

February 26, 2015

VIA ELECTRONIC MAIL & FEDEX

Jeannette L. Bashaw, Legal Analyst
State Water Resources Control Board
Office of Chief Counsel
1001 "I" Street, 22nd Floor
Sacramento, CA 95814
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Re: Resubmitted and Amended Petition for Review of ALCA Properties, Ltd. – Fountain-Vine Plaza, 1253 N. Vine Street, Los Angeles, CA 90028 and Paragon Cleaners, 1300-1310 Vine Street, Los Angeles, CA 90028

Dear Ms. Bashaw:

This letter is being submitted on behalf of Petitioner ALCA Properties Ltd. ("ALCA" or "Petitioner") both to respond to Mr. Phillip Wyels' letter dated February 23, 2015, and to resubmit and amend the Petition for Review and supporting Memorandum and Exhibits (submitted on December 24, 2014), as well as to resubmit the supporting Declaration of Carl Van Quatham dated January 7, 2015 (all such documents are collectively referenced herein as the "Original Petition"). The Original Petition is being amended in light of additional correspondence received from and sent to the Los Angeles Regional Water Quality Control Board ("Regional Board") since the filing of the Original Petition.

A. THE ORIGINAL PETITION WAS TIMELY SUBMITTED, BUT IS HEREBY BEING RESUBMITTED AND AMENDED.

Initially, in response to the February 23, 2015 letter from Mr. Wyels, it appears the State Water Resources Control Board ("State Board") is claiming that the Original Petition was filed "prematurely" because it was filed "within" 60 days from the date of ALCA's request for the Los Angeles Regional Water Quality Control Board ("Regional Board") to act *i.e.*, within 60 days from my letter to the Regional Board dated November 25, 2014 (a copy of which is included as Exhibit "A" to the Original Petition). However, California Water Code ("CWC") section 13320(a) requires that any petition to the State Board be filed "*within 30 days of any action or failure to act by a regional board,*" and in the case of a failure to act, "*the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after the request has been made to the regional board to act.*" (CWC § 13320(a).) CWC section 13320(a) thus sets forth a statute of limitations period, meaning any petition to the State Board must be filed within the 60 day period, not beyond the 60 day period.

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In this case the request for the Regional Board to act was made on November 25, 2014, and the Regional Board did not expressly refuse to act until it sent two letters to the Petitioner on January 30, 2015, *i.e.*, after the 60 day limitations period had expired. We would not disagree that the January 30, 2015 letters have started the 30 day clock anew, but this does not mean that the any petitioner must wait until after the statute of limitations period of 60 days from a failure to act has expired, before it may file a petition, and then hope that a regional board thereafter expressly refuses to act to re-start the 30 day clock.

The Original Petition in this case was filed on December 24, 2014, obviously within the 60 days from the date that the Regional Board was requested to act, and prior to the time the Regional Board indicated it was refusing to act (see the Regional Board's letter of January 30, 2015, Exhibit "21" hereto – the exhibit next in order, hereafter "First January 30 Letter," purportedly responding to this office's letter of November 25, 2014, but refusing to act as requested; and the Regional Board's January 30, 2015 letter Exhibit "22" hereto, "Second January 30 Letter," purportedly responding to this Office's letter of October 10, 2014). Accordingly, ALCA's Petition was timely and not prematurely filed.

Notwithstanding ALCA's disagreement with the State Board's letter of February 23, ALCA is hereby resubmitting and amending the Original Petition, including resubmitting all supporting exhibits thereto, and further introducing and offering three additional exhibits (all recent communications from the Regional Board) with this Amended Petition. All such documents, this letter, and the additional Exhibits included herewith, are collectively being submitted as an Amended Petition for the State Board's review and consideration, in accordance with the requirements of CWC section 13320 and Title 23 California Code of Regulations sections 2050 et seq.

For the record, in ALCA's Original Petition, it provided a "Statement of Reasons the Actions or Inactions of the Regional Board Were Inappropriate and Improper." For purposes of this Amended Petition, this Statement of Reasons remains the same as stated in the Original Petition, but is repeated below for the State Board's convenience:

1. The Regional Board has failed to act in accordance with law and has acted arbitrarily and capriciously by refusing to issue a No Further Action Letter to the Petitioner for the Fountain-Vine Property, in spite of the fact that all of the technical data shows no operations on the Fountain-Vine Property have contributed to soil or groundwater contamination so as to justify any further assessment work by the Petitioner or any cleanup work;

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2. The Regional California Board has failed to take adequate enforcement action pursuant to CaWater Code (“CWC”) section 13304 and other Water Code provisions, against the responsible parties for the Paragon Cleaners Property, to address groundwater contamination that has migrated from that property on to the Fountain-Vine Property; and

3. The Regional Board has failed to comply with State required billing procedures under CWC section 13365, and has improperly billed Petitioner for arbitrary and unnecessary work.

(See Original Petition for Review, p. 2.) Each of these stated reasons for claiming that the Regional Board acted arbitrarily and capriciously, and contrary to law, remain in effect as further explained below.

B. THE AMENDMENTS TO THE ORIGINAL PETITION AND MEMORANDUM.

I. A No Further Action Letter Must Be Issued For The Fountain-Vine Property Without Further Delay.

As explained in the initial Memorandum in support of the Original Petition, the lengthy history of these proceedings shows that the Regional Board has failed to comply with CWC section 13307, as well as State Board Resolution No. 92-49, by refusing to issue the requested No Further Action Letter (“NFA Letter” or “NFA/Closure Letter”) for the subject property (located at 1253 N. Vine Street, Los Angeles, CA, hereafter, “Site” or Property”). The technical evidence generated to date and submitted with the Original Petition shows that the prior operations on the Site have not resulted in a discharge of pollutants to either the soil or the groundwater that resulted in any appreciable amount of contamination to the environment to justify any further action for the Site.

As referenced above, on January 30, 2015, the Executive Officer of the Regional Board sent out two letters, the first (Exhibit “21” hereto) purportedly in response to the November 25, 2014 letter to the Regional Board requesting the actions in issue in this Petition (*see* Exhibit “A” hereto), and a second January 30 letter (Exhibit “22” hereto) purportedly responding to the October 10, 2014 letter from this Office to the Executive Officer (included as Exhibit “17”, to the Original Petition). Yet, rather than offering any actual support for its refusal to take action on the requested items, both the First and Second January 30 Letters, when reviewed carefully, only support the Petitioner’s claims.

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To begin with, and as explained in the Memorandum in support of the Original Petition, ALCA has been seeking the issuance of the equivalent of a No Further Action (“NFA”) Letter since 2006, and over the past eight (8) years has expended hundreds of thousands of dollars in attempting to work with the Regional Board staff to obtain the NFA. In November of 2005, the Petitioner caused its then consultant, AEI, to conduct a Phase II Environmental Site Assessment on the Site. Thereafter, in 2006 a Phase III Environmental Site Assessment for the Property was conducted (see Exhibit “3” to the Original Petition).

Based on the results of the AEI Phase II and Phase III Site Assessments, on September 20, 2006, a representative from ALCA indicated that the groundwater contamination in issue arose as a “*direct result of the up-stream contamination encountered at Paragon Cleaners at 1310 Vine Street,*” and requested the Regional Board “*cause whatever Board action necessary to clear our Site.*” (See Exhibit “1” to the Original Petition.)

Thereafter, ALCA’s new consultant, Ami Adini and Associates (“AA&A”) prepared a Phase I Environmental Assessment Report and subsequently a Case Closure Assessment Report which was submitted to the Regional Board in December of 2012 (see Exhibit “2” to the Original Petition). Following a meeting between Regional Board staff and representatives of ALCA (also in December of 2012), because of the Regional Board staff’s refusal to issue the NFA Letter at that time, and given ALCA’s pending balloon payment (to be coming due in October of 2013), ALCA reluctantly agreed to proceed forward and conduct additional assessment work at the Site. It did so, however, with the express understanding that if the results of the additional assessment showed that the prior Site operations had not contributed appreciable contamination to justify further action on the part of ALCA, that the Regional Board would issue the requested NFA Letter for the Site. (See Declaration of Carl Van Quatham, ¶ 8.)

A workplan for additional assessment work was then negotiated with the Regional Board staff that involved the advancement of 14 soil borings, with soil samples being collected at five foot intervals from five (5) to thirty-six (36) feet below the ground surface (“bgs”), and with groundwater samples being taken within each of the 14 borings using hydro punch technology. Soil gas probes were also being installed in each of the 14 boring at depths of 5, 15 and 25 feet bgs.

In addition, and at the insistence of the Regional Board staff, three groundwater monitoring wells were installed on the property (MW1 - MW-3) as a part of this work, with these wells being screened at intervals between approximately twenty-five to forty feet bgs. (See Exhibit “5” to the Original Petition, which is a copy of the May 15, 2013 Environmental Site Assessment Report from AA&A.)

Importantly, the parties had also agreed that after the conclusion of this work, if the results did not show that the Site had contributed any appreciable levels of contamination to justify further

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action at the Site, that the NFA Letter would be issued. This understanding is confirmed in Mr. Van Quatham's Declaration, and is generally reflected in the February 28, 2013 approval letter from the Regional Board approving the Workplan for AA& Site Assessment Workplan (Exhibit "16" to the Original Petition, wherein, the Regional Board staff indicated that: "*We will consider all technical information with respect to your request for a No Further/Non-Contribution Letter.*").

As discussed in the Memorandum in support of the Original Petition, the NFA Letter was not forthcoming, however, even though the results of the May 15, 2013 Site Assessment Report clearly showed that the Site had not contributed appreciable contamination to justify any further action from ALCA. *In fact, after the May 15, 2013 Site Assessment was completed, by that point some thirty (30) boring testing for soil, soil vapor and/or groundwater had all been installed on the Property, but without any indication that the prior Site operations had caused any appreciable contamination.*

Still, the Regional Board refused to issue the requested NFA Letter, and as a result, ALCA was forced to proceed and to retain an additional environmental consulting firm known as Geosyntec Consultants, to further assist on the technical issues to obtain the NFA Letter. (Van Quatham Decl., ¶ 13.)

Technical discussions then ensued between the ALCA's technical consultants and Regional Board staff, and in December of 2013, ALCA had its consultant submit a Workplan, wherein it proposed the installation of three (3) additional groundwater monitoring wells. Importantly, this Workplan provided that, if the sampling results from the work proposed therein further confirmed there was no appreciable contamination from prior Site operations, that the NFA Letter would be issued. (Exhibit "6", p. 1.) This December 2013 Workplan was approved by the Regional Board on December 18, 2013 (Exhibit "7," p. 1 [*"The work plan proposes the installation of three (3) groundwater monitoring wells (MW-4, MW-5, and MW-6) located within the Villa Elaine complex, immediately south of the site (Figure 1). Groundwater will then be sampled from nine (9) groundwater monitoring wells located at the site, at the Villa Elaine apartments, and at Paragon Cleaners (located northeast of the site). ... Based on information submitted, and on the information in the case file, we concur with the proposed work plan."*].)

Because of concerns raised by the adjacent property owner, however, *i.e.*, the owner of the Villa Elaine Apartments property, the December 9, 2013 workplan was revised with a Revised Workplan dated January 21, 2014 (Exhibit "8"). That workplan as well included the parties' agreement that if the results of the workplan showed the Site was not contributing appreciable contamination to the environment, that the NFA Letter would be issued. This Revised Workplan was approved by the Regional Board by letter dated February 6, 2014 (Exhibit "9" [*"The work plan proposes the installation of two (2) groundwater monitoring wells (MW-4 and MW-5) located within the Villa Elaine apartment complex, immediately south of the site (Figure 1). Groundwater*

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will then be sampled from eight (8) groundwater monitoring wells located at the site, at the Villa Elaine apartments, and at Paragon Cleaners (located northeast of the site). ... Based on information submitted, and on the information in the case file, we concur with the proposed work plan.”]).

However, because of yet additional concerns raised by the owner of the Villa Elaine Apartments property, a third workplan, was then submitted to the Regional Board, *i.e.*, the “Further Revised Workplan” dated February 12, 2014 (Exhibit “10”). The Further Revised Workplan contained similar language to the prior approved workplans, *i.e.*, that if the results of the work did not show there was appreciable levels of contamination to justify further action by ALCA, that the NFA letter would be issued. (See Exhibit “10,” p. 3 [*“As indicated in the Workplan dated January 21, 2014, it is understood that if the PCE concentrations in MW-4 are not appreciably higher than the concentrations found in the up-gradient groundwater beneath the site as encountered in MW2, the Board will determine that the Fountain-Vine Plaza site is not a continuous source of PCE to the groundwater found under and in the immediate vicinity of the Fountain-Vine Plaza site or adjacent properties, and will therefore issue a “No Further Action” or “NFA” letter to the Fountain-Vine property owner for that property.”*].)

Yet, rather than approve the Further Revised Workplan, for reasons that remain unclear but presumably because of a change in the project manager, the Regional Board instead only approved the new location of the wells, but not the workplan itself. (Exhibit “11,” Regional Board letter dated March 3, 2014, [*“On February 11, 2014, Regional Board staff, Mr. Henry Jones and Dr. Kwang Lee, made a site visit and met with you, your consultants including Dr. Ravi Arulanantham of Geosyntec, and Ms. Julia Patten of the Villa Elaine Apartments. During the site visit, staff agreed with the re-locations of two groundwater monitoring wells.”*].).

Because of the Regional Board’s refusal to approve the Further Revised Workplan, thereafter, correspondence was exchanged and a another meeting occurred with the Regional Board Executive Officer (on May 22, 2014).

The May 22 meeting was telling, because at this meeting, the Executive Officer confirmed the parties’ prior understanding (reached on September 19, 2013) that the objective of any additional assessment work by ALCA was to provide further information to enable the Regional Board to make an NFA determination for the Site, and that if appreciable contamination were not discovered from the next round of assessment work, that the NFA Letter would be issued. (Exhibit “17,” Rutan & Tucker letter dated October 10, 2014 p. 5 [*“At the May 22 meeting you confirmed that a prior understanding had been reached (during our September 2013 meetings), that the objective of the requested additional groundwater investigation was to provide further information to enable the Regional Board to make an NFA determination for the Site, and that the Regional Board was agreeable to including language in its approval letter for the workplan to the effect*

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that, if the results of the workplan showed the Site had not contributed appreciable contamination to the groundwater so as to justify further action, the NFA letter would be issued.”].)

The Executive Officer also indicated he was agreeable to including such language in the Regional Board’s approval letter of the workplan, and that the Regional Board’s counsel and ALCA’s counsel would work out the precise language. (Exhibit “17,” p. 5.) Unfortunately, however, after discussions between Counsel, the agreed upon language was never provided to ALCA.

Instead, it appeared that the Regional Board’s then recent change in the project manager it had assigned to the Site had convinced other Regional Board staff, including the Executive Officer, to move in a completely different direction with respect to the scope of work to be performed. And in fact, the work/scope three times agreed to in the three prior workplans, i.e., the Initial Workplan (Exhibit “6”), the revised Workplan (Exhibit “8”), and the Further Revised Workplan (Exhibit “10”), were all ignored and replaced with an entirely new theory concocted by the new project manager. In particular, in a letter dated July 11, 2014, the Regional Board proceeded to request that ALCA conduct further assessment on the Site to obtain information to on an entirely new theory/scope of work, i.e., to confirm “*the presence or absence of a PCE source such as dense non-aqueous phase liquid (DNAPL) at, around, and in the area between the former PCE borings AEI-B3 and B32.*” (Exhibit “13”).

This new scope of work, as demanded in the July 2014 letter from the Regional Board was then subsequently modified by letter dated September 17, 2014 (Exhibit “14”), but with the concept of searching for DNAPL contamination from prior Site operations now being the primary purpose of the Regional Board’s new demands.

By memorandum dated October 10, 2014 (Exhibit “15”), ALCA’s consultant, Geosyntec, analyzed the propriety of the Regional Board’s demand for an investigation into the potential existence of “DNAPL,” and concluded as follows:

Reviewing the data on the whole, there is no technical basis to conclude that DNAPL exists on the Site from prior Site operations or to support extending additional borings down to a depth of 80’ bgs. There is similarly no technical data to suggest that the contamination discovered in the groundwater arose as a result of a gasoline service station operation from 1925 to 1928, or from a former dry cleaner operation conducted from 1955 to 1970, which is located in area largely cross-gradient from the area on the Site where the Regional Board is requesting the four MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine Site point

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to source of the PCE contamination in question migrating from an upgradient offsite source or sources.

(Exhibit "15," p. 10.) ALCA subsequently submitted this Technical Memorandum and its objections to the proposed work to the Regional Board by the Rutan & Tucker letters dated October 10, and November 25, 2014. In its November 25 letter ALCA further reiterated its demand for the NFA Letter, and pointed out the unreasonableness of the Regional Board staff's demands. Without any response to the October and November communications to the Regional Board, the Original Petition was then submitted to the State Board on December 24, 2014.

The correspondence received since the Original Petition was submitted, *i.e.*, the two letters dated January 30, 2015 from the Regional Board, only support that fact that the Regional Board staff's demands for further investigation at the Site to search for "DNAPL" contamination from prior Site Operations, is entirely arbitrary, capricious, and clearly contrary to established policy and applicable law. In particular, in the First January 30 Letter (responding to Petitioner's November 25 letter), the Regional Board attempted to justify its reasoning for requiring an investigation into the potential existence of "DNAPL" contamination from prior Site operations, by stating, in part, as follows:

The Regional Board staff suspects that dense non-aqueous phase liquid (DNAPL) may be present in the eastern portion of the Site, reportedly addressed at 1267-1269 Vine Street, **due to the operation of a drycleaner from 1955 through 1970, or the operation of a gas station from 1925 to 1928.** That tetrachloroethylene (PCE) was used as a solvent in automotive repairs and discharged at the gas station located in the eastern portion of your Site or by the dry cleaner is based on detections of PCE in soil samples collected from 5 and/or 10 feet below ground surface (bgs) in 2005 borings AEI-B4, AEI-B3, AEI-B10, and AEI-B11 (Phase III Subsurface Investigation Report by AEI Consultants dated July 31, 2006), and the occurrence of groundwater PCE hot spots centered at the onsite boring AEI-B3 [PCE 4,700 micrograms per liter (ug/L) at 30 feet in July 2006] and the hot spot centered at the onsite boring B32 (PCE 7,790 ug/L in April 2013).

(Exhibit "21," p. 2.) The arbitrary nature of the demand to investigate for "DNAPL" is thus evident from the plain language of this letter, *i.e.*, that somehow a gas station operation for three years "**from 1925 to 1928**" has resulted in the existence of DNAPL in groundwater 87-90 years later, even though the PCE concentrations in the soil have been shown to be virtually nonexistent. Similarly, the assertion that DNAPL has resulted from prior 15 years of drycleaner operations that ended approximately 45 years ago, and where again no soil contamination of any consequence of

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any kind has been found, is equally disturbing. The claim is thus entirely baseless, as reflected in Geosyntec's Technical Memorandum, and yet, Regional Board staff persists with the absurdity. (See also Exhibit "22," p. 2 [*"The Site reportedly addressed at 1267-1269 Vine Street was the location of a dry cleaner that operated from 1955 through 1970 and a gas station from 1925 to 1928."*]

It is apparent from the evidence included in the Original Petition, and with the supporting Declaration of Mr. Van Quatham, as well as the most recent communications from the Regional Board itself (Exhibits "21" & "22") that Regional Board staff has acted entirely unreasonably and that its actions are arbitrary, capricious, and without any basis in fact.

2. **A Cleanup And Abatement Order Should Be Issued At This Time Against The Paragon Cleaners Responsible Parties.**

In the Original Petition, ALCA points out that, although the Regional Board files show that it has been on notice since 2005 that the dry cleaning operation at the property located at 1300-1310 Vine Street, Los Angeles, is the most likely cause of the contamination on the subject Site, still no Cleanup and Abatement Order has been issued to the responsible parties for the Paragon Cleaners property.

However, presumably as a result of the filing of the Original Petition, on January 22, 2015, the Regional Board staff sent out a letter, along with a draft Cleanup and Abatement Order, to one of the responsible parties involved with the Paragon Cleaners operation (Exhibit "23" hereto). With this letter, Regional Board staff requested comments to the draft Cleanup and Abatement Order ("CAO"), and although ALCA believes that the Regional Board issuance of this letter is a step forward, the fact remains that no CAO has yet been issued against the Paragon Cleaners responsible parties, even though this source was brought to the Regional Board's attention as far back as 2005.

With this Resubmitted and Amended Petition, Petitioner respectfully requests that the Cleanup and Abatement Order be issued against the responsible parties for the up-gradient Paragon Cleaners property, and that the CAO be enforced and the matter be prosecuted so as to require a complete cleanup of the contamination that has resulted on the Fountain-Vine Property.

3. **The Oversight Costs Sought To Be Imposed On Petitioner Are Unlawful And Were Not Imposed Or Billed In Accordance With CWC Section 13365.**

As indicated in the Original Petition, the Regional Board is currently seeking a total of \$41,849.80 in unpaid oversight costs for the first three quarters of 2014 (all three of these invoices were included with the Original Petition as Exhibit "20"). These invoices totaling \$41,849.80 ("Disputed Amounts"), as indicated in the Van Quatham Declaration, are in addition to the \$47,000+ oversight costs that had already been paid to the Regional Board by ALCA since ALCA

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entered into a voluntary cleanup agreement in 2006. It should also be noted that the Disputed Amounts, moreover, represent oversight costs for the first three quarters of 2014, *i.e.*, represent charges during a time period where there had been no assessment or cleanup work of any kind conducted on the Site.

As indicated in the Original Petition, the total time spent that resulted in the Disputed Amounts, 134 hours of this time was expended by a new project manager, Mohammad Zaidi, and was expended after the scope of work as reflected in the original Workplan (Exhibit "6"), the Revised Workplan (Exhibit "8"), and the Further Revised Workplan (Exhibit "10") had been extensively discussed and agreed to by Regional Board staff. Further, none of the time supporting the Disputed Amounts was expended on overseeing the implementation of the previously approved scope of work; but instead was largely expended to push for an entirely new scope of work, and one that was/is patently arbitrary and unsupported by the data or facts.

Also as indicated in the Original Petition, and in ALCA's Objections dated January 26, 2015 to the Past Due Invoices (Exhibit "24" hereto), CWC section 13365(d) allows the Regional Board to change the scope of work or services it is providing only if the change is based upon "*new information regarding the extent of the contamination of the site,*" and even then "*only after providing written notice of the change to the responsible party containing the information specified in paragraph (1) of subdivision (c),*" *i.e.*, "*a detailed estimate of the work to be performed or services to be provided, including a statement of the expected outcome of that work, based on data available to the agency at the time,*" along with "*an estimate of all expected charges to be billed to the responsible party by the agency ...*" (CWC §§ 13365(d) & 13365(c)(1).)

In this case, no portion of the Disputed Amounts is appropriate because the work was never incurred, nor billed, in accordance with the requirements of section 13365.

First, no "*detailed estimate of the work performed or services provided, including a statement of expected outcome*" to support the Disputed Amounts, was ever provided. Without the necessary "*detailed estimate of the work*" to be performed, the oversight costs cannot properly be billed. (CWC § 13365(c)(1)(A).)

In its First January 30 Letter (Exhibit 21), Regional Board staff includes a 2014-2015 Annual Estimation Letter For Site Cleanup Cost And Recovery Program (Attachment 1 to said letter). Staff then relies on the 2014-2015 Annual Estimation to claim that it complied with the requirements of CWC section 13365. Interestingly enough, however, the 2014-2015 Annual Estimation on its face would not qualify as a "detailed estimate" for the Disputed Amounts, simply because the first and second quarters of 2014 are not even the subject of this estimate, and because this 2014-2015 Annual Estimation was not even sent out until half-way through the third quarter of 2014. The assertion that the 2014-2015 Annual Estimation contained a "detailed estimate of the work performed" for the Disputed Amounts is not credible.

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Furthermore, the fact that the Regional Board in this same letter never even produced a similar Annual Estimation letter for the actual oversight work provided in 2014, is an admission by omission, that the Regional Board simply failed to comply with the requirements of CWC section 13365.

Second, as referenced above, under CWC section 13365(d), the Regional Board was not permitted to “*adjust the scope of work ... to be performed,*” without first providing a “*written notice of the change to the responsible party.*” (CWC § 13365(d).) Here, the Regional Board failed to provide any written notice to ALCA that there was to be a change in the “*scope of work*” to be performed, before incurring the oversight costs; and nor did Regional Board staff ever identify any “*new information*” that would justify the Regional Board modifying the “*scope of work*” previously negotiated, as reflected in the three prior workplans submitted to the Regional Board. (See also discussion in ALCA’s January 26, 2015 Objections to Past Due Invoices, Exhibit “24”.) In fact, and to the contrary, in both of its January 30 Letters, the Regional Board relies largely on data from 2005 to support its new theory that DNAPL contamination has occurred from prior Site operations. (See Exhibit “21” p. 2, & Exhibit “22” p. 2.) The Regional Board has clearly failed to comply with CWC section 13365(d).

Third, as explained in ALCA’s prior objection letters to the invoices, the disputed amounts are objectionable because none of the oversight work in question was necessary or appropriate. (See e.g. Exhibit “24” p. 1.)

Finally, for each of the invoices in question, the Regional Board plainly failed to comply with the requirements of CWC section 13365(c)(2)(C), because none of the invoices contains “*a daily detail of work performed and time spent by each employee.*” (CWC § 13365(c)(2)(C).) Although, with its First January 30 Letter, the Regional Board provided copies, albeit untimely,¹ of the “*time records*” for the Disputed Amounts in question, none of these invoices are in compliance with the requirements of section 13365(c)(2), as none of them include the necessary “*daily detailed work performed*” required by the statute.

Because the Regional Board failed to comply with the clear requirements of CWC section 13365, each of the invoices in question must be invalidated.

¹ CWC section 13365(c)(3) requires that the Regional Board, upon receiving a request for time records, provide such records “*within a reasonable time, not to exceed 30 working days from the date of receipt of request.*” In its November 25, 2014 letter to the Regional Board, Petitioner requested that the time records and other materials supporting the Disputed Amounts be provided to this office within 30 working days from the date of that request. Obviously the Regional Board’s submission of this documentation on January 30, 2015, some 65 days after the request was made, and many days past the 30 working day time limit provided by the statute, is not compliance with the letter or spirit of CWC section 13365(c)(3).

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C. CONCLUSION.

ALCA respectfully requests that the State Board accept this letter and the enclosed documentation as a Resubmitted and Amended Petition, and asks that the relief requested in the Original Petition be granted, *i.e.*, that an NFA Letter be issued for the subject Site, that a Cleanup and Abatement Order be issued against the Paragon Cleaners responsible parties, and that all outstanding oversight costs billed to ALCA for the 2014 calendar year be waived.

Respectfully submitted,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:paj

Enclosures:

Original Petition for Review and Supporting Memorandum
Declaration of Carl Van Quatham dated January 7, 2015
Amended Compendium of Exhibits (all exhibits are on CD)

cc: Mr. Samuel Unger, Executive Officer, LARWQCB,
Frances McChesney, Esq.
Philip G. Wyels, Esq.
Mr. Carl Van Quatham, ALCA Properties, Ltd.
Ravi Arulanantham, Ph.D, Principal, Geosyntec Consultants
Ami Adini, Ami Adini & Associates, Inc.

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ALCA Properties, Ltd.



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7
8 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
9

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11 In the Matter of:

12 The California Regional Quality Control
13 Board, Los Angeles Region's Refusal To Act
Regarding the Fountain-Vine Plaza Property
14 located at 1253 N. Vine Street, Los Angeles,
California 90028 and the Paragon Cleaners
15 Property located at 1300-1310 Vine St, Los
Angeles, CA 90028
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PETITION FOR REVIEW OF ALCA
PROPERTIES, LTD.

[Water Code § 13320 and Title 23, CCR §
2050, et seq.]

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1 Petitioner ALCA Properties, Ltd. ("ALCA" or "Petitioner") respectfully petitions
2 the State Water Resources Control Board ("State Board") to review the actions and failures
3 to act of the California Regional Quality Control Board, Los Angeles Region ("Regional
4 Board") involving the Fountain-Vine Plaza property located at 1253 N. Vine Street, Los
5 Angeles, California 90028 ("Fountain-Vine Property" or "Site"), and the Paragon Cleaners
6 property located at 1300-1310 Vine St, Los Angeles, CA 90028, Los Angeles County
7 ("Paragon Cleaners Property").

8 **1. Names, Addresses, Telephone Numbers and Email Addresses of**
9 **Petitioner.**

10 ALCA Properties, Ltd. Carl Van Quathem, General Manager
11 11356 Nutmeg Avenue
12 Los Angeles, CA 90066
13 Telephone: 310/390-5000
14 Facsimile: 310/391-0435
15 Email: CVQ.CEI@Gmail.com

16 Please send all notices to Richard Montevideo, Esq.
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23 **2. The Specified Actions or Failure To Act On The Part Of The Regional**
24 **Board Upon Which Review Is Sought.**

25 With this Petition, ALCA is challenging the failures to act actions of the Regional
26 Board in connection with the Fountain-Vine Property and the Paragon Cleaners Property,
27 as reflected in the most recent correspondence dated November 25, 2014 (attached hereto
28 as Exhibit "A"), and is challenging oversight billings on the grounds described in Exhibit
"A".

29 **3. The Date of the Regional Board's Actions and Failures To Act.**

30 The Regional Board has failed to act in response to the Petitioner's most recent
31 requests of November 25, 2014, and has acted improperly in seeking to recover

1 inappropriate oversight costs.

2 4. Statement of Reasons the Actions or Inactions of the Regional Board
3 Were Inappropriate and Improper.

4 The Regional Board has acted arbitrarily and capriciously and contrary to law as
5 follows:

- 6 a. The Regional Board has failed to act in accordance with law and has acted
7 arbitrarily and capriciously by refusing to issue a No Further Action Letter
8 to the Petitioner for the Fountain-Vine Property, in spite of the fact that all
9 of the technical data shows no operations on the Fountain-Vine Property
10 have contributed to soil or groundwater contamination so as to justify any
11 further assessment work by the Petitioner or any cleanup work;
- 12 b. The Regional Board has failed to take adequate enforcement action pursuant
13 to California Water Code (“CWC”) section 13304 and other Water Code
14 provisions, against the responsible parties for the Paragon Cleaners
15 Property, to address groundwater contamination that has migrated from that
16 property on to the Fountain-Vine Property; and
- 17 c. The Regional Board has failed to comply with State required billing
18 procedures under CWC section 13365, and has improperly billed Petitioner
19 for arbitrary and unnecessary work.

20 5. The Manner In Which The Petitioner Has Been Aggrieved.

21 Because of the Regional Board’s arbitrary actions in failing to issue a No Further
22 Action Letter with respect to the Fountain-Vine Property, Petitioner has lost its ability to
23 market and otherwise sell said property, and has already lost one sale of the property to a
24 prospective buyer, and continues to be unable to obtain refinancing as needed to pay off a
25 balloon payment on an existing loan that came due in October of 2013. In addition,
26 Petitioner is being billed for oversight costs that are excessive, unjustified, and that have
27 been imposed improperly and in a manner that is contrary to the State required billing
28

1 procedure set forth in CWC section 13365.

2 Finally, Petitioner has been aggrieved because the true responsible parties for the
3 groundwater contamination beneath the Fountain-Vine Property, are the responsible parties
4 associated with the Paragon Cleaners Property but with the Regional Board refusing and
5 failing to take appropriate action pursuant to CWC section 13304 and other Water Code
6 provisions against the Paragon Cleaner responsible parties. As a result of the failure of the
7 Regional Board to take appropriate action against the Paragon Cleaner responsible parties,
8 contamination remains in groundwater beneath the Fountain-Vine Property, thereby
9 preventing the Petitioner from either refinancing or being in a position to sell the Fountain-
10 Vine Property.

11 **6. Specific Action Requested of the State Board With This Petition.**

12 Through this Petition, ALCA respectfully request the following:

- 13 (a) that a No Further Action Letter be issued for the Fountain-Vine
14 Property, covering both soil and groundwater;
- 15 (b) that a cleanup and abatement order be issued pursuant to CWC section
16 13304 and/or pursuant to other Water Code provisions, against the
17 responsible parties involving the Paragon Cleaners Property, in order
18 for the contamination resulting from operations thereon (and which
19 has migrated in groundwater onto the Fountain-Vine Property), to be
20 fully addressed; and
- 21 (c) that all outstanding oversight costs that have been billed to the
22 Petitioner for the 2014 calendar year, be waived, as those costs were
23 not lawfully incurred and were not billed in accordance with CWC
24 section 13365.

25 **7. A Statement of Points and Authorities In Support of the Legal Issues**
26 **Raised In This Petition.**

27 A Memorandum of Points and Authorities is attached hereto and incorporated
28

1 herein by this reference.

2 8. A Statement That The Petition Has Been Sent To The Regional Board.

3 With the submission of this Petition to the State Board, a copy is simultaneously
4 being forwarded to the Executive Officer of the Regional Board.

5 9. A Statement That The Substantive Issues/Objections Were Raised
6 Before the Regional Board.

7 All of the substantive issues and objections raised herein have been raised with the
8 Regional Board, but the Regional Board has refused or otherwise failed to act as required
9 by law, and has otherwise acted arbitrarily and capriciously when it has acted.

10 10. Service of Petition.

11 As set forth in the attached Proof of Service, this Petition is being served upon the
12 following parties via electronic mail and overnight mail:

13 State Water Resources Control Board
14 Office of Chief Counsel
15 Jeannette L. Bashaw, Legal Analyst
16 1001 "I" Street, 22nd Floor
17 Sacramento, CA 95814
18 Fax: (916) 341-5199
19 jbashaw@waterboards.ca.gov

20 California Regional Water Quality Control Board
21 Los Angeles Region
22 Samuel Unger, Executive Officer
23 320 West 4th Street, Suite 200
24 Los Angeles, CA 90013
25 Fax: (213) 576-6640
26 sunger@waterboards.ca.gov

27 Respectfully submitted

28 RUTAN & TUCKER, LLP
RICHARD MONTEVIDEO

29 Dated: December 24, 2014

30 By: 
Richard Montevideo
Attorneys for Petitioner

Exhibit "A"

November 25, 2014

**VIA ELECTRONIC MAIL &
OVERNITE EXPRESS**

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
sunger@waterboards.ca.gov

Re: 1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza) – Objections to
Additional Oversight Costs and Further Demand for No Further Action/Closure

Dear Mr. Unger:

As you know from prior correspondence involving the above referenced property, this office represents ALCA Properties, Ltd. ("ALCA"), the owner of the Fountain Vine Plaza property located at 1253 N. Vine Street, Hollywood, CA ("Fountain-Vine Property" or "Site"). The purpose of this letter is to (1) object to a recent invoice for oversight costs received from your office and dated November 6, 2014; (2) follow-up on my correspondence to your office dated October 10, 2014 and again request the issuance of a No Further Action/Closure Letter ("NFA Letter") for the subject Site without further delay; and (3) request the issuance of a Cleanup and Abatement Order under Water Code section 13304 against the responsible parties for the Paragon Cleaners property located at 1300-1310 Vinc Street, Hollywood, CA, in light of the ongoing impacts the contamination from that property has and is having on the groundwater at that Fountain-Vine Property.

Attached hereto as Exhibit "1" is an additional invoice for oversight costs from your office dated November 6, 2014. This invoice was, of course, sent to and received by ALCA after my recent correspondence to you of October 10, 2014. The invoice purports to represent oversight billings for the period of time from 7/1/14 to 9/30/14, in the amount of \$8,167.90. The invoice shows that thirty-nine (39) of the 55.75 hours billed by your staff during the third quarter of this year were again by Mr. Mohammad Zaidi. These 39 hours are on top of the ninety-five (95) hours billed by Mr. Zaidi from April 1 – June 30, 2014, bringing the total number of hours spent by Mr. Zaidi on this Site for the last two quarters alone to 134 hours.

As it did with the invoices for the first two quarters of this year, ALCA hereby objects to the third quarter invoice for 2014, on the grounds that the Regional Board is seeking to collect oversight costs for work that was unnecessary and improper, and thus, that the invoice is arbitrary and capricious. In addition, the invoice is objectionable because the hours billed therein

Samuel Unger
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are excessive, given the lack of any actual work at the Site and the fact that no reports or submittals were being reviewed by your staff during this time period.

Further ALCA objects to this third quarter invoice, along with the first two quarter invoices, on the grounds that said invoices fail to contain sufficient detail of the work conducted, as required by law. In particular, ALCA objects to each of these three invoices pursuant to Water Code section 13365(c)(2)(C), which section requires that all such invoices "*provide a daily detail of work performed and time spent by each employee and contractor employee.*" (Water Code § 13365(c)(2)(C).) Neither the third quarter invoice, nor the first and second quarter invoices for 2014, contain the required "daily detail" of the work actually performed. Accordingly, the invoices are contrary to law for this reason as well.

Moreover, it appears that a majority of time reflected in the two most recent invoices, *i.e.*, from April 1 thru September 30, 2014, was expended by a new project manager (134 hours during this time period) apparently reviewing the file for purposes of developing a new and different scope of work to be implemented by ALCA, *i.e.*, an entirely new and different scope of work from the three prior negotiated scopes of work approved by the Regional Board in December of last year and earlier this year. (ALCA begrudgingly agreed to implement these prior scopes of work, based on prior representations from you and your staff, that your office would issue an NFA Letter for the Site if the results of this work again showed that the prior operations at the Site did not cause sufficient contamination to justify further action at the Site.)

Unfortunately, however, this new project manager has failed to honor prior commitments from your office that the Regional Board would issue an NFA Letter for the Site if the additional previously agreed-upon testing showed there was no appreciable contribution from the Site to groundwater to justify further action, specifically including the commitments made by you in meetings in September of 2013 and May of 2014 (as reflected in my letter of October 10, 2014 to your attention).

Similarly, whereas the former project manager, Henry Jones, agreed that the issuance of an NFA Letter was in order, and was working with ALCA to satisfy his supervisor's, Mr. Lee's, request for additional work at the Site (pursuant to an approved scope of work), the new project manager, Mr. Zaidi, has failed and refused to give any consideration to the prior analysis and conclusions reached by either other staff in your office working on the Site, or by any of ALCA's consultants, and has instead ignored all prior agreements and commitments on either the issuance of the NFA Letter or prior approved scopes of work. As such, Mr. Zaidi has rejected the prior approved scopes of work, and has himself proposed a scope of work (as reflected in your letters of July 11 and September 27, 2014) that has no technical or practical justification, thereby calling into question the propriety of any of the oversight work performed by your staff throughout the 2014 calendar year.

Accordingly, as set forth herein and in my prior October 10 correspondence, the hours expended by Mr. Zaidi, as reflected in the 2014 calendar year invoices, as well as the time spent

Samuel Unger
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Page 3

by other Regional Board staff earlier this year on unrelated issues and thereafter on a similar scope of work to that proposed by Mr. Zaidi, are objectionable, as the time set forth in the invoices is excessive, and the oversight work unnecessary and arbitrary.

Water Code section 13365(d) allows the Regional Board to change the scope of work or services it is providing based upon "*new information regarding the extent of contamination of the site,*" but authorizes such a change "*only after providing written notice of the change to the responsible party containing the information specified in paragraph (1) of subdivision (c),*" i.e., "*a detailed estimate of the work to be performed or services to be provided, including a statement of the expected outcome of that work, based on data available to the agency at the time,*" along with "*an estimate of all expected charges to be billed to the responsible party by the agency . . .*" (Water Code §§ 13365(d) & 13365(c)(1).)

To date, however, no "detailed estimated of the work performed or services provided, including a statement of expected outcome" for the particular scopes of work proposed by your staff at the subject Site has ever been provided to ALCA. Neither the direction that was being proposed by your staff before Mr. Zaidi's involvement (where staff, without explanation, refused to approve the February 12, 2014 Further Revised Workplan), nor Mr. Zaidi's proposed scope of work (as demanded in your letters of July 11 and September 27), were ever provided to ALCA in advance of your staff expending time on such approaches. For this reason as well, none of the time reflected in the 2014 first, second and third quarterly invoices is appropriate or consistent with law.

Further, in light of the lack of any detail in the invoices, let alone the "*daily detail of work performed,*" as required to be included in each of the three (3) invoices in question, pursuant to Water Code section 13265, ALCA is hereby requesting that the Regional Board provide to this office copies of all time records and other materials supporting each of the first three (3) quarters of invoices sent to ALCA for 2014. We request that this material be provided to this office within thirty (30) working days from the date of this letter. (See Water Code § 13265(c)(3).)

