In the Matter of the California Regional Water Quality Control Board – Los Angeles Region Requirement to Provide a Technical Report on Soil and Groundwater Investigation (California Water Code Section 13267 Order) Directed to “ConocoPhillips Company”; 76 Service Station, 1025 E. Carson Street, Carson, California (UST Case No. I-02903)

CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY’S PETITION FOR REVIEW, REQUEST FOR HEARING, AND REQUEST FOR STAY

CHEVRON EMC’S PETITION FOR REVIEW
I. PETITION FOR REVIEW.

Pursuant to Section 13267 of the California Water Code and Section 2050 of Title 23 of the California Code of Regulations ("CCR"), Chevron Environmental Management Company ("EMC") ("Petitioner") petitions the State Water Resources Control Board ("State Board") to review the April 26, 2011 action of the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") in issuing the order entitled "Requirement to Provide Technical Report on Soil and Groundwater Investigation (California Water Code Section 13267) Directed To ConocoPhillips Company 76 Service Station 1025 E. Carson Street, Carson, California (UST Case No. I-02903)." Hereafter, this April 26, 2011 directive is referred to as the "Order." A true and correct copy of the Order is attached as Exhibit 1 to the declaration of Amy E. Gaylord, concurrently submitted in support of this Petition (hereafter "Gaylord Decl.").

Additionally, Pursuant to Section 13320 of the California Water Code and Section 2053 of Title 23 of the California Code of Regulations, Petitioner requests that an order be issued staying the effect of the Order, and requests a hearing on this Petition.

A. NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF PETITIONER.

Petitioner is Chevron Environmental Management Company
Attn: Mr. A. Todd Littleworth
Chevron Corporation - Law Department
6001 Bollinger Canyon Road
San Ramon, CA 94583
Telephone: (925) 842-9159
Email: TLittleworth@chevron.com

1 This site is subject to a contractual agreement between Chevron EMC and ConocoPhillips, whereby going forward, Chevron EMC will be responsible for remediation of the historical releases at the site, including the existing LUST case and any actions required by this Order. See Declaration of Amy E. Gaylord, ¶ 3.
Petitioner requests that copies of all communications and documents relating to this petition also be sent to:

Amy E. Gaylord, Esq.
Pillsbury Winthrop Shaw Pittman LLP
50 Fremont Street
San Francisco, CA 94105-2228
Telephone: (415) 987-7262
Email: amy.gaylord@pillsburylaw.com

B. THE SPECIFIC ACTION OF THE REGIONAL BOARD THAT THE STATE BOARD IS REQUESTED TO REVIEW.

Petitioner seeks rescission of the directives contained in the Regional Board’s April 26, 2011 Order which are vague, ambiguous, overly broad and duplicative of other Regional Board orders. Specifically, Petitioner seeks rescission of the Order insofar as it attempts to require it to: (1) investigate a service station that has already been extensively investigated pursuant to an open Regional Board Leaking Underground Storage Tank (“LUST”) case and is not reasonably considered a potential source of the petroleum release in the Dominguez Channel; and (2) investigate the undefined “Site,” which presumably is intended to encompass the Dominguez Channel and properties in the vicinity, none of which Petitioner owns or operates, and over which it has no control or right of access.

The Order exceeds the scope of the Regional Board’s investigatory authority under Water Code section 13267 because the burden of the directive does not bear a reasonable relationship to the need for the work directed or the benefits to be gained by it, and because the Order is not supported by adequate evidence. See Cal. Wat. Code § 13267 (b)(1).

C. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR FAILED TO ACT.

The Regional Board acted on April 26, 2011 when it issued the Order.

D. STATEMENT OF REASONS THE ACTION OR INACTION WAS INAPPROPRIATE AND IMPROPER.

1. History of the Order.
In January 2011, a petroleum release from the bottom of the Dominguez Channel was discovered. On April 26, 2011, the Regional Board issued Orders to "Chevron Pipeline", Chevron Environmental Management Company, ConocoPhillips Company, Crimson Pipeline, Shell Oil Products US, Tesoro Corporation, Prowell Family Trust, and BP Pipelines, naming them as potentially responsible parties for approximately 13 different "petroleum facilities" in the vicinity of the Dominguez Channel. See Gaylord Decl., Ex. 1. The facilities for which these entities are responsible include current and former service stations, various pipelines, a former air harbor facility and an active petroleum terminal, among others. Id. Several of these facilities are already under unrelated Regional Board orders. Id.

The Order requires the recipients to submit:

1. By June 8, 2011, a work plan to delineate the vertical and lateral extent of petroleum impact in the vicinity of the release. The work plan shall be prepared with the intent of determining (1) the extent of petroleum impact from the Site and (2) if your facility has contributed to the Release in the Dominguez Channel. The work plan shall place an emphasis on expedient groundwater delineation but shall also include plans to delineate soil and soil gas impacts. The work plan shall propose initial sampling locations, describe proposes sampling and analysis techniques, provide a proposed timeline for activities, and include provisions for follow-up work in the event the proposed work does not sufficiently define the extent of impact.

2. After Approval by the Regional Board Executive Officer, implement the work plan and report results in accordance with the approved work plan schedule.

Id. The Order does not define the term "Site."

