

CHIQUITA CANYON, LLC [FACILITY ID No. 119219] – EXHIBIT C TO DECLARATION OF CRAIG H. BENSON, PhD, PE, BCGE, BCEE, NAE



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH
SOLID WASTE MANAGEMENT PROGRAM
ACTING AS THE LOCAL ENFORCEMENT AGENCY (LEA)
5050 COMMERCE DRIVE, BALDWIN PARK, CA 91706

IN THE MATTER OF:

CHIQUITA CANYON SANITARY LANDFILL

29201 HENRY MAYO DRIVE

CASTAIC, CA 91384

APN: 3271-002-011, 3271-002-013, 3271-002-019,
3271-002-036, 3271-002-039, 3271-005-034

SWIS# 19-AA-0052

OWNER/OPERATOR

CHIQUITA CANYON, LLC (RESPONDENT)

29201 HENRY MAYO DRIVE

CASTAIC, CA 91384

BY CERTIFIED MAIL AND ELECTRONIC COPY

CERTIFIED MAIL: 91 7199 9991 7037 9753 6201

COMPLIANCE ORDER PERTAINING TO 27

**CALIFORNIA CODE OF REGULATIONS (CCR)
§ 20750**

PUBLIC RESOURCES CODE SECTIONS
43209, 44106, 45000, 45005, 45011, 45014,
45017, 45023; TITLE 27 OF THE CALIFORNIA
CODE OF REGULATIONS (27 CCR), SECTION
20750; AND TITLE 14 OF THE CALIFORNIA
CODE OF REGULATIONS (14 CCR),
SECTIONS 18304 AND 18304.1, 18304.3, 18365

DATE: May 1, 2025

TO: CHIQUITA CANYON, LLC

YOU ARE HEREBY ORDERED TO:

**TAKE ALL ACTIONS AND ABIDE BY ALL OTHER ORDERS CONTAINED HEREIN
AT THE CHIQUITA CANYON SANITARY LANDFILL EFFECTIVE IMMEDIATELY.**

1.0 PLEASE TAKE NOTICE:

1.1 The Los Angeles County Department of Public Health, Solid Waste Management Program, acting as the Local Enforcement Agency (LEA), is authorized by Division 30 of the Public Resources Code (PRC), §§ 43209 and 45000, and Title 14 of the California Code of

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Regulations (14 CCR), to enforce applicable solid waste regulations within the County of Los Angeles; and,

1.2 Division 30 Part 5 of the PRC and 14 CCR §§ 18304 and 18304.1 authorize the LEA to issue enforcement orders for violations of the PRC and regulations adopted pursuant to Division 30 of the PRC; and

1.3 Chiquita Canyon Sanitary Landfill (Site) is a permitted sanitary landfill located on Assessor's Parcel Numbers (APNs) 3271-002-011, -013, -019, -036, -039, and 3271-005-034 with an address of 29201 Henry Mayo Drive, Castaic, California, 91384, in the County of Los Angeles, and identified by Solid Waste Information System (SWIS) No. 19-AA-0052; and

1.4 Respondent, Chiquita Canyon, LLC, (CCL), is the operator and Responsible Party (RP) for noncompliance with state minimum standards. This Compliance Order is limited to CCL's violation of Title 27 of the California Code of Regulations (27 CCR) § 20750 (Site Maintenance), as described in the paragraphs below.¹

2.0 STATEMENT OF FACTS PERTAINING TO 27 CCR SECTION 20750:

2.1 Since August 10, 2023, the LEA has sought technical assistance from California Department of Resources, Recycling and Recovery (CalRecycle) regarding mitigation strategies for multiple issues identified at the Site by the LEA and other regulatory agencies. These issues include elevated well temperatures, increased landfill gas (LFG) emissions (odor), and unusual landfill settlement.² A letter dated October 16, 2023 from CalRecycle (October 16, 2023 CalRecycle Letter) to the LEA provided CalRecycle's review of 18 months of Site records. The

¹ In addition to 27 CCR § 20750 (Site Maintenance), CCL is also presently in violation of 27 CCR § 20921 (Gas Monitoring and Control). This violation was included in the LEA's June 6, 2024 Compliance Order. Any further LEA enforcement concerning violation of 27 CCR § 20921 will be addressed separately.

² CalRecycle provides comments to the LEA as assistance to support the program carrying out its responsibilities on permitted disposal sites. The final determination as to the comments provided to the responsible party is within the sole purview of the LEA, acting within the parameters of its discretion, in accordance with its vested authority under its certification as defined in 14 CCR, Division 7, 27 CCR, Division 2, Subdivision 1 (Section 20005 et seq.), and Division 30 of the PRC.

