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Consideration of Nominations for FY 2012-2013 Emergency, Abandoned and Recalcitrant (EAR) Account I-710 Corridor Underground Storage Tank Program

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Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.1

Staff Report

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
Los Angeles, California**

**April 5, 2012
555th Regular Meeting**

- ITEM:** 16
- SUBJECT:** Nominations of Underground Storage Tank (UST) Sites along the I-710 Corridor for funding under the State Water Resources Control Board's (SWRCB) Emergency, Abandoned, and Recalcitrant (EAR) Program.
- PURPOSE:** To comply with the State Board's request for the nominations of seven (7) priority EAR UST sites.
- BACKGROUND:** Chapter 6.75 of the Health and Safety Code authorizes the State Water Resources Control Board (State Board) to provide funding to Regional Boards, Local UST Implementing Agencies (LIAs), and Local Oversight Programs (LOPs) for initiating direct cleanup of petroleum UST sites requiring corrective action to protect human health, safety, and environment. Due to the limited funding, the State Board only considers abandoned and recalcitrant sites for inclusion in the EAR Account Annual Site List. Therefore, nomination by the regulatory agency is required.
- The I-710 Corridor Initiative is a multi-agency effort aimed at accelerating Leaking Underground Storage Tank (LUST) cleanups and improving Underground Storage Tank (UST) compliance along the I-710 transit corridor. The project is funded by the State 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 Water Quality Control Board UST cases for funding for the EAR Account. For fiscal year 2012-2013, six (6) sites have been nominated for funding, and one (1) site is an EAR Account renewal.
- SITE SUMMARIES:** The nominated EAR sites have been impacted by petroleum hydrocarbon releases to the soil from leaking USTs, which threaten or have already degraded the underlying groundwater. The responsible parties are recalcitrant. EAR Account funds will be used to update assessments, determine the degree of contamination and increase responsible party involvement in the cleanup process. Listed below are the priority nominations for the EAR Account:
1. Former Mobil, 402 Atlantic Avenue, Long Beach;
 2. Juarez Property, 906 W. Rosecrans Avenue, Compton;
 3. Sanchez Auto Sales, 5810 Cecilia Street, Bell Gardens;
 4. Lehigh Hanson (Long Beach Hot Mix/Blue Diamond Materials, 1646 E. 32nd Street, Long Beach;
 5. Former Eagle Industries, 1517 W. Esther Street, Long Beach;
 6. Hende's Station, 2990 Pacific Avenue, Long Beach; and
 7. Garfield Express, 11600 S. Long Beach Boulevard, Long Beach (Renewal).
- These sites are described in Exhibits 3 through 9.
- COMMENTS RECEIVED:** On March 20, 2012, Regional Board staff received comments from DSY Eastern Properties, LLC (Current Owner).

RESPONSE TO COMMENTS:

Regional Board staff considered all comments received by the March 20, 2012 deadline, and where appropriate, modified the EAR Nomination item. Copies of comments received and responses to comments are included in the agenda package.

OPTIONS: Consider whether to affirm, reject or modify the EAR Nominations List

RECOMMENDATION: Staff recommends adoption of the State Board's EAR Nominations.

ATTACHMENT: I – 710 Corridor Initiative Index Map (Figure 1).

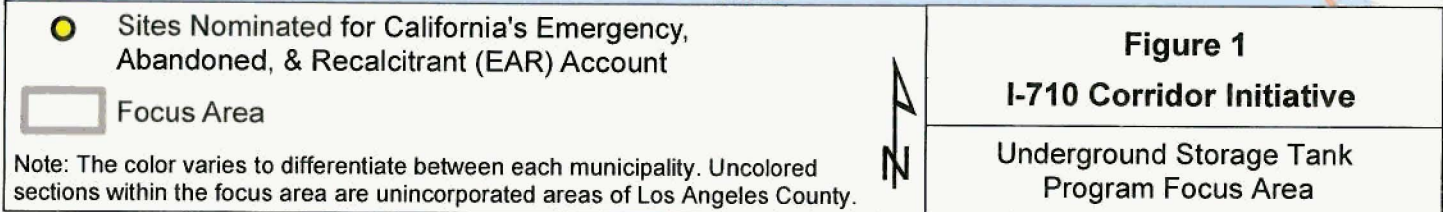


Figure 1
I-710 Corridor Initiative
Underground Storage Tank
Program Focus Area

Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.2

Resolution 12-002 (and Attachment "A")

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

RESOLUTION NO. R12-002

April 5, 2012

**Resolution Adopting the Petroleum Underground Storage Tank (UST)
Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2012-2013
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:

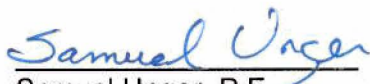
1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to Regional Water Quality Control Boards (Regional Water Boards) or local agencies to initiate corrective action at petroleum underground storage tank (UST) 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 to unwilling to take the required correction 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) 2012-2013 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 5, 2012.

THEREFORE, BE IT RESOLVED:

1. The Los Angeles Water Board hereby adopts the Petroleum UST EAR Account FY 2012-2013 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 5, 2012.



Samuel Unger, P.E.
Executive Officer

Date: April 5, 2012

California Regional Water Quality Control Board
Los Angeles Region

RESOLUTION No. R-12-002, ATTACHMENT "A"

**Emergency, Abandonment, and Recalcitrant Site Priority List
State Fiscal Year 2012-2013**

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Justification	Proposed Abatement	Funding Requested
1	<p><u>Site:</u> The Juarez Property 906 W. Rosecrans Ave. Compton, CA 90220</p> <p><u>Responsible Parties:</u> Rene and Petra Juarez 1012 South Windsor Boulevard Los Angeles, CA 90019 Phone: 213-805-1071/ 323-934-8558 Email: 1012900@sbcglobal.net</p> <p><u>Potentially Responsible Parties</u> Jennifer Talbert (Contact) G & M Oil Company 16868 A Street Huntington Beach, CA 92647 Phone: 714-375-4700 x6324</p> <p>George A. Pearson c/o Mr. Kenneth A. Ehrlich Jeffer Mangels Butler & Mitchell LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, California 90067 Telephone: (310) 785-5395 Fax: (310) 203-0567 E-mail: kae@jmbm.com Internet Web Site: http://www.jmbm.com</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576-6710 Arman Toumari (213) 576-6708</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p>	Petroleum hydrocarbons, MTBE, Benzene	The present (indigent) land owners are recalcitrant.	To determine the lateral and vertical extent of contamination, monitoring wells need to be installed along the perimeter of the former UST excavation. Soil and groundwater samples should be analyzed during drilling activities and groundwater will need to be monitored periodically after well completion. The level of required remediation to protect human health and safety and water quality will be determined after investigation is complete.	\$75,000

2	<p><u>Site:</u> Sanchez Auto Sales 5810 Cecilia Street Bell Gardens, CA 90201</p> <p><u>Responsible Party:</u> DSY Eastern Properties LLC C/O Elias Donay 2697 Deep Canyon Drive Beverly Hills, CA 90210-1077 Phone: 310-556-9100 eliasdonay@sbcglobal.net</p> <p>Trinidad Sanchez Sanchez Property 4743 Firestone Boulevard Southgate CA, 90201-3448 Phone: 310-637-1818</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576-6710 Joe Luera (213) 576-6706</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p>	Petroleum hydrocarbons	The present and previous land owners are recalcitrant. There appears to be no financially viable Responsible Party. Work has not proceeded due to the current and previous land owners' apparent inability to pay.	Soil and groundwater sampling in the vicinity of the former gasoline USTs and along the perimeter of the excavation is necessary to determine the lateral and vertical extent of contamination. The level of required remediation to protect human health and safety and water quality will be determined after investigation is complete.	\$50,000
3	<p><u>Site:</u> Former Mobil Service Station 402 Atlantic Avenue Long Beach, CA 90802</p> <p><u>Responsible Parties:</u> Michal Mimi Dakar aka Michal Mimi Berry (Current Owner) 243 S. Formosa Avenue Los Angeles, CA 90036-2813 Phone: 323-939-7769 Email: mimidakar8@gmail.com Date Acquired: March 31, 2006</p> <p>Sonya Dakar Skin Clinic 9975 S. Santa Monica Boulevard Beverly Hills, CA 90212 Phone: 310-553-7344 x14</p> <p>Nate Dakar 1456 Durango Avenue Los Angeles, CA 90035-3328</p> <p>9809 Hillgreen Place Beverly Hills, CA 90212</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576-6710 Dave Bjostad (213) 576-6712</p>	Petroleum hydrocarbons, MTBE, Benzene	The present and previous land owners are recalcitrant.	Soil and groundwater sampling beneath the former gasoline USTs and along the perimeter of the excavation is necessary to determine the lateral and vertical extent of contamination. The level of required remediation to protect human health and safety and water quality will be determined after investigation is complete.	\$100,000

4	<p><u>Site:</u> Hende's Station 2990 Pacific Avenue Long Beach, CA 90806</p> <p><u>Responsible Parties:</u> Tha C. Yin (Current Owner) 20622 Pioneer Blvd. Lakewood, CA 90715 Phone: 310-759-8172</p> <p>thayin@netscape.net</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576-6710 Ha Nguyen (213) 576-6658</p>	<p>Petroleum hydrocarbons, MTBE, Benzene</p>	<p>The present and previous land owners are recalcitrant.</p>	<p>Groundwater samples should be obtained from the six existing onsite monitoring wells. Soil and groundwater sampling north and northeast of MW-6, where the highest concentrations were previously detected in groundwater is necessary to determine extent of contamination. The level of required remediation to protect human health and safety and water quality will be determined after investigation is complete.</p>	<p>\$50,000</p>
5	<p><u>Site:</u> Eagle Industries (Former) 1517 W. Esther Street Long Beach, CA 90813</p> <p><u>Responsible Party:</u> Norman and Olivia Dillinger 1517 W. Esther Street Long Beach, CA 90813 Phone: 562-882-9725 Email: oxozero@aol.com</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576-6710 Dave Bjostad (213) 576-6712</p>	<p>Benzene</p>	<p>The present and previous land owners are recalcitrant. There appears to be no financially viable Responsible Party.</p>	<p>Soil and groundwater sampling in the vicinity of the former gasoline USTs and along the perimeter of the excavation is necessary to determine the lateral and vertical extent of contamination. The level of required remediation to protect human health and safety and water quality will be determined after investigation is complete.</p>	<p>\$60,000</p>

6	<p><u>Site:</u> Long Beach Hot Mix/Asphalt 1646 E. 32nd Street Long Beach, CA 90807</p> <p><u>Responsible Parties:</u> Lehigh Hanson West Region (Present Owner) 681 Aspen Circle, Oxnard, California 93030 Phone (805) 748-1028</p> <p>Alternative address: 2515 McKinney Ave. Dallas, TX 75201</p> <p>Ken Barker Blue Diamond Materials (Division of Sully Miller Contracting Co.) 135 S. State College Blvd., Suite 400 Brea, CA 92821 Phone: 626-523-1319 Email: kbarker@sully- miller.com</p> <p>Hanson Aggregates West, Inc. P.O Box 650274 Dallas, TX 75265</p> <p>Jose and Guadalupe Chavez (Previous Owner) 4214 Gird Avenue Chino Hills, CA</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576- 6710 Nhan Bao (213) 576- 6703</p>	Petroleum hydrocarbons	The present and previous land owners are recalcitrant.	Soil sampling in the vicinity of the former USTs is necessary to determine the lateral and vertical extent of contamination. Soil samples should be analyzed for petroleum hydrocarbons, chlorinated solvents, and oxygenates during drilling activities. The amount of required remediation to protect human health and safety, and water quality will be determined after investigation is complete.	\$75,000
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7	<p><u>Site:</u> Garfield Express Property 11600 South Long Beach Boulevard Lynwood, CA 90262</p> <p><u>Responsible Parties:</u> Louis & Alice Ross Family Trust 5709 Jed Smith Road, Hidden Hills, CA 91302</p> <p>Kyung Kim (New gas station owner) 1247 West Washington Boulevard, Los Angeles, CA 90007- 1328</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576- 6710 Arman Toumari (213) 576- 6708</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458- 3511</p> <p><u>Nominating Agency:</u> City of Lynwood Sarah Magana Withers (310) 603- 0220</p>	Petroleum hydro-carbons	The present landowner is recalcitrant. Despite the spending of most of the available State UST funds, RP has not made substantial progress toward remediation of free product gasoline or chlorinated solvents in soil and groundwater.	<p>Conduct an investigation to delineate the petroleum hydrocarbon impacts within the residential neighborhood to the east of the Garfield Express station to refine cleanup costs.</p> <p>Remediate soil and groundwater conditions as expeditiously as possible to remove the continuing source of petroleum hydrocarbons and chlorinated VOCs.</p> <p>Monitor groundwater.</p> <p>Regional Board reserves the right to collect the cost expenditure for the site assessment and cleanup from the responsible party (RP) and property owners.</p>	\$1,500,000
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Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.3

Juarez Property

NOMINATION FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Juarez Property
906 W. Rosecrans Avenue (Formerly 900 W. Rosecrans Avenue in GeoTracker)
Compton, CA 90220
APN: 6156-002-039
GeoTracker Global ID: T0603797510

Release Date: January 31, 2000
Site Status: Open-Site Assessment
Current Site Use: Car wash

2. Name and Address of Responsible Parties:

Rene & Petra Juarez (Current Owner)
1012 South Windsor Boulevard
Los Angeles, CA 90019
Date Acquired: May 16, 1984
Phone: 213-805-1071/ 323-934-8558
Email: 1012900@sbcglobal.net

Name and Address of Potentially Responsible Parties:

Mr. George A. Pearson (Previous Owner)
c/o Kenneth A. Ehrlich, Esq.
Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067
Telephone: (310) 785-5395
Fax: (310) 203-0567
E-mail: kae@jmbm.com
Internet Web Site: <http://www.jmbm.com>

Jennifer Talbert (Contact)
G & M Oil Co.
16868 A Street
Huntington Beach, CA 92647
Phone: 714-375-4700 x6324

3. Corrective Action Directives:

On April 13, 2011, Los Angeles Regional Water Quality Control Board (LARWQCB) issued a directive letter to Rene Juarez (current owner) to take corrective action. On April 27, 2011, Mr. Juarez contacted the Project Manager to inform him that he had applied for the *Orphan Site Cleanup Fund*, but his application was denied. 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: Arman Toumari
Phone: 213-576-6708
Email: atoumari@waterboards.ca.gov

5. Description of Unauthorized Release:

On January 31, 2000, Atlas Environmental Engineering, Inc. produced an *Underground Storage Tank (UST) Removal Report* for G & M Oil.

- Three 10,000-gallon gasoline and one 550-gallon waste oil tanks were removed on December 15, 1999.
- Approximately 110 tons of hydrocarbon impacted soil was removed from the site.
- The maximum concentrations of total petroleum hydrocarbons in the gasoline range (TPH_g) reported in soil were 3,290 milligrams per kilogram (mg/kg) in sample T2A, 360 mg/kg total petroleum hydrocarbons in the diesel range (TPH_d) in T2, 7.83 mg/kg methyl tertiary butyl ether (MTBE) in T2, 0.954 mg/kg benzene in T2A, 21 mg/kg toluene in T1B, 77.4 mg/kg ethylbenzene in T2A and 664 mg/kg xylenes in T2A.
- Depth to groundwater ranges from 41 to 43 feet below ground surface (bgs).

6. Justification for Nomination to EAR Program:

Both current land owners (Rene & Petra Juarez) claim to be indigent and are recalcitrant.

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

Both land owners are recalcitrant. The current land owners applied for the *Orphan Site Cleanup Fund* in 2011, but the application was denied since G & M Oil was named by the SWRCB as a financially viable RP (see attached). The State Water Resources Control Board (SWRCB) does not recognize the indemnification agreement between George A. Pearson and the current landowners. Soil impact has been confirmed and groundwater quality threatened. Site characterization and plume delineation are required before cleanup can proceed. George A. Pearson claims he is not responsible because of an indemnification agreement he signed with the owner. Both George A. Pearson and G & M Oil are considered as potentially responsible parties (PRPs).

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

None.

9. Actions Taken by the RP:

On May 13, 2009, Western Environmental Engineers Company (WEECO) submitted an *Environmental Site Assessment Report* to Los Angeles County Department of Public Works (DPW), on behalf of the property owner, Rene Juarez.

The report lists Rene Juarez as the owner of the site, which is used as a car wash. It noted that Rene Juarez (owner) bought the property from George A. Pearson after the removal of the USTs.

On June 24, 2010, Los Angeles County DPW transferred the case to the Regional Board.

10. Investigation/Remedial Efforts Completed:

The only investigation work that has been completed was documented in the WEECO Environment Site Assessment (ESA) dated May 13, 2009. The results of this investigation are summarized below:

- i) Soil samples showed reported maximum concentrations of 12,100 mg/kg TPH_g, 1,510 mg/kg total recoverable petroleum hydrocarbon (TRPH), 111.21 mg/kg benzene, 763.63 mg/kg toluene, 377.62 mg/kg ethylbenzene, 1,568.4 mg/kg total xylenes, and 0.25 mg/kg MTBE. TPH_d and tert-butyl alcohol (TBA) were below detection limits;
- ii) Groundwater was encountered between 41-43 ft bgs; and
- iii) Groundwater samples reportedly showed maximum concentrations of 2,300 micrograms per liter (µg /L) TPH_g, 180 µg /L benzene (exceeds the California Maximum Containment Level [MCL] for drinking water), 1 µg /L ethylbenzene, 10 µg /L total xylenes and 152 µg /L MTBE (exceeds MCL).

WEECO recommended the installation of four groundwater monitoring wells. No remedial work has been conducted to date.

11. Description of Investigation/Remediation Work Needed:

To determine the lateral and vertical extent of contamination, monitoring wells need to be installed along the perimeter of the former UST excavation. 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. The amount of required remediation to protect human health and safety, and water quality will be determined after investigation is complete.

12. Amount of Annual Funding Requested and Estimated Total Required

\$75,000 in annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

13. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume to production wells located about ¼ mile from the site is likely. In addition, because of the RP's failure to comply and since the quantity of contaminants released and the extent of migration is unknown, the site may become a Brownfield site.



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 13, 2011

Mr. Rene Juarez
1012 South Windsor Boulevard
Los Angeles, CA 90019

Dear Mr. Juarez:

UNDERGROUND STORAGE TANK PROGRAM – DIRECTIVE 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.

