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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CHIQUITA CANYON, LLC,

Petitioner

v.

CALIFORNIA DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY,

Respondent

and

COUNTY OF LOS ANGELES, by and through the
LOS ANGELES COUNTY DEPARTMENT OF
PUBLIC HEALTH, SOLID WASTE
MANAGEMENT PROGRAM, acting as the
LOCAL ENFORCEMENT AGENCY,

Real Party in Interest.

CASE NO. 26STCP03712

**VERIFIED PETITION FOR WRIT OF
ADMINISTRATIVE MANDAMUS**

[CODE OF CIVIL PROCEDURE §§ 1094.5,
1094.6]

1 Petitioner Chiquita Canyon, LLC, by this verified petition, alleges as follows:

2 **INTRODUCTION**

3 1. Petitioner Chiquita Canyon, LLC (“Chiquita”) seeks a writ of administrative
4 mandamus pursuant to Public Resources Code sections 45040 and 45042 and Code of Civil
5 Procedure section 1094.5 directing Respondent California Department of Resources Recycling
6 and Recovery (“CalRecycle”) to set aside its August 28, 2026 Decision and Order (“CalRecycle
7 Decision”) and reconsider Chiquita’s administrative appeal.

8 2. Respondent CalRecycle abused its discretion by affirming the Los Angeles County
9 Solid Waste Facilities Hearing Board’s (“Hearing Board”) decision to rubber-stamp an
10 enforcement directive of the Los Angeles County Department of Public Health, Solid Waste
11 Management Program, acting in its capacity as the Local Enforcement Agency (“LEA”), requiring
12 Chiquita to install a geomembrane cover over the entire Main Canyon waste management area of
13 the Chiquita Canyon Landfill (“Landfill”) by August 31, 2026.

14 3. Chiquita is currently taking extensive actions to address an elevated temperature
15 landfill event (“ETLF” or “reaction”) occurring at the Landfill, under the supervision of numerous
16 federal, state, and local regulators. The dispute before this Court involves the extent to which these
17 mitigation steps should include installation of geomembrane cover, which can play a useful role in
18 controlling odors and surface emissions from portions of the Landfill affected by the reaction, over
19 an area of the Landfill not affected by the reaction. Chiquita is currently in the process of meeting
20 a U.S. Environmental Protection Agency (“EPA”) requirement to install 100 additional acres of
21 geomembrane cover over the Main Canyon, and has already installed approximately 72 of those
22 100 additional acres. It anticipates completing the installation of the ordered 100 acres by
23 December 1, 2026—in compliance with EPA’s deadline.

24 4. Chiquita only contests an additional 66 acres of the Main Canyon—the “Contested
25 Area”—that the LEA has directed should also be covered with geomembrane. The Contested Area
26 is in a portion of the Landfill far away from the reaction. The LEA nevertheless issued two orders
27 with provisions directing that installation of geomembrane over the entire Main Canyon, including
28 the Contested Area, be completed by August 31, 2026 (the “LEA Directive”), a dramatically

1 accelerated schedule that, if followed, would have endangered ongoing mitigation efforts. The
2 LEA's own witnesses have acknowledged the deadline was set arbitrarily.

3 5. Installation of geomembrane cover is a complex and sensitive task at a landfill.
4 Chiquita is not installing thin tarp over flat ground. Instead, Chiquita is installing a thick plastic-
5 like geomembrane cover over a canyon-based landfill with significant elevation changes. This
6 work is further complicated because the Contested Area contains key elements of the
7 infrastructure Chiquita is using to control the reaction—including gas and liquid extraction wells,
8 miles of piping, tank farms, and other interconnected systems that remove heat, liquids, and gases
9 from the waste mass. Installing cover requires portions of that infrastructure to be disconnected or
10 taken offline temporarily. Doing so can impair the mitigation systems that are stabilizing the
11 reaction and can increase temperatures and cause odors and emissions. The process of installing
12 geomembrane cannot be accelerated without putting these mitigation systems at risk.

13 6. Chiquita exercised its statutory right to challenge the LEA Directive before the
14 Hearing Board. The parties presented numerous witnesses and thousands of pages of technical
15 materials. But rather than engage with the serious concerns Chiquita raised, the Hearing Board's
16 written decision ("Hearing Board Decision") merely recited the materials and witnesses presented
17 and announced that the LEA Directive was affirmed. In reaching this outcome, the Hearing Board
18 took every possible procedural shortcut, ignored applicable evidentiary standards, failed to prepare
19 written findings, denied Chiquita the ability to cross-examine witnesses, and allowed an official
20 with evident bias to sit on the Hearing Board.

21 7. Chiquita then appealed to CalRecycle. Rather than correcting these errors,
22 CalRecycle affirmed the result while committing a fundamental legal mistake of its own by
23 applying the governing substantial evidence standard incorrectly. CalRecycle also attempted to
24 cure the absence of factual findings in the Hearing Board Decision by retrofitting its own *post hoc*
25 findings onto the Hearing Board's action.

26 8. CalRecycle's cursory discussion of the merits was likewise flawed. Chiquita's
27 appeal was directed to the Contested Area, not to geomembrane cover generally. Yet CalRecycle
28 ignored the substance of Chiquita's appeal and repeatedly relied on broad conditions elsewhere at

the Landfill in its decision. The LEA may only act to address “deteriorated or defective conditions,” California Code of Regulations, title 27, section 20750, but the record shows that no such conditions exist in the Contested Area. CalRecycle suggested that the geomembrane cover might be needed for odor and emissions control if the reaction were to expand to the Contested Area, but never addressed (1) the record evidence that the reaction is currently well-managed, (2) the undisputed fact that the Contested Area is not currently affected by the reaction, and (3) the fact that regulatory agencies can take action if the reaction shows signs of approaching the Contested Area. Nor does the LEA have legal authority to order installation of geomembrane cover over areas of the Landfill that are not currently “deteriorated or defective” based on a speculative future need.

9. CalRecycle similarly failed to address the record evidence that the LEA's August 31, 2026 deadline had no rational basis and could not be met without impairing the existing infrastructure controlling the reaction. Experience demonstrates that temporarily disconnecting this infrastructure for cover installation can worsen the reaction, so the accelerated work the LEA demands would put at risk the extensive control measures occurring at the site. CalRecycle issued its final Decision and Order on August 28, 2026—*three days* before the August 31 deadline it affirmed.

10. Administrative mandamus exists to correct precisely this kind of failure. Chiquita asks the Court to set aside CalRecycle's August 28, 2026 Decision and direct CalRecycle to return the matter for lawful administrative proceedings before the Hearing Board in which the challenged requirements are evaluated under the correct legal standards, material factual disputes are resolved, adequate findings are made, and the serious procedural defects identified in this Petition are cured. Before ordering a large and complex engineering project for the Contested Area, the agencies must act through the process and under the standards California law requires.

PARTIES

11. Petitioner Chiquita Canyon, LLC is a limited liability company that owns and operates the Chiquita Canyon Landfill, a municipal solid waste landfill located at 29201 Henry Mayo Drive, Castaic, California, 91384, in Los Angeles County. Chiquita owns in fee simple the

1 approximately 639 acres that comprise the Landfill property.

2 12. Respondent California Department of Resources Recycling and Recovery is a
3 department of the State of California and the successor to the California Integrated Waste
4 Management Board. CalRecycle administers and enforces the California Integrated Waste
5 Management Act and is authorized by Public Resources Code sections 45030 through 45032 to
6 review appeals from written decisions of local solid waste facilities hearing panels and hearing
7 officers.

8 13. Real Party in Interest County of Los Angeles, by and through the Los Angeles
9 County Department of Public Health, is a political subdivision of the State of California. The Los
10 Angeles County Department of Public Health, Solid Waste Management Program, acts as the
11 Local Enforcement Agency for CalRecycle with jurisdiction over the Landfill and, in that
12 capacity, is responsible for enforcing applicable state minimum standards and other solid waste
13 requirements.

14 **VENUE AND JURISDICTION**

15 14. This Court has jurisdiction under Public Resources Code sections 45040 and 45042
16 and Code of Civil Procedure sections 410.10, 1094.5, and 1094.6.

17 15. Venue is proper in this Court because the underlying Compliance Order was issued
18 by the LEA, the administrative proceeding giving rise to the CalRecycle Decision arose from that
19 order, and the CalRecycle Decision determines Chiquita's obligations concerning the Landfill,
20 which is located in Los Angeles County. (Code Civ. Proc., §§ 393, 394, 395.)

21 16. Chiquita has no further administrative remedy and no plain, speedy, or adequate
22 remedy at law.

23 17. The controversy remains live and the relief sought remains effective. CalRecycle
24 twice denied Chiquita's petitions to stay the LEA Directive, and the Directive has remained in
25 effect throughout the administrative proceedings. (Pub. Resources Code, § 45017, subd. (a).)
26 Although the August 31, 2026 deadline affirmed by the CalRecycle Decision has now passed, the
27 LEA Directive continues to require Chiquita to install geomembrane cover over the Contested
28 Area, and Chiquita remains exposed to civil penalties of up to \$5,000 for each day of claimed

1 noncompliance. (Pub. Resources Code, § 45011.)

2 18. This Petition is timely, having been filed within 30 days of the date of service,
3 August 28, 2026. (Pub. Resources Code, § 45040.)

4 5 **GENERAL ALLEGATIONS**

6 **A. Factual Background**

7 19. The Landfill was a cornerstone of Los Angeles County’s solid waste management
8 infrastructure for over five decades since 1972. Chiquita Canyon, Inc. acquired the Landfill in
9 2009, and subsequently ownership was transferred to Chiquita, which has operated the facility
10 since the acquisition. Until it stopped accepting public waste on January 1, 2025, the Landfill was
11 the County’s second largest landfill, handling nearly a quarter of the County’s solid waste from
12 millions of residents and businesses each year.

13 20. The Landfill is situated in a deep canyon on 639 acres of hilly terrain. 400 of these
14 acres are permitted for waste disposal. It safely processed thousands of tons of municipal solid
15 waste six days a week and played an essential role in maintaining regional waste capacity. Of
16 those 400 acres permitted for waste disposal, 212 acres comprise an area referred to as the “Main
17 Canyon.”

18 21. The Landfill is highly engineered to protect public health and the environment. Key
19 environmental control systems include thick liners under the waste to collect landfill liquids and
20 miles of piping to collect gases, which are standard components of municipal solid waste landfill
21 operations. As part of normal biological processes, a portion of the solid waste within a landfill
22 undergoes microbial decomposition, which in turn produces gas. The gas is collected and treated
23 by gas collection and control systems. The microbial decomposition process also produces heat,
24 which results in the waste mass temperature being above ambient atmospheric temperatures.
25 Under normal conditions, heat does not accumulate to a level at which the biological process is
26 inhibited. The normal decomposition of waste also releases liquid. Water in contact with waste
27 solids and gases is referred to as leachate. Like landfill gas, leachate is collected and managed
28 through leachate collection and recovery systems.

1 22. In February 2023, Chiquita discovered that a sudden and unexpected increase in
2 sulfur levels in its landfill gas caused Chiquita to exceed its permitted sulfur emission limits. To
3 address these sulfur exceedances, Chiquita promptly petitioned for and was granted a variance
4 from its permitted sulfur limits from its local air regulator, the South Coast Air Quality
5 Management District (“South Coast AQMD”). As required by that variance, Chiquita retained
6 technical consultants to conduct a root cause analysis, which concluded that the sulfur
7 exceedances were the result of an ETLF event.

8 23. ETLF events are a relatively recent and uncommon phenomenon in the landfill
9 industry, which encompasses thousands of closed and active landfills. The first known ETLF
10 event in the United States was identified in the early 2000s, and only approximately fifteen large-
11 scale ETLF events have been recognized since. An ETLF event—also referred to as a landfill
12 reaction—is not a fire or a subsurface oxidation event. ETLF events typically occur in deep, wet
13 waste and result from oxygen-free biological processes that alter the normal decomposition
14 process at the landfill. ETLF events can increase temperatures, generate additional leachate, and
15 change landfill gas characteristics. Removing more gas and leachate is a crucial strategy to reduce
16 temperature and pressure, and thus manage a reaction and its impacts.

17 24. At the Landfill, an ETLF event is occurring deep within an older, lined, and
18 inactive portion of the waste mass. In their root cause analysis, Chiquita’s technical consultants
19 found no discrete trigger for the ETLF event, which is consistent with other ETLF events. The
20 landfill industry believes that the exact causes and contributing factors to large-scale ETLF events
21 and chemical reactions associated with ETLF events are different and somewhat unique from
22 landfill to landfill. The “original cause” or “triggering event” at ETLF events is not always
23 obvious because their occurrence is infrequent and there are many landfills that have similar
24 characteristics but do not exhibit ETLF conditions. The analysis noted that Chiquita has not
25 accepted new or different waste streams that could have contributed to this reaction and that there
26 have been no other operational changes that could be an underlying cause. Consistent with those
27 findings, Chiquita’s experts concluded that the ETLF event was not caused by Chiquita’s recent
28 waste acceptance practices or other waste disposal operations.

1 25. For three years, Chiquita has responded to the ETLF event with an unprecedented
2 and aggressive mitigation program designed to control the reaction, mitigate any effects, and
3 protect the surrounding community.

4 26. Chiquita's mitigation measures follow widely accepted, tested, and proven best
5 management practices. Chiquita has deployed primary mitigation measures, which address the
6 thermal conditions within the underlying waste (i.e., heat accumulation in the waste mass) and
7 prevent the reaction from spreading, in combination with secondary mitigation measures, which
8 mitigate potential *effects* of the ETLF event (i.e., odors and other air emissions).

9 27. The *primary* mitigation measures focus on removing heat from the waste mass by
10 pulling out hot liquids (leachate) and gases. This is a proven best management practice based on
11 established engineering and scientific principles. Removing heat through aggressive gas and liquid
12 extraction is recognized by the EPA, industry, and academia as the leading measure to mitigate
13 and reduce the spread of ETLF events.

14 28. To accomplish this, Chiquita has dramatically expanded its landfill gas and liquid
15 removal systems. As of February 2026,¹ Chiquita had installed approximately 365 new landfill gas
16 wells deep within the waste mass and equipped nearly 140 with leachate extraction pumps, which
17 work together to remove these key heat sources from the waste mass. Chiquita's leachate
18 extraction pumps removed over 65 million gallons of leachate in 2025 alone. The landfill gas
19 wells collect and remove hot gases from the waste mass. That gas is then routed through flares or
20 thermal oxidizers that destroy potentially harmful compounds in the gas before release,
21 significantly reducing the potential for offsite impacts.

22 29. In addition to these robust heat removal mechanisms, Chiquita has implemented
23 extensive temperature monitoring systems, allowing conditions to be tracked in real time and
24 enabling rapid response to changes.

25
26 ¹ The metrics and descriptions of the progress of Chiquita's mitigation efforts refer to their status
27 at the time of the LEA proceeding (unless otherwise noted) to reflect the state of the record before
28 the Hearing Board. Since then, Chiquita has made steady and significant progress in its mitigation
efforts, including installing additional landfill gas wells, leachate extraction pumps, and thermal
oxidizers..

1 30. In support of these primary mitigation measures, which address the thermal
2 conditions within the underlying waste, Chiquita has also deployed *secondary* mitigation measures
3 to reduce and prevent offsite impacts. These secondary mitigation measures include installing a
4 perimeter odor control misting system and a semi-permanent vapor odor control system. The
5 secondary measures are also based on accepted and evidence-based best management practices.

6 31. Another secondary mitigation measure is the installation of geomembrane cover.
7 This is an accepted and effective best management practice, as landfill gas produced as a result of
8 an ETLF event tends to have higher concentrations of odiferous compounds. Installing
9 geomembrane cover over these areas can help contain gas that would otherwise leave the Landfill
10 as surface emissions and redirect the gas into the landfill gas collection and control system. Unlike
11 gas and liquid extraction, however, a geomembrane cover is not a primary mitigation measure for
12 an ETLF event: it does not remove heat or prevent ETLF conditions from spreading.

13 32. A geomembrane cover addresses odors and emissions from the ETLF event and
14 serves no purpose in areas where there are no abnormal odors or emissions. Reflecting that
15 evidence-based approach, Chiquita installed approximately 46 acres of 30-mil geomembrane
16 cover over the portion of the Landfill affected by the ETLF event. This cover is located in the
17 northwest corner of the Landfill and controls gaseous emissions from the Landfill's surface. For
18 comparison, this cover is the same size as approximately 34 football fields. Installation took more
19 than a year, from the fall of 2023 through January 2025. Geomembrane cover is composed of a
20 strong, high-performance, and flexible barrier technology that keeps air from the atmosphere out
21 and traps landfill gas emissions. It is a sophisticated and highly technical material that is difficult
22 to source due to the complicated engineering required to manufacture it. This design ensures that
23 the geomembrane cover is also heat, weather, and tear resistant.

24 33. Chiquita is now deploying additional, more protective geomembrane cover that is
25 twice as thick, 60-mil (0.06 inch). Chiquita has committed to install over 100 additional acres of
26 this geomembrane cover, which includes portions of the Main Canyon well beyond the reaction
27 area, thus creating a "buffer zone" of covered, non-reacting Landfill. Chiquita has also re-covered
28 much of the original 46 acres with the thicker cover and committed to making any further repairs

1 to the 30-mil cover with the new, 60-mil material. As of September 11, 2026, Chiquita has
2 installed a total of approximately 89 acres of the new 60-mil cover. This cover expansion work
3 remains ongoing.

4 34. As a result of Chiquita's primary mitigation efforts, the ETLF event is not
5 expanding and is in a state of local equilibrium. Temperatures have stabilized and in some cases
6 are decreasing, odiferous emissions have been reduced dramatically, and impacts to the
7 community have diminished. Odor complaint data from 2025 was significantly lower than in
8 2024.

9 35. Exhibit A, appended to this Petition, displays the Main Canyon as of April 21,
10 2026. The blue shaded area contains approximately 46 acres covered by the original 30-mil
11 geomembrane; the two green areas are the 100 additional acres required by the EPA and are
12 presently being covered by 60-mil geomembrane; and the purple Contested Area consists of the
13 remaining 66 acres of the Main Canyon.

14 36. The subject of this Petition is the 66 acres that form the Contested Area. These
15 acres are not exhibiting abnormal odors or emissions, nor elevated temperatures. In short, there is
16 no evidence that adding cover to the Contested Area now would have any beneficial impact in
17 addressing the ETLF event or any impacts at this time.

18 37. There is evidence, however, that covering the Contested Area, particularly on the
19 timeline required by the LEA, will have a *negative* impact on Chiquita's efforts to address and
20 mitigate the ETLF event.

21 38. Installing additional geomembrane cover is not simply a matter of laying plastic on
22 the ground. Installation requires a temporary halt to the primary mitigation mechanisms in place—
23 the landfill gas and liquid extraction system—and must be carefully considered in the context of
24 the full mitigation strategy before deployment. Installation of cover involves tradeoffs.
25 Specifically, the installation process requires temporarily taking substantial portions of Chiquita's
26 primary mitigation mechanisms offline and disconnecting, relocating, and then upsizing as
27 necessary the whole system's infrastructure. These mitigation mechanisms are not located only
28 within the area affected by the reaction. The Contested Area contains critical components of the

1 landfill gas and liquid extraction system that affect the entire Landfill. Leaving these mechanisms
2 online during construction of a cover is infeasible because the infrastructure is physically in the
3 way, and could draw unwanted air into the waste mass.

4 39. Additionally, the work required to deploy the geomembrane cover is highly
5 specialized and thus must be completed at a reasonable, methodical pace. The landfill gas
6 infrastructure that must be moved or rerouted to accommodate deployment of the cover poses
7 potential hazards. Properly trained crews must be limited to appropriate numbers to avoid
8 disrupting, or worse, breaking the existing infrastructure. This work cannot be expedited by
9 adding more hands. First, there are limited engineers and technicians with this specialized
10 expertise. Further, physical constraints limit the number of people who can safely work in an area
11 at any given time. A deployment decision must also consider weather limitations because the
12 winter months at the Landfill create wet weather conditions and strong winds that make it unsafe
13 for personnel to operate the equipment necessary to install cover.

14 40. Because of these tradeoffs and limitations, the timing and pace of installation must
15 be carefully evaluated when considering whether, when, where, and how quickly to install cover.
16 The installation of cover may be justified where the cover mitigates the effects of the ETLF event,
17 like odors and emissions, if the pace of installation appropriately balances construction activities
18 with continued operation of the primary mitigation measures to avoid adverse impacts. For
19 example, as discussed above, Chiquita is already in the process of installing 100 additional acres
20 of cover by December 1, 2026 at the EPA's direction. (See Exhibit A, *supra*.) The workplan for
21 this project was first submitted in May 2025, with the first cover panels installed in July 2025.
22 Chiquita is able to satisfy this December 2026 deadline at a reasonable pace that allows Chiquita
23 to minimize disruptions to the systems during the installation process.

24 **B. Legal Background**

25 41. Chiquita is subject to the California Integrated Waste Management Act of 1989
26 ("Waste Management Act" or "Waste Act"), Public Resources Code section 40000 et seq. "The
27 goal of the Waste Management Act is to reduce, recycle, and reuse solid waste generated in the
28 state to the maximum extent feasible in an efficient and cost-effective manner." (*PaintCare v.*

1 *Mortensen* (2015) 233 Cal.App.4th 1292, 1299, alterations and citation omitted.) The Waste
2 Management Act established the Integrated Waste Management Board, which in 2009 was
3 renamed the Department of Resources Recycling and Recovery and is commonly referred to as
4 “CalRecycle.” (*Id.* at 1299n.2.) CalRecycle resides within the broader California Environmental
5 Protection Agency. (Pub. Resources Code, § 40400.)

6 42. CalRecycle “generally enforces the Waste Act but may also certify a local
7 government agency as the enforcement agency in a given community.” (*No Wetlands Landfill
8 Expansion v. County of Marin* (2012) 204 Cal.App.4th 573, 578 [citing Pub. Resources Code, §§
9 40110, 43200 et seq.]) “If a local enforcement agency [LEA] is certified, Waste Act regulations
10 specify that ‘[p]erformance of permitting, inspection, and enforcement duties and responsibilities
11 of comprehensive solid waste enforcement issues shall reside solely within’ the local enforcement
12 agency.” (*Id.* at 581 [citing Cal. Code Regs., tit. 14, § 18072, subd. (a)].)

