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8 Attorneys for Aggrieved Party  
9 Sinclair Properties I, LLC and  
10 Sinclair Retail Associates, LLC, dba  
11 F&H Sinclair Properties

12 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

13 In the Matter of Appeal of Investigative Order  
14 of Los Angeles Regional Water Quality Control  
15 Board to Provide Work Plans for Indoor Air,  
16 Soil, Soil Vapor and Groundwater Investigations  
17 and Remedial Action Plan

Via Electronic Submission

**PETITION FOR REVIEW AND  
REQUEST FOR STAY OF ORDER;  
DECLARATION OF MURRAY M.  
SINCLAIR IN SUPPORT OF REQUEST  
FOR STAY OF ORDER**

[California Water Code §13320;  
CCR Title 23, §2050]

1 Pursuant to Section 13320 of California Water Code and Section 2050 of Title 23 of the  
2 California Code of Regulations (CCR), SINCLAIR PROPERTIES I, LLC and SINCLAIR RETAIL  
3 ASSOCIATES, LLC, dba F&H SINCLAIR PROPERTIES (collectively, “F&H” or “Petitioner”), as  
4 a person aggrieved by an action of a Regional Board, petitions the State Water Resources Control  
5 Board (“SWRCB” or “State Board”) to review and vacate a directive of February 22, 2024 (the  
6 “Order”) of the California Regional Water Quality Control Board for the Los Angeles Region  
7 (“Regional Board”), which ordered certain responsible parties, JI-YUNG YOU, aka JOHN JI-  
8 YUNG YOU, and NAM WHA YOU, aka NANCY NAM WHA YOU (the “YOU’S”), doing  
9 business as Golden Glo Cleaners, to prepare and submit to the Regional Board two work plans and  
10 a remedial action plan pursuant to the following requirements and time line:

11 “1. By March 31, 2024, submit a workplan to collect additional indoor samples as noted  
12 in the OEHHA Memorandum, dated February 7, 2024, and prepare an update to the Site’s  
13 human health risk assessment incorporating an age sensitivity factor in the risk estimation to  
14 address OEHHA’s comments (see attached memo).

15 “2. By April 30, 2024, submit a workplan to complete additional soil, soil vapor, and  
16 groundwater investigation to complete the vertical and lateral delineation of the subsurface impact.

17 “3. By September 31, 2024, submit a remedial action plan (RAP) to propose remedial  
18 measures to address the soil, soil vapor and groundwater impacts onsite and offsite, in  
19 accordance with the State Water Resources Control Board Resolution 92-49, Policies and  
20 Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code  
21 Section 13304. Per State Board Resolution 92-49, dischargers are required to cleanup and  
22 abate the effects of discharges in a manner that promotes attainment of either background  
23 water quality or the best water quality which is reasonable if background levels of water  
24 quality cannot be restored.

25 The above directives issued by the Regional Board apply to certain commercial real property  
26 owned by the You’s, located at 10555 West Pico Boulevard, Los Angeles, California 90064 (the  
27

1 “Golden Glo” Site or the "Polluting Site") which has been impacted by hazardous substances and  
2 hazardous wastes ("Pollution") caused by hazardous releases at the Polluting Site by dry cleaning  
3 operations conducted by John Ji-Yung You and other operators of the facility over a period of more  
4 than 70 years. After this Pollution was released at the Golden Glo Site, the Pollution migrated  
5 through the soil and/or groundwater onto certain immediately adjacent commercial property owned  
6 by F&H, located at 10561 West Pico Boulevard, Los Angeles, California 90064 (the “F&H  
7 Property”). F&H discovered the Pollution when performing due diligence activities in 2017 in  
8 advance of entering into a commercial lease with a new tenant at that time.

9 The Regional Board’s Order is inappropriate and improper for the following reasons:

10 1. The Order is impracticable to implement and impossible of accomplishment in light  
11 of the fact that the Responsible Parties, who previously qualified for a grant (No. SC066) funded by  
12 the Site Cleanup Subaccount Program (SCAP) of the State Water Resources Control Board  
13 (SWRCB), Division of Financial Assistance (DFA), based on the Responsible Parties’ inability to  
14 pay, are incapable of complying with the Order unless the SCAP Fund reauthorizes the You’s’  
15 further request for financial assistance. As such, the Order violates State Board Resolution No. 92-  
16 49, as codified by California Water Code Section 13307, which requires representatives of the  
17 Regional Water Boards who oversee investigations and cleanup and abatement activities resulting  
18 from discharges of hazardous substances to take into account, to the extent possible, the financial  
19 resources available to the person responsible for the discharge when determining reasonable  
20 schedules for investigation and cleanup, abatement, or other remedial action at a site.

