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7 CHEVRON U.S.A INC. and CHEVRON
8 ENVIRONMENTAL MANAGEMENT
9 COMPANY

10 STATE WATER RESOURCES CONTROL BOARD

11 STATE OF CALIFORNIA

12 In the Matter of the Los Angeles Regional
13 Water Quality Control Board's June 26,
14 2014, Requirements for Technical Reports
15 Pursuant to California Water Code Section
16 132567 Order No. R4-2013-0116, Issued to
17 CHEVRON ENVIRONMENTAL
18 MANAGEMENT COMPANY and
19 Requiring Certain Action Related to the
20 Former Golden West Refinery, 13539 Foster
21 Road, Santa Fe Springs, California (SCP
22 No. 0227A, Site ID No. 2040073).

PETITION NO.

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

19 **I. PETITION FOR REVIEW**

20 Pursuant to California Water Code section 13320 and Title 23 of the California
21 Code Regulations ("CCR") sections 2050 *et seq.*, Petitioners Chevron U.S.A. Inc., a
22 Pennsylvania corporation ("CUSA") and Chevron Environmental Management Company, a
23 California corporation ("Chevron EMC") (CUSA and Chevron EMC collectively
24 "Petitioners"), hereby petition the State Water Resources Control Board ("State Board") for
25 review of the Requirement for Technical Reports issued by the Regional Water Quality
26 Control Board, Los Angeles Region ("Regional Board") on June 26, 2014 ("Directive"),
27 requiring certain actions related to the former Golden West Refinery, located at 13539 Foster
28 Road, Santa Fe Springs, California (SCP No. 0227A, Site ID No. 2040073) ("the Site").

1 The Directive identifies “Chevron” as the Discharger, and was sent to Mr. Brad
2 Rogers, PE, of Chevron EMC. The Directive fails to identify which Chevron entity it
3 purports to be a “discharger” with respect to the Site. In addition, the Directive
4 inappropriately and improperly requires “Chevron” to:

5 (1) By September 15, 2014, prepare and submit a work plan to conduct
6 subsurface investigation and install additional groundwater wells to address
7 data gaps.

8 (2) By September 15, 2014, submit a revised and comprehensive groundwater
9 sampling and monitoring program for LNAPL and dissolved phase
10 groundwater plume covering the entire plume.

11 (3) Conduct one additional round of soil vapor sampling at or near the 11
12 locations previously sampled in August 2013 and submit a report by September
13 15, 2014, with the results of the soil vapor survey.

14 (4) Comply with deadlines to be established by the Executive Officer for
15 completion of activities and submission of technical reports.

16 The requirements imposed by the Directive are inappropriate and improper
17 because they are not supported by the record, are arbitrary, and capricious, and are in
18 violation of law and policy. The Directive should therefore be rescinded. Petitioners request
19 the Directive be stayed and requests a hearing in this matter.

20 On July 22, 2014, Chevron EMC requested that the RWQCB rescind the
21 Directive (for the reasons that serve as the basis of this Petition) and convene a meeting
22 among Chevron EMC, CUSA, and the named discharger, Golden West Refining Company
23 (“Golden West”). (Declaration of A. Todd Littleworth (“Littleworth Decl.”) at ¶ 9.) A true
24 and correct copy of this email request is attached to the Littleworth Decl. as **Exhibit B**. On
25 July 24, 2014, Regional Board staff proposed a meeting with representatives for Chevron
26 EMC, CUSA, Golden West, and Regional Board staff for August 28, 2014. However, the
27 Regional Board did not agree to rescind the Directive and it was thus necessary to file this
28 Petition to preserve the rights of Chevron EMC and CUSA to challenge the Directive.

1 (Littleworth Decl. at ¶ 9.)

2 **II. PETITIONERS**

3 The name and address of Petitioners are:

4 Chevron U.S.A. Inc.
5 6001 Bollinger Canyon Road
6 San Ramon, CA 94583

7 Chevron Environmental Management Company
8 6101 Bollinger Canyon Road
9 San Ramon, CA 94583

10 Petitioners should be contacted through their legal counsel:

11 ROGERS JOSEPH O'DONNELL, PC
12 ROBERT C. GOODMAN
13 311 California Street, 10th Floor
14 San Francisco, CA 94104
15 Telephone: (415) 956-2828
16 Facsimile: (415) 956-6457
17 E-mail: rgoodman@rjo.com

18 **III. ACTION OF THE REGIONAL BOARD TO BE REVIEWED**

19 Petitioners respectfully request that the State Board review the Directive, which
20 inappropriately and improperly establishes the requirements described above. (A copy of the
21 Directive is attached to the Littleworth Decl. as Exhibit A.)