The Order states that the work it directs is necessary "to determine (1) the extent of petroleum impact beneath and near the ongoing release in the Dominguez Channel, approximately 400 feet south of Carson Street in Carson, California and (2) whether your facility has contributed to the petroleum release." Id. The Order represents that the evidence justifying the burden imposed by it is the "operation of a petroleum facility near

---

Petitioner has not seen the text of the orders to all of the other recipients, but presumes they are the same.
Id. Presumably the data referenced was intended to be the maximum on-site concentrations of petroleum constituents detected, however Petitioner cannot reasonably determine where the data contained in the table originated. Declaration of Ian Robb (“Robb Decl.”) at ¶ 2.

On May 13, 2011, the Regional Board held a meeting in Los Angeles with the Order recipients. According to information presented by the Regional Board project manager for the Order, Greg Bishop, petroleum was discovered “daylighting” from the bottom of the Dominguez Channel in January 2011. See Gaylord Decl., Ex. 3 at 3. Since then, Los Angeles Department of Water and Power (“LADPW”), the owner and operator of the Channel, has been undertaking capture activities in the Channel. Id. at 5. Apparently, only very limited sampling of the petroleum product found in the Channel has been conducted.

According to the Regional Board, data indicate that the product found in the seep is refined petroleum, likely a gasoline and/or jet fuel range hydrocarbon. Id. at 22-24. An additional source of petroleum to the Channel from what appears to be a distinct petroleum product has been detected in subdrain piping running in the levees along the sides of the Channel.

Id.

On May 17, 2011, the Regional Board issued a Cleanup and Abatement Order (“CAO”) to the Los Angeles Department of Public Works (“DPW”), directing it to “assess, monitor, cleanup the waste, and abate the effects of the ongoing discharge of LNAPL and other wastes within the Dominguez Channel, approximately 400 feet south of Carson Street in Carson, California.” Gaylord Decl. Ex. 4.
2. **The 76 Station.**

The Order was issued as the result of the discovery of LNAPL in the Dominguez Channel. The subject site is located approximately 450 feet from the Channel. Robb Decl. ¶ 3. Groundwater monitoring has been performed at the site since 1992. In order for LNAPL to travel to the Channel, one would expect to see an onsite accumulation (thickness) greater than has historically been observed in the monitoring wells at this station. *Id.* Moreover, although LNAPL is currently present onsite it was only measured in well MW9 at 0.01 ft during the 2nd half 2010 monitoring event and has not been measured at a thickness greater than 0.03 ft since 1996. LNAPL has only been sporadically measured in well MW1, located between MW2 and MW9, during 18 years of monitoring. Robb Decl. ¶ 4. In sum, the existing data does not support the conclusion that the 76 Station is a source of the petroleum found in the Channel. See <http://geotracker.swrcb.ca.gov/profile_report.asp?global_id=T0603702871>.

3. **The “Site”**.

In addition to investigating its facility and any offsite impacts from it, the order directs Petitioner to investigate some undefined “Site.” As explained during the meeting with the Regional Board, the assessment goals of this Order are:

1. Physical subsurface sampling to fully delineate soil, *groundwater* and soil gas impact around *petroleum infrastructure* and the Dominguez Channel (including the connection to subdrain systems and the bottom of the channel).
   - LNAPL
   - Other petroleum (dissolved phase, soil gas, etc.)
   - Other contaminants (?)
   - Full lateral and vertical extents
   - Connection to bottom of channel
   - Connection to subdrains
   - Transport along subdrains
2. Gain an understanding of the subsurface conditions delivering LNAPL to the channel bottom and the levee subdrains.
3. Determine whether individual petroleum infrastructures are contributing to the Dominguez Channel release.
4. Complete sufficient assessment to design a remediation approach.
5. Collaborate to improve efficiency to achieve Goals 1 to 4.
   - Faster results
   - Better results
   - Lower Costs

Gaylord Decl., Ex. 3 at 27-39 (emphasis in original). Petitioner understands the Regional Board’s goals, in combination with the vague language of the Order, to require the Order recipients to investigate and delineate the scope of impacts in some undefined area in and near the Channel itself, despite having ordered LADPW to clean up and abate any ongoing releases at the Channel, and despite the fact that LADPW is the owner and operator of the Channel and the only entity involved with control or access to the Channel.

4. The Burden of the Order is Not Justified In Light of the Limited/Non-Existent Benefits to Be Gained by It.

Due to the vague nature of the Order, it is not clear what Petitioner is expected to do to comply with it. It appears that the Regional Board expects Petitioner to prepare a new work plan and conduct further investigation of the 76 Station site, as well as some unidentified area in the vicinity of, and including, the Dominguez Channel. The cost and burden of preparing such a work plan is disproportionate to the need and benefits to be gained by the report. California Water Code Section 13267(b)(1) states, in part: “The burden, including costs, of these [technical] reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.” Moreover, evidence from old investigations that does not support continuing investigation requirements, is not a valid basis for an investigatory Order pursuant to Water Code section 13267. See In the Matter of the Petition of Chevron Products Company, 2004 WL 1371359, at 4 (Cal. St. Wat. Res. Bd., Order WQO 2004-2005)(May 20, 2004).