21 2. The Order violates State Board Resolution No. 2023-0011 (the “Resolution”), as  
22 “additional grant funding is required” (6 on p. 3) and, despite having been designated as not  
23 fundable, the Golden Glo site should be added to the fundable list because “the project is at a  
24 critical juncture and continued funding would allow continued interim remedial measures or cost-  
25 effective near-term corrective action, to protect human health and the environment,” and “additional  
26 equity information may support re-scoring for the project.” (Resolution 6 on p. 5)

1           Therefore, Petitioner requests that the State Board vacate, or in the alternative, revise the  
2 requirements of the Order so that the Order will be suspended or continued until the Responsible  
3 Parties are placed back onto the current SCAP funding list, and that the Deputy Director exercise  
4 his or her discretion to place the You’s back on the list at the earliest opportunity. (See Declaration  
5 of Murray M. Sinclair in Support of Request for Stay of Order)

6           The issues raised in this petition were raised in a prior Draft Petition, accompanied by  
7 correspondence, directed to Regional Board Case Manager Paul Cho and Regional Board Executive  
8 Officer Susana Arredondo on March 4, 2024, which requested a telephone conference or Zoom-  
9 styled meeting with Regional Board staff and counsel. As detailed below, the Zoom conference  
10 took place on March 19, 2024, in advance of the 30 day deadline for filing this Petition. In the  
11 conference, Petitioner requested that the Regional Board stay the Order and assist Petitioner in  
12 lobbying the State Board to place the Golden Glo Site back on the current SCAP funding list  
13 because the project is at a critical juncture. Although the Regional Board representatives concurred  
14 regarding Petitioner’s critical juncture opinion, they refused to either stay the order or assist  
15 Petitioner or the Responsible Parties in any way.

16           **1. NAME AND ADDRESS OF THE PETITIONER:**

17           **SINCLAIR PROPERTIES I, LLC and SINCLAIR RETAIL ASSOCIATES, LLC,**  
18           **dba F&H SINCLAIR PROPERTIES (collectively, “F&H”),** owners of adjacent  
19 property located at 10561 West Pico Boulevard, Los Angeles, California 90064.

20           Please provide a copy of all materials related to this matter to counsel for F&H:

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1 discretion, as allowed under the Resolution, to add the Golden Glo Site back onto the fundable list.  
2 In this regard, the Resolution requires the Deputy Director to consider, evaluate and give certain  
3 deference to “whether a project previously has received SCAP funding” and the “funding  
4 applicant’s timely and responsive provision of documentation required by the Division” in deciding  
5 whether to reconsider placing a prior recipient of funds back onto the current funding list.  
6 (Resolution 4 on p. 4)

7 Therefore, Petitioner requests that the State Board vacate, or in the alternative, revise the  
8 requirements of the Order so that the Order will be suspended or continued until the Responsible  
9 Parties are placed back onto the current SCAP funding list, and that the Deputy Director exercise  
10 his or her discretion to place the You’s back on the list at the earliest opportunity.

11 The issues raised in this petition were raised in correspondence directed to the Regional  
12 Board on March 4, 2024, which was followed by a Zoom conference with Regional Board staff and  
13 counsel on March 19, 2024 in which Petitioner requested that the Regional Board reconsider the  
14 Order (see detailed explanation below in Section 9 on page 11).

15 **5. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED.**

16 Petitioner is aggrieved because Petitioner’s research has confirmed that numerous dry  
17 cleaners have occupied the Golden Glo Property since at least 1945, and that for the vast majority of  
18 the time that said dry cleaners have occupied the property, from approximately 1945 until 2019,  
19 perchloroethylene (“PCE”) was used on the premises as a dry cleaning chemical in all of the  
20 permitted dry cleaning machines which have been operated there..

21 As corroborated by site investigation reports prepared by F&H’s environmental consultant,  
22 concerning investigations performed in 2017, “the highest concentrations of TCE and PCE were  
23 detected in the samples collected along the eastern portion of the subject property near the adjacent  
24 dry cleaning facility, and southwest of the dry cleaning facility. . . Based on the locations of the  
25 highest detected concentrations, it is likely that the source of the VOC contamination beneath the  
26 subject property is the adjacent dry cleaning facility.” (See Rincon Phase II Environmental Site  
27

1 Assessment – Additional Assessment, dated February 23, 2017) In addition, Rincon’s initial Phase  
2 II Environmental Assessment report, dated January 4, 2017, states that the PCE and TCE soil vapor  
3 contamination levels discovered on the F&H Property are well above the California Human Health  
4 Screening Levels (CHHSLs) established by the Office of Environmental Health Hazard Assessment  
5 (OEHHA) on behalf of Cal/EPA. Further, testing of interior air in the premises of the F&H Property  
6 from 2017 through 2018 revealed the presence of PCE in the air inside said premises.

