

would extend the effort involved without the potential to gain additional information on the source areas, and thus cannot technically be supported.

Reviewing the data on the whole, there is no technical basis to conclude that DNAPL exists on the site from prior site operations or to support extending additional borings down to a depth of 80' bgs. There is similarly no technical data to suggest that the contamination discovered in the groundwater arose as a result of a gasoline service station operation from 1925 to 1928, or from a former dry cleaner operation conducted from 1955 to 1970, which is located largely cross-gradient from the area on the site where the Regional Board is requesting the four MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine site point to the source of the PCE contamination in question migrating from an up-gradient offsite source or sources.

Additionally, Geosyntec believes that if the upcoming four borings show no evidence of DNAPL from onsite sources, then there is no reason for ALCA to install MW-4.

5. REFERENCES

- AEI Consultants, 2005. Phase II Subsurface Investigation, Fountain-Vine Plaza. November 22.
- Ami Adini & Associates, Inc., 2013. Environmental Site Assessment Report, Fountain-Vine Plaza, 1253 Vine Street, Los Angeles, California 90028, LARWQCB Case #1196. May 15.
- Agency for Toxic Substances & Disease Registry (ASTDR), 2011. Toxicological Profile for Tetrachloroethylene (PERC): Production, Import, Use, and Disposal. March 3. <http://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=265&tid=48>
- Cardno ERI, 2011. Report for the Drilling and Sampling of Confirmation Soil Borings, Mobil Station 18HYO, 5857 West Sunset Boulevard, Los Angeles, California. January 12.
- Geotracker, 2008. Pacific Tile and Art Studio, Site Maps and Boring Logs. December 11.
- Iris Environmental, 2008. Site Investigation Report, Paragon Cleaners, 1310 Vine Street, Hollywood, California. December 5.
- KCE Matrix, 2009. Subsurface Environmental Site Assessment Report, Snow White Cleaners, 1246 North Vine Street, Los Angeles, California. July 9.
- Los Angeles Regional Water Quality Control Board, 2014. Summary of the August 13, 2014 Meeting Regarding Regional Board Requirements for Soil and Groundwater Investigation

Purpose of Additional Investigation
10 October 2014
Page 11

to Confirm the Presence or Absence of PCE Source in Eastern Portion of Fountain Vine Plaza Site. September 17.

Remediation Sciences, 2010. Results of Additional Investigation Conducted in the Vicinity of the Abandoned USTs, Mole-Richardson Company Properties, 937 N. Sycamore Avenue, Hollywood, California. January 15.

ATTACHMENT: SOIL SAMPLE RESULTS

Table 2. Soil Sample Laboratory Results ($\mu\text{g}/\text{kg}$)

Sample Identification	TPH-g (mg/kg)	TPH-d (mg/kg)	TPH-o (mg/kg)	B	T	E	X	PCE	TCE	All Other VOCs
AEI-B1-20'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B2-20'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B3-2'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B3-10'	NA	NA	NA	NA	NA	NA	NA	12.6	ND	ND
AEI-B4-5'	NA	NA	NA	NA	NA	NA	NA	7.4	ND	ND
AEI-B4-10'	NA	NA	NA	NA	NA	NA	NA	27.2	ND	ND
AEI-B4-15'	NA	NA	NA	NA	NA	NA	NA	11.7	ND	ND
AEI-B4-20'	ND	ND	ND	ND	ND	ND	ND	5.9	ND	ND
AEI-B5-10'	NA	NA	NA	NA	NA	NA	NA	6.3	ND	ND
AEI-B6-15'	NA	NA	NA	NA	NA	NA	NA	ND	ND	ND
AEI-B7-5'	NA	NA	NA	NA	NA	NA	NA	ND	ND	ND
AEI-B8-10'	NA	NA	NA	NA	NA	NA	NA	ND	ND	ND
AEI-B9-25'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

- $\mu\text{g}/\text{kg}$ = micrograms per kilogram
- TPH-g = total petroleum hydrocarbons as gasoline
- mg/kg = milligrams per kilogram
- TPH-d = total petroleum hydrocarbons as diesel
- TPH-o = total petroleum hydrocarbons as oil
- B = benzene
- T = toluene
- E = ethylbenzene
- X = xylenes
- PCE = tetrachloroethene
- TCE = trichloroethene
- VOCs = volatile organic compounds
- ND = not detected above laboratory reporting limits (refer to laboratory report for detection limits)
- NA = not analyzed

Table 2
Soil Sampling Analytical Results
 Fountain-Vine Plaza
 1253 Vine Street, Los Angeles, California

Sample ID	Date	Depth (feet bgs)	DIPE (mg/kg)	PCE (mg/kg)	Ethylbenzene (mg/kg)	n-propylbenzene (mg/kg)	Sec-butylbenzene (mg/kg)	Naphthalene (mg/kg)
Industrial Screening Level		NA	10,000	110	27	21,000	nl	18
Residential Screening Level		NA	2,400	22	5.4	3,400	nl	3.6
B20-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B20-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B20-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-30	4/10/2013	30	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-10	4/10/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-20	4/10/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-30	4/10/2013	30	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-5	4/9/2013	5	0.0026J	<0.001	<0.001	<0.002	<0.002	<0.002
B23-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-5	4/11/2013	5	<0.002	0.0059	<0.001	<0.002	<0.002	<0.002
B24-10	4/11/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-15	4/11/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-20	4/11/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-25	4/11/2013	25	<0.002	0.011	<0.001	<0.002	<0.002	<0.002
B25-5	4/9/2013	5	<0.002	0.002J	<0.001	<0.002	<0.002	<0.002
B25-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B25-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B25-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B25-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-5	4/9/2013	5	<0.002	0.0089	<0.001	<0.002	<0.002	<0.002

Table 2
Soil Sampling Analytical Results
 Fountain-Vine Plaza
 1253 Vine Street, Los Angeles, California

Sample ID	Date	Depth (feet bgs)	DIPE (mg/kg)	PCE (mg/kg)	Ethylbenzene (mg/kg)	n-propylbenzene (mg/kg)	Sec-butylbenzene (mg/kg)	Naphthalene (mg/kg)
Industrial Screening Level		NA	10,000	110	27	21,000	nl	18
Residential Screening Level		NA	2,400	22	5.4	3,400	nl	3.6
B26-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B27-5	4/10/2013	5	<0.002	0.0055	<0.001	<0.002	<0.002	<0.002
B27-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B27-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-10	4/10/2013	10	<0.002	0.0028J	<0.001	<0.002	<0.002	<0.002
B28-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-20	4/10/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B29-5	4/9/2013	5	<0.002	0.0082	<0.001	<0.002	<0.002	<0.002
B29-10	4/9/2013	10	<0.002	0.0036J	<0.001	<0.002	<0.002	<0.002
B29-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B29-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B29-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B31-5	4/9/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B31-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B31-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-5	4/11/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-10	4/11/2013	10	<0.002	<0.001	0.0058	0.0052	0.0042J	0.0043J
B32-15	4/11/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-20	4/11/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-25	4/11/2013	25	<0.002	0.0139	<0.001	<0.002	<0.002	<0.002
B33-5	4/11/2013	5	<0.002	0.0033J	<0.001	<0.002	<0.002	<0.002
B33-10	4/11/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B33-15	4/11/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B33-20	4/11/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002

Table 2
Soil Sampling Analytical Results
 Fountain-Vine Plaza
 1253 Vine Street, Los Angeles, California

Sample ID	Date	Depth (feet bgs)	DIPE (mg/kg)	PCE (mg/kg)	Ethylbenzene (mg/kg)	n-propylbenzene (mg/kg)	Sec-butylbenzene (mg/kg)	Naphthalene (mg/kg)
Industrial Screening Level		NA	10,000	110	27	21,000	nl	18
Residential Screening Level		NA	2,400	22	5.4	3,400	nl	3.6
B33-25	4/11/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
Method Blank		NA	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
MDL		NA	0.002	0.001	0.001	0.002	0.002	0.002
PQL		NA	0.005	0.002	0.002	0.005	0.005	0.005

Notes:

- bgs = Below ground surface
- mg/kg = milligrams per kilogram
- DIPE = Diisopropyl ether
- PCE = Tetrachloroethene
- NA = not applicable
- MDL = method detection limit
- PQL = practical quantitation limit
- nl = none listed

Screening levels based on EPA Region 9 screening level for industrial and residential soil.

Exhibit “16”



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

February 28, 2013

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: APPROVAL OF WORK PLAN FOR ADDITIONAL SITE ASSESSMENT

CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site. To accomplish this goal, the Regional Board has been requiring site cleanup and groundwater monitoring reports to mitigate and monitor the contamination that has occurred at the site.

The Regional Board has received the work plan titled *Confirmation Site Assessment Work Plan*, dated February 12, 2013, which Ami Adini & Associates, Inc. has prepared on your behalf. The work plan proposes fourteen soil borings within the vicinity of the former dry cleaning area and the former service station (Figure 3). At each boring, soils will be sampled every five feet until groundwater is reached; soil gas will be sampled at five, fifteen, and twenty five feet below the ground surface, and groundwater will be sampled with a grab sample. Three groundwater monitoring wells have been proposed at the site to monitor groundwater. And a human health risk assessment will be completed based on the newly acquired data. The proposed site assessment activities are being conducted to further assess contamination at the site.

Based on the information submitted, and on the information in the case file, we concur with the proposed work plan. A technical report shall be submitted to the Regional Board documenting the site assessment activities by **June 1, 2013**. We will consider all technical information with respect to your request for a no further action/non-contributor letter.

If you have any questions regarding this project, please contact Mr. Henry Jones at (213) 576-6697 or hjones@waterboards.ca.gov

Sincerely,

Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Mr. Carl Van Quathem
ALSA Properties, Ltd.

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February 28, 2013

Attachment:
Figure 3, Proposed Sampling Locations

Electronic Copies:
Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

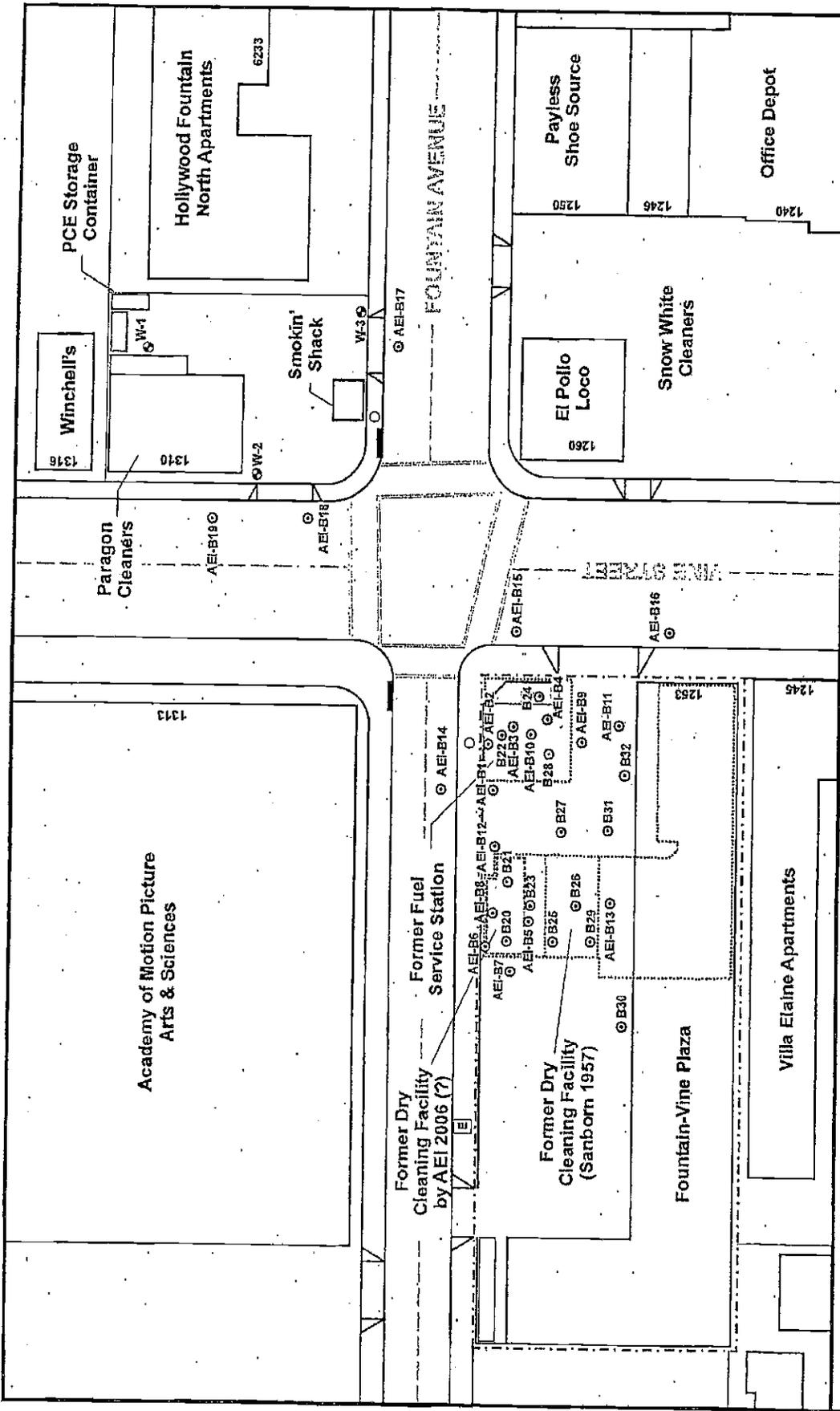


Figure 3: Proposed Sampling Locations
 Fountain-Vine Plaza
 1263 Vine Street
 Los Angeles, California 90028
 DRAWN BY: GI
 DATE: January 2013
 PROJECT: Fountain-Vine.p01
Ami Adini & Associates, Inc.

LEGEND

- Property line
- - - Dry cleaning facility (AEI 2006)
- Storm drain
- Underground electrical distribution vault
- Municipal water hydrant
- ◻ Former structure on-site (fuel service station and dry cleaning facility)

AEI-B1 - AEI-B9
 AEI-S10 - AEI-S19 (AEI, 1/12/2005, 07/2006)
 B20 - B32 Proposed borings (soil, soil gas and groundwater)

Approximate Scale in Feet
 0 75 150

Exhibit “17”

October 10, 2014

**VIA ELECTRONIC MAIL &
OVERNITE EXPRESS**

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
sunger@waterboards.ca.gov

Re: 1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza) – Request for No
Further Action/Closure

Dear Mr. Unger:

This letter is being written on behalf of, ALCA Properties, Ltd., a California limited partnership (“ALCA”), and the owner of the Fountain Vine Plaza property located at the above referenced address (“Fountain-Vine Property” or “Site”). The purpose of this letter is three-fold: (1) to object to two recent invoices provided by your staff to ALCA for oversight of the Fountain-Vine Property (for the first and second quarters of 2014); (2) to bring to your attention ALCA concerns with the arbitrary demands and positions of your staff as reflected in two recent letters from your office; and (3) to once again request that a no further action/closure (“NFA”) letter be issued at this time for the entire Site, *i.e.*, a determination ALCA believes is long overdue.

A. Background.

Initially, it is important to recognize that ALCA has been attempting to work with your office since 2006 on obtaining an NFA letter for the Fountain-Vine Property. For your information, over the past eight years, ALCA has literally spent hundreds of thousands of dollars striving to address the Los Angeles Regional Water Quality Control Board’s (“Regional Board”) concerns in order to obtain the NFA letter for the Site, and has, until now, agreed to address every request for additional investigations at the Site.

It is further noteworthy that, over the past eight years, your staff has never suggested that any soil cleanup work be conducted, nor that prior Site operations justified the need for any remediation of the groundwater beneath the Site by ALCA. To the contrary, your staff has consistently indicated it was prepared to at least issue a soil-only NFA letter (which, unfortunately, would not enable ALCA to proceed with the necessary refinancing of its

Samuel Ungér
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Property¹), and that it simply needed more information on the Site conditions before it could issue an NFA letter that would cover the groundwater contamination (which is known to be migrating from the upgradient Paragon Cleaners site).

ALCA has been requesting a site-wide NFA/Closure letter since September of 2006. (See Exhibit "1," a letter dated September 20, 2006 from ALCA to the Regional Board [*"it is apparent that the groundwater contamination encountered at the subject site's far NE corner is a direct result of the up-stream contamination encountered at Paragon Cleaners on 1310 Vine Street (I believe; SLIC #1186). ... Please cause whatever board action is necessary to clear our site."*]). Regional Board staff never responded to this request, and to date, approximately thirty bore holes have been installed on the Property, and numerous soil, soil vapor and groundwater samples have been taken, all showing the lack of any appreciable soil or groundwater impacts from Site operations.

Accordingly, it is apparent that the contamination that is now the subject of the Regional Board's continued scrutiny as reflected in your two most recent letters dated July 11 and September 17, 2014 (Exhibits "2" and "3" hereto), *i.e.*, in the northeast corner of the Fountain-Vine Property, is contamination that has been known for over eight years to be migrating from the up-gradient Paragon Cleaners site at 1310 Vine Street. Furthermore, since that time, ALCA has repeatedly requested that the Regional Board "clear" the site (by issuing an NFA letter), but the Regional Board staff has failed to do so, albeit it has never provided any sound justification for refusing to do so.

B. Recent Regional Board Invoices Are Objectionable.

In the meantime, throughout all these discussions, the Regional Board has continued to bill ALCA for oversight costs. Enclosed herewith and marked as Exhibit "4" is a copy of the oversight agreement that was signed by a representative of ALCA on February 10, 2006, authorizing the Regional Board to conduct its oversight of the Property. Also enclosed please find two quarterly invoices for time expended by your staff for the first two quarters of this year, the first dated July 10, 2014 (Exhibit "5"), reflecting total payments made to date to the Regional Board in the amount of \$47,539.99, and additional charges for the first quarter of 2014 totaling \$13,801.62. The second recent invoice is dated September 29, 2014 (for the second quarter of this year), and shows additional charges in the amount of \$19,880.28 for this one quarter alone, bringing the total oversight charges to date to an amount that is in excess of \$81,000. (See Exhibit "6".)

¹ As you know from our prior discussions, ALCA has a loan on the Property which came due in October of 2013, but has been unable to re-finance and pay-off this loan because of the Regional Board's delays in issuing the NFA letter.

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Moreover, a review of the second quarter invoice shows some alarming charges. In particular, the new case worker assigned to the project, Mr. Mohammad Zaidi, reportedly billed 95 hours of time from April 1 through June 30, *i.e.*, during a period of time when no workplans had been submitted and no work had been conducted on the Site. No description of either Mr. Zaidi's work, nor any other Regional Board staff members work, is provided in the second quarter invoice (or any of the invoices).

Given the extensive charges for the first and second quarters of this year (totaling in excess of \$32,000), but without there being any corresponding productive work involving the Site, and given the simultaneous arbitrary demands/positions taken by Regional Board staff in connection with the Site as reflected in your letters of July 11 and September 17, 2014, ALCA must respectfully object to these two invoices on the grounds that the work was unnecessary and arbitrary, and that the time expended was excessive. ALCA also objects to the invoices on the grounds that the invoices lack sufficient detail for ALCA to understand the nature of the oversight provided.

C. The Regional Board's Recent Actions Are Arbitrary.

In addition to the Regional Board excessive oversight billings, ALCA has otherwise already expended hundreds of thousands of dollars in an effort to "clear" this site, *i.e.*, to obtain a no further action letter from your office. Yet, in spite of these efforts and the extensive data accumulated over the years from the 30 bore holes and the 3 monitoring wells installed on the Site, and the clear case that has now been made that the past Site operations have not resulted in any releases to justify further action at the Site, over the past year and a half your staff appears to have been working overtime to justify having ALCA conduct additional work at the Site, without any technical basis for requiring such work.

The issues of closure and the need, or lack thereof, for any additional assessment work at the Site were discussed with your staff and yourself at two meetings in September of 2013. At the second meeting on September 19, 2013, you agreed that if ALCA would to proceed forward and install additional groundwater monitoring wells at locations to be worked out with your staff, that if the results of the sampling of these wells further showed the Site was not adding appreciable levels of contaminants of concern to justify further action at the Site, that your office would issue the NFA letter. The objective of the work was to conduct sufficient additional assessment so as to put the Board in a position to finally issue an NEA/closure letter for the Site, assuming the result showed that, in fact sufficient levels of contamination did not exist in groundwater as a result of prior operations on the Site.

Thereafter, ALCA's consultants met with Regional Board staff and a workplan dated December 9, 2013 was submitted to your office reflecting the agreed upon (three) well locations, all on the adjacent Villa Elaine property located at 1245 Vine Street, Hollywood, CA. The

Samuel Unger
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Page 4

workplan also included language that provided that an NFA/Closure letter would be issued if the results of the work did not indicate that prior operations on the Fountain-Vine Property had added sufficient contaminants of concern to justify further action. The workplan was approved by your staff by letter dated December 18, 2013. (Exhibit "7.")

Because of concerns raised by the owner of the Villa Elaine property, however, over the well locations, the December 9, 2013 workplan was never implemented, and the three wells proposed therein were never installed. Further discussions with the Villa Elaine property owner then ensued, this time with the participation of your staff. An agreement was then reached with the Villa Elaine owner representative, and a new "Revised Workplan" was prepared and submitted to the Regional Board dated January 21, 2014 for its consideration. This Revised Workplan again provided for the installation of three monitoring wells, all on the Villa Elaine property, and again contained language that if the results of the work did not indicate the Fountain-Vine Property had added sufficient contaminants of concern to justify further action, the NFA letter would be issued for the Property. The Revised Workplan and the scope of work therein was approved by your staff by letter dated February 6, 2014. (Exhibit "8.")

Yet, the work proposed in the Revised Workplan also did not proceed, in light of additional concerns raised by the owner of the Villa Elaine property. Further discussions with representatives of the owner of that property then occurred at a second site visit. Two members of your staff were in attendance at this second site visit. As a result of this second site visit, a third set of monitoring well locations was negotiated, with a total of two wells to be installed, one on the Villa Elaine property (proposed MW4), and one to the east and cross-gradient of the Fountain-Vine Property (proposed MW5).

A third workplan was then prepared, *i.e.*, the "Further Revised Workplan" dated February 12, 2014. This workplan reflected the locations of the two agreed upon well locations referenced as MW4 and MW5, and included similar language to that contained in the two prior approved workplans; that an NFA/Closure letter would be issued if the results of the investigation showed the Property had not added appreciable levels of contamination to justify further action.

However, unlike the prior two workplans, although the Regional Board staff approved the scope of work and well locations in the Further Revised Workplan (by a letter dated March 3, 2014 – Exhibit "9"), it did not approve the workplan itself. (See Exhibit "9" ["During the site visit staff agreed with the re-locations of two groundwater monitoring wells:"]).

Because of the concerns over your staff's unwillingness to approve the entire February 12, 2014 Workplan as it had done with the two prior workplans, a letter dated April 22, 2014 was prepared and directed to your attention requesting that your office approve the Further Revised Workplan. As a consequence of the April 22 letter, a meeting was held with your staff, yourself and ALCA representatives, on May 22, 2014, in your offices.

Samuel Unger
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Page 5

At the May 22 meeting you confirmed that a prior understanding had been reached (during our September 2013 meetings), that the objective of the requested additional groundwater investigation was to provide further information to enable the Regional Board to make an NFA determination for the Site, and that the Regional Board was agreeable to including language in its approval letter for the workplan to the effect that, if the results of the workplan showed the Site had not contributed appreciable contamination to the groundwater so as to justify further action, the NFA letter would be issued.

You also agreed in the May 22, 2014 meeting that you would have the Regional Board's Counsel contact this office to work out the precise language to be included in the Regional Board's approval letter for the workplan. For your information, I did subsequently discuss the matter with your counsel, Frances McChesney, and Ms. Machesney explained that she needed to confer further with your staff on what was to be provided to ALCA regarding the language of the approval letter for the workplan.

Thereafter, however, and unfortunately, rather than the lawyers working out the language for the approval of the workplan, your office sent out a letter dated July 11, 2014 (attached as Exhibit "2") requesting a completely different scope of work than the scope of work that had previously been requested and approved in the three prior submitted workplans of December 9, 2013, January 21, 2014, and February 12, 2014. (See Exhibits "7," "8" and "9", representing your staff's prior two approval letters of the first and second workplans, and its approval of the well locations in the third workplan.)

It is important to note that the July 11, 2014 letter contains none of the language that we agreed would be needed in an approval letter for any additional assessment work to proceed. In point of fact, we had met twice in September of 2013, and again on May 22, 2014, for the specific purpose of reaching agreement on language that allowed for an NFA/Closure letter to be issued, in the event the results of the assessment showed (once again) that the Site was not an appreciable source of contamination to groundwater. Incredibly, the July 11 letter from your office was issued as if none of our meetings with you and your staff had occurred, and importantly, without any recognition of the agreements reached in these meetings, i.e., it included no language that would suggest that if the results of the assessment from the new workplan further showed the subject Site was not causing an appreciable threat to groundwater that the Regional Board would issue the requested NFA letter.

In short, the agreement reached with you and your staff in your office on September 19, 2013, and again on May 22, 2014, was entirely ignored. The Regional Board staff has acted arbitrary in doing so.

In addition, the new scope of work demanded in your letter of July 11, 2014 is by itself arbitrary. The stated objective of the work in your July 11 letter is for ALCA to now conduct a

Samuel Unger
October 10, 2014
Page 6

further assessment on the Site to confirm *"the presence or absence of a PCE source such as dense non-aqueous phased liquid (DNAPL) at, around, and in the area between the former PCE borings AEI-B3 and B32."* Your July 11 letter then requests that ALCA *"screen the area at a 10-foot grid to the top of the first clay layer in the saturated zone with a high resolution vertical profiling tool such as membrane interface probe (MIP) and cone penetrometer testing (CPT)."* (See Exhibit "2," July 11, 2014 letter).

To say the least, after all this time and the back and forth with your office over the past eight years, and the many meetings that have occurred between ALCA representatives and your staff on both technical issues and closure issues, the premise that staff now believes there may be "DNAPL" on the Site, and that ALCA must thus proceed in an entirely different direction than was previously demanded by Regional Board staff, has come as a complete surprise to ALCA and its consultants, and is entirely arbitrary.

You should know that at no time from 2006 until May of this year, including any time during which the scope of work was being negotiated for the 2013 assessment work that led to the May 15, 2013 Assessment Report, nor during the time the scope of work was being negotiated leading up to the submittals of the three most recent proposed workplans, did anyone within your office ever suggest that DNAPL may exist on this Site. Nor was there any justification for this assertion included anywhere in the July 11 letter.

Your July 11, 2014 letter was followed by a second letter from your office dated September 17, 2014. (Exhibit "3.") This letter reiterated the Regional Board's request for the installation of MIP/CPT borings on the Site (rather than the two monitoring wells the Regional Board staff previously agreed to in its March 3, 2014 letter - Exhibit "9"), but now was suggesting that the MIP/CPT borings were to be placed down to either one foot within the clay layer, or 80 feet below the ground surface ("bgs"). According to your September 17 letter, *"two borings, up to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one foot into a clay layer at AEI-B3 and two borings, up to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one foot into a clay layer at B-32."* (Exhibit "3.")

However, and similar to the July 11 letter, the September 17 letter also contained no justification to support the assertion that DNAPL may exist at the Site. Nor does it provide any justification for requiring the installation of four borings down to a depth as deep as 80 feet bgs.

Attached hereto as Exhibit "10", please find a copy of Geosyntec's Technical Memorandum discussing the propriety of your staff's conclusion that: a further investigation should be conducted into the potential existence of "DNAPL" at the Site; and the propriety of installing four borings down to 80 feet bgs.

Samuel Unger
October 10, 2014
Page 7

According to Geosyntec:

Reviewing the data on the whole, there is no technical basis to conclude that DNAPL exists on the site from prior site operations or to support extending additional borings down to a depth of 80' bgs. There is similarly no technical data to suggest that the contamination discovered in the groundwater arose as a result of a gasoline service station operation from 1925 to 1928, or from a former dry cleaner operation conducted from 1955 to 1970, which is located in area largely cross-gradient from the area on the site where the Regional Board is requesting the four MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine Site point to source of the PCE contamination in question migrating from an upgradient offsite source or sources.

(Exhibit "10" October 10, 2014 Geosyntec Technical Memorandum, Subject: "Purpose of Additional Investigation Fountain-Vine Plaza," pp. 7-8.)

Accordingly, there is no technical basis for the Regional Board to have requested an investigation for "DNAPL" contamination on the subject property. Similarly, there is no technical basis for requiring an investigation on the Site down to 80 feet bgs. The demands by Regional Board to conduct such an investigation, both for DNAPL and down to 80 feet bgs, are entirely arbitrary.

Furthermore, the investigations that have been conducted to date on the Site have been extensive, resulting in roughly 30 borings being installed, and three monitoring wells having been developed, and with the Regional Board having never once suggested that any soil remediation work would be necessary for the Site. In fact, as reflected in the May 15, 2013 Assessment Report (reflecting the results of the work proposed in the February 12, 2013 Workplan) 14 soil borings were installed down to 30 feet below the ground surface, with soil samples being collected at every five feet, soil gas samples being collected at five and fifteen feet BGS and groundwater being sampled in each boring. Additionally, three groundwater wells were installed.

Moreover, the February 12, 2013 Workplan indicated that "on the condition that the evidence is proven conclusive, it is understood that the LARWQCB will recognize the Site as a non-contributor and issue a no further action (NFA) letter to the owners." In the Regional Board's approval of Ami Adini and Associates, Inc.'s February 12, 2013 Workplan, your staff

Samuel Unger
October 10, 2014
Page 8

stated as follows: "*We will consider all technical information with respect to your request for a no further action/non-contributor letter.*" (Exhibit "11," February 28, 2013 Approval letter.)

