

Los Angeles Regional Water Quality Control Board

April 15, 2015

RESOLUTION R4-2015-003 FOR THE PETROLEUM UNDERGROUND STORAGE TANK (UST) EMERGENCY, ABANDONED, AND RECALCITRANT (EAR) ACCOUNT FISCAL YEAR 2015-2016 ANNUAL PRIORITY SITE LIST FOR THE LOS ANGELES REGION

To State Water Resources Control Board:

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Regional Board) held a public hearing on **April 9, 2015** to consider a Tentative Resolution adopting the Petroleum Underground Storage Tank Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016 Annual Priority Site List for the Los Angeles Region. The hearing took place in the Board Room at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California, 90012. Item 10, the proposed Resolution was considered and adopted as Resolution R4-2015-003.

The EAR Account provides funding to the Los Angeles Regional Board and local regulatory agencies to abate emergency situations or to cleanup abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST. For the upcoming Fiscal Year 2015-2016, Annual Priority Site List, Resolution No. R4-2015-003 adds three new sites and renewing five sites that are on the current fiscal year annual priority site list for the Los Angeles Region. These sites include:

1. Hende's Station (new), 2990 Pacific Ave., Long Beach, CA 90806
2. Harrison Property (new), 1326 W. 12th Street, Long Beach CA 90813
3. Avenue 64 Fuel (Former Shell) (new), 405 Avenue 64 N., Los Angeles, CA 90042
4. Former Mobil Service Station (renewal), 402 Atlantic Ave., Long Beach, CA 90802
5. Juarez Carwash (renewal), 906 W. Rosecrans Ave., Compton, CA 90220
6. Kim's ARCO AM/PM Mini Mart (renewal), 311 East Rosecrans Ave., Compton, CA 90221
7. Former M&M Texaco Service Station (renewal), 21212 Alameda Street South, Carson, CA 90810
8. Garfield Express Property (renewal), 11600 South Long Beach Blvd., Lynwood, CA 90262

These contaminated sites threaten to impact or have already impacted groundwater quality, but complete assessment and cleanup have been stalled because the responsible parties have been recalcitrant. Provided there are sufficient funds in the EAR Account, adoption of the 2015-2016 Annual Priority List for the Los Angeles Region will provide funding for further site assessment and/or cleanup as required. If funding is provided, the State Water Resources Control Board may collect the cost expenditures for site assessment and cleanup from the responsible parties and/or property owners, including recording a lien on the property.

For additional information, please contact the UST Section Chief, Dr. Yue Rong at (213) 576-6710 or by e-mail: Yue.Rong@waterboards.ca.gov.

Sincerely,



Samuel Unger, P. E.
Executive Officer

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Item 10

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.1

Staff Report

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

**April 9, 2015
586th Regular Meeting**

- ITEM:** 10
- SUBJECT:** Consideration of a tentative Resolution adopting the Petroleum Underground Storage Tank (UST) Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016 Annual Priority Site List for the Los Angeles Region
- PURPOSE:** For the Los Angeles Regional Board to recommend priority UST sites for EAR funding, which would be used to initiate corrective action at these sites.
- BACKGROUND:** Chapter 6.75 of the California Health and Safety Code authorizes the State Water Board to provide funding to Regional Water Boards and local agencies to initiate corrective action at petroleum UST sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant site).
- Provided there are sufficient funds in the EAR Account, the State Water Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Water Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.
- All of the proposed UST sites for nomination are along the I-710 transit corridor, except for one site, Avenue 64 Fuel. The I-710 Corridor Initiative is a multi-agency effort aimed at accelerating Leaking UST (LUST) cleanups and improving UST compliance along the I-710 transit corridor. The project is funded by the State Water Board in partnership with the U.S. Environmental Protection Agency, Region 9 (USEPA). The I-710 Corridor Initiative process identified and prioritized Los Angeles Regional Board UST cases for funding for the EAR Account.
- For the Fiscal Year (FY) 2015-2016 Annual Priority Site List, the staff propose adding three (3) new sites to the priority list

and renominating five (5) sites that are on the current FY priority list. If funding is provided, the State Water Board may collect the cost expenditures for the site assessment and cleanup from the RPs and/or property owners, including recording a lien on the property.

SITE SUMMARIES:

The nominated EAR sites have been impacted by petroleum hydrocarbon releases to the soil from leaking USTs, which either threaten to degrade or have already degraded the underlying groundwater. The RPs are recalcitrant. If provided, EAR Account funds will be used to update assessments, determine the degree of contamination, and increase RP involvement in the cleanup process. Listed below are the UST sites that staff recommend for inclusion on the Fiscal Year 2015-2016 Annual Priority Site List:

1. Hende's Station (new)
2. Harrison Property (new)
3. Avenue 64 Fuel (Former Shell) (new)
4. Former Mobil Service Station (renewal)
5. Juarez Carwash (renewal)
6. Kim's ARCO AM/PM Mini Mart (renewal)
7. Former M&M Texaco Service Station (renewal)
8. Garfield Express Property (renewal)

These sites are more fully described in Exhibits 3 through 10.

PUBLIC COMMENTS

The tentative Resolution was released for public review on February 16, 2015 with a written comment period deadline that ended March 16, 2015. The Board received one comment from Mr. Bruce Harrison for the Harrison Property case. Mr. Harrison's comment letter dated March 11, 2015, and the Regional Board staff Response to Comments, are attached as Exhibits 11 and 12, respectively.

OPTIONS:

The Los Angeles Regional Board can adopt the Resolution as proposed by staff, not adopt the Resolution, or modify the Resolution and/or sites being proposed for inclusion on the FY 2015-2016 Annual priority Site List for EAR Account funding.

RECOMMENDATION:

Staff recommends that the Los Angeles Regional Board adopt Resolution No. R15-003 as proposed. The eight (8) nominated EAR sites are in need of significant investigation and/or cleanup because the RPs are recalcitrant. Therefore, funding is needed so that the Regional Board can proceed with corrective action measures.

ATTACHMENTS:

I – 710 Corridor Initiative Index Map (Figure 1).





-  Sites Nominated for California's Emergency, Abandoned, & Recalcitrant (EAR) Account (2015-2016)
-  I-710 Corridor

Figure 1
I-710 Corridor Initiative
February 2015

Underground Storage Tank
 Program EAR Nominations

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**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.2

Resolution 15-003 (and Attachment “A”)

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

RESOLUTION NO. R15-003

April 9, 2015

**Resolution Adopting the Petroleum Underground Storage Tank (UST)
Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016
Annual Priority Site List for the Los Angeles Region**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) finds that:


1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to Regional Water Quality Control Boards (Regional Water Boards) or local agencies to initiate corrective action at petroleum underground storage tank (UST) sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant site).
2. Regional Water Board Executive Officers and Local Agency Directors may verbally request emergency funds to be used for emergency response, if immediate action is required. Approval of those requests will be limited to those sudden cases where a crisis situation, caused by an unauthorized release of petroleum from a petroleum UST, poses an immediate threat to human health, safety, and the environment.
3. Provided there are sufficient funds in the EAR Account, the State Water Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Water Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.
4. The State Water Board requested the Regional Water Boards to: (a) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the State Water Board's EAR Account Fiscal Year (FY) 2015-2016 Annual Site List; and (b) submit their annual priority list of recommended Regional Water Board and local agency sites to the State Water Board for EAR Account funding.
5. The public has had an opportunity to review and comment upon this Resolution and accompanying priority site list. The draft Resolution was released for public review prior to Board action. The Los Angeles Water Board considered all comments received at its regular meeting held on April 9, 2015.

THEREFORE, BE IT RESOLVED:

1. The Los Angeles Water Board hereby adopts the Petroleum UST EAR Account FY 2015-2016 Annual Priority Site List for the Los Angeles Region, as set forth in Attachment "A" to this Resolution.

2. The Executive Officer is directed to forward a copy of this Resolution to the State Water Board.
3. The Executive Officer is authorized to add, delete, or modify the sites identified in Attachment "A" during the fiscal year, as necessary.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on April 9, 2015.


Samuel Unger, P.E.
Executive Officer

California Regional Water Quality Control Board
Los Angeles Region

ATTACHMENT “A” TO RESOLUTION NO. R15-003

Petroleum Underground Storage Tank Emergency, Abandoned, and Recalcitrant (EAR) Account FY 2015-2016 Annual Priority Site List

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
1	<p><u>Site:</u> Hende’s Station 2990 Pacific Avenue Long Beach, CA 90806</p> <p><u>Regional Board Case No.:</u> 908060070</p> <p><u>Responsible Parties:</u> Yin Trust c/o Mr. Tha C. Yin, as Trustee of the Yin Trust 20622 Pioneer Blvd Lakewood, CA 90715 Phone: (310) 759-8172</p>	<p><u>LARWQCB:</u> Norman Chowdhury (213) 576-6704</p> <p><u>Local Agency:</u> City of Long Beach Carmen Piro (562) 570-4137</p>	Petroleum hydrocarbons	RPs/present land owners claim financial hardship and are recalcitrant.	In order to meet the criteria in the Low Threat Closure Policy (LTCP), the lateral and vertical extent of soil and groundwater contamination needs to be delineated at the site.. Additional groundwater monitoring wells should be installed to assess the plume’s extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment. Additionally, Electronic Submittal of Information data has not been uploaded to GeoTracker.	\$100,000
2	<p><u>Site:</u> Harrison Property 1326 W. 12th Street Long Beach, CA 90813</p> <p><u>Regional Board Case No.:</u> 908130043</p> <p><u>Responsible Parties:</u> Bruce Harrison 5940 East El Paseo St Long Beach, CA 90815 Phone: (562) 225-7024</p>	<p><u>LARWQCB:</u> David Bjostad (213) 576-6712 Weixing Tong (213) 576-6715</p> <p><u>Local Agency:</u> City of Long Beach Carmen Piro (562) 570-4137</p>	Petroleum Hydrocarbons BTEX MTBE	RPs/present land owners claim financial hardship and are recalcitrant.	In order to meet the LTCP criteria, soil and groundwater investigation needs to be conducted to determine the lateral and vertical extent of contamination at and develop a site conceptual model for the Site. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.	\$100,000

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
3	<p><u>Site:</u> Avenue 64 Fuel (Former Shell) 405 Avenue 64 N. Los Angeles, CA 90042</p> <p><u>Regional Board Case No.:</u> 900420152</p> <p><u>Responsible Parties:</u> Wafica Megally Living Trust c/o Wafica B. Magally (Trustee) 6401 Planada Avenue Los Angeles, CA 90042 Phone: (323) 255-2107</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> City of Los Angeles Eloy Luna (213) 482-6520</p>	Petroleum Hydrocarbons	RPs/present land owners are recalcitrant.	In order to meet the LTCP criteria, additional assessment to delineate the vertical and lateral extent of soil contamination will be necessary. This can be achieved, in part, by implementing the September 30, 2013 workplan. Additionally, the extent and stability of the dissolved phase plume will need to be assessed; this will necessitate the installation of the additional monitoring well proposed in the September 30, 2013 workplan and several rounds of groundwater monitoring.	\$100,000

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
4	<p><u>Site:</u> Former Mobil Service Station 402 Atlantic Avenue Long Beach, CA 90802</p> <p><u>Regional Board Case No.:</u> 908020234</p> <p><u>Responsible Party:</u> Israel Dakar c/o Arthur B. Cook, Esq. Hill, Farrer & Burrill, LLP 300 S. Grand Ave., 37th Floor Los Angeles, CA 90071 Phone: 213-621-0822 Email: acook@hillfarrer.com; acook@hfbllp.com</p>	<p><u>LARWQCB:</u> David M. Bjostad (213) 576-6712 Weixing Tong (213) 576-6715</p> <p><u>Local Agency:</u> City of Long Beach: Carmen Piro (562) 570-4137</p>	Petroleum hydrocarbons	RP/present land owners claim financial hardship and remain recalcitrant.	In order to meet the LTCP criteria, the contaminated soil and polyethylene liner that were placed in the excavation pit during UST removal activities will need to be removed and disposed of, or otherwise remediated. The remaining secondary source, beneath the former USTs and product piping should also be removed. The lateral and vertical extent of soil and groundwater contamination will need to be determined in order to qualify for closure under the LTCP. Additional soil sampling should be performed beneath the former gasoline USTs, along the perimeter of the previous excavation, and in "step out" locations along the former product piping, dispenser islands, and around the former waste oil UST. Groundwater monitoring wells, including at offsite locations, should be installed in accordance with the December 27, 2013 Corrective Action Order to assess the plume extent and stability, as well as relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.	Additional \$100,000 (\$300,000 already approved)

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
5	<p><u>Site:</u> Juarez Carwash 906 W. Rosecrans Avenue (Formerly 900 W. Rosecrans Avenue in GeoTracker) Compton, CA 90220</p> <p><u>Regional Board Case No.:</u> R-26764</p> <p><u>Responsible Parties:</u> Rene and Petra Juarez 1012 South Windsor Boulevard Los Angeles, CA 90019 Phone: (213) 377-8644 Email: 1012900@sbcglobal.net</p> <p><u>Potentially Responsible Parties:</u> Mr. Gary A. Lazar Ms. Divine G. Lazar (now Richardson) Mr. George A. Pearson Mrs. Regina M. F. Pearson</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p>	Petroleum hydrocarbons, MTBE, Benzene	RPs/present land owners claim financial hardship and remain recalcitrant.	In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater contamination will need to be delineated. To that end, additional groundwater monitoring wells should be installed to the west of well MW5 and off site. Additionally, shallow soil (0-10 ft below ground surface {bgs}) contamination (secondary source) should be assessed and remediated. Soil and groundwater samples should be analyzed for petroleum hydrocarbons and chlorinated solvents during drilling and completion activities. Groundwater will need to be monitored periodically after well completion. Furthermore, a soil vapor survey should be conducted. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.	Additional \$200,000 (\$200,000 already approved)

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
6	<p><u>Site:</u> Kim's ARCO AM/PM Mini Mart 311 East Rosecrans Avenue Compton, CA 90221</p> <p><u>Regional Board Case No.:</u> R-11020</p> <p><u>Responsible Parties:</u> Mr. Yon Kyu Kim and Ms. Ki Sook Kim 17100 S. Park Ln, #135 Gardena, CA 90247 Phone: 310-528-5301 (Kims); 213-533-6347; 310-293-8512 (Carl Westmoreland, son-in-law) Email: bonicarl@sbcglobal.net (Carl Westmoreland, son-in-law)</p> <p>Ms. Linda Celeste Kim 17100 S. Park Ln, #135 Gardena, CA 90247 Phone: 818-903-2727 Email: mscelestial111@hotmail.com</p>	<p><u>LARWQCB:</u> Magdy Baiady (213) 576-6699 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW Phillip Gharibians-Tabrizi (626) 458-5976 (ext. 5976) Tim Smith (626) 458-3511</p>	<p>Petroleum Hydrocarbons , Chromium</p>	<p>RPs/present land owners are recalcitrant due to an inability to pay.</p> <p>USEPA conducted financial research and analysis on RPs' ability to pay, as part of a Cooperative Agreement with the State Water Board, which indicated that the RPs currently have no ability to pay for the required assessment and cleanup work.</p>	<p>In order to meet the criteria in the LTCP, soil and groundwater sampling needs to be conducted to determine the lateral and vertical extent of contamination at the site. Although no groundwater was encountered during UST removal, depth to groundwater is estimated to be approximately 28-33 feet bgs and may have been impacted by the petroleum hydrocarbon release. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the magnitude of contamination, plume extent and stability, as well as determining relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.</p>	<p>Additional \$50,000</p> <p>(\$150,000 already approved)</p>

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
7	<p><u>Site:</u> Former M & M Texaco Service Station 21212 Alameda Street South Carson, CA 90810</p> <p><u>Regional Board Case No.:</u> R-20297</p> <p><u>Responsible Parties:</u> Buford T. Smith Family Trust c/o Mr. Garrett Harper & Ms. Pamela Smith-Harper 3553 Atlantic Avenue, #2 Long Beach, CA 90807 Phone: (562) 761-3052 (Garrett Harper)/ (562) 989-0218 (Pamela Smith-Harper) Email: gthlb@aol.com (Garrett Harper)</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW John Awujo (626) 458-3507 Tim Smith (626) 458-3511</p>	Petroleum Hydrocarbons	The RPs/present land owners claim financial hardship and are recalcitrant.	In order to meet the criteria in the LTCP, further investigation of the lateral and vertical extent of soil and groundwater contamination needs to be conducted at the Site. It is unknown whether groundwater was encountered during UST removal; however, depth to groundwater is estimated to be approximately 28 feet bgs in the area and may have been impacted by the UST release. Groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.	Additional \$50,000 (\$150,000 already approved)
8	<p><u>Site:</u> Garfield Express Property 11600 South Long Beach Boulevard Lynwood, CA 90262</p> <p><u>Regional Board Case No.:</u> R-23001</p> <p><u>Responsible Party:</u> Louis & Alice Ross Family Trust 5709 Jed Smith Road, Hidden Hills, CA 91302</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW John Awujo (626) 458-3507 Tim Smith (626) 458-3511</p> <p><u>Nominating Agency:</u> City of Lynwood Sarah Magana Withers (310) 603-0220</p>	Petroleum hydrocarbons	The RP claims financial hardship and is recalcitrant. Despite spending most of the available State UST funds, the RP has not made substantial progress toward remediation of free product gasoline or chlorinated solvents in soil and groundwater.	In order to meet the criteria in the LTCP, the lateral and vertical extent of VOC contamination in soil and groundwater contamination will need to be determined. The free product removal and SVE systems should continue to operate for the next year, and the SVE wells previously installed around the UST cavity should be connected to the SVE system. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.	\$0 Additional (\$1,500,000 already approved, which is the maximum amount)

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**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.3

Hende's Station

(New Nomination)

NO. 1: NEW CASE NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Hende's Station
2990 Pacific Avenue
Long Beach, CA 90806
APN: 7206-005-002
GeoTracker Global ID: T0603701826
Regional Board Case No.: 908060070

Release Date: December 9, 1986
Site Status: Open-Site Assessment
Current Site Use: Convenience store

2. Name and Address of Responsible Parties (RP):

Yin Trust
c/o Mr. Tha C. Yin
20622 Pioneer Boulevard
Lakewood, CA 90715
Phone: (310) 759-8172
Date Acquired: June 13, 2003

3. Corrective Action Directives:

The Los Angeles Regional Water Quality Control Board (Regional Board) has issued several directives to Tha C. Yin (Current Owner) since the Underground Storage Tanks (USTs) were removed at this Site. There is a history of non-compliance since 1999.

On January 25, 2012, the Regional Board and U.S. Environmental Protection Agency (USEPA) sent Mr. Yin a joint *Notice of Non-Compliance and Directive to Take Corrective Action*, requiring him to investigate the extent of contamination, dispute his responsibility, or claim an inability to pay for the required work by February 24, 2012. On March 19, 2012, USEPA staff made contact with Mr. Yin via phone and he said he would be willing to do another round of groundwater sampling if it only cost a "couple thousand dollars". He never sent back the *Ability to Pay* forms to claim financial hardship or *Right-of-Entry Agreement* to grant access to his property, which were included in the directive package from USEPA. A *Workplan for Additional Groundwater Investigation and Remedial Alternative Study* and an addendum were submitted on April 9, 2012 and May 30, 2012, respectively.

On April 5, 2012, due to the history of non-compliance at the Site, the Regional Board nominated the Site to the Emergency, Abandoned, and Recalcitrant (EAR) Account Program Annual Priority Site List for Fiscal Year 2012-2013.

On August 28, 2013, the Regional Board issued Mr. Yin a *Corrective Action Directive*, requiring continued groundwater monitoring and further site assessment to evaluate the extent of contamination present at the site from the former USTs. A work plan for additional site assessment was due by October 28, 2013. The directive also informed Mr. Yin that \$50,000 had been approved to be spent under the EAR Account Program of the UST Program for the necessary corrective action work, and his approval for site access to begin work was all that was needed. The Site was not nominated to the EAR Account Program in 2013 or 2014, due to temporary cooperation by the RP.

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On April 1, 2014, the Regional Board issued Mr. Yin a Directive to Take Corrective Action, requiring the installation of groundwater monitoring wells and submittal of a soil and groundwater investigation report by July 15, 2014. Mr. Yin did not comply with this directive.

On November 19, 2014, a Notice of Violation was issued to Mr. Yin for not complying with the April 1, 2014 directive.

On November 25, 2014, the Regional Board notified Mr. Yin of its intent to again nominate the Site for the EAR Account Program.

To date, the required information has not been submitted. The most recent letters are attached.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Noman Chowdhury
Phone: (213) 576-6704
Email: noman.chowdhury@waterboards.ca.gov

5. Description of Unauthorized Release:

The date of the initial release is unknown. On March 10, 1986, a *Monitoring Well Installation Report*, which was prepared for Henderson Enterprises, was submitted by W.W. Irwin, Inc. to the City of Long Beach Health & Human Services Department. The wells were installed in response to a directive issued by the City of Long Beach on December 26, 1985. It appears the directive was based on a Hazardous Materials Monitoring Plan recommendation (not dated).

- Six borings (B1 through B8) were drilled on January 23 and 24, 1985 to a depth of about 40 feet below ground surface (bgs) and converted to monitoring wells (MW-1 through MW-6).
- Analytical results indicate hydrocarbon contamination to a maximum depth of 40 feet below ground surface (bgs). Maximum petroleum hydrocarbon concentrations in soil were found at 5 feet bgs for toluene at 23.6 milligrams/kilogram (mg/kg) and 404.5 mg/kg ethylbenzene both in B-6, 5.3 mg/kg p-xylene in B-2 at 20 feet bgs, 176 mg/kg m-xylene in B-6 at 20 feet bgs, and 1,473 mg/kg total hydrocarbons in B-4 at 30 feet bgs.
- In four out of six boreholes, total petroleum hydrocarbon concentrations increased with depth to over 1,000 mg/kg at 20 feet bgs despite no contamination being detected at 15 feet bgs. The soil sample showed non-detect concentrations for benzene and o-xylene.
- In addition, groundwater from monitoring wells MW-2, MW-3, and MW-6, respectively, all exceed the California Maximum Contaminant Levels (MCLs) for drinking water.

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Total petroleum hydrocarbons in the gasoline range (TPH_G), was also detected at 3,193 micrograms per liter (µg/L), 625 µg/L, and 37,759 µg/L, respectively.

The USTs were removed by Interstate Environmental Services in 1995; however, no UST closure report was submitted because the consultant claimed the owner never provided payment. A *UST Removal Inspection Report* was later prepared by Long Beach Fire Department.

- Eight USTs – five 10,000 gallon motor fuel tanks, two 6,400 gallon motor fuel tanks, and one 550 gallon waste oil tank – were removed on October 6, 1995, from the western portion of the property.
- The tank closure report pinpoints the location of apparent soil contamination and states that the “Site shows all signs of ‘extreme’ contamination.”

During the inspection of the site on March 8, 1996 by the Long Beach Fire Department, Mr. Yin (current owner) stated that HVN Environmental Services Co. had removed contaminated soil after removal of the USTs at the site. He stated that approximately 413 tons of contaminated soil was removed.

6. Justification for Nomination to EAR Program:

The identified RP is recalcitrant. The RP has failed to conduct further investigations to determine the lateral and vertical extent of soil and/or groundwater contamination at the site as required.

On November 19, 2014, the Regional Board issued a *Notice of Violation* for not submitting a technical report detailing the results of additional site assessment and groundwater monitoring well installation.

7. Reason for Failure of Responsible Party to Complete Required Action:

The RP has claimed financial hardship as the reason he has been unable to complete required corrective actions as directed.

8. Documentation of Any Disputes between Responsible Party and Agency:

None.

9. Actions Taken by the RP:

On April 16, 1998, Sunset Environmental Services submitted a groundwater monitoring report to the Regional Board that was prepared for Mr. Keat Yin (Mr. Tha C. Yin’s brother).

The RP has conducted irregular groundwater monitoring and submitted work plans for additional site assessment between 2012 and 2014, as summarized below.

On August 6, 2012, HVN Environmental Service Company submitted a *3rd Quarter Groundwater Monitoring Event Report* for Mr. Tha C. Yin, as Trustee of the Yin Trust.

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On October 22, 2012, HVN Environmental Service Company submitted a *3rd Quarter Groundwater Monitoring Event Report* for Mr. Tha C. Yin, as Trustee of the Yin Trust.

On May 1, 2013, HVN Environmental Service Company submitted a *1st Quarter 2013 Groundwater Monitoring Event Report* for Mr. Tha C. Yin, as Trustee of the Yin Trust.

On August 29, 2013, HVN Environmental Service Company submitted a Work Plan for Additional Site Assessment.

On October 28, 2013, HVN Environmental Service Company submitted an Addendum to Work Plan for Additional Site Assessment.

The Regional Board conditionally approved the work plan on April 1, 2014.

On July 21, 2014, Sharp Environmental Technologies, Inc. submitted a 2nd Quarter 2014 Groundwater Monitoring Report. The additional groundwater monitoring well installation and soil sampling were not conducted, as required in the work plan approval letter dated April 1, 2014.

10. Investigation/Remedial Efforts Completed:

Investigation work was documented in the Sunset Environmental Services groundwater monitoring report dated April 16, 1998. The results of the investigation are summarized below.

- Groundwater was encountered at 34 feet bgs.
- Sampling was performed on February 14 and 16, 1998 to determine if there was any free product or dissolved petroleum hydrocarbons in groundwater. Free product was not present.
- The maximum concentrations detected in the groundwater samples were as follows:
 - 37,759 µg/L TPH_G
 - 1,057 µg/L benzene (exceeds the California MCL)
 - 92.5 µg/L toluene
 - 166.3 µg/L ethylbenzene
 - 163.1 µg/L total xylenes
 - 15,367 µg/L MTBE (exceeds the California MCL).
- The depth to groundwater was not found in reports on GeoTracker.
- Continuous monitoring was recommended.

Investigation work was documented in the HVN Environmental Service Company *3rd Quarter Groundwater Monitoring Event Report* dated August 6, 2012. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - 3,600 µg/L TPH_G
 - 66 µg/L benzene
 - 17 µg/L toluene
 - 15 µg/L ethylbenzene
 - 39 µg/L total xylenes
 - 9,130 µg/L. MTBE

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- Other analytes of concern in groundwater included:
 - 39 µg/L 1,1-DCA
 - 60 µg/L TAME
 - 587 µg/L TBA
 - 15 µg/L isopropylbenzene
 - 30 µg/L n-propylbenzene
- Depth to groundwater ranged from 17.1 to 17.93 feet bgs.
- The report recommended an additional round of groundwater sampling in 6 months.

Investigation work was documented in the HVN Environmental Service Company *3rd Quarter Groundwater Monitoring Event Report* on October 22, 2012. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - 5,100 µg/L TPH_G
 - 320 µg/L benzene
 - 18 µg/L toluene
 - 14 µg/L ethylbenzene
 - 89 µg/L total xylenes
 - 2,530 µg/L MTBE
- Other analytes of concern in groundwater included:
 - 12 µg/L TAME
 - 94 µg/L TBA
- Depth to groundwater ranged from 18.10 to 18.74 feet bgs

Investigation work was documented in the HVN Environmental Service Company *1st Quarter 2013 Groundwater Monitoring Event Report* on May 1, 2013. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - TPH_G at 4,600 µg/L
 - benzene at 240 µg/L
 - toluene at 18 µg/L
 - ethylbenzene at 16 µg/L
 - total xylenes at 160 µg/L
 - MTBE at 4,620 µg/L
- Other analytes of concern in groundwater included:
 - 1,1-DCA at 69 µg/L
 - TAME at 33 µg/L
 - TBA at 22 µg/L
 - isopropylbenzene at 22 µg/L
 - naphthalene at 26 µg/L
- Depth to groundwater ranged from 18.10 to 18.73 feet bgs.
- The report recommended investigating potential off-site sources of contamination prior to performing additional sampling at the site.

Investigation work was documented in the Sharp Environmental Technologies, Inc. *2nd Quarter 2014 Groundwater Monitoring Report* on July 21, 2014. The results of the investigation are summarized below.

Item 10

- Maximum concentrations for groundwater analytical results were as follows:
 - TPH_G at 4,100 µg/L
 - benzene at 320 µg/L
 - toluene at 5.4 µg/L
 - ethylbenzene at <5.0 µg/L
 - total xylenes at 19 µg/L
 - MTBE at 5,000 µg/L.
- Other analytes of concern in groundwater included:
 - TAME at 54 µg/L
 - TBA at 410 µg/L
 - naphthalene at 20 µg/L
 - vinyl chloride at 15 µg/L
- Depth to groundwater ranged from 18.13 to 19.07 feet bgs.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Site data was not available on GeoTracker, however, limited information was available in directives that were reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see whether the site could be closed under the policy. The following LTCP criteria were not met:

- General (see attached LTCP evaluation form):
- Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination and the hydrogeology has not been adequately defined.
- Secondary Source – The RP indicated approximately 413 tons of contaminated soil was removed; however, this was not documented and secondary source removal cannot be verified. Additionally, soil still remaining onsite contains elevated concentrations of TPH at 5 feet bgs.
- Groundwater – Lateral and vertical extent of the groundwater plume is not defined. Also, benzene and MTBE concentrations are not stable or decreasing.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated. Soil samples collected from below the USTs had concentrations of TPH_G >100 mg/kg at 5 feet bgs. The concentration of benzene is > 1,000 µg/L in groundwater.
- Direct Contact and Outdoor Air Exposure – The lateral and vertical extent of the soil contamination is unknown. Based on soil sample analytical data collected during the UST removals, concentrations of ethylbenzene in soil exceeded concentrations allowable under the LTCP criteria. Concentrations of naphthalene and PAHs in soil are unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater need to be determined in order to delineate contamination at the site. Additional groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment. Additionally, Electronic Submittal of Information data has not been uploaded to GeoTracker.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Requested for 2015 Nomination
 - \$100,000 in annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

Groundwater at this site has already been impacted. If EAR funding is denied, migration of the plume to sensitive receptors is possible. According to the Los Angeles County Groundwater Well database, the nearest drinking water well is approximately 0.9 mile southwest of the site and the nearest water body, the Los Angeles River, is approximately 0.6 mile west of the property. In addition, because both of the RPs failure to comply and the quantity of contaminants, and the extent of migration is unknown, the site could become a Brownfield site.

15. Attachments:

1. January 25, 2012, U.S. Environmental Protection Agency and Regional Board Joint Notice of Non-Compliance and Directive to Take Corrective Action
2. November 19, 2014, Regional Board *Notice of Violation*
3. November 25, 2014, Regional Board Notice of Intent to Nominate Site to the EAR Account Program
4. Low Threat Closure Policy Evaluation Form



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
LOS ANGELES REGIONAL WATER QUALITY
CONTROL BOARD
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

January 25, 2012

Certified Mail 7011-0110-0001-9066-0245
Return Receipt:

Tha C. Yin
20622 Pioneer Blvd.
Lakewood, CA 90715

Subject: **Notice of Non-Compliance and Directive to Take Corrective Action**
Regarding: Hende's Station
Former Underground Storage Tanks (UST) Facility
Parcel # 7206-005-002
2990 Pacific Avenue, Long Beach, CA 90221

Dear Tha C. Yin:

Over the past year, the California Regional Water Quality Control Board and the United States Environmental Protection Agency (herein "the Agencies") have been investigating sites with abandoned USTs and contamination from USTs near I-710 from Downtown Los Angeles to Long Beach. Based on our investigations and evaluations, you were identified as the responsible party for underground storage tanks that were located at the former Hende's gas station (herein "the site"), 2990 Pacific Avenue, in Long Beach.

The Agencies require you to take action now to address the contamination from the former USTs at the site. Based on data from the State of California Cleanup Fund, the average cost for a site investigation may range from a low of approximately \$10,000 (for a site with minimal or no contamination) to \$1 million or more (for sites with extensive contamination).

Within 30 days from the date of this letter, you are required to take one of the following three actions:

Option 1 – Investigate Extent of Contamination

Submit a letter of intent to investigate the extent of contamination at the site, contact Joel Coffman of the US EPA (415) 972-3530 to discuss the process no later than 30 days from the date of this letter.

Option 2 – Dispute your Responsibility

If you believe you are not responsible for this site and the tanks that were at the site, please provide a letter describing why you are not responsible along with any evidence supporting this claim.

Option 3 – Claim of Inability to Pay for the Required Work

If you do not believe you are able to pay for the required investigation, complete the enclosed financial information form, provide copies of your tax returns for the last five years, and sign the

enclosed right of entry that will allow the Agencies and their agents to access the property to investigate contamination at the property.

More detailed instructions for each of the options are provided in Attachment I.

Mailing Instructions

Your response should be sent within 30 days from the date of this letter to:

La Donna Thomas
Underground Storage Tanks Program
U.S. EPA Region 9 (WST-8)
75 Hawthorne Street
San Francisco, CA 94105

Facsimile: (415) 947-3530
Email: Thomas.LaDonna@epa.gov

Failure to Respond to this Directive

If you do not respond to this directive within 30 days from the date of this letter, the US EPA and/or the State of California may take action to conduct the site assessment and cleanup activities. If US EPA or the State of California incurs such costs, the Agencies may take legal action to recover costs and/or place a lien on the property.

Moreover, if you fail to respond to this letter within 30 days, EPA and/or the State may also opt to bring enforcement to compel you to undertake the work to address the contamination at the site. Significant penalties may also be imposed.

Should you have any questions about this letter or the requirements described, please contact, La Donna Thomas of USEPA at 415-972-3375 or Laurie Amaro of USEPA at 415-972-3364.

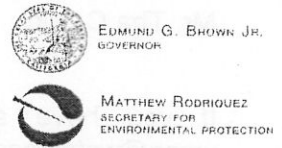


Steven Linder, Manager
US EPA, Regional 9
Underground Storage Tanks Program



Dr. Yue Rong, Manager
Regional Water Quality Control Board
Los Angeles, Region 4

cc: Ha D. Nguyen, Regional Water Quality Control Board



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 19, 2014

Mr. Tha C. Yin, as Trustee of the Yin Trust
20622 Pioneer Boulevard
Lakewood, California 90715

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 5859

**NOTICE OF VIOLATION – FAILURE TO SUBMIT A TECHNICAL REPORT/WORKPLAN IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
HENDE'S STATION
2990 PACIFIC AVENUE, LONG BEACH
(CASE NO. 908060070) (GLOBAL ID. T0603701826)**

Dear Mr. Tha C. Yin:

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

On April 1, 2014, the Regional Board Executive Officer issued you an Order to take corrective action. The Order (copy enclosed), directed you to submit a soil and groundwater investigation report (Report) by **July 15, 2014**. To date, we have not received the aforementioned report. You are hereby notified that you are in violation of the Order for failure to submit the Report.

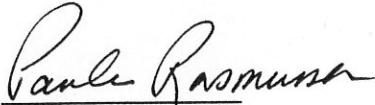
You are hereby notified that you are in violation of Health and Safety Code section 25296.10, California Code of Regulations (CCR), title 23, section 2720 through 2727 by failing to provide the Report by July 15, 2014. You are required to submit the Report immediately. Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC Sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

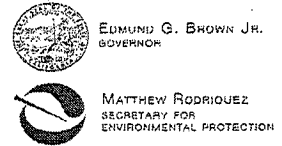
If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 or yrong@waterboards.ca.gov or Mr. Noman M. Chowdhury at (213) 576-6704 or nchowdhury@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

cc (w/o enclosure): Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Ms. Carmen Piro, Department of Health and Human Services, City of Long Beach
Ms. Phuong Ly, Water Replenishment District of Southern California
Mr. Richard Lavin, Los Angeles County, Department of Public Health, Environmental Health Division-Water & Sewage
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Jeffrey Sharp, Sharp Environmental Technologies, Inc.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 25, 2014

Mr. Tha C. Yin, as Trustee of the Yin Trust
20622 Pioneer Boulevard
Lakewood, CA 90715

Certified Mail
Return Receipt Requested
Claim No. 7002 0860 0001 0651 1272

**EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM -
REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED
UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY
CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF
REGULATIONS, SECTION 2720-2727
HENDE'S STATION (PRIORITY D-1 SITE)
2990 PACIFIC AVENUE, LONG BEACH
(FILE NO. 908060070) (GLOBAL ID. T0603701826)**

Dear Mr. Yin:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

On October 6, 1995, eight underground storage tanks were removed from the site, by Interstate Environmental Services, under permit with the Long Beach City Department of Fire. Although soil samples were collected, no closure report or analytical soil data was submitted.

On March 20, 1996, the City of Long Beach Department of Health and Human Services sent you a directive letter requiring the submittal of analytical data and a closure report by April 19, 1996. No analytical data or the closure report was submitted by the due date.

On April 2, 1996, the City of Long Beach Department of Health and Human Services referred the site to the Regional Board based on contamination found in soil and groundwater at the site.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-026

RECYCLED PAPER

On February 4, 1998, the Regional Board sent you a directive letter requiring you to submit a groundwater investigation report by April 15, 1998. No report was received. The Regional Board sent you a delinquency notice on May 28, 1999 which required the submittal of a groundwater investigation technical report by June 30, 1999. No report was received. Another delinquency notice was sent on September 19, 2000 requiring the groundwater investigation report by October 20, 2000. No report was received.

On September 16, 2008, the Regional Board sent you a Notice of Non-Compliance requiring the submittal of electronic data for leaking UST and a subsequent report by October 20, 2008. No data or report was received.

On January 25, 2012, the Regional Board and U.S. Environmental Protection Agency sent you a joint Notice of Non-Compliance and Directive to Take Corrective Action, requiring you to investigate the extent of contamination, dispute your responsibility or claim inability to pay for the required work by February 24, 2012.

On April 5, 2012, due to the history of non-compliance at the Site, the Regional Board passed a resolution nominating the Site to the Emergency, Abandoned, and Recalcitrant (EAR) Account Program.

On April 9, 2012, HVN Environmental Services Company submitted a work plan for additional groundwater investigation. The work plan was approved by the Regional Board on July 3, 2012 with the first groundwater monitoring report due by July 15, 2012.

On August 6, 2012, HVN Environmental Service Company submitted a *3rd Quarter Groundwater Monitoring Event Report* on your behalf. Maximum concentrations for groundwater analytical results are as follows:

- TPH_G – 3,600 micrograms per liter (µg/L)
- Benzene – 66 µg/L
- Toluene – 17 µg/L
- Ethylbenzene – 15 µg/L
- Total Xylenes – 39 µg/L
- MTBE – 9,130 µg/L
- 1,1-DCA – 39 µg/L
- TAME – 60 µg/L
- TBA – 587 µg/L

The report recommended an additional round of groundwater sampling in six months.

On May 13, 2013, HVN Environmental Services Company submitted a *1st Quarter 2013 Groundwater Monitoring Event Report* on your behalf. Maximum concentrations for groundwater analytical results are as follows:

- TPH_G – 4,600 µg/L
- Benzene – 240 µg/L
- Toluene – 18 µg/L
- Ethylbenzene – 16 µg/L
- Total Xylenes – 160 µg/L
- MTBE – 4,620 µg/L
- 1,1-DCA – 69 µg/L

- TAME – 33 µg/L
- TBA – 22 µg/L

The report suggested that the nature and extent of the contamination due to off-site sources should be investigated, prior to performing additional sampling at the site.

On August 28, 2013, the Regional Board sent you a corrective action directive letter, requiring continued groundwater monitoring and further site assessment to evaluate the extent of contamination present at the site from the former USTs. A work plan for additional site assessment was due by October 28, 2013. The directive also informed you that \$50,000.00 had been approved to be spent under the EAR Account Program of the UST Cleanup Fund for the necessary corrective action work, and your approval for site access to begin work was all that was needed. You were warned that the State Water Board would seek cost recovery from you for any costs incurred under the EAR Account, which may include attaching a lien to the property.

On October 28, 2013, HVN Environmental Services Company submitted a work plan to evaluate the extent of contamination at the site.

