

Los Angeles Regional Water Quality Control Board

February 16, 2015

TENTATIVE RESOLUTION TO ADOPT THE PETROLEUM UNDERGROUND STORAGE TANK (UST) EMERGENCY, ABANDONED, AND RECALCITRANT (EAR) ACCOUNT FISCAL YEAR 2015-2016 ANNUAL PRIORITY SITE LIST FOR THE LOS ANGELES REGION

To Interested Persons (see mailing list below):

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Regional Board) will hold a public hearing at 9:00 a.m. on **April 9, 2015** to consider a Tentative Resolution adopting the Petroleum Underground Storage Tank Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016 Annual Priority Site List for the Los Angeles Region. The hearing is currently scheduled to take place in the Board Room at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California, 90012. Please check the Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date public hearing date and location as it is subject to change.

The EAR Account provides funding to the Los Angeles Regional Board and local regulatory agencies to abate emergency situations or to cleanup abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST. For the upcoming Fiscal Year 2015-2016 Annual Priority Site List, the Tentative Resolution proposes adding three new sites and renewing five sites that are on the current fiscal year annual priority site list for the Los Angeles Region. These sites include:

1. Hende's Station (new), 2990 Pacific Ave., Long Beach, CA 90806
2. Harrison Property (new), 1326 W. 12th Street, Long Beach CA 90813
3. Avenue 64 Fuel (Former Shell) (new), 405 Avenue 64 N., Los Angeles, CA 90042
4. Former Mobil Service Station (renewal), 402 Atlantic Ave., Long Beach, CA 90802
5. Juarez Carwash (renewal), 906 W. Rosecrans Ave., Compton, CA 90220
6. Kim's ARCO AM/PM Mini Mart (renewal), 311 East Rosecrans Ave., Compton, CA 90221
7. Former M&M Texaco Service Station (renewal), 21212 Alameda Street South, Carson, CA 90810
8. Garfield Express Property (renewal), 11600 South Long Beach Blvd., Lynwood, CA 90262

These contaminated sites threaten to impact or have already impacted groundwater quality, but complete assessment and cleanup have been stalled because the responsible parties have been recalcitrant. Provided there are sufficient funds in the EAR Account, adoption of the 2015-2016 Annual Priority List for the Los Angeles Region will provide funding for further site assessment and/or cleanup as required. If funding is provided, the State Water Resources Control Board may collect the cost expenditures for site assessment and cleanup from the responsible parties and/or property owners, including recording a lien on the property. **You are receiving this letter because the Los Angeles Regional Board has identified you as a responsible party or potentially responsible party for the contamination at one of the above-referenced sites.**

The Tentative Resolution (including the accompanying priority site list) and other documents are posted on the Los Angeles Regional Board's website at: <http://www.waterboards.ca.gov/losangeles/>. These documents may also be examined at the Los Angeles Regional Board's office at 320 W. 4th Street, Suite 200, Los Angeles, CA 90013.

Persons wishing to comment on the Tentative Resolution, or submit evidence for the Los Angeles Regional Board to consider, are invited to submit them in writing. To be evaluated and responded to by Board staff, included in the Board's agenda binder, and fully considered by the Board members in advance of the hearing, all written comments and evidence must be received by the Los Angeles Regional Board by **5:00 p.m. on March 16, 2015**. Written comments submitted electronically must be e-mailed to Dixon Oriola at doriola@waterboards.ca.gov and refer to "EAR Account for Fiscal Year 2015-2016." Untimely submittal of written comments or evidence will not be accepted.

Interested persons may present oral comments at the hearing on **April 9, 2015**. Oral comments are generally limited to 3 minutes each for their comments, but can vary at the discretion of the Chair, depending on the number of persons wishing to be heard.

For additional information, please contact the UST Section Chief, Dr. Yue Rong at (213) 576-6710 or by e-mail: Yue.Rong@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Interested Person Mailing List:

Mr. Tha C. Yin (Hende's Station)
Mr. Bruce Harrison (Harrison Property)
Ms. Wafica B. Magally (Avenue 64 Fuel)
Mr. Israel Dakar (Former Mobil Service Station)
Mr. Rene and Ms. Petra Juarez (Juarez Car Wash)
Mr. Gary Lazar (Juarez Carwash)
Ms. Divine G. Richardson (Juarez Carwash)
Mr. George A. Pearson (Juarez Carwash)
Mr. Yon Kyu Kim & Mrs. Ki Sook Kim (Kim's ARCO AM/PM Mini Mart)
Ms. Linda Celeste Kim (Kim's ARCO AM/PM Mini Mart)
Mr. Carl Westmoreland (Kim's ARCO AM/PM Mini Mart)
Ms. Pamela Smith - Harper (Former M & M Texaco Service Station)
Mr. Garrett Harper (Former M & M Texaco Service Station)
Louis & Alice Ross Family Trust (Garfield Express Property)
Kyung Kim (Garfield Express Property)
Mr. Abelardo Avalos, City of Carson, aavalos@carson.ca.us
Mr. Johnny Ford, City of Compton, jford@comptoncity.org
Ms. Carmen Piro, City of Long Beach, carmen.piro@longbeach.gov
Mr. Bruno Naulls, City of Lynwood, bnauulls@lynwood.ca.us
Mr. Eloy Luna, City of Los Angeles Fire Department, eloy.luna@lacity.org
Mr. Tim Smith, Los Angeles County Department of Public Works, tsmith@dpw.lacounty.gov

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Item X

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit X.1

Staff Report

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**April 9, 2015
586th Regular Meeting**

- ITEM:** X
- SUBJECT:** Consideration of a tentative Resolution adopting the Petroleum Underground Storage Tank (UST) Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016 Annual Priority Site List for the Los Angeles Region
- PURPOSE:** For the Los Angeles Regional Board to recommend priority UST sites for EAR funding, which would be used to initiate corrective action at these sites.
- BACKGROUND:** Chapter 6.75 of the California Health and Safety Code authorizes the State Water Board to provide funding to Regional Water Boards and local agencies to initiate corrective action at petroleum UST sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant site).
- Provided there are sufficient funds in the EAR Account, the State Water Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Water Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.
- All of the proposed UST sites for nomination are along the I-710 transit corridor, except for one site, Avenue 64 Fuel. The I-710 Corridor Initiative is a multi-agency effort aimed at accelerating Leaking UST (LUST) cleanups and improving UST compliance along the I-710 transit corridor. The project is funded by the State Water Board in partnership with the U.S. Environmental Protection Agency, Region 9 (USEPA). The I-710 Corridor Initiative process identified and prioritized Los Angeles Regional Board UST cases for funding for the EAR Account.
- For the Fiscal Year 2015-2016 Annual Priority Site List, the staff propose adding three (3) new sites to the priority list and

renominating five (5) sites that are on the current FY priority list. If funding is provided, the State Water Board may collect the cost expenditures for the site assessment and cleanup from the RPs and/or property owners, including recording a lien on the property.

SITE SUMMARIES:

The nominated EAR sites have been impacted by petroleum hydrocarbon releases to the soil from leaking USTs, which either threaten to degrade or have already degraded the underlying groundwater. The RPs are recalcitrant. If provided, EAR Account funds will be used to update assessments, determine the degree of contamination, and increase RP involvement in the cleanup process. Listed below are the UST sites that staff recommend for inclusion on the Fiscal Year 2015-2016 Annual Priority Site List:

1. Hende's Station (new)
2. Harrison Property (new)
3. Avenue 64 Fuel (Former Shell) (new)
4. Former Mobil Service Station (renewal)
5. Juarez Carwash (renewal)
6. Kim's ARCO AM/PM Mini Mart (renewal)
7. Former M&M Texaco Service Station (renewal)
8. Garfield Express Property (renewal)

These sites are more fully described in Exhibits 3 through 10.

PUBLIC COMMENTS

The tentative Resolution was released for public review on February 16, 2015 with a comment period deadline that ended March 16, 2015.

OPTIONS:

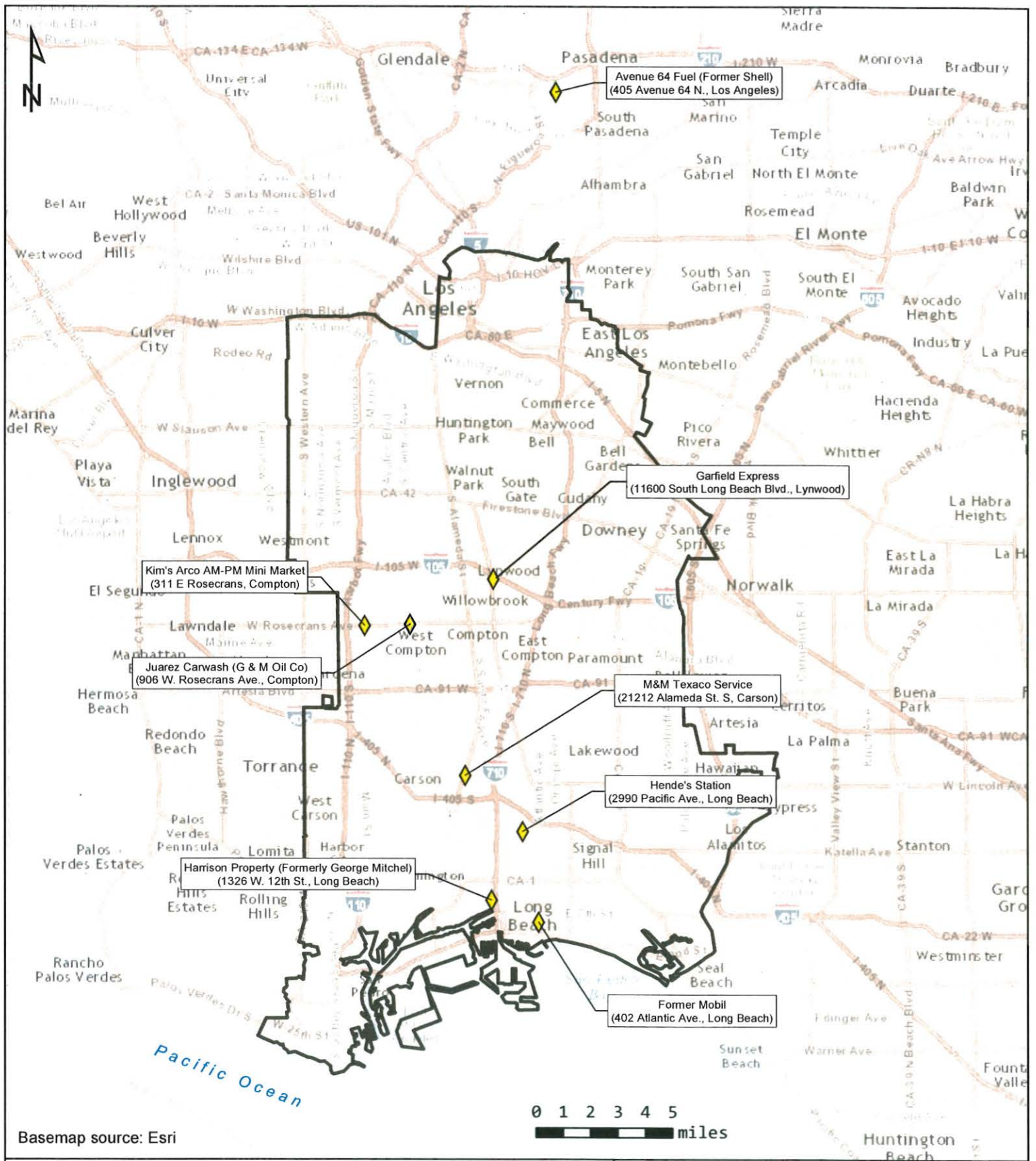
The Los Angeles Regional Board can adopt the Resolution as proposed by staff, not adopt the Resolution, or modify the Resolution and/or sites being proposed for inclusion on the FY 2015-2016 Annual priority Site List for EAR Account funding.

RECOMMENDATION:

Staff recommends that the Los Angeles Regional Board adopt Resolution No. R15-XXX as proposed. The eight (8) nominated EAR sites are in need of significant investigation and/or cleanup because the RPs are recalcitrant. Therefore, funding is needed so that the Regional Board can proceed with corrective action measures.

ATTACHMENTS:

- a) I – 710 Corridor Initiative Index Map (Figure 1).



Basemap source: Esri



- ◆ Sites Nominated for California's Emergency, Abandoned, & Recalcitrant (EAR) Account (2015-2016)
- I-710 Corridor

Figure 1
I-710 Corridor Initiative
February 2015

Underground Storage Tank
 Program EAR Nominations

Item X

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit X.2

Resolution 15-XXX (and Attachment "A")

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

RESOLUTION NO. R15-XXX

April 9, 2015

**Resolution Adopting the Petroleum Underground Storage Tank (UST)
Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2015-2016
Annual Priority Site List for the Los Angeles Region**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to Regional Water Quality Control Boards (Regional Water Boards) or local agencies to initiate corrective action at petroleum underground storage tank (UST) sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant site).
2. Regional Water Board Executive Officers and Local Agency Directors may verbally request emergency funds to be used for emergency response, if immediate action is required. Approval of those requests will be limited to those sudden cases where a crisis situation, caused by an unauthorized release of petroleum from a petroleum UST, poses an immediate threat to human health, safety, and the environment.
3. Provided there are sufficient funds in the EAR Account, the State Water Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Water Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.
4. The State Water Board requested the Regional Water Boards to: (a) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the State Water Board's EAR Account Fiscal Year (FY) 2015-2016 Annual Site List; and (b) submit their annual priority list of recommended Regional Water Board and local agency sites to the State Water Board for EAR Account funding.
5. The public has had an opportunity to review and comment upon this Resolution and accompanying priority site list. The draft Resolution was released for public review prior to Board action. The Los Angeles Water Board considered all comments received at its regular meeting held on April 9, 2015.

THEREFORE, BE IT RESOLVED:

1. The Los Angeles Water Board hereby adopts the Petroleum UST EAR Account FY 2015-2016 Annual Priority Site List for the Los Angeles Region, as set forth in Attachment "A" to this Resolution.

2. The Executive Officer is directed to forward a copy of this Resolution to the State Water Board.
3. The Executive Officer is authorized to add, delete, or modify the sites identified in Attachment "A" during the fiscal year, as necessary.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on April 9, 2015.