JV'S CARWASH

900 WEST ROSECRANS AVENUE, COMPTON, CALIFORNIA (ID # R-26764) (B-2)

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 reports:

- "Environmental Site Assessment Report" (The Report), dated May 13, 2009
- "Revised Work Plan for Limited Phase II Environmental Site Assessment", dated March 29, 2007
- "Tank Removal Report", dated January 31, 2000

These reports were prepared by Western Environmental Engineers Co. (WEECO) and Atlas Environmental Engineering Inc. (ATLAS), and were submitted to this Regional Board in response to our letter dated October 5, 2010. This letter intends to provide Regional Board staff comments upon reviewing these documents.

Site Assessment and Remedial Action Update

Four underground storage tanks (three containing gasoline and one containing waste oil) were removed from the site in December 1999. Approximately, 110 tons of impacted soils were removed from the site. In 2009, thirteen soil borings (LE1 through LE13) were drilled to a maximum depth of 40 ft bgs. Soil samples detected up to 12,100 mg/kg of TPHg, 111.21 mg/kg of benzene, and 0.25 mg/kg of MTBE. Three grab groundwater samples were collected from borings LE6, LE8, and LE13. Groundwater grab samples detected up to 2,300 µg/L of TPHg, 180 µg/L of benzene, and 152 µg/L of MTBE.

Workplan Approval (Per CCR Title 23, §2725)

The Report contains a workplan to install four groundwater monitoring wells, one at the location of LE4, one at the location of LE6, one at approximately 15 ft southeast of boring LE13, and one at approximately 20 ft northwest of boring LE11.

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

1. The screen intervals of the proposed groundwater monitoring wells have not been specified. Well boring diagrams for the proposed wells must be submitted for staff review and approval at least two week prior to starting the fieldwork.
2. 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.
3. Soil 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); and by EPA Method 8260B for BTEX, and fuel oxygenate compounds including methyl tertiary butyl ether (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.
4. The construction, development, and abandonment of groundwater monitoring wells must comply with requirements prescribed in the California Well Standards (Bulletin 74-90), published by the California Department of Water Resources (can be seen at www.dpla2.water.ca.gov and go to "groundwater").
5. A technical report detailing the results of this phase of investigation must be submitted to this Regional Board due by **July 15, 2011**. Based on the results from this investigation, your technical report must also contain a workplan for additional work to complete any onsite and/or offsite assessment, if needed.

Groundwater Monitoring Requirements (Per CCR Title 23, §2725)

To monitor groundwater conditions at the site, the new groundwater monitoring wells must be included in a semi-annual groundwater monitoring program with the following requirements:

1. All wells must be monitored on a semi-annual basis according to the following schedule, with the next monitoring report due by **July 15, 2011**.

<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

2. Groundwater samples must be analyzed by the same protocol described in the preceding section.
3. Prior to consideration of case closure, at least one round of groundwater monitoring must be conducted to include analyses of 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 also be tested and reported per EPA Method 8260B.
4. In addition, each groundwater monitoring report must include the following:
 - A separate summary table containing current concentrations.
 - A summary table containing all historical data per each well with groundwater depth (or elevation) and well screen intervals.
 - A regional map depicting site vicinity business and street, etc.
 - A plan depicting site location, tank and associated system locations, all well locations and groundwater elevations (contour) with flow gradient and direction.
 - An isoconcentration map for TPH(g), benzene, MTBE, and TBA, respectively.
 - A hydrograph superimposing on concentration over time at the most impacted well for TPH(g), benzene and MTBE, and TBA (or at any other wells as warranted).

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 with preferably at least five years subsurface hydrogeologic experience.
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.


Mr. Rene Juarez
900 W. Rosecrans Ave., Compton

- 4 -

April 13, 2011

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

Sincerely,



Yi Lu, Ph.D., P.G.
Chief of Los Angeles River Watershed Unit
Underground Storage Tank Section

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Nancy Matsumoto, Water Replenishment District of Southern California
Tim Smith, Los Angeles County Department of Public Works
Richard Lavin, Los Angeles County Department of Health Services

April 27, 2011

To; California Regional Water Quality Control
Board Los Angeles Region

Re: underground storage tank program
900 w Rosecrans ave compton, ca 90222
From Rene Juarez

RECEIVED

2011 APR 29 PM 2 08

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Attn: Mr. Arman Toumari

UST UNIT
CASE NO. 2-26764
DATE 5/10/11
STAFF AT

Dear Mr. Arman Toumari

Thank you for returning my phone call on April 27, 2011. As per our conversation I am sending a
Copy of the letter that was sent to us from State Water Resources Control Board Division of
Financial assistance stating that G&M Oil Company removed the usts in 1999. Los Angeles county
Department of Public of Public works has name G&M oil as a responsible party.

We signed the indemnification agreement, this does not alter the status of G&M as a responsible party.

We were not eligible for an oscf grant because G&M Oil has been identified as a financially responsible
Party to pay for response actions to remediate the harm caused by the UNAUTHORIZED RELEASE.

My phone # is 213 805-1071, my email is 1012900@sbcglobal.net. A copy of the letter is attached.

Thank you for your assistance to this matter

Sincerely yours





Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5676 FAX (916) 341-5806 • www.waterboards.ca.gov/cwphone/ustcf



Edward G Brown Jr.
Governor

March 10, 2011

Petra Juarez
1012 S. Windsor Blvd.
Los Angeles, CA 90019

ORPHAN SITE CLEANUP FUND DECISION TO REJECT GRANT APPLICATION
NUMBER: B117; FOR SITE ADDRESS: 900 W. ROSECRANS AVE., COMPTON, CA

Dear Mr. Juarez:

Health and Safety Code¹ section 25299.50.2, authorizes the State Water Resources Control Board (State Water Board) to use Orphan Site Cleanup Fund (OSCF) moneys for the costs of response actions to remediate the harm caused by petroleum contamination at sites that meet certain criteria. The State Water Board's regulations implementing section 25299.50.2 are codified at California Code of Regulations, title 23, division 3, chapter 18, article 7, section 2814.20, et seq. (OSCF Regulations).

After reviewing your grant application to the OSCF for a site located at 900 W. Rosecrans Ave., Compton, CA, the OSCF has determined the application to be ineligible for placement on the OSCF Priority List for the following reason(s):

To be eligible for an OSCF grant, the site must have been vacant or had no occupant engaged in year-round economically productive activities for a period of not less than the 12 months previous to the date of the OSCF grant application. (§§ 25299.50.2, subd. (c)(1) & 25395.20, subd. (a)(2)(A)(iii); OSCF Regulations, § 2814.20, definition of "eligible site.") The site was previously a gas station. Currently, you operate a car wash on the site. According to your application, you operate the car wash five to six days per week, generating approximately \$31,000 in annual revenues. There is no evidence that there will be future site development. Therefore, you are not eligible for an OSCF grant because the site is not vacant and you are engaged in year-round economically productive activities at the site.

Additionally, the OSCF regulations provide that an applicant may qualify for the OSCF if a "financially responsible party, other than the applicant if the applicant is a responsible party, has not been identified to pay for response actions to remediate the harm caused by the unauthorized release." (OSCF Regulations, § 2814.24, subd. (a).) The definition of "responsible party" is located in California Code of Regulations, title 23, chapter 16, section 2720. (OSCF Regulations, § 2814.20, definition of "responsible party.") When determining if a responsible party is financially able to pay for response actions to address the unauthorized release from an underground storage tank, the State Water Board is required to consider the estimated costs of

¹ All statutory references are to the Health and Safety Code unless otherwise noted.



RECEIVED
2011 APR 29 PM 2
CALIFORNIA REGIONAL
QUALITY CONTROL
LOS ANGELES

March 10, 2011

the response actions, the responsible party's income and assets, the responsible party's insurance coverage, and other financial assistance available to the responsible party for response actions. (OSCF Regulations, § 2814.24, subd. (a)(1)-(4).) Applicants are required to make reasonable efforts to obtain this information. (OSCF Regulations, § 2814.24, subd. (b).)

At the time of discovery of the release the site was owned by G&M Oil Company (G&M Oil). G&M Oil removed the USTs in 1999. The Los Angeles County Department of Public Works has named G&M Oil as a responsible party. In 2002, you bought the site from Mr. George Pearson and Mrs. Regina Flint-Pearson (the Pearsons), who had obtained the site from G&M Oil.² At that time, you and your wife, Mrs. Rene Juarez, agreed to assume the risk that the property might be contaminated and to indemnify the Pearsons against any third party claims arising from potential contamination at the site (Indemnification Agreement). The Indemnification Agreement does not alter the status of G&M Oil as a responsible party.

The application indicates that the estimated cost of response actions to address the contamination from the petroleum underground storage tanks is \$325,693. G&M Oil operates a large network of fueling stations throughout Southern California. The OSCF application does not include any information indicating that G&M Oil is not financially able to pay for response actions to remediate the harm caused by the unauthorized release. The OSCF cannot make a finding that G&M Oil is financially unable to pay for response actions to remediate the harm caused by the unauthorized release. In light of this, it is unnecessary to consider insurance or other financial assistance available to G&M Oil or the general financial strength of any other responsible parties. Therefore, you are not eligible for an OSCF grant because G&M Oil has been identified as a financially responsible party to pay for response actions to remediate the harm caused by the unauthorized release.

This decision constitutes final agency action for purposes of judicial review. Applicants can reapply, however, at any time if the reason for rejection has been resolved.

If you have any questions, please contact me at (916) 341-5682.

Sincerely,



Marisa Rodarte
Special Programs Unit
Division of Financial Assistance

² Mr. Pearson founded G&M Oil in 1969.

Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.4

Sanchez Auto Sales

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

1. Site Name and Address:

Sanchez Auto Sales
5810 Cecilia Street
Bell Gardens, CA 90201
APN: 6230-004-018
GeoTracker Global ID: T0603785447

Release Date: December 18, 2006
Site Status: Open-Site Assessment
Current Site Use: Used car dealership

2. Name and Address of Responsible Parties:

Trinidad Sanchez (Previous Owner)
Sanchez Property
4743 Firestone Boulevard
Southgate CA, 90201-3448
Phone: 310-637-1818

DSY Eastern Properties LLC (Current Owner)
C/O Elias Donay
2697 Deep Canyon Drive
Beverly Hills, CA 90210-1077
Date Acquired: December 18, 2011*
Phone: 310-556-9100
Email: elias@donay.sbcglobal.net

*The property was purchased on February 21, 2011, but it was not recorded by the County Assessor until December 18, 2011. Current owner has not yet been named an RP.

3. Corrective Action Directives:

On April 19, 2006, the Los Angeles County Department of Public Works (DPW) issued a directive letter to Trinidad Sanchez requesting additional site assessment. No response was received from the responsible party (RP). DPW referred the case to the Regional Board on December 18, 2006. Two Regional Board directive letters were issued to Trinidad Sanchez on January 30, 2008 and September 16, 2008. (Copies attached). Again, no response was received from the RP.

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: Joe F. Luera
Phone: 213-576-6706
Email: jluera@waterboards.ca.gov

5. Description of Unauthorized Release:

On January 12, 2004, Lindmark Engineering Environmental Services produced an *Underground Storage Tank (UST) Closure Report*.

- One 16,000-gallon, one 10,000-gallon, one 3,000-gallon and one 1,000-gallon gasoline and one 280-gallon waste oil UST were removed and the soil sampling analysis revealed an unauthorized release had occurred.
- Maximum concentrations reported in soil samples were: 14,000 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_g) at 16 feet below ground surface (ft bgs), 2,600 mg/kg total petroleum hydrocarbons in the diesel range (TPH_d) at 16 ft bgs, 3.3 mg/kg benzene at 16 ft bgs, 250 mg/kg toluene, 100 mg/kg ethylbenzene, and 1,260 mg/kg total xylenes. Methyl tertiary butyl ether (MTBE) and tert-butyl alcohol (TBA) reported concentrations below detection levels.
- No additional site assessment has been conducted to establish delineation of the hydrocarbon plume.
- Groundwater was not encountered during tank excavation, but a nearby monitoring well located about 1,500 feet southwest of the site indicates groundwater depth at approximately 50 ft bgs.

6. Justification for Nomination to EAR Program:

Both RPs are recalcitrant. They have failed to conduct any type of site assessment in order to determine the lateral and vertical extents of soil and/or groundwater contamination.

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

It appears that the previous owner (Mr. Trinidad Sanchez) may be unable to pay for the required work. Bayview Loan Servicing, LLC took over possession of the subject property by way of foreclosure through a trustee sale on February 1, 2010 and performed a limited cleanup.

On February 21, 2011, DSY Eastern Properties, LLC (DSY) purchased the site from Bayview Loan Servicing, LLC. On May 5, 2011, DSY (current owner) contacted Mr. Sanchez (previous owner) and requested that he provide information regarding his finances to assist in the clean-up of the site. DSY provided Mr. Sanchez with a worksheet offered by the State Water Resources Control Board (SWRCB). As of February 15, 2012, DSY has not heard back from Mr. Sanchez. DSY claims they are unable to pay for the required work and were planning to seek assistance from the *Orphan Site Cleanup Fund*. Unfortunately, they were informed that this site is not eligible since economic activity is taking place and the site is not abandoned.

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

None.

9. Actions Taken by the RP:

No actions have been taken by the RP after removal of the five USTs in 2004.

10. Remedial Efforts Completed:

None.

11. Description of Investigation/Remediation Work Needed:

Soil and groundwater sampling in the vicinity of the former gasoline USTs and along the perimeter of the excavation is necessary to determine the lateral and vertical extent of contamination. The level of required remediation to protect human health, safety and water quality will be determined after the investigation is complete.

12. Amount of Annual Funding Requested and Estimated Total Required

\$50,000 in annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

13. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume to production wells located about ½ mile away from the site is likely. Furthermore, since the quantity of contaminants released and the extent of migration is unknown; and because of the RP's failure to comply, the site may become a Brownfield site.



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

January 30, 2008

Mr. Trinidad Sanchez
Sanchez Auto Sales
4743 Firestone Blvd.
South Gate, CA 90201-3448

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 70020860000648589111

UNDERGROUND STORAGE TANKS PROGRAM – DELINQUENT TECHNICAL DOCUMENTS
SANCHEZ AUTO SALES
5810 EAST CECILIA STREET, BELL GARDENS (FILE NO. R-41404) (GLOBAL ID T0603785447)

Dear Mr. Sanchez:

Reference is made to our letter dated August 29, 2007 (copy attached), that required you to submit by October 15, 2007 information regarding the subject site. More specifically, you were asked to provide contact information, assessment reports detailing work conducted at the site and other information to facilitate the review of your site. To date, we have not received any response from you regarding our request. You are required to submit the delinquent information by **March 15, 2008**.

Pursuant to section 13267(b) of the California Water Code, failure to submit the required technical report, acceptable to the Executive Officer, by the due dates specified above, may result in the imposition of civil liability penalties by this Regional Board against **Sanchez Auto Sales**, of up to \$1,000.00 per day for each day the technical report is not received pursuant to section 13268 of the California Water Code. This Regional Board can assess these civil liability penalties at any time after the due date specified above and without further warning.

Also, please note that hard copy reports are no longer necessary for the Underground Storage Tanks Program. For guidelines of electronic report submittal, please go to <http://www.waterboards.ca.gov/losangeles/html/programs/ust/e-QMRGuideline.pdf>.

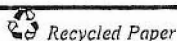
If you have any questions regarding this matter, please contact Joe Luera at (213) 576-6706 or via email at jluera@waterboards.ca.gov.

Sincerely,

Gregg Kwey
Senior Water Resource Control Engineer
Underground Storage Tanks – San Gabriel Unit

cc: Ms Yvonne Shanks, State Water Resources Control Board, UST Cleanup Fund
Mr. Tim Smith, LA County Department of Public Works, Environmental Programs Division
Ms. Nancy Matsumoto, Water Replenishment District of Southern California
Mr. Walter Morales, Lindmark Engineering

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

September 16, 2008

Mr./Ms. Ms. Trinidad Sanchez
Sanchez Property
4743 Firestone Blvd., Southgate, Ca 90201-3448

**NOTICE OF NON-COMPLIANCE WITH AB 2886 REQUIREMENT TO SUBMIT
ELECTRONIC DATA FOR LEAKING UNDERGROUND STORAGE TANK SITE
SANCHEZ AUTO SALES LOCATED AT 5810 CECILIA ST., BELL GARDENS.
[GLOBAL TRACKING NUMBER T0603785447 AND FILE NO. R-41404]**

Dear Sir or Madam:

The California Regional Water Quality Control Board, Los Angeles Region is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within Los Angeles and Ventura counties. You have been identified as the Responsible Party for the referenced site. You are being notified by this Notice of Non-Compliance with Assembly Bill (AB) 2886 requirements for electronic submittal of data for all leaking Underground Storage Tank (UST) sites. State database records (GeoTracker) indicate the subject property had an unauthorized release from a UST in the past, and the site is identified as an active and open release case.

You should be aware that Title 23, Chapter 16, Sections 2729 and 2729.1 of UST Regulations were added to the California Code of Regulations on September 1, 2001, required a Responsible Party to submit analytical and site data electronically along with the customary paper reports. Data to be submitted through Electronic Deliverable Format (EDF) include all sample results, latitude, longitude, and elevations of monitoring wells, groundwater information, and a site plan illustrating sample, boring, and well locations.

"§2729.1 Electronic Submission of Laboratory Reports

(a) If a report required to be submitted to the state board, a regional board, or a local agency pursuant to Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code or Article 4 (commencing with Section 25299.36) of Chapter 6.75 of Division 20 of the Health and Safety Code contains laboratory data reporting soil or groundwater chemistry analysis, such data shall also be submitted to the SWRCB Geographic Environmental Information Management System database using the EDF."

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

September 16, 2008

The State Water Resources Control Board web site at <http://geotracker.waterboards.ca.gov/> under the AB2886 link can assist with questions regarding the EDF requirements. The State UST Cleanup Fund typically makes payment for these electronic data submittals, providing these costs are pre-approved by the Fund.

Please note this letter, Notice of Non-Compliance may negatively affect the process of the UST Cleanup Fund for this site, including causing UST Cleanup Funding to suspend reimbursement of reasonable and necessary costs until the site is in full compliance with AB 2886 requirements.

We hereby request you or your consulting firm to enter the required data and report information into the website referenced above to bring this site into compliance by **October 20, 2008**. You are required to continue to submit all future data and complete copy of all clean-up and monitoring reports into GeoTracker. Failure to submit the requested data by the due date may result in an enforcement action taken by this Regional Board. Please contact Mr. Nhan Bao at 213-576-6703 if you have any questions regarding this matter.

