



September 4, 2026

Via E-Mail

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**Re: Chiquita Canyon, LLC – Response to Department of Public Health’s
Assessment of Chiquita’s Submission Regarding Community Exposure
Mitigation Plan**

Dear Dr. Ferrer and Ms. Kattan:

Chiquita Canyon, LLC (“Chiquita”) responds here to the Department of Public Health’s (“DPH”) August 28, 2026 Assessment of Chiquita’s August 7, 2026 Submission of a revised Community Exposure Mitigation Plan (“CEMP”).

DPH’s directives associated with the CEMP have evolved over time, and Chiquita has cooperated voluntarily and promptly, despite no clear regulatory authority or guidelines being provided. DPH’s April 14, 2026 Directive initially required Chiquita to prepare a CEMP in connection with a potential slope failure, citing concerns related to the West Toe Buttress Project. Chiquita responded on April 21, 2026, by describing the extensive community mitigation measures developed for that project. On May 8, 2026, DPH clarified that it was seeking a broader plan addressing community protective measures in the event of a slope failure anywhere at the Landfill, and Chiquita submitted the requested CEMP on June 12, 2026. DPH issued a formal finding of non-compliance on July 31, 2026 that, in substantial part, conflated the CEMP with Chiquita’s separate July 24, 2026 correspondence to DPH concerning additional community measures for the West Toe Buttress Project. As requested, Chiquita responded on August 7, 2026, clarifying the distinction between the two communications and submitting a revised CEMP addressing DPH’s requests. To date, DPH has not identified the authority under which it is issuing these directives or the underlying measures at issue. Regardless, Chiquita has continued to cooperate with DPH and repeatedly revised the CEMP in an effort to support the surrounding community. Consistent with its ongoing cooperation, Chiquita includes with this response a further revised CEMP.

There are three overarching threshold issues. First, the August 7 CEMP fully addressed and complied with DPH's April 14 Directive, May 8 clarification, and July 31 determination of non-compliance. DPH's latest assessment mandates several new requirements—for the first time—and then seemingly treats their absence from the CEMP as a compliance deficiency, without citation to any legal authority. Those new requirements include prescriptive criteria concerning individual air purifier requests, home hardening, pre-identified lodging, payment methods, and the evidentiary role of individual odor reports. The April 14 Directive required Chiquita to outline community mitigation and communication measures, which Chiquita has done. The directive did not prescribe particular measures, nor can it convert subsequently announced preferences into retroactive compliance requirements.

Second, the CEMP appropriately relies on air and health monitoring data to determine which mitigation measures may be warranted, including temporary relocation. DPH mistakenly suggests that Chiquita has treated regulatory exceedances as the sole trigger for such measures. The Plan does not do so. However, to address continuing confusion regarding the scope of the CEMP and the circumstances in which it applies, the further revised CEMP now defines a "Qualifying Slope Failure."

The CEMP applies when Chiquita determines, based on the available information, that a reported or observed condition satisfies the Qualifying Slope Failure definition. If credible information indicates that a potential Qualifying Slope Failure, as defined in the revised CEMP, may have occurred, it calls for prompt verification of the reported condition and an evaluation of multiple sources, including community odor surveillance, odor complaints, meteorological and site conditions, and air monitoring data to determine the best response. Reports from individuals or households may be one factor considered in implementing community mitigation measures, but such reports, standing alone, do not establish the source, nature, extent, geographic scope, or duration of a potential exposure and therefore cannot reasonably dictate a particular response measure without consideration of other available information.