13 43. The LEA conducts hearings through a body referred to as the Solid Waste Facilities
14 Hearing Board. (Pub. Resources Code, § 44308.) The Hearing Board has jurisdiction over permit
15 denials, permit suspensions, enforcement actions taken by the LEA, and alleged failures to act by
16 the LEA. (See, e.g., *id.* §§ 44300, 44305, 44307.) Hearings before the LEA Hearing Board are
17 informal proceedings by default under the Government Code, although they may become formal
18 proceedings, as discussed below. (Pub. Resources Code, § 44310, subd. (b); Gov. Code,
19 § 11445.10.) Members of the Board are appointed according to specified procedures. (Pub.
20 Resources Code, §§ 44308–44310.)

21 44. Following a hearing and decision by the Hearing Board, a party to the hearing may
22 appeal to CalRecycle. (Pub. Resources Code, § 45030.) In considering an appeal of the Hearing
23 Board’s decision, CalRecycle considers the record before the Hearing Board, relevant facts as to
24 any actions or inactions not subject to review by the Hearing Board, the record before the LEA,
25 written and oral arguments by the parties, and any other evidence that CalRecycle deems relevant.
26 (*Id.* § 45032.) CalRecycle may only overturn an LEA action if it finds, based on substantial
27 evidence, that the action was inconsistent with the Waste Act. (*Id.* § 45032, subd. (b).) Hearings
28 before CalRecycle are informal proceedings by default under the Government Code. (Pub.

Resources Code, § 45030, subd. (e); Gov. Code, § 11445.10.)

45. Agency use of informal hearing procedures is limited to a defined set of proceedings and is only permitted “if in the circumstances its use does not violate another statute or the federal or state Constitution.” (Gov. Code, § 11445.20.)

46. A party may object to use of the informal hearing procedure in its pleading. (Gov. Code, § 11445.30.)

47. The presiding officer of an agency may deny use of an informal hearing, or may convert an informal hearing into a formal one “if it appears to the presiding officer that cross-examination is necessary for proper determination of the matter and that the delay, burden, or complication due to allowing cross-examination in the informal hearing will be more than minimal.” (Gov. Code, § 11445.50, subd. (a).)

48. Following a decision or order by CalRecycle, a party “may file with the superior court a petition for a writ of mandate for review thereof.” (Pub. Resources Code, § 45040, subd. (a); see also Code Civ. Proc., § 1094.5.)

49. In mandate proceedings pursuant to Code of Civil Procedure section 1094.5, a court may order the agency to reconsider the case “in light of the court’s opinion and judgment” so long as the judgment does not control the “discretion legally vested” in the agency. (Code Civ. Proc., § 1094.5, subd. (f).) As part of this power, the court can dictate that the agency reconsider the case using particular procedures, standards of review, and evidentiary considerations. (See *Hall v. Super. Ct.* (2016) 3 Cal.App.5th 792, 811 [appellate court instructed superior court to enter writ of mandate requiring the DMV Hearing Board to conduct a new hearing in front of a different hearing officer that was fair and impartial]; *California Dep’t of Corrs. v. State Pers. Bd.* (2004) 121 Cal.App.4th 1601, 1610 [upholding superior court grant of writ of mandate requiring the agency to conduct a hearing applying the correct legal standard and applicable statutory definitions]; *Land v. California Unemployment Ins. Appeals Bd.* (2020) 54 Cal.App.5th 127, 146 [upholding superior court issuance of a writ of mandate and dictating that the agency board consider new evidence].)

1 **C. The Landfill and Reaction Have Been Subject to Multiple,**
2 **Overlapping Agency Requirements**

3 50. At least three agencies have issued directives to Chiquita relating to the cover: the
4 EPA, the California Department of Toxic Substances Control (“DTSC”), and the
5 LEA/CalRecycle.

6 51. On May 1, 2025, the LEA issued a Compliance Order that contained its first formal
7 directive relating to the 60-mil cover (“LEA Order”), designated Directive 4.1. This order did not
8 require covering the entire Main Canyon. Instead, it directed Chiquita to install geomembrane
9 cover over areas “not currently covered by a geomembrane and to which the reaction area has
10 expanded or has the potential to expand.” It did not define how much area this might include, how
11 expansion might be measured, or set any guidelines for determining whether there is the
12 “potential” for reaction area expansion. The DTSC had previously issued a similar directive in an
13 Imminent and Substantial Endangerment Determination and Order dated April 1, 2025 (“ISE
14 Order”). Both orders left key questions unanswered: how large the covered area needed to be, how
15 quickly installation was required, and what evidence would trigger further expansion of the cover.
16 Faced with this uncertainty, Chiquita appealed the LEA Order on May 16, 2025, while continuing
17 to work with its regulators to define a reasonable and workable scope.

18 52. The LEA Order was issued pursuant to California Code of Regulations, title 27,
19 section 20750. That regulation provides that “[t]he operator shall implement a preventative
20 maintenance program to monitor and promptly repair or correct deteriorated or defective
21 conditions with respect to requirements of the [California Integrated Waste Management Board]
22 standards, and conditions established by the [enforcement agency].”

23 53. In early June 2025, Chiquita submitted a draft cover workplan—originally prepared
24 for DTSC—to the LEA in an effort to move forward constructively.

25 54. That same summer, EPA issued another order addressing the cover. In a July 24,
26 2025 “Additional Work” letter issued under a February 21, 2024 Unilateral Administrative Order
27 (“UAO”), EPA directed Chiquita to install additional geomembrane cover but, critically, clarified
28 the expected scope: at least 100 acres outside the existing cover area. This was the first time any

1 regulator specifically directed an explicit acreage requirement.

2 55. The LEA approved the cover type and coverage area as described in Chiquita’s
3 draft workplan on August 1, 2025, subject to conditions that were consistent with EPA’s direction,
4 most notably, installation of 100 additional acres of cover, along with a schedule and weekly
5 progress updates.

6 56. Following further coordination with the LEA, EPA, and DTSC, Chiquita formally
7 committed on August 15, 2025 to installing those 100 additional acres under a phased, site-
8 appropriate compliance schedule.

9 57. At that point, all three agencies seemed to be aligned around the same basic scope.
10 That alignment did not last.

11 58. In the fall of 2025, DTSC began pressing for faster and broader deployment. On
12 October 3, Chiquita submitted a revised draft removal action workplan along with an updated
13 implementation schedule with phased installation deadlines. On October 31, DTSC directed
14 Chiquita to “expedite” cover installation and submit a schedule addressing the entire Main
15 Canyon, though DTSC did not set a fixed deadline. Chiquita responded that accelerating
16 installation beyond what had been planned was not feasible and could interfere with ongoing
17 mitigation efforts. DTSC in response revised its position and deferred to the LEA.

18 59. Meanwhile, the LEA took a decisive and much more aggressive step. On
19 November 20, 2025, the LEA Directive rejected Chiquita’s most recent workplan outright, and,
20 for the first time, imposed a hard deadline: complete the cover over the entire 212-acre Main
21 Canyon by August 31, 2026. This was a dramatic expansion, requiring cover over an additional 66
22 acres beyond the 100 additional acres required by EPA and agreed to by Chiquita. These 66
23 additional acres form the “Contested Area” at the center of this dispute. LEA’s unilateral
24 requirement also marked the first time any agency demanded full-canyon coverage by a date
25 certain, with no room for adjustment based on construction constraints, weather, safety concerns,
26 or other impacts.

27 60. Chiquita immediately responded by proposing an alternative, evidence-based
28 schedule that committed to continued cover expansion—100 acres by July 31, 2027—subject to

1 weather and actual site conditions. Chiquita also explained, again, why the LEA's August 2026
2 deadline to cover the entire Main Canyon was infeasible and could undermine reaction mitigation.
3 The LEA has yet to respond to these concerns.

4 61. Separate provisions of the LEA's May 1, 2025 Compliance Order would also have
5 required Chiquita to construct a vertical barrier at the Landfill, which the LEA asserted was
6 intended to limit a potential expansion of the reaction. Chiquita objected vigorously to the
7 feasibility of implementing this requirement. Construction of such a vertical barrier would
8 seriously undermine ongoing mitigation efforts, not to mention pose significant safety concerns to
9 both construction personnel and the environment.

10 62. As contemplated by the LEA and CalRecycle, the requested vertical barrier would
11 require digging into and exposing significant portions of the Landfill's waste mass, which would
12 dramatically disrupt ongoing mitigation efforts, including landfill gas and liquids extraction.
13 Considering the magnitude of the installation necessary for the requested vertical barrier, such an
14 effort would likely result in substantial landfill gas emissions and potential exposure of
15 construction personnel to potentially hazardous conditions associated with landfill gas, leachate,
16 and exposed waste materials. The exposure of buried waste materials to atmospheric conditions,
17 along with operation of the landfill gas collection system, would increase the likelihood of
18 potential fires, both at the surface of the installation and within the surrounding waste mass.
19 Recognizing that the requested vertical barrier may not be as effective as originally anticipated and
20 may be counterproductive to ongoing mitigation efforts, the LEA agreed that Chiquita could
21 propose alternative mitigation measures to the requested vertical barrier, and agreed to defer any
22 appeal of this directive pending discussion of those alternatives.

23 63. EPA later clarified its own position. In a January 13, 2026 letter, EPA explained
24 that it had set performance-based expectations for installation rates for the 100 acres Chiquita
25 committed to and a December 1, 2026 completion deadline, subject to weather dependent
26 extensions. Importantly, however, EPA did not adopt the LEA's requirement to cover the entire
27 Main Canyon, nor did it endorse the LEA's August 31, 2026 deadline.

28 64. The result is a patchwork of inconsistent requirements: EPA requiring 100 acres by

1 December 1, 2026, but allowing for weather-dependent extensions; the LEA unilaterally requiring
2 an additional 66 acres (for 212 acres total) by August 31, 2026, with no allowances for weather
3 and safety concerns; and DTSC simply deferring to the LEA. This evolution underscores why
4 Chiquita challenges the LEA Directive: it did not arise from a clear, evidence-based process, but
5 from a series of shifting directives that ultimately hardened into unreasonable and unworkable
6 demands.

7 65. Chiquita is on target to meet EPA's requirement to install cover over 100 additional
8 acres by December 1, 2026. But as Chiquita has explained numerous times, the LEA's
9 requirement that Chiquita cover the entire 212-acre Main Canyon (including the 66 additional
10 acres beyond EPA's requirement) by August 31, 2026 is not feasible, not consistent with best
11 management practices, and risks undermining the ongoing mitigation efforts which have
12 demonstrated success.

13 66. Chiquita's overall response to the reaction is more broadly governed by a dense and
14 overlapping set of federal, state, regional, and local requirements. The principal orders include: (1)
15 South Coast AQMD's September 2023 Stipulated Order for Abatement, as repeatedly modified,
16 which imposes extensive requirements concerning reaction monitoring, landfill gas and liquids
17 management, inspection and repair of the geomembrane cover, air monitoring, operational
18 controls, reporting, and community notification; (2) EPA's February 2024 UAO, which requires
19 Chiquita to prepare and implement workplans addressing temperature and air monitoring, off-site
20 migration, health and safety, cover installation, slope stability, and other EPA-directed work; (3)
21 the LEA's June 2024 Compliance Order, which imposes additional reaction mitigation
22 monitoring, and gas well, temperature probe, and cover installation and reporting requirements;
23 (4) DTSC's April 2025 ISE Order, which requires three separate removal actions addressing
24 extension of the covered area, interim relocation and stabilization of containerized waste, and
25 protection of Cell 8A; (5) the LEA's May 2025 Compliance Order and related subsequent
26 directives addressing, among other things, additional geomembrane cover, temperature monitoring
27 probes, tank farm and permitting issues, and protection of Cell 8A; and (6) the Los Angeles
28 Regional Water Quality Control Board's Investigative Order, most recently issued in June 2026,

1 which imposes additional surface and subsurface investigation, groundwater monitoring, well
2 installation, sampling, and reporting requirements. Many of these obligations remain ongoing, and
3 several of the agencies imposing them are not parties to this action.

4 67. In particular, the South Coast AQMD’s Stipulated Order for Abatement contains
5 over 100 substantive conditions, many with multiple subparts, all relating to mitigation of the
6 reaction and potential impacts. The Stipulated Order was first entered on September 6, 2023, and
7 has since been modified nine times, most recently on June 3, 2026. One condition establishes a
8 committee of subject matter experts—the Reaction Committee—who studied the reaction from
9 their individual areas of expertise, prepared multiple expert reports on the reaction and potential
10 mitigation measures, and evaluated specific Landfill data and metrics to assess the status of the
11 reaction.

12 68. These overlapping regulatory requirements do not just govern discrete projects that
13 can be implemented in isolation. They regulate many of the same interconnected systems and
14 infrastructure that Chiquita relies upon to control the reaction, including landfill gas extraction and
15 treatment equipment, leachate and dewatering systems, wells and piping, landfill and
16 geomembrane cover, tank farms, slopes, stormwater controls, and monitoring systems. A project
17 undertaken to satisfy one order can therefore affect Chiquita’s ability to comply with another. For
18 example, taking gas wells and dewatering infrastructure offline, even temporarily, affects heat
19 removal, gas collection, emissions control, and liquids management, monitoring, and reporting
20 requirements imposed by other regulators. Chiquita must therefore plan and sequence each major
21 project in light of the full regulatory framework and the continued operation of the reaction
22 mitigation systems as a whole.

23 **D. Hearing Board Proceeding**

24 69. Chiquita timely appealed the LEA Directive requiring Chiquita to cover the entire
25 212-acre Main Canyon by August 31, 2026. The LEA had agreed in writing that any appeal
26 relating to the “vertical barrier” requirement issue could be deferred; Chiquita accordingly did not
27 appeal that issue.

28 70. On August 27, 2025, the members of the Hearing Board met to determine the

1 appropriate procedures to apply during the appeal hearing.

2 71. Following briefing on the merits, the parties appeared before the Hearing Board on
3 April 28, 2026.

4 72. Chiquita argued that the issues presented demanded a formal hearing, including
5 cross-examination, because the dispute turned on complex issues such as conflicting expert
6 interpretations of temperature data, the extent of the ETLF event, the performance of existing
7 geomembrane cover, and the operational consequences of installing additional geomembrane
8 cover. Although a formal hearing, including cross-examination, was needed to comport with due
9 process requirements, the Hearing Board declined to employ formal procedures. Instead, each side
10 was given two hours to present their witnesses (no more than six) and evidence, followed by
11 rebuttal and questioning by the Hearing Board. No cross-examination of witnesses was permitted.

12 73. Additionally, Chiquita sought the disqualification of Martins Aiyetiwa from the
13 Hearing Board due to an unacceptable probability of actual bias because of Mr. Aiyetiwa's role in
14 a large enforcement action against Chiquita during his former employment as a Senior Civil
15 Engineer for Los Angeles County. During his tenure, Mr. Aiyetiwa, who referred to himself as the
16 Landfill's "tax collector," was principally responsible for an enforcement order against Chiquita
17 that was summarily rescinded following a contested proceeding before a Public Works Hearing
18 Officer where Mr. Aiyetiwa served as the County's fact witness. Despite evidence of an
19 unacceptable probability of bias, the Hearing Board did not disqualify Mr. Aiyetiwa from the
20 proceedings because his employment had ended three years prior and his rescinded order involved
21 a different Chiquita matter.

22 74. In advance of the merits hearing, both parties submitted extensive written evidence
23 and argument, including opening and rebuttal briefs, witness lists, expert declarations, technical
24 reports, exhibits, and presentation materials.

25 75. Chiquita presented thousands of pages of evidence addressing the conditions at the
26 Landfill, the location and progression of the ETLF event, the ineffectiveness and potential
27 consequences of additional geomembrane cover, and the infeasibility and arbitrary nature of the
28 August 31, 2026 completion deadline.

1 76. The Hearing Board conducted the merits hearing on April 28, 2026. The parties
2 appeared through counsel, presented fact and expert witnesses, submitted their documentary
3 evidence, and presented arguments concerning the LEA Directive.

4 77. The LEA supported its claims with testimony and declarations from Karen Gork,
5 Environmental Health Services Manager, County of Los Angeles Department of Public Health;
6 Dr. Timothy Stark, PhD, PE, BGCE, Professor of Civil and Environmental Engineering at the
7 University of Illinois; Todd Thalhamer, PE, Senior Waste Management Engineer for CalRecycle;
8 and Wessel Mindermann, PE, Supervising Waste Management Engineer for CalRecycle, each of
9 whom testified at the April 28 hearing, together with the written declaration of Rachel Beck, PG.

10 78. Chiquita supported its challenge with testimony and declarations from Dr. Craig
11 Benson, PhD, PE, BCGE, BCEE, NAE; Patrick Sullivan, BCES, CPP, REPA; Srividhya
12 Viswanathan, PE; Steven J. Cassulo, former District Manager for Chiquita; and Kevin Green,
13 current District Manager for Chiquita.

14 79. Chiquita's largely unrebutted evidence showed (1) the reaction is not at risk of
15 imminent or rapid expansion, (2) the laborious and complex nature of installing the geomembrane
16 cover makes the LEA's timeframe infeasible, and (3) a rushed effort to install the geomembrane
17 cover over the 66 contested acres would likely worsen emissions and odors from the Landfill by
18 requiring Chiquita to shut down and move pivotal mitigating infrastructure. Importantly, the LEA
19 conceded that installation of a cover over the Contested Area will not prevent or slow the spread
20 of the reaction and that the Contested Area is unaffected by the reaction. The LEA also could not
21 state with any level of certainty that the reaction is at risk of expansion or would ever spread to the
22 Contested Area.

23 80. Additionally, Chiquita's experts identified numerous errors with the LEA experts'
24 methodology and findings, including LEA expert Dr. Stark's reliance on extrapolations of
25 temperature data readings and not the actual data readings themselves, and a gross overestimation
26 of geomembrane installation rates based on cherry-picked data from a different landfill (the
27 Bridgeton Landfill in Missouri) that explicitly ignored preparatory time, post-installation work,
28 and extensive weather delays. Dr. Stark then admitted at the hearing that some of the data in his

1 rebuttal declaration was incorrect and went on to cite new data at the hearing that was not
2 previously shared with Chiquita.

3 81. The LEA’s evidence relied on broad assertions and generalized concerns that a
4 geomembrane cover is necessary because the reaction has the potential to expand but lacked any
5 site-specific technical analysis or evidence. In particular, the evidence did not show that there was
6 a defective condition in the Contested Area.

7 82. At the conclusion of the hearing, the Hearing Board voted unanimously to deny
8 Chiquita’s appeal and affirmed the LEA Directive. The Hearing Board issued its written decision
9 on May 1, 2026 (Exhibit B, appended).

10 83. The Hearing Board made *no factual findings* when reaching its decision; it merely
11 affirmed the LEA Directive. The Hearing Board Decision recites the procedural history and lists
12 the titles of the documents submitted to the Hearing Board and the witnesses at the April 28
13 hearing, but includes no findings or analysis. Without findings, there is no record of how—or
14 whether—the Hearing Board weighed the competing evidence and arguments or why the Hearing
15 Board disregarded unrebutted evidence presented by Chiquita. There is likewise no record of
16 which legal standard—substantial evidence, as the LEA contended applied, or preponderance, as
17 Chiquita contended—the Hearing Board applied to the evidence.

18 84. The Hearing Board’s sparse decision leaves Chiquita unable to determine the bases
19 for review of the Hearing Board’s decision, and leaves any reviewing agency or court unable to
20 determine how the Hearing Board came to its ultimate conclusion without speculating.

21 **E. CalRecycle Proceeding**

22 85. On May 11, 2026, Chiquita timely appealed the Hearing Board’s decision to
23 CalRecycle pursuant to Public Resources Code sections 45030 and 45031. Chiquita argued that
24 the Hearing Board committed legal error by rubber-stamping the LEA Directive requiring
25 Chiquita to cover the entire Main Canyon by August 31, 2026. Chiquita requested that CalRecycle
26 review the Hearing Board’s decision and overturn the LEA Directive.

27 86. Chiquita contended that the Hearing Board failed to make findings sufficient to
28 disclose the basis for its decision, failed to resolve material conflicts in the evidence, and applied

1 an incorrect standard in reviewing the LEA’s action. Chiquita also contended that the LEA did not
2 establish a violation of California Code of Regulations, title 27, section 20750 within the
3 Contested Area or demonstrate that a geomembrane cover over the Contested Area would remedy
4 the alleged violation, and that the record did not support the Hearing Board’s decision.

5 87. CalRecycle accepted the appeal and elected to decide it on the administrative
6 record and the parties’ written submissions alone, rejecting both the LEA’s and Chiquita’s request
7 that it consider supplemental evidence. The record before CalRecycle included the proceedings
8 before the Hearing Board, the LEA’s administrative record, the parties’ briefs and exhibits, and
9 additional written submissions made during the CalRecycle appeal.

10 88. Chiquita presented the issues raised in this Petition to the Hearing Board and to
11 CalRecycle through its statements of issues, its prehearing and merits briefing, its objections made
12 on the record at the August 27, 2025 and April 28, 2026 hearings, and its appeal briefing. To the
13 extent the CalRecycle Decision declined to address issues as “not material and necessary to the
14 resolution of this Appeal,” or treated any issue as forfeited for want of presentation to the Hearing
15 Board, that disposition was error: the issues were squarely presented below, were material to the
16 lawfulness of the LEA Directive, and are preserved for review.

17 89. Public Resources Code section 45032 required CalRecycle to consider whether
18 there was substantial evidence that the LEA’s Order was “inconsistent with this division” of the
19 Public Resources Code. (Pub. Resources Code, § 45032, subd. (b).)

20 90. On August 28, 2026, CalRecycle issued its Decision and Order affirming the
21 challenged LEA Directive. (Exhibit C, appended) The CalRecycle Decision devoted two dozen
22 pages to a section captioned “Factual Findings” that recited material from the record (presumably
23 in an effort to fill the gap left by the Hearing Board’s failure to make such findings), CalRecycle
24 Decision at 2-26, but only a few pages to the analysis of Chiquita’s arguments on appeal,
25 CalRecycle Decision at 30-33.

26 91. CalRecycle stated that there was “substantial evidence in the record that Chiquita
27 was in violation of the Act” and that requiring additional geomembrane cover was consistent with
28 those requirements. (CalRecycle Decision at p. 31 ¶ 16.) Although Chiquita had limited its

1 arguments on appeal to installation of geomembrane over the Contested Area and argued that there
2 was no justification in the record to support that aspect of the LEA Directive, CalRecycle's
3 decision barely mentioned the Contested Area, and cited no evidence specific to the Contested
4 Area to support its decision.