The burden imposed by the Order has not been properly justified, in light of the following:
The 76 Station is currently under oversight of the Regional Board’s UST program and any work done pursuant to this Order may conflict, duplicate or repeat work already completed;

Data from the 76 Station indicate that it is unlikely to be a source of the release in the Dominguez Channel;

If Petitioner were to attempt to comply with the Order, it would be under two distinct regulatory orders from the same agency. Petitioner is faced with potentially conflicting, or at a minimum, duplicative orders for the service station site;

The Order demands Petitioner submit a work plan to investigate the release in the Dominguez Channel, which is vague and infeasible. It also is duplicative in light of the fact that it already issued a cleanup and abatement order to the rightful party – the owner and operator of the Channel – to do the more than just investigate, but to also cleanup and abate the release; and

Petitioner does not own, operate or have access – other than to the service station site – to the area of the Dominguez Channel, including the Channel itself.

The Order does not meet the requirement of Water Code section 13267 that the need for the work required bear a “reasonable relationship” to the burden of completing it and exceeds the Regional Board’s authority under Water Code section 13267.

E. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED.

The requirement to prepare a work plan to investigate a service station already under Regional Board jurisdiction aggrieves Petitioner because it is vague, overly broad, fails to consider work already done by Petitioner under an existing LUST case under the Regional Board’s oversight, is not justified in light of current data which the Order fails to consider, requires investigation of properties outside the scope of Petitioner’s control, and duplicates/conflicts with directives to Petitioner and other parties. The Order demands
preparation of a work plan and investigation, which is an unreasonable expense in light of these facts.

F. THE SPECIFIC ACTION BY THE STATE OR THE REGIONAL BOARD THAT PETITIONER REQUESTS.

Petitioner requests that the State Board rescind the Order. Petitioner will comply with reasonable requirements to investigate the 76 Station pursuant to the open LUST case for that site, consistent with the existing data. Petitioner also requests a Stay of the June 8, 2011 due date presented in the Order.

G. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION.

Petitioner's initial statement of points and authorities is set forth herein above. Petitioner reserves the right to supplement this statement and file additional points and authorities at a future date upon receipt and review of the administrative record and as additional information and evidence is developed.

H. STATEMENT THAT THE PETITION HAS BEEN SENT TO THE REGIONAL BOARD AND TO THE DISCHARGER, IF NOT THE PETITIONER.

A copy of this Petition has been sent to the Regional Board, and will be transmitted to the other named parties in the Order.

I. STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD.

This site is subject to a contractual agreement between Chevron EMC and ConocoPhillips, whereby going forward, Chevron EMC will be responsible for remediation of the historical releases at the site, including the existing LUST case and any actions required by this Order. Gaylord Decl. ¶ 3. This transition of site responsibility was occurring at such a time that earlier communication with the Regional Board after receipt of
J. THE PETITIONER REQUESTS A HEARING ON THE ORDER.

Petitioner requests a hearing on the Order. In support of this request, it makes the following points:

(1) A summary of the arguments that Petitioner wishes to make at the hearing is provided in the Petition above.

(2) A summary of the testimony or evidence the petitioner wishes to introduce is provided in the Petition above, including all documents referenced in this Petition, although Petitioner may supplement the testimony or evidence at the hearing.

II. REQUEST FOR STAY ORDER.

Petitioner requests a stay of the Order pending resolution of the issues raised in this Petition. This stay request is based on the accompanying declarations of Amy E. Gaylord and Ian Robb that demonstrate (1) substantial harm to the Petitioner if a stay is not granted; (2) a lack of substantial harm to other interested persons and to the public interest if a stay is granted; and (3) substantial questions of fact or law regarding the disputed action.

A. LEGAL GROUNDS FOR A STAY.

Pursuant to section 2053 of the State Board's regulations (23 CCR § 2053), a stay of the effect of an order shall be granted if the petitioner shows:

(1) Substantial harm to petitioner or to the public interest if a stay is not granted;

(2) A lack of substantial harm to other interested parties and to the public if a stay is granted; and

(3) Substantial questions of fact or law regarding the disputed action exist.

These requirements are met in this case.
1. **Petitioner Will Suffer Substantial Harm if a Stay Is Not Granted.**

   Petitioner challenges the Order on the grounds that the Regional Board does not meet the burden required under California Water Code Section 13267 to show that the need and benefits of a work plan outweigh the significant costs to be incurred in its preparation. The Order requires the submittal of a work plan to evaluate a service station property that already has been investigated under an unrelated Regional Board case, as well as some undefined “Site.” The cost of submitting and implementing a work plan to investigate the overly broad and undefined area in the vicinity of, and including, the Dominguez Channel is presently incalculable, but given the apparent breadth of the Order could potentially total several millions of dollars or more. These costs are unjustified given the existence of the existing order for the site, and the data collected there to date. As a result, these costs should be deemed unnecessary when the State Board acts on the Petition, rendering the expenditure of money, time and resources to comply in the meantime a costly exercise in futility. However, if Petitioner declines to expend money, time and resources in an effort to produce a work plan for a site it already is investigating, it becomes exposed to significant daily penalties for non-compliance with the Order. If a stay is not granted, Petitioner therefore would be faced with a no-win scenario: expend substantial and unnecessary sums to prepare and implement an unnecessary work plan, or face substantial monetary penalties for failure to produce the work plan. Robb Decl. ¶ 5. A stay until a determination is made as to the cleanup goals would solve this problem and save Petitioner from significant and substantial monetary harm. *Id.*

2. **The Public Will Not Be Substantially Harmed If a Stay Is Granted.**

   As noted, above, Petitioner has conducted significant investigation of the service station site under an open UST case. Current data from the Site does not support the conclusion that the service station is a source of petroleum to the Channel. Moreover, because a Cleanup and Abatement Order was issued to the owner/operator of the
Dominguez Channel, where the release is occurring, to cleanup and abate it, the public will not be harmed by issuance of a stay with regard to the Order to investigate the already investigated service station. Gaylord Decl. Ex. 4.

