



CHIQUITA CANYON

A Waste Connections Company

May 1, 2023

Via E-Mail and Certified Mail

Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
c/o County of Los Angeles Department of Public Works
Environmental Programs Division
P.O. Box 1460
Alhambra, CA 91802-1460
taskforce@dpw.lacounty.gov
coyola@pw.lacounty.gov

Re: Chiquita Canyon, LLC's Twenty-Fifth Monthly Update

Dear Members of the Integrated Waste Management Task Force:

Chiquita Canyon, LLC ("Chiquita") received a letter from the Integrated Waste Management Task Force (the "Task Force") dated April 19, 2021. The Task Force's letter requests that Chiquita provide monthly updates concerning a Notice of Violation ("NOV") that the County of Los Angeles Department of Regional Planning issued to Chiquita on June 11, 2020. The NOV alleges non-compliance with Conditions 68, 77, 79 and 113 of Chiquita's Conditional Use Permit ("CUP"). Chiquita previously provided monthly updates to the Task Force from April 2021 through March 2023. This letter serves as Chiquita's twenty-fifth monthly update.

On December 2, 2021, the County of Los Angeles Department of Public Works ("PW") requested that these monthly updates include additional details concerning any NOVs issued by regulatory agencies and the landfill's actions to mitigate those NOVs. This letter provides additional details concerning the status of Chiquita's implementation of Conditions 77 and 79.

On August 15, 2022, PW requested that these monthly updates clearly indicate whether or not Chiquita received an NOV from any regulatory agencies during the reporting month and, if so, that Chiquita include a copy of the NOV as an attachment to the letter. On April 14, 2023, Chiquita received an NOV from the South Coast Air Quality Management District ("SCAQMD") dated February 27, 2023 for an alleged failure to provide certain data in a weekly report as required by Condition 5G of Chiquita's interim variance in SCAQMD Case No. 6177-3. Condition 5G was orally added to the proposed interim variance conditions during a February 15, 2023 hearing before the SCAQMD Hearing Board. Chiquita did not receive the final written

Integrated Waste Management Task Force
c/o Los Angeles County Department of Public Works
May 1, 2023
Page 2 of 2

conditions from the SCAQMD until March 7, 2023. In the February 27, 2023 report, Chiquita inadvertently did not include the information required by Condition 5G. After receiving the final written conditions and realizing the discrepancy, Chiquita contacted SCAQMD to report the issue, and included the data requested, retroactive to the February 27 report, in a subsequent report submitted on March 20, 2023. SCAQMD has since confirmed receipt of this information and the issue is resolved. A copy of this NOV is attached to this letter.

June 2020 Department of Regional Planning NOV

Chiquita has reached a settlement agreement with the County of Los Angeles (the "County"), which includes terms affecting Conditions 77 and 79. This settlement agreement was approved by the County Board of Supervisors on October 11, 2022. The settlement agreement requires Chiquita to submit an application to modify its CUP consistent with the terms of the settlement agreement. Those terms include proposed modifications to Conditions 77 and 79. Chiquita submitted the required CUP modification application on November 10, 2022. The hearing on the June 2020 NOV is stayed pending the outcome of this CUP modification process.

Chiquita continues to work on securing the permits required to begin construction on the new entrance along Wolcott Way under Conditions 77 and 79. For more information, Chiquita provides updates on the June 11, 2020 NOV and Conditions 77 and 79 during the meetings of the Chiquita Canyon Landfill Community Advisory Committee (the "CAC"). A link to these meetings and meeting materials summarizing the status of Chiquita's implementation of activities related to Conditions 77 and 79 can be found on the Department of Regional Planning's website, here: <https://planning.lacounty.gov/agenda/ccclcac>.

Chiquita looks forward to continuing to provide the Task Force with updates on the June 11, 2020 NOV and any NOVs issued by regulatory agencies. Should you have any questions, please feel free to contact me.

Regards,



Steve Cassulo
District Manager
Chiquita Canyon, LLC

Enclosure: February 27, 2023 Notice of Violation from the SCAQMD

cc: David Nguyen, Department of Public Works (*via email*)
Omid Mazdiyasni, Department of Public Works (*via email*)



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 75273

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
2	27	2023

Facility Name:	Chiquita Canyon Landfill	Facility ID#:	119219	Sector:	VB
Location Address:	29201 Henry Mayo Dr.	City:	Castaic	Zip:	91384
Mailing Address:	29201 Henry Mayo Dr.	City:	Castaic	Zip:	91384

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	42400 (a)	IV Case No. 6177-3	5G	Failed to provide lab analysis and Draeger tube readings for landfill gas from the past twelve months in a Microsoft Excel spreadsheet format (included in the February 27, 2023 status report)
2	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To:	Steve Cassulo	Phone:	661-257-3655	Served By:	Gerardo Vergara	Date Notice Served:	4/14/2023
Title:	District Manager	Email:	steve.cassulo@wastermations.com	Phone No:	<input checked="" type="checkbox"/> 909-396-2179 <input type="checkbox"/> 310-233-	Email:	gvergara@aqmd.gov

*Key to Authority Abbreviations:

SCAQMD – South Coast Air Quality Management District
CCR – California Code of Regulations

CH&SC – California Health and Safety Code
CFR – Code of Federal Regulations

Method of Service:

☐ In Person

☒ Certified Mail

VIOLATOR'S COPY

What is a Notice of Violation?

