

Work Required by EPA UAO

Completed Work

Paragraph #	Key Action	Start Date/Deadline	Status
94	Request a conference with EPA to discuss UAO or notify EPA that Chiquita intends to submit written comments or a statement of position in lieu of requesting a conference.	February 23, 2024	Completed
98	Notify EPA of Chiquita's intent to comply with UAO.	February 26, 2024	Completed
18	Designate a Project Coordinator responsible for administration of Work under UAO.	February 28, 2024	Completed
6	Provide a copy of UAO to all contractors, subcontractors, laboratories, and consultants that are retained to conduct or monitor any portion of the Work performed pursuant to UAO.	March 4, 2024	Completed
17	Notify EPA of the names, contact info, and qualifications of the contractors, subcontractors, consultants, and laboratories to be used in carrying out the Work.	March 27, 2024	Completed
22(b), (c)	Provide a Master Work Plan, including the following plans: -Leachate Management Plan -Soil Reaction Break/Barrier Plan -Cover Installation Plan -Slope Stability Analysis work plan -Collection of temperature data in/around Reaction Area -Air Monitoring Plan -Off-Site Migration Prevention Plan	March 27, 2024	Completed
24	Submit a Sampling and Analysis Plan, including a Field Sampling Plan and Quality Assurance Project Plan.	March 27, 2024	Completed
25	Develop and submit a Health and Safety Plan.		Completed
76-79	Submit initial cost estimates.	April 26, 2024	Completed

Ongoing Work

Paragraph #	Key Action	Start Date/Deadline	Status
6	Condition all contracts and agreements with contractors, subcontractors, laboratories, or consultants in connection with the UAO, on compliance with terms of the UAO. Ensure their compliance with UAO.	Ongoing	Ongoing
17	Submit a copy of each proposed contractor's QMP and demonstrate their compliance with ASQ/ANSI E4:2014.	Ongoing; extension requested	Ongoing

Paragraph #	Key Action	Start Date/Deadline	Status
17	Notify EPA of any additional retained contractors or subcontractors.	At least 5 days prior to commencement of Work	As needed; ongoing
22(a)	Immediately store, transport leachate solid and/or hazardous waste in accordance with RCRA, 42 U.S.C. 6900, et seq., and associated regulations. All hazardous waste shall be disposed of at a TSD preapproved by EPA.	February 26, 2024; ongoing	Ongoing
28	Prior to shipping hazardous substances, pollutants, or contaminants off site, obtain a prior determination from EPA and comply with RCRA and CERCLA requirements.	Prior to shipping hazardous substances, pollutants, or contaminants off site	As needed; ongoing
28	Provide written notice of out-of-state waste shipments to the appropriate state environmental official and to EPA. Notify state official and EPA of any major changes in shipment plan.	Prior to shipping waste material out of state	As needed; ongoing
28	Comply with the requirements of Paragraph 28(c) regarding shipment of Investigation Derived Waste off site.	Prior to shipping Investigation Derived Waste off-site	As needed; ongoing
39	Take all appropriate action to minimize emergency/threat.	In the event of an emergency or an action or occurrence that may present an immediate threat to human health and the environment	As needed; ongoing
39	Submit written notification of emergency/threat.	Within 3 days of discovery	As needed; ongoing
39	Submit and implement a plan to mitigate threat.	As needed	As needed; ongoing
40	Provide notification of a release that triggers release notification pursuant to CERCLA Section 103 or EPCRA Section 304 pursuant to Paragraph 40.	In the event of a release that triggers release notification pursuant to CERCLA or EPCRA	As needed; ongoing
41, 42	Use quality assurance, quality control, and other technical activities and chain of custody procedures for all samples. Ensure all laboratories meet the requirements of Paragraph 42 of the UAO.	Ongoing	Ongoing
49	All results of sampling, testing, modeling, or other data generated by Chiquita, or on Chiquita's behalf, must be validated by	Upon receipt of results	Ongoing

Paragraph #	Key Action	Start Date/Deadline	Status
	Chiquita and submitted to EPA promptly upon receipt.		
50	Notify EPA in advance of any sample collection activity.	Not less than 7 days prior to any sampling	Ongoing
59-62	Preserve all documents/information, including raw data, relating to the Work, or relating to any solid waste or hazardous waste found at the Site, for 5 years following termination of UAO.	February 26, 2024; ongoing	Ongoing
59-62	Acquire and retain copies of all documents that related to the Site that are in possession of Chiquita employees, agents, accountants, contractors, or attorneys.	February 26, 2024; ongoing	Ongoing
73	Secure insurance as required by the UAO. Provide EPA with certificates of such insurance and a copy of each insurance policy, naming EPA as an additional insured, prior to commencing Work and annually thereafter on February 26.	Ongoing/prior to commencing Work; annually	Ongoing
73, 75	Ensure that Chiquita and its contractors and subcontractors satisfy all applicable laws and regulations regarding the provision of employer's liability insurance and worker's compensation insurance for all persons performing Work.	February 26, 2024; ongoing	Ongoing
73, 75	Certify to EPA that Chiquita's contractors and subcontractors have obtained the required insurance.	Ongoing/prior to commencing Work	Ongoing
88	Notify EPA Project Coordinators of any delay or anticipated delay in performing any requirement of the UAO	Within 48 hours after Chiquita first knew or should have known of a delay	As needed; ongoing
88	Provide written notification of delay in accordance with Paragraph 88	Within 7 days after notifying EPA of delay	As needed; ongoing

Future Work

Paragraph #	Key Action	Start Date/Deadline	Status
80-86	Secure financial assurance and submit proposed financial assurance mechanisms.	Within 30 days of EPA approval of cost estimates	

Paragraph #	Key Action	Start Date/Deadline	Status
80-86	Secure and submit all executed/finalized financial assurance mechanisms.	April 26, 2024, or 30 days after approval of financial assurance, whichever is later	
26	Submit monthly progress reports on actions undertaken pursuant to the UAO.	Monthly, concerning work undertaken pursuant to UAO from date of receipt of EPA approval of Master Work Plan	
53	Use best efforts to obtain all necessary access agreements.	As needed	
76-79	Submit revised cost estimates.	Annually and as needed	
80-86	Revise financial assurance and financial assurance mechanisms.	As needed	
27	Submit a final report summarizing actions taken to comply with UAO.	Within 15 days after completion of all Work required by UAO	
59-62	Notify EPA that documents and information are available for inspection and provide copies upon request.	After the end of the 5-year retention period and 90 days before any documents or information is destroyed	