

BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In The Matter Of

Case No. 6177-4

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,

Petitioner,

VS.

CHIQUITA CANYON, LLC, a Delaware
Corporation,
[Facility ID No. 119219]

Respondent.

**DECLARATION OF JACOB P.
DUGINSKI IN SUPPORT OF
CHIQUITA'S OPPOSITION TO
MOTION TO QUASH SUBPOENA
DUCES TECUM**

Health and Safety Code § 41700, and District Rules 402, 431.1, 3002, 203, 1150

Hearing Date: January 29, 2026

Time: 9:30 A.M.

Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

I, Jacob P. Duginski, declare:

1. I am of sufficient age and am competent to testify in this proceeding. I am an attorney at the law firm of Beveridge & Diamond, P.C., and am an attorney for Respondent Chiquita Canyon, LLC (“Chiquita”) in this matter. I make this declaration in opposition to the South Coast Air Quality Management District’s (“South Coast AQMD”) motion to quash Chiquita’s proposed Subpoena Duces Tecum (“Motion to Quash”). If called as a witness, I could and would competently testify to the material facts herein.

2. Attached hereto as **Exhibits A, B, and C** are true and correct copies of excerpts of transcripts from proceedings this Hearing Board has held in this case on August 17, 2024, June 24, 2025, and December 9, 2025, respectively.

3. Attached hereto as **Exhibit D** is a true and correct copy of the declaration submitted by South Coast AOMD inspector Laurance Israel submitted in this case on May 30, 2025.

1 4. Attached hereto as **Exhibit E** is a true and correct copy of excerpts of the transcript of the
2 evidentiary hearing between the County of Los Angeles and Chiquita on July 15, 2025 in Case No. 2:24-
3 cv-10819 MEMF-MAR, Dkt. No. 140.

4 5. On September 29, 2025, the County of Los Angeles filed as an exhibit in a public court
5 docket a list of the complete addresses of odor complainants from January 6, 2023 through April 23,
6 2025. (Case No. 2:24-cv-10819 MEMF-MAR, Dkt. No. 159-6.)

7
8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct to my personal knowledge.

10 Executed on this 16th day of January, 2026, in Castaic, California.



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14 Jacob P. Duginski
15 *Attorney for Respondent*
16 Chiquita Canyon, LLC
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Exhibit A

BOARD HEARING OF:

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

vs.

CHIQUITA CANYON, LLC - #6177-44

VOLUME I

PAGES 1 - 197

AUGUST 17, 2024

SOUTH COAST AIR QUALITY MANAGEMENT BOARD HEARING

COLLEGE OF THE CANYONS

26455 ROCKWELL CANYON ROAD, VALENCIA, CA 91355

REPORTED BY:
CINDY R. BOWDEN, CA CSR 12962
JOB NO.: 102188

1 A. That's correct.

2 Q. And by August of last year, verified
3 complaints and then violations that had subsequently
4 been issued a nuisance had risen to the point of the
5 district filing for an abatement order; is that correct?

6 A. Correct.

7 Q. So I want to give us a status. I want to look
8 back to kind of where we started versus where we are now
9 to give us some context.

10 So if we look at July of 2023, that's the
11 month before the district ultimately filed for this
12 abatement order. How many complaints did the district
13 receive in that month?

14 A. The district received 549 complaints in
15 July 2023.

16 Q. So how many complaints did the district
17 receive against Chiquita Canyon ending in July of 2024?

18 A. 1,524 complaints.

19 Q. So we're about halfway through. What are we
20 looking at for complaints in August of '24?

21 A. As of yesterday, the number of complaints for
22 August is approximately 540.

23 Q. Okay. So as a -- how many complaints did we
24 receive for the calendar year of 2023?

25 A. Approximately 6,880.

1 Q. And what are we at in 2024?

2 A. 13,300.

3 Q. Is it fair to say from those numbers of
4 complaints that the odors have not dissipated?

5 A. That is correct.

6 Q. Is it possible to conclude that the odors may,
7 in fact, be getting worst on the basis of those
8 complaints?

9 A. Correct.

10 Q. So just in the -- in recent time frame that we
11 have been looking at, the last time you were before this
12 hearing board was in April?

13 A. Correct.

14 Q. How many complaints -- what is the trend in
15 complaints since April, the recent time frame?

16 A. Well, since April, the district as we see it,
17 just over 8400 complaints. we have been averaging about
18 2,000 a month. July, there's 1500 and we're up to 542
19 right now for August.

20 Q. So can I ask you to give us some context for
21 this just based on your 30 plus years of experience with
22 the South Coast AQMD, have you -- you've dealt with
23 other large incidents including public nuisances before?