7 To date, Petitioner has incurred more than \$150,000 in response costs and attorneys’ fees  
8 related to the investigation of the hazardous release(s) at or in the vicinity of the F&H Property.

9 There were no prior uses of PCE or TCE on the F&H Property. As such, based on the data  
10 Petitioner has accumulated, there is but one source for the contamination that F&H has discovered:  
11 the Golden Glo Property.

12 The Polluting Site and the F&H Property, including, but not limited to, soil and groundwater  
13 adjacent to it, is now known to contain hazardous wastes and hazardous substances. These  
14 hazardous wastes and substances on the Polluting Site constitute an imminent and substantial  
15 endangerment to both human health and the environment and constitute a nuisance. Petitioner fears  
16 that if the migrating contamination is not cleaned up in the immediate future, the contamination will  
17 jeopardize Petitioner’s ability to continue leasing its commercial store front to its present and future  
18 tenants. In addition, the F&H Property can neither be sold nor refinanced in its present condition.  
19 Further, single family homes in the area are currently being affected and the health of residential  
20 inhabitants, invitees and commercial guests visiting the area is in the process of being threatened.

21 **6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD WHICH**  
22 **PETITIONER REQUESTS.**

23 The Petitioner seeks an immediate stay of the Order, while the State Board reviews this  
24 Petition.

25 Further, the Petitioner seeks the following action:

- 26 1) The Petitioner respectfully requests that the Board vacate the Order until such time  
27



1 as the State Board places the You’s and/or the Golden Glo site back on the eligible funding  
2 list and funds the work required by the Order.

3 2) Petitioner requests that the State Board act at the earliest opportunity, based on the  
4 appropriate exercise of discretion allowed under the Resolution and the following evidence  
5 presented by the Responsible Parties (available on the GeoTracker website:

6 [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000012040](https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000012040)):

- 7 a. Response to Letter dated May 5, 2023: Submission of additional information  
8 in support of request to add Golden Glo Quality Cleaners to the Fundable List  
9 Pursuant to Resolved 6 of Resolution 23-0011, by Rincon Consultants, dated  
10 June 13, 2023;
- 11 b. Response to Letter dated May 5, 2023: Submission of additional information  
12 in support of request to add Golden Glo Quality Cleaners to the Fundable List  
13 Pursuant to Resolved 6 of Resolution 23-0011, by William You, dated June  
14 14, 2023;
- 15 c. Limited Feasibility Study and Corrective Action Plan (CAP), dated  
16 December 29, 2023, by Rincon Consultants;
- 17 d. Site Assessment Report – Stage 4 (SAR), dated December 29, 2023, by  
18 Rincon Consultants, Inc.; and
- 19 e. Human Health Risk Assessment (HHRA), dated December 22, 2023, by  
20 by Rincon Consultants, Inc.

21 **7. STANDARD OF REVIEW AND LEGAL AUTHORITIES SUPPORTING**  
22 **ACTION BY STATE BOARD**

23 Pursuant to California Water Code Section 13320(a), an aggrieved person may petition the  
24 State Board to review a Regional Board order, within 30 days of such order. The State Board may  
25 find that the actions of a Regional Board were inappropriate or improper and direct the Regional  
26 Board to take the appropriate action, refer the issue to another state agency with jurisdiction, or take  
27

1 the appropriate action itself. Water Code Section 13320(c).

2 Generally, an “aggrieved person” for standing purposes “is one whose rights or interests are  
3 injuriously affected by the decision in an immediate and substantial way, and not as a nominal or  
4 remote consequence of the decision.” *In re K.C.* (2011) 52 Cal.4th 231, 236. F&H clearly qualifies  
5 in this regard, as the F&H Property is literally inches away from the Golden Glo site where the  
6 hazardous releases originated, and it is beyond dispute that the hazardous contamination originating  
7 from the Golden Glo site has migrated, and continues to migrate, onto the F&H Property.

8 The State Board is not subject to the standards which bind a court, and the scope of the State  
9 Board’s review is “closer to that of independent review.” *In the Matter of the Petition of Exxon*  
10 *Company*, Order No. WQ 85-7, at p. 10. In reviewing a Regional Board action, the State Board  
11 shall consider the record before the Regional Board, and any other relevant evidence which it  
12 wishes to consider. Water Code Section 13320(b); *In the Matter of the Petition of Exxon Company,*  
13 *U.S.A., et al. of the Adoption of the Cleanup and Abatement Order No. 85-066*, Order No. WQ 85-7,  
14 at p. 10. However, any findings made by an administrative agency in support of an action must be  
15 based on substantial evidence in the record. (*Id.*, citing *Topanga Association for a Scenic*  
16 *Community v. County of Los Angeles* (1974) 11 Cal. 3d 506).

