OFFICE OF THE GENERAL COUNSEL
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
KATHRYN ROBERTS, SBN 326693
Principal Deputy District Counsel
RYAN MANSELL, SBN 332477
Principal Deputy District Counsel
MARY REICHERT, SBN 264280
Senior Deputy District Counsel
E-mail: kroberts@aqmd.gov; rmansell@aqmd.gov; mreichert@aqmd.gov
21865 Copley Drive
Diamond Bar, California 91765
Tel: (909) 396-2734 • Fax: (909) 396-2961

Attorneys for Petitioner
South Coast Air Quality Management District

BEFORE THE HEARING BOARD OF THE

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In The Matter Of SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, Petitioner, vs. CHIQUITA CANYON, LLC a Delaware Corporation; CHIQUITA CANYON, INC., a Delaware Corporation, [Facility ID No. 119219] Respondents.	**Case No. 6177-4** **SOUTH COAST AQMD'S RESPONSE AND OPPOSITION TO MOTION FOR HEARING BOARD SITE VISIT** Health and Safety Code § 41700, and South Coast AQMD Rules 402, 431.1, 3002, 203, 1150 _____ Hearing Date: January 29, 2026 Time: 9:30 am Place: Hearing Board South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765

The South Coast Air Quality Management District ("South Coast AQMD") opposes Respondent Chiquita Canyon, LLC's ("Chiquita's") Motion for a Site Visit. Chiquita invents a standard for considering a site visit, but that standard fails to adequately weigh the burdens of conducting such a visit, and under an appropriate standard, Chiquita fails to show that a site visit is necessary for the Board to reach a decision in this case. Chiquita further astonishingly proposes Board Members themselves provide personal observation evidence, ignores public hearing

requirements of the Health and Safety Code, unlawfully attempts to circumvent the public access requirements of the Brown Act, and completely ignores the significant burden on South Coast AQMD staff and risks to Hearing Board members, South Coast AQMD staff, and the public that a site visit would impose. The proposed visit is not only unnecessary, it is unlawful, impractical, and risky. The Board should deny the request in its entirety.

Argument

I. No Law Authorizes this Board to Conduct a Site Visit Without a Public Hearing.

Chiquita's motion fails at the very first step – it fails to point to *any* relevant authority that would allow the Hearing Board to conduct a site visit to a private landfill, without conducting a hearing, for the purpose of gathering evidence to be used in a case under the Board's jurisdiction. The Hearing Board, like any administrative body, is created by statute and only has the powers afforded to it by that statute. (*Friends of the Kings River v. Cty. of Fresno*, 232 Cal. App. 4th 105, 117 (2014) (citing *Ferdig v. State Pers. Bd.*, 71 Cal. 2d 96, 103 (1969)).) The powers granted to the Hearing Board enable it to hold public hearings and receive relevant evidence at those hearings. (See generally Health and Safety Code § 40808; Hearing Board Rule 9.) Chiquita offers no citation suggesting any authority authorizes the Board to collect evidence outside of the normal public hearing process. Chiquita compares the Hearing Board conducting this private site visit to that of a judge in civil litigation conducting a site visit – but fails to mention that a judge, unlike the Hearing Board, is expressly authorized by statute to conduct exactly these site visits, and does so only under the specific procedures that statute establishes–which notably includes visiting the site during a regular public court session. (See Cal. Code Civ. Pro. § 651.) The lack of specific authority for the Hearing Board to conduct non-public site visits outside a hearing alone mandates the Board deny Chiquita's motion, as the Board cannot grant a request beyond its own authority.

Beyond the lack of authority to take evidence outside of the public hearing process, Chiquita next errs by inventing a standard ("appropriate and relevant") to argue the Board should conduct such a private non-hearing site visit in this case. (See Motion at 1.) The correct standard for the Hearing Board to consider a site visit includes a finding of necessity (e.g. that the normal methods to receive evidence are inadequate) and a finding that the benefits outweighs the burdens