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

23 The Regional Board issued the Directive on June 26, 2014.

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

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

28 **A. Background**

1. The Site

The Site is described in the Directive as a former refinery and petroleum storage facility. The Directive states that from the 1920s to 1997, Golden West and its predecessors owned the Site and conducted refining, blending and storage of crude oil and finished products at the Site. (Directive, p. 1.) The Site is said to encompass approximately

1 269 acres. (*Id.*) The Site is said to now be completely redeveloped into a business park for
2 commercial and industrial use. (*Id.*) The Directive states that due to the historical use of the
3 Site, soil and groundwater underlying the Site are impacted by petroleum hydrocarbons,
4 including light non-aqueous phase liquid (“LNAPL”) and volatile organic compounds
5 (“VOCs”) that have extended to offsite areas. (*Id.*)

6 The Directive alleges that Gulf Oil Corporation previously owned the Site,
7 selling it in 1983, and that in 1984 Gulf Oil Corporation was acquired by “Chevron.” (*Id.*) In
8 fact, Gulf Oil Corporation sold the Site at issue in the Directive (and the then-operating
9 refinery) to Thrifty Oil Co. in 1983, which Petitioners understand to be the parent of Golden
10 West. (Littleworth Decl. at ¶ 2.) Chevron U.S.A. Inc., a Pennsylvania corporation
11 (“CUSA”), is the successor to Gulf Oil Corporation. (Littleworth Decl. at ¶ 3.) It is
12 Petitioners’ understanding that neither Gulf Oil Corporation nor CUSA have had any
13 involvement with the operation of the Site, or its environmental assessment and remediation,
14 since the 1983 sale, which occurred 32 years ago. (Littleworth Decl. at ¶ 4.) Chevron EMC
15 has never had any involvement at the Site. (Littleworth Decl. at ¶ 5.)

16 **B. The Regional Board’s Action was Inappropriate and**
17 **Improper and the Directive Should be Rescinded**

18 **1. The Directive Fails to Identify the Entity Subject to**
19 **the Directive**

20 The Directive identifies “Chevron” as the Discharger, and was sent to Mr. Brad
21 Rogers, PE, of Chevron EMC. There are over 150 independent U.S. corporate entities that
22 include the word “Chevron” in their name. (Littleworth Decl. at ¶ 6.) The Directive fails to
23 identify which Chevron entity it purports to be a “discharger” with respect to the Site. The
24 Directive should therefor be rescinded until such time as the appropriate entity to name, if
25 any, is identified.

26 **2. The Directive Requires Action Pursuant to Cleanup**
27 **and Abatement Orders and Directives to Which**
28 **Neither Chevron EMC nor CUSA was a Named Party**

The Directive appears to have been issued in furtherance of existing orders,
including Cleanup and Abatement Order (“CAO”) R4-2004-0020, and previous directives to

1 which neither Chevron EMC nor CUSA is a named party. (Littleworth Decl. at ¶ 7.) The
2 Directive states that the Site has been the subject of several CAOs issued by the Regional
3 Board, and that the CAOs were issued to Golden West. No CAO related to the Site has
4 named or been issued to Chevron EMC or CUSA. (Littleworth Decl. at ¶ 7.) The Directive
5 also references work required by previous directives issued to Golden West. No directive
6 related to the Site been issued to Chevron EMC or CUSA, nor named either as a discharger.
7 (Littleworth Decl. at ¶ 7.) Given that the Regional Board did not name either of the
8 Petitioners in the referenced CAOs and directives that serve as the basis for this Directive, it
9 was arbitrary, capricious, and in violation of law and policy to name either Petitioner in the
10 Directive.

11 **3. It was Inappropriate and Improper to Name Either**
12 **Chevron EMC or CUSA in the Order**

13 To the extent that the Directive names Chevron EMC as the Discharger, such
14 finding has no evidentiary foundation. Chevron EMC manages the environmental aspects of
15 sites for direct and indirect subsidiary corporations of Chevron Corporation, and has never
16 owned or operated the Site. (Littleworth Decl. at ¶ 5.) If it was the intention of the Regional
17 Board to name the successor to Gulf Oil Corporation, then the proper party would have been
18 Chevron U.S.A. Inc., a Pennsylvania corporation. (Littleworth Decl. at ¶ 3.)

19 If it was the intention to issue the Order to CUSA, the Order was issued in
20 violation of CUSA's due process rights. It is Petitioners' understanding that CUSA has had
21 no involvement with the environmental assessment and remediation of the Site. (Littleworth
22 Decl. at ¶ 4.) Further, neither Chevron EMC nor CUSA had the ability to review and
23 comment on the Directive, to discuss Site background with Regional Board staff and the
24 other named Discharger, or to discuss the proposed schedule. Petitioners do not have
25 sufficient information regarding the long history of investigation and remediation at the Site
26 to take the actions mandated by the Directive. While certain information is available on
27 GeoTracker, that information is not complete and Petitioners have not been provided with
28 adequate time to review the information that is available.

1 substantial questions of fact or law regarding the disputed action.

2 **A. LEGAL GROUNDS FOR A STAY**

3 Under section 2053 of the State Board's regulations (23 CCR § 2053), a stay of
4 the effect of an order shall be granted if the petitioners show:

5 (1) Substantial harm to petitioner or to the public interest if a stay is not
6 granted;

7 (2) A lack of substantial harm to other interested parties and to the public if a
8 stay is granted; and

9 (3) Substantial questions of fact or law regarding the disputed action exist.

10 These requirements are met in this case.

11 **B. Petitioners will Suffer Substantial Harm if a Stay is not
12 Granted**

13 Petitioners challenge the Directive on the grounds that the directive fails to
14 identify the entity the Regional Board intended to issue the Directive to and that it would be
15 inappropriate and improper to issue the Directive to either Chevron EMC or CUSA.

