

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

In the Matter of:	)	Docket No. HSA-FY24/25-082
)	
Chiquita Canyon Landfill)	
29201 Henry Mayo Drive	)	IMMINENT AND SUBSTANTIAL
Castaic, California 91384	)	ENDANGERMENT
	)	DETERMINATION AND ORDER
Respondents:)	
)	
Chiquita Canyon, LLC)	
29201 Henry Mayo Drive	)	Health and Safety Code
Castaic, California 91384	)	Sections 58009, 58010,
	)	78870, and 79055(a)(1)(B)
Chiquita Canyon, Inc.)	
3 Waterway Square Place, Suite 110)	
The Woodlands, Texas 77380)	
)	
Waste Connections US, Inc.)	
3 Waterway Square Place, Suite 110)	
The Woodlands, Texas 77380)	

I. INTRODUCTION

1.1 **Parties.** The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) issues this Imminent and Substantial Endangerment Determination and Order (Order) to Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc. (Respondents).

1.2 **Property/Site.** This Order applies to the property located at 29201 Henry Mayo Drive, Castaic, California 91384. The property is approximately 639 acres and is identified as Assessor's Parcel number(s) 3271002039, 3271002036, 3271005034, 3271002019, 3271002013, and 3271002011. This Order applies to the property and the areal extent of contamination that resulted from activities on the property (hereinafter, the "Site").

1.3 **Permitting Status.** Respondents own and/or operate a class III landfill/solid waste disposal facility known as Chiquita Canyon Landfill (CCL), which is operating under a permit (Solid Waste Facilities Permit No. 19-AA-0052), issued by the Los Angeles County Department of Public Health Solid Waste Management Program, acting as the Local Enforcement Agency (LEA). CCL has publicly stated that it is no longer accepting any waste as of January 1, 2025. CCL previously accepted non-hazardous solid waste, including municipal solid waste from

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various areas within Los Angeles County in accordance with California Code of Regulations, title 27 (27 CCR), section 20005 et seq. The Respondents engage in the management of landfill/solid waste disposal pursuant to a Conditional Use Permit (CUP 2004-00042-(5)) issued by the County of Los Angeles.

1.4 Jurisdiction. This Order is issued by DTSC to Respondents pursuant to its authority under Health and Safety Code sections 58009, 58010, 78870, and 79055(a)(1)(B).

Health and Safety Code section 78870 authorizes DTSC to take various actions, including issuance of an Imminent or Substantial Endangerment Determination and Order, when DTSC determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment, because of a release or a threatened release of a hazardous substance.

Health and Safety Code section 79055(a)(1)(B) authorizes DTSC to issue an order establishing a schedule for removing or remedying a release of a hazardous substance at a site, or for correcting the conditions that threaten the release of a hazardous substance. The order may include, but is not limited to, requiring specific dates by which the nature and extent of a release shall be determined and the site adequately characterized, appropriate plans prepared and submitted to DTSC for approval, and a removal or remedial action completed.

Health and Safety Code section 58009 authorizes DTSC to commence and maintain all proper and necessary actions and proceedings to enforce its rules and regulations; to enjoin and abate nuisances related to matters within its jurisdiction which are dangerous to health; to compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to matters within its jurisdiction; and/or on matters within its jurisdiction, to protect and preserve the public health.

Health and Safety Code section 58010 authorizes DTSC to abate public nuisances related to matters within its jurisdiction.

II. FINDINGS OF FACT

DTSC hereby finds:

2.1 Liability of Respondents. Respondents are responsible parties or liable persons as defined in Health and Safety Code section 78145.

2.1.1 Chiquita Canyon, LLC – Chiquita Canyon, LLC is the owner of CCL. In addition, Chiquita Canyon, LLC operates CCL subject to the control of Waste Connections US, Inc., including, without limitation, by maintaining an office at CCL, registering the fictitious business name “Chiquita Canyon Landfill,” and obtaining a conditional use permit from Los Angeles County to operate CCL. Chiquita Canyon, Inc. is the sole member of Chiquita Canyon, LLC, and Ronald J. Mittelstaedt is identified as a manager.

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2.1.2 Chiquita Canyon, Inc. – Chiquita Canyon, Inc. wholly owns Chiquita Canyon, LLC. Ronald J. Mittelstaedt is the Chief Executive Officer of Chiquita Canyon, Inc. Chiquita Canyon, Inc. and Chiquita Canyon, LLC share a principal address, at 3 Waterway Square Place, Suite 110, The Woodlands, TX 77380. Chiquita Canyon, Inc. operates CCL subject to the control of Waste Connections US, Inc.

2.1.3 Waste Connections US, Inc. – Waste Connections US, Inc. is a parent corporation of Chiquita Canyon, LLC and Chiquita Canyon, Inc. Ronald J. Mittelstaedt is the President and Chief Executive Officer of Waste Connections US, Inc., and has served in this role since Waste Connections US, Inc. was founded in 1997, with the exception of the period between July 2019 and April 2023, when he served as Executive Chairman. Waste Connections US, Inc. exercises significant control over CCL, Chiquita Canyon, LLC, and Chiquita Canyon, Inc., including, without limitation, by managing, directing, and conducting operations related to disposal or leakage of hazardous waste at CCL. Waste Connections US, Inc.’s employees also make decisions about CCL’s compliance with environmental regulations and represent CCL before regulatory agencies, governmental entities, and the media. As of December 10, 2024, the “About Chiquita Canyon” page of the CCL website stated that CCL “is owned and operated by Waste Connections.” At some point after December 10, 2024, that statement about Waste Connections US, Inc.’s ownership and operation of CCL was removed from the CCL website. (See Exhibit 1.)

2.2 Physical Description of Site. CCL is located at 29201 Henry Mayo Drive, Castaic, California 91384 in the County of Los Angeles. The Site lies within the United States Geological Survey (USGS) Val Verde, 7½-Minute Quadrangle. The coordinates of the Site are North 34 42.619 and West 118 64.680. CCL is approximately 639 acres in size and is in an area zoned A-2-2 heavy agricultural. The property is currently occupied and operating as a lined, class III non-hazardous municipal solid waste landfill. The surrounding area consists of industrial, agricultural, and residential properties. The nearest residential development is the Val Verde community, located approximately 1,000 feet northwest of CCL. (See Exhibit 2.)

CCL is comprised of landfill modules (2B/3/4, 4, and 5), cells (2 PH 2A, 2 PH 2B, 1/2A, 6, 8A and 8B), and canyons (Primary Canyon, Canyon A, Canyon B, Canyon C Cell 1, Canyon C Cell 2 PH1, and Canyon D). (See Exhibit 3.) The Primary Canyon (approx. 55 acres) operated from 1970 to 1987, and Canyon B (approx. 15 acres) operated from 1987 to 1988. The “Main Canyon” is comprised of Canyons A, C, and D, and Cells 1 through 6, and 8. Leachate is piped from extraction wells to remove perched liquid from the waste mass, as well as from condensate sumps and leachate sumps. Leachate is accumulated in seven distinct areas across CCL, which include: #2 East Perimeter; #3 Ameresco Condensate Tanks; #4 Leachate Collection Manifold; #6 North Perimeter; #7 Tank Farm; #8 Primary Canyon; and #9 Tank Farm (also referred to as “Tank Farm 9”).

Tank Farm 9 is of particular concern because it is located on CCL’s “top deck,” which herein refers to the surface area directly above the Subsurface Elevated Temperature (SET) event, which presently includes, at a minimum, all or part of Module 2B/3/4, Module 4, Cell 1/2A, Cell 2 PH 2B, Canyon C Cell 2 PH1, and Canyon C Cell 1.¹ (See Exhibit 3.) Tank Farm 9

¹ In landfill industry parlance, “top deck” typically refers to the uppermost element of a landfill, such as a cap barrier

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is vulnerable to the effects (i.e., subsidence, cracks or separations in the “top deck,” elevated temperatures, and settlement (total and differential)) of a known uncontrolled SET event (see Section 2.3 below). CCL currently has no physical breaks/barriers preventing the expansion of the SET event across the “top deck” and the east slope, consequently the entire landfill including Cell 8A may be impacted by the SET event. Because Cell 8A: (1) is being used for disposal of on-site materials, (2) can be used as a location for a soil berm to increase south slope stability, and (3) is adjacent to the main ingress and egress road, allowing the SET event to enter this cell could have irreversible negative results. Cell 8A is the southernmost slope of the landfill, located in the southern portion of the Main Canyon near the main entrance that allows access to areas throughout CCL. As a result, stability of Cell 8A is of particular concern because the SET event will increase leachate and gas pressure that can affect slope stability should it enter this cell.

2.3 Site History and Current Status. CCL was first approved for waste disposal in 1967. It has been in use as a class III non-hazardous solid waste landfill since 1972, and has been permitted to accept non-hazardous solid waste for disposal, including municipal solid waste, green waste for composting or recycling, construction and demolition debris, and e-waste for recycling. CCL has been prohibited from accepting hazardous waste, including that which is ignitable, corrosive, reactive, or toxic. CCL was also prohibited from accepting biohazardous waste, household hazardous waste, radioactive materials, incinerator ash, sludge, automobile shredder waste, and liquid waste. On January 1, 2025, CCL ceased further acceptance of waste material. CCL must continue landfill gas and leachate collection and comply with other Los Angeles County Department of Public Health permit requirements following the landfill’s closure.

On or about May 2022, an uncontrolled SET event significantly expanded in the inactive north-western portion of CCL in an area about 30 acres in size, in portions of the landfill identified as Cell 1/2A, Module 2B/3, Module 4, and Module 2B/3/4 P2. (See Exhibit 4.) SET events are caused by subsurface oxidation and waste reactions. The most common contributor to SET events is when ambient air is pulled into the landfill mass by the gas extraction system, which creates an environment where oxidation can occur. As temperatures increase in the presence of oxygen, spontaneous combustion and a smolder can occur, causing increased odors and emissions.

SET events threaten public health, safety, and the environment. A SET event begins to occur when temperatures in subsurface landfill waste exceed 145 degrees Fahrenheit (F). As a SET event progresses above 160 degrees F, methane generation is severely curtailed, and landfill environmental control devices manufactured with plastic, including landfill cover, liner system, and gas/leachate collection systems, can be damaged. Above 160 degrees F, underground exothermic reactions are more likely to occur. When an exothermic reaction occurs, the landfill will generate heat, leachate and gas pressures, and gas containing noxious odors; increase emissions of volatile organic compounds and toxic air contaminants such as benzene and methyl ethyl ketone (MEK); and produce large amounts of leachate with hazardous characteristics. The landfill itself may become unstable, threatening potential failures which could expose smoldering solid waste and leachate with hazardous characteristics to the environment and further impact

installed after active landfilling has ended, or as waste reaches the landfill’s final grades in the cells. At CCL, the term has also been used to refer to the location on top of the SET event in the northwest area of CCL.

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landfill infrastructure (i.e., existing cover, slopes, liner(s), leachate and gas collection systems, etc.).

SET events can be detected through a combination of physical factors. Landfill gas well temperatures, gas composition changes, e.g. increases in carbon dioxide, volatile organic carbons, hydrogen, and carbon monoxide, and decreases in methane. Landfill gas temperatures increase in the waste mass and subsequently at the gas extraction well-heads. Gas pressure increases and noxious odors are generated. Leachate volume increases and quality decreases such that leachate exhibits hazardous characteristics. As the SET event progresses, rapid surface settlement occurs and slope instability may result.

Following the significant expansion of the SET event in 2022, the waste mass produced large amounts of leachate with hazardous levels of benzene and MEK. In discussions with CCL staff during a site visit on November 2, 2023, California Department of Resources Recycling and Recovery (CalRecycle, formerly the California Integrated Waste Management Board) staff learned that the boring of three gas control wells (CV-1534A, CV-1532B, and CV2338) caused leachate to be released under pressure. CCL's boring logs indicate that these wells were installed on September 26, 2023; October 12, 2023; and October 4, 2023, respectively, and describe the releases from these boreholes as "geysers." During the same November 2023 visit, DTSC and CalRecycle staff directly observed a leachate outbreak in the northern area of CCL. Additionally, slopes in the CCL were observed to be leaking so much leachate that a French drain collection system had to be installed to control the free release. The elevated temperature and continued outflow of leachate has resulted in the area around well CV-2201 settling about 25 to 30 feet between 2022 and November 2023. The SET event has also increased temperature, pressure, and gas production at CCL, and is resulting in releases of gas containing volatile organic compounds and noxious odors that constitute a nuisance to the surrounding community.

To attempt to mitigate the reaction and odors, leachate must continuously be pumped out of the landfill. Once extracted, leachate is collected in tanks in distinct geographic locations across the landfill, including Tank Farm 9, which operates in the northeast portion of the "top deck" of CCL. Due to the volume of leachate being produced at the Site and the leachate's hazardous characteristic, hazardous waste leachate is currently being treated on-site by utilizing 24 granular activated carbon vessels which each hold 4,000 pounds of carbon media. The leachate, after treatment to non-hazardous levels, is transported to non-hazardous disposal facilities. Reports from CCL reflect that approximately 62.8 million gallons of leachate was collected in 2024, which translated to around 193 acres-feet of liquid, one foot deep. In the last five months of 2024, approximately six million gallons of leachate were extracted from CCL. Over the past year, the amount of leachate produced by the landfill has more than doubled, with about 3 million gallons produced in February 2024, and about 8 million gallons produced in February 2025.

Information provided by CCL in January and February 2025 indicates that the SET event is expanding to the east and south of the existing geomembrane cover and has reached Tank Farm 9. Underground temperatures recorded at CCL between January 9, 2025 and February 19, 2025 demonstrate the SET event has expanded beyond the original 30 acres in the northwestern portion of the landfill in Cell 1/2A, Module 2B/3, Module 4, and Module 2B/3/4 P2. These

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recent reports illustrate waste temperatures of 183 degrees F and 185 degrees F at the eastern side of the top-deck of the CCL near Tank Farm 9 at Temperature Monitoring Probes (TMPs) TP-15, TP-31, and TP-29. Other wells to the east and southeast of the geomembrane cover exhibit temperatures above 170 degrees F, such as TP-08 and TP-26. Wells TP-04, TP-11, TP-14, TP-30, and TP-32, which have measured temperatures at or above 165 degrees F. Based on these data, the SET event now encompasses approximately 90 acres of CCL. (See Exhibit 5.)

Recent data from CCL also confirms that settlement is occurring around the leachate Tank Farm 9, which threatens the continued operation and integrity of the tanks and piping and threatens a release of hazardous waste. Specifically, a February 17, 2025 weekly report identified new fissures and tension cracks, which are an indication of landfill settlement and/or slope instability, in areas where elevated temperatures were or are measured. Area #148, which is just north of Tank Farm 9, experienced an opening of significant fissures and tensions cracks that have been remediated but are likely to reappear as additional buried waste undergoes thermal breakdown and settles. Area #154, which is located just south of the tank farm, also recently experienced fissuring and tension crack development. Even more concerning is Area #147, which experienced a sinkhole, indicating a significant thermal breakdown of buried waste that resulted in a void developing below the interim soil cover. Area #147 is the next grid area north of Area #148. (See Exhibit 6, Memorandum from Dr. Timothy Stark to Mr. Matthew Dwyer, *RE: Comments on November 26, 2024 Revised Soil Reaction Break/Barrier Plan and February 20, 2025 waste temperature data for Chiquita Canyon Landfill Subsurface Elevated Temperature (SET) Event* (Feb. 26, 2025) (the “Stark Memo”), at Figures 3, 4, and 5; see also Exhibit 7, CCL grid system in the north east portion of the landfill.)

Continued settlement at Tank Farm 9 could physically separate the tanks, disconnect piping that conveys leachate to and between tanks and treatment systems, and result in a release of hazardous waste to the landfill. If Tank Farm 9 is damaged, there may be insufficient tankage to manage leachate produced by the landfill, resulting in leachate buildup that could impact the stability of the landfill, potentially leading to slope failure and the release of hazardous substances. Extreme heat from SET events can damage the landfill geosynthetic bottom liner system that underlies the deposited waste, threatening the release of hazardous leachate from the landfill, which could in turn contaminate soil and groundwater.

Without additional action, the SET event may consume the entire waste fill in the Main Canyon, which could threaten stability of the southern toe of the waste fill in Cell 8A. A slope failure in the southern slope would expose the reacting and smoldering waste, hazardous waste leachate, and potentially block off the primary entrance and exit of the facility.

2.3.1 Regulatory Actions. Various regulatory agencies, including DTSC, are actively involved with overseeing CCL as part of a Multi-Agency Critical Action Team (MCAT). The MCAT also includes agencies such as the United States Environmental Protection Agency (USEPA); California Environmental Protection Agency (CalEPA); South Coast Air Quality Management District (South Coast AQMD); CalRecycle; Los Angeles Regional Water Quality Control Board (Los Angeles RWQCB); California Air Resources Board (CARB); California Office of Environmental Health Hazard Assessment (OEHHA); Los Angeles County Departments of Public Health, Regional Planning, and Public Works; and the Los Angeles

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Certified Unified Program Agency. MCAT agencies have taken various regulatory actions in response to the SET event.

On September 6, 2023, South Coast AQMD issued an Order for Abatement that required certain Respondents to take actions to reduce odors from the landfill that have impacted the community. Pursuant to the Order for Abatement, Respondents submit reports summarizing landfill leachate leak, spill, and seep information. Additionally, pursuant to the Los Angeles RWQCB's Monitoring and Reporting Program (No. CI-6231), Respondents are required to report leachate seeps. The reports submitted to South Coast AQMD and the Los Angeles RWQCB are published on CCL's website (<https://chiquitacanyon.com/odor-mitigation/>).

On November 2, 2023; December 12–13, 2023; and February 20 and 27, 2024, DTSC participated in multi-agency site visits at CCL. During the December 12, 2023 site visit, DTSC collected samples of landfill leachate and determined the samples exceeded Resource Conservation and Recovery Act (RCRA) and California hazardous waste regulatory levels for benzene. Subsequent sampling by CCL has also shown regulatory hazardous waste threshold exceedances in leachate and/or condensate at CCL.

On February 15, and March 29, 2024, DTSC issued two Summaries of Violations (SOVs) to certain Respondents identifying alleged violations of the California Hazardous Waste Control Act (Health & Safety Code, § 25100 et seq.). Per the SOV dated February 15, 2024, DTSC alleges that Respondents failed to minimize the possibility of a release of hazardous waste or hazardous waste constituents, which included a compliance requirement to report all releases of hazardous waste to DTSC. (See Exhibit 8.)

On February 21, 2024, the USEPA issued a Unilateral Administrative Order (UAO) to certain Respondents, which required Respondents to perform certain response actions to address off-site impacts and ongoing subsurface reactions causing off-site impacts. The UAO provides further detail on Respondents' operation of the landfill, the SET event, and recent federal, state, and local regulatory actions to address issues related to noxious odors, leachate, and leachate condensate. The UAO requires Respondents to provide and implement a Master Work Plan that includes a Leachate Management Plan, Soil Reaction Break/Barrier Plan, Cover Installation Plan, Slope Stability Analysis, Air Monitoring Plan, and Off-Site Migration Prevention Plan. USEPA's oversight of the Respondents' work plans and required response actions is ongoing. (See Exhibit 9.)

On June 6, 2024, the Los Angeles County Department of Public Health Solid Waste Management Program, acting as the LEA, issued a Compliance Order to certain Respondents to correct violations related to state minimum standards for gas monitoring and control and site maintenance. (See Exhibit 10.) The LEA's Compliance Order required Respondents to implement mitigation measures to correct the violations, such as constructing a soil reaction break/barrier at a predesignated area(s), installing temperature monitoring devices, developing a cover repair and maintenance plan, performing a slope stability analysis, and collecting temperatures in and around the reaction area to ensure the French drain system meets manufacturer temperature design specifications/recommendations.

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In January 2025, CCL completed installation of a 30 mil thick white HDPE geomembrane cover over Cell 1/2A, Module 2B/3, Module 4, and Module 2B/3/4 P2 in order to address the SET event, consistent with the USEPA and LEA orders. CCL has not yet installed a vertical soil break/barrier to contain the reaction as required under the USEPA and LEA orders.

This Order is therefore intended to supplement the USEPA's UAO, the LEA's Compliance Order, and other MCAT regulatory actions by requiring Respondents to perform additional removal actions to protect public health or welfare or the environment, because of a release or a threatened release of a hazardous substance.

2.4 Hazardous Substances Found at the Site. On December 12, 2023, DTSC's Office of Criminal Investigations completed a site investigation at the Site and collected leachate samples from three well heads and one sump located in the reaction area. The results showed the following concentrations of benzene at the three well heads:

- Well CV-2306, Sample CCL-4B with 0.590 milligrams per Liter (mg/L);
- Well CV-2203, Sample CCL-6B with 0.912 mg/L; and
- Well CV-2338, Sample CCL-8B with 0.196 mg/L.

Respondents also analyzed leachate samples from these same three wells. The results showed the following concentrations of benzene at the three well heads:

- Well CV-2306, Sample CCL-4A/5A with 1.2 mg/L;
- Well CV-2203, Sample CCL-6A/7A with 2.9 mg/L; and
- Well CV-2338 CCL-8A/9A with 0.59 mg/L.

The level of benzene in each of the leachate samples exceeds the federal and California hazardous waste threshold value of 0.5mg/L for benzene, except for Sample CCL-8B.

Respondents have also sampled leachate and condensate onsite in late 2023 and throughout 2024. Leachate and/or condensate samples collected reflected exceedances of federal and California hazardous waste thresholds for benzene and MEK.

MEK has been detected exceeding the federal regulatory threshold of 200 milligram per Liter (mg/L) in samples of leachate. CCL provided sample data of leachate collected in March 2024, which showed the following concentrations of MEK at the #2 East Perimeter tank area:

- Tank 48, Sample CACA0306Z005EP48 with 250 mg/L;
- Tank 52, Sample CACA0306Z005EP52 with 230 mg/L; and
- Tank 72, Sample CACA0309Z005EP72 with 200 mg/L.

2.5 Health Effects. DTSC has determined that a potential for a complete exposure pathway exists at the Site. The hazardous substances described in Paragraph 2.4 could cause serious adverse health effects if people are exposed to them. The potential health effects are described as follows:

2.5.1 Benzene. Benzene is a clear, flammable liquid that is a known human carcinogen which can affect hematological, immunological, gastrointestinal, respiratory, hepatic, neurological, and reproductive systems; and can produce myeloid leukemia, Hodgkin's disease, and lymphomas, as well as non-cancer adverse health effects. Benzene can volatilize into vapors in the air and can easily leach from soil into groundwater. Benzene breaks down more slowly in water and soil than it does in the air. Humans can be exposed to benzene from contaminated air, surface water, groundwater, drinking water, and soil.

2.5.2 Methyl Ethyl Ketone. MEK is a chemical that can cause irritation to the eyes, nose, and throat when inhaled in acute (short-term) exposure in humans. Chronic (long-term) effects of MEK in humans are not well known, but chronic inhalation studies in animals have reported slight neurological, liver, kidney, and respiratory effects. At high concentrations, MEK can cause reversible central nervous system depression in animals. MEK is classified as a flammable liquid and can cause serious eye damage/eye irritation, respiratory tract irritation, and narcotic effects.

2.6 Routes of Exposure. In addition to possible exposure via inhalation of volatile organic compounds such as benzene, individuals working on Site or residing in the vicinity of the Site may be exposed to hazardous substances through dermal contact with soil, waste, or water contaminated by hazardous leachate during recreational or occupational activities. Should hazardous leachate migrate to groundwater, the public could be exposed through ingestion of contaminated drinking water.

2.7 Public Health and/or Environmental Risk. Pursuant to the SET event and its ongoing expansion, the Site presents a serious threat to public health and to the environment due to the potential for the hazardous leachate present at the Site, and generated by the SET event, to be released in several ways.

First, leachate could be released into local groundwater supplies due to the uncontrolled nature of the SET event, and its potential impacts on landfill liners. Groundwater is present in the area of the Site in two distinct aquifers. The upper alluvial aquifer is generally bounded by the Santa Clara River flood plain, about 20 to 50 feet deep. It is underlain by the Saugus aquifer. The Los Angeles RWQCB currently monitors a network of groundwater monitoring wells to identify any potential impacts to groundwater by the SET event. The elevated temperatures and chemicals produced by the reaction may threaten the integrity of the landfill liner, which, if compromised, creates a risk of release of benzene and other hazardous substances from the leachate into these aquifers, contaminating groundwater.

Second, CCL continues to produce large volumes of leachate, much of which is stored in tanks within several tank farms at the Site, which could be compromised by deteriorating conditions caused by the SET event. In particular, the area surrounding Tank Farm 9, which includes tanks which contain hazardous leachate, is showing signs of settlement (total and differential) as a result of the expanding SET event. If the tanks are not moved before conditions in this area deteriorate further, the tanks could become unstable and release hazardous leachate into the environment which could expose individuals working onsite and migrate to soils adjacent to the landfill and threaten surface and groundwater.

Third, leachate seeps, and leachate spills, including those from Tank Farm 9, occurring during the storage and treatment process, resulting from inadequate collection and onsite storage, or from the transport of leachate for offsite disposal, could migrate into stormwater channels and basins and threaten both the Santa Clara River, and groundwater aquifers. As documented in the USEPA UAO determination, these seeps and spills may discharge via stormwater run-off into surface waters downstream and impair aquatic life and wildlife uses of the Santa Clara River.

Fourth, the increased leachate production of the landfill is impacting overall stability of landfill slopes. Should a landfill slope suffer a failure, smoldering trash could be exposed to the environment, exposing surrounding workers and residents to benzene, MEK, and other toxic air contaminants, as well as noxious odors. A landfill slope failure could also release hazardous leachate, exposing workers and potentially residents to hazardous substances such as benzene and MEK.

Lastly, the present lack of natural or installed barriers to prevent the SET event from spreading into Cell 8A creates the potential for the entrance to the facility to become blocked, or too dangerous for entry, such that emergency equipment and workers could no longer enter the facility, thereby jeopardizing emergency or other response actions. The spread of the SET event into Cell 8A could also destabilize the southern toe of the waste fill in Cell 8A due to increased gas pressure and leachate volume, causing or threatening to cause slope failure. The slope failure could cause subsequent uncontrolled release of waste and hazardous leachate. Cell 8A needs to be protected given this location's unique suitability to be used to construct slope stabilization measures, such as an earthen embankment for slope stability and other possible response actions.

III. CONCLUSIONS OF LAW

3.1 Respondents are responsible parties as defined by Health and Safety Code section 78145.

3.2 Each of the substances listed in Section 2.4 is a "hazardous substance" as defined in Health and Safety Code section 78075(a).

3.3 There has been a "release" and there is a "threatened release" of hazardous substances listed in Section 2.4 at the Site, as defined in Health and Safety Code section 78105(a).

3.4 The actual and threatened release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or to the environment.

3.5 Response action is necessary to abate a public nuisance and/or to protect the public health and safety and the environment.

IV. DETERMINATION

4.1 Based on the foregoing findings of fact and conclusions of law, DTSC hereby determines that response action is necessary at the Site because there has been a release and/or there is a threatened release of a hazardous substance.

4.2 Based on the foregoing findings of fact and conclusions of law, DTSC hereby determines that there may be an imminent and/or substantial endangerment to the public health or welfare or to the environment because of the release and/or the threatened release of the hazardous substances at the Site.

V. ORDER

Based on the foregoing FINDINGS, CONCLUSIONS, AND DETERMINATION, IT IS HEREBY ORDERED THAT Respondents conduct the following response actions in the manner specified herein, and in accordance with the schedule specified by DTSC, as follows:

5.1 All response actions taken pursuant to this Order shall be consistent with the requirements of Health and Safety Code division 45 (commencing with section 78000 et seq.), and any other applicable state or federal statutes and regulations.

5.1.1 Site Response Strategy. The purpose of this Order is to require for the Site preparation of Removal Action Workplans and implementation of the removal actions described in the Workplans and approved by DTSC.

If necessary for the protection of public health and the environment, DTSC shall require additional removal actions not specified in this Order to be performed. Removal actions shall be implemented in accordance with a workplan and implementation schedule submitted by Respondents and approved by DTSC.

5.1.2. Removal Actions. Respondents shall undertake removal actions because DTSC has determined that they are necessary to mitigate the release or threatened release of hazardous substances at or emanating from the SET event at the Site. In addition to the other requirements of this Order, Respondents shall implement the following removal actions:

- a) Extension of Covered Area. Respondents shall install a DTSC-approved landfill cover on all areas of the Site which are not presently covered by a geomembrane and to which the reaction area has expanded or has the potential to expand. Extending the area covered by a geomembrane is necessary to adequately control infiltration of oxygen and water into the landfill waste, and to control production of gas emissions, odors, and leachate. The geomembrane cover shall accommodate landfill settlement/subsidence, sufficiently limit the transmission of gases (e.g. methane permeance less than 2.5×10^{-13} m/s using ASTM D1434), and provide durability from foot traffic, exposure to ultraviolet radiation, and inclement weather, or motorized equipment, if any. In addition, the cover shall have material properties to address site-specific conditions, including but not limited to, elevated landfill temperatures,

settlement, and harmful landfill gas/odor emissions. This work shall be conducted with appropriate air monitoring, use Construction Quality Assurance techniques, and be consistent with South Coast AQMD's order and other applicable requirements. The geomembrane thickness shall be adequate to withstand the activities and conditions at the facility, but no less thick than 40 mil, with material consistent to prevent heat degradation and control odors and emissions as documented in the Stark Memo, Exhibit 6.

- b) Interim Relocation and Stabilization of Containerized Waste. Incident to installation of a DTSC-approved landfill cover in the current non-capped areas of the Site, and to address threatened releases caused by destabilization of leachate storage tanks resulting from elevated temperatures within the buried waste material surrounding Tank Farm 9, and/or in response to signs of settlement and differential movement in the area, Respondents shall relocate the leachate storage tanks within Tank Farm 9 from the "top deck" to a stable location within CCL to ensure stability, continued effective performance, and to minimize/eliminate threats from the expanding reaction area and landfill settlement to the tank farm. Consistent with (a) above, the integrity of the covered area is paramount, and the tanks, or any other structures, may not be placed upon the covered area upon completion of said cover or any area that may be subject to the SET event in the future.
- c) Protect Cell 8A from Intrusion of Subsurface Elevated Temperature Event. Cell 8A is considered critical infrastructure due to its proximity to the primary point of ingress to and egress from the facility, its favorable location for potential disposal of onsite generated waste, and its unique suitability for slope stabilization activities should that become necessary. Therefore, limiting intrusion of the SET event into Cell 8A is crucial, and Respondents shall implement measures to prevent the SET event from entering Cell 8A. The measures shall include, but are not limited to, the installation of a vertical barrier of inert material not subject to biological, thermal, or oxidative degradation. Respondents may link such a barrier to any existing barrier systems already in this area, provided that the barrier design meets DTSC's requirements and receives DTSC's approval.

5.1.3 Site Response Strategy Meeting. Respondents, including the Project Coordinator (Section 6.1) and Project Engineer/Geologist (Section 6.2), shall meet with DTSC within seven (7) days from the effective date of this Order to discuss response strategy. These discussions shall include Site risks and priorities; project planning, phasing and scheduling, removal action objectives, remedial technologies, data quality objectives, and the workplan.

5.2. Public Notice. Respondents shall work cooperatively with DTSC's Office of Environmental Equity in providing public notice of all response actions at the Site.

5.3 Removal Action Workplan(s) (RAW). DTSC has determined that RAWs are appropriate to address the identified removal actions on the Site. Respondents shall prepare and submit to DTSC three (3) separate draft RAWs, pursuant to the following submittal schedule:

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- Draft RAW for Extension of Covered Area – no later than thirty (30) days following the effective date of this Order;
- Draft RAW for Interim Relocation and Stabilization of Containerized Waste – no later than thirty (30) days following the effective date of this Order; and
- Draft RAW for Protection of Cell 8A from Intrusion of SET event – no later than ninety (90) days following the effective date of this Order.

Each draft RAW shall be prepared in accordance with Health and Safety Code sections 78130, and 79195–79240, and shall include the items listed below, at a minimum. This list is subject to change based on the site’s evolving characterization.

- a) A Site description which includes current site conditions, ownership and operational history, contamination and characterization activities conducted, and any response actions taken;
- b) The goals to be achieved by the removal actions identified in 5.1.2 of this Order;
- c) A Design and Implementation Plan. The design portion of the plan shall include, at a minimum, relevant criteria and final plans and specifications. The implementation portion of the plan shall detail, at a minimum, the techniques and methods to implement the removal activities, including any excavating, storing, handling, transporting, treating, and disposing of material on or off the Site;
- d) A Sampling and Analysis Plan with corresponding Quality Assurance/Quality Control (QA/QC) Plan to confirm the effectiveness of the RAW;
- e) A description of methods that will be employed during the removal action to ensure the health and safety of workers and the public during the removal action;
- f) A construction air monitoring plan to be executed in coordination with the ongoing site-wide air monitoring program;
- g) Design criteria and final plans and specifications for facilities to be constructed shall be prepared by a California licensed civil engineer;
- h) Description of equipment used to excavate, handle, and transport contaminated material;
- i) A field sampling and laboratory analysis plan addressing sampling during implementation and to confirm achievement of the performance objectives of the Workplan;

- j) A transportation plan identifying routes of travel and final destination of wastes generated and disposed, if necessary;
- k) An updated health and safety plan addressing the implementation activities;
- l) Identification of any necessary permits and agreements;
- m) An operation and maintenance plan including any required periodic and long-term monitoring;
- n) A detailed schedule for implementation of the removal action consistent with the schedule contained in the approved Workplan including procurement, mobilization, construction phasing, sampling, facility startup, and testing; and
- o) A construction quality assurance plan that includes quality assurance and testing procedures sufficient to ensure implemented removal actions meet the approved design(s) and specifications.

5.4 Workplan Implementation. DTSC shall review the draft RAWs and either approve them or provide comments to Respondents. If comments are provided, Respondents shall submit to DTSC for review within fifteen (15) days a revised draft RAW that addresses the comments. Upon DTSC approval of the final RAWs, Respondents shall implement the RAW in accordance with the approved schedule in the RAW. Within thirty (30) days of completion of field activities, Respondents shall submit an implementation report (“Implementation Report”) documenting the implementation of the final RAW.

5.5 Workplan Revisions. If Respondents propose to modify any methods or initiate new activities, Respondents shall prepare an addendum to the approved plan(s) for DTSC review and approval prior to modifying the method or initiating new activities. DTSC may propose to modify any methods or request new activities and request Respondents to prepare an addendum to the approved plan(s) for DTSC review and approval prior to modifying the method(s) or initiating new activities.

5.6 One-Year Review. After a period of one (1) year from the date of the Implementation Report, Respondents shall conduct an inspection of the Site and evaluate the adequacy and integrity of the completed removal actions. Thirty (30) days prior to the first anniversary of the Implementation Report, Respondents shall submit a workplan to describe such inspections and evaluations (“One-Year Review Workplan”) to DTSC for review and approval. Respondents shall implement the One-Year Review Workplan within sixty (60) days of its approval by DTSC, and Respondents shall submit a comprehensive report of the results of the removal action review. The report shall (a) describe the results of all sample analyses, tests, and other data generated or received by Respondents; and (b) evaluate the adequacy of the implemented removal action in protecting public health, safety, and the environment. As a result of any review performed under this Section, Respondents may be required to perform additional work as necessary to achieve the objectives of the approved RAW.

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5.7 Changes During Implementation of the Workplan. During the implementation of the RAW(s), DTSC may specify such additions, modifications, and revisions to the Workplan as DTSC deems necessary to protect public health and safety or the environment or to implement the removal actions.

5.8 Stop Work Order. In the event that DTSC determines that any activity (whether or not pursued in compliance with this Order) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Respondents to stop further implementation of this Order, in full or in part, for such period of time needed to abate the endangerment. In the event that DTSC determines that any site activities (whether or not pursued in compliance with this Order) are proceeding without DTSC authorization, DTSC may order Respondents to stop further implementation of this Order (in full or in part) or activity for such period of time needed to obtain DTSC authorization, if such authorization is appropriate. Any deadline in this Order directly affected by a Stop Work Order, under this Section, shall be extended for the term of the Stop Work Order.