In addition to the objections to the Regional Board's invoices, including the most recent invoice, please be advised that neither ALCA, nor this office, have received any response to my letter to you of October 10 requesting the issuance of the NFA Letter for the subject Site. Moreover, in light of the lengthy history involving the Site, the extensive work and the many meetings that have occurred to date at and involving the Site since 2006 (to obtain the NFA Letter), and the lack of any appreciable threat to the environment or the health and safety of the public from prior Site operations, the Regional Board's failure to have issued an NFA Letter for this Site by this time is entirely arbitrary and capricious.

As discussed in my letter of October 10, and in prior correspondence to your office, ALCA has consistently requested the issuance of the NFA Letter (starting in 2006), and yet, for reasons that have never been explained, your office has time and again failed to do so, but all the while billing ALCA for the Regional Board's ongoing "oversight" work. In the meantime,

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Page 4

ALCA has expended literally hundreds of thousands of dollars seeking the NFA Letter, with ALCA having already lost one sale of the Property to a prospective buyer, and having been turned away by a half-a-dozen or more banks, all refusing to refinance ALCA's existing commercial loan on the Site because of the Regional Board's failure to issue the NFA Letter. The problem is then compounded by the fact that a balloon payment on ALCA's current loan came due last October (of 2013), but because ALCA was unable to obtain financing to pay off this loan, it has been forced to obtain extension after extension from its current lender of the pay-off due date, with the most recent extension expiring in February of 2015.

While your office has refused to issue the NFA Letter, to add insult to injury, more recently, starting with your letter of July 11, 2014, and continuing with your September 17, 2014 letter, your office has claimed it now believes, after over 8 years of work and much analysis of the Site, that there may be "Dense Non-Aqueous Phase Liquids" ("DNAPL") at the Site from prior Site operations. Yet, as explained in the October 10, 2014 Technical Memorandum from Geosyntec Consultants, this new theory for refusing to close the Site is baseless:

Reviewing the data on the whole, there is no technical basis to conclude that DNAPL exists on the site from prior site operations or to support extending additional borings down to a depth of 80' bgs. There is similarly no technical data to suggest that the contamination discovered in the groundwater arose as a result of a gasoline service station operation from 1925 to 1928, or from a former dry cleaner operation conducted from 1955 to 1970, which is located in area largely cross-gradient from the area on the site where the Regional Board is requesting the four MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine Site point to source of the PCE contamination in question migrating from an upgradient offsite source or sources.

(See Exhibit "10" to my October 10, 2014 letter to your office, Geosyntec Technical Memo, subject "*Purpose of Additional Investigation Fountain-Vine Plaza*," pp. 7-8.) In short, there is simply no legal or technical excuse that remains for the Regional Board to refuse to issue the long requested NFA Letter for the Property at this time, and the ever shifting positions and inconsistent demands by Regional Board staff for additional work before it will agree to do so only amplifies its arbitrary actions.

Finally, as referenced in my letter to you of July 23, 2013 (a copy of which is included as Exhibit "2" to this letter, but without the accompanying exhibits), and as indicated by Geosyntec above, it is clear that the cause of the groundwater contamination in question is from prior site releases at the upgradient northeast dry cleaning operation known as Paragon Cleaners. In fact, in the attached July 23, 2013 correspondence directed to your attention, ALCA specifically

Samuel Unger
November 25, 2014
Page 5

requested that a Cleanup and Abatement Order be issued to the responsible parties for this property, in light of the clear groundwater contamination that has resulted and migrated on to the Fountain-Vine Property from the Paragon Cleaner operations. Yet, to date, no such Cleanup and Abatement Order has been issued, and no reason has ever been given for the Regional Board's refusal to take such enforcement action.

The Regional Board's complete failure to take any enforcement action against the Paragon Cleaners' responsible parties, while at the same time demanding still more assessment work at the Fountain-Vine Property by ALCA (*see* your letters of July 11 and September 17, 2014 to ALCA, Exhibits "2" and "3" to my letter to you of October 10, 2014), exemplifies the capricious positions of Regional Board staff.

Accordingly, at this time, ALCA respectfully requests that an NFA be issued for the Fountain-Vine Site, both for soil and groundwater, *i.e.*, for the entire Site, and further that, as an owner of property that has clearly been impacted by contamination from the Paragon Cleaners property, that a Cleanup and Abatement Order promptly be issued against the owners and operators of the Paragon Cleaners property, and that the each of the oversight cost invoices for the 2014 calendar year be reduced to zero. If no such action is taken by the Regional Board within thirty (30) days from the date of this letter, ALCA will have no alternative other than to proceed forward with a Petition to the State Water Resources Control Board pursuant to Water Code section 13320 et. seq. to address each of these matters.

If you have any questions with respect to the above or the enclosed, please do not hesitate to contact the undersigned.

Respectfully submitted,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:paj

Enclosures

cc: Frances McChesney, Esq.
Mr. Carl Van Quathem, ALCA Properties, Ltd.
Ami Adini, Ami Adini & Associates, Inc.
Ravi Arulanantham, Ph.D., Principal, Geosyntec Consultants

Exhibit "1"

**STAT. WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 09/30/14**

Date: 11/06/2014
Regional Board: Los Angeles Region

Account Number: 2040235
Invoice Number: 89396

Responsible Party #: 2030

Site Location:

Carl Van Quathem
ATTEN: Carl Van Quathem
11356 Nutmeg Ave,
Los Angeles CA 90066

FOUNTAIN-VINE PLAZA
1253 NORTH VINE STREET
HOLLYWOOD CA 90038

Payment(s) received as of 11/06/14:

\$47,539.99

Balance Forward:

\$33,681.90

**** New Charges - Billing Period 07/01/14-09/30/14:**

\$8,167.90

TOTAL AMOUNT DUE:

\$41,849.80

** See itemized list of new charges on reverse or subsequent page(s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Arthur Heath (213) 576-6725. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: The SCP Message Line at (916) 341-5643 or SiteCleanup@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 2030 Account Number: 2040235 Invoice Number: 89396 Amount Due: \$41,849.80

SEND PAYMENTS TO: State Water Resources Control Board
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
 INVOICE NUMBER: 89396

DATE	NAME	CLASS	ACT	HOURS
07/02/14	Lee, Kwangil	SWRCE	IC	1
07/02/14	Zaidi, Mohammad	EG	WC	3
07/03/14	Lee, Kwangil	SWRCE	IC	2
07/03/14	Mcchesney, Frances	SFCOUNIV	RR	1
07/09/14	Mcchesney, Frances	SFCOUNIV	IC	1
07/09/14	Zaidi, Mohammad	EG	WC	1.5
07/14/14	Zaidi, Mohammad	EG	WC	2
07/15/14	Zaidi, Mohammad	EG	IC	0.5
07/16/14	Zaidi, Mohammad	EG	IC	1
07/17/14	Zaidi, Mohammad	EG	IC	1
07/28/14	Mcchesney, Frances	SFCOUNIV	IC	1
07/30/14	Staff, Swrcb	null	CP	1
07/30/14	Zaidi, Mohammad	EG	IC	0
08/05/14	Mcchesney, Frances	SFCOUNIV	IC	1
08/13/14	Brooks, Jeff	EG	ADM	1
08/13/14	Zaidi, Mohammad	EG	TC	2.5
08/14/14	Mcchesney, Frances	SFCOUNIV	RR	7
08/19/14	Brooks, Jeff	EG	IC	2
08/19/14	Zaidi, Mohammad	EG	TC	0.75
09/04/14	Lee, Kwangil	SWRCE	IC	4
09/04/14	Zaidi, Mohammad	EG	WC	2.5
09/05/14	Brooks, Jeff	EG	IC	5
09/08/14	Brooks, Jeff	EG	IC	0.5
09/08/14	Zaidi, Mohammad	EG	IC	0.5
09/16/14	Mcchesney, Frances	SFCOUNIV	RR	3
09/16/14	Zaidi, Mohammad	EG	WC	1
09/17/14	Zaidi, Mohammad	EG	WC	2
09/18/14	Zaidi, Mohammad	EG	WC	5
09/29/14	Zaidi, Mohammad	EG	WC	2
			TC	1

TOTAL HOURS: 55.75

REGIONAL BOARD NUMBER: 4

PROGRAM COST ACCOUNT: 2040235
INVOICE NUMBER: 89396

TOTAL LABOR CHARGES:	\$4,018.20
TRAVEL EXPENSES:	\$0.00
EQUIPMENT:	\$0.00
CONTRACT CHARGES:	\$36.50
OVERHEAD:	\$2,896.30
STATE BOARD PROGRAM ADMIN CHARGE:	\$521.86
REGIONAL BOARD PROGRAM ADMIN CHARGE:	\$695.04

TOTAL NEW CHARGES: \$8,167.90

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time constraints of the billing cycle. Future invoices may reflect additional charges due to pending adjustments.

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
CP - Contract Payment
ADJ - Adjustment to previous invoices
SC - Staff Counsel - Legal consultation

Exhibit "2"

July 23, 2013

VIA ELECTRONIC MAIL &
OVERNITE EXPRESS

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: 1253 N. Vine Street, Hollywood, CA (Fountain-Vine Plaza) and 1300-1310 Vine Street, Hollywood, CA (Paragon Cleaners) - Request for No Further Action Letter For Fountain-Vine Plaza or, in the Alternative, Issuance of Cleanup and Abatement Order to Paragon Cleaners

Dear Mr. Unger:

This office represents ALCA Properties, Ltd., a California limited Partnership ("ALCA") and the owner of the Fountain-Vine Plaza located at 1253 N. Vine Street, Hollywood, CA ("Fountain-Vine Plaza" or "Site"). The purpose of this letter is to request that you, as the Executive Officer of the Los Angeles Regional Water Quality Control Board ("Regional Board"), review the Regional Board's files on the Fountain-Vine Plaza, and specifically the environmental data and information that has been generated over the past seven years involving such property, and issue a No Further Action ("NFA") letter for the Site. Alternatively, ALCA requests that the Regional Board issue a Cleanup and Abatement Order in connection with the Paragon Cleaners property located at 1300-1310 Vine Street, Hollywood, CA ("Paragon Cleaners"), pursuant to California Water Code ("CWC") section 13304, to all responsible parties for such property, as it is the groundwater contamination migrating from that property that appears to be of primary concern to your Staff in its decision to refuse to issue the NFA letter for the Fountain-Vine Plaza.

Since 2006, ALCA has attempted to work with your office in an effort to obtain an NFA or closure letter of all contamination issues involving the Fountain-Vine Plaza, but to date has been unable to do so primarily because of your Staff's initial disinterest in the Fountain-Vine Plaza issues, and more recently because of Staff's inability to let go of ALCA until Staff is able to have the Paragon Cleaners' contamination addressed. Neither course of action should be acceptable to you as Executive Officer of the Regional Board.

As indicated in the attached Case Closure Assessment Report for the Fountain-Vine Plaza dated December 7, 2012 (Exhibit A hereto), environmental assessment was first conducted on

Samuel Unger
July 23, 2013
Page 2

the Fountain-Vine Plaza starting in November of 2005, with a consultant by the name of AEI preparing a Phase II Environmental Site Assessment Report for the Site at that time. In this Report, AEI found minimal levels of perchloroethylene ("PCE") in the soil on the subject property, but significant and disproportionate levels in the groundwater. AEI conducted an additional site assessment in 2006, as reflected in its Phase III Environmental Site Assessment for the Fountain-Vine Plaza. This Phase III Environmental Site Assessment Report further confirmed the lack of evidence of an on-site release from the former dry-cleaning operations on the Fountain-Vine Plaza that would justify any remedial work at that Site, with AEI concluding that the PCE in the groundwater was the result of an upgradient release from the Paragon Cleaners property (located due northeast and directly upgradient from the Fountain-Vine Plaza property).

Also in 2006, ALCA entered into an Oversight Cost Reimbursement Agreement with Regional Board Staff (February 2006), and once the AEI 2006 Phase III Site Assessment work had been completed, ALCA wrote to Board Staff in September of 2006 (forwarding a copy of the AEI Phase III Environmental Assessment Report) to advise Staff that, in light of the AEI Phase II and Phase III work, it was apparent that the groundwater contamination beneath the Fountain-Vine Plaza was a "direct result of the up-stream contamination encountered at Paragon Cleaners on 1310 Vine Street." Accordingly, ALCA requested that the Regional Board "cause whatever Board action necessary to clear our site." (See Exhibit B hereto.)

Subsequent to this closure request, an ALCA representative (Mr. Carl Van Quathem) met with Regional Board staff in April of 2007, to discuss the issue of a closure letter for the Fountain-Vine Plaza. Over the years since then, ALCA has made various attempts to have Regional Board Staff make a decision on either issuing an NFA letter for such property, or explaining whether any additional work would be needed for ALCA to obtain closure. None of these prior inquiries were responded to by Board staff. ALCA was requesting closure for the Site given its understanding from its environmental consultant that the contaminant levels in the Fountain-Vine Plaza soils were insignificant and were not the source of the groundwater contamination, and thus, that they did not justify the need for any remedial work or other assessment work on the Property, *i.e.*, that "no further action" was necessary of ALCA for the Fountain-Vine Plaza property.

In light of Regional Board's Staff failure to respond to Mr. Van Quathem's requests over the years for closure of the Fountain-Vine Plaza, and because of a loan balloon payment coming due in October of 2013, by the fall of 2012 ALCA made a decision to move forward and more actively push for closure of the site. As such, it retained a new environmental consultant, Ami Adini & Associates ("AA&A"), and similarly retained this office to assist it in obtaining Site closure. AA&A reviewed the files on the Site and contacted Regional Board Staff to understand why Staff had not yet closed the Site. In this regard, in November of 2012, AA&A completed a Phase I Environmental Site Assessment for the Property, and shortly thereafter prepared a Case

Samuel Unger
July 23, 2013
Page 3

Closure Assessment Report which was submitted to Board Staff in December of 2012. (Exhibit A.)

A meeting was then set up on December 18, 2012, between Board Staff, AA&A, Mr. Quathein, and this office, to determine whether anything further was necessary before an NFA letter was to be issued for the Fountain-Vine Plaza. Again, the goal was for ALCA to be in a position to sell the Plaza or otherwise obtain refinancing as needed in time for repayment of the balloon payment. As discussed at the December 18 meeting, in fact by the time of the meeting, ALCA was already in escrow to sell the Fountain-Vine Plaza, but the escrow fell through specifically because of the lack of an NFA/closure letter from the Regional Board. In effect, the buyer was unable to obtain financing for the acquisition. This lost sale shows the significant consequences of the Regional Board's failure to act in a timely fashion to address these issues, and to evaluate the conditions of the Property in a reasonable manner.

In attendance at the December 18 meeting on behalf of the Regional Board were Henry Jones, Dr. Kwang-II Lee, and Dr. Arthur Heath. During the meeting, Dr. Lee requested that ALCA conduct additional assessment work on the Site before he would be in a position to confirm the lack of substantive impacts to groundwater from the prior Fountain-Vine Plaza dry cleaner operation,¹ and thus, recommend the issuance of a NFA letter. Because time was of the essence for ALCA, ALCA agreed to perform all such additional assessment work (both on and off the Site), in spite of its belief (based on its consultant's review of the prior assessment work) that impacts from any prior operations on the Fountain-Vine Plaza were insignificant and that they did not justify the need for further assessment or cleanup work on the Plaza property, inclusive of the groundwater. Still, Regional Board Staff stressed it was unwilling to close the Site without ALCA conducting this additional Site assessment work to confirm the limited nature of any release from prior Site operations and the lack of substantive impacts on groundwater.

ALCA submitted the Phase II Site Assessment Workplan to the Regional Board in January of 2013. Rather than approve the Workplan, Regional Board Staff requested still further assessment work (at considerable additional expense), including the installation of three (3) new groundwater monitoring wells. Because of ALCA's concerns over its pending balloon payment, ALCA reluctantly authorized AA&A to conduct the further work requested by the Board Staff, but with the understanding, based on a series of communications back and forth between the Board Staff and AA&A, that if the results of this additional Phase II Assessment were consistent with the prior results, *i.e.*, minimal soil and soil vapor contamination, and the lack of evidence of any substantive impacts to groundwater from the Fountain-Vine Plaza, that the Regional Board

¹ For the record, ALCA has never conducted dry-cleaning or other operations at the Fountain-Vine Plaza, and all such dry cleaning operations occurred by a prior tenant who ceased operating before the existing building was even built, and years before ALCA purchased the existing Plaza.

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July 23, 2013
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would be in a position to issue an NFA/closure letter for the Site. With this understanding in mind, ALCA authorized the work which was conducted in April 2013. The Report on these results is dated May 15, 2013 (Exhibit C) and was submitted to your Staff with a renewed request for the issuance of the NFA Letter for the Site.

For the record, the work reflected in the May 2013 Site Assessment Report involved the advancement of fourteen (14) soil borings (B20 to B33), with soil samples being collected at five (5) foot intervals from five (5) to thirty-six (36) feet below ground surface (bgs). It also involved groundwater sampling in each of the fourteen borings using a hydro-punch technique, along with soil gas probes being installed in each boring at depths of 5, 15, and 25 feet bgs. Further, and at the Regional Board's insistence, three (3) groundwater monitoring wells were installed on the Site (MW1 through MW3), with these wells being screened at intervals between approximately 25 to 45 feet bgs. In effect, an extensive number of soil, soil-gas, and groundwater samples were taken throughout the Site, resulting in ALCA spending in excess of \$80,000 in environmental consulting expenses (going back to October of 2012), to satisfy the Regional Board Staff's request for more data to close the Site.

True to ALCA's consultant's prediction, the results of this extensive 2013 Site Assessment Work showed that any releases of dry-cleaning solvents from the prior operations on the Fountain-Vine Plaza were insignificant, and did not justify the need for any additional assessment or cleanup work on the Fountain-Vine Plaza property, be it to the soil or groundwater (*see* Exhibit C for confirmation of these results).

Following the submission of the May 15, 2013 Site Assessment Report, a series of telephone calls and emails were exchanged between Board Staff and ALCA's representatives in an effort to have Staff review the documentation and provide the long requested NFA Letter for the Site. The requested NFA letter was, moreover, consistent with ALCA's understanding of what was to occur if the results of the assessment confirmed the lack of any substantive impacts on soil, soil vapor or groundwater from the Site. Although the Principal Project Manager for the Board had indicated he believed an NFA Letter would now be appropriate in light of the results of the May 2013 Report, such a letter was not forthcoming from your Staff. Given Staff unwillingness to proceed and issue the expected NFA Letter, in spite of countless phone calls and emails with your Staff regarding the same, ALCA requested a meeting to once again resolve the issues. That meeting occurred on July 2, 2013.

At this July 2 meeting, the results of the May 2013 Report were discussed, as was ALCA's pending balloon payment with its existing lender. ALCA also confirmed that the existing lender was unwilling to refinance the present loan. In the meeting, ALCA made every effort to understand your Staff's reluctance to close the Site, despite the extensive May 15, 2013, Site Assessment Work, the results therein, and the fact that ALCA had agreed to all of Staff's prior requests for an expanded and extensive assessment of the Site. Yet, your Staff remained

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Page 5

unwilling to issue the NFA/closure letter even though the results of the May 15, 2013 Report plainly confirmed the lack of any substantive impacts to soil or groundwater from prior Site operations so as to justify any further action at the Site,

When asked at the July 2 meeting whether the Regional Board was insisting that ALCA conduct any additional investigation work, or whether any cleanup work of the soil or groundwater by ALCA could be justified, Staff responded that no such additional investigation or cleanup work would be necessary. At one point during the meeting, Kwang-il Lee suggested he had a concern with one of the soil gas vapor results, and as such, requested that either a Health Risk Assessment be conducted to confirm the lack of potential adverse vapor impacts to prospective future residents on the Property, or that ALCA agree to a deed restriction to limit the use of the Property for commercial purposes only. (Of course whether a Health Risk Assessment were prepared and reviewed and approved by Board Staff (and OEHHA), or a deed restriction were to be provided, both would be time consuming and expensive to accomplish given the process your Staff would likely require be followed with either). *Moreover, regardless of whether a Health Risk Assessment is conducted or a deed restriction prepared and recorded, your Staff is refusing to agree to issue an NFA/Closure letter for the Site, insisting that it is unable to do so as a result of the groundwater contamination beneath the Plaza.*

When asked at the July 2 meeting why an NFA letter could not be issued for the groundwater at this time, your Staff had no explanation, other than to suggest that it could not rule out the possibility of some potential contribution from the Fountain-Vine Plaza to the groundwater. When pushed further on the issue, and asked what possible additional investigation or remedial work could be required of ALCA for any impacts to soil or groundwater, Board Staff was unable to identify any such additional assessment or remedial work which could legitimately be required of ALCA (excepting only the Health Risk Assessment for soil vapor).

In effect, Staff was unable to explain any reasonable or justifiable basis for refusing to issue an NFA Letter for the entire Site at this time. Nor was your Staff able to conclude that any contribution from the former dry-cleaner operations at the Fountain-Vine Plaza could, in and of itself, justify the need for any remediation of the groundwater contamination. In short, your Staff's refusal to issue an NFA letter for the Fountain-Vine Plaza Site, in spite of the extensive Site assessment work conducted to date (most recently at your Staff's request), is plainly arbitrary and unsupported by the record. Such arbitrary actions will, moreover, likely have significant adverse financial consequences on ALCA.

Despite the significant assessment work requested of ALCA for closure, at the same time, no work of any kind is apparently presently being required by your Staff of the Paragon Cleaners' responsible parties - no assessment of any kind is in process; no cleanup work is being required; and no Cleanup and Abatement Order is even being considered for the Paragon

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Cleaners property. Furthermore, a review of the Regional Board's files on the Paragon Cleaners Site shows that dry-cleaning operations at that location have been conducted since approximately 1961, that the Regional Board initially had been overseeing assessment work on the Site since approximately 2005, that significant soil and groundwater contamination has occurred as a result of prior releases at this location, that this groundwater contamination has migrated from the Paragon Cleaners property, due southwest through and into the groundwater beneath the Fountain-Vine Plaza Property, but that no outstanding demands for further assessment or cleanup work for such property have been made by Regional Board Staff.

From ALCA's consultant's review of the Regional Board's files on the Paragon Cleaners Site, there appears to be no justification for the Regional Board's complete indifference to the contamination coming off of the Paragon Cleaners property, and no reasoning is provided in the files for why your Staff has failed to require any action over the past several years by the owner or operator of the Paragon Cleaners property to address all such contamination. In short, no Cleanup and Abatement Order has been issued, no Water Code section 13267 letter has been sent, and nor has there been any voluntary action on the part of the responsible parties for the Paragon Cleaners Site to address the soil and groundwater contamination problems in issue.

Accordingly, given the clear data showing the lack of any substantive contribution of contamination to the groundwater from the Fountain-Vine Plaza Site to justify any further action on the part of ALCA, and further, given the lack of any effort on the part of the Regional Board to require the responsible parties for the Paragon Cleaners Property to address the groundwater contamination migrating from that property, ALCA is hereby requesting that the Regional Board either issue a No Further Action letter for both soil and groundwater for the Fountain-Vine Plaza Property (i.e., the entire Fountain-Vine Plaza Property), or, in the alternative, that the Regional Board forthwith issue a Cleanup and Abatement Order (pursuant to Water Code section 13304) to Paragon Cleaners and the owner of that property for those parties to address all contamination resulting from the operations thereon.

Because of the long delays experienced by ALCA in connection with its desire to address these issues and obtain an NFA/closure letter from the Regional Board for the soil and groundwater with respect to its Site, and particularly because of its pending balloon payment on the loan for the Fountain-Vine Plaza (presently due in early October of this year), if the Regional Board does not act accordingly and either issue an NFA letter for the Fountain-Vine Plaza Property, or issue a Cleanup and Abatement Order to the Paragon Cleaners Site to address the groundwater contamination, within thirty (30) days from the date of this letter, please be advised that ALCA will pursue this matter formally through the Water Code Petition process and seek review of all of these issues before the State Water Resources Control Board.

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Please contact the undersigned should you have any questions with respect to the above or the enclosed, or wish to discuss these matters further. We look forward to working with you and your Staff to address these issues without the need for further legal action.

Thank you for your attention to these important matters.

Sincerely,

RUTAN & TUCKER, LLP



Richard Montevideo

RM:pj

Enclosures

cc: Dr. Arthur Heath, LARWQCB
Mr. Carl Van Quathem, ALCA Properties, Ltd.
Ami Adini, Ami Adini & Associates, Inc.

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5 ALCA Properties, Ltd.



6
7
8 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
9

10
11 In the Matter of:

12 The California Regional Quality Control
13 Board, Los Angeles Region's Refusal To Act
Regarding the Fountain-Vine Plaza Property
14 located at 1253 N. Vine Street, Los Angeles,
CA, 90028 and the Paragon Cleaners
15 Property located at 1300-1310 Vine St, Los
Angeles, CA 90028

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF ALCA
PROPERTIES, LTD. PETITION FOR
REVIEW

[Water Code § 13320 and Title 23, CCR §
2050, et seq.]

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1 MEMORANDUM

2 **I. INTRODUCTION**

3 Petitioner, ALCA Properties, Ltd., a California limited partnership (“ALCA” or
4 “Petitioner”), is the owner of the Fountain Vine Plaza property located at 1253 N. Vine
5 Street, Hollywood, CA (“Fountain-Vine Property” or “Site”), and seeks relief pursuant to
6 California Water Code (“CWC”) section 13320 to address: (1) the California Regional
7 Water Quality Control Board, Los Angeles Region’s (“Regional Board”) failure to issue a
8 No Further Action Letter (“NFA Letter” or “Closure Letter”) to Petitioner for the Site, as
9 required under these circumstances pursuant to CWC section 13307 and State Water
10 Resources Control Board (“State Board”) Resolution No. 92-49; (2) the Regional Board’s
11 failure to take enforcement action against the responsible parties for contamination
12 emanating from the up-gradient Paragon Cleaners property located at 1300 Vine Street,
13 Los Angeles, CA (“Paragon Cleaners Property”); and (3) the Regional Board’s unlawful
14 billing practices for oversight costs, including its attempt to recover oversight costs for
15 work not properly incurred, and for work not billed and invoiced in accordance with the
16 requirements of CWC section 13365.

17 Petitioner has been requesting the issuance of the sum and substance of an NFA
18 Letter since 2006, and over the past eight years has expended hundreds of thousands of
19 dollars in attempting to work with the Regional Board to develop workplans and conduct
20 assessment work at the Site, but all to no avail, as the Regional Board has continued to
21 make arbitrary demand after arbitrary demand for unnecessary work from the Petitioner,
22 while at the same time refusing to take any enforcement action against the clear
23 responsible parties for the groundwater contamination that exists on the Site, *i.e.*, the
24 owner and the operator of the Paragon Cleaners Property.

25 In the meantime, and as the Regional Board has made unreasonable demand upon
26 unreasonable demand upon Petitioner for unnecessary work, it has billed the Petitioner for
27 oversight costs for the first third quarters of 2014 in an amount totaling \$41,849.80, even
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1 though no assessment or other Site work had been done during this period of time. Further
2 and to add insult to injury, the quarterly invoices in dispute were not issued in accordance
3 with the requirements of CWC section 13365, and as such, on their face are invalid.

4 In sum, Petitioner requests that a No Further Action letter be issued for the Site to
5 Petitioner, that the owner and the operator of the Paragon Cleaners Property be issued a
6 Cleanup and Abatement Order ("CAO") to address, among other matters, the groundwater
7 contamination on the Fountain Vine Property, and that the invoices for the first three
8 quarters of 2014 be invalidated.

9 **II. BACKGROUND**

10 ALCA has been requesting a Site NFA Letter from the Regional Board since
11 September of 2006. (See Exhibit "1," a letter dated September 20, 2006 from ALCA to the
12 Regional Board [*"it is apparent that the groundwater contamination encountered at the
13 subject site's far NE corner is a direct result of the up-stream contamination encountered
14 at Paragon Cleaners on 1310 Vine Street (I believe; SLIC #1186). ... Please cause
15 whatever board action is necessary to clear our site."*].)

16 Further, and as indicated in the attached Case Closure Assessment Report for the
17 Fountain-Vine Plaza dated December 7, 2012 (Exhibit "2" hereto), an environmental
18 assessment was first conducted on the Site starting in November of 2005, with a consultant
19 by the name of AEI preparing a Phase II Environmental Site Assessment Report for the
20 Site at that time. In its Report, AEI found minimal levels of perchloroethylene ("PCE") in
21 the soil on the subject property, but significant and disproportionate levels in the
22 groundwater.

23 As a result, AEI conducted an additional site assessment in 2006, as reflected in its
24 Phase III Environmental Site Assessment for the Fountain-Vine Plaza. (Exhibit "3"
25 hereto.) The Phase III Environmental Site Assessment Report further confirmed the lack
26 of evidence of an on-site release from the former dry-cleaning operations on the Fountain-
27 Vine Property that would justify any remedial work at that Site, with AEI concluding that

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1 the PCE in the groundwater was the result of an upgradient release from the Paragon
2 Cleaners property (located due northeast and directly upgradient from the Fountain-Vine
3 Plaza property).

4 Also in 2006, ALCA entered into an Oversight Cost Reimbursement Agreement
5 with Regional Board Staff (Exhibit "4"), and once the AEI 2006 Phase III Site Assessment
6 work had been completed, ALCA wrote to Regional Board Staff in September of 2006
7 (forwarding a copy of the AEI Phase III Environmental Assessment Report) to advise Staff
8 that, in light of the AEI Phase II and Phase III work, it was apparent that the groundwater
9 contamination beneath the Fountain-Vine Property was a "direct result of the up-stream
10 contamination encountered at Paragon Cleaners on 1310 Vine Street," and requested that
11 the Regional Board "cause whatever Board action necessary to clear our site." (See
12 Exhibit "1" hereto.)

13 Subsequent to this closure request, an ALCA representative (Mr. Carl Van
14 Quathem) met with Regional Board staff in April of 2007, again to discuss the issue of a
15 closure letter for the Fountain-Vine Property, but without success. Accordingly, in light of
16 Regional Board's Staff failure to respond to ALCA's requests for Closure and because of a
17 loan balloon payment coming due in October of 2013, by the fall of 2012 ALCA made a
18 decision to move forward and more actively push for Site Closure. As such, it retained a
19 new environmental consultant, Ami Adini & Associates ("AA&A"), and similarly retained
20 Counsel, to assist it in obtaining the NFA Letter. Thereafter, in November of 2012,
21 AA&A completed a Phase I Environmental Site Assessment for the Property, and
22 subsequently prepared a Case Closure Assessment Report which was submitted to
23 Regional Board Staff in December of 2012. (Exhibit "2".)

24 A meeting was then set up on December 18, 2012, between Regional Board Staff,
25 AA&A, Mr. Quathem of ALCA, and this office, to determine whether anything further
26 was necessary before an NFA letter was to be issued for the Fountain-Vine Plaza. Again,
27 the goal was for ALCA to be in a position to sell the Property or otherwise obtain
28

1 refinancing as needed in time for repayment of the balloon payment then due in October of
2 2013. At the time, ALCA was already in escrow to sell the Property, but the escrow
3 subsequently fell through specifically because of the lack of an NFA letter from the
4 Regional Board.

5 During the December 18 meeting, Regional Board Staff person Dr. Kwang-II Lee
6 requested that ALCA conduct additional assessment work on the Site before he would be
7 in a position to confirm the lack of substantive impacts to groundwater from prior Site
8 operations,¹ and thus recommend the issuance of the NFA Letter. Because time was of the
9 essence for ALCA, ALCA agreed to perform all such additional assessment work (both on
10 and off the Site), in spite of its belief that impacts from any prior operations on the
11 Fountain-Vine Property were insignificant and did not justify further assessment work. .

12 ALCA then submitted a Phase II Site Assessment Workplan to the Regional Board
13 in January of 2013. Rather than approve the Workplan, Regional Board Staff requested
14 still further assessment work (at considerable additional expense), including the
15 installation of three (3) new groundwater monitoring wells. ALCA reluctantly authorized
16 AA&A to conduct the further work requested by the Board Staff, but with the
17 understanding, based on a series of communications back and forth between the Board
18 Staff and AA&A, that if the results of this additional Phase II Assessment were consistent
19 with the prior results, *i.e.*, minimal soil and soil vapor contamination, and the lack of
20 evidence of any substantive impacts to groundwater from the Fountain-Vine Property, that
21 the Regional Board would be in a position to issue an NFA Letter for the Site. With this
22 understanding in mind, ALCA authorized the work which was conducted in April 2013.

23 The Report on these results is dated May 15, 2013 (Exhibit "5") and was submitted
24 to Regional Board Staff with a renewed request for the issuance of the NFA Letter for the
25 Site. The work reflected in the May 2013 Site Assessment Report involved the
26

27 ¹ For the record, ALCA has never conducted dry-cleaning or other operations at the
28 Fountain-Vine Property, and all such dry cleaning operations occurred by a prior tenant
who ceased operating before the existing building was even built, and years before ALCA
purchased the Site.

1 advancement of fourteen (14) soil borings (B20 to B33), with soil samples being collected
2 at five (5) foot intervals from five (5) to thirty-six (36) feet below ground surface (bgs). It
3 also involved groundwater sampling in each of the fourteen borings using a hydro-punch
4 technique, along with soil gas probes being installed in each boring at depths of 5, 15, and
5 25 feet bgs. The three (3) Regional Board requested groundwater monitoring wells were
6 installed on the Site (MW1 through MW3), with these wells being screened at intervals
7 between approximately 25 to 45 feet bgs. In effect, an extensive number of soil, soil-gas,
8 and groundwater samples were taken throughout the Site to satisfy the Regional Board
9 Staff's request for more data to Close the Site.

10 True to ALCA's consultant's prediction, the results of this extensive 2013 Site
11 Assessment Work showed that any releases of dry-cleaning solvents from the prior
12 operations on the Fountain-Vine Property were insignificant and did not justify the need
13 for additional assessment work, be it to the soil or groundwater (*see Exhibit "5"* for
14 confirmation of these results).

15 Following the submission of the May 15, 2013 Site Assessment Report, a series of
16 telephone calls and emails were exchanged between Regional Board Staff and ALCA's
17 representatives in an effort to have Staff review the documentation and provide the long
18 requested NFA Letter. Although the Principal Project Manager for the Regional Board,
19 Henry Jones, indicated he believed an NFA Letter would now be appropriate in light of
20 the results of the May 2013 Report, such a letter was not forthcoming. Over the course of
21 countless phone calls and emails, Regional Board Staff continued to refuse to issue the
22 expected NFA Letter, and as such, ALCA requested a meeting to once again attempt to
23 resolve the issues. The meeting occurred on July 2, 2013.

24 At the July 2 meeting, the results of the May 2013 Report were discussed, as was
25 ALCA's pending balloon payment with its existing lender. ALCA confirmed that the
26 existing lender was unwilling to refinance the present loan. In the meeting, ALCA made
27 every effort to understand Regional Board Staff's reluctance to close the Site, despite the
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1 extensive May 15, 2013 Site Assessment Work, the results therein, and the fact that ALCA
2 had agreed to all of Staff's prior requests for an expanded assessment of the Site.

3 When asked at the July 2, 2013 meeting why an NFA Letter could not be issued for
4 the groundwater at this time (Regional Board Staff had previously agreed that at a
5 minimum, a soil-only NFA Letter was appropriate), Regional Board Staff had no
6 explanation, other than to suggest that it could not rule out the possibility of some potential
7 contribution from the Fountain-Vine Property to the groundwater. When pushed further
8 on the issue, and asked what possible additional investigation or remedial work could be
9 required of ALCA for any impacts to soil or groundwater, Regional Board Staff was

10 unable to identify any such additional assessment or remedial work that could legitimately
11 be required of ALCA (excepting only a Health Risk Assessment for soil vapor). In effect,
12 Regional Board Staff was unable to explain any reasonable or justifiable basis for refusing
13 to issue an NFA Letter for the full Site at the time. Nor did Staff claim that any
14 contribution from the former dry-cleaner operations at the Fountain-Vine Property justified
15 the need for any remediation of the groundwater contamination. In short, Regional Board
16 Staff's refusal to issue the NFA Letter at the time (and now) was (is) plainly arbitrary.

17 The issue of closure and the need, or lack thereof, for any additional assessment
18 work at the Site was then discussed with Regional Board Staff at two meetings in
19 September of 2013. At the second meeting on September 19, 2013, the Regional Board's
20 Executive Officer agreed that if ALCA would proceed forward and install additional
21 groundwater monitoring wells at locations to be worked out with his Staff, that if the
22 results of the sampling of these wells further showed the Site was not adding appreciable
23 levels of contaminants of concern to justify further action at the Site, that his office would
24 issue the NFA letter.

25 Thereafter, ALCA's consultants met with Regional Board staff and a workplan
26 dated December 9, 2013 was submitted to the Regional Board's office reflecting the
27 agreed upon (three) well locations (all on the adjacent Villa Elaine property located at
28

1 1245 Vine Street, Hollywood, CA) (Exhibit "6"). The workplan also included language
2 that provided that an NFA/Closure letter would be issued if the results of the work did not
3 indicate that prior operations on the Fountain-Vine Property had added sufficient
4 contaminants of concern to justify further action. The workplan was approved by Regional
5 Board Staff by letter dated December 18, 2013 . (Exhibit "7.").

6 Because of concerns raised by the owner of the Villa Elaine property, however,
7 over the well locations, the December 9, 2013 Workplan was never implemented, and the
8 three wells proposed therein were never installed. Further discussions with the Villa
9 Elaine property owner then ensued, this time with the participation of Regional Board
10 Staff. An agreement was then reached with the Villa Elaine owner representative, and a
11 new "Revised Workplan" was prepared and submitted to the Regional Board dated January
12 21, 2014 (Exhibit "8"). This Revised Workplan again provided for the installation of three
13 monitoring wells, all on the Villa Elaine property, and again contained language that if the
14 results of the work did not indicate the Fountain-Vine Property had added sufficient
15 contaminants of concern to justify further action, the NFA letter would be issued for the
16 Property. The Revised Workplan and the scope of work therein were then approved by
17 Staff by letter dated February 6, 2014. (Exhibit "9.").

18 Yet, the work proposed in the Revised Workplan also did not proceed, in light of
19 additional concerns raised by the owner of the Villa Elaine property. Further discussions
20 with representatives of the owner of that property then occurred at a second site visit. Two
21 members of the Regional Board staff were in attendance at this second site visit. As a
22 result of the second site visit, a third set of monitoring well locations was negotiated, with
23 a total of two wells to be installed, one on the Villa Elaine property (proposed MW4), and
24 one to the east and cross-gradient of the Fountain-Vine Property (proposed MW5).

25 A third workplan was then prepared, *i.e.*, the "Further Revised Workplan" dated
26 February 12, 2014 (Exhibit "10"). This Workplan reflected the locations of the two agreed
27 upon well locations referenced as MW4 and MW5, and included similar language to that
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1 contained in the two prior approved workplans, *i.e.*, that an NFA/Closure letter would be
2 issued if the results of the investigation showed the Property had not added appreciable
3 levels of contamination to justify further action.

4 However, unlike the prior two workplans, although the Regional Board staff
5 approved the scope of work and the well locations in the Further Revised Workplan (by a
6 letter dated March 3, 2014 – Exhibit “11”), it did not approve the Workplan itself. (*See*
7 Exhibit “11” [“During the site visit staff agreed with the re-locations of two groundwater
8 monitoring wells.”].)

9 Because of the concerns over Staff’s unwillingness to approve the entire
10 February 12, 2014 Workplan, as it had done with the two prior workplans, a letter dated
11 April 22, 2014 (Exhibit “12”) was prepared and directed to the Regional Board’s
12 Executive Officer requesting that his office approve the Further Revised Workplan. As a
13 consequence of the April 22 letter, yet another meeting was held with Staff, including the
14 Executive Officer, on May 22, 2014.

15 At the May 22 meeting the Executive Officer again confirmed the prior
16 understanding reached by the parties (during the September 19, 2013 meeting), that the
17 objective of the requested additional groundwater investigation was to provide further
18 information to enable the Regional Board to make an NFA determination for the Site, and
19 that the Regional Board was agreeable to including language in its approval letter for the
20 Workplan to the effect that, if the results of the Workplan showed the Site had not
21 contributed appreciable contamination to the groundwater so as to justify further action,
22 the NFA letter would be issued.