Third, DPH erroneously suggests that the CEMP's provisions for coordination with regulatory agencies make such coordination a prerequisite to undertaking actions within Chiquita's control. DPH's April 14 directive expressly made Chiquita responsible both for timely implementation of the Plan and for "coordinating with both regulatory and response agencies in the event of a slope failure." Accordingly, the CEMP reflects both of DPH's requirements. Chiquita can promptly provide voluntary resources and support directly, while decisions regarding mandatory evacuation or shelter-in-place orders and other exercises of public safety authority necessarily remain with the authorized agencies. Note that the definition of Qualifying Slope Failure supplies an objective and necessary threshold, but does not prevent Chiquita from taking appropriate interim protective measures while an evaluation remains pending. Neither an agency characterization nor Chiquita's undertaking of an interim measure, standing alone, establishes that a Qualifying Slope Failure has occurred.

DPH has not identified any legal authority that authorizes it to require the CEMP, to impose these new requirements, or to issue a binding determination of non-compliance. Nor has DPH identified the factual findings, evidentiary standard, compliance criteria, enforcement procedure, or

opportunity for administrative review applicable to that determination. Chiquita requests that DPH identify each source of asserted authority and the procedure by which Chiquita may obtain review. In the meantime, Chiquita voluntarily has incorporated certain further revisions in the attached update into the CEMP solely in the interest of continued cooperation and protection of the surrounding community. Those revisions do not constitute agreement with DPH's interpretation, an admission of DPH authority to require the CEMP or to declare non-compliance, or a waiver of any right, defense, jurisdictional objection, or challenge available to Chiquita.

Chiquita lists and replies below to each of DPH's latest findings.

- 1. Address worsening odor nuisance conditions associated with potential slope failure anywhere at the landfill. Status: Addressed.**

Chiquita acknowledges this determination.

- 2. Remove all reliance on external agency triggers, emergency-response frameworks, or determinations. Status: Not yet addressed.**

Assessment

Plan v2 continues to rely on or reference external agencies, external determinations, and emergency response frameworks. Specifically, it includes the following:

- a. Mitigation actions depend on regulator guidance.**
[Plan] states that community protective measures will be implemented with "guidance and expertise from regulators" and includes a Regulatory Coordination section describing action based on regulator direction. This reliance does not ensure that Chiquita can act immediately during a slope failure, whether catastrophic or not, involving landfill odors affecting people or households that may or may not involve regulatory air-monitoring exceedances.

DPH's assessment mistakenly interprets references to regulatory "guidance and expertise" and the "Regulatory Coordination" as requiring Chiquita to wait for regulatory direction before taking action. That is not what the CEMP says, and Chiquita will itself take all appropriate mitigation measures in response to an incident.

The CEMP establishes a sequence in which Chiquita promptly evaluates credible information concerning an alleged slope condition, determines whether a Qualifying Slope Failure has occurred, takes necessary containment action, evaluates available information, notifies the community, and implements community protective measures appropriate to actual or expected material off-site impacts caused by a Qualifying Slope Failure. The Plan's descriptions of the Cool Zone, distribution of protective equipment and air purifiers, and temporary relocation likewise identify actions to be implemented by Chiquita under appropriate circumstances. No particular

measure is automatically required merely because DPH or another party characterizes a condition as a slope failure.

The section titled “On-Site Actions” provides a non-exhaustive list of the immediate measures Chiquita would take without agency coordination in the unlikely event of a Qualifying Slope Failure, including utilizing the North Levee and deploying pipe plugs in the South Basin outlet standpipes to prevent liquid from leaving the site. Preventing or limiting off-site migration is the most direct means of reducing potential community exposure following a Qualifying Slope Failure.

The “Regulatory Coordination” section DPH references in this assessment states that Chiquita will follow regulator direction “*in addition* to [the] steps described in this Plan” (emphasis added). Thus, regulatory direction supplements the CEMP; it is not a trigger for Chiquita’s obligations under it. This approach is consistent with DPH’s April 14 directive, and with an organized, coordinated response that is protective of human health and the environment.

b. Immediate decisions depend on a third-party health assessment.

[Plan] states Chiquita will retain a third-party to conduct a “prompt risk-based health assessment” intended to inform “immediate protective measures.” It is unclear if this assessment could be completed fast enough to guide immediate community protective actions and is likely not necessary to offer exposure mitigation measures in the event of a slope failure, including when there are actual or potential off-site impacts, regardless of whether there are regulatory exceedances occur or not.

