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CHEVRON ENVIRONMENTAL
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8
9 STATE WATER RESOURCES CONTROL BOARD

10 STATE OF CALIFORNIA

11
12 In the Matter of the Los Angeles Regional
Water Quality Control Board's February 13,
13 2015, Report Review Comments and
Requirements For Additional Subsurface
14 Investigations, Pursuant to California Water
Code Section 13267 Order, Issued to
15 CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY and
16 Requiring Certain Action Related to the
Former Texaco Cypress Fee Property, 3000
17 90th Street, Inglewood, California (SCP No.
0084, Site ID No. 2040200).

PETITION NO.

**CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY'S
PETITION FOR REVIEW, REQUEST
FOR A HEARING, AND REQUEST FOR
STAY**

18
19 **I. PETITION FOR REVIEW**

20 Pursuant to California Water Code section 13320 and Title 23 of the California
21 Code Regulations ("CCR") sections 2050 *et seq.*, Petitioner Chevron Environmental
22 Management Company, a California corporation ("Chevron EMC" or "Petitioner"), hereby
23 petitions the State Water Resources Control Board ("State Board") for review of the Report
24 Review Comments and Requirements For Additional Subsurface Investigations ("Directive")
25 issued by the Regional Water Quality Control Board, Los Angeles Region ("Regional
26 Board") on February 13, 2015, requiring certain actions related to the Former Texaco Cypress
27 Fee Property, 3000 90th Street, Inglewood, California (SCP No. 0084, Site ID No. 2040200)
28 ("the Site"). Petitioner requests that the Directive be rescinded. Petitioner further requests

1 that the Directive be stayed and requests a hearing in this matter.

2 As is discussed in greater detail below, the Directive violates State Board
3 Resolution 92-49 because it requires Chevron EMC to perform substantial additional
4 groundwater investigation at the Site despite the fact that the record demonstrates “a
5 substantial likelihood of achieving compliance, within a reasonable time frame, with cleanup
6 goals and objectives.” (State Board Resolution No. 92-49 at p. 5.)

7 The Directive also violates State Board Resolution No. 92-49 because it fails to
8 consider the financial burden of its requirements (estimated to be in excess of \$1,590,000)
9 and it has failed to support its conclusion that the costs of the required work bear a reasonable
10 relationship to any benefit that could be obtained.

11 The Directive requires Chevron EMC to perform additional groundwater
12 assessment, purportedly to “refine [Chevron EMC’s September 2014, Site Conceptual Model
13 submitted by AECOM]¹ and assist in closing the remaining data gaps and determining
14 feasible groundwater remedial actions at the [S]ite.” Specifically, the Directive requires the
15 installation of five multiple-depth groundwater monitoring wells within the deeper aquifer
16 zones at or in the proximity of monitoring wells MW-5, MW-7, MW-14, MW-20, and MW-
17 21² to “confirm the most recent groundwater grab sampling results and monitor changes of
18 groundwater impacts. The wells at MW-5 and MW-7 must include “screened intervals
19 designed and constructed to span . . . present and future anticipated water tables.” The
20 Directive requires a work plan to be submitted by April 15, 2015.

21 The Directive requires additional investigation based on its improper
22 determination that certain conclusions in the Site Conceptual Model (“SCM”) were not
23 supported by existing data. Specifically, the Directive states that the vertical and horizontal
24 extent of impacts to groundwater have not been adequately defined in the areas at and in the
25 vicinity of MW-16. (Directive at p. 2.) It further states that “TPH and related compounds

26
27 ¹ The Site Conceptual Model can be found on GeoTracker at
http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/5311388134/SL204021484.PDF

28 ² While the Directive refers to MW 2, and not MW-21, it appears this is a result of a typo.

1 impacted groundwater encountered in well MW-16 . . . is considered a secondary source.”
2 (*Id.*) The “presence of elevated concentrations of benzene” in 2011, and “combined soil and
3 groundwater sampling set” is stated to be “evidence of a residual secondary source, between
4 the upper and lower bounds of the smear zone” (*Id.*) The Directive additionally states
5 that because groundwater at, and in the vicinity of the Site, “has a designated beneficial use
6 for current and future drinking water supply,” there is a “receptor pathway via groundwater
7 ingestion” that the Regional Board considers to be complete. (*Id.*)

8 The requirements imposed by the Directive, and the conclusions upon which
9 the requirements are based, are inappropriate and improper because they are not supported by
10 the record, are arbitrary and capricious, and are in violation of law and policy. As discussed
11 in the SCM, existing data establish that: no ongoing contaminant sources are present at or
12 beneath the Site; the lateral and vertical definition of contaminant plumes has substantially
13 been completed; multiple lines of evidence demonstrate that natural attenuation is occurring
14 for TPH as gasoline (“TPHg”), benzene, toluene, ethylbenzene, total xylenes (“BTEX”), and
15 tertiary butyl alcohol (“TBA”); and no complete receptor pathways were identified in the
16 SCM. (Site Conceptual Model at Section 7.0.) Further, while a low-threat closure has not
17 been requested at the Site, Site data demonstrate that the criteria of the State Board’s Low-
18 Threat Underground Storage Tank Case Closure Policy have been satisfied, and thus there is
19 no basis for the Directive’s requirement that Chevron EMC perform additional site
20 characterization. (Declaration of Tiina Couture, ¶ 5.) While this Site is not a UST site, it is a
21 petroleum release site, and thus the “criteria for closure evaluation . . . should be similar to
22 those in this policy.” (Low-Threat Closure Policy at p. 2.) Here, the SCM concluded that no
23 further Site characterization or remediation was necessary, and proposed only limited semi-
24 annual monitoring mainly to monitor the trends of TBA, to confirm that it was continuing to
25 naturally degrade and attenuate.

26 In addition, the owner of the property adjacent to the Site, where the new
27 multiple-depth wells MW-5, MW-7, MW-14, MW-20, and MW-21 are required to be
28 located, plans to redevelop its property, potentially as early as the fourth quarter of 2015. The

1 Directive requires Petitioner to install additional wells at a significant expense, which will
2 need to be abandoned by year end in order to accommodate ground disturbing activities at the
3 new development, and then incur the significant expense to reinstall the wells. Further,
4 sampling of the new wells will also significantly increase Petitioner's groundwater
5 monitoring costs. Compliance with the Directive will thus cause Petitioner to incur
6 significant and unreasonable expenses.

7 For the above reasons, the Directive should be rescinded and a stay should be
8 granted.

9 **II. PETITIONER**

10 The name and address of Petitioner is:

11 Chevron Environmental Management Company
12 6101 Bollinger Canyon Road
13 San Ramon, CA 94583

14 Petitioner should be contacted through its legal counsel:

15 ROGERS JOSEPH O'DONNELL, PC
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22 **III. ACTION OF THE REGIONAL BOARD TO BE REVIEWED**

23 Petitioner respectfully requests that the State Board review the Directive, which
24 inappropriately and improperly establishes the requirements described above. (A copy of the
25 Directive is attached to the Declaration of Todd Littleworth as Exhibit A.)

