

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

[TENTATIVE] RESOLUTION NO. R23-XXX

**AUTHORIZING REFERRAL OF CLEANUP AND ABATEMENT ORDER
NO. R4-2021-0079 TO
THE OFFICE OF THE ATTORNEY GENERAL
FOR JUDICIAL CIVIL ENFORCEMENT**

- A. WHEREAS, a referral to the Attorney General’s office is a procedural matter and not an evidentiary hearing.
- B. WHEREAS, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) is a state agency whose primary authority under the Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.) is regulating, enforcing, and ensuring the quality of the waters of the State.
- C. WHEREAS, the properties located at 24751, 24777, 24707, 24747, and 24701 Crenshaw Boulevard and 2530, 2540, and 2600 Skypark Drive in the City of Torrance, California are collectively known as the Skypark Commercial Properties (or Site). The Site includes the current Hi-Shear Corporation (Hi-Shear) site located at 2600 Skypark Drive, and the East Adjacent Properties (EA Properties) which consist of Property 1 (24751 and 24777 Crenshaw Boulevard), Property 2 (24707, 24747 and 24701 Crenshaw Boulevard), and Property 3 (2530 and 2540 Skypark Drive). The Site is approximately 27 acres in size and is located in Torrance, California.
- D. WHEREAS Order No. R4-2021-007 (CAO) establishes that the Site has been primarily leased to aviation or aerospace-related companies since the 1950s. The operations of these businesses involved the storage, use, and/or generation of chemicals containing volatile organic compounds (VOCs), which have been discharged into the subsurface.
- E. WHEREAS, the CAO establishes that the Hi-Shear property and Property 1 of the EA Properties have contributed to a commingled plume of groundwater contamination that begins at the Hi-Shear property, spans the EA Properties, and extends downgradient beneath nearby residential areas in the neighboring City of Lomita.
- F. WHEREAS, the CAO establishes that detections of concentrations of VOCs in shallow soil (upper 25 feet) above the November 2022 USEPA Region IX MCL-based soil screening levels for the protection of groundwater indicate that Property 2 and Property 3 of EA Properties on the Site threaten groundwater and have likely contributed to the commingled groundwater plume.
- G. WHEREAS, the Site has a pollution burden percentile score of 91 according to CalEnviroScreen 4.0, meaning 91% of the State’s census tracts have less potential exposures to pollutants and the adverse environmental conditions caused by pollution. Specifically, the groundwater threats percentile for the Site is 98, meaning

the number and type of groundwater threats is higher than 98% of the census tracts in California.

- H. WHEREAS, Hi-Shear has performed some remediation on its own site and has been implementing onsite and offsite investigations and interim mitigation measures under a California Water Code (Water Code) section 13267 order dated October 29, 2009. The 2009 investigative order was amended on November 25, 2019, to establish the monitoring and reporting schedule of triannual groundwater monitoring program and again on March 6, 2020, to require submittal of an indoor air sampling and analysis plan. A Notice of Violation (NOV) was issued to Hi-Shear on March 1, 2021, for submitting the third triannual 2020 groundwater monitoring report 34 days past the due date included in the November 2019 amended investigative order. The Los Angeles Water Board issued another NOV to Hi-Shear on May 27, 2021 for the failure to submit the first triannual 2021 groundwater monitoring report; the Los Angeles Water Board had not received the first triannual 2021 groundwater monitoring report before the adoption of CAO Order No. R4-2021-0079 (See Paragraph K below).
- I. WHEREAS, on January 13, 2020, the Los Angeles Water Board issued a Water Code section 13267 Order No. R4-2020-0003 to City of Torrance; Magellan Aerospace, Middletown, Inc. (formerly known as Aeronca, Inc., formerly known as Aeronca Manufacturing Corporation); Excellon Industries, Inc. (also known as Excellon Automation Company and now known as Excellon Technologies, LLC); Esterline Technologies Corporation; Robinson Helicopter Company; and Dasco Engineering Corporation (EA Properties Dischargers) to submit a technical work plan for the complete delineation of the vertical and lateral extent of VOCs impacts to soil, soil vapor, and groundwater onsite and offsite. The Los Angeles Water Board received, and conditionally approved work plans for Property 1, but had not received a technical work plan(s) for Property 2 and 3 before the adoption of CAO Order No. R4-2021-0079 (See Paragraph K below).
- J. WHEREAS, on May 12, 2020, the Los Angeles Water Board issued a Water Code section 13267 Order No. R4-2020-0035 to City of Torrance; Hi-Shear Corporation (also known as Lisi Aerospace); Magellan Aerospace, Middletown, Inc. (formerly known as Aeronca, Inc. formerly known as Aeronca Manufacturing Corporation); Excellon Industries, an Esterline Company (also known as Excellon Industries, Inc., Excellon Automation Company, and EA Technologies Corporation); Excellon Acquisitions, LLC; Excellon Technologies, LLC; Esterline Technologies Corporation; Robinson Helicopter Company; and Dasco Engineering Corporation (collectively Dischargers) requiring submittal of a technical work plan to assess the vapor intrusion risk to indoor air at the EA Properties. The Los Angeles Water Board amended the order subsequently on August 17, 2020, October 6, 2020, November 20, 2020, February 2, 2021, February 24, 2021, April 1, 2021, and June 15, 2021. The requirements included in the order and its amendments remained unaddressed before the adoption of CAO Order No. R4-2021-0079 (See Paragraph K below).
- K. WHEREAS, the Los Angeles Water Board issued Cleanup and Abatement Order No. R4-2021-0079 (CAO) on June 18, 2021 to the Dischargers, describing the Site