While the Data Evaluation section describes multiple monitoring and information sources, odor-related impacts from a slope failure may affect specific people or households even when monitored levels show no regulatory exceedances. As described, it is unclear that the community exposure mitigation measures intended to address worsening odor conditions associated with a slope failure anywhere at the landfill are written in a way that allows them to be implemented when specific people or households experience impacts, rather than relying solely on data evaluation outcomes.

Completion of a third-party health assessment is not a prerequisite to immediate action under the CEMP. The “Risk-Based Health Assessment” section explains that the assessment will help determine whether additional protective measures or additional monitoring and sampling are warranted. The assessment is therefore intended to supplement the initial response as more information becomes available, not to delay it.

DPH’s assessment that the CEMP relies solely on data evaluation outcomes overlooks that the CEMP also identifies odor complaints and community odor surveillance as relevant factors, together with objective monitoring data and other available information. The CEMP does not mandate a regulatory exceedance before protective measures may be implemented.

Evaluation of objective information is, however, necessary to implement a plan of this breadth. DPH directed Chiquita to develop a plan addressing community facing measures for a potential slope failure anywhere at the Landfill, an unlikely event whose impacts cannot be predicted with any certainty. The revised CEMP therefore defines the objective conditions constituting a “Qualifying Slope Failure” and distinguishes such an event from ordinary settlement, surficial cracking, erosion, localized movement, planned activity, and movement that remains contained on-site without actual or reasonably expected material off-site impacts. A single complaint, considered in isolation, cannot reasonably dictate whether Chiquita should deploy a particular protective measure. A prompt assessment by a qualified expert is important because Chiquita must evaluate the type of respiratory protection, the geographic scope or duration of relocation support, or other measures that depend on the potential exposure. The CEMP, consistent with best practices, requires Chiquita to consider the totality of available information. Requiring extraordinary measures based solely on a report, without objective standards, would be arbitrary. Nothing in the April 14 Directive prohibits Chiquita from applying reasonable, health-protective, risk-based criteria. Nor does the Directive assign DPH unilateral authority to determine that a slope condition satisfies the CEMP’s technical definition or that a particular voluntary measure is required.

c. Provision of additional air purifiers depends on monitored conditions.

[Plan] states that additional air purifiers will be provided “if offsite monitoring data indicate that the provision... would be appropriate.” Reliance on monitored conditions does not align with the Directive’s requirement that community exposure mitigation measures be implementable independently during worsening odor conditions associated with a slope failure, as specific people or households may experience odor-related impacts even when monitored levels show no regulatory exceedances. Some people or households may also need additional air purifiers because they have not previously received units, because their existing units are insufficient for household size, or because their homes experience greater odor intrusion regardless of monitored conditions. Homes experiencing greater odor intrusion may also benefit from home hardening measures.

DPH identifies requirements that do not appear in either the April 14 directive, May 8 clarification, or July 31 determination. None of these documents require Chiquita to provide additional air purifiers based on household size or individual reports of odor intrusion, nor do any require, or define, “home hardening” measures. The April 14 directive broadly requires a plan identifying temporary relocation and other protective actions, and the May 8 clarification similarly requires community-facing protective measures for affected community members. DPH’s more specific requirements concerning additional air purifiers and home hardening appear for the first time in its August 28 assessment. DPH does not identify any factual finding, technical standard, legal requirement, or prior notice supporting those new criteria. It also does not explain what measures “home hardening” is intended to encompass, when such measures would be required, how causation and eligibility would be determined, or what limits would apply. Chiquita therefore does

not agree that omission of those newly announced and undefined measures rendered the August 7 CEMP non-compliant.

Regardless, the CEMP does not establish regulatory exceedances as a prerequisite to providing protective community measures. The CEMP establishes a holistic framework that considers monitoring results, community odor surveillance, odor complaints, meteorological conditions, and other relevant information. The CEMP further provides for additional protective equipment, such as purifiers or other PPE, where available information indicates it would be an appropriate interim protective measure.