5.9 Emergency Response Action/Notification. In the event of any action or occurrence (such as a fire, earthquake, explosion, or human exposure to hazardous substances caused by the release or threatened release of a hazardous substance) during the course of this Order, Respondents shall immediately take all appropriate action to prevent, abate, or minimize such emergency, release, or immediate threat of release, and shall immediately notify the Project Manager. Respondents shall take such action in consultation with the Project Manager and in accordance with all applicable provisions of this Order. Within seven (7) days of the onset of such an event, Respondents shall furnish a report to DTSC, signed by Respondents' Project Coordinator, setting forth the events which occurred and the measures taken in the response thereto. In the event that Respondents fail to take appropriate response and DTSC takes the action instead, Respondents shall be liable to DTSC for all costs of the response action. Nothing in this Section shall be deemed to limit any other notification requirement to which Respondents may be subject.

5.10 Discontinuation of Removal Technology. Any technology employed in implementation of the removal actions shall be left in place and operated by Respondents until and except to the extent that DTSC authorizes Respondents in writing to discontinue, move or modify some or all of the technology because Respondents has met the criteria specified in the final RAW for its discontinuance, or because the modifications would better achieve the goals of future response actions.

5.11 Financial Assurance. Upon request, Respondents shall demonstrate to DTSC and maintain financial assurance for identified and approved operation and maintenance and monitoring activities. Respondents shall demonstrate financial assurance prior to the time that operation and maintenance activities are initiated and shall maintain it throughout the period of time necessary to complete all required operation and maintenance activities. The financial assurance mechanisms shall meet the requirements of Health and Safety Code sections 79310–79330. All financial assurance mechanisms are subject to the review and approval of DTSC.

5.12 California Environmental Quality Act (CEQA). DTSC finds that, due to the unique and special circumstances of the expanding SET event at the Site, immediate action is needed to prevent clear and imminent adverse effects to health and the environment. Accordingly, DTSC finds that the work needed to implement this Order is exempt from CEQA as an enforcement action pursuant to California Code of Regulations, title 14, section 15321(a); and as action necessary to prevent or mitigate an emergency, pursuant to Public Resources Code, sections 21060.3 and 21080(b)(4); and California Code of Regulations, title 14, section 15269(c).

VI. GENERAL PROVISIONS

6.1 Project Coordinator. Within seven (7) days from the date the Order is signed by DTSC, Respondents shall submit to DTSC in writing the name, address, and telephone number of a Project Coordinator whose responsibilities shall be to receive all notices, comments, approvals, and other communications from DTSC. Respondents shall promptly notify DTSC of any change in the identity of the Project Coordinator. Respondents shall obtain approval from DTSC before the new Project Coordinator performs any work under this Order.

6.2 Project Engineer/Geologist. The work performed pursuant to this Order shall be under the direction and supervision of a qualified professional engineer or a registered geologist in the State of California, with expertise in hazardous substance site cleanups. Within seven (7) days from the date this Order is signed by DTSC, Respondents must submit: (a) The name and address of the project engineer or geologist chosen by Respondents; and (b) in order to demonstrate expertise in hazardous substance cleanup, the resumé of the engineer or geologist, and the statement of qualifications of the consulting firm responsible for the work. Respondents shall promptly notify DTSC of any change in the identity of the Project Engineer/Geologist. Respondents shall obtain approval from DTSC before the new Project Engineer/Geologist performs any work under this Order.

6.3 Monthly Summary Reports. Within thirty (30) days from the effective date of this Order, and on a monthly basis thereafter, Respondents shall submit a Monthly Summary Report of its activities under the provisions of this Order. The report shall be received by DTSC by the fifteenth (15th) day of each month and shall describe:

- (a) Specific actions taken by or on behalf of Respondents during the previous calendar month;
- (b) Actions expected to be undertaken during the current calendar month;
- (c) All planned activities for the next month;
- (d) Any requirements under this Order that were not completed;
- (e) Any problems or anticipated problems in complying with this Order; and
- (f) All results of sample analyses, tests, and other data generated under this Order during the previous calendar month, and any significant findings from these data.

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6.4 Quality Assurance/Quality Control (QA/QC). All sampling and analysis conducted by Respondents under this Order shall be performed in accordance with QA/QC procedures submitted by Respondents and approved by DTSC pursuant to this Order.

6.5 Submittals. All submittals and notifications from Respondents required by this Order shall be sent electronically to:

Department of Toxic Substances Control
Attn: Daniel V. Ziarkowski, Branch Chief & Peter Ruttan, Project
Manager
Site Mitigation and Restoration Program
Legacy Landfills Office
8800 Cal Center Drive
Sacramento, CA 95826
dan.ziarkowski@dtsc.ca.gov
peter.ruttan@dtsc.ca.gov

6.6 Communications. All approvals and decisions of DTSC made regarding submittals and notifications shall be communicated to Respondents in writing by the Site Mitigation Branch Chief, or his/her designee. No informal advice, guidance, suggestions, or comments by DTSC regarding reports, plans, specifications, schedules, or any other writings by Respondents shall be construed to relieve Respondents of the obligation to obtain such formal approvals as may be required.

6.7 DTSC Review and Approval. All response actions taken pursuant to this Order shall be subject to the approval of DTSC.

- a) Respondents shall submit all deliverables required by this Order to DTSC. Once the deliverables are approved by DTSC, they shall be deemed incorporated into, and where applicable, enforceable under this Order.
- b) If DTSC determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, DTSC may:
 - 1) Modify the document as deemed necessary and approve the document as modified; or
 - 2) Return comments to Respondents with a description of needed changes and a date by which Respondents must submit to DTSC a revised document incorporating the changes.
- c) Any modifications, comments, or other directives issued pursuant to this Section, are incorporated into this Order. Any noncompliance with these modifications or directives shall be deemed a failure or refusal to comply with this Order.

6.8 Compliance with Applicable Laws. Nothing in this Order shall relieve Respondents from complying with all other applicable laws and regulations, including but not limited to compliance with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board. Respondents shall conform all actions required by this Order with all applicable federal, state, and local laws and regulations.

6.9 Respondents Liabilities. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current or future operations of Respondents. Nothing in this Order is intended or shall be construed to limit the rights of any of the parties with respect to claims arising out of or relating to the deposit or disposal at any other location of substances removed from the Site. Nothing in this Order is intended or shall be construed to limit or preclude DTSC from taking any action authorized by law to protect public health or safety or the environment and recovering the cost thereof. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as necessary to protect public health and the environment.

6.10 Site Access. Access to the Site (and laboratories used for analyses of samples, when necessary) under this Order shall be provided at all reasonable times to employees, contractors, and consultants of DTSC. Nothing in this Section is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of any law. DTSC and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including, but not limited to: inspecting records, operating logs, sampling and analytic data, and contracts relating to this Site; reviewing the progress of Respondents in carrying out the terms of this Order; conducting such tests as DTSC may deem necessary; and verifying the data submitted to DTSC by Respondents.

To the extent the Site or any other property to which access is required for the implementation of this Order is owned or controlled by persons other than Respondents, Respondents shall use best efforts to secure from such persons access for Respondents, as well as DTSC, its representatives, and contractors, as necessary to effectuate this Order. To the extent that any portion of the Site is controlled by tenants of Respondents, Respondents shall use best efforts to secure from such tenants, access for Respondents, as well as for DTSC, its representatives, and contractors, as necessary to effectuate this Order. For purposes of this Section, “best efforts” includes the payment of reasonable sums of money in consideration of access. If any access required to complete the Work is not obtained within forty-five (45) days of the effective date of this Order, or within forty-five (45) days of the date DTSC notifies Respondents in writing that additional access beyond that previously secured is necessary, Respondents shall promptly notify DTSC, and shall include in that notification a summary of the steps Respondents has taken to attempt to obtain access. DTSC may, as it deems appropriate, assist Respondents in obtaining access. Respondents shall reimburse DTSC in obtaining access, including, but not limited to, attorneys fees and the amount of just compensation.

6.11 Sampling, Data and Document Availability. Respondents shall permit DTSC and

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its authorized representatives to inspect, and review, and Respondents shall provide in electronic format, as requested, any and all copies of all sampling, testing, monitoring, or other data, including raw data, generated by Respondents or on Respondents' behalf, in any way pertaining to work undertaken pursuant to this Order, or related to monitoring the SET event and associated conditions at the Site. Such data includes, but is not limited to:

- a) All raw data generated regarding temperature data at CCL, and any prepared graphs, in .txt format;
- b) All raw data generated regarding down well temperatures;
- c) All raw data generated regarding gas well head temperatures;
- d) All raw data generated regarding leachate production and any characterization;
- e) All raw data generated regarding landfill gas production and any characterization;
- f) All raw data generated via unmanned aerial vehicles (UAVs);
- g) All raw data generated regarding perimeter gas wells;
- h) All raw data generated regarding landfill gas pressures;
- i) All raw data and reports generated regarding slope stability;
- j) All raw data regarding survey benchmark and monuments, including process used to establish the datum;
- k) All aerial or photographic images, surveys, and scans of the facility, fissures, tension cracks, cover tears, leachate outbreaks or pools, and storage tanks taken since January 2022;
- l) All raw landfill gas data including notes;
- m) A copy of all current Standard Operating Procedures (SOPs), including but not limited to, the SOPs for landfill gas and leachate collection and treatment;
- n) Continuous web access to all data stored online including TMPs, FLIR images, and gas data.

Respondents shall submit all such data upon the request of DTSC. Copies shall be provided within seven (7) days of receipt of DTSC's written request. Respondents shall inform DTSC at least seven (7) days in advance of all field sampling under this Order, and Respondents shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order.

6.12 Record Retention. All such data, reports, and other documents shall be preserved by Respondents for a minimum of five (5) years after the conclusion of all activities under this Order. If DTSC requests that some or all of these documents be preserved for a longer period of time, Respondents shall either comply with that request, deliver the documents to DTSC, or permit DTSC to copy the documents prior to destruction. Respondents shall notify DTSC in writing at least six (6) months prior to destroying any documents prepared pursuant to this Order.

6.13 Government Liabilities. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Respondents, or related parties specified in Section 6.25, Parties Bound, in carrying out activities pursuant to this Order, nor shall the State of California be held as party to any contract entered into by Respondents or its agents in carrying out activities pursuant to this Order.

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6.14 Additional Actions. By issuance of this Order, DTSC does not waive the right to take any further actions authorized by law.

6.15 Extension Requests. If Respondents are unable to perform any activity or submit any document within the time required under this Order, Respondents may, prior to expiration of the time, request an extension of the time in writing. The extension request shall include a justification for the delay. All such requests shall be in advance of the date on which the activity or document is due.

6.16 Extension Approvals. If DTSC determines that good cause exists for an extension, it shall grant the request and specify a new schedule in writing. Respondents shall comply with the new schedule incorporated in this Order.

6.17 Liability for Costs. Respondents are liable for all of DTSC's costs that have been incurred in taking response actions at the Site (including costs of overseeing response actions performed by Respondents) and costs to be incurred in the future.

6.18 Payment of Costs. DTSC may bill Respondents for costs incurred in taking response actions at the Site prior to the effective date of this Order. DTSC shall bill Respondents quarterly for its response costs incurred after the effective date of this Order. Respondents shall pay DTSC within sixty (60) days of receipt of any DTSC billing. Any billing not paid within sixty (60) days is subject to interest calculated from the date of the billing pursuant to Health and Safety Code section 79655. All payments made by Respondents pursuant to this Order shall be by cashier's or certified check made payable to this "DTSC," and shall bear on the face the project code of the Site (Site Code 302132-00) and the Docket number of this Order. Payments shall be sent to:

Department of Toxic Substances Control
Accounting/Cashier
1001 I Street, 21st Floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of all payment checks shall also be sent to the person designated by DTSC to receive submittals under this Order.

6.19 Severability. The requirements of this Order are severable, and Respondents shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

6.20 Incorporation of Plans, Schedules, and Reports. All plans, schedules, reports, specifications, and other documents that are submitted by Respondents pursuant to this Order are incorporated in this Order upon DTSC's approval or as modified pursuant to Section 6.7, DTSC Review and Approval, and shall be implemented by Respondents. Any noncompliance with the documents incorporated in this Order shall be deemed a failure or refusal to comply with this

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Order.

6.21 Modifications. DTSC reserves the right to unilaterally modify this Order. Any modification to this Order shall be effective upon the date the modification is signed by DTSC and shall be deemed incorporated in this Order.

6.22 Time Periods. Unless otherwise specified, time periods begin from the effective date of this Order and “days” means calendar days.

6.23 Termination and Satisfaction. Except for Respondents obligations under Sections 5.6 One-Year Review, 6.12 Record Retention, 6.17 Liability for Costs, and 6.18 Payment of Costs, Respondents obligations under this Order shall terminate and be deemed satisfied upon Respondents receipt of written notice from DTSC that Respondents has complied with all the terms of this Order.

6.24 Calendar of Tasks and Schedules. This Section is merely for the convenience of listing in one location the submittals required by this Order. If there is a conflict between the date for a scheduled submittal within this Section and the date within the Section describing the specific requirement, the latter shall govern.

Calendar of Tasks and Schedules

TASK	SCHEDULE
1. Provide written notice of whether Respondents intend to comply with Order; Section 7	Within seven (7) days of the effective date of this Order.
2. Schedule and attend Site Response Strategy Meeting; Section 5.1.3	Within seven (7) days of the effective date of this Order.
3. Identify Project Coordinator; Section 6.1	Within seven (7) days of the effective date of this Order.
4. Provide requested sampling, data, and documentation; Section 6.11	Within seven (7) days of receipt of DTSC’s request.
5. Identify Project Engineer/Geologist; Section 6.2	Within seven (7) days of the effective date of this Order.

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TASK	SCHEDULE
6. Submit Monthly Report(s); Section 6.3	Within thirty (30) days of the effective date of this Order; then every month thereafter, by the 15 th day of each month, until satisfaction of all obligations under this Order.
7. Submit Draft Removal Action Workplan for Extension of Covered Area; Section 5.3	Within thirty (30) days of the effective date of this Order.
8. Submit Draft Removal Action Workplan for Interim Relocation and Stabilization of Containerized Waste; Section 5.3	Within thirty (30) days of the effective date of this Order.
9. [If DTSC Issues Comments to Draft RAW(s)] Submit Revised Draft Removal Action Workplan(s); Section 5.4	Within fifteen (15) days of the receipt of comments on Draft RAW(s) from DTSC.
10. Submit Draft Removal Action Workplan for Protection of Cell 8A from Intrusion of SET event; Section 5.3	Within ninety (90) days of the effective date of this Order.
11. Submit Implementation Report; Section 5.4	Within thirty (30) days of the completion of field activities required under this Order.
12. Submit One-Year Review Workplan; Section 5.6	At least thirty (30) days prior to the first anniversary of the submission of the Implementation Report.
13. Implement One-Year Review Workplan; Section 5.6	Within sixty (60) days of DTSC approval of One-Year Review Workplan.
14. Submit One-Year Review Report; Section 5.6	Within sixty (60) days of DTSC approval of One-Year Review Workplan.
15. Maintain central depository of data, reports, and documentation; Section 6.12	At least five (5) years after conclusion of all activities conducted pursuant to this Order.
16. Provide prior written notice to DTSC before destroying any documentation prepared pursuant to this Order; Section 6.12	At least six (6) months prior to destroying any documents.

6.25 Parties Bound. This Order applies to and is binding upon Respondents, and their officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors and assignees, including but not limited to, individuals, partners, and subsidiary and parent

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corporations. Respondents shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fifteen (15) days after the effective date of this Order or the date of retaining their services, whichever is later. Respondents shall condition any such contracts upon satisfactory compliance with this Order. Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Order and for ensuring that its subsidiaries, employees, contractors, consultants, subcontractors, agents, and attorneys comply with this Order.

6.26 Change in Ownership. No change in ownership or corporate or partnership status relating to the Site shall in any way alter Respondents' responsibility under this Order. No conveyance of title, easement, or other interest in the Site, or a portion of the Site, shall affect Respondents' obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondents shall be responsible for and liable for any failure to carry out all activities required of Respondents by the terms and conditions of this Order, regardless of Respondents' use of employees, agents, contractors, or consultants to perform any such tasks. Respondents shall provide a copy of this Order to any subsequent owners or successors before ownership rights or stock or assets in a corporate acquisition are transferred.

6.27 Non-Duplication and Consistency with Other Orders. To ensure regulatory consistency and avoid unnecessary duplication, this Order shall be interpreted and implemented in a manner that does not conflict with or duplicate any existing orders issued by federal, state, or local agencies addressing the same or substantially similar conditions at the Site. Respondents may request modifications to this Order to reconcile apparent inconsistencies with other orders, and may request clarification or permission to avoid duplicative administrative requirements, if applicable.

VII. NOTICE OF INTENT TO COMPLY

7. Not later than seven (7) days after the effective date of this Order, Respondents shall provide written notice, in accordance with Section 6.5 of this Order, stating whether or not Respondents shall comply with the terms of this Order. If Respondents, or any one of them, do not unequivocally commit to perform all of the requirements of this Order, they, or each so refusing, shall be deemed to have violated this Order and to have failed or refused to comply with this Order. Respondents' written notice shall describe, using facts that exist on or prior to the effective date of this Order, any "sufficient cause" defenses asserted by Respondents under Health and Safety Code sections 78870 and 79055(a)(1)(B) or CERCLA section 107(c)(3), 42 U.S.C. section 9607(c)(3).

VIII. EFFECTIVE DATE

8. This Order is final and effective on the date of service.

IX. PENALTIES FOR NONCOMPLIANCE

9. Each Respondent may be liable for penalties of up to \$25,000 for each day out of compliance with any term or condition set forth in this Order and for punitive damages up to

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three times the amount of any costs incurred by DTSC as a result of Respondents' failure to comply, pursuant to Health and Safety Code sections 78470(c), 78665, 78675, 78680, 79550, 79555, and 79570. Health and Safety Code section 79555 provides that a responsible party who complies with this Order, or with another order or agreement concerning the same response actions required by this Order, may seek treble damages from Respondents who fail or refuse to comply with this Order without sufficient cause.

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DATE OF ISSUANCE: April 1, 2025

Elizabeth Anne Berg
Deputy Director
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: Site Mitigation and Restoration Program
Headquarters, Planning & Policy
Office of Legal Counsel

CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833
Corporate Registered Agent for Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste
Connections US, Inc.

EXHIBIT 1

[About](#)[Using
Chiquita](#)[Community
Impact](#)[Sustainability
Efforts](#)[Reports](#)[Odor
Mitigation](#)[News](#)[Contact](#)

About

About Chiquita Canyon

Chiquita Canyon is a 639-acre landfill located in Castaic, California, approximately 3 miles west of the Interstate 5 on State Route 126 in the Santa Clarita Valley. It has been in continuous operation for nearly 50 years and is owned and operated by Waste Connections, an integrated solid waste services company. Chiquita Canyon has provided the Santa Clarita Valley and surrounding Los Angeles communities with environmentally safe and efficient waste disposal services.



Chiquita Canyon only accepts non-hazardous solid waste for disposal. The solid waste received at the site consists of municipal solid waste, residential and commercial waste, including yard waste, Green Waste (for composting or for recycling), clean fill soil and construction/demolition debris.

Since it began operating in 1972, Chiquita Canyon has been an active member of the Santa Clarita Valley, participating in community events and contributing to local organizations and programs. Through the Val Verde Community Benefits Funding Committee Chiquita Canyon has been an active supporter of Val Verde civic programs.

Chiquita Canyon, like other solid waste landfills, over time generates a greenhouse gas, methane, which can be safely converted into a valuable source of clean energy. Chiquita deploys a gas recovery system to collect methane which is then used to generate electricity for nearly 10,000 homes each year.

Conditional Use Permit – CUP 2004-00042

About Waste Connections

Waste Connections is an integrated solid waste services company that provides solid waste collection, transfer, disposal and recycling services in mostly secondary markets in the Western and Southern U.S. The Company serves more than one million residential, commercial and industrial customers from a network of operations in 23 states. We also provide intermodal services for the movement of containers in the Pacific Northwest.

We believe the solid waste service business is a local business managed by professionals living and working in the communities we serve. We strive to provide service excellence for those communities that place their trust in our company and are always dedicated to putting our customers first. We look to technology and growth to help our customers, employees and shareholders “Connect with the Future”. As a public company we have the resources to meet every customer’s needs in a cost effective and environmentally compatible manner. We understand the markets, the philosophy and the unique needs of the customers we serve whether they be industry, commercial accounts, municipal jurisdictions or individual subscribers.

Our Operating Values

Safety. We strive to assure complete safety of our employees, our customers and the public in all of our operations. Protection from accident or injury is paramount in all we do.

Integrity. We define integrity as “saying what you will do and then doing it.” We keep our promises to our customers, our employees and our stockholders. Do the right thing, at the right time, for the right reason.

Customer Service. We provide our customers the best possible service in a courteous, effective manner, showing respect for those we are fortunate to serve.

To be a Great Place To Work. We maintain a growth culture where our employees can maximize their potential personally and professionally. Our objective is to provide an environment where people enjoy what they do and take pride in their work. We wish to embody a work hard, play harder culture.

To be the Premier Solid Waste Services Company in the U.S. We continue to provide superior returns, remain environmentally responsible, and continue to grow in a disciplined way, deploying resources intelligently and benefiting communities we live in. We remain a “different breed”.

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Chiquita Canyon is a 639-acre landfill located in Castaic, California, on State Route 126 in the Santa Clarita Valley.

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Hours of Operation

General Public

Monday – Friday - 7 am - 4 pm
Saturday - 7 am - 2 pm
Sunday - closed

Commercial Customers

Monday – Friday - 4 am - 5 pm
Saturday - 4 am - 2 pm
Sunday - closed

Contact

info@chiquitacanyon.com

Odor Mitigation - (661) 253-5155

Business Office - (661) 257-3655

After Hours - (877) 263-2561

(Bilingual Operators)

29201 Henry Mayo Dr.
Castaic, CA 91384

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Effective January 1, 2025, Chiquita Canyon Landfill will be closed for the acceptance of waste. Chiquita Canyon, LLC will continue to manage the landfill, including addressing the elevated temperature landfill event that is affecting the northwest corner of the landfill, as well as closure and post-closure activities. While active waste disposal operations will close, we remain committed to working with federal, state and local regulators on the ongoing reaction mitigation efforts.

About

About Chiquita Canyon

Chiquita Canyon is a 639-acre landfill located in Castaic, California, approximately 3 miles west of the Interstate 5 on State Route 126 in the Santa Clarita Valley. It has been in continuous operation for over 50 years. Chiquita Can

provided the Santa Clarita Valley and surrounding Los Angeles communities with environmentally safe and efficient waste disposal services.



Chiquita Canyon only accepts non-hazardous solid waste for disposal. The solid waste received at the site consists of municipal solid waste, residential and commercial waste, including yard waste, Green Waste (for composting or for recycling), clean fill soil and construction/demolition debris.

Since it began operating in 1972, Chiquita Canyon has been an active member of the Santa Clarita Valley, participating in community events and contributing to local organizations and programs. Through the Val Verde Community Benefits Funding Committee Chiquita Canyon has been an active supporter of Val Verde civic programs.

Chiquita Canyon, like other solid waste landfills, over time generates a greenhouse gas, methane, which can be safely converted into a valuable source of c

English

Chiquita deploys a gas recovery system to collect methane which is then used to generate electricity for nearly 10,000 homes each year.

Conditional Use Permit – CUP 2004-00042

About Waste Connections

Waste Connections is an integrated solid waste services company that provides solid waste collection, transfer, disposal and recycling services in mostly secondary markets in the Western and Southern U.S. The Company serves more than one million residential, commercial and industrial customers from a network of operations in 23 states. We also provide intermodal services for the movement of containers in the Pacific Northwest.

We believe the solid waste service business is a local business managed by professionals living and working in the communities we serve. We strive to provide service excellence for those communities that place their trust in our company and are always dedicated to putting our customers first. We look to technology and growth to help our customers, employees and shareholders “Connect with the Future”. As a public company we have the resources to meet every customer’s needs in a cost effective and environmentally compatible manner. We understand the markets, the philosophy and the unique needs of the customers we serve whether they be industry, commercial accounts, municipal jurisdictions or individual subscribers.

Our Operating Values

Safety. We strive to assure complete safety of our employees, our customers and the public in all of our operations. Protection from accident or injury is paramount in all we do.

Integrity. We define integrity as “saying what you will do and then doing it.” We keep our promises to our customers, our employees and our stockholders. Do the right thing, at the right time, for the right reason.

Customer Service. We provide our customers the best possible service in a courteous, effective manner, showing respect for those we are fortunate to serve.

To be a Great Place To Work. We maintain a growth culture where our employees can maximize their potential personally and professionally. Our objective is to provide an environment where people enjoy what they do and take pride in their work. We wish to embody a work hard, play harder culture.

To be the Premier Solid Waste Services Company in the U.S. We continue to provide superior returns, remain environmentally responsible, and continue to grow in a disciplined way, deploying resources intelligently and benefiting communities we live in. We remain a “different breed”.

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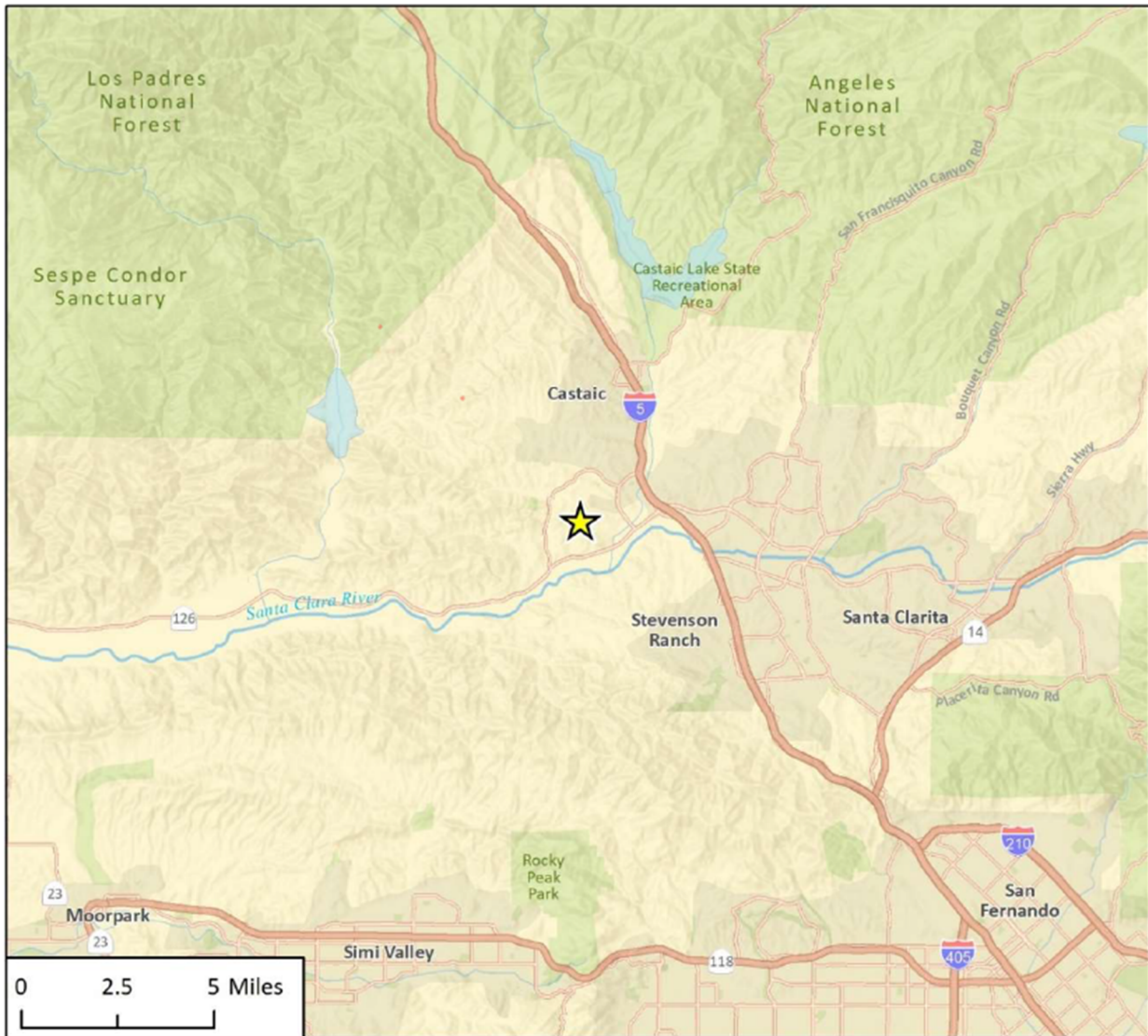
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EXHIBIT 2



★ CCL Location



Not to Scale



EXHIBIT 3

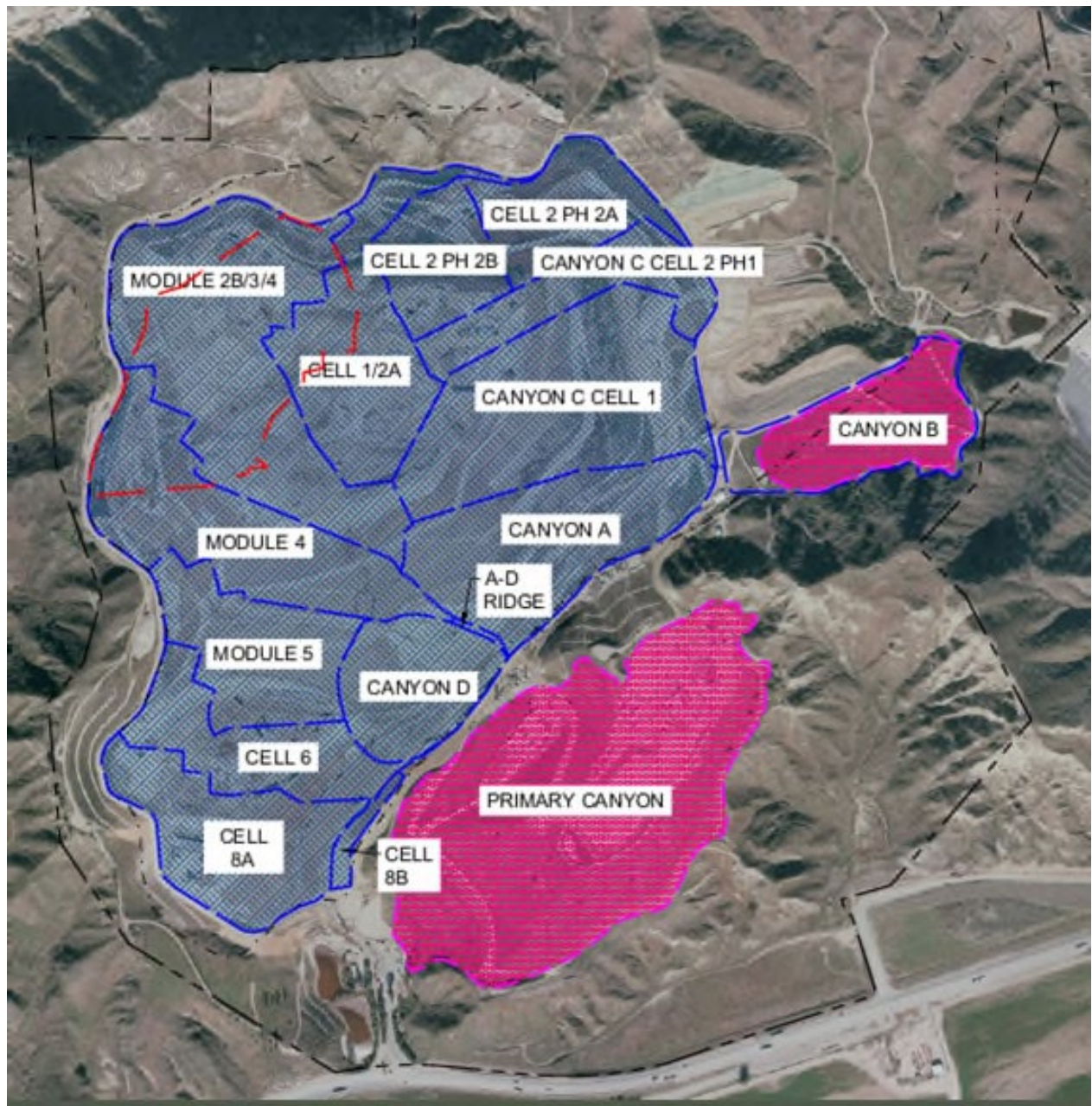


EXHIBIT 4

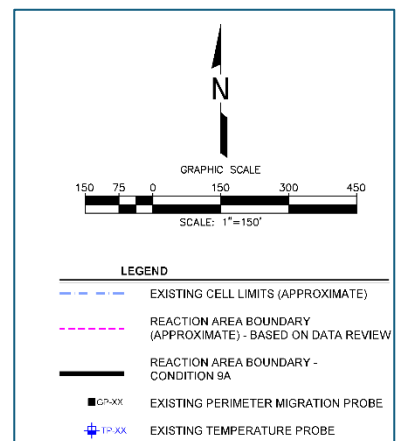
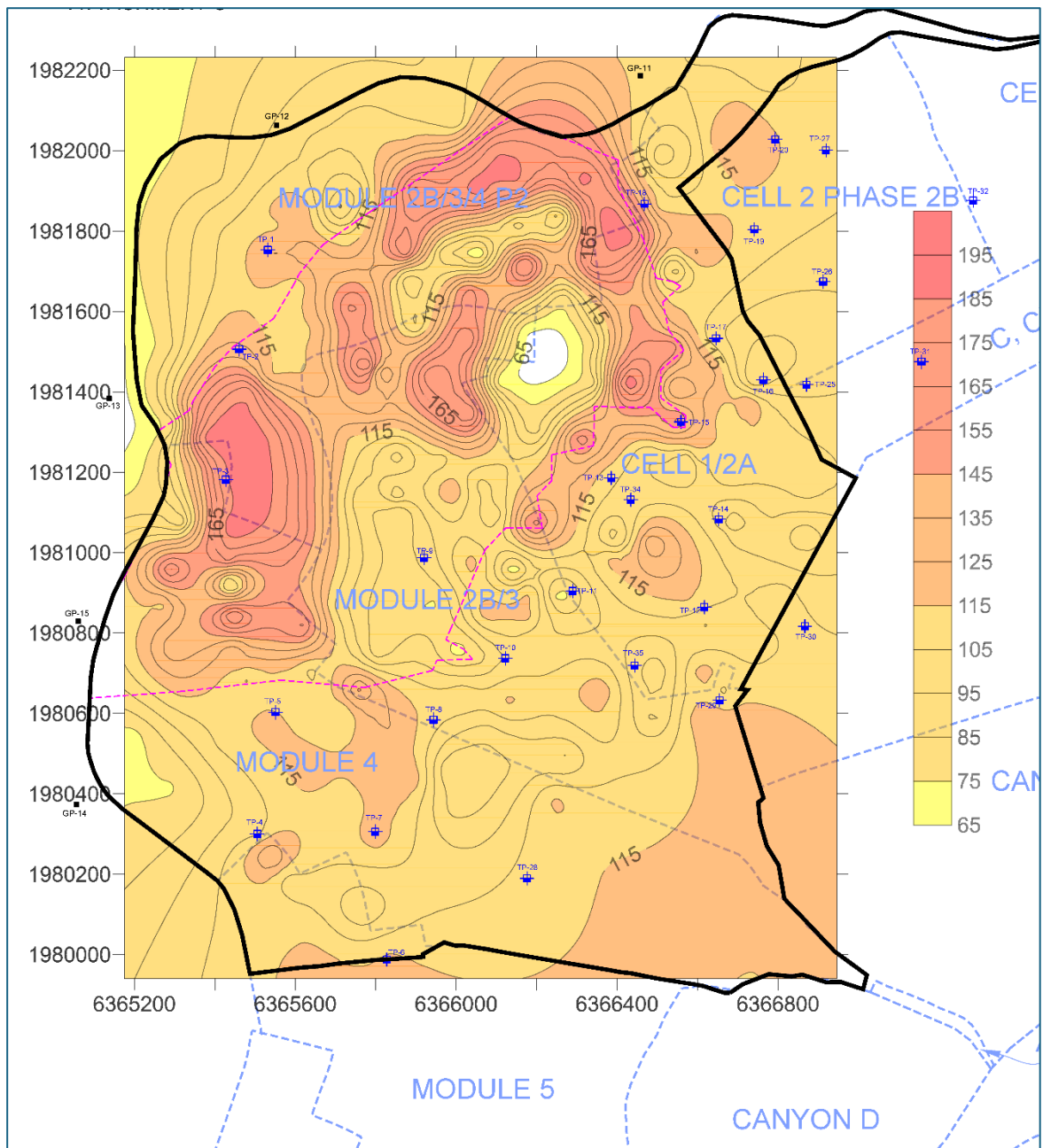


