Installing three new wells before collecting data from a more targeted monitoring point would provide limited additional technical value considering available data to date does not show groundwater quality impacts at the site and adjacent perimeter gas probes have not shown LFG impacts at any monitored depth intervals.

Specifically, one new groundwater monitoring well, if required, co-located with GP-14, the closest LFG probe south of GP-15, would provide a more appropriate location for monitoring potential groundwater impacts associated with the known area of LFG impacts. This would be located within the Saugus Formation and in close proximity to the west slope area. Together with data from DW-8, this new well would provide a technically appropriate means of detecting potential groundwater impacts in the Saugus Formation.

Although new groundwater wells co-located with GP-15 and GP-16 would provide additional data, Chiquita believes this data is not necessary because one new well co-located with the closest unaffected LFG probe hydraulically downgradient of GP-15 would provide the same desired groundwater monitoring immediately beyond the area of potential LFG migration and address any potential monitoring gaps at the Landfill.

c. The ongoing construction at the west slope presents feasibility and timing constraints.

As the Regional Board is aware, there is ongoing construction in and along the west slope of the Landfill. This work is expected to continue through mid-September and will interfere with installation of the requested groundwater wells. Chiquita raised these concerns during the July 2, 2026 video conference, and the Regional Board acknowledged the legitimacy of these

limitations. The Regional Board offered that Chiquita could propose alternative deadlines that do not interfere with ongoing West Toe work.

Chiquita believes the proposed locations in the Order will need revision. Accordingly, and because key components of the workplan may be modified in response to this request, Chiquita requests the July 27, 2026 deadline for a workplan be extended to 30 days following the date of issuance of an amended Order, and that the workplan provide for installation of wells after October 31, 2026.

d. The Order's cost assumptions are inaccurate.

Installation of the three new wells presents significant cost concerns due to the planned depth and location of the wells, as well as the ongoing response and construction activities in the area where the wells are to be installed. The Regional Board's cost estimates in Finding 32 of the Order are not accurate according to Chiquita's consultants. The total cost to permit, install, develop, sample, run initial analyses, including preparing an installation report for three wells, is estimated to be between \$325,000 and \$425,000, depending on drilling method, location, and depth. This exceeds the Regional Board's estimated costs of less than \$300,000. In conjunction with feasibility concerns described above, these costs are excessive and disproportionate to the purported benefits of data from these wells.

In summary, Chiquita requests that the Regional Board remove Finding 9 and revise Paragraph 1 to require installation of only one new groundwater monitoring well co-located with GP-14 based on technically supported groundwater gradients. Additionally, Chiquita requests the July 27, 2026 deadline for a workplan be extended to 30 days following the date of issuance of an amended order, and that the workplan provide for installation of wells after October 31, 2026 given the access, safety, and construction constraints related to the ongoing construction at the west slope area.

3. Quarterly EMP sampling and analysis of all constituents of concern is unsupported.

The Order requires for the first time analysis of all constituents of concern ("CoCs") for groundwater wells within the quarterly evaluation monitoring program ("EMP") rather than only Landfill monitoring parameters ("MPars") which are currently required by the WDRs. Pursuant to the WDRs, CoCs are already monitored on an annual basis. MPars are monitored on a quarterly basis since they are designed to be the first line indicator of potential releases to groundwater. Requiring the expanded list of COCs for quarterly EMP sampling is both overly burdensome and provides no early release indications—the intent of EMP sampling—compared to existing monitoring already conducted at the Landfill.

As stated in the Monitoring and Reporting Program ("MRP") of the WDRs, the list of indicator parameters within the MPars are "considered capable of providing reliable indication of a release from the Landfill." Pursuant to the MRP, MPars are monitored quarterly for EMP and corrective action programs, and semiannually for detection monitoring program as required by the MRP and Order, while CoCs are monitored annually. Because the MPars are already capable of providing early indicators of any release from the Landfill, sampling for the expanded CoC list

of parameters on a quarterly basis—rather than annually as already required by the WDRs—is overly burdensome and does not provide any earlier indication of potential Landfill releases compared to existing EMP monitoring.