On April 1, 2014, the Regional Board conditionally approved the work plan requiring the submittal of a technical report detailing the results of the site assessment as part of the semi-annual groundwater monitoring report by July 15, 2014.

On July 21, 2014, Sharp Environmental Technologies, Inc. submitted a *Second Quarter 2014 Groundwater Monitoring Report* on your behalf. The additional groundwater monitoring well installation and soil sampling were not conducted, as required in the work plan approval letter dated April 1, 2014.

On November 19, 2014, the Regional Board sent you a "Notice of Violation" requiring the immediate submittal of a technical report detailing the results of the site assessment and groundwater monitoring well installation.

As of today, this Regional Board has not received the required technical report.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to the history of non-compliance at the Site, we hereby notify you of our intention to re-nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible

party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Noman Chowdhury, at (213) 576-6704. You may also reach him through his e-mail address: noman.chowdhury@waterboards.ca.gov.

Sincerely,



Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Regional Board Letter dated August 29, 2013*
(b) *Regional Board Letter dated April 1, 2014*
(c) *Regional Board Notice of Violation dated November 19, 2014*

cc (w/o enclosure): Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Kathy Jundt, State Water Resources Control Board; UST Cleanup Fund
Ms. Carmen Piro, Department of Health and Human Services, City of Long Beach
Ms. Phuong Ly, Water Replenishment District of Southern California
Mr. Richard Lavin, Los Angeles County, Department of Public Health, Environmental Health Division-Water & Sewage
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Jeffrey Sharp, Sharp Environmental Technologies, Inc.

STATE WATER RESOURCES CONTROL BOARD

GEOTRACKER

HENDE'S STATION (T0603701826) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

2990 PACIFIC AVE
 LONG BEACH, CA 90806
 LOS ANGELES COUNTY
 LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
 LOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: 908060070
CASEWORKER: [NOMAN CHOWDHURY](#)
 LONG BEACH, CITY OF
CASEWORKER: [CARMEN PIRO](#)

LTCP CHECKLIST AS OF 6/9/2014

[VIEW PATH TO CLOSURE PLAN](#)
[BACK TO CASE SUMMARY](#)

General Criteria - The site satisfies the policy general criteria	NO
a. Is the unauthorized release located within the service area of a public water system? Name of Water System : LONG BEACH WATER DEPARTMENT	YES
b. The unauthorized release consists only of petroleum (info).	YES
c. The unauthorized ("primary") release from the UST system has been stopped.	YES
d. Free product has been removed to the maximum extent practicable (info).	FP Not Encountered
e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed (info). Description: - Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined - Other - WP approved	NO
f. Secondary source has been removed to the extent practicable (info). Impediment to Removing Secondary Source: - Remediation Has Not Been Attempted	NO
g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.	YES
h. Does a nuisance exist, as defined by Water Code section 13050 .	NO
1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.	NO
EXEMPTION - Soil Only Case (Release has <u>not</u> Affected Groundwater - Info)	NO
Does the site meet any of the Groundwater specific criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:	
Plume Length (That Exceeds Water Quality Objectives) :	
• Unknown	
Plume is Stable or Decreasing in <u>AREAL</u> Extent :	
• Unknown	
Free Product in Groundwater :	
• Unknown	
Free Product Has Been Removed to the Maximum Extent Practicable :	
• Unknown	
For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years (info) :	
• Unknown	
For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :	
• Unknown	
Free Product Extends Offsite :	
• Unknown	
Benzene Concentration :	
• Unknown	
MTBE Concentration :	
• Unknown	
Nearest Supply Well (From Plume Boundary) :	
• Unknown	
Nearest Surface Water Body (From Plume Boundary) :	
• Unknown	
2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c	NO

10-030

EXEMPTION - Active Commercial Petroleum Fueling Facility	NO
Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:	
Soil Gas Samples : <ul style="list-style-type: none"> • No Soil Gas Samples 	
Exposure Type : <ul style="list-style-type: none"> • Commercial 	
Free Product : <ul style="list-style-type: none"> • Unknown 	
TPH in the Bioattenuation Zone : <ul style="list-style-type: none"> • Unknown 	
Bioattenuation Zone Thickness : <ul style="list-style-type: none"> • Unknown 	
O2 Data in Bioattenuation Zone : <ul style="list-style-type: none"> • No O₂ Data 	
Benzene in Groundwater : <ul style="list-style-type: none"> • Unknown 	
Soil Gas Benzene : <ul style="list-style-type: none"> • Unknown 	
Soil Gas EthylBenzene : <ul style="list-style-type: none"> • Unknown 	
Soil Gas Naphthalene : <ul style="list-style-type: none"> • Unknown 	
3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.	
	NO
EXEMPTION - The upper 10 feet of soil is free of petroleum contamination	NO
Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:	
Exposure Type : <ul style="list-style-type: none"> • Commercial 	
Petroleum Constituents in Soil : <ul style="list-style-type: none"> • Unknown 	
Soil Concentrations of Benzene : <ul style="list-style-type: none"> • Unknown 	
Soil Concentrations of EthylBenzene : <ul style="list-style-type: none"> • Unknown 	
Soil Concentrations of Naphthalene : <ul style="list-style-type: none"> • Unknown 	
Soil Concentrations of PAH : <ul style="list-style-type: none"> • Unknown 	
Area of Impacted Soil : <ul style="list-style-type: none"> • Unknown 	
Additional Information	
Should this case be closed in spite of NOT meeting policy criteria?	NO

10-031

Item 10

Consideration of Nominations for FY 2015-2016 Emergency, Abandoned, and Recalcitrant (EAR) Account I-710 Corridor Underground Storage Tank Program

Exhibit 10.4

Harrison Property

(New Nomination)

NO. 2: NEW CASE NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Harrison Property
1326 West 12th Street
Long Beach, CA 90813
APN: 7436-004-008
GeoTracker Global ID: T0603701919
Regional Board Case No.: 908130043

Release Date: November 11, 1984 (City of Long Beach)
Site Status: Open-Site Assessment
Current Site Use: Biltmore Metal Fabricators

2. Name and Address of Responsible Parties (RP):

Bruce Harrison
5940 East El Paseo Street
Long Beach, CA 90815
Phone: (562) 225-7024
Date Acquired: June 19, 2003

3. Corrective Action Directives:

There is a history of non-compliance at this site since 2006.

On December 4, 2012, the Regional Board issued an Order to take corrective action and required the Responsible Party (RP) to submit a workplan to further investigate the extent of contamination present on-site from the former USTs by January 18, 2013.

In a July 16, 2013 *Directive to Take Corrective Action*, the RP was required to submit a soil and groundwater investigation workplan and revised groundwater monitoring reports. Because the RP did not submit the required documents, a *Notice of Violation* was issued on November 21, 2014.

On December 8, 2014, the Regional Board issued a Corrective Action Directive notifying the RP of its intent to nominate the Site to the State Water Board's Emergency, Abandoned, and Recalcitrant (EAR) Account Program.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Dave Bjostad
Phone: (213) 576-6712
Email: dave.bjostad@waterboards.ca.gov

5. Description of Unauthorized Release:

In November 1984, two gasoline USTs, one 1,000-gallon and one 7,500-gallon, were removed from the Site under the supervision of the Long Beach Fire Department (LBFD). No soil sampling data from the time of the tank removal are found in the case files; however, LBFD representatives observed visible holes in the 7,500-gallon UST and evidence of petroleum hydrocarbon contamination in the tank excavation and shallow groundwater.

In October 1998, soil samples that were collected from 5 feet to 24 feet bgs in the former UST area contained maximum concentrations of 100 milligrams per kilogram (mg/kg) of TPH_G and 3.3 mg/kg of benzene at 5 feet bgs, while maximum concentrations for soil samples collected from 5 feet to 24 feet bgs outside the former UST area (five borings) contained a maximum of 3,300 mg/kg of TPH_G and 20 mg/kg of benzene. In addition, one groundwater sample was collected from boring B1 at the UST area, with a concentration of 0.6 micrograms per liter (µg/L) of benzene, but the sample was not analyzed for methyl tertiary butyl ether (MTBE).

On February 11, 2000, the Regional Board issued a directive letter to the RP requiring that a work plan for site assessment be submitted by March 31, 2000. No workplan was received.

On June 27, 2000, a 550-gallon diesel UST was removed from the northern portion of the property by Redwine Testing Services, on behalf of Mr. George Mitchel. Soil samples were taken from beneath a former dispenser, stockpiled soil, and two feet beneath the center of the tank base. Samples were analyzed for TPH_G, and total petroleum hydrocarbons as diesel (TPH_D), BTEX, and MTBE. Toluene and MTBE were not detected above laboratory detection limits (LDLs) in the samples analyzed. TPH_G was detected at a maximum concentration of 1.2 mg/kg in the tank pit. In addition, TPH_D was detected at a maximum concentration of 790 mg/kg in the tank pit. Benzene at 0.007 mg/kg, ethylbenzene at 0.046 mg/kg, and total xylenes at 0.061 mg/kg were detected in the samples taken two feet beneath the tank base.

In a directive to the RP dated June 22, 2006, the Regional Board referenced an undated closure report and quarterly groundwater monitoring reports from Strata-Analysts Group. These reports noted that soil beneath the Site was significantly impacted with petroleum hydrocarbons and volatile organic compounds to a depth of 35 feet bgs, based on analytical data for soil samples collected during the installation of three groundwater monitoring wells (MW-1 through MW-3). Maximum concentrations in soil were listed as follows: 1,353.2 mg/kg TPH_G, 40 mg/kg benzene, 580 mg/kg toluene, 170 mg/kg ethylbenzene, and 1.01 mg/kg total xylenes. In groundwater samples, the maximum concentrations were 0.052 µg/L TPH_G, 1,900 µg/L benzene, 13,000 µg/L toluene, 2,900 µg/L ethylbenzene, 15,000 µg/L total xylenes, and 920 µg/L naphthalene. The depth of the soil samples was not indicated. The directive denied a request for closure and required a workplan to completely delineate the extent of contaminants in soil and groundwater to be submitted by October 15, 2006. The RP submitted a workplan on October 23, 2007.

Groundwater samples collected on December 19, 2013, detected the maximum concentrations of petroleum constituents as:

- 1,700 µg/L TPH_G in monitoring well MW-2
- 3,100 µg/L TPH_D in monitoring well MW-2

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- 470 µg/L benzene in monitoring well MW-3
- 210 µg/L toluene in monitoring well MW-2
- 1,400 µg/L ethylbenzene in monitoring well MW-3
- 1,200 µg/L xylenes in monitoring well MW-2
- MTBE was not reported above laboratory detection limits in the samples collected.

In groundwater samples collected on September 26, 2014, the maximum reported concentrations of petroleum constituents in groundwater were:

- 530 µg/L TPH_G in monitoring well MW-2
- 2,200 µg/L TPH_D in monitoring well MW-2
- 2.1 µg/L benzene in monitoring well MW-3
- 0.56 µg/L toluene in monitoring well MW-3
- 16 µg/L ethylbenzene in monitoring well MW-3
- 18.75 µg/L xylenes in monitoring well MW-2
- MTBE was not reported above laboratory detection limits in the samples collected
- Tertiary butyl alcohol (TBA), although not included in the summary data tables, was detected in all three monitoring wells, at a maximum concentration of 23 µg/L in MW-2

To date, the extent of the release has not been delineated.

6. Justification for Nomination to EAR Account Program:

The identified RP is recalcitrant. The RP has failed to conduct further investigation to determine the lateral and vertical extent of soil and/or groundwater contamination at the Site as required.

7. Reason for Failure of Responsible Party to Complete Required Action:

On December 9, 2008, the site consultant, CMH Environmental Group, Inc., submitted an additional time extension request to the Regional Board. CMH cited financial hardship reasons on behalf of the RP for the extension request.

8. Documentation of Any Disputes between Responsible Party and Agency:

On December 11, 2014, the Regional Board received a letter from CMH Environmental, on the RP's behalf, stating Mr. Harrison is not recalcitrant and the property has not been abandoned. The letter stated the site was currently occupied by the owner and thus not abandoned. The letter also indicated a workplan for further work would be submitted by December 22, 2014 for discussion at the meeting with CMH Environmental and the Regional Board that same day. On December 22, 2014, CMH Environmental submitted a workplan for subsurface investigation at the property. The Regional Board letter dated March 18, 2015 indicated that the Work Plan is not sufficient to meet our requirements and a revised Work Plan must be submitted by April 30, 2015.

9. Actions Taken by the RP:

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The RP submitted a workplan for additional site assessment (installation of two new groundwater monitoring wells and associated soil sampling) on October 23, 2007. The Regional Board subsequently approved the work plan and set a deadline for the submission of a technical report by April 15, 2008. To date, the report has not been submitted.

An Amended Bio Remedial Action Plan was also submitted to the Regional Board on October 23, 2007. The Regional Board approved the workplan and required submittal of the remedial action report by July 15, 2008. The report was also not submitted.

While the RP has submitted groundwater analytical data for the period covering approximately 2008 to 2014, the Regional Board has noted that these reports are deficient because they do not contain groundwater gauging data or gradient maps, are not signed by a Professional Engineer (PE) or Professional Geologist (PG), and do not contain isoconcentration maps for key contaminants of concern. The reports also lack groundwater disposal documentation and free product measurement data. The Regional Board has asked that corrected reports be submitted. To date, corrected reports have not been submitted. In addition, environmental data for the Site should be submitted to GeoTracker in the EDF format, along with well survey and depth to water data.

On December 22, 2014, CMH Environmental submitted a workplan for subsurface investigation at the property. The workplan proposed the installation of three, 5-foot soil vapor probes in the vicinity of MW-3, with soil samples to be collected at 5 feet bgs. No groundwater sampling or groundwater well installation was included in the workplan. The Regional Board letter dated March 18, 2015 indicated that the Work Plan is not sufficient to meet our requirements and a revised Work Plan must be submitted by April 30, 2015.

10. Investigation/Remedial Efforts Completed:

Limited groundwater monitoring was conducted at the Site between 2006 and 2014. To date, the RP has not completed the required additional site assessments and has not conducted remedial actions at the Site.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Certain Site data are not available on GeoTracker; however, limited information was available in directives that was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see if the Site could be closed under the policy. The following LTCP criteria were not met:

- General (see attached LTCP evaluation form):
- Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination has not been assessed and the hydrogeology has not been adequately defined.
- The impacted soil or secondary source has not been removed to the extent practicable.
- Groundwater – The extent and stability of the dissolved phase plume has not been assessed.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated. The bio-attenuation zone thickness is

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unknown. Soil samples were collected at unknown depths. The concentrations of TPH₆ and benzene were 3,300 mg/kg and 20 mg/kg, respectively.

- Direct Contact and Outdoor Air Exposure – The lateral and vertical extent of the soil contamination is unknown. Based on available soil sample analytical data, concentrations of benzene in soil may exceed concentrations allowable under the LTCP criteria. Concentrations of naphthalene in soil are unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the LTCP criteria, soil and groundwater investigation needs to be conducted to determine the lateral and vertical extent of contamination and to develop a site conceptual model for the Site. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

\$100,000 annual funding for additional investigation is recommended. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

If EAR funding is denied, migration of the plume is possible. Furthermore, since the extent of contamination remains unknown and because of the RP's failure to comply, the Site could continue to pose a threat to water quality indefinitely until remediated.

15. Attachments:

1. December 4, 2012 Regional Board Requirement to Take Corrective Action
2. November 21, 2014, Regional Board *Notice of Violation*
3. December 8, 2014, Regional Board Notification of Intent to Nominate Site to EAR Account Program
4. Low Threat Closure Policy Evaluation Form



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 4, 2012

Mr. Bruce Harrison
5940 East El Paseo Street
Long Beach, California 90815

Certified Mail
Return Receipt Requested
7011 3500 0003 5491 1596

Mr. Bruce Harrison
1368 11th St.
Long Beach, California 90813

Certified Mail
Return Receipt Requested
7012 0470 0001 6138 2372

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
HARRISON PROPERTY (FORMERLY GEORGE MITCHEL)
1326 WEST 12th STREET, LONG BEACH, CALIFORNIA (ID NO. 908130043)**

Dear Mr. Harrison:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background:

In November 1984, two gasoline USTs, one 1,000-gallon and one 7,500-gallon, were removed from the Site under the supervision of the Long Beach Fire Department (LBFD). No soil sampling was conducted at the time of the tank removal; however, LBFD representatives observed visible holes in the 7,500-gallon UST and evidence of petroleum hydrocarbon contamination in the tank excavation and shallow groundwater. Based on an identified release and potential impact to groundwater, the Site was transferred to the Regional Board in 1986.

On February 11, 2000, the Regional Board issued a letter to Mr. Clay Mitchel of National Construction & Architecture (agent of Mr. George Mitchel), in response to a "Subsurface Site Assessment – Soil and

Groundwater Sampling" report, prepared in February 1999 by California Environmental. The letter referenced soil samples collected in the former UST area, which contained maximum concentrations of 100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPH_G) and 3.3 mg/kg of benzene from 5 feet to 24 feet below ground surface (bgs). It also referenced maximum concentrations for soil samples collected outside the former UST: 3,300 mg/kg of TPH_G and 20 mg/kg of benzene from 5 feet to 24 feet bgs. In addition, the letter states there was a groundwater sample from boring B1, with a concentration of 0.6 micrograms per liter (µg/L) of benzene; the sample was not analyzed for methyl tertiary butyl ether (MTBE). The letter requested a work plan for site assessment, due by March 31, 2000 to obtain groundwater hydrological and groundwater analytical data to assess the impact to groundwater beneath the site. However, no work plan was submitted to the Regional Board by the March 31, 2000 due date.

On June 27, 2000, a 550-gallon diesel UST was removed from the northern portion of the property by Redwine Testing Services, on behalf of Mr. George Mitchel. Soil samples were taken from beneath a former dispenser, stockpiled soil, and two feet beneath the center of the tank base. Samples were analyzed for TPH_G and total petroleum hydrocarbons as diesel (TPH_D), benzene, toluene, ethylbenzene, xylenes (BTEX) and MTBE. Toluene and MTBE were not detected above laboratory detection limits (LDLs) in the samples analyzed. TPH_G was detected at a maximum concentration of 1.2 mg/kg in the tank pit. In addition, TPH_D was detected at a maximum concentration of 790 mg/kg in the tank pit. Benzene at 0.007 mg/kg, ethylbenzene at 0.046 mg/kg, and total xylenes at 0.061 mg/kg were detected in the samples taken two feet beneath the tank base.

On September 24, 2002, the Regional Board issued a letter to Mr. Clay Mitchel of National Construction Architecture, in response to a request for closure dated September 10, 2002. This letter stated the site would not be closed at that time based on a lack of determining information and requested a work plan for additional site assessment due by December 1, 2002. Based on Regional Board records, no site assessment work plan was submitted by the December 1, 2002 due date.

On December 17, 2002, the Regional Board issued a letter to Mr. Clay Mitchel granting approval of an "Additional Site Assessment Workplan" dated October 29, 2002, as long as standard sampling conditions were met, and requested a site assessment report be submitted by April 15, 2003. There are no Regional Board records indicating the proposed activities were conducted on the property and no site assessment report was submitted by the April 15, 2003 due date.

On June 22, 2006, the Regional Board issued a letter to you, as the new owner and responsible party for the contamination from the former USTs, which acknowledged the receipt of an undated "Closure Report" and quarterly groundwater monitoring reports from Strata-Analysts Group. In the letter, the Regional Board informed you that soil beneath the site was significantly impacted with petroleum hydrocarbons and volatile organic compounds to a depth of 35 feet bgs, based on analytical data for soil samples collected during the installation of three groundwater monitoring wells (MW-1 through MW-3). Maximum concentrations in soil were listed as follows: 1,353.2 mg/kg TPH_G, 40 mg/kg benzene, 580 mg/kg toluene, 170 mg/kg ethylbenzene, and 1.01 mg/kg total xylenes. In groundwater samples, the maximum concentrations were .052 µg/L TPH_G, 1,900 µg/L benzene, 13,000 µg/L toluene, 2,900 µg/L ethylbenzene, 15,000 µg/L total xylenes, and 920 µg/L naphthalene. The depth of the soil samples was not included in the letter. The letter denied your request for closure and requested a work plan for site assessment, due by October 15, 2006, to completely delineate the extent of contaminants in soil and groundwater beneath the Site. It also required reinstatement of the groundwater monitoring program with a report due by the 15th day of the first month following the sampling quarter and noted that previous groundwater monitoring reports were incomplete. No work plan or monitoring report was received by the October 15, 2006 due date.

In our letter dated June 22, 2006, you were required to submit quarterly groundwater monitoring reports by the 15th day of the first month following each sampling quarter. We have not received the reports since 2007.

On December 15, 2006, the Regional Board issued a response letter to you, denying your "Request for Low Risk Criteria Closure" dated July 31, 2006 because after four quarterly sampling events, all available soil and groundwater data had been evaluated and the site did not meet the low risk criteria for closure. It also requested you to comply with the requirements specified in the Regional Board June 22, 2006 letter. On August 14, 2007, the Regional Board responded to a "2007 Second Quarter Groundwater Sampling" report dated July 9, 2007 and "Request for Low-Risk Closure Report" prepared by Strata-Analysts Group on your behalf. The Regional Board determined the site did not meet criteria for low-risk closure and requested a work plan to delineate contamination, which was due by October 15, 2007.

On December 14, 2007, the Regional Board responded to the submittal of a work plan, dated October 23, 2007, which Strata-Analysts Group prepared on your behalf. According to the correspondence from the Regional Board, elevated concentrations of TPH_G and BTEX were detected in the down gradient monitoring well, MW-3, during the 2007 Second Quarter Groundwater Sampling event. The Regional Board concurred with your consultant's proposal to install two additional groundwater monitoring wells, requested soil samples be collected at 5-foot intervals, and requested that a site assessment report be submitted by April 15, 2008. Based on Regional Board files, the proposed installation of additional groundwater monitoring wells and subsequent sampling was not completed for the Site and a site assessment report was not submitted by the due date of April 15, 2008.

On January 29, 2008 the Regional Board responded to the submittal of an "Amended Bio Remedial Action Plan" submitted by your consultant, Strata-Analysts Group on October 23, 2007. Strata-Analysts Group proposed to inject air/oxygen into existing monitoring wells to biodegrade petroleum hydrocarbons in the groundwater. The Regional Board concurred with the remedial action plan and required the submittal of the remedial action report by July 15, 2008. Based on Regional Board files, the remedial action plan was not performed on the Property and a remedial action report was not submitted by the due date of July 15, 2008.

On May 27, 2008, the Regional Board issued you a directive and extension letter. The letter granted an extension for the submission of the site assessment report until January 15, 2009, which was to include the installation of two additional groundwater monitoring wells.

On December 9, 2008, your consultant, CMH Environmental Group, Inc., submitted an additional time extension request to the Regional Board. CMH cited financial hardship reasons for the extension request. The extension was not granted.

Based on the available information, the Regional Board requires further investigation to evaluate the extent of contamination present on-site from the former USTs.

Work Plan Requirements for Additional Site Assessment (Per CCR, title 23, §2725)

Results of previous investigations and groundwater monitoring confirm releases of fuel constituents to subsurface soils and groundwater at the Site. The lateral and vertical extent of the soil contamination needs to be delineated to determine whether there is a threat to human health and the environment. A groundwater sampling event should be conducted utilizing the existing monitoring wells to analyze current concentrations of fuel constituents at the Site, establish groundwater flow direction, and determine whether any free product remains. Based on current conditions, installation of additional monitoring wells

may be required to determine the length of the groundwater plume. Soil samples shall be collected from 0 to 5 feet and 5 to 10 feet bgs to evaluate potential direct contact and vapor intrusion (VI) concerns.

You are required to submit a work plan to advance a sufficient number of on-site soil borings and collect soil and groundwater samples to evaluate the lateral and vertical extent of contamination. The work plan is due to this Regional Board by **January 18, 2013**.

Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G, TPH_D when diesel is identified at the site; and by EPA Method 8260B for BTEX, naphthalene, and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) (http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory. It is also recommended that oxygen profiling be conducted to determine the existence of a bio-attenuation zone in the subsurface soil.

You must upload the following information into the State GeoTracker database (http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml):

1. Laboratory analytical data (EDF format) obtained after September 1, 2001
2. Reports, plans, and correspondence in PDF format generated since January 1, 2005.
3. Locational data (latitude and longitude) for groundwater monitoring wells (GEO_XY), monitoring well elevation data (GEO_Z), boring logs (GEO_BORE), and an updated site map (GEO_MAP) for data obtained after January 1, 2002.

Electronic Submittal Required for Correspondence and Reports to the Regional Board

Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) implemented a *Paperless Office System*. Interested parties were notified of this intent in a letter dated October 20, 2011 (the announcement can be seen at:

<http://www.waterboards.ca.gov/losangeles/resources/Paperless/>

For all parties who upload electronic documents to State GeoTracker database, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements (Per CCR, title 23, §2727)

1. The contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or

rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.


2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Dixon Oriola at (213) 576-6747. You may also reach him through his e-mail address: doriola@waterboards.ca.gov.

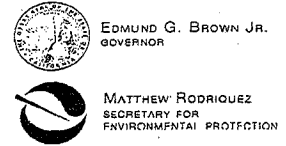
Sincerely,


Samuel Unger, P. E.
Executive Officer

- Enclosures:
- (a) Regional Board Letter dated February 11, 2000
 - (b) Regional Board Letter dated September 24, 2002
 - (c) Regional Board Letter dated December 17, 2002
 - (d) Regional Board Letter dated June 22, 2006
 - (e) Regional Board Letter dated December 15, 2006
 - (f) Regional Board Letter dated August 14, 2007
 - (g) Regional Board Letter dated December 14, 2007
 - (h) Regional Board Letter dated January 29, 2008
 - (i) Regional Board Letter dated May 27, 2008

cc:

Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Ms. Carmen Piro, City of Long Beach, Department of Health & Human Services



Los Angeles Regional Water Quality Control Board

November 21, 2014

Mr. Bruce Harrison
5940 East El Paseo Street
Long Beach, California 90815

Certified Mail
Return Receipt Requested
Claim No. 7012 3460 0002 9486 3049

Mr. Bruce Harrison
1368 11th Street
Long Beach, California 90813

Certified Mail
Return Receipt Requested
Claim No. 7008 1830 0004 3359 0919

**NOTICE OF VIOLATION – FAILURE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
HARRISON PROPERTY (FORMERLY GEORGE MITCHEL)
1326 WEST 12th STREET, LONG BEACH, CALIFORNIA (ID NO. 908130043)**

Dear Mr. Harrison:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

On December 4, 2012, the Regional Board Executive Officer issued you an Order to take corrective action. The Order (copy enclosed), directed you to submit a workplan (Workplan) to conduct an additional soil and groundwater investigation by **January 18, 2013**.

On March 18, 2013, your consultant, CMH Environmental Group (CMH), submitted a groundwater monitoring report (Report) on your behalf in response to the Regional Board's letter.

On July 16, 2013, the Regional Board Executive Officer issued a response citing the deficiencies of the Report, which included a lack of groundwater gauging data and a groundwater gradient map. The response also reiterated the requirement for the Workplan to be submitted by **September 15, 2013**.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-043



On October 2, 2014 and October 15, 2014, respectively, CMH uploaded groundwater monitoring data to the GeoTracker website. Regional Board staff reviewed the groundwater monitoring data and determined it was inadequate since it lacked groundwater gauging data and a groundwater gradient map. Therefore, the reports must be corrected and resubmitted.

To date, we have not received the aforementioned Workplan. You are hereby notified that you are in violation of the Order for failure to submit the Workplan and you are in violation of Health and Safety Code section 25296.10, California Code of Regulations (CCR), title 23, section 2720 through 2727 by failing to provide the Workplan by January 18, 2013. You are required to submit the Workplan and revised groundwater monitoring report immediately.

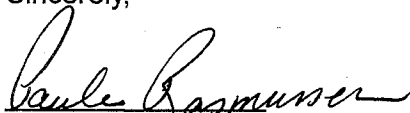
Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The civil liability may be assessed by the Regional Board beginning with the date on which the violation of this Order first occurred and without further warning. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Dixon Oriola at (213) 576-6747. You may also reach him through his e-mail address: doriola@waterboards.ca.gov.

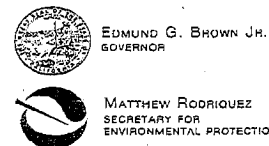
Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosure: Regional Board letter dated January 18, 2013.

cc: Kathy Jundt, Underground Storage Tank Cleanup Fund, State Water Resources Control Board
Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.
Carmen Piro, City of Long Beach, Department of Health and Human Services
Phuong Ly, Water Replenishment District of Southern California
Carl Hulick, CMH Environmental Group



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 8, 2014

Mr. Bruce Harrison
5940 East El Paseo Street
Long Beach, CA 90815

Certified Mail
Return Receipt Requested
7012 3460 0002 9486 3032

Mr. Bruce Harrison
1368 11th Street
Long Beach, CA 90813

Certified Mail
Return Receipt Requested
7008 1830 0004 3359 0902

**EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM -
REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO
UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO
HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA
CODE OF REGULATIONS, SECTION 2720-2727
HARRISON PROPERTY (FORMERLY GEORGE MITCHEL), 1326 WEST 12TH
STREET, LONG BEACH, CALIFORNIA (File No. 908130043) (Priority D-1) (Global ID.
T0603701919)**

Dear Mr. Harrison:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

On June 22, 2006, the Regional Board issued a letter to you, as the new owner and responsible party for the site, which acknowledged the receipt of an undated "Closure Report" and quarterly groundwater monitoring reports from Strata-Analysis Group. The Regional Board informed you

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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that soil beneath the site was significantly impacted with petroleum hydrocarbons and VOCs to a depth of 35 feet below ground surface (bgs), based on analytical data for soil samples collected during the installation of three groundwater monitoring wells (MW-1 through MW-3). Maximum concentrations in soil were listed as follows:

- Total petroleum hydrocarbons at gasoline (TPH_G) – 1,353.2 mg/kg
- Benzene – 40 mg/kg
- Toluene – 580 mg/kg
- Ethylbenzene – 170 mg/kg
- Total xylenes – 1.01 mg/kg

Maximum concentrations in groundwater were:

- TPH_G – 0.052 µg/L
- Benzene – 1,900 µg/L
- Toluene – 13,000 µg/L
- Ethylbenzene – 2,900 µg/L
- Total xylenes – 15,000 µg/L
- Naphthalene – 920 µg/L

Samples depths were not indicated. The Regional Board denied your request for closure and required a work plan for site assessment, due by October 15, 2006, to completely delineate the extent of contaminants in soil and groundwater. The groundwater monitoring program was also required to be reinstated with the first report due by the 15th day of January following the fourth quarter sampling. Previous groundwater monitoring reports were incomplete. Neither the work plan, nor the first monitoring report was received by the due date.

On December 15, 2006, the Regional Board issued a response letter denying your “Request for Low Risk Criteria Closure” dated July 31, 2006. After four quarterly sampling events, all available soil and groundwater data had been evaluated and the site did not meet the low risk criteria. The Regional Board also directed you to comply with the requirements specified in the June 22, 2006 letter.

On August 14, 2007, the Regional Board responded to the “2007 Second Quarter Groundwater Sampling” report dated July 9, 2007 and “Request for Low-Risk Closure” report prepared by Strata-Analysts Group on your behalf. The Regional Board determined the site did not meet criteria for low-risk closure and requested a work plan to delineate contamination at the site, due by October 15, 2007.

On October 23, 2007, Strata-Analysts Group submitted a work plan for the installation of additional groundwater monitoring wells at the site. In addition, Strata-Analysts Group submitted an “Amended Bio Remedial Action Plan”. Strata-Analysts Group proposed injecting air/oxygen into existing monitoring wells to biodegrade petroleum hydrocarbons in the groundwater.

On December 14, 2007, the Regional Board approved the work plan. A site assessment technical report was required to be submitted by April 15, 2008. No technical report was received by the due date.

On January 29, 2008 the Regional Board approved the amended remedial action plan dated October 23, 2007. A remedial action report was required to be submitted by July 15, 2008. According to Regional Board records, no remedial action was conducted and no report was submitted by the due date.

On May 27, 2008, the Regional Board issued you a directive and extension letter granting an extension for the submission of the site assessment report until January 15, 2009, which was to include the installation of two additional groundwater monitoring wells.

On September 16, 2008, the Regional Board sent you a Notice of Non-compliance. The notice required the submittal of analytical data and a technical report by October 20, 2008.

On December 9, 2008, CMH Environmental Group, Inc. (CMH) submitted an additional time extension request on your behalf. CMH cited financial hardship for the extension request. The Regional Board did not grant an additional extension.

On December 4, 2012, the Regional Board issued you a directive letter requiring additional site assessment to delineate the vertical and lateral extent of contamination to soil and groundwater at the site. A work plan submittal was required by January 18, 2013. No work plan was submitted by the due date.

On March 18, 2013, your consultant, CMH Environmental Group (CMH), submitted groundwater monitoring data on your behalf.

On July 16, 2013, the Regional Board issued you a directive to take corrective action at the site. The directive required you to conduct semi-annual groundwater monitoring and cited the deficiencies of the groundwater monitoring report (lack of groundwater gauging data and a groundwater gradient map) and reiterated the requirement for a workplan to be submitted by September 15, 2013. In addition, the directive required the submittal of a site assessment work plan as outlined in the Regional Board letter dated December 4, 2012. The work plan and first semi-annual groundwater monitoring report were due by September 15, 2013. No work plan has been submitted.

On October 2, 2014 and October 15, 2014, CMH uploaded groundwater monitoring data to the GeoTracker database. However, we found these groundwater monitoring reports inadequate for lack of groundwater gauging data and a groundwater gradient map and the reports must be resubmitted.

On November 21, 2014, the Regional Board sent you a "Notice of Violation" requiring the immediate submittal of a site assessment workplan and revised groundwater monitoring report.

As of today, this Regional Board has not received the required workplan or revised report.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to the history of non-compliance at the Site, we hereby notify you of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website:

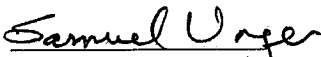
http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Dixon Oriola, at (213) 576-6747. You may also reach him through his e-mail address: dixon.oriola@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: (a) Regional Board Letter dated December 4, 2012
(b) Regional Board Letter dated July 16, 2013
(c) Regional Board Notice of Violation dated November 21, 2014

cc: Ms. Kathy Jundt, SWRCB, Underground Storage Tank Clean Up Fund
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Ms. Carmen Piro, Department of Health and Human Services, City of Long Beach
Ms. Phuong Ly, Water Replenishment District of Southern California
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Carl Hulick, CMH Environmental Group



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

March 18, 2015

Mr. Bruce Harrison
1368 11th Street
Long Beach, CA 90813

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1830 0004 3359 0285

Underground Storage Tank Program – Directive to Take Corrective Action in Response to Unauthorized Underground Storage Tank Release Pursuant to Health and Safety Code Section 25296.10 and Title 23, California Code of Regulations, Sections 2720-2727

**Revised Work Plan Requirements, Harrison Property
1326 West 12th Street, Long Beach (Case No. 908130043) (Priority D-1 Site)**

Dear Mr. Harrison:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and/or Verification Monitoring) to ensure protection of human health, safety, and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, sections 2720 through 2727.

We have reviewed the document entitled "Work Plan for Subsurface Investigation of Vapor and or Soil and or Groundwater" (Work Plan) dated December 22, 2014, that was prepared on your behalf by CMH Environmental Group, Inc. (CMH) for the above-referenced site (Site). Regional Board staff (Mr. Dave Bjostad and Mr. Dixon Oriola) visited the Site on January 15, 2015.

The Work Plan proposes installing three nested soil vapor monitoring probes onsite, able to sample at a depth of 3-to 5-feet below ground surface (bgs). The reason for nested probes and the design details are not explained. The Work Plan proposes soil sampling at 5-foot bgs, in each of these three borings prior to the installation of soil vapor probes.

Summary of Site Environmental History

A 1,000-gallon gasoline underground storage tank (UST) was installed in 1961 or 1962 and was followed by a 7,500-gallon diesel fuel UST in 1968. These two USTs were reportedly taken out of service in 1974. One UST was removed in 1984, while the other was removed in either 1984 or 1996, according to the Work Plan. Soil sampling was performed in 1998 and 1999, and again in 2000, when a previously unknown 250- or 550-gallon waste oil UST was discovered and later removed. Groundwater grab sampling and soil sampling were performed in 2003, followed by the installation of three groundwater monitoring wells in 2004.

Quarterly groundwater sampling was performed from the three monitoring wells from 2004 through December 2012, then semi-annual groundwater sampling was performed in 2013, and

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groundwater sampling was performed once in 2014. The maximum concentrations of total petroleum hydrocarbons as gasoline (TPH_G) and benzene detected at the site from December 2008 through September 2014 were 43,000 micrograms per liter (µg/L) (TPH_G) and 2,800 µg/L (benzene), respectively. Methyl tertiary butyl ether (MTBE) reportedly has not been detected, while tertiary butyl alcohol (TBA) results are not reported in data summary tables. During the most recent groundwater monitoring event, in September 2014, the maximum concentrations of TPH_G, benzene, and TBA were 530 µg/L (TPH_G), 2.1 µg/L (benzene), and 23 µg/L (TBA). MTBE was not detected.

The most impacted groundwater is around MW-3, and to a lesser degree at MW-2, and much less so at MW-1 (furthest from the former USTs area). Benzene concentrations have decreased in MW-3 recently, declining from 1,900 µg/L in December 2012 to 2.1 µg/L in September 2014. However, the highest concentrations of TPH_G and benzene found in 2003 (11,500 µg/L and 2,680 µg/L, respectively) were found beneath the warehouse, 70 feet south of the former USTs. Groundwater contaminant plume delineation has not been determined.

Soil Vapor, Soil, and Groundwater Investigation Requirements (per CCR, title 23, §2725)

We have reviewed the Work Plan and determined that the Work Plan is not sufficient to meet our requirements. A revised Work Plan must be submitted by **April 30, 2015**, which addresses the following items:

1. Additional soil vapor samples must be collected to more adequately assess potential site impacts. In particular, soil and groundwater impacts at 20 feet bgs detected in 2003 were highest beneath the warehouse, but the Work Plan did not propose soil vapor sampling in this area. In addition, the Work Plan did not propose: (a) soil vapor sampling near other areas where significant soil and/or groundwater impacts were identified in 2003 (e.g., sampling locations B-5, B-6, and B-8), (b) where the former gasoline and diesel USTs were once located, and (c) soil vapor sampling next to the offsite building, immediately adjacent to the Site to the west. A revised figure showing additional soil vapor sampling locations must be included in the revised Work Plan.
2. The depth of the proposed soil vapor sampling must be clarified. The Work Plan indicates that nested probes will be installed, but the depths of "nested" soil vapor ports are not clearly shown in the diagrams. Regional Board staff recommends soil vapor sampling at 5 feet bgs since groundwater has been detected at a depth of between 7 and 9 feet bgs since 2009.
3. The soil vapor sampling method, sample containers, and analytical methods are not specified in the Work Plan. Soil vapor sampling must be performed following guidance in the Regional Board's Advisory for Active Soil Gas Investigations (April 2012), available at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/VI_ActiveSoilGasAdvisory_FINAL_043012-2.pdf. Soil vapor samples must also be analyzed for naphthalene. With regard to the contaminants of concern, soil vapor samples must also be analyzed for oxygen, in order to compare requisite data to the Low Threat Closure Policy criteria.

