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POLYNT COMPOSITES USA INC.

7
8 **BEFORE THE STATE OF CALIFORNIA**
9 **STATE WATER RESOURCES CONTROL BOARD**

10
11 IN THE MATTER OF THE
PETITION TO REVIEW
12 INVESTIGATIVE ORDER NO. R4-
2023-0412 –CALIFORNIA WATER
13 CODE SECTION 13267 ORDER
TO PROVIDE TECHNICAL
14 REPORTS FOR SUBSURFACE
ASSESSMENT DIRECTED TO
15 REICHHOLD LLC 2

Petition No. _____

PETITION FOR REVIEW

*[Memorandum of Points and
Authorities and Appendix of Exhibits in
Support of Petition filed concurrently]*

16
17 LA Regional Water Quality Control
Board
18

INTRODUCTION

1
2 Polynt Composites USA Inc. (“Petitioner”) respectfully requests the
3 California State Water Resources Control Board (“State Board”) review
4 site investigation requirements set forth in Investigative Order No. R4-
5 2023-0412 (“Order”). With no prior notice, the Order was issued on
6 January 18, 2024 by the Regional Water Quality Control Board
7 (“Regional Board”) to Reichhold LLC 2 for the property located at 237
8 South Motor Avenue, Azusa, California 91702 (“Property”).

A. The Petition Presents Important State-Wide Issues

9
10 This Petition presents three state-wide policy issues that merit
11 review by this Board:

- 12 • Whether a Regional Board can issue an Order to an entity,
13 Reichhold LLC 2, which has certified cancellation of its limited
14 liability corporate status?
- 15 • Whether a Regional Board can issue request for a Water Code
16 Section 13267 investigation for a site that has *already been*
17 investigated and incorporated into a regional remedial design
18 and cleanup supervised by EPA Region 9 (the Baldwin Park
19 Operable Unit, area 2 of the San Gabriel Valley Superfund
20 Sites)? What is the State policy of re-investigating an area
21 (including this specific Property) subject to investigation since
22 the 1980s with a Record of Decision issued by EPA in 1994, later
23 amended, and a Consent Decree issued by EPA in 2002?
- 24 • Whether a Regional Board can ignore the fact that all discharges
25 from this Property were done by either corporate entities not
26 named (Nobel) or by Reichhold, Inc. (previously known as
27 Reichhold Chemicals, Inc.), an entity which filed for federal
28 bankruptcy and was then discharged pursuant to its accept

1 bankruptcy plan. This involves a general application of the
2 state-wide “fair contemplation” test for triggering the duty of a
3 creditor (such as the Regional Board) to file a claim in the
4 federal bankruptcy process. This also involves federal law (the
5 Bankruptcy Code) pre-empting any state law which purports to
6 render as “responsible” a debtor who had all claims discharged
7 in federal bankruptcy court proceedings.

8 **B. Specific Items for Which Review is Requested**

9 Petitioner seeks review of the following requirements in the Order
10 as set forth at page 6, Section 1. We paraphrase the exact requirements
11 for convenience, but they are set forth on that page.

- 12 • Assessment of the Site for volatile organic compounds (“VOCs”),
13 semi-volatile organic compounds (“SVOCs”), TPH, 1,4 dioxane, n-
14 nitrosodimethylamine, metals, polychlorinated biphenyls (“PCBs”),
15 polycyclic aromatic hydrocarbons (“PAHs”), perchlorate, and other
16 constituents at the Property and/or in the groundwater at the
17 Property;
- 18 • Mapping of soil vapor, soil, and groundwater sampling points and
19 delineation of all on-site waste discharge in all media (soil, soil
20 vapor, and groundwater) and potential delineation of offsite waste
21 discharge;
- 22 • Sampling of soil, soil vapor, and groundwater at “all areas of
23 concern based on past and current Site operations”;
- 24 • Soil vapor sampling for VOCs at multiple depths at locations where
25 elevated VOCs were previously detected;
- 26 • The proposal for and design of groundwater monitoring wells
27 “despite appreciable fluctuations in groundwater levels in the
28 basin” and preparation of a “at least one” geologic cross-section to

1 illustrate geological stratigraphy in the vadose and saturated
2 zones.

3 In addition, Petitioner also seeks review of the Order’s requirements
4 stated on pages 6-7, Section 2 and Section 3, and the accompanying
5 referenced “Chemical Usage Questionnaire” for:

- 6 • The completion of an Updated Site Information and Chemical
7 Usage Questionnaire. (Section 2.)
- 8 • Preparation of a technical report which “may” be followed by a
9 requirement for a site conceptual model and human health risk
10 assessment for all exposure pathways “applicable to the site.”
11 (Section 3.)

12 Petitioner files this request for review pursuant to California Water
13 Code section 13320 and California Code of Regulations (“CCR”) Title 23,
14 Section 2050.

15
16 **PETITION FOR REVIEW**

17 **I. NAMES AND ADDRESSES OF PETITIONER**

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20 Polynt Composites USA Inc.
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23 Email: long.le@polynt.com

24 Stan Ogrodnick
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7 **II. REGIONAL BOARD ACTION FOR WHICH PETITIONER**
8 **SEEKS REVIEW**

9 Petitioner seeks review of the Regional Board’s soil, soil vapor, and
10 groundwater investigation and monitoring requirements directed by the
11 Regional Board in Investigative Order No. R4-2023-0412, California
12 Water Code Section 13267 Order to Provide Technical Reports for
13 Subsurface Assessment Directed to Reichhold LLC 2 c/o Reichhold
14 Chemicals, Inc. 237 South Motor Avenue, Azusa, California 91702. A
15 copy of the Order is enclosed as **Exhibit 1**.

16
17 **III. DATE OF REGIONAL BOARD ACTION**

18 The Regional Board’s action—an Investigative Order--is dated
19 January 18, 2024.¹

20
21 **IV. STATEMENT OF REASONS WHY THE ACTION WAS**
22 **INAPPROPRIATE AND IMPROPER**

23 The Regional Board’s request for additional investigation at the
24 Property is improper for several reasons, including the following:

25 _____
26 ¹ See **Exhibit 2**. The Regional Board addressed its cover letter to the
27 agent for service for Reichhold LLC 2. As noted below, that entity had
28 terminated its limited liability company status two months earlier (in
November 2023).