16 Petitioners will suffer substantial harm during the time that the Petition is
17 subject to review by the State Board if they are required to adhere to the arbitrary schedule
18 for completed the mandated tasks. This is because Petitioners will not be able to safely and
19 accurately complete the tasks without an understanding of the Site history and current Site
20 conditions. Under the terms of the Directive this will potentially subject Chevron EMC
21 and/or CUSA to substantial penalties (assuming the Directive is actually directed to them),
22 including misdemeanor liability. A stay until a determination is made as to the issues raised
23 in the Petition would solve this problem and save Petitioner from significant and substantial
24 monetary harm. (Littleworth Decl. at ¶ 8.)

25 Additionally, the public will be harmed without a stay because the limited
26 resources of the Regional Board will be consumed in reviewing documents that will likely
27 have to be amended and re-reviewed once adequate information becomes available.
28

1 **C. The Public Will Not Be Substantially Harmed If a Stay Is**
2 **Granted**

3 Golden West will still be required to perform the tasks required by the
4 Directive. It will be more efficient for Golden West to proceed with this work on the
5 schedule set by the Directive as it has knowledge of the investigation and remediation work
6 that has occurred over the past 30 years and knowledge of the current Site conditions.

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

8 As discussed above, there are significant questions being posed in this case as
9 to whom the Regional Board intended to issue the Directive, whether it would be proper to
10 name that entity, and whether it would be proper and appropriate to impose the schedule set
11 by the Directive on either Petitioner. As is discussed above, there are significant issues of
12 fact and law that are sufficient to warrant the granting of a stay.

13 **IX. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF**
14 **LEGAL ISSUES RAISED IN THE PETITION**

15 For purposes of this filing, the Statement of Points and Authorities is subsumed
16 in section V of the Petition. Petitioners reserve the right to supplement their Statement of
17 Points and Authorities, and file additional points and authorities at a future date upon receipt
18 and review of the administrative record and as additional information and evidence is
19 developed.

20 **X. STATEMENT REGARDING SERVICE OF THE PETITION ON THE**
21 **REGIONAL BOARD**

22 A copy of this Petition is being sent to the Regional Board, to the attention of
23 Samuel Unger, Executive Officer. Copies are also being sent to the interested parties
24 identified on the attached proof of service. By copy of this Petition, Petitioners are also
25 notifying the Regional Board and identified parties of the Petitioners' request for a hearing
26 and that the State Board issue a stay.

27 **XI. STATEMENT REGARDING ISSUES PRESENTED TO THE**
28 **REGIONAL BOARD**

 The substantive issues and objections raised in this Petition were raised before
 the Regional Board.

1 For all of the foregoing reasons, Petitioners respectfully request that the State
2 Board review the requirements set forth in the Directive and grant the relief as set forth
3 above.

4 Dated: July 28, 2014

ROGERS JOSEPH O'DONNELL, PC

6
7 By: 

ROBERT C. GOODMAN
Attorneys for Petitioners
Chevron U.S.A. Inc. and Chevron
Environmental Management Company

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8 ENVIRONMENTAL MANAGEMENT
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10 STATE WATER RESOURCES CONTROL BOARD

11 STATE OF CALIFORNIA

12 In the Matter of the Los Angeles Regional
13 Water Quality Control Board's June 26,
14 2014, Requirements for Technical Reports
15 Pursuant to California Water Code Section
16 132567 Order No. R4-2013-0116, Issued to
17 "CHEVRON" and Requiring Certain Action
18 Related to the Former Golden West
19 Refinery, 13539 Foster Road, Santa Fe
20 Springs, California (SCP No. 0227A, Site
21 ID No. 2040073).

PETITION NO.

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

19 I, A. Todd Littleworth, declare and state as follows:

20 1. I am Senior Counsel in the Environmental and Safety Law Group of the
21 Chevron Corporation Law Department. Except as otherwise stated, I have personal
22 knowledge of the matters stated herein and could testify to these facts if called upon to testify
23 as a witness in this action. A copy of the Los Angeles Regional Water Quality Control
24 Board's June 26, 2014, Requirements for Technical Reports Pursuant to California Water
25 Code Section 132567 Order No. R4-2013-0116, issued to "Chevron" and Requiring Certain
26 Action Related to the Former Golden West Refinery, 13539 Foster Road, Santa Fe Springs,
27 California ("Directive") is attached here to as **Exhibit A**.

28 2. In 1983 Gulf Oil Corporation sold the Site at issue in the Directive

Page 1

1 (and the then operating refinery) to Thrifty Oil Co., which I understand is the parent of
2 Golden West Refinery Company ("Golden West").

3 3. Chevron U.S.A. Inc., a Pennsylvania corporation ("CUSA"), is the
4 successor to Gulf Oil Corporation.

5 4. To the best of my knowledge, neither Gulf Oil Corporation nor CUSA
6 have had any involvement with the operation of the Site, or its environmental assessment and
7 remediation, since the 1983 sale.

8 5. Chevron Environmental Management Company, a California
9 corporation ("Chevron EMC"), is a company that manages site investigation and remediation
10 on behalf of the Chevron Corporation family of companies. Chevron EMC has never had any
11 involvement at the Site.

12 6. To the best of my knowledge, there are more than 150 independent U.S.
13 corporate entities that include the word "Chevron" in their name.

14 7. To the best of my knowledge, prior to June of this year the Los Angeles
15 Regional Water Quality Control Board has never issued a Cleanup and Abatement Order or
16 any form of directive related to the Site to Chevron EMC or CUSA.

