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7 Attorney for Petitioner
8 Les Schwab Tire Centers

9 STATE OF CALIFORNIA

10 STATE WATER RESOURCES CONTROL BOARD

11 LES SCHWAB TIRE CENTERS,
12
13 Petitioner,

Case No.:

14 IN THE MATTER OF TECHNICAL
15 REPORTING ORDER R5-2018-0809 FOR
16 FORMER LES SCHWAB TIRE CENTER,
17 6540 FAIR OAKS BOULEVARD,
18 CARMICHAEL, SACRAMENTO COUNTY,
19 OF CALIFORNIA REGIONAL WATER
20 QUALITY CONTROL BOARD FOR THE
21 CENTRALVALLEY REGION

LES SCHWAB TIRE CENTERS'S
PETITION FOR REVIEW OF TECHNICAL
REPORTING ORDER R5-2018-0809
[WATER CODE § 13320 ET SEQ. AND 23
CCR § 2050 ET SEQ.]

22 **I. INTRODUCTION.**

23 Petitioner Les Schwab Tire Centers (Les Schwab) respectfully requests that the State
24 Water Resources Control Board (SWRCB) review Technical Reporting Order R5-2018-0809 for
25 the Former Les Schwab Tire Center located at 6540 Fair Oaks Boulevard, City of Carmichael,
26 County of Sacramento, State of California, issued on April 19, 2018(Order) by the Regional
27 Water Quality Control Board for the Central Valley Region (CVRWQCB). Petitioner also

1 requests a stay of the Order pending this appeal.

2 **II. FACTS AND SUPPORT FOR PETITION.**

3 **1. Name and Address of the Petitioner.**

4 Les Schwab Tire Centers, c/o David R. Gibson, 20900 Cooley Rd., Bend, OR 97701,
5 David.R.Gibson@lesschwab.com. Please copy Les Schwab's outside counsel on all
6 correspondence as follows: Summer L. Nastich, Nastich Law, 2341 Derby Street, Berkeley,
7 California, 94705, Summer@NastichLaw.com, (415) 794-4210.
8

9 **2. The Specific Action or Inaction of the Regional Board Which Petitioner Requests**
10 **the State Water Board Review.**

11 Les Schwab requests review of issuance of the Order as to Les Schwab (the Order was
12 also issued to Robert S. Andre, but Les Schwab does not take issue with this aspect of the Order).
13 A true and correct copy of the Order is attached hereto as Exhibit 1.
14

15 **3. The Date on Which the Regional Board Acted or Refused to Act or on which the**
16 **Regional Board was Requested to Act.**

17 April 19, 2018, the date of the Order.

18 **4. The Reasons the Action or Failure to Act was Inappropriate or Improper.**

19 Issuance of the Order as to Les Schwab was inappropriate, improper, not supported by
20 substantial evidence and an abuse of discretion for the reasons set forth below.

21 For context and to establish a vocabulary for this matter, the Order is specific to 6540 Fair
22 Oaks Boulevard in the City of Carmichael, which is in Sacramento County. Les Schwab
23 purchased 6540 Fair Oaks Boulevard on November 20, 2006. Les Schwab then purchased the
24 neighboring property at 6542 Fair Oaks Boulevard on August 25, 2006 (these properties are
25 referred to collectively herein as "the Property"). Les Schwab sold the Property on December 23,
26
27

1 2014 (the period between the earlier purchase on August 25, 2006 and sale of both addresses on
2 December 23, 2014 is referred to herein as “the Relevant Time Period”).

3 When Les Schwab bought the 6542 Fair Oaks Boulevard property it sported a 2,000-sf
4 warehouse, which Les Schwab continued to use for storage during the time it owned that address.
5

6 During the time Les Schwab owned the 6540 Fair Oaks Boulevard property, it used the
7 property as a relatively small volume Les Schwab Tire Center that sold tires, wheels, brakes,
8 shocks, and batteries and performed wheel alignments. The store carried and sold the necessary
9 front end parts such as tie rod ends, idler arms, cv joints and ball joints that it would use to replace
10 these parts as necessary during wheel alignments. Les Schwab closed the Carmichael Les
11 Schwab Tire Center on July 31, 2012. From then on, the 6540 Fair Oaks Property was vacant
12 and unused by Les Schwab until sold.
13

14 Other than as set forth above, Les Schwab never held any ownership interest in the Property.

15 With the context and vocabulary established above, Les Schwab’s grounds¹ for this Petition
16 are as follows:
17

18 A. The evidence shows that the manifest on which the Order is based is erroneous and that it
19 is very unlikely that Les Schwab used or possessed PCE at the Property and therefore it is
20 also very unlikely that Les Schwab was a discharger of PCE.

21 The Order is based, exclusively as far as Les Schwab can tell, on a single manifest that states
22 (erroneously, as set forth below), that on February 15, 2008 Les Schwab, via Safety-Kleen
23 Systems, Inc. (Safety-Kleen), generated and sent out for disposal 150 pounds of waste described
24

25
26 ¹ As noted in many places herein, Les Schwab’s investigation is on-going and additional grounds may be identified
27 as the investigation progresses. Les Schwab will supplement this Petition as soon as possible if it identifies any
28 additional grounds or evidence.

1 as “F001, F002, and D001 waste, flammable liquids, toxic, N.O.S. (hexane, tetrachloroethylene)
2 3(6.1) UN1992 PGIII.” (A true and correct of this manifest (Manifest) is attached to this Petition
3 as Exhibit 2.) Contrary to what is written on the Manifest, based on the information and records
4 in its position, Safety-Kleen believes (as does Les Schwab) that the waste at issue was actual
5 aqueous waste that *did not* contain tetrachloroethylene (PCE). Safety-Kleen provided testimony
6 to this effect in the form of the Declaration of Billy R. Rush, Safety-Kleen’s Vice President of
7 Compliance, which is filed herewith in support of this Petition. Examples of the strength and
8 nature of this testimony include ¶¶14 through 24, which provide:

11 I have reviewed Safety-Kleen’s records related to the entry relating to the 150
12 pounds of F001, F002, and D001 waste shown on the February 15, 2008 manifest
13 was manually created. (True and correct copies of the documents created in support
14 of, and simultaneously with, the manifest are attached hereto as Exhibit B.).

14 Based on the documents I have reviewed, the entry relating to the 150 pounds of
15 F001, F002, and D001 waste shown on the February 15, 2008 manifest was not
16 based on any chemical analysis or analytical data.

16 Rather, the process by which the entry was created was through the use of what was
17 then called a “Quick Pick” from the Waste Approval Wizard (WAW), which is a
18 program used to populate manifests. This process allowed an individual to simply
19 make a generic selection for the waste, akin to a dropdown menu, and then the
20 WAW would pre-populate both the prequalification evaluation and the hazardous
21 waste manifest. This is evidenced by the note that at the top of the supporting
22 documentation for the manifest on the page labeled “PREQUALIFICATION
23 EVALUATION - PAGE 4 OF 6” where it states “generic prequal,” meaning the
24 waste was simply picked from a menu. It would be pretty easy to misidentify waste
25 in this process, especially because the service charge did not change based on the
26 waste codes used on the manifest because the logistics of getting the drum to the
27 processing plant in Denton, Texas drove the price, not the disposal technology.
28 That is, the person entering the data would not have noticed a price jump or other
29 indication that he or she had entered an inaccurate waste code.

25 This is further supported by the fact that this page shows that the reviewer was
26 WAW, which means the profile was generic and not based on any fact.

27 Using the listed waste codes F001/F002 is simply a very conservative approach that

1 many small quantity generators often choose in order to avoid spending more on
2 the laboratory testing of the waste “solvent” than they would spend on the
3 destruction or recycling of that waste at a RCRA permitted facility. This is what I
4 would call a “conservative approach” or “over-coding” the waste in which a worst-
5 case scenario is assumed, even if there is no basis to make such an assumption.

6 The results of my investigation to date indicate that there is no evidence that Safety-
7 Kleen provided Les Schwab with any PCE-containing substance in relation to the
8 Property between 2006 and 2014. In fact, Safety-Kleen did not then, nor do we
9 now, sell or distribute a hexane/perchloroethylene blend of solvent anywhere
10 within our organization to any of our customers.

11 To the contrary, the documents and records I have reviewed as part of my
12 investigation indicate that Safety-Kleen provided an *aqueous* parts washer to the
13 Property between 2006 and 2008. (Emphasis in original.). The D039 codes was
14 used because of the potential for our customers (the waste generators of the spent
15 aqueous solvent) to pretreat parts with aerosol brake cleaner that would include
16 perchloroethylene (something banned by the California Air Resources Board in
17 2004). D039 occurs if there is greater than 0.7 ppm of perchloroethylene in the
18 aqueous solvent; there would be very little perchloroethylene in the solvent but in
19 theory it could be present above 0.7 ppm.

