INVESTIGATIVE ORDER NO. R4-2024-0010

CALIFORNIA WATER CODE SECTION 13267 AND 13383 ORDER TO PROVIDE A TECHNICAL REPORT FOR SURFACE AND SUBSURFACE INVESTIGATION

DIRECTED TO WASTE CONNECTIONS, INC. AND CHIQUITA CANYON, LLC

CHIQUITA CANYON LANDFILL CASTAIC, CALIFORNIA (FILE NO. 67-020, ORDER NO. R4-2018-0172, GEOTRACKER GLOBAL ID. L10003464243)

ON March 20, 2024

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) makes the following findings and issues this order to provide a technical report pursuant to California Water Code (Water Code) Sections 13267 and 13383 (Order). The Order requires that Waste Connections, Inc. and Chiquita Canyon, LLC, which is a wholly-owned subsidiary of Waste Connections, Inc., (hereinafter together as the Discharger) submit additional information for an investigation of potential surface water and groundwater impacts due to current conditions at the Chiquita Canyon Landfill (Landfill), located at 29201 Henry Mayo Drive, Castaic, California, as observed during the Los Angeles Water Board inspections conducted on October 3, 2023, November 2, 2023, January 29, 2024, and February 20, 2024.

1. The Landfill is a Class III municipal solid waste (MSW) landfill and is owned and operated by Chiquita Canyon LLC, which is a wholly-owned subsidiary of Waste Connections, Inc. The Landfill is a 639-acre waste management facility, of which 400 acres are designated for landfill operations. It is roughly divided into six fill areas: Primary Canyon, Canyons A, B, C, and D, and the Main Canyon. Primary Canyon (54 acres) is unlined and Canyon B (15 acres) is lined with a clay bottom and flexible membrane liner on the side slopes. Both have been filled to capacity. The remaining fill areas are equipped with a liner and leachate collection and removal system (LCRS). The Landfill is actively accepting MSW in a lined area.

2. The Landfill started receiving wastes in 1974 under operation by the Chiquita Canyon Landfill Company. Operation of the Landfill was transferred to Laidlaw Waste Systems, Inc., in 1987, Allied Waste Services, Inc., in 1996, and USA Waste Services Company (aka Waste Management) in 1997. In January 1999, Republic Services acquired the Landfill from Waste Management. In April 2009, the Chiquita Canyon Landfill, LLC acquired the Landfill from Republic Services.

3. The Landfill was previously regulated by the Los Angeles Water Board under Waste Discharge Requirements (WDRs) Order No. 84-8 for the discharge of inert and non-hazardous solid wastes; Order No. 84-8 was adopted on January 23, 1984, and amended by Order No. 87-28 on March 23, 1987, to revise the waste disposal fill rate from 2,000 tons per day to 5,000 tons per day. On May 22, 1989, the Los Angeles Water Board adopted Order No. 89-52 which replaced Order Nos. 84-8 and 87-28. On November 2, 1998, the Los Angeles Water Board adopted WDR Order No. 98-086, which terminated Order No. 89-52 and included the vertical and lateral expansion of the Landfill as approved by the Los Angeles County Board of Supervisors in the Conditional Use Permit (CUP) No. 89-081(5) on May 20, 1997.

4. The Landfill is currently regulated under the WDRs contained in Order No. R4-2018-0172, which was adopted by the Los Angeles Water Board and became effective on December 13, 2018 and includes a MRP (CI 6231). Order No. R4-2018-0172 superseded Order No. 98-086 and updated requirements for operational and maintenance activities at the Landfill and included expansion of the Landfill as approved by Los Angeles County Board of Supervisors in the Conditional Use Permit (CUP) No. 200400042 in 2017.

5. Stormwater runoff from the Landfill is separately regulated under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Industrial Activities, NPDES No. CAS000001 (Industrial General Permit, WDID No. 4 19I022488, Notice of Intent (NOI) dated January 26, 2015); stormwater discharges are directed to on-site sedimentation basins which serve to reduce sediments and other pollutants from the discharge. The Landfill is also currently enrolled under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, NPDES No. CAS000002 (Construction General Permit, WDID No. 419C397764, NOI dated May 20, 2022) for the Chiquita Canyon Landfill Entry Gates project.