17 8. Petitioners will suffer substantial harm during the time that the Petition
18 is subject to review by the State Board if they are required to adhere to the arbitrary schedule
19 for completion of the mandated tasks. This is because Petitioners will not be able to
20 accurately complete the tasks without an understanding of the Site history and current Site
21 conditions. Under the terms of the Directive, this would potentially subject Chevron EMC
22 and/or CUSA to substantial penalties (assuming the Directive is actually directed to them),
23 including misdemeanor liability. A stay until a determination is made as to the issues raised
24 in the Petition would solve this problem and save Petitioner from significant and substantial
25 monetary harm.

26 9. On July 22, 2014, Chevron EMC requested that the Regional Board
27 rescind the Directive (for the reasons that serve as the basis of this Petition) and convene a
28 meeting among Chevron EMC, CUSA, and the named discharger Golden West. A true

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and correct copy of this email request is attached hereto as **Exhibit B**. On July 24, 2014, Regional Board staff scheduled a meeting with representatives for Chevron EMC, CUSA, Golden West, and Regional Board staff for August 28, 2014, but did not agree to rescind the Directive.

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

Dated this 28th day of July, 2014 in Dana Point, California.

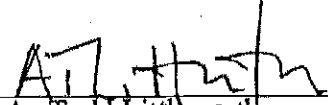
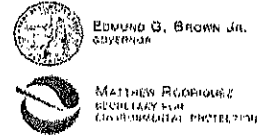

A. Todd Littleworth

EXHIBIT A



Los Angeles Regional Water Quality Control Board

June 26, 2014

Mr. Chris Panaitescu
Golden West Refining Company
13116 Imperial Highway
Santa Fe Springs, CA 90670

Certified Mail
Return Receipt Requested
Claim No. 7001 0360 0000 3649 3392

Mr. Brad Rogers, PE
Team Lead, Refining Business Unit
Chevron Environmental Management Company
6101 Bollinger Canyon Road
San Ramon, CA 94583

Certified Mail
Return Receipt Requested
Claim No. 7001 0360 0000 3649 3408

SUBJECT: REQUIREMENT FOR TECHNICAL REPORTS PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0116

SITE: GOLDEN WEST REFINERY, 13539 FOSTER ROAD, SANTA FE SPRINGS, CALIFORNIA SITE CLEANUP PROGRAM NO. 0227A, SITE ID NO. 2040073

Dear Messrs. Panaitescu and Rogers:

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 referenced site.

The Regional Board is providing regulatory oversight for the assessment and cleanup of contamination at the former Golden West Refinery site. We have determined that, to protect the beneficial use of the waters beneath the site, additional work is required.

Enclosed is a California Regional Board Order No. R4-2013-0116, pursuant to California Water Code section 13267 requiring you to develop the technical plans and to conduct the work.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

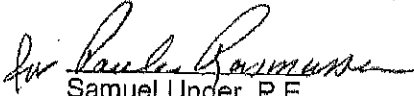
Mr. Panaitescu and Mr. Rogers
Golden West Refining Company
SCP No. 0227A

- 2 -

June 26, 2014

If you have any questions, please contact Site Cleanup Program manager, Dr. Arthur Heath at (213) 576-6725 or project manager Mr. Adnan Siddiqui at (213) 576-6812 (asiddiqui@waterboards.ca.gov).

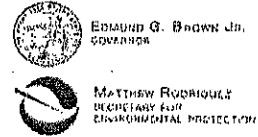
Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: CWC 13267 Order No. R4-2013-0116

CC: Katherine Baylor, USEPA (via e-mail)
Simon Tregurtha, Golden West (via e-mail)
Paul Permierter, The Source Group, Inc. (via e-mail)



Los Angeles Regional Water Quality Control Board

**ORDER TO PROVIDE TECHNICAL REPORTS
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0116
DIRECTED TO GOLDEN WEST REFINING COMPANY AND CHEVRON**

**GOLDEN WEST REFINERY
13539 FOSTER ROAD, SANTA FE SPRINGS, CALIFORNIA
SITE CLEANUP PROGRAM NO. 0227A, SITE ID NO. 2040073**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code section 13267.