- d. **Temporary relocation decisions may be deferred to emergency agencies.** [Plan] states that relocation “will be determined by Chiquita and/or the applicable emergency agencies,” which introduces a potential external agency dependency that prevents timely and independent implementation of community exposure mitigation measures. In addition, it states that Chiquita will identify affected areas for potential relocation and duration of relocation “in consultation with its regulators.” In the event of a slope failure, this phrasing is unclear and does not align with the Directive’s requirement that community exposure mitigation measures be implementable independently by Chiquita. Under non-emergency conditions, the need for temporary relocation should reflect the impacts experienced by specific people or households, which can differ significantly between individuals, and may include situations where odor-related conditions persist despite the use of home-based odor-mitigation measures.

The temporary relocation language reflects an important distinction between voluntary relocation assistance and a mandatory public safety order. Chiquita can offer and arrange temporary lodging for affected residents under appropriate circumstances. The revised CEMP makes clear that the occurrence or allegation of a slope condition does not automatically require relocation. Chiquita may offer voluntary temporary relocation assistance if it determines, based on the totality of available information, that a Qualifying Slope Failure has caused or is reasonably expected to cause material off-site conditions that warrant relocation and cannot reasonably be addressed through less disruptive measures.

Chiquita cannot, however, supplant the authority of public safety agencies during an emergency for situations that warrant evacuation or other mandatory public safety action. Again, DPH’s April 14 directive requires such coordination with agencies. DPH recognizes the same distinction elsewhere in its August 28 assessment, stating that “[s]helter-in-place determinations are made by authorized public safety agencies.” DPH cannot reasonably require Chiquita both to coordinate with response agencies and to remove references recognizing those agencies’ exclusive governmental authority. Nor can Chiquita lawfully assume governmental authority to compel mandatory public safety measures. The CEMP properly preserves Chiquita’s ability to offer voluntary assistance while recognizing the distinct authority and responsibility of public agencies.

- e. **Temporary relocation is tied to monitored conditions rather than affected people or household impacts.**

[Plan] further states that temporary relocation will occur “if offsite monitoring data and other available information indicate [it] is warranted.” This ties relocation to monitored conditions and external evaluations rather than to the impacts experienced by specific people or households. During worsening odor conditions associated with a slope failure, people or households may experience significant impacts even when monitored levels show no regulatory exceedances. Some people or households may also need temporary relocation because they experience greater odor intrusion regardless of monitored conditions or because other mitigation measures have not addressed the odor impacts they are experiencing.

The CEMP contains an expansive list of factors for evaluating relocation, of which regulatory exceedances is only one. The “Temporary Relocation” section does not state that relocation depends only on monitored concentrations. It refers to “offsite monitoring data and other available information” and then requires a case-by-case assessment of the “totality of the circumstances,” including odor surveillance results and the geographic distribution and recurrence of reported odors. Those factors directly account for community and household impacts, and the case-by-case framework permits Chiquita to account appropriately for differing impacts among residents and households.

A plan intended to address a potential slope failure anywhere at the Landfill must include objective criteria for determining whether a Qualifying Slope Failure has occurred and whether significant protective measures such as temporary relocation are warranted. The fact that a particular resident reports an odor impact cannot, standing alone, reasonably require temporary relocation without consideration of the nature, extent, location, and persistence of the reported impact along with other available information. The CEMP’s case-by-case assessment of the “totality of the circumstances” permits Chiquita to determine whether to offer voluntary relocation assistance and permits the applicable emergency agencies to exercise their separate governmental authority and responsibility based upon this information. An allegation or determination by DPH that a slope failure has occurred may be considered as part of Chiquita’s evaluation, but it does not, by itself, establish a Qualifying Slope Failure or an entitlement to relocation.

