

10. **Sources of Information:** The sources for the evidence summarized above include but are not limited to: reports and other documentation in Regional Board files, telephone calls and e-mail communication with responsible parties, their attorneys and consultants, and Site visits.

#### AUTHORITY - LEGAL REQUIREMENTS

11. Section 13304(a) of the Water Code provides that:

*“Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”*

12. Section 13304(c)(1) of the California Water Code provides that:

*“. . . the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . . .”*

13. Section 13267(b)(1) of the California Water Code provides that:

*“In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

14. The State Water Resources Control Board (hereafter State Board) has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This Policy sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Resources Control Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*.

Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, California Code of Regulations (CCR) Section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.

15. The Regional Board adopted the Water Quality Control Plan for the Los Angeles Region (Basin Plan), which identifies beneficial uses and establishes water quality objectives to protect those uses. The Site overlies groundwater within the Pomona Basin. The beneficial uses of the groundwater beneath the Site are municipal (MUN), industrial (IND), and agricultural supply (AGR). Water quality objectives that apply to the groundwater at the Site include the state MCLs. The MCL for PCE is 5 µg/L. PCE and other waste constituents discharged at the Site constitute "waste" as defined in Water Code section 13050(d).

The concentration of PCE in groundwater at and downgradient of the Site exceed the water quality objectives for the wastes. The exceedance of applicable water quality objectives constitutes pollution as defined in Water Code section 13050(1)(1). The wastes detected in groundwater, soil matrix and vapor at the Site have caused pollution, including contamination, and nuisance.

#### DISCHARGER LIABILITY

16. As described in Findings of this Order, the Discharger is subject to an order pursuant to Water Code section 13304 because the Discharger has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup or abatement order pursuant to Water Code Section 13304 is appropriate and consistent with policies of the Regional Board.
17. Due to the activities described in this Order, the Discharger has caused or permitted wastes, including VOCs, particularly PCE, to be discharged or deposited where the wastes are, or probably will be discharged into the waters of the state which creates a condition of pollution or nuisance. The Discharger has caused or permitted VOCs, particularly PCE, to be discharged or deposited where the wastes are or probably will pose a potential human health threat to occupants of the building onsite through direct contact exposure to contaminated soil and/or groundwater or through vapor intrusion into indoor air. The Discharger, as the former operator of a historical facility and the former owner of the property, is responsible for complying with this Order.
18. This Order requires investigation and cleanup of the Site in compliance with the Water Code, the applicable Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations.
19. As described in Findings in this Order, the Discharger is subject to an order pursuant to Water Code section 13267 to submit technical reports because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which was owned and operated by the Discharger

named in this Order, Occidental Research Corporation, its agents, successors, and assigns. The technical reports required by this Order are necessary to assure compliance with section 13304 of the Water Code, including to adequately investigate and cleanup the Site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.

### CONCLUSIONS

20. The Regional Board is declining to name additional potentially responsible parties (PRPs) for the Site in this Order at this time. Substantial evidence indicates that the Discharger caused or permitted waste to be discharged into waters of the state and is therefore appropriately named as responsible party in this Order. The Regional Board will continue to investigate whether additional PRPs caused or permitted the discharge of waste at the Site and whether these or other parties should be named as additional responsible parties to this Order. The Regional Board may amend this Order or issue a separate order or orders in the future as a result of this investigation and as more information becomes available. Although investigation concerning additional PRPs is ongoing, the Regional Board desires to issue this Order as waiting will only delay remediation of the Site.
21. Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Regional Board will conduct the necessary and appropriate environmental review prior to the Executive Officer's approval of the applicable plan.
22. Pursuant to Water Code section 13304, the Regional Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action.
23. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

## REQUIRED ACTIONS

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to section 13304 and 13267 of the California Water Code, that the Discharger shall investigate, cleanup the wastes and abate the effects of wastes forthwith discharging at and from 1855 Carrion Road in La Verne, California. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates within the time schedule listed in Attachment B attached hereto and incorporated herein by reference, which may be revised by the Executive Officer without revising this Order. More specifically, the Discharger shall:

**1. Complete Site Assessment and Delineation of Extent of Contamination:**

- a. Completely assess all wastes in the soil matrix, soil vapor and groundwater beneath the Site and delineate the extent of wastes in the soil and groundwater onsite and offsite.
- b. Prepare and submit for Regional Board review and approval a Site Assessment Work Plan(s) for complete assessment and delineation of wastes in the soil and groundwater.
- c. Include a time schedule for implementation of the Site Assessment Work Plan within the Plan.
- d. Upon Executive Officer approval of the Site Assessment Work Plan(s), you shall implement the Work Plan in accordance with the approved time schedule.
- e. Completion of the site assessment may require multiple work plans.

