

Action Items Required by the United States Environmental Protection Agency

Unilateral Administrative Order (chart modified on December 31, 2025)

Completed Work

Paragraph #	Key Action	Start Date/Deadline	Status
94	Request a conference with EPA to discuss UAO or notify EPA that Chiquita intends to submit written comments or a statement of position in lieu of requesting a conference.	February 23, 2024	Completed
98	Notify EPA of Chiquita's intent to comply with UAO.	February 26, 2024	Completed
18	Designate a Project Coordinator responsible for administration of Work under UAO.	February 28, 2024; updated September 9, 2025	Completed
6	Provide a copy of UAO to all contractors, subcontractors, laboratories, and consultants that are retained to conduct or monitor any portion of the Work performed pursuant to UAO.	March 4, 2024; October 16, 2024	Completed
25	Develop and submit a Health and Safety Plan.	March 21, 2024	Completed
17	Notify EPA of the names, contact info, and qualifications of the contractors, subcontractors, consultants, and laboratories to be used in carrying out the Work.	March 27, 2024	Completed
76-79	Submit initial cost estimates.	April 26, 2024; revised June 11, 2024 and July 2, 2024	Completed
22(c)(1)	Submit revised Leachate Management Plan (part of Master Work Plan).	May 4, 2024; revised August 2, 2024 and January 10, 2025	Completed
22(c)(6)	Submit revised Air Monitoring Plan (part of Master Work Plan).	May 7, 2024; updated May 17, 2024 and October 7, 2025	Completed
22(c)(2)	Submit revised Soil Reaction Break/Barrier Plan (part of Master Work Plan).	July 8, 2024; submitted additional data to LEA and EPA on January 2, 2025	Completed
22(c)(3)	Submit revised Cover Installation Plan (part of Master Work Plan).	July 9, 2024; revised January 14, 2025	Completed

Paragraph #	Key Action	Start Date/Deadline	Status
22(c)(5)	Submit revised Temperature Monitoring Plan (part of Master Work Plan).	July 17, 2024; response to Notice of Conditional Approval of the Temperature Monitoring Plan on March 18, 2025; Revised Temperature Monitoring Plan and response to Second Notice of Deficiency on September 25, 2025	Completed
30	Submit Data Management Plan.	July 17, 2024	Completed
80-86	Submit proposed financial assurance documents.	July 30, 2024	Completed
82	Submit approved financial assurance mechanisms.	September 19-20, 2024	Completed
22(c)(7)	Submit revised Off-Site Mitigation Prevention Plan.	September 25, 2024; updated March 27, 2025; approved May 1, 2025	Completed
73	Provide EPA with certificates of insurance and a copy of each insurance policy, naming EPA as an additional insured.	October 16, 2024 and October 15, 2025	Completed
73, 75	Certify to EPA that Chiquita's contractors and subcontractors have obtained the required insurance.	October 16, 2024; recertified December 31, 2024	Completed
24	Submit second revised Sampling and Analysis Plan and second revised ETLF QAPP.	January 23, 2025	Completed
90; U.S. EPA July 24, 2025 Letter	Work Plan for Additional Geomembrane Cover Work.	August 29, 2025; extension requested; revised October 3, 2025	Completed

Ongoing Work

Paragraph #	Key Action	Start Date/Deadline	Status
6	Provide a copy of UAO to all contractors, subcontractors, laboratories, and consultants that are retained to conduct or monitor any portion of the Work performed pursuant to UAO.	Ongoing	As needed; ongoing
6	Condition all contracts and agreements with contractors,	Prompt individual discussions with contractors following	As needed; ongoing

	subcontractors, laboratories, or consultants in connection with the UAO, on compliance with terms of the UAO. Ensure their compliance with UAO.	issuance of UAO; written confirmations sent August 5, 2024; ongoing, as needed	
17	Submit a copy of each proposed contractor's QMP and demonstrate their compliance with ASQ/ANSI E4:2014.	Ongoing; under discussion with EPA	Ongoing
17	Notify EPA of any additional retained contractors or subcontractors.	At least 5 days prior to commencement of Work	As needed; ongoing
22(a)	Immediately store, transport leachate solid and/or hazardous waste in accordance with RCRA, 42 U.S.C. 6900, et seq., and associated regulations. All hazardous waste shall be disposed of at a TSD preapproved by EPA.	February 26, 2024; ongoing	Ongoing
22(b), (c)	Provide a Master Work Plan subject to EPA's approval, including the following plans: - Leachate Management Plan - Soil Reaction Break/Barrier Plan - Cover Installation Plan - Slope Stability Analysis work plan - Collection of temperature data in/around Reaction Area - Air Monitoring Plan - Off-Site Migration Prevention Plan	March 27, 2024; ongoing	Submitted Plan and updates as noted above.
24	Submit a Sampling and Analysis Plan subject to EPA's approval, including a Field Sampling Plan and Quality Assurance Project Plans (QAPP).	March 27, 2024; November 15, 2024; January 23, 2025; ongoing	Response to EPA request for further information provided on June 10, 2025.