26 **IV. DATE OF THE REGIONAL BOARD ACTION**

27 The Regional Board issued the Directive on February 13, 2015.

28 **V. STATEMENT OF REASONS WHY THE REGIONAL BOARD'S ACTION WAS INAPPROPRIATE OR IMPROPER**

As set forth more fully below, the action of the Regional Board is not supported by the record, and is arbitrary, capricious, and in violation of law and policy.

1 **A. Background**

2 **1. The Site History**

3 As stated in the SCM:

4 The Site was formerly occupied by the Cypress Fee Oil Field and the
5 Inglewood Gas Plant. The Site was used for crude oil production from the
6 1920s until about 1984. Operations at the Site consisted of 18 operational
7 oil/natural gas wells, bulk storage facilities consisting of two tank battery
8 locations, and a natural gas pipeline. Four oil sumps were also located on-site.
9 Crude oil was temporarily stored on-site and regularly trucked to an off-site
10 refinery.

11 The Inglewood Gasoline Company leased approximately 2 acres in the
12 southwestern corner of the Site and operated the Inglewood Gas Plant from
13 1939 to 1969. Natural gas (also referred to as wet gas or wet methane) that was
14 recovered during crude oil extraction in the oil field was transported to the gas
15 plant via pipelines and processed into a “dry” natural gas that was ready to be
16 sold. The natural gas was shipped through the pipeline to the Southern
17 California Gas Company. The Inglewood Gas Plant was modified in 1956 to
18 manufacture liquefied petroleum gas.

19 (Site Conceptual Model at p. ES-1.)

20 **2. Site Description and Current and Planned Land Uses**

21 The Site consists of approximately 37 acres and is bordered to the west and
22 south by the former Hollywood Park Race Track, to the east by Darby Memorial Park, and to
23 the north by residential housing across Pincay Drive. (Site Conceptual Model at Section 2.1.)
24 The Site was developed as a residential subdivision in 2004. (*Id.*) The owner of the former
25 Hollywood Park property, Hollywood Park Land Company, LLC, plans to redevelop the
26 property as a mixed-use development including commercial, entertainment, retail, and
27 residential uses. (Declaration of Alexandra Galovich, ¶ 4.) Depending on which
28 development option is selected, ground disturbing activities could begin as early as the fourth

1 quarter of 2015. (Galovich Decl., ¶¶ 7, 8.) Wells MW-5, MW-7, MW-14, MW-20, and MW-
2 21 are located on this property. (Site Conceptual Model, Figure 2.) These wells would need
3 to be removed before soil disturbing activities begin on the Hollywood Park property.
4 (Galovich Decl., ¶ 9.)

5 3. Site Assessment and Remediation

6 a. Historical Soil Assessment and Remediation

7 In April 2001, the Regional Board issued a letter stating that “no further action
8 is necessary for the soil at the subject site.” (Site Conceptual Model at p. ES-2.) This
9 followed soil remediation activities that consisted of excavation of impacted soil, soil vapor
10 extraction (“SVE”), and soil closure sampling. (*Id.*) 328,000 cubic yards of impacted soil
11 were excavated from the former sump and tank battery areas. (*Id.*) The SVE system
12 removed 48,864 pounds of volatile organic compounds (“VOCs”) over a period of 798 days.
13 (*Id.*) VOC concentrations ranged from 2,000 parts per million by volume (“ppmv”) down to
14 500 ppmv during the initial 9 months of operation, with a final system inlet concentration of
15 22 ppmv just prior to shutdown. (*Id.*) Rebound sampling was performed and no VOCs were
16 detected in any of the 16 soil vapor samples taken. (*Id.*)

17 In December 2002, the Site was investigated for possible residential
18 development. (*Id.*) A Site-wide soil vapor survey and soil sampling program was conducted
19 by the developer to screen for VOCs, total petroleum hydrocarbons (“TPH”), metals,
20 polychlorinated biphenyls (“PCBs”), and methane. (*Id.*) A total of 78 soil vapor borings
21 were completed to 30 feet bgs, and 15 soil borings were completed to 20 feet bgs. (*Id.*)
22 TPHg was detected at 800 micrograms per liter (“µg/L”) in one soil vapor sample. (*Id.*)
23 Gasoline-related VOCs, including BTEX and TBA, were not detected in other soil vapor
24 samples. (*Id.*) TPH was detected in soil at concentrations well below the cleanup level of
25 1,000 milligrams per kilogram (“mg/kg”) that was established for the Site. (*Id.*) The
26 maximum detected concentration of TPH was 380 mg/kg from a soil sample collected at 5
27 feet bgs. (*Id.*) Methane concentrations were detected above the reporting limit (50 ppmv) in
28 four soil vapor samples from three different areas. (*Id.*) The concentrations detected ranged

1 from 54 to 2,400 ppmv. (*Id.*)

2 **b. Historical Groundwater Assessment and**
3 **Remediation**

4 Groundwater monitoring has been performed at the Site since 1988. (Site
5 Conceptual Model at p. ES-3.) Historical analytical data for the period from 1992 to the
6 present is provided in Table 4 of the Site Conceptual Model. (*Id.*) The current groundwater
7 monitoring network consists of one on-site well (MW-16) and 10 off-site wells (MW-5, MW-
8 7, MW-8, MW-10, MW-13, MW-14, MW-15, MW-19, MW-20, and MW-21). (*Id.*) A
9 groundwater pump-and-treat system (“GWTS”) was installed in the southwestern portion of
10 the Site in 1994 with wells EW-1 and MW-9 used for extraction. (*Id.*) Operations continued
11 through 1998 with over one million gallons of groundwater extracted and treated through a
12 liquid-phase carbon filtration system. (*Id.*) Groundwater was collected from extraction wells
13 EW-1 and MW-9 prior to the startup of the GWTS in September 1994 and benzene
14 concentrations were detected at 12,000 µg/L and 8,400 µg/L, respectively. (*Id.*) When the
15 pumps were removed and the wells were sampled in September 1999, benzene concentrations
16 had decreased to 739 µg/L and 2,180 µg/L, respectively. (*Id.*) By the time that the wells
17 were abandoned in May 2004, concentrations of TPHg and BTEX compounds had decreased
18 to non-detect for both EW-1 and MW-9. (*Id.*) Benzene concentrations have significantly
19 decreased during the period from 1992 to the present. (*Id.*) Benzene concentrations had been
20 reduced to below detection limits when the on-site wells (EW-1, MW-4, MW-6, MW-9,
21 MW-11, and MW-12) were abandoned in 2004. (*Id.*) TPHg concentrations have generally
22 had similar trends as benzene concentrations. (*Id.*)

23 **c. 2014 Soil and Groundwater Assessment**

24 In an August 2, 2012, directive, the Regional Board required additional soil
25 and groundwater investigation.³ An additional soil and groundwater assessment was
26 performed and the results presented in the Site Conceptual Model. Six soil borings were

