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STATE OF CALIFORNIA *ex rel.* SOUTH COAST
AIR QUALITY MANAGEMENT DISTRICT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA
ex rel. SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, a Public Entity,

Plaintiff,

vs.

CHIQUITA CANYON, LLC a Delaware
Corporation; CHIQUITA CANYON, INC., a
Delaware Corporation; WASTE
CONNECTIONS US, INC., a Delaware
Corporation;
and DOES 1-10

Defendants.

) Case No. **26STCV15409**

) **COMPLAINT FOR CIVIL PENALTIES**

) Health and Safety Code §§ 41700; 42401,
) 42402, 42402.1, 42402.2, 42402.3; 42402.6
) and 42403; South Coast AQMD Rules 221,
) 402, 403, 431.1, 1150, 3002, and 1403

The People of the State of California, on the relation of the South Coast Air Quality
Management District, a public entity, seek to recover civil penalties from Defendants, demand a
verified answer pursuant to California Code of Civil Procedure § 446(a), and allege as follows:

1 **PARTIES AND COMMON ALLEGATIONS**

2 1. Plaintiff is the People of the State of California. The People bring this action by and
3 through the South Coast Air Quality Management District (“District”). At all times herein
4 mentioned, the District, was and is organized and existing pursuant to Division 26, Part 3, Chapter
5 5.5, § 40400, *et seq.*, of the California Health and Safety Code (hereinafter “H&S Code”).

6 2. The District is responsible for regulating non-vehicular air pollution and emissions
7 in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included
8 in the South Coast Air Basin, as described in H&S Code § 40410 and Title 17 of the California Code
9 of Regulations (“CCR”) section 60104. The District is the sole and exclusive local agency within
10 the South Coast Air Basin with the responsibility for comprehensive air pollution control.

11 3. At all times material to this action, Defendant CHIQUITA CANYON, LLC was and
12 is a limited liability company organized and existing under the laws of the State of Delaware, with
13 its principal place of business located at 3 Waterway Square PL #110, The Woodlands, Texas 77380.
14 At all times material to this action, Defendant CHIQUITA CANYON, LLC maintained an office at
15 29201 Henry Mayo Dr., Castaic, California 91384, within the County of Los Angeles. At all times
16 material to this action, Defendant CHIQUITA CANYON, LLC, including its subsidiaries and
17 predecessors, constructed, operated, and/or maintained a Class III solid waste disposal site located
18 at 29201 Henry Mayo Dr., Castaic, California 91384, within the County of Los Angeles (“Landfill”).
19 The Landfill is located within the South Coast Air Basin.

20 4. At all times material to this action, Defendant CHIQUITA CANYON, INC. was and
21 now is a corporation organized and existing under the laws of the state of Delaware, with its principal
22 place of business located at 3 Waterway Square PL #110, The Woodlands, Texas 77380. At all times
23 material to this action, Defendant CHIQUITA CANYON, INC. did and now does conduct business
24 in the County of Los Angeles, State of California. At all times material to this action, Defendant
25 CHIQUITA CANYON, INC. and its subsidiaries and predecessors constructed, operated, and/or
26 maintained the Landfill located at 29201 Henry Mayo Dr., Castaic, California 91384.

27 5. At all times material to this action, Defendant WASTE CONNECTIONS US, INC.
28 was and now is a corporation organized and existing under the laws of the state of Delaware, with

1 its principal place of business located at 3 Waterway Square PL #110, The Woodlands, Texas 77380.
2 At all times material to this action, Defendant WASTE CONNECTIONS US, INC. did and now
3 does conduct business in the County of Los Angeles, State of California. At all times material to this
4 action, Defendant WASTE CONNECTIONS US, INC. and its subsidiaries and predecessors owned,
5 constructed, operated, and/or maintained the Landfill located at 29201 Henry Mayo Dr., Castaic,
6 California 91384.

7 6. On information and belief, WASTE CONNECTIONS US, INC. exercises significant
8 control over CHIQUITA CANYON, INC. and CHIQUITA CANYON, LLC, including but not
9 limited to the general management of, and daily activities at, the Landfill. Upon information and
10 belief, Defendant WASTE CONNECTIONS US, INC. is the sole owner of Defendant CHIQUITA
11 CANYON, INC. On information and belief, Defendant CHIQUITA CANYON, INC. is the sole
12 member of Defendant CHIQUITA CANYON, LLC. Defendants CHIQUITA CANYON, LLC,
13 CHIQUITA CANYON, INC., and WASTE CONNECTIONS US, INC. are referred to collectively
14 herein as CCL.

15 7. The true names and capacities, whether individual, corporate, associate, or otherwise,
16 of defendants sued as Does 1-10 are unknown to Plaintiff at this time. As such, the Doe Defendants
17 are sued by fictitious names. Plaintiff requests that when the true names and capacities of the Doe
18 defendants are ascertained, this complaint and all other proceedings be amended by inserting the
19 true names and capacities of the Doe defendants. Plaintiff alleges on information and belief that each
20 of the Doe defendants is responsible in some manner for the violations alleged in this lawsuit and
21 that the violations were caused by their conduct.

22 8. At all times relevant hereto, Does 1-10 were in a position of responsibility allowing
23 them to influence corporate policies or activities with respect to CCL's compliance with California
24 environmental laws and regulations at the Landfill and in the conduct of its business in the State of
25 California, and had, by reason of their position in the corporation, responsibility and authority either
26 to prevent in the first instance, or promptly correct, the violations complained of herein, but failed
27 to do so. In addition to any direct personal liability of these individuals, Does 1-10 also are personally
28 liable under the "responsible corporate officer doctrine" for violations of law committed by CCL as

alleged herein.

9. At all times relevant to this action, Defendants, and each of them, are legal entities having residence, contacts, and authorization to do and are doing business within the jurisdiction of this Court.

10. Plaintiff is informed and believes, and thereon alleges, that at all times relevant to this lawsuit, defendants, and each of them, were the agents, servants and employees of each of the other defendants and were authorized by each other to act, and have acted, as the agents of each other defendant and were acting within the scope of their authority as such agents, servants, and employees and with the permission and consent of each of their co-defendants.

11. All Defendants are “persons” as defined in H&S Code § 39047 pursuant to H&S Code § 19.

12. Pursuant to H&S Code § 42403, the District may bring a civil suit in the name of the People of the State of California for civil penalties under H&S Code §§ 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 for violation of District rules and applicable sections of the H&S Code.

13. At all times relevant to this action, CCL owned and operated the Landfill. The Landfill is located within the jurisdiction of the District and subject to the District's regulatory authority. CCL holds multiple permits for various equipment operated at the Landfill, including flares, a landfill gas collection and combustion system, and a leachate collection system. The Landfill is considered a major source of air emissions and holds a facility-wide Title V Permit issued by the District.

JURISDICTION AND VENUE

14. The Court has jurisdiction pursuant to Article 6, section 10 of the California Constitution and H&S Code § 42403.

15. Venue is proper in this County based on California Code of Civil Procedure § 393, because the air pollution violations alleged in this Complaint occurred in the County of Los Angeles.

STATUTORY AND REGULATORY BACKGROUND

16. The State of California (“State”) has enacted a comprehensive statutory and

1 regulatory framework designed to control air pollution and protect ambient air quality in the state.
2 (H&S Code §§ 40400–40540.) Pursuant to H&S Code § 40000, local and regional air pollution
3 control districts are responsible for controlling air pollution from all sources within their jurisdiction,
4 other than emissions from motor vehicles which are regulated by the California Air Resources
5 Board.

6 17. Under the federal Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, the United States
7 Environmental Protection Agency (“US EPA”) establishes national ambient air quality standards
8 (“NAAQS”) for several different widely dispersed pollutants affecting public health. The Clean Air
9 Act mandates states develop and implement State Implementation Plans to achieve and maintain
10 compliance with the NAAQS. The Clean Air Act further establishes a permit system (“Title V”) for
11 permitting the construction and operation of large stationary sources of pollution. (42 U.S.C. §§
12 7661—7661f.) The Clean Air Act authorizes the US EPA to delegate authority to issue Title V
13 permits to any air pollution control agency with permit programs approved by the US EPA. (42
14 U.S.C. § 7661a.) The EPA granted full approval of the District’s Title V permitting program, and
15 the District has delegated authority to issue Title V Permits. The US EPA reviews all proposed Title
16 V permits by any approved air pollution control agency to assess compliance with the Clean Air Act,
17 its regulations, and the applicable State Implementation Plan. (42 U.S.C. § 7661b.)

18 18. The State has designated the District as primarily responsible for the development
19 and implementation of the portion of the State’s Implementation Plan within the District’s
20 jurisdiction by adopting Air Quality Management Plans. (H&S Code § 40402(h).) H&S Code
21 § 40440 requires the District to adopt rules to carry out its Air Quality Management Plan. In addition,
22 pursuant to H&S Code § 40702, the District shall adopt rules and regulations and engage in acts as
23 may be necessary or proper to execute the powers and duties granted to, and imposed upon, the
24 District.

25 19. Pursuant to H&S Code § 40440, the District has adopted rules and regulations,
26 including District Rules 102, 203, 221, 402, 403, 431.1, 1150, 1403, and 3002. At all relevant times
27 herein mentioned, the District had in full force and effect each of these rules.

28 20. H&S Code § 41700 prohibits a person from discharging “from any source whatsoever

1 quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance
2 to any considerable number of persons or to the public, or that endanger the comfort, repose, health,
3 or safety of any of those persons or the public, or that cause, or have a natural tendency to cause,
4 injury or damage to business or property.” District Rule 402 mirrors H&S Code § 41700 and likewise
5 prohibits discharge of such quantities of air contaminants or other materials that cause injury,
6 detriment, nuisance or annoyance to any considerable number of persons or the public. As used in
7 H&S Code § 41700, H&S Code § 39013 defines the term “air contaminant” as “any discharge,
8 release, or other propagation into the atmosphere and includes, but is not limited to, smoke, charred
9 paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination
10 thereof.” As used in District Rule 402, District Rule 102 defines the term “air contaminant” as “any
11 discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and
12 includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors,
13 particulate matters, acids or any combination thereof.” Attached as **Exhibit 1** is a true and correct
14 copy of District Rule 402. Attached as **Exhibit 2** is a true and correct copy of District Rule 102.

