



## Los Angeles Regional Water Quality Control Board

November 20, 2019

### Via FedEx and E-Mail

<p>Ms. Patricia Leach  Leach Property Management  Leach Oil Company, Inc.  c/o Michael J. FitzGerald, Esq. (mfitzgerald@fyklaw.com)  Eric P. Francisconi (efrancisconi@fyklaw.com)  FitzGerald Yap Kreditor LLP  2 Park Plaza, Ste. 850  Irvine, CA 92614-2521  FedEx Tracking No. <u>8145 8857 2551</u></p>	<p>Estates of Joseph Mouren-Laurens and  Emma Mouren-Laurens  c/o Timothy C. Cronin, Esq.  (tcronin@crolaw.com)  Alan Johnston, Esq.  (ajohnston@crolaw.com)  The Cronin Law Group  390 Bridge Parkway, Suite 220  Redwood City, CA, 94065  FedEx Tracking No. <u>8145 8857 2584</u></p>
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### RESOLUTION NO. R19-008 AUTHORIZING REFERRAL OF CLEANUP AND ABATEMENT ORDER NOS. R4-2014-0117 AND R4-2014-0118 TO THE OFFICE OF THE ATTORNEY GENERAL FOR JUDICIAL CIVIL ENFORCEMENT

Dear Ladies and Gentlemen,

On November 14, 2019, the Regional Board adopted Resolution No. R19-008 authorizing the Executive Officer to refer this matter to the California Attorney General's Office for failing to comply with Cleanup and Abatement Order Nos. R4-2014-0117 and R4-2014-0118. Enclosed is the final resolution as adopted by the Regional Board.

IRMA MUÑOZ, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

November 20, 2019

If you have any questions regarding the matter, please contact Mr. Adnan Siddiqui at (213) 576-6812 / [adnan.siddiqui@waterboards.ca.gov](mailto:adnan.siddiqui@waterboards.ca.gov) or Mr. Russ Colby at (213) 620-6375 / [russ.colby@waterboards.ca.gov](mailto:russ.colby@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R Purdy". The signature is stylized and cursive.

Renee Purdy  
Executive Officer

cc: Daniel S. Kippen, Esq.  
([dan.kippen@waterboards.ca.gov](mailto:dan.kippen@waterboards.ca.gov))  
Naomi Rubin, Esq.  
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**RESOLUTION NO. R19-008**

**AUTHORIZING REFERRAL OF CLEANUP AND ABATEMENT ORDER NOS.  
R4-2014-0117 AND R4-2014-0118 TO  
THE OFFICE OF THE ATTORNEY GENERAL  
FOR JUDICIAL CIVIL ENFORCEMENT**

- A. WHEREAS, Mouren-Laurens Oil Company (MLOC), the Estate of Joseph Mouren-Laurens, the Estate of Emma Mouren-Laurens, John Mouren-Laurens, Mireille Mouren-Laurens, and Rev 973, LLC (Rev) (collectively, MLOC Responsible Parties) are the current or former owners and/or operators at the property commonly known as 641, 705, 717, and 719 East Compton Boulevard (MLOC Site).
- B. WHEREAS, Leach Oil Company, Inc. (LOC), Patricia Leach, and Leach Property Management (collectively, LOC Responsible Parties) are the current or former owners and/or operators at the property commonly known as 625 East Compton Boulevard and 15006 South Avalon Boulevard (LOC Site).
- C. WHEREAS, the MLOC and LOC Sites (collectively Sites) are located in a mixed industrial, commercial, and residential area of unincorporated Los Angeles County known as West Rancho Dominguez, within one mile of schools and homes. According to the Disadvantaged Community Mapping Tool (available at <https://gis.water.ca.gov/app/dacs/>), the Sites are within a "Disadvantaged Community." Similarly, according to CalEnviroScreen 3.0 (available as a spreadsheet at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>), the Sites are located within Census Tract 6037541100 which is classified as one of the California communities most disproportionately burdened by, and vulnerable to, multiple sources of pollution. Only 3% of California communities have a worse ranking on CalEnviroScreen 3.0 than the Sites.
- D. WHEREAS, the Sites have been used by various chemical related businesses, including oil processing, receiving and processing waste oil into usable oil products, and packaging waste oil, since the 1950s.
- E. WHEREAS, there has been overlap between ownership and operations at the Sites: one or more of the MLOC Responsible Parties owned and operated at the LOC Site for several years; the Sites were operated in some type of cooperative manner for a period of time, as there was an underground pipe that connected the Sites; and it appears the contamination emanating from the Sites has created commingled soil and groundwater plumes. In this case, referral of both Sites to the Office of the Attorney General for simultaneous enforcement of the outstanding Cleanup and Abatement Orders (described below) is warranted for these reasons.