23 The Regional Board’s Executive Officer also agreed in the May 22, 2014 meeting
24 that he would have the Regional Board’s Counsel contact ALCA’s Counsel to work out the
25 precise language to be included in the Regional Board’s approval letter for the Workplan.
26 Thereafter, however, and unfortunately, rather than the lawyers working out the language
27 for the approval of the Workplan, the Regional Board Executive Officer sent out a letter
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1 dated July 11, 2014 (Exhibit "13") demanding a completely different scope of work than
2 the scope of work that had previously been requested and approved in the three prior
3 submitted workplans of December 9, 2013, January 21, 2014, and February 12, 2014.

4 It is important to note that the July 11, 2014 Executive Officer letter contained none
5 of the language that was agreed to by the parties to be included in the Regional Board's
6 approval letter. In short, the agreement reached by the parties on September 19, 2013, and
7 again on May 22, 2014, that an NFA/Closure letter was to be issued in the event the results
8 of the additional assessment showed (once again) that the Site was not an appreciable
9 source of contamination to groundwater, was entirely ignored by the Regional Board.

10 In addition, the new scope of work demanded in the Executive Officer's letter of
11 July 11, 2014 was by itself arbitrary. The stated objective of the work described in the
12 July 11 letter was for ALCA to now conduct a further assessment on the Site to confirm
13 *"the presence or absence of a PCE source such as dense non-aqueous phased liquid*
14 *(DNAPL) at, around, and in the area between the former PCE borings AEI-B3 and B32."*
15 The July 11 letter then requests that ALCA *"screen the area at a 10-foot grid to the top of*
16 *the first clay layer in the saturated zone with a high resolution vertical profiling tool such*
17 *as membrane interface probe (MIP) and cone penetrometer testing (CPT)."* (See Exhibit
18 "13," July 11, 2014 letter).

19 The July 11, 2014 letter was then followed by a second letter from the Regional
20 Board's Executive Officer dated September 17, 2014. (Exhibit "14.") This letter
21 reiterated the Regional Board's request for the installation of MIP/CPT borings on the Site,
22 but now was suggesting that the MIP/CPT borings were to be placed down to either one
23 foot within the clay layer, or 80 feet below the ground surface ("bgs"). According to the
24 September 17 letter, *"two borings, up to 10 feet apart, will be completed to a depth of at*
25 *least 80 feet bgs or to a depth of one foot into a clay layer at AEI-B3 and two borings, up*
26 *to 10 feet apart, will be completed to a depth of at least 80 feet bgs or to a depth of one*
27 *foot into a clay layer at B-32."* (Exhibit "14.") However, and similar to the July 11 letter,
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1 the September 17 letter also contained no justification to support the assertion that DNAPL
2 may exist at the Site. Nor did it provide any justification for requiring the installation of
3 four borings down to a depth as deep as 80 feet bgs.

4 Attached hereto as Exhibit "15", is a copy of Geosyntec Consultant's Technical
5 Memorandum discussing the propriety of Regional Board Staff's conclusion that a further
6 investigation should be conducted into the potential existence of "DNAPL" at the Site and
7 the propriety of requiring any additional work at the Site at this time. According to
8 Geosyntec:

9 Reviewing the data on the whole, there is no technical basis to conclude that
10 ~~DNAPL exists on the site from prior site operations or to support extending~~
11 additional borings down to a depth of 80' bgs. There is similarly no technical data
12 to suggest that the contamination discovered in the groundwater arose as a result of
13 a gasoline service station operation from 1925 to 1928, or from a former dry cleaner
14 operation conducted from 1955 to 1970, which is located in area largely cross-
15 gradient from the area on the site where the Regional Board is requesting the four
16 MIP/CPT borings be placed. On the contrary, the soil, soil vapor, and groundwater
17 data gathered from 30 prior borings on the Fountain-Vine Site point to source of the
18 PCE contamination in question migrating from an upgradient offsite source or
19 sources.

20 (Exhibit "15", October 10, 2014 Geosyntec Technical Memorandum, Subject: "Purpose of
21 Additional Investigation Fountain-Vine Plaza," pp. 7-8.)

22 Accordingly, there is no technical basis for the Regional Board to have requested an
23 investigation for "DNAPL" contamination on the subject property. Similarly, there is no
24 technical basis for requiring any additional investigation on the Site at this time, let alone
25 down to 80 feet bgs. The demands by Regional Board to conduct such an investigation,
26 both for DNAPL and down to 80 feet bgs, are entirely arbitrary, as is its refusal to issue the
27 long overdue NFA Letter for the Site.

28 In fact, in the Regional Board's approval of AA&A's February 12, 2013 Workplan,
Staff stated as follows: "*We will consider all technical information with respect to your
request for a no further action/non-contributor letter.*" (Exhibit "16," February 28, 2013
Approval letter.) Moreover, the cover page to the May 15, 2013 Environmental Site

1 Assessment Report provides, in relevant part, as follows:

2 The objective of this investigation was to evaluate if previously identified soil and
3 groundwater contamination at the site could be attributed to an on-site source.
4 Based on the results of this site investigation and analytical data review, no
5 significant on-site source of contamination could be identified. AA&A therefore
6 concluded that the soil and groundwater contamination present at the site cannot be
attributed to any on-site historical release and recommends that the case be granted
regulatory case-closure.

7 (See Exhibit "5", Cover page to Environmental Site Assessment Report, Fountain-Vine
8 Plaza, dated May 15, 2013 by AA&A.)

9 To date, the Regional Board's Staff has not identified any results in the May 15,
10 2013 Report that would technically justify requiring any further investigations at the Site.
11 The scope of work that was proposed in the three prior workplans submitted in December
12 of 2013, and in January and February of 2014 (with all such scopes being approved by
13 Regional Board Staff) was proposed simply because the Regional Board had arbitrarily
14 determined it desired additional work to be conducted before it would issue an NFA for the
15 Site, but without said Staff ever having provided a reasonable or rational basis for
16 requiring any such additional work.

17 ALCA agreed to the additional work described in the various workplans simply
18 because it was more expeditious and cost effective to perform the work than to fight Staff,
19 and because it had personal assurances from the Executive Officer that his Staff would
20 work with ALCA on the scope of the work and language to achieve the objective of
21 obtaining the NFA Letter. The Executive Officer's follow-up communications in July and
22 September of 2014 were indications that the Regional Board, however, would not issue the
23 NFA Letter, even if the additional groundwater wells were installed and the results showed
24 de minimus contamination from prior operations on the Site, as the prior work showed.

25 Accordingly, by letter dated October 10, 2014 (Exhibit "17"), ALCA Counsel again
26 wrote the Executive Officer to request an end to the arbitrary demands of the Regional
27 Board for additional Site assessment work, and for an NFA Letter to be finally issued for
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1 the Site. Objections were also raised to two recent Regional Board invoices for oversight
2 costs. After no response was received to this letter, a subsequent letter dated November
3 25, 2014 (Exhibit "18") was sent to the Executive Officer: (1) objecting to a third recent
4 invoice for oversight costs dated November 6, 2014; (2) following up on the prior
5 correspondence dated October 10, 2014, and requesting the issuance of the NFA Letter for
6 the Site without further delay; and (3) requesting the issuance of a Cleanup and Abatement
7 Order under CWC section 13304 against the responsible parties for the Paragon Cleaners
8 property located at 1300-1310 Vine Street, Hollywood, CA.

9 The Regional Board failed to act in response to the Petitioner's November 25 letter,
10 other than to send to ALCA a First Past Due Invoice dated December 12, 2014 on the
11 oversight costs (Exhibit "19"), asserting that the unpaid invoice in the amount of
12 \$19,880.28 (for the second quarter of 2014) was past due and threatening further collection
13 action against ALCA.

14 ALCA submits this Petition seeking relief from the State Board to address the
15 Regional Board's failures to act by forcing the issuance of an NFA Letter for the Site,
16 covering both soil and groundwater, and for the issuance of a Cleanup and Abatement
17 Order against the Paragon Cleaners responsible parties, along with a determination
18 invalidating the improperly issued oversight cost invoices.

19 **III. AN NFA LETTER MUST BE ISSUED FOR THE SITE**

20 CWC section 13307 requires the State Board to establish policies and procedures
21 for the regional boards to "*follow in overseeing and supervising the activities of person*
22 *who are carrying out the investigation of, and cleaning up or abating the effects of, a*
23 *discharge of a hazardous substance which creates, or threatens to create, a condition of*
24 *contamination, pollution, or nuisance.*" The policies and procedures to be established by
25 the State Board are to include, among others, the following:

26 **(1) The procedures the state board and the regional boards will follow in**
27 **making decisions as to when a person may be required to undertake an**
28 **investigation to determine if an unauthorized hazardous substance discharge**
has occurred.

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(2) Policies for carrying out a phased, step-by-step investigation to determine the nature and extent of possible soil and groundwater contamination or pollution at a site.

(3) Procedures for identifying and utilizing the most cost-effective methods for detecting contamination or pollution and cleaning up or abating the effects of contamination or pollution.

(CWC § 13307(a)(1), (2) and (3).)

As a consequence of CWC section 13307, in 1992, the State Board adopted Resolution No. 92-49, entitled "Policies And Procedures For Investigation and Cleanup ~~And Abatement Of Discharges Under Water Code Section 13304.~~" Resolution No. 92-49 requires, among other things, that for all types of discharges subject to CWC section 13304, that the regional boards shall implement certain procedures "*in making decisions as to when a person may be required to undertake an investigation related to a discharge or threat of a discharge*" including, among others, the following:

A. Use any relevant evidence, whether direct or circumstantial, in order to establish the existence of a discharge or threatened discharge or the source of a discharge. **Any such determination must be supported by substantial evidence. There must be sufficient evidence to support the action of the Regional Board.** Sources of evidence may include, but are not limited to the following: . . .

3. Hydrologic and hydrogeologic information, such as differences in upgradient and downgradient water quality; . . .

7. Physical evidence, **such as analytical data**, . . . (Resolution No. 92-49, p. 5-6.)

Resolution No. 92-49 further requires the regional boards to "implement" certain "*procedures to ensure that dischargers shall have the opportunity to select cost-effective methods for detecting discharges or threatened discharges and methods for cleaning up or abating the effects thereof,*" including, among other procedures, the following:

B. Consider whether the burden, including costs, of reports required of the discharger during the investigation and cleanup and abatement of a discharge bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

1 (Resolution No. 92-49, p. 8.)

2 In this case, with the above described history, it is evident that the Regional Board
3 has failed to comply with CWC section 13307 and Resolution No. 92-49, as the evidence
4 is extensive in showing that no prior operations on the Site has resulted in a discharge of
5 pollutants, to either the soil or the groundwater, to justify any further action beyond the
6 significant investigations that had already been conducted on the Site in 2006 and in 2013.
7 According to Geosyntec's Technical Memorandum of October 10, 2014 (discussed above):

8 Reviewing the data on the whole, there is no technical basis to conclude that
9 DNAPL exists on the site from prior site operations or to support extending
10 additional borings down to a depth of 80' bgs. **There is similarly no technical**
11 **data to suggest that the contamination discovered in the groundwater arose as**
12 **a result of a gasoline service station operation from 1925 to 1928, or from a**
13 **former dry cleaner operation conducted from 1955 to 1970, which is located in**
14 **area largely cross-gradient from the area on the site where the Regional Board**
15 **is requesting the four MIP/CPT borings be placed.** On the contrary, the soil, soil
16 vapor, and groundwater data gathered from 30 prior borings on the Fountain-Vine
17 Site point to source of the PCE contamination in question migrating from an
18 upgradient offsite source or sources.

19 The extensive amount of testing conducted to date at the Site, combined with the
20 analysis of two different consultants reviewing this data (Geosyntec and AA&A), along
21 with the Regional Board Staff's prior acknowledgment in February of 2013 that it would
22 consider the results of the extensive workplan in determining whether to issue the NFA
23 Letter (Exhibit "16"), along with the actual results of the May 2013 AA&A Report, all
24 supports the determination that no further action can rightfully be required at the Site, and
25 that an NFA Letter for the Site is long overdue.

26 Similarly, it is clear that the Regional Board's demands for an investigation into the
27 potential existence of DNAPL on the Site is not supported by any evidence, let alone
28 "substantial" or "sufficient" evidence, and that no additional Site investigation should be
required.

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1 In light of the lengthy history involving the Site, the extensive work and the many
2 meetings that have occurred to date at and involving the Site since 2006 (to obtain the
3 NFA Letter), and the lack of any appreciably threat to the environment or the health and
4 safety of the public from prior Site operations, the Regional Board's failure to have issued
5 an NFA Letter for this Site by this time is entirely arbitrary and capricious. The Regional
6 Board has acted unreasonably, and in a manner that is contrary to law, by refusing to issue
7 the long requested NFA Letter for the Site, and by insisting on yet additional unnecessary
8 and unsupported assessment work.

9 **IV. A CLEANUP AND ABATEMENT ORDER SHOULD BE ISSUED AGAINST**
10 **~~THE PARAGON CLEANERS RESPONSIBLE PARTIES~~**

11 CWC section 13304 provides for the Regional Board to issue a Cleanup and
12 Abatement Order against persons who have discharged waste into waters of the State,
13 including those that have permitted the discharge of waste to enter the State's waters.
14 (CWC § 13304(a).) In this case, there is un-refuted evidence that there has be a discharge
15 of waste from the Paragon Cleaners Property, that has significantly impacted the
16 groundwater beneath the Fountain-Vine Property. In particular, there is undisputed
17 evidence of a release of chlorinated solvents, namely PCE, onto the Paragon Cleaners
18 Property, from the dry-cleaner operation that has been conducted thereon since
19 approximately 1961, and that this PCE contamination in groundwater has migrated from
20 the Paragon Cleaners Property onto the Site in issue, thereby causing the Regional Board
21 to refrain (unlawfully) from issuing an NFA Letter to the Petitioner.

22 There is also evidence that the release on Paragon Cleaner Property was/is
23 significant, and there is no evidence that the Regional Board has instituted any
24 enforcement action of any consequence against the responsible parties for the Paragon
25 Cleaner release, to address the migration of the contamination on to the Fountain-Vine
26 Property. Resolution No. 92-49 requires the regional boards, to, among other
27 requirements, to:

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1 **B. Make a reasonable effort to identify the dischargers associated with**
2 **the discharge.** It is not necessary to identify all dischargers for the
3 Regional Water Board to proceed with the requirements for a discharger to
 investigate and cleanup.

4 (Resolution No. 92-49, p. 6.) In this case, pursuant to CWC sections 13304 and 13307, as
5 well as Resolution No. 92-49, both the owner and operator of the Paragon Cleaners
6 Property should be named in a Cleanup and Abatement Order, and required to address the
7 groundwater contamination that has migrated onto the Fountain-Vine Property, without
8 further delay.

9 Despite the significant and unjustified assessment work requested of ALCA for
10 Closure, at the same time, no work of any kind has apparently been ordered by Regional
11 Board Staff of the Paragon Cleaners' responsible parties – no assessment of any kind
12 appears to be in process; no cleanup work is apparently being required; and no Cleanup
13 and Abatement Order is even being considered for the Paragon Cleaners Property.

14 A review of the Regional Board's files on the Paragon Cleaners Site shows that dry-
15 cleaning operations at that location have been conducted since approximately 1961, that
16 the Regional Board initially had been overseeing assessment work on the Site since
17 approximately 2005, that significant soil and groundwater contamination has occurred as a
18 result of prior releases at this location, that this groundwater contamination has migrated
19 from the Paragon Cleaners property, due southwest through and into the groundwater
20 beneath the Fountain-Vine Plaza Property, but that no outstanding demands for further
21 assessment or cleanup work for such property have been made by Regional Board Staff.

22 From ALCA's consultants' review of the Regional Board's files on the Paragon
23 Cleaners Site, there appears to be no justification for the Regional Board's complete
24 indifference to the contamination coming off of the Paragon Cleaners property, and no
25 reasoning is provided in the record for why Regional Board Staff has failed to require any
26 action over the past several years by the owner or operator of the Paragon Cleaners
27 Property to address all such contamination. In short, no Cleanup and Abatement Order has
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1 been issued, no Water Code section 13267 letter has been sent, and nor has there been any
2 voluntary action on the part of the responsible parties for the Paragon Cleaners Property to
3 address the soil and groundwater contamination problems in issue.

4 Given the clear data showing the lack of any substantive contribution of
5 contamination to the groundwater from the Site to justify any further action on the part of
6 ALCA, and given the lack of any effort on the part of the Regional Board to require the
7 responsible parties for the Paragon Cleaners Property to address the groundwater
8 contamination migrating from that property, a Cleanup and Abatement Order (pursuant to
9 CWC § 13304) should be issued to Paragon Cleaners and the owner of that property for
10 those parties to address all contamination resulting from the operations thereon.

11 **V. THE OVERSIGHT COSTS SOUGHT TO BE IMPOSED ON PETITIONER**
12 **ARE UNLAWFUL AND WERE NOT IMPOSED OR BILLED IN**
13 **ACCORDANCE WITH CWC § 13365**

14 The Regional Board is seeking a total of \$41,849.80 in unpaid oversight costs for
15 the first three quarters of 2014. (All three invoices are included herewith collectively under
16 Exhibit "20.") As set forth in the Petitioners objections to the Regional Board, the
17 amounts sought in these invoices were not appropriately incurred or billed to ALCA, and
18 the billing procedure followed for each of these invoices is clearly contrary to the express
19 requirements of State law, namely CWC section 13365.

20 The first quarter of 2014 oversight billings totaled \$13,801.62. The second quarter
21 2014 billings totaled \$19,880.28. The third quarter billings totaled \$8,167.90, bringing the
22 total billings for the first three quarters of 2014 alone to \$41,849.80. Yet, no Site work
23 was conducted during this time period, and no physical work of any kind was performed
24 on the Site by either the Petitioner's consultants or the Regional Board Staff.

25 CWC section 13365 (c)(1)(F) requires that all Regional Board invoices "*be*
26 *reviewed for accuracy and appropriateness.*" In this case it is apparent that no such
27 review was conducted, and that much of the time expended was "*inappropriate.*" In
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1 particular, it appears that a majority of time reflected in the second and third quarter, *i.e.*,
2 from April 1 thru September 30, 2014, was expended by a new project manager (134 hours
3 during this time period for this new project manager alone) apparently reviewing the file
4 for purposes of developing an entirely new and different scope of work from the three
5 prior negotiated scopes of work approved by the Regional Board in December of 2013,
6 and then again in January and February of 2014. (ALCA reluctantly agreed to implement
7 these prior scopes of work, based on prior representations from Regional Board Staff, that
8 an NFA Letter would be issued for the Site if the results of this work again showed that the
9 prior operations at the Site did not cause sufficient contamination to justify further action
10 at the Site.)

11 Unfortunately, however, the new project manager not only failed to follow the prior
12 approved scopes of work, he also failed and refused to honor prior commitments from
13 Regional Board Staff to agree to issue an NFA Letter for the Site if the additional
14 previously agreed-upon testing showed there was no appreciable contribution from the Site
15 to groundwater to justify further action, including ignoring the commitments made by the
16 Executive Officer in meetings in September of 2013 and May of 2014.

17 Similarly, whereas the former project manager (Henry Jones) agreed that the
18 issuance of an NFA Letter was in order and was working with ALCA to satisfy his
19 supervisor's request for additional work at the Site (pursuant to an approved scope of
20 work), the new project manager (Mohammad Zaidi) failed and refused to give any
21 consideration to the prior analysis and conclusions reached by either other Regional Board
22 Staff or by any of ALCA's consultants. Such actions and failures to act were arbitrary and
23 capricious. Instead, Mr. Zaidi rejected the prior approved scopes of work, and proposed an
24 alternative scope of work (as reflected in the Executive Officers letters of July 11 and
25 September 27, 2014) that has no technical or practical justification, thereby calling into
26 question the propriety and appropriateness of any of the oversight work performed by
27 Regional Board Staff throughout the 2014 calendar year.

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1 Water Code section 13365(d) allows the Regional Board to change the scope of
2 work or services it is providing based upon “*new information regarding the extent of*
3 *contamination of the site,*” but authorizes such a change “*only after providing written*
4 *notice of the change to the responsible party containing the information specified in*
5 *paragraph (1) of subdivision (c),*” *i.e., “a detailed estimate of the work to be performed or*
6 *services to be provided, including a statement of the expected outcome of that work, based*
7 *on data available to the agency at the time,*” along with “*an estimate of all expected*
8 *charges to be billed to the responsible party by the agency . . .*” (Water Code §§
9 13365(d) & 13365(c)(1).)

10 To date, however, no “detailed estimated of the work performed or services
11 provided, including a statement of expected outcome” for the particular scopes of work
12 proposed by the Regional Board Staff at the subject Site, has ever been provided to ALCA.
13 Neither the direction that was being proposed by Staff before Mr. Zaidi’s involvement
14 (where Staff, without explanation, refused to approve the February 12, 2014 Further
15 Revised Workplan), nor Mr. Zaidi’s proposed scope of work (as demanded in the
16 Executive Officer’s letters of July 11 and September 27), were ever provided to ALCA in
17 advance of Staff expending time on such alternative approaches. For these reasons as well,
18 none of the time reflected in the 2014 first, second and third quarterly invoices is
19 appropriate or consistent with law.

20 In addition to the Regional Board excessive oversight billings, ALCA has otherwise
21 already been force to expend hundreds of thousands of dollars in consultant and attorney
22 time in an effort to “clear” this Site, *i.e.*, to obtain an NFA Letter from the Regional Board.
23 (*See Exhibit “17.”*) Yet, in spite of these efforts and the extensive data accumulated over
24 the years from the 30 bore holes and the 3 monitoring wells installed on the Site, and the
25 clear case made by the Petitioner that the past Site operations have not resulted in any
26 releases to justify further action at the Site, Regional Board Staff appears to have been
27 working overtime to justify having ALCA conduct additional work at the Site, without any
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1 technical or practical basis for requiring such work. For example, a review of the second
2 quarter invoice shows some alarming charges. In particular, the newly assigned case
3 worker to the project at that time (Mohammad Zaidi), reportedly billed 95 hours of time
4 from April 1 through June 30, and 39 hours of time for the period of July 1 through
5 September 30, 2014, for a total of 134 hours billed during a period of time when no
6 workplans had been submitted and no work had been conducted on the Site. The hours
7 billed were excessive, and the oversight provided was improper and unnecessary.

8 The invoices in issue are also clearly defective, as no description of any of the
9 Regional Board Staff members work is provided in the invoices, and as such, the invoices
10 clearly lack the necessary "detail" required by law. CWC section 13365(c)(2)(C) requires
11 that all Regional Board invoices "*provide a daily detail of work performed and time spent*
12 *by each employee and contractor employee.*" (Water Code § 13365(c)(2)(C).) Yet, none
13 of the invoices in issue contain the required "*daily detail*" of the work actually performed,
14 and as such, they are contrary to the clear requirements of the statute, and must be found to
15 be null and void.

16 Finally, in light of the lack of detail in the invoices, let alone the "*daily detail of*
17 *work performed,*" as required to be included in each of the three invoices in question,
18 pursuant to CWC section 13265, ALCA requested that the Regional Board provide copies
19 of all time records and other materials supporting each of the invoices in issue. (CWC §
20 13265(c)(3) [*"Upon request, not to exceed 30 working days from the date of receipt of a*
21 *request, the agency shall provide the responsible party with copies of time records and*
22 *other materials supporting the invoice"*].) To date, the Regional Board has also failed
23 to comply with this statutory requirement as well, but should be ordered to do so at this
24 time.

25 VI. CONCLUSION

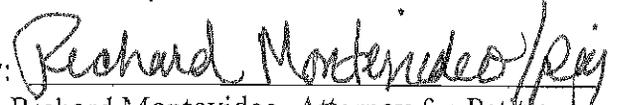
26 For the foregoing reasons, Petitioner respectfully request that an order be issued by
27 the State Board providing that: (1) No Further Action be required of Petitioner or any
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1 successor-in-interest to the Fountain-Vine Property for the existing contamination located
2 in the soil or groundwater thereon; (2) the Regional Board be directed to issue an
3 appropriate Cleanup and Abatement Order against the responsible parties for the
4 contamination emanating from the up-gradient Paragon Cleaners Property, which CAO is
5 to include a requirement to fully assess and cleanup the groundwater contamination on the
6 Fountain-Vine Property; and (3) the Regional Board's first three quarter invoices for 2014
7 issued to Petitioner be declared null and void.

8
9 Respectfully submitted

10 RUTAN & TUCKER, LLP
11 RICHARD MONTEVIDEO

12 Dated: December 24, 2014

13 By: 
14 Richard Montevideo, Attorney for Petitioner,
15 ALCA Properties, LTD
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5 ALCA Properties, Ltd.



6
7
8 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
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11 In the Matter of:

12 The California Regional Quality Control
13 Board, Los Angeles Region's Refusal To Act
Regarding the Fountain-Vine Plaza Property
14 located at 1253 N. Vine Street, Los Angeles,
California 90028 and the Paragon Cleaners
15 Property located at 1300-1310 Vine St, Los
Angeles, CA 90028

DECLARATION OF
CARL VAN QUATHEM IN SUPPORT
OF ALCA PROPERTIES LTD.'S
PETITION FOR REVIEW

[Water Code § 13320 and Title 23, CCR §
2050, et seq.]

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DECLARATION OF CARL VAN QUATHEM

I, Carl Van Quathem, declare as follows:

1. I am the General Partner of ALCA Properties, Ltd. (“ALCA”), a California Limited Partnership.

2. ALCA is the owner of the Fountain-Vine Plaza located at 1253 N. Vine Street, Hollywood, CA (hereafter “Fountain-Vine Plaza” or “Site”), and has owned this Site since 1986. The Fountain-Vine Plaza is a commercial retail plaza with the current buildings on the property having been constructed in approximately 1986.

3. At no time since ALCA purchased the Site has a dry cleaning operation, a gas station, or other similar operation been conducted on the Site. In addition, I have been informed by our environmental consultants who conducted environmental assessments of the Site, that the prior dry cleaning tenant on the Site operated from approximately 1955 to 1970, many years before ALCA ever purchased the Fountain-Vine Plaza.

4. The issues involving the contamination of dry cleaning fluid on the Site first came to ALCA’s attention in 2005. Upon learning of the contamination, ALCA retained a company by the name of AEI Consultants to perform several environmental reviews and assessments of the Site and the contamination.

5. Thereafter, in 2006 ALCA entered into an agreement with the Los Angeles Regional Water Quality Control Board (“Regional Board”) to pay the Regional Board’s oversight costs for reviewing and overseeing the assessment work being conducted, and ultimately, to provide a clearance of the Site in order for ALCA to move forward and market the Site.

6. Starting in 2006 (after agreeing to pay the Regional Board’s oversight costs), and continuing to the current date, on behalf of ALCA, I made several attempts to obtain a Site clearance from the Regional Board, but to date have been unsuccessful in doing so. At the same time, however, at no time from 2006 to present, has anyone with the Regional Board ever advised me that ALCA would be required to conduct any cleanup work of

1 either the soil or the groundwater at the Site. In fact, as I understand it from my
2 environmental consultants, the contamination of concern on the Fountain-Vine Plaza is
3 coming from the dry-cleaning operation on the property located north east of the Site, *i.e.*,
4 from the Paragon Cleaners property located at 1300-1310 Vine Street, Los Angeles, CA.
5 Accordingly, I have been advised that any cleanup work to be performed on the
6 groundwater in the area can only be effectively accomplished if conducted on the Paragon
7 Cleaners property.

8 7. In 2012, after having been unsuccessful in obtaining the Site clearance on
9 my own, I retained a new environmental consultant by the name of Ami Adini and
10 Associates (“AA&A”) to further review the environmental condition of the Site and to
11 assist ALCA to work with the Regional Board to obtain the Site clearance I had been
12 requesting. Also, in 2012, I retained the law firm of Rutan & Tucker, LLP to help ALCA
13 work through the legal issues involved in obtaining the Site clearance (which I now
14 understand is known as a “No Further Action Letter”).

15 8. In December of 2012, I attended a meeting at the Regional Board’s office in
16 Los Angeles with my consultant, Ami Adini, his associate and my Attorney, Richard
17 Montevideo. In the meeting, representing the Regional Board was Dr. Arthur Heath, Dr.
18 Kwang-Il Lee and Mr. Henry Jones (Mr. Jones was the Project Manager at the time).
19 During the course of the meeting, ALCA’s consultant expressed to the Regional Board
20 that, in their opinion, enough technical information was already known about the Site to
21 conclude that prior operations on the Site had not contributed to the contamination so as to
22 justify any cleanup or further assessment work by ALCA. Dr. Lee, however, insisted that
23 more information was needed, and thus, after much discussion, ALCA reluctantly agreed
24 to conduct additional assessment work at the Site, but did so with the understanding that if
25 the results of the additional assessment continued to show that prior site operations
26 contributed little, if any, contamination to the groundwater to justify any cleanup work on
27 the part of ALCA, the Regional Board would issue a No Further Action Letter for the Site.

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1 9. Also, during the December 2012 meeting, Dr. Heath indicated that the
2 Regional Board was already prepared to issue what I understand is called a “soil-only” No
3 Further Action Letter. Although I was appreciative of Dr. Heath’s suggestion in this
4 regard, as explained to Dr. Heath, only a full Site clearance or No Further Action Letter
5 would be useful in order for ALCA to be in a position to sell the Site or obtain financing.

6 10. By letter dated February 28, 2013 (Exhibit “A” hereto), AA&A obtained
7 approval from the Regional Board of the assessment work reflected in its Report dated
8 May 15, 2013. This approval letter also confirmed the parties’ discussion and
9 understanding involving ALCA’s request for a No Further Action Letter, where in the

10 February 28th letter, Dr. Lee stated: “We will consider all technical information with
11 respect to your request for a no further action/non-contribution letter.” (Exhibit “A,” p. 1.)

12 11. The approved workplan was then implemented and the results again showed
13 that the Site was not a sufficient contributor of contamination to justify any cleanup work
14 or any further assessment work by ALCA. (See May 15, 2013 AA&A Environmental Site
15 Assessment Report, excluding the Figures, Tables and Appendices - Exhibit “B” hereto.)
16 According to the May 15, 2013 Environmental Site Assessment Report Transmittal Letter:

17 The objective of this investigation was to evaluate if
18 previously identified soil and groundwater contamination at
19 the site could be attributed to an on-site source. Based on the
20 results of this site investigation and analytical data review, no
21 significant on-site source of contamination could be
22 identified. AA&A therefore concluded that the soil and
23 groundwater contamination present at the site cannot be
24 attributed to any on-site historical release and recommends
25 that the case be granted regulatory case closure.

26 12. After this May 15, 2013 Report was submitted to the Regional Board,
27 although according to AA&A, both Mr. Jones and Dr. Heath had expressed support for the
28 issuance of the No Further Action Letter at the time, the No Further Action Letter was
never issued because, from what I was told, Dr. Lee remained unwilling to issue it.

1 13. In light of the Regional Board's refusal to send the requested No Further
2 Action Letter after the May 15, 2013 Report was issued, ALCA proceeded to retain an
3 additional environmental consulting company known as Geosyntec Consultants to further
4 assist ALCA in obtaining the long requested No Further Action Letter for the Site.

5 14. In fact, to date ALCA has paid just under \$200,000 in environmental
6 consulting fees and expenses, but without a No Further Action Letter having yet been
7 issued for the Site.

8 15. In addition to the approximately \$200,000 in environmental consulting fees
9 and expenses ALCA has paid through December 31, 2014, ALCA has also paid
10 approximately \$82,000 in attorney's fees and costs through 2014.

11 16. Furthermore, pursuant to the oversight agreement ALCA entered into in
12 2006 with the Regional Board, ALCA has also paid in excess of \$47,000 in oversight costs
13 for the Regional Board's oversight, and has been billed an additional nearly \$42,000 in
14 oversight costs for the first three quarters of the 2014 calendar year alone, for further
15 oversight by the Regional Board. However, no assessment or cleanup work of any kind
16 had been conducted on the Site during the 2014 calendar year.

17 17. In short, as of the end of 2014, ALCA has paid in excess of \$328,000 in
18 costs to consultants, attorneys and the State Board, and has been billed an additional nearly
19 \$42,000 in oversight costs by the Regional Board, with the bills from both its consultants
20 and its attorney continuing to mount, all in an effort to attempt to obtain the requested No
21 Further Action Letter for the Fountain-Vine Plaza Property.

22 I declare under penalty of perjury of the laws of the State of California that the
23 foregoing is true and correct and of my own personal knowledge, and if called upon as a
24 witness I could and would competently testify thereto under oath.

25 Executed this 7th day of January, 2015, in the City of Los Angeles, County of
26 Los Angeles, State of California.

27 
28 Carl Van Quathem

Exhibit “A”



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

February 28, 2013

Mr. Carl Van Quathem
ALSA Properties
11356 Nutmeg Avenue
Los Angeles, CA 90066

SUBJECT: APPROVAL OF WORK PLAN FOR ADDITIONAL SITE ASSESSMENT

**CASE/SITE: FOUNTAIN-VINE PLAZA, 1253 VINE STREET, HOLLYWOOD, CA (SITE
CLEANUP PROGRAM NO. 1196, SITE ID NO. 2040235)**

Dear Mr. Quathem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with the primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above referenced site. To accomplish this goal, the Regional Board has been requiring site cleanup and groundwater monitoring reports to mitigate and monitor the contamination that has occurred at the site.

The Regional Board has received the work plan titled *Confirmation Site Assessment Work Plan*, dated February 12, 2013, which Ami Adini & Associates, Inc. has prepared on your behalf. The work plan proposes fourteen soil borings within the vicinity of the former dry cleaning area and the former service station (Figure 3). At each boring, soils will be sampled every five feet until groundwater is reached; soil gas will be sampled at five, fifteen, and twenty five feet below the ground surface, and groundwater will be sampled with a grab sample. Three groundwater monitoring wells have been proposed at the site to monitor groundwater. And a human health risk assessment will be completed based on the newly acquired data. The proposed site assessment activities are being conducted to further assess contamination at the site.

Based on the information submitted, and on the information in the case file, we concur with the proposed work plan. A technical report shall be submitted to the Regional Board documenting the site assessment activities by June 1, 2013. We will consider all technical information with respect to your request for a no further action/non-contributor letter.

If you have any questions regarding this project, please contact Mr. Henry Jones at (213) 576-6697 or hjones@waterboards.ca.gov

Sincerely,

Kwang-il Lee, Ph. D., P.E.
Site Cleanup Program Unit IV Chief

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

Mr. Carl Van Quathem
ALSA Properties, Ltd.

- 2 -

February 28, 2013

Attachment:
Figure 3, Proposed Sampling Locations

Electronic Copies:
Mr. Ami Adini, Ami Adini & Associates (amia@amiadini.com)

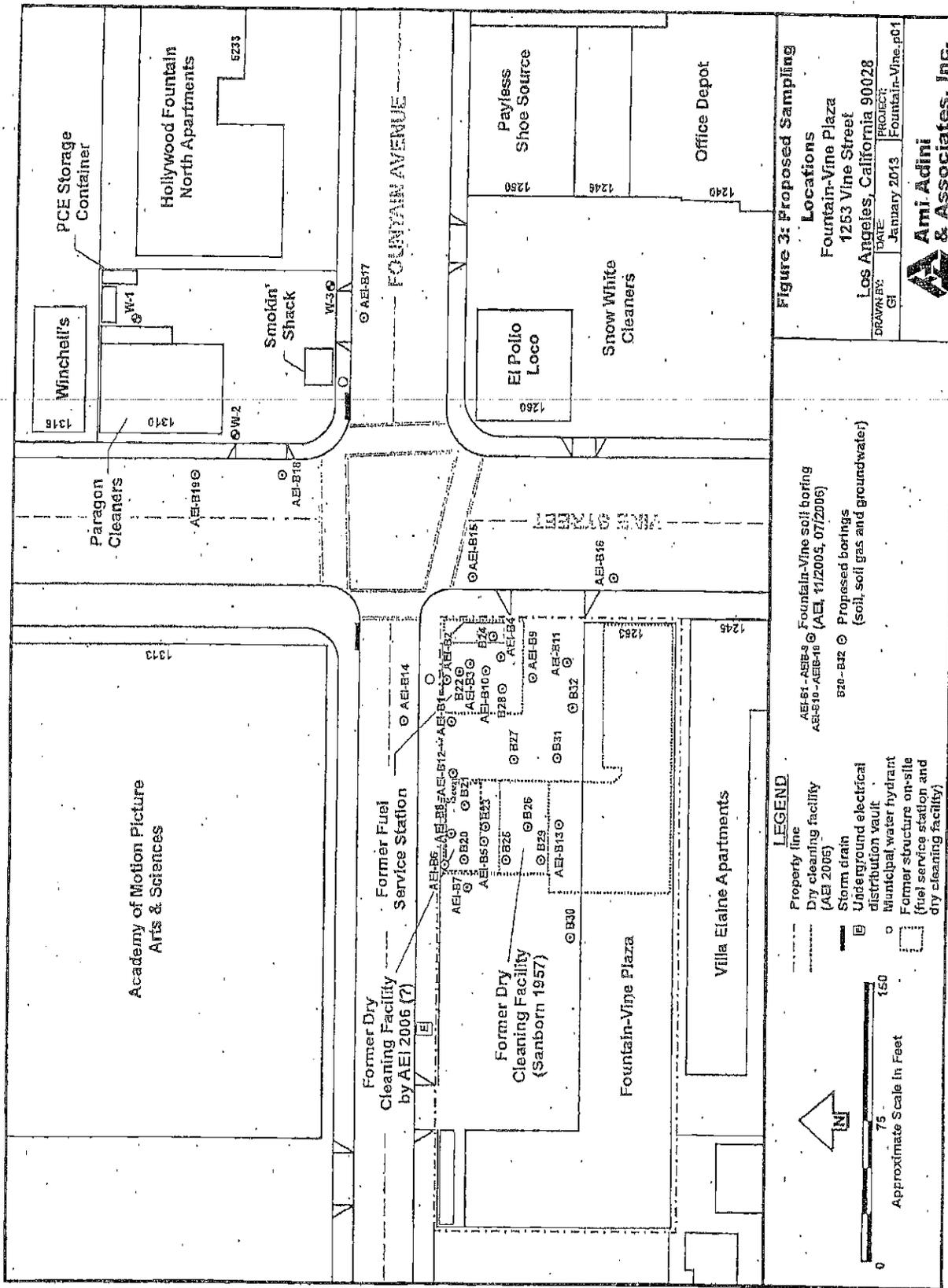
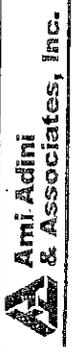


Figure 3: Proposed Sampling Locations

Locations
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

DRAWN BY: [Name]
 DATE: January 2013
 PROJECT: Fountain-Vine.p01



LEGEND

- Property line
- Dry cleaning facility (AEI 2006)
- Storm drain
- Underground electrical distribution vault
- Municipal water hydrant
- Former structure on-site (fuel service station and dry cleaning facility)

Fountain-Vine soil boring
 AEI-B1-AEI-B10 (AEI 11/2005, 07/2006)

Proposed borings
 B20-B32 (soil, soil gas and groundwater)

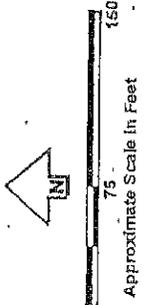
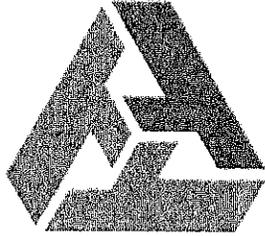


Exhibit “B”



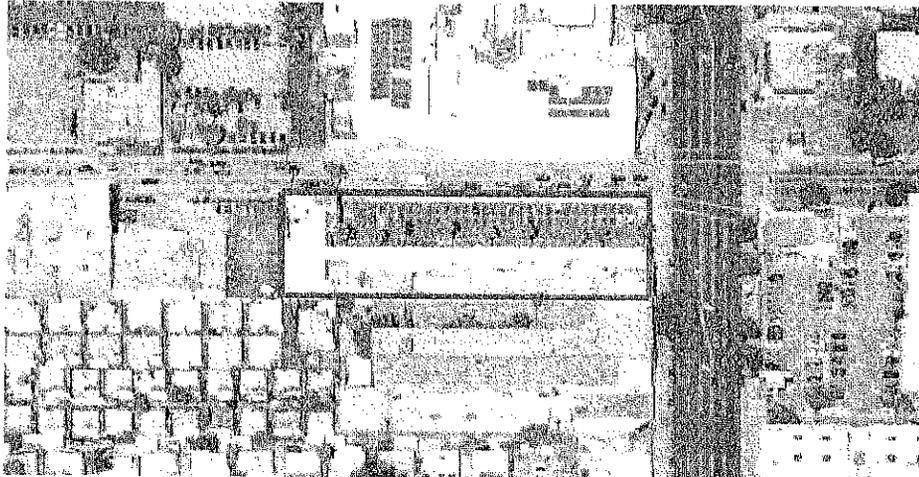
**Ami Adini
& Associates, Inc.**

ENVIRONMENTAL SITE ASSESSMENT REPORT

**Fountain-Vine Plaza
1253 Vine Street, Los Angeles, California 90028, LARWQCB Case #1196**

Prepared for
**Mr. Carl Van Quathem
ALCA Properties, Ltd.
13356 Nutmeg Avenue , Los Angeles, California 90066**

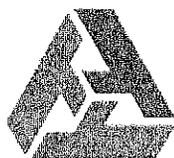
May 15, 2013



Project No. Fountain-Vine.p01

Submitted to
**Mr. Henry Jones
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200, Los Angeles, California 90013**

**4130 Cahuenga Blvd., Ste. 113, Los Angeles, California 91602
818.824.8102 • 818.824.8112 fax
www.amiadini.com • mail@amiadini.com**



**Ami Adini
& Associates, Inc.**

May 15, 2013
Project No. Fountain-Vine.p01
Via PDF

Mr. Henry Jones
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

**Re: Environmental Site Assessment Report, Fountain-Vine Plaza, 1253 Vine Street, Los Angeles,
California 90028, LARWQCB Case #1196, Global ID SL0603734628**

Dear Mr. Jones:

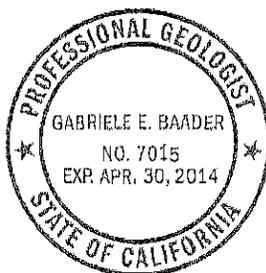
Ami Adini & Associates, Inc. (AA&A), has prepared this *Environmental Site Assessment Report* to present the work performed and findings of an environmental site assessment to evaluate the presence of contaminants in the subsurface at the Fountain-Vine Plaza in Los Angeles, California. Previous site assessments indicated the presence of on-site tetrachloroethene (PCE) in soil and groundwater; however, concentrations detected in up-gradient and off-site sample locations to the northeast exceeded those on-site. The objective of this investigation was to evaluate if previously identified soil and groundwater contamination at the site could be attributed to an on-site source. Based on the results of this site investigation and analytical data review, no significant on-site source of contamination could be identified. AA&A therefore concluded that the soil and groundwater contamination present at the site cannot be attributed to any on-site historical release and recommends that the case be granted regulatory case closure.