Samuel Unger, P.E.
Executive Officer

California Regional Water Quality Control Board
Los Angeles Region

ATTACHMENT "A" TO RESOLUTION NO. R15-XXX

**Petroleum Underground Storage Tank Emergency, Abandoned, and
Recalcitrant (EAR) Account FY 2015-2016 Annual Priority Site List**

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
1	<p><u>Site:</u> Hende's Station 2990 Pacific Avenue Long Beach, CA 90806</p> <p><u>Regional Board Case No.:</u> 908060070</p> <p><u>Responsible Parties:</u> Yin Trust c/o Mr. Tha C. Yin, as Trustee of the Yin Trust 20622 Pioneer Blvd Lakewood, CA 90715 Phone: (310) 759-8172</p>	<p><u>LARWQCB:</u> Norman Chowdhury (213) 576-6704</p> <p><u>Local Agency:</u> City of Long Beach Carmen Piro (562) 570-4137</p>	Petroleum hydrocarbons	RPs/present land owners claim financial hardship and are recalcitrant.	In order to meet the criteria in the Low Threat Closure Policy (LTCP), the lateral and vertical extent of soil and groundwater contamination needs to be delineated at the site.. Additional groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment. Additionally, Electronic Submittal of Information data has not been uploaded to GeoTracker.	\$100,000
2	<p><u>Site:</u> Harrison Property 1326 W. 12th Street Long Beach, CA 90813</p> <p><u>Regional Board Case No.:</u> 908130043</p> <p><u>Responsible Parties:</u> Bruce Harrison 5940 East El Paseo St Long Beach, CA 90815 Phone: (562) 225-7024</p>	<p><u>LARWQCB:</u> David Bjostad (213) 576-6712 Weixing Tong (213) 576-6715</p> <p><u>Local Agency:</u> City of Long Beach Carmen Piro (562) 570-4137</p>	Petroleum Hydrocarbons BTEX MTBE	RPs/present land owners claim financial hardship and are recalcitrant.	In order to meet the LTCP criteria, soil and groundwater investigation needs to be conducted to determine the lateral and vertical extent of contamination at and develop a site conceptual model for the Site. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.	\$100,000
3	<p><u>Site:</u> Avenue 64 Fuel (Former Shell)</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708</p>	Petroleum Hydrocarbons	RPs/present land owners are	In order to meet the LTCP criteria, additional assessment to delineate the	\$100,000

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
	<p>405 Avenue 64 N. Los Angeles, CA 90042</p> <p><u>Regional Board Case No.:</u> 900420152</p> <p><u>Responsible Parties:</u> Wafica Megally Living Trust c/o Wafica B. Magally (Trustee) 6401 Planada Avenue Los Angeles, CA 90042 Phone: (323) 255-2107</p>	<p>Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> City of Los Angeles Eloy Luna (213) 482-6520</p>		<p>recalcitrant.</p>	<p>vertical and lateral extent of soil contamination will be necessary. This can be achieved, in part, by implementing the September 30, 2013 workplan. Additionally, the extent and stability of the dissolved phase plume will need to be assessed; this will necessitate the installation of the additional monitoring well proposed in the September 30, 2013 workplan and several rounds of groundwater monitoring.</p>	

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
4	<p><u>Site:</u> Former Mobil Service Station 402 Atlantic Avenue Long Beach, CA 90802</p> <p><u>Regional Board Case No.:</u> 908020234</p> <p><u>Responsible Party:</u> Israel Dakar c/o Arthur B. Cook, Esq. Hill, Farrer & Burrill, LLP 300 S. Grand Ave., 37th Floor Los Angeles, CA 90071 Phone: 213-621-0822 Email: acook@hillfarrer.com; acook@hfbllp.com</p>	<p><u>LARWQCB:</u> David M. Bjostad (213) 576-6712 Weixing Tong (213) 576-6715</p> <p><u>Local Agency:</u> City of Long Beach: Carmen Piro (562) 570-4137</p>	Petroleum hydrocarbons	RP/present land owners claim financial hardship and remain recalcitrant.	<p>In order to meet the LTCP criteria, the contaminated soil and polyethylene liner that were placed in the excavation pit during UST removal activities will need to be removed and disposed of, or otherwise remediated. The remaining secondary source, beneath the former USTs and product piping should also be removed. The lateral and vertical extent of soil and groundwater contamination will need to be determined in order to qualify for closure under the LTCP. Additional soil sampling should be performed beneath the former gasoline USTs, along the perimeter of the previous excavation, and in "step out" locations along the former product piping, dispenser islands, and around the former waste oil UST. Groundwater monitoring wells, including at offsite locations, should be installed in accordance with the December 27, 2013 Corrective Action Order to assess the plume extent and stability, as well as relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.</p>	<p>Additional \$100,000</p> <p>(\$300,000 already approved)</p>

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
5	<p><u>Site:</u> Juarez Carwash 906 W. Rosecrans Avenue (Formerly 900 W. Rosecrans Avenue in GeoTracker) Compton, CA 90220</p> <p><u>Regional Board Case No.:</u> R-26764</p> <p><u>Responsible Parties:</u> Rene and Petra Juarez 1012 South Windsor Boulevard Los Angeles, CA 90019 Phone: (213) 377-8644 Email: 1012900@sbcglobal.net</p> <p><u>Potentially Responsible Parties:</u> Mr. Gary A. Lazar Ms. Divine G. Lazar (now Richardson) Mr. George A. Pearson Mrs. Regina M. F. Pearson</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p>	<p>Petroleum hydrocarbons, MTBE, Benzene</p>	<p>RPs/present land owners claim financial hardship and remain recalcitrant.</p>	<p>In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater contamination will need to be delineated. To that end, additional groundwater monitoring wells should be installed to the west of well MW5 and off site. Additionally, shallow soil (0-10 ft below ground surface {bgs}) contamination (secondary source) should be assessed and remediated. Soil and groundwater samples should be analyzed for petroleum hydrocarbons and chlorinated solvents during drilling and completion activities. Groundwater will need to be monitored periodically after well completion. Furthermore, a soil vapor survey should be conducted. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.</p>	<p>Additional \$200,000 (\$200,000 already approved)</p>

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
6	<p><u>Site:</u> Kim's ARCO AM/PM Mini Mart 311 East Rosecrans Avenue Compton, CA 90221</p> <p><u>Regional Board Case No.:</u> R-11020</p> <p><u>Responsible Parties:</u> Mr. Yon Kyu Kim and Ms. Ki Sook Kim 17100 S. Park Ln, #135 Gardena, CA 90247 Phone: 310-528-5301 (Kims); 213-533-6347; 310-293-8512 (Carl Westmoreland, son-in-law) Email: bonicarl@sbcglobal.net (Carl Westmoreland, son-in-law)</p> <p>Ms. Linda Celeste Kim 17100 S. Park Ln, #135 Gardena, CA 90247 Phone: 818-903-2727 Email: mscelestial111@hotmail.com</p>	<p><u>LARWQCB:</u> Magdy Baiady (213) 576-6699 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW Phillip Gharibians-Tabrizi (626) 458-5976 (ext. 5976) Tim Smith (626) 458-3511</p>	<p>Petroleum Hydrocarbons, Chromium</p>	<p>RPs/present land owners are recalcitrant due to an inability to pay.</p> <p>USEPA conducted financial research and analysis on RPs' ability to pay, as part of a Cooperative Agreement with the State Water Board, which indicated that the RPs currently have no ability to pay for the required assessment and cleanup work.</p>	<p>In order to meet the criteria in the LTCP, soil and groundwater sampling needs to be conducted to determine the lateral and vertical extent of contamination at the site. Although no groundwater was encountered during UST removal, depth to groundwater is estimated to be approximately 28-33 feet bgs and may have been impacted by the petroleum hydrocarbon release. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the magnitude of contamination, plume extent and stability, as well as determining relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.</p>	<p>Additional \$50,000</p> <p>(\$150,000 already approved)</p>

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
7	<p><u>Site:</u> Former M & M Texaco Service Station 21212 Alameda Street South Carson, CA 90810</p> <p><u>Regional Board Case No.:</u> R-20297</p> <p><u>Responsible Parties:</u> Buford T. Smith Family Trust c/o Mr. Garrett Harper & Ms. Pamela Smith-Harper 3553 Atlantic Avenue, #2 Long Beach, CA 90807 Phone: (562) 761-3052 (Garrett Harper)/ (562) 989-0218 (Pamela Smith-Harper) Email: gthlb@aol.com (Garrett Harper)</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW John Awujo (626) 458-3507 Tim Smith (626) 458-3511</p>	Petroleum Hydrocarbons	The RPs/present land owners claim financial hardship and are recalcitrant.	In order to meet the criteria in the LTCP, further investigation of the lateral and vertical extent of soil and groundwater contamination needs to be conducted at the Site. It is unknown whether groundwater was encountered during UST removal; however, depth to groundwater is estimated to be approximately 28 feet bgs in the area and may have been impacted by the UST release. Groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.	Additional \$50,000 (\$150,000 already approved)
8	<p><u>Site:</u> Garfield Express Property 11600 South Long Beach Boulevard Lynwood, CA 90262</p> <p><u>Regional Board Case No.:</u> R-23001</p> <p><u>Responsible Party:</u> Louis & Alice Ross Family Trust 5709 Jed Smith Road, Hidden Hills, CA 91302</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW John Awujo (626) 458-3507 Tim Smith (626) 458-3511</p> <p><u>Nominating Agency:</u> City of Lynwood Sarah Magana Withers (310) 603-0220</p>	Petroleum hydrocarbons	The RP claims financial hardship and is recalcitrant. Despite spending most of the available State UST funds, the RP has not made substantial progress toward remediation of free product gasoline or chlorinated solvents in soil and groundwater.	In order to meet the criteria in the LTCP, the lateral and vertical extent of VOC contamination in soil and groundwater contamination will need to be determined. The free product removal and SVE systems should continue to operate for the next year, and the SVE wells previously installed around the UST cavity should be connected to the SVE system. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.	\$0 Additional (\$1,500,000 already approved, which is the maximum amount)

Item X

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit X.3

Hende's Station

(New Nomination)

NO. 1: NEW CASE NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Hende's Station
2990 Pacific Avenue
Long Beach, CA 90806
APN: 7206-005-002
GeoTracker Global ID: T0603701826
Regional Board Case No.: 908060070

Release Date: December 9, 1986
Site Status: Open-Site Assessment
Current Site Use: Convenience store

2. Name and Address of Responsible Parties (RP):

Yin Trust
c/o Mr. Tha C. Yin
20622 Pioneer Boulevard
Lakewood, CA 90715
Phone: (310) 759-8172
Date Acquired: June 13, 2003

3. Corrective Action Directives:

The Los Angeles Regional Water Quality Control Board (Regional Board) has issued several directives to Tha C. Yin (Current Owner) since the Underground Storage Tanks (USTs) were removed at this Site. There is a history of non-compliance since 1999.

On January 25, 2012, the Regional Board and U.S. Environmental Protection Agency (USEPA) sent Mr. Yin a joint *Notice of Non-Compliance and Directive to Take Corrective Action*, requiring him to investigate the extent of contamination, dispute his responsibility, or claim an inability to pay for the required work by February 24, 2012. On March 19, 2012, USEPA staff made contact with Mr. Yin via phone and he said he would be willing to do another round of groundwater sampling if it only cost a "couple thousand dollars". He never sent back the *Ability to Pay* forms to claim financial hardship or *Right-of-Entry Agreement* to grant access to his property, which were included in the directive package from USEPA. A *Workplan for Additional Groundwater Investigation and Remedial Alternative Study* and an addendum were submitted on April 9, 2012 and May 30, 2012, respectively.

On April 5, 2012, due to the history of non-compliance at the Site, the Regional Board nominated the Site to the Emergency, Abandoned, and Recalcitrant (EAR) Account Program Annual Priority Site List for Fiscal Year 2012-2013.

On August 28, 2013, the Regional Board issued Mr. Yin a *Corrective Action Directive*, requiring continued groundwater monitoring and further site assessment to evaluate the extent of contamination present at the site from the former USTs. A work plan for additional site assessment was due by October 28, 2013. The directive also informed Mr. Yin that \$50,000 had been approved to be spent under the EAR Account Program of the UST Program for the necessary corrective action work, and his approval for site access to begin work was all that was needed. The Site was not nominated to the EAR Account Program in 2013 or 2014, due to temporary cooperation by the RP.

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On April 1, 2014, the Regional Board issued Mr. Yin a Directive to Take Corrective Action, requiring the installation of groundwater monitoring wells and submittal of a soil and groundwater investigation report by July 15, 2014. Mr. Yin did not comply with this directive.

On November 19, 2014, a Notice of Violation was issued to Mr. Yin for not complying with the April 1, 2014 directive.

On November 25, 2014, the Regional Board notified Mr. Yin of its intent to again nominate the Site for the EAR Account Program.

To date, the required information has not been submitted. The most recent letters are attached.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Noman Chowdhury
Phone: (213) 576-6704
Email: noman.chowdhury@waterboards.ca.gov

5. Description of Unauthorized Release:

The date of the initial release is unknown. On March 10, 1986, a *Monitoring Well Installation Report*, which was prepared for Henderson Enterprises, was submitted by W.W. Irwin, Inc. to the City of Long Beach Health & Human Services Department. The wells were installed in response to a directive issued by the City of Long Beach on December 26, 1985. It appears the directive was based on a Hazardous Materials Monitoring Plan recommendation (not dated).

- Six borings (B1 through B8) were drilled on January 23 and 24, 1985 to a depth of about 40 feet below ground surface (bgs) and converted to monitoring wells (MW-1 through MW-6).
- Analytical results indicate hydrocarbon contamination to a maximum depth of 40 feet below ground surface (bgs). Maximum petroleum hydrocarbon concentrations in soil were found at 5 feet bgs for toluene at 23.6 milligrams/kilogram (mg/kg) and 404.5 mg/kg ethylbenzene both in B-6, 5.3 mg/kg p-xylene in B-2 at 20 feet bgs, 176 mg/kg m-xylene in B-6 at 20 feet bgs, and 1,473 mg/kg total hydrocarbons in B-4 at 30 feet bgs.
- In four out of six boreholes, total petroleum hydrocarbon concentrations increased with depth to over 1,000 mg/kg at 20 feet bgs despite no contamination being detected at 15 feet bgs. The soil sample showed non-detect concentrations for benzene and o-xylene.
- In addition, groundwater from monitoring wells MW-2, MW-3, and MW-6, respectively, all exceed the California Maximum Contaminant Levels (MCLs) for drinking water. Total petroleum hydrocarbons in the gasoline range (TPH_G), was also detected at 3,193 micrograms per liter (µg/L), 625 µg/L, and 37,759 µg/L, respectively.

Item X

The USTs were removed by Interstate Environmental Services in 1995; however, no UST closure report was submitted because the consultant claimed the owner never provided payment. A *UST Removal Inspection Report* was later prepared by Long Beach Fire Department.