The cover page to the May 15, 2013 Environmental Site Assessment Report then provides, in relevant part, as follows:

The objective of this investigation was to evaluate if previously identified soil and groundwater contamination at the site could be attributed to an on-site source. Based on the results of this site investigation and analytical data review, no significant on-site source of contamination could be identified. AA&A therefore concluded that the soil and groundwater contamination present at the site cannot be attributed to any on-site historical release and recommends that the case be granted regulatory case-closure.

(See Exhibit "12," Cover page to Environmental Site Assessment Report, Fountain-Vine Plaza, dated May 15, 2013 by Ami Adini & Associates, Inc.)

To date, the Regional Board's staff has not identified any results in the May 15, 2013 Report that would technically justify requiring any further investigations at the Site. The scope of work that was proposed in the three prior workplans submitted in December of 2013, and in January and February of 2014 (with all such scopes being approved by your staff) was proposed simply because the Regional Board had arbitrarily determined it desired additional work to be conducted before it would issue an NFA for the Site, but without your staff ever having provided a reasonable or rational basis for requiring any such additional work.

ALCA agreed to the additional work described in the various workplans simply because it was more expeditious and cost effective to perform the work than to fight City Hall, and because it had personal assurances from you that your staff would work with ALCA on the scope of the work and language to achieve the objective of obtaining the NFA letter.

The refusal of the Regional Board to provide any clear objective for the additional work it is now requiring (pursuant to your July 11 and September 17 letters), *i.e.*, to obtain information to enable the Regional Board to issue an NFA letter, in spite of staff's prior assurances it would review the results of the scope of work in 2013 with an eye towards issuing such an NFA letter (*see* February 28, 2013 Exhibit "11"), and in spite of your subsequent commitments in meetings on September 19, 2013 and May 22, 2014, to include such an objective, is entirely arbitrary.

Refusing/failing to provide ALCA with a path forward that would lead to the obtaining of the NFA letter, suggests that the Regional Board has either forgotten the prior commitments/assurances it made on working with ALCA towards issuing such an NFA letter, or

Samuel Unger
October 10, 2014
Page 9

that it has consciously decided to back out of such commitments (without any technical or legal basis for doing so).

D. An NFA Letter Should Be Issued At This Time For The Site.

After eight years and hundreds of thousands of dollars expended in working with your staff to obtain the NFA letter, and given the above and previously described history involving the Regional Board's oversight for this Property, your staff's recent positions, as set forth in your letters of July 11 and September 17, reflects actions that are entirely arbitrary and capricious, if not punitive.

At this time, ALCA respectfully requests (based on the extensive data/evidence that has been generated over the past eight years plainly showing that prior operations at this Site have not resulted in the release of any contaminants of concern that would justify further action at the Site), that an NFA/Closure letter be issued at this time.

Please do not hesitate to contact the undersigned should you have any questions or need any additional information with respect to the above or the enclosed.

Respectfully submitted,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:paj

Enclosures

cc: Frances McChesney, Esq.
Mr. Carl Van Quathem, ALCA Properties, Ltd.
Ami Adini, Ami Adini & Associates, Inc.
Ravi Arulanantham, Ph.D, Principal, Geosyntec Consultants

Exhibit List

To Rutan & Tucker letter to Samuel Unger October 10, 2014

1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza - Request for No
Further Action Letter For Fountain-Vine Plaza

Exhibit No.	Document	Date
1.	ALCA Letter to Regional Board Requesting Site Clearance	09/20/2006
2.	Regional Board Letter to ALCA	07/11/2014
3.	Regional Board Letter to ALCA	09/17/2014
4.	Oversight Agreement	02/07/2006
5.	Regional Board Invoice - First Quarter 2014	07/11/2014
6.	Regional Board Invoice - Second Quarter 2014	09/29/2014
7.	Regional Board Approval Letter of Workplan	12/18/2013
8.	Regional Board Approval Letter of Revised Workplan	02/06/2014
9.	Regional Board Letter Approving Well Locations of Further Revised Workplan	03/03/2014
10.	Geosyntec Technical Memorandum	10/10/2014
11.	Regional Board Approval of 2013 Workplan	02/28/2013
12.	Cover Letter to 2013 Environmental Site Assessment Report - Ami Adini & Associates	05/15/2013

Exhibit "1"

**CEI CONSOLIDATED
EQUITIES, INC.**

REALTY ADVISORS • INVESTMENT CAPITAL GROUP • PROPERTY MANAGEMENT

September 20, 2006

Mr. Paul Cho
Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RECEIVED
05 SEP 26 PM 2:10
REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

RE: SLIC # 1196 - Fountain-Vine Plaza, 1253 N. Vine Street, Hollywood

Dear Mr. Cho;

Please find enclosed a copy of a "Phase III Subsurface Investigation" report dated 7/31/06, conducted at and adjacent to the above-referenced site.

It is apparent that the groundwater contamination encountered at the subject site's far NE corner is a direct result of the up-stream contamination encountered at Paragon Cleaners on 1310 Vine Street (I believe; SLIC # 1186).

Please cause whatever board action necessary to clear our site.

Awaiting your earliest response, I remain,

Sincerely Yours,

Consolidated Equities, Inc.
ALCA Properties, LTD

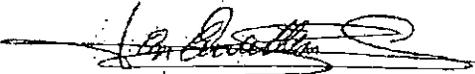
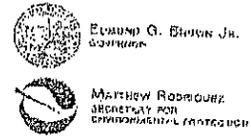

Carl A.H. Van Quathem

Exhibit "2"



Los Angeles Regional Water Quality Control Board

July 11, 2014

Mr. Carl Van Quathem
ALCA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

**SUBJECT: RESPONSE TO A REQUEST FOR REVIEW OF THE FURTHER REVISED
WORK PLAN DATED ON FEBRUARY 12, 2014**

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE
CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles (Regional Board) is the lead agency with primary responsibility for the protection of groundwater and surface water quality within major portions of Los Angeles and Ventura counties. To accomplish this, The Regional Board oversees the investigation and cleanup of discharges of waste that may affect the quality of waters of the state as authorized by the Porter-Cologne Water Quality Control Act (California Water Code, Division 7).

Regional Board staff have reviewed the report titled *Further Revised Down-Gradient Assessment Work Plan* (Work Plan), dated February 12, 2014, in response to a request made during a meeting with you and your representatives on May 22, 2014. Please note that a response to the Work Plan had been provided on March 3, 2014 (attached). This letter replaces that letter. In response to your request for a further review, we have the following comments and revisions to the Work Plan:

1. 5th Paragraph, Page 2: The proposed well screen diameter is one inch. Taking into consideration well integrity and sampling practices, well casing and the screen inner diameter must be at least 2-inches to assure that the well functions properly.
2. 6th Paragraph, Page 2: The proposed well development procedure (3rd bullet) indicates that turbidity would be visually observed. Newly constructed wells must be developed until turbidity is stabilized at 10 Nephelometric Turbidity Units (NTUs). Groundwater samples must be collected at 10 feet below the water table.
3. 3rd and 5th Paragraphs, Page 3: Regarding MW4, you stated, "As indicated in the work plan dated January 21, 2014, it is understood that if the PCE concentrations in MW4 are not appreciably higher than the concentrations found in the up-gradient groundwater beneath the site as encountered in MW2, the Board will determine that the Fountain-Vine Plaza site is not a continuous source of PCE to the groundwater found under and in

CHARLES STINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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the immediate vicinity of the Fountain-Vine Plaza site or adjacent properties, and will therefore issue a "No Further Action" or "NFA" letter to the Fountain-Vine Plaza owner for that property... If elevated concentrations of PCE are observed in proposed well no. MW4 indicating the potential existence of a separate plume coming off the Fountain-Vine site of such significance that would justify the need for any further action on the Fountain-Vine site, AA&A requests further discussion with the LARWQCB staff before any additional decisions regarding the site are made."

Response: Your Work Plan proposes that the Regional Board use the results of monitoring the newly proposed well MW4 to make a final determination as to whether the Regional Board should issue an NFA letter. It may be likely that the plume beneath and downgradient of the Fountain-Vine Plaza site consists of commingled discharges from that site and the Paragon Cleaners site. There are not sufficient data currently available regarding PCE in the groundwater found under and in the immediate vicinity of the Fountain-Vine Plaza site and adjacent properties to determine whether the Fountain-Vine Plaza site is a continuing source of PCE to the groundwater. The Regional Board agrees that data from MW4 will be helpful in further characterizing the PCE plume. However, such data are not likely to be sufficient themselves to make an NFA determination. Additional data may be needed to better evaluate your NFA request. The Regional Board will use water quality data from MW4 and other information available regarding the site, including the existing data, the joint monitoring you propose, and data suggested in the response in Paragraph 4 below to determine a no further action is appropriate.

It is not clear what you mean by "potential existence of a separate plume . . . of such significance". The Regional Board is certainly willing to further discuss the site with AA&A following evaluation of the data collected from MW4.

4. 4th Paragraph, Page 3: You stated, "The only purpose of MW5 is to look for PCE and compare the concentration to the levels found at the up-gradient Paragon Cleaners site and for the Board staff to make future cleanup decisions regarding the Paragon Cleaners site. The newly proposed MW5 well location is not believed to be down-gradient from the Fountain-Vine site, and for this reason, the sampling results from this proposed well will not affect any decision on closure or the issuance of a NFA letter involving the Fountain-Vine site. Therefore, any detection of PCE reported in samples collected from well MW5 will not affect a case closure decision for the Fountain-Vine Plaza case."

Response: Regional Board staff does not agree that the data from the newly proposed MW5 will not affect a decision on the need for further action at the Fountain-Vine Plaza site. The proposed well MW5 is about 90 feet cross-gradient from the locations of the April 2013 boring B32 and existing well MW3. The boring B32 and the well MW3 detected the highest PCE concentration in groundwater of 7,790 µg/L and 1,460 µg/L, respectively. The lateral delineation of the plume at the boring B32 and the well MW3 has not been fully assessed. We do not have sufficient information to decide at this time whether any chemical detection from MW5 is not related to the FVP site.

Regional Board staff re-evaluated the purpose of MW5, and recommend that you not install MW5 because installation of MW5 will only serve to further delineate the downgradient portion of the contaminated groundwater plume. Instead of installing

MW5, we request that you perform a soil and groundwater investigation to confirm the presence or absence of a PCE source such as dense non-aqueous phase liquid (DNAPL) at, around, and in the area between the former PCE borings AEI-B3 and B32. We suggest that you may first screen the area at a 10-foot grid to the top of the first clay layer in the saturated zone with a high resolution vertical profiling tool such as Membrane Interface Probe (MIP) and cone penetrometer testing (CPT). The 2005 AEI report also reported the detection of 27.2 micrograms per kilogram ($\mu\text{g}/\text{kg}$) of PCE in soil at 5 feet below ground surface (bgs) in boring B4 in the former gas station area which decreased to 6.3 $\mu\text{g}/\text{kg}$ at 20 feet bgs. This vertical profile of PCE concentrations in the vadose zone soil may suggest an historical release of PCE at the Fountain-Vine Plaza site.

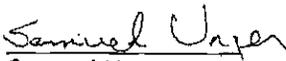
5. 5th Paragraph, Page 3: You stated, "Upon your review, if acceptable, we ask that an approval letter approving this Revised Work Plan be provided. Such approval will be confirmation of the objectives stated above, ...will be issued."

Response: The Work Plan is approved as modified with the above comments and revisions and with the clarifications regarding the objectives discussed above.

You are required to submit a technical report of the results of investigations proposed in the Work Plan to the Regional Board by **August 31, 2014**.

Please notify the Regional Board at least 72 hours before any field work is commenced. If you have any questions regarding this project, please contact the project manager Mr. Mohammad Zaidi at (213) 576-6732, mzaidi@waterboards.ca.gov, or Dr. Kwang-il Lee at (213) 576-6734 or klee@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Attachment: Regional Board letter dated March 3, 2014

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

Mr. Richard Montevideo, Rutan & Tucker, LLP (Montevideo@rutan.com)



ERNEST G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

March 3, 2014

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: RESPONSE TO A REQUEST FOR THE FURTHER REVISED WORK PLAN
EMAILED ON FEBRUARY 18, 2014

CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE
CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)

Dear Mr. Quathem:

On February 6, 2014, California Regional Water Quality Control Board, Los Angeles Region (Regional Board) staff approved your revised work plan titled *Revised Down-Gradient Assessment Work Plan*, dated January 21, 2014, which Ami Adini & Associates, Inc. has prepared on your behalf. The revised work plan is intended to change a down-gradient groundwater monitoring plan specified in your original work plan dated December 9, 2013; Regional Board staff approved the original work plan on December 18, 2013.

However, you informed us that there is a physical access problem for the proposed two well locations. On February 11, 2014, Regional Board staff, Mr. Henry Jones and Dr. Kwang Lee, made a site visit and met with you, your consultants including Dr. Ravi Arulanantham of Geosyntec, and Ms. Julia Jones Patten of the Villa Elaine Apartments. During the site visit, staff agreed with the re-locations of two groundwater monitoring wells.

On February 18, 2014, your consultant, Ami Adini & Associates, Inc. emailed another revised work plan titled *Further Revised Down-Gradient Assessment Work Plan*, dated February 12, 2014, to me, and asserted that on February 13, 2014, the revised work plan was uploaded to GeoTracker per a direction of staff although staff only requested a figure showing relocated well positions.

As of March 3, 2014, we do not find evidence showing that your consultant uploaded the February 12, 2014, work plan to GeoTracker. Based on information submitted, and on the information in the case file, we have determined that another review of the February 12, 2014, work plan is not necessary.

A technical report documenting implementation of the work plan (as we approved on February 6, 2014) and a figure showing two newly relocated wells shall be submitted to the Regional Board by April 30, 2014; the due date for the report was April 15, 2014. The report shall include an analysis of the data obtained from the eight groundwater monitoring wells.

CHARLES SPRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

210 West 4th St., Suite 200, Los Angeles, CA 90010 | www.waterboards.ca.gov/losangeles

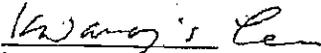
Mr. Carl Van Quathem
ALSA Properties, Ltd.

- 2 -

March 3, 2014

If you have any questions regarding this project, please contact me at (213) 576-6734 or klee@waterboards.ca.gov

Sincerely,



Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

Exhibit "3"



Los Angeles Regional Water Quality Control Board

September 17, 2014

Mr. Carl Van Quathem
ALCA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: SUMMARY OF THE AUGUST 13, 2014 MEETING REGARDING REGIONAL BOARD REQUIREMENTS FOR SOIL AND GROUNDWATER INVESTIGATION TO CONFIRM THE PRESENCE OR ABSENCE OF PCE SOURCE IN EASTERN PORTION OF FOUNTAIN VINE PLAZA SITE

CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)

Dear Mr. Quathem:

In a letter to you, dated July 11, 2014, the California Regional Water Quality Control Board, Los Angeles (Regional Board) approved your proposed work plan, with some modifications, and requested that you complete certain additional tasks to investigate soil and groundwater at the above-referenced site and submit a technical report containing the results of the investigation by August 31, 2014. The Regional Board has, to date, not received the technical report.

Regional Board staff members - Mr. Mohammad Zaidi and Mr. Jeff Brooks - had a meeting on August 13, 2014 with Mr. Ravi Arulanantham and Mr. Syed Rehan of your consultant Geosyntec. On your behalf as the responsible party for the Fountain Vine Plaza (FVP) site, Mr. Arulanantham had requested the meeting to discuss the details of the work requested in the Regional Board's July 11, 2014 letter and requested reductions in the number and locations of the Membrane Interface Probe (MIP) borings and collection and analysis of verification soil samples. As explained at the August 13 meeting, these MIP borings should be completed through the vadose and saturated zone to the top of the first clay layer in the saturated zone and should be used along with the analytical results of verification soil samples to confirm the presence or absence of the tetrachloroethylene (PCE) source in the area between former borings AEI-B3 and B32 at the Fountain-Vine Plaza site.

Following is a summary and clarification of the agreement reached in the August 13, 2014 meeting:

1. You, the responsible party, will complete two borings, up to 10 feet apart, through the vadose zone and first saturated zone to a total depth of at least 80 feet below ground surface (bgs), at each of two groundwater volatile organic compound (VOC) hot spots, first at AEI-B3 [PCE 4,700 micrograms per liter (ug/L)] and second at B-32 [PCE 7,790 ug/L], by using a cone penetrometer testing (CPT) equipment to define the soil lithology

CHARLES STRINGER, CHAIR | SAMUEL UHDE, EXECUTIVE OFFICER

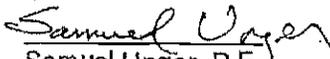
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and the MIP to identify any volatile organic compounds (VOCs) in the soil. Of the four borings, each will terminate at a total depth of at least 80 feet bgs or at the top of and one foot into a clay layer (below the water table for the first saturated zone). To reiterate, two borings, up to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one foot into a clay layer at AEI-B3, and two borings, up to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one foot into a clay layer at B-32. After review of each of the four MIP logs (one from each of the four boreholes), depths at which VOC peaks are identified in each of the MIP logs completed in both the vadose and saturated zones will be marked, and verification soil matrix samples will be collected from those depths for laboratory analysis using USEPA Method 8260B.

2. The Regional Board requests that you submit to the Regional Board the technical report addressing Item 1 and other actions set forth in the Regional Board's July 11, 2014 letter by **October 30, 2014**.

If you have any questions regarding this project, please contact the project manager Mr. Mohammad Zaidi at (213) 576-6732, mzaidi@waterboards.ca.gov, or Dr. Kwang-il Lee at (213) 576-6734 or klee@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Mr. Ami Adini, Ami Adini & Associates (amia@amladini.com)
Mr. Richard Montevideo, Rutan & Tucker, LLP (Montevideo@rutan.com)
Mr. Ravi Arulanantham, Geosyntec
Mr. Syed Rehan

Exhibit "4"



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Alan C. Lloyd, Ph.D.
Agency 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

February 7, 2006

Mr. Carl Van Quathem
ALCA Properties, Ltd.
11356 Nutmeg Ave.
Los Angeles, CA 90066
cci-realtors@comeast.net

SPILLS, LEAKS, INVESTIGATIONS AND CLEANUPS (SLIC) OVERSIGHT COST REIMBURSEMENT ACCOUNT – FOUNTAIN-VINE PLAZA AT 1253 NORTH VINE STREET, HOLLYWOOD, CALIFORNIA 90038 (SLIC NO. 1196)

Dear Mr. Quathem:

The California Water Code (CWC), Section 13304, allows the Regional Board to recover reasonable expenses from the responsible party to oversee cleanup of unregulated releases which adversely affect the State's waters. You are responsible for the oversight cost of site assessment and cleanup based on the record maintained in the case file.

Based on the submitted reports, up to 4,730 micrograms per ($\mu\text{g/l}$) of tetrachloroethene, 6.5 $\mu\text{g/l}$ of trichloroethene, and 3,760 $\mu\text{g/l}$ of total petroleum hydrocarbons as gasoline were detected in groundwater. The release of chemicals has degraded the groundwater quality and beneficial uses of the State's waters.

Estimate of Work to be Performed

The Regional Board staff estimates the following work will be done for your site during the Regional Board's 2005/2006 fiscal year (July 1, 2005 to June 30, 2006):

1. Review environmental assessment reports;
2. Request and review workplans for additional delineation of the soil and groundwater/surface water contamination;
3. Request and review soil and water corrective action plan;
4. Conduct site inspections, collect split samples, and communicate findings to responsible parties; and
5. Conduct internal and external communications (i.e. meetings, memos) about the site.

Statement of Expected Outcome

The expected outcome of work that will be performed includes providing written comments on the submitted reports and workplans, verifying the adequacy of reports, and determining the need to further investigate the impact to soil and water.

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Recycled Paper

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February 7, 2006

Billing Rates

Attached are the Spills, Leaks, Investigations, and Cleanups (SLIC) Program, Monthly Salary Scales by Job Classification (Attachment 1) for employees expected to perform the work and the Reimbursement Process for Regulatory Oversight (Attachment 2). The names and classifications of employees that charge time to this site will be listed on the invoices. The average billing rate is about \$110.00 per hour.

Estimation of Expected Charges

Regional Board staff expects to charge about 80 hours for work related to this site during fiscal year 2005/2006. Based on the average billing rate of \$110 per hour, the estimated billing charge for this site during this fiscal year is about \$8,800. **Please note that this is neither a commitment nor a contract for regulatory oversight. It is only an estimate of the work, which may be performed. Furthermore, we anticipate that there may be possible delays in Regional Board staff's review of reports submitted.**

Landowner Notification and Participation Requirements

Pursuant to Division 7 of the Porter Cologne Water Quality Control Act under section 13307.1, the Regional Board is required to notify all current fee title holders for the subject site prior to considering corrective action or granting case closure. Therefore, you are required to provide the name, mailing address and telephone number for all record fee title holders for the site together with a copy of county record of current ownership, available from the County Recorder's Office, or complete the attached Certification Declaration Form (Attachment 3) and submit it to our office.

Please sign and return the enclosed landowner's information (Attachment 3) and "Acknowledgment of Receipt of Cleanup and Abatement Cost Recovery Letter" (Attachment 4) to the Regional Board by **March 7, 2006.**

New Requirements

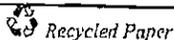
I. Change of Ownership

You must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this cost reimbursement account's responsibility to a new owner containing a specific date for the transfer. In addition, you shall notify the succeeding owner of the existence of this cost reimbursement account by letter, copy of which shall be forwarded to the Board.

II. Public Participation

With increased public interest in our programs and the public knowledge of threat to human health and the environment, the Regional Boards are increasing our effort in getting the public more involved in our decision making process. The Regional Boards are also required to involve the public in site cleanup decisions under State law (including Health & Safety Code section 25356.1). You may be required to

California Environmental Protection Agency



February 7, 2006

prepare and implement a public participation plan. Regional Board staff will provide you with additional guidance as appropriate.

III. Electronic Submittal of Information

Please see attached July 1, 2005 memo (Attachment 5) regarding new regulations requiring the electronic submittal of information (ESI), which went into effect on January 1, 2005. The new regulations stated that beginning on July 1, 2005, a paper copy of reports will no longer be required upon submittal of the electronic copy unless the Regional Board specifically requires the paper copy to be submitted.

The Los Angeles Regional Board does not have the resources to acquire hardware to allow caseworkers to appropriately review documents in electronic form. Therefore, for the foreseeable future, we request that you continue to submit hard copies of all documents and data submittals.

If you have any questions, please contact Dr. Rebecca Chou at (213) 576-6733.

Sincerely,

fw *David A. Bachman, AEO*
Jonathan Bishop
Executive Officer

Attachments:

1. Monthly Salary Scales by Job Classification
2. Reimbursement Process for Regulatory Oversight
3. Certification Declaration Form
4. Acknowledgement of Receipt of Cleanup and Abatement Cost Recovery Letter
5. New Regulations - Electronic Submittal of Information

ATTACHMENT 1

**SPILLS, LEAKS, INVESTIGATIONS, AND CLEANUPS (SLIC) PROGRAM
BILLING COST EXPLANATION**

Employee Salary and Benefits by Classification¹	ABR	SALARY SCALE
Associate Governmental Program Analyst	AGPA	5,468 - 6,646
Engineering Geologist	EG	4,753 - 8,316
Environmental Scientist	ES	3,824 - 7,097
Office Assistant	OA	2,578 - 3,442
Office Technician	OT	3,338 - 4,056
Principal Water Resources Control Engineer	PWRCE	9,476 - 10,451
Sanitary Engineering Associate	SEA	6,165 - 7,491
Sanitary Engineering Technician	SET	4,245 - 5,922
Senior Engineering Geologist	SEG	7,650 - 9,297
Senior Environmental Scientist	SRES	6,774 - 9,823
Senior Water Resources Control Engineer	SWRCE	7,650 - 9,297
Staff Counsel	STCOUN	5,099 - 9,823
Staff Counsel III	STCOUNIII	9,185 - 11,334
Staff Counsel IV	STCOUNIV	10,141 - 12,522
Staff Environmental Scientist	SES	6,767 - 8,172
Student Assistant	SA	1,812 - 2,413
Student Assistant Engineer	SAE	2,488 - 3,723
Supervising Water Resources Control Engineer	SUWRCE	8,622 - 10,206
Water Resources Control Engineer	WRCE	4,753 - 8,298

Indirect Charges²

Indirect costs	100% of salaries and benefits
Accounting administrative costs	15% of salaries and benefits
Regional Board administrative costs	20% of salaries and benefits

Billing Example

Water Resources Control Engineer	
Salary:	\$ 8,298
Overhead (indirect costs):	\$ 8,298
Admin.: State Board	\$ 1,245
Regional Board	\$ 1,660
Total Cost per month	\$ 19,501

Divided by 176 hours per month equals per hour: \$ 110.80
(Due to the various classifications that expend SLIC resources. An average of \$ 110.00 per hour can be used for projection purposes.)

¹ The name and classification of employees performing oversight work will be listed on the invoice you receive.

² The examples are estimates based on recent billings. Actual charges may be slightly higher or lower.

REIMBURSEMENT PROCESS FOR REGULATORY OVERSIGHT

We have identified your facility or property as requiring regulatory cleanup oversight. Pursuant to the Porter-Cologne Water Quality Control Act, reasonable costs for such oversight can be recovered by the Regional Water Quality Control Board (RWQCB) from the responsible party. The purpose of the enclosure is to explain the oversight billing process structure.

INTRODUCTION

The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board (SWRCB) to set up Cost Recovery Programs. The Budget Act of 1993 authorized the SWRCB to establish a Cost Recovery Program for Spills, Leaks, Investigations, and Cleanups (SLIC). The program is set up so that reasonable expenses incurred by the SWRCB and RWQCBs in overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely impacting the State's waters can be reimbursed by the responsible party. Reasonable expenses will be billed to responsible parties and collected by the Fee Coordinator at the SWRCB in the Division of Clean Water Programs (DCWP).

THE BILLING SYSTEM

Each cost recovery account has a unique charge number assigned to it. Whenever any oversight work is done, the hours are billed to the account number on the employee's time sheet. The cost of the staff hours is calculated by the State Accounting System based on the employee's salary and benefit rate and the SWRCB overhead rate.

SWRCB and RWQCB Administrative charges for work such as accounting, billing preparation, general program meetings and program specific training cannot be charged directly to an account. This work will be charged to Administrative accounting codes. The Accounting Office totals these administrative charges for the billing period and distributes them back to all of the accounts based on the number of hours charged to each account during that billing period. These charges show as SWRCB Program Administrative Charges and RWQCB Program Administrative Charges on the Invoice.

The overhead charges are based on the number of labor hours charged to the account. The overhead charges consist of rent, utilities, travel, supplies, training, and accounting services. Most of these charges are paid in arrears. Therefore, if there is no labor charged during the billing period, there still may be overhead charges associated with previous months services. The Accounting Office keeps track of these charges and distributes them back monthly to all of the accounts based on the number of hours charged to each account. Therefore, the quarterly statements could show no labor hours charged for that billing period, but some overhead costs could be charged to the account.

Invoices are issued quarterly, one quarter in arrears. If a balance is owed, a check is to be remitted to the SWRCB with the invoice remittance stub within 30 days after receipt of the invoice. The Accounting Office sends a report of payments to the Fee Coordinator on a quarterly basis.

Copies of the invoices are sent to the appropriate RWQCBs so that they are aware of the oversight work invoiced. Questions regarding the work performed should be directed toward your RWQCB case worker. If the responsible party becomes delinquent in their quarterly payments, oversight work will cease immediately. Work will not begin again unless the payments are brought up-to-date.

DISPUTE RESOLUTION

If a dispute regarding oversight charges cannot be resolved with the RWQCB, Section 13320 of the California Water Code provides a process whereby persons may petition the SWRCB for review of RWQCB decisions. Regulations implementing Water Code Section 13320 are found in Title 23 of the California Code of Regulations, Section 2050.

DAILY LOGS

A detailed description (daily log) of the actual work being done at each specific site is kept by each employee in the RWQCB who works on the cleanup oversight at the property. This information is provided on the quarterly invoice using standardized work activity codes to describe the work performed. *Upon request, a more detailed description of the work performed is available from the RWQCB staff.*

REMOVAL FROM THE BILLING SYSTEM

After the cleanup is complete the RWQCB will submit a closure form to the SWRCB to close the account. If a balance is due, the Fee Coordinator will send a final billing for the balance owed. The responsible party should then submit a check to the SWRCB to close the account.

AGREEMENT

No cleanup oversight will be performed unless the responsible party of the property has agreed in writing to reimburse the State for appropriate cleanup oversight costs. You may wish to consult an attorney in this matter. As soon as the letter is received, the account will be added to the active SLIC Cost Recovery billing list and oversight work will begin.



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

Alan C. Lloyd, Ph.D.
Agency 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

ATTACHMENT 3

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

Please Print or Type

Fee Title Holder(s): ALCA PROPERTIES, LTD

Mailing Address: 11356 NUTMEG AVE., LOS ANGELES, CA 90066

Contact Person: CARL VAN QUATHEN - GEN'L PTNR

Telephone Number / Fax Number: 310-390-5000 x55 / 310-391-0435

Site Name: FOUNTAIN-VINE PLAZA

Address: 1253 N. VINE ST, HOLLYWOOD CA 90038

Contact Person: CARL VAN QUATHEN

Telephone Number / Fax Number: 310-390-5000 x55 / 310-391-0435

File Number: SLIC No. 1196

"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).