1. The Golden West Refinery is a former refinery and petroleum storage facility located at 13539 Foster Road in Santa Fe Springs, California (Site). From the 1920s to 1997, Golden West Refining Company (Golden West) and its predecessors owned the Site and conducted refining, blending and storage of crude oil and finished products at the Site. The Site encompasses approximately 269 acres and was divided into four areas based on the refinery operations. The Processing Unit Area was mainly used for refining crude oil into various products including fuel oil, diesel, and gasoline. The South Tank Farm and West Tank Farm were used for storage and blending of crude oil, intermediate products and finished products. Loading and inventory of finished products took place in the Marketing Area. The Site is now completely redeveloped into a business park for commercial and industrial use. Due to the historical use of the Site, soil and groundwater underlying the Site are impacted by petroleum hydrocarbons including light non-aqueous phase liquid (LNAPL) and volatile organic compounds (VOCs) that have extended to offsite areas. Prior to its acquisition by Golden West in 1983, the refinery was owned and operated by Gulf Oil Corporation. In 1984, Gulf Oil Corporation was acquired by Chevron.
2. The Site has been the subject of several cleanup and abatement orders (CAO) issued by the Regional Board. The most recent CAO, Order No. R4-2004-0020, was issued to Golden West on August 24, 2004. The 2004 CAO requires Golden West to assess, monitor, and cleanup and abate the effects of petroleum hydrocarbons and other contaminants of concern discharged to soil and groundwater at the Site. Additional findings by the Regional Board regarding the Site, operations at the Site, and discharges of waste at the Site are included in the 2004 CAO.
3. The Site is located in the Central Basin of the Los Angeles Coastal Plain. As set forth in the Water Quality Control Plan for the Los Angeles Region (Basin Plan), which was adopted on June 13, 1994, and amended from time to time, the designated beneficial uses for groundwater in the Central Basin include municipal and domestic drinking water supply (MUN), Industrial Service Supply (IND), Industrial Process Supply (PROC) and Agricultural Supply (AGR).
4. Data collected at the site since the 1980s and submitted to the Regional Board in technical and monitoring reports confirms that operations at the site resulted in the discharge of wastes to soil and groundwater. Evidence that is available in the files of the Regional Board for Site No. SCP 0227A show the presence of an LNAPL plume in both the shallow Semi-Perched Aquifer and

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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the deeper Artesia Aquifer under the Site. The LNAPL plume in the Semi-Perched Aquifer extends off-site to the south approximately 3,000 feet¹. There are also dissolved phase groundwater plumes present in the Semi-Perched Aquifer and Artesia Aquifer, which have migrated off-site. The analytical results from groundwater monitoring confirm that petroleum hydrocarbons, VOCs and methyl-tertiary-butyl ether (MTBE) are present in the groundwater. Benzene was detected at concentrations of 18,000 micrograms per liter ($\mu\text{g/L}$) and 29,000 $\mu\text{g/L}$ in the Semi-Perched and Artesia aquifers, respectively. MTBE was detected at a concentration of 14,500 $\mu\text{g/L}$ in the Artesia Aquifer. The concentrations of chemicals in the groundwater at the Site exceed the numerical objectives to protect the beneficial uses of groundwater set forth in the Basin Plan, which include municipal use². The residual contamination in soil and the LNAPL plumes continue to be a source for the dissolved phase groundwater plume.

5. Since the discovery of LNAPL in groundwater at the Site in 1979, approximately 241 groundwater wells have been installed both on and off site by Golden West and its predecessors. The purposes of these wells were to delineate and monitor the LNAPL and dissolved phase groundwater plumes in both aquifers, and for certain select wells, to remove LNAPL from the groundwater. Over time, approximately 101 of these wells were destroyed. Some, but not all, of the destroyed wells were replaced. At the present time there are 140 groundwater wells, located both on and off site.
6. In August 2013, Golden West conducted multi-depth soil vapor sampling at 11 off-site locations. Benzene was detected above the method reporting limit at only one sampling location. Another round of soil vapor sampling is required to confirm that vapors are not emanating from the Semi-Perched LNAPL plume to pose a risk to human health from vapor intrusion.
7. Under the current groundwater monitoring program, Golden West monitors 133 existing groundwater wells on a semi-annual basis for the presence of LNAPL and changes in groundwater levels. In addition, Golden West samples approximately 10 wells in the Artesia Aquifer for laboratory analyses. Currently, groundwater samples are analyzed for total petroleum hydrocarbons, oxygenates and VOCs.
8. Despite the implementation of a groundwater sampling and monitoring program by Golden West at the Site for decades, data gaps remain in the characterization of the LNAPL and dissolved phase plumes in the Semi-Perched and Artesia Aquifers. The distribution of LNAPL is not completely characterized due to the destruction of wells, placement of screen intervals and locations of groundwater wells. The groundwater sampling and monitoring program has not provided adequate information for the Regional Board to accurately monitor changes in the thickness and extent of LNAPL as well as the dissolved concentration of chemicals in the groundwater. In some cases groundwater wells were destroyed without collecting any samples and in other cases groundwater wells were destroyed even though sampling indicated that contaminants were present in the groundwater. There are also existing groundwater wells that have never been sampled to determine groundwater quality. Data gaps are particularly

¹ Additional data and information in support of the Regional Board's conclusion that operations at the Site are the source of the LNAPL plume that extends approximately 3000 feet down-gradient (southward) from the Site, beyond Rosecrans Boulevard, can be found in the Regional Board's letter to Mr. Chris Panaitescu, Golden West Refining Company, dated July 30, 2013, available at: <http://geotracker.waterboards.ca.gov/search>. SL373412444

² The California Department of Public Health maximum contaminant levels (MCLs) for benzene and MTBE are 1 micrograms per liter ($\mu\text{g/L}$) and 13 $\mu\text{g/L}$, respectively.

prevalent with respect to the Semi-Perched Aquifer, for which there is very little analytical data. Only a few Semi-Perched Aquifer wells have been sampled. Out of 108 Semi-perched Aquifer wells installed at the Site since 1981, most of the wells were never sampled and a few wells were sampled only one or two times. The most recent sample of a well in the Semi-Perched Aquifer taken for chemical analyses, was in 2002³. Golden West does not currently monitor the Semi-Perched Aquifer for pollutants such as petroleum hydrocarbons and VOCs.