- Eight USTs – five 10,000 gallon motor fuel tanks, two 6,400 gallon motor fuel tanks, and one 550 gallon waste oil tank – were removed on October 6, 1995, from the western portion of the property.
- The tank closure report pinpoints the location of apparent soil contamination and states that the "Site shows all signs of 'extreme' contamination."

During the inspection of the site on March 8, 1996 by the Long Beach Fire Department, Mr. Yin (current owner) stated that HVN Environmental Services Co. had removed contaminated soil after removal of the USTs at the site. He stated that approximately 413 tons of contaminated soil was removed.

6. Justification for Nomination to EAR Program:

The identified RP is recalcitrant. The RP has failed to conduct further investigations to determine the lateral and vertical extent of soil and/or groundwater contamination at the site as required.

On November 19, 2014, the Regional Board issued a *Notice of Violation* for not submitting a technical report detailing the results of additional site assessment and groundwater monitoring well installation.

7. Reason for Failure of Responsible Party to Complete Required Action:

The RP has claimed financial hardship as the reason he has been unable to complete required corrective actions as directed.

8. Documentation of Any Disputes between Responsible Party and Agency:

None.

9. Actions Taken by the RP:

On April 16, 1998, Sunset Environmental Services submitted a groundwater monitoring report to the Regional Board that was prepared for Mr. Keat Yin (Mr. Tha C. Yin's brother).

The RP has conducted irregular groundwater monitoring and submitted work plans for additional site assessment between 2012 and 2014, as summarized below.

On August 6, 2012, HVN Environmental Service Company submitted a *3rd Quarter Groundwater Monitoring Event Report* for Mr. Tha C. Yin, as Trustee of the Yin Trust.

On October 22, 2012, HVN Environmental Service Company submitted a *3rd Quarter Groundwater Monitoring Event Report* for Mr. Tha C. Yin, as Trustee of the Yin Trust.

Item X

On May 1, 2013, HVN Environmental Service Company submitted a *1st Quarter 2013 Groundwater Monitoring Event Report* for Mr. Tha C. Yin, as Trustee of the Yin Trust.

On August 29, 2013, HVN Environmental Service Company submitted a Work Plan for Additional Site Assessment.

On October 28, 2013, HVN Environmental Service Company submitted an Addendum to Work Plan for Additional Site Assessment.

The Regional Board conditionally approved the work plan on April 1, 2014.

On July 21, 2014, Sharp Environmental Technologies, Inc. submitted a 2nd Quarter 2014 Groundwater Monitoring Report. The additional groundwater monitoring well installation and soil sampling were not conducted, as required in the work plan approval letter dated April 1, 2014.

10. Investigation/Remedial Efforts Completed:

Investigation work was documented in the Sunset Environmental Services groundwater monitoring report dated April 16, 1998. The results of the investigation are summarized below.

- Groundwater was encountered at 34 feet bgs.
- Sampling was performed on February 14 and 16, 1998 to determine if there was any free product or dissolved petroleum hydrocarbons in groundwater. Free product was not present.
- The maximum concentrations detected in the groundwater samples were as follows:
 - 37,759 µg/L TPH_G
 - 1,057 µg/L benzene (exceeds the California MCL)
 - 92.5 µg/L toluene
 - 166.3 µg/L ethylbenzene
 - 163.1 µg/L total xylenes
 - 15,367 µg/L MTBE (exceeds the California MCL).
- The depth to groundwater was not found in reports on GeoTracker.
- Continuous monitoring was recommended.

Investigation work was documented in the HVN Environmental Service Company *3rd Quarter Groundwater Monitoring Event Report* dated August 6, 2012. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - 3,600 µg/L TPH_G
 - 66 µg/L benzene
 - 17 µg/L toluene
 - 15 µg/L ethylbenzene
 - 39 µg/L total xylenes
 - 9,130 µg/L. MTBE
- Other analytes of concern in groundwater included:
 - 39 µg/L 1,1-DCA
 - 60 µg/L TAME
 - 587 µg/L TBA
 - 15 µg/L isopropylbenzene

Item X

- 30 µg/L n-propylbenzene
- Depth to groundwater ranged from 17.1 to 17.93 feet bgs.
- The report recommended an additional round of groundwater sampling in 6 months.

Investigation work was documented in the HVN Environmental Service Company *3rd Quarter Groundwater Monitoring Event Report* on October 22, 2012. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - 5,100 µg/L TPH_G
 - 320 µg/L benzene
 - 18 µg/L toluene
 - 14 µg/L ethylbenzene
 - 89 µg/L total xylenes
 - 2,530 µg/L MTBE
- Other analytes of concern in groundwater included:
 - 12 µg/L TAME
 - 94 µg/L TBA
- Depth to groundwater ranged from 18.10 to 18.74 feet bgs

Investigation work was documented in the HVN Environmental Service Company *1st Quarter 2013 Groundwater Monitoring Event Report* on May 1, 2013. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - TPH_G at 4,600 µg/L
 - benzene at 240 µg/L
 - toluene at 18 µg/L
 - ethylbenzene at 16 µg/L
 - total xylenes at 160 µg/L
 - MTBE at 4,620 µg/L
- Other analytes of concern in groundwater included:
 - 1,1-DCA at 69 µg/L
 - TAME at 33 µg/L
 - TBA at 22 µg/L
 - isopropylbenzene at 22 µg/L
 - naphthalene at 26 µg/L
- Depth to groundwater ranged from 18.10 to 18.73 feet bgs.
- The report recommended investigating potential off-site sources of contamination prior to performing additional sampling at the site.

Investigation work was documented in the Sharp Environmental Technologies, Inc. *2nd Quarter 2014 Groundwater Monitoring Report* on July 21, 2014. The results of the investigation are summarized below.

- Maximum concentrations for groundwater analytical results were as follows:
 - TPH_G at 4,100 µg/L
 - benzene at 320 µg/L
 - toluene at 5.4 µg/L
 - ethylbenzene at <5.0 µg/L
 - total xylenes at 19 µg/L

Item X

- MTBE at 5,000 µg/L.
- Other analytes of concern in groundwater included:
 - TAME at 54 µg/L
 - TBA at 410 µg/L
 - naphthalene at 20 µg/L
 - vinyl chloride at 15 µg/L
- Depth to groundwater ranged from 18.13 to 19.07 feet bgs.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Site data was not available on GeoTracker, however, limited information was available in directives that were reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see whether the site could be closed under the policy. The following LTCP criteria were not met:

- General (see attached LTCP evaluation form):
- Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination and the hydrogeology has not been adequately defined.
- Secondary Source – The RP indicated approximately 413 tons of contaminated soil was removed; however, this was not documented and secondary source removal cannot be verified. Additionally, soil still remaining onsite contains elevated concentrations of TPH at 5 feet bgs.
- Groundwater – Lateral and vertical extent of the groundwater plume is not defined. Also, benzene and MTBE concentrations are not stable or decreasing.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated. Soil samples collected from below the USTs had concentrations of TPH_G >100 mg/kg at 5 feet bgs. The concentration of benzene is > 1,000 µg/L in groundwater.
- Direct Contact and Outdoor Air Exposure – The lateral and vertical extent of the soil contamination is unknown. Based on soil sample analytical data collected during the UST removals, concentrations of ethylbenzene in soil exceeded concentrations allowable under the LTCP criteria. Concentrations of naphthalene and PAHs in soil are unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater need to be determined in order to delineate contamination at the site. Additional groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment. Additionally, Electronic Submittal of Information data has not been uploaded to GeoTracker.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Requested for 2015 Nomination
 - \$100,000 in annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

Groundwater at this site has already been impacted. If EAR funding is denied, migration of the plume to sensitive receptors is possible. According to the Los Angeles County Groundwater Well database, the nearest drinking water well is approximately 0.9 mile southwest of the site and the nearest water body, the Los Angeles River, is approximately 0.6 mile west of the property. In addition, because both of the RPs failure to comply and the quantity of contaminants, and the extent of migration is unknown, the site could become a Brownfield site.

15. Attachments:

1. January 25, 2012, U.S. Environmental Protection Agency and Regional Board Joint Notice of Non-Compliance and Directive to Take Corrective Action
2. November 19, 2014, Regional Board *Notice of Violation*
3. November 25, 2014, Regional Board Notice of Intent to Nominate Site to the EAR Account Program
4. Low Threat Closure Policy Evaluation Form



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
LOS ANGELES REGIONAL WATER QUALITY
CONTROL BOARD
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

January 25, 2012

Certified Mail 7011-0110-0001-9066-0245
Return Receipt:

Tha C. Yin
20622 Pioneer Blvd.
Lakewood, CA 90715

Subject: Notice of Non-Compliance and Directive to Take Corrective Action
Regarding: Hende's Station
Former Underground Storage Tanks (UST) Facility
Parcel # 7206-005-002
2990 Pacific Avenue, Long Beach, CA 90221

Dear Tha C. Yin:

Over the past year, the California Regional Water Quality Control Board and the United States Environmental Protection Agency (herein "the Agencies") have been investigating sites with abandoned USTs and contamination from USTs near I-710 from Downtown Los Angeles to Long Beach. Based on our investigations and evaluations, you were identified as the responsible party for underground storage tanks that were located at the former Hende's gas station (herein "the site"), 2990 Pacific Avenue, in Long Beach.

The Agencies require you to take action now to address the contamination from the former USTs at the site. Based on data from the State of California Cleanup Fund, the average cost for a site investigation may range from a low of approximately \$10,000 (for a site with minimal or no contamination) to \$1 million or more (for sites with extensive contamination).

Within 30 days from the date of this letter, you are required to take one of the following three actions:

Option 1 – Investigate Extent of Contamination

Submit a letter of intent to investigate the extent of contamination at the site, contact Joel Coffman of the US EPA (415) 972-3530 to discuss the process no later than 30 days from the date of this letter.

Option 2 – Dispute your Responsibility

If you believe you are not responsible for this site and the tanks that were at the site, please provide a letter describing why you are not responsible along with any evidence supporting this claim.

Option 3 – Claim of Inability to Pay for the Required Work

If you do not believe you are able to pay for the required investigation, complete the enclosed financial information form, provide copies of your tax returns for the last five years, and sign the

enclosed right of entry that will allow the Agencies and their agents to access the property to investigate contamination at the property.

More detailed instructions for each of the options are provided in Attachment I.

Mailing Instructions

Your response should be sent within 30 days from the date of this letter to:

La Donna Thomas
Underground Storage Tanks Program
U.S. EPA Region 9 (WST-8)
75 Hawthorne Street
San Francisco, CA 94105

Facsimile: (415) 947-3530
Email: Thomas.LaDonna@epa.gov

Failure to Respond to this Directive

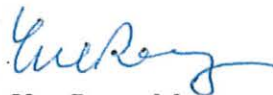
If you do not respond to this directive within 30 days from the date of this letter, the US EPA and/or the State of California may take action to conduct the site assessment and cleanup activities. If US EPA or the State of California incurs such costs, the Agencies may take legal action to recover costs and/or place a lien on the property.

Moreover, if you fail to respond to this letter within 30 days, EPA and/or the State may also opt to bring enforcement to compel you to undertake the work to address the contamination at the site. Significant penalties may also be imposed.

Should you have any questions about this letter or the requirements described, please contact, La Donna Thomas of USEPA at 415-972-3375 or Laurie Amaro of USEPA at 415-972-3364.



Steven Linder, Manager
US EPA, Regional 9
Underground Storage Tanks Program



Dr. Yue Rong, Manager
Regional Water Quality Control Board
Los Angeles, Region 4

cc: Ha D. Nguyen, Regional Water Quality Control Board



Los Angeles Regional Water Quality Control Board

November 19, 2014

Mr. Tha C. Yin, as Trustee of the Yin Trust
20622 Pioneer Boulevard
Lakewood, California 90715

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 5859

**NOTICE OF VIOLATION – FAILURE TO SUBMIT A TECHNICAL REPORT/WORKPLAN IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
HENDE'S STATION
2990 PACIFIC AVENUE, LONG BEACH
(CASE NO. 908060070) (GLOBAL ID. T0603701826)**

Dear Mr. Tha C. Yin:

The California Regional Water Quality Control Board (Regional Board), Los Angeles Region, is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced site (Site).

On April 1, 2014, the Regional Board Executive Officer issued you an Order to take corrective action. The Order (copy enclosed), directed you to submit a soil and groundwater investigation report (Report) by **July 15, 2014**. To date, we have not received the aforementioned report. You are hereby notified that you are in violation of the Order for failure to submit the Report.

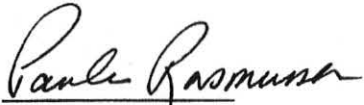
You are hereby notified that you are in violation of Health and Safety Code section 25296.10, California Code of Regulations (CCR), title 23, section 2720 through 2727 by failing to provide the Report by July 15, 2014. You are required to submit the Report immediately. Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC Sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 or yrong@waterboards.ca.gov or Mr. Noman M. Chowdhury at (213) 576-6704 or nchowdhury@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

cc (w/o enclosure): Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Ms. Carmen Piro, Department of Health and Human Services, City of Long Beach
Ms. Phuong Ly, Water Replenishment District of Southern California
Mr. Richard Lavin, Los Angeles County, Department of Public Health, Environmental Health Division-Water & Sewage
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Jeffrey Sharp, Sharp Environmental Technologies, Inc.



Los Angeles Regional Water Quality Control Board

November 25, 2014

Mr. Tha C. Yin, as Trustee of the Yin Trust
20622 Pioneer Boulevard
Lakewood, CA 90715

Certified Mail
Return Receipt Requested
Claim No. 7002 0860 0001 0651 1272

**EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM -
REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED
UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY
CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF
REGULATIONS, SECTION 2720-2727
HENDE'S STATION (PRIORITY D-1 SITE)
2990 PACIFIC AVENUE, LONG BEACH
(FILE NO. 908060070) (GLOBAL ID. T0603701826)**

Dear Mr. Yin:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

On October 6, 1995, eight underground storage tanks were removed from the site, by Interstate Environmental Services, under permit with the Long Beach City Department of Fire. Although soil samples were collected, no closure report or analytical soil data was submitted.

On March 20, 1996, the City of Long Beach Department of Health and Human Services sent you a directive letter requiring the submittal of analytical data and a closure report by April 19, 1996. No analytical data or the closure report was submitted by the due date.