27 ³ The August 2, 2012, Regional Board directive can be found on GeoTracker at:
28 http://geotracker.waterboards.ca.gov/regulators/deliverable_documents/3197232902/0084%20-%20Technical%20Review%20Comments%208-01-2012.pdf

1 advanced from March to May of 2014 using mud rotary drilling. (Site Conceptual Model ES-
2 3.) The soil borings were advanced in close proximity to existing wells to provide additional
3 vertical and lateral delineation of petroleum hydrocarbon impacts to soil and groundwater in
4 the saturated zone. (*Id.*) Depth-discrete groundwater grab samples were collected to show
5 that the existing groundwater monitoring wells are screened at depth intervals that are
6 representative of where the main impacts are detected. (*Id.*) Sample SB-2 was located to the
7 south of MW-7, SB-3 to the southwest of MW-13, SB-4 adjacent to MW-15, SB-5 adjacent
8 to MW-20, SB-6 adjacent to MW-5, and SB-7 adjacent to MW-21. (*Id.*)

9 The vertical distributions of benzene, TPHg, and TBA resulting from the 2014
10 soil boring program are discussed in the Site Conceptual Model which states as follows:

11 *Benzene:* The highest benzene concentrations were detected in the depth
12 interval from 170 to 190 feet bgs in both soil and groundwater grab samples. A
13 benzene isoconcentration contour of 100 µg/L shows the impacts extending
14 from MW-20/SB-5 to MW-13/SB-3. The wells, MW-20 and MW-13, are
15 screened in the interval of highest impacts; however, benzene concentrations
16 have been detected at low concentrations for MW-20 (3.1 µg/L in June 2014)
17 and not detected for MW-13 during semiannual sampling events. In the zones
18 both above and below the impacted interval (170 to 190 feet bgs), benzene
19 concentrations ranged from non-detectable to low laboratory-estimated
20 concentrations. The area below 190 feet bgs generally corresponds to a finer-
21 grained material.

22 *TPHg:* The highest TPHg concentrations correspond with the depth intervals
23 (170 to 190 feet bgs) of the highest benzene concentrations. TPHg was not
24 detected below 190 feet bgs in soil samples. The deepest TPHg detection in
25 groundwater was a laboratory-estimated concentration of 0.45 µg/L for SB-6 at
26 220 feet bgs.

27 *TBA:* The highest TBA concentrations were detected for SB-3 (located near
28 MW-13) and SB-7 (located near MW-21) in the interval from 170 to 200 feet

1 bgs. TBA was not detected below 210 feet bgs for SB-7. The TBA
2 concentration for SB-3 declined to 14 µg/L at 240 feet bgs, which is near the
3 NL of 12 µg/L.

4 (Site Conceptual Model at pp. ES-3 – ES-4.)

5 The Site Conceptual Model also addressed the lateral distribution of petroleum
6 hydrocarbons in groundwater beneath the Site using data collected during the most recent
7 groundwater monitoring event in June 2014. The distribution of each of these compounds is
8 discussed below:

9 *Benzene:* Benzene isoconcentration contours show that the highest benzene
10 concentration is located at well MW-21(170 µg/L). The benzene plume is well
11 defined with the majority of the perimeter wells, including all downgradient
12 wells, having no detectable concentrations. To the northwest, well MW-20 had
13 a concentration of 3.1 µg/L, which is close to the MCL of 1.0 µg/L. This
14 definition of the benzene plume is further supported in the upgradient direction
15 by the latest available values (shown as shaded boxes), at the abandoned well
16 locations (CHEV-2, MW-1, MW-3 and MW-12) that are upgradient of the
17 former Gas Plant and all had benzene concentrations below the detection limit
18 at the time of their abandonment.

19 *TPHg:* TPHg isoconcentration contours show that the highest TPHg
20 concentrations are located at well MW-21 (830 µg/L) and MW-16 (750 µg/L).
21 The TPHg plume is well defined with the perimeter wells having either non-
22 detectable or low laboratory-estimated concentrations. This definition of the
23 TPHg plume is further supported in the upgradient direction by the latest
24 available values (shown as shaded boxes), at the abandoned well locations
25 (CHEV-2, MW-1, MW-3 and MW-12) that are upgradient of the former Gas
26 Plant and all had TPHg concentrations below the detection limit at the time of
27 their abandonment.

28 *TBA:* TBA concentrations are shown for two time intervals: May 2012 is the

1 first sampling event that included all of the wells in the current well network,
2 and June 2014 is the most recent sampling event. The concentration trends at
3 wells MW-16 and MW-21 from May 2012 to June 2014 indicate that both the
4 plume size and the concentrations have declined over this time period. The
5 current high concentration is located at MW-21 (230 µg/L). The perimeter
6 wells were generally stable from 2012 to 2014, with minor increases for some
7 wells and decreases for others. MW-7 and MW-19 had no detectable
8 concentrations in both 2012 and 2014. Due to the relatively recent installation
9 of wells MW-16 (2011) and MW-21 (2012), additional groundwater
10 monitoring data are required to establish a longer-term trend for the TBA
11 plume.

12 (Site Conceptual Model at ES-4.)

13 **B. The Regional Board's Action Was Inappropriate and**
14 **Improper, and the Directive Should be Rescinded**

15 The SCM, which followed decades of investigation and remediation,
16 demonstrated "a substantial likelihood of achieving compliance, within a reasonable time
17 frame, with cleanup goals and objectives." (State Board Resolution No. 92-49 at p. 5.)
18 Accordingly, the Directive, by requiring further investigation in the face of such evidence, is
19 contrary to the provisions of State Board Resolution No. 92-49. The Directive is also
20 inconsistent with State Board Resolution No. 92-49 in its failure to consider the financial
21 burden of its requirements and in its conclusion that the costs bear a reasonable relationship
22 to any benefit that could be obtained, a conclusion that is not supported by evidence in the
23 record. (*Id.*)

24 **1. The Site Conceptual Model Demonstrated That There**
25 **Was a Substantial Likelihood of Petitioner Achieving**
26 **Compliance, Within a Reasonable Time Frame, With**
Cleanup Goals and Objectives of the Site Without
Further Investigation or Remediation

27 As discussed in the SCM, Site data demonstrate that no further investigation or
28 remediation is necessary at the Site because: no ongoing contaminant sources are present at
or beneath the Site; the lateral and vertical definition of contaminant plumes has

1 substantially been completed; multiple lines of evidence indicate that natural attenuation is
2 occurring for TPHg, BTEX, and TBA; and no complete receptor pathways were identified in
3 the SCM. (Site Conceptual Model at Section 7.0.) Further, while a low-threat closure has not
4 been requested at the Site, Site data demonstrate that the criteria of the State Board's Low-
5 Threat Underground Storage Tank Case Policy have been satisfied. (Couture Decl. at ¶¶ 5-6.)
6 As discussed above, while the Site is not a UST site, it is a petroleum release site, and thus
7 the "criteria for closure evaluation . . . should be similar to those in this policy." (Low-Threat
8 Closure Policy at p. 2.) Accordingly, the requirements imposed by the Directive, and the
9 statements that serve as a basis for those requirements, are inappropriate and improper
10 because they are not supported by the record, are arbitrary, and capricious, and are in
11 violation of law and policy.