24 A. Yes, that's correct.

25 Q. How does this incident of Chiquita Canyon

Exhibit B

BOARD MEETING OF:
South Coast AIR QUALITY MANAGEMENT DISTRICT
vs.
CHIQUITA CANYON, LLC - #6177-44

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JUNE 24, 2025

South Coast AIR QUALITY MANAGEMENT BOARD HEARING
21865 COPELY DRIVE, DIAMOND BAR, CA 91765

REPORTED BY:
EILEEN ELDRIDGE, NOTARY PUBLIC
JOB NO.: 114478

TRANSCRIPT OF PROCEEDINGS

June 24, 2025

1 MS. ROBERTS: Chiquita remains free to evaluate
2 that on its own, but it's not part of an Abatement
3 Order.

4 MR. BALAGOPALAN: So they're not submitting to
5 the District to --

6 MS. ROBERTS: No.

7 MR. BALAGOPALAN: -- get approval of that?

8 MS. ROBERTS: No.

9 MR. BALAGOPALAN: Okay. So that's the change
10 that has been made to 77?

11 MS. ROBERTS: So 77, the parties stipulated to
12 the District's proposed language.

13 MR. BALAGOPALAN: Okay. All right. That's
14 fine. I misunderstood that. So I do believe the
15 changes that are proposed in the revised condition
16 should help in further reducing the odors. I would also
17 like to point out, I think the District should provide
18 Ms. Havaland (phonetic) data and I worked here at the
19 agency. I was in the administration group we did
20 provide Sunshine Canyon with two digits of redacted
21 data, which I had students do analysis and it showed
22 that they are very close.

23 So I think that will help in further analysis.
24 I think as much -- and the end point is whether we agree
25 or whether the odors, the complaints are the ones that

1 we want to see drop dramatically. And the analysis that
2 is done towards seeing the time of day, what type of
3 odors? If all the measures are contributing to
4 reduction of odors. That is critical because that's why
5 we are hearing from the public, they're still
6 experiencing odor.

7 So we cannot dismiss that. While I think all
8 the other metrics are showing that, the flux studies, I
9 think that's good showing a significant reduction. The
10 draw study and all the other measures that we take
11 increase the flow to the flares. I think that also in
12 the draws there. So all the significant measures that
13 are helping to reduce, but the final matrix, in my
14 opinion, is what the public is experiencing.

15 So the continued monitoring of the odors and
16 classification and trying to identify, I think is still
17 more data they have so they fine tune it, the better it
18 is for everybody's concern, you know, or pinpoint where
19 issues may come.

20 The fact that there were 13 geyser events, and
21 it doesn't appear that those were reported. And maybe
22 that have been to the District and correlated with the
23 type of complaints or when the complaints were received,
24 that I would think would have been critical. So at
25 least they know, oh, okay, there's a geyser event.

Exhibit C

Transcript of Proceedings

December 09, 2025

In the Matter of:

South Coast Air Quality Management District



www.aptusCR.com | 866.999.8310

1 **the regional winds at the times those complaints**
2 **were made, to determine whether odors could have**
3 **emanated from the landfill?**

4 A. Yes, we had previously done that and have
5 continued to do that in accordance based on the
6 street-name-only data. Which, in those cases, we
7 used the midpoint of that street as the "impact
8 location." And then we also did a similar analysis
9 with the address data.

10 Q. **So let's look at Slide 17, where you**
11 **depict this wind direction test. How did you change**
12 **the setup of this test when you had the exact**
13 **addresses as opposed to the street midpoints?**

14 A. Well, first, we felt we could reduce the
15 angle that we were using, and the angle basically
16 determines if there's any wind -- if the wind
17 direction is coming from anywhere within that, in
18 this case, 90-degree angle, then we would assume
19 that the landfill could be upwind of that particular
20 complaint location.

21 Previously, we were using a 100-degree
22 threshold, and we felt with exact addresses, we
23 could reduce that angle and try to make the analysis
24 more accurate.

25 Q. **Slide 18 shows the results of this test.**

1 **What percentage of verified complaints fell outside**
2 **this 90-degree angle and were, therefore, were**
3 **unlikely to have come from the landfill?**

4 A. The analysis suggested about 20 percent of
5 those came, you know -- that 20 percent of those
6 complaints that were subsequently verified likely
7 did not come from the landfill or the landfill was
8 likely not upwind during that period of time. Not
9 only at the time of the complaint, but we looked at
10 any period between an hour before up to that time of
11 the complaint.

12 **Q. How were these results different from**
13 **those of the analysis that used street midpoints**
14 **instead of the exact addresses?**

15 A. We saw about a 25 percent reduction in the
16 number of values that were out in the orange, that
17 were outside of the range when we had the exact
18 addresses; so we think that's a more accurate
19 representation of this wind direction test.

20 So this is a good example where there was
21 a 25 percent, we think, improvement from the
22 accuracy of the data using the exact addresses over
23 midpoints of streets.