EXHIBIT 5

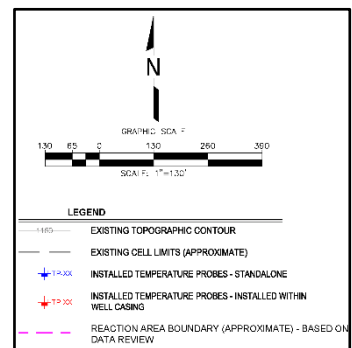
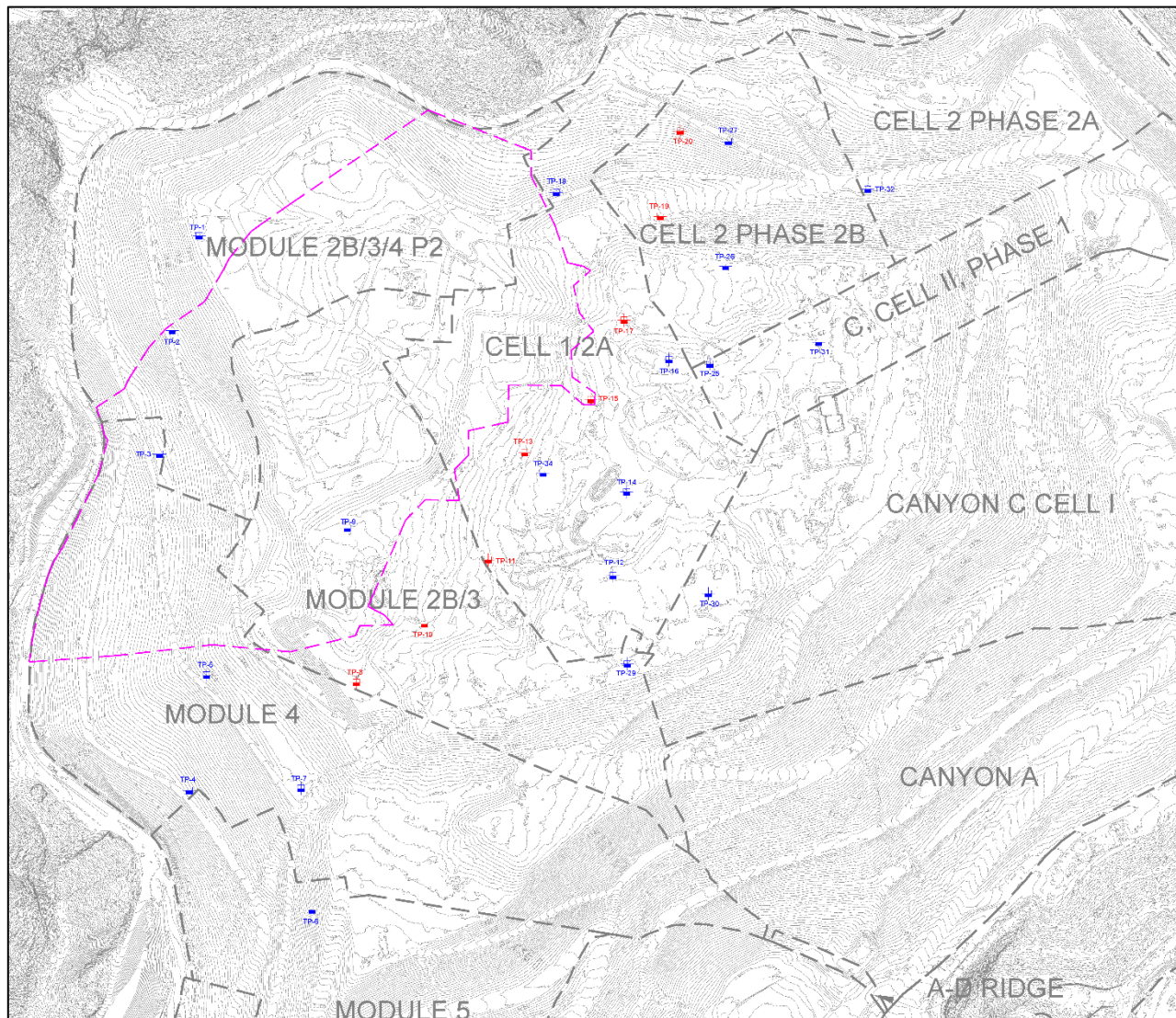


EXHIBIT 6

TIMOTHY D. STARK, Ph.D., P.E., BC.GE

Stark Consultants, Inc., 401 W. Indiana Avenue, Urbana, Illinois, 61803; tstark32@gmail.com; (217) 840 - 8263

To: Mr. Matthew Dwyer
Senior Project Manager
Regional Manager
Engineering/Remediation Resources Group, Inc. (ERRG, Inc.)
9727 Business Park Drive, Suite A
Sacramento, CA 95827
matthew.dwyer@errg.com

From: Timothy Stark, Ph.D., P.E., BC.GE, Dist.M.ASCE

Date: February 26, 2025

RE: Comments on November 26, 2024 Revised Soil Reaction Break/Barrier Plan and February 20, 2025 waste temperature data for Chiquita Canyon Landfill Subsurface Elevated Temperature (SET) Event

Pursuant to your request and Task Order #1 under my contract with ERRG, I have reviewed the November 26, 2024 Revised Soil Reaction Break/Barrier Plan¹, waste temperature data provided by SCS dated February 20, 2025², and the weekly tracking of fissures and tension cracks in the impacted area dated February 17, 2025³ and submitted by the Chiquita Canyon Landfill (CCL) operated by Waste Connections, Incorporated to the Legal Enforcement Agency (LEA) on February 25, 2025.

Landfill Location and Description:

The CCL is located at 29,201 Henry Mayo Drive, Castaic, California, in northern Los Angeles County. This facility is a Class III non-hazardous municipal solid waste (MSW) landfill. The 639-acre landfill site began accepting waste in 1972. The landfill can receive up to 12,000 tons of MSW per day. The average daily tonnage in 2021 was reported to be 6,412 tons. The CCL only accepts non-hazardous solid waste for disposal, including municipal solid waste, green waste for composting or recycling, construction and demolition debris, and e-waste for recycling. The facility is prohibited from accepting hazardous waste that is ignitable, corrosive, reactive, or toxic. The landfill also does not accept biohazardous waste, household hazardous waste, radioactive materials, incinerator ash, sludge, automobile shredder fluff, or liquid waste.

The landfill site is a former limestone quarrying and crushing operation which began in 1939 and ended in 1988. The quarrying resulted in two quarry pits, the North Quarry Pit and the South Quarry Pit, which were excavated to a maximum depth of 240 feet below ground surface (bgs). The north and south quarry portions cover an area of approximately 52 acres.

¹ SCS Engineers, Revised Soil Reaction Break/Barrier Plan: Chiquita Canyon Landfill, Castaic, California, South Coast AQMD Facility No. 119219, Project #: 01204123.21-13, November 26, 2024, 198 p.

² SCS Engineers, Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for 1/9/2025 to 2/19/2025, Project #: 07224053.00, February 20, 2025, 31 p.

³ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

Landfilling began in the North Quarry Pit in 1974 and continued in this area until 1985. In 1985, the landfill underwent expansion to the southwest into the area known as the South Quarry Pit. This continued until August 2005 when the landfill stopped accepting waste to reduce the potential for birds to interfere with nearby airport operations. The total waste thickness is approximately 320 feet which means about 80 feet is above ground surface and about 240 feet is below ground surface. The landfill accepted approximately 17,000,000 in-place cubic yards of waste, including commercial, and municipal solid wastes.

The permitted landfill disposal footprint totals 257 acres and is comprised of three separate areas designated as “Primary” Canyon, “Canyon B,” and the Main Canyon (including Canyons A, C, D and subsequent fill modules). Currently, 231 acres of the footprint have been used for disposal. All areas except the Primary Canyon have geosynthetic bottom liner systems and leachate collection and removal systems. Leachate is collected and trucked off-site, but condensate from the gas extraction wells is injected into the flare.

Revised Barrier Plan:

The Revised Barrier Plan states a:

“discrete portion of the waste mass in the northwestern section of the Landfill is experiencing elevated temperature landfill (ETLF) conditions. ETLF conditions can generally be characterized as when the typical waste decomposition processes and corresponding methanogenesis associated with anaerobic digestion of organic solid waste materials disposed in a landfill are impeded because of heat accumulation. As a result, certain abiotic (non-biological) processes and chemical reactions within the buried wastes occur instead.”

Even though SCS Engineers (SCS) claims the Subsurface Elevated Temperature (SET) Event only is impacting a “discrete portion of the waste mass”, they review five options for isolating and containing the SET Event to impede heat flow into other adjacent portions of the waste mass. These five options are:

- (1) Air Break through avoidance of placement of additional waste lifts overlying existing buried wastes.
- (2) Air Break through excavation to “cut out” existing buried wastes.
- (3) Soil Barrier through placement of soil layer atop existing landfill surface.
- (4) Soil Barrier through excavation and backfilling of a deep trench.

5) Inert Material Barrier through Borehole Drilling, Dewatering, and Flowable Fill Injection.

SCS concludes an air break through avoidance of additional waste placement (option #1) or excavation (option #2) are “implausible” and thus are not being pursued by CCL. In addition, SCS deemed option #4 (soil barrier through excavation and backfilling) “implausible”, and the technology involved in introducing an inert material for Option #5 “uncertain”. As a result, options #4 and #5 are not being pursued by CCL.

Option #3 was deemed by SCS to be the “most plausible and may accomplish the desired objective without incurring substantial environmental and safety risks.” Option #3 simply involves placing additional soil over the top of the landfill, i.e., to create a thicker soil cover. This option will be less effective for controlling odors and emissions from CCL than a geomembrane cover (discussed below) because of many issues including inadequate soil compaction especially on the sideslopes, differential settlement causing cracks in the soil cover, and creation of desiccation cracks during the hot and dry months.

The Revised Soil Reaction Break/Barrier Plan⁴ was issued on November 26, 2024, which is important because CCL claims:

“CCL has implemented extensive mitigation measures that reduce the likelihood that CCL will need to construct any form of the various reaction break concepts, including CCL’s proposed additional mitigation measures. Previous experience at other ETLF landfills demonstrates that landfill reactions and resulting odors have been mitigated by best management practices, including increased gas extraction and liquid removal (e.g., through expanding systems and providing adequate LFG control capacity and leachate disposal capacity). Another best management practice is to improve cover integrity, which reduces infiltration of precipitation and limits the amount of excess liquids available to sustain various chemical reactions. Implementing these measures will help slow the reaction, impede the spread of the reaction to new areas, and mitigate impacts.”

“Further, Chiquita is constantly monitoring the landfill for signs of potential ETLF conditions so that it can react quickly in the event of changing conditions. CCL and SCS are confident that implementation of the best management practices developed by the landfill industry and EPA to contain and manage the reaction will succeed in slowing the propagation of the reaction area. Other landfills that have experienced widespread ETLF heating events during the past approximately 15 years have

⁴ SCS Engineers, Revised Soil Reaction Break/Barrier Plan: Chiquita Canyon Landfill, Castaic, California, South Coast AQMD Facility No. 119219, Project #: 01204123.21-13, November 26, 2024, 198 p.

successfully utilized these tools to contain those events. Continued application of the current mitigation measures will result in cooling of the buried wastes, which enable methanogenesis to ultimately be re-initiated within a large section of the affected waste mass. This in turn will mitigate and abate the detrimental impacts, such as odors, being experienced by surrounding off-site communities.”

Unfortunately, the waste temperature data released on February 20, 2025⁵ shows these “best management practices” have not “helped slow the reaction, impede the spread of the reaction to new areas, and mitigate impacts” as claimed by CCL and SCS above, as discussed in the next section. In summary, the removal of “hot” gas and leachate has not been successful in containing the SET Event.

Summary of Recent Temperature Data

SCS presents Waste Borehole Maximum Temperature Profiles Over 6 Weeks from January 9, 2025 to February 19, 2025.⁶ An aerial image of CCL with a table of maximum temperatures is included in the subject SCS Report and reproduced in **Figure 1**. I have placed the maximum waste temperature from the table in **Figure 1** adjacent to some of the gas extraction wells to facilitate understanding the extent of the SET Event, especially on the east side of CCL. **Figure 1** shows waste temperatures of 183°F and 185°F at the eastern side of the top deck of the CCL. This means the SET Event has migrated from the western slope (TP03) to the eastern side of the CCL (TP31). Expansion of the SET Event has the following implications:

- Elevated temperatures (185°F to 189°F) surround the leachate tank farm (see red arrow in **Figure 1**). This area is going to undergo significant settlement, if it has not already started to do so, due to thermal breakdown of the buried waste. This settlement will cause differential movement of the leachate tanks, which could result in a leachate release. As a result, I recommend the leachate tank farm be moved off the top deck and to a site off the CCL and on native soil because the SET Event continues to expand.
- Waste temperatures of 183°F and 185°F are already present on the eastern side of the top deck of the CCL. As a result, it is not possible to “isolate and contain” this SET Event using a north-south vertical barrier as previously discussed. Thus, the only option for controlling odors and emissions is to cover the area with a geomembrane (discussed below) over which the temperature monitoring probes (TPs) have been installed. This means the geomembrane should cover from the west to the east side of the CCL and from the north

⁵ SCS Engineers, Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for 1/9/2025 to 2/19/2025, Project #: 07224053.00, February 20, 2025, 31 p.

⁶ SCS Engineers, Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for 1/9/2025 to 2/19/2025, Project #: 07224053.00, February 20, 2025, 31 p.

end to just south of TP06 shown in **Figure 1**. In other words, the exposed geomembrane cover would cover about 183 acres and leave only about 13 acres at the southern end of the CCL uncovered for current disposal operations.

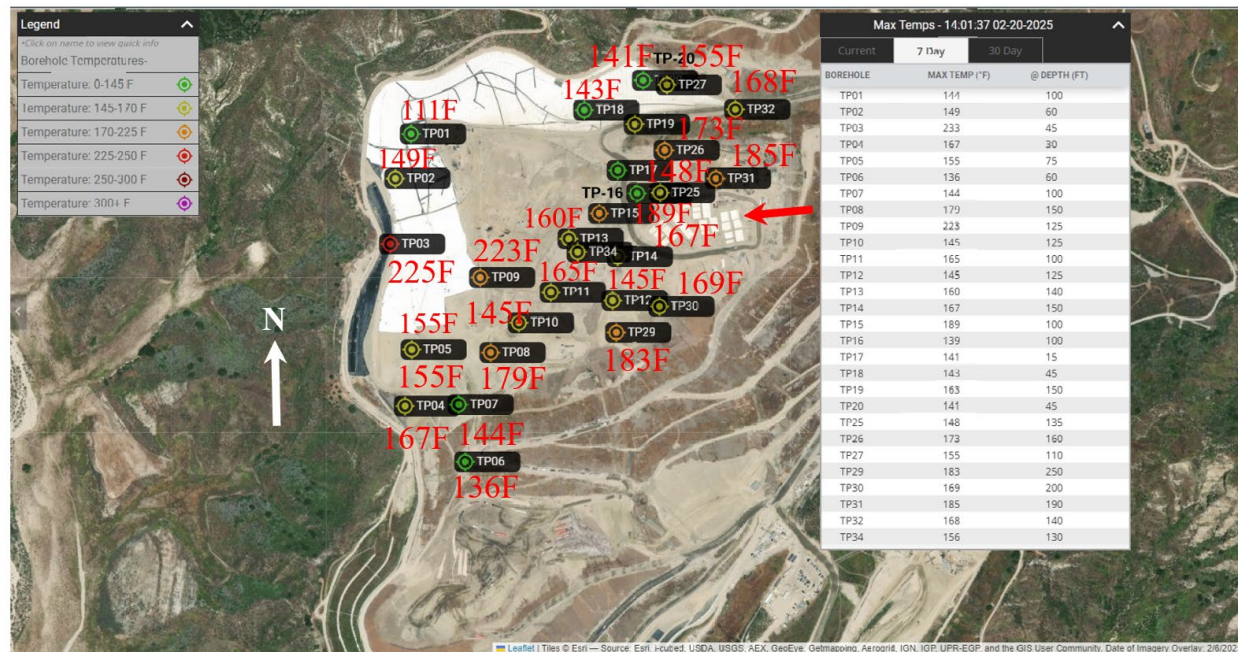


Figure 1. Temperature profiles over six weeks from 1/9/2025 to 2/19/2025 from SCS report dated February 20, 2025.

Figure 2 presents Sheet #1 from the SCS Report that presents the Waste Borehole Maximum Temperature Profiles Over 6 Weeks from January 9, 2025 to February 19, 2025.⁷ The dashed pink line represents the extent of the SET Event as determined by SCS on February 20, 2025. This extent is slightly larger than the dashed blue line, which represents the extent of the SET Event on March 27, 2024 as reported by SCS in the initial Soil Reaction Break/Barrier Plan.⁸ **Figure 2** also presents my extent of the SET Event as of February 26, 2025 (see dashed red line) based on the Waste Borehole Maximum Temperature Profiles Over 6 Weeks from January 9, 2025 to February 19, 2025.⁹ **Figure 2** shows the western slope and entire top deck of the CCL is now part of the

⁷ SCS Engineers, Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for 1/9/2025 to 2/19/2025, Project #: 07224053.00, February 20, 2025, 31 p.

⁸ SCS Engineers, Soil Reaction Break/Barrier Plan, Chiquita Canyon Landfill, Castaic, California, South Coast AQMD Facility No. 119219, Project #: 01204123.21-13, March 27, 2024, 17 p.

⁹ SCS Engineers, Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for 1/9/2025 to 2/19/2025, Project #: 07224053.00, February 20, 2025, 31 p.

SET Event, which is a significant increase over the extent reported by SCS on March 27, 2024¹⁰ and February 20, 2025.¹¹ Based on **Figure 2**, SCS believes the SET Event only covers about 28 acres as of February 20, 2025 whereas my extent of the SET Event covers about 90 acres.

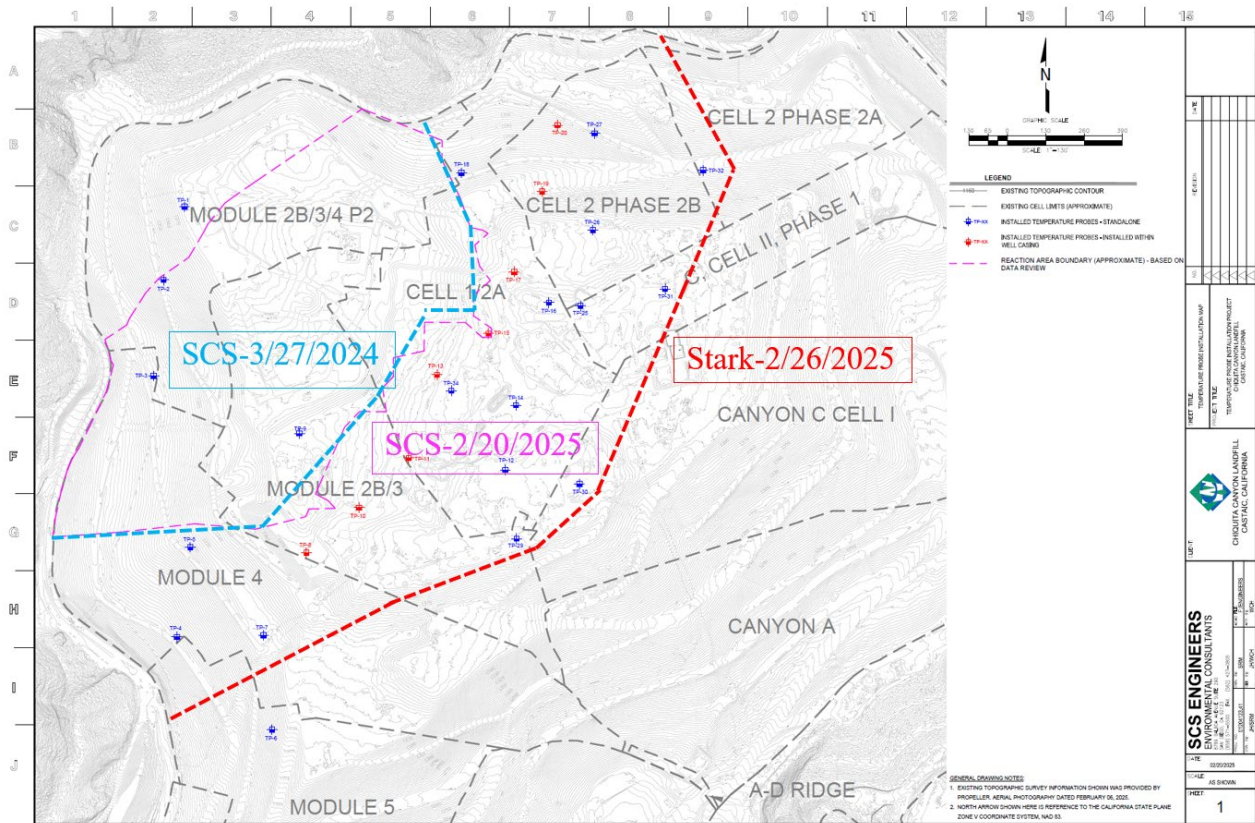


Figure 2. Extent of elevated temperatures from March 27, 2024 to February 26, 2025.

¹⁰ SCS Engineers, Soil Reaction Break/Barrier Plan, Chiquita Canyon Landfill, Castaic, California, South Coast AQMD Facility No. 119219, Project #: 01204123.21-13, March 27, 2024, 17 p.

¹¹ SCS Engineers, Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for 1/9/2025 to 2/19/2025, Project #: 07224053.00, February 20, 2025, 31 p.

Weekly Fissures and Tension Cracks Report Dated February 17, 2025

CCL also presented their 4050 – Chiquita Reaction Area Tracking of Fissures and Tension Cracks weekly report on February 17, 2025¹². This report presents: (1) observations of new fissures and tension cracks, which are usually due to landfill settlement and/or slope instability, (2) exposed geomembrane tears and defects, and (3) other geosynthetic cover issues.

This weekly report dated February 17, 2025¹³ confirms that settlement has started to occur around the leachate tank farm, which reinforces the recommendation above that the tanks should be moved off the top deck and to a site off the CCL and on native soil. In particular, Area #148, which is just north of the tank farm (see red dot in **Figure 3**), experienced opening of significant fissures and tensions cracks that have been remediated but are likely to reappear as additional buried waste undergoes thermal breakdown. Area #154, which is located just south of the tank farm (see **Figure 3**), also recently experienced fissuring and tension crack development. Even more concerning is Area #147 experienced a significant sinkhole, which indicates a significant thermal breakdown of buried waste that resulted in a void developing below the interim soil cover. Area #147 is the next grid area north of Area #148.



Figure 3. Red dot shows location for fissures and tension cracks identified in weekly CCL report dated February 17, 2025¹⁴.

¹² Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

¹³ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

¹⁴ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

Figure 4 shows a tension crack in Grid #148 near the leachate tank farm on the top deck of the CCL. This photograph also reinforces the recommendation above that the tanks should be moved off the CCL. This photograph was taken during a South Coast Air Quality Management District (SCAMD), Inspection of the CCL on February 27, 2025.



Figure 4. Photograph of tension crack in Grid #148 near leachate tanks on top of CCL dated February 27, 2025¹⁵.

¹⁵ South Coast Air Quality Management District (SCAMD), Inspection Report - Chiquita Canyon Landfill, by Larry Israel, Gerardo Vergara, and Christin Ojeda, February 27, 2025, 21 p.

The weekly report dated February 17, 2025¹⁶ also discusses recent tears and defects in the exposed 30 mil thick white HDPE geomembrane cover. In particular, this weekly report presents photographs of four significant tears in the exposed geomembrane. For example, **Figure 5** presents two of these tears, which were repaired using an extrusion welded patch. Unfortunately, the location of these two tears is not identified in the weekly report dated February 17, 2025¹⁷. This indicates the 30-mil thick white HDPE geomembrane may be deteriorating in the presence of the SET Event temperatures and related activities and equipment, which is discussed below.



Photo 1



Photo 2

Figure 5. Photographs of exposed geomembrane tears identified in weekly CCL report dated February 17, 2025¹⁸.

The weekly report dated February 17, 2025¹⁹ also discusses other “Geosynthetic Cover” issues. In particular, this report presents fourteen photographs illustrating “instability under the cover”.

¹⁶ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

¹⁷ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

¹⁸ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

¹⁹ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

For example, **Figure 6** presents two of these photographs, which show settlement under the geomembrane due to thermal breakdown of the buried waste.



Photo 3



Photo 4

Figure 6. Photographs of other exposed geomembrane issues identified in weekly CCL report dated February 17, 2025²⁰.

Temporary Exposed Geomembrane Cover

Given the west side and top deck of the CCL are experiencing elevated temperature, I unfortunately think the only remedial option is to cover the entire landfill north of TP06 or north of the red and blue dashed line shown in **Figure 7**. The elevated temperatures have not manifested themselves on the eastern slope yet, but I anticipate leachate outbreaks could start occurring because elevated temperatures (183°F and 185°F as shown in **Figure 1**) are present at the crest of the eastern slope.

Currently, CCL is using a 30-mil thick high-density polyethylene (HDPE) geomembrane with a white reflective and textured surface. This geomembrane was manufactured by Solmax and shipped in 22.5 ft wide rolls from Canada to the CCL. An Ethylene Vinyl Alcohol (EVOH) geomembrane has been found to be better at containing odors and omissions during other long-term SET Events, e.g., Bridgeton Landfill. EVOH geomembranes are manufactured as a “sandwich” with the outside layers comprised of HDPE with an inner layer of semi-crystalline thermoplastic resin that resists odor and gas transmission.

Bridgeton Landfill near St. Louis has been experiencing a SET Event since 2011 and is covered with green colored 60 mil thick EVOH geomembrane. Given there is no mechanism to “isolate and contain” the CCL SET Event, I am anticipating this facility will continue to generate odors and emissions for many years to come. As a result, I recommend the CCL consider installing an

²⁰ Chiquita Canyon, Weekly Report - 4050 Chiquita Reaction Area Tracking of Fissures and Tension Cracks, by Nancy Bahena Hernandez, February 17, 2025, 39 p.

exposed EVOH geomembrane over the area to the north of the red and blue dashed line shown in **Figure 7**.

The exposed EVOH geomembrane could consist of a tan (easier to UV stabilize, reduces heat, and better matches dry surroundings) or green (less visible during wet periods) 40 or 60 mil thick EVOH textured geomembrane underlain by a minimum 6 ounce per square yard (oz/sy) nonwoven geotextile. A tan EVOH geomembrane color is recommended because there are number of tan geomembranes that have been in exposed for a number of years, so a suitable UV stabilized formulation is available.

The EVOH geomembrane should be continuously seamed and continuously tied into the existing exposed 30 mil HDPE geomembrane cover along the top deck. The EVOH geomembrane can be welded to the existing 30 mil thick HDPE exposed geomembrane because the outside layers are comprised of HDPE and thus can be welded with traditional HDPE welding equipment. As the existing 30-mil thick exposed white HDPE geomembrane deteriorates with time, it should be replaced with the selected EVOH geomembrane.

The selected EVOH geomembrane (GM) should have a life span of about 10 years due to the large amount of waste that is being impacting by the SET Event. Given the long and steep slopes, a double-sided textured EVOH GM may be required. However, to facilitate walking on the EVOH GM, the exposed side should probably be textured. The EVOH GM also should be able to withstand a temperature of about 180°F because TP15 is showing a waste temperature of 175°F at a depth of only 15 feet. Finally, the EVOH GM should exhibit a methane permeance of less than 2.5×10^{-13} m/s obtained using ASTM D1434²¹ to control benzene and other emissions.

The total area proposed for the EVOH geomembrane cover is about 100 acres, i.e., the area not covered with the 30-mil thick white HDPE geomembrane. The nonwoven geotextile underlying the EVOH geomembrane will be installed on a prepared subgrade and provide a cushion and gas and liquid transmission layer under the geomembrane. Alternatively, a geonet with two heat-bonded nonwoven geotextiles could underlie the EVOH geomembrane and provide a higher transmissivity than a geotextile.

The EVOH geomembrane could be installed by deploying the manufactured rolls across the top deck and down the sideslopes. The perimeter edge of the new EVOH geomembrane cover will either be welded to the existing 30 mil thick white HDPE geomembrane or anchored along the perimeter of the CCL. Of course, the CCL should design appropriate long-term ballasting for the existing HDPE geomembrane and the proposed EVOH geomembrane because of the long duration of other SET Events. The EVOH geomembrane should be installed by an experienced contractor

²¹ ASTM D1434-23, Standard Test Method for Determining Gas Permeability Characteristics of Plastic Film and Sheeting, ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428, <https://compass.astm.org/document/?contentCode=ASTM%7CD1434-23%7Cen-US&proxycl=https%3A%2F%2Fsecure.astm.org&fromLogin=true>.

and crews in accordance with CCL project specifications and an accompanying QA/QC Plan. Given the long-term application of the EVOH geomembrane, the installation should be monitored in accordance with the QA/QC Plan by an experienced third-party engineering firm. A final certification report should be prepared under the direction of a certified engineer and be submitted to the CCL and proper local authority, e.g., Los Angeles Regional Water Quality Control.

Pipe penetrations of the HDPE and EVOH geomembrane cover should be sealed utilizing a suitable pipe boot and pipe clamp or seal. These boots can be the source of significant odor release and/or oxygen intrusion so these pipe boots and seals should be inspected and monitored regularly for vapor emissions so defects due to total and differential can be remediated quickly.

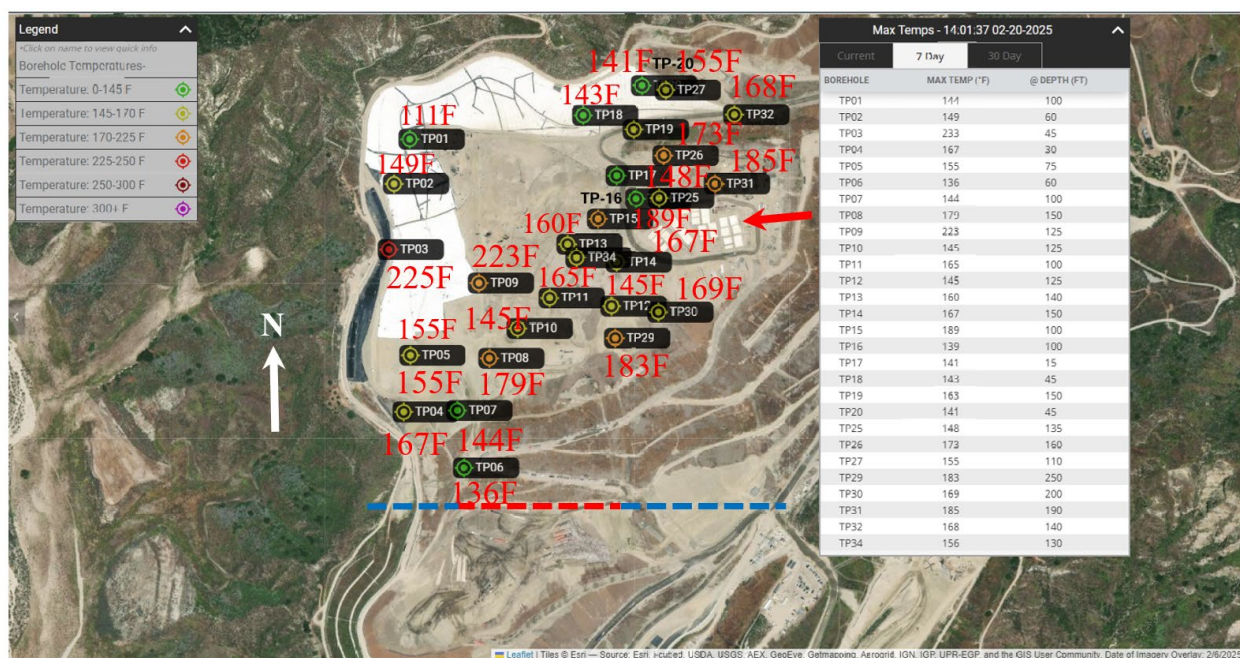


Figure 7. Extent of elevated temperatures on February 26, 2025 and location of a possible vertical barrier to isolate southernmost 13 acres.

Proposed Vertical Barrier

This section discusses installing a thermal barrier south of TP06 (see dashed red and blue line in **Figure 7**). A thermal barrier is recommended along the dashed red and blue line in **Figure 7** for at least the following reasons:

- CCL is using the approximately 13 acres south of the dashed red and blue line in **Figure 7** for disposal operations so elevated temperatures should be prevented from reaching this area, so the landfill continues to have an area to dispose of on-site wastes.
- Ensure continued ingress and egress from the CCL.
- Reduce the amount of waste that can be consumed by the SET Event and thus reduce the duration of odors and emissions to the surrounding communities.
- Maintain stability of the southern sideslope.

The red dashed line in **Figure 7** roughly delineates the location of a thermal barrier already constructed by CCL. The extent and depth of the thermal barrier are not known, so I request this information be provided by CCL. The blue dashed lines in **Figure 7** indicate the existing thermal barrier should be extended east and west so the SET Event cannot go around or under the existing thermal barrier.

If the existing thermal barrier does not extend to near below the leachate level, vertical elements can be used to create a vertical thermal barrier to prevent the SET Event from impacting the southernmost 13 acres of the CCL. The vertical elements involve excavating a vertical shaft using a three or four-foot bucket auger drill rig, which is being used to install gas extraction wells at CCL. These vertical elements would be constructed along the dashed red and blue lines in **Figure 7**. After excavating the shaft, it could be backfilled with a soil-bentonite or soil-cement mix. The shafts would be tangent, i.e., touching, or overlapped (see **Figure 7**) to create a continuous barrier across the toe of the southern sideslope to prevent the SET Event from consuming the southernmost 13 acres. If heat transfer calculations require a wider thermal barrier, a second row of vertical elements could be constructed north or south of the initial row (see **Figure 7**). The secondary row would be tangent to the initial row and be centered at each intersection of the initial row as shown below (see **Figure 7**).

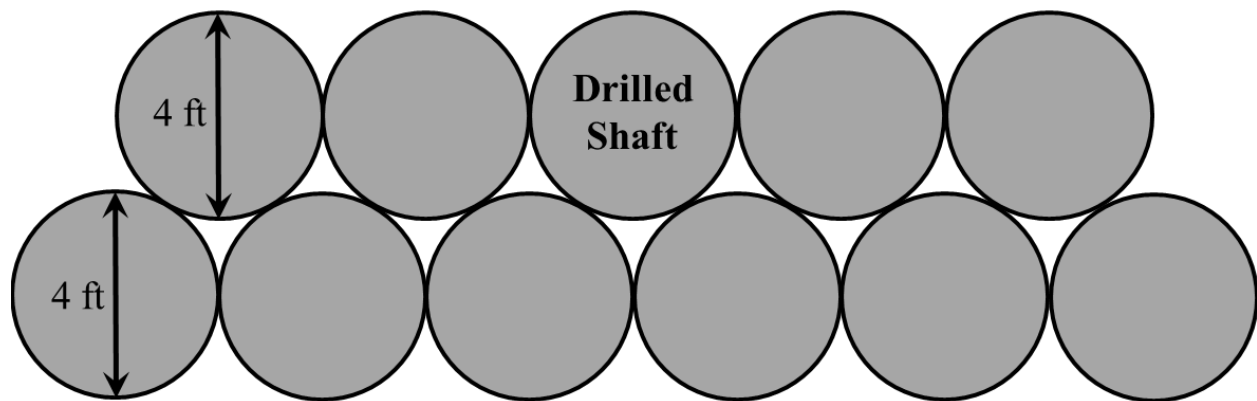


Figure 8. Possible configurations of 3 to 4 ft diameter vertical elements to comprise a heat barrier system south of TP06 to isolate southernmost 13 acres.