As such, Chiquita requests that the Regional Board revise the Order to only require sampling and analysis of MPars during quarterly EMP monitoring at the Landfill. Chiquita will continue to monitor the expanded CoC list on an annual basis as already required by the WDRs.

4. Deadlines and reporting events require clarification.

The Order includes multiple deadlines and reporting events that require clarification.

- Paragraph 5 of the Order requires submission of a report 30 days following a storm event causing a discharge into the South Basin which assesses the effectiveness of the Landfill’s geosynthetic cover.
- Without clarifying what event(s) may trigger the reporting obligation, Paragraph 6 further requires submission of a report within 30 days regarding implementation, operation and maintenance of best management practices (“BMPs”) for stormwater runoff to either basin.
- Overlapping with these requirements, and without clarifying whether separate reports are required, Paragraphs 8 and 9 require a report within 45 days of any discharges into or out of either basin with sampling analysis, basin volume and related information described in Section 5 below.
- As mentioned below in Section 6 the Order does not explain whether the leachate seep, leak, and spill reporting in Paragraph 10 should be included in the reports due under Paragraphs 5-6 (30-day deadline) or Paragraphs 8-10 (45-day deadline).
- Paragraph 4 states that the next Leachate Collection and Removal System (“LCRS”) and liner integrity quarterly report is due July 27, 2026. This is inconsistent with prior quarterly cadence for such reporting, as well as corresponding groundwater reporting in Paragraph 1.c of the Order.

Taken together, these vague and inconsistent provisions, subject to enforcement by the Regional Board, create both unreasonable and immediate reporting obligations upon Chiquita. These deadlines and trigger events should be clarified in a revised Order.

The Regional Board acknowledged during the July 2, 2026 video conference a willingness to revise the Order to require a 45-day deadline for all reporting subject to Paragraphs 5-6 and 8-10 to ensure overall consistency and efficiency in such reporting. Chiquita further requested a compliance table identifying each requirement, triggering event, deadline, submission platform, recipient, and applicable authority to ensure Chiquita is adequately informed of the numerous reporting obligations contained in the Order. Chiquita requests the Order be revised to reflect both of these requested changes.

The Regional Board also clarified during the July 2, 2026 video conference that the LCRS/liner integrity quarterly reporting in Paragraph 4 was intended to be a mere continuation of prior reporting obligations and the July 27, 2026 deadline in the Order to submit the next LCRS/liner

integrity quarterly report was a typo—that it should instead be submitted by the July 15, 2026 deadline as required under prior investigative orders. Chiquita has been relying upon the July 27, 2026 deadline within the current Order for planning of the upcoming LCRS/liner integrity quarterly report and intends to submit the same—subject to the unreasonable concerns raised in Section 8 below—by the July 27th deadline as written in the Order. Chiquita requests the Order be revised to clarify when future LCRS/liner integrity quarterly reports are due.

5. The requirement to estimate basin-volume and discharge-volumes with every storm event is unreasonable and infeasible.

The Order imposes new and currently infeasible obligations in Paragraph 9 to estimate the volume of stormwater in the sedimentation basins as well as the volumes of discharges into and out of the basins. The Order does not explain why such volumetric data is necessary or helpful. As explained during the July 2 discussion, it is not possible for Chiquita to provide such information with any level of confidence. For reasons described further below, any estimate provided would be grossly unreliable. This requirement therefore creates unreasonable data expectations bearing no reasonable relationship to any stated need under the Order.

a. It is infeasible and unreasonable for Chiquita to estimate basin volumes.

Chiquita has no ability to accurately measure basin volumes at particular points in time. Chiquita does not have baseline total design capacity information for the basins at this time and would need to survey the basins once empty to obtain such information. Although an initial capacity for the South Basin could be estimated after seasonal maintenance is complete and the basin is restored to its original/empty design volume, this initial capacity would change immediately with any addition of sediment following a rain event. For the East Basin, however, even estimation of an initial capacity would require baseline surveying.