6. The Landfill is located within the Santa Clara River Hydrologic Subarea which is part of the Santa Clara-Calleguas Hydrologic Unit. It is surrounded on three sides by ridges that restrict inflow to seasonal precipitation. The resultant groundwater flows in alluvium and in the sedimentary bedrock of the Saugus and the Pico formations, generally following the surface topography and exiting the canyon to the south. Most of the site drains south toward the Santa Clara River flood plain, which flows along the south side of State Route 126. The northeast portion of the site drains eastward into Castaic Creek, approximately 3,000 feet from the site boundary, which then flows south toward the Santa Clara River. Beneficial uses for the Santa Clara River and Castaic Creek include Municipal and Domestic Supply (MUN); Industrial Service

Supply (IND); Industrial Process Supply (PROC); Agricultural Supply (AGR); Ground Water Recharge (GWR); Freshwater Replenishment (FRSH); Warm Freshwater Habitat (WARM); Wildlife Habitat (WILD); Rare, Threatened, or Endangered Species (RARE); Water Contact Recreation (REC-1); and Non-contact Water Recreation (REC-2). Beneficial uses for the underlying groundwater basins include MUN, IND, PROC, and AGR. The Landfill is located outside of a 100-year flood plain, according to the Federal Emergency Management Agency, Flood Insurance Rate Map.

7. Land uses surrounding the Landfill include primarily open space to the north and rural residential development to the west and northwest. The closest residential area is located approximately 500 feet from the northwest property boundary and 1,200 feet from the Landfill footprint. Intervening topography prevents views of the operating landfill from the residential area. The property immediately west and south of the Landfill is either vacant or used for agricultural activities. The property immediately across State Route 126 from the Landfill has been permitted for residential development, including an elementary school.

8. The Landfill is currently under a corrective action program (CAP) as required under the WDRs, which began in 1998, for the detection of volatile organic compounds (VOCs) at three groundwater monitoring wells, DW-1 near Primary Canyon, DW-3 at Canyon B, and DW-20 near Canyon D. VOCs detected in groundwater at the impacted monitoring wells include 1,1-dichloroethane (1,1-DCA), 1,2-dichloroethane, 1,4-dichlorobenzene, benzene, cis-1,2-dichloroethene, dichlorofluoromethane, methylene chloride, trichloroethylene (TCE), perchloroethylene (PCE), and vinyl chloride. TCE, PCE, and 1,1-DCA are the constituents most frequently detected. In 2016, DW-20 was added to the list of CAP wells, and was abandoned and replaced with well DW-29 in 2018 due to an expansion of the Landfill. In 2005, well DW-16, which is located at the northern edge of the Primary Canyon unit, was enrolled under an evaluation monitoring program for the detection of VOCs (TCE and PCE) in the well. It was determined that VOC pollution at the Landfill was caused by the migration of landfill gas (LFG) to groundwater. The CAP includes an enhanced LFG collection and control system aimed at reducing subsurface gas migration to groundwater. The CAP measures appear to be effective since VOC concentrations at the impacted wells have been declining over time, most to below detection limits. Data from the 2023 annual report submitted in January 2024 reported that VOCs were not detected in wells DW-1 and DW-29, some VOCs detected at trace concentration in DW-16, and dichlorodifluoromethane was detected in well DW-3 at 2.1 parts per billion.

9. In early July 2023, Los Angeles Water Board staff was notified by the Los Angeles County Local Enforcement Agency (LEA) of a potential LFG problem at the site due

to an ongoing landfill reaction. On July 21, 2023, Los Angeles Water Board staff contacted the Discharger, via email, concerning the reaction, who then provided information on reaction landfills in the Country. Multiple odor complaints from the public were received by the South Coast Air Quality Management District (SCAQMD). The LEA and other regulatory agencies had been working with the Discharger to understand the cause of increased LFG levels and to bring the Landfill into compliance with requirements from the regulatory agencies. The reported odors appeared to be coming from the northwestern portion of the Main Canyon of the Landfill, where the LFG was measured to be unusually hot and contained larger amounts of condensate than normal. The Discharger's representative, in a telephone conversation, indicated to Los Angeles Water Board staff that a portion of the Landfill was producing large amounts of gas containing a large amount of water and dimethyl sulfide (DMS); the hot wet gas was harmful to landfill flares which operate optimally when the gas is dry. Additionally, an area of approximately 20 acres had experienced subsidence of up to 16 to 18 feet, giving an appearance of a crater. This portion of the landfill is now being referred to as the Reaction Area. During a telephone conversation in July, the Discharger also indicated that leachate production increased from about 30,000 gallons per day (GPD) to around 100,000 GPD. However, the Discharger's representative indicated there was too much water in the gas for a fire to occur.