Summary

This section summarizes the main findings and recommendations presented in this report:

1. SET Event has expanded to the east side of the top deck of the CCL,
2. Leachate Tank Farm should be relocated off the top deck because the CCL is undergoing settlement under the tanks,
3. Due to the movement of the SET Event, the Tank Farm should be relocated to a site off the CCL and on native soil,
4. Given the extent of the SET Event, install 40 or 60 mil thick tan or green HDPE EVOH textured geomembrane underlain by a minimum 6 ounce per square yard (oz/sy) nonwoven geotextile over the approximately 100 acres currently exposed and weld it to the existing 30-mil thick white HDPE geomembrane or place it in a suitable anchor trench,
5. Submit a Request For Information (RFI) regarding the current extent and depth of the thermal barrier installed near the southern end of the CCL (see red dashed line in **Figure 7**), and
6. Expand the current thermal barrier so it reduces the potential for the SET Event to impact the southernmost 13 acres of the CCL.

EXHIBIT 7

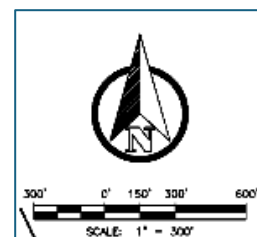
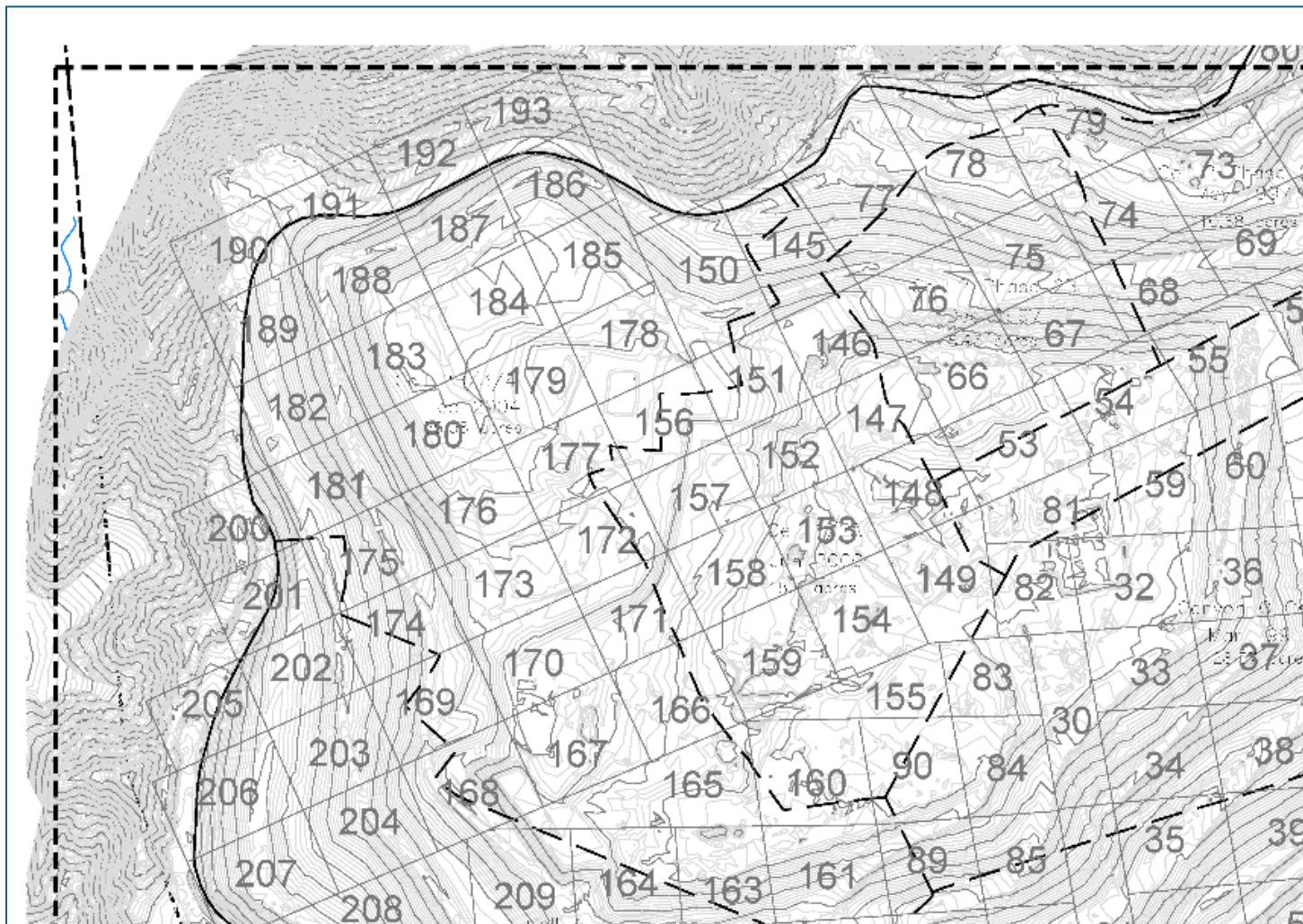


EXHIBIT 8



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
7575 Metropolitan Drive, Suite 108
San Diego, CA 92108



Gavin Newsom
Governor

SUMMARY OF VIOLATIONS

On December 12, 2023, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), conducted an investigation at:

Facility Name: Chiquita Canyon, LLC

Facility Address: 29201 Henry Mayo Drive, Castaic, CA 91384

EPA ID Number: CAL000347030 **County:** Los Angeles

As a result of this investigation, DTSC discovered violations of the California Hazardous Waste Control Laws and its implementing regulations that are identified on the attached pages. You must correct the following violations within the schedule for compliance for each violation. If you disagree with the alleged violations listed in this Summary of Violations, you must inform DTSC in writing. If additional violations are found after this investigation, such violations, if any, will be identified in writing.

DTSC will provide you with a complete investigation report within 65 days of the date of this investigation. You may request a meeting with DTSC to discuss the investigation, investigation report, or this Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative and/or civil action or from referring the matter for criminal prosecution as a result of the violations identified herein or violations that have not been corrected within the time specified by DTSC. Failure to comply with a schedule for compliance is a violation of the law subject to a civil penalty of up to \$70,000 for each day of noncompliance. In addition, a false statement that compliance has been achieved is a violation of the law and subject to a penalty of up to \$70,000 for each occurrence. DTSC may re-investigate this facility at any time.

Facility Representative Accepting
Summary of Violations

DTSC Representative

Name:

Name:

Erin Neal

Signature:

Signature:

Title:

Title:

Environmental Scientist

Date:

Date:

2/15/2024



Department of Toxic Substances Control
7575 Metropolitan Drive, Suite 108
San Diego, CA 92108

SUMMARY OF VIOLATIONS

Facility Name: Chiquita Canyon, LLC

Date: 2/15/2024

SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

Violation # 1

Violation Citation:

22 CCR § 66262.11, A person who generates a waste, as defined in section 66261.2, shall determine if that waste is a hazardous waste using the following method:

- (a) the generator shall first determine if the waste is excluded from regulation under section 66261.4 or section 25143.2 of the Health and Safety Code;
- (b) the generator shall then determine if the waste is listed as a hazardous waste in articles 4 or 4.1 of chapter 11 or in Appendix X of chapter 11 of this division. If the waste is listed in Appendix X and is not listed in articles 4 or 4.1 of chapter 11, the generator may determine that the waste from his particular facility or operation is not a hazardous waste by either:
 - (1) testing the waste according to the methods set forth in article 3 of chapter 11 of this division, or according to an equivalent method approved by the Department pursuant to section 66260.21; or
 - (2) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of chapter 11 of this division.

Description:

On and/or before December 27, 2023, Chiquita Canyon, LLC (owned by and a subsidiary of Waste Connections, Inc.) failed to make a proper waste determination on waste leachate. Chiquita Canyon, LLC sent 4,600 gallons of hazardous waste leachate from its landfill at 29201 Henry Mayo Drive, Castaic, CA 91384, to Radford Alexander Corp. DBA Avalon (Avalon) located at 14700 S. Avalon Boulevard, Gardena, CA 90248 on non-hazardous waste manifest #NH004695, for treatment and disposal. Avalon collected split samples from the tanker truck carrying this leachate from Chiquita



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Canyon Landfill. One sample was provided to the Los Angeles County Fire Department, Health Hazardous Materials Division (County of Los Angeles Certified Unified Program Agency) and the other was kept by Avalon for analysis. DTSC Environmental Scientist Erin Neal and Supervising Environmental Scientist Zana Zmily were present during sampling of the tanker trunk. Chiquita Canyon, LLC obtained the sample lab results from the Avalon samples and then sent lab results of Avalon's leachate split sample to DTSC on January 17, 2024. These results show that the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the Toxicity Characteristic Leaching Procedure (TCLP) regulatory limit for benzene of 0.5 mg/L.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

On February 9, 2024 and February 14, 2024, Chiquita Canyon, LLC informed DTSC that they have hired a third-party consultant to assist with sampling, analyses, and characterization of the waste leachate. Chiquita Canyon, LLC shall ensure that hazardous waste leachate is properly characterized. Within 30 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written plan for making a proper waste determination for waste leachate.

Violation # 2

Violation Citation:

HSC 25189.2(c), A person who disposes, or causes the disposal of, a hazardous or extremely hazardous waste at a point that is not authorized according to the provisions of this chapter is liable for a civil penalty of not more than seventy thousand dollars (\$70,000) for each violation and may be ordered to disclose the fact of this violation or these violations to those persons as the court or, in the case of an administrative action, a hearing officer, may direct. Each day on which the deposit remains is a separate additional violation, unless the person immediately files a report of the deposit with the department and is complying with an order concerning the deposit issued by the department, a hearing officer, or a court of competent jurisdiction for the cleanup.

Description:

On and/or before December 27, 2023 Chiquita Canyon, LLC disposed and/or caused the disposal of 4,600 gallons of hazardous waste leachate by sending this leachate to Avalon at 14700 S. Avalon Boulevard, Gardena, CA 90248 on non-hazardous waste manifest #NH004695. Avalon is not permitted by DTSC as a treatment, storage, and disposal facility for hazardous waste. As discussed in violation 1, the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L.



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Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately stop disposing of hazardous waste leachate at Avalon and any other point that is not authorized. Within 30 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how hazardous waste leachate will be disposed.

Violation # 3

Violation Citation:

HSC 25189.2(d), A person who treats or stores, or causes the treatment or storage of, a hazardous waste at a point that is not authorized according to this chapter, shall be liable for a civil penalty not to exceed seventy thousand dollars (\$70,000) for each separate violation or, for continuing violations, for each day that the violation continues.

Description:

On and/or before December 27, 2023 Chiquita Canyon, LLC caused the storage and treatment of 4,600 gallons of hazardous waste leachate by Avalon at 14700 S. Avalon Boulevard, Gardena, CA 90248. 4,600 gallons of waste leachate was sent on non-hazardous waste manifest #NH004695 to Avalon for treatment and disposal. Avalon confirmed that this load was processed at their facility. Avalon is a wastewater treatment facility that has been accepting waste leachate from Chiquita Canyon Landfill. Leachate is treated through Avalon's organic Subcategory C wastewater treatment process, which includes filtration and granular activated carbon adsorption. Once treated, this wastewater is discharged to the Los Angeles County sewer. Avalon is not permitted by DTSC as a treatment, storage, and disposal facility for hazardous waste. Avalon does not have a hazardous waste treatment permit with the local CUPA.

As discussed in violation 1, the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately stop causing the storage and treatment of hazardous waste leachate at Avalon and any other point that is not authorized.



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Violation # 4

Violation Citation:

22 CCR § 66262.20(a), A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039), EPA Form 8700-22, and, if necessary, EPA Form 8700-22A before the waste is transported off-site.

Description:

On and/or before December 27, 2023 Chiquita Canyon, LLC offered for transport hazardous waste for off-site treatment, storage, and disposal, and failed to prepare a hazardous waste manifest for 4,600 gallons of hazardous waste leachate. Chiquita Canyon, LLC sent the waste leachate to Avalon at 14700 S. Avalon Boulevard, Gardena, CA 90248 on non-hazardous waste manifest #NH004695.

As discussed in violation 1, the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately stop using non-hazardous waste manifests for transportation and disposal of hazardous waste leachate. Chiquita Canyon, LLC shall prepare and use hazardous waste manifests for waste leachate that is deemed to be hazardous waste.

Violation # 5

Violation Citation:

22 CCR § 66265.31, Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Description:

On and/or before December 12, 2023, Chiquita Canyon, LLC failed to minimize the possibility of releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.



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On December 12, 2023, DTSC personnel observed leachate pooling on the scrim liner on the northwest side of the facility and also observed well CV-2201 actively leaking. In addition, DTSC personnel observed staining on the ground surrounding wells CV-2203 and CV-2338. DTSC personnel collected samples from well heads CV-2203 and CV-2338 and provide split samples to Chiquita Canyon, LLC. The DTSC sample (CCL-6B) collected from CV-2203 was in exceedance for TCLP benzene, reporting 0.912 mg/L. Chiquita Canyon, LLC also ran TCLP analysis on the split sample provided by DTSC from well CV-2203, which was also in exceedance for TCLP benzene, reporting 2.9 mg/L. The DTSC sample (CCL-8B) collected from CV-2338 reported a benzene concentration of 0.196 mg/L, below the TCLP regulatory limit for benzene of 0.5 mg/L. Chiquita Canyon, LLC also ran TCLP analysis on the split sample provided by DTSC from well CV-2338, which was in exceedance for benzene, reporting 0.59 mg/L.

On January 16, 2024, during a South Coast Air Quality Management District (SCAQMD) Hearing Board public hearing (South Coast AQMD vs. Chiquita Canyon LLC, Case #6177-4), "Petitioner's Exhibit 18" showed a video of a leachate geyser that took place at one of the wells. This geyser was observed and recorded during a joint inspection conducted by the US EPA and SCAQMD on November 8, 2023. This well appeared to be the same well that was later sampled by DTSC on December 12, 2023 and had exceeded the regulatory limit for benzene of 0.5 mg/L.

On February 7, 2024, Roux Associates, Inc., contracted by the Los Angeles County Department of Public Health, issued a report titled, "Community Air Sampling and Health Risk Screening Evaluation Report: Val Verde and Castaic Communities Los Angeles County, California" which assessed potential health risks for the communities surrounding the Chiquita Canyon Landfill. The report states that "[o]n some days, benzene concentrations measured in Community air appear to be incrementally greater than what was observed on the same day in background locations." The report also states that "[d]ays where the Community benzene air concentrations are observed to significantly exceed background benzene air concentrations may represent an incremental contribution of benzene resulting from Chiquita landfill gas emissions."

On November 2, 2023, DTSC personnel observed leachate actively seeping out on the northwest side of the facility. DTSC air monitoring equipment detected volatile organic compound readings between 0 and 5 ppm near this seep.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall maintain and operate its facility in a manner that minimizes the possibility of any unplanned sudden or non-sudden releases of hazardous waste or



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hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Within 30 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how the facility will minimize the possibility of any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents. Chiquita Canyon, LLC shall also document and report all releases of hazardous waste to DTSC.

SECTION III: OTHER ISSUES/CONCERNS

The following issues/concerns were identified during this investigation. Further research may identify additional violations. Any new violations, with the prescribed corrective action and schedule for compliance, will be identified in the Violation section of the investigation report.

-
1. The Los Angeles County Fire Department also ran lab analyses on the split sample collected from the tanker truck at Avalon on December 27, 2023. The lab report for the TCLP analysis states that the sample was received by the lab outside of holding time and the sample was prepared outside of the preparation holding time.
 2. On January 25, 2024, Chiquita Canyon, LLC responded to an information request by DTSC. On January 31, 2024, DTSC requested additional information and received this information on February 12, 2024. DTSC received an additional letter from Chiquita Canyon, LLC on February 15, 2024. The information and the letters provided by Chiquita Canyon, LLC are currently under review.



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
7575 Metropolitan Drive, Suite 108
San Diego, CA 92108



Gavin Newsom
Governor

SUMMARY OF VIOLATIONS

On December 12, 2023, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), began an investigation at:

Facility Name:	Chiquita Canyon, LLC		
Facility Address:	29201 Henry Mayo Drive, Castaic, CA 91384		
EPA ID Number:	CAL000347030	County:	Los Angeles

As a result of this continued investigation, DTSC discovered violations of the California Hazardous Waste Control Law and its implementing regulations that are identified on the attached pages. You must correct the following violations within the schedule for compliance for each violation. If you disagree with the alleged violations listed in this Summary of Violations, you must inform DTSC in writing. If additional violations are found after this investigation, such violations, if any, will be identified in writing.

DTSC will provide you with a complete investigation report within 65 days of the date of this investigation. You may request a meeting with DTSC to discuss the investigation, investigation report, or this Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative and/or civil action or from referring the matter for criminal prosecution as a result of the violations identified herein or violations that have not been corrected within the time specified by DTSC. Failure to comply with a schedule for compliance is a violation of the law subject to a civil penalty of up to \$70,000 for each day of noncompliance. In addition, a false statement that compliance has been achieved is a violation of the law and subject to a penalty of up to \$70,000 for each occurrence. DTSC may re-investigate this facility at any time.

Facility Representative Accepting
Summary of Violations

Name: Steve Cassulo

Signature: Original Signed by Steve Cassulo

Title: District Manager

Date: 4/1/2024

DTSC Representative

Name: Erin Neal

Signature: Original Signed by Erin Neal

Title: Environmental Scientist

Date: 3/29/2024



Department of Toxic Substances Control
7575 Metropolitan Drive, Suite 108
San Diego, CA 92108

SUMMARY OF VIOLATIONS

Facility Name: Chiquita Canyon, LLC Date: 3/29/2024

SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

Violation # 1

Violation Citations:

California Code of Regulations, title 22 (22 CCR) § 66265.31, Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Description:

On and/or before March 11, 2024, Chiquita Canyon, LLC failed to minimize the possibility of releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

On February 14, 2024, Chiquita Canyon, LLC memorialized in a letter to DTSC the need for the use of the immediate response exemption pursuant to 22 CCR § 66264.1(g)(8)(A)(2), 66265.1(e)(11)(A)(2), and 66270.1(c)(3)(A)(2). Chiquita Canyon, LLC stated:

“[T]here is an imminent and substantial threat that such potential hazardous wastes could be discharged into the environment. ... [D]ue to the space constraints and limitations in accumulation capacity, Chiquita has temporarily shut off pumps to reduce the amount of liquids that are extracted from the reaction. This does not mean that liquid is not being produced by the reaction; it means that liquid is continuing to accumulate inside of the waste mass. The liquid must go somewhere.”

On March 5, 2024, DTSC issued an information request to Chiquita Canyon, LLC for all leachate manifests since January 1, 2024. Chiquita Canyon, LLC provided DTSC with hazardous waste manifests on March 12, 2024. According to the records provided by Chiquita Canyon, LLC, no leachate was manifested for hazardous waste disposal from 2/14/2024 to 2/25/2024, 3/2/2024 to 3/3/2024, 3/5/2024 to 3/7/2024, and 3/10/2024 to



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3/11/2024. As a result, Chiquita Canyon, LLC did not utilize all resources to demonstrate an immediate response to minimize the possibility of releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Chiquita Canyon, LLC failed to utilize all permitted hazardous waste treatment, storage, and disposal facilities (TSDFs) for off-site shipments of hazardous waste leachate.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall utilize all potential hazardous waste disposal options to the fullest extent to minimize the possibility of any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Within **three** days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written list of all potential permitted hazardous waste disposal facilities where leachate can be disposed, including the daily maximum quantities allowed and Chiquita **must** send daily shipments of hazardous waste leachate at the maximum allowable quantities to the identified offsite disposal locations. At the end of each and every day (by 11:59 PM), Chiquita shall provide copies of hazardous waste manifests to DTSC for all shipments of hazardous waste leachate sent off-site that day.

Violation # 2

Violation Citations:

Health and Safety Code (HSC) § 25189.2(c), A person who disposes, or causes the disposal of, a hazardous or extremely hazardous waste at a point that is not authorized according to the provisions of this chapter is liable for a civil penalty of not more than seventy thousand dollars (\$70,000) for each violation and may be ordered to disclose the fact of this violation or these violations to those persons as the court or, in the case of an administrative action, a hearing officer, may direct. Each day on which the deposit remains is a separate additional violation, unless the person immediately files a report of the deposit with the department and is complying with an order concerning the deposit issued by the department, a hearing officer, or a court of competent jurisdiction for the cleanup.

Description:

On and/or before February 21, 2024, Chiquita Canyon, LLC disposed and/or caused the disposal of two truckloads, approximately 10,000 gallons total, of hazardous waste leachate by sending this leachate to Patriot Environmental Services (Patriot) at 314 W. Freedom Avenue, Orange, CA 92865 on non-hazardous manifest #9229 and #9133. The leachate was pulled from Tank #45 at Chiquita Canyon Landfill, which was sampled on February 18, 2024, indicating that the tank contained benzene at 0.6 mg/L, above the Toxicity Characteristic Leaching Procedure (TCLP) regulatory threshold of 0.5 mg/L.



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for benzene. Approximately 18 hours after treatment, on February 20th, post-treatment sampling was conducted on Tank #45. Sampling results from Chiquita Canyon, LLC showed that the tank contained benzene at 0.5 mg/L, at the TCLP regulatory threshold for benzene. Samples were also collected of waste leachate remaining in Tank #45 after most of the waste was already received and processed by Patriot. This sample had 0.6 mg/L benzene.

Chiquita Canyon, LLC sent a letter to Patriot regarding these exceedances on February 26, 2024. Chiquita Canyon, LLC stated in its letter that it recognized that this leachate was released into Patriot's treatment process.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately take steps to ensure that hazardous waste leachate is not disposed of at a point that is not authorized. Within 15 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how the facility will ensure that hazardous waste leachate is not disposed of at unauthorized locations.

Violation # 3

Violation Citations:

HSC § 25189.2(c), A person who disposes, or causes the disposal of, a hazardous or extremely hazardous waste at a point that is not authorized according to the provisions of this chapter is liable for a civil penalty of not more than seventy thousand dollars (\$70,000) for each violation and may be ordered to disclose the fact of this violation or these violations to those persons as the court or, in the case of an administrative action, a hearing officer, may direct. Each day on which the deposit remains is a separate additional violation, unless the person immediately files a report of the deposit with the department and is complying with an order concerning the deposit issued by the department, a hearing officer, or a court of competent jurisdiction for the cleanup.

Description:

On and/or before February 23, 2024, Chiquita Canyon, LLC disposed and/or caused the disposal of hazardous waste leachate due to a release onto the soil caused by a ruptured hose associated with the leachate treatment and storage tank, Tank #47, during treatment processes occurring at 29201 Henry Mayo Drive, Castaic, CA 91384. Tank #47 was sampled on February 21, 2024 by the facility and was found to have an exceedance for benzene, reporting 0.8 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L. At the time of the release the tank was undergoing re-treatment and in addition to the hazardous waste leachate contained iron chelate and/or peroxide from the treatment process. The hazardous waste leachate and treatment mixture that was released came into contact with an employee of Chiquita Canyon, LLC. Per



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CalOES Spill Control #24-1157, that employee was injured by the release and transported to a local hospital.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately take steps to ensure that hazardous waste leachate is not released or disposed of at a point that is not authorized and remains safely contained. Within 15 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how the facility will ensure that no release or disposal occurs.

SECTION II: OTHER ISSUES/CONCERNS

The following issues/concerns were identified during this investigation. Further research may identify additional violations. Any new violations, with the prescribed corrective action and schedule for compliance, will be identified in the Violation section of the investigation report.

1. The facility is generating RCRA hazardous waste and thus should have a federal EPA ID number. Please provide us with that number or obtain one if you have not already.

EXHIBIT 9

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

)	
IN THE MATTER OF:)	
)	
Chiquita Canyon, LLC)	
	)	UNILATERAL ADMINISTRATIVE
	)	ORDER
)	
RESPONDENT	)	EPA DOCKET NO.
	)	RCRA 7003-09-2024-0001 and
Proceeding under Section 7003 of the	)	CERCLA 106-09-2024-05
Resource Conservation and Recovery Act,)	
as amended, 42 U.S.C. Section 6900, et seq.,)	
and Section 106(a) of the Comprehensive)	
Environmental Response, Compensation,)	
and Liability Act, 42 U.S.C. Section 9601)	
et seq.)	
)	

I. INTRODUCTION

1. This Unilateral Administrative Order (“UAO”) is issued by the United States Environmental Protection Agency, Region IX (“EPA”) to Chiquita Canyon, LLC, dba Chiquita Canyon Landfill (“CCL” or “Respondent”). This UAO provides for the performance of response actions to address off-Site impacts and ongoing subsurface reactions causing off-Site impacts, including any additional work that maybe required by Section XXIV (Additional Work) of this UAO, by Respondent in connection with the property located at 29201 Henry May Drive in Castaic, California (the “Site”). In issuing this UAO, EPA intends for Respondent to identify, investigate, remedy, and/or prevent the potential endangerment to human health or the environment from activities involving solid and hazardous waste, and to ensure that the Work ordered by EPA is designed and implemented to protect human health or the environment. Respondent shall finance and perform the Work in accordance with this UAO, plans, standards, specifications and schedules set forth in this UAO or developed by Respondent and approved by EPA pursuant to this UAO.
2. EPA has determined that Respondent has contributed or is contributing to the past or present handling, storage, treatment, transportation or disposal of solid and hazardous waste that may present an imminent and substantial endangerment to health or the environment.
3. EPA has notified the State of California of this action pursuant to the Resource Conservation and Recovery Act (also known as the Solid Waste Disposal Act), as amended, 42 U.S.C. §§ 6901, *et seq.* (RCRA), Section 7003(a), 42 U.S.C. § 6973(a), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, *et seq.* (CERCLA), Section 106(a), 42 U.S.C. § 9606(a).

II. JURISDICTION

4. This UAO is issued under the authority vested in the Administrator of EPA by Section 7003 of RCRA, 42 U.S.C. § 6973, which authority has been delegated to the Regional Administrators of EPA by Delegation 8-22 (January 18, 2017), and redelegated to the Director of the Enforcement and Compliance Assurance Division of EPA Region IX by Delegation R9 8-22 (March 8, 2017). This UAO is also issued under the authority vested in the President of the United States by Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), which authority has been delegated to the Administrator of the EPA by Executive Order No. 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), further delegated to the Regional Administrators of EPA by Delegations 14-14A (January 31, 2017) and 14-14B (January 18, 2017), and redelegated to the Director of the Superfund and Emergency Management Division of EPA Region IX by Delegation R9 14-14A and 14-14B (May 9, 2018 and May 1, 2019).

III. PARTIES BOUND

5. This UAO shall apply to and be binding on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and on all persons, including, but not limited to, contractors and consultants, acting on behalf of Respondent, as well as on subsequent purchasers of the Site. Any change in the ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this UAO.
6. Respondent shall provide a copy of this UAO to any subsequent owners or successors before a controlling interest in ownership rights, stock, assets or the Site is transferred. Respondent shall be responsible for, and liable for, completing all of the activities required pursuant to this UAO, regardless of whether there has been a transfer of ownership or control of the Site or whether said activities are to be performed by employees, agents, contractors, subcontractors, laboratories, or consultants of Respondent. Respondent shall provide a copy of this UAO within seven (7) days of the Effective Date, or the date that such services are retained, to all contractors, subcontractors, laboratories, and consultants that are retained to conduct or monitor any portion of the Work performed pursuant to this UAO. Respondent shall condition all contracts or agreements with contractors, subcontractors, laboratories or consultants in connection with this UAO, on compliance with the terms of this UAO. Respondent shall ensure that their respective contractors, subcontractors, laboratories, and consultants comply with this UAO.
7. Not later than sixty (60) days prior to any voluntary transfer by Respondent of any interest in the Site or the operation of the facility, Respondent shall notify EPA of the proposed transfer. In the case of a voluntary transfer through a bankruptcy, Respondent shall notify EPA within twenty-four (24) hours of the decision to transfer property. Respondent shall notify EPA of any involuntary transfers immediately on Respondent's initial receipt of notice of any involuntary transfer. Not later than three (3) days after any transfer, Respondent shall submit copies of the transfer documents to EPA.

IV. DEFINITIONS

8. Unless otherwise expressly provided herein, terms used in this UAO that are defined in RCRA or CERCLA shall have the meaning assigned to them in the applicable statute. Whenever the terms listed below are used in this UAO the following definitions apply:

"CalRecycle" shall mean California's Department of Resources Recycling and Recovery.

"CCR" means the California Code of Regulations.

“CERCLA” shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, *et seq.*

“Clean Air Act” shall mean the Clean Air Act, as amended, 42 U.S.C. §§ 7401, *et seq.*

“Day” or “day” shall mean a calendar day unless expressly stated otherwise. In computing any period of time under this UAO, where the last day would fall on a Saturday, Sunday, or federal or State holiday, the period shall run until the close of business on the next working day.

“DTSC” shall mean California’s Department of Toxic Substances Control.

“Effective Date” shall be the effective date of this UAO pursuant to Section XXVII (Effective Date).

“EPA” shall mean the United States Environmental Protection Agency and its successor departments, agencies, or instrumentalities.

“LEA” shall mean the Los Angeles County Department of Public Health, Solid Waste Management Program, certified to act as the Local Enforcement Agency by CalRecycle.

“NCP” shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

“Paragraph” shall mean a portion of this UAO identified by an Arabic numeral or an upper or lower case letter.

“Parties” shall mean EPA and Respondent.

“RCRA” shall mean the Resource Conservation and Recovery Act (also known as the Solid Waste Disposal Act), as amended, 42 U.S.C. §§ 6901, *et seq.*

“Regulatory Agencies” shall mean EPA, LEA, CalRecycle, California’s South Coast Air Quality Management District, Los Angeles Regional Water Quality Control Board, DTSC, and any successor departments or agencies of these entities.

“Respondent” shall mean Chiquita Canyon, LLC.

“RWQCB” shall mean the Los Angeles Regional Water Quality Control Board.

“Section” shall mean a portion of this UAO identified by a Roman numeral.

“Site” shall mean the facility located at 29201 Henry May Drive, in Castaic,

California (91384).

“South Coast AQMD” shall mean California’s South Coast Air Quality Management District.

“State” shall mean the State of California.

“United States” shall mean the United States of America and each department, agency, and instrumentality of the United States, including EPA.

“Waste Material” shall mean (a) any “hazardous substance” under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any “solid waste” under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27); and (d) any “hazardous waste” under California Health & Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law), Section 25117 and Title 22 of the California Code of Regulations (22 CCR), Section 66261.3.

“Work” shall mean all the activities and requirements Respondent is required to perform under this UAO, except those required by Section XVI (Record Retention).

“Work Plan(s)” shall mean the Master Work Plan and/or the work plans incorporated therein.

V. FINDINGS OF FACT

9. Operation of the Landfill.

- a. CCL is registered as a limited liability company in the State of Delaware. CCL is a subsidiary of Waste Connections US, Inc., which is registered as a corporation in the State of Delaware. Waste Connections US, Inc. is a subsidiary of Waste Connections, Inc., which is registered as a business corporation in Ontario, Canada.
- b. CCL operates a Class III non-hazardous municipal solid waste landfill (“Landfill”) located on the Site in the northern portion of the County of Los Angeles. The County of Los Angeles Department of Regional Planning regulates the Landfill under a conditional use permit. The 639-acre Landfill property was first approved for waste disposal in 1967. It has been in use as a landfill since 1972. The property has continued to be used and operated as a landfill under a series of conditional use permits issued by the County of Los Angeles. CCL was most recently granted a renewed conditional use permit in 2017 (as renewed and/or amended from time to time, “CUP”) to allow continued operations and expansion of the Landfill.

- c. CCL is permitted to accept non-hazardous solid waste for disposal, including municipal solid waste, green waste for composting or recycling, construction and demolition debris, and e-waste for recycling. CCL is prohibited from accepting hazardous waste that is ignitable, corrosive, reactive, or toxic. CCL is also prohibited from accepting biohazardous waste, household hazardous waste, radioactive materials, incinerator ash, sludge, automobile shredder waste, and liquid waste.
- d. Per the CUP, CCL is permitted to dispose of up to 12,000 tons of municipal solid waste per day at the Landfill. Under a Solid Waste Facility Permit issued on October 19, 2018, by the LEA with CalRecycle's concurrence, non-hazardous mixed organics material for composting shall not exceed 560 tons per day and any combination of non-hazardous waste, beneficial reuse material and composting green material shall not exceed 12,000 tons per day or 60,000 tons per week. The CUP permits disposal of a maximum of 2,800,000 tons of municipal solid waste per year through December 2024, at which time the Landfill's maximum annual capacity will reduce to 1,800,000 tons. The average daily tonnage of municipal solid waste disposed in the Landfill in 2021 was reported to be 6,412 tons.
- e. At the Landfill, CCL operates a landfill gas collection and control system that includes vertical and horizontal gas collection wells and associated piping and trenches, multiple collection headers and blowers for venting landfill gas, a landfill gas treatment system, a condensate/leachate collection and storage system and flares that combust landfill gas. South Coast AQMD has issued permits for CCL's operation pursuant to South Coast AQMD Rules 201, 203, 1150.1, and 3002, including permits for CCL's landfill gas collection system, landfill gas treatment system, landfill gas condensate/leachate collection and storage system, two (2) portable diesel engines driving tippers, nine (9) portable diesel engines driving fans, and the landfill gas flare systems. South Coast AQMD permits also require CCL to comply with the federal rules and regulations, including the National Emissions Standards for Hazardous Air Pollutants at 40 C.F.R. Part 63, Subpart AAAA, the New Source Performance Standards at 40 C.F.R. Part 60, Subpart XXX and the Clean Air Act Title V permitting program. The Title V permitting program is a comprehensive stationary source operating permit program that implements Title V of the federal Clean Air Act by issuance of operating permits pursuant to 40 C.F.R. Parts 70 and 71.

10. Reaction Event and Effects.

- a. In May 2022, conditions at the Landfill began deteriorating in an area approximately thirty (30) acres in size, located in the north-western portion of the Landfill (the "Reaction Area"). See Attachment A, Map of Landfill.

- b. Based on CalRecycle’s review of the Landfill data, the Landfill sustained the following conditions from around May 2022 through mid-October 2023:¹
- (1) Landfill cover integrity issues;
 - (2) Increased temperatures and pressures in the landfill gas control systems and waste mass;
 - (3) Oxygen intrusion above 5% by volume;
 - (4) Landfill gas temperatures over 170°F;
 - (5) Landfill subsurface temperatures over 195°F;
 - (6) Decreased methane production;
 - (7) Elevated carbon monoxide concentrations exceeding 1000 parts per million volume;
 - (8) Unusual landfill settlement;
 - (9) Damaged gas wells;
 - (10) Poor gas well performance in and around the Reaction Area; and
 - (11) The heating/smoldering event expanding in size and intensity.
- c. On October 16, 2023, CalRecycle concluded, “The conditions at the [L]andfill are causing additional gas pressure, noxious odors, elevated well and leachate temperatures, and damage to the gas extraction system at the [L]andfill.”²
- d. EPA also confirmed from its review of the Landfill data provided by CCL on January 26, 2024, in response to EPA’s December 28, 2023, request for information, that the Landfill has sustained the following conditions:
- (1) Landfill gas collection system well temperatures above 145°F at multiple wells, from January 2022 through December 2023, and likely ongoing; and
 - (2) Increased leachate production at the Site from 151,187 gallons per week in January 2022 to 1,014,532 gallons per week in December 2023.

¹ Letter from CalRecycle to LEA, dated October 16, 2023, regarding Review of the Odor Incident at Chiquita Canyon Landfill (19-AA-0052) (the “CalRecycle October 2023 Letter.”)

