REGION 9

SAN FRANCISCO, CA 94105

March 17, 2026

Mr. Kevin Green
District Manager
Chiquita Canyon, LLC
29201 Henry Mayo Drive
Castaic, CA 91384-2705

RE: Additional Work required under UAO for Leachate Treatment System Improvements

Dear Kevin Green:

This letter directs Chiquita Canyon, LLC ("CCL") to implement additional work under Paragraph 90 of the Unilateral Administrative Order, EPA Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05, In the Matter of Chiquita Canyon, LLC, issued February 21, 2024 (the "UAO"), by the U.S. Environmental Protection Agency ("EPA"). Paragraph 90 of the UAO allows EPA to direct additional work consistent with the objectives of the UAO.

The overall objectives of the UAO are set forth in Paragraph 1 of the UAO as the performance of response actions to address off-site impacts and ongoing subsurface reactions causing off-site impacts, in connection with the Chiquita Canyon Landfill ("Landfill") in Castaic, California, including identifying, investigating, remedying, and/or preventing the potential endangerment to human health or the environment from activities involving solid and hazardous waste. The objectives of the UAO specifically include the objectives of the Master Work Plan (as defined in the UAO) set forth in Paragraph 22 of the UAO as:

> (1) remedy[ing] and prevent[ing] off-Site impacts caused by odors, emissions, leachate or other waste streams; and
>
> (2) deploy[ing] measures to delineate, fully characterize, prevent the expansion of, contain, and reduce the smoldering or the subsurface reaction occurring at the Landfill.

A. Additional Work

EPA has determined that the following additional work ("Additional Work") is necessary to meet the foregoing objectives:

1. CCL shall take all necessary measures to resume and maintain operation of the leachate extraction pumps at the Landfill. Such measures shall include:

    a. Aeration Testing and Treatment

        i. Within five days of the date hereof, CCL shall submit to EPA: (i) the testing protocol for the bench scale trial of the aeration step in the treatment train; (ii) the analytical results of the bench scale trial of the aeration step; (iii) a summary comparison of treated, non-hazardous leachate that is not subject to aeration and treated, non-hazardous leachate that is subject to aeration; (iv) a list of typical Underlying Hazardous Constituents ("UHCs") of the leachate and the supporting data for identification of UHCs; (v) an analysis of whether the treated, non-hazardous leachate subject to aeration would be subject to, and meet, land disposal restrictions ("LDRs") under the Resource Conservation and Recovery Act (RCRA), including whether the leachate meets Universal Treatment Standards; (vi) a discussion of facilities identified by CCL that may be potential new disposal outlets for the treated, non-hazardous leachate subject to aeration, based on the analytical data, including the types of facilities; and (vii) a discussion of any proposed modifications to the aeration treatment suggested by the bench scale trial results (note that material modifications to the aeration treatment may require submission of an Alternative Treatment Plan at EPA's request under 1.b.ii., below).

        ii. CCL shall immediately modify its leachate treatment tanks as necessary to conduct the aeration treatment step and adjust and scale up the aeration treatment step, with any such modifications as deemed appropriate by EPA and CCL. Initial installation of the aeration treatment step in the leachate treatment train shall be completed, and the initial aeration treatment step shall be operational, no later than six weeks from the date hereof; and, final scale-up of the aeration treatment step in the leachate treatment train shall be completed, and the final scaled-up aeration treatment step shall be operational, no later than eight weeks from the date hereof.

        iii. CCL shall make best efforts to secure commitments from new disposal facilities to accept the treated, non-hazardous leachate subject to aeration promptly after initial operation of the aeration treatment step in the treatment train. Within

eight weeks of the date hereof, CCL shall submit to EPA a list of facilities contacted for disposal and the status of those discussions.

b. Alternative Treatment Plan

i. CCL shall promptly, concurrent with the measures described under 1.a., above, make best efforts to identify any treatment methods, other than the aeration treatment discussed in 1.a, that could (i) supplement the aeration treatment, or (ii) serve as an alternative to the aeration treatment.

ii. If directed by EPA, CCL shall submit to EPA a plan for supplemental and/or alternative treatment within thirty days of EPA's direction. This plan shall provide procedures and a timeline for testing the treatment, providing an analysis of the testing results to EPA, and implementing the treatment. CCL shall implement the supplemental and/or alternative treatment plan upon EPA's approval.

c. Collection of Off-Gases from Treatment

i. To the extent treatment provided for under 1.a or 1.b, above, would generate waste gases and vapors, CCL shall ensure any waste gases/vapors are collected and destroyed in the Landfill's gas collection and control system and are not vented to the atmosphere.

ii. CCL shall ensure that there is sufficient supplemental fuel to ensure that operation of the gas control system is not disrupted or made less efficient (destruction efficiency) due to the quality of any waste gases and vapors from the leachate treatment system.

B. Basis for Determination

EPA has determined, based on leachate data showing the Landfill's consistent production of hazardous leachate, available disposal capacity for Landfill leachate, and the Landfill's recent suspension of operation of certain leachate pumps, as described below, that the Additional Work is necessary to meet the objectives of the Master Work Plan and the UAO.

Due to reaction conditions at the Landfill, the Landfill has experienced "rapidly increased leachate production," including the production of certain liquids that are hazardous under RCRA. CCL reported, "Prior to the reaction, the Landfill produced approximately 100,000 gallons of leachate per week. That amount is increasing." *See* **Enclosure A**. CCL stated verbally during EPA's site visit on March 5, 2026, that CCL estimates CCL extracts approximately 250,000 gallons of leachate per day, in a ratio of approximately 25% non-hazardous and 75% hazardous leachate. CCL manages the leachate by operating a network of approximately 150[1] leachate pumps in vertical landfill gas extraction wells, in

[1] CCL reported that as of January 16, 2026, CCL had 149 active pumps placed and operating in vertical landfill gas extraction wells.

addition to leachate sumps, to remove leachate from the waste mass and disposing of the leachate according to its classification as hazardous or non-hazardous waste: "CCL disposes of some of this liquid at facilities capable of accepting hazardous liquids. For the remaining liquid that is characteristically hazardous, CCL treats the liquid onsite and then disposes of the treated non-hazardous liquid offsite at non-hazardous waste facilities."

CCL's leachate "treatment units use sand filtration and bag filtration to remove solids from the leachate before the leachate is passed through a series of [Granular Activated Carbon ('GAC')] vessels." While the treatment is successful at rendering the treated leachate non-RCRA hazardous, a high proportion of the treated leachate remains contaminated at levels unacceptable to potential receiving facilities. First, the amount of pre-treatment facilities that will accept the leachate has been limited due to the presence of solids in the leachate. CCL has stated, "[t]he principal remaining contaminant in the treated leachate is total dissolved solids ('TDS')." *See* **Enclosure A.** Additionally, certain treated, non-hazardous leachate does not meet RCRA LDRs due to the presence of volatile organic compounds remaining in the treated leachate.[2] CCL cannot dispose of the treated, non-hazardous leachate that does not meet LDRs in land-based units. Thus, the amount of leachate that can be removed from the Landfill and properly disposed of has been constrained by disposal capacity.

To date, CCL has identified only three facilities capable of accepting treated, non-hazardous leachate that fails to meet LDRs, with a maximum disposal capacity of approximately 105,000 gallons per day, and only three facilities capable of accepting hazardous leachate, with a maximum disposal capacity of up to approximately 60,000 gallons per day. Further, CCL has reported that facilities are consistently unable to accept up to their stated maximum capacities. CCL stated that as of January 23, 2026, "the average amount actually accepted per day for the facilities that accept non-hazardous leachate is 174,750 gallons, and 24,633 gallons for the facilities that accept characteristically hazardous leachate (weekdays only)." *See* **Enclosure A**.

On February 17, 2026, CCL notified EPA that it had suspended operation of approximately 123 leachate extraction pumps as of February 15, 2026, due to a lack of disposal capacity, which CCL attributed, in large part, to "Chiquita's inability to dispose of liquids at Avalon Environmental Services." *See* **Enclosure B**. CCL maintained that "[o]n February 5, 2026, Chiquita received notice that Avalon Environmental Services, Chiquita's largest and most consistent outlet for its treated, non-hazardous leachate, would no longer be able to accept shipments from Chiquita consistently."

In response to CCL's February 17, 2026, notification, EPA requested additional information from CCL to clarify why the disposal capacity of receiving facilities, as reflected in CCL's contracts with such receiving facilities, has consistently exceeded the actual volumes of leachate disposed of at such facilities and to confirm whether CCL implemented contingency measures for managing excess leachate prior to suspending operation of the pumps. Specifically, EPA directed CCL to "explain why the contingencies proposed in Appendix A-1 of CCL's 2025-01-10 Leachate Management Plan submittal were not implemented and CCL instead chose to initiate the 'final step, to be taken in only the most extreme circumstances, . . . to temporarily reduce well pumps.'" *See* **Enclosure C**.

[2] CCL told EPA verbally on March 5, 2026, that it estimates approximately 50% of the treated leachate does not meet LDRs.

Under its draft leachate contingency plan ("Contingency Plan"), CCL provided that, in the event of a contingency such as "if a facility (or any combination of facilities) stopped accepting waste tomorrow," CCL would implement treatment of hazardous leachate on-site prior to suspension of leachate pumps. *See* **Enclosure D**. CCL further stated that it was in the process of seeking approval to test Dissolved Air Flotation ("DAF") and clarifier systems after the granular activated carbon systems. CCL indicated that the DAF and clarifier systems, if effective, could expand disposal facility options by approximately 205,000 gallons, by allowing CCL to "re-evaluate additional disposal outlets," and potentially reducing volatiles thereby allowing CCL to "meet the Universal Treatment Standards (UTS) under the Land Disposal Restrictions (LDR), which has the potential to allow for greater disposal options with solidification, evaporation ponds, and deep well injection." *See* **Enclosure D**. However, in a letter to EPA dated January 10, 2025, CCL stated that it would not pursue DAF for treatment following testing: "Based on testing and analytical results, CCL determined that the DAF will not be used for onsite treatment." *See* **Enclosure E** and **Enclosure F**, at Footnote 11. EPA understood that the DAF/clarifier treatment testing failed to suggest any potential for improving leachate treatment outcomes.

On February 23, 2026, CCL responded to EPA's request for additional information regarding CCL's implementation of measures in the Contingency Plan. Contrary to EPA's understanding that the DAF/clarifier treatment failed to identify additional treatment options, CCL indicated that the testing had revealed that an additional treatment mechanism could improve outcomes if installed prior to the granular activated carbon system (as opposed to following the granular activated carbon system, as tested with the DAF and clarifier treatment): "The bench trial showed [CCL] that to be effective, [CCL would] need to add an additional treatment mechanism pre-GAC, which would take years to permit given DTSC's permitting restrictions." *See* **Enclosure C**. During a videoconference with EPA on March 2, 2026, CCL clarified that CCL had identified aeration pre-granular activated carbon treatment as a potential method for improving treatment. Further, during a site visit on March 5, 2026, CCL explained that the additional aeration treatment step has the potential to reduce the content of volatiles in the treated non-hazardous leachate, which would have the potential to open up additional disposal options. CCL estimated that, absent permitting issues and once the requisite equipment is procured, it can install the additional treatment mechanism into the treatment operation at Tank Farm #13 in approximately one-week.

CCL acknowledges that continuing to operate the leachate extraction pumps, treating leachate on site, and utilizing all available disposal capacity for leachate is critical for mitigating various threats resulting from the Landfill reaction, including: preventing leachate seeps and potential discharges, including seeps with "the potential to commingle with stormwater, which could result in the off-site discharge of hazardous constituents"; mitigating slope stability issues that could result from "[t]he build-up of pressure and liquids resulting from reduced or limited pumping"; and ensuring that the "[r]emoval of landfill gas" is not "impeded if there is too much liquid in the landfill has extraction wells." *See* **Enclosure A.**

CCL has also stated that removing leachate is a critical part of its strategy for preventing the propagation of the reaction: "To mitigate an ETLF event, heat must be removed from the waste. Removal of heat is most effectively accomplished through the removal of leachate and landfill gas. Removal of landfill gas can be impeded if there is too much liquid in the landfill gas extraction wells, thus further demonstrating the need to continue and increase liquids removal." *See* **Enclosure A.**

EPA concurs that removing leachate from the waste mass and either directly disposing of it as hazardous waste, as appropriate, or rendering it non-hazardous via treatment on-site prior to disposal, is a necessary and appropriate measure to prevent off-site impacts caused by odors, emissions, and leachate. EPA has found that the significant reduction in vertical gas well pump usage is likely to allow an accumulation of leachate within the landfill reaction area and within the gas collection wells. This accumulation will significantly impair the gas collection and control system and the leachate collection system. If CCL continues to inadequately collect leachate, harmful effects may include leachate seeps, cover damage, and gas collection system inefficiencies. These effects may lead to off-liner discharge, leachate-stormwater commingling, and increased fugitive emissions from the landfill cover.

EPA agrees that removing and managing leachate from the waste mass would be expected to remove heat produced by the subsurface exothermic reaction, which may prevent or mitigate the expansion of the reaction occurring at the Landfill, in addition to mitigate the symptoms of the reaction including leachate seeps and fugitive emissions caused by the impacts to the gas collection system.

The Additional Work is necessary to ensure that leachate is treated to levels that is acceptable to potential receiving facilities with adequate disposal capacity and thus allow for dewatering to continue unabated. The Additional Work, therefore, serves the dual objectives of the Master Work Plan and the UAO, as set forth above.

Moreover, the Additional Work is necessary to meet the broader objective of the UAO to address the imminent and substantial endangerment to the public health or welfare from the Landfill resulting from the release or threatened release of a hazardous substance.

C. Submittal of Work Plans and Opportunity to Meet and Confer

EPA directs CCL to submit a Work Plan, including an expeditious schedule, for the Additional Work within fifteen (15) days of this letter to EPA for approval, in accordance with Paragraph 90 of the UAO. Concurrent with the submission of the Work Plan for the Additional Work, CCL shall submit a revised detailed written estimate(s), in current dollars, of the cost of hiring a third party to perform the Work, in accordance with Paragraph 77 of the UAO.

Within five (5) days after the receipt of this letter, CCL shall have the opportunity to meet or confer with EPA to discuss the Additional Work.

Pending approval of the Work Plan for the Additional Work by EPA, CCL shall continue, and shall not delay due to the pending approval required by this letter and the UAO, the actions described in 1.a-c., above. CCL shall take into consideration the progress and/or completion of any such ongoing work when preparing its expeditious schedule for the Additional Work. If CCL considers any directive from any other agency as inconsistent with one or more conditions of this Additional Work letter, CCL shall immediately notify EPA requesting a call to resolve the inconsistency. Following EPA's approval or modification of the Work Plan for the Additional Work, Respondent shall implement the Work Plan in accordance with the schedule and provisions contained therein, and the Work Plan for the Additional Work shall be incorporated by reference into the UAO.

If you have any questions or comments regarding this letter, or if you wish to exercise the opportunity to meet and confer, please contact Laura Friedli, EPA Attorney Advisor, at (415) 972-3325 or Friedli.Laura@epa.gov.

Sincerely,

AMY MILLER-BOWEN

Digitally signed by AMY MILLER-BOWEN
Date: 2026.03.17 15:38:14 -07'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

MICHAEL MONTGOMERY

Digitally signed by MICHAEL MONTGOMERY
Date: 2026.03.17 17:49:07 -07'00'

Michael Montgomery, Director
Superfund and Emergency Management Division
U.S. Environmental Protection Agency, Region 9

Enclosures
Enclosure A – Off-Site Rule Emergency Exemption Request (January 2026)
Enclosure B – February 17, 2026, Correspondence
Enclosure C – EPA Inquiries and CCL Response Regarding Disposal Facilities
Enclosure D – Draft Leachate Contingency Plan (Revision 0) August 2024
Enclosure E – January 10, 2025, Letter Regarding Resubmission of Leachate Management Plan
Enclosure F – Draft Leachate Management Plan (Revision 3) January 2025

cc: John Perkey, Waste Connections
Jim Little, Waste Connections
Kurt Shaner, Waste Connections
Dylan Smith, Waste Connections
Sarah Phillips, Waste Connections
Megan Morgan, Beverage & Diamond
Nicole Weinstein, Beverage & Diamond
Allyn Stern, Beverage & Diamond
Alana Mathews, California Environmental Protection Agency
Todd Sax, California Environmental Protection Agency
Sophia Carillo, California Environmental Protection Agency
Karen Gork, Los Angeles County Department of Public Health, acting as the Local Enforcement Agency
Thanne Berg, California Department of Toxic Substances Control
Dylan Clark, California Department of Toxic Substances Control
Zanalee Zmily, California Department of Toxic Substances Control

Enclosure A – Off-Site Rule Emergency Exemption Request (January 2026)

CHIQUITA CANYON
A Waste Connections Company

January 23, 2026

Via E-Mail

Ben Castellana
On-Scene Coordinator
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
castellana.ben@epa.gov

Harry Allen
On-Scene Coordinator, LA Team Lead
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
allen.harryl@epa.gov

Re: Chiquita Canyon, LLC – Off-Site Rule Emergency Exemption Request
Avalon Environmental Services ("Avalon") in Gardena, California
East Valley Remediation Facility ("EVRF") in Mecca, California
Crystal Clean, LLC ("Crystal Clean Bakersfield") in Bakersfield, California
Crystal Clean, LLC ("Crystal Clean Wyoming") in Wyoming, Michigan

Dear Mr. Castellana and Mr. Allen:

The U.S. Environmental Protection Agency ("EPA") granted Chiquita Canyon Landfill's ("CCL" or "Landfill") approval to continue disposing of treated non-hazardous leachate at the Avalon, Crystal Clean Bakersfield, and Crystal Clean Wyoming facilities, and untreated non-hazardous leachate at the EVRF facility, under the Emergency Exemption to the Off-Site Rule ("OSR"), 40 C.F.R. § 300.440(b), on November 26, 2025.[1] Those approvals expire on February

[1] EPA confirmed its intended approval to continue disposing of treated non-hazardous leachate at the Crystal Clean Wyoming facility by separate email dated January 6, 2026.

1, 2026. CCL requests an extension of these approvals to dispose of treated and untreated non-hazardous leachate at the facilities referenced above under the Emergency Exemption to the OSR. As discussed further below, CCL is aware of notices of violation ("NOV") at the Avalon facility in the last quarter of 2025. Should EPA determine it cannot provide full approval for disposal of treated non-hazardous leachate at the Avalon facility, CCL requests in the alternative that EPA confirm it does not object to CCL's disposal of characteristically nonhazardous leachate at Avalon.

CCL has been addressing an ongoing Elevated Temperature Landfill ("ETLF") event (or "reaction") that has rapidly increased leachate production and caused some of those liquids to become characteristically hazardous under the Resource Conservation and Recovery Act ("RCRA"). As previously discussed, CCL continues removing ever increasing volumes of leachate to mitigate the reaction. CCL disposes of some of this liquid at facilities capable of accepting hazardous liquids. For the remaining liquid that is characteristically hazardous, CCL treats the liquid onsite and then disposes of the treated non-hazardous liquid offsite at non-hazardous waste facilities.

Pursuant to paragraph 28 of EPA's Unilateral Administrative Order ("UAO") Docket No. RCRA 7003-09-2024-0001 / CERCLA 106-09-2024-05, all off-site shipments of hazardous substances, pollutants, or contaminants must comply with the OSR. As CCL continues to search for additional off-site disposal capacity, we request continued approval to use the above facilities for the off-site disposal of non-hazardous leachate so that CCL can (1) continue removing leachate from the Landfill without delay; and (2) expand its off-site disposal options and capacity in case leachate production suddenly increases or disposal capacity at other off-site disposal facilities is reduced or lost.

In accordance with EPA's July 29, 2024 *Site-Specific Procedures for Seeking an Emergency Exemption from OSR Requirements*, this letter details the background on the Landfill's leachate situation, a description of current disposal options, efforts to find additional disposal options, shipment and storage at CCL, and CCL's need for the emergency exemption. In short, the unique circumstances at CCL qualify for an emergency exemption as uncontrolled leachate seeps and delayed or slowed reaction mitigation efforts could present an "immediate and significant threat to human health and the environment"—the standard for the OSR emergency exemption under 40 C.F.R. § 300.440(a)(2).

a. Background on the Leachate Situation

1. What volume of leachate is the landfill generating per day, on average, prior to treatment? What volume is a.) characteristically hazardous and b.) non-hazardous?

CCL is managing increased leachate production, including characteristically hazardous leachate, due to the ETLF at the Landfill. Prior to the reaction, the Landfill produced approximately 100,000 gallons of leachate per week. That amount is increasing. For January 21, 2026, the CCL flow meters estimated an average of 376,203 gallons of leachate per day, and that number continues to rise. Of that amount, an average of 323,874 gallons were characteristically hazardous and 52,329 gallons were non-hazardous.

2. *What volume of leachate is CCL generating per day, on average, after treatment?*

CCL notes that the volume of leachate generated per day (discussed directly above) is not affected by the volume of leachate that it treats per day. Nonetheless, CCL treated 101,402 gallons of leachate per day on average for the period of January 1-21, 2026.

3. *What process does CCL use to treat the leachate?*

The on-site leachate treatment is designed to achieve a non-hazardous waste classification. The primary contaminant of concern is presently benzene. As the leachate exits the waste mass through the collection piping, it is first routed to tanks that briefly hold the liquids (under vacuum) to properly manage flow. The leachate is then pumped through the manifolds, piping, and hoses into the treatment units. There is currently one whole Granular Activated Carbon ("GAC") system in place that uses 24 vessels for redundancy and to ensure constant operation capacity. The treatment units use sand filtration and bag filtration to remove solids from the leachate before the leachate is passed through a series of GAC vessels.

4. *What are the principal contaminants that remain in the treated leachate? What improvements, if any, is CCL planning to make to the treatment process?*

The treated leachate is nonhazardous following treatment. The principal remaining contaminant in the treated leachate is total dissolved solids ("TDS"), which prevents some disposal facilities from accepting the treated leachate. In addition, minute amounts of benzene at levels well below the characteristically hazardous threshold can be present in the treated leachate.

5. *How much leachate does CCL expect will be generated in the future? Describe how volumes may change in the coming months or years.*

As of January 16, 2026, CCL had 149 active pumps placed and operating in vertical landfill gas extraction wells. CCL's engineers anticipate that the Landfill may ultimately produce as much as 400,000 – 500,000 gallons of leachate per day.

6. *Approximately how long does CCL currently expect the reaction to last?*

Aggressive extraction of leachate and landfill gas is the primary method to preclude heat accumulation within the waste mass. As discussed above, CCL anticipates increasing leachate removal as much as possible, provided adequate disposal locations are available. At this time, it is not known how long the reaction will last. However, CCL is aggressively installing gas and leachate infrastructure and monitoring gas, liquid, and temperature data to ensure the effectiveness of our efforts to contain and mitigate the ETLF event.