On April 2, 1996, the City of Long Beach Department of Health and Human Services referred the site to the Regional Board based on contamination found in soil and groundwater at the site.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

On February 4, 1998, the Regional Board sent you a directive letter requiring you to submit a groundwater investigation report by April 15, 1998. No report was received. The Regional Board sent you a delinquency notice on May 28, 1999 which required the submittal of a groundwater investigation technical report by June 30, 1999. No report was received. Another delinquency notice was sent on September 19, 2000 requiring the groundwater investigation report by October 20, 2000. No report was received.

On September 16, 2008, the Regional Board sent you a Notice of Non-Compliance requiring the submittal of electronic data for leaking UST and a subsequent report by October 20, 2008. No data or report was received.

On January 25, 2012, the Regional Board and U.S. Environmental Protection Agency sent you a joint Notice of Non-Compliance and Directive to Take Corrective Action, requiring you to investigate the extent of contamination, dispute your responsibility or claim inability to pay for the required work by February 24, 2012.

On April 5, 2012, due to the history of non-compliance at the Site, the Regional Board passed a resolution nominating the Site to the Emergency, Abandoned, and Recalcitrant (EAR) Account Program.

On April 9, 2012, HVN Environmental Services Company submitted a work plan for additional groundwater investigation. The work plan was approved by the Regional Board on July 3, 2012 with the first groundwater monitoring report due by July 15, 2012.

On August 6, 2012, HVN Environmental Service Company submitted a *3rd Quarter Groundwater Monitoring Event Report* on your behalf. Maximum concentrations for groundwater analytical results are as follows:

- TPH_G – 3,600 micrograms per liter (µg/L)
- Benzene – 66 µg/L
- Toluene – 17 µg/L
- Ethylbenzene – 15 µg/L
- Total Xylenes – 39 µg/L
- MTBE – 9,130 µg/L
- 1,1-DCA – 39 µg/L
- TAME – 60 µg/L
- TBA – 587 µg/L

The report recommended an additional round of groundwater sampling in six months.

On May 13, 2013, HVN Environmental Services Company submitted a *1st Quarter 2013 Groundwater Monitoring Event Report* on your behalf. Maximum concentrations for groundwater analytical results are as follows:

- TPH_G – 4,600 µg/L
- Benzene – 240 µg/L
- Toluene – 18 µg/L
- Ethylbenzene – 16 µg/L
- Total Xylenes – 160 µg/L
- MTBE – 4,620 µg/L
- 1,1-DCA – 69 µg/L

- TAME – 33 µg/L
- TBA – 22 µg/L

The report suggested that the nature and extent of the contamination due to off-site sources should be investigated, prior to performing additional sampling at the site.

On August 28, 2013, the Regional Board sent you a corrective action directive letter, requiring continued groundwater monitoring and further site assessment to evaluate the extent of contamination present at the site from the former USTs. A work plan for additional site assessment was due by October 28, 2013. The directive also informed you that \$50,000.00 had been approved to be spent under the EAR Account Program of the UST Cleanup Fund for the necessary corrective action work, and your approval for site access to begin work was all that was needed. You were warned that the State Water Board would seek cost recovery from you for any costs incurred under the EAR Account, which may include attaching a lien to the property.

On October 28, 2013, HVN Environmental Services Company submitted a work plan to evaluate the extent of contamination at the site.

On April 1, 2014, the Regional Board conditionally approved the work plan requiring the submittal of a technical report detailing the results of the site assessment as part of the semi-annual groundwater monitoring report by July 15, 2014.

On July 21, 2014, Sharp Environmental Technologies, Inc. submitted a *Second Quarter 2014 Groundwater Monitoring Report* on your behalf. The additional groundwater monitoring well installation and soil sampling were not conducted, as required in the work plan approval letter dated April 1, 2014.

On November 19, 2014, the Regional Board sent you a "Notice of Violation" requiring the immediate submittal of a technical report detailing the results of the site assessment and groundwater monitoring well installation.

As of today, this Regional Board has not received the required technical report.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to the history of non-compliance at the Site, we hereby notify you of our intention to re-nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible

party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Noman Chowdhury, at (213) 576-6704. You may also reach him through his e-mail address: noman.chowdhury@waterboards.ca.gov.

Sincerely,



Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Regional Board Letter dated August 29, 2013*
(b) *Regional Board Letter dated April 1, 2014*
(c) *Regional Board Notice of Violation dated November 19, 2014*

cc (w/o enclosure): Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Kathy Jundt, State Water Resources Control Board; UST Cleanup Fund
Ms. Carmen Piro, Department of Health and Human Services, City of Long Beach
Ms. Phuong Ly, Water Replenishment District of Southern California
Mr. Richard Lavin, Los Angeles County, Department of Public Health, Environmental Health Division-Water & Sewage
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Jeffrey Sharp, Sharp Environmental Technologies, Inc.

STATE WATER RESOURCES CONTROL BOARD GEOTRACKER

HENDE'S STATION (T0603701826) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

2990 PACIFIC AVE
LONG BEACH, CA 90806
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
LOS ANGELES RWQCB (REGION 4) (**LEAD**) - CASE #: 908060070
CASEWORKER: [NOMAN CHOWDHURY](#)
LONG BEACH, CITY OF
CASEWORKER: [CARMEN PIRO](#)

LTCP CHECKLIST AS OF 6/9/2014

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - The site satisfies the policy general criteria	NO
a. Is the unauthorized release located within the service area of a public water system? Name of Water System : LONG BEACH WATER DEPARTMENT	YES
b. The unauthorized release consists only of petroleum (info).	YES
c. The unauthorized ("primary") release from the UST system has been stopped.	YES
d. Free product has been removed to the maximum extent practicable (info).	FP Not Encountered
e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed (info). Description: - Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined - Other - WP approved	NO
f. Secondary source has been removed to the extent practicable (info). Impediment to Removing Secondary Source: - Remediation Has Not Been Attempted	NO
g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.	YES
h. Does a nuisance exist, as defined by Water Code section 13050 .	NO
1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.	NO
EXEMPTION - Soil Only Case (Release has <u>not</u> Affected Groundwater - Info)	NO
Does the site meet any of the Groundwater specific criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:	
Plume Length (That Exceeds Water Quality Objectives) :	
• Unknown	
Plume is Stable or Decreasing in <u>AREAL</u> Extent :	
• Unknown	
Free Product in Groundwater :	
• Unknown	
Free Product Has Been Removed to the Maximum Extent Practicable :	
• Unknown	
For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years (info) :	
• Unknown	
For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :	
• Unknown	
Free Product Extends Offsite :	
• Unknown	
Benzene Concentration :	
• Unknown	
MTBE Concentration :	
• Unknown	
Nearest Supply Well (From Plume Boundary) :	
• Unknown	
Nearest Surface Water Body (From Plume Boundary) :	
• Unknown	
2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c	NO
EXEMPTION - Active Commercial Petroleum Fueling Facility	NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria: Soil Gas Samples : <ul style="list-style-type: none"> • No Soil Gas Samples Exposure Type : <ul style="list-style-type: none"> • Commercial Free Product : <ul style="list-style-type: none"> • Unknown TPH in the Bioattenuation Zone : <ul style="list-style-type: none"> • Unknown Bioattenuation Zone Thickness : <ul style="list-style-type: none"> • Unknown O2 Data in Bioattenuation Zone : <ul style="list-style-type: none"> • No O₂ Data Benzene in Groundwater : <ul style="list-style-type: none"> • Unknown Soil Gas Benzene : <ul style="list-style-type: none"> • Unknown Soil Gas EthylBenzene : <ul style="list-style-type: none"> • Unknown Soil Gas Naphthalene : <ul style="list-style-type: none"> • Unknown 	
3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.	
NO	NO
EXEMPTION - The upper 10 feet of soil is free of petroleum contamination	
NO	
Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?	
NO	
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria: Exposure Type : <ul style="list-style-type: none"> • Commercial Petroleum Constituents in Soil : <ul style="list-style-type: none"> • Unknown Soil Concentrations of Benzene : <ul style="list-style-type: none"> • Unknown Soil Concentrations of EthylBenzene : <ul style="list-style-type: none"> • Unknown Soil Concentrations of Naphthalene : <ul style="list-style-type: none"> • Unknown Soil Concentrations of PAH : <ul style="list-style-type: none"> • Unknown Area of Impacted Soil : <ul style="list-style-type: none"> • Unknown 	
Additional Information	
Should this case be closed in spite of NOT meeting policy criteria?	
NO	

Item X

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit X.4

Harrison Property

(New Nomination)

NO. 2: NEW CASE NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Harrison Property
1326 West 12th Street
Long Beach, CA 90813
APN: 7436-004-008
GeoTracker Global ID: T0603701919
Regional Board Case No.: 908130043

Release Date: November 11, 1984 (City of Long Beach)
Site Status: Open-Site Assessment
Current Site Use: Biltmore Metal Fabricators

2. Name and Address of Responsible Parties (RP):

Bruce Harrison
5940 East El Paseo Street
Long Beach, CA 90815
Phone: (562) 225-7024
Date Acquired: June 19, 2003

3. Corrective Action Directives:

There is a history of non-compliance at this site since 2006.

On December 4, 2012, the Regional Board issued an Order to take corrective action and required the Responsible Party (RP) to submit a workplan to further investigate the extent of contamination present on-site from the former USTs by January 18, 2013.

In a July 16, 2013 *Directive to Take Corrective Action*, the RP was required to submit a soil and groundwater investigation workplan and revised groundwater monitoring reports. Because the RP did not submit the required documents, a *Notice of Violation* was issued on November 21, 2014.

On December 8, 2014, the Regional Board issued a Corrective Action Directive notifying the RP of its intent to nominate the Site to the State Water Board's Emergency, Abandoned, and Recalcitrant (EAR) Account Program.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Dave Bjostad
Phone: (213) 576-6712
Email: dave.bjostad@waterboards.ca.gov

5. Description of Unauthorized Release:

In November 1984, two gasoline USTs, one 1,000-gallon and one 7,500-gallon, were removed from the Site under the supervision of the Long Beach Fire Department (LBFD). No soil sampling data from the time of the tank removal are found in the case files; however, LBFD representatives observed visible holes in the 7,500-gallon UST and evidence of petroleum hydrocarbon contamination in the tank excavation and shallow groundwater.

In October 1998, soil samples that were collected from 5 feet to 24 feet bgs in the former UST area contained maximum concentrations of 100 milligrams per kilogram (mg/kg) of TPH_G and 3.3 mg/kg of benzene at 5 feet bgs, while maximum concentrations for soil samples collected from 5 feet to 24 feet bgs outside the former UST area (five borings) contained a maximum of 3,300 mg/kg of TPH_G and 20 mg/kg of benzene. In addition, one groundwater sample was collected from boring B1 at the UST area, with a concentration of 0.6 micrograms per liter (µg/L) of benzene, but the sample was not analyzed for methyl tertiary butyl ether (MTBE).

On February 11, 2000, the Regional Board issued a directive letter to the RP requiring that a work plan for site assessment be submitted by March 31, 2000. No workplan was received.

On June 27, 2000, a 550-gallon diesel UST was removed from the northern portion of the property by Redwine Testing Services, on behalf of Mr. George Mitchel. Soil samples were taken from beneath a former dispenser, stockpiled soil, and two feet beneath the center of the tank base. Samples were analyzed for TPH_G, and total petroleum hydrocarbons as diesel (TPH_D), BTEX, and MTBE. Toluene and MTBE were not detected above laboratory detection limits (LDLs) in the samples analyzed. TPH_G was detected at a maximum concentration of 1.2 mg/kg in the tank pit. In addition, TPH_D was detected at a maximum concentration of 790 mg/kg in the tank pit. Benzene at 0.007 mg/kg, ethylbenzene at 0.046 mg/kg, and total xylenes at 0.061 mg/kg were detected in the samples taken two feet beneath the tank base.

In a directive to the RP dated June 22, 2006, the Regional Board referenced an undated closure report and quarterly groundwater monitoring reports from Strata-Analysts Group. These reports noted that soil beneath the Site was significantly impacted with petroleum hydrocarbons and volatile organic compounds to a depth of 35 feet bgs, based on analytical data for soil samples collected during the installation of three groundwater monitoring wells (MW-1 through MW-3). Maximum concentrations in soil were listed as follows: 1,353.2 mg/kg TPH_G, 40 mg/kg benzene, 580 mg/kg toluene, 170 mg/kg ethylbenzene, and 1.01 mg/kg total xylenes. In groundwater samples, the maximum concentrations were 0.052 µg/L TPH_G, 1,900 µg/L benzene, 13,000 µg/L toluene, 2,900 µg/L ethylbenzene, 15,000 µg/L total xylenes, and 920 µg/L naphthalene. The depth of the soil samples was not indicated. The directive denied a request for closure and required a workplan to completely delineate the extent of contaminants in soil and groundwater to be submitted by October 15, 2006. The RP submitted a workplan on October 23, 2007.

Groundwater samples collected on December 19, 2013, detected the maximum concentrations of petroleum constituents as:

- 1,700 µg/L TPH_G in monitoring well MW-2
- 3,100 µg/L TPH_D in monitoring well MW-2
- 470 µg/L benzene in monitoring well MW-3
- 210 µg/L toluene in monitoring well MW-2

Item X

- 1,400 µg/L ethylbenzene in monitoring well MW-3
- 1,200 µg/L xylenes in monitoring well MW-2
- MTBE was not reported above laboratory detection limits in the samples collected.

In groundwater samples collected on September 26, 2014, the maximum reported concentrations of petroleum constituents in groundwater were:

- 530 µg/L TPH_G in monitoring well MW-2
- 2,200 µg/L TPH_D in monitoring well MW-2
- 2.1 µg/L benzene in monitoring well MW-3
- 0.56 µg/L toluene in monitoring well MW-3
- 16 µg/L ethylbenzene in monitoring well MW-3
- 18.75 µg/L xylenes in monitoring well MW-2
- MTBE was not reported above laboratory detection limits in the samples collected
- Tertiary butyl alcohol (TBA), although not included in the summary data tables, was detected in all three monitoring wells, at a maximum concentration of 23 µg/L in MW-2

To date, the extent of the release has not been delineated.

6. Justification for Nomination to EAR Account Program:

The identified RP is recalcitrant. The RP has failed to conduct further investigation to determine the lateral and vertical extent of soil and/or groundwater contamination at the Site as required.

7. Reason for Failure of Responsible Party to Complete Required Action:

On December 9, 2008, the site consultant, CMH Environmental Group, Inc., submitted an additional time extension request to the Regional Board. CMH cited financial hardship reasons on behalf of the RP for the extension request.