involved in conducting a site visit.[1] (See e.g. *Akins v. Sonoma County* (1967) 67 Cal.2d 185, 201 [upholding trial court denial of a site visit where photographs in evidence were adequate, and a site visit would be physically challenging for one of the jurors]; see also Hearing Board Rule 9(b)(4) [authorizing to Hearing Board to exclude evidence where its value is outweighed by an undue consumption of time].) There is no plausible argument that such a visit is necessary given the Board's ability to gather evidence through the normal hearing process, and Chiquita fails to even assert one. Tellingly, Chiquita declines to even mention the standard the Legislature set for judges to consider a site visit in the Code of Civil Procedure, which requires a court to find both that the visit is proper and that the visit "would aid the trier of fact in its determination of the case." (Cal. Code Civ. Pro. § 651(a).) Chiquita proposes this site visit with no pending modification or any requested decision before the Board, and thus, by definition, Chiquita's proposed visit would not aid in the determination of the case. And for the reasons discussed more fully below, a site visit that attempts to exclude the public and avoid holding a hearing is improper, as it runs afoul of the Brown Act and the Health and Safety Code. Chiquita's invented standard also omits any balancing of the public interest, the burdens imposed on the South Coast AQMD, the burdens and risks to the Board Members in visiting an active and dangerous hazardous waste storage and treatment site. But here, where hosting a public hearing of the Board is the responsibility of the South Coast AQMD, a party to this case, the Board must consider both the need for a visit (because other means of obtaining evidence are insufficient), and the burden imposed by conducting such a visit, including the burden to the Board, the South Coast AQMD, and the public who has a statutory right to participate in the proceedings.

II. A Site Visit Is Neither Necessary nor Appropriate in this Matter.

As Chiquita's own motion notes, the Board has had this case since August 2023. The Board has issued an initial Order for Abatement and eight modifications over the past two and a half years. Those Orders came after dozens of days of hearings, hundreds of hours of testimony,

[1] As noted, the Hearing Board can only actually consider a site visit that complies with all applicable law, which includes a public hearing pursuant to the Health and Safety Code and the Brown Act.

thousands of documents, and ample argument from the Parties. The Board has at no time struggled with a lack of evidence and has never voiced any inability to reach a decision for lack of having conducted a site visit. Nor has the Board indicated it cannot understand any process, equipment, or occurrence without viewing such process, equipment, or occurrence in person. And the Board has certainly never indicated that it could not make any required finding due to lack of having visited the site in person.[2] There is simply no need to conduct a site visit for the Board to be able to continue to oversee the existing Order or ultimately abate the nuisance.

Chiquita's analogy to a judicial site visit in a separate lawsuit misses the mark. This Board, unlike a randomly-assigned judge in a civil case, is specialized in dealing with air pollution violations and large sources of emissions, including landfills. This Board also has years of experience abating public nuisances, including successfully abating a prior public nuisance at this very landfill less than four years ago. Unlike a judge who does not have the practical ability to regularly hold all-day evidentiary hearings or continually adjust its orders as new evidence arises, and needs a site visit to understand the on-the-ground details of a landfill's air pollution impacts, this Board has specifically set this matter for regular—and lengthy—status hearings to ensure it is kept abreast of the matter and is specialized in dealing with exactly these types of complex facilities and violations. Moreover, throughout this case, Chiquita has relied exclusively on the testimony of technical witnesses in presenting its case before the Board, most of whom are not based in California and rarely visit the landfill. If Chiquita believes observation of the site is needed for the Board's decision-making process, Chiquita has had ample opportunity to present testimony from those who regularly observe the site, such as landfill employees, who spend each workday at the landfill. That Chiquita has never elected to offer such testimony is telling of the actual need for a site visit.[3] It is also notable that the landfill is experiencing an *underground*

---

[2] As the Order and every subsequent modification in this matter has been stipulated, the only finding the Board has had to make is good cause. (See South Coast AQMD Rule 806(b).)

[3] In a prior public nuisance abatement order case, Chiquita routinely introduced testimony from the landfill manager. (See e.g. Minute Order Sept. 17, 2021, Case No. 6177-1, at 2 [showing Respondent witness "Steve Cassulo, Landfill Operator"].)

elevated temperature event; this is not a circumstance where the underlying cause could be observed by a site visit. A site visit here is not only unnecessary, it would provide little or no benefit to the Board, particularly given how much evidence the Board has already received and reviewed over the course of more than two full years of jurisdiction in this case.