If you have any questions, please contact me at (818) 824-8102 or by email at gabi@amiadini.com. Your attention to this matter will be deeply appreciated.

Respectfully submitted,

AMI ADINI & ASSOCIATES, INC.

Gabriele Baader, PG
Director of Environmental Engineering
Professional Geologist No. 7015, Expiration April 30, 2014



GB:mrd

cc: Addressee (PDF & Hard Copy)
Mr. Carl Van Quathem (Hard Copy)

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- Appendix L – Laboratory Analytical Results for Groundwater Monitoring Samples

COMMON ABBREVIATIONS

°C	Degrees Celsius	DO	Dissolved oxygen
°F	Degrees Fahrenheit	DPE	Dual-phase extraction
95UCL	95 percent upper confidence limit	DQO	Data quality objective
AA&A	Anni Adini & Associates, Inc.	DTSC	Department of Toxic Substances Control
AOC	Area of concern	DWR	California Department of Water Resources
AOPC	Area of potential concern	EB	Equipment blank
AQMD	Air Quality Management District (South Coast)	EIR	Environmental impact report
ARAR	Applicable, relevant or appropriate requirement	EQL	Estimated quantification limit (also LDL & PQL)
AST	Aboveground storage tank	EPA	U.S. Environmental Protection Agency
ASTM	American Society for Testing and Materials	ESA	Environmental site assessment
BAT	Best available technology	ESL	Environmental screening level
BACT	Best available control technology	ETBE	Ethyl tertiary butyl ether
bgs	Below ground surface	FID	Flame-ionization detector
BMP	Best management practice	FSP	Field sampling plan
BOD	Biochemical oxygen demand	ft	Foot or feet
BTEX	Benzene, toluene, ethylbenzene, and xylenes	GC/MS	Gas chromatography/mass spectrometry
Cal/EPA	California Environmental Protection Agency	GW	Groundwater well
CAP	Corrective action plan	GWM	Groundwater monitoring well
CCR	California Code of Regulations	H ₂ S	Hydrogen sulfide
CCRWQCB	Central Coast Regional Water Quality Control Board	HDPE	High-density polyethylene
CEQA	California Environmental Quality Act	HAZWOPER	Hazardous waste and operation
CERCLA	Comprehensive Environmental Response, Compensation & Liability Act	HHRA	Human health risk assessment
cfm	Cubic feet per minute	HHSE	Human health screening evaluation
CFR	Code of Federal Regulations	HI	Hazard index
CH ₄	Methane	HQ	Hazard quotient
CHHSLs	California Human Health Screening Levels	HRC	Hydrogen-releasing compound
COC	Chain of custody	HSA	Hollow-stem auger
COC	Chemical of concern	HSC	Health and Safety Code
COPC	Chemical of potential concern	HSP	Health and safety plan
CRRWQCB	Colorado River Regional Water Quality Control Board	HVDPE	High-vacuum dual-phase extraction
CSF	Cancer slope factor	HVOC	Halogenated volatile organic compound
CSM	Conceptual site model	IDW	Investigation-derived waste
CUPA	Certified Unified Program Agency	IRIS	Integrated Risk Information System
CWA	Clean Water Act	J "flag"	Chemical detected below LDL, EQL or PQL
DAF	Dilution-attenuation factor	kg	Kilogram
DCA	Dichloroethane	K _{oc}	Organic carbon partition coefficient
DCE	Dichloroethane or dichloroethylene	LACDHS	Los Angeles County Department of Health Services
DDD	Dichloro-diphenyl-dichloroethane	LACDPW	Los Angeles County Department of Public Works
DDE	Dichloro-diphenyl-dichloroethene	LACFD	Los Angeles County Fire Department
DDT	Dichloro-diphenyl-trichloroethane	LADD	Lifetime average daily dose
DHS	Department of Health Services	LADPW	Los Angeles Department of Public Works
DIPE	Di-isopropyl ether	LAFD	Los Angeles City Fire Department
DNAPL	Dense non-aqueous-phase liquid		

LARWQCB	Los Angeles Regional Water Quality Control Board	PPE	Personal protective equipment
LDL	Laboratory detection limit (also EQL and PQL)	ppm	Parts per million
LNAPL	Light non-aqueous-phase liquid	ppmv	Parts per million by volume
LRWQCB	Lahontan Regional Water Quality Control Board	PQL	Practical quantification limit (also EQL and LDL)
LUST	Leaking underground storage tank	PRG	Preliminary remediation goal (EPA)
MDL	Method detection limit	PRGi	Industrial preliminary remediation goal (EPA)
MEK	Methyl ethyl ketone (or 2-butanone)	PRGr	Residual preliminary remediation goal (EPA)
mg/kg	Milligrams per kilogram	PRP	Potentially responsible party
mg/L	Milligrams per liter	QAPP	Quality assurance project plan
MNA	Monitoring and natural attenuation	QA/QC	Quality assurance/quality control
m,p-xylene	Meta, para-xylene	QC	Quality control
mph	Miles per hour	RAP	Remedial action plan
MSL	Mean sea level	RCRA	Resource Conservation and Recovery Act
MTBE	Methyl tertiary butyl ether	REC	Recognized environmental condition
mV	Millivolt	REL	Reference exposure level
MW	Monitoring well	Rfd	Reference dose
MWD	Metropolitan Water District	RI/FS	Remedial investigation/feasibility study
NA	Not applicable	RL	Reporting limit
ND	Not detected at or above method quantification limit	RME	Reasonable maximum exposure
NEPA	National Environmental Policy Act	RP	Responsible party
NE	Not established	RSL	Regional soil screening level (EPA)
NFA	No further action	RWQCB	Regional Water Quality Control Board
NPDES	National Pollution Discharge Elimination System	SAP	Sampling and analysis plan
NPL	National Priority List	SARA	Superfund Amendments & Reauthorization Act
NS	Not sampled	SARWQCB	Santa Ana Regional Water Quality Control Board
NTU	Nephelometric turbidity unit	scfm	Standard cubic feet per minute
OCHCA	Orange County Health Care Agency	SDRWQCB	San Diego Regional Water Quality Control Board
OCWD	Orange County Water District	SFBRWQCB	San Francisco Bay Regional Water Quality Control Board
OEHHA	Office of Health Hazard Assessment	SGS	Soil-gas survey
ORP	Oxidation reduction potential	SHSP	Site-specific health and safety plan
OSHA	Occupational Safety and Health Administration	SIC	Standard Industrial Classification
OVA	Organic vapor analyzer	SLIC	Spills, Leaks, Investigation and Cleanup
O&G	Oil and grease	SLOCEHD	San Luis Obispo County Environmental Health Department
o-xylene	Ortho-xylene	SMCHS	San Mateo County Health System
PAHs	Poly-aromatic hydrocarbons	SPCC	Spill prevention control and countermeasure
PCBs	Polychlorinated biphenyls	SSL	Soil screening level
PCE	Perchloroethene, perchloroethylene, tetrachloroethene, tetrachloroethylene or "pere"	STLC	Soluble threshold limit concentration
PDF	Portable document format	SVE	Soil vapor extraction
PE	Professional Engineer	SVOC	Semi-volatile organic compound
PEA	Preliminary endangerment assessment or preliminary environmental assessment	SWPPP	Storm water pollution prevention plan
PEF	Potency equivalent factor	SWRCB	State Water Resources Control Board
PG	Professional Geologist	TAME	Tertiary amyl methyl ether
PID	Photo-ionization detector	TB	Trip blank
ppb	Parts per billion	TBA	Tertiary butyl alcohol (tert-butanol)
ppbv	Parts per billion by volume	TCA	Trichloroethane

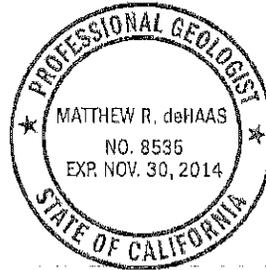
TCE	Trichloroethene or trichloroethylene
TCLP	Toxic characteristic leaching procedure
TDS	Total dissolved solids
TMB	Trimethylbenzene
TOC	Total organic carbon
TPCA	Toxic Pit Cleanup Act
TPH	Total petroleum hydrocarbons
TPHcc	Total petroleum hydrocarbons carbon chain
TPHd	Total petroleum hydrocarbons as diesel
TPHg	Total petroleum hydrocarbons as gasoline
TPHo	Total petroleum hydrocarbons as oil
TRPH	Total recoverable petroleum hydrocarbons
TSCA	Toxic Substances Control Act
TSS	Total suspended solids
TTLc	Total threshold limit concentration
USA	Underground Service Alert
USCS	Unified Soils Classification System
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geologic Survey
$\mu\text{g}/\text{m}^3$	Micrograms per cubic meter
$\mu\text{g}/\text{kg}$	Micrograms per kilogram
$\mu\text{g}/\text{L}$	Micrograms per liter
UST	Underground storage tank
VCP	Voluntary Cleanup Program
VES	Vapor extraction system
VET	Vapor extraction test
VOC	Volatile organic compound
WDR	Waste discharge requirement
WET	Waste extraction test
WIP	Well Investigation Program

PROFESSIONAL CERTIFICATION

This *Environmental Site Assessment Report* has been prepared by



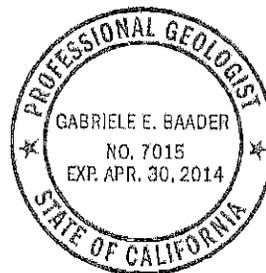
Matthew R. deHaas, PG
Senior Geologist
Professional Geologist



under the professional review and quality control of



Gabriele Baader, PG
Director of Environmental Engineering
Professional Geologist



and approved by



Ami Adini
President, Principal Environmental Consultant
NREP Registered Environmental Professional No. 2614
General Engineering/Hazardous Waste Contractor No. 587540
B. Sc. Mech. Eng.

STATEMENT OF LIMITATIONS

The scope of this investigation was intended to provide selected environmental information in accordance with a scope of work contracted for by the client/owner. The scope of work was not intended to be comprehensive, identify all potential concerns, or eliminate the possibility of the site having some degree of environmental problem. No degree of assessment can ascertain that a site is completely free of hazardous substances: some regulatory and other pertinent data may be lacking that is critical in completing a full environmental profile of the subject property.

The document was compiled based partially on information supplied from outside sources and other information, that is in the public domain. Ami Adini & Associates, Inc. (AA&A), provides no warranty as to the accuracy of statements made by others, which are contained in this document, nor are any other warranties or guarantees, expressed or implied, included or intended in the document with respect to information supplied by outside sources or conclusions or recommendations substantially based on information supplied by outside sources.

AA&A's investigation, within the framework of the contractual scope of work, was performed using the degree of care and skill ordinarily exercised, under similar circumstances; by reputable environmental specialists practicing in this or similar localities at the time our services were rendered. The document represents our best professional judgment. Since the facts forming the basis for the document are subject to professional interpretation, differing conclusions could be reached. None of the work performed herein shall constitute or be represented as a legal opinion of any kind or nature.

Samples collected and used for testing and observations made are believed representative of the entire project; however, soil and geologic conditions as well as groundwater conditions can vary between borings, test pits, and surface outcrops.

This document is issued with the understanding that it is the responsibility of the owner, or of his representative, to ensure proper/legal disclosures to public, private, and regulatory entities.

The interpretations and recommendations of this document are based on the data collected and AA&A's present working knowledge of environmental site assessments. As such, this document is valid as of the date shown, and AA&A cannot be responsible for subsequent changes in physical/chemical/environmental conditions and/or legislation over which AA&A has no control.

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EXECUTIVE SUMMARY

Ami Adini & Associates, Inc. (AA&A), has prepared this *Environmental Site Assessment Report* for the Fountain-Vine Plaza located at 1253 Vine Street in Los Angeles, California 90028, hereinafter referred to as *the site*.

The purpose of conducting this environmental assessment was to evaluate soil-gas, soil, and groundwater conditions at the site. Previous site assessments indicated the presence of on-site tetrachloroethene (PCE) in soil and groundwater; however, concentrations detected in up-gradient and off-site sample locations to the northeast exceeded those on-site. The objective of this investigation was to evaluate if previously identified soil and groundwater contamination at the site could be attributed to an on-site source.

Between April 8 and 11, 2013, AA&A directed the advancement of 14 soil borings (B20 to B33) to a maximum depth of 36 feet bgs using direct-push drilling equipment operated by Millennium Environmental, Inc. (MEI) of Anaheim, California. Soil samples were collected from each of the borings at 5-foot intervals from 5 feet to 36 feet below ground surface (bgs) for lithologic evaluation and chemical analysis. Soil-gas probes were constructed in each of the borings at depths of approximately 5, 15, and 25 feet bgs. Soil-gas samples were collected from each of the probes and analyzed on-site using a mobile laboratory operated by Jones Environmental, Inc. of Fullerton, California. Laboratory analysis of soil-gas samples indicated the presence of elevated concentrations of PCE in soil gas.

Soil samples selected for laboratory analysis were approved by the LARWQCB. Groundwater samples were obtained from each of the borings using HydroPunch® groundwater sampling techniques. Soil and groundwater samples were submitted to Alpha Scientific Corporation, Environmental Laboratories, a state-certified laboratory in Cerritos, California, for analysis.

Soil contamination identified at the site during this assessment is orders of magnitude below accepted screening levels for industrial sites and does not warrant further investigation. Groundwater at the site is impacted with PCE, however the PCE identified at the site cannot be attributed to an on-site source as no significant impact to site soil was encountered. Concentrations of PCE in groundwater are generally greatest in the northeast portion of the site and appear to be migrating from an off-site, up-gradient source.

The very low concentrations of contaminants identified in soil at the site does not correspond with contaminant concentrations observed in groundwater samples collected from the site. The lack of correlation between soil contaminant concentrations and groundwater contaminant concentrations suggests that groundwater contamination observed at the site can be attributed to an off-site, up-gradient source.

AA&A recommends that the LARWQCB consider the case for regulatory case closure as groundwater contaminants identified at the site are a result of an off-site, up-gradient source.

No further action regarding the soil and groundwater contaminants identified at the Fountain-Vine Plaza facility is warranted.

1. INTRODUCTION

Ami Adini & Associates, Inc. (AA&A) has prepared this *Environmental Site Assessment Report* for the Fountain-Vine Plaza located at 1253 Vine Street in Los Angeles, California 90028, hereinafter referred to as *the site* (Figures 1 and 2).

This report describes the objectives, methodologies, and activities that were performed to conduct the environmental assessment.

1.1 Objective

The purpose of conducting this environmental assessment was to evaluate soil-gas, soil, and groundwater conditions at the site. Previous site assessments indicated the presence of on-site tetrachloroethene (PCE) in soil and groundwater; however, concentrations detected in up-gradient and off-site sample locations to the northeast exceeded those on-site. The objective of this investigation was to evaluate if previously identified soil and groundwater contamination at the site could be attributed to an on-site source.

1.2 Scope of Work

The scope of work was based on AA&A's *Confirmation Site Assessment Work Plan* dated February 12, 2013, which was approved by the LARWQCB on February 28, 2013 (Appendix A). Based on the proposed scope of work, the investigation included the following:

- Health and safety plan (HSP) implementation;
- Pre-fieldwork preparation including obtaining of permits and Underground Service Alert (USA) notification;
- Advancement of 14 on-site, continuous-core, direct-push borings (B20 through B33) from grade to the groundwater table (approximately 30 feet below ground surface [bgs]; see Figures 2 and 3);
- Installation of three groundwater monitoring wells (MW1 through MW3);
- Collection of soil samples for lithologic evaluation, description, and chemical analysis;
- Chemical analysis of soil samples for TPHg, TPHd, and VOCs including fuel oxygenates;
- Collection of groundwater samples;
- Chemical analysis of groundwater samples for TPHg, TPHd, and VOCs including fuel oxygenates;
- Installation of soil-gas sampling probes at depths of approximately 5, 15 and 25 feet bgs, directly above the capillary fringe, in each boring.
- Collection of soil-gas samples.
- Chemical analysis of soil-gas samples for TPHg, TPHd, and VOCs including fuel oxygenates;
- Summary and tabulation of laboratory analytical data;
- Preparation of a site vicinity map, plot plans, and chemical concentration data maps;
- Preparation of this report detailing the activities and results of the investigation that includes a discussion of design criteria and locations of soil borings and groundwater monitoring wells; and
- Uploading of investigation-related documents in electronic deliverable format to the State Water Resources Control Board's (SWRCB) GeoTracker database.

2. SITE DESCRIPTION

The site lies within the Hollywood Subbasin of the Central Los Angeles Basin. Based on Google Maps ©, the site is located at latitude 34.0941000, 34°5'38.76"N, longitude 118.3273000, 118°19'38.28"W. The site is approximately 1.03 acres in size (approximately 44,793 square feet) and identified as the Fountain-Vine Plaza. The site is located on the southwest corner of the intersection of Fountain Avenue and Vine Street in a commercial and residential area. The site is bounded on the north (across Fountain Avenue) by the Academy of Motion Picture Arts and Sciences, Pickford Center, west and east (across Vine Street) by commercial businesses and south by a multi-story apartment complex in Los Angeles, California. The site is currently occupied by one two-story, L-shaped, multi-tenant commercial structure and parking lot. The site is paved with asphalt and concrete with exception to multiple planters throughout the site (Figures 2 through 3). Previous environmental assessments between 2008 and 2008 by AEI Consultants, Inc. (AEI) of Hermosa Beach, California, indicated the presence of PCE in soil and groundwater samples collected from several soil borings advanced throughout the site and the up-gradient (northeast) Paragon Cleaners site.

3. GEOLOGY AND HYDROGEOLOGY

3.1 Regional and Local Geology

The site is located in the Hollywood Piedmont Slope area of the Los Angeles Coastal Plain, on the northern side of the Hollywood Syncline (California Department of Water Resources [DWR], *Bulletin No. 104, Planned Utilization of the Groundwater Basins of the coastal plain of Los Angeles County, Appendix A, Groundwater Geology*, 1961, reprinted April 1998). The Santa Monica Mountains are located 1 mile to the north, and the east-west trending Santa Monica-Hollywood Fault is located 0.45 miles north of the site (California Department of Conservation, *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada*, February 1998).

The subsurface in the site vicinity consists of Recent alluvium, underlain by Pleistocene deposits of the Lakewood Formation. Within the Lakewood deposits lies the Bellflower Aquiclude, and the Exposition and Gage Aquifers (DWR 1961).

Based on soil lithology analysis from previous site assessments at the site, the subsurface consists of sandy silts with trace clay between ground surface and 10 feet below ground surface (bgs). From 10 to 20 feet bgs the subsurface consists of silts and fine- to coarse-grained sands and from 20 to 30 feet bgs (terminal depth) the subsurface consists of silt and clay (AEI, *Phase III Subsurface Investigation Report and Invoices*, July 31, 2006).

3.2 Regional and Local Hydrogeology

The site is located in the Hollywood Subbasin of the Central Groundwater Basin of the Los Angeles-San Gabriel Hydrologic Unit. According to the LARWQCB, groundwater within the basin has existing beneficial use for municipal, industrial and agricultural purposes (LARWQCB, *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, June 13, 1994).

Based on the most recent site assessment activities, depth to water in the vicinity of the site is between approximately 27.5 and 30 feet bgs (AA&A, 2013). Depth to water data was also available from the Paragon Cleaners site located approximately 154 feet northeast of the site at 1310 North Vine Street. Wells gauged between November 2008 and September 2009 reported depth to water ranging from 27.26 to 32.09 feet bgs with a general hydraulic gradient of 0.0060 feet per foot in the southwestern direction (Encon Solutions, Inc., of Los Angeles, California, *Results of Third Quarter 2009 Groundwater Sampling*, dated October 15, 2009).

4. SITE VICINITY HISTORY AND BACKGROUND

4.1 Property Ownership and Business Type

The property is currently owned by ALCA Properties, Ltd. of Los Angeles, California. The site consists of an active two-story multi-business L-shaped structure aligned to the southern and western property lines. The approximately 17,107 square-foot structure was constructed in 1984 (AEI, 2006). The structure appears to be constructed atop a slab-on-grade foundation. The structure is composed of stucco walls and a rubberized asphalt, torch-down, roof. The remaining portion of the site is occupied by a paved parking lot located adjacent to the north of the structure.

The structure on-site is currently occupied by several tenants operating various businesses. The majority of businesses on-site consist of restaurants. Several units on the second floor of the structure were vacant.

4.2 Prior Environmental Assessments

Environmental site assessment activities have been ongoing at the site since 2003. AA&A prepared a detailed discussion of the environmental history of the site and adjacent properties in the *Case Closure Assessment Report*, dated December 7, 2012. AA&A compiled the analytical data from the previously summarized site assessment reports associated with Fountain-Vine Plaza (site), and adjacently located Paragon Cleaners and Snow White Cleaners to evaluate the relationship and extent of PCE contamination in the vicinity of the site.

Based on analytical data from site assessment activities, AA&A concluded that the extent of PCE contamination in the subsurface extends from the Paragon Cleaners site to the Fountain-Vine site. AA&A believes Snow White Cleaners has had no impact on the subsurface at Fountain-Vine Plaza. Evidence of a large PCE release is indicated from the elevated PCE concentrations in shallow soil at the Paragon Cleaners site.

PCE concentrations in shallow soil at the Fountain-Vine Plaza suggest a small release occurred at the Fountain-Vine Plaza site; however, no evidence of a significant source mass has been identified.

It appears that the bulk of PCE contamination in soil is present in the subsurface of Paragon Cleaners at one to two times an order of magnitude higher than PCE concentration detected from any soil sample collected at Fountain-Vine Plaza.

Based on a review of historical groundwater elevation and analytical data, AA&A concluded that it appears the bulk of PCE contamination in groundwater has migrated from the Paragon Cleaners site (up-gradient) to the Fountain-Vine Plaza site (down-gradient).

PCE concentrations in soil at the Fountain-Vine Plaza do not correlate with concentrations detected in groundwater, which may indicate PCE concentrations detected in deep soil on-site may be the result of contaminant dispersion into the smear zone from the PCE contamination in groundwater originating from Paragon Cleaners.

5. SITE ASSESSMENT

Geologic work was performed under the supervision of a California Professional Geologist (PG) in compliance with the requirements of the Geologist and Geophysicists Act. Business and Professions Code sections 7800-7887.

5.1 Fieldwork Preparation

5.1.1 Health and Safety Plan

AA&A prepared a site-specific HSP, which was implemented in accordance with requirements of the Occupational Safety and Health Administration (29 Code of Federal Regulations 1910.120) to address the proposed scope of work. Requirements and guidelines for worker safety and hazard identification during all phases of the groundwater investigation are included in the HSP.

A site safety meeting was conducted every day prior to commencement of fieldwork, when the site-specific HSP was reviewed and signed by all field personnel involved with the assessment activities. The on-site health and safety officer was responsible for implementation of the HSP.

5.1.2 Pre-sampling Inspection and Access

Prior to fieldwork, AA&A conducted a reconnaissance to locate and mark all proposed boring locations with white paint in preparation for the fieldwork. Boring locations were inspected for site accessibility, underground utilities, and to identify additional potential issues that might be encountered during fieldwork.

5.1.3 Permitting and Agency Notification

Prior to initiating field activities a well installation permit was obtained from County of Los Angeles, Environmental Health, Drinking Water Program. The well installation permit obtained from the County of Los Angeles is included in Appendix B. The County of Los Angeles was notified at least 72 hours before drilling activities were commenced at the site so that representatives from the agency could be present during the fieldwork to inspect boring locations and observe drilling activities.

5.1.4 Underground Utility Locating

AA&A personnel marked the proposed boring locations with white paint in preparation for the fieldwork. Boring locations were marked appropriately to avoid underground utility lines or other hazards. AA&A then notified Underground Service Alert (USA) at least 48 hours before commencing any drilling activities at the site. USA notified companies and agencies of record that might have underground utilities in the vicinity of the proposed borings to clearly mark their respective utilities on the ground surface with spray paint so that they could be avoided during drilling.

5.2 Soil Borings and Sampling

5.2.1 Boring Location Rationale

The locations of the borings were selected to assist in evaluating the distribution of soil and groundwater contaminants potentially associated with historical dry cleaning and gasoline retail operations on-site. The soil borings completed during this assessment are identified as B20 through B33. The locations of the borings completed during this assessment are in the vicinity of historical dry cleaning and fuel distribution operations and are as follows:

- Borings B20, B21, B23, B25, B26 and B29 are located in the vicinity of the historical dry cleaning facility;
- Borings B22, B24, B28 and B33 are located in the vicinity of the former gasoline service station and area of significant PCE and TPHg groundwater contaminant detections;

- Boring B27 is located between the historical dry cleaning facility and gasoline service station to eliminate a previous lateral data gap; and
- Borings B30 through B32 are located along the perimeter of the on-site building to provide down-gradient information and confirm no vapor intrusion concerns are present.

5.2.2 Direct-Push Drilling Method

Between April 8 and 11, 2013, AA&A directed the advancement of 14 soil borings (B20 to B33) to a maximum depth of 36 feet bgs using direct-push drilling equipment operated by Millennium Environmental, Inc. (MEI) of Anaheim, California. Before the proposed borings were drilled, the upper 5 feet of each boring location were hand-augered to clear for subsurface obstructions. The borings were continuously cored using the dual-tube method between 5 and 36 feet bgs for detailed lithologic evaluation. Soil samples were collected at 5-foot intervals from 5 to 36 feet bgs and at any change in lithology or change in observed contamination. Select samples from each boring were submitted for laboratory analysis with the approval from the LARWQCB.

Soil samples collected during drilling were screened for VOCs by headspace analysis, using a photo-ionization detector (PID) calibrated to 100 parts per million (ppm) isobutylene. For each sampling interval, approximately 200 grams of soil were placed in a plastic bag and sealed to allow organic vapors to volatilize for several minutes prior to each measurement. After the soil and the atmosphere in the sealed plastic bag were allowed to equilibrate, the probe tip of the PID was inserted into the plastic bag, and VOCs (in ppm) were recorded on the boring logs. The boring number, sample depth, lithologic description, discolorations, and PID readings were noted on the boring logs (Appendix C).

5.2.3 Soil Sample Collection Procedures

Soil samples were collected in 1.5-inch-diameter acetate liners protected by an outer steel sampler housing, hydraulically driven into the soil using the dual-tube, direct-push method. The field geologist, under the supervision of a senior PG, recovered the soil samples for lithologic identification and cut portions of recovered samples for headspace analysis. Upon collection, the soil sample collected in the liner was sealed with Teflon® film and plastic caps. EPA Method 5035 compliant sample containers were used for sample collection and preservation. Samples were labeled, placed in a zipper-lock bag, placed on ice, and transported to a state-certified analytical laboratory under chain-of-custody documentation. Soil was described in accordance with the Unified Soil Classification System. In addition, the samples were observed for color, texture, moisture content, plasticity, physical evidence of soil contamination (i.e., odor, discoloration), and any other notable characteristics and recorded on the boring log.

5.2.4 HydroPunch® Groundwater Sample Collection Procedures

Groundwater samples were obtained from each of the borings using HydroPunch® groundwater sampling techniques. The drilling subcontractor prepared the HydroPunch® sampling device according to the manufacturer's instructions and lowered the device to the bottom of the borehole. The drill rod was sealed with built-in gaskets, Teflon® tape, or an equivalent sealing method. The sampling device was drilled to the desired sampling depth into undisturbed materials below the borehole bottom. The rod was then withdrawn to expose the screen of the sampling device. After waiting a sufficient time to allow the sampler to fill with water, the field technician collected a groundwater sample using an inertia pump or bailer lowered through the rods and body of the sampler. Groundwater samples were collected from the sample tubing or bailer directly into 40-milliliter volatile organic ampoules (VOAs) for each sample. The VOAs were sealed with Teflon®-lined caps, labeled, placed on ice, and transported to a state-certified laboratory for analysis.

5.2.5 Chemical Analytical Program for Soil and Groundwater Samples

Analytical methods complied with requirements of the LARWQCB and included the following test protocols for each of the soil and groundwater samples analyzed from borings B20 through B33:

- EPA Method 8260B for Full Scan VOCs including benzene, toluene, ethylbenzene, and total xylenes (collectively BTEX) and fuel oxygenates.

The samples were submitted to Alpha Scientific Corporation, Environmental Laboratories, a state-certified laboratory in Cerritos, California, for analysis. All laboratory analyses was completed on a standard turnaround schedule.

Sample collection, management, and analysis was conducted in accordance with the procedures specified in

- - California Code of Regulations Title 22, Division 4.5, Chapter 11, Article 3, Section 66261.20(c); and
- US Environmental Protection Agency, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846*, Office of Solid Waste and Emergency Response, Washington, DC, Third Edition, Final Update IV 2008.

All data was submitted in electronic delivery format to the SWRCB GeoTracker database in accordance with electronic data submittal requirements.

5.2.6 Soil Description

The AA&A field geologist, under the supervision of a professional geologist, described the soil in accordance with the Unified Soil Classification System. In addition, the soil samples were observed for color, texture, moisture content, plasticity, visible evidence of soil contamination (i.e., odor, discoloration), and any other notable characteristics. In general, soil lithology in the borings consisted primarily of silty sand and sandy clay.

The boring number, sample depth, lithologic description, discolorations, and PID readings were documented on the boring logs (Appendix C).

5.2.7 DPT Equipment Decontamination

The drilling rods were decontaminated before drilling with a steam-cleaning unit. All reusable sampling equipment was decontaminated before and after each use to assure the quality of samples collected. Decontamination was performed using the following procedure:

- Washing in non-phosphate detergent and tap water wash, using a brush as necessary;
- Rinsing in clean tap water; and
- Final rinsing in deionized/distilled water.

5.2.8 Active Soil-Gas Survey Sampling Rationale

Soil-gas sampling for VOCs was completed to evaluate the lateral and vertical extent of VOC impact and assist in the selection of soil samples to be submitted for analysis. The boring locations are shown on Figure 2 and indicate the general areas where the borings were located, based on field conditions and clearance in those areas.

5.2.9 Active Soil-Gas Survey Methodology

AA&A installed soil-gas probes in each boring (B20 through B33), as shown on Figure 2, depths of approximately 5, 15, and 25 feet bgs, directly above the capillary fringe. The soil-gas probe installation, leak testing procedures, determination of purge time/volumes, purge rates, and sample collection methodologies were conducted in general accordance with Cal/EPA's *Advisory – Active Soil-gas Investigation* (Cal/EPA, 2010). The soil-gas sampling and analysis was completed by Jones Environmental, Inc. of Fullerton, California.

5.2.10 Soil-Gas Probe Construction

Installation of the soil-gas probes was performed in accordance with the semi-permanent soil-gas probe construction guidelines described in the Cal/EPA advisory. The soil-gas probes were installed using a Geoprobe® 6600 truck-mounted DPT rig operated by MEL, equipped with 2.25-inch-diameter, dual-tube direct-push rods. Each boring was completed to a maximum depth of 36 feet bgs. After each boring was advanced to the desired depth, and the capillary fringe was identified, the bottom of the borings was backfilled with hydrated bentonite to the desired depth. Approximately 1-foot of dry granular bentonite was placed above the hydrated bentonite. Approximately 6-inches of clean, graded (#3), kiln-dried Lone Star sand was placed above the bentonite. A 0.5-inch-diameter by 2.5-inch-long stainless steel soil-gas probe implant connected to an appropriate length of 0.25-inch-diameter Nylaflo® sampling tube was lowered to the top of the sand pack and approximately 6-inches of clean, graded (#3), kiln-dried Lone Star sand was placed above the probe, followed by dry granular bentonite, then hydrated bentonite. Soil-gas probes were set at approximately 5, 15 and 25 feet bgs. Dedicated tubing was installed for each soil-gas probes and each was marked clearly at the surface. A soil-gas probe construction diagram is provided as Figure 4.

5.2.11 Purge Testing

The purpose of purge testing was to ensure that stagnant air was removed from the sampling system and soil-gas samples collected were representative of subsurface conditions. Purge testing of one, three, and seven tubing volumes (1V/3V/10V) was conducted at the beginning of the soil-gas investigation to evaluate the appropriate purge volume to use during this investigation. The purge test was conducted in B26-15. Purging was accomplished using a vacuum pump, calibrated flow meter, and vacuum gauge. After the initial 1V/3V/10V test, the purge volume selected for the investigation corresponded to the sample result showing the highest concentrations of detected VOCs. Based on this rule, the 1V purge volume was selected.

5.2.12 Leak Testing

Leakage during soil-gas sampling may dilute samples with ambient air and produce results that underestimate actual site concentrations or contaminate the sample with external contaminants. A leak test was conducted at every probe location. A tracer gas mixture of n-propanol and n-pentane was used as the leak-check compound. The tracer compound was placed near the top of the temporary probe to evaluate surface leaks into the subsurface. The leak-check compound was not detected in any of the soil-gas samples.

5.2.13 Soil-gas Sampling and Handling Procedures

Soil-gas samples were collected at least 2 hours after installation of the probes, using a system constructed of stainless steel, glass, and Teflon® components. Samples were collected by withdrawing a soil-gas sample from the moving sample stream, using a glass syringe fitted with a disposable needle and Mininert® gas-tight valve and vacuum gauge. The sample withdrawal rate was approximately 200 milliliters per minute. After collection, soil-gas samples were transferred to a mobile laboratory for direct injection into a gas chromatograph for analysis of VOCs.

Soil-gas samples collected were analyzed immediately at a mobile laboratory. The glass syringes were kept in a cool, dark place at all times. The samples were wrapped in foil and stored in an insulated container until they were analyzed. The samples were not subjected to extreme hot or cold temperatures.

To identify and manage samples obtained in the field, a sample label was affixed to each sample container. The sample labels included the following information:

- Project number;
- Site name;
- Sample identification (sample location number); and
- Date and time of collection.

5.2.14 Soil-Gas Probe Borehole Abandonment

At the conclusion of sampling, all soil-gas probe tubing was cut to an elevation below grade and capped. The capped soil-gas probes were covered with a 2-inch diameter PVC cap and the surface was patched with cold asphalt or concrete, as required, to match the existing ground surface.

5.2.15 Soil-Gas Analytical Procedures

Soil-gas samples were collected at 5, 15, and 25 feet bgs from B20 through B33, and analyzed for VOCs by EPA Method 8260B, using an on-site mobile laboratory in accordance with the Cal/EPA advisory.

5.3 Monitoring Well Installation

On April 8, 2013, AA&A installed groundwater monitoring wells (MW1 through MW3) using pre-pack, 1-inch diameter PVC well materials. Each well consisted of a 0.01-inch slot size, perforated PVC (Schedule 40) screen and blank 1-inch-diameter PVC casing. The length of the blank casing for each well is 25 feet, and screened intervals extend from approximately 25 to 45 feet bgs. The annular space of the wells was backfilled with #3 Monterey sand from the bottom of the borehole to approximately 22 feet bgs. The wells were then surged to allow the sand pack to settle. Surging techniques also remedy potential bridging problems that may have arisen during filter pack installation. An approximately 3-foot bentonite chip seal was placed above the sand. The remaining annulus was sealed with hydrated bentonite to within 1 foot of the surface. A locking water-tight cap was installed on each well. The wells were each completed with a 10-inch-diameter, traffic-rated well box encased in concrete approximately 0.25-inches above the surrounding surface to prevent water runoff from entering the well box.

5.3.1 Well Development

On April 11, 2013, wells MW1 through MW3 were developed to remove suspended solids and/or other drilling fluids and materials, using a surge block and hand-bailer or submersible, pneumatic pump. Development was accomplished by mechanically moving the surge block and bailer gently up and down the well casing to remove drilling fluids, suspended solids, settled solids, and other fine-grained materials that could inhibit well yield from the well screen. Well development continued until the following was achieved:

- Up to five well volumes of fluids were extracted from each well;
- The temperature, pH, conductivity, and turbidity of the removed water had stabilized; and
- Suspended solids had been removed so that the water cleared of cloudiness or turbidity (visual observation), and the silt buildup at the bottom of the wells was removed. The total well depth was measured during well development to monitor the removal of silt buildup.

5.3.2 Well Elevation Survey

On April 16, 2013, the elevations of the newly installed groundwater monitoring wells and well box rims were surveyed relative to Los Angeles County Benchmark designated number 13670 (NGVD29) by J. B. Koenig & Associates, Inc. of Anaheim, California, a California-licensed land surveying company. The survey report also includes longitude and latitude coordinates for each well. The well elevation survey report is included in Appendix D.

The upload of all electronic data from the elevation survey was conducted concurrently with submittal of this report in accordance with the State of California Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) to the SWRCB GeoTracker website.

5.3.3 Groundwater Monitoring

On April 16, 2013, AA&A gauged, purged and sampled the new groundwater monitoring wells (MW1 through MW3) and the three existing wells (W-1 through W-3) located at Paragon Cleaners, northeast and up-gradient from Fountain-Vine Plaza. Monitoring was conducted in accordance with the LARWQCB requirements as stated in their letter dated February 28, 2013 (Appendix A).

Prior to the well purging and sampling, the AA&A field geologist measured the depth to groundwater in each well, using an electronic oil/water interface probe. Depths to groundwater were recorded to the nearest 0.01 foot. Monitoring wells were purged according to regulatory guidelines, as detailed in AA&A's standard operating procedures for groundwater monitoring (Appendix E). A groundwater monitoring data summary report is provided in Appendix F. Groundwater monitoring and sampling data field sheets are included in Appendix G.

5.4 Disposal of Investigation-Derived Wastes

Soil cuttings and decontamination water generated during the drilling of the soil borings were placed in Department of Transportation-approved, 55-gallon drums and stored on-site for disposal. The drums were identified with labels including the name of waste generator, type of waste (soil or water), and accumulation date.

Disposal of the investigation derived waste is currently being coordinated. Manifests documenting the transportation and disposal of the soil cuttings and decontamination water will be provided to the LARWQCB as an addendum to this report.