7. *In a scenario where insufficient disposal options are available, what would happen? Would the leachate overflow? Be disposed of on-site? Would the treatment process need to slow down? What would be the environmental consequences?*

If no additional disposal options are identified, CCL would continue to ship as much leachate offsite as possible each day to the currently approved facilities. Due to the on-site limitations for accumulation of both hazardous and non-hazardous (treated and untreated) leachate, as well as the anticipated increasing volume of leachate expected from additional reaction mitigation efforts, the site would soon be required to slow down its liquids pumping and removal efforts without the ability to continue disposing at the off-site disposal facilities that are the subject of this emergency exemption request. CCL will never be able to completely stop the flow of leachate. Even with pumps off, the Landfill's gravity-fed bottom liner system will continue to produce leachate. It is also crucial that certain pumps at locations where seeps have been located on the side slopes continue to operate. As previously discussed, if pumping is minimized, leachate and pressure would accumulate within the Landfill, which could lead to uncontrolled seeps. Without maintaining ongoing leachate extraction efforts, leachate seeps could be larger and harder to manage, further increasing the risk that these seeps could reach the stormwater channel or otherwise leave the Landfill's liner limits, and potentially discharge to the environment.

Failing to extract leachate from the Landfill will also hinder CCL's efforts to control and stop the reaction. To mitigate an ETLF event, heat must be removed from the waste. Removal of heat is most effectively accomplished through the removal of leachate and landfill gas. Removal of landfill gas can be impeded if there is too much liquid in the landfill gas extraction wells, thus further demonstrating the need to continue and increase liquids removal.

Inadequate off-site disposal will directly impact CCL's ability to control the reaction as quickly and as safely as possible. Slowing landfill dewatering by shutting off pumps due to inadequate off-site disposal will only reverse the diligent work CCL has taken to mitigate the effects of the ongoing reaction, extend the reaction time, and increase the likelihood for unpredictable and difficult to mitigate leachate seeps and slope stability issues that have the potential to discharge hazardous constituents offsite.

Finally, CCL will also follow its Leachate Contingency Plan (submitted to EPA on January 10, 2025, as Appendix A.1 to the updated Leachate Management Plan) in the event current circumstances change and impact the Landfill's leachate management.

b. **Description of Current Disposal Options**

1. *For each disposal facility currently accepting leachate for disposal, provide the following information:*
   i. *Name and location of facility;*
   ii. *Whether the facility is OSR-approved or accepting leachate under an emergency exemption, or neither;*
   iii. *Average volume of non-hazardous leachate being accepted per day, and if*

the leachate is treated or non-treated;
iv. *Average volume of any hazardous leachate being accepted per day;*
v. *Current capacity of each facility to accept leachate per day; and*
vi. *Specific challenges or limitations to maximizing disposal capacity at the facility.*

To date, CCL has identified only three facilities that are currently capable of accepting hazardous liquids: Clean Harbors Aragonite (Utah), Clean Harbors Kimball (Nebraska), and Clean Harbors Deer Park (Texas). Each facility has a ***maximum*** acceptance capacity as follows:

- Clean Harbors Aragonite: up to 5,000 gallons per day;
- Clean Harbors Kimball: up to 20,000 gallons per day; and
- Clean Harbors Deer Park: up to 60,000 gallons per week.

These three facilities are on EPA's OSR-approved facilities list.

Each facility provides CCL with a biweekly forecast of ***likely*** acceptance capacity. In addition, these three facilities provide a daily / weekly maximum acceptance capacity, but the actual amount each facility can accept varies from day to day or week to week based on operational factors at the facilities (e.g., maintenance), permit terms, and myriad other factors. Clean Harbors provides CCL with daily updates alerting us to any changing conditions. This constantly changing nature of the actual amount each facility can accept is to be expected due to the extremely limited nationwide hazardous waste disposal capacity. CCL has been committed to prioritizing Clean Harbors off-site disposal at DTSC's request, and we divert hazardous leachate that we have the onsite capacity to treat in order to meet DTSC's requirement to ship hazardous leachate first regardless of our treatment capabilities.

CCL has identified the following three facilities that can accept treated non-hazardous liquids from CCL that are the subject of this request: Avalon Environmental Services ("Avalon"), Crystal Clean Bakersfield, and Crystal Clean Wyoming. East Valley Remediation Facility ("EVRF") can accept untreated non-hazardous liquids. Similar to the hazardous disposal facilities, the daily capacity for each facility below represents a daily maximum, but the actual daily disposal capacity varies greatly. Avalon, EVRF, Crystal Clean Bakersfield, and Crystal Clean Wyoming accept or reject disposal requests on a daily basis with no reliable forecasting. Factors affecting whether these facilities accept or reject disposal requests may include operating requirements or limitations (e.g., permit conditions), other clients' treatment and disposal needs, and staffing, among other reasons. The descriptions below include the average daily load accepted by each facility for the week of January 12-18, 2026:

- Avalon. The facility is located in Gardena, California and is not on EPA's OSR-approved facilities list. CCL is currently utilizing this facility under an OSR emergency exemption granted by EPA. The facility has capacity to accept up to approximately 150,000 gallons per day. However, the facility only accepted an average of 89,746 gallons of liquid per

day from January 12-18, 2026.[2] The facility accepts liquids for disposal 6 days per week. The facility does not have capacity to accept additional leachate.

- East Valley Remediation Facility. The facility is located in Mecca, California and is not on EPA's OSR-approved facilities list. The facility has capacity to accept up to approximately 65,000 gallons of liquids per day. However, the facility only accepted an average of 39,017 gallons of liquid per day from January 12-18, 2026. The facility generally accepts liquids for disposal 7 days per week. The facility is accepting waste from CCL under an emergency exemption granted by EPA for untreated characteristically non-hazardous leachate only and is currently unable to accept treated leachate. CCL currently sends nearly all untreated characteristically non-hazardous leachate to this facility to maximize acceptance capacity at other facilities able to accept treated leachate.

- Crystal Clean Bakersfield Facility. The facility is located in Bakerfield, California and is not on EPA's OSR-approved facilities list. The facility has capacity to accept up to approximately 150,000 gallons of treated non-hazardous leachate per day. However, the facility only accepted an average of 15,739 gallons of liquid per day from January 12-18, 2026. The facility generally accepts liquids for disposal 6 days per week. The facility does not have capacity to accept additional leachate.

- Crystal Clean Wyoming Facility. The facility is located in Wyoming, Michigan and is not on EPA's OSR-approved facilities list. The facility has capacity to accept up to approximately 250,000 gallons of treated non-hazardous leachate per day. However, the facility accepted an average of 0 gallons of liquid per day from January 12-18, 2026. The facility generally accepts liquids for disposal 6 days per week. The facility does not have capacity to accept additional leachate.

CCL provides analytical results from samples taken of the decharacterized non-hazardous leachate to the Avalon and the Crystal Clean facilities. CCL then ships the decharacterized non-hazardous leachate offsite based on the facilities' respective responses to the analytical results and the amount of this leachate that is ready to be shipped.

CCL does not exhaust EVRF's total capacity because it is currently allowed to accept only untreated characteristically non-hazardous leachate and cannot accept treated leachate. CCL does not produce a large enough volume of untreated characteristically non-hazardous leachate to exhaust EVRF's total capacity.

2. *What is the combined total volume of a.) hazardous leachate, b.) non-hazardous treated leachate, and c.) untreated non-hazardous leachate that is currently being accepted by the above facilities, on average, per day?*

As of January 21, 2026, the CCL flow meters estimated a total of 5,179,337 gallons of liquid for the month of January. Combining all three leachate streams (characteristically hazardous,

[2] These date ranges are modified for each facility based on how many days a week the facility accepts disposal.

untreated non-hazardous, and treated non-hazardous), CCL disposed of 199,383 gallons of leachate at the above facilities per day on average during the week of January 12-18, 2026.

3. *Do any of the facilities currently accepting leachate for disposal have the capacity to expand their capacity to accept leachate?*

None of the facilities currently accepting leachate for disposal from CCL have the ability to expand their capacity to accept leachate.

4. *Which is currently greater, on average: the amount of leachate being generated per day at CCL that is ready for disposal, or the total disposal capacity per day of the above facilities? Describe whether there is currently surplus disposal capacity or a shortfall of disposal capacity and estimate the volume of the surplus or shortfall in gallons per day.*

The amount of sampled non-hazardous leachate on site that is ready for disposal averaged 500,286 gallons per day from January 12-18, 2026. The total daily disposal capacity for all facilities that accept non-hazardous leachate is 615,000 gallons, and characteristically hazardous leachate is 60,000 gallons. However, not all facilities are able to accept to the full capacity for non-hazardous and characteristically hazardous leachate. Thus, the average amount actually accepted per day for the facilities that accept non-hazardous leachate is 174,750 gallons, and 24,633 gallons for the facilities that accept characteristically hazardous leachate (weekdays only).

While there is less disposal capacity than the amount of leachate being generated, CCL also utilizes several other facilities that are on EPA's offsite-rule-approved facility list and any excess can be stored onsite. However, if the facilities that are the subject of this request were no longer an off-site disposal option, CCL would rapidly experience a shortfall in disposal capacity and, in turn, on-site storage capacity, such that the shortfall would hamper ongoing reaction mitigation efforts (i.e., increased leachate extraction from the Landfill).

c. Efforts to Find Additional Disposal Options

1. *Describe the baseline requirements that a disposal facility must meet to a.) accept CCL's hazardous leachate, b.) accept treated non-hazardous leachate, and c.) accept untreated non-hazardous leachate. For example, please discuss incineration or solidification services.*

In general, baseline requirements for an off-site disposal facility are that the facility is able to accept the leachate pursuant to its permit and that the facility has capacity and is willing to accept the leachate. For the four facilities that are the subject of this emergency exemption request, CCL understands that these facilities are able to accept the non-hazardous leachate under their respective permits, and have capacity and are willing to accept the non-hazardous leachate.

2. *What are the most common reasons that facilities have cited for being unwilling or unable to accept the leachate? Describe constraints that facilities have noted such as capacity limitations or prohibitions on certain constituents in the leachate.*

With respect to hazardous disposal, there is a known deficiency of incineration capacity in this country. Many OSR-approved facilities are approved for solid wastes and do not offer solidification services, which CCL requires to dispose of the non-hazardous leachate. Of the sites that can accept liquids, many have capacity limitations or specific prohibitions for certain constituents in the leachate.

3-4. *Has CCL contacted the ROC in every EPA region? For each of EPA's regions, please indicate if communications have been established and the results of those communications, including whether the ROC provided names of any OSR-approved facilities. Has CCL evaluated and/or contacted all the facilities suggested by the ROCs? Has CCL been able to identify any additional facilities that may be able to accept leachate?*

CCL has contacted all ten EPA regional Off-Site Coordinators via phone and/or email in an effort to secure information on all available OSR-approved disposal options. The Region 10 Off Site Coordinator provided CCL with two additional facilities that can accept characteristically hazardous leachate: US Ecology Idaho and Chemical Waste Management of the Northwest. CCL previously contacted each of these facilities and neither were able to accept any leachate due to lack of capacity. CCL is in an ongoing conversation with both facilities in the event capacity becomes available. CCL also contacted a secondary point of contact at Region 10 in an effort to locate additional non-hazardous disposal facilities, but no additional facilities were located. Region 7 also provided a list of facilities that CCL has contacted; however, CCL has not secured an additional facility in Region 7 capable of accepting the landfill liquids. Most of the regional Off-Site Coordinators indicated that they were unable to provide their respective Region's OSR approved facilities list, and Region 9 suggested that CCL submit a Freedom of Information Act ("FOIA") request seeking each Region's OSR-approved facilities list.

On July 18, 2024, CCL submitted a FOIA request to EPA's National FOIA Office. Rather than responding to this request or forwarding it to the Regions, EPA's National FOIA Office responded by requiring CCL to resubmit a separate request to each of the Regional Off-Site Coordinators. CCL did so on August 5, 2024. CCL also participated in a follow-up meeting to discuss the scope of the response on August 16, 2024, at EPA's request. CCL has now received lists from all regions except Region 1, which responded that it has no responsive records.

5. *CCL has been performing its own searches for facilities able to accept the waste. What is the status of those efforts? Has CCL identified any additional facilities, not currently OSR-approved, that may be candidates for disposal?*

Each day, CCL works diligently to maximize use of approved disposal outlets for both non-hazardous and hazardous leachate by continuously searching for approved facilities. To date, CCL has contacted more than 650 individual facilities in search of off-site disposal, including

facilities that are OSR-approved. CCL's search for facilities able to accept the waste includes the 48 contiguous states and has not been limited by geography or distance.

d. Shipment and Storage Details

1. *What is the volume of leachate that each truck can transport for disposal?*

Currently, trucks transporting leachate for disposal carry approximately 4,500 to 6,000 gallons of liquid depending on the type of trailer attached to the truck. CCL loads the trucks as full as possible while meeting the Department of Transportation's ("DOT") weight restrictions. For Clean Harbors Deer Park, CCL loads trucks with leachate, which are taken to a rail yard for further transportation in rail tankers.

2. *Approximately how many trucks depart from CCL each day carrying leachate?*

On average, 40 trucks depart CCL carrying leachate for disposal per weekday.

3. *Briefly describe CCL's testing procedures. Does each truck or shipment get tested?*

For treated and untreated characteristically nonhazardous leachate, CCL takes a sample when an appropriate composite tank is full—as an example, this is approximately every three days for Group B. When a set of tanks is full, CCL closes the tanks from any further liquid entry. A sample is then taken from the isolated tanks, which forms a "batch." Once received, the analytical results for each batch are then sent to the disposal outlets for consideration for disposal. Each disposal outlet responds in writing stating whether each Sample ID is accepted for disposal or not. Once the sample is accepted, CCL schedules trucks to remove the characteristically nonhazardous leachate and transport it offsite for disposal. CCL maintains 24-hour personnel to ensure proper truck and tank pairing and manifesting.

For characteristically hazardous leachate, the liquids were characterized and profiled with the respective hazardous waste disposal facilities prior to the initial shipments. Subsequent shipments of the characteristically hazardous leachate may ship without a specific sample.

4. *What is CCL's total on-site storage capacity? Could CCL add more tanks on-site?*

If CCL is not able to ship all leachate generated offsite, it will continue to accumulate this leachate onsite. As of January 21, 2026, CCL had 252 frac tanks with a total on-site capacity to accumulate approximately 3,820,000 gallons of leachate. CCL is unable to expand on-site storage capacity due to lack of adequate physical space at the Landfill.

5. *How much excess storage capacity does CCL currently have?*

As of January 21, 2026, CCL had 78 empty frac tanks available for hazardous and non-hazardous liquids, although capacity changes daily. While it may sound like sufficient capacity,

there is significant risk that it is not. If all disposal outlets were to stop receiving today, CCL has sufficient capacity for approximately 3-6 days of leachate accumulation with existing tank capacity.[3]

6. *How soon could storage capacity run out if this emergency exemption is not granted?*

Due to the large volume of leachate CCL is producing and the uncertainty surrounding daily off-site disposal capacity, it is difficult to determine the exact date when the Landfill could run out of storage capacity. Extrapolating from January 12-18, 2026 data, CCL has sufficient capacity to continue current operations, so long as these facilities remain viable disposal sites. If the emergency exemption is not granted, and one or more of these facilities is (are) no longer a viable disposal outlet(s), the days of capacity remaining would be dramatically reduced. For example, if the facilities in this request were no longer viable as disposal sites, CCL would have approximately 76 days of capacity remaining.

Each frac tank holds approximately 17,000 gallons, and the CCL flow meters currently estimate an average of approximately 376,203 gallons per day. If one disposal outlet closes or there is a sudden uptick in leachate production, CCL could find itself close to its storage capacity. For example, CCL currently has 78 available tanks. If CCL lost all disposal outlets, it would run out of on-site storage approximately 3-6 days.[4]

Approval of this emergency exemption request would allow CCL the time to plan before a disposal and storage shortage occurs. As discussed above, it can take more than two weeks to arrange for the first shipment of leachate to be accepted at a facility. With only 78 available tanks, on-site tank capacity is low and the Landfill is in emergency need of additional off-site disposal capacity to prevent any dangerous delays.

e. Need for an Emergency Exemption

1. *Explain why CCL is seeking to use the proposed receiving facility for disposal and why CCL cannot rely exclusively on other disposal facilities that are OSR-approved or that have received an emergency exemption?*

CCL is seeking an extended emergency exemption for the Avalon, EVRF, Crystal Clean Bakersfield and Crystal Clean Wyoming facilities because it needs sufficient quantities of reliable disposal outlets for the large and ever-increasing amount of leachate generated by the Landfill. CCL continues to search for additional disposal outlets in general—a fact that highlights CCL's serious need to continue disposing of leachate at these facilities. CCL cannot exclusively rely on disposal facilities on the OSR-approved facilities list because the capacity to accept CCL's waste is insufficient relative to the amount of leachate being generated. The

[3] CCL is currently investigating potential over-reporting by the on-site flow meters which may be resulting in overestimating the amount of leachate extraction volumes. CCL is continuing to evaluate this issue and potential corrective actions. CCL therefore calculated the estimated availability of on-site storage using two different methods, one using flow meter data and the other using storage and shipment metrics.
[4] This value assumes that each frac tank would contain a capacity of 17,000 gallons.

facilities that are the subject of this emergency exemption request accept large quantities of leachate, consistently, and with less trucking time than many other facilities.

2. *To the extent not already explained, why does CCL need an emergency exemption for the receiving facility?*

Maximizing the available capacity for hazardous and non-hazardous leachate disposal is critical for mitigating of the reaction and avoiding potential harm to human health and the environment. CCL has exhausted all of the currently identified options for disposal facilities (both hazardous and non-hazardous) and seeks continued approval for disposal at these facilities (Avalon, EVRF, Crystal Clean Bakersfield, and Crystal Clean Wyoming) well in advance of critical need. Without securing and maintaining adequate off-site disposal, CCL has the potential to quickly consume all of its on-site tank capacity, which would require CCL to slow or cease pumping liquids.

Pumping liquids is critical because it allows controlled leachate removal, without which larger and more frequent leachate seeps could occur. If CCL could not continue to pump and maintain controlled leachate removal, the risk of leachate discharges into the environment would increase. In addition, without pumping liquids will buildup and impede mitigation of the ongoing landfill reaction. This could result in a longer reaction time, increased odors, and other risks to the community and environment.

CCL is also obligated to remove liquids from the Landfill expeditiously. CCL's experts and its regulators unanimously agree that removing heat through liquids removal is crucial to addressing the underlying reaction. Failing to extract this liquid for an extended period of time would reverse the hard work CCL has undertaken to slow and stop the reaction. Because of the importance of extracting liquids, CCL is required by South Coast Air Quality Management District to expeditiously dewater to the maximum extent possible, including by drilling over 290 new dual-extraction wells and installing pumps in these wells to increase extraction of liquids.[5] An increase in extraction wells and pumps will increase the volume of liquids removed from the Landfill—a positive result from a mitigation perspective, but one that exacerbates CCL's already exhausted off-site disposal capacity and threatens CCL's limited on-site storage capacity.

Further, failing to pump creates a build-up of pressure and liquids that may cause increases in leachate seeps from the sides of the Landfill. While CCL has many mitigation measures in place (dirt berms, dams, and vacuum trucks), leachate seeps are unpredictable, and have the potential to commingle with stormwater, which could result in the off-site discharge of hazardous constituents. The build-up of pressure and liquids resulting from reduced or limited pumping (due to off-site disposal and on-site storage capacity limitations) could also lead to slope stability concerns.

CCL is producing a large volume of leachate daily that exceeds the current disposal capacity and is only expected to increase. CCL has maximized its use of all currently identified disposal facilities and is fully utilizing the resources EPA has provided to prioritize OSR-approved

[5] Modified Stipulated Order for Abatement, Case No. 6117-4 (last modified December 9, 2025) ("SOFA"), Conditions 15 and 17.

facilities. CCL will continue searching for OSR-approved facilities but currently does not have enough OSR-approved facilities available to dispose of leachate offsite when considering the operational fluctuations influencing on-site accumulation and off-site disposal, and the fluctuating, yet increasing volumes of leachate that are being pulled from the Landfill. On-site capacity is limited and continuing to add to the backlog of leachate awaiting disposal is not sustainable. The failure to maintain the number of off-site disposal facilities only limits the speed at which CCL can continue to extract leachate and mitigate the reaction.

f. Details of the Request

1. *Name and location of the proposed receiving facility and contact information for a person at the facility familiar with the waste request.*

CCL is seeking a renewal of the OSR emergency exemption for:

- Avalon Environmental Services (Avalon), located at 14700 South Avalon Boulevard, Gardena, California. The site contact is Reid Lathan (310.523.2555);
- East Valley Remediation Facility (EVRF), located at 62150 Gene Welmas Way in Mecca, California. The site contact is Javier Aceves (760.449.7846);
- Crystal Clean Bakersfield, located at 1620 E. Brundage Lane, Bakersfield, California. The site contact is Keo Chen (971.219.4871); and
- Crystal Clean Wyoming, located at 2275 Burlingame Ave., Wyoming, Michigan. The site contact is Kevin Rosendall (847.836.5670).

2. *A brief description of the receiving facility's operations.*

- Avalon is an industrial pretreatment facility that discharges to the LA County sanitary sewer system.
- EVRF is a facility that is permitted to accept industrial liquids for evaporation.
- Crystal Clean Bakersfield is an industrial facility that manages oily wastewaters and non-RCRA/CA hazardous waste.
- Crystal Clean Wyoming is a solid waste processing and transfer facility, and operates a nonhazardous wastewater treatment process with a traditional wastewater treatment system and a Surface Active Foam Fractionation (SAFF) system.

3. *Any information known about the facility's compliance history or major violations that could affect the facility's ability to become approved under the Off-Site Rule.*

CCL does not believe that Avalon's compliance history should prevent its utilization under current circumstances. CCL has, however, received information that the Los Angeles County

Sanitation Districts issued three Notices of Violation to the Avalon facility on October 28, 2025: NOV 822935, NOV 822939, and NOV 822942. CCL's understanding is that the NOVs relate to pH exceedances, elevated concentrations of TTO/volatile organics and certain specific pollutants (including p-Cresol and zinc), and one instance of inadequate access for sampling. CCL also understands that these alleged violations are currently being evaluated, and that a response by Avalon is forthcoming. While a response and potential appeal are pending, these alleged compliance issues are not dispositive of EPA's evaluation.

CCL is aware of no other changes for the other facilities from its response to this item set forth in CCL's October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

4. *Profile package, including analytical data and a signed waste profile, of the waste material to be shipped.*

CCL is not requesting any changes for these facilities from its response to this item set forth in CCL's October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

5. *Whether the emergency exemption is requested for limited shipments for testing purposes only or for shipments for disposal purposes.*

CCL is not requesting any changes for these facilities from its response to this item set forth in CCL's October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

6. *Date that shipments began to the facility or planned date of first shipment.*

There have been no changes from CCL's responses to this item set forth in CCL's January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

7. *Time period for which emergency exemption is requested.*

CCL is not requesting any changes for these facilities from its response to this item set forth in CCL's August 21, 2024, October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

8. *Quantity of waste material to be shipped (an estimate of the maximum daily shipment which could be transported is sufficient);*

CCL is not requesting any changes for these facilities from its response to this item set forth in CCL's October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

9. *Unless the purpose of the shipment is for testing, verification from the proposed facility that it can accept the particular type of waste proposed to be disposed of (e.g., email correspondence from the proposed receiving facility indicating the type of waste and volume that is acceptable).*

CCL is not requesting any changes for these facilities from its response to this item set forth in CCL's October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

10. *An explanation of whether there are any remaining questions about whether the waste is acceptable to the disposing facility (e.g., whether the facility has requested additional documentation, expressed concerns about receiving the waste, etc.).*

There have been no changes from CCL's responses to this item set forth in CCL's October 24, 2024, December 13, 2024, January 6, 2025, January 24, 2025, March 25, 2025, May 27, 2025, July 25, 2025, September 23, 2025, and November 21, 2025 Off-Site Rule Emergency Exemption Requests.

g. Additional Information

1. *Does CCL anticipate filing additional emergency exemption requests for additional facilities?*

CCL may submit additional emergency exemption requests in the future, but has not identified additional facilities at this time.

