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02636.004

October 20, 2010

VIA FEDERAL EXPRESS and E-MAIL ([jbashaw@waterboards.ca.gov](mailto:jbashaw@waterboards.ca.gov))

State Water Resources Control Board  
Office of Chief Counsel  
Attn.: Jeannette L. Bashaw, Legal Analyst  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

**Subject: Petition for Review, Request for Stay, Request for Hearing, and Request for Substantive Issues to be Held in Abeyance re: Los Angeles Regional Water Quality Control Board's *California Water Code Section 13267 Order: Requirements to Submit Technical Reports to Investigate the Extent of Soil Matrix, Soil-Gas, and Groundwater Contamination – Former Western Metal Lath, 15220 Canary Avenue, La Mirada, California (Site ID No. 204CE00, SCP No. 0673)***

Dear Ms. Bashaw:

This letter brief is submitted on behalf of petitioner Mr. Raymond E. Poliquin ("Petitioner") in response to the Los Angeles Regional Water Quality Control Board ("RWQCB") *California Water Code Section 13267 Order: Requirements to Submit Technical Reports to Investigate the Extent of Soil Matrix, Soil-Gas, and Groundwater Contamination – Former Western Metal Lath, 15220 Canary Avenue, La Mirada, California (Site ID No. 204CE00, SCP No. 0673)* ("Order").<sup>1</sup>

1. *Name, address, telephone number and e-mail address of the Petitioner:*

Mr. Raymond E. Poliquin  
c/o John Van Vlear, Esq.  
Voss, Cook & Thel LLP  
895 Dove Street, Suite 450  
Newport Beach, CA 92660  
(949) 435-0225  
[vv@vctlaw.com](mailto:vv@vctlaw.com)

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<sup>1</sup> Exhibit "A" to the Declaration of John E. Van Vlear ("Van Vlear Decl.").

2. *Action being petitioned:* Executive Officer's decision to issue the Order to Petitioner and to require Petitioner to submit technical reports.
3. *The date the Regional Water Board acted, refused to act, or was requested to act:* The Order was issued on September 21, 2010; on October 7, 2010 Petitioner personally requested that the Order be rescinded.
4. *Statement of the main reasons the action or inaction was inappropriate or improper:*

Jurisdictional

The Order is issued to the wrong party. Petitioner, an individual, is not, and has never been, the owner or operator of the subject site. Despite repeated notice to the RWQCB of this fatal jurisdictional flaw, the agency has failed withdraw the Order.

Substantive

The following substantive issues are raised herein solely to preserve them, with a request that any action by the State Board on such be held in abeyance while efforts are made to reach agreement with the RWQCB, and later providing Petitioner the opportunity to submit points and authorities on such:

- (a) The Order requiring anyone associated with the property at 15220 Canary Avenue, La Mirada ("Site") to undertake, or further undertake, soil gas, soils, and/or groundwater investigation and/or remediation related to solvents in the soil and/or groundwater ("Environmental Response Actions") on or about the Site is, among other things, improper, illegal, unfair, arbitrary, and late;
  - (b) The Order ignores the true responsible party for most or all of the contamination at the Site – U.S. Gypsum and its successors, owners and operators of the massively contaminated upgradient property at 14370 Gannet Street, La Mirada, California ("USG Site").
5. *How the Petitioner is aggrieved:*

Jurisdictional

Petitioner is being ordered to do something on a site for which he has no personal or individual responsibility. The RWQCB is without jurisdiction or legal authority to order the required action from Petitioner.

Substantive

Current and former owners and operators at the Site are being, or may be, asked to conduct environmental response actions for which the USG Site is responsible.

6. *The actions the Petitioner requests the State Water Board to take:*

- Rescind the Order and/or instruct the RWQCB to rescind the Order;
- Instruct the RWQCB to cease and desist, upon current facts, from naming Petitioner in any further orders or directives relating to the Site;
- If the Order is not rescinded,
  - Remove Petitioner individually from the Order;
  - Stay the Order pending hearing on the jurisdiction issue;
  - Schedule a hearing on the jurisdictional issue;
  - Hold all substantive issues raised above in abeyance while efforts are made to reach agreement with the RWQCB.

7. *Points and Authorities:*

Lack of Jurisdiction

The Order is directed to Petitioner as “Mr. Raymond E. Poliquin,” an individual. Yet, Petitioner is not the owner of the Site. As can be seen from the currently recorded Grant Deed, the listed owner of the Site is Canary Avenue, LLC (“CALLC”).<sup>2</sup> Well in advance of issuing the Order, the RWQCB was aware of this fact. On September 8, 2009, CALLC provided this information to the RWQCB through delivery of a “Certification Declaration for Compliance with Fee Title Holder Notification Requirements” (“Certificate”).<sup>3</sup> The Certificate lists the fee title holder as “Canary Avenue LLC.” Granted, the Certificate does mention Raymond E. Poliquin, but only as “Trustee.”<sup>4</sup> The Managing Member of Canary Avenue LLC is The Poliquin Credit Trust (“Trust”). Raymond E. Poliquin is a Co-Trustee of the Trust.