8. Documentation of Any Disputes between Responsible Party and Agency:

On December 11, 2014, the Regional Board received a letter from CMH Environmental, on the RP's behalf, stating Mr. Harrison is not recalcitrant and the property has not been abandoned. The letter stated the site was currently occupied by the owner and thus not abandoned. The letter also indicated a workplan for further work would be submitted by December 22, 2014 for discussion at the meeting with CMH Environmental and the Regional Board that same day. On December 22, 2014, CMH Environmental submitted a workplan for subsurface investigation at the property.

9. Actions Taken by the RP:

The RP submitted a workplan for additional site assessment (installation of two new groundwater monitoring wells and associated soil sampling) on October 23, 2007. The Regional Board subsequently approved the work plan and set a deadline for the submission of a technical report by April 15, 2008. To date, the report has not been submitted.

Item X

An Amended Bio Remedial Action Plan was also submitted to the Regional Board on October 23, 2007. The Regional Board approved the workplan and required submittal of the remedial action report by July 15, 2008. The report was also not submitted.

While the RP has submitted groundwater analytical data for the period covering approximately 2008 to 2014, the Regional Board has noted that these reports are deficient because they do not contain groundwater gauging data or gradient maps, are not signed by a Professional Engineer (PE) or Professional Geologist (PG), and do not contain isoconcentration maps for key contaminants of concern. The reports also lack groundwater disposal documentation and free product measurement data. The Regional Board has asked that corrected reports be submitted. To date, corrected reports have not been submitted. In addition, environmental data for the Site should be submitted to GeoTracker in the EDF format, along with well survey and depth to water data.

On December 22, 2014, CMH Environmental submitted a workplan for subsurface investigation at the property. The workplan proposed the installation of three, 5-foot soil vapor probes in the vicinity of MW-3, with soil samples to be collected at 5 feet bgs. No groundwater sampling or groundwater well installation was included in the workplan.

10. Investigation/Remedial Efforts Completed:

Limited groundwater monitoring was conducted at the Site between 2006 and 2014. To date, the RP has not completed the required additional site assessments and has not conducted remedial actions at the Site.

11. Low-Threat Underground Storage Tank Case Closure Policy Summary

Certain Site data are not available on GeoTracker; however, limited information was available in directives that was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria to see if the Site could be closed under the policy. The following LTCP criteria were not met:

- General (see attached LTCP evaluation form):
- Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination has not been assessed and the hydrogeology has not been adequately defined.
- The impacted soil or secondary source has not been removed to the extent practicable.
- Groundwater – The extent and stability of the dissolved phase plume has not been assessed.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated. The bio-attenuation zone thickness is unknown. Soil samples collected at unknown depths. The concentrations of TPH_G and benzene were 3,300 mg/kg and 20 mg/kg, respectively.
- Direct Contact and Outdoor Air Exposure – The lateral and vertical extent of the soil contamination is unknown. Based on available soil sample analytical data, concentrations of benzene in soil may exceed concentrations allowable under the LTCP criteria. Concentrations of naphthalene in soil are unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the LTCP criteria, soil and groundwater investigation needs to be conducted to determine the lateral and vertical extent of contamination and to develop a site conceptual model for the Site. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

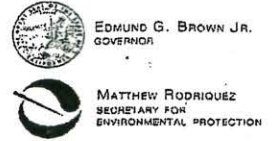
\$100,000 annual funding for additional investigation is recommended. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

If EAR funding is denied, migration of the plume is possible. Furthermore, since the extent of contamination remains unknown and because of the RP's failure to comply, the Site could continue to pose a threat to water quality indefinitely until remediated.

15. Attachments:

1. December 4, 2012 Regional Board Requirement to Take Corrective Action
2. November 21, 2014, Regional Board *Notice of Violation*
3. December 8, 2014, Regional Board Notification of Intent to Nominate Site to EAR Account Program
4. Low Threat Closure Policy Evaluation Form



Los Angeles Regional Water Quality Control Board

December 4, 2012

Mr. Bruce Harrison
5940 East El Paseo Street
Long Beach, California 90815

Certified Mail
Return Receipt Requested
7011 3500 0003 5491 1596

Mr. Bruce Harrison
1368 11th St.
Long Beach, California 90813

Certified Mail
Return Receipt Requested
7012 0470 0001 6138 2372

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
HARRISON PROPERTY (FORMERLY GEORGE MITCHEL)
1326 WEST 12th STREET, LONG BEACH, CALIFORNIA (ID NO. 908130043)**

Dear Mr. Harrison:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background:

In November 1984, two gasoline USTs, one 1,000-gallon and one 7,500-gallon, were removed from the Site under the supervision of the Long Beach Fire Department (LBFD). No soil sampling was conducted at the time of the tank removal; however, LBFD representatives observed visible holes in the 7,500-gallon UST and evidence of petroleum hydrocarbon contamination in the tank excavation and shallow groundwater. Based on an identified release and potential impact to groundwater, the Site was transferred to the Regional Board in 1986.

On February 11, 2000, the Regional Board issued a letter to Mr. Clay Mitchel of National Construction & Architecture (agent of Mr. George Mitchel), in response to a "Subsurface Site Assessment – Soil and

Groundwater Sampling" report, prepared in February 1999 by California Environmental. The letter referenced soil samples collected in the former UST area, which contained maximum concentrations of 100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPH_G) and 3.3 mg/kg of benzene from 5 feet to 24 feet below ground surface (bgs). It also referenced maximum concentrations for soil samples collected outside the former UST: 3,300 mg/kg of TPH_G and 20 mg/kg of benzene from 5 feet to 24 feet bgs. In addition, the letter states there was a groundwater sample from boring B1, with a concentration of 0.6 micrograms per liter (µg/L) of benzene; the sample was not analyzed for methyl tertiary butyl ether (MTBE). The letter requested a work plan for site assessment, due by March 31, 2000 to obtain groundwater hydrological and groundwater analytical data to assess the impact to groundwater beneath the site. However, no work plan was submitted to the Regional Board by the March 31, 2000 due date.

On June 27, 2000, a 550-gallon diesel UST was removed from the northern portion of the property by Redwine Testing Services, on behalf of Mr. George Mitchel. Soil samples were taken from beneath a former dispenser, stockpiled soil, and two feet beneath the center of the tank base. Samples were analyzed for TPH_G and total petroleum hydrocarbons as diesel (TPH_D), benzene, toluene, ethylbenzene, xylenes (BTEX) and MTBE. Toluene and MTBE were not detected above laboratory detection limits (LDLs) in the samples analyzed. TPH_G was detected at a maximum concentration of 1.2 mg/kg in the tank pit. In addition, TPH_D was detected at a maximum concentration of 790 mg/kg in the tank pit. Benzene at 0.007 mg/kg, ethylbenzene at 0.046 mg/kg, and total xylenes at 0.061 mg/kg were detected in the samples taken two feet beneath the tank base.

On September 24, 2002, the Regional Board issued a letter to Mr. Clay Mitchel of National Construction Architecture, in response to a request for closure dated September 10, 2002. This letter stated the site would not be closed at that time based on a lack of determining information and requested a work plan for additional site assessment due by December 1, 2002. Based on Regional Board records, no site assessment work plan was submitted by the December 1, 2002 due date.

On December 17, 2002, the Regional Board issued a letter to Mr. Clay Mitchel granting approval of an "Additional Site Assessment Workplan" dated October 29, 2002, as long as standard sampling conditions were met, and requested a site assessment report be submitted by April 15, 2003. There are no Regional Board records indicating the proposed activities were conducted on the property and no site assessment report was submitted by the April 15, 2003 due date.

On June 22, 2006, the Regional Board issued a letter to you, as the new owner and responsible party for the contamination from the former USTs, which acknowledged the receipt of an undated "Closure Report" and quarterly groundwater monitoring reports from Strata-Analysts Group. In the letter, the Regional Board informed you that soil beneath the site was significantly impacted with petroleum hydrocarbons and volatile organic compounds to a depth of 35 feet bgs, based on analytical data for soil samples collected during the installation of three groundwater monitoring wells (MW-1 through MW-3). Maximum concentrations in soil were listed as follows: 1,353.2 mg/kg TPH_G, 40 mg/kg benzene, 580 mg/kg toluene, 170 mg/kg ethylbenzene, and 1.01 mg/kg total xylenes. In groundwater samples, the maximum concentrations were .052 µg/L TPH_G, 1,900 µg/L benzene, 13,000 µg/L toluene, 2,900 µg/L ethylbenzene, 15,000 µg/L total xylenes, and 920 µg/L naphthalene. The depth of the soil samples was not included in the letter. The letter denied your request for closure and requested a work plan for site assessment, due by October 15, 2006, to completely delineate the extent of contaminants in soil and groundwater beneath the Site. It also required reinstatement of the groundwater monitoring program with a report due by the 15th day of the first month following the sampling quarter and noted that previous groundwater monitoring reports were incomplete. No work plan or monitoring report was received by the October 15, 2006 due date.

In our letter dated June 22, 2006, you were required to submit quarterly groundwater monitoring reports by the 15th day of the first month following each sampling quarter. We have not received the reports since 2007.

On December 15, 2006, the Regional Board issued a response letter to you, denying your "Request for Low Risk Criteria Closure" dated July 31, 2006 because after four quarterly sampling events, all available soil and groundwater data had been evaluated and the site did not meet the low risk criteria for closure. It also requested you to comply with the requirements specified in the Regional Board June 22, 2006 letter. On August 14, 2007, the Regional Board responded to a "2007 Second Quarter Groundwater Sampling" report dated July 9, 2007 and "Request for Low-Risk Closure Report" prepared by Strata-Analysts Group on your behalf. The Regional Board determined the site did not meet criteria for low-risk closure and requested a work plan to delineate contamination, which was due by October 15, 2007.

On December 14, 2007, the Regional Board responded to the submittal of a work plan, dated October 23, 2007, which Strata-Analysts Group prepared on your behalf. According to the correspondence from the Regional Board, elevated concentrations of TPH_G and BTEX were detected in the down gradient monitoring well, MW-3, during the 2007 Second Quarter Groundwater Sampling event. The Regional Board concurred with your consultant's proposal to install two additional groundwater monitoring wells, requested soil samples be collected at 5-foot intervals, and requested that a site assessment report be submitted by April 15, 2008. Based on Regional Board files, the proposed installation of additional groundwater monitoring wells and subsequent sampling was not completed for the Site and a site assessment report was not submitted by the due date of April 15, 2008.

On January 29, 2008 the Regional Board responded to the submittal of an "Amended Bio Remedial Action Plan" submitted by your consultant, Strata-Analysts Group on October 23, 2007. Strata-Analysts Group proposed to inject air/oxygen into existing monitoring wells to biodegrade petroleum hydrocarbons in the groundwater. The Regional Board concurred with the remedial action plan and required the submittal of the remedial action report by July 15, 2008. Based on Regional Board files, the remedial action plan was not performed on the Property and a remedial action report was not submitted by the due date of July 15, 2008.

On May 27, 2008, the Regional Board issued you a directive and extension letter. The letter granted an extension for the submission of the site assessment report until January 15, 2009, which was to include the installation of two additional groundwater monitoring wells.

On December 9, 2008, your consultant, CMH Environmental Group, Inc., submitted an additional time extension request to the Regional Board. CMH cited financial hardship reasons for the extension request. The extension was not granted.

Based on the available information, the Regional Board requires further investigation to evaluate the extent of contamination present on-site from the former USTs.

Work Plan Requirements for Additional Site Assessment (Per CCR, title 23, §2725)

Results of previous investigations and groundwater monitoring confirm releases of fuel constituents to subsurface soils and groundwater at the Site. The lateral and vertical extent of the soil contamination needs to be delineated to determine whether there is a threat to human health and the environment. A groundwater sampling event should be conducted utilizing the existing monitoring wells to analyze current concentrations of fuel constituents at the Site, establish groundwater flow direction, and determine whether any free product remains. Based on current conditions, installation of additional monitoring wells

may be required to determine the length of the groundwater plume. Soil samples shall be collected from 0 to 5 feet and 5 to 10 feet bgs to evaluate potential direct contact and vapor intrusion (VI) concerns.

You are required to submit a work plan to advance a sufficient number of on-site soil borings and collect soil and groundwater samples to evaluate the lateral and vertical extent of contamination. The work plan is due to this Regional Board by **January 18, 2013**.

Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G, TPH_P when diesel is identified at the site; and by EPA Method 8260B for BTEX, naphthalene, and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) (http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory. It is also recommended that oxygen profiling be conducted to determine the existence of a bio-attenuation zone in the subsurface soil.

You must upload the following information into the State GeoTracker database (http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml):

1. Laboratory analytical data (EDF format) obtained after September 1, 2001
2. Reports, plans, and correspondence in PDF format generated since January 1, 2005.
3. Locational data (latitude and longitude) for groundwater monitoring wells (GEO_XY), monitoring well elevation data (GEO_Z), boring logs (GEO_BORE), and an updated site map (GEO_MAP) for data obtained after January 1, 2002.