24 **Q. You also performed some statistical**
25 **analyses of this specific address information, the**

1 **results of which are shown on Slide 22. Could you**
2 **please walk us through these results.**

3 A. Sure. So we took that database of
4 complaints up through the beginning of September,
5 where we had the exact addresses. And so there is
6 about 26,000 complaints from 2023 until that point
7 in September -- early September of 2025.

8 The top 1 percent, so about 31 addresses
9 out of that group, accounted for about 20 percent --
10 28 percent of the total complaints.

11 And then 99 addresses, so that's about
12 3 percent of the total addresses, they contributed
13 about half of the total complaints.

14 And then I think we discussed the other
15 item there already, that there's 20 addresses that
16 resulted in half of the complaints that resulted in
17 an NOV being issued.

18 And then, finally, a single address has,
19 you know, complained over 280 times in 2024.

20 **Q. What conclusions do you draw from these**
21 **statistics?**

22 A. We conclude that there is -- impact areas
23 are definitely very localized. There are certain
24 areas that we're seeing a large number of complaints
25 in a small area with a limited number of addresses.

Exhibit D

1 OFFICE OF THE GENERAL COUNSEL
2 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
3 MARY REICHERT, State Bar No. 264280
4 SENIOR DEPUTY DISTRICT COUNSEL
5 21865 Copley Drive
6 Diamond Bar, California 91765-0940
7 TEL: 909.396.3400 • FAX: 909.396.2961
8 Email: mreichert@aqmd.gov

6 Attorneys for Petitioner
7 South Coast Air Quality Management District

8
9 **BEFORE THE HEARING BOARD OF THE**
10 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

11 **In the Matter of**

12 **SOUTH COAST AIR QUALITY**
13 **MANAGEMENT DISTRICT,**

14 Petitioner,

15 v.

16 CHIQUITA CANYON, LLC a Delaware
17 Corporation,
18 [Facility ID No. 119219]

19 Respondent.

20 CASE NO. 6177-4

21 **DECLARATION OF LAURANCE B.**
ISRAEL IN SUPPORT OF PETITION
FOR ORDER FOR ABATEMENT

22 Health and Safety Code § 41700, and District
23 Rules 402, 431.1, 3002, 203, 1150

24 Hearing Date: June 3 and 17, 2025
Time: 9:30 a.m.
Place: Hearing Board
25 South Coast Air Quality
Management District
26 21865 Copley Drive
27 Diamond Bar, CA 91765

28 I, Laurance B. Israel, declare as follows:

29 1. I am employed as a Supervising Air Quality Inspector within the Toxics and Waste
30 Management Group of the Office of Compliance and Enforcement at the South Coast Air Quality
31 Management District (“South Coast AQMD”). I have been employed with the South Coast AQMD
32 since June 29, 1987 and have held my current position since November 2022. Through my role
33 with the South Coast AQMD, I am familiar with Chiquita Canyon Landfill (CCL), both from

1 personal visits to and inspections at the facility, as well as through my role supervising other Air
2 Quality Inspectors within the Toxics and Waste Management Group who conduct inspections at
3 CCL. I have been conducting inspections and/or supervising other Air Quality Inspectors
4 conducting inspections at CCL for approximately 33 years.

5 2. I am familiar with the Order for Abatement issued in this matter (Case No. 6177-4)
6 and have testified in support of the South Coast AQMD's Petition for An Order for Abatement,
7 and subsequent proposals to modify the Order for Abatement, including the South Coast AQMD's
8 Proposed Modifications in Exhibits 73 and 74.

9 3. South Coast AQMD's methodology for investigating an odor complaint is designed
10 to determine whether "air contaminants or other material [are causing] injury, detriment, nuisance,
11 or annoyance to any considerable number of persons or to the public" pursuant to South Coast
12 AQMD Rule 402 and California Health and Safety Code Section 41700. South Coast AQMD
13 developed an internal policy that guides investigations of complaints and issuance of notices of
14 violation if the prohibition against creating a public nuisance has been violated.

15 4. In residential areas like the neighborhoods bordering CCL, South Coast AQMD's
16 existing internal policy threshold for issuance of a notice of violation for public nuisance is met
17 when six individual complaints are verified by an inspector within a 24-hour period. The
18 complaints must be from separate households—multiple complaints from one household will only
19 count as one complaint for the purpose of making this determination.

20 5. When inspectors respond to a complaint, they typically meet with the complainant,
21 ask questions, and assess whether the complained-of air quality issues are present and ongoing.
22 This is accomplished by assessing whether the complainant themselves still detects the odor and
23 by relying on the inspector's olfactory senses and historical experience within the geographic
24 area—as opposed to using specific monitoring tools. This is because many noxious smells can be
25 more aptly detected by the human nose as compared to a measuring device. If the inspector
26 confirms in the complainant's presence that the odor is present and ongoing, then this qualifies as
27 a "verified" complaint.

