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**BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

IN RE FORMER SEMCO TWIST DRILL
AND TOOL COMPANY, INC., ET AL.
INDUSTRIAL PARKWAY, SANTA
MARIA, SANTA BARBARA COUNTY
(CLEANUP AND ABATEMENT ORDER
NO. R3-2023-0070)

SWRCB/OCC FILE No.:

**PETITION FOR REVIEW OF
REGIONAL WATER QUALITY
CONTROL BOARD ACTION;
REQUEST FOR HEARING; AND
REQUEST FOR STAY**

1 **A. PETITION FOR REVIEW OF REGIONAL BOARD ACTION**

2 **1. Name and Address of Petitioner**

3 County of Santa Barbara (“County” or “Petitioner”). Notices for Petitioner should be
4 directed to counsel:

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11 **2. The Action of the Regional Board at Issue in this Petition**

12 As set forth in the points and authorities submitted herein, Petitioner seeks review
13 from the State Water Resources Control Board (“State Board”) of the Central Coast Regional
14 Water Quality Control Board’s (“Regional Board”) Cleanup and Abatement Order No. R3-
15 2023-0070 re: Former SEMCO Twist Drill and Tool Company, Inc., (“SEMCO”) et al.
16 (“CAO”) as follows, including the factual and legal determinations underlying those
17 conclusions.

18 First, the County seeks review of the Regional Board’s conclusion to name Petitioner
19 as a discharger in the CAO under California Water Code Section 13304(a) and/or Section
20 13267 based on its ownership of the Site between 1949 and 1964, including without
21 limitation, the following assumptions:

- 22 a. That SEMCO used and discharged trichloroethylene (“TCE”), 1-4 dioxane, or
23 other pollutants at the Site while the County owned it between 1949 and 1964;
24 and
25 b. That the County permitted (i.e., it knew or should have known) discharges by
26 SEMCO at the Site during the County’s ownership between 1949 and 1964.

27 Second, the County seeks review of the Regional Board’s conclusions that the County
28 is liable with the other named dischargers for response actions, including specifically as to

1,4-dioxane, investigation of a historical groundwater extraction and treatment system, and delineation of vapor intrusion and deep groundwater impacts.

Third, the County seeks review of the Regional Board's determination to exclude from the list of named dischargers other parties with a plausible connection to the Site.

3. The Date the Regional Board Acted

The Regional Board issued the CAO on September 26, 2023.

4. The Reasons the Regional Board's Action was Inappropriate and Improper

The Regional Board's conclusion to name the County as a discharger pursuant to California Water Code Section 13304 and/or Section 13267 in the CAO is not supported by substantial evidence in the record and is based on erroneous interpretations and application of law. As set forth fully in the points and authorities submitted herein, the Regional Board's issuance of the CAO as to the County is inappropriate and improper because it is unsupported by substantial evidence and misapplied applicable law and State Board policy by:

- i. Concluding that SEMCO used constituents of concern at the Site during the County's ownership;
- ii. Concluding that a discharge of such constituents of concern first occurred during the County's period of ownership, and also by shifting the burden to the County to definitively prove that a discharge did not occur;
- iii. Concluding that the County knew or should have known during its period of ownership that SEMCO's operations at the Site created a reasonable possibility of a discharge, as required Water Code Section 13304 and binding case law;
- iv. Concluding that the County could be named under the CAO without establishing a violation of then-existing law as required by Water Code Section 13304(j) to impose pre-1981 liability;
- v. Concluding that its action to name the County under the CAO is not the result of delay, and that any such delay has not prejudiced the County;
- vi. Ordering the County to bear the responsibility and costs on equal footing with other named dischargers to investigate a historic groundwater extraction and

1 treatment system, and conduct assessment and remediation of 1,4-dioxane
2 impacts, vapor intrusion risks, and deep groundwater investigation, in violation
3 of Water Code Section 13360 and State Board Resolution No. 92-49; and
4 vii. Excluding from the list of named dischargers under the CAO other on-Site and
5 off-Site parties with a plausible connection to observed conditions at the Site.

6 **5. How Petitioner is Aggrieved**

7 Petitioner is aggrieved by the CAO because its interest, including the use of public,
8 taxpayer funds, will be adversely affected by the CAO's imposition on Petitioner of response
9 and remediation obligations because of the unsupported conclusion that the County is a
10 responsible party under California Water Code Section 13304(a) and/or Section 13267.

11 **6. The Action Petitioner Requests the State Board to Take**

12 Petitioner requests that the State Board take the following actions:

- 13 i. Petitioner seeks an order from the State Board that rescinds, overrules and/or
14 otherwise modifies the CAO to remove Petitioner as a named discharger. (23
15 CCR § 2052(b) and/or (c).).
- 16 ii. Alternatively, to the extent that the State Board declines to direct the Regional
17 Board to remove the County from the CAO, Petitioner seeks an order from the
18 State Board that (1) rescinds, overrules, severs, and/or otherwise modifies the
19 CAO to exclude the County from responsibility for 1,4-dioxane investigation
20 and cleanup requirements; (2) removes the requirement to locate 20 former
21 groundwater monitoring wells, perform integrity tests, recondition accessible and
22 functional wells, destroy inaccessible or non-functional wells, and replace them
23 with new monitoring wells; and (3) removes requirements for vapor intrusion
24 and deep groundwater investigation and assessment.
- 25 iii. Alternatively, to the extent that the State Board declines to direct the Regional
26 Board to remove the County from the CAO, Petitioner seeks an order from the
27 State Board that (1) directs the Regional Board to name as dischargers under the
28 CAO the United States Department of Defense ("DOD"), Art Craft Paint, Inc.,

1 Santa Maria BBQ Outfitters, Hans Duus Blacksmithing, and parties associated
2 with the nearby Mafi Trench property, including its owner EFT Enterprises, L.P;
3 and (2) directs the Regional Board to compel information and document
4 disclosures from such persons pursuant to its authority under Water Code
5 Section 13267.

6 iv. Petitioner requests that the State Board conduct a hearing on this Petition to
7 consider the evidence, testimony, and argument offered by Petitioner and any
8 supplemental or additional evidence and argument necessary to resolve the
9 Petition. (23 CCR § 2056(b), 2052(c).)

10 v. Petitioner requests that the State Board stay Petitioner's obligations contained in
11 the CAO until this petition is resolved. (23 CCR § 2053.)

12 **7. Points and Authorities in Support of Legal Issues Raised in this Petition**

13 A statement of points and authorities in support of this Petition is set out below in the
14 accompanying brief.

15 **8. Statement of Service of Petition**

16 Petitioners have served copies of the petition to the Regional Board by email to
17 waterqualitypetitions@waterboards.ca.gov. Copies of the petition were also served on the
18 identified dischargers, including counsel where identified, and interested regulatory agencies
19 in the Regional Board's September 26, 2023 letter transmitting the CAO. (Exhibit 1.)

20 **9. The Issues of this Petition Have Been Raised to the Regional Board**

21 Petitioner raised the issues in this Petition to the Regional Board on May 30, 2023 in
22 response to the Regional Board's draft/proposed cleanup and abatement order. (Exhibits 3-4,
23 see e.g., County Comments 1, 2 and 3, and Geosyntec Comments 2, 3, and 6.) Any issues that
24 are expanded on are based on the Regional Board's response to comments.

25 As to Petitioner's laches defense, that issue is now raised in response to the Regional
26 Board's response to comments penalizing the County for a lack of evidence that the Regional
27 Board was able to obtain from SEMCO in the 1980's. This issue was also raised by the Santa
28

1 Maria Public Airport District in comments to the draft CAO relating to the newly alleged
2 responsible parties, which broadly includes the County. (Exhibit 4 at p. 44-45.)

3 **B. REQUEST FOR HEARING ON PETITION**

4 Pursuant to 23 California Code of Regulations Section 2052(c), Petitioner hereby
5 requests that the State Board hold a hearing for the purpose of oral argument and/or receipt of
6 additional evidence, if any.

7 **C. REQUEST FOR STAY AND HEARING**

8 Pursuant 23 California Code of Regulations Section 2053, Petitioner requests that the
9 State Board stay the underlying CAO. There is good cause for the stay based on the totality of
10 the circumstances when the factors are taken together as discussed below. This request is
11 supported by the declarations of Skip Grey (Exhibit 15) and Brian Hitchens (Exhibit 16) and
12 the additional Exhibits to this Petition.

13 Petitioner further requests a hearing pursuant to 23 California Code of Regulations
14 Section 2053(b)(1).

15 **1. There Will Be Substantial Harm to Petitioner if a Stay is Not Granted.**

16 Petitioner will suffer substantial harm if the State Board does not grant a stay because
17 Petitioner will incur substantial liability and costs associated with responding under the CAO.
18 Neither the County, nor its taxpayers, should incur liability for costs in the absence of
19 evidence that the County permitted an unlawful discharge at the Site.

20 The CAO names the County as jointly and severally responsible for obligations
21 imposed by the CAO. The anticipated costs associated with the requirements in the CAO do
22 not bear a reasonable relationship to the County's alleged contribution, which is in dispute
23 given the lack of evidence presented by the Regional Board.

24 **2. There is a Lack of Substantial Harm to Other Interested Persons and the Public**
25 **Interest if a Stay is Granted.**

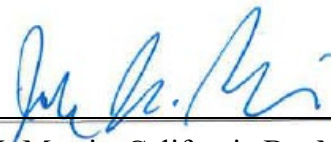
26 No harm will be suffered by the public interest because the Regional Board first issued
27 Cleanup and Abatement Order No. 87-188 in or about 1987, and there have been several years
28 in which the investigation was not active by the Regional Board, including 2003-2014, 2015-

2019, and for a year during the Covid-19 pandemic. (Exhibit 2: CAO at p. 10, ¶ 20; Exhibits 10-11.) Additionally, the Regional Board acknowledges that there are separate orders existing requiring the current owners to perform investigative tasks. (Exhibit 2: CAO at p. 10, ¶ 20(d), (f), and (h); Exhibits 12-14.)

3. There are Substantial Questions of Fact and Law Regarding the Regional Board's Action.

As set forth fully in the points and authorities, the Regional Board has acted improperly because its action was not based on substantial evidence. (*In the Matter of the Petition of Exxon Company, USA*, Board Order No. WQ 85-7, 10-11 (Aug. 22, 1985).) The Regional Board has named Petitioner as a discharger under California Water Code Sections 13304(a) and 13267 based on its prior ownership of the Site, irrespective of time and without substantial evidence. There are also substantial questions regarding the Regional Board's action because its conclusions to name Petitioner, including requirements for specific tasks such as the 1,4-dioxane investigation and investigation of the existing monitoring wells and GETS, is not supported by law or State Board policies. (See e.g., *In the Matter of the Petition of Exxon Company, USA*, Board Order No. WQ 85-7, 10-11 (Aug. 22, 1985); *In re Wenwest, Inc.*, Board Order No. WQ 92-13 (Oct. 22, 1992), 1992 Cal. ENV LEXIS 19, *6.)

Respectfully submitted this 26th day of October 2023.



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**STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT
OF PETITION FOR REVIEW**

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| <i>Brown v. State Pers. Bd.</i> (1985) 166 Cal.App.3d 1151 | 15-16 |
| <i>Fukuda v. City of Angels</i> (1999) 20 Cal.4th 805 | 4 |
| <i>In re Wenwest, Inc.</i> (Oct. 22, 1992) State Board Order No. WQ 92-13 | 6, 12-13 |
| <i>In re Dep't of Fish & Game</i> (Jan. 24, 1980) State Board Order No. WQ 80-1 | 4 |
| <i>In re Stinnes-Western Chem. Corp.</i> (Sept. 18, 1986) State Board Order No. WQ 86-16 | 10 |
| <i>In the Matter of the Petition of Exxon Company, USA</i> (Aug. 22, 1985) State Board Order No. WQ 85-7 | 5, 9-10 |
| <i>In the Matter of the Petition of Union Oil Company of California for Review of Cleanup and Abatement Order No. 89-51</i> (April 19, 1990) State Board Order No. WQ 90-2 | 18 |
| <i>In the Matter of the Petition of U.S. Cellulose and Louis J. and Shirley D. Smith</i> (Mar. 19, 1992) State Board Order No. WQ 92-04 | 5-6 |
| <i>Malaga Cty. Water Dist. v. State Water Res. Control Bd.</i> (2020) 58 Cal.App.5th 447 | 15 |
| <i>Petition of John Stuart</i> (Sept. 18, 1986) State Board Order No. WQ 86-15 | 6 |
| <i>Resolution Tr. Corp. v. Rossmoor Corp.</i> (1995) 34 Cal.App.4th 93 | 15 |
| <i>Schwartz v. McGraw-Edison Co.</i> (1971) 14 Cal.App.3d 767 | 15 |
| <i>Sweeney v. Cal. Reg'l Water Quality Control Bd.</i> (2021) 61 Cal.App.5th 1093 | 9 |

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| 9 | Wat. Code, § 13267 | 17, 21 |
| 10 | Wat. Code, § 13267, subd. (b)(1) | 17 |
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| 13 | Wat. Code, § 13304, subd. (j) | 14 |
| 14 | Wat. Code, § 13320, subd. (c) | 4 |
| 15 | Water Code, § 13360 | 19 |

Other Authorities

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| 18 | State Board Resolution No. 92-49 | 17-19, 21 |

EXHIBITS

Current Cleanup and Abatement Order

Exhibit 1: Letter from Thea Tryon, Regional Board to all responsible parties transmitting Cleanup and Abatement Order No. R3-2023-0070, dated September 26, 2023.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8565976798/transmittal-ltr-cao-r3-2023-0070%20and%20MRP%200071-semco.pdf

Exhibit 2: Cleanup and Abatement Order No. R3-2023-0070 (“CAO”).

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8245313346/SEMCO_CAO_final.pdf

Exhibit 3: Letter from John K. Morris, Perkins Coie to Sarah Treadwell, Regional Board, Comments of the County of Santa Barbara on the Cleanup and Abatement Order No. R3-2023-(Proposed), dated May 29, 2023.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2996457755/SantaBarbaraCounty_5-29-2023_public-comment-draft-cao.PDF

Exhibit 4: Comments and Enforcement Staff Responses to Cleanup and Abatement Order No. R3-2023-Proposed, Former SEMCO Twist Drill & Tool Company.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8245313346/PublicComment_Response_final_w_att1.pdf

Historical Site Records

Exhibit 5: SEMCO Purchase Credits, transmitted August 2, 1988.

<https://geotracker.waterboards.ca.gov/?surl=y1rsa>

Exhibit 6: SEMCO purchase orders, invoices, and receipts, transmitted March 31, 1988.

<https://geotracker.waterboards.ca.gov/?surl=dw8h9>

Exhibit 7: Letter from Rhea Stafford, President of SEMCO, with enclosed letter from SEMCO maintenance manager, Mr. Yoshiaki Shiroma, dated October 20,

- 1 1988.
2 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8090681314/CORRESP_RP_TCE_20OCT1988.pdf
3
4 Exhibit 8: Report of Subsurface Soil Investigation dated April 1, 1988.
5 <https://geotracker.waterboards.ca.gov/?surl=763ds>
6 Exhibit 9: Letter from Kent Stephens, attorney for SEMCO, dated January 18, 1989.
7 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6936114251/CORRESP_RP-LEGAL_18JAN1989.pdf
8
9
10 ***Other Enforcement Orders***
11 Exhibit 10: Cleanup and Abatement Order No. 87-188.
12 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7741810679/CAO_87-188_25SEPT1987.pdf
13
14 Exhibit 11: Amended Cleanup and Abatement Order No. 90-88.
15 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5318143546/CAO%2090-88%20revised%20031194.pdf
16
17 Exhibit 12: Section 13267 Order, July 18, 2003.
18 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7445648670/07-18-2003_WBLTR.pdf
19
20 Exhibit 13: Section 13267 Order, October 20, 2015.
21 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9597264170/Semco13267_Oct2015%2BSCAP.att.pdf
22
23 Exhibit 14: Section 13267 Order, July 28, 2022.
24 https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9735334098/07-26-2022_SCP_Semco_assess_report_ltr.pdf
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DECLARATIONS

- Exhibit 15: Declaration of Skip Grey in Support of Request for Stay Pending Review of the County of Santa Barbara’s Petition for Review of Regional Water Quality Control Board Action.
- Exhibit 16: Declaration of Brian Hitchens in Support of the County of Santa Barbara’s Petition for Review of Regional Water Quality Control Board Action, October 26, 2023.

1 **I. INTRODUCTION**

2 The Cleanup and Abatement Order (“CAO”) at issue in this appeal, CAO R3-2023-
3 0070, supersedes at least two prior cleanup and abatement orders dating back to 1987.
4 (Exhibit 2: CAO, see e.g., p. 5, ¶ 10; Exhibits 10-11.) None of these prior orders identified
5 Petitioner, the County of Santa Barbara (“County”), as a discharger under California Water
6 Code Section 13304(a). Instead, the Central Coast Regional Water Quality Control Board
7 (“Regional Board”) previously required the SEMCO Twist Drill and Tool Company, Inc.
8 (“SEMCO”), a former operator of the Site, and the current Site owners, to complete
9 investigation and cleanup.

10 Because SEMCO and the Site owners have failed to address the Site, the Regional
11 Board now names the County as a discharger under the CAO. The Regional Board presumes
12 that, because the County’s historical ownership (between 1949 and 1964) coincided with a
13 portion of SEMCO’s operations at the Site (between 1949 and 2001), the County should be
14 liable. However, the Regional Board’s assertion of liability against the County is unsupported
15 by any evidence that SEMCO used the constituents of concern during Petitioner’s period of
16 ownership, or even assuming so, that a discharge of such constituents first occurred during the
17 County’s period of ownership. This alone is grounds for the State Board to remove the
18 County from the CAO.

19 Even if it could show that a discharge occurred between 1949 and 1964, the Regional
20 Board has not demonstrated by substantial evidence that the County “permitted” such
21 discharges – i.e., that during the County’s ownership, it knew or should have known that
22 SEMCO’s operations created a reasonable possibility of a discharge. The Regional Board’s
23 determination to name the County reflects significant conjecture and hindsight bias that
24 substitute generalizations about market uses and knowledge of TCE impacts for actual, site-
25 specific evidence that the County possessed contemporaneous knowledge of a discharge.
26 Further, the County should not bear liability absent proof of violations of then-existing laws.
27 The County also has been prejudiced by the Regional Board’s delay in naming the County as
28

1 a discharger three decades after its initial orders, and after witnesses and records are no longer
2 available.

3 To the extent the County is not removed from the CAO, it should not be held
4 responsible for the costs and responsibility to locate and resuscitate the former groundwater
5 extraction and treatment system, for vapor intrusion and deep groundwater investigations, or
6 any assessment or remediation of 1,4-dioxane, which could not have been released at the Site
7 prior to 1984. If the County remains subject to the CAO, the State Board should also require
8 the Regional Board to name the additional specified parties with a plausible connection to the
9 Site.

10 **II. FACTUAL BACKGROUND**

11 **A. The County's Ownership of the Site Between 1949 and 1964**

12 The CAO addresses the real property with a street address at 2936 Industrial Parkway,
13 Santa Maria, California ("Site"). The Site is located in an area of high-density commercial
14 and industrial land uses within the City of Santa Maria. It is currently comprised of six
15 parcels, but was originally a single parcel (formerly APN 111-291-008) owned by the U.S.
16 government and used as part of an army airfield. (Exhibit 2: CAO, Ex. 2: Site Ownership and
17 Operational History.)

18 The County and the City of Santa Maria ("City") historically owned the Site from
19 1949 to 1964. The County and City conveyed their entire interests in the Site to the Santa
20 Maria Public Airport District, which owned the Site from 1964 to 1968. The CAO outlines
21 subsequent ownership transfers and interests. (Exhibit 2: CAO at p. 3, ¶ 6 – table of
22 ownership history and Ex. 2: Site Ownership and Operational History.)

23 **B. SEMCO's Operations of the Site Between 1949 and 2001**

24 Between approximately 1949 and 2001, SEMCO is alleged to have operated a
25 precision tool manufacturing business at the Site. SEMCO reportedly used volatile organic
26 compounds ("VOCs") in its operations as degreasers to clean tools and metal parts. (Exhibit
27 2: CAO at p. 4, ¶ 7.)

1 There is no evidence that SEMCO used VOCs in its operations prior to 1981. The only
2 available records and information show trichloroethylene (“TCE”) use between 1981 and
3 1985 and 1,1,1-trichloroethane (“TCA”) use between 1985 and 1987. (Exhibit 2: CAO at p. 4,
4 fn. 20; Exhibits 5-6: SEMCO purchase/disposal records.) **There is no record of solvent**
5 **usage prior to 1981, including types of solvents or periods of use.** The Regional Board
6 also has identified other VOCs detected that have not been linked to SEMCO’s operations or
7 any timeframe. (Exhibit 2: CAO at p. 1, fn. 8.)

8 According to SEMCO, it followed the same practice of storing solvent in above
9 ground storage tanks, and spent solvent was stored in drums for safe recycling off-site for
10 both its TCE and TCA use. (Exhibit 7.) There are a few reported incidents, none of which
11 took place during the County’s ownership. For example, in 1973, there was reportedly a fire
12 on the Site causing a release of approximately 6,000 gallons of cutting oils from a sump inside
13 the building. (Exhibit 2: CAO at p. 5, fn. 27.)

14 **C. Discovery of Contamination and Regional Board Oversight**

15 In May 1985, the Santa Barbara County Environmental Health Services notified the
16 Regional Board that TCE had been detected in soil adjacent to the City’s municipal supply
17 well 2AS. (Exhibit 2: CAO at p. 4, ¶ 8.) This was over two decades after the County had
18 transferred its entire interest in the Site.

19 In 1987, the Regional Board identified SEMCO as discharger under Cleanup and
20 Abatement Order No. 87-188 (subsequently amended in at least order nos. 89-070 and 90-88).
21 (Exhibit 2: CAO at p. 5, ¶ 9-10.) Under those orders, there was limited groundwater
22 monitoring between 1987 and 1991, and in 2003. (*Id.* at p. 6, ¶ 14.) A groundwater extraction
23 and treatment system (“GETS”) was installed in 1994 and operated until approximately 2000.
24 (*Id.* at p. 6, ¶ 13 and p. 8-9, ¶ 19 (a)-(c).)

25 In 2002, SEMCO and its principal Henry A. Stafford (or his heirs), who owned the
26 Site, transferred the Site and ceased responding to the Regional Board’s requirements.
27 (Exhibit 2: CAO at p. 9, ¶ 20 (b)-(c).) At that time, the Regional Board apparently stopped
28

1 pursuing SEMCO, and instead required the current owner, to take over the investigation. (*Id.*
2 at p. 10, ¶ 20 (d)-(h).) The Site remained open without any action for about a decade between
3 2003 and 2014, apparently due to financial constraints claimed by the Site owner. (*Id.* at p.
4 10, ¶ 20 (e).)

5 Three decades after the initial Cleanup and Abatement Order for the Site, the Regional
6 Board now issues the CAO, naming the County as a discharger. The only basis for identifying
7 the County is its historical ownership during a short period of a much longer timeframe in
8 which SEMCO operated at the Site. (Exhibit 2: CAO at p. 17, ¶¶ 5-6.) There is no site-
9 specific information in the administrative record of SEMCO’s operations between 1949 and
10 1964 at the Site. Moreover, SEMCO continued to operate the Site for nearly four decades
11 after the County transferred its ownership interest in the Site.

12 **III. STANDARD OF REVIEW**

13 The State Board may reverse a regional board’s decision to issue a cleanup and
14 abatement order where the State Board finds that the regional board acted inappropriately or
15 improperly when it issued the order. (Cal. Water Code § 13320, (c) [“Upon finding that the
16 action of the regional board, or the failure of the regional board to act, was inappropriate or
17 improper, the state board may direct that the appropriate action be taken by the regional
18 board, refer the matter to another state agency having jurisdiction, take the appropriate action
19 itself, or take any combination of those actions.”]; see also *In re Dep’t of Fish & Game, Cal.*
20 *State Water Res. Control Bd.*, WQ 80-1 at 13 (Jan. 24, 1980) [“Water Code 13320 clearly
21 indicates that we are to exercise an independent review of Regional Board actions and that we
22 can consider any relevant evidence necessary to effectuate and implement the policies of the
23 State’s water quality laws.”].)

24 An administrative decision by a state agency must be supported by findings that are
25 supported by the weight of the evidence. (*Fukuda v. City of Angels* (1999) 20 Cal.4th 805,
26 810.) If there are insufficient findings or the findings are not supported by the weight of the

1 evidence, the decision is considered an abuse of discretion. (Cal. Code of Civ. Proc., §
2 1094.5.)

3 The State Board applies the inappropriate and improper standard of review using a
4 substantial evidence test. “While the State Board may independently review the Regional
5 Board record, it must be able to find that the action was based on substantial evidence.” (*In*
6 *the Matter of the Petition of Exxon Company, USA*, Board Order No. WQ 85-7, 10-11 (Aug.
7 22, 1985).) A regional board must have “credible and reasonable evidence” to support a
8 finding of responsibility for each party named. (*Id.*) In reviewing an action of a regional
9 board, the State Board looks at the record “to determine whether, in light of the record as a
10 whole, there is a reasonable and credible basis to name a party.” (*In the Matter of the Petition*
11 *of U.S. Cellulose and Louis J. and Shirley D. Smith*, Board Order No. WQ 92-04, 4 (March
12 19, 1992).) The consideration of evidence does not include equitable considerations such as
13 the Regional Board’s efforts to locate responsible parties, the possibility that fewer parties are
14 named in the order, or that there is a potential lack of funding to pay for cleanup. (*In the*
15 *Matter of the Petition of Exxon Company, USA*, Board Order No. WQ 85-7, 11 (Aug. 22,
16 1985).)

17 **IV. LEGAL ARGUMENT**

18 **A. The Regional Board Lacks Substantial Evidence to Name the County as a** 19 **Discharger in the CAO.**

20 The Porter-Cologne Water Quality Control Act authorizes a regional water board to
21 issue an order for cleanup and abatement to “[a]ny person who has discharged or
22 discharges... or who has caused or permitted, causes or permits, or threatens to cause or
23 permit any waste to be discharged or deposited where it is, or probably will be, discharged
24 into the water of the state and creates, or threatens to create, a condition of pollution or
25 nuisance....” (Cal. Water Code § 13304, (a).)

26 Binding precedent sets forth the test as to naming former owners in the CAO. A
27 former owner and lessor does not “permit” a discharge within the meaning of Section 13304

1 unless it “knew or should have known that [the lessee’s] activity created a reasonable
2 possibility of a discharge;” a former landlord “cannot be said to permit a discharge simply by
3 allowing a lessee to operate a certain type of business.” (*United Artists Theatre Circuit, Inc. v.*
4 *Cal. Reg’l Water Quality Control Bd.* (“UATC”) (2019) 42 Cal.App.5th 851, 887). To be
5 liable, the former owner must (1) have held a significant ownership interest in the property at
6 the time of discharge, and (2) knew or should have known that a lessee’s activity created a
7 reasonable possibility of discharge into waters of the state of wastes that could create or
8 threaten to create a condition of pollution or nuisance. (*In Wenwest, Inc.*, Order No. WQ 92-
9 13 (Oct. 22, 1992), 1992 Cal. ENV LEXIS 19, citing *Petition of John Stuart*, Board Order No.
10 WQ 86-15 (Sept. 18, 1986); explained and modified by *UATC*). Mere ownership or
11 possession and control of a property is not sufficient to meet the Regional Board’s burden to
12 demonstrate through substantial evidence that the County permitted a discharge under Water
13 Code Section 13304(a). (*In the Matter of the Petition of U.S. Cellulose and Louis J. and*
14 *Shirley D. Smith*, Board Order No. WQ 92-04, 4-5 (March 19, 1992).)

15 **1. There is no evidence of a discharge at the Site during the County’s**
16 **ownership.**

17 **a. SEMCO’s historical solvent use at the Site has not**
18 **been established.**

19 The County is named as a responsible party based on its ownership of the Site (1949-
20 1964) during a time that overlapped with SEMCO’s lengthy operations at the Site (1949-
21 2001). The County itself did not discharge waste at the Site, and there are no allegations of
22 any such conduct.

23 The overlap of the County’s ownership and SEMCO’s operation for a short period
24 does not create an inference as to any chemical use or discharges during the timeframe at
25 issue. SEMCO continued to operate at the Site for nearly four decades after the County
26 transferred its entire interest in the Site. There is no evidence of SEMCO’s solvent use,
27 storage, or otherwise, during the County’s ownership. The administrative records shows only
28

1 that SEMCO procured bulk quantities of TCE from 1981 through 1984, and then bulk
2 quantities of TCA from 1984 through 1987. Based on this, the Regional Board concludes that
3 “SEMCO utilized TCE until approximately 1985 and TCA until approximately 1987.”
4 (Exhibit 2: CAO at p. 4, ¶7(c). The CAO does not identify when SEMCO began using either
5 constituent. The Regional Board even concedes that TCA was not used before 1984. (Exhibit
6 4: Response to comments, p. 14 – “SEMCO used and disposed of TCE in the same manner ...
7 until at least late 1984 when the facility transferred to TCA.”)

8 Similarly, there is also no identification in the CAO of when 1,4-dioxane was used at
9 the Site. The only evidence of use of 1,4-dioxane coincides with SEMCO’s use of TCA based
10 on the purchase records, which show that SEMCO purchased TCA and 1,4-dioxane during the
11 same timeframe. Although SEMCO also produced purchase records for TCE, there was no
12 equivalent purchase records of 1,4-dioxane for the time. The absence of any such records
13 supports that 1,4 dioxane was not used pre-1984.

14 In the absence of any site-specific evidence of when SEMCO began using TCE at the
15 Site, or the date of first release to the environment, the Regional Board relies on industry
16 generalizations to justify naming the County under the CAO. The fact that TCE was
17 commonly used as a degreaser in the industry is not affirmative proof of use at the Site
18 between 1949 and 1964. The CAO references other VOCs that were possibly used as
19 degreasers by SEMCO without any reference to when or how. (Exhibit 2: CAO at p. 1, fn. 8.)
20 Further, there are other potential off-Site sources that have not been fully investigated.
21 (Exhibit 3: County Comments.) Based upon a comprehensive review of available and
22 contemporaneous technical literature, the County’s expert environmental consultant
23 concluded that SEMCO’s selection of solvent would have necessarily changed several times
24 during its operations due to wartime availability, changes in industry practice, and evolution
25 of environmental regulations. (Exhibit 16, Hitchens Decl., Att. A, Report of Geosyntec
26 Consultants, p. 3.)

1 Essentially, the Regional Board improperly shifts the burden to the County to prove
2 that TCE was not used at the Site during the County’s ownership rather than meeting its
3 burden of proof. (Exhibit 4: Regional Board, Response to Comments, p. 12 [“The City and the
4 other commenters cannot point to any other industrial degreaser that would have been used by
5 SEMCO before 1984...”].) The Regional Board’s position demonstrates that its conclusion is
6 not supported by any site-specific evidence. (*Id.*)

7 Similarly, the Regional Board’s only ground for attributing 1,4-dioxane to the County
8 is based on generalized literature that it was a “possible” use. (Exhibit 4: Response to
9 Comments, p. 37.) The sources cited by the Regional Board concede that there is a lack of
10 “definitive documentation” linking 1,4-dioxane as a stabilizing agent for TCE. (*Id.*) It also
11 states that the possible use began increasing in the late 1950s, only shortly before the County
12 transferred away its ownership interest in the Site. (*Id.*) Instead, 1,4-dioxane has primarily
13 been used to stabilize a different chlorinate solvent, 1,1,1-TCA, and 1,4-dioxane’s production
14 history is therefore inextricably tied to the production and use of 1,1,1-TCA. (Exhibit 16,
15 Hitchens Decl., Att. A, Report of Geosyntec Consultants, pp. 5-6.) Based on the time period
16 of the County’s ownership of the Former SEMCO property, the history of TCE stabilizers
17 does not indicate a clear relationship between the use of TCE for vapor degreasing and the
18 presence of 1,4-dioxane. The known later use of 1,1,1-TCA presents a clear source for the
19 1,4-dioxane present at the site. It is vastly more likely that 1,4-dioxane would be affiliated
20 with Former SEMCO’s use of 1,1,1-TCA¹ after 1984, as there is an uncontested known
21 relationship between 1,1,1-TCA and 1,4-dioxane. (*Id.* at p. 6.)

22 Since the Regional Board has not established this requisite element – what, if any,
23 solvent was used by SEMCO before 1964 – the rest of its analysis also fails as discussed
24 below.

b. The timing of the initial discharge of VOCs, 1,4-dioxane, hydrocarbons, or other pollutants at the Site has not been established.

Even if the Regional Board could rely on an inference that SEMCO used chlorinated solvents including TCE at the Site during the County’s ownership, which it has not established, the CAO still fails to identify a discharge during the County’s ownership. A “discharge” as construed under Water Code Section 13304 adopts “the dictionary definitions... ‘[t]o allow (a liquid, gas, or other substance) to flow out from where it has been confined,’ ‘to give outlet or vent to,’ and ‘[to] emit.’” (*Sweeney v. Cal. Reg’l Water Quality Control Bd.* (2021) 61 Cal.App.5th 1093, 1120.)

The CAO reaches a barebones conclusion that sampling detections indicate that wastes were discharged by SEMCO. (Exhibit 2: CAO at p. 4, ¶ 7(c).) It does not identify the first, or any, date on which a discharge of any constituent of potential concern occurred at the Site. The fact that contamination existed on the Site in 1985 (when it was detected near an onsite municipal water well) is not sufficient to show a discharge prior to 1964. This determination is speculative and is lacking any corroborating evidence.

The Regional Board’s response to comments on the draft CAO does not support its assertion against the County. First, the Regional Board relies on circumstantial information to attempt to show that SEMCO’s operations were historically the same. The letter from the SEMCO site manager cited by the Regional Board demonstrates that SEMCO recycled spent chemicals off-Site. It logically follows that the Regional Board must show an incident of release (spills, leaks, etc.) on Site, as opposed to systematic disposal practices. Although there is some evidence of accidental releases, none of those have been shown to have occurred during the County’s ownership.

Second, the Regional Board cites to academic literature that the “largest sources of TCE” releases come from “leaking storage tanks and pipelines” without any analysis as to its application in this matter. (Exhibit 4: Response to comments at p. 12.) That analysis overlooks

1 that the storage tanks and lines would have been new in 1949 when the operations
2 commenced. There is no explanation or evidence that the tanks leaked, or would have been
3 likely to leak shortly after installation, as opposed to eventual corrosion after decades of use.

4 There are neither reports of leaks, nor records of maintenance, repair, or replacement
5 of tanks to support the Regional Board's conclusion. The issue is similar to the State Board's
6 decision in *Exxon*. In that matter, there was not sufficient information in the record to name
7 the proposed party because while the record supported generally that a discharge occurred,
8 there was no indication of the cause of the discharge linked to a particular pump onsite. As
9 different parties owned different pumps, there was not sufficient evidence to link the
10 contamination to a specific source. (*In the Matter of the Petition of Exxon Company, USA,*
11 *supra*, Board Order No. WQ 85-7.) Here, there is no evidence linked to a particular tank or
12 storage container on Site during the County's ownership.

13 Third, the Regional Board relies on theoretical spills without any site-specific records
14 or testimony to validate that a spill occurred during the County's ownership. Evidence of
15 spills or accidental releases later in time do not establish earlier releases, and are not sufficient
16 to differentiate when or how many spills occurred. In other matters, the State Board has
17 consistently required site-specific evidence to substantiate data and technical analysis in
18 affirming a regional board's action. For example, in *Stinnes-Western Chem. Corp.*, the State
19 Board affirmed a cleanup and abatement order issued by a regional board based on
20 declarations from individuals with firsthand knowledge about the timing of a
21 tetrachloroethene (PCE) spill in addition to a technical calculation of solvent-plume velocity
22 to determine the timeframe in which a discharge occurred. (*In re Stinnes-Western Chem.*
23 *Corp.*, Board Order No. WQ 86-16, 5–10 (Sept. 18, 1986).)

24 Here, there are no such declarations and the only information supports that at least one
25 accidental spill occurred after the County's ownership of the Site ended. The incidents that
26 can reasonably explain releases include a major fire in 1973, missing records for hauling in
27 the 1980s, and staining of the ground observed in the late 1980s or early 1990s. The County's
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1 internal records review has identified no documentation of any hazardous substances release
2 at the Site during the period of SEMCO's leasehold with the County.

3 The Regional Board applies an improper standard for naming the County – that the
4 County cannot prove “definitively” that a discharge did not occur. (Exhibit 4: Response to
5 comments, p. 38 The Regional Board does “not agree that you can definitively claim 1,4-
6 dioxane was not discharged...”) The Regional Board has not proved “definitively” or through
7 substantial evidence that a discharge did occur. The burden is on the Regional Board to
8 support its determination through affirmative evidence, not vice versa. The Regional Board
9 cannot sidestep the fact that there is no evidence of a discharge during the County's
10 ownership by forcing the County to also disprove the Regional Board's hypothetical
11 possibilities – i.e., requiring the County to present affirmative evidence that a discharge did
12 not or could not have occurred.

13 Fourth, the County's expert environmental consultant has reviewed the administrative
14 record for the Site and confirmed it contains no technical information supporting a reasoned
15 conclusion that the first release of TCE occurred prior to 1964. (Exhibit 16, Hitchens Decl.,
16 Att. A, Report of Geosyntec Consultants, p. 7; Exhibit 3, County Comments, p. 1.) Similarly,
17 there is no data or technical analysis, and the Regional Board does not cite to any, to support a
18 conclusion that TCA or 1,4-dioxane, were used or discharged prior to 1964.

19 The Regional Board's reliance generally on the 1988 Westec Report does not support
20 that a release occurred during the County's ownership. That report only concludes that the
21 TCE contamination was likely existing “for a period of years to tens of years.” (Exhibit 4 -
22 Response to comments, fn. 44; Exhibit 8: Westec Report at p. 3.) While 1,2-DCE is a
23 breakdown product of TCE, its degradation is influenced by numerous variables and thus it is
24 not possible to determine the age of a release based on relative proportion of breakdown
25 products alone from a study conducted in 1988. (Exhibit 16, Hitchens Decl., Att. A, Report of
26 Geosyntec Consultants, p. 7.) Stated another way, Westec could not determine when a release
27 occurred, and that it could have occurred at any time of SEMCO's operations 2 years or more
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1 prior to the sampling in about 1988. It is not credible evidence to support that a release
2 occurred between 1949 and 1964. The Regional Board's effort to circumvent its burden of
3 affirmative evidence of a discharge occurring during the County's period of ownership must
4 fail. Absent any evidence of SEMCO's use of any constituent, and that a discharge began
5 during its leasehold from the County, there is no legal basis for naming the County in the
6 CAO under well-established law.

7 **2. There is no evidence that the County knew or should have known**
8 **of the reasonable possibility of a discharge, if any, by SEMCO**
9 **during the County's ownership.**

10 In addition to the lack of site-specific evidence of solvent use and of a discharge by
11 SEMCO during the County's ownership, the Regional Board fails to show the knowledge
12 required by a former landowner such as the County.

13 The County is named in the CAO because it was allegedly "aware of the activities that
14 resulted in the discharges or waste and had the ability to control those discharges." (Exhibit 2:
15 CAO at p. 17, ¶ 6.) This references only the second and third prongs of the original three-part
16 test for naming former owners set forth in *Wenwest, supra*, Order No. WQ 92-13, which was
17 later explained and modified by *UATC*. (*UATC, supra*, 42 Cal.App.5th at 888.)

18 The Regional Board's burden of evidence, however, goes beyond showing that a
19 landlord was aware of the operations or let an activity take place. The Regional Board must
20 demonstrate through substantial evidence that the County "permitted" an alleged discharge
21 during its historical ownership. The binding precedent in *UATC* defines the term "permitted"
22 under Water Code Section 13304 to mean "that a prior owner may be named in a cleanup
23 order if it knew or should have known that a lessee's activity created a reasonable possibility
24 of discharge into waters of the state of wastes that could create or threaten to create a
25 condition of pollution or nuisance." (*UATC, supra*, 42 Cal.App.5th at 887.) The CAO and
26 administrative record lack any evidence of what the County knew or should have known

1 through actual or contemporaneous knowledge on the part of the County of SEMCO's alleged
2 discharge.

3 There is no dispute that the earliest record of the County's knowledge of the
4 possibility of releases by SEMCO occurred in May 1985 when it learned of elevated
5 detections of TCE in soil near an on-site municipal water supply well. This discovery
6 occurred two decades after the County transferred its ownership interest in the Site.

7 There is no evidence to support the conclusion that the County possessed actual, first-
8 hand knowledge of a release or likely release by SEMCO earlier than 1985, or during its
9 leasehold. There is no evidence showing that the County knew of the particular operations,
10 equipment, or materials used in SEMCO's business. The County has identified no internal
11 records documenting any hazardous substances release at the Site that occurred during the
12 period of SEMCO's leasehold. It has found no evidence that any of its employees had
13 contemporaneous knowledge of SEMCO's discharges.

14 For example, the Regional Board cites to the likelihood of leaks from corroding
15 storage tanks on the Site, but does not identify when those risks were known by the County or
16 even when they became a generally known problem. The State Board has declined to extend
17 liability to past owners when the conditions of leaking underground tanks were just being
18 recognized as a general problem in 1984. (See e.g., *Wenwest, supra*, 1992 Cal. ENV LEXIS
19 19, *8.) The Regional Board thus has not met its burden of demonstrating knowledge of the
20 possibility of releases from storage tanks.

21 Separately, the Regional Board touts its own present-day experience and hindsight-
22 driven review of various academic articles about TCE use as a basis for what the County
23 should have known. There is no indication that the County received or was aware of these
24 articles during its ownership of the Site.¹ TCE was considered safe enough to use during

25 ¹ It is noteworthy that documents were not as easily available and accessible in the 1940's,
26 50's and 60's, as they are today. (See, e.g., Exhibit 16, Hitchens Decl., Att. A, Report of
27 Geosyntec Consultants, p. 3 [describing limited reach and influence of a 1949 article cited by
28 the Regional Board].)

1 human and animal medical procedures and was not known to be an environmental toxin at
2 that time. (Exhibit 16, Hitchens Decl., Att. A, Report of Geosyntec Consultants, pp. 2-3.)
3 Information about TCE's health hazards was not known among the general public as of 1964,
4 and should not have been expected to be known by a landowner who was not involved in the
5 operations using TCE.

6 The articles cited by the Regional Board are also broad as they focus on other
7 industries, relate to other counties such as Los Angeles, and/or post-date the County's
8 ownership. The literature cited by the Regional Board supports that the impacts of TCE were
9 a novel, developing issue. The first regulation on the use of a chlorinated solvent was
10 proposed in late 1965 in Los Angeles County, and this was enacted due to the link between
11 heavy smog formation and TCE. EPA initially identified TCE as a "toxic pollutant" in 1979.
12 (Exhibit 16, Hitchens Decl., Att. A, Report of Geosyntec Consultants, p. 3.)

13 Accordingly, the Regional Board's determination to name the County reflects
14 significant conjecture and hindsight bias that cannot substitute for evidence of what the
15 County should have known by 1964. If the Regional Board could meet its burden by simply
16 citing to any published article on the topic, it would swallow the rule whole. Therefore, there
17 is no basis for the Regional Board to conclude that the County should have known that
18 SEMCO's activities created a reasonable possibility of a discharge.

19 **3. The Regional Board has not established violation of existing laws at**
20 **the time of the County's ownership.**

21 Water Code Section 13304(j) precludes the Regional Board from imposing "any new
22 liability for acts occurring before January 1, 1981, if the acts were not in violation of existing
23 laws or regulations at the time they occurred." The use of the term "acts" imposing liability as
24 opposed to the use of the terms "discharge" and "threatened discharge" supports that the
25 statute requires more than showing that an alleged discharge was in violation of then-existing
26 law. (*Walt Disney Parks & Resorts U.S., Inc. v. Superior Court* (2018) 21 Cal.App.5th 872,
27 879 ["Where a statute referring to one subject contains a critical word or phrase, omission of
28

1 that word or phrase from a similar statute on the same subject generally shows a different
2 intent.”]; *see also Barclay Hollander Corp. v. California Regional Water Quality Control Bd.*
3 (2019) 38 Cal.App.5th 479, n. 15 [“Water Code section 13304, subdivision (j) provides a safe
4 harbor from sanction under the Porter-Cologne Water Quality Control Act (Wat. Code, §
5 13000 et seq.) if the conduct otherwise subject to that law occurred prior to 1981 and
6 complied with ‘existing laws or regulations at the time [the conduct] occurred.’”].) The
7 Regional Board must prove an act of the County, not SEMCO, that was in violation of law at
8 the time of SEMCO’s leasehold from the County.

9 As noted in its response to comments, the Regional Board appears to hold the prior
10 landowners, including the County, liable due to alleged violations by SEMCO of then-
11 existing nuisance laws.² (Exhibit 4: Response to comments, p. 51 citing Civil Code Section
12 3490.) Although the decision in *UATC* discussed and declined to extend common law
13 principles to the definition of “permitted” under Water Code Section 13304, it did not
14 overrule them for purposes of nuisance, negligence, or other existing laws. (*UATC, supra*, 42
15 Cal.App.5th at 820-821.) Causation remained a required element to prove a nuisance claim
16 prior to 1981, and there is no allegation that the County through its own acts caused any
17 condition of nuisance at the Site. Moreover, the lease of the Site to SEMCO was not in
18 violation of the law. At the time of the County ownership and lease to SEMCO, the existing
19 law was that “a lessor owed no duty to third parties concerning dangerous conditions on the
20 premises which came into existence after the tenant took possession.” (*Resolution Tr. Corp. v.*
21 *Rossmoor Corp.* (1995) 34 Cal.App.4th 93, 101 citing *Uccello v. Laudenslayer* (1975) 44
22 Cal.App.3d 504, 511 (citing *Schwartz v. McGraw-Edison Co.* (1971) 14 Cal.App.3d 767).)
23 The County had no duty to inspect or discover the alleged releases during SEMCO’s
24 operations. The mere fact that SEMCO’s operations allegedly included the use of chemicals
25 does not create liability to the County based on its lease of the Site. (*Id.*)

26 ² Although the Regional Board also references that SEMCO’s alleged discharges would have
27 violated the Dickey Act, which prohibited discharges, there is no allegation against the
28 County that it discharged any constituent.

1 **4. The Regional Board’s action against the County should be barred**
2 **by the doctrine of laches.**

3 “Under California law, laches is generally accepted as a defense in quasi-adjudicative
4 agency proceedings.” (*Malaga Cty. Water Dist. v. State Water Res. Control Bd.* (2020) 58
5 Cal.App.5th 447, 468 n.5, citing *Brown v. State Pers. Bd.* (1985) 166 Cal.App.3d 1151,
6 1159.) “[T]he defense of laches may operate as a bar to a claim by a public administrative
7 agency *if the requirements of unreasonable delay and resulting prejudice are met.*” (*Id.* at
8 463, emphasis in original, internal quotations and citations omitted.) Unreasonable delay is
9 generally measured by the applicable statute of limitations, and where none, it may be
10 borrowed from a statute of limitations governing an analogous action at law. (*Brown v. State*
11 *Pers. Bd.*, *supra*, 166 Cal.App.3d at 1160.) Code of Civil Procedure Section 338(i) provides
12 that an action under the Porter-Cologne Water Quality Control Act must be commenced
13 within 3 years. The action is subject to the discovery rule of “the facts constituting grounds
14 for commencing actions under their jurisdiction.” (*Id.*)

15 The County’s ownership of the Site is a publicly known fact and could have been
16 discovered by the Regional Board at any time upon learning of the facts of this case. The
17 County first reported the contamination to the Regional Board in May 1985. The Regional
18 Board had sufficient notice of the historical ownership as represented in a January 18, 1989
19 letter from SEMCO. (Exhibit 9.) It also could have readily learned of ownership through
20 publicly available deed records. As the Regional Board issued its initial Cleanup and
21 Abatement Order in 1988, and subsequently amended it in 1989 and 1990, it could have
22 named the County as a discharger on the same grounds that it names the County today.

23 The Regional Board’s delay has prejudiced the County because, due to the passage of
24 time, it is unable to gather evidence to defend itself. Similar concerns regarding delay were
25 raised by the Santa Maria Public Airport District in comments to the draft CAO relating to the
26 newly alleged responsible parties. It argued that “the delays have denied the alleged
27 responsible parties an order of due process and fundamental fairness. This is because, in part,
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1 due to the passage of decades, the alleged responsible parties are now denied the ability to
2 find and present evidence that will insulate them from liability.” (Exhibit 4 at p. 44-45.)

3 Although the Regional Board “acknowledge[s] that the Site has been contaminated for
4 many years,” it attempts to avoid the prejudicial delay by stating that the CAO “is the next
5 step in moving forward.” (Exhibit 4 at p. 46.) This is not a showing that the Regional Board
6 has acted with reasonable diligence, or that any of the untimely named dischargers will not be
7 prejudiced. The Regional Board names the County as a discharger based on the absence of
8 evidence proving “definitively” that a discharge did not occur. It also cites to SEMCO’s
9 failure to produce records in the late 1980’s when the Regional Board first issued its cleanup
10 and abatement order for the Site as a ground.

11 Because the Regional Board seeks to shift the burden to the County to present
12 evidence that a discharge did not occur during its historical ownership, the County is
13 prejudiced. The County has not owned the Site since 1964 and SEMCO has not been in
14 business since 2001. Most if not all witnesses are no longer available, and there are limited
15 records, mainly those available in the Regional Board files. The County has been deprived of
16 an opportunity to interview witnesses, subpoena or otherwise collect records, and conduct
17 environmental investigations of then-existing conditions (e.g., there has reportedly been some
18 cleanup of the Site). Therefore, the County should be removed from the CAO as a named
19 discharger because the Regional Board has not established a discharge during the County’s
20 ownership. The Regional Board’s action should be barred by the doctrine of laches as the
21 County is prejudiced by the Regional Board’s shift of the burden of proof, and the delay and
22 passage of decades worth of time.

23 **B. The CAO Requires Investigation and Cleanup Actions that are Overly**
24 **Prescriptive, Infeasible, and Improperly Applied to the County.**

25 To the extent that the State Board declines to direct the Regional Board to remove the
26 County from the CAO, it should at least require the Regional Board to amend the CAO in a
27 manner consistent with Water Code sections 13304 and 13267 and State Board Policy 92-49.

Where a regional board requires a discharger to furnish technical or monitoring program reports, “the burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.” (Cal. Water Code § 13267, (b)(1).) Similarly, State Board Policy 92-49 requires the Regional Board to give alleged dischargers subject to a CAO “the opportunity to select cost-effective methods” for investigation and cleanup. (State Water Resources Control Board, Resolution No. 92-49, p. 4, ¶ II.A.1.) To meet its obligation to ensure cost reasonableness and feasibility of its orders, the Regional Board is authorized to issue either one order, or several orders with coordinated tasks and time schedules, to all persons it finds are legally responsible. (*e.g. In the Matter of the Petition of Union Oil Company of California for Review of Cleanup and Abatement Order No. 89-51*, Board Order No. WQ 90-2, 3 (April 19, 1990).) In violation of these requirements, Section F of the CAO improperly subjects the County to joint and several liability with other named dischargers for investigation and cleanup of conditions wholly unrelated and bearing no reasonable cost relationship to the County’s involvement at the Site.

1. The County should not share in any costs or responsibilities related to investigation or cleanup of 1,4-dioxane.

As discussed above, there is no basis for the Regional Board’s conclusion that 1,4-dioxane was either used or discharged at the Site prior to 1984. (Exhibit 16, Hitchens Decl., Att. A, Report of Geosyntec Consultants, pp. 5-6.) In addition to the lack of generalized support for its theory, the Regional Board also lacks site-specific evidence. Available records indicate that any discharge of 1,4-dioxane by SEMCO would have occurred no earlier than 1985. The records show that SEMCO purchased 1,4-dioxane relating to its use of TCA starting in 1985, and there is no evidence or statements from witnesses that support the Regional Board’s conclusion today that 1,4-dioxane was used prior to 1985.

To avoid this conclusion, the Regional Board improperly shifts the burden to the County to disprove that discharge of 1,4-dioxane could not have occurred during its period of ownership. The County’s expert consultant has concluded as much, by finding no evidence of

1 a discharge of 1,4-dioxane prior to 1984. (Exhibit 16, Hitchens Decl., Att. A, Report of
2 Geosyntec Consultants, pp. 5-6.) Nevertheless, the burden is on the Regional Board to
3 support its determination through affirmative evidence, not vice versa. To the extent that
4 investigation of 1,4-dioxane needs to be coordinated, the appropriate mechanism is for the
5 Regional Board to coordinate tasks under multiple orders. The State Board should direct the
6 Regional Board to take such steps such that the County bears no cost or performance
7 responsibilities with respect to the investigation or cleanup of 1,4-dioxane.

8 **2. The County should not be responsible for locating and addressing**
9 **the historic GETS.**

10 The CAO violates Resolution No. 92-49 and Water Code Section 13360 by specifying
11 the way the County must achieve compliance with respect to designing an investigation
12 workplan involving the former monitoring well network and the groundwater extraction and
13 treatment system (“GETS”). The Regional Board indicates that “every effort must be made to
14 locate the historical monitoring well network as described” in the CAO. (Exhibit 4: Response
15 to comments at p. 31.) In fact, the CAO improperly and onerously requires the County not
16 only to locate 20 former groundwater monitoring wells associated with the GETS, but also to
17 perform integrity tests, recondition accessible and functional wells, destroy inaccessible or
18 non-functional wells, and replace them with new monitoring wells.

19 Not only are these requirements overly prescriptive, they may be technically
20 infeasible. The Regional Board made no effort to determine if the surface and mineral estates
21 at parcels comprising the Site have been severed, or the extent to which identifying and
22 rehabilitating the GETS will require the named dischargers to secure property or access rights
23 from third parties not subject to the CAO. If the State Board does not remove the County
24 from the CAO, it should at minimum direct the Regional Board to allow the named
25 dischargers to design their own investigation workplan taking account of feasibility and cost-
26 effectiveness.

1 **3. Requirements to delineate vapor intrusion investigation and deep**
2 **groundwater impacts are not technically justified and premature.**

3 The CAO also violates Resolution No. 92-49 and Water Code Section 13360 by
4 mandating for onerous requirements for delineation of impacts to soil, groundwater, and soil
5 gas. The requirements to delineate impacts at the Site contained at Section F.3 of the CAO do
6 not bear a reasonable relationship to the administrative record.

7 The CAO requires an investigation of on-Site vapor intrusion (VI) risks when the
8 administrative record already reflects recent VI investigation that found TCE beneath
9 applicable Regional Board commercial screening levels. The Site is zoned for
10 commercial/industrial use. The County's expert environmental consultant found no technical
11 justification for further VI investigation at this time. (Exhibit 3: County Comments.)
12 Similarly, the CAO requires the named dischargers to sample deep groundwater at 220-250
13 feet below ground surface, when the Regional Board's rationale for excluding off-Site parties
14 from the list of named dischargers amounts to a technical conclusion that Site impacts are
15 limited to shallow soil and shallow perched groundwater. (Exhibit 3: County Comments.) By
16 pre-determining that additional VI investigation is needed and applying inconsistent technical
17 bases to justify deep groundwater investigation, the CAO improperly deprives the County of
18 the opportunity to conclude through a data gap investigation designed by an expert consultant
19 that additional delineation is not technically justified.

20 **C. The CAO Unjustifiably Excludes Additional Parties with a Plausible**
21 **Connection to Contamination of the Site.**

22 To the extent that the State Board declines to direct the Regional Board to remove the
23 County from the CAO, it should also name as dischargers under the CAO (i) the United States
24 Department of Defense ("DOD"), which owned and operated the Site for military purposes
25 from 1942 to 1949; (ii) parties associated with the nearby Mafi Trench property, located south
26 of the Site at 3070 Industrial Parkway, Santa Maria, CA, including its owner EFT Enterprises,
27 L.P; (iii) Art Craft Paint, Inc., the lessee of property at 3203 Lightning Street to the south of

1 the Site, subject to open soil and groundwater investigation under oversight of the Santa
2 Barbara County Public Health Department Environmental Health Services; (iv) Santa Maria
3 BBQ Outfitters, a current tenant of the Site conducting warehousing products and metal
4 fabrication; and (iv) Hans Duus Blacksmithing, another current tenant of the Site whose
5 operations include welding and metalworking. Essentially, the Regional Board states that it
6 lacks sufficient evidence to connect these parties to observed conditions at the Site. (Exhibit
7 4: Response to comments, pp. 21-29.) If the County remains a discharger under the CAO
8 because it has not proved that a discharge did not occur during its ownership, then these
9 responsible parties must also be held to the same standard. The County's reasons for including
10 these parties are more particularly described in its comments previously given on the Draft
11 CAO, which it incorporates by reference herein. (Exhibit 3: County Comments, pp. 3-6.)

12 By declining to add these parties to the CAO, the Regional Board again impermissibly
13 shifts its burden of investigation onto the County. The Regional Board says the named
14 dischargers, including the County, may submit additional evidence developed through future
15 site assessment and investigation to support naming additional parties. (Exhibit 4: Response
16 to comments, pp. 24, 28.) Resolution No. 92-49 makes it the Regional Board's burden to
17 make reasonable efforts to identify all parties associated with unlawful discharges at the Site.
18 In its multiple decades of oversight of this Site, the Regional Board has never exercised its
19 authority under Water Code Section 13267 to require these parties to prepare and submit
20 operations and site history reports. Taking this customary and preliminary step would be
21 likely to generate additional details about their respective operations at the Site, such as
22 chemical inventories and other records of usage of hazardous chemicals, information about
23 reported and unreported past spills, records of any past voluntary site investigations conducted
24 outside of the Regional Board's oversight, locations of utility lines or other preferential
25 pathways, and other information or records designed to elicit greater information about these
26 parties' potential contribution to observed conditions at the Site. Accordingly, in addition to
27 requiring the Regional Board to name the above-referenced parties as dischargers under the
28

1 CAO, the State Board should also direct the Regional Board to compel information and
2 document disclosures from such parties pursuant to its authority under Water Code Section
3 13267.

4 **V. CONCLUSION**

5 Based on the foregoing, the County requests that the State Board find that the
6 Regional Board's conclusion to name the County as a responsible party in the CAO is not
7 based on substantial evidence. There is a lack of factual, site-specific information to
8 demonstrate any use of TCE, TCA, 1,4-dioxane, or any other constituent by SEMCO during
9 the County's ownership, let alone any discharge. The Regional Board has erred by applying
10 an incorrect standard -- requiring the County to disprove theoretical possibilities through
11 affirmative, definitive evidence that a discharge did not or could not have occurred during its
12 ownership. The absence of evidence is not a basis to name the County decades later. In fact,
13 the absence of any evidence of a discharge during the County's ownership of the Site should
14 lead to the County not being named. The State Board, therefore, should direct the Regional
15 Board to rescind the CAO, and issue an amended CAO to remove the County as a named
16 discharger.

17 Alternatively, the State Board should direct the Regional Board to amend, sever, or
18 otherwise modify the CAO so that the County is liable for the investigation and cleanup of
19 1,4-dioxane. The record provides overwhelming evidence that 1,4-dioxane was not used
20 during the County's ownership because the record shows its use by SEMCO began in 1984,
21 20 years after County ownership, and zero positive evidence to the contrary. Finally, the
22 County should also not be responsible for locating and resuscitating the GETS, or for
23 commencing vapor intrusion and deep groundwater investigation and assessment.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2023, I served the foregoing **PETITION FOR REVIEW OF REGIONAL WATER QUALITY CONTROL BOARD ACTION; REQUEST FOR HEARING; AND REQUEST FOR STAY** by e-mail or certified mail on the following recipients:

| Responsible/Interested Party | Service |
|---|--|
| Rhine, L.P.; Oro Financial of California, Inc.; Concha Investments, Inc.; Platino, LLC; and Chris Mathys, an individual | Chris Mathys 2304 West Shaw Avenue, Suite 102, Fresno, CA 93711 Email: mathys@orofinancial.net |
| Curry Parkway, L.P. | Tom Miles 2304 West Shaw Avenue, Suite 102, Fresno, CA 93711 |
| Mark J. Powers, Inc. | Mark Powers 4161 Lockford Street, Santa Maria, CA 93455 Email: powers-sons@sbcglobal.net m.powers@servpro.com |
| Fernando Figueroa Salas | Fernando Figueroa Salas 340 W. Donovan Road, Santa Maria, CA 93458 Maribel A. Aguilera, Kerk & Simas, PLC 2550 Professional Pkwy, Santa Maria, CA 93455 Email: maguilera@kirksimas.com |
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Date: October 26, 2023



John Morris

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EXHIBIT 1

Central Coast Regional Water Quality Control Board

September 26, 2023

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Platino, LLC
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Santa Maria, CA 93455-3313

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City of Santa Maria
Clerk-Recorder
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110 E. Cook Street
Santa Maria, CA 93454

**via Certified Mail
(Recipient signature required)
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County of Santa Barbara
Santa Barbara Clerk-Recorder
c/o Joseph E. Holland, County Clerk
1100 Anacapa Street
Santa Barbara, CA 93101

**via Certified Mail
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No. 7022 3330 0002 1258 8228**

City of Santa Maria Public Airport District
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3217 Terminal Drive
Santa Maria, CA 93455

via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 8235

Dear Dischargers:

ENFORCEMENT PROGRAM: FORMER SEMCO TWIST DRILL & TOOL COMPANY, 2926, 2936, 2946, 2956, 2976, AND 2986 INDUSTRIAL PARKWAY, SANTA MARIA, SANTA BARBARA COUNTY – TRANSMITTAL OF CLEANUP AND ABATEMENT ORDER NO. R3-2023-0070, MONITORING AND REPORTING PROGRAM NO. R3-2023-0071, AND RESPONSE TO COMMENTS ON THE DRAFT CLEANUP AND ABATEMENT ORDER

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is the public agency with primary responsibility under the Porter-Cologne Water Quality Control Act (California Water Code §§13000 et seq.) for the protection of the quality of the waters of the state, including groundwater and surface water within the central coast of California. The above-referenced site is situated within the jurisdiction of the Central Coast Water Board. In accordance with the Central Coast Water Board's responsibilities for the protection of water quality and beneficial uses, enclosed is Cleanup and Abatement Order No. R3-2023-0070 (Order) issued to the County of Santa Barbara; the City of Santa Maria; the Santa Maria Public Airport District; SEMCO Twist Drill and Tool Company, Inc. (SEMCO); Oro Financial of California, Inc.; Concha Investments, Inc.; Chris Mathys, an individual; Platino, LLC; Rhine, LP; Fernando Figueroa Salas, an individual; Mark J Powers, Inc., and Curry Parkway, LP (collectively, "Dischargers").

The Order directs the Dischargers to investigate, monitor, and cleanup wastes and/or abate the effects of discharges of wastes including volatile organic compounds (VOCs), primarily trichloroethene (TCE), petroleum hydrocarbons, and 1,4-dioxane that have been discharged to soil and groundwater at 2926, 2936, 2946, 2956, 2976, and 2986 Industrial Parkway, Santa Maria, California (Site)¹. The Order also includes Monitoring and Reporting Program No. R3-2023-0071. A complete copy of the Order is enclosed and also available on GeoTracker at:

https://geotracker.waterboards.ca.gov/getfile?filename=/regulators%2Fdeliverable_documents%2F8245313346%2FSEMCO_CAO_final.pdf

A draft of this Order was publicly noticed from April 14, 2023 through May 29, 2023. The Central Coast Water Board received several comments. The comments and Enforcement staff responses to those comments is included on GeoTracker at:

https://geotracker.waterboards.ca.gov/getfile?filename=/regulators%2Fdeliverable_documents%2F8245313346%2FPublicComment_Response_final_w_att1.pdf

¹ The Site is made up of six parcels, including APNs: 111-291-038, -037, -036, -035, -042, and -041 and all documentation for this case can be found on GeoTracker:

<http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

Central Coast Water Board Enforcement staff made changes to the proposed Order in response to the comments and those proposed changes are described in the response to comments document. Enclosed is the final Cleanup and Abatement Order and Monitoring and Reporting Program signed by the Executive Officer on September 26, 2023; and is hereby final and in effect.

Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code Section 13320 and title 23, California Code of Regulations, section 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 or 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: https://www.waterboards.ca.gov/public_notices/petitions/water_quality/ or will be provided upon request.

If you have any questions regarding this matter, please contact **Sarah Treadwell at (805) 549-3695** or Sarah.Treadwell@waterboards.ca.gov or Sheila Soderberg at Sheila.Soderberg@waterboards.ca.gov.

Sincerely,

Thea S. Tryon
Assistant Executive Officer

Enclosure: Cleanup and Abatement Order R3-2023-0070 and Monitoring and Reporting Program No. R3-2023-0071

cc via electronic mail without attachments:

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File path: r:\rb3\enforcement\acis\semco\cao & dischargers\draft cao\draft cao\1. final cao\transmittal-ltr-cao-r3-2023-0070-semco.docx

EXHIBIT 2

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CALIFORNIA 93401-7906**

CLEANUP AND ABATEMENT ORDER NO. R3-2023-0070

**FORMER SEMCO TWIST DRILL AND TOOL COMPANY, INC. ET AL.
INDUSTRIAL PARKWAY, SANTA MARIA
SANTA BARBARA COUNTY**

This Cleanup and Abatement Order No. R3-2023-0070 (Order) is issued to County of Santa Barbara; City of Santa Maria; Santa Maria Public Airport District; SEMCO Twist Drill and Tool Company, Inc. (SEMCO);¹ Oro Financial of California, Inc.;² Concha Investments, Inc.;³ Chris Mathys, an individual; Platino, LLC;⁴ Rhine, LP;⁵ Fernando Figueroa Salas, an individual; Mark J Powers, Inc., and Curry Parkway, LP⁶ (collectively, "Dischargers") and is based on provisions of California Water Code (Water Code) sections 13304 and 13267, which authorize the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) to issue this Order and require the submittal of technical and monitoring reports.

The Central Coast Water Board finds that:

A. BACKGROUND AND PURPOSE OF THE ORDER⁷

1. This Order addresses trichloroethylene (TCE) and associated volatile organic compounds (VOCs),⁸ petroleum hydrocarbons, and 1,4-dioxane discharged to soil, soil gas, and groundwater in the vicinity of 2936 Industrial Parkway and surrounding parcels in Santa Maria, California (Site) (Exhibit 1, Figure 1) by requiring the

¹ SEMCO was formed by the Stafford family and Henry A. Stafford served as a director.

² Chris Mathys serves as the Chief Executive Officer and Chief Financial Officer.

³ Chris Mathys served as the Chief Executive Officer and Chief Financial Officer.

⁴ Chris Mathys was the sole manager of Platino, LLC.

⁵ Platino, Inc. is the general partner of Rhine, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

⁶ Platino, Inc. is the general partner of Curry Parkway, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

⁷ The sources of the evidence summarized in this Order include, but are not limited to, reports and other documentation in Central Coast Water Board files, including meeting and telephone call documentation; email communication with dischargers, their attorneys, and consultants; and documented inspections of the Site. All files for this case are on the State Water Resources Control Board's (State Water Board) GeoTracker website: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

⁸ VOCs detected in groundwater, soil, and/or soil gas beneath the Site are chlorinated solvents used as degreasers for tools and metal parts. These chlorinated VOCs include tetrachloroethylene (PCE), trichloroethylene (TCE), 1,1,1-trichloroethane (TCA), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1-dichloroethene (1,1-DCE), 1,2-dichloroethane (1,2-DCA), and 1,1-dichloroethane (1,1-DCA).

Dischargers named in this Order to investigate and clean up the wastes or abate the effects of the wastes.

2. **Location:** The Site is located east of the Santa Maria Public Airport and west of the Santa Maria Country Club, in an area of high-density commercial and industrial land uses within the City of Santa Maria in Santa Barbara County. Moderate-density residential land use is located east of the Country Club. Residences and businesses in the vicinity of the Site rely on the City of Santa Maria's public water system for drinking water. The Site is located within an SB535-listed disadvantaged community.
3. The Site is currently comprised of six parcels,⁹ which were originally a portion of a single parcel.¹⁰ The original single parcel (approximately 9.9 acres) was divided into two parcels¹¹ on February 3, 1994, and subdivided again into nine parcels¹² on April 26, 2007. The nine parcels are identified in Exhibit 1, Figure 2 and Exhibit 1, Table 1.¹³ Former Site operations occurred on parcel 111-291-037 (2936 Industrial Parkway) and resulted in discharges of wastes that may have occurred as separate and/or commingled discharges resulting in impacts to all six parcels¹⁴ that compose the Site, and these wastes are discharging or threatening to discharge from the Site onto neighboring properties.
4. The 7.31-acre Site was once part of a much larger property (approximately 3,085-acres) formerly known as the Santa Maria Army Airfield.¹⁵ The U.S. government owned the Santa Maria Army Airfield from 1942-1949. The airfield was used to train military pilots during World War II. In 1942, approximately 100 buildings were constructed including barracks, officer quarters, aircraft maintenance facilities, warehouses, aircraft hangers, and other support buildings (e.g., administrative buildings, theater, chapel, etc.). As described in the U.S. Army Corps of Engineers' (USACE) 2021 Action Management Plan, and as described in other documents available in the GeoTracker file for the Santa Maria Army Airfield, there were over 200 underground storage tanks (USTs) originally constructed and installed at the approximately 3,085-acre airfield. Many of the 250-gallon, 500-gallon, and 1,500-gallon USTs stored heating oil used to heat buildings. There were also twenty USTs, greater than 10,000 gallons, that stored gasoline and/or lubrication oil on the former airfield property, but not in the vicinity of the Site. A majority of the USTs and pipelines were removed or closed in place in the 1980s and 1990s. The Site is located on the northern, central portion of the former Santa Maria Army Airfield, as shown on the Santa Maria Army Airfield Basic Layout Plan and Building Schedule

⁹ The Site includes six parcels identified as Santa Barbara County Assessor Parcel Numbers (APNs) 111-291-035, 111-291-036, 111-291-037, 111-291-038, 111-291-041, and 111-291-042.

¹⁰ Santa Barbara County Assessor Parcel Number (APN) 111-291-008.

¹¹ Santa Barbara County APNs 111-291-027 and 111-291-028.

¹² Santa Barbara County APNs 111-291-035 through 111-291-043.

¹³ Exhibits 1-5 are attachments to this Order and are incorporated into this Order by reference.

¹⁴ The six parcels subject to this Order are highlighted in Exhibit 1, Figure 2 and identified in Exhibit 1, Table 1.

¹⁵ More information about the Santa Maria Army Airfield and the documents referenced in these findings are available at: <http://geotracker.waterboards.ca.gov/?gid=T0608345324>

dated July 1945.¹⁶ Between 1942 and 1949, the former Santa Maria Army Airfield buildings, primarily used as living quarters for military personnel, located on the Site included: a sales commissary, a pump house for well 2AS, three warehouses, two barracks, and a day room. Additionally, records indicate two USTs¹⁷ were located in the northern portion of the Site and were not associated with areas where TCE and VOC use was expected or documented by the USACE (such as the airport hangers motor or sheet metal repair shops, etc.). Also, the locations of the aforementioned former USTs do not correlate with the Site's source area location, where the highest concentrations of TCE and petroleum hydrocarbons have been reported in soil, soil gas, or groundwater.

5. **Site Description and Activities:** The Site contains approximately three large industrial metal buildings and is zoned for commercial or industrial use. Current Site tenants include Santa Maria BBQ Outfitters (2936 Industrial Parkway, Santa Maria), who use the property for warehousing products and metal fabrication,¹⁸ and Hans Duus Blacksmith (2976 Industrial Parkway, Santa Maria) who uses the property for welding and metal working.¹⁹
6. **Operational and Ownership History:** The historical Site operations, ownership, and associated APNs are summarized in detail in Exhibit 2. In brief, ownership and operational history is as follows:

| Approximate Period | Name | Type |
|----------------------------|---|----------------|
| 1949-2001 | SEMCO | Operator |
| 1949-1964 | County of Santa Barbara | Property Owner |
| 1949-1964 | City of Santa Maria | Property Owner |
| 1964-1968 | Santa Maria Public Airport District | Property Owner |
| 1968-1975 | Henry A. Stafford and Rhea L. Stafford | Property Owner |
| 1975 - 2002 | Henry A. Stafford and Rhea Stafford Revocable Trust | Property Owner |
| August 2002 – October 2002 | Oro Financial of California, Inc. | Property Owner |
| 2002 - 2006 | Concha Investments, Inc. | Property Owner |

¹⁶ The Santa Maria Army Airfield Basic Layout Plan and Building Schedule dated July 1945 is available on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=yg2dk>

¹⁷ One 1,500-gallon fuel oil UST, identified as T1242, was located beneath the Site in an area that is now a parking lot north of the former Semco building. There are no records indicating UST T1242 was removed or closed in place. As documented in Santa Barbara County's file, there are records that USACE removed one UST at the Site, identified as T1273, on December 17, 1990. UST T1273 was allegedly located on a concrete slab north of a warehouse identified as Building T1273 (Building T1273 is included on the Basic Layout Plan dated 1945). However, UST T1273 is not shown on the 1945 Basic Layout Plan.

¹⁸ Santa Maria BBQ Outfitters produces hand-welded Santa Maria style BBQs (<https://www.santamariagrills.com>) and are tenants on APN 111-291-037.

¹⁹ Hans Duus Blacksmith produces forged ornamental iron products (<https://www.hansduusblacksmith.com/>) and are tenants on APN 111-291-041.

| Approximate Period | Name | Type |
|--------------------|-------------------------|--|
| 2006 - 2009 | Chris Mathys | Property Owner |
| 2009 - 2010 | Platino, LLC | Property Owner |
| 2010 - Current | Rhine, LP | Property Owner (APN 111-291-037) |
| 2010 - Current | Curry Parkway, LP | Property Owner (APNs 111-291-036, -041, -042) |
| 2019 - Current | Fernando Figueroa Salas | Property Owner (APN 111-291-038) |
| 2021 - Current | Mark J Powers, Inc. | Property Owner (APN 111-291-035) |

7. Chemical Usage:

- a. SEMCO operated a precision tool manufacturing business at the Site producing precision drilling bits and related cutting tools on or around July 1949, to approximately 2001. SEMCO used cutting oil (a petroleum hydrocarbon-based lubricant) in its operations and VOCs, such as TCE and 1,1,1-trichloroethane (TCA), as degreasers to clean tools and metal parts.²⁰
- b. SEMCO stored VOCs in aboveground storage tanks (ASTs) east of the SEMCO shop building. Additionally, cutting oil was stored in an onsite underground sump.²¹
- c. SEMCO utilized TCE until approximately 1985²² and TCA until approximately 1987, as degreasers for tools and metal parts. SEMCO's operations generated waste products containing these substances during that time. SEMCO stored VOC sludge in 55-gallon drums and maintained parts-cleaning tanks behind its main building. Sampling conducted in this area confirmed elevated concentrations of VOCs and petroleum hydrocarbons in soil and groundwater, indicating wastes were discharged behind the SEMCO facility.²³

8. **Waste Discharges and Site Investigation:** In May 1985, the Santa Barbara County Health Department notified the Central Coast Water Board that TCE had been detected in soil adjacent to the City of Santa Maria's municipal supply well 2AS (Well

²⁰ See March 31, 1988, submittal of purchase orders, invoices, and receipts for SEMCO Twist Drill and Tool Company, Inc.

²¹ See Exhibit 1, Figure 3 – Historical Facility Site Map. The historical SEMCO facility was on the current APN 111-291-037 of the Site.

²² Central Coast Water Board Staff Report dated October 13, 1989, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=tugaz>. SEMCO submittal of purchase orders, invoices, and receipts related to TCE, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=dw8h9>.

²³ See Exhibit 1, Figures 3, 5, 6, and 7 for source area investigation results.

2AS). Well 2AS is located adjacent to the former SEMCO shop building, specifically on parcel 111-291-035, toward the southeastern corner of the Site, on an easement.²⁴ TCE was also detected in well 2AS at 10 micrograms per liter (µg/L) in November 1984, 4 µg/L in February 1985, and 9.4 µg/L in April 1985. After the State Department of Health Services (now the State Water Board Division of Drinking Water) determined that the levels of TCE were above drinking water standards of 5 µg/L, the City of Santa Maria shut down well 2AS on May 10, 1985.

9. On August 26, 1985, Santa Barbara County Health Care Services²⁵ issued a notice of violation (NOV) to SEMCO for the discharge of hazardous waste containing TCE and a requirement to investigate the vertical and lateral extent of the contamination. SEMCO performed a site investigation in January 1986, drilling three soil borings in the vicinity of supply well 2AS; TCE was not detected in any of the soil samples collected. However, in July 1987, Central Coast Water Board staff observed discolored (stained) soil south of SEMCO's ASTs containing VOCs. Because the staining was indicative of a surface spill, Central Coast Water Board staff collected samples for analyses and reported concentrations of TCE in soil up to 140 parts per billion (ppb) at that location.
10. On September 25, 1987, the Central Coast Water Board issued Cleanup and Abatement Order (CAO) No. 87-188 ordering SEMCO to investigate and cleanup the degraded soil and groundwater beneath the Site. CAO No. 89-070 was issued to SEMCO on March 1, 1989, and CAO No. 90-88 was issued to SEMCO on May 11, 1990, and amended on September 13, 1991 (issued to SEMCO). CAO No. 90-88 was amended again on March 11, 1994, to include the property owner, the Henry A. and Rhea Stafford Revocable Trust, and Trustee Rhea Stafford as dischargers.
11. Site investigations conducted from 1987 to 2003, and from 2021 to 2022, indicated that soil, soil gas, and groundwater are degraded with VOCs, petroleum hydrocarbons²⁶, and 1,4-dioxane from discharges of waste at the Site. In 1990, maximum concentrations of TCE were reported up to 430,000 µg/L in groundwater (86,000 times greater than the maximum concentration level for TCE).
12. **Source Area:** For the purposes of this Order, the source area is defined as VOCs, petroleum hydrocarbon, and 1,4-dioxane impacted soil, soil gas, and groundwater beneath the historic AST pads located east of the former SEMCO shop building and the below-ground cutting oil sump located beneath the former SEMCO shop building.²⁷ Concentrations of VOCs, petroleum hydrocarbons, and 1,4-dioxane in

²⁴ The location of Well 2AS is illustrated in Exhibit 1, Figure 3.

²⁵ Santa Barbara County Health Care Services is now Santa Barbara County Environmental Health Services

²⁶ Discharger's consultants collected soil gas, soil, and groundwater samples in multiple locations at the Site. No petroleum hydrocarbons were detected in soil gas, soil, or groundwater samples collected in the vicinity of the former 1,500-gallon UST that stored fuel oil on the small portion of the former Santa Maria Airfield property.

²⁷ In 1973, a fire occurred at the SEMCO facility, which set off a sprinkler system that flushed approximately 6,000 gallons of cutting oils from a sump inside the building located at APN No. 111-291-037. See the July 9, 1993, Meeting Minutes at: <https://geotracker.waterboards.ca.gov/?surl=ryyqa>

soil, soil gas, and groundwater are the highest in this area at the Site.²⁸ The historic AST pads and below-ground cutting oil sump were located on the current APN 111-291-037 of the Site.²⁹

13. Soil: The extent and severity of VOCs and petroleum hydrocarbon wastes in soil beneath the Site, in the source area and locations adjacent to the source area, were investigated from 1987 through 1991, and in 2021 through 2022. A general summary of the results from these investigations are as follows:

a. 1987-1991 Site Investigation:

- i. Shallow soil (2 to 11 feet below ground surface [bgs]) contained up to 7,400 milligrams per kilogram (mg/kg)³⁰ TCE, 0.48 mg/kg PCE, and 16,000 mg/kg of petroleum hydrocarbons.³¹
- ii. Deep soil (45 to 45.5 feet bgs) contained up to 430 mg/kg TCE and 66 mg/kg of cis-1,2-DCE.³²

b. 2021-2022 Site Investigation:

- i. Shallow and deep soil (5 to 50 feet bgs) beneath the Site contained up to 97 mg/kg TCE and 6 mg/kg of cis-1,2-DCE. 1,4-dioxane was also detected in one sample at 0.049 mg/kg.³³ See Exhibit 1, Figures 5 and 6 for soil investigation site map and cross section.

14. Groundwater: The extent and severity of groundwater degradation by VOCs, petroleum hydrocarbon, and 1,4-dioxane wastes were investigated from 1987 through 1991, from 1994 to 2001 during groundwater treatment operations, in 2003 during groundwater treatment operations and limited groundwater monitoring, and in a limited scope groundwater investigation implemented in 2021.

a. 1987-1991 Groundwater Investigation:

- i. Shallow groundwater (5 to 24 feet bgs) contained up to 430,000 µg/L TCE, 200 µg/L TCA, and 43,000 µg/L cis-1,2-DCE.
- ii. Deeper groundwater (180 to 200 feet bgs) contained up to 24 µg/L TCE, 3 µg/L TCA, and 3 µg/L cis-1,2-DCE.

b. 2003 Groundwater Monitoring:

- i. Shallow groundwater (9 to 34 feet bgs) contained up to 300 µg/L TCE, 58 µg/L 1,1-DCA, 69 µg/L 1,4-dioxane, and 290 µg/L TPH. Light non-aqueous phase liquid (product) was identified in shallow groundwater monitoring well MW-2, floating on groundwater at 0.31 feet thick.

²⁸ See Exhibit 1, Figures 3, 5, 6, and 7.

²⁹ See Exhibit 1, Figure 3 for locations of AST pads and cutting oil sump.

³⁰ Reported in the January 1989 Westec Services, Inc *Subsurface Investigation*:

<https://geotracker.waterboards.ca.gov/?surl=00bks>

³¹ Reported in the June 1, 1990, ERCE *Investigation of Cutting Oil Degraded Soil*:

<https://geotracker.waterboards.ca.gov/?surl=ss645>

³² Reported in the March 8, 1990, ERCE *Supplementary Subsurface Investigation*:

<https://geotracker.waterboards.ca.gov/?surl=m0t8q>

³³ Reported in the May 25, 2022, *Vadose Zone Soil Sampling Report*:

<https://geotracker.waterboards.ca.gov/?surl=vft0c>

- ii. Deeper groundwater contained up to 1,200 µg/L TCE, 97 µg/L cis-1,2-DCE, 5 µg/L 1,4-dioxane, and 230 µg/L TPH.
- c. 2021 – 2022 Limited Scope Shallow Groundwater Investigation:
 - i. Shallow groundwater (40 to 50 feet bgs) contained up to 350,000 µg/L TCE, 30,000 µg/L cis-1,2-DCE, and 670,000 µg/L TPH gasoline in a 2022 grab groundwater sample, which is located in the vicinity of the source area.³⁴

15. Soil Gas: The extent and severity of soil gas degradation by VOCs and petroleum hydrocarbon wastes were investigated in 1989 and 2021.

- a. September 1989:
 - i. TCE was detected in shallow soil gas north of the AST pad up to 5,300,000 micrograms per cubic meter (µg/m³), where wastes in both groundwater and soil have been detected during previous investigations, and as far as 500 feet to the southeast of the main SEMCO building.
- b. April 2021:
 - i. TCE was detected in shallow soil gas up to 11,000,000 µg/m³, PCE up to 13,000 µg/m³, and cis-1,2-DCE up to 4,000,000 µg/m³.
 - ii. The distribution of soil gas impacts overlies the source area where elevated concentrations of TCE have been identified in soil and groundwater.

16. Indoor Air: The extent and severity of indoor air degradation by VOCs and petroleum hydrocarbon wastes were investigated in 2021 and 2022. During both investigations, indoor air sampling was conducted at the Site, inside the former SEMCO facility building (currently occupied by Santa Maria BBQ Outfitters) and inside a small storage building northeast of the former SEMCO building. Indoor and outdoor air samples were collected over a 12-hour period during both sampling events.

- a. March 2021:
 - i. TCE was reported up to 0.39 µg/m³ in the storage building, below San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs)³⁵ for commercial operations. Carbon tetrachloride, chloroform, and 1,2-DCA were also detected but were reported below commercial ESLs.
 - ii. Detections of TCE and TCA were also reported in one outdoor air sample but were below commercial ESLs.
- b. January 2022:
 - i. TCE was reported up to 1.1 µg/m³ in both the storage building and the production area of the former SEMCO facility.
 - ii. TCE was also reported up to 4.1 µg/m³ in an outdoor sample located east of the former SEMCO building.

³⁴ See Exhibit 1: Figure 4 – Groundwater Monitoring Well Location Site Map.

³⁵ Information on ESLs is available at:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

- iii. Concentrations of PCE, chloroform, and 1,2-DCA were also detected but were reported below commercial ESLs.

17. The concentrations of VOCs, petroleum hydrocarbons, and 1,4-dioxane documented in Section A, Findings 13, 14, 15, and 16 of this Order exceed water quality objectives, specifically California maximum contaminant levels (MCLs)³⁶ for VOCs, which are incorporated by reference into the *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan),³⁷ and ESLs. In addition, concentrations of petroleum hydrocarbons and 1,4-dioxane exceed ESLs, and concentrations of 1,4-dioxane exceed State Water Board drinking water notification levels. Increasing trends in groundwater waste concentrations suggest that polluted soils known to exist in shallow and deeper water-bearing zones are continuing to discharge wastes to groundwater, creating and/or threatening to create a condition of pollution or nuisance.

18. **Geology and Hydrogeology:** The Site overlies the Santa Maria River Valley groundwater basin (Department of Water Resources Bulletin 118 Basin No. 3-012.0112), which generally consists of unconsolidated gravel, sand, silt, and clay in undifferentiated alluvial, river channel, and dune sand deposits. Groundwater is found in at least two distinct saturated zones: a perched water-bearing zone (shallow water-bearing zone) approximately 40-50 feet bgs and 150-200 feet in lateral extent, and a deeper, regional water-bearing zone (deep water-bearing zone) approximately 180-250 feet bgs. Everest Services, Inc. reported site-specific groundwater data in a February 24, 2004, monitoring report,³⁸ and reported measured groundwater flow beneath the Site to the south to southeast in the shallow zone and south to southwest in the deep zone. Monitoring wells were completed in both zones; however, the groundwater monitoring well network is currently incomplete and in disrepair and needs to be evaluated and restored to determine current hydrogeologic conditions.

19. Source Elimination and Remediation Status:

- a. SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust installed a groundwater extraction and treatment system to dewater and treat the pollutants in the shallow water-bearing zone. The treated water from the treatment system was originally designed to be discharged to the municipal storm drain in accordance with a Central Coast Water Board discharge permit. The groundwater extraction and treatment system operated for only one week before the carbon filter became saturated with pollutants, and the system needed to be shut down. Groundwater treatment system operations ceased due to financial constraints.

³⁶ Information on MCLs is available at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/MCLsandPHGs.html

³⁷ The Basin Plan is available at:

https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/

³⁸ 2003 Third Quarter Monitoring Report for SEMCO, dated February 24, 2004, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=ntubt>.

- b. On June 13, 1994, the Department of Toxic Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination and placed the Site on its Hazardous Waste and Substances Site List (Cortese List). DTSC became the lead agency for remediation at the Site and contracted with a third-party consultant to redesign and repair the groundwater extraction and treatment system and bring it back into operation. The redesigned and repaired groundwater and extraction treatment system started operating on November 9, 1994. In December 1994, DTSC terminated their oversight of the Site's groundwater extraction and treatment system and referred the case back to the Central Coast Water Board.³⁹
- c. Operation of the Site's groundwater extraction and treatment system continued from 1994 through June 2000.⁴⁰ TCE was removed from groundwater by extracting polluted groundwater from the subsurface, passing it through granular activated carbon (GAC) canisters, and reinjecting treated groundwater back into the subsurface. Approximately 146,000 gallons of groundwater was extracted and treated from 1994 through 2000.⁴¹

20. Regulatory Status: A complete summary of regulatory actions regarding the Site is provided in attached Exhibit 5. The following brief summary provides a high-level overview of regulatory actions, in part, against former operators and/or owners of the Site since 1985:

- a. The Central Coast Water Board issued several CAOs between 1987 and 1994.⁴² In 1994, DTSC issued an Imminent and Substantial Endangerment Determination (see Section A, Finding 19.b) and began temporarily funding the groundwater extraction and treatment system.
- b. In December 2000, the Central Coast Water Board issued a letter⁴³ requesting Henry A. Stafford continue operation of the groundwater extraction and treatment system, but ownership of the Site changed shortly thereafter (see Section A, Finding 19.c and Exhibit 2).
- c. In 2001, under new ownership,⁴⁴ all Site investigation and remediation efforts stopped, with the exception of one groundwater monitoring event performed in 2003 as summarized in a report submitted in 2004.⁴⁵

³⁹ December 6, 1994, DTSC Site referral to Central Coast Water Board letter on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=5zpbm>

⁴⁰ DTSC's Envirostor database for the Site is available at:

https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=42340010

⁴¹ According to Tetra Tech, Inc.'s November 1, 2001 *Letter Report on the Status of the SEMCO*

Groundwater Treatment System on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=m02e8>

⁴² A complete list of CAOs and other orders the Central Coast Water Board issued to SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust, from 1987 to 1994, is available on GeoTracker.

⁴³ December 1, 2000, letter from the Central Coast Water Board on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=7weqj>

⁴⁴ Property ownership details are included in Exhibit 2 of this Order.

⁴⁵ 2003 Third Quarter Monitoring Report on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=ntubt>

- d. On July 18, 2003, the Central Coast Water Board issued a Water Code section 13267 order (2003 Order) requiring the submittal of a groundwater monitoring report.
- e. From 2003 through 2014, Central Coast Water Board staff made numerous email and verbal inquiries⁴⁶ on project status.
- f. On October 20, 2015, the Central Coast Water Board issued a Water Code section 13267 order (2015 Order) requiring submittal of a workplan proposing additional investigations to evaluate the current extent of wastes discharged to soil, soil gas, and groundwater.
- g. On September 14, 2021, the Central Coast Water Board issued Administrative Civil Liability (ACL) Complaint No. R3-2021-0097 for violations of the 2015, which resulted in the imposition of administrative civil liability (see ACL Order No. R3-2022-0013).
- h. On July 28, 2022, the Central Coast Water Board again issued a Water Code section 13267 Order (2022 Order) related to investigations at the Site. To date, the 2022 Order has not been complied with.

B. LAW AND REGULATORY CONSIDERATIONS

1. **Water Code section 13304, subdivision (a), provides that:**

A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or 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. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of a person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

2. **Water Code section 13304, subdivision (c)(1), provides that:**

[P]erson or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the

⁴⁶ See October 21, 2010, Central Coast Water Board email on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=9hxgd>; see also January 6, 2014, Case Status Summary on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=3f5ex>

reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action. The amount of the costs is recoverable in a civil action by, and paid to, the governmental agency and the state board to the extent of the latter's contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account or other available funds.

3. Water Code section 13050 provides, in part, the following definitions:

- (d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.*
- (k) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.*
- (l)(1) "Pollution" means an alteration of water quality by waste to a degree that unreasonably affects either of the following:*
 - (A) The waters for beneficial uses.*
 - (B) Facilities which serve these beneficial uses.*
- (2) "Pollution" may include "contamination."*
- (m) "Nuisance" means anything which meets all of the following requirements:*
 - (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.*
 - (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons...*
 - (3) Occurs during, or as a result of, the treatment or disposal of wastes.*

4. The threat of vapor intrusion into buildings at and near the Site creates, or threatens to create, a condition of nuisance as defined in Water Code section 13050, subdivision (m). In particular, vapor intrusion is injurious to health. Breathing vapor-forming chemicals can affect a person's health. Health effects depend on the chemical, concentration, and duration of the exposure. High concentrations, even for a short time, can be harmful. Symptoms include headache, nausea, and shortness of breath. Breathing air with vapor-forming chemicals for extended periods can cause other health effects, including cancer and damage to liver, kidney, and other organs. For example, exposure to TCE during the first three months of pregnancy is of concern because of potential harm to the developing embryo or fetus. Vapor intrusion poses a potential threat to current and future tenants, and other persons who may frequent the site. Vapor intrusion occurs as a result of improper disposal of VOCs at the Site. Moreover, offsite and onsite soil gas concentrations exceed ESL residential screening levels for TCE and PCE of 16 µg/m³ and 15 µg/m³. ESLs are conservative risk-based calculations of pollutants and are used to distinguish which properties pose a significant threat to human health and those that pose

no threat. If a contaminant concentration is below a residential screening level, no further action or vapor intrusion studies are needed, and human health is protected. As long as the waste remains in the subsurface the risk for vapor intrusion continues to exist which poses a threat to human health.

5. Discharges of wastes (VOCs, 1,4-dioxane, and petroleum hydrocarbon) to soil and groundwater beneath the Site creates, or threatens to create, a condition of pollution as defined in the Water Code section 13050, subdivision (I). Historic investigations by former property owners and operators confirmed elevated concentrations of wastes in soil and groundwater. There are exceedances of water quality objectives in groundwater that negatively impact beneficial uses,⁴⁷ and the release of wastes beneath the Site is suspected to be the cause of the permanent shutdown of City of Santa Maria municipal supply well 2AS on May 10, 1985. Waste concentrations reported in the latest investigation reports (2021-2022) indicate an existing threat to public health and water quality. Wastes remain in soil, soil gas, and groundwater beneath the Site and are likely migrating offsite onto adjacent properties. The maximum TCE groundwater concentration reported in the 2022 Site Investigation Report (350,000 µg/L) is five orders of magnitude above the MCL of 5.0 µg/L for TCE. Additionally, based on the maximum concentration of TCE detected, it is likely that dense non-aqueous phase liquids are present in shallow groundwater. In 2003, the petroleum hydrocarbons in groundwater were reported as a light non-aqueous phase liquid observed floating on groundwater at 0.31 feet thick. In 2022, total petroleum hydrocarbons (TPH) were reported up to 670,000 µg/L, exceeding commercial and residential ESLs by three orders of magnitude. As set forth in Section B, Finding 8, the concentrations of VOCs (PCE, TCE, TCA, cis-1,2-DCE, 1,2-DCA, and 1,1-DCE) in groundwater at and/or downgradient of the Site exceed the water quality objectives applicable for the given pollutants. The concentrations of 1,4-dioxane exceed the State Water Board's drinking water notification level of 1 µg/L.⁴⁸ The exceedances of applicable narrative or numeric water quality objectives in the Basin Plan constitute pollution as defined in Water Code section 13050, subdivision (I)(1).

6. **Water Code section 13267, subdivision (b)(1), provides that:**

In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the

⁴⁷ Beneficial Uses unreasonably affected by elevated concentrations of wastes in soil, soil gas, and groundwater beneath this Site are listed in Section B, Finding 14 of this Order.

⁴⁸ State Water Board drinking water notification level for 1,4-dioxane
https://www.waterboards.ca.gov/gama/docs/coc_1_4_dioxane.pdf

person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

7. This Order requires investigation and submittal of work plans and reports as well as ongoing monitoring and other tasks required pursuant to Water Code section 13267. The burden, including costs, of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Specifically, the reports are needed to adequately delineate the extent and amount of waste discharged, investigate the threat of continuing discharge and to facilitate compliance with implementing cleanup and abatement activities required by this Order, and ultimately, restoring water quality and protecting beneficial uses. The record contains extensive evidence of the benefits to be obtained, including protecting an entire community from TCE, which is classified by the Environmental Protection Agency (EPA) as a likely carcinogen to humans. Public health threats are not only in the form of impacts to drinking water supplies (which may be treated at the wellhead), but also include the potential for TCE vapors to volatilize up from the water table, potentially impacting the indoor air of residences and businesses overlying the groundwater plume. TCE vapors are odorless and, thus, not typically noticed, meaning that a person may inhale vapors for years without having any indication. The benefits to be obtained from the requirements for investigation include ensuring the protection of human health of local residents whose businesses and homes overlie the plume.
8. Additional benefits to be obtained include protection of the community's drinking water from threatened impacts that could occur in the future. Municipal supply wells have been impaired (TCE concentration detected above the MCL), impacted (TCE concentration detected below the MCL), or threatened (TCE has not been detected above the reporting limit but may become impacted or impaired in the future due to TCE plume migration) by the TCE plume.
9. Based upon Central Coast Water Board staff's experience with similar investigations, the approximate cost of the actions required pursuant to Water Code section 13267 is \$560,000 to 650,000. The burden, including costs of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained, as detailed in the above findings. The technical reports required by this Order are necessary to assure compliance with Water Code section 13304 and State Water Board Resolution No. 92-49, including to adequately investigate the extent and persistence of discharges, and intrinsic to cleanup of the Site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.
10. **State Water Board Resolution 68-16:** The State Water Board adopted its *Statement of Policy with Respect to Maintaining High Quality of Water in California*, Resolution 68-16, on October 28, 1968 (Antidegradation Policy). The Antidegradation Policy states, in part:

- a. *Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.*
- b. *Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.*

11. **State Water Board Resolution No. 92-49:** The State Water Board adopted Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. Resolution No. 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with the Antidegradation Policy. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution No. 92-49 requires the waste(s) to be cleaned up to background or, if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4. Any cleanup level alternative to background must: (1) be consistent with the maximum benefit to the people of the state, (2) not unreasonably affect present and anticipated beneficial use of such water, and (3) not result in water quality less than that prescribed in the Basin Plan and applicable water quality control plans and policies of the State Water Board.
12. **Central Coast Water Board Resolution No. 2017-0004:** California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.
13. **Public Participation:** The Central Coast Water Board may require the Dischargers to submit a public participation plan or engage in other activities to disseminate information and gather community input regarding the Site, as authorized or required by Water Code sections 13307.1, 13307.5, and 13307.6.
14. **Water Quality Control Plan for the Central Coastal Basin (Basin Plan):** The Basin Plan identifies beneficial uses and establishes water quality objectives to

protect those uses. The Site overlies groundwater within the Santa Maria River Valley Groundwater Basin, Department of Water Resources Bulletin 118 Basin Subbasin No. 3-012.0112. The designated beneficial uses of groundwater beneath the site are municipal supply (MUN), industrial (IND), and agricultural supply (AGR). The water quality objectives that protect these beneficial uses include the following:

- a. The median groundwater objectives for the Santa Maria sub-basin area where the Site is located are as follows: total dissolved solids (TDS) 1,000 milligrams per liter (mg/L); chlorine (Cl) 90 mg/L; sulfate (SO₄) 510 mg/L; boron (B) 0.2 mg/L; sodium (Na) 105 mg/L; and nitrogen (as N) 8 mg/L.⁴⁹
- b. Groundwaters shall not contain taste or odor producing substances in concentrations that adversely affect beneficial uses.⁵⁰
- c. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life; or result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.⁵¹
- d. Water quality objectives to protect the beneficial use of MUN that apply to the groundwater at the Site include "Organic Chemicals," which incorporates by reference state MCLs set forth in title 22 of the California Code of Regulations. The MCL for TCE and PCE is 5 µg/L, TCA is 2,000 µg/L, cis-1,2-DCE is 6 µg/L, 1,1-DCE is 6 µg/L, 1,2-DCA is 5 µg/L, and 1,1-DCA is 5 µg/L.⁵²

15. California Environmental Quality Act (CEQA): This Order is an enforcement action that is being taken for the protection of the environment and is exempt from the provisions of CEQA (Public Resources Code section 21000, et seq.) in accordance with California Code of Regulations, title 14, sections 15307 and 15308. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of the CEQA (Public Resources Code, section 21000, et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

This Order generally requires the Dischargers to submit plans that include a proposed scope of work and schedule. After the Executive Officer concurs with the scope of work and schedule, the Dischargers are expected to implement the work and cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittals will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts.

⁴⁹ Median Water Quality Objectives: Basin Plan, Table 3-6, page 41.

⁵⁰ Tastes and Odors: Basin Plan, page 34.

⁵¹ Radioactivity: Basin Plan, page 34.

⁵² Exceedances of water quality objectives are discussed in detail in Section B, Finding 5 of this Order.

C. DISCHARGERS

1. Relevant facts and evidence indicate that the Dischargers are appropriately named in this Order because the Dischargers have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged into waters of the state, and create, or threaten to create, a condition of pollution or nuisance. In addition to the impacts and continued threat to groundwater, the wastes pose a potential human health threat to occupants of buildings on and near the Site through direct contact exposure to wastes in soil, groundwater, or soil gas.
2. VOCs, petroleum hydrocarbons, and 1,4-dioxane discharged at the Site constitute wastes as defined in Water Code section 13050, subdivision (d).
3. Decades of Central Coast Water Board staff experience with industries that use, store, and transfer chemicals such as petroleum products and chlorinated solvents (e.g., total petroleum hydrocarbons, VOCs, etc.), provide evidence that spills or small amounts of spilled chemicals discharged during routine operations, seep through concrete and other intended containment, leading to the type of contamination found at the Site. The State Water Board and the nine Regional Water Quality Control Boards are currently overseeing numerous cleanup operations resulting from improper and inadequate handling of hazardous materials. Standard chemical handling practices often result in adverse environmental impacts, like the ones observed at the Site, to occur. Central Coast Water Board files contain extensive evidence of publicly available information concerning the knowledge of the use of chlorinated solvents (including TCE) resulting in discharges and contamination of water supplies during the relevant timeframe. These factors and the facts alleged herein, taken as a whole, lead to the conclusion that the Dischargers have discharged chemicals of concern which must be cleaned up and abated to protect the environment and human health.⁵³

Former Site Operator

4. **SEMCO** is a discharger because its operations, including the use and storage of petroleum products and products containing chlorinated solvents (including TCE and other VOCs) at the Site, caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance.

Former Site Owners and Lessors to SEMCO

⁵³ State Board Order WQ 86-16 (*Stinnes-Western*) supports the use of evidence of chemical use, standard chemical handling practices, and detections of that chemical in the environment as reasonable bases supporting a cleanup and abatement order. "As we noted earlier, given the very low action levels for these chemicals, today we are concerned with any discharge." (*Ibid.* at n. 4.)

5. A prior owner may be named in a cleanup and abatement order if it knew or should have known that a lessee's activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance. (*United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851, 887.) Landowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.
6. **County of Santa Barbara, City of Santa Maria, and Santa Maria Public Airport District**, are dischargers because they were aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges.

Former Site Owners Following Cease of SEMCO Operations

7. **Oro Financial of California, Inc.; Concha Investments, Inc.; Chris Mathys**, and; **Platino, LLC** are dischargers because they were former property owners during a timeframe when discharges occurred,⁵⁴ knew or should have known that activities on the Site created a reasonable possibility of discharge into waters of the state of wastes that could create, or threaten to create, a condition of pollution or nuisance, and had the ability to control those discharges.
8. Chris Mathys controls⁵⁵ Oro Financial of California, Inc.; Concha Investments, Inc. and, Platino, LLC, as well as two of the three current Site owners. Chris Mathys' knowledge of the discharges and condition of pollution or nuisance is imputed to those entities.
9. By the time Oro Financial of California, Inc. acquired ownership of the Site, the discharges of waste and condition of pollution or nuisance at the Site were well documented as evidenced by the multiple regulatory orders in place. Oro Financial of California, Inc., thus, should have known of the discharges of waste and condition of pollution or nuisance.

⁵⁴ *Tesoro Refining & Marketing Company LLC v. Los Angeles Regional Water Quality Control Board*, 42 Cal.App.5th 453, 457 (2019), held "the term 'discharge' must be read to include not only the initial occurrence [of a discharge], but also the passive migration of the contamination into the soil." The Court affirmatively cited State Board precedent: "State Board held that a continuous and ongoing movement of contamination from a source through the soil and into the groundwater is a discharge to waters of the state and subject to regulation." (*Ibid.*, citing State Water Board Order WQ 86-2 (*Zoecon Corp.*), WQ74-13 (*Atchison, Topeka, et al*), and WQ 89-8 (*Spitzer*) "[D]ischarge continues as long as pollutants are being emitted at the site"]. See also State Water Board Order WQ 89-1 (*Schmidl*).) Under California law, courts have historically held, and modern courts maintain, that possessors of land may be liable for a nuisance on that land even if the possessor did not create the nuisance. (See *Leslie Salt Co. v. San Francisco Bay Conservation and Dev. Comm'n* (1984) 153 Cal.App.3d 605, 619–620).

⁵⁵ See footnotes 2-6, Section A, Finding 6, and Exhibit 2.

10. In November 2002, Mr. Mathys, on behalf of Oro Financial of California, Inc., submitted a signed Acknowledgement of Willingness to Participate in Cleanup or Abatement Cost Recovery Program form. Thus, Concha Investments, Inc.; Chris Mathys, and; Platino, LLC had actual knowledge of Site conditions prior to acquiring the Site.⁵⁶

Current Site Owners

11. **Rhine, LP; Curry Parkway, LP; Fernando Figueroa Salas; and Mark J Powers, Inc.** are dischargers because, as the current owners of the property, they have caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and have created, and continue to threaten to create, a condition of pollution or nuisance. As the current owners, they have the legal ability to control the discharge of wastes.
12. The Central Coast Water Board will consider whether additional dischargers caused or permitted the discharge of waste at the Site, and whether additional dischargers should be added to this Order. The Central Coast Water Board may amend this Order or issue a separate order or orders in the future as more information becomes available. The Central Coast Water Board is issuing this Order to avoid further delay of Site investigation and remediation, which only becomes more costly with the passage of time.
13. As discussed in this Order, the Central Coast Water Board issued previous orders to parties legally responsible for environmental investigation and cleanup at the Site. The previous orders required those parties to submit technical and monitoring reports and prepare a cleanup plan schedule. The obligations contained in this Order supersede and replace those contained in prior orders. However, the prior orders remain in effect for enforcement purposes; the Central Coast Water Board and the State Water Board may take enforcement actions, including, but not limited to, imposing administrative civil liability against dischargers that have not complied with directives contained in previously issued orders.

E. OTHER CONSIDERATIONS

1. The Central Coast Water Board has notified the Dischargers and interested agencies and persons of its intent to issue this Order pursuant to Water Code sections 13304 and 13267. The Central Coast Water Board has made every reasonable attempt to notify these individuals and has provided them with an opportunity to submit written comments. A draft of this Order was sent to

⁵⁶ In addition to the Acknowledgement of Willingness to Participate in Cleanup or Abatement Cost Recovery Program form, actual knowledge on the part of these dischargers is evidenced by the 2003 Order, issued to Oro Financial or California, Inc., the subsequent NOV, and the ongoing discussions with Chris Mathys regarding the need for remediation, discussed in Finding A.20.

interested persons on April 14, 2023. The Central Coast Water Board accepted public comments on the draft Order for at least 45 days.

2. Pursuant to Water Code section 13304, the Central Coast Water Board may seek reimbursement for all reasonable costs to oversee cleanup of wastes, abatement of the effects thereof, and other remedial action.
3. Dischargers have joint and several liability, and this Order does not apportion the degree of responsibility among Dischargers; however, the Dischargers are free to apportion responsibility and costs among themselves. If the Central Coast Water Board obtains additional information to identify additional dischargers, the Executive Officer may amend this Order or issue additional cleanup and abatement and investigation orders.
4. This Order does not prevent other parties or persons affected by VOCs, petroleum hydrocarbons, 1,4-dioxane or other wastes from taking an independent action. Water Code section 13002, subdivision (e), states that actions by the Central Coast Water Board such as this Order place no limits "[o]n the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution."
5. Any person aggrieved by this action of the Central Coast 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 will be provided upon request or may be found on the Internet.
Copies of the law and regulations applicable to filing petitions:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

F. REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13304 and 13267, that the Dischargers, their agents, and successors or assigns must investigate, clean up, and abate the effects of the wastes discharged and discharging at and from the Site.

The Dischargers must complete the following required actions no later than the deadline(s) identified for each required action as set forth in the attached Time Schedule (Exhibit 4):

1. **Evaluate Condition of and Restore the Existing Groundwater Monitoring Network and Evaluate the Condition of the Onsite Groundwater Extraction and Treatment System:** Based on information in the Central Coast Water Board files, the groundwater monitoring network consists of 20 wells: 16 wells in the shallow water-bearing zone (MW1 through MW16) and four wells in the deep water-bearing zone (DMW1 through DMW-4). In addition, there was an onsite groundwater extraction and treatment system. Although recent Site investigations have included some evaluation of the existing monitoring well network and treatment system, the evaluation is not complete. The Dischargers are required to submit a workplan that includes a scope of work to identify, assess the integrity, and a proposal for restoring and replacing the onsite groundwater monitoring network. The Dischargers are also required to submit a workplan that includes a scope of work to assess the current condition of the onsite groundwater extraction and treatment system including the condition of groundwater extraction wells (EW-1 through EW-5)⁵⁷ and determine if the system is operable. The workplans can be submitted separately or in one workplan. The scope of work must, at a minimum, adequately address the following elements:
 - a. Identify and locate all 20 groundwater monitoring wells and evaluate the integrity of each well and determine if each well can (or cannot) be used for groundwater monitoring.⁵⁸
 - b. Identify and determine whether any of the onsite groundwater extraction and treatment system infrastructure remaining at the Site is operable (i.e., extraction wells, injection wells, filtration system) and provide a recommendation for either the proper disassembly and destruction of the system (i.e., proper destruction of the groundwater extraction wells, removal of infrastructure, etc.) or reconditioning of the system to make it operable.
 - c. Upon Executive Officer concurrence of the scope of work and schedule included in the workplan or workplans, the Dischargers must implement the scope of work included in the workplan in accordance with the Time Schedule in Exhibit 4.
 - d. After completion of the work, the Dischargers must submit a completion report summarizing the condition of the monitoring well network and groundwater treatment system infrastructure. The completion report must also include a monitoring well network restoration workplan for the reconditioning of existing accessible and functional wells that will be used to laterally and vertically delineate current impacts to groundwater, destruction of any existing wells that cannot be restored, and a proposal for the installation of any new wells necessary to replace wells recommended for destruction or for existing wells that cannot be located,

⁵⁷ Extraction well locations and permits can be reviewed on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=btg2b>

⁵⁸ In June of 2021, Analytical Consulting Group (ACG), on behalf of Oro Financial of California, Rhine LP, and Chris Mathys, investigated known and suspected well locations and reported that four of the sixteen shallow zone monitoring wells could not be located and two of the four deep water bearing zone monitoring wells could not be found.

and/or additional new wells that need to be installed in new locations to laterally and vertically delineate current impacts to groundwater.

- e. Upon Executive Officer concurrence of the scope of work and schedule included in the monitoring well network restoration workplan, the Dischargers must implement the scope of work in accordance with the Time Schedule in Exhibit 4.
 - f. After completion of the work, the Dischargers must submit a completion report summarizing the implementation of the restoration of existing accessible groundwater monitoring wells, destruction of existing wells that cannot be restored (in accordance with county permitting requirements), and installation of replacement wells (in accordance with county permitting requirements). The completion report must include well completion logs, an updated map showing the exact locations of the wells (all wells must be surveyed by a licensed land surveyor), well permits for the installation of replacement wells, and waste disposal records/manifolds if wells are destroyed. The Dischargers are also required to update the location of the wells in the GeoTracker database. The report must be submitted in accordance with the Time Schedule in Exhibit 4.
2. **Conduct Groundwater Monitoring:** Comply with Monitoring and Reporting Program (MRP) Order No. R3-2023-0071 (Exhibit 3), including any modifications or revisions the Central Coast Water Board Executive Officer makes to MRP Order No. R3-2023-0071.
3. **Complete Onsite and Offsite Investigation:** The Dischargers are required to submit a workplan to investigate the extent of all wastes in soil, soil gas, and groundwater onsite and offsite. At a minimum, the onsite and offsite investigation workplan must include the following elements:
- a. Scope of work and schedule for delineating the lateral and vertical extent of wastes in soil. The scope of work must include, at a minimum:
 - i. Method and procedures for delineating wastes in soil. Specify the United States Environmental Protection Agency (USEPA) or other analytical methods to analyze soil for VOCs, petroleum hydrocarbons, semi-volatile organic compounds, and total metals.
 - b. Scope of work and schedule for delineating the lateral and vertical extent of wastes in groundwater (both onsite and offsite). The scope of work must include, at a minimum:
 - i. Installation of monitoring wells in the shallow and deep water-bearing zones (onsite) in addition to the existing restored groundwater monitoring network, if necessary, to adequately delineate the lateral and vertical extent of wastes in groundwater.
 - ii. Installation of additional monitoring wells in the deep water-bearing zone (approximately 220-250 feet bgs) downgradient of the Site (offsite). Identify which borings will be continuously cored or otherwise logged to evaluate Site lithology and determine the depth of first encountered shallow groundwater.

- iii. Sampling method and procedures for collecting groundwater samples from existing, restored, and/or new groundwater monitoring wells.
 - iv. Specify the USEPA or other analytical methods and quality control quality assurance procedures to analyze groundwater for VOCs, petroleum hydrocarbons, semi-volatile organic compounds, and dissolved and total metals.
- c. Scope of work and schedule to collect additional soil gas samples to evaluate potential vapor intrusion risk from VOCs and petroleum hydrocarbons within and underneath the current buildings on the Site. The scope of work must include:
 - i. Identify where soil gas probes or other soil gas sampling locations will be located to properly delineate and monitor soil gas exceedances.
 - ii. Identify USEPA or other analytical methods to analyze soil gas for VOCs and petroleum hydrocarbons.
 - iii. Perform soil gas sampling in accordance with Department of Toxic Substances Control (DTSC) soil gas investigation guidance: [Vapor Intrusion | Department of Toxic Substances Control \(ca.gov\)](https://www.dtsc.ca.gov/Investigation/Investigation%20Guidance/Vapor%20Intrusion%20Investigation%20Guidance.htm)
- d. Upon Executive Officer concurrence of the scope of work and schedule included in the onsite and offsite investigation workplan(s), the Dischargers must implement the scope of work in accordance with the Time Schedule in Exhibit 4.
- e. After completion of the work, the Dischargers must submit a site investigation report. The site investigation report must include a summary of the investigation findings and include, at a minimum, the following:
 - i. A site conceptual model that includes a written presentation with graphic illustrations of discharge scenarios; geology and hydrogeology; waste fate and transport in soil, soil vapor, indoor air, and groundwater; distribution of wastes; exposure pathways; sensitive receptors; and other relevant information.
 - ii. Site location maps showing soil borings, groundwater monitoring wells, and soil gas sampling locations.
 - iii. Cross sections of sampling locations depicting Site geology and hydrogeology.
 - iv. Maps showing the distribution of wastes found in soil, soil gas, indoor air, and groundwater.
 - v. Description of soil, soil gas, and groundwater sampling results and potential exposure pathways.
 - vi. Boring logs from all sampling locations.
 - vii. Certified analytical laboratory results with chain of custody information.
 - viii. Identification of data gaps where further investigation is necessary onsite and/or offsite.
- f. If information presented in the Site Investigation Report identifies data gaps, Dischargers must submit additional workplans to address data gaps.

Completion of the onsite and offsite investigation may be conducted in a phased approach and may require multiple workplans and submittal of multiple investigation reports.

4. **Conduct Onsite and Offsite Remedial Actions:** Submit a Feasibility Study and Remedial Action Plan (RAP) to clean up wastes in soil, soil gas, and groundwater. The RAP must abate the effects of the waste discharges in all media posing a risk to human health and impairing groundwater beneficial uses, and reduce concentrations of wastes in soil, soil gas, and groundwater to background concentrations or, if that is not feasible, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4 and Resolution No. 92-49.⁵⁹ The timeline for these submittals is provided in Exhibit 4. Specifically, the Dischargers must:
- a. Submit a Feasibility Study that evaluates alternatives for cleanup of VOCs, petroleum hydrocarbons, and 1,4-dioxane wastes in soil, soil gas, and groundwater at and near the Site. The Feasibility Study must consider the following:
 - i. Evaluation of several remedial alternatives that will be protective of current and future land uses for commercial and residential property.
 - ii. Identification of cleanup objectives, and an estimated time to reach the cleanup objectives.
 - iii. Estimation of relative total costs of the alternatives, and justification for the selected alternative over the others.
 - iv. If applicable, include a proposal of actions to prevent the off-site migration of VOCs, petroleum hydrocarbons, and 1,4-dioxane onto neighboring properties.
 - b. Submit a RAP for cleanup of wastes in soil, soil gas, and groundwater on and off the Site in accordance with the Time Schedule in Exhibit 4. The RAP must include the following:
 - i. Define the overall goal/objective of the cleanup technology selected and time estimate to reach cleanup objectives.
 - ii. Include an updated conceptual site model, detailed design plans, list of permits needed, and RAP implementation schedule.
 - iii. Include a performance monitoring plan for soil, soil gas, and groundwater to track remediation progress.
 - c. Upon Executive Officer concurrence of the scope of work and schedule included in the RAP, the Dischargers must implement the scope of work in accordance with the Time Schedule in Exhibit 4.

⁵⁹ Any cleanup level alternative to background must: (1) be consistent with the maximum benefit to the people of the state, (2) not unreasonably affect present and anticipated beneficial use of such water, and (3) not result in water quality less than that prescribed in the Basin Plan and applicable water quality control plans and policies of the State Water Board.

- d. Submit quarterly remediation progress reports that document all remediation performance data and recommendations for any changes, if needed.
 - e. Revisions to the RAP or additional RAPs may be needed if the implemented remedial measure does not achieve cleanup goals. The Dischargers may propose to conduct cleanup in a phased approach.
- 5. **Site Access:** The Central Coast Water Board's authorized representatives must be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are stored, under the conditions of this Order.
 - b. Access to copy any records that are stored under the conditions of this Order.
 - c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. The right to photograph, sample, and monitor the Site for the purpose of ensuring compliance with this Order, or as otherwise authorized by the Water Code.
- 6. **Contractor/Consultant Qualification:** As required by Business and Professions Code sections 6735, 7835, and 7835.1, all reports must be prepared by, or under the supervision of, a California licensed professional engineer or geologist and signed by the licensed professional. All technical reports submitted by the Dischargers must include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. All technical documents must be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.
- 7. This Order is not intended to permit or allow the Dischargers to cease any work required by any other Order issued by the Central Coast Water Board, nor shall it be used as a reason to stop or redirect any investigation, cleanup, or remediation programs ordered by the Central Coast Water Board or any other agency. Furthermore, this Order does not exempt the Dischargers from compliance with any other laws, regulations, or ordinances which may be applicable.
- 8. The Dischargers must submit a 30-day notice to the Central Coast Water Board of any planned changes in name, ownership, or control of the Site and must provide a 30-day advance notice of any planned physical changes to the Site that may affect compliance with this Order. In the event of a change in ownership, the Dischargers also must provide a 30-day advance notice, by letter, to the succeeding owner of the existence of this Order and must submit a copy of this advance notice to the Central Coast Water Board.

9. Destruction and/or installation of any groundwater wells must be permitted by Santa Barbara County Environmental Health Services as the permitting entity and reported to the Central Coast Water Board at least 30 days in advance of the work. Any groundwater wells removed must be replaced within a reasonable time at a location the Central Coast Water Board concurs with. With written justification, the Central Coast Water Board may concur with the destruction of groundwater wells without replacement. When a well is removed, all work must be completed in accordance with California Department of Water Resources Bulletin 74-90, "California Well Standards," Monitoring Well Standards Chapter, Part III, Sections 16-19, and local requirements.
10. **Due Date Amendments:** In the event compliance cannot be achieved within the terms of this Order, the Dischargers may request, in writing, an extension of the time specified for good cause. The extension request must include an explanation why the specified date could not or will not be met and justification for the requested period of extension. Any extension request must be submitted as soon as the need for an extension is recognized and no later than 10 business days before the compliance date. Extension requests not without concurrence, in writing, by the Executive Officer with reference to this Order are denied.
11. Reference herein to determinations and considerations to be made by the Central Coast Water Board regarding the terms of the Order may be made by the Executive Officer or the Executive Officer's designee. Decisions and directives made by the Executive Officer regarding this Order pursuant to the Central Coast Water Board's delegation(s) are considered actions of the Central Coast Water Board.
12. The Central Coast Water Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Dischargers, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Dischargers under this Order. The authority of the Central Coast Water Board, as contained in the Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.
13. The Dischargers must continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished and this Order has been terminated.
14. **Oversight Costs:** The Dischargers must reimburse the Central Coast Water Board for reasonable costs associated with oversight of the investigation and cleanup of the waste at or emanating from the Site. Provide the Central Coast Water Board with the name or names and contact information for the person to be provided billing statements from the State Water Board.

15. A public participation plan must be prepared and/or updated when directed by the Executive Officer as necessary to reflect the degree of public interest in the investigation and cleanup process.
16. As necessary to ensure compliance with the California Environmental Quality Act, provide information to the Central Coast Water Board as directed by the Executive Officer.
17. The Central Coast Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under this Order. The perjury statement must be signed by a senior authorized representative (not by a consultant). The perjury statement must be in the following format:

“I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
18. **GeoTracker:** The State Water Board adopted regulations requiring the electronic submittals of information online using the State Water Board GeoTracker data management system. You are required to comply by uploading all reports required in this Order, correspondence, and soil, soil gas, and groundwater data in electronic deliverable format (EDF) on to the GeoTracker data management system. The State Water Board's Policy Statement-Electronic Reporting Requirements:
https://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/
19. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Central Coast Water Board or judicially by the Superior Court in accordance with Water Code sections 13268, 13304, and/or 13350 and/or referral to the Attorney General of the State of California.
20. None of the obligations imposed by this Order on the Dischargers are intended to constitute a debt, damage claim, penalty, or other civil action that 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.

21. **Exhibits:** Exhibits 1 through 5 attached hereto, are incorporated as part of this Order.

Exhibit 1: SITE MAPS

Exhibit 2: SITE OWNERSHIP AND OPERATIONAL HISTORY

Exhibit 3: MONITORING AND REPORTING PROGRAM ORDER NO. R3-2023-Proposed

Exhibit 4: TIME SCHEDULE

Exhibit 5: REGULATORY HISTORY OF SITE

Ordered by:

Matthew T. Keeling
Executive Officer

EXHIBIT 1: SITE MAPS

Figure 1 – Regional Site Map

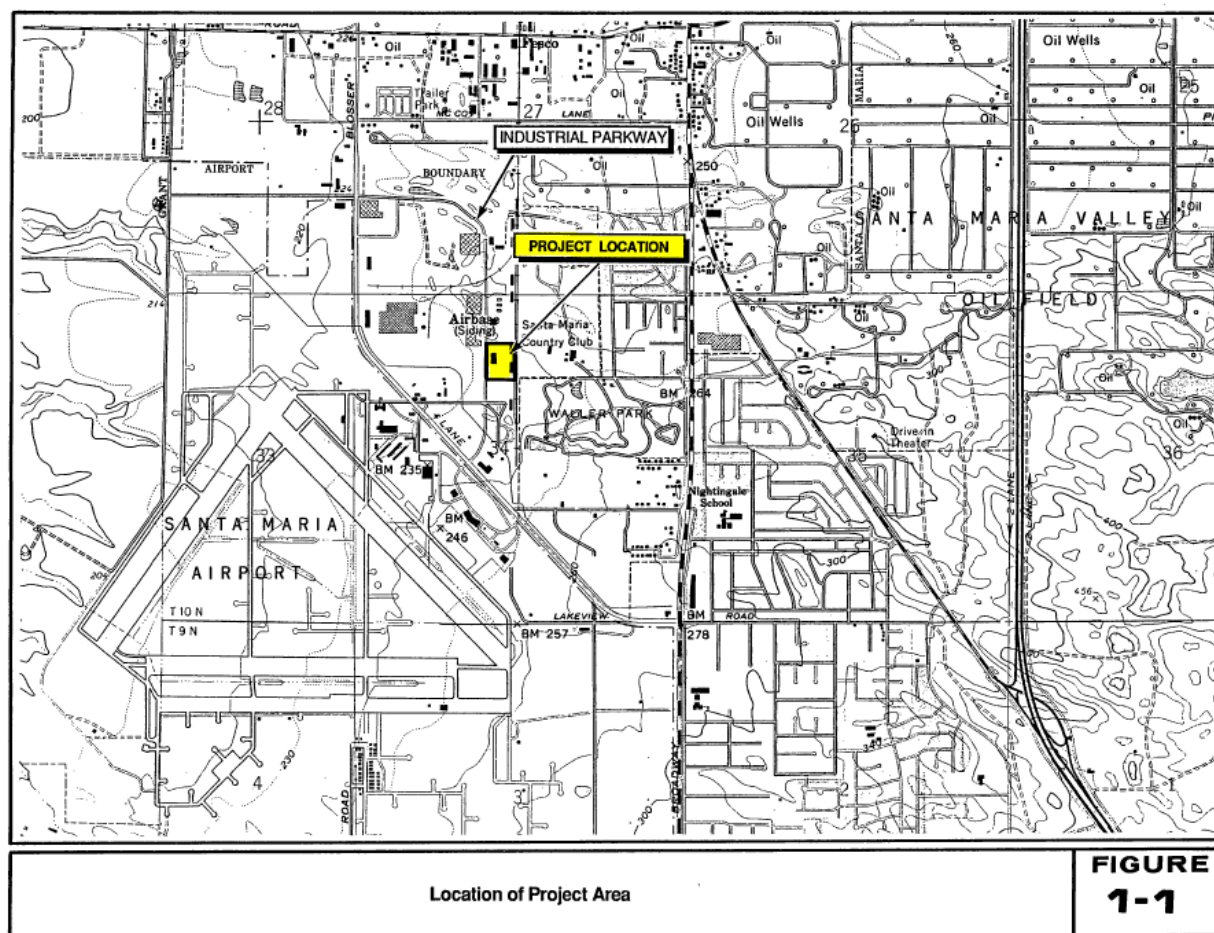


Figure 1. Modified by Central Coast Water Board on January 13, 2020. Original figure is from WESTEC Services, Inc. January 1989 *Subsurface Investigation SEMCO Twist Drill and Tool Company Facility Santa Maria, California* report on GeoTracker:

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9896778941/SURFACE_INVEST_JAN1989.pdf

Figure 2 – Site Parcel Map



Figure 2. Satellite imagery from GeoTracker modified by Central Coast Water Board staff on January 11, 2023 (yellow shaded parcels make up the Site that is subject to this Order). Not to scale. Property Transfer History report for SEMCO on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=9iu81>

Table 1 – Site Parcel Information

| Map Number | Parcel Address | APN | Parcel Owner | Ownership Transfer Date | Land-Use Description (Parcel Acres) | Parcel's Subject to this Order |
|-------------------|--------------------------------------|-------------|--------------------------|--------------------------------|--|---------------------------------------|
| 1 | 2916 Industrial Parkway, Santa Maria | 111-291-039 | Curry Parkway LP | 8/20/2010 | Industrial (1.00 acres) | No |
| 2 | 2926 Industrial Parkway, Santa Maria | 111-291-038 | Figueroa Salas, Fernando | 7/16/2019 | Industrial (1.40 acres) | Yes |
| 3 | 2936 Industrial Parkway, Santa Maria | 111-291-037 | Rhine LP | 8/17/2010 | Light Manufacturing (1.60 acres) | Yes |
| 4 | 2946 Industrial Parkway, Santa Maria | 111-291-036 | Curry Parkway LP | 8/20/2010 | Industrial (1.37 acres) | Yes |
| 5 | 2956 Industrial Parkway, Santa Maria | 111-291-035 | Mark J Powers, Inc. | 10/28/2021 | Industrial (1.33 acres) | Yes |
| 6 | 2996 Industrial Parkway, Santa Maria | 111-291-043 | Curry Parkway LP | 9/1/2011 | Light Manufacturing (0.76 acres) | No |
| 7 | 2986 Industrial Parkway, Santa Maria | 111-291-042 | Curry Parkway LP | 8/20/2010 | Light Manufacturing (0.78 acres) | Yes |
| 8 | 2976 Industrial Parkway, Santa Maria | 111-291-041 | Curry Parkway LP | 8/20/2010 | Light Manufacturing (0.83 acres) | Yes |
| 9 | 2966 Industrial Parkway, Santa Maria | 111-291-040 | Curry Parkway LP | 8/20/2010 | Light Manufacturing (0.83 acres) | No |

Figure 3 – Historic Facility Site Map (1989)

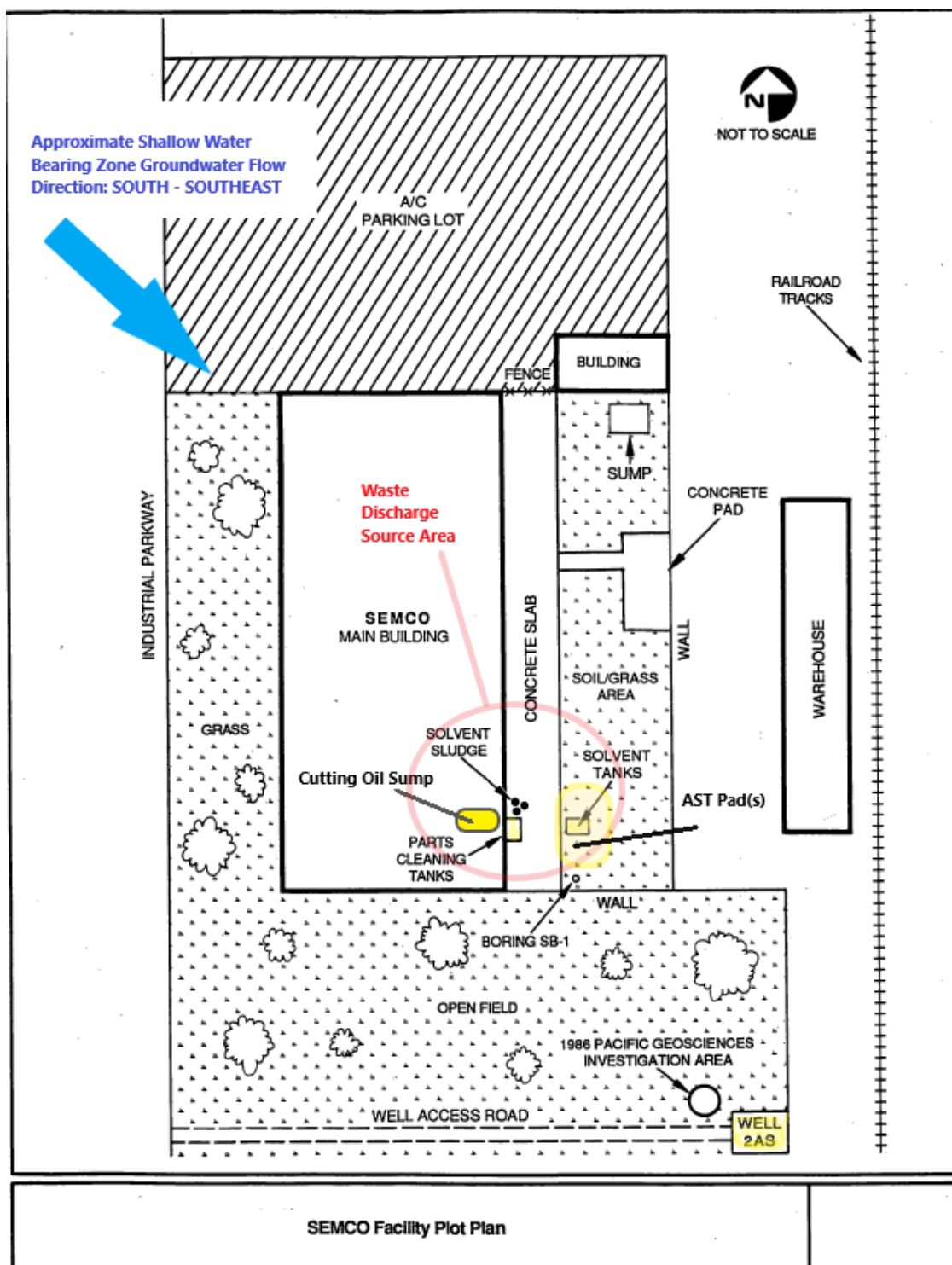


Figure 3. Modified by Central Coast Water Board on February 9, 2023. Original figure is from WESTEC Services, Inc January 1989 *Subsurface Investigation SEMCO Twist Drill and Tool Company Facility Santa Maria, California*.

Figure 4 – 2021 Groundwater Monitoring Well Location Site Map with Parcel Numbers and Addresses

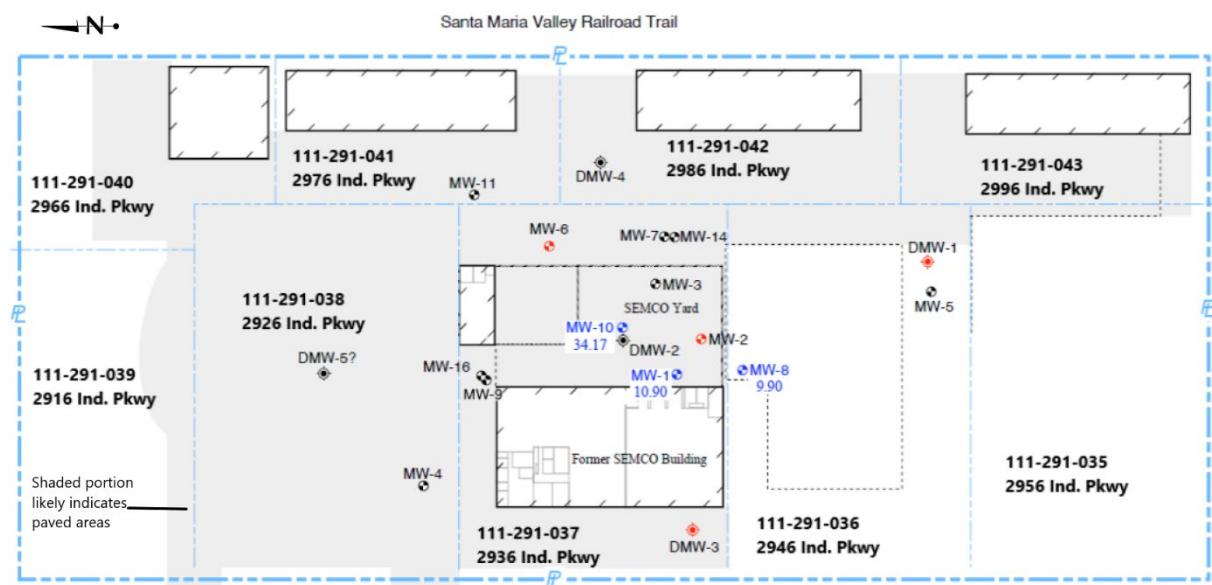


Figure 4. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Monitoring Well Investigation Report* dated July 16, 2021, on GeoTracker.

Figure 5 – 2022 Soil Sampling Site Map

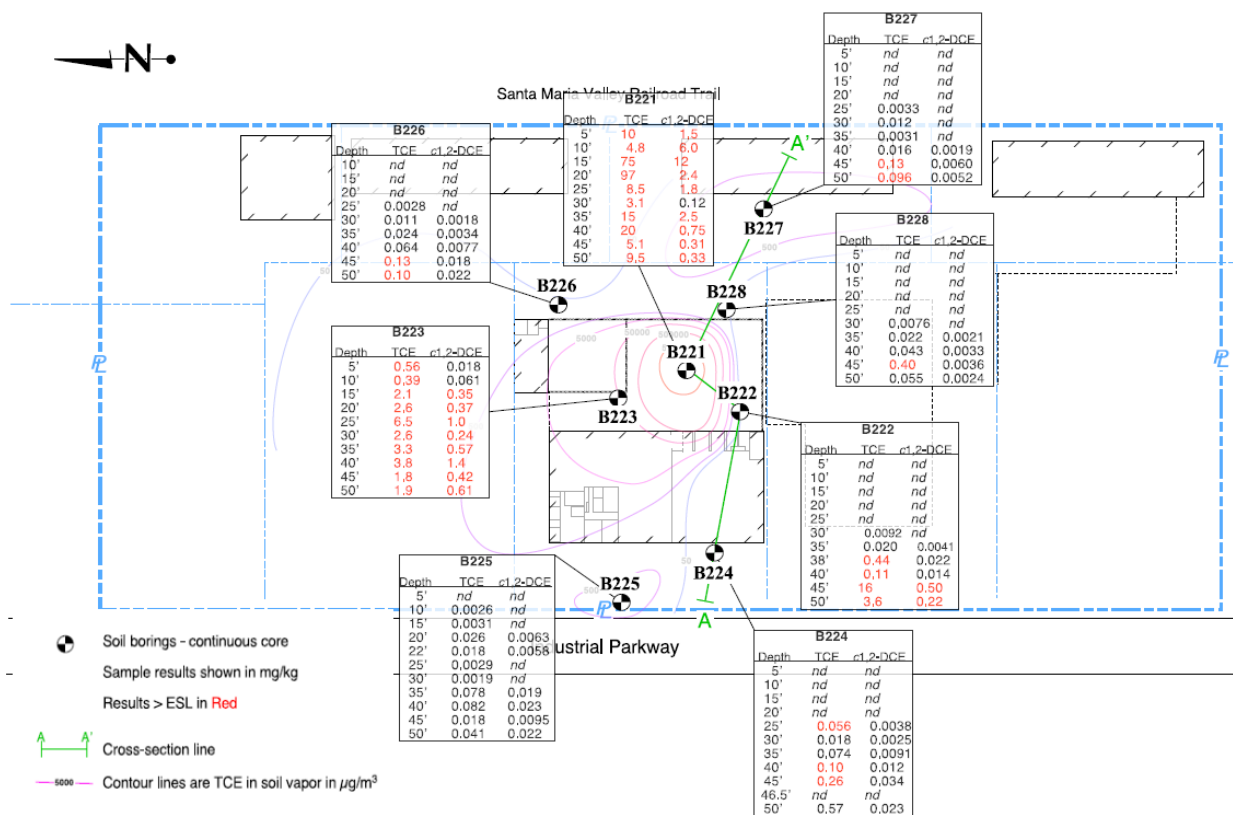


Figure 5. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Site Assessment Report – Vadose Zone Soil Sampling* dated May 25, 2022.

Figure 6 – Cross Section (A-A' from Figure 5) Extent of TCE Impacts to Soil beneath the Source Area of the Site

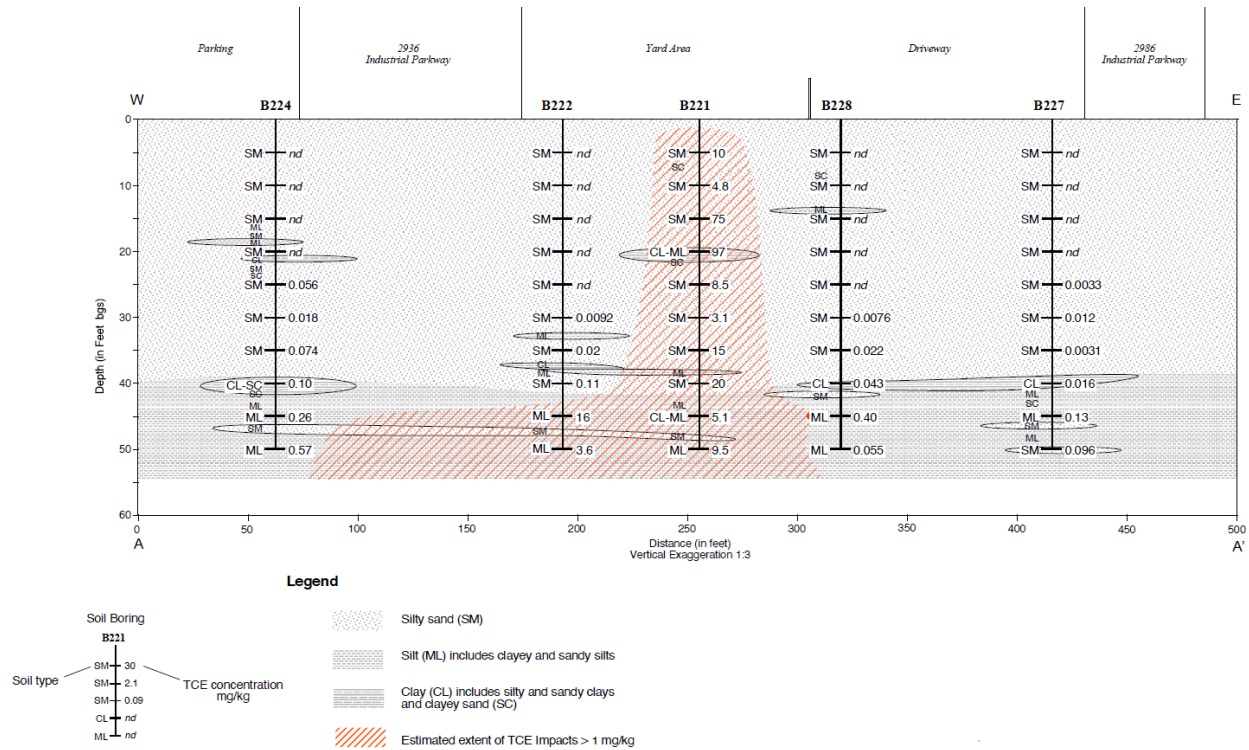


Figure 6. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Site Assessment Report – Vadose Zone Soil Sampling* dated May 25, 2022.

Figure 7 – 2021 Soil Vapor Sampling Site Map

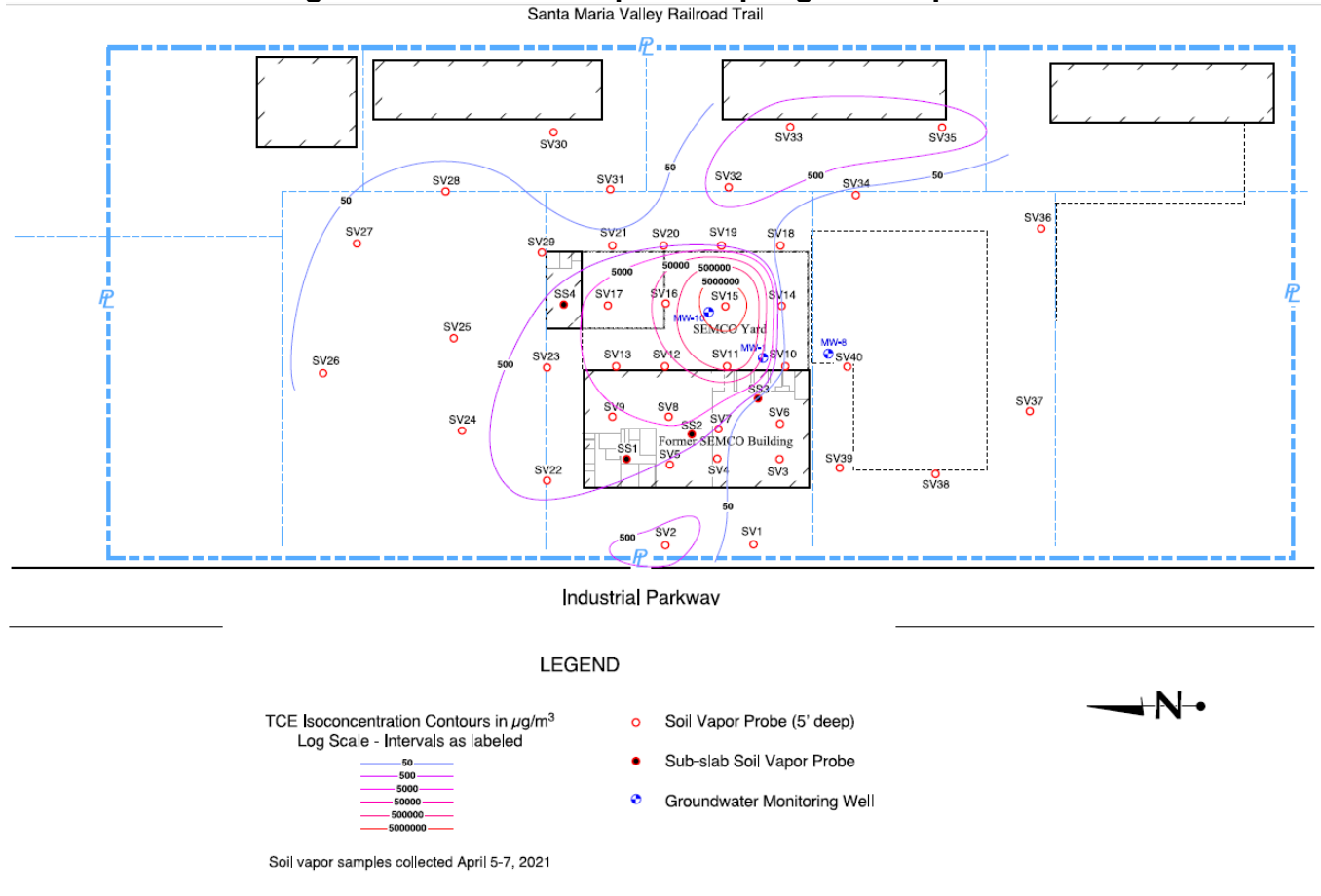


Figure 7. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Soil Vapor Sampling Report* dated July 16, 2021, on GeoTracker.

EXHIBIT 2: SITE OWNERSHIP AND OPERATIONAL HISTORY

The Site ownership and operational history⁶⁰ for the Santa Barbara County Assessor Parcel Numbers (APNs) that compose the Site is as follows:

APN 111-291-008

1. July 10, 1942: The United States of America records a Decree of Declaration of Taking (eminent domain) for the establishment of the Santa Maria – Lompoc Air Base. Frank Vecente, et al. (grantor, former owner) to United States of America (grantee, new owner).
2. 1949 (approximate, exact date unknown): SEMCO Twist Drill & Tool Company, Inc. (SEMCO) begins operations at the Site.
3. June 9, 1949 (date recorded): United States of America quitclaims deeds to County of Santa Barbara. United States of America (grantor, former owner) to County of Santa Barbara (grantee, new owner).
4. October 6, 1949 (date recorded): The County of Santa Barbara deeds one-half interest of the property to the City of Santa Maria, as tenants in common. County of Santa Barbara (grantor, former owner) to County of Santa Barbara (1/2 interest) and City of Santa Maria (1/2/ interest) (grantees, new owners).
5. August 14, 1959 (date recorded): An Instrument of Release was issued, giving Santa Barbara County and the City of Santa Maria exclusive use of property in preparation of the land transfer to Santa Maria Public Airport District.
6. March 15, 1963 (date recorded): A record of survey of the property was filed with the Santa Barbara County Clerk-Recorder that defined the northern boundary of the Santa Maria Public Airport District (future Skyway Industrial Park).
7. March 9, 1964 (date of sale and date recorded): The County of Santa Barbara and the City of Santa Maria quitclaim deeds property to the Santa Maria Public Airport District. County of Santa Barbara (1/2 interest) and City of Santa Maria (1/2 interest) (grantor, former owner) to Santa Maria Public Airport District (grantee, new owner).
8. January 30, 1967 (date filed and certified): The Santa Maria Public Airport District filed a record of survey subdividing the northeasterly portion of the property (boundaries of Skyway Industrial Park).

⁶⁰ All Central Coast Water Board files for this case are on the State Water Board's GeoTracker website: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

9. May 17, 1968 (date accepted and recorded by County Clerk-Recorder): A map of Skyway Industrial Park, Tract 5011, including this Site, was filed with the Santa Barbara County Assessor.
10. May 22, 1968, (date recorded): Santa Maria Public Airport District grant deeds the Site to Henry A. Stafford and Rhea L. Stafford as joint tenants in common. Santa Maria Public Airport District (grantor, former owner) to Henry A. Stafford and Rhea L. Stafford as community property (grantee, new owner).
11. May 18, 1971 (date recorded): Notice of Completion filed with the County of Santa Barbara for the removal of three buildings (T-1271, T-1272, and T-1273) on the property per the purchase agreement dated May 8, 1968.
12. June 25, 1975 (date recorded): Henry A. Stafford and Rhea L. Stafford transferred the Site into the Henry A. Stafford and Rhea Stafford Revocable Trust. Henry A. Stafford and Rhea L. Stafford as community property (grantor, former owner) to Henry A. Stafford and Rhea Stafford Revocable Trust (grantee, new owner).
13. November 15, 1976: Henry A. Stafford died, and Rhea L. Stafford became the sole Trustee of the Henry A. Stafford and Rhea Stafford Revocable Trust.

APN 111-291-027 and APN 111-291-028

1. February 3, 1994 (date County Clerk-Recorder's statement recorded): APN 111-291-008 (2936 Industrial Parkway) was split into two adjacent parcels (111-291-027 and 111-291-028).
2. August 22, 1996: Rhea L. Stafford died, and daughter Bonita Stafford became the surviving Trustee of the Henry A. Stafford and Rhea Stafford Revocable Trust. Bonita Stafford has since deceased.
3. November 21, 2001 (date recorded): A deed of trust with assignments of rents to Kitco Holdings, LLC was issued.
4. August 9, 2002 (date recorded) : Grant deed transferred property ownership from Henry A. Stafford and Rhea Stafford Revocable Trust dated June 25, 1975, to Oro Financial of California, Inc. Henry A. Stafford and Rhea Stafford Revocable Trust (grantor, former owner) to Oro Financial of California, Inc. (grantee, new owner).
5. December 20, 2002 (date recorded): Grant deed transferred property ownership from Oro Financial of California, Inc. (grantor, former owner) to Concha Investments, Inc. (grantee, new owner).
6. June 30, 2006 (date recorded): Grant deed transferred property ownership from Concha Investments, Inc. (grantor, former owner) to Chris Mathys (grantee, new owner) as an individual.

APNs 111-291-035 through 111-291-043

1. April 26, 2007 (date County Clerk-Recorder's Statement recorded): Parcels 111-291-027 and 111-291-028 were combined and split into parcels 111-291-035 through 111-291-043 (refer to Exhibit 1, Figure 2 for a spatial view of the splits). Parcel -039 is unique from -028; parcels sharing portions of -027 and -028 include -037, -038, -040, and -042; parcels unique from -027 include -035, -036, and -043.
2. May 5, 2009 (date recorded): Chris Mathys (seller) sold the properties at 2916, 2926, 2936, 2946, 2956, 2966, 2976, 2986, and 2996 Industrial Parkway (111-291-039, -038, -037, -036, -035, -040, -041, -042, and -043) to Platino, LLC (buyer)⁶¹ in grant deeds/deed of trust sales.
3. August 17, 2010 (date recorded): Platino LLC (seller) sold the property at 2936 Industrial Parkway (111-291-037) to Rhine LP (buyer)⁶² in a grant deed/deed of trust sale.
4. August 20, 2010 (date recorded): Platino, LLC (seller) sold the properties at 2916, 2926, 2946, 2956, 2986, and 2996 Industrial Parkway (111-291-039, -038, -036, -035, -042, and -043) to Curry Parkway LP (buyer)⁶³ in a grant deed/deed of trust sale.
5. July 26, 2010 (date of transaction): Platino, LLC (seller) sold the properties at 2966 and 2976 Industrial Parkway (111-291-040 and 111-291-041) to Curry Parkway LP (buyer) in a grant deed/deed of trust sale.
6. July 16, 2019 (date recorded): Curry Parkway LP (seller) sold the property at 2926 Industrial Parkway (APN 111-291-038) to Fernando Figueroa Salas, a married man, in a grant deed/deed of trust sale. Except as otherwise provided by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property in California (Stats. 1992, Ch. 162, Sec. 10. Operative January 1, 1994). Yolanda Salas, as the wife of Fernando Figueroa Salas, became a joint owner of 2926 Industrial Parkway.
7. July 16, 2019 (date recorded): In a quitclaim/deed of trust, Yolanda Salas transferred the property to Fernando Figueroa Salas, making him the sole property owner. Yolanda Salas is not named as a discharger in this Order because she quitclaimed the property on the same date that Fernando Figueroa Salas acquired ownership

⁶¹ Chris Mathys was the sole manager of Platino, LLC.

⁶² Platino, Inc. is the general partner of Rhine, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

⁶³ Platino, Inc. is the general partner of Curry Parkway, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

8. October 28, 2021 (date recorded): Curry Parkway LP (seller) sold the property at 2956 Industrial Parkway (APN 111-291-035) to Mark J Powers, Inc. (buyer) in a grant deed/deed of trust sale.

EXHIBIT 3:

**MONITORING AND REPORTING PROGRAM ORDER NO. R3-2023-
0071
CONCERNING
Former SEMCO Twist Drill and Tool Company, Inc.
Industrial Parkway, Santa Maria
Santa Barbara County**

This monitoring and reporting program (MRP) is issued to the Dischargers and applies to groundwater monitoring and reporting for volatile organic compounds (VOC), petroleum hydrocarbons, and 1,4-dioxane waste discharges related to the former SEMCO at 2936 Industrial Parkway in Santa Maria (Site). The Site includes all subject subdivisions of the historic Santa Barbara County Assessor's Parcel Number (APN) 111-291-008 impacted by VOCs, petroleum hydrocarbons, and/or 1,4-dioxane, which include the following parcels:

1. APN 111-291-035, 2956 Industrial Parkway, Santa Maria
2. APN 111-291-036, 2946 Industrial Parkway, Santa Maria
3. APN 111-291-037, 2936 Industrial Parkway, Santa Maria
4. APN 111-291-038, 2926 Industrial Parkway, Santa Maria
5. APN 111-291-041, 2976 Industrial Parkway, Santa Maria
6. APN 111-291-042, 2986 Industrial Parkway, Santa Maria

The Dischargers specified in Cleanup and Abatement Order No. R3-2023-0070 are required to comply with the requirements of this MRP.

GROUNDWATER MONITORING

A qualified person trained in procedures for collecting samples for VOCs, petroleum hydrocarbons, and 1,4-dioxane wastes must collect representative samples of groundwater from the monitoring wells.

The Dischargers must monitor all existing groundwater monitoring wells (shallow groundwater wells MW1 through MW16 and deeper groundwater monitoring wells DMW1 through DMW4) and/or replacement wells on a quarterly basis. The Dischargers must submit requests for changes to monitoring frequency and analyte analysis in writing for Central Coast Water Board staff review and Central Coast Water Board Executive Officer concurrence. These requests must receive Executive Officer concurrence prior to implementation.

When new monitoring wells are installed, the Dischargers must incorporate newly installed monitoring wells immediately into the sampling schedule following well completion and development activities and then sample once every quarter for a minimum of one year. After one year, the Dischargers may propose an appropriate monitoring schedule for concurrence by the Executive Officer. The location and

reference point elevation for each monitoring well must be surveyed using a conventional survey method or global positioning satellite survey and uploaded to the GeoTracker website.

Monitoring Parameters: The Dischargers must measure depth to groundwater (to 0.01-foot accuracy) in each monitoring well prior to proper purging and sampling. Before sampling, the Dischargers must properly purge each well until measurements of the following parameters have stabilized: temperature, pH, specific conductance, turbidity, and dissolved oxygen. After purging and when the groundwater level in the well has recovered sufficiently, collect a representative sample. The Dischargers must collect a groundwater sample from each well. The Dischargers must analyze groundwater samples collected from all monitoring wells for the compounds listed in Table 1:

Table 1. Monitoring Parameters

| Compound | Units | Sample Type | USEPA Method | Detection Limit |
|--------------------------------------|-----------------------------|-------------|--|-----------------|
| Volatile Organic Compounds (VOCs) | Micrograms per liter (µg/L) | Grab | 8260B | 0.5 µg/L |
| 1,4-dioxane | (µg/L) | Grab | 8270 or 1625 | 1.0 µg/L |
| Petroleum hydrocarbons ⁶⁴ | (µg/L) | Grab | 8015-modified, total petroleum hydrocarbons (TPH) reported as gasoline ⁶⁵ , diesel, and motor oil | 100 µg/L |

A laboratory certified for analyses by the State Water Board's Division of Drinking Water or laboratories approved by the Executive Officer must conduct the analyses.

Unless otherwise noted, the Dischargers must perform all sampling, sample preservation, and analyses in accordance with the latest edition of Test Methods for Evaluating Solid Waste, SW-846, USEPA, and analyzed as specified herein by the above analytical methods.

Alternative laboratory methods may be used, with Executive Officer's prior concurrence, provided that the analysis produces data with detection limits, precision, and accuracy equal to or better than data produced by the referenced methods for identical sample matrices.

The Dischargers must measure groundwater elevations for all monitoring wells. Measurements for groundwater elevations are to be reported as both feet below top of casing and elevation above mean sea level.

⁶⁴ TPH in the carbon ranges are analyzed to demonstrate carbon chain breakdown.

⁶⁵ TPH carbon ranges are generally as follows: TPH as gasoline (C4-C12), TPH as diesel (C10-C23), and TPH as motor oil (C18-C35+).

SAMPLING FREQUENCY

The Dischargers must conduct groundwater monitoring on a quarterly basis and in accordance with Table 2 each calendar year:

Table 2. Monitoring Frequency

| Groundwater Monitoring Wells | Frequency |
|---|--|
| MW1 through MW16, and DMW1 through DMW4 | 1 st quarter (January through March) of each calendar year |
| MW1 through MW16, and DMW1 through DMW4 | 2 nd quarter (April through June) of each calendar year |
| MW1 through MW16, and DMW1 through DMW4 | 3 rd quarter (July through September) of each calendar year |
| MW1 through MW16, and DMW1 through DMW4 | 4 th quarter (October through December) of each calendar year |

REPORTING

The Dischargers must submit groundwater monitoring reports on a quarterly basis in accordance with Table 3:

Table 3. Reporting Submittals

| Sampling Event | Report Submittal |
|-------------------------|--|
| 1 st quarter | Due no later than April 30 of each calendar year |
| 2 nd quarter | Due no later than July 30 of each calendar year |
| 3 rd quarter | Due no later than October 30 each calendar year |
| 4 th quarter | Due no later than January 30 of each calendar year |

At a minimum, each monitoring report must include:

1. A table with well completion information, including top of well casing elevation, total depth, and screen interval with respect to both mean seal level and ground surface for all monitoring wells.
2. Results of field and laboratory sampling in tabular form.
3. Scaled maps showing the site and the locations of all monitoring wells.
4. Maps showing calculated potentiometric elevations at each monitoring well and interpreted potentiometric surfaces for each water-bearing zone.
5. Maps showing chlorinated VOCs and 1,4-dioxane concentrations and an interpretation of the chemical distribution.
6. An elevation and interpretations of all available data.
7. Recommendations for further work (i.e., identification of possible data gaps, interim corrective actions) as necessary to complete investigation and cleanup of the Site.

8. The signature or stamp of a registered professional with applicable experience attesting, under penalty of perjury, that the report is true and accurate.
9. Sampling protocols and field sampling logs.
10. Narrative description of sample collection protocols and summary of analytical results for any and all detected compounds; and
11. Certified laboratory analytical reports and chain of custody records for current monitoring data.
12. A perjury statement⁶⁶ signed by a senior authorized representative (not by a consultant). The perjury statement must be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the Dischargers conduct any monitoring or sampling more frequently than is required by this MRP, they must include results of such monitoring in the monitoring reports or via separate cover.

In accordance with title 23, division 3, chapter 30, articles 1 and 2, sections 3890 through 3895 of the California Code of Regulations, the Dischargers must submit monitoring reports and associated data in Portable Data Format and Electronic Deliverable Format to the State Water Board GeoTracker database over the internet. Please refer to the State Water Board web page Policy Statement-Electronic Reporting Requirements.

https://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/

LEGAL REQUIREMENTS

The groundwater monitoring reports and GeoTracker data submittals are required pursuant to section 13267 of the Water Code. Pursuant to section 13268 of the Water Code, a violation of a request made pursuant to section 13267 may subject you to civil liability assessment of up to \$1,000 per day in which the violation occurs.

The Central Coast Water Board needs the required information to evaluate the extent and trends of wastes, including VOCs (e.g., TCE, PCE, TCA), petroleum hydrocarbons, and 1,4-dioxane released from the Site into groundwater. Therefore, the burden of the reports, including costs, bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The cost to sample and prepare each

⁶⁶ The Central Coast Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under this Order.

quarterly monitoring report is estimated to be between approximately \$15,000 to \$20,000.⁶⁷ The Dischargers are required to submit quarterly monitoring reports because groundwater has been impacted by VOCs, petroleum hydrocarbons, and 1,4-dioxane and is potentially migrating off of the site and, based on the available data, they are responsible for the discharge. The evidence supporting this requirement is described herein and on GeoTracker at: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

Any person affected by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order.

Copies of the law and regulations applicable to filing petitions:

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

The Executive Officer may rescind or revise this MRP at any time.

Ordered by:

Matthew T. Keeling
Executive Officer

⁶⁷ Estimate for quarterly monitoring report costs are part of the total estimated cost in Section B.9 of the Order. Estimated cost is based on using low-flow groundwater sampling techniques.

EXHIBIT 4: TIME SCHEDULE

| ACTION NUMBER | REQUIREMENT | DUE DATE |
|------------------|---|--|
| 1. | Evaluate Condition of and Restore the Existing Groundwater Monitoring Network and Evaluate the Condition of the Onsite Groundwater Extraction and Treatment System | |
| 1a-1b. | <p>Submit Workplan(s) A workplan and implementation schedule to assess the existing groundwater monitoring network and the current condition of the onsite groundwater extraction and treatment system (i.e., extraction wells, and filtration system).</p> <p>The Dischargers must locate all 20 groundwater monitoring wells including extraction wells associated with the groundwater extraction and treatment system and evaluate the integrity of each well and determine if these wells can be used (or not) for groundwater monitoring. In the event, monitoring wells can't be located, describe the efforts that were taken to find the wells.</p> | 90 days following the issuance of this Order |
| 1c. | Upon Executive Officer concurrence of the workplan, implement the workplan according to the approved implementation schedule. | As directed by the Executive Officer |
| 1d. | <p>Submit a Completion Report for the Evaluation of the Groundwater Monitoring Network and Treatment System and a Monitoring Well Network Restoration Workplan A completion report summarizing the findings of the monitoring well and groundwater treatment system evaluation.</p> <p>A groundwater monitoring well network restoration workplan and implementation schedule including a scope of work to restore, properly destroy and/or replace (install) groundwater monitoring wells in the existing monitoring network.</p> | 90 days following the approval of the workplan required in 1a-1b. |

| ACTION NUMBER | REQUIREMENT | DUE DATE |
|---------------|--|--|
| 1e | Upon Executive Officer concurrence of the scope of work and schedule included in the monitoring well network restoration workplan, implement the workplan according to the approved implementation schedule. | As directed by the Executive Officer |
| 1f. | Submit a Completion Report Summarizing the Implementation of the Groundwater Monitoring Well Restoration Workplan A completion report on the implementation of the groundwater monitoring well network restoration including destruction and installation activities, well completion logs, updated map(s) illustrating all of the monitoring well locations. | As directed by the Executive Officer |
| 2. | Groundwater Monitoring | |
| | The Dischargers must conduct groundwater monitoring according to MRP Order No. R3-2023-00071 (Exhibit 3 of this Order). | As directed by the Executive Officer |
| 3. | Complete Onsite and Offsite Investigation | |
| 3a-3c. | Submit an Onsite and Offsite Investigation Workplan An onsite and offsite investigation workplan including an implementation schedule to delineate the lateral and vertical extent of wastes in soil, groundwater, and soil gas onsite and offsite including a scope of work for the installation of additional groundwater monitoring wells onsite and offsite. | 90 days following the approval of the Completion Report required in 1f. |
| 3d. | Upon Executive Officer concurrence of the site investigation workplan, implement the workplan according to the approved implementation schedule. | As directed by the Executive Officer |
| 3e. | Submit a Site Investigation Report A summary of the investigation findings, including Site location and waste distribution maps, cross sections, summary of all historic and new sampling results for soil, soil gas, and groundwater, boring logs, and identification of data gaps for further investigation. | As directed by the Executive Officer |

| ACTION NUMBER | REQUIREMENT | DUE DATE |
|------------------|--|---|
| 3f. | Submit Additional Workplan(s) to Address Data Gaps Completion of the onsite and offsite investigation may be conducted in a phased approach if information in the site investigation report(s) identifies data gaps. | As directed by the Executive Officer |
| 4. | Conduct Onsite and Offsite Remedial Actions | |
| 4a. | Submit a Feasibility Study. A study that evaluates alternatives for cleanup of VOCs, petroleum hydrocarbons, and 1,4-dioxane wastes in soil, soil gas, and groundwater on and off the Site. | As directed by the Executive Officer |
| 4b. | Submit a remedial action plan (RAP) A RAP for cleaning up wastes in soil, soil gas, and groundwater on and off the site, including an implementation schedule and a performance monitoring plan to track remediation progress. | 90 days following the approval of the Feasibility Study required in 4a |
| 4c. | Upon Executive Officer concurrence of the RAP, implement the RAP according to the approved implementation schedule | As directed by the Executive Officer |
| 4d. | Submit Quarterly Remediation Progress Reports Reports summarizing remedial actions after RAP implementation. Remediation progress reports can be included in the groundwater monitoring reports required by the MRP. | As directed by the Executive Officer |
| 4e. | Submit revisions or additional RAPs as needed for additional cleanup activities or for a phased approach to cleanup. | As directed by the Executive Officer |

EXHIBIT 5: REGULATORY HISTORY OF SITE

1. On August 26, 1985, the County of Santa Barbara Health Care Services issued an NOV to SEMCO for the discharge of TCE polluting City of Santa Maria municipal supply well 2AS adjacent to the Site.
2. The Central Coast Water Board issued several CAOs between 1987 and 1994, all requiring SEMCO, and later SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust,⁶⁸ to investigate and remediate wastes discharged to soil and groundwater beneath the Site. Failure to meet CAO time schedules and other requirements led the Central Coast Water Board to issue NOVs, non-compliance letters, and Stipulated Order No. 89-155 (dated November 17, 1989) requiring SEMCO to pay an administrative civil liability of \$50,000. SEMCO began claiming financial difficulties in 1992, and the Central Coast Water Board required a review of their financial status. In response to the financial investigation of SEMCO, CAO No. 90-88 was revised on March 11, 1994, and issued to SEMCO and Henry A. and Rhea Stafford Revocable Trust. On May 6, 1994, the Central Coast Water Board issued a letter to then landowner, Henry A. and Rhea Stafford Revocable Trust, requiring a financial review and the Central Coast Water Board records do not indicate whether the financial review was completed, but DTSC's issuance of an Imminent and Substantial Endangerment Determination in 1994 and their subsequent funding of the groundwater extraction and treatment system repairs and temporary operation occurred shortly thereafter.
3. In December 2000, the Central Coast Water Board issued a letter⁶⁹ requesting Henry A. Stafford continue operation of the groundwater extraction and treatment system and continue submitting the semiannual groundwater monitoring reports. Central Coast Water Board staff did not identify records in the file that indicate whether there was compliance from Henry A. Stafford related to the request, and ownership of the Site changed soon after the December 2000 letter was issued.
4. In 2001, the Site owner, Henry A. and Rhea Stafford Revocable Trust transferred ownership of the Site to another property owner (refer to Exhibit 2 for a detailed history on the Site's ownership changes). Subsequently, under the new ownership,⁷⁰ all Site investigation and remediation efforts stopped in 2001, with the exception of one groundwater monitoring event performed in 2003 as summarized in a report submitted in 2004.⁷¹
5. On July 18, 2003, the Central Coast Water Board issued a Water Code section 13267 order (2003 Order) to the then Site owner, Oro Financial of California, Inc.

⁶⁸ A complete list of CAOs and other orders the Central Coast Water Board issued to SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust, from 1987 to 1994, is available on GeoTracker.

⁶⁹ December 1, 2000, letter from the Central Coast Water Board on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=7weqj>

⁷⁰ Property ownership details are included in Exhibit 2 of this Order.

⁷¹ 2003 Third Quarter Monitoring Report on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=ntubt>

(attention Chris Mathys), requiring the submittal of a groundwater monitoring report to determine the environmental threat from pollution remaining at the Site.

6. On December 3, 2003, the Central Coast Water Board issued an NOV for Oro Financial of California, Inc.'s failure to submit a final monitoring report as required in the 2003 Order.
7. From 2003 through 2014, the Site owners submitted correspondence in response to Central Coast Water Board's Annual Cost Recovery letters (2003 to 2011) and staff's numerous email and verbal inquiries⁷² on project status, claiming financial hardship and an inability to fund any additional expenses related to the Site⁷³. Due to an inability to charge cost recovery for staff oversight of this case and due to changes in staffing resources, it was considered an inactive case⁷⁴.
8. On October 20, 2015, the Central Coast Water Board issued a Water Code section 13267 order (2015 Order) to the Site owners Rhine, LP; Platino, LLC; Chris Mathys; Concha Investments Inc.; and Oro Financial of California, Inc. requiring them to submit a workplan proposing additional investigations to evaluate the current extent of wastes discharged to soil, soil gas, and groundwater. The 2015 Order also included information on applying for Site Cleanup Subaccount Program (SCAP) funding.⁷⁵
9. On November 19, 2015, Chris Mathys, on behalf of Site owner Rhine, LP, sent a certified letter to the State Water Board and Central Coast Water Board petitioning the 2015 Order, disputing "any and all charges of environmental waste and [to] give you [Central Coast Water Board] an accurate picture of our financial situation and capabilities."
10. On January 12, 2016, the State Water Board issued a notification of incomplete petition to Chris Mathys, requesting additional information to complete the petition filed in November 2015. Chris Mathys did not submit additional information, as requested by the State Water Board.
11. On June 17, 2019, the Central Coast Water Board issued a notice of violation to Rhine, LP; Platino, LLC; Chris Mathys; Concha Investments Inc.; and Oro Financial of California, Inc. for failing to submit a site investigation workplan as required in the 2015 Order and provided Rhine, LP; Platino, LLC; Chris Mathys; Concha

⁷² October 21, 2010, Central Coast Water Board email on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=9hxgd> and the January 6, 2014, Case Status Summary on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=3f5ex>

⁷³ Referenced from the Dischargers' letters dated July 27, 2004, August 25, 2007, August 5, 2008, September 5, 2009, December 1, 2010, March 1, 2011, verbal communication on January 28, 2014, and petitions dated November 19, 2015, and June 19, 2019, available on GeoTracker.

⁷⁴ Between 2003 and 2011 cost recovery invoices billed to the responsible party (Oro Financial of California, Inc.) totaling \$22,953.30 went unpaid. The cost recovery account was closed in 2017, and discharged through the State Controller's Office as 'unable to collect.'

Investments Inc.; and Oro Financial of California, Inc. an opportunity to submit the workplan no later than July 15, 2019, before recommending enforcement action.

12. On June 19, 2019, Chris Mathys objected to the June 17, 2019, NOV in a letter to the State Water Board and Central Coast Water Board.
 13. On June 25, 2019, the State Water Board issued a response to Mr. Mathys's June 19, 2019, letter determining that the petition filed on November 19, 2015, was incomplete, that Chris Mathys had failed to submit required information by the deadline directed in its January 12, 2016, letter, and that it would not, therefore, take any further action on the incomplete petition.
 14. On September 14, 2021, the Central Coast Water Board issued Administrative Civil Liability Complaint No. R3-2021-0097 (2021 Complaint) to Chris Mathys, Rhine LP, and Oro Financial of California, Inc. The 2021 Complaint proposed an administrative civil liability of one hundred twenty-five thousand eight hundred and ninety-three dollars (\$125,893) for failure to submit monitoring and technical reports as required by the 2015 Order.
 15. On January 20, 2022, the Central Coast Water Board issued stipulated Administrative Civil Liability Order No. R3-2022-0013 to Chris Mathys, Rhine LP, and Oro Financial of California, Inc., adopting the settlement agreement to resolve the violation alleged in the 2021 Complaint and imposing an administrative civil liability of one hundred twenty-five thousand eight hundred and ninety-three dollars (\$125,893).
 16. On July 28, 2022, the Central Coast Water Board ordered Chris Mathys, Rhine LP, and Oro financial of California, Inc. to submit a Time Schedule and monthly progress reports related to investigations at the Site, pursuant to a Water Code section 13267 Order (2022 Order). The Central Coast Water Board required the submittal of the Time Schedule and progress reports to ensure that remaining Site characterization activities proposed in the Central Coast Water Board approved November 18, 2021, *Site Assessment Workplan*⁷⁶ were completed within a reasonable timeframe. To date, the 2022 Order has not been complied with.
 17. On November 1, 2022, the Central Coast Water Board issued an NOV (November NOV) to Chris Mathys, Rhine LP, and Oro Financial of California, Inc. for failing to submit a Time Schedule, or the monthly progress reports required for September and October 2022, as required in the 2022 Order.
 18. On January 12, 2023, the Central Coast Water Board issued an NOV to Chris Mathys, Rhine LP, and Oro Financial of California, Inc. for failing to submit a Time Schedule, or monthly progress reports for November and December 2022 as required in the 2022 Order.
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EXHIBIT 3

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000

Treadwell, Sarah@Waterboards

From: Treadwell, Sarah@Waterboards
Sent: Tuesday, May 30, 2023 8:59 AM
To: Morris, John (SFO)
Cc: Hartman, Ray (SDO); Holderness, Amber; Hartley, Johannah; Brian Hitchens
Subject: RE: Former Semco Twist Drill & Tool Company Facility (SLT3S2411351): Comments of the County of Santa Barbara on the Draft CAO

Hello,

Thank you for the submittal of your comments on the Former SEMCO Draft Cleanup and Abatement Order. We will review your comments and get back to you as soon as possible.

Sincerely,

Sarah Treadwell

Engineering Geologist,
Irrigated Lands Program / Site Cleanup Program
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Direct (805) 549-3695
General (805) 549-3147



I am teleworking Mondays and Fridays; however, I am available via telephone, voicemail, and email

From: Morris, John (SFO) <JohnMorris@perkinscoie.com>
Sent: Monday, May 29, 2023 5:48 PM
To: Treadwell, Sarah@Waterboards <Sarah.Treadwell@waterboards.ca.gov>
Cc: Hartman, Ray (SDO) <RHartman@perkinscoie.com>; Holderness, Amber <aholderness@countyofsb.org>; Hartley, Johannah <jhartley@countyofsb.org>; Brian Hitchens <BHitchens@Geosyntec.com>
Subject: Former Semco Twist Drill & Tool Company Facility (SLT3S2411351): Comments of the County of Santa Barbara on the Draft CAO

EXTERNAL:

Ms. Treadwell,

On behalf of the County of Santa Barbara, attached please find the County's written comments in response to the Central Coast Regional Water Quality Control Board's April 14, 2023, Cleanup and Abatement Order No. R3-2023-(Proposed).

Please do not hesitate to contact me with any questions.

Best,
John

John Morris | Perkins Coie LLP

COUNSEL

505 Howard Street Suite 1000

San Francisco, CA 94105

D. +1.415.344.7071

E. JohnMorris@perkinscoie.com

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

May 29, 2023

John K. Morris
johnmorris@perkinscoie.com
D. +1.415.344.7071

BY EMAIL: SARAH.TREADWELL@WATERBOARDS.CA.GOV

Central Coast Regional Water Quality Control Board
Attn: Sarah Treadwell
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
(805) 549-3695

Re: Draft Cleanup and Abatement Order, Former Semco Twist Drill & Tool Company Facility, Cleanup Program Site No. SLT3S2411351

Dear Ms. Treadwell:

Enclosed please find the County of Santa Barbara's written comments in response to the Central Coast Regional Water Quality Control Board's April 14, 2023, *Cleanup and Abatement Order No. R3-2023-(Proposed)*.

Please do not hesitate to contact me with any questions.

Very truly yours,



John K. Morris

Enclosures

cc: M. Ray Hartman III, Perkins Coie LLP, RHartman@perkinscoie.com
Amber J. Holderness, County of Santa Barbara, aholderness@countyofsb.org
Johannah L. Hartley, County of Santa Barbara, jhartley@countyofsb.org
Brian Hitchens, Geosyntec Consultants, Inc., BHitchens@Geosyntec.com

**COMMENTS OF THE COUNTY OF SANTA BARBARA ON THE CLEANUP AND
ABATEMENT ORDER NO. R3-2023-(PROPOSED) PREPARED BY THE CENTRAL COAST
REGIONAL WATER QUALITY CONTROL BOARD, DATED APRIL 14, 2023**

The County of Santa Barbara (“County”) submits the following comments on the Cleanup and Abatement Order No. R3-2023-(Proposed) (“Draft CAO”) prepared by the Central Coast Regional Water Quality Control Board (“Regional Board”) relating to certain property associated with the Former Semco Twist Drill and Tool Company, Inc. et al., Industrial Parkway, Santa Maria, Santa Barbara County (“Site”). In the Draft CAO, the Regional Board proposes to name the County as a “discharger” under Section 13304(a) of the California Water Code and to require the County to perform Site investigation and cleanup activities to address alleged releases of trichloroethylene (“TCE”), other volatile organic compounds (“VOCs”), hydrocarbons, and 1,4-dioxane at the Site by the SEMCO Twist Drill and Tool Company, Inc. (“SEMCO”).

The County shares the Regional Board’s desire for TCE contamination at the Site to be fully investigated and remediated to the extent necessary to protect human health and the environment. But there is no evidence to support the Regional Board’s conclusion that the County has caused or permitted a discharge of TCE at the Site. The Draft CAO also fails to name several parties as dischargers for whom there is at least some evidence of a potential causal link to TCE contamination at the Site. Further, the Draft CAO deviates from requirements applicable to the Regional Board under State Board Policy 92-49. For these reasons, as more particularly discussed below, adopting the Draft CAO in a final order would be “inappropriate and improper”¹ and vulnerable to legal challenge.

I. THERE IS NO BASIS FOR NAMING THE COUNTY AS A “DISCHARGER” UNDER THE DRAFT CAO

Naming the County as a discharger under the Draft CAO is inappropriate and improper because it rests on a misapplication of law, without any supporting evidence.

Most glaringly, the Draft CAO does not even purport to identify the first date on which a release of TCE or other contaminants of potential concern occurred at the Site. The Draft CAO merely recites SEMCO’s period of operation of the Site from 1949 through 2001 and assumes without evidence that SEMCO first caused a discharge on or before March 9, 1964, when the County sold its entire interest in the Site to the District. The County’s internal records review has identified no documentation of any hazardous substances release at the Site during the period of SEMCO’s leasehold with the County. Purchase records supplied by SEMCO to the Regional Board indicate that SEMCO procured bulk quantities of TCE from 1981 through 1984, and then purchased bulk quantities of trichloroethane (TCA) from 1984 through 1987, over a decade after the County sold its interest in the Site.² The County’s expert environmental consultant has reviewed the administrative record for the Site and confirmed it contains no technical information supporting a reasoned conclusion that the first release of TCE occurred prior to 1964.³ To the extent that the Regional Board attributes the presence of 1,4-dioxane at the Site to SEMCO’s former operations, the County’s expert consultant also concluded from available records that any discharge of 1,4-dioxane by SEMCO would have occurred no earlier than 1984.⁴

¹ Water Code §§ 13320(b)-(c).

² Stephens, Kent C., *Letter to Regional Board re Semco Twist Drill & Tool Company, Inc.* (Mar. 31, 1988), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=SLT3S2411351&document_id=5855243.

³ Geosyntec Consultants, Inc., “Technical Comments on CAO-R3-2023-(Proposed), Former SEMCO Twist Drill and Tool Company, Inc.” (May 26, 2023), attached hereto as Exhibit A, Response to Para. C.5.

⁴ *Id.*

Absent any evidence that SEMCO's discharge began during the period of its leasehold from the County, there is no legal basis for naming the County under the Draft CAO.

Even if there were evidence supporting the assumed initial discharge date, the Regional Board misapplies the applicable liability standard articulated in *United Artists Theatre Circuit, Inc. v. Cal. Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851 (“*UATC*”). Under the *UATC* standard, a former landlord does not “permit” a discharge within the meaning of Section 13304 unless it “knew or should have known that [the lessee’s] activity created a reasonable possibility of a discharge;” a former landlord “cannot be said to permit a discharge simply by allowing a lessee to operate a certain type of business.” *UATC*, 42. Cal.App.5th at 880, 887.⁵

The Draft CAO and administrative record lack any evidence of actual or constructive *contemporaneous* knowledge on the part of the County of SEMCO's presumed discharge. First, there is no evidence to support the conclusion that the County possessed actual or constructive knowledge of a release by SEMCO during its leasehold. The County has identified no internal records documenting any hazardous substances release at the Site that occurred during the period of SEMCO's leasehold. The earliest record of the County's actual knowledge of such a release occurred in May 1985.⁶ Therefore, there is no basis for the Regional Board to conclude that the County had actual knowledge that SEMCO's activities created a reasonable possibility of a discharge.

Second, the County has found no evidence that any of its employees had contemporaneous constructive knowledge of SEMCO's discharges. The Draft CAO alleges that the County was “aware of the activities that resulted in the discharges” and “[l]andowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes.”⁷ The Draft CAO also touts “[d]ecades of Central Coast Water Board staff experience with industries that use, store, and transfer chemicals,” its observation that “[s]tandard chemical handling practices often result in adverse environmental impacts,” and “extensive evidence of publicly available information concerning the knowledge of the use of chlorinated solvents (including TCE) resulting in discharges and contamination of water supplies during the relevant timeframe.”⁸

The Regional Board's determination to name the County reflects significant conjecture and hindsight bias that cannot substitute for evidence that the County should have known by 1964 that SEMCO's business created a reasonable possibility of a discharge. There is no evidence showing that the County knew of the particular operations, equipment, or materials used in SEMCO's business. Moreover, information about the toxicity of TCE or the linkage between TCE pollution and manufacturing or degreasing activities that could have alerted the County to the risks of a discharge associated with SEMCO's business, was not generally known as of 1964. TCE was even widely used for food and medical uses until the mid-1970s.⁹ Therefore, there is similarly no basis for the Regional

⁵ While the Draft CAO does not assert that the County actually “caused” a discharge, for the avoidance of doubt, the County has never actually caused or contributed to contamination at the Site.

⁶ Geosyntec Consultants, Inc., “Technical Comments on CAO-R3-2023-(Proposed), Former SEMCO Twist Drill and Tool Company, Inc.” (May 26, 2023), attached hereto as Exhibit A, Response to Para. C.5; *see also* Draft CAO, Para. 8, p. 4 (finding the same).

⁷ Draft CAO, Para. 5-6, pp. 16-17.

⁸ Draft CAO, Para. 3, p. 16.

⁹ *See, e.g.*, Agency for Toxic Substances and Disease Registry, “What are the common uses of TCE” (Updated Dec. 2015), https://www.atsdr.cdc.gov/tox-tool/trichloroethylene/01/tce_1b_s3.html.

Board to conclude that the County should have known that SEMCO's activities created a reasonable possibility of a discharge.

II. THE DRAFT CAO UNJUSTIFIABLY EXCLUDES ADDITIONAL PARTIES WITH A PLAUSIBLE CONNECTION TO SITE CONTAMINATION

State Water Board Resolution No. 92-49 requires the Regional Board "make a reasonable effort to identify the dischargers associated with the discharge."¹⁰ The Draft CAO omits third parties with a plausible connection to TCE, VOCs, hydrocarbons, and 1,4-dioxane impacts at the Site. The Regional Board cannot justifiably name the County under the Draft CAO without also naming these parties.

a. The U.S. Department of Defense ("DOD")

DOD owned and operated the Site from 1942–1949.¹¹ In 2014, DOD obtained a "no further action" letter ("NFA") from the Regional Board based upon a misleading No Department of Defense Actions Indicated ("NDAI") report that covered only the portion of DOD's ownership and operation of the Site through 1947 and only a 1.3-acre portion of the approximately 7.31-acre Site. The Regional Board affirmed the NDAI's finding that "[t]he Army used the property in the general area of the SEMCO property for barracks, administrative, and support purposes,"¹² despite that the administrative record also indicates that DOD's activities on-Site also included a pump house for well 2AS, three warehouses, and a DOD-owned underground storage tank (UST) number T1242 located in the central portion of the Site.¹³ The NDAI further claims that DOD's contractor recommended against a "PRP search" because there as "no indication of the use of solvents by the Army on the property,"¹⁴ when the contractor recommended against further investigation because an Army lawyer instructed the contractor to do so based on Army policy.¹⁵

During the same period, DOD owned and operated the approximately 3,085-acre surrounding Santa Maria Airfield. DOD's operations at the Santa Maria Airfield included operating and ultimately closing a field of more than 200 USTs, including at least 20 gasoline USTs, capable of supporting a substantial airfield operation that would have necessitated substantial solvent usage for onsite aircraft

¹⁰ State Water Resources Control Board, Resolution No. 94-29, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*.

¹¹ Draft CAO, Para A.4, p. 2.

¹² Regional Board, "Former Santa Maria Army Airfield (J09CA061901), 2936 Industrial Parkway, Santa Maria - Approval of No Department of Defense Actions Indicated (NDAI)" (Feb. 21, 2014), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=SLT3S2411351&enforcement_id=6408456.

¹³ Draft CAO, Para. A.4, p. 2; U.S. DOD, "No Department of Defense Actions Indicated (NDAI) at Former Santa Maria Army Airfield, City of Santa Maria, Santa Barbara County, California, FUDS Number J09CA061901 - PRP/HTRW" (Jan. 17, 2014) (the "NDAI"), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=SLT3S2411351&enforcement_id=6408456.

¹⁴ NDAI, *supra* Note 11 at p. 5 ("Woodward-Clyde was hired to consider the technical and legal facts surrounding the contamination at the SEMCO site and concluded a "PRP search" (presumably a site ownership/operational history report) was not recommended (see Atch 7). This recommendation was based on a number of facts including the proximity of the contamination to SEMCO operations, SEMCO's historic use and disposal of solvents, and no indication of the use of solvents by the Army on the property.").

¹⁵ NDAI, *supra* Note 11 at Att. 7, pp. 1-2 ("Based on our conversation with Mr. Mangan, a PRP search should only be recommended if (1) legal action has been taken against the Department of Defense, (2) USEPA is involved, and (3) the allegations being made appear to have substantial merit. At this time no legal action has been taken by SEMCO, USEPA is not involved, and the allegations made by SEMCO do not appear to have technical merit.").

and vehicle maintenance. The Draft CAO proposes to exclude DOD from the listed dischargers based upon existing technical data documenting impacts only in soil and perched groundwater.¹⁶ However, for the purpose of scoping named dischargers' future investigation and cleanup actions, the Draft CAO would require additional lateral and vertical delineation of impacts that the Regional Board assumes may extend to deep groundwater and off-Site areas occurred.¹⁷

Ultimately, neither the NDAI that formed the basis for the 2014 NFA, nor the administrative record as a whole, contains information concerning (i) the quantities or types of materials stored in on-Site in DOD warehouses, (ii) DOD's use of the on-Site pump house, (iii) confirmation that DOD properly removed or closed in place on-Site UST T1242, (iv) information about DOD's ownership and use of areas of the Site outside of the 1.3-acre portion covered under the NDAI, (v) information about DOD's ownership and use of the Site from 1948 to 1949, or (vi) information supporting the Regional Board's assumption that historic DOD ownership and use of the broader Santa Maria Airfield have not contributed to contamination at the Site.

The Regional Board may exercise its powers to issue Section 13267 investigation orders to fill these and other material data gaps to make a reasonable effort to identify all dischargers. Regardless of whether material data gaps remain, the Regional Board must apply internally consistent and coherent methodologies for naming dischargers under the Draft CAO. In the absence of material information concerning operations at the Site from 1942 onward, there is no reasoned basis for the different treatment of entities in the chain of title at the Site. For these reasons, the Regional Board should add DOD as a named discharger under the CAO.

b. Mafi Trench

The Draft CAO also fails to name parties associated with the nearby Mafi Trench property, located south of the Site at 3070 Industrial Parkway, Santa Maria, CA, including its owner EFT Enterprises, L.P. The Mafi Trench property is subject to a long-running investigation and cleanup under Regional Board oversight of a dissolved-phase chlorinated VOC plume in groundwater.¹⁸

The Draft CAO makes no reference to the Mafi Trench site, and nothing in the administrative record provides any reasoning to support the Regional Board's exclusion of Mafi Trench parties under the Draft CAO. The Draft CAO assumes that impacts from the Site have reached deep groundwater, and yet Regional Board staff excluded Mafi Trench from the Draft CAO apparently based upon the belief that Mafi Trench is located downgradient of the Site. However, the Regional Board itself has previously found based upon semiannual groundwater monitoring at the Mafi Trench property that

¹⁶ Draft CAO, Para A.4, p. 2.

¹⁷ Draft CAO, Para F.3, p. 21.

¹⁸ Mafi Trench (SLT3S0301290), available at https://geotracker.waterboards.ca.gov/profile_report?global_id=SLT3S0301290.

“regional groundwater flow direction was *northwest*.”¹⁹ The Regional Board’s own historical findings contradict its apparent view that groundwater gradients run to the south.²⁰

As discussed further below, it is premature for the Draft CAO to require the prior groundwater monitoring network to be restarted or to require off-Site groundwater investigations. Groundwater gradients are either not fully understood or may have changed over time, and the Mafi Trench site is a known and adjacent source of VOC contamination in groundwater. Accordingly, if the Regional Board retains requirements under the Draft CAO for deep groundwater characterization and off-Site delineation, then EFT Enterprises, L.P. and/or other dischargers associated with the Mafi Trench property should be considered suspected dischargers with respect to the Site, and should also be named under the Draft CAO.

c. Four Additional Unspecified Potential Sources

Additionally, a survey developed concurrently with initial discovery of TCE in groundwater at the Site identified the presence of at least four unspecified properties in the vicinity of the Site that could be sources of groundwater contamination.²¹ That survey found four unspecified potential sources that used or were then using TCA, including a facility with a 5,000-gallon waste oil UST and another which was ordered to cease discharging solvents into a 60- to 70-foot dry well.²²

The Draft CAO fails to reference these four suspected sources. It is unclear from the Draft CAO what effort, if any, the Regional Board has made to identify these four sources, investigate their relationship to the Site, and if warranted, name them under the Draft CAO.

d. Other Parties with a Relationship to the Site

For consistency with applicable legal authorities, and to ensure that named dischargers have adequate Site access to enable performance of additional Site investigations that would be required to comply with the Draft CAO, certain tenants of the Site and nearby properties should also be named.

First, the Draft CAO fails to name Art Craft Paint, Inc., the lessee of property at 3203 Lightning Street located nearby and to the south of the Site.²³ The Regional Board wrote recently that “[t]he Art Craft Paint cleanup site . . . is located downgradient of the Semco site and is a soil-only contamination site with no evidence of impacts to groundwater.”²⁴ To the contrary, since March 2019, Art Craft Paint

¹⁹ Regional Board, “Site Cleanup Program: Mafi Trench, 3037 Industrial Parkway, Santa Maria, Santa Barbara County -- Response to October 20, 2010 Semiannual Monitoring Report” (Feb. 24, 2011), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=SLT3S0301290&enforcement_id=6080264.

²⁰ Regional Board, *Letter to Senator Monique Limon* (Apr. 19, 2023), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=SLT3S2411351&enforcement_id=6538326 (describing the nearby Art Craft Paint site as “downgradient” of the former SEMCO property).

²¹ Santa Barbara County Department of Public Works, *Memo re: Well 2AS - Inventory Inspection of Industrial Businesses* (Jul. 2, 1985), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=SLT3S2411351&document_id=5826848.

²² *Id.*

²³ The Art Craft Paint property is the subject of an open site assessment arising from decades of aircraft stripping and painting activities dating back to 1978 that have resulted in suspected discharges of metals and VOCs. See Art Craft Paint, Inc. (T10000013299), available at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000013299. The District has owned the Art Craft Paint property for the duration of Art Craft Paint, Inc.’s leasehold.

²⁴ *Letter to Senator Monique Limon*, *supra* Note 20.

Inc. has been subject to a Consent Order entered with the County's Environmental Health Services' Site Mitigation Unit ("SMU") that requires Art Craft Paint, Inc. "to complete corrective actions related to potential contamination of soil *and groundwater*."²⁵ Soil investigation work in the vicinity of a collection trench proposed by Art Craft Paint has been approved by SMU as a first step in this investigation; no investigations of the Art Craft Paint site have yet ruled out potential groundwater impacts or characterized groundwater gradients at this property. Because the Regional Board insists that further vertical and horizontal delineation is needed at the Site,²⁶ there is no evidentiary basis to support the Regional Board's apparent conclusion that Art Craft Paint, Inc. has not caused or permitted an offsite discharge of TCE or other VOCs affecting on-Site conditions.

Additionally, the Draft CAO states that Santa Maria BBQ Outfitters and Hans Duus Blacksmithing are current tenants that use the Site for "warehousing products and metal fabrication" and "welding and metalworking," respectively.²⁷ As the Draft CAO itself recites, a "discharge" includes not only the initial release of hazardous substances into the environment, but also continuing uncontrolled movement of past releases in the subsurface.²⁸ If the Regional Board concludes there are continuing uncontrolled discharges of VOCs or other hazardous substances at the Site, then each current tenant has permitted and continues to permit a discharge under this standard. Moreover, there is no evidence in the administrative record to rule out either of these parties as having potentially caused Site contamination through their own actions.²⁹ The Regional Board should therefore issue Section 13267 information orders to current Site tenants, and each current tenant should also be added as named dischargers under the Draft CAO.

III. THE DRAFT CAO'S REQUIREMENTS ARE OVERLY-PRESCRIPTIVE, INFEASIBLE, AND VIOLATE APPLICABLE STATE BOARD POLICY

The evidence demonstrates that the County should not be named as a discharger under the Draft CAO. Without stipulating to the validity of any assertions or allegations contained in the Draft CAO, and without waiver of any privileges, immunities, or defenses to liability, the County offers the following additional comments on the Draft CAO.

a. The Required Actions are Overly Prescriptive and Unreasonable

State Board Policy 92-49 requires that, in the absence of exceptional circumstances, the Draft CAO follow a "progressive sequence" from site assessment, to investigation, remedy selection, implementation, and finally monitoring.³⁰ Policy 92-49 also requires the Regional Board to give alleged

²⁵ Consent Order, Case No. 2019-01 (Mar. 25, 2019) at p. 4 (emphasis added), available at https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000013299&enforcement_id=6412530.

²⁶ As noted in comments below, the County disagrees with the requirement to restart deep groundwater monitoring at this time, and the County believes that conducting offsite deep groundwater investigations is premature. The need for further site characterization of should be determined based upon the results of initial investigations as determined by the named dischargers' environmental experts.

²⁷ Draft CAO, Para A.5, p. 3.

²⁸ Draft CAO, Para C.7, fn 52 (citing *Tesoro Refining & Marketing Co. LLC v. Los Angeles Regional Water Quality Control Bd.*, 42 Cal.App.5th 453, 457 (2019)).

²⁹ During April 2021 indoor air quality sampling at Santa Maria BBQ Outfitters, paints, cleaners, and adhesives containing VOCs, including one product containing more than 90% TCE, were observed to be in use. Analytical Consulting Group, Inc., "Results of Indoor Air Sampling" (Apr. 7, 2021), available at https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/7259135365/SLT3S2411351.PDF.

³⁰ State Water Resources Control Board, Resolution No. 92-49 at Para. II.A.1, p. 4.

dischargers subject to a CAO “the opportunity to select cost-effective methods” for investigation and cleanup.³¹ The Required Actions set forth at Section F of the Draft CAO fall short of these requirements in several respects.

For instance, the Draft CAO would require the named dischargers to resuscitate the former groundwater monitoring network, originally installed in the early 1990s, and recommence quarterly monitoring.³² The Draft CAO requires named dischargers to locate 20 former groundwater monitoring wells, perform integrity tests, recondition accessible and functional wells, destroy inaccessible or non-functional wells, and replace them with new monitoring wells.³³ Because simply locating historical wells may be infeasible, the named dischargers should not be required to undertake more than customary GPS searches and a basic geophysical survey.³⁴ Automatically requiring the former groundwater monitoring network to be reactivated improperly puts monitoring ahead of site assessment and precludes the named dischargers from designing and selecting suitable site assessment methods and remedial design options in contravention of Policy 92-49.³⁵ Instead, the Regional Board should allow the named dischargers to determine feasibility, remedial design, and monitoring based upon first performing and considering additional investigation.

Moreover, even if resuscitating the former monitoring network was technically justified, because the locations of former wells are unknown, the Draft CAO could require the named dischargers to secure additional property or access rights from third parties not subject to the order. The feasibility and cost-effectiveness of obtaining property and access rights has not been evaluated.

Without explanation, the Draft CAO also proceeds directly to mandates for onerous requirements for delineation of impacts to soil, soil gas, and groundwater, including deep groundwater and off-Site media. The requirements at Section F.3 do not bear a reasonable relationship to the administrative record or even the Draft CAO itself. For example, the Draft CAO requires the named dischargers to drill new deep groundwater monitoring wells to 220-250 feet below ground surface (bgs) when the Regional Board’s rationale for excluding the DOD, Art Craft Paints, Inc., and Mafi Trench parties, amounts to a technical conclusion that Site impacts are limited to shallow soil and shallow perched groundwater. The Draft CAO also requires an investigation of on-Site vapor intrusion (VI) risks when the administrative record already reflects recent VI investigation that reflected levels of TCE beneath applicable Regional Board commercial screening levels.³⁶ The Draft CAO also would deprive the named dischargers from excluding from further investigation data gaps determined based on the opinion of a qualified environmental consultant to be immaterial.³⁷ In light of the record, the requirements for

³¹ *Id.* at Para. III, p. 5.

³² Draft CAO at Para F.1-F.2.

³³ *Id.*

³⁴ Geosyntec Consultants, Inc., “Technical Comments on CAO-R3-2023-(Proposed), Former SEMCO Twist Drill and Tool Company, Inc.” (May 26, 2023), attached hereto as Exhibit A, Response to Para. F.1.

³⁵ *Id.*, Responses to Para. F.1 and F.3.

³⁶ *Id.*, Response to Para. B.4.

³⁷ Draft CAO at Para F.3.f (requiring additional workplans to address all data gaps identified through the initial investigation round, regardless of materiality).

fresh and comprehensive lateral and vertical delineation across all conceivably impacted media are not technically justified³⁸ and fail to consider cost-reasonableness in violation of Policy 92-49.

Finally, the Draft CAO improperly requires a remedial action plan (RAP) to be designed that will reduce wastes in contaminated media to background concentrations. Requiring cleanup to background levels is not feasible or technically justified at all sites.³⁹ The Draft CAO should be revised consistent with Policy 92-49, which requires conditions to be remediated to background only where reasonable, or else to an alternative level that is economically and technologically feasible.⁴⁰

b. The Compliance Schedule is Technically and Practically Infeasible

Policy 92-49 requires the Regional Board to set compliance schedules that take account of the “financial and technical resources available to the discharger” while “minimizing the likelihood of imposing a burden on the people of the state with the expense of cleanup and abatement, where feasible.”⁴¹

Instead, the Draft CAO establishes an inflexible schedule for compliance with its investigation, cleanup, and monitoring requirements.⁴² For reasons more particularly described in the attached technical comments from the County’s expert consultant, these timelines may not be technically or practically feasible.⁴³ The Draft CAO should also be revised to allow greater adjustability in response to future site investigation and assessment.

The Draft CAO also requires the named dischargers to provide Site access to the Regional Board,⁴⁴ without any consideration that the County has no property rights at the Site or ability to guarantee access to the Regional Board. Property access is controlled by Rhine LP and its affiliates, the current Site owners. Property access is also controlled by current tenants, Santa Maria BBQ Outfitters and Hans Duus Blacksmithing, each of whom has been unjustifiably omitted from the Draft CAO as discussed above. As applied to the other named dischargers, the requirement to provide site access is potentially infeasible.

The initial compliance deadlines established under Exhibit 4 to the Draft CAO are also likely to be practically infeasible. Before the dischargers can meet the first deadline schedule for 90 days following the issuance of the final CAO, arrangements for cooperation among the named dischargers will need to be established. The Draft CAO also fails to allot sufficient time given that three of the alleged dischargers are public entities that are required by law to follow local procedural requirements to authorize workplans and sign-off on budgets, the financial burden of which would ultimately be borne by local taxpayers. The schedule also fails to leave sufficient room for the public agency dischargers to deal with SEMCO’s corporate successors, whose history at the Site includes numerous notices of

³⁸ Geosyntec Consultants, Inc., “Technical Comments on CAO-R3-2023-(Proposed), Former SEMCO Twist Drill and Tool Company, Inc.” (May 26, 2023), attached hereto as Exhibit A, Responses to Para. B.4, C.12, F.1, F.3, and F.4.

³⁹ *Id.*, Response to Para. F.4.

⁴⁰ Policy 92-49 at Para G.

⁴¹ Policy 92-49, Para. IV.

⁴² Draft CAO, Exhibit 4.

⁴³ Geosyntec Consultants, Inc., “Technical Comments on CAO-R3-2023-(Proposed), Former SEMCO Twist Drill and Tool Company, Inc.” (May 26, 2023), attached hereto as Exhibit A, Response to Ex. 4.

⁴⁴ Draft CAO, Para. F.5, pp. 23-24.

violation and fines for noncompliance with prior Regional Board orders. Without greater flexibility built into the compliance schedule, the Draft CAO will violate Policy 92-49 by setting a schedule insensitive to feasibility concerns and placing an undue burden on public entities.

IV. CONCLUSION

The Regional Board should decline to name the County as a discharger under Water Code Section 13304(a) for the reasons stated in these comments. There is no evidence to support the Regional Board's conclusions that a discharge occurred during the County's ownership of the Site, or even if it did, that the County had contemporaneous actual or constructive knowledge of SEMCO's activities to conclude that the County "permitted" such a discharge.

If the Regional Board elects to approve the Draft CAO while naming the County as a discharger, it should update the list of named dischargers to include DOD, Art Craft Paint, Inc., EFT Enterprises, L.P., other current or former owners and operators of the Mafi Trench property, Santa Maria BBQ Outfitters, and Hans Duus Blacksmithing. The administrative record demonstrates that each of these parties has as much or more reason to be named under the Draft Order than the County.

In either case, the Regional Board should amend the Draft CAO to respect the binding requirements of State Board Policy 92-49. The final CAO must be feasible, preserve the named dischargers' right to design and control investigation and remediation in a cost-effective manner, and set realistic compliance schedules.

Exhibit A

Date: May 26, 2023
To: Mr. John Morris, Counsel, Perkins Coie LLP
From: Brian Hitchens, Senior Principal, Geosyntec Consultants
Jacqueline Miles, Project Scientist, Geosyntec Consultants
Subject: Technical Comments on CAO-R3-2023-(Proposed)
Former SEMCO Twist Drill and Tool Company, Inc.,
2936 Industrial Parkway
Santa Maria, CA

INTRODUCTION

On behalf of the County of Santa Barbara (County), Geosyntec Consultants, Inc. (Geosyntec) has prepared this document presenting comments on statements and requirements made in the proposed Cleanup and Abatement Order 2023 (CAO-R3-2023-(Proposed)) issued by the Central Coast Regional Water Quality Control Board (Regional Board) on April 14, 2023 (the Draft CAO). The Draft CAO has been issued to various entities, collectively referred to as “Dischargers,” including the County, in association with the Former SEMCO Twist Drill and Tool Company, Inc. (SEMCO) located at 2936 Industrial Parkway, Santa Maria, CA (Site). Text referenced from the Draft CAO has been italicized, with Geosyntec’s clarifications of specific terms or abbreviations in brackets.

B. LAW AND REGULATORY CONSIDERATIONS

B.4: *“Vapor intrusion poses a potential threat to current and future tenants, and other persons who may frequent the site...Moreover, offsite and onsite soil gas concentrations exceed ESL [San Francisco Bay Regional Water Quality Control Board Environmental Screening Level] residential screening levels for TCE [trichloroethene] and PCE [tetrachloroethene] of 16 µg/m³ [micrograms per cubic meter] and 15 µg/m³...As long as the waste remains in the subsurface the risk for vapor intrusion continues to exist which poses a threat to human health.”*

Based on recent indoor and outdoor air sampling data collected in February 2021 and April 2022 within and in the vicinity of the former SEMCO buildings, indoor air concentrations did not exceed commercial screening levels. The consultant concluded that vapor intrusion from soil and/or groundwater is not expected to result in excess risk to occupants under the current commercial land use. Following its review of the reports, the Regional Board issued a letter dated July 28, 2022, concurring with the consultant, and stating that: “The March 2021 and January 2022 indoor

air results do not indicate an immediate vapor intrusion threat to the Site building occupants based on current operations.”¹

Further, while TCE concentrations exceed residential screening levels, the Site is zoned for commercial/industrial use. Review of aerial photography indicates the closest residential properties hydraulically downgradient of the Site with regards to the southeasterly shallow groundwater flow direction (noted in Section A18 of the Draft CAO) are approximately 0.5 miles from the former SEMCO buildings. The closest residential properties hydraulically downgradient of the Site with regards to the southwesterly regional groundwater flow direction (noted in Section A18 of the Draft CAO) are approximately 1.6 miles from the former SEMCO buildings. Historical assessments performed at the Site indicated the shallow, perched groundwater is laterally discontinuous; this is supported in Section A18 of the Draft CAO: “Groundwater is found in ... a perched water-bearing zone (shallow water-bearing zone) approximately ... 150-200 feet in lateral extent.”

Based on the above, the Draft CAO contradicts the recent data as well as the Regional Board’s July 8, 2022, letter acknowledging that a vapor intrusion threat does not exist to current Site building occupants.

C. DISCHARGES

C.5: *“A prior owner may be named in a cleanup and abatement order if it knew or should have known that a lessee’s activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance...Landowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.”*

In support of this finding the Regional Board cites “Central Coast Water Board files contain extensive evidence of publicly available information concerning the knowledge of the use of chlorinated solvents (including TCE) resulting in discharges and contamination of water supplies during the relevant timeframe.” The presence or absence of such information in the Regional Board files is not evidence of the County’s knowledge of degreaser use on the property or the reasonableness that the County should have known about the likelihood of a discharge from the property between 1949 and 1964.

Furthermore, there is no evidence that a release of TCE first occurred at the Site prior to 1964. The first evidence of potential environmental contamination at the Site was not until 1985, over 20 years after the County’s sale of the property. SEMCO operated at the Site until 2001. Records submitted by SEMCO to the Regional Board demonstrate that SEMCO purchased bulk quantities

¹ Central Coast Regional Water Quality Control Board, 2022. Site Cleanup Program: Former SEMCO Twist Drill & Tool Company, 2936 Industrial Parkway, Santa Maria, Santa Barbara County – Response to Report Submittals and Requirement for Time Schedule and Monthly Progress Reports. 28 July.

of TCE from February 1981 through December 1984.² Geosyntec finds no technical support in the administrative record to support the assumption that SEMCO's initial discharge of TCE or other wastes occurred during the County's period of ownership of the Site.

Additionally, the purchase records submitted by SEC MO to the Regional Board demonstrate that any release by SEC MO of 1,4-dioxane, a stabilizer historically used with trichloroethane (TCA), would have occurred after 1984. Specifically, purchase orders and receipts submitted to the Regional Board by SEMCO demonstrate that it procured bulk quantities of TCA only from November 1984 through December 1987.³ The Draft CAO has identified no other probable source of 1,4-dioxane to the extent it is present in soil, soil gas, or groundwater at the Site.

C.6: *“County of Santa Barbara, City of Santa Maria, and Santa Maria Public Airport District, are dischargers because they were aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges.”*

No evidence is presented in the Draft CAO that indicates the County was aware of activities being performed at the Site during SEMCO's tenancy, or the potential for those activities to result in a discharge of waste. Therefore, the County would not have been able to control any discharges of waste by SEMCO.

In addition, no specific source of the contamination attributed to SEMCO has been determined, such as a known release during the time the Site was leased to SEMCO. Without knowledge of the cause of the release, there is no evidence that the County knew of the activities leading to the release or had the ability to control a discharge. In fact, there is no evidence that a discharge of waste occurred at all during the time SEMCO was a tenant of the County.

C.12: *“The Central Coast Water Board [Regional Board] will consider whether additional dischargers caused or permitted the discharge of waste at the Site, and whether additional dischargers should be added to this Order. The Central Coast Water Board may amend this Order or issue a separate order or orders in the future as more information becomes available.”*

Review of documentation available on the GeoTracker database has identified several potential sources of groundwater impacts that do not appear to have been fully investigated. In particular, a Department of Public Works (DPW) internal memorandum dated July 2, 1985⁴ documents the identification of potential sources of trichloroethane (TCA) in groundwater during a survey performed by the County of Santa Barbara Health Toxic Substances division and the DPW in May 1985. The survey was performed in response to the identification of contamination in Well 2AS. According to the memorandum, waste discharge records indicated that at least four vicinity industries used or were using TCA, including an unnamed facility with a 5,000-gallon waste oil

² Letter from C. Kent Stephens to Central Coast Regional Water Quality Control Board re: “Semco Twist Drill & Tool Company, Inc., Cleanup Abatement Order No. 87-188” (Mar. 31, 1988).

³ Letter from C. Kent Stephens to Central Coast Regional Water Quality Control Board re: “Semco Twist Drill & Tool Company, Inc., Cleanup Abatement Order No. 87-188” (Mar. 31, 1988).

⁴ [INSPECTION_02JULY1985.pdf \(ca.gov\)](#)

UST and a separate facility which was ordered to cease discharging solvents into a 60 to 70 foot dry well. These facilities have not been noted or named as potentially responsible parties in the Draft CAO.

F. REQUIRED ACTIONS

F.1: *“Evaluate Condition of and Restore the Existing Groundwater Monitoring Network and Evaluate the Condition of the Onsite Groundwater Extraction and Treatment System” and “After completion of the work, the Dischargers must submit a completion report summarizing the condition of the monitoring well network and groundwater treatment system infrastructure. The completion report must also include a monitoring well network restoration workplan for the reconditioning of existing accessible and functional wells, destruction of any existing wells that cannot be restored, and a proposal for the installation of any new wells necessary to replace wells recommended for destruction or for existing wells that cannot be located.”*

Identifying the locations of all wells within the existing groundwater network may be infeasible and impractical. In some cases, it can be challenging or impossible to find historical wells which have become buried or otherwise obscured. The requirement to locate all historic monitoring wells should be limited to the extent the monitoring wells can be identified through GPS location and basic geophysical surveys.

“The Dischargers are also required to submit a workplan that includes a scope of work to assess the current condition of the onsite groundwater extraction and treatment system including the condition of groundwater extraction wells (EW-1 through EW-5)⁵⁵ and determine if the system is operable.”

It is not appropriate to evaluate the condition and operability of the groundwater extraction and treatment system (GETS) prior to completing a Feasibility Study and Remedial Action Plan. The GETS has not been operational for over 20 years after operating for six years with poor remedial effectiveness. There is no evidence that it would be more effective now than it was in 1994. Allocating resources to evaluating the system’s condition and operability is premature.

F.3 *“Complete Onsite and Offsite Investigation: The Dischargers are required to submit a workplan to investigate the extent of all wastes in soil, soil gas, and groundwater onsite and offsite.”*

The requirement to investigate “all wastes on-site and off-site” is overly broad and unrelated to the former operations of Semco, the only suspected source of TCE at the site. Instead, the investigation must be limited to the extent of wastes related to known or suspected discharges by Semco in soil, soil gas, and groundwater.

F.3.e.vii *“Summary of all historic and new soil, soil gas, indoor air, and groundwater analytical data in tabular format.”*

The County did not participate in historic sampling activities, has no knowledge of the quality or procedures used in collecting historic data, and does not have access to electronic databases of

historic data. Transcribing historical data is labor intensive. Historical data would be considered in the summary of investigation by reference to original documents, but the Draft CAO should be revised to require that only new data be tabulated.

F.4: *“The RAP [Remedial Action Plan] must abate the effects of the waste discharges in all media posing a risk to human health and impairing groundwater beneficial uses, and reduce concentrations of wastes in soil, soil gas, and groundwater to background concentrations.”*

This requirement is contradictory to others made elsewhere in the document, including B.11: *“Resolution No. 92-49 requires the waste(s) to be cleaned up to background or, if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4.)*. Paragraph B.11 more accurately reflects applicable policy and industry-standard practice not to pre-determine background conditions as a cleanup standard where risk-based cleanup standards may be applicable.

EXHIBIT 3: MONITORING AND REPORTING PROGRAM

Groundwater Monitoring: *“The Dischargers must monitor all existing groundwater monitoring wells (shallow groundwater wells MW1 through MW16 and deeper groundwater monitoring wells DMW1 through DMW4) on a quarterly basis.”*

As noted in response to F1, it may not be appropriate to restore and/or sample all the previously installed wells at the Site. It is premature to designate specific wells for the Monitoring and Reporting Program.

EXHIBIT 4: TIME SCHEDULE

Ex.4 Action 1d: Requirement to submit Completion Report & Restoration Workplan 180 days from issuance of the Order.

This provides 90 days from the submittal of the Well Evaluation Workplan to implement the scope of work and write the completion report. The Draft CAO fails to consider the amount of time it will take for the work plan to be reviewed and approved by CCWRQB. This schedule should be 90 days following the approval of the Well Evaluation Workplan.

Ex.4 Action 3a-3c: Requirement to submit a workplan for on and offsite investigation 180 days from issuance of the Order.

A feasible and technically justified plan for onsite and offsite investigation cannot be completed until the monitoring well network evaluation is complete. This schedule should be 90 days following the submittal of the Groundwater Monitoring Network Completion Report.

Ex.4 Action 4b: Submit a Remedial Action Plan

A remedial action plan is a complex document which require more than 60 days to complete. This schedule should be 90 days following the approval of the Feasibility Study.

Sincerely,

Geosyntec Consultants



Brian Hitchens, PG, CHG
Senior Principal Hydrogeologist



Jacqueline Miles
Project Scientist



EXHIBIT 4

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COMMENTS AND ENFORCEMENT STAFF RESPONSES
Cleanup and Abatement Order No. R3-2023-Proposed
Former SEMCO Twist Drill & Tool Company

The Central Coast Water Board received comments from:

- Chris Mathys, Rhine, LP (Discharger)
- City of Santa Maria (Discharger)
- County of Santa Barbara (Discharger)
- Geosyntec Consultants (on behalf of County of Santa Barbara, Discharger)
- Santa Maria Public Airport District (Discharger)
- Roux Associates, Inc. (on behalf of Santa Maria Public Airport District, Discharger)
- Fernando Salas (Discharger)

Staff responses to comments on Cleanup and Abatement Order No. R3-2023-Proposed (Proposed Order)¹ are provided below. All comments are provided as direct transcriptions from the letters containing them. Transcriptions do not include the entire content of the comment letter as some content is non-substantive (e.g., salutations or contact information) or is supplementary information (e.g., attachments to letters).²

Chris Mathys, Rhine, LP – 1

The herein referenced Site has a long history of various dischargers including the U.S. Government operating as the Santa Maria Army Airfield, the Army Corp of Engineers, the Santa Maria Public Airport District and Henry, Rhea and other members of the Stafford Family doing business as SEMCO, Twist and Drill. (SEMCO) [sic] All of these dischargers contributed to the contamination which currently exists on the subject parcels as specified in the draft of the Abatement Order.

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| Staff Response to Comment Chris Mathys, Rhine LP – 1 |
| In response to the suggestion that there are other dischargers who could have contributed to Site contamination, we note that State Water Resources Control Board (State Water Board) precedent and California law establish that responsibility for cleanup is joint and several; identification of other dischargers is not a release of liability. ³ |

¹ The Proposed Order is available on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=zjuf5>

² Comment letters submitted in response to the Proposed Order are available on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=dz2qn>

³ The State Water Board has consistently found that liability under the Water Code is joint and several. (*In the Matter of the Petition of James Salvatore* (State Water Board Order WQ 2013-0109), at p. 19; see also *In the Matter of the Petition of Union Oil Company* (State Water Board Order WQ 90-2), at p. 8.) The Water Boards also have a longstanding policy against apportioning or allocating responsibility in cleanup and abatement orders. (See State Water Board Order WQ 89-12 (*San Diego Unified Port District*).)

The Proposed Order currently names only those persons for which there is sufficient evidence of responsibility; there is insufficient evidence to name additional persons (e.g., United States Government) at this time. However, any person's exclusion from the Proposed Order does not prevent the Central Coast Water Board from naming additional dischargers in future investigations and/or cleanup requirements.

Nothing in the Proposed Order precludes the named dischargers from pursuing contribution using other legal avenues.

The results of the investigation and cleanup required by the Proposed Order may or may not support the inclusion of additional dischargers in future investigation and/or cleanup requirements. The Central Coast Water Board will carefully review the data, findings, conclusions, and recommendations that result from the Proposed Order's investigation. If the Board determines that additional dischargers should be included in subsequent investigation or cleanup requirements, the Proposed Order provides flexibility to add additional dischargers. (See Proposed Order, Section E.3.)

Consistent with State Water Board Resolution No. 92-49,⁴ issuance of the Proposed Order should not be delayed, given the known impacts and urgent need to protect and remediate groundwater drinking water supplies.

Change made: No changes were made to the Proposed Order in response to this comment.

Chris Mathys, Rhine, LP – 2

During the time of the SEMCO ownership, Heidi Mathys, now deceased extended credit to SEMCO for the purpose of equipment upgrades. The loan ended up in default and the property reverted to Heidi Mathys and was subsequently transferred to Rhine LP. Rhine LP., Oro Financial of Ca. Inc. and Chris Mathys. [sic] Neither of these individuals or entities were ever dischargers and have never conducted business at the subject property.

Staff Response to Comment Chris Mathys, Rhine, LP – 2

Water Code section 13304 authorizes the Central Coast Water Board to require any person that has "caused or permitted" waste to be discharged where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance, to clean up the waste, abate effects of the waste, or take other necessary remedial action. The key question in assigning responsibility for the cleanup and abatement of waste is whether the discharger caused or permitted the discharge.

⁴ State Water Board Resolution 92-49 is available at:
https://www.waterboards.ca.gov/water_issues/programs/site_cleanup_program/resolution_92_49.html

Current landowners, such as Rhine LP, are responsible for cleanup, regardless of whether the landowner owned the property at the time of the initial release. (*Tesoro Refining & Marketing Co. v. Los Angeles Regional Water Quality Control Board*, 42 Cal. App. 5th 453, 472 (2019); *In the Matter of the Petition of Schmidl* (State Board Order WQ 89-1); *In the Matter of the Petition of Zoecon Corp.* (State Water Board Order No. WQ 86-02); *In the Matter of the Petition of Vallco Park, Ltd.* (State Water Board Order No. WQ 86-18)).

Similarly, former landowners may be responsible for cleanup, even if their ownership began after the time of the initial release. (*In the Matter of the Petition of Alcoa* (State Water Board Order WQ 93-9); *In the Matter of the County of San Diego* (State Water Board Order WQ 96-2)). Such former landowners are responsible when they had knowledge or should have had knowledge of the discharge or activities that caused the discharge and had the legal ability to control the discharge.

Former landowners, Oro Financial of California, Inc. and Chris Mathys, knew of the waste discharges at the Site during and/or before their ownership. By the time Oro Financial of California, Inc. acquired ownership of the Site, the discharges of waste and condition of pollution or nuisance at the Site were well documented as evidenced by the multiple regulatory orders in place. In November 2002, Mr. Mathys, on behalf of Oro Financial of California, Inc., submitted a signed Acknowledgement of Willingness to Participate in Cleanup or Abatement Cost Recovery Program form, demonstrating his knowledge of waste discharges. Furthermore, Oro Financial of California, Inc. and Chris Mathys had the legal ability to control the discharge and failed to do so. During the timeframe in which these persons/entities owned the Site, they were ordered to perform Site investigation and failed to comply with those directives. It is appropriate to name these former landowners as dischargers in the Proposed Order.

Change Made: No changes were made to the Proposed Order in response to this comment.

Chris Mathys, Rhine, LP– 3

The Central Coast Regional Water Control Board [sic] has known about the contamination affecting this site for approx. 25 years and has had an open case with SEMCO since 1980 and is very familiar with the contamination related to this property. SEMCO conducted and submitted extensive testing results and reports while they were in possession of the property. The water board [sic] has a long history of requesting remediation work including the installation of a water filtration system which was installed by a “Discharger” Rhea Stafford. The property changed ownership over 20 years ago and only since 2022 has the water board commenced enforcement action against Rhine LP., Chris Mathys and Oro Financial of Ca. Inc., all of which have never been dischargers.

Staff Response to Comment Chris Mathys, Rhine, LP – 3

The Central Coast Water Board has known about the discharges at the Site since 1985 and has made numerous attempts since then to get the Site remediated. As reflected in the record (see GeoTracker),⁵ several investigations and cleanup actions have been conducted since pollution was first identified. The Central Coast Water Board has previously issued Cleanup and Abatement Order (CAO) No. 87-188, CAO No. 89-70, and CAO No. 90-88, which was amended in 1991 and 1994. Continued investigation and cleanup actions are needed to protect and restore water quality and beneficial uses of waters of the state.

See Staff Response to Comment Chris Mathys, Rhine, LP – 2 (discussing Rhine LP's, Chris Mathys' and Oro Financial of California, Inc.'s status as dischargers).

Change Made: No changes were made to the Proposed Order in response to this comment.

Chris Mathys, Rhine, LP – 4

According to a letter from the California Water Boards [sic] dated July 28, 2022, a threat to human health exists related to water quality and immediate action is required despite the fact the water board began enforcement with the “discharger”, [sic] SEMCO over 30 years ago and Rhine LP has only been subject to enforcement action over the last 3 years.

Staff Response to Comment Chris Mathys, Rhine, LP – 4

Despite numerous attempts to work cooperatively with dischargers and issuance of previous investigative orders—requiring the delineation of the lateral and vertical extent of volatile organic compounds (VOCs)⁶ and other contaminants in soil, soil gas, and groundwater originating from the Site—the full extent of contamination is undetermined. The Proposed Order is needed because the dischargers named in previous orders have neither delineated nor evaluated remedial actions to fully investigate and cleanup the entire extent of waste discharges from the Site. Central Coast Water Board staff acknowledge that the Site has been contaminated for many years. Due to the continued risk to drinking water supplies and the lack of progress being made to address the waste discharges, Central Coast Water Board staff are implementing the region's established regulatory process for site by recommending the issuance of the Proposed Order. The length of time the Central Coast Water Board has overseen Site cleanup does not negate the need for the Proposed Order.

Additionally, see Staff Response to Comment Chris Mathys, Rhine, LP – 3.

⁵ GeoTracker website for SEMCO: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

⁶ VOCs detected in groundwater, soil, and/or soil gas beneath the Site are chlorinated solvents used as degreasers for tools and metal parts. These chlorinated VOCs include tetrachloroethylene (PCE), trichloroethylene (TCE), 1,1,1-trichloroethane (TCA), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1-dichloroethene (1,1-DCE), 1,2-dichloroethane (1,2-DCA), and 1,1-dichloroethane (1,1-DCA).

Change Made: No changes were made to the Proposed Order in response to this comment.

Chris Mathys, Rhine, LP– 5

Since the enforcement began, although Rhine LP. Is not the “discharger”, Rhine has been subjected to intense legal action by water board [sic] staff which included thousands of dollars of costs and fees Rhine incurred including attorney’s fees of \$25,000 a fine of \$126,000.00, and \$129,796.00 in testing costs totaling \$255,796.00. Rhine LP. Under protest has completed the following tasks since the enforcement began and has paid the following fines and expenses: Payment of \$126,000.00 the Central Coast Regional water [sic] Quality Control Board; Payment to Analytical Consulting Group for air sampling - \$24,396.00. Analytical Consulting Group (AGC) [sic] conducted extensive air-sampling in and around the subject property to insure the current tenant is safe and their employees are not subject to health hazards related to work performed by the “dischargers.”, The results were negative, and it was determined the current occupant is not subject to any health risks. Payment to Analytical Consulting Group for sub surface soil sampling - \$105,400.00. AGC [sic] compiled a site assessment work plan and conducted groundwater sampling including subsurface soil sampling, grab sampling and the determination of extent of TCE plume. Total expenses paid by Rhine LP: \$255,796.00.

Staff Response to Comment Chris Mathys, Rhine, LP – 5

Rhine L.P. is a discharger. See Staff Response to Comment Chris Mathys, Rhine, LP – 2

We acknowledge that the commenter may have incurred costs associated with their partial compliance with previous Central Coast Water Board directives. Because the commenter has not fully complied with previous directives, the additional investigation and cleanup requirements in the Proposed Order must move forward. We cannot provide dischargers with legal advice regarding recovery of past costs.

It is misleading to characterize the results of the indoor air sampling investigation as “negative” because VOC concentrations were detected in indoor air during both of the indoor air sampling investigations in 2021 and 2022. All the detected VOC concentrations were below commercial ESLs,⁷ indicating that there is no immediate

⁷ Information on ESLs is available at:
https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

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| vapor intrusion human health risk to the tenants. However, additional sampling will likely be required in future investigations as explained in Staff Response to Comment Geosyntec Consultants – 1. |
| Change Made: No changes were made to the Proposed Order in response to this comment. |

Chris Mathys, Rhine, LP – 6

In addition Rhine LP, as directed by the California Water Boards [sic] has submitted an application with on [sic] the Site Cleanup Subaccount Program [sic] to seek funding to continue the remediation and still has not received an update.

In the interest of keeping the cleanup process active, Rhine LP, without assuming any liability and under protest has engaged a new environmental consultant, Scientist Elliott Haro with Haro Environmental to estimate the cost of the following scope of work:

1. Identify and document existing groundwater monitoring wells and related equipment on the subject property.
2. Prepare and submit a work plan to the Central Coast Regional water [sic] Quality Control Board and amend as required based on their review prior to commencement of remediation work.
3. Work plan to include scope of work to assess the current condition of the onsite groundwater extraction and treatment system including the condition of the ground water extraction wells and determine if the system is operable.
4. Furnish and install deep monitoring wells has [sic] necessary to delineate the lateral and vertical extent of wastes in groundwater.
5. Obtain any permits required to furnish and install monitoring wells in the deep water-bearing zone (approx. 220-250 feet bgs)
6. Identify which borings will be continuously cored or otherwise logged to evaluate site lithology and determine the depth of first encountered shallow groundwater.
7. Provide sampling method and procedures for collecting groundwater samples from existing, restored and new groundwater monitoring wells.
8. Specify the USEPA or other analytical methods and quality control and quality assurance procedures to analyze groundwater for VOCs, petroleum hydrocarbons, semi-volatile organic compounds and dissolved and total metals.
9. Collect additional soil gas samples to evaluate potential vapor intrusion risk from VOCs and petroleum hydrocarbon within and underneath the current buildings on site.

10. Upon completion of testing, work to include the submittal of copies of test results, a site investigation report, completion report and related reports as required and specified to the Central Coast Regional Water Quality Control Board.

11. The completion report must include well completion logs, location of borings, soil gas sampling location, description of soil, [soil] gas and ground water sampling results, and updated map with exact location of all wells.

12. Submit a Feasibility Study and Remedial Action Plan to clean-up wastes in soil, soil gas and groundwater.

The herein referenced scope of work is subject to estimates, receiving funding, weather conditions and availability of well drilling equipment.

We will contact the Central Coast Regional Water Quality Control Board as we receive updates.

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| Staff Response to Comment Chris Mathys, Rhine, LP – 6 |
| <p>The proposed scope of work recommends an iterative approach to Site investigation and remediation and generally meets the intent and requirements identified in the Proposed Order. However, the scope of work, which is based on an open-ended and undefined time schedule, is contingent on the receipt of State Water Resources Control Board Site Cleanup Subaccount Program (SCAP) funding. Regardless of whether a discharger receives discretionary funding, Site cleanup must proceed. Based on Mr. Mathys' previous actions or inactions, Central Coast Water Board staff are concerned that Mr. Mathys will fail to take the necessary steps to complete the process to receive funding. Even if discretionary funding was awarded, Central Coast Water Board staff are not confident that the necessary Site investigation (and subsequent remediation) would be performed in a reasonable timeframe.</p> <p>All of Mr. Mathys' previous attempts to receive discretionary funding for Site cleanup have been unsuccessful. First, in 2017, Mr. Mathys' SCAP application was denied because neither a scope of work nor a cost estimate was submitted with the application. SCAP staff attempted to reach Chris Mathys and his consultant after receiving the incomplete application, but received no response.⁸ Second, in 2022, Chris Mathys, on behalf of one of the Site tenants (Santa Maria BBQ Outfitters LP), applied for Small Community Funding through the Division of Financial Assistance; the application was denied because the Site does not meet the criteria for an emergency drinking water supply threat (Supply Well 2AS was shut down in 1985).⁹</p> |

⁸ 2017 SCAP funding status is available on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=l1d2v>

⁹ May 5, 2022, Small Community Funding application denied on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=efz1y>; Central Coast Water Board comments on why the Small Community Funding application was denied, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=c5kau>

On May 9, 2022, Chris Mathys applied for SCAP funding a second time and was not approved.¹⁰ Last, on June 1, 2023, Chris Mathys, on behalf of Rhine, LP, submitted a SCAP application for the Site. A final determination on the application will be made in Spring 2024 for funding in 2024/2025.

Central Coast Water Board staff do not agree with the dischargers' open-ended and undefined time schedule because of the dischargers' delays in Site investigation from 2015 to 2021 and history of noncompliance with previous Central Coast Water Board directives. Central Coast Water Board staff do not have reason to believe that the necessary Site investigation (and subsequent remediation) will be performed in a reasonable timeframe. Central Coast Water Board staff decline to revise the time schedule order (Exhibit 4) in the Proposed Order in response to this comment.

Change Made: No changes were made to the Proposed Order in response to this comment.

City of Santa Maria – 1

The City of Santa Maria ("CITY") respectfully objects to the proposed draft Cleanup and Abatement Order (CAO), naming the CITY as a discharger and potentially responsible party as follows. As an additional matter, the CITY joins and incorporates into its response by this reference the objections of the County of Santa Barbara ("COUNTY") and Santa Maria Airport District ("DISTRICT") as set forth in their responses to the draft CAO.

Staff Response to Comment City of Santa Maria – 1

The City of Santa Maria's (City's) objections are noted for the record.

Change Made: No changes were made to the Proposed Order in response to this comment.

City of Santa Maria – 2

BACKGROUND:

The CITY and COUNTY received ownership of the Santa Maria Airport (including the subject parcels) from the United States Government ("ARMY") in 1949, each with a one-half ownership interest. The COUNTY and CITY both quit claimed their respective interests in the property to the DISTRICT in 1964.

In 1984, the CITY notified the COUNTY that chemicals had been detected in its Well 2AS, which had previously been utilized by the ARMY prior to 1949. In May of 1985, the

¹⁰ Refer to State Water Resources Control Board Resolution No. 2023-0011:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0011.pdf

CITY shut down Well 2AS. The COUNTY issued a notice of violation (“NOV”) to SEMCO as a discharger in 1985. No notice of violation was issued to the CITY as a purported discharger. Other NOV’s were issued and not one named the CITY as a discharger.

On September 25, 1987, the Central Coast Water Board (“BOARD”) issued CAO No. 87-188 ordering SEMCO to investigate and cleanup the degraded soil and groundwater beneath the Site. No CAO was issued to the CITY, COUNTY or DISTRICT as alleged dischargers. The BOARD issued further CAOs to SEMCO and the property owner at the time (Stafford Trust, hereinafter “TRUST”) in 1990, 1991 and 1994. No CAOs were issued to the CITY at any time.

Pursuant to the multiple CAOs issued in the 1990s, the responsible parties, SEMCO and TRUST constructed a remediation system. In 1994, the Department of Toxic Substances Control (DTSC) was so concerned regarding the site that it issued an Imminent and Substantial Endangerment Determination and placed the Site on its Hazardous Waste and Substances Site List. The DTSC returned the site to the BOARD without further action by November of 1994. No allegation that the CITY was a discharger was issued by the DTSC. From 1994-2000, the remediation system was operated. In 2003, the BOARD issued a Water Code section 13267 order (2003 Order) to the new owner of the site, who had discontinued the operation of the remediation system. The CITY was not named as a responsible party or discharger in the 2003 Order.

Twelve years later, in 2015, the BOARD issued a Water Code section 13267 order (2015 Order), despite no action of remediation being performed for all that time, and despite the 1994 Imminent and Substantial Endangerment determination. The 2015 Order does not allege the CITY was a discharger or was a responsible party. In September 2021, the Central Coast Water Board issued Administrative Civil Liability (ACL) Complaint No. R3-2021-0097 for violations of the 2015 Order, which resulted in the imposition of administrative civil liability. As a result of this complaint, a settlement was entered into with the discharger, CHRIS MATHYS (et al), for the ACL Complaint. The CITY was not named as a discharger in the complaint or settlement.

While the MATHYS Complaint was pending and settlement discussions were ongoing, the BOARD advised the CITY, COUNTY and DISTRICT that each is now (for the first time) potentially to be named a discharger and that their taxpayers are joint and severally liable for all cleanup at the site. Discussions with BOARD staff to prevent the issuance of a CAO were undertaken to no avail. This proposed CAO was then issued.

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| Staff Response to Comment City of Santa Maria – 2 |
| The comment confirms that the Proposed Order correctly names the City as a discharger. |

Central Coast Water Board staff disagrees with the City's implication that the City cannot or should not be named in the Proposed Order because it was not named in previous orders directing Site investigation and/or cleanup.

Consistent with State Water Board Resolution No. 92-49, Central Coast Water Board staff have made a reasonable effort to identify all dischargers associated with the unauthorized discharges of waste at the Site. Not naming dischargers in past orders or directives does not preclude the Central Coast Water Board from doing so now. (See Resolution No. 92-49 ["It is not necessary to identify all dischargers for the Regional Water Board to proceed with requirements for a discharger to investigate and clean up."].)

Change Made: No changes were made to the Proposed Order in response to this comment.

City of Santa Maria– 3

As stated in the proposed CAO, the alleged basis for liability of the CITY, COUNTY and DISTRICT is as follows:

"County of Santa Barbara, City of Santa Maria, and Santa Maria Public Airport District, are dischargers because they were aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges."

The BOARD provides no documentation of such control or evidence that any discharge occurred between 1949 and 1964.

There is no lease or other documentation in the record that provides support for the allegations.

There is no evidence that between 1949 and 1964 any discharge of any chemical took place. The only evidence of an actual spill is the CITY's inspection report (7/2/85) wherein the CITY advised that possible leakage had taken place. The BOARD also contends, in footnote 26, that a spill actually occurred in 1973, nine years after the CITY had relinquished ownership of the site. There is no evidence provided in the draft CAO that at any time from 1949 to 1964 that any contaminant was leaked. The BOARD does acknowledge that the chemicals were utilized by SEMCO for 37 years after the CITY relinquished its ownership of the site.

Staff Response to Comment City of Santa Maria – 3

The City admits that it and the County owned the Site from 1949 through 1964. (See Staff Response to Comment City of Santa Maria – 2.) During that time, the City and County had legal control over the property—ultimate responsibility of the condition of land lies with the landowners.

It is unclear whether the City is alleging that SEMCO did not operate at the Site from 1949 through 1964 or whether SEMCO's operations during that time did not result in discharges of waste. If the former, SEMCO's operations at the Site during that time is well-documented in news articles from the Santa Maria Times^{11,12,13,14,15,16,17} and in Central Coast Water Board documents.¹⁸ If the latter, evidence supports the contention that SEMCO's operations between 1949 and 1964 resulted in discharges of waste at the Site.

In accordance with State Water Board Resolution No. 92-49, the Central Coast Water Board shall use any relevant evidence, whether direct or circumstantial, in determining whether a person shall be named in a Cleanup and Abatement Order pursuant to Water Code section 13304. Relevant evidence includes, in part, the following: Documentation of historical or current activities, waste characteristics, chemical use, storage or disposal information; Industry-wide operational practices that historically have led to discharges; Evidence of poor management of materials or wastes, such as improper storage practices or inability to reconcile inventories; Physical evidence, such as analytical data, soil or pavement staining, distressed vegetation, or unusual odor or appearance; Lack of documentation of responsible management of materials or wastes, such as lack of manifests or lack of documentation of proper disposal; and Refusal or failure to respond to Central Coast Water Board inquiries. Central Coast Water Board

¹¹ July 22, 1955, Santa Maria Times, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=hbko5>

¹² April 11, 1968, Santa Maria Times, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=wgd07>

¹³ November 15, 1957, Santa Maria Times, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=dxfaq>

¹⁴ November 22, 1968, Santa Maria Times, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=3qijh>

¹⁵ March 20, 1954, Santa Maria Times, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=vfl39>

¹⁶ April 24, 1968, Santa Maria Times, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=f4d0m>

¹⁷ October 17, 1967, Santa Maria Times, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=trgrg>

¹⁸ Articles of Incorporation for S.E.M. Company, Inc., dated July 25, 1949, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=l6177>

documents,^{19,20,21,22,23,24,25, 26, 27,28} and documents obtained from SEMCO,²⁹ indicate that SEMCO used TCE as a degreaser between 1949 through 1964. (See also *Evaluation of United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851 (hereafter “Attachment 1”), incorporated herein by reference, [discussing the ubiquitous use of TCE as a degreaser at industrial and metal fabrication facilities during this time]). By the mid-1950s, SEMCO had grown to the world’s largest manufacturer of threaded shank integral drills (used on metal in industrial processes).³⁰ By the 1960s, SEMCO was entering the international market and the threaded shank drill had been “so successful that competitors have dropped comparable items from their lines leaving SEMCO as the sole manufacture[r] of that type of tool.”³¹ Given the size and productivity of SEMCO’s operations from 1949 to 1964, as a practical matter, there was no other economically viable alternative for a degreaser than TCE. The City and the other commenters cannot point to any other industrial degreaser that would have been used by SEMCO before 1984, when SEMCO stopped using TCE and began using 1,1,1-trichloroethane (TCA).

Discharges and/or threatened discharges of wastes have occurred on the Site since 1949 considering SEMCO’s use and improper storage and/or disposal of TCE at the Site. History has shown that the largest sources of TCE in groundwater are releases from “improper disposal practices, and leaking storage tanks and pipelines”³² and the most common causes of storage tank releases are “holes from corrosion, failure of

¹⁹ Central Coast Water Board Internal Memo dated August 27, 1985, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=k3xh5>

²⁰ Central Coast Water Board Internal Memo dated September 25, 1987, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=kxkrc>

²¹ Central Coast Water Board letter dated March 1, 1989, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=m6bn3>

²² Central Coast Water Board Briefing dated July 3, 1989, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=vq8c2>

²³ Central Coast Water Board Complaint No. 89-05 dated September 22, 1989, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=qfmll>

²⁴ Central Coast Water Board October 13, 1989, Hearing Agenda on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=tugaz>

²⁵ Central Coast Water Board News Release dated November 6, 1989, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=c7o34>

²⁶ Central Coast Water Board Meeting Item 7 – Amendment of CAO NO. 90-88 dated September 13, 1991, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=c3ndy>

²⁷ Central Coast Water Board Staff Report dated July 9, 1993, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=g8wdc>

²⁸ DTSC supporting documentation for Imminent and Substantial Endangerment Determination dated June 13, 1994, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=0eebp>

²⁹ Letter Report of Subsurface Soil Investigation dated April 1, 1988, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=763ds>

³⁰ November 15, 1957, Santa Maria Times, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=dxfag>

³¹ October 17, 1967, Santa Maria Times, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=trgrg>

³² State Water Resources Control Board Division of Water Quality Groundwater Information Sheet on TCE, revised November 2017: https://www.waterboards.ca.gov/gama/docs/coc_tce.pdf

piping systems, and spills and overfills, as well as equipment failure and human operational error.”³³

SEMCO stored TCE in an above-ground storage tank (AST) connected by underground piping to the point of use in the adjacent building. The AST was either filled with purchased TCE and later 1,1,1-TCA by hand (dumping or pouring from drums) or by hose; all evidence in the record shows there was no secondary containment of the AST³⁴ to protect the ground surface from tank corrosion or spills and overfills, causing the stained soil surrounding the AST^{35, 36} to the east of the SEMCO building. According to documents submitted by SEMCO,³⁷ the maintenance manager would “dispose (or remove)” TCE from SEMCO’s metal parts cleaning tanks when it became too dirty to be effective (the cleaning tank is observed to be corroded with no secondary containment as shown in the investigation slides referenced in footnote 29). The dirty solvent was stored in 55-gallon drums³⁸ after it was “removed” from the cleaning tanks. The drums of solvent-oil sludge were stored behind the SEMCO facility building (east side of building) with no secondary containment, for six-to-twelve-month intervals until a “toxic waste hauler” would “pump all waste into his tanks and take [it] away.” The maintenance manager claimed that there were no accidental or deliberate “spills” of TCE; however, documentation of stained soils (footnotes 28 and 29), and the discovery of “extremely high concentrations of [TCE] in [shallow] soils...” reported in soil sampling results near the AST,³⁹ are evidence that SEMCO discharged TCE in this area over a significant period. Additionally, a March 7, 1986, County of Santa Barbara complaint investigation⁴⁰ documents SEMCO employees stating that they dumped black sludge (cutting oil-soaked metal fines) into the trash (refuse bins) and that this was their normal procedure for disposing of these wastes. Additionally, County of Santa Barbara documentation

³³ USEPA Source Water Protection Practices Bulletin – Managing Above Ground Storage Tanks to Prevent Contamination of Drinking Water dated August 2010:

https://archive.epa.gov/region02/capp/web/pdf/fs_swpp_ast.pdf

³⁴ County of Santa Barbara Hazardous Materials Management Program Memo dated January 9, 1991, documents no secondary containment for the 1,000-gallon solvent AST and the 7,000-gallon cutting oil tank, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=t7p6c>

³⁵ The stained soil surrounding the AST was documented and sampled in 1987 and referenced in CAO NO. 87-188 on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=f2rh5>

³⁶ July 1987 CCWB Site Investigation Slides on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=w7wfe>

³⁷ October 10, 1988, Letter from SEMCO’s maintenance manager (included in the October 13, 1989, Board Hearing agenda Items) on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=tuqaz>

³⁸ A 1991 County of Santa Barbara Inspection Report (backside of the building) notes that hazardous waste containers are not labeled, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=2cy5p>

³⁹ Central Coast Water Board letter dated March 28, 1988, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=0m47t>

⁴⁰ Santa Barbara County (CUPA) files – Special Investigation Record: Hazardous Materials, dated March 7, 1986, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=n0ulj>

cites above ground releases of metal working fluid (oil)⁴¹ and leaking oil from blower units, located in the back of SEMCO's building (east side) discharging to soil.⁴²

Since at least 1987, when the Central Coast Water Board issued Cleanup and Abatement Order No. 87-188, SEMCO reluctantly and ultimately failed to provide purchase and disposal records for solvents before 1981 despite requests from the Central Coast Water Board; suggesting the records do not exist or were improperly maintained. In 1988, after multiple attempts and under the threat of further formal enforcement, SEMCO provided records of chemicals purchased and disposed of from May 1981 to December 1987. Between May 1981 and December 1984, SEMCO purchased 6,718 gallons of TCE and disposed of only 2,475 gallons of waste oil (with solvent) offsite. In less than three years, SEMCO had no offsite accountability for over 4,000 gallons of TCE.⁴³ The record shows that SEMCO used and disposed of TCE in the same manner from its foundation until at least late 1984 when the facility transferred to TCA.

Additionally, the environmental consultants performing preliminary Site investigations concluded that TCE was likely discharged at the Site decades before investigations began in the mid-1980s.⁴⁴ The environmental consultants based their conclusion on the analytical data reviewed at the time and the presence of TCE biodegradation products,⁴⁵ which can take long periods of time to break down from TCE in the subsurface.

⁴¹ County of Santa Barbara letter dated December 7, 1992, on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=6ngl5>

⁴² County of Santa Barbara Inspection Report dated December 20, 1990, on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=fb68w>

⁴³ Central Coast Water Board October 13, 1989, Board Hearing Agenda on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=tugaz>; SEMCO's summary of purchases and credits for solvents and waste oil dated August 2, 1988, on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=y1rsa>; and SEMCO's submittal of purchase orders, invoices and receipts for solvents and waste oil dated March 31, 1988, on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=dw8h9>.

⁴⁴ Report of Subsurface Soil Investigation dated April 1, 1988, on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=763ds>

⁴⁵ TCE Biodegradation products include: trans-1,2-dichloroethene (trans-1,2-DCE), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1-dichloroethene (1,1-DCE), vinyl chloride, and ethene.

Given the history of improper use and/or disposal practices at the Site, the record provides sufficient evidence that discharges and/or threatened discharges of wastes occurred at the Site between 1949 to 1964 and thereafter.

For a complete discussion of general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser, see Attachment 1.

Change Made: No changes were made to the Proposed Order in response to this comment.

City of Santa Maria – 4

In the record, the only documentation of the procurement of the subject chemicals is found in a submission from SEMCO on 3/31/88 that identifies TCE was received between 1981 and 1987. There is no documentation in the record that the subject chemicals were purchased or utilized by SEMCO on the site from 1949 to 1964. Even the investigation notes of interviews with SEMCO employees do not provide evidence that SEMCO used TCE or TCA during 1949-1964. (See Memo Site info 25 Sept. 1987). The evidence from the SEMCO ownership continually denied any hazardous discharge and referred the BOARD, on numerous occasions, that the responsible party may have been the ARMY.

Staff Response to Comment City of Santa Maria – 4

See Staff Response to Comment City of Santa Maria – 3

See Staff Response to Comment Chris Mathys, Rhine, LP – 1

Change Made: No changes were made to the Proposed Order in response to this comment.

City of Santa Maria – 5

When MATHYS obtained title to the site, the BOARD transmitted to MATHYS a cost recovery acknowledgement form (15 Nov. 2002). The BOARD did not determine the CITY was a discharger or responsible party at that time. No evidence of the timing of any discharge of contaminants is identified in the file after 1990 and none shows a date prior to 1981. MATHYS acknowledged responsibility and agreed to participate in the cleanup of the site. Thereafter, from 2002 to present, no remediation has taken place. Ultimately, MATHYS was fined for failure to comply with the 2015 Order in 2021.

Staff Response to Comment City of Santa Maria – 5

See Staff Response to Comment City of Santa Maria – 2 and 3

Most of the cleanup sites that the Central Coast Water Board oversees are voluntarily investigated and remediated. The Water Code authorizes the State Water Board to recover reasonable expenses incurred by the Water Boards in overseeing cleanup of unauthorized discharges, contaminated properties, and other unregulated releases adversely impacting waters of the state. A discharger can voluntarily enter the State Water Board's cost recovery program. Parties named in a Cleanup and Abatement Order will be automatically enrolled into the cost recovery program and are jointly and severally responsible to pay the full amount of the invoices that are issued by the State Water Board. The parties may agree to apportion the amount as they see appropriate. If payment in full is not received, the State Water Board will enforce its cost recovery against any or all the parties named in the Cleanup and Abatement Order or to the party that voluntarily agreed to enter the cost recovery program.

It is common practice for the Site Cleanup Program to issue a Cleanup and Abatement Order if any of the following occur: invoices are not paid by a party that voluntarily entered the cost recovery program; investigation and/or remediation does not move forward in a reasonable timeframe; or a discharger is not complying with Central Coast Water Board directives. In accordance with Water Code section 13304 and Resolution No. 92-49, all known dischargers are named in the Cleanup and Abatement Order to ensure progress is made towards restoring water quality, the environment, and protecting human health.

Change Made: No changes were made to the Proposed Order in response to this comment.

City of Santa Maria – 6

LEGAL ANALYSIS:

As stated above, there is no evidence to support the allegation that at some point from 1949 to 1964, TCE was discharged from the SEMCO site in such amounts that the CITY's Well 2AS was fully contaminated in 1985. There is no direct or circumstantial evidence to support the allegation of discharge. There is evidence to identify that the 1973 flushing of 6000 gallons of TCE could have been the potential cause, but that anecdotal information is not documented. It is also speculative that the ARMY may have discharged TCE and contaminated the site.

Notwithstanding the absolute failure to provide any evidence supporting the allegation, the BOARD contends that the CITY "was aware of the activities that resulted in the discharges of waste" by SEMCO between 1949 and 1964. If this fact is accurate, it begs the question of why, between 1985 and 2020, was the CITY not named in any enforcement action. None of the prior responsible parties or dischargers have named the CITY or contended that it was aware of activities that resulted in the discharge of waste.

In order to overcome this minor evidentiary hurdle, the BOARD states in the CAO that:

A prior owner may be named in a cleanup and abatement order if it knew or should have known that a lessee's activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance. (United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd. (2019) 42 Cal.App.5th 851, 887.) Landowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.

While the BOARD cites the United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd. 42 Cal.App.5th 851 (2019) ("UATC"), it does not bolster the BOARD's position.

In a case determining whether a prior owner of property may be required to participate in the cleanup of wastes discharged from its property that resulted in groundwater contamination, if that person "caused or permitted" the discharge. The court adopted the standard that

a prior owner may be named in a section 13304 cleanup order upon a showing the owner knew or should have known that a lessee's activity created a reasonable possibility of a discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance.

The issue in this case is whether, in 1949 through 1964, the CITY as an owner knew that an industrial solvent in common use at the time was a waste that could create or threaten to create a condition of pollution or nuisance. Without that showing, the UATC does not support the BOARD to project liability onto the CITY. The court determined that evidence showed that during and after UATC owned the property in question, "dangers of solvents in general became gradually known." (Id. at 861).

Further, the court specifically rejected the BOARD's position (as it holds here of almost strict liability) that "a prior owner need only have knowledge of the general activity of the tenant that resulted in the discharge." (Id. At 864). Rather the court determined that:

In the section 13304 context, an owner cannot be said to permit a discharge simply by allowing a lessee to operate a certain type of business, absent knowledge or constructive knowledge that, in general, the business creates a reasonable possibility of discharge. (Id. At 880)

In the context of the proposed CAO, the BOARD attempts to impose liability on the very basis that UATC rejected, namely that the CITY "was aware" of SEMCO's general business as a tool and die manufacturer and therefore is liable for cleanup. That is not the standard and the alleged CAO is not supported by any evidence implicating the CITY.

CONCLUSION:

The CITY is not a discharger under the applicable law and therefore cannot be ordered to perform the tasks as outlined. With respect to the individual tasks, the time allowed by the BOARD is insufficient. Further, the failure to mitigate the contamination from 1985 to present must reduce any potential financial contribution or requirement of the CITY, as the dischargers failure to perform has likely resulted in a more substantial cost of remediation.

The CITY as the reporting party of this situation and the taxpayers who have been deprived of a working well since 1985 are the victims here and should not be punished twice.

The CITY agrees with the BOARD that the contamination must be remediated as it was determined to be an Imminent and Substantial Endangerment hazard in 1994. The CITY is not the party to pay for the remediation.

Staff Response to Comment City of Santa Maria – 6

We disagree. Under the standard detailed in *United Artists Theatre Circuit, Inc. v. Cal. Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851, the City is a discharger because it, at a minimum, had constructive knowledge that SEMCO's operations created a reasonable possibility of a discharge to waters of the state from the wastes used in SEMCO's operations and that discharges of those wastes could create or threaten to create a condition of pollution or nuisance. See Staff Response to Comment City of Santa Maria – 2 and 3.

See Attachment 1 for a complete discussion of general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser.

Central Coast Water Board staff acknowledge that the Water Code does not provide equitable remedies or restitution for persons' or entities' past harm, and often dischargers must seek those remedies in civil litigation. The Proposed Order does not preclude the dischargers, including the City, from pursuing contribution from one another or third parties using other legal avenues.

Regarding the comment that the Proposed Order provides insufficient time, the City provides no basis to support that statement and no proposal for alternative deadlines. Without such justification and proposal, Central Coast Water Board staff do not have a sufficient rationale for reconsidering the proposed time schedule. Furthermore, under the terms of the Proposed Order, if the dischargers find that time for individual tasks is insufficient, and can provide an adequate rationale supporting an extension, the dischargers can request an amendment to the time schedule.

Regarding the comment related to the "1973 flushing of 6000 gallons of TCE" not being documented, it is unclear whether the City is referring to a cutting oil discharge, which is well documented in the record. In 1973, a fire occurred at the SEMCO

facility, which set off a sprinkler system that flushed approximately 6,000 gallons of cutting oils from a sump inside the building located at APN No. 111-291-037 . See Central Coast Water Board's July 9, 1993, meeting minutes, referenced in footnote 26 of the Proposed Order.

Change Made: No changes were made to the Proposed Order in response to this comment.

County of Santa Barbara – 1

I. THERE IS NO BASIS FOR NAMING THE COUNTY AS A “DISCHARGER” UNDER THE DRAFT CAO

Naming the County as a discharger under the Draft CAO is inappropriate and improper because it rests on a misapplication of law, without any supporting evidence.

Most glaringly, the Draft CAO does not even purport to identify the first date on which a release of TCE or other contaminants of potential concern occurred at the Site. The Draft CAO merely recites SEMCO's period of operation of the Site from 1949 through 2001 and assumes without evidence that SEMCO first caused a discharge on or before March 9, 1964, when the County sold its entire interest in the Site to the District. The County's internal records review has identified no documentation of any hazardous substances release at the Site during the period of SEMCO's leasehold with the County. Purchase records supplied by SEMCO to the Regional Board indicate that SEMCO procured bulk quantities of TCE from 1981 through 1984, and then purchased bulk quantities of trichloroethane (TCA) from 1984 through 1987, over a decade after the County sold its interest in the Site. The County's expert environmental consultant has reviewed the administrative record for the Site and confirmed it contains no technical information supporting a reasoned conclusion that the first release of TCE occurred prior to 1964. To the extent that the Regional Board attributes the presence of 1,4-dioxane at the Site to SEMCO's former operations, the County's expert consultant also concluded from available records that any discharge of 1,4-dioxane by SEMCO would have occurred no earlier than 1984. Absent any evidence that SEMCO's discharge began during the period of its leasehold from the County, there is no legal basis for naming the County under the Draft CAO.

Even if there were evidence supporting the assumed initial discharge date, the Regional Board misapplies the applicable liability standard articulated in *United Artists Theatre Circuit, Inc. v. Cal. Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851 (“UATC”). Under the UATC standard, a former landlord does not “permit” a discharge within the meaning of Section 13304 unless it “knew or should have known that [the lessee's] activity created a reasonable possibility of a discharge;” a former landlord “cannot be said to permit a discharge simply by allowing a lessee to operate a certain type of business.” UATC, 42. Cal.App.5th at 880, 887.

The Draft CAO and administrative record lack any evidence of actual or constructive contemporaneous knowledge on the part of the County of SEMCO's presumed

discharge. First, there is no evidence to support the conclusion that the County possessed actual or constructive knowledge of a release by SEMCO during its leasehold. The County has identified no internal records documenting any hazardous substances release at the Site that occurred during the period of SEMCO's leasehold. The earliest record of the County's actual knowledge of such a release occurred in May 1985. Therefore, there is no basis for the Regional Board to conclude that the County had actual knowledge that SEMCO's activities created a reasonable possibility of a discharge.

Second, the County has found no evidence that any of its employees had contemporaneous constructive knowledge of SEMCO's discharges. The Draft CAO alleges that the County was "aware of the activities that resulted in the discharges" and "[l]andowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes." The Draft CAO also touts "[d]ecades of Central Coast Water Board staff experience with industries that use, store, and transfer chemicals," its observation that "[s]tandard chemical handling practices often result in adverse environmental impacts," and "extensive evidence of publicly available information concerning the knowledge of the use of chlorinated solvents (including TCE) resulting in discharges and contamination of water supplies during the relevant timeframe."

The Regional Board's determination to name the County reflects significant conjecture and hindsight bias that cannot substitute for evidence that the County should have known by 1964 that SEMCO's business created a reasonable possibility of a discharge. There is no evidence showing that the County knew of the particular operations, equipment, or materials used in SEMCO's business. Moreover, information about the toxicity of TCE or the linkage between TCE pollution and manufacturing or degreasing activities that could have alerted the County to the risks of a discharge associated with SEMCO's business, was not generally known as of 1964. TCE was even widely used for food and medical uses until the mid-1970s. Therefore, there is similarly no basis for the Regional Board to conclude that the County should have known that SEMCO's activities created a reasonable possibility of a discharge.

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| Staff Response to Comment County of Santa Barbara – 1 |
| Central Coast Water Board staff disagree. Under the standard detailed in <i>United Artists Theatre Circuit, Inc. v. Cal. Regional Water Quality Control Bd.</i> (2019) 42 Cal.App.5th 851, the County is a discharger because it, at a minimum, had constructive knowledge that SEMCO's operations created a reasonable possibility of a discharge to waters of the state from the wastes used at the Site and that the discharge of waste could create or threaten to create a condition of pollution or nuisance. Also, see Staff Response to Comment City of Santa Maria – 3. |
| See Attachment 1 for a complete discussion of general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater |

contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser.

See Staff Response to Comment Geosyntec Consultants –2 (responding to the 1,4-dioxane discussion).

Change Made: No changes were made to the Proposed Order in response to this comment.

County of Santa Barbara – 2

II. THE DRAFT CAO UNJUSTIFIABLY EXCLUDES ADDITIONAL PARTIES WITH A PLAUSIBLE CONNECTION TO SITE CONTAMINATION

State Water Board Resolution No. 92-49 requires the Regional Board “make a reasonable effort to identify the dischargers associated with the discharge.” The Draft CAO omits third parties with a plausible connection to TCE, VOCs, hydrocarbons, and 1,4-dioxane impacts at the Site. The Regional Board cannot justifiably name the County under the Draft CAO without also naming these parties.

a. The U.S. Department of Defense (“DOD”)

DOD owned and operated the Site from 1942–1949. In 2014, DOD obtained a “no further action” letter (“NFA”) from the Regional Board based upon a misleading No Department of Defense Actions Indicated (“NDAI”) report that covered only the portion of DOD’s ownership and operation of the Site through 1947 and only a 1.3-acre portion of the approximately 7.31-acre Site. The Regional Board affirmed the NDAI’s finding that “[t]he Army used the property in the general area of the SEMCO property for barracks, administrative, and support purposes,” despite that the administrative record also indicates that DOD’s activities on-Site also included a pump house for well 2AS, three warehouses, and a DOD-owned underground storage tank (UST) number T1242 located in the central portion of the Site. The NDAI further claims that DOD’s contractor recommended against a “PRP search” because there was “no indication of the use of solvents by the Army on the property,” when the contractor recommended against further investigation because an Army lawyer instructed the contractor to do so based on Army policy.

During the same period, DOD owned and operated the approximately 3,085-acre surrounding Santa Maria Airfield. DOD’s operations at the Santa Maria Airfield included operating and ultimately closing a field of more than 200 USTs, including at least 20 gasoline USTs, capable of supporting a substantial airfield operation that would have necessitated substantial solvent usage for onsite aircraft and vehicle maintenance. The Draft CAO proposes to exclude DOD from the listed dischargers based upon existing technical data documenting impacts only in soil and perched groundwater. However, for the purpose of scoping named dischargers’ future investigation and cleanup actions, the Draft CAO would require additional lateral and vertical delineation of impacts that the Regional Board assumes may extend to deep groundwater and off-Site areas occurred.

Ultimately, neither the NDAI that formed the basis for the 2014 NFA, nor the administrative record as a whole, contains information concerning (i) the quantities or types of materials stored in on-Site in DOD warehouses, (ii) DOD's use of the on-Site pump house, (iii) confirmation that DOD properly removed or closed in place on-Site UST T1242, (iv) information about DOD's ownership and use of areas of the Site outside of the 1.3-acre portion covered under the NDAI, (v) information about DOD's ownership and use of the Site from 1948 to 1949, or (vi) information supporting the Regional Board's assumption that historic DOD ownership and use of the broader Santa Maria Airfield have not contributed to contamination at the Site.

The Regional Board may exercise its powers to issue Section 13267 investigation orders to fill these and other material data gaps to make a reasonable effort to identify all dischargers. Regardless of whether material data gaps remain, the Regional Board must apply internally consistent and coherent methodologies for naming dischargers under the Draft CAO. In the absence of material information concerning operations at the Site from 1942 onward, there is no reasoned basis for the different treatment of entities in the chain of title at the Site. For these reasons, the Regional Board should add DOD as a named discharger under the CAO.

Staff Response to Comment County of Santa Barbara – 2

In naming a discharger, the Central Coast Water Board must find that there is sufficient evidence to support a finding of a named party's responsibility. *In the Matter of the Petition of Exxon Company USA*, WQ Order 85-7, p. 11-12. At a minimum there must be a causal tie between the discharger and the violating discharge that is at issue in the Proposed Order.

Based on the investigation to date, there is no tie between the subject discharges and the Santa Maria Army Airfield, Department of Defense (DOD). Additionally, based on our records, DOD did not own the property when SEMCO was operating; SEMCO operations commenced in 1949. The contention that the DOD caused or permitted the discharge of TCE at the Site was first raised by SEMCO in 1989 but was unsupported. As documented in a September 1989 Staff Report Concerning SEMCO⁴⁶ and memorialized in a Central Coast Water Board letter dated July 26, 1989,⁴⁷ there was no data to assign responsibility to the DOD for discharging TCE at the Site. Central Coast Water Board staff assessed a small portion of the former Santa Maria Army Airfield (the SEMCO Site) again in 2014 after a request by the U.S. Army Corps of Engineers (USACE)⁴⁸ for no further action related to the TCE impacts in the area of the Site. Consistent with our determination in 1989, Central Coast Water Board

⁴⁶ September 1989 Staff Report is available on GeoTracker:

[https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5027829825/1989_10_13_Complaint_89-05_STAFF_REPORT_ITEM07_13OCT1989%20\(2\).pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5027829825/1989_10_13_Complaint_89-05_STAFF_REPORT_ITEM07_13OCT1989%20(2).pdf)

⁴⁷ Central Coast Water Board letter dated July 26, 1989 is available on GeoTracker:

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1251357853/LTR_CLEANUP_26JULY1989.pdf

⁴⁸ USACE No Department of Defense Actions Indicated (NDAI) dated January 17, 2014, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=737mj>

staff issued a letter⁴⁹ recognizing that the DOD was not, at that time, a discharger responsible for Site cleanup responsibilities. Additionally, Central Coast Water Board stated, “Should evidence of site wastes which may have been caused by the [DOD’s] use of the property come to our attention in the future, the [Central Coast] Water Board reserves the right to require the [DOD] to undertake site investigation and cleanup actions, if appropriate.”

Based on Central Coast Water Board staff’s review of the file, one 1,500-gallon fuel oil UST, identified as T1242,⁵⁰ was located beneath the Site in an area northeast of the former SEMCO building. There is no evidence in the record that T1242 contained TCE or cutting oil (see footnote 47; T1242 is listed as fuel oil storage). Therefore, the two predominant contaminants SEMCO used in their operations and discharged, resulting in impacts to soil, soil gas, and groundwater beneath the former solvent AST and underground sump, were not present in T1242. As part of USACE’s tank removal project in the 1990s at the Santa Maria Public Airport and vicinity, one 1,500-gallon fuel oil UST, identified as T1273⁵¹ was removed from a location north and east of the Site. USACE notes on the T1273 photo state that T1273 was filled with trash.⁵² Additionally, Site investigation results included in various reports for soil, soil gas, and groundwater do not show elevated concentrations of TCE or total petroleum hydrocarbons (TPH) that would be indicative of a discharge from an UST located in either of those locations.⁵³

Before the Proposed Order was issued, Central Coast Water Board staff met with the City, County, and District (“Public Entities”) on three occasions⁵⁴ to discuss the Proposed Order and staff’s intent to potentially name the Public Entities as dischargers. During and after those meetings, the Public Entities asserted unsubstantiated claims that the DOD first caused TCE pollution at the Site and should be named in any future Site cleanup orders and/or directives. Even though previous investigations ruled out naming the DOD as a discharger, Central Coast Water Board staff issued a Freedom of

⁴⁹ Central Coast Water Board letter dated February 21, 2014, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=ud7or>

⁵⁰ The approximate location of T1242 is shown on the 1945 Basic Layout Plan for the Santa Maria Army Airfield: <https://geotracker.waterboards.ca.gov/?surl=yg2dk>

⁵¹ Here is a location map showing UST T1273 details on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=zsztz>

⁵² Page 3 is a photo of T1273 prior to removal; see GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=zsztz>

⁵³ GeoTracker links to several reports: 2022 Vadose Zone Site Assessment Report

<https://geotracker.waterboards.ca.gov/?surl=vft0c>; 2021 Soil Vapor Sampling Report and Monitoring Well Investigation Reports <https://geotracker.waterboards.ca.gov/?surl=tfods>

⁵⁴ On December 1, 2020, Central Coast Water Board hosted an initial meeting to discuss the Site’s status and ownership history with representatives for the City of Santa Maria and the Santa Maria Public Airport District; on January 13, 2021, Central Coast Water Board also hosted an initial meeting with representatives for the County of Santa Barbara regarding the Site’s status and ownership history. On October 25, 2022, Central Coast Water Board staff hosted a second meeting to discuss the Site with representatives for the City of Santa Maria, Santa Maria Public Airport District, and the County of Santa Barbara. Additionally, on March 13, 2023, Central Coast Water Board staff hosted a follow-up meeting (to the October 25, 2022, meeting) regarding the Site with representatives for the City of Santa Maria, Santa Maria Public Airport District, and the County of Santa Barbara.

Information Act (FOIA) request to the US Army Corp of Engineers, requesting all documentation associated with the former army airfield to re-evaluate our previous assessments (in 1989 and 2014). Documents submitted by the USACE are available to the public on the SEMCO and Army Airfield GeoTracker website.⁵⁵ After a thorough review of the information request submittal and our own files related to the army airfield, Central Coast Water Board staff have found no documented evidence of pollution related to the army's Underground Storage Tanks (USTs) that have contributed to SEMCO's area of maximum concentrations either by tank location or tank contents.

If the County has information that links additional dischargers to the discharge of wastes at the Site (e.g., a former Site owner or operator during a time when a discharge or threatened discharge of waste occurred), Central Coast Water Board staff will consider the evidence submitted. While Central Coast Water Board staff are open to naming additional dischargers, including the DOD, in subsequent orders for the Site, there is insufficient evidence to support naming the DOD in the Proposed Order at this time.

See Staff Response to Comment Chris Mathys, Rhine, LP – 1

Change Made: No changes were made to the Proposed Order in response to this comment.

County of Santa Barbara – 3

II. THE DRAFT CAO UNJUSTIFIABLY EXCLUDES ADDITIONAL PARTIES WITH A PLAUSIBLE CONNECTION TO SITE CONTAMINATION

b. Mafi Trench

The Draft CAO also fails to name parties associated with the nearby Mafi Trench property, located south of the Site at 3070 Industrial Parkway, Santa Maria, CA, including its owner EFT Enterprises, L.P. The Mafi Trench property is subject to a long-running investigation and cleanup under Regional Board oversight of a dissolved-phase chlorinated VOC plume in groundwater.

The Draft CAO makes no reference to the Mafi Trench site, and nothing in the administrative record provides any reasoning to support the Regional Board's exclusion of Mafi Trench parties under the Draft CAO. The Draft CAO assumes that impacts from the Site have reached deep groundwater, and yet Regional Board staff excluded Mafi Trench from the Draft CAO apparently based upon the belief that Mafi Trench is located downgradient of the Site. However, the Regional Board itself has previously found based upon semiannual groundwater monitoring at the Mafi Trench property that "regional groundwater flow direction was northwest." The Regional Board's own historical findings contradict its apparent view that groundwater gradients run to the

⁵⁵ Santa Maria Army Airfield (J09CA061900) (T0608345324) on GeoTracker:
<http://geotracker.waterboards.ca.gov/?qid=T0608345324>

south.

As discussed further below, it is premature for the Draft CAO to require the prior groundwater monitoring network to be restarted or to require off-Site groundwater investigations. Groundwater gradients are either not fully understood or may have changed over time, and the Mafi Trench site is a known and adjacent source of VOC contamination in groundwater. Accordingly, if the Regional Board retains requirements under the Draft CAO for deep groundwater characterization and off-Site delineation, then EFT Enterprises, L.P. and/or other dischargers associated with the Mafi Trench property should be considered suspected dischargers with respect to the Site, and should also be named under the Draft CAO.

Staff Response to Comment County of Santa Barbara – 3

The Proposed Order does not name parties associated with the Mafi Trench cleanup site (Mafi),⁵⁶ at this time, for the following reasons:

Parties associated with Mafi never owned, leased, or operated the property associated with the SEMCO Site, based on our records.

Maximum groundwater concentrations of TCE, in the perched aquifer (shallow groundwater) beneath the SEMCO Site, are five orders of magnitude higher (430,000 micrograms per liter [$\mu\text{g/L}$])⁵⁷ than the maximum TCE concentrations ever reported for shallow groundwater at Mafi (7 $\mu\text{g/L}$)⁵⁸.

Maximum concentrations of TCE, in the regional aquifer (deep groundwater) beneath the SEMCO Site, are two orders of magnitude higher (1,200 $\mu\text{g/L}$)⁵⁹ than the maximum TCE concentrations reported for deep groundwater at Mafi (60 $\mu\text{g/L}$) (refer to footnote 58 for deep groundwater concentrations at Mafi).

Regardless of groundwater flow directions in the vicinity of the Mafi and SEMCO Site, the significantly lower concentrations of TCE in groundwater below Mafi, compared to SEMCO, demonstrate there is a significant source of pollution beneath the SEMCO Site. Additionally, the contamination plume below the SEMCO Site has not been fully characterized and characterization needs to be completed before the Central Coast Water Board could evaluate if a nearby site is impacted groundwater beneath the Semco Site or if the pollution beneath the two sites are connected.

Groundwater Flow Direction

⁵⁶ The Mafi Trench cleanup site on GeoTracker:

<http://geotracker.waterboards.ca.gov/?gid=SLT3S0301290>

⁵⁷ Supplementary Subsurface Investigation, SEMCO Twist Drill and Tool Company, dated March 8, 1990, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=989w4>

⁵⁸ Site Conceptual Model for 3037 Industrial Parkway, Santa Maria, dated January 2019, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=dvr1s>

⁵⁹ 2003 Third Quarter Report for Groundwater Monitoring Activities dated February 24, 2003, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=ntubt>

In 1989, Westec Services reported, in the Subsurface Investigation report⁶⁰, that the groundwater flow direction of the shallow aquifer, was in an easterly direction. It was reported that groundwater flow was opposite to the topographic gradients due to several factors (e.g., dewatering in the east and recharge coming from the west), potentially resulting in reversals of expected flow directions.

In a 2003 Third Quarter Report for Groundwater Monitoring (see footnote 59), Everest Services, Inc. reported that groundwater in the shallow aquifer was flowing in the south-southeast direction and groundwater in the deep aquifer was determined to be flowing in the south-southwest direction.

In a 2021 Monitoring Well Investigation Report,⁶¹ Analytical Consulting Group, Inc. (ACG) reported that groundwater in the regional aquifer is generally flowing toward the west, with a pumping depression just to the southeast of the Site, which ACG reported likely caused a seasonal reversal of groundwater flow towards the south or southeast (information in the report referenced from the *2019 Annual Report of Hydrogeologic conditions Water Requirements, Supplies, and Disposition, Santa Maria Valley Management Area*). However, ACG also noted that a site-specific groundwater flow direction has not yet been determined for the deep aquifer beneath the Site.

Reports submitted on behalf of the Mafi Trench site indicate groundwater flow in the shallow aquifer beneath Mafi is toward the west to southwest direction and that the regional aquifer groundwater flow direction is toward the west-northwest. However, Mafi has only one deep groundwater monitoring well and cannot calculate a site-specific groundwater flow direction for deep groundwater that also takes into consideration the pumping influence of nearby supply wells.

The additional investigation of the shallow and deep aquifers beneath the SEMCO Site, as required in the Proposed Order, must be implemented to determine current hydrogeologic conditions, including groundwater flow direction in both the shallow and deep aquifer. Central Coast Water Board staff acknowledge that there are data gaps in the measurements of the deep aquifer beneath MAFI and the SEMCO Site, resulting in the reporting of fluctuating groundwater flow directions. The 2003 measurement of deep groundwater is the only site-specific measurement in the SEMCO area and it indicates deep groundwater historically moved toward Mafi at the time of measurement in 2003.⁶² As is standard in other cleanup sites that have significant sources of pollution, a regular monitoring program is needed to fully understand groundwater flow direction and contaminant fate and transport.

⁶⁰ Subsurface Soil Investigation dated January 1989, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=et3dz>

⁶¹ Monitoring Well Investigation Report dated July 16, 2021, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=54phn>

⁶² Central Coast Water Board staff comments on 2003 groundwater flow measurements, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=sr998>

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| Staff Response to Comment Chris Mathys, Rhine, LP – 1 |
| Change Made: See revisions to Section A.18 of the Proposed Order |

County of Santa Barbara – 4

II. THE DRAFT CAO UNJUSTIFIABLY EXCLUDES ADDITIONAL PARTIES WITH A PLAUSIBLE CONNECTION TO SITE CONTAMINATION

c. Four Additional Unspecified Potential Sources

Additionally, a survey developed concurrently with initial discovery of TCE in groundwater at the Site identified the presence of at least four unspecified properties in the vicinity of the Site that could be sources of groundwater contamination. That survey found four unspecified potential sources that used or were then using TCA, including a facility with a 5,000-gallon waste oil UST and another which was ordered to cease discharging solvents into a 60- to 70-foot dry well.

The Draft CAO fails to reference these four suspected sources. It is unclear from the Draft CAO what effort, if any, the Regional Board has made to identify these four sources, investigate their relationship to the Site, and if warranted, name them under the Draft CAO.

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| Staff Response to Comment County of Santa Barbara – 4 |
| See Staff Response to Comment Chris Mathys, Rhine, LP – 1 |
| The record indicates that industries and properties surrounding Well 2AS were inspected and soil samples were collected during initial investigations in May 1985. ⁶³ In fact, as a result of the soil sample analysis and further investigation of solvent handling practices at SEMCO, Santa Barbara County Health Care Services (later known as County Environmental Health Services or EHS) required SEMCO to determine the vertical and lateral extent to which soils in front of the Well 2AS were contaminated with TCE. |
| After 1985, additional investigations of the SEMCO operation provided evidence that SEMCO stored VOCs (specifically TCE and 1,1,1-TCA) in aboveground storage tanks (ASTs) east of the SEMCO shop building and stored cutting oil in an onsite underground sump. SEMCO utilized TCE for approximately 36 years (between 1949 and 1985), ⁶⁴ as a degreaser for tools and metal parts. SEMCO's operations generated waste products containing these substances (specifically cutting oil and TCE for degreasing metal parts) during that time. SEMCO also stored VOC sludge |

⁶³ Central Coast Water Board Internal Memo dated September 25, 1987, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=kxkrc>

⁶⁴ Central Coast Water Board Hearing Staff Report dated October 13, 1989, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=tugaz>

(mixture of TCE, TCA and waste oil from operations) in 55-gallon drums and maintained parts-cleaning tanks behind its main building (refer to photographs referenced in Staff Response to Comment City of Santa Maria – 3). Sampling conducted in the area behind the main building, confirmed elevated concentrations of VOCs and petroleum hydrocarbons in soil and groundwater, indicating wastes were discharged behind the SEMCO facility, as detailed in the Proposed Order. The Dischargers named in the Proposed Order are required to address the TCE and associated VOCs, petroleum hydrocarbons, and 1,4-dioxane discharged onsite to soil, soil gas, and groundwater at the SEMCO Site based on the evidence in our records.

Should the named dischargers discover, through site assessment and investigation, that there is a secondary source or comingled plume of VOCs, petroleum hydrocarbons, and 1,4-dioxane from an offsite source, or an additional operator, they can submit such evidence at any time for the Central Coast Water Board to review and consider whether additional dischargers should be named in the Proposed Order.

Change Made: No changes were made to the Proposed Order in response to this comment.

County of Santa Barbara – 5

II. THE DRAFT CAO UNJUSTIFIABLY EXCLUDES ADDITIONAL PARTIES WITH A PLAUSIBLE CONNECTION TO SITE CONTAMINATION

d. Other Parties with a Relationship to the Site

For consistency with applicable legal authorities, and to ensure that named dischargers have adequate Site access to enable performance of additional Site investigations that would be required to comply with the Draft CAO, certain tenants of the Site and nearby properties should also be named.

First, the Draft CAO fails to name Art Craft Paint, Inc., the lessee of property at 3203 Lightning Street located nearby and to the south of the Site. The Regional Board wrote recently that “[t]he Art Craft Paint cleanup site . . . is located downgradient of the Semco site and is a soil-only contamination site with no evidence of impacts to groundwater.” To the contrary, since March 2019, Art Craft Paint Inc. has been subject to a Consent Order entered with the County’s Environmental Health Services’ Site Mitigation Unit (“SMU”) that requires Art Craft Paint, Inc. “to complete corrective actions related to potential contamination of soil and groundwater.” Soil investigation work in the vicinity of a collection trench proposed by Art Craft Paint has been approved by SMU as a first step in this investigation; no investigations of the Art Craft Paint site have yet ruled out potential groundwater impacts or characterized groundwater gradients at this property. Because the Regional Board insists that further vertical and horizontal delineation is needed at the Site, there is no evidentiary basis to support the Regional Board’s apparent conclusion that Art Craft Paint, Inc. has not caused or permitted an offsite

discharge of TCE or other VOCs affecting on-Site conditions.

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| Staff Response to Comment County of Santa Barbara – 5 |
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| See Staff Response to Comment Chris Mathys, Rhine, LP – 1 |
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| Santa Barbara County Public Health Department Environmental Health Services are overseeing the Art Craft Paint, Inc. site and are currently requiring the investigation of subsurface soil. There is no evidence of groundwater impacts beneath the Art Craft Paint, Inc. site currently. |
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| Change Made: No changes were made to the Proposed Order in response to this comment. |
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County of Santa Barbara – 6

Additionally, the Draft CAO states that Santa Maria BBQ Outfitters and Hans Duus Blacksmithing are current tenants that use the Site for “warehousing products and metal fabrication” and “welding and metalworking,” respectively. As the Draft CAO itself recites, a “discharge” includes not only the initial release of hazardous substances into the environment, but also continuing uncontrolled movement of past releases in the subsurface. If the Regional Board concludes there are continuing uncontrolled discharges of VOCs or other hazardous substances at the Site, then each current tenant has permitted and continues to permit a discharge under this standard. Moreover, there is no evidence in the administrative record to rule out either of these parties as having potentially caused Site contamination through their own actions. The Regional Board should therefore issue Section 13267 information orders to current Site tenants, and each current tenant should also be added as named dischargers under the Draft CAO.

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| Staff Response to Comment County of Santa Barbara – 6 |
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| If current Site tenants do not provide access for investigation and remediation activities and/or for any infrastructure that may be necessary for assessment and/or remediation activities, then those tenants may be added as a discharger to the Cleanup and Abatement Order, if issued, and will be responsible for fulfilling the obligations imposed by it. To date, there is nothing to suggest that the current Site tenants will deny such access. |
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| See Staff Response to Comment Chris Mathys, Rhine, LP – 1 |
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| Change Made: No changes were made to the Proposed Order in response to this comment. |
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County of Santa Barbara – 7

III. THE DRAFT CAO'S REQUIREMENTS ARE OVERLY-PRESCRIPTIVE, INFEASIBLE, AND VIOLATE APPLICABLE STATE BOARD POLICY

The evidence demonstrates that the County should not be named as a discharger under the Draft CAO. Without stipulating the validity of any assertions or allegations contained in the Draft CAO, and without waiver of any privileges, immunities, or defenses to liability, the County offers the following additional comments on the Draft CAO.

a. The Required Actions are Overly Prescriptive and Unreasonable

State Board Policy 92-49 requires that, in the absence of exceptional circumstances, the Draft CAO follow a “progressive sequence” from site assessment, to investigation, remedy selection, implementation, and finally monitoring. Policy 92-49 also requires the Regional Board to give alleged dischargers subject to a CAO “the opportunity to select cost-effective methods” for investigation and cleanup. The Required Actions set forth at Section F of the Draft CAO fall short of these requirements in several respects.

For instance, the Draft CAO would require the named dischargers to resuscitate the former groundwater monitoring network, originally installed in the early 1990s, and recommence quarterly monitoring. The Draft CAO requires named dischargers to locate 20 former groundwater monitoring wells, perform integrity tests, recondition accessible and functional wells, destroy inaccessible or nonfunctional wells, and replace them with new monitoring wells. Because simply locating historical wells may be infeasible, the named dischargers should not be required to undertake more than customary GPS searches and a basic geophysical survey. Automatically requiring the former groundwater monitoring network to be reactivated improperly puts monitoring ahead of site assessment and precludes the named dischargers from designing and selecting suitable site assessment methods and remedial design options in contravention of Policy 92-49. Instead, the Regional Board should allow the named dischargers to determine feasibility, remedial design, and monitoring based upon first performing and considering additional investigation.

Moreover, even if resuscitating the former monitoring network was technically justified, because the locations of former wells are unknown, the Draft CAO could require the named dischargers to secure additional property or access rights from third parties not subject to the order. The feasibility and cost-effectiveness of obtaining property and access rights has not been evaluated.

Without explanation, the Draft CAO also proceeds directly to mandates for onerous requirements for delineation of impacts to soil, soil gas, and groundwater, including deep groundwater and off-Site media. The requirements at Section F.3 do not bear a reasonable relationship to the administrative record or even the Draft CAO itself. For example, the Draft CAO requires the named dischargers to drill new deep groundwater monitoring wells to 220-250 feet below ground surface (bgs) when the Regional Board’s rationale for excluding the DOD, Art Craft Paints, Inc., and Mafi Trench parties, amounts to a technical conclusion that Site impacts are limited to shallow soil and shallow perched groundwater. The Draft CAO also requires an investigation of on-Site vapor intrusion (VI) risks when the administrative record already reflects recent VI investigation that reflected levels of TCE beneath applicable Regional Board

commercial screening levels. The Draft CAO also would deprive the named dischargers from excluding from further investigation data gaps determined based on the opinion of a qualified environmental consultant to be immaterial. In light of the record, the requirements for fresh and comprehensive lateral and vertical delineation across all conceivably impacted media are not technically justified and fail to consider cost-reasonableness in violation of Policy 92-49.

Finally, the Draft CAO improperly requires a remedial action plan (RAP) to be designed that will reduce wastes in contaminated media to background concentrations. Requiring cleanup to background levels is not feasible or technically justified at all sites. The Draft CAO should be revised consistent with Policy 92-49, which requires conditions to be remediated to background only where reasonable, or else to an alternative level that is economically and technologically feasible.

Staff Response to Comment County of Santa Barbara – 7

The Proposed Order complies with State Water Board Resolution No. 92-49 and Water Code section 13360, which prohibits the Regional Water Boards from specifying, but not suggesting, methods a discharger may use to achieve compliance with requirements or orders. It is the dischargers' responsibility to propose methods for Central Coast Water Board staff review and concurrence to achieve compliance with requirements or orders.

The Central Coast Water Board has the authority to require cleanup of waste discharges to background. (See Water Code section 13304; State Water Board Resolution No. 92-49.) State Water Board Resolution No. 92-49 makes clear that the intention of investigation and cleanup and abatement is to protect human health and the environment. California Code of Regulations, title 23, section 2550.4, clarifies that the requirement applies to all media, including soil vapor.

Determining the location of all monitoring wells at the Site is imperative to evaluate the condition of the wells. Monitoring wells that are "missing" or left in disrepair are potential conduits for additional discharges and contamination to both shallow and deep groundwater. Every effort must be made to locate the historical monitoring well network as described in the Proposed Order. If the previously installed wells are not located, the efforts taken to look for those wells must be documented in the completion report, and a recommendation to replace the well(s) with new well(s), as required in Section F, item 1.d of the Proposed Order, must be provided.

The Proposed Order directs the Dischargers to propose the installation of new wells and to replace damaged wells or unlocated wells. The Proposed Order does not dictate where replacement wells must be located. The dischargers could potentially recommend new monitoring wells as replacement wells in new locations based on their assessment of the existing groundwater monitoring well network. Central Coast Water Board staff will need to review and concur with the dischargers' proposed scope of work to ensure the pollution is properly delineated.

Promptly evaluating, proposing replacement wells, and sampling existing wells is key to determining groundwater flow direction, threat to supply wells, and baseline conditions of the shallow and deep aquifers beneath the Site.

The Central Coast Water Board has made no determination that site wastes are “limited” to shallow soil and groundwater in the Proposed Order or otherwise. In fact, the Proposed Order specifically states that concentrations of VOCs, petroleum hydrocarbons and 1,4-dioxane documented in section A.14 (summary of maximum concentrations in shallow and deep groundwater beneath SEMCO) exceed water quality objectives, specifically California maximum contaminant levels (MCLs) for VOCs. In 2003, TCE was reported at 1,200 micrograms per liter (µg/L) in deep groundwater monitoring well GWDMW2; the MCL for TCE is 5.0 µg/L. Therefore, the Proposed Order appropriately requires the investigation of deep groundwater to delineate the lateral and vertical extent of the contamination in the deep aquifer. The requirement to delineate the vertical and lateral extent of the groundwater plume has been included in numerous Orders issued by Central Coast Water Board and has not been completed to date.

Central Coast Water Board staff’s rationale for excluding Mafi and Art Craft Paints, Inc. is not included in the Proposed Order but addressed in Staff Response to Comment County of Santa Barbara -3, and -5, respectively. Central Coast Water Board staff’s rationale for excluding the DOD as a discharger is included in the Proposed Order and in Staff Response to Comment County of Santa Barbara – 2, and in no way implies SEMCO’s contamination is “limited to shallow soil and perched groundwater” as stated by the commenter.

Central Coast Water Board staff’s rationale for requiring additional vapor intrusion risk evaluation is discussed in Staff Response to Comment Geosyntec Consultants – 1.

Change Made: See revisions to Section F.1.d of the Proposed Order.

County of Santa Barbara – 8

III. THE DRAFT CAO’S REQUIREMENTS ARE OVERLY-PRESCRIPTIVE, INFEASIBLE, AND VIOLATE APPLICABLE STATE BOARD POLICY

b. The Compliance Schedule is Technically and Practically Infeasible

Policy 92-49 requires the Regional Board to set compliance schedules that take account of the “financial and technical resources available to the discharger” while “minimizing the likelihood of imposing a burden on the people of the state with the expense of cleanup and abatement, where feasible.”

Instead, the Draft CAO establishes an inflexible schedule for compliance with its investigation, cleanup, and monitoring requirements. For reasons more particularly described in the attached technical comments from the County’s expert consultant, these timelines may not be technically or practically feasible. The Draft CAO should also

be revised to allow greater adjustability in response to future site investigation and assessment.

The Draft CAO also requires the named dischargers to provide Site access to the Regional Board, without any consideration that the County has no property rights at the Site or ability to guarantee access to the Regional Board. Property access is controlled by Rhine LP and its affiliates, the current Site owners. Property access is also controlled by current tenants, Santa Maria BBQ Outfitters and Hans Duus Blacksmithing, each of whom has been unjustifiably omitted from the Draft CAO as discussed above. As applied to the other named dischargers, the requirement to provide site access is potentially infeasible.

The initial compliance deadlines established under Exhibit 4 to the Draft CAO are also likely to be practically infeasible. Before the dischargers can meet the first deadline schedule for 90 days following the issuance of the final CAO, arrangements for cooperation among the named dischargers will need to be established. The Draft CAO also fails to allot sufficient time given that three of the alleged dischargers are public entities that are required by law to follow local procedural requirements to authorize workplans and sign-off on budgets, the financial burden of which would ultimately be borne by local taxpayers. The schedule also fails to leave sufficient room for the public agency dischargers to deal with SEMCO's corporate successors, whose history at the Site includes numerous notices of violation and fines for noncompliance with prior Regional Board orders. Without greater flexibility built into the compliance schedule, the Draft CAO will violate Policy 92-49 by setting a schedule insensitive to feasibility concerns and placing an undue burden on public entities.

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| Staff Response to Comment County of Santa Barbara – 8 |
| Central Coast Water Board staff disagree. The Proposed Order allows for flexibility in the time schedule. Under the terms of the Proposed Order, if the dischargers find that time for individual tasks is insufficient, and can provide an adequate rationale supporting an extension, the dischargers can request an amendment to the time schedule. |
| The fact that the commenter is not a current property owner with rights to access the Site is not a justification to warrant altering the Proposed Order. There is no indication that current property owners or tenants would impede access to the Site for cleanup and abatement activities. |
| Water Code section 13304 obligates any person that has “caused or permitted” waste to be discharged where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance, to clean up the waste, abate effects of the waste, or take other necessary remedial action. The key question in assigning responsibility for the cleanup and abatement of waste is whether the discharger caused or permitted the discharge. There is no evidence to suggest that Santa Maria BBQ Outfitters and Hans Duus Blacksmithing |

caused or permitted the discharge of waste to waters of the state at the Site. See Staff Response to Comment Chris Mathys, Rhine, LP – 1

The fact that there are multiple dischargers does not justify altering the Proposed Order. The Central Coast Water Board disagrees that 90 days is insufficient to allow for cooperation and coordination among multiple dischargers. The Central Coast Water Board encourages parties to work collaboratively to investigate and clean up discharges. However, per the Proposed Order, if the dischargers find that time for individual tasks is insufficient, and can provide an adequate rationale supporting an extension, the dischargers can request an amendment to the time schedule.

Change Made: No changes were made to the Proposed Order in response to this comment.

County of Santa Barbara – 9

IV. CONCLUSION

The Regional Board should decline to name the County as a discharger under Water Code Section 13304(a) for the reasons stated in these comments. There is no evidence to support the Regional Board's conclusions that a discharge occurred during the County's ownership of the Site, or even if it did, that the County had contemporaneous actual or constructive knowledge of SEMCO's activities to conclude that the County "permitted" such a discharge.

If the Regional Board elects to approve the Draft CAO while naming the County as a discharger, it should update the list of named dischargers to include DOD, Art Craft Paint, Inc., EFT Enterprises, L.P., other current or former owners and operators of the Mafi Trench property, Santa Maria BBQ Outfitters, and Hans Duus Blacksmithing. The administrative record demonstrates that each of these parties has as much or more reason to be named under the Draft Order than the County.

In either case, the Regional Board should amend the Draft CAO to respect the binding requirements of State Board Policy 92-49. The final CAO must be feasible, preserve the named dischargers' right to design and control investigation and remediation in a cost-effective manner, and set realistic compliance schedules.

Staff Response to Comment County of Santa Barbara – 9

See Staff Response to Comment County of Santa Barbara 1 through 8.

Change Made: No changes were made to the Proposed Order in response to this comment.

Geosyntec Consultants (on behalf of County of Santa Barbara)– 1

B. LAW AND REGULATORY CONSIDERATIONS

B.4: *“Vapor intrusion poses a potential threat to current and future tenants, and other persons who may frequent the site...Moreover, offsite and onsite soil gas concentrations exceed ESL [San Francisco Bay Regional Water Quality Control Board Environmental Screening Level] residential screening levels for TCE [trichloroethene] and PCE [tetrachloroethene] of 16 µg/m³ [micrograms per cubic meter] and 15 µg/m³...As long as the waste remains in the subsurface the risk for vapor intrusion continues to exist which poses a threat to human health.” – Draft CAO*

Based on recent indoor and outdoor air sampling data collected in February 2021 and April 2022 within and in the vicinity of the former SEMCO buildings, indoor air concentrations did not exceed commercial screening levels. The consultant concluded that vapor intrusion from soil and/or groundwater is not expected to result in excess risk to occupants under the current commercial land use. Following its review of the reports, the Regional Board issued a letter dated July 28, 2022, concurring with the consultant, and stating that: “The March 2021 and January 2022 indoor air results do not indicate an immediate vapor intrusion threat to the Site building occupants based on current operations.”

Further, while TCE concentrations exceed residential screening levels, the Site is zoned for commercial/industrial use. Review of aerial photography indicates the closest residential properties hydraulically downgradient of the Site with regards to the southeasterly shallow groundwater flow direction (noted in Section A18 of the Draft CAO) are approximately 0.5 miles from the former SEMCO buildings. The closest residential properties hydraulically downgradient of the Site with regards to the southwesterly regional groundwater flow direction (noted in Section A18 of the Draft CAO) are approximately 1.6 miles from the former SEMCO buildings. Historical assessments performed at the Site indicated the shallow, perched groundwater is laterally discontinuous; this is supported in Section A18 of the Draft CAO): “Groundwater is found in ... a perched water-bearing zone (shallow water-bearing zone) approximately ... 150-200 feet in lateral extent.”

Based on the above, the Draft CAO contradicts the recent data as well as the Regional Board’s July 8, 2022, letter acknowledging that a vapor intrusion threat does not exist to current Site building occupants.

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| Staff Response to Comment Geosyntec Consultants – 1 |
| Central Coast Water Board staff disagree. Central Coast Water Board staff previously stated that the 2021 and 2022 indoor air results do not indicate an immediate vapor intrusion threat. An immediate vapor intrusion threat would require immediate mitigation and is a vapor intrusion risk above points of departure ⁶⁵ (i.e., exceeding cancer risk of 10 ⁻⁶ and hazard index of 1) per Department of Toxic Substance Control |

⁶⁵ In toxicology, points of departure refer to calculated human health risk thresholds, or a dose at which a biological response is first observed and is a basis for making extrapolations needed for assessing risks.

(DTSC) guidance.⁶⁶ The 2021 and 2022 indoor air results show that the building occupants are not breathing vapors that exceed acceptable cancer risk values for commercial use at the time of the tests, which DTSC refers to as a low priority building. Soil gas and sub-slab soil gas, however, are elevated above points of departure as reported in 2021.⁶⁷ DTSC guidance clearly states that low priority buildings with potential future vapor intrusion risk scenarios should be re-evaluated for vapor intrusion risk as the conceptual site model evolves with additional sampling data and lines of evidence (e.g., soil gas concentrations increase). Until the source of TCE is removed, there continues to be a vapor intrusion risk.

Despite numerous orders requiring the delineation of the lateral and vertical extent of TCE in soil, soil gas, and groundwater originating from the Site, the extent of TCE contamination has never been determined by the previously named dischargers. The Proposed Order is needed because the contamination has not been delineated or evaluated for remedial actions to clean up the sources of contamination. When site cleanup program staff stop making progress with currently identified dischargers through a voluntary process, issuance of a cleanup and abatement order is a typical next step to ensure protection of water quality and public health.

Change Made: No changes were made to the Proposed Order in response to this comment.

Geosyntec Consultants (on behalf of County of Santa Barbara) – 2

C. DISCHARGES

C.5: “A prior owner may be named in a cleanup and abatement order if it knew or should have known that a lessee’s activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance...Landowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.” – Draft CAO

In support of this finding the Regional Board cites “Central Coast Water Board files contain extensive evidence of publicly available information concerning the knowledge of the use of chlorinated solvents (including TCE) resulting in discharges and contamination of water supplies during the relevant timeframe.” The presence or absence of such information in the Regional Board files is not evidence of the County’s knowledge of degreaser use on the property or the reasonableness that the County should have known about the likelihood of a discharge from the property between 1949 and 1964.

⁶⁶ DTSC Supplemental Guidance: Screening and Evaluating Vapor Intrusion dated February 2023: https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI_SupGuid_Screening-Evaluating.pdf

⁶⁷ Soil Vapor Sampling Report dated July 16, 2021, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=egp14>

Furthermore, there is no evidence that a release of TCE first occurred at the Site prior to 1964. The first evidence of potential environmental contamination at the Site was not until 1985, over 20 years after the County's sale of the property. SEMCO operated at the Site until 2001. Records submitted by SEMCO to the Regional Board demonstrate that SEMCO purchased bulk quantities of TCE from February 1981 through December 1984. Geosyntec finds no technical support in the administrative record to support the assumption that SEMCO's initial discharge of TCE or other wastes occurred during the County's period of ownership of the Site.

Additionally, the purchase records submitted by SEMCO to the Regional Board demonstrate that any release by SEMCO of 1,4-dioxane, a stabilizer historically used with trichloroethane (TCA), would have occurred after 1984. Specifically, purchase orders and receipts submitted to the Regional Board by SEMCO demonstrate that it procured bulk quantities of TCA only from November 1984 through December 1987. The Draft CAO has identified no other probable source of 1,4-dioxane to the extent it is present in soil, soil gas, or groundwater at the Site.

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| Staff Response to Comment Geosyntec Consultants – 2 |
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| See Staff Response to County of Santa Barbara – 1 |
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See Staff Response to Comment City of Santa Maria – 3

Regarding Geosyntec's comment on 1,4-dioxane, Central Coast Water Board staff disagree. General information available to the public provides documentation that 1,4-dioxane was used as a stabilizer for both TCE and 1,1,1-TCA, as early as the late 1950s. The Interstate Technology Regulatory Council (ITRC) states the following regarding 1,4-dioxane and TCE⁶⁸:

"Although it is relatively less reactive with aluminum and other metals than 1,1,1-TCA, TCE has nevertheless been stabilized⁶⁹ for vapor degreasing applications since at least the 1940s."

"...definitive documentation of 1,4-dioxane as a stabilizing agent for TCE is insufficient due to the lack of specificity in early patent literature describing TCE formulations. Despite this lack of definitive documentation, given the increased use of 1,4-dioxane for solvent stabilization since the late 1950s and the existences of many different TCE manufacturers throughout the twentieth century, it is possible that some stabilized TCE contained 1,4-dioxane."

⁶⁸ History of Use and Potential Sources of 1,4-dioxane, Interstate Technology Regulatory Council (ITRC): https://14d-1.itrcweb.org/history-of-use-and-potential-sources/#1_1&gsc.tab=0

⁶⁹ Stabilizers are required to inhibit reactions between the solvent and the metals, which form acids as the solvent decomposes. The solvents typically are stabilized and then sold commercially. 1,1,1-TCA is an order of magnitude more reactive with aluminum than TCE; therefore 1,1,1-TCA requires a greater level of stabilization than TCE, which is why it is mainly associated with 1,1,1-TCA, but not exclusively (ITRC, footnote 61).

“Finally, note that the presence of 1,4-dioxane in metal working and degreasing activities is not limited to the use of 1,1,1-TCA. 1,4-Dioxane was used in some cutting oils used in machining, at levels as high as 16.5%. These cutting oils could be carried in the waste TCE from degreasing operations, independent of any use of 1,1,1-TCA. Therefore, sites where TCE is detected, associated with these metal working processes, should also be considered for sampling of 1,4-dioxane.”

Based on the available evidence discussed and cited in this response to comments, SEMCO was using TCE and cutting oil in their operations since operations began in 1949 until approximately 1985 (TCE) and until operations ceased in approximately 2001 (cutting oil). Therefore, Central Coast Water Board staff do not agree that you can definitively claim 1,4-dioxane was not discharged during standard operating practices throughout the time SEMCO used TCE and cutting oil while leasing the Site from the County or the City.

Change Made: No changes were made to the Proposed Order in response to this comment.

Geosyntec Consultants (on behalf of County of Santa Barbara) – 3

C. DISCHARGES

C.6: “County of Santa Barbara, City of Santa Maria, and Santa Maria Public Airport District, are dischargers because they were aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges.” – Draft CAO

No evidence is presented in the Draft CAO that indicates the County was aware of activities being performed at the Site during SEMCO’s tenancy, or the potential for those activities to result in a discharge of waste. Therefore, the County would not have been able to control any discharges of waste by SEMCO.

In addition, no specific source of the contamination attributed to SEMCO has been determined, such as a known release during the time the Site was leased to SEMCO. Without knowledge of the cause of the release, there is no evidence that the County knew of the activities leading to the release or had the ability to control a discharge. In fact, there is no evidence that a discharge of waste occurred at all during the time SEMCO was a tenant of the County.

Staff Response to Comment Geosyntec Consultants – 3

See Staff Response to County of Santa Barbara – 1

See Staff Response to Comment City of Santa Maria – 3

See Attachment 1 for a complete discussion of general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater

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| contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser. |
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| Change Made: No changes were made to the Proposed Order in response to this comment. |
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Geosyntec Consultants (on behalf of County of Santa Barbara) – 4

C. DISCHARGES

C.12: “The Central Coast Water Board [Regional Board] will consider whether additional dischargers caused or permitted the discharge of waste at the Site, and whether additional dischargers should be added to this Order. The Central Coast Water Board may amend this Order or issue a separate order or orders in the future as more information becomes available.” – Draft CAO

Review of documentation available on the GeoTracker database has identified several potential sources of groundwater impacts that do not appear to have been fully investigated. In particular, a Department of Public Works (DPW) internal memorandum dated July 2, 1985, documents the identification of potential sources of trichloroethane (TCA) in groundwater during a survey performed by the County of Santa Barbara Health Toxic Substances division and the DPW in May 1985. The survey was performed in response to the identification of contamination in Well 2AS. According to the memorandum, waste discharge records indicated that at least four vicinity industries used or were using TCA, including an unnamed facility with a 5,000-gallon waste oil UST and a separate facility which was ordered to cease discharging solvents into a 60 to 70 foot dry well. These facilities have not been noted or named as potentially responsible parties in the Draft CAO.

Requested Tentative Order Revisions:

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| Staff Response to Comment Geosyntec Consultants – 4 |
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| See Staff Response to Comment County of Santa Barbara – 2, 3, 4, 5, and 6 |
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| See Staff Response to Comment City of Santa Maria – 3 |
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| Change Made: No changes were made to the Proposed Order in response to this comment. |
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Geosyntec Consultants (on behalf of County of Santa Barbara) – 5

F. REQUIRED ACTIONS

F.1: “Evaluate Condition of and Restore the Existing Groundwater Monitoring Network and Evaluate the Condition of the Onsite Groundwater Extraction and Treatment System” and “After completion of the work, the Dischargers must submit a completion report summarizing the condition of the monitoring well network and groundwater

treatment system infrastructure. The completion report must also include a monitoring well network restoration workplan for the reconditioning of existing accessible and functional wells, destruction of any existing wells that cannot be restored, and a proposal for the installation of any new wells necessary to replace wells recommended for destruction or for existing wells that cannot be located.” – Draft CAO

Identifying the locations of all wells within the existing groundwater network may be infeasible and impractical. In some cases, it can be challenging or impossible to find historical wells which have become buried or otherwise obscured. The requirement to locate all historic monitoring wells should be limited to the extent the monitoring wells can be identified through GPS location and basic geophysical surveys.

“The Dischargers are also required to submit a workplan that includes a scope of work to assess the current condition of the onsite groundwater extraction and treatment system including the condition of groundwater extraction wells (EW-1 through EW-5) and determine if the system is operable.” – Draft CAO

It is not appropriate to evaluate the condition and operability of the groundwater extraction and treatment system (GETS) prior to completing a Feasibility Study and Remedial Action Plan. The GETS has not been operational for over 20 years after operating for six years with poor remedial effectiveness. There is no evidence that it would be more effective now than it was in 1994. Allocating resources to evaluating the system’s condition and operability is premature.

| Staff Response to Comment Geosyntec Consultants – 5 |
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| Regarding the location of groundwater monitoring wells, see Staff Response to Comment County of Santa Barbara – 7. |
| Regarding the GETS workplan: The Proposed Order does not include requirements to operate the GETS for Site remediation as the commenter argues. The GETS must be evaluated because it includes 5 extraction wells that have not been properly destroyed. The extraction wells must be accounted for to prohibit pollution pathways beneath the Site, as previously discussed above regarding the missing groundwater monitoring wells. Additionally, as recent as 2019, discharger Chris Mathys has claimed there is an “on-site ground water cleaning system.” ⁷⁰ Therefore, the Proposed Order requires the dischargers to confirm the existence of the system and report on the condition of the extraction wells. |
| Change Made: See clarification made in Section F.1.b. |

Geosyntec Consultants (on behalf of County of Santa Barbara) – 6

F. REQUIRED ACTIONS

⁷⁰ Chris Mathys letter to Central Coast Water Board and State Resources Control Board dated June 19, 2019, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=44j4h>

F.3 “Complete Onsite and Offsite Investigation: The Dischargers are required to submit a workplan to investigate the extent of all wastes in soil, soil gas, and groundwater onsite and offsite.” – Draft CAO

The requirement to investigate “all wastes on-site and off-site” is overly broad and unrelated to the former operations of Semco, the only suspected source of TCE at the site. Instead, the investigation must be limited to the extent of wastes related to known or suspected discharges by Semco in soil, soil gas, and groundwater.

F.3.e.vii “Summary of all historic and new soil, soil gas, indoor air, and groundwater analytical data in tabular format.” – Draft CAO

The County did not participate in historic sampling activities, has no knowledge of the quality or procedures used in collecting historic data, and does not have access to electronic databases of historic data. Transcribing historical data is labor intensive. Historical data would be considered in the summary of investigation by reference to original documents, but the Draft CAO should be revised to require that only new data be tabulated.

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| Staff Response to Comment Geosyntec Consultants – 6 |
| <p>Central Coast Water Board staff disagree. As a point of clarity, and as described in the Proposed Order, the discharges from SEMCO’s operations are not limited to TCE. Regardless, the requirement to complete delineation of the vertical and lateral extent of the discharge originating from the Site is not overly broad and is consistent with State Water Board Resolution No. 92-49; investigate and clean up and abate the entire extent of waste discharge.</p> <p>As stated in other comment responses, the results of the investigation required by the Proposed Order may or may not support the inclusion of additional dischargers in future investigation and/or cleanup requirements. The Central Coast Water Board will carefully review the data, findings, conclusions, and recommendations that result from the investigations conducted to comply with the Proposed Order requirements. If the Board determines that additional dischargers should be included in subsequent investigation or cleanup requirements, the Proposed Order provides flexibility to add additional dischargers. (See Proposed Order, Section E.3.)</p> <p>The dischargers named in the Proposed Order, and the public more generally, all have access to SEMCO’s historical data on GeoTracker.⁷¹ Regardless of the County’s ability to determine the quality or procedures used in collecting the historical data, summarizing such data in investigation reports is a standard industry practice. It is necessary to include historical data in reports to evaluate trends over time, determine data gaps, compare historical investigation results with current conditions, and provide lines of evidence for proposed investigations and feasibility studies. Plotting changes in concentrations over time can be very useful to assess pollutant distribution beneath the Site. Central Coast Water Board staff will revise the</p> |

⁷¹ The Former SEMCO Twist Drill and Tool Company, Inc. cleanup site on GeoTracker: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

requirement, but we continue to strongly recommend that the dischargers tabulate the summary of all historic sampling data as many experienced consultants do to evaluate historical Site conditions and guide future investigations.

Change Made: See revisions to Section F.3.e. of the Proposed Order.

Geosyntec Consultants (on behalf of County of Santa Barbara) – 7

F. REQUIRED ACTIONS

F.4: “The RAP [Remedial Action Plan] must abate the effects of the waste discharges in all media posing a risk to human health and impairing groundwater beneficial uses, and reduce concentrations of wastes in soil, soil gas, and groundwater to background concentrations.” – Draft CAO

This requirement is contradictory to others made elsewhere in the document, including B.11: “Resolution No. 92-49 requires the waste(s) to be cleaned up to background or, if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4.). Paragraph B.11 more accurately reflects applicable policy and industry-standard practice not to pre-determine background conditions as a cleanup standard where risk-based cleanup standards may be applicable.

Staff Response to Comment Geosyntec Consultants – 7

State Water Board Resolution No. 92-49 sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, *Statement of Policy With Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16). State Water Board Resolution No. 92-49 and No. 68-16 and the Water Quality Control Plan for the Central Coast Region (Basin Plan) establish the cleanup levels to be achieved.

Resolution No. 92-49 requires waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board Resolution No. 92-49 requires that where waste in soil discharges or threatens to discharge to waters of the state, the cleanup level for soil must achieve background or an alternative cleanup level that attains the lowest concentration that is economically and technologically feasible, and

that ensures that any remaining waste continuing to discharge to water will not exceed the applicable water quality objectives for the groundwater.⁷²

State Water Board Resolution No. 88-63 “Sources of Drinking Water”⁷³ states, “The Regional Boards shall also assure that the beneficial uses of municipal and domestic supply are designated for protection wherever those uses are presently being attained, and assure that any changes in beneficial use designations for waters of the State are consistent with all applicable regulations adopted by the Environmental Protection Agency.”

See State Water Board WQ Order 92-09, *In the Matter of the Petition of Environmental Health Coalition and Eugene J. Sprofera for Review of Cleanup and Abatement Order No. 85-91, Addendum No. 7* [revising San Diego Regional Board Cleanup and Abatement Order to include appropriate cleanup levels per State Water Board Resolution No. 92-49 and Resolution No. 68-16.].

Change Made: See revisions to Section F.4 of the Proposed Order.

Geosyntec Consultants (on behalf of County of Santa Barbara) – 8

EXHIBIT 4: TIME SCHEDULE

Ex.4 Action 1d: Requirement to submit Completion Report & Restoration Workplan 180 days from issuance of the Order.

This provides 90 days from the submittal of the Well Evaluation Workplan to implement the scope of work and write the completion report. The Draft CAO fails to consider the amount of time it will take for the work plan to be reviewed and approved by CCWRQB. This schedule should be 90 days following the approval of the Well Evaluation Workplan.

Staff Response to Comment Geosyntec Consultants – 8

Central Coast Water Board staff concur with the request to extend the submittal of the Completion Report for the groundwater monitoring well evaluation to 90 days following the approval of the Well Evaluation Workplan.

Change Made: See revisions to Exhibit 4: Action No. 1d of the Proposed Order.

⁷² Water quality objectives for groundwater for the Santa Maria River Valley Groundwater Basin, Department of Water Resources Bulletin 118 Basin subbasin No. 3-012.0112, is included in Section B.14 of the Proposed Order.

⁷³ State Water Board Resolution No. 88-63:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1988/rs1988_0063.pdf

Geosyntec Consultants (on behalf of County of Santa Barbara) – 9

EXHIBIT 4: TIME SCHEDULE

Ex.4 Action 3a-3c: Requirement to submit a workplan for on and offsite investigation 180 days from issuance of the Order.

A feasible and technically justified plan for onsite and offsite investigation cannot be completed until the monitoring well network evaluation is complete. This schedule should be 90 days following the submittal of the Groundwater Monitoring Network Completion Report.

| Staff Response to Comment Geosyntec Consultants – 9 |
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| Central Coast Water Board staff concur with the request to extend the submittal of the Onsite and Offsite Investigation Workplan to 90 days following the approval of the Groundwater Monitoring Network Completion Report. |
| Change Made: See revisions to Exhibit 4: Action No. 3a-3c of the Proposed Order. |

Geosyntec Consultants (on behalf of County of Santa Barbara) – 10

EXHIBIT 4: TIME SCHEDULE

Ex.4 Action 4b: Submit a Remedial Action Plan

A remedial action plan is a complex document which require more than 60 days to complete. This schedule should be 90 days following the approval of the Feasibility Study.

| Staff Response to Comment Geosyntec Consultants (on behalf of County of Santa Barbara) – 10 |
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| Central Coast Water Board staff concur with the request to extend the submittal of the Remedial Action Plan to 90 days following the approval of the Feasibility Study. |
| Change Made: See revisions to Exhibit 4: Action No. 4b of the Proposed Order. |

Santa Maria Public Airport District – 1

II. LEGAL RESPONSE TO THE DRAFT CAO

A. Delays and the Passage of Time has Impeded the Airport's Ability to Respond to the Draft CAO

Before addressing the Draft CAO, it is important for the record to reflect passage of time and delays that have impacted this issue. The Regional Board should view naming the SMPAD [Santa Maria Public Airport District] as a responsible party through this lens. The Regional Board's long held mission statement includes the following:

“To preserve, enhance, and restore the quality of California’s water resources and Drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.”

In order to complete this mission, the Regional Board is entrusted with extensive enforcement powers, including powers codified in the California Water Code. These enforcement mechanisms are intended to be used for a wide variety of activities, including the identification of parties responsible for groundwater contamination. The enforcement statutes are designed to give the Regional Board proper authority to identify responsible parties and then require those parties to implement a cleanup plan in a proper time frame so that the contamination does not spread unnecessarily, and that public health and beneficial uses are protected. Unfortunately, that did not occur in this case. As set forth briefly below, the Regional Board was unable to perform its duties to protect public health. The delays now risks exacerbating discharges into becoming plumes that, over time, become extensive, comingled and regional. Equally important, the delays have denied the alleged responsible parties an order of due process and fundamental fairness. This is because, in part, due to the passage of decades, the alleged responsible parties are now denied the ability to find and present evidence that will insulate them from liability.

The historical facts regarding these impacts are not in dispute. The SEMCO Site, which is defined in the Draft CAO, is not a new issue. In fact, the Regional Board became aware of potential groundwater contamination issues at the SEMCO Site in 1980. Five years later, there was even more evidence of a significant groundwater problem, when the Regional Board learned that one of the City of Santa Maria’s (“City”) drinking water wells had been impacted by releases at the SEMCO Site. Despite having substantial evidence of a potentially significant groundwater contamination problem, the matter was not addressed promptly.

Instead, efforts were focused on going back and forth with the owners of SEMCO. Even though a cleanup and abatement order had been issued to SEMCO, it did not effectively prosecute that case. For example, no subpoenas were issued to SEMCO for information about the company’s finances and insurance policies. It is likely that SEMCO’s standard business insurance policies did not have pollution exclusions, and those policies, which may still exist, would have triggered coverage for the groundwater pollution event. There was also a very limited review of SEMCO’s finances. The record shows reliance on SEMCO’s own statements concerning its ability to pay rather than use of an independent review. A more thorough audit of SEMCO would have provided quicker answers about the company’s ability to handle a protracted and likely expensive groundwater investigation and cleanup. The delays eventually led to SEMCO’s bankruptcy, and ultimately no real responsible party. These are just a few examples of the negative impacts on the parties not being added to the Draft CAO.

Now, literally five decades later, a small public agency – the Airport – which has no

connection to the SEMCO Site groundwater contamination – is expected to participate in funding a cleanup that involves potentially millions in costs. The Airport should be removed from the Draft CAO.

| Staff Response to Comment Santa Maria Public Airport District – 1 |
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| Central Coast Water Board staff acknowledge that the Site has been contaminated for many years. Some investigations and some remedial actions have been conducted but additional investigation and remedial action is needed to protect water quality and public health. The Proposed Order is the next step in moving forward with the additional investigation and remedial actions. |
| The Santa Maria Airport District is a discharger because it owned the Site and leased it to SEMCO when SEMCO’s operations caused a discharge or threatened discharge of waste at the Site. ^{74,75} See Staff Response to Comment City of Santa Maria – 2, 3, and 6. See Attachment 1. |
| Change Made: No changes made in response to this comment. |

Santa Maria Public Airport District – 2

II. LEGAL RESPONSE TO THE DRAFT CAO

B. The Airport is Not a Discharger

The Regional Board asserts in the Draft CAO that the Airport has liability for the groundwater contamination because it is a “discharger.” The Regional Board relies on scant evidence to reach such a conclusion. First, the Regional Board cites to the Airport’s ownership of property from 1964 through 1968, a time at which SEMCO allegedly operated on the Airport’s property. The Board goes on to state that the Airport is liable as a discharger in this case because the Airport was “aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges.” It is notable that the Regional Board staff and counsel provide no evidence to support this conclusory statement.

Rather, to support its claims against the Airport, the Regional Board’s Draft CAO relies solely on *United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851, 887.) (hereafter referred to as “*United Artists*”).

United Artists provides a clear standard for discharger liability under the California Water Code, holding, specifically:

“[W]e conclude a prior owner may be named in a cleanup order as someone who has ‘permitted’ a discharge if it knew or should have known that a lessee’s activity presented a reasonable possibility of discharge into waters of the state of

⁷⁴ Santa Maria Public Airport District letter dated May 23, 1968, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=pv1ew>

⁷⁵ Purchase agreement dated May 8, 1968, on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=ob0b2>

wastes that could create or threaten to create a condition of pollution or nuisance.” See, *United Artists* at 864- 865. [Emphasis added.]

The Court further states that “the term ‘permitted’ is expansive enough to encompass a situation where a landlord let a discharge occur by allowing an activity to take place, where the landlord knew or should have known the general activity created a reasonable possibility of discharge.” *United Artists* at 888.

In coming to this conclusion, the Court found that a landowner of property in the 1970s, 1980s and 1990s, should have known that its dry cleaner tenant’s dry-cleaning activity created a possibility of discharge. This makes sense, given that the discharges in the *United Artists* case occurred from a highly regulated activity (dry cleaner using solvents) when the California Water Act was in effect.

In stark contrast, here, the alleged discharge occurred from 1964 through 1968, a time when the California Regional Water Quality Control Board did not exist. As discussed in detail in the Roux Report, not only did the Regional Board not exist, there were no environmental statutes or regulations to establish standards, duties practices as to what is expected under law and regulation. This includes standards and practices regarding what a landlord could have known or should have known if its tenant’s activities created a possibility of discharge. The facts here must be evaluated based on the standards for landowners in the 1960s, and not the standards used by modern and comprehensive environmental statutes.

As to the facts, as stated above and as stated in the Roux Report, there is no evidence to suggest that the Airport had any information that SEMCO’s activities created the possibility of discharge. For example, in 1969, a document provided detail about the City of Santa Maria Community Development Department process for expansion of SEMCO operations. The planning documents from the City of Santa Maria include the following statement (emphasis added):

“The applicant [SEMCO] states that the production does not cause any waste that must be disposed of, nor does it produce any toxic fumes in the air.” (See the Roux Report for further details on this document.)

These representations by SEMCO to the City of Santa Maria Development Department in 1969, after the Airport no longer owned the Property, indicate that a prior landowner with SEMCO as a tenant, if having any understanding of the operations at the SEMCO Facility at all, would have likely have been told the same thing regarding SEMCO’s operations (i.e.g, SEMCO’s operations had no waste generation and/or the asserted benign nature of the operations).

The facts in this case are not consistent with the facts in the *United Artists* case. The Regional Board has improperly cited that case, and without any other evidence or legal standard, the Regional Board must modify the Draft CAO and remove the Airport as a potentially responsible discharger party.

Staff Response to Comment Santa Maria Public Airport District – 2

Central Coast Water Board staff disagree that there were no laws in effect at the time of the District's ownership that established standards, duties, and/or practices as to what is expected under law and regulation with regard to the disposal of waste. See Staff Response to Comment Roux Associates, Inc. – 1

Under the applicable legal standard espoused in *United Artists Theatre Circuit, Inc. v. Cal. Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851, the District is properly named as a discharger in the Proposed Order. See Staff Response to Comment Roux Associates, Inc. – 1; Staff Response to Comment City of Santa Maria – 3; Attachment 1 (discussing the general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser).

Change Made: No changes were made to the Proposed Order in response to this comment.

Santa Maria Public Airport District – 3

In sum, the Regional Board's Draft CAO did not demonstrate the necessary knowledge required to assign liability to the Airport. Rather, to the contrary, the Draft CAO was devoid of any facts to connect the Airport to the Groundwater Contamination, nor did it show that the Airport had any knowledge about the potential release of contaminants to the SEMCO Site. The mere passage of time cannot justify forcing innocent and small public agencies like the Airport to assume responsibility for this problem.

Based on the foregoing and the attached Roux Report, we request that the Regional Board remove the Airport from the Draft CAO.

Staff Response to Comment Santa Maria Public Airport District – 3

Central Coast Water Board staff disagree. See Staff Response to Comment City of Santa Maria – 3; Attachment 1 (discussing the general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser).

Change Made: No changes were made to the Proposed Order in response to this comment.

Roux Associates, Inc. (on behalf of Santa Maria Public Airport District) – 1

1) The SMPAD is not a discharger and only owned the Property for approximately four years.

The Draft CAO claims that SMPAD, as a prior land-owner leasing to SEMCO from 1964 to 1968, “knew or should have known that a lessee’s activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance.... Landowners leasing to entities using degreasers (many of which used TCE), know or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.” This claim is not based on any facts nor is it supported by what was considered standard business practices during the mid-1960s. Rather, a newly formed public Airport district (SMPAD) as a landowner in the 1960s given environmental laws/regulations (none of which substantially existed) at the time would not have had direct or specific knowledge of discharges by a tenant, let alone awareness of the possibility for waste discharges related to degreasing operations. This includes but is not limited to the following supporting facts:

(First bullet listed under Item 1) In 1980, the RWQCB conducted an enforcement inspection of SEMCO. After that investigation, the RWQCB made no note or comment on the degreasing, or solvent storage/disposal operations, which are alleged to have caused the issues that are the subject of the Draft CAO. (Attachment 1.1). If the RWQCB in an enforcement site inspection capacity relating to allegations of illegal discharges did not note the potential for discharges of hundreds of gallons of degreasing solvents specifically at the SEMCO Facility in 1980, it is unreasonable to assert that a landowner in the 1960s would have had knowledge of the possibility of waste discharge and/or creation of pollution, or nuisance at this specific Facility. Later, in 1989 the RWQCB in assessing the SEMCO Property stated, “it is likely waste products were disposed to ground surface as was commonly done in past times” (emphasis added). This statement about waste products “commonly” being discharged to the ground indicates that this general issue was commonplace and part of regular historical industrial practices.

(Second bullet under Item 1) In 1969, after SEMCO became owner of the Property, a document detailing a City of Santa Maria Community Development Department process for expansion of SEMCO operations included the following statement (emphasis added), “The applicant states that the production does not cause any waste that must be disposed of, nor does it produce any toxic fumes in the air.” (emphasis added; Attachment 1.2). These representations by SEMCO to the City of Santa Maria Community Development Department indicate that SEMCO was informing the City that it “did not cause any waste.” There is little doubt that any prior owner who leased the Property to SEMCO would have been told the same thing regarding SEMCO’s operations, (i.e. lack of waste generation and/or the asserted benign nature of the operations).

(Third bullet under item 1) Based on a public records act response from the Santa Barbara County Air Pollution Control District (APCD), there were not any air-associated solvent/degreasing permits for the SEMCO Facility. If the key air-quality regulator did not require permits, or was unaware of the scope/details of SEMCO’s operation (storage and use of 1000’s of gallons of regulated solvent in the 1980s), this is further

support that a landowner in the 1960s would not have been aware of the degreasing, or the RWQCB's wholly unsupported allegation of the SMPAD's "knowledge" of possible discharges claimed in the Draft CAO.

(Fourth bullet under item 1) The well-understood insurance practice of issuing a "pollution exclusion" which generally represents common knowledge of potential industrial polluting activities only came to be as early as the 1970s. This has been acknowledged by the State Water Board in other matters.

(Fifth bullet under item 1) In both 1962 and 1976 versions of the American Society for Testing and Materials standard for vapor degreasing it is stated that, *"If there are no regulations forbidding it, the sludge may be poured on dry ground at a safe distance from buildings and allowed to evaporate. If the sludge is free flowing and can soak into the ground before the solvent evaporates, it may be poured into shallow containers to permit the solvent to evaporate before dumping."*

(Sixth bullet under item 1) In 1964, the American Society of Metals recommended that: "in the absence of any clearly defined ordinances, the sludge [from vapor degreasing] is usually poured on dry ground well away from buildings, and the solvents are allowed to evaporate. If the sludge is free flowing, it is placed in shallow open containers and allowed to evaporate before the solids are dumped on the ground".

(Seventh bullet under item 1) In 1967, the American Insurance Association's Chemical Hazards Bulletin stated that chlorinated hydrocarbon wastes should be, *"moved to a safe location (away from inhabited areas, highways, buildings or combustible structures) and poured onto dry sand, earth or ashes, then cautiously ignited,"* and in other instances the chlorinated hydrocarbon wastes, *"may be placed in an isolated area as before and simply allowed the liquid waste to evaporate"*.

(Eight bullet under item 1) The California Porter Cologne Water Act was enacted in 1970, as was the legal requirement for registration of liquid waste haulers. Irrespective of the failure of the RWQCB to identify the potential for possible solvent discharges in 1980, the first RWQCB water quality control/Basin Plan did not even exist until 1971, pointing to a general lack of understanding at the State and regional level of a need for regional water boards to oversee activities such as potential waste-discharges from degreasing operations like at the SEMCO Facility.

(Ninth bullet under item 1) In 1972, California passed the Hazardous Waste Control Act (Attachment 1.3), where prior to this, "Certain volatile substances are, however, being disposed in open air dumps with insufficient supervision and control to prevent the possibility of creating serious risk of injury or disease to human health and animal life." (Attachment 1.4).

(Tenth bullet under item 1) In 1975 the Santa Barbara APCD passed their first iteration of Rule 321," RE Solvent Cleaning Machines and Solvent Cleaning"

(Eleventh bullet under item 1) The Federal Resource Conservation and Recovery Act (RCRA) was signed into law in 1976 and provided a framework for the management of hazardous and non-hazardous solid wastes. However, it was not until 1980 that the first regulations were promulgated under RCRA.

(Twelfth bullet under item 1) In 1977 the County of Santa Barbara issued a Santa Maria Basin Report which only noted water quality concerns about salts and Nitrates.

Given all of the instances above where the RWQCB itself did not flag degreasing/solvent use during a SEMCO Facility inspection in 1980; where industrial-standards/practices were evolving; and/or either a State, regional or local entity had not specifically identified the SEMCO Facility and/or in general did not have specific laws or regulations even into the 1970s clearly applying to degreasing/solvent waste disposal, it is not expected that the SMPAD as a landowner from 1964 to 1968 would have known about SEMCO's specific operations; or, have had awareness or any knowledge of the possibility of discharges creating a condition of nuisance or pollution.

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| Staff Response to Comment Roux Associates, Inc. – 1 |
| <p>Central Coast Water Board staff disagree. Water Code section 13304 obligates any person that has “caused or permitted” waste to be discharged where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance, to clean up the waste, abate effects of the waste, or take other necessary remedial action. The key question in assigning responsibility for the cleanup and abatement of waste is whether the discharger caused or permitted the discharge.</p> <p>During Santa Maria Airport District's ownership period (1964-1968), it had legal control over the property—ultimate responsibility of the condition of land lies with the landowners. Evidence supports the contention that SEMCO's operations during that time did result in discharges. See Staff Response to Comment City of Santa Maria – 3; Attachment 1 (discussing the general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser).</p> <p>Water Code Section 13304 authorizes the Central Coast Water Board to mandate cleanup by both past and present dischargers. Former dischargers prior to 1981 are liable under Water Code section 13304 if their acts were in violation of existing laws or regulations at the time they were discharging. (Water Code section 13304(j); <i>In the Matter of the Petition of Alcoa</i> (State Board Order WQ 93-9).)</p> <p>The District's acts or failures to act were in violation of at least two laws in effect during its land ownership period. Since 1872, California law has prohibited the creation or continuation of a public nuisance. (See Civ. Code section 3490.) Water pollution can constitute a public nuisance. (See <i>People v. Truckee Lumber Co.</i> (1897) 116 Cal. 397, 374). A property owner, such as the District, who fails to abate a continuing nuisance is liable. (See <i>City of Turlock v. Bristow</i> (1930) 103 Cal.App. 750,</p> |

962.) Additionally, since 1949, California law has prohibited the discharge of waste in any manner which will result in pollution, contamination, or nuisance. (Dickey Water Pollution Act, Cal. Stats. 1949, Ch. 1549, enacted July 28, 1949 (former Water Code section 13000 et seq.); see also Health & Safety Code Sec. 5411.)

Change Made: No changes made in response to this comment.

Roux Associates, Inc. (on behalf of Santa Maria Public Airport District) – 2

2) The DOD should be added as a party to the Draft CAO.

The Draft CAO states that there were two former Army Airfield USTs on the SEMCO Property,¹⁸ *“One 1,500-gallon fuel oil UST, identified as T1242, was located beneath the Site in an area that is now a parking lot north of the former Semco building. There are no records indicating UST T1242 was removed or closed in place. As documented in Santa Barbara County’s file, there are records that USACE removed one UST at the Site, identified as T1273, on December 17, 1990. UST T1273 was allegedly located on a concrete slab north of a warehouse identified as Building T1273 (Building T1273 is included on the Basic Layout Plan dated 1945). However, UST T1273 is not shown on the 1945 Basic Layout Plan.”* The Draft CAO also states,¹⁹ *“Additionally, records indicate two USTs¹⁷ were located in the northern portion of the Site and were not associated with areas where TCE and VOC use was expected or documented by the USACE (such as the airport hangers motor or sheet metal repair shops, etc.). Also, the locations of the aforementioned former USTs do not correlate with the Site’s source area location, where the highest concentrations of TCE and petroleum hydrocarbons have been reported in soil, soil gas, or groundwater.”* However, the Draft CAO does not cite to the more than eight feet of petroleum free product identified at the Property (as discussed further in Item 4).

In making these statements in the Draft CAO, the RWQCB is citing that the United States Army Corps of Engineers (USACE) and by extension the DOD were responsible for the USTs on the SEMCO Property. Also, the Draft CAO states that prior to the County and City becoming owners in 1947 the Army Airfield had substantial USTs and hazardous/flammable liquids and the potential to have used trichlorethylene (TCE) and volatile organic compounds (VOCs). Based on USACE/DOD documentation they also concurred in being responsible for the Army Airfield USTs, where the 2014 DOD NDAI document stated, “A Findings and Determination of Eligibility (FDE) signed in 1989 (see Atch 4) found that the Santa Maria Army Airfield qualified as a FUDS. The associated Inventory Project Report (INPR) (see Atch 5) written in the early 1990s recommended the creation of an containerized hazardous, toxic and radioactive waste (Con/HTRW) project to remove old underground storage tanks. In 1994, a revision to the INPR was submitted and in June 1995 both a Con/HTRW and an HTRW project were authorized.”²⁰

Although the location of the SEMCO Facility may not be where TCE and VOC use in the

RWQCB's opinion, *"was expected or documented by the USACE;"* the RWQCB overlooks that very little to no VOC analysis was conducted by the USACE associated with the UST abandonment/investigation/remediation effort, let alone evaluating past pipelines into and within buildings from the tanks. In at least one instance when VOCs were analyzed for during the USACE UST effort, VOCs were detected (Tank 1317 [Lube Oil Pump House], where Tank 1317 was located approximately 1,200 feet south of the SEMCO Facility, immediately adjacent to the Mafi Trench Site [See Attachment 2.1) Tank 1317 was not located in an area where "hangers, motor or sheet metal repair shops" existed and samples collected on behalf of the USACE detected halogenated compounds in sludge at 1,100 parts per million (ppm); and PCE in liquid at 0.06 ppm (57.9 parts per billion). A Mr. Frank DeMargo (sic) from the RWQCB was reportedly consulted by the USACE regarding the detections. Despite all of this evidence, and known discharges of contaminants associated with former Army operations at the Army Airfield, the RWQCB absolved the DOD of any responsibility specific to SEMCO in 2014.

Beyond the known detection of VOCs associated with former Army Airfield operations, the specific operations in World War II at this Army Airfield are very likely to have used chlorinated solvents.

(First bullet under item 2) The Army Airfield was home to both a critical training function for P-38 propellor powered airplane fighter pilots, and also was one of four bases in California for the secret P-59 jet fighter airplanes during and after World War II (See inset below, with full 1945 Santa Maria Times article in Attachment 2.2 and 412th Fighter Group jet images in Attachment 2.3).

(Second bullet under item 2) In fact, leading up to the closure of the Santa Maria Army Airfield, the 412th Fighter Group it housed was growing with addition of key additional squadrons up to and into 1945 within the 412th Fighter Group, as noted here:

"412 FG was established at Muroc AAF on 30 November 1943 as the USAAF's - in fact, America's - premier jet airplane equipped fighter unit. As part of the 4th Air Force, the 412 FG formed three squadrons: the 29th Fighter Squadron (FS) - "Gamecocks"; 31st FS - "Foxes"; and the 445th FS. Respectively, these three squadrons would go on to operate P-59As and P-59Bs. ..."

It was during the late 1944-to-late 1945 time period that several additional squadrons were attached to the 412 FG. These were comprised of the 361st FS, 615th Air Engineering Squadron (AES), and the 624th Air Material Squadron (AMS). Another lesser-known P-59 unit - the 440th Army Air force Base Unit, a training squadron - was in operation at Santa Maria by late June 1945."

(Third bullet under item 2) 1945 documentation from the US Army Air Corps/Air Force clearly indicates TCE solvent use in maintenance degreasing operations.

Given this, the Army Airfield would have been prioritized to be performing the highest level of aircraft maintenance (likely including chlorinated solvents for degreasing).³⁴ The 2014 DOD NDAI35 declaration notably makes no mention of the jet-fighter function of the Army Airfield and does not explicitly note the two tanks on the SEMCO Facility.

Based upon all of the above, if past owners of the Property are considered dischargers by the RWQCB, the DOD/US Army former Airfield operations should not be overlooked, in that the Army Airfield both used chlorinated solvents and likely discharged them and was both an owner and operator at the SEMCO Property (in addition to potential petroleum/heating fuel comingling discussed below). The dismissal by the RWQCB of any Army Airfield UST/and or operational area for chlorinated solvent use/discharge, without further evaluation is not merited.

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| Staff Response to Comment Roux Associates, Inc. – 2 |
| See Staff Response to Comment County of Santa Barbara – 2 |
| Change Made: No changes made in response to this comment. |

Roux Associates, Inc. (on behalf of Santa Maria Public Airport District) – 3

3) The Draft CAO oversimplifies the historical SEMCO data, and does not include some key applicable facts.

(First bullet under item 3) As noted above in Comment 2, the Draft CAO does not adequately consider past solvent use, operations and liability for USTs related to the DOD and past Army Airfield operations and presence of hydrocarbon free product.

(Second bullet under item 3) Draft CAO Item A17 references, *"increasing trends in groundwater waste concentrations"* to suggest that soil contamination is continuing to impact groundwater.; and Draft CAO Item A14 references shallow and deep groundwater results from three separate investigation phases over 45 years (1987 to 2022), each approximately 20 years apart with varying concentrations, sampling methods (developed wells vs possible grab samples), and depths ranging from 5 feet to 50 feet below ground surface (bgs). For example, the Draft CAO reports TCE in shallow groundwater at 430,000 micrograms per liter (ug/L) from 1987 to 1991, 300 ug/L in 2003, and 350,000 ug/L in 2021/2022. Although there may be substantial variability in the groundwater data, given the sporadic nature of the past investigations and data availability an "increasing trend" may or may not be observed.

(Third bullet under item 3) Draft CAO Item A18 states, *"Groundwater has historically flowed south to southeast in the shallow zone and south to southwest in the deep zone."* In the 1991 ERCE Report documenting installation of the deeper *"DMW"* monitoring wells, uncertainty was expressed about the deeper groundwater flow direction, which at the time was indicated as being towards the north. A 2004 report by Everest Services Inc. prepared for Concha Investment for the SEMCO Facility indicates that deep monitoring well DMW-1 was abandoned and that all wells were re-surveyed, and the resurvey resulted in a change in reported top of casing elevations for wells DMW-2

through DMW-4 of between 2.24 and 2.29 feet relative to earlier elevations. The 2021 most recent groundwater report for the SEMCO Facility indicates that well DMW-3 could not be located and also that a previously undocumented well “DMW-5?” may exist.

(Fourth bullet under item 3) In 2003, the RWQCB sent a letter to Chris Mathys of ORO Financial (owner of the SEMCO Property at the time), and indicated that, “We were also reviewing the nearby Mafi-Trench site file and found that it was difficult to see any correlation between the groundwater potentiometric surface at the two nearby sites.”

(Fifth bullet under item 3) Given the sporadic nature of the deeper groundwater level information, the substantial change in reference point elevations and the uncertainty over how many deep monitoring wells have existed/do exist at the SEMCO Facility, it is speculative as to what the applicable deeper groundwater flow directions have been.

| Staff Response to Comment Roux Associates, Inc. – 3 |
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| Regarding the First bullet, see Staff Response to Comment Chris Mathys, Rhine LP – 1; Staff Response to Comment County of Santa Barbara – 2 through 6. |
| Regarding the Second bullet, the comment is noted. Central Coast Water Board staff are aware of the data gaps in SEMCO’s historical investigations; the Proposed Order provides a summary of the data that is available in the record and highlights the necessity for additional information as outlined in the Proposed Order. |
| Regarding the Third, Fourth, and Fifth bullets, see Staff Response to Comment County of Santa Barbara – 3. |
| Change Made: No changes were made to the Proposed Order in response to this comment. |

Roux Associates, Inc. (on behalf of Santa Maria Public Airport District) – 4

4) Although the SEMCO Facility is a source of impacts to the subsurface, there is a potential comingling of different constituents; and, given the uncertain groundwater flow directions, the potential co-mingling of impacts from multiple sources.

(First bullet under item 4) In 1990, the RWQCB documented the discovery by SEMCO’s consultant of approximately 8.5 feet of free product on the water table at the SEMCO Facility. Although at the time, the petroleum hydrocarbon fluids were attributed to being cutting oil intermixed with VOCs, there is no definitive documentation whether the petroleum hydrocarbons might have been from cutting oils, or other oil (possibly related to former DOD/Army Airfield operations). The consultant for SEMCO in 1989 noted, *“A vertical chemical variation within this free product plume appeared to be present during sampling. The portion of the free product located just above the water table in both wells appeared less viscous than the overlying portions of the free product found in SMW2, perhaps suggesting a difference in composition over the length of the*

free product column. In addition, the basal portion of the free product appeared to contain halocarbons.”

(Second bullet under item 4) There is a clear factual change in SEMCO Facility operations where in numerous documents a transition from TCE to 1,1,1-TCA used for degreasing is noted in the 1980s. The presence of 1,4-dioxane associated with 1,1,1-TCA may present an important date/time indicator as to timing of discharges/masses released. The presence of 1,4-dioxane generally indicates some contribution/co-mingling with more recent solvent use/discharges/releases.

(Third bullet under item 4) Consultants for the Mafi Trench Site have asserted that the SEMCO Facility is the source of TCE detected in the on-Mafi Trench deep monitoring well; however, the Mafi Trench Site is due south of the SEMCO Facility, where as noted above, there is uncertainty on the deeper groundwater flow directions, indicating an incomplete understanding, or comingled contributions to the deeper groundwater bearing zone:

In a recent RWQCB summary of the Mafi Trench site online it is quoted that, *“The groundwater flow direction within the perched groundwater zone is toward the west to southwest. During the operation of the remediation system the groundwater flow direction was reported to flow toward the northwest at times.”* and *“The regional aquifer groundwater flow direction is toward the west northwest. Historical water well records indicate that groundwater within the regional aquifer fluctuates between approximate depths of 90 feet to 220 feet. Discontinuous zones of perched groundwater are known to exist within the Basin.”*

In a report prepared by a consultant for the Mafi Trench entity; in spite of their estimated shallow and regional groundwater flows being to west/southwest, northwest, or west-northwest, “Padre concluded that the trichloroethene (TCE)-impacted groundwater within the regional aquifer beneath the Project Site is likely associated with the former SEMCO facility located 255 feet northeast of the Project Site (Padre, 2019). Therefore, continued monitoring of well DW-1 (deep, regional aquifer well) is not proposed as part of the Updated MRP.

In a report by a consultant for Mafi Trench in 1991, boring B8, located east of the Mafi Trench site building detected 1,1,1-Trichloroethane (1,1,1-TCA), 1,1-dichloroethane (1,1-DCA) and Toluene, indicating impacts in a wide-spread area. The Mafi Trench Site also detected tetrachloroethylene (PCE) in groundwater.

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| Staff Response to Comment Roux Associates, Inc. – 4 |
| See Staff Response to Comment Chris Mathys, Rhine LP – 1; Staff Response to Comment County of Santa Barbara – 2 through 6. |
| As stated in the Proposed Order, SEMCO used VOCs, specifically TCE, cutting oil (petroleum hydrocarbons), and 1,4-dioxane in its operations. The highest |

concentrations of these contaminants are below areas where SEMCO used storage containers to store these chemicals at the Site. Soil, soil gas, and groundwater impacts in this area of the Site indicate that the subsurface contamination originated in the area where SEMCO stored its chemicals.⁷⁶ Additional investigation and assessment of data gaps for offsite and comingled sources is needed to provide the lines of evidence required to name any of the offsite sources mentioned by the commenter.

Regarding the First bullet, see Staff Response to City of Santa Maria – 3.

Regarding the Second bullet, see Staff Response to Comment Geosyntec Consultants –2.

Regarding the Third bullet, see Staff Response to Comment County of Santa Barbara – 3. Until the dischargers investigate groundwater further by delineating the pollutants in groundwater, there is no data or lines of evidence on the hydraulic connectivity between the SEMCO Site and Mafi Trench.

Change Made: No changes were made to the Proposed Order in response to this comment.

Roux Associates, Inc. (on behalf of Santa Maria Public Airport District) – 5

5) As indicated in the two timelines below, the DOD and SEMCO both were owners and operators of the SEMCO Property and the challenges faced by the RWQCB in driving any meaningful remediation/investigation has resulted in current day greater costs and scope than if effective investigation/remediation had been realized in the 1980s/1990s.

OWNERSHIP:

<1942: Approximately 3,100 acres of land is acquired for the Army Airfield. Prior to the development of the airfield in 1942 the land was undeveloped and covered with brush and eucalyptus trees.

1942–1946: The Army Airfield was commissioned in 1942.

1946: The Army Airfield was placed on surplus property list.

1947: the County of Santa Barbara acquired the property by means of an interim permit issued by the War Assets Administration.

February 1949: The Army Airfield was quitclaim deeded to the County of Santa Barbara and the City of Santa Maria, each with a one-half interest. Use of the former Army Airfield was restricted by deed to public airport purposes with a recapture clause, which was later removed.

⁷⁶ Exhibit 1, Figures 3,5,6, and 7 of the Proposed Order on GeoTracker:
<https://geotracker.waterboards.ca.gov/?surl=zjuf5>

1949-1964: The Santa Maria Public Airport was managed jointly by the City of Santa Maria and County of Santa Barbara.

1964: The City of Santa Maria and the County of Santa Barbara formed a district for the joint management of the former Army Airfield. The former Army Airfield was transferred to SMPAD in March 1964.

1947>1968, the SEMCO Property was leased to SEMCO for operations.

May 1968: the SEMCO Property was sold by SMPAD to the Staffords. The Staffords owned the Property until 2001.

2001: The Staffords defaulted on their loan.

August 2002: Ownership of the SEMCO Property was transferred to Oro Financial of California, Inc. as a partial payment of debts.

December 2002: Ownership of the SEMCO Property was transferred to Concha Investments, Inc.

June 2006: Ownership of the Property was transferred to Chris Mathys.

May 2009: Ownership of the Property was transferred to Platino, LLC.

August 2010: Ownership of the Property was transferred to Rhine L.P.

Post 1980-Environmental Timeline

1980, threat of impacts to the subsurface from SEMCO operations identified by the RWQCB, with no mention of degreasing or potential VOC discharges/impacts (Attachment 1.1).

1985, RWQCB first involvement with SEMCO associated with solvents/VOCs.

1987, first RWQCB CAO.

1988, RWQCB concerns are expressed as, "contamination found at the Semco site is not minor" ... "[t]hese high concentrations pose a significant threat to water quality".

1989, second RWQCB CAO, with subsequent letter by the RWQCB stating, "Continued delays in cleanup will only allow the organic contaminant plumes to spread, and the cost of cleanup to increase."

1993, a staff report for a RWQCB Board meeting stated, *"It is apparent from*

review of the files there has been a great deal of "foot dragging" and denial of responsibility by SEMCO. Apparently, SEMCO is still denying its responsibility in spite of the overwhelming evidence they are the source.

Basically, six years have been spent assessing the extent of contamination at this site. It has been eight years since the problem was first discovered. The shallow ground water zone dewatering system was constructed and operated for one month, June 1992.

The treatment system's carbon canister fouled (with what, is unknown at this time) and the system was shut down." ...

"Semco missed a unique opportunity (toward the end of a drought) to dewater the shallow perched ground water zone and remove the solvents and cutting oil. The winter rains have likely increased the amount of water in the shallow zone to be removed and caused more vertical migration of solvents and lateral spreading of cutting oil (leading to more expense for Semco to assess and remediate)".

In 1994, the California Department of Toxic Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination.

In 2010, a RWQCB review of the SEMCO file the RWQCB stated, *"The SEMCO case has been active for 20-25 years, yet site soil, shallow groundwater and deeper supply aquifer groundwater remain significantly impacted primarily by hundreds ppb (and higher) solvents and TPH (and most recently, free product), the full spatial extent of pollution is unknown, the pollution appears to be worsening in some respects, Board orders are not being complied with, and there has been no environmental progress, or activity, on the case since 2003."* and *"Therefore, pursuant to existing Board orders, this case must be advanced to complete plume definition and remediation. Before commencing additional plume definition and remediation, all existing monitoring devices should be monitored and sampled to indicate current conditions."*

In 2014, a subsequent RWQCB review stated, *"The SEMCO case has been active for 20-25 years, yet site soil, shallow groundwater and deeper supply aquifer groundwater remain significantly impacted primarily by hundreds ppb (and higher) solvents and TPH (and most recently, free product), the full spatial extent of pollution is unknown, the pollution appears to be worsening in some respects, Board orders are not being complied with, and there has been no environmental progress, or activity, on the case since 2003."*

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| Staff Response to Comment Roux Associates, Inc. – 5 |
| The information provided by the commenter confirms that the Central Coast Water Board appropriately included the District in the Proposed Order. Consistent with State |

Water Board Resolution No. 92-49, Central Coast Water Board has made a reasonable effort to identify all dischargers associated with the discharge.

We acknowledge that the Water Code does not provide equitable remedies or restitution for persons' or entities' past harm, and often dischargers must seek those remedies in civil litigation. The Proposed Order does not preclude the dischargers, including the Airport, from pursuing contribution from one another or third parties using other legal avenues.

See Staff Response to Comment Chris Mathys, Rhine LP – 1 and 2

See Staff Response to Comment County of Santa Barbara – 2

Regarding the “OWNERSHIP” timeline, the Central Coast Water Board does not have evidence indicating that SEMCO began operations and leasing property in 1947.

The Staffords (as individuals) owned the SEMCO property (at that time, APN 111-291-008) from 1968, when they purchased it from the airport, to 1975, when they transferred the property to the Henry A. Stafford and Rhea Stafford Revocable Trust (Trust). The Trust owned the SEMCO property from 1975 to 2001. During the Trust’s ownership, the Trust split the property into two parcels, APNs 111-291-027 and 111-291-028.

The commenter states that ownership of the “property” was transferred to Rhine L.P. in 2010. However, the property was split into nine parcels during the time Chris Mathys owned the two parcels mentioned above. The SEMCO Site now comprises six of the nine parcels as explained in the Proposed Order. What the commenter fails to include in their summary is that Chris Mathys sold all nine parcels to Platino, LLC in 2009, and in 2010, one parcel was transferred to Rhine L.P. and eight parcels were transferred to Curry Parkway LP. In 2019, one parcel was transferred to Fernando Salas (an individual) and in 2021, one parcel was transferred to Mark J Powers, Inc. Therefore, the current Site ownership, as summarized in the Proposed Order, includes Rhine L.P. (one parcel), Curry Parkway LP (three parcels), Fernando Salas (one parcel), and Mark J Powers, Inc. (one parcel) (See Proposed Order, Table 1 of Exhibit One).

Regarding the “Post 1980 – Environmental Timeline,” Central Coast Water Board staff do not understand what the commenter’s objective is with their timeline. The timeline is inadequate and oversimplified relative to the timeline in the record. The commenter fails to summarize the “environmental timeline” from 2015 to the Site’s current status, and has left out significant environmental investigations between 1987 - 2003, and 2021 – 2022, as well as remedial activities implemented between 1994-2001. The Proposed Order summarizes Site activities in more detail and provides context for the information included in the commenter’s timeline.

Change Made: No changes were made to the Proposed Order in response to this comment.

Roux Associates, Inc. (on behalf of Santa Maria Public Airport District) – 6

6) As a summary of the timelines, in terms of the ownership of and operations at the former SEMCO Property and the SMPAD:

As noted throughout this letter, the SMPAD is not a discharger.

Semco was an operator from 1947>>2001 (for 54 years), and owner/operator from 1968>2001 (33 years)

The DOD was an operator and owner from ~1942>1947 (Owner & Operator [~5 years]), and accepted responsibility for their old tanks in the 1980s/1990s, including VOC wastes.

The City/County owned and/or controlled the Property from 1947>1964 (17 years)

Other entities owned and/or operated between 2001>2023 (22 years)

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| Staff Response to Comment Roux Associates, Inc. – 6 |
| See Staff Response to Comment Chris Mathys, Rhine LP – 1 and 2 |
| See Staff Response to Comment City of Santa Maria – 6 |
| Change Made: No changes were made to the Proposed Order in response to this comment. |

Fernando Salas – 1

Mr. Salas became an owner of the Property as of May 2019.

He never caused or permitted waste to be discharged on the Property.

He disagrees that he should investigate, monitor or clean up waste and/or abate the discharges of wastes because he did not discharge waste on the Property.

He never used volatile organic compounds, trichloroethene, petroleum hydrocarbons or 1,4- dioxane on the Property.

During his ownership he has used the Property as a storage yard for trucks. He should not be held accountable for discharges that may have been committed by previous owners.

He cannot submit to pay for monitoring or reporting programs where he was not responsible for the discharge.

It seems that any discharge on the Property occurred prior to 2019 and therefore Mr. Salas is not responsible for the discharge that occurred. Mr. Salas objects to the enforcement order.

Staff Response to Comment Fernando Salas – 1

Water Code section 13304 obligates any person that has “caused or permitted” waste to be discharged where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance, to clean up the waste, abate effects of the waste, or take other necessary remedial action. The key question in assigning responsibility for the cleanup and abatement of waste is whether the discharger caused or permitted the discharge of waste to waters of the state.

Current landowners, such as Fernando Salas, are responsible for cleanup, regardless of whether the landowner owned the property at the time of the initial release. (*Tesoro Refining & Marketing Co. v. Los Angeles Regional Water Quality Control Board*, 42 Cal. App. 5th 453, 472 (2019); *In the Matter of the Petition of Schmidl* (State Board Order WQ 89-1); *In the Matter of the Petition of Zoecon Corp.* (State Water Board Order No. WQ 86-02); *In the Matter of the Petition of Vallco Park, Ltd.* (State Water Board Order No. WQ 86-18).

We acknowledge that the Water Code does not provide equitable remedies or restitution for persons' or entities' past harm, and often dischargers must seek those remedies in civil litigation. The Proposed Order does not preclude the dischargers, including Mr. Salas, from pursuing contribution from one another or third parties using other legal avenues.

Change Made: No changes were made to the Proposed Order in response to this comment.

Enclosures: *Evaluation of United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851 (Attachment 1)

Attachment 1 to COMMENTS AND ENFORCEMENT STAFF RESPONSES
Cleanup and Abatement Order No. R3-2023-0070

Evaluation of *United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851

I. Introduction

Under California law, in determining liability pursuant to Water Code section 13304, the following test applies to former landowners who leased to operators that caused discharges:

We construe “permitted” in [Water Code] section 13304 to mean that a prior owner may be named in a cleanup order if it knew or should have known that a lessee’s activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance.

(United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd. (2019) 42 Cal.App.5th 851, 887 (hereafter United Artists.)

The following supports Central Coast Water Board staff’s position that landowners, particularly public entity landowners in Southern California, leasing to industrial entities using degreasers and/or metal fabrication (most of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create or threaten to create a condition of pollution or nuisance.

II. General Early Knowledge Regarding Basic Hydrogeology

Professor Craig E. Colten specializes in the progression of knowledge of developments in groundwater hydrology and documented early knowledge of the connection between industrial practices and groundwater contamination. In his 1991 article, *A Historical Perspective on Industrial Wastes and Groundwater Contamination*, he describes nineteenth century literature, in both Europe and the United States, demonstrating the known scientific processes connecting surface water contamination and groundwater contamination, including concepts of pressure, flow and medium, permeability and transmissivity. (Craig E. Colten, *A Historical Perspective on Industrial Wastes and Groundwater Contamination* (April 1991) *Geographical Review*, vol. 81, no. 2, at pp. 216-218 (hereafter *Historical Perspectives*).) In short, the concept that pollutants discharged on the surface could migrate to groundwater was appreciated decades or even centuries before operations at the site.

Professor Colten’s book, *The Road to Love Canal – Managing Industrial Waste before EPA* similarly establishes that “analyses of public waters in the early 1950s yielded an increasing understanding of the potential toxicity of minute quantities of toxic substances.” (Colten & Skinner, *The Road to Love Canal – Managing Industrial Waste*

before EPA (1996) p. 44 (hereafter Road to Love Canal).) “The overwhelming evidence demonstrates that there was an adequate recognition of the endangerment potential of land disposal of chemical wastes.” (*Id.* at p. 45.) In another article, Professor Colten establishes that “public policy addressed groundwater at the level of common law, statutory law, and agency regulation by the first decade of the century.” (Craig E. Colten, *Groundwater and the Law: Records v. Recollections* (Spring 1998) *The Public Historian* vol. 20, no. 2, at p. 34 (hereafter *Groundwater and the Law*.)

The earliest groundwater contaminant recognized by scientists was human sewage (for a historical perspective, see Mallman and Mack, 1961). In 1854, a London doctor linked a cholera epidemic to contamination of drinking water supplies—including a neighborhood water well—with sewage. In Switzerland in 1872, a typhoid epidemic was traced to sewage contamination in a river that recharged a town's groundwater supply. In 1909, two German researchers ran a series of controlled tests to investigate bacterial migration underground and established that bacteria could travel with groundwater from one well to another. As chemical use increased after World War II, isolated reports of chemical contamination of groundwater appeared. In 1947, for example, hexavalent chromium from electroplating wastes was discovered in a Michigan groundwater supply after homeowners complained that their water had turned yellow (Deutsch, 1961). Relatively common after the war were complaints of foaming groundwater—from contamination with the surfactant alkyl benzene sulfonate that had leaked from septic systems. Recognizing the increasing potential for chemical contamination of groundwater, the American Water Works Association created a task force of scientists, the Task Group on Underground Waste Disposal and Control, to study the problem in the early 1950s.

(National Academies Press, *Alternative for Groundwater Cleanup* (1994), pp. 23-24.)

Since the 1920s, manufacturers have faced increasing restrictions on the release of liquid wastes into watercourses and have thus turned to ponds and pits known as surface impoundments for disposal of effluents. These sites allow for evaporation or percolation of their contents. (Craig E. Colten, *Historical Perspectives, supra*, at p. 215.)

The need for controlling waste discharges was acknowledged almost one hundred years ago:

Both [government and industry] promoted and sought solutions to waste disposal problems from an early date. Manufacturers moved slowly to adopt existing technology to minimize recognized liabilities, while outwardly proclaiming the problem was under control. Before 1930, a deliberate course of action was understandable given existing volumes of hazardous wastes and manufacturers' ability to find isolated sites and

thereby avoid creating a public nuisance. Between 1930 and 1948, industry took a clearly articulated position, but failed to provide waste treatment in accord with its pronouncements and its ability.

(Craig E. Colten, *Creating a Toxic Landscape: Chemical Waste Disposal Policy and Practice, 1900-1960* (Spring 1994) Environmental History Review, vol. 18, no. 1, at p. 86 (hereafter *Creating a Toxic Landscape*).) A review of the scientific literature on the motion of subsurface fluids, and sanitary engineering indicates that by 1940, knowledge was sufficient to argue against surface discharges of harmful fluids. (*Ibid.*)

In response to groundwater pollution incidents, in the 1940s, California officials discussed the need for legislation pertaining directly to groundwater, recognizing the importance of groundwater for domestic supplies and “the fact that Californians ‘lived on the roof of our reservoir.’” (Craig E. Colten, *Groundwater and the Law*, *supra*, at p. 35.)

A 1942 article in the Sewage Works Journal recognized the connection of industries to tainted public water supplies, “impart[ing] to them chemical constituents, difficult if not impossible to remove by known and practical methods of water treatment.” (Milton Adams, et al., *Industrial Wastes, the Law and Pollution Control Programs* (May 1942) Sewage Works Journal, vol. 14, no. 3, pp. 653-665.)

“By the late 1940s, hydrologists, geochemists, public health officials, and industrial waste management experts all were familiar with harmful consequences of toxic effluents.” (Craig E. Colten, *Creating a Toxic Landscape*, *supra*, at p. 104.)

Beginning in the 1950s, California established a landfill classification system that restricted the disposal of hazardous materials to prevent groundwater pollution. (Craig E. Colten, *Groundwater and the Law*, *supra*, at pp. 28-29 [“Frank C. Foley, memo to Illinois State Geological Survey Groundwater Division Files, June 10, 1952, Champaign, Illinois. California had conducted studies of landfill leachate in the early 1950s and had instituted its classification system by the mid-1950s. American Public Works Association, Municipal”].)

By the 1950s, trade organizations including the American Petroleum Institute, National Safety Council and Manufacturing Chemists’ Associated “had offered warnings that land disposal of hazardous chemicals could cause off-site damages, thus informing manufacturers that there were well-known liabilities associated with such practices.” (Craig E. Colten, *Road to Love Canal*, *supra*, p. 103.)

By the 1950s most states had pollution statutes that applied to surface water and groundwater on the books, and industry was well aware of the legal liabilities for polluting behavior.” (Craig E. Colten, *Road to Love Canal*, *supra*, at p. 164.)

In 1953, “both water consumers and waste disposers recognized that chemical wastes could travel with the general groundwater flow without significant dilution or degradation.” (Craig E. Colten, *Road to Love Canal*, *supra*, at p. 58 [citing Task Group

E4-C, *Findings and Recommendations of Underground Waste Disposal* (December 1953) Journal (American Water Works Association), vol. 45, no. 12, pp. 1295-1297 (hereafter *Findings and Recommendations*].)

“[D]uring the 1940’s, 1950’s and 1960’s, segments of the scientific and technical communities ... were cognizant of toxic properties of industrial waste, reached a consensus about the link between the degradation of groundwater and land-based hazardous waste disposal, and issued strong advisories about threats to soil and groundwater.” (Halina Szejnwald Brown et al., *Reassessing the History of U.S. Hazardous Waste Disposal Policy – Problem Definition, Expert Knowledge and Agenda-Setting* (June 1992) RISK: Health Safety & Environment (1990-2002), vol. 8, no. 3, p. 250; see also *id.* at pp. 252-259 [The Body of Knowledge about Industrial Waste Disposal].)

The risk of groundwater contamination was well known in the 1960s and 1970s, receiving widespread public recognition in the popular press as a result of Rachel Carson’s 1962 work *Silent Spring* and incidents like the Love Canal case, in which President Carter declared an emergency in Niagara Falls, New York, relating to risks to human health linked to groundwater contamination.

Some would argue, based upon the passage of significant environmental legislation in the 1970s, that the impacts of industrial chemical use was unknown prior to that timeframe. Professor Craig E. Colten debunks this notion in his article *Groundwater and the Law*:

Far from being newly discovered in the 1970s, groundwater pollution and the need to protect groundwater were well-established concerns in the public health, sanitary engineering, and industrial communities. Several developments during the 1940s and 1960s fostered additional attention to this topic ... Numerous groundwater pollution incidents during the 1940s and 1950s directed public agency attention to finding and abating the contaminant sources.

(Craig E. Colten, *Groundwater and the Law*, *supra*, at p. 31.)

Knowledge of the fact that sewers leak and the need to separate wastewater systems from water supplies dates back centuries, if not thousands of years. (See, e.g., Roger D. Hansen, *Water-related Infrastructure in Medieval London*, at <http://www.waterhistory.org/histories/london/>.) Similarly, the links between discharges of chemicals and groundwater contamination were well-known.

III. Knowledge that Operations Using Degreasers Caused Groundwater Contamination

A 1948 article, written by consultant Metcalf and Eddy Engineers, identified trichloroethylene as a part of the plating process, noting that prior to going to the plating departments, the metal parts are treated by degreasers using trichloroethylene. (Almon L. Fales, *A Plating Waste Disposal Problem* (Sept. 1948) *Sewage Works Journal*, vol. 20, no. 5 at p. 857.) The plating process wastes “would be unsuitable to discharge into the sanitary sewers ... and would be objectionable to discharge either [surface waters] without prior treatment.” (*Id.* at pp. 858-859.)

In *Findings and Recommendations*, the authors recognized the link between groundwater pollution and industrial waste disposal in industries involving cleaning fluids, finding that groundwater pollution had been observed “nationwide in distribution” and “[i]mportant areas of such pollution are found in the Far West.” (Task Group E4-C, *Findings and Recommendations*, *supra*, at p. 1295.) The authors conclude that protection of groundwaters from pollution “is a matter of legitimate public interest because the waters may be expected to move, naturally or under artificial influence, to other properties, public or private; because their direction of movement is not readily ascertainable or constant; and because, once polluted, they may remain so, to the detriment of other users and even future generations.” (Task Group E4-C, *Findings and Recommendations*, *supra*, at p. 1297.)

Also in 1961, the Federal Housing Administration commissioned a study regarding the status of knowledge of groundwater contaminants. The Federal Housing Administration’s foreword observed:

In recent years groundwater contamination has become more significant because the potable water supplies in many areas have approached or exceeded the safe yield; the population density and increased industrial wastes creates a heavier burden on our groundwater resources; and the increased construction or residential projects which are beyond the mains of municipal water supplies and, therefore, are dependent upon groundwater. FHA believes the information contained in the Status of Knowledge of Ground Water Contaminants will have far reaching results and will materially aid all those involved in the development of methods to ensure the safety of groundwater against contamination.

(W. E. Stanley & R. Eliassen, Massachusetts Instit. of Tech., *Status of Knowledge of Groundwater Contaminants* published by the Federal Housing Administration (1960), Foreword, p. ii.) The authors later state, “The objective of this investigation has been to search out literature bearing on various groundwater contaminants; assemble and evaluate available information; and to determine the present state of knowledge relative to each contaminant. Particular attention has been paid to ... possibilities of forecasting contamination of groundwater at specific locations....” (*Id.* at p. vi.) The authors identify the need for control of various known groundwater contaminants, including metal finishing wastes. (*Id.* at p. x.) Stanley and Eliassen’s work contained hundreds of references and documented hundreds of cases of groundwater contamination. Specific

to metal finishing, the article identifies sources of groundwater contaminants due to the placement of wastes on the surface, which seep into porous soil. While the article cites the need for more data to evaluate the physio-chemical relationships of chemicals in the waste, the relationship to groundwater pollution was clear: “There is evidence that chemicals of these waste waters may travel considerable distances through water bearing strata and also may remain in aquifers for long periods of time.” (*Id.* at p. 37.) There is a cross reference to Lyne and McLachlan, *Contamination of Water by Trichloroethylene*, Analyst 74, p. 513 (1949) Abs – Chem. Abs. 776h - 1950, at p. 462 discussing water contamination by trichloroethylene, observing that “wells near factories often are rendered unfit for drinking.”

IV. Knowledge that TCE was a Hazardous Chemical and its Ubiquitous Use as a Degreaser

Use of TCE as a degreaser, particularly during the 1940’s and 1950’s is well-documented. According to government estimates, 220 million pounds of TCE was projected to be used in the United States in 1944, 92% of which was used in metals degreasing operations, mainly for defense contractor use. (Steve Swisdak, A Historical Survey of the Use and Regulation of Trichloroethylene (Oct. 11, 2013) presentation to American Bar Association 21st Fall Conference, p. 11.) Use of TCE was pervasive in the Los Angeles area. The 1967 edition of the Los Angeles County Air Pollution Control District Air Pollution Engineering Manual noted that TCE accounted for an estimated 90% of all vapor degreasing solvent used in Los Angeles County. (*Id.* at p. 16.) During this timeframe, it was already known that TCE was a hazardous chemical.

In 1943, the authors of *Degreasers Cause Death* documented the dangers - including “mysterious deaths” - associated with the use of chlorinated hydrocarbons, including TCE, which were “widely used as degreasers of tools and machinery.” (*Degreasers Cause Death* (Sept. 25, 1943) The Science News-Letter, vol. 44, no. 13, p. 198.)

“In 1943 the [Maximum Allowable Concentration] for TCE was 200 ppm ... [S]afety advisories called for special labeling and handling procedures that included ventilation systems and safety clothing.” (Craig E. Colten, *Road to Love Canal*, *supra*, at p. 19.)

In response to “acute cases of systemic poisoning, with one fatality,” the authors of a Public Health Report in 1946 compiled “useful information on the composition and relative toxicity of many of the trade name solvent products” used in cleaning, degreasing and thinning paints. The intent of this article was to compile the analyses “into a solvent index which contained all the pertinent data in a form which would permit their convenient use by the personnel of the plant, medical, safety, and engineering department. Since many of the products are used by other industries, it was deemed advisable to make the information available generally to everyone interested in industrial hygiene.” The authors of this article included a senior sanitary engineer and senior surgeon of the United States Public Health Service. (Brandt, *Composition of*

Some Trade Name Solvents Used for Cleaning and Degreasing, and for Thinning Paints (Feb. 1, 1946) Public Health Reports (1896-1970), vol. 61, no. 5, pp. 132-143.)

“In 1949 investigators used similar methods to detect trichloroethylene in well water at estimated levels of 18 ppm. This discovery alerted public health officials to the solvent’s persistence in groundwater and led them to warn that even at low levels, measured by existing analytical methods, it could be toxic.” (Craig E. Colten, *Road to Love Canal*, *supra*, at p. 115.)

American Water Works similarly reported health hazards associated with the use of TCE in degreasing in 1950. (Cary and Valaer, *Occupational Health Hazards* (May 1950) Journal American Water Works Association, vol. 42, no. 5, pp. 485-489.)

Richard E. Doherty documented the wide use of TCE and subsequent regulation. (Richard E. Doherty, *A History of the Production and Use of Carbon Tetrachloride, Tetrachloroethylene, Trichloroethylene and 1,1,1 -Trichloroethane in the United States: Part 2- Trichloroethylene and 1,1,1- Trichloroethane* (2000) Journal of Environmental Forensics, p. 83.) Of note, he states as follows:

- “Trichloroethylene ... was a widely used degreasing solvent that achieved public notoriety for its role in contaminating drinking water wells in Woburn, Massachusetts in the 1960s.” (*Ibid.*)
- “In a recurrence of the cattle poisonings of the early 1920s, hemorrhagic diseases in cattle in the early 1950s were traced to animal feed containing TCE-extracted soybean meal. This finding caused most United States manufacturers to voluntarily withdraw soybean oil meals defatted with TCE in 1952.” (*Id.* at p. 86 [citing Chem. Week., 1953; Huff, 1971].)
- “For TCE, the era of environmental regulation began early. In November 1965, the Los Angeles County Air Pollution Control District (APCD) proposed Rule 66, a regulation to limit solvent emissions from industrial facilities... The resulting modified rule was enacted into law without dissent in August 1966.” (*Id.* at p. 86 [citing C &EN, 1966b, 1966e, 1966d].)
- “TCE's use as a degreaser decreased in the 1960s due to toxicity concerns.” (*Id.* at p. 83.)
- “The 1970 Clean Air Act (CAA) controlled TCE as a VOC due to its suspected contribution to ozone and smog formation.” (*Id.* at p. 87.)

The Occupational Safety and Health Administration (OSHA) established a permissible exposure limit (PEL) for TCE in 1971. (See Env. Protection Agency Proposed Rule, 82 Fed. Reg. 7432, 7437 (Jan.19, 2017).)

Other chlorinated solvents used in metal plating operations, including PCE, were also known to pose hazards to human health. In 1965 the Legislature set a specific

maximum level for PCE vapor in former Health and Safety Code section 13399.5, above which would be considered a “dangerous toxic concentration.” (Stats. 1965, ch. 1781, section 13, p. 3974.)

V. California-Specific Documentation of the Known Connection Between Industrial Operations and Polluted Drinking Water

Evidence supporting adoption of the Dickey Water Pollution Act in 1949, adoption of the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) in 1969, and the general environmental movement of the 1960s, leading to the adoption of the federal Clean Water Act in 1972 documents the known risks of industrial operations, including degreasing operations, and the potential for such operations to cause groundwater contamination. (See State Water Resources Control Board (State Water Board), *How We Came to Be: A Short History Lesson* (hereafter *History Lesson*), at https://www.waterboards.ca.gov/board_reference/docs/about_the_waterboards.pdf (*History Lesson*); see U.S. Environmental Protection Agency, *Damages and Threats Caused by Hazardous Materials Sites*, at <https://nepis.epa.gov/Exe/ZyPDF.cgi/91012IHL.PDF?Dockey=91012IHL.PDF>.) Although the Porter-Cologne Act was “recognized as one of the nation’s strongest pieces of pollution legislation,” nuisance had already been illegal in California since 1872. (*History Lesson*.)

Since 1872, California law has prohibited the creation of a public nuisance. In 1925, water pollution was held by the courts to be a public nuisance. And since 1949, California law has expressly prohibited any discharge of waste in a manner which results in pollution, contamination, or nuisance. Additionally, the Porter–Cologne Water Quality Act of 1969 defined nuisance and authorized Regional Water Boards to order cleanup.

In the Matter of the Petition of Lindsay Olive Growers (Nov. 18, 1993) State Water Board Order WQ 93-17.)

In addition to statewide recognition of risks to groundwater, the local authorities similarly responded with local ordinances: “By the mid-1940s both the city and county of Los Angeles had enacted restrictions on the disposal of potentially harmful industrial effluent to areas that served to recharge aquifers used for public water supplies (Craig E. Colten, *Historical Perspectives*, *supra*, at pp. 220 [citing Pickett, *Disposal of industrial wastes in Los Angeles County* (1948) *Water and Sewage Works*, no. 95, pp. 33-36 and Schneider, *Industrial waste disposal in Los Angeles city* (1948) *Water and Sewage Works*, pp. 37-39.]). Several years later the Los Angeles County Board of Engineers specified the need to exclude toxic wastes from recharge waters.” (*Id.* at 2020.)

The American Water Works Association’s July 1947 Annual Meeting was held in conjunction with the annual meeting of the Federal Sewage Works Association, bringing together, in San Francisco, the largest ever gathering of sanitary, water, sewage and

industrial waste experts, with an attendance of almost 2,000 professionals. (<https://awwa.onlinelibrary.wiley.com/doi/epdf/10.1002/j.1551-8833.1947.tb18642.x>.) At this conference, Byron Doll, Deputy City Engineer of Huntington Park, California, noted in his presentation the widely-publicized connection between discharges of chemicals from industrial operations and contamination of drinking water sources:

“An article in the Los Angeles Times of Mar. 8, 1947, reports that the Attorney General of California filed an injunction suit against a chemical manufacturing plant discharging 280,000 gpd of poisonous industrial waste liquid. The liquid seeped into under ground water sources adjacent to Vernon, Calif., and endangered the drinking water of residents of Southeast Los Angeles, Maywood, South Gate, Huntington Park and adjacent Los Angeles County.”

(Byron E. Doll, *Formulating Legislation to Protect Ground Water from Pollution* (Oct. 1947) Journal American Water Works Association, vol. 39, no. 10, at p. 1003.) The article further documents the knowledge of “pollution of water by industrial wastes, a problem which exists throughout the state.” (*Ibid.*) “In southern California both surface and ground water supplies have been polluted. As ground water basins are the prime source of supply in southern California, this problem is most grave in this area.” (*Id.* at 1003-1004.) “Industrial waste disposal and its relationship to ground water resources acutely affect the future development and growth of vie southern California counties: Los Angeles, Orange, Riverside, San Bernardino and Ventura. (*Id.* at p. 1004.) The article further notes that “the industrial development in Los Angeles County, which contributes to its water supply problems, is much more intensive than in any of the other affected counties.” (*Ibid.*) The role and impact of groundwater was highlighted: “Even the rivers are upside down, and although they have large flows, most of them are unseen and flow through the porous gravels lying below the surface of the ground. Because these gravels are so porous, industrial wastes which enter them may pollute large quantities of water before detection. Contamination may become serious before it is noted, due to the slow rate of travel of the ground water through the underground gravels.” (*Id.* at 1005.) The article notes the connection between industry (specifically identifying the metal plating industry as a culprit) and pollution, noting that industrial operations discharged into sewers, sumps, stream channels or onto the ground. (*Id.* at pp. 1003-1006.) Numerous incidents of groundwater contamination in the Los Angeles area were reported, including: Montebello (in 1945, wells impacted within 17 days of discharge, ultimately impacting 11 wells serving 25,000 people); 125 locations along the Los Angeles River Channel where industrial wastes were being discharged; Long Beach-Signal Hill-Compton (wastes from oil recovery and refinery processes); Vernon-Huntington Park (battery manufacturing plant discharges caused abandonment of wells in 1917); Griffith Park (chromium from aircraft plant discharges). (*Id.* at pp. 1006-1007.) The article concludes by noting that the California State Assembly had appointed nine members to study the problem of the pollution of the state’s waters, specifically

identifying “the problem of water pollution resulting from disposal of industrial wastes.” (*Id.* at p. 1008.)

Also in 1947, an article by then Deputy County Engineer of Los Angeles County, acknowledged the “serious water pollution problems” caused by improper disposal of sewage and industrial wastes in Southern California, “and particularly in the metropolitan area of Los Angeles County.” (Pickett, *Protection of Underground Water from Sewage and Industrial Wastes* (May 1947) *Sewage Works Journal*, vol. 19, no. 3, pp. 464-472.) The article notes that in “numerous cases,” industries put down cesspools or leaching pits to get rid of wastes. (*Id.* at p. 469.) “Many serious cases of pollution have resulted, especially from industries having chemical wastes....” (*Ibid.*) The article describes one particular case, the “Montebello Incident,” where a plant with “relatively small” amounts of waste, “consisting only of water used to wash down the walls and floors of the plant, and to clean out the containers in which the weed killer was prepared,” caused such significant contamination that 11 wells in the area were taken out of operation within 17 days after the plant began operations. (*Ibid.*) The article notes that such cases of pollution had caused industrial plants to change their operations to prevent similar catastrophes. “Experience in the handling of many such cases has demonstrated the need to establish certain simple policies and procedures essential to the protection of water supplies, prevention of nuisance, and menace to the public health and safety.” (*Id.* at 470.) In an effort to address the threat of chemical contamination in groundwater supplies, “amendments to a county ordinance were drafted for regulating waste disposal from industrial plants. These amendments have recently been adopted by the Board of Supervisors for control of industries in the unincorporated areas of the county.” (*Ibid.*) Preparation of the ordinance involved “representatives of industry, property owners, and the Los Angeles Chamber of Commerce.” (*Ibid.*)

At the 1953 California Section Meeting of the American Water Works Association, research engineers and an assistant professor of engineering, all from University of California, Berkeley, presented their paper regarding underground movement of bacterial and chemical pollutants. (R.G. Butler, et al., *Underground Movement of Biological and Chemical Pollutants* (1954) *J. Am. Water Works Assn.*, vol. 46, no. 97, pp. 97-111 (hereafter *Underground Movement of Biological and Chemical Pollutants*). The paper recognized the importance of “underground travel of pollutants,” noting that “[t]he danger that public water supplies may become polluted as a result of the movement of bacteria and chemicals underground has long been a matter of concern to public health authorities ... California’s law, for example, prohibits the discharge of any waters unfit for human consumption into underground water-bearing formations....” (*Id.* at pp. 97-98.)

Three years prior to the time of this article in 1954, the California Department of Health, the State Water Board and the University of California had begun investigating the conditions leading to “pollution travel;” the need to pretreat wastes to avoid causing

pollution of groundwater supplies through, among other causes, spreading of waste on the surface and “leachings from refuse dumps, privies, septic tanks, cesspools, sewer wells, and polluted surface waters.” (*Id.* at p. 98-99.) The article documented chemical contamination in Vernon, California, that traveled 3-5 miles. (*Id.* at p. 108, citing Blakely, L.E., *The Rehabilitation, Cleaning, and Sterilization of Water Wells* (Jan. 1945) *Journal American Water Works Association*, vol. 37, no. 101.) Among the key conclusions was the fact that chemical pollutants travel farther and faster than bacterial pollutants in the groundwater (from 2 to 30 times as far). (Butler, *Underground Movement of Biological and Chemical Pollutants*, *supra*, at pp. 106, 110.)

VI. Conclusion

The dangers of improper waste disposal have been documented for more than a century. Industry and government, both at the state and local level in California, have known about the risk of waste flows from surface discharges to groundwater since at least the 1940’s. TCE use in and around southern California was pervasive in the mid-1900’s. By at least the late 1940s, knowledge that TCE was commonly used as a degreaser in metal fabricating operations and that TCE was a hazardous chemical had disseminated widely. Landowners, particularly public entity landowners in Southern California, leasing to industrial entities using degreasers and/or metal fabrication, knew or should have known by the 1940s that their lessee’s activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance. Such landowners, therefore, “permitted” a discharge of waste and may be named in a cleanup and abatement order pursuant to Water Code section 13304.

EXHIBIT 5

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000

C. KENT STEPHENS
ATTORNEY AT LAW
930 SOUTH BROADWAY, SUITE 104
POST OFFICE BOX 1454
SANTA MARIA, CALIFORNIA 93456
TELEPHONE (805) 922-1951

August 2, 1988

TO CA REGIONAL WATER
QUALITY CONTROL BOARD
Central Coast Region
1102 A Laurel Lane
San Luis Obispo, CA 93401

SUBJECT SEMCO TWIST DRILL & TOOL CO., INC.

ENCLOSED PLEASE FIND Copy of Summary Of Purchases & Credits
& Receipts For Waste Oil

[XX] FOR YOUR INFORMATION
[] IN ACCORDANCE WITH YOUR REQUEST
[] PLEASE READ, SIGN AND RETURN
[] PLEASE FILE AND RETURN ENCLOSED COPIES
[] PLEASE RECORD AND RETURN
[] PLEASE TELEPHONE
[] PLEASE COMMENT
[] PLEASE ACKNOWLEDGE RECEIPT
[] PLEASE FILE WITH YOUR IMPORTANT PAPERS
[] PLEASE PRESENT TO THE JUDGE FOR SIGNATURE AND RETURN
[] COPIES TO OUR OFFICE
[] CHECK ENCLOSED FOR
[]

Barbara J. Yeoman

Barbara J. Yeoman
Secretary to C. KENT STEPHENS

**SEMCO TWIST DRILL AND TOOL COMPANY, INC.**

2938 INDUSTRIAL PARKWAY ■ SANTA MARIA, CALIFORNIA 93454 ■ PHONE 805 - 922-8222

Summary of Purchases

| <u>P.O.#</u> | <u>Date</u> | <u>TRICHLOROETHYLENE</u> <u>Company</u> | <u>Gallons</u> |
|--------------|-------------|--|----------------|
| 4735 | 2-09-81 | Looman Distributing Company | 520 |
| 4947 | 4-02-81 | " " " | 490 |
| 5089 | 5-20-81 | " " " | 314 |
| 5222 | 7-06-81 | " " " | 529 |
| 5417 | 9-09-81 | " " " | 493 |
| 5619 | 12-11-81 | " " " | 405 |
| 5844 | 4-06-82 | " " " | 425 |
| 6043 | 7-19-82 | " " " | 450 |
| 6328 | 11-22-82 | " " " | 506 |
| 6716 | 4-19-83 | " " " | 500 |
| 7040 | 8-04-83 | " " " | 500 |
| 7442 | 11-23-83 | " " " | 465 |
| 7862 | 4-27-84 | " " " | 507 |
| 8141 | 8-13-84 | " " " | 504 |
| 8492 | 12-07-84 | " " " | 110 |
| | | | <u>6,718</u> |

1.1.1.-TRICHLOROETHANE

| | | | |
|-------|----------|---------------------|--------------|
| 8514 | 12-13-84 | Van Waters & Rogers | 220 |
| 8660 | 1-30-85 | " " " " | 165 |
| 8660 | 1-30-85 | " " " " | 1,023 |
| 9317 | 7-22-85 | " " " " | 1,000 |
| 9989 | 3-13-86 | " " " " | 1,053 |
| 10414 | 9-05-86 | " " " " | 1,000 |
| | | | <u>4,461</u> |

Credits & Receipts for Waste Oil

| | | | |
|-------|----------|----------------------------|--------------|
| | 5-22-81 | G.N.S. Petroleum | |
| | 9-11-81 | " " | |
| | 1-04-83 | Colin P. Smith | 615 |
| | 9-23-83 | " " | 460 |
| | 1-13-84 | " " | 450 |
| | 10-18-84 | " " | 400 |
| | 1-22-85 | G.N.S. Petroleum | 500 |
| | 3-26-85 | " " | 200 |
| | 6-04-86 | " " | 675 |
| | 7-03-85 | " " | 75 |
| | 11-23-85 | " " | 185 |
| 10318 | 7-24-86 | California Recyclers, Inc. | 650 |
| 10905 | 5-26-87 | " " " | 650 |
| | | | <u>4,860</u> |

MANUFACTURERS AND DESIGNERS OF HIGH SPEED COBALT AND CARBIDE TIPPED TWIST DRILLS ■
REAMERS ■ END MILLS ■ CORE DRILLS ■ TAPS ■ ROTARY BROACHES AND OTHER FINE CUTTING TOOLS

EXHIBIT 6

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C. KENT STEPHENS
ATTORNEY AT LAW
930 SOUTH BROADWAY, SUITE 104
POST OFFICE BOX 1454
SANTA MARIA, CALIFORNIA 93456
TELEPHONE (805) 922-1951

March 31, 1988



William Leonard, Executive Officer
Calif. Regional Water Quality Control Board
Central Coast Region
1102 A Laurel Lane
San Luis Obispo, CA 93401

Re: Semco Twist Drill & Tool Company, Inc.
Cleanup Abatement Order No. 87-188

Dear Mr. Leonard:

Enclosed are the purchase orders, invoices and receipts concerning solvents found in the files and records of Semco Twist Drill and Tool Company, Inc.

Very truly yours,

C. KENT STEPHENS

CKS/rrf

cc: R. Stafford, Semco Twist Drill & Tool Co., Inc.

Van Waters & Rogers Inc.

subsidiary of **Univar**

VAN WATERS & ROGERS
FILE NO 31574
L.A. CA 90074 - 1574

OXNARD
(905)983-1868

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

PAGE 1

ORIGINAL

INVOICE

SOLD TO

SHIP TO

INVOICE DATE
12-18-87

CUSTOMER NO. 57099923
MEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

CUSTOMER NO. 57099923
MEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

INVOICE NUMBER
512584236.1

| | | | | | | | |
|--|--|-----------------------------|-------------------|------------|---------------|----------------|-----------------|
| TERMS | | TAX EXEMPT | YOUR ORDER NUMBER | | SHIPPING DATE | SHIPPED VIA | |
| NET 30 DAYS | | | 11334 | | 12-18-87 | S&N TANK LINES | |
| O.B. X WHSE | | FREIGHT PREPAID-VWR ACCOUNT | | | WAREHOUSE | DIRECT SALE | |
| DESCRIPTION | | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION |
| 1,1,1 TRICHLOROETHANE INHIB VWR 1 LB 04760651 CANCEL: 130.0 SD CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE 443 NDM- PHOTOCHEMICALLY REACTIVE-102 (LFSS THAN 4K-102) | | 10970.0 | 10840.0 | LB T | 0.4500 | LB | 4,878.00 |
| <div>RECEIVED</div> <div>DEC 30 1987</div> | | | | | 8470 | | |
| | | | | | 4430 | | |
| ALPS SERVICE- CHEMICAL 269-9531, PCS AND TEXTILE 265-8123 | | | | | | | |

TOTAL

TAX-11 4,878.00 @ 5.000%

4,878.00
292.68

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT SELLER MAKES NO EXPRESS OR IMPLIED WARRANTIES OF FITNESS OR OF MERCHANTABILITY OR OF ANY OTHER KIND WHATSOEVER EXCEPT THAT THE GOODS SOLD HEREUNDER SHALL BE OF THE QUANTITY ABOVE SPECIFIED. BUYER ASSUMES ALL THE RISK OF LIABILITY WHATSOEVER RESULTING FROM THE USE OF SUCH GOODS, WHETHER USED SINGULARLY OR IN COMBINATION WITH OTHER SUBSTANCES. SELLER'S LIABILITY FOR NONCONFORMING GOODS IS EXCLUSIVELY LIMITED, AT THE SELLER'S OPTION, TO REPLACEMENT OF THE DEFECTIVE GOODS OR THE PURCHASE PRICE OF SUCH GOODS AND UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. THE AMOUNT BILLED IS JUSTLY DUE AND OWING, NO PART THEREOF HAS BEEN PAID, AND THE AMOUNT DUE FOR THE LAST ITEM ACCRUED WITHIN ONE YEAR OF THE INVOICE DATE. STATE AND LOCAL TAXES HAVE NOT BEEN INCLUDED UNLESS SPECIFICALLY ITEMIZED ON THE INVOICE. PAST DUE BALANCES ARE SUBJECT TO A LATE PAYMENT CHARGE OF 1 1/2% PER MONTH, OR IF LESS, THE MAXIMUM AMOUNT PERMITTED BY APPLICABLE LAW. CONTAINER CHARGES SUBJECT TO REGULAR TERMS OF SALE. FULL CREDIT TO BE ISSUED IF RETURNED IN USEABLE CONDITION WITHIN 90 DAYS OF INVOICE DATE. JPHOLSTERY FABRIC MEETS CALIFORNIA BHF #117.

PLEASE PAY



55,170.68


PURCHASE ORDER

SEMCO INDUST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PARKWAY, P.O. DRAWER J J SANTA MARIA, CALIFORNIA 93455
(805) 922-8222

TO VAN WATERS & ROGERS
1910 LOCKWOOD
OXNARD, CA. 93030

SHIP TO ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---|---|----------|-------------|-------------|--------------------|
| /17/87 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 011334 |
| QUANTITY | DESCRIPTION | | | PRICE | AMOUNT |
| 1000 GAL | 1.1.1. TRICHTHORETHANE BULK | | | .4500/LB | |
| | 10,840 # Recd 12-18-87 Comp  | | | | |
| CONFIRMING ORDER 12/17/87 PLEASE DO NOT DUPLICATE | | | | | |
| #443 | REQ 9257 | | | | |

Item # PR75 The Drawing Board, Dallas, Texas 75266-0429
© Wheeler Group, Inc., 1982

☒ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER


AUTHORIZED SIGNATURE

TRIPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES

Van Waters & Rogers Inc.

subsidiary of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

VAN WATERS AND ROGERS
FILE NO. 31574
L.A., CA 90074 - 1574

(805) 883-1268

PAGE 1

ORIGINAL

INVOICE

SOLD TO

SHIP TO

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

INVOICE DATE
07-27-87

INVOICE NUMBER
518537737.1

| TERMS | TAX EXEMPT | YOUR ORDER NUMBER | SHIPPING DATE | SHIPPED VIA |
|-------------|-----------------------------|-------------------|---------------|----------------|
| NET 30 DAYS | | 11001 | 07-27-87 | SAN TANK LINES |
| WHSE | FREIGHT PREPAID-VWR ACCOUNT | | WAREHOUSE | DIRECT SALE |

| DESCRIPTION | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION |
|---|---------|---------|------------|------------|-----|-----------------|
| 1,1,1 TRICHLOROETHANE INHIS VWR 1 LB 04760651 CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE 442 NON-PHOTOCHEMICALLY REACTIVE-102 (LESS THAN 4X-102) | 11000.0 | 11000.0 | LB T | 0.4400 | LB | 4,840.00 |
| <div data-bbox="310 882 688 1120" data-label="Text"> <p>RECEIVED AUG 3 1987</p> </div> <div data-bbox="1176 1020 1360 1196" data-label="Text"> <p>8470 4430 V 1061</p> </div> | | | | | | |

PLEASE REMIT TO FILE NO 31574 L.A., CA. 90074-1574

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT SELLER MAKES NO EXPRESS OR IMPLIED WARRANTIES OF FITNESS OR OF MERCHANTABILITY OR OF ANY OTHER KIND WHATSOEVER EXCEPT THAT THE GOODS SOLD HEREUNDER SHALL BE OF THE QUANTITY ABOVE SPECIFIED. BUYER ASSUMES ALL THE RISK OF LIABILITY WHATSOEVER RESULTING FROM THE USE OF SUCH GOODS WHETHER USED SINGULARLY OR IN COMBINATION WITH OTHER SUBSTANCES. SELLER'S LIABILITY FOR NONCONFORMING GOODS IS EXCLUSIVELY LIMITED, AT THE SELLER'S OPTION, TO REPLACEMENT OF THE DEFECTIVE GOODS OR THE PURCHASE PRICE OF SUCH GOODS AND UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. THE AMOUNT BILLED IS JUSTLY DUE AND OWING; NO PART THEREOF HAS BEEN PAID, AND THE AMOUNT DUE FOR THE LAST ITEM ACCRUED WITHIN ONE YEAR OF THE INVOICE DATE. STATE AND LOCAL TAXES HAVE NOT BEEN INCLUDED UNLESS SPECIFICALLY ITEMIZED ON THE INVOICE. PAST DUE BALANCES ARE SUBJECT TO A LATE PAYMENT CHARGE OF 1 1/2% PER MONTH, OR IF LESS, THE MAXIMUM AMOUNT PERMITTED BY APPLICABLE LAW. CONTAINER CHARGES SUBJECT TO REGULAR TERMS OF SALE. FULL CREDIT TO BE ISSUED IF RETURNED IN USEABLE CONDITION WITHIN 90 DAYS OF INVOICE DATE. UPHOLSTERY FABRIC MEETS CALIFORNIA BHF #117.

TOTAL
TAX-11 4,840.00 @ 6.000%

4,840.00
290.40

PLEASE PAY



\$5,130.40

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC

136 INDUSTRIAL PARKWAY, P.O. DRAWER J, SANTA MARIA, CALIFORNIA 93455
(805) 922-0282

SHIP TO

VAN WATERS & ROGERS

ABOVE

1910 LOCKWOOD

OXNARD, CA. 93030

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|----------|--|----------|-------------|-------------|--------------------|
| 7/13/87 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 011001 |
| QUANTITY | DESCRIPTION | | | PRICE | AMOUNT |
| 1000 GAL | 1.1.1. TRICHLORETHANE BULK <i>Order Comp 7-27-87</i> | | | .4400/LB | |
| | | | | | |
| | | | | | |
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| #443 | REQ 8378 | | | | |

Item # PA75 The Drawing Board, Dallas, Texas 75266-0429
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☒ NOT FOR RESALE

FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

TRIPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



Mail ☐ with Payment to:

CALIFORNIA OIL RECYCLERS ..IC.

6880 SMITH AVENUE • NEWARK, CALIFORNIA 94560

(800) 972-5284 • (800) THE OILS

EPA NO. CAD 980 887418

EPA NO. CAD 980 695761

INVOICE 63758
NO.

MANIFEST # 84650172

Semco Twist Drill Co.

DATE 5-26 1987

3936 Frederick Rd. W.

PHONE 902-8222

Salem, OR

ZIP 97344

CUST # RTO

| PRODUCT | GALS/BBL/ETC. | PRICE | AMOUNT |
|----------------------------------|----------------|---------------|---------------|
| WASTE OIL <u>Waste Potassium</u> | <u>650 gal</u> | <u>@</u> | |
| <u>combustible liquids</u> | <u>275</u> | <u>@ 1.00</u> | <u>275.00</u> |
| NOTES: <u>OFFER 1270</u> | <u>1570</u> | <u>375</u> | <u>@ .25</u> |
| <u>NOT 10705</u> | <u>6060</u> | | |
| | <u>V8433</u> | | |
| | | TOTAL | <u>368.75</u> |

SWEEP: /

HANDCLEANER: /

CARB CLEANER: /

**PAYMENT DUE
IN 7 DAYS**

DRIVER: [Signature]

I CERTIFY THAT THE AMOUNTS SHOWN ABOVE TO BE CORRECT AND THAT, UNLESS OTHERWISE NOTED THE MATERIAL IS DRAIN OIL. I ALSO CERTIFY THAT I HAVE READ THE CONDITIONS AND INDEMNIFICATIONS ON THE REVERSE SIDE OF THIS FORM AND I UNDERSTAND AND ACCEPT THEM.

SIGNATURE OF SELLER [Signature]

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PARKWAY, P.O. DRAWER 1 • SANTA MARIA, CALIFORNIA 93455
(805) 922-8222

TO

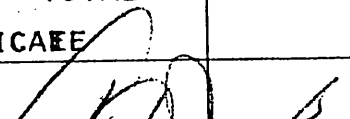
CALIFORNIA OIL RECYCLERS, INC.

6880 SMITH AVE. :

NEWARK, CA. 94560

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|---|--|----------|-------------|-------------|--------------------|--------|
| 5/26/87 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 010905 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| | XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX | | | | XXXXXX | |
| | WASTE PETROLEUM TOTAL 650 GALS. | | | | | |
| | COMBUSTIBLE LIQUIDS 275 GALS | | | | 1.00/GAL | 275.00 |
| | HA1270 375 GALS | | | | .25/GAL | 93.75 |
| | | | | | | |
| | | | | | | |
| | TOTAL | | | | | 368.75 |
| CONFIRMING ORDER 5/26/87 PLEASE DO NOT DUPLICATE | | | | | | |
|  | | | | | | |

Item # PR75 The Drawing Board, Dallas, Texas 75266-0429
© Wheeler Group, Inc., 1982

© Wheeler Group, Inc., 1982

☐ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

TRIPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES

Van Waters & Rogers

division of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

VAN WATERS AND ROGERS
FILE NO. 31574
L.A., CA 90074 - 1574

OXNARD

(805)983-1868

PAGE 1

ORIGINAL

INVOICE

SOLD TO

SHIP TO

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

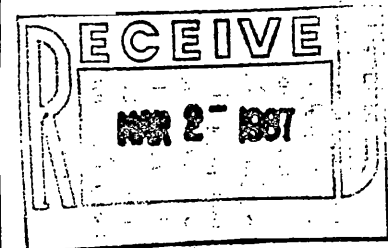
INVOICE DATE
02-24-87

INVOICE NUMBER
517570554.1

| TERMS | TAX EXEMPT | YOUR ORDER NUMBER | SHIPPING DATE | SHIPPED VIA |
|-------------|------------|-------------------|---------------|----------------|
| NET 30 DAYS | | 10710 | 02-24-87 | COMMON CARRIER |

| O.B. | NDOR DOCK | FREIGHT | PREPAID-VWR ACCOUNT | WAREHOUSE | DIRECT SALE |
|------|-----------|---------|---------------------|-----------|-------------|
|------|-----------|---------|---------------------|-----------|-------------|

| DESCRIPTION | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION |
|--|---------|---------|------------|------------|-----|-----------------|
| 1,1,1 TRICHLOROETHANE INHIB VWR 1 LB 04760651 SO CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE 443 NON-PHOTOCHEMICALLY REACTIVE-102 (LESS THAN 4K-102) | 11000.0 | 11000.0 | LB T | 0.4250 | LB | 4,675.00 |
| <div style="position: absolute; left: 570px; top: 610px;"> 4428 4430 ✓9730 </div> | | | | | | |



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STATE AND LOCAL TAXES HAVE NOT BEEN INCLUDED UNLESS SPECIFICALLY ITEMIZED ON THE INVOICE. PAST DUE BALANCES ARE SUBJECT TO A LATE PAYMENT CHARGE OF 1 1/2% PER MONTH, OR IF LESS, THE MAXIMUM AMOUNT PERMITTED BY APPLICABLE LAW. CONTAINER CHARGES SUBJECT TO REGULAR TERMS OF SALE. FULL CREDIT TO BE ISSUED IF RETURNED IN USEABLE CONDITION WITHIN 90 DAYS OF INVOICE DATE. UPHOLSTERY FABRIC MEETS CALIFORNIA BIF #117.

TOTAL
TAX-11 4,675.00 @ 6.000%

4,675.00
280.50

PLEASE PAY



\$4,955.50

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

936 INDUSTRIAL PARKWAY, P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
(805) 922-8222

TO

VAN WATERS. & ROGERS

1910 LOCKWOOD

OXNARD, CA. 93030

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---------------------|----------------------------|----------|-------------|-------------|--------------------|
| 2/19/87 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 010710 |
| QUANTITY | DESCRIPTION | | | PRICE | AMOUNT |
| 1000 GAL | 1.1.1. TRICHLORETHANE BULK | | | .4250/LB | |
| 1000 gal 2/24/87 | C- | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| #443 | REQ 5627 | | | | |

443

REQ 5627

Item # PR75 The Drawing Board, Dallas, Texas 75266-0429
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TAX NUMBER

AUTHORIZED SIGNATURE

TRIPLICATE

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Van Waters & Rogers

division of Univar

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

ORIGINAL

INVOICE

REMARKS

SALES BRANCH:

SYNAPC

CA 90074 - 1674

(805) 980-1766

SOLD TO

SHIP TO

INVOICE DATE

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

09-10-86

INVOICE NUMBER

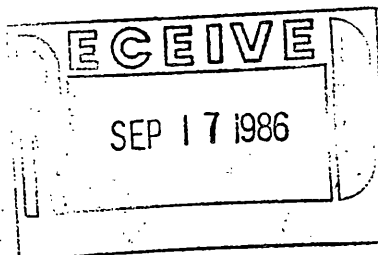
517537815.1

| | | | | | | | | | |
|---|--|------------|---------|-------------------|------------|---------------|-----------------|-------------|--|
| TERMS | | TAX EXEMPT | | YOUR ORDER NUMBER | | SHIPPING DATE | | SHIPPED VIA | |
| NET 30 DAYS | | | | 10444 | | 09-10-86 | | FEDEX | |
| F.O.B. SEMCO DRILL | | FREIGHT | | 10444 | | WAREHOUSE | | 10444 | |
| DESCRIPTION | | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION | | |
| 1,1,1 TRICHLOROETHANE INHIB VWR 1 LB 04760651 CAMEL: 30.0 | | 10970.0 | 10940.0 | LB T | 0.4150 | LB | 4,540.10 | | |
| SO CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE 440 (NO PHOTOCHEMICALLY REACTIVE-102 (LESS THAN 4% - 102)) | | | | | | | | | |

RECEIVED

SEP 17 1986

4428
4430
V6746



4428
4430
V6746

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TOTAL

TAX-11 4,540.10 @ 6.000%

4,540.10

272.41

PLEASE PAY

4,812.51

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

236 INDUSTRIAL PARKWAY, P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
(805) 922-8222TO
[VAN WATERS & ROGERS
1910 LOCKWOOD
OXNARD, CA. 93030]SHIP TO
ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|---|-----------------------|----------|-------------|-------------|--------------------|--------|
| 9/5/86 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 010414 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 1000 GAL | 1.1.1. TRICHLORETHANE | | | | .4150/LB | |
| 1000 gal Recd 9/12/86 it | | | | | | |
| CONFIRMING ORDER 9/4/86 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 9775 | | | | | |

Item # PR75 © Wheeler Group Inc. 1976

☐ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER

AUTHORIZED SIGNATURE

TRIPPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES

CALIFORNIA OIL RECYCLERS C.

HQTRS—977A BRANSTEN ROAD • SAN CARLOS, CALIFORNIA 94070
(415) 591-2603 • (800) 972-5284

RECEIPT NO. 10589

MANIFEST # 84654863

BRANCH OFFICES—LOS ANGELES-FRESNO-REDDING-SACRAMENTO-TURLOCK-SAN DIEGO-SANTA MARIA

SEMCU INC. DATE 7-24-84
2936 Industrial way PHONE 922-8222
5th COA ZIP 93454 CUST. GNS etc

| PRODUCT | GAS/BBL/ETC | PRICE | AMOUNT |
|--|-------------|-------|--------|
| WASTE OIL (SERVICE charge 650 gal @ .15) | | | 97.50 |

NOTES: contact Art Johnson
POTH 10318

RECEIVED

I CERTIFY THE AMOUNTS SHOWN ABOVE
TO BE CORRECT AND THAT UNLESS OTHERWISE NOTED
THE MATERIAL IS DRAIN OR

TOTAL 97.50

New 15.20
6060

SWEEP: _____
HAND CLEANER: _____
CARB CLEANER: _____
DRIVER: *Howard*

SIGNATURE OF SELLER V6875

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PARKWAY, P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
(805) 922-8222

TO
[CALIFORNIA OIL RECYCLERS INC.]

SHIP TO
ABOVE

977A BRANSTEN ROAD

[SAN CARLOS, CA. 95070]

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---------|---------------|----------|-------------|-------------|--------------------|
| 7/24/86 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 010318 |

| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
|---|--|-------|--------|
| | WASTE OIL SERVICE CHARGE 650 GALLONS @ .15 | 97.50 | |
| <p>CONFIRMING ORDER 7/24/86 PLEASE DO NOT DUPLICATE</p> | | | |

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TAX NUMBER _____


AUTHORIZED SIGNATURE

TRIPLICATE

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Van Waters & Rogers

division of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

FILE NO. 01574
LOS ANGELES, CA 90074

(805) 592-1868

PAGE 1

ORIGINAL

INVOICE

SOLD TO

SHIP TO

CUSTOMER NO. 57099923

CUSTOMER NO. 57099923

SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

INVOICE DATE
03-17-86

INVOICE NUMBER
517502359.1

| TERMS | TAX EXEMPT | YOUR ORDER NUMBER | SHIPPING DATE | SHIPPED VIA |
|----------------|---------------------|-------------------|---------------|----------------|
| NET 30 DAYS | | 9989 | 03-17-86 | S&N TANK LINES |
| F.O.B. EX WHSE | FREIGHT PREPAID-VWR | ACCOUNT | WAREHOUSE | DIRECT SALE |

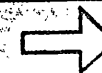
| DESCRIPTION | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION |
|--|---------|---------|------------|----------------------|-----|-----------------|
| 1, 1, 1 TRICHLOROETHANE INHIB VWR 1 LB 04760651 PUMP AND HOSE 1000 GAL. SO CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE 443 NON-PHOTOCHEMICALLY REACTIVE-102 (LESS THAN 4% 102) | 11560.0 | 11560.0 | LB T | 0.4150 | LB | 4,797.40 |
| <div data-bbox="541 915 919 1154" data-label="Image"> </div> | | | | | | |
| | | | | 4428 443 V5494 | | |

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TOTAL
TAX-11 4,797.40 @ 6.000%

4,797.40
287.84

PLEASE PAY



055.24

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

36 INDUSTRIAL PARKWAY, P.O. DRAWER J, SANTA MARIA, CALIFORNIA 93455
(805) 922-8222

TO

VAN WATERS & ROGERS

1910 LOCKWOOD

OXNARD, CA. 93030

SHIP TO

A BOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|--|--|----------|-------------|-------------|--------------------|--------|
| 3/13/86 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 009989 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 1000 GAL 1053 | 1.1.1. TRICHLORETHANE - 11 560 LBS Order Comp 3/17/86 " | | | | .4150/LB | |
| CONFIRMING ORDER 3/12/86 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 3940 | | | | | |

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AUTHORIZED SIGNATURE

TRIPPLICATE

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Van Waters & Rogers

division of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

ORIGINAL

INVOICE

REMIT TO:

1354 AND ADDRESS
11574
1000 A WHEELS, CA 90074

SALES BRANCH:

6081983-10-1

PAGE

SOLD TO

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 933454

SHIP TO

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

INVOICE DATE

07-26-85

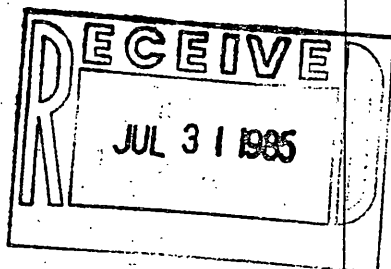
INVOICE NUMBER

516533727.1

| TERMS | TAX EXEMPT | YOUR ORDER NUMBER | SHIPPING DATE | SHIPPED VIA |
|-------------|------------|-------------------|---------------|----------------|
| NET 30 DAYS | | 9317 | 07-26-85 | SAN TANK LINES |

| DESCRIPTION | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION |
|-------------|---------|---------|------------|------------|-----|-----------------|
|-------------|---------|---------|------------|------------|-----|-----------------|

| | | | | | | |
|---|---------|---------|------|--------|----|----------|
| 1. 1. 1 TRICHLOROETHANE INHIB VNR 1 LB 04760651 1 TAT. 1000 GALLONS SO CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE #43 NON-PHOTOCHEMICALLY REACTIVE-102 (LESS THAN 47-102) | 11100.0 | 11100.0 | LB T | 0.4150 | LB | 4.606.50 |
|---|---------|---------|------|--------|----|----------|



PLEASE USE OUR NEW REMIT TO ADDRESS STARTING JUNE 1, 1985

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TOTAL

TAX-11 4,606.50 @ 6.000%

4,606.50

276.39

1354

#4428443

PLEASE PAY



51 933 01

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE (805) 922-8222

TO

VAN WATERS & ROGERS

1910 LOCKWOOD

OXNARD, CA 93030

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|--|-----------------------|----------|-------------|-------------|--------------------|--------|
| 7/22/85 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 9317 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 1000 GAL | 1.1.1. TRICHLORETHANE | | | | .4150/LB | |
| <i>order comp 7-26-85</i> | | | | | | |
| CONFIRMING ORDER 7/19/85 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 8179 | | | | | |

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TAX NUMBER

AUTHORIZED SIGNATURE

TRIPLICATE

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G ★ ★ S PETROLEUM

P. O. Box 221
Arroyo Grande, Calif. 93420
489-7880
Santa Maria WA 52677

**Customer's
Order No.**

Date 07-5 1985

Name _____

Name Jerro Lee

Address

CASH

C.O.D.

CHARGE

ON ACC

MUSC

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CE

 AMC

QUAN

[illegible]

| PRICE |
|-------|
|-------|

AMOUNT

| | | | | |
|--------------|-----|--|----|----|
| 75 gals used | | | | |
| oil | .15 | | 11 | 25 |

04321

0432

| UNIFORM HAZARDOUS WASTE MANIFEST | | | | | |
|--|--|-----------------------|--|----------------------------------|------------------------|
| 1. Generator's US EPA ID No. | | Manifest Document No. | | 2. Page 1 of | |
| 3. Generator's Name and Mailing Address | | | | A.State Manifest Document Number | |
| 4. Generator's Phone | | | | B.State Generator's ID | |
| 5. Transporter 1 Company Name | | 6. US EPA ID Number | | C.State Transporter's ID | |
| 7. Transporter 2 Company Name | | 8. US EPA ID Number | | D.Transporter's Phone | |
| 9. Designated Facility Name and Site Address | | 10. US EPA ID Number | | E.State Transporter's ID | |
| | | | | F.Transporter's Phone | |
| | | | | G.State Facility's ID | |
| | | | | H.Facility's Phone | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) | | | 12.Containers | 13. Total Quantity | 14. Unit Wt/Vol |
| | | | No. | Type | I. Waste No. |
| a. | | | | | |
| b. | | | | | |
| c. | | | | | |
| d. | | | | | |
| J.Additional Descriptions for Materials Listed Above | | | K.Handling Codes for Wastes Listed Above | | |
| 15.Special Handling Instructions and Additional Information | | | | | |
| 16.GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. | | | | | |
| Printed/Typed Name | | | Signature | | Date Month Day Year |
| 17.Transporter 1 Acknowledgement of Receipt of Materials | | | | | Date Month Day Year |
| Printed/Typed Name | | | Signature | | Date Month Day Year |
| 18.Transporter 2 Acknowledgement or Receipt of Materials | | | | | Date Month Day Year |
| Printed/Typed Name | | | Signature | | Date Month Day Year |
| 19.Discrepancy Indication Space | | | | | |
| 20.Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. | | | | | |
| Printed/Typed Name | | | Signature | | Date Month Day Year |

G ★ N ★ S PETROLEUM

P. O. Box 221
Arroyo Grande, Calif. 93420
489-7986
Santa Maria, WA 98657

545-5120

**Customer's
Order No.**

Date 6-7 1985

Name Jared Lee

Address 2405 Rockaway Blvd

| | | | | | | |
|---------|------|--------|--------|----------|-------------|----------|
| SOLD BY | CASH | C.O.D. | CHARGE | ON ACCT. | MDSE. RETD. | PAID OUT |
|---------|------|--------|--------|----------|-------------|----------|

| | | | | | | | | |
|---|---|--|--|--|--|--|--|---|
| W | X | | | | | | | X |
|---|---|--|--|--|--|--|--|---|

| QUAN. | DESCRIPTION | PRICE | AMOUNT |
|-------|-------------|-------|--------|
|-------|-------------|-------|--------|

| | | | |
|---------------|--|--|--|
| 675 gals used | | | |
|---------------|--|--|--|

| | | |
|------|----|------|
| OL | 15 | 1012 |
| CGAL | 15 | 1012 |

*326

R. Johnson

| | | | | |
|-------|--|--|--|--|
| 01926 | | | | |
|-------|--|--|--|--|

it or type. (Form designed for use on elite (12-pitch) typewriter.)

| | | | | | | | | | | | | | |
|---|--|---|--|--|--|--|--|---|--|---|--|---------------|--|
| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA ID No. CAX000220087 | | Manifest Document No. | | 2. Page 1 of | | Information in the shaded areas is not required by Federal law. | | | | | |
| 3. Generator's Name and Mailing Address SEMCO 2936 Industrial Way, Santa Monica CA 90405 | | | | | | A. State Manifest Document Number 84259805 | | | | | | | |
| 4. Generator's Phone (805) 922-8222 | | | | | | B. State Generator's ID | | | | | | | |
| 5. Transporter 1 Company Name GNS Petroleum | | | | 6. US EPA ID Number CAX000094615 | | C. State Transporter's ID 101 | | | | | | | |
| 7. Transporter 2 Company Name | | | | 8. US EPA ID Number | | D. Transporter's Phone (805) 345-3506 | | | | | | | |
| 9. Designated Facility Name and Site Address GNS PETROLEUM 745 W. BUTTERFIELD SANTA MONICA CA 90405 | | | | | | E. State Transporter's ID | | | | | | | |
| 10. US EPA ID Number | | | | | | F. Transporter's Phone | | | | | | | |
| | | | | | | G. State Facility's ID | | | | | | | |
| | | | | | | H. Facility's Phone | | | | | | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) | | | | | | 12. Containers | | 13. Total Quantity | | 14. Unit | | 15. Waste No. | |
| | | | | | | No. Type | | | | M/Vol | | | |
| a. WASTE OIL NOS N/A 120 COMBUSTIBLE LIQUID | | | | | | 001 CT | | 006756 | | | | 221 | |
| b. | | | | | | | | | | | | | |
| c. | | | | | | | | | | | | | |
| d. | | | | | | | | | | | | | |
| J. Additional Descriptions for Materials Listed Above | | | | | | K. Handling Codes for Wastes Listed Above | | | | | | | |
| 15. Special Handling Instructions and Additional Information | | | | | | | | | | | | | |
| 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. | | | | | | | | | | | | | |
| Printed/Typed Name WILLIAM E. MANN | | | | | | Signature <i>[Signature]</i> | | | | Date Month Day Year 6 6 84 | | | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials | | | | | | | | | | Date | | | |
| Printed/Typed Name WILLIAM MANN | | | | | | Signature <i>[Signature]</i> | | | | Month Day Year 6 6 84 | | | |
| 18. Transporter 2 Acknowledgement or Receipt of Materials | | | | | | | | | | Date | | | |
| Printed/Typed Name | | | | | | Signature | | | | Month Day Year | | | |
| 19. Discrepancy Indication Space | | | | | | | | | | | | | |
| 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. | | | | | | | | | | | | | |
| Printed/Typed Name | | | | | | Signature | | | | Date Month Day Year | | | |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | |
|---------------------------------|---|-------------------------------|
| INVOICE DATE 05/24/85 | INVOICE NO. 056767 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 9098 | ORDER DATE 05/23/85 |
| DATE SHIPPED 05/23/85 | METHOD OF SHIPMENT SHIP #008352 | |
| SALESMAN WILL-CALL | TERMS 1.00% 10 DAYS, NET 30 | |

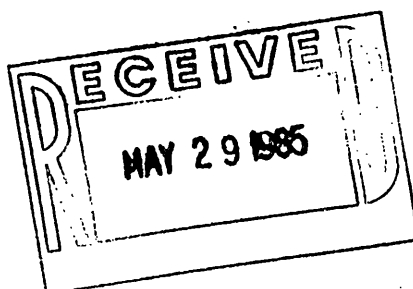
No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 3 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|------------------------|------------|-----------------|--------|
| 1 | TRICHLOR. STORAGE TANK | 250.000 | | 250.00 |



2827
542
✓2898

***** NOTICE *****
Please make payment to: Looman Distributing, Inc.
P.O. Drawer BE
Ventura, CA 93002

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|---------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 250.00 | 250.00 | 15.00 | | | 265.00 | 2.50 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE (805) 922-8222

TO

LOOMAN DISTRIBUTING

176 WEST MAIN STREET

VENTURA, CA 93001

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---|-----------------|----------|-------------|------------|--------------------|
| 5/22/85 | ASAP | BEST WAY | SANTA MARIA | NET 30 DAY | 9098 |
| QUANTITY | DESCRIPTION | | | PRICE | AMOUNT |
| 1 | 500 GALLON TANK | | | 250.00 | |
| <p><i>Rec'd 5/22/85 [Signature]</i></p> <p>CONFIRMING ORDER 5/22/85 PLEASE DO NOT DUPLICATE</p> <p>REQ 8478</p> | | | | | |

Item # PR75 © Wheeler Group Inc. 1978

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____

[Signature]
AUTHORIZED SIGNATURE

TRIPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



Van Waters & Rogers

division of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

ORIGINAL

INVOICE

REMIT TO:

VAN WATERS AND ROGERS
P.O. BOX 2062.T.A.
LOS ANGELES, CA 90051

TELES BRANCH:

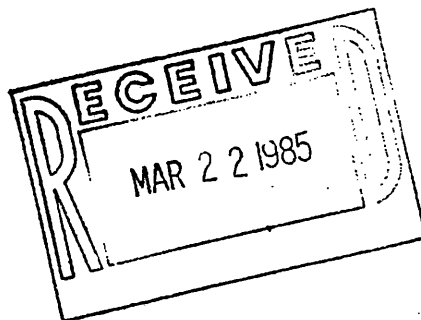
SANARD

(805)983-1868

PAGE 1

| | | | | |
|---|----------|--|----------|-------------------------------|
| SOLD TO | | SHIP TO | | INVOICE DATE |
| CUSTOMER NO. | 57099923 | CUSTOMER NO. | 57099923 | 03-18-85 |
| SEMCO TWIST DRILL & TOOL 2936 INDUSTRIAL PKWY SANTA MARIA CA 93454 | | SEMCO TWIST DRILL & TOOL, 2936 INDUSTRIAL PKWY SANTA MARIA CA 93454 | | INVOICE NUMBER 316507588.1 |

| | | | | | | | | |
|--|--|-----------------------------|-------------------|------------|----------------------|-----|-----------------|--|
| TERMS | | TAX EXEMPT. | YOUR ORDER NUMBER | | SHIPPING DATE | | SHIPPED VIA | |
| NET 10TH PROX. | | | 8660 | | 03-15-85 | | CHEMICAL LEAMAN | |
| F.O.B. EX WHSE | | FREIGHT PREPAID-VWR ACCOUNT | | | WAREHOUSE | | DIRECT SALE | |
| DESCRIPTION | | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION | |
| 1,1,1 TRICHLOROETHANE INHIB VWR 1 LB 04760651 1 T/T 1000 GALLONS SO CALIF AIR POLLUTION CONTROL DISTRICT LABELING RULE 443 NON-PHOTOCHEMICALLY REACTIVE-102 (LESS THAN 4X-102) | | 11220.0 | 11220.0 | LB T | 0.4150 | LB | 4,656.30 | |
| <div>RECEIVED MAR 22 1985</div> | | | | | 4428 443 V2319 | | | |



IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT SELLER MAKES NO EXPRESS OR IMPLIED WARRANTIES OF FITNESS OR OF MERCHANTABILITY OR OF ANY OTHER KIND WHATSOEVER EXCEPT THAT THE GOODS SOLD HEREUNDER SHALL BE OF THE QUANTITY ABOVE SPECIFIED. BUYER ASSUMES ALL THE RISK OF LIABILITY WHATSOEVER RESULTING FROM THE USE OF SUCH GOODS, WHETHER USED SINGULARLY OR IN COMBINATION WITH OTHER SUBSTANCES. SELLER'S LIABILITY FOR NONCONFORMING GOODS IS EXCLUSIVELY LIMITED, AT THE SELLER'S OPTION, TO REPLACEMENT OF THE DEFECTIVE GOODS OR THE PURCHASE PRICE OF SUCH GOODS AND UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. THE AMOUNT BILLED IS JUSTLY DUE AND OWING, NO PART THEREOF HAS BEEN PAID, AND THE AMOUNT DUE FOR THE LAST ITEM ACCRUED WITHIN ONE YEAR OF THE INVOICE DATE. STATE AND LOCAL TAXES HAVE NOT BEEN INCLUDED UNLESS SPECIFICALLY ITEMIZED ON THE INVOICE. PAST DUE BALANCES ARE SUBJECT TO A LATE PAYMENT CHARGE OF 1 1/2% PER MONTH, OR IF LESS, THE MAXIMUM AMOUNT PERMITTED BY APPLICABLE LAW. CONTAINER CHARGES SUBJECT TO REGULAR TERMS OF SALE. FULL CREDIT TO BE ISSUED IF RETURNED IN USEABLE CONDITION WITHIN 90 DAYS OF INVOICE DATE.

TOTAL
TAX-11 4,656.30 @ 6.00%

4,656.30
279.38

PLEASE PAY

/\$4,935.68

Van Waters & Rogers

division of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

ORIGINAL

INVOICE

VAN WATERS AND ROGERS
P.O. BOX 2062 T.A.
LOS ANGELES, CA 90051

OXNARD

(805) 983-1868

PAGE 1

SOLD TO

SHIP TO

INVOICE DATE

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

02-14-85

INVOICE NUMBER
576000069.1

| | | | | | | | | |
|-------------------------------------|--|-----------------------------|-------------------|---------|------------------|------------|-------------|-----------------|
| TERMS | | TAX EXEMPT | YOUR ORDER NUMBER | | SHIPPING DATE | | SHIPPED VIA | |
| NET 10TH PROX. | | | 8660 | | 02-07-85 | | OUR TRUCK | |
| F.O.B. WHSE | | FREIGHT PREPAID-VWR ACCOUNT | | | WAREHOUSE OXNARD | | | |
| DESCRIPTION | | | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE EXTENSION |
| CHLOROTHENE SM | | | 3.0 | 3.0 | DR T | 0.4890 | LB | 868.46 |
| 592 LB DR 04169670 | | | | | | | | |
| RETURNABLE DRUM \$20 DEP STEEL | | | 3.0 | 3.0 | EA E | 20.0000 | EA | 60.00 |
| 17E 20718 1 EA 04824663 | | | | | | | | |
| <div>RECEIVED FEB 19 1985</div> | | | | | | 4428 | | |
| | | | | | | 443 | | |
| | | | | | | ✓2318 | | |
| | | | | | | | | |

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT SELLER MAKES NO EXPRESS OR IMPLIED WARRANTIES OF FITNESS OR OF MERCHANTABILITY OR OF ANY OTHER KIND WHATSOEVER EXCEPT THAT THE GOODS SOLD HEREUNDER SHALL BE OF THE QUANTITY ABOVE SPECIFIED. BUYER ASSUMES ALL THE RISK OF LIABILITY SOEVER RESULTING FROM THE USE OF SUCH GOODS, WHETHER USED SINGULARLY OR IN COMBINATION WITH OTHER SUBSTANCES. SELLER'S LIABILITY FOR NONCONFORMING GOODS IS EXCLUSIVELY LIMITED, AT BUYER'S OPTION, TO REPLACEMENT OF THE DEFECTIVE GOODS OR THE PURCHASE PRICE OF SUCH GOODS. NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. IF ANY ITEM IS JUSTLY DUE AND OWING, NO PART THEREOF HAS BEEN PAID, AND THE LAST ITEM ACCRUED WITHIN ONE YEAR OF THE INVOICE DATE. IF ANY ITEM HAS NOT BEEN INCLUDED UNLESS SPECIFICALLY ITEMIZED ON THE INVOICE, IT SHALL BE SUBJECT TO A LATE PAYMENT CHARGE OF 1 1/2% PER MONTH, OR IF LESS, THE APPLICABLE LAW. CONTAINER CHARGES SUBJECT TO REGULAR TERMS AND CONDITIONS IN USEABLE CONDITION WITHIN 90 DAYS OF INVOICE DATE.

TOTAL
TAX-11 868.46 @ 6.00%

928.46
52.11

PLEASE PAY



✓ 928.57 M

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

36 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE (805) 922-8222

TO
[VAN WATERS & ROGERS
1910 LOCKWOOD
OXNARD CA 93030]

SHIP TO
ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|--|--|----------|-------------|-------------|--------------------|--------|
| 30/85 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 8660 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 1023 1,000 GALS | (1.1.1. TRICHLOROETHANE) <i>REC'D 1023 GALS. 3/15/85</i> | | | | .49/LB. | .415 |
| 3 DRUMS | (55 GALS EA.) 1.1.1. TRICHLOROETHANE | | | | .42/LB. | |
| <i>REC'D 2/7/85 DAVID</i> | | | | | | |
| CONFIRMING ORDER 1/29/85 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 4559 | | | | | |

Item # PR75 © Wheeler Group Inc. 1978

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER

[Signature]
AUTHORIZED SIGNATURE

TRIPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



Van Waters & Rogers

division of **Univar**

SERVING SCIENCE, INDUSTRY AND AGRICULTURE • WAREHOUSES IN MAJOR MARKETING AREAS

ORIGINAL

INVOICE

VAN WATERS & ROGERS
P.O. BOX 2062 T.A.
LOS ANGELES, CA 90051

OXNARD
(805) 982-1222

PAGE 1

SOLD TO

SHIP TO

INVOICE DATE
12-24-84

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

CUSTOMER NO. 57099923
SEMCO TWIST DRILL & TOOL
2936 INDUSTRIAL PKWY
SANTA MARIA
CA 93454

INVOICE NUMBER
574003134.1

| TERMS | | TAX EXEMPT | YOUR ORDER NUMBER | | SHIPPING DATE | | SHIPPED VIA | |
|------------------------|---|-----------------------------|-------------------|------------|------------------|-----|-----------------|--|
| ET 10TH PROX. | | | 08454/8514 | | 12-13-84 | | OUR TRUCK | |
| O.B. | WHSE | FREIGHT PREPAID-VWR ACCOUNT | | | WAREHOUSE OXNARD | | | |
| | DESCRIPTION | ORDERED | SHIPPED | ISSUE UNIT | UNIT PRICE | PER | PRICE-EXTENSION | |
| | ARIUM CHLORIDE IMPORT N/A 10.23 LB/BG 50 KG BG 04064581 KG = 2.2046 LBS | 30.0 | 30.0 | BG T | 1.2345 | KG | 1,851.75 | |
| | 1,1,1, TRICHLOROETHANE INHIBITED 585 LB DR 04760550 | 4.0 | 4.0 | DR T | 0.4890 | LB | 1,144.26 | |
| | ETURNABLE DRUM \$20 DEP STEEL 7E 20/18 1 EA 04824663 | 4.0 | 4.0 | EA E | 20.0000 | EA | 80.00 | |
| 4428 443 V# 1588 | | | | | | | | |

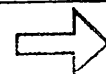
IS EXPRESSLY UNDERSTOOD AND AGREED THAT SELLER MAKES NO EXPRESS OR IMPLIED WARRANTIES OF FITNESS, OR OF MERCHANTABILITY, OR OF ANY OTHER KIND WHATSOEVER EXCEPT THAT THE GOODS SOLD HEREUNDER SHALL BE OF THE QUANTITY ABOVE SPECIFIED. BUYER ASSUMES ALL THE RISK OF LIABILITY WHATSOEVER RESULTING FROM THE USE OF SUCH GOODS, WHETHER USED SINGULARLY OR IN COMBINATION WITH OTHER SUBSTANCES. SELLER'S LIABILITY FOR NONCONFORMING GOODS IS EXCLUSIVELY LIMITED AT THE SELLER'S OPTION TO REPLACEMENT OF THE DEFECTIVE GOODS OR THE PURCHASE PRICE OF SUCH GOODS AND UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. THE AMOUNT BILLED IS JUSTLY DUE AND OWING, NO PART THEREOF HAS BEEN PAID, AND THE AMOUNT DUE FOR THE LAST ITEM ACCRUED WITHIN ONE YEAR OF THE INVOICE DATE.

STATE AND LOCAL TAXES HAVE NOT BEEN INCLUDED UNLESS SPECIFICALLY ITEMIZED ON THE INVOICE. PAST DUE BALANCES ARE SUBJECT TO A LATE PAYMENT CHARGE OF 1% PER MONTH, OR IF LESS, THE MAXIMUM AMOUNT PERMITTED BY APPLICABLE LAW. CONTAINER CHARGES SUBJECT TO REGULAR TERMS OF SALE. FULL CREDIT TO BE ISSUED IF RETURNED IN USABLE CONDITION WITHIN 90 DAYS OF INVOICE DATE. JPHOISTFRY FABRIC MEETS CALIFORNIA BHF #117.

TOTAL
TAX-11 2,996.01 @ 6.00%

3,076.01
179.76

PLEASE PAY



3,255.77

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

936 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE (805) 922-8222

TO **VAN WATERS & ROGERS**

SHIP TO **ABOVE**

1910 LOCKWOOD

OXNARD CA 93030

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|---|-------------------------------------|----------|-------------|-------------|--------------------|--------|
| 12/13/84 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 8514 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 4 DRUMS | (55 GAL. EA.) 1.1.1 TRICHLOROETHANE | | | | PLEASE | ADVISE |
| <i>Rec 12-13-84 CCW</i> | | | | | | |
| CONFIRMING ORDER 12/12/84 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 4673 | | | | | |

Item # PR75 © Wheeler Group Inc. 1976

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER

[Signature]
AUTHORIZED SIGNATURE

TRIPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES

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100



PURCHASE ORDER

SEMCO 1 1ST DRILL & TOOL CO., INC.

536 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455

PHONE: (803) 922-8222

TO

VAN WATERS & ROGERS

1910 LOCKWOOD STREET

OXNARD, CA 93030

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | FOB | TERMS | PURCHASE ORDER NO. |
|----------|---------------|----------|-------------|-------------|--------------------|
| 11/28/84 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 08454 |

| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
|----------|---|---------------|--------|
| 30 BAGS | 99° BARIUM CHLORIDE (110# EA) | 6.73/LB | |
| | | PLEASE ADVISE | |
| | <i>Order comp 12-13-84</i> | | |
| | | | |
| | | | |
| | | | |
| | CONFIRMING ORDER 11/27/84. PLEASE DO NOT DUPLICATE. | | |
| | | | |
| #443 | REQ 5999 | | |

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TAX NUMBER _____

[Signature]
AUTHORIZED SIGNATURE

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LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 12/13/84 | | INVOICE NO. 052852 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 8492 | ORDER DATE 12/07/84 |
| DATE SHIPPED 12/07/84 | | METHOD OF SHIPMENT SHIP #018838 | |
| SALESMAN DR-06 TK-57 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 3 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|-------------|------------|-----------------|--------|
|----------|-------------|------------|-----------------|--------|

| | | | | |
|---|---------------------------------|---------|--------------|--------|
| 2 | 44002.33 Trichlorethylene | 313.500 | Mfg Spec Pks | 627.00 |
| 2 | 98020.99 Deposit Drum - \$20.00 | 20.000 | Each | 40.00 |

DEC 17 1984

2827
443

v# 1421

***** NOTICE *****
Please make payment to: Looman Distributing, Inc.
P.O. Drawer BE
Ventura, CA 93002

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT |
|-------------|---------|----------------------------|-----------|-----------------|---------|---------------|----------------|
| 40.00 | 627.00 | 667.00 | 37.62 | | | 704.62 | 6.67 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

36 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE: (805) 922-8222

TO

LOOMAN DISTRIBUTING

176 WEST MAIN STREET

VENTURA CA 93001

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---------|---------------|----------|-------------|-------------|--------------------|
| 12/7/84 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 08492 |

| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
|--|-----------------------|---------|--------|
| 110 500 GAL. | TRICHLORETHYLENE BULK | .47 1/2 | LBS. |
| <i>REC'D 110 GALS 12/7/84 - DT</i> <i>CANCELLED BALANCE 390 GALS VERBAL</i> <i>CALL 12/12/84 TO DENNIS</i> | | | |
| CONFIRMING ORDER 12/6/84 PLEASE DO NOT DUPLICATE | | | |
| #443 | REQ 5384 | | |

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☒ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



N P. SMITH
ACCOUNT
805-937-8511
SANTA MARIA, CA 93456

2056

10-18 19 84

16-24/638
1220(7)

PAY TO THE
ORDER OF

SEMCO TWIST DRILL & TOOL CO. INC. \$ 40.00

Forty dollars and 00/100

DOLLARS



SANTA MARIA OFFICE
WELLS FARGO BANK
NATIONAL ASSOCIATION
407 EAST MAIN STREET
SANTA MARIA, CALIFORNIA 93454

MEMO. 014

Calvin P. Smith

11220002471056 0638 307629

INVOICE NO.

5471

| | | | | | |
|----------------------------|-------|-----|----------------------------------|-------|-----|
| SOLD TO <i>Semco</i> | | | SHIPPED TO <i>Smith Petro</i> | | |
| STREET & NO. | | | STREET & NO. | | |
| CITY <i>Santa Maria</i> | STATE | ZIP | CITY <i>Santa Maria</i> | STATE | ZIP |

CUSTOMER'S ORDER

SALESMAN

TERMS

F.O.B.

DATE

CA 2056

10-18-84

40 yds work oil

40 00

CR Johnson

40 00

INVOICE

71706/
01706

LOOMAN DISTRIBUTING G, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 08/17/84 | | INVOICE NO. 0 4 9 8 6 5 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 8141 | ORDER DATE 08/16/84 |
| DATE SHIPPED 08/16/84 | | METHOD OF SHIPMENT SHIP #010268 | |
| SALESMAN DR-09 TK-57 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month), be charged 1½% each month, which is 18% annual rate.

SOLD TO: Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO:

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|-------------|------------|-----------------|--------|
|----------|-------------|------------|-----------------|--------|

| | | | | |
|-------|---------------------------------|------|--------------|----------|
| 6,174 | 44002.23 Trichlorethylene (PPG) | .440 | 12.25 Lb/Gal | 2,716.56 |
|-------|---------------------------------|------|--------------|----------|

= 504 gal

AUG 20 1984

ck w/amt

OK TO PROCESS
CM RCVD

***** NOTICE *****
Please make payment to: Looman Distributing, Inc.
P.O. Drawer BE
Ventura, CA 93002

2827
443 748
✓ 737

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|----------------|
| | 2,716.56 | 2,716.56 | 162.99 | | | 2,879.55 | 27.17 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 08/29/84 | | INVOICE NO. 050161 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 8141 | ORDER DATE 08/16/84 |
| DATE SHIPPED 08/16/84 | | METHOD OF SHIPMENT SHIP #049865 | |
| SALESMAN UR-09 TK-57 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 10 days of purchases will, on our billing date (the last day of each month), be charged 1 1/2 % each month, which is 18% annual rate.

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|--------|
| 1,320 | 44002.23 Trichlorethylene (PPG) | .440 | 12.25 Lb/Gal | 580.80 |

= 108 gal

ck w/ait

OK TO PROCESS
CM RCVD

SEP 4 1984

***** NOTICE *****
Please make payment to: Looman Distributing, Inc.
P.O. Drawer BE
Ventura, CA 93002

282.7

442

✓ 238

749

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|---------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 580.80 | 580.80 | 34.85 | | | 615.65 | 5.81 |

AN DISTRIBUTING, INC.
 176 WEST MAIN STREET
 VENTURA, CALIFORNIA 93001-2595
 (805) 653-5823 • 643-3633 • 656-1792

ACCOUNT NO. 5901
 DATE SHIPPED 08/24/84
 SALESMAN DR-10 TK-

TERMS 1.00% 10 DAY
 No FINANCE or CARRYING CHARGE is included within terms of purchases. Accounts not paid within terms of purchases will, on our billing date (the last day of purchases will, be charged 1½% each month, which is 18% a month).

SOLD TO

Semco
 2936 Industrial Way
 Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE |
|----------|---------------------------------|------------|-----------------|
| 6.566 | 44002.23 Trichlorethylene (PPG) | .440 | 12.25 Lb/Gal |

= 536 gal

OK w/amt

OK TO PROCESS

SEP 7 1984

2827
443

***** NOTICE *****
 Please make payment to: Looman Distributing, Inc.
 P.O. Drawer BE
 Ventura, CA 93002

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|
| | 2,889.04 | 2,889.04 | 173.34 | | | |

DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|-----------------------|--|---|---------------------|
| 09/06/84 | | INVOICE NO CREDIT # 050338 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. | ORDER DATE 08/24/84 |
| DATE SHIPPED 08/24/84 | | METHOD OF SHIPMENT REFER TO INV. NO. 001435 | |
| SALESMAN DR-10 TK-60 | | TERMS | |

- - - C R E D I T M E M O - - -

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 3 days of purchases will, on our billing date (the last day of each month), be charged 1½ % each month, which is 18% annual rate

SOLD TO Semco
2936 Industrial Way
Sta Maria, CA 93454

SEP 7 1984

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|-------------|------------|-----------------|--------|
|----------|-------------|------------|-----------------|--------|

| | | | | |
|-------|---------------------------------|------|--------------|----------|
| 8,820 | 44002.23 Trichlorethylene (PPG) | .440 | 12.25 Lb/Gal | 3,880.80 |
|-------|---------------------------------|------|--------------|----------|

= 720 gal

check with
Art
10/4/84
owe. 2,443.93
OK

2827

***** N O T I C E *****
Please make payment to: Looman Distributing, Inc.
P.O. Drawer BE
Ventura, CA 93002 443

✓ 740
751

CREDIT

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE CREDIT AMT | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|--------------------|-----------------|
| | 3,880.80 | 3,880.80 | 232.85 | | | TOTAL 4,113.65 ✓ | |

SEMCO TOOL

PURCHASE ORDER

D. DRAWER J. • SANTA MARIA

CALIFORNIA 93455

PHONE: (805) 922-0222

TO

LOOMAN DISTRIBUTING

176 WEST MAIN STREET

VENTURA, CA 93001

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|--|-------------------------|----------|-------------|-------------|--------------------|--------|
| 8/13/84 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 08141 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 500 GAL | TRICHLORETHYLENE BULK | | | | .44/LB | |
| 504 | gal rider comp. 8-17-84 | | | | | |
| CONFIRMING ORDER 8/10/84. PLEASE DO NOT DUPLICATE. | | | | | | |
| #443 | REQ 3434 | | | | | |

Item #P-875 © Wheeler Group Inc. 1976

☒ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|--|------------------------|
| INVOICE DATE 04/30/84 | | INVOICE NO. 047067 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 7862 | ORDER DATE 04/27/84 |
| DATE SHIPPED 04/27/84 | | METHOD OF SHIPMENT * NCA * SHIP #011664 | |
| SALESMAN DR-08 TK-57 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 3 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 6,211 | 44002.23 Trichlorethylene (PPG) | .420 | 12.25 Lb/Gal | 2,608.62 |

MAY 1 1984

2827
440-3

***** NOTICE *****
Please make payment to: Looman Distributing, Inc.
P.O. Drawer BE
Ventura, CA 93002

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|----------------|
| | 2,608.62 | 2,608.62 | 156.52 | | | 2,765.14 | 26.00 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

16 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE: (805) 922-8222

TO

LOOMAN DISTRIBUTING

176 WEST MAIN STREET

VENTURA CA 93001

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|----------|--|----------|-------------|-------------|--------------------|--------|
| 4/27/84 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 07862 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 507 GAL. | TRICHLORETHYLENE BULK | | | | .42/LB. | |
| | Revol 4-30-84 10 | | | | | |
| | | | | | | |
| | | | | | | |
| | CONFIRMING ORDER 4/26/84 PLEASE DO NOT DUPLICATE | | | | | |
| | | | | | | |
| | | | | | | |
| 888 4433 | REQ 3286 | | | | | |

Item BP-825 © Wheeler Group Inc. 1976

☒ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



COLIN P. SMITH
OIL ACCOUNT
805-937-8511
NTA MARIA, CA 93456

1137

JAN 13 1984

1 3 19 84

16-24/638
12207

PAY TO THE
ORDER OF

SEMCO TWIST DRILL & TOOL CO., INC. \$ 23.00

Twenty Three dollars and 00/100 DOLLARS



SANTA MARIA OFFICE
WELLS FARGO BANK
NATIONAL ASSOCIATION
407 EAST MAIN STREET
SANTA MARIA, CALIFORNIA 93456

MEMO OIL # 2534

Colin P. Smith

⑆ 122000247⑆ 137 0638 307629⑈

REPLACES 122

INVOICE NO.

2534

JAN 13 1984

| | | | | | |
|-------------------------|-------|-----|--------------------------|-------|-----|
| SOLD TO <i>Semco</i> | | | SHIPPED TO <i>allied</i> | | |
| STREET & NO. | | | STREET & NO. | | |
| CITY <i>Santa Maria</i> | STATE | ZIP | CITY <i>Santa Maria</i> | STATE | ZIP |

| CUSTOMER'S ORDER | SALESMAN | TERMS | F.O.B. | DATE |
|------------------------|----------|-------------|--------|----------------|
| | | <i>1137</i> | | <i>1-13-83</i> |
| <i>450 gals Wt Oil</i> | | | | <i>23.00</i> |
| <i>Debra E. Fox</i> | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | <i>23.00</i> |

INVOICE

LOOMAN DISTRIBUTION, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|--|------------------------|
| INVOICE DATE 11/29/83 | | INVOICE NO. 043126 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 7442 | ORDER DATE 11/28/83 |
| DATE SHIPPED 11/28/83 | | METHOD OF SHIPMENT * NCA * SHIP #012621 | |
| SALESMAN DR-08 TK-57 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 10 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|--------------------------------|------------|-----------------|----------|
| 5,696 | 44002.23 Trichlorethylene (PG) | .350 | 12.25 Lb/Gal | 1,993.60 |

DEC 1 1983

PLEASE PAY FROM THIS INVOICE
NO STATEMENT WILL BE SENT*****THANK YOU

2827
440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|----------------|
| | 1,993.60 | 1,993.60 | 119.62 | | | 2,113.22 | 19.94 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

5 INDUSTRIAL PKWY. • P.O. DRAWER J • SANTA MARIA, CALIFORNIA 93455
PHONE: (805) 922-8222

SHIP TO

ABOVE

LOOMAN DISTRIBUTING

176 WEST MAIN STREET

VENTURA CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---|-----------------------|----------|-------------|-------------|--------------------|
| 11/23/83 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 0007442 |
| QUANTITY | DESCRIPTION | | | PRICE | AMOUNT |
| 500 GAL | TRICHLORETHYLENE BULK | | | .35/LB. | |
| <i>Order Comp 11-28-83 H</i> | | | | | |
| CONFIRMING ORDER 11/23/83 PLEASE DO NOT DUPLICATE | | | | | |
| #443 | REQ 3463 | | | | |

ITEM #P-175 © WHEELER GROUP INC.

☒ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



COLIN P. SMITH
OIL ACCOUNT
805-937-8511
SANTA MARIA, CA 93456

822

9-23 19 83

16-24/638
122071

PAY TO THE
ORDER OF

Seneca Twist Drill & Tool Co. Inc. \$ 23.00

Twenty Three dollars and 00/100 DOLLARS



SANTA MARIA OFFICE
WELLS FARGO BANK
NATIONAL ASSOCIATION
407 EAST MAIN STREET
SANTA MARIA, CALIFORNIA 93454

MEMO

Colin P. Smith

⑆122000247⑆822 0638 307629⑈

0675

Date *9-23* 19 *83*

Name *Seneca*

Address *101 East Main St. Santa Maria*

| SOLD BY | CASH | C.O.D. | CHARGE | ON ACCT. | MDSE. RETD. | PAID OUT |
|---------|------|--------|--------|----------|----------------|-------------|
| | | | | | | <i>3.00</i> |

| QUAN. | DESCRIPTION | AMOUNT |
|-------|-------------------|--------------|
| 1 | | |
| 2 | <i>740 is</i> | |
| 3 | <i>1.12.01</i> | <i>23.00</i> |
| 4 | | |
| 5 | | |
| 6 | <i>CH# 822</i> | |
| 7 | | |
| 8 | <i>oil sludge</i> | |
| 9 | | |
| 10 | <i>Johnson</i> | |
| 11 | | |
| 12 | | |

Customer's
Order No.

Rec'd
By *colled*

KEEP THIS SLIP FOR REFERENCE
5L250/01250 REDIFORM®

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|--|------------------------|
| INVOICE DATE 08/05/83 | | INVOICE NO. 040135 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 7040 | ORDER DATE 08/04/83 |
| DATE SHIPPED 08/04/83 | | METHOD OF SHIPMENT * NCA * SHIP #007921 | |
| SALESMAN DR-15 TK-07 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|----------------------------------|------------|-----------------|----------|
| 6,125 | 44002.23 Trichloroethylene (PPG) | .324 | 12.25 Lb/Gal | 1,984.50 |

AUG 9 1983

2827
440-3

PLEASE PAY FROM THIS INVOICE
NO STATEMENT WILL BE SENT*****
*****THANK YOU*****

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,984.50 | 1,984.50 | 119.07 | | | 2,103.57 | 19.85 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P.O. DRAWER J-4 SANTA MARIA, CALIFORNIA 93455
PHONE: (805) 922-8222

TO

SHIP TO

LOOMAN DISTRIBUTING

ABOVE

176 WEST MAIN STREET

VENTURA CA 93001

| DATE | DELIVERY DATE | SHIP VIA | FOB | TERMS | PURCHASE ORDER NO. | |
|----------|---|----------|-------------|-------------|--------------------|--------|
| 8/4/83 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 0007040 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 500 GAL. | TRICHLORETHYLENE-BULK | | | | .32/LB. | |
| | | | | | | |
| | Rec'd 8-4-83 | | | | | |
| | | | | | | |
| | CONFIRMING ORDER 8/3/83 PLEASE DO NOT DUPLICATE | | | | | |
| | | | | | | |
| | | | | | | |
| #443 | REQ 5691 | | | | | |

ITEM #P-R75 © WHEELER GROUP INC.

☒ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|--|--|------------------------|
| INVOICE DATE 04/22/83 | | NVOICE NO. 3.7 4 9 8 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 6716 | ORDER DATE 04/21/83 |
| DATE SHIPPED 04/21/83 | | METHOD OF SHIPMENT * NCA * SHIP #004472 | |
| SALESMAN DR-15 TK-07 | | TERMS 1.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 6,395 | 44002.23 Trichlorethylene (PPG) | .340 | 12.25 Lb/Gal | 2,174.30 |

APR 25 1983

2827

440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|----------------|
| | 2,174.30 | 2,174.30 | 130.46 | | | 2,304.76 | 21.74 |



569

PAY TO THE
ORDER OF

Sc M CO

19 83

16-24/638
1220(7)

\$ 87.25

DOLLARS



SANTA MARIA OFFICE
WELLS FARGO BANK
NATIONAL ASSOCIATION
407 EAST MAIN STREET
SANTA MARIA, CALIFORNIA 93454

P.F. MO

West - C₁/

Calvin P. Smith

Misc

1:1220002471:569 0638 307629

JAN 4 1983

INVOICE NO.

4168

| | | | |
|------------------|-------|--------------|-------|
| SOLD TO | | SHIPPED TO | |
| STREET & NO. | | STREET & NO. | |
| CITY | STATE | CITY | STATE |
| CUSTOMER'S ORDER | | SALESMAN | TERMS |
| DATE | | F.O.B. | |
| 6/5 gals | | 1.00 | |
| 12/14/83 | | ✓ | |

INVOICE

706

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001-2595
(805) 653-5823 • 643-3633 • 656-1792

| | | | |
|--------------------------|------------------------------------|------------------------|------------------------|
| INVOICE DATE 12/01/82 | | NVOICE NO. 0 3 4 2 7 8 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 6328 | | ORDER DATE 11/29/82 |
| DATE SHIPPED 11/29/82 | METHOD OF SHIPMENT SHIP #004924 | | |
| SALESMAN DR-15 TK-07 | TERMS 1.00% 10 DAYS, NET 30 | | |

No FINANCE or CARRYING CHARGE is made on account paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 6,199 | 44002.23 Trichlorethylene (PPG) | .365 | 12.25 Lb/Gal | 2,262.64 |

DEC 2 1982

2827
440.3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 2,262.64 | 2,262.64 | 135.76 | | | 2,398.40 | 22.64 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454

PHONE: (805) 922-8222

TO

LOOMAN DISTRIBUTING

176 WEST MAIN STREET

VENTURA, CA. 93001

SHIP TO

ABOVE

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---|-------------------------|----------|-------------|-------------|--------------------|
| 11/22/82 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 006328 |
| QUANTITY | DESCRIPTION | | | | PRICE |
| 506 500 GAL. | TRICHLORETHYLENE - BULK | | | | 3.65/LB |
| <p style="font-size: 1.5em; font-family: cursive;">Rec'd 11-30-82 RF.</p> | | | | | |
| CONFIRMING ORDER 11/22/82 PLEASE DO NOT DUPLICATE | | | | | |
| #433 | REQ 5733 | | | | |

Form P-875 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____

[Signature]
AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 07/23/82 | | INVOICE NO. 030970 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 006043 | ORDER DATE 07/22/82 |
| DATE SHIPPED 07/22/82 | | METHOD OF SHIPMENT SHIP #032250 | |
| SALESMAN DR-15 TK-07 | | TERMS 2.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

JUL 26 1982

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|-------------|------------|-----------------|--------|
|----------|-------------|------------|-----------------|--------|

| | | | | |
|-------|---------------------------------|------|--------------|----------|
| 5,512 | 44002.07 Trichlorethylene (PPG) | .364 | Bulk - Chlor | 2,006.37 |
|-------|---------------------------------|------|--------------|----------|

(450/GAL @ 12.25/lb = 5,512 units)
per gallon

2827

440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 2,006.37 | 2,006.37 | 120.38 | | | 2,126.75 | 40.13 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 030970
INVOICE DATE 07/23/82

INVOICE AMOUNT

2126.75

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454
PHONE: (805) 922-8222

SHIP TO

Looman Distributing

Above

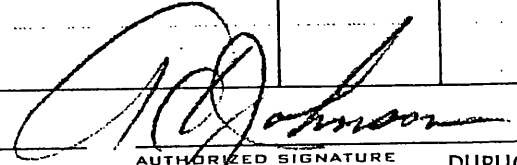
176 West Main Street

Ventura, CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|---|-------------------------|----------|-------------|-------------|-------------------------------|--------|
| 7/19/82 | asap | Best Way | Santa Maria | Per Invoice | 006043 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 450 500 gal | Trichlorethylene - bulk | | | | 3.64/LB 3.64/LB | |
| <p>Confirming order 7/19/82. Please do not duplicate.</p> | | | | | | |
| #443 | Reg 7892 | | | | | |

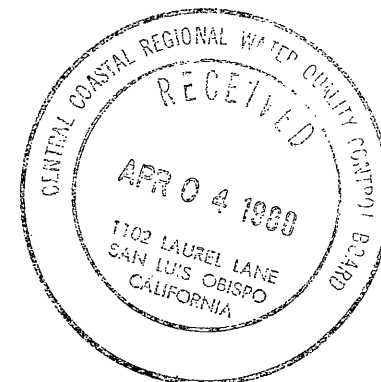
Form P-R75 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____


 AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|------------------------------|------------------------------------|------------------------|
| INVOICE DATE 04/27/82 | | INVOICE NO. 0-28508 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 005844 | | ORDER DATE 04/14/82 |
| DATE SHIPPED 04/14/82 | | METHOD OF SHIPMENT SHIP #028115 | |
| SALESMAN DR-13 TK-07 | | TERMS 2.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 5,206 | 44002.07 Trichlorethylene (PPG) | .375 | Bulk - Chlor | 1,952.25 |

IMPORTANT The postmark on your remittance must be within "10" days of the invoice date in order to take the allowed discount. Any discount taken beyond "10" days will not be allowed and will reflect accordingly on your balance owing.

OK
to PAY

2827
440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,952.25 | 1,952.25 | 117.14 | | | 2,069.39 | 39.05 |

LOOMAN DISTRIBUTING, INC.
176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 028508
INVOICE DATE 04/27/82

APR 28 1982

INVOICE AMOUNT 2069.39

RETURN STUB WITH YOUR PAYMENT

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | |
|--------------------------|--|------------------------|
| INVOICE DATE 04/27/82 | INVOICE NO. 028507 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 005844 | ORDER DATE 04/14/82 |
| DATE SHIPPED 04/14/82 | METHOD OF SHIPMENT REFER TO INV. NO. 028233 | |
| SALESMAN DR-13 TK-07 | TERMS | |

--- CREDIT MEMO ---

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 5,206 | 44002.07 Trichlorethylene (PPG) | .393 | Bulk - Chlor | 2,045.96 |

IMPORTANT The postmark on your remittance must be within "10" days of the invoice date in order to take the allowed discount. Any discount taken beyond "10" days will not be allowed and will reflect accordingly on your balance owing.

Credit to Income of Inv.

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CREDIT AMT | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|------------|-----------------|
| | 2,045.96 | 2,045.96 | 122.76 | | | 2,168.72 | | |

LOOMAN DISTRIBUTING, INC.
176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 028507
INVOICE DATE 04/27/82

APR 28 1982

INVOICE AMOUNT CR 2168.72

RETURN STUB WITH YOUR PAYMENT

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 04/15/82 | | INVOICE NO. 028233 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 005844 | ORDER DATE 04/14/82 |
| DATE SHIPPED 04/14/82 | | METHOD OF SHIPMENT SHIP #028115 | |
| SALESMAN DR-13 TK-07 | | TERMS 2.00% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

APR 19 1982

SHIP TO

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|-------------------------|-----------------|----------|
| 5,206 | 44002.07 Trichlorethylene (PPG) | .375 .373 | Bulk - Chlor | 2,045.96 |

IMPORTANT The postmark on your remittance must be within "10" days of the invoice date in order to take the allowed discount. Any discount taken beyond "10" days will not be allowed and will reflect accordingly on your balance owing.

wrong price

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|----------------|
| | 2,045.96 | 2,045.96 | 122.76 | | | 2,168.72 | 40.92 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 028233
INVOICE DATE 04/15/82

RETURN STUB WITH YOUR PAYMENT

INVOICE AMOUNT 2168.72
2827 4/23/82 1,952.25
440-3 1,117.14
PRR DON LOOMAN 2069.39

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454

PHONE: (805) 922-8222

TO

Looman Distributing

SHIP TO

Above

176 West Main Street

Ventura, CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---|--------------------------|-----------|-------------|-------------|--------------------|
| 4/6/82 | ASAP | Best Way | Santa Maria | Per Invoice | 005844 |
| QUANTITY | DESCRIPTION | PRICE | AMOUNT | | |
| 400 gal. | Trichlore thylene - bulk | 3.75/gal. | | | |
| 425 gal | Revt 4-14-82 10 | | | | |
| Confirming order 4/6/82. Please do not duplicate. | | | | | |
| #443 | Req 7857 | | | | |

Form P-R75 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|------------------------------------|-------------------------|------------------------|
| INVOICE DATE 12/16/81 | | INVOICE NO. 0 2 5 1 9 3 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 005619 | | ORDER DATE 12/15/81 |
| DATE SHIPPED 12/15/81 | METHOD OF SHIPMENT SHIP #026457 | | |
| SALESMAN DR-15 TK-04 | TERMS .50% 10 DAYS, NET 30 | | |

No FINANCE or CARRYING CHARGE is made on accounts paid within 30 days of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO
Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|-------------|------------|-----------------|--------|
|----------|-------------|------------|-----------------|--------|

| | | | | |
|-------|---------------------------------|------|--------------|----------|
| 4,961 | 44002.07 Trichlorethylene (PPG) | .393 | Bulk - Chlor | 1,949.67 |
|-------|---------------------------------|------|--------------|----------|

THANK-YOU FOR INCLUDING INVOICE STUB WITH PAYMENT

WAREHOUSE HOURS: MON-FRI 8:00-5:00 SAT 8:00-NOON

RECEIVED

DEC 19 1981

2827
440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,949.67 | 1,949.67 | 116.98 | | | 2,066.65 | 9.75 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 025193
INVOICE DATE 12/16/81

INVOICE AMOUNT 2066.65
YOU MAY DEDUCT
IF PAID BY
DISCOUNTED TOTAL

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

SEMCO WIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454

PHONE: (805) 922-8222

TO

SHIP TO

Looman Distributing

Above

176 West Main Street

Ventura, CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---|-------------------------|----------|-------------|-------------|--------------------|
| 12/11/81 | ASAP | Best Way | Santa Maria | Per Invoice | 005619 |
| QUANTITY | DESCRIPTION | PRICE | AMOUNT | | |
| 485 500 Gal. | Trichlorethylene - bulk | 4814/6A | Pls. Advise | | |
| Rec'd 12-15-81 AG. | | | | | |
| Confirming Order 12/10/81. Please do not duplicate. | | | | | |

#440-3 Reg 2113
Form 9475 The Drawing Board, Inc., Box 305, Dallas, Texas☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 09/29/81 | | INVOICE NO. 023101 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 5417 | ORDER DATE 09/10/81 |
| DATE SHIPPED 09/10/81 | | METHOD OF SHIPMENT SHIP #012793 | |
| SALESMAN DR-17 TK-07 | | TERMS .50% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO
Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------|------------|-----------------|----------|
| 6,039 | 44002.07 Trichlorethylene | .304 | Bulk - Chlor | 1,835.86 |

SEP 30 1981

WAREHOUSE HOURS: MON-FRI 8:00-5:00 SAT 8:00-NOON

2827

440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,835.86 | 1,835.86 | 110.15 | | | 1,946.01 | 9.18 |

LOOMAN DISTRIBUTING, INC.
176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 023101
INVOICE DATE 09/29/81

INVOICE AMOUNT 1946.01

PLEASE PAY FROM
THIS INVOICE

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454
PHONE: (805) 922-8222

TO

SHIP TO

Looman Distributing

Above

176 West Main Street

Ventura, CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|--|-------------------------|----------|-------------|-------------|--------------------|--------|
| 9/9/81 | ASAP | Best Way | Santa Maria | Per Invoice | 005417 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 493 500 Gal | Trichlorethylene - Bulk | | | | 3.724/Gal | |
| <i>Rec'd 9-10-81 AG.</i> | | | | | | |
| Confirming Order 9/9/81. Please do not duplicate | | | | | | |
| #443 Req 9228 | | | | | | |

Form P-R75 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____


AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES

MOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|--|--|------------------------|
| INVOICE DATE 09/29/81 | | INVOICE NO. CREDIT # 023100 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 5417 | ORDER DATE 09/10/81 |
| DATE SHIPPED 09/10/81 | | METHOD OF SHIPMENT REFER TO INV. NO. 022675 | |
| SALESMAN DR-17 TK-07 | | TERMS | |

--- CREDIT MEMO ---

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD TO
Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO
To correct earlier
billing.

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------|------------|-----------------|--------|
| 493 | 44002.07 Trichlorethylene | .304 | Bulk - Chlor | 149.87 |

SEP 30 1981

2827
4403

WAREHOUSE HOURS: MON-FRI 8:00-5:00 SAT 8:00-NOON

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CREDIT AMT | CASH DISC. AMT. |
|-------------|---------|----------------------------|-----------|-----------------|---------|---------------|------------|-----------------|
| | 149.87 | 149.87 | 8.99 | | | | 158.86 | |

MOOMAN DISTRIBUTING, INC.
176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 023100
INVOICE DATE 09/29/81

INVOICE AMOUNT CR 158.86

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

EMERSON ELECTRIC CO. 1000 E. 10TH AVE. ST. LOUIS, MO. 63102
 PHONE (314) 425-1000 FAX (314) 425-1001
 E-MAIL: SALES@EMERSONELECTRIC.COM

TO

SHIP TO

☐ Domestic Distributing

☐ Above

170 West Main Street

Ventura, CA 93001

005427

193

Q1 Trichloroethylene - 7.12

6.12/1000

Rec'd 9-10-81 AG.

1. List Item Order (1/1/81). Please refer to the following

☐ NOT FOR RESALE ☐ FOR RESALE

TAX NUMBER

10.12/1000

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | |
|--------------------------|------------------------------------|------------------------|
| INVOICE DATE 09/11/81 | INVOICE NO. 0 2 2 6 7 5. | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 5417 | ORDER DATE 09/10/81 |
| DATE SHIPPED 09/10/81 | METHOD OF SHIPMENT SHIP #012793 | |
| SALESMAN DR-17 TK-07 | TERMS .50% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within terms of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

RECEIVED SHIP
TO
SEP 12 1981

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------|------------|-----------------|--------|
| 493 | 44002.07 Trichlorethylene | .304 | Bulk - Chlor | 149.87 |

2827
440-3

WAREHOUSE HOURS: MON-FRI 8:00-5:00 SAT 8:00-NOON

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|---------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 149.87 | 149.87 | 8.99 | | | 158.86 | .75 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 022675
INVOICE DATE 09/11/81

INVOICE AMOUNT 158.86

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

DEPARTMENT OF THE ARMY, WASH. D.C. 20315

ATTENTION: GPO, WASHINGTON, D.C. 20540

TO

SHIP TO

☐ on Distributing

Above

171 West Main Street

Alameda, CA 94601

193

Line No.

Santa Maria

For Invoice

005417

Trichloroethylene - 100%

Rec'd 9-10-81 AG.

Quantity 100000.00. Price \$1.00 each.

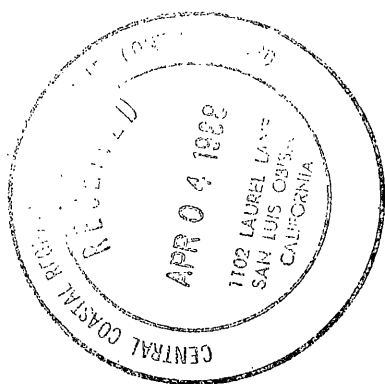
☐ FOR RETAIL ☐ FOR RESALE

TAX NUMBER

DATE OF ORDER

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



| | | | |
|---|--------------|---------------------------|-------------------------------------|
| RECEIPT | | Date <u>Sept 11 19 81</u> | 7819 |
| Received From <u>Ray Houghton</u> | | | |
| Address _____ | | | |
| For <u>forty five & no/100</u> | | Dollars \$ <u>45</u> | |
| For <u>Waste Oil paid to him by GNS</u> | | | |
| ACCOUNT | | HOW PAID | |
| AMT. OF ACCOUNT | <u>45 00</u> | CASH | <input checked="" type="checkbox"/> |
| AMT. PAID | <u>45 00</u> | CHECK | <input type="checkbox"/> |
| BALANCE DUE | <u>- 0</u> | MONEY ORDER | <input type="checkbox"/> |
| | | By <u>Paul Orr</u> | |

FEDFORM®

| | | | |
|------------------------------------|--------------|-----------------------------|-------------------------------------|
| RECEIPT | | Date <u>May 22 19 81</u> | 7788 |
| Received From <u>Ray Houghton</u> | | | |
| Address _____ | | | |
| For <u>forty five & no/100</u> | | Dollars \$ <u>30 00/100</u> | |
| For _____ | | | |
| ACCOUNT | | HOW PAID | |
| AMT. OF ACCOUNT | <u>45 00</u> | CASH | <input checked="" type="checkbox"/> |
| AMT. PAID | <u>45 00</u> | CHECK | <input type="checkbox"/> |
| BALANCE DUE | <u>- 0</u> | MONEY ORDER | <input type="checkbox"/> |
| | | By _____ | |

LOOMAN DISTRIBUT G, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | |
|--------------------------|------------------------------------|------------------------|
| INVOICE DATE 07/08/81 | INVOICE NO. 021046 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 005222 | ORDER DATE 07/07/81 |
| DATE SHIPPED 07/07/81 | METHOD OF SHIPMENT SHIP #018609 | |
| SALESMAN DR-15 TK-04 | TERMS .50% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within 30 days of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

RECEIVED

JUL 9 1981

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 529 | 44002.07 Trichlorethylene (PPG) | 3.920 | Bulk - Chlor | 2,073.68 |

2827
440-3

WAREHOUSE HOURS: MON-FRI 8:00-5:00 SAT 8:00-NOON

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 2,073.68 | 2,073.68 | 124.42 | | | 2,198.10 | 10.37 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.
 2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454
 PHONE: (805) 922-8222

TO

Looman Distributing

SHIP TO

Above

176 West Main Street

Ventura, California 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | | | | | |
|--|-------------------------|----------|-------------|-------------|--------------------|--------|--|--|--|--|
| 7/6/81 | ASAP | Best Way | Santa Maria | Per Invoice | 005222 | | | | | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT | | | | |
| 500 Gal | Trichlorethylene - Bulk | | | | 3.92/Gal | | | | | |
| <i>Rec'd 7-7-81 AG.</i> | | | | | | | | | | |
| Confirming Order 7/6/81, Please Do Not Duplicate | | | | | | | | | | |
| 443 Rec 9976 | | | | | | | | | | |

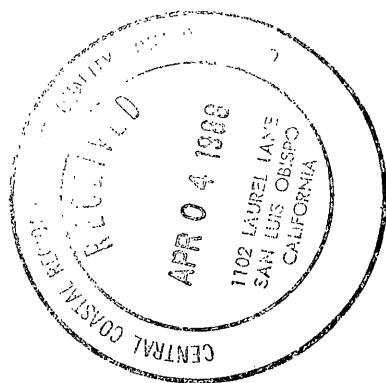
Form P-875 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____

[Signature]
 AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



See reverse side for instructions.
Please type or print clearly. Press Hard.

JUN 04 1981

CALIFORNIA HAZARDOUS WASTE MANIFEST

State Department of Health Services
HAZARDOUS MATERIALS MANAGEMENT SECTION
744 P Street, Sacramento, CA 95814

1 Manifest Number **317 - 341577**

GENERATOR

(GENERATOR MUST COMPLETE)

2 Name **Senco**
EPA # **Small Generator**
Address _____ Phone _____
City, State, Zip _____

3 Designated TSD Facility (Authorized to operate under an approved state program or federal program.)

Name **BARON • BLAKESLEE**
EPA # **C A D 0 9 7 4 6 5 1 3 2**
Address **525 E. Alondra** Phone **(213) 532-0730**
City, State, Zip **Gardena, CA 90248**

4 Alternate TSD Facility

Name _____
EPA # _____
Address _____ Phone _____
City, State, Zip _____

| 5 U.S. DOT PROPER SHIPPING NAME | U.S. DOT HAZARD CLASS | UN/RA ID NO. | WEIGHT OR VOLUME | UNITS | NUMBER OF CONTAINERS |
|--|-----------------------|--------------|------------------|------------|--|
| WASTE Trichloroethylene mixture | ORM-A | 1710 | 580 | gal | 12 |
| ASTE | | | | | TYPE <input checked="" type="checkbox"/> DRUMS <input type="checkbox"/> BAGS <input type="checkbox"/> CARTONS <input type="checkbox"/> TANK TRUCK <input type="checkbox"/> DUMP TRUCK <input type="checkbox"/> OTHER |

6 Waste Category **63** 7 Ext. Haz. Waste Permit No. _____ 8 Generating Process **degreasing**

| 9A LIST COMPONENTS | CONCENTRATION RANGE | | UNITS |
|--------------------|---------------------|-----------|--|
| | UPPER | LOWER | |
| solvent | 35 | 25 | <input checked="" type="checkbox"/> % <input type="checkbox"/> ppm |
| oil | 65 | 50 | <input type="checkbox"/> % <input type="checkbox"/> ppm |
| water | 5 | 3 | <input type="checkbox"/> % <input type="checkbox"/> ppm |
| | | | <input type="checkbox"/> % <input type="checkbox"/> ppm |

10 WASTE PROPERTIES: pH **6** ☒ Toxic ☐ Flammable ☐ Corrosive/Irritant ☐ Reactive ☐ Sanitizer ☐ Carcinogen/Mutagen

11 PHYSICAL STATE: ☐ Solid ☐ Liquid ☐ Sludge ☐ Slurry ☐ Gas ☐ Other

12 SPECIAL HANDLING INSTRUCTIONS: ☐ Goggles ☐ Respirator ☐ Other

GENERATOR CERTIFICATION: This is to certify that the above named materials are properly classified, described, packaged, marked, labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and EPA.

IN THE EVENT OF A SPILL, CONTACT THE NATIONAL RESPONSE CENTER, U.S. COAST GUARD 1-800-424-8802

13 Signature of Authorized Agent and Title

Date Shipped

TRANSPORTER

(HAULER MUST COMPLETE)

1 TRANSPORTER NAME **BARON • BLAKESLEE**
ADDRESS **525 E. Alondra** PHONE **(213) 532-0730**
CITY, STATE, ZIP **Gardena, CA 90248**

15 PICK-UP DATE

EPA NO. **C A D 0 9 7 4 6 5 1 3 2** Time ☐ AM ☐ PM

16 Signature of Authorized Agent and Title

Date

TSD FACILITY

(FACILITY OPERATOR MUST COMPLETE)

17 NAME **BARON • BLAKESLEE** 18 QUANTITY (if Measured)
EPA NO. **C A D 0 9 7 4 6 5 1 3 2** 19 STATE FEE (if Any)
PHONE NO. **(213) 532-0730**

21 HANDLING OR DISPOSAL METHOD

☐ Surface Impoundment ☐ Landfill
☐ Injection Well ☐ Land Treatment
☐ Treatment (Specify) _____
☐ Recovery or Re-use ☐ Storage/Transfer
☐ Recycle

20 INDICATE ANY SIGNIFICANT DISCREPANCIES BETWEEN MANIFEST AND SHIPMENT

IF WASTE IS HELD FOR DELIVERY ELSEWHERE, SPECIFY THE DESIGNATED TSD FACILITY

22 Designated TSD Facility Name

EPA NO. _____

LOOMAN DISTRIBUTING INC.
176 West Main Street
Ventura, CA 93001
(805) 643-4542

RECEIVED
JUN 04 1981

to

ART JOHNSON
SINCO INDUSTRIAL WAY
2936
SANTA MARIA CA 93454

Date 2 JUNE 81
Subject
TRICHLOR SLUDGE

message art:

REGARDING YOUR QUESTION ABOUT YOUR "TRICHLOR SLUDGE"
CREDIT. THE ANSWER, ACCORDING TO BARON BLAKESLEE, IS
THAT DUE TO THE EXTREMELY HIGH CONCENTRATION OF OIL,
RECLAMATION WAS ECONOMICALLY UNFEASIBLE. WE, IN FACT,
HAD TO PAY BARON BLAKESLEE TO DISPOSE OF THE MATERIAL
IF YOU HAVE FURTHER QUESTIONS, DON'T HESITATE TO
CONTACT ME.

THANK YOU FOR YOUR BUSINESS,

Signed

CERRY LOOMAN

State Department of Health Services
HAZARDOUS MATERIALS MANAGEMENT SECTION
744 P Street, Sacramento, CA 95814

1 Manifest
Number

317

341577

RECEIVED

FEB 23 1991

GENERATOR

(GENERATOR MUST COMPLETE)

3 Designated TSD Facility (Authorized to operate under an approved state program or federal program)

4 Alternate TSD Facility

BARON • BLAKESLEE

2 Name Small Generator

Name C A D 0 9 7 4 6 5 1 3 2

Name Small Generator

EPA NO. Small Generator

EPA NO. C A D 0 9 7 4 6 5 1 3 2

EPA NO. Small Generator

Address 525 E. Alondra

Address 525 E. Alondra

Address 525 E. Alondra

City, State, Zip Gardena, CA 90248

City, State, Zip Gardena, CA 90248

City, State, Zip Gardena, CA 90248

5 U.S. DOT PROPER SHIPPING NAME Small Generator

U.S. DOT CLASS HAZARD CLASS

U.S. DOT CLASS HAZARD CLASS

WASTE Small Generator

WASTE Small Generator

WASTE Small Generator

WASTE Small Generator

WASTE Small Generator

WASTE Small Generator

6 Waste Category Small Generator

7 Ex. Haz. Waste Permit No. Small Generator

8 Generating Process Small Generator

9 A Small Generator

9 B Small Generator

9 C Small Generator

10 WASTE PROPERTIES: Small Generator

11 PHYSICAL STATE: Small Generator

12 SPECIAL HANDLING INSTRUCTIONS: Small Generator

13 Signature of Authorized Agent and Title Small Generator

14 Date Shipped Small Generator

15 PICK-UP DATE Small Generator

16 Signature of Authorized Agent and Title Small Generator

17 NAME Small Generator

18 QUANTITY (If Measured) Small Generator

19 STATE FEE (If Any) Small Generator

20 INDICATE ANY SIGNIFICANT DISCREPANCIES BETWEEN MANIFEST AND SHIPMENT Small Generator

21 HANDLING OR DISPOSAL METHOD: Small Generator

22 Designated TSD Facility Name Small Generator

23 Signature of Authorized Agent and Title Small Generator

24 Date Accepted Small Generator

25 Signature of Authorized Agent and Title Small Generator

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113 Signature of Authorized Agent and Title Small Generator

114 Signature of Authorized Agent and Title Small Generator

State Department of Health Services
HAZARDOUS MATERIALS MANAGEMENT SECTION
744 P Street, Sacramento, CA 95814

1 Manifest
Number

317

34157

RECEIVED

RECEIVED

FEB 23 1981

GENERATOR

(GENERATOR
MUST COMPLETE)

3 Designated TSD Facility (Authorized to operate under an
approved state program or federal program.)

BARON • BLAKESLEE

4 Alternate TSD Facility

JUN 09 1981

2 Name

Small Generator

Name

C A D 0 9 7 4 6 5 1 3 2

Address

525 E. Alondra

Address

Gardena, CA 90248

Phone (213) 532-0730

Name

EPA #

Address

City, State, Zip

City, State, Zip

U.S. DOT PROPER SHIPPING NAME

WASTE

WASTE

U.S. DOT
HAZARD CLASS

ORM-A

UN/NA
ID NO.

1710

WEIGHT
OR VOLUME

580

UNITS

gal

NUMBER OF CONTAINERS

12

TYPE: ☒ DRUMS ☐ BAGS ☐ CARTONS☐ TANK TRUCK ☐ DUMP TRUCK☐ OTHER

6 Waste Category

63

7 Ext. Haz. Waste Permit No.

CONCENTRATION RANGE

UPPER LOWER

UNITS

35 25

50 3

5 3

5 3

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8 Generating Process

degreasing

LIST COMPONENTS:

E.

F.

G.

Non-Hazardous Material

%

Sensitizer

Carcinogen/Mutagen

CONCENTRATION RANGE

UPPER LOWER

UNITS

%

%

%

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10 WASTE PROPERTIES: pH

6

Toxic ☐ Flammable ☐ Corrosive/Irritant ☐ Reactive ☐ Sensitizer ☐ Carcinogen/Mutagen ☐11 PHYSICAL STATE: ☐ Solid ☐ Liquid ☐ Sludge ☐ Slurry ☐ Gas ☐ Other12 SPECIAL HANDLING INSTRUCTIONS: ☐ Gloves ☐ Goggles ☐ Respirator ☐ Other

GENERATOR CERTIFICATION: This is to certify that the above named materials are properly classified, described, packaged, marked, labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and EPA.

IN THE EVENT OF A SPILL, CONTACT THE NATIONAL RESPONSE CENTER, U.S. COAST GUARD 1-800-424-8802

13 Signature of Authorized Agent and Title

Date Shipped

14 TRANSPORTER (HAULER MUST COMPLETE)

SPORTER NAME

BARON • BLAKESLEE

ADDRESS

525 E. Alondra

Gardena, CA 90248

CITY, STATE, ZIP

PHONE (213) 532-0730

EPA NO. C A D 0 9 7 4 6 5 1 3 2

18 QUANTITY (If Measured)

581 gal

19 STATE FEE (If Any)

20 INDICATE ANY SIGNIFICANT DISCREPANCIES BETWEEN MANIFEST AND SHIPMENT

IF WASTE IS HELD FOR DELIVERY ELSEWHERE, SPECIFY THE DESIGNATED TSD FACILITY:

22 Designated TSD Facility Name

23 Signature of Authorized Agent and Title

Super

Date Accepted

5-27-81

Copy 1—WHITE: TSD Facility Keeps (Send Copy to DOHS)

Copy 2—YELLOW: To Transporter from TSDF

Copy 3—PINK: To Generator from TSDF

Copy 4—GOLDENROD: Generator Keeps (Send Copy to DOHS)

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | |
|--------------------------|------------------------------------|
| INVOICE DATE 05/22/81 | INVOICE NO. 019868 |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 005089 |
| DATE SHIPPED 05/21/81 | ORDER DATE 05/21/81 |
| SALESMAN DR-15 TK-04 | METHOD OF SHIPMENT SHIP #020806 |
| | TERMS .50% 10 DAYS, NET 30 |

RECEIVED

MAY 26 1981

No FINANCE or CARRYING CHARGE is made on accounts paid within 30 days of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

SOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP
TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 314 | 44002.01 Trichlorethylene (PPG) | 3.920 | Bulk Product | 1,230.88 |

INTERESTED IN SAVING MONEY?
SAVE UP TO 15% ON "WILL-CALL" PURCHASES OF SOLVENTS,
CHEMICALS, AND LUBRICANTS
WAREHOUSE HOURS: MON-FRI 8:00-5:00 SAT 8:00-NOON

2827
440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,230.88 | 1,230.88 | 73.85 | | | 1,304.73 | 6.15 |

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454
PHONE: (805) 922-8222

TO

SHIP TO

Looman Distributing

Above

176 West Main Street

Ventura, California 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. |
|---------|---------------|----------|-------------|-------------|--------------------|
| 5/20/81 | ASAP | Best Way | Santa Maria | Per Invoice | 005089 |

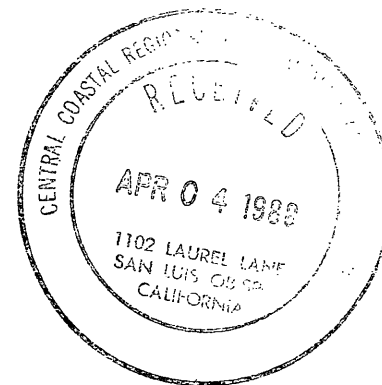
| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
|---|---|----------|--------|
| 500 Gal. 314 | Trichlorethylene - Bulk <i>Rec'd 5/21/81</i> | 3.92/Gal | |
| Confirming Order 5/20/81, Please Do Not Duplicate | | | |
| #443 Req | 8895 | | |

Form P-R75 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____

[Signature]
AUTHORIZED SIGNATURE DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|--|------------------------------------|------------------------|
| INVOICE DATE 04/06/81 | | INVOICE NO. 018664 | |
| ACCOUNT NO. 5901 | | CUSTOMER ORDER NO. 004947 | ORDER DATE 04/03/81 |
| DATE SHIPPED 04/03/81 | | METHOD OF SHIPMENT SHIP #019730 | |
| SALESMAN DR-14 TK-04 | | TERMS .50% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within 30 days of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

RECEIVED**APR 08 1981**SHIP
TOSOLD
TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 490 | 44002.01 Trichlorethylene (PPG) | 3.920 | Bulk Product | 1,920.80 |

*** NOTICE *** WE HAVE CHANGED OUR TELEPHONE NUMBERS
Oxnard Plains: 656-1792 Ventura Area: 653-5823
These new telephone numbers are 24 hours a day.

2827
440-3

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,920.80 | 1,920.80 | 115.25 | | | 2,036.05 | 9.60 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 018664
INVOICE DATE 04/06/81

INVOICE AMOUNT 2036.05
YOU MAY DEDUCT 9.60
IF PAID BY 04/16/81
DISCOUNTED TOTAL 2026.45

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454
PHONE: (805) 922-8222

TO _____ SHIP TO _____

LOOMAN DISTRIBUTING

ABOVE

176 WEST MAIN STREET

VENTURA, CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|---|-------------------------|----------|-------------|-------------|--------------------|--------|
| 4/2/81 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 004947 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 500 GAL. | TRICHLORETHYLENE - BULK | | | | 3.99/GAL. | |
| <i>Rec'd 4-3-81 AG.</i> | | | | | | |
| CONFIRMING 4/2/81 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 8867 | | | | | |

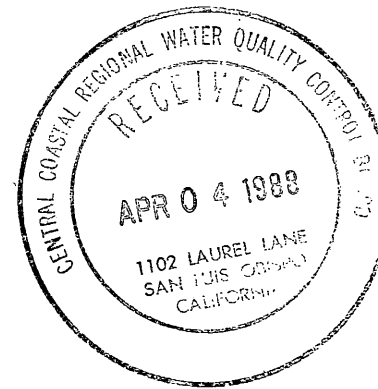
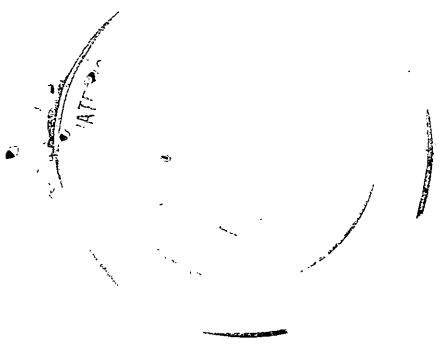
Form P-875 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER _____

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001
(805) 643-3633 • 485-7113 • 643-4542

| | | | |
|--------------------------|------------------------------|------------------------------------|--|
| INVOICE DATE 02/18/81 | | INVOICE NO. 017621 | |
| ACCOUNT NO. 5901 | CUSTOMER ORDER NO. 004735 | ORDER DATE 02/09/81 | |
| DATE SHIPPED 02/09/81 | | METHOD OF SHIPMENT SHIP #019103 | |
| SALESMAN DR-06 TK-04 | | TERMS .50% 10 DAYS, NET 30 | |

No FINANCE or CARRYING CHARGE is made on accounts paid within 30 days of purchases. Accounts not paid within 30 days of purchases will, on our billing date (the last day of each month) be charged 1½% each month, which is 18% annual rate.

RECEIVED
FEB 19 1981

SOLD TO

Semco
2936 Industrial Way
Sta Maria, CA 93454

SHIP TO

| QUANTITY | DESCRIPTION | UNIT PRICE | UNIT OF MEASURE | AMOUNT |
|----------|---------------------------------|------------|-----------------|----------|
| 520 | 44002.01 Trichlorethylene (PPG) | 3.660 | Bulk Product | 1,903.20 |

*** NOTICE *** OUR NEW VENTURA AREA
PHONE # IS 653-5823 OR REMEMBER...."OLD-LUBE"
***** IMPORTANT *****
Unearned cash discount taken will be charged back.

2827
440-3 Disc: 9.52

| NON-TAXABLE | TAXABLE | AMOUNT SUBJECT TO DISCOUNT | SALES TAX | HANDLING CHARGE | FREIGHT | INVOICE TOTAL | CASH DISC. AMT. |
|-------------|----------|----------------------------|-----------|-----------------|---------|---------------|-----------------|
| | 1,903.20 | 1,903.20 | 114.19 | | | 2,017.39 | 9.52 |

LOOMAN DISTRIBUTING, INC.

176 WEST MAIN STREET
VENTURA, CALIFORNIA 93001

PLEASE PAY FROM
THIS INVOICE

CUSTOMER Semco
ACCOUNT NO. 5901
INVOICE NO. 017621
INVOICE DATE 02/18/81

INVOICE AMOUNT 2017.39
YOU MAY DEDUCT 9.52
IF PAID BY 02/28/81
DISCOUNTED TOTAL 2007.87

RETURN STUB WITH YOUR PAYMENT

PURCHASE ORDER

SEMCO TWIST DRILL & TOOL CO., INC.

2936 INDUSTRIAL PKWY. • P. O. DRAWER J • SANTA MARIA, CALIFORNIA 93454

PHONE: (805) 922-9222

TO

SHIP TO

LOOMAN DISTRIBUTING

ABOVE

176 WEST MAIN STREET

VENTURA, CA 93001

| DATE | DELIVERY DATE | SHIP VIA | F.O.B. | TERMS | PURCHASE ORDER NO. | |
|---|--|----------|-------------|-------------|--------------------|--------|
| 2/9/81 | ASAP | BEST WAY | SANTA MARIA | PER INVOICE | 004735 | |
| QUANTITY | DESCRIPTION | | | | PRICE | AMOUNT |
| 500 GAL 520 | TRICHLORETHYLENE - BULK <i>Rec'd 2/17/81 AG</i> | | | | 3.66/GAL | |
| CONFIRMING 2/9/81 PLEASE DO NOT DUPLICATE | | | | | | |
| #443 | REQ 9686 | | | | | |

Form PR75 The Drawing Board, Inc., Box 505, Dallas, Texas

☒ NOT FOR RESALE ☐ FOR RESALE TAX NUMBER

AUTHORIZED SIGNATURE

DUPLICATE

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



EXHIBIT 7

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SEMCO TWIST DRILL AND TOOL COMPANY, INC.

2936 INDUSTRIAL PARKWAY ■ SANTA MARIA, CALIFORNIA 93454 ■ PHONE 805 - 922-8222

October 20, 1988

William Leonard, Executive Officer
Calif. Regional Water Quality Control Board
Central Coast Region
1102 A Laurel Lane
San Luis Obispo, Ca. 93401

Re: Key Employees of Semco Twist Drill & Tool Co., Inc.

Dear Mr. Leonard:


In response to your letter of October 4, 1988, enclosed is a letter from our maintenance man, Mr. Yoshiaki Shiroma, explaining how we handle cleaning solvents.

In regard to other key employees, past and present, I am the president of the company and have been since 1981. My husband, Henry A Stafford, Sr., was president and general manager from the inception of the company until 1975. He passed away in 1976. My son, Henry A Stafford, Jr. was president and general manager of the company from 1975 until 1981. He passed away in 1981.

I do not believe Semco has ever improperly disposed of cleaning solvents on the Semco property. The testing we have done indicates that there is a trace amount of contamination in the surface soils of the property. This contamination may be as a result of the previous owners or users of the property, the U.S. Military. During World War II the site was an airfield where TCE may have been used extensively. Enclosed is an article from 10-13-88 Los Angeles Times concerning TCE contamination of water wells on a military base.

Very truly yours,

SEMCO TWIST DRILL & TOOL CO., INC.


Rhea Stafford, President

rf
cc: C. Kent Stephens, Esq.
Westec Services

10-10-88-

I have been in charge of Maint. Dept. since 1979. (at Senco Inc)

It has been part of my Duty to dispose (or remove) the cleaning solvent T.C.E. when too dirty to be effective, from our cleaning tanks.

The solvent (T.C.E.) was stored in 55 gal. drums after removal from our cleaning tanks.

At Intervals of 6-12 month a toxic waste hauler came to pump all waste into his tanker & taken away.

I do not know how or what he did with it.

At no time was the solvent (T.C.E.) spilled, or thrown, on the ground, willfully, or under any instruction from me or anyone else.

We are using the solvent 1-1-1. now, we have been recycling this product, reclaiming the oil, & solvent, from the dirty mix taken from the cleaning tanks.

10-10-88

We have been doing this for the past 2 years. (recycling)

The oil removed is put back into our oil pumping system and reused.

the solvent 1-14 is also reused in our cleaning operations

the recycling process is of the heating & condensing system.

Yoshiaki Shirogane

EXHIBIT 8

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000



WESTEC Services, Inc.

5510 Morehouse Drive, San Diego, CA 92121-1709
(619) 458-9044

88-421-E
April 1, 1988

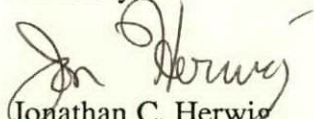


Mr. Bert Van Voris
Regional Water Quality Control Board
Central Coast Region
1102 A Laurel Lane
San Luis Obispo, CA 93401

Dear Mr. Van Voris:

Enclosed is our letter report concerning the subsurface soil investigation conducted at the SEMCO Twist Drill and Tool Company in Santa Maria, California. This has been transmitted to you as instructed by Mr. C. Kent Stephens, attorney. Please let Mr. Stephens or myself know if you have any questions concerning this report or the project in general.

Sincerely,


Jonathan C. Herwig
Senior Project Manager

JCH/dp

Enclosure

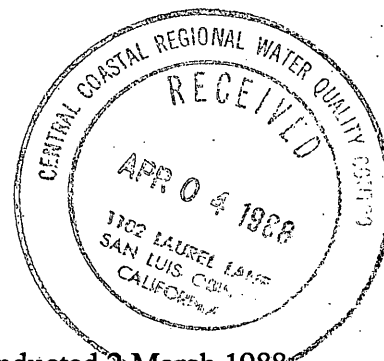


WESTEC Services, Inc.

5510 Morehouse Drive, San Diego, CA 92121-1709
(619) 458-9044

April 1, 1988

Mr. C. Kent Stephens
Attorney-at-Law
930 So. Broadway, Suite 104
P.O. Box 1454
Santa Maria, CA 93456



Dear Mr. Stephens:

This letter report presents the results of a subsurface investigation conducted ~~2-March 1988~~ by WESTEC Services, Inc. (WESTEC) at the SEMCO Twist Drill and Tool Company in Santa Maria, California. The investigation consisted of the completion and sampling of one soil boring to a total depth of 21 feet. The soil sampling was conducted by Jonathan Herwig, C.E.G. and Richard Sturm of WESTEC and was witnessed by Sorrel Davis and Vern Jones of the Regional Water Quality Control Board - Central Coast Region (CCRWQCB). SEMCO personnel were also present at the time of sampling. The sampling was completed in accordance with the letter proposal dated 19 January 1988.

LOCATION OF BORING

The location of the soil boring is depicted in Figure 1. The location was selected by WESTEC, CCRWQCB, and SEMCO representatives immediately prior to the commencement of field activities. The boring is situated in the area where surface soil samples containing detectable levels of trichloroethylene (TCE) were previously collected by CCRWQCB personnel. In addition, SEMCO personnel indicated that site drainage was generally directed toward this location and surface water often pooled in this area after heavy rainstorms.

DRILLING AND SAMPLING PROCEDURES

The soil boring was completed using a truck-mounted Mobile Drill B-56 drilling rig operated by S and G Testing Laboratories of Santa Maria, CA. The rig was equipped with 6-inch diameter hollow-stem augers. Soil samples were obtained using an 18-inch modified California sampler equipped with brass liners. A cable-operated, 140-lb, 30-inch drop hammer was used to drive the sampler. The sampler was driven ahead of the auger flights to obtain a representative and undisturbed sample. When possible, the sampler was driven for a full 18 inches.

The sampler and liners were cleaned thoroughly prior to each use by washing with an Alconox (a laboratory-grade biodegradable detergent) and water solution, rinsing with potable water, rinsing with methanol, rinsing again with potable water, and then a final rinsing with deionized water.

Mr. C. Kent Stephens
April 1, 1988
Page 3

Laboratory analytical results are presented in Table 1 and in Enclosure 2. Each sample was analyzed using EPA Method 8240 (Volatile Organics). Detectable concentrations of trichloroethene (trichloroethylene) (TCE) have been identified in two of the samples, with values ranging from 1000 mg/kg in SB-2 to 1300 mg/kg in SB-1. Low but detectable concentrations of trans-1, 2-dichloroethene have been identified in SB-1, SB-2, and SB-4, with concentrations ranging from 0.51 mg/kg in SB-4 to 45 mg/kg in SB-1. A level of 0.23 mg/kg of 1, 2-dichloroethane was detected in SB-3.

INTERPRETATION OF ANALYTICAL DATA

The data obtained during this study indicate that concentrations of TCE are present in the upper 10 feet of the lithologic sequence beneath the SEMCO site. The identified TCE levels are significantly below the Total Threshold Limit Concentration (TTLC) of 2040 mg/kg as established in California Administrative Code (CAC) Title 22, Chapter 30, Article 11, Section 66699. Due to the low identified TCE levels as compared to the TTLC, it is anticipated that a Soluble Threshold Limit Concentration (STLC) analysis would result in a value lower than the applicable STLC, indicating that the soils probably can be classified as non-hazardous.

The origin of the TCE contamination is not completely understood at this time. TCE was utilized until approximately 8 years ago as a cleaning solvent at the facility and was stored in an above-ground tank situated in approximately the same position as the present above-ground solvent tank. It is possible that leakage from the TCE tank in the past may have caused the observed contamination.

However, trans-1, 2-dichloroethene is known to be a breakdown product of TCE due to biodegradation. The presence of significant concentrations of trans-1, 2-dichloroethene indicates that biodegradation has occurred, suggesting that the identified TCE contamination has been in the ground for a period of years to tens of years.

DISCUSSION

The analytical data obtained from the four samples acquired during the WESTEC investigation indicate that TCE concentrations drop abruptly from 1000 mg/kg to <0.05 mg/kg between 11.5 and 15.0 feet below ground surface. This dramatic reduction in TCE levels suggests that some type of confining layer is possibly present between 11 and 15 feet below ground surface, even though it was not observed during drilling. The confining layer may correspond to the hardpan layer identified in the PG investigation. These data suggest that there is a low potential for significant vertical penetration of the TCE contamination, indicating that the contamination identified at the SEMCO site is not responsible for the TCE levels detected in Well No. 2A-S, situated to the southeast of the study area.

A more regional evaluation of the hydrogeologic setting of this site also suggests that there is a low potential for deep vertical contaminant migration and impact to the underlying ground-water system. Enclosure 3 presents a well construction and lithologic log for Well 2A-S, situated immediately adjacent to the SEMCO site. The log indicates that clay-rich lithologies are present from 39 to 79 feet below ground surface, a thickness of 40 feet. Since clays typically are impermeable and generally prevent significant vertical migration of water or contaminants, it is unlikely that the contaminant concentrations



Mr. C. Kent Stephens
April 1, 1988
Page 4

identified in this study could have migrated to the useable aquifer in this area, situated at 135 to 140 feet below ground surface.

CONCLUSIONS

Detectable concentrations of TCE have been identified in the upper 10 feet of the stratigraphic column underlying the SEMCO facility. The TCE levels range from 1000 mg/kg at 11.5 feet below ground surface to 1300 mg/kg at 6.5 feet below ground surface. These levels do not exceed the TTLC limits established for TCE by the State of California. TCE concentrations drop below method detection limits at 15.0 feet below ground surface and no detectable levels were identified below the 15-foot level. Minor levels of trans-1, 2-dichloroethene and 1, 2-dichloroethane are present in several of the samples. The observed hydrogeologic and contaminant data suggest that there is a low potential for significant downward contaminant penetration from the zones of identified TCE contamination to the underlying regional water table.

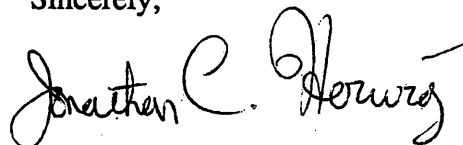
LIMITATIONS

The data presented in this report are intended for use in the course of a subsurface soil investigation necessitated by the requirements of the Regional Water Quality Control Board - Central Coast Region. The data cited herein should not be used for other than this intended purpose. Furthermore, WESTEC's conclusions and recommendations are based solely on these data.

Changes in the condition of the project site may occur with time due to either natural processes or the activities of man. This site investigation was carried out using the degree of care and skill ordinarily exercised under similar circumstances by qualified professionals; no further warranty is made.

Please feel free to contact me if you have any questions concerning this report or the project in general.

Sincerely,


Jonathan C. Herwig, C.E.G.
Senior Hydrogeologist

JCH/yp

Enclosures



Enclosure 1

Lithologic Log

FIELD LOG OF BORING

BORING NUMBER S13-1

SHEET 1 OF 2

| PROJECT NAME | | PROJECT NUMBER | | ELEVATION AND DATUM | | LOCATION | | |
|----------------------|--------------|-----------------|----------|-----------------------|--|-------------------------|----------------------|--|
| DRILLING COMPANY | | DRILLER | | DATE AND TIME STARTED | | DATE AND TIME COMPLETED | | |
| DRILLING EQUIPMENT | | DRILLING METHOD | | COMPLETION DEPTH | | TOTAL NO. OF SAMPLES | | |
| SIZE AND TYPE OF BIT | | HOLE DIAMETER | | NO. OF SAMPLES | | BULK | | |
| DRILLING FLUID | | DRILLING ANGLE | | WATER LEVEL | | FIRST | | |
| SAMPLE HAMMER | | DRIVING WT. | | HYDROGEOLOGIST / DATE | | CHECKED BY / DATE | | |
| TYPE | | DROP | | STATION | | PITCHER | | |
| LITHOLOGY | DEPTH (FEET) | SAMPLES | RECOVERY | BLOW COUNT | DESCRIPTION | USCS SYMBOL | ESTIMATED PERCENT OF | COMMENTS |
| | | | | | | | GR SA FI | |
| | | | | | grey-brown fine grained sand, loose | SP | | |
| | 1 | | | | | | | |
| | 2 | | | | | | | |
| | 3 | | | | | | | |
| | 4 | | | | | | | |
| | 5 | | | | reddish-brown well sorted | SP | 90 10 | 2 ppm OVA |
| | 6 | X | | 75 | fine to medium grained sand w/ trace fines, moist, loose | | | SB1-1 1245 H.S. = 2 ppm |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | grey medium grained sand | SP | 100 | 400 ppm OVA |
| | 11 | X | | 20 | well sorted, saturated, loose | | | SB1-2 1309 H.S. = 900 ppm |
| | 12 | | | | | | | Discolored soil - dark oily film on soil particles |
| | 13 | | | | | | | |
| | 14 | | | | | | | |

FIELD LOG OF BORING (CONTINUED)

BORING NUMBER

SR-1

SHEET 2 OF 2

[illegible]

Enclosure 2

Laboratory Analytical Data Sheets



Analytical **Technologies, Inc.**

Corporate Offices: 5550 Morehouse Drive San Diego, CA 92121 (619) 458-9141

ATI I.D. 803024

March 17, 1988

Westec Services, Inc.
5510 Morehouse Drive
San Diego, California 92121

Project Name: Semco

Attention: Jon Herwig

On March 2, 1988, Analytical Technologies, Inc. received four soil samples for analyses. The samples were analyzed with EPA methodology or equivalent methods as specified in the attached analytical schedule. Please see the attached sheet for the sample cross reference.

The results, sample cross reference, and the quality control data are enclosed.

Carolyn A. Sites
GC/MS Supervisor

CAS:mag

Richard M. Amano
Laboratory Manager



Analytical**Technologies**,Inc.

ATI I.D. 803024

ANALYTICAL SCHEDULE

CLIENT: WESTEC SERVICES INC.

PROJECT NO.: (NONE)

PROJECT NAME: SEMCO

| ANALYSIS | TECHNIQUE | REFERENCE/METHOD |
|-------------------|-----------|------------------|
| ----- | | |
| VOLATILE ORGANICS | GC/MS | EPA 8240 |



Analytical Technologies, Inc.

CLIENT : WESTEC SERVICES INC.
PROJECT # : (NONE)
PROJECT NAME : SEMCO

DATE RECEIVED : 03/02/88

REPORT DATE : 03/17/88

ATI I.D. : 803024

| ATI # | CLIENT DESCRIPTION | MATRIX | DATE COLLECTED |
|-------|--------------------|--------|----------------|
| 01 | SB-1 | SOIL | 03/02/88 |
| 02 | SB-2 | SOIL | 03/02/88 |
| 03 | SB-3 | SOIL | 03/02/88 |
| 04 | SB-4 | SOIL | 03/02/88 |

----- TOTALS -----

| MATRIX | # SAMPLES |
|--------|-----------|
| SOIL | 4 |

ATI STANDARD DISPOSAL PRACTICE

The samples from this project will be disposed of in thirty (30) days from the date of this report. If an extended storage period is required, please contact our sample control department before the scheduled disposal date.

GCMS - RESULTS

ATI I.D. : 80302401

TEST : VOLATILE ORGANICS (EPA 8240)

CLIENT : WESTEC SERVICES INC.
PROJECT # : (NONE)
PROJECT NAME : SEMCO
CLIENT I.D. : SB-1
SAMPLE MATRIX : SOIL

DATE SAMPLED : 03/02/88
DATE RECEIVED : 03/02/88
DATE EXTRACTED : 03/03/88
DATE ANALYZED : 03/15/88
UNITS : MG/KG
DILUTION FACTOR : 100

| COMPOUNDS | RESULTS |
|-----------------------------|---------|
| CHLOROMETHANE | <50 |
| BROMOMETHANE | <50 |
| VINYL CHLORIDE | <5.0 |
| CHLOROETHANE | <5.0 |
| METHYLENE CHLORIDE | <30 |
| ACETONE | <50 |
| CARBON DISULFIDE | <5.0 |
| 1,1-DICHLOROETHENE | <5.0 |
| 1,1-DICHLOROETHANE | <5.0 |
| TRANS-1,2-DICHLOROETHENE | 45 |
| CHLOROFORM | <5.0 |
| 1,2-DICHLOROETHANE | <5.0 |
| 2-BUTANONE (MEK) | <50 |
| 1,1,1-TRICHLOROETHANE | <5.0 |
| CARBON TETRACHLORIDE | <5.0 |
| VINYL ACETATE | <50 |
| BROMODICHLOROMETHANE | <5.0 |
| 1,1,2,2-TETRACHLOROETHANE | <5.0 |
| 1,2-DICHLOROPROPANE | <5.0 |
| TRANS-1,3-DICHLOROPROPENE | <5.0 |
| TRICHLOROETHENE | 1300 |
| DIBROMOCHLOROMETHANE | <5.0 |
| 1,1,2-TRICHLOROETHANE | <5.0 |
| BENZENE | <5.0 |
| CIS-1,3-DICHLOROPROPENE | <5.0 |
| 2-CHLOROETHYL VINYLETHER | <50 |
| BROMOFORM | <30 |
| 2-HEXANONE (MBK) | <50 |
| 4-METHYL-2-PENTANONE (MIBK) | <50 |
| TETRACHLOROETHENE | <5.0 |
| TOLUENE | <5.0 |
| CHLOROBENZENE | <5.0 |
| ETHYL BENZENE | <5.0 |
| STYRENE | <5.0 |
| TOTAL XYLENES | <5.0 |

SURROGATE PERCENT RECOVERIES

| | |
|---------------------------|----|
| 1,2-DICHLOROETHANE-D4 (%) | ** |
| BFB (%) | ** |
| TOLUENE-D8 (%) | ** |

** Due to the necessary dilution of the sample, result was not attainable

The soil samples were obtained at 5-foot intervals from the ground surface to the total depth of the boring at 21 feet. A total of 4 discrete samples were obtained. Immediately following sample acquisition, the liners were removed from the sampler, and the lowermost liner was retained as the analytical sample. The ends of the sleeves were covered with Teflon film, plastic caps, and then taped securely. Each sample was then labeled with the sample number, depth, date and time of collection, project name, and the name of the sampler. The sample was immediately placed in a cooler on ice and logged onto the appropriate chain-of-custody form.

The middle liner from each sampler was used to provide sample splits to representatives from the CCRWQCB and to allow lithologic determination. This liner was also screened with a Century Model 128GC portable organic vapor analyzer (OVA) to determine if organic volatiles were present within the sample.

A portion of the sample from the middle liner was also transferred to glass jars, labeled, and saved for later headspace analysis. The jars were given sufficient time to allow headspace equilibration under ambient temperature conditions. Following the equilibration period, each sample was analyzed for headspace volatiles using the OVA. The jars were opened only enough to allow for the insertion of the OVA probe to ensure an accurate headspace reading. The lithologic descriptions, OVA screening results and headspace analysis results can be found in the lithologic boring log presented in Enclosure 1.

HYDROGEOLOGIC CHARACTERISTICS OF SITE

The hydrogeologic characteristics of the site have been evaluated using lithologic data collected during this investigation and by utilizing data obtained during a previous study performed by Pacific Geosciences (PG) (Results of Boring and Laboratory Analysis at SEMCO Property, Santa Maria, California, 6 February 1986). The PG study was conducted at a site approximately 150 to 200 feet southeast of the present boring location (Figure 1).

The lithologies identified during the WESTEC investigation consist primarily of fine- to medium-grained, well-sorted sand with minor amounts of coarse-grained sand (Enclosure 1). The lithologies apparently become coarser with depth. All discrete samples obtained during the WESTEC investigation can be classified as SP using the Unified Soil Classification System (USCS). Saturated conditions were identified from the 10-foot level to the bottom of the boring.

The stratigraphic sequence identified during the WESTEC investigation approximately corresponds to the lithologies encountered during the study conducted by PG. However, no hardpan layer was encountered during the WESTEC investigation. It may be that this layer is simply not present at the location investigated during this study. However, it is also possible that the hardpan layer is present in the WESTEC study area, but is so thin that it was not noted during drilling.

FIELD DATA AND ANALYTICAL RESULTS

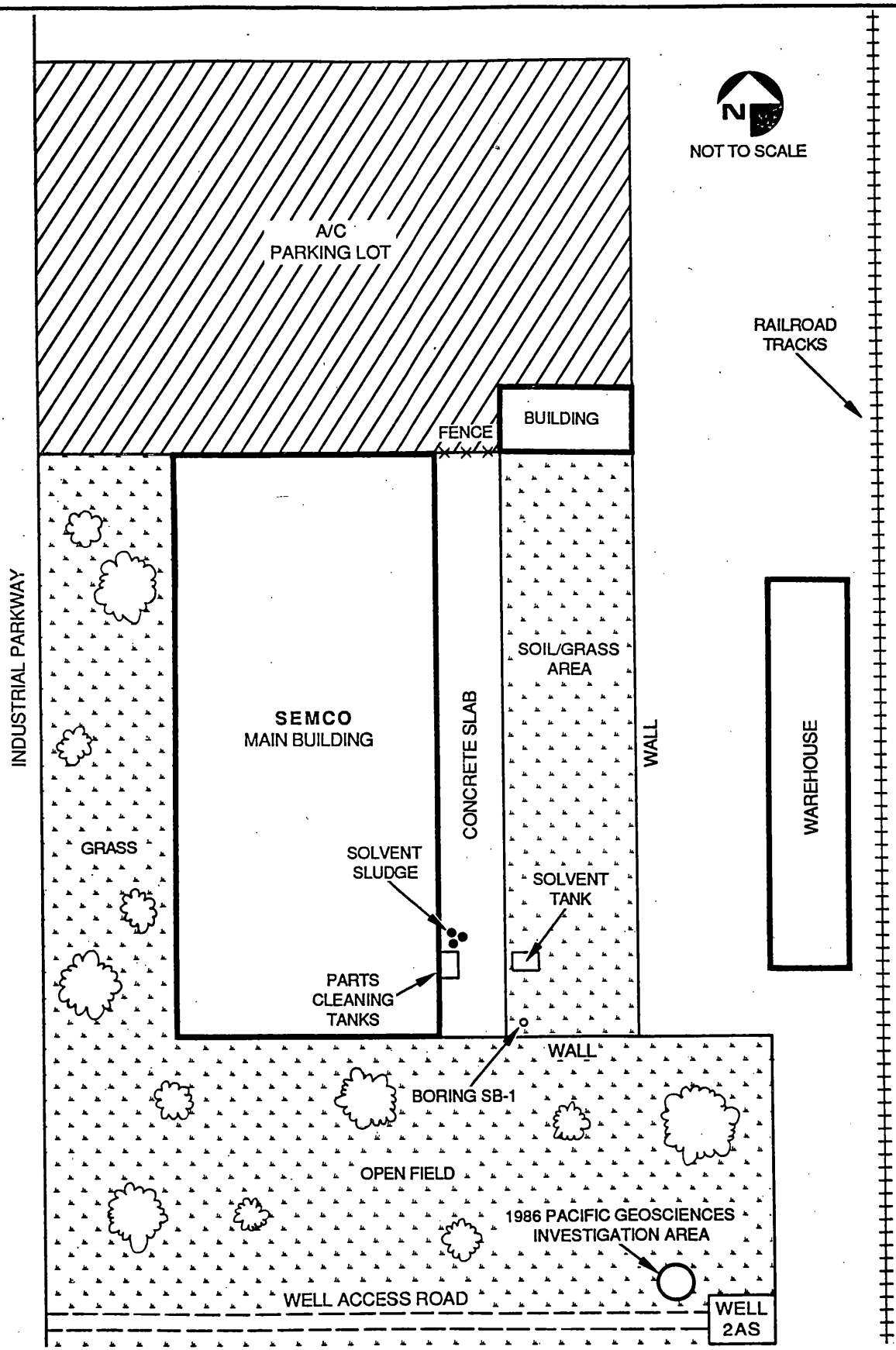
The OVA data obtained during this investigation are presented in Table 1. The data indicate that volatile organic constituents (VOCs) are present in all samples, with values ranging from 2 parts per million (ppm) in SB-1 to 900 ppm in SB-2. A black color and hydrocarbon odor were identified in SB-2 during sampling.



Table 1

FIELD AND LABORATORY ANALYTICAL DATA

| Sample Number | Date of Collection | Sample Depth (ft) | OVA Field (ppm) | OVA Headspace (ppm) | Trichloroethene (Trichloroethylene) (mg/kg) | Trans-1,2-Dichloroethene (mg/kg) | 1,2-Dichloroethane (mg/kg) |
|---------------|--------------------|-------------------|-----------------|---------------------|---|----------------------------------|----------------------------|
| SB-1 | 3-2-88 | 6.0-6.5 | 2 | 2 | 1300 | 45 | <5.0 |
| SB-2 | 3-2-88 | 11.0-11.5 | 400 | 900 | 1000 | 18 | <5.0 |
| SB-3 | 3-2-88 | 15.5-16.0 | 100-200 | 200 | <0.05 | <0.05 | 0.23 |
| SB-4 | 3-2-88 | 20.5-21.0 | <1 | 80 | <0.05 | 0.51 | <0.05 |



SEMCO Facility Plot Plan

FIGURE
1





Analytical Technologies, Inc.

QUALITY CONTROL DATA

TEST : VOLATILE ORGANICS (EPA 8240)

ATI I.D. : 803024

CLIENT : WESTEC SERVICES INC.

REF. I.D. : 80302403

PROJECT # : (NONE)

DATE ANALYZED : 03/07/88

PROJECT NAME : SEMCO

SAMPLE MATRIX : SOIL

UNITS : MG/KG

| COMPOUNDS | SAMPLE CONC. | | SPIKED SAMPLE | % REC. | DUP. | DUP. | RPD |
|--------------------|--------------|--------|------------------|-----------|------------------|-----------|-----|
| | RESULT | SPIKED | | | SPIKED SAMPLE | % REC. | |
| 1,1-DICHLOROETHENE | <0.05 | 2.5 | 2.1 | 84 | 2.7 | 108 | 25 |
| TRICHLOROETHENE | <0.05 | 2.5 | 2.7 | 108 | 2.8 | 112 | 4 |
| CHLOROBENZENE | <0.05 | 2.5 | 2.8 | 112 | 3.0 | 120 | 7 |
| TOLUENE | <0.05 | 2.5 | 2.7 | 108 | 2.9 | 116 | 7 |
| BENZENE | <0.05 | 2.5 | 2.7 | 108 | 2.8 | 112 | 4 |

$$\% \text{ Recovery} = \frac{(\text{Spike Sample Result} - \text{Sample Result})}{\text{Spike Concentration}} \times 100$$

$$\text{RPD (Relative \% Difference)} = \frac{(\text{Spiked Sample Result} - \text{Duplicate Spike Sample Result})}{\text{Average of Spiked Sample}} \times 100$$



80.3024

DATE 3-2-88 PAGE 1 OF 1

[illegible]

Enclosure 3

Lithologic and Well Construction Log - Well No. 2A-S

SANTA MARIA-LOMPOC AIR BASE
DRILLING OF WATER WELLS

LOG

Well No. 2A-S

| <u>From</u> | <u>To</u> | | <u>Depth of Strata</u> | <u>Sample No.</u> |
|-------------|-----------|---|----------------------------|-------------------|
| 0 | 18 | Yellow Sand | 18 | |
| 18 | 39 | Brown Sand | 21 | 1 |
| 39 | 48 | Hard Brown Clay | 9 | 2 |
| 48 | 59 | Clay and Gravel | 11 | 3 |
| 59 | 79 | Yellow Clay | 20 | 4 |
| 79 | 84 | Clay Gravel and Boulder | 15 | 5 |
| 84 | 107 | Sand Gravel Sandy Clay | 23 | 6 |
| 107 | 145 | Sand, Clay, Small Gravel | 38 | 7 |
| 145 | 180 | Sand, Clay, and Boulders | 35 | 8 |
| 180 | 247 | Good Gravel <i>← more likely pt. here!</i> | 33 | 9) |
| | | Sample No. 9-10-11 taken between 147 and 182 | | 10) Perforated |
| 247 | 251 | Solid Clay and Gravel | | 11) |
| | | Total depth of drilling - 251 feet | | 12 |
| | | " " " casing - 250 " | | |
| | | Depth after cementing - 247 " | | |
| | | Perforated from 138' up to 182' = 56 feet | | |

7 holes every 14" = 308 holes.

All perforations are $\frac{1}{8}$ " x 3"

Water static before pumping May 29, 1942 - 125 feet

Drilling and perforating completed May 29, 1942.

Well tested as follows: All heads below based on measurements from
top of casing. (pump base)

1000 G.P.M. - 135 feet.
750 " - 133 "
500 " - 131 "
250 " - 128 "

2A-S



Analytical**Technologies**,Inc.

ADDITIONAL MAJOR COMPOUNDS

ATI I.D. : 80302401

ADDITIONAL MAJOR COMPOUNDS

RESULTS

NONE DETECTED

N/A



GCMS - RESULTS

ATI I.D. : 80302402

TEST : VOLATILE ORGANICS (EPA 8240)

CLIENT : WESTEC SERVICES INC.
PROJECT # : (NONE)
PROJECT NAME : SEMCO
CLIENT I.D. : SB-2
SAMPLE MATRIX : SOIL

DATE SAMPLED : 03/02/88
DATE RECEIVED : 03/02/88
DATE EXTRACTED : 03/03/88
DATE ANALYZED : 03/15/88
UNITS : MG/KG
DILUTION FACTOR : 100

COMPOUNDS

RESULTS

| | |
|-----------------------------|------|
| CHLOROMETHANE | <50 |
| BROMOMETHANE | <50 |
| VINYL CHLORIDE | <5.0 |
| CHLOROETHANE | <5.0 |
| METHYLENE CHLORIDE | <30 |
| ACETONE | <50 |
| CARBON DISULFIDE | <5.0 |
| 1,1-DICHLOROETHENE | <5.0 |
| 1,1-DICHLOROETHANE | <5.0 |
| TRANS-1,2-DICHLOROETHENE | 18 |
| CHLOROFORM | <5.0 |
| 1,2-DICHLOROETHANE | <5.0 |
| 2-BUTANONE (MEK) | <50 |
| 1,1,1-TRICHLOROETHANE | <5.0 |
| CARBON TETRACHLORIDE | <5.0 |
| VINYL ACETATE | <50 |
| BROMODICHLOROMETHANE | <5.0 |
| 1,1,2,2-TETRACHLOROETHANE | <5.0 |
| 1,2-DICHLOROPROPANE | <5.0 |
| TRANS-1,3-DICHLOROPROPENE | <5.0 |
| TRICHLOROETHENE | 1000 |
| DIBROMOCHLOROMETHANE | <5.0 |
| 1,1,2-TRICHLOROETHANE | <5.0 |
| BENZENE | <5.0 |
| CIS-1,3-DICHLOROPROPENE | <5.0 |
| 2-CHLOROETHYL VINYL ETHER | <50 |
| BROMOFORM | <30 |
| 2-HEXANONE (MBK) | <50 |
| 4-METHYL-2-PENTANONE (MIBK) | <50 |
| TETRACHLOROETHENE | <5.0 |
| TOLUENE | <5.0 |
| CHLOROBENZENE | <5.0 |
| ETHYL BENZENE | <5.0 |
| STYRENE | <5.0 |
| TOTAL XYLENES | <5.0 |

SURROGATE PERCENT RECOVERIES

| | |
|---------------------------|----|
| 1,2-DICHLOROETHANE-D4 (%) | ** |
| BFB (%) | ** |
| TOLUENE-D8 (%) | ** |

** Due to the necessary dilution of the sample, result was not attainable



Analytical Technologies, Inc.

ADDITIONAL MAJOR COMPOUNDS

ATI I.D. : 80302402

ADDITIONAL MAJOR COMPOUNDS

RESULTS

NONE DETECTED

N/A



Analytical Technologies, Inc.

GCMS - RESULTS

ATI I.D. : 80302403

TEST : VOLATILE ORGANICS (EPA 8240)

CLIENT : WESTEC SERVICES INC.
PROJECT # : (NONE)
PROJECT NAME : SEMCO
CLIENT I.D. : SB-3
SAMPLE MATRIX : SOIL

DATE SAMPLED : 03/02/88
DATE RECEIVED : 03/02/88
DATE EXTRACTED : 03/03/88
DATE ANALYZED : 03/07/88
UNITS : MG/KG
DILUTION FACTOR : 1

COMPOUNDS

RESULTS

| | |
|-----------------------------|-------|
| CHLOROMETHANE | <0.50 |
| BROMOMETHANE | <0.50 |
| VINYL CHLORIDE | <0.05 |
| CHLOROETHANE | <0.05 |
| METHYLENE CHLORIDE | <0.3 |
| ACETONE | <0.50 |
| CARBON DISULFIDE | <0.05 |
| 1,1-DICHLOROETHENE | <0.05 |
| 1,1-DICHLOROETHANE | <0.05 |
| TRANS-1,2-DICHLOROETHENE | <0.05 |
| CHLOROFORM | <0.05 |
| 1,2-DICHLOROETHANE | 0.23 |
| 2-BUTANONE (MEK) | <0.50 |
| 1,1,1-TRICHLOROETHANE | <0.05 |
| CARBON TETRACHLORIDE | <0.05 |
| VINYL ACETATE | <0.50 |
| BROMODICHLOROMETHANE | <0.05 |
| 1,1,2,2-TETRACHLOROETHANE | <0.05 |
| 1,2-DICHLOROPROPANE | <0.05 |
| TRANS-1,3-DICHLOROPROPENE | <0.05 |
| TRICHLOROETHENE | <0.05 |
| DIBROMOCHLOROMETHANE | <0.05 |
| 1,1,2-TRICHLOROETHANE | <0.05 |
| BENZENE | <0.05 |
| CIS-1,3-DICHLOROPROPENE | <0.05 |
| 2-CHLOROETHYL VINYLETHYR | <0.50 |
| BROMOFORM | <0.3 |
| 2-HEXANONE (MBK) | <0.50 |
| 4-METHYL-2-PENTANONE (MIBK) | <0.50 |
| TETRACHLOROETHENE | <0.05 |
| TOLUENE | <0.05 |
| CHLOROBENZENE | <0.05 |
| ETHYL BENZENE | <0.05 |
| STYRENE | <0.05 |
| TOTAL XYLENES | <0.05 |

SURROGATE PERCENT RECOVERIES

| | |
|---------------------------|----|
| 1,2-DICHLOROETHANE-D4 (%) | 85 |
| BFB (%) | 89 |
| TOLUENE-D8 (%) | 94 |



Analytical**Technologies**, Inc.

ADDITIONAL MAJOR COMPOUNDS

ATI I.D. : 80302403

ADDITIONAL MAJOR COMPOUNDS

RESULTS

NONE DETECTED

N/A



Analytical Technologies, Inc.

GCMS - RESULTS

ATI I.D. : 80302404

TEST : VOLATILE ORGANICS (EPA 8240)

CLIENT : WESTEC SERVICES INC.
PROJECT # : (NONE)
PROJECT NAME : SEMCO
CLIENT I.D. : SB-4
SAMPLE MATRIX : SOIL

DATE SAMPLED : 03/02/88
DATE RECEIVED : 03/02/88
DATE EXTRACTED : 03/03/88
DATE ANALYZED : 03/07/88
UNITS : MG/KG
DILUTION FACTOR : 1

| COMPOUNDS | RESULTS |
|-----------|---------|
|-----------|---------|

| | |
|-----------------------------|-------|
| CHLOROMETHANE | <0.50 |
| BROMOMETHANE | <0.50 |
| VINYL CHLORIDE | <0.05 |
| CHLOROETHANE | <0.05 |
| METHYLENE CHLORIDE | <0.3 |
| ACETONE | <0.50 |
| CARBON DISULFIDE | <0.05 |
| 1,1-DICHLOROETHENE | <0.05 |
| 1,1-DICHLOROETHANE | <0.05 |
| TRANS-1,2-DICHLOROETHENE | 0.51 |
| CHLOROFORM | <0.05 |
| 1,2-DICHLOROETHANE | <0.05 |
| 2-BUTANONE (MEK) | <0.50 |
| 1,1,1-TRICHLOROETHANE | <0.05 |
| CARBON TETRACHLORIDE | <0.05 |
| VINYL ACETATE | <0.50 |
| BROMODICHLOROMETHANE | <0.05 |
| 1,1,2,2-TETRACHLOROETHANE | <0.05 |
| 1,2-DICHLOROPROPANE | <0.05 |
| TRANS-1,3-DICHLOROPROPENE | <0.05 |
| TRICHLOROETHENE | <0.05 |
| DIBROMOCHLOROMETHANE | <0.05 |
| 1,1,2-TRICHLOROETHANE | <0.05 |
| BENZENE | <0.05 |
| CIS-1,3-DICHLOROPROPENE | <0.05 |
| 2-CHLOROETHYL VINYLETHYR | <0.50 |
| BROMOFORM | <0.3 |
| 2-HEXANONE (MBK) | <0.50 |
| 4-METHYL-2-PENTANONE (MIBK) | <0.50 |
| TETRACHLOROETHENE | <0.05 |
| TOLUENE | <0.05 |
| CHLOROBENZENE | <0.05 |
| ETHYL BENZENE | <0.05 |
| STYRENE | <0.05 |
| TOTAL XYLENES | <0.05 |

SURROGATE PERCENT RECOVERIES

| | |
|---------------------------|----|
| 1,2-DICHLOROETHANE-D4 (%) | 91 |
| BFB (%) | 96 |
| TOLUENE-D8 (%) | 96 |



Analytical**Technologies**, Inc.

ADDITIONAL MAJOR COMPOUNDS

ATI I.D. : 80302404

ADDITIONAL MAJOR COMPOUNDS

RESULTS

NONE DETECTED

N/A

GCMS - RESULTS

REAGENT BLANK

TEST : VOLATILE ORGANICS (EPA 8240)

| | | | |
|--------------|------------------------|-----------------|------------|
| CLIENT | : WESTEC SERVICES INC. | ATI I.D. | : 803024 |
| PROJECT # | : (NONE) | DATE EXTRACTED | : 03/03/88 |
| PROJECT NAME | : SEMCO | DATE ANALYZED | : 03/07/88 |
| CLIENT I.D. | : REAGENT BLANK | UNITS | : MG/KG |
| | | DILUTION FACTOR | : N/A |

| COMPOUNDS | RESULTS |
|--------------------------------|---------|
| CHLOROMETHANE | <0.50 |
| BROMOMETHANE | <0.50 |
| VINYL CHLORIDE | <0.05 |
| CHLOROETHANE | <0.05 |
| METHYLENE CHLORIDE | TR |
| ACETONE | TR |
| CARBON DISULFIDE | <0.05 |
| 1,1-DICHLOROETHENE | <0.05 |
| 1,1-DICHLOROETHANE | <0.05 |
| TRANS-1,2-DICHLOROETHENE | <0.05 |
| CHLOROFORM | <0.05 |
| 1,2-DICHLOROETHANE | <0.05 |
| 2-BUTANONE (MEK) | TR |
| 1,1,1-TRICHLOROETHANE | <0.05 |
| CARBON TETRACHLORIDE | <0.05 |
| VINYL ACETATE | <0.50 |
| BROMODICHLOROMETHANE | <0.05 |
| 1,1,2,2-TETRACHLOROETHANE | <0.05 |
| 1,2-DICHLOROPROPANE | <0.05 |
| TRANS-1,3-DICHLOROPROPENE | <0.05 |
| TRICHLOROETHENE | 0.26 |
| DIBROMOCHLOROMETHANE | <0.05 |
| 1,1,2-TRICHLOROETHANE | <0.05 |
| BENZENE | <0.05 |
| CIS-1,3-DICHLOROPROPENE | <0.05 |
| 2-CHLOROETHYL VINYLETHYL ETHER | <0.50 |
| BROMOFORM | <0.3 |
| 2-HEXANONE (MBK) | <0.50 |
| 4-METHYL-2-PENTANONE (MIBK) | <0.50 |
| TETRACHLOROETHENE | <0.05 |
| TOLUENE | <0.05 |
| CHLOROBENZENE | <0.05 |
| ETHYL BENZENE | <0.05 |
| STYRENE | <0.05 |
| TOTAL XYLENES | <0.05 |

SURROGATE PERCENT RECOVERIES

| | |
|---------------------------|----|
| 1,2-DICHLOROETHANE-D4 (%) | 76 |
| BFB (%) | 99 |
| TOLUENE-D8 (%) | 99 |

TR - Compound detected at an unquantifiable trace level



Analytical**Technologies**, Inc.

GCMS - RESULTS

REAGENT BLANK

ADDITIONAL MAJOR COMPOUNDS

TEST : VOLATILE ORGANICS (EPA 8240)

CLIENT : WESTEC SERVICES INC.

ATI I.D : 803024

COMPOUNDS

RESULTS

NONE DETECTED

N/A



Analytical Technologies, Inc.

GCMS - RESULTS

REAGENT BLANK

TEST : VOLATILE ORGANICS (EPA 8240)

| | | | |
|--------------|------------------------|-----------------|------------|
| CLIENT | : WESTEC SERVICES INC. | ATI I.D. | : 803024 |
| PROJECT # | : (NONE) | DATE EXTRACTED | : 03/15/88 |
| PROJECT NAME | : SEMCO | DATE ANALYZED | : 03/15/88 |
| CLIENT I.D. | : REAGENT BLANK | UNITS | : MG/KG |
| | | DILUTION FACTOR | : N/A |

| COMPOUNDS | RESULTS |
|-----------------------------|---------|
| CHLOROMETHANE | <0.50 |
| BROMOMETHANE | <0.50 |
| VINYL CHLORIDE | <0.05 |
| CHLOROETHANE | <0.05 |
| METHYLENE CHLORIDE | TR |
| ACETONE | 0.95 |
| CARBON DISULFIDE | <0.05 |
| 1,1-DICHLOROETHENE | <0.05 |
| 1,1-DICHLOROETHANE | <0.05 |
| TRANS-1,2-DICHLOROETHENE | <0.05 |
| CHLOROFORM | <0.05 |
| 1,2-DICHLOROETHANE | <0.05 |
| 2-BUTANONE (MEK) | <0.50 |
| 1,1,1-TRICHLOROETHANE | <0.05 |
| CARBON TETRACHLORIDE | <0.05 |
| VINYL ACETATE | <0.50 |
| BROMODICHLOROMETHANE | <0.05 |
| 1,1,2,2-TETRACHLOROETHANE | <0.05 |
| 1,2-DICHLOROPROPANE | <0.05 |
| TRANS-1,3-DICHLOROPROPENE | <0.05 |
| TRICHLOROETHENE | <0.05 |
| DIBROMOCHLOROMETHANE | <0.05 |
| 1,1,2-TRICHLOROETHANE | <0.05 |
| BENZENE | <0.05 |
| CIS-1,3-DICHLOROPROPENE | <0.05 |
| 2-CHLOROETHYL VINYLETHYR | <0.50 |
| BROMOFORM | <0.3 |
| 2-HEXANONE (MBK) | <0.50 |
| 4-METHYL-2-PENTANONE (MIBK) | <0.50 |
| TETRACHLOROETHENE | <0.05 |
| TOLUENE | <0.05 |
| CHLOROBENZENE | <0.05 |
| ETHYL BENZENE | <0.05 |
| STYRENE | <0.05 |
| TOTAL XYLENES | <0.05 |

SURROGATE PERCENT RECOVERIES

| | |
|---------------------------|-----|
| 1,2-DICHLOROETHANE-D4 (%) | 134 |
| BFB (%) | 102 |
| TOLUENE-D8 (%) | 102 |

TR - Compound detected at an unquantifiable trace level



Analytical Technologies, Inc.

GCMS - RESULTS

REAGENT BLANK

ADDITIONAL MAJOR COMPOUNDS

TEST : VOLATILE ORGANICS (EPA 8240)

CLIENT : WESTEC SERVICES INC.

ATI I.D : 803024

COMPOUNDS

RESULTS

NONE DETECTED

N/A

EXHIBIT 9

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000

File Inw-1 SEMCO

3

C. KENT STEPHENS
ATTORNEY AT LAW
930 SOUTH BROADWAY, SUITE 104
POST OFFICE BOX 1454
SANTA MARIA, CALIFORNIA 93456
TELEPHONE (805) 922-1951

January 18, 1989



Division Engineer
U.S. Army Engineer Division, Huntsville
Attention: HNDED-PM, DERA
P. O. Box 1600
Huntsville, AL 35807

Los Angeles Corps of Engineers
Room 6003
P. O. Box 2711
Los Angeles, CA 90053

Attention: Lee Jauman

South Pacific Division
Corps of Engineers
630 Sansone Street
Room 1228
San Francisco, CA 94111

Attention: Fred Cariano - CESPDP-CO-CE

Re: Defense Environmental Restoration Account (DERA)

Our Client: Semco Twist Drill & Tool Co., Inc.
Santa Maria, CA

Subject Property: Former SANTA MARIA-LOMPOC AIR BASE
Circa 1943

Dear Sirs:

This firm represents Semco Twist Drill and Tool Company regarding soil and ground water contamination affecting its property in Santa Maria, California.

Semco acquired the subject property from the City of Santa Maria and County of Santa Barbara, which had acquired the property from the Federal Government after closure of the SANTA MARIA-LOMPOC AIR BASE. I have enclosed the following material as a brief historical background of the property:

Re: Semco/DERA
January 18, 1989
Page Two

- 3 maps of the Air Base prepared by the Army Air Base Area Engineers in 1943 and 1944 (the area of the Semco property has been highlighted)
- A Santa Maria Airport brochure regarding the offering of improved industrial sites for sale. Circa 1960
- Newspaper article, Santa Maria Times, June 10, 1968 "Worthless Land Became Base"
- Map of Santa Barbara County

The City of Santa Maria owns and operates a municipal water well on the subject property. This well has been shut down after tests registered a trichloroethene (TCE) level exceeding safe standards.

The CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - CENTRAL COAST REGION issued a Clean-up Order against Semco. Since the order was issued, Semco has conducted extensive testing of the soil and ground water at the site. A copy of the Subsurface Investigation dated January 1989, prepared by Westec Services, is enclosed for your reference.

The subsurface investigation revealed significant levels of toxic substances on the subject property and, in particular, TCE and DCE. DCE is a breakdown product of TCE resulting from biotransformation of TCE. The high levels of DCE identified in the soil and water indicate that contamination occurred a long time ago. The many different types of contaminants found in the soil and water indicate that the source of the contamination was other than Semco. Semco denies that it is the source of contamination. The variety of contaminant constituents suggest that the contamination is a result of use of the site by the Army Air Corp in the 1940's.

It is my understanding that there are a number of existing and former military bases which also contain contaminated water and soil. I have enclosed two articles from the Los Angeles Times dated October 13, 1988 and December 18, 1988 which report such problems with TCE contamination in northern California.

It is also my understanding that the Santa Maria-Lompoc Air Base is currently under consideration for clean-up in the DERA program. The Airport District has requested assistance from DERA for the removal of numerous underground fuel storage tanks on the

Re: Semco/DERA
January 18, 1989
Page Three

Airport property. There appears to be at least one underground fuel or heating oil tank on the Semco property.

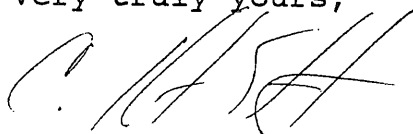
The Santa Maria Valley Area (population 100,000) relies entirely on ground water wells for residential, commercial and agricultural uses. The City owns and operates 10 wells, 8 of which are on property which was formerly the Army Air Base. Contamination of other wells in this area could have a serious adverse affect on the area water supply.

Please advise us as to the status of the DERA program in connection with the Air Base site and Semco's claim for clean-up under the DERA program. It is imperative that this matter be given consideration as soon as possible. If there is anything that we can do to expedite the DERA process please let us know. John Herwig of Westec Services, San Diego, is available for consultation, advice, and interpretation of technical data. He can be reached by telephone at (619)458-9044.

Please do not hesitate to call either Mr. Herwig or me if we can be of any assistance or if you wish to discuss the matter.

Your attention is appreciated and we look forward to your reply.

Very truly yours,



C. KENT STEPHENS

CKS/rrf

Enclosures

cc: Semco
Vern Jones - RWQCB
John Herwig - Westec

EXHIBIT 10

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL COAST REGION**

1102 A LAUREL LANE
SAN LUIS OBISPO, CALIFORNIA 93401
(805) 549-3147



September 25, 1987

Mrs. Rhea Stafford
Semco Twist Drill & Tool Co., Inc.
2936 Industrial Parkway
Santa Maria, CA 93455

Dear Mrs. Stafford:

SUBJECT: AB 1803/SANTA BARBARA COUNTY/SANTA MARIA
SEMCO CLEANUP AND ABATEMENT ORDER NO. 87-188

Enclosed is a copy of Cleanup and Abatement Order No. 87-188 concerning the Semco Twist Drill & Tool Co., Inc. business site in the City of Santa Maria. Also enclosed is a copy of the Staff Report and its accompanying attachments.

Please call Sorrel Davis or Bert Van Voris of my staff if you have any questions regarding this order.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'William R. Leonard'.

for WILLIAM R. LEONARD
Executive Officer

SJD:pal

Enclosures

cc: Mr. John Richards, State Water Resources Control Board
Mr. John Curphey, State Department of Health Services
Mr. Richard Runyon, S.B. Co. Environmental Health Services
Mr. Reese Riddiough, City of Santa Maria
Mr. Curtis Tunnel, Chairman, RWQCB
State Department of Health Services, TSCD, LA

AB -- J3/SANTA BARBARA/SANTA MARIA
SEMCO CLEANUP AND ABATEMENT ORDER NO. 87-188

Letter sent to Mrs. Rhea Stafford SEMCO 9/25/87

Carbon Copies sent to:

Mr. John Richards
SWRCB - OCC
PO Box 100
Sacramento CA 95801-0100

Mr. John Curphey
State Department of Health Services
Sanitary Engineering Branch
530 E. Montecito
Santa Barbara CA 93102

Mr. Richard Runyon
Santa Barbara County
Environmental Health Services
315 Camino Del Remedio
Santa Barbara CA 93102

Mr. Reese Riddiough
Public Health Center
City of Santa Maria
500 W Foster Road
Santa Maria CA 93454

Curtis J. Tunnell
PO Box 201
Santa Maria CA 93456

California Department of Health Services, TSCD
107 S. Broadway
Los Angeles CA 90012

1716

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COASTAL REGIONAL
1102-A Laurel Lane
San Luis Obispo, California 93401

CLEANUP AND ABATEMENT ORDER NO. 87-188

Concerning

SEMCO TWIST DRILL & TOOL CO., INC.
SANTA BARBARA COUNTY

The California Regional Water Quality Control Board, Central Coastal Region, (hereafter Board) finds:

1. Semco Twist Drill & Tool Co., Inc., located at 2936 Industrial Parkway, Santa Maria, California (hereafter Discharger), has caused or permitted waste solvents to be discharged into the vadose (soil surface) zone where they have or probably will be discharged into waters of the state underlying Discharger's place of business, creating and/or threatening to create a condition of pollution or nuisance. This finding is based on the following information:
 - a. Discharger operates a cutting tool manufacturing business at 2936 Industrial Parkway which utilizes solvents and generates waste products containing these substances.
 - b. Discolored soils were observed adjacent to solvent storage and use areas behind the business located at 2936 Industrial Parkway.
 - c. Soil samples collected from the discolored area contained up to 140 parts per billion (ppb) Trichloroethylene (TCE). TCE is leachable from soils, particularly sandy soils like those that exist beneath this site.
 - d. Solvents such as TCE are hazardous substances and their presence in water make it unsuitable for use as drinking water due to adverse taste and odor, as well as significant increased risk of cancer if chemical components exceed concentrations established by the US Environmental Protection Agency or State Department of Health Services. The State Department of Health Services action level of 5 ppb.
 - e. The ground water that is, or could be, affected by waste solvents from Discharger's place of business is suitable for use as drinking water, and is used as a source of drinking water by the City of Santa Maria. City Well 2AS, located nearby, was initially found to be contaminated with TCE in 1985.

2. This enforcement 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 21100, et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

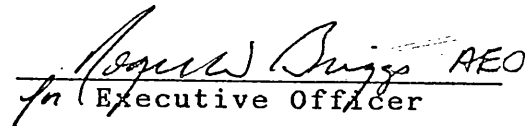
IT IS HEREBY ORDERED THAT, pursuant to Section 13304, Division 7, of the California Water Code, the Discharger, or its agents and assigns, shall initiate cleanup and abatement of the aforementioned unauthorized discharge as follows:

1. By November 2, 1987, submit to this Board written verification that a qualified consultant (see Paragraph 4 below) has been retained to investigate and prepare the reports required herein.
2. By November 23, 1987, submit a technically sound work plan for fulfilling the terms of Paragraph 3 below.
3. By February 15, 1988, submit a written report to this Board with the following information:
 - a. Detailed hydrogeology, including groundwater elevation and gradient underlying the facility and soil types described according to the Unified Soils Classification System and their distribution.
 - b. Investigation of the lateral and vertical extent to which waste solvents, and their chemical constituents, are present in soils. Soil samples for this investigation are to be collected, preserved, and analyzed pursuant to EPA test method 8240.
 - c. Investigation of the lateral and vertical extent of underlying ground water. Water samples shall be collected, preserved, and analyzed pursuant to EPA test method 624.
 - d. A summary, with appropriate supporting documentation, of solvents purchased, recycled, and disposed since this business began operations at this site. Documentation shall include, but not be limited to, purchase orders and invoices, credits and receipts for recyclable solvents and drums, copies of waste manifests, and personal declarations of key employees or former employees knowledgeable of this aspect of the operation. Accountability is required for all solvents ever used or tested at this business, including, but not limited to, those detected in soils or previously reported as used (TCE and TCA) at this site.

4. All technical and monitoring reports required in conjunction with this order shall include a statement by the Discharger or an authorized representative of the Discharger certifying under penalty of perjury under the laws of the State of California that the report is true, complete, and accurate.

Engineering and geological reports and plans shall be prepared and signed by a registered geologist, registered engineer, or certified engineering geologist. Laboratory analyses shall be performed by laboratories certified by the State as qualified to conduct the required tests.

Failure to comply with the provisions of this Order may subject the discharger to further enforcement action, including assessment of civil liability under Section 13350 of the Water Code and referral to the Attorney General for injunctive relief and civil or criminal liability.

 AEO
Executive Officer

September 25, 1987

Date

SJD:pal

188.CA

EXHIBIT 11

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5427

**CLEANUP OR ABATEMENT ORDER NO. 90-88
Amended March 11, 1994**

Concerning

**SEMCO TWIST DRILL AND TOOL COMPANY, INC.
AND
HENRY A. AND RHEA STAFFORD REVOCABLE TRUST,
RHEA STAFFORD AS TRUSTEE,
SANTA MARIA
SANTA BARBARA COUNTY**

The California Regional Water Quality Control Board,
Central Coast Region (hereafter Board), finds:

1. Semco Twist and Tool Company, Inc., (hereafter SEMCO) and Henry A. and Rhea Stafford Revocable Trust, Rhea Stafford as Trustee, have caused or permitted solvents and cutting oil to be discharged to waters of the state at the cutting tool manufacturing business located at 2936 Industrial Parkway, Santa Maria (hereafter the Property). Discharge of solvents and cutting oil into waters of the State is a violation of a prohibition contained in the Regional Water Quality Control Plan, Central Coastal Region (Basin Plan), and creates, or threatens to create, a condition of pollution or nuisance.
2. SEMCO has operated a precision tool manufacturing business on the Property from about 1949, to the present.
3. The Basin Plan prohibits unauthorized discharges of residuary products of petroleum to waters of the state (Reference: Chapter 5, Discharge Prohibitions) and contains water quality objectives for solvents equal to the State's Maximum Contaminant Levels.

4. Pursuant to the Basin Plan, existing or potential beneficial uses of ground water beneath the site include domestic and municipal supply agricultural supply, and industrial supply. The City of Santa Maria's domestic supply well No. 2AS is located approximately 350 feet down gradient of SEMCO's building.
5. SEMCO stores solvents in above ground tanks and cutting oil in a below ground sump at the property. In May 1985, the Santa Barbara County Health Department notified the Board that trichloroethylene (TCE) had been detected in soils adjacent to the City of Santa Maria's Well No. 2AS (Well No. 2AS had been identified as degraded with TCE during the State Department of Health Services' As sampling program). In July, 1987, the Board's staff collected samples just south of SEMCO's solvent storage tanks and found TCE in soil at elevated levels. Cleanup or Abatement Order No. 87-188 ordered SEMCO to investigate soil and ground water contamination. Study results revealed elevated concentrations of (TCE) in soil and ground water; TCE values in ground water were up to 260,000 ug/l and total 1,2-dichloroethylene (DCE) values were up to 7700 ug/l.

6. TCE and DCE are hazardous substances and make water unsuitable to use as drinking water due to a significantly increased risk of cancer, and other medical problems, if concentrations exceed Maximum Contaminant Levels established by the U.S. Environmental Protection Agency or State Department of Health Services (DHS) or exceed action levels established by DHS. The DHS Maximum Contaminant Level (MCL) for TCE is 5 ug/l. The DHS "action level" is 6 ug/l for Cis-1,2-Dichloroethylene and 10 ug/l for Trans-1,2-Dichloroethylene.
7. The Board's Executive Officer issued Cleanup or Abatement Order No. 89-70. SEMCO failed to meet time schedules established in that order. Subsequently, on November 17, 1989, the Board approved Stipulated Order No. 89-155. The Order required SEMCO to pay \$5,000 within 30 days and suspended \$45,000 on condition that an engineering report be submitted by December 18, 1989. Discharger has submitted the report required. The Board also required SEMCO comply with a new cleanup or abatement order adopted by the Board at its May 1990 meeting.
8. Further investigation has produced analytical results that confirm shallow ground water has also been degraded with 1,1, 1 Trichloroethane (TCA), a hazardous substance with MCL of 200 ug/l. Detected compounds have shown concentrations up to:

| <u>Constituent</u> | <u>Concentration</u> |
|--------------------------------|----------------------|
| Trichloroethylene (TCE) | 260,000 ug/l |
| Cis-1,2 Dichloroethylene (DCE) | 43,000 ug/l |
| 1,1,1 Trichloroethane (TCA) | 170 ug/l |

The deeper aquifer is degraded in concentrations up to:

| | |
|--------------------------------|-----------|
| Trichloroethylene (TCE) | 22.0 ug/l |
| Cis-1,2 Dichloroethylene (DCE) | 1.4 ug/l |

9. In 1992, SEMCO indicated it could not continue with the investigation/cleanup due to financial distress. A financial review of

SEMCO was done by a Certified Public Accountant (hereafter CPA). The CPA reported his findings to the Board in September 1993. The CPA concluded SEMCO is currently unable to continue funding the assessment and cleanup effort, directly or through loans.

10. In a public hearing on November 12, 1993, the Board heard and considered all comments pertaining to this matter and directed staff to bring it back to the Board on March 11, 1994.
11. This enforcement action is being taken for the protection of natural resources and 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 Sections 15307 and 15308, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Sections 13267 and 13304 of the California Water Code, Semco Twist Drill and Tool Company, Inc., and Henry A. and Rhea Stafford Revocable Trust, Rhea Stafford as Trustee (hereafter Dischargers), their agents, successors or assigns, shall cleanup degraded soil and ground water at and near the Property, as follows:

EXCAVATED SOIL

1. Dischargers shall verify in writing that permit applications to construct and operate the soil remediation system have been made to all appropriate agencies by May 1, 1995. Dischargers shall notify the Board of all applications approved and permits issued, within five days after Dischargers or their agents have received notification of application approvals and/or permit issuances.
2. Soil excavation, bio-pile construction, and system start up, shall be completed as follows: within 90 days after the completion of dewatering of the shallow aquifer; or, within 90 days of receiving authority to

construct from appropriate agencies, whichever comes last. If at the end of the 90 days following the dewatering and receipt of the authority to construct, the permitting agencies have not issued necessary permits (e.g., Permit to Operate), and the delays are beyond the control of Dischargers, start up of the system shall commence within 30 days after receiving agency approvals.

3. Excavated soils remediated in the bio-piles shall be considered remediated when the contaminant levels are at or below the following:

| <u>Constituent</u> | <u>Concentration</u> |
|----------------------------|----------------------|
| 1,1,1 Trichloroethane | 2.00 mg/kg |
| Trichloroethylene | 0.05 mg/kg |
| Cis-1,2 Dichloroethylene | 0.06 mg/kg |
| Trans 1,2 Dichloroethylene | 0.10 mg/kg |
| 1,2 Dichloroethane | 0.005 mg/kg |
| 1,1 Dichloroethylene | 0.06 mg/kg |
| 1,1 Dichloroethane | 0.05 mg/kg |
| Vinyl Chloride | 0.005 mg/kg |
| Total Oil and Grease | 100.0 mg/kg |

4. Dischargers shall submit a report to the Board within 30 days of completing remediation of the excavated soils. The report shall document remediation.

INSITU SOIL

5. Within 75 days following excavation of cutting oil contaminated soil, submit a report delineating the extent of TCE contamination in shallow soils and a proposal for a pilot vapor extraction test, including an implementation timetable.
6. Within 20 days of receiving acceptance of the pilot vapor extraction test from the Regional Board, Dischargers shall submit verification of permit application to the appropriate agencies.
7. Within five days of receiving agency approval for performing the pilot test, Dischargers shall submit written notification to the Board.

8. Within 45 days of submitting the pilot study report, Dischargers shall submit a Remedial Action Plan for vapor extraction to the Board.
9. Within 20 days of receiving Regional Board approval of the Remedial Action Plan, Dischargers shall submit a report confirming application to the appropriate agencies has been made for all necessary permits, including an Authority to Construct permit.
10. Within five days of receiving an Authority to Construct permit, Dischargers shall submit written notification to the Board.
11. Within 100 days of receiving an Authority to Construct permit, Dischargers shall commence vapor extraction.
12. Within fifteen months of the adoption of this order, and after consultation with Discharger's consultant, staff shall recommend cleanup levels for shallow insitu soils (to the bottom of the perched aquifer) for inclusion in this order.
13. Within 30 days of completing remediation of the shallow soil, Dischargers shall submit a report to the Board confirming cleanup.

GROUND WATER

14. Dischargers shall verify to the Board, in writing, by April 1, 1995, that they have retained a qualified, licensed professional and by May 1, 1995 they have valid permit(s) to operate the ground water cleanup system.
15. Dischargers shall commence dewatering the shallow aquifer by June 1, 1995.
16. Within 45 days after completion of the dewatering of the shallow perched aquifer, Dischargers shall submit a report to the Regional Board documenting completion.
17. Within fifteen months of the adoption of this order, and after consultation with

Dischargers' consultant, staff shall recommend cleanup levels for shallow ground water (to the bottom of the perched aquifer) for inclusion in this Order.

18. Dischargers shall delineate vertical and horizontal degradation of the deeper aquifer. Completion of the deeper aquifer plume delineation and report submittal may not extend beyond June 30, 1996. Dischargers shall prepare and submit a work plan for remediation of the deeper aquifer 45 days after delineation of the deeper aquifer plume is completed.
19. Within two years of the adoption of this order, and after consultation with Discharger's consultant, staff shall recommend cleanup levels for the deeper aquifer for inclusion in this Order.
20. Time schedules contained in this order may be extended for just cause.

FINANCING:

21. Dischargers shall establish a separate account to be used only for assessment and cleanup, and shall deposit at least \$500 per month toward cleanup.

REPORTING

22. Dischargers shall submit status reports by the 15th day of January, April, July, and October of each year. The reports shall summarize the work done during the previous quarter. The reports shall include analytical data, treatment system evaluation and information pertaining to the plume delineation, and shall report on Financial status of the business and document cleanup account balances.
23. Dischargers shall notify the Board, in writing, if a time schedule will not be met. The notification must include justification, if any, for extending a time schedule.
24. All technical and monitoring reports required by this Order are required pursuant to Sections 13267 and 13304 of the California Water Code and shall include a statement by Dischargers or an authorized representative of Dischargers certifying under penalty of perjury under the laws of the State of California that the report is true, complete, and accurate. Geologic and hydrogeologic reports and plans shall be signed and stamped by a Registered Geologist and/or a Certified Engineering Geologist. Engineering reports and plans, to comply with this Order, shall be signed and stamped by a qualified Registered Engineer.

FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY SUBJECT YOU TO FURTHER ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO, ASSESSMENT OF CIVIL LIABILITY UNDER SECTIONS 13268 AND 13350 OF THE CALIFORNIA WATER CODE AND REFERRAL TO THE DISTRICT ATTORNEY OR ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.


WILLIAM R. LEONARD
Executive Officer

March 11, 1994

Date

EXHIBIT 12

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Perkins Coie LLP
505 Howard St., Ste 1000
San Francisco, CA 94105
1.415.344.7000



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

July 18, 2003

Mr. Chris Mathys
ORO Financial
2051 E. Shaw Avenue
Fresno, CA 93710

Dear Mr. Mathys:

2936 INDUSTRIAL PARKWAY, SANTA MARIA, SANTA BARBARA COUNTY: SEMCO, GROUNDWATER MONITORING

As part of a complete review of the SEMCO Twist Drill and Tool Company project we have reviewed Tetra Tech's January 15, 2001 *Semi-Annual Report of Groundwater Monitoring* and other reports in our file.

It appears from our files that monitoring of groundwater chemistry has not occurred for some time. We were also reviewing the nearby Mafi-Trench site file and found that it was difficult to see any correlation between the groundwater potentiometric surface at the two nearby sites. In order to get scientifically comparable results for the two sites, coordinated sampling and water level measurements need to occur. We request you contact representatives of Mafi-Trench (e.g., Mark Zuber at 805-563-9379) to coordinate the sampling. We are willing to facilitate this effort if necessary.

All wells must be sampled and analyzed for the parameters as they are delineated in Table 1. The wells we are currently aware of are: SMW-1, SMW-2, SMW-3, MW-4, MW-5, MW-6, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, MW-13, MW-14, MW-15, MW-16, DMW-1, DMW-2, DMW-3, DMW-4 and Well 2AS. All pumping wells and gas extraction systems shall be stopped 72 hours prior to the initiation of sampling and restarted upon completing sampling. To facilitate coordination with other sampling in the area, pumping and gas extractions shall be shut down the morning of August 15, 2003 and sampling shall occur during the week of August 18th 2003.

Prior to sampling, groundwater elevations and depth to groundwater shall be measured to the 1/100th of a foot and the elevations must be tied to benchmarks. All wells shall be checked for floating non-aqueous phase liquids (e.g., sheen) and non-aqueous phase liquids in the base of well casings. When non-aqueous phase liquids are encountered, every effort shall be made to collect a sample (at least from wipes) and the non-aqueous phase liquid shall be analyzed for constituents listed in attached Table 1 (the top constituents, volatile organic compounds and 1,4 dioxane shall be considered the highest priority with other priorities in descending order of importance).

Wells shall then be purged until pH, temperature, dissolved oxygen (DO) and electrical conductivity measurements reach steady state (i.e. are reproducible within 10 percent), and a minimum of three casing volumes have been removed. Once recovered, wells shall be sampled and analyzed in accordance with Table 1.

California Environmental Protection Agency



Recycled Paper

Pursuant to section 13267 of the California Water Code, the monitoring report shall be submitted by **October 20, 2003**. The report shall include the following:

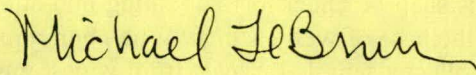
1. Tabular field sampling data for each well and surface water location sampled, such as depth to water, water elevation, constituent concentration, volume of purge water, time, temperature, conductivity, pH, and DO;
2. Copies of certified analytical reports and chain of custody forms for all analyses using appropriate analytical methods (e.g., SW-846);
3. Maps showing analyte concentration contours, contoured potentiometric surfaces, and groundwater flow direction;
4. Graphs of analyte concentrations versus time and groundwater level versus time in monitoring wells with sufficient data;
5. Tabular historic and current groundwater data, including **groundwater flow direction**;
6. Monitoring well construction details (well ID, casing diameter, casing material, boring diameter, total depth, top of casing elevation, screen interval, sand pack interval), groundwater elevation, and depth to groundwater in tabular form; and
7. An evaluation and interpretation of all available data.

The monitoring reports shall be signed by a principal executive officer of the company of at least the level of a vice president or a duly authorized representative. The report shall also be signed and stamped by a qualified registered professional engineer or geologist attesting, under penalty of perjury, that the report is true and accurate. Failure to comply with California Water Code Section 13267 may subject you to a civil penalty in an amount up to \$1,000 per day of violation. We need the requested information to determine the environmental threat from pollution remaining at the site. The evidence supporting this request is documented in reports previously submitted to the Regional Board. Detailed information is available in the Regional Board's public file on this matter.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

We request to be notified 72 hours prior to the fieldwork, to allow our inspection of the work. If you have any questions, please call **Lou Blanck at (805) 542-4626**.

Sincerely,


for
Roger W. Briggs
Executive Officer

Attachment: Table 1

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see next page for list of cc's

California Environmental Protection Agency



Recycled Paper

Table 1

| <u>Chemical Constituent</u> | <u>Practical Quantification Limit</u> |
|--|--|
| Volatile Organic Compounds (USEPA method 8260) | 0.1 ug/l or lower |
| 1,4 dioxane | 1 µg/l or lower |
| *Polychlorinated biphenyls | .3 µg/l or lower |
| *Polynuclear Aromatic Hydrocarbons SIM and other semivolatile compounds (USEPA method 8270) | 0.1 µg/l or lower |
| *Total Petroleum Hydrocarbons, C4 – C36. **(silica gel cleanup and filter fabric filtering are prohibited) | 50 µg/l or lower |
| *Benzene, Toluene, Ethylbenzene, Xylenes | 0.5 µg/l or lower |
| Beryllium, Lead | 5 µg/l or lower |
| Arsenic, Mercury | 0.2 µg/l or lower |
| Cadmium | 1 µg/l or lower |
| Total Chromium, nitrate, nickel, vanadium | 10 µg/l or lower |
| Chromium VI | 0.2 µg/l or lower |
| Salinity | 200 mg/l or lower |
| Iron | 20 µg/l or lower |
| Manganese | 2 µg/l or lower |

* Report all identified and tentatively identified compounds; ** full hydrocarbon range reported

cc:

Mr. Jeffrey M. Reid
McCormick, Barstow, Sheppard, Wayte &
Carruth LLP
P.O. Box 28912
Fresno, CA 93729-8912

Mr. James R. Steele
Tetra Tech, Inc.
4213 State Street, Suite 100
Santa Barbara, CA 93110-2847

Mr. Paul Karp
City of Santa Maria Public Works
810 W. Church Street
Santa Maria, CA 93458

Mr. Charles Hosokawa
12011 Goshen Avenue, Unit 206
Los Angeles, CA 90049

Mr. Mark Zuber
3058 Marilyn Way
Santa Barbara, CA 93105

Ms. Kate Sulka
Santa Barbara County Fire
Protection Services Division
195 West Highway 246, #102
Buellton, CA 93427



EXHIBIT 13

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Central Coast Regional Water Quality Control Board

October 20, 2015

Rhine, L.P.
c/o Chris Mathys
2304 W Shaw Ave., Suite 102
Fresno, CA 93711
CERTIFIED MAIL 7015 0640 0001 9863 5841
RETURN RECEIPT REQUESTED

Platino, LLC
c/o Chris Mathys
2304 W. Shaw Ave
Fresno, CA 93711

Mr. Chris Mathys
2304 W. Shaw Ave
Fresno, CA 93711

Concha Investments Inc.
c/o Chris Mathys
2051 E. Shaw Ave.
Fresno, CA 93711

Oro Financial of California, Inc.
c/o Chris Mathys
2051 E. Shaw Ave.
Fresno, CA 93711

Dear Mr. Mathys:

SITE CLEANUP PROGRAM: SEMCO TWIST DRILL AND TOOL COMPANY, INC., 2936 INDUSTRIAL PARKWAY, SANTA MARIA, SANTA BARBARA COUNTY (GEOTRACKER GLOBAL ID# SLT3S2411351) – REQUIREMENT FOR SITE INVESTIGATION

The Central Coast Regional Water Quality Control Board (Water Board) is a state regulatory agency responsible for protecting the quality of the waters of the state within its area of jurisdiction. The Water Board has the authority under state law to require the submission of information, direct actions, establish regulations, levy penalties, and/or bring legal action when necessary to protect water quality. The purpose of this letter is to require current site assessment information due to the lack of environmental characterization and cleanup progress since 2003 at the former SEMCO Twist Drill and Tool Company (SEMCO) site.

Site History

The Site is approximately seven acres, and was not developed until 1942, when it began operation as the Santa Maria Lompoc Army Air Base until 1946. From 1949 to approximately 2001, SEMCO manufactured drill bits and other cutting tools on the property and used various organic solvents to degrease tools. Trichloroethylene (TCE) and 1,1,1-trichloroethane (TCA) were stored in above ground tanks (AGT) east of the Site's shop building until their use was discontinued in 1985. Operations at the SEMCO facility caused the release of solvents (stored in AGT), cutting oil (stored in underground sumps), and other potential spills to the environment between 1949 and 2001.

The City of Santa Maria first discovered the groundwater pollution on May 10, 1985, when the city shut off a municipal supply well due to high TCE concentrations. The municipal supply well had detections of TCE at 59 micrograms per liter (µg/L) and was located adjacent to the SEMCO site. In August of 1987, Water Board staff conducted an inspection at the SEMCO

facility and determined that the source of the well pollution were the various organic solvents that SEMCO used to degrease tools. Water Board staff ordered SEMCO to clean up the degraded soil and groundwater at the Site (Cleanup and Abatement Order [CAO] No. 87-188, September 25, 1987 and CAO Order No. 90-88, September 13, 1991 and revised on March 11, 1994) to SEMCO and the property owner of the site at that time.

In June 1992, SEMCO contracted with Ogdon Environmental and Energy Services for the installation of a groundwater extraction and treatment system (GETS) to dewater and treat the shallow water-bearing zone. The GETS operated for only a week before the carbon filter became saturated, and the system was shut down. SEMCO went into non-compliance with CAO Order No. 90-88 due to their financial inability to bring the system back into operation. According to information provided by the Department of Toxic Substances Control (DTSC), seven municipal wells within a one mile radius were at risk due to the system shut down. In June 1994, DTSC issued an Imminent and Substantial Endangerment Determination¹ and subsequently contracted with Tetra Tech to prepare a system design in order to investigate the reason for the system failure as well as evaluate how to bring the system back into operation at minimum cost and maximum effectiveness. DTSC determined that design and construction flaws caused the failure of the system. DTSC repaired and redesigned the existing groundwater treatment system bringing it back into operation in November 1994. Groundwater was treated through granular activated carbon (GAC) canisters from 1994 to 2000. In 2001, SEMCO owner, Henry A. Stafford and Rhea L. Stafford Revocable Trust, defaulted on their loan and the collateral land/property was lost through the foreclosure process. Subsequently, under new ownership, assessment and remediation efforts stopped in 2003.

Most Recent Data

The most recent groundwater monitoring event at the Site was completed in September of 2003; results from that sampling event were reported in Everest Services, Inc.'s February 24, 2004 *2003 Third Quarter Report for Groundwater Monitoring Activities* (2003 Report)². Water Board staff reviewed the laboratory data sheets provided in the 2003 Report and compiled available data for shallow and deep water bearing zone sampling results in Tables 1 and 2 below.

Table 1. Shallow Groundwater Zone

| Constituents of Concern | GWMW1-092203 (groundwater) µg/L | GSMW2-092203 (PRODUCT) milligrams per kilogram (mg/kg) | GWMW5-092203 (groundwater) µg/L | GWMW6-092203 (groundwater) µg/L | GWMW8-092203 (groundwater) µg/L | MCL or ESL |
|-------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|---------------------------------------|------------|
| Trichloroethene (TCE) | 300 | ND | ND | 23 | 57 | 5 µg/L |
| 1,1-Dichloroethane | 58 | ND | ND | ND | ND | 5 µg/L |
| Cis-1,2-Dichloroethene | 490 | 1,200 | ND | 20 | 1.9 | 6 µg/L |

¹ All DTSC SEMCO documents can be found on their data base, Envirostor, here: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=42340010

² All available documents, including the 2003 Report, for SEMCO are uploaded to GeoTracker here: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SLT3S2411351

Table 1 (continued)

| Constituents of Concern | GWMW1-092203 (groundwater) µg/L | GSMW2-092203 (PRODUCT) milligrams per kilogram (mg/kg) | GWMW5-092203 (groundwater) µg/L | GWMW6-092203 (groundwater) µg/L | GWMW8-092203 (groundwater) µg/L | MCL or ESL |
|------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|---------------------------------------|------------|
| Total Petroleum Hydrocarbons (TPH) | 290 | 730,000 (free product) | ND | 120 | 120 | TBD |
| 1,4-Dioxane | 69 | ND | ND | ND | ND | 2.5 µg/L |

Notes:

µg/L = micrograms per liter

MCL = Maximum Contamination Levels (<http://water.epa.gov/drink/contaminants/index.cfm>)

TBD = To Be Determined – currently there is no MCL established for TPHs and will have to be evaluated on a site by site basis

ESL = San Francisco Bay Water Board Environmental Screening Levels

(http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/esl.shtml)

ND = Non-detect

Table 2. Deep Groundwater Zone

| Constituents of Concern | GWDMW2-092203 (groundwater) µg/L | GWDMW3-092203 (groundwater) µg/L | GWDMW4-092203 (groundwater) µg/L | MCL or ESL |
|------------------------------|--|--|--|------------|
| Trichloroethene (TCE) | 1200 | 6.7 | ND | 5 µg/L |
| 1,1-Dichloroethane | ND | ND | ND | 5 µg/L |
| Cis-1,2-Dichloroethene | 97 | ND | ND | 6 µg/L |
| Total Petroleum Hydrocarbons | ND | ND | 230 | TBD |
| 1,4-Dioxane | 5.0 | ND | ND | 2.5 µg/L |

As indicated in the tables above, petroleum free product was observed in the shallow water-bearing zone. Also, the laboratory reported TCE in GWDMW2 at 1,200 µg/L, the highest concentration detected in the deeper water-bearing zone to date. Increasing trends in groundwater pollutant concentrations suggests that polluted soils known to exist in shallow and deep water-bearing zones are continuing to release pollutants to groundwater. Spatial extents of the shallow and deeper zone groundwater plumes have yet to be defined, horizontally or vertically. Based on our review of the available groundwater data and additional information, Water Board staff requires additional investigation to assess the current extent of pollution in soil, soil gas, and groundwater.

Responsible Parties

In August 2002, Site ownership transferred from Henry A. Stafford and Rhea Stafford Revocable Trust to Oro Financial of California, Inc. (Chris Mathys, President). In December 2002, Site ownership transferred from Oro Financial of California, Inc. to Concha Investments, Inc. (Chris Mathys, President). In June 2006, Site ownership transferred from Concha Investments, Inc. to Mr. Chris Mathys. In May 2009, Site ownership transferred from Mr. Chris Mathys to Platino, LLC (Chris Mathys, Chief Executive Manager). Finally, in August 2010, Site

ownership transferred from Platino LLC to Rhine LP, the current owner of the Site³. Water Code section 13304 authorizes the Water Board to issue cleanup orders to any person or entity 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 water of the state and creates or threatens to create a condition of pollution or nuisance.” The State Water Board has held that any of the following persons may have “caused or permitted” a discharge: (1) owners and operators at the time of initial discharge; (2) current owners; (3) interim owners; (4) lessees; and (5) successor corporations and dissolved corporations. Therefore, pursuant to the Water Code, Rhine L.P., the current property owner, as well as interim owners Oro Financial of California, Inc., Concha Investments Inc., Mr. Chris Mathys, and Platino LLC are responsible for the aforementioned waste discharged at the Site.

Water Board Staff Requirements

The responsible parties are required to conduct additional investigation and assessment to evaluate the current extent of pollution in soil, soil gas, and groundwater. Water Board staff requires you to submit a workplan not later than **December 14, 2015**. The workplan must include a scope of work that will determine the nature and extent of pollutants in soil, soil gas, and groundwater. At a minimum, the scope of work must include a proposal to conduct the following tasks:

- Evaluation of the condition of existing groundwater monitoring system and wells. In September 2003, the groundwater monitoring system consisted of 16 wells in the shallow zone (MW-1 through MW-16) and four wells in the deeper water-bearing zone (regional aquifer) (DMW-1 through DMW-4).
- Proposal for collection of soil, soil gas, and groundwater samples to determine vertical and lateral extent of pollutants in those media.
- Details on the analysis of soil and groundwater for chlorinated solvents (including 1,4-dioxane), total petroleum hydrocarbons, semi-volatile organic compounds, dissolved and total metals.
- Details on analysis of soil gas for volatile organic compounds.
- Soil cores must be continuous from all proposed borings and each borehole must be logged for lithology to define the stratigraphy and depth to first encountered groundwater.
- Collect grab groundwater samples when soil and/or soil gas samples indicate that pollution may have migrated to groundwater outside of the area where existing and functioning groundwater monitoring wells are present.
- Determine the need for soil vapor sampling and risk analysis for potential vapor intrusion within and underneath the current building(s) on Site.
- Analyze soil, soil gas, and groundwater samples using appropriate US EPA methods, and using a California-certified laboratory under proper chain of custody procedures.
- Schedule of proposed field work.

The investigative workplans and reports shall be signed by a California licensed professional engineer or geologist experienced in the field of environmental investigations, cleanups, and reporting. All field investigative activities shall be supervised by a California licensed

³ Current property ownership confirmed by Santa Barbara County Assessor's Office, web access on 8/31/2015. Past ownership details confirmed by 2MN Engineering, Inc.'s February 26, 2013 *PRP Search Report* prepared for the California State Water Resources Control Board.

professional geologist or professional engineer with applicable experience and understanding of field investigative methods, and data collection and interpretation.

In accordance with Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890 through 3895 of the California Code of Regulations, Rhine, L.P. and/or additional interim owners must submit technical reports and associated data in Portable Deliverable Format (PDF) to the State Water Board GeoTracker database over the internet. Please refer to the State Water Board web page Policy Statement-Electronic Reporting Requirements for more information at:

http://www.waterboards.ca.gov/ust/electronic_submittal/

Legal Authority

The Water Board's requirement that you submit a workplan and upload technical reports to the GeoTracker database are made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 for each day in which a violation occurs.

The Water Board needs the required information in order to determine the magnitude and spatial extent of pollutants in all site media to protect human health and the environment. You are required to submit this information because, based on available data, you are the property owner, and are responsible for the discharge. More detailed information is available in Water Board public files on this matter or at the following GeoTracker location:

http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SLT3S2411351

Any person affected by this action of the Water Board may petition the State Water Board to review the action in accordance with CWC Section 13320 and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812 within 30 days of the date of this letter. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Potential Funding Opportunities

The Site Cleanup Subaccount Program (SCAP) is a new funding program that allows the State Water Resources Control Board (State Water Board) to issue grants for projects to investigate and remediate the harm or threat of harm to human health, safety, or the environment. We understand that you have claimed financial constraints in the past and we want to encourage you to take advantage of this new funding opportunity to expedite cleanup at your site and move your site toward closure. To apply, you must apply online through the Financial Assistance Application Submittal Tool (FAAST) at <https://faast.waterboards.ca.gov>. For additional information please see the attached factsheet.

If you have any questions, please call Sarah Treadwell at (805) 549-3695 or email sarah.treadwell@waterboards.ca.gov, or Thea Tryon at (805) 542-4776.

Sincerely,

for Kenneth A Harris Jr.
Executive Officer

Attachment: SCAP Factsheet

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Global_ID #SLT3S2411351

Mr. Paul McCaw
Santa Barbara County LOP
paul.mccaw@sbcphd.org

Santa Maria BBQ Outfitters
c/o Matt Korsberg
2936 Industrial Parkway
Santa Maria, CA 93455

Ms. Sarah Treadwell
Central Coast Water Board
sarah.treadwell@waterboards.ca.gov

Ms. Sarah Zerga
Central Coast Water Board, GeoTracker File
sarah.zerga@waterboards.ca.gov

Site Cleanup Subaccount Program (SCAP)

GENERAL

The Site Cleanup Subaccount Program (SCAP) is a new funding program established by SB 445 (Hill, 2014) allowing the State Water Resources Control Board (State Water Board) to issue grants for projects that remediate the harm or threat of harm to human health, safety, or the environment caused by existing or threatened surface or groundwater contamination.

The table below summarizes the SCAP program. More information on this and other funding programs is available at: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/

WHAT ARE THE FUNDING PROGRAM DETAILS?

| | SB 445 Site Cleanup Subaccount Program |
|----------------------------|--|
| PROGRAM FUNDING | Annual appropriations with \$19.5 Million Anticipated FY 2015/2016 |
| FUNDING MECHANISMS | Grants |
| ELIGIBLE APPLICANTS | Applicants with eligible projects |
| ELIGIBLE PROJECTS | <ul style="list-style-type: none"> • Remediate harm or threat to human health, safety, and the environment from surface or groundwater contamination • Regulatory agency has issued a directive, unless infeasible • Responsible Party lacks financial resources |
| PRIORITIES | <ul style="list-style-type: none"> • Significant threat to human health or the environment • Disadvantaged or small community impact • Cost and environmental benefit of project • Lack of availability of alternate funding source(s) • Other State Water Board considerations |
| CONTAMINANTS | <ul style="list-style-type: none"> • Human-made contaminants |
| SCHEDULE | <ul style="list-style-type: none"> • Public Workshops – May/June 2015 • Final Grant Application – August 2015 • First Round Solicitation/Review – Fall/Winter 2015/16 • State Water Board Consideration of Project List – Winter 2016 • First Round Grant Agreements – 2016 |

WHAT IS SPECIAL ABOUT THE SCAP GRANTS?

- Unlike most other funding programs, SCAP grants do not require that the grant applicant is a public agency, public utility, non-profit organization, tribe, or mutual water company.
- Documentation is required to show the responsible party lacks resources to implement the project.
- Documentation is required to show whether there are potential sources of funding other than SCAP grants, which may include resources of the grant applicant.
- A grant applicant who is not the responsible party must document the ability to legally access property to implement the project.

HOW DO I APPLY?

Applicants seeking funding from either SCAP or the new Proposition 1 Groundwater Sustainability Program will be able to apply using a single pre-application for both funding programs. State Water Board staff will evaluate pre-applications and determine which program, if any, is the most appropriate for each project; and, therefore, applicants do not need to designate a funding program preference. Applicants whose pre-application is successful will be invited to submit a final application, either for Proposition 1 Groundwater Sustainability or Site Cleanup Subaccount, or may be advised to apply for another potential source of funds.

Groundwater Quality Funding applications will be accepted online through the Financial Assistance Application Submittal Tool (FAAST):
<https://faast.waterboards.ca.gov/>

HOW ARE PROJECTS RANKED?

Currently there are no ranking criteria other than existing requirements in law. The State Water Board may choose to select certain projects for funding over other projects if there are insufficient funds to fund all projects during the fiscal year or over the life of the program.

WHAT IF I NEED HELP WITH MY APPLICATION?

Contact information is shown below.

FAAST tutorials will be available online: <http://www.waterboards.ca.gov/videos/faast.shtml>

If your community has a hardship, technical assistance providers may be available to assist with electronic submittal.

HOW CAN I STAY INFORMED?

Website:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/

Get Email Alerts:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

“Groundwater Quality Funding Assistance”

HOW CAN I CONTACT THE STATE WATER BOARD?

Email: gwquality.funding@waterboards.ca.gov

Message phone: 1-800-813-Fund (3863)

EXHIBIT 14

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Central Coast Regional Water Quality Control Board

July 28, 2022

Chris Mathys
Rhine, L.P.
2304 West Shaw Avenue, Suite 102
Fresno, CA 93711
Email: mathys@orofinancial.net

Chris Mathys
Oro Financial of California, Inc.
2051 East Shaw Avenue
Fresno, CA 93711
Email: mathys@orofinancial.net

Chris Mathys
2304 West Shaw Avenue, Suite 102
Fresno, CA 93711
Email: mathys@orofinancial.net

Dear Chris Mathys:

SITE CLEANUP PROGRAM: FORMER SEMCO TWIST DRILL & TOOL COMPANY, 2936 INDUSTRIAL PARKWAY, SANTA MARIA, SANTA BARBARA COUNTY – RESPONSE TO REPORT SUBMITTALS AND REQUIREMENT FOR TIME SCHEDULE AND MONTHLY PROGRESS REPORTS

Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff reviewed Analytical Consulting Group, Inc.'s (ACG) *Results of the Second Round Indoor Air Sampling Report* (Second Indoor Air Report)¹ dated February 14, 2022; *Progress Report on Site Investigation Activities* (April Progress Report)² dated April 8, 2022; and the *Site Assessment Report Vadose Zone Soil Sampling* (2022 Site Assessment Report)³ dated May 31, 2022. ACG submitted these reports on behalf of Rhine L.P. and Chris Mathys (Dischargers) for the former SEMCO Twist Drill & Tool Company, located at 2936 Industrial Parkway, Santa Maria (Site)⁴. The 2022 Site Assessment Report was submitted to partially comply with the Central Coast Water Board's letter dated January 4, 2022⁵. For the reasons detailed in this letter, Central Coast Water Board requires the Dischargers to submit a detailed Time Schedule for all outstanding site assessment activities⁶ **no later than August 31, 2022**, and monthly

¹ The February 14, 2022, Second Indoor Air Report on GeoTracker:

<https://geotracker.waterboards.ca.gov/?url=y0xbl>

² The April 8, 2022, Progress Report on GeoTracker: <https://geotracker.waterboards.ca.gov/?url=1xgvm>

³ The May 31, 2022, Site Assessment Report on GeoTracker:

<https://geotracker.waterboards.ca.gov/?url=vft0c>

⁴ Site reports, correspondence, and documentation on GeoTracker:

<http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

⁵ The January 4, 2022, Central Coast Water Board letter on GeoTracker:

<https://geotracker.waterboards.ca.gov/?url=2guci>

⁶ All remaining site assessment activities include postponed activities listed in this letter and also referenced in our January 4, 2022, letter and summarized in the April 8, 2022, Progress Report.

progress reports until site characterization is complete; **the first progress report is due no later than September 15, 2022.**

REPORT SUMMARIES AND CENTRAL COAST WATER BOARD COMMENTS

Second Indoor Air Report

The Second Indoor Air Sampling Report summarizes the indoor air assessment activities performed at the Site on January 20 and 21, 2022. The objective of the second indoor air sampling event was to evaluate current risk to human health associated with potential vapor intrusion from chlorinated volatile organic compounds (cVOCs) beneath the Site entering existing buildings and to confirm the results of the first indoor air sampling event conducted March 26-27, 2021. Indoor and outdoor air samples were collected over a 12-hour period (sampled overnight), with buildings closed and unoccupied. Concentrations of cVOCs reported for indoor air do not indicate an immediate vapor intrusion threat to indoor air based on comparative screening criteria⁷, but were reported at slightly higher concentrations than the March 2021 indoor air sampling results. ACG concluded that future remediation of subsurface impacts would likely mitigate vapor intrusion issues.

Central Coast Water Board Response: Central Coast Water Board staff reviewed indoor air results and based on the information provided in the Second Indoor Air Report, concentrations of cVOCs are below the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs)⁸ for commercial/industrial use. Therefore, Central Coast Water Board concurs with ACG, the March 2021 and January 2022 indoor air results do not indicate an immediate vapor intrusion threat to the Site building occupants based on current operations. However, additional characterization to determine an appropriate remediation strategy for cVOC impacts (specifically, trichloroethene [TCE]) to soil vapor, soil, and groundwater is required. Site remediation is also required to reduce waste concentrations in all aforementioned media below the Site, which will further reduce the risk of vapor intrusion inside buildings.

April Progress Report and 2022 Site Assessment Report

On March 29, 2022, Central Coast Water Board staff met with Chris Mathys and environmental consultant Michael Tiffany of ACG, via teleconference, to discuss the Dischargers need to postpone some of the required site assessment activities. During the meeting and in a follow up email⁹, Central Coast Water Board staff requested the Dischargers submit a progress report summarizing the specific activities being postponed. The Dischargers submitted the April Progress Report, and it includes a request to postpone the following assessment activities: drilling and collecting soil

⁷ Trichloroethene (TCE) concentrations reported for indoor air sampling on January 20-21, 2022, were elevated above residential screening levels but below commercial screening levels.

⁸ Additional information regarding ESLs:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

⁹ The March 29, 2022, email follow up to teleconference on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=4jtgx>

samples from three deep borings, sampling, and installation of three new, deep monitoring wells, and locating the missing Site monitoring wells.

In an email dated April 8, 2022¹⁰, Chris Mathys requested that “deep-well testing” activities be postponed until financial assistance, via grant funding, could be secured and/or the outstanding balance on the Administrative Civil Liability Order No. R3-2022-0013 settlement is paid in full¹¹. Additionally, in an email dated June 10, 2022¹², Chris Mathys included confirmation of submittal of a pre-application for Site Cleanup Subaccount Program (SCAP) funding.

The Dischargers implemented a partial scope of work as detailed in the November 18, 2021, *Site Assessment Workplan Soil and Groundwater Sampling Well Installation and Abandonment Indoor Air Sampling* (November 2021 Workplan)¹³. Assessment activities performed at the Site included subsurface soil sampling (eight 50-foot borings) and shallow groundwater grab sampling (two grab samples). ACG concluded sampling results indicate a TCE plume approximately 50-70 feet wide extending vertically to approximately 40 feet below ground surface (bgs). The maximum TCE concentration in shallow soil was 97 milligrams per kilogram (mg/kg), exceeding the ESL of 0.085 mg/kg for leaching to groundwater. The maximum TCE concentration reported for grab groundwater samples was 350,000 micrograms per liter (µg/L). ACG concluded that elevated concentrations of TCE in source area (shallow) groundwater continues to be a threat to the regional groundwater aquifer.

Central Coast Water Board Response: The Central Coast Water Board acknowledges the investigation work implemented by the Dischargers to date and we are aware of the Discharger’s alleged potential financial constraints delaying the required Site work. Central Coast Water Board concurs with ACG that waste concentrations reported in the 2022 Site Assessment Report (and in previous investigation reports) indicate an existing threat to public health and water quality. Wastes remain in soil, soil gas, and groundwater beneath the Site and are migrating offsite onto adjacent properties¹⁴. The maximum TCE groundwater concentration reported in the 2022 Site Assessment Report is five orders of magnitude above the TCE maximum contaminant level (MCL)¹⁵ of 5.0 µg/L and this concentration suggests the presence of dense non-aqueous phase liquids in shallow groundwater (i.e., concentration of TCE is greater than 14,720 µg/L). Therefore, the extent of the cVOCs must be laterally and vertically characterized in both the shallow and regional aquifer as

¹⁰ Chris Mathys email dated April 8, 2022, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=t40qp>

¹¹ Based on the settlement payment schedule of the Final Administrative Civil Liability Order No. R3-2022-0013, the last settlement payment is due in July of 2023, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=ghiem>

¹² Chris Mathys email dated June 10, 2022, on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=wb6wf>

¹³ The November 2021 Workplan was conditionally approved by Central Coast Water Board in our January 4, 2022, letter.

¹⁴ TCE has been detected in deep groundwater beneath the downgradient Mafi Trench site and additional information is available on GeoTracker: <http://geotracker.waterboards.ca.gov/?gid=SLT3S0301290>

¹⁵ MCLs are the highest level of a contaminant that is allowed in drinking water and are established by the State Water Resources Control Board Division of Drinking Water and/or USEPA.

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.html

soon as possible, and for remediation to begin for the protection of the environment and human health.

The Central Coast Water Board issued a California Water Code (Water Code) section 13267 Investigative Order (2015 Order) to the Dischargers on October 20, 2015. The Dischargers submitted a workplan that was approved by the Central Coast Water Board on January 4, 2022. The Dischargers have just recently completed only a portion of the first phase of site investigation in 2021 and 2022, therefore, only partially completed the tasks included in the approved workplan. The Dischargers further delay in completing site characterization is unacceptable due to the threat to human health and water quality the remaining pollution poses. Additionally, it is unreasonable for the City of Santa Maria not to be able to use the City's municipal water supply located adjacent to the Site during the current, unprecedented drought.

CENTRAL COAST WATER BOARD REQUIREMENTS

The Dischargers are required to submit a Time Schedule **no later than August 31, 2022**, for completion of the outstanding assessment activities that were approved in our letter dated January 4, 2022,. In addition, the Dischargers are also required to submit monthly progress reports until site characterization is complete. The Time Schedule must include, at a minimum, the following:

1. Proposal of reasonable start date(s) for implementing and reporting on the following outstanding activities:
 - a. Drill three borings to deep groundwater (estimated at ~220 feet bgs) using sonic or rotary equipment, continuously cored and logged to define stratigraphy and depth of first encountered groundwater. Identification of all clay lenses, especially at approximately 170 to 187 feet bgs, where there is a lack of information on lithology.
 - b. Conversion of three deep borings to monitoring wells.
 - c. Survey existing and newly installed monitoring wells.
 - d. Collect groundwater samples from newly installed (deep) monitoring wells, existing monitoring wells, and the City of Santa Maria municipal supply well adjacent to the Site. Analyses of groundwater samples according to the requirements set forth in Central Coast Water Board's January 4, 2022, letter.
 - e. Locate and inspect existing groundwater monitoring wells MW-3, MW-12, MW-13, and MW-15 and obtain permits for and complete well destructions, if necessary.
2. Submittal of monthly progress reports for the aforementioned Site assessment activities until all have been completed (i.e., 1.a through 1.e). Monthly progress reports must be submitted on the 15th of every month and include, at a minimum, the following:
 - a. Updates on financial assistance applications,
 - b. Updates on field activities and proposed start dates

- c. The monthly progress reports shall be signed by a California licensed professional engineer or geologist experienced in the field of environmental investigations, cleanups, and reporting. All field investigations shall be supervised by a California licensed professional geologist or professional engineer with applicable experience and understanding of field investigations methods, and data collection and interpretation.
- d. The first monthly progress report is due September 15, 2022.

LEGAL REQUIREMENTS

The Central Coast Water Board's requirement that you submit a Time Schedule and monthly progress reports is made pursuant to section 13267 of the California Water Code. Pursuant to section 13268 of the Water Code, a violation of a Water Code section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

The Central Coast Water Board needs the required information to ensure the remaining characterization activities for the Site, as proposed in the November 18, 2021, *Site Assessment Workplan*, as approved in our letter dated January 4, 2022, and as outlined in this letter, are completed within a reasonable time frame because elevated concentrations of cVOCs impacting soil vapor, soil, and groundwater beneath this Site are a threat to human health and water quality. The Dischargers are required to submit this information because they are the current (Rhine L.P.) and former (Chris Mathys and Oro Financial of California, Inc.) owners of the property where discharges of cVOC waste occurred and based on the available data, are responsible for the discharge. The evidence supporting this requirement is described herein and on GeoTracker at the Former Semco Twist Drill and Tool Company, Inc. case file: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>.

The cost to prepare and submit a Time Schedule is estimated to be in the range of \$1,440 to \$1,800¹⁶ and the cost to prepare and submit monthly progress reports is estimated to be in the range of \$720 to \$1,080 per report/month¹⁷. The submission of a time schedule and monthly progress reports are necessary because the delay in site characterization activities is out of compliance with the directives included in our letter dated January 4, 2022, and the Dischargers must regularly update Central Coast Water Board staff of efforts to come back into compliance. Thus, the burden, including costs, of the time schedule and monthly progress reports bears a reasonable relationship to its need and the benefits to be obtained. More detailed information is available in the Water Board's public file on this matter.

Any person affected by the Central Coast Water Board's requirement for the time schedule and monthly progress reports required herein may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with section 13320 of the California Water Code and title 23, California Code of Regulations,

¹⁶ Cost estimate for a time schedule based on a calculation of an average rate of \$180 per hour for a professional engineer or geologist in the range of eight to ten hours.

¹⁷ Cost estimate for monthly progress reports based on a calculation of an average rate \$180.00 per hour for a professional engineer or geologist in the range of four to six hours.

section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions are available at: https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

If you have any questions or concerns regarding this letter or Site please contact **Sarah Treadwell at (805) 549-3695**, or Sheila Soderberg at (805) 549-3592 (email addresses are provided in the cc list of this letter).

Sincerely,

for Matthew T. Keeling
Executive Officer

cc:

Vincenza Caicco, Santa Maria BBQ Outfitters, smbbqoutfitters@yahoo.com
Freda Evans, EFT Enterprises, L.P., gevans19@roadrunner.com
Louis Cappel, Padre Associates, lcappel@padreinc.com
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Tom Rejzek, Santa Barbara County EHS, tom.rejzek@sbcphd.org
Paul D. Ciccarelli, State Water Board, paul.ciccarelli@waterboards.ca.gov
Tamara Anderson, Central Coast Water Board, tamara.anderson@waterboards.ca.gov
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Sarah Treadwell, Central Coast Water Board, sarah.treadwell@waterboards.ca.gov
Kelsey DeLong, Central Coast Water Board, Kelsey.delong@waterboards.ca.gov
Greg Bishop, Central Coast Water Board, greg.bishop@waterboards.ca.gov

cc via USPS:

Fernando Figueroa Salas
340 W. Donovan Road
Santa Maria, CA 93458

BizFlow# B28000, Site Cleanup Subaccount SB445 GeoTracker# SLT3S2411351

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EXHIBIT 15

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PERKINS COIE LLP
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RACHEL VAN MULLEM, COUNTY COUNSEL
AMBER HOLDERNESS, CHIEF ASST (Bar No. 252363)
CHRISTINE M. MONROE, Deputy (Bar No. 304573)
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E-mail: cmonroe@countyofsb.org

Attorneys for Petitioner, the County of Santa Barbara

**BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

SWRCB/OCC FILE No.:

IN RE FORMER SEMCO TWIST DRILL
AND TOOL COMPANY, INC., ET AL.
INDUSTRIAL PARKWAY, SANTA
MARIA, SANTA BARBARA COUNTY
(CLEANUP AND ABATEMENT ORDER
NO. R3-2023-0070)

**DECLARATION OF SKIP GREY IN
SUPPORT OF REQUEST FOR STAY
PENDING REVIEW OF THE COUNTY
OF SANTA BARBARA'S PETITION FOR
REVIEW OF REGIONAL WATER
QUALITY CONTROL BOARD ACTION**

I, Skip Grey, declare as follows:

1. The facts stated herein are true of my own personal knowledge, and if called as a witness, I could and would competently testify under oath.
2. I am the Assistant Director of General Services for the County of Santa Barbara ("County"). I have been a County employee for seven years, and have held the position of assistant Director for seven years. I am responsible for managing the County of Santa Barbara's Real Property and Fleet Divisions in the Department of General Services.

- 1 3. I am the project manager for this matter relating to the County's response and compliance
2 with the Cleanup and Abatement Order No. R3-2023-0070, including Exhibit 3 –
3 Monitoring and Reporting Program Order No. R3-2023-0071 (collectively, "CAO").
- 4 4. The County, and its tax-payers, will incur substantial costs if the State Water Resources
5 Control Board does not stay the requirements associated with responding under the CAO.
- 6 5. As a result of the CAO, it has been necessary for the County to retain outside counsel, as
7 well as its environmental consultant, Geosyntec Consultants, to address and respond to the
8 CAO. The County has and will continue to incur significant costs associated with this
9 representation.
- 10 6. The specific estimated costs that will be incurred by the County to respond and comply
11 with the CAO while the petition is pending are set forth in the accompanying declaration
12 of Brian Hitchens, a senior principal hydrogeologist for Geosyntec Consultants. Unless
13 the CAO is stayed, the County will incur these costs in performing work or face penalties,
14 and thus, would have no choice but to incur significant costs while the petition raising
15 genuine issues is pending and decided.
- 16 7. As a result, the County and its tax-payers will incur substantial costs and suffer harm
17 because the County will be required to re-allocate funds away from other County projects,
18 programs, and purposes to comply with the CAO while the petition is pending. Subject to
19 a decision on the Regional Board's action, the County and its tax-payers should not be
20 obligated to incur costs associated with the requirements in the CAO that do not bear a
21 reasonable relationship to the County's alleged contribution.

22
23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on October 24, 2023, at Santa Barbara, California.

26 DocuSigned by:
Skip Grey
AB6DED76EAF541F...
Skip Grey

EXHIBIT 16

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Attorneys for Petitioner, the County of Santa Barbara

**BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

IN RE FORMER SEMCO TWIST DRILL
AND TOOL COMPANY, INC., ET AL.
INDUSTRIAL PARKWAY, SANTA
MARIA, SANTA BARBARA COUNTY
(CLEANUP AND ABATEMENT ORDER
NO. R3-2023-0070)

SWRCB/OCC FILE No.:

**DECLARATION OF BRIAN HITCHENS
IN SUPPORT OF THE COUNTY OF
SANTA BARBARA'S PETITION FOR
REVIEW OF REGIONAL WATER
QUALITY CONTROL BOARD ACTION**

REQUEST FOR STAY

**REQUEST TO SUPPLEMENT THE
RECORD**

I, Brian Hitchens, declare as follows:

1. The facts stated herein are true of my own personal knowledge, and if called as a witness, I could and would competently testify under oath.
2. I am a Senior Principal Hydrogeologist employed with Geosyntec Consultants, the consultant retained on behalf of the County of Santa Barbara ("County") to respond to the requirements of Cleanup and Abatement Order No. R3-2023-0070, including Exhibit 3 – Monitoring and Reporting Program Order No. R3-2023-0071 (collectively, "CAO").

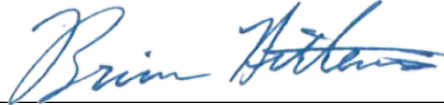
- 1 3. I have more than twenty years of experience performing site investigations and
2 remediations, including in response to regulatory orders such as the CAO at issue in this
3 matter.
- 4 4. I have reviewed the CAO and identified the deadlines and actions that will be required to
5 comply with the CAO in the immediate future and during which the accompanying
6 petition will be pending before the State Water Resources Control Board. The specific
7 tasks and anticipated, estimated costs associated with those tasks are as follows, which
8 will vary depending on the evaluation and conditions at the Site.
- 9 a. The cost to submit a work plan to (1) evaluate condition of and restore the existing
10 groundwater monitoring network, and (2) evaluate the condition of the onsite
11 groundwater extraction and treatment system is estimated to be \$15,000.
- 12 b. The cost to evaluate those conditions and submit a completion report and
13 groundwater monitoring well restoration workplan is estimated to be \$35,000. It is
14 also anticipated that performance of this task will require attorney fees in addition
15 to these costs to gain access to these facilities.
- 16 c. The cost to conduct and report groundwater monitoring, due quarterly, is estimated
17 to be \$35,000 for each quarterly submission, assuming 20 groundwater monitoring
18 points.
- 19 d. The cost to submit an onsite and offsite investigation workplan is estimated to be
20 \$25,000. It is also anticipated that performance of this task will require attorney
21 fees in addition to these costs to gain access to any offsite facilities and/or
22 properties.
- 23 5. The CAO indicates that the Site is located in a heavily industrial-use area. It also states
24 that the Site has been under the oversight of the Regional Water Quality Control Board-
25 Central Coast Region (“Regional Board”) since approximately 1985 and has remained
26 predominantly inactive since 2003. Based on these facts and others in the CAO, and my
27 review of existing technical data, staying the requirements of the CAO during the
28

1 pendency of this petition will not substantially impact the public or other interested
2 parties.

- 3 6. As set forth in the petition, and the County's comments to the draft CAO including those
4 submitted by Geosyntec Consultants, there is a substantial question as to the Regional
5 Board's decision to name the County as a discharger in the CAO, as well as the other
6 issues detailed in the petition.
- 7 7. On the same day that the Regional Board issued the CAO, it provided a response to
8 comments received from the County and others on the prior draft CAO. I County and
9 other parties have not previously been afforded the opportunity to submit further
10 comments on the Regional Board's newly raised arguments, evidence, and technical
11 citations.
- 12 8. I have reviewed and prepared additional analyses in response to the new positions of the
13 Regional Board that the County was not previously given an opportunity to comment on
14 or otherwise address. Attached hereto as **Attachment A** is a true and correct copy of
15 Geosyntec's report in response to the Regional Board's new evidence and positions.

16
17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Executed on October 26, 2023, at Santa Barbara, California.

20 
21 _____
22 Brian Hitchens, PG, CHG, RG

ATTACHMENT A

Privileged and Confidential
Attorney Work Product

Date: October 25, 2023
To: Mr. John K. Morris, Counsel, Perkins Coie LLP
From: Brian Hitchens, Senior Principal Hydrogeologist, Geosyntec Consultants
Jacqueline Miles, Project Scientist, Geosyntec Consultants
Kathleen Brannen-Donnelly, Project Geologist, Geosyntec Consultants
Subject: Literature Review and Assessment of Regional Board Responses to
Comments regarding Draft Cleanup and Abatement Order R3-2023-0070,
in Support of Petition of Reconsideration
Former SEMCO Twist Drill and Tool Company, Inc.,
2936 Industrial Parkway
Santa Maria, CA

On behalf of Perkins Coie LLP (Perkins Coie), Geosyntec Consultants, Inc. (Geosyntec) has prepared this document in support of a Petition for Reconsideration of the Cleanup and Abatement Order 2023 (CAO-R3-2023-0070) issued by the Central Coast Regional Water Quality Control Board (Regional Board) on September 26, 2023 (the CAO). The CAO has been issued to various entities, collectively referred to as “Dischargers,” including the County of Santa Barbara (County), in association with the former SEMCO Twist Drill and Tool Company, Inc. (SEMCO) located at 2936 Industrial Parkway, Santa Maria, CA (Site).

1. RESPONSE TO REGIONAL BOARD’S RESPONSE TO COMMENTS ATTACHMENT 1

In the Regional Board’s *Comments and Enforcement Staff Responses* to comments received from the County and Geosyntec on CAO No. R3-2023-Proposed (the Draft CAO), the Regional Board attaches and cites frequently to a paper entitled *Evaluation of United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd. (2019) 42 Cal.App.5th 851* (Attachment 1). The Regional Board’s Response to Comments document characterizes Attachment 1 as “a complete discussion of general early knowledge of hydrogeology, knowledge that operations using degreasers caused groundwater contamination, and knowledge that TCE was a hazardous chemical and its ubiquitous use as a degreaser.”

Attachment 1 does not, in fact, provide a complete or accurate account of the relevant technical literature. Geosyntec prepared the following memorandum as a review of available and contemporaneous technical literature on chlorinated solvent use and history during the 1940s-

1960s, a summary of the knowledge or understanding of the risks of trichloroethylene (TCE) based solvents during the 1940s through 1960s, and a history of TCE stabilizers during the 1940s through 1960s. The following literature review is comprehensive summary of available literature on the history and use of TCE based solvents and includes both modern and historically contemporaneous references regarding the use and state of knowledge during the time of the County's ownership of the site.

A. THE COUNTY WOULD HAVE HAD NO REASON TO KNOW OF A REASONABLE POSSIBILITY OF A DISCHARGE BY SEMCO DURING THE COUNTY'S PERIOD OF OWNERSHIP

The County's ownership of the property operated by the former SEMCO Twist Drill and Tool Company, Inc. (SEMCO) occurred between 1947 and 1964. The County has no record that SEMCO disclosed the nature of their operations within the leasing agreements. A City of Santa Maria Community Development Department Record from 1969 indicated that SEMCO "*does not cause any waste that must be disposed of, nor does it produce any toxic fumes in the air.*"¹ Any similar declarations made by SEMCO during the County's ownership would likely have similarly noted that its operations did not generate waste. Geosyntec finds no basis in the administrative record to conclude that the County had actual knowledge of a discharge during its period of ownership.

Based upon the findings of our literature review, the County also would have had no reason during the time period of its ownership (1947-1964) to suspect either that SEMCO's operations were likely to result in a discharge, or that chemicals used in SEMCO's business would have been hazardous. During the time period of the County's ownership TCE was used in many applications beyond a solvent for vapor degreasing: as an extraction agent in the decaffeination of coffee; a cleaner for optical lenses; a general anesthetic; an analgesic in dental extractions, childbirth and other short surgical procedures; an anesthetic for pigs, dogs, and cats; a disinfectant and detergent for minor wounds and surgical instruments; as a component of grain fumigant mixtures [Doherty, p. 83, 2000]. Based on the Chemical Hazards Information Series Sheet on TCE from 1950, TCE was considered to be a hazard if inhaled, but noted "*relatively little evidence*" of chronic poisoning. In terms of the potential for TCE to be a hazard to public health or the environment, the Chemical Hazards Information Series Sheet on TCE from 1950 states that "*There is little exposure of the public to trichlorethylene.*" There are no recommendations on handling of waste in the Chemical Hazards Information Series Sheet on TCE from 1950 or 1961. In 1958, TCE was still being used as an analgesic and anesthetic [Doherty, p. 86, 2000]. Even if SEMCO informed the County that the nature of their operations included vapor degreasing with chlorinated solvents, TCE was

¹ Attachment 1.2 located at [Airport Roux SMPAD 5-29-2023 public.comment.pdf \(ca.gov\)](#)

considered safe enough to use during human and animal medical procedures and was not known to be an environmental toxin at this time.

The RWQCB's response to comments references a 1949 article published by Lyne and McLachlan as evidence of public knowledge that operations using degreasers caused groundwater contamination during the time period of the County's ownership. The reach and influence of this citation has been reviewed to evaluate the degree to which it affected the understanding of risk of degreasers at the time (Rivett, 2006). Although there were some citations in research abstract listings in 1950-1951, the paper was only cited subsequently in one 1957 German-language Austrian journal and a 1961 US Federal Housing Administration report. It did not resurface into general public awareness until the mid-1990's where it began to be cited in US legal cases (Rivett, 2006). Although this article is a marker of the first mention of potential TCE impacts in groundwater retrospectively, it had essentially no recognized impact on public knowledge or policy during the time of the County's ownership of the former SEMCO Site (1947-1964).

The first regulation on the use of a chlorinated solvent was proposed in late 1965 in Los Angeles County, and this was enacted due to the link between heavy smog formation and TCE [Doherty, p. 86, 2000; Waters et al., 1977]. EPA initially identified TCE as a "toxic pollutant" in 1979 [USEPA, 2014].

B. LITERATURE REGARDING SOLVENT USE AND HISTORY DURING THE 1940s-1960s PROVIDES NO EVIDENCE THAT THE COUNTY KNEW OR SHOULD HAVE KNOWN OF A DISCHARGE AT THAT TIME

SEMCO's selection of solvent would have necessarily changed several times during its operations due to wartime availability, changes in industry practice, and evolution of environmental regulations. SEMCO did not notify the County of these changes to its operational practices, and there was no reason for the County to associate solvent use with potential environmental impacts based on the standard of practice during their period of ownership. TCE was not always available for civilian use between 1944 and the 1960s due to government wartime restrictions. There is no documentation that TCE was purchased or utilized by SEMCO on the site from 1947 to 1981.

SEMCO reportedly manufactured drill bits and other types of steel tools². Newly machined or welded metal parts may be covered in oil, grease, dirt, and other contaminants during the machining process. Vapor degreasers are designed to clean these metal components by condensing solvent vapors, which negates the need to hand wash the components completely [Murphy, p. 283, 2016]. Several chlorinated solvents were historically used in vapor degreasing since the 1930s, including orthodichlorobenzene, TCE, tetrachloroethene (PCE), propylene dichloride, ethylene

² High speed cobalt and carbide tipped twist drills, reamer, end mills, core drills, taps, rotary broaches and other tools.
[PURCHASE-CREDITS SUMMARY_02AUG1988.pdf \(ca.gov\)](#)

dichloride and carbon tetrachloride (CTC) [Morrison and Murphy, p. 293, 2015; Murphy, p. 285, 2016; Doherty, p.85, 2000]. The manufacture and availability of each of these chlorinated solvents has been historically variable. In particular, the availability of TCE, PCE, and CTC varied between 1940 and 1960 in the United States due to wartime usage of these solvents during both World War II and the Korean War [Doherty, 2000].

The large-scale production of CTC began in the United States around 1907 [Doherty, p. 74, 2000]. Improvements in the metal degreasing process in the 1920s led to an increase in the demand for TCE as a degreasing solvent [Doherty, p. 85, 2000] and TCE manufacture in the United States began in the early 1920s [Doherty, p. 85, 2000]. CTC began to be replaced as a degreasing solvent by PCE and TCE in the 1930s [Doherty, p. 75, 2000].

In 1941, the United States Director of Priorities issued the Preference Rating Order M-41, which granted first priority to military orders on the sale of CTC, TCE, and PCE [Doherty, 2000]. In 1944, the United States War Productions Board (WPB) issued an order to directly control the supplies of PCE and TCE and reserved 92% of the supply of PCE and TCE for vapor degreasing of metal parts in support of the military [Morrison and Murphy, p. 141, 2015]. In 1945, further restrictions on PCE and TCE were imposed by the WPB and the entire supply of TCE was reserved for military or civilian uses in support of the military [Morrison and Murphy, p. 141, 2015]. The restrictions on sale and use of chlorinated solvents ended in August 1945 [Morrison and Murphy, p. 141, 2015]. In 1950, the Korean War increased military demand of TCE, which caused shortages of TCE even though the production of TCE continued to increase during this time period [Doherty, p. 71, 2000].

In the 1950s, TCE, PCE, and CTC were all used as solvents for the vapor degreasing process [Doherty, pp. 75-78, 2000; Morrison and Murphy, p. 120, 2015]. In 1959, PCE accounted for about 10% of the total vapor degreasing market [Doherty, p. 78, 2000]. In 1962, estimated use of CTC was about 15 million pounds for solvent applications. [Doherty, p. 75, 2000].

The Regional Board's assumption that SEMCO must have used TCE between 1949 and 1964, based solely on TCE purchase records from the 1980s, reflects significant conjecture and hindsight bias that cannot substitute for direct evidence that TCE or other degreasing agents were used during the County's period of ownership. There is no basis for the Regional Board's conclusion that the County should have known that SEMCO's business created a reasonable possibility of a discharge. There is no evidence showing that the County had detailed knowledge of SEMCO's operations. In addition, information about the toxicity of TCE or a relationship between TCE pollution and metalworking or degreasing activities that could have informed the County to the risks of a discharge associated with SEMCO's business, was not generally known as of 1964. The applications of TCE until the mid-1970s included food and medical (anesthetic) uses, reflecting the lack of toxicological concern with general solvent usage at the time. Therefore, there is no basis

for the Regional Board's conclusion that the County should have known that SEMCO's activities created a reasonable possibility of a discharge.

2. ADDITIONAL RESPONSES TO THE REGIONAL BOARD'S RESPONSE TO COMMENTS ON THE DRAFT CAO

2.1 Regional Board Comment:

"Regarding Geosyntec's comment on 1,4-dioxane, Central Coast Water Board staff disagree. General information available to the public provides documentation that 1,4-dioxane was used as a stabilizer for both TCE and 1,1,1-TCA, as early as the late 1950s. The Interstate Technology Regulatory Council (ITRC) states the following regarding 1,4-dioxane and TCE.: "Although it is relatively less reactive with aluminum and other metals than 1,1,1-TCA, TCE has nevertheless been stabilized for vapor degreasing applications since at least the 1940s.

...definitive documentation of 1,4-dioxane as a stabilizing agent for TCE is insufficient due to the lack of specificity in early patent literature describing TCE formulations. Despite this lack of definitive documentation, given the increased use of 1,4-dioxane for solvent stabilization since the late 1950s and the existences of many different TCE manufacturers throughout the twentieth century, it is possible that some stabilized TCE contained 1,4-dioxane.

Finally, note that the presence of 1,4-dioxane in metal working and degreasing activities is not limited to the use of 1,1,1-TCA. 1,4-Dioxane was used in some cutting oils used in machining, at levels as high as 16.5%. These cutting oils could be carried in the waste TCE from degreasing operations, independent of any use of 1,1,1-TCA. Therefore, sites where TCE is detected, associated with these metal working processes, should also be considered for sampling of 1,4-dioxane."

Geosyntec Response:

Commercial grades of TCE have historically included stabilizers to prevent TCE decomposition from contact with acids, metals, oxygen, light, and/or heat [Morrison and Murphy, p. 125, 2013]. Prior to 1954, amines (e.g., trimethylamine, triethylamine, diisopropylamine) were the most popular chemicals used as TCE stabilizers as they neutralized acidic decomposition products [Morrison and Murphy, p. 128, 2013]. In the mid-1950s, amines were replaced by non-alkaline formulations, particularly pyrrole-based mixtures that were developed by DuPont [Morrison and Murphy, p. 128, 2013]. A 1957 patent indicated that N-methyl pyrrole was widely used as it was effective as an inhibitor of air, light and thermal decomposition of TCE [Morrison and Murphy, p. 128, 2013]. EPA listed the following stabilizers as present in TCE with the application of vapor degreasing: epichlorohydrin, butylene oxide, glycidol, acrylonitrile, diisopropylamine, triethylamine, ethyl acetate, diisobutylene, thymol, n-methyl pyrrole, acetaldehyde, tetrahydrofuran, n-propanol and sec-butanol [Morrison and Murphy, p. 128, 2013].

The 1,4-dioxane ITRC reference cited by the Regional Board also states that “definitive documentation of 1,4-dioxane as a stabilizing agent for TCE is insufficient due to the lack of specificity in early patent literature describing TCE formulations” [ITRC, 2021]. According to a Solvent Stabilizers White Paper, primary evidence of 1,4-dioxane as a stabilizer for TCE could not be found, and officials at Dow Chemical asserted that 1,4-dioxane was not a constituent of TCE [Mohr, 2001]. Historically, 1,4-dioxane has primarily been used to stabilize a different chlorinate solvent, 1,1,1-TCA, and 1,4-dioxane’s production history is therefore inextricably tied to the production and use of 1,1,1-TCA [ITRC, 2021].

Based on the time period of the County’s ownership of the Former SEMCO property (1947-1964), literature on the history of TCE stabilizers does not support any relationship between the use of TCE for vapor degreasing and the presence of 1,4-dioxane. Furthermore, the known later use of 1,1,1-TCA presents a clear source for the 1,4-dioxane present at the site. It is vastly more likely that 1,4-dioxane would be affiliated with Former SEMCO’s use of 1,1,1-TCA² after 1984, as there is an uncontested known relationship between 1,1,1-TCA and 1,4-dioxane [ITRC, 2021].

The Regional Board further goes on to state that 1,4-dioxane is present in some cutting oils that may have been used at the former SEMCO site. However, although 1,4-dioxane is potentially present in some cutting fluids, the mineral oil based cutting oils used for high-speed steel alloy metalworking were not assessed by the Regional Board’s citation. SEMCO used high-speed steel alloys in their tool making², and aqueous-based cutting oils emulsified with mineral oil are best used at high speeds and high temperatures [Debnath, p. 5- 6, 2014]. The emulsion is formed by blending mineral oil in water with an emulsifying agent at a typical ratio of 30 parts water to one part oil [Debnath, p. 5, 2014]. These mineral oil-based cutting oils did not contain chlorinated solvents, and therefore did not require the use of stabilizers such as 1,4-Dioxane. Meike did not measure 1,4-dioxane in mineral oil based cutting oils (pp.4-5, 1993).

2.2. Regional Board Comment:

“The environmental consultants performing preliminary Site investigations concluded that TCE was likely discharged at the Site decades before investigations began in the mid-1980s. The environmental consultants based their conclusion on the analytical data reviewed at the time and the presence of TCE biodegradation products which can take long periods of time to break down from TCE in the subsurface.”

Geosyntec Response:

The wording of the document cited by the Regional Board reads: *“The presence of significant concentrations of trans 1,2-dichloroethene indicates that biodegradation has occurred, suggesting that the identified TCE contamination has been in the ground for a period of years to tens of years.”* [Westec Services, Inc., 1988]. TCE can be co-oxidized to 1,2-DCE via an aerobic degradation pathway relatively quickly [Wu et al., 2022]; the range of TCE half-lives in

groundwater in a recent study at several sites was 0.3 years to 105 years (average of 27 years) [Mills et al., 2018]. Therefore, while 1,2-DCE is a breakdown product of TCE, its degradation is influenced by numerous variables and thus it is difficult, if not impossible, to determine the age of a release based on relative proportion of breakdown products alone from a study conducted in 1988 [Wu et al., 2022].

Additionally, the cited report was dated 1988, 24 years after the Site was no longer under County ownership. If the presence of trans-1,2-dichloroethene were indicative of a time period of years or tens of years since a release occurred, then that could still well be within the time period after the Site was sold. Further, in a 1989 response from the Regional Board to SEMCO³, the Regional Board disputed the potential for the Department of Defense (DOD) to be responsible for the contamination, stating: *“Given the fact that it has been forty years since the Army occupied the site, it seems highly unlikely the Army is responsible for such high concentrations of TCE as those found in shallow soils.”* This highlights the ambiguity of inferring a release date based on presence or absence of primary and breakdown products. The available data regarding degradation by-products provide no evidence to determine the release date for TCE, and therefore provides no evidence to support the Regional Board's assumption that TCE was first discharged prior to the end of the County's ownership in 1964.

³https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1251357853/LTR_CLEANUP_26JULY1989.pdf

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