

Action Items Required by the April 2, 2025 Department of Toxic Substances Control Imminent and Substantial Endangerment Determination and Order (chart modified on December 31, 2025)

Order ¶	Key Action	Start Date/Deadline	Status
5.1.3	Meet with DTSC to discuss response strategy.	April 9, 2025	Completed April 8, 2025
6.1	Submit the name, address, and telephone number of a Project Coordinator.	April 9, 2025	Completed April 9, 2025
6.2	Submit the name, address, and resume of the project engineer or geologist chosen, and the statement of qualifications of the consulting firm responsible for the work.	April 9, 2025	Completed April 9, 2025
7	Provide written notice stating whether Respondents will comply with the Order's terms.	April 9, 2025	Completed April 9, 2025
6.25	Provide a copy of the Order to all contractors, subcontractors, laboratories, and consultants retained to conduct work performed under the Order within 15 days of the Order's Effective Date or the date of retaining services, whichever is later. Condition such contracts upon satisfactory compliance with this Order.	April 17, 2025	Completed April 17, 2025; ongoing as needed
6.3	Submit a Monthly Summary Report of activities conducted under the Order.	May 2, 2025 (on the 15th of every month thereafter)	Ongoing
5.1.2(a); 5.3; 5.4	Submit a draft removal action workplan (RAW) for extension of covered area; submit a revised draft RAW within 15 days of receiving comments or as otherwise directed by DTSC.	May 16, 2025 (extension granted 4/26/25); received comments 8/4/2025; revised draft due 10/3/2025 (extension granted 8/29/2025); received a notice with comments 12/26/2025 ¹ ; response due 1/5/2026	Draft submitted May 16, 2025; revised draft submitted October 3, 2025

¹ Chiquita received from DTSC on December 26, 2025 a Notice of Proposed Determination of Noncompliance with Imminent and Substantial Endangerment Determination and Order (ISE Order) regarding the three RAWs previously submitted to DTSC, directing a response by January 5, 2026. Chiquita requested from DTSC on December 30, 2025 an extension of this deadline.

		(extension requested 12/30/2025)	
5.1.2(b); 5.3; 5.4	Submit a draft RAW for interim relocation and stabilization of containerized waste; submit a revised draft RAW within 15 days of receiving comments or as otherwise directed by DTSC.	May 9, 2025 (extension granted 4/26/25); received comments 7/29/2025; revised draft due 9/19/2025 (extension granted 8/15/2025); received a notice with comments 12/26/2025; response due 1/5/2026 (extension requested 12/30/2025)	Draft submitted May 9, 2025; revised draft submitted September 19, 2025
5.1.2(c); 5.3; 5.4	Submit a draft RAW for protection of cell 8A from intrusion of SET event; submit a revised draft RAW within 15 days of receiving comments or as otherwise directed by DTSC.	July 1, 2025; received comments 10/15/25; revised draft due 10/30/25 (extension requested 10/24/25); received comments 10/15/2025; received a notice with comments 12/26/2025; response due 1/5/2026 (extension requested 12/30/2025)	Draft submitted July 1, 2025; responded to DTSC's comments with draft Master Schedule on November 21, 2025
5.4	Submit an implementation report documenting the implementation of the final RAW.	Within 30 days of completion of field activities	
5.6	Submit a one-year review workplan to describe inspection of the Site and evaluate the adequacy and integrity of the completed removal actions.	11 months from Implementation Report Date	
5.6	Conduct an inspection of the Site and evaluate the adequacy and integrity of the completed removal actions.	1 year from Implementation Report date	
5.6	Implement the one-year review workplan and submit a comprehensive report of the results of the review.	Within 60 days of One-Year Review Workplan Approval	
5.2	Work cooperatively with DTSC in providing public notice of response actions at the Site.	4/2/2025; as needed	As needed; ongoing

5.9	Take all appropriate action to prevent, abate, or minimize an emergency, release, or immediate threat of release of a hazardous substance and immediately notify DTSC Project Manager.	Immediately following an emergency	As needed; ongoing
5.9	Submit a report summarizing the emergency and the measures taken in response.	Within 7 days of the onset of emergency	As needed; ongoing
6.4	Perform all sampling and analysis according to DTSC-approved QA/QC procedures.	As needed	As needed; ongoing
6.10	Provide DTSC with access to the Site upon request and use best efforts to secure access to other sites as necessary to effectuate this Order.	April 2, 2025; as needed	As needed; ongoing
6.11	Submit the data described in ¶ 6.11 in the specified format upon request.	Within 7 days of data request; received first request dated July 14, 2025; received request dated October 15, 2025; received notice December 12, 2025 ² ; response due December 22, 2025	Submitted proposed data submission schedule July 21, 2025; provided access to Chiquita's raw data via SCS eTools on October 30, 2025 and RMC on November 3, 2025; provided substantial additional data and information in response to DTSC's further data requests on December 22, 2025 and December 23, 2025; ongoing as requested
6.11	Inform DTSC of all field sampling conducted under the Order and allow DTSC to take duplicates of any samples collected.	7 days prior to field sampling	As needed; ongoing
5.11	Upon request, demonstrate to DTSC and maintain financial assurance for identified and approved operation and maintenance and monitoring activities.	Upon request	Upon request

² Chiquita received from DTSC on December 12, 2025 a Notice of Proposed Determination of Noncompliance with the ISE Order, directing Chiquita to provide data and information pursuant to section 6.11 of the ISE Order by December 22, 2025. Chiquita provided the requested data and information on December 22, 2025, with additional data and information provided on December 23, 2025.

6.12	Preserve all data, reports, and other documents after the conclusion of all activities under the Order and notify DTSC prior to destroying any document prepared pursuant to the Order.	Preserve 5 years after conclusion of all activities under Order; notify DTSC 6 months prior to destroying	Ongoing
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