A. A Site Visit is Inappropriate Because the Burden Outweighs Any Benefit.

In addition to the lack of any benefits, a site visit would come with an outsized burden to the South Coast AQMD. Chiquita's Motion calls for as many as three separate visits to the landfill and surrounding community, posing an enormous burden on South Coast AQMD, which is responsible for arranging logistics for all public meetings of Boards of the South Coast AQMD. As an example, when the Board held an in-community hearing on a weekend pursuant to Hearing Board Rule 8(o)(1), South Coast AQMD staff was responsible for coordinating and procuring a suitable hearing location at a nearby community college. That one hearing required more than three months' advance preparation, significant resources from South Coast AQMD Clerk of the Boards, Public Affairs, and Risk Management Divisions, and weekend overtime for more than 30 South Coast AQMD employees. There, the burden was outweighed by the benefit of increasing accessibility and ease of participation for members of the public given the level of public concern over this matter. (See generally Hearing Board Rule 8(o)(1) [authorizing moving hearing times where there are "issues of strong community concern."].) Here, the site visits proposed by Chiquita would require an even greater burden to the South Coast AQMD and the Board Members while providing zero public benefit, as the public would be entirely excluded from the visit.

The burden imposed by a site visit involves high safety risks. South Coast AQMD must comply with California workplace safety requirements to ensure the safety of all its employees, including those who would be required for a site visit but do not have specialized training for visiting these types of facilities (such as Legal staff, Clerk's Office staff, and Public Affairs staff, even apart from the Hearing Board Members themselves). South Coast AQMD specifically rejects Chiquita's assertion that no personal protective equipment ("PPE") beyond close-toed shoes and a safety vest are needed. (Motion, Exhibit A ¶¶ 2, 4.) South Coast AQMD requires its employees to wear a personally fit-tested respirator to visit most parts of the landfill at the present time as well as

other specialized safety equipment, such as a Multi Gas Monitor. (Declaration of Laurance Israel, ¶ 7.) This policy was set by the South Coast AQMD following employee complaints of experiencing adverse health symptoms following a landfill visit.[4] (*Ibid.*) South Coast AQMD also does not allow its employees to visit CCL without adequate advanced safety training, some of which takes multiple days to complete. (*Id.* ¶¶ 3-4.) A site visit that seeks to view the most relevant parts of the landfill (e.g. the areas of the landfill experiencing the reaction and exhibiting symptoms of the reaction causing the public nuisance, and/or locations where major mitigation efforts are being implemented), are also the most likely to require high levels of PPE, and potentially specialized safety training for employees whose normal job functions do not require field visits. (*Id.* ¶¶ 7-8.) Although Chiquita's site visit protocol (Motion, Exhibit A) is too vague to say with specificity the full amount of safety precautions that will be needed, it is certain that the burden will be significant to the South Coast AQMD. To ensure the safety of its employees, South Coast AQMD at a minimum would require a full evaluation by its Risk Management Division and sufficient training on, and fit testing for, the use of a respirator by all South Coast AQMD employees attending any site visit.

Chiquita's proposed site visit would also impose significant burdens on the Board, including the same safety risks discussed above. Chiquita proposes that Board members independently or in pairs visit the landfill, such that no visit would be a meeting under the Brown Act; each visit be recorded by video and audio; each Board member take notes and/or draft written memoranda; and the Board members then provide testimony[5] to be included as evidence in the record at a subsequent Hearing Board meeting. (See Motion at 2-3.) Entirely apart from the fact that there is no law authorizing anything like this in any Hearing Board matter, this would place a substantial burden on each Hearing Board Member to collect (via recording) and create (via notes,

---

[4] Chiquita cannot dictate any safety standards below the minimum set by South Coast AQMD for its own employees. Where, as here, the South Coast AQMD's minimum standards are set based on an articulated and specific safety concern, the burdens imposed by those standards are relevant considerations for the Hearing Board in deliberating whether to order a site visit.

[5] Chiquita's motion does not specify that the Board Member would provide testimony, but the Hearing Board Rules require all oral evidence to be sworn. (Hearing Board Rule 9(b)(1).)

memoranda, and/or testimony) evidence, and then ensure that this evidence is entered into the record. That is precisely backward. The Hearing Board's role is to hear the evidence offered *by the Parties* and decide a matter based on the evidence received. It is the Parties who have the burden to prove any necessary findings with sufficient evidence, and in the absence of sufficient evidence the Board's role is simply to vote against the Party's request. In fact, asking each Board Member to *create* evidence, whether in the form of notes, a memorandum about the site visit, or testimony about the Board Member's own observations, would put the Board Member in the untenable position of having to weigh the sufficiency of evidence the Board Member themself created (as well as similarly weighing evidence created by their fellow Board Members).[6] This is plainly absurd and an unreasonable burden on the Board.