2. *Is there any additional information that EPA should know?*

CCL is aware of no additional information to provide to EPA at this time.

Conclusion

The potential consequences of failing to maintain sufficient off-site disposal capacity considering increasing leachate production include uncontrolled seeps of potentially hazardous leachate, a worsening underground chemical reaction, and increased odor impacts in the community. These potential consequences justify an emergency under 40 C.F.R. § 300.440(a)(2). CCL anticipates it

will need to file emergency exemption requests for additional facilities unless other OSR-approved facilities that can and agree to accept CCL's leachate are identified.

CCL appreciates EPA's consideration of this emergency exemption request from the Off-Site Rule and is available to discuss the request at any time.

Thank you,

Sarah Phillips

/s/ Sarah Phillips
Corporate Compliance Manager

Cc:

Mark Anthony Relon, United States Environmental Protection Agency
Greg Krauss, United States Environmental Protection Agency
Laura Friedli, United States Environmental Protection Agency
William Damico, United States Environmental Protection Agency
Jennifer MacArthur, United States Environmental Protection Agency
Celeste McCoy, United States Environmental Protection Agency

Enclosure B – February 17, 2026, Correspondence

Friedli, Laura

From: Megan L. Morgan <MMorgan@bdlaw.com>
Sent: Tuesday, February 17, 2026 8:00 PM
To: Friedli, Laura; Miller, Amy; Relon, Mark Anthony
Cc: John Perkey; Sarah Phillips; Kevin Green; Nicole B. Weinstein
Subject: Chiquita Canyon Landfill Update

Laura, Amy, and Mark Anthony,

In the interest of transparency, Chiquita is providing notice of the need to temporarily shut off certain dewatering pumps due to space constraints.

Beginning Sunday evening, due to space constraints, Chiquita began shutting off Lorentz and pneumatic pumps across the landfill. These pumps are associated with A, B, and C liquid force mains. As of today, Chiquita has shut off approximately 123 total pumps.

Chiquita has kept on the pumps in the perimeter sumps and the pumps in the vertical extraction wells above the west slope toe drain sumps that have recently experienced a seep. There are approximately 39 pumps on in the perimeter sumps, and 13 pumps on in vertical extraction wells, for a total of 52 pumps. Chiquita kept these particular pumps running because they are the highest priority and will help minimize seeps and other impacts of liquids at the western slope. Although Chiquita has shut off a significant number of pumps, the leachate flow to the tank farm has only gone down by approximately a third.

Disposal capacity constraints were largely caused by Chiquita's inability to dispose of liquids at Avalon Environmental Services. On February 5, 2026, Chiquita received notice that Avalon Environmental Services, Chiquita's largest and most consistent outlet for its treated, non-hazardous leachate, would no longer be able to accept shipments from Chiquita consistently. Pursuant to its leachate management plan, Chiquita has continued to contact all available outlets in order to maximize offsite disposal. Chiquita has also been working actively to identify new outlets for more than two years. Chiquita provides a weekly update to the Leachate Disposal Unit (including representatives from EPA, DTSC, the County, CUPA, CARB, and Cal EPA) on potential disposal outlets on a facility-by-facility basis. Most recently, Chiquita has been communicating with EPA about shipping to an Industrial Recycling, LLC facility in Mexico, and updating its approvals for East Valley Remediation Facility (EVRF) in California to allow for shipment of treated nonhazardous leachate. Chiquita is also preparing an application for EPA's review for a Crystal Clean facility in Oregon.

Chiquita continues to work quickly to secure additional disposal outlets, and believes that it will be able to begin shipping to Industrial Recycling within a week. We will respond shortly to Amy's February 13 email with additional questions regarding Industrial Recycling. We will keep you posted on any major changes.

Best,
Megan

Megan L. Morgan
Principal

Beveridge & Diamond

T: +1.410.230.1343 | **M:** +1.612.860.8498 | MMorgan@bdlaw.com

201 North Charles Street, Suite 2210, Baltimore, MD 21201

LinkedIn | Bio

Enclosure C – EPA Inquiries and CCL Response Regarding Disposal Facilities

From:	Matt Breuer
To:	Relon, Mark Anthony
Cc:	Miller, Amy; Sax, Todd@EPA; Zmily, Zanalee@DTSC; Berg, Thanne@DTSC; Friedli, Laura; Holybee, Tyler; Sarah Phillips; Kevin Green; Dylan Smith
Subject:	Re: Information Required -- Chiquita Canyon Landfill (CCL) Disposal Facilities
Date:	Monday, February 23, 2026 11:31:39 AM

Mark Anthony,

Chiquita takes seriously its liquids extraction efforts at the Landfill. As we previously notified, Chiquita began shutting off pumps on Sunday, February 15, only after exhausting all off-site disposal capacity and on-site storage. Chiquita made a strategic decision as to which pumps to shut off, and it has kept on approximately 39 pumps in the perimeter sumps, and 13 pumps in vertical extraction wells, for a total of 52 pumps. While Chiquita had shut off approximately 123 pumps, the leachate flow has only gone down by a third, demonstrating the importance of the pumps that Chiquita has left on.

With respect to disposal constraints at Avalon Environmental Services (Avalon), as stated in our February 17 update, on February 5, Chiquita received notice that Avalon, Chiquita's largest and most consistent outlet for its treated, non-hazardous leachate, would no longer be able to accept shipments from Chiquita consistently. As we understand it, Avalon has restricted our disposal because of contradictions in agency allowances between LA County Sanitation Districts, Public Works and Regional Planning. Avalon was forced to reduce its total daily acceptance from approximately 125,000 gallons/day to 50,000 gallons/day while the agencies sort out acceptable allowances. We appreciate greatly the EPA's continued approval of Avalon for disposal, but Avalon has expressed that its permit is in jeopardy if it did not reduce our volume.

As for our other disposal outlets, Chiquita is using all available disposal capacity. Contracted capacity is not always aligned with available capacity. On any given week, Chiquita is balancing the disposal constraints at these facilities, along with trucking and other logistics constraints. If one facility cannot take liquid, it is not as simple as redirecting those trucks to a different facility. Each facility has its own unique acceptance limitations and logistics concerns that Chiquita must address and take into account when determining which leachate can be shipped to each location. As for the specific facilities listed in the chart you provided:

- Hazardous waste facilities: although Chiquita has now received Conditional Authorization for its tank farm and is not required to ship any material as hazardous, it continues to do so to maximize disposal capacity. We are using all available disposal capacity at Clean Harbors Utah and Nebraska. Clean Harbors Texas is unavailable at this time because, as described below, we are unable to send leachate to Clean

Harbors ISO and this separate Clean Harbors facility uses Clean Harbors ISO to load leachate to rail cars for shipment to Texas.

- Characteristically non-hazardous leachate: we are using all available capacity at East Valley Remediation (EVRF).
- Treated, non-hazardous leachate (no-LDR requirement): as described above, Chiquita is no longer able to consistently ship leachate to Avalon. Reworld only accepts leachate via railcar, which will take weeks to coordinate logistics. Chiquita is making efforts to restart shipments to this facility. We are fully utilizing all available capacity at Crystal Clean, Bakersfield, including off-site storage as discussed further below. Rail cars are currently being deployed to begin shipments again to Crystal Clean in Wyoming, Michigan. We have been informed by Clean Harbors ISO that they cannot accept our leachate while addressing unrelated compliance issues with DTSC.
- Treated, non-hazardous leachate (LDR requirement): as noted in EPA's chart, we are unable to use Patriot due to Orange County Sanitation District's refusal to renew the profile. All of our LDR-compliant material is currently being shipped to Durham (RAD) for disposal. There is no additional LDR-compliant material at this time to send to US Ecology. The volume of LDR-compliant material fluctuates based on contaminant loading, and should we have excess material we will send it to US Ecology.

Chiquita has been taking steps described below consistent with its leachate management plan, including the Contingency Plan (Appendix A-1). Chiquita notes that this plan has not been approved by EPA, but Chiquita continues to follow it as a best practice.

1. Production and Capacity Tracking: Chiquita has been carefully tracking production rate and tank capacity to maximize efficiency and on-site storage. Although the dashboard shows empty tanks, empty tank space is necessary so that Chiquita can continue to process and treat hazardous leachate for off-site disposal. The dashboard is showing Chiquita emptying tanks in real time to ensure we have sufficient open tanks available for liquids that have run through the treatment process. If we were to fill these tanks, and there is no space for treated liquids to go, we would risk having to shut off the treatment, which would risk overflowing the tanks in the upper tier that hold hazardous liquids. Those tanks receive liquids via gravity flow, so there is no way to shut off the inflow of leachate. Our method is designed to maximize efficiency and allows us to maintain our current extraction rate.
2. Offsite Disposal: As described in our prior update and above, Chiquita has continued to contact all available outlets in order to maximize offsite disposal. Efforts made to obtain more disposal capacity from existing facilities are described above. Chiquita has been working actively to identify new outlets for more than two years. Chiquita provides a weekly update to the Leachate Disposal Unit (including representatives from EPA, DTSC, the County, CUPA, CARB, and Cal EPA) on potential disposal outlets on a facility-by-facility basis. After notified about Avalon, and consistent with the contingency plan, Chiquita has redoubled its efforts to identify additional facilities.

Chiquita has several facilities that are close to coming online:

- Chiquita has been communicating with EPA about shipping to an Industrial Recycling, LLC facility in Mexico. We have finalized all necessary contracts and are waiting for the facility to confirm it is ready to start accepting shipments.
- Chiquita has submitted to EPA a request for approval for EVRF in California to accept shipment of treated nonhazardous leachate. The Tribal Council has already approved of this change.
- Chiquita is also preparing an application for EPA's review for a Crystal Clean facility in Oregon.

3. Onsite Treatment: as described in the Contingency Plan, Chiquita had sought authorization to conduct a bench trial to evaluate the effectiveness of other treatment systems that could allow Chiquita to better meet LDRs and open up more disposal options. The bench trial showed us that to be effective, we need to add an additional treatment mechanism pre-GAC, which would take years to permit given DTSC's permitting restrictions.
4. Offsite Storage: Chiquita had explored placing a tank farm at its Wolcott Property, but Los Angeles County raised several permitting concerns that prevent us from proceeding with placing tanks at that location, even in a back-up or emergency capacity. Chiquita has evaluated its affiliate properties and was able to secure significant disposal capacity at Red Rock Landfill (or RAD) as described above. Other options discussed in the contingent plan including Avenal Landfill and Cold Canyon Landfill have not proven to be viable given the significant permitting efforts that would be needed in the State of California. After being notified of Avalon's constraints earlier this month, Chiquita worked with Crystal Clean to identify space for offsite storage at one of its facilities. Crystal Clean has set up 30 additional frac tanks to accept additional leachate from Chiquita that it holds until it has available capacity for disposal.
5. Onsite Storage: Chiquita has explored further onsite storage on Primary Canyon, but CalRecycle and other agencies have expressed concern because this is located on top of a closed waste cell, so Chiquita has been unable to pursue this option further. Other options including evaporation and creating a large surface impoundment have proven infeasible due to permitting requirements from multiple agencies including SCAQMD, DTSC and the Water Board, and lack of available space considering CalRecycle's concern for utilizing closed cells of the Landfill.

At this point, Chiquita is using to the maximum extent feasible all approved disposal capacity and all onsite storage tanks capable of receiving leachate and has followed all contingencies set forth in the contingency plan, even though it has not been approved. However, the issue remains that given its inability to dispose of liquids at Avalon, Chiquita now has insufficient disposal outlets, so it has had to slow down its pumping operations. Chiquita will continue working as quickly as possible to find additional disposal capacity so that it can return all pumps to operation. We share EPA's concern and

are making all possible efforts to rectify this situation.

Thank you,

Matt Breuer, PE
Region Environmental Manager
Waste Connections - Western Region
425-414-2903 (mobile)

From: Relon, Mark Anthony <Relon.MarkAnthony@epa.gov>
Sent: Friday, February 20, 2026 11:07:01 AM
To: Sarah Phillips <Sarah.Phillips@WasteConnections.com>
Cc: Miller, Amy <Miller.Amy@epa.gov>; Sax, Todd@EPA <todd.sax@calepa.ca.gov>; Zmily, Zanalee@DTSC <zanalee.zmily@dtsc.ca.gov>; Berg, Thanne@DTSC <Thanne.Berg@dtsc.ca.gov>; Friedli, Laura <Friedli.Laura@epa.gov>; Holybee, Tyler <Holybee.Tyler@epa.gov>
Subject: Information Required -- Chiquita Canyon Landfill (CCL) Disposal Facilities

Good Morning Sarah,

EPA is reminding CCL of its obligations under UAO 22.c.1 to adequately manage leachate within the landfill and leachate systems. EPA has found that the significant reduction in vertical gas well pump usage is likely to allow an accumulation of leachate within the landfill reaction area and within the gas collection wells. This accumulation will significantly impair the gas collection and control system and the leachate collection system. If CCL continues to inadequately collect leachate, harmful effects may include leachate seeps, cover damage, and gas collection system inefficiencies. These effects may lead to off-liner discharge, leachate-stormwater commingling, and increased fugitive emissions from the landfill cover.

Therefore, EPA is requesting information related to the disposal capacity of CCL's current approved disposal facilities.

For the facilities that are within the list of current approved disposal facilities (attached for convenience), CCL must provide justification as to the reason CCL is not utilizing the maximum disposal capacity at those facilities. This explanation must specifically address why CCL is no longer disposing of leachate to Avalon. On January 1, 2026, EPA extended the emergency exemption from the CERCLA off-site rule to permit disposal of treated and untreated non-hazardous leachate to Avalon until April 2, 2026, provided that, CCL's disposal of leachate to Avalon does not cause Avalon to exceed any requirements of its permits. EPA's expectation was that this emergency exemption would allow Chiquita to continue to dispose of leachate at Avalon, only at potentially reduced quantities.

Additionally, CCL must explain why the contingencies proposed in Appendix A-1 of CCL's 2025-01-10 Leachate Management Plan submittal were not implemented and CCL instead chose to initiate the "final step, to be taken in only the most extreme circumstances, … to temporarily reduce well pumps." CCL must specifically address why CCL is not using all available on-site storage capacity, as reflected in the number of "empty" tanks noted on the daily leachate tracker.

CCL should respond to this request no later than COB Monday, 2/23/26.

CCL should, to the maximum extent feasible, utilize all current approved disposal capacity, return pumps to operation and utilize the onsite leachate storage to avoid accumulation of leachate within the landfill.

Please contact us should you have any comments, questions, or concerns.

Much Appreciated,

Mark Anthony Relon
Physical Scientist
Hazardous Waste and Chemicals Section
Air, Waste and Chemicals Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3252
Email: relon.markanthony@epa.gov

Enclosure D – Draft Leachate Contingency Plan (Revision 0) August 2024

LEACHATE CONTINGENCY PLAN

CHIQUITA CANYON LANDFILL
29201 HENRY MAYO DR.
CASTAIC, CALIFORNIA 91384

CHIQUITA CANYON
A Waste Connections Company

Revision 0
August 2024

TABLE OF CONTENTS

1 Introduction 1-1
1.1 Background 1-1
1.2 Purpose and Scope of the Plan 1-1
2 Contingency Measure Overview 2-2
2.1 Production and Capacity Tracking 2-2
2.2 Offsite Disposal 2-2
2.2.1 Receiving Facilities 2-2
2.2.2 Renewed Efforts 2-2
2.3 Onsite Treatment 2-2
2.3.1 Current Treatment System 2-3
2.3.2 Dissolved Air Flotation and Clarifier Unit 2-3
2.3.2.1 Potential Disposal Capacity with Successful DAF / Clarifier Treatment 2-3
2.3.3 Alternatives 2-4
2.4 Offsite Storage 2-4
2.4.1 Wolcott Property 2-4
2.4.2 Affiliate Subtitle D Landfills 2-4
2.5 Onsite Storage 2-4
2.5.1 Primary Canyon Waste Management Unit 2-5
2.5.2 Evaporative Water Disposal 2-5
2.5.3 Surface Impoundments 2-5
2.6 Well Pump Reduction 2-6
3 Contingency Scenarios 3-6
3.1 Scenario 1 – Loss of Disposal Facilities or Doubling of Production 3-6
3.2 Scenario 2 – Onsite Treatment System Failure 3-6
3.3 Scenario 3 – Permit Denial 3-6
3.4 Scenario 4 – Slope Failure 3-7

LIST OF ACRONYMS AND ABBREVIATIONS

BOD	Biochemical Oxygen Demand
CCL	Chiquita Canyon Landfill
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CUPA	Certified Unified Program Agencies
DAF	Dissolved Air Flotation
DTSC	Department of Toxic Substances Control
EPA	U.S. Environmental Protection Agency
ETLF	Elevated Temperature Landfill
FOSC	Federal On-Scene Coordinator
GAC	Granular Activated Carbon
LCM	Leachate Collection Manifold
LDR	Land Disposal Restriction
MG	Million Gallons
OSR	Off-Site Rule
QA	Quality Assurance
QC	Quality Control
RCRA	Resource Conservation Recovery Act
RMAC	Response Multiagency Coordination
RQ	Reportable Quantity
RWQCB	Regional Water Quality Control Board
SCAQMD	South Coast Air Quality Management District
SAP	Sampling and Analysis Plan
SVOC	Semi-Volatile Organic Compound
TDS	Total Dissolved Solids
UHC	Underlying Hazardous Constituent
UAO	Unilateral Administrative Order
VOC	Volatile Organic Compound
WMU	Waste Management Unit
WSD	Waste Stream Determination

1 INTRODUCTION

1.1 Background

The Chiquita Canyon Landfill (Landfill) operated by Chiquita Canyon, LLC (CCL) has been experiencing a subsurface reaction in an inactive portion of the Landfill, also known as an Elevated Temperature Landfill (ETLF) event.

As a result of the ongoing subsurface reaction, the Landfill has been producing significant amounts of leachate. Extensive leachate testing and analysis has demonstrated that some of the leachate is characteristically hazardous, due solely to its concentration of the organic constituent benzene. CCL is actively working to install additional well pumps to remove the leachate in the waste mass which will aid in controlling the reaction event. The increased leachate production and hazardous characteristics have required the setup of treatment units, as well as temporary onsite accumulation areas until suitable disposal outlets or storage have been established.

1.2 Purpose and Scope of the Plan

This Plan was prepared at the request of the EPA by letter dated June 17, 2024, regarding the Leachate Management Plan. This plan outlines contingency procedures and protocols for the effective management of leachate at the Landfill. This plan outlines potential contingency measures, as well as applicability in certain example scenarios:

- Scenario One - describes the procedure if an offsite disposal facility (or combinations of facilities) stopped accepting waste tomorrow or in the event the leachate production increased or doubled.
- Scenario Two - describes the process for ensuring the leachate treatment system does not fail.
- Scenario Three - describes the next steps should a RCRA permit (or equivalent state authorization) for on-site treatment not be approved for the site.
- Scenario Four - describes the process should slope failure occur and the tank farm be destroyed.

2 CONTINGENCY MEASURE OVERVIEW

This section provides an overview of steps that CCL could take in the event circumstances change that impact CCL's management of its leachate.

2.1 Production and Capacity Tracking

CCL's first step in the event of a change in circumstances impacting the management of leachate would be to review the current production rate and remaining tank capacity at the site. CCL currently maintains an online tracking tool known as the Leachate Dashboard. The data originates from the field team dispersed around CCL. The CCL onsite Controller compiles the data and uploads it into the dashboard daily.

The Liquids Dashboard also contains the Year-to-Date (January 2024 – Current) total inventory in gallons of leachate that CCL has produced, treated, disposed, and stored onsite on a monthly basis. The Dashboard also contains the number of frac tanks and their status, as well as the number of active pumps.

Based on the disposal facility acceptance limitations presented, CCL would be able to determine the number of days remaining until total tank capacity would be reached. As an example, CCL has a total onsite capacity to accumulate approximately 4,228,000 gallons of leachate as of July 31, 2024. CCL would be able to create a countdown schedule to ensure steps are taken before running out of tank capacity to store leachate. With an available capacity of 4,228,000 gallons, CCL would have approximately 54 days of empty inventory if onsite treatment is operating, or 22 days without onsite treatment.

2.2 Offsite Disposal

Once CCL had identified its capacity outlook and needs, CCL's second step would be to use this information in its continued efforts to identify more offsite disposal facilities, taking into account any relevant criteria in the acceptance process (ex. Waste Acceptance Plan, Universal Treatment Standards, Total Dissolved Solids, etc). With continued onsite treatment of the leachate and development of new processes, additional offsite facilities may become available.

2.2.1 Receiving Facilities

CCL maintains a disposal facility tracking spreadsheet with over 400 offsite treatment and disposal facilities, which includes those that can receive both hazardous and non-hazardous waste. As directed by EPA, CCL has contacted the Off-Site Rule lead contacts in each EPA region about offsite management options that are already approved under the Off-Site Rule (OSR). CCL is currently working to verify any additional disposal facilities through the OSR list and update the facility tracking spreadsheet. CCL also submitted a FOIA request on July 15, 2024, to facilitate that process.

2.2.2 Renewed Efforts

In the event of an emergency, CCL will redouble its efforts to identify offsite facilities. In addition to continuing to contact new facilities, CCL will use the changed circumstances to press facilities that are accepting materials to take more, facilities that have considered but not committed to accepting waste to begin accepting, and renewing requests to facilities that have previously declined.

2.3 Onsite Treatment

CCL's robust efforts have been unable to identify offsite capacity for more than a small fraction of the total volume of the characteristically hazardous leachate. Thus, another step is to increase the onsite treatment of the leachate to maximize offsite disposal options.

Treating the hazardous leachate onsite is the safest and most environmentally protective option, as it renders the leachate non-hazardous as quickly as possible and creates opportunities for offsite storage.

2.3.1 Current Treatment System

The CCL GAC treatment systems have been designed on the basis that each individual primary treatment train can operate at its respective maximum capacity of 75 gallons per minute per train. The systems have a maximum design flow rate of 150 gallons per minute and are designed to enhance the removal of volatile organic compounds (VOC) and semi-volatile organic compounds (SVOC). The treatment process renders the leachate non-hazardous. CCL currently has two different treatment systems from two different vendors, who both can expand their treatment capacity on relatively short notice. CCL's treatment capacity with current on-site systems could achieve and sustain approximately 280,000 gallons per day of treatment if utilized 24/7. This is roughly double the current generation rate of characteristically hazardous waste at the landfill. If hazardous production increases beyond this or current hazardous waste facilities were no longer available to CCL, CCL would expand the treatment systems.