5 92. Faced with the Hearing Board's lack of factual findings, CalRecycle supplied its
6 own retrofitted findings to fill this gap, asserting in its decision that the Hearing Board had
7 "agreed with the LEA's interpretation of the data, concluding that the existing soil cover was
8 inadequate, and the SET event^[2] could expand further." (CalRecycle Decision at p. 31 ¶ 15.)
9 CalRecycle went further by speculating that the Hearing Board "thought the likelihood of
10 expansion was high enough to warrant action and concluded that the geomembrane cover was an
11 effective way to mitigate odors, providing the community with some relief." (*Ibid.*)

12 93. CalRecycle also rejected Chiquita's contention that compliance with the August 31,
13 2026 deadline was infeasible. Chiquita had argued that the time it would take to move the
14 extensive infrastructure that Chiquita had installed to manage leachate and gases and control the
15 reaction would make the August 31 deadline infeasible, conclusively rebutting the LEA's
16 miscalculated rate of installation. Moreover, taking these critical management systems offline
17 temporarily would almost certainly lead to increased odors and emissions. (CalRecycle Decision
18 at p. 32 ¶ 18.)

19 94. CalRecycle summarily rejected many of Chiquita's legal and procedural challenges
20 to the LEA Directive in a paragraph that said only that the agency "decline[d] to address issues
21 that are not material and necessary to the resolution of this Appeal." (CalRecycle Decision at p. 33
22 ¶ 22.)

23 95. This proceeding followed.

24 FIRST CAUSE OF ACTION

25
26 ² The LEA uses the term "Subsurface Elevated Temperature ('SET') event." This is a term that
27 fails to distinguish between elevated temperatures due to combustion (i.e., fire) and other
28 exothermic reactions, such as ETLFs which are not caused by combustion, or between landfills
with a limited number of hot wells and those with elevated temperatures over larger areas.

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1 CalRecycle defend, or even address, the Hearing Board’s failure to state or apply the
2 preponderance standard.

3 102. CalRecycle’s decision to sustain the Hearing Board Decision despite the Hearing
4 Board’s plain legal error constitutes a failure to proceed in the manner required by law. (*Bichai v.*
5 *DaVita, Inc.* (2021) 72 Cal.App.5th 1126, 1135, 1140.)

6 **B. CalRecycle Erred in Misapplying the Substantial Evidence Standard**
7 **in its Review**

8 103. CalRecycle was required to apply a substantial evidence standard in reviewing the
9 Hearing Board’s decision. (Pub. Resources Code, § 45032, subd. (b).) Public Resources Code
10 section 45032, subdivision (b) states that CalRecycle “may only overturn an enforcement action . .
11 . by a local enforcement agency if it finds, based on substantial evidence, that the action was
12 inconsistent with” the Act. (*Ibid.*) Substantial evidence requires evidence of “ponderable legal
13 significance” that must be “reasonable, credible, and of solid value,” and cannot be based on
14 “mere speculation or conjecture.” (*Kuhn v. Dep’t of Gen. Servs.* (1994) 22 Cal.App.4th 1627,
15 1633, citations omitted.)

16 104. Resolution of whether an agency applied the correct legal standard is a legal issue
17 that “necessarily precedes the issue of whether the agency’s findings under the *correct* legal
18 standard would be supported by substantial evidence.” (*Sierra Club v. Super. Ct.* (1985) 168
19 Cal.App.3d 1138, 1145–1146.)

20 105. CalRecycle’s decision stated that it found that there was “substantial evidence” that
21 the LEA’s action was “consistent with the Act,” CalRecycle Decision at 31 ¶ 17, but did not
22 address whether there was “substantial evidence[] that the action was *inconsistent* with” the Act,
23 the standard set forth by law. (Pub. Resources Code, § 45032, subd. (b) [emphasis added].) There
24 is a material difference between the prescribed statutory inquiry and the test CalRecycle applied.

25 106. As California courts have repeatedly held in the analogous California
26 Environmental Quality Act context, where the legislature makes the outcome turn upon whether
27 substantial evidence supports a specified proposition, the decisionmaker does not apply the
28 prescribed standard merely by finding substantial evidence supporting the opposite proposition.

1 (See, e.g., *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988; *Citizen Action to*
2 *Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754–755; *Heninger v. Bd. of*
3 *Supervisors* (1986) 186 Cal.App.3d 601, 607–608.)

4 107. CalRecycle answered a different legal question from the one the legislature
5 assigned. In other words, in affirming the Hearing Board Decision because there was purportedly
6 substantial evidence to support the decision, CalRecycle failed to apply the test prescribed by
7 statute because it failed to evaluate the substantial evidence that would have supported overturning
8 the decision. These inquiries are not equivalent.

9 108. The standard of review is not an abstract or inconsequential issue; it can determine
10 the outcome of a case. (See *People v. Jackson* (2005) 128 Cal.App.4th 1009, 1018 [“the standard
11 of review is the compass that guides the appellate court to its decision. It defines and limits the
12 course the court follows in arriving at its destination”].)

13 109. Abuse of discretion is established if CalRecycle did not proceed “in the manner
14 required by law.” (Code Civ. Proc., § 1094.5, subd. (b).) Because CalRecycle failed to apply the
15 statutory substantial evidence test, it failed to conduct the substantial evidence analysis prescribed
16 by law. (*Ibid.*; *City of San Diego v. Bd. of Trs. of Cal. State Univ.* (2015) 61 Cal.4th 945, 956 [“use
17 of an erroneous legal standard constitutes a failure to proceed in a manner required by law”]; *City*
18 *of Marina v. Bd. of Trs. of Cal. State Univ.* (2006) 39 Cal.4th 341, 355 [same].)

19 110. CalRecycle’s failure to apply the correct legal standard invalidates its decision and
20 requires the court to set it aside. (Code Civ. Proc., § 1094.5, subd. (f).)

21 111. In the alternative, as set forth in this Petition, CalRecycle’s error was prejudicial in
22 light of substantial evidence supporting Chiquita’s position.

23 112. Accordingly, Chiquita requests that the Court issue a writ of administrative
24 mandamus directing that CalRecycle set aside its decision and remand to the Hearing Board to
25 apply the correct legal standard, and that CalRecycle in turn apply the correct legal standard in
26 reviewing the Hearing Board’s decision.

27 **SECOND CAUSE OF ACTION**

28 **Lack of Factual Findings**

1 **(Writ of Administrative Mandamus under CCP § 1094.5)**

2 113. All of the allegations set forth by the preceding paragraphs are realleged and
3 incorporated.

4 114. CalRecycle failed to proceed in the manner required by law by ignoring the
5 Hearing Board’s lack of factual findings. (Pub. Resources Code, § 45032, subd. (b); *Hadley v. City*
6 *of Ontario* (1974) 43 Cal.App.3d 121, 128–129.)

7 115. The Hearing Board was required to make factual findings. (Code Civ. Proc., §
8 1094.5; Pub. Resources Code, §§ 44310, 45030.) As the decision-maker, the Hearing Board had to
9 “render findings sufficient both to enable the parties to determine whether and on what basis they
10 should seek review and, in the event of review, to apprise a reviewing court of the basis for the
11 board’s action.” (*Topanga Ass’n for a Scenic Cmty. v. County of Los Angeles* (1974) 11 Cal.3d
12 506, 514; see *Respers v. Univ. of Cal. Ret. Sys.* (1985) 171 Cal.App.3d 864, 868–870.)

13 116. Factual findings are “particularly crucial where the decision may be based on one
14 or more of several theories, each relating to different factual considerations.” (*Eureka Teachers*
15 *Ass’n v. Bd. of Educ.* (1988) 199 Cal.App.3d 353, 368.)

16 117. The Hearing Board did not make any findings applying the facts presented to the
17 statutory requirements, nor mention any of the facts adduced at the April 28 hearing or in the
18 parties’ submissions in its written decision.

19 118. The Hearing Board Decision’s “Factual Background” is devoid of factual findings.
20 It merely summarizes the procedural history and lists the titles of documents submitted to the
21 Hearing Board and the witnesses at the April 28 hearing. (See Hearing Board Decision at pp. 1–6.)

22 119. The Hearing Board’s brief remarks at the conclusion of the April 28 hearing were
23 also insufficient to apprise the parties of the Hearing Board’s findings and on what basis they
24 should seek review.

25 120. The Hearing Board’s brief remarks at the April 28 hearing consisted of generalized
26 and conclusory statements about the data, policy priorities, and hypotheticals, not factual
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28

1 findings.³

2 121. Without findings, there is no record of how or whether the Hearing Board weighed
3 the competing evidence and arguments or why the Hearing Board disregarded unrebutted evidence
4 presented by Chiquita.

5 122. The Hearing Board’s failure to make factual findings in issuing an adjudicatory
6 decision was legal error and rendered meaningful review by CalRecycle impossible. (*Mahoney*,
7 *supra*, 30 Cal.App.3d at 6 [reversing and remanding board determination because it was
8 “impossible to determine whether the factual determinations” supported the board’s decision and
9 whether the decision was “based upon a proper principle[.]” depriving the applicant of “any fair or
10 meaningful review of [the board’s] decision”]; *Amador County v. State Bd. of Equalization* (1966)
11 240 Cal.App.2d 205, 216, 219 [remanding where board’s findings were “too general to permit
12 judicial review”].)

13 123. CalRecycle failed to correct that error when it was squarely presented on
14 administrative appeal. CalRecycle’s own purported factual findings do not cure the Hearing
15 Board’s error because “there is no assurance that findings prepared by others reflect the views of
16 the agency taking the action”; the court cannot “assume” those after-the-fact findings satisfy the
17 “requirement that the grounds upon which *the agency acted* be clearly disclosed and adequately
18 sustained” (*Respers v. Univ. of Cal. Ret. Sys.* (1985) 171 Cal.App.3d 864, 872–873.)

19 124. The error was prejudicial because it is impossible to determine the basis for the
20 Hearing Board’s decision without factual findings. (*Bichai v. DaVita, Inc.* (2021) 72 Cal.App.5th
21 1126, 1135, 1140; *Glendale Mem’l Hosp. & Health Ctr. v. Dept. of Mental Health* (2001) 91
22 Cal.App.4th 129, 140 [agency decisions must set forth findings].)

23
24 _____
25 ³ The Hearing Board’s brief remarks at the conclusion of the April 28 hearing are insufficient as
26 they failed to apply the evidence to the statutory requirements, discuss how the Board evaluated
27 and credited the evidence, and provide a basis upon which the parties could understand the basis
28 for the decision. (See, e.g., *Sable Offshore Corp. v. County of Santa Barbara* (C.D. Cal. Sept. 12,
2025) No. CV 25-4165-DMG (AGRx), 2025 WL 2674260, at *12 n.17 [discounting a regulatory
board member’s remarks at a hearing as “sparse,” and “without a single mention of the [required]
findings”].)

125. CalRecycle’s decision did not address, or even reference, the Hearing Board’s failure to make factual findings or Chiquita’s argument that this was legal error. Instead, CalRecycle’s decision contains speculation as to the basis for the Hearing Board’s decision. “[I]nferences that are the result of mere speculation or conjecture cannot support a finding.” (*Kuhn, supra*, 22 Cal.App.4th at 1633.)

126. This speculation is improper because it is not possible to determine how the Hearing Board weighed the evidence in the absence of actual findings. (See *Amador County*, *supra*, 240 Cal.App.2d at 216, 219 [remanding where board’s findings were “too general to permit judicial review”].)

127. For example, the Hearing Board failed to resolve critical factual disputes as to whether covering the Contested Area will worsen the reaction, whether the cover would mitigate odors, and whether any odors emanate from the Contested Area, despite extensive expert testimony and declarations.

128. Accordingly, Chiquita requests that the Court issue a writ of administrative mandamus directing that CalRecycle set aside its decision and remand to the Hearing Board to issue a decision that contains factual findings.

THIRD CAUSE OF ACTION

Violations of State Law and Due Process

(Writ of Administrative Mandamus under CCP § 1094.5)

129. All of the allegations set forth by the preceding paragraphs are realleged and incorporated.

A. The Hearing Board's Failure to Allow Cross-Examination Violated Due Process and Statutory Requirements

130. The procedures followed by the Hearing Board violated the requirements of due process and California law. (See Gov. Code, § 11445.20.) An agency may use an informal hearing procedure in certain proceedings, but only “if in the circumstances its use does not violate another statute or the federal or state Constitution.” (*Ibid.*)

131. Under Government Code section 11445.20 and governing due-process principles,

1 the Hearing Board's procedures were legally inadequate because Chiquita's inability to adequately
2 cross-examine adverse witnesses impaired Chiquita's ability to address the extensive, material
3 factual disputes before the Hearing Board, potentially affecting the outcome of the proceeding.
4 (*Ibid.*; Gov. Code, §§ 11445.30)

5 132. While hearings before the LEA Hearing Board are generally informal proceedings
6 (Pub. Resources Code, § 44310, subd. (b); Gov. Code, § 11445.10), the presiding officer of a
7 hearing "may allow cross-examination of witnesses in an informal hearing . . . if it appears . . . that
8 in the circumstances cross-examination is necessary for proper determination of the matter." (Gov.
9 Code, § 11445.50, subd. (b).) The presiding officer may also "deny use of the informal hearing
10 procedure, or may convert an informal hearing to a formal hearing after an informal hearing is
11 commenced, if it appears to the presiding officer that cross-examination is necessary for proper
12 determination of the matter and that the delay, burden, or complication due to allowing cross-
13 examination in the informal hearing will be more than minimal." (Gov. Code, § 11445.50, subd.
14 (a).)

15 133. Chiquita timely objected to use of an informal hearing, as permitted by law (Gov.
16 Code, § 11445.30), and requested a formal hearing. Chiquita preserved the objection in the record,
17 proceeded through the informal hearing, exhausted administrative remedies through the
18 CalRecycle appeal process under the Public Resources Code section 45030, and now raises the
19 procedural error as a ground for writ of mandate under section 45040.

20 134. Additionally, under Government Code section 11445.20, informal hearing
21 procedures are appropriate only if there are no disputed issues of material fact, or, where disputes
22 of material fact exist, in cases that involve: (1) monetary amounts of not more than \$1,000 (Gov.
23 Code, § 11445.20, subd. (b)(1)); (2) academic sanctions involving no more than 10 days'
24 suspension or exclusion (Gov. Code, § 11445.20, subd. (b)(2)); (3) employee disciplinary
25 sanctions that do not involve discharge, demotion, or suspension for more than 5 days (Gov. Code,
26 § 11445.20, subd. (b)(3)); (4) proceedings authorized by agency regulation (Gov. Code, §
27 11445.20, subd. (c)); or (5) proceedings in which an evidentiary hearing for determination of facts
28 is not required by statute but the agency determines that the federal or state constitution requires a

1 hearing (Gov. Code, § 11445.20, subd. (d)). None of these circumstances exist here.

2 135. The circumstances here required a formal hearing and at a minimum, cross-
3 examination. The challenge to the LEA Directive involved many complex, disputed issues of
4 material fact, and a mitigation measure requiring millions of dollars in costs to implement. The
5 merits hearing involved seven witnesses and thousands of pages of technical submissions. The
6 dispute turned on conflicting expert interpretations of temperature data, the extent of the ETLF
7 event, the performance of existing geomembrane cover, and the operational consequences of
8 installing additional geomembrane cover. (See CalRecycle Decision at p. 17 ¶¶ 45–46; pp. 20–24
9 ¶¶ 55–69.)

10 136. Due process requires analyzing the private interest that will be affected; the risk of
11 an erroneous deprivation of such interest through the procedures used; the probable value of
12 additional safeguards; and the governmental interests and burdens associated with those
13 safeguards. (U.S. Const., 14th Amend.; Cal. Const., art. I, § 7; *Mathews v. Eldridge* (1976) 424
14 U.S. 319, 335.)

15 137. Those factors favored formal hearing procedures. The LEA Directive imposed
16 significant construction obligations and potential daily penalties for noncompliance on Chiquita;
17 the additional safeguards would have been valuable where experts testified about technical and
18 complex processes; and accurate evaluation of the competing engineering evidence served the
19 public interest in effective and safe mitigation of the ETLF event.

20 138. CalRecycle affirmed the Hearing Board because it concluded that the Hearing
21 Board credited the LEA’s experts, found their opinions reliable, and accepted their interpretation
22 of the data. (CalRecycle Decision at pp. 30–31 ¶¶ 14–15.) The fairness of the process used to
23 evaluate those opinions is therefore central to the validity of CalRecycle’s decision. (See
24 *Manufactured Home Communities, Inc. v. County of San Luis Obispo* (2008) 167 Cal.App.4th
25 705, 711–713.)

26 139. The need for cross-examination was therefore evident, and Chiquita was entitled to
27 procedures adequate to challenge the LEA’s disputed facts before they became the basis for the
28 Hearing Board’s and CalRecycle’s decisions.

1 **B. The Hearing Board’s Denial of Recusal of Martins Aiyetiwa Violated**
2 **Due Process**

3 140. The Hearing Board’s denial of Chiquita’s request for recusal of Martins Aiyetiwa
4 as a member of the Hearing Board also violated Chiquita’s due process rights.

5 141. Due process requires that an administrative adjudicator be impartial. (*Haas v.*
6 *County of San Bernardino* (2002) 27 Cal.4th 1017, 1025.)

7 142. In agency proceedings, due process is violated when the same individual is both an
8 advocate and adjudicator in an administrative process. (*California DUI Lawyers Ass’n v. Dep’t of*
9 *Motor Vehicles* (2022) 77 Cal.App.5th 517, 532.)

10 143. Evidence of a “particular combination of circumstances creating an unacceptable
11 risk of bias” is sufficient to render irrelevant the “presumption that agency adjudicators are people
12 of ‘conscience and intellectual discipline, capable of judging a particular controversy fairly on the
13 basis of its own circumstances.’” (*Id.* at 532 [citing *Today’s Fresh Start, Inc. v. Los Angeles*
14 *County Off. of Educ.* (2013) 57 Cal.4th 197, 221–222.].)

15 144. Recusal is the appropriate relief when a party demonstrates that a decision maker
16 has actual bias or there are circumstances “in which experience teaches that the probability of
17 actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.”
18 (*Morongo Band of Mission Indians v. State Water Res. Control Bd.* (2009) 45 Cal.4th 731, 737.)

19 145. Chiquita timely sought Mr. Aiyetiwa’s recusal based on an unacceptable
20 probability of actual bias due to his involvement in enforcement proceedings against Chiquita and
21 his previous regulatory role as the Senior Civil Engineer with Los Angeles County.

22 146. As noted in Chiquita’s request for Mr. Aiyetiwa’s recusal, during Mr. Aiyetiwa’s
23 employment with the County, he described himself as the Landfill’s “tax collector,” saying he
24 believes it is his job to collect as much money for the Department as possible.

25 147. Mr. Aiyetiwa also was principally responsible for an enforcement order on August
26 30, 2017 against Chiquita. Chiquita was forced to challenge the validity of Mr. Aiyetiwa’s order,
27 Mr. Aiyetiwa’s analysis, and Mr. Aiyetiwa’s conclusions both in written motions and in an
28 evidentiary hearing during which Mr. Aiyetiwa testified against Chiquita. This proceeding

1 included Chiquita attorneys cross-examining Mr. Aiyetiwa.

2 148. Further, during that prior hearing challenging Mr. Aiyetiwa's enforcement order,
3 the LEA's experts directly contradicted the opinions offered by Mr. Aiyetiwa. Ultimately, Mr.
4 Aiyetiwa's own agency sided with Chiquita, rescinded Mr. Aiyetiwa's order, and called Mr.
5 Aiyetiwa's proposed multimillion dollar penalty "inappropriate."

6 149. Although Mr. Aiyetiwa no longer serves in a current enforcement role over the
7 Landfill, Mr. Aiyetiwa's prior enforcement role and the reversal of his prior orders against the
8 Landfill meets the threshold for disqualification.

9 150. CalRecycle's Decision mentioned this issue in the statement of facts, CalRecycle
10 Decision 17 ¶¶ 45–46, but did not address it in analyzing the issues or explaining the agency's
11 decision.

12 151. CalRecycle denied Chiquita due process by failing to correct the Hearing Board's
13 due process deprivations. Thus, there was no "fair trial" and CalRecycle failed to proceed in the
14 manner required by law. (Code Civ. Proc., § 1094.5, subd. (b).)

15 152. Accordingly, Chiquita requests that the Court issue a writ of administrative
16 mandamus directing that CalRecycle set aside its decision and remand to the Hearing Board to
17 issue a decision that comports with due process, including the recusal of Mr. Aiyetiwa.

18 **FOURTH CAUSE OF ACTION**

19 **Lack of Findings and Evidence to Support LEA's Order under Cal. Code Regs., tit. 27, §**

20 **20750**

21 **(Writ of Administrative Mandamus under Code Civ. Proc., § 1094.5)**

22 153. All of the allegations set forth by the preceding paragraphs are realleged and
23 incorporated.

24 154. CalRecycle's conclusion that the LEA made the necessary findings to issue a
25 directive pursuant to California Code of Regulations, title 27, section 20750 is not supported by
26 the findings and the LEA's findings are not supported by the evidence. (Code Civ. Proc., § 1094.5,
27 subd. (c); *Topanga Ass'n, supra*, 11 Cal.3d at 514–515.)

28 155. California Code of Regulations, title 27, section 20750 requires an operator to

1 implement a “preventative maintenance program” addressing “deteriorated or defective
2 conditions” relating to applicable standards and enforcement-agency conditions, and requires other
3 aspects of the site to be kept in a “state of reasonable repair.”

4 156. The LEA has failed to present adequate evidence that the Contested Area is in a
5 “deteriorated or defective” condition justifying the geomembrane cover requirement, and there
6 was substantial evidence in the record to the contrary.

7 157. To the extent that the LEA directed the installation of cover over the Contested
8 Area based on its belief that the reaction could expand to that area, that is inconsistent with
9 California Code of Regulations, title 27, section 20750, which only allows the LEA to require
10 Chiquita to “repair or correct deteriorated or defective conditions.” (Cal. Code Regs., tit. 27, §
11 20750.) That provision does not allow the LEA to direct the installation of cover for preventative
12 reasons in areas that are not “deteriorated or defective,” and the LEA did not establish the
13 existence of such a condition in the Contested Area. Chiquita’s experts refuted the LEA’s attempt
14 to argue that the soil cover in the Contested Area was in a defective and deteriorated condition.