On October 7, 2010, attorney Van Vlear and Petitioner met with the RWQCB (Messrs. Arthur Heath and David Young, and Ms. Su Han).<sup>5</sup> In addition to negotiations related to substantive issues, a prime focus of the meeting was to discuss the fact that the RWQCB had named the wrong party in the Order. Attorney Van Vlear clearly identified the issue, and provided a written explanation with respect to the property ownership and lack of jurisdiction. In

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2 Exhibit “B” to Van Vlear Decl.

3 Exhibit “C” to Van Vlear Decl.

4 Ibid.

5 Exhibit “D” to Van Vlear Decl. (Meeting sign-in sheet)

that confidential settlement communication, the following non-confidential information was provided:

Lack of Jurisdiction

In the December 22, 2005 Petition for Review to State Board (cc'd to LARWQCB) on behalf of Ted Poliquin, we stated that the then owner of the site was: "Raymond A. Poliquin, Trustee of the Poliquin Revocable Trust dated July 7, 1995." That order was eventually rescinded.

The new September 21, 2010 Order was issued to: "Mr. Raymond E. Poliquin, Former Western Metal Lath"

Raymond E. Poliquin is Ted Poliquin. He is an individual who is not, in his individual capacity, responsible for any aspect of this site.

The current owner of the site is in fact: Canary Avenue, LLC (263 N. Covina Lane, City of Industry, CA 91746). The Poliquin Credit Trust is the Managing Member of the Canary Avenue, LLC. Mr. Raymond E. Poliquin is one of the Trustees of the Poliquin Credit Trust.<sup>6</sup>

At that meeting, attorney Van Vlear and Petitioner asked the RWQCB to simply rescind the Order and re-issue naming CALLC as the proper party.<sup>7</sup> There was no attempt to avoid service. The facts were outlined clearly and a simple request was made to rescind the Order. After that point, attorney Van Vlear sent three e-mails (October 8, 14, and 19) to the RWQCB asking for a status update on rescinding the Order since Petitioner did not want to have to file this Petition.<sup>8</sup> The only response was on October 19<sup>th</sup> and it provided:

Regional Board staff is seeking our legal team's advice on who should be named as the responsible party. However, we think the existing Order is still valid and will wait to see, if anything, what our attorneys will be recommending.<sup>9</sup>

The RWQCB left Petitioner with no choice but to file this Petition by the non-extendable deadline of October 21, 2010.

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<sup>6</sup> Van Vlear Decl., para. 5.

<sup>7</sup> *Id.*, at para. 6.

<sup>8</sup> *Id.*, at para. 7.

<sup>9</sup> *Id.*, at para. 8.

Water Code section 13267, the statute cited in the Order, provides: "Any person who has discharged, discharges, or is suspected of having discharged or discharging . . . waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

Here, Petitioner, an individual with no responsibility for the site or its operations, falls outside the scope of the statute, and thus, cannot be the proper subject of the Order.

#### Substantive Points

The Petitioner respectfully asks that the State Board hold all substantive issues raised above in abeyance while efforts are made to reach agreement with the RWQCB. If the Order is still in effect, and if agreement cannot be reached with the RWQCB, then Petitioner will provide substantive points and authorities for the remaining issues preserved above.

8. *Petitioner has sent copies of this petition to the Regional Water Board and to Western Metal Lath.*

Yes, Petitioner has.

9. *Petitioner raised the issues in this petition to the RWQCB before the RWQCB acted.*

Petitioner has raised the issues in this petition with the RWQCB before the RWQCB acted (issued the Order) and failed to act (rescind the Order). *See* section 7 above for description.

#### Stay Necessity.

Without a stay, there will be substantial harm to Petitioner since he will be forced to respond under threat of law to the Order for which there is no jurisdictional basis.<sup>10</sup> There will be no substantial harm to other interested parties, and there are substantial questions of fact or law regarding the Order, for the same reason.<sup>11</sup>

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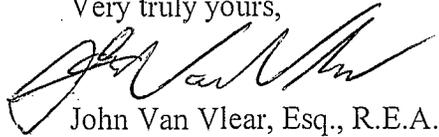
<sup>10</sup> *Id.*, at para. 9.

<sup>11</sup> *Ibid.*

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Thank you for your consideration and action upon these important issues. If there are any questions, please contact John Van Vlear directly at 949/435-4338.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Van Vlear". The signature is fluid and cursive, with a large initial "J" and "V".

John Van Vlear, Esq., R.E.A.

cc: Phil Wyeles, Esq., State Water Board  
Arthur Heath (Los Angeles Regional Water Quality Control Board)  
Christopher McNevin, Esq. (for Western Metal Lath)

**DECLARATION OF JOHN E. VAN VLEAR IN SUPPORT OF PETITION**

I, John E. Van Vlear, declare:

I am an attorney at law duly admitted to practice before all the courts of the State of California and the attorney of record herein for Petitioner and Canary Avenue LLC. The following facts are known to me and I could so testify if called upon.