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review determined that the Site sustained conditions over the prior 18 months that included, but were not limited to:

- Cover integrity issues;
- Increased temperatures and pressures in the landfill gas (LFG) control systems and waste mass;
- Unusual landfill settlement;
- A heating/smoldering event that is expanding in size and intensity.

2.2 Beginning with a letter dated October 17, 2023, issued to CCL, the LEA requested CCL undertake various mitigation actions at the Site to reduce odors and better define the reaction, many of which according to CCL, were included in the South Coast Air Quality Management District (SCAQMD) Stipulated Order of Abatement. On November 14, 2023, CalRecycle provided a letter (November 14, 2023 CalRecycle Letter) to the LEA based on the November 2, 2023 joint site visit with the LEA, SCAQMD, Los Angeles Region Water Quality Control Board (RWQCB), Department of Toxic Substances Control Board (DTSC), and the United States Environmental Protection Agency (USEPA). The November 14, 2023 CalRecycle Letter provided further recommendations and concluded that the current immediate cover should not be viewed as adequate to minimize odors.

2.3 On November 21, 2023 the LEA issued a more detailed letter, requiring CCL to implement specific mitigation measures and submit the necessary plans, data, and reports by outlined deadlines.

2.4 On May 15, 2024, pursuant to 14 CCR § 18364, an Inclusion Letter was sent by CalRecycle, notifying CCL that CCL was placed on the "Inventory of Facilities Violating State Minimum Standards" (Inventory) maintained by CalRecycle pursuant to PRC § 44104. This was due to CCL's violations of 27 CCR §§ 20921 (Gas Monitoring and Control) and 20750 (Site Maintenance) for three or more consecutive months as documented by the LEA inspection reports, and CCL's failure to correct the violations within 90 days of receiving a notification letter from CalRecycle dated February 8, 2024.

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2.5 As required by 14 CCR § 18365(a), within 15 business days from the date of the Inclusion Letter, the LEA issued a compliance schedule to CCL, in the form of a Compliance Order dated June 6, 2024 (June 6, 2024 Order), to ensure that diligent progress is made by the operator to bring the facility into compliance pursuant to PRC § 44106. (14 CCR §§ 18304.3 and 18361(a).) The history and statement of facts leading up to the LEA's issuance of the June 6, 2024 Order is set forth in detail in the June 6, 2024 Order, attached hereto, and incorporated herein by reference.

2.6 On July 8, 2024, CCL submitted the Soil Reaction Break/Barrier Plan (SRBBP) to the LEA for review to comply with Milestone 1-A1 of the June 6, 2024 Order. On September 24, 2024, the LEA issued comments, based on CalRecycle's technical review of the SRBBP, directing CCL to submit a revised plan by October 24, 2024. The LEA and CalRecycle met with CCL on October 28, 2024 and November 8, 2024, and discussed injection of inert material to contain the Subsurface Elevated Temperature (SET) Event at the Site.³ CCL requested, and was granted, an extension to submit the revised SRBBP by November 26, 2024. The LEA requested CalRecycle's technical expertise to assist in reviewing the revised SRBBP received by the LEA on November 26, 2024.

2.7 On December 24, 2024, the LEA requested additional information from CCL for CalRecycle to complete its technical review of the revised SRBBP. On January 24, 2025, CCL submitted a portion of the requested information. The LEA, in consultation with CalRecycle, reviewed the SRBBP and CCL's additional information.

2.8 Based on CalRecycle's technical review, most SET Events are typically caused by excessive oxygen entering the waste mass near or on a side slope. SET Events can start locally at a gas extraction well, area of cap erosion, or other features that allow oxygen to enter the waste mass. If not adequately addressed, the SET Event may become a smolder and spread to the entire landfill facility if it is not isolated and contained. (March 28, 2025 CalRecycle Letter, p. 3.) SET Events can (1) impact the integrity of bottom, top deck, and side slope geosynthetic liner systems; (2) impact the efficacy of gas and leachate control infrastructure made from high-density

³ A discussion of the definition and causes of SET events is found at p. 3-5 of the attached CalRecycle letter dated March 28, 2025.