Last, Chiquita's proposal imposes a burden to the public. As proposed, Chiquita requests to omit access, notice, or a right to be heard by the public at the landfill site visit. As a practical matter, the public would be the only ones involved in this case without an opportunity to directly see the first-hand evidence (e.g. the landfill itself, not merely the photos or memoranda the Board Members take or prepare from visiting the landfill). Any future hearing where this evidence is considered or even referred to would put the public at a disadvantage as they follow the matter and the Board's decisions. But it is the public who suffers from the nuisance violations at the heart of this case. Chiquita's proposed exclusion of the public literally adds insult to already grievous injury. Chiquita's half-hearted remedy is to include a community visit as part of its site visit. (See Motion, Exhibit A ¶ 8.) But Chiquita does not specify what community, where in the community, whether the public would be part of any tour, or even if Chiquita's proposed bar on any questions from anyone but the Hearing Board applies for the community portion of the visit, or only limits

[6] Again, there is no authority allowing Board Members to present evidence collected on their own. Chiquita's citations to Government Code sections 54957.5(b)(1) and 54954.2(a)(1) are merely the requirements for agendas and public records for items on the agenda intended to be referenced during an upcoming hearing. The Brown Act does not authorize manners of receiving *evidence* in an adjudicative hearing. Only the Health and Safety Code, along with the Hearing Board's own rules, and District Rules, do so.

questioning of Chiquita's employees.[7] (See *id.* at ¶ 8-9.) As written, Chiquita's proposal would omit public participation even for the in-community portion of the site visit. (See Motion at 2.) Excluding the public from the process imposes a burden on those directly impacted who seek to be kept informed of, and participate in, the Hearing Board's work.

The burdens of Chiquita's proposal are significant. And the benefits are next to none, if any. Any balancing of the interests overwhelmingly favors rejecting Chiquita's proposed site visit.

III. Chiquita's Proposed Site Visit Does Not Comply with Governing Law.

While the lack of authorizing law and the balancing of the interests are each alone reason enough to reject Chiquita's Motion, the Board must also consider how a site visit outside public view directly conflicts with the statutes that govern the Hearing Board. Though Chiquita makes a failing attempt at circumventing the Brown Act, its motion neglects to even mention the Health and Safety Code, which does not allow the Hearing Board to take action without a quorum, or to receive evidence outside of a hearing, or hold hearings in any place not readily accessible to the public. Both the Health and Safety Code and the Brown Act prohibit a site visit as Chiquita proposes.

A. The Health and Safety Code Prohibits a Site Visit Outside a Public Hearing.

The Health and Safety Code only authorizes the Board to receive evidence at hearings.[8] (See generally Health and Safety Code §§ 40820 *et seq.*) It does not authorize receipt of evidence in any other manner. (*Id.*) And the Health and Safety Code only authorizes the Hearing Board to hold hearings "in a location readily accessible to the public." (*Id.* § 40822.) Chiquita is correct that the South Coast AQMD Rules allow "any relevant evidence" to be admitted (*See* Motion at 4,

---

[7] South Coast AQMD Rule 808(a), Hearing Board Rule 9(b)(2), and Gov. Code § 11513(b) (applicable to the Board by Health and Safety Code § 40807) each independently prohibit limiting questions like this.

[8] Chiquita's cite to the Brown Act as allowing "information" obtained outside a public meeting as long as it is put in the public record is a red herring. (*See* Motion at 3.) The Board is required to conduct hearings and receive *evidence* pursuant to the Health and Safety Code, which incorporates the evidentiary standards from the California Administrative Procedure Act. (Gov. Code §§ 11513 *et seq.*) The Health and Safety Code, South Coast AQMD Rule 808, and the Hearing Board Rules, consistent with the Gov. Code, outline the only manner in which the Board can receive *evidence*. (*See* H&SC § 40807.)