1. Attached hereto as Exhibit A is a true and correct copy of *California Water Code Section 13267 Order: Requirements to Submit Technical Reports to Investigate the Extent of Soil Matrix, Soil-Gas, and Groundwater Contamination – Former Western Metal Lath, 15220 Canary Avenue, La Mirada, California (Site ID No. 204CE00, SCP No. 0673)*, issued by the RWQCB on September 21, 2010.

2. Attached hereto as Exhibit B is a true and correct copy of a Grant Deed showing that the property which is the subject of the Order is owned by Canary Avenue LLC.

3. Attached hereto as Exhibit C is a true and correct copy of a Certification Declaration for Compliance with Fee Title Holder Notification submitted to the RWQCB by Canary Avenue LLC, executed September 10, 2009, informing the RWQCB that the owner of the subject property is Canary Avenue LLC.

4. On October 7, 2010 I met with the RWQCB (Messrs. Arthur Heath and David Young, and Ms. Su Han), at its office in Los Angeles, to discuss the subject of the Petition. Attached hereto as Exhibit D is a true and correct copy of a Meeting Attendance Sheet, identifying the persons present at the October 7, 2010 meeting I had with the RWQCB.

5. Although some of the communications were confidential, the following non-confidential information was relayed in writing by me to those RWQCB staff present at the meeting:

In the December 22, 2005 Petition for Review to State Board (cc'd to LARWQCB) on behalf of Ted Poliquin, we stated that the then owner of the site

was: "Raymond A. Poliquin, Trustee of the Poliquin Revocable Trust dated July 7, 1995." That order was eventually rescinded.

The new September 21, 2010 Order was issued to: "Mr. Raymond E. Poliquin, Former Western Metal Lath"

Raymond E. Poliquin is Ted Poliquin. He is an individual who is not, in his individual capacity, responsible for any aspect of this site.

The current owner of the site is in fact: Canary Avenue, LLC (263 N. Covina Lane, City of Industry, CA 91746). The Poliquin Credit Trust is the Managing Member of the Canary Avenue, LLC. Mr. Raymond E. Poliquin is one of the Trustees of the Poliquin Credit Trust.

6. At the meeting, I asked the RWQCB to simply rescind the Order and re-issue it naming Canary Avenue LLC as the proper party.

7. After the October 7<sup>th</sup> meeting, I sent three e-mails (October 8, 14, and 19, 2010) to the RWQCB asking for a status update on rescinding the Order on the jurisdictional basis since Petitioner did not want to have to file this Petition.

8. The only response was an October 19, 2010 e-mail providing:

Regional Board staff is seeking our legal team's advice on who should be named as the responsible party. However, we think the existing Order is still valid and will wait to see, if anything, what our attorneys will be recommending.

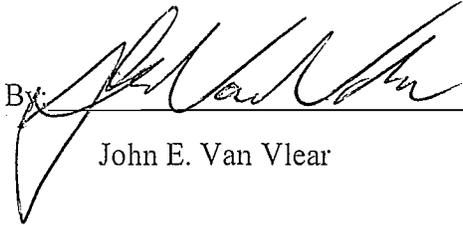
9. Without a stay, there will be substantial harm to Petitioner since he will be forced to respond under threat of law to the Order for which there is no jurisdictional basis. If the Order is not rescinded, a stay will not cause substantial harm to other interested parties. There are

State Water Resources Control Board  
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substantial questions of fact or law regarding the Order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 20, 2010

By:   
\_\_\_\_\_  
John E. Van Vlear





# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

September 21, 2010

Mr. Raymond E. Poliquin  
Former Western Metal Lath  
263 North Covina Lane  
City of Industry, CA 91746

Certified Mail  
Return Receipt Requested  
Claim No. 7009 0820 0001 6811 9572

**CALIFORNIA WATER CODE SECTION 13267 ORDER: REQUIREMENTS TO SUBMIT TECHNICAL REPORTS TO INVESTIGATE THE EXTENT OF SOIL MATRIX, SOIL-GAS, AND GROUNDWATER CONTAMINATION – FORMER WESTERN METAL LATH, 15220 CANARY AVENUE, LA MIRADA, CALIFORNIA (SITE ID NO. 204CE00, SCP NO. 0673)**

Dear Mr. Poliquin:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the State regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties. To accomplish this, the Regional Board issues investigative and cleanup and abatement orders authorized by Porter Cologne Water Quality Control Act (California Water Code [CWC], Division 7). Enclosed is a Regional Board investigative Order (Order) requiring submittal of technical reports pursuant to CWC section 13267. The Order requires preparation and submittal of technical report(s) for the lateral and vertical delineation of impacted soil, soil-gas, and groundwater on and offsite (if necessary).

Because soil and groundwater at the subject site have been impacted with high levels of chlorinated volatile organic compounds (VOCs) and this contamination has not been fully defined, you are required to investigate and completely delineate the lateral and vertical extent of the VOC contamination in soil, soil-gas, and groundwater from releases at the former Western Metal Lath facility.

If you have any questions regarding this Order, please feel free to contact me at (213) 576-6733 or via email at [dyoung@waterboards.ca.gov](mailto:dyoung@waterboards.ca.gov).

