

Los Angeles Regional Water Quality Control Board

February 18, 2014

TENTATIVE RESOLUTION TO ADOPT THE PETROLEUM UNDERGROUND STORAGE TANK (UST) EMERGENCY, ABANDONED, AND RECALCITRANT (EAR) ACCOUNT FISCAL YEAR 2014-2015 ANNUAL PRIORITY SITE LIST FOR THE LOS ANGELES REGION

To Interested Persons (see mailing list below):

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Regional Board) will hold a public hearing at 9:00 a.m. on **April 10, 2014** to consider a Tentative Resolution adopting the Petroleum Underground Storage Tank Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2014-2015 Annual Priority Site List for the Los Angeles Region. The hearing is currently scheduled to take place in the Board Room at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California, 90012. Please check the Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date public hearing date and location as it is subject to change.

The EAR Account provides funding to the Los Angeles Regional Board and local regulatory agencies to abate emergency situations or to cleanup abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST. For the upcoming Fiscal Year 2014-2015 Annual Priority Site List, the Tentative Resolution proposes adding two new sites and renewing four sites that are on the current fiscal year annual priority site list for the Los Angeles Region. These sites include:

1. Kim's ARCO AM/PM Mini Mart (new), 311 East Rosecrans Ave., Compton, CA 90221
2. Former M&M Texaco Service Station (new), 21212 Alameda Street South, Carson, CA 90810
3. Former Old Five, Inc. (renewal), 17321 South Clark Ave., Bellflower, CA 90706
4. Former Mobil Service Station (renewal), 402 Atlantic Ave., Long Beach, CA 90802
5. Juarez Carwash (renewal), 906 W. Rosecrans Ave., Compton, CA 90220
6. Garfield Express Property (renewal), 11600 South Long Beach Blvd., Lynwood, CA 90262

These contaminated sites threaten to impact or have already impacted groundwater quality, but complete assessment and cleanup have been stalled because the responsible parties have been recalcitrant. Provided there are sufficient funds in the EAR Account, adoption of the 2014-2015 Annual Priority List for the Los Angeles Region will provide funding for further site assessment and/or cleanup as required. If funding is provided, the State Water Resources Control Board may collect the cost expenditures for site assessment and cleanup from the responsible parties and/or property owners, including recording a lien on the property. **You are receiving this letter because the Los Angeles Regional Board has identified you as a responsible party or potentially responsible party for the contamination at one of the above-referenced sites.**

The Tentative Resolution (including the accompanying priority site list) and other documents are posted on the Los Angeles Regional Board's website at: <http://www.waterboards.ca.gov/losangeles/>.

These documents may also be examined at the Los Angeles Regional Board's office at 320 W. 4th Street, Suite 200, Los Angeles, CA 90013.

Persons wishing to comment on the Tentative Resolution, or submit evidence for the Los Angeles Regional Board to consider, are invited to submit them in writing. To be evaluated and responded to by Board staff, included in the Board's agenda binder, and fully considered by the Board members in advance of the hearing, all written comments and evidence must be received by the Los Angeles Regional Board by **5:00 p.m. on March 14, 2014**. Written comments submitted electronically must be e-mailed to Dixon Oriola at doriola@waterboards.ca.gov and refer to "*EAR Account for Fiscal Year 2014-2015*." Untimely submittal of written comments or evidence will not be accepted.

Interested persons may present oral comments at the hearing on April 10, 2014. Oral comments are generally limited to 3 minutes each for their comments, but can vary at the discretion of the Chair, depending on the number of persons wishing to be heard.

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



Paula Rasmussen
Assistant Executive Officer

Interested Person Mailing List:

Mr. Yon Kyu Kim & Mrs. Ki Sook Kim (Kim's ARCO AM/PM Mini Mart)
Ms. Pamela Smith - Harper (Former M & M Texaco Service Station)
Mr. Russ Rottigni (Former Old Five, Inc.)
Ms. Shirley Rottigni (Former Old Five, Inc.)
Mr. Israel Dakar (Former Mobil Service Station)
Rene and Petra Juarez (Juarez Car Wash)
Mr. Gary Lazar (Juarez Carwash)
Ms. Divine G. Richardson (Juarez Carwash)
Mr. George A. Pearson (Juarez Carwash)
Louis & Alice Ross Family Trust (Garfield Express Property)
Kyung Kim (Garfield Express Property)
City of Carson
City of Compton
City Bellflower
City of Long Beach
City of Lynwood
Los Angeles County Department of Regional Planning

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Item XX

**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

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Staff Report

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

**April 10, 2014
574th Regular Meeting**

ITEM: X

SUBJECT: Consideration of a tentative Resolution adopting the Petroleum Underground Storage Tank (UST) Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal year 2014-2015 Annual Priority Site List for the Los Angeles Region

PURPOSE: For the Los Angeles Regional Board to recommend priority UST sites for EAR funding, which would be used to initiate corrective action at these sites.

BACKGROUND: Chapter 6.75 of the California Health and Safety Code authorizes the State Board to provide funding to Regional Water Boards and local agencies to initiate corrective action at petroleum UST sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant site).

Provided there are sufficient funds in the EAR Account, the State 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 Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.

Like last year, all of the proposed UST sites on the priority list are along the I-710 transit corridor. The I-710 Corridor Initiative is a multi-agency effort aimed at accelerating Leaking UST (LUST) cleanups and improving UST compliance along the I-710 transit corridor. The project is funded by the State Board in partnership with the U.S. Environmental Protection Agency, Region 9 (USEPA). The I-710 Corridor Initiative process identified and prioritized Los Angeles Regional Board UST cases for funding for the EAR Account.

For the Fiscal Year 2014-2015 Annual Priority Site List, staff proposes adding two (2) new sites to the priority list and renominating four (4) sites that are on the current FY priority

list. If funding is provided, the State Board may collect the cost expenditures for the site assessment and cleanup from the RPs and/or property owners, including recording a lien on the property.

SITE SUMMARIES:

The nominated EAR sites have been impacted by petroleum hydrocarbon releases to the soil from leaking USTs, which either threaten to degrade or have already degraded the underlying groundwater. The RPs are recalcitrant. If provided, EAR Account funds will be used to update assessments, determine the degree of contamination, and increase RP involvement in the cleanup process. Listed below are the UST sites that staff recommend for inclusion on the Fiscal Year 2014-2015 Annual Priority Site List:

1. Kim's ARCO AM/PM Mini Mart (New Nomination)
2. Former M & M Texaco Service Station (New Nomination)
3. Former Old Five, Inc. (Renewal)
4. Former Mobil Service Station (Renewal)
5. Juarez Carwash (Renewal)
6. Garfield Express Property (Renewal)

These sites are more fully described in Exhibits 3 through 8.

COMMENTS RECEIVED:

The tentative Resolution was released for a public review and comment period.

RESPONSE TO COMMENTS:

Staff considered all written comments received by the March 14, 2014 deadline. Where appropriate, staff modified the EAR nomination item.

OPTIONS:

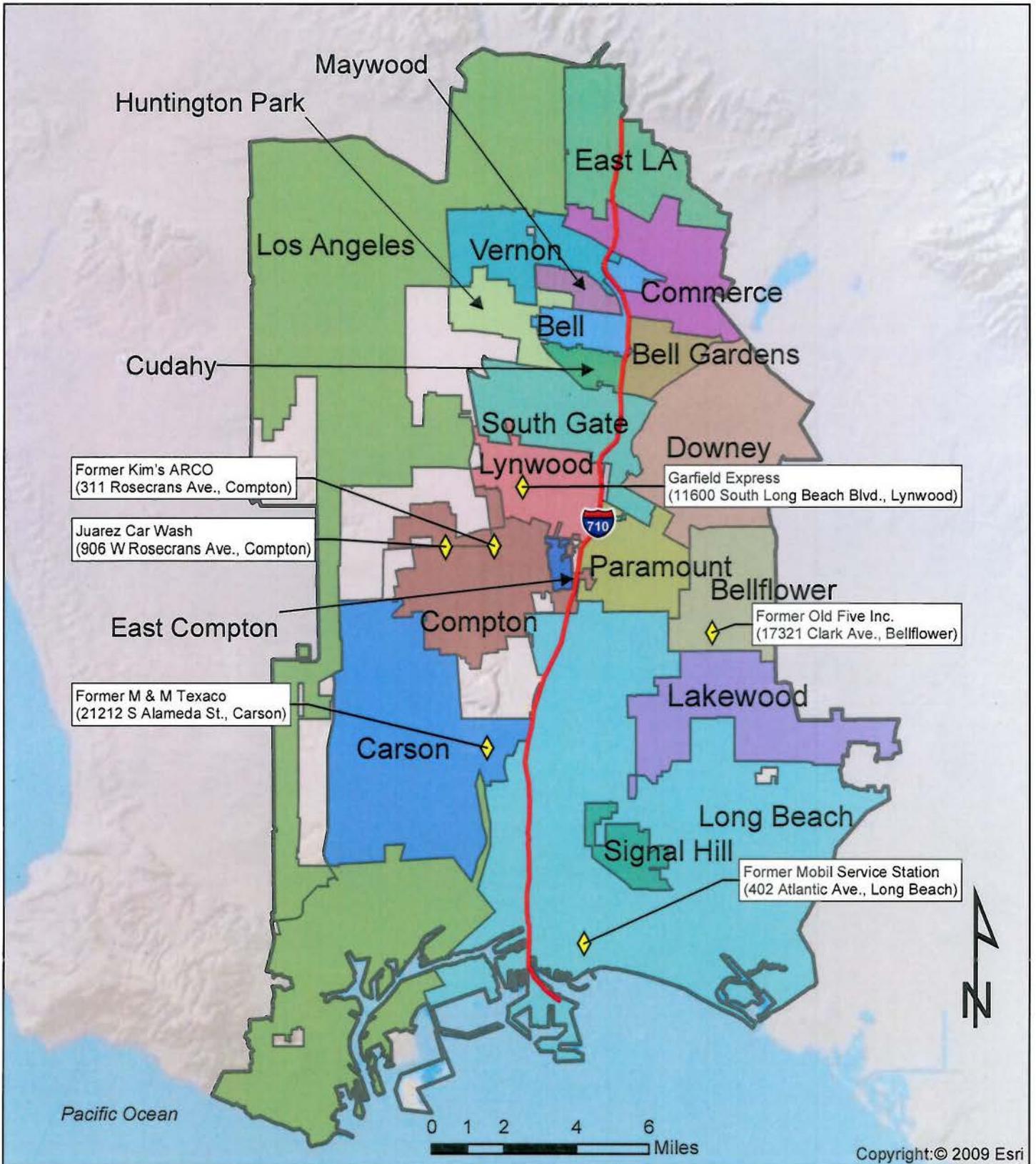
The Los Angeles Regional Board can adopt the Resolution as proposed by staff, not adopt the Resolution, or modify the Resolution and/or sites being proposed for inclusion on the FY 2014-2015 Annual priority Site List for EAR funding.

RECOMMENDATION:

Staff recommends that the Los Angeles Regional Board adopt Resolution No. R14-XXX as proposed. The six (6) nominated EAR sites are in need of significant investigation and/or cleanup because the RPs are recalcitrant. Therefore, funding is needed so that the Regional Board can proceed with corrective action measures.

ATTACHMENTS:

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



 Sites Nominated for California's Emergency, Abandoned, & Recalcitrant (EAR) Account (2014-2015)
 Focus Area
 Note: The color varies to differentiate between each municipality. Uncolored sections within the focus area are unincorporated areas of Los Angeles County.

Figure 1
I-710 Corridor Initiative
March 2014

 Underground Storage Tank
 Program Focus Area

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**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

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Resolution 14-XXX (and Attachment "A")

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

RESOLUTION NO. R14-XXX

April 10, 2014

**Resolution Adopting the Petroleum Underground Storage Tank (UST)
Emergency, Abandoned, and Recalcitrant (EAR) Account Fiscal Year 2014-2015
Annual Priority Site List for the Los Angeles Region**

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

1. Chapter 6.75 of the California Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to provide funding to Regional Water Quality Control Boards (Regional Water Boards) or local agencies to initiate corrective action at petroleum underground storage tank (UST) sites that have had an unauthorized release and that require either: (a) an immediate or prompt action response to protect human health, safety, and the environment (emergency site); (b) action at a site where a responsible party (RP) cannot be identified or located (abandoned site); or (c) action at a site where an RP is either unable or unwilling to take the required corrective action (recalcitrant site).
2. Regional Water Board Executive Officers and Local Agency Directors may verbally request emergency funds to be used for emergency response, if immediate action is required. Approval of those requests will be limited to those sudden cases where a crisis situation, caused by an unauthorized release of petroleum from a petroleum UST, poses an immediate threat to human health, safety, and the environment.
3. Provided there are sufficient funds in the EAR Account, the State Water Board surveys the Regional Water Boards and local agencies annually to obtain a list of nominated and eligible abandoned and recalcitrant UST sites where corrective action funding is necessary. The State Water Board thereafter develops an EAR Annual Site List to identify sites eligible for EAR Account funding statewide.
4. The State Water Board requested the Regional Water Boards to: (a) contact local agencies in their regions to identify any abandoned and recalcitrant petroleum UST sites for inclusion on the State Water Board's EAR Account Fiscal Year (FY) 2014-2015 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 10, 2014.

THEREFORE, BE IT RESOLVED:

1. The Los Angeles Water Board hereby adopts the Petroleum UST EAR Account FY 2014-2015 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 10, 2014.

Samuel Unger, P.E.
Executive Officer

California Regional Water Quality Control Board
Los Angeles Region

ATTACHMENT "A" TO RESOLUTION NO. R14-XXX

**Petroleum Underground Storage Tank Emergency, Abandoned, and
Recalcitrant (EAR) Account FY 2014-2015 Annual Priority Site List**

#	Site & Responsible Parties	Contacts	Contaminants of Concern	EAR Funding Justification	Proposed Corrective Action	Funding Requested
1	<p><u>Site:</u> Kim's ARCO AM/PM Mini Mart 311 East Rosecrans Avenue Compton, CA 90221</p> <p><u>Regional Board Case No.:</u> R-11020</p> <p><u>Responsible Parties:</u> Mr. Yon Kyu Kim and Mrs. Ki Sook Kim 127 Citrine Court Gardena, CA 90248</p>	<p><u>LARWQCB:</u> Magdy Baiady (213) 576-6699 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW Phillip Gharibians-Tabrizi (626) 458-5976 (ext. 5976) Tim Smith (626) 458-3511</p>	<p>Petroleum Hydrocarbons, Chromium</p>	<p>The RPs/present land owners are recalcitrant due to indigence.</p> <p>USEPA conducted financial research and analysis on the RPs' ability to pay, as part of a Cooperative Agreement with the State Water Board, which indicated that the RPs currently have no ability to pay for the required assessment and cleanup work.</p>	<p>Determine the lateral and vertical extent of soil and groundwater contamination. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the plume extent and stability, as well as relevant hydrogeologic parameters. A determination of whether remedial actions will be necessary to protect human health/safety and the environment, and to what extent, will be made after the investigation is complete.</p>	<p>\$150,000</p>

2	<p><u>Site:</u> Former M & M Texaco Service Station 21212 Alameda Street South Carson, CA 90810</p> <p><u>Regional Board Case No.:</u> R-20297</p> <p><u>Responsible Parties:</u> Buford T. Smith Family Trust c/o Ms. Pamela Smith-Harper 3553 Atlantic Avenue, #2 Long Beach, CA 90807</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW John Awujo (626) 458-3507 Tim Smith (626) 458-3511</p>	Petroleum Hydrocarbons	The RPs/present land owners are recalcitrant.	Determine the lateral and vertical extent of soil and groundwater contamination. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the plume extent and stability, as well as relevant hydrogeologic parameters. A determination of whether remedial actions will be necessary to protect human health/safety and the environment, and to what extent, will be made after the investigation is complete.	\$150,000
3	<p><u>Site:</u> Former Old Five, Inc. 17321 South Clark Avenue Bellflower, CA 90706</p> <p><u>Regional Board Case No.:</u> I-15840</p> <p><u>Responsible Parties:</u> Mr. Russ Rottigni (Property Manager) Rottigni Family Trust (Property Owner) 9338 Artesia Blvd., #20 Bellflower, CA 90706 Phone: (714) 713-5343 Email: r.rottnigni2@verizon.net</p> <p>Ms. Shirley J. Rottigni (Trustee) Rottigni Family Trust (Property Owner) 9733 Cedar Street Bellflower, CA 90706</p>	<p><u>LARWQCB:</u> Noman Chowdhury (213) 576-6704 Gregg Kwey (213) 576-6702</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p>	Petroleum hydrocarbons	The RPs/present land owners are recalcitrant.	Determine the lateral and vertical extent of soil and groundwater contamination. If groundwater is found to be contaminated, monitoring wells should be installed to assess the plume extent and stability. A determination of whether remedial actions will be necessary to protect human health/safety and the environment, and to what extent, will be made after the investigation is complete.	Additional \$100,000 (\$100,000 already approved)

4	<p><u>Site:</u> Former Mobil Service Station 402 Atlantic Avenue Long Beach, CA 90802</p> <p><u>Regional Board Case No.:</u> 908020234</p> <p><u>Responsible Party:</u> Israel Dakar c/o Arthur B. Cook, Esq. Hill, Farrer & Burrill, LLP 300 S Grand Ave., 37th Floor Los Angeles, CA 90071 Phone: 213-621-0822 Email: acook@hfbllp.com; acook@hillfarrer.com</p>	<p><u>LARWQCB:</u> David M. Bjostad (213) 576-6712 Weixing Tong (213) 576-6715</p> <p><u>City of Long Beach:</u> Carmen Piro (562) 570-4137</p>	Petroleum hydrocarbons	The RP/present land owner is recalcitrant.	<p>The contaminated soil and polyethylene liner that was placed in the excavation area during UST removal activities will need to be removed and disposed. The secondary source, product piping, should also be removed.</p> <p>Additionally, the lateral and vertical extent of soil and groundwater contamination will need to be determined. Soil and groundwater sampling should be performed beneath the former petroleum USTs and along the perimeter of the previous excavation areas. If groundwater is found to be contaminated, monitoring wells should be installed to assess the plume extent and stability. A determination of whether remedial actions will be necessary to protect human health/safety and the environment, and to what extent, will be made after the investigation is complete.</p>	<p>\$0</p> <p>(\$300,000 already approved)</p>
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5	<p><u>Site:</u> Juarez Carwash 906 W. Rosecrans Avenue (Formerly 900 W. Rosecrans Avenue in GeoTracker) Compton, CA 90220</p> <p><u>Regional Board Case No.:</u> R-26764</p> <p><u>Responsible Parties:</u> Rene and Petra Juarez 1012 South Windsor Boulevard Los Angeles, CA 90019 Phone: (213) 805-1071 Email: 1012900@sbcglobal.net</p> <p><u>Potentially Responsible Parties:</u> Mr. Gary A. Lazar Ms. Divine G. Lazar (now Richardson) Mr. George A. Pearson Mrs. Regina M. F. Pearson</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW Tim Smith (626) 458-3511</p>	<p>Petroleum hydrocarbons, MTBE, Benzene</p>	<p>The RPs/present land owners claim to be indigent and are recalcitrant.</p>	<p>Determine the lateral and vertical extent of soil and groundwater contamination. Monitoring wells need to be installed along the perimeter of the former UST excavation area. Additionally, shallow soil (0-10 feet below ground surface) contamination (secondary source) should be remediated. Soil and groundwater samples should be analyzed for petroleum hydrocarbons and chlorinated solvents during drilling and completion activities. Groundwater will need to be monitored periodically after well completion. A determination of whether remedial actions will be necessary to protect human health/safety and the environment, and to what extent, will be made after the investigation is complete.</p>	<p>Additional \$50,000</p> <p>(\$150,000 already approved)</p>
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6	<p><u>Site:</u> Garfield Express Property 11600 South Long Beach Boulevard Lynwood, CA 90262</p> <p><u>Regional Board Case No.:</u> R-23001</p> <p><u>Responsible Party (RP):</u> Louis & Alice Ross Family Trust 5709 Jed Smith Road, Hidden Hills, CA 91302</p>	<p><u>LARWQCB:</u> Arman Toumari (213) 576-6708 Yi Lu (213) 576-6695</p> <p><u>Local Agency:</u> Los Angeles County DPW John Awujo (626) 458-3507 Tim Smith (626) 458-3511</p> <p><u>Nominating Agency:</u> City of Lynwood Sarah Magana Withers (310) 603-0220</p>	Petroleum hydrocarbons	The RP is recalcitrant. Despite spending most of the available State UST funds, the RP has not made substantial progress toward remediation of free product gasoline or chlorinated solvents in soil and groundwater.	Determine the lateral and vertical extent of soil and groundwater contamination. Soil and groundwater samples should be analyzed for petroleum hydrocarbons and volatile organic compounds (VOCs) during drilling and completion activities. Soil and groundwater should be remediated as expeditiously as possible to remove the continuing source of petroleum hydrocarbons and chlorinated VOCs. A determination of whether remedial actions will be necessary to protect human health/safety and the environment, and to what extent, will be made after the investigation is complete.	\$0 Additional (\$1,500,000 already approved, maximum amount)
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**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item XX.3

Former Kim's ARCO

(New Nomination)

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

1. Site Name and Address:

Kim's ARCO AM/PM Mini Mart
311 East Rosecrans Avenue
Compton, CA 90221
APN: 6167-006-005
GeoTracker Global ID: T10000004151
Regional Board Case #: R-11020

Release Date: April 12, 2012
Site Status: Open-Site Assessment
Current Site Use: Vacant Lot

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

Mr. Yon Kyu Kim and Ms. Ki Sook Kim
127 Citrine Court
Gardena, CA 90248
Phone: 213-533-6347; 818-903-2727 (Celeste Kim, daughter of owners); 310-293-8512 (Carl Westmoreland, son-in-law)
Email: mscelestial111@hotmail.com (Celeste Kim, daughter); bonicarl@sbcglobal.net (Carl Westmoreland, son-in-law)
Date Acquired: June 18, 1984

3. Corrective Action Directives:

On December 16, 2011, the United States Environmental Protection Agency (USEPA) and the Regional Board jointly issued a *Notice of Non-Compliance and Directive to Take Corrective Action* to Mr. Yon Kim, the current property owner. This Notice/Directive identified Mr. Kim as a Responsible Party (RP) for the unauthorized releases from the USTs located at the site and required him to take corrective action to address the abandoned USTs and any contamination that may be present at the site. Mr. Kim did not respond to this Notice/Directive.