4. Soil samples must be collected by EPA Method 5035, which was not mentioned in the Work Plan. The bottom of the sixth page ends with "The soil and groundwater samples will be analyzed in accordance with" but this is an incomplete sentence and the Regional Board is not clear what is meant. Samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G and TPH_D; and by EPA Method 8260B for benzene, toluene, ethylbenzene and xylenes (BTEX), naphthalene, and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and TBA. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) (http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq_9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.
5. Because the highest groundwater concentrations detected in 2003 were away from the former USTs (beneath the warehouse), you must propose additional groundwater monitoring well(s) for delineation purposes. The revised Work Plan, including new monitoring wells, shall incorporate the groundwater flow direction, which was not reported for 32 of the 33 historical monitoring events. Groundwater samples must be analyzed for the above referenced parameters and using the same analytical methods listed above for soil.
6. The following information is deficient and must be corrected and/or provided for the first time:
 - a. All historical soil data must be provided in a summary data table. The summary table shall contain results for TPH_G, TPH as diesel (TPH_D), benzene, toluene, ethylbenzene, xylenes, naphthalene, MTBE, TBA, other fuel oxygenates, and any chlorinated volatile organic compounds (VOCs) that were detected. The sampling date and depth in feet bgs shall be provided for each sample result. Results shall be reported in µg/kg.
 - b. A figure showing all historical sampling locations and the former UST locations shall be included, as well as a figure(s) depicting the extent of soil impacts.
 - c. The Work Plan used incorrect units for groundwater concentrations: milligrams per kilogram (mg/kg) are incorrect on the 1st and 6th pages; rather, groundwater concentrations should be presented in µg/L.
 - d. The Conceptual Model on the 6th page of the Work Plan states that benzene was not detected in groundwater, but benzene has been detected in groundwater in every monitoring event, including the most recent monitoring event in September 2014.
 - e. Groundwater flow direction figures, which have not been presented for each monitoring event, must be provided for each historical monitoring event. One groundwater flow direction figure is found in the case files, but the date of the measurements is not presented on the figure and the shown water elevation data are not found in Work Plan Table 2.
 - f. Work Plan Table 2 depth to water measurement data and water elevation data are reported to the nearest 0.1 foot, but measurements to the nearest 0.01 foot are required. Water level measurement data from 2004 through March 2007 are missing from Table 2.

- g. Free product measurement data, which are not included in any summary table, must be provided. If free product was not detected, you shall report results as ND (i.e., not detected) or 0.00 feet.
- h. The Work Plan states that 33 rounds of monitoring have been performed since 2004, but sampling data for only 20 groundwater monitoring events are presented, none from 2004 through 2007. The 2003 groundwater grab sampling results must also be included in historical groundwater data tables.
- i. TBA data shall be provided in the historical groundwater data summary tables.
- j. Laboratory analytical data presented in data summary tables as "0.00" should be changed to ND, with the associated practical quantitation limit (e.g., ND<0.5 µg/L). Numerous rounding errors were also observed in past data summary tables. Please report results in µg/L rather than mg/L.
- k. Most figures do not show the location of the former USTs. Please include the former UST locations on all figures so that groundwater concentrations can more easily be compared to the sources of contaminants.
- l. The historical graphs showing groundwater concentrations over time are at a scale and format that makes them difficult to compare to maximum contaminant levels and Low Threat Closure Policy criteria. You shall provide a two dimensional graph for each monitoring well separately, with each graph one page in size, to make the graphs more readable and useable. Please focus these graphs on benzene and MTBE, since these are the key contaminants of concern for groundwater in the Low Threat Closure Policy. Iso-concentration maps for TPH_G, benzene, MTBE, and TBA are also required.
- m. The following files have not been uploaded into GeoTracker, so must be uploaded into GeoTracker:
 - i. Groundwater monitoring information in GEO_WELL for all historical groundwater monitoring events
 - ii. The surveyed latitude and longitude of monitoring wells (GEO_XY format)
 - iii. The surveyed monitoring well elevation data (GEO_Z format)
 - iv. Borings logs (GEO_BORE)
 - v. Laboratory analytical data in EDF format for all historical sampling
- n. A site health and safety plan was not provided with the Work Plan. The two-paragraph Site Safety Plan text provided on the 7th page of the Work Plan is not a complete or adequate health and safety plan.
- o. Documentation of legal disposal of purged groundwater has not been provided for past monitoring events, so must be provided.
- p. Please clarify the dates of UST removal stated in the Work Plan: the 3rd page states that both USTs were removed in 1984, while the 5th page states that the USTs were removed in 1984 and 1996.
- q. Each page of each plan or report shall have the date and site identifier (e.g., address) on each page.
- r. Many of the historical reports were not stamped and signed by a Professional Engineer or Professional Geologist, as required, so these data may not be acceptable.

General Requirements

- 7. All necessary permits must be obtained from the appropriate agencies prior to the start of work.

8. The contractor who conducts the environmental work as required in this directive letter shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically including, but not limited to, environmental, procurement, and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
9. Prior to commencing any fieldwork, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (dave.bjostad@waterboards.ca.gov).
10. You shall submit a site-specific Health and Safety Plan a minimum of **10 days** in advance field work.
11. Each report shall include recommendations and an anticipated timeline of project milestones for site assessment, remediation, post-remediation monitoring, and case closure. For example, the anticipated timeline below may be completed and submitted:
 - Anticipated completion of site assessment: _____ (*quarter, year*)
 - Anticipated completion of remediation: _____ (*quarter, year*)
 - Anticipated completion of post-remediation monitoring: _____ (*quarter, year*)
 - Anticipated case closure: _____ (*quarter, year*)
12. Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board implemented a Paperless Office system. For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.
13. Pursuant to the California Health and Safety Code Section 25296.20(a) and Division 7 of the Porter Cologne Water Quality Control Act under AB 681, the Regional Board is required to notify all current fee title holders for the subject site or sites impacted by releases from underground storage tanks prior to considering corrective action and cleanup or case closure. If corrective action data from the site indicate that release(s) from the underground storage tank systems have impacted offsite property, we are also required to notify offsite property owners.

Therefore, you are required to provide to this Regional Board the name, mailing address, and phone number for any record fee title holders for the subject site, as well as any offsite property(ies) impacted by releases from the subject site, together with a copy of county record of current ownership (grant trust deed), available from the County Recorder's Office, for each property affected. Or as an alternative, you can complete

Mr. Bruce Harrison
Harrison Property
1326 W. 12th St. UST case

-6-

March 18, 2015

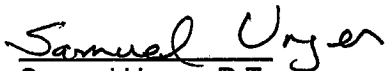
this Regional Board's "Certification Declaration for Compliance with Fee Title Holder Notification Requirements" (enclosed, also available at: http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/ab681_form.pdf).
Submittal of property ownership documentation is due by **April 30, 2015**.

Failure to submit the required documents by the specified due dates above may result in an enforcement action by this Regional Board.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

If you have any questions regarding this matter, please contact Dave Bjostad at (213) 576-6712 or dave.bjostad@waterboards.ca.gov or Dixon Oriola at (213) 576-6747 or dixon.oriola@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

copy by e-mail:

Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Nelson Kerr, City of Long Beach Department of Health & Human Services
Carmen Piro, City of Long Beach Department of Health & Human Services
Phuong Ly, Water Replenishment District of Southern California
Carl Hulick, CMH Environmental Group, Inc.
Robert Maikisch, CMH Environmental Group, Inc.

STATE WATER RESOURCES CONTROL BOARD

GEOTRACKER

HARRISON PROPERTY (T0603701919) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

1326 12TH ST W
LONG BEACH, CA 90813
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
LOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: 908130043
CASEWORKER: [DAVID M. BJOSTAD](#)
LONG BEACH, CITY OF
CASEWORKER: [CARMEN PIRO](#)

LTCP CHECKLIST AS OF 2/9/2015

[VIEW PATH TO CLOSURE PLAN](#)
[BACK TO CASE SUMMARY](#)

General Criteria - *The site satisfies the policy general criteria*

 NO

a. Is the unauthorized release located within the service area of a public water system?

Name of Water System : Long Beach Water Department

 YES

b. The unauthorized release consists only of petroleum ([info](#)).

 YES

c. The unauthorized ("primary") release from the UST system has been stopped.

 YES

d. Free product has been removed to the maximum extent practicable ([info](#)).

 YES

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

Description:

- GW Not Evaluated
- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Hydrogeology Not Adequately Defined
- Soil Vapor Not Evaluated

 NO

f. Secondary source has been removed to the extent practicable ([info](#)).

Impediment to Removing Secondary Source:
- Remediation Has Not Been Attempted

 NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

 YES

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

 NO

1. Media-Specific Criteria: Groundwater - *The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.*

 NO

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

 NO

Does the site meet any of the Groundwater specific criteria scenarios?

 NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

- Unknown

Plume is Stable or Decreasing in AREAL Extent :

- Unknown

Free Product in Groundwater :

- Unknown

Free Product Extends Offsite :

- Unknown

Nearest Surface Water Body (From Plume Boundary) :

- > 250 Feet and ≤ 1,000 Feet

10-056

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - *The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c*

NO

EXEMPTION - Active Commercial Petroleum Fueling Facility

NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Soil Gas Samples :

- No Soil Gas Samples

Exposure Type :

- Commercial

Free Product :

- Unknown

TPH in the Bioattenuation Zone :

- Unknown

Bioattenuation Zone Thickness :

- Unknown

O₂ Data in Bioattenuation Zone :

- No O₂ Data

Benzene in Groundwater :

- Unknown

Soil Gas Benzene :

- Unknown

Soil Gas EthylBenzene :

- Unknown

Soil Gas Naphthalene :

- Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.*

NO

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

NO

Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Exposure Type :

- Commercial

Petroleum Constituents in Soil :

- Unknown

Soil Concentrations of Benzene :

- Unknown

Soil Concentrations of EthylBenzene :

- Unknown

Soil Concentrations of Naphthalene :

- Unknown

Soil Concentrations of PAH :

- Unknown

Area of Impacted Soil :

- Unknown

Additional Information

Should this case be closed in spite of NOT meeting policy criteria?

NO

10-057

Item 10

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.5

Avenue 64 Fuel (Former Shell)

(New Nomination)

NO. 3: NEW CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Avenue 64 Fuel (Former Shell)
405 North Avenue 64
Los Angeles, CA 90042
APN: 4593-010-013
GeoTracker Global ID: T0603760075
UST File No.: 900420152

Release Date: March 31, 1992 (City of Los Angeles)
Site Status: Open-Site Assessment
Current Site Use: Active fueling station (Avenue 64 Fuel)

2. Name and Address of Responsible Parties:

Wafica Megally Living Trust
c/o Ms. Wafica B. Megally
6401 Planada Avenue
Los Angeles, CA 90042
Phone: (323) 255-2107
Email: N/A
Date Acquired: May 5, 2006

3. Corrective Action Directives:

Since 1987, numerous Regional Board directives have been issued to the Responsible Party (RP). The RP has not complied with the Regional Board directives. A chronology of the more recent events is provided below:

On March 12, 2012, the Regional Board issued a *Directive to Take Corrective Action* to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust, requesting a workplan to fully delineate the soil and groundwater contamination at the Site be submitted to the Regional Board by March 29, 2012. No workplan was submitted by the deadline.

On March 13, 2013, the Regional Board issued a *Directive to Take Corrective Action* to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust, requesting a workplan to fully delineate the soil and groundwater contamination at the Site be submitted to the Regional Board by April 11, 2013.

On April 22, 2013, a *Notice of Violation* was issued to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust, for a delinquent technical report and workplan required in the March 13, 2013 directive. On June 5, 2013, the RP submitted a workplan.

On June 21, 2013, the Regional Board issued a *Directive to Take Corrective Action* to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust providing approval and conditions for the workplan submitted June 5, 2013, and requiring the RP to submit a technical report detailing the results of the work conducted by August 15, 2013. On September 30, 2013, the RP submitted a *Site Conceptual Model and Work Plan for Additional Site Assessment* to the Regional Board that documented the results of site assessment activities conducted in July 2013, during which five soil borings were installed and grab groundwater samples were collected. The September 2013 report also contained a workplan to install groundwater monitoring wells and additional soil borings.

On January 31, 2014, Regional Board staff approved the September 30, 2013 workplan and required a technical report by July 15, 2014. No technical report has been received to date.

On November 21, 2014, the Regional Board issued a *Requirement to Take Corrective Action* to Ms. Wafica B. Megally, trustee of the Wafica Megally Living Trust, notifying Ms. Megally of the Regional Board's intent to nominate the Site to the State's Emergency, Abandoned and Recalcitrant (EAR) Account Program.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Arman Toumari
Phone: 213-576-6708
Email: arman.toumari@waterboards.ca.gov

5. Description of Unauthorized Releases:

A report prepared by Steve Stankov & Associates on March 31, 1992 documented the first known release. According to this report, *Results of Tank Exploration and Soils Tests at Tank Closure Site*, on March 19, 1992, eight soil borings (B1 through B6 and H1 through H2) were advanced at the Site to a maximum depth of 40 feet below ground surface (bgs) in the vicinity of the two 12,000 gallon gasoline USTs, and product piping. Soil samples recovered from the borings exhibited the following maximum concentrations:

- 2.6 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_C) in soil sample B3-5, recovered from 5 feet bgs.
- 0.520 mg/kg benzene in soil sample B3-5, recovered from 5 feet bgs.
- 0.011 mg/kg toluene in soil sample B6-5, recovered from 5 feet bgs.
- 0.051 mg/kg ethylbenzene in soil sample B4-15, recovered from 15 feet bgs.
- 0.020 mg/kg total xylenes in soil sample B5-5, recovered from 5 feet bgs.

Groundwater was encountered at approximately 37 feet bgs. A grab groundwater sample recovered from boring B1 exhibited a benzene concentration of 7.8 micrograms per liter ($\mu\text{g/L}$) and no detections above the laboratory detection limits for toluene, ethylbenzene and total xylenes. Groundwater was not analyzed for TPH_G . Soil and groundwater analyses did not include MTBE or other fuel oxygenates.

On April 21, 1993, two additional soil borings were advanced at the Site beneath the dispenser islands. The total depths of these borings are unknown. Soil samples collected from the borings did not detect TPH_G , benzene, toluene, ethylbenzene or xylenes above laboratory detection limits. However, the analyses did not include MTBE or other fuel oxygenates.

On September 30, 2013, Advanced Geo Engineering, Inc. submitted a *Site Conceptual Model and Work Plan for Additional Site Assessment* on behalf of the Wafica Megally Living Trust. According to this document, two soil borings were advanced at the Site beneath the dispenser islands on April 21, 1993, as a follow-up to the tank upgrade findings. The total depths of these borings are unknown. Soil samples collected from the borings did not exhibit TPH_G , benzene, toluene, ethylbenzene or xylenes above laboratory detection limits. Analyses did not include MTBE or other fuel oxygenates.

The September 30, 2013 report documents the advancement of five soil borings (AGI-1 through AGI-5) in March 2013 at the Site to a maximum depth of approximately 47 feet bgs. Soil samples collected from the borings exhibited maximum concentrations as follows:

- 2,200 mg/kg TPH_G in the soil sample recovered from boring AGI-3 at 25 feet bgs.
- 580 mg/kg total petroleum hydrocarbons in the diesel range (TPH_D) in the soil sample recovered from boring AGI-3 at 20 feet bgs.
- 0.73 mg/kg benzene in the soil sample recovered from boring AGI-1 at 25 feet bgs.
- 16 mg/kg toluene in the soil sample recovered from boring AGI-1 at 25 feet bgs.
- 27 mg/kg ethylbenzene in the soil sample recovered from boring AGI-3 at 25 feet bgs.
- 151 mg/kg total xylenes in the soil sample recovered from boring AGI-3 at 30 feet bgs
- 241 mg/kg MTBE in the soil sample recovered from boring AGI-4 at 30 feet bgs
- 25 mg/kg TBA in the soil sample recovered from boring AGI-1 at 25 feet bgs.
- 8.7 mg/kg naphthalene in the soil sample recovered from boring AGI-3 at 30 feet bgs.

Groundwater was encountered in the borings at approximately 40 to 45 feet bgs. Five groundwater grab samples were collected from the borings and exhibited maximum concentrations of:

- 34,000 micrograms per liter ($\mu\text{g/L}$) TPH_G in the grab groundwater sample recovered from boring AGI-1.
- 208,000 $\mu\text{g/L}$ TPH_D in the grab groundwater sample recovered from boring AGI-3

Item 10

- 180 µg/L benzene in the grab groundwater sample recovered from boring AGI-1
- 4,200 µg/L toluene in the grab groundwater samples recovered from borings AGI-1 and AGI-3.
- 1,900 µg/L ethylbenzene in the grab groundwater sample recovered from boring AGI-1.
- 10,400 µg/L total xylenes in the grab groundwater sample recovered from boring AGI-1.
- 800 µg/L MTBE in the grab groundwater sample recovered from boring AGI-4.
- 2,800 µg/L TBA in the grab groundwater sample recovered from boring AGI-1.
- 89 µg/L naphthalene in the grab groundwater sample recovered from boring AGI-3

No additional site assessment has been conducted to establish delineation of the petroleum hydrocarbon plumes in the soil, soil gas, and groundwater.

6. Justification for Nomination to EAR Program:

The RP remains recalcitrant. While limited site assessment was conducted in July 2013, the RP has missed more recent deadlines for the installation of monitoring wells, the submittal of a semi-annual groundwater monitoring report, and the submittal of a technical report summarizing the results of the required site investigation. Furthermore, the RP has not uploaded required correspondence and technical reports to GeoTracker.

7. Reason for Failure of Responsible Party to Complete Required Action:

The reason for recalcitrance is unknown. The RP changed consultants and there has been no response to requests for information from either the RP or the new consultant.

8. Documentation of Any Disputes between Responsible Party and Agency:

None.

9. Actions Taken by the RP:

Since the case was transferred to the Regional Board on August 24, 2007, the responsible party has undertaken only a single round of groundwater sampling.

10. Investigation/Remedial Efforts Completed:

None.

11. Low-Threat Underground Storage Tank Case Closure

Site data was reviewed and compared against the Low-Threat Underground Storage Tank Case Closure Policy (LTCP) criteria to see if the site could be closed under the policy. The following criteria were not met:

- General (see attached LTCP evaluation form):
 - Conceptual Site Model – Not complete; needs lateral and vertical extent of soil and groundwater contamination assessed. Sensitive receptors have not been determined. Site hydrogeology has not been adequately defined.
 - Secondary Source – Contaminated soil was used to backfill the UST excavation and has not been removed.
- Groundwater – Due to a lack of groundwater monitoring wells and long term monitoring data, the extent and stability of the dissolved phase plume have not been assessed.

12. Description of Investigation/Remediation Work Needed:

In order to meet the LTCP criteria, additional assessment to delineate the vertical and lateral extent of soil contamination will be necessary, that can be achieved, in part, by implementing the September 30, 2013 workplan. Additionally, the extent and stability of the dissolved phase plume will need to be assessed; this will necessitate the installation of the additional monitoring well proposed in the September 30, 2013 workplan and several rounds of groundwater monitoring.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Requested for 2015 Nomination
 - \$100,000 annual funding is requested at this time for site assessment and groundwater monitoring. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume to sensitive receptors located within one mile from the site is possible. In addition, because of the RP's failure to comply with Regional Board directives, and the extent of migration are unknown, the site may continue to pose an environmental risk.

15. Attachments

1. March 12, 2012 Order to Take Corrective Action
2. March 13, 2013 Order to Take Corrective Action
3. April 22, 2013 Notice of Violation – Failure to Take Corrective Action

Item 10

4. June 21, 2013 Order to Take Corrective Action
5. November 21, 2014 Requirement to Take Corrective Action
6. Low Threat Closure Policy Evaluation Form



California Regional Water Quality Control Board Los Angeles Region



320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Matthew Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

March 12, 2012

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2483

**UNDERGROUND STORAGE TANK PROGRAM – ORDER TO TAKE CORRECTIVE ACTION
IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE –
HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16,
CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.
HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, or Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

We are in receipt of the following report:

- "Results of Tank Exploration and Soils Tests" dated March 31, 1992

This report was submitted to the City of Los Angeles Fire Department (LAFD). LAFD transferred this case to this Regional Board on August 27, 2007.

This letter provides Regional Board staff comments on this report and requirements for a workplan to fully delineate soil and groundwater contamination.

Site Status

On March 19, 1992, eight soil borings (B1 through B6 and H1 through H2) were drilled to a maximum depth of 40 ft below ground surface (bgs) in the vicinity of the two 12,000-gallon gasoline underground storage tanks (USTs). Soil samples detected maximum concentrations for total petroleum hydrocarbons as gasoline (TPHg) at 2.6 milligrams per kilogram (mg/kg) and benzene at 0.520 mg/kg. Oxygenates were not analyzed. Groundwater was encountered at 37 ft bgs. Groundwater grab sample detected 7.8 micrograms per liter ($\mu\text{g/L}$) of benzene. TPHg or oxygenates were not analyzed.

On April 21, 1993, two soil borings were drilled beneath the dispenser islands. The depths of these borings are unknown. Soil samples did not detect TPHg or BTEX. Oxygenates were not analyzed.

Soils beneath the site are clayey sand, sand, and gravel to 40 ft bgs.

Requirement for a Workplan (Per CCR Title 23, Chapter 16, §2724)

According to the above assessment data, the soil and groundwater beneath the site are contaminated with petroleum hydrocarbons. However, the lateral and vertical extents of the contamination have not been established.

Our letter dated July 14, 2010 (copy attached) required you to submit a workplan to fully delineate the soil and groundwater contamination at the site to this Regional Board by August 16, 2010. To date, we have not received the required workplan. You are ordered to submit the required workplan by **March 29, 2012**. Your workplan must include a proposal to install a sufficient number of soil borings and groundwater monitoring wells at strategic locations, including at offsite areas if needed.

E-Report Submittals

Effective November 1, 2011, please convert all regulatory documents, submissions, materials, data, and correspondence that you would normally submit to us as hard copies to a searchable Portable Document Format (PDF). Documents that are less than 10 MB should be emailed to losangeles@waterboards.ca.gov. Documents that are 10 MB or larger should be transferred to a disk and mailed to the address listed above. For more information, please visit our website at <http://www.waterboards.ca.gov/losangeles/resources/Paperless/>.

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. Pursuant to State Water Resources Control Board Resolution No. 92-49, under Water Code Section 13304, all fieldwork related to subsurface investigation including well installation must be conducted by, or under the direct responsible supervision of, a licensed California Professional Geologist (PG) or Civil Engineer (PE). All technical documents submitted to this Regional Board must be reviewed and signed and/or stamped by a licensed California PG or PE preferably with at least five years subsurface hydrogeologic experience.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

Ms. Wafica B. Megally
405 N. Avenue 64, Los Angeles

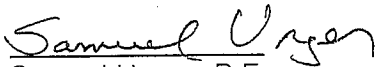
- 3 -

March 12, 2012

Pursuant to section 25296.10 (e) of the Health and Safety Code, the person to whom this order is issued pursuant to subdivision (c) of the same section shall have the same rights of administrative and judicial appeal and review as are provided by law for orders issued pursuant to Water Code section 13304.

Your immediate attention to above items is required. Should you have questions on this matter, please contact Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

March 13, 2013

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2513

**UNDERGROUND STORAGE TANK PROGRAM – ORDER TO TAKE CORRECTIVE ACTION
IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE -
HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16,
CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.
HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

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

Requirement to Submit A Technical Report (Per CCR Title 23, §2723)

On June 29, 2009, the Regional Board staff issued you a letter notifying you that the case related to the leaking underground storage tank (UST) systems for the subject site (site) had been transferred to this Regional Board by the City of Los Angeles Fire Department (LAFD). The June 29, 2009 letter also required you to submit a technical report containing additional information regarding the subject site by July 29, 2009.

On June 24, 2010, Regional Board staff issued another letter (copy attached) reminding you of your obligation to submit the technical report and requested you to submit the required information by July 15, 2010.

As of today, this Regional Board has not received the required technical report and hereby notifies you that you are delinquent. You are ordered to submit the required information by **April 11, 2013**.

Requirement to Submit A Workplan (Per CCR Title 23, §2725)

Based on the available information, Regional Board staff determined that the soil and groundwater beneath the site were contaminated with petroleum hydrocarbons, however, the lateral and vertical extent of the contamination has not been established. In a directive letter dated July 14, 2010 (copy attached), Regional Board staff directed you to submit a workplan to

fully delineate the soil and groundwater contamination at the site by August 16, 2010 pursuant to California Code of Regulations, title 23, Chapter 16, §2724.

As of today, this Regional Board has not received the required workplan. You are ordered to submit the required workplan by **April 11, 2013**. Your workplan must include a proposal to install a sufficient number of soil borings and groundwater monitoring wells at strategic locations, including at offsite areas if needed.

Electronic Submittal Required for Correspondence and Reports to the Regional Board

Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) implemented a Paperless Office system. Interested parties were notified of this intent in a letter dated October 20, 2011 (the announcement can be seen at <http://www.waterboards.ca.gov/losangeles/resources/Paperless/>). For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
3. Regional Board staff must be notified 15 days before start of any fieldwork.
4. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

Pursuant to section 25296.10 (e) of the Health and Safety Code, the person to whom this order is issued pursuant to subdivision (c) of the same section shall have the same rights of administrative and judicial appeal and review as are provided by law for orders issued pursuant to Water Code section 13304.

Ms. Wafica B. Megally
405 N. Avenue 64, Los Angeles, CA

- 3 -

March 13, 2013

Your immediate attention to above items is required. Should you have questions on this matter, please contact Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department
Gregory J. Thompson



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

April 22, 2013

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2629

NOTICE OF VIOLATION - FAILURE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.

**HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

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

Delinquent Technical Report

On March 13, 2013, the Executive Officer of this Regional Board issued a letter requiring you to submit a technical report containing additional information regarding the subject site by April 11, 2013.

As of today, this Regional Board has not received the required technical report and hereby notifies you that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2723.

Delinquent Workplan

Based on the available information, Regional Board staff determined that the soil and groundwater beneath the site are contaminated with petroleum hydrocarbons, however, the lateral and vertical extent of the contamination have not been established. In a directive letter dated March 13, 2013, Executive Officer of this Regional Board directed you to submit a workplan to fully delineate the soil and groundwater contamination at the site by April 11, 2013 pursuant to California Code of Regulations, title 23, Chapter 16, §2724. As of today, this Regional Board has not received the required workplan and hereby notifies you that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2724. You must submit the required workplan immediately.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-071

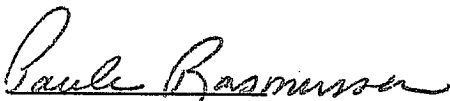
RECYCLED PAPER

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board reserves its rights to take any further enforcement action authorized by law.

If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 (yrong@waterboards.ca.gov), Dr. Yi Lu at (213) 576-6695 (yiu@waterboards.ca.gov), or Mr. Arman Toumari at (213) 576-6708 (atoumari@waterboards.ca.gov).

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures: Order dated March 13, 2013

Cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department
Gregory J. Thompson



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

June 21, 2013

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2643

ORDER TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE – HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727.

**HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, or Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

We are in receipt of "Work Plan for Site Assessment (Workplan)", dated June 5, 2013

This report was prepared by your consultant, AGI in response to our Notice of Violation (NOV) dated April 22, 2013. This letter intends to provide Regional Board staff comments upon reviewing the Workplan.

Site Assessment Update

According to a report dated March 31, 1992 submitted to the City of Los Angeles Fire Department (LAFD), eight soil borings (B1 through B6 and H1 through H2) were drilled to a maximum depth of 40 feet below ground surface (bgs) in the vicinity of the two 12,000-gallon gasoline Underground Storage Tanks (USTs) on March 19, 1992. Soil samples taken from the borings detected maximum concentrations for Total Petroleum Hydrocarbons as Gasoline (TPHg) at 2.6 mg/kg and benzene at 0.520 mg/kg. Oxygenates were not analyzed. Groundwater was encountered at 37 ft bgs. Groundwater grab samples taken from the borings detected 7.8 µg/L of benzene. TPHg or oxygenates were not analyzed.

On April 21, 1993, two soil borings were drilled beneath the dispenser islands. The depths of these borings are unknown. Soil samples taken from the borings did not detect TPHg, benzene, toluene, ethylbenzene, or xylenes (BTEX). Oxygenates were not analyzed. Soils beneath the site are clayey sand, sand, and gravel to 40 ft bgs.

Workplan Approval (Per CCR Title 23, §2725)

The Workplan proposed to advance four borings (B-1 through B-4) to 30 feet bgs at the site. The samples are proposed to be collected at 2, 5 and 10 feet below ground surface (bgs). Upon completing the soil sampling activities, each boring will be extended until groundwater is encountered. One grab sample of groundwater will be collected at each location.

Regional Board staff has reviewed the Workplan and concurs with implementing it with the following conditions:

1. One additional soil boring must be installed in the area north of the former fuel dispenser islands.
2. During the previous investigation in 1992, soil impact has been detected to 40 ft bgs. As such, all soil borings must be advanced to a minimum of 40 ft bgs.
3. Soil samples shall be collected at a minimum of five-foot intervals, at changes in soil lithology and at areas of obvious contamination for geologic logging and preserved per EPA Method 5035 for chemical analysis. All soil samples collected must be field screened for petroleum hydrocarbons using either a Photo Ionization Detector or a Flame Ionization Detector.
4. Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G, TPH_D; and by EPA Method 8260B for a full scan of VOCs including naphthalene and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06)
http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf. All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.
5. You are required to submit a report detailing the results of this phase of investigation to this Regional Board due by **August 15, 2013**. The report must include a scaled site map, boring logs, analytical results, isoconcentration maps and recommendations whether further site characterization and/or remediation is warranted.

Electronic Submittal Required for Correspondence and Reports to the Regional Board

Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) implemented a Paperless Office system. Interested parties were notified of this intent in a letter dated October 20, 2011 (the announcement can be seen at <http://www.waterboards.ca.gov/losangeles/resources/Paperless/>).

For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. The Contractor who conduct the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
3. Regional Board staff must be notified 15 days before start of any fieldwork.
4. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board reserves its rights to take any further enforcement action authorized by law.

If you have any questions on this matter, please call Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Chief Deputy EO

Samuel Unger, P.E.
Executive Officer

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department
Shahrokh Radvar, AGI



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 21, 2014

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
7001 2510 0000 4661 2582

EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727 FORMER HADI SHELL SERVICE STATION - 405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)

Dear Ms. Megally:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

According to a report dated March 31, 1992 submitted to the City of Los Angeles Fire Department (LAFD), eight soil borings (B1 through B6, and H1 through H2) were drilled to a maximum depth of 40 feet below ground surface (bgs) in the vicinity of the two 12,000-gallon gasoline Underground Storage Tanks (USTs) on March 19, 1992. Soil samples taken from the borings detected maximum concentrations for Total Petroleum Hydrocarbons as Gasoline (TPHg) at 2.6 mg/kg and benzene at 0.520 mg/kg. Oxygenates were not analyzed. Groundwater was encountered at 37 ft bgs. Groundwater grab samples taken from the borings detected 7.8 µg/L of benzene. TPHg or oxygenates were not analyzed.

On April 21, 1993, two soil borings were drilled beneath the dispenser islands. The depths of these borings are unknown. Soil samples taken from the borings did not detect TPHg, benzene, toluene, ethylbenzene, or xylenes (BTEX). Oxygenates were not analyzed.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-076
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On March 13, 2013, the Executive Officer of this Regional Board issued a letter requiring you to submit a technical report containing additional information regarding the subject site by April 11, 2013. The March 13, 2013 letter also directed you to submit a workplan by April 11, 2013 to fully delineate the soil and groundwater contamination at the site. The required technical report and workplan were not received by the due date.

On April 22, 2013, the Assistant Executive Officer of this Regional Board issued a Notice of Violation (NOV) for failure to submit the required technical report and workplan by the required due date.

On June 5, 2013, in response to the NOV, AGI on your behalf submitted a workplan for the site. On June 21, 2013, Regional Board staff approved the workplan.

In July 2013, five soil borings (AGI-1 through AGI-5) were drilled to 45 feet bgs at the site. Soil samples collected from the borings detected up to 2,200 mg/kg of TPHg, 580 mg/kg of TPHd, 0.73 mg/kg of benzene, and 241 mg/kg of MTBE. Groundwater was encountered in all of the borings at 40 to 45 ft bgs. Five groundwater grab samples were collected from the borings and detected up to 34,000 µg/L of TPHg, 180 µg/L of benzene, 800 µg/L of MTBE, and 2,800 µg/L of TBA. Soil encountered in the borings primarily consists of sandy clay to 30 feet followed by sand with gravel to the maximum explored depth of 46.5 feet bgs.

On September 30, 2013, AGI submitted a workplan to install five groundwater monitoring wells (MW-1 through MW-5) and three additional soil borings (S-1 through S-3) to 50 feet bgs. On January 31, 2014, Regional Board staff approved the workplan and required the following:

- Install one additional monitoring well and three additional soil borings.
- Submit semi-annual groundwater monitoring reports with the first report due by July 15, 2014.
- Upload all correspondence and reports to the GeoTracker website.
- Submit a technical report summarizing the results of the investigation by July 15, 2014.

As of today, this Regional Board has not received the required technical reports and groundwater monitoring report, nor have the required data been uploaded to Geotracker.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to your non-compliance at the site, we hereby notify you of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost

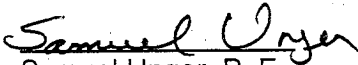
recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: a) Regional Board Letter dated January 31, 2014
b) Regional Board Notice of Violation dated April 22, 2013

cc:

Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.

STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

AVENUE 64 FUEL (FORMER SHELL) (T0603760075) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

405 AVENUE 64 N.
 LOS ANGELES, CA 90042
 LOS ANGELES COUNTY
 LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
 LOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: 900420152
CASEWORKER: [ARMAN TOUMARI](#)
 LOS ANGELES, CITY OF - CASE #: 4434
CASEWORKER: [ELOY LUNA](#)

LTCP CHECKLIST AS OF 2/5/2015

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - The site satisfies the policy general criteria

NO

a. Is the unauthorized release located within the service area of a public water system?

Name of Water System : City of Los Angeles

YES

b. The unauthorized release consists only of petroleum ([info](#)).

YES

c. The unauthorized ("primary") release from the UST system has been stopped.

YES

d. Free product has been removed to the maximum extent practicable ([info](#)).

FP Not Encountered

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

Description:

- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Groundwater Assessment Incomplete - Depth of Contamination Not Defined
- Soil Assessment Incomplete - Areal Extent Not Defined
- Soil Assessment Incomplete - Depth Unknown

NO

f. Secondary source has been removed to the extent practicable ([info](#)).

YES

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.

NO

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

NO

Does the site meet any of the Groundwater specific criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

- Unknown

MTBE Concentration :

- Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c

YES

EXEMPTION - Active Commercial Petroleum Fueling Facility

YES

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.

NO

10-079

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination	NO
Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:	
Petroleum Constituents in Soil : <ul style="list-style-type: none">• Unknown	
Area of Impacted Soil : <ul style="list-style-type: none">• Unknown	
Additional Information	
Should this case be closed in spite of NOT meeting policy criteria?	NO

10-080

Item 10

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.6

Former Mobil Service Station

(Renewal)

NO. 4: RENEWAL CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Former Mobil Service Station
402 Atlantic Avenue
Long Beach, CA 90802
APN: 7281-006-010
GeoTracker Global ID: T0603701707
UST File #: 908020234

Release Date: March 16, 1987 (City of Long Beach)
Site Status: Open-Site Assessment
Current Site Use: Vacant lot with Abandoned Station Building

2. Name and Address of Responsible Parties:

Israel Dakar (owner) and Natan (Nate) Dakar (property manager)
1456 S. Durango Ave.
Los Angeles, CA 90035
Phone: 310-628-6687
Email: natedakar@gmail.com
Date Acquired: August 22, 2013

3. Corrective Action Directives:

Numerous City of Long Beach and Regional Board directives have been issued to the RP since 1987. The RP has not complied with the Regional Board directives. A chronology of the more recent events is provided below:

On April 14, 2011, the Regional Board issued directives, sent Certified Mail, to both Mimi and Nate Dakar (former Owner and Operator) at separate addresses (see attached). The directive addressed to Nate Dakar was returned to the Regional Board as “Unclaimed” on September 20, 2011. No response was received from Mimi Dakar.

On November 21, 2012, the Regional Board notified Mimi Dakar that the site had been placed on the Emergency, Abandoned, and Recalcitrant (EAR) Account Annual Site List on July 17, 2012 under State Water Board Resolution No. R2012-0035 (Resolution). No response was received.

On February 11, 2013, the Regional Board informed Mimi Dakar that the site was placed on the EAR Account list and that the only thing needed to begin fieldwork at the site was for her to sign the *Right-of-Entry Form* attached to the letter by March 11, 2013. No response was received.

On December 27, 2013, the Regional Board issued Israel Dakar (current owner and former operator of USTs at the site) a Corrective Action Order, No. R4-2013-0194, requiring Mr. Dakar to assess, monitor, cleanup and abate the site. In response to a request for a time extension by Mr. Dakar, the Regional Board granted Mr. Dakar a time extension to February 28, 2014 to submit a site assessment workplan for this site.

Item 10

On February 11, 2014, the Regional Board notified Israel Dakar during a meeting with him and his attorney that the Site would be re-nominated for the EAR Account Program. Both Israel Dakar and his attorney acknowledged and understood the nomination of the Site to the EAR Account, since a lack of funds prevents further assessment and cleanup at the Site.

On April 14, 2014, the Regional Board issued Israel Dakar an Amended Corrective Action Order, No. R4-2013-0194, approving the submitted work plan with conditions, and set deadlines for the submission of the revised site plan by April 22, 2014, and for the submission of the investigative report by June 15, 2014.

On April 21, 2014, the Regional Board issued Israel Dakar a revision to the Amended Corrective Action Order, No. R4-2013-0194, clarifying that the investigative report due date to be June 30, 2014, and approved the amended workplan. The required report was submitted on June 25, 2014.

On May 28, 2014, Regional Board staff was onsite and observed soil and groundwater grab sampling activities.

On July 17, 2014, the Regional Board issued a directive entitled "Workplan Approval and Investigation Requirements," which approved the RP's workplan for the installation of groundwater monitoring wells with conditions; and required that a revised figure showing the locations of the monitoring wells must be submitted by August 5, 2014. The required response was received on July 25, 2014. The Regional Board's letter further required that the workplan be implemented and an investigation report based on the results be submitted by October 30, 2014. This investigation report has not yet been received. Additionally, the Regional Board required a second round of soil vapor sampling to be conducted by January 15, 2015, and semi-annual groundwater monitoring be conducted at the Site, with reports to be submitted semi-annually, starting January 15, 2015.

On August 20, 2014, the State Water Board notified Israel Dakar by Certified Mail that the site was placed on the EAR Annual Priority Site List for fiscal year (FY) 2014-2015.

On January 8, 2015, the Regional Board issued a directive to Israel Dakar (current owner), via his attorney, Arthur Cook. The directive requested site access in order to complete site work approved under the EAR Account Program. A Right-of-Entry form was attached to the letter and required to be returned by February 8, 2015. On February 9, 2015, Natan (Nate) Dakar (property owner's son assisting with property management) stated in an email to the Regional Board that he and his father, Israel Dakar, would be representing themselves moving forward. On February 10, 2015, the Regional Board sent Nate Dakar the Right-of-Entry form via email. To date, the signed form has not been received.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Dave Bjostad
Phone: 213-576-6712
Email: dbjostad@waterboards.ca.gov

5. Description of Unauthorized Releases:

According to the City of Long Beach, a leak that originated from an 8,000-gallon gasoline UST was discovered and stopped on March 17, 1987. Approximately 2,500-gallons of unleaded gasoline were released.

On August 25, 2000, an *Underground Storage Tank (UST) Closure Report* was prepared by Protec Engineering Services, Inc. for Nate Dakar (former Operator) and was submitted to Long Beach Fire Department. This report provided the following chronology:

- On July 12, 2000, two 4,000-gallon, one 6,000-gallon, one 8,000-gallon gasoline, and one 500-gallon waste oil USTs were removed from the site.
- Maximum concentrations reported in the collected soil samples were:
 - 16,802 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_G),
 - 131.84 mg/kg benzene,
 - 903.55 mg/kg toluene,
 - 831.33 mg/kg xylenes, and
 - 1,668 mg/kg methyl tertiary butyl ether (MTBE).
 - 127,600 mg/kg total recoverable petroleum hydrocarbons as oil (TRPH-oil)
- After the tanks were excavated, clean backfill was first used to fill the excavation. A liner of polyethylene plastic was subsequently laid in the excavation and the fuel impacted stockpiled soil was backfilled into the excavation.
- Although no groundwater was encountered during excavation, depth to groundwater was estimated to be approximately 30 feet below ground surface (bgs).