Sincerely,

David A. Young, PG  
Engineering Geologist  
Site Cleanup Program Unit I

- Enclosures:
1. Regional Board 13267 Order dated September 21, 2010
  2. Chemical Storage and Use Questionnaire

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# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
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Arnold Schwarzenegger  
Governor

### REQUIREMENTS TO SUBMIT TECHNICAL REPORTS (CALIFORNIA WATER CODE SECTION 13267)

DIRECTED TO MR. RAYMOND E. POLIQUIN

FORMER WESTERN METAL LATH FACILITY  
15220 CANARY AVENUE, LA MIRADA, CALIFORNIA  
(SITE ID NO. 204CE00, SCP NO. 0673)

You are legally obligated to respond to this Order. Please read this carefully.

Pursuant to section 13267 of the California Water Code (CWC), you are hereby directed to define the extent of soil, soil gas, and groundwater contamination encountered at the subject site (Site) and submit the following:

1. By **January 31, 2011**, a work plan for additional soil, soil gas, and groundwater investigation in the vicinity of the former underground storage tanks (USTs) shall be submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) to determine the lateral and vertical extent of the subsurface contamination originating from releases at the Site. A report or reports documenting the results of, or additional work plans to complete the required soil, soil gas, and groundwater investigations shall be submitted by the due date(s) specified in future amendments to this Order and in the work plan approval or report review comment letter(s) from the Regional Board.
2. By **January 31, 2011**, you are required to submit the first semi-annual groundwater monitoring report for the second half of 2010 (July through December) to the Regional Board. Groundwater monitoring of existing and potential new groundwater wells at the Site must resume and be conducted according to the following schedule:

<u>Monitoring Period</u>	<u>Report Due Date</u>
January – June	July 31 <sup>st</sup>
July – December	January 31 <sup>st</sup>

In addition to the information provided in the previous monitoring reports, all future groundwater monitoring reports shall include the following:

- Plan-view and cross-section maps/figures showing the extent of dissolved-phase contamination in the saturated zone, including isoconcentration maps for all primary contaminants detected at the Site.
3. By **October 21, 2010**, you are required to complete and return the attached chemical use questionnaire to provide information on past and/or present chemical storage and usage at the Site. The return of this questionnaire, properly signed, is required for all chemicals that are/were stored or used at the Site.

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Mr. Raymond E. Poliquin  
Former Western Metal Lath  
SCP No. 0673

September 21, 2010

4. Effective immediately, in addition to hard copies, all future reports and data must be uploaded via e-submittal to GeoTracker by the report due date specified by the Regional Board. Due to technical constraints, you are also required to submit hard copies of all Site documents, data, and correspondence to the Regional Board by the specified due date(s). Currently, all of the information on electronic submittal regulations and GeoTracker contacts can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

For your convenience, the global ID for your Site is **SL204CE2369**.

Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical reports/documents described above, or failure to comply with regulations requiring the electronic submittal of information, which went into effect on January 1, 2005, may result in the imposition of civil liability penalties by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day each report is not received or compliance with the required electronic submittal of information is not met, after the *above* specified due dates.

The Regional Board needs the required information in order to determine the lateral and vertical impact to soil, soil gas, and groundwater from releases of chlorinated volatile organic compounds (VOCs) at the Site. You are being required to submit the required documents based on the following justifications:

- A. The Regional Board issued a California Water Code (CWC) section 13304 Order to you dated September 26, 2005, requiring the submittal of a remedial action plan to address soil and groundwater impacted from releases of VOCs at the Site. This order was subsequently rescinded based on the following criteria:
  - a. To allow Regional Board staff additional time to accurately identify the appropriate responsible parties for the subject site;
  - b. To reconsider your consultant's request to re-evaluate and possibly take action on the "missing link" investigation data results; and,
  - c. To allow the Regional Board and other parties to work out any differences that may be prohibiting the responsible parties from moving forward towards remediating the subject site.

In response to item Aa above, Regional Board staff requested completion of a certification declaration for compliance with fee holder notification requirements in a letter dated August 4, 2009. The completed form, which we received back to our office on September 10, 2009, indicates that you are the trustee of the Canary Avenue, LLC, which holds the title to the Site. Therefore, you have been identified as a responsible party for the investigation and cleanup of VOCs in soil, soil gas, and groundwater caused by releases at the Site.

*California Environmental Protection Agency*



Mr. Raymond E. Poliquin  
Former Western Metal Lath  
SCP No. 0673

September 21, 2010

In response to item Ab above, Regional Board staff received and reviewed the document *Further Site Investigation Report Former Western Metal Lath Facility*, dated November 30, 2005, prepared by SCS Engineers. This document details the results of the "missing link" investigation mentioned above. The information provided in this report was used to supplement previous investigation findings. After reviewing the data included in the referenced report and other file documents, Regional Board staff have concluded that releases at the Site in the area of the former USTs have impacted subsurface soil and groundwater.

In response to item Ac above, Regional Board staff have been working with the adjacent property owner to continue investigation and cleanup of contamination caused by releases at their property. This contamination appears to be comingling with releases that occurred at the [Western Metal Lath] Site.