conditions, the bases of liability and directing the Dischargers to investigate, cleanup the waste and abate the effects of waste discharging at and from the Site, pursuant to Water Code sections 13304 and 13267. The CAO supersedes the Water Code Section 13267 investigative order issued to Hi-Shear on October 29, 2009, and its amendments, except for enforcement purposes; the CAO also supersedes the Water Code Section 13267 investigative orders issued on January 13, 2020, and on May 12, 2020, and their amendments. The CAO requires the Dischargers to conduct tasks no later than the compliance dates pursuant to the time schedule set forth in Attachment B of the CAO.

- L. WHEREAS, the CAO establishes that the Site has elevated levels of volatile organic compounds (VOCs), including PCE and TCE have been detected in soil vapor, soil matrix, and groundwater beneath and downgradient of the Site. The presence of contamination in soil constitutes a continuous source of discharges of waste to groundwater. The migration of VOCs through soil vapor may pose a threat to human health.
- M. WHEREAS, the CAO establishes that discharges of waste have adversely impacted waters of the State, specifically the beneficial uses designated in the West Coast Basin of the Los Angeles County Coastal Plain.
- N. WHEREAS, the CAO requires the Dischargers to:
 - a. Task (1): develop and submit a Site Conceptual Model (SCM) to include a written presentation with graphic illustrations of discharge scenario(s), geology and hydrogeology, waste fate and transport in soil matrix, soil vapor and groundwater, distribution of wastes, exposure pathways, sensitive receptors and other relevant information. If information presented in the SCM suggests that assessment, characterization and delineation of waste constituents is incomplete, the Dischargers shall prepare and submit a work plan to complete assessment and characterization of COCs and other potential waste constituents in soil vapor, soil matrix, and groundwater and to fully delineate the vertical and lateral extent of wastes in the soil, soil vapor, and groundwater onsite and offsite.
 - b. Task (2): (2.a.) prepare and submit a comprehensive Human Health Risk Assessment (HHRA), and if applicable an ecological risk assessment, considering all waste constituents in the soil matrix, soil vapor, and groundwater, all exposure pathways and sensitive receptors and applying existing and current regulatory human health and ecological screening levels and/or acceptable risk assessment models; (2.b.) prepare and submit a Vapor Intrusion Response Plan (VIRP), which includes both response zones, Accelerated Response Zone and Evaluate Need for Action Zone; (2.c.) submit a revised Evaluation Need for Action Zone Plan and its Figure 7 – Proposed VI Assessment Sectors as part of the ongoing implementation of the VIRP; (2.d) prepare and submit soil vapor probe monitoring reports for the network of soil vapor probes tri-annually.

