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UNOCAL CORPORATION
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8 STATE WATER RESOURCES CONTROL BOARD

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OF THE STATE OF CALIFORNIA

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11 _____)
In the Matter of the Petition of)
12 UNOCAL CORPORATION)
13 Request for Technical Information)
Pursuant to Water Code Section)
14 13267 — Revision of Feasibility)
Study for Gemcor Site, Imperial)
15 County)
16 California Regional Water Quality)
17 Control Board, Colorado River Basin)
Region)
18 _____)

No.

VERIFIED PETITION FOR
REVIEW AND REQUEST FOR
HEARING AND REQUEST THAT
PETITION BE PLACED IN
ABEYANCE

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In accordance with section 13320 of the California Water Code and
20 section 23 Cal. Code Regs., § 2050, et seq., UNOCAL CORPORATION
21 (“Petitioner” or “Unocal”), by and through Chevron Environmental
22 Management Company (“CEMC”), hereby timely files this Verified Petition
23 for Review and Request for Hearing, alleging as follows:

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1. Petitioner’s mailing address is 6001 Bollinger Canyon Road,
25 San Ramon, California 94583.

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2. Petitioner seeks review of a Request for Technical Information
27 issued by the California Regional Water Quality Control Board for the
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1 Colorado River Basin ("Water Board") pursuant to Water Code section
2 13267 ("13267 Letter"), in respect of the former GEMCOR Site located in
3 Calipatria, Imperial County, California. A copy of the 13267 Letter is
4 attached as Exhibit 1.

5 3. The 13267 Letter was issued by the Water Board on April 30,
6 2010.

7 4. Unocal is identified as the discharger on Cleanup and
8 Abatement Order No. R7-2002-0207, as revised by Order No. R7-2009-
9 0025 ("CAO"), for the GEMCOR Site. Unocal is now a wholly owned
10 subsidiary of Chevron Corporation. Through an internal company service
11 agreement, CEMC (also a wholly owned subsidiary of Chevron Corporation)
12 is authorized to act on behalf of Unocal in connection with the GEMCOR
13 Site. Unocal does not contest its responsibility under the CAO.

14 Petitioner's principal objection to the 13267 Letter is that it
15 unlawfully, prematurely and inappropriately mandates the selection of a
16 particular "preferred alternative" in a Feasibility Study that Unocal is
17 required to submit to the Water Board by June 15, 2010, in accordance with
18 the CAO and the 13267 Letter. The GEMCOR site is a former geothermal
19 waste processing and disposal facility that was owned and operated by
20 Unocal and by at least two other unrelated entities prior to Unocal's
21 acquisition of the site. From the late 1960's to the late 1970's (prior to
22 Unocal's ownership), geothermal brines were managed in unlined
23 evaporation ponds that covered approximately 65 acres of the 80-acre site.
24 Based on all available evidence, the primary source of the contamination
25 that is the focus of the Feasibility Study is believed to be leakage from
26 these unlined ponds that occurred prior to the effective date of the State
27 Board regulations relating to discharges of waste to land and to regulations

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1 applicable to the treatment, storage and disposal of hazardous wastes.
2 Various other processing and disposal activities occurred at the site over
3 time but were regulated by Waste Discharge Requirements ("WDRs") and
4 are not believed to have contributed significantly to current site conditions.
5 Significant closure and cleanup operations have already occurred at the site,
6 including closure of new lined impoundments that were built in the 1980's
7 in the same locations formerly occupied by some of the unlined ponds.

8 Petitioner asserts that the Regional Board abused its discretion or
9 acted arbitrarily, capriciously and in violation of law in mandating the
10 "preferred alternative" for the site before the Feasibility Study has even
11 been completed. The purpose of a Feasibility Study is to evaluate the entire
12 range of potential remedial alternatives and to rank each alternative
13 according to a set of defined criteria. The preferred alternative cannot be
14 identified until after this analysis has been completed. The Water Board's
15 designation of a "preferred alternative" at this time constitutes an abuse of
16 discretion, is based on a misapplication and usurpation of applicable laws
17 and regulations, and threatens to foreclose consideration, and possible
18 implementation, of other appropriate remedies at the site. The Water
19 Board's preferred remedy would require removal of a very large volume of
20 contaminated soil that has been shown not to pose a significant threat to
21 groundwater or to human health and that resulted from historical leakage of
22 brines that occurred in the 1960's and 1970's. To the best of Unocal's and
23 CEMC's knowledge, the contamination at issue did not result from
24 violations of applicable WDRs.