- f. **Includes shelter-in-place decisions, which are made by authorized public safety agencies.**

[Plan] states Chiquita will conduct “an immediate evaluation with advice and input from emergency responders to determine whether shelter-in-place measures are appropriate.” Shelter-in-place determinations are made by authorized public safety agencies.

Chiquita agrees that a mandatory shelter-in-place determination is made by authorized public safety agencies. Accordingly, Chiquita has removed the “Shelter-in-Place Procedures” section from the revised CEMP.

- g. Slope failure response is tied to regulator direction.**
[Plan] states Chiquita will “follow direction provided by the regulators,” which continues the external agency trigger dependency identified in the July 31, 2026, Formal Determination.

Chiquita cooperates with its regulators, a goal DPH certainly shares, so Chiquita assumes DPH does not intend for regulatory cooperation to be removed from the Plan altogether. The sentence DPH quotes in its finding omits context that makes clear that regulator direction is not a prerequisite to Chiquita taking action. The CEMP states that Chiquita will follow regulator direction “in addition to [the] steps described in this Plan.” (emphasis added). The Plan preserves, rather than displaces, the actions independently assigned to Chiquita.

While communication with regulatory or emergency response agencies will occur as required by existing obligations or other conditions at the time, such communication does not obviate the need for Chiquita to identify and implement community exposure mitigation measures independently and without reliance on external agency triggers or determinations during a slope failure with actual or potential off-site impacts on people or households. Nothing in this assessment shall be construed as relieving Chiquita from complying with any future orders and/or directives issued by the regulatory or emergency response agencies.

DPH did not evaluate the final paragraph of the Community Notification Protocols section as part of this finding because it reflects existing regulatory notification requirements rather than a slope failure community exposure mitigation action.

The final paragraph of the “Community Notification Protocols” section refers to automatic notifications for applicable benzene and hydrogen sulfide exceedances. Those existing notification requirements are relevant to potential off-site impacts associated with a slope failure and ensure that the CEMP comprehensively identifies the community notification procedures that would apply during such an event. Indeed, DPH’s May 8 clarification specifically required a “single, stand-alone, consolidated” plan in which existing procedures and protocols are fully integrated rather than incorporated through external references. Consistent with that direction, Chiquita included the applicable notification requirements and the underlying Stipulated Order provision in the CEMP itself.

- 3. Exclude project-specific operational measures and EPA-directed construction controls, which are not within the scope of the required Plan. Status: Addressed.**

Chiquita acknowledges this determination.

- 4. Consolidate all community-facing measures into a unified, stand-alone plan. Status: Addressed.**

Chiquita acknowledges this determination.

5. **Include clear, direct access procedures for all community protective measures (e.g. temporary relocation, transportation, odor-relief resources, communication channels). Status: Partially addressed; additional specificity required.**

Assessment

Plan v2 does not yet include direct access procedures that would allow people or households to understand or obtain community exposure-mitigation measures during a slope failure involving landfill odors affecting them. Specifically, it includes the following:

- a. **Bilingual communication is conditional rather than consistent.**
It states that public-facing materials “will be provided in English and Spanish when possible.” Bilingual communication is an essential component for effective and timely communication with the public.

Chiquita has revised the CEMP to remove the “when possible” language.

- b. **Temporary relocation planning is tied to broad resident counts rather than person or household-level impact.**
[Plan] ties temporary relocation planning to “the number of residents to be relocated.” Individuals and households may experience differing levels of impact from landfill odors, and temporary relocation planning needs to reflect the potential needs of the impacted people or households, including vulnerable members, rather than broad resident counts.

This finding misconstrues the cited sentence. The number of residents appeared only in the sentence addressing selection of the lodging location: “The locations for relocation (i.e., hotels or other lodging) will be selected on a case-by-case basis depending on the number of residents to be relocated and the duration of the relocation.” The number of residents does not define the trigger for temporary relocation.

