



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: Original Signed by Steve Cassulo
Title: District Manager
Date: 4/1/2024

DTSC Representative

Name: Erin Neal
Signature: Original Signed by Erin Neal
Title: Environmental Scientist
Date: 3/29/2024



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SUMMARY OF VIOLATIONS

Facility Name: Chiquita Canyon, LLC Date: 3/29/2024

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 Citations:

California Code of Regulations, title 22 (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 March 11, 2024, 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.

On February 14, 2024, Chiquita Canyon, LLC memorialized in a letter to DTSC the need for the use of the immediate response exemption pursuant to 22 CCR § 66264.1(g)(8)(A)(2), 66265.1(e)(11)(A)(2), and 66270.1(c)(3)(A)(2). Chiquita Canyon, LLC stated:

“[T]here is an imminent and substantial threat that such potential hazardous wastes could be discharged into the environment. ... [D]ue to the space constraints and limitations in accumulation capacity, Chiquita has temporarily shut off pumps to reduce the amount of liquids that are extracted from the reaction. This does not mean that liquid is not being produced by the reaction; it means that liquid is continuing to accumulate inside of the waste mass. The liquid must go somewhere.”

On March 5, 2024, DTSC issued an information request to Chiquita Canyon, LLC for all leachate manifests since January 1, 2024. Chiquita Canyon, LLC provided DTSC with hazardous waste manifests on March 12, 2024. According to the records provided by Chiquita Canyon, LLC, no leachate was manifested for hazardous waste disposal from 2/14/2024 to 2/25/2024, 3/2/2024 to 3/3/2024, 3/5/2024 to 3/7/2024, and 3/10/2024 to



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3/11/2024. As a result, Chiquita Canyon, LLC did not utilize all resources to demonstrate an immediate response 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. Chiquita Canyon, LLC failed to utilize all permitted hazardous waste treatment, storage, and disposal facilities (TSDFs) for off-site shipments of hazardous waste leachate.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall utilize all potential hazardous waste disposal options to the fullest extent to minimize the possibility of any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Within **three** days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written list of all potential permitted hazardous waste disposal facilities where leachate can be disposed, including the daily maximum quantities allowed and Chiquita **must** send daily shipments of hazardous waste leachate at the maximum allowable quantities to the identified offsite disposal locations. At the end of each and every day (by 11:59 PM), Chiquita shall provide copies of hazardous waste manifests to DTSC for all shipments of hazardous waste leachate sent off-site that day.

Violation # 2

Violation Citations:

Health and Safety Code (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 February 21, 2024, Chiquita Canyon, LLC disposed and/or caused the disposal of two truckloads, approximately 10,000 gallons total, of hazardous waste leachate by sending this leachate to Patriot Environmental Services (Patriot) at 314 W. Freedom Avenue, Orange, CA 92865 on non-hazardous manifest #9229 and #9133. The leachate was pulled from Tank #45 at Chiquita Canyon Landfill, which was sampled on February 18, 2024, indicating that the tank contained benzene at 0.6 mg/L, above the Toxicity Characteristic Leaching Procedure (TCLP) regulatory threshold of 0.5 mg/L



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for benzene. Approximately 18 hours after treatment, on February 20th, post-treatment sampling was conducted on Tank #45. Sampling results from Chiquita Canyon, LLC showed that the tank contained benzene at 0.5 mg/L, at the TCLP regulatory threshold for benzene. Samples were also collected of waste leachate remaining in Tank #45 after most of the waste was already received and processed by Patriot. This sample had 0.6 mg/L benzene.

Chiquita Canyon, LLC sent a letter to Patriot regarding these exceedances on February 26, 2024. Chiquita Canyon, LLC stated in its letter that it recognized that this leachate was released into Patriot's treatment process.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately take steps to ensure that hazardous waste leachate is not disposed of at a point that is not authorized. Within 15 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how the facility will ensure that hazardous waste leachate is not disposed of at unauthorized locations.

Violation # 3

Violation Citations:

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 February 23, 2024, Chiquita Canyon, LLC disposed and/or caused the disposal of hazardous waste leachate due to a release onto the soil caused by a ruptured hose associated with the leachate treatment and storage tank, Tank #47, during treatment processes occurring at 29201 Henry Mayo Drive, Castaic, CA 91384. Tank #47 was sampled on February 21, 2024 by the facility and was found to have an exceedance for benzene, reporting 0.8 mg/L. This is above the TCLP regulatory limit for benzene of 0.5 mg/L. At the time of the release the tank was undergoing re-treatment and in addition to the hazardous waste leachate contained iron chelate and/or peroxide from the treatment process. The hazardous waste leachate and treatment mixture that was released came into contact with an employee of Chiquita Canyon, LLC. Per



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CalOES Spill Control #24-1157, that employee was injured by the release and transported to a local hospital.

Violation Classification:

This is a class 1 violation.

Compliance Requirement:

Chiquita Canyon, LLC shall immediately take steps to ensure that hazardous waste leachate is not released or disposed of at a point that is not authorized and remains safely contained. Within 15 days of this Summary of Violations, Chiquita Canyon, LLC shall provide a written explanation of how the facility will ensure that no release or disposal occurs.

SECTION II: 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.

1. The facility is generating RCRA hazardous waste and thus should have a federal EPA ID number. Please provide us with that number or obtain one if you have not already.