15 158. California Code of Regulations, title 27, section 20750 plainly does not allow the
16 LEA to direct the installation of additional cover as a belt-and-suspenders measure in areas of the
17 Landfill that are not deteriorated or defective.

18 159. CalRecycle states that the LEA provided findings because the LEA’s 2024 Order
19 contained 87 factual paragraphs, and the LEA’s 2025 Order incorporated those paragraphs and
20 added 11 more. (CalRecycle Decision at p. 30 ¶ 13.) The number of findings and incorporated
21 documents, however, do not establish that the LEA analyzed the requisite substantive evidence to
22 support its Compliance Order. The substance of the findings must support the particular decision
23 under review. They did not.

24 160. CalRecycle’s error in concluding that the LEA made the necessary findings to issue
25 a directive pursuant to California Code of Regulations, title 27, section 20750 was prejudicial in
26 light of substantial evidence supporting Chiquita’s position, as set forth in this Petition.

27 161. Accordingly, Chiquita requests that the Court issue a writ of administrative
28 mandamus directing that CalRecycle set aside its decision and remand to the Hearing Board to

1 issue a decision that analyzes whether the LEA made the necessary findings to issue a directive
2 pursuant to California Code of Regulations, title 27, section 20750.

3 **FIFTH CAUSE OF ACTION**

4 **Lack of Findings and Evidence to Support Installation of Cover on the Contested Area** 5 **(Writ of Administrative Mandamus under Code Civ. Proc., § 1094.5)**

6 162. All of the allegations set forth by the preceding paragraphs are realleged and
7 incorporated.

8 163. Chiquita is under an EPA order to install an additional 100 acres of geomembrane
9 cover, and is now in the process of installing that cover. Chiquita does not dispute the LEA's order
10 to install cover as to that 100-acre area. Chiquita's arguments before the Hearing Board, before
11 CalRecycle, and before this Court were (and are) limited to the LEA's order to install cover over
12 an additional 66 acres, the Contested Area.

13 164. CalRecycle barely mentions the Contested Area in its decision, and provides only
14 six poorly-reasoned paragraphs explaining its decision to uphold the requirement to install
15 geomembrane before turning to other legal issues. (CalRecycle Decision at pp. 30-32 ¶¶ 13-18.)
16 Those paragraphs fail to address many of Chiquita's arguments, repeatedly mischaracterize the
17 record, and rely on a speculative rationale for the Hearing Board's decision.

18 165. The evidence before the LEA and CalRecycle demonstrates, and the LEA
19 concedes, that the function of the geomembrane cover is to control odors and emissions. But the
20 evidence in the record shows that there is no current need for additional controls in the Contested
21 Area, and that any claim that the reaction might expand to the Contested Area (triggering a need
22 for additional controls) is speculative. Moreover, CalRecycle failed to address the risk that the
23 installation of unnecessary geomembrane cover would worsen the reaction and create precisely the
24 odors that the agency claimed it was addressing.

25 **A. A Geomembrane Cover Only Controls Odors and Emissions, Not the** 26 **Reaction**

27 166. The purpose of geomembrane cover is to prevent emissions and odors from the area
28 it covers; the cover is not necessary for portions of the Landfill not experiencing elevated

1 temperatures and resulting odiferous emissions. CalRecycle’s Decision incorrectly states, without
2 citing any evidence, that “the high volume of leachate being extracted indicates the existing
3 intermediate cover is not in reasonable repair,” CalRecycle Decision at 31 ¶ 16, and that
4 “[c]overing the remainder of the Main Canyon with geomembrane is a valid strategy to help bring
5 the Site back into a state of reasonable repair by reducing odors and emissions, preventing oxygen
6 intrusion, and limiting liquid infiltration that could generate more leachate.” (CalRecycle Decision
7 at p. 31 ¶ 17.) The Decision cites no basis for these statements, and the statements about leachate,
8 oxygen intrusion, and liquid infiltration are CalRecycle’s own invention and have no basis in the
9 record. The record does not indicate that either oxygen intrusion or liquid infiltration is an issue in
10 the Contested Area. To the extent that oxygen or liquids are a concern, they would only be an
11 issue in the area affected by the reaction, and not in the Contested Area.

12 167. Nor did the LEA find that generation of leachate was an issue in the Contested
13 Area; the references to leachate in paragraphs 16 and 17 of the CalRecycle Decision had no basis
14 in the arguments presented to CalRecycle or any determinations by the agency. On the contrary,
15 the evidence in the record indicates that leachate is an expected design feature of a well-
16 functioning landfill, and the presence of some leachate in the Contested Area does not indicate any
17 flaw in the existing cover. Additional leachate is being generated by the reaction in the area in
18 which the reaction is occurring, but the reaction is in a completely different area of the Landfill
19 from the Contested Area, and the record does not tie that generation of additional leachate to the
20 Contested Area.

21 168. Similarly, to the extent that the reference to oxygen intrusion suggested that the
22 geomembrane cover would operate to control the reaction, this statement has no basis in the
23 record. As the LEA concedes, the record evidence is that the geomembrane cover does not operate
24 to control the reaction.

25 **B. The Record Shows Cover Is Not Needed to Control Odors From the**
26 **Contested Area**

27 169. As to the alleged need to control current odors, CalRecycle cited “the persistent
28 odor complaints, which an independent regulatory agency verified.” (CalRecycle Decision at p. 31

¶ 16.) But CalRecycle’s decision cites no evidence that those odor complaints relate to the Contested Area, and the evidence in the record is to the contrary.

170. Similarly, CalRecycle states “there is substantial evidence that Chiquita was in violation of the Site Maintenance regulation at the time the LEA took the enforcement action.” (CalRecycle Decision at p. 31 ¶ 16.) In this proceeding, Chiquita has only contested the LEA’s action with respect to the Contested Area, and CalRecycle cites no evidence that any such violations existed in the Contested Area.

171. CalRecycle also states that “[c]overing the remainder of the Main Canyon with geomembrane is a valid strategy to help bring the Site back into a state of reasonable repair by reducing odors and emissions.” (CalRecycle Decision at p. 31 ¶ 17.) This sweeping statement does not cite to any factual findings or any evidence in the record and is a general statement about the site that ignores the substance of Chiquita’s argument that the LEA Directive lacked support as to the Contested Area. There is no record evidence that the Contested Area is a meaningful source of odors at the site. In fact, data specific to the Contested Area shows that it is not the source of odors, and that emissions from the Contested Area are the same as those of a typical, non-reaction landfill.

172. CalRecycle asserts that installation of geomembrane cover was “consistent with regulations that require facilities to perform preventative maintenance, protect the environment, and promote the health, safety and welfare of Californians.” (CalRecycle Decision at p. 31 ¶ 17.) To the extent that this statement is based on the theory that installing geomembrane cover is a routine or typical preventative step at landfills, CalRecycle cited no evidence in the record to support such a claim, and the record lacks support for that statement. Installation of geomembrane cover at the site is a complex and technically challenging process. Chiquita is in the process of installing such cover over 100 additional acres of the site, but CalRecycle must provide support for its claim that such cover is needed in the Contested Area, rather than treating it as a routine preventative action.

C. There Was No Basis for Finding Cover is Needed to Control Potential Future Odors From an Expanded Reaction

1 173. CalRecycle states that the “LEA centered its argument on the continuing impacts to
2 the community and interpreted the data to show the reaction was continuing to expand.”
3 (CalRecycle Decision at p. 30 ¶ 14.) This statement indicates that CalRecycle treated ongoing
4 odor complaints (the referenced “impacts”), which are ultimately subjective and based on the
5 observations of nonspecialist individuals, as enough to establish the expansion of the reaction. On
6 the contrary, the status of the reaction is a scientific and engineering question and cannot be based
7 on subjective evidence.

8 174. CalRecycle also states that the Hearing Board “thought the likelihood of expansion
9 was high enough to warrant action and concluded the geomembrane cover was an effective way to
10 mitigate odors, providing the community with some relief.” (CalRecycle Decision at p. 31 ¶ 15.)
11 Because the Hearing Board made no factual findings, it is impossible to say that the Hearing
12 Board came to these conclusions, or what basis it had for doing so. These purported factual
13 findings are pure supposition by CalRecycle.

14 175. Moreover, after mentioning these non-existent findings by the Hearing Board,
15 CalRecycle fails to ever reference the issue again, and never links its ruling to the supposed risk of
16 expansion of the reaction. Paragraph 16 of CalRecycle’s decision relies entirely on alleged present
17 conditions at the site, including “the intermediate cover’s defective condition” which it claims
18 “failed to adequately contain emissions” and the “high volume of leachate being extracted.”
19 Similarly, paragraph 17 finds that the geomembrane cover would “bring the Site back into a state
20 of reasonable repair,” again relying on claimed (but nonexistent) present conditions. Nothing in
21 CalRecycle’s cursory analysis indicates that the agency upheld the requirement to install cover in
22 the Contested Area as a measure to control future odors in the event of an expansion of the
23 reaction. Indeed, the LEA only has authority to require Chiquita to “repair or correct deteriorated
24 or defective conditions,” California Code of Regulations, title 27, section 20750, and may not
25 require geomembrane cover as a belt-and-suspenders measure in an area in which the existing
26 cover is not deteriorated or defective.

27 176. In any event, any such claim would be speculative and lack a basis in the record.
28 Chiquita and the numerous regulatory agencies involved are working aggressively to control the

1 reaction, and the evidence presented to the LEA showed that the reaction was not expanding. At
2 no point in its briefing or at the hearing did the LEA or its witnesses quantify any likelihood that
3 the reaction would migrate into the Contested Area absent cover deployment, or opine that
4 expansion into that area was probable. The LEA conceded that “[n]o industry expert can credibly
5 predict whether the SET Event will ultimately encompass the entire Main Canyon Fill.” Likewise
6 LEA witness Mr. Thalhamer testified that “I cannot tell you that with any high degree of
7 certainty” the reaction would ever reach the Contested Area.

8 177. After Dr. Benson demonstrated at the April 28 hearing that the figures contained in
9 Dr. Stark’s Rebuttal Declaration actually demonstrated reaction stabilization, Dr. Stark then
10 presented revised figures that he claimed did show expansion, without any explanation for why his
11 prior materials were incorrect. Nevertheless, these revised figures still fail to demonstrate that the
12 reaction is expanding, let alone threatening the Contested Area. Dr. Stark never explained why he
13 presented different evidence at this hearing than in his Rebuttal Declaration, or showed that his
14 new evidence withstood Dr. Benson’s criticisms and rebuttals. CalRecycle’s refusal to consider
15 supplemental evidence, discussed below, is especially arbitrary given this last-minute pivot by the
16 LEA’s witness before the Hearing Board.

17 178. Moreover, the reaction is closely monitored by Chiquita and by multiple regulatory
18 agencies, and the Contested Area is in the portion of the site furthest from the reaction. To the
19 extent that the situation might change in the future or there are indications that the reaction is
20 expanding, Chiquita and the multiple agencies involved will then be able to take action both to
21 control the reaction and to install additional odor control measures, including additional cover, as
22 needed.

23 179. Finally, CalRecycle erred to the extent it relied on the lack of a break or barrier at
24 the Main Canyon as necessarily indicating that the reaction could expand to encompass the entire
25 Main Canyon, or creating a presumption that cover is needed throughout the Main Canyon. The
26 LEA had expressly agreed to defer any appeal as to the barrier issue, and had also agreed that
27 Chiquita could propose alternative mitigation options in lieu of a barrier, so CalRecycle could not
28 properly rely on the lack of a barrier in an appeal limited to the LEA’s cover requirement.

1 180. Nor is a barrier necessary. There are extensive controls at the Main Canyon that
2 will prevent expansion of the reaction, and if the reaction changes, Chiquita can take steps to
3 install additional odor control measures. The LEA and CalRecycle erred to the extent they placed
4 substantial reliance on the lack of a break or barrier as justifying immediate installation of cover
5 on the Contested Area, and disregarded other evidence pertaining to this issue. Chiquita disputes
6 the feasibility, effectiveness, necessity, and wisdom of installing a break or barrier, and has
7 preserved the right to challenge any such requirement in a separate proceeding. Moreover, because
8 any potential requirement to install a break or barrier is outside the scope of this proceeding by
9 agreement of the parties, CalRecycle erred in relying on that issue.

10 **D. CalRecycle Erred in Declining To Consider Chiquita’s Supplemental**
11 **Evidence**

12 181. Both the LEA and Chiquita presented supplemental evidence to CalRecycle as part
13 of their submissions on appeal. Chiquita’s evidence bears on the alleged risk of expansion of the
14 reaction, and further demonstrates that the reaction is closely monitored and is not expanding.

15 182. CalRecycle’s decision expressly declined to consider the supplemental evidence
16 submitted by both parties. CalRecycle described the supplemental evidence as relating to
17 “conditions and events that occurred after the relevant enforcement action,”⁴ and stated that “[t]he
18 existing record is sufficient” and that “[t]he two requests to consider post-hearing evidence are
19 denied.” (CalRecycle Decision at p. 2.)

20 183. CalRecycle’s refusal to consider this supplemental evidence was error. The
21 supplemental evidence presented by Chiquita clarified the distinction between the Reaction
22 Mitigation Area and the previously defined Reaction Area, a distinction that the LEA’s witnesses
23 had mischaracterized in their testimony. Public Resources Code section 45032, subdivision (a)
24 directs CalRecycle to consider, among other things, relevant facts as to actions or inactions not
25 subject to review by the Hearing Board and any other relevant evidence that should be considered

26 _____
27 ⁴ This statement was not correct; although some of the supplemental evidence related to events
28 following the LEA’s enforcement action, some related to the proper interpretation of preexisting
information, as discussed below.

1 to effectuate the policies of the Waste Act. Declining to consider evidence that corrected a
2 material mischaracterization of the record, on the ground that the existing record was “sufficient”
3 was an abuse of the discretion conferred by that section and deprived Chiquita of a fair hearing on
4 a dispositive factual question.

5 184. The Reaction Mitigation Area does not delineate the location of the reaction itself,
6 but instead describes the conservative area within which Chiquita has agreed to proactively
7 implement mitigation measures.

8 185. Nor would the supplemental evidence presented by the LEA have supported the
9 decision of the Hearing Board or of CalRecycle. The LEA claimed that its supplemental evidence
10 showed that Reaction Committee materials issued between October 2023 and May 2026 showed
11 expansion of the reaction. Chiquita’s supplemental evidence directly rebuts this claim, and
12 Chiquita’s experts Ms. Srividhya Viswanathan, Mr. Sullivan, and Dr. Benson thoroughly rebutted
13 this claim before the Hearing Board.

14 186. Multiple federal, state and local government agencies are engaged in efforts to
15 monitor and control the reaction at the site, and Chiquita is devoting enormous resources to
16 monitoring and controlling the reaction in cooperation with those agencies. Managing and
17 controlling the reaction requires agencies to consider new evidence and adapt their approach over
18 time. CalRecycle’s refusal to consider information received after the LEA’s enforcement action,
19 and insistence on relying on the outdated information before the LEA, creates a risk that the
20 LEA’s Directive will undermine efforts to control the reaction and will worsen the reaction itself.

21 **E. CalRecycle and the LEA Did Not Address the Risk That Installing**
22 **Cover Over the Contested Area Would Worsen the ETLF Event**

23 187. CalRecycle failed to address record evidence showing that unnecessarily installing
24 cover on the Contested Area would undermine the successful mitigation systems Chiquita has
25 installed that have and continue to stabilize the reaction. Chiquita’s experts testified that Chiquita
26 has implemented best management practices to mitigate and stabilize the reaction, including
27 aggressive gas and liquid extraction to remove heat from within the waste mass. The Landfill
28 contains extensive highly integrated infrastructure that works together to manage and limit the

1 reaction. The Contested Area contains multiple critical pieces of Landfill infrastructure that
2 support this mitigation, including, at the time the issue was before the Hearing Board, 40 vertical
3 wells, 58 horizontal wellheads, approximately 4.4 miles of landfill gas piping, approximately 4.6
4 miles of liquids piping, thermal oxidizer units, three tank farms that include 212 frac tanks and the
5 facility's hazardous waste treatment units, and the Landfill's working face for internally generated
6 waste. Despite the LEA's unfounded assertions to the contrary, none of this infrastructure can be
7 simply moved, turned off, or permanently relocated without significant time and negative
8 consequences.

9 188. In order to install geomembrane cover, it is uncontested that Chiquita must take
10 critical infrastructure offline. Taking any part of this system offline, even if those components are
11 located in the Contested Area unaffected by the reaction, negatively impacts the interconnected
12 system as a whole and constrains Chiquita's ability to mitigate the reaction, which in turn may
13 increase temperatures in the area affected by the reaction and increase odors emanating from that
14 area, exactly what both Chiquita and its regulators are trying to avoid. Installing geomembrane
15 cover also limits Chiquita's ability to conduct routine inspections, including monitoring emissions
16 and subsurface conditions, and install future mitigation measures—precisely what Chiquita should
17 be doing if the LEA is concerned the reaction may expand to the Contested Area.

18 189. Past experience installing cover at the Landfill shows that concerns about taking
19 critical landfill gas extraction infrastructure offline are not theoretical. During prior installation of
20 geomembrane cover, Chiquita was similarly required to temporarily take pumps and wells offline.
21 As a result, the Landfill experienced a corresponding reduction in liquid and gas removal, reduced
22 gas recovery, increased temperatures, and a potential increase in surface emissions and odors. The
23 LEA suggested that Chiquita work in smaller sections to avoid taking infrastructure offline, a
24 requirement that directly conflicts with the LEA's separate requirement, discussed below, to
25 accelerate the installation of cover to meet an arbitrary deadline.

26 190. Before the April 28 hearing, the LEA's position had been that Chiquita must
27 relocate Tank Farm 13 in order to cover the Contested Area, a requirement that Chiquita explained
28 would seriously disrupt control of the reaction. At the hearing, in response to questioning by the

1 Hearing Board, the LEA’s witnesses acknowledged for the first time that Chiquita does not have
2 to relocate Tank Farm 13 in order to fully install cover. Instead, the LEA’s witnesses stated that
3 Chiquita could simply weld new cover to the liner underneath Tank Farm 13, which would not
4 require relocating the tank farm infrastructure. CalRecycle’s Decision incorrectly attributes that
5 change in position to Chiquita rather than to the LEA, and does not address that the LEA had
6 maintained the relocation requirement until the hearing itself. (CalRecycle Decision at p. 32 ¶ 18;
7 *see id.* at p. 21 ¶ 60.)

8 191. The Hearing Board did not address the need to move infrastructure, and CalRecycle
9 barely addressed the issue, brushing aside the need to move infrastructure in the Contested Area as
10 “self-created conditions that make installation more challenging.” (CalRecycle Decision at p. 32 ¶
11 18.) The infrastructure in the Contested Area is not a “self-created condition”; it is essential to
12 control of the reaction, and was installed in close coordination with the multiple regulatory
13 agencies active at the site. Nor did CalRecycle address the risk of worsening conditions at the site.

14 192. A “reviewing court . . . must scrutinize the record and determine whether
15 substantial evidence supports the administrative agency’s findings and whether these findings
16 support the agency’s decision.” (*Topanga Ass’n, supra*, 11 Cal.3d at 514-15) Here, the record does
17 not contain substantial evidence to support the requirement to install cover over the Contested
18 Area under California Code of Regulations, title 27, section 20750, and the Hearing Board erred in
19 upholding that requirement. Nor did the Hearing Board make findings to support its decision.
20 CalRecycle in turn erred in upholding the Hearing Board decision, both because the LEA
21 Directive was not supported by substantial evidence (or by findings of any kind) and because
22 CalRecycle failed to address the substantial evidence that the Hearing Board decision was
23 inconsistent with the Act.

24 193. Accordingly, Chiquita requests that the Court issue a writ of administrative
25 mandamus directing CalRecycle to set aside its affirmance of that portion of the LEA Directive.

26 SIXTH CAUSE OF ACTION

27 Lack of Findings and Evidence to Support LEA’s August 31, 2026 Installation Deadline 28 (Writ of Administrative Mandamus under Code Civ. Proc., § 1094.5)

1 194. All of the allegations set forth by the preceding paragraphs are realleged and
2 incorporated.

3 195. CalRecycle’s conclusion that there was substantial evidence for the LEA’s directive
4 to cover the Main Canyon by August 31, 2026 pursuant to California Code of Regulations, title
5 27, section 20750 is contrary to the evidence before the Hearing Board. The Hearing Board was
6 required to make the requisite findings regarding the August 31, 2026 deadline “to bridge the
7 analytic gap between the raw evidence and ultimate decision.” (*Topanga Ass’n, supra*, 11 Cal.3d
8 at 515; Code Civ. Proc., § 1094.5 subd. (c).) It did not do so.

9 196. The imposition of the August 31, 2026 deadline further violates Civil Code section
10 3531 and the law within this State because the August 31, 2026 deadline was impracticable to
11 meet despite diligent, good faith efforts. (See *City of Vernon v. City of Los Angeles* (1955) 45
12 Cal.2d 710, 717; *Sutro Heights Land Co. v. Merced Irrigation Dist.* (1931) 211 Cal. 670, 703;
13 *Lewis v. Super. Ct.* (1985) 175 Cal.App.3d 366, 380.)

14 197. The LEA Directive did not contain any site-specific analysis or basis for the August
15 31, 2026 deadline, which the LEA had not previously imposed in its May Order. The Directive
16 only stated that the Main Canyon “shall be covered by August 31, 2026” and Chiquita must
17 “[e]mploy the necessary resources to complete geomembrane coverage . . . by August 31, 2026.”

18 198. CalRecycle’s conclusion that “[t]he record does not support the argument that
19 installation of the additional geomembrane cover by August 31, 2026, was objectively impossible”
20 is contrary to the record evidence. (CalRecycle Decision at pp. 32 ¶ 18.)

21 199. CalRecycle’s conclusion is also contrary to the law. Agency action need not be
22 “objectively impossible” to warrant reversal. Agency action must be “reasonable” and not
23 “arbitrary, capricious, or lacking in evidentiary support.” (*California Hotel & Motel Ass’n v.*
24 *Indus. Welfare Comm’n* (1979) 25 Cal.3d 200, 212.) The burden is not on Chiquita to demonstrate
25 the action is “objectively impossible.” The LEA’s decision must be supported by substantial
26 evidence, and CalRecycle may overturn the LEA if there is “substantial evidence . . . that the
27 action was inconsistent with” the Act (Pub. Resources Code, § 45032, subd. (b)), not only if the
28 LEA’s order is “objectively impossible.”