**2. Update existing Conceptual Site Model (CSM):**

- a. Update the existing CSM with additional site assessment data after completion of each site assessment phase;
- b. Evaluate the CSM and identify data gaps for completion of site assessment.

**3. Conduct Site-Specific Human Health Risk Assessment:**

- a. **By December 31, 2012**, prepare and submit for Regional Board review and approval a Work Plan to:
  - i. Conduct a site-wide soil gas survey to update historical soil gas data for the Site and use the data for a site-specific human health risk assessment. Existing soil gas data collected during various site assessments conducted at the Site is not usable for the human health risk assessment because of temporal variation of the concentrations of waste constituents in the soil vapor phase.
  - ii. Conduct a quantitative, site-specific human health risk assessment to evaluate existing and future potential risks to human health from all wastes detected in soil matrix, soil vapor and groundwater at the Site through all potential exposure pathways, applying existing regulatory human health screening levels and/or acceptable risk assessment models.
  - iii. Include a time schedule for implementation of the Site Assessment Work Plan within

the Plan.

- b. Prepare and submit for Regional Board review and approval a human health risk assessment report in accordance with the approved schedule.

**4. Prepare and Implement a Vapor Intrusion Mitigation Plan:**

If the human health risk assessment indicates a VOCs vapor intrusion threat to the indoor air from the soil gas,

- a. A Vapor Intrusion Mitigation Plan shall be prepared and implemented, as directed by the Regional Board, to mitigate the vapor intrusion threat and protect human health.
- b. A site cleanup and abatement program shall also be initiated as outlined in Item No. 5 below for protection of human health.

**5. Conduct Remedial Action:** Initiate a cleanup and abatement program for the cleanup of wastes in the soil matrix, soil vapor, and groundwater and the abatement of threats to beneficial uses of waters of the state and any nuisance caused by the discharge of waste. Specifically, you shall:

- A. Develop a comprehensive Remedial Action Plan (RAP) for soil matrix, groundwater, and soil vapor contamination originating from the Site and submit it for Regional Board review and approval. The RAP shall include, at a minimum:
  - i. Preliminary cleanup goals for soil and groundwater in compliance with State Water Board Resolution 92-49 ("*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*"). Resolution 92-49, Section III.G. requires cleanup to background, unless that is not reasonable. Alternative cleanup levels to background must comply with California Code of Regulations, Title 23, sections 2550.4, and be consistent with maximum benefit to the people of the state, protect beneficial uses, and result in compliance with the Basin Plan.
  - ii. Discussion of the technology(ies) proposed for remediation of soil matrix, soil vapor and groundwater.
  - iii. Description of the selection criteria for choosing the proposed method over other potential remedial options. Discuss the technical merit, suitability of the selected method under the given site conditions and wastes present, economic and temporal feasibility, and immediate and/or future beneficial results.
  - iv. Develop site-specific soil screening levels (SSLs) for protection of groundwater quality in accordance with the Regional Board's *Interim Site Assessment and Cleanup Guidebook*, May 1996. Discuss whether the remediation target levels are the same as the SSLs for the Site.
  - v. A proposed schedule for completion of the RAP.

The following information shall be considered when developing preliminary cleanup goals:

- a. Soil cleanup levels set forth in the Regional Board's *Interim Site Assessment and Cleanup Guidebook*, May 1996.
- b. Human health protection levels set forth in the current USEPA Region IX's RSLs.
- c. Protection from vapor intrusion and protection of indoor air quality based on the California EPA's January 2005 (or later version) *Use of Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties*. Soil vapor sampling requirements are stated in the Department of Toxic Substances Control (DTSC) and Regional Board January 2003 *Advisory - Active Soil Gas Investigations*, and the DTSC February 2005 (or latest version) *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*.
- d. Groundwater cleanup goals shall not exceed California's MCLs, Notification Levels for drinking water as established by the State Department of Public Health, Ocean Plan, and the California Toxic Rules or Regional Board's Basin Plan water quality objectives, at a point of compliance approved by the Regional Board.

Additional RAPs may be needed if the implemented remedial measure does not completely achieve all site cleanup goals.