CARL VAN QUATHEN
Printed Name of Person Signing

GEN'L PTNR
Official Title


Signature

2/10/06
Date Signed

California Environmental Protection Agency



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Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

ATTACHMENT 4

ACKNOWLEDGEMENT OF RECEIPT OF OVERSIGHT COST REIMBURSEMENT ACCOUNT LETTER

I, CARL VAN QUATHEN, acting within the authority vested in me as an authorized representative of ALCA PROPERTIES, LTD, A CALIFORNIA LIMITED PARTNERSHIP, a corporation, acknowledge that I have received and read a copy of the attached *REIMBURSEMENT PROCESS FOR REGULATORY OVERSIGHT* and the cover letter dated February 7, 2006 concerning cost reimbursement for Regional Board staff costs involved with oversight of cleanup and abatement efforts at **Fountain-Vine Plaza, Los Angeles County**. The address for the site is 1253 North Vine Street, Hollywood and its Los Angeles County Assessor's Parcel Number is 5533 005 051 05 000.

I understand the reimbursement process and billing procedures as explained in the letter. Our company is willing to participate in the cost recovery program and pay all subsequent billings in accordance with the terms in your letter and its attachments, *and to the extent required by law*. I also understand that signing this form does not constitute any admission of liability, but rather only an intent to pay for costs associated with oversight, *as set forth above, and to the extent required by law*. Billings for payment of oversight costs should be mailed to the following individual and address:

BILLING CONTACT CARL VAN QUATHEN

BILLING ADDRESS 11356 NUTMEG AVE.

LOS ANGELES, CA 90066

TELEPHONE NO. 310-390-5000 X55 FAX NO. 310-391-0435

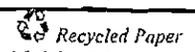
RESPONSIBLE PARTY'S SIGNATURE [Signature] (Signature)

GEN'L PTNR (Title)

DATE: 2/10/06

SLIC NO. 1196	SITE ID NO.
---------------	-------------

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Arnold Schwarzenegger
Governor

ATTACHMENT 5

July 1, 2005

Notice to Interested Parties

NEW REGULATIONS - ELECTRONIC SUBMITTAL OF INFORMATION

The State Water Resources Control Board (State Water Board) recently adopted regulations requiring the electronic submittal of information (ESI) over the internet, for cleanup programs overseen by the California Regional Water Quality Control Boards (Regional Water Boards), starting January 1, 2005.

Parties responsible for cleanup of pollution at sites overseen by the Regional Water Board's Department of Defense (DoD), Spills, Leaks, Investigations, and Cleanups Program (SLIC), and Land Disposal Programs are required to submit over the internet, the following information electronically:

- groundwater analytical data,
- surveyed locations of monitoring wells,
- boring logs describing monitoring well construction, and,
- portable data format (PDF) copies of all reports.

The text of the regulations is attached, and can be found at the following URL:

http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/docs/final_electronic_regs_dec04.pdf

The State Water Board GeoTracker data management system is capable of accepting this electronic information. GeoTracker is a geographic information system providing online access to environmental and regulatory data. Currently, Geotracker has information submitted by responsible parties for over 10,000 Leaking Underground Storage Tank sites statewide. This information is available to the public at:

<http://www.geotracker.swrcb.ca.gov>

Beginning July 1, 2005, a paper copy of reports will no longer be required for the DoD, SLIC, or Land Disposal Programs upon submittal of the electronic copy unless the Regional Water Board specifically requires the paper copy to be submitted. The electronic reports are intended to replace the need for a paper report, and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

The Regional Water Board does not have the resources to acquire hardware to allow caseworkers to appropriately review documents in electronic form. Therefore, for the foreseeable future, we request that you continue to submit hard copies of all documents and data submittals.

You will need a GeoTracker password for submitting data and reports. To obtain instructions for receiving a GeoTracker password please go to our ESI website:

California Environmental Protection Agency



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http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting/index.html

Our ESI website has an on-line tutorial to aid your transition to electronic data and reporting submittal. You can access information on how to upload electronic data at the following ESI website:

http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting/docs/ab2886_primer.pdf

If you have any questions or need additional information on reporting electronic data, please contact Hamid Foolad at: hfoolad@waterboards.ca.gov.

Training and Outreach

User outreach meetings will be arranged in both Northern and Southern California based upon demand. The GeoTracker system will be announcing future sessions to all regulators, consultants and responsible parties who hold a GeoTracker password.

California Environmental Protection Agency

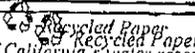
 Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.
Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Exhibit "5"

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 03/31/14**

Date: 07/10/2014

Account Number: 2040235

Regional Board: Los Angeles Region

Invoice Number: 86650

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 07/10/14:

\$47,539.99

Balance Forward:

\$0.00

**** New Charges - Billing Period 01/01/14-03/31/14:**

\$13,801.62

TOTAL AMOUNT DUE:

\$13,801.62

** See itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or DFA-SCP@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030

Account Number: 2040235

Invoice Number: 86650

Amount Due: \$13,801.62

SEND PAYMENTS TO:

State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
 INVOICE NUMBER: 86650

DATE	NAME	CLASS	ACT	HOURS
01/02/14	Staff, Swrcb	null	CP	0
01/03/14	Staff, Swrcb	null	CP	0
01/08/14	Jones, H L	EG	IC	1
01/08/14	Jones, H L	EG	IC	1
01/08/14	Lee, Kwangil	SWRCE	IC	2
01/09/14	Jones, H L	EG	RR	3
01/09/14	Jones, H L	EG	TC	1
01/09/14	Lee, Kwangil	SWRCE	IC	1.5
01/10/14	Jones, H L	EG	IC	1
01/10/14	Jones, H L	EG	RR	4
01/10/14	Jones, H L	EG	SI	4
01/22/14	Jones, H L	EG	TC	1
01/24/14	Jones, H L	EG	RR	4
01/24/14	Jones, H L	EG	TC	1
01/24/14	Jones, H L	EG	WC	4
01/28/14	Jones, H L	EG	WC	3
01/31/14	Lee, Kwangil	SWRCE	IC	1.5
02/05/14	Lee, Kwangil	SWRCE	IC	1.5
02/06/14	Jones, H L	EG	IC	1
02/06/14	Jones, H L	EG	RR	3
02/06/14	Jones, H L	EG	TC	1
02/06/14	Lee, Kwangil	SWRCE	IC	1
02/07/14	Jones, H L	EG	TC	2
02/11/14	Jones, H L	EG	RR	3
02/11/14	Jones, H L	EG	SI	3
02/11/14	Lee, Kwangil	SWRCE	SI	2
02/18/14	Lee, Kwangil	SWRCE	TC	1
03/10/14	Staff, Swrcb	null	CP	0
03/11/14	Staff, Swrcb	null	CP	0
03/24/14	Lee, Kwangil	SWRCE	IC	3.5
03/28/14	Lee, Kwangil	SWRCE	IC	1

TOTAL HOURS:

56

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 86650

TOTAL LABOR CHARGES:	\$3,531.00
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$6,381.50
OVERHEAD:	\$3,188.38
STATE BOARD PROGRAM ADMIN CHARGE:	-\$201.56
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$902.30

TOTAL NEW CHARGES: \$13,801.62

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

- RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
- SI - Site inspections
- TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
- EO - Preparation of enforcement order
- WC - Written correspondence to the RP or representative
- IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
- ADM - Administrative billing inquiries/disputes
- EST - Preparation of estimation letter
- CP - Contract Payment
- ADJ - Adjustment to previous Invoices
- SC - Staff Counsel - Legal consultation

Exhibit "6"

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 06/30/14**

Date: 09/29/2014
Regional Board: Los Angeles Region

Account Number: 2040235
Invoice Number: 87966

Responsible Party #: 2030

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles CA 90066

Site Location:

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 09/29/14:

\$47,539.99

Balance Forward:

\$13,801.62

**** New Charges - Billing Period 04/01/14-06/30/14:**

\$19,880.28

TOTAL AMOUNT DUE:

\$33,681.90

** See itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or SiteCleanup@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030 **Account Number:** 2040235 **Invoice Number:** 87966 **Amount Due:** \$33,681.90

SEND PAYMENTS TO:
State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
 INVOICE NUMBER: 87966

DATE	NAME	CLASS	ACT	HOURS
04/09/14	Staff, Swrcb	null	CP	0
04/17/14	Lee, Kwangil	SWRCE	IC	1
04/29/14	Lee, Kwangil	SWRCE	IC	1.5
05/01/14	Lee, Kwangil	SWRCE	IC	1
05/01/14	Zaidi, Mohammad	EG	RR	9
05/05/14	Zaidi, Mohammad	EG	RR	10
05/06/14	Zaidi, Mohammad	EG	RR	8
05/07/14	Zaidi, Mohammad	EG	RR	8
05/12/14	Zaidi, Mohammad	EG	RR	2
05/14/14	Zaidi, Mohammad	EG	RR	4
05/15/14	Zaidi, Mohammad	EG	TC	8.5
05/19/14	Zaidi, Mohammad	EG	RR	3
05/20/14	Lee, Kwangil	SWRCE	IC	3
05/20/14	Zaidi, Mohammad	EG	TC	6
05/21/14	Zaidi, Mohammad	EG	TC	5.5
05/22/14	Lee, Kwangil	SWRCE	TC	4
05/22/14	Zaidi, Mohammad	EG	TC	9
05/30/14	Lee, Kwangil	SWRCE	IC	2.5
06/03/14	Zaidi, Mohammad	EG	TC	5
06/05/14	Zaidi, Mohammad	EG	WC	3
06/09/14	Lee, Kwangil	SWRCE	IC	1.5
06/09/14	Zaidi, Mohammad	EG	WC	4
06/11/14	Lee, Kwangil	SWRCE	IC	2.5
06/11/14	Mcchesney, Frances	SFCOUNIV	IC	2
06/12/14	Zaidi, Mohammad	EG	WC	1
06/24/14	Mcchesney, Frances	SFCOUNIV	IC	1
06/26/14	Lee, Kwangil	SWRCE	IC	2
06/26/14	Zaidi, Mohammad	EG	WC	8
06/30/14	Zaidi, Mohammad	EG	WC	1

TOTAL HOURS:

117

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 87966

TOTAL LABOR CHARGES:	\$8,401.42
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$202.50
OVERHEAD:	\$7,625.53
STATE BOARD PROGRAM ADMIN CHARGE:	\$1,843.38
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$1,807.45

TOTAL NEW CHARGES: \$19,880.28

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
CP - Contract Payment
ADJ - Adjustment to previous Invoices
SC - Staff Counsel - Legal consultation

Exhibit "7"



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW HODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 18, 2013

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: APPROVAL OF WORK PLAN FOR ADDITIONAL GROUNDWATER ASSESSMENT

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA
(SITE CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties. The above referenced site is within the Regional Board Boundaries.

The Regional Board has received the work plan titled *Down-Gradient Assessment Work Plan*, dated December 9, 2013, which Ami Adini & Associates, Inc. has prepared on your behalf. The work plan is intended to assess groundwater impacts down-gradient of the site.

The work plan proposes the installation of three (3) groundwater monitoring wells (MW-4, MW-5, and MW-6) located within the Villa Elaine apartment complex, immediately south of the site (Figure 1). Groundwater will then be sampled from nine (9) groundwater monitoring wells located at the site, at the Villa Elaine apartments, and at Paragon Cleaners (located northeast of the site). Groundwater samples will be analyzed for volatile organic compounds (VOCs) and total petroleum hydrocarbons – gasoline range (TPHg).

Based on information submitted, and on the information in the case file, we concur with the proposed work plan. A technical report shall be submitted to the Regional Board documenting the installation of the groundwater monitoring wells by **March 15, 2014**. A groundwater monitoring report shall be submitted to the Regional Board by **April 15, 2014**. The groundwater monitoring report shall include an analysis of the data obtained from the nine groundwater monitoring wells.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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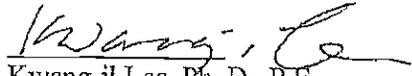
Mr. Carl Van Quathem
ALSA Properties, Ltd.

- 2 -

December 18, 2013

If you have any questions regarding this project, please contact Mr. Henry Jones at (213) 576-6697 or hjones@waterboards.ca.gov

Sincerely,



Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

Attachment:

Figure 1, Proposed Monitoring Well Location Map

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

Exhibit "7"



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 18, 2013

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: APPROVAL OF WORK PLAN FOR ADDITIONAL GROUNDWATER ASSESSMENT

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA
(SITE CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties. The above referenced site is within the Regional Board Boundaries.

The Regional Board has received the work plan titled *Down-Gradient Assessment Work Plan*, dated December 9, 2013, which Ami Adini & Associates, Inc. has prepared on your behalf. The work plan is intended to assess groundwater impacts down-gradient of the site.

The work plan proposes the installation of three (3) groundwater monitoring wells (MW-4, MW-5, and MW-6) located within the Villa Elaine apartment complex, immediately south of the site (Figure 1). Groundwater will then be sampled from nine (9) groundwater monitoring wells located at the site, at the Villa Elaine apartments, and at Paragon Cleaners (located northeast of the site). Groundwater samples will be analyzed for volatile organic compounds (VOCs) and total petroleum hydrocarbons – gasoline range (TPHg).

Based on information submitted, and on the information in the case file, we concur with the proposed work plan. A technical report shall be submitted to the Regional Board documenting the installation of the groundwater monitoring wells by **March 15, 2014**. A groundwater monitoring report shall be submitted to the Regional Board by **April 15, 2014**. The groundwater monitoring report shall include an analysis of the data obtained from the nine groundwater monitoring wells.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

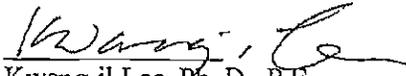
Mr. Carl Van Quathem
ALSA Properties, Ltd.

- 2 -

December 18, 2013

If you have any questions regarding this project, please contact Mr. Henry Jones at (213) 576-6697 or hjones@waterboards.ca.gov

Sincerely,



Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

Attachment:

Figure 1, Proposed Monitoring Well Location Map

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

Exhibit "8"



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

February 6, 2014

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

**SUBJECT: APPROVAL OF REVISED WORK PLAN FOR ADDITIONAL
GROUNDWATER ASSESSMENT**

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA
(SITE CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties. The above referenced site is within the Regional Board Boundaries.

On December 18, 2013, the Regional Board approved a work plan for additional groundwater assessment to assess groundwater impacts down-gradient of the site. And on December 24, 2013, the Regional Board requested access to 1245 Vine Street in the City of Los Angeles (the Villa Elaine Apartments) for a groundwater investigation. The Regional Board met with Ms. Julia Jones Patten of the Villa Elaine Apartments and Ami Adini of Ami Adini & Associates on January 10, 2014, to discuss the installation of groundwater monitoring wells at the Villa Elaine Apartments.

During the January 10, 2014 meeting, Ms. Patten raised concerns over the myriad of unmapped subsurface utilities crisscrossing the central courtyard, where the groundwater monitoring wells had been proposed. She further indicated that the building had a historical site designation (City of Los Angeles Designated Historic – Cultural Monument No. 675). Since the building dates back to the early 1900's, and is constructed of bricks and mortar, it is highly sensitive to vibrations. In addition, Ms. Patten indicated that the tenants were largely comprised of elderly long-term residents, scriptwriters who work or sleep in their domiciles during the day, and a pregnant woman, whom she believes are all highly sensitive to noise, fumes, and disturbances. Based on Ms. Patten's concerns, a consensus was made that the groundwater monitoring wells would be relocated to the northern alley, as the northern alley would reduce the amount of tenants affected by the proposed field operations and that data obtained from groundwater in the northern alley would still be valid for the investigation. Since the northern alley was closer to the source area, and since two of the groundwater monitoring wells could be located less than

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

February 6, 2014

forty feet apart, Mr. Adini proposed the installation of two groundwater monitoring wells, as opposed to the initial three, to reduce a possible duplication of work and data. As a result of this meeting, a revised work plan (*Revised Down-Gradient Assessment Work Plan*, dated January 21, 2014) was submitted to the Regional Board.

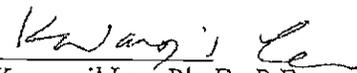
The work plan proposes the installation of two (2) groundwater monitoring wells (MW-4 and MW-5) located within the Villa Elaine apartment complex, immediately south of the site (Figure 1). Groundwater will then be sampled from eight (8) groundwater monitoring wells located at the site, at the Villa Elaine apartments, and at Paragon Cleaners (located northeast of the site). Groundwater samples will be analyzed for volatile organic compounds (VOCs) and total petroleum hydrocarbons – gasoline range (TPHg).

On January 28, 2014, Mr. Ami Adini informed the Regional Board that the work plan may be further revised based on structural information that is being provided to him by Ms. Patten. Since the Villa Elaine Apartments is a historical site, there are some restrictions to drilling. If the location of the groundwater monitoring wells, or the number of the groundwater monitoring wells are modified beyond what has been indicated in the work plan, then you shall inform the Regional Board and get written approval from the Regional Board before you begin installing the groundwater monitoring wells.

Based on information submitted, and on the information in the case file, we concur with the proposed work plan. A technical report shall be submitted electronically to the Regional Board documenting the installation of the groundwater monitoring wells by April 15, 2014. A groundwater monitoring report shall be submitted with the technical report and shall include an analysis of the data obtained from the eight groundwater monitoring wells.

If you have any questions regarding this project, please contact Mr. Henry Jones at (213) 576-6697 or hjones@waterboards.ca.gov

Sincerely,


Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

Attachment:

Figure 1, Proposed Monitoring Well Location Map

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

Ms. Julie Jones Patten, Villa Elaine Apartments (juliejonespatten@hotmail.com)

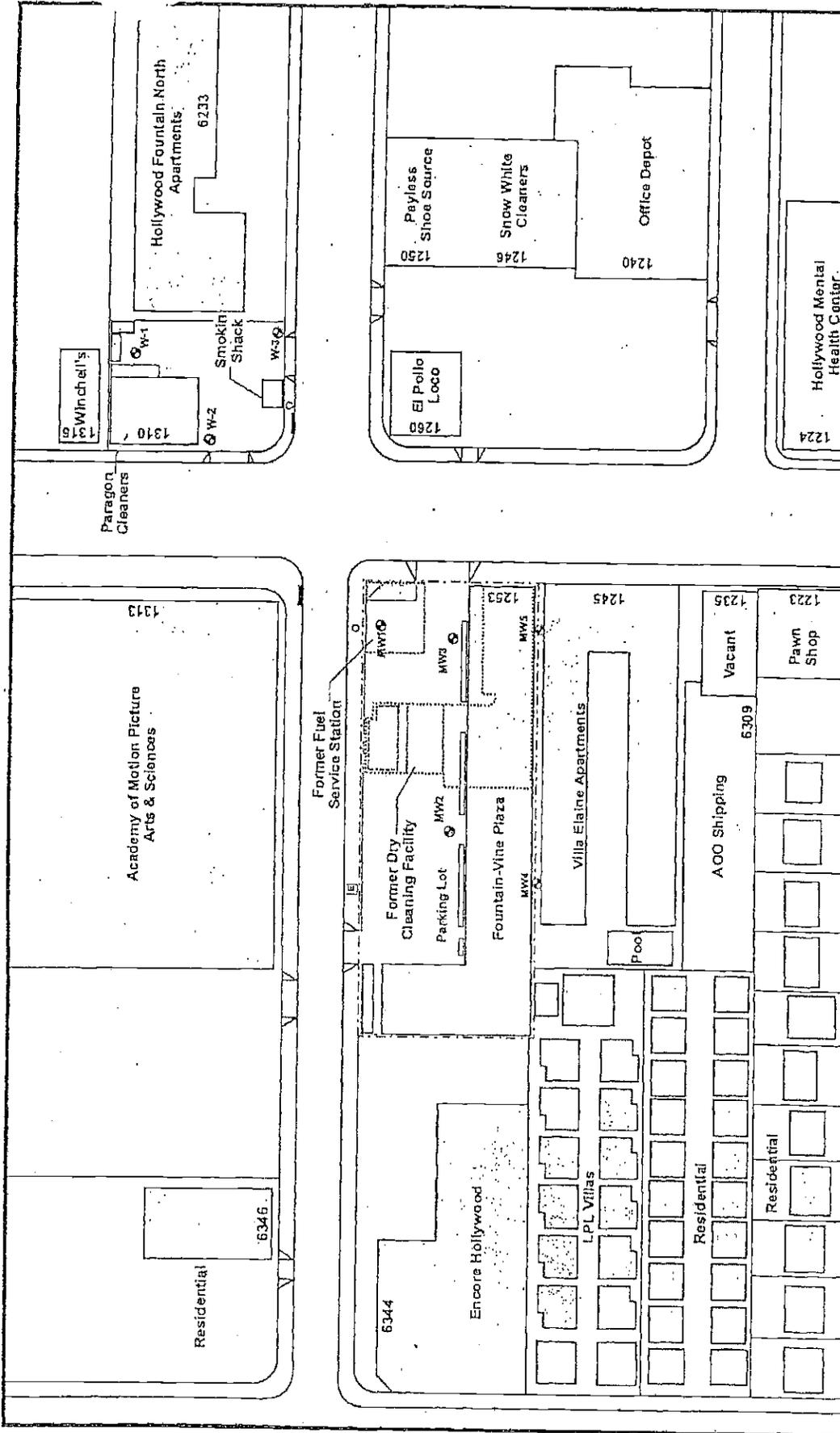


Figure X: Proposed Monitoring Well Location Map
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

DRAWN BY: LW/MRD DATE: January 2014 PROJECT: Fountain-Vine.pdf

Ami Adini & Associates, Inc.

Former structure on-site (fuel service station and dry cleaning facility)
 MW1 to MW3: Existing groundwater monitoring wells (AA&A, 04/2013)
 MW4 to MW5: Proposed off-site groundwater monitoring wells

LEGEND

- Dry cleaning facility (AEI 2006)
- Property line
- Storm drain
- ⊞ Underground electrical distribution vault
- Municipal water hydrant

0 100 200
 Approximate Scale in Feet

Revised - New Well Locations

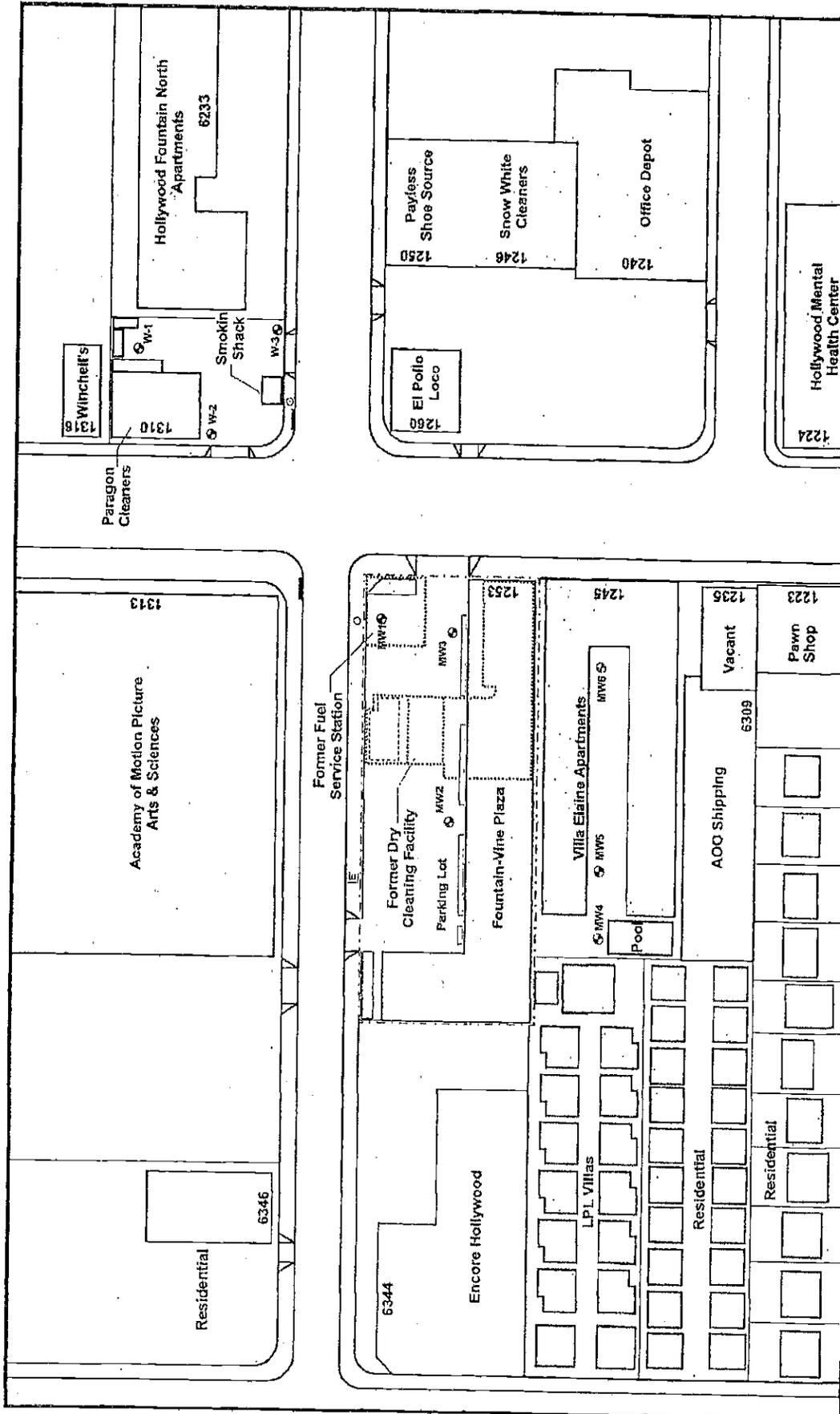


Figure 3: Proposed Monitoring Well Location Map
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

Former structure on-site (fuel service station and dry cleaning facility)
 MW1 to MW3: Existing groundwater monitoring wells (AA&A, 04/2013)
 MW4 to MW6: Proposed off-site groundwater monitoring wells

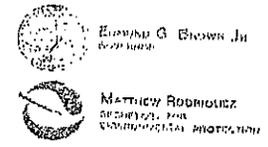
- LEGEND**
- Dry cleaning facility (AEI 2006)
 - - - - Property line
 - Storm drain
 - Underground electrical distribution vault
 - Municipal water hydrant

0 100 200
 Approximate Scale in Feet

Ami Adini & Associates, Inc.

PROJECT: Fountain-Vine.p01
 DATE: October 2013
 DRAWN BY: LW/MRd
 Los Angeles, California 90028

Exhibit "9"



Los Angeles Regional Water Quality Control Board

March 3, 2014

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

**SUBJECT: RESPONSE TO A REQUEST FOR THE FURTHER REVISED WORK PLAN
EMAILED ON FEBRUARY 18, 2014**

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE
CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

On February 6, 2014, California Regional Water Quality Control Board, Los Angeles Region (Regional Board) staff approved your revised work plan titled *Revised Down-Gradient Assessment Work Plan*, dated January 21, 2014, which Ami Adini & Associates, Inc. has prepared on your behalf. The revised work plan is intended to change a down-gradient groundwater monitoring plan specified in your original work plan dated December 9, 2013; Regional Board staff approved the original work plan on December 18, 2013.

However, you informed us that there is a physical access problem for the proposed two well locations. On February 11, 2014, Regional Board staff, Mr. Henry Jones and Dr. Kwang Lee, made a site visit and met with you, your consultants including Dr. Ravi Arulanantham of Geosyntec, and Ms. Julia Jones Patten of the Villa Elaine Apartments. During the site visit, staff agreed with the re-locations of two groundwater monitoring wells.

On February 18, 2014, your consultant, Ami Adini & Associates, Inc. emailed another revised work plan titled *Further Revised Down-Gradient Assessment Work Plan*, dated February 12, 2014, to me, and asserted that on February 13, 2014, the revised work plan was uploaded to GeoTracker per a direction of staff although staff only requested a figure showing relocated well positions.

As of March 3, 2014, we do not find evidence showing that your consultant uploaded the February 12, 2014, work plan to GeoTracker. Based on information submitted, and on the information in the case file, we have determined that another review of the February 12, 2014, work plan is not necessary.

A technical report documenting implementation of the work plan (as we approved on February 6, 2014) and a figure showing two newly relocated wells shall be submitted to the Regional Board by April 30, 2014; the due date for the report was April 15, 2014. The report shall include an analysis of the data obtained from the eight groundwater monitoring wells.

CHARLES STINCOFF, CHIEF | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

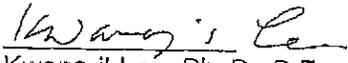
Mr. Carl Van Quathem
ALSA Properties, Ltd.

- 2 -

March 3, 2014

If you have any questions regarding this project, please contact me at (213) 576-6734 or klee@waterboards.ca.gov

Sincerely,



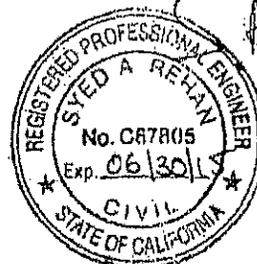
Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amladini.com)

Exhibit "10"

Memorandum



Date: 10 October 2014
To: Carl Van Quathem, ALCA Properties, Ltd.
Copies to: Richard Montevideo, Rutan & Tucker, LLP
From: Ravi Arulanantham, Syed Rehan, P.E., and Karina Navarro, P.E,
Geosyntec Consultants
Subject: Purpose of Additional Investigation
Fountain-Vine Plaza
1253 Vine Street, Los Angeles, California, 90028
LARWQCB Case No. 1196

ALCA Properties, Ltd. (ALCA) has been working with the Regional Board since 2006 to obtain closure for the above referenced Fountain-Vine Plaza property. Each investigation effort has yielded information on the distribution of PCE in the site area. The results of these investigations have reflected an insignificant release of PCE from the former dry-cleaner on the property, which ceased operations in or about 1970 [AEI, 2005]. Despite the detailed information already collected for the site, the Regional Board has continued to request additional costly investigations. In this Technical Memorandum, we discuss the information that site investigations have yielded to date and the technical purpose of the most recently requested additional investigation, as reflected in the Regional Board's letters of July 11 and September 17, 2014 (requesting four MIP/CPT borings down to 80' below the ground surface (bgs)).