15 21. The District enforces both H&S Code § 41700 and District Rule 402. The District
16 maintains a public hotline at 1-800-CUT-SMOG where members of the public can call and report
17 air quality concerns within the District’s jurisdiction. The District also maintains a website and
18 mobile application or app that each also allow submission of an air quality concern from members
19 of the public. The District responds to and investigates all reported air quality concerns within its
20 jurisdiction, and issues Notices of Violation (“NOVs”) where a source’s emissions of air
21 contaminants, including odors, result in nuisance to a considerable number of persons or the public.

22 22. H&S Code § 42300 authorizes every air pollution control district in the state to
23 establish, by regulation, a permit system that required that before any person builds, erects, alters,
24 replaces, operates, or uses any article, machine, equipment, or other contrivance which may cause
25 the issuance of air contaminants, the person obtain a permit to do so from the air pollution control
26 officer. District Rule 203(a) prohibits any person from operating or using any equipment which may
27 cause the issuance of air contaminants without first obtaining a written permit to operate from the
28 District, and Rule 203(b) further requires compliance with all terms and conditions of a written

1 permit in the operation of any such equipment. District Regulation XXX requires a Title V Permit
2 for any facility that exceeds the applicable annual emissions limits to be classified as a major
3 stationary source by the Clean Air Act. District Rule 3002(a)(1) prohibits a person from constructing,
4 modifying, relocating, or operating a Title V facility, or any equipment located at a Title V facility,
5 without first obtaining a Title V Permit from the District which allows such construction,
6 modification, relocation, or operation. District Rule 3002(c)(1) requires a Title V facility to comply
7 at all times with all terms and conditions specified in the facility's Title V permit. Attached as
8 **Exhibit 3** is a true and correct copy of District Rule 3002.g

9 23. District Rule 221(a) prohibits any person from conducting any operation for which
10 District rules and regulations require a plan without first obtaining approval of such plan from the
11 District. District Rule 221(b) prohibits operation contrary to any conditions specified in an approved
12 plan. Attached as **Exhibit 4** is a true and correct copy of District Rule 221.

13 24. District Rule 403 establishes requirements to limit the amount of particulate matter
14 entrained in the ambient air resulting from man-made fugitive dust sources. District Rule
15 403(d)(1)(A) prohibits any person from causing or allowing the emission of fugitive dust from any
16 active operation, open storage pile, or disturbed surface such that the dust remains visible in the
17 atmosphere beyond the property line of the emission source. District Rule 403(d)(4) prohibits any
18 person from allowing track-out to extend 25 feet or more in cumulative length from the point of
19 origin from an active operation, and further requires all track-out from an active operation be
20 removed at the conclusion of each workday or evening shift. Attached as **Exhibit 5** is a true and
21 correct copy of District Rule 403.

22 25. District Rule 430 applies to any breakdown which results in a violation of any District
23 Rule or permit condition. District Rule 430(b)(1) requires a person to report to the District by
24 telephone or other District-approved method any breakdown which results in a violation of any
25 District Rule or permit condition within one hour of such breakdown, or within one hour of the time
26 said person knew or reasonably should have known of its occurrence. Attached as **Exhibit 6** is a true
27 and correct copy of District Rule 430.

28 26. District Rule 431.1 works to reduce sulfur oxides (SOx) emissions from the burning

1 of gaseous fuels in stationary equipment. District Rule 431.1(c)(2) prohibits a person, on or after
2 June 12, 1998, from burning in any equipment requiring a District permit to operate, landfill gas
3 with a sulfur content greater than 150 parts per million by volume (ppmv), averaged daily. Attached
4 as **Exhibit 7** is a true and correct copy of District Rule 431.1

5 27. District Rule 1150(b)(1) prohibits any person from initiating excavation of an active
6 or inactive landfill without first obtaining a Landfill Excavation Management Plan from the District.
7 Attached as **Exhibit 8** is a true and correct copy of District Rule 1150.

8 28. District Rule 1403 specifies work practice requirements to limit asbestos emissions
9 from building demolition and renovation activities. District Rule 1403(d)(1)(A) requires the owner
10 or operator of any demolition or renovation activity to perform a facility survey, including
11 inspection, identification, and quantification of all friable, and Class I and Class II non-friable
12 asbestos containing material, and any physical sampling of materials. District Rule 1403(d)(1)(B)
13 requires the District to be notified of the intent to conduct any demolition or renovation activity
14 through notification submitted in a District-approved format at least 10 working days before any
15 demolition or renovation activities begin. District Rule 1403(d)(1)(C) requires removal of material
16 containing asbestos from a facility being demolished or renovated before any non-burning
17 demolition or renovation activity begins which would break up, dislodge, or similarly disturb the
18 material or preclude access to the material for subsequent removal. District Rule 1403(d)(1)(D)
19 requires using one or more Rule-specified procedures when removing or stripping asbestos-
20 containing material. District Rule 1403(d)(1)(E) requires that all asbestos containing waste material
21 be collected and placed in transparent, leak-tight containers or wrapping. District Rule 1403(d)(1)(G)
22 requires that at least one on-site representative, such as a foreman, manager, or other authorized
23 representative, trained in accordance with the provisions of District Rule 1403(i)(1) and (i)(3), shall
24 be present during the stripping, removing, handling, or disturbing of asbestos-containing material.
25 District Rule 1403(d)(1)(H) requires maintaining onsite proof of California State Contractor's
26 License certification number, Cal/OSHA Registration number, copies of surveys, which must be
27 conducted pursuant to District Rule 1403(d)(1)(A); and copies of notifications submitted pursuant
28 to District Rule 1403(d)(1)(B) and to provide them to the District upon request. District Rule

1 1403(d)(1)(I) prohibits onsite storage of any asbestos-containing waste material except in a leak-
2 tight container and when leak-tight containers are not in use, requires they be kept inside an enclosed
3 storage area. District Rule 1403(d)(1)(M) requires waste shipment records be prepared. District Rule
4 1403(i) requires the owner or operator performing a demolition or renovation activity to provide
5 asbestos Abatement Contractor/Supervisor training pursuant to the Asbestos Hazard Emergency
6 Response Act (AHERA) to on-site supervisory personnel, Abatement Worker training pursuant to
7 the AHERA to workers, and training on the provisions of Rule 1403 as well as on the provisions of
8 40 CFR Part 61.145, 61.146, 61.147 and 61.152 (Asbestos NESHAP provisions) and Part 763, and
9 the means by which to comply with these provisions to all supervisory personnel and workers.
10 Attached as **Exhibit 9** is a true and correct copy of District Rule 1403.

11 29. H&S Code §§ 40501 and 40800 *et seq.* create the Hearing Board of the South Coast
12 Air Quality Management District (“Hearing Board”).

13 30. H&S Code § 42451 empowers the Hearing Board to issue an Order of Abatement
14 “whenever it finds that any person is constructing or operating any article, machine, equipment, or
15 other contrivance without a permit required by this part, or is in violation of Section 41700 or 41701,
16 or of any order, rule, or regulation prohibiting or limiting the discharge of air contaminants into the
17 air.” The Hearing Board may also issue an Order of Abatement pursuant to a stipulation of the
18 District and the person accused of violation without making a finding of violation. (*Id.*) An Order of
19 Abatement must be in the form of a writ of injunction requiring the alleged violator to refrain from
20 an act or acts and may be conditional. (H&S Code § 42452.)

21 31. H&S Code § 42401 authorizes civil penalties of up to \$25,000 per day per violation
22 for any negligent or intentional violation of an Order of Abatement issued by the Hearing Board.

23 32. H&S Code § 40423 authorizes the District to bring a civil suit in the name of the
24 People of the State of California for civil penalties under H&S Code, Division 26, Part 4, §§ 42401,
25 42402, 42402.1 42402.2, 42402.3, and 42402.6 for violation of applicable sections of the H&S Code,
26 including H&S Code § 41700, violation of an Order of Abatement, and/or violation of District rules.

27 33. For each day on which Defendants, and each of them, violated any District rule as
28 hereinafter alleged, Defendants, and each of them, committed a separate violation giving rise to civil

1 penalties of up to \$10,000 for each and every day of each noncompliance, up to \$25,000 for each
2 and every day of each negligent emission violation, up to \$40,000 for each and every day of knowing
3 emissions, and \$75,000 for each and every day of each willful and intentional emissions violation
4 pursuant to H&S Code §§ 42402, 42402.1, 42402.2, and 42402.3 respectively. The maximum daily
5 penalty under each of these sections are revised each year to account for inflation pursuant to H&S
6 Code § 42411. Pursuant to H&S Code § 42402.6, for violations which occurred on or after January
7 1, 2025, civil penalties under H&S Code §§ 42402, 42402.1, 42402.2, and 42402.3 may be
8 multiplied by up to a factor of three (3) because Defendants' emissions are from a Title V source
9 and are emissions as defined in H&S Code § 39013 and identified by the State pursuant to H&S
10 Code § 39657 and/or are listed in the Table of Standards pursuant to 17 CCR § 93001.

11 **FACTUAL BACKGROUND**

12 34. For nearly three years now, CCL's operation and maintenance of the Landfill has
13 resulted in a persistent and ongoing public odor nuisance as well as multiple other violations of
14 District Rules, conditions of permits issued to CCL, and orders issued to CCL by the Hearing Board.
15 Since approximately 2022, CCL has had a subsurface reaction within its Landfill. The initial
16 indicators of this reaction were increases in subsurface temperatures and leachate¹ production. Later
17 symptoms included changes to its landfill gas composition and generation of foul odors. While
18 observing some of these symptoms as early as 2022, CCL did not alert the District or any other
19 regulatory authority as to the existence of a subsurface reaction at that time. Moreover, CCL failed
20 to take sufficient steps to prevent or manage further symptoms, including by failing to adequately
21 expand its landfill gas collection system and leachate collection system.