20 ***Based on the documents I have reviewed and my experience in visiting hundreds
21 of customer locations like this Les Schwab tire store in Carmichael, California
22 (as a mentor/trainer during parts washer and containerized waste services for
23 Safety-Kleen service representatives), I conclude that the entry on the manifest is
24 most likely in error. The manifest entry indicating the generation of F001, F002,
25 and D001 waste, described as “waste, flammable liquids, toxic, N.O.S. (hexane,
26 tetrachloroethylene) 3(6.1) UN1992 PGIII” was most likely an aqueous solution
27 and not an organic solvent waste. The use and generation of a spent
28 hexane/tetrachloroethylene solvent is extremely rare for a tire store, as they have
no practical use for such a solvent. Such a solvent blend is fairly uncommon and
would be both expensive to purchase and expensive to dispose of (and, as can be
seen by the manifest, Les Schwab was willing to pay for proper waste handling
at this store location).***

***The conclusion that the material originated from an aqueous parts washer and
was aqueous in nature is also supported by the documentation that shows the
waste was generated as part of service of the parts washer (the top left corner of
page 2 states, “Parts Washer Service”).***

***Based on the documents I have reviewed and the information I have, I conclude
that the entry on the manifest indicating the generation of F001, F002, and D001
waste is erroneous and in fact this entry does not accurately describe the waste***

1 *in question.*

2 *Based on my experience in this industry, it would not be unheard of for such an*
3 *error to occur, and all of the information and documents that I have been able to*
4 *obtain thus far in relation to this manifest indicates that such an error happened*
5 *here.* (Emphasis added.)

6 Safety-Kleen's investigation into this issue and the composition of the waste is on-going. Les
7 Schwab will provide any subsequently discovered evidence to supplement this Petition as soon
8 as possible.

9 Les Schwab has been conducting its own investigation into the actual content of the waste at
10 issue, as well as Les Schwab's use, or, more accurately, lack of use, of PCE at the Property during
11 the Relevant Time Period. Based on all of the information Les Schwab has obtained during its
12 investigation, it is very unlikely that Les Schwab either used or possessed PCE at the Property
13 during the Relevant Time Period. That is because (i) during the Relevant Time Period, Les
14 Schwab did not supply PCE to its California stores (either through Midway, its in house supply
15 company or via Safety-Kleen, the vendor to at least the Carmichael store), (ii) during the Relevant
16 Time Period, Les Schwab instructed its California stores not to use or purchase PCE and (iii) Les
17 Schwab has records of using an *aqueous* parts washer at the Property, but no records of any
18 solvent use or a solvent-based parts washer. Therefore, like Safety-Kleen, Les Schwab concludes
19 that the Manifest—the sole apparent basis for the Order—is incorrect and that the material listed
20 as PCE was in fact an aqueous solution, not a solvent. These facts are set forth in the Declaration
21 of Scott W. Knutz, which is filed herewith in support of the Petition. Examples of the strength
22 and nature of Mr. Knutz's testimony include, ¶¶18, 19, 36, and 38 which provide,

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26 During the period August 20, 2006 through December 23, 2014, Les Schwab did
27 not supply any solvents or other automotive parts cleaning products containing
28 tetrachloroethylene (PCE) to its California stores, and discouraged the purchase of

1 such products outside the Les Schwab distribution system. To put it another way,
2 between August 20, 2006 through December 23, 2014, Les Schwab did not supply
3 solvents or other automotive parts cleaning products containing PCE to its
4 California stores, and told California store managers and assistant managers during
5 area meetings not to go outside of Les Schwab's distribution system (which, for the
6 Carmichael store, consisted of supply by Midway, Les Schwab's internal supply
7 company, or via Safety-Kleen as Les Schwab's vendor to the Carmichael store) to
8 purchase any cleaning chemicals and solvents, lubricating oils or other automotive
9 additives without vetting those chemicals by way of sharing the Material Safety
10 and Data Sheet (MSDS) sheets with the Les Schwab Safety Department before such
11 a purchase.

12 As part of my investigation into this matter, I identified the MSDS for the brake
13 parts cleaner that would have been in use the Carmichael store from 2006 on. A
14 true and correct copy of the MSDS for this material is attached hereto as Exhibit C.
15 As can be seen from the MSDS, this material did not contain any PCE.

16 The results of my investigation to date indicate that it is very unlikely that Les
17 Schwab used or handled PCE during the time that it owned and operated at the
18 Property.

19 Based on my investigation to date, including my experience at Les Schwab and the
20 documents I have reviewed (including, as examples, the attached MSDS and Les
21 Schwab's policies during the 2006 and 2014 time period), I conclude, and I am
22 informed and believe, that the material listed as F002, F001, and D001 waste was
23 in fact an aqueous solution, not a solvent, and particularly not PCE.

24 Les Schwab's investigation is on-going, and Les Schwab will provide any subsequently
25 discovered evidence to supplement this Petition as soon as possible.

26 B. The PCE impacts at issue predate Les Schwab's ownership of the Property and operation
27 of a tire center thereon.

28 Based on the files publicly available on GeoTracker, it appears that the SWRCB Site Clean
Up Program and the CVRWQCB contracted with Partner Engineering to identify Potentially
Responsible Parties (PRPs) in relation to PCE impacts to two Carmichael Water District
production wells: The La Vista and Garfield Wells. Partner published its results in a report
entitled POTENTIALLY RESPONSIBLE PARTY SEARCH REPORT: Carmichael Water

1 District La Vista and Garfield Wells (“the Report”). The Report is dated February 28, 2014. (Due
2 to the size of the Report it is not included herewith, but, as stated, it is a publicly available
3 document in the CVRWQCB and SRWQCB’s files and should therefore be readily available.)
4
5 As stated in the Report, “groundwater analytical results show that PCE has been detected in the
6 La Vista Well since July 12, 1989, and at the Garfield Well since October 4, 2001.” (Report at p.
7 6, section 2.6.). Thus, PCE was in the La Vista and Garfield wells long before the Relevant Time
8 Period and Les Schwab cannot possibly be fully responsible for these impacts. That being the
9 case, the Order improperly and unjustifiably tasks Les Schwab with an extensive and expensive
10 investigation based on a conclusion that is contrary to the weight of the evidence.
11

12 C. The Order is barred by laches.

13 Even though Partner published the Report on February 28, 2014, the CVRWQCB did not
14 notify Les Schwab of any potential issue or alleged responsibility for the PCE impacts until April
15 19, 2018—*four years after it received Partner’s report*. As Les Schwab sold the Property on
16 December 23, 2014, had the CVRWQCB acted within a reasonable time of receiving Partner’s
17 report, Les Schwab would have owned the Property and thus at least would have been able to
18 access the site for purposes of the investigation demanded in the Order. Therefore, the
19 CVRWQCB’s unnecessary and unjustified delay in contacting Les Schwab about the allegations
20 contained in the Report resulted in actual prejudice to Les Schwab in the form of a lack of access
21 to the Property, and because the delay resulted, in fact, in relevant records having been destroyed,
22 memories having faded, and many of Les Schwab’s employees that worked at the Property having
23 moved on. The Order is barred by laches.
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1 **5. The Manner in Which the Petitioner is Aggrieved.**

2 Les Schwab is aggrieved by the Order because, despite the fact that the evidence indicates
3 that Les Schwab neither used nor possessed PCE during the Relevant Time Period, and therefore
4 cannot be a discharger of PCE, the Order nevertheless obligates Les Schwab to, within 60 days,
5

6 [S]ubmit a Site Historical Activity Report that includes a history of PCE or other
7 solvent operations at the Site; equipment, if any, currently and formerly used; type
8 of solvent used; amount of solvent used and/or stored; solvent storage location; and
9 records of waste solvent and filter disposal. The Report shall also include the
10 locations of all cleaning equipment, if any, that used PCE and all sewer connections
11 and sewer lateral connections that were used by the cleaning equipment and/or the
12 building.

13 Worse, without even allowing an opportunity to consider the information that it obligates Les
14 Schwab to provide within 60 days—which, as shown here, supports to the conclusion that Les
15 Schwab did not discharge PCE as alleged—the Order goes on to require Les Schwab to, within
16 120 days of the Order,

17 [S]ubmit a Remedial Investigation Work Plan (Work Plan) to the Central Valley
18 Water Board staff for review and concurrence. The Work Plan shall contain a scope
19 of work that adequately defines the lateral and vertical extent of soil, groundwater
20 and soil gas pollution of PCE and any of its breakdown or daughter products,
21 hereafter collectively call the contaminants of concern (COCs). The Work Plan
22 must include the following:

- 23 a) Collection of depth discrete soil and soil gas samples and necessary to
24 assess the vertical and lateral extent of COICs in soil and soil gas at the Site.
- 25 b) Collection of groundwater samples as necessary to delineate the vertical and
26 lateral extent of the groundwater impacted by COCs.
- 27 c) An assessment of the health risks posed by the COC vapors in the indoor
28 air to workers in the building or nearby buildings. This may include subslab
soil gas sampling and/or indoor air sampling.
- d) A complete utility survey including all sewer lines on the property and
where they connect to offsite utilities and/or main sewer mains and/or lines.