- B. 1,1,1-trichloroethane (1,1,1-TCA) was used and stored at the Site. Soil data in the area of the Site's former 1,1,1-TCA/solvent UST confirms that 1,1,1-TCA, has impacted soil beneath this tank at concentrations up to 2.2 milligrams per kilogram (mg/kg). The required additional soil sampling will be used to confirm previous soil investigation results and delineate the lateral and vertical extent of contamination in soil.
- C. Soil gas sampling has been conducted at two locations at the Site. These locations were along the northern and western property boundaries, more than 250 feet from the identified source area(s). Due to the nature of the VOCs detected in soil matrix and groundwater samples at the Site, soil gas data collected in the vicinity of the identified source area(s) will allow Regional Board staff to evaluate if VOCs in the vapor phase will act as a secondary source for groundwater contamination.
- D. Based on sampling data from groundwater monitoring wells GMW-1, GMW-2, and GMW-3, groundwater has been impacted with elevated concentrations of VOCs in the area of the Site's former 1,1,1-TCA/solvent UST. Specifically, concentrations of 1,1-dichloroethene (1,1-DCE) up to 6,710 micrograms per liter ( $\mu\text{g/L}$ ) have been detected in on-Site groundwater monitoring well GMW-3, which falls directly downgradient of the former 1,1,1-TCA/solvent UST located at the Site. Considering that 1,1,1-TCA can readily degrade to 1,1-DCE, the high levels of this contaminant detected in the referenced groundwater monitoring wells likely resulted from leakage of the former 1,1,1-TCA/solvent UST.
- E. Groundwater analytical data over a period of approximately 16 years from upgradient monitoring wells GTI-3 and GTI-4 do not show high levels of contamination migrating onto the Site that would be consistent with the high concentrations of 1,1-DCE observed in the on-Site groundwater monitoring well GMW-3.
- F. Your consultant has indicated in previous correspondence that soil contamination detected in the area of the former on-Site 1,1,1-TCA/solvent UST at depths greater than 40 feet below ground surface (bgs), resulted from the lateral migration of VOCs through several hundred feet of clays and silts from the US Gypsum facility (upgradient site). However, there is no data to support this

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September 21, 2010

Mr. Raymond E. Poliquin  
Former Western Metal Lath  
SCP No. 0673

hypothesis, including the results of the "missing link" investigation (referenced above). As indicated by Regional Board staff during previous correspondence with the Site, a more likely scenario to explain the concentrations of VOCs in soil directly beneath the Site's former 1,1,1-TCA/solvent UST, is that this UST is the source of the contamination.

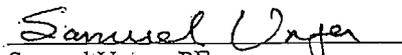
We believe that the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. If you disagree and have information about the burdens, including costs, of complying with these requirements, provide such information to Mr. David Young within ten days of the date of this letter so that we may reconsider the requirements.

All future technical reports required pursuant to the CWC section 13267 Orders shall contain the following completed perjury statement (below). The perjury statement shall be signed by you or someone acting on your behalf as a senior authorized representative (and not by a consultant). It shall be in the following format:

"I [Name], do hereby declare, under penalty of perjury under the laws of the State of California, that I am [Job Title] for [Name of Responsible Party/Discharger], that I am authorized to attest to the veracity of the information contained in the reports described herein, and that the information contained in [Name and Date of Report] is true and correct, and that this declaration was executed at [Place], [State], on [Date]."

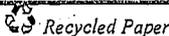
Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 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.

SO ORDERED.

  
\_\_\_\_\_  
Samuel Unger, PE  
Executive Officer

September 21, 2010

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# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
CAL/EPA Secretary

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### CHEMICAL STORAGE AND USE QUESTIONNAIRE

### VOLATILE ORGANIC COMPOUNDS (VOC) INVESTIGATION

#### I. Facility information

1. Company name: \_\_\_\_\_
2. Company address: \_\_\_\_\_ Unit No. \_\_\_\_\_
3. City: \_\_\_\_\_ Zip code: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_
4. Standard Industrial Classification (SIC): \_\_\_\_\_
5. Brief description of business:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. EPA Generator Number: \_\_\_\_\_ Years in business at this location: \_\_\_\_\_

7. Answer the following questions relative to **PRESENT** operations:

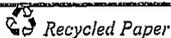
- A. Do you use any of the following: solvents, coatings, liquid polymers, extractive agents, paint and/or varnish removers, cleaning and degreasing agents, or agricultural soil fumigant compounds? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

Please submit any MSDS or product related information regarding the above referenced compounds.