17 This petition was filed by Petitioner, an aggrieved party, within 30 days of the issuance of  
18 the Order and is therefore timely filed for review by the State Board. Pursuant to Water Code  
19 Section 13320, the State Board should independently review the record and any other materials that  
20 it wishes to consider. The State Board should vacate the Order because it is inappropriate and  
21 improper, the burden of compliance with the Order is not reasonably related to the benefits of the  
22 work plan to be produced, and the Regional Board has not produced evidence that the work plan is  
23 necessary.

24 **8. THE PETITION HAS BEEN SENT TO THE APPROPRIATE REGIONAL**  
25 **BOARD AND TO THE RESPONSIBLE PARTIES**

26 A true and correct copy of this Petition and all supporting documentation were sent  
27

1 electronically to:

- 2
- 3 1) State Water Resources Control Board  
Office of Chief Counsel  
4 Adrianna M. Crowl  
P.O. Box 100  
5 Sacramento, CA 95812-0100  
[waterqualitypetitions@waterboards.ca.gov](mailto:waterqualitypetitions@waterboards.ca.gov)  
6
- 7 2) Regional Water Quality Control Board  
Los Angeles Region  
8 Susana Arredondo  
Executive Officer  
9 320 West 4th Street, Suite 200  
Los Angeles, CA 90013  
10 [Susana.Arredondo@waterboards.ca.gov](mailto:Susana.Arredondo@waterboards.ca.gov)
- 11 3) Regional Water Quality Control Board  
Los Angeles Region  
12 Mr. Paul Cho, P.G.  
13 Site Cleanup Unit V  
320 West 4th Street, Suite 200  
14 Los Angeles, CA 90013  
15 [paul.cho@waterboards.ca.gov](mailto:paul.cho@waterboards.ca.gov)
- 16 4) William You  
17 c/o John Ji Yung You & Nancy Nam Wha You  
10182 Maxine Street  
18 Ellicott City, MD 21042  
[wyou1@gmail.com](mailto:wyou1@gmail.com)  
19

20 **9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE RAISED**  
21 **BEFORE THE REGIONAL BOARD, OR AN EXPLANATION OF WHY THE**  
22 **PETITIONER COULD NOT RAISE THOSE OBJECTIONS BEFORE THE**  
23 **REGIONAL BOARD.**

24 This Petition in draft form was presented to Paul Cho, the Regional Board case manager  
25 responsible for oversight activities concerning the Golden Glo site, and Susana Arredondo,  
26 Executive Officer of the Regional Board, at which time the cover letter which accompanied the  
27 draft Petition requested a telephone conference or Zoom call to discuss the matter in detail. A Zoom

1 call was scheduled for, and took place on, March 19, 2024. The undersigned participated in a 30  
2 minute call on that with Mr. Cho, Bizuayehu Ayele, Senior Engineering Geologist (supervisory) on  
3 the project, and Adrianna Nunez, counsel for the Regional Board.

4 In the course of the March 19, 2024 Zoom call, the undersigned explained the basis for the  
5 Petition, including, but not limited to, the fundamental unfairness of encouraging impecunious  
6 responsible parties to voluntarily investigate and clean up contaminated properties, but leaving them  
7 in the lurch and subject to Draconian orders with which they cannot comply when further State-  
8 authorized funding is denied to them, despite having gotten their project to a critical juncture  
9 requiring a further phase of work (backed up by data supporting continued remedial action in the  
10 professional opinion of the RP's consultant). Although the Regional Board representatives  
11 concurred that the project had reached a critical juncture, they refused to contact the State Board to  
12 advocate or lobby on the Responsible Party's behalf to have the Golden Glo site reinstated on the  
13 SCAP Fund list for further funding. When pressed, the Regional Board representatives offered that  
14 an investigative order under Section 13267 of the Water Code or a Cleanup and Abatement Order  
15 under Water Code Section 13304 may eventually be issued and an enforcement action pursued if  
16 compliance is not forthcoming.

17 **10. CONCLUSION**

18 Petitioner respectfully submits that the issuance of the Order was improper and  
19 inappropriate for the following reasons:

20 1. The Order is impracticable to implement and impossible of accomplishment in light  
21 of the fact that the Responsible Parties, who previously qualified for Grant No. SC066 funded by  
22 the SWRCB's SCAP Program, Division of Financial Assistance (DFA), based on the Responsible  
23 Parties' inability to pay, are incapable of complying with the Order unless the SCAP Fund  
24 reauthorizes the You's' further request for financial assistance. As such, the Order violates State  
25 Board Resolution No. 92-49, as codified by California Water Code Section 13307, which requires  
26 representatives of the Regional Water Boards who oversee investigations and cleanup and  
27

1 abatement activities resulting from discharges of hazardous substances to take into account, to the  
2 extent possible, the financial resources available to the person responsible for the discharge when  
3 determining reasonable schedules for investigation and cleanup, abatement, or other remedial action  
4 at a site.