And, also within 120 days, the Order obligates Les Schwab to, “submit to the Central Valley
Water Board for review, a Remedial Investigation Report that presents the results of the Remedial

1 Investigation work.” The Order therefore imposes an excessive, unreasonable, and unnecessary
2 financial burden on Les Schwab to investigate and perform work at a site that it no longer owns
3 and where there is substantial evidence showing that in fact Les Schwab *did not* handle or possess
4 PCE and that, as such, Les Schwab *is not* a discharger of PCE.
5

6 **6. The Specific Action by the State or Regional Board Which Petitioner Requests.**

7 Les Schwab requests that the Order be rescinded as to Les Schwab. Alternatively, Les
8 Schwab requests that the CVRWQCB renegotiate the terms of the Order with Les Schwab to take
9 into account Les Schwab’s lack of access to the Property and the likelihood that no releases or
10 threatened releases of PCE occurred at the Property during Les Schwab’s ownership or operation.
11 As a final alternative, Les Schwab seeks an opportunity to resolved its alleged liability through a
12 settlement with the CVRWQCB.
13

14 **7. Points and Authorities in Support of Legal Issues Raised in this Petition.**

15 Les Schwab will provide a detailed statement of facts and a Memorandum of Points and
16 Authorities, along with any subsequently identified supporting evidence, in the event that the
17 SWRCB activates this Petition.
18

19 **8. List of Persons Other Than the Petitioner Known by the Regional Board to Have**
20 **an Interest in the Subject Matter of the Petition.**

- 21 A. Robert S. Andre, 5150 Fair Oaks Boulevard, Carmichael, CA 95608.
22 B. Econo Lube N’ Tune, Inc., 440 S. Church Street, Suite 700, Charlotte, NC 28202.
23 C. Frank Lucchesi, Lucchesi Trust, 33946 County Road 27, Woodland, CA 95695.
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1 **9. Statement of Service of Petition.**

2 A copy of this Petition has been delivered to the Executive Officer of the CVRWQCB, as
3 well as the Case Manager, Mr. Nathan Casebeer.

4 **10. Request to the Regional Board for Preparation of the Record.**

5 By copy of this Petition to the CVRWQCB Executive Officer, Les Schwab hereby
6 requests preparation of the administrative record in this matter. Les Schwab reserves the right to
7 submit supplemental evidence and to request a hearing for the purpose of considering additional
8 evidence nor previously presented as permitted by 23 § CCR 2050.6

9 **11. Request for Evidentiary Hearing.**

10 Les Schwab requests an evidentiary hearing at which all of the available evidence can be
11 presented. However, Les Schwab will make every reasonable effort to provide all of its evidence
12 well in advance of the hearing.

13 **12. Request for Stay.**

14 In accordance with Cal. Code Reg. tit. 23, § 2053, subd. (a), Les Schwab requests a stay
15 of the Order as to Les Schwab. Les Schwab has filed herewith in support of this Petition the
16 Declarations of Billy R. Ross and Scott W. Knutz, respectively, and setting forth proof that: (1)
17 substantial harm to petitioner will result if a stay is not granted; (2) no substantial harm to other
18 interested persons or to the public interest will result if a stay is granted; and (3) there are
19 substantial questions of fact and law regarding the propriety of the Order. Petitioner also requests
20 a hearing on this request.
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER R5-2018-0809
FOR
FORMER LES SCHWAB TIRE CENTER
6540 FAIR OAKS BOULEVARD
CARMICHAEL
SACRAMENTO COUNTY

This Order is issued to Robert S. Andre and Les Schwab Tire Centers (Discharger) pursuant to California Water Code (CWC) section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) to issue Orders requiring the submittal of technical reports.

The Executive Officer finds:

INTRODUCTION

1. The property located at 6540 Fair Oaks Boulevard is currently owned by Robert S. Andre. Its location is shown in Attachment 1. As the current property owner, Robert S. Andre has the ability and authority to control discharges at the property.
2. Various automotive repair and tire businesses have operated at the property before 2012. These include Les Schwab Tire Center between about 2006 and 2012. Les Schwab Tire Centers also owned the property between about 2006 and 2014. As a previous business owner and property owner, Les Schwab Tire Centers had the ability and authority to control discharges at the property.
3. California hazardous waste manifests indicate that the Les Schwab Tire Center at 6540 Fair Oaks Boulevard disposed of halogenated solvents in 2008.
4. Site assessments conducted at the adjacent Gold Rush Recycling site have detected the halogenated solvent tetrachloroethylene (also known as perchloroethylene, perc or PCE) in groundwater at concentrations up to 1,600 micrograms per liter. These groundwater results were collected during an investigation of a gasoline station fuel release and were not intended to define the extent of PCE impacts to soil, soil vapor, or groundwater near the Site. ⁶⁵⁴⁵
5. Based on reviews of a groundwater investigation at the adjacent Gold Rush Recycling site at 6545 Fair Oaks Boulevard, groundwater at the Site is likely to be encountered at about 60 feet below ground surface (bgs) and groundwater flow direction in shallow groundwater is most likely to the west.
6. California Department of Public Health records indicate concentrations of PCE in the two closest municipal water supply wells to the site, which are owned by the Carmichael

Water District. The closest of these wells is located adjacent to the water tank on La Vista Avenue. The La Vista Well has had PCE detected up to a maximum concentration of 3.2 micrograms per liter in groundwater. The Garfield Well located on Garfield Avenue between Robertson Avenue and North Avenue has recently contained PCE as high as 3.7 micrograms per liter.

LEGAL PROVISIONS

7. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4th Edition* (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The designated beneficial uses of the groundwater beneath the Site are domestic, municipal, industrial, and agricultural supply.

8. CWC section 13267 states, in part:

(b)(1) 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.

The Discharger owns the property, which may have resulted in the suspected discharge of wastes, specifically PCE, to groundwater. Therefore, the Discharger is a person who has discharged, or is suspected of having discharged waste" within the meaning of CWC section 13267. The reports required herein are necessary to identify and delineate the nature and extent of the contamination beneath the Site, to assure protection of waters of the state, and to protect public health and the environment.

9. CWC section 13268 states, in part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the

Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by a regional board ... for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

11. Failure to submit the required report to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Because PCE can be a hazardous waste when discharged to any media (i.e. ground, air, etc.), administrative civil liability of up to \$5,000 per violation per day may be imposed by the Central Valley Water Board for non-compliance with the directives contained herein.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13267, the Discharger shall submit the following technical reports:

1. **Within sixty (60) days** from the effective date of this Order, the Discharger shall submit to the Central Valley Water Board staff for review a Site Historical Activity Report that includes a history of PCE or other solvent operations at the Site; equipment, if any, currently and formerly used; type of solvent used; amount of solvent used and/or stored; solvent storage location; and records of waste solvent and filter disposal. The Report shall also include the locations of all cleaning equipment, if any, that used PCE and all sewer connections and sewer lateral connections that were used by the cleaning equipment and/or the building.
2. **Within one hundred and twenty (120) days** from the effective date of this Order, the Discharger shall submit a Remedial Investigation Work Plan (Work Plan) to the Central Valley Water Board staff for review and concurrence. The Work Plan shall contain a scope of work that adequately defines the lateral and vertical extent of soil, groundwater and soil gas pollution of PCE and any of its breakdown or daughter products, hereafter collectively called the contaminants of concern (COCs). The Work Plan must include the following:
 - a) Collection of depth discrete soil and soil gas samples as necessary to assess the vertical and lateral extent of COCs in soil and soil gas at the Site.
 - b) Collection of groundwater samples as necessary to delineate the vertical and

lateral extent of the groundwater impacted by COCs.

- c) An assessment of the health risks posed by the COCs vapors in the indoor air to workers in the building or nearby buildings. This may include sub slab soil gas sampling and/or indoor air sampling.
- d) A complete utility survey including all sewer lines on the property and where they connect to offsite utilities and/or main sewer mains and/or lines.

In addition to the requirements of Section 2 (a) through (d) above, Attachment No. 2 describes items that generally need to be included in a Remedial Investigation Work Plan.

- 3. **Within one hundred and twenty (120) days** from the date of the Central Valley Water Board's concurrence letter with the Remedial Investigation Work Plan, the Discharger shall submit to the Central Valley Water Board for review, a Remedial Investigation Report that presents the results of the Remedial Investigation work. Attachment No. 3 describes items that generally need to be included in a Remedial Investigation Report.

REPORTING

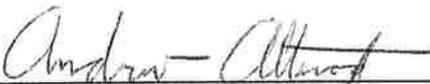
- 4. When reporting data, the Discharger shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order.
- 5. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.
- 6. All reports must be submitted electronically to the Central Valley Water Board. Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.waterboards.ca.gov>. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Board's web site.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board's (State Water Board) to review the action in accordance with CWC 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.

This Order is effective upon the date of signature.