On July 9, 2012, the Los Angeles County Department of Public Works (LACDPW) issued a directive to Mr. Yon Kim and Mrs. Ki Sook Kim informing them that, based on the site assessment report dated June 6, 2012, there is soil contamination at the site that poses a potential threat to the groundwater and that the case is therefore being referred to the Regional Board.

On August 6, 2012, the Regional Board issued a directive to Mr. Yon Kim and Mrs. Ki Sook Kim requiring them to submit additional information on the site to the Regional Board no later than September 7, 2013. No response was received from the RPs.

On December 10, 2012, the Regional Board issued a directive to Mr. Yon Kim and Mrs. Ki Sook Kim requiring them to submit a workplan to the Regional Board to fully delineate the soil and groundwater contamination at the site by January 18, 2013.

On May 21, 2013, Mr. Yon Kim submitted a letter to the Regional Board stating that they are currently in the process of completing environmental cleanup through the State Water

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Resources Control Board's (SWRCB's) Replacing, Removing or Upgrading Underground Storage Tanks (RUST) Program as required and also intend to build auto mechanic facilities on the property in the future.

On August 29, 2013, the Regional Board issued the RPs a *Notice of Violation* (NOV) for not complying with the December 10, 2012 directive. The NOV required immediate submittal of the delinquent workplan. 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: Magdy Baiady
Phone: (213) 576-6699
Email: mbaiady@waterboards.ca.gov

5. Description of Unauthorized Release:

According to the *Site Investigation Report*, prepared by Sullivan International Group, Inc. for USEPA (June 6, 2012), three 10,000-gallon gasoline and one 2,500-gallon waste oil USTs were removed from the site on April 12, 2012.

Soil samples were collected during the UST removals from beneath the tank invert elevations; from between 9 and 12 feet below ground surface (ft bgs) and below product distribution lines at 3 ft bgs, and adjacent to the former dispenser islands at the same depth. Maximum contaminant concentrations detected for the analyzed soil samples are as follows:

- 10,000 mg/kg for total petroleum hydrocarbons in the gasoline range (TPH_G)
- 3,300 mg/kg for total petroleum hydrocarbons in the diesel range (TPH_D)
- 16 mg/kg for benzene,
- 310 mg/kg toluene,
- 210 mg/kg ethylbenzene,
- 1,000 mg/kg total xylenes,
- 0.033 mg/kg MTBE
- 170 mg/kg naphthalene, and
- 48 mg/kg tertiary butyl alcohol (TBA).

The report also indicated that the product piping, dispenser islands and awning are still present onsite, along with the remnants of garage bays with hydraulic lifts along the eastern side of the property. Environmental samples were not collected in the garage bays; therefore, the environmental condition in this area is unknown.

6. Justification for Nomination to EAR Program:

The RPs are recalcitrant due to indigence. They have failed to conduct further investigation to determine the lateral and vertical extent of soil and/or groundwater contamination at the site as required. Further formal enforcement action could result in monetary penalties being assessed for non-compliance. However, this approach may be counterproductive due to the RPs'

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indigence. The EAR Program offers the alternative of proceeding with environmental assessment and cleanup, while placing a lien on the property to recover state expenditures.

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

USEPA conducted an *Ability to Pay Analysis*, which indicated that the RPs currently have no ability to pay for the required assessment and cleanup work. Therefore, the RPs cannot afford to hire an environmental consultant to do the required fieldwork at the site.

Pursuant to a Cooperative Agreement and in-kind workplan between the State Water Resources Control Board and USEPA for Leaking Underground Storage Tanks (LUST) activities (97952501-4), USEPA provided funding through an interagency agreement with the US Army Corp of Engineers to utilize LUST Trust Funds for performing work at the site. However, additional LUST Trust Funds are not available for further site investigation.

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

None.

9. Actions Taken by the RP:

To support their claim of indigence, the RPs provided financial information to USEPA for an *Ability to Pay Analysis*, so the site could qualify for the use of Federal LUST Trust Funds for the initial site investigation that concluded in April 2012. The RPs have also granted site access to USEPA's Contractor, Sullivan International Group, Inc., in order to conduct the initial site investigation.

On May 31, 2013, USEPA Contractor Lynda Arakelian (Sullivan International Group, Inc.) received a phone call from Celeste Kim (property owners' daughter), stating that her parents had hired Cardino Consulting and were planning to fill out paperwork to apply for the State Water Board's UST Cleanup Fund, in order to conduct the required follow-up site investigation. Ms. Arakelian provided Ms. Kim with information on the State Water Board's Orphan Site Cleanup Fund (OSCF) in case her parents decided they want to sell the property. The RPs are not eligible for the OSCF because they were the operators of the USTs that caused the contamination at the site.

On July 23, 2013, Ms. Arakelian received a call from the property owners' son-in-law, Carl Westmoreland, stating the RPs are researching funding options and want to keep the property so they can lease it out. Ms. Arakelian sent Mr. Westmoreland information about the State Water Board's UST Cleanup Fund and the Emergency, Abandoned, Recalcitrant (EAR) Account.

On October 1, 2013, Ms. Arakelian called Ms. Celeste Kim, who indicated that her parents are trying to sell the property, but haven't been able to find an interested buyer to apply for the OSCF. Ms. Arakelian contacted the City of Compton to see whether they were interested in applying to the OSCF, but the City stated they were not able to assist, since they have no plans to redevelop the property at this time and are unaware of any interested buyers or developers.

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On October 8, 2013, Ms. Arakelian informed Ms. Celeste Kim that the City of Compton would not apply for the OSCF and that the EAR Account may be the best option for the property. Ms. Arakelian again included information about the State Water Board's EAR Account.

On January 7, 2014, Ms. Arakelian received a call from Frank Kotch (Reynolds Group), stating that the RPs had hired him to assist with applying to the UST Cleanup Fund and that they were currently leasing the property to occupants that were in the process of cleaning up debris and waste that had been dumped on the vacant property. However, the RPs are not eligible for the UST Cleanup Fund because they are not in compliance with Regional Board directives.

10. Investigation/Remedial Efforts Completed:

None, beyond the initial UST removal and soils investigation in April 2012.

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

Site data was reviewed and compared against the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)* criteria in an effort to see whether the site could be closed under the new policy. The review concluded that the following criteria have not been met:

- General (see attached evaluation form):
 - Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination (if present in groundwater) has not been assessed and the hydrogeology has not been adequately defined.
 - The secondary source has been removed to the extent practicable.
- Groundwater – Contamination to groundwater has not been assessed; however, site soils contain sufficient contaminant concentrations to potentially threaten groundwater quality.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated for future construction. Soil samples collected below the pipelines and former dispenser locations had concentrations of TPH_D >100 mg/kg at 3 ft bgs. Concentrations of benzene in groundwater are also unknown.
- Direct Contact and Outdoor Air Exposure – Based on soil sample analytical data collected during the UST removals, concentrations are below the maximum allowable concentrations outlined in the LTCP; however, the lateral and vertical extent of the soil contamination is unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, soil and groundwater sampling need to be conducted to determine the lateral and vertical extent of contamination at the site. Although no groundwater was encountered during UST removal, depth to groundwater is estimated to be approximately 28-33 feet bgs and may have been impacted by the petroleum hydrocarbon release. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the plume extent and stability, as well as determining relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

Item X

13. Amount of Annual Funding Requested and Estimated Total Required

\$150,000 annual funding for additional investigation is recommended. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

If EAR funding is denied, migration of the plume towards municipal production wells located within 1/3 of a mile is possible. Furthermore, since the extent of contamination remains unknown, and because of the RP's failure to comply, the site could continue to cause community blight and environmental risk, indefinitely. Should the site be redeveloped, contamination at the site could pose an unacceptable human health risk due to possible exposure to petroleum vapors migrating from soil and/or groundwater to indoor air and other unknown contaminants. The site has been vacant since the Los Angeles Civil Riots of 1992 and remains a magnet for waste dumping and illegal activity. The contamination present is a barrier to redevelopment of the site.

15. Attachments

1. December 10, 2012 Regional Board Directive
2. May 21, 2013, correspondence from RP to the Regional Board
3. August 29, 2013 Regional Board *Notice of Violation*
4. January 22, 2014 Regional Board *EAR Notification Letter*
5. LTCP Evaluation Form



Los Angeles Regional Water Quality Control Board

December 10, 2012

Mr. and Mrs. Yon Kim
127 Citrine Court
Gardena, CA 90248

Certified Mail
Return Receipt Requested
7005 0390 0000 4137 7171

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES - PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER KIM'S ARCO AM/PM MINI MART (PRIORITY B-2)
311 EAST ROSECRANS AVENUE, COMPTON, CALIFORNIA (CASE NO. R-11020)**

Dear Mr. & Mrs. Kim:

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

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

Background:

The site is located at 301/311 East Rosecrans Avenue in Compton, California. The site was an Arco service station till 2000 when the station was removed. The site is currently a vacant lot. The surrounding land use is a mix of residential commercial and light industrial properties.

In April 2012, three 10,000-gallon gasoline and one 2,500-gallon waste oil USTs were removed from the site. Twenty one soil samples were collected from beneath the USTs, dispenser island and soil stockpile. Soil samples taken during this time detected total petroleum hydrocarbon (TPHg) of 10,000 mg/kg, TPHd of 3,300 mg/kg, benzene of 16 mg/kg, toluene of 310 mg/kg, ethylbenzene of 210 mg/kg, xylenes of 1,000 mg/kg, tertiary butyl alcohol (TBA) of 48 mg/kg, and naphthalene of 170 mg/kg. Methyl tertiary butyl ether (MTBE) was not detected beneath the site.

Based on an identified release and potential impact to groundwater, the site was transferred to this Regional Board on July 9, 2012, from the County of Los Angeles Department of Public Works.

Regional Board staff reviewed the available information in the file and the surrounding area and determined that further investigation is required to evaluate the extent of contamination present beneath the site from the former USTs.

Requirement for a Workplan (Per CCR Title 23, Chapter 16, §2725)

According to the above assessment data, the soil and groundwater beneath the site are contaminated with petroleum hydrocarbons. However, the lateral and vertical extents of the contamination have not been established. Therefore, you are required to submit a workplan to fully delineate the soil and groundwater contamination at the site to this Regional Board by January 18, 2013. Your workplan must include a proposal to install a sufficient number of soil borings and groundwater monitoring wells at strategic locations, including at offsite areas if needed.

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

Regulations in Chapter 30, Division 3 of Title 23 of California Code of Regulations (CCR), require 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/water_issues/programs/ust/guidelines/e-qmr_guideline.pdf

E-Report Submittals

Effective November 1, 2011, Regional Board implemented a *Paperless Office System*. Interested parties were notified of this intent in a letter dated October 20, 2011. The announcement can be seen at:

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

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

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

1. The contractor who conducts the environmental work as required in this directive shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

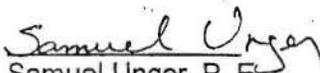
Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of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

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 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.

If you have any questions regarding this matter, please call Mr. Magdy Baiady at (213) 576-6699. You may also reach him through his e-mail address: mbaiady@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Mr. and Mrs. Yon Kim
Kim's Arco Am Pm Mini Market

- 4 -

December 10, 2012

cc:

Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Lynda Arakelian, Sullivan International Group, Inc.

May 21, 2013

To: Magdy Baiady

Letter of Intent

Re: 301-311 #. Rosecrans Ave. Compton, CA 90221

From: Yon Kyu Kim

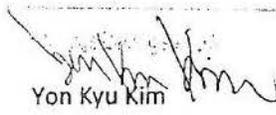
RECEIVED

2013 MAY 31 PM 1 49

CALIFORNIA WATER
QUALITY CONTROL BOARD
LOS ANGELES

This letter is to state my intentions with the property at 301 E. Rosecrans Ave in Compton, Ca. 90221. I do not plan to sell nor give away this property. I am in the process of completing the clean-up through the RUST Program as required by the State Water Resources Control Board. I plan to build auto mechanic facilities on the property.

Sincerely,


Yon Kyu Kim



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 29, 2013

Mr. and Mrs. Kim
127 Citrine Court
Gardena, CA 90248

Certified Mail
Return Receipt Requested
Claim No. 7011 2970 0000 0645 1324

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

**KIM'S ARCO AM/PM MINI MARKET (PRIORITY CASE B-2)
311 EAST ROSECRANS AVE., COMPTON, CA (CASE NO. R-11020)**

Dear Mr. and Mrs. Kim:

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

Delinquent Technical Report

On August 6, 2009, the Regional Board staff issued correspondence notifying you that the subject site (site) had been transferred to this Regional Board by the County of Los Angeles Department of Public Works (LADPW). The August 6, 2009 letter also required you to submit a technical report containing information regarding the site by September 7, 2012. As of today, this Regional Board has not received the required technical report.

Delinquent Workplan

Based on the available information, Regional Board staff determined that the soil and groundwater beneath the site were contaminated with petroleum hydrocarbons, however, the lateral and vertical extent of the contamination has not been established. In a directive letter dated December 10, 2012, Regional Board Executive Officer directed you to submit a workplan to fully delineate the soil and groundwater contamination at the site by January 18, 2013 pursuant to California Code of Regulations, title 23, Chapter 16, §2724.

As of today, this Regional Board has not received the required workplan and hereby notifies you that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2724. You must submit the required workplan immediately.

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

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Mr. and Mrs. Kim
127 Citrine Court, CA 90248

- 2 -

August 29, 2013

a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

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

If you have any questions, please contact Dr. Yue Rong at (213) 576-6710 (yrong@waterboards.ca.gov), Dr. Yi Lu at (213) 576-6695 (yilu@waterboards.ca.gov), or Mr. Magdy Baiady at (213) 576-6699 (Mbaiady@waterboards.ca.gov).

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures: Order dated December 10, 2012

Cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
State Water Resources Control Board, UST-Cleanup Fund
Tim Smith, County of Los Angeles Department of Public Works
Kevin Graves, UST Program, State Water Resources Control Board
Steve Linder, UST Program, United States Environmental Protection Agency
Linda Arakelian, Sullivan International Group Inc.,



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 22, 2014

Mr. Yon K. Kim & Ms. Ki Sook Kim
127 Citrine Court
Gardena, CA 90248

Via Certified Mail
Return Receipt Requested
7011 2970 0000 0645 1508

EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727

KIM'S ARCO AM/PM MINI MART (Priority B-2 Site)

311 EAST ROSECRANS AVENUE, COMPTON, CA 90221 (File No. R-11020) (Global ID. T10000004151)

Dear Mr. & Ms. Kim:

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

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

Background

On August 6, 2012, the Regional Board issued you a directive letter requiring you to submit additional information on the Site by September 7, 2012. No information was received by the deadline.

On December 10, 2012 the Regional Board issued you a directive letter (copy attached) requiring you to submit a workplan to fully delineate the soil and groundwater contamination at the Site by January 18, 2013. No workplan was submitted by the deadline.

On May 21, 2013, you submitted a letter to the Regional Board stating that you were in the process of completing site cleanup through the Replacing, Removing, or Upgrading

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Underground Storage Tanks (RUST) Program, administered by the State Water Resources Control Board (State Water Board).

On August 29, 2013 the Regional Board issued you a Notice of Violation letter (copy attached) requiring the immediate submittal of a work plan to fully delineate the soil and groundwater contamination at the Site. Again, no workplan was submitted. As of today, this Regional Board has not received the required workplan.

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

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

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website:

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

Enforcement

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

If you have any questions regarding this matter, please call Mr. Magdy Baiady at (213) 576-6699. You may also e-mail him at mbaiady@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Mr. Yon Kyu & Ms. Ki Sook Kim
Kim's ARCO AM/PM Mini Mart

- 3 -

January 22, 2014

Enclosures: (a) *Regional Board Letter dated December 10, 2012*
(b) *Regional Board Notice of Violation dated August 29, 2013*

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

KIM'S ARCO AM PM MINI MARKET (T10000004151) - [MAP THIS SITE](#)

[OPEN - SITE ASSESSMENT](#)

311 ROSECRANS AVENUE EAST
COMPTON, CA 90221
LOS ANGELES COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE # R-11020

CASEWORKER: [MAGDY BAIADY](#) - SUPERVISOR: YI LU

LOS ANGELES COUNTY - CASE #: 011030-011020

CASEWORKER: [PHILLIP GHARIBIANS-TABRIZI](#) - SUPERVISOR: TIM SMITH

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

THIS PROJECT WAS LAST MODIFIED BY [MICHAEL COSSON](#) ON 11/21/2013 4:59:18 PM - [HISTORY](#)

THIS SITE HAS SUBMITTALS. CLICK [HERE](#) TO OPEN A NEW WINDOW WITH THE SUBMITTAL APPROVAL PAGE FOR THIS SITE.

CLOSURE POLICY

THIS VERSION IS FINAL AS OF 12/20/2012

CHECKLIST INITIATED ON 12/20/2012

[CLOSURE POLICY HISTORY](#)

General Criteria - *The site satisfies the policy general criteria* - [CLEAR SECTION ANSWERS](#)

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

Name of Water System :

YES NO

b. The unauthorized release consists only of petroleum [\(info\)](#).

YES NO

c. The unauthorized ("primary") release from the UST system has been stopped.

YES NO

d. Free product has been removed to the maximum extent practicable [\(info\)](#).

FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed [\(info\)](#).

Description (Check all that Apply):

- GW Not Evaluated
- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Groundwater Assessment Incomplete - Depth of Contamination Not Defined
- Hydrogeology Not Adequately Defined
- Potential Receptors Not Identified
- Soil Assessment Incomplete - Areal Extent Not Defined
- Soil Assessment Incomplete - Depth Unknown
- Soil Vapor Not Evaluated
- Other -

YES NO

f. Secondary source has been removed to the extent practicable [\(info\)](#).

Impediment to Removing Secondary Source (Check all that Apply):

- Remediation Has Not Been Attempted
- Remediation Was Designed Incorrectly
- Remediation Was Shut Off Prematurely
- Poor Remediation O&M
- Other -

YES NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

YES NO

1. Media-Specific Criteria: Groundwater - *The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below.* - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES NO

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

EXEMPTION - Active Commercial Petroleum Fueling Facility

YES NO

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.* - [CLEAR SECTION ANSWERS](#)

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

YES NO

Additional Information

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

YES NO

[SPELL CHECK](#)

LOGGED IN AS CYORK

[CONTACT GEOTRACKER HELP](#)

Item XX

**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item XX.4

Former M & M Texaco

(New Nomination)

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

1. Site Name and Address:

Former M & M Texaco Service Station
21212 Alameda Street, South
Carson, CA 90810
APN: 7308-012-014
GeoTracker Global ID: T0603705298
Regional Board Case No.: R-20297

Release Date: February 29, 1996
Site Status: Open-Site Assessment
Current Site Use: Vacant Lot with Unoccupied Building

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

Burford T. Smith Family Trust
c/o Ms. Pamela Smith-Harper
3553 Atlantic Avenue, #2
Long Beach, CA 90807
Phone: (562) 989-0218
Date Acquired: September 16, 1980

3. Corrective Action Directives:

On July 15, 2009, the Los Angeles County Department of Public Works (LACDPW) issued a directive to Ms. Pamela Harper of Rocket Oil Company informing her that the case was referred to the Regional Board due to groundwater impacts from the subject site.