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- c. Task (3): (3.a.) develop, submit, and implement a Site Assessment Work Plan(s) to assess, characterize and delineate the extent of wastes in soil, soil vapor, and groundwater for each Property; (3.b.) submit the implementation report for the Additional Soil Vapor Delineation Investigation Scope of Work; (3.c.) submit the Soil, Soil Vapor, and Groundwater Delineation Report – Module IV; (3.d.) submit the Onsite Vertical Groundwater Investigation Report; (3.e.) submit a work plan for flow and transport groundwater modeling for onsite and offsite groundwater contaminant plumes (Groundwater Modeling Work Plan).
 - d. Task (4): (4.a.) Develop an Interim Remedial Action Plan (IRAP) for cleanup of wastes in soil, soil vapor, and groundwater originating from each respective Property, based on currently available environmental data; (4.b.) develop a comprehensive Remedial Action Plan(s) (RAP) for cleanup of wastes in the soil matrix, soil vapor, and groundwater originating from the Site.
 - e. Task (5): conduct tri-annual groundwater monitoring program and submit reports.
- O. WHEREAS, the CAO was subsequently amended on November 15, 2021, February 28, 2022, May 19, 2022, July 27, 2022, October 18, 2022, and January 17, 2023 to revise the time schedules in Attachment B of the CAO, to require revision to the EA Properties IRAP, and to require an implementation report to carry out the investigative component of the revised EA Properties IRAP.
- P. WHEREAS, the Dischargers have not fully complied with the requirements of the CAO and its amendments, as evident by multiple late submittals of reports past their respective due dates as shown in Table 1, enclosed with this Resolution, which outlines the requirements of the CAO and its amendments, due dates, and current compliance status. Additionally, Los Angeles Water Board staff observed a continual lack of effort amongst the Dischargers to work collaboratively to comply with the CAO and its amendments. As shown in Table 1, the Dischargers have been providing separate submittals under each task. Most of the reports submitted by the individual Dischargers only partially comply with their respective requirements, as they only addressed part of the Site rather than the entire Site, leaving some areas of the Site unaddressed. Some Dischargers also did not partake in the efforts to comply with the requirements. Submittals were not consistently uploaded to the State Water Resources Control Board's Geotracker database, as required by the CAO, compounding inefficiency to assess the site and hindering transparency and collaboration amongst Dischargers and stakeholders. The lack of collaboration between Dischargers, with some Dischargers partially addressing selective requirements of the CAO and its amendments, and the continual lack of commitment to conduct proposed and conditionally approved activities is rendering the requirements of the CAO and its amendments ineffective and hindering the assessment and cleanup progress of the Site.

- Q. WHEREAS, Water Code Section 13304 allows the Los Angeles Water Board to seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action. Item 16 under the “Required Task” Section of the CAO directed the Dischargers to reimburse the Los Angeles Water Board for reasonable costs associated with oversight of the investigation and cleanup of the waste at or emanating from the Site and to provide the name(s) and contact information for the person to be provided billing statements from the State Water Resources Control Board. As of November 2022, a balance of \$345,480.80 is still outstanding.
- R. WHEREAS, from October 2021 to the present, Los Angeles Water Board staff regularly met with Dischargers and encouraged compliance and communicated failures to comply. Los Angeles Water Board staff regularly reiterate the urgency and need for cleanup actions at the Site and compliance with the CAO and its amendments due to the potential human health risks from discharges found at soil, soil vapor, and groundwater at the Site.
- S. WHEREAS, the City of Torrance and Hi-Shear have asked for the Los Angeles Water Board’s assistance in forcing other parties to comply with the CAO.
- T. WHEREAS injunctive relief compelling compliance with the CAO may only be obtained through a lawsuit filed by the Attorney General’s office.
- U. WHEREAS, due to the discharges described in the CAO and its amendments, and the failure to comply with the CAO, as described in this Resolution, the Dischargers have caused or permitted or threatened to cause or permit wastes 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. These discharges pose a potential human health threat to occupants of buildings onsite through direct contact exposure to contaminated soil and/or groundwater or through vapor intrusion into indoor air. Discharges at the Site remain unabated and continue to migrate.
- V. WHEREAS, Water Code section 13268 specifies potential consequences for failure to submit reports as required by subdivision (b) of section 13267.
- W. WHEREAS, Water Code section 13304, subdivision (a), allows the Los Angeles Water Board to request that the Office of the Attorney General petition the superior court to issue an injunction to compel responsible parties to comply with an order issued pursuant to Water Code section 13304.
- X. WHEREAS, Water Code section 13350 also allows the Los Angeles Water Board to request that the Attorney General petition the superior court to impose, assess, and recover administrative civil liability for violations of cleanup and abatement orders issued pursuant to Water Code section 13304. The Discharger(s) may be civilly liable under Water Code section 13350, subdivision (a). Under Water Code section 13350, subdivision (d), a court may impose such civil liability not to exceed fifteen thousand

dollars (\$15,000) for each day the violation occurs or not to exceed twenty dollars (\$20) for each gallon of waste discharged.

