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*ITT Corporation*

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10 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

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12 In the Matter of:

SWRCB File No. \_\_\_\_\_

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14 Investigative Order No. R4-2013-0014 of the  
15 Regional Water Quality Control Board, Los  
Angeles Region

PETITION FOR REVIEW OF  
INVESTIGATIVE ORDER AND REQUEST  
THAT PETITION BE HELD IN ABEYANCE

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1 Pursuant to Water Code Section 13320, Petitioner ITT Corporation (alternately referred to  
2 as “ITT” or “Petitioner”) hereby petitions the State Water Resources Control Board to review the  
3 Regional Water Quality Control Board, Los Angeles Region’s (“Regional Board’s”) actions and  
4 inactions related to issuance of Order No. R4-2013-0014, Architectural Woodworking Company,  
5 576, 580, 582 Monterey Pass Road, Monterey Park, California directed to ITT.

6 Attached as **Exhibit A** to this Petition is a copy of Order No. R4-2013-0014.

7 ITT requests that this petition be held in abeyance while ITT attempts to comply with the  
8 terms of the Order.

9 **I. NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF**  
10 **PETITIONERS**

11 ITT Corporation  
12 1054 North Tustin Avenue  
13 Anaheim, CA 92807  
14 (714) 630-3175  
15 teresa.olmsted@ittrmi.com

16 **II. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD WHICH**  
17 **PETITIONERS REQUEST THE STATE BOARD TO REVIEW**

18 Petitioners seek review of Order R4-2013-0014 issued by the Los Angeles Regional  
19 Board’s Executive Officer.

20 **III. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO**  
21 **ACT**

22 Order R4-2013-0014 was signed on March 15, 2013.

23 **IV. A STATEMENT OF THE REASONS THE ACTION OR FAILURE TO ACT IS**  
24 **INAPPROPRIATE OR IMPROPER**

25 As stated in more detail in the attached Statement of Points and Authorities, the Regional  
26 Board, acting through its Executive Officer, exceeded its legal authority and failed to proceed in a  
27 manner required by law by issuing an order that fails to appropriately identify responsible parties,  
28 requires investigation beyond what state policy and law allow, and imposes the burden of  
complying with an investigative demand that does not bear a reasonable relationship to the need  
for the report or the likely benefits the report will offer.

**V. THE MANNER IN WHICH PETITIONERS ARE AGGRIEVED**

If relief is not granted, Petitioner may be forced to spend many thousands of dollars

1 investigating contamination for which it was not responsible.

2 **VI. THE SPECIFIC ACTION REQUESTED BY PETITIONERS**

3 Based on the foregoing, and as supported by the Statement of Points and Authorities, ITT  
4 asks the State Board to order the Regional Board to withdraw the Order or amend it consistent  
5 with this Petition.

6 **VII. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL**  
7 **ISSUES RAISED IN THIS PETITION**

8 As required by Title 23, Section 2050(a)(7) of the California Code of Regulations,  
9 Petitioner has attached a Statement of Points and Authorities.

10 **VIII. A STATEMENT THAT THIS PETITION WAS SENT TO THE REGIONAL**  
11 **WATER BOARD**

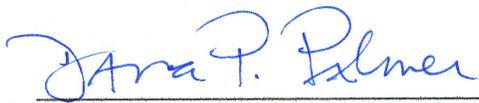
12 In accordance with Title 23, Section 2050(a)(8) of the California Code of Regulations, ITT  
13 caused a true and correct copy of this Petition to be delivered via facsimile and email to the  
14 Executive Officer of the Regional Board on April 12, 2013.

15 **IX. A STATEMENT AS TO WHETHER THE PETITIONERS RAISED THE**  
16 **SUBSTANTIVE ISSUES OR OBJECTIONS IN THE PETITION TO THE**  
17 **REGIONAL BOARD**

18 ITT was not given an opportunity to review any version of the challenged order before it  
19 was issued, and therefore, prior to this petition, ITT could not raise issues or objections to it.