12 a. **There is no ongoing contaminant sources**
13 **present at or beneath the Site**

14 The Directive states "TPH and related compounds impacted groundwater
15 encountered in well MW-16 . . . is considered a secondary source." (Directive at p. 2.) The
16 "presence of elevated concentrations of benzene" measured in 2011 when groundwater
17 elevations were stated to be six feet lower, and the "combined soil and groundwater sampling
18 set" is stated to be "evidence of a residual secondary source, between the upper and lower
19 bounds of the smear zone" (*Id.*) As discussed in the SCM in Section 4.2, there was a
20 "spike in the benzene concentration detected for MW-16, located in the previous source area,
21 when the well was initially installed in 2011." However, the detected concentration "was
22 reduced by two orders of magnitude in the next two monitoring events." (Site Conceptual
23 Model at Section 4.2.) While this suggests "that residual hydrocarbon impacts may be
24 trapped in the soil at the interface between the vadose zone and groundwater and also below
25 the groundwater level . . . , they do not significantly migrate into the groundwater unless
26 disturbed." (*Id.*) Further, "groundwater from wells downgradient from MW-16 has not
27 shown a significant increase in benzene concentrations either before or after the installation
28 of MW-16, suggesting that the benzene plume is attenuating with distance from the source
area." (*Id.*) Further, while "groundwater elevations measured in the 10 monitoring

1 wells at and near the Site have increased several feet since monitoring started, groundwater
2 concentrations have decreased over the same timeframe.” This “strongly indicates that there
3 is no significant source mass remaining in the capillary fringe beneath the Site.” (Site
4 Conceptual Model at Section 6.4.3.) The Directive’s conclusion that impacted groundwater
5 in this area is acting as a secondary source is thus unsupported by Site data.

6 **b. The lateral and vertical definition of**
7 **contaminant plumes has substantially been**
8 **completed**

8 As stated in the Site Conceptual Model:

- 9 • Residual hydrocarbon concentrations in soil below the former source
10 area are mainly present between depths of 170-190 feet bgs in the
11 saturated zone. Concentrations are low and not expected to represent a
12 significant secondary source of groundwater contamination.
- 13 • The vertical extents of TPHg, benzene and TBA in groundwater have
14 adequately been defined via the groundwater grab sampling described in
15 this report. Main impacts for TPHg and benzene are encountered
16 between depths of 170-190 feet bgs. TBA attenuation is less
17 pronounced with depth compared to TPHg and benzene, but the vertical
18 extent of TBA has been fully defined at the maximum depth explored in
19 all but one location (SB-3) where TBA was detected at 14 µg/L or
20 slightly above the NL of 12 µg/L.
- 21 • The lateral extent of TPHg and benzene plumes in groundwater have
22 been adequately defined with generally low estimated values or non-
23 detectable concentrations at the downgradient perimeter of the plume.
- 24 • The lateral extent of the TBA plume in groundwater has been
25 adequately defined down to a level of approximately 110 µg/L in
26 downgradient well MW-13. Due to the diffuse nature of the TBA
27 plume, the lack of an ongoing TBA source to groundwater and the
28 absence of a complete pathway, further definition of TBA is not

1 considered necessary or practical. In addition, comparison of the
2 groundwater plumes between May 2012 and June 2014 indicates that
3 the plume may be decreasing in size, but additional semiannual
4 groundwater monitoring is required to confirm this trend.

5 (Site Conceptual Model at Section 7.0.)

6 **c. Multiple lines of evidence indicate that natural**
7 **attenuation is occurring**

8 As stated in the Site Conceptual Model,

- 9 • Petroleum hydrocarbon impacts, including benzene in groundwater
10 have consistently declined since monitoring began and the most
11 downgradient concentrations of the TPHg and benzene plumes are
12 currently either very low estimated values or nondetectable.
- 13 • Depletion of terminal electron acceptor parameters (“TEAPs”),
14 including sulfate reduction is more prevalent along the centerline of the
15 TPHg, benzene and TBA plume compared to the cross-gradient wells
16 indicating that biodegradation is the most prevalent mechanism
17 responsible for the decreases in TPHg and benzene plumes.
- 18 • TBA concentrations in groundwater have fluctuated over the years, but
19 as described above, a comparison of the TBA plumes between May
20 2012 and June 2014 indicates that the plume may be decreasing in size.
21 Additional semi-annual groundwater monitoring is required to confirm
22 this trend.

23 (Site Conceptual Model at Section 7.0.)

24 **d. No complete receptor pathways were identified**
25 **in the SCM**

26 As stated in the SCM, a receptor pathway is only considered to be complete if
27 all of the following elements are met: “(1) a mechanism of contaminant release from a
28 source, (2) a transport medium if potential receptors are not located at the source, and (3) a
point of potential contact of receptors with the contaminated medium.” (Site Conceptual

1 Model at 6.0.) The Directive improperly concludes that because groundwater at, and in the
2 vicinity of the Site, “has a designated beneficial use for current and future drinking water
3 supply,” there is a “receptor pathway via groundwater ingestion” that the Regional Board
4 considers to be complete. (Directive at p. 2.) This groundwater is not, however, used as a
5 drinking water supply. (Site Conceptual Model at Section 6.4.3.) Nor is it used for irrigation
6 or industrial supply. (*Id.* at Section 7.0.) Accordingly, there is not a complete receptor
7 pathway.

8 e. **The criteria of the State Board’s Low-Threat
9 Underground Storage Tank Case Policy have
been satisfied**

10 In sum, the criteria of the State Board’s Low-Threat Underground Storage
11 Tank Case Policy have been satisfied at the Site. (**Exhibit 1** [Low-Threat Closure Policy
12 Checklist for the Site] to the Couture Decl.) Satisfying the criteria of the Low-Threat Closure
13 Policy demonstrates that the Site poses a low risk and that there is “a substantial likelihood of
14 achieving compliance, within a reasonable time frame, with cleanup goals and objectives.”
15 (State Board Resolution No. 92-49 at p. 5.) There thus is no basis for the Directive’s
16 requirement that additional assessment of the Site be performed.

