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Department of Toxic Substances Control

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Proposition 65 Notification **Pursuant to California Health & Safety Code Section 25180.7** **Designated Government Employee Disclosure Requirement**

Date: February 16, 2024

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From: Katherine Butler, MPH, DABT, Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
California Environmental Protection Agency
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Property Name: Chiquita Canyon Landfill
Property Owner: Waste Connections, Inc.
Property Addresses: 29201 Henry Mayo Drive, Castaic, CA 91384

This notification by a designated government employee of the California Department of Toxic Substances Control (DTSC) is made pursuant to the state's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). More specifically, this notification is being made pursuant to California Health and Safety Code section 25180.7, which is part of Proposition 65.

I have obtained information in the course of my official duties pertaining to the property address specified above (Site), indicating that an illegal discharge and or a threatened illegal discharge of a hazardous waste has occurred and that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety.

On February 15, 2024, Counsel for Chiquita Canyon, LLC, including Jacob P. Duginski, Megan L. Morgan, Gary J. Smith, and Yin Zhou signed a letter sent to DTSC dated February 14, 2024 (Letter, Attachment 1), seeking concurrence from DTSC on the applicability of the "immediate response exemption" under the state hazardous waste regulations. This Letter summarizes the landfill's intent to store and treat the rapidly evolving waste stream, in order to respond to the imminent and substantial threat of hazardous waste containing benzene and other constituents being discharged into the environment.

The Site consists of the following:

1. The property located at 29201 Henry Mayo Drive, Castaic CA 91384 totals approximately 639 acres. This property is located in the Santa Clarita Valley and fronts State Route 126, on the south side. This property is identified by Los Angeles County Assessor's Parcel Numbers (APNs): 271002039, 3271002036, 3271005034, 3271002019, 3271002013, and 3271002011. This property is a Class III landfill.

DTSC reviewed the Hazardous Waste Tracking System (HWTS) for the Chiquita Canyon Landfill. HWTS indicated the Site was issued EPA ID CAL000347030 as of October 9, 2009.

Chiquita Canyon, LLC is experiencing an ongoing chemical reaction, also known as an "Elevated Temperature Landfill" (ETLF) event, that is producing approximately 200,000 gallons of liquid within the landfill per day. There are residential communities as close as 1,000 feet from the landfill. The South Coast Air Quality Management District (SCAQMD) has received over 7,000 odor complaints and has issued over 100 Notices of Violation to the landfill for verified nuisance odor complaints. The landfill has a stormwater basin that discharges off-site to the Santa Clarita River.

Chiquita Canyon, LLC's Letter (Attachment 1) to DTSC referenced above states the following:

1. "Due to the ongoing chemical reaction at the Landfill, the constituents of the Landfill's leachate are changing, causing some of the leachate and condensate to test **above regulatory limits for constituents including benzene and exhibit flash points in the potentially ignitable range.**" (Attachment 1, Page 1)
2. "[T]he build-up of pressure and liquids will likely cause increases in leachate seeps from the sides of the landfill. Unlike controlled leachate pumped from the landfill, leachate seeps are unpredictable and may be difficult to contain. As reported to the Regional Water Quality Control Board, Chiquita has had numerous seeps that have reached the Landfill's concrete stormwater channels. While Chiquita has many mitigation measures in place (dirt berms or dams, vacuum trucks), with rain approaching, leachate seeps could commingle with stormwater and reach the Landfill's sedimentation basin, or worse, be discharging offsite." (Attachment 1, Page 3)
3. "As previously reported to DTSC, some recent "grab" samples of leachate and condensate generated at the Landfill have **exceeded regulatory thresholds under the Toxicity Characteristic Leaching Procedure ("TCLP") for benzene and/or other hazardous constituents, or exhibited flash points lower than the ignitable limit of 140°F.** (See 22 Cal. Code Regs. §§ 66261.24(a)(1) and 66261.21(a)(1).) While there may be questions about whether these grab samples were representative of the full leachate and condensate waste streams or discrete portions thereof, there can be no doubt that some of such materials might be hazardous wastes." (Attachment 1, Page 4)
4. "[T]here is an imminent and substantial threat that such potential hazardous wastes could be discharged into the environment. As described above, due 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." (Attachment 1, Page 4)
5. "The consequences of failing to continue controlling the reaction are not mere abstraction—they are likely to cause real-world impacts to the communities surrounding Chiquita." (Attachment 1, Page 6)
6. "The overwhelming conclusion from these expert opinions is that Chiquita must be able to remove and manage the leachate being produced by the ETLF event. Failure to do so not only risks an imminent and substantial threat of discharge of hazardous waste, it may also result in the propagation and amplification of the impacts of the ongoing ETLF event." (Attachment 1, Pages 7-8)

On February 15, 2024, DTSC informed the landfill that it understands the landfill anticipates using the exclusion pursuant to 22 Cal. Code Regs. §§ 66264.1(g)(8)(A)(2), 66265.1(e)(11)(A)(2), and 66270.1(c)(3)(A)(2). It is incumbent upon the landfill to properly characterize, store, treat, and transport its waste in accordance with all applicable laws and regulations.

On December 12, 2023, DTSC collected samples from well-heads located in the reaction area of the landfill and found benzene in exceedance of the Toxicity Characteristic Leaching Procedure (TCLP) threshold of 0.5 mg/L in two out of three samples and DTSC is continuing to investigate violations of the Hazardous Waste Control Law. In addition, DTSC is actively collaborating with various agencies regarding ongoing issues at the landfill.

DTSC reviewed the Letter and determined that the information available indicates that the potential for illegal hazardous waste discharges, including, but not limited to benzene, exists if the landfill is unable to contain hazardous liquids produced from the reaction in a controlled manner and such discharges would be likely to cause substantial injury.

There is reason to believe that the threatened illegal discharge is likely to cause substantial injury to the public health or safety.

If you have any questions, please call me at (916) 825-3078 between 8 AM and 5 PM, Monday through Friday, or I can be reached by e-mail at Katherine.Butler@dtsc.ca.gov.

I hereby certify that I am a designated employee and that I have reported the above information concerning a discharge or threatened discharge of hazardous waste to the appropriate officials pursuant to Section 25180.7 of the Health and Safety Code.

Signed: 

Title: Deputy Director, Hazardous Waste Management Program

Date: February 16, 2024

Enclosure:

1. Attachment 1 – Letter from Chiquita Canyon, LLC counsel dated February 14, 2024 re: “Applicability of Immediate Response Exemption at Chiquita Canyon Landfill”

cc: (via email)

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