2.3.2 Dissolved Air Flotation and Clarifier Unit

CCL has installed Dissolved Air Flotation (DAF) and clarifier systems after their respective GAC systems, which are designed to remove total dissolved solids (TDS) from the treated leachate stream. CCL is seeking approval to test these systems. The removal of TDS from the leachate waste stream may allow CCL to re-evaluate additional disposal outlets. CCL is also trying to meet the Universal Treatment Standards (UTS) under the Land Disposal Restrictions (LDR), which has the potential to allow for greater disposal options with solidification, evaporation ponds, and deep well injection. CCL is seeking authorization from SCAQMD to conduct a bench trial to confirm the effectiveness of these systems. CCL could expand this treatment system as necessary to expand the list of potential offsite disposal or storage opportunities.

2.3.2.1 Potential Disposal Capacity with Successful DAF / Clarifier Treatment

CCL will have increased disposal facility options with the addition of an operational DAF and clarifier onsite. CCL is working to setup additional disposal agreements and logistics for DAF and clarifier-treated leachate. The table below lists the current and potential daily capacities for the following disposal facilities for DAF and clarifier-treated leachate.

Current Disposal Outlet and Daily Capacity for Non-LDR Compliant Material	**Potential Disposal Outlet and Daily Capacity with DAF for LDR Compliant Material**
Clean Harbors ISO – 0 gallons	Clean Harbors ISO – 75,000 gallons daily
Waste Connections RAD – 0 gallons	Waste Connections RAD – 80,000 gallons daily
US Ecology Beatty – 25,000 gallons daily every other week (alternate weeks with LDR-compliant material)	US Ecology Beatty – 25,000 gallons / every other week (alternate weeks with non-LDR-compliant material)
US Ecology Grandview – 0 gallons	US Ecology Grandview – 25,000 gallons daily
Clean Harbors Subtitle C Landfills Buttonwillow, CA – 0 gallons Deer Trail, TX – 0 gallons Lone Mountain, OK – 0 gallons	Clean Harbors Subtitle C Landfills Buttonwillow, CA – Pending Approvals Deer Trail, TX – Pending Approvals Lone Mountain, OK – Pending Approvals
Current Total: 25,000 gallons	**Potential Total:** 205,000 gallons

The ongoing treatment efforts along with the DAF and clarifier technology should allow for CCL to maintain current onsite storage and fully utilize the identified disposal outlets to replace any facility or combination of facilities if they were no longer able to accept waste.

2.3.3 Alternatives

CCL is continuously assessing new solutions, including new technologies, engineering solutions, or authorization pathways.

2.4 Offsite Storage

Another contingency step would be to consider off-site storage locations as a stopgap measure. Currently, the leachate produced from Leachate Collection Manifold (LCM), Group B, Group C, and Primary Canyon (about 40% of the site's leachate) is characteristically non-hazardous and would be considered priority for offsite storage. The non-hazardous leachate does not require treatment prior to offsite transportation or storage permitting.

Leachate produced from Group A, East Perimeter, and North Perimeter is characteristically hazardous (approximately 60% of total leachate) and if moved offsite from CCL without treatment would require proper hazardous waste transportation as well as hazardous waste tank storage and permitting. As noted above, CCL has inquired about offsite management and disposal opportunities with approximately 400 facilities. Despite these diligent efforts, CCL has been unable to identify any facilities with the appropriate insurance, permits, and permissions from regulatory authorities to store the hazardous leachate.

Due to the difficulty in locating any potential offsite storage options, CCL has asked the agencies to assist by providing a list of locations for CCL to contact and coordinate. CCL has not received any contact information related to potential storage options. CCL has therefore considered other properties over which it has control.

2.4.1 Wolcott Property

CCL currently owns the property adjacent to the Landfill known as Wolcott (Corner of Wolcott and Highway 126 / approximately 14 acres). CCL would initially plan to install a storage tank on the property around the ridgeline on Wolcott. This storage tank would allow CCL to collect treated liquids in the landfill area and transport them via vacuum or tanker truck to one larger tank location that outbound trucks could collect from. Depending on the size and type of tank, CCL may need permits from Department of Toxic Substances Control (DTSC) and/or the local Certified Unified Program Agencies (CUPA). Permits (or authorizations) ensure that the tank design, installation, operation, and closure meet environmental standards. The work may also require permits from the County, such as a grading permit.

2.4.2 Affiliate Subtitle D Landfills

CCL is also prepared to source and install tanks on their nearest affiliate Waste Connections landfill properties, as available and as needed. CCL has conducted an initial evaluation of potential affiliate properties to identify those with space suitable for installation of tanks and related equipment. The tanks would be setup to temporarily hold non-hazardous leachate until an ultimate disposal location could be identified. CCL would prioritize the following facilities based on their proximity to the Landfill and available space at the facility:

- Avenal Landfill: 201 Hydril Road, Avenal, CA 93204
- Cold Canyon Landfill: 2268 Carpenter Canyon Rd, San Luis Obispo, CA 93401
- Red Rock Landfill (Formerly RAD) 22316 South Harmon Rd, Florence, AZ 85132

Use of these facilities would similarly necessitate evaluation of permitting requirements.

2.5 Onsite Storage

If additional capacity is required following the assessment of available offsite storage and disposal facilities, CCL will reevaluate its available onsite capacity in consideration of the timing for increasing offsite shipment. If there is a period of time in which CCL might need additional onsite storage, CCL would evaluate the potential volume

needed and increase onsite storage capacity as a stopgap measure. These options would each have their own permitting requirements, which would need to be addressed to facilitate implementation.

2.5.1 Primary Canyon Waste Management Unit Bladder Tanks

CCL is prepared to design additional onsite storage locations on an area on the deck of the closed Primary Canyon Waste Management Unit (WMU). The Primary Canyon WMU is an unlined landfill within the Chiquita Canyon Landfill complex that stopped receiving waste in the early 1990's. The site is officially closed for disposal operations and has a constructed clay/soil cover. The deck area has been utilized for temporary stockpiling of daily cover soils, and serves as a storage area for landfill equipment and supplies, and a low-permeability soil stockpile for future landfill liner projects in the East Canyon. A portion of the closed landfill deck could be utilized for additional onsite frac tanks, pillow tanks, or bladders. The durable bladder and pillow tanks can be used as temporary and long-term storage solutions for the leachate water. The bladder tanks are available in different volumes but can range from 50,000-gallon up to 200,000-gallon tanks. Tank connections are made in poly, stainless steel, or aluminum that may be used to connect hoses to tanks.

Leachate could be piped from wells and sumps that are integral parts of the Landfill's infrastructure to the Primary Canyon accumulation tanks/bladders where it would be stored for a brief period prior to treatment. The leachate will then be pumped from the accumulation tanks to a series of tanks that filter the material and treat it using GAC. The leachate exiting the GAC units will be rendered non-hazardous, and the treated non-hazardous leachate will be piped to separate handling tanks (post-GAC units).

2.5.2 Evaporative Water Disposal

CCL could also source and set up mobile evaporators to process the decharacterized leachate. Waste Connections currently has vendors that could provide 24/7 process oversight through a combination of on-site manpower, remote nighttime operation, and technical support systems. The evaporation systems could be equipped with a stripper system that removes light hydrocarbons. Water that is high in dissolved solids requires specialized metallurgies, pumping, and separation equipment. The evaporation, emission control, and solids removal system can be built into the process.

2.5.3 Surface Impoundments

CCL previously submitted the conceptual design for a segmented impoundment facility comprised of eight individual surface impoundment basins with individual storage capacities ranging from 900,000 gallons to 1,350,000 gallons. The total volume storage proposed for this facility is 8.58 million gallons (MG). As these units are proposed on the deck of the unlined WMU, each unit is proposed to be a double lined impoundment constructed in accordance with the standards and requirements of the California Code of Regulations Title 27. It is envisioned that the liner system for the proposed impoundments would be two 60 mil flexible membrane liners (FML) separated by a detection layer on the floor of 6" of uniform sand or drainage geocomposite, as approved by the local agency. Each unit with the group is proposed to be 12-foot overall depth with liquid storage of ten foot of depth and 2 feet of freeboard (as required by title 27). For odor control, each unit would have an 80 mil FML cover and be placed under system vacuum to prevent excessive ballooning of the cover. Liquids will be introduced and removed from the basin in dedicated pipes (one for inflow, one for outflow) with the cover penetrations booted to prevent loss of vacuum and release of odors. Each unit would have side slope walls at 2:1 horizontal to vertical and will be separated from each adjacent unit by a 15-foot-wide accessway. The units would be arranged on the deck so that the bottom elevation of each unit would coincide with the original top elevation of the clay/soil barrier that constituted the original closed landfill deck. The side berms that would form each impoundment unit would be constructed with placed and compacted fill; no excavation into the original closed landfill deck and its associated clay/soil cover would be envisioned for this project. Such an approach would likely require permitting with South Coast AQMD and RWQCB.

2.6 Well Pump Reduction

A final step, to be taken in only the most extreme circumstances, would be to temporarily reduce well pumps. In such a circumstance, CCL would proceed strategically to minimize disruption. CCL would analyze existing data on liquid levels, temperatures, and gas flow and quality to identify if any pumps would need to be turned off to reduce the production rate of leachate as a bridge while actively developing the additional off- or on-site management options discussed above.

To date, CCL has 56 active pumps and is continuing to install and operate more, as increasing leachate extraction mitigates the underlying reaction. CCL would first prioritize any option that allowed pumping to remain on for the characteristically hazardous leachate. CCL would then stagger the selections to ensure general areas would still be pumped. CCL would then make sure flows were constant to each Tank Farm # 7 and Tank Farm # 9 within treatment and tank space. CCL cannot accurately predict the maximum daily leachate generation once all pumps are placed and in operation; however, CCL's engineers have estimated that the Landfill may ultimately produce as much as 400,000 – 500,000 gallons of leachate per day. It is therefore necessary to consider the appropriate procedure for approaching this potential temporary solution in the event no other options remain.

3 CONTINGENCY SCENARIOS

EPA has identified several scenarios of particular concern, which CCL has evaluated using the potential contingency steps identified.

3.1 Scenario 1 – Loss of Disposal Facilities or Doubling of Production

CCL has considered what steps it would take if a facility (or any combination of facilities) stopped accepting waste tomorrow, or if its leachate production suddenly doubled. In either event, CCL would have a larger volume of leachate onsite to manage. In such a circumstance, CCL would follow all of the procedures outlined above.

3.2 Scenario 2 – Onsite Treatment System Failure

CCL has designed its treatment system to have redundancies to avoid a scenario where the system would fail in the first instance. CCL has two separate vendors providing treatment who have successfully treated millions of gallons of CCL leachate to date. Both vendors have also secured local storage of the granular activated carbon and are available to scale operations upon request.

In the event that one or both systems nevertheless failed, CCL would follow the procedures outlined above, with a focus on expanding offsite hazardous waste disposal and storage options in light of the increase in expected hazardous leachate. CCL also would undertake a root cause analysis to determine the cause of the onsite treatment failure. CCL would work with its vendors to repair its existing systems and would investigate alternative treatment options, in addition to the standard contingency steps.

3.3 Scenario 3 – Permit Denial

As CCL has documented in prior letters, CCL is currently operating under the immediate response exemption and is addressing the appropriate long-term treatment process with the local CUPA. CCL is actively working to transition from operating under the exemption to operating in compliance with normally applicable hazardous waste requirements, including obtaining authorization under California's hazardous waste tiered permitting program. In the event the permitting plan is disapproved, the emergency circumstances would be continuing while another option is pursued.

On July 2, 2024, CCL met with the local CUPA, Los Angeles County Fire, to discuss CCL's intent to submit notification seeking coverage under California's Conditional Authorization tier (HSC § 25200.3). The CUPA described the information it would need to evaluate the application.

CCL prepared an overview of the leachate management protocol with the necessary data to support the use of the Conditional Authorization tier. CCL submitted these materials to the CUPA on July 19, 2024. Pending agreement from the CUPA that the planned leachate management protocol is conceptually eligible, CCL plans to submit notification as soon as possible under the circumstances.

If CCL is not able to operate under the Conditional Authorization tier, CCL would continue to operate in emergency conditions that warrant the immediate response exemption.

CCL would also take the following steps:

1. Assess CCL production and capacity (2.1).
2. Identify additional offsite disposal options (2.2), focusing on outlets that can accept hazardous waste for disposal.
3. Continue the treatment process under the immediate response exemption (2.3.4) while evaluating alternative technologies and alternative authorization pathways. CCL would consider all potential treatment options and permitting tiers.

   Additionally, CCL is reviewing the Land Disposal Restrictions (LDR) Treatability Variances and Determinations of Equivalent Treatment guidance and procedures. If it were unable to obtain authorization, CCL also would explore the applicability of the treatability variance which allows facilities to temporarily treat hazardous waste using methods that deviate from standard treatment requirements, provided the facility can demonstrate that the proposed method is effective and protective of human health and the environment.

4. Explore offsite storage options and permitting requirements for offsite storage of hazardous waste (2.4).
5. Implement onsite storage options (2.5), with a focus on options that could support storage of hazardous waste. CLL would also address applicable permitting requirements.

If presented with no other feasible alternative, CCL would systematically decrease pumping (2.6).

3.4 Scenario 4 – Slope Failure

CCL has considered what steps it can take if the Landfill experienced slope failure that damaged the treatment area and tank farm. In the event of impending slope failure, CCL would implement the existing West Slope Pre-emptive Secondary Containment Plan which provides the proposed measures in the unlikely event of slope failure. The contingency measures identified in that plan are intended to contain a resulting leachate release.

CCL is in the process of evaluating slope stability and conducts daily visual inspections for slope failure indicators in conjunction with weekly Propeller drone flights analyzed for lateral movement and settlement over the reaction area. This Pre-emptive West Slope Plan also provides measures involving procurement and staging of materials and equipment in the event an unlikely catastrophic failure emergency response is triggered.

Even in the event of a slope failure, CCL's treatment program would be unlikely to be halted. CCL has established two separate tank farms in order to build redundancy into its treatment process. One slope failure would not damage both tank farms. Therefore, CCL would continue operating treatment at the tank farm that remained available in the event the other was impacted. CCL would also evaluate setting up a new treatment process in another location or expanding the remaining system.

CCL would also follow the other contingency steps outlined above to mitigate any accumulation of leachate.

Enclosure E – January 10, 2025, Letter Regarding Resubmission of Leachate Management Plan

CHIQUITA CANYON
A Waste Connections Company

January 10, 2025

Via Email

Mark Anthony Relon, EPA Project Coordinator
U.S. Environmental Protection Agency, Region 9
Enforcement and Compliance Assurance Division (ENF-2-1)
75 Hawthorne Street
San Francisco, CA 94105
relon.markanthony@epa.gov

Re: Chiquita Canyon, LLC – Resubmission of Leachate Management Plan
UAO Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05

Dear Mr. Relon*:*

Chiquita Canyon, LLC (CCL) provides this written response to your letter dated September 23, 2024, conditionally approving the Leachate Management Plan, resubmitted on August 2, 2024, pursuant to the Unilateral Administrative Order, EPA Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05, In the Matter of Chiquita Canyon, LLC, issued February 21, 2024 ("UAO"). CCL submits an updated Leachate Management Plan (the Third Revised Plan or the Plan) pursuant to Paragraph 33:

I. Conditions to EPA's approval of Section 2.0, Leachate Collection System and Seep Identification

a. *CCL shall modify the Plan to include a definition corresponding to the capitalized term, "Pressurized Leachate Releases (PLRs)."*

The Third Revised Plan has been updated as directed.

b. *Within five (5) business days of this notice, CCL shall provide to EPA an updated Appendix A.1., depicting the current leachate collection system or shall otherwise confirm in writing that Appendix A.1 accurately depicts the current leachate collection system.*

Appendix A.1, now listed as Appendix A.3, accurately depicts the current leachate collection system.

II. Conditions to EPA's approval of Section 2.2.2, Responding to Leachate Seeps or Other Releases

a. *CCL shall modify the Plan by correcting the typo in the first paragraph of Section 2.2.2, by replacing "coil" with "soil."*

Thank you for identifying this typographical error. It has been corrected.

III. Conditions to EPA's approval of Section 2.3, Improvements to Landfill Systems

a. *CCL shall modify the Plan by striking "normally" from the following statement: "CCL is working toward compliance with all normally applicable federal and state hazardous waste regulations, including acquiring compliant tanks, identifying a qualified engineer for certification, and operation of leachate tanks in compliance with subpart J."*

CCL updated the Plan as directed, as well as to reflect current circumstances.

b. *CCL shall confirm whether Appendix A.3, depicting planned improvements to address the subsurface reaction, has been superseded. If Appendix A.3. has been superseded, within ten (10) business days of this notice, CCL shall provide to EPA an updated Appendix A.3.*

Former Appendix A.3, depicting planned improvements to address the subsurface reaction, is now labeled Appendix A.5 and has not been superseded.

IV. Conditions to EPA's approval of Section 2.4, Operating Procedures for On-Site Leachate Storage

a. Within five (5) business days of this notice, CCL shall supplement Figure 1 with a map clearly depicting: (i) the geographic area(s) of the landfill from which characteristically hazardous leachate is generated (e.g., what geographic areas of the reaction area feed waste Groups A, East Perimeter and North Perimeter); (ii) the geographic area(s) of the landfill from which non-hazardous leachate is generated; and (iii) the various wellheads and collection points that feed into each waste group.

Figure 1 (now Appendix A.6) has been supplemented with a map (Appendix A.7) depicting (i) the geographic area(s) of the landfill from which characteristically hazardous leachate is generated (e.g., what geographic areas of the reaction area feed waste Group A, Group B, East Perimeter, and North Perimeter); (ii) the geographic area(s) of the landfill from which non-hazardous leachate is generated; and (iii) the various wellheads and collection points that feed into each waste group. As discussed at the telephone conference held with EPA on October 18, 2024, this map reflects current circumstances at the surface level.

b. CCL shall modify the Plan to clearly explain the distinction between "generation points," "collection wells," and "accumulation areas," as referenced in the Plan and as identified in Figure 1.

CCL has updated the Plan in Section 2.4 as directed.

V. Conditions to EPA's approval of Section 3.2.1, Objectives

a. *CCL shall modify the Plan by correcting the typo in subparagraph 2 of Section 3.2.1, by removing the period preceding the phrase "and meet the disposal criteria of the various receiving facilities."*

Thank you for identifying this typographical error. It has been corrected, and the updated sentence is now located in Section 4.2, Subparagraph 2.

VI. Conditions to EPA's approval of Section 3.2.3, Frequency of Testing

a. *CCL states: "Liquid waste stream are initially sampled at a daily frequency," and "On a weekly basis at least, sampling occurs at the point of origination for the characteristically non-hazardous waste groups." CCL shall modify the Plan to clearly identify the locations at which such daily sampling is conducted (e.g., at the wellheads and/or from the frac tanks) and the locations at which point of origination sampling is conducted (e.g., at the wellheads).*

CCL has updated the Plan to identify the locations at which such daily sampling is conducted and the locations at which point of origination sampling is conducted. These revisions are reflected in Section 4.4 "Frequency of Testing."

VII. Conditions to EPA's approval of Section 3.2.4, Incorporation of Additional Plans

a. *CCL shall modify the Plan by inserting the following bolded, italicized language: "The requirements of the RMAC LUMP are incorporated into this Plan,* ***such that the provisions of the RMAC LUMP shall constitute enforceable obligations of CCL under the UAO. For the avoidance of doubt, where the provisions of this Plan (Sections 1.0 through 5.0) and Appendix C (the LUMP), address the same or similar subject matter, CCL shall comply with both the provisions of this Plan (Sections 1.0 through 5.0) and the provisions of Appendix C (the LUMP); provided, that, if it is determined that CCL cannot comply with both the provisions of this Plan (Sections 1.0 through 5.0) and the provisions of Appendix C (the LUMP) for reasons of impossibility (e.g., in the event of a conflict), the provision establishing the more stringent obligation of CCL (as determined by EPA), shall govern."***

As discussed with EPA and approved by email dated October 25, 2024, CCL has revised the LMP to incorporate relevant portions of the LUMP that were previously incorporated into the LMP by reference. The LMP therefore no longer separately incorporates the LUMP by reference into this revision of the LMP, and Section 3.2.4 from the prior version of the LMP is not included in this revised version. Instead, the substantive provisions of the LUMP have been incorporated throughout the LMP directly.

VIII. Conditions to EPA's approval of Section 4.1.3, Off-Site Rule

a. CCL states: "CCL may seek an emergency exemption from the OSR. 40 CFR 300,400(b) [sic] following EPA's 'Site-Specific Procedures for Seeking an Emergency Exemption from Off-Site Rule Requirements,' as agreed by EPA and CCL." CCL shall modify the Plan by replacing "as agreed by EPA and CCL" with "as modified, amended, or superseded by EPA from time to time." Under 40 C.F.R. § 300.440 (the "Off-Site Rule"), CERCLA response actions involving the off-site transfer of any hazardous substance, pollutant, or contaminant must be sent to facilities determined by EPA to be acceptable. The Off-Site Rule, at 40 C.F.R § 300.440(b), provides that in certain emergency situations, "where the release poses an immediate and significant threat to human health and the environment, the On-Scene Coordinator may determine that it is necessary to transfer CERCLA waste off-site without following the requirements of [the Off-Site

Rule].” The determination of whether it is necessary to transfer CERCLA waste off-site without following the requirements of the Off-Site Rule is entirely in the discretion of the federal On-Scene Coordinator. EPA has provided procedures for seeking an emergency exemption from Off-Site Rule for the convenience of CCL. The current updated procedures were provided to CCL on July 30, 2024. If CCL would like the On-Scene Coordinators to consider a determination under 40 C.F.R. § 300.440(b), CCL must submit an application that meets the requirements of these July 30, 2024, procedures, as modified, amended, or superseded by EPA from time to time.

CCL modified previously labeled Section 4.1.3, now labeled Section 5.4, of the Plan by replacing “as agreed by EPA and CCL” with “as modified, amended, or superseded by EPA from time to time.”

IX. Conditions to EPA’s approval of Section 4.1.3, Off-Site Rule

a. *CCL shall modify the Plan to expressly acknowledge (i) that the application of the site-specific emergency exemption to the Off-Site Rule is subject to the conditions, including dates of expiration, set forth by the On-Scene Coordinators and (ii) that approval of an emergency exemption from the Off-Site Rule does not affect the types or amounts of waste that a facility may receive under its various permits, and it is CCL’s responsibility, as the waste generator, to ensure that a receiving facility is permitted to receive all waste streams proposed to be disposed of by CCL at such facility*.

CCL modified Off-Site Rule Section 5.4 of the Plan to incorporate the requested statement, as follows: “[t]he application of the site-specific emergency exemption to the Off-Site Rule is subject to the conditions, including dates of expiration, set forth by the On-Scene Coordinators and that approval of an emergency exemption from the Off-Site Rule does not affect the types or amounts of waste that a facility may receive under its various permits. CCL will ensure that a receiving facility is permitted to receive all waste streams proposed to be disposed of by CCL.”