1 **A. The Regional Board’s Order is directed to a defunct**
2 **corporate entity, Reichhold LLC 2.**

3 The Regional Board lacks legal authority to issue directives to an
4 LLC which is now cancelled. The Order is directed to only one party -
5 “Reichhold LLC 2,” which is a defunct entity.² The Order is therefore
6 void as a matter of law. Reichhold LLC 2 filed notice of termination of its
7 status as a corporate entity as of November 16, 2023, two months before
8 the issuance of this Order.³ The termination of the LLC was thus
9 effective prior to issuance of this Order.

10 The State Board should recognize the state-wide policy in favor of
11 orderly corporate terminations. It should accordingly direct the Regional
12 Board to promptly withdraw this invalid Order.

13 **B. There is no need for investigating an existing**
14 **Superfund Site that is currently in the remedial**
15 **implementation of groundwater.**

16 Even assuming *arguendo* the Order was directed to a valid
17 corporate entity, Water Code Section 13267 is part of a larger statutory
18 scheme set forth in Article 4 aimed at protecting groundwater. Section
19 13267 (b) allows the Regional Board to impose the burden of
20 investigating properties on “dischargers”, but only when: “The burden,
21

22 ² **Exhibit 1**, Order, p. 1 and p. 6.

23 ³ Corporate filing with California Secretary of State dated November 16
24 2023 for Reichhold LLC 2 — “Certificate of Cancellation-LLC
25 Termination.” A copy of this document is contained in the Appendix of
26 Exhibits in Support of Petition for Review as **Exhibit 14**. The separately
27 filed supporting Memorandum provides legal authorities for the effect of
28 a certificate of cancellation under the controlling corporate law of
Delaware.

1 including costs, of these reports shall bear a reasonable relationship to
2 the need for the report and the benefits to be obtained from the reports.”

3 The Property is situated within a federal Superfund Site known as
4 the Baldwin Park Operable Unit of the San Gabriel Valley Superfund
5 Sites (“BPOU”). It has been under the jurisdiction and oversight of EPA
6 since at least the 1980s (including an EPA on-site inspection of the
7 Property in 1984) followed by EPA’s release of the initial Record of
8 Decision (“ROD”) in March 1994. EPA issued a First Amended
9 Administrative Order for Remedial Design and Remedial Action
10 (“Amended AO”) in February 2002 to multiple parties, including the then
11 owner and operator of this Property, Reichhold, Inc.

12 EPA Region 9—in collaboration with the Regional Board—has
13 already investigated this Property, neighboring properties, and imposed
14 a remedy of groundwater treatment and monitoring under its Superfund
15 authority. In its March 31, 1994 ROD, EPA summarized the decade-long
16 role of the Regional Board in investigating sites (including the then
17 Reichhold Chemicals Property) within this operable unit:

18 In 1985, the California Regional Water Quality Control Board
19 (Regional Board) began its Well Investigation Program (WIP) to
20 identify the sources of groundwater contamination detected in
21 water supply wells. In 1989, EPA entered into a cooperative
22 agreement with the Regional Board to expand the WIP program,
23 in order to assist EPA in determining the nature and extent of
24 the sources of the groundwater contamination in the Baldwin
25 Park area and other portions of the San Gabriel Valley, and to
26 identify responsible parties. The cooperative agreement has been
27 renewed annually. Regional Board staff directly oversee facility-
28 specific investigations in the Baldwin Park area; EPA's role has
been to help fund the Regional Board, help set priorities, and, as
needed, to intervene in individual investigations to obtain
information, evaluate claims of inability to pay, and threaten or

1 use Federal enforcement authority to ensure that necessary
2 investigation work is promptly completed.⁴

3 EPA issued a formal consent decree in 2002, which named several
4 parties, including Reichhold, Inc. (formerly known as Reichhold
5 Chemicals, Inc.), and required remedial work and monitoring that
6 continue to the present day. What benefit can further investigation of
7 groundwater (and overlying soil) possibly yield when a groundwater
8 remedy is already in place?

9 The Regional Board’s Order does not recite or otherwise suggest
10 specific (or different) remedial goals outside of the scope of the
11 groundwater remedy at the BPOU. Rather, the Order recites only that:

12 The information [sought in the Order] is necessary to evaluate
13 subsurface impacts, *to protect groundwater quality*, which may
14 be impacted from wastes discharged to soil *and groundwater* as a
15 result of the activities performed at the Site, adequately
16 determine the extent of discharges of waste at and from the Site,
17 *to assure adequate cleanup of the Site*, if necessary, and *to assure*
18 *that discharges of waste that could impact water quality will be*
19 *addressed.*⁵

20 In short, the proposed investigation is designed to “obtain
21 information” sufficient to protect groundwater quality—the very thing
22 that the BPOU remedial action is currently remediating.

23 As an example of this, among other requirements, the Regional
24 Board’s Order requires installation of groundwater monitoring wells in a

25 ⁴ See **Exhibit 4**, Record of Decision, Baldwin Park Operable Unit, San
26 Gabriel Valley Superfund Sites, Los Angeles County California,
3/31/1994, at p. 14.

27 ⁵ **Exhibit 1**, Order, p. 5, §7 (extracted portion) (italics added).
28

1 manner sufficient to account for the “appreciation fluctuations in
2 groundwater levels in the basin.”⁶ This type of work, however, is the
3 very type of groundwater monitoring and assessment carried on as part
4 of the BPOU project. Simply put—everyone, including the Regional
5 Board, knows about “appreciable fluctuations” “in the basin”—it has
6 been studied for decades.

7 This poses a major state-wide policy consideration for this Board:
8 When is a Regional Board permitted to re-investigate what EPA has
9 already investigated and is currently remediating in an established
10 Superfund site? Why is such duplicative “investigative” work necessary
11 when another agency with environmental expertise has already
12 completed the investigative work, concluded that the situation (including
13 this Property) merits a remedy, and implemented that remedy?

14 To be sure, the Order does briefly acknowledge the existence of
15 prior investigation and remediation efforts. It makes a general reference
16 to the EPA initial Unilateral Administrative Order in 2002, and
17 specifically noted that the former owner/operator of the Property,
18 Reichhold, Inc. was a named potentially responsible party (“PRP”) at the
19 BPOU, and that it cooperated in that process. As the Order recites:
20 “Reichhold Chemical [sic-Chemicals] complied with EPA’s order for a
21 number of years before declaring bankruptcy. In resolution of the
22 bankruptcy case, Reichhold Liquidation, Inc. [sic—Reichhold LLC] made
23 a final payment toward the regional groundwater cleanup.”⁷

24 _____
25 ⁶ *Id.* at p. 6, § 1 subpart (f).