22 35. In early 2023, CCL was forced to disclose one symptom to the District when it sought
23 a variance from the Hearing Board. CCL could not adequately treat the changing composition of the
24 landfill gas resulting from the reaction, causing it to exceed the District's stringent limits on sulfur
25 content for combustible landfill gas. By the time CCL sought a variance from these limits, CCL was
26

27 ¹ Leachate is contaminated liquid waste formed when water leaches out of buried solid waste or
28 filters through buried solid waste and becomes entrained with chemicals or other pollutants.

1 already experiencing other symptoms of the subsurface reaction, including excess levels of leachate.
2 CCL didn't disclose these other symptoms to the District or the Hearing Board. Despite a confluence
3 of factors that an experienced operator, like CCL, should recognize to be indicative of a subsurface
4 reaction, CCL instead stated that it did not know the root cause of the change in the landfill gas
5 sulfur content. Based on the facts as selectively revealed by CCL, the Hearing Board granted a
6 variance which permitted CCL to combust landfill gas containing sulfur in excess of the limits
7 contained in District Rule 431.1 and in CCL's Title V permit conditions. The terms of the variance,
8 however, required that CCL abide by several imposed conditions. On or about April 14, 2023, the
9 District issued NOV No. P75273 to CCL for failing to comply with one of the terms of the variance.
10 The variance concluded in September 2023.

11 36. Beginning around May 2023, the District began receiving an increased volume of
12 complaints from the public regarding offensive odors emanating from CCL. The District
13 investigated these complaints by verifying there were odors at residential locations within the
14 neighborhoods surrounding the Landfill and tracing their source to CCL's property. On or about
15 May 17, 2023, for the first time, the District confirmed odors coming from CCL causing a nuisance
16 to a considerable number of persons or the public. The District issued NOV No. P78979 to CCL for
17 violation of H&S Code § 41700 and District Rule 402.

18 37. Since on or about May 17, 2023, the District has received more than 30,000 additional
19 complaints from members of the public regarding odors from CCL. During that same time, the
20 District issued more than 400 additional NOVs to CCL for violation of H&S Code § 41700 and
21 District Rule 402, each on the basis of receipt of multiple complaints from the public of odors, and
22 on verification of odors where members of the public complained. District inspectors have further
23 routinely received reports of adverse health impacts suffered by members of the public as a result of
24 the odors, including, but not limited to eye irritation, throat irritation and coughing, headaches,
25 nausea, and dizziness. District Air Quality Inspectors have themselves reported adverse health
26 impacts immediately following exposure to the odors from the Landfill under investigation. District
27 Inspectors have consistently traced odors back to CCL and confirmed that the root cause of the odors
28 is a subsurface reaction at the Landfill. By about mid-2023, the subsurface reaction also consistently

1 exhibited symptoms that caused and contributed to odors emanating to the nearby residential
2 communities, including direct generation of odors, generation of excess gas that is insufficiently
3 collected before escape to the atmosphere, and production of excess liquid leachate which is
4 insufficiently contained within the waste mass of the Landfill or collected and kept from exposure
5 to the atmosphere.

6 38. As of the time of filing, CCL has failed to remedy the subsurface reaction and has
7 failed to abate the ongoing public nuisance. CCL remains in continuing violation of H&S Code §
8 41700 and District Rule 402 for creating a persistent and ongoing odor public nuisance.

9 39. In August 2023, the District petitioned the Hearing Board for an Order of Abatement
10 directed to CCL to abate the persistent and ongoing public odor nuisance. At the same time, the
11 District filed a motion to revoke CCL's variance allowing excess sulfur in combustible landfill gas
12 because the H&S Code prohibits a variance that results in a public nuisance. (H&S Code § 42353.)
13 On September 6, 2023, CCL voluntarily withdrew its variance petition. Also on September 6, 2023,
14 the Hearing Board issued a Stipulated Order of Abatement ("Order") directed to CCL. The Order of
15 Abatement required CCL to comply with 40 separate conditions and specifically found that the
16 conditions were likely to mitigate conditions leading to odors and public nuisance.

17 40. Alongside the District, numerous other regulatory agencies, including the federal US
18 Environmental Protection Agency ("US EPA") and the California Environmental Protection Agency
19 ("CalEPA") have similarly taken enforcement action to seek to abate the ongoing issues at CCL. On
20 February 21, 2024, US EPA issued a Unilateral Administrative Order ("UAO") to CCL, finding that
21 CCL has and is contributing to an imminent and substantial endangerment to health or the
22 environment and ordering corrective actions. Attached as **Exhibit 10** is a true and correct copy of
23 US EPA's UAO. On April 1, 2025, CalEPA, acting through its Department of Toxic Substances
24 Control ("DTSC"), issued an Imminent and Substantial Endangerment Determination and Order
25 ("ISE Order"), also directing CCL to undertake a series of corrective actions to address the ongoing
26 subsurface reaction, and its symptoms. Attached as **Exhibit 11** is a true and correct copy of DTSC's
27 ISE Order.

28 41. The Hearing Board has retained jurisdiction over this matter and has heard multiple

1 status updates and modified the Order nine times since September 2023, with the most recent
2 modification being ordered December 9, 2025.² The current Order directs CCL to comply with H&S
3 Code Section 41700, District Rules 402, 203, 431.1, 1150, and 3002, and all conditions of CCL's
4 District-issued permits, as well as ordering CCL to comply with more than 100 additional conditions
5 to abate the ongoing violations.

6 42. The Hearing Board holds modification hearings pursuant to notice and on the record.
7 The Hearing Board hears evidence, including sworn testimony, regarding the status of the Order,
8 CCL's compliance, and related issues at each hearing. The Hearing Board deliberates in public over
9 any proposed Order, and the Order from the Hearing Board is adopted only on the concurring vote
10 of a majority of the Hearing Board. Because each version of the Order has been stipulated to by
11 CCL, supported by direct sworn testimony of CCL's own witnesses, was adopted only following a
12 hearing by the Hearing Board, and adopted at the specific request of CCL, CCL had specific notice
13 of each of the Order's conditions and requirements. CCL was at all times on notice that an Order
14 from the Hearing Board creates a legally enforceable duty on CCL to comply with the terms of the
15 Order. (See H&S Code § 42452.)

16 43. During the period when the Order has been in effect, the District has issued CCL
17 approximately 14 NOVs with more than 30 total counts for violating various conditions of the Order.

18 44. Condition 1 of the Order requires CCL, through a trained and contracted third party,
19 to conduct odor surveillance within the most impacted communities twice each operating day, once
20 in the morning hours and once in the afternoon hours. Condition 2 requires CCL to maintain records
21 of all such surveillance, including the date, time, location, and strength and description of any odors
22 detected, and to make available to the District all such records upon request. Beginning on or about
23

24 ² The initial Order was effective September 6, 2023, and superseded by the first modified Order on
25 January 17, 2024. The first modified Order was superseded by the second modified Order on March
26 21, 2024. The second modified Order was superseded by the third modified Order on April 24, 2024.
27 The third modified Order was superseded by the fourth modified Order on August 27, 2024. The
28 fourth modified Order was superseded by the fifth modified Order on November 13, 2024. The fifth
modified Order was superseded by the sixth modified Order on April 16, 2025. The sixth modified
Order was superseded by the seventh modified Order on June 24, 2025. The seventh modified Order
was superseded by the eighth modified Order issued on December 9, 2025.

1 September 25, 2023, CCL failed to conduct twice daily odor surveillance pursuant to Condition 1 of
2 the Order. Between on or about September 25, 2023 and July 31, 2024, CCL failed to conduct odor
3 surveillance pursuant to Condition 1 of the Order multiple times. CCL was issued NOV No. P80874
4 for these violations.

5 45. Condition 3(a) of the Order requires CCL to monitor and record the landfill gas
6 temperature daily and prohibits the temperature exceeding 145°F. Since approximately 2023, and
7 continuing to date, CCL has regularly and routinely operated landfill gas wells with temperatures
8 exceeding 145°F. On multiple occasions between in or about January 2024 and September 2024,
9 CCL failed to conduct daily monitoring of the temperature. Condition 5 of the Order requires CCL
10 to conduct daily laboratory testing of the landfill gas using District Method 307-91. CCL failed to
11 conduct daily sulfur testing of its landfill gas on or about July 9, 2024. Condition 8 of the Order
12 requires CCL to submit monthly reports to the District which contain all applicable data, including,
13 but not limited to, the recorded landfill gas temperature and results of District Method 307-91. In or
14 about July 2024, CCL failed to provide all daily temperature and laboratory results for its landfill
15 gas. CCL was issued NOV No. P80882 for these violations.

16 46. CCL again failed to monitor and record daily landfill gas temperature, in violation of
17 Condition 3(a) of the Order, and again failed to report the daily landfill gas temperatures in its
18 monthly report, in violation of Condition 8 of the Order, in October 2024. CCL was issued NOV
19 No. P80884 for these violations.

20 47. Condition 38 of the Order requires CCL to analyze leachate samples monthly
21 according to US EPA Method 624.1 and post results of the laboratory analysis publicly on its website
22 within one week of receipt. CCL failed to conduct this analysis in February 2024, and failed to post
23 results publicly on its website. Condition 39 of the Order requires CCL to update the CCL's public
24 website to include Spanish-language translation of reports, permits, and other documents required
25 to be posted on a monthly basis. CCL failed to update its website with the Spanish-language
26 translations for November 2023, December 2023, and January 2024. Condition 42(a) of the Order
27 requires CCL to notify the District at minimum two days prior to conducting an excavation of the
28 waste mass at the landfill. On January 29, 2024, CCL conducted excavation of the waste mass of the

1 landfill without prior notification to the District. CCL was issued NOV No. P80868 for these
2 violations.