10. On September 28, 2023, the Los Angeles County LEA informed Los Angeles Water Board staff of leachate seepage observed at the Landfill during the LEA's September 19, 2023, inspection. The Discharger indicated to the LEA that the leachate seepage was caused by the reaction in the Reaction Area and was collecting the leachate in onsite leachate storage tanks before disposing the leachate offsite.

11. On October 3, 2023, Los Angeles Water Board staff conducted an inspection of the Landfill, during which staff observed a leachate seep at the north-western portion of the Main Canyon that flowed from the edge of the Landfill to an onsite concrete drainage channel that leads to the stormwater sedimentation basin at the southern border of the Landfill. The Discharger had placed several soil berms along the onsite concrete channel to capture and pump off the leachate before it reached the sedimentation basin. The leachate seepage had not been previously reported to the Los Angeles Water Board by the Discharger.

12. On October 17, 2023, Los Angeles Water Board staff received an email from the public stating leachate had been leaking out of the northwest side of the landfill.

13. On November 2, 2023, a joint inspection of the Landfill was conducted by multiple regulatory agencies, including SCAQMD, the LEA, and Los Angeles Water Board staff. Los Angeles Water Board staff observed that the leachate seep, as noted during the October 3, 2023 inspection, was still occurring.

14. On November 22, 2023, the Los Angeles Water Board issued a Notice of Violation (NOV) to the Discharger, for violations of the WDRs observed during the October 3, 2023 inspection. The NOV cited violations of Sections F.6 and B.3 of Order No. R4-2018-0172 for the operation of a leachate and landfill-gas condensate containment system that is inadequate to prevent commingling of leachate and gas condensate with surface water run-on and runoff during a rain event, and the failure to report the leachate seep that was observed at the landfill during the inspection within 24 hours of discovery. The NOV requested the Discharger submit a written response to the Los Angeles Water Board to include corrective actions taken and actions planned to mitigate conditions of the Landfill in violation of the WDRs by December 22, 2023. Additionally, the NOV requested the Discharger submit a final report to the Los Angeles Water Board to demonstrate that the Landfill complies with the WDRs by February 20, 2024.

15. On December 22, 2023, the Discharger submitted a Response to the NOV. The response provided the following updated information:

    a. The Discharger is installing extraction wells in the Reaction Area to remove leachate.

    b. The Discharger is installing a French drain along the outer edge of the liner in the Reaction Area to capture leachate before it exits the Landfill cell.

    c. The Discharger is increasing the Landfill's leachate storage capacity.

    d. The Discharger is performing regular inspections of the slopes west and north of the Reaction Area.

16. The Final Report in response to the NOV, received on February 20, 2024, describes the difficulties of the reaction and how the Discharger is managing leachate and seeps, dewatering the Reaction Area with pumps and a French drain, placing a geosynthetic cover over the entire Reaction Area, continuing to add gas extraction wells, and conducting a minimum of two inspections a day of the Reaction Area.

17. On December 29, 2023, the Discharger submitted a notification to Los Angeles Water Board staff regarding a leachate seep discovered to have reached an onsite concrete channel at the west perimeter road on December 22, 2023, following a heavy rain event. The Discharger indicated that pooling of water on top of a scrim (a temporary cover over the Reaction Area) pushed aside sandbags used to weigh down the scrim at the bottom of the Landfill slope, washed out sections of the perimeter road, and caused the leachate underneath to be forced out of the scrim instead of flowing along its normal path downhill towards a collection sump. As a result, portions of the leachate reached the onsite concrete-drainage channel. Following the discovery, the