- F. WHEREAS, the Los Angeles Regional Water Quality Control Board (Regional Water Board) is a state agency whose primary authority under the Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.) is regulating, enforcing, and ensuring the quality of the waters of the State.
- G. WHEREAS, the Regional Water Board has reviewed and evaluated technical reports and assessments pertaining to the discharge, detection and distribution of wastes at the Sites and their vicinity and concluded that the Sites have elevated concentrations of solvents, petroleum hydrocarbons, volatile organic compounds (VOCs) (including but not limited to TCE and PCE), semi-VOCs, polychlorinated biphenyls (PCBs), metals, pesticides and 1,4-Dioxane, among other wastes, in the soil, soil vapor, and/or groundwater. The presence of contamination in soil constitutes a continuous source of discharges of waste to groundwater.
- H. WHEREAS, the discharges of waste may have adversely impacted waters of the State. The Sites are located in the Central Basin of the Los Angeles County Coastal Plain. The beneficial uses designated in the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties for groundwater include Municipal and Domestic Drinking Water Supply, Industrial Service Supply, Industrial Process Supply, and Agricultural Supply.
- I. WHEREAS, the Regional Water Board issued Cleanup and Abatement Order No. R4-2014-0118 (LOC CAO) to the LOC Responsible Parties on September 16, 2014, and Cleanup and Abatement Order No. R4-2014-0117 (MLOC CAO) to the MLOC Responsible Parties on September 19, 2014. The LOC and MLOC CAOs generally required the MLOC and LOC Responsible Parties to (1) conduct and submit a Phase I Environmental Site Assessment report; (2) develop, submit, and implement one or more Site Assessment Work Plan(s) to assess, characterize, and delineate the extent of wastes in soil, soil vapor, and groundwater; (3) conduct remedial action; (4) conduct a Human Health Risk Assessment; and (5) conduct groundwater monitoring pursuant to the time schedule set forth in the Executive Officer's approval letter dated September 14, 2015.
- J. WHEREAS, to date, the MLOC and LOC Responsible Parties have failed to comply with the CAOs. Although the parties submitted a Site Assessment Work Plan and Groundwater Monitoring Plan to the Regional Water Board on April 3, 2015, and although those plans were approved on September 14, 2015, those plans were never implemented. The MLOC and LOC Responsible Parties have not submitted any of the other required technical and monitoring documents. Those documents are essential to assess, delineate, and cleanup the on-site and off-site waste discharges in soil, soil vapor, and groundwater. Most significantly, the MLOC and LOC Responsible Parties have failed to cleanup and abate the wastes; to date, no soil, soil vapor, or groundwater remediation or cleanup has occurred.

- K. WHEREAS, on May 3, 2016, Notices of Violation (NOVs) regarding the MLOC and LOC CAOs were sent to the MLOC and LOC Responsible Parties.
- L. WHEREAS, Water Code section 13304, subdivision (a), allows the Regional Water Board to request that the Office of the Attorney General petition the superior court to issue an injunction to compel responsible parties to comply with an order issued pursuant to Water Code section 13304.
- M. WHEREAS, the MLOC and LOC Responsible Parties are alleged to have discharged waste, or caused or permitted waste to be deposited in or on waters of the State and may be civilly liable under Water Code section 13350, subdivision (a). Under Water Code section 13350, subdivision (d), a court may impose such civil liability not to exceed fifteen thousand dollars (\$15,000) for each day the violation occurs or not to exceed twenty dollars (\$20) for each gallon of waste discharged. Water Code section 13350 also allows the Regional Water Board to request that the Attorney General petition the superior court to impose, assess, and recover administrative civil liability for violations of cleanup and abatement orders issued pursuant to Water Code section 13304. Judicial enforcement of the Water Code allows for the assessment of higher maximum civil liabilities, if appropriate, for the MLOC and LOC Responsible Parties' possible violations of the Water Code in this case, as well as injunctive relief and the issuance of a consent judgment.
- N. WHEREAS, all enforcement options other than referral to the Office of the Attorney General and any resulting judicial relief have been considered. Any Regional Water Board enforcement order (e.g., Cleanup and Abatement Order, Cease and Desist Order, or Time Schedule Order) may lead to compliance; however, if compliance with an order is not achieved, the Regional Water Board would follow up with an Administrative Civil Liability (ACL) process to consider assessing monetary penalties. Because the ultimate goal is for the MLOC and LOC Responsible Parties to assess, delineate and remediate the on-site and off-site waste discharges in soil, soil vapor and groundwater, an ACL order assessing only monetary penalties is not the best and most direct remedy to remediate the contaminated Sites. Furthermore, the complex factual and legal issues presented by these matters are better suited for development and presentation by the Office of the Attorney General and for judicial resolution. Specifically, the history of non-compliance with the LOC and MLOC CAOs, the complex and inter-connected history of the Sites, and the likelihood that enforcement through the civil judicial process will expedite the relief sought and protect the community surrounding the Sites, all weigh in favor of civil judicial enforcement through the Office of the Attorney General. The ability to pursue injunctive relief and/or a consent judgment would allow the Regional Water Board, through the Office of the Attorney General, to place the MLOC and LOC Responsible Parties under a judicially enforceable timeline to complete assessment, delineation of the contaminated plumes, which originated from the Sites, and conduct the appropriate cleanup and abatement.

O. WHEREAS, Water Code section 13350, subdivision (g), requires the Regional Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under Water Code section 13350. On September 10, 2019, notice was given to the MLOC and LOC Responsible Parties regarding this hearing, and all Responsible Parties were given a chance to comment on the proposed Resolution in writing in advance of the hearing. On November 14, 2019, the Regional Water Board held such a hearing in compliance with section 13350, subdivision (g).

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Regional Water Board hereby authorizes the Executive Officer to request that the Office of the Attorney General seek civil liabilities under the Water Code, including, but not limited to, Water Code sections 13304 and 13350, bring other applicable causes of action, and/or seek other relief such as an injunction under Water Code section 13304 as may be appropriate against the MLOC and LOC Responsible Parties.
2. The Regional Water Board hereby authorizes the Executive Officer to participate in any settlement discussions regarding the resolution of the violations at issue. The Regional Water Board retains its authority to approve any proposed settlement of the alleged violations.

I, Renee Purdy, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, at its regular meeting on November 14, 2019.



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Renee Purdy  
Executive Officer