Further, this information is of limited utility. Chiquita would need to recalculate total baseline capacity of each basin before each rain event, which in turn would require each basin to be fully emptied and surveyed prior to a storm event. Basin capacities are constantly in flux because their very purpose is to deposit sediment. As stormwater accumulates in the basins, and sediments drop out, it changes the bottom contours of the basin, including how much stormwater volume can accumulate within the basin. Thus, sedimentation accumulation is not uniform, and could vary greatly between the different stages of the basins, or even within the same stage of a basin.

During the July 2, 2026 video conference, the Regional Board suggested that Chiquita has provided basin volumes in the past. However, as Chiquita indicated, past estimates were heavily caveated by these technical limitations and presented a very wide range of possible basin volumes. For instance, Chiquita has provided basin volumes with at least a 500,000 gallon range.

The significant uncertainty with estimating volume of stormwater in a basin will unnecessarily tie Chiquita to estimates which are both unreliable and may also be relied upon by the Regional Board and others without an ability to accurately verify.

b. It is infeasible and unreasonable to measure discharge volumes into and out of the basins.

Estimating volumes of discharges into the basins is unreasonable because there is no clear need for it. The Regional Board stated on the July 2 video conference that the reason for this data is to ensure leachate is not reaching the basins. It is unclear how estimating the volume of liquid entering the basin ensures there is no leachate within that discharge. Chiquita is already required to sample any discharges going into and out of the basin for a long list of constituents and report results to the Regional Board.

Additionally, Chiquita has no reliable means to measure rain volumes, discharge volumes into and out of the basins, or potential change in volume into and out of the basins. With respect to rain volumes, while Chiquita maintains two on-site rain gauges, the information is far from reliable and measurements can vary dramatically. For discharge volumes into and out of the basin, Chiquita would need to rely on visual observations, which are extremely rough and could not support any formal analysis or evaluation, such as determining how much stormwater entered or discharged from a basin. Evaluating any potential change in volume following discharges is further complicated given that stormwater can enter the open-top basins in a variety of ways, including directly from rainwater.

During the July 2, 2026 video conference, the Regional Board indicated that the volume information is meant to be an “estimate” and there is no expectation of precision. However, the requirement would subject Chiquita to enforcement and penalties based on completely unreliable data. As such, Chiquita requests that the Regional Board remove Paragraph 9 of the Order. In the alternative, Chiquita requests that the Order be amended to clarify that volume estimates will be treated as estimates, and not form the basis of violations or penalties if eventually relied upon for such purposes.

6. Leachate spill, seep, and leak reporting is unclear, undefined, and duplicative.

Paragraph 10 of the Order requires reporting of any leachate spill, seep, or leak “that occurred prior to the stormwater discharge event” in Paragraph 10. However, the Order fails to define what constitutes a reportable leachate spill, seep, or leak, by volume, geographic location, or lookback period. The Order also does not clarify whether such information is to be included in the 45-day report required under Paragraphs 8 and 9, or the 30-day report required by Paragraphs 5 and 6. During the July 2, 2026 video conference, the Regional Board provided some clarification. The Regional Board indicated that this requirement was intended to cover any leachate spills, seeps, or leaks that occurred since the last reported storm event, regardless of how much time has passed since that last storm event. The Board also stated that it is open to geographic limits, such as limiting reporting to only those leachate spills, seeps, or leaks that could feasibly reach the basin in question.

As currently written, this requirement is duplicative and overly burdensome considering Chiquita already provides leachate spill, seep, and leak reporting pursuant to the Stipulated Order for Abatement with the South Coast Air Quality Management District in Case No. 6177-4, as modified on June 3, 2026, and relevant WDR reporting to multiple regulators, including the

Regional Board. All of such reporting is also publicly available via Chiquita's website. As such, Chiquita requests that the Regional Board remove Paragraph 10 of the Order and allow an alternative approach which avoids duplicative submissions and ensures the Regional Board is copied on future leachate seep or spill notifications submitted to agencies.