Regardless, Chiquita has revised this section to make clear that relocation will be determined case by case based on the totality of the circumstances, including whether the condition is attributable to a Qualifying Slope Failure; proximity, monitoring data, odor surveillance results, meteorological conditions, and the nature, extent, location, and persistence of the reported impact; the needs and circumstances of affected residents or households; and the availability and effectiveness of other protective measures.

- c. **Lodging options are not identified in advance, limiting rapid implementation.**
It states it will identify “hotels or other lodging” for temporary relocation but does not name any specific, pre-identified lodging options sized to different household needs. Without pre-identified options, timely implementation during worsening odor conditions associated with a slope failure impacting people or households is

not supported. It is also unclear how temporary relocation costs would be covered, as it does not describe the arrangements or methods by which people or households receiving temporary relocation support would have those costs addressed.

The August 7 CEMP pre-identified the Embassy Suites Hotel, or another nearby available location, for a Cool Zone. Temporary relocation is different because the appropriate lodging depends on the location and scale of the impact, the number of households impacted, the expected duration, and real-time availability. Naming a fixed set of accommodations in a public plan may create false assurances if those properties are unavailable when an event occurs.

Chiquita has updated the CEMP to clarify that in the event that relocation is deemed appropriate pursuant to the CEMP, Chiquita will state at that time how payment will be arranged, i.e., vouchers or reimbursement. Those details will be finalized and communicated around the time of relocation because they will depend on factors such as lodging availability, the number and needs of affected individuals or households, and the anticipated duration of the relocation.

- d. No direct contact information is provided for people to reach Chiquita to ask questions or request community exposure mitigation measures. Although it expands notification protocols and states public notices will include “contact information for questions,” it does not specify both a dedicated phone number and email address for people to ask questions or request community exposure mitigation measures, such as, indoor air quality improvement supports, Cool Zone use, temporary relocation, or transportation assistance.**

Chiquita has updated the “Community Notifications Protocols” section to include dedicated phone numbers and an email address for community members to ask questions regarding available resources.

- e. Notification posting includes ambiguous conditional language. It states public notifications will be posted on the News & Alerts section of chiquitacanyon.com website and, “when appropriate,” on the homepage and distributed through Chiquita’s established community notification channels. The phrase ‘when appropriate’ is unclear. The notification steps that follow it are established communication practices, and routine use of both in the event of a slope failure, including when there are actual or expected off-site impacts, or when community exposure mitigation measures are being offered supports notification and access to information for impacted people and households.**

Chiquita has revised the CEMP to provide notifications on both the website’s News & Alerts section and on homepage. However, Chiquita has preserved the “where appropriate” language with respect to the other established community notification channels. The phrase “when appropriate” allows Chiquita to match the communication channel to the urgency and type of information being conveyed. Requiring every update to be distributed through every listed channel—email, text message, telephone, U.S. Mail, emergency alert systems, community partners, and media—could delay communications, create alert fatigue, and make urgent information harder to identify.

The April 14 Directive requires clear and regular updates; it does not require every notice to be transmitted through every available channel. The CEMP's flexible approach better advances timely and effective communication by permitting Chiquita to select channels appropriate to the context of each notice. DPH has identified no authority or basis for substituting its preferred communication protocol for that reasonable approach.

- 6. Exclude project-specific operational measures and EPA-directed construction controls, which are not within the scope of the required Plan. Status: Addressed.**

Chiquita acknowledges this determination.

- 7. Be fully implementable by CCL regardless of current odor levels, construction timelines, or slope assertions. Status: Addressed.**

Assessment

[Plan] does not identify any of those conditions as impeding Chiquita's ability to fully implement community exposure mitigation measures in the event of a slope failure.

Chiquita acknowledges this determination.

