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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

15 CALIFORNIA COMMUNITIES AGAINST  
16 TOXICS, a non-profit corporation,

17 Plaintiff,

18 v.

19 WASTE CONNECTIONS US INC.; WASTE  
20 CONNECTIONS OF CALIFORNIA, INC.;  
21 CHIQUITA CANYON, INC.; WASTE  
22 CONNECTIONS, INC.; and DOES 1-20,  
23 inclusive,

24 Defendants.

Case No. 25CHCV00563

**COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES**

Health & Safety Code § 25249.6, *et seq.*

(Other)

1 Plaintiff California Communities Against Toxics, in the public interest, based on  
2 information and belief and investigation of counsel, except for information based on knowledge,  
3 hereby makes the following allegations:

#### 4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to warn  
6 individuals in California that they are being exposed to benzene. Benzene is known to the State  
7 of California to cause cancer, birth defects, and other reproductive harm. Defendants own and  
8 operate the 639-acre waste management facility, known as the Chiquita Canyon Landfill, which is  
9 located at and around 29201 Henry Mayo Dr., Castaic, California 91384 (the "Landfill"). Air  
10 emissions caused by Defendants' operation of the Landfill have exposed, and continue to expose,  
11 individuals living near the Landfill to benzene.

12 2. Beginning in or around May 2022, a chemical reaction occurred underneath  
13 approximately 35 acres of the Landfill's northwest portion, which caused temperatures in this  
14 area to exceed 200 degrees. For the last 33 months, this chemical reaction has caused waste at the  
15 Landfill to burn, releasing toxic pollutants including benzene into the air beyond the Landfill's  
16 property and into the nearby communities including residences and businesses. Both the  
17 underground chemical reaction and the benzene releases are ongoing.

18 3. Individuals living near the Landfill are exposed to benzene when they breathe the  
19 air contaminated with benzene from the Landfill. Although Defendants know that the chemical  
20 reaction exposes individuals living and working near the Landfill to benzene, Defendants fail to  
21 provide any warnings to such individuals regarding the health hazards associated with benzene.

22 4. Under California's Proposition 65, Health & Safety Code § 25249.5, *et seq.*, it is  
23 unlawful for businesses to knowingly and intentionally expose individuals in California to  
24 chemicals known to the State to cause cancer, birth defects, and other reproductive harm without  
25 providing clear and reasonable warnings to those individuals prior to their exposure. Defendants'  
26 conduct thus violates the exposure provision of Proposition 65, Health & Safety Code § 25249.6.

**PARTIES**

5. Plaintiff CALIFORNIA COMMUNITIES AGAINST TOXICS (“CCAT”) is a non-profit environmental justice organization that works to protect communities from industrial pollutants. CCAT is based in Rosamond, California and incorporated under the laws of the State of California. CCAT is a “person” within the meaning of Health & Safety Code § 25249.11(a) and brings this enforcement action in the public interest pursuant to Health & Safety Code § 25249.7(d).

6. Defendant WASTE CONNECTIONS US, INC. is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. Waste Connections US, Inc. owns and/or operates the Chiquita Canyon Landfill, located at and around 29201 Henry Mayo Dr., Castaic, California 91384 that emits benzene into the air, which pollutes the air of the neighborhoods surrounding the Landfill. Waste Connections US, Inc. exposes individuals in the neighborhoods surrounding the Landfill to benzene without first providing individuals with clear and reasonable warnings.

7. Defendant CHIQUITA CANYON, INC. is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. Chiquita Canyon, Inc. owns and/or operates the Chiquita Canyon Landfill, located at and around 29201 Henry Mayo Dr., Castaic, California 91384 that emits benzene into the air, which pollutes the air of the neighborhoods surrounding the Landfill. Chiquita Canyon exposes individuals in the neighborhoods surrounding the Landfill to benzene without first providing individuals with clear and reasonable warnings.

8. Defendant WASTE CONNECTIONS OF CALIFORNIA INC. is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. Waste Connections of California Inc. owns and/or operates the Chiquita Canyon Landfill, located at and around 29201 Henry Mayo Dr., Castaic, California 91384 that emits benzene into the air, which pollutes the air of the neighborhoods surrounding the Landfill. Waste Connections of California Inc. exposes individuals in the neighborhoods surrounding the Landfill to benzene without first providing individuals with clear and reasonable warnings.