- Y. WHEREAS, all enforcement options other than referral to the Office of the Attorney General and any resulting judicial relief have been considered. For example, other possible enforcement avenues include another cleanup and abatement order, cease and desist order, or time schedule order, followed with an administrative civil liability (ACL) process to consider assessing monetary penalties. The Los Angeles Water Board has already issued multiple Water Code Section 13267 orders and a cleanup and abatement order to the Dischargers to address assessment and cleanup at the Site. However, the Dischargers remain recalcitrant and unwilling to work collaboratively to comply with the requirements, rendering the Los Angeles Water Board requirements ineffective and hindering cleanup and assessment progress of the Site. As such, and given the degree of contamination at the Site, Los Angeles Water Board Staff recommends referring the matter to the Attorney General's office as a more expeditious and streamlined means to assess and remediate the contaminated Site and to avoid further delay to cleanup.
- Z. WHEREAS, the complex factual and legal issues presented by these matters are better suited for development and presentation by the Office of the Attorney General and for judicial resolution. Specifically, the history of non-compliance with historical Water Code Section 13267 investigative orders and CAO No. R4-2021-0079 and its amendments, the complex history of the Site, and the likelihood that enforcement through the civil judicial process will expedite the relief sought and protect the community surrounding the Site, all weigh in favor of civil judicial enforcement through the Office of the Attorney General. The relief is urgently needed to ensure a continuation of the protection of public health, welfare, and the environment from threats presented by the Site.
- AA. WHEREAS, judicial enforcement of the Water Code allows for the assessment of higher maximum civil liabilities, if appropriate, as well as injunctive relief and the issuance of a consent judgment. The ability to pursue injunctive relief and/or a consent judgment would allow the Los Angeles Water Board, through the Office of the Attorney General, to place the Responsible Parties under a judicially enforceable timeline to complete assessment, delineation of the contaminated plumes, which originated from the Site, and conduct the appropriate cleanup and abatement.
- BB. WHEREAS, Water Code section 13350, subdivision (g), requires the Los Angeles Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under Water Code section 13350. On March 1, 2023, notices were given in accordance with the requirements of applicable statutes regarding this hearing, and the Dischargers were given a chance to comment on the proposed Resolution in writing in advance of the hearing. On [April 27, 2023], the Los Angeles Water Board [will hold] such a hearing in compliance with section 13350, subdivision (g), and consider the testimony and evidence offered at the hearing and in the record.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Los Angeles Water Board hereby authorizes the Executive Officer to refer the enforcement of Order No. R4-2021-0079 and related investigative orders discussed herein (to the extent not already referred) to the Office of the Attorney General and further authorizes the Executive Officer to request that the Office of the Attorney General seek all appropriate relief, which may include civil liabilities or injunctive relief against any or all of the Dischargers, pursuant to Water Code sections 13268, 13304 and 13350.
2. The Los Angeles Water Board hereby authorizes the Executive Officer to participate in any settlement discussions regarding the resolution of the violations at issue. The Los Angeles Water Board retains its authority to approve any proposed settlement of the alleged violations.

I, Renee Purdy, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, at its regular meeting on April 27, 2023.

for Renee Purdy
Executive Officer

ATTACHMENT TO RESOLUTION

Table 1: Summary of Tasks Required by Amendments and Modifications to CAO No. R4-2021-0079 and Current Compliance Statuses

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TABLE 1. Summary of Tasks Required by Amendments and Modifications to CAO No. R4-2021-0079 and Current Compliance Statuses

Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 1	Submit Site Conceptual Model	September 10, 2021	Hi-Shear: September 9, 2021 November 24, 2021 Esterline: September 10, 2021 Magellan: September 10, 2021 RHC: December 8, 2022

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 2.b.ii	Submit interim completion report for the Evaluate Need for Action Zone	August 15, 2022	Hi- Shear: August 31, 2022 [SUBMITTED LATE]
Task 2.b.iii	Submit completion report for the Evaluate Need for Action Zone	March 17, 2023	Not yet due as of issuance date of Tentative Resolution
Task 2.c	Submit Revised Evaluate Need for Action Zone Plan and its Figure	August 13, 2021	Hi- Shear: August 13, 2021 January 17, 2022 Magellan: August 13, 2021 Esterline: August 13, 2021 Excellon: August 13, 2021
Task 2.d	Submit Semi-Annual (SA) Soil Vapor (SV) Monitoring Report	Semi-Annually 1 st SA: July 31 2 nd SA: January 31	Hi-Shear: 2 nd SA 2021 Report submitted on March 25, 2022 (due date was extended to March 26, 2022) Hi-Shear: 1st SA 2022 Report submitted on August 2, 2022 [SUBMITTED LATE] 2 nd SA 2022 Report – Report Not Submitted to Date