Ordered by:



ANDREW ALTEVOGT, Assistant Executive Officer

4/19/18

(Date)

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number CAL000312207	2. Page 1 of 1	3. Emergency Response Phone -800-468-1760	4. Manifest Tracking Number 001006434 SKS	
5. Generator's Name and Mailing Address LES SCHWAB 6540 FAIR OAKS BLVD CARMICHAEL CA 95824 Generator's Phone: 916-265-8621			Generator's Site Address (if different than mailing address)			
6. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.			U.S. EPA ID Number TXR000050930			
7. Transporter 2 Company Name Triad Transport			U.S. EPA ID Number OKD 981588791			
8. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 1722 COOPER CREEK ROAD DENTON, TX 76208 Facility's Phone: 940-483-5200			U.S. EPA ID Number 000618		U.S. EPA ID Number TXD077603371	
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
		No.	Type			
K	WASTE FLAMMABLE LIQUIDS, TOXIC, N.O.S. (HEXANE, TETRACHLOROETHYLENE) (6.1) UN1992 PGIII	1	DM	150	P	F001 F002 D001 D039 741 O025 219H
	2) Non Rara Hazardous waste solid (metal Brake Shavings)	1	DM	80	P	172 O025 3020
	3.					
	4.					
14. Special Handling Instructions and Additional Information SK PRCK#109266351 L)ERG#131			U.S. EPA ID Number 0003095522			
SK AUTH'D TO USE SUBSEQUENT CARRIERS: 41078, 41471, 81681, 82739, 85399						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Offeror's Printed/Typed Name Drian Myers			Signature 		Month Day Year 12 15 08	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____						
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name Michael McCarty			Signature 		Month Day Year 12 15 08	
Transporter 2 Printed/Typed Name Carl Wynne			Signature 		Month Day Year 12 21 08	
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
Manifest Reference Number: _____						
18b. Alternate Facility (or Generator)					U.S. EPA ID Number	
Facility's Phone: _____						
18c. Signature of Alternate Facility (or Generator)					Month Day Year	
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1. H061		2. H141		3.		4.
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name Cholon Stang			Signature 		Month Day Year 2 25 08	

GENERATOR

TRANSPORTER INT'L

DESIGNATED FACILITY

1 Summer L. Nastich (SBN 229985)
2 NASTICH LAW
3 2341 Derby Street
4 Berkeley, CA 94705
5 (415) 794-4210
6 summer@nastichlaw.com

7 Attorney for Petitioner
8 Les Schwab Tire Centers

9 STATE OF CALIFORNIA

10 STATE WATER RESOURCES CONTROL BOARD

11 LES SCHWAB TIRE CENTERS,
12
13 Petitioner,

Case No.:

14 IN THE MATTER OF TECHNICAL
15 REPORTING ORDER R5-2018-0809 FOR
16 FORMER LES SCHWAB TIRE CENTER,
17 6540 FAIR OAKS BOULEVARD,
18 CARMICHAEL, SACRAMENTO COUNTY,
19 OF CALIFORNIA REGINAL WATER
20 QUALITY CONTROL BOARD FOR THE
21 CENTRAL VALLEY REGION

DECLARATION OF SCOTT W. KNUTZ IN
SUPPORT OF LES SCHWAB TIRE
CENTERS'S PETITION FOR REVIEW OF
TECHNICAL REPORTING ORDER R5-
2018-0809 [WATER CODE § 13320 ET SEQ.
AND 23 CCR § 2050 ET SEQ.]

22 **DECLARATION**

- 23 1. I, Scott W. Knutz, am over the age of 18.
- 24 2. I have personal knowledge of the facts asserts asserted herein and, if called as a witness, could
25 and would testify truthfully thereto under oath before a court of law or other tribunal.
- 26 3. Since 2007, I have worked for Les Schwab Tire Centers (Les Schwab) in the area of safety,
27 including environmental, fire, and life and safety-related compliance issues.

28 DECLARATION OF SCOTT W. KNUTZ IN SUPPORT OF LES SCHWAB TIRE CENTERS'S PETITION FOR
REVIEW OF TECHNICAL REPORTING ORDER R5-2018-0809 [WATER CODE § 13320 ET SEQ. AND 23
CCR § 2050 ET SEQ.] - 1

- 1 4. I am the Safety Supervisor at Les Schwab, a position I have held since July 2017.
- 2 5. In my capacity as Safety Supervisor, I am responsible for employee safety, OSHA compliance
3 and environmental compliance for all of Les Schwab's Washington and California tire centers.
- 4 6. In my capacity as Safety Supervisor I regularly perform the following duties: Manage field
5 safety personnel in Washington and California, provide safety consultation to all retail Tire
6 Centers, perform store inspections, assist stores with safety questions and concerns, provide
7 monthly safety topics, create and maintain written safety programs and assist field personnel
8 with all of the previously mentioned responsibilities.
- 9 7. In my capacity as Safety Supervisor, I have access to records in Les Schwab's possession
10 regarding the use, generation, handling, and disposal of RCRA-hazardous, California
11 hazardous, and non-hazardous materials from Les Schwab Tire Centers.
- 12 8. I have conducted an investigation regarding the materials Les Schwab handled and the wastes
13 Les Schwab generated, in general, during the time 2006 through 2014 and I am familiar with
14 Les Schwab's practices during this time frame both from this investigation and based on my
15 experience working for Les Schwab in the area of safety from 2007 to the present.
- 16 9. I am conducting an investigation into the use, handling, generation, and disposal of wastes
17 from 6540 and 6542 Fair Oaks Boulevard in Carmichael, California (collectively, "the
18 Property").
- 19 10. I have reviewed and I am familiar with Technical Reporting Order R5-2018-0809 for Former
20 Les Schwab Tire Center, 6540 Fair Oaks boulevard, Carmichael, Sacramento County issued
21 by the Central Valley Regional Water Quality Control Board on April 19, 2018 (Order).

22 Les Schwab's Ownership of the Fair Oaks Boulevard Properties.

1 11. Les Schwab purchased the 6540 Fair Oaks Boulevard property on November 20, 2006, and
2 purchased the 6542 Fair Oaks Boulevard property on August 25, 2006.

3 12. Les Schwab sold both the 6540 and 6542 Fair Oaks Boulevard properties on December 23,
4 2014.

5 13. When Les Schwab bought the 6542 Fair Oaks Boulevard property it sported a 2,000-sf
6 warehouse, which Les Schwab continued to use for storage during the time it owned that
7 address.
8

9 14. During the time Les Schwab owned the 6540 Fair Oaks Boulevard property, it used the
10 property as a relatively small volume Les Schwab Tire Center that sold tires, wheels, brakes,
11 shocks, and batteries and performed wheel alignments. The store carried and sold the
12 necessary front end parts such as tie rod ends, idler arms, cv joints and ball joints that it would
13 use to replace these parts as necessary during wheel alignments.
14

15 15. Les Schwab closed the Carmichael Les Schwab Tire Center on July 31, 2012. From then on,
16 the 6540 Fair Oaks Property was vacant and unused by Les Schwab until sold on December
17 23, 2014.
18

19 16. Other than as set forth above, Les Schwab never held any ownership interest in either the 6540
20 or 6542 Fair Oaks Boulevard properties.

21 17. Other than the period November 20, 2006 through July 31, 2012, Les Schwab never operated
22 any business or other operation at either of the Fair Oaks Boulevard properties at issue here
23 (collectively, "the Property").
24

1 Les Schwab's Generation and Disposal of Waste Between 2006 and 2014.

2 18. During the period August 20, 2006 through December 23, 2014, Les Schwab did not supply
3 any solvents or other automotive parts cleaning products containing tetrachloroethylene
4 (PCE) to its California stores, and discouraged the purchase of such products outside the Les
5 Schwab distribution system. To put it another way, between August 20, 2006 through
6 December 23, 2014, Les Schwab did not supply solvents or other automotive parts cleaning
7 products containing PCE to its California stores, and told California store managers and
8 assistant managers during area meetings not to go outside of Les Schwab's distribution system
9 (which, for the Carmichael store, consisted of supply by Midway, Les Schwab's internal
10 supply company, or via Safety-Kleen as Les Schwab's vendor to the Carmichael store) to
11 purchase any cleaning chemicals and solvents, lubricating oils or other automotive additives
12 without vetting those chemicals by way of sharing the Material Safety and Data Sheet (MSDS)
13 sheets with the Les Schwab Safety Department before such a purchase.
14

15
16 19. As part of my investigation into this matter, I identified the MSDS for the brake parts cleaner
17 that would have been in use the Carmichael store from 2006 on. A true and correct copy of
18 the MSDS for this material is attached hereto as Exhibit C. As can be seen from the MSDS,
19 this material did not contain any PCE.
20

21 20. I am in the process of making a reasonable and diligent search of Les Schwab's records for
22 any other manifests or other documents regarding the use, generation, handling and/or
23 disposal of materials, whether RCRA hazardous, California hazardous, or non-hazardous,
24 from the Property during the relevant time period set forth above.
25

26 21. As part of my investigation, I have been in contact with Safety-Kleen Systems, Inc. (Safety-
27

1 Kleen), and have asked them to search their records for any manifests or other documents
2 showing the generation and/or disposal of materials, whether RCRA hazardous, California
3 hazardous, or non-hazardous, from the Property during the period of August 20, 2006 through
4 December 23, 2014.
5

6 22. I am informed and believe that, as of the date of this Declaration, Safety-Kleen's investigation
7 regarding the services it performed for Les Schwab in relation to the Property is on-going.