26 ⁷ **Exhibit 1**, Order, p. 2 (second full paragraph). The corporate history
27 can be summarized as follows: Reichhold Chemicals, Inc. was the formal
28 name of the entity owning and operating the Property (and others) for

1 Despite the Regional Board’s general and passing reference to
2 EPA’s cleanup process and specific directives as to Reichhold, the
3 Regional Board’s Order then simply ignores the effect and impact of the
4 investigation work, remedial planning, and remedial work at the BPOU.
5 It ignores an “inconvenient truth”: someone else already has this
6 Property—and the entire area around it—under supervised investigation
7 and remediation.

8 While the State Board establishes state-wide policies for water
9 quality, it is required to “consult with and carefully evaluate the
10 recommendations of concerned federal . . . agencies.”⁸ In this case, the
11 State Board must reverse a Regional Board Order that blithely ignores
12 EPA efforts and simply proceeds to express a “need” for protecting
13 “groundwater quality” when that need is being actively addressed by a
14 supervising agency, EPA.

15 The EPA supervised construction of its ROD remedy. Thereafter,
16 EPA has conducted four separate five-year reviews of the Property (along
17 with the rest of the BPOU area) and the effectiveness of that remedy.
18 EPA’s issued its latest (Fourth) Five-Year Review dated September 15,
19
20
21

22 many years. In the late 1990s-early 2000 time period, the corporate
23 name was changed to just Reichhold, Inc., but otherwise management
24 and operations remained the same. In 2014, Reichhold Holdings US, Inc.
25 and affiliated debtors filed for bankruptcy in the U.S. Bankruptcy Court
26 for the District of Delaware. (*In re: Reichhold Holdings US, Inc.*, Case
27 No. 14-12237). Among the affiliated debtors participating in that jointly
28 administered bankruptcy proceeding was Reichhold, Inc.

⁸ Water Code, § 13144.

1 2022.⁹ EPA concluded that the *remedy is protective of human health and*
2 *is otherwise functioning as intended by limiting contamination migration*
3 *and removing contamination from groundwater.*¹⁰

4 Because the Order seeks to duplicate prior investigations, which
5 have already led to remediation to the satisfaction of EPA, the Regional
6 Board cannot make a showing at this time that the benefits of
7 performing the investigation activities required in the Order outweigh
8 the significant cost burden of doing so. Indeed, the Regional Board’s one-
9 sentence rationale for the purported “benefits” for ordering investigation
10 activities to “protect groundwater” is directly contrary to EPA’s
11 conclusions just two years ago.

12 **C. This “investigate again” Order is pre-empted by**
13 **Federal Bankruptcy law that expressly discharged the**
14 **debtors (including Reichhold, Inc.).**

15 **1. Express Statutory Pre-emption**

16 Reichhold, Inc. was the prior owner and operator of the Property.¹¹
17 Reichhold, Inc. filed for bankruptcy along with several other affiliated
18 entity debtors. Reichhold LLC, which purchased the assets of Reichhold,
19 Inc. as part of the bankruptcy proceeding, received a discharge.¹²
20

21 ⁹ **Exhibit 13**, EPA Region 9, Fourth Five-Year Review Report for San
22 Gabriel Valley Area 2 Superfund Site, Los Angeles, California,
23 September 15, 2022.

24 ¹⁰ *Id.* at p. 26-28 (emphasis added).

25 ¹¹ **Exhibit 1**, Order, pp.1-2.

26 ¹² *Id.* at p. 2 (second full paragraph) [“In resolution of the bankruptcy
27 case, Reichhold Liquidation, Inc. [sic-Reichhold LLC] made a final
28 payment toward regional groundwater cleanup.”].

1 The express statutory provisions of the Bankruptcy Code provide
2 for a discharge of the prior liabilities of a debtor.¹³ The very purpose of
3 this discharge is to allow the debtor to “obtain the fresh start envisioned
4 by the Bankruptcy Code.”¹⁴

5 In this case, the Regional Board’s Order, directed to Reichhold LLC
6 2, conflicts with the federal statutory language providing for a discharge
7 of a “debt” against the debtor. And the definition of “debt” is quite broad.
8 Indeed, it includes any “liability on a claim.”¹⁵

9 2. Implied or Obstacle Pre-emption

10 As explained in the separately filed Memorandum, the actions of
11 the Regional Board create an impermissible obstacle to the “fresh start”
12 policy of the federal Bankruptcy Code and are therefore pre-empted on
13 that ground as well.

14
15
16 ¹³ 11 U.S.C. §523; *id.* at §1141 (d).

17 ¹⁴ See A. Tenenbaum and J. Cohn, ENVIRONMENTAL BANKRUPTCY LAW: A
18 PRACTICE GUIDE (ABA Envir., Energy, Resources Section 2023), p. 70.

19 ¹⁵ 11 U.S.C. §101(5)(b) (defining “claim” for purposes of Bankruptcy
20 Code as including: “(B) right to an equitable remedy for breach of
21 performance if such breach gives rise to a right to payment, whether or
22 not such right to an equitable remedy is reduced to judgment, fixed,
23 contingent, matured, unmatured, disputed, undisputed, secured, or
24 unsecured.”) The Order recites that any person failing to submit reports
25 is not only guilty of a misdemeanor, and also may be liable for a civil
26 liability fine in the amount of \$1,000 per day for each day that the
27 technical report is not received after the due date. Petitioner reserves the
28 right to assert that any civil penalty or fine imposed “without warning”
or a hearing violates the Seventh Amendment to the US Constitution.
(See *Jarkesy v. SEC* (5th Cir. 2022) 34 F.4th 446, 451-455, *cert. granted*
sub. nom. SEC v. Jarkesy, ___ U.S. ___, 143 S. Ct. 2688 (2023)).

1 The Regional Board’s Order is antithetical to the goals and
2 objectives of the federal Bankruptcy Code providing for a fresh start for
3 bankrupt entities. Indeed, why would any regulated entity spend any
4 funds, much less nearly a \$1 million to settle claims with EPA, who has
5 complete oversight of the Property, only to have the settlement ignored
6 by the Regional Board. In simple terms, they would not.