9. As a result of gaps in the current and past groundwater monitoring programs, the Regional Board has incomplete data about the character of the LNAPL and dissolved phase groundwater contaminant plumes that emanate from the Site. These data gaps have limited the Regional Board's ability to verify the effectiveness of remediation and to determine the necessary scope and appropriate means of clean-up.
10. The Source Group, Inc. (SGI) submitted the Revised Groundwater Monitoring Program Review dated October 7, 2013. The proposed groundwater monitoring program does not address Regional Board concerns and falls short of the information needed to fill in the data gaps and to determine the proper remedy for the contaminant plumes emanating from the Site.
11. California Water Code section 13267(b)(1) states, in part: In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
12. Golden West and Chevron (Dischargers) have discharged, discharge, or are suspected of having discharged waste at the Site, some of which has migrated off-site. The waste discharged at the Site that has or is suspected of having migrated off-site includes the LNAPL plume in the Semi-Perched Aquifer that extends to the south of the Site approximately 3,000 feet. The Dischargers are responsible for the discharges of waste identified in this Order based on their ownership of the Site and operation at the Site that resulted in the discharge of waste.
13. This Order requires the Dischargers to prepare and submit a work plan to install new groundwater wells and to fill in the data gaps. In addition, the Dischargers are required to develop a groundwater sampling and monitoring work plan for the existing and new on-site and off-site Semi-Perched and Artesia Aquifer wells.
14. The Regional Board needs the information that will be supplied by additional subsurface characterization, installation of new wells and a revised groundwater sampling and monitoring program to determine the complete character of the LNAPL and dissolved phase groundwater plumes that emanate from the Site, and to verify effectiveness of ongoing remediation that includes LNAPL removal and the extent of natural attenuation, if any, and other facts required to appropriately define the scope and most effective methods of cleanup and abatement. Golden

³ Semi-Annual Groundwater Monitoring Report dated December 16, 2013.

West's current groundwater monitoring program and the modified program proposed by SGI in its report dated October 7, 2013, are inadequate.

15. The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Much of the necessary monitoring can be accomplished with existing wells. The gaps in available data are largely due to the failure of Golden West and its predecessors to monitor existing wells at the Site⁴. The additional work consisting of subsurface assessment, soil vapor survey, groundwater well installation and monitoring is necessary because it will provide information on residual contamination in the vadose zone and groundwater, aid in the recovery of LNAPL, and determine the effectiveness of remediation, stability of the dissolved phase plume, pace of natural attenuation and threat to human health from vapor intrusion. The information to be provided by the activities required by this Order is necessary to achieve the goals of Cleanup and Abatement Order No. R4-2004-0020 and assure adequate cleanup of the Site, which currently poses significant threats to the environment.
16. The issuance of this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of proposed work plans and, after approval of the proposed work plans by the Executive Officer, submission of technical and monitoring reports. Submittal of the proposed work plans to the Regional Board does not in itself have the potential to cause a significant effect on the environment. Because the proposed activities under the work plans are not yet known, and are subject to discretionary approval by the Regional Board, assessment of the potential environmental impacts of the proposed activities is premature at this time. If implementation of the proposed work plans may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to approving or implementing the work plan.
17. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (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.

THEREFORE, IT IS HEREBY ORDERED that Golden West Refining Company and Chevron, pursuant to section 13267(b) of the California Water Code, are required to do the following:

1. By **September 15, 2014**, submit a work plan to conduct subsurface investigation and install additional groundwater wells to address gaps in available data in defining the extent of the on-site and off-site LNAPL and dissolved phase plumes in the Semi-Perched and Artesia Aquifers.

⁴ For example, wells in the Artesia Aquifer that are available for sampling but that Golden West has not sampled include: B-1, B-2, B-3, B-10, P-10, PO-3, PO-4, PO-7, PO-8, PO-11, PO-19, A-3A, A-22A, A-24A, A-56A, A-64, A-65, and A-66. See Semi Annual Groundwater Monitoring Report dated December 16, 2013.

June 26, 2014

The work plan must include, but should not be limited to, installation of groundwater wells at on-site and off-site locations to be approved by the Regional Water Board.

2. By **September 15, 2014**, submit a revised and comprehensive groundwater sampling and monitoring program for the LNAPL and dissolved phase groundwater plumes in the Semi-Perched and Artesia Aquifers, both on- and off-site covering the entire plume. The groundwater sampling and monitoring program should address, but not necessarily be limited to, concentration of contaminants dissolved in groundwater and geochemical parameters to monitor natural attenuation.
3. Conduct one additional round of soil vapor sampling at or near the 11 locations previously sampled in August 2013, pursuant to the Regional Board order dated July 23, 2013. The second round of soil vapor sampling is to confirm the results of previous sampling to evaluate any threat to human health from vapor intrusion due to the shallow depth of the LNAPL plume. Submit a report by **September 15, 2014** with the results of the soil vapor survey.
4. Comply with deadlines to be established by the Executive Officer for completion of activities and submission of technical reports described in [1] the work plan to install additional groundwater wells and [2] the groundwater sampling and monitoring program. The deadlines established by the Executive Officer, and any subsequent modifications approved by the Executive Officer, are incorporated herein by reference and are enforceable elements of this Order.
5. The Regional Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Dischargers, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Dischargers under this Order.
6. This Order is not intended to permit or allow the Dischargers to cease any work required by any other Order issued by this Regional Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by this Regional Board or any other agency. Furthermore, this Order does not exempt the Dischargers from compliance with any other laws, regulations, or ordinances which may be applicable.
7. The technical report is required to be submitted under the Water Code section 13267. Pursuant to Water Code section 13268(a), any person who fails to submit reports in accordance with this Order is guilty of a misdemeanor. Pursuant to Water Code section 13268(b)(1), failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.
8. The Regional Board, under the authority given by Water Code section 13267(b)(1), requires you to include a perjury statement in all reports submitted pursuant to this Order. The perjury statement shall be signed by a senior authorized Golden West Refining Company representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my

