



April 1, 2024

Via E-Mail

Erin Neal
Office of Criminal Investigations
Department of Toxic Substances Control
California Environmental Protection Agency
Erin.Neal@dtsc.ca.gov

**Re: Chiquita Canyon Landfill
Initial Response to March 29, 2024 Summary of Violations**

Dear Ms. Neal:

Chiquita Canyon, LLC (“Chiquita”) is in receipt of the Summary of Violations (“SOV”) issued by the Department of Toxic Substances Control (“DTSC”) on March 29, 2024. As requested, enclosed please find a copy of the signature page acknowledging receipt of the SOV (**Attachment A**).

Based on the allegations set forth in the SOV, DTSC requests that Chiquita provide certain information either within fifteen (15) days of the SOV, three (3) days of the SOV, or on a daily basis, as applicable. Chiquita disputes each of the violations set forth in the SOV and will provide a full response to each allegation on or before April 12, 2024. Chiquita also reserves all defenses to the allegations in the SOV and reserves its right to request a meeting with DTSC to discuss the SOV, DTSC’s investigation, and any investigation report associated with the SOV. Nonetheless, we hereby provide the following information requested by DTSC.

Allegation #1 – Failure to minimize the possibility of releases of hazardous waste

In Allegation #1 of the SOV, DTSC alleges, in brief, that on certain dates in February and March 2024, leachate was not manifested for hazardous waste disposal and that Chiquita therefore did not utilize all permitted hazardous waste treatment and disposal facilities for offsite shipments of hazardous waste.

In connection with Allegation #1, DTSC indicates that Chiquita must provide a list of potential permitted hazardous waste disposal facilities where leachate can be disposed of, including the

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| <p>Facility Name and Location:</p> <p>Anticipated Daily Maximum Allowable Capacity:*</p> | <p>Clean Harbors Deer Park Incineration Facility 2027 Independence Parkway South La Porte, Texas 77571 TX/EPA ID number: TXD055141378</p> <p>Currently, no offsite shipments to the Deer Park Incineration Facility are allowed by Clean Harbors, Inc. The facility is presently shut down for maintenance. When the facility resumes normal operations, Clean Harbors may allow up to three rail shipments per week (each shipment consisting of one rail tanker that can hold approximately 20,000 gallons of liquid, or up to 60,000 gallons total per week).</p> |
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* The daily maximum allowable capacity is dictated by Clean Harbors, Inc. pursuant to a schedule provided by Clean Harbors, Inc. to Chiquita on a weekly or bi-weekly basis setting forth the number of truckloads or shipments per day to each facility. That schedule is subject to change and adjustment by Clean Harbors, Inc. based on the operational status and daily capacity of its facilities. The daily maximum allowable capacity for each facility is also subject to logistical factors and limitations, including the availability of trucks to haul to the offsite facility and/or to the rail tankers at the railyard, the availability of rail tankers, the amount of time it will take to fill each tanker, and the available capacity or operational status at the receiving facilities.

Chiquita is actively assessing the use of additional facilities to manage hazardous or potentially hazardous leachate to the extent available. As additional capacity may become available at other facilities in the future, Chiquita will work with EPA to obtain EPA's determination of acceptability in accordance with the UAO for those other facilities and provide notice to the appropriate state environmental officials.

With respect to DTSC's request for copies of hazardous waste manifests, Chiquita can commit to providing copies of hazardous waste manifests for leachate shipped offsite the prior day by 9:00 A.M. PST each day, consistent with all other daily operational data that is currently and regularly provided to regulators as part of the incident response efforts under the Unified Command. All daily operational data provided to the Unified Command as part of the incident response is uploaded through Microsoft Teams, and Chiquita proposes to provide copies of hazardous waste manifests to DTSC on a daily basis in the same manner. Copies of hazardous waste manifests for leachate shipped offsite on Friday, March 29, 2024 will be uploaded by 10:00 P.M. PDT today. Copies of hazardous waste manifests for leachate shipped offsite on April 1 will be uploaded, as noted above, by 9:00 A.M. PDT on April 2, and Chiquita will work to ensure manifests are uploaded by the same time on a daily basis thereafter when hazardous or potentially hazardous waste is shipped offsite.

Ms. Erin Neal
April 1, 2024
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Please contact me if you have any questions.

Regards,



Steve Cassulo
District Manager
Chiquita Canyon, LLC

cc: Dylan Clark, Department of Toxic Substances Control
Ken Habaradas, Los Angeles County Department of Public Health
Robert Ragland, Los Angeles County Department of Public Health
Liza Frias, Los Angeles County Department of Public Health
Nichole Quick, M.D., Los Angeles County Department of Public Health
Shikari Nakagawa-Ota, Los Angeles County Department of Public Health
Karen Gork, Los Angeles County LEA
Renee Jensen, LEA Counsel
Blaine McPhillips, Senior Deputy County Counsel
Emiko Thompson, Los Angeles County Public Works
Alex Garcia, Los Angeles County Department of Regional Planning
Ai-Viet Huynh, Los Angeles County Department of Regional Planning
Wes Mindermann, CalRecycle
Todd Thalhamer, CalRecycle
Janelle Heinzler, CalRecycle
Jeff Lindberg, California Air Resources Board
Vanessa Aguila, California Air Resources Board
Jack Cheng, South Coast Air Quality Management District
Larry Israel, South Coast Air Quality Management District
Douglas Cross, Los Angeles Regional Water Quality Control Board
Thanne Berg, United States Environmental Protection Agency
Los Angeles County Certified Unified Program Agency

Attachment A



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
7575 Metropolitan Drive, Suite 108
San Diego, CA 92108



Gavin Newsom
Governor

SUMMARY OF VIOLATIONS

On December 12, 2023, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), began an investigation at:

Facility Name: Chiquita Canyon, LLC
Facility Address: 29201 Henry Mayo Drive, Castaic, CA 91384
EPA ID Number: CAL000347030 **County:** Los Angeles

As a result of this continued investigation, DTSC discovered violations of the California Hazardous Waste Control Law and its implementing regulations that are identified on the attached pages. You must correct the following violations within the schedule for compliance for each violation. If you disagree with the alleged violations listed in this Summary of Violations, you must inform DTSC in writing. If additional violations are found after this investigation, such violations, if any, will be identified in writing.

DTSC will provide you with a complete investigation report within 65 days of the date of this investigation. You may request a meeting with DTSC to discuss the investigation, investigation report, or this Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative and/or civil action or from referring the matter for criminal prosecution as a result of the violations identified herein or violations that have not been corrected within the time specified by DTSC. Failure to comply with a schedule for compliance is a violation of the law subject to a civil penalty of up to \$70,000 for each day of noncompliance. In addition, a false statement that compliance has been achieved is a violation of the law and subject to a penalty of up to \$70,000 for each occurrence. DTSC may re-investigate this facility at any time.

Facility Representative Accepting
Summary of Violations

Name: Steve Cassulo
Signature: *Steve J Cassulo*
Title: District Manager
Date: 4/1/2024

DTSC Representative

Name: Erin Neal
Signature: *Erin Neal*
Title: Environmental Scientist
Date: 3/29/2024