7 **D. The Order incorrectly states that Reichhold LLC 2 did**
8 **not respond to a 2016 Request for a Questionnaire.**

9 The Regional Board claims that what was then Reichhold LLC 2
10 failed to respond to a Chemical Use and storage Questionnaire (“CUQ”)
11 issued to Petitioners in September 2016.¹⁶ However, Reichhold LLC 2
12 sent its response (via counsel) to the Regional Board on November 19,
13 2016. The Regional Board issued its Order without prior consultation or
14 discussion. Petitioner will provide another copy of the prior response by
15 Reichhold LLC 2 to the CUQ to the Regional Board. This should moot
16 Section 2 of the Order, which is incorrectly premised on a failure to
17 provide such information.

18 **E. The Order’s suggestion that it “may” require a**
19 **“conceptual site model” is at odds with the mass of**
20 **existing data.**

21 Section 3 of the Order requires that Reichhold LLC 2 prepare a
22 technical report based on an entirely new investigation and suggests that
23 it “may” be required to follow up that report with a “conceptual site
24 model” and a human health risk assessment. This requirement is at odds
25 with the more than 30 years of data, including soil boring logs, soil test
26

27 ¹⁶ **Exhibit 1**, Order, pp. 6-7.
28

1 results, and other data performed by the former Reichhold (or Reichhold
2 Chemicals).¹⁷ It is also at odds with the health risk assessment for the
3 entire BPOU documented in EPA’s 1994 ROD.

4
5 **V. MANNER IN WHICH PETITIONER IS AGGRIEVED**

6 Petitioner Polynt is aggrieved by the Order as follows:

7 (1) The Regional Board is directing Reichhold LLC 2 (a defunct entity)
8 to perform work. This cannot stand, and any attempt to “enforce” this
9 Order will yield nothing but a fruitless expenditure of attorneys’ fees.

10 (2) The Regional Board’s Order violates the statutory mandate
11 contained in Water Code section 13267 requiring it to justify the
12 proposed costs of a technical investigation relative to the potential
13 benefits of such an investigation. In this instance, the Order requires
14 investigation activities to the tune of several hundred thousand dollars
15 with no discernable benefit to human health or the environment. The
16 Property is situated on land comprising part of the San Gabriel Valley
17 Area 2 Superfund Site, Baldwin Park Operable Unit, which has been
18 subject to extensive soil and groundwater investigation and remediation
19 for several decades. Since the remedial system was implemented in the
20 early 2000s, it has performed as designed. The Regional Board’s directive
21 requiring yet more investigation activities, despite the fact that

22 _____
23 ¹⁷ See, e.g., **Exhibit 3**, Nov. 26, 1991 letter to Regional Board re: “Soil
24 Vapor Survey, Reichhold Chemicals Incorporated-Azusa, California”
25 additional soil vapor sampling at some 20-foot intervals with re-sampling
26 of 50 previously sampled locations. This is but one example of multiple
27 reports, soil borings, and soil and vapor test results available in the
28 Regional Board’s existing file. The need and “benefit” for yet another
“conceptual site model” to be performed by Reichhold LLC 2 is
nonexistent.

1 remediation is already ongoing, is a hollow exercise that is not justified
2 by any current (or foreseeable future) benefit. In terms of the cost-benefit
3 analysis required under Section 13267, the ratio is \$100,000-\$300,000 in
4 estimated costs (per the Regional Board) versus \$0.00 in benefits.

5
6 **VI. ACTION REQUESTED BY PETITIONER**

7 Petitioner requests that the State Board: (1) accept this Petition;
8 and (2) after a hearing, rescind the Regional Board’s investigative Order
9 requiring additional and duplicative soil, soil vapor, and groundwater
10 investigation activities.

11
12 **VII. POINTS AND AUTHORITIES IN SUPPORT OF PETITION**

13 Petitioner will submit their legal authorities and factual evidence
14 from the record in a separate and concurrently filed Memorandum of
15 Points and Authorities and Appendix of Exhibits In Support of this
16 Petition.

17
18 **VIII. STATEMENT THAT COPIES OF THE PETITION HAVE
19 BEEN SENT TO THE REGIONAL BOARD AND
20 DISCHARGER**

21 A copy of this Petition (and accompanying materials) was
22 transmitted to the Executive Officer of the Regional Board on February
23 20, 2024 via email to: Susana Arredondo@waterboards.ca.gov. A copy
24 was also sent by U.S. Mail to Ms. Arredondo. The putative “discharger”
25 as listed by the Regional Board—Reichhold LLC 2—is defunct and there
26 is no ability to send information to a cancelled limited liability company.

27 ///
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1 **IX. REASONS THAT ISSUES COULD NOT BE RAISED TO THE**
2 **BOARD**

3 The issues presented in this Petition have not been raised to the
4 Board because this Order was issued unilaterally without a hearing or
5 advanced consultation. This Order was not formally presented to the
6 Members of the Los Angeles Regional Board, as its agenda for January
7 25, 2024 is devoid of any reference (in open or closed session) to an Order
8 to be (or recently) issued to Reichhold LLC 2. Thus, there was no
9 opportunity to meet and confer with either Board staff, the Executive
10 Officer, or Members of the Regional Board and discuss any of the issues
11 presented in this Petition.

12
13 **X. REQUEST FOR THE ADMINISTRATIVE RECORD**

14 Petitioner hereby requests the preparation of the administrative
15 record in connection with the Order. Petitioner specifically requests that
16 all technical reports, internal memoranda and reports, and
17 correspondence with EPA be included in the administrative record. This
18 will include (but is not limited to) all documents currently listed in
19 GeoTracker for Reichhold Chemicals, Inc. site at 237 So. Motor Avenue,
20 Azusa, CA.

21
22 **XI. REQUEST FOR HEARING**

23 Petitioner requests that the State Board hold a hearing on this
24 matter.

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XII. REQUEST FOR STAY

The Order was improperly issued to a terminated corporate entity. There is no possibility it can be enforced against that entity, and therefore no stay is necessary.

XIII. STATEMENT OF ADDITIONAL EVIDENCE

Petitioner requests that the following items be added to the Administrative Record.

