

Los Angeles Regional Board Groundwater Workshop

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GROUNDWATER CONTAMINATION AND REMEDIATION: A REGULATED COMMUNITY PERSPECTIVE

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Groundwater Contamination and Remediation – A Regulated Community Perspective

1. Overview: The Burdens and Benefits of Dealing With the LARWQCB

Most regulatory community constituents do not consider or fully appreciate the enormity of the LARWQCB's role and responsibilities for ensuring the water quality of this region which serves over 11 million residents. It has been my experience over the past 35 years of my environmental law practice that many regulated community constituents view dealing with the Water Board as a necessary evil or as an undue burden in order, for example, to obtain confirmation and approval of a remedial action plan or to obtain a no further action, closure letter in connection with a property transaction. Some of the regulated community, however, recognize the benefit and seize the opportunity of working with the Water Board in order to facilitate engaging other prps in the remediation process, and/or to effectuate a remedy which will both safeguard the water quality beneath and about its property and which helps to safeguard the health and safety of its employees and tenants.

2. Benefits:

- Engaging and partnering with LARWQCB in handling large, complex site assessments and remediations which involve a wide range of community stakeholders (Ujima Village represents a case study for this type of matter. See, State Water Resources Control Board GeoTracker Case - *UJIMA VILLAGE APARTMENTS / FORMER ATHENS TANK FARM (SLT4L3741812)*)
- Coordinating with LARWQCB to help facilitate the involvement of additional prps by i.e. the issuance of a CAO
- LARWQCB's availability/willingness to dialogue with prps to develop/discuss site assessment/remedial options and setting reasonable, flexible timelines for compliance
- LARWQCB's assistance in helping prps get access to off-site properties in order to conduct investigations
- LARWQCB's coordinating with prps and other community stakeholders in providing outreach; transparency; effectively communicating through public notices; meetings; Q&A sessions; fact sheets
- LARWQCB's willingness to engage other agencies, as needed or appropriate (DTSC; OEHHA; CUPAs; community leaders; government representatives)
- LARWQCB's providing access to and the involvement of its decision-makers (EO; AEO; project managers)

- LARWQCB's willingness to carefully evaluate whether or not eminent risk factors exist and communicating same to all stakeholders
- Providing continuity and consistency in helping to facilitate closure

3. Burdens:

- LARWQCB's creation of an undue adversarial relationship with prps and other stakeholders where they provide more stick than carrot
- LARWQCB's inability or unwillingness to provide timely responses or feedback
- LARWQCB's charging of oversite costs which can be perceived as "pay for play"
- LARWQCB's providing only what is often perceived as merely "knee-jerk" requests/orders to do more assessment, rather than to take into account the particular circumstances and needs of the regulated community stakeholders
- LARWQCB's resistance to consider MNA alternative in areas where drinking water is not impacted and/or when beneficial uses are negligible
- LARWQCB's need to improve dealing with risk assessment issues – especially with the proliferation of indoor air, vapor intrusion cases. More specifically, the need for better turn-around time between LARWQCB and OEEHA and/or DTSC
- LARWQCB's need to improve upon what is perceived as the disconnect and poor communications between Regional Board's legal counsel and Water Board staff and its decision-makers; and also as between stakeholders and Regional Board's legal counsel
- LARWQCB's need to improve on what is perceived as the lack of adequate opportunity for the regulated community to have a less cumbersome process than a petition to the State Water Board to challenge or have reconsidered a CAO or other site assessment or remedial action requests.