3 48. Condition 68 of the Order required CCL to install appropriately ranged differential
4 pressure gauges on each leachate storage tank on or before June 15, 2024; to record the reading of
5 each pressure gauge, using significant digits to the hundredths place; and to maintain the storage
6 tanks under negative pressure. Condition 8 requires CCL to submit monthly reports to the District
7 which contain all applicable data, including, but not limited to, the recorded pressure gauge readings
8 on or before the 20th day of the subsequent month. CCL failed to install the required pressure gauges
9 by June 15, 2024. CCL failed to report the recordings of all required pressure gauges in each monthly
10 report from July 2024 through October 2024. CCL failed to record pressure readings using
11 significant digits to the hundredths place in August 2024. CCL failed to maintain its leachate tanks
12 under negative pressure in each month from August 2024 to October 2024. CCL was issued NOV
13 Nos. P80879 and P80884 for these violations.

14 49. CCL again failed to record all pressure gauge readings, and record pressure gauge
15 readings using significant digits to the hundredths place in December 2024, January 2025, and
16 February 2025, in violation of Condition 68 of the Order. In those same months, CCL also failed to
17 maintain its leachate tanks under negative pressure, in violation of Condition 68 of the Order. CCL
18 was issued NOV No. P80892.

19 50. CCL again failed to record all pressure gauge readings, and record pressure gauge
20 readings using significant digits to the hundredths place in March 2025 and April 2025, in violation
21 of Condition 68 of the Order. In those same months, CCL also failed to maintain its leachate tanks
22 under negative pressure, in violation of Condition 68 of the Order. CCL was issued NOV No. P80895
23 for these violations.

24 51. CCL again failed to monitor and record daily landfill gas temperature in March 2025
25 and April 2025, in violation of Condition 3(a) of the Order, and failed to report the daily landfill gas
26 temperatures for March 2025 and April 2025, in violation of Condition 8 of the Order. CCL was
27 issued NOV No. P80895 for these violations.

28 52. Condition 78 of the Order required CCL to complete installation of a 60 mm

polyethylene sheeting (or equivalent flexible membrane) as a liner beneath each leachate storage tank within 120 days of when the condition was ordered on August 27, 2024 (December 25, 2024). CCL failed to complete installation of the liner by the date required. CCL was issued NOV No. P80884 for this violation.

53. Condition 86(c) of the Order requires that CCL operate equipment so that raw (untreated) landfill gas and/or odorous vapors are not released into the atmosphere. Condition 86(d) of the Order requires that CCL fully enclose the liquid treatment system and any associated equipment including leachate tanks, sludge/solids handling equipment and tanks. On or about September 20, 2024, CCL was observed operating its liquid treatment system without having fully enclosed equipment and tanks containing leachate as part of its liquid treatment system. CCL was further observed as allowing raw landfill gas and/or odorous vapors to be released to the atmosphere. CCL was issued NOV No. P80883 for these violations.

54. Condition 86(e) of the Order requires CCL to inspect any liquid treatment system equipment under positive pressure for vapor leaks, at least once every week. Beginning on or about August 28, 2024 and continuing to November 10, 2025, CCL failed to conduct any leak inspections of its liquid treatment system equipment under positive pressure. CCL was issued NOV No. P82506 for these violations.

55. Condition 15 of the Order requires CCL to comply with all conditions of its current landfill gas collection system permit in the installation of any additional gas wells. On or about November 14, 2025, CCL was operating a liquid pump connected to piping of CCL's permitted landfill gas collection system which was under construction. An operator error resulting from failing to manage the pump, allowed approximately 8,000 gallons of leachate to be spilled on the landfill before being shut down, in violation of requirements in CCL's permit (Permit No. G43917, Conditions 2 and 3) to ensure that equipment is maintained in good operating condition at all times and to ensure only personnel trained operate the equipment. CCL was issued NOV No. P82507 for this violation.

56. Condition 24 of the Order requires CCL to operate and maintain the Landfill so as to prevent any standing or ponded leachate exposed to the atmosphere, and if ponded or pooled leachate

occurs to immediately collect and contain such leachate in a sealed tank or truck, safety permitting. Condition 25 of the Order requires CCL, when encountering any pressurized release of liquid from the landfill, to perform actions to mitigate odors and the dispersion and exposure of leachate into the atmosphere, to the maximum extent possible. On or about November 14, 2025, CCL allowed approximately 8,000 gallons of leachate to be pumped under pressure and spill onto the surface of the landfill, flow off the lined area of the Landfill and co-mingle with an onsite water collection pond. CCL further failed to collect and/or contain the leachate from this spill for several weeks, in violation of Conditions 24 and 25 of the Order. CCL was issued NOV No. P82507 for these violations.

57. Condition 34 of the Order requires CCL to install and operate multiple real-time air monitors surrounding the Landfill and in the community nearest to the Landfill which monitor and record concentrations of multiple air contaminants of concern, including benzene, hydrogen sulfide, and methane, among others. Condition 34(c) of the Order requires CCL to create and operate a notification system that provides automatic email notifications for anyone enrolled whenever a real-time air monitoring station records a reading of ambient air that exceeds the health protective acute 1-hour relative exposure limit set by the California Office of Environmental Health Hazard Assessment (“OEHHA”) for any air contaminant measured. For benzene, a toxic air contaminant, the acute relative exposure limit set by OEHHA is 8 parts per billion (“ppb”) averaged over 1 hour. On or about December 22 and December 23, 2025, one of the onsite monitors, MS-04, recorded multiple 1-hour concentrations that exceeded the 8ppb OEHHA limit for benzene, including a reading of 11.14ppb at 9 pm December 22; a reading of 9.67ppb at 10 pm December 22 and a reading of 9.41ppb at 4 am on December 23, 2025. No notifications for these exceedances were sent out to those enrolled to receive email notices of these exceedances. CCL was issued NOV No. P82508 for these violations.

58. Condition 75(f) of the Order required CCL to submit, by March 27, 2026, a final report to the South Coast AQMD detailing results of a feasibility study assessing viability and functionality of gas flow rate and composition to existing real-time remote gas well monitors deployed around the reaction area of the Landfill. CCL failed to submit the required final report by

1 March 27, 2026. CCL was issued NOV No. P82513 for this violation.

2 59. Condition 86(c) of the Order requires CCL to operate its liquid/condensate/leachate
3 equipment in such a manner that it does not result in release of any raw landfill gas or discharge of
4 odorous vapors into the atmosphere. Condition 25 of the Order requires CCL, upon encountering
5 discharges of pressurized leachate, to perform actions to mitigate odors and the dispersion and
6 exposure of leachate into the atmosphere. On or about October 9, 2025, during an onsite inspection
7 of the Landfill, a District Air Quality Inspector observed pooled leachate that had been discharged
8 left in a spill tray exposed to open atmosphere. When asked by the Inspector, CCL's representative
9 stated he was unsure how long the leachate had been left there, and though the Inspector reminded
10 CCL's representative of the Order's requirements, he made no immediate action to mitigate the
11 odors or remove the leachate. The Air Quality Inspector detected strong leachate odors at this
12 location. CCL was issued NOV No. P82517 for these violations.

13 60. During the period the Order has been in effect, the District has also issued
14 approximately 16 NOVs to CCL for violating other District Rules.

15 61. On or about November 15, 2023, CCL began operation of Flare No. 3, which
16 combusts landfill gas generated onsite at the Landfill, pursuant to a District-issued permit to operate
17 (Permit No. A/N 624296). This permit imposed multiple emission limits on the amount of sulfur
18 permitted in the landfill gas combusted by this flare, including a daily limit of 150 parts per million
19 by volume (ppmv) of total sulfur, measured as hydrogen sulfide (H₂S); a limit of 500 parts per ppmv
20 of sulfur oxides (SO_x); 60 ppmv averaged monthly of SO_x; 85 ppmv averaged daily of SO_x; 124.08
21 pounds (lb) per day of SO_x; and 2,715.60 lbs per month of SO_x (Permit No. A/N 624296, Condition
22 31). Flare No. 3 was also subject to all other applicable District Rules, including Rule 431.1 which
23 imposes a similar limit on sulfur in landfill gas to be combusted of 150 ppmv. (Permit No. A/N
24 624296, Condition 23.) Beginning on or about November 15, 2023 and continuing to the present,
25 CCL operated Flare No. 3 each and every calendar day in excess of each of the imposed limits on
26 sulfur in landfill gas combusted by this flare in violation of its District-issued permit (Permit No.
27 a/N 624296, Conditions 23 and 31) and in violation of District Rules 431.1 and 3002.

28 62. Since 2023, and continuing to the present, CCL has modified multiple aspects of its

1 District-permitted landfill gas and leachate collection systems without first obtaining permit
2 modifications from the District, in violation of District Rule 3002. CCL has regularly and
3 continuously operated both its landfill gas and leachate collection systems contrary to the
4 requirements of its District-issued permits (Permit Nos. G43917 and G66132 respectively), in
5 violation of District Rule 3002. CCL has also installed additional leachate collection
6 systems/modified its existing leachate collection system without first obtaining a District-issued
7 permit, in violation of District Rule 3002. The District issued NOV No. P81010 for these violations.

8 63. On or about July 11, 2023, CCL began operation of a thermal oxidizer flare (Envent
9 TOx) to combust landfill gas being generated onsite at the Landfill. CCL's operation of the Envent
10 TOx was subject to District Rule 431.1, including a sulfur emission limit of 150 ppmv of total sulfur
11 as H₂S. Beginning on or about July 11, 2023 and continuing to or about January 31, 2024, CCL
12 operated the Envent TOx each and every day in violation of District Rule 431.1.