Date	Source	Document Title
1990-1997	Reichhold Chemicals (Consultant Brown and Caldwell)	All soil, soil vapor workplans and all soil vapor reports and results with appendices
Nov. 26, 1991	Reichhold Chemicals	Letter to Regional Board regarding Soil Vapor Survey
Mar. 31, 1994	US EPA	Record of Decision for Baldwin Park Operable Unit
Aug. 7, 1995	Regional Board Internal staff	Reichhold Chemicals Premeeting Case Summary from MES including attachment of Case Summary dated February 17, 1995
Feb. 12, 1996	Reichhold Chemicals (Consultant Brown and Caldwell)	Soil Vapor Well Installation and Soil Vapor Sampling for Reichhold Chemicals, Inc. to Regional Board
Feb. 28, 2002	US EPA	First Amended Administrative Order for Remedial Design and Remedial Action directed to various entities including Reichhold, Inc.
Mar. 31, 2002	PRPs and Water Purveyors	Baldwin Park Operable Unit Project Agreement among various parties including Reichhold, Inc.
Sep. 30, 2014	US Bankruptcy Court, District Delaware	Voluntary Petition for Reichhold Holdings US, Inc. and affiliated debtors, in consolidated

Date	Source	Document Title
		proceedings entitled <i>In re: Reichhold US Holdings, Inc.</i> , Case No. 14-12237-MFW (Jointly Administered)
Apr. 2, 2015	Reichhold Chemicals	Press Release “Reichhold Completes Asset Purchase – U.S. Business Emerges from Bankruptcy”
Apr. 14, 2015	California Secretary of State	Application of Register a Foreign Limited Liability Company for Reichhold LLC 2
Nov. 21, 2016	Reichhold LLC 2 (via legal counsel)	Email from Mr. Dupont to Mr. Ehe of the Regional Water Quality Control Board regarding Reichhold LLC 2 Response to Chemical Storage and Use Questionnaire (with completed Questionnaire)
Sep. 15, 2022	US EPA	Fourth Five-Year Review Report for San Gabriel Valley Area 2 Superfund Site prepared by U.S. Army Corps of Engineers
Nov. 16, 2023	California Secretary of State	Certificate of Cancellation – LLC Termination for Reichhold LLC 2
Feb. 19, 2024	State Water Resources Control Board	Geotracker page for Reichhold Chemicals, Inc. (SL603798901) Site Maps/ Documents tab

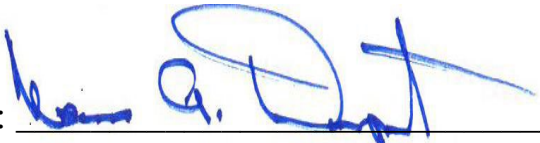
To the extent additional evidence becomes available that was not previously presented to or provided by the Regional Board, pursuant to CCR Title 23, Section 2050.6, Petitioner requests that it be permitted to supplement the record before the State Board. Petitioner will also advise

///
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1 the State Board more specifically regarding the nature of the evidence
2 and facts to be presented and why such evidence was not previously
3 submitted.

4
5 Dated: February 20, 2024

RING BENDER LLP
Norman A. Dupont
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9 By: 

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EXHIBIT 1

Los Angeles Regional Water Quality Control Board

INVESTIGATIVE ORDER NO. R4-2023-0412

**CALIFORNIA WATER CODE SECTION 13267 ORDER
TO PROVIDE TECHNICAL REPORTS FOR SUBSURFACE ASSESSMENT**

**DIRECTED TO
REICHHOLD LLC 2**

**REICHHOLD CHEMICALS, INC.
237 SOUTH MOTOR AVENUE, AZUSA, CALIFORNIA 91702
(WIP FILE NO. 108.0946)**

**ON
JANUARY 18, 2024**

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 (CWC) Section 13267 requiring Reichhold LLC 2 to further investigate the site and submit technical reports for the property address located at 237 South Motor Avenue, Azusa, California (Site):

1. The Site was previously occupied by the Reichhold Chemicals, Inc. (Reichhold Chemicals) facility. The Site is located in a heavily industrial area in the City of Azusa and has been a production facility for a variety of synthetic resins since 1950. The facility covers a 17-acre lot presently used as a supplier of unsaturated polyester and vinyl ester resins for composites applications. The Site is bounded to the east by Motor Avenue and auto body shops and various industrial facilities. Veolia Environmental Services lies to the north and northwest of the Site and is a solvent recycling facility. El Nativo Growers, an agricultural nursery lies to the west and KMR and Norac Pharma, both pharmaceutical facilities, are located to the south.

Reichhold Chemical purchased the Site from the Nobel Company in April 1950. The Nobel Company operated a small resin and phenol manufacturing plant prior to Reichhold Chemical's purchase. Reichhold Chemical dismantled the phenol plant in 1951 and expanded the facility to manufacture polyester resins, alkyd resins, epoxy resins, and polyurethane foams.

Based on property ownership information and company registrations with the California Secretary of State, the facility was owned and operated successively by

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

Reichhold Chemical and Reichhold, Inc. until 2015. On September 30, 2014, Reichhold, Inc. filed for Chapter 11 bankruptcy. On April 2, 2015, Reichhold, Inc. announced it emerged out of bankruptcy under a new ownership. On May 14, 2015, Reichhold, Inc. changed its name to Reichhold Liquidation, Inc. In 2017, Reichhold Liquidation, Inc. appears to have merged with the Polynt Group. The facility currently operates as Polynt Composites USA, Inc., which is a subsidiary of the Polynt Group.

According to the Los Angeles County Assessor's Office, the Site is currently owned by Reichhold LLC 2. In addition, Reichhold Chemical and Reichhold Liquidation, Inc. (as Reichhold, Inc.) owned the property from at least 1967 to 2002 and from 2003 to 2015, respectively.

In June 1993, the Underground Storage Tank (UST) oversight program for the facility was transferred from the Los Angeles County Department of Public Works to the Regional Board. In August 1993, the United States Environmental Protection Agency (USEPA) notified Reichhold Chemical that it believes it may be a potentially responsible party for the Site for actual or potential releases of hazardous substances within the San Gabriel Valley Superfund Site, Baldwin Park Operable Unit. In 2000, USEPA issued an order to Reichhold Chemical and other responsible parties to design, build, and operate a regional groundwater extraction and treatment system called for in USEPA's cleanup plan. Reichhold Chemical complied with USEPA's order for a number of years before declaring bankruptcy. In resolution of the bankruptcy case, Reichhold Liquidation, Inc. made a final payment toward the regional groundwater cleanup.

The current operations of the plant are basically set up in one general processing area with supportive facilities nearby, including storage tank farms, drum storage, and a plant drainage system. Reichhold Chemicals, the Site, had a history of use of USTs as well as the handling, storage, and disposal of solvents at the Site. Reported chemical usage included Freon-113 in formulations and 1,1,1-trichloroethane (1,1,1-TCA) and trichloroethene (TCE) from 1975 to 1984 to clean tanks used in the polyester resin manufacturing process. Management at the Site reportedly removed ten USTs in 1986 and 1988 and found residual total petroleum hydrocarbon (TPH) contamination was still present.

