



**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), conducted an investigation at:

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

As a result of this investigation, DTSC discovered violations of the California Hazardous Waste Control Laws 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

DTSC Representative

**Name:** \_\_\_\_\_  
**Signature:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**Name:** Erin Neal  
**Signature:** \_\_\_\_\_  
**Title:** Environmental Scientist  
**Date:** 2/15/2024



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## SUMMARY OF VIOLATIONS

Facility Name: Chiquita Canyon, LLC

Date: 2/15/2024

### SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

#### Violation # 1

##### Violation Citation:

22 CCR § 66262.11, A person who generates a waste, as defined in section 66261.2, shall determine if that waste is a hazardous waste using the following method:

- (a) the generator shall first determine if the waste is excluded from regulation under section 66261.4 or section 25143.2 of the Health and Safety Code;
- (b) the generator shall then determine if the waste is listed as a hazardous waste in articles 4 or 4.1 of chapter 11 or in Appendix X of chapter 11 of this division. If the waste is listed in Appendix X and is not listed in articles 4 or 4.1 of chapter 11, the generator may determine that the waste from his particular facility or operation is not a hazardous waste by either:
  - (1) testing the waste according to the methods set forth in article 3 of chapter 11 of this division, or according to an equivalent method approved by the Department pursuant to section 66260.21; or
  - (2) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of chapter 11 of this division.

##### Description:

On and/or before December 27, 2023, Chiquita Canyon, LLC (owned by and a subsidiary of Waste Connections, Inc.) failed to make a proper waste determination on waste leachate. Chiquita Canyon, LLC sent 4,600 gallons of hazardous waste leachate from its landfill at 29201 Henry Mayo Drive, Castaic, CA 91384, to Radford Alexander Corp. DBA Avalon (Avalon) located at 14700 S. Avalon Boulevard, Gardena, CA 90248 on non-hazardous waste manifest #NH004695, for treatment and disposal. Avalon collected split samples from the tanker truck carrying this leachate from Chiquita



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Canyon Landfill. One sample was provided to the Los Angeles County Fire Department, Health Hazardous Materials Division (County of Los Angeles Certified Unified Program Agency) and the other was kept by Avalon for analysis. DTSC Environmental Scientist Erin Neal and Supervising Environmental Scientist Zana Zmily were present during sampling of the tanker trunk. Chiquita Canyon, LLC obtained the sample lab results from the Avalon samples and then sent lab results of Avalon's leachate split sample to DTSC on January 17, 2024. These results show that the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the Toxicity Characteristic Leaching Procedure (TCLP) regulatory limit for benzene of 0.5 mg/L.

### **Violation Classification:**

This is a class 1 violation.

### **Compliance Requirement:**

On February 9, 2024 and February 14, 2024, Chiquita Canyon, LLC informed DTSC that they have hired a third-party consultant to assist with sampling, analyses, and characterization of the waste leachate. Chiquita Canyon, LLC shall ensure that hazardous waste leachate is properly characterized. Within 30 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written plan for making a proper waste determination for waste leachate.

### **Violation # 2**

#### **Violation Citation:**

HSC 25189.2(c), A person who disposes, or causes the disposal of, a hazardous or extremely hazardous waste at a point that is not authorized according to the provisions of this chapter is liable for a civil penalty of not more than seventy thousand dollars (\$70,000) for each violation and may be ordered to disclose the fact of this violation or these violations to those persons as the court or, in the case of an administrative action, a hearing officer, may direct. Each day on which the deposit remains is a separate additional violation, unless the person immediately files a report of the deposit with the department and is complying with an order concerning the deposit issued by the department, a hearing officer, or a court of competent jurisdiction for the cleanup.

#### **Description:**

On and/or before December 27, 2023 Chiquita Canyon, LLC disposed and/or caused the disposal of 4,600 gallons of hazardous waste leachate by sending this leachate to Avalon at 14700 S. Avalon Boulevard, Gardena, CA 90248 on non-hazardous waste manifest #NH004695. Avalon is not permitted by DTSC as a treatment, storage, and disposal facility for hazardous waste. As discussed in violation 1, the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L.



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### **Violation Classification:**

This is a class 1 violation.

### **Compliance Requirement:**

Chiquita Canyon, LLC shall immediately stop disposing of hazardous waste leachate at Avalon and any other point that is not authorized. Within 30 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how hazardous waste leachate will be disposed.

### **Violation # 3**

#### **Violation Citation:**

HSC 25189.2(d), A person who treats or stores, or causes the treatment or storage of, a hazardous waste at a point that is not authorized according to this chapter, shall be liable for a civil penalty not to exceed seventy thousand dollars (\$70,000) for each separate violation or, for continuing violations, for each day that the violation continues.

#### **Description:**

On and/or before December 27, 2023 Chiquita Canyon, LLC caused the storage and treatment of 4,600 gallons of hazardous waste leachate by Avalon at 14700 S. Avalon Boulevard, Gardena, CA 90248. 4,600 gallons of waste leachate was sent on non-hazardous waste manifest #NH004695 to Avalon for treatment and disposal. Avalon confirmed that this load was processed at their facility. Avalon is a wastewater treatment facility that has been accepting waste leachate from Chiquita Canyon Landfill. Leachate is treated through Avalon's organic Subcategory C wastewater treatment process, which includes filtration and granular activated carbon adsorption. Once treated, this wastewater is discharged to the Los Angeles County sewer. Avalon is not permitted by DTSC as a treatment, storage, and disposal facility for hazardous waste. Avalon does not have a hazardous waste treatment permit with the local CUPA.