Accordingly, the grant of a stay would not substantially harm the public.

3. **The Petition Raises Substantial Questions of Law and Fact.**

As discussed above, there are significant questions being posed in this case as to whether the Order requiring completion of a work plan meets the burdens established under California Water Code Section 13267. Petitioner disputes the benefit to be derived from and need for any work plan the Regional Board requires in its Order. There are significant issues of fact and law that are sufficient to warrant the granting of a stay.

Dated: May 26, 2011.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP
AMY E. GAYLORD
50 Fremont Street
San Francisco, CA 94105-2228

By:

Attorneys for Petitioner
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY
ATTORNEYS FOR PETITIONER,
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY

STATE WATER RESOURCES CONTROL BOARD


DECLARATION OF IAN ROBB IN SUPPORT OF CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY’S PETITION FOR REVIEW, REQUEST FOR HEARING, AND REQUEST FOR STAY
I, Ian Robb, declare and state as follows:

1. I am a project manager for Chevron Environmental Management Company ("Petitioner") with oversight responsibilities for the property involved in the instant action. This declaration is submitted in support of the Petition to the State Board challenging the April 26, 2011 action of the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") in issuing the order entitled "Requirement to Provide Technical Report on Soil and Groundwater Investigation (California Water Code Section 13267) Directed To ‘ConocoPhillips Company’ 76 Service Station 1025 E. Carson Street, Carson, California (UST Case No. I-02903)" (the "Order"). I am aware of the site conditions at this property and have reviewed the existing site data available for this site. Unless otherwise stated, I have personal knowledge of the matters stated here in and could and would testify competently thereto.

2. A table attached to the Order, entitled "Recipients of CWC Section 12367 Orders Associated with a Petroleum Release Near Carson Street in the Dominguez Channel," purports to explain the "Basis for Order" as it pertains to each of the Order recipients. However, the information contained in the table with regard to the 76 Station includes references to data, with no citation as to the source of the data referenced. Presumably the data referenced were intended to be the maximum on-site concentrations of petroleum constituents detected; however, I have been unable to determine where the data contained in the table originated.

3. The subject site is located approximately 450 feet from the Channel. Groundwater monitoring has been performed at the site since 1992. In order for LNAPL to travel to the Channel, one would expect to see an on-site accumulation (thickness) greater than has historically been observed in the monitoring wells at this station.

4. Although LNAPL is currently present onsite it was only measured in well MW9 at 0.01 ft during the 2nd half 2010 monitoring event and has not been measured at a thickness greater than 0.03 ft since 1996. LNAPL has only been sporadically measured in well MW1, located between MW2 and MW9, during 18 years of monitoring.
5. The cost of submitting and implementing a work plan to investigate the overly broad and undefined area in the vicinity of, and including, the Dominguez Channel is presently incalculable, but given the apparent breadth of the Order could potentially total several millions of dollars or more. These costs are unjustified given the existing order for the site, and the data collected there to date. As a result, these costs should be deemed unnecessary when the State Board acts on the Petition, rendering the expenditure of money, time and resources to comply in the meantime a costly exercise in futility. However, if Petitioner declines to expend money, time and resources in an effort to produce a work plan for a site it already is investigating, it becomes exposed to significant daily penalties for non-compliance with the Order. If a stay is not granted, Petitioner therefore would be faced with a no-win scenario: expend substantial and unnecessary sums to prepare and implement an unnecessary work plan, or face substantial monetary penalties for failure to produce the work plan. A stay until a determination is made as to the cleanup goals would solve this problem and save Petitioner from significant and substantial monetary harm.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 26th day of May, 2011, in San Ramon, California.

By ____________________________
Ian Robb
DECLARATION OF AMY E. GAYLORD IN SUPPORT OF CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR HEARING, AND REQUEST FOR STAY
I, Amy E. Gaylord, declare and state as follows:

1. I am a licensed attorney with the law firm Pillsbury Winthrop Shaw Pittman LLP. I am representing Chevron Environmental Management Company ("Petitioner") in the instant action. This declaration is submitted in support of the Petition to the State Board challenging the April 26, 2011 action of the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") in issuing the order entitled "Requirement to Provide Technical Report on Soil and Groundwater Investigation (California Water Code Section 13267) Directed To 'ConocoPhillips Company' 76 Service Station 1025 E. Carson Street, Carson, California (UST Case No. I-02903)" (the "Order"). Unless otherwise stated, I have personal knowledge of the matters stated here in and could and would testify competently thereto.