17 **2. The Directive Imposes an Unreasonable and
18 Unnecessary Financial Burden on Petitioner**

19 The Directive failed to consider the financial burden of its requirements and
20 failed to support its conclusion that that the costs bear a reasonable relationship to any benefit
21 that could be obtained. (State Board Resolution No. 92-49 at p. 5.) The State Board has
22 found that proper planning is needed to ensure cleanup activities are cost-effective and avoid
23 unintended consequences. (State Board Resolution No. 92-49, Whereas 14-15.) Proper
24 planning requires that conditions on the ground be considered. (*Id.*)

25 As an initial matter, the costs that would be incurred installing five multiple-
26 depth groundwater monitoring wells are unreasonable and unnecessary because Site data
27 shows that no further investigation or remediation is necessary. The cost of installing these
28 wells is estimated to be \$615,000. (Couture Decl., ¶ 8.) The owner of the Hollywood Park
property, where the required multiple-depth wells MW-5, MW-7, MW-14, MW-20, and

1 MW-21 are required to be located, plans to redevelop the property. (Galovich Decl., ¶¶ 4-
2 10.) Ground disturbing activities for could begin as early the fourth quarter of 2015.
3 (Littleworth Decl. at ¶¶ 5-7.) Thus, the new wells would need to be abandoned, possibly by
4 the end of 2015, to accommodate development at a cost of approximately \$180,000.
5 (Couture Decl., ¶ 9.) The wells would then need to be re-installed at a cost that is estimated
6 to be \$615,000. (Couture Decl., ¶ 8.) And the new wells would ultimately need to be
7 abandoned at the point that the Regional Board determines they are no longer necessary at a
8 cost of approximately \$180,000. (Couture Decl., ¶ 9.) Petitioner would further incur
9 approximately \$45,000 per year in additional unreasonable and unnecessary costs associated
10 with conducting groundwater sampling from these new wells. (Couture Decl., ¶ 10.) The
11 costs associated with the requirements of the Directive will thus exceed \$1,590,000.

12 **VI. THE MANNER IN WHICH PETITIONER HAS BEEN AGGRIEVED**

13 Petitioner has been aggrieved by the Regional Board's actions because they
14 will be subjected to provisions of an arbitrary and capricious finding unsupported by evidence
15 in the record. Further, Petitioner will be forced to unnecessarily incur substantial costs.

16 **VII. STATE BOARD ACTION REQUESTED BY PETITIONER**

17 As discussed above, Petitioner requests that the State Board determine that it
18 was inappropriate and improper to issue the Directive for the reasons stated above.

19 **VIII. STAY REQUEST**

20 Petitioner requests a stay of the requirements set forth in the Directive pending
21 resolution of the issues raised in this Petition. This stay request is based on the attached
22 Declarations of Todd Littleworth and Tiina Couture, which demonstrate (1) substantial harm
23 to the Petitioner if a stay is not granted; (2) a lack of substantial harm to other interested
24 persons and to the public interest if a stay is granted; and (3) substantial questions of fact or
25 law regarding the disputed action.

26 **A. LEGAL GROUNDS FOR A STAY**

27 Under section 2053 of the State Board's regulations (23 CCR § 2053), a stay of
28 the effect of an order shall be granted if the petitioner shows:

- 1 (1) Substantial harm to petitioner or to the public interest if a stay is not
2 granted;
- 3 (2) A lack of substantial harm to other interested parties and to the public if a
4 stay is granted; and
- 5 (3) Substantial questions of fact or law regarding the disputed action exist.
6 These requirements are met in this case.

7 **B. Petitioner will Suffer Substantial Harm if a Stay is not
8 Granted**

9 As discussed above, Petitioner will suffer substantial financial harm if a stay is
10 not granted. If Petitioner complies with the Directive, it will likely incur over \$1,590,000 to
11 install, abandon, and reinstall the additional required wells. It will also incur an additional
12 \$45,000 per year in monitoring costs. If Petitioner were not to comply with the directive, it
13 would be subject to substantial penalties, including misdemeanor liability. A stay until a
14 determination is made as to the issues raised in the Petition would solve this problem and
15 save Petitioner from significant and substantial monetary harm. (Littleworth Decl. at ¶ 10.)

16 **C. The Public Will Not Be Substantially Harmed if a Stay Is
17 Granted**

18 As discussed above, the Site poses a low risk to the public. The granting of the
19 stay will not change that fact. Thus, the public will not be substantially harmed if a stay is
20 granted.

21 **D. The Petition Raises Substantial Questions of Law and Fact**

22 As discussed above, there are significant questions being posed in this case as
23 to whether it would be proper and appropriate to impose work required by the Directive on
24 Petitioner. As is discussed above, there are significant issues of fact and law that are
25 sufficient to warrant the granting of a stay.

26 **IX. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF
27 LEGAL ISSUES RAISED IN THE PETITION**

28 For purposes of this filing, the Statement of Points and Authorities is subsumed
in section V of the Petition. Petitioner reserves the right to supplement its Statement of
Points and Authorities, and file additional points and authorities at a future date upon

1 receipt and review of the administrative record and as additional information and evidence is
2 developed.

3 **X. STATEMENT REGARDING SERVICE OF THE PETITION ON THE**
4 **REGIONAL BOARD**

5 A copy of this Petition is being sent to the Regional Board, to the attention of
6 Samuel Unger, Executive Officer. Copies are also being sent to the interested parties
7 identified on the attached proof of service. By copy of this Petition, Petitioner is also
8 notifying the Regional Board and identified parties of the Petitioner's request for a hearing
9 and that the State Board issue a stay.

10 **XI. STATEMENT REGARDING ISSUES PRESENTED TO THE**
11 **REGIONAL BOARD**

12 To the extent it had an opportunity to do so, Petitioner raised the substantive
13 issues and objections raised in this Petition before the Regional Board prior to the filing of the
14 Petition.

15 For all of the foregoing reasons, Petitioner respectfully requests that the State
16 Board review the requirements set forth in the Directive and grant the relief as set forth
17 above.

18 Dated: March 16, 2015

ROGERS JOSEPH O'DONNELL, PC

19
20 By: _____

ROBERT C. GOODMAN
Attorneys for Petitioner
Chevron Environmental Management
Company

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CHEVRON ENVIRONMENTAL
7 MANAGEMENT COMPANY

8
9 STATE WATER RESOURCES CONTROL BOARD

10 STATE OF CALIFORNIA

11 In the Matter of the Los Angeles Regional
12 Water Quality Control Board's February 13,
2015, Report Review Comments and For
13 Additional Subsurface Investigations,
Pursuant to California Water Code Section
14 13267 Order, Issued to CHEVRON
ENVIRONMENTAL MANAGEMENT
15 COMPANY and Requiring Certain Action
Related to the Former Texaco Cypress Fee
16 Property, 3000 90th Street, Inglewood,
California (SCP No. 0084, Site ID No.
17 2040200).

PETITION NO.

**DECLARATION OF TODD
LITTLEWORTH IN SUPPORT OF
CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY'S
PETITION FOR REVIEW, REQUEST
FOR A HEARING, AND REQUEST FOR
STAY**

18
19 I, Todd Littleworth, declare and state as follows:

20 1. I am Senior Counsel in the Environmental and Safety Law Group of the
21 Chevron Corporation Law Department. Except as otherwise stated, I have personal
22 knowledge of the matters stated herein and could testify to these facts if called upon to testify
23 as a witness in this action.