13 64. On or about November 3, 2023, CCL began operation of an additional thermal
14 oxidizer flare (Zeeco TOx) to combust landfill gas being generated onsite at the Landfill. CCL's
15 operation of the Zeeco TOx was subject to District Rule 431.1, including a sulfur emission limit of
16 150 ppmv of total sulfur as H₂S. Beginning on or about November 3, 2023 and continuing to the
17 present, CCL operated the Zeeco TOx each and every day in violation of District Rule 431.1.

18 65. On or about March 23, 2025, CCL began operation of an additional thermal oxidizer
19 flare (Parnell TOx) to combust landfill gas being generated onsite at the Landfill. CCL's operation
20 of the Parnell TOx was subject to District Rule 431.1, including a sulfur emission limit of 150 ppmv
21 of total sulfur as H₂S. Beginning on or about March 23, 2025 and continuing to the present, CCL
22 operated the Parnell TOx each and every day in violation of District Rule 431.1.

23 66. On or about September 26, 2025, CCL began operation of an additional thermal
24 oxidizer flare (Hero TOx) to combust landfill gas being generated onsite at the Landfill. CCL's
25 operation of the Hero TOx was subject to District Rule 431.1, including a sulfur emission limit of
26 150 ppmv of total sulfur as H₂S. Beginning on or about September 26, 2025 and continuing to the
27 present, CCL operated the Hero TOx each and every day in violation of District Rule 431.1.

28 67. On or about October 6, 2023, District inspectors arrived at CCL and observed

1 uncontrolled quantities of pooled leachate in storm channels and upon the landfill grounds. The
2 pooling leachate was the result of an improperly managed and operationally impaired Landfill Gas
3 Condensate and Leachate Collection/Storage System, which CCL operates pursuant to Permit to
4 Operate No. G66132. Permit Condition No. 2 requires that the relevant equipment be kept in good
5 operating condition at all times, and Condition No. 6 requires that all connectors, valves and opening
6 shall be properly sealed or closed to prevent vapors from entering the atmosphere. By allowing the
7 pooling of leachate upon the landfill and within nearby storm channels, CCL violated these
8 conditions of its permit in contravention of District Rule 3002. Moreover, by not timely reporting a
9 breakdown of the equipment, CCL also violated Permit Condition No. 7 as well as District Rule
10 430(b)(1). CCL was issued NOV No. P75294 for these violations.

11 68. On or about October 10, 2023 CCL conducted excavation of the landfill waste mass
12 without first seeking or obtaining an approved landfill excavation plan approved by the District, as
13 required by District Rule 1150, and CCL's Title V Permit (Section J, Condition 4). The failure to
14 obtain a required plan constitutes a violation of District Rules 1150 and 221, and failure to comply
15 with CCL's permit condition constitutes a violation of District Rule 3002. CCL continued to conduct
16 excavation of the landfill without an approved plan for several months. CCL was issued NOV No.
17 P75296 for these violations.

18 69. Also on or about October 10, 2023, CCL was observed failing to maintain
19 construction spoils in moist conditions during active use for truck equipment trafficking, in violation
20 of CCL's permit (Permit No. G43917, Condition 12); failing to ensure no construction spoils were
21 left on the landfill surface in violation of CCL's permit (Permit No. G43917, Condition 14); failing
22 to ensure that no material extends above the sides or rear of vehicles used to haul material in violation
23 of CCL's permit (Permit No. G43917, Condition 15); and failing to completely cover exposed
24 landfill trash after excavation activities when work was not actively in progress in violation of CCL's
25 permit (Permit No. G43917, Condition 17). CCL was issued NOV No. P75296 for these violations.

26 70. On or about October 9, 2025, CCL was again observed failing to ensure no
27 construction spoils were left on the landfill surface in violation of CCL's permit (Permit No. G43917,
28 Condition 14). CCL was issued NOV No. P82517 for this violation.

1 71. On or about May 7, 2022, CCL was required to perform annual source testing for its
2 Flare No. 1 and Flare No. 2 pursuant to CCL's District-issued Permit (Permit No. G73696, Condition
3 12). CCL's permit (Permit No. G73696, Condition 12) further requires that CCL provide the District
4 written notification of the scheduled test date at least seven (7) days prior to the testing date, and
5 requires the source testing to be performed in accordance with a District-approved source test
6 protocol. CCL failed to notify the District at least seven days prior to the testing date for Flare No.
7 2, in violation of CCL's District-issued permit and District Rule 3002. CCL failed to submit a source
8 test protocol at least 60 days prior to the testing date. CCL was issued NOV No. P78293 for these
9 violations.

10 72. On or about December 12, 2023, CCL was observed operating Flare No. 3 while it
11 was in disrepair, including having leaks from the equipment exposed to the open atmosphere, in
12 violation of CCL's District-issued permit for Flare No. 3 (Permit No. A/N 624296, Condition 2) and
13 in violation of District Rule 3002. CCL was issued NOV No. P79198 for these violations.

14 73. Beginning on or about January 18, 2024, CCL began modifying its District-permitted
15 leachate collection system to collect leachate into various unpermitted sumps, pipes, and tanks, in
16 violation of its District-issued permit (Permit No. G66132, Condition 1), and in violation of District
17 Rule 3002. Also beginning on or about January 18, 2024, CCL modified its District-permitted
18 landfill gas collection and combustion system (Flares 1, 2, and 3) to collect and combust in each of
19 the flares vapor/gases from the leachate collection, in violation of each of its District-issued permits
20 (Permit Nos. G43917, Condition 1 [gas collection], G73696, Condition 1 [flares 1 and 2], and A/N
21 624296, Condition 1 [flare 3]), and in violation of District Rule 3002. CCL was issued NOV No.
22 P81010 for these violations.

23 74. On or about February 27, 2025, CCL further modified and expanded its landfill gas
24 collection system by installing and later operating a thermal oxidizer flare (Parnell TOx). CCL failed
25 to obtain a permit to construct prior to installing this equipment, in violation of District Rule 3002.
26 CCL was issued NOV No. P81017 for this violation. CCL began operating the new thermal oxidizer
27 flare on or about March 21, 2025 and has continued its operation daily since. CCL failed to obtain a
28 permit to operate this equipment, in violation of District Rule 3002. CCL was issued NOV No.

1 P80894 for these violations.

2 75. On or about September 1, 2025, CCL further modified and expanded its landfill gas
3 collection system by installing and later operating a thermal oxidizer flare (Hero TOx). CCL failed
4 to obtain a permit to construct prior to installing this equipment, in violation of District Rule 3002.
5 CCL was issued NOV No. P82517 for this violation. CCL began operating the new thermal oxidizer
6 flare on or about September 26, 2025 and has continued its operation daily since. CCL failed to
7 obtain a permit to operate this equipment, in violation of District Rule 3002.

8 76. On or about January 15, 2024, CCL experienced a breakdown of a portion of its
9 District-permitted equipment when a carbon vessel used to treat landfill gas prior to flaring
10 overheated, causing steam and black carbon media to burst out of the carbon vessel. Los Angeles
11 County Fire/Hazmat responded to an emergency notification and assisted in reducing the
12 temperature of the carbon vessels. The carbon vessel was tagged out of service during the
13 breakdown. CCL failed to report this incident to the District as required by District Rule 430 and
14 CCL's District-issued permit (Title V Permit (Facility ID 119219), Section K, Condition 22(A)).
15 CCL further failed to maintain the equipment, including the carbon vessel, in good operating
16 condition at all times as required by CCL's District-issued permit (Permit No. G55163, Section D,
17 Condition 2). The failure to comply with CCL's permit conditions also resulted in violation of
18 District Rule 3002. CCL was issued NOV No. P79550 for these violations.

19 77. On or about February 12, 2024 CCL was observed operating its facility in a manner
20 that allowed track-out of fugitive dust to extend more than 25 feet from the active operation and onto
21 the public roadway, in violation of District Rule 403(d)(4). On the same day, CCL was observed
22 allowing fugitive dust from its operation to remain visible in the atmosphere beyond its own property
23 line, in violation of District Rule 403(d)(1)(A). CCL was issued NOV No. P79538 for these
24 violations.

25 78. On or about August 21, 2024, CCL was again observed operating its facility in a
26 manner that allowed track-out of fugitive dust to extend more than 25 feet from the active operation
27 and extended onto the public roadway. CCL was issued NOV No. P80876 for this violation.

28 79. On or about August 22, 2024, CCL was again observed operating its facility in a

1 manner that allowed track-out of fugitive dust to extend more than 25 feet from the active operation
2 and extended onto the public roadway. CCL was issued NOV No. P80877 for this violation.

3 80. On or about May 5, 2025, CCL experienced a breakdown of a portion of its District-
4 permitted equipment when a carbon vessel used to treat landfill gas prior to flaring overheated,
5 causing visible flame to be seen from the carbon vessel. CCL failed to properly maintain its landfill
6 gas treatment system equipment, as required by its District-issued permit (Permit No. G55163,
7 Condition 2), in violation of District Rule 3002. CCL further violated the notification requirements
8 of District Rule 430 to report this breakdown, in violation of District Rule 430 and its District-issued
9 Title V Permit (Facility ID 119219, Section K, Condition 22(A)). CCL was issued NOV No. P81009
10 for these violations.

11 81. On or about August 5, 2025, CCL experienced a breakdown of its carbon media
12 vessel, ST-3 when the outlet piping and flange was damaged. CCL failed to properly maintain its
13 landfill gas treatment system equipment, as required by its District-issued permit (Permit No.
14 G55163, Condition 2), in violation of District Rule 3002. CCL further violated the notification
15 requirements of District Rule 430 to report this breakdown, in violation of District Rule 430 and its
16 District-issued Title V Permit (Facility ID 119219, Section K, Condition 22(A)). On or about
17 October 9, 2025, during a site inspection of the Landfill, a District Air Quality Inspector observed
18 spent carbon media on the ground surrounding open and damaging piping around vessel ST-3. The
19 carbon media was not stored in closed containers prior to disposal, in violation of CCL's District-
20 issued permit (Permit No. G55163, Condition 8). CCL was issued NOV No. P82517 for these
21 violations.