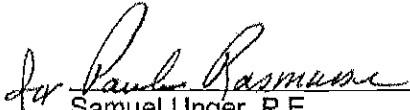
June 26, 2014

inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9. The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found at http://www.waterboards.ca.gov/ust/electronic_submittal. To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the site. However, we may request that you submit hard copies of selected documents and data to the Regional Board in addition to electronic submittal of information to GeoTracker.

For your convenience, the GeoTracker Global ID for this site is SL373412444.

SO ORDERED.



Samuel Unger, P.E.
Executive Officer

EXHIBIT B

From: Jewett, Randy W (RandyJewett) [<mailto:RandyJewett@chevron.com>]

Sent: Tuesday, July 22, 2014 5:16 PM

To: sunger@waterboards.ca.gov

Cc: aheath@waterboards.ca.gov; asiddiqui@waterboards.ca.gov; baylor.katherine@epa.gov; tregurtha@thriftyoil.com; panaitescu@thriftyoil.com; pparmentier@thesourcegroup.net; mbgilmartin@earthlink.net; Robert C. Goodman; Spackman, Rod; Littleworth, Arthur Todd; Jewett, Randy W (RandyJewett); Rogers, Bradley W

Subject: RE: LARWQCB Order - Golden West Refining Company and Chevron Environmental Management Company

Sam, please find attached a letter from Brad Rogers of Chevron Environmental Management Company to you at the Los Angeles Regional Water Quality Control Board in response your recent Order No. R4-2013-00116. Brad is currently out of the office on business and his contact information is provided in the letter.

Very truly yours,

Randy Jewett, P.E.

Email: RandyJewett@Chevron.com

Area Manager - US West - Refining Business Unit

Chevron Environmental Management Company

P.O. Box 2292, Brea, CA 92822-2292

(for overnight & parcel delivery 145 S. State College Blvd Brea CA 92821)

ph 714-671-3532 fax 714-671-3446 cell 714-697-7703



Brad Rogers
Team Lead

Chevron Environmental
Management Company
Refining Business Unit
145 S. State College Blvd.
Brea, CA 92821
Tel 925 790 6229
brogers@chevron.com

July 22, 2014

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

Re: Requirement for Technical Reports Pursuant to California Water Code Section 13267
Order No. R4-2013-00116

Site: Golden West Refinery, 13539 Foster Road, Santa Fe Springs

Dear Mr. Unger:

I am writing to request that the Regional Water Quality Control Board rescind the above-referenced Order and that RWQCB staff and representatives of Chevron Environmental Management Company and Golden West Refining Company participate in a joint meeting with you in mid to late August. If the Order is not rescinded, Chevron EMC will have no choice but to file a Petition with the State Water Resources Control Board challenging issuance of the Order.

Our request that the Order be rescinded is based on four major grounds. First, the Order refers, generally, to "Chevron," without identifying which "Chevron" entity is required to comply with the requirements of the Order. There are a large number of entities with "Chevron" in their corporate names, each with independent corporate status. For instance, we previously requested that correspondence be directed to Chevron EMC, which manages investigation and remediation of sites for companies within the Chevron Corporation family of companies. However, Chevron EMC itself has never played any role at the referenced site and is not a "discharger" as a matter of law. If it was the RWQCB's intention to name the successor to Gulf Oil Corporation on the Order, then the proper party would have been Chevron U.S.A. Inc., a Pennsylvania corporation ("CUSA").

Second, if it was the intention to issue the Order to CUSA, the Order was issued in violation of CUSA's due process rights. In particular, CUSA had no ability to review and comment on the Order, to discuss site background with your staff and the other named Discharger, or to discuss the proposed schedule. As referenced in the Order, Gulf Oil Corporation sold the site in 1983, and neither it, nor CUSA, has had any involvement with the site for the past 31 years. The Order also discusses a long history of investigation and remediation—a history for which there is only limited information available on GeoTracker.

Third, if the intention was to issue the Order to CUSA, it was improper to do so, because the Order appears to have been issued in furtherance of existing orders, including Cleanup and Abatement Order R4-2004-0020 to which CUSA is not a party. It is our understanding that Golden West Refining Company is the only named discharger on

Mr. Samuel Unger
Los Angeles Regional Water Quality Control Board
Re: Order No. R4-2013-00116, Golden West Refinery
July 22, 2014
Page 2

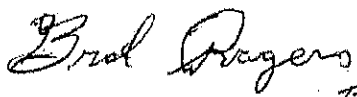
that Order. In addition, Task 3 of the Order purports to require that "one additional round of soil vapor sampling" be conducted "pursuant to the Regional Board order dated July 23, 2013." CUSA is not a party to any order issued July 23, 2013. This same provision of the Order refers to the need to "confirm the results of previous sampling to evaluate any threat to human health from vapor intrusion[.]" CUSA has not had any involvement whatsoever in any such prior sampling. It is improper to impose obligations arising from existing orders on CUSA, which did not have an opportunity to provide comments on or to seek relief from such orders.