- B. Upon Regional Board approval of the Remedial Action Plan(s), you shall implement the RAP in accordance with the approved time schedule.
  - C. You shall submit quarterly remediation progress reports to this Regional Board as set forth in the Monitoring and Reporting Program (Attachment C). The quarterly remediation progress reports shall document all performance data associated with the operating systems.
6. **Conduct Groundwater Monitoring:** Implement a groundwater monitoring program as set forth in the Monitoring and Reporting Program (Attachment C) that shall be submitted quarterly. The next groundwater monitoring report shall be due by **July 15, 2013**.
  7. **Time Schedule:** The Discharger shall submit all required work plans and reports within the time schedule listed in Attachment B attached hereto and incorporated herein by reference.
  8. The Regional Board's authorized representative(s) shall be allowed:
    - a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
    - b. Access to copy any records that are stored under the conditions of this Order;
    - c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
    - d. The right to photograph, sample, and monitor the Site for the purpose of ensuring compliance with this Order, or as otherwise authorized by the California Water Code.
  9. **Contractor/Consultant Qualification:** The Contractor who conduct the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply

with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

10. This Order is not intended to permit or allow the Discharger to cease any work required by any other order issued by the Regional Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by the Regional Board or any other agency. Furthermore, this Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restrictions on those facilities which may be contained in other statutes or required by other agencies.
11. The Discharger shall submit a 30-day advance notice to the Regional Board of any planned changes in name, ownership, or control of the Site and shall provide a 30-day advance notice of any planned physical changes to the Site that may affect compliance with this Order. In the event of a change in ownership or operator, the Discharger also shall provide 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order, and shall submit a copy of this advance notice to the Regional Board.
12. Abandonment of any groundwater well(s) at the Site must be approved by and reported to the Executive Officer at least 30 days in advance. Any groundwater wells removed must be replaced within a reasonable time, at a location approved by the Executive Officer. With written justification, the Executive Officer may approve of the abandonment of groundwater wells without replacement. When a well is removed, all work shall be completed in accordance with California Department of Water Resources Bulletin 74-90, "California Well Standards," Monitoring Well Standards Chapter, Part III, sections 16-19.
13. In the event compliance cannot be achieved within the terms of this Order, the Discharger has the opportunity to request, in writing, an extension of the time specified. The extension request shall include an explanation why the specified date could not or will not be met and justification for the requested period of extension. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. Extension requests not approved in writing with reference to this Order are denied.
14. Reference herein to determinations and considerations to be made by the Regional Board regarding the terms of the Order shall be made by the Executive Officer. Decisions and directives made by the Executive Officer in regards to this Order shall be as if made by the Regional Board.
15. The Regional Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Discharger, and for good cause shown, the Executive Officer may defer, delete or extend the date of compliance for any action required of the Discharger under this Order. The authority of the Regional Board, as contained in the California Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.

16. Continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished and this Order has been rescinded.
17. Reimburse the Regional Board for reasonable costs associated with oversight of the investigation and cleanup of the Site soils and groundwater emanating from the Site. Provide the Regional Board with the name or names and contact information for the person to be provided billing statements from the State Water Resources Control Board.
18. A Public Participation Plan shall be prepared and/or updated when directed by the Executive Officer as necessary to reflect the degree of public interest in the investigation and cleanup process.
19. The Regional Board, under the authority given by Water Code section 13267(b)(1), requires you to include a perjury statement in all reports submitted under this Order. The perjury statement shall be signed by a senior authorized representative (not by a consultant). The perjury statement shall be in the following format:

*"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*
20. The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found at  
  
[http://www.waterboards.ca.gov/ust/electronic\\_submittal](http://www.waterboards.ca.gov/ust/electronic_submittal).  
  
To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the Site. However, we may request that you submit hard copies of selected documents and data to the Regional Board in addition to electronic submittal of information to GeoTracker.
21. Failure to comply with the terms or conditions of this Order may result in imposition of monetary civil liabilities, imposed either administratively by the Regional Board or judicially by the Superior Court in accordance with sections 13268, 13304, 13308, and/or 13350 of the California Water Code, and/or referral to the Attorney General of the State of California.
22. None of the obligations imposed by this Order on the Discharger are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.