1. BACKGROUND

The stated primary objective in the Regional Board's July 11, 2014 letter was for ALCA to conduct further work to confirm "the presence or absence of a PCE source such as dense non-aqueous phase liquid (DNAPL) at, around, and in the area between the former PCE borings AEI-B3 and B32." Because of the Regional Board's newly asserted concerns with the possibility of DNAPL from prior operations on the property, ALCA is now being asked to "screen the area at a 10-foot grid to the top of the first clay layer in the saturated zone with a high resolution vertical profiling tool such as Membrane Interface Probe (MIP) and cone penetrometer testing (CPT). The 2005 AEI report also reported the detection of 27.2 micrograms per kilogram ($\mu\text{g}/\text{kg}$) of PCE in soil at 5 feet below ground surface (bgs) in boring

FV Memo.docx

B4 in the former gas station area which decreased to 6.3 µg/kg at 20 feet bgs. This vertical profile of PCE concentrations in the vadose zone soil may suggest an historical release of PCE at the Fountain-Vine Plaza site."

In light of the Regional Board's stated concerns with DNAPL, in its September 17 letter it requested that "two borings, up to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one foot into a clay layer at AEI-B3, and two borings, up to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one foot into a clay layer at B-32. After review of each of the four MIP logs (one from each of the four boreholes), depths at which VOC peaks are identified in each of the MIP logs completed in both the vadose and saturated zones will be marked, and verification soil matrix samples will be collected from those depths for laboratory analysis using USEPA Method 8260B."

2. SOIL AND SOIL VAPOR DATA

We reviewed the borings results, including the soil, soil vapor, and groundwater results in an attempt to identify the cause for the Regional Board's suggestion that DNAPL or other PCE source is present at the site. Both the concentration values themselves and their concentrations relative to samples at other depths were evaluated, as discussed below.

Based on our review of the data generated to date involving the site, including the prior approximately 30 borings, it is Geosyntec's conclusion that the PCE concentrations in soil and soil vapor and their depth profile show no indication of the existence of DNAPL from prior operations at the site.

The Regional Board has never previously suggested that DNAPL may be present at the site until recently, even though they have been overseeing the site work since 2006. To the contrary, it has been reported to Geosyntec that Regional Board staff has repeatedly advised ALCA that, at a minimum, the Regional Board is prepared to issue a soil-only no further action letter for the site. The Regional Board's change of plan does not appear to be based on recent data collected for the site. As explained below, the evidence does not support the existence of DNAPL at the Fountain-Vine site.

The profile of soil vapor PCE concentrations is an indicator of the source of PCE. Because PCE is highly volatile, high concentrations are typically present in the air around a liquid or sorbed source. Expected PCE profiles in soil vapor caused by continuous sources would be as follows:

- **Source in soil:** highest concentrations at depths near the source in the soil, possibly maintaining high concentrations for some distance below the source due to vertical migration.

- **Source at ground surface:** highest concentrations near the ground surface, with the concentrations decreasing with depth. As in sources in soil, PCE concentrations may remain elevated for some distance below the source due to migration.
- **Source in groundwater:** highest concentrations in the soil vapor immediately above the groundwater, with concentrations increasing from the surface to the water table.

The tables below summarize the soil vapor PCE concentrations at the Fountain-Vine site and, for comparison, the Paragon Cleaners site. At the Fountain-Vine site, the highest PCE concentrations consistently occur close to groundwater (27.5 to 30 ft bgs). The PCE concentrations increase with depth, such that the PCE concentrations near the water table are orders of magnitude higher than at shallower depths. The profile of PCE beneath the Fountain-Vine site is consistent with PCE volatilizing from the groundwater. In contrast, concentrations of PCE at the Paragon Cleaners site is typically the same order of magnitude across borehole depths, and in some cases decreases with depth. This PCE profile is more consistent with a source at the ground surface. The high concentrations of PCE in the sub-slab samples at the Paragon Cleaners site further indicate a surface source at Paragon Cleaners.

Fountain-Vine Site ¹			
Borehole	Depth	PCE (µg/L)	[PCE]/ [PCE, shallow]
B-22	5	3.19	
	15	7.96	2
	25	29.4	9
B-24	5	0.684	
	15	29.4	43
	25	208	304
B-28	5	0.01	
	15	10.6	1,060
	25	24.1	2,410
B-31	5	0.01	
	15	16	1,600
	25	21.1	2,110
B-32	5	2.1	
	15	18.3	9
	25	74.2	35
B-33	5	0.02	
	15	16.1	805
	25	289	14,450

Paragon Cleaners Site ²			
Borehole	Depth	PCE (µg/L)	[PCE]/ [PCE, shallow]
SG-1	5	140	
	25	290	2
SG-2	sub-slab	2600	
	5	2100	0.8
SG-3	sub-slab	1500	
	5	920	0.6
SG-4	5	1600	
	25	180	0.1
SG-5	5	37	
	25	330	9
SG-6	sub-slab	29	
	5	190	7
SG-7	5	22	
	25	81	4
SG-8	sub-slab	16	
	5	37	2

Similar to soil vapor, the profile of PCE concentrations in soil is an indicator of the source of PCE. For soil contamination to be a source to groundwater, very high concentrations of the contaminant must be present. A moderate-to-highly hydrophobic contaminant like PCE tends to sorb strongly to the soil, particularly where there is a high fraction of fines. This reduces the tendency of PCE to move downward through the soil. If a surface source were currently present, there would be PCE concentrations in the range of thousands of micrograms per kilogram (1 ppm or higher). If the surface source at the subject site had stopped adding to the contamination decades ago, the highest concentrations of PCE would be further down in the soil, but there would continue to be a trail of elevated concentrations from the surface to the hot spot and a leading edge of the contamination below the hot spot. In the silty soil present in the upper soil at the Fountain-Vine site, we would expect to see at least hundreds of micrograms of PCE per kilogram still in the surface soil if there had been a significant PCE surface release.

¹ Data from AA&A, 2013. Only boreholes with at least 20 µg/L PCE at one or more depths is shown to provide a concentration profile.

² Data from Iris Environmental, 2008.

Purpose of Additional Investigation

10 October 2014

Page 5

As shown below, none of the boreholes for the Fountain-Vine site have the very high PCE concentrations that would be indicative of a significant source area. The data do indicate that there was some low PCE concentrations discovered at the surface in the former gas station area. These low PCE concentrations decrease quickly with depth, however, which suggests that little, if any, PCE reached groundwater at 30 ft bgs from onsite sources.

The highest concentrations in borings B-24 and B-32 were at 25 ft bgs, which is most likely within the range of groundwater fluctuation in the site area. Because of how PCE sorbs, this profile would not occur if the source had been present at the surface of the borehole.

Dry Cleaning Area ³		
Borehole	Depth	PCE (µg/kg)
B-23	5	3.3J
	10	<1
	15	<1
	20	<1
	25	<1
B-25	5	2J
	10	<1
	15	<1
	20	<1
	25	<1
B-27	5	5.5
	15	<1
	25	<1
B-29	5	8.2
	10	3.6J
	15	<1
	20	<1
	25	<1

Gas Station Area		
Borehole	Depth	PCE (µg/kg)
AEI-B3	2	12.6
	10	7.4
AEI-B4	5	27.2
	10	11.7
	15	5.9
	20	6.3
	25	11
B-24	5	5.9
	10	<1
	15	<1
	20	<1
	25	<1
B-28	5	<1
	10	2.8J
	15	<1
	20	<1
	25	<1
B-32	5	3.3J
	10	<1
	15	<1
	20	<1
	25	<1

Other Areas Onsite		
Borehole	Depth	PCE (µg/kg)
B-26	5	8.9
	10	<1
	15	<1
	20	<1
	25	<1
B-32	5	<1
	10	<1
	15	<1
	20	<1
	25	13.9

As evident from the attached soil sampling results, the Fountain-Vine site has been sampled with a high density of soil borings, with depths from 5 to 25 feet bgs. No soil sample results came close to the Industrial Screening Level (110,000 µg/kg) in the numerous soil sample borings, nor the Residential Screening Level (22,000 µg/kg). If there were a significant PCE source at the ground surface or in the soil onsite, there would be evidence of it in the fine-grained shallow soil. Instead, approximately 30 boreholes have shown no indication of a PCE source of any significance onsite. For these reasons, Geosyntec does not believe there is a technical basis to conclude that DNAPL exists as a result of prior operations on the Fountain-Vine site.

³ Data from AEI, 2005 and AA&A, 2013. Only boreholes with PCE concentrations above the detection limit are shown. Data from the other boreholes are attached.

3. UPCOMING INVESTIGATION

As described briefly above, the Regional Board recently directed ALCA to install four additional borings at the Fountain-Vine site. These borings are to “terminate at a total depth of at least 80 feet bgs or at the top of and one foot into a clay layer (below the water table for the first saturated zone)” [RWQCB, 2014]. However, despite the many borings installed to date, Geosyntec has not seen evidence of a well-articulated clay layer in the vicinity of the site. Nor has Geosyntec seen technical bases to conduct an investigation on the site to a depth of 80 feet bgs.

Boring logs from various sites in the vicinity of the subject property indicate the presence of fines from approximately zero to ten feet bgs [AEI, 2005; AA&A, 2013; Iris Environmental, 2008; KCE Matrix, 2009] and at variable depths below, as summarized in the following table. Out of the 26 boring logs examined for the Fountain-Vine and Paragon Cleaners sites, there was no evidence of a clear clay layer. Using GeoTracker to expand the search to a 3500-ft radius around the Fountain-Vine site generated boring logs for three additional sites. Those 21 boring logs also failed to provide evidence of a clay layer. However, most of the boring logs summarized below indicated the presence of some type of fines near 30 feet bgs.

While silt is more permeable than clay, it also acts to impede the movement of contaminants. At sites where NAPL migrates through soil with a significant fraction of fines, residual contaminants persist in the fines. We would therefore expect to see high concentrations of the VOCs in those layers, even though a layer of NAPL would not be perched on top. Therefore, boring to 80 feet would be well beyond what would be necessary to discover potential NAPL, in the unlikely event that it were present onsite.

Site	# Boring Logs	Deepest Borehole	Depth of Silt or Clay	Source
Fountain-Vine Plaza	9	30 ft bgs	Silt, some clay, near the surface. Silty sand/sandy silt in the range of 10 to 30 ft bgs.	AEI, 2005
Fountain-Vine Plaza	13	32 ft bgs	11 of the logs indicated a 4 to 9 ft thick layer of silty sand in the range of 20 and 30 ft.	AA&A, 2013
Paragon Cleaners (directly upgradient/ NW of site)	3	45 ft bgs	Clay, clayey sand, or silt in the range of and 32-37 ft bgs.	Iris Environmental, 2008
Snow White Cleaners (directly E of the site)	1	34.5 ft bgs	Clayey sand 32-34.5 ft.	KCE Matrix, 2009
Mole-Richardson (1000 ft downgradient/SW)	15	26 ft bgs	Lean clay in the range of 15 to 27 ft bgs.	Remediation Sciences, 2010
Pacific Tile (1600 ft S)	3	27.5 ft bgs	Clay at approximately 16 to 20 ft bgs, one to four ft thick.	GeoTracker, 2008
ExxonMobil (3300 ft WSW)	3	40 ft bgs	Clay or sandy clay identified from approximately 32 to 38 ft bgs.	Cardo, ERI, 2011.

Ft bgs = feet below ground surface

E, SW, S, and WSW are cardinal directions from the Fountain-Vine site.

4. SUMMARY AND CONCLUSIONS

Geosyntec has examined the data provided by past site investigations, and finds no evidence to suggest that DNAPL is present at the Fountain-Vine site from prior site operations. The PCE distribution in the soil and soil gas at the Fountain-Vine site has been well defined by samples extending from near the surface to near groundwater. These past investigations have not shown evidence of a significant PCE source in the onsite soil, and therefore no evidence of DNAPL.

It would be very odd to find a significant PCE source from a gas station operation. Although gas stations may use minimal quantities of degreasers, it would not have been enough to produce a DNAPL plume. Additionally, the gas station on site reportedly operated from 1925 to 1928 [AA&A, 2012], and PCE was first produced in the United States in only 1925 [ASTDR, 2011].

The former dry-cleaner operations on the site (reportedly operating from 1955 to 1970), is not in the area of where the Regional Board is currently requesting an investigation of the site for purposes of determining the existence of DNAPL on the site. Both the Sanborn, 1957 and the AEI, 2006 maps place the former dry cleaning facility approximately 35 feet west of the former gas station area, and therefore, cross-gradient from the area in question for the requested four MIP/CPT locations, and cross-gradient from the Paragon Cleaner's site.

The collective data from the site and the upgradient Paragon Cleaner's site indicates that the most likely source of the PCE detected in the groundwater and soil/soil vapor above the groundwater on the Fountain-Vine site is the Paragon Cleaner's site, and not the former gas station or dry cleaner operations on the Fountain-Vine site. The soil vapor concentration profile, which increases with depth, is consistent with the onsite PCE contamination coming up from the groundwater due to an upgradient offsite source.

To the extent any further borings can be shown to be warranted at the site, depths for the Regional Board requested borings should be based on where fines are present or the depth to groundwater. Residual DNAPL would persist in fine soil like silt and clay, and so would be reflected by high PCE concentrations in those layers. Below groundwater, the source of the PCE would become less clear, but, given the existing data, it would be much more likely to have migrated to the Fountain-Vine site from an upgradient source area such as the Paragon Cleaner's site. Layers of fines have been indicated near the ground surface and at approximately 20 to 30 feet bgs at the Fountain-Vine site, and groundwater has been measured between 27.5 and 30 feet bgs. Therefore, there is no reason to extend the boreholes significantly beyond 30 feet bgs.

We recommend that, assuming ALCA is agreeable, to proceed with further investigation on the site, the boreholes be advanced no deeper than 50 feet bgs. This depth would capture any layers of fines around 30 feet, and proceed 20 feet into the groundwater. Anything deeper than 50 feet

would extend the effort involved without the potential to gain additional information on the source areas, and thus cannot technically be supported.

Reviewing the data on the whole, there is no technical basis to conclude that DNAPL exists on the site from prior site operations or to support extending additional borings down to a depth of 80' bgs. There is similarly no technical data to suggest that the contamination discovered in the groundwater arose as a result of a gasoline service station operation from 1925 to 1928, or from a former dry cleaner operation conducted from 1955 to 1970, which is located largely cross-gradient from the area on the site where the Regional Board is requesting the four MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine site point to the source of the PCE contamination in question migrating from an up-gradient offsite source or sources.

Additionally, Geosyntec believes that if the upcoming four borings show no evidence of DNAPL from onsite sources, then there is no reason for ALCA to install MW-4.

5. REFERENCES

- AEI Consultants, 2005. Phase II Subsurface Investigation, Fountain-Vine Plaza. November 22.
- Ami Adini & Associates, Inc., 2013. Environmental Site Assessment Report, Fountain-Vine Plaza, 1253 Vine Street, Los Angeles, California 90028, LARWQCB Case #1196. May 15.
- Agency for Toxic Substances & Disease Registry (ASTDR), 2011. Toxicological Profile for Tetrachloroethylene (PERC): Production, Import, Use, and Disposal. March 3. <http://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=265&tid=48>
- Cardno ERI, 2011. Report for the Drilling and Sampling of Confirmation Soil Borings, Mobil Station 18HYO, 5857 West Sunset Boulevard, Los Angeles, California. January 12.
- Geotracker, 2008. Pacific Tile and Art Studio, Site Maps and Boring Logs. December 11.
- Iris Environmental, 2008. Site Investigation Report, Paragon Cleaners, 1310 Vine Street, Hollywood, California. December 5.
- KCE Matrix, 2009. Subsurface Environmental Site Assessment Report, Snow White Cleaners, 1246 North Vine Street, Los Angeles, California. July 9.
- Los Angeles Regional Water Quality Control Board, 2014. Summary of the August 13, 2014 Meeting Regarding Regional Board Requirements for Soil and Groundwater Investigation

Purpose of Additional Investigation
10 October 2014
Page 11

to Confirm the Presence or Absence of PCE Source in Eastern Portion of Fountain Vine Plaza Site. September 17.

Remediation Sciences, 2010. Results of Additional Investigation Conducted in the Vicinity of the Abandoned USTs, Mole-Richardson Company Properties, 937 N. Sycamore Avenue, Hollywood, California. January 15.

ATTACHMENT: SOIL SAMPLE RESULTS

Table 2: Soil Sample Laboratory Results ($\mu\text{g}/\text{kg}$)

Sample Identification	TPH-g (mg/kg)	TPH-d (mg/kg)	TPH-o (mg/kg)	B	T	E	X	PCE	TCE	All Other VOCs
AEI-B1-20'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B2-20'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B3-2'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B3-10'	NA	NA	NA	ND	ND	ND	ND	12.6	ND	ND
AEI-B4-5'	NA	NA	NA	ND	ND	ND	ND	7.4	ND	ND
AEI-B4-10'	NA	NA	NA	ND	ND	ND	ND	27.2	ND	ND
AEI-B4-15'	NA	NA	NA	ND	ND	ND	ND	11.7	ND	ND
AEI-B4-20'	ND	ND	ND	ND	ND	ND	ND	5.9	ND	ND
AEI-B5-10'	NA	NA	NA	ND	ND	ND	ND	6.3	ND	ND
AEI-B6-15'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B7-5'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B8-10'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B9-25'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

- $\mu\text{g}/\text{kg}$ = micrograms per kilogram
- TPH-g = total petroleum hydrocarbons as gasoline
- mg/kg = milligrams per kilogram
- TPH-d = total petroleum hydrocarbons as diesel
- TPH-o = total petroleum hydrocarbons as oil
- B = benzene
- T = toluene
- E = ethylbenzene
- X = xylenes
- PCE = tetrachloroethene
- TCE = trichloroethene
- VOCs = volatile organic compounds
- ND = not detected above laboratory reporting limits (refer to laboratory report for detection limits)
- NA = not analyzed

Table 2
Soil Sampling Analytical Results
 Fountain-Vine Plaza
 1253 Vine Street, Los Angeles, California

Sample ID	Date	Depth (feet bgs)	DIPE (mg/kg)	PCE (mg/kg)	Ethylbenzene (mg/kg)	n-propylbenzene (mg/kg)	Sec-butylbenzene (mg/kg)	Naphthalene (mg/kg)
Industrial Screening Level		NA	10,000	110	27	21,000	nl	18
Residential Screening Level		NA	2,400	22	5.4	3,400	nl	3.6
B20-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B20-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B20-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B21-30	4/10/2013	30	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-10	4/10/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-20	4/10/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B22-30	4/10/2013	30	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-5	4/9/2013	5	0.0026J	<0.001	<0.001	<0.002	<0.002	<0.002
B23-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B23-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-5	4/11/2013	5	<0.002	0.0059	<0.001	<0.002	<0.002	<0.002
B24-10	4/11/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-15	4/11/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-20	4/11/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B24-25	4/11/2013	25	<0.002	0.011	<0.001	<0.002	<0.002	<0.002
B25-5	4/9/2013	5	<0.002	0.002J	<0.001	<0.002	<0.002	<0.002
B25-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B25-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B25-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B25-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-5	4/9/2013	5	<0.002	0.0089	<0.001	<0.002	<0.002	<0.002

Table 2
Soil Sampling Analytical Results
 Fountain-Vine Plaza
 1253 Vine Street, Los Angeles, California

Sample ID	Date	Depth (feet bgs)	DIPE (mg/kg)	PCE (mg/kg)	Ethylbenzene (mg/kg)	n-propylbenzene (mg/kg)	Sec-butylbenzene (mg/kg)	Naphthalene (mg/kg)
Industrial Screening Level		NA	10,000	110	27	21,000	nl	18
Residential Screening Level		NA	2,400	22	5.4	3,400	nl	3.6
B26-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B26-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B27-5	4/10/2013	5	<0.002	0.0055	<0.001	<0.002	<0.002	<0.002
B27-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B27-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-5	4/10/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-10	4/10/2013	10	<0.002	0.0028J	<0.001	<0.002	<0.002	<0.002
B25-15	4/10/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-20	4/10/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B28-25	4/10/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B29-5	4/9/2013	5	<0.002	0.0082	<0.001	<0.002	<0.002	<0.002
B29-10	4/9/2013	10	<0.002	0.0036J	<0.001	<0.002	<0.002	<0.002
B29-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B29-20	4/9/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B29-25	4/9/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B31-5	4/9/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B31-10	4/9/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B31-15	4/9/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-5	4/11/2013	5	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-10	4/11/2013	10	<0.002	<0.001	0.0058	0.0052	0.0042J	0.0043J
B32-15	4/11/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-20	4/11/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B32-25	4/11/2013	25	<0.002	0.0139	<0.001	<0.002	<0.002	<0.002
B33-5	4/11/2013	5	<0.002	0.0033J	<0.001	<0.002	<0.002	<0.002
B33-10	4/11/2013	10	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B33-15	4/11/2013	15	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
B33-20	4/11/2013	20	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002

Table 2
Soil Sampling Analytical Results
 Fountain-Vine Plaza
 1253 Vine Street, Los Angeles, California

Sample ID	Date	Depth (feet bgs)	DIPE (mg/kg)	PCE (mg/kg)	Ethylbenzene (mg/kg)	n-propylbenzene (mg/kg)	Sec-butylbenzene (mg/kg)	Naphthalene (mg/kg)
Industrial Screening Level		NA	10,000	110	27	21,000	nl	18
Residential Screening Level		NA	2,400	22	5.4	3,400	nl	3.6
B33-25	4/11/2013	25	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
Method Blank		NA	<0.002	<0.001	<0.001	<0.002	<0.002	<0.002
MDL		NA	0.002	0.001	0.001	0.002	0.002	0.002
PQL		NA	0.005	0.002	0.002	0.005	0.005	0.005

Notes:
 bgs = Below ground surface
 mg/kg = milligrams per kilogram
 DIPE = Diisopropyl ether
 PCE = Tetrachloroethene
 NA = not applicable
 MDL = method detection limit
 PQL = practical quantitation limit
 nl = none listed

Screening levels based on EPA Region 9 screening level for industrial and residential soil.

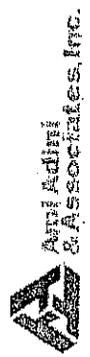


Exhibit "11"



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

February 28, 2013

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: APPROVAL OF WORK PLAN FOR ADDITIONAL SITE ASSESSMENT

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE
CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

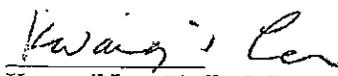
The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site. To accomplish this goal, the Regional Board has been requiring site cleanup and groundwater monitoring reports to mitigate and monitor the contamination that has occurred at the site.

The Regional Board has received the work plan titled *Confirmation Site Assessment Work Plan*, dated February 12, 2013, which Ami Adini & Associates, Inc. has prepared on your behalf. The work plan proposes fourteen soil borings within the vicinity of the former dry cleaning area and the former service station (Figure 3). At each boring, soils will be sampled every five feet until groundwater is reached; soil gas will be sampled at five, fifteen, and twenty five feet below the ground surface, and groundwater will be sampled with a grab sample. Three groundwater monitoring wells have been proposed at the site to monitor groundwater. And a human health risk assessment will be completed based on the newly acquired data. The proposed site assessment activities are being conducted to further assess contamination at the site.

Based on the information submitted, and on the information in the case file, we concur with the proposed work plan. A technical report shall be submitted to the Regional Board documenting the site assessment activities by **June 1, 2013**. We will consider all technical information with respect to your request for a no further action/non-contributor letter.

If you have any questions regarding this project, please contact Mr. Henry Jones at (213) 576-6697 or hjones@waterboards.ca.gov

Sincerely,


Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Mr. Carl Van Quathem
ALSA Properties, Ltd.

- 2 -

February 28, 2013

Attachment:

Figure 3, Proposed Sampling Locations

Electronic Copies:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

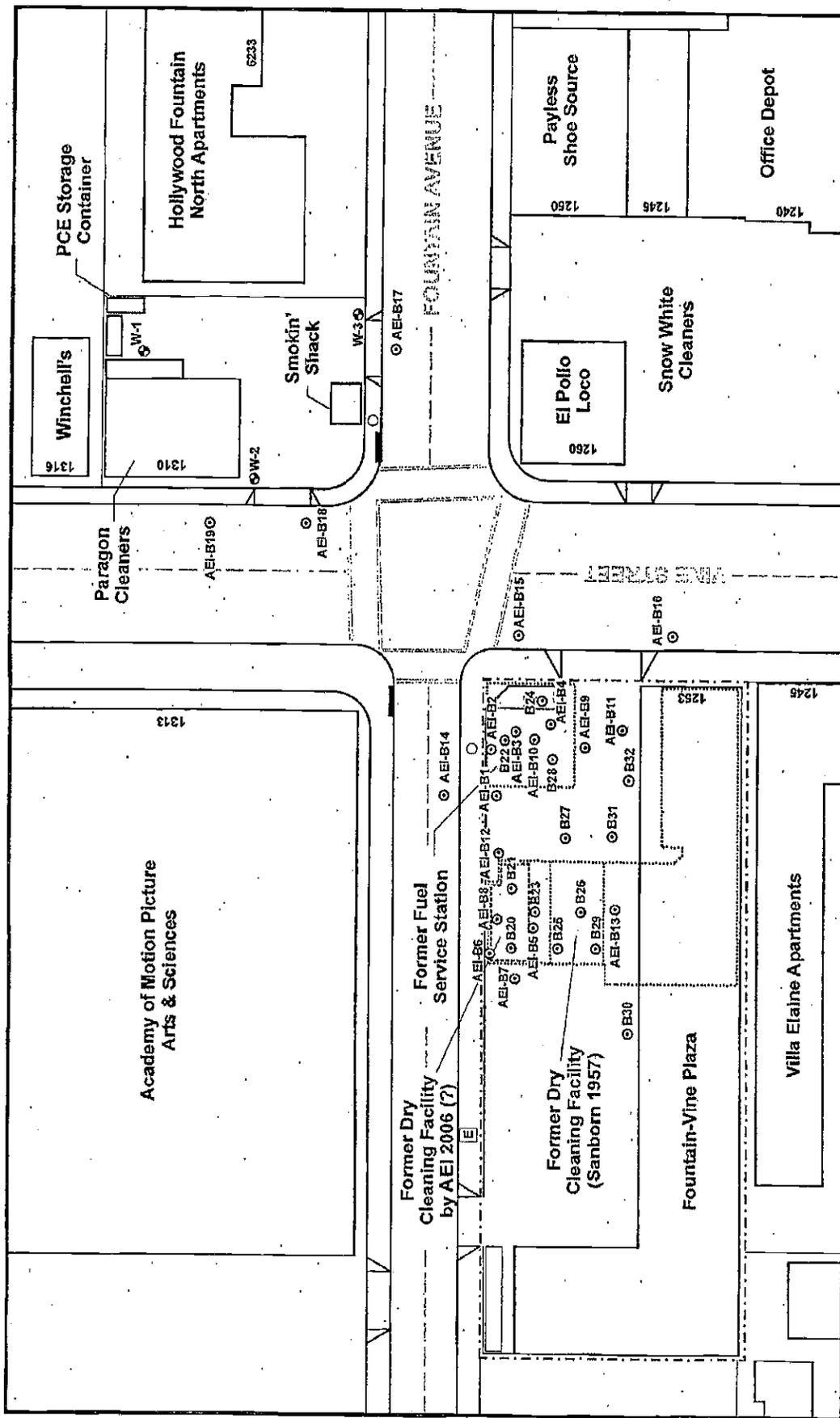


Figure 3: Proposed Sampling Locations
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

DRAWN BY: GI
 DATE: January 2013
 PROJECT: Fountain-Vine.p01

Ami Adini & Associates, Inc.

LEGEND

- - - Property line
- - - Dry cleaning facility (AEI 2006)
- - - Storm drain
- - - Underground electrical distribution vault
- - - Municipal water hydrant
- - - Former structure on-site (fuel service station and dry cleaning facility)

AEI-B10 - AEI-B19 Fountain-Vine soil boring (AEI, 11/2005, 07/2006)
 B20 - B32 Proposed borings (soil, soil gas and groundwater)

0 75 150
 Approximate Scale in Feet

Exhibit "12"



**Ami Adini
& Associates, Inc.**

May 15, 2013
Project No. Fountain-Vine.p01
Via PDF

Mr. Henry Jones
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

**Re: Environmental Site Assessment Report, Fountain-Vine Plaza, 1253 Vine Street, Los Angeles,
California 90028, LARWQCB Case #1196, Global ID SL0603734628**

Dear Mr. Jones:

Ami Adini & Associates, Inc. (AA&A), has prepared this *Environmental Site Assessment Report* to present the work performed and findings of an environmental site assessment to evaluate the presence of contaminants in the subsurface at the Fountain-Vine Plaza in Los Angeles, California. Previous site assessments indicated the presence of on-site tetrachloroethene (PCE) in soil and groundwater; however, concentrations detected in up-gradient and off-site sample locations to the northeast exceeded those on-site. The objective of this investigation was to evaluate if previously identified soil and groundwater contamination at the site could be attributed to an on-site source. Based on the results of this site investigation and analytical data review, no significant on-site source of contamination could be identified. AA&A therefore concluded that the soil and groundwater contamination present at the site cannot be attributed to any on-site historical release and recommends that the case be granted regulatory case closure.

If you have any questions, please contact me at (818) 824-8102 or by email at gabi@amiadini.com. Your attention to this matter will be deeply appreciated.

Respectfully submitted,

AMI ADINI & ASSOCIATES, INC.