28	Prior to shipping hazardous substances, pollutants, or contaminants off site, obtain a prior determination from EPA and comply with RCRA and CERCLA requirements.	Prior to shipping hazardous substances, pollutants, or contaminants off site	As needed; ongoing
28	Provide written notice of out-of-state waste shipments to the appropriate state environmental official and to EPA. Notify state official and EPA of any major changes in shipment plan.	Prior to shipping waste material out of state	As needed; ongoing
28	Comply with the requirements of Paragraph 28(c) regarding shipment of Investigation Derived Waste off site.	Prior to shipping Investigation Derived Waste off-site	As needed; ongoing
39	Take all appropriate action to minimize emergency/threat.	In the event of an emergency or an action or occurrence that may present an immediate threat to human health and the environment	As needed; ongoing
39	Submit written notification of emergency/threat.	Within 3 days of discovery	As needed; ongoing
39	Submit and implement a plan to mitigate threat.	As needed	As needed; ongoing
40	Provide notification of a release that triggers release notification pursuant to CERCLA Section 103 or EPCRA Section 304 pursuant to Paragraph 40.	In the event of a release that triggers release notification pursuant to CERCLA or EPCRA	As needed; ongoing
41, 42	Use quality assurance, quality control, and other technical activities and chain of custody procedures for all samples. Ensure all laboratories meet the requirements of Paragraph 42 of the UAO.	Ongoing	Ongoing
49	All results of sampling, testing, modeling, or other data generated by Chiquita, or on Chiquita's behalf, must be validated by Chiquita and submitted to EPA promptly upon receipt.	Upon receipt of results	Ongoing

50	Notify EPA in advance of any sample collection activity.	Not less than 7 days prior to any sampling	Ongoing
53	Use best efforts to obtain all necessary access agreements.	As needed	As needed; ongoing
59-62	Preserve all documents/information, including raw data, relating to the Work, or relating to any solid waste or hazardous waste found at the Site, for 5 years following termination of UAO.	February 26, 2024; ongoing	Ongoing
59-62	Acquire and retain copies of all documents that related to the Site that are in possession of Chiquita employees, agents, accountants, contractors, or attorneys.	February 26, 2024; ongoing	Ongoing
73	Secure insurance as required by the UAO. Provide EPA with certificates of such insurance and a copy of each insurance policy, naming EPA as an additional insured, prior to commencing Work and annually thereafter on February 26.	October 16, 2024; ongoing/prior to commencing Work; annually	Ongoing
73, 75	Recertify to EPA that Chiquita's contractors and subcontractors have obtained the required insurance.	October 16, 2024; ongoing annually	Recertified at EPA's direction as of December 31, 2024; ongoing
73, 75	Ensure that Chiquita and its contractors and subcontractors satisfy all applicable laws and regulations regarding the provision of employer's liability insurance and worker's compensation insurance for all persons performing Work.	February 26, 2024; ongoing	Ongoing
76-79	Submit revised cost estimates.	Annually and as needed	Ongoing
80-86	Revise financial assurance and financial assurance mechanisms.	As needed	As needed; ongoing
88	Notify EPA Project Coordinators of any delay or anticipated delay in performing any requirement of the UAO.	Within 48 hours after Chiquita first knew or should have known of a delay	As needed; ongoing

88	Provide written notification of delay in accordance with Paragraph 88.	Within 7 days after notifying EPA of delay	As needed; ongoing
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Future Work

Paragraph #	Key Action	Start Date/Deadline	Status
27	Submit a final report summarizing actions taken to comply with UAO.	Within 15 days after completion of all Work required by UAO	
59-62	Notify EPA that documents and information are available for inspection and provide copies upon request.	After the end of the 5-year retention period and 90 days before any documents or information is destroyed	