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polyethylene (HDPE) and/or polyvinyl chloride (PVC) materials (e.g., pipes, lines, and gas wells, due to softening and/or melting), (3) impact the quality of gas composition for renewable energy and operation of flare systems, (4) change in chemical profile of leachate from non- hazardous waste liquid to hazardous waste liquid due to increased benzene concentration, (5) slope instability, and (6) cause excessive and/or rapid settlement of the landfill surface. (March 28, 2025 CalRecycle Letter, p. 3-4.)

2.9 LEA's June 6, 2024 Order and subsequent directives required CCL to install a 30-mil geosynthetic cover over 40 acres and temperature monitoring probes (TMPs). In addition, CCL was required to provide critical data such as carbon monoxide (CO) and hydrogen (H₂) readings for LFG wells, temperature readings from TMPs, color-coded temperature contour maps showing the maximum temperature recorded during the reporting period, and reports for soil and geosynthetic cover documenting settlement and stability issues. Contrary to CCL's stated belief that the reaction has not expanded, new temperature data from the recently installed TMPs, which were approved per LEA's letter issued on September 24, 2024 (September 24 2024 LEA Letter), indicates that the reaction is expanding. This new TMP data, along with documented conditions and other critical data provided by CCL in response to LEA's June 6, 2024 Order, was analyzed in the attached Technical Memorandum from Dr. Timothy Stark dated February 26, 2025 (February 26, 2025 Stark Memo), and the March 28, 2025 CalRecycle Letter. The following conclusions were made:

- The submitted barrier plan will not contain or control the reaction. There is no proposed barrier to prevent the reaction from consuming the entire facility.
- While the removal of leachate and pressurized gas is critical, this is not a satisfactory containment method.
- Independent SET Events are developing due to the current gas collection and control system (GCCS) operations.
- Given the extent of the SET Event, a 40 to 60-mil thick tan or green HDPE-EVOH textured geomembrane underlain by a minimum 6 ounce per square yard (oz/sy) nonwoven geotextile needs to be

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installed over the approximately 100 acres outside the current geomembrane cover. It must be welded to the existing 30-mil thick white HDPE geomembrane or placed in a suitable anchor trench.

- Leachate Tank Farm nine must be relocated off the top deck to an area not impacted by the SET Event now or in the future because CCL is undergoing settlement under the tanks.
- Expansion of the SET Event into Cell 8A must be prevented by connecting the previously constructed soil barrier to the west and eastern edges of Cell 8A. This soil barrier should provide a thermal block and remove any waste connection from Cells 6 to 8A. It is critical to prevent this expansion to 8A for two primary reasons: 1) If a soil buttress must be constructed to stabilize the slope from the SET Event, this is the only area large enough to build a buttress, and 2) It allows the landfill to maintain a disposal area for self-generating waste in Cell 8A.
- Additional Temperature Monitoring Probes (TMPs) must be installed.

2.10 On April 1, 2025, the LEA issued a letter rejecting the revised SRBBP because it did not propose a physical barrier, as directed in the June 6, 2024 Compliance Order, but instead relied on gas and leachate removal for containment and did not include thermodynamic analysis to demonstrate the effectiveness of these measures. In addition, temperature trends in multiple TMPs indicate ongoing reaction activity.

2.11 Given the evidence of ongoing reaction activity, the new temperature data provided by CCL 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. Furthermore, CalRecycle is not aware of any published studies supporting gas and leachate removal as a standalone containment strategy for an SET Event. CCL's evaluation also confirmed that no internal barrier exists to prevent the reaction from spreading throughout the facility. For further discussion of these findings, refer to the attached March 28, 2025 CalRecycle Letter, and the February 26, 2025 Stark Memo.

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3.0 VIOLATIONS:

3.1 CCL is in violation of 27 CCR § 20750 (Site Maintenance), which provides, "The operator shall 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 EA. All other aspects of the disposal site shall be kept in a state of reasonable repair." This violation was addressed in the LEA's June 6, 2024 Compliance Order, which ordered CCL to implement multiple milestones with regard to 27 CCR § 20750. This Compliance Order supersedes the Milestone 1A-1 of the June 6, 2024 Compliance Order as it pertains to 27 CCR § 20750.⁴

4.0 ORDER:

Pursuant to PRC §§ 43209, 44106, 45000, 45005, 45011, 27 CCR § 20750, and 14 CCR §§ 18304, 18304.1, 18304.3(b), and 18365, to address the ongoing SET Event, abate the violation of 27 CCR § 20750 and minimize further impacts, CCL is hereby ordered to implement the mitigation measures listed below. CCL must demonstrate that the reaction is contained and under control (not expanding). CCL must implement and maintain best management practices for the mitigation measures, including cover maintenance, TMPs operation and maintenance, and the protection of critical infrastructure.