20 Dated: April 12, 2013

MCGUIREWOODS LLP

21 By:   
22 Dana P. Palmer  
23 Sahil R. Shah  
24 *Attorneys for ITT Corporation*

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1 **STATEMENT OF POINTS AND AUTHORITIES**

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3 **I. INTRODUCTION AND OVERVIEW**

4 Since 2008, various entities associated with the property at 576, 580, and 582 Monterey  
5 Pass Road in Monterey Park, California (the “Site”) have been voluntarily investigating soil and  
6 groundwater conditions. In 2012, ITT voluntarily approached the Regional Board and later  
7 submitted a draft Remedial Investigation Work Plan to the Regional Board on August 16, 2012.  
8 ITT appreciates the efforts made by Regional Board staff to understand the Site and files this  
9 petition to preserve its legal rights, as there are yet unknowns at the Site including the identity of  
10 parties who have caused discharges.

11 The Site is approximately 250,000 square feet. Two concrete tilt-up buildings and  
12 asphalt/concrete parking lots, and a storage building are currently present at the 580 and 582  
13 Monterey Pass Road parcels. According to historical records, the property at 576 Monterey Pass  
14 Road has been an asphalt-covered lot used for vehicle parking, storage, and/or auctioning. The  
15 580 Monterey Pass Road address features a 30,000 sq. ft. building built in 1956 and the 582  
16 Monterey Pass Road address hosts a 20,000 sq. ft. structure erected approximately three years  
17 later.

18 The company Barton Jones, which was purchased by ITT Corporation in 1964, occupied  
19 the building at 580 Monterey Pass Road from its construction until 1978. During the time period  
20 it occupied the site, Barton Jones manufactured equipment for the measurement of pressure and  
21 flow such as electronic transmitters, differential pressure units, chart recorders, flow meters, and  
22 level indicators. Barton Jones also operated at the building at 582 Monterey Pass Road.

23 In August of 1978, Polychrome Corporation (“Polychrome”) leased space at 580 Monterey  
24 Pass Road. Polychrome reportedly supplied photo offset/lithographic plates and photo light-  
25 sensitive films at this address until December 1990. Polychrome may have also used or  
26 manufactured solvents or solvent-based printing inks. Polychrome’s 1982 Annual Report lists  
27 “Printing Products” and “Industrial Chemicals” as its two primary business segments and  
28 Polychrome’s products at the time included solvents named “Blanket and Roller Cleaner,”

1 “Blanket Wash,” and “Litho Wash.” *See*  
2 <https://docs.google.com/file/d/0B9ukSP58gv17d0h3Qi1pdTBNVzQ/edit>, pp. 11, 14. Polychrome  
3 appears to have eventually been acquired by Kodak Co.

4 The current tenant at the Site has reportedly been at the property since Polychrome  
5 departed in 1990 and a current subtenant has occupied a portion of the 580 Monterey Pass Road  
6 building since 1998.

7 After receiving the draft Remedial Investigation Work Plan in August 2012, the Regional  
8 Board through its Executive Officer issued Order R4-2013-0014 on March 15, 2013.

## 9 10 **II. ARGUMENT**

### 11 **A. The Regional Board Has Incompletely Identified Responsible Parties**

12 The exercise of state investigative power may matter most when it comes to identification  
13 of the state’s targets. Without any independent investigation mentioned in the Order, the Regional  
14 Board “identifies ITT Corporation as *the* person responsible for the discharges of waste [...]”  
15 (Order at p. 3, ¶ 4, emphasis added.) The Order does not recount whether the Regional Board has  
16 investigated, or will investigate, other former operators at the site.