8 23. However, I am informed and believe that, thus far, Safety-Kleen has not identified or located
9 any documents or other information indicating that Safety-Kleen provided any PCE or PCE-
10 using products or materials to the Property.
11

12 24. To the contrary, the information I have received from Safety-Kleen is that the February 15,
13 2008 manifest showing disposal of 150 pounds F001 and F002 waste from the Property is
14 likely incorrect and that, in fact, the material referenced on the manifest did not contain any
15 PCE.
16

17 Substantial harm to Les Schwab will result if a stay is not granted.

18 25. The Order sets out extensive requirements for Les Schwab to investigate not only the potential
19 for past use of PCE at the Property, but the condition of the subsurface and the quality of
20 indoor air.
21

22 26. Les Schwab sold the Property about four (4) years ago, and no longer operates a business on
23 the property or holds any right to use or access the Property.

24 27. Les Schwab will have to obtain permission from the current landlord and/or tenant to comply
25 with the Order—this may not be possible.

26 28. My investigation is on-going, but, so far, the information and documents I've looked at make
27

1 it questionable, at best, as to whether Les Schwab ever used or handled PCE at the Property.

2 29. Given the amount of time that's past since Les Schwab operated on and owned the Property,
3 I am having trouble tracking the available documents and information, as documents and
4 records have been lost or destroyed, personnel have moved on, and memories have faded.
5

6 30. A stay would avoid substantial harm to Les Schwab, including additional prejudice, by
7 affording me an opportunity to complete my investigation and obtain all of the relevant
8 documents.
9

10 No substantial harm to other interested persons or to the public interest will result if a stay is
11 granted.

12 31. I am informed and believe that there are at least nine (9) current or former dry-cleaning
13 operations within a quarter mile of the Property.

14 32. I am informed and believe that PCE was detected in groundwater near the Property long
15 before Les Schwab's purchase of the Property.

16 33. I am informed and believe that the Order is also addressed to the current owner, who is in a
17 much better position than Les Schwab to carry out the Order's requirements because the
18 current owner can access the Property.
19

20 34. I am informed and believe that there are a number of other potentially responsible parties
21 (PRPs) in relation to the PCE impacts at issue, many of which related to dry cleaners with
22 extensive history of using PCE at their respective sites, that are also obligated to investigate
23 the PCE impacts and will be doing so while any stay of the Order as to Les Schwab is in place.
24

25 35. Given that there are other entities responsible for the PCE impacts and actively investigating
26 those impacts, and that the impacts have existed—and about which the Carmichael Water
27

1 District has known—for about 30 years, no substantial harm to other interested persons or to
2 the public interest will result if a stay is granted.

3 There are substantial questions of fact and law regarding the propriety of the Order.

4
5 36. The results of my investigation to date indicate that it is very unlikely that Les Schwab used
6 or handled PCE during the time that it owned and operated at the Property.

7 37. If Les Schwab did not handle or use PCE during the time that it owned and operated at the
8 Property, then it could not be a discharger of PCE at the Property or a Potential Responsible
9 Party (PRP) in relation to groundwater impacts.

10
11 38. Based on my investigation to date, including my experience at Les Schwab and the documents
12 I have reviewed (including, as examples, the attached MSDS and Les Schwab's policies
13 during the 2006 and 2014 time period), I conclude, and I am informed and believe, that the
14 material listed as F002, F001, and D001 waste was in fact an aqueous solution, not a solvent,
15 and particularly not PCE.

16
17 39. I am informed and believe that, as of February 28, 2014, the CVRWQCB had been informed
18 by its consultant, Partner Engineering, that Les Schwab allegedly disposed of PCE generated
19 at the Property in February 2008.

20 40. Despite knowing that Les Schwab allegedly disposed of PCE generated at the Property by
21 February 28, 2014, the CVRWQCB did not contact Les Schwab in any way about possible
22 impacts to groundwater or Les Schwab's liability until serving the Order on April 19, 2018.

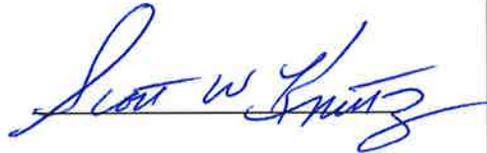
23
24 41. During the time between when Les Schwab sold the Property on December 23, 2014, and
25 even more so between February 15, 2008 when the manifest at issue was created, memories
26 have faded, Les Schwab's employees that worked at the Carmichael store have moved on,
27

1 and documents and other records have been lost or destroyed. If those records and memories
2 would have shown that Les Schwab did not use or handle PCE at the Properties, then the delay
3 that resulted in the inability for Les Schwab to present that evidence will cause severe harm
4 and prejudice to Les Schwab and deprive Les Schwab of due process of law by preventing
5 Les Schwab from mounting a defense to the allegation that it was a discharger of PCE or a
6 PRP in relation to the subsurface impacts, which defense Les Schwab would have been able
7 to mount but for the unreasonable and unjustified delay.
8

9 42. The requested stay would allow me to fully exhaust all of my options for obtaining the
10 available records and completing my investigation, including determining whether there is a
11 factual basis that Les Schwab is a discharger or PRP in relation to PCE impacts in groundwater
12 around the Property.
13

14 I swear under the laws of perjury of the State of California that the foregoing is true and correct.

15 Executed this 17th day of May, 2018 at Bend, Oregon.
16
17

18 
19
20

21 Scott W. Knutz
22
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27

MATERIAL SAFETY DATA SHEET

This MSDS complies with OSHA'S Hazard Communication Standard 29 CFR 1910.1200 and OSHA Form 174

IDENTITY AND MANUFACTURER'S INFORMATION						
NFLPA Rating: Health-2; Flammability-3; Reactivity-0; Special-B			HMIS Rating: Health-2; Flammability-3; Reactivity-0; Personal Protection-B			
Manufacturer's Name: Amrep Automotive Products Group			DOT Hazard Classification: ORM-D			
Address: 990 Industrial Park Drive Marietta, GA 30062			Identity (trade name as used on label): NEXT DIMENSION BRAKE & PARTS CLEANER VOC			
Date Prepared: 10/22/04		Prepared By: TR		MSDS Number: A00732 (504300686) Revision- 3		
Information Calls: (770)422-2071			NOTICE: JUDGMENT BASED ON INDIRECT TEST DATA			
EMERGENCY RESPONSE NUMBER: 1(800)255-3924						
SECTION 1 - MATERIAL IDENTIFICATION AND INFORMATION						
COMPONENTS-CHEMICAL NAMES AND COMMON NAMES (Hazardous Components 1% or greater; Carcinogens 0.1% or greater)		CAS Number	SARA III LIST	OSHA PEL (ppm)	ACGIH TLV (ppm)	Carcinogen Ref. Source **
HEPTANE		142-82-5	No	500	400	d
ACETONE		67-64-1	No	1000	750	d
CARBON DIOXIDE		124-38-9	No	5000	5000	d
SECTION 2 - PHYSICAL/CHEMICAL CHARACTERISTICS						
Boiling Point: N/A			Specific Gravity (H2O=1): Concentrate Only = 0.728			
Vapor Pressure: PSIG @ 70°F (Aerosols): 80-100			Vapor Pressure (Non-Aerosols)(mm Hg and Temperature): N/A			
Vapor Density (Air = 1): N/E			Evaporation Rate (= 1): N/E			
Solubility in Water:None			Water Reactive: No			
Appearance and Odor: Clear forceful spray with aliphatic/ketone solvent odor.						
SECTION 3 - FIRE AND EXPLOSION HAZARD DATA						
FLAMMABILITY as per USA FLAME PROJECTION TEST (aerosols) EXTREMELY FLAMMABLE		Auto Ignition Temperature N/E		Flammability Limits in Air by % in Volume: % LEL: N/E % UEL: N/E		
FLASH POINT AND METHOD USED (non-aerosols): N/A			EXTINGUISHER MEDIA: Foam, dry chemical, carbon dioxide.			
SPECIAL FIRE FIGHTING PROCEDURES: Self-contained breathing apparatus.						
Unusual Fire & Explosion Hazards: Do not expose aerosols to temperatures above 130°F or the container may rupture.						
SECTION 4 - REACTIVITY HAZARD DATA						
STABILITY [X] STABLE [] UNSTABLE			HAZARDOUS POLYMERIZATION [] WILL [X] WILL NOT OCCUR			
Incompatibility (Mat. to avoid): Strong oxidizing agents.			Conditions to Avoid: Open flame, welding arcs, heat, sparks.			
Hazardous Decomposition Products: Carbon dioxide, carbon monoxide.						
SECTION 5 - HEALTH HAZARD DATA						
PRIMARY ROUTES OF ENTRY: [X] INHALATION [] INGESTION [X] SKIN ABSORPTION [] EYE [] NOT HAZARDOUS						
ACUTE EFFECTS						
Inhalation: Excessive inhalation of vapors can cause nasal & respiratory irritation, dizziness, weakness, nausea, headache, possible unconsciousness or asphyxiation.						
Eye Contact: Slight irritation.			Skin Contact: Slight irritation due to defatting of skin.			
Ingestion: Irritation.						
CHRONIC EFFECTS: (Effects due to excessive exposure to the raw materials of this mixture) Excessive inhalation may result in central nervous system effects.						
Medical Conditions Generally Aggravated by Exposure: May aggravate existing eye, skin, or upper respiratory conditions.						
EMERGENCY FIRST AID PROCEDURES						
Eye Contact: Flush with water for 15 minutes. If irritated, seek medical attention.						
Skin Contact: Wash with soap and water. If irritated, seek medical attention.						
Inhalation: Remove to fresh air. Resuscitate if necessary. Get medical attention.						
Ingestion: DO NOT INDUCE VOMITING. Drink two large glasses of water. Get immediate medical attention.						
SECTION 6 - CONTROL AND PROTECTIVE MEASURES						
Respiratory Protection (specify type): If vapor concentration exceeds TLV, use respirator approved by NIOSH approved for organic vapor.						
Protective Gloves: Neoprene			Eye Protection: Safety glasses recommended.			
Ventilation Requirements: Adequate ventilation to keep vapor concentration below TLV.						
Other Protective Clothing & Equipment: None						
Hygienic Work Practices: Wash with soap and water before handling food.						
SECTION 7 - PRECAUTIONS FOR SAFE HANDLING AND USE						
Steps To Be Taken If Material Is Spilled Or Released: Absorb with suitable medium. Incinerate or landfill according to local, state or federal regulations. DO NOT FLUSH TO SEWER.						
Waste Disposal Methods: Aerosol cans when vented to atmospheric pressure through normal use, pose no disposal hazard.						
Precautions To Be Taken In Handling & Storage: Do not puncture or incinerate containers. Do not store at temperatures above 130°F.						
Other Precautions &/or Special Hazards: KEEP OUT OF REACH OF CHILDREN. Avoid food contamination.						

