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BEFORE THE HEARING BOARD OF THE

SOUTH COAST AQMD
CLERK OF THE RECORDS
2026 JAN 27 AM 7:42

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In The Matter Of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

vs.

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

Respondent.

Case No. 6177-4

DECLARATION OF JACOB P.
DUGINSKI IN SUPPORT OF
CHIQUITA'S REPLY IN SUPPORT OF
MOTION FOR HEARING BOARD SITE
VISIT

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 reply to the South Coast Air Quality Management District's ("South Coast AQMD") response and opposition to Chiquita's motion for a Hearing Board site visit. If called as a witness, I could and would competently testify to the material facts herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of transcripts of the evidentiary hearing between the County of Los Angeles and Chiquita on July 17, 2025, in Case No. 2:24-cv-10819 MEMF-MAR, Dkt. No. 147.

3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of the transcript from proceedings this Hearing Board held in this case on June 4, 2025.

4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of the transcript from proceedings this Hearing Board held in this case on June 24, 2025.

1
2 I declare under penalty of perjury under the laws of the State of California that the foregoing is
3 true and correct to my personal knowledge.

4 Executed on this 23rd day of January, 2026, in Chino Hills, California.

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10 Jacob P. Duginski
11 *Attorney for Respondent*
12 Chiquita Canyon, LLC

Exhibit A

AMENDED TRANSCRIPT

4 THE PEOPLE OF THE STATE OF) Case No. LA CV 24-10819-MEMF-
5 CALIFORNIA, et al.,) (MARx)
6)
7 Plaintiffs,) Los Angeles, California
8)
9 vs.) Thursday, July 17, 2025
10)
11 CHIQUITA CANYON, LLC, et al.,) (8:05 a.m. to 9:39 a.m.)
12 LLC, et al.,) (9:51 a.m. to 10:12 a.m.)
13)
14 Defendants.)
15)

11 TRANSCRIPT OF MOTION FOR PRELIMINARY INJUNCTION RE RELIEF
FUND FOR TEMPORARY RELOCATION AND HOME HARDENING [58]
BEFORE THE HONORABLE MAAME EWUSI-MENSAH FRIMPONG
12 UNITED STATES DISTRICT JUDGE

14 Appearances: See next page.
15 Court Reporter: Recorded; CourtSmart
16 Courtroom Deputy: Damon Berry
17 Transcribed by: Jordan Keilty
18 Echo Reporting, Inc.
19 9711 Cactus Street, Suite B
Lakeside, California 92040
(858) 453-7590

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

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7 CATHERINE L. CARLISLE, ESQ.
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1 APPEARANCES: (Cont'd.)

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1 of June. Her explanation is that once an inspector finds
2 six unique residential addresses, an NOV issues. There's
3 only one NOV issued a day. If there's 100 complaints, 50 in
4 the morning, 50 in the afternoon, one NOV.

5 So, I want to call out that a --

6 THE COURT: I do have a question, and if you're
7 going to get to this, that's fine. I think one of the
8 points that defense counsel is going to make, which they
9 made in their opening remarks at the evidentiary hearing,
10 they're going to argue that the day that I went to visit,
11 the odors were not similar to what has been described in
12 either the nature or severity, and, so, I do want you to
13 address that, given that in your papers and here today
14 you've indicated that the odors are pervasive, continuing
15 every single day, and I think Defense is going to take issue
16 with that, at least on the basis of my visit. So, it would
17 be helpful for you to address that.

18 MS. FOX: Thank you, your Honor. I think that
19 what happens on any day when a complaint comes in, the
20 inspector goes out. By the time the inspector goes out, the
21 wind direction could have changed. There could have been
22 other changes in the operation of the facility. So, we know
23 -- we know that sometimes those complaints are not verified,
24 and we also know that different individuals' homes are
25 located in different geographical areas. So, where the

1 indicates that the air quality is the same there as
2 everywhere, except for you're saying that the individuals
3 that live there, they are more sensitive to these gases
4 than the equipment is?

5 MS. FOX: I think that the individuals are able to
6 perceive the odors that the equipment cannot measure. And I
7 think Ms. Sanders says that in her declaration. So, it's
8 not that there's a bunch of highly sensitive odor -- odor
9 amplified individuals that live in this area. It's that the
10 measurement devices that are measuring the air quality are
11 not measuring the odors.

12 THE COURT: Okay. And then my next question is
13 with respect to the causation and the root cause analysis,
14 so, defense counsel argues that the County has not met its
15 burden with respect to the likelihood of success with
16 respect to causation because no root cause has been
17 determined for the reaction. Can you address that?