² CalRecycle October 2023 Letter at 17.

- e. During on-Site visits on November 2, 2023, November 8, 2023, January 9, 2024, and January 18, 2024, EPA observed the following ongoing conditions at the Landfill:
- (1) Sour odors throughout the Reaction Area;
 - (2) Settlement of the Landfill surface about twenty (20) to thirty (30) feet below the previous grade;
 - (3) Leachate flowing out of the base of the Landfill on the northwestern side of the Reaction Area;
 - (4) Leachate bubbling out of the surface of the Landfill on the northern base of the Landfill next to the perimeter road;
 - (5) Leachate seeping out of the northside of the Landfill at a different location;
 - (6) Repairs to a Landfill well system to prevent imminent failure of the well and pressurized leachate condensate and steam ejecting from the well during such repairs;
 - (7) Cover integrity issues creating areas of exposed trash and exceedances measured during surface emissions monitoring;
 - (8) Standing liquid, appearing dark and with small, discrete bubbling, ponding above the scrim on the French drain; and
 - (9) Landfill gas pockets, or ballooning, and gas bubbles occurring underneath and above the scrim, respectively.
- f. During on-Site monitoring on November 8, 2023, and January 9, 2024, EPA conducted surface emissions monitoring s under EPA Method 21, “Determination of Volatile Organic Compound Leaks” (2017), using hydrocarbon detection instruments to measure methane as a surrogate for hazardous air pollutants to evaluate compliance with the National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, § 63.1958, which requires operators of municipal solid waste landfills to operate a gas collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. The surface emissions monitoring detected exceedances of the limit of 500 parts per million of methane under 40 C.F.R. § 63.1958, both inside and outside the Reaction Area, including:

- (1) Surface emissions concentrations of methane in excess of 500 parts per million at thirteen (13) out of thirty (30) wells sampled in the Reaction Area; and
 - (2) Surface emissions concentrations of methane in excess of 500 parts per million at fifty (50) unique locations on the Landfill, both inside and outside the Reaction Area.
- g. As of January 17, 2024, the Reaction Area was located approximately 1,000 feet from the nearest resident.

11. Complaints, Violations and Endangerment Due to Noxious Odors.

- a. In the spring of 2023, CCL experienced a significant increase in the number of odor complaints it received in connection with the Landfill. In 2023, South Coast AQMD received almost 6,800 complaints of odors from the public, particularly members of the public located in the communities of Val Verde, Hasley Canyon, Hillcrest, Williams Ranch, North Bluffs, Hasley Hills and Live Oak, in California, with numerous complaints alleging CCL as the source.³ The complaints describe various odors but primarily describe landfill gas and other non-trash odors.
- b. A majority of the complaints were received from individuals reporting from the community of Val Verde, which lies northwest and immediately adjacent to the Landfill, and the community of Castaic Junction, which lies northeast of the Landfill.
- c. South Coast AQMD inspectors investigated the complaints – by verifying odors with complainants and tracing them back to CCL – and confirmed CCL as the source of the odors on numerous occasions. On May 18, 2023, South Coast AQMD issued a Notice of Violation (“NOV”) to CCL for public nuisance in violation of South Coast AQMD Rule 402 and California Health and Safety Code (CA H&S) Section 41700. Between April and December 31, 2023, South Coast AQMD issued 107 NOVs to CCL for public nuisance under South Coast AQMD’s Rule 402 and CA H&S Section 41700.
- d. CalRecycle also determined that odors were attributable to the reaction occurring at the Landfill. CalRecycle reported on October 16, 2023, that “the landfill gas generated in and around the reaction settlement area has exceeded the designed gas generation flow rate and caused increased emissions and odors.”⁴

³ These complaints appear in the Summary of Complaints Alleging Chiquita Landfill as Source from January 1, 2023, through December 31, 2023, prepared by South Coast AQMD (the “2023 Complaints Summary.”)

⁴ CalRecycle October 2023 Letter at 17.

- e. The complaints filed reflect that the public has suffered impacts due to the noxious odors, including reports of eye irritation, nosebleeds, tinnitus, nausea, migraines, vomiting, vertigo, respiratory symptoms, cardiac issues, and skin issues. Various members of the public reported that they are unable to have their children play outside in the yard, walk their pets, or exercise outdoors, due to odors from the Landfill. Noxious odors were reported by concerned parents, teachers, staff and students at schools as near as approximately 1.7 miles, and as far as approximately 5.0 miles, from the Landfill, including at Headstart Preschool in Val Verde, Playmakers Preschool in Castaic, Santa Clarita Valley International Elementary School in Castaic, Live Oak Elementary School in Castaic, Castaic Elementary School in Castaic, Castaic High School in Castaic, Rio Vista Elementary School in Canyon Country, West Ranch High School in Stevenson Ranch, and Valencia High School in Valencia.⁵ One parent in Castaic reported that it was “literally difficult to even walk to the car to take [the] kids to school.”⁶
- f. CCL maintains several air monitoring stations around the Landfill perimeter and within the nearest residential community. Pursuant to the CUP issued by the County of Los Angeles Department of Regional Planning, CCL’s monitoring stations continuously monitor for hydrogen sulfide (“H₂S”) and particulate matter (“PM”) concentrations. CCL’s H₂S monitors in the community showed the presence of H₂S in excess of 30 parts per billion from November 2022 through 2023.⁷
- g. Since mid-2023, CCL has also regularly collected grab samples and 24-hour samples for various compounds at the air monitoring sites in the community.⁸ Several of CCL’s 24-hour and grab samples showed above-background concentrations of benzene, exceeding 1 part per billion.⁹ One 24-hour sample in the community showed the presence of benzene in excess of 8 parts per billion.¹⁰
- h. On September 1, 2023, September 19, 2023, October 25, 2023, November 28,

⁵ See 2023 Complaints Summary.

⁶ Complaint was filed on September 15, 2023. See 2023 Complaints Summary.

⁷ Graph prepared by South Coast AQMD from Respondent’s sampling data from continuous air monitors in the community surrounding the Landfill, included as Petitioner’s Exhibit 29 to Proposed Findings and Decision for a Modified Stipulated Order for Abatement, In the Matter of South Coast Air Quality Management District vs. Chiquita Canyon, LLC, Case No. 6177-4, before the Hearing Board of the South Coast Air Quality Management District (“Proposed Modified AO.”)

⁸ Atmospheric Analysis & Consulting, Inc. report analyzing selected grab and 24-hour samples from the community surrounding the Landfill, sampled by Respondent, included as Petitioner’s Exhibit 30 to the Proposed Modified AO (“Community Grab and 24-hour Samples Lab Report.”)

⁹ See sampling data from September 5, 2023, October 10, 2023, October 17, 2023, November 7, 2023, November 21, 2023, and December 5, 2023, respectively, in the Community Grab and 24-hour Samples Lab Report.

¹⁰ See sampling data from November 7, 2023, in the Community Grab and 24-hour Samples Lab Report.

2023, and December 19, 2023, respectively, the LEA conducted inspections at the Landfill. The LEA inspector observed on each of these occasions that the methane gas concentrations at perimeter monitoring wells were above five percent (5%) by volume in air. The LEA issued violations to CCL for non-compliance with gas monitoring and control requirements under Title 27 of the California Code of Regulations (27 CCR), Section 20921(a).

- i. On September 7, 2023, the South Coast AQMD Hearing Board issued a Stipulated Abatement Order (the “Stipulated Abatement Order”) requiring, among other things, investigation and mitigation of odors, investigation of the Reaction Area, expansion of the landfill gas well and collection system, increased flaring, improvements to the cover of the Landfill, and a health study. Despite these efforts, noxious odors have continued to impact the communities surrounding the Landfill. South Coast AQMD has issued at least fifty-three (53) NOVs to CCL, based on the continuous noxious odors emanating from the Landfill since September 7, 2023.
- j. On January 17, 2024, the South Coast AQMD Hearing Board approved modifications to the Stipulated Abatement Order to address issues relating to the Landfill’s leachate collection system and other conditions resulting in increased emissions by, among other things, requiring expanded air monitoring and sampling in the surrounding community.¹¹ The South Coast AQMD AO states that the odor complaints received by the agency included “odor descriptions of both trash and landfill gas, but [South Coast AQMD] and [CCL] believe that all odors complained of related to landfill gas, leachate, and associated surface emissions rather than trash or the working face.”¹² South Coast AQMD asserted, “the ongoing subsurface reaction is the source of the odor complaints received from the public, and the root cause of an ongoing public nuisance.”¹³
- k. On February 7, 2024, Roux Associates, Inc. (“Roux”) issued a community air sampling and health risk report prepared on behalf of Los Angeles County for the investigation of outdoor air quality and the evaluation of potential health risks to residents of the communities surrounding the Landfill.¹⁴ From its independent review of existing continuous air monitoring data for the Landfill, Roux observed that ambient air levels for H₂S in the communities surrounding the Landfill periodically exceeded the California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment acute and chronic recommended

¹¹ Findings and Decision for a Modified Stipulated Order for Abatement, In The Matter of South Coast Air Quality Management District vs. Chiquita Canyon, LLC, Case No. 6177-4, Before the Hearing Board of the South Coast Air Quality Management District (“South Coast AQMD AO.”)

¹² South Coast AQMD AO at 4.

¹³ South Coast AQMD AO at 4.

¹⁴ Roux Associates, Inc., “Community Air Sampling and Health Screening Evaluation Report: Val Verde and Castaic Communities, Los Angeles County, California,” (February 7, 2024) (“Public Health Report.”)

limits for H₂S of 0.03 ppm and 0.007 ppm, respectively. Roux explained, “H₂S can be an irritant to the eyes, nose, or throat, and can impact the neurological and respiratory systems. [Agency for Toxic Substances and Disease Registry] notes the most common symptoms following exposure to odorants include headaches, nasal congestion, eye, nose and throat irritation, hoarseness/sore throat, cough, chest tightness, shortness of breath, wheezing, heart palpitations, nausea, drowsiness and mental depression.”¹⁵

12. Complaints, Violations and Endangerment Due to Leachate and Leachate Condensate.

- a. Landfill leachate is formed when rainwater or other liquid filters through or drains from wastes placed in a landfill. When this liquid comes in contact with buried wastes, it leaches, or draws out, chemicals or constituents from those wastes. Condensate is the liquid generated as a result of the gas collection and recovery process.
- b. On September 19, 2023, October 25, 2023, and November 28, 2023, respectively, the LEA conducted inspections at the Landfill. The inspector observed on each of these occasions that leachate was leaking through slopes and pooling around gas wells in the upper northwestern to western areas of the Landfill. In November 2023, the inspector also observed that leachate was flowing and pooling on top of the installed scrim cover located on the west-facing Reaction Area slopes. The LEA issued violations to CCL for non-compliance with leachate control requirements under 27 CCR § 20790.
- c. On October 3, 2023, the RWQCB conducted an inspection of the Landfill and observed “a leachate seep in the north-western portion of the Main Canyon of the Landfill that flowed from the edge of the Landfill to a concrete V-ditch. The V-ditch widens to a flat-bottomed ditch on its course to the stormwater debris basin at the front of the Landfill.”¹⁶
- d. On October 17, 2023, the LEA stated in a letter to CCL that the conditions observed at the Landfill “are serious issues and have likely caused the many violations cited by the [South Coast AQMD] investigations this year,” and that “the CalRecycle analysis presents compelling evidence that the CCL needs to act promptly to address the current conditions for the protection of public health and the environment.”¹⁷ The LEA cautioned, with respect to CCL’s landfill gas

¹⁵ Public Health Report at 2.

¹⁶ Letter from RWQCB to Respondent, dated November 22, 2023, regarding Notice of Violation of Waste Discharge Requirements – Chiquita Canyon Landfill, Castaic, California (File No. 67-020, Order No. R4-2018-0172, Geotracker Global ID. L10003464243) (“RWQCB November 2023 NOV.”)

¹⁷ Letter from the LEA to Respondent, dated October 17, 2023, regarding Chiquita Canyon Landfill (SWIS No. 19-AA-0052) CalRecycle Review of the Ongoing Order Incident at Chiquita Canyon Landfill (“LEA October 2023 Letter.”)

control, emission, odor, and leachate issues, “[i]f prompt steps are not taken, the condition is likely to worsen, and may threaten the integrity of the landfill, thereby compromising the landfill cover.”¹⁸ The LEA expected CCL to complete various corrective and mitigation actions, including sampling of the leachate for benzene and other volatile organic compounds, as “past incidents similar to Chiquita Canyon . . . have shown that heating event increases the level of [volatile organic compounds] in the leachate.”¹⁹

- e. On November 2, 2023, representatives from the Regulatory Agencies performed a joint inspection at the Landfill. The Regulatory Agencies observed multiple new leachate outbreaks, as well as stability issues with leachate-saturated slopes and waste. They also observed continuing issues with high temperatures, landfill gas collection, excessive leachate production, and unusual and large-scale settlement. A portion of the Reaction Area had settled as much as twenty-five (25) to thirty (30) feet since 2022. From July 2023 to September 2023, the Reaction Area had expanded in all directions, most notably to the north and west, to an approximate size of thirty (30) to thirty-five (35) acres.
- f. During the November 2, 2023, joint inspection by the Regulatory Agencies, the RWQCB observed that the leachate seep into the concrete V-ditch to a flat-bottomed ditch on its course to the stormwater debris basin at the front of the Landfill was continuing. The RWQCB reported that CCL was pumping leachate into tanker trucks for off-Site disposal. Further, on November 8, 2023, EPA and South Coast AQMD inspectors observed that uncontrolled leachate condensate was spewing out of gas extraction wellheads twelve (12) to eighteen (18) feet into the air, due to the increased temperatures and pressure within the Reaction Area.
- g. Based on the findings from the joint inspection on November 2, 2023, and the LEA inspection on November 28, 2023, the LEA issued a violation to CCL for deteriorated conditions in the Reaction Area and for non-compliance with preventive maintenance program requirements under 27 CCR § 20750.
- h. On November 21, 2023, the LEA issued a letter to CCL requiring CCL to address the ongoing and uncontrolled reactions at the Landfill.²⁰ The LEA determined that it was “unlikely that CCL’s current mitigation measures will be sufficient to control and contain the reaction, which is expanding toward other areas of the [L]andfill.”²¹ The letter requires, among other actions: the installation of temperature monitoring devices to determine the intensity, depth, and direction

¹⁸ LEA October 2023 Letter at 2.

¹⁹ LEA October 2023 Letter at 3.

²⁰ Letter from the LEA to Respondent, dated November 21, 2023, regarding Chiquita Canyon Landfill (SWIS No. 19-AA-0052) CalRecycle’s Review of Conditions at the Landfill Response Letter (“LEA November 2023 Letter.”)

²¹ LEA November 2023 Letter at 2.

of the reaction; the development of a plan and constructing a soil barrier between the reaction and operational areas; the placement and compacting of a minimum cover of 24 inches of 1×10^{-6} low permeability soil in and around the reaction settlement area and any well showing signs of reaction; the development of a written plan to document and track fissures, settlement, and tension cracks in the soil cover; the performance of a slope stability analysis of the western slope near the leachate outbreak; and the collection of temperature readings in and around the Reaction Area to meet the manufacturer's temperature design specifications to ensure the French drain installed by CCL does not fail due to the elevated temperature of the leachate.

- i. On November 22, 2023, the RWQCB issued a NOV to CCL, noting that CCL failed to continuously protect and maintain leachate and landfill-gas condensate containment systems to ensure their effectiveness and to prevent commingling of leachate and gas condensate with surface water run-on and run-off. The RWQCB observed that the "conditions in the area of the leachate seep at the Landfill are not adequate to prevent the commingling of leachate and gas condensate with surface water run-on and run-off during a rain event."²² The RWQCB also cited CCL for failing to report the leachate seepage to the RWQCB upon discovery.
- j. CCL acknowledged that leachate seepage occurred on the western slope of the Landfill from April through November 2023, and was present in levels that reached the stormwater channel on the western slope and intermittently on the northern slope of the Landfill.
- k. Benzene is an EPA Hazardous Waste (No. D018) with a Toxicity Characteristic Leaching Procedure ("TCLP") regulatory level of 0.5 mg/L.
- l. Benzene causes harmful effects on the bone marrow and can cause a decrease in red blood cells, leading to anemia. It can also cause excessive bleeding and can affect the immune system, increasing the chance for infection. The United States Department of Health and Human Services has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs.
- m. On December 12, 2023, DTSC and EPA performed an inspection of the Reaction Area and collected samples of the uncontrolled leachate condensate waste from the gas extraction wellheads.²³ The temperature of the leachate was as high as 180°F. There were TCLP exceedances for benzene in the samples, as high as 0.59

²² RWQCB November 2023 NOV at 2.

²³ Environmental Chemistry laboratory results from DTSC sampling data (DTSC Case #15921) from site visit on December 12, 2023 ("DTSC December Lab Report.")

mg/L and 0.91 mg/L.²⁴ CCL reported test results of the split samples of the leachate condensate provided to CCL from DTSC during the inspection with TCLP exceedances for benzene of 0.59 mg/L, 1.2 mg/L and 2.9 mg/L.²⁵

- n. CCL's test results from various samples contained evidence of TCLP exceedances for benzene in condensate samples taken as early as August 2023.²⁶
- o. CCL has been transporting leachate from the Landfill to multiple facilities for off-Site disposal, including Avalon Premium Tank Cleaning ("Avalon") and Patriot Environmental Services ("Patriot").
- p. On December 27, 2023, Avalon sampled the leachate from a tanker truck delivering leachate from the Landfill and found that the leachate had a TCLP exceedance for benzene of 0.538 mg/L.²⁷
- q. On January 25, 2024, CCL issued a letter to Avalon to inform it of "three recent laboratory tests on discrete samples of the leachate generated at the Chiquita Canyon Landfill, some of which may have been sent to [the] facility for treatment and subsequent disposal," which "three tests indicated somewhat elevated levels of [benzene]."²⁸ CCL reported that grabs samples taken from the location where the vacuum trucks connect to a set of tanks at the Landfill on November 30, 2023, December 6, 2023, and December 27, 2023, had benzene concentrations of 0.92 mg/L, 1.2 mg/L, and 0.538 mg/L, respectively. CCL estimated that there could have been as many as seventy-six (76) truck-loads of this contaminated liquid delivered to two facilities, including Avalon, over the course of numerous days.
- r. On January 26, 2024, CCL issued a letter to Patriot to inform it of "several leachate loads sent to [the] facility between January 23 and January 25, 2024, that may have contained somewhat elevated levels of benzene."²⁹ CCL reported that a grab sample taken from the location where the vacuum trucks connect to a set of tanks at the Landfill on January 23, 2024, had a benzene concentration of 0.65 mg/L. CCL advised that based on a review of its waste manifests, at least

²⁴ DTSC December Lab Report at 28.

²⁵ Weck Laboratories, Inc., Certificate of Analysis Final Reports for samples taken by Respondent on December 13, 2023.

²⁶ Weck Laboratories, Inc., Certificate of Analysis Final Reports for samples taken by Respondent on August 29, 2023, November 30, 2023 and December 6, 2023.

²⁷ Enviro – Chem, Inc. Laboratory Report, dated January 4, 2024, prepared for Avalon, analyzing samples from December 27, 2023.

²⁸ Letter from Respondent to Avalon, dated January 25, 2024, regarding Notification of Leachate Analytical Results from the Chiquita Canyon Landfill.

²⁹ Letter from Respondent to Patriot, dated January 26, 2024, regarding Notification of Leachate Analytical Results from the Chiquita Canyon Landfill.

eleven (11) truck-loads of this contaminated liquid had been sent to Patriot over the course of three (3) days.

- s. On February 15, 2024, DTSC issued violations to CCL related to CCL's leachate management and disposal including violations for failing to make a proper waste determination, disposing of hazardous waste at an unauthorized point, causing storage and treatment of hazardous waste at an unauthorized point, failing to use a hazardous waste manifest, and failing to minimize the possibility of release of hazardous waste or hazardous waste constituents.

13. Regulatory Agencies' Response and Issuance of this UAO.

- a. On November 30, 2023, a Multi-Agency Critical Action Team ("MCAT") was formed among the local, state, and federal regulatory agencies overseeing CCL for the purpose of coordinating regulatory expertise, resources and legal authorities to address the human health and environmental impacts caused by the deteriorating conditions at the Landfill. All members of the MCAT were notified of this UAO prior to issuance and were invited to share comments to, and recommendations for, its contents. This UAO reflects the technical expertise and subject-matter knowledge contributed by the MCAT through this engagement process.
- b. The actions required by this UAO, including financial assurances, may be necessary to protect human health or the environment by mitigating the noxious air emissions and properly handling, storing, treating and disposing of hazardous leachate waste resulting from the deteriorated conditions in Reaction Area within the Landfill. Such emissions and leachate emanating from the Landfill could cause injury, detriment, nuisance, annoyance or endanger the comfort, repose, health or safety of any persons or have a natural tendency to cause injury or damage to the physical environment.

VI. CONCLUSIONS OF LAW AND DETERMINATIONS

14. Based on the Findings of Fact set forth above, and an administrative record supporting this UAO, EPA has determined that:

- a. Under RCRA:
 - (1) Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
 - (2) Contaminated soils, organic materials and other materials accepted for disposal at the Site are each discarded material, and therefore are each a "solid waste" as defined in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).

- (3) Leachate and/or leachate condensate emanating from the Landfill near or above the Reaction Area at the Site contains hazardous materials including, but not limited to, benzene, and therefore is a “hazardous waste” as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
- (4) Imminent and Substantial Endangerment Under RCRA. The past and present handling, storage, treatment and disposal of contaminated materials and leachate may present an imminent and substantial endangerment to human health or the environment within the meaning of Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).
- (5) Respondent, as the operator of the Site, contributed and is contributing to the handling, storage, treatment, and disposal of solid and hazardous wastes from which air emissions and leachate waste streams are causing a potential endangerment.

b. Under CERCLA:

- (1) The Site is a “facility” as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
- (2) Respondent is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
- (3) Respondent is a liability party under one or more provisions of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), including, but not limited to, the following:
 - i. CCL is the “owner(s)” and/or “operator(s)” of the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).
- (4) The leachate condensate, which tested to include elevated levels of benzene, as identified in the Findings of Fact above, includes “hazardous substances” as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
- (5) The conditions described in the Findings of Fact above constitute an actual and/or threatened “release” of a hazardous substance from the facility as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
- (6) The conditions at the Site may constitute a threat to public health or welfare or the environment, based on the factors set forth in Section 300.415(b)(2) of the NCP. These factors include, but are not limited to,

the following:

- i. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances. This factor is present at the Site due to the existence of leachate and leachate condensate emanating from the Landfill near or above the Reaction Area at the Site containing hazardous materials, including benzene with concentrations in excess of the TCLP threshold. There are several potential pathways for individuals on and off-Site to be exposed to hazardous substances, including, but not limited to: the migration of air emissions, potential contamination of the groundwater if the Reaction compromises the Landfill lining, and threats to human health caused by disposal of untreated hazardous waste leachate and/or leachate condensate at off-Site receiving facilities; and
 - ii. hazardous substances in soils largely at or near the surface, that may migrate. This factor is present at the Site due to the existence of leachate and leachate condensate emanating from the Landfill near or above the Reaction Area at the Site containing hazardous materials including, but not limited to, benzene with concentrations in excess of the TCLP threshold. The hazardous leachate or condensate may discharge via stormwater run-off into surface waters downstream and impair aquatic life and wildlife uses of the Santa Clara River. Leachate has been observed seeping into a concrete ditch on its course to the stormwater basin which ultimately discharges to the Santa Clara River. Hazardous substances may also migrate to and contaminate groundwater if the Reaction compromises the Landfill lining.
- (7) Imminent and Substantial Endangerment Under CERCLA. The conditions described in the Findings of Fact above may constitute an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from the facility within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). The actions required by this UAO are necessary to protect human health or the environment.

VII. ORDER

15. Based on the administrative record for the Site and Section V (Findings of Fact) and Section VI (Conclusions of Law and Determinations) set forth above, the following is hereby ordered: Respondent shall comply with all provisions of this UAO, including, but not limited to, any appendices to this UAO and all documents incorporated by reference

into this UAO.

16. Respondent shall finance and perform the Work in accordance with this UAO, plans, standards, specifications and schedules set forth in this UAO or developed by Respondent and approved by EPA pursuant to this UAO.

VIII. WORK TO BE PERFORMED

17. Selection of Contractors, Personnel. All Work performed under this UAO shall be under the direction and supervision of qualified personnel. Within thirty (30) days after the Effective Date, Respondent shall notify EPA in writing of the names, titles, addresses, telephone numbers, email addresses, and qualifications of the personnel, including contractors, subcontractors, consultants, and laboratories to be used in carrying out such Work. If, after the commencement of the Work, Respondent retains additional contractors or subcontractors, Respondent shall notify EPA of the names, titles, contact information, and qualifications of such contractors or subcontractors retained to perform the Work at least five (5) days prior to commencement of Work by such additional contractors or subcontractors. EPA retains the right, at any time, to disapprove of any or all of the contractors and/or subcontractors retained by Respondent. If EPA disapproves of a selected contractor or subcontractor, Respondent shall retain a different contractor or subcontractor and shall notify EPA of that contractor's or subcontractor's name, title, contact information, and qualifications within five (5) days after EPA's disapproval. With respect to any proposed contractor, Respondent shall demonstrate that the proposed contractor demonstrates compliance with ASQ/ANSI E4:2014 "Quality management systems for environmental information and technology programs – Requirements with guidance for use" (American Society for Quality, February 2014), by submitting a copy of the proposed contractor's Quality Management Plan ("QMP"). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, Reissued May 2006) or equivalent documentation as determined by EPA. The qualifications of the persons undertaking the Work for Respondent shall be subject to EPA's review for verification based on objective assessment criteria (e.g., experience, capacity, technical expertise) and that they do not have a conflict of interest with respect to the project.
18. Project Coordinator. Before, or within two (2) days of, the Effective Date of this UAO, Respondent shall designate a Project Coordinator who shall be responsible for administration of the Work required by this UAO. Respondent shall notify EPA in writing within three (3) days of the Effective Date of this UAO of the name, address, phone number, electronic mail address and qualifications of the Project Coordinator.
19. EPA will approve/disapprove of Respondent's Project Coordinator (original or replacement) based upon the person's qualifications and ability to effectively perform this role. The qualifications of the persons undertaking the Work for Respondent shall

be subject to EPA's review, for verification that such persons meet minimum technical background and experience requirements. All persons under the direction and supervision of Respondent's Project Coordinator must possess all necessary professional licenses required by federal and state law.

20. EPA has designated the following individuals of the Regional Enforcement and Compliance Assurance Division, as its Project Coordinator and Alternate Project Coordinator (collectively, the "EPA Project Coordinators"). The EPA Project Coordinators shall be responsible for overseeing the implementation of this UAO. EPA will notify Respondent of a change of its designated EPA Project Coordinators. Communications between Respondent and EPA, and all documents concerning the activities performed pursuant to this UAO, shall be directed to the EPA Project Coordinators.

Tyler Holybee, Project Coordinator
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Mark Anthony Relon, Alternate Project Coordinator
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The EPA Project Coordinators shall be EPA's designated representatives for the Site. Unless otherwise provided in this UAO, all reports, correspondence, notices, or other submittals relating to or required under this UAO shall be in writing and shall be sent to the EPA Project Coordinators at the address specified in this Paragraph 20, unless EPA otherwise directs. Reports, correspondence, notices or other submittals shall be delivered by electronic mail. All correspondence shall include a reference to the case caption EPA Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05.

21. Respondent shall undertake and complete all of the Work to the satisfaction of EPA, pursuant to RCRA § 7003, 42 U.S.C. § 6973 and CERCLA § 106, 42 U.S.C. § 9606. All of the Work performed under this UAO shall be under the direction and supervision of Respondent's Project Coordinator and shall be in accordance with the terms of this UAO.
22. Response Action. Respondent shall perform, at a minimum, all actions necessary to

implement the Work required in this UAO, and the approved Work Plan(s). The required actions to be implemented include, but are not limited to, the following:

- a. Upon the Effective Date, Respondent shall immediately store, transport leachate solid and/or hazardous waste only in accordance with RCRA, 42 U.S.C. Sections 6900, *et seq.*, and associated regulations. All hazardous waste shall be disposed of at a treatment, storage and disposal facility preapproved by EPA.
- b. Within thirty (30) days of the Effective Date, Respondent shall provide to EPA a master work plan ("Master Work Plan"), including an expeditious schedule to meet, the following objectives: (1) remedy and prevent off-Site impacts caused by odors, emissions, leachate or other waste streams; and (2) deploy measures to delineate, fully characterize, prevent the expansion of, contain, and reduce the smoldering or the subsurface reaction occurring at the Landfill. The Master Work Plan shall incorporate all ongoing and planned activities to meet environmental requirements and directives applicable to Respondent and the Landfill pursuant to local, state, or federal laws, regulations, permits, orders or agreements (each an "Environmental Obligation," and collectively, the "Environmental Obligations"), including, but not limited to, the requirements, directives and activities identified by the Regulatory Agencies to manage waste streams at the Site, to mitigate the migration of waste streams off-Site, and to mitigate the harm caused by the subsurface reaction or smoldering. In no event shall Respondent's obligations under the Master Work Plan be less stringent than Respondent's obligations under any Environmental Obligation, and in no event shall the provisions of the Master Work Plan conflict with the provisions of any Environmental Obligation.
- c. Without limiting the foregoing, the Master Work Plan shall incorporate the following:
 - (1) A "Leachate Management Plan" that includes the following criteria or components:
 - i. Standard operating procedures to identify leachate seeps and any necessary repairs or improvements to the leachate collection system;
 - ii. Process to adequately characterize leachate, condensate and all waste streams that are potentially hazardous;
 - iii. Process to collect all leachate and remove it from the Site on a daily basis or as often as necessary to reduce exposure of leachate to the atmosphere at the Landfill to the greatest extent feasible, and in any event so as to prevent standing leachate and the

- pooling or ponding of leachate exposed to the atmosphere throughout the facility;
- iv. Operating procedures to store leachate on Site in a manner that prevents leachate and leachate off-gas/VOC emissions/fumes exposure to the atmosphere, including operating procedures to route all collected gases to air emissions control equipment;
 - v. Operating procedures to transport waste streams to appropriate locations for disposal at a facility. All waste streams characterized as hazardous shall only be disposed of at a facility pre-approved by the EPA and permitted to treat, store and dispose of hazardous waste; and
 - vi. Operating procedures shall include obtaining any required permit(s) from the appropriate local, state, or federal agency for on-Site leachate management activities.
- (2) A "Soil Reaction Break/Barrier Plan" that includes the following criteria or components:
- i. Installation of temperature monitoring devices with a telemetry system to collect and record the temperature data necessary for evaluating the intensity, depth, speed and direction of the reaction;
 - ii. A set of criteria (e.g., what temperature thresholds at which temperature probes that border the Reaction Area) that would require installation of a soil reaction break between the reaction and operational areas of the Landfill;
 - iii. Specifications of the depth, width, material, and location of the containment trench (wall) based on temperature readings collected by the temperature probe network;
 - iv. Specifications of the volume of the waste to be excavated to install the soil reaction break between the reaction and operational areas of the Landfill;
 - v. Procedures for characterization and disposal of waste displaced by excavation;
 - vi. Procedure to cover the excavated area for the soil reaction break at the end of shifts;

- vii. Process to ensure that the soil reaction break is finished with 24 inches of 1×10^{-6} low permeability soil;
 - viii. Construction time estimates to complete the soil reaction break; and
 - ix. Provision for weekly updates for the soil reaction break construction until fully completed.
- (3) A “Cover Installation Plan” that includes the following criteria or components:
- i. Installation of a High-Density Polyethylene geomembrane with at least thirty (30) mil thickness (“Geomembrane Cover”) to address the inadequacy of the current cover in the reaction settlement area resulting from the ongoing reaction;
 - ii. System and procedure to ensure that landfill gas (“LFG”) does not accumulate under the Geomembrane Cover if the LFG collection and control system is inoperative due to power outage, such as through the use of a thermal oxidizer with its own power supply;
 - iii. System and procedure to prioritize LFG extraction from the Reaction Area over other areas of the Landfill in order to prevent the accumulation of LFG under the Geomembrane Cover should the LFG collection and control system lose vacuum;
 - iv. Timeline and provisions for weekly updates for the Geomembrane Cover installation until fully completed;
 - v. Process to document and track fissures, settlement, and tension cracks in the soil cover, including a photo log of the fissure location including the length and severity and corrective action taken and a weekly report to EPA by each Tuesday;
 - vi. Tracking and documentation of maintenance issues pertaining to the Geomembrane Cover once any portion of the Geomembrane Cover is installed. Notification to EPA of any structural issues that arise with the Geomembrane Cover; and
 - vii. Processes to ensure the maximum possible collection and control of LFG and associated odors from the Reaction Area and directly adjacent areas where Reaction Area LFG may migrate to, and minimization of fugitive emissions from the Geomembrane Cover and LFG collection components.

- (4) A “Slope Stability Analysis” work plan, subject to approval by the LEA, for the western slope in the Reaction Area.
- (5) Collection of temperature data in and around the Reaction Area to meet the manufacturer’s temperature design specifications/recommendations to ensure that the materials and parts used for mitigation activities do not fail after installation due to elevated temperature of the leachate, e.g., French drain.
- (6) An “Air Monitoring Plan” that includes the following criteria or components:
 - i. Installation and operation of air monitoring equipment on-Site and off-Site and provision of access to monitoring data so as to permit the Regulatory Agencies to identify transport of odors and other emissions from the Landfill, identify techniques that may be used to remedy potential odor impacts on the nearby community, and provide this data to inform the community in a timely manner;
 - ii. Enhancement of current ambient air monitoring program to include dimethyl sulfide and other constituents of landfill gas, including sampling at or near residential properties where recent odor complaints have been reported, sampling at on-Site locations where odors are most pronounced, and completion of a flux chamber study;
 - iii. Real-time continuous monitoring for particulate matter (“PM”) 2.5, PM10, and H2S recorded at monitoring stations at the fence-line of the Landfill (e.g., monitors MS-01 through MS-05) and in the community surrounding the Landfill (e.g., monitors MS-06 through MS-12);
 - iv. Real-time continuous monitoring for total reduced sulfur, and toxic air contaminants recorded by enhanced monitors at the fence-line of the Landfill (e.g., monitor MS-04);
 - v. Installation and implementation of instruments capable of measuring (i) hazardous substances, including Total Reduced Sulfides, Hydrogen Sulfide and all Toxic Air Contaminants listed in Table 1 of South Coast AQMD Rule 1150.1 and (ii) hourly concentrations of volatile organic compounds with Site surface emissions greater than (1) ton/year, including but not limited to, MS-02, MS-05, MS-06, MS-07, MS-10, MS-11 and MS-12; and

- vi. Requirement to make any continuous air monitoring data available to the public in real-time by posting such data on a dedicated webpage that shows a map of the location from which such data was obtained and that includes a graph of the measured pollutant(s) over time along with a depiction of any applicable health-based threshold or standard for such pollutant(s).

(7) An “Off-Site Migration Prevention Plan” to monitor and prevent off-Site migration of leachate or other contaminants or pollutants which may contaminate surface or subsurface water that includes the following criteria or components:

- i. Installation of wells in the alluvial aquifer downgradient of the Reaction Area and sediment basins, sufficient to monitor potential contamination of groundwater and interconnected surface waters, and to identify and track subsurface migration of contamination from the Landfill to groundwater or surface waters, including to the Santa Clara River;
- ii. Assessment and monitoring of the Landfill liner collection system integrity in the Reaction Area using appropriate indicators/surrogates; and
- iii. Additional monitoring for leachate-related constituents in stormwater runoff and maintenance of stormwater management systems, including but not limited to stormwater practices to prevent/minimize contact of leachate and stormwater, practices to prevent discharge of leachate contaminated stormwater to the unlined settlement basins to prevent groundwater contamination, and practices to prevent off-Site discharge of leachate contaminated stormwater.