1 200. CalRecycle states that the disputed acres have fewer wells, which makes
2 installation faster, easier, and more in line with industry standards. (CalRecycle Decision at pp. 32
3 ¶ 18.) That is not what the record evidence established.

4 201. The record evidence is undisputed that the LEA's purported industry standard
5 installation rates are inaccurate and not site-specific. First, the LEA's expert Dr. Stark testified that
6 the industry's typical installation rate in the Los Angeles area is two to three acres per day per
7 crew. Dr. Stark provided no site-specific or evidence-based support for that conclusion, and cited
8 only to a purported phone call with a "Director of Installation Services, Colorado Lining
9 International" located in Denver, Colorado. Chiquita expert Dr. Benson, who had visited the
10 Landfill many times and who has substantial expertise regarding landfills and ETLF events
11 throughout the United States and abroad, testified this was not a reasonable or typical rate of
12 installation.

13 202. Dr. Stark further testified that he estimated a comparator cover installation rate of
14 0.55 acres per day based on the Construction Quality Assurance Acceptance Report ("CQA
15 Report") for the installation of geomembrane cover at Bridgeton Landfill in Missouri beginning in
16 2017. Chiquita's expert Ms. Viswanathan offered evidence that Dr. Stark grossly overestimated
17 the 0.55 acre per day rate by failing to account for the time taken for preparatory work and
18 weather-related delays and shutdowns, some of which lasted months. Applying the actual
19 Bridgeton rate, Ms. Viswanathan testified the Main Canyon could not be covered by the August
20 31, 2026 deadline. Ms. Viswanathan provided further evidence to CalRecycle that even applying
21 the miscalculated rate of 0.55 acres per day, Chiquita would not be able to cover the entire Main
22 Canyon until after the LEA's August 31, 2026 deadline.

23 203. The Hearing Board made no findings as to which rate of installation calculation
24 from the CQA Report was accurate—Dr. Stark's or Ms. Viswanathan's—or which installation rate
25 was representative, but nevertheless affirmed the LEA's August 31, 2026 deadline.

26 204. CalRecycle states that "Chiquita offered no evidence it could not hire additional
27 crews to install the cover faster . . . or that it was infeasible to install bypass pipes and valves to
28 shut down smaller areas of the extraction systems." (CalRecycle Decision at p. 32 ¶ 18.) That

1 misrepresents the record evidence.

2 205. The un rebutted record evidence from Chiquita’s expert Ms. Viswanathan
3 establishes that the primary 24-inch and 30-inch landfill gas headers that convey vacuum from the
4 blower-flare station to the entire wellfield, extend throughout the Contested Area. The Landfill’s
5 infrastructure was designed to allow smaller portions to be taken offline while maintaining
6 maximum operation of the remaining system. However, taking infrastructure offline in smaller
7 sections necessarily extends the time to install geomembrane cover. If additional crews were hired
8 to install cover at the same time, that would necessarily require increasing, rather than reducing,
9 disruption to Chiquita’s primary mitigation systems, significantly raising the risk of offsite
10 emissions. Taking more infrastructure offline or constructing bypasses would itself be time-
11 consuming and require taking substantial portions of the wellfield offline for an extended time.

12 206. The LEA’s own witnesses further admitted at the hearing that the deadline was
13 likely infeasible to meet and arbitrarily set, without regard for site-specific conditions. Ms. Gork
14 unambiguously stated that the August 31 deadline was imposed because the LEA “do[es] have to
15 set a deadline,” even if the LEA anticipates or “understand[s] that there may be delays” with
16 installation, and the August 31 deadline “may or may not be reasonable at this point.” Mr.
17 Thalhamer, when asked directly by the Hearing Board by what date Chiquita could cover the
18 entire Main Canyon, declined to provide a date, suggested the August 31, 2026 deadline was not
19 reasonable, and stated that “it’s going to be difficult, and I mean that, truly difficult” to meet the
20 August 31, 2026 deadline. Mr. Thalhamer further testified that those difficulties lay outside of
21 Chiquita’s control: “there’s not enough hazardous waste trucks or transporters to take all of [the
22 waste]” and Chiquita will “have to get the permit” to move facilities and infrastructure.

23 207. A “reviewing court . . . must scrutinize the record and determine whether
24 substantial evidence supports the administrative agency’s findings and whether these findings
25 support the agency’s decision.” (*Topanga Ass’n, supra*, 11 Cal.3d at 514-15) Here, the record does
26 not contain substantial evidence to support the requirement to install cover over the Contested
27 Area by the August 31, 2026 deadline, and the Hearing Board erred in upholding that requirement.
28 Nor did the Hearing Board make findings to support its decision. CalRecycle in turn erred in

1 upholding the Hearing Board decision, both because the LEA Directive was not supported by
2 substantial evidence (or by findings of any kind) and because CalRecycle failed to address the
3 substantial evidence that the Hearing Board decision was inconsistent with the Act.

4 208. Accordingly, Chiquita requests that the Court issue a writ of administrative
5 mandamus directing CalRecycle to set aside its affirmance of that portion of the LEA Directive.

6 **PRAYER FOR RELIEF**

7 Wherefore Petitioner prays for the following relief:

8 A. For a writ of mandamus in accordance with Public Resources Code sections 45040
9 and 45042 and Code of Civil Procedure section 1094.5 requiring Respondent to set aside its
10 August 28, 2026 Decision and Order and directing Respondent to reconsider Chiquita's
11 administrative appeal in accordance with the Court's judgment and opinion, including directions
12 that the matter be remanded to the Hearing Board to apply the correct legal standard, adopt
13 evidentiary findings sufficient to permit meaningful administrative review, and conduct a hearing
14 that accords with due process rights and state law;

15 B. Award Chiquita reasonable attorneys' fees pursuant to Government Code section
16 800;

17 C. Award appropriate costs of suit pursuant to Code of Civil Procedure sections 1032
18 and 1033.5; and

19 D. Grant any other and further relief the Court deems just and proper.

20 Respectfully submitted,

21
22 Dated: September 25, 2026

BIRD, MARELLA, RHOW,
LINCENBERG, DROOKS & NESSIM, LLP

23
24 /s/ Paul S. Chan

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BEVERIDGE & DIAMOND, P.C.

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Attorneys for Petitioner Chiquita Canyon, LLC

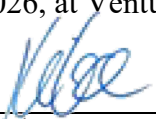
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VERIFICATION

I am the District Manager of Petitioner Chiquita Canyon, LLC and make this verification on behalf of Chiquita Canyon, LLC. I have read the foregoing Verified Petition for Writ of Administrative Mandamus (“Petition”). I am informed and believe the matters alleged in the Petition are true, and on that ground allege that the matters therein are true.

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

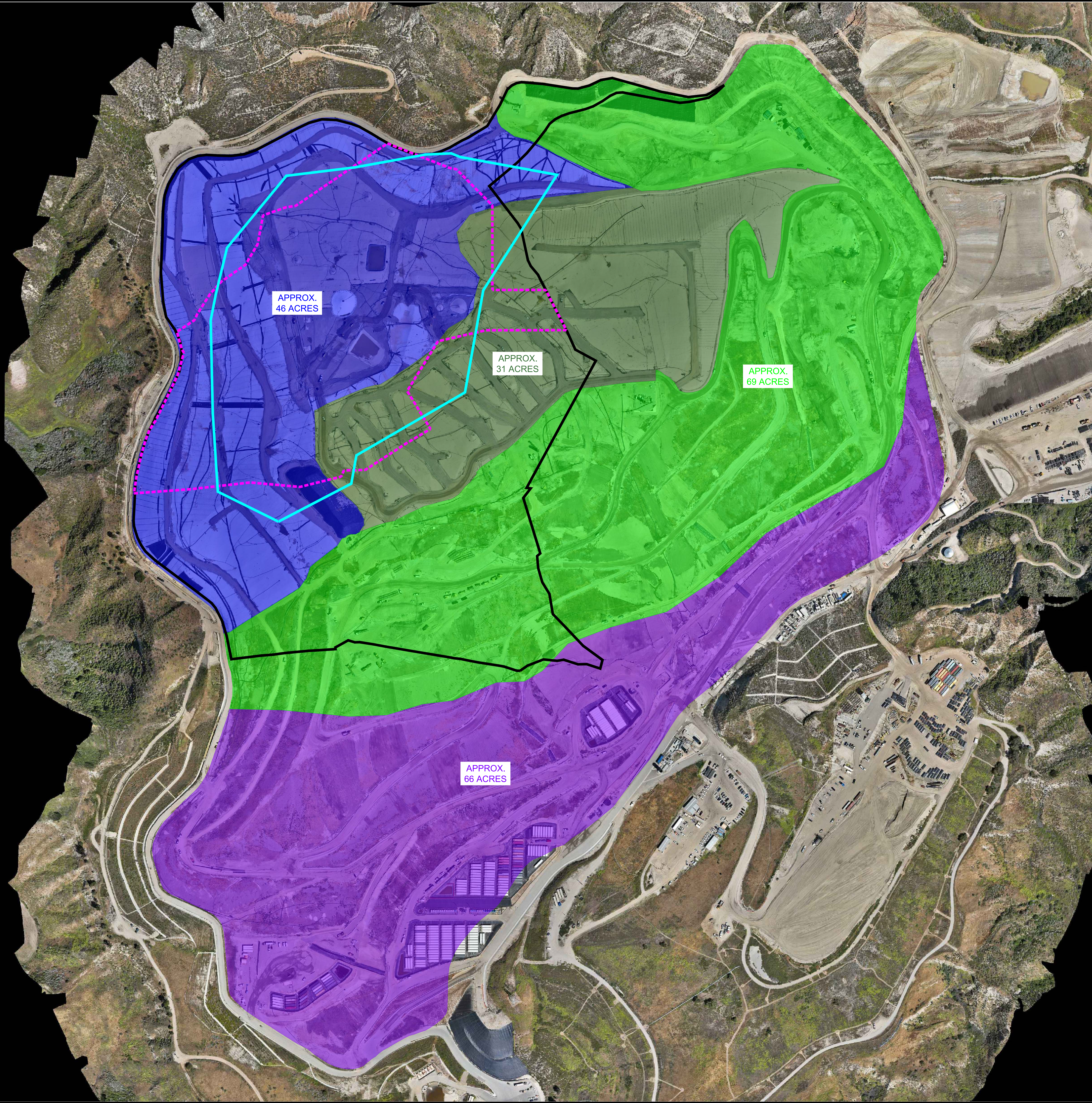
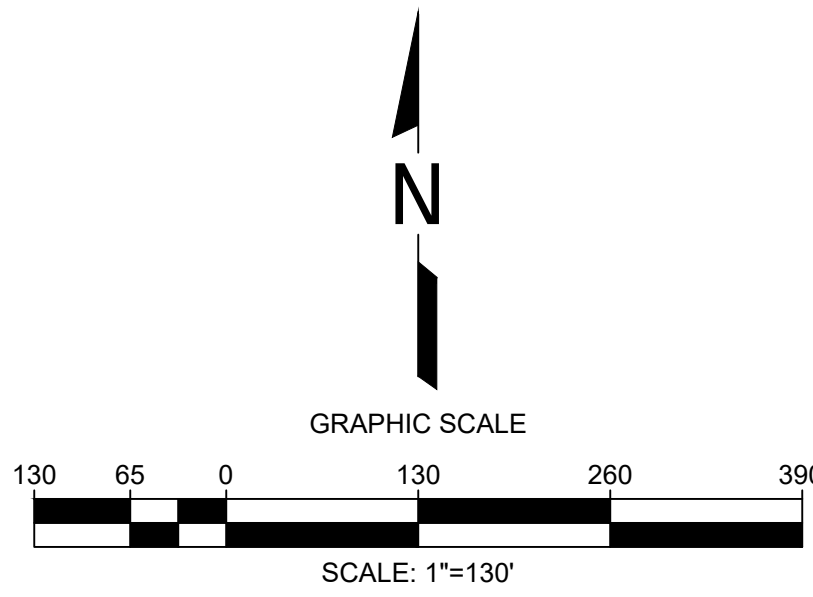
Executed this 25th day of September, 2026, at Ventura, California.



Kevin Green
District Manager
Chiquita Canyon, LLC

EXHIBIT A

N:\CAD\ASBUILT - MASTERS\CHIOUITA\CCCS\2026 ACAD\Maps for B+D_March 2026\DWG\B+D_Map 5_04-21-26_NEW CAPP.dwg Apr 21, 2026 - 4:09pm By: okarram



- LEGEND**
- REACTION AREA BOUNDARY (APPROXIMATE) - BASED ON DATA REVIEW (04/10/2026)
 - REACTION AREA BOUNDARY - CONDITION 9A
 - EXISTING CAPPING AREA - 30 MIL
 - INSTALLED ADDITIONAL CAPPING AREA - 60 MIL
 - CHIOUITA PROPOSED ADDITIONAL CAPPING AREA (APRIL 15, 2026) - 60 MIL
 - CHIOUITA PROPOSED NON-CAPPED AREA
 - REACTION AREA BOUNDARY (APPROXIMATE) - BASED ON DECLARATION OF TIMOTHY STARK

- GENERAL DRAWING NOTES:**
- EXISTING TOPOGRAPHIC SURVEY INFORMATION SHOWN WAS PROVIDED BY PROPPELLOR. AERIAL PHOTOGRAPHY DATED APRIL 15, 2026.
 - NORTH ARROW SHOWN HERE IS REFERENCE TO THE CALIFORNIA STATE PLANE ZONE V COORDINATE SYSTEM, NAD 83.

EXHIBIT B

LOS ANGELES COUNTY SOLID WASTE FACILITIES HEARING BOARD

IN RE: APPEAL BY CHIQUITA CANYON, LLC OF THE COMPLIANCE ORDER
PERTAINING TO 27 CALIFORNIA CODE OF REGULATIONS § 20750 ISSUED ON
MAY 1, 2025, BY THE LOS ANGELES COUNTY LOCAL ENFORCEMENT AGENCY

REGARDING THE CHIQUITA CANYON SANITARY LANDFILL LOCATED AT
29201 HENRY MAYO DRIVE, CASTAIC, CALIFORNIA 91384 (APN: 3271-002-011, 3271-
002-013, 3271-002-019, 3271-002-036, 3271-002-039, 3271-005-034)

FACTUAL BACKGROUND

A. On May 1, 2025, the Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency (“LEA”), issued a Compliance Order Pertaining to 27 California Code of Regulations (“CCR”) § 20750 (“Order”) to Chiquita Canyon, LLC (Owner/Operator) of the Chiquita Canyon Sanitary Landfill located at 29201 Henry Mayo Drive, Castaic, California 91384. The Order alleged that the Site is in violation of 27 CCR § 20750, which requires the operator to implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions with respect to requirements of the California Integrated Waste Management Board standards, and conditions established by the LEA, and keep all other aspects of the disposal site in a state of reasonable repair.

B. Among other directives not at issue for the instant appeal, Directive 4.1 of the Order directed Chiquita Canyon, LLC (“CCL”) to install an LEA approved geomembrane cover over all areas of the site that are not currently covered by a geomembrane and to which the reaction area has expanded or has the potential to expand. The LEA-approved cover shall demonstrate effectiveness equal to or greater than that of a 40- to 60-mil thick tan or green High-Density Polyethylene (“HDPE”) – Ethylene Vinyl Alcohol Copolymer textured geomembrane underlain by a minimum 6 oz/sy nonwoven geotextile, welded to the existing 30-mil thick white HDPE geomembrane or placed in a suitable anchor trench. A construction and quality assurance/quality control plan with completion schedule must be submitted to the LEA for approval by June 2, 2025. Installation of the geomembrane cover shall be completed pursuant to the completion schedule in the LEA-approved workplan. Provide Weekly Updates throughout the installation of the geomembrane cover on Fridays beginning the week after installation commences. These updates must include a map showing the required geomembrane coverage area and the approximate extent of the installed geomembrane cover, notes on any delays (such as those due to rain events or other special occurrences), delineation of any areas showing settlement, and any wells showing signs of reaction.

C. On May 16, 2025, Chiquita Canyon, LLC (“Petitioner”) submitted a request for appeal hearing to the Los Angeles County Solid Waste Facilities Hearing Board (“Hearing Board”), appealing, among other directives, Directive 4.1 of the Order, and requesting a “formal” hearing, rather than the informal hearing process referenced in Public Resources Code (“PRC”) § 44310(b).

D. On August 27, 2025, a hearing was held before all members of the Solid Waste Facilities Hearing Board for the purpose of determining the procedures to be applied during the appeal hearing in this matter.

E. On November 20, 2025, the LEA issued a letter with comments on the Petitioner's Response Letters and Draft Removal Action Workplan to Address the Extension of Covered Area Submitted by CCL ("November 20, 2025 Letter"), modifying Directive 4.1 of the 2025 Order, and directing Petitioner to install the approved geomembrane cover over all areas to which the reaction has expanded or has the potential to expand as stated in Section 4.1 of LEA's Order. The entire facility where waste is disposed (Main Canyon waste management area) shall be covered by August 31, 2026. As part of compliance with Section 4.1, CCL must also: 1. By December 15, 2025, provide an estimated schedule for the 60-mil geomembrane cover installation, with final completion of no later than August 31, 2026. 2. Employ the necessary resources to complete geomembrane coverage over the entire facility where waste is disposed (Main Canyon waste management area) by August 31, 2026. 3. Continue to install the required geomembrane cover during the winter months, as CCL has done previously, to ensure completion within the required timeframe.

F. On February 2, 2026, the LEA submitted a Written Response to Petitioner's Statement of Issues.

G. The Hearing Board was established by the Los Angeles County Board of Supervisors pursuant to Chapter 2.56 of the Los Angeles County Code, in accordance with the Public Resources Code, to hear and issue decisions on appeals from orders issued by the LEA, and other issues related to the LEA actions or inactions.

H. The appeal hearing in this matter commenced on April 28, 2026, with all members of the Hearing Board present. The appeal hearing was conducted in person and virtually via Microsoft Teams. Notice of the appeal hearing was provided to all parties and posted in accordance with the Brown Act.

I. Prior to the appeal hearing, the LEA submitted the following documents to the Hearing Board, and all documents were shared with Petitioner:

- i. Respondent LEA's Opening Brief
- ii. Respondent LEA's Witness List
- iii. Respondent LEA's Rebuttal Brief
- iv. Respondent LEA's Appeal Hearing Presentation
- v. Respondent LEA's Appeal Hearing Presentation – Stark
- vi. Respondent LEA's Appeal Hearing Presentation – Thalhamer
- vii. Respondent LEA's Documents – Volume I
- viii. Respondent LEA's Documents – Volume II

Respondent LEA's Documents – Volume I consists of:

<u>EXHIBIT NO.</u>	<u>DOCUMENT</u>	<u>DATE</u>	<u>BATE LABEL</u>
1	LEA Compliance Order, dated May 1, 2025	5/1/25	LEA 000001- LEA 000235
2	CCL's Request for Formal Hearing and Petition for Stay of LEA's May 1, 2025 Compliance Order	5/16/25	LEA 000236- LEA 001188

3	CalRecycle Decision and Order on Petition for Stay	5/20/25	LEA 001189- LEA 001195
4	LEA Comments on the Response Letters and the Draft Removal Action Workplan to Address the Extension of Covered Area Submitted by CCL	11/20/25	LEA 001196- LEA 001201
5	Response to LEA's Comments on the Revised Draft Removal Action Workplan: Extension of Covered Area	12/15/25	LEA 001202- LEA 001216
6	CCL's Request for Formal Hearing and Petition for Stay of LEA's November 20, 2025 Directives	12/19/25	LEA 001217- LEA 001741
7	CalRecycle Decision and Order on December Petition for Stay	12/23/25	LEA 001742- LEA 001748
8	US EPA Notice of Deficiency and Clarification of EPA's Position Regarding Extension of Cover of the Chiquita Canyon Landfill	1/13/26	LEA 001749- LEA 002277
9	LEA Response to Petitioner's Statement of Issues	2/2/26	LEA 002278- LEA 002278
10	Declaration of Timothy D. Stark, Ph.D., P.E., BC.GE, Dist.M.ASCE	2/12/26	LEA 002279- LEA 003111
11	Declaration of Wessel Mindermann, P.E.	2/13/26	LEA 003112- LEA 003209
12	Declaration of Todd Thalhamer, P.E.	2/13/26	LEA 003210- LEA 003222
13	Declaration of Rachel Beck, PG	2/13/26	LEA 003223- LEA 003229

Respondent LEA's Documents – Volume II consists of:

<u>EXHIBIT NO.</u>	<u>DOCUMENT</u>	<u>DATE</u>	<u>BATE LABEL</u>
14	Certification of LEA by CalRecycle	7/30/92	LEA 003230- LEA 003233
15	Notice of Intent to Include Chiquita Canyon Landfill, Facility No. 19-AA-0052, on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards	2/8/24	LEA 003234- LEA 003236
16	Inclusion of the Chiquita Canyon Landfill, Facility No. 19-AA-0052, on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards	5/15/24	LEA 003237- LEA 003239
17	Construction Quality Assurance Acceptance Report prepared by Feezor Engineering, Inc. for Bridgeton Landfill, LLC	October 2017	LEA 003240- LEA 003644
18	Rebuttal Declaration of Timothy D. Stark, Ph.D., P.E., BC.GE, Dist.M.ASCE	3/2/26	LEA 003645- LEA 003688
19	Rebuttal Declaration of Todd Thalhamer, P.E.	3/5/26	LEA 003689- LEA 003742