18 MS. FOX: It's true no root cause has been
19 determined for the chemical reaction. That isn't our case,
20 again, your Honor. The cause of the odors is the Chiquita
21 Canyon Landfill. That's been determined each and every time
22 the AQMD inspector goes to the site and verifies that he can
23 or she can smell the odor and sources it back to the
24 facility. That is, the causation of the odor is the
25 facility.

Exhibit B

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

PAGES 1-232

JUNE 4, 2025

SOUTH COAST AIR QUALITY MANAGEMENT BOARD HEARING
21865 COPELY DRIVE, DIAMOND BAR, CA 91765

REPORTED BY:
NOEMI SANDOVAL, CSR#14627
JOB NO.:113641

TRANSCRIPT OF PROCEEDINGS

June 04, 2025

1 MR. VERDUGO-PERALTA: No, Mr. Chair. Thank you
2 very much for letting me appear this way. I hope it
3 was --

4 CHAIRMAN ALI: I see you on your side. I know
5 you are really struggling.

6 MR. VERDUGO-PERALTA: I am struggling right
7 now, but I'm glad I was able to attend.

8 CHAIRMAN ALI: So if we can, why don't we look
9 at a subsequent date -- Mr. Balagopalan did you have
10 a --

11 MR. BALAGOPALAN: Just a general comment.

12 CHAIRMAN ALI: Go right ahead.

13 MR. BALAGOPALAN: I think it was being raised
14 by the public member about a site visit, and I think I
15 was surprised to also hear that Ms. Morgan also seconded
16 that. And I don't know how the District feel about it,
17 but I think -- and I don't believe that the hearing has
18 ever done that on an actual site, but I think it will be
19 very useful, so.

20 CHAIRMAN ALI: So if in fact members of the
21 hearing board are inclined, I believe that we can work
22 very closely with the clerk's office, and those who
23 would like to attend, if two of us it would be great
24 because then we would have to post it, right. So if two
25 of you are inclined to conduct a site visit, I'm very

Exhibit C

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

PAGES 1 - 216
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 MR. BALAGOPALAN: And 73.

2 CHAIRMAN ALI: 74?

3 MR. BALAGOPALAN: 73, the Proposed Stipulated
4 Conditions.

5 CHAIRMAN ALI: That's right. Hold on. 73.

6 Okay. Exhibits 97 as well as 73.

7 Is there a second?

8 MR. BALAGOPALAN: Second.

9 CHAIRMAN ALI: Second by Mr. Balagopalan.

10 Any further question or discussion?

11 Dr. Abraham?

12 MR. ABRAHAM: Aye.

13 CHAIRMAN ALI: Ms. Verdugo-Peralta.

14 MS. VERDUGO-PERALTA: Aye.

15 CHAIRMAN ALI: Mr. Balagopalan?

16 MR. BALAGOPALAN: Ays.

17 CHAIRMAN ALI: Mr. Pearman?

18 MR. PEARMAN: Aye.

19 CHAIRMAN ALI: All the votes in the
20 affirmative. The matter is hereby approved unanimously.
21 Thank you very kindly for the time spent, the Petitioner
22 as well as the Respondent and all the witnesses and to
23 the general community. At the moment in time, we are
24 off the record and adjourned at 3:39.

25 MR. BALAGOPALAN: Just a point, I know we

TRANSCRIPT OF PROCEEDINGS

June 24, 2025

1 discussed this before about -- and I don't know what's
2 come out of it, doing a potentially a site visit, all
3 members of the board going to the facility.

4 CHAIRMAN ALI: We would need to schedule that
5 sometime or another. I would probably say sometime in
6 August or so. Sometime in August or September.

7 MS. ROBERTS: The District would like to be
8 heard on that. We do think that might be a concern
9 under the Brown Act. We are not sure that compliantly
10 because the landfill is not open to the public, nor is
11 it accessible to the public. And those are hallmarks of
12 the Brown Act. So...

13 CHAIRMAN ALI: So if we did do it, we would
14 post it because governmental bodies travel all the time
15 to locations in state as well as out of state. So if we
16 did it, it would be in compliance with the Brown Act. I
17 can guarantee you that. But I believe it needs to be
18 explored as Ms. Roberts says it is not open to the
19 public.

20 So I'm not for certain what would the hearing
21 board examine or review, but we still would need to
22 consider the exploration months down the line. We need
23 to give these folks an opportunity to move forward on
24 what we've approved today and then we can come back and
25 have that discussion subsequently.