5 2. The Order violates State Board Resolution No. 2023-0011 (the “Resolution”), as  
6 “additional grant funding is required” (6 on p. 3) and, despite having been designated as not  
7 fundable, the Golden Glo site should be added to the fundable list because “the project is at a  
8 critical juncture and continued funding would allow continued interim remedial measures or cost-  
9 effective near-term corrective action, to protect human health and the environment,” and “additional  
10 equity information may support re-scoring for the project.” (Resolution 6 on p. 5)

11 Therefore, Petitioner requests that the State Board grant this Petition and vacate, or in the  
12 alternative, revise the requirements of the Order so that the Order will be suspended or continued  
13 until the Responsible Parties are placed back onto the current SCAP funding list.

14 Petitioner further requests that the Deputy Director exercise his or her discretion to place the  
15 You’s back on the SCAP funding list at the earliest opportunity.

16  
17 Dated: March 20, 2024

18 MURRAY M. SINCLAIR & ASSOCIATES

19 

20 Murray M. Sinclair  
21 Attorneys for Sinclair Properties I, LLC and Sinclair  
22 Retail Associates LLC, dba F&H Sinclair Properties

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**DECLARATION OF MURRAY M. SINCLAIR**  
**IN SUPPORT OF REQUEST FOR STAY OF ORDER**

I, Murray M. Sinclair, declare as follows:

1. I, the undersigned, am an attorney at law in good standing. I am admitted to practice law in the State of California and am authorized to appear in all state and federal courts in the State of California. I am the principal and founder of the law firm of Murray M. Sinclair & Associates, and represent SINCLAIR PROPERTIES I, LLC and SINCLAIR RETAIL ASSOCIATES, LLC, dba F&H SINCLAIR PROPERTIES (collectively, “F&H” or “Petitioner”) with regard to all environmental matters concerning certain commercial property owned by F&H located at 10561 West Pico Boulevard, Los Angeles, California 90064 (the “F&H Property”). As such, I have personal knowledge of the matters set forth below, and if called as a witness I could and would competently testify to all statements which follow.
2. To the east and immediately adjacent to the F&H Property is commercial real property owned by certain responsible parties, Ji-Yung You, Aka John Ji-Yung You, And Nam Wha You, Aka Nancy Nam Wha You (the “You’s”), doing business as Golden Glo Cleaners, located at 10555 West Pico Boulevard (the “Golden Glo” Site) which has been impacted by hazardous releases from dry cleaning operations conducted by owner John Ji-Yung You and other operators of the Golden Glo facility over a period of more than 70 years.
3. I have filed this Petition for Review and Request for Stay of Order because the environmental contamination at the Golden Glo Site has migrated onto the F&H Property. Consequently, F&H supported the You’s’ application to the SCAP Fund and is aggrieved because the hazardous contamination which is present at both properties is interfering with F&H’s use and enjoyment of its commercial property. Petitioner fears that if the migrating contamination is not cleaned up in the

1 immediate future, the contamination will jeopardize Petitioner's ability to continue  
2 leasing its commercial store front to its present and future tenants. In addition, the  
3 F&H Property can neither be sold nor refinanced in its present condition. Further,  
4 single family homes in the area are currently being affected and the health of  
5 residential inhabitants, invitees and commercial guests visiting the area is in the  
6 process of being threatened. For these reasons, F&H submits there will be substantial  
7 harm to both the petitioner and to the public interest if a stay of the Order (which  
8 requires substantial costly work which the Responsible Parties are financially unable  
9 to perform without further SCAP funding) is not granted so that the funding of the  
10 You's' remedial site investigation and cleanup can be reactivated.

11 4. There will be no substantial harm to other interested persons and to the public  
12 interest if a stay is granted. To the contrary, all remedial investigation work and  
13 planning related to cleanup have presently ceased at the Golden Glo Site because the  
14 Responsible Parties are financially unable to go forward unless they receive  
15 additional funding. A stay of the Order will enable the Responsible Parties to focus  
16 their efforts on negotiating with the State Board and gaining the support and  
17 assistance they need from their environmental consultant and Regional Board  
18 representatives to show that their project is at critical juncture and must be financed.