22 82. On or about August 15, 2025, CCL was observed drilling in and around landfill gas
23 well CV-2548 and was further observed allowing construction spoils from this activity to be piled
24 nearby without any controls to prevent the spoils from becoming airborne with wind, such as
25 moistening construction spoils to prevent dust becoming airborne. Condition 15 of the Order requires
26 CCL to comply with all requirements of its current active landfill gas collection system permit. CCL
27 failed to maintain construction spoils in a moist condition, as required by its District-issued Permit
28 (Permit No. G43917, Condition 12), in violation of District Rule 3002 and Condition 15 of the Order.

1 CCL was issued NOV No. P80524 for these violations.

2 83. On or about October 17, 2025, CCL was observed carrying out the demolition of an
3 onsite building and depositing the demolition debris into the onsite Landfill. CCL failed to take any
4 precautions against the discharge of highly toxic asbestos from the demolition of the structure and/or
5 deposition of the resulting waste into the Landfill. CCL failed to conduct an asbestos survey prior to
6 commencing demolition activities, in violation of District Rule 1403(d)(1)(A) and federal regulation
7 40 CFR § 61.145(a). CCL further failed to notify the District prior to commencing demolition
8 activities, in District Rule 1403(d)(1)(B) and federal regulation 40 CFR § 61.145(b). District
9 Compliance Inspectors had CCL cease work and stabilize all debris and conduct asbestos testing
10 prior to continuing any demolition work. Subsequent testing determined that the debris material was
11 positive for asbestos. In carrying out the demolition work, CCL further failed to remove all asbestos
12 containing materials (ACM) and regulated asbestos containing materials (RACM) prior to
13 commencing demolition activities, in violation of District Rule 1403(d)(1)(C) and federal regulation
14 40 CFR § 61.145(c). In carrying out the demolition, CCL additionally failed to follow required ACM
15 and RACM removal procedures, in violation of District Rule 1403(d)(1)(D) and federal regulation
16 40 CFR § 61.145(d). In carrying out the demolition, CCL created asbestos containing waste
17 materials (ACWM), but failed to follow handling operations for ACWM, and failed to store the
18 ACWM in a leak-tight container or enclosed storage in violation of District Rules 1403(d)(1)(E) and
19 1403(d)(1)(I) and federal regulations 40 CFR §§ 61.146(c) and 61.150(a). CCL further failed to
20 prepare ACWM shipment records, failed to maintain required documentation on site for asbestos
21 demolition, and failed to provide Asbestos Hazard Emergency Response Act (AHERA) and National
22 Emission Standard for Hazardous Air Pollutants (NESHAP) training to onsite personnel supervising
23 and conducting demolition and handling of ACM and ACWM in violation of District Rules
24 1403(d)(1)(H), 1403(d)(1)(M), and 1403(i) and federal regulation 40 CFR § 61.150(d). In
25 conducting the demolition, CCL violated the applicable regulatory requirements as required by
26 CCL's Title V Permit (Facility ID No. 119219, Section K, Condition 8), in violation of District Rule
27 3002. CCL was issued NOV No. P80525 for these violations.

28 84. On or about November 14, 2025, CCL was operating a liquid pump connected to

1 piping of CCL's permitted landfill gas collection system (Permit No. G43917) which was under
2 construction. An operator error resulting from failing to manage the pump, allowed approximately
3 8,000 gallons of leachate to be spilled on the landfill before being shut down, in violation of
4 Conditions 2 to ensure that equipment is maintained in good operating condition at all times and
5 Condition 3 to ensure only personnel trained operate the equipment. CCL was issued NOV No.
6 P80527 for these violations.

7 **FIRST CAUSE OF ACTION**

8 **AGAINST ALL DEFENDANTS FOR VIOLATION OF H&S CODE § 42402.3(a) –**
9 **WILLFUL AND INTENTIONAL EMISSION OF AN AIR CONTAMINANT (H&S Code §**
10 **41700 AND DISTRICT RULE 402)**

11 **(Public Nuisance)**

12 85. Plaintiff realleges and incorporates all preceding paragraphs.

13 86. H&S Code § 42402.3(a) prohibits any person from willfully and intentionally
14 emitting air contaminants in violation of H&S Code § 41700 or any rule, regulation, permit, or order
15 of an air district, including District Rule 402.

16 87. H&S Code § 41700 and District Rule 402 prohibit discharge of any quantity of air
17 contaminant which causes injury, detriment, nuisance, or annoyance to any considerable number of
18 persons or the public.

19 88. At all relevant times herein mentioned, the District has maintained a reporting tool
20 where members of the public may report an air quality concern to the District, including concerns of
21 odors. The District maintains this reporting tool through operation of a toll-free phone number (1-
22 800-CUT-SMOG), an online fillable form on its website, and a fillable form accessed via the
23 District's mobile application which is available for download by the public onto any smartphone.
24 The District investigates air quality concerns received through this reporting tool, including
25 complaints of odors.

26 89. Since 2023 and to the present, the District has received more than 30,000 complaints
27 from members of the public regarding odors from CCL. The District has investigated the odor
28 complaints, and verified their existence and traced the source of the odors hundreds of times back to

1 CCL. The District has issued more than 400 NOV's to CCL for violation of H&S Code § 41700 and
2 District Rule 402. The District has additionally received numerous reports of adverse health impacts
3 suffered by members of the public as a result of the odors, including, but not limited to headaches,
4 eye and throat irritation, coughing, and nausea.

5 90. Plaintiff is informed and believes and thereon alleges that beginning on or about May
6 17, 2023, and continuing to a currently unknown date, Defendants and DOES 1-10 have discharged
7 such quantities of air contaminants, including but not limited to odors from the CCL Landfill, which
8 has and is causing, among other things, detriment, nuisance, injury, or annoyance to any considerable
9 number of persons or which endanger the comfort, repose, health or safety of any such persons or
10 the public, or which cause, or have a natural tendency to cause, injury or damage to business or
11 property so as to be in violation of H&S Code § 41700 and District Rule 402.

12 91. Plaintiff is informed and believes, and based thereon alleges, that Defendants and
13 DOES, and each of them, willfully and intentionally emitted air contaminant(s) in violation of H&S
14 Code § 41700 and District Rule 402, as stated above resulting in the emission of air contaminants.

15 92. For one or more days of violation, Defendants, and each of them, may alternatively
16 be subject to civil penalties for this cause of action under the lesser included bases of negligent
17 emissions, failure to take corrective actions, or strict liability as provided by H&S Code §§ 42402.1,
18 42402.2 and 42402.

19 93. Each day during any portion of which Defendants, and each of them, violated H&S
20 Code § 41700, District Rule 402 and H&S Code §§ 42402.3(a), 42402.1, 42402.2 and/or 42402 is a
21 separate violation.

22 94. Defendants' emissions are from a Title V source and are emissions as defined in H&S
23 Code § 39013 and identified by the State pursuant to H&S Code § 39657 and/or are listed in the
24 Table of Standards pursuant to 17 CCR § 93001. Each day of violation since January 1, 2025 is
25 subject to penalties multiplied by a factor of up to three pursuant to H&S Code § 42402.6.

26 **SECOND CAUSE OF ACTION**

27 **AGAINST ALL DEFENDANTS FOR VIOLATION OF H&S CODE § 42401 –**
28 **NEGLIGENT VIOLATION OF AN ORDER OF A DISTRICT HEARING BOARD**

(Order of Abatement Violations)

95. Plaintiff realleges and incorporates all preceding paragraphs.

96. H&S Code § 42401 prohibits any person from negligently or intentionally violating any order of abatement issued by a hearing board, including the Order of Abatement issued by the Hearing Board of the South Coast Air Quality Management District in Hearing Board Case No. 6177-4.

97. The Hearing Board of the South Coast Air Quality Management District issued in Hearing Board Case No. 6177-4 an Order of Abatement against Defendant on September 6, 2023, as modified by Orders issued on January 17, 2024; April 24, 2024; August 27, 2024; November 13, 2024; April 16, 2025; June 25, 2025; and December 9, 2025. Throughout the duration of the Order of Abatement, Defendants have violated multiple Conditions of the Order, including the following:

- a. Defendants violated Condition 1 of the Order by failing to conduct required odor surveillance within the affected community twice per operating day;
- b. Defendants violated Condition 3 of the Order by failing to monitor and record the landfill gas temperature daily;
- c. Defendants violated Condition 3 of the Order by operating landfill gas wells in excess of 145°F;
- d. Defendants violated Condition 5 of the Order by failing to conduct daily laboratory analysis of its landfill gas according to District Method 307-91 on July 9, 2024;
- e. Defendants violated Condition 8 of the Order by failing to provide as part of its monthly report to the District all daily recorded landfill gas well temperatures; by failing to provide all landfill gas analysis results; and by failing to report the reading of each pressure gauge from July 2024 to October 2024;
- f. Defendants violated Condition 15 by failing to comply with the requirements of its current active landfill gas collection system on September 29, 2025;
- g. Defendants violated Condition 25 of the Order by failing to perform actions to mitigate odors and the dispersion and exposure of discharged leachate into the atmosphere on October 9, 2025;