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 3.a	Submit Site Assessment Work Plans for each property	September 10, 2021	Hi-Shear: September 9, 2021 Esterline: September 10, 2021 Magellan: September 10, 2021 RHC: December 31, 2022
	Implement Site Assessment Work Plans implementation (vertical and lateral delineation)	September 12, 2022	Esterline: Not submitted to date [Extension request submitted on September 12, 2022] Excellon: Not submitted to date [Extension request submitted on September 12, 2022] Magellan: Not submitted to date [Extension request submitted on September 12, 2022]

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
	<p>Implementation report for Investigative Component of Revised EAP IRAP (required under the July 27, 2022 amendment to CAO)</p> <p>Implementation report of revised "Off-Site Assessment Work Plan" (required under the October 31, 2022 modification letter)</p>	<p>December 30, 2022</p> <p>April 7, 2023</p>	<p>Magellan: Not submitted to date [Extension request submitted on December 23, 2022]</p> <p>City of Torrance: Not submitted to date [Extension request submitted on December 23, 2022]</p> <p>Esterline: Not submitted to date [Extension request submitted on December 28, 2022]</p> <p>Excellon: Not submitted to date [Extension request submitted on December 28, 2022]</p> <p>RHC: Not submitted to date [Extension request submitted on December 31, 2022]</p> <p>Not yet due as of issuance date of Tentative Resolution</p>
Task 3.b	Hi-Shear to submit Additional Scope Report	October 15, 2021	Report Not Submitted to Date

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 3.c	Hi-Shear to submit Module IV Report	October 15, 2021	Report Not Submitted to Date
Task 3.d	Hi-Shear to submit Onsite Vertical Groundwater Investigation Report	August 27, 2021	Hi-Shear: August 27, 2022
Task 3.e	Submit Groundwater Modeling Work Plan	January 7, 2022	Hi-Shear: January 6, 2022
Task 4.a	Submit IRAP(s)	August 31, 2021	The City: January 31, 2022 (Groundwater IRAP) [SUBMITTED LATE] ; February 28, 2022 (EA Properties IRAP) [SUBMITTED LATE]
Task 4.a.i	Submit the Groundwater IRAP implementation report	May 15, 2023	Not yet due as of issuance date of Tentative Resolution
Task 4.a.ii	Submit Remediation Progress Reports for the implementation of the Groundwater IRAP	Tri-annually beginning May 15 of the year implementation of the Groundwater IRAP begins.	Not yet due as of issuance date of Tentative Resolution

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 4.a.iii	<p>Submit a complete application/report of Waste Discharge to obtain a waste discharge requirement permit</p> <p>Submit the implementation report for the Revised EA Properties IRAP</p>	<p>February 24, 2023</p> <p>September 15, 2023</p>	<p>Application not submitted to date.</p> <p>Not yet due as of issuance date of Tentative Resolution</p>
Task 4.a.iv	Submit Remediation Progress Reports for the implementation of the Revised EAP IRAP	Tri-annually beginning September 15 of the year implementation of the Revised EAP IRAP begins.	Not yet due as of issuance date of Tentative Resolution

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 4.b	Submit RAP(s) Implement RAP Prepare and submit Remediation Progress Reports for the implementation of the RAP(s) Submit a Remedial Action Completion Report	March 31, 2022 March 31, 2027 Quarterly beginning January 15 of the year implementation of the RAP begins 60 days after completion of implementation of the RAP	Hi- Shear: December 19, 2022 (Draft RAP)[SUBMITTED LATE] Not yet due as of issuance date of Tentative Resolution Not yet due as of issuance date of Tentative Resolution Not yet due as of issuance date of Tentative Resolution
Task 5	Conduct Tri-Annual (TA) Groundwater Monitoring	1st TA: May 15 (for Jan -April Monitoring Period) 2nd TA: September 15 (for May-August Monitoring Period) 3rd TA: January 15 (for September - December Monitoring Period)	2nd TA for 2021: Report Not Submitted to Date Hi-Shear: 3rd TA for 2021: submitted on February 25, 2022 [SUBMITTED LATE] Hi-Shear: 1st TA for 2022: submitted on May 13, 2022 Hi-Shear: 2nd TA for 2022: submitted on October 19, 2022 [SUBMITTED LATE] 3rd TA for 2022 Report: Report Not Submitted to Date

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Directive	Description of Task (Unless specified, the requirement applies to all Dischargers)	Deadline	Submittal Dates
Task 6a-c	Public Participation as directed by the Executive Officer	According to the schedule approved by Executive Officer	The Dischargers continue to comply with this task as of the issuance of this Tentative Resolution.