5.5 Deviations from Work Plan

Pre-pack groundwater monitoring wells were installed at three locations. The borings advanced for the installation of the monitoring wells were completed adjacent to their corresponding boring. No soil samples were collected from the borings completed as monitoring wells. No other modifications to the work plan were required during this investigation.

6. DISCUSSION OF FINDINGS

6.1 Soil-gas Conditions

Soil-gas samples were collected from each of the borings at 5, 15, and 25 feet bgs. Laboratory analysis of soil-gas samples indicated the presence of PCE, toluene, and benzene in the subsurface.

- Concentrations of PCE were reported in at least one soil-gas sample collected from each of the borings. The California Human Health Screening Level (CHHSL), soil-gas screening number for volatile chemicals below buildings with engineered fill below sub-slab gravel established by the California Office of Environmental Health Hazard Assessment for PCE in soil-gas in industrial settings is 1.6 µg/L (September 2010). Concentrations of PCE exceeding the CHHSL were reported in samples collected from borings B22, B24 through B29, and B31 through B33. The highest concentrations of PCE were reported in the samples collected from borings B24 (208 µg/L at 25 feet bgs) and B33 (289 µg/L at 25 feet bgs). The remaining detections of PCE in soil-gas were generally below 30 µg/L. Cross sections illustrating the distribution of PCE in soil-gas were prepared and are included as Figures 5 and 6. The lines of the cross sections are shown on Figure 2.
- Toluene was reported in a least one soil-gas sample collected from borings B22, B23, B25, B27 through B31. The highest concentration of toluene was reported in the sample collected from B30 (1.19 µg/L at 25 feet bgs). Concentrations of toluene reported in the samples did not exceed the soil-gas screening number for volatile chemicals below buildings with engineered fill below sub-slab gravel industrial CHHSL of 890 µg/L or the residential CHHSL of 320 µg/L.
- Benzene was reported at a concentration of 0.048 µg/L in the soil-gas sample collected from boring B30 at 25 feet bgs. The reported concentration of benzene did not exceed the industrial soil-gas screening number for volatile chemicals below buildings with engineered fill below sub-slab gravel CHHSL of 0.280 µg/L or the residential CHHSL of 0.085 µg/L.

Summarized analytical results for soil-gas samples are presented in Table 1. Complete laboratory analytical reports and chain-of-custody documentation for the soil-gas samples are provided in Appendix H.

6.2 Soil Conditions

Soil lithology in the borings generally consisted of silty sand and sand with varying degrees of grading. Dark brown, silty sand was generally encountered in the borings from ground surface to depths up to 12 feet bgs. The silty sand graded to poorly graded sand. Grain size and the degree of grading varied in the borings and ranged from fine-grained, silty sand to well graded, fine- to coarse-grained, sand between approximately 12 and 36 feet bgs, the maximum depth explored. Clayey sand was encountered between approximately 28 and 32 feet bgs in borings B26 and B29.

No hydrocarbon or chlorinated solvent odors were observed in any of the borings. A maximum PID measurement of 0.5 ppm was recorded for the samples collected from boring B30 at 30 feet bgs. No artificial fill, debris, or trash was observed in the samples collected from any of the borings. The boring numbers, sample depths, lithologic descriptions, discolorations, and PID readings were documented on the boring logs (Appendix C). Field observations and laboratory analytical results for the soil-gas samples were reviewed and evaluated to select soil samples to be analyzed. AA&A reviewed laboratory analytical results for soil-gas samples collected from the site borings and prepared a soil sample analysis plan and discussed the samples to be submitted for analysis with the LARWQCB. Soil samples selected for laboratory analysis were approved by the LARWQCB.

PCE and VOCs are the primary contaminants of concern. Laboratory analytical results indicate the following:

- PCE, di-isopropyl ether (DIPE), ethylbenzene, n-propylbenzene, sec-butylbenzene, and/or naphthalene were reported in the soil samples selected for analysis.
- PCE concentrations were reported in samples analyzed from borings B24 through B29, and B32. The maximum PCE concentration of 0.0139 mg/kg was reported in the sample collected from boring B32 at 25 feet bgs. The reported PCE concentrations did not exceed the regional screening level (RSL) for industrial soil established by Region 9 of the EPA of 110 mg/kg.

- Concentrations of DIPE, ethylbenzene, n-propylbenzene, sec-butylbenzene, and naphthalene were de minimis and did not exceed their respective RSL for industrial soil.

Summarized analytical results for soil samples are presented in Table 2. Complete laboratory analytical reports and chain-of-custody documentation for the soil samples are provided in Appendix I.

6.3 Groundwater Conditions - HydroPunch® Groundwater Sampling

Groundwater samples were obtained from each of the borings using HydroPunch® groundwater sampling techniques, with the exception of boring B30. No water sample was collected from boring B30 due to the proximity of the boring to monitoring well MW2. First indications of groundwater were generally encountered in the borings between approximately 28 and 30 feet bgs.

PCE and VOCs are the primary contaminants of concern and were reported in the samples as follows:

- TPHg, PCE, trichloroethene (TCE), and chloroform were reported in the groundwater samples collected from the borings.
- PCE was reported in each of the 13 HydroPunch® groundwater samples at concentrations ranging from 8.8 µg/L (B20W) to 7,790 µg/L (B32W). Concentrations of PCE exceeded the California maximum contaminant level (MCL) of 5.0 µg/L in all of the samples analyzed.
- TCE was reported in two of the 13 samples submitted for analysis at concentrations of 1.8J µg/L (B28W) and 3.3 µg/L (B31W). Concentrations of TCE did not exceed the MCL of 5.0 µg/L.
- TPHg was reported in 10 of the 13 samples submitted for analysis at concentrations ranging from 52J µg/L (B21W) to 8,480 µg/L (B32W). No other components of gasoline, such as BTEX and fuel oxygenates, were reported in any of the HydroPunch® groundwater samples submitted for analysis.
- Estimated concentrations of chloroform were reported in nine of the 13 samples submitted for analysis. The maximum reported concentration of chloroform was an estimated concentration of 1.8 µg/L. The MCL for chloroform is 80 µg/L.

Summarized analytical results for HydroPunch® groundwater samples are presented in Table 3. Laboratory analytical results and chain-of-custody documentation for the HydroPunch® groundwater samples collected during the assessment are included in Appendix J. A site map illustrating the distribution of PCE in the HydroPunch® groundwater samples is provided as Figure 3.

6.4 Groundwater Conditions – Groundwater Monitoring

The depth to water in the groundwater monitoring wells at the site and the wells located at the Paragon Cleaners facility located northeast and up-gradient of the site, ranged from 28.58 (MW3) to 29.85 (W-2). Groundwater in the vicinity of the sites flows towards the southwest at an approximate gradient of 0.0229 feet per foot. PCE and TPHg were reported in the groundwater samples collected from the monitoring wells at the sites. Laboratory analysis of groundwater samples collected from the monitoring wells indicates the following:

- PCE was reported in the water samples collected from all three site wells and the three wells at Paragon Cleaners at concentrations ranging from 26.1 (MW2) to 6,160 (W-2 at Paragon Cleaners).
- TPHg was reported in five of the six groundwater samples collected from the wells at concentrations ranging from an estimated concentration of 93 µg/L (W-3 at Paragon Cleaners) to 4,700 µg/L (W-2 at Paragon Cleaners). No other components of gasoline, such as BTEX and fuel oxygenates, were reported in any of the groundwater samples submitted for analysis.

- An estimated concentration of chloroform (1.4J µg/L) was reported in the water samples collected from wells MW2 and W-3.

Summarized analytical results for groundwater samples are presented in Table 4. A groundwater contour map is provided as Figure 7. A groundwater contaminant isoconcentration map for PCE is provided as Figure 8. Groundwater gradient calculation data is provided in Appendix K. Laboratory analytical results and chain-of-custody documentation for the water samples collected from the monitoring wells during the assessment are included in Appendix L. A groundwater monitoring data summary report is provided in Appendix F.

7. CONCLUSIONS AND RECOMMENDATIONS

Based on the results of this site assessment, AA&A has summarized the following conclusions and recommendations:

- Between April 8 and April 16, 2013, AA&A directed the installation of three groundwater monitoring wells, the advancement of 14 soil borings, installation and sampling of soil-gas probes in each of the 14 borings, and the purging and sampling of the three groundwater monitoring wells at the site and three wells at the Paragon Cleaners facility, located northeast of the site in the up-gradient direction.
- Based on the findings of the site assessment, AA&A concludes that lateral and vertical extent of soil contamination at the site has been fully delineated. Soil contamination identified at the site during this assessment is orders of magnitude below accepted screening levels for industrial sites and does not warrant further investigation.
- Groundwater at the site is impacted with PCE; however, the PCE identified at the site cannot be attributed to an on-site source as no significant impact to site soil was encountered. Concentrations of PCE in groundwater are generally greatest in the northeast portion of the site and appear to be migrating from an off-site, up-gradient source.
- The very low concentrations of contaminants identified in soil at the site does not correspond with contaminant concentrations observed in groundwater samples collected from the site. The lack of correlation between soil contaminant concentrations and groundwater contaminant concentrations suggests that groundwater contamination observed at the site can be attributed to an off-site, up-gradient source.
- The presence of TPHg reported in the groundwater samples collected from the sites appears to be a false positive. The concentrations reported by a TPHg analysis are a combined total of organic compounds within a specific carbon range; PCE falls within the range of compounds reported in the TPHg analysis. The conclusion that the reported concentrations of TPHg are false positives is supported by the fact that the reported PCE concentrations generally correspond with the reported TPHg concentrations for each of the samples. Additionally, no other constituents of gasoline, such as BTEX, or fuel oxygenates, were reported in any of the soil or groundwater samples submitted for analysis.
- AA&A recommends that the LARWQCB consider the case for regulatory case closure as groundwater contaminants identified at the site are a result of an off-site, up-gradient source.
- No further action regarding the soil and groundwater contaminants identified at the Fountain-Vine Plaza facility is warranted.

8. REFERENCES

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Costa Mesa, California 92626-1998
3 Telephone: 714-641-5100
Facsimile: 714-546-9035

4 Attorneys for Petitioner
5 ALCA Properties, Ltd.

6
7
8 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
9

10
11 In the Matter of:

12 The California Regional Quality Control
13 Board, Los Angeles Region's Refusal To Act
Regarding the Fountain-Vine Plaza Property
14 located at 1253 N. Vine Street, Los Angeles,
California 90028 and the Paragon Cleaners
15 Property located at 1300-1310 Vine St, Los
Angeles, CA 90028

AMENDED COMPENDIUM OF
EXHIBITS IN SUPPORT OF PETITION
FOR REVIEW OF ALCA PROPERTIES,
LTD.

[Water Code § 13320 and Title 23, CCR §
2050, et seq.]

AMENDED INDEX OF EXHIBITS
ALCA Properties, Ltd. Petition for Review
February 26, 2015

1	Exhibit 1	ALCA Letter to the Regional Board	09/20/2006
2	Exhibit 2	Case Closure Assessment Report for the Fountain -Vine Plaza	12/07/2012
3	Exhibit 3	Phase III Environmental Site Assessment for the Fountain-Vine Plaza	07/31/2006
4	Exhibit 4	Oversight Cost Reimbursement Agreement with Regional Board Staff	02/07/2006
5	Exhibit 5	Environmental Site Assessment Work Report	05/15/2013
6	Exhibit 6	Assessment Workplan for Fountain-Vine Plaza	12/09/2013
7	Exhibit 7	Letter Approval from Regional Board Staff of Assessment Workplan	12/18/2013
8	Exhibit 8	Revised Assessment Workplan for Fountain-Vine Plaza	01/21/2014
9	Exhibit 9	Letter Approval from Regional Board Staff of Revised Assessment Workplan	02/06/2014
10	Exhibit 10	Further Revised Workplan for Fountain-Vine Plaza	02/12/2014
11	Exhibit 11	Regional Board Letter approving Well locations in Further Revised Workplan	03/03/2014
12	Exhibit 12	Rutan & Tucker Letter to Regional Board Executive Officer	04/22/2014
13	Exhibit 13	Regional Board Executive Officer Letter Directing Alternative Workplan to Investigate for DNAPL	07/11/2014
14	Exhibit 14	Regional Board Executive Officer Letter Revising DNAPL Investigation	09/17/2014
15	Exhibit 15	Geosyntec Consultants Technical Memorandum	10/10/2014
16	Exhibit 16	Regional Board Approval Letter of Workplan for Additional Site Assessment	02/28/2013
17	Exhibit 17	Rutan & Tucker Letter To Regional Board Executive Officer	10/10/2014
18	Exhibit 18	Rutan & Tucker Letter To Regional Board Executive Officer	11/25/2014
19	Exhibit 19	Regional Board First Past Due Invoice for Invoice No. 87966	12/12/2014
20	Exhibit 20	First, Second and Third Quarter Regional Board Invoices for 2014	2014
21	Exhibit 21	Regional Board In Response to November 25, 2014 Letter from Rutan & Tucker	01/30/15
22	Exhibit 22	Regional Board In Response to October 10, 2014 Letter from Rutan & Tucker	01/30/15
23	Exhibit 23	Regional Board Letter Re Draft Cleanup and Abatement Order for Paragon Cleaners	01/22/15
24	Exhibit 24	Rutan & Tucker Letter Re Objections to Invoices	01/26/15

Exhibit “1”

September 20, 2006

Mr. Paul Cho
Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RECEIVED
05 SEP 26 PM 2:10
REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

RE: SLIC # 1196 - Fountain-Vine Plaza, 1253 N. Vine Street, Hollywood

Dear Mr. Cho;

Please find enclosed a copy of a "Phase III Subsurface Investigation" report dated 7/31/06, conducted at and adjacent to the above-referenced site.

It is apparent that the groundwater contamination encountered at the subject site's far NE corner is a direct result of the up-stream contamination encountered at Paragon Cleaners on 1310 Vine Street (I believe; SLIC # 1186).

Please cause whatever board action necessary to clear our site.

Awaiting your earliest response, I remain,

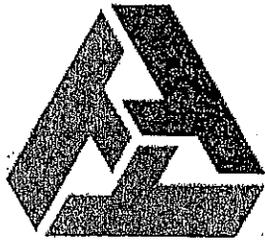
Sincerely Yours,

Consolidated Equities, Inc.
ALCA Properties, LTD



Carl A.H. Van Quathem

Exhibit “2”



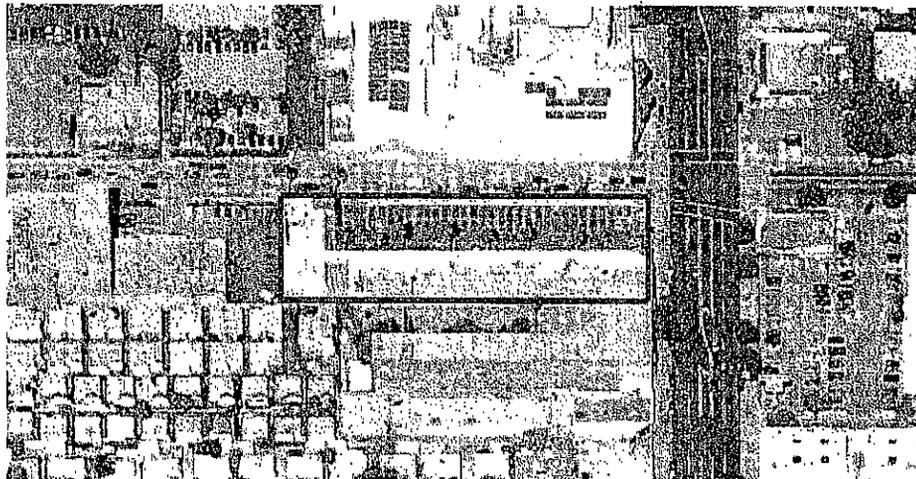
**Ami Adini
& Associates, Inc.**

CASE CLOSURE ASSESSMENT REPORT

**Fountain-Vine Plaza
1253 Vine Street, Los Angeles, California 90028, LARWQCB Case #1196**

Prepared for
**Mr. Carl Van Quathem
ALCA Properties, Ltd.
13356 Nutmeg Avenue, Los Angeles, California 90066**

December 7, 2012



Project No. Fountain-Vine.p01

Submitted to
**Mr. Henry Jones
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200, Los Angeles, California 90013**

**4130 Cahuenga Blvd., Ste. 113, Los Angeles, California 91602
818.824.8102 • 818.824.8112 fax
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**Ami Adini
& Associates, Inc.**

December 7, 2012
Project No. Fountain-Vine.p01
Via PDF

Mr. Carl Van Quathem
ALCA Properties
13356 Nutmeg Avenue
Los Angeles, California 90066
Email: cvq.cei@gmail.com
Phone: (310) 390-5000 ext. 55

**Re: Case Closure Assessment Report, Fountain-Vine Plaza, 1253 Vine Street, Los Angeles, California
90028, LARWQCB Case #1196, Global ID SL0603734628**

Dear Mr. Van Quathem:

Ami Adini & Associates, Inc. (AA&A), has prepared this *Case Closure Assessment Report* to present the work performed and findings of a review of available site assessment information to evaluate the presence of contaminants in the subsurface at the Fountain-Vine Plaza in Los Angeles, California. Based on the results of the site document and analytical data review, AA&A determined that the case should be closed or conditionally closed independent of cleanup efforts at the surrounding cleanup sites.

This investigation was performed in accordance with the AA&A *Proposal for Environmental Case and Closure Assessment*, dated October 5, 2012.

It has been a pleasure providing you with our services. We look forward to assisting you with future needs. If you have any questions regarding this report, or if we can be of further assistance, please do not hesitate to contact me at (818) 824-8102.

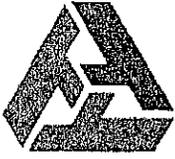
Respectfully submitted,
AMI ADINI & ASSOCIATES, INC.



Gabriele Baader, PG
Director of Environmental Engineering
Professional Geologist No. 7015, Expiration April 30, 2014

GB:gi

cc: Addressee (PDF and Hardcopy)
Mr. Henry Jones (Hard Copy)



**Ami Adini
& Associates, Inc.**

December 7, 2012
Project No. Fountain-Vine.p01
Via PDF

Mr. Henry Jones
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

**Re: Case Closure Assessment Report, Fountain-Vine Plaza, 1253 Vine Street, Los Angeles, California
90028, LARWQCB Case #1196, Global ID SL0603734628**

Dear Mr. Jones:

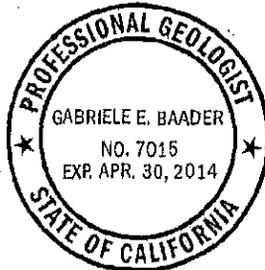
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If you have any questions, please contact me at (818) 824-8102 or by email at gabi@amiadini.com. Your attention to this matter will be deeply appreciated.

Respectfully submitted,

AMI ADINI & ASSOCIATES, INC.

Gabriele Baader, PG
Director of Environmental Engineering
Professional Geologist No. 7015, Expiration April 30, 2014



GB:gi

cc: Addressee (PDF & Hard Copy)
Mr. Carl Van Quathem (Hard Copy)

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Figure 2 – Site Map

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Figure 7 – PCE in Groundwater

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Tables

Table 1 – Analytical Soil Results, Fountain-Vine Plaza (2005)

Table 2 – Historical Analytical Groundwater Data, Fountain-Vine Plaza and Paragon Cleaners

Table 3 – Analytical Soil Gas Results, Paragon Cleaners (2008)

Table 4 – Analytical Soil Results, Paragon Cleaners (2008)

Table 5 – Historical Groundwater Data, Paragon Cleaners (2009)

COMMON ABBREVIATIONS

°C	Degrees Celsius	DO	Dissolved oxygen
°F	Degrees Fahrenheit	DPE	Dual-phase extraction
95UCL	95 percent upper confidence limit	DQO	Data quality objective
AA&A	Ami Adini & Associates, Inc.	DTSC	Department of Toxic Substances Control
AOC	Area of concern	DWR	California Department of Water Resources
AOPC	Area of potential concern	EB	Equipment blank
AQMD	Air Quality Management District (South Coast)	EIR	Environmental impact report
ARAR	Applicable, relevant or appropriate requirement	EQL	Estimated quantification limit (also LDL & PQL)
AST	Aboveground storage tank	EPA	U.S. Environmental Protection Agency
ASTM	American Society for Testing and Materials	ESA	Environmental site assessment
BAT	Best available technology	ESL	Environmental screening level
BACT	Best available control technology	ETBE	Ethyl tertiary butyl ether
bgs	Below ground surface	FID	Flame-ionization detector
BMP	Best management practice	FSP	Field sampling plan
BOD	Biochemical oxygen demand	ft	Foot or feet
BTEX	Benzene, toluene, ethylbenzene, and xylenes	GC/MS	Gas chromatography/mass spectrometry
Cal/EPA	California Environmental Protection Agency	GW	Groundwater well
CAP	Corrective action plan	GWM	Groundwater monitoring well
CCR	California Code of Regulations	H ₂ S	Hydrogen sulfide
CCRWQCB	Central Coast Regional Water Quality Control Board	HDPE	High-density polyethylene
CEQA	California Environmental Quality Act	HAZWOPER	Hazardous waste and operation
CERCLA	Comprehensive Environmental Response, Compensation & Liability Act	HHRA	Human health risk assessment
cfm	Cubic feet per minute	HHSE	Human health screening evaluation
CFR	Code of Federal Regulations	HI	Hazard index
CH ₄	Methane	HQ	Hazard quotient
CHHSLs	California Human Health Screening Levels	HRC	Hydrogen-releasing compound
COC	Chain of custody	HSA	Hollow-stem auger
COC	Chemical of concern	HSC	Health and Safety Code
COPC	Chemical of potential concern	HSP	Health and safety plan
CRRWQCB	Colorado River Regional Water Quality Control Board	HVDPE	High-vacuum dual-phase extraction
CSF	Cancer slope factor	HVOC	Halogenated volatile organic compound
CSM	Conceptual site model	IDW	Investigation-derived waste
CUPA	Certified Unified Program Agency	IRIS	Integrated Risk Information System
CWA	Clean Water Act	J "flag"	Chemical detected below LDL, EQL or PQL
DAF	Dilution-attenuation factor	kg	Kilogram
DCA	Dichloroethane	K _{oc}	Organic carbon partition coefficient
DCE	Dichloroethene or dichloroethylene	LACDHS	Los Angeles County Department of Health Services
DDD	Dichloro-diphenyl-dichloroethane	LACDPW	Los Angeles County Department of Public Works
DDE	Dichloro-diphenyl-dichloroethene	LACFD	Los Angeles County Fire Department
DDT	Dichloro-diphenyl-trichloroethane	LADD	Lifetime average daily dose
DHS	Department of Health Services	LADPW	Los Angeles Department of Public Works
DIPE	Di-isopropyl ether	LAFD	Los Angeles City Fire Department
DNAPL	Dense non-aqueous-phase liquid		

LARWQCB	Los Angeles Regional Water Quality Control Board	PPE	Personal protective equipment
LDL	Laboratory detection limit (also EQL and PQL)	ppm	Parts per million
LNAPL	Light non-aqueous-phase liquid	ppmv	Parts per million by volume
LRWQCB	Lahontan Regional Water Quality Control Board	PQL	Practical quantification limit (also EQL and LDL)
LUST	Leaking underground storage tank	PRC	Preliminary remediation goal (EPA)
MDL	Method detection limit	PRGi	Industrial preliminary remediation goal (EPA)
MEK	Methyl ethyl ketone (or 2-butanone)	PRGr	Residual preliminary remediation goal (EPA)
mg/kg	Milligrams per kilogram	PRP	Potentially responsible party
mg/L	Milligrams per liter	QAPP	Quality assurance project plan
MNA	Monitoring and natural attenuation	QA/QC	Quality assurance/quality control
M,p-xylene	Meta, para-xylene	QC	Quality control
mph	Miles per hour	RAP	Remedial action plan
MSL	Mean sea level	RCRA	Resource Conservation and Recovery Act
MTBE	Methyl tertiary butyl ether	REC	Recognized environmental condition
mV	Millivolt	REL	Reference exposure level
MW	Monitoring well	RfD	Reference dose
MWD	Metropolitan Water District	RI/FS	Remedial investigation/feasibility study
NA	Not applicable	RL	Reporting limit
ND	Not detected at or above method quantification limit	RME	Reasonable maximum exposure
NEPA	National Environmental Policy Act	RP	Responsible party
NE	Not established	RSL	Regional soil screening level (EPA)
NFA	No further action	RWQCB	Regional Water Quality Control Board
NPDES	National Pollution Discharge Elimination System	SAP	Sampling and analysis plan
NPL	National Priority List	SARA	Superfund Amendments & Reauthorization Act
NS	Not sampled	SARWQCB	Santa Ana Regional Water Quality Control Board
NTU	Nephelometric turbidity unit	scfm	Standard cubic feet per minute
OCHCA	Orange County Health Care Agency	SDRWQCB	San Diego Regional Water Quality Control Board
OCWD	Orange County Water District	SFBRWQCB	San Francisco Bay Regional Water Quality Control Board
OEHHA	Office of Health Hazard Assessment	SGS	Soil-gas survey
ORP	Oxidation reduction potential	SHSP	Site-specific health and safety plan
OSHA	Occupational Safety and Health Administration	SIC	Standard Industrial Classification
OVA	Organic vapor analyzer	SLIC	Spills, Leaks, Investigation and Cleanup
O&G	Oil and grease	SLOCEHD	San Luis Obispo County Environmental Health Department
o-xylene	Ortho-xylene	SMCHS	San Matco County Health System
PAHs	Poly-aromatic hydrocarbons	SPCC	Spill prevention control and countermeasure
PCBs	Polychlorinated biphenyls	SSL	Soil screening level
PCE	Perchloroethene, perchloroethylene, tetrachloroethene, tetrachloroethylene or "perc"	STLC	Soluble threshold limit concentration
PDF	Portable document format	SVE	Soil vapor extraction
PE	Professional Engineer	SVOC	Semi-volatile organic compound
PEA	Preliminary endangerment assessment or preliminary environmental assessment	SWPPP	Storm water pollution prevention plan
PEF	Potency equivalent factor	SWRCB	State Water Resources Control Board
PG	Professional Geologist	TAME	Tertiary amyl methyl ether
PID	Photo-ionization detector	TB	Trip blank
ppb	Parts per billion	TBA	Tertiary butyl alcohol (tert-butanol)
ppbv	Parts per billion by volume	TCA	Trichloroethane

TCE	Trichloroethene or trichloroethylene
TCLP	Toxic characteristic leaching procedure
TDS	Total dissolved solids
TMB	Trimethylbenzene
TOC	Total organic carbon
TPCA	Toxic Pit Cleanup Act
TPH	Total petroleum hydrocarbons
TPHcc	Total petroleum hydrocarbons carbon chain
TPHd	Total petroleum hydrocarbons as diesel
TPHg	Total petroleum hydrocarbons as gasoline
TPHo	Total petroleum hydrocarbons as oil
TRPH	Total recoverable petroleum hydrocarbons
TSCA	Toxic Substances Control Act
TSS	Total suspended solids
TTLc	Total threshold limit concentration
USA	Underground Service Alert
USCS	Unified Soils Classification System
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geologic Survey
$\mu\text{g}/\text{m}^3$	Micrograms per cubic meter
$\mu\text{g}/\text{kg}$	Micrograms per kilogram
$\mu\text{g}/\text{L}$	Micrograms per liter
UST	Underground storage tank
VCP	Voluntary Cleanup Program
VES	Vapor extraction system
VET	Vapor extraction test
VOC	Volatile organic compound
WDR	Waste discharge requirement
WET	Waste extraction test
WIP	Well Investigation Program

PROFESSIONAL CERTIFICATION

This *Case Closure Assessment Report* has been prepared by

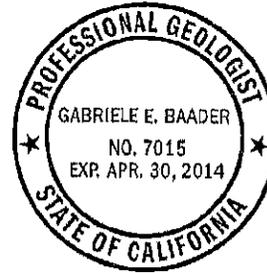


Gabriel Illingworth, EIT
Staff Engineer
Engineer in Training

under the professional review and quality control of



Gabriele Baader, PG
Director of Environmental Engineering
Professional Geologist



and approved by



Amir Adini
President, Principal Environmental Consultant
NREP Registered Environmental Professional No. 2614
General Engineering/Hazardous Waste Contractor No. 587540
B. Sc. Mech. Eng.

STATEMENT OF LIMITATIONS

The scope of this investigation was intended to provide selected environmental information in accordance with a scope of work contracted for by the client/owner. The scope of work was not intended to be comprehensive, identify all potential concerns, or eliminate the possibility of the site having some degree of environmental problem. No degree of assessment can ascertain that a site is completely free of hazardous substances: some regulatory and other pertinent data may be lacking that is critical in completing a full environmental profile of the subject property.

The document was compiled based partially on information supplied from outside sources and other information, that is in the public domain. Ami Adini & Associates, Inc. (AA&A), provides no warranty as to the accuracy of statements made by others, which are contained in this document, nor are any other warranties or guarantees, expressed or implied, included or intended in the document with respect to information supplied by outside sources or conclusions or recommendations substantially based on information supplied by outside sources.

AA&A's investigation, within the framework of the contractual scope of work, was performed using the degree of care and skill ordinarily exercised, under similar circumstances; by reputable environmental specialists practicing in this or similar localities at the time our services were rendered. The document represents our best professional judgment. Since the facts forming the basis for the document are subject to professional interpretation, differing conclusions could be reached. None of the work performed herein shall constitute or be represented as a legal opinion of any kind or nature.

Samples collected and used for testing and observations made are believed representative of the entire project; however, soil and geologic conditions as well as groundwater conditions can vary between borings, test pits, and surface outcrops.

This document is issued with the understanding that it is the responsibility of the owner, or of his representative, to ensure proper/legal disclosures to public, private, and regulatory entities.

The interpretations and recommendations of this document are based on the data collected and AA&A's present working knowledge of environmental site assessments. As such, this document is valid as of the date shown, and AA&A cannot be responsible for subsequent changes in physical/chemical/environmental conditions and/or legislation over which AA&A has no control.

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EXECUTIVE SUMMARY

Ami Adini & Associates, Inc. (AA&A), has prepared this *Case Closure Assessment Report* for the Fountain-Vine Plaza located at 1253 Vine Street in Los Angeles, California 90028, hereinafter referred to as *the site*.

The objective of conducting this case assessment was to review historical site assessment activities and evaluate the presence and source of contaminants in the subsurface at the subject site and neighboring properties. Previous site assessments indicate the presence of on-site tetrachloroethylene (PCE) in soil and groundwater; however, concentrations increase in the up-gradient (northeast) and off-site from the site boundary. Based on the gathered information, AA&A provided technical justification, to the extent possible and scientifically defensible, that the Fountain-Vine Plaza site is not a major contributor to the subsurface contaminant plumes and consulted with the lead regulatory agency to discuss the objective of securing case closure.

AA&A reviewed available analytical data for review from a file review with the Los Angeles Regional Water Quality Control Board (LARWCB) and the State Water Resources Control Board GeoTracker database for environmental cleanup sites in the vicinity of the site. AA&A reviewed documents and environmental site assessment reports associated with the subject site, Paragon Cleaners (1310 Vine Street, northeast and up-gradient from the site), and Snow White Cleaners (1246 Vine Street, east and up- to cross-gradient from the site) to evaluate the source, relationship and extent of PCE contamination in the subsurface in the vicinity of the site.

AA&A compiled the maximum PCE concentrations detected in soil and groundwater samples collected from the subject site and Paragon Cleaners site assessment activities. Based on analytical data from site assessment activities, the extent of PCE contamination in the subsurface extends from the Paragon Cleaners site to the Fountain-Vine site.

Based on the PCE concentrations in shallow soil samples collected from the Paragon Cleaners and Fountain-Vine Plaza sites, unauthorized PCE releases occurred on both properties. PCE concentrations detected in the vicinity of Paragon Cleaners are significantly higher, by one to two orders of magnitude, than concentrations detected in soil from the vicinity of Fountain-Vine Plaza. Additionally, PCE concentrations detected in shallow soil on the Fountain-Vine Plaza site do not indicate the release was significant in relation to the release at the Paragon Cleaners site. Based on samples collected from Fountain-Vine Plaza, PCE concentrations in soil do not correlate with concentrations detected in groundwater, which may indicate PCE concentrations detected in deep soil on-site may be the result of contaminant dispersion into the smear zone from the PCE contamination in groundwater originating from Paragon Cleaners.

Based on review of the California State Department of Toxic Substances Control EnviroStor database, groundwater sampling analytical results from Snow White Cleaners have remained at the EPA maximum contaminant level for PCE in drinking water (5 micrograms per liter). Based on these results, AA&A concludes Snow White Cleaners has had no impact on the subsurface at Fountain-Vine Plaza.

Overall, the relatively low PCE concentrations are indicative the site operations are not significantly contributing to subsurface contamination and therefore may be approved for low-risk case closure by the LARWQCB.

Based on the findings of this case assessment, AA&A recommends the following:

- Propose case closure immediately for the Fountain-Vine site, if the LARWQCB identifies no further risk; and

- Propose LARWQCB issue a clarification letter that detected groundwater contamination in the vicinity of the Fountain-Vine site originates from the up-gradient Paragon Cleaners site, and Fountain-Vine will not be held responsible to further assess or mitigate the groundwater plume.

1. INTRODUCTION

Ami Adini & Associates, Inc. (AA&A) has prepared this *Case Closure Assessment Report* for the Fountain-Vine Plaza located at 1253 Vine Street in Los Angeles, California 90028, hereinafter referred to as *the site* (Figures 1 through 3).

This report describes the objectives, methodologies, and activities that were performed to conduct the case closure assessment.

1.1 Objective

The objective of conducting this case assessment was to review historical site assessment activities and evaluate the presence and source of contaminants in the subsurface at the subject site and neighboring properties. Previous site assessments indicate the presence of on-site tetrachloroethylene (PCE) in soil and groundwater; however, concentrations increase in the up-gradient (northeast) and off-site from the site boundary. Based on the gathered information, AA&A provided technical justification, to the extent possible and scientifically defensible, that the Fountain-Vine Plaza site is not a major contributor to the subsurface contaminant plumes and consulted with the lead regulatory agency to discuss the objective of securing case closure.

1.2 Scope of Work

The scope of work for this preliminary environmental assessment included:

- Conduct file review with relevant regulatory agencies for the subject site;
- Conduct file review with relevant regulatory agencies for the Paragon Cleaners site located at 1310 Vine Street, northeast of the site;
- Interact with the Los Angeles Regional Water Quality Control Board (LARWQCB) to discuss the objective of securing closure;
- Evaluating site data and development of recommendations for closure or future site activities; and
- Preparing this report.

2. SITE DESCRIPTION

The site lies within the Hollywood Subbasin of the Central Los Angeles Basin. Based on Google Maps ©, the site is located at latitude 34.0941000, 34°5'38.76"N, longitude 118.3273000, 118°19'38.28"W. The site is approximately 1.03 acres in size (approximately 44,793 square feet) and identified as the Fountain-Vine Plaza. The site is located on the southwest corner of the intersection of Fountain Avenue and Vine Street in a commercial and residential area. The site is bounded on the north (across Fountain Avenue) by a record and television recording studio, west and east (across Vine Street) by commercial businesses and south by a multi-story apartment complex in Los Angeles, California. The site is currently occupied by one two-story, L-shaped, multi-tenant commercial structure and parking lot. The site is paved in asphalt and concrete with exception to multiple planters throughout the site (Figures 1 through 3). Previous environmental assessments between 2008 and 2008 by AEI Consultants, Inc. (AEI) of Hermosa Beach, California, indicate the presence of PCE in soil and groundwater samples collected from several soil borings advanced throughout the site and the up-gradient (northeast) Paragon Cleaners site (Figures 4 through 7).

3. GEOLOGY AND HYDROGEOLOGY

3.1 Regional and Local Geology

The site is located in the Hollywood Piedmont Slope area of the Los Angeles Coastal Plain, on the northern side of the Hollywood Syncline (California Department of Water Resources [DWR], *Bulletin No. 104, Planned Utilization of the Groundwater Basins of the coastal plain of Los Angeles County, Appendix A, Groundwater Geology*, 1961, reprinted April 1998). The Santa Monica Mountains are located 1 mile to the north, and the east-west trending Santa Monica-Hollywood Fault is located 0.45 miles north of the site (California Department of Conservation, *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada*, February 1998).

The subsurface in the site vicinity consists of Recent alluvium, underlain by Pleistocene deposits of the Lakewood Formation. Within the Lakewood deposits lies the Bellflower Aquiclude, and the Exposition and Gage Aquifers (DWR 1961).

Based on soil lithology analysis from previous site assessments at the site, the subsurface consists of sandy silts with trace clay between ground surface and 10 feet below ground surface (bgs). From 10 to 20 feet bgs the subsurface consists of silts and fine- to coarse-grained sands and from 20 to 30 feet bgs (terminal depth) the subsurface consists of silt and clay (AEI, *Phase III Subsurface Investigation Report and Invoices*, July 31, 2006).

3.2 Regional and Local Hydrogeology

The site is located in the Hollywood Subbasin of the Central Groundwater Basin of the Los Angeles-San Gabriel Hydrologic Unit. According to the LARWQCB, groundwater within the basin has existing beneficial use for municipal, industrial and agricultural purposes (LARWQCB, *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, June 13, 1994).

Based on the most recent site assessment activities, depth to water in the vicinity of the site is approximately 30 feet bgs (AEI, 2006). Depth to water data was also available from the Paragon Cleaners site located approximately 154 feet northeast of the site at 1310 North Vine Street. Wells gauged between November 2008 and September 2009 reported depth to water ranging from 27.26 to 32.09 feet bgs with a general hydraulic gradient of 0.0060 feet per foot in the southwestern direction (Encon Solutions, Inc., of Los Angeles, California, *Results of Third Quarter 2009 Groundwater Sampling*, dated October 15, 2009).

4. SITE VICINITY HISTORY AND BACKGROUND

4.1 Property Ownership and Business Type

The property is currently owned by ALCA Properties, Ltd. of Los Angeles, California. The site consists of an active two-story multi-business L-shaped structure aligned to the southern and western property lines. The approximately 17,107 square-foot structure was constructed in 1984 (AEI, 2006). The structure appears to be constructed atop a slab-on-grade foundation. The structure is composed of stucco walls and a tile roof. The remaining portion of the site is occupied by a paved parking lot located adjacent to the north of the structure.

The structure on-site is currently occupied by several tenants operating various businesses. The majority of businesses on-site consist of restaurants. Several units on the second floor of the structure were vacant.

4.2 Prior On-Site Environmental Assessments

4.2.1 Phase I Environmental Site Assessment, ADR 2003

In April 2003, ADR completed the *Phase I Environmental Site Assessment* for the site. ADR researched historical files with numerous state and city agencies to acquire knowledge regarding previous site operations and potential recognized environmental conditions (RECs).

Historical records indicated that the eastern portion of the subject property was previously occupied by an automobile fuel service station (1925 to 1928) and subsequently a dry cleaning facility (1955 to 1970). ADR reported no UST information was available to determine the size and contents of the USTs maintained by the automobile fuel service station. Moreover, no record of UST removal activities or soil sampling was available from any oversight agency.

Additionally, ADR determined two active dry cleaning facilities located off-site to the northeast and east (up-gradient) posing a potential environmental risk to the site. Based on the findings of the Phase I Report, ADR recommended subsurface investigation to determine if operations from either on- or off-site operations have impacted soil and/or groundwater on-site (AEI, 2006).

4.2.2 Phase II Environmental Site Assessment, AEI 2005

In November 2005, AEI conducted a Phase II environmental site assessment, which included the advancement of nine borings (AEI-B1 through AEI-B9) throughout the subject property. Borings AEI-B5 through AEI-B7 were advanced to 15 feet bgs and the remaining six borings were advanced to 30 feet bgs. During the site assessment, 41 soil samples and six groundwater samples were collected from the soil borings and analyzed for petroleum hydrocarbon and volatile organic compounds.

No total petroleum hydrocarbons as gasoline (TPHg) concentrations were detected in any of the analyzed soil samples during this Phase II assessment. PCE was detected in several soil samples collected on the northeastern portion of the property at a maximum concentration of 27.2 micrograms per kilogram ($\mu\text{g}/\text{kg}$) in AEI-B4 at 5 feet bgs. Based on the depth of soil samples collected, PCE impact to the subsurface appeared to be present from ground surface to the groundwater table. Analytical soil data from this event is available in Table 1.