X. Conditions to EPA’s approval of Section 4.3.5, Sampling Points

a. CCL shall modify the Plan by correcting the typo by deleting “9” from the end of the second paragraph of Section 4.3.5.

Thank you for identifying what appeared to be a typographical error. The 9 was actually a footnote that was not appropriately in superscript. This has been corrected with footnote 19 in the revised LMP.

XI. Conditions to EPA’s approval of Section 5.0, Permitting

a. CCL claims that “onsite storage and treatment is being conducted pursuant to the immediate response exemption. See 22 CCR 66264.1(g)(8)(A), 66265.1(e)(11)(A), and 66270.1(c)(3)(A).” As EPA indicated in its June 17, 2024, Notice of Deficiency to the Leachate Management Plan and the joint letter dated June 17, 2024, issued by EPA and California’s Department of Toxic Substances Control (DTSC), EPA recognizes that onsite treatment is the primary method that CCL is using to address hazardous waste

leachate, but is not convinced that the "immediate response exemption," established under 22 CCR 66264.1(g)(8)(A), 66265.1(e)(11)(A), and 66270.1(c)(3)(A), applies.

CCL explains in its Resubmission Letter that "CCL continues to respectfully disagree with several of EPA's assertions regarding the immediate response exemption – specifically EPA's contentions that the exemption requires CCL to exhaust all offsite management (i.e., storage, treatment, and disposal options)." CCL appears to misinterpret EPA's rationale for disagreeing with the application of the immediate response exemption. EPA has stated that "CCL's unwillingness to utilize all off-site disposal and storage options for RCRA hazardous waste, including hazardous waste disposal facilities, undermines its claim that the 'immediate response exemption' applies." (Emphasis added). EPA's position does not rely on a belief that the immediate response exemption "require[s] exhaustion of all offsite management options as a condition for operating pursuant to the immediate response exemption." Rather, EPA has simply observed that the lack of utilization of off-site disposal and storage options may undermine CCL's claim that the elements of the immediate response exemption have been established.

In CCL's words, these elements include: "(1) there must be an imminent and substantial threat of a discharge of hazardous waste; (2) the person must be engaged in treatment or containment activities; and (3) those activities must be undertaken 'during immediate response.'" If the response activities being conducted are not taken "during immediate response," the third element is not satisfied.

EPA has addressed what constitutes an "immediate response" in its Federal Register notices, letters, and questions and answers. See 48 Federal Register (FR) 2509 (Jan. 19, 1983); 45 FR 76618 (Nov. 19, 1980); RCRA Online (RO) 13296; RO 12913; RO 12880; and RO 12748. These various examples suggest that treatment activities, "conducted in immediate response to discharges or threats of discharges," may be subject to the exemption; however, the use of tanks may be subject to the immediate response exemption only if such tanks are "intended exclusively for immediate responses to discharges of hazardous wastes, such as burst pipes, ruptured containers or tanks, breached dikes, etc." (RO 12748; RO 12298).

The examples also suggest various factors should be weighed when assessing whether a response is an "immediate response," including, but not limited to:

i. whether the activities are "directly associated" with an immediate response (RO 13296);

ii. whether the activities are "necessary to respond to the immediate threat" (RO 11363; RO 13574);

iii. whether an "immediate threat" has passed (RO 14031);

iv. whether the treatment or containment is "long-term" (45 FR 76618 (Nov. 19, 1980));

v. whether the response occurs within a "reasonably short" time frame (RO 12748); and

vi. *for activities involving tanks, whether the tank system is used to respond to "discharge events which occur periodically or repeatedly" (RO 12298).*

CCL's willingness to use offsite management options, such as disposal of untreated hazardous leachate at hazardous waste facilities, speaks to several relevant factors, including, without limitation, the necessity of the treatment and the immediacy of the threat. If CCL was storing leachate on-site for treatment purposes, in lieu of disposing of it at available hazardous waste facilities (a point on which CCL and EPA have disagreed) this would suggest that the treatment may not be "necessary to respond to an immediate threat," and would call into question whether the "immediate threat" had passed.

Moreover, setting aside the issue of whether CCL has been willing to use offsite management options, other factors weigh against a determination that the treatment is part of the "immediate response." Given that the leachate treatment has been ongoing for over five months, CCL cannot reasonably dispute that the treatment is "long-term treatment," that the treatment is not occurring within a "reasonably short time frame," or that the treatment is only meant to address discharges that "occur periodically or repeatedly." 45 FR 76618 (Nov. 19, 1980); RO 12748; RO 12298. The available guidance suggests that the elements for the immediate response exemption have not been met.

Further, application of the immediate response exemption to CCL's continued leachate treatment does not serve the intended purpose of the immediate response exemption. The Federal Register provides: "EPA promulgated the spill response exemption in recognition of the fact that in emergency situations, where immediate response in the form of treatment or storage is necessary to protect human health and the environment, there may be no time available to comply with the regulatory standards or to obtain an emergency permit from EPA, pursuant to 40 CFR 122.27." 48 FR 2508 (Jan. 19, 1983). EPA established the immediate response exemption to prevent delays in immediate response. When complying with the regulatory standards or obtaining a permit would not actually delay a response, this purpose is no longer served.

EPA questions whether compliance with the procedural and substantive requirements of RCRA would delay CCL's response. CCL's leachate treatment system has already been operational for months; therefore, obtaining a permit and making improvements, which could be rolled out with the oversight and guidance of the appropriate regulatory agencies, would unlikely delay the response. Since at least April 26, 2024, EPA has advised CCL to implement minimum RCRA requirements. CCL has not demonstrated a basis for believing that such activities would delay CCL's response efforts.

EPA has indicated that what constitutes an "immediate response" is a case-specific determination that is made by the persons responding to the discharges or threat of discharges. RO 12748. Ultimately, CCL, as the responsible party, is responsible for assessing whether the exemption applies. However, the guidance is clear that EPA can, and should, take enforcement action when it believes that the exemption is being misapplied or abused. The Federal Register states: "Problems with persons who abuse the intent of [the immediate response exemption] can be better controlled through the

enforcement provisions of RCRA than through more restrictive definitions." 48 FR 2508 (Jan. 19, 1983). EPA has further admonished, "Extended responses which are not judged to be immediate in nature may be subject to enforcement action." RO 12748.

In the interests of transparency and cooperation, EPA reiterates that it is not convinced that the immediate response exemption applies, and that it is in CCL's best interest to ensure that its onsite treatment activities comply with the substantive requirements of RCRA and applicable state law, including permitting requirements, without delay. EPA's acceptance of the Plan is conditioned on the following:

i. CCL shall modify the Plan to demonstrate how CCL is complying with RCRA Part 264/265 standards in Subpart C—Preparedness and Prevention, and Subpart D—Contingency Plan and Emergency Procedures, which standards are not exempted under the "immediate response exemption"; and

ii. Looking forward, EPA believes it would be most beneficial to discuss substantive RCRA requirements in the context of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 C.F.R. § 300.415(j). CCL shall seek any necessary waivers of applicable or relevant and appropriate requirements in accordance with CERCLA and the NCP.

CCL appreciates EPA's recognition of the benefits of transparency and cooperation on this issue. CCL continues to move with all deliberate speed to comply with hazardous waste regulatory requirements as quickly as possible under the incredibly challenging circumstances, which also include recent directions from multiple regulators to consider potential alternate locations for siting the tank system where the characteristically hazardous leachate will be treated and for which CCL intends to seek Conditional Authorization under California's hazardous waste tiered permitting program. CCL has updated the Plan to include information about the progress CCL has made with respect to compliance with RCRA accordingly.

In the shared spirt of transparency and cooperation, CCL elaborates here on its perspective regarding the ongoing and necessary nature of our immediate response, as well as why CCL believes that (i) the exemption continues to apply and (ii) the continued application of the exemption provides the safest and quickest possible path for CCL to complete the Conditional Authorization process while continuing to remove leachate from the landfill and bring the elevated temperature landfill event under further control.

EPA suggests that there is a temporal limit to the immediate response exemption and that CCL's onsite management of hazardous leachate has exceeded that limit, stating that CCL "cannot reasonably dispute" these assertions. However, CCL does deny that there is such a temporal limit, much less a limit that CCL has exceeded.

When EPA promulgated the immediate response exemption in its substantially current form, the Agency made clear that it was rejecting the notion that immediate responses were limited to a particular timeframe, saying:

> EPA has not explicitly defined this term [(i.e., immediate response)] because we believe that individual incidents will dictate what "immediate response" will entail on a case-by-case basis. A rigid definition would most likely restrict the application of this exemption to a timeframe . . . which would be reasonable in some instances but unreasonable in others. The Agency wishes to encourage rapid response to discharge and discharge threat situations by relieving persons engaged in response actions from restrictive regulations.

See 48 Fed. Reg. 2508, 2509-10 (Jan. 19, 1983).

To the extent that the timeframe might be relevant, EPA intended that the timeframe be considered in light of the situation's circumstances in order to facilitate effective response actions. However, it appears that EPA has now potentially taken past Agency statements about the need for particular response actions to be "reasonably short" and not "long-term" out of context and asserted that the fact that CCL's actions "ha[ve] been ongoing for over five months" was enough to "suggest [ ] that the elements for the immediate response exemption have not been met."[1]

The two past examples EPA cited are materially and dramatically different from the current situation. In both cited cases, EPA was addressing spills of hazardous wastes during transport.[2] Necessarily, such transportation spills involve a limited and discrete amount of material released at a single point in time. In such circumstances, it might be appropriate to expect that any immediate response might be of limited duration. Significantly, however, even the second document EPA cited in its September 23, 2024 conditional acceptance of the LMP (Revision 2) acknowledged that "[e]xtended responses" to transportation spills might in some instances continue to be covered by the immediate response exemption.[3]

Regardless of what timeframes might be appropriate in the context of a transportation spill, the current situation is altogether different and unique. Unlike any transportation spill, the ongoing elevated temperature landfill event is (i) currently resulting in the average daily extraction (generation) of more than 200,000 gallons of potentially hazardous leachate, (ii) has been doing so for several months, and (iii) is expected to continue doing so for months or even potentially several years into the future. And, unlike an ongoing release from a manufacturing operation or a pipeline, which can be stopped by shutting down the process or pipeline flow, the generation of wastes at the landfill cannot be stopped without increasing potential environmental risks. Under these unusual conditions, it is clearly "reasonable" that

[1] *See* EPA's Sept. 23, 2024 LMP Conditional Acceptance at 5-6 (and excerpted above).

[2] *See id.* at 5 (Item iv), *citing* 45 Fed. Reg. 76626, 76629 (Nov. 19, 1980) ("A spill of hazardous waste material . . . occurs in *transportation.* What must the transporter do? . . . If long-term containment or treatment occurs at the spill site, the site must have a full RCRA permit, interim status, or an emergency permit" (emphasis added)); *id*. (Item v), *citing* Letter from J. Winston Porter, Assistant Administrator, EPA, to Fred Hansen, Director, Oregon Department of Environmental Quality (Sept. 29, 1986) (RCRA Online #12748) ("Porter Letter") (discussing "*Transportation* spills not cleaned up within a reasonably short time" (emphasis added)).

[3] *See* Porter Letter (discussing "[e]xtended responses which are not judged to be immediate in nature," thereby indicating that some extended responses to transportation spills may still qualify as immediate responses).

an "extended response" would be necessary,[4] even if it might not be necessary in other circumstances, like a simple transportation spill.[5]

This is not to say that the immediate response could continue indefinitely. As EPA correctly notes, "EPA promulgated the [immediate] response exemption in recognition of the fact that in emergency situations . . . there may be no time available to comply with the regulatory standards or to obtain an emergency permit."[6] However, EPA's statement that, in this case, "obtaining a permit . . . would unlikely delay the response" defies the reality of permitting generally, let alone hazardous waste permitting (or authorization).

As continuously demonstrated throughout CCL's response to the elevated temperature landfill event, CCL has undertaken herculean efforts to identify offsite facilities that could reasonably be used to help manage the potentially hazardous leachate—including contacting every EPA Region's Off-Site Rule contact, consultants, major waste services companies, and others for potential leads on off-site treatment and disposal facilities. CCL has used all the available capacity at the facilities that have been identified, but that capacity still falls far short of the quantity of potentially hazardous leachate being generated at the landfill. Accordingly, onsite treatment of a substantial majority of the leachate is an absolute necessity.

Under the California hazardous waste regulatory program, treatment of hazardous waste generally requires authorization under the state's tiered permitting program or through an emergency permit. As EPA notes, CCL applied for an emergency permit in February 2024 but was told in June 2024 that "an emergency permit authorization [is] an unviable option for CCL's situation."[7] Thus, CCL has instead been exploring options for obtaining authorization under California's tiered permitting program.

Based on the technology that CCL has identified as most appropriate and has been using successfully to render the potentially hazardous leachate non-hazardous (*i.e.*, treatment using

[4] Although CCL's *response* may be viewed as extended, CCL disputes that the current *treatment* can properly be characterized as "long-term treatment," as EPA claims. For any given quantity of potentially hazardous leachate generated at the landfill, the timeframe for management (including treatment and accumulation beforehand) is no more than a few days maximum.

[5] EPA also claims that "CCL cannot reasonably dispute that the treatment [at the landfill] . . . is only meant to address discharges that 'occur periodically or repeatedly,'" in supposed conflict with a 1984 EPA letter on the application of the emergency response exemption to "tanks used for emergency secondary containment." *See* LMP Conditional Acceptance at 5 (Item vi), *citing* Letter from Peter Guerrero, Special Assistant to the Division Director, to Timothy A. Taylor, Wang Laboratories, Inc. (Sept. 6, 1984) (RCRA Online #12298) (stating that tanks "used for responding to discharge events which occur periodically or repeatedly . . . do not qualify for the exemption"). However, the extraction of leachate from the landfill is continuous, not something occurring "periodically or repeatedly." Moreover, this letter was in direct conflict with (and potentially drafted without knowledge of) the Agency's expansion of the exemption the year before when EPA said that it was "unnecessary and unworkable" not to include immediate responses to "discharges during routine maintenance" under the exemption. *See* 48 Fed. Reg. at 2509 ("the Agency is extending the exemption to cover immediate responses to all discharges, including those which occur during maintenance of machinery").

[6] *See* 48 Fed. Reg. at 2509.

[7] *See* LMP Conditional Acceptance at 7-8.

granulated activated carbon ("GAC")), CCL believes that the treatment can and should be authorized through the next-to-lowest tier of the California program, known as Conditional Authorization.[8] Since that tier is administered by the local Certified Unified Program Agency ("CUPA"), the Los Angeles County Fire Department ("LA Fire"), CCL met with LA Fire on July 2, 2024 to obtain its conceptual concurrence that CCL's GAC treatment could be properly authorized through Conditional Authorization. Since that time, LA Fire conducted site visits on August 8 and December 17, 2024, has requested additional information during ongoing and regular communication between the parties, and CCL has consistently and promptly provided all information requested by LA Fire.

Recently, several regulators have questioned the proposed location for the new tank system where the GAC treatment would occur and for which CCL has planned and been preparing to seek Conditional Authorization. While CCL is more than willing to discuss alternate locations for this tank system to ensure (i) transparency with its plans, (ii) cooperation with interested regulators, and (iii) an environmentally protective location that is practical, such developments further delay the construction and Conditional Authorization process and both demonstrate and exacerbate the continued and ongoing nature of CCL's immediate response. Thus, a decision by LA Fire is still pending, and even if it ultimately concurs that Conditional Authorization is a suitable path forward, it will still take a few months for CCL to make final changes at the site, construct the new tank system, and then submit the required Conditional Authorization notification (notwithstanding CCL's prior and continuing diligent efforts to prepare and alert LA Fire and other regulators of its plans in advance), and for LA Fire to review the notification.

Clearly, it is not possible to obtain Conditional Authorization overnight, despite what many parties, CCL included, may hope. Moreover, some parties have expressed some skepticism about whether Conditional Authorization is a viable option for CCL's leachate treatment process. While CCL believes that such skepticism is unwarranted, if the treatment process were unable to be authorized through Conditional Authorization, a higher permitting tier could require many months or even years to complete.

CCL shares EPA's goal of compliance with hazardous waste requirements. CCL will continue to transparently engage with interested regulators regarding its plans and move forward through the Conditional Authorization process with all deliberate speed in a manner that is safest for the surrounding community, the environment, and the landfill staff and contractors working day and night to continue to bring the elevated temperature landfill event under further control.

Because CCL believes that the immediate response exemption continues to apply, CCL contends that it is not currently subject to 40 CFR Part 264/265, Subparts C and D (as referenced in item i. above). The exemption, in relevant part, states: "[a]n owner or operator of a facility ***otherwise regulated by this part*** must comply with all applicable requirements of subparts C and D."[9] (Emphasis added). Thus, Subparts C and D only apply if the facility "otherwise"—i.e., independently of the containment and treatment activities that are part of the immediate response—is required to comply with those Subparts. The only way that a facility might be "otherwise" subject to those Subparts is if it is a RCRA permitted or interim

[8] *See* California Health and Safety Code ("HSC") § 25200.3.

[9] 40 CFR 264.1(g)(8) and 265.1(c)(11)(ii).

status facility. The original 1980 Federal Register notice for the immediate response exemption stated that the *generator* of a hazardous waste being handled during an immediate response might also "otherwise" be subject to Subparts C and D because hazardous waste generators at the time were subject to 40 CFR 262.34, which incorporated Subparts C and D of Part 265 by reference.[10] However, under the Generator Improvements Rule (which California has now adopted), hazardous waste generators are no longer subject to Subparts C and D of Part 265. Instead, 40 CFR 262.34 has been replaced by 40 CFR 262.17, which does not reference Subparts C or D of 40 CFR Part 264 or 265.

Finally, with respect to item ii. above, since CCL believes that it qualifies for the immediate response exemption, CCL does not see the current need for a CERCLA waiver since it is not currently subject to RCRA requirements for its containment and treatment activities. However, to the extent that any applicable or relevant and appropriate requirements are identified, CCL will evaluate the necessity of such a wavier at that time.

b. *CCL states that its emergency permit application submitted to DTSC on February 16, 2024, "is currently pending with DTSC." On June 17, 2024, DTSC and EPA issued a joint letter to CCL in which DTSC denied the emergency permit application: "DTSC finds that the treatment and containment activities described in the requested authorization do not meet the criteria for an emergency permit authorization. This determination was made based on DTSC's review of the emergency permit application and consultation with US EPA . . . Both the criteria and term length for an emergency permit authorization make this an unviable option for CCL's situation." CCL shall modify the Plan to reflect DTSC's denial of the emergency permit application. CCL shall continue to work with EPA, DTSC, and LA Fire (CUPA) to obtain authorization to treat and store hazardous waste.*

CCL updated Section 6.0 of the Plan to reflect DTSC's denial of CCL's emergency permit application and its ongoing efforts to work with the regulators to obtain authorization as directed.

c. *CCL's testing of, and treatment via, the proposed DAF system shall be conducted only with the approval of, and in accordance with any directives, whether written or oral, from, the federal On-Scene Coordinator(s) (or the EPA Project Coordinators, as applicable). The federal On-Scene Coordinators are in the process of coordinating with South Coast Air Quality Management District to identify any applicable or relevant and appropriate requirements ("ARARs") with respect to the proposed DAF testing and treatment, including, without limitation, requirements related to monitoring and protecting overall air quality. CCL shall work with the federal On Scene-Coordinators and EPA to ensure that the DAF testing and treatment attains ARARs and/or that CCL otherwise obtains the requisite ARARs waivers, in compliance with 40 C.F.R. § 300.415(j).*

Based on testing and analytical results, CCL determined that the DAF will not be used for onsite treatment. Section 3.2 of the Plan reflects this decision.

[10] See 45 Fed. Reg. 76626, 76629 (Nov. 19, 1980).

d. Although Federal, State, or local permits are not required for response actions occurring onsite (CERCLA Section 121(e), 42 U.S.C. § 9621(e)), if CCL intends to conduct treatment under the proposed DAF system beyond the initial response, CCL shall submit a Title V permit modification for its treatment system to South Coast Air Quality Management District.

As explained above, CCL does not intend to utilize the DAF system.

XII. Additional Reporting Requirements

a. EPA notes that CCL has declined to comply with EPA's directive to supplement a map of the various wellheads and collection points that feed into each waste group "with a study of the correlation between the boundaries of the waste groups and temperature probe data, including an analysis of: (i) whether boundaries in the reaction area have changed and (ii) whether certain wellheads/collection points may be affected by such changes and therefore require a new hazardous waste determination and/or delineation of the waste group(s)." EPA notes CCL's justification, that "CCL recharacterizes continuously, sampling on at least a daily basis, such that if the nature of the leachate changed in any area, it would be identified promptly. As a result, CCL does not believe an additional study of any particular waste group or location would aid in the determination / delineation process." While EPA appreciates that CCL conducts daily sampling, EPA understands that such daily sampling is not conducted at the point of origination and point of origination sampling is conducted less frequently. Additionally, CCL has indicated that it "will recharacterize a particular waste stream when the process or operation that produces the waste changes." EPA believes that a study of a correlation between the boundaries of the waste groups and temperature data is critical to inform CCL "when the process or operation that produces the waste changes." Additionally, EPA believes that such a study will be useful in informing EPA's ongoing oversight of the Cover Installation Plan and Temperature Monitoring Plan, especially as they relate to well integrity and synthetic cover expansion beyond the current planned footprint. Thus, EPA reiterates its directive: on a quarterly basis from the date of this notice, CCL shall submit to EPA a report analyzing the correlation between the boundaries of the waste groups and temperature probe data, including an analysis of: (i) whether boundaries in the reaction area have changed and (ii) whether certain wellheads/collection points may be affected by such changes and therefore require a new hazardous waste determination and/or delineation of the waste group(s). At the time of submission of each such quarterly report, CCL shall update the Plan to reflect any changes (e.g., to the waste groups, to testing regimen, etc.) warranted by the report.

CCL's understanding from the telephone conference held with EPA on October 18, 2024, is that EPA intended for this to be incorporated only if CCL wished to utilize the temperature monitoring data as a part of the waste characterization approach. CCL does not currently intend to utilize the temperature monitoring data in this way and therefore has not incorporated any changes to this effect.

b. CCL shall submit to EPA, on a quarterly basis from the date of this notice, a report analyzing how CCL's leachate disposal and treatment has performed against the following benchmarks for the preceding period:

i. 1,400,000 gallons average inventory;

ii. less than 2,000,000 gallons maximum inventory for 30 days;

iii. shipment of at least 80% of waste produced each week;

iv. achievement of disposal capacity of (a) 400,000 gallons per day or (b) 120% of the total gallons of leachate produced per day, whichever is greater; and

v. 2,000,000 gallons of excess storage capacity (free board).

After the date of CCL's first submission of a quarterly report per the above, CCL shall track and notify EPA promptly whenever any of the following occur:

i. inventory exceeds 2,000,000 gallons;

ii. untreated and ready-to-ship inventory exceeds storage capacity; and

iii. excess storage capacity (free board) falls below 2,000,000 gallons.