20	Rebuttal Declaration of Wessel Mindermann, P.E.	3526	LEA 003743- LEA 003749
21	LEA June 6, 2024 Compliance Order	6/6/24	LEA 003750- LEA 004526
22	LEA Request to CalRecycle for Technical Assistance	8/10/23	LEA 004527- LEA 004530
23	Photos from Site	undated	LEA 004531- LEA 004538
24	Treating Subsurface Landfill Fires	March 1984	LEA 004539- LEA 004543
25	GP 13 15 Monitoring	8/1/23	LEA 004544- LEA 004545
26	CalRecycle CCL Odor Analysis	10/16/23	LEA 004546 - LEA 004530
27	CCL Landfill Response Review	1/14/23	LEA 004566 - LEA 004579
28	LEA Letter	11/21/23	LEA 004580 - LEA 004598
29	CalRecycle CCL Options Review	12/3/23	LEA 004599 - LEA 004602
30	Elevated Temperature Landfill cause Report	12/8/23	LEA 004603 - LEA 004621
31	CCL Cover Option 30 mil HDPE Review	12/20/23	LEA 004622 - LEA 004624
32	Slope Stability Reply	3/12/24	LEA 004625 - LEA 004628
33	Attachment C - Soil Reaction Break Barrier Plan	3/27/24	LEA 004629 - LEA 004646
34	East Fill Area Proposal CalRecycle Review Comments	9/16/24	LEA 004647 - LEA 004650
35	Criteria TMP to LEA	9/25/24	LEA 004651 - LEA 004653
36	Chiquita ETLF Revised Soil Reaction Break-Barrier Plan	2/26/25	LEA 004654 - LEA 004852
37	Stark Memo – Chiquita Landfill Barrier Systems	2/26/25	LEA 004853 - LEA 004867
38	Odor Conditional Use Permit	7/17/25	LEA 004868 - LEA 005019
39	CalRecycle Review	10/3/25	LEA 005020 - LEA 005022
40	Thalhamer GLA Work Plan Comments	1/9/26	LEA 005023 - LEA 005026
41	NOV Complaints SCAQMD email	1/21/26	LEA 005027 - LEA 005029
42	2ndComment Letter_CCL_RAW_Final_Tank Farm	1/23/26	LEA 005030 - LEA 005032

43	CV24063 24hr High Temp	2/11/26	LEA 005033 - LEA 005035
44	CV24076 24hr High Temp	2/12/26	LEA 005035 - LEA 005038
45	CV2346 24hr High Temp	2/13/26	LEA 005039 - LEA 005041
46	CV24143 24hr High Temp	2/23/26	LEA 005042 - LEA 005044
47	Daily Maximum Temp Borehole Report	2/25/26	LEA 005045 - LEA 005211
48	orentz_energy_leachate_en-us		LEA 005212 - LEA 005223
49	Reaction Boundary expansion		LEA 005224 - LEA 005225
50	Videos		LEA 005226 - LEA 005227

J. Prior to the appeal hearing, Petitioner submitted the following documents to the Hearing Board, and all documents were shared with Respondent LEA:

1. Petitioner Chiquita Canyon, LLC's Opening Brief
2. Declaration of Craig H. Benson, PhD, PE, BCGE, BCEE, NAE
3. Declaration of Kaitlyn D. Shannon
4. Declaration of Patrick Sullivan, BCES, CPP, REPA
5. Declaration of Steven J. Cassulo
6. Declaration of Srividhya Viswanathan, P.E.
7. Chiquita Canyon, LLC's Exhibit Index
8. Chiquita Canyon, LLC's Witness List
9. Petitioner Chiquita Canyon, LLC's Rebuttal Brief
10. Rebuttal Declaration of Craig H. Benson, PhD, PE, BCGE, BCEE, NAE
11. Rebuttal Declaration of Kevin Green
12. Rebuttal Declaration of Kaitlyn D. Shannon
13. Rebuttal Declaration of Patrick Sullivan, BCES, CPP, REPA
14. Rebuttal Declaration of Srividhya Viswanathan, P.E.
15. Chiquita Canyon, LLC's Updated Exhibit Index
16. Chiquita Canyon, LLC's Updated Witness List
17. Chiquita Canyon, LLC's Appeal Hearing Presentation

K. At the April 28, 2026, hearing, the LEA was represented by Renee E. Jensen, Esq. for Behar | Gibbs | Savage | Paulson LLP, and Blaine McPhillips, Senior Deputy, Office of the County Counsel, County of Los Angeles. Petitioner was represented by Lou J. Manzo, Kaitlyn D. Shannon, and Megan L. Morgan for Beveridge & Diamond PC. Estevan Padilla acted as Administrative Officer to the Hearing Board. The following witnesses testified at the hearing:

1. LEA's Witnesses: Karen Gork, Environmental Health Services Manager, County of Los Angeles Department of Public Health; Timothy D. Stark, Ph.D., P.E., BC.GE, Dist.M.ASCE, Professor of Civil and Environmental Engineering at the University of Illinois at Urbana-Champaign; Todd Thalhamer, P.E., Senior Waste

Management Engineer for the California Department of Resources Recycling and Recovery (CalRecycle); Wessel Mindermann, P.E., Supervising Waste Management Engineer for the California Department of Resources Recycling and Recovery (CalRecycle).

2. Petitioner's Witnesses: Dr. Craig Benson, PhD, PE, BCGE, BCEE, NAE, Professor Emeritus at the University of Wisconsin-Madison and Dean of Engineering Emeritus at the University of Virginia; Pat Sullivan, BCES, CPP, REPA, Senior Vice President at SCS Engineers; Srividhya Viswanathan, PE, Senior Vice President and Director of Engineering of the Southwest Region at SCS Engineers.

L. At the conclusion of the appeal hearing, all three Hearing Board members, by unanimous vote, denied the Petitioner's appeal of the Order, as modified by the November 20, 2025, Letter.

ORDER

Having reviewed and considered the evidence and argument presented by both parties, the Hearing Board rules unanimously as follows:

The Solid Waste Facilities Hearing Board's decision is to affirm Directive 4.1 of the LEA's May 1, 2025 Compliance Order Pertaining to 27 California Code of Regulations § 20750, as modified by the November 20, 2025, letter issued by the LEA, with respect to the Chiquita Canyon Sanitary Landfill located at 29201 Henry Mayo Drive, Castaic, California 91384.

Therefore, the Petitioner's appeal is denied.

RIGHT TO APPEAL

Petitioner has the right to appeal this decision to CalRecycle in accordance with California Public Resources Code § 45030.


Richard Ludt (May 1, 2026 13:52:48 PDT)

Chair Richard Ludt

May 1, 2026

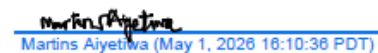
Date



Vice Chair Maurice Pantoja

May 1, 2026

Date


Martins Aiyetiwa (May 1, 2026 16:10:36 PDT)

Board Member Martin Aiyetiwa

May 1, 2026

Date

EXHIBIT C

**BEFORE THE
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
STATE OF CALIFORNIA**

In the Matter of the Appeal by:

CHIQUITA CANYON, LLC, Appellant,

v.

**LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH,
SOLID WASTE MANAGEMENT PROGRAM, acting as the
LOCAL ENFORCEMENT AGENCY, Respondent**

DECISION AND ORDER

I. INTRODUCTION

This matter came before the Department of Resources Recycling and Recovery (CalRecycle) based on an appeal filed under Public Resources Code (PRC) section 45030 (Appeal). Kaitlyn D. Shannon, Jacob P. Duginski, Megan L. Morgan, Louis J. Manzo, and James B. Slaughter of Beveridge & Diamond, P.C. represented Chiquita Canyon, LLC (Chiquita). Renee E. Jensen of Behar Gibbs Savage Paulson LLP and Blaine D. McPhillips of the Los Angeles County Office of the County Counsel represented the Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency (“the LEA”).

The Appeal seeks CalRecycle’s review of Directive 4.1 of the LEA’s “Compliance Order Pertaining to 27 California Code of Regulations (CCR) § 20750” (“2025 Order”), as modified by the letter titled, “LEA Comments on the Response Letters and the Draft Removal Action Workplan to Address the Extension of Covered Area Submitted by Chiquita Canyon Landfill” (“2025 Letter”).

CalRecycle, as the successor of the California Integrated Waste Management Board (CIWMB), has jurisdiction over this Appeal. (PRC, §§ 40401, 45030.) Having considered the record and legal arguments submitted by the parties, and for good cause appearing, CalRecycle makes the following determinations and finds there is substantial evidence that Directive 4.1 is consistent with the California Integrated Waste Management Act of 1989 (“the Act”).

II. RULING ON EXTRA-RECORD EVIDENCE

In reviewing the evidence in an appeal under PRC section 45030, CalRecycle considers (1) the record before the hearing panel, (2) relevant facts about any actions or inactions not subject to review by the hearing panel, (3) the record before the LEA, (4) written and oral arguments submitted by the parties, and (5) any other relevant evidence that, in CalRecycle’s judgment, should be considered to effectuate the Act’s policies. (PRC, § 45032, subd. (a).)

In this case, the record before the hearing panel consisted of each party’s briefing, exhibits, and presentations, along with the hearing transcripts and the written decision, collectively totaling over 13,500 pages. Both sides now seek to add additional post-hearing evidence and analysis about conditions and events that occurred after the relevant enforcement action. The existing record is sufficient. The two requests to consider post-hearing evidence are denied.

III. FACTUAL FINDINGS

A. Procedural Background

1. The Chiquita Canyon Sanitary Landfill (Site) is a permitted Class III municipal solid waste landfill in northern Los Angeles County. (B872, 3594.)¹ CalRecycle identifies the Site by Solid Waste Information System (SWIS) Number 19-

¹ The Appeal record is cited by section, with Hearing Office records beginning with the letter “H,” appellant records beginning with the letter “A,” and respondent records and the record from the hearing below beginning with the letter “B.”

AA-0052. (B872.) The Site is located at 29201 Henry Mayo Drive in Castaic, California, 91384, near industrial, agricultural, and residential properties. (B3593.) Chiquita owns and operates the Site. (B3592.)

2. On May 1, 2025, the LEA issued the 2025 Order to Chiquita. (B871–883.) The 2025 Order included Directive 4.1, which is at issue in this Appeal. (B877–878.) Directive 4.1 requires Chiquita to “[i]ninstall an LEA approved geomembrane cover over all areas of the Site that are not currently covered by a geomembrane and to which the reaction area has expanded or has the potential to expand.” (B877.) On November 20, 2025, the LEA sent Chiquita the 2025 Letter, clarifying that Directive 4.1 requires the “entire facility where waste is disposed (Main Canyon waste management area) [to] be covered by August 31, 2026.” (B865–867.)

3. Chiquita filed administrative hearing requests on the 2025 Order and 2025 Letter under PRC section 44307. (B1106–1117, 1371–1379.) The matter was set for a hearing before the Los Angeles County Solid Waste Facilities Hearing Board, the LEA’s Independent Hearing Panel (“the Panel”). (B853–854.) The Panel conducted a preliminary hearing on procedural issues on August 27, 2025 (B1–61), followed by an evidentiary hearing addressing Directive 4.1 on April 28, 2026 (B601–852). The Panel unanimously affirmed Directive 4.1. (B844–845.) The Panel issued its written decision on May 1, 2026. (A21–26.)

4. Chiquita filed this Appeal on May 11, 2026. (H6, A1–20.) CalRecycle accepted the appeal and determined it should be decided based on the record below and the parties’ written arguments. (H1–2, 11–12, 16–17.) On May 26, 2026, the LEA submitted the record from the Panel hearings: (1) a 600-page document containing the transcript and exhibits from the August 2025 hearing and (2) a 12,906-page document containing the transcript and exhibits from the April 2026 hearing. (H13–15, B1–13506.) Chiquita’s Appeal brief constituted its opening brief, to which it attached 11,293 pages of additional documents. (H6–10, A1–11313.) The LEA submitted its response on July 2, 2026, and asked to add 17 pages of additional evidence to the record. (H18–19, B13507–13544.) Chiquita submitted its reply on July 23, 2026, and

asked to add 378 pages of additional evidence to the record. (H24–25, A11314–11720.) The Appeal record closed, and the Appeal submitted for decision on July 23, 2026.

B. Waste Disposal at the Site

1. The 639-acre Site is a former limestone quarry that has accepted waste since 1967 and operated as a landfill since 1972. (B11014.) Chiquita manages the Site under a Conditional Use Permit, issued by Los Angeles County. (B13037–13118.) The Site stopped accepting waste on January 1, 2025, but its permit remains active. (B11867.) The permit allows the Site to receive up to 12,000 tons of waste each day. (B13070.) The Site can accept municipal solid waste, organic waste, construction and demolition debris, and e-waste for recycling. (B13022.) It is not allowed to accept hazardous waste or ignitable, corrosive, reactive, or toxic waste. (B13022.)

2. The Site's permitted waste area totals 257 acres, broken into three main canyons. (B11015.) The Primary Canyon and Canyon B both closed in the late 1980s, while the Main Canyon accepted waste until the end of 2024. (B3593.) This decision focuses on the Main Canyon, where there are no physical breaks or barriers dividing the different waste units. (B3594.)

3. The Site contains approximately 17,000,000 cubic yards of waste in the 231 acres used for disposal. (B11015.) The waste is 320 feet thick, spanning from 80 feet above the ground to 240 feet below it. (B11015.) When liquid percolates through landfill waste, it forms leachate. (B4374.) Leachate can contain toxic contaminants like benzene, a known human carcinogen. (B3599, 11034.) Extraction wells remove leachate from the waste and pipe it to collection tanks before being trucked off-site. (B11015.) Additionally, as the waste decomposes, it releases landfill gases. (B4374.) These gases are captured and collected through extraction wells and may be burned by a flare. (B11015.) Chiquita is required to operate and maintain adequate systems to control the Site's leachate and landfill gases. (CCR, tit. 27, §§ 20921, 20790.)

4. The law also requires that landfill waste be contained through low-permeability layers at the top and bottom. The waste sits atop a liner to prevent leachate from seeping into the ground and contaminating groundwater. (CCR, tit. 27, § 20330.) The waste must be topped with daily cover during active disposal, intermediate cover during prolonged pauses in disposal, and a final cover when disposal has permanently ceased. (CCR, tit. 27, §§ 20680, 20700, 21140.) Intermediate cover is typically made of compacted soil, at least 12 inches thick, unless an alternative cover has been approved. (CCR, tit. 27, § 20700.) Soil cover can sustain damage through weather-based erosion or fissures and cracking as the decomposing waste sinks downward, known as settlement. (B11886.) When subsurface gases are under high pressure, they follow the path of least resistance and may migrate upward to vent out of thin or damaged areas of the cover. (B11886.) Maintaining an adequate cover is critical to avoiding foul odors, minimizing emissions, and preventing liquids from entering the waste and increasing the volume of leachate.

C. The Subsurface Elevated Temperature Event at the Site

i. Background on Subsurface Elevated Temperature Events

5. As municipal solid waste decomposes in a landfill, the process generates heat. Under normal conditions, a landfill's temperature stays below the regulatory threshold of 131 or 145 degrees Fahrenheit.² (B7354.) When landfill temperatures exceed that threshold, it stresses biochemical decomposition processes. (B11033.) This is called a Subsurface Elevated Temperature (SET) event. (B11817.) The term "SET event" encompasses all causes of the elevated temperature below the surface.

² All temperatures hereafter are in Fahrenheit. The threshold temperatures of 131 degrees and 145 degrees come from the National Emissions Standards for Hazardous Air Pollutants regulations, 40 Code of Federal Regulations part 63, section 63.1958, subdivision (c). The regulation requires a landfill operate each interior wellhead with a landfill gas temperature of less than 145 degrees, an increase from 131 degrees required before 2021. CalRecycle recommends using the temperature threshold of 131 degrees to initiate a root cause analysis, restrict oxygen to less than two percent, and repair the cover to prevent a SET Event.

(B740–741.) It includes Elevated Temperature Landfills (ETLFs) (B740), which are high temperature landfills experiencing a subsurface exothermic reaction not caused by fire, combustion, or smoldering.

6. The increase in waste temperature during a SET event changes the composition of landfill gases. Temperatures above 160 degrees significantly inhibit methane production. (B11038.) Meanwhile, carbon dioxide, carbon monoxide, and hydrogen increase as methane decreases. (B3595.) Malodorous sulfur compounds, like hydrogen sulfide, also rise and lead to severe odor issues around the landfill surface. (B2569, 3595.)

7. SET events cause a landfill to experience extreme temperature increases, high volumes of leachate production, and significant gas emissions and odors. (B1014.) Once a SET event occurs in a landfill, it can be difficult to isolate and contain. (B11863.) A SET event can (1) damage the integrity of a landfill's liner, (2) soften or melt the gas and leachate control infrastructure, (3) transform leachate into hazardous waste due to an increase in the benzene level, (4) cause slopes to become unstable and collapse, and (5) result in rapid and excessive settlement of the landfill surface. (B11033–11034.) Operating temperatures should not exceed 140 degrees to prevent failure of certain plastic pipes and a decrease in the landfill liner's service life. (B11036.)

8. Tracking a SET event involves collecting data from several sources. (B11035.) Temperature is the most important metric. (B11035.) Landfill temperatures can be measured using gas temperatures at wellheads, vertical profiles in gas wells, temperature monitoring probes in the waste, liquid temperatures in leachate pumps, and surface temperatures with thermal cameras. (B11035.) The SET event can also be tracked by collecting data about the landfill's gas composition, the amount of settlement that occurs over time, damage to the cover, leachate increases and leaks, increased emissions and a change in odor, and an increase in gas and leachate pressure. (B11035.)

ii. The Initial Odor Complaints and Violations

9. Since about May 2022, Chiquita has been experiencing a SET event in the Main Canyon's subsurface waste. (B3594.) This incident has generated noxious odors, which spread to nearby residential communities around April 2023. (B4358.)

10. In 2023, the South Coast Air Quality Management District ("Air District") received nearly 6,800 odor complaints about the Site, compared to 77 complaints in 2022. (B13196.) The complaints reflected the many adverse health effects the nearby community reported experiencing since the SET event began, including eye irritation, nosebleeds, tinnitus, nausea, migraines, vomiting, vertigo, respiratory symptoms, cardiac issues, and skin issues. (B10001.) Odors kept the residents from spending time outside and concerned campus communities at the multiple schools near the Site. (B10001.)

11. The Air District investigated the complaints, verified the odors, and confirmed that the Site was the source. (B9664.) Air sampling found elevated benzene and hydrogen sulfide levels in nearby communities. (B9665.) Between April and December 2023, the Air District issued over 100 Notices of Violation (NOVs) to Chiquita under Rule 402 and Health and Safety Code section 41700, finding the odors to constitute a public nuisance. (B9664.)

12. On September 7, 2023, Chiquita entered into a Stipulated Order for Abatement (Stipulated Order) with the Air District to mitigate Site conditions. (B9666.) The Stipulated Order required, among other measures, that Chiquita establish a committee of subject matter experts to aid in the investigation and remediation of the event, known as the Reaction Committee. (B1735.) The committee was to review available data, estimate the extent of the reaction, and determine the reaction area. (B11036.) Chiquita was also required to expand the landfill gas collection and control system to mitigate the odors. (B2265.) Despite the Stipulated Order's mitigation measures, the odors persisted and Chiquita received another 53 NOVs based on noxious odors over the following six months. (B10002.)

iii. CalRecycle's Preliminary Investigation of the Odor's Source

13. Meanwhile, the LEA requested technical assistance from CalRecycle to determine the cause of the odors. (B884.) Todd Thalhamer, Professional Engineer (P.E.), reviewed available data and documented CalRecycle's findings in an October 2023 letter. (B884–902.)

14. CalRecycle's analysis found irregularities around the northwest area of the Main Canyon. (B888–891, 896–898.) CalRecycle concluded that the Site was experiencing an active, expanding heating/smoldering event. (B893.) The event was causing the Site to experience cover integrity issues, increased gas pressure, landfill gas temperatures over 170 degrees, subsurface temperatures over 195 degrees, decreased methane production, elevated carbon monoxide concentrations, and an unusually high rate of settlement. (B900.) The Site's gas collection system showed systemic performance problems from positive-pressure wells, excessive oxygen, zero-flow wells, and oxygen overdraw. (B900, 11870.) Those failures explained the surge in odors and emissions. (B900.) Additionally, CalRecycle's analysis revealed that the SET event was expanding in size and intensity over the preceding 18 months. (B900.)

15. The LEA sent CalRecycle's letter to Chiquita, urging prompt action to protect public health and the environment. (B903–906.) The LEA directed Chiquita to take immediate and long-term corrective action measures. (B904–906.) The measures included installing a geomembrane cover over the settlement area and other Site areas with high gas temperatures and carbon monoxide concentrations above 1,000 parts per million (ppm). (B905.)

iv. The Multi-Agency Site Tour and Mitigation Measures

16. In November 2023, local, state and federal agencies formed a Multi-Agency Critical Action Team (MCAT) to coordinate investigations and enforcement efforts related to Site's SET event. (B10007.) The MCAT includes the LEA, CalRecycle, the Air District, the Department of Toxic Substances Control (DTSC), and the United States Environmental Protection Agency (EPA), among other agencies.

(B3596–3597.) Staff from MCAT agencies toured the Site on November 2, 2023. (B10004.)

17. As required by the Stipulated Order, Chiquita had installed 48 additional gas extraction wells. (B10130.) During installation, pressurized leachate had spewed out of the ground at several locations. (B10130.) Additionally, oversaturated waste had caused leachate to seep out of the ground and pool in multiple locations. (B10138–10140.) The Site had also experienced significant settlement. The ground around one gas well had sunk 25 to 30 feet since 2022. (B10130.) The SET event had expanded in all directions between July 2023 and September 2023. (B10130.) By November 2023, the SET event totaled approximately 30 to 35 acres. (B10130.)

18. During the November 2023 tour, Mr. Thalhamer detected odors onsite. (B10130.) CalRecycle concluded the Site’s intermediate cover was not adequate for controlling odors and preventing oxygen intrusion. (B10133–10134.) CalRecycle recommended that Chiquita install a 24-inch soil cover or a flexible membrane cover over the existing intermediate soil cover to mitigate odors. (B10133–10134.)

19. The LEA sent a detailed letter to Chiquita about its concerns on November 21, 2023. (B8891–8895.) The LEA said it appeared “unlikely that [Chiquita’s] current mitigation measures will be sufficient to control and contain the reaction, which is expanding toward other areas of the landfill.” (B8892.) The letter required Chiquita to implement mitigation measures similar to those CalRecycle recommended, which included: (1) constructing a soil reaction break or barrier if the reaction expanded beyond an action line; (2) installing temperature monitoring probes by January 8, 2024; (3) installing a compacted 24-inch soil cover in areas showing signs of reaction; (4) tracking and documenting all fissures, settlement, and cracks in the soil cover with a weekly report to the LEA; (5) performing a slope stability analysis; and (6) ensuring that the temperatures do not exceed the drain manufacturer’s design specifications. (B8892–8894.)