19 5. There are substantial questions of law regarding the disputed action. Petitioner  
20 submits that the Order violates State Board Resolution No. 92-49, as codified by  
21 California Water Code Section 13307, which requires representatives of the Regional  
22 Water Boards who oversee investigations and cleanup and abatement activities  
23 resulting from discharges of hazardous substances to take into account, to the extent  
24 possible, the financial resources available to the person responsible for the discharge  
25 when determining reasonable schedules for investigation and cleanup, abatement, or  
26 other remedial action at a site. In this instance, the Regional Board knew already that

1 an official determination had been made that the Responsible Parties were unable to  
2 fund investigation and cleanup activities at the Golden Glo site, and yet on the eve of  
3 the expiration of the Responsible Parties' grant under the SCAP Fund, the Regional  
4 Board ordered said parties to perform new work which will cost hundreds of  
5 thousands of dollars, if not more. This work is critically important, but will never  
6 take place unless the SCAP grant is extended. The order is in the form of  
7 correspondence to the You's from the Regional Board dated February 22, 2024.  
8 Attached hereto as **Exhibit 1** is a true and correct copy of that letter.

- 9 6. The Order also violates State Board Resolution No. 2023-0011 (the "Resolution"), as  
10 "additional grant funding is required" (6 on p. 3) and, despite having been designated  
11 as not fundable, the Golden Glo site should be added to the fundable list because  
12 "the project is at a critical juncture and continued funding would allow continued  
13 interim remedial measures or cost-effective near-term corrective action, to protect  
14 human health and the environment," and "additional equity information may support  
15 re-scoring for the project." (Resolution 6 on p. 5, emphasis added)
- 16 7. Therefore, Petitioner requests that the State Board vacate, or in the alternative,  
17 revise the requirements of the Order so that the Order will be suspended or  
18 continued until the Responsible Parties are placed back onto the current SCAP  
19 funding list, and that the Deputy Director exercise his or her discretion to place the  
20 You's back on the list at the earliest opportunity.

21 I declare under penalty of perjury under the laws of the State of California and the United  
22 States of America that the foregoing is true and correct.

23 Executed on March 20, 2024, in Los Angeles, California.

24  
25 

26 MURRAY M. SINCLAIR



# **EXHIBIT 1**



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## Los Angeles Regional Water Quality Control Board

February 22, 2024

Mr. John J. You & Ms. Nancy N. You  
Golden Glo Cleaners  
10555 W. Pico Boulevard  
Los Angeles, CA 90064

**Via Email Only**

**SUBJECT: REVIEW OF STAGE 4 SITE ASSESSMENT REPORT AND CORRECTIVE ACTION PLAN**

**CASE/SITE: GOLDEN GLO CLEANERS, 10555 W. PICO BOULEVARD, LOS ANGELES (SCP NO. 1435)**

Dear Mr. & Ms. You:

On October 12, 2018, the Los Angeles Regional Water Quality Control Board (Regional Board) staff issued Golden Glo Cleaners, located at 10555 W. Pico Boulevard in Los Angeles (Site), a letter requiring the responsible party to submit a soil, soil vapor, and groundwater Conceptual Site Model (CSM) together with a site assessment workplan to address soil, soil vapor and groundwater data gaps.

The responsible party for the Site has since applied to the State Water Resources Control Board (SWRCB), Division of Financial Assistance (DFA), Site Cleanup Subaccount Program (SCAP) for financial assistance to conduct the required site investigation. The application for the SCAP funding program was approved by DFA and the responsible party entered into an agreement with DFA to conduct site investigations in accordance with the proposed scope of work. The SCAP number for the Site is SC066.

Regional Board staff reviewed the following technical documents for the above-referenced site (Site), which were submitted after rounds of SCAP-funded site assessment were conducted:

- *Limited Feasibility Study and Corrective Action Plan (CAP)*, dated December 29, 2023, prepared by Rincon Consultants, Inc.;
- *Site Assessment Report – Stage 4 (SAR)*, dated December 29, 2023, prepared by Rincon Consultants, Inc.; and
- *Human Health Risk Assessment (HHRA)*, dated December 22, 2023, prepared by Rincon Consultants, Inc.

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NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

Rincon advanced ten soil borings during the Site's Stage 4 investigation to further delineate the extent of subsurface impact with volatile organic compounds (VOCs). Due to refusal inside the building, the total depths of soil borings were limited to between 15 feet to 50 feet below ground surface (bgs). Groundwater samples were collected from two temporary monitoring wells installed at soil boring TMW-01 and TMW-02. The screen intervals for TMW-01 and TMW-02 were from 152 to 162 feet bgs and 150 to 160 feet bgs, respectively. Perched groundwater was observed from soil boring SV-17 at 44 feet bgs and SV-19 at 36 feet bgs.