25 5. Petitioner is aggrieved because it could be forced to implement
26 a remedy at the site that is economically infeasible, as that term is used in
27 State Board Resolution No. 92-49 (Policies and Procedures for Investigation
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1 and Cleanup and Abatement of Discharges under Water Code Section
2 13304), and that is otherwise unwarranted from the standpoint of protecting
3 human health and the environment. Unocal estimates that the Water
4 Board's "preferred alternative" would cost at least six times more than the
5 remedy Unocal and its expert consultants believe is appropriate for the site,
6 based on their evaluations to date, surrounding land uses and the
7 availability of institutional controls for the site. If Unocal were to refuse to
8 implement the Water Board's preferred remedy, it could face imposition of
9 significant administrative, or possibly, judicial civil penalties. Petitioner is
10 further aggrieved because the Water Board's purported justification for its
11 action is incorrect as a matter of law and lacks a substantial factual basis.

12 6. Petitioner is filing this petition in order to preserve its right to
13 seek review of the Water Board's action, but requests that it be placed in
14 abeyance pending further developments. To the extent reasonable, Unocal
15 intends to complete and timely submit the Feasibility Study in accordance
16 with guidance provided by Water Board staff. If the Feasibility Study is
17 approved, and the dispute over remedy selection is resolved, Petitioner will
18 dismiss its Petition. If the Water Board disapproves the Feasibility Study
19 and requires implementation of a remedy that is considered by Unocal to be
20 economically infeasible or otherwise unwarranted from the standpoint of
21 protecting human health and the environment, Petitioner will activate the
22 Petition. At that time, Petitioner will amend this Petition to include a more
23 detailed description of the facts and the manner in which Petitioner is
24 aggrieved by the Water Board's action, and a memorandum of points and
25 authorities in support of the requested relief.

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Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
Colorado River Basin Region

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260
(760) 346-7491 • Fax (760) 341-6820
<http://www.waterboards.ca.gov/coloradoriver>



Arnold Schwarzenegger
Governor

CERTIFIED MAIL: 7003 1010 0004 9647 7287

April 30, 2010

Kim Jolitz
Project Manager
Unocal GEMCOR Site
Chevron Environmental Management Company
6001 Bollinger Canyon Road
San Ramon, CA 94583

Dear Ms. Jolitz:

SUBJECT: MODIFICATION AND TIME EXTENSION OF REQUEST FOR TECHNICAL INFORMATION PURSUANT TO SECTION 13267 OF THE CALIFORNIA WATER CODE – REVISION OF FEASIBILITY STUDY REQUIRED BY CLEANUP AND ABATEMENT ORDER R7-2009-0025 REVISION 1 FOR GEMCOR SITE, UNOCAL CORPORATION, IMPERIAL COUNTY

This order for technical information for Unocal GEMCOR is to modify the request for technical information dated March 8, 2010, and to provide a time extension for submittal of a revised Feasibility Study required by the March 8, 2010 order and by Cleanup and Abatement Order R7-2009-0025 Revision 1 pursuant to Section 13267 of the California Water Code. The revised Feasibility Study must be submitted to the Regional Board by **June 15, 2010.**

The revised Feasibility Study shall be prepared under the direct supervision of and signed by a California registered civil engineer or engineering geologist experienced in hydrogeologic investigations. The revision must, at a minimum, include:

1. Preferred alternative for remediation of Lead and Arsenic soil values greater than the Total Threshold Limit Concentration (TTLC) pursuant to Section 66699, Title 22 of the California Code of Regulations (CCR).
2. Discussion and preferred alternative for remediation of Lead and Arsenic soils greater than Soluble Threshold Limit Concentration (STLC) values pursuant to Section 66699, Title 22, CCR.
3. Revision of the Site Conceptual Model and Executive Summary accordingly.

California Environmental Protection Agency

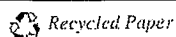


EXHIBIT 1

Pursuant to State Water Resources Control Board Resolution 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304, cleanup goals for Lead and Arsenic will be background concentrations or to the levels technically and economically feasible.

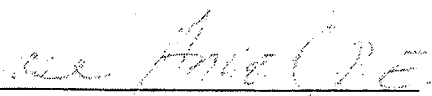
The Regional Board's request for the revised Feasibility Study is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a request made pursuant to Water Code Section 13267 may subject Unocal GEMCOR to civil liability of up to \$1,000 per day for each day in which the violation occurs.

The Regional Board needs the required information in order to determine the extent of the contamination at the GEMCOR site, and to establish appropriate cleanup levels. Unocal GEMCOR is required to submit this information because Unocal is the owner/operator responsible for the discharge(s). More detailed information is available in the Regional Board's public file on this matter.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA, 95812 within 30 days of the date of this request. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions regarding this matter, please contact Liann Chavez at (760) 776-8945 or Jose Angel at (760) 776-8932.

Sincerely,



Jose Angel
Assistant Executive Officer
Colorado River Basin
Regional Water Quality Control Board

LC/tab

File: WDID No. 7A 13 2050 000, Unocal Corporation, Board Order No. 89-005