2. A true and correct copy of the Order is attached hereto as Exhibit 1.

3. I am informed and believe that by virtue of a contractual agreement between Chevron and ConocoPhillips, Chevron Environmental Management Company has accepted responsibility for the environmental remediation of the 76 Service Station site located at 1025 E. Carson Street, Carson, California (UST Case No. I-02903). It is my understanding that ConocoPhillips has informed, or will shortly inform, the Regional Board of the transition of site responsibility, consistent with the letter attached hereto as Exhibit 2. This site is subject to a contractual agreement between Chevron EMC and ConocoPhillips, whereby going forward, Chevron EMC will be responsible for remediation of the historical releases at the site, including the existing LUST case and any actions required by this Order. This transition of site responsibility was occurring at such a time that earlier communication with the Regional Board after receipt of this Order did not occur specifically with regard to this site; however, many of the issues raised herein were raised by other Order recipients and rejected by the Regional Board.

4. On May 13, 2011, the Regional Board held a meeting in Los Angeles with the Order recipients. I attended on Petitioner's behalf. At the time, a slide presentation was
given, and the slides were later uploaded to the Geotracker website. A true and correct
copy of the slide presentation is attached hereto as Exhibit 3.

5. On May 17, 2011, the Regional Board issued a Cleanup and Abatement
Order ("CAO") to the Los Angeles Department of Public Works, directing it to "assess,
monitor, cleanup the waste, and abate the effects of the ongoing discharge of LNAPL and
other wastes within the Dominguez Channel, approximately 400 feet south of Carson Street
in Carson, California." A true and correct copy of that order was obtained from the
Geotracker website and is attached hereto as Exhibit 4.

I certify under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Dated this 26th day of May, 2011, in San Francisco, California.

By AMY E. GAYLORD
Attorney for Petitioner
CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY
EXHIBIT 1
April 26, 2011

Ms. Holly Quasem
ConocoPhillips Company
3900 Kilroy Airport Way, Suite 210
Long Beach, CA 90806

SUBJECT: REQUIREMENT FOR TECHNICAL REPORT – PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER

SITE/CASE: DOMINGUEZ CHANNEL, SOUTH OF CARSON STREET
CARSON, CALIFORNIA

Dear Ms. Quasem:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura counties, including the referenced Site. To accomplish this, the Regional Board oversees the investigation and cleanup of unregulated discharges adversely affecting the State's water, authorized by the Porter-Cologne Water Quality Control Act (California Water Code [CWC], Division 7).

Since January 2011, light non-aqueous phase liquids (LNAPL) have been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of Carson Street. The petroleum product has been observed (1) entering into channel waters from sediments within the bottom of the channel and (2) within horizontal, perforated sub-drain pipe systems installed within both the west and east channel levees.

This Regional Board has been working in collaboration with other agencies, under United States Environmental Protection Agency (USEPA) lead, to facilitate the assessment and remedy of the release. As the channel owner and operator, the Los Angeles County Department of Public Works (LADPW) has been performing containment operations using booms and absorbent pads in the channel. In addition to the recovery of released product to channel waters, this Regional Board has requested that LADPW extract LNAPL from the sub-drain piping systems on both sides of the channel.

Samples of product entering channel waters from sediments in the bottom of the channel have been determined to contain primarily gasoline-range hydrocarbons, with smaller fractions of heavier-end (diesel- and oil-range) hydrocarbons. Product examined from the western sub-drain system was observed to be approximately 0.25 inch thick on one occasion with a clear and colorless appearance. Product examined from the eastern sub-drain system was observed to be dark brown to black and translucent. Based upon the variation in the visual appearance of the product, this Regional Board suspects that multiple releases of petroleum may be involved. The sources of the release have not been identified.

California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
http://www.waterboards.ca.gov/losangeles

Edmund G. Brown Jr.
Governor
Ms. Holly Quasem  
ConocoPhillips Company  

We have determined that, to protect the beneficial uses of the waters beneath the Site, an assessment of the full extent of impacts to the subsurface from the identified contaminants of concern is required.

Enclosed is a Regional Board Order requiring, pursuant to section 13267 of the CWC, that you complete assessments of the contaminants of concern impacting soil, soil vapor, and groundwater at the Dominguez Channel and determine the extent to which your facility may have contributed to the release.

Similar Orders are being sent to multiple suspected Responsible Parties in the vicinity of the release, including you. The attached Order includes a table that lists these parties. At your discretion, you may collaborate with some or all of the other parties to satisfy the requirements of the Order.

If you have any questions, please contact Mr. Greg Bishop at (213) 576-6727 or gbishop@waterboards.ca.gov.

Sincerely,

Samuel Unger, P.E.  
Executive Officer

Enclosure
REQUIREMENT TO PROVIDE A TECHNICAL REPORT ON
SOIL AND GROUNDWATER INVESTIGATION
(CALIFORNIA WATER CODE SECTION 132671)

DIRECTED TO “CONOCOPHILLIPS COMPANY”

76 SERVICE STATION
1025 E. CARSON STREET
CARSON, CALIFORNIA
(UST CASE NO. I-02903)

You are legally obligated to respond to this Order. Please read this carefully.

Since January 2011, light non-aqueous phase liquids (LNAPL) have been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of Carson Street. The petroleum product has been observed (1) entering into channel waters from sediments within the bottom of the channel and (2) within horizontal, perforated sub-drain pipe systems installed within both the west and east channel levees.