Sincerely,

David A. Bacharowski

David Bacharowski
Assistant Executive Officer

CC: Joel Coffman, USEPA, Region 9
George Lookwood, State Water Resources Control Board
Yvonne Shanks, State Board UST Cleanup Fund



Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.5

Former Mobil Service Station

Item 16

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

1. Site Name and Address:

Former Mobil Service Station
402 Atlantic Avenue
Long Beach, CA 90802
APN: 7281-006-010
GeoTracker Global ID: T0603701707

Release Date: January 25, 1989 (per GeoTracker)
Site Status: Open-Site Assessment
Current Site Use: Vacant lot

2. Name and Address of Responsible Parties:

Michal Mimi Dakar aka Michal Mimi Berry (Current Owner)
243 S. Formosa Avenue
Los Angeles, CA 90036-2813
Phone: 323-939-7769
Email: mimidakar8@gmail.com
Date Acquired: March 31, 2006

Sonya Dakar Skin Clinic
9975 S. Santa Monica Blvd
Beverly Hills, CA 90212
Phone: 310-553-7344 x14

Nate Dakar
1456 Durango Avenue
Los Angeles, CA 90035-3328

Or

9809 Hillgreen Place
Beverly Hills, CA 90212

3. Corrective Action Directives:

Numerous Regional Board directive letters have been issued and have not been complied with. On November 19, 2008, the Regional Board issued a directive letter to Mimi Dakar (contact for current owner). The most recent directive letter was sent certified mail dated April 14, 2011 to both Mimi and Nate Dakar at separate addresses (see copy attached). The letter directed to Nate Dakar was returned to sender as: "Unclaimed" on 9/20/2011.

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: dbjostad@waterboards.ca.gov

5. Description of Unauthorized Release:

- a. A leak that originated from an 8,000-gallon gasoline tank was discovered and stopped on March 17, 1987. Approximately 2,500-gallons of unleaded gasoline were released.
- b. On August 25, 2000, an *Underground Storage Tank (UST) Closure Report* was prepared by Protec Engineering Services, Inc. for Nate Dakar and was submitted to Long Beach Fire Department:
 - On July 12, 2000, two 4,000-gallon, one 6,000-gallon, one 8,000-gallon gasoline and one 500-gallon waste oil USTs were removed from the site.
 - Maximum concentrations reported in soil samples were 16.802 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_g), 131.84 mg/kg benzene, 903.55 mg/kg toluene, 831.33 mg/kg xylenes, and 1,668 mg/kg methyl tertiary butyl ether (MTBE).
 - After the tanks were excavated, clean backfill was first used to backfill the excavation. A liner of polyethylene plastic was subsequently laid in the excavation and the fuel impacted stockpiled soil was backfilled into the excavation.
 - Although no groundwater was encountered during excavation, depth to groundwater was estimated to be approximately 30 feet below ground surface (bgs).

No additional site assessment has been conducted to establish delineation of the petroleum hydrocarbon plume.

6. Justification for Nomination to EAR Program:

The identified responsible parties (RPs) are recalcitrant. They have not submitted the required documentation and failed to complete assessment in order to determine extent of soil and/or groundwater contamination.

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

Unknown. The RPs have been unresponsive to Regional Board directive letters.

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

None.

Item 16

9. Actions Taken by the RP:

No actions have been taken by any of the RPs since removal of the five USTs in 2000.

10. Remedial Efforts Completed:

None.

11. Description of Investigation/Remediation Work Needed:

Soil and groundwater sampling beneath the former gasoline USTs and along the perimeter of the excavation is necessary to determine the lateral and vertical extent of contamination. Although no groundwater was encountered during excavation, depth to groundwater was estimated to be approximately 30 feet bgs and has likely been impacted by the petroleum hydrocarbon release. The amount of required remediation to protect human health, safety and water quality will be determined after investigation is complete. At a minimum, the contaminated soil and polyethylene liner that were placed in the excavation during UST removal activities will need to be removed and disposed.

12. Amount of Annual Funding Requested and Estimated Total Required

\$100,000 in annual funding is requested. Total funding cannot be estimated until extent of contamination is determined.

13. 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 RPs' failure to comply and since the quantity of contaminants released and the extent of migration are unknown, the site may continue to be a Brownfield site.



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Acting 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

April 14, 2011

Mr. Nate Dakar
9809 Hillgreen Place
Beverly Hills, CA 90212

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7005 0390 0000 4138 7294

Ms. Mimi Dakar
Sonya Dakar Skin Clinic
9975 South Santa Monica Boulevard
Beverly Hills, CA 90212

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7005 0390 0000 4138 7300

DELINQUENT TECHNICAL DOCUMENTS

Underground Storage Tanks 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

Former Mobil Station

402 Atlantic Avenue, Long Beach (File No. 908020234) (Priority D-1 Site)

Dear Mr. Dakar and Ms. Dakar:

The California Regional Water Quality Control Board, Los Angeles Region, is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the Los Angeles and Ventura counties. 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 systems at the subject site (Site).

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/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, sections 2720 through 2727.

I. Delinquent Technical Documents

Our records indicate that you have not submitted information and reports required by the following letters that we sent you in 1997, 2000, 2001, 2002, and 2008:

<u>Date of Regional Board Letter</u>	<u>Due Date</u>	<u>Addressee</u>
• June 5, 1997	July 7, 1997	Mr. Dakar
• February 1, 2000	March 13, 2000	Mr. Dakar
• April 28, 2000	June 15, 2000	Mr. Dakar
• March 22, 2001	May 1, 2001	Mr. Dakar
• June 24, 2002	July 31, 2002	Mr. Dakar
• November 19, 2008	January 15, 2009	Ms. Dakar

California Environmental Protection Agency

The only correspondence we have received as a letter submitted by Targhee, Inc. on May 11, 2009, on behalf of Mimi Dakar. The letter stated that information regarding underground storage tank (UST) removal, contaminant release, and all related reports, data, and correspondence would be submitted within two weeks; however, no reports, data, or information was received and they remain **delinquent**. A fee title holder declaration form was also received along with the May 11, 2009, letter; Michal Dakar was listed as the property owner, while Mimi Dakar was listed as the facility point of contact.

Gasoline USTs and a waste oil UST were reportedly removed in 2000.

II. Requirements

You are required to submit the following information by **May 15, 2011**:

1. Name, address, phone number, and e-mail address of the responsible party;
2. Contaminant release information (e.g., copy of Site Assessment Report);
3. Tank removal and/or repair information (include tank size and contents, removal and/or repair date), including a summary table identifying each removed UST, date of removal, capacity, and former contents;
4. Tank disposal documentation, as well as soil disposal documentation;
5. Copies of all previous site assessment and/or remediation report(s);
6. Reports of all previous soil and groundwater sample analytical results, if any;
7. Name, telephone number, and e-mail address of your environmental consultant, if any;
8. Copies of all correspondence regarding environmental assessment for the subject site;
9. Information concerning USTs currently onsite (e.g., capacity, contents, location) and current land use/property use;
10. Property Owner Information: name, mailing address, and phone number for any record fee title holders for the subject site, as well as a copy of county record of current ownership (grant trust deed), available from the County Recorder's Office, for each property affected. Or as an alternative, you can complete this Regional Board's "Certification Declaration for Compliance with Fee Title Holder Notification Requirements" (enclosed, also available at http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/ab681_form.pdf).

Copies of future technical reports shall also be sent directly to the property owner of the site. You are also responsible to provide new contact information if the property owner(s) changes. The new owner shall comply with the requirement stated above.

11. Regulatory Requirement for Electronic Submission of Laboratory Data to the State GeoTracker Internet Database. CCR, title 23, sections 3890-3895 require persons to submit electronic laboratory analytical data (i.e., soil, soil gas, or water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), via the Internet to the SWRCB's GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

Therefore, you are required to submit all laboratory data obtained after September 1, 2001

April 14, 2011

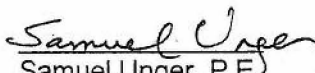
to the GeoTracker database. This includes any sampling completed for underground storage tank system removal, site assessment activities, periodic groundwater monitoring, and post cleanup verification sampling. Per the same regulations, you are also required to submit locational data obtained after January 1, 2002 for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data), groundwater well information (e.g., depth to free product, monitoring well status), and a site map. A complete copy of all clean-up and monitoring reports since January 1, 2005, must also be submitted to GeoTracker in PDF format.

Failure to submit this information by the specified due date above may result in an enforcement action by this Regional Board.

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.

If you have any questions regarding this matter, please contact Dave Bjostad at (213) 576-6712 or dbjostad@waterboards.ca.gov, or Dr. Weixing Tong at (213) 576-6715 or wtong@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosures:

Regional Water Quality Control Board – Los Angeles Region Letter dated June 5, 1997
Regional Water Quality Control Board – Los Angeles Region Letter dated February 1, 2000
Regional Water Quality Control Board – Los Angeles Region Letter dated April 28, 2000
Regional Water Quality Control Board – Los Angeles Region Letter dated March 22, 2001
Regional Water Quality Control Board – Los Angeles Region Letter dated June 24, 2002
Regional Water Quality Control Board – Los Angeles Region Letter dated November 19, 2008

Leaking UST Program Certification Declaration for Compliance with Fee Title Holder
Notification Requirements (Assembly Bill 681)

cc:

Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Carmen Piro, City of Long Beach Department of Health and Human Services
Nancy Matsumoto, Water Replenishment District of Southern California
Michal Dakar, property owner (9975 Santa Monica Blvd., Beverly Hills, CA 90212)



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

**LEAKING UNDERGROUND STORAGE TANK PROGRAM
CERTIFICATION DECLARATION
FOR COMPLIANCE WITH
FEE TITLE HOLDER NOTIFICATION REQUIREMENTS
(ASSEMBLY BILL 681)**

Please Print or Type

Fee Title Holder(s): _____

Mailing Address: _____

Contact Person: _____

Telephone Number / Fax Number: _____

Site Name: _____

Address: _____

Contact Person: _____

Telephone Number / Fax Number: _____

File Number: _____

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (See attached page of who shall sign the Certification Declaration).

Printed Name of Person Signing

Official Title

Signature

Date Signed

The certification declaration form must be signed as follows:

California Environmental Protection Agency



Cal/EPA

Los Angeles
Regional Water
Quality Control
Board

101 Centre Plaza Drive
Monterey Park, CA
91754-2156
(213) 266-7500
FAX (213) 266-7600

June 5, 1997

97 JUL -2 PM 2:11



Pete Wilson
Governor

Nate Dakar
9809 Hillgreen Place
Beverly Hills, CA 90212-4111

QUALITY CONTROL BOARD
LOS ANGELES REGION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. P 361 203 438

**REQUEST FOR ADDITIONAL INFORMATION - MOBIL SERVICE STATION
402 ATLANTIC AVENUE, LONG BEACH. (ID# 908020234)**

The California Regional Water Quality Control Board, Los Angeles Region (Region 4), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the Los Angeles and Ventura counties.

Pursuant to Title 23, Division 3, of the California Code of Regulations, the California Underground Storage Tank Regulations, we are reviewing our Leaking Underground Fuel Tank (LUFT) case files for possible closure or further assessment/remediation. The file for your site does not contain all the information necessary for us to make a decision.

To facilitate our review, we would appreciate that you provide the following information:

1. Facility contact person's name and telephone number.
2. Facility mailing address.
3. Tank removal and/or repair information.
4. Most recent site assessment and/or remediation report.

Please submit the information to this Regional Board by July 7, 1997. If you have any questions, please call Ozden Mindevalli at (213) 266-7660.

David A. Bacharowski
DAVID A. BACHAROWSKI, Unit Chief
Environmental Specialist IV
UST - LIA/VLOP Unit

- cc. Toru Okamoto, State Water Resources Control Board, Underground Storage Tank
Cleanup Fund
Mr. Steven Nakauchi, Well Permits, Long Beach Department of Health and Human
Services
Captain Jim May, Long Beach Fire department



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ensure their proper allocation and efficient use for the benefit of present and future generations.



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640
Internet Address: <http://www.swrcb.ca.gov/~rwqcb4>



Gray Davis
Governor

February 1, 2000

Mr. Nate Dakar
9809 Hillgreen Place
Beverly Hills, CA 90212-4111

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. Z 237 195 954

UNDERGROUND TANKS PROGRAM - DELINQUENT REPORT FORMER MOBIL SERVICE STATION 402 ATLANTIC AVENUE, LONG BEACH (ID #908020234)

Reference is made to our letter of June 5, 1997 (copy attached), that required you to submit information regarding the subject site by July 7, 1997. To date, we have not received the required information.

Pursuant to Section 13267(b) of the California Water Code, you are directed to submit the required information by **March 13, 2000**. Failure to comply with this new due date may result in an enforcement action by this Regional Board.

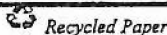
Pursuant to recent changes of the California Health and Safety Code (Sections 25299.37.2) and Division 7 of the Porter Cologne Water Quality Control Act under AB 681, the Regional Board is required to notify all current fee title holders for the subject site or sites impacted by releases from underground storage tanks prior to considering corrective action and/or cleanup or case closure. Since you are identified as the current primary or active responsible party for corrective action and/or cleanup at the subject site, we are requesting that you provide us with a complete mailing list of all record fee title holders for the subject site. Therefore, please provide the name, mailing address, and telephone for all record fee title holders for the subject site together with a copy of county record of current ownership (grant trust deed), available from the County Recorder's Office, for verification, or with the certification declaration as attached by **March 13, 2000**.

If you have any questions regarding this letter, please contact Mr. David Koo at (213) 576-6704 or dkoo@rb4.swrcb.ca.gov.

GREGG KWEY
Senior Water Resource Control Engineer

Enclosures

California Environmental Protection Agency



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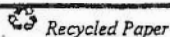
Mr. Nate Dakar

- 2 -

February 1, 2000

cc: Mr. Jorge Leon, State Water Resources Control Board, Office of Chief Counsel
Mr. Pam Rarick, State Water Resources Control Board, Underground Storage
Tank Cleanup Fund
Mr. Steven Nakauchi, Department of Health and Human Services, City of Long Beach
Mr. Jeff Benedict, Department of Health and Human Services, City of Long Beach
Mr. Bob Campbell, Water Replenishment District of Southern California
Mr. Bob Webb
Mr. Julius Nasch
Ms. Diana Tubbs, National Loan Investors

California Environmental Protection Agency



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Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640
Internet Address: <http://www.swrcb.ca.gov/~rwqcb4>



Gray Davis
Governor

April 28, 2000

Mr. Nate Dakar
9809 Hillgreen Place
Beverly Hills, CA 90212-4111

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. Z 411 925 510

**UNDERGROUND STORAGE TANKS PROGRAM -
METHYL TERTIARY BUTYL ETHER (MTBE) TESTING REQUIREMENT
FORMER MOBIL SERVICE STATION
402 ATLANTIC AVENUE, LONG BEACH (ID #908020234)**

Dear Mr. Dakar:

Pursuant to Senate Bill 521 and Section 25299.37.1 of Chapter 6.75 of Division 20 of the California Health and Safety Code, testing for MTBE has been required at all underground storage tank sites since October 1997.

We have reviewed our case file regarding the subject site and find that previous soil investigations do not contain laboratory analytical test results for MTBE or other fuel oxygenates. Therefore, you are required to provide representative MTBE and other fuel oxygenates data for soils at the subject site.

At least one soil test boring is to be completed at the center of each soil contamination plume and/or release area (i.e., dispenser island area, underground storage tank area, and/or along pipelines). Soil borings at each location shall extend vertically downward until at least thirty feet of clean soils are demonstrated without any gasoline constituents (TPH_G, BTEX, MTBE or other fuel oxygenates), detected. Soil test borings shall not be drilled into groundwater at the site. If groundwater impacts are anticipated, then groundwater-monitoring wells are required to determine impacts to groundwater quality.

Soil samples shall be collected at 5-foot intervals in all borings for lithological soil description and chemical analyses by EPA Method 8015 for TPH_G and by EPA Method 8260B for benzene, toluene, ethylbenzene, xylene (BTEX) 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). All analytical data must be reported by a California-certified laboratory.

In order to expedite the investigation, a workplan is not needed to conduct the limited soil investigation. However, if the results of the investigation do not define the full extent of the soil contamination, or if there are potential groundwater impact, then a workplan to install groundwater-monitoring wells is required to be submitted with your technical report, containing the results of this investigation.

A Health and Safety Plan shall be prepared, made available to field personnel, and implemented while conducting the fieldwork. All work must be performed by or under the

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Mr. Nate Dakar

- 2 -

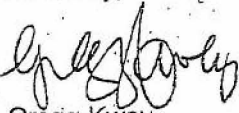
April 28, 2000

direction of the registered geologists or registered civil engineer. A statement is required in the report that the registered professionals in responsible charge actually supervised or personally conducted all the work associated with the project. All reports submitted to this office must conform to the "Guidelines for Report Submittals - Revised June 1993" published by the Los Angeles County Department of Public Works (copy enclosed).

Pursuant to Section 13267 of the California Water Code, you are hereby required to submit a technical report containing the results of the soil investigation by **June 15, 2000**. As indicated above, if the results of this investigation indicate that the full extent of soil contamination is not defined, then a workplan for supplemental soil and/or groundwater characterization is required to be submitted with your technical report due by **June 15, 2000**. Failure to comply with the due date may result in an enforcement action by the Regional Board of up to \$1,000.00 per day for each day the report is not received. The Regional Board can assess these civil liabilities at any time after **June 15, 2000**.

Please notify us at least seven days prior to the date that you plan to commence site assessment activities. If you have any additional questions additional concerning soil testing and/or reporting requirements please contact Mr. David Koo at (213) 576-6704 or me at (213) 576-6702.

Sincerely,



Gregg Kwey

Senior Water Resource Control Engineer

Enclosure: Guidelines for Report Submittals

cc: Mr. Jorge Leon, State Water Resources Control Board, Office of Chief Counsel

California Environmental Protection Agency



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California Regional Water Quality Control Board

Los Angeles Region

(50 Years Serving Coastal Los Angeles and Ventura Counties)

Winston H. Hickox
Secretary for
Environmental
Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640
Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Gray Davis
Governor

March 22, 2001

Mr. Nate Dakar
9809 Hillgreen Place
Beverly Hills, CA 90212-4111

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7000 0520 0024 7126 9489

UNDERGROUND TANKS PROGRAM – GROUNDWATER INVESTIGATION AND METHYL TERTIARY BUTYL ETHER (MTBE) TESTING REQUIREMENT
FORMER MOBIL SERVICE STATION
402 ATLANTIC AVENUE, LONG BEACH (FILE NO. 908020234)

Dear Mr. Dakar:

Reference is made to our letters dated June 5, 1997, and February 1, 2000 (copies attached); that required you to submit information regarding the subject site by July 7, 1997, and March 13, 2000, respectively. Subsequently, we also sent you a letter dated April 28, 2000 (copy attached), requesting you to submit a technical report containing the soil testing results for MTBE or other fuel oxygenates by June 15, 2000. On July 14, 2000, we received your letter, dated July 13, 2000, indicated that you were going to remove the underground fuel storage tanks from the subject site and then to perform the MTBE tests.