20. By December 2023, the temperature of uncontrolled leachate condensate waste coming out of gas extraction wellheads was as high as 180

degrees. (B10005.) Additionally, the Site's leachate production had increased dramatically from 151,187 gallons per week in January 2022 to 1,014,532 gallons per week in December 2023. (B9998.) The Site's leachate contained benzene in levels that exceeded the hazardous waste threshold. (B10005–10007.)

21. Chiquita contracted with SCS Engineers, Inc. (SCS) to assist with both the root cause analysis and operating the Site's gas and leachate collection and control systems. (B4123, 12772–12785, 11885.) SCS prepared a report titled, "Elevated Temperature Landfill Causation Investigation Report" dated December 8, 2023. (B12772–12789.) SCS decided the Site was undergoing an ETLF event instead of a subsurface oxidation or subsurface landfill fire event. (B12783.) SCS concluded that "the causes of the ETLF conditions at [the Site] cannot be definitively identified." (B12782.)

22. Over the coming months, the LEA and Chiquita communicated about how to mitigate the SET event's impact on the intermediate cover. (B1490, 8913, 10160–10164.) They determined it would be faster to install a geosynthetic cover than a thicker layer of soil cover. (B10161.) The company agreed to install 30-mil geomembrane cover over the reaction area. (B10161.) Chiquita estimated it could install the cover at the rate of 1.5 acres per day "based on actual production rates for the west slope" installation, so coverage could be completed within eight weeks. (B1491.) The LEA approved Chiquita's plan, scheduling a completion date of March 25, 2024 (eight weeks from the start date of January 29, 2024). (B11226.)

v. The LEA's 2024 Compliance Order

23. Local agencies must inspect active solid waste facilities monthly to verify compliance with state minimum standards. (CCR, tit. 14, § 18083, subd. (a)(2).) The LEA conducted Site inspections on September 19, 2023; October 25, 2023; November 28, 2023; December 19, 2023; and January 17, 2024. (B11925–11952.) Based on those inspections, the LEA found that Chiquita had violated the state minimum standards for Gas Monitoring and Control (CCR, tit. 27, § 20921) and Site Maintenance (CCR, tit. 27, § 20750). (B11925–11952.)

24. On February 8, 2024, CalRecycle sent Chiquita a Notice of Intent letter, informing Chiquita that the Site could be added to the inventory of solid waste facilities which violate state minimum standards. (B935–936.) This letter gave Chiquita 90 days to bring the Site into compliance. (B935.)

25. In March 2024, Chiquita submitted a soil reaction break/barrier plan, as required by the LEA's November 2023 letter. (B8917–8939.) The plan stated that Chiquita was implementing corrective measures it believed would reduce the need to construct the required soil reaction break/barrier. (B8938.) Those measures included increased gas and leachate removal, as well as improvement to cover integrity. (B8938–8939.) Chiquita stated that improving the cover would reduce surface emissions and resulting odors as well as liquid infiltration, limiting “the amount of excess liquids available to sustain various chemical reactions.” (B8939.)

26. Chiquita failed to correct the violations by May 10, 2024, and CalRecycle listed the Site on the inventory, effective May 15, 2024. (B933–934.) Based on the Site's inventory listing, the law required the LEA develop a compliance schedule to ensure Chiquita made diligent progress to bring the Site into compliance. (CCR, tit. 14, § 18365.)

27. The LEA issued a Compliance Order to Chiquita on June 6, 2024 (“2024 Order”). (B937–973.) The 2024 Order contained 87 paragraphs of factual findings in support of the conclusion that the Site's intermediate cover was inadequate and not performing to the standard necessary to keep the Site in reasonable repair. (B938–959.) Chiquita's compliance with the Site Maintenance regulation was categorized by mitigation measures (B942), which included the installation of a geosynthetic cover in the reaction area and around any wells showing signs of reaction, including high temperatures and carbon monoxide concentrations. (B951–955.) There is no evidence that Chiquita requested an administrative hearing to contest the factual allegations in the 2024 Order.

28. By the time the 2024 Order issued, Chiquita was already behind schedule in installing the geomembrane cover. (B953–955.) The initial deadline of

March 25, 2024, was moved to April 26, 2024, based on an increase in the coverage area to 30 acres, wet weather, and safety reasons. (B954.) In April, the deadline was extended again to July 12, 2024, citing weather and safety. (B954–955.) The cover acreage expanded from 30 acres to 43.9 acres. (B954.) The 2024 Order set August 2, 2024, as the final deadline to finish installing the geosynthetic cover but also allowed Chiquita to submit extension requests. (B962, 968.) After several more extensions, Chiquita completed installation of 44.6 acres of 30-mil cover on December 27, 2024, nine months after the initial deadline. (B11184.)

vi. Technical Memorandum by Dr. Timothy Stark

29. Timothy Stark, Ph.D., P.E., reviewed reports and data about the Site under his contract with the Engineering/Remediation Resources Group, Inc. (ERRG). (B993.) He issued a Technical Memorandum, dated February 26, 2025, with findings about the SET event and recommendations to mitigate its expansion. (B993–1006.)

30. Dr. Stark’s memorandum first reviewed the Site history and Chiquita’s Revised Barrier Plan. (B993–996.) In that plan, Chiquita rejected four reaction break options as “implausible” or “uncertain,” preferring the option to place more soil over the top of the landfill. (B995.) Dr. Stark determined that a thicker soil cover would be less effective at controlling odors and emissions than a geomembrane cover because of inadequate soil compaction, differential settlement, and cracks in the intermediate cover. (B995.)

31. Dr. Stark disagreed with Chiquita’s claim that their “best management practices” were slowing the SET event and impeding its spread. (B996.) He reviewed recent temperature data from early 2025 and found a significant increase in the size of the reaction. (B996–998.) He proposed installing a vertical thermal barrier to prevent the reaction from reaching the southernmost 13 acres of the Site. (B1004–1006.) Among other reasons, Dr. Stark explained that a barrier would reduce the amount of waste that the SET event could consume and thus the duration of odors and emissions impacting the surrounding communities. (B1005.)

32. Dr. Stark also evaluated reports regarding fissures and cracks in the intermediate cover, along with tears in the existing geomembrane cover. (B999–1004.) Settlement was occurring around the existing leachate tank farm, which he found reinforced the recommendation that the tank farm be moved off the waste and onto native soil. (B999.) Dr. Stark expected the SET event would continue generating odors and emissions for years to come, so he proposed covering 100 acres of the landfill with an Ethylene Vinyl Alcohol (EVOH) geomembrane. (B1102–1003.) This type of geomembrane has proved effective at containing odors and emissions at other landfills experiencing SET events. (B1102.)

vii. CalRecycle Technical Assistance in March 2025

33. On March 28, 2025, Mr. Thalhamer provided additional technical assistance to the LEA on behalf of CalRecycle, commenting on Chiquita’s proposed plans. (B1010–1037.) CalRecycle had requested certain data from Chiquita in December 2024, but Chiquita did not provide all the information as requested. (B1011–1012.) The data sets Chiquita did provide were not sufficient to adequately track the reaction. (B1012.) CalRecycle noted the Reaction Committee’s conservative approach in determining the reaction area, which disregarded carbon monoxide results. (B1015–1016.)

34. Chiquita’s first 20 temperature monitoring probes at the Site began operating in late April 2024. (B1017.) Eight more probes were installed adjacent to the reaction area in January 2025. (B1017.) CalRecycle explained that the Reaction Committee had disregarded a significant number of probe readings and did not consider shallow temperature spikes indicative of the reaction. (B1019.) Review of the new temperature data from the probes showed that the new probes exceeded the regulatory threshold of 145 degrees. (B1020.) Additionally, Chiquita had installed the new probes at unapproved depths, impeding the ability to track shallow temperature changes. (B1020.)

35. CalRecycle was concerned that Chiquita was overdrawing the gas collection and control system, which can pull in outside oxygen and cause a smolder.

(B1022.) There was a 55 percent increase in gas wells with over five percent oxygen between 2023 and 2024, accompanied by an increase in high temperature wells and wells with positive pressure. (B1024.) This indicated to CalRecycle that the SET event had intensified in magnitude between July 2023 to December 2024. (B1024.)

36. Chiquita's third Soil Reaction Break/Barrier Plan lacked the barrier or break specified in the LEA's 2024 Compliance Order. (B1025.) Instead, Chiquita relied on the removal of gas and leachate as a control and containment strategy. (B1025.) Chiquita had not provided any technical thermodynamic analysis demonstrating that leachate and gas removal had contained the Site's reaction. (B1025.) CalRecycle was not aware of any published studies indicating that gas and leachate removal has contained a reaction like the Site's, and CalRecycle does not recognize gas and leachate removal as a standalone containment strategy for a SET event. (B1025.)

37. At the end of the letter, CalRecycle summarized the known Site conditions as of Spring 2025. (B1026–1027.) The Site's subsurface waste was inundated with leachate. Chiquita removed over 77 million gallons of leachate from the Site between January 2024 to February 2025 and was currently extracting 228,624 gallons of leachate per day. (B1025–1026.) A portion of the leachate contained hazardous levels of benzene, and the Site had several leachate outbreaks and releases, including geysering leachate at 13 gas wells. (B1026–1027.) The gas wells and temperature monitoring probes showed high temperatures and increasing trends. (B1027.) Methane production had decreased, while carbon monoxide concentrations increased. (B1027.) Accelerated settlement continued, and the Site's west slope was unstable. (B1027.) Odors and emissions continued to permeate nearby communities. In the first three months of 2025, the Air District received 1,493 complaints about Chiquita and issued Chiquita 16 NOVs. (B1026.)

38. Based on the evidence reviewed, CalRecycle concluded that Chiquita's proposed plan would not contain or control the SET event. (B1027.) Because the plan omitted a barrier, there was nothing to prevent the expanding reaction from consuming the entire facility. (B1027–1028.) CalRecycle recognized that removal of leachate and

gas was critical in a SET event, but found it was insufficient without additional mitigation measures. (B1028.) CalRecycle recommended installation of an EVOH geomembrane over 100 acres outside the current geomembrane cover, among other measures. (B1028.)

viii. Enforcement Actions by MCAT Agencies

39. The Air District's Stipulated Order has remained in effect, with modifications, since September 2023. (B1140.) The next agency to order corrective action was EPA. On February 21, 2024, EPA issued Chiquita a Unilateral Administrative Order (UAO), finding that Chiquita's activities at the Site may present an imminent and substantial endangerment to health or the environment. (B1130–1174.) EPA found that the Site's cover integrity issues created surface gas emissions that exceeded regulatory limits. (B1137.) It ordered Chiquita to create a cover installation plan to install a 30-mil geomembrane cover over the settlement area. (B1152.)

40. On April 1, 2025, DTSC issued Chiquita an Imminent and Substantial Endangerment Determination and Order (DTSC Order). (B3591–3615.) DTSC found the expanding SET event and hazardous leachate releases posed an imminent and substantial endangerment to public health, safety, or the environment. (B3600.) The DTSC Order concluded that expanding the membrane cover was necessary to control infiltration of oxygen and water into the waste and to control the gas emissions, odors, and leachate. (B3601–3602.) DTSC required Chiquita to install a 40-mil geomembrane cover on all areas of the Site which are not presently covered by geomembrane and to which the reaction area had expanded or had the potential to expand. (B3601–3602.)

ix. The LEA's May 2025 Compliance Order

41. Mitigation Milestone 1A-1 of the 2024 Order required that Chiquita submit a revised air/soil break plan to the LEA for approval. (B962–963.) On April 1, 2025, the LEA rejected Chiquita's third revision of its proposed plan. (B1007–1009.) The LEA did not find that Chiquita's proposed mitigation was appropriate to contain

the SET event given the ongoing activity. (B1007.) The materials Chiquita submitted confirmed that no internal barrier existed to prevent the event from spreading throughout the Site. (B1007.)

42. On May 1, 2025, the LEA issued the 2025 Order, finding Chiquita remained in violation of the Site Maintenance regulation. (B871–883.) The 2025 Order summarized the facts underlying the violation, incorporating the 2024 Order by reference, adding 11 factual findings, and citing a dozen more letters and analyses of Site data. (B872–876.) The order stated: “Given the evidence of ongoing reaction activity, the new temperature data provided by [Chiquita] on February 20, 2025, and no thermodynamic analysis, the LEA does not believe that gas and leachate removal alone is appropriate to contain the reaction.” (B876.)

43. The 2025 Order imposed four requirements, which took effect immediately upon service (B877–879):

- Directive 4.1: Chiquita must install an LEA-approved geomembrane cover over all areas of the Site that are not currently covered and to which the reaction area has expanded or has the potential to expand, with a completion schedule due June 2, 2025;
- Directive 4.2: Chiquita must relocate Leachate Tank Farm 9, with an LEA-approved workplan due June 2, 2025;
- Directive 4.3: Chiquita must implement measures to prevent the reaction from spreading into Cell 8A, with a workplan due July 15, 2025; and
- Directive 4.4: Chiquita must install five new temperature monitoring probes at specified locations by August 4, 2025.

44. On May 16, 2025, Chiquita filed a statement of issues to request a hearing on the 2025 Order under PRC section 44307. (B1106–1117.) Chiquita also filed a stay petition with CalRecycle, seeking to halt compliance requirements imposed by the 2025 Order until the end of its administrative appeal. (B1114–1115.) CalRecycle

denied the stay petition, finding that Chiquita failed to establish the extraordinary circumstances necessary to justify a stay. (B9345–9350.) Specifically, CalRecycle found that Chiquita did not provide that the order would interfere with an essential public service because the noxious odors, risk of destabilization, and potential for watershed contamination were preexisting conditions at the Site because of the SET event, not immediate consequences of the order. (B9349.) The requirements and deadlines of the 2025 Order remained in effect during the pendency of the administrative appeal process. (PRC, § 45017.)

x. The Panel’s August 2025 Procedural Hearing

45. Chiquita’s hearing request was sent to the Panel. The Panel held a preliminary hearing on procedural issues before scheduling the evidentiary hearing.³ (B1–60.) The parties’ prehearing briefing addressed Chiquita’s preference for a formal hearing and PRC section 44310’s provision that the local hearing be held in accordance with the informal article of the Administrative Procedure Act (APA) (Gov. Code, § 11445.10 et seq.). (B62–69, 339–348.) The briefing also addressed whether Panel member Martins Aiyetiwa should be recused from the Panel because he previously served as a Senior Civil Engineer with Los Angeles County and was involved in a 2017 enforcement order against Chiquita. (B69–72.)

46. The parties convened with the Panel to discuss procedural issues on August 27, 2025. (B1–60.) The Panel was composed of three individuals: Richard Ludt, the chairperson; Maurice Pantoja, the vice chairperson, and Mr. Aiyetiwa. (B2.) The Panel decided that cross-examination would not aid its decision and requested the local hearing include a full day of testimony and questioning. (B37–40.) Mr. Aiyetiwa did not recuse himself, stating his employment with the county had ended three years earlier and the prior order was completely different than the present case. (B35.)

³ Throughout this proceeding, the LEA and Chiquita repeatedly stipulated to continuances beyond the Act’s statutory deadlines.

xi. Modification to MCAT Agency Orders

47. EPA modified the UAO's coverage requirement on July 24, 2025. (B1178–1182.) Similar to DTSC and the LEA, EPA required Chiquita to install a geomembrane cover on all areas of the Site that were not already covered by geomembrane and to which the reaction area had the potential to expand. (B1178–1179.) EPA specified that the additional cover must be installed over “at least 100 acres outside the existing geomembrane cover.” (B1179.) It also made clear that the installation could not be conditioned on the findings of Chiquita's Reaction Committee, as the committee's conservative approach and findings were at odds with regulatory agencies. (B1179.)

48. EPA's July 2025 amendment was based on extensive analysis of temperature monitoring data that determined the reaction had migrated beyond the existing geomembrane cover. (B1179–1180.) EPA concurred “with the state and local regulatory agencies that covering the remaining uncovered portion of the Landfill with geomembrane cover is a necessary and appropriate measure to control the Landfill reaction and related odors.” (B1181.) Additionally, EPA noted how extending the geomembrane cover will control oxygen and water infiltration into the waste, which can help prevent the expansion of a smoldering or subsurface reaction. (B1181.)

xii. The LEA's November 2025 Letter

49. CalRecycle reviewed Chiquita's geomembrane cover schedule for the LEA and provided a letter of its conclusions on October 3, 2025. (B868–869.) The letter warned that since Chiquita had “chosen not to install any barriers in the main fill, the Subsurface Elevated Temperature (SET) Event has the potential to expand to the entire waste area.” (B868.) It further documented how the SET event had continued to impact the local community, with the Air District receiving over 4,600 complaints about the Site and issuing 80 NOVs to Chiquita since January 2025. (B868.) CalRecycle expressed that Chiquita's “current strategy of using an unproven heat exchange and pressure control methodology” was not adequately controlling emissions and odors. (B868.)

50. CalRecycle recommended that the entire Main Canyon disposal area be covered with geomembrane cover. (B869.) CalRecycle identified the fact that Chiquita was using a single drill rig and a single liner crew as a possible bottleneck and proposed that the company dedicate additional resources to installation. (B869.)

51. On November 20, 2025, the LEA sent Chiquita three letters regarding workplan reviews. (B857–867.) Relevant to this Appeal, the 2025 Letter summarized Chiquita’s proposal to install geomembrane cover in five-acre segments, pause installation during the rainy season, and use “To Be Determined” as its completion date. (B866.) The LEA found this proposal to be unacceptable. (B866.) It wrote:

[S]ince CCL has failed to install a vertical soil barrier and the reaction continues to expand, the LEA’s current directive is for CCL to install the approved geomembrane cover over all areas to which the reaction has expanded or has the potential to expand as stated in Section 4.1 of LEA’s Order. The entire facility where waste is disposed (Main Canyon waste management area) shall be covered by August 31, 2026. (B866.)

52. The 2025 Letter directed Chiquita to provide an estimated completion schedule by December 15, 2025. (B866.) It further required Chiquita to employ the necessary resources to finish cover installation by the August 2026 deadline, including installing geomembrane during winter months to ensure timely completion. (B866.) The LEA reserved the right to issue a new directive or order if conditions indicated that additional corrective actions were needed to protect public health and the environment. (B866.)

53. On December 19, 2025, Chiquita filed a second statement of issues to request a PRC 44307 hearing on the 2025 Letter. (B1371–1379.) Chiquita also filed another stay petition with CalRecycle to pause the 2025 Letter’s required compliance measures until the end of the administrative appeal. (B1371.) CalRecycle denied the second stay petition. (B9898–9901.)

54. The parties continued the scheduled evidentiary hearing so Chiquita's two hearing requests could be consolidated. They agreed to limit the issues addressed at the hearing to Directive 4.1 (Extend the Covered Area), deferring Chiquita's challenges to the other directives. (A7–8.) At present, Chiquita is not disputing the additional 100 acres that EPA has also ordered the company to cover with geomembrane. (A7.) This leaves only the final 66 acres in the southern end and eastern of the Main Canyon as the "disputed acres." (A7.)

D. The Parties' Arguments and Evidence on Directive 4.1

55. The evidentiary hearing on Directive 4.1 took place on April 28, 2026. (B601.) It lasted approximately seven hours, during which the Panel heard testimony from three witnesses for Chiquita and four witnesses for the LEA. (B601–851.) The public was also offered an opportunity to comment. (B719–731, 845–850.) The Panel also received two exhibits (B606, 851): Chiquita's Exhibit 1 (6,465 pages) and the LEA's Exhibit A (6,186 pages). (B856–13506.)

i. Chiquita's Issues and Arguments

56. Three witnesses testified in support of Chiquita's arguments and evidence. Chiquita's first witness was Craig H. Benson, Ph.D., P.E., an emeritus professor and dean of engineering, who has worked on multiple ETLF events in the United States. (B625–671, 812–816.) Chiquita's second witness was Patrick Sullivan, Senior Vice President at SCS. (B672–693.) Chiquita's third witness was Srividhya Viswanathan, P.E., SCS's Senior Vice President and Director of Engineering of the Southwest Region. (B694–711, 806–811.)

57. Chiquita maintains that the Site is experiencing an ETLF event. (B632–635.) Its experts contend the Site has not experienced smoldering because there is no evidence there has been a combustion event or fire event. (B640.)

58. From Chiquita's perspective, it has applied "best management practices" in mitigating the ETLF event by aggressively removing gases and liquids. (B635–637.) Dr. Benson cited a Chicago landfill where these practices restored the site to normal

conditions after 10 to 15 years as an example of their efficacy. (B637.) Chiquita argues that these strategies have already improved the conditions at the Site. (B679.) Specifically, Dr. Benson disputes that the Site is still emitting strong odors and testified he smelled no odors in the nearby community during his visit the day before the hearing. (B638–639.)

59. Chiquita's experts believe that the reaction has reached a state of equilibrium but could not rule out the possibility of the reaction expanding. (B640, 664.) Citing data from temperature monitoring probes, Chiquita reasoned that temperatures increased in one region, cooled in another, and were overall stable. (B644.) Its experts attributed a spike in temperature data to be a consequence of taking extraction systems offline to install the existing geomembrane cover. (B644, 700.)

60. Chiquita contends that additional cover over the disputed acres will be harmful. (B679.) Because of the way Chiquita designed the gas collection and control system (B699), they have to take many wells offline at once to install more cover. (B679.) Shutting down the extraction system interferes with Chiquita's effort to remove heat through extraction. (B644–645.) Chiquita's experts detailed the "massive undertaking" it would take to move the new Tank Farm 13 (B647, 656–658, 698, 704), the leachate treatment facility Chiquita recently constructed on top of the waste in Cell 8a. They later agreed Tank Farm 13 would not need to be moved if Chiquita welded the new and existing geomembrane. (B671, 711.) Chiquita was also in the process of installing thermal oxidizers in the disputed acres that would need to be relocated before cover installation. (698, 703.)

61. While Chiquita's experts agree that the geomembrane cover is effective at controlling odors (B649), they maintain it does not mitigate the heat below. (B648.) They believe the disputed acres have adequate soil cover and are not generating sufficient gases and emissions to necessitate the geomembrane cover. (B647, 654–655, 674.) The soil cover in the disputed area does crack and settle, but at a more typical rate. (B688.) Sometimes Chiquita is able to repair damage before a regulatory

inspection, and other times the inspections find damage Chiquita had not noticed. (B690.) If the reaction expands, Chiquita thinks that the 100 acres of geomembrane cover ordered by EPA will provide a sufficient buffer zone. (B649.)