We believe the statements, technical information and recommendations contained herein are reliable, but they are given without warranty or guarantee of any kind.

** Chemical Listed as Carcinogen or Potential Carcinogen. [a] NTP [b] IARC Monograph [c] OSHA [d] Not Listed [e] Animal Data Only

Billy R. Ross, Jr.

Vice President of EHS – North American Branches/DCs/ACs

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work phone: (406) 468-9192

cell: (530) 304-6915

efax: (786) 551-5733

P.O. Box 433, Cascade, MT 59421

I. SUMMARY:

Over 25 years of proven experience in communications, environmental engineering, and regulatory affairs can be fully utilized to help both internal and external clients successfully accomplish their most difficult and challenging projects and strategic objectives. Demonstrated experience in working with and managing a diverse workforce including blue collar workers and professionals, from both unionized (Teamsters) and non-union backgrounds. Able to focus group efforts on completing critical company imperatives to minimize risk, maximize positive public relations and customer satisfaction, enhance earnings and shareholder value, and to meet established budget and time constraints. This unique blend of experience and skills provides a strong platform for supporting facilities where leadership, innovative solutions, and effective advocacy are needed to solve difficult and complex regulatory challenges.

II. WORK EXPERIENCE:

(January 2010 to present): Vice President of Environmental Health & Safety for all Safety-Kleen Branches, Accumulation Centers, and Distribution Centers in North America. Responsible for the same duties as during the previous eight years but now focused on supporting all of the Branches, Accumulation Centers and Distribution Centers in the US, Canada, and Mexico along with a team of 28 dedicated EHS professionals each with an average experience level of approximately 20 years each. Each EHS professional provides coverage to between 8 to 14 Safety-Kleen facilities. This position also supports our National Accounts group and their interactions with our major (e.g., Fortune 500) customers in helping those customers resolve their regulatory and compliance related issues. Also responsible for all MSDS and Label development and for DOT/TDG transportation compliance at these Safety-Kleen Branches, Accumulation Centers, and Distribution Centers in North America.

Over the previous 9 years I have represented Safety-Kleen in over a two-dozen lawsuits involving toxic tort litigation (e.g., exposures to benzene, perchloroethylene, and radioactive waste) and employment law litigation (wage and hour) in California, New York, Kentucky, and Oregon. In each of these cases I have been designated the “person most knowledgeable” (PMK) at Safety-Kleen and in some of these cases also designated as an expert witness on the underlying issues. I have been qualified in trial litigation as an expert on two occasions. This position currently reports directly to the SVP - Chief Compliance Officer at Safety-Kleen.

(January 2007 to January 2010): Vice President of Environmental Health & Safety – West Group. Responsible for the same duties as during the previous four years but now focused on supporting the approximately 100 facilities in the Central and Western Divisions which

Billy R. Ross, Jr.

includes all of Canada and expansion operations into Mexico. This position also supports our National Accounts group and their interactions with our major (e.g., Fortune 500) customers in helping those customers resolve their regulatory and compliance related issues. A focus of this position is to improve critical safety metrics as measured by improvements to DART, TRIR, and EMR ratings using standardized OSHA-Cal/OSHA risk management methodologies including establishing an effective Injury and Illness Protection Plan. This position reports directly to both the General Counsel and to the Executive Senior Vice President – West Group.

(January 2002 to December 2006): Vice President of Environmental Compliance for Safety-Kleen Corporation. Responsible for the permitting and compliance of over 200 facilities in North America that are associated with the distribution and recycling of solvents, oils, and other industrial cleaning chemicals used by a diverse array of industries, from auto shops to printers and microchip manufactures. Responsible for leading, supervising, training, and mentoring a core group of over 40 professional Environmental Health & Safety (EHS) Managers who support these 200 facilities that service over 250,000 customers. Responsible for implementing the Environmental Management System (EMS) at these facilities under the ISO 14001:2004 standards.

(December 1989 to December 2001): Director of Regulatory Affairs for Safety-Kleen Corporation (a.k.a. Laidlaw Environmental Services), the largest environmental (hazardous waste) services firm in North America. Core responsibilities include building, managing, leading, mentoring and retaining a team of over 30 environmental professionals charged with implementing all local, state, and federal environmental laws and regulations (e.g., RCRA, CWA, CAA, CEQA, OSHA) pertaining to the siting, permitting and the operation of 70 major RCRA permitted hazardous waste treatment, storage, and disposal facilities in the U.S. and Canada. Responsible corporate manager with direct responsibility and accountability for:

- 1. Providing the lead management role and mentor for all regulatory affairs and legislative affairs within the Western states and Canada, including liaison with major customers, elected officials at the local and state level, occasional congressional interactions locally and in Washington D.C. on priority projects, and all key interactions with regulatory agency staff and management.**
- 2. Development and execution of legislative and regulatory initiatives aimed at protecting, enhancing, and/or expanding the company's market share in a very competitive business environment.**
- 3. Developing strategic communication programs to enhance community relations associated with these facilities, including partnerships with local community leaders and activist groups that would otherwise initiate and/or perpetuate active opposition against these facilities.**
- 4. Acting as spokesperson for media relations and crisis communications.**
- 5. General environmental engineering oversight of complex projects (e.g., groundwater investigations, hazardous waste landfill design and construction, UST removals and retrofits, multi-pathway risk assessments).**

Billy R. Ross, Jr.

6. Organizing and executing site audits, acquisition due diligence reviews, legal defense for infractions (e.g., violations) of any regulations by operating groups, and providing general regulatory expertise and guidance in environmental law to both internal operations and marketing groups and to external clients and customers.

(June 1986 – December 1989): Hazardous Waste Control Engineer for the Cal/EPA Department of Toxic Substance Control. Core responsibilities included: leading the geotechnical reviews of landfill and surface impoundment liner designs at RCRA facilities in California; permitting hazardous waste disposal facilities; conducting major compliance inspections for enforcement of state and federal environmental laws; peer review of major projects and permits; and, developing training programs for both internal use and external use under ASTWMO and the Western States Governors' Assoc. (e.g., Closure Cost Estimating Procedures for High-Risk RCRA Facilities.)

(September 1985 – June 1986): Laboratory Manager, Humboldt State University's Water Quality Studies Laboratory. Responsibilities included maintaining analytical equipment (e.g., GCs and AA), preparing laboratory demonstration projects and laboratory logistics for water quality laboratory courses, and chemical inventory and tracking.

(June 1984 – August 1985): Student Assistant Civil Engineer, California Department of Transportation. Responsible for construction oversight and geotechnical testing in support of highway construction projects.