To date, we have not received any information on groundwater investigation or the MTBE test results for the subject site as we requested in our previous letters. Pursuant to Section 13267(b) of the California Water Code, you are hereby directed to submit (1) the delinquent information as required in our letters dated June 5, 1997, and February 1, 2000, and (2) the delinquent technical report containing soil testing results for MTBE by May 1, 2001. Failure to comply with this new due date may result in an imposition of civil liability penalties by this Regional Board in an amount of up to \$1,000 for each day in which the required information and the technical report are not received, pursuant to Section 13268 of the California Water Code. These civil liability penalties can be assessed by the Regional Board at any time after May 1, 2001, and without further warning.

If you have any questions regarding this matter, please call Mr. Fu at (213) 576-6704.

Sincerely,

Dennis A. Dickerson

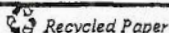
Dennis A. Dickerson
Executive Officer

Enclosure

cc: Mr. Jorge Leon, State Water Resources Control Board, O
Ms. Yvonne Shanks, State Water Resources Control Board, Fund
Mr. Jeff Benedict, City of Long Beach, Department of Health
Mr. Bob Campbell, Water Replenishment District of Southern California

California Environmental Protection

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Nate Dakar	
Street, Apt. No., or PO Box No.	
9809 Hillgreen Place	
City, State, ZIP+4	
Beverly Hills; CA 90212-4111	
PS Form 3800, February 2000 See Reverse for Instructions	



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Los Angeles Region

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Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Gray Davis
Governor

June 24, 2002

Mr. Nate Dakar
9809 Hillgreen Place
Beverly Hills, CA 90212

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7000 0520 0024 7127 5282

UNDERGROUND STORAGE TANK - DELINQUENT TECHNICAL REPORT FOR
ELECTRONIC DELIVERABLE FORMAT (EDF) SUBMISSION OF LABORATORY DATA TO
THE STATE GEOTRACKER INTERNET DATABASE PURSUANT TO ASSEMBLY BILL 2886
MOBIL SERVICE STATION
402 ATLANTIC AVENUE, LONG BEACH (CASE NO. 908020234)

Dear Mr. Dakar:

You were required by our letter of October 29, 2001, (copy attached) to submit data over the Internet to the State Water Resources Control Board (SWRCB) GeoTracker System. After **September 1, 2001**, all soil and water chemistry analytical data (technical information) included in compliance reports must be electronically submitted. Beginning **January 1, 2002**, you are also required to submit location data for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data) together with groundwater information (i.e., elevation, depth to free product, monitoring well status, etc.) and a site map electronically to the SWRCB GeoTracker System.

Based on the records in the SWRCB GeoTracker system you have not submitted any analytical data electronically after September 1, 2001, as required.

Pursuant to section 13267(b) of the California Water Code you are hereby required to submit all analytical data collected after September 1, 2001, to the SWRCB GeoTracker system in EDF by **July 31, 2002**. Failure to submit the delinquent technical report, by the due date specified, may result in the imposition of civil liability penalties by this Regional Board of up to \$1,000.00 per day for each day the information is not received pursuant to section 13268 of the California Water Code.

If you have any questions or need additional information, please contact Harry Nguyen at (213) 576-6658.

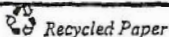
Sincerely,

Gregg Kwey
Senior Water Resource
Control Engineer

Enclosure

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



and enhance the quality of California's water resources for the benefit of present and future generations.



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

November 19, 2008

Ms. Mimi Dakar
Sonya Dakar Skin Clinic
9975 S. Santa Monica Boulevard
Beverly Hills, CA 90212

**UNDERGROUND STORAGE TANK PROGRAM
DIRECTIVE 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**

**FORMER MOBIL SERVICE STATION
402 ATLANTIC BOULEVARD, LONG BEACH, CA (ID# 908020234)**

Dear Ms. Dakar:

The California Regional Water Quality Control Board, Los Angeles Region, is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the Los Angeles and Ventura counties. 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 at the subject site.

We have reviewed the case file and found that we have not received any information of soil and/or groundwater investigations for the subject site as we requested in 2000.

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 environment. Corrective action requirements are set forth in California Code of Regulations (CCR), title 23, Chapter 16, sections 2720 through 2727.

Additional information (Per CCR Title 23, Chapter 16, §2725)

You are required to provide the following information:

1. Facility contact person's name, phone number, and email address, if any;
2. Facility mailing address;
3. Contaminant release information (e.g., copy of Site Assessment Report);
4. Tank removal and/or repair information (include tank size and contents, removal and/or repair date);
5. Tank disposal documentation;
6. Copies of all previous site assessment and/or remediation report(s), if any;
7. Reports of all previous soil and groundwater sample analytical results, if any;
8. Name, telephone number, and email address of your environmental consultant, if any;
9. Copies of all correspondence regarding environmental assessment for the subject site;

California Environmental Protection Agency



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10. Property Owner Information.

Pursuant to the California Health and Safety Code Section 25296.20(a) and Division 7 of the Porter Cologne Water Quality Control Act under AB 681, the Regional Board is required to notify all current fee title holders for the subject site or sites impacted by releases from underground storage tanks prior to considering corrective action and cleanup or case closure. If corrective action data from the site indicate that release(s) from the underground storage tank systems have impacted offsite property, we are also required to notify offsite property owners. Therefore, you are required to provide to this Regional Board the name, mailing address, and phone number for any record fee title holders for the subject site and any offsite property(ies) impacted by releases from the subject site, together with a copy of county record of current ownership (grant trust deed), available from the County Recorder's Office, for each property affected. Or as an alternative, you can complete this Regional Board's "Certification Declaration for Compliance with Fee Title Holder Notification Requirements," for each site (available at http://www.waterboards.ca.gov/losangeles/html/programs/ust/AB681_form.pdf).

If this information has been provided in the past, you need not provide it again.

Copies of future technical reports shall also be sent directly to the property owner of the site and to any other property owner(s) impacted by contamination from the site. You are also responsible to provide new contact information if the property owner(s) changes. The new owner shall comply with the requirement stated above.

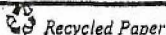
The above requested information is due to this Regional Board, no later than **January 15, 2009**.

11. Regulatory Requirement for Electronic Submission of Laboratory Data to the State Geotracker Internet Database

On September 30, 2004, the State Water Resources Control Board (SWRCB) adopted the resolution to revise regulations in Chapter 30, Division 3 of Title 23 of California Code of Regulations (CCR), which requires persons to ensure electronic submission of laboratory analytical data (i.e., soil or water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), via the Internet to the SWRCB's GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

In accordance with the above regulations, you are required to submit all future laboratory data over the Internet in the Electronic Deliverable Format to the SWRCB's GeoTracker database for any soil and/or groundwater samples obtained after September 1, 2001. This would include any sampling completed for underground storage tank system removal, site assessment activities, periodic groundwater monitoring, and post cleanup verification sampling. Per the same regulations, you are also required to submit locational data for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data) together with groundwater information (i.e., elevation, depth to free product, monitoring well status, etc.) and a site map commencing January 1, 2002. Hard copy paper reports are no longer required per Regional Board guidelines available at <http://www.waterboards.ca.gov/losangeles/html/programs/ust/e-QMRGuideline.pdf>

California Environmental Protection Agency



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Ms. Mimi Dakar

- 3 -

November 19, 2008

If you have any questions concerning this matter, please call me at (213) 576-6712 or e-mail me at mhsu@waterboards.ca.gov,

Sincerely,



Mercedes S. Hsu
Water Resource Control Engineer
Underground Tanks/LA Coastal

cc: Ms. Yvonne Shanks, State Water Resources Control Board, UST Cleanup Fund
Mr. Jeff Benedict, City of Long Beach, Department of Health Services
Ms. Nancy Matsumoto, Water Replenishment District of Southern California
Mr. Kevin Lachoff, Grubb & Ellis Company

California Environmental Protection Agency



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Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.6

Hende's Station

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

1. Site Name and Address:

Hende's Station
2990 Pacific Avenue
Long Beach, CA 90221
APN: 7206-005-002
GeoTracker Global ID: T0603701826

Release Date: December 9, 1986
Site Status: Open-Site Assessment
Current Site Use: Pacific Spring Market

2. Name and Address of Responsible Parties:

Tha C. Yin, as Trustee of The Yin Trust, dated 01/01/1994 (Current Owner)
20622 Pioneer Blvd.
Lakewood, CA 90715
Phone: 310-759-8172/ 562-860-4859
Date Acquired: March 30, 1994

3. Corrective Action Directives:

Los Angeles Regional Water Quality Control Board (LARWQCB) has issued several directive letters since the USTs were removed in 1995. The letters were directed to Tha C. Yin (Current Owner) requesting the submittal of a delinquent groundwater investigation report. The most recent directive requiring the submission of electronic data for the site was issued on September 16, 2008. To date, no information has been submitted. The most recent letter is 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: Ha D. Nguyen
Phone: 213-576-6658
Email: hnguyen@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 Material Monitoring Plan recommendation (not dated):

Item 16

- Six borings (B-1 through B-6) were drilled on January 23 and 24, 1986 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 (bgs). Maximum petroleum hydrocarbon concentrations in soil were found at 5 ft bgs for toluene at 23.6 milligrams per kilograms (mg/kg) and 404.5 mg/kg ethylbenzene both in B-6, 5.3 mg/kg p-xylene in B-2 at 20 ft bgs, 176 mg/kg m-xylene in B-6 at 20 ft bgs and 1,473 mg/kg total hydrocarbons in B-4 at 30 ft bgs.
- In four out of six boreholes, total petroleum hydrocarbon concentrations increased with depth to over 1,000 mg/kg at 20 feet despite no contamination being detected at 15 feet. The soil samples showed non-detect concentrations for benzene and o-xylene.
- In addition, groundwater from monitoring wells MW-2, MW-3 and MW-6 showed detections of petroleum hydrocarbon constituents. Benzene was detected at 1.2 micrograms per liter (µg/L), 16.5 µg/L, and 1,057 µg/L in wells MW-2, MW-3, and MW-6, respectively, all of which exceed the California Maximum Containment Level (MCL) for drinking water. Methyl tertiary-butyl ether (MTBE) was detected at 203 µg/L, 327 µg/L, and 15,367 µg/L in those same wells, respectively, all of which exceed the California MCL for drinking water. Total petroleum hydrocarbons in the gasoline range (TPH_g) was also detected in MW-2, MW-3 and MW-6 at concentrations of 3,193 µg/L, 625 µg/L, and 37,759 µg/L, respectively.

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 underground storage tanks (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 "Site shows all signs of 'extreme' contamination."

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

6. Justification for Nomination to EAR Program:

The responsible parties (RPs) are recalcitrant. They have failed to delineate the extent of soil and groundwater contamination, and have not submitted groundwater monitoring reports.

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

Unknown. The RPs have been unresponsive to directive letters.

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

None.

8. Actions Taken by the RPs:

On April 16, 1998, Sunset Environmental Services submitted a groundwater monitoring report to the LARWQCB that was prepared for Mr. Kit Yin:

- Groundwater was encountered at 34 feet below ground surface (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.
- Groundwater samples showed detected maximum concentrations of 37,759 µg/L TPH_g, 1,057.3 µg/L benzene (exceeds the California MCL), 92.5 µg/L toluene, 166.3 µg/L ethylbenzene, 163.1 µg/L total xylenes, and 15,367 µg/L MTBE (exceeds California MCL).
- Continuous monitoring was recommended.

No actions have been taken by the RP since the 1998 groundwater monitoring report was submitted.

9. Remedial Efforts Completed:

None.

10. Description of Investigation/Remediation Work Needed:

Groundwater samples should be obtained from the six existing onsite monitoring wells and analyzed for the presence of petroleum hydrocarbons. Soil and groundwater sampling north and northeast of MW-6, where the highest concentrations were previously detected in groundwater is necessary to determine the extent of contamination. The level of required remediation to protect human health and safety and water quality will be determined after the investigation is complete.

11. Amount of Annual Funding Requested and Estimated Total Required

\$50,000 in annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

12. Results if EAR Funding 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 about 0.6 mile west of the property. In addition, because of the RP's failure to comply and the quantity of contaminants released and the extent of migration is unknown, the site may become a Brownfield site.



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

September 16, 2008

Mr./Ms. Tha C. Yin
Keat & Tha Yin
20622 Pioneer Bl., Lakewood, Ca 90715

**NOTICE OF NON-COMPLIANCE WITH AB 2886 REQUIREMENT TO SUBMIT
ELECTRONIC DATA FOR LEAKING UNDERGROUND STORAGE TANK SITE
HENDE'S STATION LOCATED AT 2990 PACIFIC AVE, LONG BEACH. [GLOBAL
TRACKING NUMBER T0603701826 AND FILE NO. 908060070]**

Dear Sir or Madam:

The California Regional Water Quality Control Board, Los Angeles Region is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within Los Angeles and Ventura counties. You have been identified as the Responsible Party for the referenced site. You are being notified by this Notice of Non-Compliance with Assembly Bill (AB) 2886 requirements for electronic submittal of data for all leaking Underground Storage Tank (UST) sites. State database records (GeoTracker) indicate the subject property had an unauthorized release from a UST in the past, and the site is identified as an active and open release case.

You should be aware that Title 23, Chapter 16, Sections 2729 and 2729.1 of UST Regulations were added to the California Code of Regulations on September 1, 2001, required a Responsible Party to submit analytical and site data electronically along with the customary paper reports. Data to be submitted through Electronic Deliverable Format (EDF) include all sample results, latitude, longitude, and elevations of monitoring wells, groundwater information, and a site plan illustrating sample, boring, and well locations.

"§2729.1 Electronic Submission of Laboratory Reports

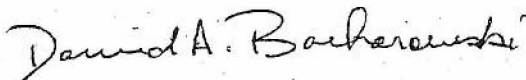
(a) If a report required to be submitted to the state board, a regional board, or a local agency pursuant to Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code or Article 4 (commencing with Section 25299.36) of Chapter 6.75 of Division 20 of the Health and Safety Code contains laboratory data reporting soil or groundwater chemistry analysis, such data shall also be submitted to the SWRCB Geographic Environmental Information Management System database using the EDF."

The State Water Resources Control Board web site at <http://geotracker.waterboards.ca.gov/> under the AB2886 link can assist with questions regarding the EDF requirements. The State UST Cleanup Fund typically makes payment for these electronic data submittals, providing these costs are pre-approved by the Fund.

Please note this letter, Notice of Non-Compliance may negatively affect the process of the UST Cleanup Fund for this site, including causing UST Cleanup Funding to suspend reimbursement of reasonable and necessary costs until the site is in full compliance with AB 2886 requirements.

We hereby request you or your consulting firm to enter the required data and report information into the website referenced above to bring this site into compliance by **October 20, 2008**. You are required to continue to submit all future data and complete copy of all clean-up and monitoring reports into GeoTracker. Failure to submit the requested data by the due date may result in an enforcement action taken by this Regional Board. Please contact Mr. Nhan Bao at 213-576-6703 if you have any questions regarding this matter.

Sincerely,



David Bacharowski
Assistant Executive Officer

CC: Joel Coffman, USEPA, Region 9
George Lookwood, State Water Resources Control Board
Yvonne Shanks, State Board UST Cleanup Fund
John L. Dentzer, Sunset Environmental Services

Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.7

Eagle Industries

NO. 5: NEW CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Eagle Industries, Inc.
1517 West Esther Street
Long Beach, CA 90813
APN: 7432-014-011
GeoTracker Global ID: T0603792998

Release date: April 1, 2000 (date discovered, according to GeoTracker)
Site Status: Open-Site Assessment
Current Site Use: Artist's Studio, small engine repair, outdoor storage of engines, motors, motorcycles, and small quantities of gasoline

2. Name and Address of Responsible Parties:

Norman and Olivia Dillinger (Current Owners)
1517 West Esther Street
Long Beach, CA 90813
Phone: 562-882-9725
Email: oxozero@aol.com
Date Acquired: September 30, 1987

3. Corrective Action Directives:

The Long Beach Fire Department (LBFD) issued a *Notice of Non-Compliance* in July 1996 when they discovered three underground storage tanks (USTs) had been removed mid-1980s without their department's supervision.

The Los Angeles Regional Water Quality Control Board (LARWQCB) sent directive letters dated May 4, 2009 and April 11, 2011 to the property owners (responsible party [RP]) requiring that they provide a delinquent *Soil and Groundwater Investigation Report* that was originally due on February 7, 2003. Copies of the directive letters are attached. The RP replied claiming financial hardship and provided the LARWQCB with the requested financial information. The hardship claim is under evaluation.

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: dbjostad@waterboards.ca.gov

5. Description of Unauthorized Release:

Three USTs, ranging in size from 280 to 500 gallons and containing solvents and gasoline, were reportedly removed in the mid-1980s without a permit.

On March 26, 1996, HVN Environmental Service Co. submitted a *Post Tank Removal Soil Sampling Report* on behalf of Norman Dillinger (current owner) to the City of Long Beach Department of Health & Human Services (LBDHS):

- Three (3) borings were drilled to a maximum depth of 11 to 15 feet (ft) below ground surface (bgs).

Laboratory analysis for soil samples reported maximum concentrations of 452 mg/kg for total petroleum hydrocarbons (TPH), 0.552 mg/kg benzene, 0.517 mg/kg toluene, 8.02 mg/kg ethylbenzene, and 3.76 mg/kg xylenes.