All analyzed groundwater samples from the northeast corner of the property contained detectable PCE concentrations, ranging up to 4,730 micrograms per liter ($\mu\text{g}/\text{L}$) from AEI-B3. TPHg concentrations were detected in three groundwater samples collected during this site assessment, ranging from 64.5 (AEI-B4) to 3,760 $\mu\text{g}/\text{L}$ (AEI-B3). Analytical groundwater data from this event is available in Table 2.

Based on the results of the Phase II site assessment, AEI determined the subsurface conditions are impacted by PCE, but insufficient information was available to determine if the source of PCE is an on-site release or an off-site, up-gradient release. AEI recommended additional site investigation to determine source of PCE in soil and groundwater (AEI, *Phase II Subsurface Investigation*, November 22, 2005).

4.2.3 Phase III Environmental Site Assessment, AEI 2006

In 2006, AEI conducted the Phase III site assessment to determine the source of PCE contamination in the subsurface at the site. Between May and July 2006, AEI advanced soil borings AEI-B10 through AEI-B19 to the groundwater table (approximately between 30 and 37 feet bgs). Soil borings AEI-B10 through AEI-B14 were located on-site in the vicinity of the former dry cleaning and fuel service station facilities. Boring AEI-14 was

located off-site to the north along Fountain Avenue and borings AEI-B15 and AEI-B16 were located off-site to the east along Vine Street.

Borings AEI-B17 through AEI-B19 were located up-gradient surrounding the Paragon Cleaners property to the northeast. Soil samples were collected at 5-foot intervals beginning at 5 feet bgs for AEI-B10 through AEI-B13, 10 feet bgs for AEI-B14, AEI-B15, AEI-B18 and AEI-B19, and 15 feet bgs for AEI-B16 and AEI-B17. Groundwater samples were collected from all soil borings at approximately 30 feet bgs; groundwater was sampled from AEI-B18 at 28, 31 and 37 feet bgs to ensure the same water-bearing unit was sampled. Analytical groundwater data from this event is available in Table 2.

Based on analytical results, relatively minor PCE concentrations (less than 22.4 µg/kg) were detected in soil samples collected on-site. Significant PCE concentrations were only detected from up-gradient, off-site soil borings AEI-B15 (at 25 feet bgs), AEI-B18 and AEI-B19 (from 10 feet bgs to 25 feet bgs). All analyzed groundwater samples from this site assessment contained detectable levels of PCE. On-site groundwater samples contained PCE concentrations ranging from 39.9 to 295 µg/L. Off-site and up-gradient groundwater samples in the vicinity of the property contained PCE concentrations ranging from 195 to 4,920 µg/L. PCE concentrations in groundwater samples collected from off-site borings in the vicinity of the up-gradient Paragon Cleaners were detected from 1,040 to 2,500 µg/L.

Based on the analytical results from the Phase III site assessment, AEI determined that on-site PCE concentrations increased with depth, and suggested that detected concentrations in soil are a result of vapor-phase migration from impacted groundwater. Moreover, AEI reported no evidence of an apparent on-site release to be detected and elevated concentrations detected in borings located off-site and up-gradient (AEI-B18 and AEI-B19) suggest the PCE contamination in soil and groundwater is originating from an off-site source. AEI recommended reporting the off-site release to the off-site property owners and lead regulatory agency. Upon determination of the PCE source, AEI stated the off-site property owner (owner of the release) will be accountable for any additional investigations to characterize and/or remediate PCE-impacted soil and groundwater (AEI, 2006).

4.2.4 Phase I Environmental Site Assessment, AA&A 2012

In November 2012, AA&A completed the *Phase I Environmental Site Assessment* for the site. AA&A researched historical files with numerous state and city agencies and contracted with Environmental Data Resources, Inc. (EDR), of Milford Connecticut, to research available databases to acquire knowledge regarding previous site operations and potential RECs.

Based on information gathered from the property search results, the historical site operations are described below.

- Between approximately 1919 and 1925 the property was occupied by several single-family residential structures.
- From as early as 1925 to 1984 the property was occupied by an L-shaped multi-tenant commercial structure.
- Between 1925 and 1928 a fuel service station operated on-site; no records regarding underground storage tanks (USTs) or their contents were available for review at the publishing of this report.
- Between 1955 and 1970 a dry cleaning facility operated on the northern portion of the L-shaped structure on-site.
- In 1984, the current L-shaped, multi-tenant structure on-site replaced the previous L-shaped structure.

The AA&A historical research concurred with the description of on-site operations determined from the previous Phase I report. Based on the certified Sanborn Maps provided by EDR; however, the location of the previous on-

site dry cleaning facility proved to be the only discrepancy between the Phase I reports. AA&A located the dry cleaning facility as the second most north unit of the L-shaped structure which occupied the site from 1925 to 1984 (Figures 2 and 3). No soil borings were advanced in the vicinity of the location of the dry cleaning facility identified by the Sanborn Maps.

Based on the information obtained during this Phase I, AA&A noted the following RECs:

On-site:

- Historical operation of a refueling service station;
- Historical operation of a dry cleaning facility;
- PCE presence in subsurface soils and groundwater at the site; and
- Open site investigation case with the LARWQCB.

Off-site:

- Subsurface contamination from the Paragon Cleaners dry cleaning facility (up-gradient) identified as having migrated beneath the site (AEI, 2006).

The PCE contamination at the site is currently under oversight of the LARWQCB who is expected to adjudicate on the source and indicate a path to case closure.

4.3 Prior Off-Site Environmental Assessments

4.3.1 Paragon Cleaners

Paragon Cleaners is located approximately 150 feet northeast (up-gradient, across Fountain Avenue and Vine Street) of the Fountain-Vine Plaza at 1310 Vine Street. Paragon Cleaners is an active cleanup case with the LARWQCB (Case #1186) for an unauthorized release of PCE into soil and groundwater. AA&A conducted a file review with the LARWQCB and researched the California State Water Resources Control Board (SWRCB) GeoTracker database to determine the extent of PCE contamination in soil and groundwater in the vicinity of the Paragon Cleaners site. All available documents for review are summarized below.

4.3.1.1 Phase I Environmental Site Assessment, DCI July 2005

In July 2005, DCI Services (DCI), of Burbank, California, conducted a Phase I Environmental Site Assessment for the Paragon Cleaners site. According to a review of building permit records, a dry cleaner has been present on the subject site since approximately 1961. DCI reported that the present operations at the Paragon Cleaners site included a dry cleaning facility operating cleaning machines with hydrocarbon-based cleaning solvent and PCE solvents. DCI noted no obvious indications that the Paragon Cleaners site had been adversely affected by dry cleaning activities. DCI recommended soil sampling to determine if the subsurface had been impacted by the dry cleaning activities on-site (DCI, *Limited Phase II Environmental Site Assessment*, August 2, 2005).

4.3.1.2 Limited Phase II Environmental Site Assessment, DCI August 2005

On July 22, 2005, DCI advanced three soil borings (B-1 through B-3), to 10 feet bgs each, at the Paragon Cleaners site using a dolly-mounted direct-push drill rig. The locations of the borings are included in Figures 2 and 3. Soil samples were collected from B-1 and B-3 at 2, 5 and 10 feet bgs, and from B-2 at 2, 7 and 10 feet bgs. Groundwater was not encountered during this site assessment.

PCE concentrations were detected in all soil samples collected during this site assessment. PCE concentrations ranged from 89.9 (B-3 at 5 feet bgs) to 744 $\mu\text{g}/\text{kg}$ (B-2 at 5 feet bgs). Based on the contaminant concentrations in soil, DCI determined that the subject site had been impacted by current and/or historical dry cleaning operations. DCI recommended additional sampling to define the vertical and lateral extent of PCE in soil and groundwater (DCI, 2005).

4.3.1.3 Site Investigation Report, Iris Environmental 2008

On October 17, 2008, Iris Environmental (IRIS), of Irvine, California, installed nine temporary soil gas probes (SG-1 through SG-8) located throughout the Paragon Cleaners site. Two soil gas probes, SG-2 and SG-3, were located in the northeast portion and southwest portion within the structure on-site, respectively, with sampling just below the concrete foundation and 5 feet bgs. The remaining soil gas probes were located on the asphalt surface of the exterior at the following locations:

- SG-1, approximately 13 feet south of B-3, adjacent east to the Paragon Cleaners structure;
- SG-4 (5 feet bgs), approximately 50 feet north of W-2, adjacent west to the Paragon Cleaners structure;
- SG-4 (25 feet bgs), approximately 20 feet southwest of the Paragon Cleaners structure;
- SG-5, approximately 12 feet south of the Paragon Cleaners structure;
- SG-6, approximately 60 feet south of the Paragon Cleaners structure;
- SG-7, approximately 60 feet south-southeast of the Paragon Cleaners structure;
- SG-8, approximately 30 feet southeast of the Paragon Cleaners structure.

SG-4 was drilled at two locations due to the presence of a thick concrete layer and inaccessibility of the drilling rig at this location. All exterior soil gas probe locations were sampled at 5 and 25 feet bgs. All soil gas samples collected during this site assessment contained detectable concentrations of PCE, with a maximum of 2,600 $\mu\text{g}/\text{L}$ from SG-2 beneath the concrete foundation. Analytical soil gas data from this event is available in Table 3.

On October 29 and 30, 2008, IRIS advanced three soil borings (W-1 through W-3) on-site to 45 feet bgs, each. The locations of the soil borings are included in Figures 2 and 3. Soil samples were collected in W-1 at 5, 15, 25 and 40 feet bgs, in W-2 at 15, 25, 35 and 40 feet bgs and in W-3 at 15, 25, 35 and 45 feet bgs. One grab-groundwater samples was collected from W-3 during the drilling activities; W-1 and W-2 did not yield sufficient groundwater to collect groundwater samples. Analytical soil data from this event is available in Table 4.

PCE concentrations were detected in all soil samples collected from W-1 and W-2 ranging from 5.04 $\mu\text{g}/\text{kg}$ in W-1 at 40 feet bgs to 567 $\mu\text{g}/\text{kg}$ in W-2 at 25 feet bgs. Analytical results for PCE from all soil samples collected from W-3 were below laboratory method detection limits. PCE was detected from the W-3 grab-groundwater sample at 1.90 $\mu\text{g}/\text{L}$. All three soil borings were converted to groundwater monitoring wells following the soil sampling activities. Each groundwater monitoring well was installed to 45 feet bgs with 1.5-inch diameter casings. Each monitoring well is screened from 25 to 45 feet bgs with a 0.010-inch slot size.

All wells were surveyed by KDM Meridian, of Lake Forest, California, in November 2008. On November 11, 2008, IRIS gauged and collected groundwater samples from all groundwater monitoring wells on-site. PCE concentrations were detected in all groundwater monitoring wells collected during this event. Depth to groundwater was measured at 31.25, 28.46 and 27.26 feet bgs in wells W-1 through W-3, respectively. The groundwater gradient was determined to flow in the southwest direction with an average gradient of 0.005 feet/feet (ft/ft). PCE concentrations were detected in grab-groundwater samples at 650, 2,400 and 2.11 $\mu\text{g}/\text{L}$ from W-1 through W-3, respectively.

Based on the results from the site investigation and proposed site development, IRIS recommended excavation while grading the Paragon Cleaners site to dispose of impacted soil and conduct additional groundwater investigation as a remediation program.

4.3.1.4 Second Quarter 2009 Groundwater Sampling Report, Encon Solutions 2009

On June 19, 2009, Encon Solutions, Inc. (Encon), of Los Angeles, California, conducted the second quarter 2009 groundwater monitoring event. Encon gauged, purged and sampled all three groundwater monitoring wells on-site. Depth to groundwater was measured at 31.75, 28.95 and 27.75 feet bgs in wells W-1 through W-3 respectively. The groundwater flow was determined to travel to the southwest at a general hydraulic gradient of 0.005 ft/ft. PCE concentrations were detected in all groundwater samples collected from each monitoring well on-site. PCE concentrations detected in groundwater were at 1,250, 9,550 and 4.31 $\mu\text{g/L}$ in W-1 through W-3, respectively. Historical groundwater analytical results are available in Table 2. Historical groundwater data is available in Table 5.

Compared to the previous groundwater sampling event (November 2008), PCE concentrations increased significantly in all three groundwater monitoring wells. The groundwater flow direction and hydraulic gradient magnitude remained consistent with the previous gauging event. The average groundwater elevation decreased by 0.49 feet since the previous event.

Based on the results of this groundwater monitoring event, Encon recommended continued quarterly groundwater monitoring and sampling in accordance with directives received from the LARWQCB.

4.3.1.5 Third Quarter 2009 Groundwater Sampling Report, Encon Solutions 2009

On September 23, 2009, Encon Solutions, Inc. (Encon), of Los Angeles, California, conducted the third quarter 2009 groundwater monitoring event. Encon gauged, purged and sampled all three groundwater monitoring wells on-site. Depth to groundwater was measured at 32.09, 29.26 and 28.09 feet bgs in wells W-1 through W-3 respectively. The groundwater flow was determined to travel to the southwest at a general hydraulic gradient of 0.006 ft/ft. PCE concentrations were detected in all groundwater samples collected from each monitoring well on-site. PCE concentrations detected in groundwater were at 765, 8,500 and 2.67 $\mu\text{g/L}$ in W-1 through W-3, respectively. Historical groundwater analytical results are available in Table 2. Historical groundwater data is available in Table 5.

Compared to the previous groundwater sampling event (June 2009), PCE concentrations decreased in all three groundwater monitoring wells. The groundwater flow direction and hydraulic gradient magnitude remained consistent with the previous gauging event. The average groundwater elevation decreased by 0.33 feet since the previous event.

Based on the results of this groundwater monitoring event, Encon recommended continued quarterly groundwater monitoring and sampling in accordance with directives received from the LARWQCB.

4.3.2 Snow White Cleaners

Snow White Cleaners is located approximately 150 feet east (up- to cross-gradient, across Vine Street) of the Fountain-Vine Plaza at 1246 Vine Street. Snow White Cleaners is an active cleanup case with the California Department of Toxic Substances Control (DTSC, EnviroStor ID 60000967) under the voluntary cleanup program for PCE contamination to indoor air, soil and soil gas. AA&A conducted a file review with the LARWQCB and researched the DTSC EnviroStor database to determine the extent of PCE contamination in soil and groundwater in the vicinity of the Snow White Cleaners site. Based on the EnviroStor database, case closure was denied in

2009 based on elevated PCE concentrations in groundwater and soil gas. The Snow White Cleaners site remains an open cleanup case with the DTSC. Groundwater sampling analytical results from Snow White Cleaners have remained at the EPA maximum contaminant level for PCE in drinking water (5 µg/L). All available documents for review are summarized below.

4.3.2.1 DTSC Summary Information, KCE Matrix 2009

On January 12, 2009, KCE Matrix, Inc. (KCE), of Glendale, California, prepared the DTSC Summary Information for the Snow White Cleaners site. The summary includes environmental site assessment and site remediation work performed from August 1998 to January 2009.

The DTSC Summary Information for Snow White Cleaners was reported as the following:

- Retail structures were constructed on-site in 1984 and operated as a dry cleaning facility from 1984 to the present.
- The dry cleaning machine which utilized PCE solvents was removed in 2004.
- Soil sampling:
 - On August 19, 1998, HydroGeoSpectrum (HGS), of Los Angeles, California, collected soil samples in the Snow White boiler room at 1, 2, 4 and 5 feet bgs; PCE concentrations were reported at 0.52, 0.50, 0.25 and 0.65 mg/kg, respectively.
 - In October 2001, ATC Associates, Inc. (ATC), of Los Angeles, California, advanced three soil borings in the vicinity of the site and collected soil samples in each boring at 5 and 10 feet bgs; PCE concentrations in soil were ranged from below method detection limits to 20 µg/kg at 5 feet bgs.
 - In October 2004, USA Environmental, Inc., headquartered in Oldsmar, Florida, advanced three soil borings to 20 feet bgs and collected seven soil samples from 5 to 20 feet bgs; PCE concentrations in soil ranged from below method detection limits to 190 µg/kg.
 - In July 2005, Athanor Environmental Services, Inc. (Athanor), of La Crescenta-Montrose, California, advanced three soil borings to an unknown terminal depth; trace PCE concentrations were detected in 15 of 16 collected soil samples with a maximum PCE concentration of 97 µg/kg.
- Soil gas sampling:
 - In August 1998, HGS collected 18 soil gas samples in the vicinity of the site at depths of 5 or 10 feet bgs with a maximum PCE concentration of 20,000 µg/L at 10 feet bgs.
 - In August 2003, Athanor conducted a soil gas survey on-site; 15 soil gas samples were collected at depth between 4 and 5 feet bgs each with a maximum PCE concentration of 3,860 µg/L.
 - On May 18, 2007, Athanor conducted the rebound test soil gas sampling event on-site. Athanor collected three soil gas samples at depths between 4 and 5 feet bgs with PCE concentrations ranging from 190.0 to 347.2 µg/L.
- Groundwater sampling and gauging:
 - Based on the soil gas sampling activity by HGS in August 1998, the depth to groundwater on-site was estimated to be between 17 and 28 feet bgs.
 - A memo from Equity Capitol, of La Quinta, California, documented analytical results from two groundwater samples collected on-site with PCE concentrations of 3.2 and 2.1 µg/L.
 - In October 2001, ATC collected two groundwater samples at 30 feet bgs each. PCE concentrations from the two samples were both beneath the United States Environmental

Protection Agency (US EPA) maximum contaminant level (MCL) for PCE in drinking water (5 $\mu\text{g/L}$).

- Remedial action:
 - In October 2001, ATC states that soil gas extraction (SVE) was conducted at the site between December 2000 and August 2001. ATC reports PCE from extracted vapors decreased from 10,250 to 40 parts per million (ppm).
 - In March 2006, Athanor installed three SVE wells on-site with screens from 3 to 30 feet bgs.
 - Between March 29 and August 14, 2006, Athanor conducted on-site SVE, incorporating the installed SVE wells. Based on soil gas samples collected throughout the SVE operation, Athanor reported PCE concentrations decreased by up to 99%. Athanor recommended conducting a soil gas rebound test.
 - On May 18, 2007, Athanor conducted the soil gas rebound test and collected soil gas samples from the three SVE wells on-site.
- The following were listed by KCE as case closure considerations:
 - PCE source was removed from the site in 2004.
 - Only two soil samples from site investigations performed in 2001, 2004 and 2005 contained PCE concentrations above the LARWCB screening level for vapor intrusion (240 $\mu\text{g/kg}$) and no samples contained PCE concentrations above the LARWQCB screening level for soil leaching (700 $\mu\text{g/kg}$).
 - PCE concentrations in groundwater are all below the US EPA MCL for PCE in drinking water.
 - Significant soil gas concentrations were reduced due to the soil vapor extraction events conducted on-site.

4.3.2.2 Subsurface Environmental Site Assessment Report, KCE Matrix 2010

Between May and July 2010, KCE installed three groundwater monitoring (MW-1 through MW-3) wells located on- and off-site to approximately 35, 35 and 37.5 feet bgs, respectively. The three wells are located directly north of the structure and approximately 80 feet north Snow White Cleaners structure along Fountain Avenue, directly west of the structure and approximately 60 feet south of the Snow White Cleaners facility and directly west of the structure and 150 feet south of the Snow White Cleaners facility.

Soil samples were collected in each monitoring well boring at 5-foot intervals, at obvious areas of contamination, and at the soil and groundwater interface, beginning at 5 feet bgs. After the installation and development of the three monitoring wells was complete, one groundwater samples was collected from each monitoring well.

Maximum PCE concentrations were detected from MW-1 at 5 feet bgs at 39 $\mu\text{g/kg}$. PCE concentrations from the remaining soil samples ranged from below method detection limits to 4 $\mu\text{g/kg}$. PCE concentrations from MW-1 through MW-3 were reported at 5, 30 and 19 $\mu\text{g/L}$, respectively.

5. CASE ASSESSMENT FINDINGS

AA&A compiled the analytical data from the previously summarized site assessment reports associated with Fountain-Vine Plaza (site), Paragon Cleaners and Snow White Cleaners to evaluate the relationship and extent of PCE contamination in the vicinity of the site. Based on analytical groundwater results, AA&A believes Snow White Cleaners has had no impact on the subsurface at Fountain-Vine Plaza.

Overall, the relatively low PCE concentrations are indicative the site operations are not significantly contributing to subsurface contamination and therefore may be approved for low-risk case closure by the LARWQCB.

5.1 Extent of PCE in Soil

AA&A compiled the maximum PCE concentrations detected in soil samples collected from the Paragon Cleaners and Fountain-Vine Plaza site assessment activities. The extent of PCE contamination in soil is presented in Figures 4 through 6.

Evidence of a large PCE release is indicated from the relatively elevated PCE concentrations in shallow soil at the Paragon Cleaners site. PCE concentrations were detected at 439, 253 and 697 $\mu\text{g}/\text{kg}$ in borings B-1 through B-3, respectively, at 2 feet bgs. Additionally, the maximum PCE concentration in soil detected in the vicinity of the referenced sites was 2,590 $\mu\text{g}/\text{kg}$ from off-site, up-gradient boring AEI-19 at 25 feet bgs in the vicinity and just down-gradient from the Paragon Cleaners structure.

PCE concentrations in shallow soil at the Fountain-Vine Plaza range from below method detection limits to 27.2 $\mu\text{g}/\text{kg}$ (AEI-B4 at 5 feet bgs). Shallow PCE concentrations suggest a small release occurred at the Fountain-Vine Plaza site; however, no evidence of a significant source mass has been identified.

It appears that the bulk of PCE contamination in soil is present in the subsurface of Paragon Cleaners at one to two times an order of magnitude higher than PCE concentration detected from any soil sample collected at Fountain-Vine Plaza.

A cross sectional diagram displaying soil lithology and PCE contamination in soil from Paragon Cleaners to Fountain-Vine Plaza is available in Figure 8.

5.2 Extent of PCE in Groundwater

AA&A compiled the maximum PCE concentrations detected in groundwater samples collected from the Paragon Cleaners and Fountain-Vine Plaza site assessment activities. The extent of PCE contamination in groundwater is presented in Figure 7. Sample results depicted in Figure 7 were chosen based on chronological relativity.

Maximum PCE concentrations in groundwater were detected from grab-samples collected from borings AEI-B3 and AEI-B15 at 4,730 and 4,920 $\mu\text{g}/\text{L}$, respectively. Based on the PCE concentrations from AEI-B3 and AEI-B15, it appears the bulk of PCE contamination in groundwater has migrated from the Paragon Cleaners site (up-gradient) to the Fountain-Vine Plaza site (down-gradient).

Additionally, significant PCE contamination in groundwater was detected during the subsequent groundwater monitoring events at the Paragon Cleaners site. During the second quarter 2009 event, PCE concentrations detected in groundwater were at 1,250, 9,550 and 4.31 $\mu\text{g}/\text{L}$ in W-1 through W-3, respectively. During the third quarter 2009 groundwater monitoring event, PCE concentrations detected in groundwater were at 765, 8,500 and 2.67 $\mu\text{g}/\text{L}$ in W-1 through W-3, respectively. No other groundwater samples have been collected from either site since the third quarter 2009 event. The extent of PCE contamination in groundwater remains undefined in all directions except the southwest in the vicinity of boring AEI-B8.

5.3 Extent of PCE in Soil Gas

Soil gas data is available from the Paragon Cleaners and Snow White Cleaners sites only. The maximum soil gas concentration at Paragon Cleaners was detected at 2,600 $\mu\text{g}/\text{L}$ from SG-2 located within the structure just beneath the concrete-slab foundation. PCE concentrations from soil gas samples collected from Snow White Cleaners ranged up to 20,000 $\mu\text{g}/\text{L}$ (unknown location at 10 feet bgs). No soil gas samples have been collected on the Fountain-Vine Plaza site.

6. CONCLUSIONS AND RECOMMENDATIONS

AA&A compiled the maximum PCE concentrations detected in soil and groundwater samples collected from the subject site and Paragon Cleaners site assessment activities. Based on analytical data from site assessment activities, the extent of PCE contamination in the subsurface extends from the Paragon Cleaners site to the Fountain-Vine site.

Based on the PCE concentrations in shallow soil samples collected from the Paragon Cleaners and Fountain-Vine Plaza sites, unauthorized PCE releases occurred on both properties. PCE concentrations detected in the vicinity of Paragon Cleaners are significantly higher, by one to two orders of magnitude, than concentrations detected in soil from the vicinity of Fountain-Vine Plaza. Additionally, PCE concentrations detected in shallow soil on the Fountain-Vine Plaza site do not indicate the release was significant in relation to the release at the Paragon Cleaners site.

Based on samples collected from Fountain-Vine Plaza, PCE concentrations in soil do not correlate with concentrations detected in groundwater, which may indicate PCE concentrations detected in deep soil on-site may be the result of contaminant dispersion into the smear zone from the PCE contamination in groundwater originating from Paragon Cleaners.

Based on the DTSC EnviroStor database, groundwater sampling analytical results from Snow White Cleaners remained at the EPA maximum contaminant level for PCE in drinking water (5 µg/L). Based on these results, AA&A concludes Snow White Cleaners has had no impact on the subsurface at Fountain-Vine Plaza.

Overall, the relatively low PCE concentrations are indicative the site operations are not significantly contributing to subsurface contamination and therefore may be approved for low-risk case closure by the LARWQCB.

Based on the findings of this case assessment, AA&A recommends the following:

- Propose case closure immediately for the Fountain-Vine site, if the LARWQCB identifies no further risk; and
- Propose LARWQCB issue a clarification letter that detected groundwater contamination in the vicinity of the Fountain-Vine site originates from the up-gradient Paragon Cleaners site, and Fountain-Vine will not be held responsible to further assess or mitigate the groundwater plume.

7. REFERENCES

1. AA&A, *Phase I Environmental Site Assessment*, November 13, 2012.
2. ADR Environmental Group, Inc., *Phase I Environmental Site Assessment*, April 2003.
3. AEI Consultants, *Phase II Subsurface Investigation*, November 22, 2005.
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FIGURES

Figures 1 through 8

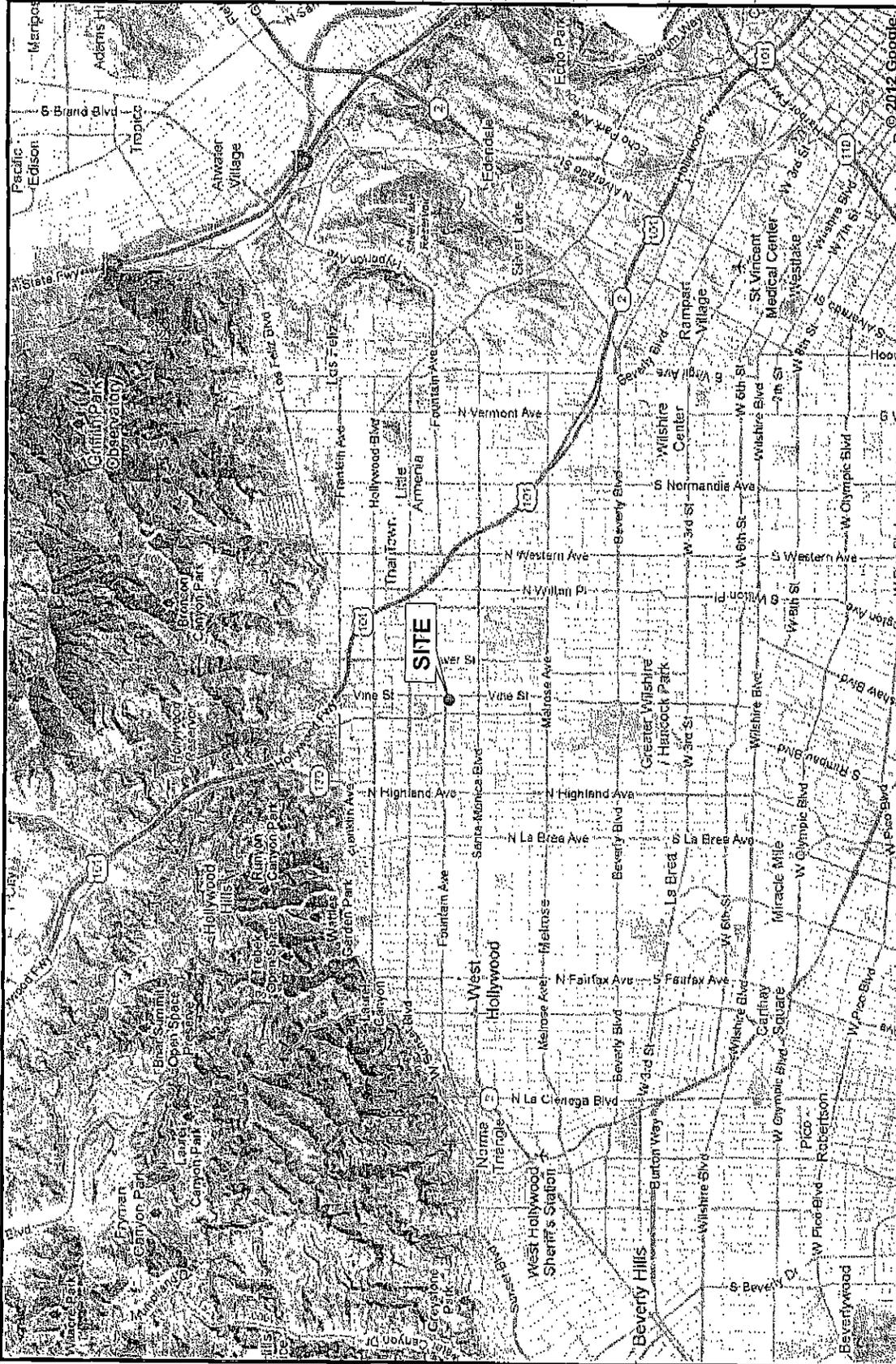
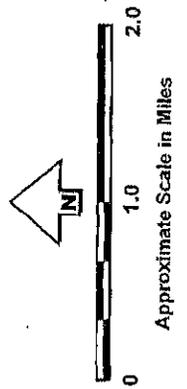


Figure 1: Site Vicinity Map
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

DRAWN BY: GI | DATE: November 2012 | PROJECT: Fountain-Vine.p01
Ami Adini & Associates, Inc.



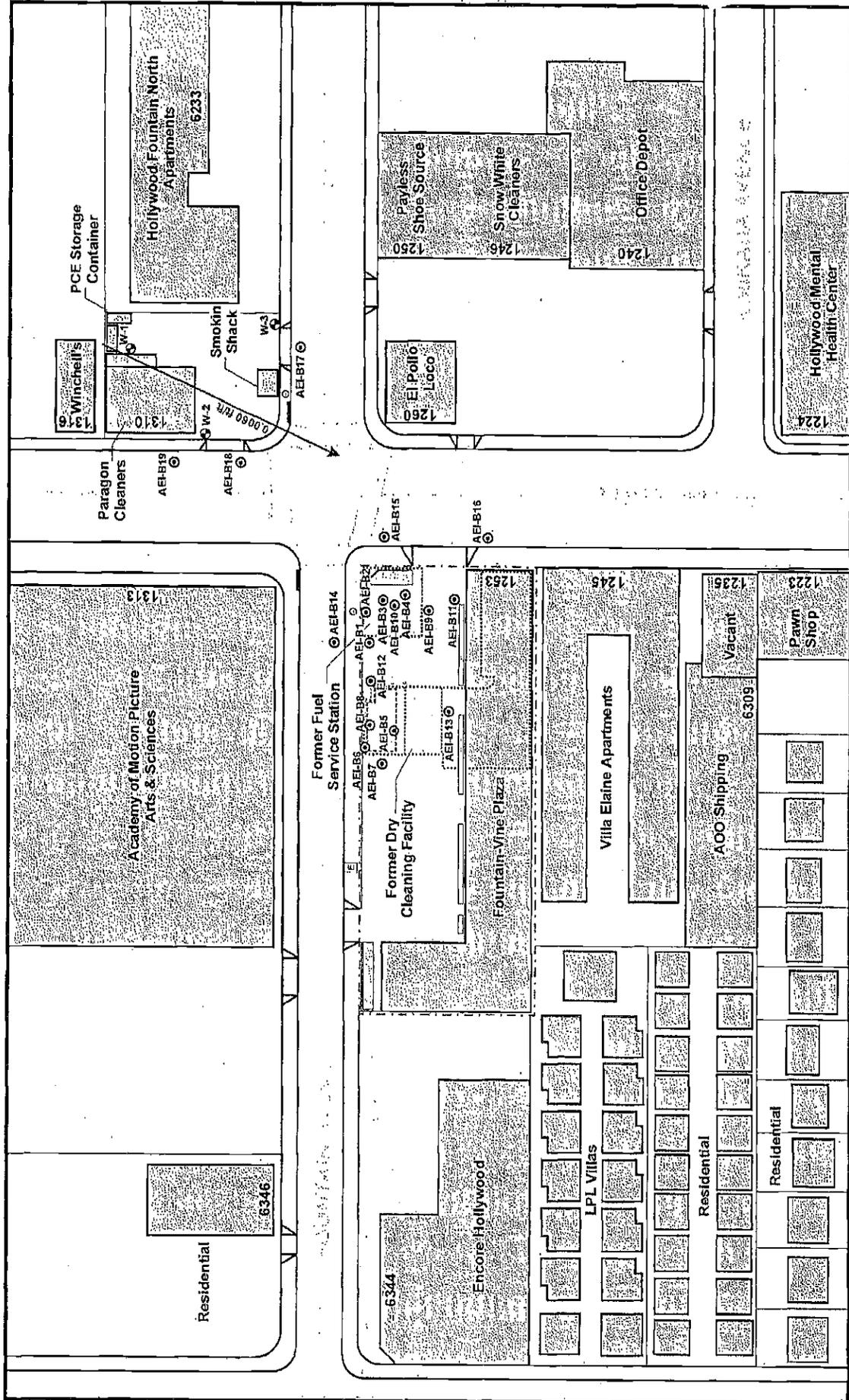


Figure 2: Site Map
Fountain-Vine Plaza
1253 Vine Street
Los Angeles, California 90028

PROJECT: Fountain-Vine.p01
 DATE: November 2012
 DRAWN BY: GI

Ami Adini & Associates, Inc.

Former structure on-site (fuel service station and dry cleaning facility)

AEI-B1 - AEI-B9
 AEI-B10 - AEI-B13

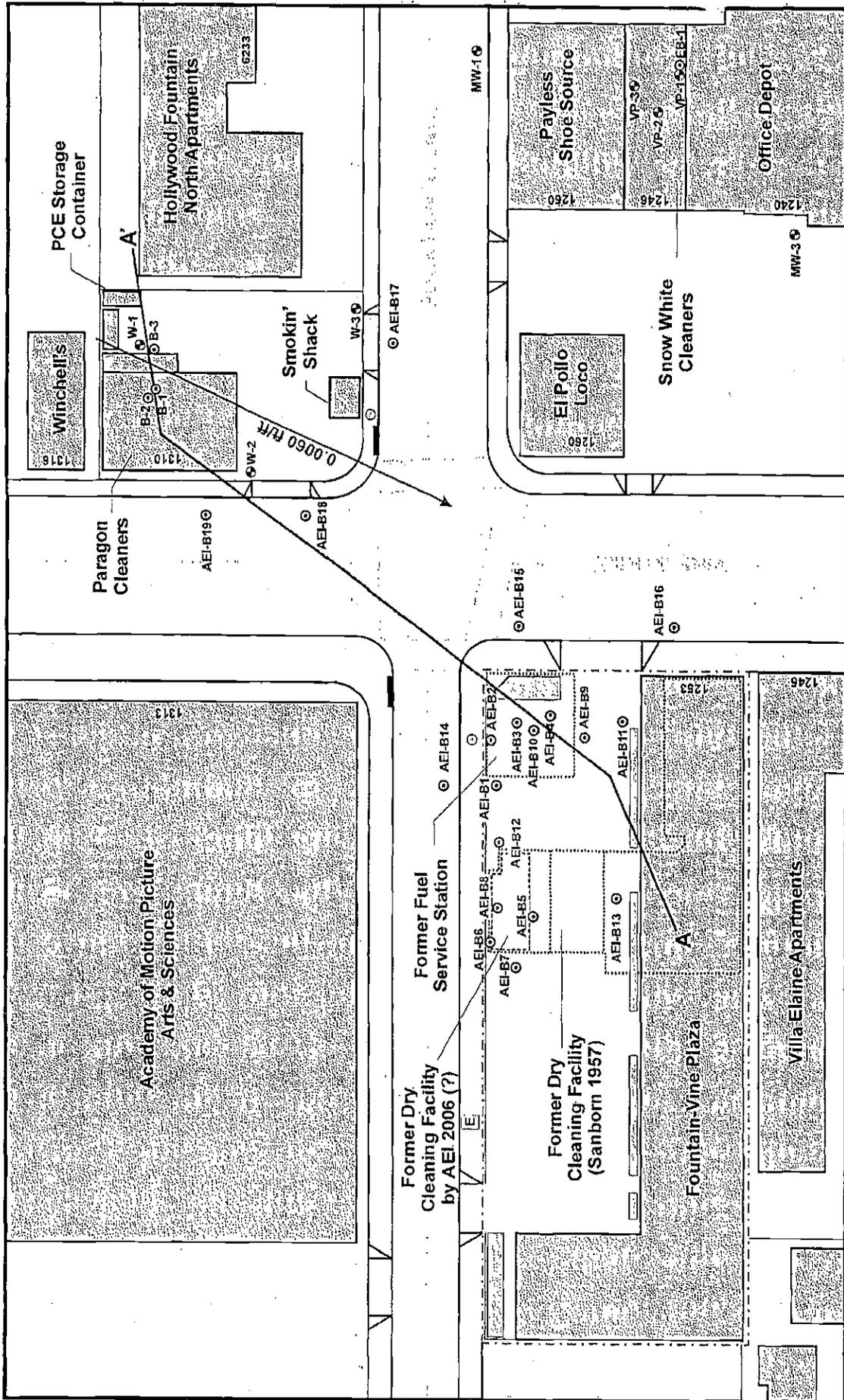
W-1 - W-3
 0.0050 ft/ft

Apparent hydraulic gradient magnitude and flow direction in feet per foot (Paragon Cleaners, ENCON 09/2009)

LEGEND

Property line
 Dry cleaning facility (AEI 2006)
 Storm drain
 Underground electrical distribution vault
 Municipal water hydrant

0 100 200
 Approximate Scale in Feet



- LEGEND**
- Property line
 - - - Dry cleaning facility (AEI 2006)
 - Storm drain
 - ⊠ Underground electrical distribution vault
 - Municipal water hydrant
 - Former structure on-site (fuel service station and dry cleaning facility)

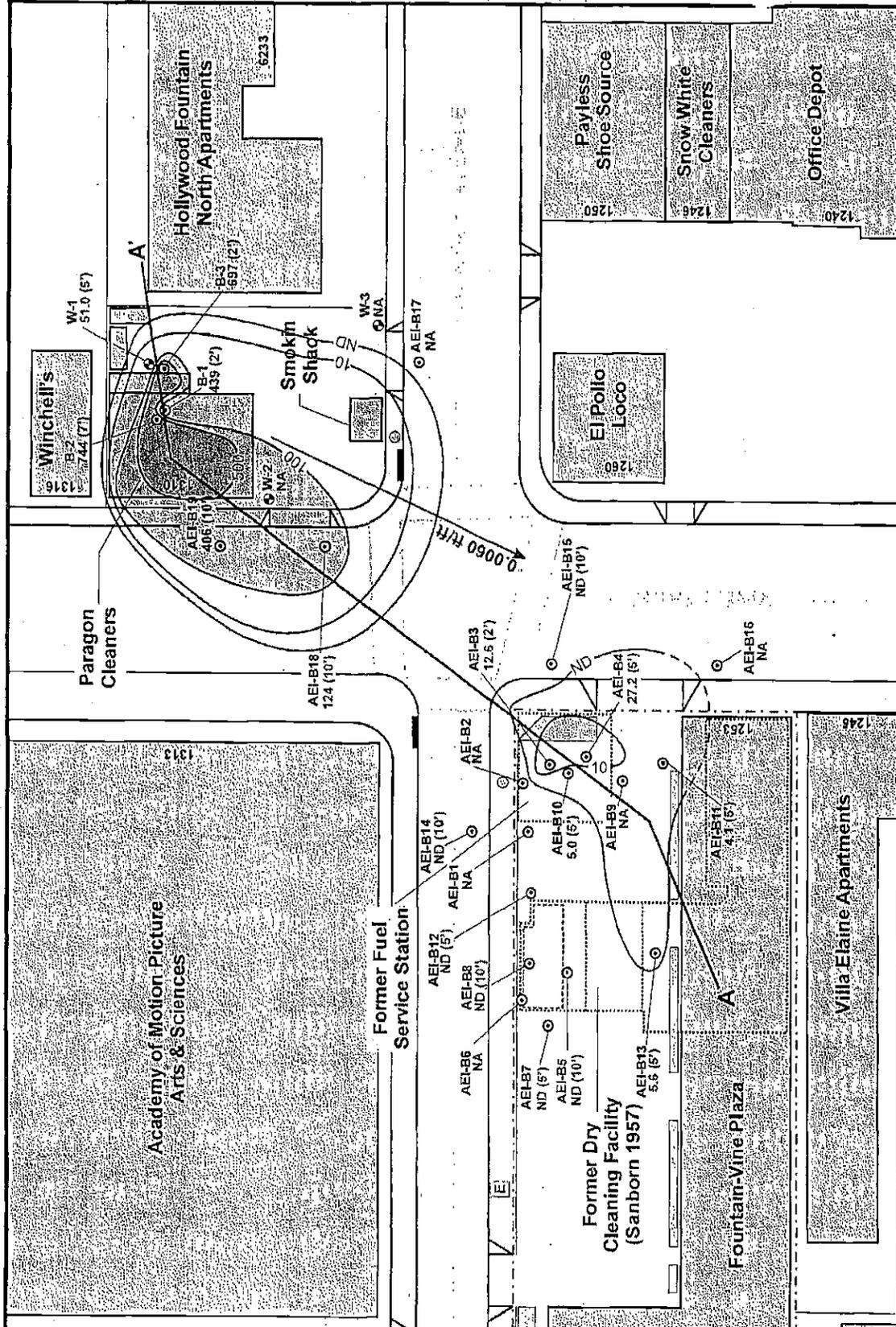
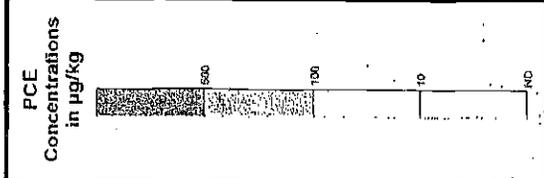
AEL-B1-AEL-B9
 AEL-B10-AEL-B19 (AEI, 11/2005, 07/2006)
 B-1, B-3 (Paragon soil boring (DCI, 07/2005))
 W-1 - W-3 (Paragon groundwater monitoring wells for Paragon Cleaners (IRIS, 10/2008))
 A - A' Cross-section
 0.0050 ft/ft
 Apparent hydraulic gradient magnitude and flow direction in feet per foot (Paragon Cleaners, ENCON 09/2009)

0 75 150
 Approximate Scale in Feet

Figure 3: Site Detail Map
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

DRAWN BY: GI
 DATE: November 2012
 PROJECT: Fountain-Vine.p01





**Figure 4: Maximum PCE in Soil
0 to 10 feet bgs**
Fountain-Vine Plaza
1253 Vine Street
Los Angeles, California 90028

DRAWN BY: GI DATE: November 2012 PROJECT: Fountain-Vine.p01

Ami Adini & Associates, Inc.