Alternatively, Chiquita requests that the Regional Board revise Paragraph 10 to provide crucial clarification and reasonable limitations. First, the Board should clarify whether the reporting required under Paragraph 10 should be included in the 30- or 45-day reporting required by the Order. The Board should also add reasonable limitations including that the reporting obligation only applies to leachate spills, seeps, or leaks that occurred no more than two (2) weeks prior to the reportable storm event, and that reached a stormwater channel and thus had a possibility of reaching a basin. Chiquita also asks for clarification that it only needs to report such spills, seeps, or leaks, if they had a possibility of reaching the basin that experienced the discharge (i.e., spills in the watershed that would flow to the east basin are not reportable if the storm event discharge was from the south basin).

7. The quarterly LCRS/liner integrity reporting requirements are overbroad, duplicative, and partly infeasible.

Paragraph 4 of the Order adds requirements for the quarterly LCRS/liner integrity quarterly reports that were previously directed by the Regional Board's June 27, 2024 Notice of Violation ("NOV"). Chiquita has addressed these requirements in each of its subsequent quarterly reports. As Chiquita's consultants have described in those reports, the specific analysis requested is not able to be addressed because of data collection and other limitations at the Landfill.

For example, the Order requires Chiquita to "quantify the direction and rate of travel of the reaction", but, despite the voluminous amount of data available regarding the ETLF event, such quantification is not feasible. LFG wellhead temperatures and TMPs measurements often vary on a daily, weekly, or monthly basis, and it is uncertain what degree of variability or change constitutes a definitive direction and/or a specific velocity (rate of travel) of the reaction. A particular well may exhibit a change in composition or change in flowrate, but a conclusion as to the direction and velocity of the reaction cannot be derived from this information. Leachate collection flow rates are also only measured at specific locations by area groups, rather than each waste cell, and are therefore meaningless in evaluating a particular direction and velocity of the reaction.

Further, the requirement to provide "leachate generation/removal rates correlated spatially for each cell" is likewise infeasible. Chiquita only has liquid generation data and leachate extraction data collected through the bottom-liner LCRS on a facility-wide basis. As described in existing quarterly reports, leachate collection data cannot currently be delineated by cell because there is no equipment or infrastructure that tracks the origination of the leachate that is ultimately collected and removed from the bottom liner. It is simply implausible to provide time series plots that correlate spatially to each cell unless the infrastructure is segregated to provide discharge points with individual flow meters for each cell, which it is not at the Landfill.

Lastly, many of the data points required by Paragraph 4 are duplicative with existing reports to other regulatory agencies. For example, “temperature information measured for wastes, liquids, and gases” is shared in a variety of formats in existing reports to other agencies, and these are linked throughout Chiquita’s LCRS/liner integrity quarterly reports from the last two years.

As discussed on the July 2 call, Chiquita requests that the Regional Board revise Paragraph 4 to limit such reporting to an evaluation of the data currently available at the Landfill that Chiquita has already demonstrated itself capable of providing and analyzing in prior LCRS/liner integrity reports.

8. Reporting limits remain technically infeasible and unreasonable.

The Order continues to impose both technically infeasible and unreasonable monitoring obligations on Chiquita related to laboratory Reporting Limits (“RLs”) listed in Appendix 1 for surface water, stormwater, and groundwater, which are not attainable by any commercial laboratories within an approximate 150-minute drive of Chiquita. The 150-minute limitation reflects a reasonable distance from Chiquita that would permit the transfer of samples to laboratories without impacting their integrity or risking expiration of shorter holding times. Chiquita previously advised the Regional Board of this issue, including in its Petition and subsequent Supplement. Despite this, based on an initial review, many of the RLs continue to be unattainable by commercial laboratories identified by Chiquita, and in fact several of the RLs imposed in the Order are now lower than prior limits, thereby making compliance even more difficult than under the prior February Order.

Chiquita is still working with its current laboratory Onterris, as well as the two laboratories recommended by the Regional Board, Babcock and Physis, to understand precisely which of the RLs within Appendix 1 of the current Order each laboratory can and cannot meet. Thus far, Chiquita has confirmed that Onterris cannot meet 22 of the total 107 RLs in Appendix 1—5 of which Onterris does not currently analyze for. For the remaining 85 analytes which Onterris is able to meet the RLs for, 11 of them would require outsourcing to another laboratory.