On June 25, 2014, a *Preliminary Assessment of Soil, Soil Vapor, and Groundwater Report* was submitted by Aqua Science Engineers to the Regional Board on behalf of Israel Dakar. The report provided the following information:

- Soil, soil vapor, and groundwater samples were collected from seven borings advanced at the Site in May and June of 2014.
- Groundwater was reported at the Site at a depth of approximately 35 feet below ground surface. (bgs)
- Maximum concentrations reported in the collected soil samples were:
 - 12,100 mg/kg TPH_G in boring B4 at 30 feet bgs
 - 30,900 mg/kg Total petroleum hydrocarbons as oil (TPH_O) in boring B5 at 20 feet bgs
 - 71.7 mg/kg benzene in boring B4 at 30 feet bgs
 - 1,080 mg/kg toluene in boring B4 at 30 feet bgs
 - 245 mg/kg ethylbenzene in boring B4 at 30 feet bgs
 - 1,690 mg/kg xylenes in boring B4 at 30 feet bgs
 - 17.50 mg/kg MTBE in boring B5 at 15 feet bgs
 - 156 mg/kg naphthalene in boring B4 at 30 feet bgs
- Maximum concentrations reported in the collected groundwater grab samples were:
 - 294,000 micrograms per liter (µg/L) TPH_G collected from boring B4
 - 37,700 µg/L benzene collected from boring B4
 - 55,100 µg/L toluene collected from boring B4
 - 5,690 µg/L ethylbenzene collected from boring B2
 - 35,700 µg/L xylenes collected from boring B2

Item 10

- 100,000 µg/L MTBE collected from boring B4
- 2,130 µg/L naphthalene collected from boring B2
- 5,740 µg/L tertiary butyl alcohol (TBA) collected from boring B2
- Maximum concentrations reported in the collected soil vapor samples were:
 - 1,200,000 micrograms per cubic meter (µg/m³) benzene collected from boring B3 at 30 feet bgs
 - 3,100,000 µg/m³ toluene collected from boring B3 at 30 feet bgs
 - 500,000 µg/m³ ethylbenzene collected from boring B3 at 30 feet bgs
 - 380,000 µg/m³ o-xylene collected from boring B3 at 30 feet bgs
 - 40,000 µg/m³ MTBE collected from boring B2 at 30 feet bgs
 - 6,500 µg/m³ naphthalene collected from boring B1 at 10 feet bgs

No additional site assessment, as required by the Regional Board directive dated July 17, 2014, has been conducted to delineate the petroleum hydrocarbon plumes in the soil, soil gas, and groundwater.

6. Justification for Renewal to EAR Account Program:

The RP remains recalcitrant. While the *Preliminary Assessment of Soil, Soil Vapor, and Groundwater Report* was submitted on time, the required groundwater monitoring well installation report, which was due October 30, 2014, remains delinquent.

7. Reason for Failure of Responsible Party to Complete Required Action:

Previously identified RPs have been unresponsive to Regional Board directives. The Regional Board has recently learned, through the current property owner's attorney, that the site was tied up in bankruptcy proceedings. The current Owner, Israel Dakar, now claims he is willing to complete the required actions. However, he has now missed two required deadlines because he has no funds to continue field work and comply with Regional Board directives.

8. Documentation of Any Disputes between Responsible Party and Agency:

Previously identified RPs have evaded Regional Board communications in the past and refused to comply with the directives for the site. However, Israel Dakar has come forward as the sole RP and has indicated his intent to comply with Regional Board directives. However, as noted above, he has now missed two required deadlines.

9. Actions Taken by the RP:

Since the 2000 UST removals, the RP has undertaken a single round of site assessment; which was completed in the second quarter of 2014.

On June 25, 2014, Aqua Science Engineers, Inc. submitted a *Preliminary Assessment of the Soil, Soil Vapor and Groundwater Report* that served as a response to the December 27, 2013 Corrective Action Order, No. R-2013-0194. In the report, Aqua Science Engineers, Inc., stated that the required workplan had been uploaded, provided contact information for the responsible party and their consultant, answered technical questions presented in Corrective Action Order No. R-2013-0194, and provided a copy of the grant deed for the property.

10. Remedial Efforts Completed:

Initial soil excavation, after UST removals in 2000, remain the only remedial action accomplishment.

11. Low-Threat Underground Storage Tank Case Closure

Site data was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see if the site could be closed under the policy. The following criteria were not met:

- General (see attached evaluation form):
 - Conceptual Site Model – Not complete; needs lateral and vertical extent of soil, soil vapor, and groundwater contamination assessed. Sensitive receptors have not been determined. Site hydrogeology has not been adequately defined.
 - Secondary Source – Contaminated soil was used to backfill the UST excavation and has not been removed.
- Groundwater – Groundwater at the Site has been impacted with benzene and MTBE in excess of concentrations that would generally allow for closure under the low threat closure policy. Additionally, due to a lack of groundwater monitoring wells and long term monitoring data, the extent and stability of the dissolved phase plume have not been assessed.
- Petroleum Vapor Intrusion to Indoor Air – The soil vapor samples collected in May and June 2014 were not analyzed for oxygen content. Given the concentrations reported and lack of data that would support the presence of a bioattenuation zone, the Site does not meet the criteria for petroleum vapor intrusion to indoor air set forth in the Policy.
- Direct Contact and Outdoor Air Exposure – Concentrations of benzene, ethylbenzene and naphthalene reported soil samples collected from 5 and 10 feet bgs during the 2014 site assessment are below their respective concentrations in Table 1 of the Policy; however, soil associated with the former waste oil UST was not analyzed for polycyclic aromatic hydrocarbons (PAHs).

12. Description of Investigation/Remediation Work Needed:

In order to meet the LTCP criteria, the contaminated soil and polyethylene liner that were placed in the excavation pit during UST removal activities will need to be removed and disposed of, or otherwise remediated. The remaining secondary source, beneath the former USTs and product piping should also be removed. The lateral and vertical extent of soil and groundwater contamination will need to be determined in order to qualify for closure under the LTCP. Additional soil sampling should be performed beneath the former gasoline USTs, along the perimeter of the previous excavation, and in “step out” locations along the former product piping, dispenser islands, and around the former waste oil UST. Groundwater monitoring wells, including at offsite locations, should be installed in accordance with the December 27, 2013 Corrective Action Order to assess the plume extent and stability, as well as relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Allocated for 2012 Nomination

Item 10

- \$100,000 in annual funding was allocated in 2012. No funds were encumbered.
- Funding Allocated for 2013 Nomination
 - An additional \$200,000 in annual funding was allocated in 2013 for a total of \$300,000. No funds were encumbered.
- Funding Allocated for 2014 Nomination
 - No additional annual funding was requested at that time, as an allocation of \$300,000 was already approved but not encumbered. Only \$6,527 was expended in 2014 by the State's Department of General Services Contractor for the preparation of a scope of work for site assessment. Initial site assessment work conducted by the RP resulted in the discovery of elevated soil vapor concentrations at 5 feet bgs and impacted groundwater. This voluntary effort by the RP delayed field activities commencing under the EAR Account Program.
- Funding Requested for 2015 Nomination
 - \$100,000 additional annual funding is requested at this time due to new information and the need for an expanded field investigation and remediation. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding Denied:

If EAR Account Program funding is denied, migration of the plume to sensitive receptors located within one mile from the site is possible. In addition, because of the previous RPs' failure to comply with Regional Board directives, and since the quantity of contaminants released and the extent of migration are unknown, the site may continue to be an undeveloped property and pose an environmental risk.

15. Attachments

1. December 27, 2013, Regional Board Corrective Action Order, No. R4-2013-0194
2. January 10, 2014 Letter from RP's Attorney requesting a time extension
3. January 17, 2014 Regional Board letter granting a time extension to RP
4. April 21, 2014 Workplan Approval and Investigation Report (Amended Corrective Action Order R4-2013-0194)
5. July 17, 2014 Workplan Approval and Investigation Requirements
6. Low Threat Closure Policy Evaluation Form



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 27, 2013

Mr. Israel Dakar
c/o Mr. Arthur Cook
Hill, Farrer & Burrill, LLP
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, CA 90071-3147

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7002 0860 0006 4858 9975

SUBJECT: CORRECTIVE ACTION ORDER NO. R4-2013-0194

**SITE/CASE: INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL STATION – 402 ATLANTIC AVENUE, LONG BEACH, CA
UST CASE NO. 908020234**

Dear Mr. Dakar:


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

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and/or Verification Monitoring) to ensure protection of human health, safety, and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, sections 2720 through 2727

Enclosed is the Corrective Action Order.

If you have any questions regarding this letter, please contact Mr. Dave Bjostad at (213) 576-6612 (dave.bjostad@waterboards.ca.gov), Dr. Weixing Tong at (213) 576-6715 (weixing.tong@waterboards.ca.gov), or Dr. Yue Rong at (213) 576-6710 (yue.rong@waterboards.ca.gov).

Sincerely,


Samuel Unger, P.E.
Executive Officer

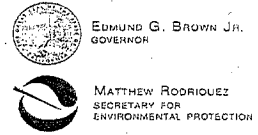
Enclosure: Corrective Action Order

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-088

RECYCLED PAPER



Los Angeles Regional Water Quality Control Board

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

CORRECTIVE ACTION ORDER NO. R4-2013-0194

REQUIRING

MR. ISRAEL DAKAR

TO

INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE
PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23,
CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL STATION – 402 ATLANTIC AVENUE, LONG BEACH, CALIFORNIA

(UST File No. 908020234)

This Corrective Action Order (Order) requires the above named individual (hereinafter, "Responsible Party [RP]") to assess, monitor, cleanup, and abate the effects of petroleum hydrocarbon compounds and other contaminants of concern discharged to soil and possibly the groundwater at the former Mobil Station (hereinafter, the "Site") located at 402 Atlantic Avenue, Long Beach, California.

BACKGROUND

Los Angeles Regional Water Quality Control Board (hereafter Regional Board) records indicate that the Regional Board has not received the information and reports required by the following directive letters that have been issued since 1997:

<u>Date of Regional Board Letter</u>	<u>Submittal Due Date</u>	<u>Addressee</u>
June 5, 1997	July 7, 1997	Nate Dakar
February 1, 2000	March 13, 2000	Nate Dakar
April 28, 2000	June 15, 2000	Nate Dakar
March 22, 2001	May 1, 2001	Nate Dakar
June 24, 2002	July 31, 2002	Nate Dakar
November 19, 2008	January 15, 2009	Mimi Dakar
April 14, 2011	May 15, 2011	Nate Dakar and Mimi Dakar

On November 21, 2012, the State Water Resources Control Board (SWRCB) issued a notification letter to Mimi Dakar that the case had been placed into the Emergency, Abandoned, Recalcitrant (EAR) Account of the Underground Storage Tank (UST) Cleanup Fund, that the Regional Board had been authorized to spend up to \$100,000 for investigation and remediation at the Site, and that the Attorney General may recover these costs from the Responsible Party (RP). On February 11, 2013, the Regional Board sent a notification letter requesting site access to perform corrective action work at the Site.

Records available to the Regional Board indicate that the property owner of this Site is currently Israel Dakar, while previous property owners have included Michal Mimi Dakar (March 31, 2006 through 2013), Nate Dakar (November 9, 1994 through March 31, 2006), and Israel and Sonya Dakar (April 21, 1987 through November 9, 1994). All identified past and present owners mentioned above are children or an ex-spouse of Israel Dakar.

Pursuant to the California Health and Safety Code section 25296.10(a) "[e]ach owner, operator, or other responsible party shall take corrective action." California Health and Safety Code section 25296.10(c)(1) authorizes the Regional Board to require the submittal of technical workplans detailing the corrective action. The party named in this Order is an owner, operator, or other responsible party. The Regional Board is hereby amending the *Directive to Take Corrective Action in Response to Unauthorized Underground Storage Tank Release(s)* issued April 14, 2011. The party named to this Order is required to prepare and implement a workplan to delineate the areal extent of the wastes and to submit specified reports, including the Preliminary Site Assessment (PSA) Phase, Soil, Soil Gas and Groundwater Investigation Phases, in addition to the Corrective Action Phase to affect cleanup and minimize the threats to human health and the environment.

FINDINGS

1. The former Mobil Station (Site) is a UST site located at 402 Atlantic Avenue in the City of Long Beach. The site is currently a vacant lot. Israel Dakar has owned the property since sometime in 2013.
2. Historical facility operations at this Site have included fueling of vehicles and auto repair.

Evidence of Waste Discharges and Basis for Health and Safety Code Section 25296.10(c) Order

3. The Site once included a gasoline fueling station and/or service station. In July 2000, four gasoline USTs (one 8,000-gallon, one 6,000-gallon, and two 4,000-gallon) and one 500-gallon waste oil UST were removed from the Site. In a report entitled "Underground Storage Tank Closure Report" dated August 25, 2000, prepared by Protec Engineering Services, Inc. for Nate Dakar, which the Regional Board received from the City of Long Beach Department of Health & Human Services in February 2012, soil sampling confirmed that a gasoline release had occurred. Laboratory analytical results detected total petroleum hydrocarbons as gasoline (TPH_G), total recoverable petroleum hydrocarbons (TRPH), the gasoline component benzene, and the fuel oxygenate methyl tertiary butyl ether (MTBE) at maximum concentrations of 16,802.1 milligrams per kilogram (mg/kg) (TPH_G), 127,600 mg/kg (TRPH), 131.839 mg/kg (benzene), and 1,668.27 mg/kg (MTBE), respectively.

The report does not clearly identify the depth from which soil samples were collected, which samples were from soil stockpiles, the volume of soil transported and disposed off-site, and whether some impacted soil was backfilled onsite or not. The copy of the report that we have obtained does not include waste disposal manifests for soil. The report also does not clearly indicate the exact extent and depth of the reported excavation activities.

Enforcement Action History

4. On June 5, 1997, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of contact information, tank removal and/or repair information, and most recent site

assessment and/or remediation reports. The due date was July 7, 1997, but no reply or information was received.

5. On February 1, 2000, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of the delinquent information by March 13, 2000, but no reply or information was received.
6. On April 28, 2000, the Regional Board issued a letter by certified mail to Nate Dakar requiring soil and groundwater sampling to characterize impacts, followed by submittal of an investigation report by June 15, 2000. A fax letter dated July 13, 2000, was received from Nate Dakar indicating that USTs would be removed and samples would be collected. No report was received.
7. On March 22, 2001, the Regional Board issued a letter, signed by the Executive Officer, by certified mail to Nate Dakar requiring submittal of the delinquent information and submittal of the delinquent report, due by May 1, 2001. No information or report was submitted.
8. On October 29, 2001, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of reports, laboratory analytical data, and other required data to the State GeoTracker database. The due date was July 31, 2001, but to date no data or information have been uploaded into the GeoTracker database.
9. On June 24, 2002, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of information and data to GeoTracker by July 31, 2002, but to date no data or information have been uploaded into the GeoTracker database.
10. On September 16, 2008, the Regional Board issued a letter to Nate Dakar requiring submittal of delinquent information and data to GeoTracker by October 20, 2008, but to date no data or information have been uploaded into the GeoTracker database.
11. On November 19, 2008, the Regional Board issued a letter to Nate Dakar requiring various contact information, all historical documents and correspondence related to this UST case, and information and data be submitted to the Regional Board by January 15, 2009. No information or report was submitted.
12. On May 11, 2009, the Regional Board received a letter from Targhee, Inc., on behalf of Mimi Dakar, informing the Regional Board that Mimi Dakar was the facility point of contact, that UST removal documentation would be submitted within two weeks, and that other reports and correspondence would be submitted within two weeks. No information or reports were received, except for a completed fee title holder declaration form that was completed and signed by Michal Dakar on May 6, 2009. The fee title holder declaration form stated that Michal Dakar was the fee title holder, with Mimi Dakar as the point of contact.
13. On April 14, 2011, the Executive Officer issued a *Directive to Take Corrective Action in Response to Unauthorized Underground Storage Tank Release* pursuant to California Health and Safety Code section 25296.10(c) and Title 23, Chapter 16, California Code of Regulations, sections 2720-2727. This directive required submittal of delinquent information and data by May 15, 2011, and notified Nate Dakar that he was liable for a civil penalty of up to \$10,000 for each UST for each day of non-compliance. No information or report was submitted.
14. On November 21, 2012, the State Water Resources Control Board (SWRCB) issued a notification letter to Mimi Dakar that the case had placed into the Emergency, Abandoned, Recalcitrant (EAR) Account of the UST Cleanup Fund, that the Regional Board had been authorized to spend up to

\$100,000 for investigation and remediation at the Site, and that the Attorney General may recover these costs from the Responsible Party (RP).

15. On February 11, 2013, the Regional Board sent a notification letter to Michal Mimi Dakar requesting site access to perform corrective action work at the Site.
16. This Regional Board is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within Los Angeles and Ventura Counties, including the regulation of leaking USTs that threaten water quality.
17. Section 13304 of the California Water Code states, in part, that:

"Any person...who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts."

18. Section 13350 of the California Water Code states, in part, that:

"(a) Any person who (1) violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board...shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).

19. Based on the results of the analyses of the July 12, 2000 soil samples, the Regional Board has determined that the operators and historical and current property owners are responsible for investigating, cleaning up, and abating the effects of petroleum hydrocarbon compounds and other contaminants of concern discharged to soil, and potentially groundwater, at the Site. The petroleum hydrocarbon compounds constitute "waste" as defined in Water Code section 13050. The presence of wastes at concentrations that exceed water quality objectives constitutes pollution. The operators and property owners have created and continue to threaten to create, a condition of pollution or nuisance.

CORRECTIVE ACTION ORDER

California Code of Regulations (CCR), title 23, section 2722¹ sets forth the scope of corrective action. The requisite tasks are outlined below and require submittal of the following information:

1. A workplan to perform soil, soil vapor, and groundwater sampling;
2. Name, address, phone number, and e-mail address of the responsible party;
3. Name, telephone number, and e-mail address of your environmental consultant;
4. Contaminant release information;
5. Historical UST information including date each UST was placed into use, UST size/capacity, contents, removal date, and disposal documentation;
6. Associated soil disposal volume, depth of excavation, and areal extent of excavation including a figure showing its location, dates, and documentation;
7. Copies of all previous site assessment and/or remediation report(s);

¹ All section references are to California Code of Regulations, Title 23, unless identified differently.

8. Reports of all previous soil and groundwater sample analytical results;
9. Copies of all correspondence regarding environmental assessment for the subject site;
10. Verification (e.g., written statement) that no USTs currently exist onsite and a description of current and planned land use/property use;
11. Property Owner Information: name, mailing address, and phone number for any record fee title holders for the subject site, as well as a copy of county record of current ownership (grant trust deed), available from the County Recorder's Office, for each property affected. Or as an alternative, you can complete this Regional Board's "Certification Declaration for Compliance with Fee Title Holder Notification Requirements" available at [http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/AB681%20Certification%20Form%20\(December%202011\).pdf](http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/AB681%20Certification%20Form%20(December%202011).pdf).
12. Electronic Submission of all laboratory data obtained after September 1, 2001 to the GeoTracker database, as well as locational data obtained after January 1, 2002 for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data), groundwater well information (e.g., depth to free product, monitoring well status), and a site map. A complete copy of all clean-up and monitoring reports since January 1, 2005, must also be submitted to GeoTracker in PDF format.

This Order requires the responsible party to submit contact information and historical documents related to this UST case, and to formulate and implement a workplan for soil, soil gas, and groundwater investigation.

Pursuant to the California Health and Safety Code section 25296.10, Israel Dakar (Property Owner) shall expeditiously investigate, clean up the wastes, and abate the effects of gasoline fuel and other petroleum releases to the soil, soil gas, and groundwater beneath the Site by immediately conducting the following actions:

TASKS

- A. Submittal of the items required in previous Regional Board Letters summarized in the twelve items above.
- B. Preliminary Site Assessment (PSA) Phase(s):

Conduct an initial site investigation, initial abatement and initial site characterization in accordance with Title 23 CCR sections 2652, 2653, and 2654, and interim remedial actions taken in accordance with Title 23 section 2723(b). Section 2722(c) also requires that you submit a Workplan to the Regional Board which details your proposed activities under Title 23 sections 2723 prior to the date that you commence the Soil and Water Investigation Phase. The Regional Board's expectation is that your Workplan will cover the following:

1. Soil Investigation:
 - a. Provide a summary of compiled soil (matrix) data to determine what data gaps may exist in order to determine the extent of lateral and vertical impacted areas.
 - b. Propose five soil sampling locations, at a minimum, to determine whether residual contaminants in soil may pose a threat to human health and water quality.

- c. Soil samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G; by EPA Method 8260B for benzene, toluene, ethylbenzene, and xylenes (BTEX); and by EPA Method 8260B for naphthalene and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. Samples near the former waste oil UST shall also be analyzed for total petroleum hydrocarbons in the oil range and chlorinated volatile organic compounds (CVOCs). The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06):

http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf

- d. All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.
- e. Soil samples must be prepared and preserved per EPA Method 5035. Soil must be logged and sampled at a minimum of five-foot intervals, at changes in soil lithology, and at areas of obvious contamination. The professional in responsible charge shall review the borings and assume responsibility for the accuracy and completeness of the logs.

2. Soil Gas Investigation:

- a. Propose, at a minimum, four multi-depth soil gas probe locations to determine whether shallow and deep gasoline constituent concentrations pose a threat to human health and water quality, in view of the proximity to adjacent high density housing.
- b. Provide plan-view iso-concentration maps for 5-feet, 10-feet, 20-feet and 30-feet below ground surface (bgs) that can demonstrate delineation of soil gas threats to human health and groundwater or depict impacts accordingly, at and adjacent to the Site.
- c. Soil gas samples must be analyzed for TPH_G, BTEX, naphthalene, MTBE, DIPE, ETBE, TAME, TBA, and CVOCs.

3. Groundwater Investigation:

- a. Propose five groundwater monitoring wells, at a minimum, to determine whether groundwater has been impacted and may pose a threat to human health and water quality.
- b. Groundwater samples shall be analyzed for the same parameters and by the same methods as stated in item 4 above.
- c. The construction, development, and abandonment of groundwater monitoring wells must comply with requirements prescribed in the California Well Standards (Bulletin 74-90), published by the California Department of Water Resources (can be viewed at http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html).

- d. The groundwater monitoring wells must be developed and surveyed to a benchmark of known elevation above mean sea level by a licensed land surveyor or registered civil engineer.
- e. Prior to collecting samples, free product thickness (if present) must be determined and the depth to water must be measured in all wells to be sampled, then the wells are to be properly purged until the temperature, conductivity, and pH stabilize, and the water is free of suspended and settleable matter, before samples are collected for analysis.
- f. You must also continue to submit semi-annual groundwater monitoring reports as specified in the schedule below:

<u>Reporting Period</u>	<u>Report Due Date</u>
January – June	July 15 th
July – December	January 15 th

- g. Provide a quantitative summary of bailed or absorbed free product from all impacted groundwater monitoring wells to illustrate preliminary remedial measures taken onsite.

Submittal of Contact Information and Historical Documents, as well as the Workplan, are due to this Regional Board office by **January 30, 2014**. If this technical report and information is not submitted by or on the specified date, you will be in violation of Section 2724.

General Requirements

1. You must also submit a site-specific Health and Safety Plan along with the Workplan.
2. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
3. The contractor who conducts the environmental work as required in this directive letter shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically including, but not limited to, environmental, procurement, and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
4. Prior to commencing any fieldwork, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (dbjostad@waterboards.ca.gov), so that one of our staff may be present.
5. You must upload reports and data to the State's internet-based GeoTracker database. This includes laboratory data (EDF format), plans and reports (PDF format), monitoring well latitude and longitude (GEO_XY), well elevation data (GEO_Z), depth to water measurements (GEO_WELL), a site map with sampling locations (GEO_MAP), and boring logs (GEO_BORE) for the new wells. Further details can be viewed at the following weblink: http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml.

6. Effective December 12, 2011, for all parties who upload electronic documents to the State GeoTracker database, it is no longer necessary to submit hard copies or CDs to our office. The Regional Board will no longer accept documents (submitted by either e-mail or hard copy or CD) that are uploaded to GeoTracker. Further details can be viewed at the following weblink:
<http://www.waterboards.ca.gov/losangeles/resources/Paperless/Paperless%20Office%20for%20GT%20Users.pdf>.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

Pursuant to section 25296.10 (e) of the Health and Safety Code, the person(s) to whom this order is issued pursuant to subdivision (c) of the same section shall have the same rights of administrative and judicial appeal and review as are provided by law for orders issued pursuant to California Water Code section 13304.

Ordered by: Samuel Unger
Samuel Unger, P.E.
Executive Officer

Date: December 27, 2013

January 10, 2014

PHONE: (213) 620-0460
FAX: (213) 624-4840
DIRECT: (213) 621-0822
E-MAIL: acook@hillfarrer.com
WEBSITE: www.hillfarrer.com

Yue Rong, PhD
Environmental Program Manager I
Underground Tanks
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

BY EMAIL AND U.S. MAIL

yrong@waterboards.ca.gov

Re: **Former Mobil Service Station
402 Atlantic Avenue, Long Beach, CA 90802
EAR Number R12-151**

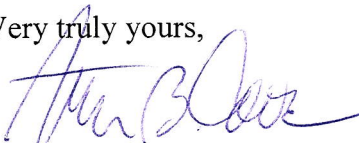
Corrective Action Order No. R4-2013-0194

Dear Mr. Rong:

This letter respectfully requests an extension of the deadlines contained in the Corrective Action Order referenced above. My client had received a proposal from a respected environmental consulting company, and was prepared to sign the proposal, however the consultant withdrew its proposal today, for reasons of which you are already aware.

Mr. Dakar is in the process of retaining a new environmental consultant. An extension of the January 30, 2014 deadline for submission of contact information, historical documents and a workplan is therefore requested. Please advise at your earliest opportunity.

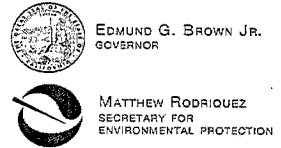
Very truly yours,



ARTHUR B. COOK
OF
HILL, FARRER & BURRILL LLP

cc: Dixon Oriola
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
doriola@waterboards.ca.gov

Nate Dakar



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 17, 2014

Mr. Israel Dakar
c/o Mr. Arthur Cook
Hill, Farrer & Burrill, LLP
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, CA 90071-3147

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 1515

SUBJECT: TIME EXTENSION (CORRECTIVE ACTION ORDER NO. R4-2013-0194)

**SITE/CASE: INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL STATION – 402 ATLANTIC AVENUE, LONG BEACH, CA
UST CASE NO. 908020234**

Dear Mr. Dakar:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and/or Verification Monitoring) to ensure protection of human health, safety, and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Regional Board staff has reviewed the Extension Request letter dated January 10, 2014, that was prepared on your behalf by Hill, Farrer & Burrill LLP for the above-referenced site (Site). We have also reviewed e-mail correspondence from Arthur B. Cook of Hill, Farrer & Burrill LLP on January 15, 2014. An extension is requested due to a delay in hiring an environmental consultant. The consultant that you reportedly planned to hire, who is also the consultant hired by the State under the Emergency, Abandoned, Recalcitrant (EAR) Program, has declined to be hired by two parties for the same site. The extension request is requested to allow additional time to hire a different consultant than originally planned.

Your extension request is granted and the new due date for the work plan, contact information, and other required historical documents and information is **February 28, 2014**. You must comply with all other conditions of the Regional Board Corrective Action Order no. R4-2013-0194 dated December 27, 2013.

If you have any questions regarding this letter, please contact Mr. Dave Bjostad at (213) 576-6712 (dave.bjostad@waterboards.ca.gov), Dr. Weixing Tong at (213) 576-6715 (weixing.tong@waterboards.ca.gov), or Dr. Yue Rong at (213) 576-6710 (yue.rong@waterboards.ca.gov).

Sincerely,



Samuel Unger, P.E.
Executive Officer

Copy by e-mail to:

Dixon Oriola, Regional Water Quality Control Board
Laura Drabandt, State Water Resources Control Board, Office of Enforcement
Judy Reid, State Water Resources Control Board, Special Programs and Settlements Units
Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Nelson Kerr, City of Long Beach Department of Health & Human Services
Carmen Piro, City of Long Beach Department of Health & Human Services
Phuong Ly, Water Replenishment District of Southern California



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

April 21, 2014

Mr. Israel Dakar
c/o Mr. Arthur Cook
Hill, Farrer & Burrill, LLP
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, CA 90071-3147

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 1669

SUBJECT: WORK PLAN APPROVAL AND INVESTIGATION REPORT (AMENDED CORRECTIVE ACTION ORDER R4-2013-0194)

**SITE/CASE: INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL SERVICE STATION – 402 ATLANTIC AVENUE, LONG BEACH, CALIFORNIA
UST CASE NO. 908020234, Global ID No.: T0603701707**

Dear Mr. Dakar:

This amendment supersedes the amendment issued April 14, 2014 by clarifying the Investigation Report due date is June 30, 2014.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and/or Verification Monitoring) to ensure the protection of human health, safety, and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, sections 2720 through 2727.

The Regional Board issued Corrective Action Order No. R4-2013-0194 on December 27, 2013. Regional Board staff has reviewed the document entitled "Site Assessment Workplan for Soil, Soil Vapor and Groundwater Sampling" (Workplan) dated February 11, 2014, that was prepared on your behalf by Aqua Science Engineers, Inc. (ASE) for the above-referenced site (Site). On March 20, 2014, Regional Board staff met with Nate Dakar, Arthur Cook (your Attorney), and your technical consultant, David Schultz (ASE) to discuss the proposed Workplan.

The Workplan proposes drilling five soil borings, collecting soil samples at five-foot intervals, collecting groundwater grab samples at each boring location, installing four multi-depth soil vapor probes with sampling intervals at 5, 10, 20, and 30 feet below ground surface (bgs), and collecting 16 soil vapor samples. Sampling locations B1 through B5 are proposed at locations near where four former gasoline underground storage tanks (USTs), dispensers, and associated piping were removed in 2000. In 2000, after UST removal, impacted soil was excavated, but placed back into the excavation pit on top of plastic sheeting. Proposed sampling locations

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | 10-100 www.waterboards.ca.gov/losangeles

include at the former UST excavation pit (B1); just outside the former excavation area (B2); along former fuel product piping between the two dispenser islands (B3) where the highest historical methyl tertiary butyl ether (MTBE) concentrations were detected in 2000; at the western dispenser islands (B4); and at the former waste oil UST location (B5).

As discussed at the March 20, 2014 meeting and clarified in follow-up e-mail correspondence from ASE on March 24, 2014, another workplan for the installation of five groundwater monitoring wells will be included in the site assessment report, if impacts are identified during groundwater grab sampling.

I. Soil and Groundwater Investigation Requirements (per CCR, title 23, §2725)

The Regional Board concurs with the Workplan, provided that the following conditions are met:

1. Revise the Workplan to
 - (1) Add two additional soil vapor sampling locations at the northern portion of the property near the residential properties, to better assess potential vapor intrusion to the nearest potential receptors. One soil vapor at a depth of 5 feet bgs is required at these two locations.
 - (2) Provide a revised figure showing these proposed soil vapor sampling locations by e-mail to dave.bjostad@waterboards.ca.gov by **April 22, 2014**.

II. Investigation Report

1. You shall implement the Workplan and submit the results in an Investigation Report by **June 30, 2014**. The report shall include, at a minimum, boring logs, a lithological cross section diagram(s), laboratory analytical results, summary data tables, a discussion of activities performed, a site map depicting sampling locations, figures identifying the extent of soil/soil vapor/groundwater impacts, conclusions and recommendations, and a brief workplan including a figure showing proposed monitoring well installation locations.
 - a. The Investigation Report must include observations about the former UST excavation area, such as the depth of plastic sheeting identified during drilling of B1, whether each sample from B1 appears to be above or below this plastic sheeting, and whether B2 appears to be outside the former excavation area (as planned) or appears to be within the excavation area (since the exact extent of the former excavation area is not clear).
 - b. The Investigation Report must include summary data tables that include all historical sample results and iso-concentration maps for the identified pollutants detected in soil, soil vapor, and groundwater. The associated figures must identify the location of all historical sampling locations.
 - c. The Investigation Report shall indicate whether the utility survey/geophysical survey performed prior to drilling is able to identify whether the fuel product piping still exists in place or was removed.
 - d. All soil and groundwater samples shall be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G, and by EPA Method 8260B for benzene, toluene, ethylbenzene, and xylenes (BTEX), naphthalene, and fuel oxygenate

compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. All groundwater samples must be analyzed by EPA Method 8260B for all common aromatic and chlorinated volatile organic compounds per EPA Method 8260B. Samples near the former waste oil UST shall also be analyzed for total petroleum hydrocarbons in the oil range. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06)

(http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq_9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.

- e. Soil vapor sampling must be performed following guidance in the Regional Board's Advisory for Active Soil Gas Investigations (April 2012), available at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/VI_ActiveSoilGasAdvisory_FINAL_043012-2.pdf. Soil vapor samples must also be analyzed for naphthalene.
- f. The Investigation Report shall include recommendations and an anticipated timeline of project milestones for site assessment, remediation, post-remediation monitoring, and case closure. For example, the anticipated timeline below may be completed and submitted:
 - Anticipated completion of site assessment: _____ (quarter, year)
 - Anticipated completion of remediation: _____ (quarter, year)
 - Anticipated completion of post-remediation monitoring: _____ (quarter, year)
 - Anticipated case closure: _____ (quarter, year)

III. General Requirements

3. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
4. Prior to commencing any field work, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (dave.bjostad@waterboards.ca.gov), so that one of our staff may be present.
5. You must follow the site-specific Health & Safety Plan submitted along with the Workplan.
6. The contractor who conducts the environmental work as required in this directive letter shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically including, but not limited to, environmental, procurement, and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon

geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

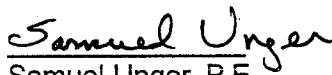
7. Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board implemented a Paperless Office system. For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents submitted by either hard copy or email) already uploaded to GeoTracker.
8. You must upload the following items into GeoTracker:
 - a. A copy of the report (PDF format)
 - b. Laboratory analytical data (EDF format)
 - c. Boring logs (GEO_BORE format)
 - d. Site map showing sampling locations (including historical locations), former source areas (USTs, dispensers, piping), and other site features such as the building (GEO_MAP format)
 - e. Locational data for all groundwater monitoring wells (well latitude and longitude in GEO_XY format)
 - f. Well elevation data (GEO_Z format)
 - g. Groundwater well information (GEO_WELL format) for water level and free product measurements

The requirements to submit the Investigation Report by June 30, 2014, constitute an amendment to Corrective Action Order No. R4-2013-0194 originally dated December 27, 2013. All other aspects of Order No. R4-2013-0194 originally dated December 27, 2013 and amends thereto, remain in full force and effect. Pursuant to section 13350 of the California Water Code, failure to comply with the requirements of Order No. R4-2013-0194 by the specified due date, including dates in this amendment, may result in civil liability administratively imposed by the Regional Board in an amount up to five thousand dollars (\$5,000) for each day of failure to comply.

This Site will remain in the Emergency, Abandoned, Recalcitrant (EAR) Account of the State Water Resources Control Board's UST Program until such time that the Regional Board determines that you are in compliance with our requirements and the Site is formally removed from the EAR Account.

If you have any questions regarding this letter, please contact Mr. Dave Bjostad at (213) 576-6712 (dave.bjostad@waterboards.ca.gov), Dr. Weixing Tong at (213) 576-6715 (weixing.tong@waterboards.ca.gov), or Dr. Yue Rong at (213) 576-6710 (yue.rong@waterboards.ca.gov).

Sincerely,


Samuel Unger, P.E.
Executive Officer

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Mr. Israel Dakar
Former Mobil Service Station, 402 Atlantic Ave.

- 5 -

April 21, 2014

Copy by e-mail to:

Laura Drabandt, State Water Resources Control Board, Office of Enforcement
Judy Reid, State Water Resources Control Board, Special Programs and Settlements Units
Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Nelson Kerr, City of Long Beach Department of Health & Human Services
Carmen Piro, City of Long Beach Department of Health & Human Services
Phuong Ly, Water Replenishment District of Southern California
David Schultz, Aqua Science Engineers



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

July 17, 2014

Mr. Israel Dakar
c/o Mr. Arthur Cook
Hill, Farrer & Burrill, LLP
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, CA 90071-3147

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 1737

SUBJECT: WORKPLAN APPROVAL AND INVESTIGATION REQUIREMENTS

**SITE/CASE: INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL SERVICE STATION – 402 ATLANTIC AVENUE, LONG BEACH, CALIFORNIA
UST CASE NO. 908020234, Global ID No.: T0603701707**

Dear Mr. Dakar:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and/or Verification Monitoring) to ensure the protection of human health, safety, and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, sections 2720 through 2727.

The Regional Board has reviewed the document entitled "*Preliminary Assessment of Soil, Soil Vapor and Groundwater*" (Report) dated June 25, 2014, that was prepared on your behalf by Aqua Science Engineers, Inc. (ASE) for the above-referenced site (Site), per requirements of the revised Amended Corrective Action Order No. R4-2013-0194 dated April 21, 2014. Section 7.0 of the Report contains a *Workplan for Groundwater Well Installation and Monitoring* (Workplan).

The Report describes results for soil sampling from five soil borings (B1 to B5), groundwater grab sampling at these five boring locations, and soil vapor sampling at six locations (B1 to B4, B6, and B7). These samples are the first samples collected at the Site since 2000, when four gasoline underground storage tanks (USTs) and one waste oil UST were removed, during which high concentrations of petroleum hydrocarbons were detected in the soil and groundwater. No remediation at the Site has occurred since impacted soil and groundwater were initially discovered in 1987.

SOIL VAPOR INVESTIGATION SUMMARY – Soil vapor probes (with separate screen intervals at 5, 10, 20, and 30 feet below ground surface [bgs]) were installed near the former gasoline USTs (B1), the former gasoline USTs and piping (B2), former piping to the dispensers (B3), the

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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10-105

RECYCLED PAPER

former dispensers (B4), and the residential area to the north of the Site (B6 and B7, at 5 feet bgs only). The maximum concentrations of total petroleum hydrocarbons as gasoline (TPH_G), benzene, ethylbenzene, naphthalene, and methyl tertiary butyl ether (MTBE) detected were 140,000,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), 1,200,000 $\mu\text{g}/\text{m}^3$ (benzene), 500,000 $\mu\text{g}/\text{m}^3$ (ethylbenzene), 6,500 $\mu\text{g}/\text{m}^3$ (naphthalene), and 40,000 $\mu\text{g}/\text{m}^3$ (MTBE), respectively. At 5 feet bgs, the maximum concentrations of TPH_G, benzene, ethylbenzene, and MTBE detected were 1,300,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), 19,000 $\mu\text{g}/\text{m}^3$ (benzene), 8,200 $\mu\text{g}/\text{m}^3$ (ethylbenzene), and 4,500 $\mu\text{g}/\text{m}^3$ (MTBE), respectively, all at B6 in the northern portion of the Site near the residential area, while naphthalene was not detected in any samples collected at 5 feet bgs.

At B1 through B3, the highest concentrations were generally detected in the deepest samples at 30 feet bgs, with much lower concentrations or non-detect results at 5 and 10 feet bgs. At B4 near the western dispenser island, the highest concentrations were detected at 10 feet bgs. At B6 and B7 (5 feet bgs, away from the UST, dispenser, and piping source areas), higher concentrations were unexpectedly identified here than in the UST/dispenser/piping source areas (B1 through B4) at 5 feet bgs.