Gabriele Baader, PG
Director of Environmental Engineering
Professional Geologist No. 7015, Expiration April 30, 2014



GB:urd

cc: Addressee (PDF & Hard Copy)
Mr. Carl Van Quathem (Hard Copy)

Exhibit “18”

November 25, 2014

**VIA ELECTRONIC MAIL &
OVERNITE EXPRESS**

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
sunger@waterboards.ca.gov

Re: 1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza) – Objections to
Additional Oversight Costs and Further Demand for No Further Action/Closure

Dear Mr. Unger:

As you know from prior correspondence involving the above referenced property, this office represents ALCA Properties, Ltd. ("ALCA"), the owner of the Fountain Vine Plaza property located at 1253 N. Vine Street, Hollywood, CA ("Fountain-Vine Property" or "Site"). The purpose of this letter is to (1) object to a recent invoice for oversight costs received from your office and dated November 6, 2014; (2) follow-up on my correspondence to your office dated October 10, 2014 and again request the issuance of a No Further Action/Closure Letter ("NFA Letter") for the subject Site without further delay; and (3) request the issuance of a Cleanup and Abatement Order under Water Code section 13304 against the responsible parties for the Paragon Cleaners property located at 1300-1310 Vinc Street, Hollywood, CA, in light of the ongoing impacts the contamination from that property has and is having on the groundwater at that Fountain-Vine Property.

Attached hereto as Exhibit "1" is an additional invoice for oversight costs from your office dated November 6, 2014. This invoice was, of course, sent to and received by ALCA after my recent correspondence to you of October 10, 2014. The invoice purports to represent oversight billings for the period of time from 7/1/14 to 9/30/14, in the amount of \$8,167.90. The invoice shows that thirty-nine (39) of the 55.75 hours billed by your staff during the third quarter of this year were again by Mr. Mohammad Zaidi. These 39 hours are on top of the ninety-five (95) hours billed by Mr. Zaidi from April 1 – June 30, 2014, bringing the total number of hours spent by Mr. Zaidi on this Site for the last two quarters alone to 134 hours.

As it did with the invoices for the first two quarters of this year, ALCA hereby objects to the third quarter invoice for 2014, on the grounds that the Regional Board is seeking to collect oversight costs for work that was unnecessary and improper, and thus, that the invoice is arbitrary and capricious. In addition, the invoice is objectionable because the hours billed therein

Samuel Unger
November 25, 2014
Page 2

are excessive, given the lack of any actual work at the Site and the fact that no reports or submittals were being reviewed by your staff during this time period.

Further ALCA objects to this third quarter invoice, along with the first two quarter invoices, on the grounds that said invoices fail to contain sufficient detail of the work conducted, as required by law. In particular, ALCA objects to each of these three invoices pursuant to Water Code section 13365(c)(2)(C), which section requires that all such invoices "*provide a daily detail of work performed and time spent by each employee and contractor employee.*" (Water Code § 13365(c)(2)(C).) Neither the third quarter invoice, nor the first and second quarter invoices for 2014, contain the required "daily detail" of the work actually performed. Accordingly, the invoices are contrary to law for this reason as well.

Moreover, it appears that a majority of time reflected in the two most recent invoices, *i.e.*, from April 1 thru September 30, 2014, was expended by a new project manager (134 hours during this time period) apparently reviewing the file for purposes of developing a new and different scope of work to be implemented by ALCA, *i.e.*, an entirely new and different scope of work from the three prior negotiated scopes of work approved by the Regional Board in December of last year and earlier this year. (ALCA begrudgingly agreed to implement these prior scopes of work, based on prior representations from you and your staff, that your office would issue an NFA Letter for the Site if the results of this work again showed that the prior operations at the Site did not cause sufficient contamination to justify further action at the Site.)

Unfortunately, however, this new project manager has failed to honor prior commitments from your office that the Regional Board would issue an NFA Letter for the Site if the additional previously agreed-upon testing showed there was no appreciable contribution from the Site to groundwater to justify further action, specifically including the commitments made by you in meetings in September of 2013 and May of 2014 (as reflected in my letter of October 10, 2014 to your attention).

Similarly, whereas the former project manager, Henry Jones, agreed that the issuance of an NFA Letter was in order, and was working with ALCA to satisfy his supervisor's, Mr. Lee's, request for additional work at the Site (pursuant to an approved scope of work), the new project manager, Mr. Zaidi, has failed and refused to give any consideration to the prior analysis and conclusions reached by either other staff in your office working on the Site, or by any of ALCA's consultants, and has instead ignored all prior agreements and commitments on either the issuance of the NFA Letter or prior approved scopes of work. As such, Mr. Zaidi has rejected the prior approved scopes of work, and has himself proposed a scope of work (as reflected in your letters of July 11 and September 27, 2014) that has no technical or practical justification, thereby calling into question the propriety of any of the oversight work performed by your staff throughout the 2014 calendar year.

Accordingly, as set forth herein and in my prior October 10 correspondence, the hours expended by Mr. Zaidi, as reflected in the 2014 calendar year invoices, as well as the time spent

Samuel Unger
November 25, 2014
Page 3

by other Regional Board staff earlier this year on unrelated issues and thereafter on a similar scope of work to that proposed by Mr. Zaidi, are objectionable, as the time set forth in the invoices is excessive, and the oversight work unnecessary and arbitrary.

Water Code section 13365(d) allows the Regional Board to change the scope of work or services it is providing based upon "*new information regarding the extent of contamination of the site,*" but authorizes such a change "*only after providing written notice of the change to the responsible party containing the information specified in paragraph (1) of subdivision (c),*" i.e., "*a detailed estimate of the work to be performed or services to be provided, including a statement of the expected outcome of that work, based on data available to the agency at the time,*" along with "*an estimate of all expected charges to be billed to the responsible party by the agency . . .*" (Water Code §§ 13365(d) & 13365(c)(1).)

To date, however, no "detailed estimated of the work performed or services provided, including a statement of expected outcome" for the particular scopes of work proposed by your staff at the subject Site has ever been provided to ALCA. Neither the direction that was being proposed by your staff before Mr. Zaidi's involvement (where staff, without explanation, refused to approve the February 12, 2014 Further Revised Workplan), nor Mr. Zaidi's proposed scope of work (as demanded in your letters of July 11 and September 27), were ever provided to ALCA in advance of your staff expending time on such approaches. For this reason as well, none of the time reflected in the 2014 first, second and third quarterly invoices is appropriate or consistent with law.

Further, in light of the lack of any detail in the invoices, let alone the "*daily detail of work performed,*" as required to be included in each of the three (3) invoices in question, pursuant to Water Code section 13265, ALCA is hereby requesting that the Regional Board provide to this office copies of all time records and other materials supporting each of the first three (3) quarters of invoices sent to ALCA for 2014. We request that this material be provided to this office within thirty (30) working days from the date of this letter. (See Water Code § 13265(c)(3).)

In addition to the objections to the Regional Board's invoices, including the most recent invoice, please be advised that neither ALCA, nor this office, have received any response to my letter to you of October 10 requesting the issuance of the NFA Letter for the subject Site. Moreover, in light of the lengthy history involving the Site, the extensive work and the many meetings that have occurred to date at and involving the Site since 2006 (to obtain the NFA Letter), and the lack of any appreciable threat to the environment or the health and safety of the public from prior Site operations, the Regional Board's failure to have issued an NFA Letter for this Site by this time is entirely arbitrary and capricious.

As discussed in my letter of October 10, and in prior correspondence to your office, ALCA has consistently requested the issuance of the NFA Letter (starting in 2006), and yet, for reasons that have never been explained, your office has time and again failed to do so, but all the while billing ALCA for the Regional Board's ongoing "oversight" work. In the meantime,

Samuel Unger
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ALCA has expended literally hundreds of thousands of dollars seeking the NFA Letter, with ALCA having already lost one sale of the Property to a prospective buyer, and having been turned away by a half-a-dozen or more banks, all refusing to refinance ALCA's existing commercial loan on the Site because of the Regional Board's failure to issue the NFA Letter. The problem is then compounded by the fact that a balloon payment on ALCA's current loan came due last October (of 2013), but because ALCA was unable to obtain financing to pay off this loan, it has been forced to obtain extension after extension from its current lender of the pay-off due date, with the most recent extension expiring in February of 2015.

While your office has refused to issue the NFA Letter, to add insult to injury, more recently, starting with your letter of July 11, 2014, and continuing with your September 17, 2014 letter, your office has claimed it now believes, after over 8 years of work and much analysis of the Site, that there may be "Dense Non-Aqueous Phase Liquids" ("DNAPL") at the Site from prior Site operations. Yet, as explained in the October 10, 2014 Technical Memorandum from Geosyntec Consultants, this new theory for refusing to close the Site is baseless:

Reviewing the data on the whole, there is no technical basis to conclude that DNAPL exists on the site from prior site operations or to support extending additional borings down to a depth of 80' bgs. There is similarly no technical data to suggest that the contamination discovered in the groundwater arose as a result of a gasoline service station operation from 1925 to 1928, or from a former dry cleaner operation conducted from 1955 to 1970, which is located in area largely cross-gradient from the area on the site where the Regional Board is requesting the four MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine Site point to source of the PCE contamination in question migrating from an upgradient offsite source or sources.

(See Exhibit "10" to my October 10, 2014 letter to your office, Geosyntec Technical Memo, subject "*Purpose of Additional Investigation Fountain-Vine Plaza*," pp. 7-8.) In short, there is simply no legal or technical excuse that remains for the Regional Board to refuse to issue the long requested NFA Letter for the Property at this time, and the ever shifting positions and inconsistent demands by Regional Board staff for additional work before it will agree to do so only amplifies its arbitrary actions.

Finally, as referenced in my letter to you of July 23, 2013 (a copy of which is included as Exhibit "2" to this letter, but without the accompanying exhibits), and as indicated by Geosyntec above, it is clear that the cause of the groundwater contamination in question is from prior site releases at the upgradient northeast dry cleaning operation known as Paragon Cleaners. In fact, in the attached July 23, 2013 correspondence directed to your attention, ALCA specifically

Samuel Unger
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requested that a Cleanup and Abatement Order be issued to the responsible parties for this property, in light of the clear groundwater contamination that has resulted and migrated on to the Fountain-Vine Property from the Paragon Cleaner operations. Yet, to date, no such Cleanup and Abatement Order has been issued, and no reason has ever been given for the Regional Board's refusal to take such enforcement action.

The Regional Board's complete failure to take any enforcement action against the Paragon Cleaners' responsible parties, while at the same time demanding still more assessment work at the Fountain-Vine Property by ALCA (see your letters of July 11 and September 17, 2014 to ALCA, Exhibits "2" and "3" to my letter to you of October 10, 2014), exemplifies the capricious positions of Regional Board staff.

Accordingly, at this time, ALCA respectfully requests that an NFA be issued for the Fountain-Vine Site, both for soil and groundwater, i.e., for the entire Site, and further that, as an owner of property that has clearly been impacted by contamination from the Paragon Cleaners property, that a Cleanup and Abatement Order promptly be issued against the owners and operators of the Paragon Cleaners property, and that the each of the oversight cost invoices for the 2014 calendar year be reduced to zero. If no such action is taken by the Regional Board within thirty (30) days from the date of this letter, ALCA will have no alternative other than to proceed forward with a Petition to the State Water Resources Control Board pursuant to Water Code section 13320 et. seq. to address each of these matters.

If you have any questions with respect to the above or the enclosed, please do not hesitate to contact the undersigned.

Respectfully submitted,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:paj
Enclosures

cc: Frances McChesney, Esq.
Mr. Carl Van Quathem, ALCA Properties, Ltd.
Ami Adini, Ami Adini & Associates, Inc.
Ravi Arulanantham, Ph.D., Principal, Geosyntec Consultants

Exhibit “1”

**STAT. WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 09/30/14**

Date: 11/06/2014
Regional Board: Los Angeles Region

Account Number: 2040235
Invoice Number: 89396

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 11/06/14:

\$47,539.99

Balance Forward:

\$33,681.90

**** New Charges - Billing Period 07/01/14-09/30/14:**

\$8,167.90

TOTAL AMOUNT DUE:

\$41,849.80

** See Itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or SiteCleanup@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030

Account Number: 2040235

Invoice Number: 89396

Amount Due: \$41,849.80

SEND PAYMENTS TO:

State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
 INVOICE NUMBER: 89396

DATE	NAME	CLASS	ACT	HOURS
07/02/14	Lee, Kwangil	SWRCE	IC	1
07/02/14	Zaidi, Mohammad	EG	WC	3
07/03/14	Lee, Kwangil	SWRCE	IC	2
07/03/14	Mcchesney, Frances	SFCOUNIV	RR	1
07/09/14	Mcchesney, Frances	SFCOUNIV	IC	1
07/09/14	Zaidi, Mohammad	EG	WC	1.5
07/14/14	Zaidi, Mohammad	EG	WC	2
07/15/14	Zaidi, Mohammad	EG	IC	0.5
07/16/14	Zaidi, Mohammad	EG	IC	1
07/17/14	Zaidi, Mohammad	EG	IC	1
07/28/14	Mcchesney, Frances	SFCOUNIV	IC	1
07/30/14	Staff, Swrcb	null	CP	0
07/30/14	Zaidi, Mohammad	EG	IC	1
08/05/14	Mcchesney, Frances	SFCOUNIV	IC	1
08/13/14	Brooks, Jeff	EG	ADM	2.5
08/13/14	Zaidi, Mohammad	EG	TC	7
08/14/14	Mcchesney, Frances	SFCOUNIV	RR	2
08/19/14	Brooks, Jeff	EG	IC	0.75
08/19/14	Zaidi, Mohammad	EG	TC	4
09/04/14	Lee, Kwangil	SWRCE	IC	2.5
09/04/14	Zaidi, Mohammad	EG	WC	5
09/05/14	Brooks, Jeff	EG	IC	0.5
09/08/14	Brooks, Jeff	EG	IC	0.5
09/08/14	Zaidi, Mohammad	EG	WC	3
09/16/14	Mcchesney, Frances	SFCOUNIV	RR	1
09/16/14	Zaidi, Mohammad	EG	WC	2
09/17/14	Zaidi, Mohammad	EG	WC	5
09/18/14	Zaidi, Mohammad	EG	WC	2
09/29/14	Zaidi, Mohammad	EG	TC	1

TOTAL HOURS: 55.75

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 89396

TOTAL LABOR CHARGES:	\$4,018.20
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$36.50
OVERHEAD:	\$2,896.30
STATE BOARD PROGRAM ADMIN CHARGE:	\$521.86
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$695.04

TOTAL NEW CHARGES: \$8,167.90

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site Inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative.
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
CP - Contract Payment
ADJ - Adjustment to previous invoices
SC - Staff Counsel - Legal consultation

Exhibit “2”

July 23, 2013

**VIA ELECTRONIC MAIL &
OVERNITE EXPRESS**

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: 1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza) and 1300-1310 Vine Street, Hollywood, CA (Paragon Cleaners) - Request for No Further Action Letter For Fountain-Vine Plaza or, in the Alternative, Issuance of Cleanup and Abatement Order to Paragon Cleaners

Dear Mr. Unger:

This office represents ALCA Properties, Ltd., a California limited Partnership ("ALCA") and the owner of the Fountain-Vine Plaza located at 1253 N. Vine Street, Hollywood, CA ("Fountain-Vine Plaza" or "Site"). The purpose of this letter is to request that you, as the Executive Officer of the Los Angeles Regional Water Quality Control Board ("Regional Board"), review the Regional Board's files on the Fountain-Vine Plaza, and specifically the environmental data and information that has been generated over the past seven years involving such property, and issue a No Further Action ("NFA") letter for the Site. Alternatively, ALCA requests that the Regional Board issue a Cleanup and Abatement Order in connection with the Paragon Cleaners property located at 1300-1310 Vine Street, Hollywood, CA ("Paragon Cleaners"), pursuant to California Water Code ("CWC") section 13304, to all responsible parties for such property, as it is the groundwater contamination migrating from that property that appears to be of primary concern to your Staff in its decision to refuse to issue the NFA letter for the Fountain-Vine Plaza.

Since 2006, ALCA has attempted to work with your office in an effort to obtain an NFA or closure letter of all contamination issues involving the Fountain-Vine Plaza, but to date has been unable to do so primarily because of your Staff's initial disinterest in the Fountain-Vine Plaza issues, and more recently because of Staff's inability to let go of ALCA until Staff is able to have the Paragon Cleaners' contamination addressed. Neither course of action should be acceptable to you as Executive Officer of the Regional Board.

As indicated in the attached Case Closure Assessment Report for the Fountain-Vine Plaza dated December 7, 2012 (Exhibit A hereto), environmental assessment was first conducted on

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the Fountain-Vine Plaza starting in November of 2005, with a consultant by the name of AEI preparing a Phase II Environmental Site Assessment Report for the Site at that time. In this Report, AEI found minimal levels of perchloroethylene ("PCE") in the soil on the subject property, but significant and disproportionate levels in the groundwater. AEI conducted an additional site assessment in 2006, as reflected in its Phase III Environmental Site Assessment for the Fountain-Vine Plaza. This Phase III Environmental Site Assessment Report further confirmed the lack of evidence of an on-site release from the former dry-cleaning operations on the Fountain-Vine Plaza that would justify any remedial work at that Site, with AEI concluding that the PCE in the groundwater was the result of an upgradient release from the Paragon Cleaners property (located due northeast and directly upgradient from the Fountain-Vine Plaza property).

Also in 2006, ALCA entered into an Oversight Cost Reimbursement Agreement with Regional Board Staff (February 2006), and once the AEI 2006 Phase III Site Assessment work had been completed, ALCA wrote to Board Staff in September of 2006 (forwarding a copy of the AEI Phase III Environmental Assessment Report) to advise Staff that, in light of the AEI Phase II and Phase III work, it was apparent that the groundwater contamination beneath the Fountain-Vine Plaza was a "direct result of the up-stream contamination encountered at Paragon Cleaners on 1310 Vine Street." Accordingly, ALCA requested that the Regional Board "cause whatever Board action necessary to clear our site." (See Exhibit B hereto.)

Subsequent to this closure request, an ALCA representative (Mr. Carl Van Quathem) met with Regional Board staff in April of 2007, to discuss the issue of a closure letter for the Fountain-Vine Plaza. Over the years since then, ALCA has made various attempts to have Regional Board Staff make a decision on either issuing an NFA letter for such property, or explaining whether any additional work would be needed for ALCA to obtain closure. None of these prior inquiries were responded to by Board staff. ALCA was requesting closure for the Site given its understanding from its environmental consultant that the contaminant levels in the Fountain-Vine Plaza soils were insignificant and were not the source of the groundwater contamination, and thus, that they did not justify the need for any remedial work or other assessment work on the Property, *i.e.*, that "no further action" was necessary of ALCA for the Fountain-Vine Plaza property.

In light of Regional Board's Staff failure to respond to Mr. Van Quathem's requests over the years for closure of the Fountain-Vine Plaza, and because of a loan balloon payment coming due in October of 2013, by the fall of 2012 ALCA made a decision to move forward and more actively push for closure of the site. As such, it retained a new environmental consultant, Ami Adini & Associates ("AA&A"), and similarly retained this office to assist it in obtaining Site closure. AA&A reviewed the files on the Site and contacted Regional Board Staff to understand why Staff had not yet closed the Site. In this regard, in November of 2012, AA&A completed a Phase I Environmental Site Assessment for the Property, and shortly thereafter prepared a Case

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Closure Assessment Report which was submitted to Board Staff in December of 2012. (Exhibit A.)

A meeting was then set up on December 18, 2012, between Board Staff, AA&A, Mr. Quathem, and this office, to determine whether anything further was necessary before an NFA letter was to be issued for the Fountain-Vine Plaza. Again, the goal was for ALCA to be in a position to sell the Plaza or otherwise obtain refinancing as needed in time for repayment of the balloon payment. As discussed at the December 18 meeting, in fact by the time of the meeting, ALCA was already in escrow to sell the Fountain-Vine Plaza, but the escrow fell through specifically because of the lack of an NFA/closure letter from the Regional Board. In effect, the buyer was unable to obtain financing for the acquisition. This lost sale shows the significant consequences of the Regional Board's failure to act in a timely fashion to address these issues, and to evaluate the conditions of the Property in a reasonable manner.

In attendance at the December 18 meeting on behalf of the Regional Board were Henry Jones, Dr. Kwang-II Lee, and Dr. Arthur Heath. During the meeting, Dr. Lee requested that ALCA conduct additional assessment work on the Site before he would be in a position to confirm the lack of substantive impacts to groundwater from the prior Fountain-Vine Plaza dry cleaner operation,¹ and thus, recommend the issuance of a NFA letter. Because time was of the essence for ALCA, ALCA agreed to perform all such additional assessment work (both on and off the Site), in spite of its belief (based on its consultant's review of the prior assessment work) that impacts from any prior operations on the Fountain-Vine Plaza were insignificant and that they did not justify the need for further assessment or cleanup work on the Plaza property, inclusive of the groundwater. Still, Regional Board Staff stressed it was unwilling to close the Site without ALCA conducting this additional Site assessment work to confirm the limited nature of any release from prior Site operations and the lack of substantive impacts on groundwater.

ALCA submitted the Phase II Site Assessment Workplan to the Regional Board in January of 2013. Rather than approve the Workplan, Regional Board Staff requested still further assessment work (at considerable additional expense), including the installation of three (3) new groundwater monitoring wells. Because of ALCA's concerns over its pending balloon payment, ALCA reluctantly authorized AA&A to conduct the further work requested by the Board Staff, but with the understanding, based on a series of communications back and forth between the Board Staff and AA&A, that if the results of this additional Phase II Assessment were consistent with the prior results, i.e., minimal soil and soil vapor contamination, and the lack of evidence of any substantive impacts to groundwater from the Fountain-Vine Plaza, that the Regional Board

¹ For the record, ALCA has never conducted dry-cleaning or other operations at the Fountain-Vine Plaza, and all such dry cleaning operations occurred by a prior tenant who ceased operating before the existing building was even built, and years before ALCA purchased the existing Plaza.

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would be in a position to issue an NFA/closure letter for the Site. With this understanding in mind, ALCA authorized the work which was conducted in April 2013. The Report on these results is dated May 15, 2013 (Exhibit C) and was submitted to your Staff with a renewed request for the issuance of the NFA Letter for the Site.

For the record, the work reflected in the May 2013 Site Assessment Report involved the advancement of fourteen (14) soil borings (B20 to B33), with soil samples being collected at five (5) foot intervals from five (5) to thirty-six (36) feet below ground surface (bgs). It also involved groundwater sampling in each of the fourteen borings using a hydro-punch technique, along with soil gas probes being installed in each boring at depths of 5, 15, and 25 feet bgs. Further, and at the Regional Board's insistence, three (3) groundwater monitoring wells were installed on the Site (MW1 through MW3), with these wells being screened at intervals between approximately 25 to 45 feet bgs. In effect, an extensive number of soil, soil-gas, and groundwater samples were taken throughout the Site, resulting in ALCA spending in excess of \$80,000 in environmental consulting expenses (going back to October of 2012), to satisfy the Regional Board Staff's request for more data to close the Site.

True to ALCA's consultant's prediction, the results of this extensive 2013 Site Assessment Work showed that any releases of dry-cleaning solvents from the prior operations on the Fountain-Vine Plaza were insignificant, and did not justify the need for any additional assessment or cleanup work on the Fountain-Vine Plaza property, be it to the soil or groundwater (*see* Exhibit C for confirmation of these results).

Following the submission of the May 15, 2013 Site Assessment Report, a series of telephone calls and emails were exchanged between Board Staff and ALCA's representatives in an effort to have Staff review the documentation and provide the long requested NFA Letter for the Site. The requested NFA letter was, moreover, consistent with ALCA's understanding of what was to occur if the results of the assessment confirmed the lack of any substantive impacts on soil, soil vapor or groundwater from the Site. Although the Principal Project Manager for the Board had indicated he believed an NFA Letter would now be appropriate in light of the results of the May 2013 Report, such a letter was not forthcoming from your Staff. Given Staff unwillingness to proceed and issue the expected NFA Letter, in spite of countless phone calls and emails with your Staff regarding the same, ALCA requested a meeting to once again resolve the issues. That meeting occurred on July 2, 2013.

At this July 2 meeting, the results of the May 2013 Report were discussed, as was ALCA's pending balloon payment with its existing lender. ALCA also confirmed that the existing lender was unwilling to refinance the present loan. In the meeting, ALCA made every effort to understand your Staff's reluctance to close the Site, despite the extensive May 15, 2013, Site Assessment Work, the results therein, and the fact that ALCA had agreed to all of Staff's prior requests for an expanded and extensive assessment of the Site. Yet, your Staff remained

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unwilling to issue the NFA/closure letter even though the results of the May 15, 2013 Report plainly confirmed the lack of any substantive impacts to soil or groundwater from prior Site operations so as to justify any further action at the Site.

When asked at the July 2 meeting whether the Regional Board was insisting that ALCA conduct any additional investigation work, or whether any cleanup work of the soil or groundwater by ALCA could be justified, Staff responded that no such additional investigation or cleanup work would be necessary. At one point during the meeting, Kwang-il Lee suggested he had a concern with one of the soil gas vapor results, and as such, requested that either a Health Risk Assessment be conducted to confirm the lack of potential adverse vapor impacts to prospective future residents on the Property, or that ALCA agree to a deed restriction to limit the use of the Property for commercial purposes only. (Of course whether a Health Risk Assessment were prepared and reviewed and approved by Board Staff (and OEHHA), or a deed restriction were to be provided, both would be time consuming and expensive to accomplish given the process your Staff would likely require be followed with either). *Moreover, regardless of whether a Health Risk Assessment is conducted or a deed restriction prepared and recorded, your Staff is refusing to agree to issue an NFA/Closure letter for the Site, insisting that it is unable to do so as a result of the groundwater contamination beneath the Plaza.*

When asked at the July 2 meeting why an NFA letter could not be issued for the groundwater at this time, your Staff had no explanation, other than to suggest that it could not rule out the possibility of some potential contribution from the Fountain-Vine Plaza to the groundwater. When pushed further on the issue, and asked what possible additional investigation or remedial work could be required of ALCA for any impacts to soil or groundwater, Board Staff was unable to identify any such additional assessment or remedial work which could legitimately be required of ALCA (excepting only the Health Risk Assessment for soil vapor).

In effect, Staff was unable to explain any reasonable or justifiable basis for refusing to issue an NFA Letter for the entire Site at this time. Nor was your Staff able to conclude that any contribution from the former dry-cleaner operations at the Fountain-Vine Plaza could, in and of itself, justify the need for any remediation of the groundwater contamination. In short, your Staff's refusal to issue an NFA letter for the Fountain-Vine Plaza Site, in spite of the extensive Site assessment work conducted to date (most recently at your Staff's request), is plainly arbitrary and unsupported by the record. Such arbitrary actions will, moreover, likely have significant adverse financial consequences on ALCA.

Despite the significant assessment work requested of ALCA for closure, at the same time, no work of any kind is apparently presently being required by your Staff of the Paragon Cleaners' responsible parties - no assessment of any kind is in process; no cleanup work is being required; and no Cleanup and Abatement Order is even being considered for the Paragon

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Cleaners property. Furthermore, a review of the Regional Board's files on the Paragon Cleaners Site shows that dry-cleaning operations at that location have been conducted since approximately 1961, that the Regional Board initially had been overseeing assessment work on the Site since approximately 2005, that significant soil and groundwater contamination has occurred as a result of prior releases at this location, that this groundwater contamination has migrated from the Paragon Cleaners property, due southwest through and into the groundwater beneath the Fountain-Vine Plaza Property, but that no outstanding demands for further assessment or cleanup work for such property have been made by Regional Board Staff.

From ALCA's consultant's review of the Regional Board's files on the Paragon Cleaners Site, there appears to be no justification for the Regional Board's complete indifference to the contamination coming off of the Paragon Cleaners property, and no reasoning is provided in the files for why your Staff has failed to require any action over the past several years by the owner or operator of the Paragon Cleaners property to address all such contamination. In short, no Cleanup and Abatement Order has been issued, no Water Code section 13267 letter has been sent, and nor has there been any voluntary action on the part of the responsible parties for the Paragon Cleaners Site to address the soil and groundwater contamination problems in issue.

Accordingly, given the clear data showing the lack of any substantive contribution of contamination to the groundwater from the Fountain-Vine Plaza Site to justify any further action on the part of ALCA, and further, given the lack of any effort on the part of the Regional Board to require the responsible parties for the Paragon Cleaners Property to address the groundwater contamination migrating from that property, ALCA is hereby requesting that the Regional Board either issue a No Further Action letter for both soil and groundwater for the Fountain-Vine Plaza Property (i.e., the entire Fountain-Vine Plaza Property), or, in the alternative, that the Regional Board forthwith issue a Cleanup and Abatement Order (pursuant to Water Code section 13304) to Paragon Cleaners and the owner of that property for those parties to address all contamination resulting from the operations thereon.

Because of the long delays experienced by ALCA in connection with its desire to address these issues and obtain an NFA/closure letter from the Regional Board for the soil and groundwater with respect to its Site, and particularly because of its pending balloon payment on the loan for the Fountain-Vine Plaza (presently due in early October of this year), if the Regional Board does not act accordingly and either issue an NFA letter for the Fountain-Vine Plaza Property, or issue a Cleanup and Abatement Order to the Paragon Cleaners Site to address the groundwater contamination, within thirty (30) days from the date of this letter, please be advised that ALCA will pursue this matter formally through the Water Code Petition process and seek review of all of these issues before the State Water Resources Control Board.

Samuel Unger
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Please contact the undersigned should you have any questions with respect to the above or the enclosed, or wish to discuss these matters further. We look forward to working with you and your Staff to address these issues without the need for further legal action.

Thank you for your attention to these important matters.

Sincerely,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:pj
Enclosures

cc: Dr. Arthur Heath, LARWQCB
Mr. Carl Van Quathem, ALCA Properties, Ltd.
Ami Adini, Ami Adini & Associates, Inc.