Electronic Submittal Required for Correspondence and Reports to the Regional Board

Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) implemented a *Paperless Office System*. Interested parties were notified of this intent in a letter dated October 20, 2011 (the announcement can be seen at:

<http://www.waterboards.ca.gov/losangeles/resources/Paperless/>

For all parties who upload electronic documents to State GeoTracker database, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements (Per CCR, title 23, §2727)

1. The contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or

rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

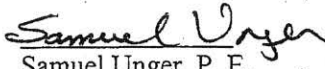
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Dixon Oriola at (213) 576-6747. You may also reach him through his e-mail address: doriola@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

- Enclosures:
- (a) Regional Board Letter dated February 11, 2000
 - (b) Regional Board Letter dated September 24, 2002
 - (c) Regional Board Letter dated December 17, 2002
 - (d) Regional Board Letter dated June 22, 2006
 - (e) Regional Board Letter dated December 15, 2006
 - (f) Regional Board Letter dated August 14, 2007
 - (g) Regional Board Letter dated December 14, 2007
 - (h) Regional Board Letter dated January 29, 2008
 - (i) Regional Board Letter dated May 27, 2008

cc:

Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Ms. Carmen Piro, City of Long Beach, Department of Health & Human Services

Los Angeles Regional Water Quality Control Board

July 16, 2013

Mr. Bruce Harrison
1368 11th Street
Long Beach, CA 90813

UNDERGROUND STORAGE TANK PROGRAM -- DIRECTIVE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE -- HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727. WORKPLAN FOR GROUNDWATER INVESTIGATION HARRISON PERPERTY 1326 WEST 12TH STREET, LONG BEACH, CA (CASE NO. 908130043)

Dear Mr. Harrison:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Groundwater Monitoring (Per CCR, title 23, §2720 and 2727)

We have reviewed the groundwater monitoring data uploaded to Geotracker website by your new consultant, CMH Environmental Group on March 18, 2013, on your behalf, for the above-referenced site. The data report was submitted in response to our letter dated December 4, 2012. In reference to the data report, we have the following comments:

1. According to the latest groundwater monitoring conducted on December 12, 2012, the maximum concentrations of total petroleum hydrocarbons as gasoline (TPHg), benzene, ethylbenzene and total xylenes detected in well MW-3 were 19,000 µg/L, 1,900 µg/L, 3,900 µg/L and 3,860 µg/L, respectively. Methyl tertiary butyl ether (MTBE) was not detected. Contaminant concentrations in wells MW-1 and MW-2 were from low to non-detect.
2. No report on groundwater gauging data and gradient measurement were submitted for the December 2012 monitoring event.
3. You are required to continue implementing the groundwater monitoring program. The existing groundwater monitoring well must be sampled semi-annually and incorporated into the groundwater monitoring program. All the groundwater monitoring wells must be sampled according to the following groundwater monitoring schedule:

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

4. Our letter dated December 4, 2012 requires you to submit a workplan for additional site assessment. The lateral and vertical extent of soil contamination needs to be delineated to determine whether there is a threat to human health and the groundwater quality. A workplan is required to advance a sufficient number of onsite soil borings and collect soil samples from 1 to 5 feet below ground surface (bgs) and 5 to 10 feet bgs to evaluate potential direct contact and vapor intrusion concerns.
5. Groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPH_G), total petroleum hydrocarbons as diesel (TPH_D) when diesel is identified at the site; and by EPA Method 8260B for benzene, toluene, ethylbenzene and xylenes (BTEX), naphthalene, and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) (http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreg_9-06.pdf). All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory. Prior to consideration of case closure, responsible party must analyze at least one round of groundwater samples including all common aromatic and chlorinated volatile organic compounds per EPA Method 8260B. If the site has a waste oil tank, the full suite of aromatic and chlorinated analytes must be tested and reported per EPA Method 8260B.
6. All groundwater monitoring wells must be developed and surveyed to a benchmark of known elevation above mean sea level by a licensed land surveyor or registered civil engineer. Prior to collecting samples, free product thickness (if present) must be determined and the depth to water must be measured in all wells to be sampled, then the wells are to be properly purged until the temperature, conductivity, and pH stabilize, and water is free of suspended and settleable matter, before samples are collected for analysis.
7. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

The Workplan for subsurface investigation and the First Semi-annual 2013 Groundwater Monitoring Report is due by **September 15, 2013**. The Second Semi-Annual Groundwater Monitoring Report is due by **January 15, 2014**. Failure to submit the required Workplan and reports may result in an enforcement action by this Regional Board.

If you have any questions regarding this matter, please contact me at (213) 576-6711 or send me an email at jhuang@waterboards.ca.gov.

Sincerely,



Jay C. Huang, P.G., C.E.G.
Associate Engineering Geologist
Underground Tank Section/LA Coastal

cc: Yvonne Shanks, Underground Storage Tank Cleanup Fund, State Water Resources
Control Board
Carmen Piro, City of Long Beach, Department of Health and Human Services
Phuong Ly, Water Replenishment District of Southern California
Carl Hulick, CMH Environmental Group



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 21, 2014

Mr. Bruce Harrison
5940 East El Paseo Street
Long Beach, California 90815

Certified Mail
Return Receipt Requested
Claim No. 7012 3460 0002 9486 3049

Mr. Bruce Harrison
1368 11th Street
Long Beach, California 90813

Certified Mail
Return Receipt Requested
Claim No. 7008 1830 0004 3359 0919

**NOTICE OF VIOLATION – FAILURE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
HARRISON PROPERTY (FORMERLY GEORGE MITCHEL)
1326 WEST 12th STREET, LONG BEACH, CALIFORNIA (ID NO. 908130043)**

Dear Mr. Harrison:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

On December 4, 2012, the Regional Board Executive Officer issued you an Order to take corrective action. The Order (copy enclosed), directed you to submit a workplan (Workplan) to conduct an additional soil and groundwater investigation by **January 18, 2013**.

On March 18, 2013, your consultant, CMH Environmental Group (CMH), submitted a groundwater monitoring report (Report) on your behalf in response to the Regional Board's letter.

On July 16, 2013, the Regional Board Executive Officer issued a response citing the deficiencies of the Report, which included a lack of groundwater gauging data and a groundwater gradient map. The response also reiterated the requirement for the Workplan to be submitted by **September 15, 2013**.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

On October 2, 2014 and October 15, 2014, respectively, CMH uploaded groundwater monitoring data to the GeoTracker website. Regional Board staff reviewed the groundwater monitoring data and determined it was inadequate since it lacked groundwater gauging data and a groundwater gradient map. Therefore, the reports must be corrected and resubmitted.

To date, we have not received the aforementioned Workplan. You are hereby notified that you are in violation of the Order for failure to submit the Workplan and you are in violation of Health and Safety Code section 25296.10, California Code of Regulations (CCR), title 23, section 2720 through 2727 by failing to provide the Workplan by January 18, 2013. You are required to submit the Workplan and revised groundwater monitoring report immediately.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The civil liability may be assessed by the Regional Board beginning with the date on which the violation of this Order first occurred and without further warning. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Dixon Oriola at (213) 576-6747. You may also reach him through his e-mail address: doriola@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosure: Regional Board letter dated January 18, 2013.

cc: Kathy Jundt, Underground Storage Tank Cleanup Fund, State Water Resources
Control Board
Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.
Carmen Piro, City of Long Beach, Department of Health and Human Services
Phuong Ly, Water Replenishment District of Southern California
Carl Hulick, CMH Environmental Group



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 8, 2014

Mr. Bruce Harrison
5940 East El Paseo Street
Long Beach, CA 90815

Certified Mail
Return Receipt Requested
7012 3460 0002 9486 3032

Mr. Bruce Harrison
1368 11th Street
Long Beach, CA 90813

Certified Mail
Return Receipt Requested
7008 1830 0004 3359 0902

**EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
HARRISON PROPERTY (FORMERLY GEORGE MITCHEL), 1326 WEST 12TH STREET, LONG BEACH, CALIFORNIA (File No. 908130043) (Priority D-1) (Global ID. T0603701919)**

Dear Mr. Harrison:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

On June 22, 2006, the Regional Board issued a letter to you, as the new owner and responsible party for the site, which acknowledged the receipt of an undated "Closure Report" and quarterly groundwater monitoring reports from Strata-Analysis Group. The Regional Board informed you

that soil beneath the site was significantly impacted with petroleum hydrocarbons and VOCs to a depth of 35 feet below ground surface (bgs), based on analytical data for soil samples collected during the installation of three groundwater monitoring wells (MW-1 through MW-3). Maximum concentrations in soil were listed as follows:

- Total petroleum hydrocarbons at gasoline (TPH_G) – 1,353.2 mg/kg
- Benzene – 40 mg/kg
- Toluene – 580 mg/kg
- Ethylbenzene – 170 mg/kg
- Total xylenes – 1.01 mg/kg

Maximum concentrations in groundwater were:

- TPH_G – 0.052 µg/L
- Benzene – 1,900 µg/L
- Toluene – 13,000 µg/L
- Ethylbenzene – 2,900 µg/L
- Total xylenes – 15,000 µg/L
- Naphthalene – 920 µg/L

Samples depths were not indicated. The Regional Board denied your request for closure and required a work plan for site assessment, due by October 15, 2006, to completely delineate the extent of contaminants in soil and groundwater. The groundwater monitoring program was also required to be reinstated with the first report due by the 15th day of January following the fourth quarter sampling. Previous groundwater monitoring reports were incomplete. Neither the work plan, nor the first monitoring report was received by the due date.

On December 15, 2006, the Regional Board issued a response letter denying your “Request for Low Risk Criteria Closure” dated July 31, 2006. After four quarterly sampling events, all available soil and groundwater data had been evaluated and the site did not meet the low risk criteria. The Regional Board also directed you to comply with the requirements specified in the June 22, 2006 letter.

On August 14, 2007, the Regional Board responded to the “2007 Second Quarter Groundwater Sampling” report dated July 9, 2007 and “Request for Low-Risk Closure” report prepared by Strata-Analysts Group on your behalf. The Regional Board determined the site did not meet criteria for low-risk closure and requested a work plan to delineate contamination at the site, due by October 15, 2007.

On October 23, 2007, Strata-Analysts Group submitted a work plan for the installation of additional groundwater monitoring wells at the site. In addition, Strata-Analysts Group submitted an “Amended Bio Remedial Action Plan”. Strata-Analysts Group proposed injecting air/oxygen into existing monitoring wells to biodegrade petroleum hydrocarbons in the groundwater.

On December 14, 2007, the Regional Board approved the work plan. A site assessment technical report was required to be submitted by April 15, 2008. No technical report was received by the due date.

On January 29, 2008 the Regional Board approved the amended remedial action plan dated October 23, 2007. A remedial action report was required to be submitted by July 15, 2008. According to Regional Board records, no remedial action was conducted and no report was submitted by the due date.

On May 27, 2008, the Regional Board issued you a directive and extension letter granting an extension for the submission of the site assessment report until January 15, 2009, which was to include the installation of two additional groundwater monitoring wells.

On September 16, 2008, the Regional Board sent you a Notice of Non-compliance. The notice required the submittal of analytical data and a technical report by October 20, 2008.

On December 9, 2008, CMH Environmental Group, Inc. (CMH) submitted an additional time extension request on your behalf. CMH cited financial hardship for the extension request. The Regional Board did not grant an additional extension.

On December 4, 2012, the Regional Board issued you a directive letter requiring additional site assessment to delineate the vertical and lateral extent of contamination to soil and groundwater at the site. A work plan submittal was required by January 18, 2013. No work plan was submitted by the due date.

On March 18, 2013, your consultant, CMH Environmental Group (CMH), submitted groundwater monitoring data on your behalf.

On July 16, 2013, the Regional Board issued you a directive to take corrective action at the site. The directive required you to conduct semi-annual groundwater monitoring and cited the deficiencies of the groundwater monitoring report (lack of groundwater gauging data and a groundwater gradient map) and reiterated the requirement for a workplan to be submitted by September 15, 2013. In addition, the directive required the submittal of a site assessment work plan as outlined in the Regional Board letter dated December 4, 2012. The work plan and first semi-annual groundwater monitoring report were due by September 15, 2013. No work plan has been submitted.

On October 2, 2014 and October 15, 2014, CMH uploaded groundwater monitoring data to the GeoTracker database. However, we found these groundwater monitoring reports inadequate for lack of groundwater gauging data and a groundwater gradient map and the reports must be resubmitted.

On November 21, 2014, the Regional Board sent you a "Notice of Violation" requiring the immediate submittal of a site assessment workplan and revised groundwater monitoring report.

As of today, this Regional Board has not received the required workplan or revised report.
Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to the history of non-compliance at the Site, we hereby notify you of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website:

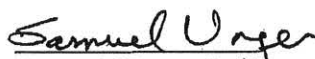
http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Mr. Dixon Oriola, at (213) 576-6747. You may also reach him through his e-mail address: dixon.oriola@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: (a) Regional Board Letter dated December 4, 2012
(b) Regional Board Letter dated July 16, 2013
(c) Regional Board Notice of Violation dated November 21, 2014

cc: Ms. Kathy Jundt, SWRCB, Underground Storage Tank Clean Up Fund
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Ms. Carmen Piro, Department of Health and Human Services, City of Long Beach
Ms. Phuong Ly, Water Replenishment District of Southern California
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Carl Hulick, CMH Environmental Group

STATE WATER RESOURCES CONTROL BOARD GEOTRACKER

HARRISON PROPERTY (T0603701919) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

1326 012TH ST W
LONG BEACH, CA 90813
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: 908130043
CASEWORKER: [DAVID M. BJOSTAD](#)
LONG BEACH, CITY OF
CASEWORKER: [CARMEN PIRO](#)

LTCP CHECKLIST AS OF 6/2/2014

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - *The site satisfies the policy general criteria* **NO**

- | | |
|---|-----|
| <p>a. Is the unauthorized release located within the service area of a public water system?
 Name of Water System : city of Long Beach</p> | YES |
| <p>b. The unauthorized release consists only of petroleum (info).</p> | YES |
| <p>c. The unauthorized ("primary") release from the UST system has been stopped.</p> | YES |
| <p>d. Free product has been removed to the maximum extent practicable (info).</p> | YES |
| <p>e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed (info).
 Description:
 - GW Not Evaluated
 - Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
 - Groundwater Assessment Incomplete - Depth of Contamination Not Defined </p> | NO |
| <p>f. Secondary source has been removed to the extent practicable (info).
 Impediment to Removing Secondary Source:
 - Remediation Has Not Been Attempted </p> | NO |
| <p>g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.</p> | YES |
| <p>h. Does a nuisance exist, as defined by Water Code section 13050.</p> | NO |

1. Media-Specific Criteria: Groundwater - *The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.* **NO**

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#)) NO

Does the site meet any of the Groundwater specific criteria scenarios? NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

- Plume Length (That Exceeds Water Quality Objectives) :**
 - Unknown
- Free Product in Groundwater :**
 - Unknown
- Free Product Has Been Removed to the Maximum Extent Practicable :**
 - Unknown
- For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years [\(info\)](#) :**
 - Unknown
- For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :**
 - Unknown

Free Product Extends Offsite :

- Unknown

Benzene Concentration :

- Unknown

MTBE Concentration :

- Unknown

Nearest Supply Well (From Plume Boundary) :

- Unknown

Nearest Surface Water Body (From Plume Boundary) :

- Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - *The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c* **NO**

EXEMPTION - Active Commercial Petroleum Fueling Facility NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios? NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Soil Gas Samples :

- No Soil Gas Samples

Exposure Type :

- Commercial

Free Product :

- Unknown

TPH in the Bioattenuation Zone :

- Unknown

Bioattenuation Zone Thickness :

- Unknown

O2 Data in Bioattenuation Zone :

- No O₂ Data

Benzene in Groundwater :

- Unknown

Soil Gas Benzene :

- Unknown

Soil Gas EthylBenzene :

- Unknown

Soil Gas Naphthalene :

- Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.* **NO**

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination NO

Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios? NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Exposure Type :

- Commercial

Petroleum Constituents in Soil :

- Unknown

Soil Concentrations of Benzene :

- Unknown

Soil Concentrations of EthylBenzene :

- Unknown

Soil Concentrations of Naphthalene :

- Unknown

Soil Concentrations of PAH :

- Unknown

Area of Impacted Soil :

- Unknown

Additional Information

Should this case be closed in spite of NOT meeting policy criteria?