Soil vapor samples were not analyzed for oxygen, so it is not clear whether a bioattenuation zone, as defined in the State Water Resources Control Board (SWRCB); Low Threat Closure Policy, exists at the Site. Assuming no bioattenuation zone, four of the six 5-foot bgs soil vapor results for benzene and three of the six 5-foot bgs soil vapor results for ethylbenzene exceed the residential and commercial Scenario 4 Low Threat Closure Policy criteria. If oxygen were shown to be present at 5 feet bgs, then no Low Threat Closure Policy bioattenuation zone criteria would be exceeded. Benzene was detected above the residential and commercial CHHSL in almost every sample.

SOIL INVESTIGATION SUMMARY – Thirty soil samples collected during the period from May through June 2014 (soil samples collected at 5, 10, 15, 20, 25, and 30 feet bgs, from five borings) indicated maximum concentrations of TPH_G, TPH oil range (TPH-oil), benzene, ethylbenzene, naphthalene, MTBE, and tertiary butyl alcohol (TBA) of 12,100 milligrams per kilogram [mg/kg] (TPH_G), 30,900 mg/kg (TPH-oil), 71.7 mg/kg (benzene), 245 mg/kg (ethylbenzene), 156 mg/kg (naphthalene), 17.5 mg/kg (MTBE), and 1.54 mg/kg (TBA). The highest concentrations were typically found near the former dispensers and piping (B4) from 10 to 30 feet bgs, at the former waste oil UST (B5) from 10 to 20 feet bgs, and along product piping (B3) from 25 to 30 feet bgs. Some impacts were also found near the former gasoline USTs (B1 and B2).

No petroleum hydrocarbon constituents were identified in soil samples from 5 feet bgs, except for TPH-oil at 38.3 mg/kg at the former waste oil UST area (B5). This was likely because clean fill was used to restore the excavation after the USTs and piping were removed in 2000.

The soil type was typically found to be silt from the surface to about 22 feet bgs, with sand below that. Petroleum hydrocarbon concentrations detected during this phase of work were generally similar to those found in 2000.

GROUNDWATER INVESTIGATION SUMMARY – Groundwater was encountered at about 34.5 feet bgs. Grab samples collected from five locations (B1 to B5) detected TPH_G, benzene, MTBE, and TBA at maximum concentrations of 294,000 micrograms per liter ($\mu\text{g}/\text{L}$) (TPH_G), 37,700 $\mu\text{g}/\text{L}$ (benzene), 100,000 $\mu\text{g}/\text{L}$ (MTBE), and 5,740 $\mu\text{g}/\text{L}$ (TBA), respectively, which

exceed regulatory standards. Petroleum hydrocarbon concentrations were typically highest at B2 through B5, near the former dispensers and product piping. The magnitude of contamination suggests that free product may be present at these locations.

WORKPLAN FOR GROUNDWATER MONITORING WELLS - The Workplan proposes installing five onsite groundwater monitoring wells to delineate groundwater impacts onsite, as well as to assess the groundwater flow direction. A screen interval from 30 to 45 feet bgs is proposed.

Groundwater Workplan Approval and Investigation Requirements (per CCR, title 23, §2725)

The Regional Board concurs with the Workplan, provided that the following conditions are met:

1. You must install two additional monitoring wells at off-site locations toward the west and south, as well as one additional monitoring well onsite to the north of the former waste oil UST and between B6 and B7 near the residential properties. Regional Board staff believes that a monitoring well or subsequent remediation well closer to the location of B4, where the highest TPH_G, benzene, and MTBE concentrations were detected, will likely be needed, either at this stage or a subsequent phase of work. You must provide a revised figure showing revised proposed monitoring well locations by e-mail to dave.bjostad@waterboards.ca.gov by **August 5, 2014**.
2. At all onsite borings drilled to install monitoring wells, soil samples must be collected, prepared, and preserved per EPA Method 5035. Soil must be logged and sampled at a minimum of five-foot intervals, at changes in soil lithology, and at areas of obvious contamination. The professional in responsible charge shall review the borings and assume responsibility for the accuracy and completeness of the logs.
3. You must implement the Workplan and submit the results in an Investigation Report by **October 30, 2014**. At a minimum, the report must include boring logs, a well construction diagram, a lithological cross section diagram(s), laboratory analytical results, summary data tables, a discussion of activities performed, a site map depicting monitoring well locations, figures identifying the extent of groundwater impacts (i.e., iso-concentration figures for at least TPH_G, benzene, MTBE, and TBA), and conclusions and recommendations.
4. The construction, development, and abandonment of groundwater monitoring wells must comply with requirements prescribed in the California Well Standards (Bulletin 74-90), published by the California Department of Water Resources (can be seen at http://www.water.ca.gov/pubs/groundwater/water_well_standards__bulletin_74-90/_ca_well_standards_bulletin74-90_1991.pdf).
5. The Investigation Report must include summary data tables that include sample results for all historical soil, soil vapor, and groundwater. The associated figures must identify the location of all historical sampling locations.
6. All soil and groundwater samples shall be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G, and by EPA Method 8260B for benzene, toluene, ethylbenzene, and xylenes (BTEX), naphthalene, and fuel oxygenate compounds

including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and TBA. All groundwater samples must be analyzed by EPA Method 8260B for all common aromatic and chlorinated volatile organic compounds per EPA Method 8260B. Samples near the former waste oil UST shall also be analyzed for total petroleum hydrocarbons in the oil range. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) (http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.

7. The groundwater monitoring wells must be developed and surveyed to a benchmark of known elevation above mean sea level by a licensed land surveyor or registered civil engineer.
8. The Investigation Report shall include recommendations and an anticipated timeline of project milestones for site assessment, remediation, post-remediation monitoring, and case closure. For example, the anticipated timeline below may be completed and submitted:

- Anticipated completion of site assessment: _____ (quarter, year)
- Anticipated completion of remediation: _____ (quarter, year)
- Anticipated completion of post-remediation monitoring: _____ (quarter, year)
- Anticipated case closure: _____ (quarter, year)

Soil Vapor Investigation Requirements (per CCR, title 23, §2725)

9. You must collect an additional round of soil vapor samples from each monitoring point approximately six months after the initial samples were collected, in order to verify the initial results, as well as to collect and analyze soil vapor samples for oxygen content. Soil vapor samples from June 2014 were not analyzed for oxygen, but Low Threat Closure Policy criteria are dependent on whether oxygen is present in soil vapor above or below a concentration of 4 percent. A soil vapor investigation report is due by **January 15, 2015**.
10. Soil vapor sampling must be performed following guidance in the Regional Board's Advisory for Active Soil Gas Investigations (April 2012), available at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/VI_ActiveSoilGasAdvisory_FINAL_043012-2.pdf. Soil vapor samples must also be analyzed for naphthalene. Soil vapor results shall be compared to Low Threat Closure Policy criteria, at a minimum.

Groundwater Monitoring Requirements (per CCR, title 23, §2727)

11. You must perform semi-annual groundwater monitoring and submit semi-annual monitoring reports according to the following schedule:

<u>Reporting Period</u>	<u>Report Due Date</u>
January - June	July 15
July - December	January 15

The first semi-annual groundwater monitoring report is due by **January 15, 2015**.

Remediation Requirements (per CCR, title 23, §2726)

12. You must evaluate sample results, evaluate their spatial distribution and trends over time, compare results to Low Threat Closure Policy criteria at a minimum, and submit a Remedial Action Plan (RAP) for soil, soil vapor, and/or groundwater by **January 15, 2015**. The RAP shall evaluate multiple remedial alternatives, select the recommended alternative, summarize these findings and rationale, and propose details of the selected remedial action.
13. Prior to collecting groundwater samples, free product thickness (if present) must be determined and the depth to water must be measured in all wells to be sampled. You must measure and report the thickness of free product to the nearest 0.01 feet. Monitoring wells must be properly purged until the temperature, conductivity, and pH stabilize, and the water is free of suspended and settleable matter, before samples are collected for analysis.
14. You must conduct free product recovery from any monitoring wells at which measureable free product or a sheen are detected.

General Requirements

15. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
16. Prior to commencing any field work, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (dave.bjostad@waterboards.ca.gov), so that one of our staff may be present.
17. You shall follow the site-specific Health & Safety Plan previously submitted for this Site.
18. The contractor who conducts the environmental work as required in this directive letter shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically including, but not limited to, environmental, procurement, and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
19. Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board implemented a Paperless Office system. For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents submitted by either hard copy or email that are uploaded to GeoTracker.

20. You must upload the following items into GeoTracker:

- a. A copy of each report (PDF format)
- b. Laboratory analytical data (EDF format)
- c. Boring logs (GEO_BORE format)
- d. An updated site map showing monitoring wells, historical sampling locations, former source areas (USTs, dispensers, piping), and other site features such as the building (GEO_MAP format)
- e. Locational data for all groundwater monitoring wells (well latitude and longitude in GEO_XY format)
- f. Well elevation data (GEO_Z format)
- g. Groundwater well information (GEO_WELL format) for water level and free product measurements

This Site will remain in the Emergency, Abandoned, Recalcitrant (EAR) Account of the State Water Resources Control Board's UST Program until such time that the Regional Board determines that you are in compliance with our requirements and the Site is formally removed from the EAR Account.

If you have any questions regarding this letter, please contact following Regional Board staff by telephone or email: Mr. Dave Bjostad at (213) 576-6712 (dave.bjostad@waterboards.ca.gov), Dr. Weixing Tong at (213) 576-6715 (weixing.tong@waterboards.ca.gov), or Dr. Yue Rong at (213) 576-6710 (yue.rong@waterboards.ca.gov).

Sincerely,



Samuel Unger, P.E.
Executive Officer

copy by e-mail to:

Laura Drabandt, State Water Resources Control Board, Office of Enforcement
Judy Reid, State Water Resources Control Board, Special Programs and Settlements Units
Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Nelson Kerr, City of Long Beach Department of Health & Human Services
Carmen Piro, City of Long Beach Department of Health & Human Services
Phuong Ly, Water Replenishment District of Southern California
David Schultz, Aqua Science Engineers

STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

FORMER MOBIL SERVICE STATION (T0603701707) - ([MAP](#))

[SIGN UP FOR EMAIL ALERTS](#)

402 ATLANTIC AVE
 LONG BEACH, CA 90802
 LOS ANGELES COUNTY
 LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
 LOS ANGELES RWQCB (REGION 4) ([LEAD](#)) - CASE #: 908020234
CASEWORKER: [DAVID M. BJOSTAD](#)
 LONG BEACH, CITY OF
CASEWORKER: [CARMEN PIRO](#)

LTCP CHECKLIST AS OF 8/19/2014

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - The site satisfies the policy general criteria

NO

a. Is the unauthorized release located within the service area of a public water system?

Name of Water System : Long Beach Water Department

YES

b. The unauthorized release consists only of petroleum ([info](#)).

YES

c. The unauthorized ("primary") release from the UST system has been stopped.

YES

d. Free product has been removed to the maximum extent practicable ([info](#)).

Free Product Remaining: Measurable Free Product
Removal Methods Tried : Did Not Try to Remove FP, OTHER - need MWs to measure

NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

Description:

- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Hydrogeology Not Adequately Defined
- Potential Receptors Not Identified
- Soil Assessment Incomplete - Areal Extent Not Defined

NO

f. Secondary source has been removed to the extent practicable ([info](#)).

Impediment to Removing Secondary Source:
- Remediation Has Not Been Attempted

NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

YES

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.

NO

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

NO

Does the site meet any of the Groundwater specific criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

- Unknown

Plume is Stable or Decreasing in AREAL Extent :

- Unknown

Free Product in Groundwater :

- Unknown

Free Product Extends Offsite :

- Unknown

Benzene Concentration :

10-111

- $\geq 3,000 \mu\text{g/l}$

MTBE Concentration :

- $\geq 1,000 \mu\text{g/l}$

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - *The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c*

NO

EXEMPTION - Active Commercial Petroleum Fueling Facility

NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Soil Gas Samples :

- No Soil Gas Samples

Free Product :

- Unknown

TPH in the Bioattenuation Zone :

- $\geq 100 \text{ mg/kg}$

Bioattenuation Zone Thickness :

- Unknown

O₂ Data in Bioattenuation Zone :

- No O₂ Data

Benzene in Groundwater :

- $\geq 1,000 \mu\text{g/l}$

Soil Gas Benzene :

- $\geq 280,000 \mu\text{g/m}^3$

Soil Gas EthylBenzene :

- $\geq 3,600 \mu\text{g/m}^3$ and $< 1,100,000 \mu\text{g/m}^3$

Soil Gas Naphthalene :

- $\geq 310 \mu\text{g/m}^3$ and $< 93,000 \mu\text{g/m}^3$

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.*

NO

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

NO

Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Petroleum Constituents in Soil :

- > 5 Feet bgs and ≤ 10 Feet bgs

Soil Concentrations of Naphthalene :

- $> 9.7 \text{ mg/kg}$ and $\leq 45 \text{ mg/kg}$

Soil Concentrations of PAH :

- Unknown

Area of Impacted Soil :

- Unknown

Additional Information

Should this case be closed in spite of NOT meeting policy criteria?

NO

Item 10

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.7

Juarez Carwash

(Renewal)

NO. 5: RENEWAL CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Juarez Carwash
906 W. Rosecrans Avenue (Formerly 900 W. Rosecrans Avenue in GeoTracker)
Compton, CA 90220
APN: 6156-002-039
GeoTracker Global ID: T0603797510
Regional Board Case No.: R-26764

Release Date: January 31, 2000
Site Status: Open-Site Assessment
Current Site Use: Car wash

2. Name and Address of Responsible Parties:

Rene and Petra Juarez (Current Owners)
1012 South Windsor Boulevard
Los Angeles, CA 90019
Phone: 213-377-8644
Email: 1012900@sbcglobal.net
Date Acquired: November 5, 2002

Potentially Responsible Parties:

Mr. Gary A. Lazar
Ms. Divine G. Lazar (now Richardson)
Mr. George A. Pearson
Ms. Regina M. F. Pearson

3. Corrective Action Directives:

On April 13, 2011, the Regional Board issued a directive to Rene & Petra Juarez (current owners) to take corrective action, which required a technical report be submitted by July 15, 2011. No report was received by the deadline. The current owners have not complied with the directive to date.

On April 5, 2012, the Regional Board nominated, for the first time, the property to the EAR Account Program Annual Priority Site List for Fiscal Year 2012-2013.

On February 11, 2013, the Regional Board issued a directive to Rene and Petra Juarez (current owners) requesting site access in order to complete site work approved under the EAR Account Program. A Right-of-Entry form was attached to the letter and required to be returned by March 11, 2013. The Right-of-Entry form was signed and returned by Rene Juarez on May 1, 2013.

On May 2, 2013, the Regional Board re-nominated the property to the EAR Account Program Annual Priority Site List for Fiscal Year 2013-2014.

On April 9, 2014, the Regional Board re-nominated the property to the EAR Account Program Annual Priority Site List for Fiscal Year 2014-2015.

On December 31, 2014, the Regional Board issued a directive to Rene Juarez conditionally approving additional site assessment proposed in the Ninyo & Moore Environmental Site Assessment Report dated December 9, 2014.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
Project Manager: Arman Toumari
Phone: 213-576-6708
Email: arman.toumari@waterboards.ca.gov

5. Description of Unauthorized Release:

On January 31, 2000, Atlas Environmental Engineering, Inc. produced an *Underground Storage Tank (UST) Removal Report* for G&M Oil Company.

- Three 10,000-gallon gasoline USTs and one 550-gallon waste oil tank were removed on December 15, 1999.
- Approximately 110 tons of hydrocarbon impacted soil was removed from the site.
- The maximum concentrations detected in the soil were as follows:
 - 3,290 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons in the gasoline range (TPH_G) reported in soil in sample T2A,
 - 360 mg/kg total petroleum hydrocarbons in the diesel range (TPH_D) in T2,
 - 7.83 mg/kg methyl tertiary butyl ether (MTBE) in T2,
 - 0.954 mg/kg benzene in T2A,
 - 21 mg/kg toluene in T1B,
 - 77.4 mg/kg ethylbenzene in T2A and
 - 664 mg/kg xylenes in T2A.
- Depth to groundwater ranges from 41 to 43 feet below ground surface (ft bgs).

6. Justification for Renewal to EAR Account Program:

Both current land owners (Rene & Petra Juarez) claim to be indigent and are therefore recalcitrant. Mr. Pearson was the property owner at the time of the UST removal, which was performed on his behalf by G&M Oil Company. This site has been nominated to the EAR Account Program since 2012, with a total allocation of \$200,000 for fieldwork activities. Fieldwork was delayed due to the State Department of General Services' contracting process and the Regional Board's efforts to identify other possible RPs. Fieldwork began in late 2014, and additional assessment and remediation is needed.

7. Reason for Failure of Responsible Party (RP) to Complete Required Action:

Both RPs are recalcitrant. The current landowners operate a carwash on the site, but claim they are unable to afford a consultant to do the required work. The current land owners applied for the State Water Board's *Orphan Site Cleanup Fund* (OSCF) in 2011. However, the State Water Board determined that the site was not eligible for an OSCF grant because the site is not vacant and is engaged in year-round economically productive activities.

8. Documentation of Any Disputes between Responsible Parties and Agency:

None. The present RPs believe that prior UST owners/operators at the site are also liable for the existing soil and groundwater contamination. Regional Board staff investigations concerning other possible responsible parties are ongoing.

9. Actions Taken by the RP:

On May 13, 2009, Western Environmental Engineers Company (WEECO) submitted an *Environmental Site Assessment Report* to Los Angeles County Department of Public Works (LACDPW), on behalf of the property owner, Rene Juarez.

The report lists Rene Juarez as the owner of the site, which is currently used as a car wash. It noted that Rene Juarez (owner) bought the property from George A. Pearson after the removal of the USTs.

On June 24, 2010, LACDPW transferred the case to the Regional Board.

On April 27, 2011, Mr. Juarez contacted the Project Manager to inform him that he had applied for the *Orphan Site Cleanup Fund*, but his application was denied. This is an active car wash.

On May 1, 2013, Mr. Juarez signed the *Right-of-Entry* form authorizing the State Water Board to conduct fieldwork at the Site under the EAR Account Program.

10. Investigation/Remedial Efforts Completed:

Investigation work was documented in the WEECO Environment Site Assessment (ESA) dated May 13, 2009. WEECO recommended the installation of four groundwater monitoring wells. The results of this investigation are summarized below:

- Soil samples showed reported maximum concentrations as follows:
 - 12,100 mg/kg TPH_G,
 - 1,510 mg/kg total recoverable petroleum hydrocarbon (TRPH),
 - 111.21 mg/kg benzene,
 - 763.63 mg/kg toluene,
 - 377.62 mg/kg ethylbenzene,
 - 1,568.4 mg/kg total xylenes, and
 - 0.25 mg/kg MTBE.
 - TPH_D and tert-butyl alcohol (TBA) were below detection limits;
- Groundwater was encountered between 41-43 ft bgs; and
- Groundwater samples reportedly showed maximum concentrations as follows:
 - 2,300 micrograms per liter (µg /L) TPH_G,
 - 180 µg /L benzene,
 - 1 µg /L ethylbenzene,
 - 10 µg /L total xylenes and
 - 152 µg /L MTBE.

Additional investigation work was documented in the Ninyo & Moore Environmental Site Assessment Report dated December 9, 2014. Ninyo & Moore recommended the installation of three additional groundwater monitoring wells, groundwater sampling, and a soil vapor survey. No remedial work has been conducted to date.

- Soil samples showed reported maximum concentrations as follows:
 - 4,430 mg/kg TPH_G,
 - 1,970 mg/kg total recoverable petroleum hydrocarbon (TRPH),
 - 50.6 mg/kg benzene,
 - 416 mg/kg toluene,
 - 173 mg/kg ethylbenzene,
 - 955 mg/kg total xylenes, and
 - 0.991 mg/kg MTBE.
 - TPH_D and tert-butyl alcohol (TBA) were below detection limits;
- Groundwater was encountered between 38.5-40 ft bgs; and
- Groundwater samples reportedly showed maximum concentrations as follows:
 - 0.00516 micrograms per liter (µg /L) TPH_G,
 - 1,390 µg /L benzene,
 - 41.1 µg /L ethylbenzene,
 - 585 µg /L total xylenes and
 - 466 µg /L MTBE.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Site data was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see if the site could be closed under the policy. The following criteria were not met:

- General (see attached LTCP evaluation form):
- Conceptual Site Model (CSM) – Lateral and vertical extent of the groundwater plume is not defined. Lateral and vertical extent of soil contamination not defined. Hydrogeologic parameters have not been adequately defined.
- Secondary Source – The UST report states that soil samples from below the USTs were impacted with TPH and low levels of MTBE, benzene, toluene, ethylbenzene and xylenes. The report indicates excavated soil was removed and disposed, but it did not indicate that the contamination beneath the USTs was over excavated; therefore it cannot be verified. Additionally, soil still remaining onsite contains elevated concentrations of TPH at 10 ft bgs.
- Groundwater – Lateral extent of the groundwater plume is not defined.
- Petroleum Vapor Intrusion to Indoor Air – Depth to groundwater is 40 ft bgs. Benzene in groundwater is greater than 1,000 µg /L. TPH in soil at 10 ft bgs (at MW-4-10) was greater than 100 mg/kg. Given the benzene concentration reported, soil remediation would be required. Thus, the LTCP guidelines are not met.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater contamination will need to be delineated. To that end, additional groundwater monitoring wells should be installed to the west of well MW5 and off site. Additionally, shallow soil (0-10 ft bgs) contamination (secondary source) should be assessed and remediated. Soil and groundwater samples should be analyzed for petroleum hydrocarbons and chlorinated solvents during drilling and completion activities. Groundwater will need to be monitored periodically after well completion. Furthermore, a soil vapor survey should be conducted. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Allocated for 2012 Nomination
 - \$75,000 in annual funding was allocated in 2012, but no funding was encumbered.
- Funding Allocated for 2013 Nomination
 - \$75,000 in additional annual funding was allocated in 2013, for a total of \$150,000 allocated, but no funding was encumbered.
- Funding Allocated for 2014 Nomination
 - \$50,000 in additional annual funding was allocated in 2014, for a total of \$200,000 allocated. Approximately \$95,347.00 was spent to install groundwater monitoring wells and conduct groundwater and soil sampling.
- Funding Requested for 2015 Nomination
 - \$200,000 in additional annual funding is requested to address the significant contamination identified in groundwater beneath the site. Total funding cannot be estimated until the extent of contamination is determined.

Past allocations total \$200,000. An additional \$200,000 will also be needed to complete the site assessment and groundwater monitoring, based on available information from the State's DGS contractor, Ninyo & Moore.

14. Results if EAR Account Program Funding Denied:

If EAR Account Program funding is denied, migration of the plume to municipal production wells located about ¼ mile from the site is likely. In addition, because of the RPs have failed to comply with directives, and since the quantity of contaminants released and the extent of migration is unknown, the threat to groundwater quality will remain.

15. Attachments

1. April 13, 2011 Regional Board directive to take Corrective Action
2. February 11, 2013 Regional Board letter requesting site access
3. May 1, 2013 signed access agreement from the property owner
4. December 31, 2014 Regional Board directive for additional site assessment
5. Low Threat Closure Policy Evaluation Form



California Regional Water Quality Control Board Los Angeles Region



320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

April 13, 2011

Mr. Rene Juarez
1012 South Windsor Boulevard
Los Angeles, CA 90019

Dear Mr. Juarez:

UNDERGROUND STORAGE TANK PROGRAM – DIRECTIVE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.

JV'S CARWASH

900 WEST ROSECRANS AVENUE, COMPTON, CALIFORNIA (ID # R-26764) (B-2)

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, or Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

We are in receipt of the following reports:

- "Environmental Site Assessment Report" (The Report), dated May 13, 2009
- "Revised Work Plan for Limited Phase II Environmental Site Assessment", dated March 29, 2007
- "Tank Removal Report", dated January 31, 2000

These reports were prepared by Western Environmental Engineers Co. (WEECO) and Atlas Environmental Engineering Inc. (ATLAS), and were submitted to this Regional Board in response to our letter dated October 5, 2010. This letter intends to provide Regional Board staff comments upon reviewing these documents.

Site Assessment and Remedial Action Update

Four underground storage tanks (three containing gasoline and one containing waste oil) were removed from the site in December 1999. Approximately, 110 tons of impacted soils were removed from the site. In 2009, thirteen soil borings (LE1 through LE13) were drilled to a maximum depth of 40 ft bgs. Soil samples detected up to 12,100 mg/kg of TPHg, 111.21 mg/kg of benzene, and 0.25 mg/kg of MTBE. Three grab groundwater samples were collected from borings LE6, LE8, and LE13. Groundwater grab samples detected up to 2,300 µg/L of TPHg, 180 µg/L of benzene, and 152 µg/L of MTBE.

Workplan Approval (Per CCR Title 23, §2725)

The Report contains a workplan to install four groundwater monitoring wells, one at the location of LE4, one at the location of LE6, one at approximately 15 ft southeast of boring LE13, and one at approximately 20 ft northwest of boring LE11.

Regional Board staff has reviewed the Report and concurs with implementing it with the following conditions:

1. The screen intervals of the proposed groundwater monitoring wells have not been specified. Well boring diagrams for the proposed wells must be submitted for staff review and approval at least two week prior to starting the fieldwork.
2. Soil samples shall be collected at a minimum of five-foot intervals, at changes in soil lithology, and at areas of obvious contamination for geologic logging and preserved per EPA Method 5035 for chemical analysis. All soil samples collected must be field screened for petroleum hydrocarbons using either a Photo Ionization Detector or a Flame Ionization Detector.
3. Soil samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPH_G), total petroleum hydrocarbons as diesel (TPH_D); and by EPA Method 8260B for BTEX, and fuel oxygenate compounds including methyl tertiary butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf. All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.
4. The construction, development, and abandonment of groundwater monitoring wells must comply with requirements prescribed in the California Well Standards (Bulletin 74-90), published by the California Department of Water Resources (can be seen at www.dpla2.water.ca.gov and go to "groundwater").
5. A technical report detailing the results of this phase of investigation must be submitted to this Regional Board due by **July 15, 2011**. Based on the results from this investigation, your technical report must also contain a workplan for additional work to complete any onsite and/or offsite assessment, if needed.

Groundwater Monitoring Requirements (Per CCR Title 23, §2725)

To monitor groundwater conditions at the site, the new groundwater monitoring wells must be included in a semi-annual groundwater monitoring program with the following requirements:

1. All wells must be monitored on a semi-annual basis according to the following schedule, with the next monitoring report due by **July 15, 2011**.

<u>Reporting Period</u>	<u>Sampling Period</u>	<u>Report Due Date</u>
January – June	April - June	July 15 th
July - December	October – December	January 15 th

2. Groundwater samples must be analyzed by the same protocol described in the preceding section.
3. Prior to consideration of case closure, at least one round of groundwater monitoring must be conducted to include analyses of all common aromatic and chlorinated volatile organic compounds per EPA Method 8260B. If the site has a waste oil tank, the full suite of aromatic and chlorinated analytes must also be tested and reported per EPA Method 8260B.
4. In addition, each groundwater monitoring report must include the following:
 - A separate summary table containing current concentrations.
 - A summary table containing all historical data per each well with groundwater depth (or elevation) and well screen intervals.
 - A regional map depicting site vicinity business and street, etc.
 - A plan depicting site location, tank and associated system locations, all well locations and groundwater elevations (contour) with flow gradient and direction.
 - An isoconcentration map for TPH(g), benzene, MTBE, and TBA, respectively.
 - A hydrograph superimposing on concentration over time at the most impacted well for TPH(g), benzene and MTBE, and TBA (or at any other wells as warranted).

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. Pursuant to State Water Resources Control Board Resolution No. 92-49, under Water Code Section 13304, all fieldwork related to subsurface investigation including well installation must be conducted by, or under the direct responsible supervision of, a licensed California Professional Geologist (PG) or Civil Engineer (PE). All technical documents submitted to this Regional Board must be reviewed and signed and/or stamped by a licensed California PG or PE with preferably at least five years subsurface hydrogeologic experience.
3. Regional Board staff must be notified 15 days before start of any fieldwork.
4. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

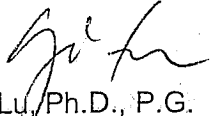
Mr. Rene Juarez
900 W. Rosecrans Ave., Compton

- 4 -

April 13, 2011

If you have any questions on this matter, please call Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Yi Lu, Ph.D., P.G.
Chief of Los Angeles River Watershed Unit
Underground Storage Tank Section

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Tim Smith, Los Angeles County Department of Public Works
Richard Lavin, Los Angeles County Department of Health Services

Los Angeles Regional Water Quality Control Board

February 11, 2013

Mr. Rene & Ms. Petra Juarez
1012 South Windsor Boulevard
Los Angeles, CA 90019

Certified Mail
Return Receipt Requested
7012 0470 0000 8074 3193

**RE: EMERGENCY, ABANDONED, RECALCITRANT ACCOUNT
REQUEST FOR SITE ACCESS**
SITE NAME: Juarez Carwash
SITE ADDRESS: 906 W. Rosecrans Avenue, Los Angeles
EAR NUMBER: R12-150

Dear Mr. and Ms. Juarez:

As indicated in previous letters and phone calls from the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), the leak(s) from the former vehicle fueling system at the subject site (Site) has impacted soil and groundwater beneath the Site.

The most recent environmental data was reported in the *Environmental Site Assessment Report* submitted by Western Environmental Engineers Company (WEECO) on your behalf on May 13, 2009. Maximum concentrations in soil were reported at 12,100 mg/kg total petroleum hydrocarbons in the gasoline range (TPH_G), 1,510 mg/kg total recoverable petroleum hydrocarbon (TRPH), 111.21 mg/kg benzene, 763.64 mg/kg toluene, 377.62 mg/kg ethylbenzene, 1,568.4 mg/kg total xylenes, and 0.25 mg/kg MTBE. Total petroleum hydrocarbons in the diesel range (TPH_D) and tert-butyl alcohol (TBA) were below detection limits. Groundwater samples showed reported maximum concentrations of 2,300 micrograms per liter (µg /L) TPH_G, 180.00 µg /L benzene, 1.00 µg /L ethylbenzene, 10 µg /L total xylenes and 152 µg /L MTBE.

Groundwater is located at approximately 41-43 feet below ground surface and production wells are located approximately ¼ mile from the Site. In addition, there are residential dwellings located directly to the south of the Site, with tenants that remain threatened.

You were informed on March 13, 2012 that the Site has been placed into the Emergency, Abandoned, and Recalcitrant (EAR) Account of the UST Cleanup Fund. There has been a total of **\$75,000.00 approved** for the necessary corrective action work. Your approval for site access to begin the work is all that is needed.

Attached to this letter is a *Right-of-Entry* agreement. Please sign it and return it to Mr. Dixon Oriola at the below e-mail address no later than **March 11, 2013**.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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


♻️ RECYCLED PAPER

Failure to submit the Right-of-Entry agreement or contact the Regional Board by the above deadline will result in this Regional Board seeking an inspection warrant, pursuant to California Water Code section 13304(b)(3) and Health and Safety Code section 25299.39.3, to allow the needed access to the Site to conduct corrective action activities. If you fail to return the signed Right-of-Entry as requested, we will seek an inspection warrant.

Please be aware that whatever costs are incurred from the EAR Account, the State Water Board will seek cost recovery from the property owner or operator of the UST(s) or from any other Responsible Party. Cost recovery may include attaching a lien to the property or referring the case to the State Attorney General's office to file a civil action.

If you have any questions regarding this matter or would like to schedule a meeting, please contact Mr. Dixon Oriola at (213) 576-6747 or doriola@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Right-of-Entry Agreement*

cc: Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Judy Reid, UST Program, State Water Resources Control Board
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.

Right-of-Entry
California Regional Water Quality Control Board – Los Angeles Region
Underground Storage Tanks Program

Rene and Petra Juarez, owner of the real property at **906 W. Rosecrans Ave, Compton, Los Angeles County, APN 6156-002-039**, (the "Site"), hereby grants permission to the Los Angeles Regional Water Quality Control Board ("Regional Board"), and its agents, employees, contractors, consultants, representatives, and invitees, including the agents and employees of other state agencies consulting with the Regional Board on this Site, to enter onto the Site for the purposes of conducting the Activities defined below.

"Activities" shall mean all of the actions necessary to execute necessary environmental investigation and/or remedial actions to address the unauthorized release of petroleum products at the Site. "Activities" shall also include all necessary follow-up inspections of the work, periodic monitoring of temporary monitoring points (e.g. vapor or groundwater monitoring wells), maintenance of any remedial system installed, and all additional work necessary to evaluate the effectiveness of the remedial actions performed.

This Right-of-Entry hereby grants the Regional Board, their agents, employees, contractors, and assignees the right of reasonable access under, over, and across the property for the purpose of performing said Activities.

Executed this 1st day of MAY (Month), 2013 (Year)



Signature of Owner

RENE JUAREZ

Printed Name

RECEIVED
2013 MAY 2 PM 1 34
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 31, 2014

Mr. Rene Juarez
1012 South Windsor Boulevard
Los Angeles, CA 90019

Certified Mail # 7001 2510 0000 4661 2674
Return Receipt Requested

Dear Mr. Juarez:

UNDERGROUND STORAGE TANK PROGRAM – DIRECTIVE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.

JUAREZ CARWASH - 906 WEST ROSECRANS AVENUE, COMPTON (ID # R-26764) (B-2)

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, or Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

We are in receipt of the "Environmental Site Assessment Report" (The Report), dated December 9, 2014 prepared by this Regional Board's contractor, "Ninyo & Moore". This letter provides Regional Board staff comments regarding the Monitoring Report.

Site History and Assessment Update

The site is an operating car wash on the southwest corner of West Rosecrans Avenue and North Kemp Avenue at 906 West Rosecrans Avenue in Compton. The site is situated in a mixed commercial and residential area. A liquor store is to the east, a storage yard/facility is across Rosecrans Avenue to the north, and the areas west and south of the site are residential.

Four underground storage tanks (USTs) (three containing gasoline and one containing waste oil) were removed from the site in December 1999. Approximately, 110 tons of impacted soils were removed from the site. In 2009, thirteen soil borings (LE1 through LE13) were drilled to a maximum depth of 40 ft bgs. Soil samples detected up to 12,100 mg/kg of total petroleum hydrocarbons as gasoline (TPHg), 111.21 milligrams per kilograms (mg/kg) of benzene, and 0.25 mg/kg of methyl tertiary butyl ether (MTBE). Three grab groundwater samples were collected from borings LE6, LE8, and LE13. Groundwater grab samples detected up to 2,300 micrograms per liters ($\mu\text{g/L}$) of TPHg, 180 $\mu\text{g/L}$ of benzene, and 152 $\mu\text{g/L}$ of MTBE.

In a letter dated February 11, 2013, the Executive Officer (EO) of this Regional Board notified you that the site had been placed into the "Emergency, Abandoned, and Recalcitrant (EAR) Account". The EO also requested site access in order to conduct corrective action work at the site. The EO received a signed right-of-entry agreement on May 2, 2013.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-126

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Between September 30 through October 3, 2014, five soil borings were drilled to a depth of approximately 51 feet bgs and were converted to five groundwater monitoring wells, MW1 through MW5. The groundwater monitoring wells are screened from approximately 30 to 50 ft bgs. According to the Report, soil samples detected up to 4,430 mg/kg of TPHg, 1,970 mg/kg of total recoverable petroleum hydrocarbons (TRPH), 50.6 mg/kg of benzene, and 0.991 mg/kg of MTBE. Total petroleum hydrocarbons as diesel (TPHd) and tertiary butyl alcohol (TBA) were not detected. Based on the site assessment data, the site is underlain by sandy clay, clayey sand, silty sand, silty clay, and clayey silt to the total depth explored of 51 feet bgs.

There are five groundwater monitoring wells (MW-1 through MW-5) at the site. Groundwater samples analyzed during the 2014 site assessment detected up to 5,160 µg/L of TPHg, 182 µg/L of TPHd, 1,390 µg/L of benzene, and 466 µg/L of MTBE. Groundwater was encountered between 38.5-40 ft bgs, and the groundwater flow direction was generally to the west and northeast.

Approval for Additional Site Assessment (Per CCR Title 23, §2725)

Based on the results of the 2014 Site Assessment, and to further evaluate the extent of petroleum hydrocarbons in groundwater, Ninyo & Moore in the Report proposed to install three additional groundwater monitoring wells; one west of well MW5, one within Rosecrans Avenue, and one within North Kemp Avenue. Also, a soil vapor survey at the site will also be conducted.

Regional Board staff has reviewed the Report and concurs with implementing the proposed additional site assessment with the following conditions:

1. Before any soil vapor survey is conducted, a detailed workplan must be submitted for this Regional Board review and approval.
2. Soil samples shall be collected at a minimum of five-foot intervals, at changes in soil lithology, and at areas of obvious contamination for geologic logging and preserved per EPA Method 5035 for chemical analysis. All soil samples collected must be field screened for petroleum hydrocarbons using either a Photo Ionization Detector or a Flame Ionization Detector. Offsite soil samples do not need to be analyzed.
3. Onsite Soil samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPHg), total petroleum hydrocarbons as diesel (TPHd) when diesel is identified at the site; and by EPA Method 8260B for benzene, toluene, ethylbenzene and xylenes (BTEX), naphthalene, and fuel oxygenate compounds including methyl tertiary butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) (http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.
4. A technical report detailing the results of this phase of investigation must be submitted to this Regional Board due by **April 15, 2015**. Based on the results from this investigation, your technical report must also contain a workplan for additional work to complete any onsite and/or offsite assessment, if needed.

Groundwater Monitoring Requirements

To monitor groundwater conditions at the site, a groundwater monitoring program must be started at the site and must comply with the following requirements:

1. All wells must be monitored according to the following schedule with the next monitoring report due by **January 15, 2015**.

<u>Reporting Period</u>	<u>Sampling Period</u>	<u>Report Due Date</u>
January – June	April – June	July 15th
July – December	October – December	January 15th

2. Groundwater samples must be analyzed by the same protocol described in the preceding section.
3. In addition, each groundwater monitoring report must include the following:
 - A separate summary table containing current concentrations.
 - A summary table containing all historical data for each well with groundwater depth (or elevation) and well screen intervals.
 - A regional map depicting site vicinity business and street, etc.
 - A plan depicting site location, tank and associated system locations, all well locations and groundwater elevations (contour) with flow gradient and direction.
 - An isoconcentration map for TPH(g), benzene, MTBE, and TBA, respectively.
 - A hydrograph superimposing concentration over time at the most impacted well for TPH(g), benzene and MTBE, and TBA (or at any other wells as warranted).