The Stage 4 sampling results from the collected soil vapor, soil matrix, and groundwater samples indicate that the Site's soil, soil vapor and groundwater have been impacted with VOCs. The maximum concentrations for perchloroethylene (PCE) in soil, soil vapor, and groundwater are 2.8 milligrams per kilogram (mg/kg), 4,814,070 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), and 4,300 micrograms per liter ( $\mu\text{g}/\text{L}$ ), respectively. SAR concludes and recommends a workplan to complete additional soil, soil vapor, and groundwater investigations to complete the vertical and lateral delineation of the subsurface impact with VOCs.

Based on the subsurface investigation and indoor air sampling results, Rincon prepared the HHRA. The Office of Environmental Health Hazard Assessment (OEHHA) reviewed the HHRA and provided a memorandum dated February 7, 2024 (see attached). Regional Board requests OEHHA to review the HHRA and SAR to i) evaluate potential risks to human health to onsite and offsite receptors, ii) determine whether any mitigation measures are warranted immediately, and iii) identify any data gaps for evaluating the potential risks. OEHHA recommends an additional set of indoor air samples during the cold season, preferably with at least two samples per building, to complete the review and adding an age sensitivity factor to account for the enhanced sensitivity of young children to the effects of carcinogenic exposures.

Rincon prepared the CAP proposing to implement a soil vapor extraction system for the objective to reduce concentrations of VOCs to protect onsite commercial workers and offsite receptors from vapor intrusion based on current land uses.

Based on our review of CAP, SRA, and HHRA, we have the following comments/requirements:

1. By **March 31, 2024**, submit a workplan to collect additional indoor samples as noted in the OEHHA Memorandum, dated February 7, 2024, and prepare an update to the Site's human health risk assessment incorporating an age sensitivity factor in the risk estimation to address OEHHA's comments (see attached memo).
2. By **April 30, 2024**, submit a workplan to complete additional soil, soil vapor, and groundwater investigation to complete the vertical and lateral delineation of the subsurface impact.

3. By **September 31, 2024**, submit a remedial action plan (RAP) to propose remedial measures to address the soil, soil vapor and groundwater impacts onsite and offsite, in accordance with the State Water Resources Control Board Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304*. Per State Board Resolution 92-49, dischargers are required to cleanup and abate the effects of discharges in a manner that promotes attainment of either background water quality or the best water quality which is reasonable if background levels of water quality cannot be restored.

**If you have any questions regarding this letter, please contact me at (213) 576-6721 or via email at [paul.cho@waterboards.ca.gov](mailto:paul.cho@waterboards.ca.gov) or Mr. Bizuayehu Ayele at (213) 576-6623 or via email at [bizuayehu.ayele@waterboards.ca.gov](mailto:bizuayehu.ayele@waterboards.ca.gov).**

Sincerely,

**Hugh  
Marley**

Digitally signed by  
Hugh Marley  
Date: 2024.02.22  
11:31:33 -08'00'

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for Susana Arredondo  
Executive Officer

Attachment: OEHHA Memorandum, dated February 7, 2024

cc: Levi Pratt, State Water Resources Control Board  
Bryan Stempson, Rincon Consultants, Inc.



Gavin Newsom, Governor  
Yana Garcia, Secretary for Environmental Protection  
Lauren Zeise, Ph.D., Director

## MEMORANDUM

**TO:** Paul Cho, Engineering Geologist  
Los Angeles Regional Water Quality Control Board  
320 W. 4th Street, Suite 200, Los Angeles, CA 90013

**FROM:** Jim Carlisle, DVM, MS, Staff Toxicologist  
Air and Site Assessment and Climate Indicators Branch  
Office of Environmental Health Hazard Assessment

**DATE:** February 7, 2024

**SUBJECT:** REVIEW OF HUMAN HEALTH RISK ASSESSMENT, GOLDEN GLO  
CLEANERS, LOS ANGELES, CALIFORNIA, SCAP NO. S0066  
**SWRCB # R4-23-047** **OEHHA # 880679-00**

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### Document Reviewed

Human Health Risk Assessment, Golden Glo Cleaners, 10555 West Pico Boulevard, Los Angeles, California, dated December 22, 2023, by Rincon Consultants, Inc.

Stage 4 - Site Assessment Report, Golden Glo Cleaners, 10555 West Pico Boulevard, Los Angeles, California dated December 29, 2023, by Rincon Consultants, Inc.

### Scope of Review

The Office of Environmental Health Hazard Assessment (OEHHA) was requested by the Los Angeles Regional Water Quality Control Board (Waterboard) to review the technical documents to

- i) evaluate potential risks to human health to onsite and offsite receptors, including workers,
- ii) determine whether any mitigation measures are warranted immediately, and
- iii) identify any data gaps for evaluating the potential risks.

In this memo, risk estimates are presented in scientific notation. For example, a cancer risk of 1 in a million (0.000001) is written as  $1E-6$ . The acceptable risk level stipulated by the Waterboard was 1 in 100,000 ( $1E-5$ ) for worker exposures and 1 in a million ( $1E-6$ ) for offsite residents.