On April 26, 2000, HVN Environmental Service Co. submitted a *Site Characterization Completion Report* on behalf of Norman Dillinger (current owner) to the LBDHS:

- Site was impacted by total petroleum hydrocarbons in the gasoline range (TPH_g), and solvents had been detected. As part of the investigation, three soil borings (GB1-GB3) were advanced and sampled at the site.
- Laboratory analysis for soil samples reported up to a maximum of 830 milligrams per kilogram (mg/kg) TPH_g, 5.6 mg/kg benzene, 27.90 mg/kg toluene, 9.50 mg/kg ethylbenzene, 55.0 mg/kg xylenes, and non-detect concentrations for methyl tertiary butyl ether (MTBE). All maximum concentrations were encountered at 20 feet bgs.
- Groundwater samples were collected during drilling activities at about 27 feet bgs, and laboratory analysis reported up to a maximum of 58,000 micrograms per liter (µg/L) TPH_g, 16,900 µg/L benzene (exceeds California Maximum Containment Level for drinking water (MCL), 8,960 µg/L toluene (exceeds MCL), 1,460 µg/L ethylbenzene (exceeds MCL), 6,510 µg/L xylene (exceeds MCL), and non-detect concentrations for MTBE.

On June 23, 2000, the case was transferred to the LARWQCB.

6. Justification for Nomination to EAR Program:

The RP (current property owner) is recalcitrant.

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

The RP claims they are unable to pay for the required work and submitted financial information to the LARWQCB. There does not appear to be a financially viable RP.

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

No disputes have been reported.

9. Actions Taken by the RP:

The RP (current owner) hired Economy Environmental Inc. to prepare a Site Investigation Proposal, which was submitted on October 21, 1992 to the City of Long Beach Department of Health & Human Services (LBDHS). The proposal was not approved because it did not meet the City of Long Beach's requirements.

On March 26, 1996, HVN Environmental Service Co. submitted a *Post Tank Removal Soil Sampling Report* on behalf of the RP to the LBDHS.

On April 26, 2000, HVN Environmental Service Co. submitted a *Site Characterization Completion Report* on behalf of the RP to the LBDHS.

No actions have been taken by the RP after the 2000 site characterization report was submitted.

10. Investigation/Remedial Efforts Completed:

None.

11. Description of Investigation/Remediation Work Needed:

A Phase II Environmental Site Assessment (ESA) will be conducted in spring 2012 under the U.S. Environmental Protection Agency's *Targeted Brownfields Assessment Program*. As part of the ESA, five or six soil borings will be drilled and soil and groundwater grab samples will be analyzed for total petroleum hydrocarbons and volatile organic compounds, including oxygenates. The purpose of this ESA is to evaluate current environmental conditions in soil and groundwater, collect data to help evaluate potential human health risks from shallow contamination, and obtain limited data that can be used to interpret off-site sources. The RP has granted access for the ESA to be conducted.

Subsequent to this investigation, it is likely that additional soil borings and monitoring wells will need to be installed, in order to fully determine the vertical and lateral extent of contamination in soil and groundwater. Initial groundwater sampling should be conducted during well installation, followed by groundwater monitoring. The amount of required remediation to protect human health, safety and water quality will be determined after the investigation is complete.

12. Amount of Annual Funding Requested and Estimated Total Required

\$60,000 in annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

13. Results if EAR Funding Denied:

Groundwater at this site has already been impacted. If EAR funding is denied, migration of the plume to sensitive receptors is possible. The nearest water body, the Los Angeles River, is about 0.4 mile east of the property. According to the County of Los Angeles, the nearest drinking water well is one mile north of the property, and based on a search in the State's

Item 16

GeoTracker database, the current depth to groundwater is estimated at 10 to 30 feet below ground surface (bgs). In addition, because of the RP's failure to comply and since the quantity of contaminants released and the extent of migration is unknown, the site may become a Brownfield site.



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

May 4, 2009

Mr. Norman Dillinger
1517 West Esther Street
Long Beach, CA 90813

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7002 0860 0006 4858 9883

DELINQUENT TECHNICAL REPORT

Underground Storage Tanks Program – Directive 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

Former Eagle Industries

1517 West Esther Street, Long Beach (File No. 908130634) (Priority D-1 Site)

Dear Mr. Dillinger:

The California Regional Water Quality Control Board, Los Angeles Region, is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the Los Angeles and Ventura counties. 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 systems at the subject site (Site).

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/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, sections 2720 through 2727.

I. Background

One 500-gallon gasoline underground storage tank (UST), one 500-gallon Stoddard Solvent UST, and one 280-gallon Stoddard Solvent UST were reportedly removed from the Site in the late 1980s. Environmental investigations in 1996 and 2000 indicated that the maximum concentrations of total petroleum hydrocarbons as gasoline (TPH_G) and benzene in soil samples were 830 milligrams per kilogram (mg/kg) (TPH_G) and 5.6 mg/kg (benzene), respectively. Maximum concentrations of TPH_G and benzene in groundwater grab samples were 58,000 micrograms per liter (µg/L) (TPH_G) and 19,400 µg/L (benzene), respectively. Methyl tertiary butyl ether (MTBE) was not detected in either soil or groundwater samples.

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

II. Delinquent Technical Report

Our records indicate that a report documenting the soil and groundwater investigation, including installation of three groundwater monitoring wells, which was due by February 7, 2003, has not been received by our agency. The soil and groundwater investigation activities were proposed in the document "Groundwater Investigation Workplan" (Workplan) dated September 6, 2002, which was submitted on your behalf by Targhee, Inc. Our letter dated November 7, 2002, approved this Workplan and directed you to perform the work and submit a report.

III. Soil and Groundwater Investigation Requirements (per CCR, title 23, §2724 and §2725)

You are required to perform the following actions:

1. You must submit a soil and groundwater investigation report by **August 15, 2009**. This report must address the implementation of the soil and groundwater investigation activities proposed in the Workplan and approved by our agency. The report shall include, at a minimum, boring logs, an as-built drawing of well construction, soil and groundwater analytical results, summary data tables, a discussion of activities performed, and a site map depicting all well locations and groundwater elevations (contour) with flow gradient and direction.

Failure to submit this report by the specified due date above may result in an enforcement action by this Regional Board.

IV. General Requirements

2. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
3. You shall submit a site-specific Health and Safety Plan a minimum of **10 days** prior to the start of field work.
4. Prior to commencing any field work, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (dbjostad@waterboards.ca.gov), so that one of our staff may be present.
5. 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.
6. Please note that hard copy reports are no longer necessary for the Underground Storage Tanks Program. Instead, you shall submit a PDF version of the report on a CD submitted via mail, rather than submitting a hard copy. For guidelines of electronic report submittal, please go to
http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/e-qmr_guideline.pdf.

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mr. Norman Dillinger
1517 W. Esther St.

-3-

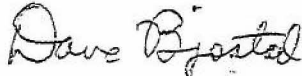
May 4, 2009

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.

7. You must submit laboratory data, locational data for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data), groundwater well information (e.g., depth to free product, monitoring well status), a site map, boring logs, and a complete copy of each report in PDF format to the state GeoTracker database.
8. You must submit fee title holder (i.e., property owner) documentation to us by **August 15, 2009**. This may consist of a copy of the record of current ownership, available from the County Recorder's Office, or you may complete the enclosed "Certification Declaration for Compliance with Fee Title Holder Notification Requirements," also available at
http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/ab681_form.pdf.

If you have any questions regarding this matter, please contact me at (213) 576-6713 or dbjostad@waterboards.ca.gov, or Dr. Weixing Tong at (213) 576-6715 or wtong@waterboards.ca.gov.

Sincerely,



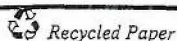
Dave Bjostad
Environmental Scientist
Underground Storage Tank (UST) Program/Los Angeles Coastal Unit

Enclosure: Leaking UST Program Certification Declaration for Compliance with Fee Title Holder Notification Requirements (Assembly Bill 681)

cc (w/o enclosure):

Ms. Yvonne Shanks, State Water Resources Control Board, UST Cleanup Fund
Ms. Carmen Piro, City of Long Beach Department of Health and Human Services
Ms. Nancy Matsumoto, Water Replenishment District of Southern California
Dillingers (property owners), P.O. Box 6185, Long Beach, CA 90806
Ms. Debra Bechtold, Targhee, Inc.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.



Linda S. Adams
Acting Secretary for
Environmental Protection

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>



Edmund G. Brown Jr.
Governor

April 11, 2011

Mr. Norman Dillinger
1517 West Esther Street
Long Beach, CA 90813

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7005 0390 0000 4138 7232

DELINQUENT TECHNICAL REPORT

Underground Storage Tanks 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

Former Eagle Industries

1517 West Esther Street, Long Beach (File No. 908130634) (Priority D-1 Site)

Dear Mr. Dillinger:

The California Regional Water Quality Control Board, Los Angeles Region, is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the Los Angeles and Ventura counties. 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 systems at the subject site (Site).

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/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, sections 2720 through 2727.

On May 4, 2009, Regional Board staff sent you a letter by certified mail notifying you that your required investigation of soil and groundwater contamination at the Site is long overdue. A report presenting the results of the investigation was originally due February 7, 2003, with a revised due date of August 15, 2009, but we have not yet received this report, so it remains **delinquent**.

I. Background

One 500-gallon gasoline underground storage tank (UST), one 500-gallon Stoddard Solvent UST, and one 280-gallon Stoddard Solvent UST were reportedly removed from the Site in the late 1980s. The maximum concentrations of total petroleum hydrocarbons as gasoline (TPH_G) and benzene in soil samples collected in 1996 and 2000 were 830 milligrams per kilogram (mg/kg) (TPH_G) and 5.6 mg/kg (benzene), respectively. Maximum concentrations of TPH_G and benzene in groundwater grab samples were 58,000 micrograms per liter (µg/L) (TPH_G) and 19,400 µg/L (benzene), respectively. Methyl tertiary butyl ether (MTBE) was not detected in

California Environmental Protection Agency

either soil or groundwater samples. No additional investigation and/or remediation activities have been performed since 2000.

II. Delinquent Technical Report

Our records indicate that a report documenting the soil and groundwater investigation has not been received by our agency. The soil and groundwater investigation activities were proposed in the document "Groundwater Investigation Workplan" (Workplan) dated September 6, 2002, which was submitted on your behalf by Targhee, Inc. Our letter dated November 7, 2002, approved this Workplan and directed you to perform the work and submit a report by February 7, 2003, but we did not receive the required report. Our letter dated May 4, 2009, notified you that you were delinquent in submitting this report, and our letter revised the due date to August 15, 2009, but we have not received the required report, so it remains **delinquent**. In a telephone conversation with Regional Board staff and you on June 4, 2009, you indicated that performing environmental investigation and/or remediation work might pose an undue financial burden on you.

III. Soil and Groundwater Investigation Requirements (per CCR, title 23, §2724 and §2725)

You are required to perform the following actions:

1. You must submit a soil and groundwater investigation report by **July 30, 2011**. This report must address the implementation of the soil and groundwater investigation activities proposed in the Workplan and approved by our agency, which included drilling three soil borings and collecting soil samples, as well as installing three groundwater monitoring wells and collecting groundwater samples if a 40-foot clean zone in soil is not clearly identified. The report shall include, at a minimum, boring logs, an as-built drawing of well construction, soil and groundwater analytical results, summary data tables, a discussion of activities performed, a site map depicting all well/boring locations, a figure showing groundwater elevations (contour) with flow gradient and direction, and a figure(s) summarizing soil and groundwater results.

Failure to submit this report by the specified due date above may result in an enforcement action by this Regional Board.

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.

IV. General Requirements

2. Soil must be logged at a minimum of five-foot intervals, at changes in soil lithology, and at areas of obvious contamination. The professional in responsible charge shall review

the borings and assume responsibility for the accuracy and completeness of the logs.

3. Soil samples must be prepared and preserved per EPA Method 5035.
4. The construction, development, and abandonment of groundwater monitoring wells must comply with requirements prescribed in the California Well Standards (Bulletin 74-90), published by the California Department of Water Resources (can be seen at http://www.water.ca.gov/pubs/groundwater/water_well_standards__bulletin_74-90/_ca_well_standards_bulletin74-90_1991.pdf).
5. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
6. You shall submit a site-specific Health and Safety Plan a minimum of **10 days** prior to the start of field work.
7. Prior to commencing any field work, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (dbjostad@waterboards.ca.gov), so that one of our staff may be present.
8. 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.
9. Hard copy reports are no longer necessary for the Underground Storage Tanks Program. Instead, you shall submit a PDF version of the report on a CD submitted via mail, while a copy by e-mail to dbjostad@waterboards.ca.gov is appreciated. For guidelines of electronic report submittal, please go to http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/e-qmr_guideline.pdf.
10. 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.
11. As stated in our letter dated May 4, 2009, you must submit laboratory data, locational data for all groundwater monitoring wells (latitude and longitude, GEO_XY), elevation survey data (GEO_Z), groundwater well information (e.g., depth to free product, monitoring well status, GEO_WELL), a site map (GEO_MAP), boring logs (GEO_BORE), and a complete copy of each report in PDF format to the state GeoTracker database (http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml). These submittals are due by **July 30, 2011**.
12. As stated in our letter dated May 4, 2009, you must submit fee title holder (i.e., property

Mr. Norman Dillinger
1517 W. Esther St. UST case

-4-

April 11, 2011

owner) documentation to us. This may consist of a copy of the record of current ownership, available from the County Recorder's Office, or you may complete the enclosed "Certification Declaration for Compliance with Fee Title Holder Notification Requirements," also available at http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/ab681_form.pdf. The revised due date is **July 30, 2011**.

V. Financial Hardship Claim

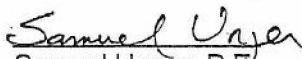
As discussed in a telephone conversation between Regional Board staff and you on June 4, 2009, you indicated at that time that you did not have the financial resources to perform the required work. If you would like to claim financial hardship, you must submit the following documents to us by **May 30, 2011**, in a package labeled "Confidential":

- a. Copies of last three years of your IRS tax returns, signed and dated.
- b. Copies of any financial audits performed over the past three years for any companies you own or partially own, if any.
- c. Any documentation that explains special circumstances regarding future financial circumstances.

This information would be evaluated by the Statewide Consistency Office at the State Water Resources Control Board. Upon conclusion of the evaluation by the State Board, we would make a determination regarding any changes to investigation requirements and/or due dates.

If you have any questions regarding this matter, please contact Dave Bjostad at (213) 576-6712 or dbjostad@waterboards.ca.gov, or Dr. Weixing Tong at (213) 576-6715 or wtong@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosures: Leaking UST Program Certification Declaration for Compliance with Fee Title Holder Notification Requirements (Assembly Bill 681)
Regional Water Quality Control Board – Los Angeles Region Letter dated November 7, 2002
Regional Water Quality Control Board – Los Angeles Region Letter dated May 4, 2009

cc:

Ms. Yvonne Shanks, State Water Resources Control Board, UST Cleanup Fund
Ms. Carmen Piro, City of Long Beach Department of Health and Human Services
Ms. Nancy Matsumoto, Water Replenishment District of Southern California

California Environmental Protection Agency

Item 16

**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.8

**Lehigh Hanson
(Long Beach Hot Mix & Blue Diamond)**

Item 16

NO. 6: NEW CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Long Beach Hot Mix Asphalt Plant
1646 East 32nd Street
Long Beach, CA 90807
APN: 7148-020-014 (1660 32nd Street E.)
GeoTracker Global ID: T0603701864

Release Date: August 1, 1987
Site Status: Open-Remediation
Current Site Use: Construction Equipment Storage

2. Name and Address of Responsible Parties:

Sully Miller Contracting Company (Current Owner of 1660 East 32nd Street)
13155 Noel Road, Suite No. 100
Dallas, TX, 75240
Date Acquired: September 27, 2007

Alternative address:
2515 McKinney Ave.
Dallas, TX 75201

Ken Barker
Blue Diamond Materials (Division of Sully Miller Contracting Company)
(Listed as owner at the time of both tank removals)
135 S. State College Boulevard, Suite No. 400
Brea, CA 92821
Phone: 626-523-1319
Email: kbarker@sully-miller.com

and

Hanson Aggregates West, Inc.
P.O. Box 650274
Dallas, TX 75265

Jose and Guadalupe Chavez (Previous Owner)
4214 Gird Avenue
Chino Hills, CA

3. Corrective Action Directives:

There were two releases at this site, one in 1987 and one in 1995.

Directives related to the first release:

Item 16

On February 27, 1997, the Los Angeles Regional Water Quality Control Board (LARWQCB) issued a letter to Blue Diamond Materials Division of Sully Miller Contracting Company requesting additional information on the site. To date, no information has been submitted.

On May 6, 1997, the LARWQCB issued a letter to Jose and Guadalupe Chavez requesting additional information on the site. To date, no information has been submitted.

On April 28, 2000, LARWQCB issued a letter to Hanson Aggregates indicating that previous site assessments did not contain laboratory analytical results for methyl tertiary butyl ether (MTBE). Data on MTBE and other fuel oxygenates was requested for the site. On May 19, 2000, Hanson Aggregates sent a response stating that a 21,000-gallon diesel fuel tank was removed and because the law excluded jet fuel and diesel fuel, they would not be required to conduct MTBE testing.

On September 16, 2008, the LARWQCB issued *Notice of Non-Compliance* to Jose and Guadalupe Chavez for failing to submit electronic data. To date, the LARWQCB has not received any electronic data for the site.

Directives related to the second release:

On March 18, 2008, the City of Long Beach Department of Health & Human Services (LBDHS) issued a letter to Sully Miller Contracting Company directing the responsible party (RP) to conduct site characterization and remediation, because of the release of tank product during the removal of six (6) underground storage tanks (USTs) on August 22, 1995. No response was received.

On June 25, 2009, the LBDHS issued a letter to Sully Miller Contracting Company directing the RP to conduct site characterization and remediation. No response was received.

The two most recent letters are attached.

This site was initially introduced as the first EAR nomination back in 2011, through LARWQCB Resolution No. R11-006 (see attached).

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

Los Angeles Regional Water Quality Control Board (Region 4)
Caseworker: Nhan Bao
Phone: 213-576-6703
Email: nbao@waterboards.ca.gov

5. Description of Unauthorized Release:

In November 1987, The Earth Technology Corporation prepared a *Site Characterization Report* for Blue Diamond Materials. That report provided the following information.

- One 21,000-gallon diesel UST was removed in August 1987.
- Two soil samples were collected from approximately 3 and 4 feet below the bottom of the tank excavation and analyzed for total fuel hydrocarbons (TFHC).

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- Laboratory analysis reported TFHC levels of less than 5 mg/kg for the western end of the tank and 14,000 mg/kg for the eastern end of the tank.

This case was transferred to the LARWQCB in 1988.

According to a tank removal inspection report, six (6) additional USTs were removed from the site on August 22, 1995. There was one 8,000-gallon diesel tank and five 10,000-gallon tanks containing asphalt emulsion. Soil analysis results from samples taken during tank removal activities indicated that there was a release of tank product. No tank removal report was ever submitted for the site.