Based on our review and coordination with the laboratories to date, there are at least 17 RLs that Babcock cannot meet and at least 13 RLs that Physis cannot meet. Of these, there are at least 5 analytes which Babcock simply does not analyze for, and 4 analytes which Physis does not analyze for. Chiquita is still confirming with Physis whether they can analyze and meet 26 RLs within Appendix 1. In total, there are at least 5 overlapping analytes that neither Onterris, Babcock, nor Physis can meet of the Appendix 1 RLs.

The Regional Board indicated during our July 2, 2026 video conference that it determined based on Babcock’s April 23, 2026 sample results that they could meet the RLs listed in Appendix 1. Chiquita’s understanding is that the Regional Board pulled RLs directly from Babcock’s report and assumed those accurately represented the lab’s RL capabilities for any water sampling that may be conducted at Chiquita. However, there are at least 3 RLs reported within the April 23,

2026, sample results that exceed the RLs listed in Appendix 1.² There are an additional 59 analytes that are not represented within this report and can thus not be assessed without reference to the laboratory's reported capabilities above. Therefore, based on evaluation of both the April 23 sample results as well as each laboratory's reported capabilities, Onterris, Babcock, and Physis are still unable to comply with the updated list of RLs within Appendix 1 of the Order.

Maintaining mandatory RLs that available laboratories cannot achieve continues to put Chiquita in an unreasonable and untenable position. Chiquita is subject to immediate compliance obligations and potential penalties even though compliance is an impossibility. The Order fails to identify any analytical basis for the RLs, whether available commercial laboratories can meet the RLs, or explain why each RL is necessary. As Chiquita has previously explained, monitoring and reporting requirements must bear a reasonable relationship to the Regional Board's needs and the benefits to be obtained. Since the Regional Board fails to provide this information or any adequate basis for Chiquita to comply with these unattainable RLs, the Appendix 1 RLs and Order continue to fail to meet these standards.

Chiquita requests that the Regional Board revise Appendix 1 to include only RLs that are achievable by a single available ELAP-certified commercial laboratory. Alternatively, the Order should be revised to allow Chiquita to use the lowest practicable RL achievable by its ELAP-certified laboratory, Onterris, using approved methods, with an appropriate case narrative or data qualifier explaining any analytical limitation.

9. Dilution and re-run requirements remain unreasonable and costly.

The Order continues to impose costly and overly burdensome monitoring, sample volume, and re-run obligations which bear no reasonable relationship to compliance standards under the California Water Code and are contrary to laboratory-approved methods at commercial laboratories. The requirements outlined in Paragraphs 11.i-ii that require Chiquita to "collect sufficient sample volume to allow the lab to re-run the analyses undiluted if diluted analyses are non-detect" and re-run sampling analysis at lesser dilutions "until a detection without J flag is obtained or the reporting limit is met," are identical to the provisions previously challenged in Chiquita's Petition. This requirement means that, for any sample that is diluted and results in a non-detect, the laboratory must re-analyze the sample in a more concentrated form, over and over again, until the equipment detects the analyte or a non-detect result is obtained against all RLs specified in the order. These dilution requirements continue to be unreasonable as repeated re-analysis required by the Order are often technically infeasible, conflict with constituent holding times, produce unusable data where sample interference exists, or create heightened risks of damage to commercial laboratory equipment where samples are run undiluted despite sediment, viscosity, or other sample quality complications.

While Paragraph 11.ii states that dilution is permitted when required by sampling conditions and described in a case narrative or data qualifier, this fails to adequately resolve the technical limitations and unreasonableness faced by the requirement to re-run such analysis until a

² The RLs reported within a sample can vary based on method selection and dilution, which may explain potential variation between Babcock's reported RL capabilities and their sampling analysis results.

detection without J flag (i.e., detected above the MDL but below the Reporting Limit) is obtained or the RL is met. In fact, sample volumes are commonly limited by the type and location of sampling, including extremely low stormwater volumes in the basins—particularly in the dry season. The East Basin inlet is a clear example. First, access to the East Basin is limited. Second, it is common for discharges and the basin itself to have very low volumes of stormwater.