The Site has had many phases of development resulting in a previous wastewater discharge area being covered by a group of aboveground storage tanks (ASTs). Numerous ASTs and connecting aboveground pipes exist at the Site as well as an extensive clarifier/sump system and associated underground piping. Most of the clarifier/sumps are etched and/or cracked. Wastewater characterization showed measurable concentrations of chlorinated solvents until at least 1990.

The Norac Company facility immediately downgradient to the Site conducted groundwater monitoring activities. Groundwater sampling results indicate high levels of TCE and PCE. Site assessments conducted at the Site since 1991 also indicate that the soil and soil vapor were impacted with VOCs and TPHs as a result of waste

discharges that had occurred during Site operations. This data is summarized in finding 2 below.

2. Environmental sampling data suggests that there is or has been a discharge of waste at or from the Site that has or could affect the quality of waters of the State.

In 1991, a soil vapor survey was conducted, and 60 shallow soil vapor samples were collected. The survey identified several clarifiers as having discharged waste to the subsurface environment. TCE, 1,1,1-TCA, tetrachloroethene (PCE), and 1,1-dichloroethene (1,1-DCE) were detected at maximum concentrations of 300 micrograms per liter ($\mu\text{g/L}$), 2,000 $\mu\text{g/L}$, 11 $\mu\text{g/L}$, and 160 $\mu\text{g/L}$, respectively. Most of these probes were advanced to 3 feet below ground surface (bgs) or less which warranted another soil vapor survey.

In 1994, an additional 54 soil vapor samples were collected. Areas around the sumps/clarifiers were identified with high (greater than 50 $\mu\text{g/L}$) concentrations of chlorinated VOCs. Maximum detections of 1,1,1-TCA, TCE, and 1,1-DCE were identified at 5 feet bgs at concentrations of 410 $\mu\text{g/L}$, 116 $\mu\text{g/L}$, and 170 $\mu\text{g/L}$, respectively. Benzene and toluene were also detected in soil vapor samples collected in the northernmost portion of the Site with maximum concentrations of 100 $\mu\text{g/L}$ and 260 $\mu\text{g/L}$, respectively.

In 1996 and 1997, additional soil vapor samples were collected and analyzed. In samples collected in February 1996 at one of the soil vapor monitoring wells (SVMW#6), TCE was detected at 214 $\mu\text{g/L}$, 81 $\mu\text{g/L}$, and 77 $\mu\text{g/L}$ at 15, 25, and 40 feet bgs, respectively. In subsequent samples collected in April 1997 from the same well at the same depths, TCE concentrations were reported at 1 $\mu\text{g/L}$, 79 $\mu\text{g/L}$, and 128 $\mu\text{g/L}$, respectively, and 1,1,1-TCA was detected at 90 $\mu\text{g/L}$, 58 $\mu\text{g/L}$, and 122 $\mu\text{g/L}$, respectively. Areas where elevated concentrations of VOCs were found include the northernmost sump and clarifier, the sump north of the electric block house, the subsurface piping west of the northernmost AST farm, and the southernmost sump and clarifier.

3. The Regional Board has additional evidence indicating that there is or has been a discharge of waste at or from the Site that has or could affect the quality of waters of the State. The evidence supporting this requirement is:
 - a. In 1949, it was reported that 6,000 gallons per year of liquid waste, comprising of tank washdowns and floor washings, were pumped to a tank for disposal at sea.
 - b. It was also reported that steel drums were cleaned and discharged to an open ditch south of the plant that flowed to a concrete-lined sump and then to a seepage pit. According to another local inspection report, surface water runoff and also process waters, "including resin tank washings", were allowed to flow to the south end of the plant and remain in a low area which was at one point

unpaved. According to this report, it was at one time the practice of Reichhold Chemicals to let such runoff, which may have included certain chemical products and solvents, absorb into the soil.

- c. In 1958, a local inspector noted a small leak from process equipment and a xylene spill was documented in 1983.
- d. An explosion involving styrene occurred in 1984.
- e. As part of an ongoing investigation to determine sources of groundwater contamination in the San Gabriel Basin, staff from the Regional Board conducted inspections at the Reichhold Chemicals facility in January and February 1990. These inspections focused on past and present methods for handling and disposal of chemicals and waste at the facility. As part of these inspections, the process liquid waste stream and surface water runoff handling facilities which consist of drains, sumps, and clarifiers were inspected.

During the site inspection, Regional Board staff noted that the clarifiers had etched walls, large structural cracks and poor seals, and concrete patches indicating prior damages; sumps made of building bricks that provided multiple pathways for waste discharge by having eroded walls; and inlet structures that may allow leakage to the surrounding soils. Based on the results of these inspections, a directive was issued to Reichhold Chemicals to provide the Regional Board with certain information regarding the waste stream characteristics and to conduct soil sampling in the vicinity of six of the sumps/clarifiers.

In light of all of the above, additional site investigation is needed to fully assess waste discharges to soil, soil vapor, and groundwater and to completely define the extent of waste discharges in all media at the Site, including any offsite migration.

4. This Order identifies Reichhold LLC 2 as a discharger responsible for site assessment because Reichhold LLC 2 owns the Site on which the waste has been discharged.
5. California Water Code (CWC) Section 13267, subdivision (b)(1) states, in part:

“In conducting an investigation specified in subdivision (a), 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters 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 reports 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.”

6. The Order requires Reichhold LLC 2 to prepare and submit a site assessment work plan to conduct additional site assessment to fully assess waste discharges to soil, soil vapor, and groundwater and to completely define the extent of waste discharges in all media onsite and offsite, if needed. You are expected to submit a complete technical report as required by this Order. The Regional Board may reject the report if it is deemed incomplete and/or require revisions to the report under this Order.
7. 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. The information is necessary to evaluate subsurface impacts, to protect groundwater quality, which may be impacted from wastes discharged to soil and groundwater as a result of the activities performed at the Site, adequately determine the extent of discharges of waste at and from the Site, to assure adequate cleanup of the Site, if necessary, and to assure that discharges of waste that could impact water quality will be addressed. These activities all protect human health and the environment. The technical report required by this Order may cost in the range of \$100,000 to \$300,000, depending upon the number and depth of sampling locations.
8. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2). This Order requires submittal of technical reports, including monitoring reports and work plans. Information collection is exempt from CEQA pursuant to California Code of Regulations, title 14, section 15306. It is unlikely that compliance with this Order, including implementation of the work plans, could result in anything more than minor physical changes to the environment. (Pub. Res. Code § 15061, subd. (b)(3) [common sense exemption].) If the implementation of this Order may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to approval of any work plan.
9. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California 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 Reichhold LLC 2, pursuant to Water Code section 13267, subdivision (b), are required to submit the following by **April 30, 2024**:

1. A site assessment work plan to fully assess all potential areas of concern at the Site and to delineate the full vertical and horizontal extent of the discharges of waste in soil, soil vapor, and groundwater onsite and offsite. At a minimum, the work plan must address the following:
 - a. The Site must be assessed for VOCs, including fuel oxygenates, semi-volatile organic compounds (SVOCs), TPH, 1,4-dioxane, n-nitrosodimethylamine (NDMA), metals including hexavalent chromium, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), perchlorate, and other potential waste constituents that were disposed, discharged, spilled, or released in any way to land, drains, sewers, former process areas, clarifiers, sumps, hazardous chemical and waste storage areas, and/or groundwater at your facility.
 - b. The locations of soil vapor probes, soil borings, and groundwater monitoring wells must be presented on a scaled facility map. Identify all potential areas and fully delineate the lateral and vertical extent of waste discharge in all media (soil, soil vapor, and groundwater) onsite and possibly offsite.
 - c. TPH concentrations in soil remained after UST removal activities at the Site, and VOCs were detected in soil vapor samples collected from the northernmost sump and clarifier, the sump north of the electric block house, subsurface piping west of the northernmost AST farm, and the southernmost sump and clarifier areas at the Site.
 - d. Environmental samples, including soil, soil vapor, and groundwater samples, will need to be collected at all areas of concern based on past and current Site operations.
 - e. Soil vapor samples should be analyzed for VOCs. Multi-depth soil vapor samples shall also be collected at select locations where elevated VOC concentrations were once detected to complete vertical plume delineation.
 - f. Groundwater monitoring wells shall be proposed and properly designed to monitor groundwater quality despite appreciable fluctuations in groundwater levels in the basin. From the newly acquired data, you must construct at least one geologic cross-section to depict the stratigraphy of the sediments and contaminant profiles in the vadose and saturated zones.
2. The completed Updated Site Information and Chemical Usage Questionnaire (see attachment).

On September 14, 2016, Regional Board staff sent Reichhold LLC 2 a chemical use and storage questionnaire (CUQ). The questionnaire was to be completed and returned to the Regional Board by November 14, 2016. The Regional Board has not received the requested questionnaire or any additional information from Reichhold LLC 2 or its representatives.

The work plan may be prepared in accordance with the guidance documents that can be found at the following links:

The Regional Board *General Work Plan Requirements for a Heavy Metal Soil Investigation*

http://waterboards.ca.gov/losangeles/water_issues/programs/remediation/General%20Workplan%20Requirements%20for%20a%20Heavy%20Metals%20Soil%20Investigation.pdf

The DTSC *Supplemental Site Investigation Work Plan Quick Reference Guide*

<https://dtsc.ca.gov/brownfields/supplemental-site-investigation-work-plan-quick-reference-guide/>

The DTSC and California Water Boards *Advisory – Active Soil Gas Investigations (July 2015)*

https://www.dtsc.ca.gov/SiteCleanup/upload/VI_ActiveSoilGasAdvisory_FINAL.pdf

3. After the site assessment work plan is reviewed and approved by the Regional Board, a technical report summarizing the assessment activities and findings must be submitted by the due date to be specified in the work plan approval letter. Upon completion of the site assessment, you may be required to prepare a conceptual site model and a human health risk assessment for all exposure pathways applicable to the Site.
4. The above items shall be submitted to:

Jennifer Nobui

Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 620-6363
Email: Jennifer.Nobui@waterboards.ca.gov

5. Pursuant to Water Code section 13268, subdivision (a), any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to Water Code section 13268, subdivision (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 Los Angeles Water Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above 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.

6. The State Water Resources Control Board adopted regulations (California Code of Regulations, title 23, sections 3891 et seq.) requiring the electronic submittals 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 on the Internet at the following link:

http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml

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, the Regional Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker. For your convenience, the GeoTracker Global ID for this site is SL603798901.

7. The Regional Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports as required by this Order. The perjury statement shall be signed by a senior authorized 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 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.

SO ORDERED.

 Digitally signed by Hugh Marley
Date: 2024.01.18 14:42:34
Water Board

Susana Arredondo
Executive Officer

1/18/2024

Date

Attachments:

1. Chemical Usage Questionnaire



Los Angeles Regional Water Quality Control Board

Chemical Storage and Use Questionnaire

I. Facility Information

- 1. Facility/Site Name: _____
- 2. Address: _____

II. Property Ownership Information

- 1. Name of Current Property Owner: _____
- 2. Mailing Address of Current Property Owner: _____

- 3. Telephone: _____ 4. E-Mail: _____
- 5. Prior Property Owner(s) (provide a separate sheet of paper, if necessary):

Property Owner Name and Mailing Address	Dates of Ownership	
	From	To

III. Current Tenant Information

- 1. Tenant Name: _____
- 2. Standard Industrial Classification (SIC) Code: _____
- 3. Brief Description of Business: _____

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- 4. EPA/State Generator Number(s): _____
- 5. Years in business at this location: _____
- 6. Contact Name: _____
- 7. Telephone and E-mail: _____

IV. Past Tenants

List any prior tenants. Provide a separate sheet of paper, if necessary.

Company Name and Current Mailing Address	Type of Business	Dates of Operation at the Site	
		From	To

Do you contend that environmental liability has been transferred to another person or entity? Yes No

If so, provide a description of the relevant legal transcription(s) and any pertinent documents.

V. Operations

Answer the following questions about operations of both current and past operations. On a separate sheet of paper, provide additional details for any "Yes" responses, including the time period and the name of any past tenant for which the "Yes" response applies.

Question	Current Tenant		Past Tenant(s)	
	Yes	No	Yes	No
1. Has manufacturing or plating of circuit boards occurred?				
2. Have there been plating or anodizing tanks?				
3. Has there been metal work performed?				
4. Has there ever been a clarifier, sump, tank, or other holding tank for wastewater?				