NO

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Item X

**Consideration of Nominations for FY 2015-2016
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Exhibit X.5

Avenue 64 Fuel (Former Shell)

(New Nomination)

NO. 3: NEW CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Avenue 64 Fuel (Former Shell)
405 North Avenue 64
Los Angeles, CA 90042
APN: 4593-010-013
GeoTracker Global ID: T0603760075
UST File No.: 900420152

Release Date: March 31, 1992 (City of Los Angeles)
Site Status: Open-Site Assessment
Current Site Use: Active fueling station (Avenue 64 Fuel)

2. Name and Address of Responsible Parties:

Wafica Megally Living Trust
c/o Ms. Wafica B. Megally
6401 Planada Avenue
Los Angeles, CA 90042
Phone: (323) 255-2107
Email: N/A
Date Acquired: May 5, 2006

3. Corrective Action Directives:

Since 1987, numerous Regional Board directives have been issued to the Responsible Party (RP). The RP has not complied with the Regional Board directives. A chronology of the more recent events is provided below:

On March 12, 2012, the Regional Board issued a *Directive to Take Corrective Action* to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust, requesting a workplan to fully delineate the soil and groundwater contamination at the Site be submitted to the Regional Board by March 29, 2012. No workplan was submitted by the deadline.

On March 13, 2013, the Regional Board issued a *Directive to Take Corrective Action* to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust, requesting a workplan to fully delineate the soil and groundwater contamination at the Site be submitted to the Regional Board by April 11, 2013.

On April 22, 2013, a *Notice of Violation* was issued to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust, for a delinquent technical report and workplan required in the March 13, 2013 directive. On June 5, 2013, the RP submitted a workplan.

On June 21, 2013, the Regional Board issued a *Directive to Take Corrective Action* to Ms. Wafica B. Megally, Trustee of the Wafica Megally Living Trust providing approval and conditions for the workplan submitted June 5, 2013, and requiring the RP to submit a technical report detailing the results of the work conducted by August 15, 2013. On September 30, 2013, the RP submitted a *Site Conceptual Model and Work Plan for Additional Site Assessment* to the Regional Board that documented the results of site assessment activities conducted in July 2013, during which five soil borings were installed and grab groundwater samples were collected. The September 2013 report also contained a workplan to install groundwater monitoring wells and additional soil borings.

On January 31, 2014, Regional Board staff approved the September 30, 2013 workplan and required a technical report by July 15, 2014. No technical report has been received to date.

On November 21, 2014, the Regional Board issued a *Requirement to Take Corrective Action* to Ms. Wafica B. Megally, trustee of the Wafica Megally Living Trust, notifying Ms. Megally of the Regional Board's intent to nominate the Site to the State's Emergency, Abandoned and Recalcitrant (EAR) Account Program.

4. Name and Address of Oversight Agency with Point of Contact:

Los Angeles Regional Water Quality Control Board (Region 4)
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Project Manager: Arman Toumari
Phone: 213-576-6708
Email: arman.toumari@waterboards.ca.gov

5. Description of Unauthorized Releases:

A report prepared by Steve Stankov & Associates on March 31, 1992 documented the first known release. According to this report, *Results of Tank Exploration and Soils Tests at Tank Closure Site*, on March 19, 1992, eight soil borings (B1 through B6 and H1 through H2) were advanced at the Site to a maximum depth of 40 feet below ground surface (bgs) in the vicinity of the two 12,000 gallon gasoline USTs, and product piping. Soil samples recovered from the borings exhibited the following maximum concentrations:

- 2.6 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_G) in soil sample B3-5, recovered from 5 feet bgs.
- 0.520 mg/kg benzene in soil sample B3-5, recovered from 5 feet bgs.
- 0.011 mg/kg toluene in soil sample B6-5, recovered from 5 feet bgs.
- 0.051 mg/kg ethylbenzene in soil sample B4-15, recovered from 15 feet bgs.
- 0.020 mg/kg total xylenes in soil sample B5-5, recovered from 5 feet bgs.

Groundwater was encountered at approximately 37 feet bgs. A grab groundwater sample recovered from boring B1 exhibited a benzene concentration of 7.8 micrograms per liter ($\mu\text{g/L}$) and no detections above the laboratory detection limits for toluene, ethylbenzene and total xylenes. Groundwater was not analyzed for TPH_G . Soil and groundwater analyses did not include MTBE or other fuel oxygenates.

On April 21, 1993, two additional soil borings were advanced at the Site beneath the dispenser islands. The total depths of these borings are unknown. Soil samples collected from the borings did not detect TPH_G , benzene, toluene, ethylbenzene or xylenes above laboratory detection limits. However, the analyses did not include MTBE or other fuel oxygenates.

On September 30, 2013, Advanced Geo Engineering, Inc. submitted a *Site Conceptual Model and Work Plan for Additional Site Assessment* on behalf of the Wafica Megally Living Trust. According to this document, two soil borings were advanced at the Site beneath the dispenser islands on April 21, 1993, as a follow-up to the tank upgrade findings. The total depths of these borings are unknown. Soil samples collected from the borings did not exhibit TPH_G , benzene, toluene, ethylbenzene or xylenes above laboratory detection limits. Analyses did not include MTBE or other fuel oxygenates.

The September 30, 2013 report documents the advancement of five soil borings (AGI-1 through AGI-5) in March 2013 at the Site to a maximum depth of approximately 47 feet bgs. Soil samples collected from the borings exhibited maximum concentrations as follows:

- 2,200 mg/kg TPH_G in the soil sample recovered from boring AGI-3 at 25 feet bgs.
- 580 mg/kg total petroleum hydrocarbons in the diesel range (TPH_D) in the soil sample recovered from boring AGI-3 at 20 feet bgs.
- 0.73 mg/kg benzene in the soil sample recovered from boring AGI-1 at 25 feet bgs.
- 16 mg/kg toluene in the soil sample recovered from boring AGI-1 at 25 feet bgs.
- 27 mg/kg ethylbenzene in the soil sample recovered from boring AGI-3 at 25 feet bgs.
- 151 mg/kg total xylenes in the soil sample recovered from boring AGI-3 at 30 feet bgs
- 241 mg/kg MTBE in the soil sample recovered from boring AGI-4 at 30 feet bgs
- 25 mg/kg TBA in the soil sample recovered from boring AGI-1 at 25 feet bgs.
- 8.7 mg/kg naphthalene in the soil sample recovered from boring AGI-3 at 30 feet bgs.

Groundwater was encountered in the borings at approximately 40 to 45 feet bgs. Five groundwater grab samples were collected from the borings and exhibited maximum concentrations of:

- 34,000 micrograms per liter ($\mu\text{g/L}$) TPH_G in the grab groundwater sample recovered from boring AGI-1.
- 208,000 $\mu\text{g/L}$ TPH_D in the grab groundwater sample recovered from boring AGI-3

Item X

- 180 µg/L benzene in the grab groundwater sample recovered from boring AGI-1
- 4,200 µg/L toluene in the grab groundwater samples recovered from borings AGI-1 and AGI-3.
- 1,900 µg/L ethylbenzene in the grab groundwater sample recovered from boring AGI-1.
- 10,400 µg/L total xylenes in the grab groundwater sample recovered from boring AGI-1.
- 800 µg/L MTBE in the grab groundwater sample recovered from boring AGI-4.
- 2,800 µg/L TBA in the grab groundwater sample recovered from boring AGI-1.
- 89 µg/L naphthalene in the grab groundwater sample recovered from boring AGI-3

No additional site assessment has been conducted to establish delineation of the petroleum hydrocarbon plumes in the soil, soil gas, and groundwater.

6. Justification for Nomination to EAR Program:

The RP remains recalcitrant. While limited site assessment was conducted in July 2013, the RP has missed more recent deadlines for the installation of monitoring wells, the submittal of a semi-annual groundwater monitoring report, and the submittal of a technical report summarizing the results of the required site investigation. Furthermore, the RP has not uploaded required correspondence and technical reports to GeoTracker.

7. Reason for Failure of Responsible Party to Complete Required Action:

The reason for recalcitrance is unknown. The RP changed consultants and there has been no response to requests for information from either the RP or the new consultant.

8. Documentation of Any Disputes between Responsible Party and Agency:

None.

9. Actions Taken by the RP:

Since the case was transferred to the Regional Board on August 24, 2007, the responsible party has undertaken only a single round of groundwater sampling.

10. Investigation/Remedial Efforts Completed:

None.

11. Low-Threat Underground Storage Tank Case Closure

Site data was reviewed and compared against the Low-Threat Underground Storage Tank Case Closure Policy (LTCP) criteria to see if the site could be closed under the policy. The following criteria were not met:

- General (see attached LTCP evaluation form):
 - Conceptual Site Model – Not complete; needs lateral and vertical extent of soil and groundwater contamination assessed. Sensitive receptors have not been determined. Site hydrogeology has not been adequately defined.
 - Secondary Source – Contaminated soil was used to backfill the UST excavation and has not been removed.
- Groundwater – Due to a lack of groundwater monitoring wells and long term monitoring data, the extent and stability of the dissolved phase plume have not been assessed.

12. Description of Investigation/Remediation Work Needed:

In order to meet the LTCP criteria, additional assessment to delineate the vertical and lateral extent of soil contamination will be necessary, that can be achieved, in part, by implementing the September 30, 2013 workplan. Additionally, the extent and stability of the dissolved phase plume will need to be assessed; this will necessitate the installation of the additional monitoring well proposed in the September 30, 2013 workplan and several rounds of groundwater monitoring.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Requested for 2015 Nomination
 - \$100,000 annual funding is requested at this time for site assessment and groundwater monitoring. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume to sensitive receptors located within one mile from the site is possible. In addition, because of the RP's failure to comply with Regional Board directives, and the extent of migration are unknown, the site may continue to pose an environmental risk.

15. Attachments

1. March 12, 2012 Order to Take Corrective Action
2. March 13, 2013 Order to Take Corrective Action
3. April 22, 2013 Notice of Violation – Failure to Take Corrective Action

Item X

4. June 21, 2013 Order to Take Corrective Action
5. November 21, 2014 Requirement to Take Corrective Action
6. Low Threat Closure Policy Evaluation Form



California Regional Water Quality Control Board Los Angeles Region



Matthew Rodriguez
Secretary for
Environmental Protection

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr.
Governor

March 12, 2012

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2483

**UNDERGROUND STORAGE TANK PROGRAM – ORDER TO TAKE CORRECTIVE ACTION
IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE –
HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16,
CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.
HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, or Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

We are in receipt of the following report:

- "Results of Tank Exploration and Soils Tests" dated March 31, 1992

This report was submitted to the City of Los Angeles Fire Department (LAFD). LAFD transferred this case to this Regional Board on August 27, 2007.

This letter provides Regional Board staff comments on this report and requirements for a workplan to fully delineate soil and groundwater contamination.

Site Status

On March 19, 1992, eight soil borings (B1 through B6 and H1 through H2) were drilled to a maximum depth of 40 ft below ground surface (bgs) in the vicinity of the two 12,000-gallon gasoline underground storage tanks (USTs). Soil samples detected maximum concentrations for total petroleum hydrocarbons as gasoline (TPHg) at 2.6 milligrams per kilogram (mg/kg) and benzene at 0.520 mg/kg. Oxygenates were not analyzed. Groundwater was encountered at 37 ft bgs. Groundwater grab sample detected 7.8 micrograms per liter ($\mu\text{g/L}$) of benzene. TPHg or oxygenates were not analyzed.

California Environmental Protection Agency

Ms. Wafica B. Megally
405 N. Avenue 64, Los Angeles

- 2 -

March 12, 2012

On April 21, 1993, two soil borings were drilled beneath the dispenser islands. The depths of these borings are unknown. Soil samples did not detect TPHg or BTEX. Oxygenates were not analyzed.

Soils beneath the site are clayey sand, sand, and gravel to 40 ft bgs.

Requirement for a Workplan (Per CCR Title 23, Chapter 16, §2724)

According to the above assessment data, the soil and groundwater beneath the site are contaminated with petroleum hydrocarbons. However, the lateral and vertical extents of the contamination have not been established.

Our letter dated July 14, 2010 (copy attached) required you to submit a workplan to fully delineate the soil and groundwater contamination at the site to this Regional Board by August 16, 2010. To date, we have not received the required workplan. You are ordered to submit the required workplan by **March 29, 2012**. Your workplan must include a proposal to install a sufficient number of soil borings and groundwater monitoring wells at strategic locations, including at offsite areas if needed.

E-Report Submittals

Effective November 1, 2011, please convert all regulatory documents, submissions, materials, data, and correspondence that you would normally submit to us as hard copies to a searchable Portable Document Format (PDF). Documents that are less than 10 MB should be emailed to losangeles@waterboards.ca.gov. Documents that are 10 MB or larger should be transferred to a disk and mailed to the address listed above. For more information, please visit our website at <http://www.waterboards.ca.gov/losangeles/resources/Paperless/>.

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. Pursuant to State Water Resources Control Board Resolution No. 92-49, under Water Code Section 13304, all fieldwork related to subsurface investigation including well installation must be conducted by, or under the direct responsible supervision of, a licensed California Professional Geologist (PG) or Civil Engineer (PE). All technical documents submitted to this Regional Board must be reviewed and signed and/or stamped by a licensed California PG or PE preferably with at least five years subsurface hydrogeologic experience.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

California Environmental Protection Agency

Ms. Wafica B. Megally
405 N. Avenue 64, Los Angeles

- 3 -

March 12, 2012

Pursuant to section 25296.10 (e) of the Health and Safety Code, the person to whom this order is issued pursuant to subdivision (c) of the same section shall have the same rights of administrative and judicial appeal and review as are provided by law for orders issued pursuant to Water Code section 13304.

Your immediate attention to above items is required. Should you have questions on this matter, please contact Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

March 13, 2013

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2513

**UNDERGROUND STORAGE TANK PROGRAM – ORDER TO TAKE CORRECTIVE ACTION
IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE -
HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16,
CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.
HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

The California Regional Water Quality Control Board (Regional Board), Los Angeles Region is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced site.

Requirement to Submit A Technical Report (Per CCR Title 23, §2723)

On June 29, 2009, the Regional Board staff issued you a letter notifying you that the case related to the leaking underground storage tank (UST) systems for the subject site (site) had been transferred to this Regional Board by the City of Los Angeles Fire Department (LAFD). The June 29, 2009 letter also required you to submit a technical report containing additional information regarding the subject site by July 29, 2009.