23. The Work undertaken pursuant to this UAO shall be conducted in compliance with all applicable EPA guidance, policies and procedures, and with this UAO, and is subject to EPA approval. Pending approval of any Work Plan hereunder by EPA, Respondent shall continue, and shall not delay due to the pending approval required by this UAO, any ongoing and planned activities to meet environmental requirements and directives applicable to Respondent and the Landfill pursuant to any Environmental Obligation, including, but not limited to, the requirements, directives and activities identified by the Regulatory Agencies to manage waste streams at the Site, to mitigate the migration of waste stream off-Site, and to mitigate the harm caused by the subsurface reaction or smoldering, notwithstanding whether such work may also constitute the Work required by this UAO. Respondent shall take into consideration the progress and/or completion

of any such ongoing work when preparing its expeditious schedule for its Master Work Plan. Following EPA's approval or modification of the Master Work Plan, Respondent shall implement the Master Work Plan in accordance with the schedule and provisions approved by EPA.

24. Sampling and Analysis Plan. Within thirty (30) days after the Effective Date, Respondent shall submit a Sampling and Analysis Plan to EPA for review and approval. This plan shall consist of a Field Sampling Plan ("FSP") and a Quality Assurance Project Plan ("QAPP") that is consistent with the applicable regulations guidance documents, including "Guidance for Quality Assurance Project Plans (QA/G-5)" EPA/240/R-02/009 (December 2002), "EPA Requirements for Quality Assurance Project Plans (QA/R-5)" EPA 240/B-01/003 (March 2001, reissued May 2006), and "Uniform Federal Policy for Quality Assurance Project Plans," Parts 1-3 EPA/505/B-04/900A-900C (March 2005). Upon its approval by EPA, the Sampling and Analysis Plan shall be incorporated into and become enforceable under this UAO.
25. Health and Safety Plan. Respondent shall develop a Health and Safety Plan and it shall be implemented during the Work performed under this UAO. This Health and Safety Plan shall be prepared in accordance with "OSWER Integrated Health and Safety Program Operating Practices for OSWER Field Activities," Pub. 9285.0-OIC (Nov. 2002), available on the NSCEP database at <https://www.epa.gov/nscep>, and "EPA's Emergency Responder Health and Safety Manual," OSWER Directive 9285.3-12 (July 2005 and updates), available at <https://www.epaosc.org/HealthSafetyManual/manual-index.htm>. In addition, the Health and Safety Plan shall comply with all currently applicable Occupational Safety and Health Administration regulations found at 29 C.F.R. Part 1910. Respondent shall incorporate all changes to the Health and Safety Plan recommended by EPA.
26. Progress Reports. Respondent shall submit a written progress report to EPA concerning actions undertaken pursuant to this UAO on a monthly basis, or as otherwise requested by EPA, from the date of receipt of EPA's approval of the Master Work Plan until notice of termination is delivered pursuant to Section XXV (Termination and Satisfaction), unless otherwise directed in writing by the EPA Project Coordinators. These reports shall describe all significant developments during the preceding period, including the actions performed and any problems encountered, analytical data received during the reporting period, and the developments anticipated during the next reporting period, including a schedule of actions to be performed, anticipated problems, and planned resolutions of past or anticipated problems.
27. Final Report. Within fifteen (15) days after completion of all Work required by this UAO, with the exception of any continuing obligations required by this UAO, including Respondent's obligations to comply with Sections XIV (Sampling, Access and Data Availability), XVI (Record Retention), XVIII (Reservation of Rights), and XXII

(Indemnification) of this UAO, Respondent shall submit for EPA review and approval a final report summarizing the actions taken to comply with this UAO. EPA will review and approve the final report in accordance with Section XXV (Termination and Satisfaction). The final report shall include a good faith estimate of total costs or a statement of actual costs incurred in complying with the UAO, a listing of quantities and types of materials removed off-Site or handled on-Site, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination(s) of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal actions (e.g., manifests, invoices, bills, contracts, and permits). The final report shall also include the certification required under Section XIII (Document Certification).

28. Off-Site Shipments.

- a. Respondent may ship hazardous substances, pollutants, and contaminants as defined under Sections 101(14) and (33) of CERCLA, 42 U.S.C. § 9601, from the Site to an off-Site facility only if it complies with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440. Respondent will be deemed to be in compliance with CERCLA § 121(d)(3) and 40 C.F.R. § 300.440 regarding a shipment if Respondent obtains a prior determination from EPA that the proposed receiving facility for such shipment is acceptable under the criteria of 40 C.F.R. § 300.440(b). Without limiting the foregoing, Respondent may ship hazardous waste as defined under Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), from the Site to an off-Site facility only if it complies with 40 C.F.R. § 262.20 of RCRA.
- b. Respondent may ship Waste Material from the Site to an out-of-State waste management facility only if, prior to any shipment, it provides written notice to the appropriate state environmental official in the receiving facility's state and the EPA. This notice requirement will not apply to any off-Site shipments when the total quantity of all such shipments will not exceed ten cubic yards. The written notice must include the following information, if available: (1) the name and location of the receiving facility; (2) the type and quantity of Waste Material to be shipped; (3) the schedule for the shipment; and (4) the method of transportation. Respondent shall also notify the state environmental official referenced above and the EPA of any major changes in the shipment plan, such as a decision to ship the Waste Material to a different out-of-State facility. Respondent shall provide the notice after the award of the contract for the removal action and before the Waste Material is shipped.
- c. Respondent may ship Investigation Derived Waste ("IDW") from the Site to an off-Site facility only if it complies with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), 40 C.F.R. § 300.440, EPA's "Guide to Management of Investigation

Derived Waste,” OSWER 9345.3-03FS (Jan. 1992), and any IDW-specific requirements contained in the Action Memorandum. Wastes shipped off-Site to a laboratory for characterization, and RCRA hazardous wastes that meet the requirements for an exemption from RCRA under 40 C.F.R. § 261.4(e) shipped off-Site for treatability studies, are not subject to 40 C.F.R. § 300.440.

IX. EPA APPROVAL OF DELIVERABLES

29. Deliverables required by this UAO shall be submitted to EPA for approval or modification. All deliverables must be delivered by electronic mail at EPA by the due date specified in this UAO or by schedules developed pursuant to this UAO. Deliverables shall be provided to the EPA Project Coordinators by electronic mail at:

Tyler Holybee and Mark Anthony Relon
Enforcement and Compliance and Compliance Assurance Division (ENF-2)
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3765 and (415) 972-3252
Holybee.Tyler@epa.gov and Relon.Markanthony@epa.gov

Additionally, Respondent shall post all deliverables on a virtual platform and make them available to the Regulatory Agencies.

30. Respondent shall submit all deliverables in electronic form. Respondent shall provide data and corresponding information in editable Excel format, and not in image format. If Excel format is not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel. All other deliverables shall be submitted to EPA in the form specified by the EPA Project Coordinators.
31. After review of any deliverable that is required pursuant to this UAO, EPA will: (a) approve, in whole or in part, the submission; (b) approve the submission on specified conditions; (c) modify the submission to cure the deficiencies; (d) disapprove, in whole or in part, the submission, directing that Respondent modify the submission; or (e) any combination of the above. However, EPA will not modify a submission without first providing Respondent at least one notice of deficiency and an opportunity to cure within five (5) days, except where EPA determines that to do so would cause serious disruption to the Work or where EPA has disapproved previous submission(s) due to material defects and EPA determines that the deficiencies in the submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.
32. In the event of approval, approval on conditions, or modification by EPA, pursuant to this Section, Respondent shall proceed to take any action required by the deliverable, as approved or modified by EPA.
33. Resubmission of Deliverable. On receipt of a notice of disapproval, in whole or in part,

pursuant to this Section, Respondent shall, within five (5) days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval.

34. Notwithstanding the receipt of a notice of disapproval pursuant to this Section, Respondent shall proceed, at the direction of EPA, to take any action required by any non-deficient portion of the submission. Implementation of any non-deficient portion of a submission shall not relieve Respondent of any liability for penalties for non-compliance regarding the deficient portion of the deliverable.
35. In the event that a resubmitted deliverable, or portion thereof, is disapproved by EPA, EPA may again require Respondent to correct the deficiencies, in accordance with the preceding Paragraphs. EPA also retains the right to modify or develop the plan, report or other item. Respondent shall implement any action as required in a deliverable that has been modified or developed by EPA.
36. If on resubmission, a deliverable is disapproved or modified by EPA due to a material defect, Respondent shall be deemed to have failed to submit such deliverable timely and adequately.
37. All deliverables required to be submitted to EPA under this UAO shall, on approval or modification by EPA, be incorporated into and be enforceable under this UAO. In the event that EPA approves or modifies a portion of a deliverable required to be submitted to EPA under this UAO, the approved or modified portion shall be enforceable under this UAO.

X. MODIFICATION OF THE WORK

38. If at any time during the implementation of the Work, Respondent identifies a need for a compliance date modification or revision of any Work Plan, Respondent shall submit a memorandum documenting the need for the modification or revision to the EPA Project Coordinators. EPA in its discretion will determine if the modification or revision is warranted and may provide written approval or disapproval. Any approved modified compliance date or Work Plan modification is incorporated by reference into this UAO.
39. Emergency Response. In the event of any action or occurrence during the performance of the Work that constitutes an emergency situation or may present an immediate threat to human health and the environment, Respondent shall immediately take all appropriate action to minimize such emergency or threat and shall immediately notify the National Response Center at (800) 300-2193 and EPA's Project Coordinators. Respondent shall take such immediate and appropriate actions in consultation with EPA's Project Coordinators. Respondent shall take these actions in accordance with all applicable provisions of this UAO, including the Health and Safety Plan. Respondent shall then submit to EPA written notification of such emergency or threat at the Site within

three (3) days of such discovery. Respondent shall thereafter submit to EPA for approval a plan to mitigate this threat. EPA will approve or modify this plan in accordance with the provisions of Section IX (EPA Approval of Deliverables) of this UAO, and Respondent shall implement this plan as approved or modified by EPA. In the case of an extreme emergency, Respondent may act as it deems appropriate, at its own risk, to protect human health or the environment.

40. Release Reporting. Upon the occurrence of any event during performance of the Work that Respondent is required to report pursuant to Section 103 of CERCLA, 42 U.S.C. §9603, or Section 304 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11004, Respondent shall immediately orally notify the EPA Project Coordinators, or, in the event of their unavailability, the Regional Duty Officer at (800) 300-2193, and the National Response Center at (800) 424-8802. This reporting requirement is in addition to, and not in lieu of, the reporting required by CERCLA § 103 or EPCRA § 304.

XI. QUALITY ASSURANCE

41. Respondent shall use quality assurance, quality control, and other technical activities and chain of custody procedures for all samples consistent with “EPA Requirements for Quality Assurance Project Plans (QA/R5),” EPA/240/B-01/003 (March 2001, reissued May 2006), “Guidance for Quality Assurance Project Plans (QA/G-5),” EPA/240/R-02/009 (December 2002), and “Uniform Federal Policy for Quality Assurance Project Plans,” Parts 1-3, EPA/505/B-04/900A-900C (March 2005).
42. Respondent shall ensure that EPA personnel and its authorized representatives are allowed access at reasonable times to all laboratories utilized by Respondent pursuant to this order. Respondent shall ensure that all laboratories employed for analyses shall analyze all samples submitted by EPA pursuant to the QAPP for quality assurance, quality control, and technical activities that will satisfy the stated performance criteria as specified in the QAPP and that sampling and field activities are conducted in accordance with the EPA’s “EPA QA Field Activities Procedure,” CIO 2105-P-02.1 (9/23/2014) available at <https://www.epa.gov/irmpoli8/epa-qa-field-activities-procedures>. Respondent shall ensure that the laboratories it utilizes for the analysis of samples taken pursuant to this UAO meet the competency requirements set forth in EPA’s “Policy to Assure Competency of Laboratories, Field Sampling, and Other Organizations Generating Environmental Measurement Data under Agency-Funded Acquisitions” available at <https://www.epa.gov/measurements/documents-about-measurement-competency-under-acquisition-agreements> and that the laboratories perform all analyses using EPA-accepted methods. Accepted EPA methods consist of, but are not limited to, SW 846 “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (<https://www.epa.gov/hw-sw846>). However, upon approval by EPA, Respondent may use other appropriate analytical method(s), as long as

(i) quality assurance/quality control (“QA/QC”) criteria are contained in the method(s) and the method(s) are included in the QAPP, (ii) the analytical method(s) are at least as stringent as the methods listed above, and (iii) the method(s) have been approved for use by a nationally recognized organization responsible for verification and publication of analytical methods, e.g., EPA, ASTM, NIOSH, OSHA, etc. Respondent shall ensure that all laboratories it uses for analysis of samples taken pursuant to this UAO have a documented Quality System that complies with ASQ/ANSI E4:2014 “Quality management systems for environmental information and technology programs – Requirements with guidance for use” (American Society for Quality, February 2014), and “EPA Requirements for Quality Management Plans (QA/R-2)” EPA/240/B-01/002 (March 2001, reissued May 2006), or equivalent documentation as determined by EPA. EPA may consider Environmental Response Laboratory Network laboratories, laboratories accredited under the National Environmental Laboratory Accreditation Program, or laboratories that meet International Standardization Organization standards or other nationally recognized programs as meeting the Quality System requirements. Respondent shall ensure that all field methodologies utilized in collecting samples for subsequent analysis pursuant to this UAO are conducted in accordance with the procedures set forth in the QAPP approved by EPA.

43. EPA reserves the right to require a change in laboratories for reasons which may include, but shall not be limited to, QA/QC performance, conflict of interest, or confidential agency audit information. In the event EPA requires a laboratory change, Respondent shall propose two alternative laboratories within thirty (30) days. Once EPA approves of the laboratory change, Respondent shall ensure that laboratory service shall be made available within fifteen (15) days.

XII. ADMINISTRATIVE DOCUMENTATION

44. EPA retains the responsibility for the issuance of any decision documents related to the Site.
45. EPA will provide Respondent with copies of all decision documents for the Site.
46. Submission of Documentation. EPA will determine the contents of and maintain the administrative record file. The administrative record supporting this UAO and the Work to be performed shall be available for public review in EPA’s offices at 75 Hawthorne Street, San Francisco, California (94105). A copy of the administrative record will also be available for viewing at a local repository established by EPA.

XIII. DOCUMENT CERTIFICATION

47. Any report or other document submitted by Respondent pursuant to this UAO that makes recommendations as to whether or not further actions are necessary or makes any representation concerning Respondent’s compliance or noncompliance with any

requirement of this UAO shall be certified by a responsible corporate officer for Respondent. A responsible corporate officer means: a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions.

48. The certification required by Paragraph 47 above shall be in the following form:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to be the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Name: _____

Title: _____

Date: _____

XIV. SAMPLING, ACCESS AND DATA AVAILABILITY

49. All results of sampling, testing, modeling or other data generated (including raw data if requested) by Respondent, or on Respondent's behalf, during implementation of this UAO shall be validated by Respondent and submitted to EPA promptly upon receipt by Respondent or its agents of such results by posting such results at the Chiquita Canyon Landfill Task Force Update webpage. Respondent shall tabulate data chronologically by media. EPA will make available to Respondent data generated by EPA for the purposes of oversight of the Work unless it is exempt from disclosure by any federal or state law or regulation.
50. Upon request, Respondent shall provide split or duplicate samples to EPA or its authorized representatives. Respondent shall notify EPA not less than seven (7) days in advance of any sample collection activity. In addition, EPA shall have the right to take any additional samples that EPA deems necessary. Upon request, EPA shall provide to Respondent split or duplicate samples of any samples it takes as part of EPA's oversight of Respondent's implementation of the Work.
51. Site Access. Pursuant to RCRA Section 3007(a), 42 U.S.C. § 6927(a) and CERCLA Section 104(e)(3), 42 U.S.C. § 9604(e)(3), Respondent shall provide access to the Site at reasonable times to EPA, EPA's contractors and oversight officials. Respondent shall use their best efforts to gain access to areas owned by or in the possession of someone

other than Respondent, as necessary to implement this UAO, as described in Paragraph 53. Such access shall be provided to EPA, its contractors and oversight officials. These individuals shall be permitted to move freely about the Site and appropriate off-Site areas in order to conduct actions that EPA determines to be necessary. EPA, its contractors and oversight officials shall notify Respondent of their presence on the Site by presenting their credentials.

52. Pursuant to this Section, any denial of access at reasonable times to any portion of the Site property where a request for access was made for the purposes of enforcing the requirements of RCRA, CERCLA or this UAO shall be construed as a violation of the terms of this UAO subject to the penalty provisions outlined in Section XVII (Penalties) of this UAO.
53. Access Agreements. Where action under this UAO is to be performed in areas owned by, or in possession of, someone other than Respondent, Respondent shall use best efforts to obtain all necessary access agreements within forty-five (45) days of approval of any Work Plan for which access is necessary or as otherwise specified, in writing, by the EPA Project Coordinators. Any such access agreement shall provide (i) for access by EPA and its representatives to move freely in order to conduct actions that EPA determines to be necessary and (ii) for such non-Respondent owner to refrain from using such property in any manner EPA determines will pose an unacceptable risk to human health or to the environment due to exposure to Waste Material, or interfere with or adversely affect the implementation, integrity, or protectiveness of the response action. The access agreement shall specify that Respondent is not EPA's representative with respect to any liabilities associated with activities to be performed. Respondent shall provide EPA's Project Coordinators with copies of any access agreements. Respondent shall immediately notify EPA if after using Respondent's best efforts it is unable to obtain such agreements within the time required. Best efforts as used in this Paragraph shall include, at a minimum, a certified letter from Respondent to the present owner of such property requesting access agreements to permit Respondent, EPA, and EPA's authorized representatives to enter such property, and the offer of payment of reasonable sums of money in consideration of granting access. Respondent shall, within ten (10) days of its receipt of a denial of access, submit in writing, a description of its efforts to obtain access. EPA may, at its discretion, assist Respondent in obtaining access. In the event EPA obtains access, Respondent shall undertake the Work on such property and Respondent shall reimburse EPA for all costs and attorney fees incurred by the United States in obtaining such access.
54. Respondent shall provide to EPA and the other Regulatory Agencies, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within Respondent's possession or control or that of its contractors or agents relating to activities at the Site or to the implementation of this UAO, including,

but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the Work. Respondent shall also make available to EPA and the other the Regulatory Agencies, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the Work.

55. Confidential Business Information. Respondent may assert a claim of business confidentiality covering part or all of any information submitted to EPA or any Regulatory Agency pursuant to the terms of this UAO under 40 C.F.R. § 2.203 in the manner described at 40 C.F.R. § 2.203(b) and substantiated with the information described at 40 C.F.R. § 2.204(e)(4). Information EPA determines is confidential will be given the protection specified in 40 C.F.R. Part 2. If no such claim or substantiation accompanies the information when it is submitted to EPA, it may be made available to the public or state or tribal officials by EPA without further notice to Respondent.
56. Privileged Documents. Respondent may assert that certain documents, records and other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If Respondent asserts such a privilege in lieu of providing documents, Respondent shall have the burden of demonstrating to EPA by clear and convincing evidence that such privilege exists. Respondent shall provide EPA with the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the author's name and title; (4) the name and title of each addressee and recipient; (5) a description of the contents; and (6) the privilege asserted by Respondent. If a claim of privilege or protection applies only to a portion of a Record, Respondent shall provide to EPA or any Regulatory Agency in redacted form to mask the privileged or protected portion only. However, Respondent may make no claim of privilege, confidentiality or protection regarding: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, or engineering data, or the portion of any other Record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondent is required to create or generate pursuant to this UAO.
57. Notwithstanding any provision of this UAO, all Regulatory Agencies retain all of their information gathering and inspection authorities and rights, including enforcement actions related thereto, under CERCLA, RCRA, and any other applicable statutes or regulations.

XV. COMPLIANCE WITH OTHER LAWS

58. Respondent shall perform all actions required pursuant to this UAO in accordance with all applicable local, state, and federal laws and regulations, including, but not limited to, the laws and regulations underlying the Environmental Obligations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under

such laws and regulations in a timely manner so as not to delay the Work required by this UAO.

XVI. RECORD RETENTION

59. Respondent shall preserve all documents and information, including raw data, relating to the Work performed under this UAO, or relating to any solid waste or hazardous waste found at the Site, for five (5) years following the termination of the UAO in accordance with Section XXV (Termination and Satisfaction).
60. Respondent shall acquire and retain copies of all documents that relate to the Site that are in the possession of its employees, agents, accountants, contractors or attorneys.
61. Respondent shall make available to EPA all employees and persons, including contractors, who engage in activities under this UAO, and ensure their cooperation with EPA with respect to this UAO.
62. After the five (5) year retention period and ninety (90) days before any document or information is destroyed, Respondent shall notify EPA that such documents and information are available to EPA for inspection, and on request, shall provide the originals or copies (at no extra cost) of such documents and information to EPA. Notification shall be in writing and shall reference the effective date, caption, and docket number of this UAO, and shall be addressed to EPA's Enforcement and Compliance Assurance Division Director. In addition, Respondent shall provide documents and information retained under this Section at any time before expiration of the five (5)-year retention period at the written request of EPA.
63. All documents pertaining to this UAO shall be stored by Respondent in a centralized location at the Site, or an alternative approved by Respondent to promote easy access by EPA or its representatives.

XVII. PENALTIES

64. Civil Penalties. Any willful violation, or failure or refusal to comply with any provision of this UAO may subject Respondent to civil penalties up to the maximum amount authorized by law pursuant to Section 7003(b) of RCRA, 42 U.S.C. § 6973(b) and/or pursuant to Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), as applicable. As of the date of issuance of this UAO, the statutory maximum amount under Section 7003(b) of RCRA, 42 U.S.C. § 6973(b), is eighteen thousand, one hundred and thirty-nine dollars (\$18,139.00) per violation per day and the statutory maximum amount under Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), is sixty-nine thousand, seven hundred and thirty-three dollars (\$69,733) per violation per day. This maximum amount may increase in the future, as EPA amends its civil penalty amounts through rulemaking pursuant to the 1990 Federal Civil Penalties Inflation Adjustment Act (Public Law 101-410, codified at

28 U.S.C. § 2461), as amended by the 2015 Federal Civil Penalties Inflation Adjustment Act Improvements Act (Section 701 of Public Law 114-74)). The maximum amount to be applied to this violation will be set as the most recent maximum amount set forth in 40 C.F.R. Section 19.4 as of the date that the U.S. District Court assesses any such penalty. In the event of such willful violation, or failure or refusal to comply, EPA may unilaterally carry out the actions required by this UAO, pursuant to any applicable authorities, and may seek judicial enforcement of this UAO. In addition, nothing in this UAO shall limit EPA's authority under Section XXI (Cost Estimates and Financial Assurance). Respondent may also be subject to punitive damages in an amount up to three (3) times the amount of any cost incurred by the United States as a result of such failure to comply, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

XVIII. RESERVATION OF RIGHTS

65. Notwithstanding any other provisions of this UAO, the United States retains all of its authority to take, direct, or order any and all actions necessary to protect public health or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous or solid waste or constituents of such wastes, on, at, or from the Site, including but not limited to the right to bring enforcement actions under RCRA, CERCLA, and any other applicable statutes or regulations.
66. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this UAO, including without limitation the assessment of penalties under Section 7003 of RCRA, 42 U.S.C. § 6973 and/or any claims under Sections 106 of and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, as applicable.
67. This UAO shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, claims, and/or authorities, civil or criminal, which EPA has under RCRA, CERCLA, or any other statutory, regulatory, or common law authority of the United States.
68. This UAO is not intended to be, nor shall it be construed to be, a permit. Compliance by Respondent with the terms of this UAO shall not relieve Respondent of its obligations to comply with RCRA, CERCLA or any other applicable local, state, tribal or federal laws and regulations.
69. Notwithstanding any other provision of this UAO, no action or decision by EPA pursuant to this UAO, including without limitation any action or decision by any authorized representative of EPA pursuant to this UAO, shall constitute final agency action giving rise to any right of judicial review prior to EPA's initiation of a judicial action to enforce this UAO, including an action for penalties or an action to compel Respondent's compliance with the terms and conditions of this UAO.

XIX. OTHER CLAIMS

70. By issuance of this UAO, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent. Neither the United States nor EPA shall be deemed a party to any contract, agreement or other arrangement entered into by Respondent or its officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, contractors, or consultants in carrying out actions pursuant to this UAO.
71. Nothing in this UAO constitutes a satisfaction of or release from any claim or cause of action against Respondent or any person not a party to this UAO, for any liability such person may have under RCRA, CERCLA, other statutes, or common law, including but not limited to any claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607.
72. Nothing in this UAO shall be deemed to constitute preauthorization of a claim within the meaning of Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2), or 40 C.F.R. § 300.700(d).

XX. INSURANCE

73. Prior to commencing the on-Site Work under this UAO, Respondent shall secure, and shall maintain in force for the duration of this UAO and for two (2) years after the completion of all activities required by this UAO, commercial general liability with limits of liability of \$1 million per occurrence, automobile liability insurance with limits of liability of \$1 million per accident, and umbrella liability insurance with limits of liability of \$5 million in excess of the required commercial general liability and automobile liability limits, naming EPA as an additional insured. Prior to commencement of the Work under this UAO, and annually thereafter on the anniversary of the Effective Date of this UAO, Respondent shall provide EPA with certificates of such insurance and a copy of each insurance policy. In addition, for the duration of the UAO, Respondent shall satisfy, or shall ensure that its contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing Work on behalf of Respondent pursuant in furtherance of this UAO. If Respondent demonstrates by evidence satisfactory to EPA that its contractors and subcontractors maintain insurance equivalent to that described above, or insurance covering some or all of the same risks but in an equal or lesser amount, then Respondent need provide only that portion of the insurance described above which is not maintained by the contractors and subcontractors.
74. For the duration of this UAO, Respondent shall satisfy, or shall ensure that its contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of employer's liability insurance and worker's compensation insurance for all persons performing the Work on behalf of Respondent, in furtherance of this UAO.

75. Prior to commencing the Work under this UAO, Respondent shall certify to EPA that its contractors and subcontractors have obtained the required insurance.

XXI. COST ESTIMATES AND FINANCIAL ASSURANCE

76. Cost Estimates. Within thirty (30) days after the Effective Date of this UAO, Respondent shall submit to EPA a detailed written initial estimate, in current dollars, of the cost of hiring a third party to perform the Work described in Section VIII (Work to be Performed) (the "Cost Estimate"). A third party is a party who: (i) is neither a parent nor a subsidiary of Respondent and (ii) does not share a common parent or subsidiary with Respondent. The initial Cost Estimate must account for the total costs of the work activities described in Section VIII (Work to be Performed) for the entire period of this UAO, including any necessary long-term costs, such as operation and maintenance costs, monitoring costs, and institutional controls. The Cost Estimate must not incorporate any salvage value that may be realized from the sale of wastes, facility structures or equipment, land or other assets associated with the Site.
77. Concurrent with the submission of any Work Plan(s) for additional work required under Section XXIV (Additional Work), Respondent shall submit revised detailed written estimate(s), in current dollars, of the cost of hiring a third party to perform the Work.
78. Respondent must annually adjust the Cost Estimate(s) for inflation within thirty (30) days after the close of Respondent's fiscal year until the Work required by this UAO is completed. In addition, Respondent must adjust the Cost Estimate if EPA determines that any additional work is required, pursuant to Section XXIV (Additional Work), or if any other conditions increase the cost of the Work to be performed under this UAO.
79. Respondent shall submit each Cost Estimate to EPA for review, pursuant to Section IX (EPA Approval of Deliverables).
80. Assurances of Financial Responsibility for Completing the Work. In order to ensure completion of the Work, Respondent shall secure financial assurance pursuant to the environmental programs in Paragraph 4 of this UAO, initially in the amount of the Cost Estimate (the "Estimated Cost of the Work"), within 30 days of EPA approval of the Cost Estimate. The financial assurance must be one or more of the mechanisms listed below, in a form substantially identical to the relevant sample documents available from EPA or under the "Financial Assurance - Orders" category on the Cleanup Enforcement Model Language and Sample Documents Database at <https://cfpub.epa.gov/compliance/models/>, and satisfactory to EPA.
- a. A trust fund: (1) established to ensure that funds will be available as and when needed for performance of the Work; (2) administered by a trustee that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency; and (3) governed by an agreement that

requires the trustee to make payments from the fund only when EPA Region IX advises the trustee in writing that: (i) payments are necessary to fulfill Respondent's obligations under the UAO; or (ii) funds held in trust are in excess of the funds that are necessary to complete the performance of Work in accordance with this UAO;

- b. A surety bond, issued by a surety company among those listed as acceptable sureties on federal bonds as set forth in Circular 570 of the U.S. Department of the Treasury, guaranteeing payment or performance in accordance with Paragraph 84 (Access to Financial Assurance); or
 - c. An irrevocable letter of credit, issued by an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency, guaranteeing payment in accordance with Paragraph 84 (Access to Financial Assurance).
81. Standby Trust. If Respondent seeks to establish financial assurance by using a surety bond or a letter of credit, Respondent shall at the same time establish and thereafter maintain a standby trust fund, which must meet the requirements specified in Paragraph 80.a, and into which payments from the other financial assurance mechanism can be deposited if EPA so requires in accordance with the terms and conditions of the financial assurance mechanism and Paragraph 84 (Access to Financial Assurance). An originally signed duplicate of the standby trust agreement must be submitted, with the other financial mechanism, to EPA in accordance with Paragraph 82. Until the standby trust fund is funded pursuant to Paragraph 84 (Access to Financial Assurance), neither payments into the standby trust fund nor annual valuations are required.
82. Within thirty (30) days of EPA Approval of the Cost Estimate, Respondent shall submit to EPA proposed financial assurance mechanisms in draft form in accordance with Paragraph 80 (Assurances of Financial Responsibility for Completing the Work) for EPA's review. Within sixty (60) days after the Effective Date, or thirty (30) days after EPA's approval of the form and substance of Respondent's financial assurance, whichever is later, Respondent shall secure all executed and/or otherwise finalized mechanisms or other documents consistent with the EPA-approved form of financial assurance and shall submit such mechanisms and documents to:

Marie Ortesi
Mission Support Division (MSD-4)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3710
Ortesi.Mari@epa.gov

With a copy to:

Laura Friedli
Office of Regional Counsel (ORC-3)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3325
Friedli.Laura@epa.gov

83. Respondent shall diligently monitor the adequacy of the financial assurance. If Respondent becomes aware of any information indicating that the financial assurance provided under this Section is inadequate or otherwise no longer satisfies the requirements of this Section, Respondent shall notify EPA of such information within thirty (30) days. If EPA determines that the financial assurance provided under this Section is inadequate or otherwise no longer satisfies the requirements of this Section, EPA will notify Respondent of such determination. Respondent shall, within thirty (30) days after notifying EPA or receiving notice from EPA under this Paragraph, secure and submit to EPA for approval a proposal for a revised or alternative financial assurance mechanism that satisfies the requirements of this Section. Respondent shall follow the procedures of Paragraph 85 (Modification of Amount, Form, or Terms of Financial Assurance) in seeking approval of, and submitting documentation for, the revised or alternative financial assurance mechanism. Respondent's inability to secure financial assurance in accordance with this Section does not excuse performance of any other obligation under this UAO.
84. Access to Financial Assurance.
- a. If EPA determines that Respondent (1) has ceased implementation of any portion of the Work, (2) is seriously or repeatedly deficient or late in its performance of the Work, or (3) is implementing the Work in a manner that may cause an endangerment to human health or the environment, EPA may issue a written notice ("Performance Failure Notice") to both Respondent and the financial assurance provider regarding Respondent's failure to perform. Any Performance Failure Notice issued by EPA will specify the grounds upon which such notice was issued and will provide Respondent a period of ten (10) days within which to remedy the circumstances giving rise to EPA's issuance of such notice. If, after expiration of the ten (10)-day period specified in this Paragraph, Respondent has not remedied to EPA's satisfaction the circumstances giving rise to EPA's issuance of the relevant Performance Failure Notice, then, in accordance with any applicable financial assurance mechanism, EPA may at any time thereafter direct the financial assurance provider to immediately: (i) deposit any funds assured pursuant to this Section into the standby trust fund;

or (ii) arrange for performance of the Work in accordance with this UAO.

- b. If EPA is notified by the provider of a financial assurance mechanism that it intends to cancel the mechanism, and Respondent fails to provide an alternative financial assurance mechanism in accordance with this Section at least thirty (30) days prior to the cancellation date, EPA may, prior to cancellation, direct the financial assurance provider to deposit any funds guaranteed under such mechanism into the standby trust fund for use consistent with this Section.

85. Modification of Amount, Form, or Terms of Financial Assurance. Respondent may submit, on any anniversary of the Effective Date or following Respondent's request for, and EPA's approval of, another date, a request to reduce the amount, or change the form or terms, of the financial assurance mechanism. Any such request must be submitted to the EPA individual(s) referenced in Paragraph 82, and must include an estimate of the cost of the remaining Work, an explanation of the bases for the cost calculation, a description of the proposed changes, if any, to the form or terms of the financial assurance, and any newly proposed financial assurance documentation in accordance with the requirements of Paragraphs 80 (Assurances of Financial Responsibility for Completing the Work) and 81 (Standby Trust). EPA will notify Respondent of its decision to approve or disapprove a requested reduction or change. Respondent may reduce the amount or change the form or terms of the financial assurance mechanism only in accordance with EPA's approval. Within thirty (30) days after receipt of EPA's approval of the requested modifications pursuant to this Paragraph, Respondent shall submit to the EPA individual(s) referenced in Paragraph 82 all executed and/or otherwise finalized documentation relating to the amended, reduced, or alternative financial assurance mechanism. Upon EPA's approval, the Estimated Cost of the Work shall be deemed to be the estimate of the cost of the remaining Work in the approved proposal.
86. Release, Cancellation, or Discontinuation of Financial Assurance. Respondent may release, cancel, or discontinue any financial assurance provided under this Section only: (a) after receipt of documentation issued by EPA certifying completion of the Work; or (b) in accordance with EPA's written approval of such release, cancellation, or discontinuation.

XXII. INDEMNIFICATION

87. Respondent shall indemnify, save and hold harmless the United States, its officials, agents, contractors, employees, and representatives from any and all claims or causes of action: (a) arising from, or on account of, acts or omissions of Respondent, Respondent's directors, officers, employees, agents, successors, assigns, heirs, trustees, receivers, contractors, or consultants in carrying out actions pursuant to this UAO; and (b) for damages or reimbursement arising from or on account of any contract,

agreement, or arrangement between Respondent and any persons for performance of the Work on or relating to the Site, including claims on account of construction delays.

XXIII. DELAY IN PERFORMANCE

88. Respondent shall notify EPA of any delay or anticipated delay in performing any requirement of this UAO. Such notification shall be made by telephone and email to the EPA Project Coordinators within forty-eight (48) hours after Respondent first knew or should have known that a delay might occur. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Within seven (7) days after notifying EPA by telephone and email, Respondent shall provide to EPA written notification fully describing the nature of the delay, the anticipated duration of the delay, any justification for the delay, all actions taken or to be taken to prevent or minimize the delay or the effect of the delay, a schedule for implementation of any measures to be taken to mitigate the effect of the delay, and any reason why Respondent should not be held strictly accountable for failing to comply with any relevant requirements of this UAO. Increased costs or expenses associated with implementation of the activities called for in this UAO is not a justification for any delay in performance.
89. Any delay in performance of this UAO that, in EPA's judgment, is not properly justified by Respondent under the terms of Paragraph 88 shall be considered a violation of this UAO. Any delay in performance of this UAO shall not affect Respondent's obligations to fully perform all obligations under the terms and conditions of this UAO.

XXIV. ADDITIONAL WORK

90. EPA may determine, or Respondent may propose, that certain tasks are necessary in addition to or in lieu of the tasks included in any EPA-approved Work Plan when such additional work is necessary to meet the objectives set forth in this UAO. EPA may determine that Respondent shall perform any additional work and EPA will specify, in writing, the basis for its determination that any additional work is necessary. Within five (5) days after the receipt of such determination, Respondent shall have the opportunity to meet or confer with EPA to discuss any additional work. Respondent shall submit for EPA approval a Work Plan for any additional work, which Work Plan shall conform to the applicable requirements of Section VIII (Work to be Performed). Such Work Plan shall be submitted within fifteen (15) days of Respondent's receipt of EPA's determination that any additional work is necessary, or according to an alternative schedule established by EPA. On approval of a Work Plan for any additional work, Respondent shall implement the Work Plan for any additional work in accordance with the schedule and provisions contained therein. The Work Plan for any additional work shall be incorporated by reference into this UAO.