Question		Current Tenant		Past Tenant(s)	
		Yes	No	Yes	No
5.	Has there ever been an underground storage tank installed?				
6.	Has there ever been an above-ground storage tank (AST) installed?				
7.	Has there ever been an industrial waste permit for sewer discharge?				
8.	Has there ever been a septic system in use?				
9.	Have chemicals ever been stored at this location?				
10.	Have chlorinated solvents been used or stored at this location?				
11.	Has there ever been a release of chemicals to the ground surface or subsurface?				
12.	Use/disposal of solid propellants in rockets, matches, explosives and fireworks				
13.	Use/disposal of air bag inflators				
14.	Use/disposal of electric tubes containing perchlorate				
15.	Use/dispose of lubricating oils, fabrics, dyes, rubber, paints and certain fertilizers (e.g. sodium nitrate fertilizer)?				
16.	Perform leather tanning and finishing activities?				
17.	Performed electroplating/ anodizing, aluminum refining and chromium plating?				
18.	Hazardous waste sites?				
19.	Use or dispose of wood preservatives that include chromium compounds (e.g. potassium dichromate, chromic acid, and sodium dichromate) and/or chlorinated volatile organic compounds?				
20.	Performed pigment making, leather tanning, welding?				
21.	Performed paint booth operations?				
22.	Use/dispose of solvents, including varnishes and lacquers and laboratory cryoscopy solvents?				
23.	Use/dispose of chloramine with water?				
24.	Has there ever been a weed management plan for the site?				

Question		Current Tenant		Past Tenant(s)	
		Yes	No	Yes	No
25.	Has the site ever used or stored pesticides or herbicides or fumigants?				
26.	Have the railroad tracks been used to transport pesticides or herbicides?				
27.	Have pesticides or herbicides ever been disposed of at the Site?				
28.	Has the site been used for agricultural purposes?				

VI. Chemicals of Concern

1. Provide a list of chemicals or substances that were used, stored, or disposed of at the Site including volatile organic compounds and halogenated or chlorinated hydrocarbons such as Trichloroethene (TCE), Tetrachloroethene (PCE), Vinyl Chloride, cis-1,2-dichloroethene (1,2 DCE), Ethene, etc. Identify the generated waste and its composition, with the approximate quantity disposed each month.

Organochlorine insecticides were commonly used in the past. Many, like DDT, have been removed from the market due to their health and environmental effects and their persistence (e.g., DDT and chlordane). Others, like dicofol, lindane, and endosulfan, are now only available in the U.S. for limited uses.

VII. Waste Management

1. What are the sources of industrial wastes from the site? Identify sources by process, composition of wastes generated, and approximate quantity disposed of monthly.

VIII. Sewer Information

1. Circle the type of sewer system currently in use:

Industrial Septic Tank Municipal Cesspool

2. Was a different sewer system used in the past? Yes No

If yes, specify type: _____

IX. General Questions

1. Has there ever been a Phase I environmental site assessment (ESA) performed for the property? Yes No

If "Yes", include a copy of each Phase I ESA report when submitting this questionnaire to the Los Angeles Water Board.

2. Has there ever been a soil, soil vapor, groundwater, or wastewater investigation conducted at the property? Yes No

If "Yes", on a separate sheet of paper, list all reports or other documents that provide the results of these investigations. Indicate which government agencies, if any, were involved in the project(s). Provide copies of these reports or other documents to the Los Angeles Water Board when submitting this questionnaire.

X. Chemical Storage and Use

1. Were the following chemicals used onsite?

- Tetrachloroethylene (PCE) Trichloroethylene (TCE) 1,4-Dioxane
- 1,1,1-Trichloroethane (1,1,1-TCA) Title 22 metals Hexavalent Chromium
- N-Nitrosodimethylamine (NDMA) 1,2,3-Trichloropropane (TCP) Perchlorate

2. Using the attached Chemical Inventory Form (make additional copies, if necessary), list each chemical in current use or that has been used at the site in the past.

3. How many pages of Chemical Inventory Forms are attached? _____

XI. Releases of Chemical Wastes

1. Does the site have documented releases of chemicals? Yes No

If yes, describe the nature and extent of the releases (date, volume, cause, emergency response actions).

2. Have the source(s) of the release(s) been removed (yes/no)? Yes No

If no, what sources remain?

3. Has the release been stopped? Yes No Not applicable

XII. Site Characterization

1. Has the lateral and vertical extent of contamination at the site been completed?

- Yes No Not applicable

2. Describe the field activities completed as part of site characterization (by whom, when, etc.)

Describe any remaining data gaps in site characterization: _____

3. Has a Conceptual Site Model been developed?

- Yes No

4. Was a Human Health Risk Assessment (HHRA) completed?

- Yes No

If yes, describe conclusions of the HHRA:

XIII. Remedial Actions

- 1. Have remedial actions for soil, soil gas, or groundwater been performed for this site?
 Yes No

If yes, describe remedial actions performed:

- 2. Is groundwater monitoring being performed at the site?

Yes No

If yes, list the contaminants monitored and concentration distribution:

- 3. Were light non-aqueous phase liquids (LNAPL) or dense non-aqueous phase liquids (DNAPL) present?

Yes No

- 4. If yes, specify which were present (check all that apply)?

LNAPL DNAPL

- 5. If yes, were the LNAPL and or DNAPL removed to the extent practical?

Yes No

- 6. What was the land use for the cleanup scenario?

- Unrestricted
- Residential
- Commercial/Industrial
- Other

7. Were any environmental regulatory letters or orders sent in association with the property? If yes, provide copies with this questionnaire.

- General Correspondence
- California Water Code 13267 Order
- Cleanup and Abatement Order (CAO)
- Notice of Violation (NOV)
- Administrative Civil Liability (ACL)
- No Further Requirements (NFR)
- Others (Specify): _____
- No environmental regulatory letters or orders have been produced for the site.

8. Was site closure achieved and approved by the appropriate agency

- Yes No Not applicable

This questionnaire shall be signed below by a principal, an executive of the company, or other authorized representative of the company in accordance with the following statement:

I 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 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.

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Telephone: _____

E-Mail: _____



Los Angeles Regional Water Quality Control Board

Chemical Inventory Form

Site Address: _____

1. Chemical Name: _____

2. Common/Trade Name: _____

3. Quantity Stored: _____

4. Storage Method: Underground Tank Drums
 Aboveground Tank Other (specify)

5. Waste Disposal: Sewer Onsite recycling
 Hauled Offsite recycling

6. Is the waste treated prior to disposal? Yes No

7. Is manifest documentation available for designated waste streams? If yes, provide copies with this questionnaire. Yes No

SERVICE LIST

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