And fourth, even if CUSA had been properly named, the Order's requirement that Tasks 1 through 3 be completed within 81 days of issuance of the Order is manifestly unreasonable, and an arbitrary and capricious exercise of the RWQCB's authority. It is not possible for CUSA to comply with these deadlines. CUSA's predecessor's activities at the Site ceased in 1983 when the Site was sold. And CUSA has had no involvement with the extensive investigation and remediation work that has occurred over the past 30 years.

In closing, I repeat my request that the RWQCB immediately rescind the Order and convene a meeting among RWQCB Staff, Golden West Refinery Company, and Chevron EMC discuss the status of the Site, further appropriate work, and a reasonable schedule for implementing such work. If the Order is not rescinded, Chevron EMC and CUSA will have no choice but to file a Petition with the State Water Resources Control Board.

Thank you.

Very truly yours,


BY: [Signature]

Brad Rogers, P.E.

ccs: Via email -

Dr. Arthur Heath, Los Angeles Regional Water Quality Control Board
Adnan Siddiqui, Los Angeles Regional Water Quality Control Board
Katherine Baylor, USEPA

Simon Tregurtha, Golden West Refining Company
Chris Panaitescu, Golden West Refining Company
Paul Permienter, The Source Group, Inc.
Mark B. Gilmartin, Esq., Law Offices of Mark B. Gilmartin, for Golden West Refining Company

Randy Jewett, Chevron EMC
Rod Spackman, Chevron U.S.A. Inc.
Todd Littleworth, Esq., Chevron Corporation
Robert C. Goodman, Rogers Joseph O'Donnell, for Chevron EMC and Chevron U.S.A. Inc.

1 ROGERS JOSEPH O'DONNELL, PC
ROBERT C. GOODMAN (State Bar No. 111554)
2 *rgoodman@rjo.com*
D. KEVIN SHIPP (State Bar No. 245947)
3 *kshipp@rjo.com*
311 California Street
4 San Francisco, California 94104
Telephone: 415.956.2828
5 Facsimile: 415.956.6457

6 Attorneys for Petitioners
CHEVRON U.S.A INC. and CHEVRON
7 ENVIRONMENTAL MANAGEMENT
COMPANY
8
9

10 STATE WATER RESOURCES CONTROL BOARD
11 STATE OF CALIFORNIA

12 In the Matter of the Los Angeles Regional
13 Water Quality Control Board's June 26,
2014, Requirements for Technical Reports
14 Pursuant to California Water Code Section
132567 Order No. R4-2013-0116, Issued to
15 CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY and
16 Requiring Certain Action Related to the
Former Golden West Refinery, 13539 Foster
17 Road, Santa Fe Springs, California (SCP
No. 0227A, Site ID No. 2040073).

PETITION NO.

PROOF OF SERVICE

18
19 I, Clara Chun, state:

20 My business address is 311 California Street, 10th Floor, San Francisco, CA 94104. I
21 am employed in the City and County of San Francisco where this service occurred. I am over
the age of eighteen years and not a party to this action. On July 28, 2014, I served the
22 following document(s) described as:

23 **CHEVRON U.S.A INC. AND CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR A
24 HEARING, AND REQUEST FOR STAY**

25 **DECLARATION OF A. TODD LITTLEWORTH IN SUPPORT OF CHEVRON
26 U.S.A INC. AND CHEVRON ENVIRONMENTAL MANAGEMENT
COMPANY'S PETITION FOR REVIEW, REQUEST FOR A HEARING, AND
27 REQUEST FOR STAY**

28 on the following person(s) in this action by placing a true copy thereof enclosed in a sealed
envelope, with the postage prepaid, addressed as follows:

1 Samuel Unger, P.E.
Executive Officer
2 Los Angeles Regional Water Quality
Control Board
3 320 West Fourth Street, #200
Los Angeles, CA 90013
4 *sunger@waterboards.ca.gov*

Katherine J. Baylor
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
baylor.katherine@epa.gov

5 Paul P. Parmentier, P.G., C.HG.
Principal Hydrogeologist
6 The Source Group, Inc.
1962 Freeman Avenue
7 Signal Hill, CA 90755
pparmentier@thesourcegroup.net

Simon Tregurtha
Golden West Refining Company
13116 Imperial Highway
Santa Fe Springs, CA 90670
tregurtha@thriftyoil.com

8 Chris Panaitescu
9 Golden West Refining Company
13116 Imperial Highway
10 Santa Fe Springs, CA 90670
panaitescu@thriftyoil.com

Mark B. Gilmartin, Esq.
LAW OFFICES OF MARK B.
GILMARTIN
1534 17th Street, Suite 103
Santa Monica, CA 90404-3452
mbgilmartin@earthlink.net

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

16 X **BY ELECTRONIC SERVICE:** I caused the documents to be sent to the person(s)
17 at the electronic notification address(es) listed above. Within a reasonable time,
the transmission was reported as complete and without error.

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

20 Dated: July 28, 2014


21 Clara Chun