III. EDUCATION:

Graduated with honors in 1986 with a Bachelors of Science degree in Environmental Resources Engineering from Humboldt State University, located in Arcata, California. Degree study in Environmental Resources Engineering emphasizing both surface & ground water quality, and waste treatment and monitoring systems. Minor degrees in both Communication Studies and Chemistry.

Various continuing education and post-graduate studies including:

- 1. Post-graduate Certificate in Total Quality Management (TQM) from California State University Bakersfield, earned in 1996.**
- 2. Radiation Safety Compliance Officer (NEMEC Certified) earned in 1996**
- 3. ISO 14001 Lead Auditor (RAB Accredited) earned in 2003**

IV. Registered Professional Civil Engineer in both the State of California (PE #C49651) and the State of Montana (PE #19605). Qualified and/or testified as an expert witness in 2000, 2005, 2008, 2009, and 2012. Qualified expert witness testimony focused on general hazardous waste management issues (e.g., EPA laws and regulations), used oil management practices and standards, and radioactive waste management issues (e.g., NRC laws and regulations) in court cases within the States of California, Michigan, and Oregon. These cases involved either Safety-Kleen (CA) or our customers (MI and OR) in support of their litigation that did not otherwise involve Safety-Kleen.

GENERATOR NAME: LES SCHWAB

MANIFEST NO. 001006434 SK9
MANIFEST PAGE/LINE# 96 (1)

PURSUANT TO 40 CFR 268.7(A), I HEREBY NOTIFY THAT THIS SHIPMENT CONTAINS WASTE RESTRICTED UNDER 40 CFR PART 268 LAND DISPOSAL RESTRICTIONS (LDR).

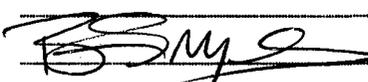
A. GENERAL WASTE NOTIFICATION

EPA WASTE CODES & LDR SUBCATEGORIES (IF ANY)
F001 F002 D001 LIQUID >= 10% TOC D039 D040

TREATABILITY GROUP: NONWASTEWATERS

WASTE CONSTITUENT NOTIFICATION:

LEGEND NUMBER	CONSTITUENT
229	TETRACHLOROETHYLENE
235	1,1,1-TRICHLOROETHANE
237	TRICHLOROETHYLENE

	Brian Myers Manager	2/15/08
GENERATOR'S AUTHORIZED SIGNATURE	NAME & TITLE (PRINTED OR TYPED)	DATE

S-K PROFILE REFERENCE NUMBER: 40179805 CONTROL NUMBER: 200118277-8

ACCEPT AS GENERIC PREQUAL

BRANCH/SUBMITTER: 715701
SACRAMENTO CA

CONTROL #: 200118277-8
LAB #: 6439501488-1
PROFILE REF #: 40179805

CORPORATE REVIEW:

DISPOSITION: ACCEPT AS GENER SALES PART: 0875000 FUEL BLEND LIQ >1200
TECHNOLOGY DISPOSITION CODE: FBLQ LIQUIDS FOR FUEL BLENDING
REVIEW DATE: 01/26/2007 REVIEWERS: WAW

APPROVED FACILITIES:

1 SAFETY-KLEEN SYSTEMS, INC.
1722 COOPER CREEK ROAD
DENTON, TX 76208

FED EPA#: TXD077603371
STATE EPA#: 65124
TELEPHONE: 9404835200
STATE AUTH:

APPROVED DOT - SHIPPING DESCRIPTION

0019081 DRUM OR BULK WASTE FLAMMABLE LIQUIDS, TOXIC, N.O.S.
(HEXANE, TETRACHLOROETHYLENE)
3(6.1) UN1992 PGIII (ERG#131)

STATE/PROV. CODES: CA 741 NH NHX1 NY B TX DUTS219H
US EPA WASTE CODES: F001 F002 D001 D039 D040
USA

REVIEW COMMENTS:

* THIS PROFILE IS ASSOCIATED WITH A GENERIC OR REPLICATION PROFILE.
* THIS WASTE MUST BE SHIPPED IN "X, Y OR Z" DOT RATED CONTAINERS.
* OK FOR FUEL
* APPROVAL BASED ON STANDARD INDUSTRIAL PROFILE INDEX #3-H RECEIVING
* FACILITY MUST CHECK RECEIPTS BASED ON SIP INDEX #3-H IN THE SIP MANUAL.
* DRUMS SHIPPED FROM THE CUSTOMER SITE NEED TO BE EQUIPPED WITH A BUNG IN THE
* TOP LID PRIOR TO SHIPMENT. DRUMS RECEIVED FROM THE CUSTOMER LACKING BUNGS
* WILL BE RETURNED TO THE CUSTOMER BY THE SAFETY-KLEEN TSDF.
* DISPOSAL TECHNOLOGY: PUMPABLE FUEL BLENDING OF ORGANIC LIQUIDS.

THIS SERVES AS NOTICE PER FEDERAL AND STATE REGULATIONS THAT EACH FACILITY
NOTED ABOVE HAS THE APPROPRIATE PERMITS, CAPABILITIES, CAPACITY; AND IS
WILLING TO ACCEPT THE MATERIAL AS DESCRIBED IN THE APPROVAL SECTION.
IT IS THE RESPONSIBILITY OF THE GENERATOR TO NOTIFY SAFETY-KLEEN CORP. OF
ANY CHANGES IN THE PROCESS GENERATING THIS WASTE STREAM.

OZONE DEPLETING SUBSTANCE (ODS) WARNING

WARNING: CONTAINS

1,1,1-TRICHLOROETHANE(METHYLCHLOROFORM), CARBON TETRACHLORIDE
 CHLOROTRIFLUOROMETHANE(CFC-13), DICHLORODIFLUOROMETHANE(CFC-12)
 DICHLOROTETRAFLUORETHANE(CFC-114), TETRACHLORODIFLUOROETHANE(CFC-112)
 TRICHLOROFLUOROMETHANE(CFC-11), TRICHLOROTRIFLUOROETHANE(CFC-113)
 OTHER (NAME MUST BE TYPED)

A SUBSTANCE WHICH HARMS PUBLIC HEALTH AND ENVIRONMENT BY DESTROYING OZONE IN
THE UPPER ATMOSPHERE.
CHECK ALL THE ABOVE THAT APPLY.

*** ACCEPT AS GENERIC PREQUAL

CONTINUED ON NEXT PAGE

1 Summer L. Nastich (SBN 229985)
2 NASTICH LAW
3 2341 Derby Street
4 Berkeley, CA 94705
5 (415) 794-4210
6 summer@nastichlaw.com

7 Attorney for Petitioner
8 Les Schwab Tire Centers

9 STATE OF CALIFORNIA

10 STATE WATER RESOURCES CONTROL BOARD

11 LES SCHWAB TIRE CENTERS,
12
13 Petitioner,

Case No.:

14 IN THE MATTER OF TECHNICAL
15 REPORTING ORDER R5-2018-0809 FOR
16 FORMER LES SCHWAB TIRE CENTER,
17 6540 FAIR OAKS BOULEVARD,
18 CARMICHAEL, SACRAMENTO COUNTY,
19 OF CALIFORNIA REGINAL WATER
20 QUALITY CONTROL BOARD FOR THE
21 CENTRALVALLEY REGION

DECLARATION OF BILLY R. ROSS IN
SUPPORT OF LES SCHWAB TIRE
CENTERS'S PETITION FOR REVIEW OF
TECHNICAL REPORTING ORDER R5-
2018-0809 [WATER CODE § 13320 ET SEQ.
AND 23 CCR § 2050 ET SEQ.]

22 DECLARATION

- 23 1. I, Billy R. Ross, am over the age of 18.
- 24 2. I have personal knowledge of the facts asserted herein and, if called as a witness, could and
25 would testify truthfully thereto under oath before a court of law or other tribunal.
- 26 3. I am an employee of Safety-Kleen Systems, Inc. (Safety-Kleen) and currently hold the title of
27 Vice President of Compliance, as I have since 2002. I was Director of Compliance from 1989

28 DECLARATION OF BILLY R. ROSS IN SUPPORT OF LES SCHWAB TIRE CENTERS'S PETITION FOR
REVIEW OF TECHNICAL REPORTING ORDER R5-2018-0809 [WATER CODE § 13320 ET SEQ. AND 23
CCR § 2050 ET SEQ.] - 1

1 thru 2001.

