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August 27, 2025

THE PRECISION COIL SPRING COMPANY
Albert Goering, b.goering@pcspring.com
Natalie Goering, ngoering@pcspring.com
Christopher Goering, c.goering@pcspring.com
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CONFIRMATION OF RECEIPT REQUESTED

STATE WATER RESOURCES CONTROL BOARD
waterqualitypetitions@waterboards.ca.gov

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD
sarredondo@waterboards.ca.gov

To Whom This May Concern,

Enclosed are the following documents:

1. Petition of THE PRECISION COIL SPRING COMPANY to the State Water Resources Control Board from Section 13267 Order R4-2023-0038, As Amended.
2. Copies of the November 16, 2023 and July 28, 2024 Orders from the Regional Water Quality Control Board.
3. Verified Declaration of Albert Goering (and exhibits) requesting that the Orders be stayed and held in abeyance pending action of the State Water Resources Control Board.

All documents referenced in the Petition other than attached as exhibits are available on Geotracker and incorporated by reference.

Thank you for your attention to this matter.

Sincerely,

Natalie Goering

THE PRECISION COIL SPRING COMPANY
Albert Goering, b.goering@pcspring.com
Natalie Goering, ngoering@pcspring.com
Christopher Goering, c.goering@pcspring.com
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BEFORE THE STATE WATER RESOURCES CONTROL BOARD

IN RE: PRECISION COIL SPRINGS, INC.

Order No. R4-2023-0039 as Amended

(1) PETITION FOR REVIEW OF ISSUANCE
OF 13267 ORDERS BY LOS ANGELES
REGIONAL WATER QUALITY CONTROL
BOARD

(2) REQUEST FOR STAY

(3). VERIFIED DECLARATION OF
ALBERT GOERING IN SUPPORT OF STAY

(4) REQUEST FOR EVIDENTIARY
HEARING

Petitioner, The Precision Coil Spring Company (“Precision”) hereby appeals issuance by the Los Angeles Regional Water Quality Control Board (“Regional Board”) of the Original and Amended 13267 Orders (“Orders”) against Precision located at 10107 Rose Ave, El Monte, CA. 91731. Attached as Exhibit A is a true and correct copy of the original order dated November 16, 2023. PETITION OF PRECISION COIL SPRINGS, INC. TO STATE WATER RESOURCES CONTROL BOARD.

2023 (“Original Order”) which is also available on Geotracker.

[https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1896314322/](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1896314322/SCP6%20103.0287%2013267%20Order%20PCS.pdf)

[SCP6%20103.0287%2013267%20Order%20PCS.pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1896314322/SCP6%20103.0287%2013267%20Order%20PCS.pdf). Attached as Exhibit B is a true and correct copy of the Amended Order dated July 28, 2025 (“Amended Order”).

[https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6328611075/](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6328611075/SCP%206%20NM%20103.0287%20PCS%20Work%20Plan%20Approval.pdf)

[SCP%206%20NM%20103.0287%20PCS%20Work%20Plan%20Approval.pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6328611075/SCP%206%20NM%20103.0287%20PCS%20Work%20Plan%20Approval.pdf). All other documents referenced in this Petition can be found on Geotracker.

https://geotracker.waterboards.ca.gov/profile_report?global_id=SL603798573. The Petition was timely filed by email on the State Water Resources Control Board (“State Board”)

(waterqualitypetitioners@waterboards.ca.gov). A copy of the Petition also was emailed to the Executive Director of the Los Angeles Regional Quality Control Board.

Sarredondo@waterboards.ca.gov.

Precision has been and continues to be aggrieved by the inconsistent and arbitrary decisions of Regional Board staff in issuing Orders which lack any substantial evidence that Precision’s operations pose a threat to groundwater or human health and the environment as required by Water Code section 13267. As discussed below, the Orders also exceed the jurisdiction of the Regional Board in mandating indoor vapor intrusion sampling absent legislative authority. Even assuming, arguendo, that the Legislature authorized the Regional Board to order such sampling, the State Board has failed to adopt regulations pursuant to the Administrative Procedures Act (“APA”) governing the vapor intrusion or migration standard relied upon to determine the need for case closure or necessity for deed restrictions. In the absence of legally adopted regulations uniformly applied, staff is allowed to operate with

unfettered discretion, resulting in inconsistent decisions with little or no accountability. Such unfettered discretion creates a lack of confidence on the part of the regulated community that complying with Regional Board orders will lead to predictable, fair, and consistent outcomes--thus harming the credibility of this agency.

Precision has a long history with the Regional Board dating back to 1989. Though Precision received closure from the Environmental Protection Agency ("EPA") in 2002 and a recommendation for closure by Regional Board staff in 2004, Regional Board staff issued the Original 13267 Order after a 20-year hiatus and without any notice,. The attached declaration of Albert Goering provides a detailed account (with exhibits) of what has transpired over 35 years between his company and the Regional Board.

This Petition directly challenges the procedures by which staff issues and the State Board reviews orders as lacking due process safeguards, because Precision is not accorded any meaningful opportunity to have evidence reviewed by an independent, neutral party even though such orders, by their very terms, subject Precision to misdemeanor liability and impact the value of its property. Whereas the State Board provides robust protections in water rights cases, the same due process is not afforded in cases involving alleged releases of hazardous materials. Other than filing a discretionary appeal to the State Board, the regulated community, including Precision, is deprived of any meaningful due process as there is no objective review of staffs' decisions. Though senior management attempts to play a neutral role at times, management is

conflicted by its responsibility to defend its staff, and staff frequently ignores decisions made by management--which appears to have occurred here.¹

The attached Goering Declaration specifically outlines how Precision has been aggrieved by the ongoing actions and inactions of Regional Board staff, culminating most recently with staff issuing an Amended 13267 Order² rather than simply approving the “voluntary” workplan that Precision submitted on July 11, 2025, after months of extensive negotiations with State Board attorneys and Regional Board management.³ Quite regrettably, staff then issued the Amended Order rather than simply approving the workplan, hence undermining any confidence that this case was nearing closure and necessitated this Petition to preserve Precision’s rights.⁴

Precision is requesting that the Original and Amended Orders be rescinded in their entirety based upon the technical evidence and legal arguments presented here and as

¹ The State Board should consider using review of this Petition as a vehicle to formally adopt an alternative dispute resolution process to help fairly resolve disagreements before a qualified and trained neutral party, saving both the agency and regulated public significant time and resources.

² After months of negotiations to develop an agreed upon workplan and a path to closure, Precision voluntarily submitted a workplan on June 30, 2025, amended on July 11, 2025, including both indoor air and vapor sampling while reserving its legal arguments that the Regional Board lacked jurisdiction in this area. Management requested staff to send a letter approving that workplan. Rather than simply approving the workplan, the Amended Order was issued on July 28, 2025, and expressly states: “The above requirement for submittal of a technical report constitutes an amendment to the requirements of the Water Code section 13267 Order originally dated November 16, 2023. All other aspects of the Order originally dated November 16, 2023, and the amendments thereto, remain in full force and effect. Pursuant to section 13268 of the California Water Code, failure to submit the required technical report by the specified due date may result in civil liability administratively imposed by the Los Angeles Water Board in an amount up to one thousand dollars (\$1,000) for each day each technical report is not received.” According to Arthur Heath, he had only requested staff approve the workplan and signed the Amended Order inadvertently. It is possible that the order was issued in error and could simply be withdrawn.

³ The term “voluntary” is being used loosely as Precision acceded to Staffs’ demands only after reaching an agreement with State Board attorneys and management that satisfactory completion of the workplan would lead to closure and solely in an effort to settle matters without further expense while reserving all its rights.

⁴ Precision reserves its rights to seek any and all other legal relief from the Regional and State Boards actions and inactions and does not waive its right to do so by the filing of this Petition.

supplemented at an actual hearing before the State Board at which Precision requests to call witnesses. Precision further incorporates by references all technical documents uploaded to Geotracker as well as all documents produced by the Regional Board pursuant to Public Record Act Requests.

The verified Declaration of Albert Goering respectfully requests that these Orders are held in abeyance and a stay issue based upon the following:

1. ***Precision will be substantially harmed if the stay is not granted.*** Precision previously spent hundreds of thousands of dollars on site assessments, legal fees, and settlement costs in connection with investigations by the Regional Board and Environmental Protection Agency (“EPA”) during the 1990s and early 2000s. (Goering Declaration, Para 1; July 2024 and October 2025 Technical and Supplemental Technical Memorandum and Exhibits). After the EPA closed the Precision site in 2002, Regional Board staff similarly recommended closure; however, the case was not formally closed and “fell through the cracks” based upon budget constraints. Twenty years later, staff issued the Original Order requiring installation of five new groundwater monitoring wells and soil vapor borings. Apparently, the case was only reopened because the Regional Board received new funding through the Water Quality Authority (“WQA”) and needed to spend it.⁵ The method employed by staff to identify new “targets” was highly suspect and failed to

⁵ Precision requests that the State Board take notice of the Los Angeles Regional Board’s budgets for years 2005-2023, to determine whether any lack of funding justified the decades of delay in reassessing closure for Precision.

analyze Precision's case in the context of prior technical investigations, recommendations by prior staff, and monetary settlements with the EPA absolving Precision of responsibility for regional groundwater remediation. Nor did staff bother to contact either Precision or its attorneys to raise any new founded "concerns" about its operations. Instead, despite decades of groundwater data showing that levels of VOCs and chrome concentrations beneath Precision were under the maximum contamination levels ("MCLs") and not attributable to this site, staff claimed that Precision was a "threat" to groundwater. Staff cited no new evidence not available in 2004, when former staff recommended closure and frankly no objectively credible evidence to support the Amended Order. (See Technical Memorandum, Table III, for a detailed rebuttal of each incorrect assumption in the Original Order.)