XXV. TERMINATION AND SATISFACTION

91. When EPA determines, after EPA’s review of the final report, that all Work has been fully performed in accordance with this UAO, with the exception of any continuing obligations required by this UAO, including Respondent’s obligations to comply with Sections XIV (Sampling, Access and Data Availability); XVI (Record Retention); XVIII (Reservation of Rights); and XXII (Indemnification) of this UAO, EPA will provide notice to Respondent. If EPA determines that any Work has not been completed in accordance with this UAO, EPA will notify Respondent, provide a list of the deficiencies, and require that Respondent modify the Work Plan, if appropriate, in order to correct such deficiencies in the Work within thirty (30) days after receipt of the EPA notice. The modified Work Plan shall include a schedule for correcting such deficiencies. Within five (5) days after receipt of written approval of the modified Work Plan, Respondent shall commence the implementation of the modified and approved Work Plan and, upon completion of the Work pursuant to the modified and approved Work Plan, shall submit a modified Final Report in accordance with the EPA notice. Failure by Respondent to implement the approved modified Work Plan shall be a violation of this UAO.

XXVI. SEVERABILITY

92. If a court issues an order that invalidates any provision of this UAO or finds that Respondent has sufficient cause not to comply with one or more provisions of this UAO, Respondent shall remain bound to comply with all provisions of this UAO not invalidated or determined to be subject to a sufficient cause defense by the court’s order.

XXVII. EFFECTIVE DATE

93. This UAO is deemed effective within five (5) days of receipt (the “Effective Date”), unless (i) a conference is requested, or notice is given that written materials will be submitted in lieu of a conference as provided in Section XXVIII (Opportunity to Confer) and (ii) EPA and Respondent mutually agree to modify the Effective Date.

XXVIII. OPPORTUNITY TO CONFER

94. Within two (2) days of receipt of this UAO, Respondent may, in writing, (a) request a conference with EPA to discuss this UAO, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondent is ordered to take, or any other relevant and material issues or contentions that Respondent may have regarding this UAO, or (b) notify EPA that it intends to submit written comments or a statement of position in lieu of requesting a conference.
95. At any conference held pursuant to Respondent’s request, Respondent may appear in person, or be represented by an attorney or other representative. If Respondent desires such a conference, Respondent shall contact Laura Friedli, EPA Attorney Advisor, at (415) 972-3325.

96. The purpose and scope of any such conference held pursuant to this UAO shall be limited to issues involving the implementation of the Work required by this UAO and the extent to which Respondent intends to comply with this UAO. If such a conference is held, Respondent may present any evidence, arguments or comments regarding this UAO, its applicability, any factual determinations on which the UAO is based, the appropriateness of any action that Respondent is ordered to take, or any other relevant and material issue. Any such evidence, arguments or comments should be reduced to writing and submitted to EPA within three (3) days following the conference. This conference is not an evidentiary hearing and does not constitute a proceeding to challenge this UAO. It does not give Respondent a right to seek review of this UAO, or to seek resolution of potential liability, and no official record of the conference will be made. If no conference is requested, any such evidence, arguments or comments must be submitted in writing within three (3) days following the Effective Date of this UAO. Any such writing should be directed to Laura Friedli, at the following address:

Environmental Protection Agency
75 Hawthorne Street, ORC-3
San Francisco, CA 94105
(415) 972-3325
Friedli.Laura@epa.gov

97. Respondent is hereby placed on notice that EPA will take any action that may be necessary in the opinion of EPA for the protection of public health and welfare and the environment.

XXIX. NOTICE OF INTENT TO COMPLY

98. Respondent shall, on or before the Effective Date of this UAO, provide written notice to EPA of Respondent's irrevocable intent to comply with this UAO. Respondent's written notice shall describe, using facts that exist on or prior to the Effective Date, any "sufficient cause" defense asserted by Respondent under Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. §§ 9606(b) and 9607(c)(3). The absence of a response by EPA to the notice required by this Paragraph shall not be deemed to be acceptance of Respondent's assertions. Failure of Respondent to provide such notice of intent to comply within this time period shall, as of the Effective Date, be treated as a violation of this UAO by Respondent. Failure to respond, or failure to agree to comply with this UAO, shall be deemed a refusal to comply with this UAO.

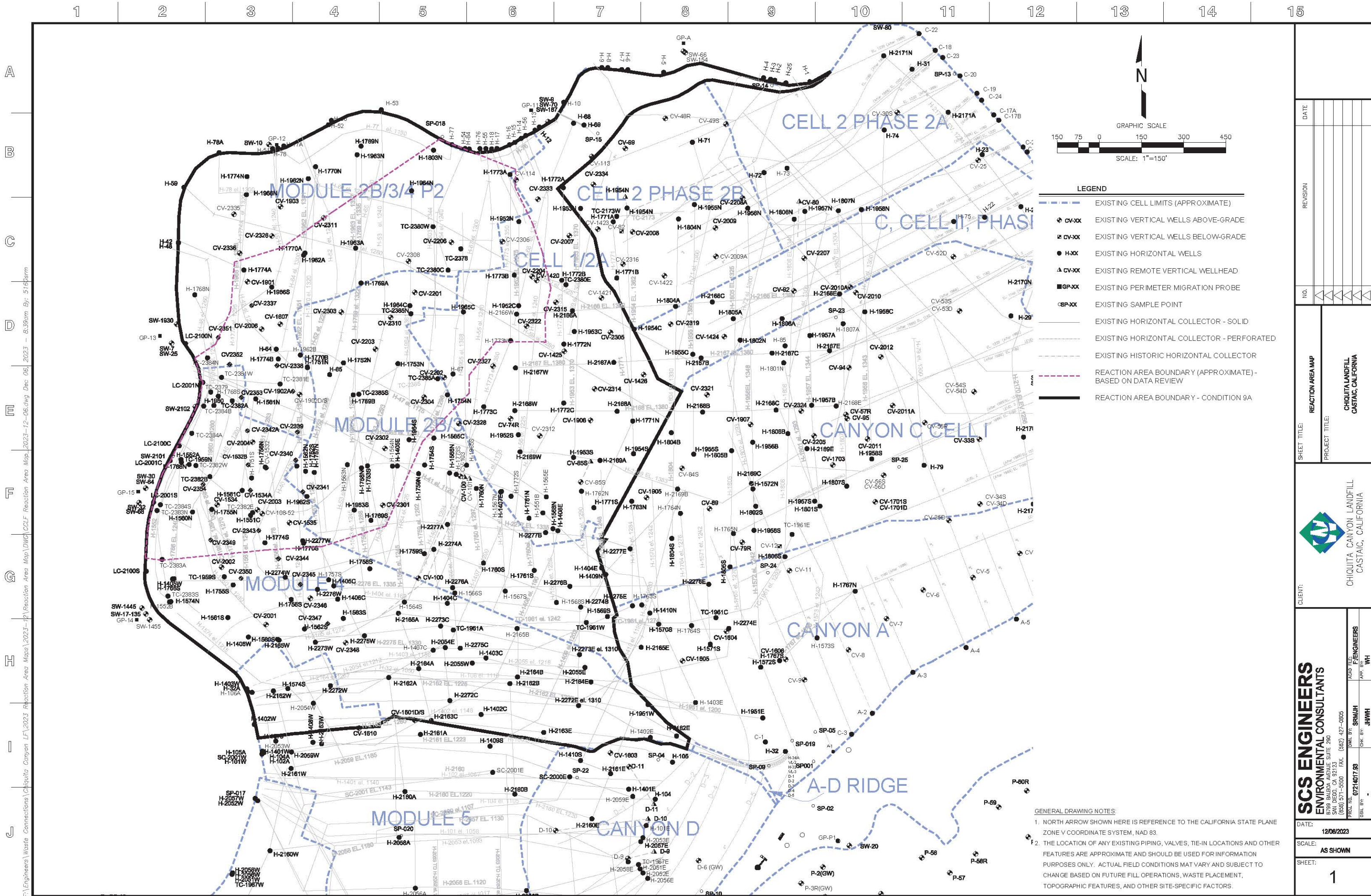
It is ORDERED this 21 day February, 2024

By: /s/
Amy C. Miller-Bowen

Enforcement and Compliance Assurance Division Director
U.S. Environmental Protection Agency, Region 9

By: _____/s/_____
Michael Montgomery
Superfund and Emergency Management Division Director
U.S. Environmental Protection Agency, Region 9


Attachment A – Map of Landfill



GENERAL DRAWING NOTES:

1. NORTH ARROW SHOWN HERE IS REFERENCE TO THE CALIFORNIA STATE PLANE ZONE V COORDINATE SYSTEM, NAD 83.

2. THE LOCATION OF ANY EXISTING PIPING, VALVES, TIE-IN LOCATIONS AND OTHER FEATURES ARE APPROXIMATE AND SHOULD BE USED FOR INFORMATION PURPOSES ONLY. ACTUAL FIELD CONDITIONS MAY VARY AND SUBJECT TO CHANGE BASED ON FUTURE FILL OPERATIONS, WASTE PLACEMENT, TOPOGRAPHIC FEATURES, AND OTHER SITE-SPECIFIC FACTORS.

DATE	
REVISION	
NO.	
SHEET TITLE: REACTION AREA MAP	PROJECT TITLE: CHIQUITA LANDFILL CASTAIC, CALIFORNIA
CLIENT:  CHIQUITA CANYON LANDFILL CASTAIC, CALIFORNIA	
DATE: 12/08/2023	SCALE: AS SHOWN
SHEET: 1	

SCS ENGINEERS
ENVIRONMENTAL CONSULTANTS

12000 W. 15TH AVE. SUITE 250
SAN DIEGO, CA 92123
(619) 571-5500 FAX: (619) 427-0905

PROJECT NO: 07214017.93
DRAWN BY: SRM/JH
CHECKED BY: JH/JH

EXHIBIT 10



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH
SOLID WASTE MANAGEMENT PROGRAM
ACTING AS THE LOCAL ENFORCEMENT AGENCY (LEA)
5050 COMMERCE DRIVE, BALDWIN PARK, CA 91706

IN THE MATTER OF:

CHIQUITA CANYON SANITARY LANDFILL

29201 HENRY MAYO DRIVE

CASTAIC, CA 91384

APN: 3271-002-011, 3271-002-013, 3271-002-019,

3271-002-036, 3271-002-039, 3271-005-034

SWIS# 19-AA-0052

OWNER/OPERATOR

CHIQUITA CANYON, LLC (RESPONDENT)

29201 HENRY MAYO DRIVE

CASTAIC, CA 91384

BY CERTIFIED MAIL AND ELECTRONIC COPY

CERTIFIED MAIL: 91 7199 9991 7037 9753 6218

COMPLIANCE ORDER

PUBLIC RESOURCES CODE SECTIONS

43209, 44106, 45000, 45005, 45011, 45014,

45017, 45023; TITLE 27 OF THE CALIFORNIA

CODE OF REGULATIONS (27 CCR),

SECTIONS, 20750, AND 20921; AND TITLE 14

OF THE CALIFORNIA CODE OF

REGULATIONS (14 CCR), SECTIONS 18304

AND 18304.1, 18304.3, 18365

DATE: June 6, 2024

TO: CHIQUITA CANYON, LLC

YOU ARE HEREBY ORDERED TO:

TAKE ALL ACTIONS AND ABIDE BY ALL OTHER ORDERS CONTAINED HEREIN

AT THE CHIQUITA CANYON LANDFILL EFFECTIVE IMMEDIATELY.

1.0 PLEASE TAKE NOTICE:

1.1 The Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency (LEA), is authorized by Division 30 of the



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Public Resources Code (PRC), §§ 43209 and 45000, and Title 14 of the California Code of Regulations (14 CCR), to enforce applicable solid waste regulations within the County of Los Angeles; and,

1.2 Division 30 Part 5 of the PRC and 14 CCR §§ 18304 and 18304.1 authorize the LEA to issue enforcement orders for violations of the PRC and regulations adopted pursuant to Division 30 of the PRC; and

1.3 Chiquita Canyon Sanitary Landfill (Site) is a permitted sanitary landfill located on parcel APNs 3271-002-011, -013, -019, -036, -039, and 3271-005-034 with an address of 29201 Henry Mayo Drive, Castaic, California, 91384, in the County of Los Angeles, and identified by Solid Waste Information System (SWIS) No. 19-AA-0052; and

1.4 Respondent, Chiquita Canyon, LLC, (CCL), is the operator and Responsible Party (RP) for noncompliance with state minimum standards. Specifically, 27 CCR, Sections 20921 and 20750 have been noted monthly on LEA inspection reports to date beginning September 1, 2023, and November 28, 2023, respectively, and are described in the paragraphs below.

2.0 STATMENT OF FACTS PERTAINING TO 27 CCR SECTION 20750:

2.1 On August 10, 2023, the LEA requested the California Department of Resources, Recycling and Recovery (CalRecycle) to provide technical expertise and assistance in determining root cause and mitigation strategies for multiple issues identified at the Site by the LEA and other regulatory agencies, such as elevated well temperatures, increased landfill gas (LFG) emissions (odor), and unusual landfill settlement.¹

¹ CalRecycle provides comments to the LEA as assistance to support the program carrying out its responsibilities on permitted disposal sites. The final determination as to the comments provided to the responsible party is within the sole purview of the LEA, acting within the parameters of its discretion, in accordance with its vested authority under its certification as defined in 14 CCR, Division 7, 27 CCR, Division 2, Subdivision 1 (Section 20005 et seq.), and Division 30 of the PRC.

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2.2 CalRecycle issued a letter dated October 16, 2023 (October 16, 2023 CalRecycle Letter) to the LEA containing its review of the conditions that are causing the issues at the Site. CalRecycle conducted a comprehensive review of 18 months of Site records, and LFG data in the impacted area and around the general vicinity of the impacted area. The review focused on the Site's carbon monoxide concentrations, recent LFG temperatures, LFG control system operation, and other operational factors. The review determined that the Site sustained conditions over the past 18 months that include, but are not limited, to:

- Cover integrity issues;
- Increased temperatures and pressures in the LFG control systems and waste mass;
- Unusual landfill settlement;
- A heating/smoldering event that is expanding in size and intensity.

2.3 CalRecycle concluded that "conditions at CCL are causing additional pressure, odors, elevated leachate temperatures, and damage to the gas extraction system." To reduce the odors and better define the reaction, CalRecycle recommended 15 mitigation actions as part of the review.

2.4 On October 17, 2023, the LEA issued a letter (October 17, 2023 LEA Letter) requesting that CCL provide a written response and timeline to address the recent conditions sustained by CCL in the prior 18 months and the 15 recommended corrective and mitigation actions from the October 16, 2023 CalRecycle Letter by October 20, 2023.

2.5 CCL responded on October 20, 2023 (October 20, 2023 CCL Response) as instructed by the LEA. CCL addressed the 15 recommended mitigation actions, many of which according to CCL, were included in the South Coast Air Quality Management District's (SCAQMD) Stipulated Order for Abatement (SOFA).

2.6 The LEA requested CalRecycle's technical review of the October 20, 2023 CCL Response. As part of the review, CalRecycle visited the Site on November 2, 2023. Staff from the LEA, SCAQMD, Los Angeles Regional Water Quality Control Board (LARWQCB), Department of Toxic Substances Control (DTSC), and the United States Environmental Protection Agency (USEPA) toured the Site with CCL staff.

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2.7 On November 14, 2023, CalRecycle issued a letter (November 14, 2023 CalRecycle Letter) to the LEA based on the November 2, 2023 Site visit and the additional information provided in the October 20, 2023 CCL Response. CalRecycle's letter provided a cause analysis, comments to CCL's response to recommended mitigation actions (2, 8, 9 and 13) and further recommendations. Regarding recommended mitigation action 2, CalRecycle concluded that the current intermediate cover should not be viewed as adequate to minimize odors.

2.8 On November 21, 2023, the LEA issued a letter (November 21, 2023 LEA Letter) requiring that CCL perform four mitigation measures (Mitigation Measure 1A, 1B, 2A, 2B, 3 and 4) recommended in the November 14, 2023 CalRecycle Letter and October 16, 2023 CalRecycle Letter. The LEA directed that CCL provide a written response by Wednesday, December 6, 2023, and submit the required plan, data, and report by the due dates indicated in the letter.

2.9 The four mitigation measures listed in the November 21, 2023 LEA Letter that are required to correct the violation of 27 CCR § 20750 are described below.

Mitigation Measure 1 A & 1B – Soil Reaction Break/Barrier

2.10 CCL must provide a plan to construct a soil reaction break/barrier at a predesignated area(s) if the reaction reaches a determined action line. The plan is due to the LEA for approval no later than two weeks after installing temperature monitoring devices.

A. Develop a soil reaction break/barrier plan and propose a set of criteria that would require CCL to install a soil reaction break/barrier between the reaction and operational areas of the landfill. (Mitigation Measure 1A)

B. To obtain necessary data to determine the action line, CCL needs to collect data regarding intensity, depth, speed and direction of the reaction. It is imperative that CCL installs temperature monitoring devices by January 8, 2024. (Mitigation Measure 1B)

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Mitigation Measure 2 A & 2B - Cover

2.11 Because of the ongoing reaction, the cover that is currently in place is not adequate and not performing to the standards to maintain the site in reasonable repair.

A. Place and compact a minimum cover of 24 inches of 1×10^{-6} low permeability soil in and around the reaction settlement area and any well showing signs of a reaction by December 14, 2023. (Mitigation Measure 2A)

B. Develop a written plan that includes documentation and tracking of the fissures, settlement and tension cracks in the soil cover for LEA review and approval by December 6, 2023. The written plan needs to include a photo log of the fissure location including length and severity. Upon LEA approval, CCL must submit a weekly report to the LEA by each Tuesday. (Mitigation Measure 2B)

Mitigation Measure 3 - Slope Stability Analysis

2.12 Given the prior slope instability on the western slope near the leachate outbreak, CCL shall perform a slope stability analysis in the same area for LEA review, as saturated waste has very low shear strength. Submit a workplan with a timeline for LEA review and approval by December 14, 2023.

Mitigation Measure 4 – Manufacturer Maximum Design Specifications

2.13 CCL needs to collect temperatures in and around the reaction area to meet the manufacturer's temperature design specification/recommendations to ensure that the French drain does not fail due to elevated temperature of the leachate soon after installation, leaving leachate seepage without control at the site. This additional step is necessary because of the ongoing reaction and to ensure that the public does not come into contact with leachate.

2.14 On November 28, 2023, the LEA conducted a periodic inspection that noted a violation of 27 CCR § 20750-Site Maintenance and referred to the November 21, 2023 LEA Letter's four mitigation measures as a means to assist with correcting the violation. The LEA periodic inspection reports dated November 28, December 19, 2023, January 17, February 7,

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March 26, and April 30, 2024 have also noted the violation of 27 CCR § 20750. The violation noted on the report is described below.

Pursuant to 27 CCR § 20750, the operator shall implement a preventative maintenance program to monitor and promptly repair or correct defective conditions with respect to requirements of the CIWMB [California Integrated Waste Management Board, currently CalRecycle] standards, and conditions established by the EA [Enforcement Agency (LEA)]. All other aspects of the disposal site shall be kept in a state of reasonable repair.

Due to leachate outbreaks and stability issues with leachate saturated slope and waste, the issues with high temperatures, LFG collection, excessive leachate production, and unusual and large-scale settlement, the LEA required CCL to complete the following actions listed in the November 21, 2023 LEA Letter, as recommended by CalRecycle after the site inspection on November 2, 2023 and records review.

CCL's compliance status pertaining to 27 CCR § 20750 is subcategorized by mitigation measure and discussed below.

Mitigation Measure 1 A – Soil Reaction Break/Barrier Plan

2.15 On December 6, 2023, the LEA received a letter from CCL (December 6, 2023 CCL Response) in response to the November 21, 2023 LEA Letter. CCL responded to Mitigation Measure 1A by stating they would prepare a soil reaction break/barrier plan and propose a set of criteria that would require CCL to install the break/barrier by the LEA-provided deadline. CCL also stated that it does not believe that such a break/barrier is necessary or feasible, however, CCL did not provide any data to support CCL's belief.

2.16 On April 5, 2024, the LEA issued a letter to CCL (April 5, 2024 LEA Letter) stating the TMP and LFG collection well data, specifically carbon monoxide (CO) and hydrogen (H₂) are imperative for determining an action line, in which, if the reaction reaches a predesignated criteria then it would trigger implementation of an approved Soil Reaction

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Break/Barrier Plan. Directives 1 and 2 pertain to the installation of Mitigation Measure 1B and are discussed in the corresponding section. Directives 3 through 6 apply to the Soil Reaction Break/Barrier Plan (Mitigation Measure 1A) and are described below.

Directive 3: Provide waste photographs, boring logs and temperature logs to the LEA by April 12, 2024, for all LFG collection wells installed since June 2023.

Directive 4: Submit LFG data for all gas collection wells in the reaction area and wells 200 feet outside of the reaction area to the LEA by April 12, 2024.

Directive 5: Submit CO and H₂ readings for all gas collection wells in the reaction area and wells 200 feet outside of the reaction area to establish a baseline using Method ASTM D1946 in summa cans by May 6, 2024.

Directive 6: Submit monthly CO and H₂ data from a set of gas wells selected by the LEA after the baseline sampling is completed and recorded on a site map. Submit the lab data for all LFG data. Once a set of wells are selected, monthly LFG data shall be collected and submitted to the LEA, including a discussion of the LFG data and graphic showing CO and H₂ trends over time.

2.17 The April 5, 2024 LEA Letter provided a new deadline to submit the Soil Reaction Break/Barrier Plan, at least 10 days after gathering all the necessary data, rather than two weeks after the installation of the TMPs as per the November 21, 2023 LEA Letter. Lastly, the letter also stated that as an alternative option, CCL may submit a study to the LEA to assure the reaction is no longer a concern to public health, safety and the environment, if CCL chose to do so.

2.18 On April 12, 2024, the LEA received a response from CCL (April 12, 2024 CCL Response) to Directive 3 and 4 of the April 5, 2024 LEA Letter, and a Soil Reaction Break/Barrier Plan dated March 27, 2024 (March 27, 2024 Plan). The April 12, 2024 CCL Response is pending LEA review.

2.19 The LEA determined that the March 27, 2024 Plan was deficient and did not adequately address Mitigation Measure 1A requirements as described in the November 21, 2023 LEA Letter and the April 5, 2023 LEA Letter, and it was therefore rejected by the LEA in a



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letter dated May 3, 2024 (May 3, 2024 LEA Letter).

2.20 Prior to issuance of the May 3, 2024 LEA Letter, the LEA held a virtual meeting with CCL and CalRecycle on April 23, 2024, to discuss the need for a revised plan from CCL to adequately address the construction of a soil reaction break/barrier. The *CCL Barrier Discussion* presentation and *Isolation Break Criteria Example* document presented by CalRecycle at the meeting were provided to CCL via email on the same day.

2.21 As per the May 3, 2024 LEA Letter, CCL is required to submit a revised Soil Reaction Break/Barrier Plan to the LEA for review and approval within 10 days after gathering necessary data from the TMPs and LFG collection wells (refer to the April 5, 2024 LEA Letter). The data from the TMPs and LFG collection wells should be used to draft the revised plan and address the following:

1. Installation of an air/soil break that separates the waste with either an inert material or air.

2. Investigate how each cell or phase was constructed and examine if soil breaks between cells/phases can be exploited. The investigation should include a review of where haul roads were constructed to determine if the inert roads can also be used as fuel breaks. Information from the investigation should be used to develop where containment breaks should be placed.

3. Propose a set of criteria for the primary and secondary engagement lines and the type of reaction breaks/barriers and/or mitigations. These criteria shall be based on temperature, CO, and possibly settlement rate. The primary engagement lines should be designed to prevent the reaction from spreading into the main fill which is close to the reaction. The secondary line should prevent the reaction from entering the eastern and southern fill areas at the toe of the slope.

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4. Construction of reaction breaks in the main 160-acre fill area for the reaction of the engagement lines. The reaction break plans should include timelines and method of construction. The timelines and engagement lines should match.

5. Include the construction of reaction breaks/barrier between Canyon C, A, D, and Cell 5 in the event the reaction reaches the secondary engagement lines.

6. Use best available technology, such as grout injection, to slow or contain reaction movement to the south and east.

7. Description of the criteria that will mandate the temporary suspension of placing new waste.

CCL may submit an alternative plan to the LEA for review, only if such plan is adequately supported by substantive data and studies and provides assurances to the LEA that the reaction is no longer a threat to public health, safety and the environment.

2.22 On May 8, 2024, the LEA received the CO and H₂ data (May 8, 2024 Data) in response to Directive 5 of the April 5, 2024 LEA Letter which required CCL to submit CO and H₂ readings for all gas collection wells in the reaction area and wells 200 feet outside the reaction area by May 6, 2024.

2.23 On May 28, 2024, the LEA issued a response to CCL (May 28, 2024 LEA Letter) stating that the May 8, 2024 Data submittal is inadequate due to missing information. CCL was directed to resubmit the data as a standalone report with the gas data presented in a table, a summary of the sampling, including a map showing the reaction area as it is currently defined, description of the gas sampling performed, Quality Assurance/Quality Control (QA/QC) data (e.g., field and laboratory QA/QC samples and data including any flags), and proposed holding times, etc., with the signature of qualified person or licensed engineer by June 6, 2024.

Mitigation Measure 1B – Temperature Monitoring Probes

2.24 In the December 6, 2023 CCL Response to the November 21, 2023 LEA Letter, CCL

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agreed to install TMPs with a request for further clarification from the LEA on this requirement.

2.25 In order to collect data regarding intensity, depth, speed and direction of the reaction, the LEA required CCL to install TMPs. The November 21, 2023 LEA Letter provided recommended locations for the installation of 21 TMPs by January 8, 2024.

2.26 On December 6, 2023, the LEA, CalRecycle and CCL staff met to discuss TMPs per CCL's December 1, 2023 email request. CCL requested further clarification regarding probe locations, probe depths, and probe type.

2.27 On December 20, 2023, the LEA received the Landfill Reaction Area Temperature Monitoring Plan (December 20, 2023 Plan) from CCL for the installation of 20 TMPs and notification that the deadline of January 8, 2024 was not attainable. CCL proposed a new deadline of March 2024 to complete the installation based on availability of the materials, equipment, and the contractor.

2.28 On December 22, 2023, the LEA issued a letter (December 22, 2023 LEA Letter) accepting with conditions the December 20, 2023 Plan with conditions. Conditions included the submittal of design specifications and a typical design detail drawing of the TMPs, with specified probe depths, by February 15, 2024.

2.29 On January 2, 2024, the LEA received a letter from CCL (January 2, 2024 CCL Letter) with design specifications and design detail drawings for the TMPs. CCL agreed to meet the February 15, 2024 deadline, barring weather, material deliveries, health and safety, and permitting delays. CCL confirmed they would provide the LEA with weekly updates on the status of material deliveries and installation schedule.

2.30 On January 10, 2024 a virtual meeting was held between the CCL, the LEA and CalRecycle for a technical discussion. The LEA directed CCL to submit revised design specifications and design detail drawings for the TMPs to include the required depth intervals.

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2.31 On January 17, 2024, the LEA received a letter from CCL (January 17, 2024 CCL Letter) with a revised design specification and design detail drawings and depth intervals for the TMPs that were discussed during the January 10, 2024 meeting.

2.32 On January 19, 2024, CCL, the LEA, and CalRecycle met and discussed the telemetry system that will be used to record temperature data.

2.33 On January 29, 2024, the LEA issued a letter (January 29, 2024 LEA Letter) accepting the revised design specification and design detailed drawings for the TMPs. The LEA approved the latest schedule to install the TMPs by February 29, 2024 based on the January 11, 2024 weekly update from CCL regarding the material deliveries and revised installation schedule. In addition, as per the meeting on January 19, 2024, the LEA specified due date of February 8, 2024 for CCL to submit the specifications of the telemetry system that will be used to record temperature data.

2.34 On February 26, 2024, the LEA issued a letter to CCL (February 26, 2024 LEA Letter) regarding delays that CCL reported in the weekly status updates received through February 22, 2024. CCL stated that due to delays caused by rain events and for safety reasons, the completion time for drilling for TMP installation was estimated to be an additional 6-7 weeks. The LEA directed CCL to provide a written response by February 29, 2024 (current due date for completion of the TMP installation) that includes an updated construction schedule that details an accurate timeline for the installation of the TMPs, weekly goals for the installation, and what efforts and resources (such as additional equipment and workforce) are being implemented to expedite the work and meet the proposed timelines.

2.35 On February 29, 2024, the LEA received a response from CCL (February 29, 2024 CCL Letter) providing justification for delays and a new schedule for the installation of the TMPs. Due to weather conditions or related safety concerns, the anticipated completion date was extended from February 29, 2024 to April 4, 2024, weather permitting.

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2.36 On March 4, 2024, the LEA, CalRecycle and CCL staff met virtually to discuss issues with TMP installation to planned depths. The LEA and CalRecycle advised that CCL should install to the depth allowable and focus on getting the TMPs installed so that CCL can begin gathering data. The LEA also pointed out a typographical error and the lack of an official time extension request in the February 29, 2024 CCL Letter.

2.37 On March 4, 2024, the LEA received a revised response letter (March 4, 2024 CCL Letter) officially requesting modification to the timeline for TMP installation and correcting the typographical error noted in para. 2.36.

2.38 March 20, 2024, the LEA issued an approval (March 20, 2024 LEA Approval) to the modified schedule (March 4, 2024 CCL Letter) and April 4, 2024 completion date for the installation of TMPs, and directed CCL to continue to provide weekly updates on the progress of the installation of TMPs including any delays due to rain events or other special occurrence that may affect the modified schedule.

2.39 On March 20, 2024, the LEA issued a letter to CCL (March 20, 2024 LEA Letter) in response to a weekly update from CCL regarding the TMP installation received on March 14, 2024. The letter addressed the issues brought up by CCL that the well bores were saturated to the point that all five probes installed from March 11, 2024 through March 14, 2024 did not reach the proposed depth. The LEA determined that the adjustment to the remaining TMPs is necessary and required CCL to submit a report for the probe installation to the LEA by March 28, 2024 that would include: 1) an updated map showing the settlement area overlayed with the completed drilling locations, completed and proposed depths and remaining/planned drilling locations (if applicable), 2) drilling logs and 3) temperature logs of temperatures taken during drilling.

2.40 On March 28, 2024, LEA received the CCL report (March 28, 2024 Report) that stated the issues with achieving the proposed depths and a confirmation that sixteen (16) probes had been installed and were operational.

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2.41 On April 5, 2024, the LEA issued a letter (April 5, 2024 LEA Letter) directing CCL to: 1) relocate the planned installation for well TP-16 to an area outside of the reaction where drilling to the proposed depth may be feasible, and 2) submit a final construction report within 5 days of completion of the installation of all TMPs.

2.42 On April 10, 2024 virtual meeting was held between CCL, LEA and CalRecycle to discuss the progress of TMPs installation, the relocation of TMP TP-16 and TP-04, and the need for a formal extension request with justification for not meeting the April 4, 2024 deadline to complete installation of TMPs.

2.43 On April 12, 2024, LEA received the CCL's response (April 12, 2024 CCL Response) that addressed the two directives related to TMPs in the April 5, 2024 LEA Letter as well as items discussed during the April 10, 2024 meeting. CCL confirmed that it would submit weekly memorandum with temperature readings and analysis of those readings along with a summary and temperature graph of all TMPs to plot the trends of each TMP once the final construction report was completed.

2.44 On April 16, 2024, LEA received a letter from CCL (April 16, 2024 CCL Letter) to memorialize the April 10, 2024 virtual meeting and to request a time extension for the installation of TMPs to April 26, 2024 with justification that drilling operations for TMP installation were delayed due to saturated soil conditions from frequent rain events over the past two months and safety related concerns.

2.45 On April 24, 2024, LEA issued a letter to CCL (April 24, 2024 LEA Letter) accepting CCL's proposed timelines for TMP installation.

2.46 On May 3, 2024, the LEA received the Final Construction Report, 2024 Temperature Monitoring Probe Installation (May 3, 2024 CQA Report) as per Directive 2 of the April 5, 2024 LEA Letter.

2.47 On May 29, 2024, the LEA issued a response letter to the CQA Report (May 29, 2024 LEA Response) directing CCL to resubmit a CQA to the LEA by June 6, 2024 with a site

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map of the TMP's location, completion depth at each well, the reaction area as it is defined as of May 1, 2024, and a method (web-portal) for CCL to provide real-time access to temperature data to the LEA and CalRecycle. The temperature data included in the revised CQA Report was required to include the maximum weekly temperature recorded at each TMP, instead of or in addition to average weekly temperatures. Finally, the LEA advised that the revised CQA Report should include a signature and stamp of a licensed engineer to show all work can be clearly attributed to the licensee(s) in responsible charge of the work.

2.48 The May 29, 2024 LEA Response also addressed the weekly TMP reports and directed CCL to revise the weekly TMP reports with the weekly temperature readings to include graphs that show the maximum temperature recorded at each TMP instead of weekly average, as the criteria to implement a containment strategy must be based on maximum temperature readings and not an average temperature. The weekly TMP reports were also required to include the following additional details: a reaction map with the maximum observed temperature at each well with depth, a narrative describing any anomalies, outliers, data gaps, or malfunctions. The narrative must describe any temperature increases of 20°F or greater within 48 hours as stated in the April 5, 2024 LEA Letter and include an increase of 10°F in a week. The LEA advised that the weekly TMP reports should be a standalone document, and on the last weekly report for the month, CCL is directed to include a map that shows each TMP with color-coded observations based on the maximum observed temperature. CCL was required to submit revised weekly TMP reports beginning the week of June 2, 2024.

2.49 Additionally, the May 29, 2024 LEA Response specifically addressed the Weekly Cover Report dated May 14, 2024 that showed the reaction is extending south into areas outside the previously defined reaction area. To accurately track the reaction's progress, CCL was directed to install three specifically located temperature probes by June 12, 2024. CCL was reminded that while the settlement rate indicator is low, the reaction has advanced which

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requires the development of a plan to implement a containment strategy (Mitigation Measure 1A Soil Reaction Break/Barrier Plan).

2.50 A meeting was held on May 31, 2024 to discuss the directive in the May 29, 2024 LEA Response to add three TMPs. CCL stated that the settlement was misinterpreted in the Weekly Cover Report due to construction taking place in the area that showed settlement. Furthermore, CCL stated that there are TMPs near the subject area, planned LFG well installation in that area, and data that supports the reaction area is not expanding. LEA instructed CCL to reply by June 12, 2024, with installation plan, an alternate proposal or justification for no action based on information shared in meeting.

Mitigation Measure 2A – Geosynthetic Cover

2.51 In the December 6, 2023 CCL Response to the November 21, 2023 LEA Letter, CCL noted several concerns regarding the placement of soil and stated that an alternative proposal would be submitted to the LEA by December 8, 2023.

2.52 On December 8, 2023, the LEA received a Memorandum from CCL (December 8, 2023 CCL Memorandum) responding to the November 21, 2023 LEA Letter regarding the Mitigation Measure 2A requirement. The December 8, 2023 CCL Memorandum provided a description and timeline for two specific proposed alternatives to the additional cover as well as for the 24-inches of low permeability soil cover in and around the Reaction Settlement Area and any well showing signs of reaction as required by Mitigation Measure 2A: 1) Low Permeability Soil Cover, 2) Evaporative Soil Cover or 3) 12-mil Dura-Skrim Geosynthetic Cover (12-mil Cover).