Exhibit “19”



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

December 12, 2014

Carl Van Quathem
Responsible Party No.: 2030
Attn: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles, CA 90066

FIRST PAST DUE NOTICE

SITE CLEANUP PROGRAM: INVOICE NO. 87966, ACCOUNT NO. 2040235, FOR SITE ADDRESS: 1253 NORTH VINE STREET

Per California Water Code section 13365, you were sent an invoice for oversight costs for the site listed above. A summary of the invoice is enclosed for your reference. Our records indicate that payment has not been received. Therefore, your account is considered past due.

You must submit payment immediately to prevent further collection action. To ensure proper crediting of your account, include the invoice number on your check. If paying multiple invoices, all invoice numbers must be listed on your check.

Mail payment to:

State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

If you have any questions or need a copy of the original invoice, please contact us at SiteCleanup@waterboards.ca.gov or (916) 341-5643.

Sincerely,

Site Cleanup Program
Division of Administrative Services

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 6/30/2014

Date: 9/29/2014
Regional Board: Los Angeles

Account Number: 2040235
Invoice Number: 87966

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles, CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA

Invoice Amount: \$19,880.28
Payments Received: \$0.00

BALANCE DUE \$19,880.28

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath at (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or email us at SiteCleanup@waterboards.ca.gov.

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030 Account #: 2040235 Invoice #: 87966 Amount Due: \$19,880.28

SEND PAYMENTS TO: State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

Please allow 15 business days after mailing for your payment to be posted to the database.

Exhibit “20”

FIRST QUARTER
INVOICE

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 03/31/14**

Date: 07/10/2014
Regional Board: Los Angeles Region

Account Number: 2040235
Invoice Number: 86650

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 07/10/14:

\$47,539.99

Balance Forward:

\$0.00

**** New Charges - Billing Period 01/01/14-03/31/14:**

\$13,801.62

TOTAL AMOUNT DUE:

\$13,801.62

** See Itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or DFA-SCP@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030

Account Number: 2040235

Invoice Number: 86650

Amount Due: \$13,801.62

SEND PAYMENTS TO:

**State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120**

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
 INVOICE NUMBER: 86650

DATE	NAME	CLASS	ACT	HOURS
01/02/14	Staff, Swrcb	null	CP	0
01/03/14	Staff, Swrcb	null	CP	0
01/08/14	Jones, H L	EG	IC	1
01/08/14	Jones, H L	EG	IC	1
01/08/14	Lee, Kwangil	SWRCE	IC	2
01/09/14	Jones, H L	EG	RR	3
01/09/14	Jones, H L	EG	TC	1
01/09/14	Lee, Kwangil	SWRCE	IC	1.5
01/10/14	Jones, H L	EG	IC	1
01/10/14	Jones, H L	EG	RR	4
01/10/14	Jones, H L	EG	SI	4
01/22/14	Jones, H L	EG	TC	1
01/24/14	Jones, H L	EG	RR	4
01/24/14	Jones, H L	EG	TC	1
01/24/14	Jones, H L	EG	WC	4
01/28/14	Jones, H L	EG	WC	3
01/31/14	Lee, Kwangil	SWRCE	IC	1.5
02/05/14	Lee, Kwangil	SWRCE	IC	1.5
02/06/14	Jones, H L	EG	IC	1
02/06/14	Jones, H L	EG	RR	3
02/06/14	Jones, H L	EG	TC	1
02/06/14	Lee, Kwangil	SWRCE	IC	1
02/07/14	Jones, H L	EG	TC	2
02/11/14	Jones, H L	EG	RR	3
02/11/14	Jones, H L	EG	SI	3
02/11/14	Lee, Kwangil	SWRCE	SI	2
02/18/14	Lee, Kwangil	SWRCE	TC	1
03/10/14	Staff, Swrcb	null	CP	0
03/11/14	Staff, Swrcb	null	CP	0
03/24/14	Lee, Kwangil	SWRCE	IC	3.5
03/28/14	Lee, Kwangil	SWRCE	IC	1

TOTAL HOURS:

56

SECOND QUARTER
INVOICE

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 86650

TOTAL LABOR CHARGES:	\$3,531.00
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$6,381.50
OVERHEAD:	\$3,188.38
STATE BOARD PROGRAM ADMIN CHARGE:	-\$201.56
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$902.30

TOTAL NEW CHARGES: \$13,801.62

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
CP - Contract Payment
ADJ - Adjustment to previous Invoices
SC - Staff Counsel - Legal consultation

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 06/30/14**

Date: 09/29/2014
Regional Board: Los Angeles Region

Account Number: 2040235
Invoice Number: 87966

Responsible Party #: 2030

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles CA 90066

Site Location:

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 09/29/14: \$47,539.99

Balance Forward: \$13,801.62

**** New Charges - Billing Period 04/01/14-06/30/14:** \$19,880.28

TOTAL AMOUNT DUE: \$33,681.90

** See itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

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For information regarding payments call: The SCP Message Line at (916) 341-5643 or SiteCleanup@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030 Account Number: 2040235 Invoice Number: 87966 Amount Due: \$33,681.90

SEND PAYMENTS TO: State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 87966

DATE	NAME	CLASS	ACT	HOURS
04/09/14	Staff, Swrcb	null	CP	0
04/17/14	Lee, Kwangil	SWRCE	IC	1
04/29/14	Lee, Kwangil	SWRCE	IC	1.5
05/01/14	Lee, Kwangil	SWRCE	IC	1
05/01/14	Zaidi, Mohammad	EG	RR	9
05/05/14	Zaidi, Mohammad	EG	RR	10
05/06/14	Zaidi, Mohammad	EG	RR	8
05/07/14	Zaidi, Mohammad	EG	RR	8
05/12/14	Zaidi, Mohammad	EG	RR	2
05/14/14	Zaidi, Mohammad	EG	RR	4
05/15/14	Zaidi, Mohammad	EG	TC	8.5
05/19/14	Zaidi, Mohammad	EG	RR	3
05/20/14	Lee, Kwangil	SWRCE	IC	3
05/20/14	Zaidi, Mohammad	EG	TC	6
05/21/14	Zaidi, Mohammad	EG	TC	5.5
05/22/14	Lee, Kwangil	SWRCE	TC	4
05/22/14	Zaidi, Mohammad	EG	TC	9
05/30/14	Lee, Kwangil	SWRCE	IC	2.5
06/03/14	Zaidi, Mohammad	EG	TC	5
06/05/14	Zaidi, Mohammad	EG	WC	3
06/09/14	Lee, Kwangil	SWRCE	IC	1.5
06/09/14	Zaidi, Mohammad	EG	WC	4
06/11/14	Lee, Kwangil	SWRCE	IC	2.5
06/11/14	Mcchesney, Frances	SFCOUNIV	IC	2
06/12/14	Zaidi, Mohammad	EG	WC	1
06/24/14	Mcchesney, Frances	SFCOUNIV	IC	1
06/26/14	Lee, Kwangil	SWRCE	IC	2
06/26/14	Zaidi, Mohammad	EG	WC	8
06/30/14	Zaidi, Mohammad	EG	WC	1

TOTAL HOURS:

117

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 87966

TOTAL LABOR CHARGES:	\$8,401.42
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$202.50
OVERHEAD:	\$7,625.53
STATE BOARD PROGRAM ADMIN CHARGE:	\$1,843.38
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$1,807.45

TOTAL NEW CHARGES: \$19,880.28

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site Inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
CP - Contract Payment
ADJ - Adjustment to previous Invoices
SC - Staff Counsel - Legal consultation

THIRD QUARTER
INVOICE

**STAT. WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 09/30/14**

Date: 11/06/2014
Regional Board: Los Angeles Region

Account Number: 2040235
Invoice Number: 89396

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 11/06/14: \$47,539.99

Balance Forward: \$33,681.90

**** New Charges - Billing Period 07/01/14-09/30/14:** \$8,167.90

TOTAL AMOUNT DUE: \$41,849.80

** See Itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or SiteCleanup@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

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RP #: 2030 **Account Number:** 2040235 **Invoice Number:** 89396 **Amount Due:** \$41,849.80

SEND PAYMENTS TO:
State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
 INVOICE NUMBER: 89396

DATE	NAME	CLASS	ACT	HOURS
07/02/14	Lee, Kwangil	SWRCE	IC	1
07/02/14	Zaidi, Mohammad	EG	WC	3
07/03/14	Lee, Kwangil	SWRCE	IC	2
07/03/14	Mcchesney, Frances	SFCOUNIV	RR	1
07/09/14	Mcchesney, Frances	SFCOUNIV	IC	1
07/09/14	Zaidi, Mohammad	EG	WC	1.5
07/14/14	Zaidi, Mohammad	EG	WC	2
07/15/14	Zaidi, Mohammad	EG	IC	0.5
07/16/14	Zaidi, Mohammad	EG	IC	1
07/17/14	Zaidi, Mohammad	EG	IC	1
07/28/14	Mcchesney, Frances	SFCOUNIV	IC	1
07/30/14	Staff, Swrcb	null	CP	0
07/30/14	Zaidi, Mohammad	EG	IC	1
08/05/14	Mcchesney, Frances	SFCOUNIV	IC	1
08/13/14	Brooks, Jeff	EG	ADM	2.5
08/13/14	Zaidi, Mohammad	EG	TC	7
08/14/14	Mcchesney, Frances	SFCOUNIV	RR	2
08/19/14	Brooks, Jeff	EG	IC	0.75
08/19/14	Zaidi, Mohammad	EG	TC	4
09/04/14	Lee, Kwangil	SWRCE	IC	2.5
09/04/14	Zaidi, Mohammad	EG	WC	5
09/05/14	Brooks, Jeff	EG	IC	0.5
09/08/14	Brooks, Jeff	EG	IC	0.5
09/08/14	Zaidi, Mohammad	EG	WC	3
09/16/14	Mcchesney, Frances	SFCOUNIV	RR	1
09/16/14	Zaidi, Mohammad	EG	WC	2
09/17/14	Zaidi, Mohammad	EG	WC	5
09/18/14	Zaidi, Mohammad	EG	WC	2
09/29/14	Zaidi, Mohammad	EG	TC	1

TOTAL HOURS: 55.75

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 89396

TOTAL LABOR CHARGES:	\$4,018.20
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$36.50
OVERHEAD:	\$2,896.30
STATE BOARD PROGRAM ADMIN CHARGE:	\$521.86
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$695.04

TOTAL NEW CHARGES: \$8,167.90

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
CP - Contract Payment
ADJ - Adjustment to previous invoices
SC - Staff Counsel - Legal consultation

Exhibit “21”



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 30, 2015

Mr. Richard Montevideo
Rutan & Tucker
620 Anton Blvd, Suite 1400
Costa Mesa, CA 92626

**SUBJECT: REGIONAL BOARD RESPONSES TO NOVEMBER 25, 2014 LETTER FROM
RUTAN & TUCKER, LLP: OBJECTIONS TO ADDITIONAL OVERSIGHT COSTS
AND FURTHER DEMAND FOR NO FURTHER ACTION/CLOSURE**

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE
CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Montevideo:

The California Regional Water Quality Control Board, Los Angeles (Regional Board) has received and reviewed your letter dated November 25, 2014, to Samuel Unger, Executive Officer of the Regional Board, objecting to additional oversight costs and demanding a no further action/closure (NFA/closure) letter for the entire Fountain Vine Plaza Site (Site).

In your letter you object to recent Regional Board invoices as excessive. We do not agree. We are a public agency that assigns staff to oversee sites and are required to recover the costs of such staff time. When staff leaves the agency it becomes necessary to assign new staff to the sites that person was assigned to oversee. The newly assigned staff must review the file to become familiar with the site. Some of the time spent by Mr. Mohammad Zaidi, the new project manager assigned to the Site, was necessary to become familiar with the Site, but much of it was necessary to prepare and participate in meetings with you and your representatives, to review many files and reports, to internally discuss the site with management, and to prepare responses. We understand that billing for the time needed for newly assigned staff to become familiar with a site could be perceived as unfair. But we do not agree that all that time or the time necessary to address your concerns was excessive. It is the Regional Board's responsibility to review and analyze all the available information and data for a site and its surroundings to assure protection of water quality and to prevent nuisance and must continue to do so even if staff leaves the agency. We are willing to review the time spent for staff to become familiar with the case and discuss whether it is appropriate to delete some of the charges. We are not willing, however, to delete the charges for time staff has been required to spend to address the recent issues. That time would be the same whether a new staff person was assigned or not. Those activities are subject to cost recovery and we expect payment for staff's time.

You also object that the invoices fail to provide the detail required by Water Code section 13365(c)(2)(C). We disagree. The invoice you attached to your letter shows the time spent by each employee using the standardized descriptions of work tasks developed by the State Water

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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Resources Control Board. The invoice is based on daily logs prepared by each employee who is listed in the invoice. Attached to this letter is an example of the daily logs for the first three quarters of this calendar year for this Site.

You assert that Mr. Zaidi, spent time "apparently reviewing the file for purposes of developing a new and different scope of work", and that Mr. Zaidi has failed to honor commitments of the former project manager, Mr. Jones. Again, we do not agree with your summary of the site history. Mr. Jones had recommended to his supervisor that the Regional Board Executive Officer issue a no further action (NFA) letter for soil only at the Site. When your client rejected that option, Mr. Zaidi, the new project manager, spent time reviewing the existing information available to the Regional Board. He did not ignore prior agreements or commitments, as there was no agreement or commitment to issue an NFA letter for both soil and groundwater. After his review, he recommended some further sampling to confirm the status of groundwater. Regional Board management agrees with his proposal and that has been communicated to you in meetings and by letter.

You assert, based on your view that Mr. Zaidi has somehow changed the scope of work, that the Regional Board must justify such a change under Water Code section 13365(d). We do not agree that the Regional Board has changed the scope of work, since we never committed to issuance of an NFA letter for groundwater. The Regional Board has complied with Water Code section 13365 by providing the annual estimation letters to Mr. Quathem each year. See, for example, Letter from Samuel Unger to Mr. Carl Van Quathem, dated Aug. 18, 2014: "2014-2015 Annual Estimation Letter for Site Cleanup Cost Recovery Program (Attachment 1)." The letter provides an estimate of 300 hours for the Site that lists the work to be performed and the expected outcomes. This letter is sufficient to comply with Water Code section 13365.

As you requested, attached to this letter, are the daily logs for the first three quarters of calendar year 2014 (Attachment 2).

In your letter, you have continued to state that the groundwater contamination beneath the Fountain Vine Plaza Site was not caused by discharges at your Site but by discharges at the upgradient Paragon Cleaners Site. The Regional Board staff disagree, do not find sufficient data, and suspect that discharges may have also occurred at your Site. The Regional Board staff suspects that dense non-aqueous phase liquid (DNAPL) may be present in the eastern portion of the site, reportedly addressed at 1267-1269 Vine Street, due to the operation of a dry cleaner from 1955 through 1970, or the operation of a gas station from 1925 to 1928. That tetrachloroethylene (PCE) was used as a solvent in automotive repairs and discharged at the gas station located in the eastern portion of your Site or by the dry cleaner is based on detections of PCE in soil samples collected from 5 and/or 10 feet below ground surface (bgs) in 2005 borings AEI-B4, AEI-B3, AEI-B10, and AEI-B11 (Phase III Subsurface Investigation Report by AEI Consultants dated July 31, 2006), and the occurrence of groundwater PCE hot spots centered at the onsite boring AEI-B3 [PCE 4,700 micrograms per liter (ug/L) at 30 feet in July 2006] and the hot spot centered at the onsite boring B32 (PCE 7,790 ug/L in April 2013). These detections indicate the potential presence of DNAPL in the saturated zone, which must be confirmed by the investigations through drilling, a high resolution method such as Membrane Interface Probe (MIP) testing, and verification sampling at four boring locations to a depth of at least 80 feet bgs, as requested in our September 17, 2014 letter.

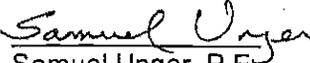
Mr. Richard Montevideo
Rutan & Tucker

- 3 -

January 30, 2015

We would like to thank you for the work you have completed related to the site assessment. If you have any questions regarding this project, please contact the project manager Mr. Mohammad Zaidi at (213) 576-6732, Mohammad.Zaidi@waterboards.ca.gov, or Dr. Kwang-il Lee at (213) 576-6734 or klee@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Attachments:

1. 2014-2015 Annual Estimation Letter for Site Cleanup Cost Recovery Program, dated August 18, 2014
2. Daily Logs for the Fountain Vine Plaza Site from 1/2/2014 thru 9/29/2014

CC:

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)
Mr. Carl Van Quathem, ALCA Properties, Los Angeles (cvq.cei@gmail.com)
Mr. Ravi Arulanantham, Geosyntec
Mr. Syed Rehan, Geosyntec



ERIKSON G. BRON, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 18, 2014

Mr. Carl Van Quathem
Alca Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: 2014-2015 ANNUAL ESTIMATION LETTER FOR SITE CLEANUP COST RECOVERY PROGRAM

CASE/SITE: FOUNTAIN VINE PLAZA AT 1253 VINE STREET, LOS ANGELES, CALIFORNIA 90028 (SCP NO. 1196, SITE ID NO. 2040235)

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the lead agency overseeing the environmental investigation and cleanup of the Fountain Vine Plaza under the authority of the Porter-Cologne Water Quality Control Act (Cal. Water Code §§13000 et seq.) and other applicable laws and regulations. Section 13304 of the California Water Code authorizes the Regional Board to recover reasonable expenses from a responsible party for overseeing the investigation and cleanup of discharges of waste that have adversely affected or threaten to adversely affect the waters of the state or cause nuisance. It is the Regional Board's intent to continue to recover costs for regulatory oversight work conducted at the subject site(s). In compliance with section 13365 of the California Water Code, this annual estimation letter is being sent to provide you the following information regarding costs for regulatory oversight work:

1. A detailed estimate of the work to be performed or services to be provided;
2. A statement of the expected outcome of that work;
3. The billing rates for all individuals and classes of employees expected to engage in the work; and
4. An estimate of all expected charges to be billed to you by this agency.

I. Estimate of Work to be Performed

The Regional Board staff estimate that during the Regional Board's 2014/2015 fiscal year (July 1, 2014 to June 30, 2015) regulatory oversight work may include, but not limited to, the following tasks to be performed with respect to your site(s):

1. Review technical reports and conceptual site models that are intended to identify the sources of waste, to investigate the waste pathways, and to fully delineate the vertical and lateral extent of waste in soil matrix, soil vapor and groundwater;
2. Request and review additional assessment work plans and reports, remedial action plans, progress and monitoring reports, and other technical reports as necessary;
3. Prepare comment letters on various reports and communicate findings to responsible parties;

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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4. Conduct site inspections, observe field activities, collect split samples, and meet with environmental consultants and responsible parties;
5. Conduct internal and external communication (i.e. meetings, memos) and respond to public inquiries about or related to the site investigation and remediation; and
6. Provide environmental documentation to address the California Environmental Quality Act, where required, regarding the site cleanup.

II. Statement of Expected Outcome

The expected outcome of work that will be performed during fiscal year 2014/2015 includes:

- Prepare and issue directive orders to the site;
- Provide written comments on technical reports;
- Verify the adequacy of technical reports; and
- Prepare correspondence to public inquiries about the site investigations and cleanups as needed.

III. Billing Rates

Attached are the Site Cleanup Program, Monthly Salary Scales by Job Classification (Attachment 1) for employees expected to perform the work and the Reimbursement Process for Regulatory Oversight (Attachment 2). The names and classifications of employees that work on and charge time to this site will be listed on the invoices. The average billing rate is about \$150.00 per hour.

If you have any questions regarding billing, please contact the Division of Financial Assistance (DFA) at the Site Cleanup Program (SCP) Message Line: (916) 341-5643 or via email: DFA-SCP@waterboards.ca.gov.

IV. Estimation of Expected Charges

- A. Regional Board staff expects to charge about 300 hours for work related to this site during fiscal year 2014/2015. Based on the average billing rate of \$150.00 per hour, the estimated billing charge by the Regional Board staff for this site during this fiscal year is about \$45,000 which does not include possible contract charges stated in B (see below). **Please note that this is neither a commitment nor a contract for regulatory oversight. It is only an estimate of the work which may be performed.**
- B. To better evaluate the potential health risk, including soil vapor intrusion into indoor air, from the detected or residual waste posed to the current/future occupants of the site and the immediate site vicinity, the Regional Board has established a contract with the State Office of Environmental Health Hazard Assessment (OEHHA), to have their toxicologists review the submitted health risk assessment work plans and reports. OEHHA will review, evaluate if appropriate, and provide comments on risk assessment work plans and reports. When requested, OEHHA toxicologists will provide the Regional Board consultation services on issues concerning human health and/or environmental risks.

Under the Cost Recovery Program, the responsible party is required to reimburse the Regional Board for the costs incurred by the OEHHA review. Charges by OEHHA staff will be included in our

invoices under the contract charges category. All quarterly invoices generated for this project will be sent to your billing contact by the Site Cleanup Program, State Water Resources Control Board.

V. Other Requirements

1. **Change of Ownership:** You must notify the Executive Officer in writing at least 30 days in advance of any proposed transfer of this cost reimbursement account's responsibility to a new owner containing a specific date for the transfer. In addition, you shall notify the succeeding owner of the existence of this cost reimbursement account by letter, a copy of which shall be forwarded to the Regional Board.
2. **Public Participation:** With increased public interest in our programs and the public knowledge of threat to human health and the environment, the Regional Board has increased efforts to get the public more involved in our decision making process. The Regional Board provides information and opportunities for public participation consistent with State law (including California Health and Safety Code section 25356.1 and California Water Code sections 13307.5 and 13307.6). You may be required to prepare and implement a public participation plan. Regional Board staff will provide you with additional guidance as appropriate.
3. **Electronic Submittals:** In September 2004, the State Water Resources Control 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 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.

To comply with the above referenced regulations, 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.

If you have any questions, please contact Mohammad Zaidi at (213) 576-6732 (mohammad.zaidi@waterboards.ca.gov).

Sincerely,

for Paul Basmann
Samuel Unger, PE
Executive Officer

- Attachments:
1. Monthly Salary Scales by Job Classification
 2. Reimbursement Process for Regulatory Oversight
 3. Certification Declaration Form
 4. Acknowledgment of Receipt of Cost Reimbursement Account Letter

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM (SCP)
BILLING COST EXPLANATION
Fiscal Year 2014-2015**

<u>Employee Salary and Benefits by Classification</u> ¹	<u>ABR</u>	<u>SALARY/ BENEFITS RANGE</u>
7500 - AEO CEA	CEA	\$9,017 - \$20,133
4558 - Admin Officer II	ADMNO#II	\$6,752 - \$8,389
5871 - Assistant Chief Counsel	ACC	\$13,044 - \$15,110
5393 - Associate Governmental Program Analyst (Statewide)	AGPA	\$6,427 - \$8,046
4707 - Business Serv Asst (Spec)	BSA	\$3,645 - \$5,579
3756 - Engineering Geologist (SWRCB)	EG	\$6,731 - \$12,671
0760 - Environmental Program Manager I (Managerial) (SWRCB)	EPMIM	\$10,136 - \$11,510
0756 - Environmental Program Manager I (Supervisory) (SWRCB)	EPMIS	\$9,166 - \$11,397
0769 - Environmental Program Manager II (SWRCB)	EPMII	\$11,695 - \$13,285
0762 - Environmental Scientist (SWRCB)	ES	\$4,495 - \$8,593
3843 - Exec Officer I	EO	\$14,324 - \$15,953
3842 - Exec Officer II	EO II	\$14,632 - \$16,315
5601 - Information Officer I (Spec)	IO	\$6,427 - \$8,046
1419 - Key Data Operator	KDO	\$3,145 - \$4,476
1282 - Legal Secretary	LS	\$4,438 - \$5,835
1441 - Office Assistant (General) (Statewide)	OA	\$3,030 - \$4,168
1379 - Office Assistant (Typing) (Statewide)	OA	\$3,130 - \$4,252
1138 - Office Technician (General) (Statewide)	OT	\$3,853 - \$4,828
1139 - Office Technician (Typing) (Statewide)	OT	\$3,924 - \$4,911
3851 - Principal Water Resources Control Engineer (SWRCB)	PWRCE	\$14,377 - \$16,329
5373 - Public Participation Specialist	PPS	\$6,427 - \$8,046
3826 - Sanitary Engineering Associate (Statewide)	SEA	\$7,245 - \$9,068
3782 - Sanitary Engineering Technician (Statewide)	SET	\$4,990 - \$7,171
3751 - Senior Engineering Geologist (Statewide)	SEG	\$10,776 - \$14,850
0764 - Senior Environmental Scientist (SWRCB)	SRES	\$7,961 - \$9,897
3224 - Senior Legal Typist	SLT	\$3,782 - \$5,290
3844 - Senior Water Resources Control Engineer (SWRCB)	SWRCE	\$10,776 - \$14,850
5778 - Staff Counsel (Statewide)	STCOUN	\$6,828 - \$11,892
5795 - Staff Counsel III (Statewide)	STCOUNIII	\$11,221 - \$14,399
5815 - Staff Counsel III (Sup)	STCOUNIII	\$11,227 - \$14,408
5780 - Staff Counsel IV (Statewide)	STCOUNIV	\$12,396 - \$15,916
0765 - Staff Environmental Scientist (SWRCB)	SES	\$7,954 - \$9,893
5157 - Staff Services Analyst (General)	SSA	\$4,115 - \$6,689
4800 - Staff Services Manager I	SSM I	\$7,954 - \$9,218
3748 - Supervising Engineering Geologist (Statewide)	SUEG	\$11,828 - \$14,808
3849 - Supervising Water Resources Control Engineer (SWRCB)	SUWRCE	\$11,828 - \$14,808
3846 - Water Resources Control Engineer (SWRCB)	WRCE	\$6,731 - \$12,607

Note: The State is currently negotiating with the unions so the upper limits of the above ranges may be subject to change.

Intermittent Employees:

1120 - Seasonal Clerk	SC	8.68/hr. - 9.85/hr.
1931 - Scientific Aid	SAID	11.58/hr. - 13.34/hr.
4871 - Student Assistant - Engineering (Statewide)	SAE	11.55/hr. - 17.28/hr.

¹ The name and classification of employees performing oversight work will be listed on the invoice you receive.

Operating Expenses:

(Both State and Regional Board offices)

Indirect Costs (Overhead = cost of doing business) 120%

Billing Example

Water Resources Control Engineer

Salary and Benefits:	\$	12,607
Overhead (indirect costs):	\$	15,128
Total Cost per month	\$	27,735

Divided by 173 hours per month equals per hour: \$ 160.32

(Due to the various classifications that expend SCP resources and an average of \$ 150.00 per hour can be used for projection purposes.)

REIMBURSEMENT PROCESS FOR REGULATORY OVERSIGHT

We have identified your facility or property as requiring regulatory cleanup oversight. Pursuant to the Porter-Cologne Water Quality Control Act, reasonable costs for such oversight can be recovered by the Regional Water Quality Control Board (RWQCB) from the responsible party. The purpose of the enclosure is to explain the oversight billing process structure.

INTRODUCTION

The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board (SWRCB) to set up Cost Recovery Programs. The Budget Act of 1993 authorized the SWRCB to establish a Cost Recovery Program for Site Cleanup Program (SCP). The program is set up so that reasonable expenses incurred by the SWRCB and RWQCBs in overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely impacting the State's waters can be reimbursed by the responsible party. Reasonable expenses will be billed to responsible parties and collected by the Fee Coordinator at the SWRCB in the Division of Financial Assistance (DFA).

THE BILLING SYSTEM

Each cost recovery account has a unique Site ID number assigned to it. Whenever any oversight work is done, the hours are entered into the SCP Cost Recovery/daily logs database. The cost of the staff hours is calculated by the State Accounting System based on the employee's salary and benefit rate and the SWRCB overhead rate.

SWRCB and RWQCB Administrative charges for work such as accounting, billing preparation, general program meetings and program specific training cannot be charged directly to an account. This work will be charged to Administrative accounting codes one per Region. The Accounting Office totals these administrative charges for the billing period and distributes them back to all of the accounts based on the number of hours charged to each account during that billing period. These charges show as State Board Program Administrative Charges and Regional Board Program Administrative Charges on the Invoice.

The current billing period charges will include associated labor costs, risk assessment contract charges, overhead charges, SWRCB/DFA Administrative charges, and RWQCB Administrative charges. The overhead charges are based on the number of labor hours charged to the account. The overhead charges consist of rent, utilities, travel, supplies, training, and accounting services. Most of these charges are paid in arrears. The Accounting Office keeps track of these charges and distributes them back monthly to only those accounts having Labor hours charged to them for the period being billed. No site will be billed for overhead during a billing period unless Labor hours have been posted to the RWQCB employee's daily logs residing in the SCP Cost Recovery database.

Invoices are issued quarterly, one quarter in arrears. If a balance is owed, a check is to be remitted to the SWRCB with the invoice remittance stub within 30 days after receipt of the invoice. The Fee Coordinator inputs a record of all checks received directly or by the Accounting Office on a daily basis.

ATTACHMENT 2

Copies of the invoices are sent to the appropriate RWQCBs so that they are aware of the oversight work invoiced. Questions regarding the work performed should be directed toward your RWQCB case worker.

DISPUTE RESOLUTION

If a dispute regarding oversight charges cannot be resolved with the RWQCB, Section 13320 of the California Water Code provides a process whereby persons may petition the SWRCB for review of RWQCB decisions. Regulations implementing Water Code Section 13320 are found in the Title 23 of the California Code of Regulations, Section 2050.