Pursuant to section 13267(b) of the California Water Code (CWC), you are hereby directed to submit the following:

1. By June 8, 2011, a work plan to delineate the vertical and lateral extent of petroleum impact in the vicinity of the release. The work plan shall be prepared with the intent of determining (1) the extent of petroleum impact from the Site and (2) if your facility has contributed to the release in the Dominguez Channel. The work plan shall place an emphasis on expedient groundwater delineation but shall also include plans to delineate soil and soil gas impacts. The work plan shall propose initial sampling locations, describe proposed sampling and analytical techniques, provide a proposed timeline for activities, and include provisions for follow-up work in the event the proposed work does not sufficiently define the extent of impact.

2. After approval by the Regional Board Executive Officer, implement the work plan and report results in accordance with the approved work plan schedule.

1 California Water Code section 13267 states, in part: (b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

California Environmental Protection Agency
Ms. Holly Quasem
ConocoPhillips Company

The work plan shall be submitted via e-mail (in portable document format [pdf]) with one paper hard-copy to:

Mr. Greg Bishop, P.G.
Engineering Geologist
Regional Water Quality Control Board – Los Angeles Region
320 W. 4th Street, Los Angeles, CA 90013
(213) 576-6727
gbishop@waterboards.ca.gov

Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical or monitoring report described in paragraph 1 above may result in the imposition of civil liability penalties by the Regional Board, without further warning, of up to $1,000 per day for each day the report is not received after the due dates.

The Regional Board needs the required information to determine (1) the extent of petroleum impact beneath and near the ongoing release within the Dominguez Channel, approximately 400 feet south of Carson Street in Carson, California and (2) whether your facility has contributed to the petroleum release.

The evidence supporting this requirement is your operation of a petroleum facility near the release site (see the attached table).

We believe that the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. If you disagree and have information about the burdens, including costs, of complying with these requirements, provide such information to Mr. Greg Bishop within ten days of the date of this letter so that we may reconsider the requirements.

Please note that effective immediately, the Regional Board, under the authority given by California Water Code (CWC) section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized Chevron Company representative (not by a consultant). The perjury statement shall be in the following format:

“[NAME], do hereby declare, under penalty of perjury under laws of State of California, that I am [JOB TITLE] for Chevron Company, that I am authorized to attest, that veracity of the information contained in [NAME AND DATE OF THE REPORT] is true and correct, and that this declaration was executed at [PLACE], [STATE], on [DATE].”

The State Water Resources Control Board (State Water Board) adopted regulations requiring the electronic submittals of information over the Internet using the State Water Board GeoTracker data management system. You are required not only to submit hard copy reports required in this Order, but also to comply by uploading all reports and correspondence prepared to date on to the GeoTracker data management system. The text of the regulations can be found at the URL:


California Environmental Protection Agency
Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

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

or will be provided upon request.

SO ORDERED.

Samuel Unger, P.E.
Executive Officer

Enclosure: Recipients of CWC Section 13267 Orders Associated with a Petroleum Release near Carson Street in Dominguez Channel, Carson, California, April 26, 2011
# Recipients of CWC Section 13267 Orders