17 As a former operator of the Site, there is substantial evidence that Polychrome Corporation  
18 may be responsible for a significant and important portion of the alleged discharges. In State  
19 Water Board Order No. 91-07 (*Bacharach & Borsuk*), petitioner property owners requested that  
20 Douglas Motor Services, a former operator of the property, be added to an order to investigate  
21 subsurface contamination of the property. Citing the fact that Douglas Motor Services operated the  
22 property for 16 years, the State Water Board found there was substantial evidence that Douglas  
23 Motor Services had control over the property and should be named on the order, even if it was not  
24 actually aware of any discharges on or leaking from the property.<sup>1</sup> Here, Polychrome Corporation  
25 operated the property for approximately 12 years. Based on *Bacharach and Borsuck*, the Regional  
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27 <sup>1</sup> State Water Board Order No. 91-07 (*Bacharach & Borsuk*).  
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1 Board should have named Polychrome Corporation, as a former operator, on the Order. The Order  
2 includes no evidence that the Regional Board investigated former uses at the site, including  
3 especially the use of the property by Polychrome Corporation.

4 Failure to name Polychrome Corporation will prejudice ITT and also directly conflict with  
5 State Water Board policy. It is State Water Board policy to “name all parties for which there is  
6 reasonable evidence of responsibility, even in cases of disputed responsibility,” to promote  
7 cleanup of a noted water quality problem.<sup>2</sup> In State Water Board Order No. 2004-0005 (*Chevron*),  
8 the Board stated:

9 For sites where insufficient data are available to make a determination as to  
10 responsibility, it is imperative that regional boards pursue all available avenues  
11 for gathering the necessary information to proceed to cleanup. This clearly  
12 includes requiring that all parties with potential responsibility participate in  
13 investigating the sources and extent of pollution.<sup>3</sup>

14 Under this precedential authority, it is imperative that Polychrome Corporation, wherever  
15 it may currently reside as an entity, be named as a party to the investigation.

16 **B. The Order Requires Delineation of Contamination to Non-Detect Levels  
17 Rather Than Background Levels as Required by State Board Resolution 92-49**

18 ITT is committed to perform the work proposed in the Remedial Investigation Workplan.  
19 However, the Order unnecessarily requires ITT to delineate soil and groundwater contamination to  
20 non-detect levels. (Order at p. 4, ¶ 1.) State Board policy generally requires investigation of  
21 contamination to background levels only, and in certain circumstances, levels higher than  
22 background.

23 State Water Board Resolution No. 92-49, *Policies and Procedures for Investigation and*  
24 *Cleanup and Abatement of Discharges Under Water Code § 13304* also applies to cases at the  
25 investigative stage. State Water Board Resolution No. 92-49 directs that water affected by an  
26 unauthorized release attain either background water quality or the best water quality that is

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27 <sup>2</sup> State Water Board Order No. 85-7 (*Exxon Company*).

28 <sup>3</sup> See also, State Water Board Order No. 2002-0021 (*Mohammadian*) (“[A] balancing of  
the equities dictates that, whenever possible, a responsible party should not be left to clean up  
constituents attributable to a different release for which that party is not responsible.”)

1 reasonable if background water quality cannot be restored. (State Water Board Resolution No. 92-  
2 49, Section III.G.) Any alternative level of water quality less stringent than background must be  
3 consistent with the maximum benefit to the people of the state, not unreasonably affect current and  
4 anticipated beneficial uses of affected water, and not result in water quality less than that  
5 prescribed in the water quality control plan for the basin within which the site is located. (*Ibid.*)

6 In the industrial area of Southern California where the Site is located, in light of the  
7 numerous surrounding sites, it is quite possible (though difficult to judge at this stage) that  
8 background levels may not be attainable, in which case a less stringent standard would apply. In  
9 no case, however, would cleanup to non-detect levels be required under the law or policy. Thus,  
10 the part of the Order requiring delineation to non-detect levels should be amended to reflect the  
11 policy in State Water Board Resolution No. 92-49.