On September 30, 2009, the Los Angeles Regional Board issued a directive to Ms. Pamela Harper of Rocket Oil Company requiring the submittal of reports and additional information on the site by October 30, 2009. The directive was returned to the Regional Board as undeliverable as addressed.

On March 8, 2010, the Regional Board sent a duplicate of the September 30, 2009 directive to Ms. Pamela Harper of Rocket Oil Company at an alternative address. The directive included a new deadline of April 8, 2010. The directive was once again returned to the Regional Board as undeliverable as addressed.

On January 17, 2012, the Regional Board sent a duplicate of the September 30, 2009 and March 8, 2010 directives to Ms. Pamela Harper of Rocket Oil Company at a second alternative address. The directive included a new deadline of February 17, 2012. After a telephone conversation with Mr. Burford Smith, the correct mailing address was obtained and, as a result, on August 29, 2012, a *Workplan for Site Assessment Activities* was submitted by Northstar Environmental Remediation (Northstar) on behalf of Ms. Pamela Harper.

On September 25, 2012, the Regional Board issued a directive to the new RP, the Burford T. Smith Family Trust, dated August 29, 2012, in care of Ms. Pamela Harper, approving the workplan for site assessment activities. A report of findings was due to the Regional Board by December 14, 2012.

Item X

On November 14, 2012, Northstar, on behalf of the Burford T. Smith Family Trust, sent a letter to the Regional Board requesting a deadline extension for the submittal of the site assessment report, until the site is accepted into the UST Cleanup Fund.

On August 28, 2013, the Regional Board issued a directive to the Burford T. Smith Family Trust, in care of Ms. Pamela Harper, granting an extension of the report submittal deadline until November 22, 2013. The directive also notified the RP of the Regional Board's intent to nominate the Site for the Emergency, Abandoned, and Recalcitrant (EAR) Account Program, should they not comply with the requirements set forth in the directive.

On September 11, 2013, Northstar, on behalf of the Burford T. Smith Family Trust, sent a letter to the Regional Board requesting a second deadline extension for submittal of the report until the UST Cleanup Fund accepts the site and issues a letter of commitment.

On October 8, 2013, the Regional Board issued a directive to the Burford T. Smith Family Trust, in care of Ms. Pamela Harper, denying the second extension request. The directive again notified the RP of the Regional Board's intent to nominate the Site for the EAR Account Program should they not comply with the requirements set forth in the directive. No response was received.

On January 28, 2014, the Regional Board issued a *Notice of Violation* (NOV) to the Burford T. Smith Family Trust, in care of Ms. Pamela Harper, notifying the RP of the delinquent technical report that was required to be submitted by November 22, 2013 and that it is in violation of Health and Safety Code section 25296.10 and California Code of Regulations, Title 23, § 2723. No response was received.

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 June 16, 2000, an *Underground Storage Tank (UST) Removal Report*, prepared by Vapor Extraction Technology, Inc. on behalf of Ms. Pamela Harper of Rocket Oil Company, was submitted to the Los Angeles County Department of Public Works (LACDPW). According to the report, two 10,000-gallon diesel USTs, one 4,000-gallon diesel UST, and one 10,000-gallon gasoline UST, dispenser islands, and product piping were removed from the site on May 25, 2000. Maximum soil concentrations encountered at the site were as follows:

- 18,000 milligrams per kilogram (mg/kg) total petroleum hydrocarbons in the gasoline range (TPH_G) at 3.5 feet below ground surface (ft bgs) below the former dispenser island,

Item X

- 63,000 mg/kg total petroleum hydrocarbons in the diesel range (TPH_D) at 3.5 ft bgs below the former product piping,
- 120 mg/kg benzene at 3.5 ft bgs below the former dispenser island,
- 1,800 mg/kg toluene at 3.5 ft bgs below the former dispenser island,
- 490 mg/kg ethylbenzene at 3.5 ft bgs below the former dispenser island,
- 2,900 mg/kg ethylbenzene at 3.5 ft bgs below the former dispenser island, and
- 110 mg/kg methyl-tert butyl ether (MTBE) at 3.5 ft bgs below the former dispenser island.

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

6. Justification for Nomination to EAR Program:

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

The State Board rejected the RP's UST Cleanup Fund claim application because the RP did not respond to the State Board's request for documentation/information necessary to determine eligibility to enroll in the fund. One of the main issues was permitting; as it has been difficult to determine whether the RP was in compliance with permitting requirements and/or if they were eligible for a permit waiver. Also, the claim will not be considered by the State Board for UST Cleanup Fund eligibility until the site is in compliance with Regional Board directives.

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

According to correspondence from the RP's consultant, Northstar, dated November 14, 2012, the RP lacks funding and is waiting for the site to be accepted into the UST Cleanup Fund. However, to date, no formal ability to pay analysis has been conducted.

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

None.

9. Actions Taken by the RP:

A *Workplan for Site Assessment Activities*, dated August 29, 2012, was submitted to the Regional Board by Northstar on behalf of the RP. The Workplan proposes to advance 10 soil borings (SB-1 through SB-10) to a maximum depth of 40 feet bgs, near the former UST farm and dispenser islands. Northstar proposed to terminate the drilling of each soil boring once 15 feet of clean, non-impacted soil has been observed after advancing beyond 40 feet bgs; or, if groundwater is encountered. If groundwater is encountered, a groundwater grab sample will be collected and submitted, along with the soil samples, for onsite laboratory analyses by a mobile laboratory.

Regional Board staff understands that the RP is requesting reconsideration of the State Water Board's initial rejection of their UST Cleanup Fund application in March 2013.

Item X

10. Investigation/Remedial Efforts Completed:

None, since the 2000 *UST Removal Report*.

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

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

- General (see attached evaluation form):
- Conceptual Site Model has not been completed. The lateral and vertical extent of soil and groundwater contamination (if present in groundwater) has not been assessed and the hydrogeology has not been adequately defined.
- The secondary source has been removed to the extent practicable.
- Groundwater – Contamination to groundwater has not been assessed; however, site soils contain sufficient contaminant concentrations to potentially threaten groundwater quality.
- Petroleum Vapor Intrusion to Indoor Air – The lateral and vertical extent of the contamination has not been fully delineated for future construction. The bio-attenuation zone thickness is unknown. Soil samples collected from below the former product dispensers had concentrations of TPH_G and TPH_D >100 mg/kg at 3.5 ft bgs. The concentration of benzene in groundwater is also unknown.
- Direct Contact and Outdoor Air Exposure – The lateral and vertical extent of the soil contamination is unknown. Based on soil sample analytical data collected during the UST removals, concentrations of benzene and ethylbenzene in soil exceeded concentrations allowable under the LTCP criteria. Concentrations of naphthalene in soil are unknown.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater need to be conducted to determine the lateral and vertical extent of contamination at the site. It is unknown whether groundwater was encountered during UST removal; however, depth to groundwater is estimated to be approximately 28 feet bgs in the area and may have been impacted by the UST release. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the plume's extent and stability, as well as determining relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

\$150,000 annual funding for additional investigation is recommended. Total funding cannot be estimated until the extent of contamination is determined.

14. Results if EAR Funding is Denied:

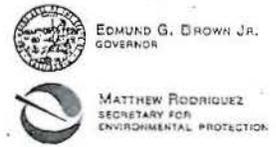
If EAR funding is denied, migration of the plume towards municipal production wells located within ½ mile southeast of the site is possible. Furthermore, since the extent of contamination

Item X

remains unknown and because of the RP's failure to comply, the site could continue to be undeveloped and cause environmental risk indefinitely.

15. Attachments:

1. August 28, 2013, Regional Board directive for delinquent technical report.
2. October 8, 2013, Regional Board time extension denial letter.
3. January 30, 2014, Regional Board *Notice of Violation*.
4. LTCP Evaluation Form



Los Angeles Regional Water Quality Control Board

August 28, 2013

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 000 4661 2520
Return Receipt Requested

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER M&M TEXACO SERVICE
21212 SOUTH ALAMEDA STREET, CARSON, CA (CASE NO. R-20297) (PRIORITY B-2 SITE)**

Dear Ms. Harper:

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

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

Background:

On May 25, 2000, two 10,000-gallon diesel USTs, one 4,000-gallon diesel UST, and one 10,000-gallon gasoline UST were removed from the Site. Soil samples collected from the UST excavation, beneath the former dispensers and beneath former product piping, detected up to 18,000 milligrams per kilogram (mg/kg) total petroleum hydrocarbons as gasoline (TPH_G), 63,000 mg/kg total petroleum hydrocarbons as diesel (TPH_D), 120 mg/kg benzene, 580 mg/kg toluene, 490 mg/kg ethylbenzene, 2,900 mg/kg xylenes, and 110 mg/kg methyl-tert butyl ether (MTBE).

On July 23, 2009, the Los Angeles County Department of Public Works referred this case to the Regional Board due to concerns of groundwater impacts from the Site.

On August 29, 2012, Northstar Environmental Remediation (Northstar) submitted the "Workplan for Site Assessment Activities" (Workplan) on your behalf, as representative of the Buford T. Smith Family Trust, in response to the February 17, 2012 directive letter. The workplan proposed to advance 10 soil borings (SB-1 through SB-10) to a maximum depth of 40 feet below ground surface (ft bgs) near the former UST farm and the dispenser islands. Northstar proposed to terminate the drilling of each soil boring when 15 ft of clean, non-impacted soil has been observed after advancing beyond 40 ft bgs; or, groundwater is encountered. If groundwater is encountered, Northstar proposed collecting and submitting a groundwater grab sample, along with the soil samples, for onsite laboratory analyses by a mobile laboratory.

On September 25, 2012, the Regional Board issued a letter to the Buford T. Smith Family Trust (c/o Pamela Harper), approving the Workplan and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On November 14, 2012, Northstar sent a letter to the Regional Board, requesting a deadline extension for the technical report until the Cleanup Fund accepts the site and issues a letter of commitment.

Based on the available information, the Regional Board requires further investigation to evaluate the lateral and vertical extent of contamination present on-site from the former USTs, product dispensers, and product piping. You are required to submit the technical report detailing the results of the investigation, as directed in the September 25, 2012 letter conditionally approving the *Workplan for Site Assessment Activities*, dated August 29, 2012. The report is due to this Regional Board by **November 22, 2013**.

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

If you do not comply with the requirements set forth in this letter, we may nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. A contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Regulatory Requirement for Electronic Submission of Laboratory Data to the State GeoTracker Internet Database

On September 30, 2004, the State Water Board 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 and water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), via the Internet to the State Water

Board'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 State Water Board'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 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 information (i.e., elevation, depth to free product, monitoring well status, etc.)

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

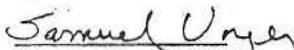
1. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances. The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

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

If you have any questions regarding this matter, please contact Dr. Yi Lu at (213) 576-6695 or yilu@waterboards.co.gov or Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Robert K. Tweidt, Northstar Environmental Remediation



Los Angeles Regional Water Quality Control Board

October 8, 2013

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 000 4661 2537
Return Receipt Requested

**UNDERGROUND STORAGE TANK PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER M&M TEXACO SERVICE
21212 SOUTH ALAMEDA STREET, CARSON, CA (CASE NO. R-20297) (PRIORITY B-2 SITE)**

Dear Ms. Harper:

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

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

On September 25, 2012, the Regional Board issued a letter to the Buford T. Smith Family Trust (c/o Pamela Harper), approving the Workplan and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On November 14, 2012, Northstar Environmental Remediation, on behalf of the Buford Smith Trust, sent a letter to the Regional Board, requesting a deadline extension for the technical report until the Cleanup Fund accepts the site and issues a letter of commitment.

On August 28, 2013, the Regional Board issued a letter to the Buford T. Smith Family Trust (c/o Pamela Harper) directing you to submit a technical report detailing the results of the approved workplan for site assessment activities by November 22, 2013.

On September 11, 2013, Northstar Environmental Remediation on behalf of the Buford Smith Trust, sent a letter to the Regional Board, requesting a deadline extension for the technical report until the Cleanup Fund accepts the site and issues a letter of commitment. This is the second extension request submitted.

Please note that the Cleanup Fund is merely a reimbursement account, and performing required site assessments is not predicated on the acceptance of the case by the Cleanup Fund. Therefore, your extension request is denied. The technical report is due to this Regional Board by **November 22, 2013**.

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

If you do not comply with the requirements set forth in this letter, and if the required technical report is not received by **November 22, 2013**, we may nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board). The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. A contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

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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 State Water Board'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 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 information (i.e., elevation, depth to free product, monitoring well status, etc.)

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

1. The Contractor who conducts the environmental work as required in this Order shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically, including but not limited to, environmental, procurement and safety laws, rules, regulations, and ordinances.

The Contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the Contractor that reflect or rely upon geological or engineering interpretations by the Contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

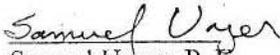
2. All reports submitted to this office must conform to the *Guidelines for Report Submittals* (June 1993), published by the Los Angeles County Department of Public Works.

Enforcement

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

If you have any questions regarding this matter, please contact Dr. Yi Lu at (213) 576-6695 or ylu@waterboards.co.gov or Mr. Arman Toumari at (213) 576-6708 or atoumari@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Robert K. Tweidt, Northstar Environmental Remediation



Los Angeles Regional Water Quality Control Board

January 30, 2014

Ms. Pamela Harper
Buford T. Smith Family Trust
3553 Atlantic Avenue, No. 2
Long Beach, CA 90807

Certified Mail # 7001 2510 000 4661 2551
Return Receipt Requested

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

FORMER M&M TEXACO SERVICE

21212 SOUTH ALAMEDA STREET, CARSON, CA (CASE NO. R-20297) (PRIORITY B-2 SITE)

Dear Ms. Harper:

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

Delinquent Technical Report

On July 23, 2009, the Los Angeles County Department of Public Works transmitted this case to this agency due to concerns of groundwater impacts from the subject site.

On September 25, 2012, Regional Board staff issued a letter to the RP approving the RP's January 17, 2012 workplan to delineate the extent of soil and groundwater contamination at the site and required the submittal of a technical report detailing the results of the investigation by December 14, 2012.

On September 11, 2013, Northstar sent a letter to the Regional Board requesting that the deadline to submit the technical report be extended until the Cleanup Fund accepted the site and issued a letter of commitment.

On October 8, 2013, the Regional Board issued a letter to the RP requiring the technical report detailing the results of the approved workplan for site assessment activities be submitted by November 22, 2013. As of today, this Regional Board has not received the required technical report.

You are hereby notified that you are in violation of Health and Safety Code section 25296.10 and California Code of Regulations, title 23, Chapter 16, §2723 for failure to

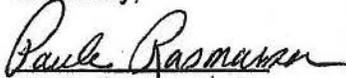
submit the required technical report detailing the results of the approved workplan for site assessment activities by November 22, 2013.

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

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

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

Sincerely,



Paula Rasmussen

Assistant Executive Officer

Enclosures: Letter dated October 8, 2013

cc: Kathy Jundt, SWRCB, Underground Storage Tank Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Dixon Oriola, Los Angeles Water Quality Control Board
Tim Smith, Los Angeles County Department of Public Works
Richard Lavin, Los Angeles County Department of Health Services
Katherine R. Tweidt, Northstar

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

M & M TEXACO SERVICE (T0603705298) - [MAP THIS SITE](#)

OPEN - SITE ASSESSMENT

21212 ALAMEDA ST S
CARSON, CA 90810
LOS ANGELES COUNTY

[ACTIVITIES REPORT](#)

[PUBLIC WEBPAGE](#)

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: R-20297

CASEWORKER: [ARMAN TOUMARI](#) - SUPERVISOR: YILU

LOS ANGELES COUNTY - CASE #: 006004-020297

CASEWORKER: [JOHN AWLUJO](#) - SUPERVISOR: TIM SMITH

CUF Claim #: 19988 CUF Priority Assigned: B CUF Amount Paid: \$0

THIS PROJECT WAS LAST MODIFIED BY [CHRISTINE YORK](#) ON 1/10/2014 11:41:11 AM - [HISTORY](#)

CLOSURE POLICY

THIS VERSION IS FINAL AS OF 6/13/2013

CHECKLIST INITIATED ON 6/13/2013

[CLOSURE POLICY HISTORY](#)

General Criteria - The site satisfies the policy general criteria - [CLEAR SECTION ANSWERS](#)

YES

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

Name of Water System :

YES NO

b. The unauthorized release consists only of petroleum [\(info\)](#).

YES NO

c. The unauthorized ("primary") release from the UST system has been stopped.

YES NO

d. Free product has been removed to the maximum extent practicable [\(info\)](#).

FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed [\(info\)](#).

YES NO

f. Secondary source has been removed to the extent practicable [\(info\)](#).

YES NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

YES NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below. - [CLEAR SECTION ANSWERS](#)

NO

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES NO

Does the site meet any of the Groundwater specific criteria scenarios?

YES NO

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

≥ 100 Feet and < 250 Feet ≥ 250 Feet and < 1,000 Feet ≥ 1,000 Feet Unknown

Plume is Stable or Decreasing in **AREAL** Extent :

No Unknown

Free Product in Groundwater :

Yes No Unknown

Free Product Has Been Removed to the Maximum Extent Practicable :

No Unknown

For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years [\(info\)](#) :

No Unknown

For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :

No Unknown

Free Product Extends Offsite :

Yes Unknown

Benzene Concentration :

≥ 1,000 µg/l and < 3,000 µg/l ≥ 3,000 µg/l Unknown

MTBE Concentration :

≥ 1,000 µg/l Unknown

Nearest Supply Well (From Plume Boundary) :

≤ 250 Feet > 250 Feet and ≤ 1,000 Feet Unknown

Nearest Surface Water Body (From Plume Boundary) :

≤ 250 Feet > 250 Feet and ≤ 1,000 Feet Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c - [CLEAR SECTION ANSWERS](#)

NO

EXEMPTION - Active Commercial Petroleum Fueling Facility

YES NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

YES NO

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Soil Gas Samples :

No Soil Gas Samples Taken Incorrectly

Exposure Type :

Residential Commercial

Free Product :

In Groundwater
 In Soil
 Unknown

TPH in the Bioattenuation Zone :

≥ 100 mg/kg
 Unknown
 Soil samples not taken at two depths within 5 ft. zone (only for Scenario 4 with BioZone)

Bioattenuation Zone Thickness :

< 5 Feet (No BioZone)
 ≥ 5 Feet and < 10 Feet
 ≥ 10 Feet and < 30 Feet
 ≥ 30 Feet
 30ft BioZone Compromised TPH > 100mg/kg
 Unknown

O2 Data in Bioattenuation Zone :

No O₂ Data
 O₂ < 4%
 O₂ ≥ 4%

Benzene in Groundwater :

≥ 100 µg/l and < 1,000 µg/l
 ≥ 1,000 µg/l
 Unknown

Soil Gas Benzene :

≥ 85 µg/m³ and < 280 µg/m³
 ≥ 280 µg/m³ and < 85,000 µg/m³
 ≥ 85,000 µg/m³ and < 280,000 µg/m³
 ≥ 280,000 µg/m³
 Unknown

Soil Gas EthylBenzene :

≥ 1,100 µg/m³ and < 3,600 µg/m³
 ≥ 3,600 µg/m³ and < 1,100,000 µg/m³
 ≥ 1,100,000 µg/m³ and < 3,600,000 µg/m³
 ≥ 3,600,000 µg/m³
 Unknown

Soil Gas Naphthalene :

≥ 93 µg/m³ and < 310 µg/m³
 ≥ 310 µg/m³ and < 93,000 µg/m³
 ≥ 93,000 µg/m³ and < 310,000 µg/m³
 ≥ 310,000 µg/m³
 Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below.* - [CLEAR SECTION ANSWERS](#)

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

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Exposure Type :

Residential
 Commercial
 Utility Worker

Petroleum Constituents in Soil :

≤ 5 Feet bgs
 >5 Feet bgs and ≤10 Feet bgs
 Unknown

Soil Concentrations of Benzene :

> 1.9 mg/kg and ≤ 2.8 mg/kg
 > 2.8 mg/kg and ≤ 8.2 mg/kg
 > 8.2 mg/kg and ≤ 12 mg/kg
 > 12 mg/kg and ≤ 14 mg/kg
 > 14 mg/kg
 Unknown

Soil Concentrations of EthylBenzene :

> 21 mg/kg and ≤ 32 mg/kg
 > 32 mg/kg and ≤ 89 mg/kg
 > 89 mg/kg and ≤ 134 mg/kg
 > 134 mg/kg and ≤ 314 mg/kg
 > 314 mg/kg
 Unknown

Soil Concentrations of Naphthalene :

> 9.7 mg/kg and ≤ 45 mg/kg
 > 45 mg/kg and ≤ 219 mg/kg
 > 219 mg/kg
 Unknown

Soil Concentrations of PAH :

> 0.063 mg/kg and ≤ 0.68 mg/kg
 > 0.68 mg/kg and ≤ 4.5 mg/kg
 > 4.5 mg/kg
 Unknown

Area of Impacted Soil :

Area of Impacted Soil > 82 by 82 Feet
 Unknown

Additional Information

Should this case be closed in spite of NOT meeting policy criteria? YES NO

[SPELL CHECK](#)

LOGGED IN AS CYORK

[CONTACT GEOTRACKER HELP](#)

Item XX

**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item XX.5

Former Old Five Inc.