4.1 Extend Covered Area: 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 HDPE-EVOH textured geomembrane underlain by a minimum 6 oz/sy nonwoven

⁴ As noted in footnote 1 above, in addition to 27 CCR § 20750 (Site Maintenance), CCL is also presently in violation of 27 CCR § 20921 (Gas Monitoring and Control). This violation was included in the LEA's June 6, 2024 Compliance Order. Any further LEA enforcement concerning violation of 27 CCR § 20921 will be addressed separately.

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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 (QA/QC) 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.

(Note: Weekly reporting may be reduced in frequency or discontinued only after the required geomembrane cover is installed and with LEA written approval.)

4.2 Relocate Leachate Tank Farm 9: CCL must submit a workplan to relocate Leachate Tank Farm 9 off the top deck to a stable area unaffected by current and future SET Events. A workplan with the proposed relocation and completion schedule must be submitted to the LEA for approval by **June 2, 2025**. Relocation of the Leachate Tank Farm 9 shall be completed pursuant to the completion schedule in the LEA-approved workplan.

4.3 Prevent Expansion of SET Event into Cell 8A: CCL must implement measures to prevent the reaction from spreading into Cell 8A. The previously constructed soil barrier must be verified or extended to connect the western and eastern edges of Cell 8A. If extended, these measures shall include, but are not limited to, the installation of a vertical barrier of inert materials. This barrier should serve as a thermal block and eliminate any

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waste connection between Cells 6 and 8A. An as-built for the soil barrier or a workplan to extend the barrier must be submitted to the LEA for approval by **July 15, 2025**. Construction of the vertical barrier of inert materials shall be completed pursuant to the completion schedule in the LEA-approved workplan.

4.4 Install Additional TMPs: Five new TMPs must be installed at locations specified in Attachment A of the March 28, 2025 CalRecycle Letter. TMPs must be installed at the following depths: 15 feet, 30 feet, 45 feet, and 75 feet. Beyond 75 feet, additional TMP depths must be determined using the equation $[(\text{Max Boring Depth} - 75 \text{ feet})/4]$ rounded up to the nearest tenth or fifth as described in the March 19, 2025 LEA Letter. Provide a final completion report that includes a map by **August 4, 2025**.

5.0 APPLICABLE TO ALL DIRECTIVES:

5.1 CCL must obtain all required and necessary Federal, State, and local permits prior to commencement of any work at the site. CCL needs to continue to work with the appropriate state and local agencies to resolve the odor nuisance and other serious conditions at the Site by implementing their required mitigation measures.⁵

5.2 Ensure plans and reports provided to the LEA, including but not limited to those related to the installation of a geomembrane cover, a vertical barrier of inert materials, and TMPs, comply with the Professional Engineers Act, California Business and Professions Code (B&P) §§ 6700 – 6799. These submittals must include the name and license number of the engineer in responsible charge (B&P § 6735) and must be signed and stamped as required by 16 CCR § 411.1. Engineering decisions that could affect public health and safety must be made by an

⁵ California's environmental laws are enforced by State and Local agencies, each responsible for enforcing the laws governing a specific media, such as air, water, hazardous waste, solid waste, and pesticide laws. Therefore, regulations governing solid waste disposal in the State of California enforced by the LEA do not address air or water quality aspects of the environment that are regulated by other State or Local agencies (27 CCR § 20005(b); PRC § 43021.)

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engineer in responsible charge of the work that has sufficient knowledge of the project to draft or review and approve the submittals. (16 CCR § 404.1.)⁶

5.3 Notwithstanding anything to the contrary herein, if any of the above directives and compliance deadlines cannot be met in good faith, CCL may submit a written extension or modification request to the LEA setting forth good cause justification.

6.0 NOTICE OF FURTHER PENALTIES AND ENFORCEMENT THAT MAY RESULT FROM FAILURE TO COMPLY WITH THE LEA'S ORDER:

6.1 The LEA may impose administrative civil penalties not to exceed five thousand dollars (\$5,000) for each violation, for each day CCL is in violation of this Order. (PRC §§ 45010.1 and 45011.)

6.2 The LEA may suspend or revoke the solid waste facility permit if the facility does not meet the requirements contained in the compliance schedule issued by the LEA until the violation(s) of state minimum standards which caused the facility to be included in the Inventory are remedied. (PRC §§ 44305 and 44306, and 14 CCR §§ 18307 and 18368(b).)