General Requirements

1. The contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
2. Regional Board staff must be notified 15 days before start of any fieldwork.
3. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

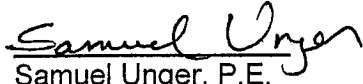
Mr. Rene Juarez
906 W. Rosecrans Avenue, Los Angeles

- 4 -

December 31, 2014

If you have any questions on this matter, please call Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Lynda Arakelian, Sullivan International Group, Inc.
Summer Hansen-Rooks, Ninyo & Moore

STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

JUAREZ CARWASH (T0603797510) - (MAP)

[SIGN UP FOR EMAIL ALERTS](#)

906 ROSECRANS AVE. W.
 COMPTON, CA 90222
 LOS ANGELES COUNTY
 LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
 LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: R-26764
 CASEWORKER: [ARMAN TOUMARI](#)
 LOS ANGELES COUNTY - CASE #: 013492-026764
 CASEWORKER: [RANI IYER](#)
 CASEWORKER: [MANUEL R REGALADO](#)

LTCP CHECKLIST AS OF 12/11/2014

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - The site satisfies the policy general criteria	NO
a. Is the unauthorized release located within the service area of a public water system? <input type="text" value="Name of Water System : City of Los Angeles"/>	YES
b. The unauthorized release consists only of petroleum (info).	YES
c. The unauthorized ("primary") release from the UST system has been stopped.	YES
d. Free product has been removed to the maximum extent practicable (info).	FP Not Encountered
e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed (info). <div style="border: 1px solid black; padding: 5px;"> Description: - Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined - Groundwater Assessment Incomplete - Depth of Contamination Not Defined - Soil Assessment Incomplete - Areal Extent Not Defined - Soil Assessment Incomplete - Depth Unknown </div>	NO
f. Secondary source has been removed to the extent practicable (info). <input type="text" value="Impediment to Removing Secondary Source: - Other - There is no evidence that over-excavation in the UST area has taken place."/>	NO
g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.	YES
h. Does a nuisance exist, as defined by Water Code section 13050 .	NO
1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.	NO
EXEMPTION - Soil Only Case (Release has <u>not</u> Affected Groundwater - Info)	NO
Does the site meet any of the Groundwater specific criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria: Plume Length (That Exceeds Water Quality Objectives) : <ul style="list-style-type: none"> • Unknown 	
2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c	NO
EXEMPTION - Active Commercial Petroleum Fueling Facility	NO
Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria: TPH in the Bioattenuation Zone : <ul style="list-style-type: none"> • ≥ 100 mg/kg Benzene in Groundwater : <ul style="list-style-type: none"> • ≥ 100 µg/l and < 1,000 µg/l 	
3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.	YES
EXEMPTION - The upper 10 feet of soil is free of petroleum contamination	NO
Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?	YES
3.1 - Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in the following table (LINK) for the specified depth below ground surface.	YES
Additional Information	
Should this case be closed in spite of NOT meeting policy criteria?	NO

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**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.8

Kim's ARCO AM/PM Mini Mart

(Renewal)

NO. 6: RENEWAL CASE NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Kim's ARCO AM/PM Mini Mart
311 East Rosecrans Avenue
Compton, CA 90221
APN: 6167-006-005
GeoTracker Global ID: T10000004151
Regional Board Case #: R-11020

Release Date: April 12, 2012
Site Status: Open-Site Assessment
Current Site Use: Construction waste disposal and recycling facility

2. Name and Address of Responsible Parties (RP):

Mr. Yon Kyu Kim and Ms. Ki Sook Kim (Former owner and operator)
17100 S. Park Ln, #135
Gardena, CA 90247
Phone: 310-528-5301 (Kims); 213-533-6347; 310-293-8512 (Carl Westmoreland, son-in-law)
Email: bonicarl@sbcglobal.net (Carl Westmoreland, son-in-law)
Date Acquired: June 18, 1984

Ms. Linda Celeste Kim (Current owner and daughter of previous owners/operators)
17100 S. Park Ln, #135
Gardena, CA 90247
Phone: 818-903-2727
Email: mscelestial111@hotmail.com
Date Acquired: March 12, 2014

3. Corrective Action Directives:

On December 16, 2011, the United States Environmental Protection Agency (USEPA) and the Regional Board jointly issued a *Notice of Non-Compliance* and *Directive to Take Corrective Action* to Mr. Yon Kim, the former owner and operator. This Notice/Directive identified Mr. Kim as a Responsible Party (RP) for the unauthorized releases from the USTs located at the site and required him to take corrective action to address the abandoned USTs and any contamination that may be present at the site. Mr. Kim did not respond to this Notice/Directive.

On December 10, 2012, the Regional Board issued a directive to Mr. Yon Kim and Mrs. Ki Sook Kim requiring them to submit a workplan to the Regional Board to fully delineate the soil and groundwater contamination at the site by January 18, 2013.

On August 29, 2013, the Regional Board issued a *Notice of Violation* (NOV) for not complying with the December 10, 2012 directive.

On January 22, 2014, the Regional Board issued the RPs a notification stating the intent of the Regional Board to nominate the site to the Emergency, Abandoned, and Recalcitrant (EAR) Account. An email notification was also sent to the RPs.

Item 10

On April 10, 2014, the Regional Board nominated the site to the EAR Account Program Annual Priority Site List for Fiscal Year 2014-2015. On June 2, 2014, the State Water Board approved \$150,000 to be allocated for fieldwork.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Magdy Baiady
Phone: (213) 576-6699
Email: mbaiady@waterboards.ca.gov

5. Description of Unauthorized Release:

According to the *Site Investigation Report*, prepared by Sullivan International Group, Inc. for USEPA (June 6, 2012), three 10,000-gallon gasoline and one 2,500-gallon waste oil USTs were removed from the site on April 12, 2012.

Soil samples were collected during the UST removals from beneath the tank invert elevations; from between 9 and 12 feet below ground surface (ft bgs) and below product distribution lines at 3 ft bgs, and adjacent to the former dispenser islands at the same depth. Maximum contaminant concentrations detected for the analyzed soil samples are as follows:

- 10,000 mg/kg for total petroleum hydrocarbons in the gasoline range (TPH_G)
- 3,300 mg/kg for total petroleum hydrocarbons in the diesel range (TPH_D)
- 16 mg/kg for benzene,
- 310 mg/kg toluene,
- 210 mg/kg ethylbenzene,
- 1,000 mg/kg total xylenes,
- 0.033 mg/kg MTBE
- 170 mg/kg naphthalene, and
- 48 mg/kg tertiary butyl alcohol (TBA).

The report also indicated that the product piping, dispenser islands and awning are still present onsite, along with the remnants of garage bays with hydraulic lifts along the eastern side of the property. Environmental samples were not collected in the garage bays; therefore, the environmental condition in this area remains unknown.

6. Justification for Nomination to EAR Account Program:

The RPs are recalcitrant due to an inability to pay. They have failed to conduct further investigation to determine the lateral and vertical extent of soil and/or groundwater contamination at the site as required. Further formal enforcement action could result in monetary penalties being assessed for non-compliance. However, this approach may be counterproductive due to the RPs' financial condition. The EAR Program offers the alternative of proceeding with environmental assessment and cleanup, at the State's initial expense, while placing a lien on the property to recover State expenditures.

Item 10

7. Reason for Failure of Responsible Party to Complete Required Action:

USEPA conducted an *Ability to Pay Analysis*, which indicated that the RPs currently have no ability to pay for the required assessment and cleanup work. Therefore, the RPs cannot afford to hire an environmental consultant to do the required fieldwork at the site.

Pursuant to a Cooperative Agreement and in-kind workplan between the State Water Resources Control Board and USEPA for Leaking Underground Storage Tanks (LUST) activities (97952501-4), USEPA provided funding through an interagency agreement with the US Army Corp of Engineers to utilize LUST Trust Funds for performing work at the site. However, additional LUST Trust Funds are not available for further site investigations.

8. Documentation of Any Disputes between Responsible Party and Agency:

None.

9. Actions Taken by the RP:

To support their inability to pay claim, the RPs provided financial information to USEPA for an *Ability to Pay Analysis*, so the site could qualify for the use of Federal LUST Trust Funds for the initial site investigation, which concluded in April 2012. The RPs have also granted site access to USEPA's Contractor, Sullivan International Group, Inc., in order to conduct the initial site investigation.

On May 21, 2013, Mr. Yon Kim submitted a letter to the Regional Board stating that they are currently in the process of applying for environmental cleanup funding through the State Water Resources Control Board's (SWRCB's) Replacing, Removing or Upgrading Underground Storage Tanks (RUST) Program as required and also intend to build auto mechanic facilities on the property in the future. Their RUST application was not approved.

On May 31, 2013, USEPA Contractor Lynda Arakelian (Sullivan International Group, Inc.) received a phone call from Linda Celeste Kim (current owner and daughter of former owner/operator), stating that her parents had hired Cardino Consulting and were planning to fill out paperwork to apply for the State Water Board's UST Cleanup Fund, in order to conduct the required follow-up site investigation. Ms. Arakelian provided Ms. Kim with information on the State Water Board's Orphan Site Cleanup Fund (OSCF) in case her parents decided that they want to sell the property. The RPs are not eligible for the OSCF because they were the operators of the USTs that caused the contamination at the site.

On July 23, 2013, Ms. Arakelian received a call from the property owners' son-in-law, Mr. Carl Westmoreland, stating the RPs are researching funding options and want to keep the property so they can lease it. Ms. Arakelian sent Mr. Westmoreland information about the State Water Board's UST Cleanup Fund and the Emergency, Abandoned, Recalcitrant (EAR) Account.

On October 1, 2013, Ms. Arakelian called Ms. Linda Celeste Kim, who indicated that her parents are trying to sell the property, but haven't been able to find an interested buyer to apply for the OSCF. Ms. Arakelian contacted the City of Compton to see whether they were interested in applying to the OSCF, but the City stated they were not able to assist, since they have no plans to redevelop the property at this time and are unaware of any interested buyers or developers.

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On October 8, 2013, Ms. Arakelian informed Ms. Linda Celeste Kim that the City of Compton would not apply for the OSCF and that the EAR Account may be the best option for the property. Ms. Arakelian again provided information about the State Water Board's EAR Account.

On January 7, 2014, Ms. Arakelian received a call from Frank Kotch (Reynolds Group), stating that the RPs had hired him to assist with applying to the UST Cleanup Fund and that they were currently leasing the property to occupants that were in the process of cleaning up debris and waste that had been dumped on the vacant property. However, the RPs are not eligible for the UST Cleanup Fund because they remain out of compliance with Regional Board directives.

In a phone conversation held on November 6, 2014, between Ms. Arakelian and Mr. Carl Westmoreland, former son-in-law of Mr. Yon Kyu Kim and Ms. Ki Sook Kim, Mr. Westmoreland stated that the property had been transferred from Yon Kyu Kim to his daughter Linda Celeste Kim. He further stated that the property was now being leased to a trucking and waste disposal company.

In a phone conversation and email, both dated December, 2, 2014, Frank Kotch of the Reynolds Group stated that the site did not qualify for the General UST Cleanup Fund due to the accrued tank permit fees and penalties, and was not eligible for the OSCF because the RPs are responsible for contributing to the release. Mr. Kotch also stated that the Reynolds Group had tried to enroll the Site into the RUST program but without success.

10. Investigation/Remedial Efforts Completed:

No additional remediation, beyond the initial UST removal and soils investigation completed in April 2012, has been completed.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Site data was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria in an effort to see whether the site could be closed under the new policy. The review concluded that the following criteria have not been met:

- General (see attached LTCP evaluation form):
 - Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination (if present in groundwater) has not been assessed and the hydrogeology has not been adequately defined.
- Groundwater – Contamination to groundwater has not been assessed; however, site soils contain sufficient contaminant concentrations to potentially threaten groundwater quality.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated for future construction. Soil samples collected below the pipelines and former dispenser locations had concentrations of TPH_D >100 mg/kg at 3 ft bgs. Concentrations of benzene in groundwater are also unknown.
- Direct Contact and Outdoor Air Exposure – Based on soil sample analytical data collected during the UST removals, concentrations are below the maximum allowable concentrations

Item 10

outlined in the LTCP; however, the lateral and vertical extent of the soil contamination is unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, soil and groundwater sampling needs to be conducted to determine the lateral and vertical extent of contamination at the site. Although no groundwater was encountered during UST removal, depth to groundwater is estimated to be approximately 28-33 feet bgs and may have been impacted by the petroleum hydrocarbon release. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the magnitude of contamination, plume extent and stability, as well as determining relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Allocated for 2014 Nomination
 - \$150,000 in annual funding was allocated in 2014. No funds were encumbered.
- Funding Requested for 2015 Nomination
 - \$50,000 in additional funding is requested for 2015-2016 fiscal year based on an escalation of expected site assessment charges for field work to be performed. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

If EAR funding is denied, migration of the plume towards municipal production wells located within 1/3 of a mile is possible. Furthermore, since the extent of contamination remains unknown, and because of the RP's failure to comply, the site could continue to cause community blight and environmental risk, indefinitely. Should the site be redeveloped, contamination at the site could pose an unacceptable human health risk due to possible exposure to petroleum vapors migrating from soil and/or groundwater to indoor air and other unknown contaminants. The site has been vacant since the Los Angeles Civil Riots of 1992 and remains a magnet for waste dumping and illegal activity. The contamination present is a barrier to redevelopment of the site.

15. Attachments

1. December 16, 2011, U.S. States Environmental Protection Agency and Regional Board Joint Notice of Non-Compliance and Directive to Take Corrective Action
2. December 10, 2012 Regional Board Directive
3. May 21, 2013, correspondence from RP to the Regional Board
4. August 29, 2013 Regional Board *Notice of Violation*
5. January 22, 2014 Regional Board *EAR Notification Letter*
6. Low Threat Closure Policy Evaluation Form



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
LOS ANGELES REGIONAL WATER QUALITY
CONTROL BOARD
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

December 16, 2011

Yon Kyu Kim
Kims Arco AM/PM Mini Mart
2000 Alaskan Way Apt. 152
Seattle, WA 98121-2199

Certified Mail

Return Receipt:7008-1830-0002-6279-2928

Kims Arco AM/PM Mini Mart
127 Citrine Court
Gardena, CA 90248-3383

Certified Mail

Return Receipt: 7008-1830-0002-6279-2935

Subject: **Notice of Non-Compliance and Directive to Take Corrective Action**
Regarding: Kim's Arco AM/PM Mini Market
Former Underground Storage Tanks (UST) Facility
Parcel #6167-006-005
301/311 E. Rosecrans Avenue, Compton, CA 90220

Dear Yon Kyu Kim:

Over the past year, the California Regional Water Quality Control Board and the United States Environmental Protection Agency (herein "the Agencies") have been investigating sites with abandoned USTs and contamination from USTs near I-710 from Downtown Los Angeles to Long Beach. Based on our investigations and evaluations, you were identified as the responsible party for underground storage tanks located at the former Kim's Arco AM/PM Mini Market (herein "the site"), 301/311 East Rosecrans Avenue, in Compton.

The Agencies require you to take action now to address the abandoned USTs and any contamination at the site. Based on data from the State of California Cleanup Fund, the average cost of a tank removal may range from a low of approximately \$10,000 (for a site with minimal or no contamination) to 1 million or more (for sites with extensive contamination).

Within 30 days from the date of this letter, you are required to take one of the following three actions:

Option 1 – Remove Tanks and Associated Piping, and Investigate Potential Contamination

Submit a letter of intent to remove the tanks and investigate potential contamination at the site, contact Joel Coffman of the US EPA (415) 972-3530 to discuss the process no later than 30 days from the date of this letter.

Option 2 – Dispute your Responsibility

If you believe you are not responsible for this site and the tanks at the site, please provide a letter describing why you are not responsible along with any evidence supporting this claim.

Option 3 – Claim of Inability to Pay for the Required Work

If you do not believe you are able to pay for the required UST removal and investigation, complete the enclosed financial information form, provide copies of your tax returns for the last five years, and sign the enclosed right of entry that will allow the Agencies and their agents to access the property to investigate contamination at the property.

More detailed instructions for each of the options are provided in Attachment I.

Mailing Instructions

Your response should be sent within 30 days from the date of this letter to:

La Donna Thomas
Underground Storage Tanks Program
U.S. EPA Region 9 (WST-8)
75 Hawthorne Street
San Francisco, CA 94105

Facsimile: (415) 947-3530
Email: Thomas.LaDonna@epa.gov

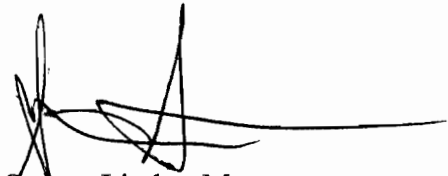
Failure to Respond to this Directive

If you do not respond to this directive within 30 days from the date of this letter, the US EPA and/or the State of California may take action to conduct the site assessment and cleanup activities. If US EPA or the State of California incurs such costs, the Agencies may take legal action to recover costs and/or place a lien on the property.

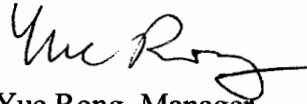
Failure to properly close an UST system and failure to conduct a site assessment upon UST closure are violations of federal regulations (40 CFR§ 280.71(b) and 40 CFR§ 280.72(a) respectively) that can result in penalties up to \$16,000 per tank per day.

In addition, California Health and Safety Code Chapter 6.7, section 25299 allows for penalties up to \$5,000 per tank per day for failure to properly close an underground storage tank, failure to maintain records, and for failure to monitor and test underground storage tanks.

Should you have any questions about this letter or the requirements described, please contact, La Donna Thomas of USEPA at 415-972-3375 or Laurie Amaro of USEPA at 415-972-3364.



Steven Linder, Manager
US EPA, Regional 9
Underground Storage Tanks Program



Dr. Yue Rong, Manager
Regional Water Quality Control Board
Los Angeles, Region 4

cc: Tim Smith, Los Angeles County



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 10, 2012

Mr. and Mrs. Yon Kim
127 Citrine Court
Gardena, CA 90248

Certified Mail
Return Receipt Requested
7005 0390 0000 4137 7171

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES - PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER KIM'S ARCO AM/PM MINI MART (PRIORITY B-2)
311 EAST ROSECRANS AVENUE, COMPTON, CALIFORNIA (CASE NO. R-11020)**

Dear Mr. & Mrs. Kim:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background:

The site is located at 301/311 East Rosecrans Avenue in Compton, California. The site was an Arco service station till 2000 when the station was removed. The site is currently a vacant lot. The surrounding land use is a mix of residential commercial and light industrial properties.

In April 2012, three 10,000-gallon gasoline and one 2,500-gallon waste oil USTs were removed from the site. Twenty one soil samples were collected from beneath the USTs, dispenser island and soil stockpile. Soil samples taken during this time detected total petroleum hydrocarbon (TPHg) of 10,000 mg/kg, TPHd of 3,300 mg/kg, benzene of 16 mg/kg, toluene of 310 mg/kg, ethylbenzene of 210 mg/kg, xylenes of 1,000 mg/kg, tertiary butyl alcohol (TBA) of 48 mg/kg, and naphthalene of 170 mg/kg. Methyl tertiary butyl ether (MTBE) was not detected beneath the site.

Based on an identified release and potential impact to groundwater, the site was transferred to this Regional Board on July 9, 2012, from the County of Los Angeles Department of Public Works.

Regional Board staff reviewed the available information in the file and the surrounding area and determined that further investigation is required to evaluate the extent of contamination present beneath the site from the former USTs.

Requirement for a Workplan (Per CCR Title 23, Chapter 16, §2725)

According to the above assessment data, the soil and groundwater beneath the site are contaminated with petroleum hydrocarbons. However, the lateral and vertical extents of the contamination have not been established. Therefore, you are required to submit a workplan to fully delineate the soil and groundwater contamination at the site to this Regional Board by January 18, 2013. Your workplan must include a proposal to install a sufficient number of soil borings and groundwater monitoring wells at strategic locations, including at offsite areas if needed.

Regulatory Requirement for Electronic Submission of Laboratory Data to the State Geotracker Internet Database

Regulations in Chapter 30, Division 3 of Title 23 of California Code of Regulations (CCR), require persons to ensure electronic submission of laboratory analytical data (i.e., soil or water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), via the Internet to the SWRCB's GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

In accordance with the above regulations, you are required to submit all future laboratory data over the Internet in the Electronic Deliverable Format to the SWRCB's GeoTracker database for any soil and/or groundwater samples obtained after September 1, 2001. This would include any sampling completed for underground storage tank system removal, site assessment activities, periodic groundwater monitoring, and post cleanup verification sampling. Per the same regulations, you are also required to submit locational data for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data) together with groundwater information (i.e., elevation, depth to free product, monitoring well status, etc.) and a site map commencing January 1, 2002. Hard copy paper reports are no longer required per Regional Board guidelines available at http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/e-qmr_guideline.pdf

E-Report Submittals

Effective November 1, 2011, Regional Board implemented a *Paperless Office System*. Interested parties were notified of this intent in a letter dated October 20, 2011. The announcement can be seen at:

<http://www.waterboards.ca.gov/losangeles/resources/Paperless/>

For all parties who upload electronic documents to State GeoTracker database, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements (Per CCR, title 23, §2727)

1. The contractor who conducts the environmental work as required in this directive shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

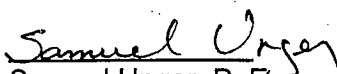
Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this order, except that if the thirtieth day following the date of this order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

If you have any questions regarding this matter, please call Mr. Magdy Baiady at (213) 576-6699. You may also reach him through his e-mail address: mbaiady@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Mr. and Mrs. Yon Kim
Kim's Arco Am Pm Mini Market

- 4 -

December 10, 2012

cc:

Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.

May 21, 2013

To: Magdy Baiady

Letter of Intent

Re: 301-311 #. Rosecrans Ave. Compton, CA 90221

From: Yon Kyu Kim


RECEIVED

2013 MAY 31 PM 1 49

CALIFORNIA WATER
QUALITY CONTROL BOARD
LOS ANGELES DIVISION

This letter is to state my intentions with the property at 301 E. Rosecrans Ave in Compton, Ca. 90221. I do not plan to sell nor give away this property. I am in the process of completing the clean-up through the RUST Program as required by the State Water Resources Control Board. I plan to build auto mechanic facilities on the property.

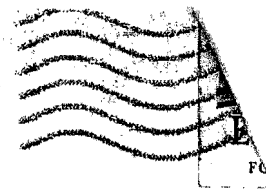
Sincerely,


Yon Kyu Kim

Yon. Kyu Kim
17100 South Park Lane #135
Gardena CA 90247

LOS ANGELES CA 900

30 MAY 2013 PM 12 L



California Regional Water Quality Control Board
Attn: Magdy Baiady
320 West fourth Street, Suite 200
Los Angeles, CA. 90013

90013234350





EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 29, 2013

Mr. and Mrs. Kim
127 Citrine Court
Gardena, CA 90248

Certified Mail
Return Receipt Requested
Claim No. 7011 2970 0000 0645 1324

NOTICE OF VIOLATION - FAILURE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.

**KIM'S ARCO AM/PM MINI MARKET (PRIORITY CASE B-2)
311 EAST ROSECRANS AVE., COMPTON, CA (CASE NO. R-11020)**

Dear Mr. and Mrs. Kim:

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

Delinquent Technical Report

On August 6, 2009, the Regional Board staff issued correspondence notifying you that the subject site (site) had been transferred to this Regional Board by the County of Los Angeles Department of Public Works (LADPW). The August 6, 2009 letter also required you to submit a technical report containing information regarding the site by September 7, 2012. As of today, this Regional Board has not received the required technical report.

Delinquent Workplan

Based on the available information, Regional Board staff determined that the soil and groundwater beneath the site were contaminated with petroleum hydrocarbons, however, the lateral and vertical extent of the contamination has not been established. In a directive letter dated December 10, 2012, Regional Board Executive Officer directed you to submit a workplan to fully delineate the soil and groundwater contamination at the site by January 18, 2013 pursuant to California Code of Regulations, title 23, Chapter 16, §2724.

As of today, this Regional Board has not received the required workplan and hereby notifies you that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2724. You must submit the required workplan immediately.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

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♻️ RECYCLED PAPER

Mr. and Mrs. Kim
127 Citrine Court, CA 90248

- 2 -

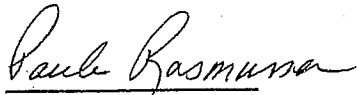
August 29, 2013

a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board reserves its rights to take any further enforcement action authorized by law.

If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 (yrong@waterboards.ca.gov), Dr. Yi Lu at (213) 576-6695 (ylu@waterboards.ca.gov), or Mr. Magdy Baiady at (213) 576-6699 (Mbaiady@waterboards.ca.gov).

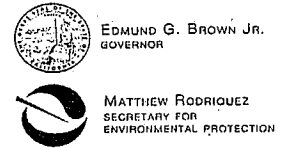
Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures: Order dated December 10, 2012

Cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
State Water Resources Control Board, UST Cleanup Fund
Tim Smith, County of Los Angeles Department of Public Works
Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Linda Arakelian, Sullivan International Group Inc.,



Los Angeles Regional Water Quality Control Board

January 22, 2014

Mr. Yon K. Kim & Ms. Ki Sook Kim
127 Citrine Court
Gardena, CA 90248

Via Certified Mail
Return Receipt Requested
7011 2970 0000 0645 1508

**EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
KIM'S ARCO AM/PM MINI MART (Priority B-2 Site)
311 EAST ROSECRANS AVENUE, COMPTON, CA 90221 (File No. R-11020) (Global ID. T10000004151)**

Dear Mr. & Ms. Kim:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

On August 6, 2012, the Regional Board issued you a directive letter requiring you to submit additional information on the Site by September 7, 2012. No information was received by the deadline.

On December 10, 2012 the Regional Board issued you a directive letter (copy attached) requiring you to submit a workplan to fully delineate the soil and groundwater contamination at the Site by January 18, 2013. No workplan was submitted by the deadline.

On May 21, 2013, you submitted a letter to the Regional Board stating that you were in the process of completing site cleanup through the Replacing, Removing, or Upgrading

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

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Underground Storage Tanks (RUST) Program, administered by the State Water Resources Control Board (State Water Board).

On August 29, 2013 the Regional Board issued you a Notice of Violation letter (copy attached) requiring the immediate submittal of a work plan to fully delineate the soil and groundwater contamination at the Site. Again, no workplan was submitted. As of today, this Regional Board has not received the required workplan.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to your non-compliance at the Site, we hereby notify you of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Board. The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website:


http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Magdy Baiady at (213) 576-6699. You may also e-mail him at mbaiady@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Regional Board Letter dated December 10, 2012*
(b) *Regional Board Notice of Violation dated August 29, 2013*

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.

STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

KIM'S ARCO AM PM MINI MARKET (T10000004151) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

311 ROSECRANS AVENUE EAST
COMPTON, CA 90221
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: R-11020

CASEWORKER: [MAGDY BAIADY](#)

LOS ANGELES COUNTY - CASE #: 011030-011020

CASEWORKER: [PHILLIP GHARIBIANS-TABRIZI](#)

LTCP CHECKLIST AS OF 5/19/2014

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - The site satisfies the policy general criteria

NO

a. Is the unauthorized release located within the service area of a public water system?

YES

Name of Water System : City of Compton

b. The unauthorized release consists only of petroleum ([info](#)).

YES

c. The unauthorized ("primary") release from the UST system has been stopped.

YES

d. Free product has been removed to the maximum extent practicable ([info](#)).

FP Not Encountered

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

NO

Description:
- GW Not Evaluated

f. Secondary source has been removed to the extent practicable ([info](#)).

NO

Impediment to Removing Secondary Source:
- Remediation Has Not Been Attempted

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.

YES

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c

YES

EXEMPTION - Active Commercial Petroleum Fueling Facility

YES

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.

YES

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

YES

Additional Information

Should this case be closed in spite of NOT meeting policy criteria?

NO

10-150

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**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.9

Former M & M Texaco Service Station

(Renewal)

NO. 7: RENEWAL CASE NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Former M & M Texaco Service Station
21212 Alameda Street, South
Carson, CA 90810
APN: 7308-012-014
GeoTracker Global ID: T0603705298
Regional Board Case No.: R-20297

Release Date: February 29, 1996
Site Status: Open-Site Assessment
Current Site Use: Vacant Lot with Unoccupied Building

2. Name and Address of Responsible Parties (RP):

Buford T. Smith Family Trust
c/o Mr. Garrett Harper & Ms. Pamela Smith-Harper
3553 Atlantic Avenue, #2
Long Beach, CA 90807
Phone: (562) 761-3052 (Garrett Harper)/ (562) 989-0218 (Pamela Smith-Harper)
Email: gthlb@aol.com (Garrett Harper)
Date Acquired: September 16, 1980

3. Corrective Action Directives:

On July 15, 2009, the Los Angeles County Department of Public Works (LACDPW) referred this case to the Regional Board due to groundwater impacts at the subject site (Site).

On August 28, 2013, the Regional Board issued a directive to the Buford T. Smith Family Trust, in care of Ms. Pamela Harper, granting a deadline extension of a required site assessment report until November 22, 2013, in response to an extension request submitted by the RP on November 14, 2012. The directive also notified the RP of the Regional Board's intent to nominate the Site for the Emergency, Abandoned, and Recalcitrant (EAR) Account Program, should they not comply with the requirements set forth in the directive.

On October 8, 2013, the Regional Board issued a directive to the Buford T. Smith Family Trust, in care of Ms. Pamela Harper, denying a second extension request for submittal of the required site assessment report, submitted on September 11, 2013. The directive again notified the RP of the Regional Board's intent to nominate the Site for the EAR Account Program should they not comply with the requirements set forth in the directive. No response was received.

On January 30, 2014, the Regional Board issued a *Notice of Violation* (NOV) to the Buford T. Smith Family Trust, in care of Ms. Pamela Harper, for not submitting the required technical report.

On April 9, 2014, the Regional Board nominated the site to the EAR Account Program Annual Priority Site List for Fiscal Year 2014-2015 with a request that \$150,000 be allocated for fieldwork.

Item 10

On November 13, 2014, the Regional Board issued a *Requirement to Take Corrective Action* to the Buford T. Smith Family Trust, in care of Ms. Pamela Harper, requiring that the RP submit a workplan to install groundwater monitoring wells at the Site by November 28, 2014. The letter also notified the RP that the Site would be nominated again to the EAR Account Program Annual Priority Site List for Fiscal Year 2015-2016. No workplan was received by the deadline.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Arman Toumari
Phone: (213) 576-6708
Email: arman.toumari@waterboards.ca.gov

5. Description of Unauthorized Release:

On June 16, 2000, an *Underground Storage Tank (UST) Removal Report*, prepared by Vapor Extraction Technology, Inc. on behalf of Ms. Pamela Harper, was submitted to the Los Angeles County Department of Public Works (LACDPW). According to the report, two 10,000-gallon diesel USTs, one 4,000-gallon diesel UST, and one 10,000-gallon gasoline UST, dispenser islands, and product piping were removed from the site on May 25, 2000. Maximum soil concentrations encountered at the site were as follows:

- 18,000 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_G) at 3.5 feet below ground surface (bgs) below the former dispenser island,
- 63,000 mg/kg total petroleum hydrocarbons in the diesel range (TPH_D) at 3.5 feet bgs below the former product piping,
- 120 mg/kg benzene at 3.5 feet bgs below the former dispenser island,
- 1,800 mg/kg toluene at 3.5 feet bgs below the former dispenser island,
- 490 mg/kg ethylbenzene at 3.5 feet bgs below the former dispenser island,
- 2,900 mg/kg total xylenes at 3.5 feet bgs below the former dispenser island, and
- 110 mg/kg methyl-tert butyl ether (MTBE) at 3.5 feet bgs below the former dispenser island.

On June 30, 2014, a *Site Characterization Report*, prepared by Northstar Environmental Remediation on behalf of the Buford T. Smith Family Trust, was submitted to the Regional Board. According to the report, fifteen (15) soil borings were advanced at the Site, to a maximum depth of 40 feet bgs, between April 2 and April 4, 2014. Soil samples were collected at 5 foot intervals, and groundwater grab samples were collected from ten (10) of the borings. Maximum soil concentrations encountered at the site were as follows:

- 230 mg/kg TPH_G at 30 feet bgs in soil boring SB-7 at the south end of former UST No. 2,

Item 10

- 16,000 mg/kg TPH_D at 10 feet bgs in soil boring SB-2 at the east end of former UST No. 1,
- 0.017 mg/kg benzene at 30 feet bgs in soil boring SB-3 at the west end of former UST No. 1,
- 0.099 mg/kg toluene at 30 feet bgs in soil boring SB-3 at the west end of former UST No.1, and at 30 feet bgs in soil boring SB-10 adjacent to the former location of the east dispenser island,
- 0.110 mg/kg ethylbenzene at 10 feet bgs in soil boring SB-2 at the east end of former UST No 1,
- 0.076 mg/kg total xylenes at 5 feet bgs in soil boring HA-4 to the east of the former office and shop,
- 23 mg/kg MTBE at 30 feet bgs in soil boring SB-7 at the south end of former UST No. 2,
- 12 mg/kg naphthalene at 10 feet bgs in soil boring SB-2 at the east end of former UST No. 1.

Maximum groundwater concentrations encountered at the site were as follows:

- 3,100 micrograms per liter (µg/L) MTBE in the grabwater sample collected from soil boring SB-10,
- TPH_G, TPH_D, benzene, toluene, ethylbenzene and total xylenes were not reported above laboratory detection limits in the groundwater samples analyzed.

No additional site assessment has been conducted to establish delineation of the petroleum hydrocarbon plume.

6. Justification for Nomination to EAR Program:

The Buford T. Smith Family Trust (RP) is recalcitrant. The RP has failed to conduct further investigations to determine the lateral and vertical extent of soil and/or groundwater contamination at the site. They are out of compliance with the most recent Regional Board directive dated November 13, 2014, which required a workplan for the installation of monitoring wells to be submitted by November 28, 2014.

The State Water Board rejected the RP's UST Cleanup Fund claim application because the RP did not respond to the State Water Board's request for documentation/information necessary to determine eligibility to enroll in the fund. One of the main issues was permitting; as it has been difficult to determine whether the RP was in compliance with permitting requirements and/or if they were eligible for a permit waiver. Also, the claim will not be considered by the State Water Board for UST Cleanup Fund eligibility until the site is in compliance with Regional Board directives.

7. Reason for Failure of Responsible Party to Complete Required Action:

According to correspondence on November 14, 2012 from the RP's consultant, Northstar, the RP lacks funding and is waiting for the site to be accepted into the UST Cleanup Fund. However, to date, no formal ability to pay analysis has been conducted.

8. Documentation of Any Disputes between Responsible Party and Agency:

On March 13, 2014, Northstar sent a letter to the Regional Board on behalf of the Buford T. Smith Family Trust, which disputed the Site's eligibility for the EAR Account and reiterated that they intend to proceed with field activities once permits are issued by Los Angeles County.

9. Actions Taken by the RP:

A *Workplan for Site Assessment Activities*, dated August 29, 2012, was submitted to the Regional Board by Northstar on behalf of the RP. The Workplan proposed to advance 10 soil borings (SB-1 through SB-10) to a maximum depth of 40 feet bgs, near the former UST farm and dispenser islands. Northstar proposed to terminate the drilling of each soil boring once 15 feet of clean, non-impacted soil had been observed after advancing beyond 40 feet bgs; or, if groundwater was encountered. If groundwater was encountered, a groundwater grab sample was to be collected and submitted, along with the soil samples, for onsite laboratory analyses by a mobile laboratory.

Regional Board staff is aware that the RP is requesting reconsideration of the State Water Board's initial rejection of their UST Cleanup Fund application in March 2013.

On February 21, 2014, Northstar responded to the Regional Board on behalf of the Buford T. Smith Family Trust, stating that they are proceeding with implementation of the approved workplan dated September 25, 2012. They also claimed they had already applied for boring permits from the County of Los Angeles, despite not having received a response from the General Cleanup Fund regarding their application.

On June 30, 2014, Northstar, on behalf of the Buford T. Smith Family Trust, submitted a *Site Characterization Report* to the Regional Board. The report detailed the advancement of fourteen (15) soil borings and the collection of 41 soil and ten (10) groundwater samples at the Site. Results indicated petroleum constituents were present in soil and groundwater at the Site, and had yet to be fully delineated.

10. Investigation/Remedial Efforts Completed:

The 2000 *UST Removal Report* and 2014 *Site Characterization Report* are the only reports documenting investigations completed at the Site. No remedial efforts have been conducted.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Site data was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see if the site could be closed under the policy. The following LTCP criteria were not met:

- General (see attached LTCP evaluation form).
- Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination has not been assessed and the hydrogeology has not been adequately defined.

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- Groundwater – The lateral extent of the dissolved phase plume has not been delineated, and concentrations of MTBE exceeded 1,000 µg/L in three (3) of the grab water samples recovered during the April 2014 site assessment.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated for future construction. The bio-attenuation zone is compromised with total petroleum hydrocarbons (TPH) exceeding 100 mg/kg in soil samples recovered from 5 and 10 feet bgs. Soil samples collected from below the former product dispensers had concentrations of TPH_G and TPH_D >100 mg/kg at 3.5 ft bgs. The concentration of benzene in groundwater is also unknown.
- Direct Contact and Outdoor Air Exposure – One of the criteria for LTCP consideration requires delineation of the lateral and vertical extent of the soil contamination, however this is unknown. Based on soil sample analytical data collected and analyzed during the UST removals, the residual concentrations of benzene and ethylbenzene in soil exceeded allowable concentrations under the LTCP.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, further investigation of the lateral and vertical extent of soil and groundwater contamination needs to be conducted at the Site. It is unknown whether groundwater was encountered during UST removal; however, depth to groundwater is estimated to be approximately 28 feet bgs in the area and may have been impacted by the UST release. Groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Allocated for 2014 Nomination
 - \$150,000 in annual funding was allocated in 2014. No funds were encumbered.
- Funding Requested for 2015 Nomination
 - \$50,000 additional funding is requested for 2015-2016 fiscal year based on an escalation of expected site assessment charges for field work to be performed. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

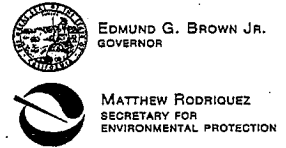
If EAR funding is denied, migration of the groundwater plume towards municipal production wells, located within ½ mile southeast of the site, is possible. Furthermore, since the extent of contamination remains unknown and because of the RP's failure to comply, the site could continue to be undeveloped and pose a risk to water quality, indefinitely until remediated.

15. Attachments:

1. August 28, 2013, Regional Board directive for delinquent technical report
2. October 8, 2013, Regional Board time extension denial letter
3. January 30, 2014, Regional Board *Notice of Violation*

Item 10

4. November 13, 2014, Regional Board Requirement to Take Corrective Action
5. Low Threat Closure Policy Evaluation Form



Los Angeles Regional Water Quality Control Board

August 28, 2013

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 000 4661 2520
Return Receipt Requested

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER M&M TEXACO SERVICE
21212 SOUTH ALAMEDA STREET, CARSON, CA (CASE NO. R-20297) (PRIORITY B-2 SITE)**

Dear Ms. Harper:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background:

On May 25, 2000, two 10,000-gallon diesel USTs, one 4,000-gallon diesel UST, and one 10,000-gallon gasoline UST were removed from the Site. Soil samples collected from the UST excavation, beneath the former dispensers and beneath former product piping, detected up to 18,000 milligrams per kilogram (mg/kg) total petroleum hydrocarbons as gasoline (TPH_G), 63,000 mg/kg total petroleum hydrocarbons as diesel (TPH_D), 120 mg/kg benzene, 580 mg/kg toluene, 490 mg/kg ethylbenzene, 2,900 mg/kg xylenes, and 110 mg/kg methyl-tert butyl ether (MTBE).

On July 23, 2009, the Los Angeles County Department of Public Works referred this case to the Regional Board due to concerns of groundwater impacts from the Site.

On August 29, 2012, Northstar Environmental Remediation (Northstar) submitted the "Workplan for Site Assessment Activities" (Workplan) on your behalf, as representative of the Buford T. Smith Family Trust, in response to the February 17, 2012 directive letter. The workplan proposed to advance 10 soil borings (SB-1 through SB-10) to a maximum depth of 40 feet below ground surface (ft bgs) near the former UST farm and the dispenser islands. Northstar proposed to terminate the drilling of each soil boring when 15 ft of clean, non-impacted soil has been observed after advancing beyond 40 ft bgs; or, groundwater is encountered. If groundwater is encountered, Northstar proposed collecting and submitting a groundwater grab sample, along with the soil samples, for onsite laboratory analyses by a mobile laboratory.

On September 25, 2012, the Regional Board issued a letter to the Buford T. Smith Family Trust (c/o Pamela Harper), approving the Workplan and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On November 14, 2012, Northstar sent a letter to the Regional Board, requesting a deadline extension for the technical report until the Cleanup Fund accepts the site and issues a letter of commitment.