9. Defendant WASTE CONNECTIONS, INC. is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. Waste Connections, Inc. owns and/or operates the Chiquita Canyon Landfill, located at and around 29201 Henry Mayo Dr., Castaic, California 91384 that emits benzene into the air, which pollutes the air of the neighborhoods surrounding the Landfill. Waste Connections, Inc. exposes individuals in the neighborhoods surrounding the Landfill to benzene without first providing individuals with clear and reasonable warnings.

10. DOES 1 through 20 are each a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. DOES 1 through 20 own and/or operate the Landfill.

11. The true names of DOES 1 through 20 are unknown to Plaintiff at this time. When their identities are ascertained, the Complaint shall be amended to reflect their true names.

12. Plaintiff CCAT is referred to herein as “Plaintiff.” The Defendants identified in Paragraphs 6 through 9 and DOES 1 through 20 are collectively referred to herein as “Defendants.”

## **JURISDICTION AND VENUE**

13. The Court has jurisdiction over this action pursuant to Health & Safety Code § 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to California Constitution Article VI, Section 10, because this case is a cause not given by statute to other trial courts.

14. This Court has jurisdiction over Defendants because each is a business entity that does sufficient business, has sufficient minimum contacts in California, or otherwise intentionally avails itself of the California market through the ownership and/or operation of the Landfill, or by having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

15. Venue is proper in the Los Angeles County Superior Court because Defendants' Landfill is located in Los Angeles County and the violations arise in Los Angeles County.

**BACKGROUND**

16. The People of the State of California have declared by initiative under Proposition 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.” Proposition 65, § 1(b).

17. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed by the State of California as known to cause cancer, birth defects, or other reproductive harm above certain levels without a “clear and reasonable warning” unless the business responsible for the exposure can prove that it fits within a statutory exemption. Health & Safety Code section 25249.6 states, in pertinent part:

No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual. . . .

18. On February 27, 1987, the State of California officially listed benzene as a chemical known to cause cancer. On February 27, 1988, one year later, benzene became subject to the clear and reasonable warning requirement regarding carcinogens under Proposition 65. 27 C.C.R. § 27001(b); Health & Safety Code § 25249.10(b).

19. On December 26, 1997, the State of California officially listed benzene as a chemical known to cause reproductive toxicity. Benzene is identified as a reproductive toxicant under two subcategories: “developmental reproductive toxicity,” which means harm to the developing fetus and “male reproductive toxicity,” which means harm to the male reproductive system. 27 California Code of Regulations (“C.C.R.”) § 27001(c). On December 26, 1998, one year later, benzene became subject to the clear and reasonable warning requirement regarding reproductive toxicants under Proposition 65. *Id.*; Health & Safety Code § 25249.10(b).

20. Any person acting in the public interest has standing to enforce violations of Proposition 65 provided that such person has supplied the requisite public enforcers with a valid 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action within such time. Health & Safety Code § 25249.7(d).

21. In May 2022, conditions at the Landfill began deteriorating in an area

1 approximately 35 acres in size, located in the Landfill's northwestern portion. This portion of the  
2 Landfill is referred to as the Reaction Area. A chemical reaction in the Reaction Area caused  
3 high temperatures under the Landfill's surface. The extreme heat burned waste and released  
4 strong odors and caused toxic air contaminants including benzene to drift into nearby residential  
5 communities. Residences in the Val Verde community are located about 1,000 feet from the  
6 Reaction area.

7 22. The chemical reaction also caused underground pressure to build in the Reaction  
8 Area, resulting in a liquid waste called leachate to rise to the Landfill's surface, releasing  
9 additional smoke and fumes. The leachate has high levels of benzene such that it is considered  
10 hazardous waste.

11 23. The Landfill stopped accepting waste on January 1, 2025. Before its closure, the  
12 Landfill was Los Angeles County's second-largest landfill, which accepted approximately 2  
13 million tons of solid waste annually. That waste accounted for about one-third of all garbage  
14 disposed of in Los Angeles County. Although the Landfill has stopped accepting waste, the  
15 underground chemical reaction is ongoing and is expected to continue for many years.