6.3 The LEA may file a petition in the Superior Court for an injunction to enforce compliance with this Order. (PRC §45014; 14 CCR § 18304.1.)

6.4 Upon failure to comply with the Order, the LEA may file a petition in the Superior Court to impose upon CCL civil penalties of not more than ten thousand dollars (\$10,000) for each day CCL intentionally or negligently violates this Order. (PRC §§ 45023 and 45024.)

⁶ Per the Professional Engineers Act, California Business & Professions Code (B&P) §§ 6700 – 6799, an engineering report shall be prepared by, or under the responsible charge of a licensed civil engineer and shall include his or her name and license number. (B&P § 6735.) It must also be signed and stamped as required. (16 CCR § 411.1.) Engineering decisions that could create a hazard to life, health, property or public welfare must be made by the engineer in responsible charge. (16 CCR § 404.1.) While not directly related to this Order, the LEA notes that recent TMP reports, for example, the March 27, 2025 TMP reports for February 13, 2025 to March 26, 2025, include engineering opinions from CCL and SCS Engineers asserting that "This data further supports the previous conclusions of cooler temperatures near the liner and the liner's integrity being uncompromised by elevated temperatures." (See attached.) CCL may choose to not provide such information on the TMP reports, but if CCL and SCS Engineers continue to provide engineering opinions, they shall provide the name and license number of the engineer responsible for said opinion on the report.

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6.5 The LEA and/or CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions by CCL or related parties in carrying out activities pursuant to this order, nor shall the LEA and/or CalRecycle be held as a party to any contract entered into by CCL or its agent(s) in carrying out activities pursuant to this Order.

6.6 Nothing in this Order shall constitute or be construed as satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Order, CCL may be required to take further actions as necessary to protect public health and safety or the environment.

6.7 This Order does not relieve CCL from complying with all other local, state, and federal requirements or prevent the LEA and/or CalRecycle from taking any and all other actions allowed by law.

6.8 This Order is supported by the accompanying declaration by Karen Gork.

6.9 This Order may only be amended in writing by an appropriate representative of the LEA.

6.10 The LEA reserves the right to modify the directives outlined in this Order as new data becomes available.

7.0 RIGHT TO APPEAL

7.1 CCL has the right to appeal this Order (PRC §§ 44307 and 44310) by submitting a written request for a hearing, together with a statement of issues on which appeal is based, within 15 days. Request for Hearing is provided with this Order. The appeal must be sent via U.S. Mail to Los Angeles County Public Health, Solid Waste Management Program/Local Enforcement Agency (LEA), 5050 Commerce Drive, Baldwin Park, Ca 91706, Attention: Karen Gork or via electronic mail to kgork@ph.lacounty.gov.

7.2 An appeal does not stay the effect of any provision of this Order. However, you may petition the Director of CalRecycle, in writing, to stay the effect of this Order, or portion thereof, pending the completion of administrative appeals. (PRC § 45017.) A petition submitted must be in writing and shall state the extraordinary circumstances that justify the stay. The petition shall also state the grounds, if any, on which a finding may be made that the immediate effect of the

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order or determination will preclude or interfere with the provision of an essential public service so that the public health and safety or the environment will be adversely affected.

8.0 CERTIFICATION

8.1 This Compliance Order Pertaining to 27 CCR § 20750 is issued as of the date set forth below.

Signed: Liza Frias Date: May 1, 2025
Liza Frias, Director, Environmental Health
Los Angeles County LEA

Attachments:

Declaration
October 16, 2023 CalRecycle Letter
October 17, 2023 LEA Letter
November 14, 2023 CalRecycle Letter
November 21, 2023 LEA Letter
May 15, 2024 CalRecycle Inclusion Letter
February 8, 2024 CalRecycle Notification Letter
June 6, 2024 LEA Compliance Order without attachments
September 24, 2024 LEA Letter
Technical Memorandum from Dr. Timothy Stark dated February 26, 2025
April 1, 2025 LEA Letter
CalRecycle Letter dated March 28, 2025
March 19, 2025 LEA Letter
March 27, 2025 email from Steve Cassulo, Waste Connections District Manager, to Ken Habaradas at LEA re: Chiquita Canyon Landfill – TMP Temperature Submittal
Solid Waste Borehole Maximum Temperature Profiles Over 6 Weeks for February 13, 2025 to March 26, 2025, SCS Engineers, dated March 27, 2025
Request for Hearing Form