On June 24, 2010, Regional Board staff issued another letter (copy attached) reminding you of your obligation to submit the technical report and requested you to submit the required information by July 15, 2010.

As of today, this Regional Board has not received the required technical report and hereby notifies you that you are delinquent. You are ordered to submit the required information by **April 11, 2013**.

Requirement to Submit A Workplan (Per CCR Title 23, §2725)

Based on the available information, Regional Board staff determined that the soil and groundwater beneath the site were contaminated with petroleum hydrocarbons, however, the lateral and vertical extent of the contamination has not been established. In a directive letter dated July 14, 2010 (copy attached), Regional Board staff directed you to submit a workplan to

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

fully delineate the soil and groundwater contamination at the site by August 16, 2010 pursuant to California Code of Regulations, title 23, Chapter 16, §2724.

As of today, this Regional Board has not received the required workplan. You are ordered to submit the required workplan by **April 11, 2013**. Your workplan must include a proposal to install a sufficient number of soil borings and groundwater monitoring wells at strategic locations, including at offsite areas if needed.

Electronic Submittal Required for Correspondence and Reports to the Regional Board

Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) implemented a Paperless Office system. Interested parties were notified of this intent in a letter dated October 20, 2011 (the announcement can be seen at <http://www.waterboards.ca.gov/losangeles/resources/Paperless/>). For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
3. Regional Board staff must be notified 15 days before start of any fieldwork.
4. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328.

Pursuant to section 25296.10 (e) of the Health and Safety Code, the person to whom this order is issued pursuant to subdivision (c) of the same section shall have the same rights of administrative and judicial appeal and review as are provided by law for orders issued pursuant to Water Code section 13304.

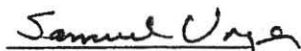
Ms. Wafica B. Megally
405 N. Avenue 64, Los Angeles, CA

- 3 -

March 13, 2013

Your immediate attention to above items is required. Should you have questions on this matter, please contact Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department
Gregory J. Thompson



Los Angeles Regional Water Quality Control Board

April 22, 2013

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2629

NOTICE OF VIOLATION - FAILURE TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727.

**HADI SHELL SERVICE STATION
405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)**

Dear Ms. Megally:

The California Regional Water Quality Control Board (Regional Board), Los Angeles Region is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced site.

Delinquent Technical Report

On March 13, 2013, the Executive Officer of this Regional Board issued a letter requiring you to submit a technical report containing additional information regarding the subject site by April 11, 2013.

As of today, this Regional Board has not received the required technical report and hereby notifies you that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2723.

Delinquent Workplan

Based on the available information, Regional Board staff determined that the soil and groundwater beneath the site are contaminated with petroleum hydrocarbons, however, the lateral and vertical extent of the contamination have not been established. In a directive letter dated March 13, 2013, Executive Officer of this Regional Board directed you to submit a workplan to fully delineate the soil and groundwater contamination at the site by April 11, 2013 pursuant to California Code of Regulations, title 23, Chapter 16, §2724. As of today, this Regional Board has not received the required workplan and hereby notifies you that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2724. You must submit the required workplan immediately.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Ms. Wafica B. Megally
405 N. Avenue 64, Los Angeles, CA

- 2 -

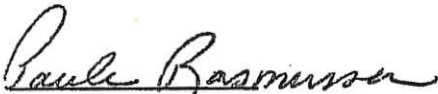
April 22, 2013

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board reserves its rights to take any further enforcement action authorized by law.

If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 (yrong@waterboards.ca.gov), Dr. Yi Lu at (213) 576-6695 (ylu@waterboards.ca.gov), or Mr. Arman Toumari at (213) 576-6708 (atoumari@waterboards.ca.gov).

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures: Order dated March 13, 2013

Cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department
Gregory J. Thompson



Los Angeles Regional Water Quality Control Board

June 21, 2013

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
Claim No. 7001 2510 0000 4661 2643

ORDER TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASE – HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CHAPTER 16, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727.

HADI SHELL SERVICE STATION

405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)

Dear Ms. Megally:

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (i.e., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, or Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

We are in receipt of "Work Plan for Site Assessment (Workplan)", dated June 5, 2013

This report was prepared by your consultant, AGI in response to our Notice of Violation (NOV) dated April 22, 2013. This letter intends to provide Regional Board staff comments upon reviewing the Workplan.

Site Assessment Update

According to a report dated March 31, 1992 submitted to the City of Los Angeles Fire Department (LAFD), eight soil borings (B1 through B6 and H1 through H2) were drilled to a maximum depth of 40 feet below ground surface (bgs) in the vicinity of the two 12,000-gallon gasoline Underground Storage Tanks (USTs) on March 19, 1992. Soil samples taken from the borings detected maximum concentrations for Total Petroleum Hydrocarbons as Gasoline (TPHg) at 2.6 mg/kg and benzene at 0.520 mg/kg. Oxygenates were not analyzed. Groundwater was encountered at 37 ft bgs. Groundwater grab samples taken from the borings detected 7.8 µg/L of benzene. TPHg or oxygenates were not analyzed.

On April 21, 1993, two soil borings were drilled beneath the dispenser islands. The depths of these borings are unknown. Soil samples taken from the borings did not detect TPHg, benzene, toluene, ethylbenzene, or xylenes (BTEX). Oxygenates were not analyzed. Soils beneath the site are clayey sand, sand, and gravel to 40 ft bgs.

Workplan Approval (Per CCR Title 23, §2725)

The Workplan proposed to advance four borings (B-1 through B-4) to 30 feet bgs at the site. The samples are proposed to be collected at 2, 5 and 10 feet below ground surface (bgs). Upon completing the soil sampling activities, each boring will be extended until groundwater is encountered. One grab sample of groundwater will be collected at each location.

Regional Board staff has reviewed the Workplan and concurs with implementing it with the following conditions:

1. One additional soil boring must be installed in the area north of the former fuel dispenser islands.
2. During the previous investigation in 1992, soil impact has been detected to 40 ft bgs. As such, all soil borings must be advanced to a minimum of 40 ft bgs.
3. Soil samples shall be collected at a minimum of five-foot intervals, at changes in soil lithology and at areas of obvious contamination for geologic logging and preserved per EPA Method 5035 for chemical analysis. All soil samples collected must be field screened for petroleum hydrocarbons using either a Photo Ionization Detector or a Flame Ionization Detector.
4. Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G, TPH_D; and by EPA Method 8260B for a full scan of VOCs including naphthalene and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. The analytical detection limits must conform to the Regional Board General Laboratory Testing Requirements (9/06) http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf. All respective analytical methods must be certified by the California Environmental Laboratory Accreditation Program (ELAP). All analytical data must be reported by a California-certified laboratory.
5. You are required to submit a report detailing the results of this phase of investigation to this Regional Board due by **August 15, 2013**. The report must include a scaled site map, boring logs, analytical results, isoconcentration maps and recommendations whether further site characterization and/or remediation is warranted.

Electronic Submittal Required for Correspondence and Reports to the Regional Board

Effective November 1, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) implemented a Paperless Office system. Interested parties were notified of this intent in a letter dated October 20, 2011 (the announcement can be seen at <http://www.waterboards.ca.gov/losangeles/resources/Paperless/>).

For all parties who upload electronic documents to State Database GeoTracker, it is no longer necessary to email a copy of these documents to losangeles@waterboards.ca.gov or submit hard copies to our office. The Regional Board will no longer accept documents (submitted by either hard copy or email) already uploaded to GeoTracker.

General Requirements

1. All reports must conform to the "Guidelines for Report Submittals" published by the Los Angeles County Department of Public Works.
2. The Contractor who conduct the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
3. Regional Board staff must be notified 15 days before start of any fieldwork.
4. Before fieldwork is started, all necessary permits must be obtained from the appropriate agencies.

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board reserves its rights to take any further enforcement action authorized by law.

If you have any questions on this matter, please call Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Chief Deputy 20
for

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Matthew Gatewood, City of Los Angeles Fire Department
Shahrokh Radvar, AGI



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 21, 2014

Ms. Wafica B. Megally, Trustee
Wafica Megally Living Trust
6401 Planada Avenue
Los Angeles, CA 90042

Certified Mail
Return Receipt Requested
7001 2510 0000 4661 2582

EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727 FORMER HADI SHELL SERVICE STATION - 405 NORTH AVENUE 64, LOS ANGELES (CASE NO. 900420152) (PRIORITY D-1 SITE)

Dear Ms. Megally:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site (Site). As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems.

Pursuant to Health and Safety Code section 25296.10, you are required to take corrective action (e.g., Preliminary Site Assessment, Soil and Water Investigation, Corrective Action Plan Implementation, and Verification Monitoring) to ensure protection of human health, safety and the environment. Corrective action requirements are set forth in the California Code of Regulations (CCR), title 23, sections 2720 through 2727.

Background

According to a report dated March 31, 1992 submitted to the City of Los Angeles Fire Department (LAFD), eight soil borings (B1 through B6, and H1 through H2) were drilled to a maximum depth of 40 feet below ground surface (bgs) in the vicinity of the two 12,000-gallon gasoline Underground Storage Tanks (USTs) on March 19, 1992. Soil samples taken from the borings detected maximum concentrations for Total Petroleum Hydrocarbons as Gasoline (TPHg) at 2.6 mg/kg and benzene at 0.520 mg/kg. Oxygenates were not analyzed. Groundwater was encountered at 37 ft bgs. Groundwater grab samples taken from the borings detected 7.8 µg/L of benzene. TPHg or oxygenates were not analyzed.

On April 21, 1993, two soil borings were drilled beneath the dispenser islands. The depths of these borings are unknown. Soil samples taken from the borings did not detect TPHg, benzene, toluene, ethylbenzene, or xylenes (BTEX). Oxygenates were not analyzed.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

On March 13, 2013, the Executive Officer of this Regional Board issued a letter requiring you to submit a technical report containing additional information regarding the subject site by April 11, 2013. The March 13, 2013 letter also directed you to submit a workplan by April 11, 2013 to fully delineate the soil and groundwater contamination at the site. The required technical report and workplan were not received by the due date.

On April 22, 2013, the Assistant Executive Officer of this Regional Board issued a Notice of Violation (NOV) for failure to submit the required technical report and workplan by the required due date.

On June 5, 2013, in response to the NOV, AGI on your behalf submitted a workplan for the site. On June 21, 2013, Regional Board staff approved the workplan.

In July 2013, five soil borings (AGI-1 through AGI-5) were drilled to 45 feet bgs at the site. Soil samples collected from the borings detected up to 2,200 mg/kg of TPHg, 580 mg/kg of TPHd, 0.73 mg/kg of benzene, and 241 mg/kg of MTBE. Groundwater was encountered in all of the borings at 40 to 45 ft bgs. Five groundwater grab samples were collected from the borings and detected up to 34,000 µg/L of TPHg, 180 µg/L of benzene, 800 µg/L of MTBE, and 2,800 µg/L of TBA. Soil encountered in the borings primarily consists of sandy clay to 30 feet followed by sand with gravel to the maximum explored depth of 46.5 feet bgs.

On September 30, 2013, AGI submitted a workplan to install five groundwater monitoring wells (MW-1 through MW-5) and three additional soil borings (S-1 through S-3) to 50 feet bgs. On January 31, 2014, Regional Board staff approved the workplan and required the following:

- Install one additional monitoring well and three additional soil borings.
- Submit semi-annual groundwater monitoring reports with the first report due by July 15, 2014.
- Upload all correspondence and reports to the GeoTracker website.
- Submit a technical report summarizing the results of the investigation by July 15, 2014.

As of today, this Regional Board has not received the required technical reports and groundwater monitoring report, nor have the required data been uploaded to Geotracker.

Intent to Nominate Site to State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

Due to your non-compliance at the site, we hereby notify you of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,000,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost


recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation. A civil penalty may be imposed by civil action pursuant to section 25299(d)(2) or imposed administratively by the Regional Board pursuant to Water Code sections 13323 through 13328. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please call Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,



Samuel Unger, P. E.
Executive Officer

Enclosures: a) Regional Board Letter dated January 31, 2014
b) Regional Board Notice of Violation dated April 22, 2013

cc:

Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.

STATE WATER RESOURCES CONTROL BOARD GEOTRACKER

SHELL GAS STATION (T0603760075) - [\(MAP\)](#)

[SIGN UP FOR EMAIL ALERTS](#)

405 AVENUE 64 N.
LOS ANGELES, CA 90042
LOS ANGELES COUNTY
LUST CLEANUP SITE
[PRINTABLE CASE SUMMARY](#)

CLEANUP OVERSIGHT AGENCIES
LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: 900420152
CASEWORKER: [ARMAN TOUMARI](#)
LOS ANGELES, CITY OF - CASE #: 4434
CASEWORKER: [ELOY LUNA](#)

LTCP CHECKLIST AS OF 6/12/2014

[VIEW PATH TO CLOSURE PLAN](#)

[BACK TO CASE SUMMARY](#)

General Criteria - *The site satisfies the policy general criteria* **NO**

- a. Is the unauthorized release located within the service area of a public water system? YES

Name of Water System : City of Los Angeles
- b. The unauthorized release consists only of petroleum [\(info\)](#). YES
- c. The unauthorized ("primary") release from the UST system has been stopped. YES
- d. Free product has been removed to the maximum extent practicable [\(info\)](#). FP Not Encountered
- e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed [\(info\)](#).

Description:

 - Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined NO
 - Groundwater Assessment Incomplete - Depth of Contamination Not Defined
 - Soil Assessment Incomplete - Areal Extent Not Defined
 - Soil Assessment Incomplete - Depth Unknown
- f. Secondary source has been removed to the extent practicable [\(info\)](#). YES
- g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15. NO
- h. Does a nuisance exist, as defined by [Water Code section 13050](#). NO

1. Media-Specific Criteria: Groundwater - *The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.* **NO**

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#)) NO

Does the site meet any of the Groundwater specific criteria scenarios? NO

ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

- Unknown

MTBE Concentration :

- Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - *The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c* **YES**

EXEMPTION - Active Commercial Petroleum Fueling Facility YES

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - <i>The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.</i>	NO
EXEMPTION - The upper 10 feet of soil is free of petroleum contamination	NO
Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?	NO
ADDITIONAL QUESTIONS - The following conditions exist that do not meet the policy criteria: Petroleum Constituents in Soil : <ul style="list-style-type: none"> • Unknown Area of Impacted Soil : <ul style="list-style-type: none"> • Unknown 	
Additional Information	
Should this case be closed in spite of NOT meeting policy criteria?	NO

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