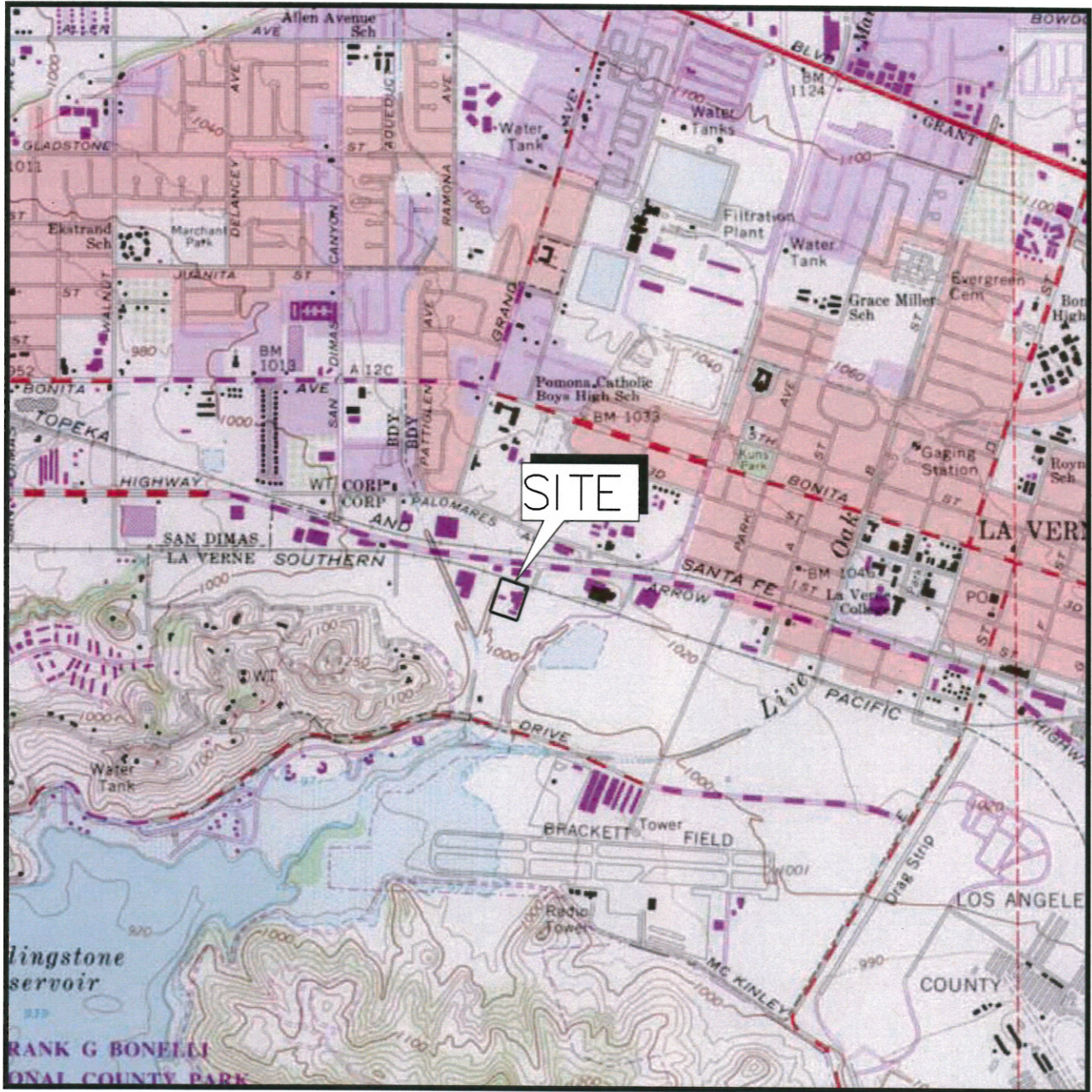


Ordered by: Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

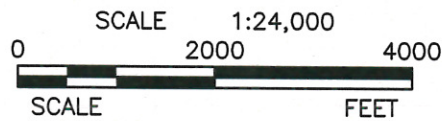
Date:  
Oct. 2, 2012

**Attachment A (Maps)**

**FIGURE 1: SITE LOCATION MAP**



SOURCE: U.S.G.S. 7.5 MINUTE SERIES TOPOGRAPHIC MAP  
 SAN DIMAS QUADRANGLE - DATED 1966, PHOTOREVISED 1981



**SGI** The  
 environmental **Source Group, Inc.**

299 West Hillcrest Drive, Suite 220  
 Thousand Oaks, CA 91360  
 (805) 373-9063/373-9073 (Fax)

**SITE LOCATION MAP**  
**FORMER OCCIDENTAL RESEARCH**  
**CORPORATION, INC.**  
 LA VERNE, CALIFORNIA

FIGURE

1