12 **C. Delineation to Non-Detect Levels Is Unreasonably Burdensome in Violation of**  
13 **Water Code Section 13267(b)(1)**

14 Water Code Section 13267(b)(1) requires that the burden, including costs, of obtaining a  
15 technical report must bear a reasonable relationship to the need for the report and the benefits to be  
16 obtained from the report. Notwithstanding the State Board policy regarding cleanup to  
17 background levels (see, *supra*, at II.(B.)), demanding delineation of the incremental contamination  
18 between background and non-detect levels is unreasonably burdensome without justifiable benefit.  
19 Such additional delineation could take years of work and associated costs and would have no  
20 appreciable benefit on the region's groundwater quality, nor would it allow the water to be used  
21 for additional beneficial uses. The burden is especially unreasonable because the Order on its  
22 face does not appear to provide staff with the discretion to modify schedule or scope. The  
23 requirement to delineate to non-detect levels may also be impossible because the site is surrounded  
24 on three sides by other industrial properties that could have contributed to, or could be  
25 contributing to, groundwater contamination. In addition, according to the Geotracker database,  
26 there are several properties having underground tanks near the Site that could have contributed to  
27 the region's contamination. The significant costs of untangling what could be commingled  
28 contamination in the search for the non-detect fringes of any release cannot be justified until more

1 is known about the Site. When the State Board believes that a regional board’s investigative order  
2 is unnecessarily extensive, the State Board can require a less extensive investigation. *See* State  
3 Water Board Order No. 83-2 (*Atlantic Richfield*) (reducing the water monitoring requirements for  
4 an offshore oil development site).

5 **D. The Order Requires a Perjury Statement That Does Not Expressly**  
6 **Acknowledge Reliance on Technical Consultants**

7 The Order requires that a “senior authorized Company Name representative” sign the  
8 following perjury statement when submitting reports pursuant to the Order:

9 “I, [NAME], certify under penalty of law that this document and all attachments  
10 were prepared by me, or under my direction or supervision, in accordance with a  
11 system designed to assure that qualified personnel properly gathered and  
12 evaluated the information submitted. Based on my inquiry of the person or  
13 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.”

14 (Order, p. 5.) This statement, which to the best of ITT’s knowledge is not codified in statute or  
15 regulation, does not clearly enough address the issue that in signing the statement corporate  
16 officials are relying on information provided to them by technical consultants who occasionally  
17 make mistakes. ITT suggests adding the following bolded language to the statement as currently  
18 drafted:

19 “I, [NAME], certify under penalty of law that this document and all attachments  
20 were prepared by me, or under my direction or supervision, in accordance with a  
21 system designed to assure that qualified personnel properly gathered and  
22 evaluated the information submitted. Based on my inquiry of the person or  
23 persons who manage the system, or those persons directly responsible for  
gathering the information, **upon whose information I necessarily rely**, 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.”

24 The State Board should revise the required perjury statement to more expressly address the issue  
25 of reliance on technical experts.  
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**E. The Order Contains Factual Inaccuracies and Anticipates Multiple Phases of Investigation That May Be Unnecessary**

The Order contains certain factual inaccuracies that should be corrected. For instance, the Order states that benzene, ethylbenzene, and xylenes were not analyzed (Order, p. 2, ¶5), but these constituents have in fact been analyzed. The constituents are standard analytes of U.S. EPA Method 8260 for volatile organic compounds, which was an analysis performed routinely on previously collected soil and groundwater samples. In addition, the Order seems to foretell multiple rounds of work plans, when it is not clear at this time that multiple rounds will be necessary. (See, *e.g.*, Order, p. 3, ¶8).

**III. CONCLUSION**

ITT respectfully requests the State Board to order the Regional Board to withdraw the Order or amend it in accordance with the arguments in this Petition.