24 2. A copy of the Los Angeles Regional Water Quality Control Board's
25 February 13, 2015, Report Review Comments and For Additional Subsurface Investigations,
26 Pursuant to California Water Code Section 13267 Order, issued to Chevron Environmental
27 Management Company ("Directive") and requiring certain action related to the Former
28

1 Texaco Cypress Fee Property, 3000 90th Street, Inglewood, California (SCP No. 0084, Site
2 ID No. 2040200) (“the Site”) is attached here to as **Exhibit A**.

3 3. Chevron Environmental Management Company, a California
4 corporation (“Chevron EMC”), is a company that manages site investigation and remediation
5 on behalf of the Chevron Corporation family of companies.

6 4. Petitioner Chevron EMC will suffer substantial harm during the time
7 that the Petition is subject to review by the State Water Resources Control Board if it is
8 required to adhere to the arbitrary schedule for completion of the mandated tasks.

9 5. The Directive requires that additional monitoring wells be installed on
10 the Hollywood Park property, which is south and west of the Site. As discussed in the
11 Declaration of Alexandra Galovich, the owner of the Hollywood Park property plans to
12 redevelop the property for residential use. Ground disturbing activities for the residential
13 development could begin as soon as December 2015.

14 6. If Petitioner was required to install new wells on the Hollywood Park
15 property before construction activities begin, the wells would then have to be abandoned and
16 then reinstalled after ground distributing activities are completed. As stated in the
17 Declaration of Tiina Courture, the cost of installing the wells, abandoning them to
18 accommodate development, reinstalling the wells following development, and then
19 abandoning them once the Regional Board is satisfied that no further monitoring is required,
20 would exceed \$1,590,000.

21 7. Under the terms of the Directive, this would either potentially subject
22 Petitioner to unreasonable costs in installing, abandoning, then reinstalling the required wells,
23 or being subject to substantial penalties, including misdemeanor liability.

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8. A stay until a determination is made as to the issues raised in the Petition would solve this problem and save Petitioner from significant and substantial monetary harm.

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

Dated this 16 day of March, 2015 in San Ramon, California.



Todd Littleworth

Exhibit 1

Los Angeles Regional Water Quality Control Board

February 13, 2015

Mr. Chris Penza
Chevron Environmental Management Company
9525 Camino Media
Bakersfield, California 93311

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7012 3460 0002 9486 3186

**SUBJECT: REPORT REVIEW COMMENTS AND REQUIREMENTS FOR ADDITIONAL
SUBSURFACE INVESTIGATIONS, PURSUANT TO CALIFORNIA WATER
CODE (CWC) SECTION 13267 ORDER**

**SITE/CASE: FORMER TEXACO CYPRESS FEE PROPERTY, 3000 90TH STREET,
INGLEWOOD, CALIFORNIA (SCP NO. 0084, SITE ID NO. 2040200)**

Dear Mr. Penza:

Los Angeles Regional Water Quality Control Board (Regional Board) staff have reviewed the September 2014, *Site Conceptual Model Report* (SCM Report), submitted by AECOM on behalf of Chevron Environmental Management Company (CEMC), for the referenced site. The SCM Report includes a summary of the most recent phase of soil and groundwater assessment, consisting of the collection of depth-discrete soil and groundwater grab samples from six (6) soil borings during March to May of 2014; a Site Conceptual Model (SCM), and a work plan for continued semi-annual groundwater monitoring.

Based on our review of the information provided in the SCM Report, and previously submitted information, the Regional Board provides the following comments and requirements:

1. Additional Groundwater Investigation

- A. Laboratory analytical results from groundwater grab samples collected during the most recent phase of investigation indicate the need to install multiple-depth groundwater monitoring wells within the deeper aquifer zones to confirm the most recent groundwater grab sampling results and monitor the changes of groundwater impacts.
- B. In order to adequately define the vertical extent of the impacts to groundwater emanating from the site, and to compensate for the inability to collect adequate groundwater data from within the former site boundaries, additional multiple-depth groundwater monitoring wells are necessary at or in the proximity of monitoring wells MW-5, MW-7, MW-14, MW-20, and MW-2. An adequate network of monitoring wells in the down-gradient and cross-gradient directions from the former source area(s) is also necessary. The final screened interval of the additional multiple-depth wells should be completed at a depth immediately below the greater of the following:

- i. the maximum depth at which any constituent of concern was historically detected at a concentration exceeding its respective California Maximum Contaminant Level (MCL); or, where total petroleum hydrocarbons as gasoline (TPHg) was detected at a concentration equal to or greater than 100 micrograms per liter ($\mu\text{g/L}$);
 - ii. the maximum depth equal to the historic low groundwater elevation measured within any of the three most proximal existing or abandoned monitoring wells at the site.
- C. Due to the recent increases in groundwater elevation, the screened intervals for monitoring wells MW-5 and MW-7 are now submerged below the water table. Because the uppermost screened interval of a monitoring well in an unconfined aquifer must be constructed to span the water table, additional shallow monitoring wells must be installed at wells MW-5 and MW-7 with screened intervals designed and constructed to span both the present and future anticipated water tables.

2. Site Conceptual Model

- A. Section 7.0 states that there are no ongoing contaminant sources present at or beneath the site. The Regional Board considers that the existing data set does not support this conclusion :
 - i. The vertical and horizontal extent of impacts to groundwater (including the smear zone above and below the present water table) have not been adequately defined in the areas at and in the vicinity of well MW-16, located in proximity to the former primary source area. TPH and related compounds impacted groundwater encountered in well MW-16 and other wells is considered a secondary source, which has impacted and will continue to impact more groundwater resource until adequately remediated.
 - ii. Previous groundwater sampling data from MW-16 document the presence of elevated concentrations of benzene in groundwater. Specifically, benzene was detected at concentrations up to 6,400 $\mu\text{g/L}$ and 4,500 $\mu\text{g/L}$, respectively, during February and June 2011, when the measured groundwater elevation was approximately 6 feet lower than during the most recent sampling events. The combined soil and groundwater sampling data set (from both source area monitoring wells and step-out soil borings and monitoring wells) provides evidence of a residual secondary source, between the upper and lower bounds of the smear zone, which extends both above and below the current water table beneath the site.
- B. Contrary to the statement included in Section 7.0 that no complete receptor pathways were identified, per the *Water Quality Control Plan* for the Los Angeles Region, groundwater at the site and in the vicinity has a designated beneficial use for current and future drinking water supply. Consequently, the receptor pathway via groundwater ingestion is considered to be complete for requiring cleanup and water resource protection purposes.

3. Proposed Work Plan

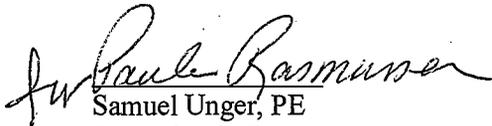
- A. The Regional Board agrees that groundwater monitoring should continue at the site; however, additional groundwater investigation, as indicated above, is also necessary to further refine the SCM and assist in closing the remaining data gaps and determining feasible groundwater remedial actions at the site.

