



# California Regional Water Quality Control Board Los Angeles Region



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

Linda S. Adams  
Acting Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

April 22, 2011

Mr. David A. DeLorenzo  
President and Chief Executive Officer  
Dole Food Company, Inc.  
P. O. Box 5132  
Westlake Village, CA 91359-5132

Certified Mail  
Return Receipt Requested  
Claim No.7009 0820 0001 6811 7714

**ORDER TO DOLE FOOD COMPANY, INC. TO SUBMIT TECHNICAL REPORT  
PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 - FORMER KAST  
PROPERTY TANK FARM LOCATED SOUTHEAST OF THE INTERSECTION OF  
MARBELLA AVENUE AND EAST 244<sup>TH</sup> STREET, CARSON, CALIFORNIA**

Dear Mr. DeLorenzo:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the state regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties. To accomplish this, the Regional Board issues investigative orders and requirements for submission of technical or monitoring reports authorized by the Porter-Cologne Water Quality Control Act (California Water Code Division 7).

The Regional Board is currently reviewing all documents in our possession concerning the activities related to the demolition of the former Kast Property Tank Farm and its redevelopment into the Carousel tract neighborhood (Kast site). Based on the information contained in the Regional Board's files and those provided by Shell Oil Company (SOC) and Shell Oil Products US (SOPUS), the Kast site was developed into the Carousel tract neighborhood consisting of 285 single-family homes by Dole Food Company, Inc. and its affiliate, Barclay-Hollander-Curci Inc, (BHC), as successor to Lomita Development Company and BHC.

The information provided by SOC and SOPUS suggests that the contamination related to the shallow soil [from 0 to 10 feet below ground surface (bgs), and perhaps deeper] was directly related to the demolition of the petroleum hydrocarbons (crude oil) storage reservoirs and the grading of the Kast site, which were performed by, and were the sole responsibility of, Lomita Development Company and its affiliate(s).

Attached is an Order Pursuant to California Water Code Section 13267 requiring Dole Food Company, Inc. to provide all information related to its: (a) ownership and development of the Kast site, and (b) activities at the Kast site, including information with respect to the reservoirs and redevelopment into the Carousel tract neighborhood.

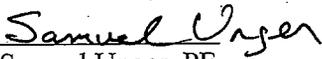
Mr. David A. DeLorenzo  
Dole Food Company, Inc.

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April 22, 2011

**If you have any questions, please contact the project manager, Dr. Teklewold Ayalew at (213) 576-6739 ([tayalew@waterboards.ca.gov](mailto:tayalew@waterboards.ca.gov)), or Ms. Thizar Tintut-Williams, Site Cleanup Unit III Chief, at (213) 576-6723 ([twilliams@waterboards.ca.gov](mailto:twilliams@waterboards.ca.gov)).**

Sincerely,

  
Samuel Unger, PE  
Executive Officer

Enclosure:      Order Pursuant to California Water Code Section 13267

cc:              See Mailing List

Mailing List

Laura Richardson, Honorable Congresswoman, US House of Representatives,  
California's 37<sup>th</sup> District  
Mark Ridley-Thomas, Supervisor, Second District County of Los Angeles  
Ted W. Lieu, Senator, 28<sup>th</sup> Senate District  
Warren T. Furtani, Assembly member, 55<sup>th</sup> Assembly District  
Jim Dear, Mayor of Carson  
Sheri Repp-Loadsman, City of Carson  
Ky Truong, City of Carson  
Jennifer Fordyce, Office of Chief Counsel, State Water Resources Control Board  
Alexander Morelam, LAUSD  
Patrick Schanen, LAUSD  
Jerome G. Groomes, Carson's City Manager  
James Carlisle, Office of Environmental Health Hazard Assessment  
Robert Romero, Department of Toxic Substances Control  
Wendy W. Arano, Department of Toxic Substances Control  
Bill Jones, Los Angeles County Fire Department  
Barry Nugent, Los Angeles County Fire Department  
Shahin Nourishad, Los Angeles County Fire Department  
Miguel Garcia, Los Angeles County Fire Department  
Alfonso Medina, Los Angeles County Department of Health  
Cole Landowski, Los Angeles County Department of Health  
Angelo Bellomo, Los Angeles County Department of Health  
Karen A. Lyons, Shell Oil Products US  
Alison Abbott Chassin, Shell Oil Products US  
Hal Dash, Cerrell Associates  
Roy Patterson, URS Corporation  
Chris Osterberg, URS Corporation  
Michelle Vega, Edelman  
Robert Ettinger, Geosyntec  
Thomas V. Girardi, Girardi and Keese Lawyers  
Robert W. Bowcock, Integrated Resources Management, LLC



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## ORDER TO SUBMIT TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267

DIRECTED TO DOLE FOOD COMPANY, INC.  
FOR INFORMATION ON  
FORMER KAST PROPERTY TANK FARM  
SOUTHEAST OF THE INTERSECTION OF MARBELLA AVENUE  
AND EAST 244<sup>TH</sup> STREET, CARSON, CALIFORNIA

**You are legally obligated to respond to this Order. Please read this carefully.**

The Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code section 13267:

### Findings:

1. The former Kast Property Tank Farm (Kast site) located in Carson, California, previously housed three petroleum hydrocarbons (crude oil) storage reservoirs, which were owned first by Shell Company of California, and then Shell Oil Company (SOC), from 1923 until 1966. The Regional Board has identified SOC as a responsible party for the discharges of waste to soil and groundwater due to its ownership and operation of the former Kast Property Tank Farm and issued an Order pursuant to California Water Code Section 13267 on May 8, 2008. SOC has since been actively involved in ongoing assessment, monitoring, cleanup of wastes, and abatement of the effects of the discharges of petroleum hydrocarbon and other wastes discharged to soil and groundwater at the Kast site.
2. On March 11, 2011, the Chief Deputy Executive Officer issued Cleanup and Abatement Order No. R4-2011-0046 (CAO) requiring SOC to assess, monitor, cleanup waste, and abate the effects of petroleum hydrocarbon compounds and other wastes discharged to soil and groundwater at the Kast site. In the CAO, Finding 5(b) states that:

*In 1966, SOC sold the Site to Lomita Development Company, an affiliate of Richard Barclay and Barclay-Hollander-Curci (BHC), with the reservoirs in place. The Pacific Soils Engineering Reports dated January 7, 1966; March 11, 1966; July 31, 1967; and June 11, 1968 documented that: 1) Lomita Development Company emptied and demolished the reservoirs, and graded the Site prior to it developing the Site as residential housing; 2) part of the concrete floor of the central reservoir was removed by Lomita Development Company from the Site; 3) where the reservoir bottoms were left in place, Lomita Development Company made 8-inch wide circular trenches in concentric circles approximately 15 feet apart to permit water drainage to allow the percolation of water and sludge present in the reservoirs into the subsurface.*

**California Environmental Protection Agency**

4. California Water Code section 13267(b)(1) states, in part: In conducting an investigation. . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
5. This Order is issued to Dole Food Company, Inc. based on the information contained in the Regional Board's files, including documents provided by SOC, that the Kast site was developed into the Carousel tract neighborhood consisting of 285 single-family homes by Barclay-Hollander-Curci (BHC) and Lomita Development Company. Dole Food Company, Inc. and its affiliate, BHC, are documented as successors to Lomita Development Company and BHC. The Regional Board is currently reviewing the role played by Lomita Development Company, Inc. and its affiliates and successors in creating the current environmental impacts at the Kast Site. The information in the Regional Board's files supports the conclusion that BHC, Lomita Development Company, Dole Food Company, Inc., and its affiliates and successors, are suspected of having discharged waste at the Kast site.
6. This Order requires Dole Food Company, Inc. to submit a technical report detailing Lomita Development Company, BHC, and Dole Food Company's activities conducted at the Kast site with respect to the reservoirs, including records and documents regarding ownership and operation of the Kast site; aboveground tanks and reservoirs at the Kast site, including emptying and demolishing the reservoirs; and demolition and redevelopment activities.
7. The Regional Board needs the required information in order to determine the extent of discharges of waste related to the shallow soil (from 0 to 10 feet below ground surface (bgs), and perhaps deeper) and whether such discharges of waste are the result of, in whole or in part, to the actions of BHC, Lomita Development Company, and its affiliates and successors, including, but not limited to, Dole Food Company, Inc..
8. The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to assure adequate cleanup of the Kast site, which as described in the CAO, incorporated herein by reference, poses significant threats to public health and the environment. The technical report required by this Order should contain information that is readily available to Dole Food Company, Inc..

**THEREFORE, IT IS HEREBY ORDERED** that Dole Food Company, Inc., pursuant to section 13267(b) of the California Water Code (CWC), is required to submit the following:

1. By **June 15, 2011**, a technical report detailing Lomita Development Company, BHC, and Dole Food Company's activities conducted at the Kast site from the time of purchase of the site to the redevelopment of the site into the Carousel tract neighborhood, including records and documents if available, that includes information on the following:



- a. Ownership and operations of the Kast site, including property title transfer or purchase records;
  - b. Site lay-out, including drawings/maps/sketches in chronological order detailing the location of aboveground storage tanks or reservoirs, pits, piping, sumps, clarifiers, sewer lines, etc.;
  - c. Chemicals used, stored or disposed at the Kast site;
  - d. Activities related to emptying and demolishing the reservoirs;
  - e. Activities related to demolition and redevelopment;
  - f. Environmental assessments, environmental impact studies or reports, or waste source evaluations conducted at the site; and
  - g. Soil imported to or exported from the Kast site.
2. By **June 15, 2011**, any documents in your possession that may assist the Regional Board in identifying all parties responsible for the characterization, cleanup, abatement, and monitoring of the wastes, including petroleum hydrocarbons, historically released at the Kast site.

The report and required documents shall be submitted to the attention of the project manager, Dr. Teklewold Ayalew, 320 West 4<sup>th</sup> Street, Suite 200, Los Angeles, California 90013.

The Regional Board requires you to include a perjury statement in all reports submitted pursuant to California Water Code section 13267. The perjury statement shall be signed by a senior authorized representative of Dole Food Company, Inc. (and not by a consultant). The statement shall be in the following format:

“ I, [NAME], do hereby declare, under penalty of perjury under the laws of State of California, that I am [JOB TITLE] for Dole Food Company, Inc. that I am authorized to attest to the veracity of the information contained in [NAME AND DATE OF REPORT] is true and correct, and that this declaration was executed at [PLACE], [STATE], on DATE.”

Pursuant to section 13268(b)(1) of the California Water Code, failure to submit the required technical report described in paragraph 1 and documents in paragraph 2 above may result in the imposition of administrative civil liability by the Regional Board, of up to \$1,000 per day for each day the report is not received after the above due dates.

Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state legal holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.



Dole Food Company, Inc.

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April 22, 2011

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order issued by the California Regional Water Quality Control Board, Los Angeles Region, on April 22, 2011.

  
Samuel Unger, PE  
Executive Officer