Dated: April 12, 2013

MCGUIREWOODS LLP

By:



Dana P. Palmer  
Sahil R. Shah  
*Attorneys for ITT Corporation*

Los Angeles Regional Water Quality Control Board

**INVESTIGATIVE ORDER NO. R4-2013-0014**

**ORDER TO PROVIDE TECHNICAL  
AND MONITORING REPORTS  
FOR SUBSURFACE INVESTIGATION**

**CALIFORNIA WATER CODE SECTION 13267  
DIRECTED TO  
ITT CORPORATION**

**ARCHITECTURAL WOODWORKING COMPANY  
576, 580, 582 MONTEREY PASS ROAD  
MONTEREY PARK, CA 91754  
(SITE CLEANUP PROGRAM NO. 1296, SITE ID NO. 2040425)**

**ON  
MARCH 15, 2013**

The 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 Architectural Woodworking Company (AWC) facility (Site) is approximately 250,000 square feet (sq. ft) consisting of three addresses identified as 576, 580, and 582 Monterey Pass Road in the city of Monterey Park, California.

The address 576 Monterey Pass Road has been an asphalt-covered parking lot used for vehicle parking, storage, and/or auctioning.

The Barton Jones Company (purchased by ITT Corporation in 1964 and sold by ITT in April 1998) occupied the 30,000 sq. ft building at 580 Monterey Pass Road from 1956 to 1977. Its facility operations included manufacturing and assembling gauges to measure fluid pressure, flow rates, liquid levels, etc. It was then occupied from August 1978 to December 1990 by Polychrome Corporation, which supplied photo offset/lithographic plates and photo light-sensitive films. Since 1990, 580 Monterey Pass Road was occupied by AWC and its facility operation includes woodworking. In 1998, AWC sub-leased the northwest corner of the building to ARC Company, whose facility operation includes converting rolled media into sketch pads.

Based on the historical use of the facility and previous environmental investigations, soil and groundwater underlying the Site have been impacted by total petroleum hydrocarbons (TPH) as gasoline, diesel, and motor oil (TPH<sub>g</sub>, TPH<sub>d</sub>, and TPH<sub>o</sub>, respectively); and volatile organic compounds (VOCs) primarily tetrachloroethylene (PCE), trichloroethylene (TCE), and cis-1,2-dichloroethylene (cis-1,2-DCE).

2. 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.
  
3. The Regional Board received the Remedial Investigation Workplan (Workplan) dated May 9, 2012, indicating that soil borings were drilled during two Phase II Investigations in September 2008 (B1 through B12) and June 2009 (B13 through B20). A site characterization was also conducted in June 2010 where seven membrane interface probes were drilled (MIP-1 through MIP-7) and three groundwater monitoring wells were installed (MW-1 through MW-3). Based on the historical soil and groundwater data, the Regional Board has reason to believe there is or has been a discharge of waste at or from the Site. However, the source of the discharge has not been identified and chemicals associated with TPH such as benzene, ethylbenzene, and xylenes were not analyzed. (Toluene was analyzed with non-detect levels). Table 1 below summarizes the maximum contaminant levels for TPH and VOCs in soil matrix and groundwater.

**Table 1.** Maximum contaminant levels from previous investigations.

<b>Soil</b>				
Chemical	Concentration (mg/kg) <sup>[1]</sup>	Boring location and sample depth (ft bgs) <sup>[2]</sup>	Date sampled	Soil Screening Levels* (mg/kg)
TPH <sub>g</sub>	101	B-2, 3 ft bgs	9/15/2008	100
TPH <sub>d</sub>	9,480	B-2, 3 ft bgs	9/15/2008	100
TPH <sub>o</sub>	11,480	B-1, 1 ft bgs	9/15/2008	1,000
cis-1,2-DCE	3.46	B-2, 1 ft bgs	9/15/2008	0.006
PCE	0.585	B-2, 1 ft bgs	9/15/2008	0.013
TCE	2.1	B-20, 10 ft bgs	6/9/2009	0.005
<b>Groundwater</b>				
Chemical	Concentration (µg/L) <sup>[3]</sup>	Location	Date sampled	MCL <sup>[4]</sup> (µg/L)
TPH <sub>g</sub>	1,108	B-18	6/9/2009	n/a
TPH <sub>d</sub>	396.6	B-13	6/8/2009	n/a
TPH <sub>o</sub>	1,710	B-13	6/8/2009	n/a
cis-1,2-DCE	9.4	B-13	6/8/2009	70
PCE	2,400	MW-1	6/9/2010	5
TCE	17,000	B-18	6/9/2009	5