- B. By **April 15, 2015**, a revised work plan shall be submitted for our review and approval to install additional groundwater monitoring wells as specified in items 1A, 1B, and 1C above.

The new due date for submittal of technical report (revised work plan) each constitutes an amendment to the requirements of the California Water Code section 13267 Order originally dated December 12, 2008 and subsequent amendment dated October 31, 2012. All other aspects of the Order originally dated December 12, 2008, and amendments thereto, remain in full force and effect. The required technical reports are necessary to investigate the characteristics of and extent of the discharges of waste at the site and to evaluate cleanup alternatives. Therefore, the burden, including costs, of the reports bears a reasonable relationship to the need for the reports and benefits to be obtained. Pursuant to section 13268 of the CWC, failure to submit the required technical reports by the specified due dates may result in civil liability penalties administratively imposed by the Regional Board in an amount up to one thousand dollars (\$1,000) for each day the technical report is not received.

If you have any questions, please contact Mr. Gregg Crandall (project manager) at (213) 576-6701 or gregg.crandall@waterboards.ca.gov.

Sincerely,


Samuel Unger, PE
Executive Officer

cc: Matthew Grode, Renaissance Home Owners Association (mgrode@gglt.com)
Tiina Couture, PE, AECOM (Tiina.Couture@aecom.com)
Chris Holmquist, Hollywood Park Land Company, LLC (cholmquist@wilsonmeany.com)
Jami Striegel Orloff, P.E., Erler & Kalinowski, Inc. (jstriegel@ekiconsult.com)

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6 Attorneys for Petitioner
CHEVRON ENVIRONMENTAL
7 MANAGEMENT COMPANY

8
9 STATE WATER RESOURCES CONTROL BOARD

10 STATE OF CALIFORNIA

11 In the Matter of the Los Angeles Regional
12 Water Quality Control Board's February 13,
2015, Report Review Comments and For
13 Additional Subsurface Investigations,
Pursuant to California Water Code Section
14 13267 Order, Issued to CHEVRON
ENVIRONMENTAL MANAGEMENT
15 COMPANY and Requiring Certain Action
Related to the Former Texaco Cypress Fee
16 Property, 3000 90th Street, Inglewood,
California (SCP No. 0084, Site ID No.
17 2040200).

PETITION NO.

**DECLARATION OF TIINA COUTURE
IN SUPPORT OF CHEVRON
ENVIRONMENTAL MANAGEMENT
COMPANY'S PETITION FOR REVIEW,
REQUEST FOR A HEARING, AND
REQUEST FOR STAY**

18
19 I, Tiina Couture, declare and state as follows:

20 1. I am Senior Project Manager for AECOM. Except as otherwise stated, I
21 have personal knowledge of the matters stated herein and could testify to these facts if called
22 upon to testify as a witness in this action.

23 2. Chevron Environmental Management Company, a California
24 corporation ("Chevron EMC") retained AECOM to perform environmental work related to
25 the Former Texaco Cypress Fee Property, 3000 90th Street, Inglewood, California (SCP No.
26 0084, Site ID No. 2040200) (the "Site").

27 3. I have been involved in the environmental work at the Site since May
28

1 2010, and am familiar with the historical and current environmental conditions at and in the
2 vicinity of the Site.

3 4. I have evaluated the environmental data collected in and around the
4 Site, as well as technical reports which have analyzed that data to determine if the Site would
5 qualify for a low-threat closure under the State Water Resources Control Board's Low-Threat
6 Underground Storage Tank Case Closure Policy.

7 5. Site data demonstrate that the criteria of the State Board's Low-Threat
8 Underground Storage Tank Case Closure Policy have been satisfied, and thus there is no
9 basis for the additional Site characterization or remediation.

10 6. Attached as Exhibit 1 is a true and correct copy of the Low-Threat
11 Closure Policy Checklist I prepared for the Site showing that all criteria have been satisfied.

12 7. A Report Review Comments and For Additional Subsurface
13 Investigations ("Directive") issued by the Regional Water Quality Control Board, Los
14 Angeles Region ("Regional Board") on February 13, 2015, requiring the installation of five
15 multiple-depth groundwater monitoring wells and two additional shallow monitoring wells.

16 8. I estimate the cost to install the additional multi-depth wells to be
17 \$615,000.

18 9. I estimate the costs to abandon the additional multi-depth wells to be
19 \$180,000.

20 10. I estimate the cost to conduct semi-annual groundwater monitoring
21 events for the additional multi-depth wells to be \$45,000 per year.

22
23 I declare under penalty of perjury under the laws of the State of California that
24 the forgoing is true and correct.

25 Dated this 16 day of March, 2015 in Camarillo, California.

26
27 
28 Tiina Couture

EXHIBIT 1

Site Name: Former Texaco Cypress Fee
 Site Address: 3000 90th Street, Inglewood, California

Site meets the criteria of the Low-Threat Underground Storage Tank (UST) Case Closure Policy as described below.¹

<p><u>General Criteria</u> General criteria that must be satisfied by all candidate sites:</p> <p>Is the unauthorized release located within the service area of a public water system?</p> <p>Does the unauthorized release consist only of petroleum?</p> <p>Has the unauthorized (“primary”) release from the UST system been stopped?</p> <p>Has free product been removed to the maximum extent practicable?</p> <p>Has a conceptual site model that assesses the nature, extent, and mobility of the release been developed?</p> <p>Has secondary source been removed to the extent practicable?</p> <p>Has soil or groundwater been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15?</p> <p>Does nuisance as defined by Water Code section 13050 exist at the site?</p> <p>Are there unique site attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><u>Media-Specific Criteria</u> Candidate sites must satisfy all three of these media-specific criteria:</p> <p>1. Groundwater: To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites:</p> <p>Is the contaminant plume that exceeds water quality objectives stable or decreasing in areal extent?</p> <p>Does the contaminant plume that exceeds water quality objectives meet all of the additional characteristics of one of the five classes of sites?</p> <p>If YES, check applicable class: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>

¹ Refer to the Low-Threat Underground Storage Tank Case Closure Policy for closure criteria for low-threat petroleum UST sites.