DAILY LOGS

A detailed description (daily log) of the actual work being done at each specific site is kept by each employee in the Regional Water Board who works on the cleanup oversight at the property. This information is provided on the quarterly invoice using standardized work activity codes to describe the work performed. *Upon request, a more detailed description of the work performed is available from the RWQCB staff.*

REMOVAL FROM THE BILLING SYSTEM

After the cleanup is complete, the RWQCB will submit a closure form to the SWRCB to close the account. If a balance is due, the Fee Coordinator will send a final billing for the balance owed. The responsible party should then submit a check to the SWRCB to close the account.

AGREEMENT

No cleanup oversight will be performed unless the responsible party of the property has agreed in writing to reimburse the State for appropriate cleanup oversight costs and submitted to the RP. You may wish to consult an attorney in this matter. As soon as the letter is received, the account will be added to the active Site Cleanup program Cost Recovery billing list and oversight work will begin.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

IF THERE ARE ANY CHANGES IN BILLING, PLEASE COMPLETE AND RETURN TO RWQCB.

ATTACHMENT 3

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

Please Print or Type

Fee Title Holder(s): _____

Mailing Address: _____

Contact Person: _____

Telephone Number / E-mail: _____

Site Name: _____

Address: _____

County Assessor Parcel Number (APN): _____

Contact Person: _____

Telephone Number / E-mail: _____

File Number: _____ SCP NO. 1196 _____

"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).

Printed Name of Person Signing

Official Title

Signature

Date Signed

MARIA MERRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

The certification declaration form must be signed as follows:

1. For a corporation - by a responsible corporate officer, which means; (i) by a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy of decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a partnership or sole proprietorship -- by a general partner or the proprietor respectively.
3. For a municipality, state, federal, or public agency - by either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations or a principal geographic unit.



Los Angeles Regional Water Quality Control Board

IF THERE ARE ANY CHANGES IN BILLING, PLEASE COMPLETE AND RETURN TO RWQCB.

ATTACHMENT 4

ACKNOWLEDGEMENT OF RECEIPT OF OVERSIGHT COST REIMBURSEMENT ACCOUNT LETTER

I, _____, acting within the authority vested in me as an authorized representative of _____, a corporation, acknowledge that I have received and read a copy of the attached 2014-2015 Annual Estimation Letter for Site Cleanup Cost Recovery Program and the cover letter dated August 18, 2014, concerning cost reimbursement for Regional Board staff costs involved with oversight of cleanup and abatement efforts at Fountain Vine Plaza in Los Angeles County. The site address is 1253 Vine Street Los Angeles, California.

I understand the reimbursement process and billing procedures as explained in the letter. Our company is willing to participate in the cost recovery program and pay all subsequent billings in accordance with the terms in your letter and its attachments, and to the extent required by law. I also understand that signing this form does not constitute any admission of liability, but rather only an intent to pay for costs associated with oversight, as set forth above, and to the extent required by law. Billings for payment of oversight costs should be mailed to the following individual and address:

BILLING COMPANY _____

BILLING CONTACT _____

BILLING ADDRESS _____

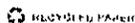
TELEPHONE NO. _____ E-Mail _____

RESPONSIBLE PARTY'S SIGNATURE _____ (Signature)

_____ (Title)

DATE: _____

SCP NO. 1196 SITE ID NO. 2040235



2/6/2014	RR	3	reviewed case file including 5/13 assessment report, follow up to discussion with A.Adini
2/7/2014	TC	2	talked to A Adini and Ravi.A about site visit for following week
2/11/2014	SI	3	visited site for gw well placement
2/11/2014	RR	3	reviewed historical file in prep for site visit
Total Hours:		41	

Mohammad Zaidi			
ACTIVITY DATE	ACTIVITY CODE	HOURS	COMMENTS
5/1/2014	RR	9	Reviewed various docs. from case file. Had a meeting with KL. Continued draft comment letter preparation.
5/5/2014	RR	10	Reviewed various docs. from case file. Ravi called to discuss site status. Continued draft comment letter preparation.
5/6/2014	RR	8	Reviewed various docs. from case file. Continued draft comment letter preparation.
5/7/2014	RR	8	Ravi called to schedule meeting on 5/14/14. Discuss with Art, he asked to schedule the meeting after 5/19/14 after KL returns. Completed draft comment letter preparation and gaveto AH for review.
5/12/2014	RR	2	Reviewed the previous correspondence with the RP. Ravi called to give information and requested to schedule meeting on 5/15/14 and on 5/22/14 with Sam. Checked with Art, and Sam and confirmed meetings.
5/14/2014	RR	4	Got an email from Ami Adini and San Borne maps as attachments. Downloaded maps and searched for historical photographs of the site on internet.
5/15/2014	TC	8.5	Reviewed some docs. from the case file. Had a meeting with Ami, Ravi, and Art. Prepared meeting notes and sent to Sam, Paula, Art, and KL. Ami called to confirm comparison of PCE in MW-5 and onsite wells to assess potential contributions from FVP and Paragon Cleaners site.
5/19/2014	RR	3	Reviewed and analyzed various reports to prepare for meeting with Sam, Art, and KL.
5/20/2014	TC	6	Reviewed and analyzed various docs. Had a meeting with KL. Had a pre-meeting with Sam, art, and KL. He suggested to have meeting with Ann Lin. Had a meeting with Ann Lin, and KL to discuss FVP site.
5/21/2014	TC	5.5	Partially reviewed some docs. and reviewed OEHHA's risk evaluation Memo. Had a pre-meeting with AH and KL.
5/22/2014	TC	9	Sent an email to KL and AH containing potential conditional NFR language. Had a pre-meeting with Sam, Paula, Art, and KL. Partially reviewed some docs. in case file to prepare for meeting with FVP. Had a meeting with FVP representatives. Sam, Paula, Art, KL.
6/3/2014	TC	5	KL gave comments on FVP 2/12/14 WP. Addressed his comments.
6/5/2014	WC	3	Paula gave comments on FVP 2/12/14 WP. Addressed her comments.
6/9/2014	WC	4	Paula gave additional comments on draft letter for FVP 2/12/14 WP. Addressed her comments. She asked to check with KL. KL gave additional comments. addressed his comments.
6/12/2014	WC	1	Paula gave additional comments on draft letter for FVP 2/12/14 WP. Addressed her comments.
6/26/2014	WC	8	Had a meeting with Sam, Paula, Art, KL, and Frances (on phone. KL arranged a caucus meeting with Ann Lin, Jeff, to discuss investigation for DNAPL, proposed by MZ. Revised draft letter and sent to KL.
6/30/2014	WC	1	Frances called to discuss the draft FVP letter.
7/2/2014	WC	3	KL asked to review and comment on 6/30/14 revised draft ltr from Frances. Reviewed and provided comments to KL on Frances's draft letter.
7/9/2014	WC	1.5	Addressed AH's comments on draft letter.
7/14/2014	WC	2	Sam signed off on draft letter. Processed ltr for case file, reading file, and sent to RP and cc list.
7/15/2014	IC	0.5	Uploaded letter to Geotracker.
7/16/2014	IC	1	Prepared cost recovery estimation letter for FY 2014-2015.
7/17/2014	IC	1	Updated compliance spreadsheet.
7/30/2014	IC	1	Prepared EO times for the period between April through July 2014.
			Reviewed selected documents from case file and downloaded and

8/13/2014	TC	7	reviewed MIP operation and interpretation guidance from USEPA in response to phone inquiry from Ravi about how I will interpret MIP data from vadose zone and saturated zone and prepared for meeting with Ravi and Rehan and Jeff Brooks. Had the meeting. Prepared meeting notes.
8/19/2014	TC	4	Frances called to discuss meeting on 8/13/14 with Ravi of GeoSyntec. She asked to prepare a summary and send it to her. Prepared the Memo and gave it to Jeff Brooks for peer review, and then finalized, signed, and sent to Frances, All, Kl, and PR, via email.
9/4/2014	WC	5	Per Kl's direction, prepared draft letter and gave to Kl, for review. He gave several comments. Addressed his comments. He signed off. Left letter for All's review. Ravi called about uncertainty of depth to clay layer. Briefed Kl, about phone conversation with Ravi.
9/8/2014	WC	3	Art gave several comments. Had a meeting with Kl to discuss responses to Art's comments and recommendations. Addressed Art's comments. He signed off. Left letter for Paula's review.
9/16/2014	WC	2	Paula gave comments on draft letter, addressed her comments. She asked to send the draft to Frances for legal review.
9/17/2014	WC	5	Frances emailed her comments and edits. Addressed her comments, and submitted to Art. Art gave some comments, addressed his comments, he signed off. left the letter for Paula.
9/18/2014	WC	2	Paula and Sam signed off on the letter. Processed and sent letter.
9/29/2014	TC	1	Ami called to clarify requirements in 9/17/14 letter. Discussed requirements.
Total Hours:		134	

Jeff Brooks			
ACTIVITY DATE	ACTIVITY CODE	HOURS	COMMENTS
8/13/2014	ADM	2.5	Meeting with M. Zaidi and site consultants - Ravi and Rehan - to discuss DNAPL investigation upcoming work
8/19/2014	IC	0.75	Internal consultation with M. Zaidi regarding upcoming DNAPL assessment work at the Fountain and Vine site
9/5/2014	IC	0.5	Internal consultation about upcoming MIP work at the site with A. Heath
9/8/2014	IC	0.5	Internal consultation with K. Lee and M. Zaidi about DNAPL assessment at the site.
Total Hours:		4.25	

Kwangil Lee			
ACTIVITY DATE	ACTIVITY CODE	HOURS	COMMENTS
1/8/2014	IC	2	Discussed with staff regarding the proposed workplan status and OEHHA memo review
1/9/2014	IC	1.5	Discussion with OEHHA staff regarding her draft Memo
1/31/2014	IC	1.5	Reviewed staff's draft approval for the revised workplan approval, and commented
2/5/2014	IC	1.5	Reviewed staff's revised draft for the work plan approval for the apartments, commented.
2/6/2014	IC	1	Responded to staff regarding the OEHHA memo finalizing by 2/07, and commented.
2/11/2014	SI	2	Inspected site for possible well relocations, with staff
2/18/2014	TC	1	Communicated with Ami Adini regarding the well relocation, - Ami Adini's emails on Feb. 11 and Feb. 18
3/24/2014	IC	3.5	Prepared an internal brief for the Further Revised Workplan analysis, including OEHHA memo and the Revised Workplan, and updating GeoTracker.
3/28/2014	IC	1	Discussed with Art regarding the call from Ravi and the further revised work plan review
4/17/2014	IC	1	Internal discussion with management regarding a draft response to the Further Revised Work Plan
4/29/2014	IC	1.5	Reviewed a response letter from counsel Richard Montevideo, and reassign the case
5/1/2014	IC	1	Discussed with newly assigned staff regarding his view on the well location and historical data

5/20/2014	IC	3	Participated in an internal meeting with upper-management regarding the May 22 meeting, discussed with staff regarding his view on the well relocation
5/22/2014	TC	4	Meeting with representatives and management, and pre-meeting with staff.
5/30/2014	IC	2.5	Communicated with staff regarding drafting a response for the further revised workplan, and edited it.
6/9/2014	IC	1.5	Reviewed staff's revised draft response for the further revised work plan dated on 2/18/2014, and commented
6/11/2014	IC	2.5	Internal meeting with uppermanagement, prepared the meeting
6/26/2014	IC	2	Internal meeting with state legal counsel and management
7/2/2014	IC	1	Reviewed staff's comments on the final draft response to Further Revised Work Plan
7/3/2014	IC	2	Responded to state legal counsel's questions on the final draft response to Further Revised Work Plan
9/4/2014	IC	2.5	Reviewed staff's initial draft for a summary for the 8/13, 2014 meeting with Ravi Arulanandham of Geosyntec, discussed with staff and then reviewed staff's revised draft.
Total Hours:		39.5	

228.75 TOTAL HOURS

Exhibit “22”



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 30, 2015

Mr. Richard Montevideo
Rutan & Tucker
620 Anton Blvd, Suite 1400
Costa Mesa, CA 92626

Mr. Carl Van Quathem
ALCA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: REGIONAL BOARD RESPONSE TO OCTOBER 10, 2014 LETTER FROM RUTAN & TUCKER, LLP CONTESTING SOIL AND GROUNDWATER INVESTIGATION TO CONFIRM THE PRESENCE OR ABSENCE OF PCE SOURCE IN EASTERN PORTION OF FOUNTAIN VINE PLAZA SITE

CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)

Dear Mr. Quathem and Mr. Montevideo:

The California Regional Water Quality Control Board, Los Angeles (Regional Board) has received and reviewed a letter dated October 10, 2014, prepared and submitted by Mr. Richard Montevideo on behalf of Mr. Carl Van Quathem of ALCA Properties requesting a no further action/closure (NFA/closure) letter for the entire Fountain Vine Plaza Site (Site). The October 10, 2014 letter responded to our letter dated September 17, 2014 that requested that ALCA Properties conduct some additional sampling of soil and groundwater to confirm the presence or absence of tetrachloroethylene (PCE) in the eastern portion of the Site.

Following are responses of the Regional Board staff to your October 10, 2014 letter:

In your letter you discuss the efforts you have made to obtain an NFA/closure letter for the Site. The Regional Board staff agrees that you have been making such efforts. You have continued to state that you would only accept an NFA/closure letter for soil and groundwater. As the Regional Board staff has indicated in various meetings and communications with your attorney and consultants (Geosyntec and Ami Adini & Associates), the investigation work is necessary to confirm whether groundwater has been impacted by the discharge of chlorinated solvents during dry cleaner/gas station activities at your Site.

In your letter you object to recent Regional Board invoices as excessive. We do not agree. We are a public agency that assigns staff to oversee sites and are required to recover the costs of such staff time. When staff leaves the agency it becomes necessary to assign new staff to the sites that person was assigned to oversee. The newly assigned staff must review the file to become familiar with the site. Some of the time spent by Mr. Zaidi was necessary to become

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

familiar with the Site, but much of it was necessary to prepare and participate in meetings with you and your representatives, to review many files and reports, to internally discuss the site with management, and to prepare responses. We understand that billing for the time needed for newly assigned staff to become familiar with a site could be perceived as unfair. But we do not agree that all that time or the time necessary to address your concerns was excessive. It is the Regional Board's responsibility to review and analyze all the available information and data for a site and its surroundings to assure protection of water quality and to prevent nuisance and must continue to do so even if staff leaves the agency. We are willing to review the time spent for staff to become familiar with the case and discuss whether it is appropriate to delete some of the charges. We are not willing, however, to delete the charges for time staff has been required to spend to address the recent issues. That time would be the same whether a new staff person was assigned or not. Those activities are subject to cost recovery and we expect payment for staff's time. We can provide you with daily logs that document the details of staff's activities.

In your letter you also express concerns that staff has inappropriately changed its views regarding the Site. Again, we do not agree. Staff has not changed views regarding the Site. The staff, including management, has been consistent in its agreement to issue an NFA letter for the soil at the Site, but the Regional Board has not agreed to issue an NFA for groundwater. When you requested an NFA letter for groundwater, it became necessary to further evaluate the Site to determine if an NFA letter for groundwater is appropriate. The Regional Board staff has spent many hours, as you have noted, reviewing the files and working with your consultants to determine the best course of action for the Site. Rather than a full-scale groundwater monitoring and assessment program, the staff has agreed at this time to a limited number of wells and sampling events to simply confirm whether the Site is a source of discharges of chlorinated solvents, primarily PCE, to the groundwater. The Site reportedly addressed at 1267-1269 Vine Street was the location of a dry cleaner that operated from 1955 through 1970, and a gas station from 1925 to 1928. In our experience, dry cleaners are well known for causing impacts to soil and groundwater. Given the Regional Board's responsibilities to protect water quality and prevent nuisance, including public health, it is necessary to require you to collect adequate information to assure that your Site has not polluted the groundwater. We urge you to complete the tasks as outlined in our letter of September 17, 2014.

We disagree with your statement that the letter of September 17, 2014 did not address how staff would deal with the information you collect. In that letter, we agreed to review and evaluate the requested information and other information for the Site and the neighboring site and consider at that time whether it is appropriate to issue an NFA/closure letter for the soil and groundwater at the Site. Given our responsibilities, we cannot agree in advance of what that determination will be, as you have requested. The detections of PCE in soil samples collected from 5 and/or 10 feet below ground surface (bgs) in 2005 borings AEI-B4, AEI-B3, AEI-B10, and AEI-B11 in the eastern portion of the site, as well as the occurrence of groundwater PCE hot spots centered at boring AEI-B3 (PCE 4,730 ug/L at 30 feet in July 2006) and centered at boring B32 (PCE 7,790 ug/L in April 2013), indicate the potential presence of dense non-aqueous phase liquid (DNAPL) in the saturated zone in the eastern portion of the Fountain Vine Plaza site, which must be confirmed by the investigation requested in our September 17, 2014 letter.

We also understand your concern regarding the neighboring Paragon site. The information in the file does not confirm that Paragon is the only source of groundwater impacts, but we agree that it is likely a significant source. We are pursuing actions by the responsible parties for the Paragon site to conduct the necessary actions to address the groundwater impacts.

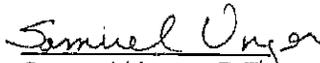
Mr. Carl Van Quathem
ALCA Properties

- 3 -

January 30, 2015

We would like to thank you for the work you have completed related to the site assessment. We continue to be available to discuss the Site and to reach agreement on how to move forward. If you have any questions regarding this project, please contact the project manager Mr. Mohammad Zaidi at (213) 576-6732, mzaidi@waterboards.ca.gov, or Dr. Kwang-il Lee at (213) 576-6734 or klee@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)
Mr. Richard Montevideo, Rutan & Tucker, LLP (Montevideo@rutan.com)
Mr. Ravi Arulanantham, Geosyntec
Mr. Syed Rehan

Exhibit “23”



Ernest G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

Los Angeles Regional Water Quality Control Board

January 22, 2015

Ms. Varty Mazlemian
Paragon Cleaners
1310 Vine Street
Los Angeles, CA 90028

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7012 3460 0002 9486 4138

SUBJECT: DRAFT CLEANUP AND ABATEMENT ORDER NO. R4-201X-XXX

**SITE: PARAGON CLEANERS, 1310 VINE STREET, LOS ANGELES, CA (SITE
CLEANUP PROGRAM NO. 1186, SITE ID NO. 2040215)**

Dear Ms. Mazlemian:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground water and surface water quality for all beneficial uses within major portions of Los Angeles County and Ventura County. The above-referenced site is situated within the jurisdiction of the Regional Board.

Enclosed please find draft Cleanup and Abatement Order No. R4-201X-XXX (Draft CAO), directing you to assess, monitor, and cleanup and abate wastes including volatile organic compounds (VOCs) that have been discharged to soil and groundwater at 1310 Vine Street, Los Angeles, California.

You are hereby invited to submit written comments and/or evidence regarding this Draft CAO. **Written submissions pertaining to this Draft CAO must be received by the Regional Board staff no later than 5:00 p.m. on February 23, 2015.** Thereafter, staff will prepare a response to comments, recommend appropriate modifications to the Draft CAO, and submit the materials to the Executive Officer of this Regional Board for his consideration. Oral hearings are rarely convened to consider CAOs. Therefore, please ensure that all evidence and comments that you wish staff and/or the Executive Officer to consider are included in your timely submittal.

If you have any questions regarding this matter, please contact Mr. Jeff Brooks at (213) 620-6070 (or jeff.brooks@waterboards.ca.gov) or Dr. Kwang Lee at (213) 576-6734 (or klee@waterboards.ca.gov).

Sincerely,


Paula Rasmussen
Assistant Executive Officer

Enclosure: Draft CAO R4-201X-XXX

CHARLES STANCOFF, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 6th St., Suite 210, Los Angeles, CA 90013 | www.waterboards.ca.gov/la/arcules

Electronic copy:

Ms. Taline Mazlemian, Paragon Cleaners (talinem@mac.com)

Mr. Richard Montevideo, Rutan & Tucker, LLP (rmontevideo@rutan.com)

Mr. Carl Van Quathem, ALCA Properties, Ltd. (cvq.cei@gmail.com)

Mr. Ravi Arulanantham, Geosyntec Consultants (rarulanantham@geosyntec.com)

Mr. Ami Adini, Ami Adini and Associates, Inc. (amia@amiadini.com)

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

CLEANUP AND ABATEMENT ORDER NO. R4-201X-XXX
REQUIRING

MS. VARTY MAZLEMIAN

TO ASSESS, CLEANUP, AND ABATE
WASTE DISCHARGED TO WATERS OF THE STATE
(PURSUANT TO CALIFORNIA WATER CODE SECTION 13304)

AT THE PARAGON CLEANERS FACILITY
1310 VINE STREET, LOS ANGELES, CALIFORNIA 90028
(SITE CLEANUP PROGRAM NO. 1186 AND SITE ID NO. 2040215)

This Cleanup and Abatement Order No. R4-201X-XXX (Order) is issued to Ms. Varty Mazlemian based on provisions of California Water Code (CWC) sections 13304 and 13267, which authorize the Regional Water Quality Control Board, Los Angeles Region (Regional Board) to issue a Cleanup and Abatement Order and require the submittal of technical and monitoring reports.

The Regional Board finds that:

BACKGROUND

1. **Discharger:** Ms. Varty Mazlemian (hereinafter referred to as Discharger) is a Responsible Party (RP) due to her: (a) ownership of the property located at 1310 Vine Street, Los Angeles, California (Site) and (b) prior operation of a dry cleaning facility at the Site that resulted in the discharge of wastes, including volatile organic compounds (VOCs), such as tetrachloroethene (PCE), to the environment.

As detailed in this Order, the Discharger has caused or permitted waste to be discharged or deposited where it is, or probably will be discharged into the waters of the state which creates, or threatens to create, a condition of pollution or nuisance.

2. **Location:** The Site is located at 1310 Vine Street, Los Angeles, California (Assessor's Parcel Number [APN] 5546-020-013). Attachment A, Figure 1, Site Vicinity Map, attached hereto and incorporated herein by reference, depicts the location of the Site. Additionally, Figure 2,

Site Layout, of Attachment A, also attached hereto and incorporated herein, depicts historical and current site features.

The Site contains a small paved parking lot and a commercial building, and is located at the northeastern corner of the intersection of Vine Street and Fountain Avenue. The adjacent property to the east is occupied by a residential building, and the adjacent property to the north contains a commercial building. Commercial buildings reside across Vine Street to the west of the site, and commercial buildings reside across Fountain Avenue to the south of the site.

3. **Groundwater Basin:** The Site is located in the Hollywood Groundwater Subbasin within the Los Angeles Groundwater Basin of the Los Angeles Coastal Plain of Los Angeles County. As set forth in the *Water Quality Control Plan - Los Angeles Region* (Basin Plan), which was adopted on June 13, 1994, the Regional Board has designated beneficial uses for groundwater among which include Municipal and Domestic drinking water supplies (MUN) in the Hollywood Subbasin and has established water quality objectives for the protection of these beneficial uses.

SITE HISTORY

4. **Site Description and Activities:** The Site is an approximately 0.27-acre property owned by Ms. Varty Mazlemian.

A dry cleaners facility has occupied the Site for approximately 53 years, and is currently in operation.

From 1961 to 2006, dry cleaning operations with the use of PCE were conducted at the Site. The usage of PCE in dry cleaning operations was halted in 2007. The dry cleaning machine is located in the northeastern quadrant of the existing site commercial building. Dry cleaning chemicals were also stored in the northeastern quadrant of the existing commercial building.

5. **Chemical Usage and Storage:** Based on technical reports and other records available in the Regional Board's files for the Site:
 - a. The dry cleaning facility has stored and used PCE at the site.

EVIDENCE OF WASTE DISCHARGE AND BASIS FOR SECTION 13304 ORDER

6. **Waste Discharges:** Site investigations conducted at the Site since 2005 indicate waste discharges to soil and groundwater have occurred at the Site. The Site investigations

involved soil borings for soil and soil gas sampling and groundwater monitoring well installations for groundwater sampling and monitoring.

In 2005, limited environmental assessment activities were conducted at the Site. PCE was detected in soil (soil boring B-2, 5 feet below the ground surface [bgs]) at a maximum concentration of 744 micrograms per kilogram [$\mu\text{g}/\text{kg}$].

In 2008, additional environmental assessment activities were conducted at the site. PCE was detected above the California Human Health Screening Levels (CHHSLs) at a maximum concentration of 2,600 micrograms per liter ($\mu\text{g}/\text{L}$) in soil vapor in vapor probe SG-2 (sub-slab); and PCE was detected at a maximum concentration of 567 $\mu\text{g}/\text{kg}$ in soil (soil boring W-2, at 25 feet bgs). PCE was detected above the Division of Drinking Water of the State Water Resources Control Board (hereafter the State Water Resources Control Board is referred to as the State Water Board) maximum contaminant level (MCL, 5 $\mu\text{g}/\text{L}$) at a maximum concentration of 2,400 $\mu\text{g}/\text{L}$ in groundwater monitoring well W-2.

During 2009 groundwater monitoring activities PCE was detected in site groundwater at a maximum concentration of 10,800 $\mu\text{g}/\text{L}$ (well W-2).

7. **Source Elimination and Remediation Status:** The following source removal activities have been completed at the Site:
- a. In 2006, the usage of PCE in dry cleaning operations was reported to have ceased at the site.
 - b. Based on records in the Regional Board files, the Site has not been remediated.

8. **Summary of Findings from Subsurface Investigations**

The Regional Board has reviewed and evaluated the technical reports and records pertaining to the discharge, detection, and distribution of wastes at the Site and the Site vicinity. Elevated levels of VOCs including PCE have been detected in soil, soil vapor and groundwater beneath the Site.

- a. Waste constituents were detected in the soil in source areas at the Site, indicating historical discharges have occurred onsite.
- b. PCE was detected in the soil near the former dry cleaning machine and drum storage areas. The maximum concentration of PCE detected in the soil was 744 $\mu\text{g}/\text{kg}$ at boring (B-2), near the former dry cleaning machine. The concentrations of PCE in the soil

matrix (maximum of 744 $\mu\text{g}/\text{kg}$) exceed the Regional Board's soil screening levels (SSLs, from the Regional Board 1996 *Interim Site Assessment Guidebook*) for the soil type beneath the Site, posing a threat to groundwater quality.

- c. The maximum soil vapor PCE concentration of 2,600 $\mu\text{g}/\text{L}$ was detected in the sub-slab soil vapor sample collected at SG-2, located inside the dry cleaner building. The concentrations of PCE in soil vapor at the site exceed the commercial/industrial CHHSL (0.60 $\mu\text{g}/\text{L}$ for sites without engineered fill below sub-slab gravel) by several orders of magnitude.
- d. The maximum concentration of PCE detected in the groundwater beneath the Site is 10,800 $\mu\text{g}/\text{L}$. The concentrations of PCE in the groundwater at the site exceed the Division of Drinking Water of the State Water Board MCL of 5 $\mu\text{g}/\text{L}$ for PCE by up to several orders of magnitude.

9. Regulatory Status:

- a. The Regional Board issued an investigative order pursuant to the CWC section 13267 on March 27, 2008 directing the Discharger to submit a technical report that describes activities completed to adequately assesses the Site, including required complete delineation of the vertical and lateral extent of the wastes. The Discharger was required to submit the technical report by December 5, 2008. The Regional Board received the required technical report on December 5, 2008, but the Site was not fully assessed.
- b. The Regional Board issued a second investigative order pursuant to CWC section 13267 on January 30, 2009 directing the Discharger to implement a quarterly groundwater monitoring program. The Discharger was required to submit quarterly groundwater monitoring reports, fifteen days after the end of each quarter, with the first report due on April 15, 2009. However, the Discharger requested an extension, which the Regional Board approved on April 14, 2009, and the first report deadline was extended to July 15, 2009. The Discharger submitted a groundwater monitoring report to the Regional Board on July 9, 2009. The last groundwater monitoring report submitted by the Discharger to the Regional Board was on October 15, 2009. Additional reports have not been submitted by the Discharger to the Regional Board since October 2009. On November 30, 2009, the Discharger informed the Regional Board that due to financial hardships, monitoring and remediation could not continue at the Site.
- c. The Regional Board issued a Requirement for Submission of Financial Data on December 17, 2009, requiring the submittal of financial documents by January 29, 2010. The Regional Board received the required financial documents on January 29, 2010. On

December 26, 2013, the Regional Board again requested the Discharger to submit financial information for a financial hardship claim made by the Discharger in 2013. The Regional Board has received the requested financial documents. The requested financial documents were sent to the State Water Board for review.

10. **Impairment of Drinking Water Wells:** The Regional Board has the authority to require the Discharger and other dischargers to pay for or provide uninterrupted replacement water service to each affected public water supplier or private well owner in accordance with CWC Section 13304.
11. **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

12. 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.”

13. 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. . .”

14. 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.”

15. Public Participation: The Regional Board may require the Discharger to submit a Public Participation Plan or engage in other activities to disseminate information and gather community input regarding the site, as authorized by CWC Sections 13307.1, 13307.5, and 13307.6.

16. The State Water 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 or cleanup of a polluted site and requires that cleanup levels be consistent with State Water 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 Water Board.

17. The Regional Board adopted the *Water Quality Control Plan - Los Angeles Region* (Basin Plan) identifies beneficial uses and establishes water quality objectives to protect those uses. The Site overlies groundwater within the Hollywood Subbasin. The beneficial uses of the groundwater beneath the Site are municipal (MUN), industrial service supply (IND), industrial process supply (PROC), 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. The concentrations of PCE in groundwater at the Site exceed the water quality objectives for the wastes. The exceedance of applicable water quality objectives in the Basin Plan constitutes pollution as defined in Water Code section 13050(1)(1). The wastes detected in groundwater, soil, and soil vapor at the Site have caused and threaten to continue to cause pollution, including contamination, and nuisance at and adjacent to the site.