LEGEND

- Property line
- - - - - Dry cleaning facility (AEI 2006)
- Storm drain
- Underground electrical distribution vault
- Municipal water hydrant
- Former structure on-site (fuel service station and dry cleaning facility)

AEI-B1 - AEI-B3
AEI-B10 - AEI-B19

Fountain-Vine soil boring (AEI, 11/2005, 07/2006)

Paragon soil boring (DCI, 07/2005)

Groundwater monitoring wells for Paragon Cleaners (IRIS, 10/2008)

W-1 - W-3

744 (7')

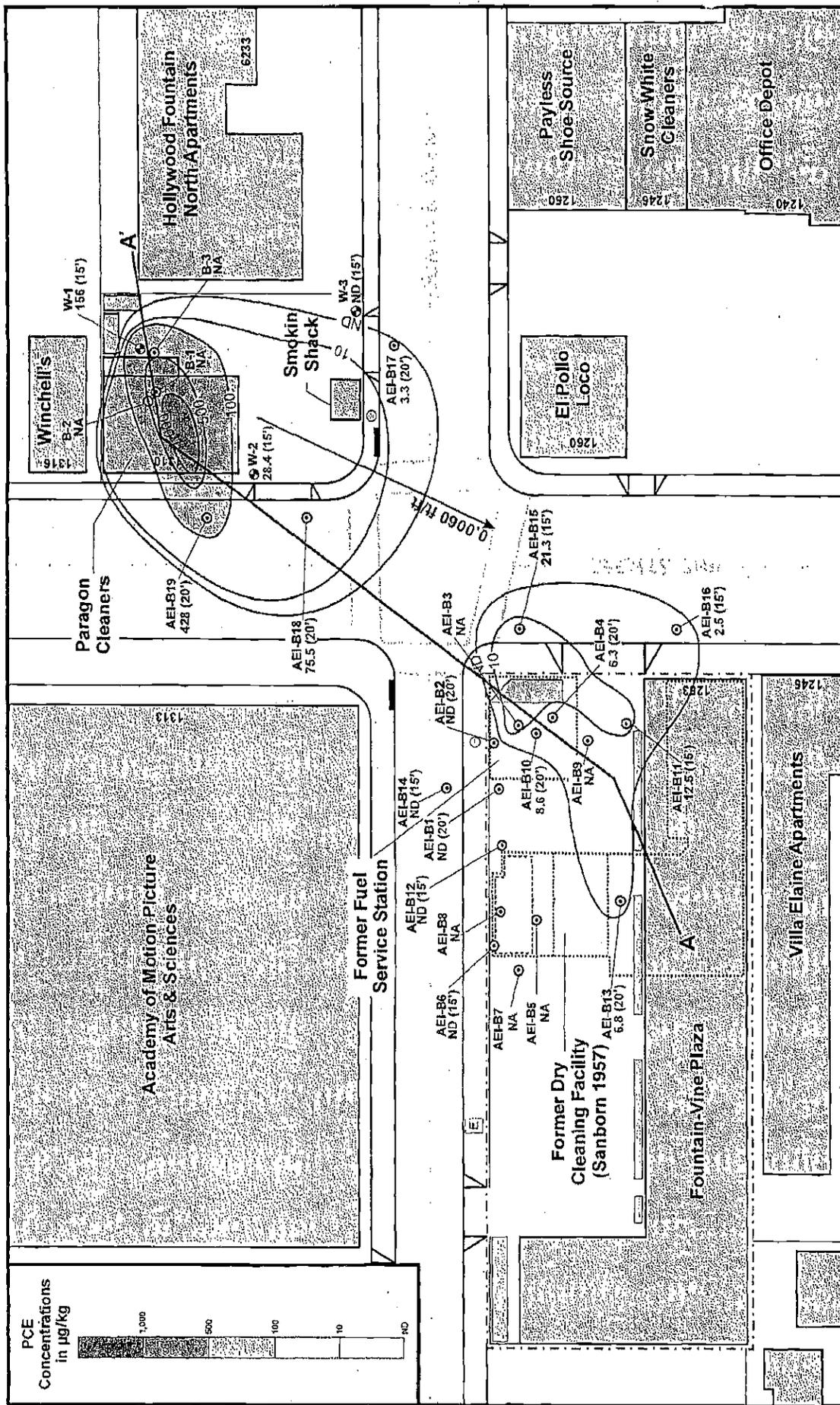
Maximum PCE concentrations detected in soil at or above 10 feet below grade (sample depth) in micrograms per kilogram (µg/kg)

Not detected above laboratory method detection limits/not applicable (no sample)

ND/NA

0 75 150
Approximate Scale in Feet

North Arrow



**Figure 5: Maximum PCE in Soil
15 to 20 feet bgs**
Fountain-Vine Plaza
1253 Vine Street
Los Angeles, California 90028

PROJECT: Fountain-Vine.p01
DATE: November 2012
DRAWN BY: GI

**Ami Adini
& Associates, Inc.**

LEGEND

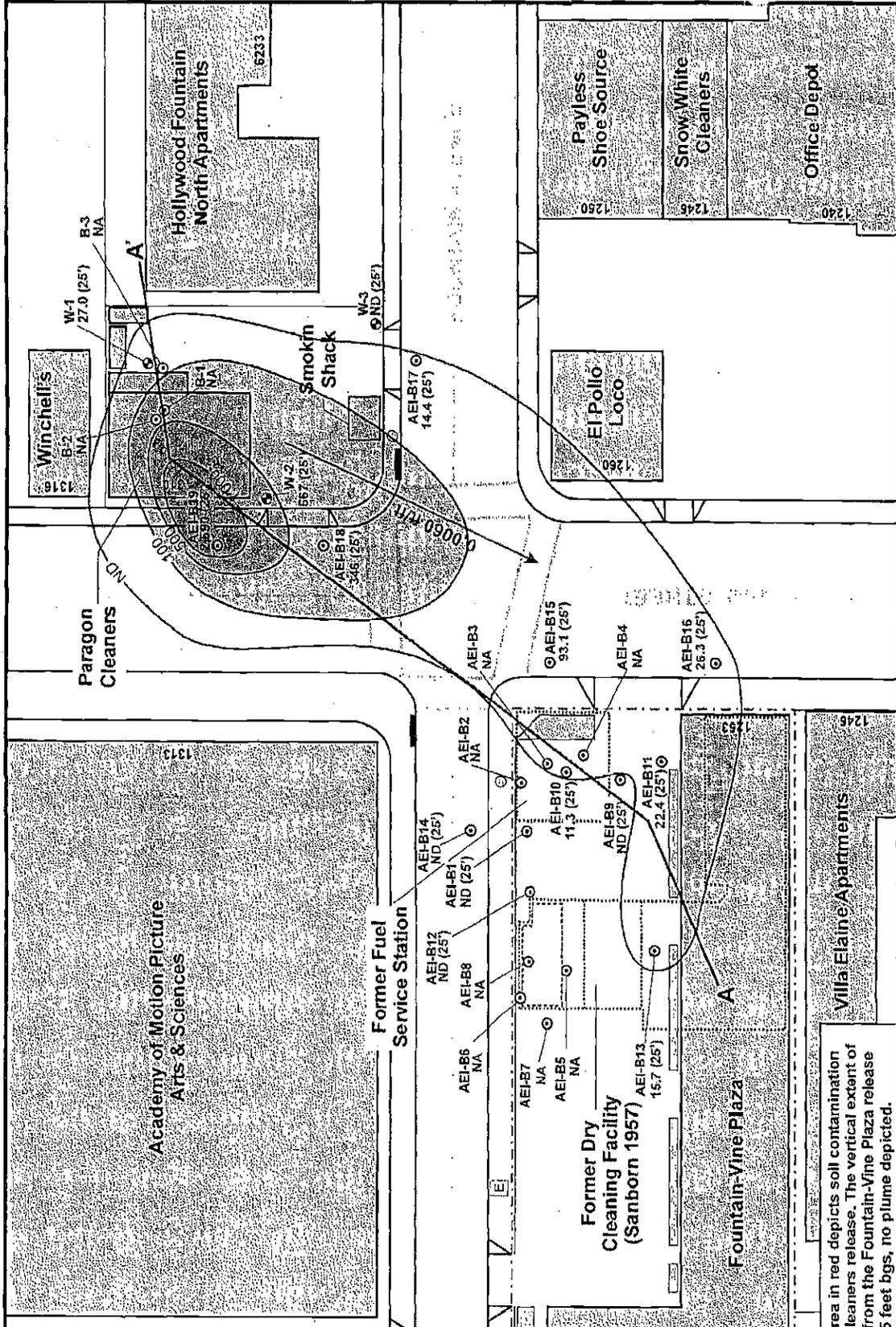
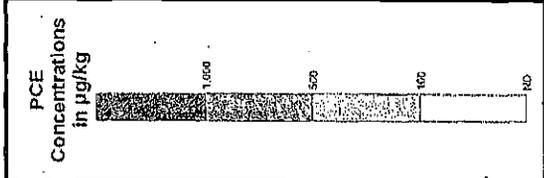
- Property line
- Dry cleaning facility (AEI 2006)
- Storm drain
- Underground electrical distribution vault
- Municipal water hydrant
- Former structure on-site (fuel service station and dry cleaning facility)

Fountain-Vine soil boring (AEI, 11/2005, 07/2006)
 AEI-B1 - AEI-B5
 AEI-B10 - AEI-B15

B-1 - B-3 Paragon soil boring (DCI, 07/2005)
 Groundwater monitoring wells for Paragon Cleaners (IRIS, 10/2008)
 W-1 - W-3

744 (7') Maximum PCE concentrations detected in soil from 15 to 20 feet below grade (sample depth) in micrograms per kilogram (µg/kg)
 ND/NA Not detected above laboratory method detection limits/Not applicable (no sample)

Approximate Scale in Feet
 0 75 150



Note: The shaded area in red depicts soil contamination from the Paragon Cleaners release. The vertical extent of soil contamination from the Fountain-Vine Plaza release terminates above 25 feet bgs, no plume depicted.

- LEGEND**
- - - Property line
 - - - Dry cleaning facility (AEI 2006)
 - Storm drain
 - Underground electrical distribution vault
 - Municipal water hydrant
 - Former structure on-site (fuel service station and dry cleaning facility)

AEI-B1 - AEB-3
AEI-B10 - AEB-19
B-1 - B-3
W-1 - W-3
2,590 (25')
ND/NA

Fountain-Vine soil boring (AEI, 11/2005, 07/2006)
Paragon soil boring (DCI, 07/2005)
Groundwater monitoring wells for Paragon Cleaners (RIS, 10/2008)
Maximum PCE concentrations detected in soil at 25 feet bgs (sample depth) in micrograms per kilogram (µg/kg)
Not detected above laboratory method detection limits/not applicable (no sample)

Figure 6: Maximum PCE in Soil
25 feet bgs
Fountain-Vine Plaza
1253 Vine Street
Los Angeles, California 90028

PROJECT: Fountain-Vine.p01
DATE: November 2012
DRAWN BY: GI

Ami Adini & Associates, Inc.

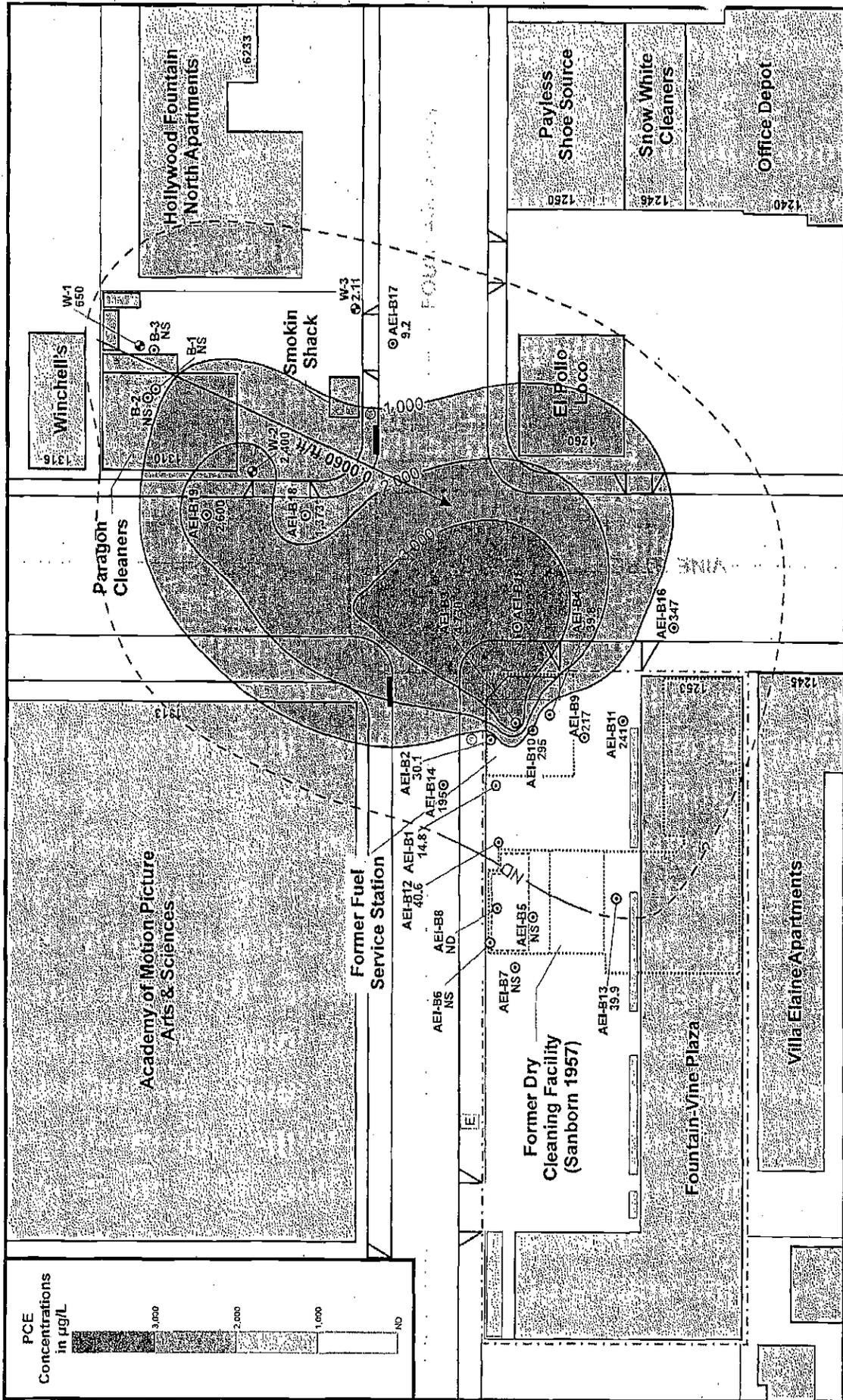
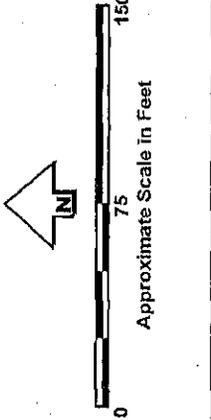


Figure 7: PCE in Groundwater
 Fountain-Vine Plaza
 1253 Vine Street
 Los Angeles, California 90028

PROJECT: Fountain-Vine-p01
 DATE: November 2012
 DRAWN BY: GI
 Ami Adini & Associates, Inc.

B-1 - B-3: Paragon soil boring (DCI, 07/2005)
 W-1 - W-3: Groundwater monitoring wells for Paragon Cleaners (IRIS, 10/2008)
 2,600: Maximum PCE concentrations detected in groundwater in milligrams per liter (µg/L)
 ND: Not detected above laboratory method detection limits
 NS: Not sampled
 *: Averaged concentration

AEI-B1 - AEI-B3: Fountain-Vine soil boring (AEI, 11/2005, 07/2006)
 AEI-B10 - AEI-B19: (AEI, 11/2005, 07/2006)



TABLES

Table 1 through 5

Table 1
Analytical Soil Results, Fountain-Vine Plaza
(AEI, Phase II Subsurface Investigation, 2005)

Table 2: Soil Sample Laboratory Results (µg/kg)

Sample Identification	TPH-g (mg/kg)	TPH-d (mg/kg)	TPH-o (mg/kg)	B	T	E	X	PCE	TCE	All Other VOCs
AEI-B1-20'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B2-20'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
AEI-B3-2'	ND	ND	ND	ND	ND	ND	ND	12.6	ND	ND
AEI-B3-10'	NA	NA	NA	ND	ND	ND	ND	7.4	ND	ND
AEI-B4-5'	NA	NA	NA	ND	ND	ND	ND	27.2	ND	ND
AEI-B4-10'	NA	NA	NA	ND	ND	ND	ND	11.7	ND	ND
AEI-B4-15'	NA	NA	NA	ND	ND	ND	ND	5.9	ND	ND
AEI-B4-20'	ND	ND	ND	ND	ND	ND	ND	6.3	ND	ND
AEI-B5-10'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B6-15'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B7-5'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B8-10'	NA	NA	NA	ND	ND	ND	ND	ND	ND	ND
AEI-B9-25'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

µg/kg = micrograms per kilogram

TPH-g = total petroleum hydrocarbons as gasoline

mg/kg = milligrams per kilogram

TPH-d = total petroleum hydrocarbons as diesel

TPH-o = total petroleum hydrocarbons as oil

B = benzene

T = toluene

E = ethylbenzene

X = xylenes

PCE = tetrachloroethene

TCE = trichloroethene

VOCs = volatile organic compounds

ND = not detected above laboratory reporting limits (refer to laboratory report for detection limits)

NA = not analyzed

Table 2
Historical Analytical Groundwater Data
 Fountain-Vine Plaza and Patagon Cleaners

Sample ID	Date	TPHg (µg/L)	TPHd (µg/L)	TPHo (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethyl- benzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)	ETBE (µg/L)	DIPE (µg/L)	TAME (µg/L)	TBA (µg/L)	PCE (µg/L)	TOE (µg/L)
Fountain-Vine Plaza															
AEI-B1-30'-GW	10/20/05	<50	<500	<2,000	<2	<2	<2	<4	<2	<2	<2	<2	<10	14.8	<5
AEI-B2-30'-GW	10/20/05	<50	<500	<2,000	<2	<2	<2	<4	<2	<2	<2	<2	<10	30.1	<5
AEI-B3-30'-GW	10/20/05	3,760	<500	<2,000	<2	<2	<2	<4	<2	<2	<2	<2	<10	4,730	<5
AEI-B4-30'-GW	10/20/05	65.4	<500	<2,000	<2	<2	<2	<4	<2	<2	<2	<2	<10	39.8	<5
AEI-B8-30'-GW	10/20/05	NA	NA	NA	<2	<2	<2	<4	<2	<2	<2	<2	<10	<5	<5
AEI-B9-30'-GW	10/20/05	181	<500	<2,000	<2	<2	<2	<4	<2	<2	<2	<2	<10	217	6.5
AEI-B10-30'-GW	05/22/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	295	<2
AEI-B11-30'-GW	05/22/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	241	2.8
AEI-B12-30'-GW	05/22/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	40.6	<2
AEI-B13-30'-GW	05/22/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	39.9	<2
AEI-B14-30'-GW	06/29/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	195	5.1
AEI-B15-30'-GW	06/29/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	4,920	<2
AEI-B16-30'-GW	06/29/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	3.47	<2
AEI-B17-30'-GW	06/29/06	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	9.2	<2
AEI-B18-28'-GW	07/06/06	NA	NA	NA	<2	<2	<2	<4	<4	<4	<4	<4	<20	1,640	4.3
AEI-B18-31'-GW	07/06/06	NA	NA	NA	<2	<2	<2	<4	<4	<4	<4	<4	<20	1,440	4.0
AEI-B18-37'-GW	07/06/06	NA	NA	NA	<2	<2	<2	<4	<4	<4	<4	<4	<20	1,040	2.0
AEI-B19-30'-GW	07/06/06	NA	NA	NA	<2	<2	<2	<4	<4	<4	<4	<4	<20	2,600	25.0

Table 2
Historical Analytical Groundwater Data
 Fountain-Vine Plaza and Paragon Cleaners

Sample ID	Date	TPHg (µg/L)	TPHd (µg/L)	TPHo (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethyl- benzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)	ETBE (µg/L)	DIPE (µg/L)	TAME (µg/L)	TBA (µg/L)	PCE (µg/L)	TCE (µg/L)
Paragon Cleaners															
W-1	11/11/08	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	650	<1
	08/19/09	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	1,230	<10
	09/23/09	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	765	<10
W-2	11/11/08	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	2,400	18.2
	08/19/09	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	9,550	<50
	09/23/09	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	8,500	11.5
W-3	11/11/08	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	2.11	<1
	08/19/09	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	4.31	<1
	09/23/09	NA	NA	NA	<1	<1	<1	<2	<2	<2	<2	<2	<10	2.67	<1

Notes:

- GC/MS = Gas chromatography/mass spectrometry
- TPHg = Total petroleum hydrocarbons as gasoline (EPA 8015 Modified)
- TPHd = Total petroleum hydrocarbons as diesel (EPA 8015 Modified)
- TPHo = Total petroleum hydrocarbons as oil (EPA 8015 Modified)
- MTBE = Methyl tertiary butyl ether (EPA Method 8260B)
- DIPE = Di-isopropyl ether (EPA Method 8260B)
- ETBE = Ethyl tertiary butyl ether (GC/MS)
- TAME = Tertiary amyl methyl ether (GC/MS)
- TBA = Tertiary butyl alcohol (GC/MS)
- PCE = Tetrachloroethylene (GC/MS)
- TCE = Trichloroethylene (GC/MS)
- µg/L = Micrograms per liter
- NA = Not analyzed



Table 3
Analytical Soil Gas Results, Paragon Cleaners
(Iris Environmental, Site Investigation, 2008)

Location	Depth of Sample (feet bgs)	Tetrachloroethene (PCE)	Trichloroethene (TCE)	Benzene	Toluene	Ethylbenzene	Total Xylenes	Laboratory Type
SG-1-5	5	140	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	Off-Site Stationary Laboratory
SG-1-5 Dup	5	150	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-1-25	25	290	0.19	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-2-subslab	subslab	2,600	ND<0.10	ND<0.10	1.1	ND<0.50	ND<0.50	
SG-2-5	5	2,100	0.37	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-3-subslab	subslab	1,500	0.66	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-3-5	5	920	0.32	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-4-5	5	1,600	0.56	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-4-25	25	180	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-5-5	5	37	ND<0.10	0.17	ND<1.0	ND<0.50	ND<0.50	
SG-5-5	5	100	0.13	ND<0.10	ND<1.0	ND<0.50	ND<0.50	Mobile Laboratory
SG-5-25	25	330	0.73	0.22	ND<1.0	ND<0.50	0.51	Stationary Laboratory
SG-5-25	25	510	ND<0.10	ND<1.0	ND<1.0	ND<5.0	ND<5.0	Mobile Laboratory
SG-6-5	5	29	ND<0.10	ND<0.10	ND<1.0	0.60	3.07	Off-Site Stationary Laboratory
SG-6-25	25	190	ND<0.10	ND<0.10	ND<1.0	ND<0.50	2.31	
SG-7-5	5	22	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-7-25	25	81	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-8-5	5	16	ND<0.10	0.26	ND<1.0	ND<0.50	0.59	
SG-8-5	5	32	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	
SG-8-25	25	37	ND<0.10	0.18	ND<1.0	ND<0.50	ND<0.50	
SG-8-25	25	53	ND<0.10	ND<0.10	ND<1.0	ND<0.50	ND<0.50	

ND<0.10 : Analyte not detected above laboratory reporting limit reported.
 ND< : not applicable
 (1) Soil gas concentrations are expressed in units of micrograms per liter (µg/L).
 (2) Samples were collected October 17, 2008.
 (3) Samples were analyzed using EPA Method 8260B.

Table 4
Analytical Soil Results, Paragon Cleaners
(Iris Environmental, Site Investigation, 2008)

Sample Location	Sample Depth (ft bgs)	Sample ID	Tetrachloroethene (ug/kg)
W-1	5	W1-5'-103008	51.0
	15	W1-15'-103008	156
	25	W1-25'-103008	27.0
	40	W1-40'-103008	5.04
W-2	15	W2-15'-103008	28.4
	25	W2-25'-103008	567
	35	W2-35'-103008	283
	40	W2-40'-103008	104
W-3	15	W3-15'-102908	ND<1
	25	W3-25'-102908	ND<1
	35	W3-35'-102908	ND<1
	45	W3-45'-102908	ND<1

Notes:

ft bgs = feet below ground surface

ug/kg = micrograms per kilogram

ND< = not detected above the stated laboratory reporting limits

Samples were collected on October 29 and 30, 2008.

Table 5
Historical Groundwater Data, Paragon Cleaners
(Encon Solutions, Third Quarter 2009 Groundwater Monitoring Report, 2009)

Well ID	Date	Time	Screened Interval (feet, bgs)	Top of Casing Elevation (ft., AMSL)	Depth to Groundwater (ft., BTOC)	Groundwater Surface Elevation (ft., AMSL)	Comments
W-1	11/11/08	7:07	25 to 45	325.71	31.25	294.46	PID = 30 ppm; TD = 43.72' BTOC
W-1	6/19/09	7:19	25 to 45	325.71	31.75	293.96	No hydrocarbon sheen or odor, TD = 43.97' BTOC
W-1	9/23/09	7:03	25 to 45	325.71	32.09	293.62	No hydrocarbon sheen or odor.
W-2	11/11/08	9:04	25 to 45	322.45	28.46	293.99	PID = 4.777 ppm; TD = 43.87' BTOC
W-2	6/19/09	7:21	25 to 45	322.45	28.95	293.50	No hydrocarbon sheen or odor, TD = 44.08' BTOC
W-2	9/23/09	7:06	25 to 45	322.45	29.26	293.19	No hydrocarbon sheen or odor.
W-3	11/11/08	11:50	25 to 45	321.18	27.26	293.92	PID = 113 ppm; TD = 43.92' BTOC
W-3	6/19/09	7:17	25 to 45	321.18	27.75	293.43	No hydrocarbon sheen or odor, TD = 44.32' BTOC
W-3	9/23/09	7:00	25 to 45	321.18	28.09	293.09	No hydrocarbon sheen or odor.

Notes: ft, bgs indicates feet below ground surface.

ft, AMSL indicates feet above mean sea level.

ft, BTOC indicates feet below top of casing.

PID = Phototization Detector, reported in parts per million (ppm).

Wells W-1 through W-3 installed on October 29 and 30, 2008 by IRIS Environmental, Irvine, California.

November 11, 2008 groundwater monitoring performed by IRIS Environmental.

Wells surveyed November 7, 2008 by KDM Meridian, Lake Forest, California, Richard C. Maher, PLS 7564.

Exhibit “3”



Monday, July 31, 2006

Mr. Carl Van Quathem
Alca Properties, Ltd.
11356 Nutmeg Avenue
Los Angeles, California 90066

Subject: Phase III Subsurface Investigation Report and Invoices
Fountain-Vine Plaza
1253 Vine Street
Los Angeles, California 90028
AEI Project Number 28508

Dear Mr. Van Quathem:

Attached are three copies of the Phase III Subsurface Investigation Report prepared for the above-referenced property. Also included are AEI Consultants (AEI) Invoice Numbers 2-06-23281 and 2061089. The former invoice was previously issued and is included for your records. The latter invoice is for the work conducted since Invoice Number 2-06-23281, which includes the preparation of the attached Report.

If you have any questions regarding this project, please do not hesitate to contact the undersigned at (310) 798-4255.

Sincerely,

AEI CONSULTANTS

Rodolfo Nadres, EIT
Staff Engineer

Attachments:
Phase III Subsurface Investigation Report (three copies)
AEI Invoice Number 2-06-23281
AEI Invoice Number 2061089

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APPENDICES

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Appendix B	Boring Logs
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Appendix D	Health and Safety Plan
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Appendix F	Laboratory Reports
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1.0 INTRODUCTION

AEI Consultants (AEI) was retained by Alca Properties, Ltd., to prepare the following Phase III Subsurface Investigation (Phase III) Report for the property located at 1253 Vine Street in the City of Los Angeles, California.

1.1 Authorization

Authorization to conduct the Phase III and prepare this Report was given by Alca Properties, Ltd., through a signed copy of AEI Proposal Number 2005-3786.

1.2 Purpose

The purpose of this investigation was to further define the lateral and vertical extent of soil and groundwater impacted by tetrachloroethene (PCE) detected during a previous Phase II Subsurface Investigation (Phase II) conducted by AEI at the subject property.

1.3 Scope

The scope of this investigation included a total of 10 borings (AEI-B10 through AEI-B19).

1.4 Quality Assurance/Quality Control

All sampling, analyses, and decontamination procedures were performed in general accordance with U.S. Environmental Protection Agency (EPA) and State Water Resources Control Board (SWRCB) approved methodology.

All samples were transported under proper chain-of-custody protocol to Alpha Scientific Corporation (ASC), a state-certified laboratory [Environmental Laboratory Accreditation Program (ELAP) Number 2633] located in the City of Cerritos, California, for analysis. The laboratory ran surrogate samples as part of their Quality Assurance/Quality Control (QA/QC) program. All QA/QC data were within the acceptable limits.

All fieldwork and the report writing were performed under the supervision of Mr. Joseph P. Derhake, a Registered Professional Engineer.

1.5 Limitations

This Report has been prepared for Alca Properties, Ltd., as it pertains to the property located at 1253 Vine Street in the City of Los Angeles, California. Neither this Report, nor any of the

information contained herein shall be used or relied upon by any other person or entity other than Alca Properties, Ltd.

The completed work includes observations and descriptions of site conditions encountered. Where appropriate, the Report includes analytical results for samples taken during the course of the work. All conclusions and/or recommendations are based on these analyses, observations, and the governing regulations. Conclusions beyond those stated and reported herein should not be inferred from this document.

The number and location of samples were chosen to provide the required information, but it cannot be assumed that they are representative of areas not sampled. The variations that may exist between sampling points cannot be anticipated, nor could they be entirely accounted for, in spite of exhaustive additional testing.

This Report should not be regarded as a guarantee that no further contamination beyond that which could have been detected within the scope of this investigation is present beneath the subject property. Undocumented, unauthorized releases of hazardous materials, the remains of which are not readily identifiable by visual inspection and are of different chemical constituents, are difficult and often impossible to detect within the scope of a chemical specific investigation.

All specified work has been performed in accordance with generally accepted practices in geotechnical environmental engineering, engineering geology, and hydrogeology. No other warranty, either expressed or implied, is made.

2.0 PROJECT BACKGROUND

2.1 Subject Property Description

The subject property is located in a mixed commercial and residential area in the City of Los Angeles, California. The Academy of Motion Picture Arts and Science is located to the north across Fountain Avenue. Paragon Cleaners, an active dry cleaning facility, is located across the Fountain Avenue-Vine Street intersection to the northeast. Vine Street borders the subject property to the east, beyond which is a multi-tenant commercial center (one occupant of the commercial center is Snow White Cleaners, an active dry cleaning facility). Various residential and commercial tenants are located to the south and west of the site. Please see Figure 2.1-1 for a site vicinity map.

The subject property is currently developed with an L-shaped, two-story, multi-tenant commercial building aligning the southern and western property lines. The building was constructed in 1984. The remainder of the site is improved with an asphalt-paved parking lot and associated landscaping. Please see Figure 2.1-2 for a site plan.

2.2 Project History

2.2.1 Phase I Environmental Site Assessment; ADR Environmental Group, Inc.; April 2003

According to a Phase I Environmental Site Assessment (Phase I) Report prepared by ADR Environmental Group, Inc. (ADR) in April 2003, the northeast corner of the subject property was previously developed with a gasoline station from approximately 1925 to 1928. The gasoline station presumably stored large quantities of petroleum hydrocarbons on-site in underground storage tanks (USTs). However, no records were on-file with regulatory agencies indicating the quantity, location, or capacity of the former USTs. In addition, no records were available indicating that samples were collected and analyzed to determine whether or not a release had occurred from former on-site gasoline station activities. Please see Figure 2.1-2 for a map indicating the approximate location of the former gasoline station as determined through historical aerial photographs.

Historical records indicated that the subject property was previously developed with a different L-shaped, multi-tenant commercial building than the structure currently on-site from approximately the 1920s to the 1980s. A dry cleaning facility occupied the unit of the former building identified with the addresses 1267 – 1269 Vine Street from approximately 1955 to 1970. The former dry cleaners presumably conducted dry cleaning operations on-site, which typically involve the use of chlorinated solvents, particularly PCE. Even when properly stored and disposed of, PCE can be released in small, frequent releases through floor drains, cracked concrete, and/or sewer systems. Moreover, chlorinated solvents are highly mobile chemicals that can easily accumulate in soil and migrate to groundwater beneath a facility. Please see Figure 2.1-2 for a map indicating the footprint of the former on-site building and the location of the former dry cleaning facility as determined through historical Sanborn Maps and city directories.

During the ADR Phase I site reconnaissance, two off-site dry cleaning facilities were observed. Paragon Cleaners was noted to the northeast of the subject property and Snow White Cleaners was noted to the east of the subject property. Based on the close proximity of the active dry cleaning facilities to the subject property and the presumed flow direction of groundwater (to the southwest), ADR determined that the potential exists for the off-site dry cleaners to have impacted the subject property subsurface. Please see Figure 2.1-2 for a map indicating the approximate locations of the off-site dry cleaning facilities.

Based on the environmental concerns identified during the Phase I, ADR concluded that a subsurface investigation would be a means to determine whether or not former on-site gasoline station activities, former on-site dry cleaning activities, and/or active off-site dry cleaning activities have impacted the subject property subsurface.

2.2.2 Phase II; AEI; November 2005

AEI prepared a report in November 2005 for a Phase II that was conducted at the subject property. The scope of the investigation included a total of nine borings (AEI-B1 through AEI-B9) advanced throughout the subject property. Five of the borings (AEI-B1 through AEI-B4 and AEI-B9) addressed the former gasoline station and/or active off-site dry cleaning facilities and the remaining four borings (AEI-B5 through AEI-B8) addressed the former on-site dry cleaning facility. Please see Figure 2.2.2-1 for a map indicating the Phase II boring locations.

Borings AEI-B5 through AEI-B7 were advanced to 15 feet below ground surface (bgs) and the remaining six borings were advanced to 30 feet bgs, where groundwater was encountered. A total of 41 soil samples and 6 groundwater samples were collected during the investigation. Five of the soil samples and four of the groundwater samples were analyzed for carbon chain total petroleum hydrocarbons (TPH-cc) via EPA Method 8015M. Thirteen of the soil samples and the six groundwater samples were analyzed for volatile organic compounds (VOCs) via EPA Method 8260B. Please see Appendix A for a summary of the Phase II soil and groundwater sample laboratory results.

No fuel petroleum hydrocarbons were detected in any analyzed soil samples collected during the Phase II. The lack of detectable fuel petroleum hydrocarbons suggested that the subsurface has not been impacted by a large release from former on-site fueling activities.

All analyzed soil and groundwater samples collected in the presumed vicinity of the former on-site dry cleaning facility had non-detectable concentrations of all VOCs. However, PCE, a dry cleaning solvent but also a common solvent used in automotive repairs, was detected at relatively low levels [27.2 micrograms per kilogram ($\mu\text{g}/\text{kg}$) or less] in soil samples collected in the northeast corner of the subject property where the on-site gasoline station was previously located. Impacted soil appears to be present from the ground surface to the water table located at a depth of approximately 30 feet bgs, but relatively localized laterally. All analyzed groundwater samples collected from the northeast corner of the subject property had detectable levels of PCE with a peak concentration of 4,730 micrograms per liter ($\mu\text{g}/\text{L}$). Total petroleum hydrocarbons as gasoline (TPH-g) was detected in three of the groundwater samples. However, based on the lack of detectable fuel petroleum hydrocarbons, the detected TPH-g concentrations were likely triggered by the presence of PCE, which falls within the carbon chain range of TPH-g.

The results of the Phase II indicate that subsurface soil and groundwater has been impacted by a release of PCE with significant PCE concentrations detected in groundwater. The scope of the investigation was insufficient to definitively determine if the source of PCE is an on-site release that has preferentially migrated to groundwater and/or an up-gradient, off-site release that has impacted groundwater and has migrated on-site. The Phase II concluded that additional

subsurface investigation(s) would be required to conclusively determine the source(s) of the release.

2.3 Hydrogeologic Conditions

2.3.1 Local/Site Geology

Based on a review of the United States Geological Survey (USGS) Hollywood Quadrangle Topographic Map, the subject property is situated 321 feet above mean sea level (amsl) and the local topography is sloping to the south-southwest.

Based on borings advanced during this investigation, the subject property is generally underlain with moist to saturated sand-silt mixtures to 30 feet bgs. Clayey soil was encountered in some off-site borings at 20 to 25 feet bgs. Please see Appendix B for boring logs from this investigation.

2.3.2 Local/Site Hydrogeology

Based on local topography, the inferred flow direction of groundwater at the subject property is to the south-southwest. Groundwater was encountered during this investigation at a depth of approximately 30 feet bgs.