- B. Do you have storage tanks? \_\_\_\_\_ Yes \_\_\_\_\_ No
- C. Do you have degreasers? \_\_\_\_\_ Yes \_\_\_\_\_ No
- D. Do you perform metal work? \_\_\_\_\_ Yes \_\_\_\_\_ No
- E. Do you have a clarifier, sump, tank or other holding tanks for waste water/waste chemicals/waste oil? \_\_\_\_\_ Yes \_\_\_\_\_ No
- F. Do you have an industrial waste permit for sewer discharge? \_\_\_\_\_ Yes \_\_\_\_\_ No
- G. Do you store chemicals at this location? \_\_\_\_\_ Yes \_\_\_\_\_ No

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H. Have any soil, waste water and/or groundwater investigations been conducted on the property?  Yes  No  
If so, under what state or local agency? \_\_\_\_\_

8. Answer the following questions relative to PAST operations:

A. Have you used any of the following: solvents, coatings, liquid polymers, extractive agents, paint and/or varnish removers, cleaning and degreasing agents, or agricultural soil fumigant compounds?  Yes  No  
If yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

Please submit any MSDS or product related information regarding the above referenced compounds.

- B. Did you once have storage tanks?  Yes  No  
C. Did you once have degreasers?  Yes  No  
D. Did you perform metal work?  Yes  No  
E. Did you have a clarifier, sump, tank or other holding tanks for waste water/waste chemicals/waste oil?  Yes  No  
F. Did you have an industrial waste permit for sewer discharge?  Yes  No  
G. Did you have a drum storage area?  Yes  No  
H. Have any soil, waste water and/or groundwater investigations been conducted on the property?  Yes  No

9. Name(s) of former tenants(s), dates of operation and type(s) of business(es) (use the back of this page for additional tenants or provide a separate sheet if necessary).

Company Name	Type of Business	Dates of Operation at the Site

10. List all processes in which chemicals are (were) used.

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**II. Property owner information**

1. Name of current property owner: \_\_\_\_\_
2. Mailing address of property owner: \_\_\_\_\_
3. City: \_\_\_\_\_ Zip code: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_
4. Prior property owner(s) and the dates of their ownership

Property Owner	Dates of Ownership	
	From	To

**III. Waste Management**

1. What are the sources of industrial waste at the site? (Identify each source by process, composition of waste generated and approximate quantity disposed of monthly).

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**IV. Sewer Information**

1. \_\_\_ Industrial \_\_\_ Septic tank \_\_\_ Municipal \_\_\_ Cesspool
2. Was a different sewer system used in the past? \_\_\_ Yes \_\_\_ No  
If yes, specify type \_\_\_\_\_

V. Chemical Storage and Use

Complete the following sections for all chemicals in current use or that have been used in the past. Add additional sheets if needed to complete your listing.

1. Chemical name: \_\_\_\_\_
  2. Common/Trade name: \_\_\_\_\_ Quantity stored: \_\_\_\_\_
  3. Storage method:     \_\_\_ Underground tank     \_\_\_ Drums  
                          \_\_\_ Above ground tank     \_\_\_ Other (specify)
  4. Waste disposal:     \_\_\_ Sewered             \_\_\_ Onsite recycling  
                          \_\_\_ Hauled                 \_\_\_ Offsite recycling
  5. Is the waste treated prior to disposal?             \_\_\_ Yes     \_\_\_ No  
   If yes, specify treatment method: \_\_\_\_\_
  6. Is the waste stored prior to disposal?             \_\_\_ Yes     \_\_\_ No
  7. Is manifest documentation for designated waste  
   streams available?             \_\_\_ Yes     \_\_\_ No
- 

1. Chemical name: \_\_\_\_\_
2. Common/Trade name: \_\_\_\_\_ Quantity stored: \_\_\_\_\_
3. Storage method:     \_\_\_ Underground tank     \_\_\_ Drums  
                          \_\_\_ Above ground tank     \_\_\_ Other (specify)
4. Waste disposal:     \_\_\_ Sewered             \_\_\_ Onsite recycling  
                          \_\_\_ Hauled                 \_\_\_ Offsite recycling
5. Is the waste treated prior to disposal?             \_\_\_ Yes     \_\_\_ No  
   If yes, specify treatment method: \_\_\_\_\_
6. Is the waste stored prior to disposal?             \_\_\_ Yes     \_\_\_ No
7. Is manifest documentation for designated waste  
   streams available?             \_\_\_ Yes     \_\_\_ No

*California Environmental Protection Agency*



This questionnaire shall be signed below by a principal executive officer at the level of vice-president or his duly authorized representative if such representative is responsible for the overall operation of the facility in the case of corporations; by a general partner in the case of a partnership; by the proprietor in the case of a sole proprietorship; or by either a principal executive officer, ranking elected official, or other duly authorized employee in the case of a municipal, State, or other public facility.

This questionnaire has been completed under penalty of perjury and, to the best of my knowledge, is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

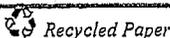
Printed name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: ( ) \_\_\_\_\_

Contact name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: ( ) \_\_\_\_\_

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*



03/16/07



20070599150

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**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

Greenberg Glusker Fields Claman & Machtinger LLP  
1900 Avenue of the Stars, Suite 2100  
Los Angeles, CA 90067  
Attention: Susan A. Beveridge, Esq.

**MAIL TAX STATEMENTS TO:**

Canary Avenue, L.P.  
Attention: Raymond E. Poliquin  
263 N. Covina Lane  
City of Industry, CA 91746

**GRANT DEED**

THE UNDERSIGNED GRANTORS declare: Documentary transfer tax is NONE. See Note #1 below.