This case was transferred to the LARWQCB in February, 2012.

6. Justification for Nomination to EAR Program:

All RPs are recalcitrant.

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

Unknown. The current owner appears to be a financially solvent company.

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

None.

9. Actions Taken by the RP:

In August 1989, Earth Technology Corporation submitted a *Draft Report: Remedial Investigation and Remedial Action Feasibility Study* to the City of Long Beach Public Health Department, on behalf of Blue Diamond Materials. The purpose of the investigation was to further assess the extent of diesel contamination and to recommend remediation alternatives. Earth Technology Corporation recommended excavating and remediating the affected soil by recycling in hot mix asphalt.

10. Investigation/Remedial Efforts Completed:

In August 1989, Earth Technology Corporation submitted a *Draft Report: Remedial Investigation and Remedial Action Feasibility Study* to the City of Long Beach Public Health Department, on behalf of Blue Diamond Materials:

- Three soil borings B3 – B5 were drilled to a depth of about 90 feet (ft) below ground surface (bgs) to assess the extent of diesel migration.
- Groundwater was not encountered during drilling, but was estimated to be about 115 ft bgs.
- Soil samples were reported at maximum concentrations of 12,000 milligrams per kilogram (mg/kg) of total fuel hydrocarbons (TFHC) at 51 ft bgs in B-3, 9,200 mg/kg TFHC at 9 ft bgs in B-4, and below detection limits in B-5. However, USEPA Method 8260B used to detect the presence of chlorinated solvents and oxygenates was not used to analyze for benzene, toluene, ethylbenzene, total xylenes (BTEX), and fuel oxygenate compounds

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including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tert-butyl alcohol (TBA).

- Earth Technology Corporation recommended excavating and remediating the affected soil by recycling in hot mix asphalt.

11. Description of Investigation/Remediation Work Needed:

Soil sampling in the vicinity of the former USTs is necessary to determine the lateral and vertical extent of contamination. The use of proper analytical methods is also required to fully characterize pollutants. Soil samples should be analyzed for petroleum hydrocarbons, BTEX, and MTBE. The amount of required remediation to protect human health, safety, and water quality will be determined after investigation is complete.

12. Amount of Annual Funding Requested and Estimated Total Required

\$75,000 in annual funding is requested. Total funding cannot be estimated until extent of contamination is determined.

13. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume towards the nearest sensitive receptors (elementary school and single family homes) located less than ½ mile from the site is likely.

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**Consideration of Nominations for FY 2012-2013
Emergency, Abandoned and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item 16.9

Garfield Express Property (Renewal)

NO. 7: RENEWAL CASE FOR EAR ACCOUNT – REGION 4 – LOS ANGELES

1. Site Name and Address:

Garfield Express Property
11600 South Long Beach Boulevard
Lynwood, CA 90262
APN: 6175-009-025
GeoTracker Global ID: T0603705377

Release Date: November 20, 1995

Site Status: Open-Remediation

Current Site Use: Abandoned gasoline service station (ceased operation in 2010) with three underground storage tanks (USTs) present; former dry cleaning facility

2. Name and Address of Responsible Parties:

Louis & Alice Ross Family Trust
5709 Jed Smith Road
Hidden Hills, CA 91302

The Ross Family Trust (hereinafter Discharger or responsible party [RP]) owns the site. Mr. Barry Ross is the sole successor trustee of *The Ross Family Trust*. Mr. Barry Ross became the successor trustee of the Ross Family Trust when his father, Mr. Luis Ross, who was the original RP for this site, passed away on February 27, 2004.

The gas station portion of the property is currently owned by Kyung Kim (Operator):

Kyung Kim
1247 West Washington Boulevard
Los Angeles, CA 90007-1328
Date Acquired: May 27, 2008

3. Corrective Action Directives:

The RPs have been recalcitrant since 2009. In 2011, two Cleanup & Abatement Orders were issued, one on June 8, 2011 and another on September 27, 2011. Two directive letters requesting access were also issued, one on July 8, 2011 and another on November 18, 2011. Copies of the letters and Orders 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: Arman Toumari
Phone: 213-576-6708
Email: atoumari@waterboards.ca.gov

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Nominating Agency:
City of Lynwood Redevelopment Agency
11330 Bullis Road
Lynwood, CA 90262

Director of Community Development: Sarah Magana Withers
Phone: 310-603-0220 ext: 317
Email: swithers@lynwood.ca.us

5. Description of Unauthorized Release:

In March 1997, El Capitan Environmental Services, on behalf of Mr. Luis Ross, submitted a technical report titled *Preliminary Site Assessment Report* to the Los Angeles County, Department of Public Works (LACDPW).

- According to the report, eight soil borings (B-1 through B-8) were drilled at the site to a maximum depth of 35 feet below ground surface (bgs).
- Soil samples from the borings detected up to 18,000 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons in the gasoline range (TPH_g), 210 mg/kg of benzene, 815 mg/kg of toluene, 1,170 mg/kg of total xylenes, 180 mg/kg of ethylbenzene, and 2,000 mg/kg of methyl tertiary butyl ether (MTBE).
- One groundwater grab sample from boring B-1 detected up to 200,000 micrograms per liter (µg/L) of TPH_g, 18,000 µg/L of benzene, 44,000 µg/L of toluene, 2,000 µg/L of ethylbenzene, 17,600 µg/L of xylenes, and 10,000 µg/L of MTBE. The concentrations for BTEX and MTBE exceed the State's Maximum Contaminant Levels (MCLs) for drinking water.

LACDPW referred regulatory oversight of the site to the Regional Board on May 20, 1997.

6. Justification for Re-nomination to EAR Program:

The site was first nominated to the EAR Account by the City of Lynwood in 2009 and was approved for \$1,500,000. Of this amount, \$1,000,000 has been encumbered by the State Water Resources Control Board (SWRCB) and approximately \$300,000 has been spent by the City of Lynwood on remediation. Additional funding is needed to continue with free product removal, as the RP remains recalcitrant and the site is a threat to groundwater resources.

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

The RPs claim they are unable to afford the cleanup required.

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

During a meeting on December 5, 2007 with Mr. Barry Ross; Mr. Roger Holt and Mr. Jon Sokol, attorneys for Barry Ross; and GeoSyntec representatives, Regional Board staff requested that Mr. Barry Ross comply with the requirements stated in Cleanup and Abatement Order No. 01-002, and reiterated Mr. Barry Ross's responsibility for cleanup of the contamination at the site and at the adjacent U-Haul site.

In a letter dated February 12, 2008, Mr. Roger Holt asserted that Order No. 01-002 does not

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apply to Mr. Barry Ross, since Mr. Ross was not initially named in the Order.

On May 27, 2009, the Regional Board's Executive Officer issued another Cleanup and Abatement Order (CAO) (R4-2009-0045) to Mr. Barry Ross and *The Ross Family Trust*.

9. Actions Taken by the RP:

The RPs hired a consultant, Brown & Caldwell to conduct site investigation activities from 2006 – 2007. No actions have been taken by the RPs since May 7, 2007.

10. Investigation/Remedial Efforts Completed:

In a report dated February 1, 2006, Brown and Caldwell evaluated the potential for the existence of different sources of free product and commingled petroleum hydrocarbon plumes. Brown & Caldwell requested Regional Board staff to consider the adjacent sites, such as the Acosta Restaurant (a former Chevron Station) and U-Haul site as potential contributors to the contamination at the site.

On February 14, 2006, Brown and Caldwell submitted a workplan to perform monthly free product removal, using the existing active skimmers on selected monitoring wells (MW-2, MW-3, MW-7, and MW-8) as an interim measure at the site starting in March 2006.

On September 18, 2006, Brown and Caldwell performed a site assessment to investigate the presence of any on-going fuel releases at the site. Brown and Caldwell and/or its contractor drilled a total of 22 shallow hand auger borings around the underground storage tanks (USTs), product lines, and dispensers. During the drilling, Brown and Caldwell and/or its contractor breached a diesel fuel line connecting the diesel UST and dispensers. To fix the breached diesel fuel line, on October 9 and 10, 2006, Brown and Caldwell and/or its contractor removed the pavement between the diesel UST and dispensers, in an area of approximately 10 feet by 25 feet. Field observations indicated that diesel releases from the breached fuel line have impacted the soil and/or fill materials around the breached fuel line, and beneath the dispensers.

Between September and November 2006, Brown and Caldwell conducted additional site assessment at the site and at a portion of the U-Haul site. The site assessment included *Rapid Optical Screening Tool (ROST) Survey*, forensic analysis of free product, and soil boring and soil samples analyses. The results of these assessments were reported in a *Site Assessment Report* dated May 7, 2007. Regional Board staff has indicated that the results of these analyses are inconclusive and do not specifically point to a significant release under the U-Haul site.

Between April and May 2010, Gannett Fleming, Inc., the consultant for the City of Lynwood, conducted a site investigation at the site. The site investigation concluded that free product extended beneath the residential neighborhood to the east of the site. The site investigation also showed that chlorinated volatile organic compounds (VOCs) were distributed in the immediate vicinity of the former dry cleaner located at the site, and extended to the south and east.

On May 16, 2011, Gannett Fleming, Inc. conducted groundwater monitoring at the site. Up to 4.41 feet of free product was observed at the site. Also, up to 21,000 µg/L of TPH₉, 8,900 µg/L of benzene (exceeds California Maximum Containment Level (MCL) for drinking water, 320

Item 16

µg/L of MTBE (exceeds MCL), 210,000 µg/L of tert-butyl alcohol (TBA), 800 µg/L of perchloroethylene (PCE), and 3,500 µg/L of trichloroethylene (TCE) (exceeds MCL) were detected in the groundwater at the site.

On June 14, 2011, this Regional Board approved the City of Lynwood's proposal to remove three USTs and the impacted soil at the site. (The tank removal is funded separately through a grant from USEPA's *Revolving Loan Fund*.)

As of February 6, 2012, Gannett Fleming had just completed the trenching and piping for an automated remediation system and were in the process of making the wellhead connections and constructing the well manifold.

11. Description of Investigation/Remediation Work Needed:

Conduct an investigation to delineate the petroleum hydrocarbon impacts within the residential neighborhood to the east of the Garfield Express station to refine cleanup costs.

Remediate soil and groundwater conditions as expeditiously as possible to remove the continuing source of petroleum hydrocarbons and chlorinated VOCs.

Monitor groundwater.

12. Amount of Annual Funding Requested and Estimated Total Required

\$1,500,000 in annual funding is requested. This amount should cover the free product removal. Total funding required to complete the cleanup has not been determined. Additional treatment is needed for the dissolved phase groundwater plume and the vadose zone contamination.

13. Results if EAR Funding Denied:

If EAR funding is denied, the cleanup and abatement measures will be halted, which will delay or prevent the City's plan to redevelop not only the site, but also the vicinity. Migration of the plume to sensitive receptors is also possible. According to the Water Replenishment District's Interactive Well Search Database, there are 6 drinking water wells within approximately one mile of the site and shallow groundwater ranges between 18-31 feet bgs. Although progress has been made on the site, significant work is still necessary to prevent harm to sensitive receptors.

AT

California Regional Water Quality Control Board
Los Angeles Region

RESOLUTION NO. R11-006

**State Fiscal Year 2011-2012 Emergency, Abandoned,
and Recalcitrant Site Priority List**

WHEREAS:

1. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to Regional Water Quality Control Boards (Regional Boards) and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment;
2. The State Water Resources Control Board (State Board) has requested the Regional Boards to submit a Priority List of UST sites which threaten human health or the environment or which have been ordered by the Regional Boards or the local UST agency to initiate corrective actions, but have not begun the requested corrective actions; and
3. A resolution adopting the Regional Board's Priority List for the Emergency, Abandoned and Recalcitrant (EAR) Fund must be submitted annually to the State Board.

THEREFORE, BE IT RESOLVED THAT:

1. The State Fiscal Year 2011-2012 EAR Site Priority List for the Los Angeles Region, shown in the Attachment "A" to this Resolution, be adopted.
2. The Executive Officer is directed to forward the list to the State Board.
3. The Regional Board authorizes the Executive Officer to add, delete, or modify the projects shown 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 14, 2011.



Samuel Unger, P.E.
Executive Officer

Date: April 19, 2011

California Regional Water Quality Control Board
Los Angeles Region

RESOLUTION No. R11-006, ATTACHMENT "A"

Emergency, Abandonment, and Recalcitrant Site Priority List
State Fiscal Year 2011-2012

No.	Site & Responsible Parties	Contacts	Pollution	Enforcement Compliance	Proposed Abatement	Funding Requested
1	<p><u>Site:</u> Garfield Express Property 11600 South Long Beach Boulevard Lynwood, CA 90262 Los Angeles County</p> <p><u>Responsible Party:</u> Louis & Alice Ross Family Trust 5709 Jed Smith Road, Hidden Hills, CA 91302</p> <p>Kyung Kim 1247 West Washington Boulevard, Los Angeles, CA 90007-1328</p>	<p><u>LARWQCB:</u> Yue Rong (213) 576-6710 Arman Tournari (213) 576-6708</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p> <p><u>City of Lynwood</u> Sarah M. Withers, Director of Redevelopment City of Lynwood (310) 603-0220</p>	Petroleum hydrocarbons	<p>The site is a gasoline service station. After conducting site assessment in 1997, LACDPW referred the case to this Regional Board. The Ross Family Trust (RP) failed to meet deadlines for cleanup requirements set by the Regional Board. In 1999, the UST system was removed and replaced in 1999. US Royal, Inc. began operating at the site under the name USA Royal Oil.</p> <p>On February 27, 2001, Regional Board issued a Cleanup and Abatement Order (CAO) to Mr. Luis Ross. Mr. Barry Ross became the successor trustee of the Ross Family Trust when his father, Mr. Luis Ross, passed away on February 24, 2004.</p> <p>The CAO was largely ignored by the RP, and additional releases occurred in 2006. Despite the spending of most of the available State UST funds, RP has not made substantial progress toward remediation of free product gasoline or chlorinated solvents in soil and groundwater.</p> <p>On May 27, 2009, the Executive Officer of this Regional Board issued a CAO to Mr. Barry Ross and the Ross Family Trust. On November 18, 2010, the Executive Officer of this Regional Board issued a NOV to Mr. Barry Ross and the Ross Family Trust for failure to comply with the provisions of the CAO.</p>	<p>Conduct an investigation to delineate the petroleum hydrocarbon impacts within the residential neighborhood to the east of the Garfield Express station to refine cleanup costs.</p> <p>Remediate soil and groundwater conditions as expeditiously as possible to remove the continuing source of petroleum hydrocarbons and chlorinated VOCs.</p> <p>Monitor groundwater.</p> <p>Regional Board reserves the right to collect the cost expenditure for the site assessment and cleanup from the responsible party (RP) and property owners.</p>	\$1,500,000



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Acting 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

June 14, 2011

Ms. Sarah M. Withers
Director of Redevelopment
City of Lynwood
11300 Bullis Road
Lynwood, CA 90640

**UNDERGROUND TANKS PROGRAM – EMERGENCY, ABANDONED, AND RECALCITRANT
(EAR) PETROLEUM UNDERGROUND STORAGE TANK SITE PRIORITY LIST
GARFIELD EXPRESS PROPERTY (PRIORITY A-1 SITE)
11600 SOUTH LONG BEACH BOULEVARD, LYNWOOD, CA (UST FILE NO. R-23001)**

Dear Ms. Withers:

We have received the "Source Area Excavation and Underground Storage Tank Removal Workplan" (Workplan) dated June 7, 2011 submitted by your consultant, "Gannett Fleming, Inc." (Gannett Fleming). This letter intends to provide Regional Board staff comments upon reviewing the Workplan.

Current Site Status

The approximately 0.5-acre property (the site) was formerly operated as a gas station (Rocket Gas facility) but has recently ceased operation in 2010. The site is located in a mixed-use area consisting of residential and commercial properties. The site is currently owned by Mr. Kyung Kim. The City of Lynwood Redevelopment Agency plans to redevelop the site along with areas to the north and south encompassing the southeast corner of the intersection of Long Beach Boulevard and the eastbound I-105 Freeway on-ramp into commercial retail and mixed-use properties.

The site contains three 10,000 gallon USTs containing diesel fuel, regular unleaded gasoline, and super unleaded gasoline, three fuel dispenser islands, and associated piping. The USTs are located on the western boundary of site, along Long Beach Boulevard.

Approval of the Workplan (Per CCR Title 23, Chapter 16, §2725)

As part of the remediation program for the site, the UST system will be removed. In addition, soils impacted with petroleum hydrocarbons surrounding the UST system will be excavated to remove the source area impacts and further reduce the risk of additional impacts to the surrounding soils and groundwater. The USTs, fuel dispensers, and associated piping will be exposed by removing and segregating the overlying concrete and asphalt pavement and overburden in preparation for off-site disposal. The concrete and asphalt will be characterized as "non-hazardous" and disposed of as construction and demolition debris. Soil overlying and surrounding the tanks will be removed with a backhoe and field screened for VOC vapors. Soils that register low levels of OVA readings,

are not visibly impacted, and do not exhibit significant hydrocarbon odor will be considered suitable for backfill in the tank pit excavations pending further laboratory analysis. Soil that appears to have oil staining, petroleum odors, and increased OVA readings, or a combination of these will be excavated, removed, and disposed of at a permitted facility. Soil stockpiled on the site will be placed on top of plastic liner to prevent the possibility for petroleum hydrocarbons to leach back into the subsurface from excavated soil. The depth of excavation will not exceed 15 feet bgs.

Post excavation soil sampling will be performed to document the remaining soil impacts. The sampling program will consist of collecting three samples for every 50 cubic yards of stockpiled soil; two samples from the excavation floor for each UST removed (6 samples), one sample underneath each dispenser unit, and sidewall samples every 20 linear feet and excavation floor samples collected on a 20 foot grid from the excavated areas. At a minimum, the confirmation soil samples will be analyzed for VOCs, including fuel oxygenates, by EPA method 8260B; TPH (gasoline, diesel, and oil range) by EPA method 8015M; and total lead by EPA Method 6010.