- 2 4. In my capacity as Vice President of Compliance, I am responsible for all matters involving
3 environmental regulatory compliance and permitting within the areas of the Resource
4 Conservation and Recovery Act (RCRA), the Clean Water Act, Clean Air Act, and the related
5 state laws and state/federal regulations implementing these important environmental laws.
6 Safety-Kleen owns and operates more RCRA permitted facilities in the United States than
7 any other single company with approximately 200 facilities across the US.
- 8 5. I have worked in the field of environmental compliance since 1986 when I started with what
9 is now the California Department of Toxic Substances Control (DTSC). I have testified as an
10 expert witness on environmental regulatory compliance in courts of law on multiple occasions.
11 I have been approved as an expert in RCRA and Title 22 CCR related issues, used oil
12 management issues (e.g., 40 CFR Part 279), and Naturally Occurring Radioactive Waste
13 related issues.
- 14 6. I am a registered Professional Engineer in the State of California (PE #C49651).
- 15 7. A true and correct copy my CV is attached hereto as Exhibit A.
- 16 8. In my capacity as Vice President of Compliance for Safety-Kleen, I have access to the records
17 in Safety-Kleen's possession regarding the services and supplies it provided to Les Schwab
18 Tire Centers (Les Schwab) as part of Les Schwab's operation of a tire center at 6540 and 6542
19 Fair Oaks Boulevard in Carmichael, California (collectively, "the Property") between 2006
20 and 2014.
- 21 9. The available records in Safety-Kleen's files relate to the service and materials it provided to
22 Les Schwab in relation to Les Schwab's operation of a tire center at the Property and include
23
24
25
26
27

1 documentation and other records relating to the use, generation, handling, and recycling or
2 disposal of waste from the Property and the provision of chemicals, solvents, and related
3 equipment for Les Schwab's use at the Property.

4
5 10. I have conducted, and am continuing to conduct, an investigation regarding the materials
6 supplied by Safety-Kleen to Les Schwab at the Property, that Safety-Kleen and picked-up for
7 disposal, from Les Schwab at the Property, during the time 2006 through 2014.

8 11. My investigation is not complete, but, as noted, I have reviewed the available records and am
9 familiar with their content.

10
11 12. I have reviewed the Uniform Hazardous Waste manifest showing Les Schwab generated 150
12 pounds of F001, F002, and D001 waste on February 15, 2008.

13 13. I have reviewed the other manifests relating to waste generated at the Property during the
14 period in which Les Schwab owned the Property and operated a tire center thereon.

15 Process by Which the Entry Was Created

16
17 14. I have reviewed Safety-Kleen's records related to the entry relating to the 150 pounds of F001,
18 F002, and D001 waste shown on the February 15, 2008 manifest was manually created. (True
19 and correct copies of the documents created in support of, and simultaneously with, the
20 manifest are attached hereto as Exhibit B.).

21
22 15. Based on the documents I have reviewed, the entry relating to the 150 pounds of F001, F002,
23 and D001 waste shown on the February 15, 2008 manifest was not based on any chemical
24 analysis or analytical data.

25 16. Rather, the process by which the entry was created was through the use of what was then
26 called a "Quick Pick" from the Waste Approval Wizard (WAW), which is a program used to
27

1 populate manifests. This process allowed an individual to simply make a generic selection
2 for the waste, akin to a dropdown menu, and then the WAW would pre-populate both the
3 prequalification evaluation and the hazardous waste manifest. This is evidenced by the note
4 that at the top of the supporting documentation for the manifest on the page labeled
5 “PREQUALIFICATION EVALUATION - PAGE 4 OF 6” where it states “generic prequal,”
6 meaning the waste was simply picked from a menu. It would be pretty easy to misidentify
7 waste in this process, especially because the service charge did not change based on the waste
8 codes used on the manifest because the logistics of getting the drum to the processing plant
9 in Denton, Texas drove the price, not the disposal technology. That is, the person entering
10 the data would not have noticed a price jump or other indication that he or she had entered an
11 inaccurate waste code.
12

13
14 17. This is further supported by the fact that this page shows that the reviewer was WAW, which
15 means the profile was generic and not based on any fact.
16

17 18. Using the listed waste codes F001/F002 is simply a very conservative approach that many
18 small quantity generators often choose in order to avoid spending more on the laboratory
19 testing of the waste “solvent” than they would spend on the destruction or recycling of that
20 waste at a RCRA permitted facility. This is what I would call a “conservative approach”
21 or “over-coding” the waste in which a worst-case scenario is assumed, even if there is no basis
22 to make such an assumption.
23

24 19. The results of my investigation to date indicate that there is no evidence that Safety-Kleen
25 provided Les Schwab with any PCE-containing substance in relation to the Property between
26 2006 and 2014 during the time that it owned and operated at the Property. In fact, Safety-
27

1 Kleen did not then, nor do we now, sell or distribute a hexane/perchloroethylene blend of
2 solvent anywhere within our organization to any of our customers.

3 20. To the contrary, the documents and records I have reviewed as part of my investigation
4 indicate that Safety-Kleen provided an *aqueous* parts washer to the Property between 2006
5 and 2008. The D039 codes was used because of the potential for our customers (the waste
6 generators of the spent aqueous solvent) to pretreat parts with aerosol brake cleaner that would
7 include perchloroethylene (something banned by the California Air Resources Board in 2004).
8 D039 occurs if there is greater than 0.7 ppm of perchloroethylene in the aqueous solvent; there
9 would be very little perchloroethylene in the solvent but in theory it could be present above
10 0.7 ppm.
11

12
13 21. Based on the documents I have reviewed and my experience in visiting hundreds of customer
14 locations like this Les Schwab tire store in Carmichael, California (as a mentor/trainer during
15 parts washer and containerized waste services for Safety-Kleen service representatives), I
16 conclude that the entry on the manifest is most likely in error. The manifest entry indicating
17 the generation of F001, F002, and D001 waste, described as “waste, flammable liquids, toxic,
18 N.O.S. (hexane, tetrachloroethylene) 3(6.1) UN1992 PGIII” was most likely an aqueous
19 solution and not an organic solvent waste. The use and generation of a spent
20 hexane/tetrachloroethylene solvent is extremely rare for a tire store, as they have no practical
21 use for such a solvent. Such a solvent blend is fairly uncommon and would be both expensive
22 to purchase and expensive to dispose of (and, as can be seen by the manifest, Les Schwab was
23 willing to pay for proper waste handling at this store location).
24
25

26 22. The conclusion that the material originated from an aqueous parts washer and was aqueous in
27

1 nature is also supported by the documentation that shows the waste was generated as part of
2 service of the parts washer (the top left corner of page 2 states, "Parts Washer Service").

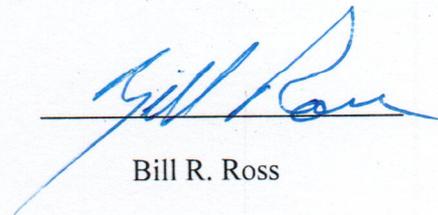
3 23. Based on the documents I have reviewed and the information I have, I conclude that the entry
4 on the manifest indicating the generation of F001, F002, and D001 waste is erroneous and in
5 fact this entry does not accurately describe the waste in question.
6

7 24. Based on my experience in this industry, it would not be unheard of for such an error to occur,
8 and all of the information and documents that I have been able to obtain thus far in relation to
9 this manifest indicates that such an error happened here.
10

11 25. I am continuing my investigation into this matter, but given the amount of time that has passed,
12 including the merger of Safety-Kleen with Clean Harbors in 2014 in which some records were
13 lost or destroyed, I have not yet completed my investigation.
14

15 I swear under the laws of perjury of the State of California that the foregoing is true and correct.

16 Executed this 17th day of May, 2018 at Cascade, Montana.
17

18
19 
20 Bill R. Ross
21
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26
27

PROOF OF SERVICE

I, Summer L. Nastich, am employed in the County of Alameda, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 2341 Derby Street, Berkeley, CA 94705.

On May 17, 2018, I served the documents described as:

LES SCHWAB TIRE CENTERS’S PETITION FOR REVIEW OF TECHNICAL REPORTING ORDER R5-2018-0809

**DECLARATION OF SCOTT W. KNUTS IN SUPPORT OF LES SCHWAB TIRE CENTERS’S PETITION FOR REVIEW OF TECHNICAL REPORTING ORDER R5-2018-0809
DECLARATION OF BILLY R. RUSH IN SUPPORT OF LES SCHWAB TIRE CENTERS’S PETITION FOR REVIEW OF TECHNICAL REPORTING ORDER R5-2018-0809**

on the following individuals and entities by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Mr. Patrick Palupa Executive Officer Central Valley Regional Water Quality Control Board 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670-6114	State Water Resources Control Board Office of Chief Counsel Adrianna M. Crowl P.O. Box 100 Sacramento, CA 95812-0100	Mr. Nathan Casebeer Caseworker Central Valley Regional Water Quality Control Board 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670-6114
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[X] (BY MAIL) In accordance with the regular mail collection and processing practices of Nastich Law, with which I am familiar, by means of which mail is deposited postage with the United States Postal Service at Berkeley, California that same day in the ordinary course of business, I deposited such sealed envelope for mailing on this same day following ordinary business practices.

[X] (BY ELECTRONIC MAIL TRANSMISSION (as to the SWRCB and Mr. Casebeer only) By sending an email with the documents attached to:
waterqualitypetitions@waterboards.ca.gov (SWRCB)
nathan.casebeer@waterboards.ca.gov (Mr. Casebeer)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed May 18, 2018 at Berkeley, California.



Summer L. Nastich