(Renewal)

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

1. Site Name and Address:

Former Old Five, Inc.
17321 Clark Avenue South
Bellflower, CA 90706
APN: 7162-017-045
GeoTracker Global ID: T0603704357
Regional Board Case No.: I-15840

Release Date: October 1, 1990
Site Status: Open-Site Assessment
Current Site Use: Vacant Lot

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

Ms. Shirley J. Rottigni (Trustee)
Rottigni Family Trust (Property Owner)
9733 Cedar Street
Bellflower, CA 90706

Mr. Russ Rottigni (Property Manager)
Rottigni Family Trust (Property Owner)
9338 Artesia Blvd., #20
Bellflower, CA 90706
Phone: 714-713-5343
Email: r.rottnigni2@verizon.net
Date Acquired: December 8, 2000

3. Corrective Action Directives:

Numerous directives have been issued to the RPs for the site; first by the Los Angeles County Department of Public Works (LACDPW) and then, after the case was transferred, on February 22, 2001, by the Los Angeles Regional Board.

On September 20, 2008, the Regional Board issued a directive to Rino L. Rottigni (previous property owner) identifying him as a RP for the unauthorized release from the USTs at the site and requiring him to take further corrective action to determine the extent of the contamination. No response was received from the RP, and it was later discovered that he had passed away in 2005.

On August 22, 2011, the Regional Board issued a directive to Mr. Russ L. Rottigni (son of the deceased Rino L. Rottigni and property manager of the site) requiring him to submit a site assessment work plan by October 15, 2011. No work plan was received by the due date.

On October 9, 2012, the Regional Board issued a *Notice of Violation* (NOV) to Mr. Russ L. Rottigni for failure to submit the site assessment workplan. The NOV required immediate submittal of the delinquent workplan. No work plan has been received to date.

On December 10, 2012, the Regional Board sent Mr. Russ L. Rottigni, representative of the Rottigni Family Trust, a letter notifying him of the Regional Board's intent to nominate the site

Item X

for the State Water Board's Emergency, Abandoned and Recalcitrant (EAR) Account Program. No response was received.

On December 19, 2012, Mr. Carl Hulick of CMH Environmental Group (CMH) sent email correspondence to the Regional Board on the behalf of Ms. Shirley J. Rottigni (Trustee of the Rottigni Family Trust). Mr. Hulick indicated that Ms. Rottigni has retained CMH as a consultant and requested a 30 day time extension to review historic documents and create a workplan for the site. Additional correspondence was sent from Mr. Hulick to the Regional Board on February 1, 2013, requesting review and discussion of the Site under the *Low-Threat Underground Storage Tank Case Closure Policy (LTCP)*. Additional email correspondence was sent from Mr. David Boyers of the State Water Board's Office of Enforcement to Mr. Russ L. Rottigni informing him that the State Water Board would now be assisting the Regional Board with bringing an enforcement action against the RP.

On March 4, 2013, the Regional Board sent email correspondence to Mr. Russ L. Rottigni informing him that the Regional Board would be proceeding to nominate the site to the EAR Account. The Regional Board also requested that Ms. Shirley Rottigni write a letter to the Regional Board appointing a representative of the Rottigni Family Trust in her place, since she is in poor health. No response has been received.

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

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

Project Manager: Noman Chowdhury
Phone: 213-576-6704
Email: nchowdhury@waterboards.ca.gov

5. Description of Unauthorized Release:

According to the *Initial Site Review Assessment* conducted in 2006 by CMH Environmental Group, Inc. (CMH), a contractor performed a systems test on June 9, 1990 on three USTs, product lines, and dispensers. Two of the USTs tested failed.

The report states that the owner at the time, Mr. Tai-Soon Chou, obtained a Hazardous Materials Underground Storage Tank permit on August 10, 1990, but it is unknown as to why the permits were obtained. According to a letter dated October 15, 1991 from the LACDPW, the tank capacity and type of product stored were different from what was indicated on the permit during the June 1990 integrity test. The report states that the tanks were likely removed in August 1990. According to an inspector's report, dated August 13, 1990, a "sniffer" meter detected gasoline levels at 50 ppm, in and around the piping area, indicating an unknown quantity of free product may have been released.

An *Underground Tank Removal* report, submitted by Prime Environmental Group, Inc. to the LACDPW on October 30, 2000 stated the following:

- Three gasoline underground storage tanks (USTs) and one waste oil tank, along with 85 tons of petroleum-impacted soil, were removed on October 16, 2000 and disposed of off-site.

Item X

- One 7,500-gallon, one 8,000-gallon, and one 10,000 gallon gasoline USTs were removed. It is also suspected that a waste oil tank was located next to the garage building (500-gallons).
- Soil samples were collected during the tank removals from beneath the tank invert elevations from between 14 and 16 feet below ground surface (ft bgs) and adjacent to the former dispenser islands (depth not stated in the report). Maximum concentrations for analyzed soils are as follows:
 - 444 mg/kg for total petroleum hydrocarbons in the gasoline range (TPH_G)
 - 0.747 mg/kg for benzene,
 - 200,000 mg/kg for methyl tert- butyl ether (MTBE),
 - 25.7 mg/kg toluene,
 - 12.4 mg/kg ethylbenzene, and
 - 64.8 mg/kg total xylenes.

6. Justification for Nomination to EAR Program:

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

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

Unknown. The RP has been unresponsive to directives and phone calls. The Trustee of the Rottigni Family Trust, Shirley J. Rottigni, has been ill, according to her son, Russ Rottigni and his consultant, Carl Hulick (CMH). However, the Regional Board has not received a letter or power of attorney from Ms. Rottigni indicating who is making decisions on her or the Trust's behalf.

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

None.

9. Actions Taken by the RP:

According to the *Initial Site Review Assessment* conducted in 2006 by CMH Environmental Group, Inc. (CMH), on September 17, 1990, Applied Geotechnical Eng., Inc, submitted a *Site Assessment Report* to the LACDPW, on behalf of Old Five, Inc. The report was not located in GeoTracker; however, a letter dated October 15, 1991 from LACDPW, addressing the reviewed report, indicated that the residual hydrocarbons in soil and groundwater may be present. Additional assessment to define the full extent of the contamination in soil and groundwater was requested by the LACDPW. No action was taken by the RP, Old Five, Inc. On May 5, 1993, the LACDPW reported that the RP could not be contacted and the site was abandoned.

In 2006, Russ Rottigni, son of the deceased Rino Rottigni (former property owner), contracted CMH to conduct an initial site review assessment. The assessment questioned the veracity of the 2000 *Underground Tank Removal* report and no records were found to verify the results. The Regional Board requested that additional site assessment work be performed to determine the extent of the petroleum-based hydrocarbons beneath the site. The RP failed to respond to these requests.

Item X

10. Investigation/Remedial Efforts Completed:

None since the 2000 *Underground Tank Removal* report.

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

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

- General (see attached evaluation form):
- Conceptual Site Model has not been completed. The lateral and vertical extent of groundwater contamination, if present, has not been assessed. Potential receptors have not been identified and the hydrogeology has not been adequately defined.
- Groundwater – No groundwater samples have been collected from the site.
- Petroleum Vapor Intrusion to Indoor Air – Soil sample depths cannot be verified, therefore, the concentration of TPH from 0-5 ft bgs is unknown. Concentrations of benzene in groundwater are also unknown.
- Direct Contact and Outdoor Air Exposure – Based on soil sample analytical data collected during the UST removals, concentrations are below those of Table 1 in the LTCP; however, the depth of the samples are unknown and the 2006 Site Assessment Report by CMH Environmental Group questioned the validity of the UST Closure Report .

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater need to be determined. Soil and groundwater sampling need to be conducted to determine the lateral and vertical extent of contamination at the site. Although no groundwater was encountered during UST removal, depth to groundwater is estimated to be approximately 20-25 feet bgs in the area and may have been impacted by the petroleum hydrocarbon release. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the plume extent and stability, as well as relevant hydrogeologic parameters. Future investigation will determine whether, and to what extent, remedial actions are necessary to protect human health, safety, and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

Funding Allocated for 2013 Nomination

- \$100,000 in annual funding was allocated in 2013. No funding was encumbered.

Funding Requested for 2014 Nomination

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

More funding is being requested for site assessment and possible groundwater monitoring based on available information on file. The slow EAR contracting process has delayed field activities needed to determine the total expenditures required for initial site assessment and/or cleanup.

Item X

14. Results if EAR Funding is Denied:

If EAR funding is denied, migration of the plume to municipal production wells located within a ½ mile of the site is possible. Furthermore, since the extent of contamination is unknown, and because of the RP's failure to comply, the site could continue to be undeveloped and cause environmental risk indefinitely. The site has been vacant since the early 1990s.

15. Attachments

1. September 20, 2008 Regional Board directive
2. August 22, 2011 Regional Board directive
3. October 9, 2012 Regional Board *Notice of Violation*
4. December 10, 2012 Regional Board EAR Notification Letter
5. January 22, 2014 Regional Board directive adding new RP (Rottigni Family Trust)
6. LTCP Evaluation Form



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 20, 2008

Rino L Rottigni
1115 South Tuckaway Circle
Anaheim, CA 92807

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 OLD FIVE, INC. SITE (B-2 SITE)

17321 SOUTH CLARK AVE, BELLFLOWER, CA (CASE NO. I-15840)

We understand that you have been identified as a responsible party (RP) responsible for mitigating unauthorized release(s) of hazardous materials from an underground storage tank located on the above-mentioned property (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 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.

We are in receipt of the "Interim Status Report," dated August 2006 and have reviewed this submittal along with all information previously submitted for this site. This letter contains Regional Board staff comments about the reports and specifies our conditions pertaining to the Corrective Action Plan (or Remedial Action Plan) pursuant to CCR, title 23, section 2725(c).

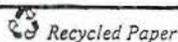
Update of Site Conditions

According to the most recent report, the site was formerly a gasoline service station until approximately 1998 and is currently a vacant lot on the northwest corner of Artesia Blvd. and Clark Avenue in the city of Bellflower. In October 2000, three gasoline fuel tanks and one waste oil tank were excavated and disposed of off-site. Soil samples collected during tank removal and subsequent overexcavation activities indicated a maximum of 444 mg/kg of TPHg, 0.747 mg/kg of benzene, and 0.393 mg/kg of MTBE. In total, 85 tons of impacted soil were removed and disposed offsite.

Additional Investigation Requirements

Based on our review of the reports submitted and additional information in the case file for the subject site, we have determined that the extent of the petroleum-based hydrocarbons beneath site has not been determined. Therefore, you are required to submit a workplan to this Regional Board by **November 21, 2008**, to conduct additional site assessment. At a minimum, the workplan must meet the following requirements:

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.

1. A sufficient number of soil borings must be proposed to determine the extent of impacted soil beneath the site.
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.
3. Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPHg) and diesel (TPHd), 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). Since the site had a waste oil tank, all aromatic and chlorinated volatile organic compounds must also be analyzed and reported per EPA Method 8260B. 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.

Landowner or Impacted Site Notification Requirements

Pursuant to recent changes of the California Health and Safety Code section 25296.20(a), the Regional Board must notify all current recorded fee title holders for the site or sites (i.e., property owner(s)) impacted by releases from USTs prior to considering corrective action or case closure.

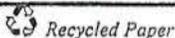
If site data indicate that release(s) from the UST systems have impacted offsite property(ies), provide the name, mailing address, and phone number for all recorded fee title holders for the site and any offsite property(ies) impacted by releases from the site, together with a copy of the county record of current ownership (grant deed or deed of trust), available from the County Recorder's Office, for each property affected, or by completing this Regional Board's "Certification Declaration for Compliance with Fee Title Holder Notification Requirements" for each site. **If this information has been provided in the past, you do not need to provide it again.** Copies of all technical reports required above and periodic updates are to be sent directly to the property owner onsite and to offsite property owner(s) impacted by UST releases from the site. The cover letter shall provide a list of all property owners sent technical reports.

Requirement for Electronic Submission of Laboratory Data to The State Geotracker

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), to the State GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

Therefore, you must submit all laboratory data obtained after September 1, 2001 to the

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.

GeoTracker database. You must also submit locational data obtained after Jan. 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.

E-Report Submittals

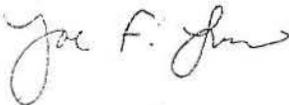
Please note that hard copy reports are no longer necessary for the Underground Storage Tanks Program. For guidelines of electronic report submittal, please go to http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/e-qmr_guideline.pdf.

General Requirements

1. 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 at least five years subsurface hydrogeologic experience.
2. All reports submitted to this office must conform to the "Guidelines for Report Submittals" (June 1993), published by the Los Angeles County Department of Public Works.
3. All necessary permits must be obtained from the appropriate agencies, prior to the start of work.
4. Prior to commencing any fieldwork, Regional Board staff must be given a minimum of 7 days advance notice in writing, so that one of our staff may be present.

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

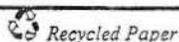
Sincerely,



JOE F. LUERA
Water Resource Control Engineer
Underground Tanks/ San Gabriel Unit

cc: Ms. Yvonne Shanks, State Water Resources Control Board, UST Cleanup Fund
Mr. Tim Smith, Los Angeles County Department of Public Works
Mr. Alex Yanik

California Environmental Protection Agency





Matthew Rodriguez
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

August 22, 2011

Mr. Russ L. Rottigni
13800 Park Center Ln, Apt 524
Tustin, CA 92782-8521

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7001 2510 0000 4661 2209

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

OLD FIVE, INC.

17321 South Clark Ave., Bellflower (File No. I-15840) (Priority B-2 Site) (Global ID. T0603704357)

Dear Mr. Rottigni:

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 September 20, 2008, the Regional Board requested a workplan to conduct additional site assessment originally due November 21, 2008, in order to determine the extent of the petroleum-based hydrocarbons beneath the site. This workplan is long overdue and remains delinquent.

I. Background

One 10,000-gallon regular gasoline underground storage tank (UST), one 8,000-gallon mid-grade UST, one 7,500-gallon super unleaded UST, and one 500-gallon waste oil tank were excavated and disposed of off-site in October 2000. A total of 85 tons of impacted soil were also removed and disposed of off-site. The maximum concentrations of total petroleum hydrocarbons as gasoline (TPHg) and benzene in soil samples collected in October 2000 were

444 milligrams per kilogram (mg/kg) and 0.747 mg/kg respectively. The maximum concentration of methyl tertiary butyl ether (MTBE) was 200 micrograms per kilogram ($\mu\text{g}/\text{kg}$).

An "Interim Status Report" was prepared by your consultant, CHM Environmental Group, Inc. in August 2006. No additional site investigation and/or remediation activities have been performed since 2006.

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

You must submit a soil and groundwater investigation workplan by **October 15, 2011**. A sufficient number of soil borings must be proposed to determine the extent of impacted soil beneath the site.

Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPHg) and diesel (TPHd), by EPA Method 8260B for BTEX, and fuel oxygenate compounds include 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://waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf). Since the site had a waste oil tank, all aromatic and chlorinated volatile organic compounds must also be analyzed and reported per EPA Method 8260B. 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.

Failure to submit these documents by the specified due dates 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.

III. Standard Requirements

1. 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.
2. Soil samples must be prepared and preserved per EPA Method 5035.

3. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
4. You shall submit a site-specific Health and Safety Plan a minimum of 10 days prior to the start of field work.
5. Prior to commencing any field work, you must give Regional Board staff a minimum of **10 days** advance notice by e-mail (nchowdhury@waterboards.ca.gov), so that one of our staff may be present.
6. 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.
7. Hard copy reports are no longer necessary for the Underground Storage Tanks Program. Instead, you shall submit a PDF version of the workplan on a CD submitted via mail, while a copy by e-mail to nchowdhury@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.
8. 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.
9. You must submit fee title holder (i.e., property owner) documentation to us by **October 15, 2011**. 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

IV. Financial Hardship Claim

If you would like to claim financial hardship, you must submit the following documents to us by **August 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.

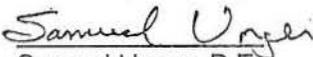
- c. Any documentation that explains special circumstances regarding future financial circumstances.

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.

It is your responsibility to notify Regional Board staff about your contact information update. Please always update the Regional Board with the name, contact person, address, telephone number, and e-mail address of the landowner(s), responsible party, and their consultants for the site.

If you have any questions regarding this matter, please contact Noman Chowdhury at (213) 576-6704 or nchowdhury@waterboards.ca.gov, or Gregg Kwey at (213) 576-6702 or gkwey@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: 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 April 9, 2001
Regional Water Quality Control Board – Los Angeles Region Letter dated March 10, 2003
Regional Water Quality Control Board – Los Angeles Region Letter dated September 20, 2008

cc (w/o enclosure): Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Tim Smith, LACoDPW, Environmental Programs Division, Underground Tanks



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

October 9, 2012

Mr. Russ L. Rottigni
9338 Artesia Boulevard, #20
Bellflower, CA 90706

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7001 2510 0000 4661 2186

**NOTICE OF VIOLATION – FAILURE TO SUBMIT A TECHNICAL REPORT/WORKPLAN IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
OLD FIVE, INC.
17321 SOUTH CLARK AVENUE, BELLFLOWER (FILE NO. I-15840) (PRIORITY B-2 SITE)
(GLOBAL ID. T0603704357)**

Dear Mr. Rottigni:

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

On August 22, 2011, the Regional Board Executive Officer issued you an Order to take corrective action. The Order (copy enclosed), directed you to submit a soil and groundwater investigation workplan (Workplan) by **October 15, 2011**. To date, we have not received the aforementioned report. You are hereby notified that you are in violation of the Order for failure to submit the Workplan.

You are hereby notified that you are in violation of Health and Safety Code section 25296.10, California Code of Regulations (CCR), title 23, section 2720 through 2727 by failing to provide the Workplan by October 15, 2011. You are required to submit the Workplan immediately. Pursuant to section 25299(d) of the Health and Safety Code, any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 is liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

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

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

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Mr. Russ Rottigni
Old Five, Inc.

- 2 -

October 9, 2012

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

Sincerely,



Paula Rasmussen
Assistant Executive Officer

cc (w/o enclosure): Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Phuong Ly, Water Replenishment District of Southern California
Tim Smith, LACoDPW, Environmental Programs Division, Underground
Tanks
Pete Roque, City of Bellflower
Carl Hulick, CHM Environmental



Los Angeles Regional Water Quality Control Board

December 10, 2012

Mr. Russ Rottigni
Rottigni Family Trust
9338 Artesia Blvd., #20
Bellflower, CA 90706

Certified Mail
Return Receipt Requested
7001 2510 0000 4661 2179

**EMERGENCY, ABANDONED AND RECALCITRANT ACCOUNT PROGRAM -
REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED
UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY
CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS,
SECTION 2720-2727**

**FORMER OLD FIVE, INC. SITE
17321 S. CLARK AVE, BELLFLOWER
(File No. I-15840; Priority B-2 Site; Global ID. T0603704357)**

Dear Mr. Rottigni:

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

On September 20, 2008, the Regional Board requested a site assessment workplan, due November 21, 2008, in order to determine the extent of petroleum-based hydrocarbons contamination beneath the above-referenced site (Site). No workplan was received by the November 21, 2008 due date.

On August 22, 2011, the Regional Board issued you a directive, again requiring a site assessment workplan with a new due date of October 15, 2011. No workplan was received by the October 15, 2011 due date.

On October 9, 2012, the Regional Board issued you a Notice of Violation for failure to submit the requested site assessment workplan and requested a workplan be submitted immediately. To this date, the requested workplan has not been received by the Regional Board.