As discussed in violation 1, the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L.

### **Violation Classification:**

This is a class 1 violation.

### **Compliance Requirement:**

Chiquita Canyon, LLC shall immediately stop causing the storage and treatment of hazardous waste leachate at Avalon and any other point that is not authorized.



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### Violation # 4

#### Violation Citation:

22 CCR § 66262.20(a), A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039), EPA Form 8700-22, and, if necessary, EPA Form 8700-22A before the waste is transported off-site.

#### Description:

On and/or before December 27, 2023 Chiquita Canyon, LLC offered for transport hazardous waste for off-site treatment, storage, and disposal, and failed to prepare a hazardous waste manifest for 4,600 gallons of hazardous waste leachate. Chiquita Canyon, LLC sent the waste leachate to Avalon at 14700 S. Avalon Boulevard, Gardena, CA 90248 on non-hazardous waste manifest #NH004695.

As discussed in violation 1, the leachate sampled from the truck was in exceedance for benzene, reporting 0.538 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L.

#### Violation Classification:

This is a class 1 violation.

#### Compliance Requirement:

Chiquita Canyon, LLC shall immediately stop using non-hazardous waste manifests for transportation and disposal of hazardous waste leachate. Chiquita Canyon, LLC shall prepare and use hazardous waste manifests for waste leachate that is deemed to be hazardous waste.

### Violation # 5

#### Violation Citation:

22 CCR § 66265.31, Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

#### Description:

On and/or before December 12, 2023, Chiquita Canyon, LLC failed to minimize the possibility of releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.



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On December 12, 2023, DTSC personnel observed leachate pooling on the scrim liner on the northwest side of the facility and also observed well CV-2201 actively leaking. In addition, DTSC personnel observed staining on the ground surrounding wells CV-2203 and CV-2338. DTSC personnel collected samples from well heads CV-2203 and CV-2338 and provide split samples to Chiquita Canyon, LLC. The DTSC sample (CCL-6B) collected from CV-2203 was in exceedance for TCLP benzene, reporting 0.912 mg/L. Chiquita Canyon, LLC also ran TCLP analysis on the split sample provided by DTSC from well CV-2203, which was also in exceedance for TCLP benzene, reporting 2.9 mg/L. The DTSC sample (CCL-8B) collected from CV-2338 reported a benzene concentration of 0.196 mg/L, below the TCLP regulatory limit for benzene of 0.5 mg/L. Chiquita Canyon, LLC also ran TCLP analysis on the split sample provided by DTSC from well CV-2338, which was in exceedance for benzene, reporting 0.59 mg/L.

On January 16, 2024, during a South Coast Air Quality Management District (SCAQMD) Hearing Board public hearing (South Coast AQMD vs. Chiquita Canyon LLC, Case #6177-4), "Petitioner's Exhibit 18" showed a video of a leachate geyser that took place at one of the wells. This geyser was observed and recorded during a joint inspection conducted by the US EPA and SCAQMD on November 8, 2023. This well appeared to be the same well that was later sampled by DTSC on December 12, 2023 and had exceeded the regulatory limit for benzene of 0.5 mg/L.

On February 7, 2024, Roux Associates, Inc., contracted by the Los Angeles County Department of Public Health, issued a report titled, "Community Air Sampling and Health Risk Screening Evaluation Report: Val Verde and Castaic Communities Los Angeles County, California" which assessed potential health risks for the communities surrounding the Chiquita Canyon Landfill. The report states that "[o]n some days, benzene concentrations measured in Community air .... appear to be incrementally greater than what was observed on the same day in background locations." The report also states that "[d]ays where the Community benzene air concentrations are observed to significantly exceed background benzene air concentrations may represent an incremental contribution of benzene resulting from Chiquita landfill gas emissions."

On November 2, 2023, DTSC personnel observed leachate actively seeping out on the northwest side of the facility. DTSC air monitoring equipment detected volatile organic compound readings between 0 and 5 ppm near this seep.

### **Violation Classification:**

This is a class 1 violation.

### **Compliance Requirement:**

Chiquita Canyon, LLC shall maintain and operate its facility in a manner that minimizes the possibility of any unplanned sudden or non-sudden releases of hazardous waste or



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hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Within 30 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how the facility will minimize the possibility of any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents. Chiquita Canyon, LLC shall also document and report all releases of hazardous waste to DTSC.

### **SECTION III: OTHER ISSUES/CONCERNS**

The following issues/concerns were identified during this investigation. Further research may identify additional violations. Any new violations, with the prescribed corrective action and schedule for compliance, will be identified in the Violation section of the investigation report.

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1. The Los Angeles County Fire Department also ran lab analyses on the split sample collected from the tanker truck at Avalon on December 27, 2023. The lab report for the TCLP analysis states that the sample was received by the lab outside of holding time and the sample was prepared outside of the preparation holding time.
  2. On January 25, 2024, Chiquita Canyon, LLC responded to an information request by DTSC. On January 31, 2024, DTSC requested additional information and received this information on February 12, 2024. DTSC received an additional letter from Chiquita Canyon, LLC on February 15, 2024. The information and the letters provided by Chiquita Canyon, LLC are currently under review.