Discharger installed a check dam on the onsite concrete drainage channel to contain and pump out leachate from the onsite concrete drainage channel using a vacuum truck, as well as rainwater off the scrim to prevent further pooling. The Discharger subsequently implemented additional corrective measures, including repair of the perimeter road and replacement of sandbags, pressure-washing of the onsite concrete channel, and installation of a 10-foot berm at the base of the western slope to assist with directing rainwater off the scrim. The Discharger took samples on December 28, 2023 from the south stormwater sedimentation basin to test for leachate parameters; the analytical data showed ammonia (as N) at 4.7 milligrams per liter (mg/L), p-cresol and phenol at 0.016 and 0.015 mg/L, respectively, and arsenic, chromium, iron, and zinc at 0.021, 0.015, and 0.14 mg/L, respectively. Stormwater samples collected by the Discharger on December 22 and December 28, 2023 showed detections of iron, biochemical oxygen demand, total suspended solids, oil and grease, and E. Coli above benchmarks, with E. Coli detected at 650,000 MPN/100 mL.

18. On January 29, 2024, Los Angeles Water Board staff from the Stormwater Unit conducted an inspection at the Landfill to evaluate compliance with the Industrial General Permit. Los Angeles Water Board staff observed a leachate seepage area located across an onsite concrete drainage channel. Landfill personnel were pressure-washing the channel and had placed a soil check dam downgradient of the channel to capture wastewater; a vacuum truck was removing the wastewater from the channel. The onsite concrete drainage channel activities occurred upgradient and in close proximity to the sedimentation basin and where the channel discharges into the basin. Implementation of best management practices (BMP) to prevent migration of leachate and runoff into the channel was inadequate.

19. On February 4, 2024, heavy rain events occurred at the Landfill. Los Angeles Water Board staff requested information and photographs of additional BMPs implemented onsite to prevent leachate migration; however, the Landfill did not provide this information.

20. On February 20, 2024, Los Angeles Water Board staff conducted a joint inspection with multiple regulatory agencies; leachate seepage was still occurring in the same area as observed during the January 29, 2024 inspection. In addition, no additional measures or adequate BMPs were observed in place between the drainage channel and leachate seepage area to prevent leachate migration; muddy water was observed in the channel. The outfall of the south sedimentation basin was also observed discharging water.

21. During the review of past WDR submittals, Los Angeles Water Board staff's findings during previous inspections, information provided by other regulatory agencies, the Discharger's December 22, 2023 response to the NOV, and subsequent failures of the short-term measures to prevent leachate from commingling with stormwater runoff, Los Angeles Water Board staff has identified a list of additional information and documents that are needed to further investigate and assess potential impacts to groundwater and surface water due to the current conditions at the Landfill.

22. Water Code section 13267, subdivision (b)(1), states, in part:

> "In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports."

23. Water Code section 13383, subdivision (a), states, in part:

> "The state board or a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements … for any person who discharges, or proposes to discharge, to navigable waters…"

24. This Order requires the Discharger to prepare and submit a technical report to provide additional information related to Chiquita Canyon Landfill's plan to return to compliance with its WDRs and NPDES permits. The information is needed for the Los Angeles Water Board's investigation of potential impacts to waters of the State and the United States caused by the Landfill reaction and resulting excessive leachate production. The chemicals in Landfill leachate, if discharged to surface or groundwater in excess of water quality objectives, could pose a serious risk to the beneficial uses of those waters. Therefore, more information on the potential discharge of Landfill leachate is needed. The Discharger must submit a complete report as required by this Order. The Los Angeles Water Board may reject the report if it is deemed incomplete or if the Los Angeles Water Board requires revisions to the report under this Order. As set forth in more detail below, the burdens, including the costs, of preparing this

report bear a reasonable relationship to the need for the report and the benefits to be obtained from the report.

25. The report required by this Order pursuant to Water Code section 13267 seeks information that is or should be in the possession of the Discharger and the installation of three additional groundwater monitoring wells. The cost for the Discharger to comply with this Order is expected to be less than $300,000. Given the intended benefits the report is expected to generate, the burden of producing the report required by this Order bears a reasonable relationship to the need for the report and the benefits to be gained from the report.

26. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2). This Order requires submittal of a technical report. It is unlikely that compliance with this Order could result in physical changes to the environment. If the implementation of this Order may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to approval of any such action.

27. Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050, et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that the Discharger, pursuant to Water Code section 13267, subdivision (b), is required to submit the following by April 22, 2024, except as otherwise noted below:

1. A technical report containing the following items:

   a. A workplan to install a groundwater well south of the Main Canyon portion of the Landfill, down gradient of the Reaction Area and north of well DW-29. The well shall be placed to monitor for a possible leachate release due to either a compromised liner or the overtopping of leachate to the ground surface.

b. The workplan shall also include installation of a groundwater monitoring well down gradient of the southern stormwater sedimentation basin.

c. The workplan shall also include installation of an offsite groundwater monitoring well, between the southern border of the Landfill and the Santa Clara River.

d. These new wells and existing wells DW-9, DW-15, DW-16, DW 17 and DW-29 will be placed in an evaluation monitoring program; therefore, the monitoring frequency for the most current list of Monitoring Parameters (MPars) shall be quarterly. If, after two years following resolution of the elevated temperature condition in the Reaction Area, the wells have not had any detections, the Discharger may request that wells be placed into a detection monitoring program (DMP), as approved by the Los Angeles Water Board Executive Officer or their delegate.

Quarterly Monitoring, Reporting Period and Report Due Dates

Monitoring Report	Reporting Period	Report Due Date
1st Quarter	January 1 – March 31	April 15
2nd Quarter	April 1 – June 30	July 15
3rd Quarter	July 1 – September 30	October 15
4th Quarter	October 1 – December 31	January 15

e. In addition to the most current list of MPars in the MRP, a full scan of Appendix II Constituents in 40 CFR, part 258 shall also be performed at the new groundwater monitoring wells within thirty days of installation. Following the initial sampling event, the new wells together with the existing wells identified in item d above will be placed in biennial testing for Appendix II Constituents.

f. A quarterly assessment, monitoring, and reporting of the sampling results from the new groundwater monitoring wells and the integrity of the bottom liner and LCRS within the Reaction Area.

Pursuant to Water Code section 13383, submit the following:

g. For storms that produce a discharge into the sedimentation basin, a post-storm event assessment and report on the effectiveness of the geosynthetic cover that will be installed over a portion of the area impacted by the reaction to prevent leachate from commingling with stormwater until the elevated Landfill temperature condition has resolved. This report is due 30 days after the first day of the storm event that produces a discharge.

h. A report documenting implementation, operation and maintenance of BMPs and any other measures preventing leachate migration with stormwater runoff into onsite drainage channels, drain inlets, and inlets to the south sedimentation basins.

i. The Discharger shall update its Storm Water Pollution Prevention Plan and Monitoring Implementation Plan (SWPPP) as required by Industrial General Permit to incorporate new BMPs and enhanced discharge monitoring as required by this Order. An updated SWPPP shall be uploaded to SMARTs no later than April 19, 2024.

j. The Discharger must sample and submit the analysis of any and all discharges into and out of the south sedimentation basin. Analytes shall include parameters identified in the effluent limitation guidelines in Subchapter N, Subpart B—RCRA Subtitle D Non-Hazardous Waste Landfills, Mpars, parameters the Discharger is required to sample per the Industrial General Permit including TMDL related requirements in Attachment E, and Appendix II constituents. All results must be submitted to the Los Angeles Water Board within 30 days of the first day of the discharge event.

2. The above items shall be electronically submitted to:

   Douglas Cross
   Los Angeles Regional Water Quality Control Board
   Email: douglas.cross@waterboards.ca.gov

3. Pursuant to Water Code section 13268, subdivision (a), any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to Water Code section 13268, subdivision (b)(1), failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Los Angeles Water Board in an amount up to one thousand dollars ($1,000) per day for each day the technical report is not received after the above due date.

4. Pursuant to Water Code section 13385, subdivision (a)(3), a violation of a requirement established by Water Code section 13383, may result in the imposition of administrative civil liability by the Los Angeles Water Board in an amount up to ten thousand dollars ($10,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Los Angeles Water Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

5. The Los Angeles Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires the Discharger to include a perjury statement in all reports required by this Order. The perjury statement shall be signed by a senior authorized representative of the Discharger (not by a consultant). The perjury statement shall be in the following format:

> "I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SO ORDERED.

Jenny Newman Digitally signed by Jenny Newman Date: 2024.03.20 10:41:34 -07'00'

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Jenny Newman
Assistant Executive Officer

March 20, 2024
Date