- 1 h. Defendants violated Condition 38 of the Order by failing to perform monthly
2 analysis of the landfill leachate according to US EPA Method 624.1 in February
3 2024 and post results of the analysis publicly on its website within one week of
4 receipt;
- 5 i. Defendants violated Condition 39 of the Order by failing to include on its website
6 Spanish-language translations of all applicable reports in November 2023,
7 December 2023, and January 2024;
- 8 j. Defendants violated Condition 42 of the Order by conducting an excavation of the
9 waste mass of the landfill on January 29, 2024 without first notifying the District at
10 least two days in advance;
- 11 k. Defendants violated Condition 68 of the Order by failing to install appropriately
12 ranged differential pressure gauges on each leachate tank by June 15, 2024; by
13 failing to record pressure readings using significant digits to the hundredth place in
14 August 2024, March 2025 and April 2025; and by failing to maintain all leachate
15 tanks under negative pressure in each month from August 2024 to October 2024,
16 and in March 2025 and April 2025;
- 17 l. Defendants violated Condition 78 of the Order by failing to complete installation of
18 a 60-millimeter-thick polyethylene sheeting as a liner beneath each leachate tank by
19 December 25, 2024;
- 20 m. Defendants violated Condition 86 of the Order by failing to conduct weekly vapor
21 leak inspections of any liquid treatment system equipment under positive pressure
22 for each week between August 28, 2024 and November 10, 2025; by failing to
23 enclose equipment including leachate treatment system and associated equipment
24 including, sludge/solids handling equipment and tanks, by failing to operate
25 without allowing raw landfill gas and/or odorous vapors be released to the
26 atmosphere on September 20, 2024; and by failing to prevent discharged leachate
27 from exposure to the atmosphere and/or taking any action to mitigate vapors/odors
28 from entering the atmosphere on October 9, 2025;

- 1 n. Defendants violated Condition 24 and Condition 25 of the Order by allowing
2 approximately 8,000 gallons of leachate to spill and pond on the landfill surface
3 without taking action to collect and/or contain the spill for several weeks, beginning
4 on or about November 14, 2025;
- 5 o. Defendants violated Condition 34(c) of the Order by failing to send email
6 notifications when an onsite monitor recorded benzene levels that exceeded that
7 acute 1-hour relative exposure limit on or about December 22 and December 23,
8 2025; and
- 9 p. Defendants violated Condition 75(f) of the Order by failing to submit by March 27,
10 2026 the required final report assessing the feasibility of expanding the remote gas
11 well monitoring capabilities to include gas flow rate and composition.

12 98. For one or more days of violation, Defendants, and each of them, may alternatively
13 be subject to civil penalties for this cause of action under the lesser included bases of strict liability
14 as provided by H&S Code § 42402.

15 99. Each day during any portion of which Defendants, and each of them, violated the
16 Order of Abatement issued by the Hearing Board of the South Coast Air Quality Management
17 District and H&S Code §§ 42401 and/or 42402 is a separate violation.

18 **THIRD CAUSE OF ACTION**

19 **AGAINST ALL DEFENDANTS FOR VIOLATION OF H&S CODE § 42402 – STRICT**

20 **LIABILITY**

21 **(District Rule Violations, Rules 221, 430, 1403, 3002, Violations That Do Not Entail Emission**

22 **of Air Contaminants)**

23 100. Plaintiff realleges and incorporates all preceding paragraphs.

24 101. H&S Code § 42402 prohibits any person from violating any rule, regulation, permit
25 or order of an air district, including District Rules 221, 430, 1403, and 3002.

26 102. At all relevant times, the District had in full force and effect each of the following
27 District Rules: 221, 430, 1403, and 3002. Each District Rule imposes requirements upon Defendants
28

1 in the operation of the Landfill, activities onsite at the Landfill, and installation and operation of
2 equipment at the Landfill. Defendants have violated District Rules 221, 430, and 1403 as follows:

- 3 a. Defendants violated District Rule 221(a) in failing to submit a landfill
4 excavation plan prior to conducting landfill waste excavation from October
5 10, 2023 to January 30, 2024;
- 6 b. Defendants violated District Rule 430(b)(1) Defendants' District-issued Title
7 V permit (Facility ID 119219, Section K, Condition 22(A)) by failing to report
8 to the District within one hour a breakdown which results in a violation of any
9 rule or permit condition on October 6, 2023, when Defendants allowed
10 pooling of leachate from its leachate collection system exposed to the
11 atmosphere, resulting in violation of its Permit No. G66132, Condition 2;
12 Defendants violated District Rule 430(b)(1) and Defendants' District-issued
13 Title V permit (Facility ID 119219, Section K, Condition 22(A)) in failing to
14 report a breakdown of carbon media vessel ST-3 on or about August 5, 2025;
- 15 c. Defendants violated District Rule 430(b)(1) by failing to report to the District
16 within one hour a breakdown which results in a violation of any rule or permit
17 condition on January 15, 2024 when carbon vessel #2 overheated, allowing
18 steam, black carbon media, and other emissions to burst out of the equipment,
19 and resulting in violation of Permit No. G55163, Section D, Condition 2;
- 20 d. Defendants violated District Rule 1403(d)(1)(A), and federal regulation 40
21 CFR § 61.145(a), on October 17, 2025, in failing to conduct a facility survey
22 for the presence of asbestos prior to any demolition or renovation activity;
- 23 e. Defendants violated District Rule 1403(d)(1)(B), federal regulation 40 CFR §
24 61.145(b), by failing to notify the District of the intent to conduct any
25 demolition or renovation activity not later than ten working days before any
26 demolition or renovation, by conducting such demolition on October 17, 2025;
- 27 f. Defendant violated District Rule 1403(d)(1)(H), Rule 1403(d)(1)(M), and
28 Rule 1403(i), and federal regulation 40 CFR § 61.150(d), by failing to prepare

1 ACWM shipment records, failing to maintain required documentation on site
2 for asbestos demolition, and failing to provide Asbestos Hazard Emergency
3 Response Act (AHERA) and National Emission Standard for Hazardous Air
4 Pollutants (NESHAP) training to onsite personnel supervising and conducting
5 demolition and handling of ACM and ACWM.

6 103. District Rule 3002(c)(1) requires Defendants to operate its Title V facility in
7 compliance with all terms, requirements, and conditions specified in Defendants Title V Permit at all
8 times. Defendants have a District-issued Title V Permit (Facility ID 119219) for the operation of the
9 Landfill, and are subject to District Rule 3002. Defendants have violated District Rule 3002(c)(1) as
10 follows:

- 11 a. Permit No. A/N 624296, Condition 23 – Defendants violated all other applicable
12 District Rules, including Rule 431.1 in operating Flare No. 3 on each and every day
13 from November 15, 2023 to a currently unknown date;
- 14 b. Title V Permit (Facility ID 119219), Section J, Condition 4 – Defendants violated
15 the requirement to submit all plans to the District in failing to submit a landfill
16 excavation plan required by District Rule 1150 prior to conducting landfill waste
17 excavation from October 10, 2023 to January 30, 2024;
- 18 c. Title V Permit (Facility ID 119219), Section K, Condition 8 – Defendants violated
19 all regulatory requirements in conducting demolition or renovation activities
20 without complying with District Rule 1403, and federal regulations 40 CFR §§
21 61.145, 61.146, and 61.150 on October 17, 2025;
- 22 d. Title V Permit (Facility ID 119219), Section K, Condition 22(A) – Defendants
23 violated all requirements for prompt reporting of deviations, including District Rule
24 430(b)(1), by failing to report to the District within one hour a breakdown which
25 results in a violation of any rule or permit condition on January 15, 2024 when
26 carbon vessel #2 overheated, allowing steam, black carbon media, and other
27 emissions to burst out of the equipment, and resulting in violation of Permit No.
28 G55163, Section D, Condition 2; Defendants again violated all requirements for

1 prompt reporting of deviations, including District Rule 430(b)(1), by failing to
2 report to the District within one hour a breakdown which results in a violation of
3 any rule or permit condition on May 5, 2025 when Defendants experienced a
4 breakdown of a portion of its District-permitted equipment when a carbon vessel
5 used to treat landfill gas prior to flaring overheated, causing visible flame to be seen
6 from the carbon vessel;

- 7 e. Permit No. G73696, Condition 12 – Defendants failed to perform annual source
8 testing for Flare No. 1 and Flare No. 2 by May 7, 2022; Defendants failed to provide
9 the District written notification of the scheduled source test date at least seven days
10 in advance of the testing date for Flare No. 2 on May 7, 2022; Defendants failed to
11 submit a source testing protocol to the District at least 60 days prior to the testing
12 date.

13 104. Each day during any portion of which Defendants, and each of them, violated the
14 above District Rules and H&S Code § 42402 is a separate violation.

15 **FOURTH CAUSE OF ACTION**

16 **AGAINST ALL DEFENDANTS FOR VIOLATION OF H&S CODE § 42402.3(a) –**
17 **WILLFUL AND INTENTIONAL EMISSION OF AN AIR CONTAMINANT**
18 **(District Rule Violations, Rules 403, 431.1, 1150, 1403, 3002, Violations That Entail Emission**
19 **of Air Contaminants)**

20 105. Plaintiff realleges and incorporates all preceding paragraphs.

21 106. H&S Code § 42402.3(a) prohibits any person from willfully and intentionally
22 emitting air contaminants in violation of any rule, regulation, permit, or order of an air district,
23 including District Rules 403, 431.1, 1150, 1403, and 3002.