A Notice of Violation is issued by an SCAQMD Air Quality Inspector to inform a business that a failure to comply with one or more applicable federal, state, and/or local (SCAQMD) air pollution rules and regulations or legal requirements is being alleged.

What happens when I receive a Notice of Violation?

If you are operating in violation of one or more applicable federal, state, and/or local (SCAQMD) air pollution rules and regulations or legal requirements, each day or part of a day that you operate in violation is considered a separate violation even if only one Notice of Violation has been issued. Continuing to operate in violation may subject you to substantial civil or criminal penalties. **It is in your best interest to resolve any compliance problem immediately before you resume operation.**

What if I need to continue to operate the equipment named in the Notice of Violation?

If continued operation of equipment cited in the Notice of Violation is necessary, you may be able to obtain a variance from SCAQMD's Hearing Board. A **variance** is an administrative order that allows a company to continue operating without penalties while it takes appropriate steps to meet air pollution control requirements. Proof of specific legal circumstances must be provided before a variance can be granted. Timeliness in seeking such relief will be considered by the Hearing Board. Additional information concerning variances can be found in California Health & Safety Code §§ 42350-42359.5 and at <http://www.aqmd.gov/home/about/hearing-board>. During a hearing for a variance, you may be represented either by yourself or by your attorney or consultant. You will have the opportunity to present evidence and testimony, and to cross-examine any SCAQMD witness.

If you fail to comply with any order of the Hearing Board, you may be subject to additional civil or criminal penalties set forth in California Health & Safety Code §§ 42400 *et seq.* and 42402 *et seq.*

How are Notices of Violation resolved?

The SCAQMD General Counsel's office reviews each alleged violation and, based on the facts, determines how best to resolve the allegation. Options available to the General Counsel's office include:

• Minor Source Penalty Assessment Program

Certain Notices of Violation may be eligible for resolution through SCAQMD's Minor Source Penalty Assessment Program if they are issued to a minor source or for violations other than emitting air toxics or creating a public nuisance involving injury or property damage.

If your case is handled by this program, you will receive a letter or phone call from an investigator in the SCAQMD General Counsel's office offering to settle your violation. Settlement terms usually call for a penalty payment and written proof of current compliance. The investigator's name and telephone number are included in the initial settlement letter in the event you would like to discuss the case.

Be prepared to describe any facts about the violation that you believe SCAQMD should know in considering your case. Sharing your knowledge of the facts, possible causes for the violation and plans to avoid future violations will help the investigator arrive at an appropriate disposition. **Be sure to respond by the date indicated in the letter to avoid further legal action.**

If the Minor Source Penalty Assessment Program fails to result in a settlement, your Notice of Violation may be referred to an SCAQMD attorney and handled under the procedures for Civil Prosecution or resolved through a Small Claims Court.

• Civil Prosecution

If your case is handled as a civil matter, it will be reviewed by an attorney from the SCAQMD General Counsel's office, who will typically make first contact with you through a letter that asks for information about your case. If the allegations in the Notice of Violation cannot be informally resolved, the SCAQMD is authorized to file a civil lawsuit in court to recover civil penalties. In cases involving serious harm or danger, however, SCAQMD may immediately commence a legal action for civil penalties and a court-ordered injunction. A **mandatory injunction** is a court order compelling a person and/or company to take specific action. A **prohibitory injunction** is a court order compelling a person and/or company to refrain from taking a specific action. Injunctions, which may even lead to shutting down a business, may be sought by SCAQMD to prevent continuing or serious violations or damages from occurring.

• Criminal Prosecution

If SCAQMD determines that criminal prosecution is appropriate, the case will be referred to the appropriate state or federal law enforcement agency. That agency will determine if criminal prosecution is warranted.

Civil and Criminal Penalties

Penalties are determined by California Health & Safety Code §§ 42400 *et seq.* and 42402 *et seq.*

Available Resources

You can obtain SCAQMD Rules, permit application forms, and detailed information about SCAQMD and the Hearing Board using the resources provided below:

Contact Numbers	Useful Links
General Information:	
SCAQMD Headquarters General Number (909) 396-2218	About SCAQMD http://www.aqmd.gov/home/about
General Counsel's Office (909) 396-3400	Enforcement Authority http://www.aqmd.gov/home/about/authority/enforcement
	Compliance Notices http://www.aqmd.gov/home/regulations/compliance/compliance-notices
	SCAQMD Rules http://www.aqmd.gov/home/regulations/rules
Obtaining Permit or Billing Information:	
Small Business Assistance (800) 388-2121	Getting Permits http://www.aqmd.gov/home/permits
Permit Information (909) 396-2468	Permit Forms http://www.aqmd.gov/home/permits/permit-application-forms
Billing Services (866) 888-8838	Permitting Fees http://www.aqmd.gov/home/permits/fees
(909) 396-2900	
Variances:	
Clerk of the Hearing Board (909) 396-2500	The Hearing Board http://www.aqmd.gov/home/about/hearing-board