16 24. Residents who live near the Landfill have reported thousands of odor complaints  
17 to the South Coast Air Quality Management District (the Air District). Residents describe the  
18 stench of rotten eggs, burning garbage, and plastic. The Air District has issued hundreds of  
19 notices of violation to the Landfill for causing air emissions that constitute a public nuisance.

20 25. The agencies with regulatory authority over the Landfill have concluded that there  
21 are elevated benzene concentrations in the areas surrounding the Landfill. For example, the  
22 United States Environmental Protection Agency found that benzene levels near the Landfill are  
23 above background levels, and that these levels pose a threat to public health and the environment.  
24 Similarly, the Department of Toxic Substances Control issued a "Proposition 65 Notification" to  
25 Chiquita based on the Landfill's air emissions and discharges of leachate contaminated with  
26 benzene.

27 26. Individuals living in the neighborhood surrounding the Landfill are exposed to  
28 benzene when they breathe the benzene emitted from the Landfill. The primary route of exposure

1 for the violations is inhalation when individuals breathe the benzene emitted from the Landfill.  
2 No clear and reasonable warning is provided to residents in the neighborhood surrounding the  
3 Landfill regarding the health hazards associated with benzene.

4 27. No clear and reasonable warning is provided to residents in the neighborhood  
5 surrounding the Landfill regarding the health hazards associated with benzene. To be deemed  
6 clear and reasonable under Proposition 65's regulations, environmental exposure warnings must  
7 identify, among other things, the chemical causing the exposure and the area within which the  
8 exposure occurs. 27 C.C.R. §§ 25604(a)(2)-(3) & 25605(a). Chiquita has not provided compliant  
9 warnings. Although Chiquita has hosted community meetings and conducted community  
10 outreach (as required by an Air District abatement order), Chiquita has never provided  
11 Proposition 65 warnings to the impacted residents as part of this community engagement.

12 28. Instead of providing residents with clear and reasonable warnings, Chiquita and  
13 its consultants have made public statements blaming the benzene concentrations surrounding the  
14 Landfill on gasoline powered mobile sources such as cars, and declaring that there is no evidence  
15 of increased health risk to the community. Notably, the Los Angeles Department of Public  
16 Health denounced these statements as premature and misleading.

17 29. More than sixty days prior to naming each Defendant in this lawsuit, Plaintiff  
18 provided a 60-Day "Notice of Violation of Proposition 65" to the California Attorney General,  
19 the District Attorney of Los Angeles, the City Attorney of Los Angeles, and each of the named  
20 Defendants. In compliance with Health & Safety Code § 25249.7(d) and 27 C.C.R. § 25903(b),  
21 the Notice included the following information: (1) the name and address of each violator; (2) the  
22 statute violated; (3) the time period during which the violations occurred; (4) specific descriptions  
23 of the violations, including (a) the routes of exposure to benzene, and (b) the location of the  
24 source of the exposures to benzene; and (5) the name of the specific Proposition 65-listed  
25 chemical that is the subject of the violations described in the Notice.

26 30. Plaintiff sent a Certificate of Merit for each Notice to the California Attorney  
27 General, the District Attorney of Los Angeles County, the City Attorney of Los Angeles, and  
28 each of the named Defendants. In compliance with Health & Safety Code § 25249.7(d) and 11

1 C.C.R. § 3101, the Certificate certified that Plaintiff’s counsel: (1) has consulted with one or more  
2 persons with relevant and appropriate experience or expertise who reviewed facts, studies, or  
3 other data regarding the exposures to benzene alleged in each Notice; and (2) based on the  
4 information obtained through such consultations, believes that there is a reasonable and  
5 meritorious case for a citizen enforcement action based on the facts alleged in the Notice. In  
6 compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, the Certificate served  
7 on the Attorney General included factual information—provided on a confidential basis—  
8 sufficient to establish the basis for the Certificate, including the identity of the person(s) consulted  
9 by Plaintiff’s counsel and the facts, studies, or other data reviewed by such persons.

10 31. None of the public prosecutors with the authority to prosecute violations of  
11 Proposition 65 has commenced and is diligently prosecuting a Proposition 65 cause of action  
12 against Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted  
13 in Plaintiff’s Notice.