24 107. At all relevant times, the District had in full force and effect each of the following
25 District Rules: 403, 431.1, 1150, 1403, and 3002. Each District Rule imposes requirements upon
26 Defendants in the operation of the Landfill, activities occurring onsite at the Landfill, and installation
27 and operation of equipment at the Landfill. Defendants have violated District Rules 403, 431.1, and
28 1403 as follows:

- 1 a. Defendants violated District Rule 403(d)(1)(A) by allowing emissions of fugitive
2 dust from its active operation, open storage pile, or disturbed surface area such that
3 the dust remains visible in the atmosphere beyond the property line of the emission
4 source on February 12, 2024;
- 5 b. Defendants violated District Rule 403(d)(4) by allowing track-out to extend 25 feet
6 or more in cumulative length from the point of origin from an active operation on
7 February 12, 2024; again on August 21, 2024; and again on August 22, 2024;
- 8 c. Defendants violated District Rule 431.1(c)(2) by operating Flare No. 3 in excess of
9 the sulfur emission limit on each and every day from November 15, 2023 to a
10 currently unknown date; by operating the Envent TOx in excess of the sulfur
11 emission limit on each and every day between July 11, 2023 and January 31, 2024;
12 by operating the Zeeco TOx in excess of the sulfur emission limit on each and every
13 day from November 3, 2023 to a currently unknown date; by operating the Parnell
14 TOx in excess of the sulfur emission limit on each and every day from March 23,
15 2025 to a currently unknown date; and by operating the Hero TOx in excess of the
16 sulfur emission limit on each and every day from September 26, 2025 to a currently
17 unknown date;
- 18 d. Defendants violated District Rule 1150 in failing to submit a landfill excavation
19 plan and comply with the condition of an approved plan prior to conducting landfill
20 waste excavation from October 10, 2023 to January 30, 2024;
- 21 e. Defendants violated District Rule 1403(d)(1)(C), and federal regulation 40 CFR §
22 61.145(c), by failing to remove all asbestos containing materials (ACM) and
23 regulated asbestos containing materials (RACM) prior to commencing demolition
24 activities on October 17, 2025;
- 25 f. Defendants violated District Rule 1403(d)(1)(D), and federal regulation 40 CFR §
26 61.145(d), by failing to follow all required ACM and RACM removal procedures,
27 on October 17, 2025;
- 28

- 1 g. Defendants violated District Rule 1403(d)(1)(E), Rule 1403(d)(1)(I), and federal
2 regulations 40 CFR §§ 61.146(c) and 61.150(a), by creating asbestos containing
3 waste materials (ACWM), but failing to follow handling operations for ACWM,
4 and failing to store the ACWM in a leak-tight container or enclosed storage on
5 October 17, 2025;
- 6 h. Defendants violated District Rule 3002(a)(1) by constructing and installing a
7 thermal oxidizer flare without first obtaining a permit to construct on February 27,
8 2025 and by operating the thermal oxidizer flare without first obtaining a permit to
9 operate each and every day from March 21, 2025 to a currently unknown date;
10 Defendants violated District Rule 3002(a)(1) by constructing and installing an
11 additional thermal oxidizer flare first obtaining a permit to construct on or about
12 September 1, 2025, and by operating the thermal oxidizer flare without first
13 obtaining a permit to operate each and every day from September 25, 2025 to a
14 currently unknown date.

15 108. District Rule 3002(c)(1) requires Defendants to operate their Title V facility in
16 compliance with all terms, requirements, and conditions specified in Defendants Title V Permit at all
17 times. Defendants have a District-issued Title V Permit (Facility ID 119219) for the operation of the
18 Landfill, and are subject to District Rule 3002. Defendants have violated District Rule 3002(c)(1) as
19 follows:

- 20 a. Permit No. A/N 624296, Condition 1 – Defendants modified their landfill gas
21 collection system to combust unpermitted emissions, including vapors/gases from
22 the leachate storage system in Flare No. 3 from January 18, 2024 to a currently
23 unknown date;
- 24 b. Permit No. A/N 624296, Condition 31 – Defendants violated each of the sulfur and
25 sulfur oxides (SO_x) emission limits in operating Flare No. 3 each and every day
26 from November 15, 2023 to a currently unknown date;
- 27 c. Permit No. A/N 624296, Condition 2 – Defendants failed to properly maintain and
28 keep Flare No. 3 in good operating order at all times on December 12, 2023 by

operating the flare while it was in disrepair and observed leaks exposing emissions to the atmosphere;

- d. Permit No. G43197, Condition 1 – Defendants modified its landfill gas collection system to collect unpermitted emissions, including vapors/gases from the leachate storage system, for combustion in Flares No. 1, 2 and 3 from January 18, 2024 to a currently unknown date;
- e. Permit No. G43917, Condition 2 and 3 – Defendants failed to ensure the equipment is maintained in good operating condition at all times and failed to operate and maintain equipment by personnel properly trained in its operation by allowing a portion of forcemain pipe under construction to be connected to an active pump without ensuring proper management and/or operation of the pump such that approximately 8,000 gallons of leachate was spilled and exposed to the atmosphere on or about November 14, 2025;
- f. Permit No. G43917, Condition 12 – Defendants failed to maintain construction spoils in moist conditions during active use for truck and construction equipment trafficking to minimize dust emissions with respect to its landfill gas collection system on October 10, 2023; Defendants again failed to maintain construction spoils in moist conditions during active use for truck and construction equipment trafficking to minimize dust emissions with respect to its landfill gas collection system on August 15, 2025;
- g. Permit No. G43917, Condition 14 – Defendants failed to ensure that no construction spoils were left on the landfill surface within one hour of generation on October 10, 2023; Defendants failed to ensure that construction spoils were removed within one hour of generation on October 9, 2025;
- h. Permit No. G43917, Condition 15 – Defendants failed to ensure that when transporting construction spoils, no material shall extend above the sides or rear of the vehicle hauling the material on October 10, 2023;

- 1 i. Permit No. G43197, Condition 17 – Defendants failed to completely cover exposed
2 landfill trash after excavation activities for well holes, trenches or other exposed
3 landfill trash when work was not actively in progress to prevent emission of landfill
4 gas to the atmosphere;
- 5 j. Permit No. G73696, Condition 1 - Defendants modified their landfill gas collection
6 system to combust unpermitted emissions, including vapors/gases from the leachate
7 storage system in Flares No. 1 and 2 from January 18, 2024 to a currently unknown
8 date;
- 9 k. Permit No. G55163, Condition 2 – Defendants failed to maintain its landfill gas
10 treatment system in good operating condition at all times on January 15, 2024 by
11 operating the equipment when the carbon vessel #2 overheated, allowing steam,
12 black carbon media, and other emissions to burst out of the equipment;
- 13 l. Permit No. G55163, Condition 2 – Defendants failed to maintain its landfill gas
14 treatment system in good operating condition at all times on May 5, 2025 by
15 allowing a breakdown of a portion of its District-permitted equipment when a
16 carbon vessel used to treat landfill gas prior to flaring overheated, causing visible
17 flame to be seen from the carbon vessel;
- 18 m. Permit No. G55163, Condition 8 – Defendants failed to store spent absorbent media
19 from the landfill gas treatment system in closed containers prior to disposal on or
20 about October 9, 2025, when Defendants left a pile of spent carbon media from
21 vessel ST-3 piled on the ground, open to atmosphere;
- 22 n. Permit No. G66132, Condition 1 – Defendants modified the leachate collection
23 system to collect and store leachate in unpermitted sumps, pipes, tanks, and other
24 conveyances, including leaving it exposed to the atmosphere to release emissions
25 from January 18, 2024 to a currently unknown date;
- 26 o. Permit No. G66132, Condition 2 and 6 – Defendants failed to maintain its landfill
27 gas condensate and leachate collection/storage system in such manner that ensures
28 no pooling or ponding of leachate occurs outside of the collection system where it

1 is exposed to the atmosphere and failed to ensure all connectors, valves, and
2 openings of its landfill gas condensate and leachate collection/storage system were
3 properly sealed so as to prevent vapors from entering the atmosphere.

4 109. Plaintiff is informed and believes, and based thereon alleges, that Defendants, and
5 each of them, willfully and intentionally emitted air contaminants through their aforesaid violations.

6 110. For one or more days of violation, Defendants, and each of them, may alternatively
7 be subject to civil penalties for this cause of action under the lesser included bases of negligent
8 emissions, failure to take corrective actions, or strict liability as provided by H&S Code §§ 42402.1,
9 42402.2 and 42402.

10 111. Each day during any portion of which Defendants, and each of them, violated District
11 Rules 403, 431.1, 1150, 1403 and 3002 and H&S Code §§ 42402.3(a), 42402.1, 42402.2, and/or
12 42402 is a separate violation.

13 112. Defendants' emissions are from a Title V source and are emissions as defined in H&S
14 Code § 39013 and identified by the State pursuant to H&S Code § 39657 and/or are listed in the
15 Table of Standards pursuant to 17 CCR § 93001. Each day of violation since January 1, 2025 is
16 subject to penalties multiplied by a factor of up to three pursuant to H&S Code § 42402.6.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays for the following relief against Defendants and each of them, as
19 follows:

20 1. On Plaintiff's First and Fourth Causes of Action, for maximum civil penalties as
21 prescribed in California Health and Safety Code § 42402.3 in the amount of Seventy-five Thousand
22 Dollars (\$75,000), or in the alternative for maximum civil penalties as prescribed in the lesser
23 included bases of negligent emissions (Twenty-five Thousand Dollars, \$25,000), failure to take
24 corrective actions (Forty Thousand Dollars, \$40,000), or strict liability (Ten Thousand Dollars,
25 \$10,000) as provided by H&S Code §§ 42402.1, 42402.2 and 42402 respectively, as each of those
26 penalties are increased by application of H&S Code §§ 42411 and 42402.6, per violation for each
27 and every day of violation in an amount according to proof;
28

2. On Plaintiff's Second Cause of Action, for maximum civil penalties as prescribed in California Health and Safety Code § 42401 in the amount of Twenty-Five Thousand Dollars (\$25,000), or in the alternative for maximum civil penalties as prescribed in the lesser included basis of strict liability (Ten Thousand Dollars, \$10,000) as those penalties are increased by application of H&S Code § 42411, per violation for each and every day of violation in an amount according to proof;

3. On Plaintiff's Third Cause of Action, for maximum civil penalties as prescribed in California Health and Safety Code § 42402 in the amount of Ten Thousand Dollars (\$10,000), as each of those penalties are increased by application of H&S Code § 42411, per violation for each and every day of violation in an amount according to proof;

4. For costs of suit incurred herein including, but not limited to, Plaintiff's costs of inspection, investigation, attorneys' fees, enforcement, prosecution, and suit herein; and

5. For such other and further relief as the Court deems just and proper.

Respectfully Submitted,

Dated: May 13, 2026

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL
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