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

Due to your non-compliance at the Site, you are notified as the property owner, of our intention to nominate this Site for funding under the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (SWRCB). The

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from an Underground Storage Tank (UST).

Up to \$1,500,000 may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's directive, a contractor from the State Department of General Services will perform the work as required using EAR Account funding and recover the costs incurred. Whenever costs have been incurred from the EAR Account, the SWRCB will seek appropriate cost recovery from the property owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien on the property or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the SWRCB's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

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

Sincerely,



Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Regional Board Letter dated September 20, 2008*
(b) *Regional Board Letter dated August 22, 2011*
(c) *Regional Board Notice of Violation dated October 9, 2012*

Cc (w/o enclosures): Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Phuong Ly, Water Replenishment District of Southern California
Mr. Tim Smith, Los Angeles County Department of Public Works
Mr. Pete Roque, City of Bellflower
Ms. Lynda Arakelian, Sullivan International Group, Inc.
Mr. Carl M. Hulick, CMH Environmental Group, Inc.



Los Angeles Regional Water Quality Control Board

January 22, 2014

Mr. Russ Rottigni, Property Manager
Rottigni Family Trust
9338 Artesia Blvd #20
Bellflower, CA 90706

Certified Mail
Return Receipt Requested
7001 2510 0000 4661 2230

Ms. Shirley J. Rottigni, Trustee
Rottigni Family Trust
9733 Cedar Street
Bellflower, CA 90706

Certified Mail
Return Receipt Requested
7001 2510 0000 4661 2223

**EMERGENCY, ABANDONED, AND RECALCITRANT ACCOUNT PROGRAM - REQUIREMENT TO TAKE CORRECTIVE ACTION IN RESPONSE TO UNAUTHORIZED UNDERGROUND STORAGE TANK RELEASES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10 AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTION 2720-2727
FORMER OLD FIVE INC., 17321 CLARK AVE S, BELLFLOWER, CALIFORNIA 90706
(File No. I-15840; Priority B-2 Site; Global ID T0603704357)**

Dear Mr. Russ Rottigni and Ms. Shirley J. Rottigni:

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

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

Background:

One 10,000-gallon regular gasoline underground storage tank (UST), one 8,000-gallon mid-grade UST, one 7,500-gallon super unleaded UST, and one 500-gallon waste oil tank were excavated and disposed of off-site in October 2000. A total of 85 tons of impacted soil were also removed and disposed of off-site. On October 20, 2000, an Underground Storage Tank Removal report was submitted to the Los Angeles

County Department of Public Works by Prime Environmental Group, Inc. According to the report, soil samples were collected to 20 feet below ground surface (bgs) and resulted in a maximum concentration of 444 mg/kg for TPHG a maximum concentration of 0.747 mg/kg for benzene, and a maximum concentration of 0.2 mg/kg for methyl tert- butyl ether (MTBE).

On February 22, 2001, the Los Angeles County Department of Public Works referred this case to the Regional Board due to concerns of groundwater impacts from the Site.

On September 20, 2008, the Regional Board issued you a directive letter, as representative of the Rottigni Family Trust, requiring a site assessment work plan be submitted by November 21, 2008, in order to determine the extent of petroleum-based hydrocarbons beneath Site. No information was received by the November 21, 2008 deadline.

On August 22, 2011, the Regional Board issued you a second directive letter; again requiring a site assessment work plan with a new due date of October 15, 2011. No information was received by the October 15, 2011 due date.

On October 10, 2012, the Regional Board issued you a Notice of Violation for failure to submit the required site assessment work plan and required a work plan be submitted immediately. To this date, no work plan has been received by the Regional Board.

On December 10, 2012, the Regional Board issued you a letter notifying you that the Site would be nominated to the State Water Resources Control Board's (State Water Board) Emergency, Abandoned, and Recalcitrant (EAR) Account.

To this date, no work plan has been received by the Regional Board.

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

Results of the previous soil analysis confirm releases of petroleum fuel constituents to subsurface soils beneath the Site from the former USTs. The lateral and vertical extent of the soil and groundwater contamination needs to be delineated to determine whether there is a current threat to human health and the environment. Soil samples should be collected from 0 to 5 feet and 5 to 10 feet bgs to evaluate potential direct contact and vapor intrusion (VI) concerns.

You are required to submit a work plan immediately to install a sufficient number of groundwater monitoring wells and advance on-site soil borings to collect soil and groundwater samples to evaluate the lateral and vertical extent of contamination in the vicinity of the former USTs. The work plan is due to this Regional Board by **February 28, 2014**.

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

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

by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.

2. Soil and groundwater samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for total petroleum hydrocarbons as gasoline (TPH_G), total petroleum hydrocarbons as diesel (TPH_D) when diesel is identified at the Site; and by EPA Method 8260B for benzene, toluene, ethylbenzene and xylenes (BTEX), naphthalene, and fuel oxygenate compounds including 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.

State's Emergency, Abandoned, and Recalcitrant (EAR) Account Program

On May 2, 2013, the Site was nominated to the State Emergency, Abandoned and Recalcitrant (EAR) Account Program, overseen by the State Water Resources Control Board (State Water Board), through a resolution passed by the Regional Board.

Due to your continued non-compliance at the Site, we hereby notify you, as representatives of the Rottigni Family Trust, of our intention to re-nominate this Site for the EAR Account Program. The EAR Account can provide funding to the Regional Water Quality Control Boards and local regulatory agencies to clean up abandoned or recalcitrant sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

Up to \$1,500,000 per occurrence may be allocated for payment of corrective action and agency staff costs, less any amounts previously allocated for emergency or prompt action costs. If you continue to be in non-compliance with the Regional Board's Order, a contractor from the State Water Board's Department of General Services will perform the work as required using EAR Account funding and recover the cost incurred through placing a lien on the property. Whenever costs have been incurred from the EAR Account, the State Water Board will seek appropriate cost recovery from the owner or operator of the UST or from any other responsible party. Cost recovery may include attaching a lien to the Site or referring the case to the Attorney General's Office to file a civil action. To learn more about the EAR Account Program, please visit the State Water Board's website: http://www.waterboards.ca.gov/water_issues/programs/ustcf/ear.shtml.

Enforcement

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

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

Sincerely,



Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Regional Board Letter dated September 20, 2008*
 (b) *Regional Board Letter dated August 22, 2011*
 (c) *Regional Board Notice of Violation dated October 10, 2012*
 (d) *Regional Board Letter dated December 10, 2012*

cc: Mr. Kevin Graves, UST Program, State Water Resources Control Board
Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Tim Smith, Los Angeles County Department of Public Works
Mr. Pete Roque, City of Bellflower
Ms. Phuong Ly, Water Replenishment District of Southern California
Ms. Lynda Arakelian, Sullivan International Group, Inc.

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

FORMER OLD FIVE (T0603704357) - [MAP THIS SITE](#)

OPEN - SITE ASSESSMENT

17321 CLARK AVE S
BELLFLOWER, CA 90706
LOS ANGELES COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: I-15840
CASEWORKER: [NOMAN CHOWDHURY](#) - SUPERVISOR: GREGG KWEY
LOS ANGELES COUNTY
CASEWORKER: [JOHN AWUJO](#) - SUPERVISOR: TIM SMITH

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

THIS PROJECT WAS LAST MODIFIED BY [MICHAEL HARRIS](#) ON 6/18/2013 12:12:54 PM - [HISTORY](#)

THIS SITE HAS SUBMITTALS. CLICK [HERE](#) TO OPEN A NEW WINDOW WITH THE SUBMITTAL APPROVAL PAGE FOR THIS SITE.

CLOSURE POLICY

THIS VERSION IS FINAL AS OF 4/22/2013

CHECKLIST INITIATED ON 10/11/2012

[CLOSURE POLICY HISTORY](#)

General Criteria - The site satisfies the policy general criteria - [CLEAR SECTION ANSWERS](#)

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

Name of Water System :

YES NO

b. The unauthorized release consists only of petroleum ([info](#)).

YES NO

c. The unauthorized ("primary") release from the UST system has been stopped.

YES NO

d. Free product has been removed to the maximum extent practicable ([info](#)).

FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

Description (Check all that Apply):

- GW Not Evaluated
- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Groundwater Assessment Incomplete - Depth of Contamination Not Defined
- Hydrogeology Not Adequately Defined
- Potential Receptors Not Identified
- Soil Assessment Incomplete - Areal Extent Not Defined
- Soil Assessment Incomplete - Depth Unknown
- Soil Vapor Not Evaluated
- Other - RP is not compliance Issued a NOV

YES NO

f. Secondary source has been removed to the extent practicable ([info](#)).

Impediment to Removing Secondary Source (Check all that Apply):

- Remediation Has Not Been Attempted
- Remediation Was Designed Incorrectly
- Remediation Was Shut Off Prematurely
- Poor Remediation O&M
- Other - No adequate data available

YES NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

YES NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below. - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES NO

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Active Commercial Petroleum Fueling Facility

YES NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

YES NO

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Soil Gas Samples :

No Soil Gas Samples Taken Incorrectly

Exposure Type :

Residential Commercial

Free Product :

In Groundwater In Soil Unknown

TPH in the Bioattenuation Zone :

≥ 100 mg/kg Unknown Soil samples not taken at two depths within 5 ft. zone (only for Scenario 4 with BioZone)

Bioattenuation Zone Thickness :

< 5 Feet (No BioZone) ≥ 5 Feet and < 10 Feet ≥ 10 Feet and < 30 Feet ≥ 30 Feet 30ft BioZone Compromised TPH > 100mg/kg Unknown

O2 Data in Bioattenuation Zone :

No O₂ Data O₂ < 4% O₂ ≥ 4%

Benzene in Groundwater :

≥ 100 µg/l and < 1,000 µg/l ≥ 1,000 µg/l Unknown

Soil Gas Benzene :
 $\geq 85 \mu\text{g}/\text{m}^3$ and $< 280 \mu\text{g}/\text{m}^3$
 $\geq 280 \mu\text{g}/\text{m}^3$ and $< 85,000 \mu\text{g}/\text{m}^3$
 $\geq 85,000 \mu\text{g}/\text{m}^3$ and $< 280,000 \mu\text{g}/\text{m}^3$
 $\geq 280,000 \mu\text{g}/\text{m}^3$
 Unknown

Soil Gas EthylBenzene :
 $\geq 1,100 \mu\text{g}/\text{m}^3$ and $< 3,600 \mu\text{g}/\text{m}^3$
 $\geq 3,600 \mu\text{g}/\text{m}^3$ and $< 1,100,000 \mu\text{g}/\text{m}^3$
 $\geq 1,100,000 \mu\text{g}/\text{m}^3$ and $< 3,600,000 \mu\text{g}/\text{m}^3$
 $\geq 3,600,000 \mu\text{g}/\text{m}^3$
 Unknown

Soil Gas Naphthalene :
 $\geq 93 \mu\text{g}/\text{m}^3$ and $< 310 \mu\text{g}/\text{m}^3$
 $\geq 310 \mu\text{g}/\text{m}^3$ and $< 93,000 \mu\text{g}/\text{m}^3$
 $\geq 93,000 \mu\text{g}/\text{m}^3$ and $< 310,000 \mu\text{g}/\text{m}^3$
 $\geq 310,000 \mu\text{g}/\text{m}^3$
 Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below. - [CLEAR SECTION ANSWERS](#)

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

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Exposure Type :
 Residential
 Commercial
 Utility Worker

Petroleum Constituents in Soil :
 ≤ 5 Feet bgs
 >5 Feet bgs and ≤ 10 Feet bgs
 Unknown

Soil Concentrations of Benzene :
 $> 1.9 \text{ mg}/\text{kg}$ and $\leq 2.8 \text{ mg}/\text{kg}$
 $> 2.8 \text{ mg}/\text{kg}$ and $\leq 8.2 \text{ mg}/\text{kg}$
 $> 8.2 \text{ mg}/\text{kg}$ and $\leq 12 \text{ mg}/\text{kg}$
 $> 12 \text{ mg}/\text{kg}$ and $\leq 14 \text{ mg}/\text{kg}$
 $> 14 \text{ mg}/\text{kg}$
 Unknown

Soil Concentrations of EthylBenzene :
 $> 21 \text{ mg}/\text{kg}$ and $\leq 32 \text{ mg}/\text{kg}$
 $> 32 \text{ mg}/\text{kg}$ and $\leq 89 \text{ mg}/\text{kg}$
 $> 89 \text{ mg}/\text{kg}$ and $\leq 134 \text{ mg}/\text{kg}$
 $> 134 \text{ mg}/\text{kg}$ and $\leq 314 \text{ mg}/\text{kg}$
 $> 314 \text{ mg}/\text{kg}$
 Unknown

Soil Concentrations of Naphthalene :
 $> 9.7 \text{ mg}/\text{kg}$ and $\leq 45 \text{ mg}/\text{kg}$
 $> 45 \text{ mg}/\text{kg}$ and $\leq 219 \text{ mg}/\text{kg}$
 $> 219 \text{ mg}/\text{kg}$
 Unknown

Soil Concentrations of PAH :
 $> 0.063 \text{ mg}/\text{kg}$ and $\leq 0.68 \text{ mg}/\text{kg}$
 $> 0.68 \text{ mg}/\text{kg}$ and $\leq 4.5 \text{ mg}/\text{kg}$
 $> 4.5 \text{ mg}/\text{kg}$
 Unknown

Area of Impacted Soil :
 Area of Impacted Soil > 82 by 82 Feet
 Unknown

Additional Information

Should this case be closed in spite of NOT meeting policy criteria? YES NO

[SPELL CHECK](#)

LOGGED IN AS CYORK

[CONTACT GEOTRACKER HELP](#)

Item XX

**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item XX.6

Former Mobil Service Station

(Renewal)

NO. 4: RENEWAL 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
UST File #: 908020234

Release Date: March 16, 1987 (City of Long Beach)
Site Status: Open-Site Assessment
Current Site Use: Vacant lot with Abandoned Station Building

2. Name and Address of Responsible Parties:

Israel Dakar
c/o Arthur B. Cook
Hill, Farrer & Burill, LLP
300 S Grand Ave., 37th Floor
Los Angeles, CA 90071
Phone: 213-621-0822
Email: acook@hillfarrer.com
Date Acquired: August 22, 2013

3. Corrective Action Directives:

Numerous City of Long Beach and Regional Board directives have been issued to the RP since 1987. The RP has not complied with the Regional Board directives. A chronology of the more recent events is provided below:

On November 19, 2008, the Los Angeles Regional Board issued a directive to Mimi Dakar (former owner) requiring submittal of information by January 15, 2009. No response was received.

On April 14, 2011, the Regional Board issued directives, sent Certified Mail, to both Mimi and Nate Dakar (former owner and operator) at separate addresses (see attached). The directive addressed to Nate Dakar was returned to the Regional Board as "Unclaimed" on September 20, 2011. No response was received from Mimi Dakar.

On November 21, 2012, the Regional Board notified Mimi Dakar that the site had been placed on the Emergency, Abandoned, and Recalcitrant (EAR) Account Annual Site List on July 17, 2012 under State Water Board Resolution No. R2012-0035 (Resolution). No response was received.

On February 11, 2013, the Regional Board informed Mimi Dakar that the site was placed on the EAR Account list and that the only thing needed to begin fieldwork at the site was for her to sign the Right-of-Entry form attached to the letter by March 11, 2013. No response was received.

Item X

On December 27, 2013, the Regional Board issued Israel Dakar (current owner and former operator of USTs at the site) a Corrective Action Order, No. R4-2013-0194, requiring Mr. Dakar to assess, monitor, cleanup and abate the site. In response to a request for a time extension by Mr. Dakar, the Regional Board granted Mr. Dakar a time extension to February 28, 2014 to submit a site assessment workplan for this site.

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 Releases:

According to the City of Long Beach, a leak that originated from an 8,000-gallon gasoline UST was discovered and stopped on March 17, 1987. Approximately 2,500-gallons of unleaded gasoline were released.

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. This report provided the following chronology:

- 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 the collected 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 fill 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 plumes in the soil, soil gas, and groundwater.

6. Justification for Renewal to EAR Program:

The RPs remain recalcitrant. Mr. Dakar has been issued a Corrective Action Order and currently in discussions with the Regional Board on hiring a consultant to complete the work. Though he has recently regained title to the property, and has agreed to comply with Regional Board directives, the site remains un-assessed.

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

Previously identified RPs have been unresponsive to Regional Board directives. The Regional Board has recently learned, through the new owner's attorney, that the site was tied up in bankruptcy proceedings. The current owner, Israel Dakar, now claims he is willing to complete the required actions.

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

Previously identified RPs have evaded Regional Board communications in the past and refused to comply with the directives for the site. However, Israel Dakar has come forward as a RP and has indicated his intent to comply with the Corrective Action Order.

9. Actions Taken by the RP:

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

10. Remedial Efforts Completed:

None.

11. Low-Threat Underground Storage Tank Case Closure

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

- General (see attached evaluation form):
 - Has the unauthorized ("primary") release from the UST system been stopped? - According to the UST Closure Report, contaminated soil was found below the product piping/dispenser islands and the report does not indicate the piping was removed.
 - Free Product – The site has not been assessed for Free Product.
 - Conceptual Site Model – Not complete; needs lateral and vertical extent of soil and groundwater contamination assessed. Sensitive receptors have not been determined. Site hydrogeology has not been adequately defined.
 - Secondary Source – Contaminated soil was used to backfill the UST excavation and has not been removed.
- Groundwater – Contamination to groundwater has not been assessed; however, site soils contain sufficient contaminant concentrations to potentially threaten groundwater quality.
- Petroleum Vapor Intrusion to Indoor Air – Not assessed. Contaminated soil was used as backfill, which was placed above the clean backfill. It's possible that the 0-5 ft bgs range is greater than 100 mg/kg for TPH.
- Direct Contact and Outdoor Air Exposure – The UST closure report does not specify depth for soil samples; however, it is likely the samples collected below the dispensers/piping are within the 0-10 ft bgs range and exceed concentrations for benzene and ethylbenzene in table 1. Samples were not analyzed for polycyclic aromatic hydrocarbons (PAHs).

12. Description of Investigation/Remediation Work Needed:

In order to meet the LTCP criteria, the contaminated soil and polyethylene liner that were placed in the excavation during UST removal activities will need to be removed and disposed of. The remaining secondary source mass and product piping should also be removed. The lateral and vertical extent of soil and groundwater contamination will need to be determined in order to qualify for closure under the LTCP. Soil and groundwater sampling should be performed beneath the former gasoline USTs and along the perimeter of the previous excavation. If groundwater is found to be contaminated, groundwater monitoring wells should be installed to assess the plume extent and stability, as well as relevant hydrogeologic parameters. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Allocated for 2012 Nomination
 - \$100,000 in annual funding was allocated in 2012. No funds were encumbered.
- Funding Allocated for 2013 Nomination
 - \$200,000 in annual funding was allocated in 2013. No funds were encumbered.
- Funding Requested for 2014 Nomination
 - No additional annual funding is requested at this time. Total funding cannot be estimated until the extent of contamination is determined.

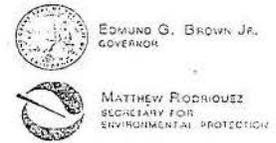
Past allocations totaling \$300,000 have been allocated. These funds need to be encumbered to initiate field work. More funding may be needed in the future to complete site assessment and possible groundwater monitoring based on available information on file. The slow EAR contracting process has delayed field activities needed to determine the total expenditures required for initial site assessment and/or cleanup.

14. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume to sensitive receptors located within one mile from the site is possible. In addition, because of the previous RPs' failure to comply with Regional Board directives, and since the quantity of contaminants released and the extent of migration are unknown, the site may continue to be an undeveloped property and pose an environmental risk.

15. Attachments

1. December 27, 2013, Regional Board Corrective Action Order, No. R4-2013-0194.
2. January 10, 2014 Letter from RP's Attorney requesting a time extension
3. January 17, 2014 Regional Board letter granting a time extension to RP
4. LTCP Evaluation Form



Los Angeles Regional Water Quality Control Board

December 27, 2013

Mr. Israel Dakar
c/o Mr. Arthur Cook
Hill, Farrer & Burrill, LLP
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, CA 90071-3147

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7002 0860 0006 4858 9975

SUBJECT: CORRECTIVE ACTION ORDER NO. R4-2013-0194

**SITE/CASE: INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL STATION – 402 ATLANTIC AVENUE, LONG BEACH, CA
UST CASE NO. 908020234**

Dear Mr. Dakar:

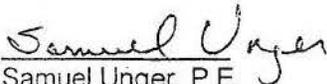
The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface waters and their beneficial uses within major portions of Los Angeles County and Ventura County. The above-referenced site is situated within the jurisdiction of the Regional Board.

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

Enclosed is the Corrective Action Order.

If you have any questions regarding this letter, please contact Mr. Dave Bjostad at (213) 576-6612 (dave.bjostad@waterboards.ca.gov), Dr. Weixing Tong at (213) 576-6715 (weixing.tong@waterboards.ca.gov), or Dr. Yue Rong at (213) 576-6710 (yue.rong@waterboards.ca.gov).

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: Corrective Action Order

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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



Los Angeles Regional Water Quality Control Board

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

CORRECTIVE ACTION ORDER NO. R4-2013-0194

REQUIRING

MR. ISRAEL DAKAR

TO

INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE
PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23,
CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL STATION – 402 ATLANTIC AVENUE, LONG BEACH, CALIFORNIA

(UST File No. 908020234)

This Corrective Action Order (Order) requires the above named individual (hereinafter, "Responsible Party [RP]") to assess, monitor, cleanup, and abate the effects of petroleum hydrocarbon compounds and other contaminants of concern discharged to soil and possibly the groundwater at the former Mobil Station (hereinafter, the "Site") located at 402 Atlantic Avenue, Long Beach, California.

BACKGROUND

Los Angeles Regional Water Quality Control Board (hereafter Regional Board) records indicate that the Regional Board has not received the information and reports required by the following directive letters that have been issued since 1997:

<u>Date of Regional Board Letter</u>	<u>Submittal Due Date</u>	<u>Addressee</u>
June 5, 1997	July 7, 1997	Nate Dakar
February 1, 2000	March 13, 2000	Nate Dakar
April 28, 2000	June 15, 2000	Nate Dakar
March 22, 2001	May 1, 2001	Nate Dakar
June 24, 2002	July 31, 2002	Nate Dakar
November 19, 2008	January 15, 2009	Mimi Dakar
April 14, 2011	May 15, 2011	Nate Dakar and Mimi Dakar

On November 21, 2012, the State Water Resources Control Board (SWRCB) issued a notification letter to Mimi Dakar that the case had been placed into the Emergency, Abandoned, Recalcitrant (EAR) Account of the Underground Storage Tank (UST) Cleanup Fund, that the Regional Board had been authorized to spend up to \$100,000 for investigation and remediation at the Site, and that the Attorney General may recover these costs from the Responsible Party (RP). On February 11, 2013, the Regional Board sent a notification letter requesting site access to perform corrective action work at the Site.

Records available to the Regional Board indicate that the property owner of this Site is currently Israel Dakar, while previous property owners have included Michal Mimi Dakar (March 31, 2006 through 2013), Nate Dakar (November 9, 1994 through March 31, 2006), and Israel and Sonya Dakar (April 21, 1987 through November 9, 1994). All identified past and present owners mentioned above are children or an ex-spouse of Israel Dakar.

Pursuant to the California Health and Safety Code section 25296.10(a) "[e]ach owner, operator, or other responsible party shall take corrective action." California Health and Safety Code section 25296.10(c)(1) authorizes the Regional Board to require the submittal of technical workplans detailing the corrective action. The party named in this Order is an owner, operator, or other responsible party. The Regional Board is hereby amending the *Directive to Take Corrective Action in Response to Unauthorized Underground Storage Tank Release(s)* issued April 14, 2011. The party named to this Order is required to prepare and implement a workplan to delineate the areal extent of the wastes and to submit specified reports, including the Preliminary Site Assessment (PSA) Phase, Soil, Soil Gas and Groundwater Investigation Phases, in addition to the Corrective Action Phase to affect cleanup and minimize the threats to human health and the environment.

FINDINGS

1. The former Mobil Station (Site) is a UST site located at 402 Atlantic Avenue in the City of Long Beach. The site is currently a vacant lot. Israel Dakar has owned the property since sometime in 2013.
2. Historical facility operations at this Site have included fueling of vehicles and auto repair.

Evidence of Waste Discharges and Basis for Health and Safety Code Section 25296.10(c) Order

3. The Site once included a gasoline fueling station and/or service station. In July 2000, four gasoline USTs (one 8,000-gallon, one 6,000-gallon, and two 4,000-gallon) and one 500-gallon waste oil UST were removed from the Site. In a report entitled "Underground Storage Tank Closure Report" dated August 25, 2000, prepared by Protec Engineering Services, Inc. for Nate Dakar, which the Regional Board received from the City of Long Beach Department of Health & Human Services in February 2012, soil sampling confirmed that a gasoline release had occurred. Laboratory analytical results detected total petroleum hydrocarbons as gasoline (TPH_G), total recoverable petroleum hydrocarbons (TRPH), the gasoline component benzene, and the fuel oxygenate methyl tertiary butyl ether (MTBE) at maximum concentrations of 16,802.1 milligrams per kilogram (mg/kg) (TPH_G), 127,600 mg/kg (TRPH), 131.839 mg/kg (benzene), and 1,668.27 mg/kg (MTBE), respectively.

The report does not clearly identify the depth from which soil samples were collected, which samples were from soil stockpiles, the volume of soil transported and disposed off-site, and whether some impacted soil was backfilled onsite or not. The copy of the report that we have obtained does not include waste disposal manifests for soil. The report also does not clearly indicate the exact extent and depth of the reported excavation activities.

Enforcement Action History

4. On June 5, 1997, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of contact information, tank removal and/or repair information, and most recent site

assessment and/or remediation reports. The due date was July 7, 1997, but no reply or information was received.

5. On February 1, 2000, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of the delinquent information by March 13, 2000, but no reply or information was received.
6. On April 28, 2000, the Regional Board issued a letter by certified mail to Nate Dakar requiring soil and groundwater sampling to characterize impacts, followed by submittal of an investigation report by June 15, 2000. A fax letter dated July 13, 2000, was received from Nate Dakar indicating that USTs would be removed and samples would be collected. No report was received.
7. On March 22, 2001, the Regional Board issued a letter, signed by the Executive Officer, by certified mail to Nate Dakar requiring submittal of the delinquent information and submittal of the delinquent report, due by May 1, 2001. No information or report was submitted.
8. On October 29, 2001, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of reports, laboratory analytical data, and other required data to the State GeoTracker database. The due date was July 31, 2001, but to date no data or information have been uploaded into the GeoTracker database.
9. On June 24, 2002, the Regional Board issued a letter by certified mail to Nate Dakar requiring submittal of information and data to GeoTracker by July 31, 2002, but to date no data or information have been uploaded into the GeoTracker database.
10. On September 16, 2008, the Regional Board issued a letter to Nate Dakar requiring submittal of delinquent information and data to GeoTracker by October 20, 2008, but to date no data or information have been uploaded into the GeoTracker database.
11. On November 19, 2008, the Regional Board issued a letter to Nate Dakar requiring various contact information, all historical documents and correspondence related to this UST case, and information and data be submitted to the Regional Board by January 15, 2009. No information or report was submitted.
12. On May 11, 2009, the Regional Board received a letter from Targhee, Inc., on behalf of Mimi Dakar, informing the Regional Board that Mimi Dakar was the facility point of contact, that UST removal documentation would be submitted within two weeks, and that other reports and correspondence would be submitted within two weeks. No information or reports were received, except for a completed fee title holder declaration form that was completed and signed by Michal Dakar on May 6, 2009. The fee title holder declaration form stated that Michal Dakar was the fee title holder, with Mimi Dakar as the point of contact.
13. On April 14, 2011, the Executive Officer issued a *Directive to Take Corrective Action in Response to Unauthorized Underground Storage Tank Release* pursuant to California Health and Safety Code section 25296.10(c) and Title 23, Chapter 16, California Code of Regulations, sections 2720-2727. This directive required submittal of delinquent information and data by May 15, 2011, and notified Nate Dakar that he was liable for a civil penalty of up to \$10,000 for each UST for each day of non-compliance. No information or report was submitted.
14. On November 21, 2012, the State Water Resources Control Board (SWRCB) issued a notification letter to Mimi Dakar that the case had placed into the Emergency, Abandoned, Recalcitrant (EAR) Account of the UST Cleanup Fund, that the Regional Board had been authorized to spend up to

\$100,000 for investigation and remediation at the Site, and that the Attorney General may recover these costs from the Responsible Party (RP).

15. On February 11, 2013, the Regional Board sent a notification letter to Michal Mimi Dakar requesting site access to perform corrective action work at the Site.
16. This Regional Board is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within Los Angeles and Ventura Counties, including the regulation of leaking USTs that threaten water quality.
17. 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 the 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."

18. Section 13350 of the California Water Code states, in part, that:

"(a) 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).

19. Based on the results of the analyses of the July 12, 2000 soil samples, the Regional Board has determined that the operators and historical and current property owners are responsible for investigating, cleaning up, and abating the effects of petroleum hydrocarbon compounds and other contaminants of concern discharged to soil, and potentially groundwater, at the Site. The petroleum hydrocarbon compounds constitute "waste" as defined in Water Code section 13050. The presence of wastes at concentrations that exceed water quality objectives constitutes pollution. The operators and property owners have created and continue to threaten to create, a condition of pollution or nuisance.

CORRECTIVE ACTION ORDER

California Code of Regulations (CCR), title 23, section 2722¹ sets forth the scope of corrective action. The requisite tasks are outlined below and require submittal of the following information:

1. A workplan to perform soil, soil vapor, and groundwater sampling;
2. Name, address, phone number, and e-mail address of the responsible party;
3. Name, telephone number, and e-mail address of your environmental consultant;
4. Contaminant release information;
5. Historical UST information including date each UST was placed into use, UST size/capacity, contents, removal date, and disposal documentation;
6. Associated soil disposal volume, depth of excavation, and areal extent of excavation including a figure showing its location, dates, and documentation;
7. Copies of all previous site assessment and/or remediation report(s);

¹ All section references are to California Code of Regulations, Title 23, unless identified differently.

8. Reports of all previous soil and groundwater sample analytical results;
9. Copies of all correspondence regarding environmental assessment for the subject site;
10. Verification (e.g., written statement) that no USTs currently exist onsite and a description of current and planned land use/property use;
11. 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" available at [http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/AB681%20Certification%20Form%20\(December%202011\).pdf](http://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/AB681%20Certification%20Form%20(December%202011).pdf).
12. Electronic Submission of all laboratory data obtained after September 1, 2001 to the GeoTracker database, as well as 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.

This Order requires the responsible party to submit contact information and historical documents related to this UST case, and to formulate and implement a workplan for soil, soil gas, and groundwater investigation.

Pursuant to the California Health and Safety Code section 25296.10, Israel Dakar (Property Owner) shall expeditiously investigate, clean up the wastes, and abate the effects of gasoline fuel and other petroleum releases to the soil, soil gas, and groundwater beneath the Site by immediately conducting the following actions:

TASKS

- A. Submittal of the items required in previous Regional Board Letters summarized in the twelve items above.
- B. Preliminary Site Assessment (PSA) Phase(s):

Conduct an initial site investigation, initial abatement and initial site characterization in accordance with Title 23 CCR sections 2652, 2653, and 2654, and interim remedial actions taken in accordance with Title 23 section 2723(b). Section 2722(c) also requires that you submit a Workplan to the Regional Board which details your proposed activities under Title 23 sections 2723 prior to the date that you commence the Soil and Water Investigation Phase. The Regional Board's expectation is that your Workplan will cover the following:

1. Soil Investigation:
 - a. Provide a summary of compiled soil (matrix) data to determine what data gaps may exist in order to determine the extent of lateral and vertical impacted areas.
 - b. Propose five soil sampling locations, at a minimum, to determine whether residual contaminants in soil may pose a threat to human health and water quality.

- c. Soil samples must be analyzed by Cal-LUFT GC/FID or Cal-LUFT GC/MS Method for TPH_G; by EPA Method 8260B for benzene, toluene, ethylbenzene, and xylenes (BTEX); and by EPA Method 8260B for naphthalene and fuel oxygenate compounds including MTBE, di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), tertiary amyl methyl ether (TAME), and tertiary butyl alcohol (TBA). Ethanol is also required and shall be analyzed by either method above. Samples near the former waste oil UST shall also be analyzed for total petroleum hydrocarbons in the oil range and chlorinated volatile organic compounds (CVOCs). 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

- d. 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.
- e. Soil samples must be prepared and preserved per EPA Method 5035. Soil must be logged and sampled 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.

2. Soil Gas Investigation:

- a. Propose, at a minimum, four multi-depth soil gas probe locations to determine whether shallow and deep gasoline constituent concentrations pose a threat to human health and water quality, in view of the proximity to adjacent high density housing.
- b. Provide plan-view iso-concentration maps for 5-feet, 10-feet, 20-feet and 30-feet below ground surface (bgs) that can demonstrate delineation of soil gas threats to human health and groundwater or depict impacts accordingly, at and adjacent to the Site.
- c. Soil gas samples must be analyzed for TPH_G, BTEX, naphthalene, MTBE, DIPE, ETBE, TAME, TBA, and CVOCs.

3. Groundwater Investigation:

- a. Propose five groundwater monitoring wells, at a minimum, to determine whether groundwater has been impacted and may pose a threat to human health and water quality.
- b. Groundwater samples shall be analyzed for the same parameters and by the same methods as stated in item 4 above.
- c. 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 viewed at http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html).

- d. The groundwater monitoring wells must be developed and surveyed to a benchmark of known elevation above mean sea level by a licensed land surveyor or registered civil engineer.
- e. Prior to collecting samples, free product thickness (if present) must be determined and the depth to water must be measured in all wells to be sampled, then the wells are to be properly purged until the temperature, conductivity, and pH stabilize, and the water is free of suspended and settleable matter, before samples are collected for analysis.
- f. You must also continue to submit semi-annual groundwater monitoring reports as specified in the schedule below:

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

- g. Provide a quantitative summary of bailed or absorbed free product from all impacted groundwater monitoring wells to illustrate preliminary remedial measures taken onsite.

Submittal of Contact Information and Historical Documents, as well as the Workplan, are due to this Regional Board office by **January 30, 2014**. If this technical report and information is not submitted by or on the specified date, you will be in violation of Section 2724.

General Requirements

1. You must also submit a site-specific Health and Safety Plan along with the Workplan.
2. All necessary permits must be obtained from the appropriate agencies prior to the start of work.
3. The contractor who conducts the environmental work as required in this directive letter shall, at all times, comply with all applicable State laws, rules, regulations, and local ordinances specifically including, but not limited to, environmental, procurement, and safety laws, rules, regulations, and ordinances. The contractor shall obtain the services of a Professional Geologist or Engineer, Civil (PG/PE-Civil) to comply with the applicable requirements of the Business and Professions Code, sections 7800 et seq. implementing regulations for geological or engineering analysis and interpretation for this case. All documents prepared for others by the contractor that reflect or rely upon geological or engineering interpretations by the contractor shall be signed or stamped by the PG/PE-Civil indicating her/his responsibility for them as required by the Business and Professions Code.
4. Prior to commencing any fieldwork, 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. You must upload reports and data to the State's internet-based GeoTracker database. This includes laboratory data (EDF format), plans and reports (PDF format), monitoring well latitude and longitude (GEO_XY), well elevation data (GEO_Z), depth to water measurements (GEO_WELL), a site map with sampling locations (GEO_MAP), and boring logs (GEO_BORE) for the new wells. Further details can be viewed at the following weblink: http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml.

6. Effective December 12, 2011, for all parties who upload electronic documents to the State GeoTracker database, it is no longer necessary to submit hard copies or CDs to our office. The Regional Board will no longer accept documents (submitted by either e-mail or hard copy or CD) that are uploaded to GeoTracker. Further details can be viewed at the following weblink:
<http://www.waterboards.ca.gov/losangeles/resources/Paperless/Paperless%20Office%20for%20GT%20Users.pdf>.

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

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

Ordered by: Samuel Unger
Samuel Unger, P.E.
Executive Officer

Date: December 27, 2013

January 10, 2014

PHONE: (213) 620-0460
FAX: (213) 624-4840
DIRECT: (213) 621-0822
E-MAIL: acook@hillfarrer.com
WEBSITE: www.hillfarrer.com

Yue Rong, PhD
Environmental Program Manager I
Underground Tanks
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

BY EMAIL AND U.S. MAIL

yrong@waterboards.ca.gov

Re: **Former Mobil Service Station**
402 Atlantic Avenue, Long Beach, CA 90802
EAR Number R12-151

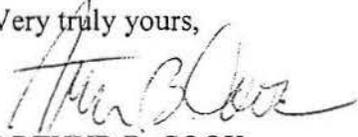
Corrective Action Order No. R4-2013-0194

Dear Mr. Rong:

This letter respectfully requests an extension of the deadlines contained in the Corrective Action Order referenced above. My client had received a proposal from a respected environmental consulting company, and was prepared to sign the proposal, however the consultant withdrew its proposal today, for reasons of which you are already aware.

Mr. Dakar is in the process of retaining a new environmental consultant. An extension of the January 30, 2014 deadline for submission of contact information, historical documents and a workplan is therefore requested. Please advise at your earliest opportunity.

Very truly yours,


ARTHUR B. COOK
OF
HILL, FARRER & BURRILL LLP

cc: Dixon Oriola
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
doriola@waterboards.ca.gov

Nate Dakar



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 17, 2014

Mr. Israel Dakar
c/o Mr. Arthur Cook
Hill, Farrer & Burrill, LLP
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, CA 90071-3147

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 1515

SUBJECT: TIME EXTENSION (CORRECTIVE ACTION ORDER NO. R4-2013-0194)

**SITE/CASE: INVESTIGATE, CLEANUP AND ABATE WASTE DISCHARGED TO WATERS OF THE STATE PURSUANT TO HEALTH AND SAFETY CODE SECTION 25296.10(C) AND TITLE 23, CALIFORNIA CODE OF REGULATIONS, SECTIONS 2720-2727
FORMER MOBIL STATION – 402 ATLANTIC AVENUE, LONG BEACH, CA
UST CASE NO. 908020234**

Dear Mr. Dakar:

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.

Regional Board staff has reviewed the Extension Request letter dated January 10, 2014, that was prepared on your behalf by Hill, Farrer & Burrill LLP for the above-referenced site (Site). We have also reviewed e-mail correspondence from Arthur B. Cook of Hill, Farrer & Burrill LLP on January 15, 2014. An extension is requested due to a delay in hiring an environmental consultant. The consultant that you reportedly planned to hire, who is also the consultant hired by the State under the Emergency, Abandoned, Recalcitrant (EAR) Program, has declined to be hired by two parties for the same site. The extension request is requested to allow additional time to hire a different consultant than originally planned.

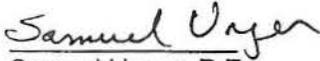
Your extension request is granted and the new due date for the work plan, contact information, and other required historical documents and information is **February 28, 2014**. You must comply with all other conditions of the Regional Board Corrective Action Order no. R4-2013-0194 dated December 27, 2013.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

If you have any questions regarding this letter, please contact Mr. Dave Bjostad at (213) 576-6712 (dave.bjostad@waterboards.ca.gov), Dr. Weixing Tong at (213) 576-6715 (weixing.tong@waterboards.ca.gov), or Dr. Yue Rong at (213) 576-6710 (yue.rong@waterboards.ca.gov).

Sincerely,



Samuel Unger, P.E.
Executive Officer

Copy by e-mail to:

Dixon Oriola, Regional Water Quality Control Board
Laura Drabandt, State Water Resources Control Board, Office of Enforcement
Judy Reid, State Water Resources Control Board, Special Programs and Settlements Units
Kathy Jundt, State Water Resources Control Board, UST Cleanup Fund
Nelson Kerr, City of Long Beach Department of Health & Human Services
Carmen Piro, City of Long Beach Department of Health & Human Services
Phuong Ly, Water Replenishment District of Southern California

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

FORMER MOBIL SERVICE STATION (T0603701707) - [MAP THIS SITE](#)

OPEN - REMEDIATION

402 ATLANTIC AVE
LONG BEACH, CA 90802
LOS ANGELES COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: 908020234
CASEWORKER: [DAVID M. BJOSTAD](#) - SUPERVISOR: Weixing Tong
LONG BEACH, CITY OF
CASEWORKER: [CARMEN PRO](#) - SUPERVISOR: NONE SPECIFIED

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

THIS PROJECT WAS LAST MODIFIED BY [DAVE BJOSTAD](#) ON 1/21/2014 10:36:09 AM - [HISTORY](#)

CLOSURE POLICY **THIS VERSION IS FINAL AS OF 3/1/2013** CHECKLIST INITIATED ON 12/7/2012 [CLOSURE POLICY HISTORY](#)

General Criteria - The site satisfies the policy general criteria - [CLEAR SECTION ANSWERS](#)

a. Is the unauthorized release located within the service area of a public water system? YES NO

Name of Water System : Long Beach Water Department

b. The unauthorized release consists only of petroleum [\(info\)](#). YES NO

c. The unauthorized ("primary") release from the UST system has been stopped. YES NO

Explain : it does not appear that the piping has been removed

d. Free product has been removed to the maximum extent practicable [\(info\)](#). FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed [\(info\)](#). YES NO

- Description (Check all that Apply):
- GW Not Evaluated
 - Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
 - Groundwater Assessment Incomplete - Depth of Contamination Not Defined
 - Hydrogeology Not Adequately Defined
 - Potential Receptors Not Identified
 - Soil Assessment Incomplete - Areal Extent Not Defined
 - Soil Assessment Incomplete - Depth Unknown
 - Soil Vapor Not Evaluated
 - Other -

f. Secondary source has been removed to the extent practicable [\(info\)](#). YES NO

- Impediment to Removing Secondary Source (Check all that Apply):
- Remediation Has Not Been Attempted
 - Remediation Was Designed Incorrectly
 - Remediation Was Shut Off Prematurely
 - Poor Remediation O&M
 - Other -

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15. Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#). YES NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below. - [CLEAR SECTION ANSWERS](#)

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

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

- Plume Length (That Exceeds Water Quality Objectives) :
- ≥ 100 Feet and < 250 Feet ≥ 250 Feet and < 1,000 Feet ≥ 1,000 Feet Unknown
- Plume is Stable or Decreasing in **AREAL** Extent :
- No Unknown
- Free Product in Groundwater :
- Yes No Unknown
- Free Product Has Been Removed to the Maximum Extent Practicable :
- No Unknown
- For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years [\(info\)](#) :
- No Unknown
- For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :
- No Unknown
- Free Product Extends Offsite :
- Yes Unknown
- Benzene Concentration :
- ≥ 1,000 µg/l and < 3,000 µg/l ≥ 3,000 µg/l Unknown
- MTBE Concentration :
- ≥ 1,000 µg/l Unknown
- Nearest Supply Well (From Plume Boundary) :

≤ 250 Feet > 250 Feet and ≤ 1,000 Feet Unknown
Nearest Surface Water Body (From Plume Boundary) :
 ≤ 250 Feet > 250 Feet and ≤ 1,000 Feet Unknown

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

EXEMPTION - Active Commercial Petroleum Fueling Facility YES NO

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:
Soil Gas Samples :
 No Soil Gas Samples Taken Incorrectly
Exposure Type :
 Residential Commercial
Free Product :
 In Groundwater In Soil Unknown
TPH in the Bioattenuation Zone :
 ≥ 100 mg/kg Unknown Soil samples not taken at two depths within 5 ft. zone (only for Scenario 4 with BioZone)
Bioattenuation Zone Thickness :
 < 5 Feet (No BioZone) ≥ 5 Feet and < 10 Feet ≥ 10 Feet and < 30 Feet ≥ 30 Feet 30ft BioZone Compromised TPH > 100mg/kg Unknown
O2 Data in Bioattenuation Zone :
 No O₂ Data O₂ < 4% O₂ ≥ 4%
Benzene in Groundwater :
 ≥ 100 µg/l and < 1,000 µg/l ≥ 1,000 µg/l Unknown
Soil Gas Benzene :
 ≥ 85 µg/m³ and < 280 µg/m³ ≥ 280 µg/m³ and < 85,000 µg/m³ ≥ 85,000 µg/m³ and < 280,000 µg/m³ ≥ 280,000 µg/m³ Unknown
Soil Gas EthylBenzene :
 ≥ 1,100 µg/m³ and < 3,600 µg/m³ ≥ 3,600 µg/m³ and < 1,100,000 µg/m³ ≥ 1,100,000 µg/m³ and < 3,600,000 µg/m³ ≥ 3,600,000 µg/m³ Unknown
Soil Gas Naphthalene :
 ≥ 93 µg/m³ and < 310 µg/m³ ≥ 310 µg/m³ and < 93,000 µg/m³ ≥ 93,000 µg/m³ and < 310,000 µg/m³ ≥ 310,000 µg/m³ Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - *The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below. - [CLEAR SECTION ANSWERS](#)*

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

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:
Exposure Type :
 Residential Commercial Utility Worker
Petroleum Constituents in Soil :
 ≤ 5 Feet bgs >5 Feet bgs and ≤10 Feet bgs Unknown
Soil Concentrations of Benzene :
 > 1.9 mg/kg and ≤ 2.8 mg/kg > 2.8 mg/kg and ≤ 8.2 mg/kg > 8.2 mg/kg and ≤ 12 mg/kg > 12 mg/kg and ≤ 14 mg/kg > 14 mg/kg Unknown
Soil Concentrations of EthylBenzene :
 > 21 mg/kg and ≤ 32 mg/kg > 32 mg/kg and ≤ 89 mg/kg > 89 mg/kg and ≤ 134 mg/kg > 134 mg/kg and ≤ 314 mg/kg > 314 mg/kg Unknown
Soil Concentrations of Naphthalene :
 > 9.7 mg/kg and ≤ 45 mg/kg > 45 mg/kg and ≤ 219 mg/kg > 219 mg/kg Unknown
Soil Concentrations of PAH :
 > 0.063 mg/kg and ≤ 0.68 mg/kg > 0.68 mg/kg and ≤ 4.5 mg/kg > 4.5 mg/kg Unknown
Area of Impacted Soil :
 Area of Impacted Soil > 82 by 82 Feet Unknown

Additional Information
 Should this case be closed in spite of NOT meeting policy criteria? YES NO

[SPELL CHECK](#)

Item XX

**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item XX.7

Juarez Carwash

(Renewal)

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

1. Site Name and Address:

Juarez Carwash
906 W. Rosecrans Avenue (Formerly 900 W. Rosecrans Avenue in GeoTracker)
Compton, CA 90220
APN: 6156-002-039
GeoTracker Global ID: T0603797510
Regional Board Case No.: R-26764

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
Email: 1012900@sbcglobal.net
Date Acquired: November 5, 2002

Potentially Responsible Parties:

Mr. Gary A. Lazar
Ms. Divine G. Lazar (now Richardson)
Mr. George A. Pearson
Ms. Regina M. F. Pearson

3. Corrective Action Directives:

On April 13, 2011, the Los Angeles Regional Board issued a directive to Rene Juarez (current owner) to take corrective action.

On February 11, 2013, the Regional Board issued a directive Rene and Petra Juarez (current owners) requesting site access in order to complete site work approved under the EAR Account. A Right-of-Entry form was attached to the letter and required to be returned by March 11, 2013. The Right-of-Entry form was signed and returned by Rene Juarez on May 1, 2013.

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 Company.

- Three 10,000-gallon gasoline USTs and one 550-gallon waste oil tank were removed on December 15, 1999.
- Approximately 110 tons of hydrocarbon impacted soil was removed from the site.
- The maximum concentrations detected in the soil were as follows:
 - 3,290 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons in the gasoline range (TPH_G) reported in soil 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 (ft bgs).

6. Justification for Renewal to EAR Program:

Both current land owners (Rene & Petra Juarez) claim to be indigent and are therefore recalcitrant. Mr. Pearson was the property owner at the time of the UST removal, which was performed on his behalf by G&M Oil Company. This site was nominated to the EAR Program during the 2012-2013 fiscal year and again for the 2013-2014 fiscal year. There is an allocation for \$150,000 to do fieldwork. However, the field work has been delayed due to the slow EAR contracting process and the Regional Board's work to identify other possible RPs.

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

Both RPs are recalcitrant. The current landowners operate a carwash on the site, but claim they are unable to afford a consultant to do the required work. The current land owners applied for the State Water Board's *Orphan Site Cleanup Fund* (OSCF) in 2011. However, the State Water Board determined that the site was not eligible for a OSCF grant because the site is not vacant and is engaged in year-round economically productive activities.

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

None. The present RPs believe that prior UST owners/operators at the site are also liable for the existing soil and groundwater contamination. Regional Board staff investigations concerning other possible responsible parties are ongoing.

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 (LACDPW), on behalf of the property owner, Rene Juarez.

Item X

The report lists Rene Juarez as the owner of the site, which is currently 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, LACDPW transferred the case to the Regional Board.

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. This is an active car wash.

On May 1, 2013, Mr. Juarez signed the *Right-of-Entry* form authorizing the State Water Board to conduct fieldwork at the Site under the EAR Account.

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:

- Soil samples showed reported maximum concentrations as follows:
 - 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;
- Groundwater was encountered between 41-43 ft bgs; and
- Groundwater samples reportedly showed maximum concentrations as follows:
 - 2,300 micrograms per liter (µg /L) TPH_G,
 - 180 µg /L benzene,
 - 1 µg /L ethylbenzene,
 - 10 µg /L total xylenes and
 - 152 µg /L MTBE.

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

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

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

- General (see attached evaluation form):
- CSM – Lateral and vertical extent of the groundwater plume is not defined. Lateral and vertical extent of soil contamination not defined. Hydrogeologic parameters have not been adequately defined.
- Secondary Source – The UST report states that soil samples from below the USTs were impacted with TPH and low levels of MTBE, benzene, toluene, ethylbenzene and xylenes.

Item X

The report indicates excavated soil was removed and disposed, but it did not indicate that the contamination beneath the USTs was over excavated; therefore it cannot be verified. Additionally, soil still remaining onsite contains elevated concentrations of TPH at the 5 and 10 ft bgs range.

- Groundwater – Lateral extent of the groundwater plume is not defined.
- Petroleum Vapor Intrusion to Indoor Air – Depth to groundwater is 40 ft bgs. TPH in soil at 10 ft bgs (at LE7-10) was greater than 100 mg/kg.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of soil and groundwater contamination will need to be delineated. To that end, groundwater monitoring wells should be installed along the perimeter of the former UST area excavation. Additionally, shallow soil (0-10 ft bgs) contamination (secondary source) should be assessed and remediated. Soil and groundwater samples should be analyzed for petroleum hydrocarbons and chlorinated solvents during drilling and completion activities. Groundwater will need to be monitored periodically after well completion. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

- Funding Allocated for 2012 Nomination
 - \$75,000 in annual funding was allocated in 2012, but no funding was encumbered.
- Funding Allocated for 2013 Nomination
 - \$75,000 in annual funding was allocated in 2013, but no funding was encumbered.
- Funding Requested for 2014 Nomination
 - \$50,000 in additional annual funding is requested. Total funding cannot be estimated until the extent of contamination is determined.

Past allocations total \$150,000. These funds need to be encumbered to initiate field work. An additional \$50,000 will also be needed to complete the initial site assessment and possible groundwater monitoring, based on available information on file. The slow EAR contracting process has delayed field activities necessary to determine the extent of contamination and the total expenditures required for initial site cleanup.

14. Results if EAR Funding Denied:

If EAR funding is denied, migration of the plume to municipal production wells located about ¼ mile from the site is likely. In addition, because the RPs have failed to comply with directives, and since the quantity of contaminants released and the extent of migration is unknown, the threat to groundwater quality will remain.

15. Attachments

1. April 13, 2011 Regional Board directive to take Corrective Action.
2. February 11, 2013 Regional Board letter requesting site access.
3. May 1, 2013 signed access agreement from the property owner.
4. LTCP Evaluation Form



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 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.dpl.a2.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.

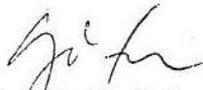
Mr. Rene Juarez
900 W. Rosecrans Ave., Compton

- 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



EDMUND G. BROWNE JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

February 11, 2013

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

Certified Mail
Return Receipt Requested
7012 0470 0000 8074 3193

RE: EMERGENCY, ABANDONED, RECALCITRANT ACCOUNT
REQUEST FOR SITE ACCESS
SITE NAME: Juarez Carwash
SITE ADDRESS: 906 W. Rosecrans Avenue, Los Angeles
EAR NUMBER: R12-150

Dear Mr. and Ms. Juarez:

As indicated in previous letters and phone calls from the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), the leak(s) from the former vehicle fueling system at the subject site (Site) has impacted soil and groundwater beneath the Site.

The most recent environmental data was reported in the *Environmental Site Assessment Report* submitted by Western Environmental Engineers Company (WEECO) on your behalf on May 13, 2009. Maximum concentrations in soil were reported at 12,100 mg/kg total petroleum hydrocarbons in the gasoline range (TPH_G), 1,510 mg/kg total recoverable petroleum hydrocarbon (TRPH), 111.21 mg/kg benzene, 763.64 mg/kg toluene, 377.62 mg/kg ethylbenzene, 1,568.4 mg/kg total xylenes, and 0.25 mg/kg MTBE. Total petroleum hydrocarbons in the diesel range (TPH_D) and tert-butyl alcohol (TBA) were below detection limits. Groundwater samples showed reported maximum concentrations of 2,300 micrograms per liter (µg /L) TPH_G, 180.00 µg /L benzene, 1.00 µg /L ethylbenzene, 10 µg /L total xylenes and 152 µg /L MTBE.

Groundwater is located at approximately 41-43 feet below ground surface and production wells are located approximately ¼ mile from the Site. In addition, there are residential dwellings located directly to the south of the Site, with tenants that remain threatened.

You were informed on March 13, 2012 that the Site has been placed into the Emergency, Abandoned, and Recalcitrant (EAR) Account of the UST Cleanup Fund. There has been a total of \$75,000.00 approved for the necessary corrective action work. Your approval for site access to begin the work is all that is needed.

Attached to this letter is a *Right-of-Entry* agreement. Please sign it and return it to Mr. Dixon Oriola at the below e-mail address no later than **March 11, 2013**.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Failure to submit the Right-of-Entry agreement or contact the Regional Board by the above deadline will result in this Regional Board seeking an inspection warrant, pursuant to California Water Code section 13304(b)(3) and Health and Safety Code section 25299.39.3, to allow the needed access to the Site to conduct corrective action activities. If you fail to return the signed Right-of-Entry as requested, we will seek an inspection warrant.

Please be aware that whatever costs are incurred from the EAR Account, the State Water Board will seek cost recovery from the property owner or operator of the UST(s) or from any other Responsible Party. Cost recovery may include attaching a lien to the property or referring the case to the State Attorney General's office to file a civil action.

If you have any questions regarding this matter or would like to schedule a meeting, please contact Mr. Dixon Oriola at (213) 576-6747 or doriola@waterboards.ca.gov.

Sincerely,


Samuel Unger, P. E.
Executive Officer

Enclosures: (a) *Right-of-Entry Agreement*

cc: Mr. Steve Linder, UST Program, United States Environmental Protection Agency
Mr. Kevin Graves, UST Program, State Water Resources Control Board
Ms. Judy Reid, UST Program, State Water Resources Control Board
Mr. Tim Smith, Los Angeles County Department of Public Works
Ms. Lynda Arakelian, Sullivan International Group, Inc.

Right-of-Entry
California Regional Water Quality Control Board – Los Angeles Region
Underground Storage Tanks Program

Rene and Petra Juarez, owner of the real property at *906 W. Rosecrans Ave, Compton, Los Angeles County, APN 6156-002-039*, (the "Site"), hereby grants permission to the Los Angeles Regional Water Quality Control Board ("Regional Board"), and its agents, employees, contractors, consultants, representatives, and invitees, including the agents and employees of other state agencies consulting with the Regional Board on this Site, to enter onto the Site for the purposes of conducting the Activities defined below.

"Activities" shall mean all of the actions necessary to execute necessary environmental investigation and/or remedial actions to address the unauthorized release of petroleum products at the Site. "Activities" shall also include all necessary follow-up inspections of the work, periodic monitoring of temporary monitoring points (e.g. vapor or groundwater monitoring wells), maintenance of any remedial system installed, and all additional work necessary to evaluate the effectiveness of the remedial actions performed.

This Right-of-Entry hereby grants the Regional Board, their agents, employees, contractors, and assigns the right of reasonable access under, over, and across the property for the purpose of performing said Activities.

Executed this 1st day of MAY (Month), 2013 (Year)



Signature of Owner

RENE JUAREZ

Printed Name

2013 MAY 2 PM 1 04

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

JUAREZ CARWASH (T0603797510) - [MAP THIS SITE](#)

OPEN - SITE ASSESSMENT

906 ROSECRANS AVE. W.
COMPTON , CA 90222
LOS ANGELES COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: R-26764
CASEWORKER: [ARMAN TOUMAR](#) - SUPERVISOR: YI LU
LOS ANGELES COUNTY - CASE #: 013492-026764
CASEWORKER: [RANI IYER](#) - SUPERVISOR: TIM SMITH
CASEWORKER: [MANUEL R REGALADO](#) - SUPERVISOR: TIM SMITH

CUF Claim #: 19441, B0117 CUF Priority Assigned: CUF Amount Paid: \$0

THIS PROJECT WAS LAST MODIFIED BY [ARMAN TOUMAR](#) ON 10/11/2013 10:55:34 AM - [HISTORY](#)

THIS SITE HAS SUBMITTALS. CLICK [HERE](#) TO OPEN A NEW WINDOW WITH THE SUBMITTAL APPROVAL PAGE FOR THIS SITE.

CLOSURE POLICY

THIS VERSION IS FINAL AS OF 3/1/2013

CHECKLIST INITIATED ON 1/25/2013

[CLOSURE POLICY HISTORY](#)

General Criteria - The site satisfies the policy general criteria - [CLEAR SECTION ANSWERS](#)

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

Name of Water System :

YES NO

b. The unauthorized release consists only of petroleum [\(info\)](#).

YES NO

c. The unauthorized ("primary") release from the UST system has been stopped.

YES NO

d. Free product has been removed to the maximum extent practicable [\(info\)](#).

FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed [\(info\)](#).

Description (Check all that Apply):

- GW Not Evaluated
- Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
- Groundwater Assessment Incomplete - Depth of Contamination Not Defined
- Hydrogeology Not Adequately Defined
- Potential Receptors Not Identified
- Soil Assessment Incomplete - Areal Extent Not Defined
- Soil Assessment Incomplete - Depth Unknown
- Soil Vapor Not Evaluated
- Other -

YES NO

f. Secondary source has been removed to the extent practicable [\(info\)](#).

YES NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

YES NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below. - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES NO

Does the site meet any of the Groundwater specific criteria scenarios?

YES NO

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

≥ 100 Feet and < 250 Feet ≥ 250 Feet and < 1,000 Feet ≥ 1,000 Feet Unknown

Plume is Stable or Decreasing in **AREAL** Extent :

No Unknown

Free Product in Groundwater :

Yes No Unknown

Free Product Has Been Removed to the Maximum Extent Practicable :

No Unknown

For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years [\(info\)](#) :

No Unknown

For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :

No Unknown

Free Product Extends Offsite :

Yes Unknown

Benzene Concentration :

≥ 1,000 µg/l and < 3,000 µg/l ≥ 3,000 µg/l Unknown

MTBE Concentration :

≥ 1,000 ug/l Unknown

Nearest Supply Well (From Plume Boundary) :

≤ 250 Feet > 250 Feet and ≤ 1,000 Feet Unknown

Nearest Surface Water Body (From Plume Boundary) :

≤ 250 Feet > 250 Feet and ≤ 1,000 Feet Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - <i>The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c - CLEAR SECTION ANSWERS</i>	<input type="radio"/> YES <input checked="" type="radio"/> NO
EXEMPTION - Active Commercial Petroleum Fueling Facility	<input type="radio"/> YES <input checked="" type="radio"/> NO
Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?	<input type="radio"/> YES <input checked="" type="radio"/> NO
ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:	
Soil Gas Samples : <input type="radio"/> No Soil Gas Samples <input type="radio"/> Taken Incorrectly	
Exposure Type : <input type="radio"/> Residential <input type="radio"/> Commercial	
Free Product : <input type="radio"/> In Groundwater <input type="radio"/> In Soil <input type="radio"/> Unknown	
TPH in the Bioattenuation Zone : <input checked="" type="radio"/> ≥ 100 mg/kg <input type="radio"/> Unknown <input type="radio"/> Soil samples not taken at two depths within 5 ft. zone (only for Scenario 4 with BioZone)	
Bioattenuation Zone Thickness : <input type="radio"/> < 5 Feet (No BioZone) <input type="radio"/> ≥ 5 Feet and < 10 Feet <input type="radio"/> ≥ 10 Feet and < 30 Feet <input type="radio"/> ≥ 30 Feet <input type="radio"/> 30ft BioZone Compromised TPH > 100mg/kg <input type="radio"/> Unknown	
O2 Data in Bioattenuation Zone : <input type="radio"/> No O ₂ Data <input type="radio"/> O ₂ < 4% <input type="radio"/> O ₂ $\geq 4\%$	
Benzene in Groundwater : <input checked="" type="radio"/> ≥ 100 $\mu\text{g/l}$ and < 1,000 $\mu\text{g/l}$ <input type="radio"/> $\geq 1,000$ $\mu\text{g/l}$ <input type="radio"/> Unknown	
Soil Gas Benzene : <input type="radio"/> ≥ 85 $\mu\text{g/m}^3$ and < 280 $\mu\text{g/m}^3$ <input type="radio"/> ≥ 280 $\mu\text{g/m}^3$ and < 85,000 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 85,000$ $\mu\text{g/m}^3$ and < 280,000 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 280,000$ $\mu\text{g/m}^3$ <input type="radio"/> Unknown	
Soil Gas EthylBenzene : <input type="radio"/> $\geq 1,100$ $\mu\text{g/m}^3$ and < 3,600 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 3,600$ $\mu\text{g/m}^3$ and < 1,100,000 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 1,100,000$ $\mu\text{g/m}^3$ and < 3,600,000 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 3,600,000$ $\mu\text{g/m}^3$ <input type="radio"/> Unknown	
Soil Gas Naphthalene : <input type="radio"/> ≥ 93 $\mu\text{g/m}^3$ and < 310 $\mu\text{g/m}^3$ <input type="radio"/> ≥ 310 $\mu\text{g/m}^3$ and < 93,000 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 93,000$ $\mu\text{g/m}^3$ and < 310,000 $\mu\text{g/m}^3$ <input type="radio"/> $\geq 310,000$ $\mu\text{g/m}^3$ <input type="radio"/> Unknown	
3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - <i>The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below. - CLEAR SECTION ANSWERS</i>	
<input type="radio"/> YES <input checked="" type="radio"/> NO	
EXEMPTION - The upper 10 feet of soil is free of petroleum contamination	
<input type="radio"/> YES <input checked="" type="radio"/> NO	
Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?	
3.1 - Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in the following table (LINK) for the specified depth below ground surface.	
<input checked="" type="radio"/> YES <input type="radio"/> NO	
Additional Information	
Should this case be closed in spite of NOT meeting policy criteria?	
<input type="radio"/> YES <input checked="" type="radio"/> NO	
SPELL CHECK	
<input type="button" value="Save Form as Partially Completed"/> <input type="button" value="Save Form as Complete"/>	

LOGGED IN AS CYORK

[CONTACT GEOTRACKER HELP](#)

Item #

**Consideration of Nominations for FY 2014-2015
Emergency, Abandoned, and Recalcitrant (EAR) Account
I-710 Corridor
Underground Storage Tank Program**

Item XX.8

Garfield Express

(Renewal)

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

1. Site Name and Address:

Garfield Express
11600 South Long Beach Boulevard
Lynwood, CA 90262
APN: 6175-009-025
GeoTracker Global ID: T0603705377
Regional Board Case No.: R-23001

Release Date: November 20, 1995
Site Status: Assessment & Interim Remedial Action
Current Site Use: Abandoned gasoline service station (ceased operation in 2010); 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 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.

3. Corrective Action Directives:

The RP has been recalcitrant since 2001. The Regional Board issued the Ross Family Trust two Cleanup & Abatement Orders (CAOs); one on February 27, 2001 and another on May 27, 2009. The Regional Board also issued the Ross Family Trust two directives concerning access to the site; one on July 8, 2011 and another on November 18, 2011. A copy of the most recent CAO 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: Arman Toumari
Phone: 213-576-6708
Email: atoumari@waterboards.ca.gov

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). The maximum concentrations in soil samples from the borings detected are as follows:

- 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 the following:

- 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.

LACDPW referred regulatory oversight 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, \$1,272,866 was encumbered by the State Water Board and \$1,033,402 of that amount was spent on soil remediation. The remaining unspent funding is needed to continue the operation of two remediation systems onsite, as the Ross Family Trust remains recalcitrant and the site is a threat to groundwater resources.

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

The Ross Family Trust claims it is unable to afford the required cleanup.

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 the Ross Family Trust; and GeoSyntec representatives, Regional Board staff requested Mr. Barry Ross comply with the requirements stated in CAO No. 01-002, and reiterated Mr. Barry Ross and The Ross Family Trust'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 CAO No. 01-002 does not apply to Mr. Barry Ross, since Mr. Ross was not initially named in the said order.

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On May 27, 2009, the Regional Board issued CAO No. R4-2009-0045 to Mr. Barry Ross and *The Ross Family Trust*.

On November 18, 2010, the Regional Board issued a Notice of Violation to Mr. Barry Ross and The Ross Family Trust for not complying with the CAO No. R4-2009-0045.

On June 8, 2011, the Regional Board sent a letter to the attorney of Mr. Barry Ross and The Ross Family Trust requesting access to site.

On July 8, 2011, the Regional Board sent another letter to the attorney of Mr. Barry Ross and The Ross Family Trust, again requesting access to the site.

On September 22, 2011, the Regional Board sent a letter to the attorney of Mr. Barry Ross and The Ross Family Trust clarifying access and responsible party issues.

On November 18, 2011, the Regional Board sent another letter to the attorney of Mr. Barry Ross and The Ross Family Trust, clarifying access and responsible party issues.

9. Actions Taken by the RP:

The Ross Family Trust hired a consultant, Brown & Caldwell, to conduct site investigation activities from 2006 – 2007. However, no further actions have been taken since May 7, 2007.

10. Investigation/Remedial Efforts Completed:

According to the *Semi-Annual Groundwater Monitoring Report*, dated October 21, 2005, prepared by Brown and Caldwell, the initial groundwater monitoring activities commenced at the site in 1998. A product recovery system first began operating at the site in 1999 and was later shut down in 2000 when hand bailing of product commenced. The report also stated that from December 1999 to December 2000, ten vapor extraction wells were installed at the site. A vapor extraction system was installed and reportedly began operating in June 2003. In June 2005, the vapor extraction system ceased operations.

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 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 9-10, 2006, Brown and Caldwell and/or its contractor removed the pavement

Item X

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 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 sample analyses. The results of these assessments were reported in a *Site Assessment Report* dated May 7, 2007. Regional Board staff notes 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 using City funds. The site investigation concluded that free product extended to the east of the site, beneath the residential neighborhood. The site investigation also showed that chlorinated volatile organic compounds (VOCs) are distributed in the immediate vicinity of the former dry cleaner located at the site, and extend to the south and east.

On May 16, 2011, Gannett Fleming, Inc. conducted groundwater monitoring at the site using EAR funds. Up to 4.41 feet of free product was observed on top of groundwater at the site. Also, there were maximum concentrations in the groundwater of up to 21,000 µg/L of TPH_G, 8,900 µg/L of benzene 320 µg/L of MTBE, 210,000 µg/L of tert-butyl alcohol (TBA), 800 µg/L of perchloroethylene (PCE), and 3,500 µg/L of trichloroethylene (TCE), which exceed the California Maximum Concentration Level (MCL) for drinking water.

From May 15 - 18, 2012, Gannett Fleming, Inc. conducted groundwater monitoring at the site. Up to 4.58 feet of free product was observed. Also, there were maximum concentrations in the groundwater of up to 4,900 µg/L of TPH_G, 10,000 µg/L of benzene, 82 µg/L of MTBE, 95,000 µg/L of TBA, 93 µg/L of PCE, and 1,800 µg/L of TCE all of which exceed their respective maximum contaminant levels (MCLs).

Gannett Fleming, Inc. has operated the free product recovery and soil vapor extraction (SVE) system for both the U-Haul and Ross Family Trust sites from July 2012 through December 2013. Both systems have been temporarily shut-down until a new contract is signed with the City of Lynwood and new permits are obtained. To date, approximately 2,385 gallons of free product has been removed and 3,229 pounds (lbs) of mass extracted vapors have been recovered from the Ross Family Trust site; 593 gallons of free product were removed and 7,340 lbs of mass extracted vapors have been recovered from the U-Haul site.

From June 10 - 25, 2013, Gannett Fleming, Inc. conducted the first semi-annual groundwater monitoring event at the site. The second semi-annual groundwater monitoring event was conducted from December 16 – 20, 2013. Based on the most recent sampling event in December, the maximum thickness of free product observed was 6.25 feet in MW-10. Maximum concentrations in groundwater were as follows: 19,000 µg/L of TPH_G, 11,000 µg/L of benzene, 280 µg/L of MTBE, 59,000 µg/L of TBA, 9.8 µg/L of PCE, and 880 µg/L of TCE.

On December 26, 2013, Gannett Fleming, Inc. removed and disposed of three 10,000-gallon USTs from the site, along with 55.4 tons of soil that was excavated from beneath the USTs.

11. Low-Threat Underground Storage Tank Closure Policy Summary

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

- General (see attached evaluation form):
 - *Has free product been removed to the maximum extent practicable?* No, measureable free product still exists at the site and remediation is ongoing.
 - *Has a conceptual site model that assesses the nature, extent, and mobility of the release been developed?* No, further delineation of soil and groundwater is required to determine extent of impact.
 - *Has the secondary source been removed to the extent practicable?* The contaminated soils surrounding the USTs have been removed/excavated to the maximum extent practicable, given the limitation of the equipment onsite, during the UST removal; however, contaminated soil is still present in soil surrounding the former USTs, as well as free product.
 - *Are there unique site attributes or site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents?* The plume is reportedly commingled with the adjacent U-Haul site, and VOCs associated with the former drycleaner once located at the site.
- Groundwater – The criteria have not been met. The plume length is greater than 1,000 feet and not laterally defined downgradient. Also, benzene and MTBE concentrations are increasing in well W&A-MW-3, the farthest downgradient well.
- Petroleum Vapor Intrusion to Indoor Air – The criteria has not been met. Depth to groundwater is greater than 10 ft bgs and benzene concentrations in groundwater are greater than 1,000 µg/l. MW-8 has TPH concentrations greater than 100 mg/kg at 5 ft bgs.
- Direct Contact and Outdoor Air Exposure – MW-8 has a benzene concentration of 36 mg/kg at 5 ft bgs, which exceeds acceptable regulatory standards for benzene concentrations as per criteria in the LTCP.

12. Description of Investigation/Remediation Work Needed:

In order to meet the criteria in the LTCP, the lateral and vertical extent of VOC contamination in soil and groundwater contamination will need to be determined. The free product removal and SVE systems should continue to operate for the next year, and the SVE wells previously installed around the UST cavity should be connected to the SVE system. Future investigations will determine whether, and to what extent, remediation is necessary to protect human health, safety and the environment.

13. Amount of Annual Funding Requested and Estimated Total Required

\$ 0 additional annual funding is being requested for fiscal year 2014-2015. A total of \$1,500,000 has already been allocated by the State Board in previous years, but not all of that amount has been spent. There remains a balance of \$466,599 that can be spent for cleanup at this site. However, the total funding required to complete the cleanup has not been determined. During fiscal year 2012-2013, \$914,601 was spent by the EAR Account to reimburse consultant costs for field work, and in fiscal year 2013-2014, \$118,800 has been spent by the EAR Account. The balance will be used for free product removal. Additional

Item X

treatment is needed for the vadose zone contamination and the dissolved phase in groundwater.

14. 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 peripheral sites. Lateral 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 where the 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.

15. Attachments:

1. May 27, 2009 Regional Board Cleanup and Abatement Order
2. LTCP Evaluation Form



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:

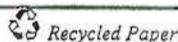
This Regional Board has determined that the presence of fuel constituents contamination at Garfield Express (the Site) located at 11600 South Long Beach Boulevard, Lynwood, creates or threatens to create a condition of pollution or nuisance in the waters of the State.

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



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

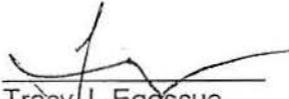
Mr. Barry Ross
The Ross Family Trust

- 2 -

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,

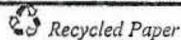


Tracy J. Egoscue
Executive Officer

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



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

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).

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

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.

- 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.

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

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**.

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- 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

- 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 ongoing 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.
- 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.

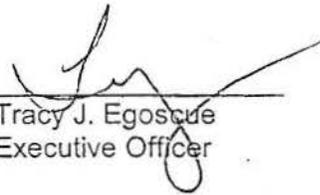
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7. The discharge of wastes or hazardous substances that degrade water quality or adversely affect beneficial uses of water of the State is prohibited.
8. Further migration of wastes or hazardous substances through subsurface transport to waters of 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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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

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

GARFIELD EXPRESS (T0603705377) - [MAP THIS SITE](#)

OPEN - ASSESSMENT & INTERIM REMEDIAL ACTION

11600 LONG BEACH BLVD S
LYNWOOD, CA 90262
LOS ANGELES COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

LOS ANGELES RWQCB (REGION 4) (LEAD) - CASE #: R-23001
CASEWORKER: [ARMAN TOUMARI](#) - SUPERVISOR: YI LU
LOS ANGELES COUNTY

CASEWORKER: [JOHN AWUJO](#) - SUPERVISOR: TIM SMITH

CUF Claim #: 12180 CUF Priority Assigned: B CUF Amount Paid: \$1,427,651

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

THERE ARE 1 OTHER CASES ASSOCIATED WITH THIS CASE - [SHOW](#)

THIS PROJECT WAS LAST MODIFIED BY [MARIA BAMBICO](#) ON 1/9/2014 2:49:37 PM - [HISTORY](#)

THIS SITE HAS UNAPPROVED SUBMITTALS. CLICK [HERE](#) TO OPEN A NEW WINDOW WITH THE SUBMITTAL APPROVAL PAGE FOR THIS SITE.

CLOSURE POLICY

THIS VERSION IS FINAL AS OF 2/19/2013

CHECKLIST INITIATED ON 2/19/2013

[CLOSURE POLICY HISTORY](#)

General Criteria - The site satisfies the policy general criteria - [CLEAR SECTION ANSWERS](#)

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

Name of Water System :

YES NO

b. The unauthorized release consists only of petroleum ([info](#)).

YES NO

c. The unauthorized ("primary") release from the UST system has been stopped.

Explain :

YES NO

d. Free product has been removed to the maximum extent practicable ([info](#)).

Free Product Remaining: Measurable Free Product
Removal Methods Tried : HVDPE Skimmer Bailing Absorbant Materials
 Did Not Try to Remove FP OTHER:

FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

Description (Check all that Apply):
 GW Not Evaluated
 Groundwater Assessment Incomplete - Areal Extent of Contamination Not Defined
 Groundwater Assessment Incomplete - Depth of Contamination Not Defined
 Hydrogeology Not Adequately Defined
 Potential Receptors Not Identified
 Soil Assessment Incomplete - Areal Extent Not Defined
 Soil Assessment Incomplete - Depth Unknown
 Soil Vapor Not Evaluated
 Other -

YES NO

f. Secondary source has been removed to the extent practicable ([info](#)).

Impediment to Removing Secondary Source (Check all that Apply):
 Remediation Has Not Been Attempted
 Remediation Was Designed Incorrectly
 Remediation Was Shut Off Prematurely
 Poor Remediation O&M
 Other -

YES NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

YES NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below. - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES NO

Does the site meet any of the Groundwater specific criteria scenarios?

YES NO

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Plume Length (That Exceeds Water Quality Objectives) :

≥ 100 Feet and < 250 Feet ≥ 250 Feet and < 1,000 Feet ≥ 1,000 Feet Unknown

Plume is Stable or Decreasing in **AREAL** Extent :

No Unknown

Free Product in Groundwater :

Yes No Unknown

Free Product Has Been Removed to the Maximum Extent Practicable :

No Unknown

For sites with free product, the Plume Has Been Stable or Decreasing for 5-Years ([info](#)) :

No Unknown

For sites with free product, owner Willing to Accept a Land Use Restriction (if required) :

No Unknown

Free Product Extends Offsite :
 Yes Unknown

Benzene Concentration :
 $\geq 1,000 \mu\text{g/l}$ and $< 3,000 \mu\text{g/l}$ $\geq 3,000 \mu\text{g/l}$ Unknown

MTBE Concentration :
 $\geq 1,000 \mu\text{g/l}$ Unknown

Nearest Supply Well (From Plume Boundary) :
 ≤ 250 Feet > 250 Feet and $\leq 1,000$ Feet Unknown

Nearest Surface Water Body (From Plume Boundary) :
 ≤ 250 Feet > 250 Feet and $\leq 1,000$ Feet Unknown

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c - [CLEAR SECTION ANSWERS](#) YES NO

EXEMPTION - Active Commercial Petroleum Fueling Facility YES NO

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Soil Gas Samples :
 No Soil Gas Samples Taken Incorrectly

Exposure Type :
 Residential Commercial

Free Product :
 In Groundwater In Soil Unknown

TPH in the Bioattenuation Zone :
 $\geq 100 \text{ mg/kg}$ Unknown Soil samples not taken at two depths within 5 ft. zone (only for Scenario 4 with BioZone)

Bioattenuation Zone Thickness :
 < 5 Feet (No BioZone) ≥ 5 Feet and < 10 Feet ≥ 10 Feet and < 30 Feet ≥ 30 Feet 30ft BioZone Compromised TPH $> 100\text{mg/kg}$ Unknown

O2 Data in Bioattenuation Zone :
 No O₂ Data O₂ $< 4\%$ O₂ $\geq 4\%$

Benzene in Groundwater :
 $\geq 100 \mu\text{g/l}$ and $< 1,000 \mu\text{g/l}$ $\geq 1,000 \mu\text{g/l}$ Unknown

Soil Gas Benzene :
 $\geq 85 \mu\text{g/m}^3$ and $< 280 \mu\text{g/m}^3$ $\geq 280 \mu\text{g/m}^3$ and $< 85,000 \mu\text{g/m}^3$ $\geq 85,000 \mu\text{g/m}^3$ and $< 280,000 \mu\text{g/m}^3$ $\geq 280,000 \mu\text{g/m}^3$ Unknown

Soil Gas EthylBenzene :
 $\geq 1,100 \mu\text{g/m}^3$ and $< 3,600 \mu\text{g/m}^3$ $\geq 3,600 \mu\text{g/m}^3$ and $< 1,100,000 \mu\text{g/m}^3$ $\geq 1,100,000 \mu\text{g/m}^3$ and $< 3,600,000 \mu\text{g/m}^3$ $\geq 3,600,000 \mu\text{g/m}^3$ Unknown

Soil Gas Naphthalene :
 $\geq 93 \mu\text{g/m}^3$ and $< 310 \mu\text{g/m}^3$ $\geq 310 \mu\text{g/m}^3$ and $< 93,000 \mu\text{g/m}^3$ $\geq 93,000 \mu\text{g/m}^3$ and $< 310,000 \mu\text{g/m}^3$ $\geq 310,000 \mu\text{g/m}^3$ Unknown

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below. - [CLEAR SECTION ANSWERS](#) YES NO

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

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

ADDITIONAL QUESTIONS - Please indicate only those conditions that do not meet the policy criteria:

Exposure Type :
 Residential Commercial Utility Worker

Petroleum Constituents in Soil :
 ≤ 5 Feet bgs > 5 Feet bgs and ≤ 10 Feet bgs Unknown

Soil Concentrations of Benzene :
 $> 1.9 \text{ mg/kg}$ and $\leq 2.8 \text{ mg/kg}$ $> 2.8 \text{ mg/kg}$ and $\leq 8.2 \text{ mg/kg}$ $> 8.2 \text{ mg/kg}$ and $\leq 12 \text{ mg/kg}$ $> 12 \text{ mg/kg}$ and $\leq 14 \text{ mg/kg}$ $> 14 \text{ mg/kg}$ Unknown

Soil Concentrations of EthylBenzene :
 $> 21 \text{ mg/kg}$ and $\leq 32 \text{ mg/kg}$ $> 32 \text{ mg/kg}$ and $\leq 89 \text{ mg/kg}$ $> 89 \text{ mg/kg}$ and $\leq 134 \text{ mg/kg}$ $> 134 \text{ mg/kg}$ and $\leq 314 \text{ mg/kg}$ $> 314 \text{ mg/kg}$ Unknown

Soil Concentrations of Naphthalene :
 $> 9.7 \text{ mg/kg}$ and $\leq 45 \text{ mg/kg}$ $> 45 \text{ mg/kg}$ and $\leq 219 \text{ mg/kg}$ $> 219 \text{ mg/kg}$ Unknown

Soil Concentrations of PAH :
 $> 0.063 \text{ mg/kg}$ and $\leq 0.68 \text{ mg/kg}$ $> 0.68 \text{ mg/kg}$ and $\leq 4.5 \text{ mg/kg}$ $> 4.5 \text{ mg/kg}$ Unknown

Area of Impacted Soil :
 Area of Impacted Soil > 82 by 82 Feet Unknown

Additional Information
 Should this case be closed in spite of NOT meeting policy criteria? YES NO

[SPELL CHECK](#)