Site Name:
 Site Address:

<p>For sites with releases that have not affected groundwater, do mobile constituents (leachate, vapors, or light non-aqueous phase liquids) contain sufficient mobile constituents to cause groundwater to exceed the groundwater criteria?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
<p>2. Petroleum Vapor Intrusion to Indoor Air: The site is considered low-threat for vapor intrusion to indoor air if site-specific conditions satisfy all of the characteristics of one of the three classes of sites (a through c) or if the exception for active commercial fueling facilities applies.</p> <p>Is the site an active commercial petroleum fueling facility? Exception: Satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose an unacceptable health risk.</p> <p>a. Do site-specific conditions at the release site satisfy all of the applicable characteristics and criteria of scenarios 1 through 3 or all of the applicable characteristics and criteria of scenario 4? If YES, check applicable scenarios: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4</p> <p>b. Has a site-specific risk assessment for the vapor intrusion pathway been conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency?</p> <p>c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
<p>3. Direct Contact and Outdoor Air Exposure: The site is considered low-threat for direct contact and outdoor air exposure if site-specific conditions satisfy one of the three classes of sites (a through c).</p> <p>a. Are maximum concentrations of petroleum constituents in soil less than or equal to those listed in Table 1 for the specified depth below ground surface (bgs)?</p> <p>b. Are maximum concentrations of petroleum constituents in soil less than levels that a site specific risk assessment demonstrates will have no significant risk of adversely affecting human health?</p> <p>c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, has the regulatory agency determined that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>

1 ROGERS JOSEPH O'DONNELL, PC
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6 Attorneys for Petitioners
CHEVRON ENVIRONMENTAL
7 MANAGEMENT COMPANY

8
9 STATE WATER RESOURCES CONTROL BOARD

10 STATE OF CALIFORNIA

11
12 In the Matter of the Los Angeles Regional
Water Quality Control Board's February 13,
13 2015, Report Review Comments and For
Additional Subsurface Investigations,
14 Pursuant to California Water Code Section
13267 Order, Issued to CHEVRON
ENVIRONMENTAL MANAGEMENT
15 COMPANY and Requiring Certain Action
Related to the Former Texaco Cypress Fee
16 Property, 3000 90th Street, Inglewood,
California (SCP No. 0084, Site ID No.
17 2040200).

PETITION NO.

**DECLARATION OF ALEXANDRA
GALOVICH SUBMITTED WITH
CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY'S
PETITION FOR REVIEW, REQUEST
FOR A HEARING, AND REQUEST FOR
STAY**

18
19 I, Alexandra Galovich, declare and state as follows:

20 1. I am a Senior Project Manager for Wilson Meany. Except as otherwise
21 stated, I have personal knowledge of the matters stated herein and could testify to these facts
22 if called upon to testify as a witness in this action.

23 2. I am informed and believe that on February 13, 2015, the Los Angeles
24 Regional Water Quality Control Board issued a Report Review Comments and Requirements
25 For Additional Subsurface Investigations, Pursuant to California Water Code Section 13267
26 Order, to Chevron Environmental Management Company ("Chevron EMC") requiring the
27 installation of additional groundwater wells on the Hollywood Park property.
28

1 3. Wilson Meany is the development manager and authorized agent for
2 Hollywood Park Land Company, LLC (HPLC), which owns the Hollywood Park property.

3 4. HPLC plans to redevelop the Hollywood Park property as a mixed-use
4 development that includes commercial, entertainment, retail, and residential uses. I am
5 informed and believe that the Regional Board is aware of Hollywood Park Land Company's
6 plans for a residential development of the Hollywood Park property.

7 5. HPLC has an approved grading permit from the City of Inglewood for
8 the entire Hollywood Park property, and has already commenced initial grading activities
9 under that permit.

10 6. HPLC and Chevron EMC have previously entered into an access
11 agreement, which allowed Chevron EMC to install and sample groundwater wells on a
12 portion of the Hollywood Park property. The access agreement also requires those wells to
13 be removed and replaced when necessary to permit the Hollywood Park property to be
14 redeveloped.

15 7. There are two options for the redevelopment of the Hollywood Park
16 property. Under either option, however, HPLC intends to redevelop the portion of the
17 Hollywood Park property where Chevron EMC previously installed monitoring wells. I am
18 informed and believe that the new wells required by the Regional Board would be in this
19 area.

20 8. Grading and soil excavation for the residential development to be
21 constructed in the portion of the Hollywood Park property where the new wells are required
22 to be installed could begin as early as the fourth quarter of 2015, depending on which
23 development option is selected.

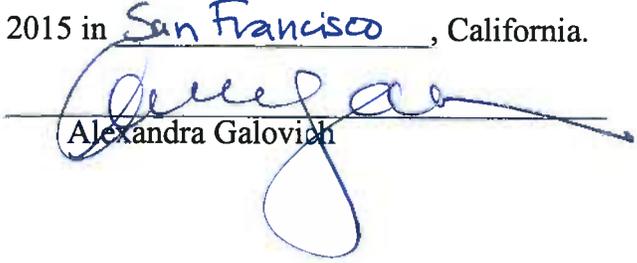
24 9. All wells installed by Chevron EMC on this portion of the Hollywood
25 Park property would need to be removed before soil disturbing activities could begin.

26 10. It will be necessary for Chevron EMC and Hollywood Park Land
27 Company to coordinate and reach an agreement as to the location of any wells that would
28 need to be reinstalled at the Hollywood Park property after ground disturbing activities

1 and potentially other construction activities have been completed.

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

4 Dated this 16th day of March, 2015 in San Francisco, California.

5 
6 Alexandra Galovich

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6 Attorneys for Petitioner
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7 MANAGEMENT COMPANY

8
9
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11 STATE OF CALIFORNIA

12 In the Matter of the Los Angeles Regional
Water Quality Control Board's February 13,
13 2015, Report Review Comments and
Requirements For Additional Subsurface
14 Investigations, Pursuant to California Water
Code Section 13267 Order, Issued to
15 CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY and
16 Requiring Certain Action Related to the
Former Texaco Cypress Fee Property, 3000
17 90th Street, Inglewood, California (SCP No.
0084, Site ID No. 2040200).

PETITION NO.

PROOF OF SERVICE

19 I, Clara Chun, declare that I am over 18 years of age and not a party to the within
20 action. I am employed in San Francisco County at 311 California Street, 10th Floor, San
Francisco, CA 94104.

21 On March 16, 2015, I served the following documents:

22 CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION FOR REVIEW,
23 REQUEST FOR A HEARING, AND REQUEST FOR STAY

24 DECLARATION OF TIINA COUTURE IN SUPPORT OF CHEVRON ENVIRONMENTAL
25 MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR A HEARING, AND
REQUEST FOR STAY

26 DECLARATION OF TODD LITTLEWORTH IN SUPPORT OF CHEVRON ENVIRONMENTAL
27 MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR A HEARING, AND
28 REQUEST FOR STAY

1
2 DECLARATION OF ALEXANDRA GALOVICH SUBMITTED WITH CHEVRON
3 ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR A
4 HEARING, AND REQUEST FOR STAY

5 Samuel Unger, PE
6 Executive Officer
7 Los Angeles Regional Water Quality Control
8 Board
9 320 W. Fourth Street, Suite 200
10 Los Angeles, CA 90013
11 losangeles@waterboards.ca.gov
12 sunger@waterboards.ca.gov

Gregg Crandall
Project Manager
Los Angeles Regional Water Quality Control
Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
gregg.crandall@waterboards.ca.gov

13 Matthew Grode
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— BY FIRST CLASS MAIL: I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to-wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing on March 16, 2015, following ordinary business practices.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was executed this date at San
Francisco, California.

3 Dated: March 16, 2015

Clara Chun
Clara Chun

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