2.53 On December 14, 2023, the LEA issued a response (December 14, 2023 LEA Letter) to the December 8, 2023 CCL Memorandum. The LEA advised CCL that although the placement of low permeability soil would be the most effective option to address the inadequacy of the existing cover over the reaction area, as it would prevent surface emissions of LFG while

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reducing oxygen infiltration. Because this option may take 12 weeks to implement which is the longest timeframe out of the three alternatives provided, it was no longer considered. Next, the proposed alternative to use an evaporative soil cover option using high permeability soil was deemed to be unacceptable as it would allow air, water, and LFG to migrate through the cover. CCL's proposed installation of the 12-mil Cover was the alternative that had the quickest installation timeline, within 5 weeks, and was an adequate option as a temporary measure to address cover conditions until the low permeability soil cover is added. Since the 12-mil Cover was not a long-term solution, CCL was required to install a more durable geosynthetic cover, 24-mil to 30-mil with welded seams, that will offer better performance and reduced maintenance. In short, the LEA recommended that CCL install the proposed 12-mil Cover now while it acquires low-permeability soil or opt to install a thicker and more durable geosynthetic cover between 24-mil to 30-mil with welded seams in lieu of the low permeability soil cover. A proposal for this option must be submitted to the LEA for review and approval.

2.54 On December 19, 2023 the LEA received a workplan from CCL (December 19, 2023 Plan) to install 30-mil high density polyethylene (HDPE) geosynthetic cover over the reaction settlement area.

2.55 On December 20, 2023, the LEA issued an approval (December 20, 2023 LEA Letter) on the condition that CCL submit the design specifications of the proposed geosynthetic cover pressure relief valves discussed in the December 19, 2023 Plan within 10 days.

2.56 On December 29, 2023, the LEA received a letter from CCL (December 29, 2023 CCL Letter) with the required information on the pressure relief valves.

2.57 On January 19, 2024, a meeting was held between CCL, LEA and CalRecycle to communicate that the pressure relief valves would not be approved by the LEA. Other methods to prevent potential LFG accumulation underneath the geosynthetic cover were discussed.

2.58 On January 23, 2024, the LEA received a letter from CCL (January 23, 2024

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CCL Letter) which stated that CCL no longer intended to install the pressure relief valves from the December 19, 2023 Plan. In addition, CCL provided an updated installation schedule for the 30-mil cover in the following order: 1) northerly portion of the western slope of the reaction area, 2) central portion of the western slope of the reaction area, 3) top deck of the reaction area and 4) north slope of the reaction area. Although CCL did not provide a specific date, the letter stated that installation of the cover was anticipated to take 8 weeks with an additional week for reporting. Lastly, CCL informed the LEA that it anticipated installing well boot seals on all wells located outside of the areas that will be covered with geosynthetic cover by February 16, 2024, and installing the remaining well boot seals as the geosynthetic cover is installed.

2.59 On January 26, 2024, the LEA issued a conditional approval (January 26, 2024 LEA Letter) in response to the January 23, 2024 CCL Letter. Per the conditions, in lieu of the pressure relief valves, CCL was to provide a system and procedure to ensure that LFG does not accumulate underneath the geosynthetic cover and to prioritize LFG extraction from the reaction area over other areas of the landfill, if necessary, by February 2, 2024. In addition, CCL was directed to submit weekly updates to the LEA on the geosynthetic cover installation (Weekly Geosynthetic Cover Updates) commencing the week of January 28, 2024 and complete the geosynthetic cover installation by March 25, 2024 (8 weeks from the start of cover installations as provided by the January 23, 2024 CCL Letter).

2.60 On February 2, 2024, the LEA received a response from CCL (February 2, 2024 CCL Letter) that adequately addressed all of the conditions listed in the January 26, 2024 LEA Letter as stated in the LEA response letter dated March 4, 2024 (March 4, 2024 LEA Letter).

2.61 To address ongoing delays documented in CCL's Weekly Geosynthetic Cover Updates received through February 23, 2024, the LEA issued the February 26, 2024 LEA Letter. CCL had reported delays caused by rain events and related safety issues without providing an update on the need for a revised installation schedule for the 30-mil geosynthetic cover. LEA

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instructed CCL to provide a written response by February 29, 2024 with an updated construction schedule that details an accurate timeline for the installation of the geosynthetic cover, weekly goals for the installation, and what efforts and resources (such as additional equipment and workforce) are being implemented to expedite the work and meet the proposed timeline.

2.62 The February 29, 2024 CCL Letter provided justification for delays and a new schedule for the installation of the geosynthetic cover. Due to weather conditions and related safety concerns, and an increase of the reaction area from 23.9 acres to 30 acres due to site conditions, the anticipated completion date was extended from March 25, 2024 to April 26, 2024, weather permitting. The submittal date for the completion report for the geosynthetic cover installation was consequently extended to May 3, 2024.

2.63 On March 4, 2024, LEA, CalRecycle and CCL staff met virtually and pointed out a typographical error with the compliance schedule and the lack of an official time extension request in the February 29, 2024 CCL Letter.

2.64 On March 4, 2024 CCL corrected the typographical error referred to in para. 2.63 and officially requested modification to the timeline for geosynthetic cover installation.

2.65 On March 20, 2024, the LEA issued an approval (March 20, 2024 LEA Letter) to the modified schedule and of the April 26, 2024 completion date for the installation of the 30-mil geosynthetic cover, and directed CCL to continue to provide weekly updates on the progress of the installation of the geosynthetic cover including any delays due to rain events or other special occurrence that may affect the modified schedule.

2.66 On April 19, 2024 the LEA received a memorandum from CCL (April 19, 2024 CCL Memorandum) that provided an updated geosynthetic coverage acreage, from 30 acres to 43.9 acres, and revised schedule for installation of the geosynthetic cover with, From April 26, 2024 to July 12, 2024. According to the memorandum, April 26, 2024 deadline could not be met due to

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delays related to concerns with wet weather, high winds, slope stability, and safety. The July 12, 2024 completion date did not include the replacement of the 12-mil Cover that is currently over the western slope with the 30-mil geosynthetic cover due to high leachate levels.

2.67 On May 10, 2024, the LEA issued a letter to CCL (May 10, 2024 LEA Letter) directing CCL to resubmit a revised schedule by May 14, 2024, that prioritizes the installation of the 30-mil geosynthetic cover in the reaction area (30 acres per the March 4, 2024 CCL Letter) over additional areas that CCL elected to also cover, and include a completion date for installation of the cover over the 30 acres, and a plan to manage the leachate at the western slope to allow for timely installation of the 30-mil geosynthetic cover.

2.68 On May 14, 2024, the LEA received two memorandums from CCL. One memorandum provided additional information on the need for the extended deadline of July 12, 2024, to complete the installation of the 30 acres of geosynthetic cover over the reaction area (May 14, 2024 CCL Updated Schedule). The other memorandum detailed the construction of a toe drain system to manage the leachate and allow for the installation of geosynthetic cover over the portion of the western slope currently covered by the 12-mil Cover. (May 14, 2024 CCL Plan).

2.69 On May 29, 2024, the LEA issued a letter to CCL (May 29, 2024 LEA Letter) stating that the May 14, 2024 CCL Updated Schedule is adequate, and required CCL to continue to provide weekly updates on the progress of the installation of the geosynthetic cover that include specific reasons for any further delays that may be due to rain events or other special occurrence that may affect the extended implementation of the new schedule. Also, the LEA determined the May 14, 2024 CCL Plan to be adequate contingent on the condition that CCL confirms waste temperatures are below the manufacturer's recommended maximum temperature limit of the proposed materials used.

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Mitigation Measure 2B - Cover Tracking

2.70 The December 6, 2023 CCL Response to the November 21, 2023 LEA Letter had no comment on Mitigation Measure 2B requirements and agreed to submit the required plan by the due date.

2.71 On December 6, 2023, the LEA received the Soil Cover Tracking Written Plan (December 6, 2023 Cover Tracking Plan) to monitor for fissures and cracks in the soil cover, collect and compile notes and pictures, and submit Weekly Cover Reports to the LEA. To track and document settlement, CCL proposed to use drones to document settlement on a biweekly basis.

2.72 On December 14, 2023, the LEA issued a letter (December 14, 2023 LEA Letter) requiring CCL to revise the December 6, 2023 Cover Tracking Plan to include response to issues that may arise with the geosynthetic cover, such as tears and where fill is needed to support the liner or maintain drainage, the necessary actions taken, and a photo log that has before and after pictures of the cover issues.

2.73 LEA received the Revised Plan dated December 21, 2023 (December 21, 2023 Revised Plan) that included documentation and tracking of issues related to the geosynthetic cover in addition to soil cover as well as a photo log of observations with before and after pictures.

2.74 On January 3, 2024, the LEA issued an approval (January 3, 2024 LEA Letter) to the December 21, 2023 Revised Plan and directed CCL submit Weekly Cover Reports starting January 9, 2024.

2.75 The LEA letter dated March 22, 2024 (March 22, 2024 LEA Letter), responded to the Slope Stability Analysis Report (Mitigation Measure 3) and addressed the Weekly Cover Reports. The LEA directed CCL to revise the Weekly Cover Reports to include a log with a summary and a map to track the documented fissures and tension cracks and to identify trends, to evaluate the documented series of fissures and tension cracks reported in recent Weekly Cover

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Reports from February and March 2024, and to include methods used to track the instability in the reaction area that is obscured by the geosynthetic cover.

2.76 On April 10, 2024, a virtual meeting was held between CCL, LEA and CalRecycle (April 10, 2024 Meeting) to discuss the status of Mitigation Measures 1-3 and the need for a second revision of the December 6, 2023 Cover Tracking Plan to address Mitigation Measure 2B. The LEA directed CCL to include in future weekly reports a section to document any instability events such as observations that led to CCL directing crews to cease work on the western slope mid-day March 20, 2024, because of concerns related to slope stability and pending the slope stability analysis report as per the March 22, 2022 Weekly Cover Report.

2.77 CCL submitted the second Revised Cover Tracking Plan dated April 16, 2024 (April 16, 2024 Revised Plan) that proposed to submit a map to identify and evaluate trends in the reported fissures and tension cracks. CCL proposed to perform daily visual inspections and bi-weekly drone flyovers, and other actions to track the instability of the reaction area obscured by the geosynthetic cover. In addition, CCL would include a profile of the western slope consisting of cross sections taken during the beginning and end of the month in the report.

2.78 On May 2, 2024, the LEA approved the second Revised Cover Tracking Plan (May 2, 2024 LEA Letter) and directed CCL to submit monthly reports starting May 14, 2024. The LEA also reminded CCL to include a section on stability issues as discussed during the April 10, 2024 Meeting.

2.79 The LEA issued a letter to CCL on May 29, 2024 (May 29, 2024 LEA Letter) to address, among other items, the Weekly Cover Reports dated May 10 and May 14, 2024, in which CCL made inaccurate statements that misrepresented the reason why the liner crews were removed from the western slope. The specific CCL statements were that "Landfill personnel were directed to cease normal activities on the western slope on or around March 20, 2024, because of the LEA's concerns regarding the potential slope stability and related safety

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concerns.” The LEA noted that CCL elected to remove crews without notifying the LEA for at least 48 hours, when the LEA received the March 22, 2024 Weekly Cover Report. CCL was directed to amend each the May 10 and 14, 2024 reports to reflect that CCL elected to move the liner crews because the crews noticed an additional bulge of waste at the toe of the slope. In addition, CCL was required to include slope stability concerns to the Weekly Cover Reports beginning June 4, 2024.

Mitigation Measure 3 – Slope Analysis

2.80 The December 6, 2023 CCL Response to the November 21, 2023 LEA Letter had no comment on the Mitigation Measure 3 requirement and agreed to submit a work plan with timeline by the due date.

2.81 CCL submitted the Slope Stability Analysis Workplan to the LEA on December 14, 2023 (December 2023 Slope Stability Analysis Plan).

2.82 On December 20, 2023, the LEA issued a letter accepting the December 2023 Slope Stability Analysis Plan with conditions. According to a timeline submitted by CCL, a Slope Stability Analysis Report would be submitted to the LEA by February 22, 2024.

2.83 The Slope Stability Analysis Report was received by the LEA on February 22, 2024 (February 2024 Slope Stability Analysis Report).

2.84 The March 22, 2024 LEA Letter in response to the February 2024 Slope Stability Analysis Report required CCL to perform additional analyses based on the current actual observed conditions of the waste and gas extraction wells. For example, the analysis in the February 2024 Slope Stability Analysis Report used peak shear strength instead of reduced shear strength. CCL was also directed to include a plan to monitor and record the temperature of the liner at the bottom of the landfill to verify and document that that there are no anticipated impacts to its the long-term performance given the potential exposure to high subsurface temperatures associated with the ongoing reaction. The plan regarding the liner was referred to the LARWQCB.

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2.85 On May 8, 2024, the LEA received a draft of the revised Slope Stability Analysis Report dated May 2024 (May 2024 Slope Stability Analysis Report). The report is currently under review.

Mitigation Measure 4 – Manufacturer Specifications

2.86 The December 6, 2023 CCL Response to the November 21, 2023 LEA Letter had no comment regarding Mitigation Measure 4 and agreed to comply with this mitigation measure.

2.87 The May 29, 2024 LEA Letter in response to the May 14, 2024 Plan to install a toe drain at the western slope directed CCL to confirm the waste temperatures are below the manufacturer's recommended maximum temperature limit of the proposed pipe materials. The letter guided CCL to use a forward-looking infrared camera to ensure the HDPE or other material can perform as designed within the recommended temperature limits.

3.0 STATEMENT OF FACTS PERTAINING TO VIOLATION 27 CCR § 20921:

3.1 Pursuant to 27 CCR Section 20921, in order to provide for the protection of public health and safety and the environment, the operator shall ensure that the concentration of methane gas migrating from the disposal site must not exceed 5% by volume in air at the disposal site permitted facility boundary or an alternative boundary approved in accordance with 27 CCR § 20925.

3.2 Beginning with the focused inspection dated September 1, 2023, periodic inspection reports dated September 19, October 25, November 28, December 19, 2023, January 17, February 7, March 26, and April 30, 2024, continue to note the violation for exceedance of methane as described below.

3.3 On September 1, 2023, the LEA measured the methane level at perimeter monitoring well GP-13 at above 5% by volume in air (bv), resulting in a violation of 27 CCR Section § 20921. CCL was directed via email on September 9, 2023, to comply with 27 CCR § 20937 which requires submittal of a remediation plan for approval and implementation within 60 days of noted exceedance and as documented on the report dated September 1, 2023. CCL submitted a



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remediation plan to address the methane exceedance at GP-13 on September 8, 2023 (September 8, 2023 Remediation Plan).

3.4 On September 15, 2023, CCL submitted a second remediation plan to include methane exceedance measured by the CCL at GP-15 (September 15, 2023 Remediation Plan). On September 19, 2023, the LEA measured methane levels at perimeter monitoring wells GP-13 and GP-15 at above 5% bv resulting in a violation of 27 CCR § 20921.

3.5 LEA electronic communication with CCL called for CCL to submit subsequent revised plans dated October 6, 2023 (October 6, 2023 Remediation Plan) and November 22, 2023 (November 22, 2023 Remediation Plan) addressing the exceedance at both probes GP-13 and GP-15. The LEA issued a rejection letter on February 6, 2024 (February 6, 2024 LEA Letter) directing CCL to respond to specific comments in a revised plan by February 23, 2024.

3.6 On February 27, 2024, the LEA received the latest version of the remediation plan (February 2024 Remediation Plan) that proposed to install an additional 107 LFG extraction wells by July 31, 2024.

3.7 The LEA approved the February 2024 Remediation Plan by letter May 8, 2024 (May 8, 2024 LEA Letter) requiring the LFG well installation to be completed by July 31, 2024, as proposed by CCL. Upon installation of the LFG extraction wells, CCL is required to continue to monitor the methane levels in all perimeter monitoring wells on a weekly basis and provide the results to the LEA for a monitoring period of 120 days. If the LEA's monitoring shows that the concentration of methane is and remains below the regulatory limit for three (3) consecutive monitoring events and the weekly results submitted by CCL provide supporting evidence that the landfill gas is controlled not to exceed 5% bv in air at the Site's perimeter boundary, then the Site will be deemed compliant with 27 CCR § 20921. If compliance with 27 CCR § 20921 is not achieved within the 120-day monitoring period, then a new remediation plan must be submitted to the LEA for review and approval within 30 calendar days.

3.8 The February 2024 Remediation Plan was also approved by CalRecycle on April 15, 2024 (April 15, 2024 CalRecycle Letter) as required by 27 CCR § 20937.

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4.0 PLACEMENT OF CCL ON THE INVENTORY:

4.1 The LEA issued inspection reports of CCL dated September 1, September 19, October 25, November 28, December 19, 2023, and January 17, 2024. Violations of 27 CCR, Sections 20921 (Gas Monitoring and Control) and 20750 (Site Maintenance) have been noted monthly on LEA inspection reports to date beginning September 1, 2023, and November 28, 2023, respectively.

4.2 On February 8, 2024, CalRecycle notified CCL in a letter sent via certified mail, and received by CCL on February 10, 2024, that if the violations were not corrected within 90 days of receipt of the letter that pursuant to PRC § 44104, the site would be placed on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory).

4.3 After confirming with the LEA that violations of the noted standards remained uncorrected and were continuing, on May 16, 2024, pursuant to 14 CCR § 18364, an Inclusion letter was sent by CalRecycle, notifying CCL that CCL was placed on the "Inventory of Facilities Violating State Minimum Standards" list (Inventory List). Inclusion on the Inventory List requires the LEA to establish and issue a compliance schedule to the facility within 15 business days from the date of the inclusion letter. (14 CCR § 18365(a).)

4.4 The purpose of the compliance schedule is to ensure that diligent progress is made by the operator to bring the facility into compliance pursuant to PRC § 44106. (14 CCR § 18304.3.)

4.5 The compliance schedule may be incorporated into a Notice and Order. (14 CCR §§ 18304.3 and 18361(a).)

4.6 The Compliance Schedule must require that all tasks and deadlines be completed within the timeframes specified in 14 CCR § 18365(b).

5.0 VIOLATIONS:

5.1 CCL is in violation of 27 CCR § 20750 (Site Maintenance) and 27 CCR § 20921 (Gas Monitoring and Control).

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6.0 ORDER FOR COMPLIANCE SCHEDULE:

6.1 On June 4, 2024, the LEA met with CCL to discuss the issuance of the Compliance Order. The Compliance Schedule was reviewed with CCL and an extension was asked for the Compliance Deadline for Milestone 1A-2, 1B-1 and 2A-1. The LEA granted the extensions and has updated the deadlines to the dates requested by CCL.

6.2 Pursuant to PRC §§ 43209, 44106, 45000, 45005, 45011, 45017, and 45023, 27 CCR §§ 20750 and 20921, and 14 CCR §§ 18304, 18304.1, 18304.3(b), and 18365(a), Respondent CCL is hereby ordered to comply with the following compliance schedule to eliminate the existing violations:

Compliance Schedule		
27 CCR Section 20750 – Site Maintenance <i>The operator shall promptly repair or correct defective conditions with respect to state minimum standards. All other aspects of the site shall be kept in a state of reasonable repair. THE FINAL DATE TO ACHIEVE FULL COMPLIANCE WITH 27 CCR § 20750 IN ACCORDANCE WITH THE COMPLIANCE SCHEDULE IS AUGUST 2, 2024.</i>		
Milestone	Action Plan/Directive	Compliance Deadline
1A - 1	Submit a revised Air/Soil Break Plan to the LEA for review and approval. The revised Air/Soil Break Plan must fully address the LEA directives including data from TMPs and LFG collection wells (refer to the May 3, 2024, LEA Letter for details) to inform the required items mentioned below: a. Investigate how each cell or phase was constructed and examine if air/soil breaks between cells/phases can be exploited. The investigation should include a review of where haul roads were constructed to determine if the inert roads can also be used as fuel breaks. Information from the investigation should be used to develop where containment breaks should be placed. b. Propose a set of criteria for the primary and secondary engagement lines and the type of reaction breaks/barriers and/or mitigations. These criteria shall	July 8, 2024

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	<p>be based on temperature, CO, and possibly settlement rate. The primary engagement lines need to prevent the reaction from spreading in the main fill close to the reaction.</p> <p>The secondary engagement lines need to prevent the reaction from entering the eastern and southern fill areas at the toe of the slope.</p> <p>c. Investigate and propose construction of air/soil reaction breaks in the main 160-acre fill area for the reaction of the engagement lines with either an inert material or air.</p> <p>d. Include the construction of air/soil reaction breaks/barrier between Canyon C, A, D, and Cell 5 in the event the reaction reaches the secondary engagement lines.</p> <p>e. Include timelines and method of construction. The timelines and engagement lines must match.</p> <p>f. Use best available technology, such as grout injection, to slow or contain reaction movement to the south and east.</p> <p>g. Description of the criteria that will mandate the temporary suspension of placing new waste.</p> <p><i>CCL may submit an alternative plan to the LEA for review, only if such plan is adequately supported by substantive data and studies and provides assurances to the LEA that the reaction is no longer a threat to public health, safety and the environment.</i></p> <p>Note: If the air/soil break plan submitted by CCL is rejected by the LEA after the final compliance date for this violation, then a penalty will be assessed from the date LEA issues a rejection until the air/soil break plan is approved by the LEA. (No penalty will be assessed during the period of LEA review.)</p>	
1A - 2	<p>Submit a report with CO and H2 readings for all gas collection wells in the reaction area and wells 200 feet outside the reaction area, including the following:</p>	June 11, 2024

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	<p>a. The gas data tabulated with the following information: date collected or measured, wellhead temperature, analyte names and concentrations, including but not limited to permanent gases and H₂ analyzed using thermal conductivity detection/ gas chromatography (TCD/GC) ASTM D1946-14 and CO analyzed using flame ionization detection/total combustion analysis (FID/TCA), EPA Method ALT-144</p> <p>b. Sampling summary, map showing the reaction area as it is currently defined, gas sampling plan, Quality Assurance/Quality Control data, and proposed holding times, and whether holding times were exceeded, etc.</p> <p>c. Report as a standalone document that is signed by a licensed engineer or qualified responsible person.</p>	
1A - 3	Submit the laboratory test results for <u>all</u> monthly LFG sampling (including CO and H₂) from a set of LFG wells selected by the LEA after the baseline sampling for CO and H₂ is completed and provided to the LEA as described above. The LFG data that is collected must be submitted to the LEA in a standalone report signed by a licensed engineer or qualified responsible person and include a discussion of the sampling, LFG data, and a graphic showing CO and H₂ trends over time.	Monthly by the 15th of the following month, from the date that CCL receives the selected LFG wells from the LEA
1B - 1	<p>Submit a revised Completion Report for the installation of the TMPs that include the following:</p> <p>a. Site map that includes the location of the TMP's location, the completion depth at each well, and as-builts. The map must also include the reaction area as it is defined as of May 1, 2024.</p> <p>b. Provide real-time access to temperature data to the LEA and CalRecycle and specify the method of access (e.g., web portal).</p> <p>c. Temperature data that includes the maximum temperature recorded at each TMP.</p>	June 11, 2024

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	d. Signature and stamp of a licensed engineer or qualified responsible party to show all work can be clearly attributed to the licensee(s) in responsible charge of the work.	
1B - 2	<p>Continue to submit the Weekly TMP Reports. Revise the reports so they are standalone documents that include the following:</p> <ul style="list-style-type: none"> a. Graphs that show the maximum temperature recorded at each TMP. CCL may choose to continue to also include the average temperature in the weekly reports. b. Map delineating the reaction area with the maximum observed temperature at each TMP with depth. c. Narrative describing any anomalies, outliers, data gaps, issues or malfunctions. The narrative must describe any temperature increases of 20°F or greater within 48 hours or 10°F in a week. 	June 7, 2024, and weekly each Friday thereafter
1B - 3	Provide a temperature contour map that shows each TMP with color-coded observations based on the maximum observed temperature collected during the month. Example was provided in the May 29, 2024 LEA Response.	Monthly by the 15th of the month beginning June 2024.
1B - 4	<p>Install three temperature probes around the area that is extending south into areas outside of the previously defined reaction area as shown in the Weekly Cover Report dated May 14, 2024. Map showing locations of wells around the extended reaction area was provided in the May 29, 2024 LEA Response.</p> <p>Provide a final completion report that includes a map and as-builts that is signed by a registered engineer or qualified responsible person.</p>	July 11, 2024
2A - 1	Install the approved 30-mil HDPE geosynthetic cover over the 30-acre reaction settlement area as defined in the Weekly Cover Reports dated up through May 28, 2024, and around any wells showing signs of reaction, i.e., any wells with temperature over 160°F or CO concentrations over 1,500 ppmv.	August 2, 2024

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2A - 2	<p>Continue to provide Weekly Updates on the Installation of the 30-mil Geosynthetic Cover including a map showing approximate limits of the installed geosynthetic cover. Updates shall include any delays due to rain events or other special occurrences.</p> <p>Revise the map to show the required 30-mil geosynthetic coverage area, delineate any areas showing settlement and any wells showing signs of reaction.</p>	<p>Ongoing on Fridays with revised map beginning June 14, 2024.</p> <p><i>(Note: Weekly reporting may be reduced in frequency or discontinued only after the required geosynthetic cover is installed and with LEA written approval.)</i></p>
2B	<p>Continue to submit the Weekly Geosynthetic Cover Reports as in the approved April 16, 2024 Revised Written Plan, include the required directives in the May 29, 2024 LEA Letter.</p>	<p>Ongoing</p> <p><i>(Note: Weekly reporting may be reduced in frequency or discontinued only with LEA written approval.)</i></p>
3 - 1	<p>Ensure slope stability issues are included in the Weekly Geosynthetic Cover Reports as directed in the May 3, LEA Letter and May 29, 2024 LEA Response.</p>	<p>Ongoing</p> <p><i>(Note: Weekly reporting may be reduced in frequency or discontinued only with LEA written approval.)</i></p>
3 - 2	<p>Submit a West and North Slope Stability Analysis Final Report that fully addresses LEA's comments.</p>	<p>Two weeks from the date of the LEA comment letter</p>
<p>27 CCR Section 20921 – Gas Monitoring and Control <i>The concentration of methane gas migrating from the disposal site must not exceed 5% by volume in air at the disposal site permitted facility boundary or an alternative boundary approved in accordance with § 20925.</i> THE FINAL DATE TO ACHIEVE FULL COMPLIANCE WITH 27 CCR § 20921 IN ACCORDANCE WITH THE COMPLIANCE SCHEDULE IS NOVEMBER 28, 2024.</p>		

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4 - 1	<p>Install and operate an additional 107 LFG extraction wells as per approved February 26, 2024 Remediation Plan for LFG Exceedance. Notify the LEA upon completion.</p> <p>Provide a final completion report that includes a map and as-builts that is signed by a registered engineer or qualified responsible person.</p>	July 31, 2024
4 - 2	<p>Continue to submit a weekly status update on the installation of the LFG extraction wells as per the May 8, 2024 LEA Letter.</p>	<p>Ongoing</p> <p><i>(Ongoing until completion of installation of all LFG extraction wells listed in the February 26, 2024 Remediation Plan.)</i></p>
4 - 3	<p>Continue to submit weekly results of methane readings at perimeter monitoring wells GP-13 and GP-15.</p>	<p>Ongoing until compliance with 27 CCR 20921 has been demonstrated as set forth in Milestone 4-4</p> <p><i>(Note: Weekly reporting may be reduced in frequency or discontinued only with LEA written approval.)</i></p>
4 - 4	<p>Demonstrate compliance with 27 CCR Section 20921 within the 120-day compliance period that begins after the completion of the planned LFG extraction well construction referred to in the February 2024 Remediation Plan.</p> <p>In order to demonstrate compliance, the concentration of methane must be at or below regulatory limit for three (3) consecutive monitoring events conducted by the LEA, and the weekly results submitted by CCL must provide supporting evidence that the LFG is controlled not to exceed 5% by volume in air at the site's perimeter boundary.</p>	<p>120 days after completion of the LFG extraction well installation and no later than November 28, 2024 (Compliance Period)</p> <p><i>(Note: November 28, 2024 is based on the</i></p>

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		<i>anticipated completion date for installation of the LFG extraction wells.)</i>
5	Submit a consolidated monthly report with individual maps overlayed with the following data in an easily understood format <ul style="list-style-type: none"> - Defined reaction area; - Expansion of reaction area if any; - Weekly TMP data; - Settlement with heat maps; and - LFG data including, but not limited to CO and H2 data 	Monthly by the 15th of the month, from the date that CCL receives the selected LFG wells from the LEA - Refer to Milestone 1A-3 <i>(Note: Monthly reporting may be reduced in frequency or discontinued only with LEA written approval.)</i>

7.0 APPLICABLE TO ALL MILESTONES:

7.1 CCL must obtain all required and necessary Federal, State, and local permits prior to commencement of any work at the site.

7.2 Notwithstanding anything to the contrary herein, if any of the above milestones and compliance deadlines cannot be met in good faith, CCL may submit a written extension request to the LEA setting forth good cause justification.

7.3 Pursuant to PRC § 45011, failure to comply with the final compliance date for each violation, unless otherwise excused in writing by the LEA, will result in the LEA issuing an administrative penalty order for penalties payable by CCL to the LEA, of up to \$5,000 per day for each day that CCL is in violation of the final compliance schedule for a particular violation, calculated from the day after the violation compliance date, until the date compliance is achieved and verified by the LEA.

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**8.0 NOTICE OF FURTHER PENALTIES AND ENFORCEMENT THAT MAY RESULT FROM
FAILURE TO COMPLY WITH THE LEA'S ORDER:**

8.1 The LEA may assess administrative civil penalties not to exceed five thousand dollars (\$5,000) for each violation, for each day that the violation continues, if compliance is not achieved in accordance with the compliance schedule set forth in this Order. (PRC §§ 45010.1 and 45011.)

8.2 The LEA may suspend or revoke the solid waste facility permit if the facility does not meet the requirements contained in the compliance schedule issued by the LEA until the violation(s) of state minimum standards which caused the facility to be included in the Inventory are remedied. (PRC §§ 44305 and 44306, and 14 CCR §§ 18307 and 18368(b).)

8.3 The LEA may file a petition in the Superior Court for injunctive relief to enforce any part of this Order. (PRC §45014.)

8.4 Upon failure to comply with the Order, the LEA may bring an action in the Superior Court to impose upon CCL civil penalties of not more than ten thousand dollars (\$10,000) for each day a CCL is in violation of the Order. (PRC §§ 45023 and 45024.)

8.5 The LEA and/or CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions by CCL or related parties in carrying out activities pursuant to this order, nor shall the LEA and/or CalRecycle be held as a party to any contract entered into by CCL or its agent(s) in carrying out activities pursuant to this Order.

8.6 Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Order, CCL may be required to take further actions as necessary to protect public health and safety or the environment.

8.7 This Order does not relieve CCL from complying with all other local, state, and federal requirements or prevent the LEA and/or CalRecycle from taking any and all other actions allowed by law.

8.8 This Order is supported by the accompanying declarations by Eric Morofuji and Mark Como.



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8.9 This Order may only be amended in writing by an appropriate representative of the LEA.

9.0 RIGHT TO APPEAL

9.1 CCL has the right to appeal this Order (PRC §§ 44307 and 44310) by submitting a written request for a hearing, together with a statement of issues on which appeal is based, within 15 days. Request for Hearing is provided with this Order. The appeal must be sent via U.S. Mail to Los Angeles County Public Health, Solid Waste Management Program/Local Enforcement Agency (LEA), 5050 Commerce Drive, Baldwin Park, Ca 91706, Attention: Karen Gork or via electronic mail to kgork@ph.lacounty.gov.

9.2 An appeal does not stay the effect of any provision of this Order. However, you may petition the Director of CalRecycle, in writing, to stay the effect of this Order, or portion thereof, pending the completion of administrative appeals. (PRC § 45017.) A petition submitted must be in writing and shall state the extraordinary circumstances that justify the stay. The petition shall also state the grounds, if any, on which a finding may be made that the immediate effect of the order or determination will preclude or interfere with the provision of an essential public service so that the public health and safety or the environment will be adversely affected.

10.0 CERTIFICATION

10.1 This Compliance Order is issued as of the date set forth below.

Signed: Liza Frias Date: June 6, 2024

Liza Frias, Director, Environmental Health
Los Angeles County LEA

Attachments:

Declarations
September 1, 2023 LEA Focused Inspection Report



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September 19, 2023 LEA Periodic Inspection Report

October 25, 2023 LEA Periodic Inspection Report

November 28, 2023 LEA Periodic Inspection Report

December 19, 2023 LEA Periodic Inspection Report

January 17, 2024 LEA Periodic Inspection Report

February 7, 2024 LEA Periodic Inspection Report

March 26, 2024 LEA Periodic Inspection Report

April 30, 2024 LEA Periodic Inspection Report

May 14, 2024 LEA Focused Inspection

October 16, 2023 CalRecycle Letter

October 17, 2023 LEA Letter

October 20, 2023 CCL Response

November 14, 2023 CalRecycle Letter

November 21, 2023 LEA Letter

December 6, 2023 CCL Response

April 5, 2024 LEA Letter

April 12, 2024 CCL Response

March 27, 2024 Plan

May 3, 2024 LEA Letter

May 8, 2024 Data

May 28, 2024 LEA Letter

December 20, 2023 Plan

December 22, 2023 LEA Letter

January 2, 2024 CCL Letter

January 17, 2024 CCL Letter



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January 29, 2024 LEA Letter

February 26, 2024 LEA Letter

February 29, 2024 CCL Letter

March 4, 2024 CCL Letter

March 20, 2024 LEA Approval

March 20, 2024 LEA Letter

March 28, 2024 Report.

April 16, 2024 CCL Letter

April 24, 2024 LEA Letter

May 3, 2024 CQA Report

May 29, 2024 LEA Response

December 8, 2023 CCL Memorandum

December 14, 2023 LEA Letter

December 19, 2023 CCL Plan

December 20, 2023 LEA Letter

December 29, 2023 CCL Letter

January 23, 2024 CCL Letter

January 26, 2024 LEA Letter

February 2, 2024 (CCL Letter)

April 19, 2024 CCL Memorandum

May 10, 2024 LEA Letter

May 14, 2024 CCL Updated Schedule

May 14, 2024 CCL Plan

May 29, 2024 LEA Letter

December 6, 2023 Cover Tracking Plan



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December 21, 2023 Revised Plan

January 3, 2024 LEA Letter

March 22, 2024 LEA Letter

April 16, 2024 Revised Plan

May 2, 2024 LEA Letter

CCL Barrier Discussion presentation

Isolation Break Criteria Example document

December 2023 Slope Stability Analysis Plan

February 2024 Slope Stability Analysis Report

February 26, 2024 60-Day Remediation Plan for GP-13 and GP-15

April 15, 2024 CalRecycle Response to 60-Day Remediation Plan

May 8, 2024 LEA Letter Response to 60-Day Remediation Plan

Request for Hearing Form

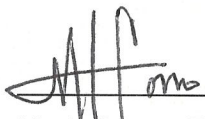
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Declaration

I, Mark Como, declare under penalty of perjury under the laws of the State of California that the following information is true and correct:

1. I am duly employed as an Environmental Health Specialist III in the Solid Waste Management Program for the Environmental Health Division of the Los Angeles County Department of Public Health. In this capacity, I act as an agent of the Local Enforcement Agency (LEA).
2. I am registered with the State of California as a Registered Environmental Health Specialist (REHS).
3. The information and allegations contained above are known to me to be correct based on my personal knowledge and inspections conducted at Chiquita Canyon Landfill located in the City of Castaic California.

Executed at: 5050 Commerce Drive, Baldwin Park, California 91706 on June 06, 2024.



Mark Como, EHS III
LEA



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Declaration

I, Eric Morofuji, declare under penalty of perjury under the laws of the State of California that the following information is true and correct:

1. I am duly employed as an Environmental Health Specialist III in the Solid Waste Management Program for the Environmental Health Division of the Los Angeles County Department of Public Health. In this capacity, I act as an agent of the Local Enforcement Agency (LEA).
2. I am registered with the State of California as a Registered Environmental Health Specialist (REHS).
3. The information and allegations contained above are known to me to be correct based on my personal knowledge and inspections conducted at Chiquita Canyon Landfill located in the City of Castaic California.

Executed at: 5050 Commerce Drive, Baldwin Park, California 91706 on June 6, 2024.

A handwritten signature in blue ink, appearing to read "Eric Morofuji", written over a horizontal line.

Eric Morofuji, EHS III

LEA