**Associated with a Petroleum Release near Carson Street in the Dominguez Channel, Carson, California**

**April 26, 2011**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Address</th>
<th>Phone</th>
<th>Email</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. John Crippen</td>
<td>1601 Trojan Way, La Mirada, CA 90638</td>
<td>714-936-4678</td>
<td><a href="mailto:crjppn@chmenan.com">crjppn@chmenan.com</a></td>
<td>Former Union Oil pipeline within Perry Street, beneath active RV, and adjacent to the Dominguez Channel.</td>
</tr>
<tr>
<td>Mr. Holly Quasen</td>
<td>7000 Wiley Airway Way, Suite 202, Long Beach, CA 90886</td>
<td>562-220-3127</td>
<td><a href="mailto:holly.quasen@wileyairway.com">holly.quasen@wileyairway.com</a></td>
<td>Former Union Oil pipeline within Perry Street, beneath active RV, and adjacent to the Dominguez Channel.</td>
</tr>
<tr>
<td>Mr. Mike Breamer</td>
<td>2139 Redondo Avenue, Long Beach, CA 90793</td>
<td>310-393-9468</td>
<td><a href="mailto:mbreamer@blomongpl.com">mbreamer@blomongpl.com</a></td>
<td>Former Union Oil pipeline within Perry Street, beneath active RV, and adjacent to the Dominguez Channel.</td>
</tr>
<tr>
<td>Mr. Eugene Freed</td>
<td>20915 S. Wilmington Avenue, Carson, CA 90810-1029</td>
<td>310-595-5356</td>
<td><a href="mailto:egfman@shell.com">egfman@shell.com</a></td>
<td>Former Carson Air Harbor facility.</td>
</tr>
<tr>
<td>Mr. Daniel Sabel</td>
<td>1310 S. Pacific Coast Highway, Wilmington, CA 90744-1281</td>
<td>310-322-9092</td>
<td><a href="mailto:msabel@enron.com">msabel@enron.com</a></td>
<td>Pipeline E607 (after, active; former pipeline, owned).</td>
</tr>
<tr>
<td>Mr. Courtney Powell</td>
<td>3997 Mistral Road, Huntington Beach, CA 92649</td>
<td>714-459-3621</td>
<td><a href="mailto:cpowell@frr.com">cpowell@frr.com</a></td>
<td>Former Active RV (1202 E. Carson Street) and former Humble Oil Gas Station (1209 E. Carson Street), with underground storage tanks operated at the site. Historically, free product (up to 5 feet) has been identified beneath the site since March 2006. Groundwater samples collected beneath the site detected 3-10,000 mg/L Benzene and up to 10,000 mg/L Toluene.</td>
</tr>
<tr>
<td>Mr. Rob Speer</td>
<td>467 Farmland Pl., #1529A, Inglewood, CA 90303</td>
<td>714-732-4321</td>
<td><a href="mailto:rspeer@frr.com">rspeer@frr.com</a></td>
<td>Former Carson Air Harbor facility.</td>
</tr>
<tr>
<td>Ms. Donna DiRocco</td>
<td>10021 Pacoima St., North Hollywood, CA 91602</td>
<td>818-720-9092</td>
<td><a href="mailto:donnadirocco@comcast.net">donnadirocco@comcast.net</a></td>
<td>Pipeline E616 (asphalt, active).</td>
</tr>
<tr>
<td>Mr. Daniel Gabel</td>
<td>3997 Mistral Road, Huntington Beach, CA 92649</td>
<td>714-522-8013</td>
<td><a href="mailto:dgabel@frr.com">dgabel@frr.com</a></td>
<td>Pipeline E607 (after, active; former pipeline, owned).</td>
</tr>
<tr>
<td>Mr. C. Ron Powell</td>
<td>7001 Westwood Road, Huntington Beach, CA 92649</td>
<td>714-522-8013</td>
<td><a href="mailto:cgrpowell@frr.com">cgrpowell@frr.com</a></td>
<td>Former Carson Air Harbor facility.</td>
</tr>
<tr>
<td>Mr. Rob Speer</td>
<td>467 Farmland Pl., #1529A, Inglewood, CA 90303</td>
<td>714-732-4321</td>
<td><a href="mailto:rspeer@frr.com">rspeer@frr.com</a></td>
<td>Former Carson Air Harbor facility.</td>
</tr>
<tr>
<td>Mr. Rob Speer</td>
<td>467 Farmland Pl., #1529A, Inglewood, CA 90303</td>
<td>714-732-4321</td>
<td><a href="mailto:rspeer@frr.com">rspeer@frr.com</a></td>
<td>Former Carson Air Harbor facility.</td>
</tr>
<tr>
<td>Mr. Rob Speer</td>
<td>467 Farmland Pl., #1529A, Inglewood, CA 90303</td>
<td>714-732-4321</td>
<td><a href="mailto:rspeer@frr.com">rspeer@frr.com</a></td>
<td>Former Carson Air Harbor facility.</td>
</tr>
</tbody>
</table>

**Legends**

- LST: Underground Storage Tank Program
- SCP: Site Cleanup Program
- TPhg: Total Petroleum Hydrocarbons (Gasoline Range)
- TPhd: Total Petroleum Hydrocarbons (Diesel Range)
- MTBE: Methylt-butyl Ethers
- TBA: Tert-Butyl Alcohol
- UNAPL: Underground Non-Aqueous Phase Liquids

**Notes:**

- Excerpt from the document.
- The recipients are associated with petroleum releases near Carson Street in the Dominguez Channel, Carson, California.
- The document provides addresses, phone numbers, emails, and notes about the recipients' involvement with the petroleum releases.
EXHIBIT 2
May 26, 2011

Greg Bishop
California Regional Water Quality Control Board, Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Re: Notice to Agency of Change in Contact Information for Former Unocal 6082
(Chevron Facility No. 351816) — Site Address: 1025 East Carson, Carson, CA (Dominguez Channel)
— Case No. I-02903

Dear Mr. Bishop:

As of May 26, 2011 ("Effective Date"), ConocoPhillips Company transferred the management of the environmental remediation activities at the above-referenced site to Union Oil Company of California ("Union Oil"). From the Effective Date forward, Union Oil (or its designees or representatives, including Chevron Environmental Management Company) will manage the day-to-day corrective action/remediation obligations related to the referenced case and will be responsible for responding to the Los Angeles Regional Water Quality Control Board's order entitled "Requirement to Provide Technical Report on Soil and Groundwater Investigation (California Water Code Section 13267) directed to ConocoPhillips Company," which was sent on your behalf on April 26, 2011.

As of the Effective Date, please direct all correspondence related to this project to:

Ian Robb
Chevron Environmental Management Company
6101 Bollinger Canyon Road, Fifth Floor
San Ramon, CA 94583-5136
Office Phone: 925-790-6237
E-mail: ianrobb@Chevron.com

The environmental consultant for this site is now: Mark Fahan of Holguin, Fahan & Associates, Inc. All applicable contact information is provided below:

Mark Fahan
Holguin, Fahan & Associates, Inc.
50 West Main St
Ventura, CA 93001
Office Phone: 805-641-4087
E-mail: Mark_Fahan@hfa.com

If you have any questions, please feel free to contact me.