Based on the available information, the Regional Board requires further investigation to evaluate the lateral and vertical extent of contamination present on-site from the former USTs, product dispensers, and product piping. You are required to submit the technical report detailing the results of the investigation, as directed in the September 25, 2012 letter conditionally approving the *Workplan for Site Assessment Activities*, dated August 29, 2012. The report is due to this Regional Board by **November 22, 2013**.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

If you do not comply with the requirements set forth in this letter, we may nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. A contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Regulatory Requirement for Electronic Submission of Laboratory Data to the State GeoTracker Internet Database

On September 30, 2004, the State Water Board adopted the resolution to revise regulations in Chapter 30, Division 3 of Title 23 of California Code of Regulations (CCR), which requires persons to ensure electronic submission of laboratory analytical data (i.e., soil and water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), via the Internet to the State Water

Board's GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

In accordance with the above regulations, you are required to submit all future laboratory data over the Internet in the Electronic Deliverable Format to the State Water Board's GeoTracker database for any soil and/or groundwater samples obtained after September 1, 2001. This would include any sampling completed for underground storage tank removal, site assessment activities, periodic groundwater monitoring and post cleanup verification sampling. Per the same regulations, you are also required to submit locational data for all groundwater information (i.e., elevation, depth to free product, monitoring well status, etc.)

General Requirements (Per CCR, title 23, §2727)

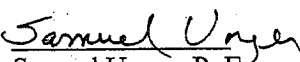
1. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please contact Dr. Yi Lu at (213) 576-6695 or ylu@waterboards.co.gov or Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Robert K. Tweidt, Northstar Environmental Remediation



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

October 8, 2013

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 000 4661 2537
Return Receipt Requested

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER M&M TEXACO SERVICE
21212 SOUTH ALAMEDA STREET, CARSON, CA (CASE NO. R-20297) (PRIORITY B-2 SITE)**

Dear Ms. Harper:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

On September 25, 2012, the Regional Board issued a letter to the Buford T. Smith Family Trust (c/o Pamela Harper), approving the Workplan and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On November 14, 2012, Northstar Environmental Remediation, on behalf of the Buford Smith Trust, sent a letter to the Regional Board, requesting a deadline extension for the technical report until the Cleanup Fund accepts the site and issues a letter of commitment.

On August 28, 2013, the Regional Board issued a letter to the Buford T. Smith Family Trust (c/o Pamela Harper) directing you to submit a technical report detailing the results of the approved workplan for site assessment activities by November 22, 2013.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-162

♻️ RECYCLED PAPER

On September 11, 2013, Northstar Environmental Remediation on behalf of the Buford Smith Trust, sent a letter to the Regional Board, requesting a deadline extension for the technical report until the Cleanup Fund accepts the site and issues a letter of commitment. This is the second extension request submitted.

Please note that the Cleanup Fund is merely a reimbursement account, and performing required site assessments is not predicated on the acceptance of the case by the Cleanup Fund. Therefore, your extension request is denied. The technical report is due to this Regional Board by **November 22, 2013**.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

If you do not comply with the requirements set forth in this letter, and if the required technical report is not received by **November 22, 2013**, we may nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. A contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Regulatory Requirement for Electronic Submission of Laboratory Data to the State GeoTracker Internet Database

On September 30, 2004, the State Water Board adopted the resolution to revise regulations in Chapter 30, Division 3 of Title 23 of California Code of Regulations (CCR), which requires persons to ensure electronic submission of laboratory analytical data (i.e. soil and water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), via the Internet to the State Water Board's GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

In accordance with the above regulations, you are required to submit all future laboratory data over the Internet in the Electronic Deliverable Format to the State Water Board's GeoTracker database for any soil and/or groundwater samples obtained after September 1, 2001. This would include any sampling completed for underground storage tank removal, site assessment activities, periodic groundwater monitoring and post cleanup verification sampling. Per the same regulations, you are also required to submit locational data for all groundwater information (i.e., elevation, depth to free product, monitoring well status, etc.)

General Requirements (Per CCR, title 23, §2727)

1. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances.

The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

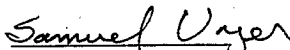
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

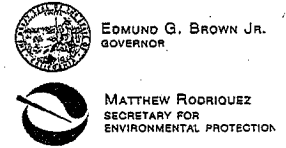
Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please contact Dr. Yi Lu at (213) 576-6695 or ylu@waterboards.co.gov or Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Robert K. Tweidt, Northstar Environmental Remediation



Los Angeles Regional Water Quality Control Board

January 30, 2014

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 000 4661 2551
Return Receipt Requested

NOTICE OF VIOLATION - FAILURE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.

FORMER M&M TEXACO SERVICE

21212 SOUTH ALAMEDA STREET, CARSON, CA (CASE NO. R-20297) (PRIORITY B-2 SITE)

Dear Ms. Harper:

Pursuant to Health and Safety Code Section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), Title 23, Sections 2720 through 2727.

Delinquent Technical Report

On July 23, 2009, the Los Angeles County Department of Public Works transmitted this case to this agency due to concerns of groundwater impacts from the subject site.

On September 25, 2012, Regional Board staff issued a letter to the RP approving the RP's January 17, 2012 workplan to delineate the extent of soil and groundwater contamination at the site and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On September 11, 2013, Northstar sent a letter to the Regional Board requesting that the deadline to submit the technical report be extended until the Cleanup Fund accepted the site and issued a letter of commitment.

On October 8, 2013, the Regional Board issued a letter to the RP requiring the technical report detailing the results of the approved workplan for site assessment activities be submitted by November 22, 2013. As of today, this Regional Board has not received the required technical report.

You are hereby notified that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2723 for failure to

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-165

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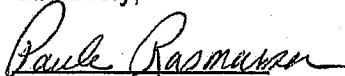
submit the required technical report detailing the results of the approved workplan for site assessment activities by November 22, 2013.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board reserves its rights to take any further enforcement action authorized by law.

If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 (yrong@waterboards.ca.gov), Dr. Yi Lu at (213) 576-6695 (yilu@waterboards.ca.gov), or Mr. Arman Toumari at (213) 576-6708 (atoumari@waterboards.ca.gov).

Sincerely,



Paula Rasmussen

Assistant Executive Officer

Enclosures: Letter dated October 8, 2013

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Dixon Oriola, Los Angeles Water Quality Control Board
Tim Smith, Los Angeles County Department of Public Works
Richard Lavin, Los Angeles County Department of Health Services
Katherine R. Tweidt, Northstar



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 13, 2014

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 0000 4661 2599
Return Receipt Requested

EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727 FORMER M&M TEXACO SERVICE, 21212 SOUTH ALAMEDA STREET, CARSON, CA (FILE NO. R-20297) (PRIORITY B-2 SITE)

Dear Ms. Harper:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

On July 23, 2009, the Los Angeles County Department of Public Works transmitted this case to this agency due to concerns of groundwater impacts resulting from unauthorized releases of USTs associated with the subject site.

On September 25, 2012, Regional Board staff issued a letter to you approving the January 17, 2012 workplan to delineate the extent of soil and groundwater contamination at the site and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On September 11, 2013, Northstar Environmental sent a letter to this Regional Board, on your behalf, requesting that the deadline to submit the technical report be extended until the Cleanup Fund accepts the site and issued a letter of commitment.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

10-167

RECYCLED PAPER

On October 8, 2013, this Regional Board issued a letter to you extending the deadline to submit the technical report detailing the results of the site assessment activities by November 22, 2013. The technical report was not received by the due date.

On January 30, 2014, the Assistant Executive Officer of this Regional Board issued you a "Notice of Violation" for failure to submit the required technical report detailing the results of the site assessment activities by November 22, 2013.

On June 30, 2014, Northstar Environmental submitted a "Site Characterization Report" (the Report) detailing the results of site assessment activity conducted in April 2014. According to the Report, fifteen soil borings were drilled to a maximum depth of 40 feet below ground surface (bgs). Soil samples collected from the borings detected total petroleum hydrocarbons as gasoline (TPHg) up to 520 mg/kg, total petroleum hydrocarbons as diesel (TPHd) up to 16,000 mg/kg, benzene up to 0.017 mg/kg, and methyl tertiary butyl ether (MTBE) up to 23 mg/kg. Ten of the borings encountered groundwater. Groundwater grab samples collected from the borings detected MTBE up to 3,100 µg/L. Other petroleum constituents were not detected.

Workplan Requirement (Per CCR Title 23, §2725)

The April 2014 site assessment detected fuel constituent impacts in the soil and groundwater. Based on the groundwater grab sample data, significant levels of MTBE have been detected in the groundwater which requires installation of at least three groundwater monitoring wells at the site. Therefore, you are required to submit a workplan to install a sufficient number of groundwater monitoring wells at the site. Your workplan is due by **November 28, 2014**.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to your history of non-compliance at the site, we hereby notify you of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for

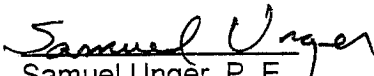
each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

General Requirements

1. The contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
2. Prior to commencing any fieldwork, Regional Board staff must be given a minimum of **15 days** advance notice in writing, so that one of our staff may be present.
3. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

If you have any questions regarding this matter, please call Arman Toumari, at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: Regional Board Letter dated September 25, 2012
Regional Board Letter dated October 8, 2013
Regional Board Notice of Violation dated January 30, 2014

cc: Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.
Katherine R. Tweidt, Northstar

STATE WATER RESOURCES CONTROL BOARD

GEOTRACKER

M & M TEXACO SERVICE (T0603705298) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

21212 ALAMEDA ST S
CARSON, CA 90810
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: R-20297

CASEWORKER: [ARMAN TOUMARI](#)

LOS ANGELES COUNTY - CASE #: 006004-020297

CASEWORKER: [JOHN AWUJO](#)

LTCP CHECKLIST AS OF 5/29/2014

[VIEW PATH TO CLOSURE PLAN](#)
[BACK TO CASE SUMMARY](#)

General Criteria - *The site satisfies the policy general criteria*

 YES

a. Is the unauthorized release located within the service area of a public water system?

 YES

Name of Water System : City of Los Angeles

b. The unauthorized release consists only of petroleum ([info](#)).

 YES

c. The unauthorized ("primary") release from the UST system has been stopped.

 YES

d. Free product has been removed to the maximum extent practicable ([info](#)).

 FP Not Encountered

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

 YES

f. Secondary source has been removed to the extent practicable ([info](#)).

 YES

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

 YES

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

 NO

1. Media-Specific Criteria: Groundwater - *The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.*

 NO

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

 NO

Does the site meet any of the Groundwater specific criteria scenarios?

 NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

- Unknown

Free Product in Groundwater :

- Unknown

Free Product Has Been Removed to the Maximum Extent Practicable :

- Unknown

Benzene Concentration :

- Unknown

MTBE Concentration :

- Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - *The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c*

 NO

EXEMPTION - Active Commercial Petroleum Fueling Facility

 NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

 NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

10-170

Free Product :

- Unknown

Bioattenuation Zone Thickness :

- Unknown

Benzene in Groundwater :

- Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.*

NO

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

NO

Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Petroleum Constituents in Soil :

- >5 Feet bgs and ≤10 Feet bgs

Soil Concentrations of Benzene :

- > 14 mg/kg

Additional Information

Should this case be closed in spite of NOT meeting policy criteria?

NO

Item 10

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit 10.10

Garfield Express Property

(Renewal)

NO. 8: RENEWAL CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Garfield Express
11600 South Long Beach Boulevard
Lynwood, CA 90262
APN: 6175-009-025
GeoTracker Global ID: T0603705377
Regional Board Case No.: R-23001

Release Date: November 20, 1995
Site Status: Assessment & Interim Remedial Action
Current Site Use: Abandoned gasoline service station (ceased operation in 2010); former dry cleaning facility

2. Name and Address of Responsible Parties:

Louis & Alice Ross Family Trust
5709 Jed Smith Road
Hidden Hills, CA 91302

The Ross Family Trust owns the site. Mr. Barry Ross is the sole successor Trustee of The Ross Family Trust. Mr. Barry Ross became the successor trustee of the Ross Family Trust when his father, Mr. Luis Ross, who was the original RP, passed away on February 27, 2004.

3. Corrective Action Directives:

The RP has been recalcitrant since 2001. The Regional Board issued the Ross Family Trust two Cleanup & Abatement Orders (CAOs); one on February 27, 2001 and another on May 27, 2009. The Regional Board also issued the Ross Family Trust two directives concerning access to the site; one on July 8, 2011 and another on November 18, 2011. A copy of the most recent CAO is attached.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Arman Toumari
Phone: 213-576-6708
Email: atoumari@waterboards.ca.gov

Nominating Agency:

City of Lynwood Redevelopment Agency
11330 Bullis Road
Lynwood, CA 90262
City Manager: Arnolando Beltran
Phone: 310-603-0220 ext: 200
Email: abeltran@lynwood.ca.us

Item 10

Community Development Associate/Sr. Project Manager: Bruno Naulls
Phone: (310) 603-0220 ext. 253
Email: bnaulls@lynwood.ca.us

Department of Community Development Staff Consultant: Tina Gall
Phone: (310) 603-0220, ext. 256
Email: tgall@lynwood.ca.us

5. Description of Unauthorized Release:

In March 1997, El Capitan Environmental Services, on behalf of Mr. Luis Ross, submitted a technical report titled *Preliminary Site Assessment Report* to the Los Angeles County, Department of Public Works (LACDPW). According to the report, eight soil borings (B-1 through B-8) were drilled at the site to a maximum depth of 35-feet below ground surface (bgs). The maximum concentrations in soil samples from the borings detected are as follows:

- 18,000 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons in the gasoline range (TPH_G),
- 210 mg/kg of benzene,
- 815 mg/kg of toluene,
- 1,170 mg/kg of total xylenes,
- 180 mg/kg of ethylbenzene, and
- 2,000 mg/kg of methyl tertiary butyl ether (MTBE).

One groundwater grab sample from boring B-1 detected the following:

- 200,000 micrograms per liter (µg/L) of TPH_G,
- 18,000 µg/L of benzene,
- 44,000 µg/L of toluene,
- 2,000 µg/L of ethylbenzene,
- 17,600 µg/L of xylenes, and
- 10,000 µg/L of MTBE.

LACDPW referred regulatory oversight to the Regional Board on May 20, 1997.

6. Justification for Re-nomination to EAR Account Program:

The site was first nominated to the Emergency, Abandoned, and Recalcitrant (EAR) Account by the City of Lynwood in 2009 and was approved for \$1,500,000. Of this amount, \$1,411,108 has been encumbered by the State Water Board and \$1,213,114 of that amount was spent on soil and groundwater remediation. The remaining unspent funding is needed to continue the operation of two remediation systems onsite, as the Ross Family Trust remains recalcitrant and the site is a threat to groundwater resources.

7. Reason for Failure of Responsible Party to Complete Required Action:

The Ross Family Trust claims it is unable to afford the required cleanup.

8. Documentation of Any Disputes between Responsible Party and Agency:

During a meeting on December 5, 2007 with Mr. Barry Ross; Mr. Roger Holt and Mr. Jon Sokol, attorneys for Barry Ross and the Ross Family Trust; and GeoSyntec representatives, Regional Board staff requested Mr. Barry Ross comply with the requirements stated in CAO No. 01-002, and reiterated Mr. Barry Ross and The Ross Family Trust's responsibility for cleanup of the contamination at the site and at the adjacent U-Haul site.

In a letter dated February 12, 2008, Mr. Roger Holt asserted that CAO No. 01-002 does not apply to Mr. Barry Ross, since Mr. Ross was not initially named in the said order.

On May 27, 2009, the Regional Board issued CAO No. R4-2009-0045 to Mr. Barry Ross and *The Ross Family Trust*.

On November 18, 2010, the Regional Board issued a Notice of Violation to Mr. Barry Ross and The Ross Family Trust for not complying with the CAO No. R4-2009-0045.

On June 8, 2011, the Regional Board sent a letter to the attorney of Mr. Barry Ross and The Ross Family Trust requesting access to site.

On July 8, 2011, the Regional Board sent another letter to the attorney of Mr. Barry Ross and The Ross Family Trust, again requesting access to the site.

On September 22, 2011, the Regional Board sent a letter to the attorney of Mr. Barry Ross and The Ross Family Trust clarifying access and responsible party issues.

On November 18, 2011, the Regional Board sent another letter to the attorney of Mr. Barry Ross and The Ross Family Trust, clarifying access and responsible party issues. Access was granted by the Ross Family Trust.

9. Actions Taken by the RP:

The Ross Family Trust hired a consultant, Brown & Caldwell, to conduct site investigation activities from 2006 – 2007. However, no further actions have been taken since May 7, 2007.

10. Investigation/Remedial Efforts Completed:

According to the *Semi-Annual Groundwater Monitoring Report*, dated October 21, 2005, prepared by Brown and Caldwell, the initial groundwater monitoring activities commenced at the site in 1998. A product recovery system first began operating at the site in 1999 and was later shut down in 2000 when hand bailing of product commenced. The report also stated that from December 1999 to December 2000, ten vapor extraction wells were installed at the site. A vapor extraction system was installed and reportedly began operating in June 2003. In June 2005, the vapor extraction system ceased operations.

In a report dated February 1, 2006, Brown and Caldwell evaluated the potential for the existence of different sources of free product and commingled petroleum hydrocarbon plumes. Brown & Caldwell requested Regional Board staff to consider the adjacent sites, such as the

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Acosta Restaurant (a former Chevron Station) and U-Haul site as potential contributors to the contamination at the site.

On February 14, 2006, Brown and Caldwell submitted a workplan to perform monthly free product removal, using the existing active skimmers on selected monitoring wells (MW-2, MW-3, MW-7, and MW-8) as an interim measure starting in March 2006.

On September 18, 2006, Brown and Caldwell performed a site assessment to investigate the presence of any on-going fuel releases at the site. Brown and Caldwell and/or its contractor drilled a total of 22 shallow hand auger borings around the underground storage tanks (USTs), product lines, and dispensers. During the drilling, Brown and Caldwell and/or its contractor breached a diesel fuel line connecting the diesel UST and dispensers. To fix the breached diesel fuel line, on October 9-10, 2006, Brown and Caldwell and/or its contractor removed the pavement between the diesel UST and dispensers, in an area of approximately 10 feet by 25 feet. Field observations indicated that diesel releases from the breached fuel line have impacted the soil and/or fill materials around the breached fuel line, and beneath the dispensers.

Between September and November 2006, Brown and Caldwell conducted additional site assessment at the site and a portion of the U-Haul site. The site assessment included *Rapid Optical Screening Tool (ROST) Survey*, forensic analysis of free product, and soil boring and soil sample analyses. The results of these assessments were reported in a *Site Assessment Report* dated May 7, 2007. Regional Board staff notes that the results of these analyses are inconclusive and do not specifically point to a significant release under the U-Haul site.

Between April and May 2010, Gannett Fleming, Inc., the consultant for the City of Lynwood, conducted a site investigation at the site using City funds. The site investigation concluded that free product extended to the east of the site, beneath the residential neighborhood. The site investigation also showed that chlorinated volatile organic compounds (VOCs) are distributed in the immediate vicinity of the former dry cleaner located at the site, and extend to the south and east.

On May 16, 2011, Gannett Fleming, Inc. conducted groundwater monitoring at the site using EAR funds. Up to 4.41 feet of free product was observed on top of groundwater at the site. Also, there were maximum concentrations in the groundwater of up to 21,000 µg/L of TPH_G, 8,900 µg/L of benzene 320 µg/L of MTBE, 210,000 µg/L of tert-butyl alcohol (TBA), 800 µg/L of perchloroethylene (PCE), and 3,500 µg/L of trichloroethylene (TCE), which exceed the California Maximum Concentration Level (MCL) for drinking water.

From May 15 - 18, 2012, Gannett Fleming, Inc. conducted groundwater monitoring at the site. Up to 4.58 feet of free product was observed. Also, there were maximum concentrations in the groundwater of up to 4,900 µg/L of TPH_G, 10,000 µg/L of benzene, 82 µg/L of MTBE, 95,000 µg/L of TBA, 93 µg/L of PCE, and 1,800 µg/L of TCE all of which exceed their respective maximum contaminant levels (MCLs).

Gannett Fleming, Inc. operated the free product recovery and soil vapor extraction (SVE) system for both the U-Haul and Ross Family Trust sites from July 2012 through December 2013. As of December 31, 2013, approximately 2,385 gallons of free product were removed and 3,229 pounds (lbs) of mass extracted vapors were recovered from the Ross Family Trust

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site; 593 gallons of free product were removed and 7,340 lbs of mass extracted vapors were recovered from the U-Haul site. Both systems were temporarily shut-down on January 1, 2014 until a new contract was signed with the City of Lynwood and new permits were obtained.

From June 10 - 25, 2013, Gannett Fleming, Inc. conducted the first semi-annual groundwater monitoring event at the site. The second semi-annual groundwater monitoring event was conducted from December 16 – 20, 2013. Based on the most recent sampling event in December, the maximum thickness of free product observed was 6.25 feet in MW-10. Maximum concentrations in groundwater were as follows: 19,000 µg/L of TPH_G, 11,000 µg/L of benzene, 280 µg/L of MTBE, 59,000 µg/L of TBA, 9.8 µg/L of PCE, and 880 µg/L of TCE.

On December 26, 2013, Gannett Fleming, Inc. removed and disposed of three 10,000-gallon USTs from the site, along with 55.4 tons of soil that was excavated from beneath the USTs.

From June 2 - 4, 2014, Gannett Fleming, Inc. conducted the semi-annual groundwater monitoring event at the site for the first half of 2014. The second 2014 semi-annual groundwater monitoring event was conducted from November 19 – 21, 2014. Based on the most recent sampling event in November, the maximum thickness of free product observed was 4.14 feet in MW-8. Maximum concentrations in groundwater were as follows: 77,000 µg/L of TPH_G, 9,500 µg/L of benzene, 410 µg/L of MTBE, 250,000 µg/L of TBA, 4.9 µg/L of PCE, and 280 µg/L of TCE.

According to the Remediation Progress Report for October 1, 2014 through December 31, 2014, Gannett Fleming, Inc. signed a new contract with the City of Lynwood on May 15, 2014 to continue project work at both the Ross Family Trust and U-Haul sites. Operation of the free product recovery systems at the Ross Family Trust and U-Haul sites resumed on July 14, 2014. To date, approximately 3,446 gallons of free product has been removed from both sites. However, continued operation of the SVE systems have been delayed as they needed repair and/or required new SCAQMD site specific permits. The U-Haul system permit was received on June 13, 2014, the system was repaired in November 2014, and operations resumed in December 2014. The permit application for the Ross Family Trust system was submitted on August 5, 2014. After follow-up by Gannett Fleming, Inc. on January 30, 2015, SCAQMD located the application and stated the permit approval was in process, but a public notice would be needed because the site is near a school. The Ross Family Trust system was not operated during 2014.

11. Low-Threat Underground Storage Tank Closure Policy Summary

Site data was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see if the site could be closed under the policy. The following criteria were not met:

- General (see attached LTCP evaluation form):
 - *Has free product been removed to the maximum extent practicable?* No, measureable free product still exists at the site and remediation is ongoing.
 - *Has a conceptual site model that assesses the nature, extent, and mobility of the release been developed?* No, further delineation of soil and groundwater is required to determine extent of impact.

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- *Has the secondary source been removed to the extent practicable?* The contaminated soils surrounding the USTs have been removed by excavation to the maximum extent practicable given the limitation of the equipment onsite, during the UST removal. Contaminated soil, however, is still present in the soil surrounding the former USTs, in addition to free product.
- *Are there unique site attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents?* The plume is reportedly commingled with the adjacent U-Haul site, and VOCs associated with the former drycleaner once located at the site.
- Groundwater – The criteria have not been met. The plume length is greater than 1,000 feet and not laterally defined downgradient. Also, benzene and MTBE concentrations are increasing in well W&A-MW-3, the farthest downgradient well.
- Petroleum Vapor Intrusion to Indoor Air – The criteria has not been met. Depth to groundwater is greater than 10 ft bgs and benzene concentrations in groundwater are greater than 1,000 µg/L. MW-8 has TPH concentrations greater than 100 mg/kg at 5 ft bgs.
- Direct Contact and Outdoor Air Exposure – MW-8 has a benzene concentration of 36 mg/kg at 5 ft bgs, which exceeds acceptable regulatory standards for benzene concentrations as per criteria in the LTCP.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of VOC contamination in soil and groundwater contamination will need to be determined. The free product removal and SVE systems should continue to operate for the next year, and the SVE wells previously installed around the UST cavity should be connected to the SVE system. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

\$ 0 additional annual funding is being requested for fiscal year 2015-2016. A total of \$1,500,000 has already been allocated by the State Board in previous years, but not all of that sum has been spent. There remains an unencumbered balance of \$88,892 that can be spent for cleanup at this site. However, the total funding required to complete the cleanup has not been determined. EAR funds will likely not be sufficient to finish the corrective action needed at this site. During fiscal year 2012-2013, \$914,601 was spent by the EAR Account to reimburse consultant costs for field work. In fiscal year 2013-2014, \$118,800 was spent and, in fiscal year 2014-2015, \$179,712 was spent by the EAR Account. The balance of \$286,887, which includes encumbered and unencumbered funds remaining, will be used for free product removal. Additional treatment is needed for the vadose zone contamination and the dissolved phase in groundwater.

14. Results if EAR Funding Denied:

If EAR funding is denied, the cleanup and abatement measures will be halted, which will delay or prevent the City's plan to redevelop not only the site, but also the peripheral sites. Lateral migration of the plume to sensitive receptors is also possible. According to the Water Replenishment District's Interactive Well Search Database, there are 6 drinking water wells within approximately one mile of the site where the shallow groundwater ranges between 18-31 feet bgs. Although progress has been made on the site, significant work is still necessary to prevent harm to sensitive receptors.

15. Attachments:

1. May 27, 2009 Regional Board Cleanup and Abatement Order
2. Low Threat Closure Policy Evaluation Form



California Regional Water Quality Control Board

Los Angeles Region



Linda A. Adams
Cal/EPA Secretary

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

Arnold Schwarzenegger
Governor

May 27, 2009

Mr. Barry Ross
The Ross Family Trust
5709 Jed Smith Road,
Hidden Hills, CA 91302

Certified Mail
Return Receipt Requested
Claim No. 7002 0860 0001 0651 2316

**CLEANUP AND ABATEMENT ORDER NO. R4-2009-0045 REQUIRING MR. BARRY ROSS AND THE ROSS FAMILY TRUST TO CLEANUP AND ABATE PETROLEUM HYDROCARBONS AND FUEL OXYGENATES CONTAMINATION IN SOIL AND GROUNDWATER
GARFIELD EXPRESS (PRIORITY A-1 SITE)
11600 SOUTH LONG BEACH BOULEVARD, LYNWOOD (UST FILE NO. R-23001)**

Dear Mr. Ross:

This Regional Board has determined that the presence of fuel constituents contamination at Garfield Express (the Site) located at 11600 South Long Beach Boulevard, Lynwood, creates or threatens to create a condition of pollution or nuisance in the waters of the State.

Pursuant to section 13304 of the California Water Code, enclosed is the Cleanup and Abatement Order No. R4-2009-0045 (Order) directing you and the Ross Family Trust to clean up and abate soil, soil vapor, and/or groundwater contamination at the Site to the extent that it no longer poses a threat to water quality or human health. This Order is issued under sections 13304 and 13350 of the California Water Code.

The Regional Board may impose civil penalties or seek injunctive relief in accordance with sections 13268, 13350 and 13385 of the California Water Code, if you and the Ross Family Trust fail to comply with the terms and conditions of this Order. The Regional Board may also request the Attorney General to take the appropriate action against the Ross Family Trust, to include injunction and civil monetary remedies, pursuant to appropriate California Water Code sections, including but not limited to sections 13304, 13350 and 13386.

Pursuant to California Water Code section 13320, you may seek review of this Order by filing a petition with the State Water Resources Control Board (State Board). Such a petition must be sent to the State Board, located at P.O. Box 100, 1001 I Street, Sacramento, California 95814, within 30 days of receipt of this Order.

California Environmental Protection Agency



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

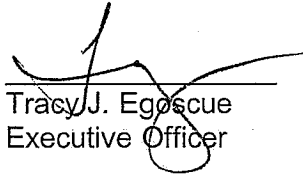
Mr. Barry Ross
The Ross Family Trust

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May 27, 2009

If you have any questions on this Order, please contact Dr. Yi Lu at (213) 576-6695, or Mr. Arman Toumari at (213) 576-6708.

Sincerely,



Tracy J. Egoscue
Executive Officer

Enclosure: 1) Cleanup and Abatement Order R4-2009-0045
2) Site maps (Figures 2, 3, 4, 5)

cc: Ms. Yvonne Shanks, SWRCB, Underground Storage Tank Cleanup Fund
Mr. Tim Smith, LACDPW, Environmental Programs Division, Underground Tanks
Mr. Roger Holt, Greenberg Glusker
Mr. Andrew J. Barnes, Geosyntec Consultants
Mr. Reid Riner, Amerco Real Estate Company
Mr. David Grande-Cassell, Clark Hill PLC
Ms. Lorry Hempe, City of Lynwood

California Environmental Protection Agency

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

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

CLEANUP AND ABATEMENT ORDER (CAO) NO. R4-2009-0045

**REQUIRING MR. BARRY ROSS AS TRUSTEE AND THE ROSS FAMILY TRUST TO
INVESTIGATE, CLEANUP, AND ABATE THE EFFECTS OF PETROLEUM
HYDROCARBONS, GASOLINE, AND FUEL OXYGENATE CONTAMINATION IN SOIL, SOIL
GAS, AND GROUNDWATER
AT GARFIELD EXPRESS LOCATED AT 11600 LONG BEACH BOULEVARD IN LYNWOOD**

(UST File No. R-23001)

Cleanup and Abatement Order No. R4-2009-0045 requires The Ross Family Trust (hereafter Discharger or Responsible Party), to assess, monitor, and cleanup and abate the effects of petroleum and volatile organic compounds (VOCs) and other contaminants of concern discharged to soil and groundwater at their Garfield Express facility at 11600 Long Beach Boulevard, Lynwood, California. This Order supersedes the CAO No. 01-002 (dated February 27, 2001) previously issued to Mr. Luis Ross. Mr. Luis Ross passed away on February 27, 2004, and Mr. Barry Ross became the successor trustee of the Ross Family Trust.

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) herein finds:

INTRODUCTION

1. The facility, Garfield Express, located at 11600 Long Beach Boulevard in Lynwood (the Site) is an active gasoline service station with three underground storage tanks (USTs). The Site is comprised of the commercial property between Lynwood Road and Louise Street, fronting Long Beach Boulevard. The northern portion of the Site is currently occupied by an active gasoline service station operated by US Royal Oil, Inc. (d.b.a. USA Royal Oil). Other businesses including a coin Laundromat, pet shop and flower shop occupy the remainder of the Site. The Site is located within a designated redevelopment area of the City of Lynwood.
2. The Site is located within the Central Groundwater Basin of the Los Angeles Coastal Plain. Regional Board adopted a Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan designates the following beneficial uses for groundwater within the Central Groundwater Basin: municipal and domestic supply, agricultural supply, industrial process supply, and industrial service supply.
3. The lithology beneath the Site consists of inter-bedded sand, silty sand, silt and clay from grade to approximately 30 feet below ground surface (bgs). Groundwater levels have been measured at approximately 21 to 28 feet bgs, and the groundwater flow direction has been generally toward the south.
4. The Site overlies a producing aquifer within the Central Groundwater Basin. The City of Lynwood operates one active municipal supply well (Well No.6) located less than 0.4 miles to the northwest of the site. There are up to eight additional active municipal supply wells within one mile from the site (see attached Site and Receptor Map).

5. Fuel constituents and VOCs have been detected in soil and groundwater beneath the Site and the U-Haul facility about 120 feet south of the Site.

PROPERTY OWNERSHIP INFORMATION

6. The Ross Family Trust owns the Site. Mr. Barry Ross is the sole successor trustee of the Trust. Mr. Barry Ross became the successor trustee of the Trust when his father, Mr. Luis Ross, the original Responsible Party of the Site, passed away on February 27, 2004.

EVIDENCE OF CONTAMINATION AND BASIS FOR SECTION 13304 ORDER

7. Waste Releases Discovered During Subsurface Investigations

- a. In March 1997, El Capitan Environmental Services, on behalf of Mr. Luis Ross, submitted a technical report titled "Preliminary Site Assessment Report" to the County of Los Angeles Department of Public Works (CLADPW). According to the report, eight soil borings (B-1 through B-8) were drilled at the Site to a maximum depth of 35 feet bgs. Soil samples from the borings detected up to 18,000 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPHg), 210 mg/kg of benzene, 815 mg/kg of toluene, 1,170 mg/kg of xylenes, 180 mg/kg of ethylbenzene, and 2,000 mg/kg of methyl tertiary butyl ether (MTBE). One groundwater grab sample from boring B-1 detected up to 200,000 micrograms per liter ($\mu\text{g/L}$) of TPHg, 18,000 $\mu\text{g/L}$ of benzene, 44,000 $\mu\text{g/L}$ of toluene, 2,000 $\mu\text{g/L}$ of ethylbenzene, 17,600 $\mu\text{g/L}$ of xylenes, and 10,000 $\mu\text{g/L}$ of MTBE. CLADPW referred regulatory oversight of the Site to this Regional Board on May 20, 1997.
- b. Between September and November 2006, Brown & Caldwell conducted additional site assessment at the Site and portion of the U-Haul site. The site assessment included "Rapid Optical Screening Tool" (ROST) survey, forensic analysis of free product, and soil boring and soil samples analyses. The results of these assessments were reported in a Site Assessment Report dated May 7, 2007. Regional Board staff has indicated that the results of these analyses are inconclusive and do not specifically point to a significant release under the U-Haul Site.
- c. Free fuel product has been detected in several monitoring wells (MW-1, MW-2, MW-3, MW-5, MW-7, MW-8, MW-9, MW-14, MW-15, MW-23, UH-1, EX-1, EX-2, and EX-3) onsite and offsite (see attached Figure 6). The last monitoring event conducted in September 2008 detected up to 4.95 feet of free product at onsite well MW-8. MW-8 is located near the source area. Free product recovery system was installed at the Site on December 26, 1998 to recover free product from wells MW-2, MW-3 and MW-5. Daily purging of wells that contain free product but were not connected to the product recovery system were conducted at the site from July 25, 2000 until October 16, 2000. Manual purging was reinitiated on January 16, 2001 on a reduced frequency of three times a week.
- d. According to the "2008 1st Semi-annual Groundwater Monitoring Report", there are thirty nine groundwater monitoring wells (MW-1 through MW-35, and W&A-MW-1 through W&A-MW-4) onsite and offsite (see attached Figure 2). Quarterly groundwater monitoring started in 1997. Semi-annual groundwater monitoring started in 2005. Historically, free product up to 16.67 feet was present in groundwater monitoring wells onsite. Laboratory analytical results of groundwater samples collected in September 2008 detected TPHg up to 33,000 $\mu\text{g/L}$, benzene up to 14,000 $\mu\text{g/L}$, and MTBE up to 12,000 $\mu\text{g/L}$. These

Mr. Barry Ross
The Ross Family Trust
Cleanup and Abatement Order No. R4-2009-0045

concentrations were detected at onsite well MW-4. Depth to the groundwater was approximately 23 feet bgs and the groundwater flow was generally toward the south.

- e. On April 14, 2006, Regional Board staff required Chevron to submit historical information for the site occupied by Acosta Restaurant located directly south of Garfield Express site. Acosta Restaurant's site had been owned and operated by Union Oil Company of California (Unocal) from 1951 through 1959. Unocal has been acquired by Chevron.
- f. In a letter dated April 27, 2006, Chevron indicated to Regional Board staff that Unocal had operated a gasoline service station under a site and facilities lease from 1940 to 1959. Chevron also indicated that Unocal had no involvement with the site since 1959. Regional Board staff does not consider Unocal as a contributing source to the petroleum hydrocarbon contamination beneath Garfield Express at this time.
- g. During a site assessment to investigate on-going release at the site on September 18, 2006 by Brown & Caldwell, a diesel fuel line was damaged, and an unknown amount of diesel fuel was released to the environment.

8. **Source Elimination and Remediation Status**

Between 1999 and 2006, a total of 6,767 gallons of free product were removed from the Site. Also, between 2003 and 2004, a soil vapor extraction system operating at the Site removed 24,946 pounds of fuel vapors from the soil at the Site.

9. **Compliance History**

- a. Prior to May 1997, the Responsible Party of the Site has been conducting corrective actions under the jurisdiction of County of Los Angeles Department of Public Works (CLADPW).
- b. On May 20, 1997, CLADPW referred the regulatory oversight of the Site to the Regional Board.
- c. In a letter dated June 2, 1997, Regional Board staff required Mr. Luis Ross to submit a workplan to install groundwater monitoring wells at the Site. Regional Board staff also required Mr. Luis Ross to provide copies of the CLADPW letters dated November 20, 1995 and February 29, 1996, and copies of the tank integrity testing reports, and to provide a summary of actions taken with respect to the tank integrity test failure.
- d. In a letter dated August 14, 1998, Regional Board staff required Mr. Luis Ross to manually remove free product on a weekly basis, or via an automatic recovery system.
- e. On June 5, 2000, Regional Board staff received a "Remedial Action Plan for Petroleum Hydrocarbon Contamination" dated May 25, 2000. The workplan proposed to implement a soil vapor extraction (SVE) onsite.
- f. In a directive dated December 13, 2000, the Executive Officer of this Regional Board (the Executive Officer) approved the use of SVE and Vacuum Enhanced Product Skimming with Biological Action (BIO-VEPS) systems as an interim measure to expedite free product removal and site cleanup at the Site.

- g. On February 27, 2001, the Executive Officer issued to Mr. Luis Ross CAO Order No. 01-002. The CAO required Mr. Luis Ross to adequately assess, monitor, report, and cleanup and abate the effects of gasoline pollution, including MTBE and other fuel oxygenates, discharged to soil, soil vapor, and groundwater beneath the Site.
- h. On May 2, 2001, J & B Environmental, on behalf of Mr. Luis Ross, submitted the Initial Site Conceptual Model (PSCM) to the Regional Board.
- i. In a letter dated August 31, 2001, State UST Fund Advisory and Services (SUSTFA&S), the consultant for Mr. Luis Ross, requested Regional Board to add U-Haul site (a neighboring site south of the Garfield Express site; see Figure 2) to the Order 01-002 as the potential responsible party for investigation and cleanup of soil and groundwater contamination in the vicinity of Garfield Express site.
- j. During a meeting with SUSTFA&S on September 24, 2001, Regional Board staff rejected SUSTFA&S' request to add U-Haul site to Order No. 01-002. Regional Board staff determined that soil data obtained from the U-Haul site did not support U-Haul's contribution to the free product observed beneath the U-Haul site or the entire area.
- k. On April 22, 2002, the Executive Officer issued a Notice of Violation (NOV) to Mr. Luis Ross for extensive delays in installation of the BIO/VEP system.
- l. The BIO/VEP system did not start operation until June 2003, and it has been discontinued since March 2005.
- m. Mr. Barry Ross became the successor trustee of the Ross Family Trust when his father, Mr. Luis Ross, passed away on February 27, 2004.
- n. During a meeting on October 14, 2005 with Brown & Caldwell, consultant for Mr. Barry Ross, Regional Board staff required that the free product recovery be resumed until a more complete cleanup strategy is employed as part of the pending site development.
- o. In a report dated February 1, 2006, Brown & Caldwell evaluated the potential for presence of different sources of free product and a commingled hydrocarbon plumes. Brown & Caldwell requested Regional Board staff to consider the adjacent sites, such as the Acosta Restaurant (the former Chevron station; see Figure 2) and U-Haul site as potential contributors to the contamination at the Site.
- p. On February 14, 2006, Brown & Caldwell submitted a workplan to perform monthly free product removal using the existing active skimmers on selected monitoring wells (MW-2, MW-3, MW-7, and MW-8) as an interim measure at the site starting in March 2006.
- q. In a directive letter dated May 19, 2006, the Executive Officer approved the workplan dated February 14, 2006, which proposed to implement free product recovery on selected wells at the Site. The Executive Officer also required that additional offsite wells containing free product shall be included in the proposed free product removal program.