Per CCL's agreement with EPA (confirmed via EPA's December 23, 2024 email), CCL will verbally report CCL's leachate disposal and treatment performance using EPA's defined benchmarks on a weekly basis. These benchmarks and metrics are included in Section 6.1.1 of the Plan.

XIII. EPA is reserving approval of Appendix D, Leachate Contingency Plan

a. CCL explains in Appendix D, the Leachate Contingency Plan, that "CCL has inquired about offsite management and disposal opportunities with approximately 400 facilities. Despite these diligent efforts, CCL has been unable to identify any facilities with the appropriate insurance, permits, and permissions from regulatory authorities to store the hazardous leachate." It remains unclear to EPA: (i) the extent to which CCL has discussed off-site storage potential with facilities as opposed to contacting facilities for leachate disposal; (ii) which facilities CCL has contacted to discuss off-site storage; and (iii) such facilities' rationale for rejecting the leachate for off-site storage. EPA observes that in CCL's spreadsheet documenting "Leachate Treatment Contacts," the only facility identified as "storage" under "disposal type" is the Bakersfield facility. EPA appreciates that CCL has made an effort to identify properties over which it has control that may offer off-site storage potential for the leachate from CCL. However, for off-site storage to serve as a viable contingency plan in the event of an emergency, CCL must evaluate storage availability, any physical/engineering preparations necessary at a facility, and permitting requirements well in the advance of any such emergency. At this time EPA is not prepared to either approve or disapprove of Appendix D, the Leachate Contingency Plan, pending further review. For the avoidance of doubt, EPA's conditional approval of the Plan shall not constitute approval of Appendix D, the Leachate Contingency Plan. EPA reserves the right to approve or disprove of Appendix D, the Leachate Contingency Plan.

CCL's understanding from the telephone conference held with EPA on October 18, 2024, is that EPA does not require any changes to the contingency plan at this time.

CCL understands this Third Revised Plan to be otherwise approved in this form and is providing a copy here for EPA's records. Please let us know if you have questions or would like to have a call to discuss.

Sincerely,

Steven J Cassulo

Steve Cassulo
District Manager
Chiquita Canyon, LLC

cc: Laura Friedli, United States Environmental Protection Agency
Tyler Holybee, United States Environmental Protection Agency
John Perkey, Chiquita Canyon
Megan Morgan, Beveridge & Diamond
Allyn Stern, Beveridge & Diamond
Nicole Weinstein, Beveridge & Diamond

Enclosure F – Draft Leachate Management Plan (Revision 3) January 2025

LEACHATE MANAGEMENT PLAN

CHIQUITA CANYON LANDFILL
29201 HENRY MAYO DR.
CASTAIC, CALIFORNIA 91384

Revision 3
January 2025

TABLE OF CONTENTS

1 Introduction 1-1
1.1 Overview 1-1
1.2 Purpose and Scope of the Plan 1-1
1.3 Incorporation of Additional Plans 1-1
2 Leachate Collection SYSTEM, ONSITE Storage and SEEP Identification 2-1
2.1 Overview of the Leachate Collection System 2-1
2.2 Seep Identification and Management 2-1
2.2.1 Procedures for Identification of Leachate Seeps 2-1
2.2.2 Responding to Leachate Seeps or Other Releases 2-2
2.3 Improvements to Landfill Systems 2-2
2.4 Standard Operating Procedures for Onsite Leachate Storage 2-3
2.4.1 Subpart BB and Subpart CC Determination 2-5
2.5 Leachate Production Tracking 2-6
2.5.1 Liquids Dashboard Summary 2-6
2.5.2 Liquids Dashboard – Monthly 2-6
3 Onsite Leachate Treatment System 3-1
3.1 Overview of the Granular Activated Carbon Treatment 3-1
3.2 Spent Carbon 3-1
3.3 Treated Leachate 3-1
4 Waste Characterization 4-1
4.1 Waste Streams 4-1
4.2 Waste Characterization and Profiling 4-1
4.3 Analytical Testing Regimen 4-2
4.4 Frequency of Testing 4-3
5 Off-site Disposal and Transportation 5-1
5.1 Receiving Facilities Database 5-1
5.2 Off-Site Transport and Disposal – Non-Hazardous Waste Facilities 5-1
5.3 Off-site Transport and Disposal – Hazardous Waste Facilities 5-2
5.4 Off-Site Rule 5-2
5.5 Waste Shipment Preparation 5-3
5.5.1 U.S. Department of Transportation 5-3
5.6 Land Disposal Restrictions 5-4
5.6.1 Process for Making Wastewater vs. Nonwastewater Determinations 5-4
5.6.2 Implications of Any Post-Treatment Leachate Testing as Wastewaters 5-5
5.6.3 Wastewater or Nonwastewater Calculations 5-6
5.6.4 Post GAC TSS 5-6
5.6.5 Sampling Ports 5-6
6 Permitting 6-8
6.1 Reporting Requirements 6-9

6.1.1 Weekly Reporting 6-9
6.2 Tank Locations 6-10
6.3 Compliance with RCRA 6-10

APPENDICES

Appendix A.1 – Leachate Contingency Plan
Appendix A.2 – Data Management Plan
Appendix A.3 – Existing Leachate Collection System
Appendix A.4 – Best Management Practices to Address Leachate Seeps
Appendix A.5 – 2024 Workplan: Restoring Compliance and Addressing Subsurface Reactions at Chiquita Canyon Landfill
Appendix A.6 – Leachate and Condensate Accumulation Areas
Appendix A.7 – Wellhead and Collection Point Map
Appendix A.8 – Tank Groups
Appendix A.9 – CCL Tank Site Plan and System Layouts
Appendix A.10 – CCL Onsite Liquid Transfer Form
Appendix A.11 – GAC Operations and Maintenance Manual
Appendix A.12 – Tank Farm # 7 GAC Treatment Process Flow Diagram
Appendix A.13 – Tank Farm # 9 GAC Treatment Process Flow Diagram
Appendix A.14 – Waste Stream Determination Forms
Appendix A.15 – Summary of Current Treatment and Disposal Facilities
Appendix A.16 – Notice of Off-Site Shipment to Utah
Appendix A.17 – Notice of Off-Site Shipment to Texas
Appendix A.18 – Notice of Off-Site Shipment to Nebraska

DEFINITIONS

Pressurized Leachate Release: Flow of fugitive landfill gas and leachate produced during drilling.

Total Produced: Leachate that has been physically pumped out of the well heads within the waste mass.

Total Treated: Leachate that has been through a process designed to change the physical or chemical composition to render such waste non-hazardous, or less hazardous, or to render it safer to transport, store, or dispose of.

Total Disposed: Leachate that has been physically transferred into a truck and shipped off-site from Chiquita Canyon Landfill to an approved disposal facility.

Onsite Inventory: Leachate that has been pumped out of the waste mass and is awaiting treatment and or disposal.

LIST OF ACRONYMS AND ABBREVIATIONS

ARAR	Applicable or Relevant and Appropriate Requirements
BMP	Best Management Practice
CCL	Chiquita Canyon Landfill
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CUPA	Certified Unified Program Agency
DAF	Dissolved Air Flotation
DOT	Department of Transportation
DTSC	Department of Toxic Substances Control
ECT2	Emerging Compounds Treatment Technologies
EPA	U.S. Environmental Protection Agency
ETLF	Elevated Temperature Landfill
GAC	Granular Activated Carbon
GCCS	Gas Collection and Control System
HAZMAT	Hazardous Materials Management
HDPE	High-Density Polyethylene
HWCP	Hazardous Waste Contingency Plan
HWMP	Hazardous Waste Management Plan
LEA	Local Enforcement Agency
LCRS	Leachate Collection and Removal System
LDR	Land Disposal Restriction
MAQS	Montrose Air Quality Services
NA	North America
OES	Office of Emergency Services
PLR	Pressurized Leachate Release
PPE	Personal Protective Equipment
QA	Quality Assurance
QAPP	Quality Assurance Project Plan
QC	Quality Control
RCRA	Resource Conservation and Recovery Act
RQ	Reportable Quantity
RWQCB	Regional Water Quality Control Board
SAP	Sampling and Analysis Plan
SCAQMD	South Coast Air Quality Management District
SOFA	Stipulated Order for Abatement
STLC	Soluble Threshold Limit Concentration
SVOC	Semi-Volatile Organic Compound
TAC	Toxic Air Contaminants
TCLP	Toxicity Characteristic Leaching Procedure
TDS	Total Dissolved Solids
TOC	Total Organic Compound
TRG	The Response Group
TSD	Treatment, Storage, and Disposal
TSS	Total Suspended Solids
TTLC	Total Threshold Limit Concentration
UHC	Underlying Hazardous Constituent

UN	United Nations
UAO	Unilateral Administrative Order
VOC	Volatile Organic Compound
WSD	Waste Stream Determination

1 INTRODUCTION

1.1 Overview

The Chiquita Canyon Landfill (Landfill) operated by Chiquita Canyon, LLC (CCL) has been experiencing a subsurface reaction in an inactive portion of the Landfill, also known as an Elevated Temperature Landfill (ETLF) event.

The reaction has escalated landfill gas condensate and leachate production and modified the chemical composition of these liquid waste streams. Weekly leachate production has increased from 100,000 gallons in January 2022 to over 1,000,000 gallons in December 2024. Based on analytical testing, some of the condensate and leachate exhibit characteristics of ignitability and toxicity under the Code of Federal Regulations (CFR) (40 CFR 261.21 and 40 CFR 261.24, respectively) and California Code of Regulations (CCR) (22 CCR 66261.21 and 22 CCR 66261.24, respectively).

This Leachate Management Plan (Plan) fulfills the requirements of Paragraph 22(c)(1) of the February 21, 2024 Unilateral Administrative Order (UAO) issued by the United States Environmental Protection Agency (EPA).

CCL is actively working to install additional well pumps to remove the leachate in the waste mass which will aid in controlling the reaction event. The increased leachate production and hazardous characteristics have required the setup of a temporary onsite accumulation area and treatment units until additional suitable offsite disposal outlets have been established.

CCL is actively working to ensure it has proper capacity to accumulate and treat leachate onsite and/or dispose of collected liquids/leachate at appropriate offsite facilities. CCL currently reports this information to South Coast Air Quality Management District (SCAQMD) in accordance with Stipulated Order for Abatement (SOFA), Case No. 6177-4, Condition 29.[1]

1.2 Purpose and Scope of the Plan

This Plan outlines comprehensive procedures and protocols for the effective management of leachate at the Landfill. To this end, the Plan:

- Describes the procedures for identifying leachate seeps and repairing, or any necessary repairs or improvements to the leachate collection system.
- Describes the process for collecting, storing, treating leachate from the Landfill.
- Describes the process to characterize leachate and all waste streams that are potentially hazardous.
- Provides the procedures for transporting waste streams to the appropriate waste receiving and disposal facilities.
- Describes the process for obtaining any required permit(s) from the appropriate local, state, or federal agency for onsite leachate management activities.

1.3 Incorporation of Additional Plans

CCL has also developed a Leachate Contingency Plan which is incorporated by reference into this Plan. The Leachate Contingency Plan is provided as **Appendix A.1**.

CCL has also developed a Data Management Plan, submitted to EPA on July 17, 2024. In the event of a conflict between this Plan and the Data Management Plan, with respect to data management, the Data Management Plan will govern and is provided as **Appendix A.2.**

[1] CCL's reference to SOFA Conditions in this Plan are subject to change based on SCAQMD modifications.

2 LEACHATE COLLECTION SYSTEM, ONSITE STORAGE AND SEEP IDENTIFICATION

CCL has developed a proactive approach to identifying the onsite storage and tracking of the leachate. This section provides an overview of current circumstances, but is subject to change due to evolving conditions, needs, and controlling leachate seeps or leachate releases associated with Pressurized Leachate Releases (PLRs).

2.1 Overview of the Leachate Collection System

CCL operates and maintains the Landfill to prevent standing leachate and the pooling or ponding of leachate exposed to the atmosphere throughout the facility. See SOFA Condition 24. CCL's leachate collection and removal system (LCRS) consists of a series of pipes constructed over a composite liner, which incorporates a high-density polyethylene (HDPE) geomembrane and a low hydraulic conductivity layer. The liner system is designed to contain leachate accumulated in the landfill and direct it to the LCRS. The liner system also minimizes the potential for migration of landfill gas and increases the effectiveness of the landfill gas collection and control system (GCCS). The leachate collection system as of March 2024 is set forth in **Appendix A.3** and accurately depicts the current leachate collection system.

The landfill GCCS prevents methane surface exceedances and minimizes fugitive emissions of landfill gas. Horizontal landfill gas collection trenches and/or vertical landfill gas extraction wells are connected to a central header system that conveys landfill gas to the flare facility, which actively controls and destroys landfill gas. CCL operates and maintains the land GCCS, and condensate/leachate collection system with materials capable of handling gases and/or liquids at the temperatures recorded at landfill gas wells and/or the leachate temperatures measured. See SOFA Condition No. 27(a).

CCL is also working to modify its Title V permit to increase the landfill's liquid storage capacity with regard to its Landfill Gas Condensate and Leachate Collection/Storage System (Permit No. G66132, A/N 613131). See SOFA Condition 57. The permit currently includes authorization for five condensate tanks and four leachate tanks varying in capacity. In addition, CCL is working to obtain authorization for the Landfill Gas Condensate and Leachate Treatment System, which includes treating hazardous liquid waste. See SOFA Condition 59.

2.2 Seep Identification and Management

The following section discusses procedures for identifying, responding to, and mitigating leachate seeps, and planned improvements to the leachate collection system.

2.2.1 Procedures for Identification of Leachate Seeps

CCL performs inspections for exposed leachate seepage or pooling in accordance with the SOFA. SOFA Condition 27(b)(i) requires CCL to conduct leachate inspections twice per calendar day. After a two-week period with no observed exposed leachate seepage or pooling, CCL may reduce the inspection frequency to once every other day during the operating week. If inspections show exposed leachate seepage or pooling, then the inspection frequency must return to twice daily inspections. These inspections are recorded and submitted to SCAQMD on a weekly basis. CCL also submits the inspection records to SCAQMD in a monthly report required under Condition 8 of the SOFA. These inspections also allow CCL to identify any necessary repairs to the leachate collection system. CCL also measures and records the leachate temperature in accordance with Condition 27(a) of the SOFA. Condition 27(a) requires CCL to measure and record the leachate temperature within all 6-inch leachate pipes that feed into onsite frac tanks, and at the piping leading into the tanks at all tank farms.

CCL works proactively to discover leachate seeps as early detection of leachate seeps is an important part of the mitigation process. Early indicators of leachate seeps include visible wet spots on the slopes that may appear as

single wet spots, or a horizontal line of wet soil. Identification of these early indicators allows for the detection of leachate seeps before visible liquid leachate appears on the surface.

Detection of PLRs is generally less difficult. Workers who are drilling or servicing wells in or near the reaction area have been trained to recognize pre-indicators that a PLR may occur. These pre-indicators may include temperatures that exceed a pre-established threshold at the wellhead or in drilling spoils, wells located within the limits of the reaction area, or wells that have previously exhibited a PLR.

Additional thresholds may be established based on future data or experience with the reaction area and/or PLRs.

In the event CCL detects a leachate seep or PLR, actions will be taken to prevent pooling, ponding, or other leachate exposure to the atmosphere, as discussed below.

2.2.2 Responding to Leachate Seeps or Other Releases

In the event of a leachate seep or other release, CCL is implementing the best management practices (BMPs) detailed in **Appendix A.4**. Immediately upon detection of a leachate seep or release, CCL conducts initial safety and environmental assessments and characterizes the incident (e.g., whether the incident involves a seep or PLR), to determine the scope of mitigative action required. If pooling or ponding of leachate is occurring, the leachate must be immediately collected and contained in a sealed tanker truck or leachate tank that minimize emissions, or repairs must be promptly performed to redirect leachate into the leachate collection system. Notification, if required based on the specific circumstances, is also provided to emergency response services and the appropriate regulatory agencies. Additionally, SOFA Condition 25 provides CCL requirements for responding to pressurized leachate releases, including mitigation of odors and the dispersion and exposure of leachate into the atmosphere, equalization of pressure or diminished flow, and the removal of soil saturated with leachate, or addition of dry soil cover, to mitigate the potential for odors from the saturated soil.

CCL management staff notifies the appropriate regulatory agencies, which may include the SCAQMD, Regional Water Quality Control Board (RWQCB), CalRecycle, California Department of Toxic Substances Control (DTSC), EPA, and/or the Local Enforcement Agency (LEA). All notifications are made through appropriate levels of management.

2.3 Improvements to Landfill Systems

CCL is evaluating improvements or modifications to the leachate collection and/or de-watering system continually and as needed based on the subsurface reaction.

Upgrades are planned for the existing leachate de-watering system in accordance with Condition 18 of the SOFA. The design plan includes installation of leachate collection force main piping (comprised of 8-inch, 6-inch, and 4-inch HDPE piping with associated tees and valves). The HDPE piping is rated to withstand temperatures based on current temperatures measured during the regular leachate temperature monitoring described above. The proposed upgrades will also add piping to all existing and proposed vertical extraction wells. Further, CCL continues to install new cleanouts[2] with many additional cleanouts planned for installation, which will allow for improved maintenance of the system. The upgraded dewatering system will allow for removal of excess liquid/leachate, thereby increasing the volume of leachate collected and helping to prevent seeps and discharges from occurring.

[2] "Cleanouts" are defined as fittings installed in the liquid conveyance lines that allow the lines to be cleaned utilizing jetting/suction so that the lines can be maintained. These cleanouts are strategically placed to allow cleanout of any critical portions of the liquid conveyance lines.

The above improvements are being made in conjunction with the installation of a geosynthetic cover that will cover more than 40-acres of the reaction area. The cover will mitigate any methane surface exceedances and fugitive landfill gas emissions in the shorter-term. If there are leachate seeps, the cover will also prevent commingling of stormwater and leachate.

As part of longer-term mitigation measures, CCL is continuing to expand its landfill gas system, including the planned installation of over 200 new vertical gas extraction wells and associated piping to achieve a minimum density of three vertical extraction wells per acre on average within the initial Reaction Area and even dispersion, achieving a well density of at least two vertical extraction wells per acre.[3] CCL submits weekly reports to SCAQMD and the LEA detailing the week's well drilling installation activities. This information is also submitted in the monthly report to SCAQMD required under Condition 8 of the SOFA. Since these upgrades are expected to result in increased gas collection, CCL has also requested that the SCAQMD modify CCL's Title V air permit to include a new landfill gas blower, additional flare capacity, and the additional vertical extraction wells.

CCL conducts daily inspections of the leachate tanks and documents such inspections in the operating record of the facility in accordance with 22 CCR 66264.195. CCL is working toward compliance with all applicable federal and state hazardous waste regulations, including acquiring compliant tanks and operation of leachate tanks in compliance with subpart J. CCL has retained a qualified engineer that is in the process of certifying the tank farms.

A detailed workplan, dated March 13, 2024, outlining the above improvements to address the subsurface reaction is provided in **Appendix A.5.**

2.4 Standard Operating Procedures for Onsite Leachate Storage

Collection wells are dual phase Landfill extraction wells constructed in the existing waste mass to collect both Landfill gas through the LFG collection system and leachate through the pumps located with the collection wells. Generation points are designated collection wells where the leachate is pumped out of the well heads from the waste mass. The leachate is then piped or transferred to the he accumulation areas which are designated locations where the leachate waste is temporarily stored in tanks before it is sampled or treated before off-site disposal. At present, leachate and condensate is accumulated at eight distinct areas across the Landfill, as shown in **Appendix A.6.** Those areas include #1 Top Deck Manifold;[4] #2 East Perimeter (~4 frac tanks); #3 Ameresco Condensate Tanks; #4 Leachate Collection Manifold (~1 frac tank); #6 North Perimeter (~8 frac tanks); #8 Primary Canyon;[5] #7 Tank Farm (~106 frac tanks); #9 Tank Farm (~124 frac tanks); and Staging area (~8 frac tanks).[6] The number of tanks is subject to change in connection with onsite operations and in coordination with regulators. **Appendix A.7** provides a surface level map of the collection wells and associated groups within the waste mass.

CCL is maintaining documentation to identify tanks in each tank group and their locations. That document is not a static document and is updated and revised as needed. A copy of that document (version December 18, 2024) is appended hereto as **Appendix A.8** for illustrative purposes only.

[3] 133 wells have been installed as of January 7, 2025.
[4]#1 Top Deck Manifold has been disconnected from the landfill gas collection system since approximately January 2024 and removed from production.
[5]#8 Primary Canyon accumulates landfill gas condensate that is unaffected by the reaction area. However, a waste determination was previously made for #8 Primary Canyon in accordance with **Section 4.0** of this Plan and the Sampling and Analysis Plan and associated Quality Assurance Project Plan.
[6] The Staging Area is a collection of tanks separated and waiting to be placed in a Tank Farm.

In accordance with the SOFA, leachate storage tanks and the landfill GCCS are subject to numerous conditions. For example, Condition 63 of the SOFA required CCL to submit a schematic of the current leachate treatment and storage system, including connections, flow lines, tank groups, vent lines to flares, lines to and between leachate tanks, and tanks that are connected and not connected to vacuum vent lines. This document was submitted to the SCAQMD on April 22, 2024, and is included as **Appendix A.9.**

Condition 69 of the SOFA currently requires CCL to conduct quarterly inspections and monitoring of above ground piping and piping connections starting July 19, 2024, which includes piping/connections associated with the leachate vapors. This also includes a physical condition assessment as well as monitoring for leaks of total organic compounds (TOCs) in accordance with the leak testing requirements of SCAQMD Rule 1150.1, including corrective action and re-monitoring as required by the rule. Quarterly inspection and monitoring events provide an additional mechanism to ensure that leachate vapors are being properly managed to avoid leaks to the atmosphere.

Any additional leachate storage tanks that are brought into service shall be equipped with vapor controls (i.e., connections to the GCCS) no later than 10 working days following commissioning of the tanks. The response to the subsurface reaction involves utilization of all available off-site disposal options, including (1) onsite treatment of leachate followed by disposal at non-hazardous disposal facilities; and (2) disposal at hazardous waste treatment and disposal facilities. The onsite leachate treatment is designed to achieve a non-hazardous waste classification. As the leachate exits the waste mass through the collection piping, it is first routed to tanks that briefly hold the liquids (under vacuum) to properly manage the flows. The leachate is then pumped through the manifolds, piping, and hoses into the treatment units. There are currently two enclosed Granular Activated Carbon (GAC) systems in place. The treatment units use sand filtration and bag filtration to remove solids from the leachate before the leachate is passed through a series of GAC vessels.

Leachate that is characteristically hazardous is treated at #7 Tank Farm, extracted through four groupings of collection wells: Group A, Group B, North Perimeter, and East Perimeter. The leachate in Group C is not characteristically hazardous. Group A and Group B is piped to #7 Tank Farm, and Group C is piped to both #7 Tank Farm and #9 Tank Farm. The groupings of collection wells are piped into a network of individual and interconnected (manifolded) frac tanks. Frac tanks containing treated landfill liquids are staged at #7 and #9 Tank Farms for off-site transport and disposal.