[citing Rule 511(c)][9]), but Chiquita misleadingly omits the first part of this sentence which specifically states that this provision on admission of evidence is governing the conduct of a "hearing." (South Coast AQMD Rule 808(c); see also Gov. Code § 11513(c).) This language does not grant authority to receive evidence outside a hearing. All parties agree that anything seen, heard, or even smelled at a site visit to the landfill would be evidence. (See Motion at 3.) But Chiquita fails to wrestle with the implications of this admission: the Health and Safety Code does not authorize the Board to act outside of hearings, nor does it authorize any individual Board Member to receive evidence absent a quorum of three members.[10] (Health and Safety Code § 40820.) The practical reasons for requiring a hearing and a quorum to receive evidence are obvious: the Hearing Board must rely on the evidence to reach its decision, which must be by a majority vote, and must be formally reduced to writing and announced. (Health and Safety Code §§ 40860, 40820; 40862.) In fact it is here that Chiquita's analogy of a Hearing Board site visit to a judicial site visit finds utility, as the Code of Civil Procedure also mandates the "court shall be in session throughout the view" of a site visit and for such a visit "the entire court, including the judge, jury, if any, court reporter, if any, and any necessary officers, shall proceed to the place, property, object, demonstration, or experiment to be viewed." (Cal. Code Civ. Pro. § 651(b).) There is no lawful process whereby any formal adjudicative body like the Hearing Board may receive evidence used to make legally binding determinations outside of the formal process of a hearing. Simply put, a private viewing of the evidence, put second-handedly into the public record by the Board Members themselves creating evidence of the visit, is contrary to all relevant law.

To be clear, Chiquita is free to record (via video or photograph) a tour of the landfill and submit such recording as evidence at a public hearing, consistent with the applicable rules on evidence. (See generally Gov. Code § 11513; South Coast AQMD Rule 808; Hearing Board Rule

---

[9] Chiquita is incorrect in its Rule citation. Rule 511 does not govern Orders for Abatement. (See Rule 501.) Regulation VIII governs Orders for Abatement, and this same language also appears in Rule 808(c), which is the applicable citation.

[10] Health and Safety Code section 40820 exempts certain actions (e.g. emergency variances) from a three-member quorum, but that is inapplicable here.

9.) But for evidence beyond that type of recording, such as mental impressions formed by the Board seeing, hearing, or smelling the landfill, the Board may only obtain such evidence in accordance with the Health and Safety Code, which requires the Board hold a hearing that is readily accessible to the public.

It is worth mentioning that other aspects of Chiquita's proposed protocol for a site visit would also require modification to be compatible with the Health and Safety Code. For example, Chiquita is seemingly suggesting some landfill staff narrate the visit to explain what is being seen. (See Motion, Exhibit A ¶ 6.) But the Health and Safety Code (as well as the Gov. Code, South Coast AQMD Rules, and Hearing Board Rules) only allows oral evidence sworn under oath. (Health and Safety Code § 40830; see also Gov. Code § 11513(a); South Coast AQMD Rule 808(a); Hearing Board Rule 9(b)(1).) Likewise, any such testimony is subject to cross exam by other parties, not merely the Hearing Board. (Compare Motion, Exhibit A ¶ 9 *with* Gov. Code § 11513(b); South Coast AQMD Rule 808(b); Hearing Board Rule 9(b)(2).) And Board Members themselves would not be allowed to submit memoranda or their personal notes as evidence. (See Motion at 3.) The Hearing Board Rules permit only a "Party" to submit evidence and defines "Party" to exclude the Members of the Hearing Board themselves. (See Hearing Board Rules 9(b); 1(k).) Because Chiquita's motion is not consistent with the Health and Safety Code, it must be denied.

B. Chiquita's Proposal Violates the Brown Act Requirements for Public Participation.

A site visit to the landfill that does not allow public access is not compatible with the Brown Act, which in addition to the Health and Safety Code, imposes requirements on the Board to ensure adequate public access. Chiquita's attempt to circumvent the Brown Act by not having a quorum at any one time both fails because it doesn't address all the similar restrictions in the Health and Safety Code that require public access, but also because it is unsuccessful in actually evading the Brown Act. In fact, Chiquita's motion—while suggesting that the Hearing Board asked for this site visit (Motion at 2)—fails to mention that the Hearing Board Chair already expressly rejected Chiquita's exact idea of conducting a site visit without adhering to the Brown Act. (See June 24, 2025, Hr. Tr. at 214:13-19 ["So if we did do it, we would post [public notice]

because governmental bodies travel all the time to locations in state as well as out of state. So if we did it, it would be in compliance with the Brown Act. I can guarantee you that. But I believe it needs to be explored as Ms. Roberts says it is not open to the public."].) The Chair's comments were correct–any site visit must comply with the Brown Act–and because Chiquita's scheme fails to comply with the Brown Act, the Board must deny Chiquita's motion.