2. Forcing Precision, a small family-owned business, to again undertake costly work is highly prejudicial to Precision, its employees, and the Goering Family. Following the receipt of the Original Order, Precision spent months attempting to locate historical documents on this site as its former lawyers had discarded these ancient files and Precision was forced to rely on what was left in the Regional Board's storage. In July 2024, Precision submitted an extensive Technical Memoranda compiled by Murex disputing each factual assertion in the Original Order and demonstrating that no threat to groundwater exists. Precision has never received a formal response to either the July 2024 Technical Memorandum or the October 2024 Supplemental memo - most likely because Regional Staff actually agrees that the groundwater is no longer of concern. Without any real justification, staff nevertheless declined to rescind the

Amended Order by moving the “goal posts” for closure and requiring compliance with so-called vapor guidelines for indoor air and possible off-site migration. The 2023 Indoor Air Guidance Documents that have become the industry norm based on application by Regional Board staff are found at https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI_SupGuid_Screening-Evaluating.pdf.

(“Guidance”). Precision has maintained that the Porter Cologne Act does not grant the Regional Board jurisdiction to order indoor air sampling and most particularly not where Precision is a defense contractor closed to the public and subject to federal and state OSHA regulations. Similarly, Precision has maintained that staff lacks authority to order costly soil vapor sampling or remediation absent any evidence that residual vapor can conceivably impact groundwater. Nevertheless, Precision has had to expend significant management time and expense in again hiring attorneys and consultants to protect its rights. These expenditures pale when compared to the emotional toll that these orders take on the people affected. Having spent in excess of 15 years previously complying with EPA and Regional Board orders, the reopening of the case on the flimsiest of evidence twenty years later is unfair and unwarranted.

3. ***The public interest is served by granting a stay; by carefully reviewing the procedures for issuing and closing 13267 orders; and by requiring that the Vapor Guidelines be adopted through the APA.*** The regulated community has long questioned the broad and unfettered discretion of Regional Board staff that can lead to serious consequences for businesses and delays in real estate transactions (including the construction of affordable housing) and, which in the case of Precision,

places a cloud on Precision's title impacting its property values and business decisions. For whatever reason, staff mistakenly views 13267 orders as "benign" and maintains that companies cannot be "damaged" so long as no formal enforcement order has been issued or administrative civil penalties sought. They further claim that the 2023 Vapor Guidelines are not being applied as regulations but are only one factor in evaluating site closure. The Regional Board staffs' actions toward Precision and other cases prove otherwise. The Guidelines are being used almost universally by both the Regional Boards and Department of Toxic Substance Control including application of the so-called "regulatory thresholds" and attenuation factors in determining the appropriateness for case closure. Despite claims that the Guidelines are not applied as regulations, the legal, consulting, and development communities routinely cite to the Guidelines as controlling based on their direct experience with the Regional Board. Public trust in this agency depends on the application of fair, predictable standards applied consistently after their adoption through the statutorily required APA process. That statutorily required process considers, for example, the economic impacts of proposed regulations on businesses which far outweigh any speculative benefits.

4. ***There will be no substantial harm to other persons or the public interest.*** As discussed above, groundwater beneath the Precision site has been sampled for years by an EPA contractor as part of the regional USEPA Superfund Site; and it is well below MCLs, or other action levels adopted by the EPA during the federal superfund consent decree process. In 2004, Precision also closed a former degreaser and no

longer uses VOCs in its process at all, further reducing any risks of new contamination. It is not in violation of any federal or state OSHA laws.

5. ***The Petition raises novel issues of law and fact.*** Precision has submitted several Technical Memoranda since the Original Order issued, none of which have been substantively responded to. Precision also offered to enter into a standstill agreement tolling any legal deadlines so that the parties could reach a resolution. Attorneys for the State Board inexplicably refused. Precision then agreed to “voluntarily” conduct indoor and soil vapor testing while retaining all its legal and procedural rights and had its environmental consultant, Murex, file a proposed workplan on June 30, 2025 and July 11, 2025. Yet, even to management’s surprise, staff issued an Amended Order on July 28, 2025, knowing that Precision had not submitted to the Regional Board’s jurisdiction and despite Precision having agreed only voluntarily to implement the July 11, 2025 workplan to resolve this dispute. Though Precision remains open to informally discussing closure of this matter short of a hearing, Precision is filing this Petition to preserve its rights and is raising several complex legal and technical issues that are long overdue for the State Board to tackle that affect parties well beyond Precision and should be addressed including:

- (a) Does the Regional Board have the burden of establishing a “threat” to groundwater when a 13267 Order is issued and, if yes, was that burden met here?

- (b) Should the Regional Board be held to a higher standard for reopening previously shelved cases when decades have passed, and such delay is prejudicial and not the fault of the recipient?
- (c) Does application of the defense of laches bar the issuance of new orders when a recipient shows prejudice caused by the passage of time including: (1) the inability to question retired Regional Board employees; (2) the death of individuals previously managing the Precision case; (3) the inability of the EPA to produce documents many years after the fact; and (4) the loss of insurance coverage previously available in the 2000s forcing Precision to pay for all legal and technical costs? (Goering Declaration at para. 11). Precision seeks to present evidence on these factors as part of any State Board decision. See, e.g., *Malaga County Water District v. Central Valley Regional Water Quality Control Board* (2020) 58 Cal.App.5th 447. In *Malaga County*, the court held that laches is an equitable defense that can apply in administrative proceedings when two requirements are met; unreasonable delay and prejudice from the delay and analogized to the three-year statute of limitation applied in many water cases. Here, the Regional Board had no justification in waiting twenty years to reopen the Precision matter and should be barred, entirely, from proceeding.
- (d) Does the Regional Board have jurisdiction to require indoor air sampling absent legislative authorization in the Water Code?

(e) Is the Regional Board unlawfully employing “underground regulations” which

have not undergone adoption through the Administrative Procedures Act?

According to several appellate decisions, “Unless it is subject to one of the enumerated exceptions, every regulation must be adopted consistent with the procedural requirements of the APA. (Gov. Code, § 11340 et seq.) This requires, among other things, public notice and an opportunity for public comment before the regulation takes effect. (*Morning Star Co. v. State Bd. of Equalization* (2006) 38 Cal.4th 324, 333 (*Morning Star*)). A regulation that is adopted inconsistently with the APA is an ‘underground regulation’ (Cal. Code Regs., tit. 1, §250) and may be declared invalid by a court (*Morning Star, supra*, at p. 333; Gov. Code, § 11350). Such a declaration is what the [Association] seek[s] in this action. “The APA defines a ‘regulation’ as a rule or standard of general application. (Gov. Code, § 11342.600.) The state agency rule or standard is a regulation subject to the APA if (1) it applies generally rather than to a specific case and (2) it implements, interprets, or makes specific the law enforced or administered by the state agency imposing the rule or standard.” See, *Center for Biological Diversity v. Department of Conservation* (2019) 36 Cal.App.5th 210,

(f) Is the Regional Board without jurisdiction to order vapor intrusion studies where Precision is a defense contractor, and its facility is not open to the public?

- (g) Where groundwater is at or below MCLs, what evidence exists that residual vapors in soil realistically will impact groundwater justifying further investigation or remediation?
- (h) Does Water Code section 13267 and Resolution 92-49 require findings, based upon substantial evidence, that the benefit of requiring additional work outweigh the cost imposed on small businesses?

For the above reasons and the evidence incorporated here, Precision respectfully requests that a stay be granted, that the Original and Amended Orders be held in abeyance, and that the State Board hold an evidentiary hearing to address the issues raised above and or rescind the Orders.

THE PRECISION COIL SPRING COMPANY

BY: 

ALBERT GOERING



Los Angeles Regional Water Quality Control Board

November 16, 2023

Mr. Albert W.H. Goering
The Precision Coil Spring Company
10107 Rose Avenue
El Monte, CA 91731

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO.: 7022 3330 0000 0514 4020

Mr. Albert W.H. Goering
PCS RE Holdings, LLC
10107 Rose Avenue
El Monte, CA 91731

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO.: 7022 3330 0000 0514 4037

**SUBJECT: REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2023-
0039**

**SITE: THE PRECISION COIL SPRING COMPANY, 10107 ROSE AVENUE, EL
MONTE, CALIFORNIA 91731 (SCP NO. 103.0287)**

Dear Mr. Goering:

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) is the public agency with the primary responsibility for the protection of ground and surface water for all beneficial uses within major portions of Los Angeles and Ventura counties, including the above-referenced site (Site). To accomplish this, the Los Angeles Water Board issues investigative orders authorized by the Porter-Cologne Water Quality Control Act (California Water Code [CWC], Division 7).

Groundwater within the El Monte Operable Unit (EMOU) of the United States Environmental Protection Agency (USEPA) San Gabriel Valley Superfund Site, including the vicinity of the Site is contaminated with volatile organic compounds (VOCs), such as tetrachloroethylene (PCE) and trichloroethylene (TCE), and metals, including hexavalent chromium (CrVI). The San Gabriel Valley groundwater basin is an important source of drinking water. The USEPA and the Los Angeles Water Board have been investigating sources of contamination and The Precision Coil Spring Company (Precision Coil Spring) facility is among the suspected sources of discharge in the EMOU.

Precision Coil Spring Company has occupied the Site manufacturing springs and metal parts since the 1950s. These operations included the use of volatile organic compounds (VOCs), including TCE, PCE; and metals, including chromium. Historical assessments

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

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

conducted at the Site indicate that a discharge of VOCs occurred; PCE and TCE have been detected in soil, soil vapor, and groundwater beneath the Site. Most recent data indicated that PCE was detected in soil vapor at a maximum concentration of 12 micrograms per liter (µg/L). PCE and TCE were detected in groundwater at maximum concentrations of 24 and 12 µg/L, respectively. Subsurface investigations conducted in the past did not include soil sampling for metals, including hexavalent chromium. Additional assessment is needed to evaluate the current subsurface conditions that resulted from historical discharges and potential impact to human health and groundwater.

Enclosed is a California Water Code section 13267 Order No. R4-2023-0039 (Order) requiring The Precision Coil Spring Company and PCS RE Holdings, LLC to prepare and submit a subsurface investigation work plan.

If you have any questions regarding this letter, please contact Ms. Norma Menjivar at (213) 576-6727 or via email at norma.menjivar@waterboards.ca.gov or contact Ms. Anita Fang, Unit Supervisor at (213) 576-6730 or via email at anita.fang@waterboards.ca.gov.

Sincerely,

**Hugh
Marley**
Digitally signed
by Hugh Marley
Date: 2023.11.16
10:44:08 -08'00'

For Susana Arredondo
Executive Officer

Enclosure: Investigative Order No. R4-2023-0039

cc: (via email)

Mr. Raymond Chavira, United States Environmental Protection Agency
Ms. Holly Arrigoni, United States Environmental Protection Agency

INVESTIGATIVE ORDER NO. R4-2023-0039

**CALIFORNIA WATER CODE SECTION 13267 ORDER
ORDER TO PROVIDE A TECHNICAL FOR SUBSURFACE INVESTIGATION**

**DIRECTED TO
PCS RE HOLDINGS, LLC**

AND

THE PRECISION COIL SPRING COMPANY

**THE PRECISION COIL SPRING COMPANY
10107 ROSE AVENUE, EL MONTE, CALIFORNIA 91731
(SCP NO. 103.0287)**

**ON
November 16, 2023**

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) Section 13267 requiring PCS Re Holdings, LLC (Property Owner) and The Precision Coil Spring Company (Precision Coil Spring) to further investigate and access the site located at 10107 Rose Avenue, El Monte, California 91731 (Site).

1. Precision Coil Spring Company has occupied the Site manufacturing springs and metal parts since the 1950s. These operations included the use of volatile organic compounds (VOCs), including trichloroethylene (TCE), perchloroethylene (PCE), and metals, including chromium. The Site is within the San Gabriel Valley (Area 1) Superfund Site El Monte Operable Unit (EMOU). The groundwater in the vicinity of the Site is known to be contaminated with VOCs, heavy metals, including hexavalent chromium (CrVI), and chemicals of emerging concern such as, 1,4-dioxane. PCE and TCE have also been detected in soil, soil vapor, and groundwater beneath the Site, while metals have not been investigated at the Site. Historical assessments conducted at the Site indicate that a discharge of VOCs occurred. Precision Coil Spring is among the suspected sources of VOCs and potentially metals for the following reasons:

- 1.1. On June 17, 1981, the Southern California Air Quality Management District (SCAQMD) issued a permit to Precision Coil Spring for the use of a degreaser (Attachment 1). A SCAQMD Field Report indicated that the solvent in the degreaser was PCE and ½ drum of solvent was used per month. It was kept heated for 8 hours.

- 1.2. A Chemical Storage and Use Questionnaire (CUQ) dated February 2, 1987, was submitted to the Los Angeles Water Board (Attachment 2). The CUQ listed PCE, solvent, and gasoline stored on-site in quantities of 100, 5,000, and 55 gallons, respectively.
- 1.3. *The Site Inspection Well Investigation Program (File No. 103.0287)* dated December 7, 1989 and issued by the Los Angeles Water Board (Attachment 3) identified the following areas of concern: 1) etched concrete that was observed in the area of the PCE degreaser and caustic tanks, 2) the PCE waste storage area did not have adequate containment, and 3) the clarifier received waste waters from caustic tanks into which PCE was discharged.
- 1.4. On January 11, 1990, during a site inspection that took place after the clarifier's contents were pumped out, it was observed that the sample box was heavily etched, degraded, and missing concrete around the effluent pipe (Attachment 4).
- 1.5. *Report of Environmental Investigation Addendum I Precision Coil Company, Inc. 10107 Rose Street, El Monte, California* dated April 13, 1990 prepared by Smith-Every Company reported PCE detections in shallow soil (Attachment 5). PCE was detected at maximum concentration of 750 micrograms per kilogram ($\mu\text{g}/\text{kg}$) at 1 foot below ground surface (bgs).
- 1.6. *Remedial Investigations Report, Soil Gas Survey 10107 Rose Street El Monte, California* dated August 31, 1992, was prepared by AeroVironment, Inc (Attachment 6) is summarized below:
 - 1.6.1. The report indicated that the degreasing solvent was stored in a 100-gallon above ground storage tank (AST) with a secondary containment unit added in 1991. Solvent was pumped to the AST through a closed piping system. According to the report, the vapor degreaser contained PCE after Precision Coil Spring ceased using TCE in the 1970s. The floor of the tank area was reported to be on an angled cement slab to force chemical spills to drain towards a catch basin. The catch basin funneled chemical releases into the 150-gallon three-stage clarifier.
 - 1.6.2. The report included historical soil sampling results. Samples were collected from the vicinities of the clarifier and floor drain at depths ranging between 1.5, 5, and 10 feet bgs. PCE was detected in soil matrix samples at concentrations ranging from 12 and 750 $\mu\text{g}/\text{kg}$. Methylene chloride was detected at concentrations ranging from 8.7 to 57 $\mu\text{g}/\text{kg}$.

- 1.6.3. Soil vapor samples were collected from 35 locations at 5 feet bgs. PCE was detected at concentrations ranging between 1.53 and 1,383.56 µg/L.¹ The highest concentrations of PCE were detected in the vicinities of the outdoor floor drain and clarifier. 1,1,2,2-TCA was detected in the vicinity of the clarifier and indoor floor drain, and 1,2-DCA was detected in the vicinity of the indoor floor drain.
- 1.6.4. A 70-foot soil boring was installed, and soil samples were collected at 5-foot intervals and reported as non-detect. Soil vapor samples were collected from 10, 19, 33, 47, and 62 feet bgs for four rounds at one-month intervals. In April 1992, PCE was detected at concentrations ranging between 4.9 and 80.1 µg/L. PCE was detected at concentrations ranging between 1.958 to 41.652 µg/L, 80.889 to 187.723 µg/L, and 160,467 to 178.339 µg/L in May, June, and July 1992, respectively. TCE and 1,1,1-TCA were detected in soil vapor samples collected in July 1992 at concentrations ranging between 0.206 to 0.720 and 0.050 to 0.131 µg/L, respectively. The report stated that PCE concentrations from the July 1992 sampling event were a result of equilibration of soil gas annulus, therefore, concentrations detected may have not been representative samples of VOCs at the collected depths.
- 1.6.5. The report concluded that VOCs were not detected in soil matrix beyond 5 feet bgs, and PCE in soil vapor suggested the floor drain and clarifier area as potential sources.
- 1.6.6. Although the report included data discrepancies it revealed that PCE was detected in soil vapor and in shallow soil.
- 1.7. On October 6, 1992, SCAQMD issued Precision Coil Spring permit to operate cleaning tanks (Attachment 7).
- 1.8. *Groundwater Monitoring Report, Precision Coil Spring Facility, 10107 Rose Street, El Monte, California* dated February 27, 1995, was prepared by Hydro Geo Chem, Inc. (Attachment 8). Groundwater was collected from five wells in October and November 1994. In October, concentrations of PCE ranged between 8.9 and 87 µg/L. In November, PCE concentrations ranged between 13 and 65 µg/L.

¹ According to Figure 3-1, 1,1,1-TCA was detected in all soil vapor samples at concentrations ranging between 1.53 to 1,383.46 µg/L. However, results of the PCE tank air sample showed that the compound detected onsite were, in fact, PCE, and not 1,1,1-TCA. (AeroVironment, Inc., 1992, pp. 2-6)

- 1.9. *The Draft Soil Gas Sampling and Analysis at the Precision Coil Spring Facility El Monte, California dated October 7, 1996*, prepared by Hydro Geo Chem, Inc., reported PCE and 1,1,1-TCA detections at the Site (Attachment 9). Soil vapor samples were collected from 17 locations from depths of 5 ft bgs and at 2 locations at depths of 5 and 10 ft bgs. PCE was detected at a maximum of 7 µg/L. 1,1,1-TCA was detected at 17 locations at concentrations that ranged between 0.010 and 0.071 µg/L.
- 1.10. According to Department of Toxic Substances Control (DTSC) Uniform Hazardous Waste Manifests, Precision Coil Spring generated 72,411 pounds of waste that included chromium between 1998 and 2021 (Attachment 10). Additionally, waste manifests indicate that 110 gallons of PCE waste were generated at the Site in 1998, and 5 cubic yards 1,1,1-TCA waste was generated at the Site in 2002.
- 1.11. *Shallow Nested Soil Vapor Probe Investigation at 10107 Rose Street El Monte, CA (USEPA Admin. Order 92-02)* dated April 1998, prepared by AeroVironment reported the results of soil vapor sampling that was conducted in two sampling events near the vicinity of the clarifier at depths ranging between 5 and 40 ft bgs (Attachment 11). PCE was reported at concentrations ranging from 2.8 to 7.1 µg/L in January, and 6.4 to 12 ug/L in February.
- 1.12. *Groundwater Monitoring Report, Precision Coil Spring Facility, 10107 Rose Street, El Monte, California*, dated June 26, 1998, prepared by Hydro Geo Chem, Inc., included the results from groundwater sampling that was collected in February and May of 1998 (Attachment 12). Groundwater levels were measured to be between 45.35 and 49.52 feet bgs and flowing in a northeasterly direction. PCE was detected in groundwater samples that were collected in February 1998 at concentrations ranging from 11 to 45 µg/L. TCE was detected at concentrations ranging from 1.2 to 2.4 µg/L. PCE was reported in groundwater samples collected in May 1998 at concentrations ranging from 4.9 to 24 µg/L, and TCE was detected at concentrations ranging from 1.2 to 12 µg/L. Toluene was detected at 0.63 and 2.1 µg/L. 1,2-DCA was detected between 16 and 66 µg/L. Cis-1,2-DCE concentrations ranged between 0.7 to 3.1 µg/L.
- 1.13. On June 12, 2002, SCAQMD issued Notice of Violation to Precision Coil Spring for violating the halogenated solvent cleaner National Emission Standards for Hazardous Air Pollutants for the vapor degreaser (Attachment 13).
- 1.14. *Soil Investigation of the Vapor Degreaser Sump Precision Coil Spring 10107 Rose Street El Monte, California* dated December 20, 2002, and prepared by Hydro Geo Chem, Inc., summarized the results of soil samples that were collected

from the vicinity of the sump area (Attachment 14). Soil samples were collected from probe holes PH-1 and PH-2 from 10 and 20 feet bgs, respectively. VOCs were not detected. However, volatile organic compounds partition from soil into the vapor phase and soil vapor samples were not collected at the time so this sampling event was not adequate. Soil vapor sampling must be conducted to conclude that VOCs are not present in the subsurface beneath the sump area.

- 1.15. On January 25, 2005, SQACMD issued Notice to Comply to the Site for provide a complete and updated Material Safety Data Sheets (MSDS) for all metals and nitric acid (Attachment 15).
- 1.16. On April 30, 2008, the Los Angeles Water Boards Issued a Requirement for Technical Report Pursuant to California Water Code Section 13267 Order for the Completion of a Mandatory Chemical Storage and Use Questionnaire (Attachment 16).
- 1.17. The Chemical Storage and Use Questionnaire dated June 13, 2008 signed by Bert Goering indicated that nitric acid, sodium nitrate/potassium acid, sodium hydroxide, sodium metasilicate, monoethylamine, alkali, petroleum lubricating oil, naphtha solvent, and acetone were stored at the Site (Attachment 17). The CUQ did not include chromium although the Site's uniform hazardous waste manifests indicate that chromium waste was generated at the Site between 1998 and 2021.
- 1.18. Nearby groundwater supply wells had detections of PCE, TCE, and CrVI. PCE and TCE were detected at 40 and 27 µg/L in 2021 and 2022 and 87 and 44 µg/L in 2019 and 2022, respectively. The groundwater supply well is approximately 3,170 feet away from the Site.

2. California Water Code (CWC) Section 13267, subdivision (b)(1) states, in part:

"In conducting an investigation specified in subdivision (a), the Los Angeles Water 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Los Angeles Board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the Los Angeles Water Board shall provide the person with

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

3. Based on the evidence in the permits, environmental assessment and monitoring reports for this Site summarized in finding 1 of this Order, the Los Angeles Water Board suspects that there has been a discharge of waste at/or from the Site that could affect the quality of waters of the State. Specifically, the groundwater sampling results from 1994 to 1998 indicate that PCE was detected at every sampling event; its concentrations have generally increased over time at monitoring wells closest to the clarifier area. Historical shallow soil and soil vapor sampling also suggest that the clarifier and drain areas were a source of discharge. Deeper soil vapor sampling indicated that VOCs were present at all depths sampled. Historical elevated concentrations in groundwater and soil vapor may pose a potential health risk to qualities of drinking water and human health, hence, sampling is warranted to determine the current presence of VOCs in soil, soil vapor, and groundwater, in addition to metals in soil and groundwater.
4. This Order identifies The Precision Coil Spring Company as a suspected discharger because of Precision Coil Spring’s historic and current activities that include chlorinated solvents and metals. Prior sampling indicates that there was a leak in the area of the clarifier.
5. This Order also identifies PCS Re Holdings, LLC as a suspected discharger because according to the Los Angeles County Assessor, it is the current property owner of the Site. Current landowners are responsible for an initial discharge as well as any passive migration of that waste through the soil.²
6. This Order requires the persons named herein to prepare and submit a technical report consisting of a work plan to determine if soils, soil vapor, and potentially

² A recent Court of Appeals case, *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 Water Board precedent that holds current landowners responsible for cleanup and abatement of discharges: “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*).) Other precedential State Water Board orders on this topic include on the same topic include *Vallco Park* (86-18) and *Logsdon* (84-6). More broadly, 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).

groundwater beneath the Site have been impacted. You are expected to submit and complete a work plan to conduct a subsurface investigation as required by this Order. The Los Angeles Water Board may reject the report if it is deemed incomplete and/or require revisions to the report under this Order.

7. The technical reports required by this Order may cost in the range of \$90,000 to \$140,000 depending upon the number and depth of sampling locations. 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. The information is necessary to determine if activities at the Site resulted in soils and/or soil vapor beneath the Site to have impacted in a discharge, and whether the impacts pose a threat to human health and/or the quality of groundwater that is a drinking source. The information is also necessary to adequately determine the extent of discharges of waste at and from the Precision Coil Springs, to assure adequate cleanup, if necessary, and to assure that discharges of waste that could impact water quality will be addressed. These activities all protect human health and the environment.
8. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15061, subdivision (b)(3), 15306, 15307, 15308, and 15321, subdivision (a)(2). This Order requires submittal of technical reports, including a work plan for subsurface investigation. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment. It is unlikely that compliance with this Order, including implementation of the monitoring required by the workplan, could result in anything more than minor physical changes to the environment.
9. Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that PCS RE Holdings, LLC and The Precision Coil Spring Company, pursuant to Water Code section 13267, subdivision (b), are required to submit the following by **February 27, 2024**:

1. Any environmental assessment reports for the Site that have been produced to date.
2. A Work Plan for a subsurface investigation that shall include soil matrix analysis for VOCs, 1,4-dioxane, and heavy metals including CrVI; soil gas analysis for VOCs; and groundwater sampling for VOCs, metals, including CrVI, and 1,4-dioxane. At minimum, samples shall be collected at the locations of any former clarifiers, underground and above ground storage tanks, chemical storage areas, degreasers, plating lines, and sumps. The locations of soil borings must be presented on a scaled site map. The Work Plan shall be prepared in accordance with the guidance documents that can be found at the following links:

General Work Plan Requirements for a Heavy Metal Soil Investigation

http://waterboards.ca.gov/losangeles/water_issues/programs/remediation/General%20Workplan%20Requirements%20for%20a%20Heavy%20Metals%20Soil%20Investigation.pdf

Interim Site Assessment and Cleanup Guidebook (1996)

http://www.swrcb.ca.gov/losangeles/water_issues/programs/remediation/brownfields/RBs%201996%20Guide%20Book1_1.pdf

Advisory – Active Soil Gas Investigations (July 2015)

https://www.dtsc.ca.gov/SiteCleanup/upload/VI_ActiveSoilGasAdvisory_FINAL.pdf

The above items shall be submitted to:

Norma Menjivar Cervantes

Los Angeles Regional Water Quality Control Board

320 West 4th Street, Suite 200

Los Angeles, CA 90013

Phone: (213) 576-6727

Email: norma.menjivar@waterboards.ca.gov

Pursuant to Water Code section 13268, subdivision (a), any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to Water Code section 13268, subdivision (b)(1), failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Los Angeles Water Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These

civil liabilities may be assessed by the Los Angeles Water Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The State Water Resources Control Board adopted regulations (California Code of Regulations, title 23, sections 3891 et seq.) requiring the electronic submittals of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found on the Internet at the following link:
http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml.

To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Los Angeles Water Board letters and orders issued to you or for the Site. However, the Los Angeles Water Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker. For your convenience, the GeoTracker Global ID for this site is SL603798573.

The Los Angeles Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports as required by this Order. The perjury statement shall be signed by a senior authorized PCS RE Holdings, LLC and The Precision Coil Spring Company representative (not by a consultant). The perjury statement shall 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 assure 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."

SO ORDERED.

**Hugh
Marley**
Digitally signed
by Hugh Marley
Date: 2023.11.16
10:51:27 -08'00'

for Susana Arredondo
Executive Officer

11/16/2023

Date

Attachments:

Attachment 1: 1981 SCAQMD Permit

Attachment 2: 1987 CUQ

Attachment 3: 1989 Site Inspection Well Investigation Program Correspondence

Attachment 4: 1990 Site Inspection

Attachment 5: 1990 *Report of Environmental Addendum 1 Investigation Precision Coil Company, Inc. 10107 Rose Street, El Monte, California*

Attachment 6: 1992 *Remedial Investigations Report, Soil Gas Survey 10107 Rose Street El Monte, California*

Attachment 7: 1992 SCAQMD Permit

Attachment 8: 1995 *Groundwater Monitoring Report, Precision Coil Spring Facility, 10107 Rose Street, El Monte, California*

Attachment 9: 1996 *The Draft Soil Gas Sampling and Analysis at the Precision Coil Spring Facility El Monte, California*

Attachment 10: 1998-2021 DTSC Waste Manifests Records

Attachment 11: 1998 *Shallow Nested Soil Vapor Probe Investigation at 10107 Rose Street El Monte, CA (USEPA Admin. Order 92-02)*

Attachment 12: 1998 *Groundwater Monitoring Report, Precision Coil Spring Facility, 10107 Rose Street, El Monte, California* Attachment 13: 2002 SCAQMD Notice of Violation

Attachment 13: 2002 SCAQMD Notice of Violation

Attachment 14: 2002 *Soil Investigation of the Vapor Degreaser Sump Precision Coil Spring 10107 Rose Street El Monte, California*

Attachment 15: 2005 SCAQMD Notice to Comply

Attachment 16: 2008 13267 Requirement for submittal of CUQ

Attachment 17: 2008 CUQ



Los Angeles Regional Water Quality Control Board

July 28, 2025

Mr. Albert W.H. Goering
The Precision Coil Spring Company
PCE RE Holdings, LLC
10107 Rose Avenue
El Monte, CA 91731

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO.: 9589 0710 5270 0914 4921 10

SUBJECT: APPROVAL OF SOIL VAPOR AND INDOOR AIR ASSESSMENT WORK PLAN, PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2023-0039

SITE: THE PRECISION COIL SPRING COMPANY, 10107 ROSE AVENUE, EL MONTE, CALIFORNIA (SCP NO. 103.0287, GLOBAL ID NO. SL603798573)

Dear Mr. Goering:

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of the Los Angeles and Ventura counties, including the above referenced site (Site). The *Soil Vapor and Indoor Air Assessment Workplan* (Work Plan) dated June 30, 2025, prepared by Murex Environmental, Inc., was submitted to the Los Angeles Water Board.

Los Angeles Water Board staff have reviewed the Work Plan which proposes the following scope of work:

- a. The collection of six (6) soil vapor probes at three locations from 5 and 15 feet below ground surface (bgs) each.
- b. Two probe locations near the former tetrachloroethylene (PCE) degreaser, and one at the southern boundary (across from the elementary school).
- c. Hand auger and direct push drilling will be used to install the dual-nested probes.
- d. Probes will be equilibrated for at least two days, then purged and sampled.
- e. Soil samples will be logged.
- f. The samples will be collected in clean Summa canisters.
- g. Eight indoor and 3 ambient air samples will be collected.
- h. An indoor air survey will be conducted.
- i. A photoionization detector (PID) will screen the interior and exterior of the building.
- j. Chemicals that may affect indoor air quality will be removed prior to and during the air sampling.

DAVID NAHAI, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

- k. Air samples will be collected in clean SUMMA canisters during an 8-hour period.
- l. Air samples will be analyzed in for volatile organic compounds (VOCs) by USEPA Method TO-15 SIM and soil vapor samples will be analyzed for VOCs by USEPA Method TO-15 at a California ELAP-certified laboratory.
- m. The Los Angeles Water Board will be notified if any borings will be relocated greater than 30 feet from the approved location.
- n. A report (Report) summarizing the results of the sampling event and recommendations will be prepared and submitted to the Los Angeles Water Board.

LOS ANGELES WATER BOARD COMMENTS AND REQUIREMENTS

The Work Plan is hereby approved with the following comments and requirements:

- 1. Indoor air samples shall be collected from the breathing zone, approximately 3 to 5 feet above the floor.
- 2. Outdoor air samples shall be collected approximately 6 feet above the ground surface and not placed in the vicinity of localized outdoor sources.
- 3. The following guidance is recommended for the evaluation of potential vapor intrusion:
https://www.waterboards.ca.gov/water_issues/programs/site_cleanup_program/vapor_intrusion/docs/2023/Final-Draft-Supplemental-VI-Guidance-Feb2023.pdf
- 4. Pending analytical results, additional assessment(s) may be warranted to investigate the extent of VOCs.
- 5. Los Angeles Water Board Staff shall be notified a minimum of 5 days prior to the start of field work.
- 6. The Report shall be submitted to the Los Angeles Water Board by **November 5, 2025**.
- 7. Per the Water Boards' Electronic Submittal of Information (ESI) requirements, electronic analytical data shall be uploaded to the GeoTracker page for the Site. Guidance documents on electronic data uploading can be found at the link below:
https://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml
Additionally, the EDF Guidelines and Restrictions can be found at the link below:
https://www.waterboards.ca.gov/ust/electronic_submittal/docs/edf_gr_v1_2i.pdf
- 8. The following perjury statement signed by a senior authorized representative (not by a consultant of) The Precision Coil Spring Company.

"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 assure 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."

The above requirement for submittal of a technical report constitutes an amendment to the requirements of the Water Code section 13267 Order originally dated November 16, 2023. All other aspects of the Order originally dated November 16, 2023, and the amendments thereto, remain in full force and effect. Pursuant to section 13268 of the California Water Code, failure to submit the required technical report by the specified due date may result in civil liability administratively imposed by the Los Angeles Water Board in an amount up to one thousand dollars (\$1,000) for each day each technical report is not received.

If you have any questions regarding this letter, please contact Norma Menjivar, Case Manager at (213) 576-6727 or via email at norma.menjivar@waterboards.ca.gov or contact Anita Fang, Unit VI Supervisor at (213) 576-6730 or via email at anita.fang@waterboards.ca.gov.

Sincerely,

For Susana Arredondo
Executive Officer

cc: (via email)

Raymond Chavira, United States Environmental Protection Agency
Holly Arrigoni, United States Environmental Protection Agency
Adriana Nunez, State Water Resources Control Board
Jillian Ly, Los Angeles Water Board
Arthur Heath, Los Angeles Water Board
Malissa Hathaway McKeith, Environmental Infrastructure Consultants, LLC

1 VERIFIED DECLARATION OF ALBERT GOERING

2 Albert Goering, declare and state as follows:

3 I am the Chief Executive Officer of The Precision Coil Spring Company ("Precision") which is
4 located in El Monte, California. I have worked at Precision since 1985. Previously, I was a Project Engineer for
5 Mobil Oil Company, focused on construction and remediation projects. I received a Bachelor's Degree in
6 Engineering and Management from the University of the Pacific in Civil and Management Engineering. The
7 statements made herein are of my own personal knowledge and, if called as a witness, I would and could testify to
8 the truth thereof.

- 9 1. My purpose in writing this Declaration is to share with the State Board how the Regional
10 Board's processes have directly and adversely impacted our business, its employees, and our
11 family for over three generations. On Geotracker, you will find a detailed Technical
12 Memorandum dated July 23, 2024, developed by Murex Environmental (Technical
13 Memorandum) at pages 4-8 providing a chronology of what has transpired since the Regional
14 Board first issued an investigative order as part of the Well Investigation Program in 1989,
15 which I will briefly summarize here.

16 [https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/7705704927/SL6037](https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/7705704927/SL603798573.PDF)
17 [98573.PDF](https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/7705704927/SL603798573.PDF).

- 18 2. In 1989, the Regional Board issued an investigative order as part of the Well Investigation
19 Program. At that time, my father was President of Precision. He purchased the company in the
20 1950s, after graduating from West Point with an Engineering Degree and returning from
21 military service in the Korean War. When Regional Board staff, including Hank Yacoub and
22 Phil Chandler, required Precision to spend significant sums on groundwater wells, my father
23 questioned the reasonableness of their approach. The approach the government was taking to
24 address a regional groundwater plume made little sense from a cost and engineering
25 perspective for our and other small businesses in El Monte and South El Monte, most of
26 whom are now closed. Moreover, for many of these businesses, including Precision, spending

1 this money meant having to lay off workers and defer purchasing equipment. (See attached
2 *Los Angeles Times*, Superfund Well Cleanup Drains Money, Confidence, Exhibit A.)

3 3. Mr. Chandler's conduct during this period was unusually aggressive and confrontational, to
4 the point that other property owners reported him to the police, mistaking him for a trespasser.
5 My father's decision to question the reasonableness of Chandler's demands did not deter him;
6 instead, Chandler escalated the matter by referring Precision directly to the Environmental
7 Protection Agency ("EPA"). This referral was made outside ordinary Regional Board
8 channels and without approval from the Executive Director. It was not based on evidence of
9 any significant contamination at Precision and appeared to be retaliation for our questioning
10 the logic of staff's approach. Notably, Chandler's actions occurred during the same period
11 when his immediate supervisor, Hank Yacoub, was under FBI investigation for bribery and
12 fraud. See attached *Los Angeles Times*, **Probe Targets Employees at Water Board**;
13 *Associated Press*, **FBI Searches Water Quality Board**, Exhibit B).

14 4. Following this referral, the EPA issued an Administrative Order against Precision and took
15 over the investigation for the Regional Board. To my knowledge, it was the only instance that
16 a company in El Monte or South El Monte was directly referred to the EPA for an
17 Administrative Order. In response to the EPA's order, Precision installed five groundwater
18 monitoring wells and conducted several rounds of soil matrix and soil gas surveys during the
19 1990s. In 2002, the EPA confirmed that Precision had completed all the work required under
20 the Administrative Order. (See Technical Memorandum, Exhibit D.)

21 5. Precision also participated in a parallel EPA proceeding known as the El Monte Operable
22 Unit Superfund negotiations. As a small de minimis party, Precision ultimately entered into a
23 Consent Agreement in 2004, as a non-working or "settling" party, and it made a lump sum
24 payment to the EPA representing Precision's share of costs for remediation of VOC
25 contamination in the groundwater.

6. From 2002 to 2004, Precision requested on several occasions close its case. See, e.g., Letters from Martha Sharp of Loeb & Loeb to Arthur Heath dated October 31 and December 30, 2002; Technical Memorandum Exhibit F.
7. Although Staff at the Regional Board ultimately recommended no further action, they informed Attorney Sharp that the case could not be closed due to “budgetary constraints”. Copies of these internal documents are attached as Exhibit H to the Technical Memorandum. By then, Arthur Heath was the supervisor in charge of this unit. Mr. Heath recently has confirmed that the case should have been closed at that time. The two Regional Board employees who recommended closure, Dixon Oriola and Carlos Ortez, have since left the Regional Board.
8. Under the Consent Agreement, Precision was required to allow an EPA contractor to sample its groundwater wells, which Precision has continued to allow since 2004, resulting in decades of data summarized in the Technical Memorandum, Table I.
9. Despite this history, Precision unexpectedly received a new investigative Order on November 16, 2023, nearly twenty years after staff first recommended closure. By then, my father had passed away and, in the intervening decades, most files had long been purged. We also no longer had any contact with our environmental lawyers or consultants, and I had lost the institutional knowledge of my father. Under the circumstances and remembering the backlash we experienced thirty years before; I did not file a petition. In hindsight, I assumed, foolishly, if I could present the history of this matter to staff, the Original Order would be rescinded. We also were optimistic that Mr. Heath, who supervised this matter in the early 2000s, and who was still employed by the Regional Board, could confirm many of the facts outlined in this Declaration and assist us in reaching closure as was owed to Precision since the early 2000’s.
10. The delay of 20 years in revisiting this matter was highly prejudicial to Precision, depriving us of the ability to effectively defend ourselves. For example, obtaining even partial copies of historic files was time consuming and costly and took months of public record act requests

1 and follow up with the Regional Board. The EPA, in turn, no longer had a license to retrieve
2 files from the early 1990s, and it was demanding thousands of dollars from Precision to buy a
3 new license and pay for staff time to locate documents. Our prior law firms, Baker &
4 McKenzie and Loeb & Loeb, had few or no records.

5 11. Previously, several insurance companies partially paid consultant and attorney fees helping to
6 defer expenses. The carriers closed their files on Precision in 2004, reasonably concluding
7 that this matter was finished after Precision entered into a Consent Agreement with the EPA
8 and Regional Board staff recommended closure. Neither Precision nor its insurance carriers
9 had any reason to believe that the Regional Board would not close this case as a matter of
10 course. Today, many of those same carriers are defunct and others refuse to reopen the case
11 all to the prejudice of Precision.

12 12. Having previously spent many years dealing with the Regional Board, it was very
13 disappointing that staff never thought to contact us before sending Original Order so that we
14 could have clarified some of the misinformation and understood the purpose of such delayed
15 action. Particularly given our previous experience with Chandler, receiving an order “out of
16 the blue” threatening misdemeanor liability was alarming.

17 13. Nonetheless, Precision undertook extensive efforts to reconstruct the record and to respond
18 substantively to the Original Order. After spending months patching together documents
19 through public record requests, Murex submitted the July 2024 Technical Memorandum.
20 Attached as Table III to the Technical Memorandum is a chart that responds to each of the
21 incorrect assumptions in the Original Order. As part of its response, Precision conducted
22 chemical tests on our metal shavings to demonstrate that it is physically and chemically
23 impossible for its process to generate chrome 6, the only new contaminant not previously
24 tested in the 1990s. We subsequently met with Arthur Heath, Jillian Ly, Norma Menijivar
25 Cervantes, and Attorney Adriana Nunez on September 16, 2024, and outlined the technical
26 reasons why the site was no longer a threat to groundwater. At that meeting, Precision
27 voluntarily agreed to conduct one further round of groundwater monitoring assuming the

1 wells had sufficient water to sample as many had gone dry in 2015, in the hope this would
2 suffice to satisfy any concerns of staff.

- 3 14. After that groundwater sampling was complete, Murex submitted a Supplemental Technical
4 Memorandum (Supp Technical Memo) on October 15, 2024 concluding: "No groundwater
5 samples during the recent sampling event detected VOCs, specifically PCE or TCE, the
6 primary Site contaminants of concern, above the laboratory detection limit (1.0µg/L). This
7 data is consistent with the trend that was observed in the later 1990s to 2010 that PCE
8 concentrations steadily decreased, and TCE remains below the MCL in all monitoring wells.
9 This confirms the conclusions made by Hydro Geo Chem (HGC) in historical groundwater
10 monitoring reports submitted to USEPA and the RWQCB, that there is no on-Site source, and
11 VOCs present in groundwater are a result of regional and upgradient contamination. The
12 absence of any elevated VOC data also debunks any claim that Precision has residual soil
13 vapor contamination necessitating further testing beyond what was already developed in the
14 1990s." (See Supp. Technical Memorandum at page 4.)

15 [https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/5253782331/SL6037](https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/5253782331/SL603798573.PDF)
16 [98573.PDF](https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/5253782331/SL603798573.PDF).

- 17 15. Staff acknowledged the September 16, 2024 meeting that groundwater did not appear
18 impacted but then shifted their concerns from groundwater contamination to vapor intrusion.
19 Staff is aware that Precision is closed to the public and, as a defense contractor, is governed
20 by federal and California OSHA; yet it still claimed jurisdiction to order vapor intrusion tests
21 without citing to any statutory authority. When asked what levels were sufficient vapor
22 concerns, staff referenced the regulatory limits and attenuation models in the 2023 Vapor
23 Guidelines.

- 24 16. Beginning in 2025, our attorneys had several ongoing discussions with Arthur Heath and
25 Attorney Adriana Nunes in an effort to determine precisely what measure staff would apply to
26 permit closure and what concentration would trigger the need for a deed restriction. Since
27 Precision was last involved with the Regional Board in the early 2000s, vapor intrusion and

1 migration have become the justification for endless investigations and enforcement.

2 Precision is not interested in being in the midst of this industry-wide debate and has tried to
3 avoid escalating this matter. As such, Art Heath, Adriana Nunez, and Precision's lawyers
4 agreed to a targeted workplan so that Precision would "voluntarily" conduct a round of indoor
5 air sampling and install three vapor probes to be tested at 5 and 15 feet. This "voluntary"
6 workplan was the result of negotiations over four months and was submitted to the Regional
7 Board on July 11, 2025.

8 17. On July 28, 2025, Precision received Exhibit B to the Petition, the Amended Order. When
9 questioned, Mr. Heath expressed confusion, confirmed that staff was instructed to merely
10 send an approval letter, and admitted he had not read the signed order. His only suggestion
11 was that our attorneys speak to the State Board lawyers as he was no longer in charge of the
12 unit now that Jillian Ly returned from parental leave. This inconsistency only underscores a
13 troubling lack of procedural regularity and was doubly disappointing because it forced
14 Precision to file this Petition.

15 18. The Original and Amended Orders create the false impression on Geotracker that Precision is
16 a significant polluter subject to active "enforcement." This is inaccurate and harmful. At the
17 time the 2023 Order issued, Precision was in the midst of an ownership transition and
18 evaluating refinancing for capital investment. The Orders have disrupted those efforts and
19 consumed management resources, to Precision's detriment. Not only does this situation
20 reopen what was a terrible time for my family, we have no way to judge when or if it will end.
21 This is particularly true because there appears to be some division between senior
22 management and staff on the best path forward as demonstrated by the July 28, 2025 order.
23 Though we have not intended, nor do we want to litigate this matter further, we have no
24 assurances of closure without filing this petition.

25 19. The same fundamental problem exists today as it did in 1990. Regional Board staff apply
26 standards inconsistently and decisions vary based upon the individuals involved or may even
27 be biased by the friction between staff and management. When businesses object, they risk

even more aggressive pushback. Large corporations have internal staff and attorneys to respond to the Regional Board; small companies like Precision do not.

20. Precision deserved a no further action letter in 2004. Nothing has changed in the intervening 20 years except that we have eliminated VOCs from our processes altogether. Precision already paid its share of the regional cleanup, and the historic and current groundwater information confirms we are not a source. As such, the Original and Amended 13267 Orders are not based upon evidence of a threat to human health or the environment and should be rescinded.

21. Moreover, requiring us to implement the order before the agency adopts clear standards for soil vapor closure is prejudicial, as it continues depriving Precision of meaningful due process and allows staff to apply underground regulations, all in the absence of evidence of a threat to groundwater. Moreover, because groundwater is at or below MCLs, there is no threat to public health and the environment, further warranting that a stay be granted.

22. In summary, Water Code §13267 authorizes investigative orders only where the discharger has discharged waste, and the requested information is reasonably necessary. Here:

- Precision has already complied with EPA and Regional Board requirements, with EPA confirming completion in 2002.
- Precision paid its share of the regional cleanup under the 2004 Consent Agreement.
- Current data shows groundwater VOCs are below MCLs, with no evidence of an on-site source.
- Precision's processes cannot generate Cr6.
- Vapor intrusion standards have not been lawfully adopted under the Administrative Procedure Act, raising concerns of "underground regulation."

23. Accordingly, the Original and Amended Orders are not reasonably necessary, are unsupported by evidence of a current threat to human health or the environment and deprive Precision of due process given the 20-year delay. The Orders should be rescinded in their entirety. As an

1 alternative, a stay should be granted and the Orders held in abeyance pending adoption of
2 clear regulatory standards for vapor intrusion.

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4 I declare under penalty of perjury that the foregoing is true and correct and that this Declaration is
5 executed in El Monte, California, this 26th day of August, 2025.

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Superfund Well Cleanup Drains Money, Confidence

■ **Pollution:** San Gabriel Valley businesses face a huge bill. Slow progress raises doubts about federal program.

By **FRANK CLIFFORD**
TIMES ENVIRONMENTAL WRITER

It has been 15 years since the first evidence of chemical contamination showed up in a San Gabriel Valley water well. It has been 10 years since the U.S. Environmental Protection Agency designated the valley's huge aquifer a national Superfund site.

Since then, one quarter of the valley's public water wells have been shut down and at least \$50 million has been spent investigating the problem. Hundreds of private firms have been tapped by the EPA to cleanse the aquifer, which supplies drinking water to more than 1 million people.

But except for a treatment plant

providing water for a few hundred people, the cleanup effort has yet to begin. After a decade of federal intervention, the aquifer remains one of the most heavily contaminated potable ground water basins in the nation.

Now, the EPA is talking about a final cleanup bill between \$200 million and \$800 million that will be handed directly to local businesses. The potential impact on the valley's economy, along with nagging doubts about the effectiveness of the proposed cleanup technology, is sapping what's left of public confidence in the EPA and the Superfund program.

"After 10 years of confusion, power struggles and bureaucratic

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SUPERFUND: Delays Raise Doubts About Program

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inaction, the community in the San Gabriel Valley is no longer convinced that Superfund, under the direction of the EPA, is going to solve their problem," Rep. Esteban Torres (D-La Puente), wrote in a recent analysis.

In some ways, the San Gabriel Valley quagmire epitomizes the entire Superfund program. Nationwide, it has consumed \$30 billion since its inception in 1980 while managing to clean up fewer than 10% of the country's 2,000 toxic waste sites. The mounting frustration of business and environmental groups has sparked demands for overhauling the Superfund law and led to a recent set of restructuring proposals by the White House.

But in many ways, the San Gabriel Valley situation is in a class by itself.

Although the Superfund law is designed to make polluters foot the bill for the nation's most lethal accumulations of waste, it is not easy to say who created the toxic soup under the San Gabriel Valley.

The ingredients have been percolating for nearly half a century, fed by fertilizer when the valley was a farming community, by household septic tanks and by chemical waste from many of the 48,000 firms that set up shop after World War II. A variety of chemicals have turned up in the water; the most potent are volatile organic compounds, or VOCs, which can break down into human carcinogens.

The task of identifying the polluters is further complicated by the nature of the pollution, which is hidden from view and moving around beneath the 170-square-mile valley. Contaminated water under a piece of property may have come from that site or may have drifted "downstream" from some other source.

Superfund critics argue that society caused the contamination and ought to pay for eliminating it through taxes or an increase in water rates. Under the law, however, the EPA must try to track the contamination back to its above-ground sources and bill the property owners.

So far, the EPA has compiled a list of about 400 businesses that may be asked to pay the final cleanup bill. Targeted companies could be looking at costs ranging from a few hundred thousand dollars to more than a million. That does not include the \$135 million that officials estimate must be spent to detect and remove chemical contaminants from the soil above the water table.

The EPA's dealings with local firms have been widely assailed. "It may be futile, excessively expensive and unfair" to try to tie the contamination to specific businesses, Torres wrote in his report on the issue last year.

"There's been a tendency to see the businesses as criminals," said Jim Goodrich, the director of the San Gabriel Valley Water Quality Authority, a public agency created four years ago to look for new

solutions.

"Some of the regulators seemed to forget that for a very long time there were no regulations on how to dispose of this stuff. It wasn't all that long ago you could buy one of the most notorious solvents around to clean your carburetor, and if you happened to spill some of it on the ground, you weren't breaking any laws."

Defending the government's work, Wayne Praskins, the EPA's project manager for the San Gabriel Valley Superfund, argues that the agency is doing a good job of pinpointing responsible companies, although he concedes that not all of them will be found.

Praskins said the EPA is on the verge of releasing its first detailed ground water treatment plan. It will focus, he said, on two dozen to three dozen firms in the Baldwin Park area, which will be asked to pay as much as \$90 million in cleanup costs.

"We feel reasonably confident we have singled out the significant sources of contamination," he said.

Admitting that the project has been a long, often exasperating experience, Praskins said, "In hindsight, you probably could identify ways we could have done things faster," but he also blamed the delays on the recalcitrance of some businesses. He is not alone in that opinion.

"The immediate reaction of businessmen was to say, 'To hell with 'em, sue 'em,'" said Richard Nichols, executive director of the Baldwin Hills Chamber of Commerce. "That didn't work. The EPA isn't fearful of that kind of thing, but it took a while for that realization to sink in."

The EPA's list of 400 companies represents only about 20% of all those scrutinized by government inspectors. But if the past is any guide, the Superfund's economic impact is likely to extend well beyond the 400, because any one of them can attempt to recover costs by implicating others. As more people are dragged into the Superfund morass and as more lawyers and consultants are hired, costs will go up and the cleanup will take longer.

Many of the businesses targeted by the EPA are large corporations, such as Aerojet General, a world leader in rocket propulsion systems. It was in an Aerojet well in Azusa where the first ground water contamination was detected 15 years ago. And it is in that neighborhood where wells continue to yield some of the highest levels of contamination.

But the EPA list also includes small enterprises struggling to survive the recession, according to the San Gabriel Valley Economic Council.

One government survey recently found that 142 firms have already paid a total of \$15 million to conduct soil tests or install monitoring wells required by the EPA or its local affiliate, the California Regional Water Quality Board.

Many of these firms worry that their initial investment is just the beginning of a

never-ending process of compliance. They fear that the specter of liability will hang over their property indefinitely once they have been put on the EPA's list of potentially responsible parties.

Those fears are not entirely groundless. In 1983, Leon Wilton, the owner of a small machine shop in South El Monte, was visited by a state water quality inspector looking for sources of contamination. The visit, on the EPA's behalf, marked the beginning of a costly, six-year compliance process that has yet to end.

Wilton, a high school dropout from Indiana, landed in Los Angeles in the mid-1950s after a tour of duty with the U.S. Army in Korea. After a dozen years on aerospace assembly lines, Wilton bought a dozen used machine drills and went into business for himself in 1970.

In 1987, he filled out a routine questionnaire indicating that he stored certain chemicals on his property used to lubricate his machines. The questionnaire triggered the inspection. The inspector, noting oily stains on Wilton's concrete loading area, recommended soil tests to determine if leaks contributed to contamination of the aquifer.

So far, the EPA has compiled a list of about 400 businesses that may be asked to pay the final cleanup bill.

The tests detected chemical residue, but well below the levels at which soil cleanup is required by state and county laws. The tests revealed 0.02 parts per billion of tetrachloroethane, a minuscule amount of one of the volatile organic compounds contaminating the aquifer. Elsewhere in the valley's soil, the same contaminants have exceeded 1,000 p.p.b. The safe level for drinking water in California is 5 p.p.b.

The tests on Wilton's property also detected 193 p.p.b. of toluene, a petroleum derivative that also has turned up in the aquifer. Under Los Angeles County regulations, Wilton does not have to clean up the toluene in the ground unless it reaches 300 p.p.b. Toluene has been found in other parts of the valley at levels of 20,000 p.p.b.

Nevertheless, Wilton was asked to perform another round of soil analyses in 1992. Those tests showed no increase in contaminant levels.

By then, Wilton's business, which depends heavily on aerospace customers, was caught in the industry's downward spiral. He said he had to cut his work force in half and cash in an insurance policy to make ends meet. His lawyer told the EPA he was on the verge of bankruptcy.

Saying that the government's demands had already cost him \$70,000, Wilton asked the agency to release him from any further Superfund responsibility.

Wilton, who is in his 60s, says he wants to sell his business or borrow against it to pay his debts. But he shares the fears of other businessmen in the valley that the threat of Superfund liability will turn away prospective buyers or lenders.

The EPA, however, refused to take Wilton off its list of potentially liable firms. Instead, the agency asked him to perform yet another soil analysis. Officials said Wilton had not proved that the contamination showing up in nearby wells did not come from his property.

"The problem," said Wilton's lawyer, Melissa McKeith, "is there is no point at which the EPA is required to say, 'OK, your property is clean, you don't have to do any more work.' There are no standards. Nothing to shoot for. It's totally discretionary. You're clean when some EPA official says your clean."

Torres has also criticized the EPA for its unwillingness to go easy on minor players such as Wilton.

"The EPA has the authority to take the small guys out of the deal and protect them from future liability," said Fran McPoland, Torres' staff expert on the San Gabriel Valley Superfund. "I've been working on this issue for six years, and EPA keeps saying they are just a few steps away from making what we refer to as *de minimis* settlements with these companies. But the fact is they haven't done it."

Praskins said the EPA has yet to set its own "clean site" criteria, but added that the agency is "evaluating whether we can come up with numbers that people can use" to gauge how much cleanup work they need to do.

As for Wilton's situation, Praskins acknowledged that test results from his property "did not indicate a problem."

Asked why the agency refused to grant Wilton the sort of liability waiver he could take to the bank, EPA lawyer Mark Klaiman said it was because Wilton's request for indemnity was part of a collective appeal by a group of South El Monte businesses. Some of the others, Klaiman said, had significant amounts of contamination on their property.

Records of the regional board indicate, however, that Wilton was pursuing indemnity on his own behalf.

Wilton's experience underscores the uncertainty continuing to plague the San Gabriel Valley Superfund program.

"The EPA hasn't been able to tell business how much work it will take and how much it will cost because they don't know. No one really knows," said one public official close to the project who asked not to be identified.

Even now, with the EPA on the verge of releasing its first comprehensive plan for treating the aquifer, agency officials con-

cede that the process will not get all of the contaminants out of the ground water. Known as pump and treat, the process draws water from the ground, aerates the pollutants and recycles the purified water back to the aquifer. But some of the contaminants tend to get left in the ground.

"It can be hard to get out the last part of the contamination. Getting down to 5 p.p.b. can be difficult," Praskins said, referring to the state's safe drinking water limit for the volatile organic compounds.

It's not as if the drinking water can't be made safe. Dozens of San Gabriel Valley water companies have been doing it successfully for years, cleaning the water as it flows through the wellhead and passing on the costs to consumers.

But that process does not attack the problem at its source—in the aquifer. And as long as the contaminants are down there, they can spread and mutate, ultimately threatening neighboring aquifers, EPA officials say.

As the EPA moves toward the first of seven planned cleanup phases in the San Gabriel Valley, officials elsewhere are scrambling to come up with a way of easing the cost burden on local firms.

Torres has proposed legislation to require the federal government to pick up 20% of the cleanup costs. But his bill has not gained much momentum in Congress and business representatives maintain that their costs could still be astronomical.

Another approach, this one more appealing to businesses, would allow companies to recapture a significant portion of their costs through credits received from the sale of treated water. The complex arrangement would involve the cooperation of the numerous companies and agencies that market water in the San Gabriel Valley.

Although businesses are making the biggest push for reform, they have gained allies as the recession has cut deeper into the local economy.

Six years ago, the East Valley Organization, a federation of neighborhood groups with a populist edge, put the aquifer cleanup at the top of its agenda. The group even offered rewards to people who turned in polluters. Today, East Valley Organization officials say they are equally concerned about the state of the economy.

"The EPA can come in and say to a small business, 'We think you might be responsible. Drill here. Drill over there, at your expense,'" said organization representative John Korey. "A lot of our folks work for those businesses. A lot of those businesses are being driven batty. Some have moved out."

"We don't want to lose any more of them."

EXHIBIT B

FBI searches water quality board

MONTEREY PARK (AP) — The headquarters of the Los Angeles Regional Water Quality Control Board was searched by federal agents who are investigating allegations that a cleanup supervisor may have used his authority for personal gain, a newspaper reported Thursday.

Agents from the FBI and the U.S. Environmental Protection Agency on Wednesday searched the supervisor's state office, his Los Angeles home, and the Glendale offices of three environmental consulting firms, the sources told the Los Angeles Times.

FBI spokesman John Hoos on Thursday confirmed the raid, but refused to comment further, citing the ongoing investigation. Officials at the water agency — responsible for protecting the water supplies of 10 million Southern Californians in Los Angeles and Ventura counties — didn't immediately return phone calls.

The investigation, according to the search warrant served at the water board, centers on **Hank Yacoub**, who has been a supervisor for the water board's troubled underground storage tank cleanup program.

Yacoub has not been charged and sources cautioned that the investigation is still continuing.

Sources familiar with the investigation told the Times that federal authorities are pursuing allegations

that **Yacoub** kept cases open at polluted sites even after spills were cleaned up in order to direct business to private consulting and cleanup firms.

The search warrant asked for all of **Yacoub's** official records as well as any documents "relating to the personal business and financial relationships" between **Yacoub** and individuals associated with three Glendale-based environmental firms: El Capitan Environmental Services, Redwood Environmental Laboratory and Geoquest Geotechnical Engineering Inc.

An administrator at El Capitan who answered the telephone and refused to identify herself said the company was cooperating with investigators but would have no comment. She said Redwood and Geoquest are owned by El Capitan and are being dissolved for lack of business.

The warrant also covers records from six other environmental firms, all involved in cleanup and monitoring of toxic contamination under the jurisdiction of the water board from 1992 to the present.

In recent years, the board has been audited by state and federal agencies that found that regional regulators failed to take action on leaking underground fuel tanks — in some cases delaying action for as long as 12 years.

■ Probe: Federal investigators are pursuing allegations that a supervisor in the tank cleanup program may have used his authority for personal gain.

By PAUL JACOBS
TIMES STAFF WRITER

Federal agents, armed with search warrants, swept through the Monterey Park headquarters of the Los Angeles Regional Water Quality Control Board on Wednesday as part of an investigation into allegations that a cleanup supervisor may have used his authority for personal gain, according to federal and state sources.

A team of more than 30 agents from the FBI and the U.S. Environmental Protec-

tion Agency searched the supervisor's state office, his Los Angeles home, and the Glendale offices of three environmental consulting firms, the sources said.

The investigation centers on **Hank Yacoub**, who has been a supervisor for the water board's troubled underground storage tank cleanup program, according to the search warrant served at the water board.

Sources familiar with the investigation say federal authorities are pursuing allegations that **Yacoub** kept cases open at polluted sites even after spills were cleaned up in order to direct business to

private consulting and cleanup firms.

Yacoub could not be reached for comment Wednesday. He has not been charged and sources caution that the investigation is still continuing.

The search warrant served to the water board specifically covers **Yacoub's** second-floor office at the agency headquarters. It asks for all his official records as well as any documents "relating to the personal business and financial relationships" between **Yacoub** and individuals associated with three Glendale-based environmental firms: El Capitan Environmental Services, Redwood Environmental Laboratory and Geoquest Geotechnical Engineering Inc. The warrant also covers records from six other environmental firms, all involved in cleanup and monitoring of toxic contamination under the jurisdiction of the water

Probe Targets Employees at Water Board

■ **Pollution:** Fraud allegations involve inflated cleanup costs, collusion and secret property investments. U.S and state officials say some workers in the regional agency have been reassigned.

By **FRANK CLIFFORD**
and **PAUL JACOBS**
TIMES STAFF WRITERS

State and federal officials have launched an investigation into allegations of fraud and conflict of interest by some employees of the Los Angeles Regional Water Quality Control Board, the agency responsible for cleaning up chemical pollution that threatens sources of local drinking water.

The most serious allegations, according to officials, involve inflation of cleanup costs, collusion with private consultants and secret investments by water board personnel in property that increased in value as the result of cleanups.

"The allegations at this point cover several people," said Gary Pena, audit manager of the U.S. Environmental Protection Agency's Office of Inspector General in Sacramento.

Pena said the federal investigation, headed by the U.S. attorney's office in Los Angeles, is focusing on the water board's underground tank program that supervises the containment of leaks and spills from gas stations and other petroleum storage facilities.

With a budget of nearly \$11 million and a staff of 125, the agency's broad jurisdiction includes oversight of landfills and sewage treatment plants as well as supervision of the decontamination of federal Superfund sites. About 40% of the board's budget comes from the federal government.

State officials who asked not to be named confirmed that the investigation is underway and said that some employees have been reassigned pending the outcome.

Robert Ghirelli, executive officer of the regional water quality control board, is not a target of the probe, sources said.

Ghirelli acknowledged recently that an investigation is taking place but refused further comment.

Pena and sources said the investigation is focusing on allegations that certain employees of the underground tank operation secretly invested in polluted property that stood to gain in value after it was cleaned up.

In addition, Pena said, investigators are looking into charges that some sites were kept on the agency's contaminated property list longer than necessary. Such a practice could ensure the continued flow of cleanup funds to the agency and to favored consultants who worked for the owners of the contaminated property, officials said.

Pena and other officials said investigators also are looking into the possible mismanagement of government funds in connection with the federal Superfund program and with the regulation of businesses that discharge chemical waste into the sewer system.

Although Superfund is a federal program, the EPA delegates responsibility for Superfund sites in California to the state and its regional water boards. Superfund is the federal cleanup program that addresses the nation's most hazardous accumulations of toxic waste.

The EPA first became suspicious that something was wrong at the regional board after conducting an audit several years ago, Pena said.

"We began to see a problem in the early '90s with cases being kept open, some for several years," he said.

State officials said the investigation began a year ago when state water board officials tried to find out why so little money was being sent to Los Angeles to

Please see WATER, B9

WATER: Probe Targets Board

Continued from B8

close underground tank cases, considering the size of the caseload.

Through a state tax on fuel tanks that is passed on to consumers, California drivers pay about \$140 million annually to finance the cleanups statewide.

The concern about case closures, sources said, along with internal allegations of inefficiency and mis-

conduct, led to an audit and the discovery that there was no desire to move sites off the leaking-tanks list.

State investigators eventually encountered allegations of conflicts of interests—of staff allegedly buying, for personal gain, property that was subject to cleanup, state officials said. At that point, officials said, the state board

turned over its findings to federal authorities for possible criminal prosecution.

In addition, state officials temporarily took charge of the regional water board's underground tank caseload and, between July and October, closed 827 cases—or about one-third of outstanding cases. These cases involved sites no longer considered to pose threats of serious contamination.

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