DISCHARGER LIABILITY

18. PCE and other constituents discharged at the Site constitute "waste" as defined in Water Code section 13050(d).
19. 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.
20. 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 site workers through direct contact exposure to contaminated soil and/or groundwater or through vapor intrusion into indoor air. The Discharger, as the owner of a property and operator of a historical facility on the property, is responsible for complying with this Order.
21. This Order requires investigation and cleanup of the Site in compliance with the Porter-Cologne Water Quality Control Act (CWC §§13000 et seq.), the applicable Basin Plan, State Water Board Resolution 92-49, and other applicable plans, policies, and regulations.
22. As described in Findings in this Order, the Discharger is subject to an order pursuant to CWC 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 is or was owned and/or operated by the Discharger named in this Order, 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

23. 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 a 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.
24. 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 Executive Officer's approval of the applicable plan.
25. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring dischargers to clean up the groundwater to meet drinking water standards.

26. 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.
27. 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

or will be provided upon request.

REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED, pursuant to section 13304 and 13267 of the CWC, that the Discharger shall investigate, cleanup the waste and abate the effects of waste forthwith discharging at and from 1310 Vine Street, Los Angeles, 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. Develop and Submit a Site Assessment Work Plan to Assess, Characterize and Delineate the Extent of Wastes in Soil, Soil Gas, and Groundwater, including a Preliminary Human Health Risk Assessment:**
 - a. Fully assess and characterize and completely delineate the vertical and horizontal extent of wastes onsite and offsite in the soil matrix, soil vapor, and groundwater, including VOCs, such as PCE, and any other waste constituents from the Site.
 - b. Install additional groundwater monitoring wells downgradient to the source areas at the Site to define the leading edge of the VOC plume(s).
 - c. Conduct a preliminary human health risk assessment for onsite and offsite contaminations.

- d. Include a time schedule for implementation of the Site Assessment Work Plan within the Plan.
 - e. Upon Executive Officer approval of the Site Assessment Work Plan(s), implement the Work Plan(s) in accordance with the approved time schedule.
 - f. Completion of the site assessment may require multiple work plans.
 - g. All groundwater assessment/investigation reports shall include summary tables and iso-concentration maps (including cross-section[s] with soil lithology and plan view) at the least for primary waste constituents where there are sufficient data points for the investigated area(s).
2. **Develop and Submit a Conceptual Site Model:** The Conceptual Site Model (CSM) should include a written presentation with graphic illustrations of discharge scenario, geology and hydrogeology, waste fate and transport in soil matrix, soil gas and groundwater, distribution of wastes, exposure pathways, sensitive receptors and other relevant information. The CSM shall be constructed based upon actual data collected from the Site.

The CSM shall include the results of a preliminary human health risk assessment (HHRA), considering all waste constituents in the soil matrix, soil gas and groundwater, all exposure pathways and sensitive receptors. The CSM shall be updated and submitted upon request by the Regional Board as new information becomes available.

If interpretation of the CSM suggests that assessment, characterization and delineation of waste constituents is incomplete, you shall prepare and submit a work plan to complete assessment and characterization of VOCs 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.

3. **Conduct Remedial Action:** Implement a cleanup and abatement program for the cleanup of wastes in the soil matrix, soil vapor, and groundwater and the abatement of the effects of the discharges of waste on beneficial uses of water. Specifically, you shall:
- A. Develop an Interim Remedial Action Plan (IRAP) and a comprehensive Remedial Action Plan (RAP) for cleanup of wastes in the soil matrix, soil vapor and groundwater originating from the Site and submit it for Regional Board review and approval. The IRAP and comprehensive RAPs 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. Alternative cleanup levels for groundwater shall not exceed water quality objectives in the Basin Plan, including California's MCLs and Notification Levels for drinking water as established by the Division of Drinking Water of the State Water Board. Alternative cleanup levels for soil and soil vapor shall not exceed levels that will result in groundwater exceeding water quality objectives in the Basin Plan, including California's MCLs and Notification Levels for drinking water as established by the Division of Drinking Water of the State Water Board.
- 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 waste constituents present, economic and temporal feasibility, and immediate and/or future beneficial results.
- iv. Estimation of cumulative mass of wastes to be removed with the selected method. Include all calculations and methodology used to obtain this estimate.
- v. A proposed time schedule for completion of the IRAP and RAP.

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

- a. Soil cleanup levels for VOCs 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 United States Environmental Protection Agency (USEPA) Region IX's Regional Screening Levels (RSLs).
- c. Protection from vapor intrusion and protection of indoor air quality based on the California EPA's 2010 (or later version) California Human Health Screening Levels (CHHSLs). Soil vapor sampling requirements are stated in the Department of Toxic Substances Control (DTSC) and Regional Board 2012 *Advisory - Active Soil Gas*

Investigations, and the DTSC 2011 (or latest version[s]) *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*.

Revisions to or additional IRAPs and/or RAPs may be needed if the implemented remedial measure(s) does not completely achieve all Site cleanup goals.

- B. Upon Regional Board approval of the IRAP and comprehensive RAP, you shall implement the IRAP and 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.
 - D. Upon completion of implementation of the IRAP(s) or RAP(s) or reaching the limits of approved remedial actions, submit Remedial Action Confirmation Work Plans/Reports or a Remediation Completion Report according to the schedule specified by the Executive Officer.
4. **Conduct Groundwater Monitoring:** Implement a quarterly groundwater monitoring program as set forth in the Monitoring and Reporting Program (Attachment C). The first quarterly groundwater monitoring report shall be due by **July 15, 2015**.
 5. **Time Schedule:** The Discharger shall submit all required work plans and reports and complete work 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.
 6. 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.
 7. **Contractor/Consultant Qualification:** As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California registered professional engineer or geologist and signed by

- the registered professional. All technical reports submitted by the Discharger shall include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to his knowledge, the report is true, complete, and accurate. All technical documents shall be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.
8. 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.
 9. 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 a 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.
 10. 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 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.
 11. 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.
 12. 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.

13. 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.
14. 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.
15. 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.
16. A Public Participation Plan shall be prepared and submitted according to the schedule specified in Attachment B and/or updated when directed by the Executive Officer as necessary to reflect the degree of public interest in the investigation and cleanup process.
17. The Regional Board, under the authority given by CWC 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.”
18. The State Water Board adopted regulations requiring the electronic submittals of information over the internet using the State Water Board GeoTracker data management system. You are required to comply by uploading all reports and correspondence on to the GeoTracker data management system. The text of the regulations can be found at the URL:

http://www.waterboards.ca.gov/ust/cleanup/electronic_submittal

19. Failure to comply with the terms or conditions of this Order may result in imposition of 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.
20. 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.

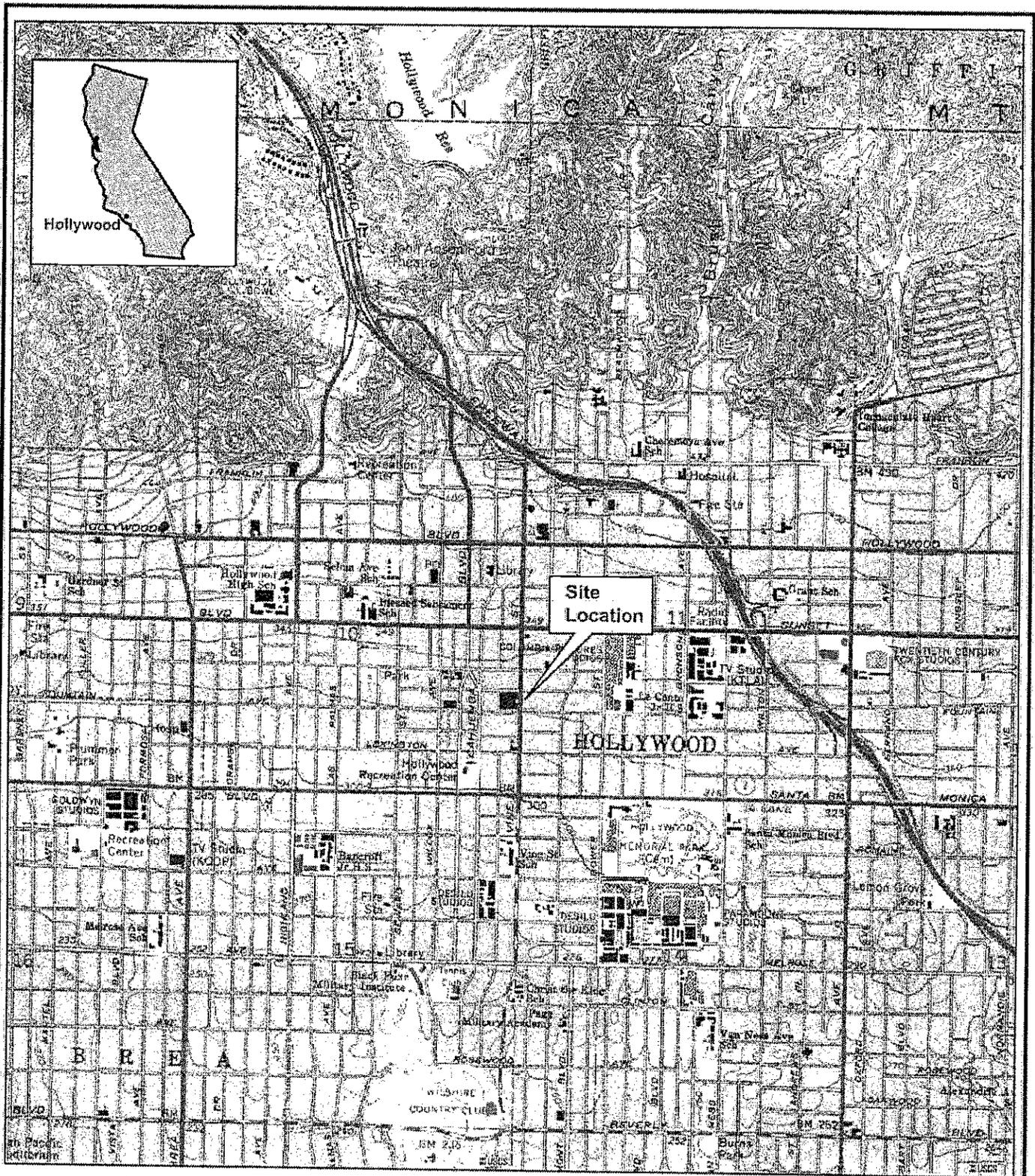
Ordered by: _____

Samuel Unger, P.E.
Executive Officer

Date:

ATTACHMENT A (MAPS)

FIGURE 1: SITE VICINITY MAP



IRIS ENVIRONMENTAL
 2361 Campus Drive, Suite 250
 Irvine, California 92612
 (949)724-8900

Site Vicinity Map
 Paragon Cleaners
 1310 Vine Street
 Hollywood, California

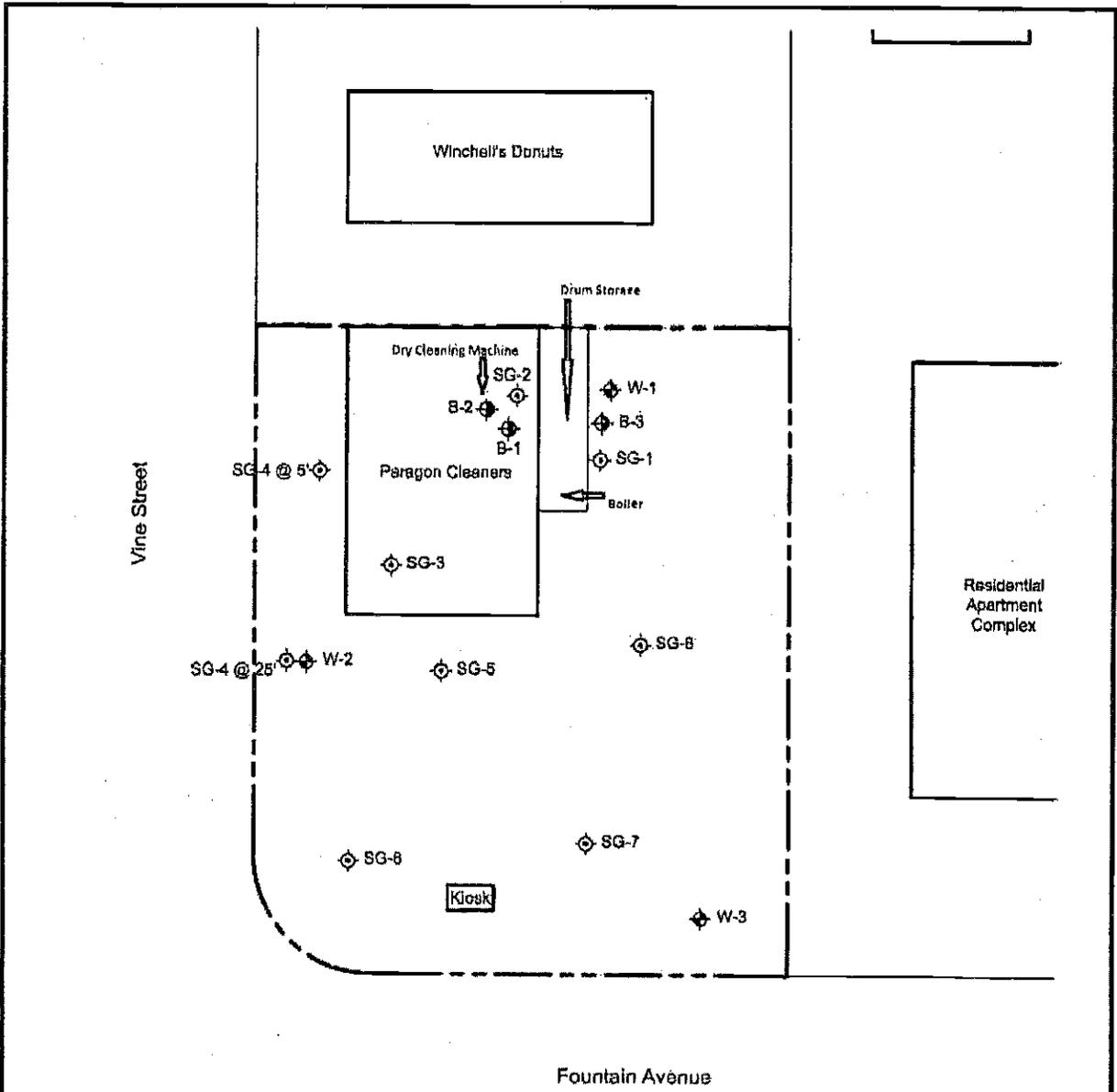
Figure
1

Drafter: EC

Date: 12/01/08

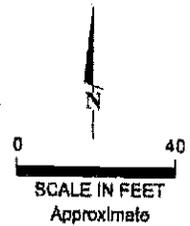
Contract Number: 08-613-A

FIGURE 2: SITE LAYOUT



Explanation

- ◆ Groundwater monitoring well location
- ◇ Soil gas boring location (Iris Environmental, November 2006)
- ⊕ Soil boring location (DCI Services, 2005)
- - - Property line



H:\CADD\08-613-A\DWG\envs\envs.dwg

<p>IRIS ENVIRONMENTAL 2381 Campus Drive, Suite 250 Irvine, California 92612 (949)724-8900</p>	<p>Site Layout Paragon Cleaners 1310 Vine Street Hollywood, California</p>	<p>Figure 2</p>
<p>Drafter: EC</p>	<p>Date: 12/05/08</p>	<p>Contract Number: 08-613-A</p>

ATTACHMENT B: TIME SCHEDULE

DIRECTIVE		DUE DATE
1.	Complete Assessment and Delineation of Waste Discharge:	
1a	<p>Prepare and submit a Site Assessment and Preliminary Human Health Risk Assessment Work plan including a schedule for fully assessing and completing delineation of the horizontal and vertical extent of wastes, including VOCs and other waste constituents in the soil matrix, soil vapor, and groundwater onsite and offsite.</p> <p>Implement the Site Assessment Work Plan according to the approved schedule.</p> <p>Upon completion of implementation of the approved Site Assessment Work plan, submit a Site Assessment Report.</p>	<p>May 15, 2015</p> <p>According to the schedule approved by Executive Officer</p> <p>According to the schedule approved by Executive Officer</p>
1b	Multiple Site Assessment Work Plans may be required to complete assessment of and fully delineate waste discharge	Within 60 days of receiving directives from Regional Board
2.	Develop a Site Conceptual Model:	
2a	<p>Prepare and submit a Conceptual Site Model which provides details on and illustrates waste discharge scenario, geology and hydrogeology, waste constituent fate and transport in soil, soil gas and groundwater, distribution of waste constituents, exposure pathways, sensitive receptors and other relevant information.</p> <p>Include a preliminary human health risk assessment (HHRA), considering all waste constituents in the soil matrix, soil gas and groundwater, all exposure pathways and sensitive receptors.</p> <p><i>[Note that the Regional Board may require revisions to the Site Conceptual Model as necessary to complete the Model.]</i></p>	<p>Within 60 days of receiving directives from Regional Board</p> <p>Within 60 days of receiving directives from Regional Board</p>

3.	Conduct Remedial Action:	
3a	<p>Submit an Interim Remedial Action Plan (IRAP) for cleanup of wastes in soil, soil vapor and groundwater that includes a time schedule for implementation.</p> <p>Implement the Interim Remedial Action Plan (IRAP)</p> <p>Upon completion of implementation of the IRAP, submit a Remedial Action Summary Report.</p>	<p>May 15, 2015</p> <p>According to the schedule approved by Executive Officer</p> <p>According to the schedule approved by Executive Officer</p>
3b	<p>Submit a comprehensive Remedial Action Plan (RAP) for cleanup of remaining wastes in soil, soil vapor and groundwater that includes a time schedule for implementation.</p> <p>Implement the Remedial Action Plan (RAP)</p> <p>Upon completion of implementation of the RAP, submit a Remedial Action Completion Report.</p>	<p>Within 60 days of receiving directives from Regional Board</p> <p>According to the schedule approved by Executive Officer</p> <p>According to the schedule approved by Executive Officer</p>
3c	<p>Multiple Remedial Action Plans (RAPs) may be required to implement multiple remedial measures to achieve all Site cleanup goals.</p>	<p>Within 60 days of receiving directives from Regional Board</p>
4	<p>Prepare and submit a Public Participation Plan</p>	<p>May 15, 2015 – according to directives from Executive Officer</p>

ATTACHMENT C

MONITORING AND REPORTING PROGRAM FOR CLEANUP AND ABATEMENT ORDER NO. R4-2015-XXX

This Monitoring and Reporting Program is part of Cleanup and Abatement Order No. R4-201X-XXX (CAO). Failure to comply with this program constitutes noncompliance with the CAO and California Water Code, which can result in the imposition of civil monetary liability. All sampling and analyses shall be by USEPA approved methods. The test methods chosen for detection of the constituents of concern shall be subject to review and concurrence by the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board).

Laboratory analytical reports to be included in technical reports shall contain a complete list of chemical constituents which are tested for and reported on by the testing laboratory. In addition, the reports shall include both the method detection limit and the practical quantification limit for the testing methods. All samples shall be analyzed within allowable method holding time(s). All quality assurance/quality control (QA/QC) samples must be run on the same dates when samples were actually analyzed. Proper chain of custody procedures must be followed and a copy of the completed chain of custody form shall be submitted with the report. All analyses must be performed by a Division of Drinking Water (of the State Water Board) accredited laboratory.

The Regional Board's Quality Assurance Project Plan, September 2008, can be used as a reference and guidance for project activities involving sample collection, handling, analysis and data reporting. The guidance is available on the Regional Board's web site at:

http://www.waterboards.ca.gov/rwqcb4/water_issues/programs/remediation/Board_SGV-SFVCleanupProgram_Sept2008_QAPP.pdf

GROUNDWATER MONITORING

The Discharger shall collect groundwater samples from groundwater monitoring wells installed for the purpose of site investigation and monitoring. Any monitoring wells installed in the future shall be added to the groundwater monitoring program and sampled quarterly. The groundwater surface elevation (in feet above mean sea level [MSL]) in all monitoring wells shall be measured and used to determine the gradient and direction of groundwater flow. The following shall constitute the monitoring program for groundwater.

Constituent	EPA Method
Volatile organic compounds (full scan)	EPA 8260B
Temperature	Field*
pH	Field*
Electrical Conductivity	Field*
Dissolved oxygen	Field*
Oxidation-Reduction Potential (ORP)	Field*
Turbidity	Field*

*Field - To be measured in the field.

REMEDIATION SYSTEMS

Reports on remediation systems shall include the following information regarding the site remediation systems:

1. Maps showing location of all remediation wells and groundwater monitoring wells, if applicable;
2. Status of each remediation system including amount of time operating and down time for maintenance and/or repair;
3. The report shall include tables summarizing the operating and performance parameters for the remediation systems; and
4. System inspection sheets shall document field activities conducted during each Site visit and shall be included in the quarterly reports.

MONITORING FREQUENCIES

Specifications in this monitoring program are subject to periodic revisions. Monitoring requirements may be modified or revised by the Executive Officer based on review of monitoring data submitted pursuant to this Order. Monitoring frequencies may be adjusted or parameters and locations removed or added by the Executive Officer if Site conditions indicate that the changes are necessary.

REPORTING REQUIREMENTS

1. The Discharger shall report all monitoring data and information as specified herein. Reports that do not comply with the required format will be REJECTED and the Discharger shall be deemed to be in noncompliance with the Monitoring and Reporting Program.

2. Quarterly groundwater monitoring reports shall be submitted to the Regional Water Board according to the schedule below. The first quarterly groundwater monitoring report shall be due by **July 15, 2015**.

<u>Monitoring Period</u>	<u>Report Due</u>
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

Groundwater monitoring reports shall include a contour map showing groundwater elevations at the Site and the groundwater flow direction. The quarterly groundwater monitoring reports shall include tables summarizing the historical depth-to-water, groundwater elevations and historical analytical results for each monitoring well. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported to the Regional Water Board. Field monitoring well sampling sheets shall be completed for each monitoring well sampled and included in the report.

3. If remediation is conducted, quarterly remediation progress reports shall be submitted to the Regional Water Board according to the schedule below.

<u>Monitoring Period</u>	<u>Report Due</u>
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

Remediation progress reports shall include an estimate of the cumulative mass of contaminant removed from the subsurface, system operating time, the effectiveness of the remediation system, any field notes pertaining to the operation and maintenance of the system and, if applicable, the reasons for and duration of all interruptions in the operation of any remediation system and actions planned or taken to correct and prevent interruptions.

4. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with Regional Board requirements. All data shall be submitted in electronic form in a form acceptable to the Regional Water Board.

Exhibit “24”

January 26, 2015

VIA ELECTRONIC MAIL

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
sunger@waterboards.ca.gov

Re: 1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza) – Objections to Past Due Notices Concerning Invoice Nos. 87966 and 89396

Dear Mr. Unger:

Enclosed please find two recent "First Past Due Notices" sent to Mr. Carl Van Quatham of ALCA Properties, Ltd. ("ALCA" – the owner of the Fountain-Vine Plaza Property), concerning the Los Angeles Regional Water Quality Control Board's ("Regional Board") oversight of the assessment of the subject property.

The purpose of this letter is to reiterate ALCA's objections to Invoice Nos. 87966 and 89396, both of which are the subject of the two past due invoices (the objections were initially made in prior correspondence to you dated October 10 and November 25, 2014, and in ALCA's recent Petition for Review to the State Water Board). In sum, ALCA continues to object to the subject invoices, and now the two Past Due Notices on the following grounds:

- 1) The alleged oversight work was unnecessary and improper, and the invoices are arbitrary and capricious, as explained in the prior correspondence dated October 10 and November 25, 2014, and in the Petition for Review to the State Board.
- 2) The invoices referenced in the Past Due Notices fail to contain "sufficient detail" of the work conducted, as required by law. Specifically, Water Code section 13365(c)(2)(C) requires that all such invoices contain "a daily detail of work performed and time spent by each employee and contractor employee." Here, neither the invoices in question, nor the Past Due Notices, provide the required "daily detail" of the work performed.
- 3) Both, the alleged oversight work and amount of time expended in the invoices, are objectionable, as the work performed was unnecessary and arbitrary, and the amount of time excessive. (See prior objections.)
- 4) The oversight work was not incurred and billed in accordance with Water Code section 13365(d). Under that section, a regional board is only permitted to change

Samuel Unger
January 26, 2015
Page 2

the scope of work or services it is providing based upon "new information regarding the extent of contamination of the site, and only after providing written notice of change to the responsible party containing the information specified in paragraph (1) of subdivision (c)," i.e., only after "a detailed estimate of the work to be performed and services provided, including a statement of the expected outcome of that work, based on data available to the agency at the time," along with "an estimate of all expected charges to be billed to the responsible party by the agency ..." has been provided to the PRP. None of the invoices in question, including the most recent Past Due Notices, reflect work that was conducted based on a "detailed estimate of the work performed or services provided, including a statement of expected outcome."

- 5) As explained in our letters of October 10 and November 25, 2014, and in the Petition for review, your office has consistently shifted its position and changed the "scope of the work or service, type of studies, or other tasks to be performed," but did so without having based its decision on "new information regarding the extent of the contamination of the site." (See Water Code § 13365(d).) As such, not only were these actions arbitrary, they were similarly contrary to the express mandates of law. Because the oversight costs purportedly incurred are largely costs incurred after the Regional Board insisted upon changes in the scope of work and studies being demanded of ALCA, but which were not based on any "new information regarding the extent of the contamination of the site," all such time is objectionable and contrary to law.
- 6) In our letter to you dated November 25, 2014, ALCA specifically requested that the Regional Board "provide to this office copies of all time records and other materials supporting each of the first three quarters of invoices sent to ALCA for 2014." (November 25, 2014 Letter to your office, p. 3.) Water Code section 13265(e)(3) requires that your office respond to such requests within a reasonable period of time, "not to exceed 30 working days from the date of receipt of a request." In spite of the fact that it has now been well over 30 working days since this request was made to your office, the Regional Board has failed to comply with this statutory obligation and provide "copies of time records and other materials supporting" the invoices in issues. The "Past Due Notices" are inappropriate.
- 7) Finally, according to each of the Past Due Notices, disputed charges that cannot be resolved with the program manager are to be discussed with you, "the Executive Officer of the Regional Board." ALCA thus reiterates its request for your office to address each of the objections set forth above, in the prior communications and the

Samuel Unger
January 26, 2015
Page 3

Petition for Review to the State Board, and that it do so before your office issues any additional Past Due Notices.

Thank you for your attention to the above and please do not hesitate to contact the undersigned should you have any questions with respect to any of these matters.

ALCA respectfully requests that all of the invoices issued for the 2014 calendar year be withdrawn, including the recent Past Due Notices.

Respectfully submitted,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:paj
Enclosures

cc: Jeannette L. Bashaw, Legal Analyst, State Water Resources Control Board
Dr. Arthur Heath, LARWQCB
Mr. Carl Van Quathem, ALCA Properties, Ltd.
Ami Adini, Ami Adini & Associates, Inc.
Ravi Arulanantham, Ph.D, Principal, Geosyntec Consultants



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

January 9, 2015

Carl Van Quathem
Responsible Party No.: 2030
Attn: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles, CA 90066

FIRST PAST DUE NOTICE

SITE CLEANUP PROGRAM: INVOICE NO. 89396, ACCOUNT NO. 2040235, FOR SITE ADDRESS: 1253 NORTH VINE STREET

Per California Water Code section 13365, you were sent an invoice for oversight costs for the site listed above. A summary of the invoice is enclosed for your reference. Our records indicate that payment has not been received. Therefore, your account is considered past due.

You must submit payment immediately to prevent further collection action. To ensure proper crediting of your account, include the invoice number on your check. If paying multiple invoices, all invoice numbers must be listed on your check.

Mail payment to:

State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

If you have any questions or need a copy of the original invoice, please contact us at SiteCleanup@waterboards.ca.gov or (916) 341-5643.

Sincerely,

Site Cleanup Program
Division of Administrative Services

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov



STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 9/30/2014

Date: 11/6/2014
Regional Board: Los Angeles

Account Number: 2040235
Invoice Number: 89396

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles, CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA

<i>Invoice Amount:</i>	\$8,167.90
<i>Payments Received:</i>	\$0.00
BALANCE DUE	\$8,167.90

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath at (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or email us at SiteCleanup@waterboards.ca.gov.

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030 Account #: 2040235 Invoice #: 89396 Amount Due: \$8,167.90

SEND PAYMENTS TO: State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

Please allow 15 business days after mailing for your payment to be posted to the database.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

December 12, 2014

Carl Van Quathem
Responsible Party No.: 2030
Attn: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles, CA 90066

FIRST PAST DUE NOTICE

SITE CLEANUP PROGRAM: INVOICE NO. 87966, ACCOUNT NO. 2040235, FOR SITE ADDRESS: 1253 NORTH VINE STREET

Per California Water Code section 13365, you were sent an invoice for oversight costs for the site listed above. A summary of the invoice is enclosed for your reference. Our records indicate that payment has not been received. Therefore, your account is considered past due.

You must submit payment immediately to prevent further collection action. To ensure proper crediting of your account, include the invoice number on your check. If paying multiple invoices, all invoice numbers must be listed on your check.

Mail payment to:

State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

If you have any questions or need a copy of the original invoice, please contact us at SiteCleanup@waterboards.ca.gov or (916) 341-5643.

Sincerely,

Site Cleanup Program
Division of Administrative Services

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 6/30/2014

Date: 9/29/2014
Regional Board: Los Angeles

Account Number: 2040235
Invoice Number: 87966

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTN: Carl Van Quathem
11356 Nutmeg Ave.
Los Angeles, CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA

Invoice Amount:	\$19,880.28
Payments Received:	\$0.00
BALANCE DUE	\$19,880.28

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

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TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030 Account #: 2040235 Invoice #: 87966 Amount Due: \$19,880.28

SEND PAYMENTS TO: State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

Please allow 15 business days after mailing for your payment to be posted to the database.