14 32. Defendants know that the Landfill has, for years, emitted and continues to emit  
15 significant quantities of benzene into the air due to the massive underground chemical reaction  
16 which occurred in or around May 2022, and has burned approximately 35 acres of the Landfill.  
17 Defendants know that the underground chemical reaction will continue for many years. These  
18 benzene emissions pollute the air of residential properties in the areas surrounding the Landfill  
19 and that individuals living and working near the Landfill inhale the polluted air. Defendants  
20 know that the Landfill’s emissions expose individuals living in the communities surrounding the  
21 Landfill to benzene when they breathe the air. Defendants intend that the Landfill is operated in a  
22 manner that results in such benzene exposures, as Defendants have failed to mitigate or eliminate  
23 the chemical reaction for over 33 months.

24 33. Under Proposition 65, an exposure is “knowing” where the party responsible for  
25 such exposure has:

26 knowledge of the fact that a[n] . . . exposure to a chemical listed pursuant  
27 to [Health & Safety Code § 25249.8(a)] is occurring. No knowledge that  
the . . . exposure is unlawful is required.

28 27 C.C.R. § 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final



1 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2,  
2 § 12601).

3 34. Defendants have actual knowledge of the benzene exposures described in this  
4 complaint. Defendants are required to monitor the Landfill's benzene air emissions, and  
5 Defendants report such emissions data to government agencies, including the Air District. The  
6 regulatory agencies, including the United States Environmental Protection Agency and  
7 Department of Toxic Substances Control, have sent enforcement letters to Defendants identifying  
8 the elevated benzene levels and stating that the benzene exposures threaten public health and the  
9 environment. Defendants have also been informed of the Landfill's benzene exposures by means  
10 of Plaintiff's 60-Day Notice of Violation and accompanying Certificate of Merit.

11 35. The benzene exposures in the neighborhoods surrounding the Landfill are the  
12 natural consequence of Defendants owning and/or operating a landfill with an ongoing chemical  
13 reaction in close proximity to residences, businesses, and schools.

14 36. CCAT has engaged in good faith efforts to resolve the claims alleged in this  
15 complaint prior to filing the lawsuit.

16 37. Nevertheless, Defendants have failed, and continue to fail, to provide clear and  
17 reasonable warnings regarding the carcinogenic and reproductive hazards of benzene to  
18 individuals in the neighborhood surrounding Defendants' Landfill.

19 38. Defendants have also failed to eliminate the benzene exposures caused by the  
20 Landfill's underground chemical reaction. By committing the acts alleged above, Defendants  
21 have at all times relevant to this Complaint violated Proposition 65 by knowingly and  
22 intentionally exposing individuals to benzene without first providing them with clear and  
23 reasonable warnings regarding such exposures.

24 39. Any person "violating or threatening to violate" Proposition 65 may be enjoined in  
25 any court of competent jurisdiction. Health & Safety Code § 25249.7. "Threaten to violate" is  
26 defined to mean "to create a condition in which there is a substantial probability that a violation  
27 will occur." Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not  
28 to exceed \$2,500 per day for each violation of Proposition 65.

**FIRST CAUSE OF ACTION**  
**(Violations of Health & Safety Code § 25249.6)**

40. Plaintiff realleges and incorporates by reference as if specifically set forth herein Paragraphs 1 through 39, inclusive.

41. Each Defendant is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11.

42. Benzene is a chemical listed by the State of California as known to cause cancer, birth defects and other reproductive harm.

43. Defendants know and intend that benzene from their Landfill is emitted into the air, which pollutes the air in the neighborhood surrounding the Landfill, thereby exposing individuals to benzene.

44. Defendants have failed, and continue to fail, to provide clear and reasonable warnings regarding the carcinogenicity and reproductive toxicity of benzene to individuals living in the communities surrounding the Landfill.

45. By committing the acts alleged above, Defendants have at all times relevant to this Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to Benzene without first giving clear and reasonable warnings to such individuals regarding the carcinogenicity and reproductive toxicity of benzene.

**PRAYER FOR RELIEF**

Plaintiff prays for judgment against Defendants as follows:

1. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and permanently enjoin Defendants from exposing individuals living in the neighborhoods surrounding Defendants' Landfill to benzene without first providing clear and reasonable warnings, as Plaintiff shall specify in further application to the Court;

2. That the Court, pursuant to Health & Safety Code § 25249.7(a), order Defendants to take action to stop ongoing unwarned exposures of individuals living in the neighborhoods surrounding Defendants' Landfill to benzene, as Plaintiff shall specify in further application to the Court;