1 6. If the complaint is verified, the inspector then attempts to trace the odor back to a
2 source, such as the Landfill. An inspector typically traces the source of an odor by measuring the
3 wind speed and direction where the odor was confirmed and then seeking the same odor at
4 locations up and down wind—narrowing this range until a single source is identified. Based on the
5 inspector's training and knowledge of upwind and downwind emission sources within the
6 geographic area, and combined with the immediate wind data, the inspector will often be able to
7 determine the source of the odor. The neighborhoods surrounding CCL have been known to
8 experience odor issues arising out of CCL operations. That is, as time has passed, and complaints
9 are continually received relating to the same types of odors in the same geographical area, the
10 inspectors have become more familiar with the odors. Accordingly, inspectors are able to
11 differentiate ordinary landfill trash odors from the distinct odors associated with leachate and the
12 recent subsurface chemical reaction (which often emits a distinctive sour milk odor).

13 7. The South Coast AQMD has received approximately 570 complaints from the
14 public alleging odors coming from CCL during the month of May 2025 (as of 9am on May 29,
15 2025). The types of odors complained of during this time include sour or spoiled milk, chemical,
16 leachate, and burning odors. The odor complaints came from residential neighborhoods bordering
17 the landfill, including Val Verde, Hasley Hills, Hasley Canyon, Hillcrest Parkway, Live Oak, and
18 Williams Ranch. So far during the month of May, a total of eleven Notices of Violation (NOVs)
19 were issued to CCL for violation of Health and Safety Code Section 41700 and South Coast
20 AQMD Rule 402, which both prohibit creating an odor public nuisance. This is the greatest
21 number of nuisance NOVs issued to CCL since October 2024.

22 8. As of 9am on May 29, 2025, to date in 2025 the District has received more than
23 2,700 odor nuisance complaints alleging CCL as the source from the public, and the District has
24 issued 38 NOVs for creating an odor public nuisance. From January 2023 to the present, the total
25 number of odor nuisance complaints from the public amount to more than 29,000 and
26 approximately 340 odor nuisance NOVs have been issued. As a comparative example, during the
27 previous CCL Order for Abatement proceedings from approximately July 2020 to November
28 2022, South Coast AQMD received approximately 970 complaints and issued 25 NOVs to CCL

1 for public nuisance due to working-face trash odors. The continuing quantity of public odor
2 complaints received and NOVs issued by South Coast AQMD demonstrate that CCL continues to
3 create an ongoing odor nuisance.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed on this 30th day of May, 2025, at Diamond Bar, California.

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8 Laurance B. Israel
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Exhibit E

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION - LOS ANGELES

THE PEOPLE OF THE STATE) Case No. CV 24-10819 MEMF (MARx)
OF CALIFORNIA, et al.,)
Plaintiffs,) Los Angeles, California
v.) Tuesday, July 15, 2025
) 8:08 A.M. to 10:19 A.M.
) 10:38 A.M. to 11:26 A.M.
)
CHIQUITA CANYON, LLC,) Evidentiary Hearing
et al.,) Day 2
)
Defendants.)
)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MAAME EWUSI-MENSAH FRIMPONG
UNITED STATES DISTRICT JUDGE

16 Appearances: See Page 2
17 Deputy Clerk: Damon Berry
18 Court Reporter: Recorded; CourtSmart
19 Transcription Service: JAMS Certified Transcription
20 16000 Ventura Boulevard #1010
Encino, California 91436
(661) 609-4528

25 Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 between the parties on this.

2 MS. FOX: There isn't really a dispute, Your Honor.
3 Let me be clear. AQMD considers these documents
4 confidential. I don't believe they rise to that level, but I
5 need to ask the Court to confirm that in a ruling. But I'm
6 going to withdraw the objection and simply stipulate to the
7 admission of 109 with -- to 111, as I understand my colleague
8 will as well.

9 THE COURT: Okay. Do you stipulate to 109 to 111
10 being admitted?

11 MS. BRILLAULT: We do.

12 THE COURT: Okay. 109 to 111 are admitted at this
13 time, and to the extent that there's any issue with anything
14 being filed on the record and whether it needs to be filed
15 under seal, the parties will comply with the Local Rules and
16 this Court's standing order concerning filing documents under
17 seal.

18 (Defendants' Exhibits 109, 110, and 111 are admitted
19 into evidence.)

20 THE COURT: Anything further from plaintiffs'
21 counsel?

22 MS. FOX: No. Thank you, Your Honor.

23 THE COURT: Anything from defense counsel?

24 MS. MORGAN: Yes. Your Honor, we'd like to move --
25 as Your Honor has already moved in the declarations, we would