62. Chiquita also argued it was impossible to comply with the LEA's deadline to install the additional cover based on its previous installation rate in the reaction area. (B1479–1482.) It took Chiquita a year to install 46 acres of cover, then another six months to install an additional 22 acres of cover. (B1480.) Based on these prior coverage rates, Chiquita argues that it was impossible to cover 166 acres by August 31, 2026. (B1480–1481.)

63. Additionally, Chiquita argued in briefing that EPA's UAO preempts Directive 4.1. (B1483–1484.) The month before Chiquita filed its opening brief, EPA had sent Chiquita a letter disagreeing with that argument. (B10717–10721.) In the January 2026 letter, EPA stated, "the directives in the [2025 Order and 2025 Letter] do not conflict with the EPA's directives in the Additional Work Letter or the UAO." (B10718.) The 100-acre requirement was a minimum, not a maximum. (B10718.) EPA expressed that covering the entire Main Canyon would simultaneously satisfy both the LEA's and EPA's requirements "because the entire Landfill represents the maximum areal extent to which the reaction has the potential to expand." (B10719.)

ii. The LEA's Issues and Arguments

64. Four witnesses testified in support of the LEA's arguments and evidence. The LEA's first witness was Dr. Stark, a civil and environmental engineering professor who has worked on landfills for 35 years and on elevated temperature events for 20 to 25 years. (B712–719, 739–766.) The LEA's second witness was Mr. Thalhamer, a Senior Waste Management Engineer at CalRecycle. (B766–791.) The LEA's third witness was Karen Gork, the Chief Environmental Health Specialist at the LEA. (B792–794.) The LEA's fourth witness was Wessel Mindermann, P.E., a Supervising Waste Management Engineer at CalRecycle. (B795–805.)

65. The LEA offered evidence that the Site has been in violation of state minimum standards for over two years and its existing intermediate soil cover is inadequate and deteriorated. (B750–754, 797–799.) Its experts testified about how the soil cover suffers from compaction issues because of the difficulty of compacting a slope, which allows for oxygen intrusion. (B754.) The soil cover has also experienced significant settlement and slope movement, creating cracks from which odors can get out. (B752–753.) Additionally, the intermediate soil cover has eroded because of rainfall, which reduces the cover’s thickness and allows gases to escape. (B753–754.) The LEA also cites the high daily leachate extraction volume as evidence of the intermediate cover’s deteriorated condition. (B11908.)

66. According to the LEA’s experts, the SET event continued to expand in 2025. (B743–750, 772–776.) Dr. Stark explained how the Site’s temperature monitoring probes experienced an increase in temperature before Chiquita installed the geomembrane. (B715.) This led him to conclude that the geomembrane installation could not be responsible for the increase in temperature in those areas, as Chiquita alleged. (B715–716.) The number of wells experiencing high temperatures also rose during 2025, with 98 wells over 170 degrees and four over 200 degrees by October 2025. (B743–745.) Mr. Thalhamer explained how the Site’s gas composition has changed and carbon monoxide levels increased, a sign of incomplete combustion. (B770.) The LEA estimated the reaction was still growing in October 2025 (B717) and continued to grow in the months after the LEA issued the 2025 Letter. (B718.) Dr. Stark projected the SET event was expanding two to five acres per month, 36 acres per year. (B718.) The lack of a barrier means that the SET event could consume all the connected waste at the Site, as has happened at other facilities. (B776–777.) As of the hearing date, Chiquita’s experts still had not provided the LEA with published studies that support using gas and leachate removal as a standalone containment strategy for a SET event. (B802.)

67. The LEA also reasoned that the continued odors experienced by the community are evidence that the Site’s conditions remain severe and require mitigation. (B771.) Odor complaints continued throughout 2025, with higher

complaints in November 2025 than November 2024. (B751–752.) The Air District has continued to verify the complaints and issue Chiquita NOVs. (B752.) In the experts' experience at other SET events, odors and complaints dropped dramatically when the facility was completely covered with geomembrane. (B781.) This led them to conclude that a full geomembrane cover was necessary and appropriate to prevent emissions and odors as the intermediate cover continues to crack. (B753.)

68. The LEA's experts further testified that the August 31, 2026, installation deadline was feasible. Dr. Stark explained that industry's typical installation rate for geomembrane is two to three acres per day per crew. (B756.) He also provided a lower estimate of 0.55 acres per day, including the time needed for preparation, performed by another landfill experiencing a SET event. (B762.) The disputed acres would be faster and easier to cover because the reaction had not spread throughout that area yet and there were fewer existing gas wells to accommodate. (B713–714, 756.) Dr. Stark said that if Chiquita hired more crews and matched the installation rates of other landfills experiencing SET events, the company would have been able to finish installation by August 31, 2026. (B756, 758, 762.)

69. Mr. Thalhamer disagreed with Chiquita's argument that it would need to shut down the Site's gas and leachate infrastructure for a prolonged installation period. (B779, 784–785.) Instead, Chiquita could recreate these systems with new infrastructure and construct temporary bypass lines, then switch over and demobilize systems in the disputed acres during installation. (B779, 784–785.) The LEA's experts attributed the deadline challenges to Chiquita's decision to challenge the Directive rather than comply and begin the installation process in May 2025. (B760, 778, 781, 793.) They still thought it was possible to finish installation between April 28, 2026, and August 31, 2026, if Chiquita hired more crews. (B759–760, 778.)

70. Finally, the LEA's experts provided additional context for the discussion about Tank Farm 13. Chiquita had to move the original tank farm after the ground under it began to settle. (B767.) The company chose to construct Tank Farm 13, a hazardous waste treatment facility, on top of the waste in Cell 8a using an emergency

exemption from permitting requirements. (B767, 780, 788–790.) The LEA’s experts explained that Chiquita had been told not to construct Tank Farm 13 on top of the waste because the ground below it can sink or the reaction could spread to that area. (B763–764, 790.) Still, they agreed that Tank Farm 13’s existing location does not prevent cover installation because Chiquita can weld the new geomembrane to the existing geomembrane installed under Tank Farm 13. (B764.)

iii. Public Comment at the Panel Hearing

71. Several community members provided public comments on the impact of the SET event, urging the Panel to uphold Directive 4.1. (B720–731, 846–849.) They detailed how the Site’s odors and emissions continued to cause them daily suffering. (B721.) Commenters spoke about being unable to open their doors and windows or spend time outdoors with their children. (B721, 731.) They described how “horrific odors” had ruined recent holidays. (B724–725.) Additionally, they told the Panel about adverse health conditions temporally associated with the SET event. (B721, 730.)

72. The community members described Chiquita’s current Site mitigation as “the bare minimum” (B726) and “cutting corners” (B729). They disputed Chiquita’s representation that it cares about public health and safety. (B729.) Commenters also disagreed with Dr. Benson’s claim that there were no odors in the community the day before the hearing, detailing the multiple NOV’s issued by the Air District in the prior month, including one the day before. (B720.) They urged the Panel to be proactive and cover the Site before the reaction spreads. (B731.)

iv. The Panel’s Vote and Written Decision

73. After receiving presentations and exhibits, listening to testimony, and considering legal arguments, each Panelist discussed his opinions before the Panel’s vote. (B840–844.) Mr. Aiyetiwa went first. (B840–842.) He did not believe that the LEA was required to wait for the reaction to spread before acting because regulations authorized preventative measures. (B841.) After reviewing the data, Mr. Aiyetiwa felt

there was evidence that the reaction could spread and that the cover could mitigate the impacts by preventing emissions and odors. (B842.)

74. Vice Chair Pantoja spoke second. (B842–843.) He believed the LEA had an obligation to prevent harm to public health and the environment. (B842.) Although he understood that it took time to address and correct a SET event, he thought that waiting to cover the whole landfill would be an injustice. (B842.) Vice Chair Pantoja also expressed that the testimony had provided solutions to some of the problems Chiquita had cited as reasons not to install the additional cover. (B843.)

75. Chairperson Ludt spoke last. (B843–844.) He felt Chiquita’s statement that public safety was its first priority conflicted with its statement that the company had to be ordered to expand its testing systems. (B843.) Chairperson Ludt described Chiquita’s objections to installing the cover as “scare tactics,” as its own experts had testified that additional cover could be installed without moving Tank Farm 13. (B843–844.) He also thought that it would cause less damage to install the additional cover before the reaction spread than waiting until it did. (B844.)

76. All three panel members voted to uphold Directive 4.1. (B844–845.) The Panel issued a written order to that effect on May 1, 2026. (A21–26.)

IV. LEGAL CONCLUSIONS

A. The California Integrated Waste Management Act

1. In 1989, California enacted Division 30 of the PRC, known as the Act. (PRC, § 40000 et seq.) The Legislature found that there was an urgent need for state and local agencies to implement “an aggressive new integrated waste management program” because of the threats that landfills can pose to groundwater, air quality, and public health. (PRC, § 40000, subds. (b), (d).) The Act ensures that state and local governments share the responsibility for solid waste management. (PRC, § 40001, subd. (a).)

2. The Act required the CIWMB to adopt regulations, including state minimum standards for solid waste handling and disposal. (PRC, §§ 40502, 43020.) The purpose of state minimum standards is to promote the health, safety, and welfare of the people of the State of California, and to protect the environment. (CCR, tit. 27, §§ 20005, subd. (b), 20050, subd. (a).) They require every disposal site to be operated and maintained so as to not create a public nuisance. (CCR, tit. 27, § 20760.)

3. State minimum standards include the Gas Monitoring and Control regulation, which protects public health, safety, and the environment by limiting the concentration of gases generated by the landfill. (CCR, tit. 27, § 20921.) Operators must also “implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions with respect to requirements of the CIWMB standards, and conditions established by the [local agency].” (CCR, tit. 27, § 20750.) The Site Maintenance regulation seeks to prevent future harm, requiring that “[a]ll other aspects of the disposal site shall be kept in a state of reasonable repair.” (*Ibid.*)

4. The Act also requires local agencies to fulfill certain duties. (PRC, § 43200.5, subd. (a).) One of those duties is enforcing the Act and its regulations, which include the state minimum standards. (PRC, § 43209.) If a local agency determines a violation has taken place, it can issue orders to correct the violation and impose civil penalties for noncompliance. (PRC, § 45000 et seq.)

5. The Act established an inventory of solid waste facilities that are in violation of state minimum standards. (PRC, § 44104, subd. (a).) A facility gets 90 days advance notice to correct a violation before it is listed in the inventory. (*Id.* at subd. (b).) Once a facility is listed on the inventory, the local agency must develop a compliance schedule to ensure that the facility makes diligent progress to come into compliance with state minimum standards. (PRC, § 44106, subd. (a); CCR, tit. 14, § 18304.3, subd. (b).) The facility remains on the inventory until it is no longer in violation of the state minimum standards upon which the inclusion was based. (CCR, tit. 14, § 18366.)

6. The local agency must issue a compliance schedule within 15 days of the facility's inclusion on the inventory. (CCR, tit. 14, § 18365, subd. (a).) The final compliance date must be within one year of the date of the inclusion letter. (*Id.* at subd. (b).) The compliance schedule may exceed one year but not two years unless CalRecycle's director has granted a one-year extension. (*Ibid.*) Once a facility is on the inventory, the local agency may issue enforcement orders as it deems appropriate under the Act. (CCR, tit. 14, § 18368, subd. (a).)

7. The Act authorizes a local agency to issue a compliance order for violations of the Act and its regulations or situations where a facility poses a potential or actual threat to public health, safety, or the environment. (PRC, § 45011; CCR, tit. 14, § 18304.1, subd. (a)(3).) A compliance order establishes a schedule according to which the facility must be brought into compliance with the Act. (PRC, § 45011.) If a facility fails to achieve compliance by the schedule's deadline, the Act authorizes local agencies to impose a civil penalty of up to \$5,000 per day on which a violation occurs. (*Ibid.*)

8. The person subject to an enforcement order may request a hearing to contest it. (PRC, § 44307.) PRC section 44310 provides the procedures that apply at a hearing before a local agency's independent hearing panel or hearing officer. To request a hearing, the recipient must file a statement of the issues within 15 days of receiving notice of the enforcement order. (PRC, § 44310, subd. (a)(1)(A).) If a person does not file a statement of issues within 15 days, the local agency may take the proposed action without a hearing. (PRC, § 44310, subd. (a)(3).) The local agency must provide notice of the date, time, and place of the hearing within 15 days of receiving the hearing request. (PRC, § 44310, subd. (a)(2).) The local agency's written response to the statement of issues is due no less than 15 days before the hearing. (PRC, § 44310, subd. (a)(4).)

9. In 2004, the Legislature amended section 44310 to expedite procedures at the local level, swapping out the reference to the APA's formal procedures under

Chapter 5 with the informal procedures in Article 10. (PRC, § 44310, subd. (b).)⁴ The amendment provided that the “hearing shall be held no later than 30 days after receiving the [hearing] request,” setting a quick turnaround between the hearing request and the hearing. (*Ibid.*)

10. CalRecycle may consider an appeal of a hearing panel’s written decision. (PRC, §§ 45030–45032; *Sustainability, Parks, Recycling & Wildlife Defense Fund v. Department of Resources Recycling & Recovery* (2019) 34 Cal.App.5th 676, 698, as mod. (Apr. 22, 2019) [“The Board has discretion to entertain an appeal from a LEA decision, but it need not do so.”].) In an appeal, CalRecycle considers the record below, relevant facts not subject to Panel review, written and oral arguments from the parties, and other relevant evidence that, in CalRecycle’s judgment, effectuates the Act and its policies. (PRC, § 45032, subd. (a).)

11. An enforcement order is effective immediately upon service. (PRC, § 45017, subd. (a)(1).) Since 2008, an enforcement order remains in effect during the administrative hearing process unless CalRecycle issues a stay. (PRC, § 45017, subd. (a).)⁵ Similarly, a hearing panel’s decision is effective immediately upon service. (PRC, § 44310, subd. (c).)

⁴ Compare Stats. 1995, ch. 952, § 32 (“The hearing shall be held on the merits of the issues presented, in accordance with the procedures specified in Sections 11507 to 11517, inclusive, of the Government Code.”) with Stats. 2004, ch. 448, § 8 (“The hearing shall be held no later than 30 days after receiving the request for a hearing on the merits of the issues presented, in accordance with the procedures specified in Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.”). See also Sen. Com. on Environmental Quality, Analysis of Assem. Bill No. 2159 (2003–2004 Reg. Sess.) as amended June 21, 2004 (explaining that the bill sought to protect the public by streamlining the administrative hearing process so facility operators could not delay correction of violations through legal challenges to enforcement actions).

⁵ Compare Stats. 2004, ch. 448, § 11 (“a request for a hearing shall stay the effect of that provision of the order pending completion of all appeals”) with Stats. 2008, ch. 500, § 27 (“all orders and determinations ... shall take effect immediately upon service”).

B. The Standard of Review on Appeal

12. In an appeal, CalRecycle “may only overturn an enforcement action ... by a local enforcement agency if it finds, based on substantial evidence, that the action was inconsistent with [the Act].” (PRC, § 45032, subd. (b).) “Substantial evidence is defined as evidence that is reasonable, credible, and of solid value.” (*Nissan Motor Acceptance Cases* (2021) 63 Cal.App.5th 793, 811.)

C. Analysis

13. Chiquita first disputes that the LEA provided evidence or data to support Directive 4.1. The record shows that the 2024 Order contained 87 paragraphs of factual findings related to Chiquita’s Site Maintenance violation and cited its reliance on dozens of reports, letters, and memoranda reviewing Site data. The 2025 Order incorporated the 2024 Order by reference and added an additional 11 factual findings about the violation, citing a dozen more letters and analyses of Site data. The 2025 Letter cited the October 2025 comments from CalRecycle, which explained that the existing cover and strategies were not controlling emissions and recommended additional geomembrane cover to address the Site’s odor problem. Thus, the LEA provided evidence and data in support of Directive 4.1.

14. At the hearing, both parties presented expert testimony and evidence about Site conditions and the SET event. The experts used different methodologies to interpret the vast amount of data and arrived at different conclusions. Chiquita’s experts focused on improvements at the Site since 2023 and interpreted the data to show the reaction was currently at a stable equilibrium. The LEA centered its argument on the continuing impacts to the community and interpreted the data to show the reaction was continuing to expand. Ultimately, the Panel found the LEA’s evidence and arguments more persuasive and upheld Directive 4.1.

15. Triers of fact are entitled to weigh conflicting expert opinions, and here the Panel credited the LEA’s experts over Chiquita’s. The record establishes that the LEA’s experts offered valid and reliable opinions, grounded in decades of relevant

experience and professional training, and supported by their testimony about the Site's data. The Panel questioned experts on both sides after receiving thousands of pages of data, reports, and declarations. After hearing all the evidence, the Panel agreed with the LEA's interpretation of the data, concluding that the existing soil cover was inadequate, and the SET event could expand further. They thought the likelihood of expansion was high enough to warrant action and concluded the geomembrane cover was an effective way to mitigate odors, providing the community with some relief.

16. There is substantial evidence in the record that Chiquita was in violation of the Act when the LEA issued Directive 4.1. The intermediate cover's defective condition was shown by the persistent odor complaints, which an independent regulatory agency verified. This demonstrates that the existing intermediate cover failed to adequately contain emissions. Additionally, the high volume of leachate being extracted indicates the existing intermediate cover is not in reasonable repair. These findings are consistent with the fact that the Site has been included on the inventory for a Site Maintenance violation since May 2024. Accordingly, there is substantial evidence that Chiquita was in violation of the Site Maintenance regulation at the time the LEA took the enforcement action. Thus, the LEA had authority to issue Chiquita a compliance order under PRC section 45011.

17. Similarly, there is substantial evidence that Directive 4.1 is consistent with the Act. Covering the remainder of the Main Canyon with geomembrane is a valid strategy to help bring the Site back into a state of reasonable repair by reducing odors and emissions, preventing oxygen intrusion, and limiting liquid infiltration that could generate more leachate. Installing additional geomembrane cover is consistent with regulations that require facilities to perform preventative maintenance, protect the environment, and promote the health, safety, and welfare of Californians. (CCR, tit. 27, §§ 20005, subd. (b), 20050, subd. (a), 20750.)

18. The record does not show that Chiquita met its burden in establishing the affirmative defense of impossibility. Directive 4.1 has remained in effect since

CalRecycle denied Chiquita's stay petitions. The LEA explained that the disputed acres have fewer gas wells, which makes cover installation faster, easier, and more in line with industry standards. Chiquita offered no evidence that it could not hire additional crews to install the cover at a faster rate to meet the deadline, or that it was infeasible to install bypass pipes and valves to shut down smaller areas of the extraction systems. Moreover, self-created conditions that make installation more challenging do not make a corrective measure impossible. Chiquita's experts acknowledged, in response to Panelist questions, that Tank Farm 13 would not need to be moved before installing additional cover. The record does not support the argument that installation of the additional geomembrane by August 31, 2026, was objectively impossible.

19. Chiquita's argument that Directive 4.1 is preempted by a conflict with EPA's ordered mitigation is without merit for the reasons EPA provided in its January 2026 letter. Chiquita's assertion that Directive 4.1 violates procedural due process requirements is not persuasive. The LEA provided Chiquita with notice of the geomembrane cover requirement through multiple letters and orders, similar to those issued by the other regulatory agencies that required a significant expansion in the Site's geomembrane cover. By setting the deadline in August 2026, the LEA offered Chiquita more than 15 months from Directive 4.1 and over nine months from the 2025 Letter to complete the installation. Chiquita had sufficient and reasonable notice of what conduct was expected, a meaningful opportunity to comply, and a reasonable opportunity to be heard at the administrative hearing. (See *Lent v. California Coastal Com.* (2021) 62 Cal.App.5th 812, 840, as mod. (Apr. 16, 2021).)

20. Finally, Chiquita objects to mentioning the Site's lack of a break or barrier because it deferred its appeal on Directive 4.3 and a different letter issued on November 20, 2025, beyond the 30 days authorized by PRC section 44310, subdivision (b). Nevertheless, the barrier requirement was explicitly referenced in the 2025 Letter's reasoning and cannot be omitted without excising the context for the modification. Whether a break or barrier exists to prevent the reaction from expanding is inextricable from Directive 4.1's requirement to install additional cover over all areas

where the reaction could expand. Accordingly, mentioning the Site's lack of a break or barrier was not improper because that reasoning formed a basis for requiring additional cover in the enforcement order at issue in this Appeal.

D. Conclusion

21. Based on the above facts and analysis, CalRecycle finds there is substantial evidence that Directive 4.1 is consistent with the Act. (PRC, § 45032, subd. (b).) Thus, CalRecycle must affirm the enforcement action and deny Chiquita's request to overturn it.

22. The above findings constitute the factual and legal basis for CalRecycle's decision. CalRecycle declines to address issues that are not material and necessary to the resolution of this Appeal. (*Sweeney v. California Regional Water Quality Control Bd.* (2021) 61 Cal.App.5th 1093, 1147, as mod. (Mar. 18, 2021) ["There is no requirement that the agency provide a written response to every issue raised by the parties."].) All issues not properly presented to the Panel have been forfeited. (*Sustainability, Parks, Recycling & Wildlife Defense Fund v. Dept. of Resources Recycling & Recovery* (2019) 34 Cal.App.5th 676, 695–696, as mod. (Apr. 22, 2019).)

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V. DECISION AND ORDER

CalRecycle AFFIRMS the decision of the Panel that Directive 4.1 is consistent with the Act and its regulations. Directive 4.1 is upheld in full.

Chiquita's appeal is DENIED.

IT IS SO ORDERED.

DATE: 8/28/2026



Zoe Heller

Director

Department of Resources Recycling
and Recovery (CalRecycle)



PROOF OF SERVICE

I, Jessica Wall, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to this action.

My business address is 1001 I Street, Sacramento, CA 95814.

On August 28, 2026, I served the following documents in this action:

Decision and Order, In the Matter of the Appeal by the Chiquita Canyon, LLC, Appellant,
v. Los Angeles County Department of Public Health, Solid Waste Management Program,
acting as the Local Enforcement Agency, Respondent;

to the address(es) set out below each name:

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 X **Electronically**, sent to the email addresses listed above.

_____ **Personal Service**, served personally to the addresses listed above.

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

Date: August 28, 2026

Jessica Wall
(Name)

Jessica Wall
(Signature)