At present, leachate or liquid condensate produced at #2 East Perimeter, #3 Ameresco Condensate Tanks, #4 Leachate Collection Manifold, and #6 North Perimeter is transported via vacuum truck to designated tanks at either Tank Farm #7 or Tank Farm #9 for storage. The #3 Ameresco Condensate Tanks are currently only accumulating small volumes of knock-out condensate from landfill flaring operations. Transfer forms as shown in **Appendix A.10** are completed by the vacuum truck drivers which are submitted at the end of the day to track the onsite inventory. CCL is meticulously tracking the management of liquid waste from the point of generation through off-site transport and disposal, ensuring the various waste streams are not commingled. CCL currently measures, records, and reports the leachate temperatures within the 6-inch leachate pipes feeding into the onsite frac tanks, and at the piping leading into the tanks at all tank farms in monthly reports in accordance with SOFA Condition 27(a). CCL is also continuing to evaluate and implement measures to comply with tank standards such as secondary containment and air emission controls (as applicable), to the maximum extent possible. Tank Farm #7 and #9 both include a berm that surrounds the tank farm area and is gradually sloped to allow for any rainfall or potential discharge to accumulate in a lined containment area. The containment area is pumped out during any rain event.

As required by the SOFA, transmitters have been installed on all tanks to measure the hydrostatic level of liquids in tanks. All frac tank lids and hatches are kept closed and inspected on a daily frequency. Inspection records are managed electronically, and corrective actions are tracked.

CCL installed appropriately ranged differential pressure gauges on each leachate storage tank. CCL monitors and records daily the differential pressure of each leachate tank, tank identification number, date and time of the reading, and the personnel that conducted the reading.[7] CCL completed this installation, monitoring, and recording in accordance with SOFA Condition 68 and reports to SCAQMD on a monthly basis.

Tanks located in #7 and #9 Tank Farms are connected under vacuum, meaning any potential emissions from the tanks are captured and routed to the landfill gas collection system flares. As of the date of this submittal, all of the roughly 251 frac tanks storing leachate are under vacuum.[8] The number of tanks can and will vary as needed due to operational demand, cleanings, or repairs.

Vacuum is applied to the vent lines from the leachate accumulation tanks via gas wellheads in the GCCS to maintain vacuum in the tanks and to transport leachate vapors into the GCCS to be destroyed by the landfill gas flares or thermal oxidizer. Based on progress to date, all of the leachate tanks are currently under vacuum and connected to the GCCS. Any new or replacement tanks CCL acquires will be put under vacuum as soon as possible.

To ensure that vacuum is maintained in the leachate tanks, in accordance with Condition 68 of the SOFA, CCL installed pressure gauges on each leachate storage tank by July 10, 2024, and is currently taking/recording daily differential pressure readings to confirm that the tanks are under vacuum. Condition 72 of the SOFA required daily pressure readings to be obtained with hand-held meters, beginning April 29, until the pressure gauges were installed. This information is reported to SCAQMD in the monthly report required pursuant to Condition 8 of the SOFA.

In accordance with Condition 72 of the SOFA, CCL installed flow meters within the main gas piping headers for associated leachate tank farms to accurately measure and record the flow rate (in standard cubic feet per minute) and total daily volume of vented leachate tank vapors being sent to the flare facility for combustion by July 19, 2024. The vapor flow data provides further data to allow CCL to monitor the volume of leachate vapors being extracted and managed by the GCCS and provide an additional confirmation that adequate vacuum is being applied.

If there are any tanks or groups of tanks that are not under vacuum, CCL will make adjustments to the GCCS components to increase the vacuum levels to the tanks. If after a week, vacuum is still not being demonstrated in certain tanks/tank groups, CCL will make additional improvements to the piping network and/or connections to the GCCS within 30 days. Ongoing vacuum monitoring consistent with SOFA procedures will allow CCL to continually confirm vacuum levels, for any existing or new tanks, and conduct corrective action when needed to ensure that leachate vapors will be properly controlled by the GCCS.

2.4.1 Subpart BB and Subpart CC Determination

CCL contracted Montrose Air Quality Services, LLC (MAQS) to evaluate applicability of Subpart BB of 40 CFR Part 265 and Article 28 of CCR Title 22, Division 4.5, Chapter 15, starting at § 66265.1050 (commonly, and collectively here, referred to as RCRA Subpart BB or "Subpart BB"), on equipment that contains or comes into contact with hazardous waste containing organic concentrations of at least 10% by weight. A site assessment was conducted on August 1, 2024, followed by a review of relevant regulations and analytical results. The analysis of untreated leachate or leachate condensate originating from the Landfill revealed a 4.7% Total Organic Compound content as the highest from all sample data points available. This concentration is below the 10% by weight threshold for

[7] All data referenced in this plan is recorded and managed in accordance with the Data Management Plan (July 2024).
[8] There are 251 frac tanks onsite total, however, 8 frac tanks are not setup for operation and 6 are undergoing repair.

applicability under Subpart BB. Based on these findings, MAQS determined that the equipment handling the characteristically hazardous leachate at the Landfill is exempt from Subpart BB requirements. If the characteristically hazardous leachate stream has materially changed, a re-evaluation of the stream will be conducted.

CCL also contracted MAQS to evaluate applicability of Subpart CC of 40 CFR Part 265 and CCR Title 22, § 66265.1080 to tanks, surface impoundments, or containers that are subject to 40 CFR Part 265, Subparts I, J, or K of, as well as Large Quantity Generators of hazardous wastes. Such tanks, surface impoundments, or containers can be excluded from the Subpart CC emissions standards if no detectable organic emissions are found. The Subpart CC evaluation is ongoing.

2.5 Leachate Production Tracking

CCL currently maintains an online tracking tool known as the Leachate Dashboard. The Dashboard is currently saved in The Response Group (TRG) - Microsoft Teams Channel for the Landfill Response Support, 7.0 Leachate Disposal Unit. The current reporting period is Tuesday – Monday on a weekly basis.[9] The data ultimately originates from the field team dispersed around the Landfill. The CCL onsite Controller compiles the data and uploads it into the dashboard. Leachate production values are assessed for quality assurance (QA)/quality control (QC) by having ongoing conversations with the field team to ensure the data reported in the dashboard correlates with their operations. Leachate disposal is assessed for QA/QC via manifest reconciliation.

CCL reports to SCAQMD (1) the number of tanks in each leachate tank group; (2) total number of leachate tanks treated; (3) weekly and year-to-date total quantity of liquid collected; (4) weekly and year-to-date total quantity of liquid treated; and (5) estimated weekly and year-to-date total quantity of seeping, pooling, or ponding leachate collected on a weekly basis in accordance with SOFA Condition 53.

CCL is currently working with a third-party contractor for the creation and development of the leachate production tracking which is tentatively planned for release in the first quarter of 2025.

2.5.1 Liquids Dashboard Summary

The Liquids Dashboard contains the Year-to-Date (January 2024 – present) total inventory in gallons of leachate that CCL has produced, treated, disposed, and inventoried onsite for the monthly basis. The Dashboard also contains the number of frac tanks and their status as well as the number of active pumps.

2.5.2 Liquids Dashboard – Monthly

The Monthly Liquids Dashboard data is updated daily. The Dashboard displays the gallons tracker per production location and total per day disposed of at each off-site location. This information is reported as two days behind the current date to allow for CCL to gather the applicable information.

[9] CCL reserves the right to adjust the reporting period depending on holiday impacts.

3 ONSITE LEACHATE TREATMENT SYSTEM

CCL is currently treating leachate onsite in order to open up more off-site disposal outlets and is working diligently to identify additional options.[10] Leachate that is characteristically hazardous is treated onsite using a GAC system at #7 Tank Farm and #9 Tank Farm for specific hazardous leachate waste streams. Both systems are the same and use sand and sock filters. Currently, there is one vendor, Emerging Compounds Treatment Technologies (ECT2), operating the GAC treatment units on behalf of CCL. CCL currently records the quantities of leachate collected and leachate treated onsite on a weekly basis, which is reported to the SCAQMD on a monthly basis. CCL is continuously evaluating effective treatment options.[11]

3.1 Overview of the Granular Activated Carbon Treatment

Leachate produced from Group A, Group B, East Perimeter, and North Perimeter is treated using a GAC system at #7 Tank Farm and #9 Tank Farm. The GAC system can remove certain chemicals, particularly organic contaminants, from water, as well as chemicals that produce odors. The GAC adsorbs the contaminants due to its porous qualities. The adsorption occurs on the internal surface of activated carbon. During adsorption, liquids pass through the porous structure of the activated carbon, diffusing the compounds to be removed to the surface of the adsorbent media, and are retained on or within the media due to attractive forces.

The systems have been designed on the basis that each individual primary treatment train can operate at its respective maximum capacity of 75 to 90 gallons per minute per train. The systems are designed to enhance the removal of volatile organic compounds (VOC) and semi-volatile organic compounds (SVOC). ECT2 operates 1 train with 6 vessels at a time at each tank farm while the other 6 vessels are undergoing GAC changeout and off gassing to allow for 100% uptime on treatment. The ECT2 GAC Operations and Maintenance Manual is provided as **Appendix A.11**. The Process Flow Diagrams associated with each tank farm are included as **Appendix A.12** for Tank Farm #7 and **Appendix A.13** for Tank Farm #9.

3.2 Spent Carbon

Carbon is changed out of the GAC system when it is no longer deemed effective via analytical results. Presently, carbon is exchanged roughly every day or every other day. GAC solids are physically removed from the treatment units and placed in a dewatering box. Each change out produces two to three dewatering bins of media. It takes approximately 7 days of dewatering in order for the material to be ready for disposal. The solids are then sampled and results are analyzed to determine waste characterization and proper disposal.

3.3 Treated Leachate

Treated leachate is currently stored in designated frac tanks within Tank Farm #7 or #9. Once the leachate has been treated, it is sampled to confirm it is below the regulatory thresholds for hazardous waste and meets the disposal criteria of the various receiving facilities. The treated leachate is then pumped into designated tanks for off-site disposal. Analytical reports are provided daily to the receiving facilities to confirm the treated leachate meets acceptance criteria. Leachate that initially fails to meet off-site acceptance criteria is either retreated in the GAC system or shipped off-site for proper disposal according to the waste characterization.
The Liquids Dashboard contains the Year-to-Date (January 2024 – Current) total inventory in gallons of leachate that CCL has treated on a monthly basis.

[10] CCL is currently treating leachate under the immediate response exemption of RCRA and applicable state hazardous waste regulations and is working with local regulatory authorities to obtain Conditional Authorization for its onsite treatment under the California hazardous waste tiered permitting system.
[11] CCL was previously seeking approval to test a dissolved air flotation (DAF) system after the GAC system in Tank Farm #9 to remove total dissolved solids (TDS) from the treated leachate stream. Based on testing and analytical results, the DAF is not planned to be used for treatment.

4 WASTE CHARACTERIZATION

4.1 Waste Streams

Waste streams related to the ETLF event requiring characterization and potential off-site disposal include leachate, condensate, tank bottoms, DAF solids, spent carbon media, personal protective equipment (PPE), and spill debris, as described below.

- **Leachate:** As previously noted, leachate is the liquid generated from water percolating through a solid waste disposal site. Because landfill gas condensate and leachate currently both flow into the landfill gas system due to the subsurface reaction and increased liquid levels, there is no way to separate the two types of liquids. Thus, for purposes of this response, landfill leachate and landfill gas condensate will generally be addressed and referred to collectively as leachate unless otherwise specifically noted.
- **Condensate:** For purposes of this Plan, condensate generally refers to knock-out condensate produced in connection with landfill flaring operations and not, for the reasons discussed above, landfill gas condensate.[12]
- **Tank Bottoms:** The residual materials deposited (settled) at the bottom of accumulation tanks.
- **Dissolved Air Flotation (DAF)**: Treatment designed to remove TDS from the treated leachate stream. The solids would be physically removed from the treatment tanks and placed in a dewatering box.[13]
- **Spent Granular Activated Carbon:** Activated carbon that has reached its sorption capacity.
- **PPE:** Equipment or materials used in waste characterization and management, including nitrile gloves, respirator cartridges, bailers, and miscellaneous sampling equipment.
- **Spill Debris:** Materials used in spill response, mainly absorbents (e.g., Oil Dri® and absorbent pillows).

4.2 Waste Characterization and Profiling

A Sampling and Analysis Plan (SAP) was developed to provide a mechanism for collecting waste characterization data in support of the decision-making process regarding the management and disposal of waste materials. The SAP: (1) provides the technical approach (i.e., sampling design) and rationale for waste characterization, including sampling locations, frequency of sampling, and the analytical testing regimen; (2) describes the field procedures and methods for implementing the sampling design (i.e., the field sampling plan); and (3) discusses the relevant regulatory frameworks and thresholds defining hazardous waste.

CCL is using knowledge of the waste itself from historical acceptance at the Landfill and/or the process to select the analytical parameters. The Waste Stream Determinations (WSD) are made at the point of generation, before any mixing or other alteration of the waste occurs. The analytical and waste characterization will determine the appropriate management and final disposition of the waste. CCL currently takes at least one representative monthly sample of leachate from the Reaction Area and at least one representative monthly sample of leachate from the bottom tanks where leachate from the entire Landfill collect. CCL analyzes these samples per U.S. EPA Method 624.1 for the presence of VOCs and toxic air contaminants (TACs) and posts the analytical results on its website and submits the results to SCAQMD in accordance with SOFA Condition 38. In the event CCL demonstrates that generated leachate is sufficiently collected with no remaining seepage or potential discharges, then sampling and analysis will reduce to a quarterly schedule.

The objectives of the waste sampling prescribed by the SAP are as follows.

[12]Condensate accumulated in tanks in the #3 tank area was shipped off-site to the Aragonite Incineration Facility in Tooele County, Utah, as hazardous or potentially hazardous waste in March 2024. Since then, the tanks in the # 3 tank area have been cleaned out and are only accumulating knock-out flare condensate.

[13]There is no intention for the DAF to be used for treatment, and therefore once all existing DAF waste is removed, this will no longer be a waste stream.

.

1. Characterize the various liquid and solid waste streams for the purpose of waste profiling and disposal. Each WSD will follow the Resource Conservation Recovery Act (RCRA) regulations at 40 CFR 262.11 and California Hazardous Waste Determination rules found in 22 CCR Section 66262.11 for waste determinations. CCL will recharacterize a particular waste stream when the process or operation that produces the waste changes or the waste is sent to a different hazardous waste treatment and disposal facility for the first time or requires annual recertification at the disposal facility. CCL will conduct sampling using TCLP when recharacterizing a particular waste stream when the process or operation that produces the waste changes. Waste characterization shall involve testing to determine whether any wastes are California-only hazardous wastes pursuant to California's testing procedures, including the Soluble Threshold Limit Concentration (STLC) and Total Threshold Limit Concentration (TTLC).
2. Verify the efficacy of liquid waste (i.e., leachate and condensate) treatment. Treatment is deemed effective when the results from waste sampling fall below the regulatory thresholds for hazardous waste. The liquid waste is further assessed to ensure that it meets the acceptance and disposal criteria of the various receiving facilities. If necessary, treatment will continue until it results in the waste meeting off-site disposal facility acceptance criteria, including applicable RCRA Universal Treatment Standards under the Land Disposal Restrictions (LDR) requirement as applicable. Liquids following treatment that are deemed hazardous due to their chemical properties (i.e., exhibit toxicity characteristic) are subject to further treatment. Wastes that do not exhibit toxicity characteristics but classify as ignitable based on flash point are stored, treated, or disposed of according to the waste determination.

A Quality Assurance Project Plan (QAPP), dated March 27, 2024 and updated November 15, 2024, has also been developed to serve as a framework ensuring the quality and integrity of data collected through implementation of the SAP. The QAPP defines data quality objectives and outlines criteria for data quality, including precision, accuracy, representativeness, comparability, and completeness. Collectively, the SAP and the QAPP set forth the process and parameters to characterize the various waste streams described above and have been conditionally approved by the U.S. Environmental Protection Agency (EPA).

4.3 Analytical Testing Regimen

As set forth in the SAP and QAPP, a comprehensive waste characterization approach (i.e., the analytical testing regimen) was developed based on: (1) the nature of the Landfill waste matrix and corresponding characteristic chemical composition of the leachate and gas stream; (2) the effects of ETLF; (3) the criteria for identifying and listing hazardous waste promulgated under 40 CFR 261.20 – 261.24 and 22 CCR 66261.20 – 66261.24; and (4) the disposal criteria (requirements) of the receiving facilities.

A subset of VOCs, SVOCs, and metals customary to municipal solid waste leachate and indicators of ETLFs are included in 40 CFR 261.24 and 22 CCR 66261.24 as part of the toxicity characteristic determination. The receiving facilities require testing for these parameters to ensure compliance with regulatory requirements for toxicity. Additionally, the receiving facilities require testing for flashpoint and pH to evaluate waste for characteristics of ignitibility (40 CFR 261.21 and 22 CCR 66261.21) and corrosivity (40 CFR 261.22 and 22 CCR 66261.22), respectively. Based on this information, waste characterization will involve testing of VOCs by Method 8260, SVOCs by Method 8270, mercury by Method 7470, the remaining California Title 22 metals by Method 6010, flashpoint by Method 1010, and pH by Method 9040B, as specified in the SAP and QAPP. Initial waste determinations and new hazardous waste determinations due to a change in the character of the waste shall be conducted via the TCLP method. Waste characterization shall involve testing to determine whether any wastes are California-only hazardous wastes pursuant to California's testing procedures, including the STLC and TTLC. Disposal facilities may also require additional testing as needed to comply with their permit conditions and waste acceptance plan.

4.4 Frequency of Testing

Liquid waste streams are initially sampled at a daily frequency at the frac tanks and solid waste streams are sampled periodically as needed from the roll-off containers, such as during a tank cleaning or GAC filter replacement. The scope of the analytical testing program and frequency of sampling may be reduced over time with consent from the receiving facilities or increased/reduced in response to changing conditions related to the ETLF. Waste determinations will be performed for various waste streams in accordance with the SAP and QAPP and may be reevaluated for each waste stream or point of generation as appropriate and on a case-by-case basis. On a weekly basis at least, sampling shall occur at the point of origination from the waste group sampling port for the characteristically non-hazardous waste groups for new hazardous waste determinations. The current WSDs are included as **Appendix A.14**.

5 OFF-SITE DISPOSAL AND TRANSPORTATION

The response to the reaction involves utilization of all available off-site transportation options to remove leachate from the site, including (1) onsite treatment of leachate followed by off-site shipment to non-hazardous facilities; and (2) off-site transport to hazardous waste treatment and disposal facilities.

CCL is meticulously tracking the management of liquid waste from the point of generation through off-site transport and disposal, ensuring the various waste streams are not commingled.

Due to the difficulty in locating any potential off-site storage options, CCL has asked the agencies to assist by providing a list of locations for CCL to contact and coordinate. CCL submitted a Freedom of Information Act (FOIA) request as directed and has contacted the additional facilities identified by EPA.

5.1 Receiving Facilities Database

CCL maintains a disposal facility tracking spreadsheet with over 650 potential facilities and storage locations which have been contacted. The spreadsheet also lists if samples and analytical data have been provided to disposal outlets for acceptance criteria. The spreadsheet is currently saved in TRG - Microsoft Teams Channel for the Landfill Response Support, 7.0 Leachate Disposal Unit. A summary of off-site treatment and disposal facilities, as of December 31, 2024, is provided in **Appendix A.15.** Note that facilities and the total daily maximum acceptance capacity is constantly changing.

5.2 Off-Site Transport and Disposal – Non-Hazardous Waste Facilities

Pending any waste determinations for leachate in accordance with the SAP and QAPP, leachate is not sent off-site to non-hazardous treatment and disposal facilities until sampling results confirm that the leachate is below the applicable regulatory thresholds for relevant constituents, including constituents for waste characterization (i.e., benzene).[14]

After treatment is complete and pending waste determinations for leachate, CCL conducts post-treatment confirmatory sampling of each tank (or multiple tanks if manifolded and treated together). Once laboratory reports and results are received, CCL evaluates results against the applicable regulatory thresholds. If the sampling results indicate constituents in leachate are below regulatory levels, CCL provides those sampling results to the non-hazardous off-site facility for confirmation that the waste can be accepted at the facility. Once the facility receives the analytical reports and provides its approval to accept the leachate, CCL directs available trucks for loading to the particular tanks that have been approved for off-site transport and instructs the drivers as to where to transport the leachate from those tanks. CCL has dedicated personnel (including overnight staff) to coordinate the loading and shipment process.[15]

For tanks other than those discussed above or in instances where post-treatment sampling shows that target constituents (e.g., benzene) are not treated to levels below their respective regulatory thresholds, the tank is generally retreated with the GAC treatment solution and post-treatment confirmatory sampling is again performed for that tank. CCL then follows the same procedures discussed above following receipt of the laboratory report, including evaluation of the results against the applicable regulatory thresholds, provision of the analytical reports to the off-site facilities, awaiting confirmation by the off-site facilities that the leachate can be accepted, and directing available trucks to the specific tanks that have been approved for off-site transport.

[14] Additional sampling is also sometimes done for test loads at new potential facilities to evaluate suitability.

[15] Currently, the majority of leachate is being treated onsite with two enclosed GAC systems apart from #7 Tank Farm Group C and #4 LC Manifold, which at this time is producing the lowest volumes of leachate daily and has shown the lowest constituent levels overall. As a general matter, for tanks in which treatment is not taking place, CCL samples the tanks and then follows the procedures outlined herein following receipt of the initial laboratory report.

5.3 Off-site Transport and Disposal – Hazardous Waste Facilities

For tanks that are shipped off-site as hazardous waste (e.g., leachate is not treated prior to off-site shipment), CCL has contracted with Clean Harbors, Inc. to transport landfill liquid that has been identified as hazardous or potentially hazardous to several of Clean Harbors' facilities to ensure proper disposal of those waste streams. Landfill liquid that has been identified for transport to a Clean Harbors facility is manifested on a hazardous waste manifest in accordance with 22 CCR 66262.20. A one-time LDR notification is also provided to each hazardous waste facility in accordance with 22 CCR 66268.7.

CCL is actively assessing the use of additional facilities to manage hazardous or potentially hazardous leachate or condensate. CCL will also follow the same procedures as set forth in the UAO to obtain EPA's determination of acceptability and provide notice to the relevant state environmental officials for any newly identified facilities.

Other waste streams, described in **Section 4.1**, will be disposed of appropriately. If any spent carbon media or PPE is characterized as hazardous waste, then that waste will be managed as hazardous.

5.4 Off-Site Rule

Pursuant to Paragraph 28.a of the UAO issued by EPA, hazardous substances, pollutants, and contaminants may only be shipped to an off-site facility in compliance with the "Off-Site Rule" (OSR) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at 42 U.S.C. § 9621(d)(3) and 40 CFR 300.440. CCL is deemed in compliance with the Off-Site Rule if it obtains a prior determination from EPA that a proposed receiving facility is acceptable under the criteria at 40 CFR 300.440.