- 8. Stand independently without cross-reference to external work plans, regulatory, directives, or agency oversight. Status: Not yet addressed.**

Assessment

At the end of the Existing Frameworks section, it states that "This Plan builds upon those existing programs and identifies how they will be applied in the unlikely event of catastrophic slope failure." Existing programs are referred to in that section, such as community protection efforts integrated into the existing EPA-coordinated response framework, monitoring programs, and the Stipulated Order related to community notifications for certain air monitoring exceedances, among others named prior to the end. It also states that it "identifies how they will be applied in the unlikely event of catastrophic slope failure." It further describes existing community-protection efforts as "integrated into the existing EPA-coordinated response framework" with participation from multiple agencies. Because these external programs and oversight structures are incorporated into Plan v2's framework, it does not clearly stand independently from those external work plans, regulatory, directives, or agency oversight.

As previously noted, the final paragraph of the Community Notification Protocols section was not evaluated because it concerns existing regulatory notification systems.

The CEMP is a standalone plan as directed by DPH's May 8 letter: it can be implemented without consulting another work plan or source. The May 8 letter did not prohibit all references to existing procedures or regulatory requirements. To the contrary, it stated that existing plans could be incorporated if they were fully integrated into the CEMP, and that only separate documents, attachments, or external references "without full integration" would be considered nonresponsive. DPH's August 28 assessment effectively replaces that integration standard with a prohibition on identifying the regulatory origin or broader framework of fully integrated measures. That new position is inconsistent with the May 8 letter and is not a permissible basis for finding the August 7 CEMP non-compliant.

The CEMP follows the May 8 guidance. It states explicitly that it is a standalone document that does not require cross-reference to other documents. It includes within the Plan the agency and emergency contacts, the South Basin pipe-plug procedure, detailed descriptions of the monitoring and odor surveillance programs, and the full language of the existing automatic notification requirement. DPH does not identify in its August 28 assessment any CEMP provision that requires the reader to locate and consult an external work plan before acting.

The CEMP does not operate in a regulatory vacuum. Existing work plans and regulatory programs contain community facing and emergency response measures, including measures developed under the direction or oversight of other agencies. The CEMP cannot disregard those existing obligations merely to avoid identifying their source. The fact that the CEMP accurately identifies the regulatory framework from which an existing measure arose does not make the CEMP dependent on that external framework or prevent it from standing independently. DPH's reading also creates tension with its determination that Chiquita has now consolidated existing community facing measures into a unified plan. Chiquita cannot consolidate and explain those existing measures adequately without identifying the programs from which they arose.

* * * * *

In the interest of continued cooperation with DPH and ensuring that community members have clear access to available resources, Chiquita has provided a further revised CEMP incorporating several of the additional requests identified in DPH's August 28 assessment. The revised CEMP defines a "Qualifying Slope Failure" to provide an objective, technically-grounded threshold for implementation and to distinguish such an event from ordinary conditions that do not cause or reasonably threaten material off-site impacts. Chiquita has not, however, revised the CEMP to replace its multifactor, objective framework with an approach under which a single subjective or anecdotal report automatically triggers extraordinary protective measures such as temporary relocation. This framework allows Chiquita to implement measures that are protective based on the nature and extent of any health-based and data-supported community impacts, while preserving the ability to escalate the response as circumstances warrant. It also appropriately recognizes the role of regulatory and emergency response agencies where mandatory public safety measures fall within their authority.

Neither the inclusion of the defined term, submission of the revised CEMP, nor implementation of an interim measure constitutes an admission that a Qualifying Slope Failure has occurred, is occurring, or is imminent, or that any reported condition was caused by the Landfill. A

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Qualifying Slope Failure is an unlikely event, and no conditions experienced at the Landfill to date would have or could have qualified. Chiquita expressly reserves all rights and objections concerning any contrary characterizations by DPH.

Chiquita is available to discuss further as needed.

Sincerely,



Kevin Green
District Manager
Chiquita Canyon Landfill

Attachments:

Community Exposure Mitigation Plan, Version 3 (September 4, 2026)

cc: John Perkey, Chiquita Canyon
Hon. Kathryn Barger, Supervisor, 5th Supervisorial District, Los Angeles County