In addition to the difficulty in collecting adequate volume, larger samples can lead to higher sample sediment concentrations or high viscosity, which results in several reliability and interference concerns during analysis. Laboratories' standard operating procedures often require dilution when samples have heavy sediment loading or high viscosity to avoid damage or interference with valuable laboratory equipment. Under such conditions, dilution is used as a best practice to ensure that the analytical results are more reliable by eliminating interference in the sample. The requirement within the Order to re-analyze the sample in a more concentrated form, over and over again, until the equipment detects the analyte or a non-detect result is obtained against all RLs, adds data reliability concerns.

As discussed during our July 2, 2026 video conference, Chiquita requests that the Regional Board replace Paragraphs 11.i–ii with language allowing ELAP-certified laboratories to apply scientifically appropriate dilution, re-analysis, and reporting procedures consistent with approved methods, laboratory standard operating procedures, and data-quality objectives. Chiquita does not object to providing case narratives or data qualifiers where dilution is used, but the Order should not require mandatory repeated re-runs where such re-runs are technically infeasible, analytically inappropriate, or inconsistent with the certified laboratory's approved methods.

10. Basin sampling requirements remain unsafe as written.

The Order continues to impose sampling procedures that fail to account for access or other safety concerns at the Landfill, which contradicts standard sampling safety protocols set forth in the State's Industrial General Permit ("IGP") and the Landfill's Stormwater Pollution Prevention Plan ("SWPPP"). Specifically, Section XI.C.6.a of the IGP states that sample collection is not required "[d]uring dangerous weather conditions" or "[o]utside of scheduled facility operating hours." Chiquita's stormwater sampling protocols are consistent with this and require that sampling be undertaken only in safe conditions, including only sampling during regularly scheduled operating hours, during daylight hours, and when weather and site conditions are safe. In contrast, the Order requires Chiquita personnel to sample the South and East Basins during nighttime hours or inclement weather when conditions are unsafe. This prevents Chiquita from exercising best judgment about safe working conditions, which is inconsistent with the IGP and SWPPP.

As previously explained, there are significant safety concerns with accessing these areas during inclement weather and nighttime conditions. The East Basin can only be accessed by an unpaved soil road with a 15% grade. This road can become a major safety hazard at night and during wet weather conditions. In addition, unforeseen safety hazards arise which prevent sampling at certain times. One example of this is animal activity – in the past, Chiquita personnel have limited access to the east basin, particularly at night, because of bear and mountain lion activity.

As discussed during our July 2, 2026 video conference, sampling obligations under the Order should be implemented consistent with the IGP, the Landfill's SWPPP, and applicable health and safety protocols. The Order should not require sampling under conditions that create unacceptable safety risks, including nighttime conditions, severe weather, or unsafe access conditions where sampling cannot be safely performed. Acknowledging the importance of these safety considerations, the Regional Board requested during the July 2, 2026 video conference that Chiquita propose specific language to be incorporated into the Order reflecting these concerns. As such, Chiquita requests that the Regional Board revise the Order to incorporate the following provision that sampling is required only when it may be performed safely and consistent with the IGP, SWPPP, and applicable health and safety protocols:

"All sample collection requirements pursuant to this Order shall comply with standard safety protocols outlined in the IGP, including Section XI.C.6.a, and the Landfill's SWPPP. Sample collection and visual observations are not required where site conditions create unacceptable safety risks, including nighttime conditions, dangerous weather conditions, or unsafe access conditions where required activities cannot be performed safely."

* * *

Chiquita appreciates the Regional Board's willingness to consider written requests for modification of the Order. Chiquita requests that the Regional Board revise the Order consistent with the requested modifications above so that the Order requires monitoring and reporting that is reasonable, technically feasible, clear to implement, and reasonably tailored to the stated investigative purpose.

Sincerely,



Kevin Green
District Manager
Chiquita Canyon Landfill

Cc:

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Matt Breuer, Chiquita Canyon
Dylan Smith, Chiquita Canyon
Sarah Phillips, Chiquita Canyon
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