<sup>[1]</sup> mg/kg -- milligrams per kilogram

<sup>[2]</sup> ft bgs -- feet below ground surface

<sup>[3]</sup> µg/L -- micrograms per liter

<sup>[4]</sup> MCL -- Maximum Contaminant Level

\*Soil Screening Levels calculated based on Regional Board's Interim Site Assessment & Cleanup Guidebook (May 1996)

4. This Order identifies ITT Corporation as the person responsible for the discharges of waste identified in Finding Number 3, because ITT Corporation owns or owned and/or operates or operated the activity that resulted in the discharge or waste that impacted the soil and groundwater at the Site.
5. This Order requires the persons named herein to prepare and submit technical and/or monitoring reports to further assess the nature and extent of VOC impacts in the soil matrix and groundwater, and to determine the potential presence of impacted soil gas in areas where historical data indicates PCE and TCE in soil and groundwater. You are expected to submit a complete report or reports as required by this Order. The Regional Board may reject the report if not complete, or require revisions to the report without issuing a new Order.
6. The Regional Board needs this information in order to protect groundwater quality, which may be impacted from contaminants in soil as a result of the activities performed at the Site.
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 assure adequate subsurface investigation at the Site, which as described herein, as contaminants at the Site may pose a threat to public health and the environment.
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 section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plans associated with this Order could result in anything more than minor physical changes to the environment. If the implementation 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 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**THEREFORE, IT IS HEREBY ORDERED** that ITT Corporation, pursuant to section 13267(b) of the California Water Code, is required to submit the following:

1. By **October 15, 2013**, a technical report providing the results of the field work proposed in the Workplan, current and historical well gauging data for each well with updated well survey results, conceptual site model depicting site-specific hydrogeological conditions, chemical storage (if any), source(s) of VOCs, TPH, and chemicals associated with TPH, lateral and vertical extent of wastes, pathways for waste migration based on field and analytical data collected from site investigation from your property and its vicinities and documentation of all previous investigation(s) conducted. You are required to completely delineate the wastes in soil vapor, soil matrix, and groundwater. The technical report must include a recommendation and supplementary workplan if the proposed field work does not demonstrate a non-detect level delineation of the identified wastes in soil vapor, soil matrix and groundwater.
2. By **October 15, 2013**, you are required to conduct a quarterly groundwater monitoring and sampling program for all wells at the Site. The quarterly groundwater monitoring report must be submitted by the fifteenth day following the end of the quarter, as shown in the following schedule with the first report due on **October 15, 2013**:

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

The technical and monitoring reports are required to be submitted under the Water Code section 13267 Order. Pursuant to Water Code section 13267(a), any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to Water Code section 13268(b)(1), failure to submit the required reports 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 reports are 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.

The Regional Board, under the authority given by Water Code (CWC) section 13267(b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized Company Name 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."

The State Water Board adopted regulations requiring the electronic submittals of information over the internet using the State Water Board GeoTracker data management system. You are required not only to submit hard copy reports required in this Order, but also to comply by uploading all reports and correspondence prepared to date on to the GeoTracker data management system. The text of the regulations can be found at the URL:  
[http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/docs/final\\_electronic\\_regs\\_dec\\_04.pdf](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/docs/final_electronic_regs_dec_04.pdf).

SO ORDERED.

March 15, 2013

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer