

1 Patrick L. Rendón, Esq. (SBN 126227)
Justin Bentley, Esq. (SBN 229685)
2 LAMB & KAWAKAMI LLP
333 South Grand Avenue, Suite 4200
3 Los Angeles, California 90071
Email: prendon@lkfirm.com
4 Email: jbentley@lkfirm.com
Telephone: (213) 630-5500
5 Facsimile: (213) 630-5555

6 Attorneys for Respondent
Business Industrial Group
7

8 **STATE OF CALIFORNIA**
9 **STATE WATER RESOURCES CONTROL BOARD**
10

11 In the Matter of the Petition of
12
13 BUSINESS INDUSTRIAL GROUP LP
14 For Review of Cleanup and Abatement Order
15 No. R4-2013-0105 of the Los Angeles Regional
Water Quality Control Board
16
17

Petition Number:

**PETITION FOR APPEAL,
RECONSIDERATION AND HEARING ON
THE LOS ANGELES REGIONAL
QUALITY CONTROL BOARD ORDER
NO. R4-2013-0105; REQUEST FOR
INTERIM STAY (23 CCR 2050.5(D))**

18 **INTRODUCTION AND SUMMARY**

19 This Petition for Appeal, Reconsideration and a Hearing ("Petition") is submitted on behalf
20 of Business Industrial Group LP, a California limited liability partnership ("Petitioner" or "BIG")
21 pursuant to California *Water Code* §§13320 & 13321 and California Code of Regulations ("CCR")
22 Title 23, §§2050-2066 and concerns that certain order number R4-2013-0105 issued on August 22,
23 2013 by the California Regional Water Quality Control Board, Los Angeles Region ("RWQCB")
24 in connection with the properties located at 13255 South Broadway, 363 West 133rd Street, and
25 360-366 West 132nd Street in Los Angeles, California (collectively, the "Property"), Site Cleanup
26 Number 0817, Site Identification Number 2040358 (the "Order"). A copy of the Order is attached
27 as Exhibit 1.
28

1 Petitioner provides the following information in support of this Petition.

2 **1. CONTACT INFORMATION OF PETITIONER**

3 The contact information for Petitioner is as follows:

4 Business Industrial Group
5 c/o Jess Herbst
6 27675 Chapala
7 Mission Viejo, CA 92692
8 Fax (949) 215-2965
9 E-Mail: jherbst9@cox.net

7 Patrick L Rendón, Esq.
8 Lamb & Kawakami LLP
9 333 South Grand Avenue, Ste. 4200
10 Los Angeles, CA 90071
11 Tel. (213) 630-5570
12 Fax (213) 630-5555
13 Email prendon@lkfirm.com

11 **2. THE ACTION FOR WHICH PETITIONER SEEKS REVIEW**

12 Petitioner respectfully hereby appeals and seeks reconsideration and a hearing on the Order,
13 a copy of which is attached as Exhibit 1, including by way of example, but without limitation, the
14 purported findings of fact and conclusions reached therein.

15 During the period that this Petition is pending and under review, up through the time that
16 the RWQCB issues a final decision on this Petition and BIG ceases to pursue its rights and
17 remedies before the RWQCB and a court of law, Petitioner also requests that the Order and BIG's
18 obligations thereunder be held in abeyance pursuant to 23 CCR §2050.5(d) and stayed pursuant to
19 California *Water Code* §13321.

20 **3. THE DATE THE RWQCB ACTED**

21 The RWQCB issued the Order on August 22, 2013.

22 **4. STATEMENT OF REASONS WHY THE ACTION WAS AND IS**
23 **INAPPROPRIATE OR IMPROPER**

24 Petitioner's concerns and grounds for objecting to the Order are as follows:

25 A. Order Must Include Potentially Responsible Parties: In the prior drafts of the Order,
26 T.A. Davis Company ("TADCO") was previously named in, and subject to, the Order. However,
27 the final Order issued on August 22, 2013 expressly removes TADCO from the Order. BIG
28 objects to the removal of TADCO from the Order and hereby requests an appeal, reconsideration

1 and hearing on the decision to remove TADCO from the Order. The grounds for removing
2 TADCO are neither factually nor legally valid. Furthermore, BIG was not provided an opportunity
3 to be heard on the decision to remove TADCO. TADCO should be made part of the Order. In
4 addition. the Order should be directed at, and include, all other parties who are potentially
5 responsible for the conditions in the soils and groundwater that the RWQCB complains of in the
6 Order. The RWQCB issued separate orders to Standard Metals Recycling Corp. (“Standard
7 Metals”) and to General Welding Supply (“General Welding”). However, beyond the foregoing,
8 the RWQCB has been advised of other potentially responsible parties as follows: (i) Al Plating
9 Company, 318 West 131st Street, Los Angeles, CA 90061, (ii) Lyle Van Patten, 321 West 135th
10 Street, Los Angele, CA 90061, (iii) Mel Shalon Drums, 408 West 132nd Street, Los Angeles, CA
11 90061, (iv) Connector Plating Corp., 327 West 132nd Street, Los Angeles, CA 90061, (v)
12 Consolidated International Automotive, 13010 South Broadway, Los Angeles, CA 90061, (vi)
13 WLS Coatings, Inc., 13414 South Broadway, Los Angeles, CA 90061, (vii) Gallagher Ferguson
14 Eng Inc., 215 West 134th Street, Los Angeles, CA 90061, (viii) Union Oil Company Bulk Station,
15 13500 South Broadway, Los Angeles, CA 90061. (*See, e.g.*, LM Environmental Consultants April
16 27, 1998 report contained in RWQCB file.)

17 B. Remove BIG from the Order or, in the alternative, designate BIG as *Secondarily*
18 *Responsible*: BIG’s sole nexus of responsibility appears to arise from its ownership of the
19 Property. BIG did not operate at the Property. Therefore, through this Petition BIG appeals and
20 seeks reconsideration and a hearing of the RWQCB decision to name BIG under the Order. BIG
21 should be removed from the Order altogether. In the alternative, in the event the RWQCB is
22 disinclined to remove BIG from the Order, at a minimum and without denying the fact that BIG
23 should be removed from the Order altogether, BIG should be designated as a *secondarily*
24 responsible party under the Order.

25 C. The Order violates BIG’s Right to Due Process and Equal Protection: Removing
26 TADCO from the Order and issuing an Order that is directed solely at BIG without prior notice and
27 an opportunity to be heard violates BIG’s rights to due process and equal protection. Through this
28 Petition, BIG requests that TADCO be added to the Order once again and that BIG be removed

1 from the Order or, in the alternative, named as a secondarily responsible party (though BIG denies
2 that it is a secondarily responsible party).

3 D. Hearing and Evidence: BIG respectfully requests that the RWQCB provide an
4 evidentiary hearing, including testimony from witnesses and documentary evidence, and oral
5 argument on the Order pursuant to the United States Constitution, the California Constitution,
6 California *Water Code* §13320, California *Government Code* §11400, et seq., 23 CCR §648, et
7 seq., and 23 CCR §2050.6(a), (b).

8 The foregoing are discussed in more detail in the Memorandum of Points and Authorities
9 set forth below.

10 **5. THE MANNER IN WHICH PETITIONER IS AGGRIEVED**

11 Petitioner is aggrieved for the reasons set forth above in Section 4. TADCO should be
12 named in the Order and be identified as the primary responsible party in the Order. In addition,
13 BIG should not be named in the Order. Furthermore, to the extent the investigation shows that
14 other persons are liable, those parties also should be made part of the Order or, in the alternative, a
15 separate order should be directed at such parties.

16 **6. SPECIFIC ACTION WHICH PETITIONER REQUESTS**

17 Petitioner requests that the RWQCB (i) add TADCO to the Order, (ii) remove or dismiss
18 BIG from the Order altogether or, at a minimum and without admitting liability, designate BIG as a
19 secondarily responsible party under the Order, and (iii) issue the Order to others who are
20 responsible for the matters that the RWQCB complains of.

21 **7. STATEMENT OF POINTS AND AUTHORITIES**

22 Petitioner's Memorandum of Points and Authorities is attached as Exhibit 2 and
23 incorporated herein by this reference.

24 **8. STATEMENT OF DELIVERY OF PETITION TO INTERESTED PERSONS**

25 This Petition has been sent to the RWQCB and to the other RWQCB interested parties.

26 ///

27 ///

28 ///

1 **9. STATEMENT THAT SUBSTANTIVE ISSUES OR OBJECTIONS WERE RAISED**
2 **BEFORE THE REGIONAL BOARD**

3 The foregoing issues have been raised and been before the RWQCB for years now. As an
4 example, even prior to the issuance of the Order, the RWQCB had directed TADCO to delineate
5 the soil and groundwater contamination pursuant to California *Water Code* §13267. (*See, e.g.,*
6 Exhibit 3, August 31, 2001 RWQCB Directive to TADCO.) In the August 31, 2001 directive, the
7 RWQCB further states, in pertinent part:

8 “Regional Board staff has reviewed the ‘Report of Environmental
9 Research and Subsurface Investigations, Part II: Investigation of Site
10 Properties’, dated November 3, 1999, prepared by FREY
11 Environmental, Inc. (Frey), ‘Groundwater Monitoring Report’, dated
12 May 21, 1999, ‘Subsurface Environmental Investigation of Soil’
13 dated May 14, 1997 and September 19, 1997, prepared by Aqua
14 Science Engineers, Inc. (ASE). Based on the information submitted,
15 the TADCO property has been in use for storage, mixing and
16 manufacturing of polyurethane resin. Several environmental
17 assessments have been performed at the site since 1990. Analytical
18 results of the soil and groundwater at the site have been impacted
19 with petroleum hydrocarbons and volatile organic
20 compounds....Regional Board staff concludes that past operations at
21 the site have contributed to the contamination of soil and
22 groundwater.” (*Id.*, p. 1, Para. 2.)

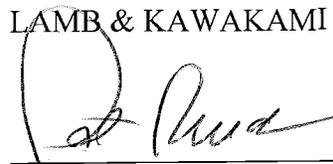
23 **10. REQUEST FOR PREPARATION OF ADMINISTRATIVE RECORD**

24 By copy of this Petition to the RWQCB, Petitioner requests the preparation of the
25 Administrative Record.

26 Dated: September 23, 2013

LAMB & KAWAKAMI LLP

27 By:



28 Patrick L. Rendón
Attorneys for Petitioner
BUSINESS INDUSTRIAL GROUP, LP

EXHIBIT 1



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 22, 2013

Mr. James Herbst
Business Industrial Group LP
27675 Chapala
Mission Viejo, CA 92692

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 3460 0001 6365 7663

SUBJECT: CLEANUP AND ABATEMENT ORDER NO. R4-2013-0105

SITE/CASE FILE: FORMER TADCO FACILITY AND BIG PROPERTY, 13255 SOUTH BROADWAY, 363 WEST 133RD STREET, 13255 SOUTH BROADWAY, AND 360-366 WEST 132ND STREET, LOS ANGELES, CALIFORNIA (SITE CLEANUP NO. 0817, SITE ID NO. 2040358)

Dear Mr. Herbst:

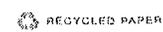
The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles County and Ventura County, including the above-referenced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

Enclosed is Cleanup and Abatement Order No. R4-2013-0105 (CAO), directing you to assess, monitor, cleanup, and abate the effects of contaminants discharged to the soil and groundwater at 13255 south Broadway, 360-366 West 132nd Street and 363 West 133rd Street, Los Angeles, California. This Order is issued under section 13304 of the California Water Code. Should the Discharger fail to comply with any provision of this Order, it may be subject to further enforcement action, including injunction and civil monetary remedies, pursuant to applicable California Water Code sections including, but not limited to, sections 13304, 13308, and 13350.

A draft of this CAO was provided to you on January 25, 2013, inviting comments. You submitted your comments, through your attorney, Mr. Patrick Rendon of Lamb & Kawakami LLP, on the draft CAO in your letter, dated June 3, 2013. The attached document, titled Responsiveness Summary - Draft Cleanup and Abatement Order R4-2013-XXXX, summarizes your comments and how we addressed them in the attached CAO.

The Regional Board staff reviewed the completed Chemical Use and Storage Questionnaire (CUQ) and chemical purchase records submitted by T.A. Davis Company (TADCO) on October 20, 2010. On March 11, 2013, Regional Board staff and management also had a meeting with TADCO owner and consultant and discussed the submittals, site history and the draft of this

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER



CAO. Based on the review of the CUQ, chemical purchase history, discussions with TADCO, site history and results of site assessments, the Regional Board has determined that TADCO should be removed from the CAO. The Regional Board has become convinced that chemicals historically used by TADCO did not contribute to the waste constituents discharged to the soil and groundwater. TADCO used some of the chemicals detected in the soil and groundwater, such as acetone and toluene, but purchase records show that TADCO purchased and used those chemicals in very small quantities.

If you have any questions regarding this letter, please contact Mr. Bizuayehu Ayele at (213) 576-6623 or by email at bayele@waterboards.ca.gov or Mr. Jeffrey Hu at (213) 576-6803 or by email at ghu@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: a) Cleanup and Abatement Order No. R4-2013-0105
b) Responsiveness Summary - Draft Cleanup and Abatement Order R4-2013-XXXX

cc: Mrs. Barbara Vidmar, General Welding Company
Mr. Brett Bowyer, Bowyer Environmental Consulting Inc.
Ms. Emily Yukich, Fox Rothschild LLP
Mr. Greg Levine, Standard Metals Corporation
Mr. Hisam Baqai, Hisam & Associates
Mr. John Payne, Frey Environmental Inc.
Ms. Julie Marshall, Rincon Consultants Inc.
Mr. Larry Berna, T.A. Davis Company (TADCO)
Mr. Michael Baum, Resch Polster & Berger LLP
Mr. Patrick Rendon, Lamb & Kawakami LLP

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

CLEANUP AND ABATEMENT ORDER NO. R4-2013-0105
REQUIRING

BUSINESS INDUSTRIAL GROUP LP

TO ASSESS, CLEANUP, AND ABATE
WASTE DISCHARGED TO WATERS OF THE STATE
(PURSUANT TO CALIFORNIA WATER CODE SECTION 13304)

AT THE FORMER TADCO FACILITY AND BIG PROPERTY
363 WEST 133RD STREET, 13255 SOUTH BROADWAY,
AND 360-366 WEST 132ND STREET,
LOS ANGELES, CALIFORNIA 90061
(SITE CLEANUP PROGRAM NO. 0817, SITE ID NO. 2040358)

This Cleanup and Abatement Order No. R4-2013-0105 (Order) is issued to Business Industrial Group LP (BIG) based on provisions of California Water Code sections 13304 and 13267, which authorize the Regional Water Quality Control Board, Los Angeles Region (Regional Board) to issue a Cleanup and Abatement Order and require the submittal of technical and monitoring reports.

The Regional Board finds that:

BACKGROUND

1. **Discharger:** Business Industrial Group LP (BIG) [hereinafter called Discharger] is a Responsible Party (RP) due to its ownership of a multi-parcel property located at 363 West 133rd Street, 13255 South Broadway and 360-366 West 132nd Street, Los Angeles, California (Site). BIG has been leasing its property to companies operating manufacturing and warehousing facilities. Historical manufacturing operations at the Site include garment, display and polyurethane resin manufacturing.

Previous site assessments indicate that there has been discharge of wastes, including volatile organic compounds (VOCs), such as acetone and trichloroethene (TCE), aromatic hydrocarbons such as benzene, ethylbenzene, toluene, and xylene (BTEX), polychlorinated biphenyls (PCBs) and petroleum hydrocarbons, to the environment.

As detailed in this Order, the Discharger permitted waste to be discharged or deposited where it is, or probably will be discharged into the waters of the state which creates, or threatens to create, a condition of pollution or nuisance.

2. **Location:** The Site is comprised of three parcels with the following addresses: 363 West 133rd Street, 13255 South Broadway and 360-366 West 132nd Street, Los Angeles, California. Attachment A, Figure 1, Site Location Map, attached hereto and incorporated herein by reference, depicts the location of the Site. Additionally, Figure 2, Site Map, of Attachment A, also attached hereto and incorporated herein, depicts historical and current Site features.

The Site is located in an industrial area and is bounded by properties which were or are still occupied by industrial facilities. General Welding Company (General Welding), which manufactures acetylene, is located south of the Site across 133rd Street, and Standard Metals Recycling Corporation (Standard Metals), is located to the southwest of the Site. Standard Metals is a scrap metals recycling facility. Both General Welding and Standard Metals have open case files with the Regional Board. A commuter rail track runs parallel to the western property boundary.

3. **Groundwater Basin:** The Site is located in the eastern-most portion of the West Coast Basin near the boundary between the Central and West Coast groundwater basins. Both basins are underlain by semi-perched aquifers and a series of deeper aquifers that are used for groundwater production. These aquifers are part of Holocene and late Pleistocene deposits, the Lakewood Formation and the San Pedro Formation.

As set forth in the *Water Quality Control Plan* for the Los Angeles Region (Basin Plan), which was adopted on June 13, 1994, the Regional Board has designated beneficial uses for groundwater among which include Municipal and Domestic drinking water supplies (MUN) in the West Coast Basin and has established water quality objectives for the protection of these beneficial uses.

SITE HISTORY

4. **Site Description and Activities:** The Site is an approximately 3.7-acre property, divided into three distinct parcels with the following addresses: 363 West 133rd Street, 13255 South Broadway and 360-366 West 132nd Street in Los Angeles. The property has been owned by BIG since approximately 1973.

The Site was historically part of the Rosecrans oil field where extensive oil exploration and production was carried out from approximately 1925 to the late 1960s or early 1970s. Aerial photos and the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) maps show that there were oil derricks and wells on the Site and adjacent properties in the late 1920s. The depths of the oil wells were reported to range from approximately 4,000 feet to more than 6,000 feet below ground surface (bgs).

The BIG property is occupied by two buildings with street addresses 13255 South Broadway and 360-366 West 132nd Street. The 13255 South Broadway building is a single-story building, approximately 108,000 square feet in size and occupies the east parcel of the property. A garment maker and a fencing contractor have been operating in the building.

The 360-366 West 132nd Street building is a single-story building, approximately 27,000 square feet in size and occupies the west parcel of the property. A display manufacturer operated in the building and used a spray paint booth as part of its manufacturing process. The building is currently used for warehousing items.

The 363 West 133rd Street parcel is approximately 0.7 acre in size and located in the south-central portion of the BIG property. T.A. Davies Company (TADCO) operated a chemical mixing facility on the parcel from approximately 1979 to 1996 for manufacturing polyurethane resin.

For its operations, TADCO had three 6,500-gallon underground storage tanks (USTs), an above-ground storage tank (AST) farm, chemical mixing equipment, a drum storage area, a concrete underground septic tank, a shop and office building.

5. **Chemical Usage:** Based on a completed Chemical Use and Storage Questionnaire (CUQ) and other records available in the Regional Board's files for the Site:
- TADCO stored and used ethylenediamine, propylene oxide, diphenylmethane diisocyanate, catalytic reformer petroleum distillate, polyether polyol, naphthalene, and diesel fuel. Acetone and other solvents containing aromatic hydrocarbons, such as 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and xylene, were also used.
 - Ethylenediamine, propylene oxide and diesel fuel were stored in USTs and above-ground storage tanks (ASTs) for manufacturing polyurethane resin and to support the manufacturing operation.

EVIDENCE OF WASTE DISCHARGE AND BASIS FOR SECTION 13304 ORDER

6. **Waste Discharges:** Site investigations conducted at the Site since 1990 indicate waste discharges to the soil and groundwater occurred at the Site. The Site investigations involved soil gas sampling, soil borings for soil sampling and groundwater monitoring well installations for groundwater sampling and monitoring.

VOCs, such as acetone and TCE, aromatic hydrocarbons, such as BTEX, PCBs and petroleum hydrocarbons, were detected in the soil and groundwater on a parcel that was occupied by TADCO.

Cis-1,2-dichloroethene (cis-1,2-DCE) and TCE were detected in soil vapor samples collected from the former drum storage area and the former facility gate. The maximum reported concentrations of cis-1,2-DCE and TCE in the soil vapor were 358 micrograms per liter ($\mu\text{g/L}$) and 102 $\mu\text{g/L}$, respectively.

Acetone was detected throughout the soil column in one of the borings, located southwest of the former location of the USTs, up to a maximum concentration of 104,000 micrograms per kilogram ($\mu\text{g/kg}$). Acetone was also detected in soil samples collected from the bottom of UST excavations at a maximum concentration of 14,000 $\mu\text{g/kg}$. Toluene, ethylbenzene and xylenes were detected from near-surface to the water table in a soil boring located in the former drum storage area. The maximum reported concentrations of toluene, ethylbenzene and xylenes in the soil samples collected from the soil boring were 22,000 $\mu\text{g/kg}$, 23,000 $\mu\text{g/kg}$ and 119,000 $\mu\text{g/kg}$, respectively.

Total petroleum hydrocarbons (TPH) were detected at all depth intervals in the soil boring located southwest of the former location of USTs. The maximum concentration of TPH was reported at 870 milligrams per kilogram.

TCE and PCBs were also detected in soil samples in the former drum storage and UST areas.

One groundwater monitoring well was installed onsite with three other offsite groundwater monitoring wells. TPH, TCE, cis-1,2-DCE and vinyl chloride were detected in the groundwater with maximum concentrations of 2,420 $\mu\text{g/L}$, 9,020 $\mu\text{g/L}$, 753 $\mu\text{g/L}$ and 130 $\mu\text{g/L}$, respectively.

7. **Source Elimination and Remediation Status:** The following source removal activities were completed at the Site:

- a. Three USTs and several ASTs from a tank farm were removed in 1996. A septic system was also demolished and removed from the Site in 1996.
- b. The chemical mixing facility was decommissioned in 1996. The parcel which was occupied by the facility is currently vacant.

8. Summary of Findings from Subsurface Investigations

The Regional Board has reviewed and evaluated the technical reports and records pertaining to the discharge, detection, and distribution of wastes at the Site and the Site vicinity. Elevated levels of VOCs, such as acetone and TCE, PCBs, petroleum hydrocarbons and other wastes have been detected in soil vapor, soil matrix, and groundwater beneath the Site.

- a. Waste constituents were detected at high concentrations in the soil at the Site, indicating historical releases onsite.

Acetone was detected in the soil from near-surface to the water table in a soil boring on the former TADCO facility. Acetone was also detected in soil samples collected from the bottom of UST excavations.

Toluene, ethylbenzene and xylenes were detected in soil samples collected in the former drum storage area. TCE, TPH and PCBs were also detected in soil samples collected from locations close to the former UST and drum storage areas.

- b. Review of a completed Chemical Use and Storage Questionnaire (CUQ) and purchase records submitted by TADCO indicates that TADCO purchased 31 pounds of acetone and 2 pounds of toluene for use in its operations between 1984 and 1996. Acetone and toluene are waste constituents detected in the soil and groundwater at the Site. However, TADCO's use of these chemicals was historically very minimal. Other waste constituents discharged to the soil and groundwater, such as TCE, were not purchased and used by TADCO.

TADCO also purchased and used a total of 149,892 pounds of aromatic hydrocarbon between 1984 and 1996. The aromatic hydrocarbon consists of solvent naphtha, 1,2,4- and 1,3,5 trimethylbenzene, diethylbenzene, cumene and xylene. However, these constituents are not the major waste constituents detected in the soil and groundwater.

- c. The maximum concentrations of benzene and TCE in the soil matrix are 1,000 µg/kg and 12,000 µg/kg, respectively. The concentrations of benzene and TCE in the soil matrix exceed soil screening levels (SSLs) for the soil type beneath the Site by several orders of magnitude, posing a threat to groundwater quality.

The maximum concentration of TCE in the soil matrix also exceeds the United States Environmental Protection Agency (USEPA) Region IX's direct contact exposure pathways Regional Screening Levels (RSLs) for residential and commercial/industrial land uses.

- d. The maximum concentrations of TCE and cis-1,2-DCE in the soil vapor are 102 µg/L and 358 µg/L, respectively. The concentrations of TCE and cis-1,2-DCE in the soil vapor exceed the California Human Health Screening Levels (CHSSLs) of 0.528 µg/L and 15.9

µg/L for residential land use and 1.77 µg/L and 44.4 µg/L for commercial/industrial land use, respectively.

- e. The maximum concentrations of TCE, cis-1,2-DCE and vinyl chloride in the groundwater beneath the Site are 9,020 µg/L, 753 µg/L and 130 µg/L, respectively. The concentrations of TCE, cis-1,2-DCE and vinyl chloride in the groundwater exceed the USEPA's or California Department of Public Health's (CDPH's) Maximum Contaminant Levels (MCL) of 5 µg/L for TCE, 6 µg/L for cis-1,2-DCE and 0.5 µg/L for vinyl chloride by more than two orders of magnitude, respectively.
9. **Regulatory Status:** BIG petitioned the State Water Resources Control Board (State Water Board) for review of a California Water Code (CWC) section 13267 Order issued to both BIG and TADCO on June 24, 2010. The Regional Board granted time extensions to TADCO to comply with the same Order until it submitted the required CUQ for evaluation of its chemical use and storage history at the Site. TADCO submitted the required CUQ to the Regional Board in October 2010.
10. **Impairment of Drinking Water Wells:** The Regional Board has the authority to require the Discharger and other dischargers to pay for or provide uninterrupted replacement water service to each affected public water supplier or private well owner in accordance with Water Code section 13304.
11. **Sources of Information:** The sources for the evidence summarized above include but are not limited to: reports and other documentation in Regional Board files, telephone calls and e-mail communication with responsible parties, their attorneys and consultants, and site visits.

AUTHORITY - LEGAL REQUIREMENTS

12. Section 13304(a) of the Water Code provides that:

"Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."

13. Section 13304(c)(1) of the California Water Code provides that:

". . . the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are

liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . . .”

14. Section 13267(b)(1) of the California Water Code provides that:

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

15. The State Water Resources Control Board (hereafter State Water Board) has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, California Code of Regulations (CCR) Section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

16. The Regional Board adopted the Water Quality Control Plan for the Los Angeles Region (Basin Plan), which identifies beneficial uses and establishes water quality objectives to protect those uses. The Site overlies groundwater within the Central Basin. The beneficial uses of the groundwater beneath the Site are municipal (MUN), industrial (IND), and agricultural supply (AGR). Water quality objectives that apply to the groundwater at the Site include the state MCLs. The MCL for TCE is 5 µg/L. The concentrations of TCE in groundwater at and downgradient of the Site exceed the water quality objectives for the wastes. The exceedance of applicable water quality objectives in the Basin Plan constitutes pollution as defined in Water Code section 13050(1)(1). The wastes detected in groundwater, soil matrix and vapor at the Site have caused and threaten to continue to cause pollution, including contamination, and nuisance.

DISCHARGER LIABILITY

17. Acetone, TCE, PCBs, petroleum hydrocarbons and other constituents discharged at the Site constitute “waste” as defined in Water Code section 13050(d).

18. As described in Findings of this Order, the Discharger is subject to an order pursuant to Water Code section 13304 because the Discharger has permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority

violation and issuance or adoption of a cleanup or abatement order pursuant to Water Code Section 13304 is appropriate and consistent with policies of the Regional Board.

19. Due to the activities described in this Order, the Discharger has permitted wastes, including VOCs, particularly acetone, TCE, and vinyl chloride, to be discharged or deposited where the wastes are, or probably will be discharged into the waters of the state which creates a condition of pollution or nuisance. The Discharger has permitted VOCs to be discharged or deposited where the wastes are or probably will pose a potential human health threat to occupants of the buildings onsite through direct contact exposure to contaminated soil and/or groundwater or through vapor intrusion into indoor air. The Discharger, as the owner of a property, is responsible for complying with this Order.
20. This Order requires investigation and cleanup of the Site in compliance with the Water Code, the applicable Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations.
21. As described in Findings in this Order, the Discharger is subject to an order pursuant to Water Code section 13267 to submit technical reports because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned by the Discharger named in this Order, BIG, its agents, successors, and assigns. The technical reports required by this Order are necessary to assure compliance with Section 13304 of the Water Code, including to adequately investigate and cleanup the Site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.

CONCLUSIONS

22. The Regional Board is declining to name additional potentially responsible parties (PRPs) for the Site in this Order at this time. Substantial evidence indicates that the Discharger permitted waste to be discharged into waters of the state and is therefore appropriately named as responsible party in this Order. The Regional Board will continue to investigate whether additional PRPs caused or permitted the discharge of waste at the Site and whether these or other parties should be named as additional responsible parties to this Order. The Regional Board may amend this Order or issue a separate order or orders in the future as a result of this investigation and as more information becomes available. Although investigation concerning additional PRPs is ongoing, the Regional Board desires to issue this Order as waiting will only delay remediation of the Site.
23. Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Regional Board will conduct the

necessary and appropriate environmental review prior to Executive Officer's approval of the applicable plan.

24. Pursuant to Water Code section 13304, the Regional Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action.
25. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

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

or will be provided upon request.

REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED, pursuant to section 13304 and 13267 of the California Water Code, that the Discharger shall investigate, cleanup the waste and abate the effects of waste forthwith discharging at and from 363 West 133rd Street, 13255 South Broadway and 360-366 West 132nd Street, Los Angeles, California. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates within the time schedule listed in Attachment B attached hereto and incorporated herein by reference, which may be revised by the Executive Officer without revising this Order. More specifically, the Discharger shall:

1. **Develop and Submit a Site Assessment Work Plan to Assess, Characterize and Delineate the Extent of Wastes in Soil and Groundwater:**
 - a. Fully assess and characterize and completely delineate the vertical and horizontal extent of wastes onsite and offsite in the soil matrix, soil vapor, and groundwater, including VOCs, such as benzene, ethylbenzene, toluene, and xylenes (BTEX), acetone, TCE, cis-1,2-DCE and vinyl chloride, polychlorinated biphenyls (PCBs), petroleum hydrocarbons and any other waste constituents at the Site.
 - b. Install additional groundwater monitoring wells upgradient to the source areas for evaluating incoming groundwater plumes to the Site, determining the groundwater flow direction beneath the Site and assessing and monitoring waste constituents detected in the soil and groundwater. At least three groundwater monitoring wells are necessary to determine the groundwater flow direction.
 - c. Adequately assess and define the extent of waste constituents, such as PCBs, cis-1,2-DCE and petroleum hydrocarbons, with additional soil borings.
 - d. Include a time schedule for implementation of the Site Assessment Work Plan within the Plan.

- e. Upon Executive Officer approval of the Site Assessment Work Plan(s), you shall implement the Site Assessment Work Plan in accordance with the approved time schedule.
 - f. Completion of the site assessment may require multiple work plans.
2. **Develop and Submit a Conceptual Site Model:** The Conceptual Site Model (CSM) should include a written presentation with graphic illustrations of discharge scenario, geology and hydrogeology, waste fate and transport in soil matrix, soil gas and groundwater, distribution of wastes, exposure pathways, sensitive receptors and other relevant information. The CSM shall be constructed based upon actual data collected from the Site.

The CSM shall include a preliminary human health risk assessment (HHRA), considering all waste constituents in the soil matrix, soil gas and groundwater, all exposure pathways and sensitive receptors. The CSM shall be updated and submitted upon request by the Regional Board as new information becomes available.

If interpretation of the CSM suggests that assessment, characterization and delineation of waste constituents is incomplete, you shall prepare and submit a work plan to complete assessment and characterization of VOCs, polychlorinated biphenyls (PCBs), petroleum hydrocarbons and other potential waste constituents in soil vapor, soil matrix and groundwater and to fully delineate the vertical and lateral extent of wastes in the soil and groundwater onsite and offsite.

3. **Conduct Remedial Action:** Implement a cleanup and abatement program for the cleanup of wastes in the soil matrix, soil vapor, and groundwater and the abatement of the effects of the discharges of waste on beneficial uses of water. Specifically, you shall:
- A. Develop a comprehensive Remedial Action Plan (RAP) for cleanup of wastes in the soil matrix, soil vapor and groundwater originating from the Site and submit it for Regional Board review and approval. The RAP shall include, at a minimum:
 - i. Preliminary cleanup goals for soil and groundwater in compliance with State Water Board Resolution 92-49 ("*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*"). Resolution 92-49, Section III.G. requires cleanup to background, unless that is not reasonable. Alternative cleanup levels to background must comply with California Code of Regulations, Title 23, sections 2550.4, and be consistent with maximum benefit to the people of the state, protect beneficial uses, and result in compliance with the Basin Plan. Alternative cleanup levels for groundwater shall not exceed water quality objectives in the Basin Plan, including California's MCLs and Notification Levels for drinking water as established by the State Department of Public Health. Alternative cleanup levels for soil and soil vapor shall not exceed levels that will result in groundwater exceeding water quality objectives in the Basin Plan, including California's MCLs and Notification Levels for drinking water as established by the State Department of Public Health.
 - ii. Discussion of the technology(ies) proposed for remediation of soil matrix, soil vapor and groundwater.

- iii. Description of the selection criteria for choosing the proposed method over other potential remedial options. Discuss the technical merit, suitability of the selected method under the given site conditions and waste constituents present, economic and temporal feasibility, and immediate and/or future beneficial results.
- iv. Estimation of cumulative mass of wastes to be removed with the selected method. Include all calculations and methodology used to obtain this estimate.
- v. A proposed time schedule for completion of the remedial action plan.

The following information shall be considered when establishing preliminary cleanup goals:

- a. Soil cleanup levels for VOCs and TPH set forth in the Regional Board's *Interim Site Assessment and Cleanup Guidebook*, May 1996.
- b. Human health protection levels set forth in the current USEPA Region IX's RSLs.
- c. Protection from vapor intrusion and protection of indoor air quality based on the California EPA's January 2005 (or later version) *Use of Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties*. Soil vapor sampling requirements are stated in the Department of Toxic Substances Control (DTSC) and Regional Board January 2003 *Advisory - Active Soil Gas Investigations*, and the DTSC February 2005 (or latest version) *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*.

Revisions to or additional RAPs may be needed if the implemented remedial measure does not completely achieve all Site cleanup goals.

- B. Upon Regional Board approval of the Remedial Action Plan(s), you shall implement the RAP in accordance with the approved time schedule.
 - C. You shall submit quarterly remediation progress reports to this Regional Board as set forth in the Monitoring and Reporting Program (Attachment C). The quarterly remediation progress reports shall document all performance data associated with the operating systems.
4. **Conduct Groundwater Monitoring:** Implement a quarterly groundwater monitoring program as set forth in the Monitoring and Reporting Program (Attachment C). The next quarterly groundwater monitoring report shall be due by **January 15, 2014**.
 5. **Time Schedule:** The Discharger shall submit all required work plans and reports and complete work within the time schedule listed in Attachment B attached hereto and incorporated herein by reference, which may be revised by the Executive Officer without revising this Order.
 6. The Regional Board's authorized representative(s) shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
 - b. Access to copy any records that are stored under the conditions of this Order;

- c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. The right to photograph, sample, and monitor the Site for the purpose of ensuring compliance with this Order, or as otherwise authorized by the California Water Code.
7. **Contractor/Consultant Qualification:** As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to his knowledge, the report is true, complete, and accurate. All technical documents shall be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.
 8. This Order is not intended to permit or allow the Discharger to cease any work required by any other Order issued by the Regional Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by the Regional Board or any other agency. Furthermore, this Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restrictions on those facilities which may be contained in other statutes or required by other agencies.
 9. The Discharger shall submit a 30-day advance notice to the Regional Board of any planned changes in name, ownership, or control of the Site and shall provide a 30-day advance notice of any planned physical changes to the Site that may affect compliance with this Order. In the event of a change in ownership or operator, the Discharger also shall provide a 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order, and shall submit a copy of this advance notice to the Regional Board.
 10. Abandonment of any groundwater well(s) at the Site must be approved by and reported to the Executive Officer at least 30 days in advance. Any groundwater wells removed must be replaced within a reasonable time, at a location approved by the Executive Officer. With written justification, the Executive Officer may approve the abandonment of groundwater wells without replacement. When a well is removed, all work shall be completed in accordance with California Department of Water Resources Bulletin 74-90, "California Well Standards," Monitoring Well Standards Chapter, Part III, Sections 16-19.
 11. In the event compliance cannot be achieved within the terms of this Order, the Discharger has the opportunity to request, in writing, an extension of the time specified. The extension request shall include an explanation why the specified date could not or will not be met and justification for the requested period of extension. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. Extension requests not approved in writing with reference to this Order are denied.
 12. Reference herein to determinations and considerations to be made by the Regional Board regarding the terms of the Order shall be made by the Executive Officer. Decisions and directives made by the Executive Officer in regards to this Order shall be as if made by the Regional Board.

13. The Regional Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Discharger, and for good cause shown, the Executive Officer may defer, delete or extend the date of compliance for any action required of the Discharger under this Order. The authority of the Regional Board, as contained in the California Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.
14. Continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished and this Order has been rescinded.
15. Reimburse the Regional Board for reasonable costs associated with oversight of the investigation and cleanup of the Site soils and groundwater emanating from the Site. Provide the Regional Board with the name or names and contact information for the person to be provided billing statements from the State Water Resources Control Board.
16. A Public Participation Plan shall be prepared and/or updated when directed by the Executive Officer as necessary to reflect the degree of public interest in the investigation and cleanup process.
17. The Regional Board, under the authority given by Water Code section 13267(b)(1), requires you to include a perjury statement in all reports submitted under this Order. The perjury statement shall be signed by a senior authorized 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."

18. The State Water Board adopted regulations requiring the electronic submittals of information over the internet using the State Water Board GeoTracker data management system. You are required to comply by uploading all reports and correspondence on to the GeoTracker data management system. The text of the regulations can be found at the URL:

http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/docs/final_electronic_regs_dec04.pdf

19. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Regional Board or judicially by the Superior Court in accordance with sections 13268, 13304, 13308, and/or 13350 of the California Water Code, and/or referral to the Attorney General of the State of California.

20. None of the obligations imposed by this Order on the Discharger is intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.

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

Date: Aug. 22, 2013

ATTACHMENT A (MAPS)

FIGURE 1: SITE VICINITY MAP



09001001-20.dwg
5/20/2009 7:44PM



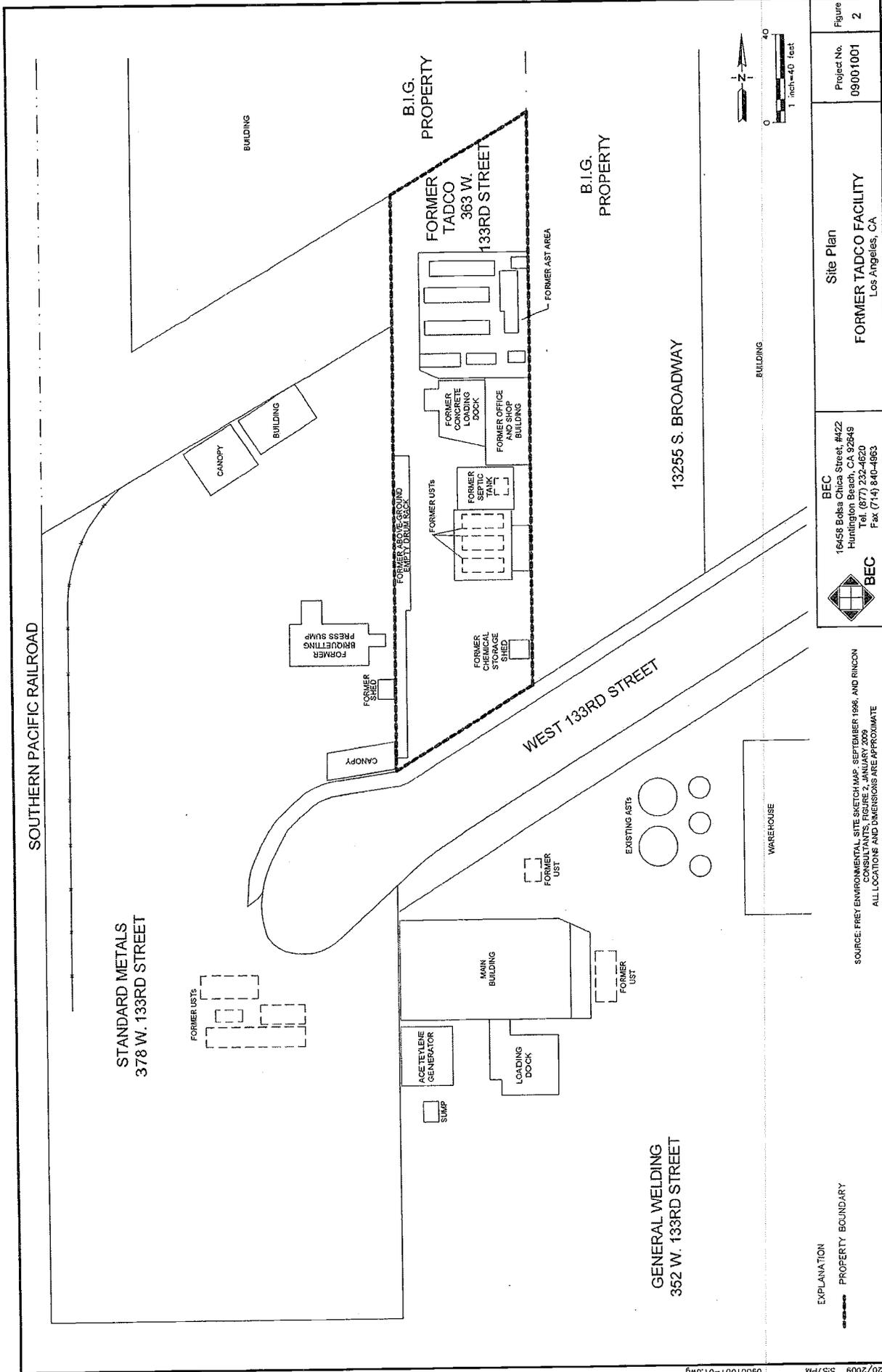
BEC
 16458 Bolsa Chica Street, #422
 Huntington Beach, CA 92649
 Tel. (877) 232-4620
 Fax (714) 840-4963

SITE LOCATION MAP
FORMER TADCO FACILITY
 Los Angeles, CA

Project No.
 09001001

Figure
 1

FIGURE 2: SITE MAP



EXPLANATION
 - - - - - PROPERTY BOUNDARY

SOURCE: FREY ENVIRONMENTAL SITE SKETCH MAP - SEPTEMBER 1996, AND RINCON CONSULTANTS, FIGURE 2, JANUARY 2009
 ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE



BEC
 16458 Bolsa Chico Street #422
 Huntington Beach, CA 92649
 Tel. (714) 732-4520
 Fax (714) 840-4863

Site Plan
FORMER TADCO FACILITY
 Los Angeles, CA

Project No.
 09001001
 Figure
 2

ATTACHMENT B: TIME SCHEDULE

DIRECTIVE		DUE DATE	
1.	Complete Assessment and Delineation of Waste Discharge:		
1a	<p>Prepare and submit a Site Assessment Work plan including a schedule for fully assessing and completing delineation of the horizontal and vertical extent of wastes, including VOCs, polychlorinated biphenyls (PCBs), petroleum hydrocarbons and other waste constituents in the soil matrix, soil vapor, and groundwater onsite and offsite.</p> <p>Implement the Site Assessment Work Plan according to the approved schedule.</p> <p>Upon completion of implementation of the approved Site Assessment Work plan, submit a Site Assessment Report.</p>	<p>November 21, 2013</p> <p>According to the schedule approved by Executive Officer</p> <p>According to the schedule approved by Executive Officer</p>	
1b	Multiple Site Assessment Work Plans may be required to complete assessment and fully delineate waste discharge	Within 60 days of receiving directives from Regional Board	
2.	Develop a Site Conceptual Model:		
2a	<p>Prepare and submit a Conceptual Site Model (CSM) which provides details on and illustrates waste discharge scenario, geology and hydrogeology, waste constituent fate and transport in soil, soil gas and groundwater, distribution of waste constituents, exposure pathways, sensitive receptors and other relevant information.</p> <p>Include a preliminary human health risk assessment (HHRA), considering all waste constituents in the soil matrix, soil gas and groundwater, all exposure pathways and sensitive receptors.</p> <p><i>[Note that the Regional Board may require revisions to the Site Conceptual Model as necessary to complete the Model.]</i></p>	<p>Within 60 days of receiving directives from Regional Board</p> <p>Within 60 days of receiving directives from Regional Board</p>	

DIRECTIVE		DUE DATE
3.	Conduct Remedial Action:	
3a	Submit a Remedial Action Plan (RAP) for cleanup of wastes in soil, soil vapor and groundwater that includes a time schedule for implementation.	Within 60 days of receiving directives from Regional Board
	Implement the Remedial Action Plan (RAP)	According to the schedule approved by Executive Officer
	Upon completion of implementation of the Remedial Action Plan (RAP), submit a Remedial Action Completion Report.	According to the schedule approved by Executive Officer
3b	Multiple Remedial Action Plans (RAPs) may be required to implement multiple remedial measures to achieve all Site cleanup goals.	Within 60 days of receiving directives from Regional Board

ATTACHMENT C

**MONITORING AND REPORTING PROGRAM FOR
CLEANUP AND ABATEMENT ORDER NO. R4-2013-0105**

This Monitoring and Reporting Program is part of Cleanup and Abatement Order No. R4-2013-0105 (CAO). Failure to comply with this program constitutes noncompliance with the CAO and California Water Code, which can result in the imposition of civil monetary liability. All sampling and analyses shall be by USEPA approved methods. The test methods chosen for detection of the constituents of concern shall be subject to review and concurrence by the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board).

Laboratory analytical reports to be included in technical reports shall contain a complete list of chemical constituents which are tested for and reported on by the testing laboratory. In addition, the reports shall include both the method detection limit and the practical quantification limit for the testing methods. All samples shall be analyzed allowable holding time. All quality assurance/quality control (QA/QC) samples must be run on the same dates when samples were actually analyzed. Proper chain of custody procedures must be followed and a copy of the completed chain of custody form shall be submitted with the report. All analyses must be performed by a California Department of Public Health accredited laboratory.

The Regional Board's *Quality Assurance Project Plan, September 2008*, can be used as a reference and guidance for project activities involving sample collection, handling, analysis and data reporting. The guidance is available on the Regional Board's web site at:

http://www.waterboards.ca.gov/rwqcb4/water_issues/programs/remediation/Board_SGV-SFVCleanupProgram_Sept2008_QAPP.pdf

GROUNDWATER MONITORING

The Discharger shall collect groundwater samples from groundwater monitoring wells installed for the purpose of site investigation and monitoring. Any monitoring wells installed in the future shall be added to the groundwater monitoring program and sampled quarterly. The groundwater surface elevation (in feet above mean sea level [MSL]) in all monitoring wells shall be measured and used to determine the gradient and direction of groundwater flow. The following shall constitute the monitoring program for groundwater.

Constituent	EPA Method
Volatile organic compounds (full scan)	EPA 8260B
Total petroleum hydrocarbons (carbon chain)	EPA 8015 modified
Temperature	Field*
pH	Field*
Electrical Conductivity	Field*
Dissolved oxygen	Field*
Oxidation-Reduction Potential (ORP)	Field*
Turbidity	Field*

*Field - To be measured in the field.

REMEDIATION SYSTEMS

Reports on remediation systems shall contain the following information regarding the Site remediation systems:

1. Maps showing location of all remediation wells and groundwater monitoring wells, if applicable;
2. Status of each remediation system including amount of time operating and down time for maintenance and/or repair;
3. Air sparge well operating records including status of each well and volume and pressure of air being injected;
4. Soil vapor extraction well records including status of each well and PID readings or other acceptable methods of determining relative volatile concentrations taken at a minimum quarterly. Readings of volatile concentrations drawn from SVE wells need to be taken at a frequency that allows the efficient operation and evaluation of the SVE system;
5. The report shall include tables summarizing the operating and performance parameters for the remediation systems; and
6. System inspection sheets shall document field activities conducted during each Site visit and shall be included in the quarterly reports.

MONITORING FREQUENCIES

Specifications in this monitoring program are subject to periodic revisions. Monitoring requirements may be modified or revised by the Executive Officer based on review of monitoring data submitted pursuant to this Order. Monitoring frequencies may be adjusted or parameters and locations removed or added by the Executive Officer if Site conditions indicate that the changes are necessary.

REPORTING REQUIREMENTS

1. The Discharger shall report all monitoring data and information as specified herein. Reports that do not comply with the required format will be REJECTED and the Discharger shall be deemed to be in noncompliance with the Monitoring and Reporting Program.
2. Quarterly groundwater monitoring reports shall be submitted to the Regional Water Board according to the schedule below.

<u>Monitoring Period</u>	<u>Report Due</u>
January - March	April 15
April - June	July 15
July - September	October 15
October - December	January 15

Groundwater monitoring reports shall include a contour map showing groundwater elevations at the Site and the groundwater flow direction. The quarterly groundwater monitoring reports shall include tables summarizing the historical depth-to-water, groundwater elevations and historical analytical results for each monitoring well. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported to the Regional Water Board. Field monitoring well sampling sheets shall be completed for each monitoring well sampled and included in the report.

3. Quarterly remediation progress reports shall be submitted to the Regional Water Board according to the schedule below.

<u>Monitoring Period</u>	<u>Report Due</u>
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

Remediation progress reports shall include an estimate of the cumulative mass of contaminant removed from the subsurface, system operating time, the effectiveness of the remediation system, any field notes pertaining to the operation and maintenance of the system and, if applicable, the reasons for and duration of all interruptions in the operation of any remediation system and actions planned or taken to correct and prevent interruptions.

4. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with the requirements. All data shall be submitted in electronic form in a form acceptable to the Regional Water Board.

Responsiveness Summary - Draft Cleanup and Abatement Order R4-2013-XXXX
Comment Due Date: February 28, 2013

1-1 Business Industrial Group LP (through Lamb & Kawakami LLP)

No.	Author	Date	Comment/Response	Regional Board's Response
1-1.1	Business Industrial Group, LP	06/3/2013	Improper Name of Party: Please be advised that the Draft Order (CAO) refers to Business Industrial Group. The correct name of the entity is Business Industrial Group, L.P.	The CAO has been revised in response to your comment.
1-1.2	Business Industrial Group, LP	06/3/2013	Draft Order Improperly Names BIG: Although BIG owns the properties, directing the Draft Order to BIG is improper. BIG has never operated at any of the properties and did not cause any of the matters complained of. The policies of the Board and of others within the California Environmental Protection Agency are that any orders are to be directed at the responsible person, not an absentee owner of a property who did not cause the alleged impacts to the environment. California's statutes and regulations are consistent with the foregoing. For example, Section 13304(a) of the Water Code cited in the Draft Order (and other code sections) refers to "Any person who has discharged or discharges waste..." BIG is not such a person. As such, any order issued by the Board must exclude BIG.	BIG is named as a responsible party due to its ownership of the property. BIG leased the property to other parties for manufacturing and other operations. Those operations have resulted in waste discharge to the soil and groundwater beneath the site. As a property owner, BIG failed to ensure prevention of waste discharge to the soil and groundwater and protection of the environment during its tenants' operations. Thus, BIG permitted waste to be discharged to the soil and groundwater. Section 13304(a) of the Water Code provides that: "Any person ... who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste"
1-1.3	Business Industrial Group, LP	06/3/2013	One Order Directed to All Parties: Although BIG should not be a party to any order for the reasons stated above in paragraph 2 (i.e. 1-1.2), to the extent that the Board issues an order to the remaining identified parties, it should issue one order to all such parties, rather than taking a piecemeal approach. As mentioned above, a piecemeal	The Regional Board will continue to evaluate different approaches to have the site and its vicinity fully assessed and cleaned up.

**Responsiveness Summary - Draft Cleanup and Abatement Order R4-2013-XXXX
 Comment Due Date: February 28, 2013**

No.	Author	Date	Comment/Response	Regional Board's Response
1-1.4	Business Industrial Group, LP	06/3/2013	<p>approach will likely be unproductive, costly, and prolong any investigation/cleanup.</p> <p>Order Directed to All PRPs In Area and Not Limited to Currently Identified Persons: The properties in question are located in a heavily industrial area with decades of historical operations in the area. Before issuing any order, the Board should identify other potentially responsible parties (PRPs) and include them in any order. Certainly, given the area where the properties are located, before any steps are taken to address any environmental conditions, appropriate inquiries must be directed to other, newly identified PRPs.</p>	<p>Previous site assessments conducted at the site indicate that waste has been discharged to the soil and groundwater beneath the site. Complete assessment and full delineation of the waste constituents in the soil and groundwater is first necessary at the site. If there are offsite sources impacting the site, those sources must be identified and the responsible parties for those sources will be named.</p>
1-1.5	Business Industrial Group, LP	06/3/2013	<p>Improper Facts: The Draft Order makes incorrect factual statements. These include, by way of example, but without limitation, the third paragraph under Section 4, Site History. In this paragraph, the Draft Order incorrectly states that BIG "occupied two buildings with street addresses..." As noted above, BIG did not and does not operate at any of the properties. In the fourth paragraph of Section 4, Site History, the Draft Order also incorrectly states that a display manufacturer located at the 360-366 West 132nd Street property currently uses a spray paint booth. The current operator at that site only warehouses items. As for the other factual allegations in the Draft Order, at this time, BIG is unable to address the accuracy of these. However, BIG has delivered to the Board information it had located at the time.</p>	<p>The third paragraph under Section 4 of the Draft CAO does not state that BIG "occupied two buildings with street addresses..." It states, "The BIG property is occupied by two buildings with street addresses ..." Therefore the statement does not imply that BIG operated/is operating at the properties.</p> <p>The site history provided in the draft CAO was sourced from the documents available in the case file, including submittals by BIG. The CAO has been revised in response to your comment. If you provide additional updates on the history of the site and current site conditions, the CAO will be further revised to incorporate the additional information.</p>

EXHIBIT 2

1 Patrick L. Rendón, Esq. (SBN 126227)
Justin Bentley, Esq. (SBN 229685)
2 LAMB & KAWAKAMI LLP
333 South Grand Avenue, Suite 4200
3 Los Angeles, California 90071
Email: prendon@lkfirm.com
4 Email: jbentley@lkfirm.com
Telephone: (213) 630-5500
5 Facsimile: (213) 630-5555

6 Attorneys for Respondent
Business Industrial Group

7
8 **STATE OF CALIFORNIA**
9 **STATE WATER RESOURCES CONTROL BOARD**

10
11 In the Matter of the Petition of

Petition Number:

12 BUSINESS INDUSTRIAL GROUP LP

13 For Review of Cleanup and Abatement Order
14 No. R4-2013-0105 of the Los Angeles Regional
15 Water Quality Control Board

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION FOR APPEAL,
RECONSIDERATION AND HEARING ON
THE LOS ANGELES REGIONAL
QUALITY CONTROL BOARD ORDER
NO. R4-2013-0105; REQUEST FOR
INTERIM STAY (23 CCR 2050.5(D))**

16
17
18
19 Business Industrial Group, LP (“BIG”) respectfully submits this Memorandum of Points
20 and Authorities in support of its Petition for Appeal, Reconsideration and a Hearing in connection
21 with Cleanup and Abatement Order R4-2013-0105 (the “Order”).

22 **I.**

23 **TADCO SHOULD BE INCLUDED IN THE ORDER**

24
25 ***A. The Order & RWQCB (Absence of) Findings of Fact***

26 Prior drafts of the Order identify T.A. David Company (“TADCO”) as a responsible party;
27 however, the final Order removes TADCO from the Order altogether. In support of its decision,
28

1 the Los Angeles Regional Water Quality Control Board (“RWQCB”) offers the following
2 conclusionary statements:

3 “Based on the review of the [Chemical Use and Storage
4 Questionnaire], chemical purchase history, discussions with
5 TADCO, site history and results of site assessments, the Regional
6 Board has determined that TADCO should be removed from the
7 [Corrective Action Order]. The Regional Board has become
8 convinced that chemicals historically used by TADCO did not
9 contribute to the waste constituents discharged to the soil and
10 groundwater. TADCO used some of the chemicals detected in the
11 soils and groundwater, such as acetone and toluene, but purchase
12 records show that TADCO purchased and used those chemicals in
13 very small quantities.”
14 (Exhibit 1, p. 2 of RWQCB August 22, 2013 letter to James Herbst.)

15 Beyond the foregoing conclusions, the Order offers no analysis or support for the
16 conclusions reached. Furthermore, based on a review of pertinent records produced by the
17 RWQCB as of September 20, 2013, the files also are devoid of any RWQCB memoranda that
18 explain, analyze or discuss any specific findings or facts that support the above-cited conclusions
19 of the RWQCB.

20 ***B. Primary Contaminants of Concern at TADCO Site***

21 During the course of its operations at the property, TADCO used various types of volatile
22 organic compounds, including acetone, vinyl chloride, cis-1,2-DCE, and trichloroethene (TCE).
23 (Exhibit 1, Order §5, TADCO Chemical Usage.) Other chemicals of concern have been found at
24 the property as well, including aromatic hydrocarbons such as BTEX, PCBs, and petroleum
25 hydrocarbons. (*Id.*) Based on the data that has been presented to the RWQCB, all of the foregoing
26 chemicals of concern, except for perhaps vinyl chloride, TCE and PCBs, can be attributed to
27 TADCO. Although BIG has not seen the Chemical Use and Storage Questionnaire (“CUQ”) that is
28 referenced in the Order and BIG was not provided with the opportunity to be present during the
RWQCB – TADCO meetings, it is apparent from the Order that TADCO admits to using acetone
and other solvents. (*Id.*)

///
///

1 Based on the absence of evidence in the Order and in the file for this matter, the RWQCB's
2 conclusion that TADCO used "very small quantities" of any chemical, including acetone, are
3 unsubstantiated; there is a complete lack of substantial evidence to support such a conclusion.
4 Even if TADCO were to offer documentary evidence in support of its case, the RWQCB should
5 assume that any such evidence under-reports the quantities of chemicals that TADCO did in fact
6 use. To cite just one example, in 1995, TADCO readily acknowledged that it also bartered for
7 acetone and that "[u]sed acetone [was] disposed into a sink that drain[ed] into the septic tank."
8 (Exhibit 4, Aqua Science Engineers ("ASE") October 30, 1995 letter to BIG.) Any memories of
9 what chemicals, let alone quantities of chemicals, were bartered for over the years are now
10 unreliable.

11 What is more reliable is the empirical soil and groundwater data that is contained the
12 RWQCB files for this matter. Grab samples from the liquids and sludge that was inside the septic
13 system contained BTEX, naphthalene, and other contaminants. In addition, the soil samples that
14 were collected directly below the septic tank contained acetone, cis-1,2-DCE, ethylbenzene,
15 toluene, xylenes, naphthalene, and other contaminants. (Exhibit 5, November 6, 1996 ASE report
16 Demolition of Septic System at Former T.A. Davies Company site, 363 West 133rd Street, Los
17 Angeles, California".)

18 The foregoing data is consistent with the data generated in connection with other
19 investigations at the property. Acetone was detected in the shallow soils located directly beneath
20 underground storage tanks used by TADCO at levels that ranged from 70 to 7,670 ppb. (Exhibit 6,
21 July 31, 1996 ASE letter, see also, Exhibit 7, June 5, 1998 ASE Summary Report of Environmental
22 Assessment Data, Attachment 3.)

23 The RWQCB also indicates that 1,2,4- and 1,3,5 trimethylbenzene were listed in the CUQ
24 provided by TADCO. These chemicals have been found in the soil boring (SB28) which was in
25 the vicinity of TADCO's former office area. (Exhibit 8, May 14, 1997 ASE Draft Project Report
26 for 363 West 133rd Street, Los Angeles, California.) Similarly, the RWQCB states that the CUQ
27 naphthalene was used by TADCO. Naphthalene has been detected in the soils at levels as high as
28 11,800 ppb (SB28). (*Id.*)

1 Elevated levels of diesel fuel, TRPH and BTEX were detected in the soils below the above-
2 ground tank farm that was used by TADCO while it operated at the property. (Exhibit 9, June 13,
3 1996 ASE report Subsurface Environmental Investigation of Soils at 363 West 133rd Street, Los
4 Angeles, California.)

5 **C. TADCO AND OTHERS WHO CAUSED WASTE TO BE DISCHARGED ARE**
6 **PROPERLY THE SUBJECT OF THE ORDER**

7 California Water Code § 13304 states, in pertinent part, that:

8 “Any person who has discharged or discharges waste into the waters
9 of this state...or who has caused or permitted, causes or permits, or
10 threatens to cause or permit any waste to be discharged or deposited
11 where it is, or probably will be, discharged into the waters of the
12 state and creates, or threatens to create, a condition of pollution or
13 nuisance, shall...clean up the waste or abate the effects of the
14 waste...”

15 There are other statutes that are in accord with the foregoing:

16 “Anything which is injurious to health, including, but not limited to,
17 the illegal sale of controlled substances, or is indecent or offensive to
18 the senses, or an obstruction to the free use of property, so as to
19 interfere with the comfortable enjoyment of life or property, or
20 unlawfully obstructs the free passage or use, in the customary
21 manner, of any navigable lake, or river, bay, stream, canal, or basin,
22 or any public park, square, street, or highway, is a nuisance.
23 (*Civil Code* § 3479, *see also*, *Civil Code* §3480.)

24 Liability for nuisance does not hinge on whether TADCO is still in possession of the
25 subject property, but rather on the fact that the foregoing evidence is sufficient to show that
26 TADCO created the nuisance. (*See, e.g., City of Modesto Redevelopment Agency v. Superior*
27 *Court* (2004) 119 Cal.App.4th 28, 38, *Mangini v. Aerojet-General Corp.* (1991) 230 Cal.App.3d
28 1125.) Under the foregoing principles, the RWQCB is well within its bounds to hold TADCO and
others liable under other tort principles like trespass and negligence. (*See, e.g., Mangini, supra*,
230 Cal.App.3d at p. 1149-1153.)

29 **D. THE RWQCB HAS THE BURDEN OF PROOF**

30 The RWQCB statement of opinion (*see, e.g.,* Section I.A. above, the “Regional Board has
31 become convinced...”) is insufficient evidence to remove TADCO from the Order; the RWQCB

1 must back its conclusions with well-reasoned and supported facts. (*See, Beck Development Co. v.*
2 *Southern Pacific Transportation Co.* (1996) 44 Cal.App.4th 1160, 1205-1206.)

3 Based on the foregoing, TADCO (and anyone else who caused or contributed to the
4 contaminants of concern) is subject to, and should be included in, the Order.

5 **II.**
6 **REMOVE BIG FROM THE ORDER OR, IN THE ALTERNATIVE, DESIGNATE**
7 **BIG AS A SECONDARILY RESPONSIBLE PARTY**

8 As is self-evident from the final Order issued by the RWQCB and the discussion above in
9 Section I, the RWQCB has the authority to exclude from an order even those persons who handled
10 and released chemicals of concern during the course of their operations. In this particular case,
11 BIG has not operated at the subject property. In addition, through its efforts, including a former
12 lawsuit, BIG has taken affirmative steps at the subject property. The septic system, underground
13 storage tanks, and above-ground storage tanks that were once at the subject property have been
14 removed. BIG covered the property where TADCO formerly operated in concrete. Based on the
15 foregoing, BIG should be removed from the Order.

16 The RWQCB exceeds its authority under *Water Code* §13267. Under subpart (b)(1), the
17 RWQCB's authority is limited, the burden must bear a reasonable relationship to the benefits:

18 "The burden, including costs, of these reports shall bear a reasonable
19 relationship to the need for the report and the benefits to be obtained
from the reports."

20 The RWQCB must also provide a written explanation and identify the evidence "requiring
21 that person to provide the reports":

22 "In requiring those reports, the regional board shall provide the
23 person with a written explanation with regard to the need for the
24 reports, and shall identify the evidence that supports requiring that
person to provide the reports." (*Water Code* §13267(b)(1).)

25 In this case, the RWQCB has failed to provide any reasoning or facts for the conclusions
26 drawn in the Order.

27 In the event the RWQCB is disinclined to remove BIG from the Order, then at a minimum,
28 the RWQCB should affirmatively state that BIG would only be secondarily responsible under the

1 Order in the event those charged with primary responsibility fail to carry out their obligations
2 under the Order. There is precedent for the foregoing. (*See, e.g., California Water Code §13304,*
3 *see also, In re Wenwest, Inc., et al., Order No. 92-13 (SWQRCB 1992) at pp. 7-8 (current owner,*
4 *Susan Rose, is secondarily liable).*)

5 **III.**
6 **THE RWQCB MUST PROVIDED DUE PROCESS AND AN EVIDENTIARY**
7 **HEARING**

8 A cleanup and abatement order is a quasi-judicial act and, consequently, due process
9 applies:

10 “In considering the applicability of due process principles, we must
11 distinguish between actions that are legislative in character and
12 actions that are adjudicatory. In the case of an administrative
13 agency, the terms ‘quasi-legislative’ and ‘quasi-judicial’ are used to
14 denote these differing types of action....quasi-judicial acts involve
15 the determination and application of facts peculiar to an individual
16 case. Quasi-legislative acts are not subject to procedural due process
17 requirements while those requirements apply to quasi-judicial acts
18 regardless of the guise they may take....”
19 (*Beck Development Co. v. Southern Pacific Transportation Co.*
20 *(1996) 44 Cal.App.4th 1160, 1188, citations omitted.*)

21 Here the determination of the facts that BIG and no one else is responsible or subject to the
22 Order is a quasi-judicial act. Because the Order is a quasi-judicial act, the provisions of the United
23 States and California Constitutions, *Water Code §13320, Government Code §§11400 et seq., 23*
24 *CCR §648 et seq., and 23 CCR 2050.6(a), (b) apply. In accordance with the foregoing, BIG*
25 *requests a formal evidentiary hearing, including an opportunity to cross-examine witnesses.*

26 Dated: September 23, 2013

LAMB & KAWAKAMI LLP

27 By: 

28 Patrick L. Rendón
Attorneys for Petitioner
BUSINESS INDUSTRIAL GROUP, LP

EXHIBIT 3



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Los Angeles Region

(50 Years Serving Coastal Los Angeles and Ventura Counties)

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



Gray Davis
Governor

August 31, 2001

Mr. Larry Berna
T. A. Davies Company (TADCO)
19500 South Alameda Street
Rancho Dominguez, CA 90221

Certified Mail
Return Receipt Requested
Claim No. 7000 0520 0024 7127 1321

Dear Mr. Berna:

CALIFORNIA WATER CODE, SECTION 13267: REQUEST FOR ADDITIONAL SUBSURFACE INVESTIGATION AT 363 WEST 133RD STREET, LOS ANGELES, CALIFORNIA (SLIC #817)

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

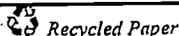
Regional Board staff has reviewed the "Report of Environmental Research and Subsurface Investigations, Part II: Investigation of Site Properties", dated November 3, 1999, prepared by FREY Environmental, Inc. (Frey), "Groundwater Monitoring Report", dated May 21, 1999, "Subsurface Environmental Investigation of Soil" dated May 14, 1997 and September 19, 1997, prepared by Aqua Science Engineers, Inc. (ASE). Based on the information submitted, the TADCO property had been in use for storage, mixing and manufacturing of polyurethane resin. Several environmental assessments have been performed at the site since 1990. Analytical results of the soil and groundwater samples from previous environmental investigations confirm that both soil and groundwater at the site have been impacted with petroleum hydrocarbons and volatile organic compounds. According to the data, there are concentrations of up to 1,270 mg/kg acetone and 48.4 mg/kg total petroleum hydrocarbons (TPH) present in the soil. In addition, the groundwater is contaminated with 11,200 µg/L trichloroethene (TCE), 640 µg/L cis-1,2-dichloroethene (cis-1,2-DCE), 240 µg/L vinyl chloride, and 3,400 µg/L TPH. Regional Board staff concludes that past operations at the site have contributed to the contamination of soil and groundwater. The extent of the contaminant plume has not been completely defined. Therefore, a complete delineation of the contaminant plume, both on and off site, and its subsequent abatement, are required.

Pursuant to Section 13267 of the California Water Code, you are hereby directed to:

1. Submit a work plan to our office by **October 30, 2001** for complete delineation of soil and groundwater plumes at the site. A sufficient number of soil borings and groundwater monitoring wells shall be drilled to allow for full site characterization and complete delineation of the contaminant plume.

California Environmental Protection Agency

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



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

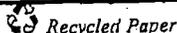
2. Pending approval of the work plan by Regional Board staff, a subsurface investigation shall be conducted and directly supervised by qualified professionals. The qualified professionals must be California registered geologists or registered certified specialty geologists or registered civil engineers with five years of hydrogeologic experience. All technical documents submitted to the Regional Board must be reviewed and signed and/or stamped by the qualified professional. A report documenting the results of the required soil and groundwater investigation shall be submitted by **February 28, 2002**, for our review and evaluation.
3. A quarterly groundwater-monitoring program shall be initiated for all existing and newly installed groundwater monitoring wells at the site. The groundwater-monitoring reports shall be submitted by the date in the following schedule, with the first report due on **January 15, 2002**.

<u>Report Period</u>	<u>Report Due Date</u>
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

4. Analyze groundwater samples for all contaminants of concern at the site. At a minimum, the groundwater samples shall be screened for volatile organic compounds (VOCs) using EPA Method 8260B, total petroleum hydrocarbons (TPH), carbon chain speciation, using EPA Method 8015, semivolatile organic compounds (SVOC) using EPA Method 8270, metals using EPA Method 6010B, and, with hexavalent chromium using EPA Method 218.6. Laboratory reports and method detection limits (MDLs) shall meet the requirements specified in the Regional Board's laboratory report form revised in June 2000. You can obtain a copy of the revised laboratory form and the requirements by downloading the document from the Regional Board web site listed on this letterhead.
5. You are required to submit information by **October 30, 2001**, to show the depth to the drinking water aquifer, and a scaled map showing the locations of all production wells, and surface water bodies within a one-mile radius of the site. The production well information must include the following: the well owner, the well identification number, well construction detail, the most recent sample analysis results, and the status of the well. In addition, you are required to discuss the local geologic formations and lithology, which will allow Regional Board staff to assess the vulnerability of the nearby drinking water supply wells, and determine any potential contaminant migration pathways to deeper groundwater zones. Please include this information in your work plan.
6. Pursuant to Section 13307.1 of the California Water Code, the Regional Board is required to notify all current fee titleholders for the subject site of the planned action. As the identified current primary or active responsible party for corrective action and/or cleanup at the site, we are requesting that you provide us with a complete mailing list of all record fee title holders for the subject site. Therefore, please provide the name, mailing address, and telephone number for all record fee title holders for the subject site with a copy of the county record of current ownership, available from the County Recorder's Office, or complete the attached Certification Declaration form and submit it to our office. Please submit the required information to the Regional Board by **October 30, 2001**.

California Environmental Protection Agency

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



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

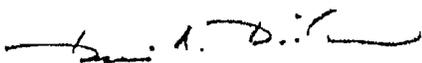
Mr. Berna
13267 letter

-3-

August 31, 2001

Pursuant to Section 13268 of the California Water Code, failure to submit the required reports or documents by the due dates may result in civil liability administratively imposed by the Regional Board in an amount up to one thousand dollars (\$1,000) for each day the report or document is not received. Should you have any questions, please contact Mr. Adnan Siddiqui of the Regional Board at (213) 576-6812.

Sincerely,



Dennis A. Dickerson
Executive Officer

Enclosure: Certification Declaration

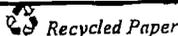
cc: Mr. Robert Sams, Counsel, Los Angeles Regional Water Resources Control Board (w/out enclosure)
Mr. Patrick Rendon, Smith & Rendon LLP (w/out enclosure)
Ms. Kaye E. Tucker, Tucker & Baum LLP (w/out enclosure)
Mr. Bernard A. Leckie, Meserve, Munger & Hughes LLP (w/out enclosure)
Mr. John Payne, FREY Environmental, Inc. (w/out enclosure)
Mr. William Levine, Standard Metals Recycling Corp. (w/out enclosure)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Received by (Please Print Clearly)		B. Date of Delivery 9/11/01
	C. Signature X [Signature]		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Mr. Larry Berna T.A. DAVIES COMPANY 19500 S. ALAMEDA ST. RANCHO DOMINGUEZ, CA 90221		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number (Copy from service label) 7000 0520 0024 7127 1321		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, July 1999		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

102595-00-M-0952

California Environmental Protection Agency

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



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

EXHIBIT 4

October 30, 1995

Attn.: Mr. Jim Herbst
Business Industrial Group
c/o Mr. Steve Webster

Fax No. (714) 650-4275
Page 1 of 1

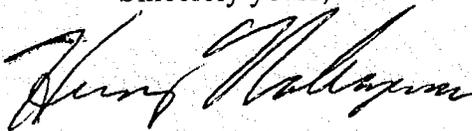
RE: ACETONE AT THE TADCO SITE, 363 WEST 133RD STREET, LA, CA

Dear Mr. Herbst:

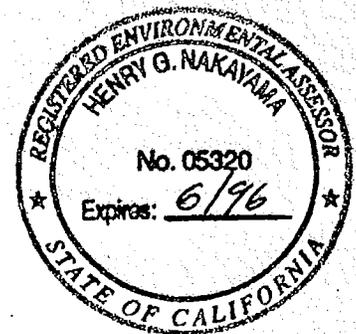
On September 7, 1995, Aqua Science Engineers, Inc. (ASE), reviewed the material safety data sheets (MSDS) available at the Tadco site, 363 West 133rd Street, Los Angeles, California. ASE did not find any MSDS for acetone. The site manager indicated that Tadco would not have any records for acetone because Tadco never purchased acetone. However, the site manager also indicated that Tadco trades chemicals for gallons quantities of acetone with one of Tadco's neighbors. Tadco has a small laboratory that uses acetone to clean out small containers. Used acetone is disposed into a sink that drains into the septic tank. Acetone that drains into the septic tank will cause some soil contamination.

If you have any questions concerning the reports please feel free to contact Dave Schultz, Scott Rowlands, or myself at (714) 833-3667.

Sincerely yours,



Henry Nakayama, R.E.A.
Chemical Engineer



cc David M. Schultz, ASE President
J.S. Rowlands, ASE Geologist

B0424

EXHIBIT 5



CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE

NOVEMBER 6, 1996

PROJECT REPORT

DEMOLITION OF SEPTIC SYSTEM AT:
FORMER T.A. DAVIES COMPANY SITE
363 WEST 133RD STREET
LOS ANGELES, CALIFORNIA

PREPARED FOR:

MR. PATRICK RENDON, ESQ.
333 SOUTH GRAND AVENUE, 37TH FLOOR
LOS ANGELES, CA 90017-1599

PREPARED BY:

AQUA SCIENCE ENGINEERS, INC.
17895 SKY PARK CIRCLE, STE. E
IRVINE, CA 92714

B0657

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1.0 INTRODUCTION.....	1
2.0 DESCRIPTION OF SEPTIC SYSTEM.....	1
3.0 SEPTIC SYSTEM DEMOLITION.....	1
4.0 LIQUID AND SOIL SAMPLE COLLECTION.....	2
5.0 CHEMICAL ANALYSIS OF LIQUID AND SOIL SAMPLES.....	2
6.0 REPORT LIMITATIONS.....	5
<u>TABLES</u>	
TABLE 1: SUMMARY OF CHEMICAL ANALYSES.....	4
<u>FIGURES</u>	
FIGURE 1: SITE LOCATION MAP.....	6
FIGURE 2: SITE MAP SHOWING SEPTIC SYSTEM LOCATION.....	7
<u>PHOTOGRAPH PLATES</u>	
PHOTOGRAPH PLATE 1.....	8
PHOTOGRAPH PLATE 2.....	9
PHOTOGRAPH PLATE 3.....	10
<u>APPENDICES</u>	
APPENDIX I: CAL-EPA CERTIFIED LABORATORY REPORT	

B0658

1.0 INTRODUCTION

This report documents the methods and findings of a septic system demolition project conducted at the former T.A. Davies (TADCO) site, 363 West 133rd Street, Los Angeles, California (Figure 1). Aqua Science Engineers, Inc., (ASE) was retained by Mr. Patrick Rendon, Esq., legal counsel for the site property owners, to observe the demolition of the septic system and to collect liquid and soil samples from within and beneath the system for Cal-EPA certified laboratory analysis. Liquid and soil samples were analyzed for volatile organic compounds using EPA method 8260.

The septic/sanitary system consisted of a house sewer line connected to a septic tank and drain (leach) line (Figure 2). The septic system was permitted in 1982 and was apparently installed during construction of the TADCO building in 1983. The house sewer line was apparently connected to restroom facilities and a sink located in the work area of the TADCO building. The septic system was removed during September 1996 after the site had been vacated by TADCO.

2.0 DESCRIPTION OF SEPTIC SYSTEM

A site map showing the approximate location of the former septic system is provided as Figure 2. The septic tank consisted of a 6 ft. wide x 8 ft. long x 5 ft. deep rectangular concrete tank. The base of the septic tank was located approximately 7 feet below the ground surface (BGS) elevation. The tank contained two chambers (Photograph Plate 1). The first chamber was a larger settling chamber that accepted flow directly from the house sewer line. The second smaller chamber accepted liquid from the top of the first chamber prior to discharge into the leach line and leach field.

3.0 SEPTIC SYSTEM DESTRUCTION

Demolition of the site building and septic system was conducted by Empire Services, Inc., of Santa Ana, California (Photograph Plate 1). On September 20, 1996, Empire Services used a track loader to expose the top of the septic system. During excavation, a hole was inadvertently made in the top of the septic tank by the track loader (Photograph Plate 2). Upon inspection by ASE and Empire Services, it was determined that the septic tank was nearly filled with liquid and sludge. At this time, it was determined by Empire Cleaning that the tank could not be removed

B0659

until the liquid and sludge were removed by pumping. Therefore, Empire Cleaning rescheduled the septic tank removal for the following week.

The liquid and sludge in the septic tank was pumped on September 23, 1996 by Andy Gump, Inc., of Canyon Country, California (Photograph Plate 2). Empire Cleaning completed the removal of the septic tank on September 27, 1996, by excavating the tank and approximately five feet of the leach line using the track loader (Photograph Plate 3). The concrete tank was broken up by the loader and disposed with scrap concrete from the building demolition.

4.0 LIQUID AND SOIL SAMPLE COLLECTION

On September 20, 1996, ASE collected an aliquot of liquid sample from the top of the septic tank and a liquid/sludge sample from approximately three feet below the liquid surface. The samples were collected using pre-cleaned disposable polyethylene bottom-draining bailers and secured in pre-cleaned 40 ml glass VOA vials. Care was taken not to include air bubbles (head space) in the sample vials. The secured samples were labeled ST-L1,2 (liquid sample) and ST-S1,2 (sludge sample) and placed in an ice chest containing wet ice and transported under chain-of-custody documentation to Advanced Technology Laboratories located in Signal Hill, California, for chemical analysis.

On September 27, 1996, ASE collected soil samples from beneath the septic tank and leach line. Two soil samples were collected from beneath the septic tank (samples ST-A and ST-B) and two samples were collected from beneath the leach line (samples LL-1 and LL-2). The samples were collected from freshly exposed soil and secured in pre-cleaned 4 oz wide-mouth glass sample jars with Teflon-lined lids. The secured samples were placed in an ice chest containing wet ice and transported under chain-of-custody documentation to Advanced Technology Laboratories located in Signal Hill, California, for chemical analysis.

5.0 CHEMICAL ANALYSIS OF LIQUID AND SOIL SAMPLES

The liquid and sludge samples collected from within the septic tank, and the soil samples collected from beneath the septic tank and leach line, were submitted to Advanced Technology Laboratories for chemical analysis using EPA method 8260 for volatile organics. The 8260 analysis was expanded to include three additional compounds beyond the normal 8260 list of analytes. The additional compounds were acetone, 2-butanone, and 4-methyl-2-pentanone.

B0660

Advanced Technology Laboratories is Cal-EPA certified to perform the analysis conducted for this investigation (ELAP #1838).

The results of the chemical analyses conducted on the liquid/sludge samples collected from within the septic tank detected the following 10 volatile organic compounds:

- Benzene
- 4-Chlorotoluene
- 1,4-Dichlorobenzene
- Ethylbenzene
- p-Isopropyltoluene
- Naphthalene
- Toluene
- 1,2,4-Trimethylbenzene
- 1,3,5-Trimethylbenzene
- Xylenes (total)

The results of the chemical analysis conducted on the soil samples collected beneath the septic tank and leach line detected the following 14 volatile organic compounds:

- Acetone
- 4-Chlorotoluene
- 1,4-Dichlorobenzene
- Ethylbenzene
- 1,1-Dichloroethane
- cis-1,2-Dichloroethene
- p-Isopropyltoluene
- Methylene Chloride
- Naphthalene
- n-Propylbenzene
- Toluene
- 1,2,4-Trimethylbenzene
- 1,3,5-Trimethylbenzene
- Xylenes (total)

With the exception of benzene, the volatile organic compounds detected in the liquid/sludge samples from within the septic tank were detected in the soil samples collected from beneath the septic tank and leach line. Five of the volatile organic compounds detected in the liquid/sludge samples have been detected in soil samples collected from soil borings drilled to depths of 45 feet below the ground surface in the vicinity of the septic tank. A summary of the chemical analysis data is provided as Table 1 below. The laboratory reports and chain-of-custody forms are provided as Appendix I of this report.

B0661

TABLE 1

Summary of Chemical Analysis Data for Liquid/Sludge Samples Collected from within the Septic Tank and Soil Samples Collected from Beneath the Septic Tank and Leach Line
Concentrations are in g/l for Septic Tank Samples and g/kg for Soil Samples

Chemical Compounds	Septic Tank Samples		Soil Samples			
	ST-S1,2	ST-L1,2	ST-A	ST-B	LL-1	LL-2
Acetone	ND	ND	ND	61	ND	ND
Benzene	5.5	ND	ND	ND	ND	ND
4-Chlorotoluene	53	30	9.4	ND	64	43
1,4-Dichlorobenzene	230	150	130	24	46	21
1,1-Dichloroethane	ND	ND	6.0	7.6	7.2	6.9
cis-1,2-Dichloroethene	ND	ND	11	ND	ND	ND
Ethylbenzene	36	22	ND	ND	13	9.9
p-Isopropyltoluene	25	13	ND	ND	28	16
Methylene Chloride	ND	ND	7.2	11	ND	33
Naphthalene	24	19	5.1	ND	47	42
n-Propylbenzene	ND	ND	ND	ND	9.1	6.7
Toluene	36	22	ND	ND	6.4	ND
1,2,4-Trimethylbenzene	39	25	5.4	ND	79	61
1,3,5-Trimethylbenzene	11	6.4	ND	ND	25	19
Xylenes (total)	26	21	ND	ND	43	33

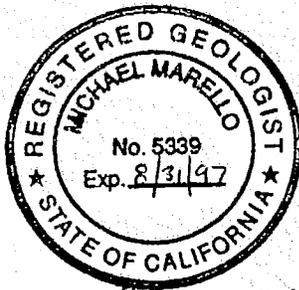
Compounds not listed were not detected
ND = not detected at specified detection level

B0662

6.0 REPORT LIMITATIONS

The results of this investigation represent conditions at the time and specific location at which soil and/or liquid samples were collected and for the specific parameters analyzed for by the laboratory. The scope of this investigation does not fully characterize the site for contamination, or for contaminants not specified for analyses. All of the laboratory work cited in this report was prepared under the direction of Advanced Technology Laboratory, inc., which is solely responsible for the contents and conclusions of the chemical analyses data.

Aqua Science Engineers, Inc.

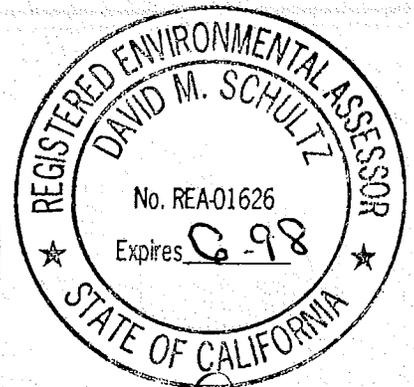


Michael Marelo
Michael Marelo, R.G.
Vice President
Senior Geologist



David M. Schultz

David M. Schultz, P.E., R.E.A
President
Senior Engineer

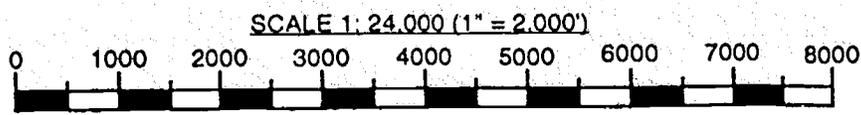
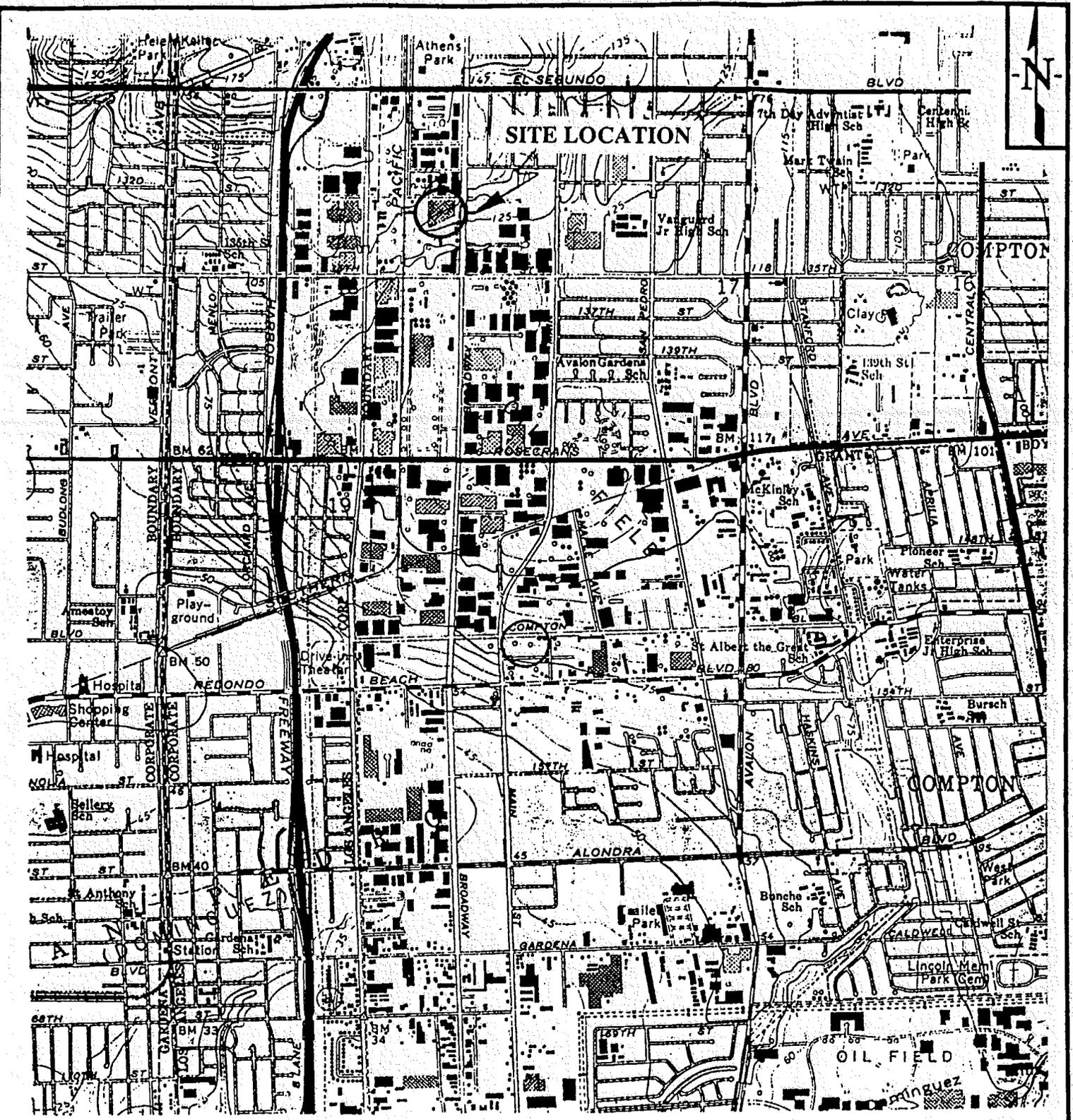


David M. Schultz

B0663

FIGURES

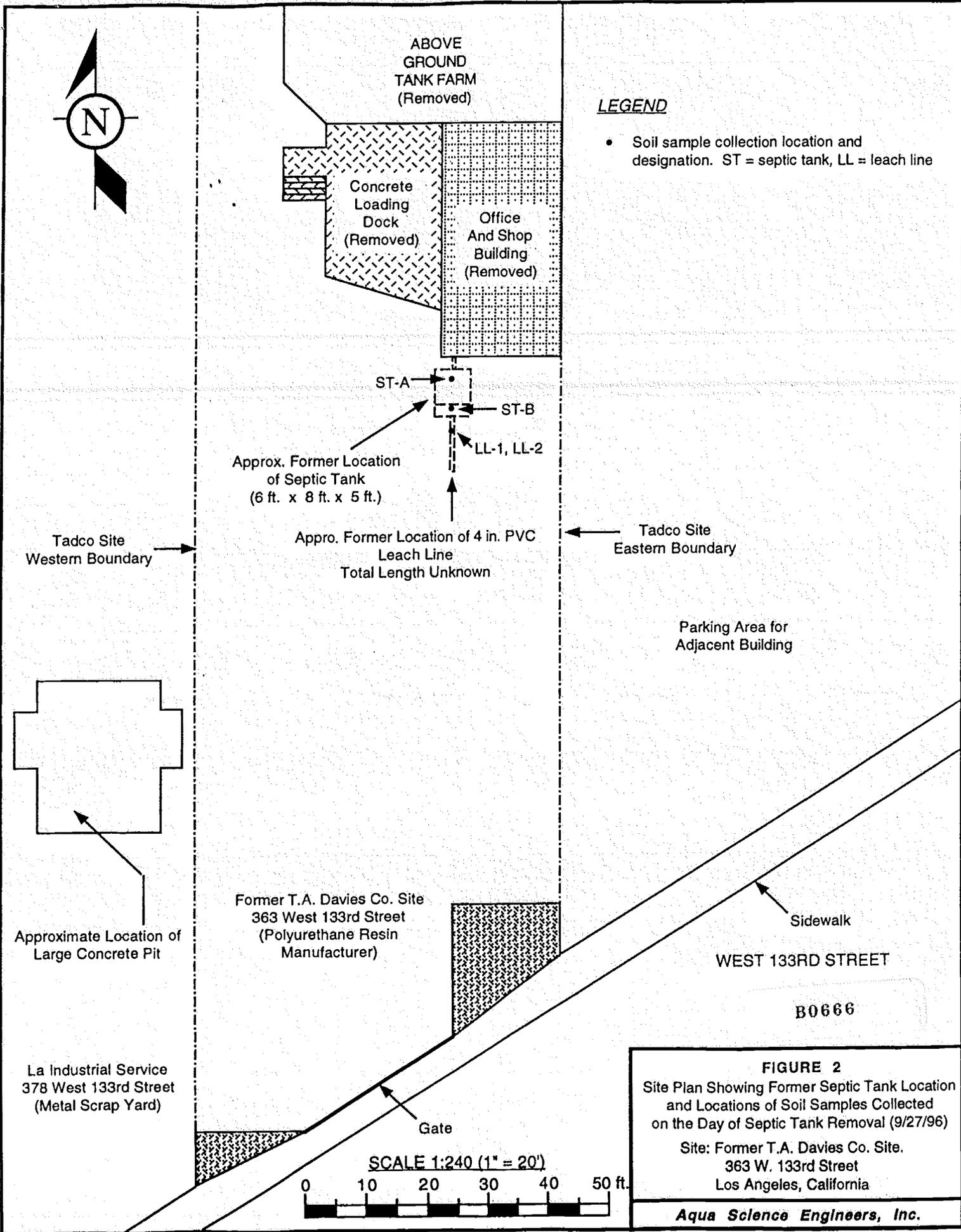
B0664



Reference: Inglewood Quadrangle, Los Angeles County
 U.S.G.S. 7.5 Minute Series (Topographic)
 1964, Photorevised 1981

FIGURE 1
 USGS Topographic Site Location Map
 Site: Former T.A. Davies Company
 363 West 133rd Street
 Los Angeles, California
AQUA SCIENCE ENGINEERS, INC.

B0665



LEGEND

- Soil sample collection location and designation. ST = septic tank, LL = leach line

FIGURE 2
 Site Plan Showing Former Septic Tank Location and Locations of Soil Samples Collected on the Day of Septic Tank Removal (9/27/96)
 Site: Former T.A. Davies Co. Site.
 363 W. 133rd Street
 Los Angeles, California
Aqua Science Engineers, Inc.

PHOTOGRAPH PLATES

B0667

Aqua Science Engineers, Inc.

PHOTOGRAPH PLATE 1



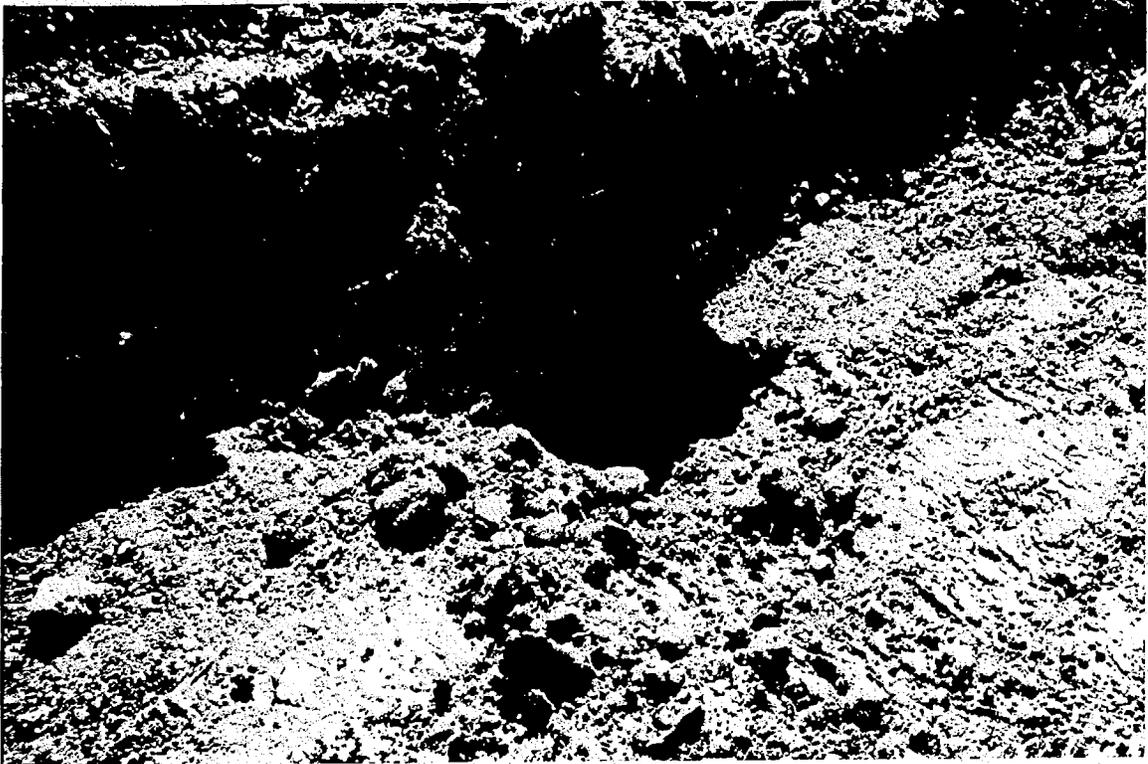
View of Septic Tank Before Removal



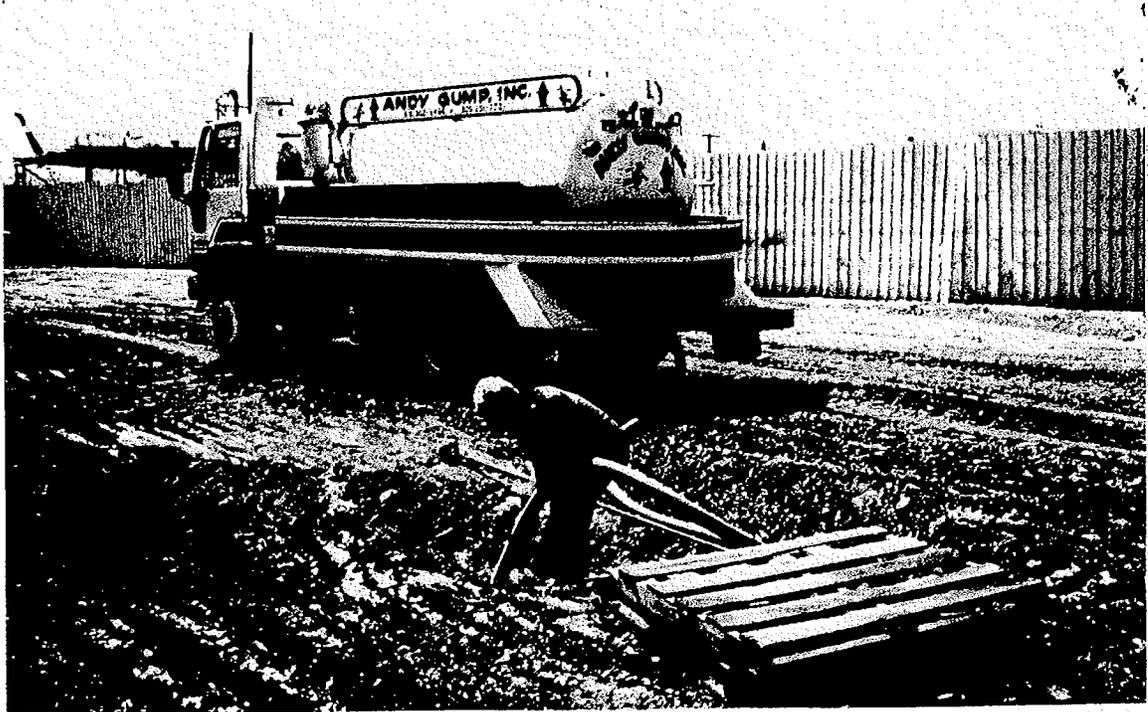
View Looking South of Site Demolition Activities

B0668

PHOTOGRAPH PLATE 2



View of Septic Tank Before Removal



View Looking Southwest of Septic Tank Pumping Event

B0669

PHOTOGRAPH PLATE 3



View Looking South of Septic Sytem Excavation After Tank Removal

B0670

PHOTOGRAPH PLATE 3



View Looking South of Septic Sytem Excavation After Tank Removal

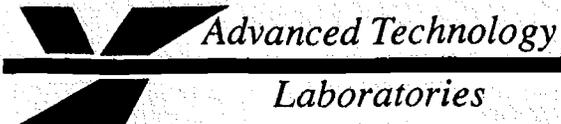
B0671

APPENDIX I

**CAL-EPA CERTIFIED LABORATORY REPORT FOR LIQUID/SLUDGE
SAMPLES COLLECTED FROM WITHIN THE SEPTIC TANK AND SOIL SAMPLES
COLLECTED BENEATH THE SEPTIC TANK AND LEACH LINE**

B0672

Aqua Science Engineers, Inc.



September 30, 1996

ELAP No.: 1838

Aqua Science Engineers, Inc.
17895 Sky Park Circle, Suite E
Irvine, CA 92614

ATTN: Mr. Mike Marelo

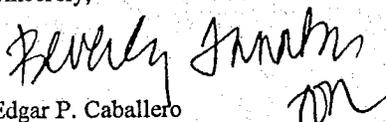
Client's Project: Tadco
Lab No.: 13256-001/002

Gentlemen:

Enclosed are the results for sample(s) received by Advanced Technology Laboratories and tested for the parameters indicated in the enclosed chain of custody.

Thank you for the opportunity to service the needs of your company. Please feel free to call me at (310) 989 - 4045 if I can be of further assistance to your company.

Sincerely,


Edgar P. Caballero
Laboratory Director
EPC/cb

Enclosures

This cover letter is an integral part of this analytical report.

This report pertains only to the samples investigated and does not necessarily apply to other apparently identical or similar materials. This report is submitted for the exclusive use of the client to whom it is addressed. Any reproduction of this report or use of this Laboratory's name for advertising or publicity purpose without authorization is prohibited.

B0673

*Mailing Address: P.O. Box 9108 Newport Beach, CA 92658
1510 E. 33rd Street Signal Hill, CA 90807 Tel: 310 989-4045 Fax: 310 989-4040*

Client: Aqua Science Engineers, Inc.
 Attn: Mr. Mike Marella

Client's Project: Tadco
 Date Received: 09/20/96
 Matrix: Water
 Units: ug/l
 Date Amended: 09/26/96

EPA Method 8260

Lab No.:	Method Blank		13256-001		13256-002				
Client Sample I.D.:	--		ST-S1, 2		ST-L1, 2				
ANALYTE	MDL	DLR	Results	DLR	Results	DLR	Results		
trans-1,2-Dichloroethene	5	5	ND	5	ND	5	ND		
1,2-Dichloropropane	5	5	ND	5	ND	5	ND		
1,3-Dichloropropane	5	5	ND	5	ND	5	ND		
2,2-Dichloropropane	5	5	ND	5	ND	5	ND		
1,1-Dichloropropene	5	5	ND	5	ND	5	ND		
Ethylbenzene	5	5	ND	5	5.5	5	ND		
Hexachlorobutadiene	5	5	ND	5	ND	5	ND		
Isopropylbenzene	5	5	ND	5	ND	5	ND		
p-Isopropyltoluene	5	5	ND	5	25	5	13		
Methylene Chloride	5	5	ND	5	ND	5	ND		
Naphthalene	5	5	ND	5	24	5	19		
n-Propylbenzene	5	5	ND	5	ND	5	ND		
Styrene	5	5	ND	5	ND	5	ND		
1,1,1,2-Tetrachloroethane	5	5	ND	5	ND	5	ND		
1,1,1,2,2-Tetrachloroethane	5	5	ND	5	ND	5	ND		
Tetrachloroethene	5	5	ND	5	ND	5	ND		
Toluene	5	5	ND	5	36	5	22		
1,2,3-Trichlorobenzene	5	5	ND	5	ND	5	ND		
1,2,4-Trichlorobenzene	5	5	ND	5	ND	5	ND		
1,1,1-Trichloroethane	5	5	ND	5	ND	5	ND		
1,1,2-Trichloroethane	5	5	ND	5	ND	5	ND		
Trichloroethene	5	5	ND	5	ND	5	ND		
Trichlorofluoromethane	5	5	ND	5	ND	5	ND		
1,2,3-Trichloropropane	10	10	ND	10	ND	10	ND		
1,2,4-Trimethylbenzene	5	5	ND	5	39	5	24		
1,3,5-Trimethylbenzene	5	5	ND	5	11	5	6.4		
Vinyl Chloride	5	5	ND	5	ND	5	ND		
Xylenes (Total)	5	5	ND	5	26	5	21		

EPA Method 8260 (additional analytes)

Aceton	50	50	ND	50	ND	50	ND		
2-Butanone	50	50	ND	50	ND	50	ND		
4-Methyl-2-Pentanone	50	50	ND	50	ND	50	ND		

MDL = Method Detection Limit
 ND = Not Detected (Below DLR).
 DLR = MDL X Dilution Factor
 NA = Not Analyzed

Reviewed/Approved By: Yun Pan
 Department Supervisor

Date 9/30/96

The cover letter is an integral part of this analytical report.

B0675

Spike Recovery and RPD Summary Report - WATER (ug/L)

Method : C:\HPCHEM\1\METHODS\VOC35.M
 Title : Volatile Organic Compounds
 Last Update : Tue Sep 24 18:01:44 1996
 Response via : Initial Calibration

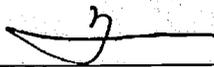
Non-Spiked Sample: V9414.D

Spike Sample	Spike Duplicate Sample
File ID : VS9416.D	VS9417.D
Sample : 13249-063 50 ppb MS VOC	13249-063 50 ppb MSD VOC
Acq Time: 24 Sep 96 10:43 pm	24 Sep 96 11:10 pm

Compound	Sample Conc	Spike Added	Spike Res	Dup Res	Spike %Rec	Dup %Rec	RPD	QC RPD	Limits % Rec
1,1-dichloroethene	ND	50	38	39	76	79	3	19	49-154
benzene	ND	50	45	45	88	89	1	15	67-128
trichloroethene	ND	50	42	43	83	85	2	16	67-130
toluene	ND	50	44	43	85	84	1	15	74-123
chlorobenzene	ND	50	43	42	84	84	0	14	80-122

QC Batch #: 96VOCW2234

Reviewed and Approved by: _____



Yun Pan
Organics Supervisor

Date: 9/26/96

B0676

CHAIN OF CUSTODY RECORD

FOR LABORATORY USE ONLY:

Advanced Technology Laboratories
 1510 E. 33rd Street
 Signal Hill, CA 90807
 (310) 989-4045 • FAX (310) 989-4040

Batch #: _____ D.O. #: _____
 P.O. #: _____
 Logged By: Ben Date: 9/20 Time: 1:57

Method of Transport
 Walk-in Counter UPS FED. EXP. ATL
 Sample Condition Upon Receipt
 1. COOLER TEMP °C _____ (2-6) 5. SEALED Y N
 2. CHILLED Y N 6. # OF SPLS MATCH COC Y N
 3. HEADSPACE (NOA) Y N 7. PRESERVED Y N
 4. CONTAINER INTACT Y N 8. CONTR. LOT # _____

Client: Aqua Science Engineers, Inc. Address: 17895 Sky Deck Circle, Ste E City: Irwin State: CA Zip Code: 92614 TEL: (714) 853-3667
 Attn: Mike Mucello City: _____ State: _____ Zip Code: _____ FAX: (714) 1833-3468

Project Name: Taded Project #: _____ Sampler: Mike Mucello (Printed Name)
 (Signature) _____

Relinquished by: (Signature and Printed Name) _____ Received by: (Signature and Printed Name) _____ Date: 9/20 Time: 1:57
 (Signature) _____

Relinquished by: (Signature and Printed Name) _____ Received by: (Signature and Printed Name) _____ Date: _____ Time: _____
 (Signature) _____

Relinquished by: (Signature and Printed Name) _____ Received by: (Signature and Printed Name) _____ Date: _____ Time: _____
 (Signature) _____

Unless otherwise requested, all samples will be disposed 60 days after receipt.
 I hereby authorize ATL to perform the work indicated below:
 Project Mgr./Submitter: Mike Mucello Date: 9/20/96
 Print Name: _____ Signature: _____

Send Report To:
 Attn: Mike Mucello
 Co: Aqua Science Engineers
 Address: _____
 City: _____ State: _____ Zip: _____

Special Instructions/Comments:

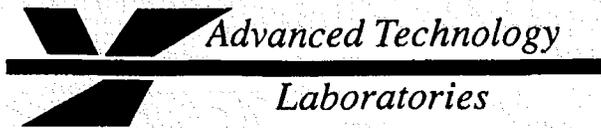
 Date: _____ Time: _____

SHIP TO LAB: (SUB CONTRACT) _____ TEST: _____ ATL #: _____ DATE: _____ CLIENT ID: _____
 SHIP TO LAB: (SUB CONTRACT) _____ TEST: _____ ATL #: _____ DATE: _____ CLIENT ID: _____

CIRCLE OR ADD ANALYSIS(S) REQUESTED
 601/8010 (Halogenated Volatiles-GC)
 602/8020/BTEX (Aromatic Volatiles-GC)
 608/8080 (Pesticides/PCB-GC)
 624/8240/8260 (Volatiles-GC/MS)
 625/8270 (BNA-GC/MS)
 8015M TPHQ/BTEX (COMBINATION)
 8015M TPH/D (Diesel-GC)
 418.1 (TPH-IR)
 Metals-Total (CAC-8010/7000)
 CIRCLE APPROPRIATE MATRIX
 SOLID • SOIL • SLUDGE
 OIL • SOLVENT • LIQUID
 WATER • WASTEWATER
 DRINKING WATER
 AIR
 WIPE • FILTER
 OTHER
 TAT # Type Container(s) PRESERVATION
 RTNE RWOCB WIP NAVY CT OTHER

LAB USE ONLY: Batch #	Sample I.D.	Date	Time	CIRCLE APPROPRIATE MATRIX		TAT	#	Type	Container(s)	PRESERVATION	REMARKS
				SOIL	LIQUID						
<u>18050-001</u>	<u>ST-S1,2</u>	<u>9/20</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<u>2</u>	<u>N</u>			<u>E</u>
<u>002</u>	<u>ST-S</u>			<input type="checkbox"/>	<input type="checkbox"/>						
<u>002</u>	<u>ST-L1,2</u>	<u>9/20</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<u>2</u>	<u>N</u>			<u>E</u>

Sample Archived/Disposal: Laboratory Standard Other Return To: _____
 TAT: A= Over/night B= Emergency Next workday C= Critical 2 Workdays D= Urgent 3 Workdays E= Routine Workdays
 * TAT starts 8 a.m. following day if samples received after 3 p.m.
 Preservatives: H=HCl N=HNO₃ S=H₂SO₄ C=4°C
 B0677



October 4, 1996

ELAP No.: 1838

Aqua Science Engineers, Inc.
17895 Sky Park Circle, Suite E
Irvine, CA 92714

ATTN: Mr. Mike Marelo

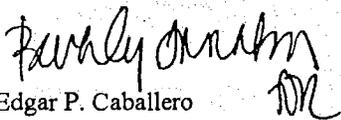
Client's Project #: Big-Tadco
Lab No.: 13361-001/004

Gentlemen:

Enclosed are the results for sample(s) received by Advanced Technology Laboratories on and tested for the parameters indicated in the enclosed chain of custody.

Thank you for the opportunity to service the needs of your company. Please feel free to call me at (310) 989 - 4045 if I can be of further assistance to your company.

Sincerely,


Edgar P. Caballero
Laboratory Director
EPC\ms

Enclosures

This cover letter is an integral part of this analytical report.

This report pertains only to the samples investigated and does not necessarily apply to other apparently identical or similar materials. This report is submitted for the exclusive use of the client to whom it is addressed. Any reproduction of this report or use of this Laboratory's name for advertising or publicity purposes without authorization is prohibited.

B0678

*Mailing Address: P.O. Box 9108 Newport Beach, CA 92658
1510 E. 33rd Street Signal Hill, CA 90807 Tel: 310 989-4045 Fax: 310 989-4040*

Spike Recovery and RPD Summary Report - SOIL (ug/kg)

Method : C:\HPCHEM\1\METHODS\VOC35.M
 Title : Volatile Organic Compounds
 Last Update : Wed Oct 02 13:35:08 1996
 Response via : Continuing Calibration

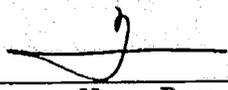
Non-Spiked Sample: V9516.D

Spike Sample	Spike Duplicate Sample
File ID : VS9517.D	VS9518.D
Sample : 13361-004 50 ppb MS VOC SOIL	13361-004 50 ppb MSD VOC SOIL
Acq Time: 2 Oct 96 7:13 pm	2 Oct 96 7:41 pm

Compound	Sample Conc	Spike Added	Spike Res	Dup Res	Spike %Rec	Dup %Rec	RPD	QC Limits RPD	QC Limits % Rec
1,1-dichloroethene	ND	50	50	50	100	100	0	23	37-166
benzene	ND	50	54	54	104	102	2	21	68-133
trichloroethene	ND	50	47	49	90	96	6	23	65-129
toluene	ND	50	52	53	95	97	1	21	74-136
chlorobenzene	ND	50	49	51	98	102	4	19	83-122

QC Batch #: 96VOCS2242

Reviewed and Approved by:


 Yun Pan
 Organics Supervisor

Date: 10/7/96

B0681



September 27, 1996

Ms. Yun Pan
ATL
150 E. 33rd Street
Signal Hill, CA 90807

VIA FAX (310) 989-4040

RE: Additional analytes for samples submitted to ATL by Aqua Science Engineers on
September 20 and 27, 1997.

PROJECT: TADCO

Dear Ms. Pan:

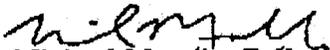
Per our telephone conversation today, please add the following analytes to the EPA 8260
analysis for the two liquid samples submitted on 9/20 (lab numbers 13256-001 and 13256-002)
and the four solid samples submitted today:

- 1) 2-Butanone
- 2) 4-methyl-2-pentanone

Acetone content has previously been requested for these samples. Please contact me at (714)
833-3667 if you have any questions.

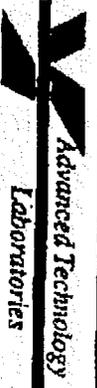
Sincerely,

Aqua Science Engineers, Inc.


Michael Mareello, R.G.
Vice President

17895 Sky Park Circle, Suite E, Irvine, CA 92714 • Tel 714/833-3667 • Fax 714/833-3468

CHAIN OF CUSTODY RECORD



1510 E. 33rd Street
Signal Hill, CA 90807
(310) 989-4045 • FAX (310) 989-4040

Client: Aqua Science Engineers, Inc.
Attn: Mike Marcell

Project Name: Big-Tide
Project #: _____

Received by: Signature and Printed Name
Date: 9/27/96

Received by: Signature and Printed Name
Date: 9/27/96

Received by: Signature and Printed Name
Date: 9/27/96

Unless otherwise requested, all samples will be disposed 60 days after receipt.

Therapy authorizes ATL to perform the work indicated below:
Project Mgr./Submitter: J.S. Rowlands Date: 9/27/96

Print Name: J.S. Rowlands
Signature: [Signature]

SHIP TO LAB: (SUB CONTRACT) TEST: ATL #: DATE: CLIENT ID:

LAB USE ONLY: Batch #: Lab No. Sample Description Date Time

Sample ID	Date	Time
ST-A	9/27/96	
ST-B		
LL-1		
LL-2		

Batch # _____ D.O. # _____
P.O. # _____
Logged By: _____ Date: _____ Time: _____

Method of Transport: Walk-in Courier UPS FED. EXP. ATL
1. COOLER TEMP °C _____ (2-5) 5. SEALED Y/D N/D
2. CHILLED Y/D N/D 6. FOR SPLINTING Y/D N/D
3. HEADSPACE (NON) Y/D N/D 7. PRESERVED Y/D N/D
4. CONTAINER INTACT Y/D N/D 8. CONTR. LOT # _____

Address: 17895 SKY PARK Circle, STE F
City: Irvine, CA State: CA Zip Code: 92714
TELE: 714 1833-3667 FAX: 714 1833-3468

Received by: Signature and Printed Name: J.S. Rowlands Date: 9/27/96
Received by: Signature and Printed Name: [Signature] Date: 9/27/96
Received by: Signature and Printed Name: [Signature] Date: 9/27/96

Sand Report To: Attn: Mike Marcell
Co: Aqua Science Engineers
Address: _____
City: _____ State: _____ Zip: _____

Special Instructions/Comments: _____
DATE: _____ TIME: _____

Circle Appropriate Matrix	ATL #	Type	Container(s)	Preservation	Remarks
6016010 (Halogenated Volatiles-GC)					
6026020 (Aromatic Volatiles-GC)					
6036030 (Pesticides/PCB-GC)					
6046040 (Volatiles-GCMS)					
6056050 (SMA-GCMS)					
6066060 (TPX/STEX COMBINATION)					
6076070 (TPX/STEX)					
6086080 (TPX/STEX)					
6096090 (TPX/STEX)					
6106100 (TPX/STEX)					
6116110 (TPX/STEX)					
6126120 (TPX/STEX)					
6136130 (TPX/STEX)					
6146140 (TPX/STEX)					
6156150 (TPX/STEX)					
6166160 (TPX/STEX)					
6176170 (TPX/STEX)					
6186180 (TPX/STEX)					
6196190 (TPX/STEX)					
6206200 (TPX/STEX)					
6216210 (TPX/STEX)					
6226220 (TPX/STEX)					
6236230 (TPX/STEX)					
6246240 (TPX/STEX)					
6256250 (TPX/STEX)					
6266260 (TPX/STEX)					
6276270 (TPX/STEX)					
6286280 (TPX/STEX)					
6296290 (TPX/STEX)					
6306300 (TPX/STEX)					
6316310 (TPX/STEX)					
6326320 (TPX/STEX)					
6336330 (TPX/STEX)					
6346340 (TPX/STEX)					
6356350 (TPX/STEX)					
6366360 (TPX/STEX)					
6376370 (TPX/STEX)					
6386380 (TPX/STEX)					
6396390 (TPX/STEX)					
6406400 (TPX/STEX)					
6416410 (TPX/STEX)					
6426420 (TPX/STEX)					
6436430 (TPX/STEX)					
6446440 (TPX/STEX)					
6456450 (TPX/STEX)					
6466460 (TPX/STEX)					
6476470 (TPX/STEX)					
6486480 (TPX/STEX)					
6496490 (TPX/STEX)					
6506500 (TPX/STEX)					
6516510 (TPX/STEX)					
6526520 (TPX/STEX)					
6536530 (TPX/STEX)					
6546540 (TPX/STEX)					
6556550 (TPX/STEX)					
6566560 (TPX/STEX)					
6576570 (TPX/STEX)					
6586580 (TPX/STEX)					
6596590 (TPX/STEX)					
6606600 (TPX/STEX)					
6616610 (TPX/STEX)					
6626620 (TPX/STEX)					
6636630 (TPX/STEX)					
6646640 (TPX/STEX)					
6656650 (TPX/STEX)					
6666660 (TPX/STEX)					
6676670 (TPX/STEX)					
6686680 (TPX/STEX)					
6696690 (TPX/STEX)					
6706700 (TPX/STEX)					
6716710 (TPX/STEX)					
6726720 (TPX/STEX)					
6736730 (TPX/STEX)					
6746740 (TPX/STEX)					
6756750 (TPX/STEX)					
6766760 (TPX/STEX)					
6776770 (TPX/STEX)					
6786780 (TPX/STEX)					
6796790 (TPX/STEX)					
6806800 (TPX/STEX)					
6816810 (TPX/STEX)					
6826820 (TPX/STEX)					
6836830 (TPX/STEX)					
6846840 (TPX/STEX)					
6856850 (TPX/STEX)					
6866860 (TPX/STEX)					
6876870 (TPX/STEX)					
6886880 (TPX/STEX)					
6896890 (TPX/STEX)					
6906900 (TPX/STEX)					
6916910 (TPX/STEX)					
6926920 (TPX/STEX)					
6936930 (TPX/STEX)					
6946940 (TPX/STEX)					
6956950 (TPX/STEX)					
6966960 (TPX/STEX)					
6976970 (TPX/STEX)					
6986980 (TPX/STEX)					
6996990 (TPX/STEX)					
7007000 (TPX/STEX)					

Sample Analysis/Disposal: Laboratory Standard Other Residue To: _____

TAT: A- Overnight ≤ 24 hr B- Next Workday C- 2 Workdays D- 3 Workdays E- Routine 7 Workdays
Container Types: T-Tubs V-VOA L-Liter P-Pint J-Jar B-Bedlar G-Glass P-Plastic M-Metal

Preservatives: H-HCl NH4NO3 S-H2SO4 C-CrO3 Z-Zn(Ac) O-NaOH T-Na2SiO3
\$10.00 FEE PER HAZARDOUS SAMPLE DISPOSAL

EXHIBIT 6



COPY

July 31, 1996

Mr. Patrick L. Rendon
Attorney at Law
333 S. Grand Avenue, 37th Floor
Los Angeles, CA 90071-1599
FAX (213) 626-5774

RE: ENVIRONMENTAL ASSESSMENT OF SOIL SURROUNDING THE REMOVED
UNDERGROUND CHEMICAL STORAGE TANKS AT THE FORMER
TADCO FACILITY, 363 W. 133RD STREET, LOS ANGELES

Dear Mr. Rendon:

Three underground storage tanks and one remaining above ground storage tank were removed from 363 West 133rd Street by Smith Environmental on July 2, 1996. Smith was contracted by Tadco to remove all the chemical storage tanks from the site. Sampling of soil beneath the remaining above ground tank was not required by the regulating agency for tank closure. A site map showing the former chemical storage tank locations is provided as Attachment 1.

Following removal of the underground tanks, Aqua Science Engineers, Inc. (ASE) collected split-samples from the bucket of the back-hoe. The other split-sample set was secured by Smith Environmental for submittal to a Cal-EPA Certified laboratory for definitive analyses. ASE also submitted their samples to a Cal-EPA Certified laboratory for redundancy testing and confirmation of Smith Environmental's results. Samples were collected by Smith Environmental approximately 2-feet below each end of the three UST's. ASE personnel did not witness any samples taken by Smith Environmental of the excavated soil, however ASE personnel did collect one representative sample from the soil stockpile and one sample along the north-wall of the excavated pit near the septic tank leach area and submitted those samples with the split-samples for laboratory analysis.

A summary of the chemical analyses results for the 8-soil samples collected during this investigation is provided as Attachment 2. A copy of the certified laboratory results for the soil samples are provided as Attachment 3. Photographic plates showing the underground storage tank removal are provided as Attachment 4.

The chemical compounds stored in the three UST's were ethylene diamine and propylene oxide. These compounds are highly volatile and were stored under pressure. The northernmost tank stored ethylene diamine while the other two UST's stored propylene oxide. There are no MCL's listed in the California Code of Regulations "Title 22" for these compounds, subsequently any action level standards would be set by local regulatory agencies on a site specific basis.

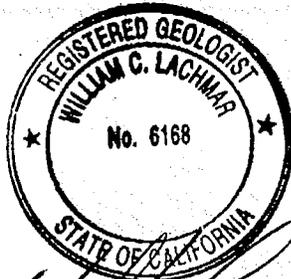
B0635

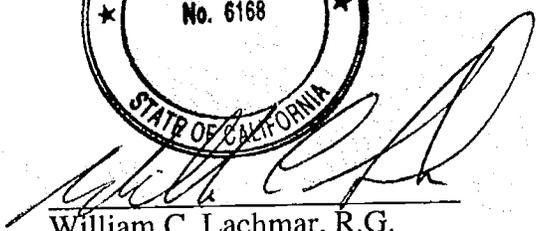
Laboratory chemical analyses results found no propylene oxide or ethylene diamine to exist in the samples which were tested. Acetone was found to exist in all seven pit samples at concentrations ranging from 70 parts per billion (ppb) in sample NW-4', to 7,670 ppb in sample T2E-13'. Trace concentrations of the chemicals benzene, toluene, ethylbenzene, xylenes, carbon disulfide, vinyl acetate and 2-hexanone were also found to exist in some of the samples.

Please call if you have additional questions or comments regarding the underground chemical tank removal and assessment at the former Tadco facility.

Sincerely,

Aqua Science Engineers, Inc.




William C. Lachmar, R.G.
Project Geologist

TADCO UNDERGROUND TANK REMOVAL ATTACHMENTS

B0637

ATTACHMENT 1
(SITE MAP)

B0638

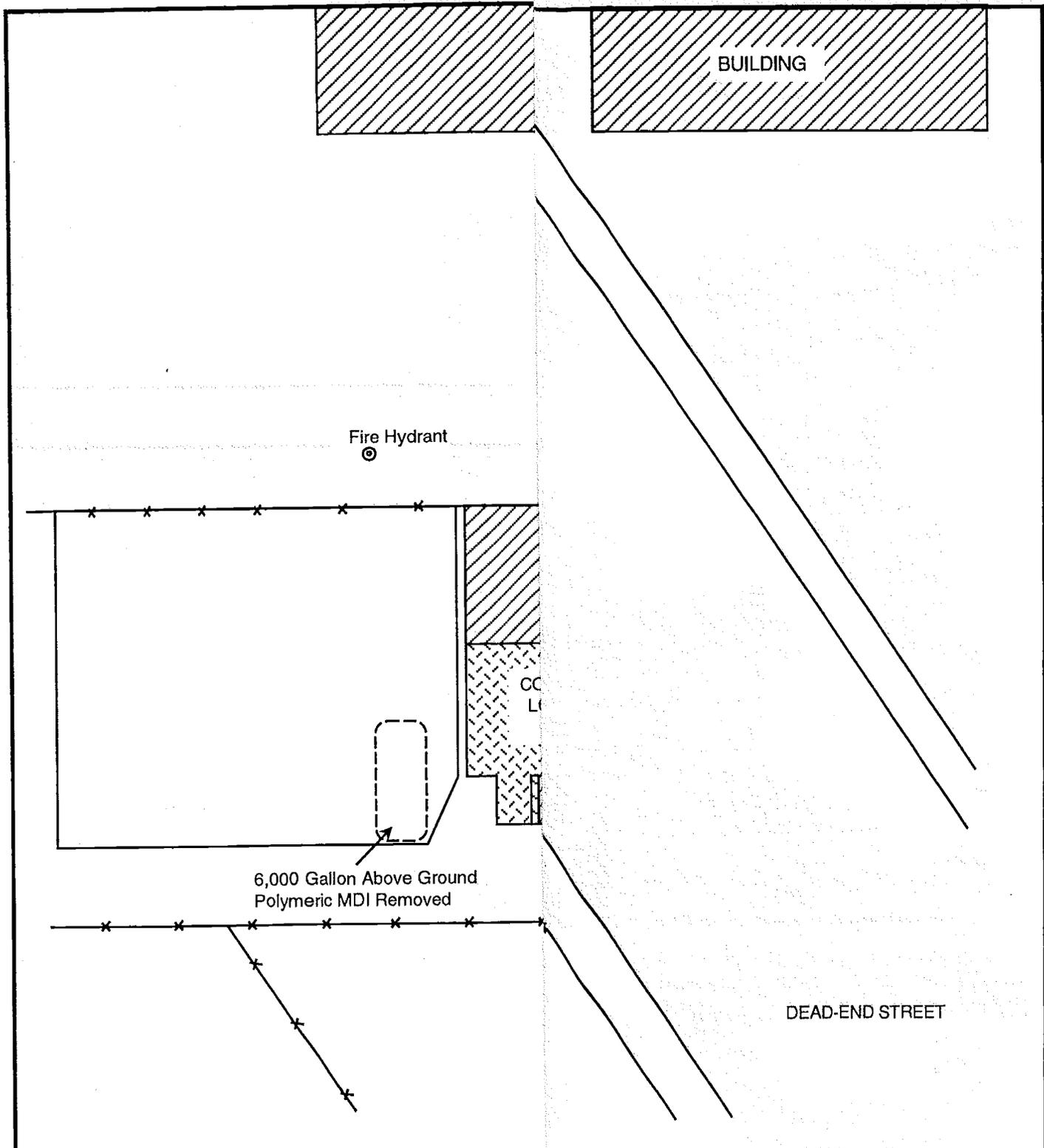


Figure: 1
SITE SKETCH MAP
 SHOWING LOCATIONS OF STORAGE TANKS
 REMOVED JULY 2, 1996
SITE: FORMER T.A. DAVIES, INC.
 133rd Street & South Broadway
 Los Angeles, CA 90061

Drawn by: JSR	Date: 7/96	ASE Job #2992
---------------	------------	---------------

AQUA SCIENCE ENGINEERS, INC.