FOR NO MONETARY CONSIDERATION, BETTE JANE POLIQUIN, Trustee of The Survivor's Trust under The Poliquin Revocable Trust as to an undivided ninety-nine percent (99%) interest, and BETTE JANE POLIQUIN, RAYMOND E. POLIQUIN and EDWARD BARTELT, Co-Trustees of The Credit Trust under The Poliquin Revocable Trust as to an undivided one percent (1%) interest,

HEREBY GRANT TO: CANARY AVENUE, LLC, a California limited liability company, all their right, title and interest in the following described real property in the County of Los Angeles, State of California:

See legal description attached hereto as Exhibit "A" and incorporated herein by this reference.

(Commonly known as 15220 Canary Avenue, La Mirada, CA 90638)

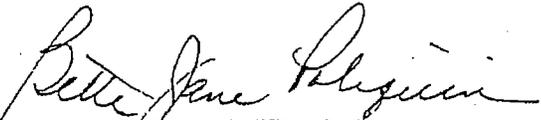
APN: 8069-010-013

**NOTE #1.** This conveyance changes the manner in which title is held, grantor(s) and grantee(s) remain the same and continue to hold the same proportionate interest. R & T 11911.

**NOTE #2:** This conveyance reflects a change in the method of holding title to the property without changing the proportional interests, and pursuant to R&T Section 62(a)(1), does not constitute a change in ownership and does not subject the property to reassessment.

Dated: Jan. 27, 2007

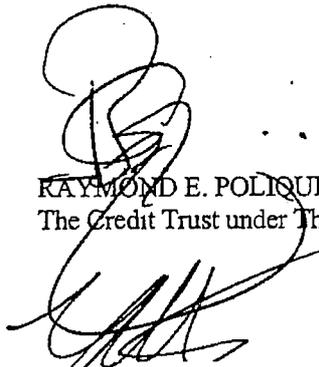
  
BETTE JANE POLIQUIN, Trustee of The Survivor's  
Trust under The Poliquin Revocable Trust

  
BETTE JANE POLIQUIN, Co-Trustee of  
The Credit Trust under The Poliquin Revocable Trust

[signatures continued on page 2]

[signatures continued from page 1]

07 0599150



RAYMOND E. POLIQUIN, Co-Trustee of  
The Credit Trust under The Poliquin Revocable Trust



EDWARD BARTELT, Co-Trustee of  
The Credit Trust under The Poliquin Revocable Trust

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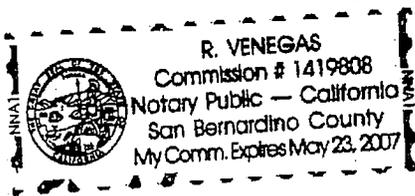
NOTARIAL ACKNOWLEDGMENTS

07 0599150

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

On March 7, 2007, before me, Ruby L. Venegas, Notary Public, Notary Public, personally appeared BETTE JANE POLIQUIN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

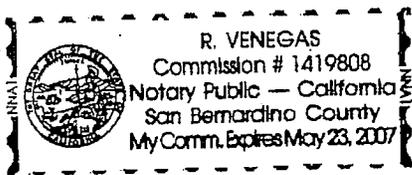


R. Venegas  
Notary Public

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

On March 7, 2007, before me, Ruby L. Venegas, Notary Public, Notary Public, personally appeared RAYMOND E. POLIQUIN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



R. Venegas  
Notary Public

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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

07 0599150

County of Orange

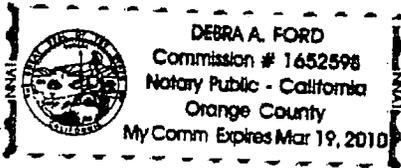
} ss.

On 2/2/2007, before me, Debra A. Ford, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Edward K. Bartelt  
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Debra A. Ford  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document*

**Description of Attached Document**

Title or Type of Document GRANT Deed - Canary Ave

Document Date 1/27/2007

Number of Pages: 2

Signer(s) Other Than Named Above

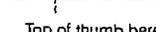
**Capacity(ies) Claimed by Signer(s)**

Signer's Name:

- Individual
- Corporate Officer — Title(s):
- Partner —  Limited  General 
- Attorney in Fact 
- Trustee
- Guardian or Conservator
- Other

Top of thumb here

Signer's Name:

- Individual
- Corporate Officer — Title(s).
- Partner —  Limited  General 
- Attorney in Fact 
- Trustee
- Guardian or Conservator
- Other

Top of thumb here

Signer Is Representing \_\_\_\_\_

Signer Is Representing \_\_\_\_\_

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EXHIBIT "A"

07 0599150

LEGAL DESCRIPTION

PARCEL 1:

That certain real property situated in the City of La Mirada, County of Los Angeles, State of California, described as follows:

That portion of Section 22, Township 3 South, Range 11 West, in the Rancho Los Coyotes, as shown upon a map recorded in Book 41819 Pages 141 et seq., of Official Records, in the Office of the County Recorder of said Los Angeles County, more particularly described as follows:

Beginning at the intersection of the Easterly line of Canary Avenue, 70 feet wide, as described in the deed of easement to the City of Mirada Hills recorded as Document 3992 of August 17, 1961 in Book D 1325 Page 674 of said Official Records, with the Southerly line of that certain 34-foot-wide railway right of way described as Parcel No. 11 in the deed to The Atchison, Topeka and Santa Fe Railway Company recorded as Document 4106 of March 3, 1960 in Book D 769 Page 598 of said Official Records; thence South 0° 44' 15" East 313.14 feet along the Easterly line of said Canary Avenue to the Northerly line of Parcel "A" described in the Agreement Exchanging Real Property and Deeds with the Southwest Water Company, recorded as Document 651 of March 3, 1960 in Book D 768 Page 421 of said Official Records, thence along said Northerly line North 89° 23' 05" East 175.00 feet to the Easterly line of said Parcel "A"; thence South 0° 44' 15" East thereon 120.39 feet to a point in the Northwesterly line of that certain easement for storm drain purposes to the County of Los Angeles recorded as Document 2981 of January 27, 1960 in Book D 732 Page 63 of said Official Records, which Northwesterly line is a curve concave Northwesterly having a radius of 957.50 feet bearing North 27° 18' 15" West from said last mentioned point; thence Northeasterly along said curved Northwesterly line a distance of 480.25 feet to the end thereof; thence North 33° 57' 30" East 60.73 feet along a Northwesterly line of said easement to the County of Los Angeles to the Southwesterly line of the above mentioned Parcel No. 11; thence North 60° 41' 57" West thereon 46.07 feet to the beginning of a tangent curve therein concave Southerly having a radius of 468.34 feet; thence Westerly along said curved Southerly line a distance of 129.73 feet to the end thereof; thence along said first above-mentioned Southerly line South 85° 23' 05" West 408.88 feet to the point of beginning; containing an area of 3.7273 acres, more or less.

PARCEL 2:

An easement for yard purposes, as granted by DALLAS R. MC CAULEY and ELINOR F. MC CAULEY to RAYMOND A. POLIQUIN and BETTY JEAN POLIQUIN (aka Bette Jane Poliquin), said easement to be appurtenant to and for the benefit of the property described in Parcel 1 above, over the following described property:

That portion of Section 22, Township 3 South, Range 11 West, in the Rancho Los Coyotes, as shown upon a map recorded in Book 41819 Page 141 et seq., of Official Records, in the Office of the County Recorder of said Los Angeles County, more particularly described as follows:

07 0599150

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Beginning at the intersection of the Easterly line of Canary Avenue, 70 feet wide, as described in the deed to the City of Mirada Hills, recorded as Document 3992 of August 17, 1961, in Book D 1325 Page 674 of said Official Records, with the Northerly line of that certain 34 foot wide right of way described as Parcel 11 in the deed to The Atchison, Topeka and Santa Fe Railway Company, recorded as Document 4106 of March 3, 1960 in Book D 769 Page 598 of said Official Records; thence North 0° 44' 15" West 12.00 feet along said Easterly line of Canary Avenue to a point; thence North 89° 23' 05" East 400.04 feet along a line parallel to said Northerly line of Parcel 11 of said Santa Fe deed to a point; thence South 0° 44' 15" East 12.00 feet to a point in said Northerly line of Parcel 11; thence South 89° 23' 05" West thereon 400.04 feet to the point of beginning.

As provided in a Grant of Easement, dated May 27, 1970, and recorded July 7, 1970, as Instrument No. 2837.

APN: 8069-010-013





# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful  
320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Arnold Schwarzenegger  
Governor

### CERTIFICATION DECLARATION FOR COMPLIANCE WITH FEE TITLE HOLDER NOTIFICATION REQUIREMENTS (California Water Code Section 13307.1)

Please Print or Type

Fee Title Holder(s): CANARY AVENUE, LLC

Mailing Address: 263 NORTH COMINA LN, INDUSTRY CA 91746

Contact Person: RAYMOND E. POLIWVIN, TRUSTEE

Telephone Number / Fax Number: 626 369 3564

Site Name: WESTERN METAL LATH

Address: 15220 CANARY AVE, LA MIRADA CA

County Assessor Parcel Number (APN) 8069-010-013

Contact Person: \_\_\_\_\_

Telephone Number / Fax Number: 626 369 3564

File Number: SCP No. 0673

RECEIVED  
 2009 SEP 10 PM 1:43  
 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
 LOS ANGELES REGION

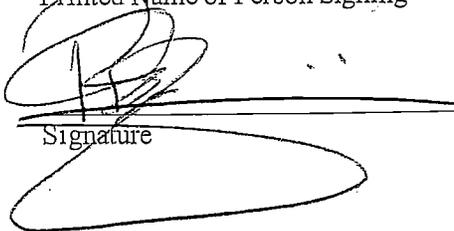
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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." (See attached page for who shall sign the Certification Declaration).

RAYMOND E POLIWVIN

Printed Name of Person Signing

Trustee

Official Title



Signature

9.8.09

Date Signed