3.0 FIELDWORK

3.1 Permitting

Prior to advancement of borings in the public right-of-way, an Excavation Permit was secured from the City of Los Angeles Department of Public Works (LADPW). Excavation Permit number E-0650-0076 was issued by the LADPW on May 10, 2006. Please see Appendix C for a copy of the LADPW Excavation Permit.

Since borings were to be advanced in the street, a Worksite Traffic Control Plan (WTCP) approved by the City of Los Angeles Department of Transportation (LADOT) was required for this investigation. The LADOT approved the WTCP on June 23, 2006. Please see Appendix C for a copy of the LADOT approval letter for the WTCP and a copy of the WTCP.

3.2 Health and Safety Plan

A site-specific Health and Safety Plan was reviewed and signed by all persons involved with the investigation prior to the commencement of any drilling activities conducted at the subject property. Please see Appendix D for a copy of the signed Health and Safety Plan.

3.3 Drilling Equipment and Duration of Subsurface Investigation

Borings AEI-B10 through AEI-B13 were advanced on May 22, 2006. Borings AEI-B14 through AEI-B17 were advanced on June 29, 2006. Borings AEI-B18 and AEI-B19 were advanced on July 6, 2006. Each boring was advanced with a direct-push, truck-mounted Model 6600 Geoprobe drill rig. The first 5 feet of borings located in the public right-of-way were advanced with a hand auger. All casings, rods, and sampling equipment were decontaminated between boreholes to prevent cross-contamination.

3.4 Soil Boring/Sampling Locations

Four of the borings (AEI-B10 through AEI-B13) were advanced throughout the subject property to further characterize the lateral and vertical extent of on-site PCE-impacted soil and the lateral extent of PCE-impacted groundwater. Six of the borings (AEI-B14 through AEI-B19) were advanced in the public right-of-way to further characterize the lateral extent of PCE-impacted groundwater and assess the potential for PCE-impacted groundwater to be migrating on-site from an off-site source.

Boring AEI-B10 was advanced in the vicinity of previous borings AEI-B3 and AEI-B4. Boring AEI-B11 was advanced in the southeast quadrant of the subject property to the north of the building. Boring AEI-B12 was advanced between the former on-site gasoline station and the former on-site dry cleaning facility. Boring AEI-B13 was advanced to the west of boring AEI-B11. Boring AEI-B14 was advanced in the eastbound lane of Fountain Avenue to the west of Vine Street. Boring AEI-B15 was advanced in the westernmost southbound lane of Vine Street just south of the southern Vine Street crosswalk. Boring AEI-B16 was advanced to the south of boring AEI-B15 and to the east of the subject property building. Boring AEI-B17 was advanced in the westbound lane of Fountain Avenue to the south of the Paragon Cleaners property. Boring AEI-B18 was advanced in the easternmost northbound lane of Vine Street just north of the northern Vine Street crosswalk. Boring AEI-B19 was advanced to the north of boring AEI-B18 and to the west of the Paragon Cleaners building. Please see Figure 2.2.2-1 for a map indicating boring locations for this investigation.

3.5 Soil Sampling Depths

All borings were advanced until groundwater was encountered. Borings AEI-B10 through AEI-B17 and AEI-B19 were advanced to 30 feet bgs. Boring AEI-B18 was advanced to 37 feet bgs. Soil samples were collected from borings AEI-B10 through AEI-B13 in 5-foot intervals to 25 feet bgs. Soil samples were collected from borings AEI-B14, AEI-B15, AEI-B18, and AEI-B19 in 5-foot intervals from 10 to 25 feet bgs. Soil samples were collected from borings AEI-B16 and AEI-B17 in 5-foot intervals from 15 to 25 feet bgs.

3.6 Soil Sampling Methods

Soil samples were collected in acetate tubes using the Geoprobe rig. Each sample was examined for lithological classification and field-screened with a photoionization detector (PID) and by visual and olfactory means. Please see Appendix B for boring logs from this investigation.

Samples were collected from the acetate tubes via EPA Method 5035 protocol using disposable plastic syringes and 40-milliliter (mL) volatile organics analysis (VOA) containers with sodium bisulfate (NaHSO₄) preservative. Following EPA Method 5035 sample collection, the acetate tubes were sealed on both ends with Teflon tape and plastic caps. All soil samples were labeled for identification and stored in an iced cooler.

3.7 Groundwater Sampling Depths

Groundwater was encountered in all borings except boring AEI-B18 at a depth of approximately 30 feet bgs. Groundwater was encountered in boring AEI-B18 at a depth of approximately 37 feet bgs. Groundwater was sampled in all borings except boring AEI-B18 at 30 feet bgs. Groundwater was sampled from boring AEI-B18 at depths of 28, 31, and 37 feet bgs to ensure that the same water-bearing unit was sampled.

3.8 Groundwater Sampling Methods

Groundwater was collected using the Geoprobe rig by advancing a Hydropunch equipped with a 4-foot screen to the sampling depth. The Hydropunch was withdrawn from the borehole approximately 4 feet to expose the screened interval and allow groundwater to fill the Hydropunch. Sterile 1/8-inch diameter polyethylene tubing with a check valve was inserted into the Hydropunch and used to collect the groundwater samples. The groundwater samples were collected in two laboratory-supplied, sterile, 40-milliliter VOA containers with hydrochloric acid (HCl) preservative, capped with no observed headspace or air bubbles in the vials, and stored in an iced cooler.

Each borehole was backfilled with hydrated bentonite chips upon completion of soil sampling.

3.9 Laboratory Analysis

A total of 20 soil samples and 4 groundwater samples were collected on May 22, 2006, and transported under proper chain-of-custody protocol to ASC on May 24, 2006, for analysis. A total of 14 soil samples and 4 groundwater samples were collected on June 29, 2006, and transported under proper chain-of-custody protocol to ASC on July 1, 2006. A total of eight soil samples and four groundwater samples were collected on July 6, 2006, and transported under proper chain-of-custody protocol to ASC on July 7, 2006. A total of 42 soil samples and 12 groundwater samples were analyzed for VOCs via EPA Method 8260B.

3.10 Summary of Borings, Sampling Schedule, and Laboratory Analysis

Please see Appendix E for a summary of the borings, sampling schedule, and laboratory analyses for this investigation.

4.0 FINDINGS

ASC reported the results of the laboratory analysis of the samples collected on May 22, June 29, and July 6, 2006, on May 30, July 15, and July 11, 2006, respectively. Please see Appendix A for a summary of the soil and groundwater sample laboratory results for this investigation. Please see Appendix F for a copy of all analytical results and chain-of-custody documentation for this investigation.

5.0 DISCUSSION

During this investigation, relatively minor concentrations of PCE (less than 22.4 $\mu\text{g}/\text{kg}$) were detected in soil samples on-site. Soil samples collected in the public right-of-way directly adjacent to the subject property (borings AEI-B14 through AEI-B16) had PCE concentrations comparable to PCE concentrations detected on-site with the exception of AEI-B15-25', which was slightly elevated (93.1 $\mu\text{g}/\text{kg}$). Soil samples from boring AEI-B17, the boring advanced farthest off-site to the east, had relatively minor concentrations of PCE. Soil samples collected from borings AEI-B18 and AEI-B19, which were advanced off-site in the public right-of-way adjacent to the west of Paragon Cleaners, had elevated levels of PCE with a peak concentration of 2,590 $\mu\text{g}/\text{kg}$.

During this investigation, all analyzed groundwater samples had detectable levels of PCE. On-site groundwater samples had PCE concentrations ranging from 39.9 to 295 $\mu\text{g}/\text{L}$. Off-site groundwater samples collected directly adjacent to the subject property had PCE concentrations ranging from 195 to 4,920 $\mu\text{g}/\text{L}$. Off-site groundwater samples collected across the street adjacent to the west of Paragon Cleaners had PCE concentrations ranging from 1,040 to 2,600 $\mu\text{g}/\text{L}$. Minor concentrations of PCE breakdown products [trichloroethene (TCE) and cis-1,2-dichloroethene (cis-1,2-DCE)] were detected in six of the groundwater samples.

5.1 Spatial Distribution of Impacted Soil

Soil PCE concentrations were generally lower on-site and in the public right-of-way directly adjacent to the subject property and increased towards Paragon Cleaners. Elevated soil PCE levels were detected in boring AEI-B19 at all depths, especially at 25 feet bgs (2,590 $\mu\text{g}/\text{kg}$), and to a lesser extent at 25 feet bgs in borings AEI-B15 and AEI-B18. These borings form an

approximate northeast-southwest trending line from Paragon Cleaners to the subject property and correspond to borings with elevated groundwater PCE concentrations.

Only borings AEI-B5 through AEI-B8 and AEI-B12 (collected in the vicinity of the former on-site dry cleaning facility in the center of the subject property along the northern property line) and boring AEI-B14 (collected off-site to the north of the northeast corner of the subject property) had non-detectable concentrations of all VOCs in soil. These borings form the northwestern edge of the soil PCE plume. PCE was detected in soil in all other areas. Therefore, the soil PCE plume has yet to be fully defined in all remaining directions.

Several borings had soil PCE concentrations that increased with depth. This trend suggests that many detected PCE concentrations in soil, particularly on-site, are a result of vapor-phase migration of PCE from impacted groundwater.

Please see Figure 5.1-1 for a map indicating soil PCE concentrations detected during both investigations.

5.2 Lateral Distribution of Impacted Groundwater

Elevated levels of PCE in groundwater were detected in borings AEI-B3, AEI-B15, AEI-B18, and AEI-B19. These borings form an approximate northeast-southwest trending line from Paragon Cleaners to the subject property. Boring AEI-B3 was advanced on-site and the remaining borings were advanced off-site in the public right-of-way. Relatively minor to moderate levels of PCE in groundwater were detected in all remaining borings with the exception of boring AEI-B8, which had non-detectable concentrations of all VOCs. Boring AEI-B8 generally defines the northwestern edge of the groundwater PCE plume. The PCE plume has yet to be fully defined in all remaining directions.

Please see Figure 5.2-1 for a map indicating groundwater PCE concentrations detected during both investigations and Figure 5.2-2 for a map of groundwater PCE isoconcentrations based on data collected from both investigations. Please note that the projected distribution of PCE in groundwater will likely change with the collection of additional groundwater data.

5.3 Preliminary Remediation Goals

Preliminary Remediation Goals (PRGs) are tools for evaluating contaminated sites. They are risk-based concentrations for chemical compounds in soil and take into account direct contact exposure pathways. PRGs are not considered standards, but rather guidelines. Please see Appendix G for a comparison between soil contaminant concentrations detected during both investigations and associated PRGs.

PCE was the only VOC detected in analyzed soil samples. Of the 33 soil samples with detectable PCE concentrations, 17 samples were collected on-site. Only one soil sample, AEI-B19-25', had PCE levels exceeding either the residential soil or the industrial soil PRG. The sample was collected off-site in the public right-of-way adjacent to Paragon Cleaners.

5.4 Soil Screening Levels

Soil Screening Levels (SSLs) are based on the Maximum Contaminant Levels (MCLs), which are discussed in the proceeding section. When discussing soil contamination, MCLs can be adjusted using an Attenuation Factor (AF), which takes into account site-specific lithology and depth to groundwater to determine chemical concentrations that would be allowed to remain in soil without posing a threat of migrating to and impacting groundwater beneath a site. Multiplying a chemical's MCL by the AF would yield its site-specific SSL. SSLs are considered standards and are enforced by the Los Angeles Regional Water Quality Control Board (LARWQCB).

The AF changes with depth to account for the distance and variations in lithology within the interval between impacted soil and groundwater. Therefore, there is an AF and a site-specific SSL for every depth between the ground surface and the water table. Please see Appendix G for details regarding AF calculations and a comparison between soil contaminant concentrations detected during both investigations and associated SSLs. The SSLs were calculated based on a depth to groundwater of 30 feet bgs. The provided SSLs are calculated based on available data. The SSLs may change when additional information is collected regarding the site. Please note that the regulatory agency ultimately establishes the SSLs for any given site.

Of the 33 soil samples with detectable PCE concentrations, 23 samples exceeded the PCE SSL. The majority of the samples, particularly on-site, are just above the PCE SSL. Samples with significant PCE concentrations and exceed the PCE SSL by at least one order of magnitude were mainly collected off-site in the public right-of-way adjacent to Paragon Cleaners.

5.5 MCLs

MCLs indicate the maximum allowable concentrations of chemical compounds that would be allowed to remain in groundwater without degradation of potential drinking water aquifers. MCLs are considered standards and are enforced by the LARWQCB. Please see Appendix G for a comparison between groundwater contaminant concentrations detected during both investigations and associated MCLs.

All but 1 of the 18 analyzed groundwater samples had detectable concentrations of PCE. Each sample with detectable levels of PCE exceeded the PCE MCL of 5 µg/L. TCE was detected in 7 of the 18 analyzed groundwater samples. Three of the samples had TCE concentrations just

above the TCE MCL of 5 µg/L. The one groundwater sample with a detectable concentration of cis-1,2-DCE did not exceed the cis-1,2-DCE MCL.

6.0 SUMMARY AND RECOMMENDATIONS

The results of the November 2005 Phase II and this investigation indicate that a significant release of PCE has occurred. The majority of PCE was detected in groundwater. Only the soil samples collected in the public right-of-way adjacent to Paragon Cleaners had significantly elevated levels of PCE in soil. The elevated levels of PCE in both soil and groundwater are considered a recognized environmental concern.

One analyzed soil sample exceeded both the industrial and residential soil PRGs for PCE, several soil samples exceeded the PCE SSL, and each analyzed groundwater sample exceeded the PCE MCL. Therefore, the release would be considered reportable to the lead regulatory agency.

No evidence of an apparent on-site release has been detected to date. The elevated levels in borings AEI-B18 and AEI-B19, which are inferred to be up-gradient from the subject property based on local topography, suggest that the detected PCE contamination in both soil and groundwater is originating from an off-site source. The prevalent relatively low soil PCE concentrations throughout the remaining investigation areas, particularly on-site, may be due to vapor phase migration of PCE from impacted groundwater.

The majority of the groundwater PCE plume appears to be located in the public right-of-way. However, the potential exists for moderate to significant levels of PCE in groundwater to be located beneath on-site building and/or off-site structures.

Based on the lack of an apparent on-site release point, future investigations should include the assessment of off-site properties that are potential sources of the PCE release. Sanitary and storm water sewer lines in the public right-of-way may also be potential sources of the PCE release. Investigations to be conducted at off-site properties will require the cooperation and permission of the properties' respective owners and investigations in the public right-of-way will require authorization from the applicable regulatory agencies.

AEI recommends the subject property owner to notify off-site property owners of the release, particularly Paragon Cleaners. In addition, AEI recommends that the release of PCE is reported to the lead regulatory agency.

AEI recommends that the exact source location of the PCE contamination is determined. The responsible party (i.e., the property owner and/or facility responsible for the release) will be accountable for any additional investigations to characterize and/or remediate PCE-impacted soil

and/or groundwater. The results of the subsurface investigations strongly suggest that the release of PCE occurred off-site and is migrating on-site. Therefore, the subject property owner will not likely be held responsible for additional investigations and/or remediation that may be required to address PCE-impacted soil and/or groundwater located either on- or off-site.

7.0 SIGNATURE OF ENVIRONMENTAL PROFESSIONALS

If you have any questions regarding this investigation, please do not hesitate to contact the undersigned at (310) 798-4255.

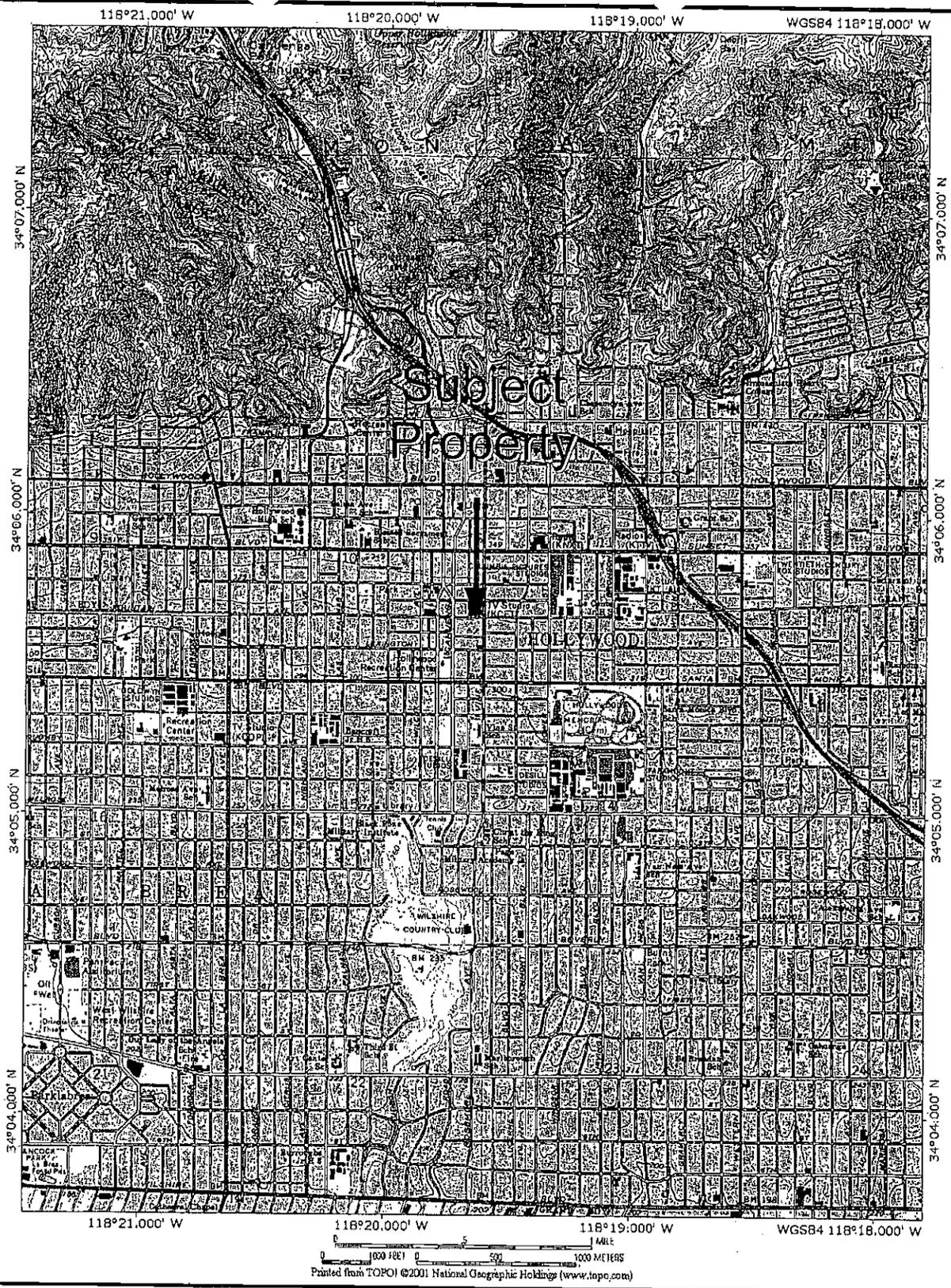
Sincerely,

AEI CONSULTANTS

Rodolfo Nadres, EIT
Staff Engineer

Joseph P. Derhake, PE
Principal

Figures



USGS TOPOGRAPHIC MAP
 HOLLYWOOD QUADRANGLE
 Created 1991, Revised 1994

AEI CONSULTANTS

2447 Pacific Coast Highway, Suite 101, Hermosa Beach, CA

July 2006

Drawn by: RN

Figure 2.1-1

Site Vicinity Map

1253 Vine Street
 Los Angeles, California 90028

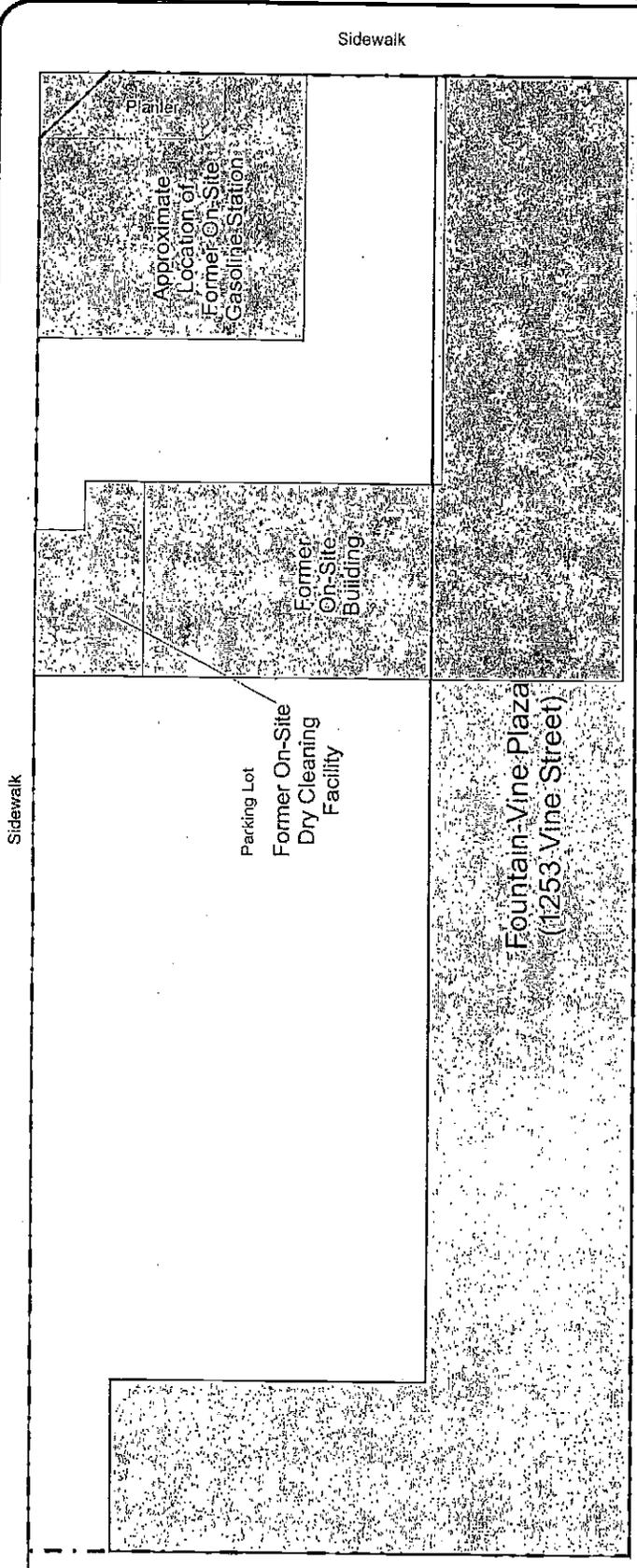
Project # 28508

Fountain Avenue

Paragon Cleaners
(1310 Vine Street)

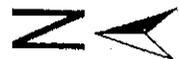
Vine Street

Snow White
Cleaners →
(1246 Vine Street)



LEGEND

--- Subject Property Line



AEI CONSULTANTS

2447 Pacific Coast Highway, Suite 101, Hermosa Beach, CA

July 2006

Drawn by: RN

Approximate Scale

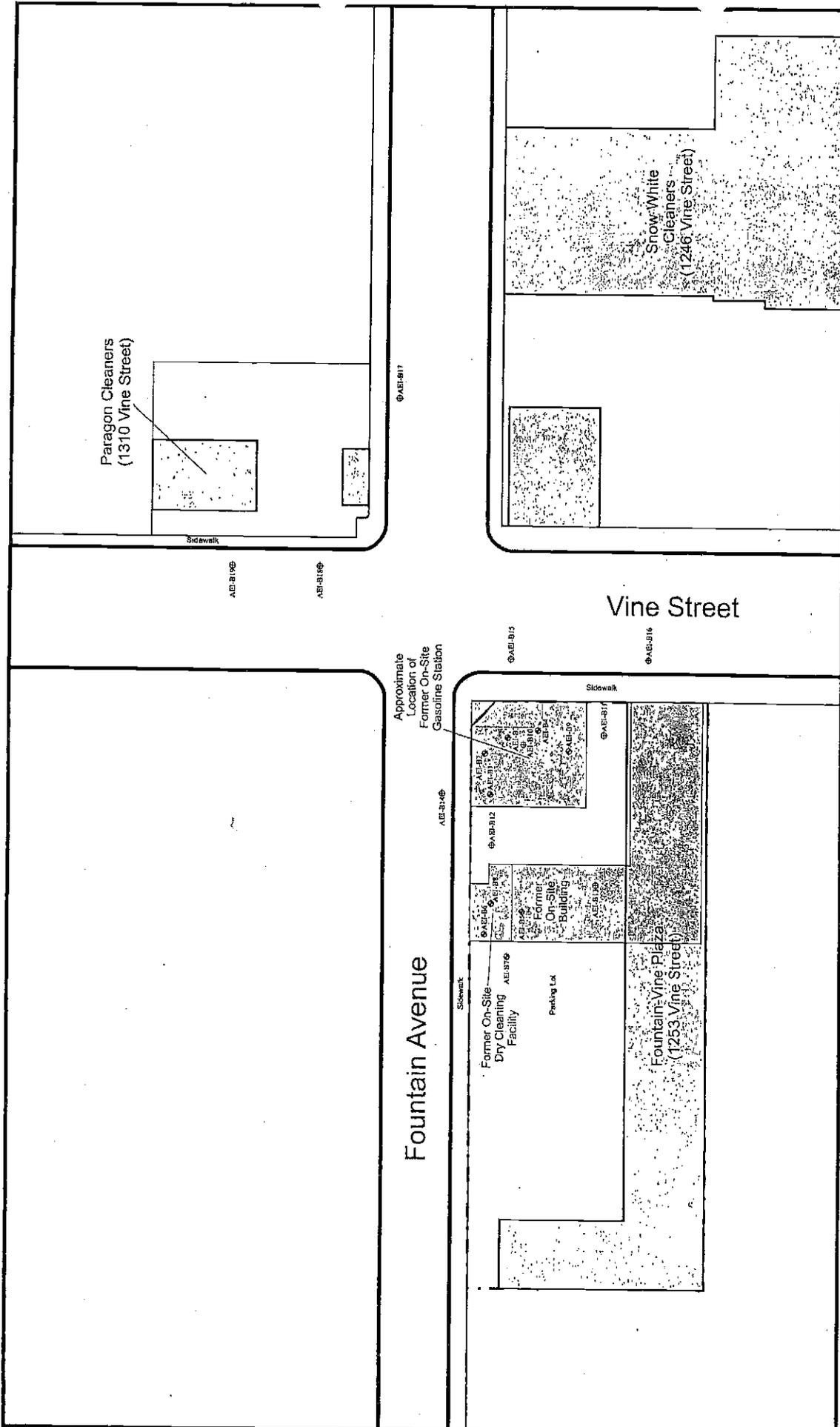
1" = 40'

Figure 2.1-2

Site Plan

1253 Vine Street
Los Angeles, California 90028

Project # 28508



AEI CONSULTANTS
 2447 Pacific Coast Highway, Suite 101, Hermosa Beach, CA
 July 2006
 Drawn by: RN
 Approximate Scale
 1" = 80'
 Figure 2.2.2-1

Boring Locations

1253 Vine Street
 Los Angeles, California 90028

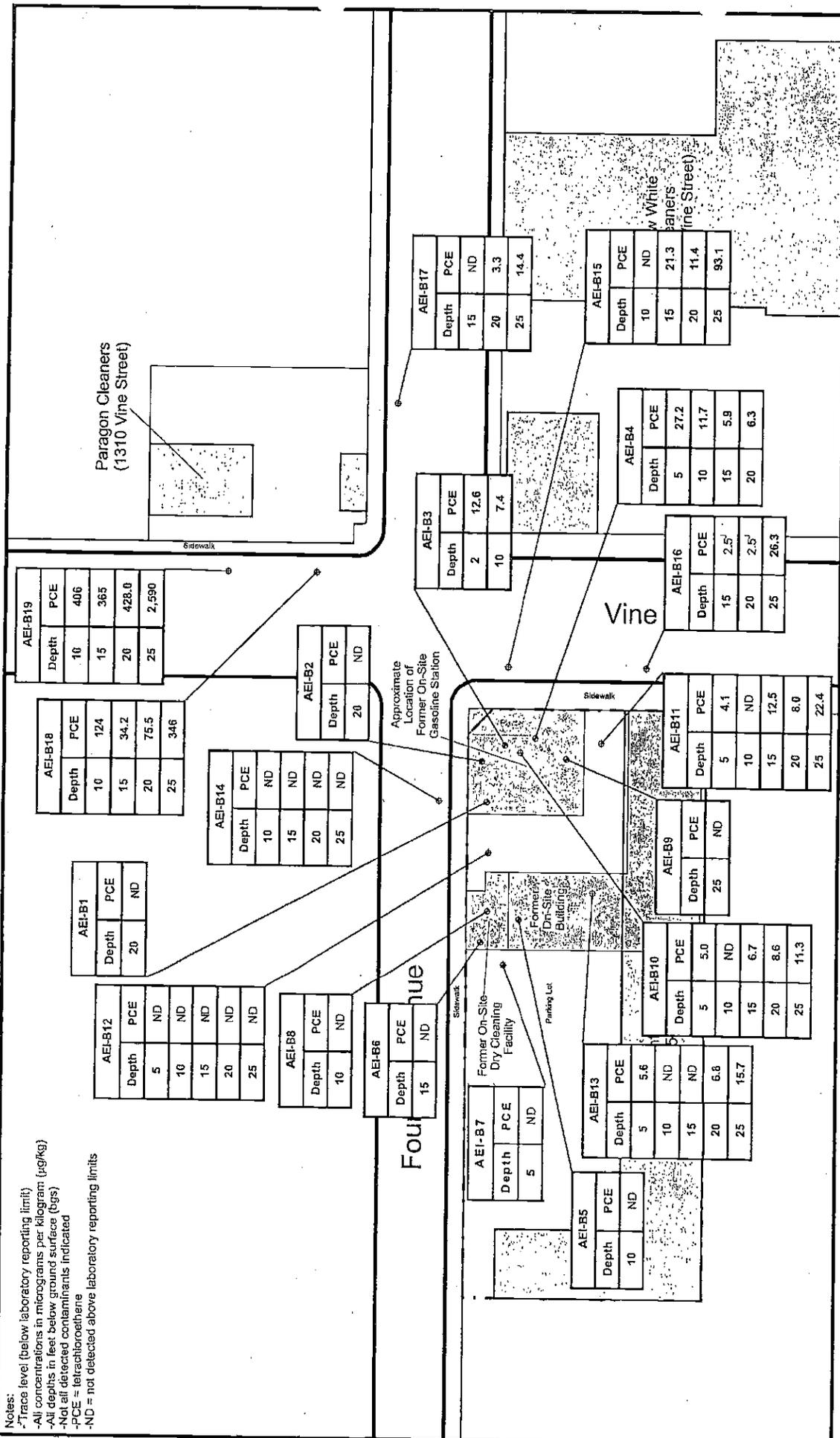
Project # 28508

LEGEND

Subject Property Line
 November 2005 Phase II Boring Location
 July 2006 Phase III Boring Location

Subject Property Line
 November 2005 Phase II Boring Location
 July 2006 Phase III Boring Location

Notes:
 * Trace level (below laboratory reporting limit)
 - All concentrations in micrograms per kilogram (µg/kg)
 - All depths in feet below ground surface (ftgs)
 - Not all detected contaminants indicated
 - PCE = tetrachloroethene
 - ND = not detected above laboratory reporting limits



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 July 2006
 Drawn by: RN
 Approximate Scale
 1" = 80'
 Figure 5.1-1

Detected Soil PCE Concentrations

1253 Vine Street
 Los Angeles, California 90028
 Project # 28508

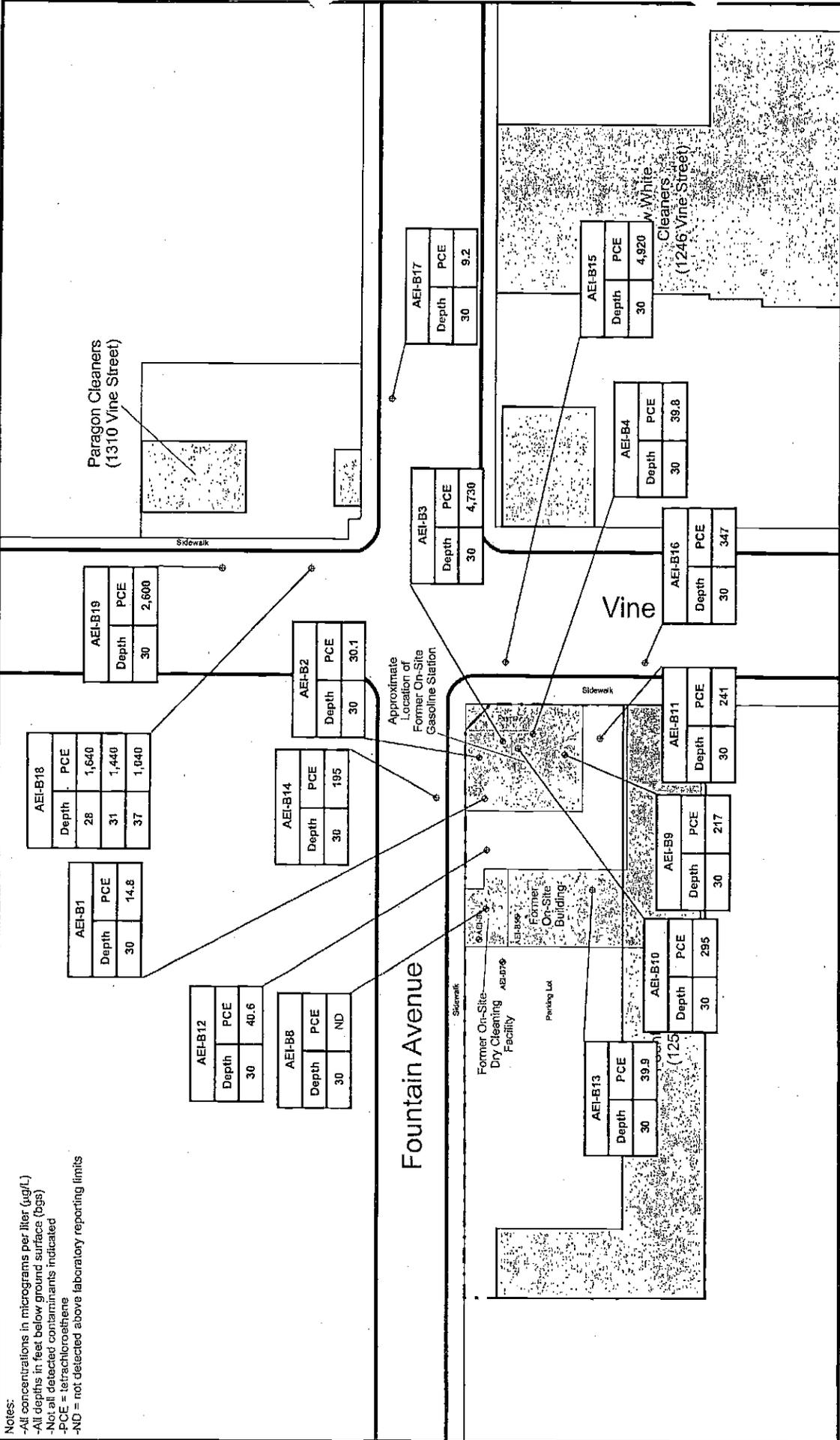
LEGEND

Subject Property Line

November 2005 Phase II Boring Location

July 2006 Phase III Boring Location

Notes:
 -All concentrations in micrograms per liter (µg/L)
 -All depths in feet below ground surface (bgs)
 -Not all detected contaminants indicated
 -PCE = tetrachloroethene
 -ND = not detected above laboratory reporting limits



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 July 2006
 Drawn by: RN

Detected Groundwater PCE Concentrations
 1253 Vine Street
 Los Angeles, California 90028

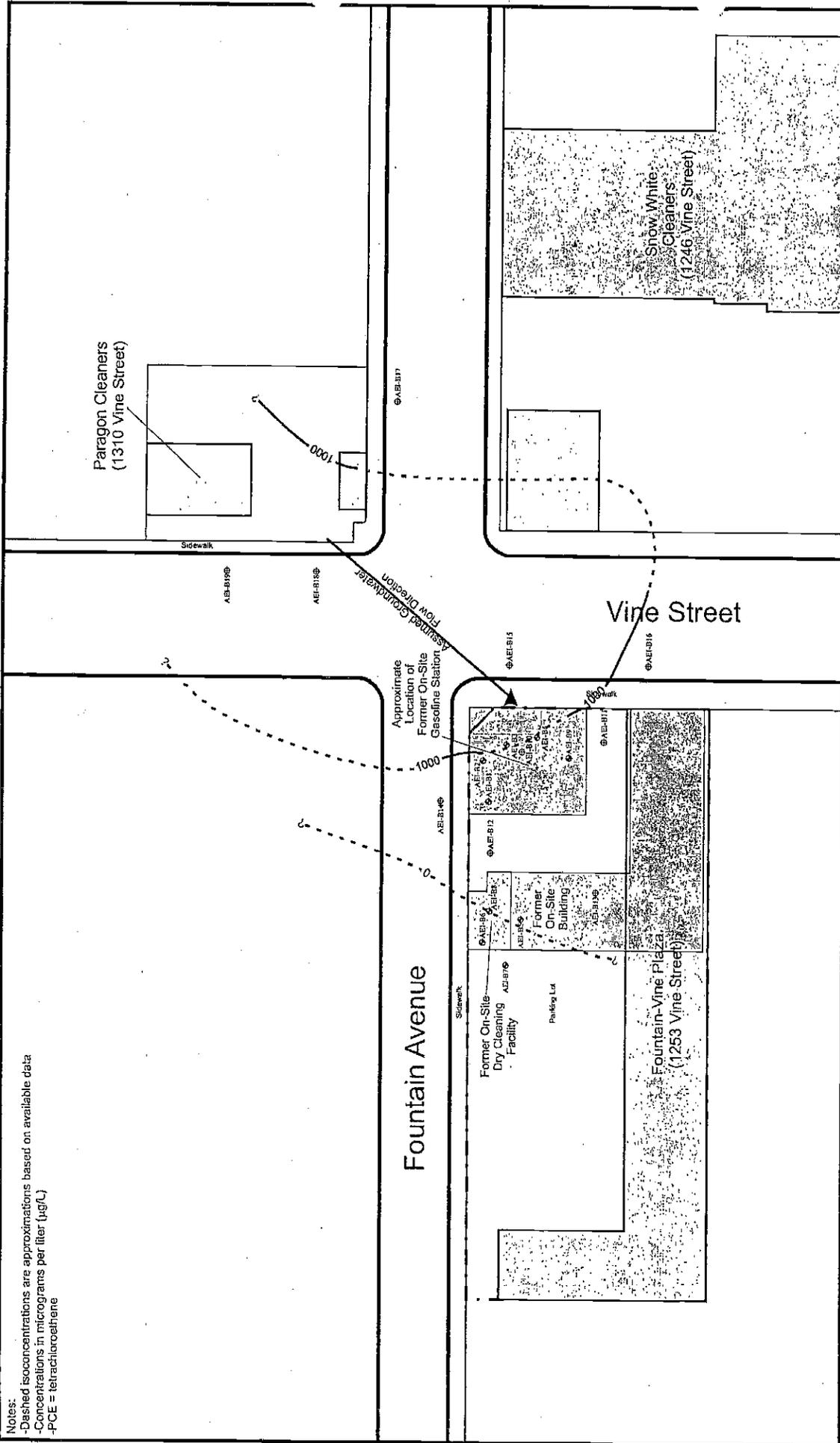
Approximate Scale
 1" = 80'

Figure 5.2-1

LEGEND

- Subject Property Line
- November 2005 Phase II Boring Location
- July 2006 Phase III Boring Location

Notes:
 -Dashed isocenters are approximations based on available data
 -Concentrations in micrograms per liter (µg/L)
 -PCE = tetrachloroethene



AEI CONSULTANTS	
2447 Pacific Coast Highway, Suite 101, Hermosa Beach, CA	
July 2006	Approximate Scale
Drawn by: RN	1" = 80'
Figure 5.2-2	
Groundwater PCE Isoconcentrations	
1253 Vine Street	Project # 28508
Los Angeles, California 90028	

LEGEND

Subject Property Line

November 2005 Phase II Boring Location

July 2006 Phase III Boring Location

PCE Isoconcentration

North Arrow

Appendix A:

Summary of Laboratory Results To Date