## Site Description and Background

The Site consists of an operating dry cleaner with a dental office to the east, single-family homes to the north, a commercial retail building to the west, and West Pico Boulevard followed by commercial businesses to the south. Tetrachloroethene (PCE)-based equipment was operated since at least 1988 until the equipment was removed in April 2019. PCE is not currently being used. The Site is under the Site Cleanup Subaccount Program (SCAP) Grant.

## Site Characterization and Chemicals of Potential Concern (COPCs)

In April 2021, PCE and its daughter products (cis-1,2-dichloroethene (cis-1,2-DCE), trichloroethene (TCE), and vinyl chloride), and carbon tetrachloride and chloroform were detected in soil vapor samples collected throughout the Site at concentrations that exceed their respective commercial/industrial San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs, SFBRWQCB, 2019) and generally increased with depth. Step-out soil vapor samples in January 2022 detected the same volatile organic compounds (VOCs) plus benzene.

During August and November 2023, Rincon collected a single indoor air sample in each of four buildings (two businesses and two residences). Ideally, the two sampling events should be farther apart, i.e. during the heating season and during the cooling season (DTSC, 2011). Also, one sample per building may not adequately capture spatial variability. You may wish to consider requesting an additional set of indoor air samples during the cold season, preferably with at least two samples per building.

## Indoor Air Assessment

Rincon compared indoor air concentrations to the ESLs and to the Department of Toxic Substances Control Human and Ecological Risk Office HHRA Note 3 Screening Levels (DTSC, 2022). In the case that DTSC-SLs and SFBRWQCB ESLs were not established, the United States Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs) were applied. Rincon estimated 2023 indoor air risks and hazard indices (HIs) as follows:

Rincon's Indoor Air Risk and Hazard (HI) Estimates

Site	August Risk	August HI	November Risk	November HI
Golden Glo Cleaners	7.6E-6	0.18	1.5E-5	0.32
Dental Office	5.7E-6	0.07	6.1E-6	0.11
10548 Almayo Ave. (residence)	1.7E-5	0.30	1.1E-6	0.41
10552 Almayo Ave. (residence)	1.4E-4	3.7	2.9E-6	0.24

Based on spot-checking, OEHHA was able to verify Rincon's estimates. However, OEHHA recommends adding an age sensitivity factor (ASF, OEHHA, 2009) to account

for the enhanced sensitivity of young children to the effects of carcinogenic exposures. If the ASF were included for residents, the risk estimates would be about 2.8-fold higher.

The elevated risk and HI estimates at 10552 Almayo Avenue in August were due to a high detected concentration of benzene that did not appear to be related to outdoor air concentrations. The source is unknown, but benzene was not detected or was detected at levels less than indoor air in nearby soil gas samples indicating that a sub-surface source is unlikely. Indoor TCE concentrations at the four addresses were less than the corresponding accelerated action levels.

### **Soil Vapor Assessment**

Soil vapor VOC concentrations are in Appendix C Table 1 of the Stage 4 - Site Assessment Report. These data show PCE and TCE concentrations consistently exceeding their respective commercial ESLs, while cis-1,2-DCE, vinyl chloride, and chloroform concentrations occasionally exceeded their ESLs. These results indicate the potential for vapor intrusion if site use or conditions change.

### **Conclusions**

- Rincon's commercial indoor air risk estimates are mostly below the specified threshold of  $1E-5$ , with one sample slightly above that threshold. HIs were below the benchmark of 1. OEHHA agrees with Rincon's estimates.
- Rincon's residential indoor air risk estimates are at or above the specified threshold of  $1E-6$ . If the OEHHA-recommended ASF were included, it would raise the residential risk by a factor of about 2.8. HIs were below the benchmark of 1 with one exception.
- OEHHA recommends an additional set of indoor air samples during the cold season, preferably with at least two samples per building.
- Soil vapor VOC concentrations exceeding ESLs indicate the potential for significant vapor intrusion if site use or conditions change.

### **Memo reviewed by**

Hristo Hristov, MD, PhD, MEnvSc  
Staff Toxicologist

Carmen Milanes, M.P.H.  
Chief, Climate Indicators and Site Assessment Section

## References

SFBRWQCB (San Francisco Bay Regional Water Quality Control Board) 2019. Environmental Screening Levels. Rev 2.

DTSC (Department of Toxic Substances Control). 2022. Human Health Risk Assessment (HHRA) Note 3. DTSC-modified Screening Levels (DTSC-SLs). May.

DTSC (Department of Toxic Substances Control). 2011. Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion into Indoor Air. October 2011.

OEHHA (Office of Environmental Health Hazard Assessment) 2009. Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures. May 2009.