Staff has reviewed the Workplan and concurs with its implementation with the following requirements:

1. A copy of the Health and Safety Plan for the excavation must be provided to this Regional Board at least 1 **week** prior to the field activity. Advanced notice of the proposed work activities must be made to all adjacent commercial and residential occupants.
2. All field activities must comply with the Health and Safety Plan submitted to the Regional Board. Any and all excavations and trenches must conform to Title 8, California Code of Regulations, Sections 1539-1543, Construction Safety Orders administered by California Occupational Safety and Health (Cal/OSHA) Program.
3. Ambient air monitoring must be conducted at the property boundary to ensure protection of human health, safety, and nuisance in the neighboring area during any trenching, excavation, borings, and/or soil disturbance.
4. If the excavation or trench is five feet deep or more, it must be shored or sloped. If there is a possibility of soil movement, even shallower excavations have to be shored. Excavations in disturbed soil may require additional sheeting and bracing.
5. Confirmation soil samples must be collected at the bottom of the excavation pit in a 10 by 10 feet grid and from each wall of the pit. Soil samples must be prepared and preserved per EPA Method 5035.
6. If soil removed from the excavation slopes is re-used to backfill the excavation, soil samples must be collected from the backfill material a minimum depth of 3 feet below the surface of the borrow pit or stockpile.
7. One duplicate soil sample must also be collected and analyzed for every ten backfill samples. If fewer than ten samples are collected, a minimum of one duplicate is required. Duplicate

samples must be collected in separate sample containers, in a location immediately adjacent to the original sample.

8. Soil 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); and by EPA Method 8260B for BTEX, and fuel oxygenate compounds including methyl tertiary butyl ether (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.
9. A technical report detailing the results of the soil excavation must be submitted to this Regional Board by **July 15, 2011**.

Continuous Groundwater Monitoring Requirements (Per CCR Title 23, §2725)

To monitor groundwater conditions at the site, groundwater monitoring must be immediately resumed, with the following specifications:

1. All existing and new groundwater monitoring wells must be sampled. Monitoring reports must be submitted according to the below schedule, with the next monitoring report due by **July 15, 2011**.

<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

2. 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); and by EPA Method 8260B for BTEX, and fuel oxygenate compounds including methyl tertiary butyl ether (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.
3. In addition, each semi-annual groundwater monitoring report must include the following:
 - A separate summary table containing current concentrations.
 - A summary table containing all historical data per each well with groundwater depth (or elevation) and well screen intervals.

Ms. Sarah M. Withers
Garfield Express

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June 14, 2011

- A regional map depicting site vicinity business and street, etc.
- A site plot plan depicting site location, tank and associated system locations, all well locations and groundwater elevations (contour) with flow gradient and direction.
- An isoconcentration map for TPH(g), benzene, MTBE, and TBA, respectively.
- A hydrograph superimposing on concentration over time at the most impacted well for TPH(g), benzene and MTBE, and TBA (or at any other wells as warranted).

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 with preferably at least five years subsurface hydrogeologic experience.
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.

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

Sincerely,



Yi Lu, Ph.D., P.G.
Chief of Los Angeles River Watershed Unit
Underground Storage Tank Section

cc: Judy Reid, SWRCB, EAR Account Administrator
Tim Smith, Los Angeles County Department of Public Works, Underground Tanks
Richard Lavin, Los Angeles County Department of Health Services
Kyung Kim, Property Owner
Leo Rebele, Gannett Fleming, Inc.



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CONCLUSION: The seven (7) nominated EAR sites are in need of significant investigation and/or cleanup activities that have not occurred because the responsible parties (RPs) are recalcitrant. Therefore, funding is needed so that the Regional Board can proceed with cleanup and abatement measures. The Regional Board reserves the right to collect the cost expenditure for the site assessment and cleanup from the RPs and property owners.

RECOMMENDATION: Staff recommends that the EAR Priority List (Attachment A) be adopted, as proposed.

ATTACHMENTS: Attachment A: EAR Priority List



California Regional Water Quality Control Board

Los Angeles Region



Linda A. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

May 27, 2009

Mr. Barry Ross
The Ross Family Trust
5709 Jed Smith Road,
Hidden Hills, CA 91302

Certified Mail
Return Receipt Requested
Claim No. 7002 0860 0001 0651 2316

**CLEANUP AND ABATEMENT ORDER NO. R4-2009-0045 REQUIRING MR. BARRY ROSS AND THE ROSS FAMILY TRUST TO CLEANUP AND ABATE PETROLEUM HYDROCARBONS AND FUEL OXYGENATES CONTAMINATION IN SOIL AND GROUNDWATER
GARFIELD EXPRESS (PRIORITY A-1 SITE)
11600 SOUTH LONG BEACH BOULEVARD, LYNWOOD (UST FILE NO. R-23001)**

Dear Mr. Ross:

This Regional Board has determined that the presence of fuel constituents contamination at Garfield Express (the Site) located at 11600 South Long Beach Boulevard, Lynwood, creates or threatens to create a condition of pollution or nuisance in the waters of the State.

Pursuant to section 13304 of the California Water Code, enclosed is the Cleanup and Abatement Order No. R4-2009-0045 (Order) directing you and the Ross Family Trust to clean up and abate soil, soil vapor, and/or groundwater contamination at the Site to the extent that it no longer poses a threat to water quality or human health. This Order is issued under sections 13304 and 13350 of the California Water Code.

The Regional Board may impose civil penalties or seek injunctive relief in accordance with sections 13268, 13350 and 13385 of the California Water Code, if you and the Ross Family Trust fail to comply with the terms and conditions of this Order. The Regional Board may also request the Attorney General to take the appropriate action against the Ross Family Trust, to include injunction and civil monetary remedies, pursuant to appropriate California Water Code sections, including but not limited to sections 13304, 13350 and 13386.

Pursuant to California Water Code section 13320, you may seek review of this Order by filing a petition with the State Water Resources Control Board (State Board). Such a petition must be sent to the State Board, located at P.O. Box 100, 1001 I Street, Sacramento, California 95814, within 30 days of receipt of this Order.

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations

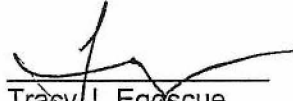
Mr. Barry Ross
The Ross Family Trust

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May 27, 2009

If you have any questions on this Order, please contact Dr. Yi Lu at (213) 576-6695, or Mr. Arman Toumari at (213) 576-6708.

Sincerely,



Tracy J. Egoscue
Executive Officer

Enclosure: 1) Cleanup and Abatement Order R4-2009-0045
2) Site maps (Figures 2, 3, 4, 5)

cc: Ms. Yvonne Shanks, SWRCB, Underground Storage Tank Cleanup Fund
Mr. Tim Smith, LACDPW, Environmental Programs Division, Underground Tanks
Mr. Roger Holt, Greenberg Glusker
Mr. Andrew J. Barnes, Geosyntec Consultants
Mr. Reid Riner, Amerco Real Estate Company
Mr. David Grande-Cassell, Clark Hill PLC
Ms. Lorry Hempe, City of Lynwood

California Environmental Protection Agency



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

CLEANUP AND ABATEMENT ORDER (CAO) NO. R4-2009-0045

**REQUIRING MR. BARRY ROSS AS TRUSTEE AND THE ROSS FAMILY TRUST TO
INVESTIGATE, CLEANUP, AND ABATE THE EFFECTS OF PETROLEUM
HYDROCARBONS, GASOLINE, AND FUEL OXYGENATE CONTAMINATION IN SOIL, SOIL
GAS, AND GROUNDWATER
AT GARFIELD EXPRESS LOCATED AT 11600 LONG BEACH BOULEVARD IN LYNWOOD**

(UST File No. R-23001)

Cleanup and Abatement Order No. R4-2009-0045 requires The Ross Family Trust (hereafter Discharger or Responsible Party), to assess, monitor, and cleanup and abate the effects of petroleum and volatile organic compounds (VOCs) and other contaminants of concern discharged to soil and groundwater at their Garfield Express facility at 11600 Long Beach Boulevard, Lynwood, California. This Order supersedes the CAO No. 01-002 (dated February 27, 2001) previously issued to Mr. Luis Ross. Mr. Luis Ross passed away on February 27, 2004, and Mr. Barry Ross became the successor trustee of the Ross Family Trust.

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) herein finds:

INTRODUCTION

1. The facility, Garfield Express, located at 11600 Long Beach Boulevard in Lynwood (the Site) is an active gasoline service station with three underground storage tanks (USTs). The Site is comprised of the commercial property between Lynwood Road and Louise Street, fronting Long Beach Boulevard. The northern portion of the Site is currently occupied by an active gasoline service station operated by US Royal Oil, Inc. (d.b.a. USA Royal Oil). Other businesses including a coin Laundromat, pet shop and flower shop occupy the remainder of the Site. The Site is located within a designated redevelopment area of the City of Lynwood.
2. The Site is located within the Central Groundwater Basin of the Los Angeles Coastal Plain. Regional Board adopted a Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan designates the following beneficial uses for groundwater within the Central Groundwater Basin: municipal and domestic supply, agricultural supply, industrial process supply, and industrial service supply.
3. The lithology beneath the Site consists of inter-bedded sand, silty sand, silt and clay from grade to approximately 30 feet below ground surface (bgs). Groundwater levels have been measured at approximately 21 to 28 feet bgs, and the groundwater flow direction has been generally toward the south.
4. The Site overlies a producing aquifer within the Central Groundwater Basin. The City of Lynwood operates one active municipal supply well (Well No.6) located less than 0.4 miles to the northwest of the site. There are up to eight additional active municipal supply wells within one mile from the site (see attached Site and Receptor Map).

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5. Fuel constituents and VOCs have been detected in soil and groundwater beneath the Site and the U-Haul facility about 120 feet south of the Site.

PROPERTY OWNERSHIP INFORMATION

6. The Ross Family Trust owns the Site. Mr. Barry Ross is the sole successor trustee of the Trust. Mr. Barry Ross became the successor trustee of the Trust when his father, Mr. Luis Ross, the original Responsible Party of the Site, passed away on February 27, 2004.

EVIDENCE OF CONTAMINATION AND BASIS FOR SECTION 13304 ORDER

7. Waste Releases Discovered During Subsurface Investigations

- a. In March 1997, El Capitan Environmental Services, on behalf of Mr. Luis Ross, submitted a technical report titled "Preliminary Site Assessment Report" to the County of Los Angeles Department of Public Works (CLADPW). According to the report, eight soil borings (B-1 through B-8) were drilled at the Site to a maximum depth of 35 feet bgs. Soil samples from the borings detected up to 18,000 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPHg), 210 mg/kg of benzene, 815 mg/kg of toluene, 1,170 mg/kg of xylenes, 180 mg/kg of ethylbenzene, and 2,000 mg/kg of methyl tertiary butyl ether (MTBE). One groundwater grab sample from boring B-1 detected up to 200,000 micrograms per liter ($\mu\text{g/L}$) of TPHg, 18,000 $\mu\text{g/L}$ of benzene, 44,000 $\mu\text{g/L}$ of toluene, 2,000 $\mu\text{g/L}$ of ethylbenzene, 17,600 $\mu\text{g/L}$ of xylenes, and 10,000 $\mu\text{g/L}$ of MTBE. CLADPW referred regulatory oversight of the Site to this Regional Board on May 20, 1997.
- b. Between September and November 2006, Brown & Caldwell conducted additional site assessment at the Site and portion of the U-Haul site. The site assessment included "Rapid Optical Screening Tool" (ROST) survey, forensic analysis of free product, and soil boring and soil samples analyses. The results of these assessments were reported in a Site Assessment Report dated May 7, 2007. Regional Board staff has indicated that the results of these analyses are inconclusive and do not specifically point to a significant release under the U-Haul Site.
- c. Free fuel product has been detected in several monitoring wells (MW-1, MW-2, MW-3, MW-5, MW-7, MW-8, MW-9, MW-14, MW-15, MW-23, UH-1, EX-1, EX-2, and EX-3) onsite and offsite (see attached Figure 6). The last monitoring event conducted in September 2008 detected up to 4.95 feet of free product at onsite well MW-8. MW-8 is located near the source area. Free product recovery system was installed at the Site on December 26, 1998 to recover free product from wells MW-2, MW-3 and MW-5. Daily purging of wells that contain free product but were not connected to the product recovery system were conducted at the site from July 25, 2000 until October 16, 2000. Manual purging was reinitiated on January 16, 2001 on a reduced frequency of three times a week.
- d. According to the "2008 1st Semi-annual Groundwater Monitoring Report", there are thirty nine groundwater monitoring wells (MW-1 through MW-35, and W&A-MW-1 through W&A-MW-4) onsite and offsite (see attached Figure 2). Quarterly groundwater monitoring started in 1997. Semi-annual groundwater monitoring started in 2005. Historically, free product up to 16.67 feet was present in groundwater monitoring wells onsite. Laboratory analytical results of groundwater samples collected in September 2008 detected TPHg up to 33,000 $\mu\text{g/L}$, benzene up to 14,000 $\mu\text{g/L}$, and MTBE up to 12,000 $\mu\text{g/L}$. These

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concentrations were detected at onsite well MW-4. Depth to the groundwater was approximately 23 feet bgs and the groundwater flow was generally toward the south.

- e. On April 14, 2006, Regional Board staff required Chevron to submit historical information for the site occupied by Acosta Restaurant located directly south of Garfield Express site. Acosta Restaurant's site had been owned and operated by Union Oil Company of California (Unocal) from 1951 through 1959. Unocal has been acquired by Chevron.
- f. In a letter dated April 27, 2006, Chevron indicated to Regional Board staff that Unocal had operated a gasoline service station under a site and facilities lease from 1940 to 1959. Chevron also indicated that Unocal had no involvement with the site since 1959. Regional Board staff does not consider Unocal as a contributing source to the petroleum hydrocarbon contamination beneath Garfield Express at this time.
- g. During a site assessment to investigate on-going release at the site on September 18, 2006 by Brown & Caldwell, a diesel fuel line was damaged, and an unknown amount of diesel fuel was released to the environment.

8. Source Elimination and Remediation Status

Between 1999 and 2006, a total of 6,767 gallons of free product were removed from the Site. Also, between 2003 and 2004, a soil vapor extraction system operating at the Site removed 24,946 pounds of fuel vapors from the soil at the Site.

9. Compliance History

- a. Prior to May 1997, the Responsible Party of the Site has been conducting corrective actions under the jurisdiction of County of Los Angeles Department of Public Works (CLADPW).
- b. On May 20, 1997, CLADPW referred the regulatory oversight of the Site to the Regional Board.
- c. In a letter dated June 2, 1997, Regional Board staff required Mr. Luis Ross to submit a workplan to install groundwater monitoring wells at the Site. Regional Board staff also required Mr. Luis Ross to provide copies of the CLADPW letters dated November 20, 1995 and February 29, 1996, and copies of the tank integrity testing reports, and to provide a summary of actions taken with respect to the tank integrity test failure.
- d. In a letter dated August 14, 1998, Regional Board staff required Mr. Luis Ross to manually remove free product on a weekly basis, or via an automatic recovery system.
- e. On June 5, 2000, Regional Board staff received a "Remedial Action Plan for Petroleum Hydrocarbon Contamination" dated May 25, 2000. The workplan proposed to implement a soil vapor extraction (SVE) onsite.
- f. In a directive dated December 13, 2000, the Executive Officer of this Regional Board (the Executive Officer) approved the use of SVE and Vacuum Enhanced Product Skimming with Biological Action (BIO-VEPS) systems as an interim measure to expedite free product removal and site cleanup at the Site.

- g. On February 27, 2001, the Executive Officer issued to Mr. Luis Ross CAO Order No. 01-002. The CAO required Mr. Luis Ross to adequately assess, monitor, report, and cleanup and abate the effects of gasoline pollution, including MTBE and other fuel oxygenates, discharged to soil, soil vapor, and groundwater beneath the Site.
- h. On May 2, 2001, J & B Environmental, on behalf of Mr. Luis Ross, submitted the Initial Site Conceptual Model (PSCM) to the Regional Board.
- i. In a letter dated August 31, 2001, State UST Fund Advisory and Services (SUSTFA&S), the consultant for Mr. Luis Ross, requested Regional Board to add U-Haul site (a neighboring site south of the Garfield Express site; see Figure 2) to the Order 01-002 as the potential responsible party for investigation and cleanup of soil and groundwater contamination in the vicinity of Garfield Express site.
- j. During a meeting with SUSTFA&S on September 24, 2001, Regional Board staff rejected SUSTFA&S' request to add U-Haul site to Order No. 01-002. Regional Board staff determined that soil data obtained from the U-Haul site did not support U-Haul's contribution to the free product observed beneath the U-Haul site or the entire area.
- k. On April 22, 2002, the Executive Officer issued a Notice of Violation (NOV) to Mr. Luis Ross for extensive delays in installation of the BIO/VEP system.
- l. The BIO/VEP system did not start operation until June 2003, and it has been discontinued since March 2005.
- m. Mr. Barry Ross became the successor trustee of the Ross Family Trust when his father, Mr. Luis Ross, passed away on February 27, 2004.
- n. During a meeting on October 14, 2005 with Brown & Caldwell, consultant for Mr. Barry Ross, Regional Board staff required that the free product recovery be resumed until a more complete cleanup strategy is employed as part of the pending site development.
- o. In a report dated February 1, 2006, Brown & Caldwell evaluated the potential for presence of different sources of free product and a commingled hydrocarbon plumes. Brown & Caldwell requested Regional Board staff to consider the adjacent sites, such as the Acosta Restaurant (the former Chevron station; see Figure 2) and U-Haul site as potential contributors to the contamination at the Site.
- p. On February 14, 2006, Brown & Caldwell submitted a workplan to perform monthly free product removal using the existing active skimmers on selected monitoring wells (MW-2, MW-3, MW-7, and MW-8) as an interim measure at the site starting in March 2006.
- q. In a directive letter dated May 19, 2006, the Executive Officer approved the workplan dated February 14, 2006, which proposed to implement free product recovery on selected wells at the Site. The Executive Officer also required that additional offsite wells containing free product shall be included in the proposed free product removal program.

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- r. On June 19, 2006, Mr. Roger Holt, attorney for Mr. Barry Ross, filed a petition (Petition) to the State Water Resources Control Board (State Board) requesting State Board to review of Regional Board's letter dated May 19, 2006. The Petition claimed that data gaps needed to be addressed before cleanup was required to be performed on the adjacent properties.
- s. On June 28, 2006, the State Board declined to accept the Petition for review. The Chief Counsel of the State Board stated that the Regional Board's letter dated May 19, 2006 did not constitute a final action and therefore was not subject to petition.
- t. In a letter dated June 30, 2006, Brown & Caldwell indicated to Regional Board staff that they would comply with Regional Board staff requirements specified in the May 19, 2006 letter.
- u. On August 31, 2006, Brown & Caldwell submitted a workplan to the Regional Board for additional investigation in the area extending between the Site and the U-Haul site.
- v. During a meeting on September 7, 2006, with Mr. Barry Ross and Brown & Caldwell, Regional Board staff concurred with the workplan dated August 31, 2006. Regional Board staff also required Mr. Barry Ross to conduct an onsite investigation to assess if any new unauthorized releases have occurred since US Royal, Inc. became the owner and operator of the gasoline station at the Site since 1999.
- w. During a meeting on December 5, 2007 with Mr. Barry Ross; Mr. Roger Holt and Mr. Jon Sokol, attorneys for Barry Ross; and GeoSyntec representatives, Regional Board staff requested Mr. Barry Ross to comply with the requirements stated in Order R4-01-002, and reiterated Mr. Barry Ross's responsibility for cleanup of the contamination at the Site and at the U-Haul site.
- x. In a letter dated February 12, 2008, Mr. Roger Holt asserted that Order No. R4-01-002 does not apply to Mr. Barry Ross, since Mr. Ross was not initially named in the said Order.

10. Summary of Findings from Subsurface Investigations

Based on the facts set forth above, the Executive Officer concludes and determines that:

- a. The gasoline constituents described herein which Discharger caused or permitted to be discharged are "wastes" within the definition of the Porter-Cologne Water Quality Control Act (Water Code section 13050).
- b. Waters of the State underlie the Site.
- c. The wastes are being discharged where it is, or probably will be, discharged to the waters of the State.
- d. Such discharge has created or threatens to create a condition of pollution or nuisance.

11. Summary of Current Conditions Requiring Cleanup and Abatement

- a. To reduce financial burden on the Discharger, this Regional Board staff has allowed a temporary reduction in the groundwater monitoring frequency from quarterly to semi-annually.
- b. This Regional Board is the public agency with primary responsibility for protection of ground and surface water quality for all beneficial uses within Los Angeles and Ventura Counties, including the regulation of leaking UST's that threaten water quality.
- c. The activities contained in this Order are necessary to abate the effects of gasoline constituents and fuel oxygenates polluting the groundwater underlying the site and migrating offsite within the Central Groundwater Basin.
- d. The Discharger is responsible under section 13304 of the California Water Code to perform the activities contained in this Order.
- e. Section 13304 of the California Water Code states, in part, that:

"Any person... who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of Regional Board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts."
- f. Section 13350 of the California Water Code states, in part, that:

"Any person who (1) violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a Regional Board or the State Board...shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."
- g. When there is a discharge, and a cleanup and abatement order is issued pursuant to section 13304, liability shall be imposed as follows:

Civil liability may be administratively imposed by a Regional Board pursuant to Article 2.5 for a violation of this section in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the discharge occurs and for each day the cleanup and abatement order is violated.
- h. This action is being taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with section 15321, title 14, California Code of Regulations.

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REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to California Water Code section 13304 that Mr. Barry Ross as Trustee and The Ross Family Trust shall adequately assess, monitor, report, cleanup and abate the effects of gasoline pollution, including MTBE and other fuel oxygenates, discharged to soil, soil gas, and groundwater by taking actions specified as follows:

A. Site Ownership and Operation Information

By **August 15, 2009**, you must provide the following information to this Regional Board.

1. Ownership and Operation Responsibility for the Site:

- a. Specify the ownership(s) of the real property on which the station or facility is located from 1962 to the present. Provide a copy of all documents which provide evidence of such ownership(s). Provide name, address, and phone number of the property owner and lessees.
- b. Specify the ownership(s) of the underground storage tanks and associated piping which have been used to store MTBE or gasoline at the station or facility from 1962 to the present. Provide a copy of all documents which provide evidence of such ownership(s).
- c. Specify what parties have operated the station or facility from 1962 to the present. Provide a copy of all documents which provide evidence of what parties operated the station or facility.
- d. Does this station or facility operate or has it previously operated pursuant to a franchise agreement? If so provide a copy of all such agreements in effect to the present.
- e. Provide a list of any stations or facilities which have any of the following characteristics (a) the station or facility has been owned and/or operated by your business or agency at any time to the present, (b) during the period of your ownership or operation the station or facility has stored and/or dispensed gasoline.
- f. What records do you keep concerning the source and chemical composition of gasoline shipments received by your station or facility? Provide a copy of all such records from 1962 to the present.

2. MTBE Management and Storage:

- a. Provide a complete history of storage of MTBE containing gasoline at your station or facility from 1980 to the present.
- b. Provide a list of all suppliers and/or refiners of gasoline including the time period that managed and/or stored at your station or facility.

- c. Describe the procedures utilized at your station or facility for storage, handling, use, and disposal of gasoline, chemicals and waste materials, including petroleum-based hydrocarbons, and aromatic hydrocarbons.
 - d. Provide a copy of all documents concerning potential effects of MTBE discharge to the environment, its impacts on surface waters, and the impacts of MTBE on groundwater resources utilized as drinking water supplies.
3. Tanks and Associated Piping Records:
- a. Identify all current and former underground gasoline storage tanks used to store and/or manage gasoline at your station or facility from 1962 to the present.
 - b. Provide for each underground gasoline storage tank and associated piping, the location(s), capacity, materials of construction, and date(s) of installation and, if applicable, removal.
 - c. Provide a copy of all records concerning maintenance including repairs of the underground storage tanks and associated piping which have been used to manage and/or store gasoline at your station or facility to the present.
4. Testing and Release Detection:
- a. Tank Integrity Testing: Provide a copy of all records concerning tank integrity testing of the underground storage tanks and associated piping which have been used to manage and/or store gasoline at your station or facility to the present.
 - b. Tank Integrity Testing: Submit a tabular summary indicating all tank and/or piping tightness tests completed to the present, including the type of test performed, the sensitivity of the tests performed, any failed or inconclusive tightness tests, the results of any retest, and any subsurface investigation work completed in response to any failed or inconclusive tank and/or pipeline integrity testing.
 - c. Leak Detection System: Provide a detailed description of the leak detection systems for the underground storage tanks and associated piping used to manage and/or store gasoline at your station or facility to the present. Include a description of the training of employees operating those systems during that time period. Provide a copy of all documents related to these leak detection systems, including any documents used for training station or facility personnel.
 - d. Provide a copy of all documents related to any releases to soil or groundwater of gasoline from the underground storage tanks and associated piping at your station or facility to the present.

B. Semi-annual Groundwater Sampling and Monitoring Reports

Semi-annual gauging, sampling, and progress reports detailing all activities implemented and results obtained during the previous period, as required by this Order, shall be submitted within 15 days after the period ends according to the following schedule. Your first report under this CAO is due by **October 15, 2009**.

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Reporting Period
January – June
July – December

Report Due Date
July 15th
January 15th

Monitoring frequency may be adjusted as needed. With written justification, Discharger may request a change in the frequency of monitoring or reporting for the Executive Officer's approval. These reports must contain, at a minimum, the following information:

- A separate summary table containing current concentrations.
- A summary table containing all historical data per each well with groundwater depth (or elevation) and well screen intervals.
- A regional map depicting site vicinity business and street, etc.
- A site plot plan depicting site location, tank and associated system locations, all well locations and groundwater elevations (contour) with flow gradient and direction.
- An isoconcentration map for TPH(g), benzene, MTBE, and TBA, respectively.
- A hydrograph superimposing on concentration over time at the most impacted well for TPH(g), benzene and MTBE, and TBA (or at any other wells as warranted).
- A summary of activities completed during the reporting period and a final compilation of the activity modifications proposed for the next reporting period. All workplan modifications must be approved by the Executive Officer, in advance.

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); and by EPA Method 8260B for BTEX, and fuel oxygenate compounds including methyl tertiary butyl ether (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.

C. Remedial Action Plan (RAP)

1. The free product removal system shall be expanded to remove offsite free product. An aggressive and active free product removal system conforming to the requirements of California Code of Regulations, title 23, section 2655 shall be implemented. The RAP is due **October 15, 2009**. The free product removal shall cover the entire area and shall include the following monitoring wells:

MW-2, MW-3, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, MW-14, MW-15, MW-16, MW-21, MW-22, MW-23, UH-1, EX-2, EX-3.

Should free product be encountered in any monitoring well other than specified above, your free product removal plan must be expanded to include such well(s).

2. An aggressive and active cleanup plan to remediate the impacted soil and groundwater at the Site must be submitted. The RAP is due **October 15, 2009**.

3. Field observations indicated that diesel releases from the breached fuel line has impacted the soil and/or fill materials around the breached fuel line, and beneath the dispensers 1 and 2. However, the extent of the impacted soil has not been fully defined. Accordingly, by **August 15, 2009**, a workplan to delineate soil contamination near the diesel fuel UST and diesel fuel dispenser island area. This activity must be followed by a remedial action plan to remediate the impacted soil must be submitted.

D. Semi-annual Cleanup Progress Reports

1. To ensure that on-site and off-site cleanup is completed in a timely manner, semi-annual reports of cleanup progress will be required during the remaining assessment and cleanup phases of the project. Semi-annual progress reports will be due by the 15th day following the semi-annual period with the next progress report due **October 15, 2008**. Reports shall include at a minimum: 1) a discussion of all completed activities and on-going work activities during the reporting period; 2) a discussion of proposed work activities for the next reporting period; 3) an updated time schedule for completion of all work activities needed to complete the project; and 4) the results of any soil and/or groundwater monitoring completed during the reporting period.
2. Semi-annual cleanup progress reports must include, at a minimum, the amount of extracted groundwater, contaminant mass, and/or fuel hydrocarbons; volume of extracted free product; analytical test results from influent, intermediate, and final treated effluent; influent flow rate; influent concentrations; the location of discharge; number of days of system operation during the reporting period; system maintenance completed during the reporting period; an evaluation of the effectiveness of containment of groundwater flow to the site; and any modifications and/or changes needed to the soil and groundwater recovery and/or treatment system. These reporting requirements may be modified based upon the final cleanup plan approved by the Executive Officer.

E. SITE CONCEPTUAL MODEL UPDATES (SCMUs)

Submit site conceptual model updates on a semi-annual basis with the same schedule as for the groundwater monitoring reports in accordance with Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates - Appendix C.

F. DELIVERABLES

Requirements	Deliverables Due Dates
Cleanup Progress Reports	October 15, 2009 (semi-annually due by July 15 th thereafter)
Site Conceptual Model Updates and Quarterly groundwater monitoring reports	October 15, 2009 (Semi-annually due by July 15 th thereafter)
Ownership Information (onsite and offsite)	August 15, 2009
Remedial Action Plan for Free Product Removal/Soil & Groundwater Cleanup	October 15, 2009
Workplan for Delineation of Diesel Release	August 15, 2009

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G. Impairment of Drinking Water Wells

The Regional Board reserves the right to require Mr. Barry Ross and the Ross Family Trust to develop and implement a plan that will mitigate impaired resources of groundwater and/or compensate purveyors for costs of replacing impaired water supplies if the findings demonstrate that contamination from this Site has caused or threatens to cause impairment of water supply wells.

H. STANDARD PROVISIONS

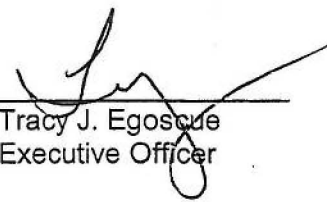
1. Abandonment of any groundwater well at the site must be reported to and approved by the Executive Officer in advance. Any groundwater well removed must be replaced within a reasonable time at a location approved by the Executive Officer. With written justification, the Executive Officer may approve the abandonment of groundwater wells without replacement. When a well is removed, all work shall be completed in accordance with California Monitoring Well Standards, Bulletin 74-90, Part III, sections 16-19. Permits for well abandonment and installation must be obtained from the Los Angeles County Department of Health Services, Water and Sewage Program, prior to conducting such work.
2. Regional Board's authorized representative shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are kept, under the conditions of this Order;
 - b. Access to copy any records that are kept under the conditions of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the California Water Code.
3. This Order is not intended to permit Discharger to cease any work required by any other Order issued by Regional Board, nor shall it be used as a reason to stop or redirect any investigation or remediation programs ordered by this Board or any other agency.
4. This Order does not exempt Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restraints on those facilities which may be contained in other statutes or required by other agencies.
5. Discharger shall provide Regional Board advance notice of any planned physical alterations to the facility or planned changes in the facility's activities that may affect compliance with this Order.
6. Discharger shall provide to Regional Board a thirty-day advance notice of any planned change in name, ownership, or control of the site and any of the facilities on the site; provide notice to any succeeding owner or operator of this Order by letter; and forward a copy of such notification to Regional Board.

7. The discharge of wastes or hazardous substances that degrade water quality or adversely affect beneficial uses of water of the State is prohibited.
8. Further migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
9. The storage, handling, treatment or disposal of contaminated soil and/or polluted groundwater shall not create a condition of nuisance as defined in California Water Code section 13050(m).
10. Discharger shall maintain in good working order and operate as efficiently as possible any control or remediation system(s) installed to achieve compliance with the requirements of this Order.
11. All investigations must be conducted by, or under the direct supervision of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer with the appropriate experience.
12. All analytical data must be reported by a California certified laboratory as shown on the enclosed Leaking Underground Storage Tanks Program-Updated Laboratory Testing Requirements dated June 22, 2000 (See Attachment No.5).
13. This Order in no way limits the authority of Regional Board, as contained in the California Water Code, to require additional investigation and cleanup pertinent to this project. It is the intent of Regional Board to issue Waste Discharge Requirements or other orders pursuant to sections 13260, 13304, and 13350 of the California Water Code when appropriate to facilitate this cleanup and abatement activity. Additionally, continued monitoring of the groundwater quality beneath this facility after the completion of this cleanup and abatement activity may be required. This Order may be revised by the Executive Officer as additional information becomes available.
14. For good cause shown, the Executive Officer may grant an extension of time as to the deadlines provided herein. Such requests, however, must be made in writing and submitted prior to the deadline.
15. None of the obligations imposed by this Order on Mr. Barry Ross and The Ross Family Trust are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare and environment.
16. Failure to comply with the terms and conditions of this Order may result in the imposition of civil liability, either administratively by Regional Board or judicially by the Superior Court, in accordance with section 13350 et seq. of the California Water Code and/or referral to the Attorney General of the State of California for such legal action as he or she may deem appropriate.

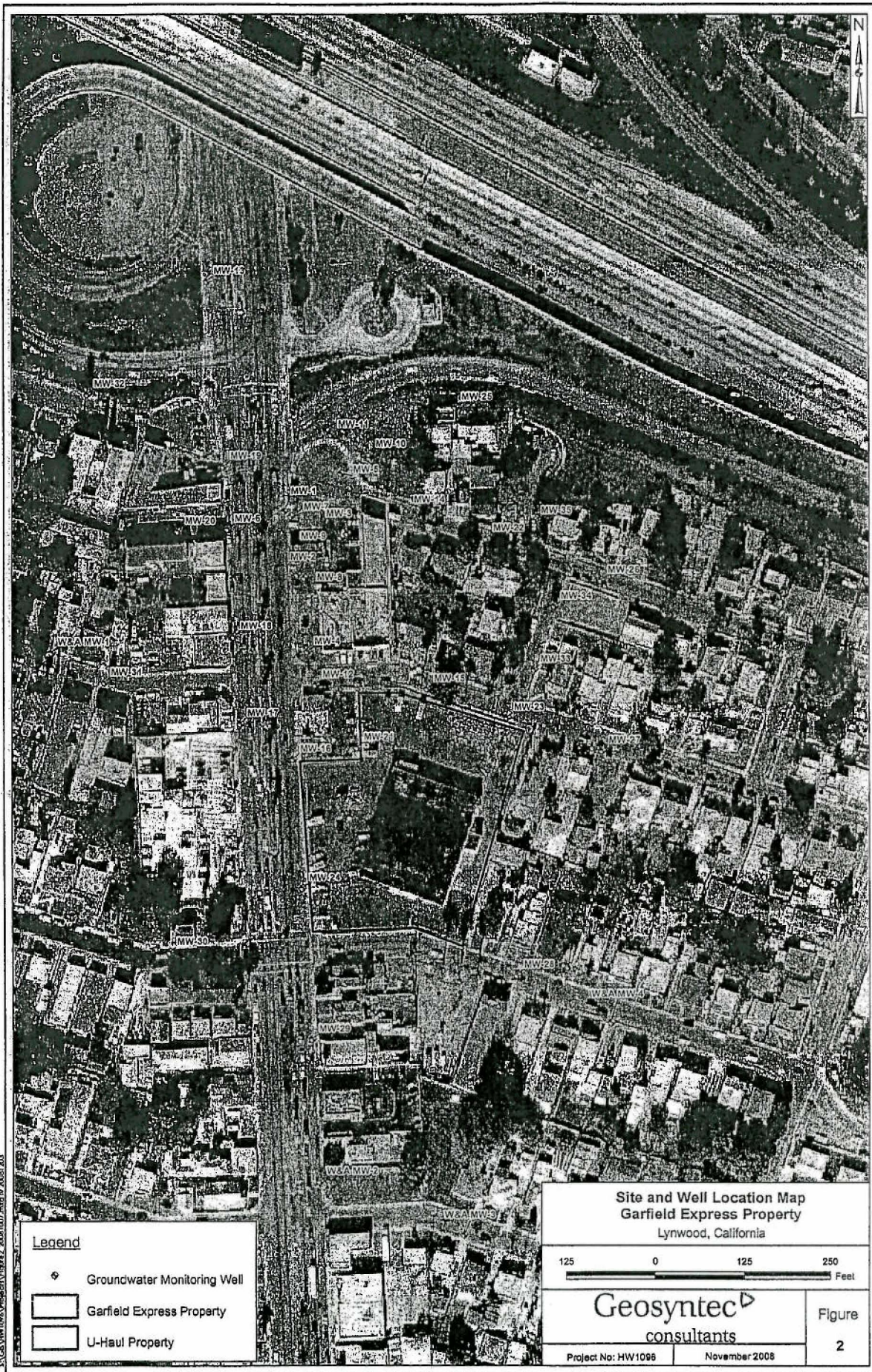
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The Ross Family Trust
Cleanup and Abatement Order No. R4-2009-0045

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

Ordered by:


Tracy J. Egoscue
Executive Officer

Date: May 27, 2009



Legend

- ◆ Groundwater Monitoring Well
- Garfield Express Property
- U-Haul Property

**Site and Well Location Map
Garfield Express Property
Lynwood, California**

125 0 125 250 Feet

Geosyntec
consultants

Figure
2

Project No: HW1098

November 2008