The Brown Act expressly prohibits the sort of circumvention Chiquita attempts here by having the Board attend only one or two Members at a time. (See Motion at 3.) The Brown Act expressly states "[a] majority of the members of a [public] body shall not . . . use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the [public] body." (Gov. Code § 45952.2(b)(1).) Known as the prohibition on "serial meetings," this section prohibits using a series of communications, where any individual step in the process lacks a quorum, but collectively all in the series would be a quorum, to do what the Board could otherwise only do at a public meeting. That is what Chiquita asks the Board to authorize here: a series of landfill visits, whereby the whole Board, through a series of separate visits, would have conducted a visit and gained personal observations that could be considered in a future hearing, but entirely outside public view or access.

Notably, the Brown Act regulates "not only collective discussion but also the 'collective acquisition and exchange of facts preliminary to the ultimate decision,' [and thus] the Brown Act is applicable to collective investigation and consideration short of official action." (*Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 101-103, *quoting Sacramento Newspaper Guild v. Sacramento County Bd. of Supers* (1968) 263 Cal.App.2d 41, 47-49; see also Cal. Dept. of Justice, The Brown Act, Open Meetings For Local Legislative Bodies (2003), p.12 ["Conversations which advance or clarify a member's understanding of an issue, . . . or advance the ultimate resolution of an issue, are all examples" of communications subject to the Brown Act when done by a quorum].) A site visit to the landfill would squarely include the "acquisition and exchange of facts" and/or "conversations which advance or clarify a member's understanding of an issue" which, where there's a quorum, would be regulated by the Brown Act.

(*Ibid.*) And the Brown Act's serial meeting prohibition means the Board cannot undertake such acquisition of facts serially to try and evade a quorum. (Gov. Code § 45952.2(b)(1).) Rather, the Brown Act requires public access for the acquisition of facts by the Board, even if the Board doesn't issue a modified Order (e.g. take official action) during the site visit, and even where the Board Members were to acquire the facts by a series of visits where no single visit was a quorum. The California Constitution mandates the Brown Act be read broadly "if it furthers the people's right of access." (Cal. Const., art. I, § 3(b)(2).) Courts have made clear that this constitutional protection ensures a right to public participation in every step of the decision-making process, including the gathering of information by a public body. (*Stockton Newspapers*, *supra*, 71 Cal.App.3d at 101-103; *Sacramento Newspaper Guild*, *supra*, 263 Cal.App.2d at 47-49.)

The Brown Act's prohibition on serial meetings must also be read for its intent – a prohibition on circumventing public participation. As one authoritative source explains, "[t]he problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making." (League of California Cities, Open and Public VI: A Guide to the Ralph M. Brown Act, 22. Jan. 2024.[11]) Here, Chiquita's attempt to circumvent the Brown Act is a transparent attempt to prevent the public from participating in observing the Board receive evidence for this case. But the public is entitled to see the evidence as it is presented to and observed by the Board at a public meeting. Because Chiquita's attempts to circumvent public participation violate California law, its motion must be denied.

Conclusion

This is not the first time Chiquita has asked the Board to skirt statutory mandates to limit public participation in this case. (See e.g. Chiquita, Letter to the Board re: Testimony of Individuals Represented by Counsel, Dec. 8, 2023 [requesting the Board to disallow and/or disregard testimony from certain members of the public].) As it did in the prior instance, the Board

[11] Available at: https://www.calcities.org/docs/default-source/advocacy/open-public-vi-revised-2024.pdf?sfvrsn=2f412f0d_3 (last visited January 6, 2026.)

here must uphold its statutory mandates and maintain the public's right to participate. If the Board is to acquire facts and receive evidence that can be used to make any decision in this case, it must do so at a hearing where the public can attend and participate. The public participation mandated by law is fundamentally incompatible with visiting this private landfill. Chiquita's Motion proposes a ham-fisted scheme in attempt to sidestep the public's rights, but it fails on the law and fails to show even a practical utility to the Board. South Coast AQMD respectfully requests this Board to deny, in its entirety, Chiquita's unlawful and unnecessary Motion for a Site Visit.

DATED: January 16, 2026

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL
Bayron T. Gilchrist, General Counsel
Nicholas A. Sanchez, Assistant Chief Deputy Counsel
Kathryn Roberts, Principal Deputy District Counsel
Ryan P. Mansell, Principal Deputy District Counsel
Mary Reichert, Senior Deputy District Counsel

By: _____
Kathryn Roberts, Principal Deputy District Counsel
Attorneys for Petitioner