In the event CCL needs emergency off-site disposal capacity and is unable to find additional off-site disposal at a facility on the EPA OSR approved facilities list, CCL may seek an emergency exemption from the OSR, 40 CFR 300.440(b), following EPA's "Site-Specific Procedures for Seeking an Emergency Exemption from Off-Site Rule Requirements," as modified, amended, or superseded by EPA from time to time.

In accordance with Paragraph 28.a of the UAO and the OSR, on February 24, 2024, CCL obtained EPA's determination that the Clean Harbors Aragonite Incineration Facility in Tooele County, Utah is acceptable to receive off-site shipments of hazardous or potentially hazardous landfill liquid. CCL can ship approximately one truckload of leachate (approximately 5,000 gallons total) off-site to the Aragonite facility each day, on an as-needed basis.

On February 27, 2024, EPA provided a determination of acceptability for the Clean Harbors Kimball Incineration Facility located in Kimball, Nebraska. CCL can ship approximately four truckloads of hazardous or potentially hazardous landfill liquid (approximately 20,000 gallons total) off-site to the Kimball facility each day, on an as-needed basis.

CCL also obtained EPA's determination of acceptability for the Clean Harbors Deer Park Incineration Facility in La Porte, Texas on February 29, 2024. CCL can ship landfill liquid via rail to the Deer Park facility. CCL has arranged for a local rail car to be available for bulk transportation to the Deer Park facility on an as-needed basis for up to three shipments of hazardous or potentially hazardous landfill liquid per week, consisting of one rail car tanker per shipment. Each rail car tanker has a capacity of approximately 20,000 gallons.

Pursuant to Paragraph 28.b of the UAO, CCL provided written notice to the appropriate Utah, Nebraska, and Texas environmental officials and to EPA of shipments of hazardous or potentially hazardous landfill liquid to the above facilities. Copies of the notice to Utah dated February 26, 2024, Nebraska dated February 27, 2024, and Texas dated February 29, 2024, are attached hereto, respectively, as **Appendices A.16, A.17, and A.18**.

On July 3, 2024, EPA approved the acceptance of waste from CCL under the site-specific emergency exemption procedure to the OSR at the Durham Regional Landfill located in Florence, Arizona, the Clean Harbors Industrial Service Oil Company, Inc. (Clean Harbors ISO) located in Los Angeles, California, and the East Valley Remediation Facility[16] located in Mecca, California. On September 3, 2024, EPA confirmed its approval of the acceptance of waste from CCL under the site-specific emergency exemption procedure to the OSR at the Avalon Environmental Services facility located in Gardena, California. EPA has continued to approve requested extensions of the emergency exemptions for these facilities through the present, and Clean Harbors ISO is now on the EPA's OSR approved facilities list. CCL also sends nonhazardous liquids to the ReWorld facility located in Bayport, Texas and the US Ecology facility located in Beatty, Nevada, both of which are on the OSR list. CCL also continues to seek additional facilities for offsite shipment, and is currently working to ship test loads to two Crystal Clean facilities, one in Bakersfield, California and one in Wyoming, Michigan.

CCL acknowledges that the application of the site-specific emergency exemption to the OSR is subject to the conditions, including dates of expiration, set forth by the On-Scene Coordinators and that approval of an emergency exemption from the OSR does not affect the types or amounts of waste that a facility may receive under its various permits. CCL will ensure that a receiving facility is permitted to receive all waste streams proposed to be disposed of by CCL.

5.5 Waste Shipment Preparation

To initiate shipments of hazardous and non-hazardous waste, CCL personnel (or its contractors) must prepare and provide the following documentation:

- Provide a complete and accurate waste inventory for the waste to be transported off-site.
- Provide waste profile and corresponding analytical report for each type of waste transported off-site.
- If the waste profile has been previously provided, ensure it has been updated as required by the receiving disposal facility.

When a shipment is needed and the above-listed information has been provided to the CCL Compliance Manager, a shipment will be initiated as follows:

- When authorized by the designated representative, the CCL Compliance Manager will contact the disposal contractor and arrange for transportation of the waste off-site.
- The hazardous waste disposal contractor may choose to be onsite the day before the shipment to review paperwork and inspect containers.
- Compliance with pre-transportation requirements at 22 CCR 66262.30 - 66262.33 will be assessed.

All shipments of hazardous or potentially hazardous waste to permitted hazardous waste treatment and disposal facilities will be properly manifested on hazardous waste manifests in accordance with 22 CCR 66262.20 and the hazardous waste manifest requirements at 40 CFR 262.20. CCL measures and records the quantity of leachate sent off-site for disposal and treatment. These records are maintained by CCL and submitted to SCAQMD under SOFA Condition 27(d). These records generally include the associated company name and physical address of the off-site facilities that receive the leachate generated by the landfill.

5.5.1 U.S. Department of Transportation

Prior to transporting or offering hazardous waste for transportation off-site, each shipment is labeled in accordance with applicable Department of Transportation (DOT) regulations (49 CFR 172 Subpart E) as follows:

[16] The East Valley Remediation Facility is approved for disposal of characteristically non-hazardous leachate only. EPA is actively working with the facility regarding acceptance of treated non-hazardous leachate.

- "HAZARDOUS WASTE-State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Toxic Substances Control."
- DOT proper shipping name
- United Nations (UN) or North America (NA) number (49 CFR 172.101)
- Generator's name and address
- Generator's EPA ID number
- EPA/State waste code(s)
- Date
- Manifest tracking number

Additionally, each hazardous waste shipment will be labeled in accordance with 49 CFR 172 Subpart D, as follows:

- Weight
- Sequence of manifest pages (e.g., 1 of 3)
- DOT shipping label

Each package of hazardous waste for shipment will be labeled according to the DOT hazard classification for that waste, as follows:

- Hazardous waste that meets the definition of more than one DOT hazard classification must be labeled in accordance with all DOT hazard classifications (e.g., Flammable, Toxic).

5.6 Land Disposal Restrictions

The LDRs are a set of regulations at 40 CFR Part 268 and Title 22 of the CCR, Division 4.5, Article 18, that place certain restrictions on hazardous waste sent to land disposal. These regulations generally require treatment of hazardous wastes prior to land disposal.

The LDR requirements apply to all persons who generate hazardous wastes, as well as owners and operators of hazardous waste treatment, storage, and disposal (TSD) facilities. Depending on constituent concentrations in the waste, some wastes will require treatment to meet LDR treatment standards and some may meet them without further treatment. In addition, the Universal Treatment Standards must be met for Underlying Hazardous Constituents (UHC) that are identified. A UHC evaluation will also be performed for each waste stream identified herein.

When applicable, LDR Notification Forms must accompany the manifest as part of the shipping papers. As discussed above, a one-time LDR notification is provided to each hazardous waste facility CCL is shipping waste to in accordance with 22 CCR 66268.7, and signed by personnel designated by the CCL Compliance Manager.

All LDR paperwork and associated documentation will be retained by CCL as required under applicable regulations.

5.6.1 Process for Making Wastewater vs. Nonwastewater Determinations

Only leachate generated at Group A, Group B, East Perimeter, and North Perimeter has been identified as potentially hazardous. CCL has made the determination that leachate – from Group A, Group B, East Perimeter, and North Perimeter generation points, both before and after treatment – is "nonwastewater" using numerous representative grab samples, consistent with EPA's "*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*" (EPA Publication SW-846), rather than by testing each and every tank of leachate.

For the leachate prior to treatment, CCL obtained one grab sample from each of the relevant tank groups on 7 days, for a total of 21 samples, and had these samples tested for total organic carbon (TOC). The TOC results from

these samples ranged from 19,000 mg/L to 44,000 mg/L (not counting 2 samples for which the laboratory apparently made an error in reporting), which translates to a range of 1.9% to 4.4%. Because all these results are above 1% TOC, they clearly demonstrate that the pre-treatment leachate from these tank groups are nonwastewaters. See 40 CFR 268.2(f) (defining wastewaters as "wastes that contain less than 1% by weight TOC *and* less than 1% by weight total suspended solids (TSS)"; 40 CFR 268.2(d) (defining nonwastewater as "wastes that do not meet the criteria for wastewaters"); see also 22 CCR 66260.10.

For leachate after treatment, CCL obtained a total of 46 grab samples of the effluent of the GAC treatment units over 6 sampling days, and again had them tested for TOC. All of the 46 TOC results except one were above 10,000 mg/L (1%) TOC, with values up to 31,000 mg/L (3.1%) TOC. These results clearly demonstrate that the post-treatment leachate is generally nonwastewater.

5.6.2 Implications of Any Post-Treatment Leachate Testing as Wastewaters

To the extent that any post-treatment leachate might contain both <1% TOC and <1% TSS, it would clearly qualify as a "wastewater" for LDR purposes, consistent with the LDR definition of wastewater set forth at 40 CFR 268.2(f) of the federal regulations and 22 CCR 66260.10 of the California regulations. In addition, if such "wastewater" post-treatment leachate was still characteristically hazardous, it would be subject to the LDR treatment standards for wastewater.

However, the post-treatment leachate has consistently tested non-hazardous. Under the RCRA regulations, if the (non-hazardous) post-treatment leachate was a wastewater, it would not be subject to any LDR treatment standards (either for wastewaters or for non-wastewaters). The reason is that the change from "non-wastewater" (prior to treatment) to "wastewater" (after treatment) is considered a "change in treatability group" and thus a new point of generation for LDR purposes. See, e.g., 55 Fed. Reg. 22,520, 22,661 (June 1, 1990) (explaining that the LDR rules generally divide the universe of hazardous wastes into wastewater and non-wastewater "treatability groups"); id. at 22,544 ("each new treatability group is a new point of generation for a characteristic waste"). EPA has made clear that if the new treatability group is not hazardous at its point of generation, the LDR treatment standards no longer apply:

> A change in treatability group for a characteristic treatment residual is a new point of generation for LDR purposes. If the [residual] has undergone a change in treatability group and is no longer characteristic, then it is not a RCRA hazardous waste, and the generator would not need to comply with the LDR requirements in Part 268.[17]

In light of the above, if any (non-hazardous) post-treatment leachate did meet the LDR definition of wastewater, it could be placed into a land-based unit without meeting any LDR treatment standards. If CCL nevertheless continued to manage it as if were a nonwastewater (e.g., if CCL failed to recognize that treatment had changed it into a wastewater), CCL would actually be managing the leachate in a more protective manner than required under the regulations. Specifically, in such a case, CCL would continue to require that the post-treatment leachate meet the LDR treatment standards for nonwastewaters before being placed into a land-based unit, even though no LDR standards would actually apply under the regulations (because of the change in treatability group from

[17] See EPA, RCRA Hotline Report (June 2004) (RCRA Online #14718); see also 58 Fed. Reg. 29,860, 29,871 (May 24, 1993) ("for characteristic wastes, each change of treatability group in a treatment train mark[s] a new point of generation for determining if a characteristic waste [i]s prohibited from land disposal"); Letter from James R. Berlow, Director, Hazardous Waste Minimization and Management Division, EPA, to Barton Day, Bryan Cave, LLP (March 21, 1996) (RCRA Online #14207) ("because the sludge generated in your situation would be a different treatability group from the wastewater from which it is generated, it would be considered to be a newly-generated waste that should be evaluated at its point of generation to determine if it is prohibited from land disposal"; thus, "[t]he sludge would be prohibited from land disposal (and hence subject to meeting treatment standards before land disposal) only if it is a hazardous waste at the point it is generated").

nonwastewater to wastewater, together with the fact that the wastewater would not be hazardous at its point of generation, as discussed above). CCL stresses that this would rarely, if ever, happen, because the current posttreatment leachate has almost always tested above 1% TOC and thus qualifies as a nonwastewater for LDR purposes.

5.6.3 Wastewater or Nonwastewater Calculations

The laboratory reported TOC and TSS results in units of mg/L. For TOC, the results were essentially always well above 10,000 mg/L, or 10 g/L (since 1 g equals 1000 mg), with the one exception noted above for 1 of 46 post-treatment samples. For purposes of converting these results to % by weight, CCL assumed that the leachate (which is greater than 90% water) had the same density as water, namely 1 kg/L. Thus, 10 g/L TOC (well below all but one actual measurement) could be converted to 10 g/kg, or 10 g/1000 g (since 1 kg equals 1000 g). A concentration of 10 g/1000 g equates to 1% by weight (since 100% by weight would be 1000 g/1000 g, 10% would be 100 g/1000 g, and 1% would be 10 g/1000 g).

While the actual density of the leachate could be slightly higher or lower than the density of water, any difference would not change the conclusion that the leachate exceeds 1% TOC by weight and thus qualifies as nonwastewater. The difference would be small, given that the leachate is more than 90% water. Indeed, CCL recently tested a single sample of leachate and measured a specific gravity (density) of 1.032 kg/L. Moreover, even if the density of leachate was 1.5 kg/L (which seems implausibly high, since that is the approximate density of Portland cement), the lowest measured TOC level in untreated leachate – 19,000 mg/L or 19 g/L – would translate to 19 g/1500 g or 1.27% - still above the threshold for nonwastewaters. The same would be true for virtually all of the post-treatment leachate.

5.6.4 Post GAC TSS

As an initial matter, we note that the TSS level in the leachate was not relevant to our determination that the leachate pre-treatment and post-treatment qualifies as nonwastewater, given the TOC test results for these materials. As noted above, under the LDR regulations, wastewaters are defined as "wastes that contain less than 1% by weight TOC and less than 1% by weight TSS." See 40 CFR 268.2(f); see also 22 CCR 66260.10. Since the TOC levels measured were above 1%, the leachates could not qualify as wastewaters, regardless of the TSS content. Instead, they were nonwastewaters. See 40 CFR 268.2(d) (defining nonwastewater as "wastes that do not meet the criteria for wastewaters"); see also 22 CCR 66260.10.

Notwithstanding the above, Chiquita has performed limited TSS testing on leachate before and after treatment. For example, the 21 samples of pre-treatment leachate from Group A, Group B, East Perimeter, and North Perimeter were also tested to determine their TSS concentration. All of the results were well below 1% TSS, with concentrations ranging from 330 mg/L to 4600 mg/L TSS (0.033% to 0.46%). Based on process knowledge, the TSS concentration after GAC treatment would be expected to remain <1%. Indeed, even though the samples of post-treatment leachate were not tested for TSS levels (because it was unnecessary to do so), some previous samples of the GAC effluent were tested for TSS levels, and the results were well below the 1% by weight threshold (generally below 1000 mg/L or 0.1%).

5.6.5 Sampling Ports

Chiquita aggregates characteristically hazardous wastes in holding tanks prior to centralized treatment. This is done to simplify and improve control over handling of the waste—by reducing complexity, CCL has better control. EPA has long recognized that such aggregation prior to centralized treatment is not impermissible dilution. 55 Fed. Reg. 22520, 22666 (June 1, 1990). CCL conducts sampling prior to treatment directly from the holding tanks. Additionally, CCL takes monthly samples directly from the point of generation.

The treatment process entails pumping from those holding tanks into various filters and then the GAC vessels. Treated liquids (GAC effluent) are then discharged into designated non-hazardous "Treated Water" tanks that do not receive hazardous liquids. These treated water tanks are then sampled to determine treatment efficacy and disposal options. Composite samples are performed on Treated Water tanks that are filled simultaneously (i.e., 2 or 3 tanks are filled at the same moments from the same GAC effluent via a manifold).[18]

[18] Composites are used due to lab capacities.

6 PERMITTING

CCL is actively working with multiple regulatory agencies to get appropriate permits or authorization for the continued operation of the treatment including the SCAQMD for air permits, LA Fire through the Certified Unified Program Agency (CUPA) for hazardous waste treatment permits / authorizations, and LA County planning for Land Use approval. The systems and process unit may change as the regulatory agencies work with CCL to meet regulatory requirements.

As explained in a letter submitted to DTSC on CCL's behalf dated February 14, 2024, onsite storage and treatment is being conducted pursuant to the immediate response exemption. See 22 CCR 66264.1(g)(8)(A), 66265.1(e)(11)(A), and 662670.1(c)(3)(A).

On February 16, 2024, CCL also submitted an emergency permit application to DTSC addressing onsite treatment. That emergency permit application was denied by DTSC. CCL is engaged in ongoing discussions with EPA, DTSC, and LA Fire (CUPA) regarding appropriate next steps. Based on these discussions, CCL submitted information to the CUPA regarding the possibility of conducting onsite treatment pursuant to the Conditional Authorization tier of California's tiered hazardous waste permitting program.

CCL is also working to modify its Title V permit to incorporate upgrades and modifications to landfill systems as described herein. Permit No. G43917, A/N 578102 sets forth requirements and conditions to operate CCL's Landfill Gas Collection System, which consists of vertical gas collection wells, a header connecting to the flare facility, horizontal gas collection trenches, and soil vapor extraction wells. Permit No. G66132, A/N 613131 sets forth requirements and conditions to modify, construct, and operate CCL's Landfill Gas Condensate and Leachate Collection/Storage System. The permit includes authorization for five condensate tanks and four leachate tanks varying in capacity.

In October 2023, CCL previously applied to the SCAQMD to modify its Landfill Gas Condensate and Leachate Collection/Storage System permit to include additional clarifier and frac tanks to increase the landfill's liquid storage capacity. However, given the evolving situation at the Landfill and the need for additional tanks and other equipment to accommodate the increase in leachate production, CCL sought further modification of its Title V permit. CCL also submitted an application to include treating hazardous liquid waste in its Landfill Gas Condensate and Leachate Treatment System. The SOFA requires CCL to submit various permit modifications to remain in compliance with applicable permit requirements and Conditions of the SOFA. CCL will continue to update the Title V permit as necessary to reflect the ultimate configuration of the treatment process.

In October 2023, an application was also submitted to SCAQMD on behalf of CCL for a new landfill gas blower and flare system. Based on discussions with SCAQMD, CCL submitted a permit application to modify its flare system to incorporate the combustion of vapor from the tie in of the landfill gas condensate and leachate treatment system as described in Section 2.4. CCL also submitted an application to permit its portable thermal oxidizer.

A permit modification application has also been submitted to the SCAQMD for the Landfill Gas Collection System permit to increase the number of permitted wells in the well field. CCL submitted an application to modify this permit to include the tie in of the landfill gas condensate and leachate treatment system vapor vent lines.

CCL and its consultant, SCS Engineers, continue to have bi-weekly virtual conferences with SCAQMD technical staff to discuss improvements to the leachate and/or landfill gas systems and identify any associated permit modifications that may be required. Additionally, members of the Reaction Committee meet monthly and those discussions include permit modifications that may be required. CCL is also working with the CUPA on a long-term approach for hazardous waste treatment, storage, and disposal activities under the California tiered permitting system's conditional authorization.

CCL is currently preparing to seek Conditional Authorization which allows onsite treatment of non-Resource Conservation and Recovery Act (RCRA) and certain RCRA-exempt wastes under the California Health and Safety Code (HSC) Division 20, Chapter 6.5, Article 9.

6.1 Reporting Requirements

6.1.1 Weekly Reporting

CCL shall provide a weekly verbal report to the Leachate Disposal Unit (LDU) or as otherwise directed by EPA analyzing how CCL's leachate disposal and treatment has performed against the following benchmarks for the preceding period:

1. Whether inventory on any day of the week was 2.6m gallons or more.
    a. If so, was average inventory for the week 2.6m gallons or more?
    b. If so, why?
    c. If so, is CCL concerned about excess inventory? If not, what are mitigating factors CCL is considering?
    d. If so, has the excess of inventory been addressed?
    e. If so, what action(s) has/is CCL taking to manage the inventory?
2. Whether excess storage capacity on any day of the week was less than 1.5m gallons.
    a. If so, was average excess storage capacity for the week less than 1.5m gallons?
    b. If so, why?
    c. If so, is CCL concerned about a lack of storage capacity? If not, what are mitigating factors CCL is considering?
    d. If so, has the lack of excess storage capacity been addressed?
    e. If so, what action(s) has/is CCL taking to increase available storage?
3. Whether disposal capacity fell below 400,000 gallons on any day of the week.
    a. If so, why?
    b. If so, is CCL concerned about a lack of disposal capacity? If not, what are mitigating factors CCL is considering?
    c. If so, has the lack of disposal capacity been addressed?
    d. If so, what action(s) has/is CCL taking to increase disposal capacity?
4. Whether extraction on any day of the week was less than 200,000 gallons.
    a. If so, was average extraction for the week less than 200,000 gallons?
    b. If so, why?
    c. If so, is CCL concerned about a lack of extraction? If not, what are mitigating factors CCL is considering?
    d. If so, has the lack of extraction been addressed?
    e. If so, what action(s) has/is CCL taking to increase extraction?
5. Discussion of the relative amount of leachate shipped for that week as compared to the amount extracted for the week.
    a. If the shipments were less than 85% of the extraction, why? Were there particular barriers to shipment?
    b. If so, is CCL concerned about a lack of shipment? If not, what are mitigating factors CCL is considering?
    c. If so, has the lack of shipment been addressed?
    d. If so, what action(s) has/is CCL taking to increase shipment?

The reporting is intended to help the EPA and the LDU better understand whether variability in the metrics are anomalies or indicate trends that are of concern, and whether CCL is taking measures to address any concerns.

6.2 Tank Locations

Under the proposed Conditional Authorization, CCL is planning to construct a tank system at the Landfill. Currently, site preparations include determining how much dirt may be needed to create a level area before constructing the secondary containment and gas system infrastructure relocation.

CCL has taken steps to assess tank system safety and stability and other design elements for one potential location, and is working with the regulators to identify other potential acceptable locations for further assessment. CCL continues to coordinate with the CUPA and pertinent agencies to achieve Conditional Authorization.

CCL continues to undertake the necessary steps to meet applicable tank system requirements (e.g., assessing potential applicability of RCRA air emissions standards). CCL has finalized the RCRA Subpart BB applicability determination and is evaluating the applicability of Subpart CC.

6.3 Compliance with RCRA

CCL has been complying with 40 CFR Part 264/265 Subpart C Standards for Preparedness and Prevention since April 2024. Specifically, CCL purchased and provided the applicable emergency equipment including internal (radios) and external communication devices (phones), fire extinguishers, spill control and decontamination equipment at Tank Farm # 7 and Tank Farm #9 per 22 CCR 66262.252. The emergency equipment is tested and maintained as needed to ensure proper operation per 22 CCR 66262.253. Inspections are completed weekly and maintained electronically. The facility is maintained and operated to minimize possibility of release, fire, or explosion per 66262.251 and has grounded and bonded all of the frac tanks.

CCL developed a Hazardous Waste Management Plan (HWMP) required by HSC 25135 which provides guidance for the proper management of hazardous waste. All contractors and employees, and any other entity operating at CCL are required to abide by this HWMP. CCL maintains a written training plan per 66262.17(a)(7)(D) which is included in the CCL HWMP. CCL also developed a Hazardous Waste Contingency Plan (HWCP) which includes a Quick Reference Guide. The HWCP outlines the measures and actions planned by CCL in the event of an emergency (e.g., fire, explosion, chemical release, etc.) from the ETLF that may pose a threat to human health or the environment. CCL will amend and modify the HWMP and HWCP as needed and as site conditions change with the conditional authorization permit.