- r. On June 19, 2006, Mr. Roger Holt, attorney for Mr. Barry Ross, filed a petition (Petition) to the State Water Resources Control Board (State Board) requesting State Board to review of Regional Board's letter dated May 19, 2006. The Petition claimed that data gaps needed to be addressed before cleanup was required to be performed on the adjacent properties.
- s. On June 28, 2006, the State Board declined to accept the Petition for review. The Chief Counsel of the State Board stated that the Regional Board's letter dated May 19, 2006 did not constitute a final action and therefore was not subject to petition.
- t. In a letter dated June 30, 2006, Brown & Caldwell indicated to Regional Board staff that they would comply with Regional Board staff requirements specified in the May 19, 2006 letter.
- u. On August 31, 2006, Brown & Caldwell submitted a workplan to the Regional Board for additional investigation in the area extending between the Site and the U-Haul site.
- v. During a meeting on September 7, 2006, with Mr. Barry Ross and Brown & Caldwell, Regional Board staff concurred with the workplan dated August 31, 2006. Regional Board staff also required Mr. Barry Ross to conduct an onsite investigation to assess if any new unauthorized releases have occurred since US Royal, Inc. became the owner and operator of the gasoline station at the Site since 1999.
- w. During a meeting on December 5, 2007 with Mr. Barry Ross; Mr. Roger Holt and Mr. Jon Sokol, attorneys for Barry Ross; and GeoSyntec representatives, Regional Board staff requested Mr. Barry Ross to comply with the requirements stated in Order R4-01-002, and reiterated Mr. Barry Ross's responsibility for cleanup of the contamination at the Site and at the U-Haul site.
- x. In a letter dated February 12, 2008, Mr. Roger Holt asserted that Order No. R4-01-002 does not apply to Mr. Barry Ross, since Mr. Ross was not initially named in the said Order.

10. Summary of Findings from Subsurface Investigations

Based on the facts set forth above, the Executive Officer concludes and determines that:

- a. The gasoline constituents described herein which Discharger caused or permitted to be discharged are "wastes" within the definition of the Porter-Cologne Water Quality Control Act (Water Code section 13050).
- b. Waters of the State underlie the Site.
- c. The wastes are being discharged where it is, or probably will be, discharged to the waters of the State.
- d. Such discharge has created or threatens to create a condition of pollution or nuisance.

11. Summary of Current Conditions Requiring Cleanup and Abatement

- a. To reduce financial burden on the Discharger, this Regional Board staff has allowed a temporary reduction in the groundwater monitoring frequency from quarterly to semi-annually.
- b. This Regional Board is the public agency with primary responsibility for protection of ground and surface water quality for all beneficial uses within Los Angeles and Ventura Counties, including the regulation of leaking UST's that threaten water quality.
- c. The activities contained in this Order are necessary to abate the effects of gasoline constituents and fuel oxygenates polluting the groundwater underlying the site and migrating offsite within the Central Groundwater Basin.
- d. The Discharger is responsible under section 13304 of the California Water Code to perform the activities contained in this Order.
- e. Section 13304 of the California Water Code states, in part, that:

“Any person... who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of Regional Board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”
- f. Section 13350 of the California Water Code states, in part, that:

“Any person who (1) violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a Regional Board or the State Board...shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”
- g. When there is a discharge, and a cleanup and abatement order is issued pursuant to section 13304, liability shall be imposed as follows:

Civil liability may be administratively imposed by a Regional Board pursuant to Article 2.5 for a violation of this section in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the discharge occurs and for each day the cleanup and abatement order is violated.
- h. This action is being taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with section 15321, title 14, California Code of Regulations.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to California Water Code section 13304 that Mr. Barry Ross as Trustee and The Ross Family Trust shall adequately assess, monitor, report, cleanup and abate the effects of gasoline pollution, including MTBE and other fuel oxygenates, discharged to soil, soil gas, and groundwater by taking actions specified as follows:

A. Site Ownership and Operation Information

By **August 15, 2009**, you must provide the following information to this Regional Board.

1. Ownership and Operation Responsibility for the Site:

- a. Specify the ownership(s) of the real property on which the station or facility is located from 1962 to the present. Provide a copy of all documents which provide evidence of such ownership(s). Provide name, address, and phone number of the property owner and lessees.
- b. Specify the ownership(s) of the underground storage tanks and associated piping which have been used to store MTBE or gasoline at the station or facility from 1962 to the present. Provide a copy of all documents which provide evidence of such ownership(s).
- c. Specify what parties have operated the station or facility from 1962 to the present. Provide a copy of all documents which provide evidence of what parties operated the station or facility.
- d. Does this station or facility operate or has it previously operated pursuant to a franchise agreement? If so provide a copy of all such agreements in effect to the present.
- e. Provide a list of any stations or facilities which have any of the following characteristics (a) the station or facility has been owned and/or operated by your business or agency at any time to the present, (b) during the period of your ownership or operation the station or facility has stored and/or dispensed gasoline.
- f. What records do you keep concerning the source and chemical composition of gasoline shipments received by your station or facility? Provide a copy of all such records from 1962 to the present.

2. MTBE Management and Storage:

- a. Provide a complete history of storage of MTBE containing gasoline at your station or facility from 1980 to the present.
- b. Provide a list of all suppliers and/or refiners of gasoline including the time period that managed and/or stored at your station or facility.

- c. Describe the procedures utilized at your station or facility for storage, handling, use, and disposal of gasoline, chemicals and waste materials, including petroleum-based hydrocarbons, and aromatic hydrocarbons.
 - d. Provide a copy of all documents concerning potential effects of MTBE discharge to the environment, its impacts on surface waters, and the impacts of MTBE on groundwater resources utilized as drinking water supplies.
3. Tanks and Associated Piping Records:
- a. Identify all current and former underground gasoline storage tanks used to store and/or manage gasoline at your station or facility from 1962 to the present.
 - b. Provide for each underground gasoline storage tank and associated piping, the location(s), capacity, materials of construction, and date(s) of installation and, if applicable, removal.
 - c. Provide a copy of all records concerning maintenance including repairs of the underground storage tanks and associated piping which have been used to manage and/or store gasoline at your station or facility to the present.
4. Testing and Release Detection:
- a. Tank Integrity Testing: Provide a copy of all records concerning tank integrity testing of the underground storage tanks and associated piping which have been used to manage and/or store gasoline at your station or facility to the present.
 - b. Tank Integrity Testing: Submit a tabular summary indicating all tank and/or piping tightness tests completed to the present, including the type of test performed, the sensitivity of the tests performed, any failed or inconclusive tightness tests, the results of any retest, and any subsurface investigation work completed in response to any failed or inconclusive tank and/or pipeline integrity testing.
 - c. Leak Detection System: Provide a detailed description of the leak detection systems for the underground storage tanks and associated piping used to manage and/or store gasoline at your station or facility to the present. Include a description of the training of employees operating those systems during that time period. Provide a copy of all documents related to these leak detection systems, including any documents used for training station or facility personnel.
 - d. Provide a copy of all documents related to any releases to soil or groundwater of gasoline from the underground storage tanks and associated piping at your station or facility to the present.

B. Semi-annual Groundwater Sampling and Monitoring Reports

Semi-annual gauging, sampling, and progress reports detailing all activities implemented and results obtained during the previous period, as required by this Order, shall be submitted within 15 days after the period ends according to the following schedule. Your first report under this CAO is due by **October 15, 2009**.

Mr. Barry Ross
The Ross Family Trust
Cleanup and Abatement Order No. R4-2009-0045

Reporting Period
January – June
July – December

Report Due Date
July 15th
January 15th

Monitoring frequency may be adjusted as needed. With written justification, Discharger may request a change in the frequency of monitoring or reporting for the Executive Officer's approval. These reports must contain, at a minimum, the following information:

- A separate summary table containing current concentrations.
- A summary table containing all historical data per each well with groundwater depth (or elevation) and well screen intervals.
- A regional map depicting site vicinity business and street, etc.
- A site plot plan depicting site location, tank and associated system locations, all well locations and groundwater elevations (contour) with flow gradient and direction.
- An isoconcentration map for TPH(g), benzene, MTBE, and TBA, respectively.
- A hydrograph superimposing on concentration over time at the most impacted well for TPH(g), benzene and MTBE, and TBA (or at any other wells as warranted).
- A summary of activities completed during the reporting period and a final compilation of the activity modifications proposed for the next reporting period. All workplan modifications must be approved by the Executive Officer, in advance.

Groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPH_G), total petroleum hydrocarbons as diesel (TPH_D); and by EPA Method 8260B for BTEX, and fuel oxygenate compounds including methyl tertiary butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) http://www.waterboards.ca.gov/losangeles/publications/forms/forms/ust/lab_forms/labreq9-06.pdf. All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.

C. Remedial Action Plan (RAP)

1. The free product removal system shall be expanded to remove offsite free product. An aggressive and active free product removal system conforming to the requirements of California Code of Regulations, title 23, section 2655 shall be implemented. The RAP is due **October 15, 2009**. The free product removal shall cover the entire area and shall include the following monitoring wells:

MW-2, MW-3, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, MW-14, MW-15, MW-16, MW-21, MW-22, MW-23, UH-1, EX-2, EX-3.

Should free product be encountered in any monitoring well other than specified above, your free product removal plan must be expanded to include such well(s).

2. An aggressive and active cleanup plan to remediate the impacted soil and groundwater at the Site must be submitted. The RAP is due **October 15, 2009**.

3. Field observations indicated that diesel releases from the breached fuel line has impacted the soil and/or fill materials around the breached fuel line, and beneath the dispensers 1 and 2. However, the extent of the impacted soil has not been fully defined. Accordingly, by **August 15, 2009**, a workplan to delineate soil contamination near the diesel fuel UST and diesel fuel dispenser island area. This activity must be followed by a remedial action plan to remediate the impacted soil must be submitted.

D. Semi-annual Cleanup Progress Reports

1. To ensure that on-site and off-site cleanup is completed in a timely manner, semi-annual reports of cleanup progress will be required during the remaining assessment and cleanup phases of the project. Semi-annual progress reports will be due by the 15th day following the semi-annual period with the next progress report due **October 15, 2008**. Reports shall include at a minimum: 1) a discussion of all completed activities and on-going work activities during the reporting period; 2) a discussion of proposed work activities for the next reporting period; 3) an updated time schedule for completion of all work activities needed to complete the project; and 4) the results of any soil and/or groundwater monitoring completed during the reporting period.
2. Semi-annual cleanup progress reports must include, at a minimum, the amount of extracted groundwater, contaminant mass, and/or fuel hydrocarbons; volume of extracted free product; analytical test results from influent, intermediate, and final treated effluent; influent flow rate; influent concentrations; the location of discharge; number of days of system operation during the reporting period; system maintenance completed during the reporting period; an evaluation of the effectiveness of containment of groundwater flow to the site; and any modifications and/or changes needed to the soil and groundwater recovery and/or treatment system. These reporting requirements may be modified based upon the final cleanup plan approved by the Executive Officer.

E. SITE CONCEPTUAL MODEL UPDATES (SCMUs)

Submit site conceptual model updates on a semi-annual basis with the same schedule as for the groundwater monitoring reports in accordance with Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates - Appendix C.

F. DELIVERABLES

Requirements	Deliverables Due Dates
Cleanup Progress Reports	October 15, 2009 (semi-annually due by July 15 th thereafter)
Site Conceptual Model Updates and Quarterly groundwater monitoring reports	October 15, 2009 (Semi-annually due by July 15 th thereafter)
Ownership Information (onsite and offsite)	August 15, 2009
Remedial Action Plan for Free Product Removal/Soil & Groundwater Cleanup	October 15, 2009
Workplan for Delineation of Diesel Release	August 15, 2009

G. Impairment of Drinking Water Wells

The Regional Board reserves the right to require Mr. Barry Ross and the Ross Family Trust to develop and implement a plan that will mitigate impaired resources of groundwater and/or compensate purveyors for costs of replacing impaired water supplies if the findings demonstrate that contamination from this Site has caused or threatens to cause impairment of water supply wells.

H. STANDARD PROVISIONS

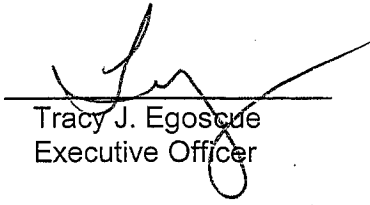
1. Abandonment of any groundwater well at the site must be reported to and approved by the Executive Officer in advance. Any groundwater well removed must be replaced within a reasonable time at a location approved by the Executive Officer. With written justification, the Executive Officer may approve the abandonment of groundwater wells without replacement. When a well is removed, all work shall be completed in accordance with California Monitoring Well Standards, Bulletin 74-90, Part III, sections 16-19. Permits for well abandonment and installation must be obtained from the Los Angeles County Department of Health Services, Water and Sewage Program, prior to conducting such work.
2. Regional Board's authorized representative shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are kept, under the conditions of this Order;
 - b. Access to copy any records that are kept under the conditions of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the California Water Code.
3. This Order is not intended to permit Discharger to cease any work required by any other Order issued by Regional Board, nor shall it be used as a reason to stop or redirect any investigation or remediation programs ordered by this Board or any other agency.
4. This Order does not exempt Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restraints on those facilities which may be contained in other statutes or required by other agencies.
5. Discharger shall provide Regional Board advance notice of any planned physical alterations to the facility or planned changes in the facility's activities that may affect compliance with this Order.
6. Discharger shall provide to Regional Board a thirty-day advance notice of any planned change in name, ownership, or control of the site and any of the facilities on the site; provide notice to any succeeding owner or operator of this Order by letter; and forward a copy of such notification to Regional Board.

7. The discharge of wastes or hazardous substances that degrade water quality or adversely affect beneficial uses of water of the State is prohibited.
8. Further migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
9. The storage, handing, treatment or disposal of contaminated soil and/or polluted groundwater shall not create a condition of nuisance as defined in California Water Code section 13050(m).
10. Discharger shall maintain in good working order and operate as efficiently as possible any control or remediation system(s) installed to achieve compliance with the requirements of this Order.
11. All investigations must be conducted by, or under the direct supervision of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer with the appropriate experience.
12. All analytical data must be reported by a California certified laboratory as shown on the enclosed Leaking Underground Storage Tanks Program-Updated Laboratory Testing Requirements dated June 22, 2000 (See Attachment No.5).
13. This Order in no way limits the authority of Regional Board, as contained in the California Water Code, to require additional investigation and cleanup pertinent to this project. It is the intent of Regional Board to issue Waste Discharge Requirements or other orders pursuant to sections 13260, 13304, and 13350 of the California Water Code when appropriate to facilitate this cleanup and abatement activity. Additionally, continued monitoring of the groundwater quality beneath this facility after the completion of this cleanup and abatement activity may be required. This Order may be revised by the Executive Officer as additional information becomes available.
14. For good cause shown, the Executive Officer may grant an extension of time as to the deadlines provided herein. Such requests, however, must be made in writing and submitted prior to the deadline.
15. None of the obligations imposed by this Order on Mr. Barry Ross and The Ross Family Trust are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare and environment.
16. Failure to comply with the terms and conditions of this Order may result in the imposition of civil liability, either administratively by Regional Board or judicially by the Superior Court, in accordance with section 13350 et seq. of the California Water Code and/or referral to the Attorney General of the State of California for such legal action as he or she may deem appropriate.

Mr. Barry Ross
The Ross Family Trust
Cleanup and Abatement Order No. R4-2009-0045

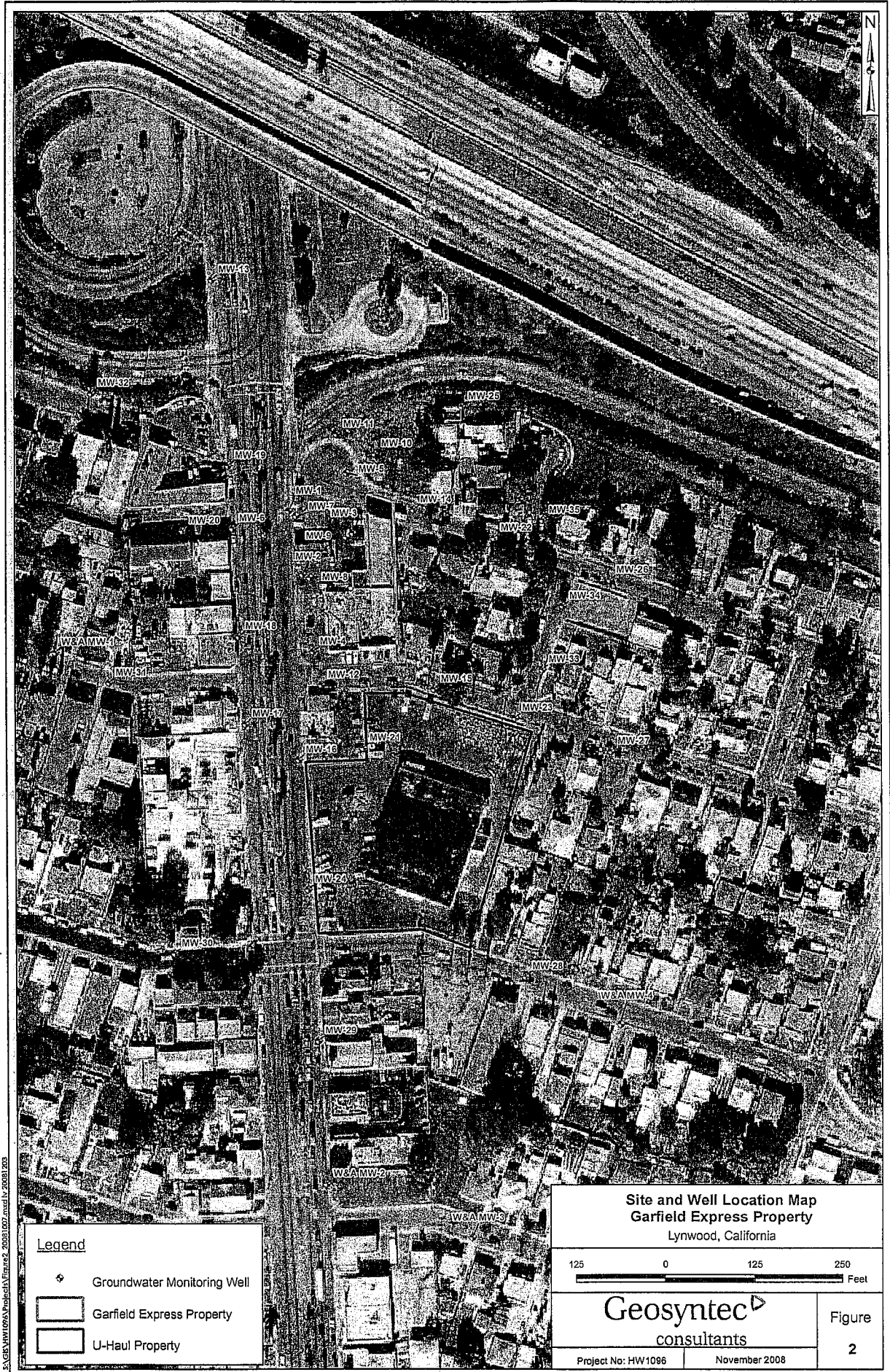
Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and the California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00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

Ordered by:

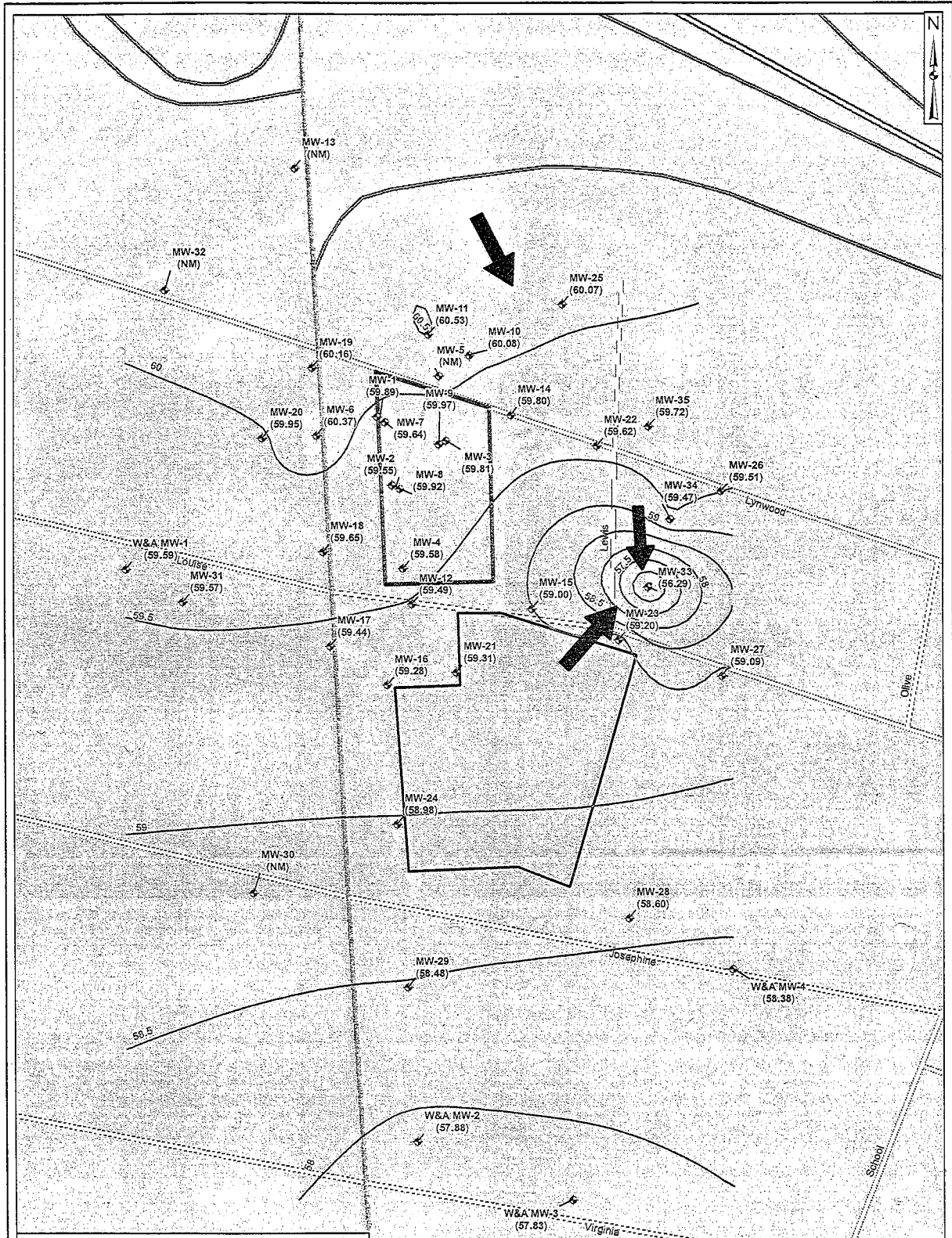


Tracy J. Egoscue
Executive Officer

Date: May 27, 2009



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Legend

- (59.89) Groundwater Elevation (feet)
- ⊕ Groundwater Monitoring Well
- ➔ Inferred Groundwater Flow Direction
- Groundwater Elevation Contours (feet MSL)
- ▭ Garfield Express Property
- ▭ U-Haul Property

Note: MSL: Mean Sea Level
 NM: Not Measured

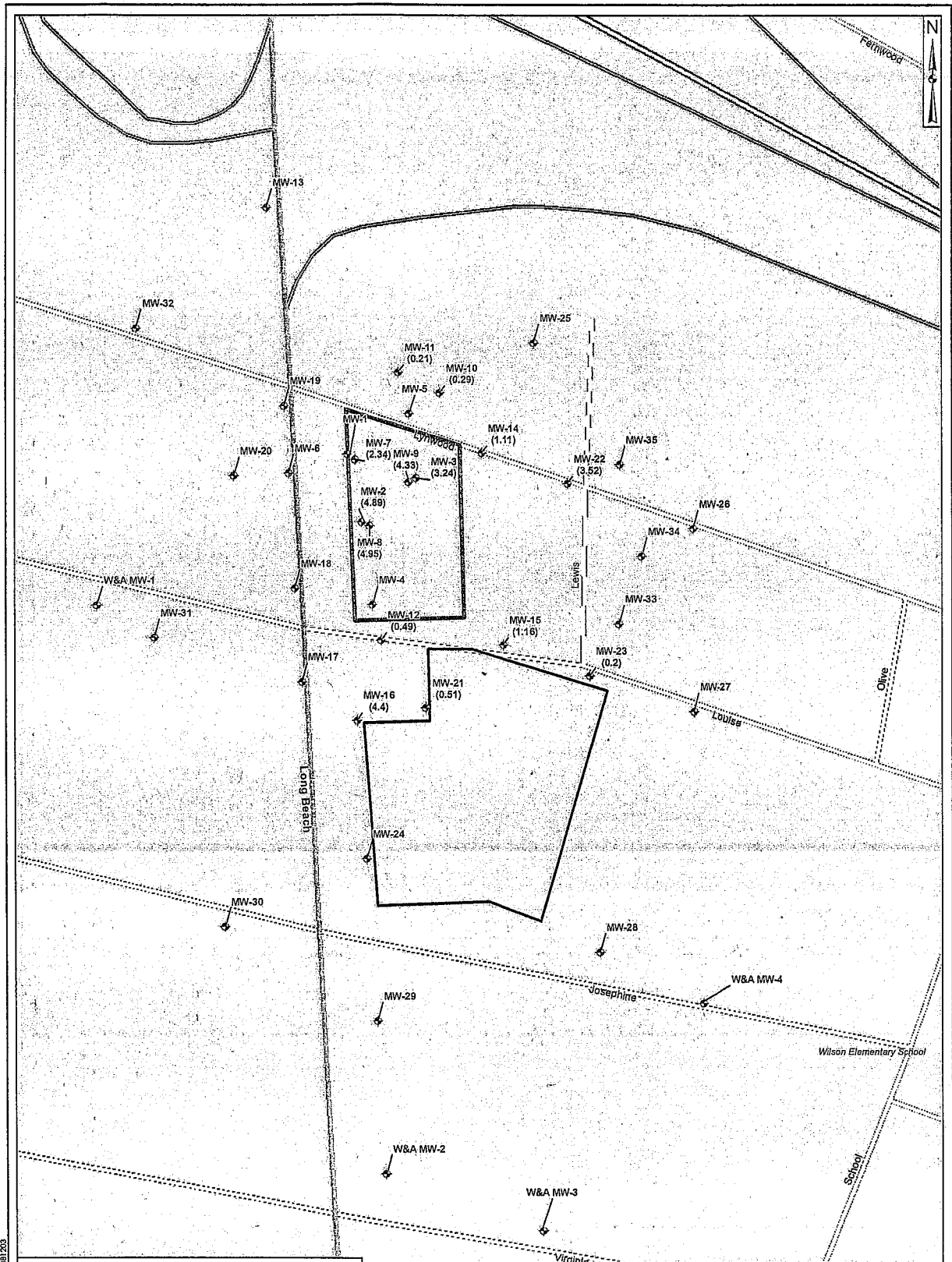
September 2008 Groundwater Elevation Data
Garfield Express Property
 Lynwood, California

125 0 125 250
 Feet

Geosyntec
 consultants

Project No: HW1096 November 2008

Figure
3



Legend

- (0.29) LNAPL Thickness in Feet
- ◆ Groundwater Monitoring Well
- ▭ Garfield Express Property
- ▭ U-Haul Property

LNAPL: Light Non-Aqueous Phase Liquid
 Only Monitoring Wells with measurable LNAPL thickness are reported.

**September 2008 LNAPL Thickness Map
 Garfield Express Property
 Lynwood, California**

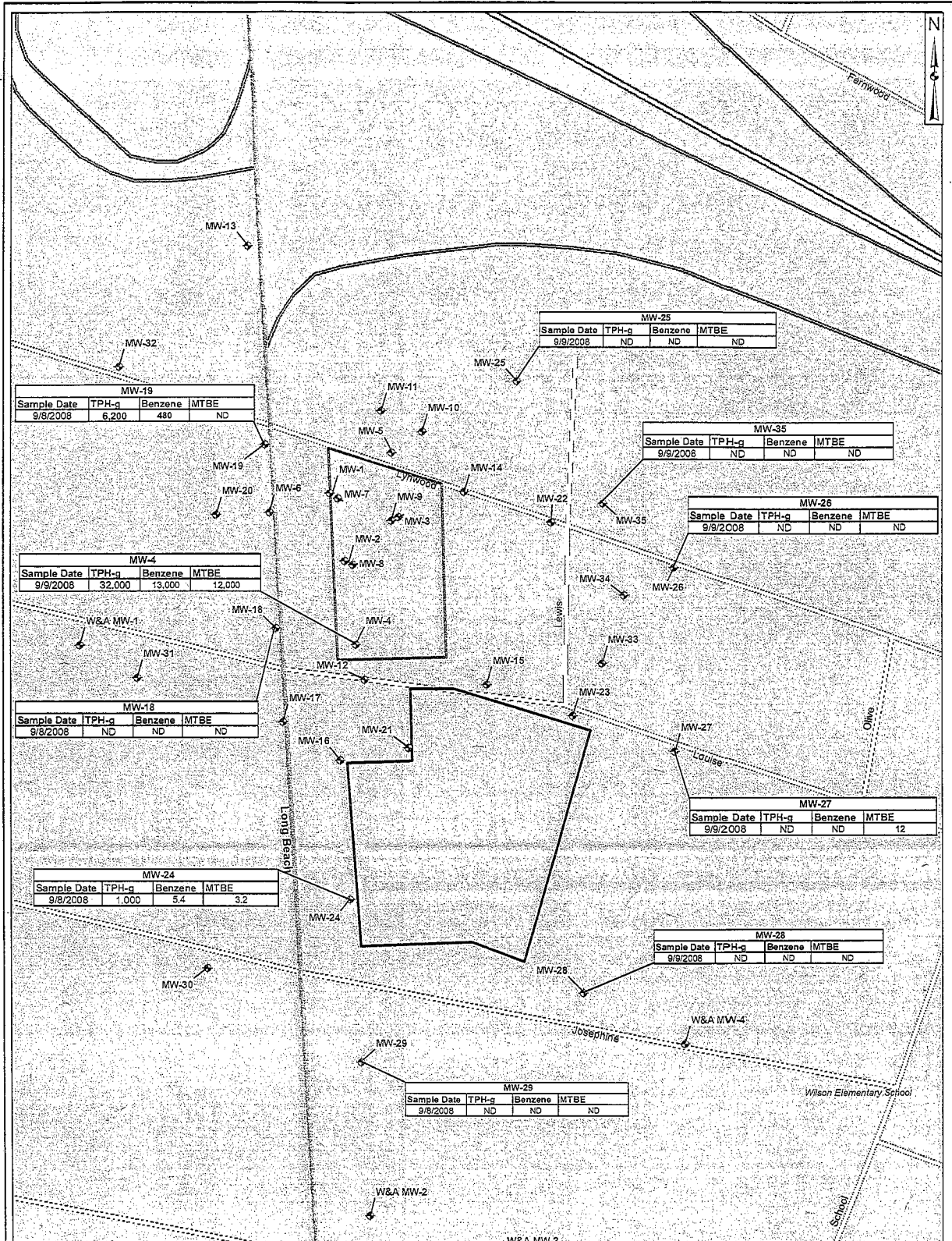


Geosyntec
 consultants

Figure
 4

Project No: HW1096 November 2008

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MW-19			
Sample Date	TPH-g	Benzene	MTBE
9/8/2008	6,200	480	ND

MW-25			
Sample Date	TPH-g	Benzene	MTBE
9/9/2008	ND	ND	ND

MW-35			
Sample Date	TPH-g	Benzene	MTBE
9/9/2008	ND	ND	ND

MW-26			
Sample Date	TPH-g	Benzene	MTBE
9/9/2008	ND	ND	ND

MW-4			
Sample Date	TPH-g	Benzene	MTBE
9/9/2008	32,000	13,000	12,000

MW-18			
Sample Date	TPH-g	Benzene	MTBE
9/8/2008	ND	ND	ND

MW-27			
Sample Date	TPH-g	Benzene	MTBE
9/9/2008	ND	ND	12

MW-24			
Sample Date	TPH-g	Benzene	MTBE
9/8/2008	1,000	5.4	3.2

MW-28			
Sample Date	TPH-g	Benzene	MTBE
9/9/2008	ND	ND	ND

MW-29			
Sample Date	TPH-g	Benzene	MTBE
9/8/2008	ND	ND	ND

Legend

- Groundwater Monitoring Well
- Garfield Express Property
- U-Haul Property

Notes and Abbreviations:
 All results in micrograms per liter (µg/L)
 MTBE: Methyl tert-Butyl Ether
 TPH-g: Total petroleum hydrocarbons as gasoline.
 ND: Not detected above laboratory instrument detection limit.

**Summary of TPH-g, Benzene, MTBE Concentration Map
 Garfield Express Property
 Lynwood, California**



Geosyntec
 consultants

Figure
5

Project No: HW1096 November 2008

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STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

GARFIELD EXPRESS (T0603705377) - [\(MAP\)](#)[SIGN UP FOR EMAIL ALERTS](#)

11600 LONG BEACH BLVD S
LYNWOOD, CA 90262
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIESLOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: R-23001CASEWORKER: [ARMAN TOUMARI](#)

LOS ANGELES COUNTY

CASEWORKER: [JOHN AWUJO](#)**CUF Claim #:**

12180

CUF Priority Assigned:

B

CUF Amount Paid:

\$1,427,651

LTCP CHECKLIST AS OF 5/22/2014[VIEW PATH TO CLOSURE PLAN](#)[BACK TO CASE SUMMARY](#)**General Criteria - The site satisfies the policy general criteria****NO**

a. Is the unauthorized release located within the service area of a public water system?

Name of Water System : City of Lynwood**YES**b. The unauthorized release consists only of petroleum ([info](#)).**YES**

c. The unauthorized ("primary") release from the UST system has been stopped.

Explanation : The second set of USTs have yet to be removed.**NO**d. Free product has been removed to the maximum extent practicable ([info](#)).**Free Product Remaining: Measurable Free Product**
Removal Methods Tried : Skimmer, Bailing**NO**e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).**Description:**

- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Soil Assessment Incomplete - Areal Extent Not Defined
- Soil Assessment Incomplete - Depth Unknown
- Soil Vapor Not Evaluated

NOf. Secondary source has been removed to the extent practicable ([info](#)).**Impediment to Removing Secondary Source:**
- Remediation Has Not Been Attempted
- Remediation Was Shut Off Prematurely**NO**

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

YESh. Does a nuisance exist, as defined by [Water Code section 13050](#).**NO****1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.****NO****EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))****NO****Does the site meet any of the Groundwater specific criteria scenarios?****NO****ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:****Plume Length (That Exceeds Water Quality Objectives) :**

- ≥ 1,000 Feet

Plume is Stable or Decreasing in AREAL Extent :

- No

Free Product in Groundwater :**10-199**

- Yes

Free Product Has Been Removed to the Maximum Extent Practicable :

- No

For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years (info) :

- No

Free Product Extends Offsite :

- Yes

Benzene Concentration :

- $\geq 3,000 \mu\text{g/l}$

MTBE Concentration :

- $\geq 1,000 \mu\text{g/l}$

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - *The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c*

NO

EXEMPTION - Active Commercial Petroleum Fueling Facility

NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Free Product :

- In Groundwater

TPH in the Bioattenuation Zone :

- $\geq 100 \text{ mg/kg}$

Benzene in Groundwater :

- $\geq 1,000 \mu\text{g/l}$

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.*

NO

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

NO

Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?

NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Petroleum Constituents in Soil :

- $>5 \text{ Feet bgs and } \leq 10 \text{ Feet bgs}$

Soil Concentrations of Benzene :

- $> 14 \text{ mg/kg}$

Area of Impacted Soil :

- Unknown

Additional Information

Should this case be closed in spite of NOT meeting policy criteria?

NO

Item 10

Consideration of Nominations for FY 2015-2016 Emergency, Abandoned, and Recalcitrant (EAR) Account I-710 Corridor Underground Storage Tank Program

Exhibit 10.11

Comments

March 11 2015

Mr. Sam Unger
Regional Water Quality Control Board, Los Angeles Region
3200 West 4th Street Suite 200
Los Angeles, California 90013

2015 MAR 13 AM 10 00
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Subject: Response to Nomination, EAR Account for Fiscal Year 2015-2016
1326 West 12th Street, Long Beach, Ca 90813

Dear Mr. Unger:

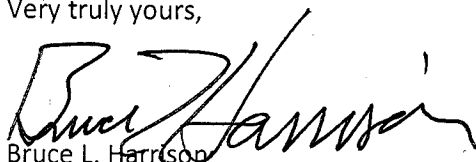
This letter has been prepared to respond to your letter of December 8, 2014 in which you informed us that the Regional Water Quality Control Board (RWQCB) may nominate the Site listed above to the Emergency Abandoned and Recalcitrant Program. By this letter we strenuously object to this designation and reiterate our desire and commitment to work with the RWQCB to resolve any outstanding issues that may exist.

There has been a fundamental misunderstanding as to your requirements and confusion on the part of our consultant as to Geotracker requirements. When presented with the RWQCB's request for additional characterization, we prepared and submitted a workplan for further investigation to you dated December 22, 2014. To date, we have not received any comments to this plan. We also retained an independent third party consultant to review the case file and offer recommendations as to what a scope of work would be to respond to the RWQCB concerns. Our consultant, Mr. Mark Cousineau spoke with you on March 3rd 2015 at which time you indicated that a letter would be forthcoming explaining the scope of work that the RWQCB feels is necessary to comply with their directives. As of today, we have not received that letter.

We understand from our conversations with you that the RWQCB intends to present the proposed nomination to the Board at the April meeting. Again, we feel this is an unnecessary step and not consistent with the facts of the case. We are ready to conduct the necessary investigation, have submitted a workplan and are waiting on your comments. Once received, we will begin work immediately. We are not recalcitrant and the Site is not abandoned; we are trying to resolve with the RWQCB a scope of work that they would find acceptable so we can begin that work. Once we receive your comments, we can revise the workplan accordingly and begin work.

We thank you for your time and await your comment letter so we can begin work. If you have any questions or comments regarding this proposal, please call the undersigned at your convenience.

Very truly yours,



Bruce L. Harrison
562-225-7024

Cc Dixon Oriola

Item 10

Consideration of Nominations for FY 2015-2016 Emergency, Abandoned, and Recalcitrant (EAR) Account I-710 Corridor Underground Storage Tank Program

Exhibit 10.12

Response to Comments

Response to Comments

**RESOLUTION NO. R4-2015-003
Resolution Adopting the Petroleum Underground Storage Tank (UST)
Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016
Annual Priority Site List for the Los Angeles Region**

#	Comment	Response
Bruce Harrison, "Response to Nomination, EAR Account for Fiscal Year 2015-2016" March 11, 2015, RE: Harrison Property, 1326 West 12th Street, Long Beach		
1	Mr. Harrison strenuously objects to this case being placed into the EAR Program and states that he is ready to perform investigation work once the Regional Board approves the Work Plan submitted December 22, 2014. Mr. Harrison believes that the site is not a recalcitrant site because he is trying to comply now and a Work Plan has been submitted.	<p>Regional Board staff disagrees. There is a long history of non-compliance at this site since 2006. The Regional Board issued a Notice of Violation on November 21, 2014 for failure to comply with orders issued in 2012 and 2013. In addition, the Work Plan submitted by Mr. Harrison on December 22, 2014, is not sufficient to meet Regional Board requirements. In a letter to Mr. Harrison dated March 18, 2015, the Regional Board provided details of the insufficiencies of the submitted Work Plan. Accordingly, based on the history of non-compliance and the inadequacy of the recent Work Plan, including this case into the EAR Program continues to be warranted.</p> <p>Lastly, the tentative resolution that would adopt the EAR list provides the Executive Officer with authority to delete sites during the fiscal year, as necessary. Thus, if Mr. Harrison comes into compliance with Board orders and submits and implements an adequate work plan, the Executive Officer may determine that inclusion of this site on the EAR list is no longer warranted.</p>