Sincerely,

[Signature]
Dan Fischman, CPG, CHG
Site Manager
Risk Management & Remediation
3900 Kilroy Airport Way, Ste. 210
Long Beach, CA 90806
Phone 562.290-1553
Fax 918.662-8443
dan.fischman@conocophillips.com

cc: Kambiz Katirai, 1025 E. Carson, Carson, CA 90745
EXHIBIT 3
**MEETING ATTENDANCE SHEET**

**Date:** May 13, 2011  
**SCP Case No.:** Dominguez Channel @ Carson St.  
**SUBJECT:** Release Briefing / Investigation Kick-Off Meeting

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Telephone</th>
<th>E-Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg Bishop</td>
<td>LARWQCB</td>
<td>(213) 576-6727</td>
<td><a href="mailto:gbishop@waterboards.ca.gov">gbishop@waterboards.ca.gov</a></td>
</tr>
<tr>
<td>Ed T</td>
<td>LACDW</td>
<td>562-883-0714</td>
<td><a href="mailto:etcroan@clp.gov">etcroan@clp.gov</a></td>
</tr>
<tr>
<td>Mike Romley</td>
<td>Crimson Pipeline</td>
<td>562-595-9465</td>
<td><a href="mailto:miniromley@crimsonpipeline.com">miniromley@crimsonpipeline.com</a></td>
</tr>
<tr>
<td>Paula Rasmussen</td>
<td>LA RWACB</td>
<td>213-576-674</td>
<td><a href="mailto:prasmussen@waterboards.ca.gov">prasmussen@waterboards.ca.gov</a></td>
</tr>
<tr>
<td>Art Heath</td>
<td>LA RCOQA</td>
<td>213-576-6725</td>
<td><a href="mailto:aheath@waterboards.ca.gov">aheath@waterboards.ca.gov</a></td>
</tr>
<tr>
<td>Matt Himmelstein</td>
<td>URS</td>
<td>714-646-2888</td>
<td><a href="mailto:matt_himmelstein@urscorp.com">matt_himmelstein@urscorp.com</a></td>
</tr>
<tr>
<td>Rebecca Fredt</td>
<td>URS</td>
<td>(619)241-7099</td>
<td><a href="mailto:rebecca_fredt@urscorp.com">rebecca_fredt@urscorp.com</a></td>
</tr>
<tr>
<td>Marc Greenberg</td>
<td>Tesoro Cancel</td>
<td>522-606-2066</td>
<td><a href="mailto:marc.greenberg@kyz.com">marc.greenberg@kyz.com</a></td>
</tr>
<tr>
<td>Jo-Ann Alvarez</td>
<td>Tesoro</td>
<td>(310)522-6195</td>
<td><a href="mailto:jo-ann.a.alvarez@tesoro.com">jo-ann.a.alvarez@tesoro.com</a></td>
</tr>
<tr>
<td>Dan Gabel</td>
<td>Tesoro</td>
<td>(310)527-8952</td>
<td><a href="mailto:danielg.gabel@tesoro.com">danielg.gabel@tesoro.com</a></td>
</tr>
<tr>
<td>Kim Fandre</td>
<td>Tesoro</td>
<td>714-572-8163</td>
<td><a href="mailto:kim_kim@tesoro.com">kim_kim@tesoro.com</a></td>
</tr>
<tr>
<td>Amy Gaylord</td>
<td>Pillsbury for Chemin</td>
<td>415-983-7204</td>
<td>amy_gaylord@ pillsburyforchemin.com</td>
</tr>
<tr>
<td>Pete Bergeardno</td>
<td>Chevron Energy</td>
<td>415-796-6519</td>
<td><a href="mailto:pete.bergeardno@chevron.com">pete.bergeardno@chevron.com</a></td>
</tr>
<tr>
<td>Jennifer Nobbi</td>
<td>URS</td>
<td>513-990-1451</td>
<td><a href="mailto:jennifer_nobbi@urscorp.com">jennifer_nobbi@urscorp.com</a></td>
</tr>
<tr>
<td>Holly Quaasen</td>
<td>COR</td>
<td>949-473-1543</td>
<td><a href="mailto:holly.quaasen@contractor.com">holly.quaasen@contractor.com</a></td>
</tr>
<tr>
<td>Louis莫斯科</td>
<td>COR</td>
<td>562-790-1721</td>
<td><a href="mailto:moscos@corporate.com">moscos@corporate.com</a></td>
</tr>
<tr>
<td>Mark Reese</td>
<td>Crimson Pipeline</td>
<td>714-624-5301</td>
<td><a href="mailto:mreese@beaconesi.com">mreese@beaconesi.com</a></td>
</tr>
<tr>
<td>Larry Alexander</td>
<td>Crimson Pipeline</td>
<td>562-595-926</td>
<td>lalx@<a href="mailto:corporate@crimsonpipeline.com">corporate@crimsonpipeline.com</a></td>
</tr>
<tr>
<td>Sam Urgen</td>
<td>RWQCB</td>
<td>213-576-6665</td>
<td><a href="mailto:lalx@waterboards.ca.gov">lalx@waterboards.ca.gov</a></td>
</tr>
</tbody>
</table>

California Regional Water Quality Control Board  
Los Angeles Region  
320 West Fourth Street, Suite 200, Los Angeles, California 90013  
(213) 576-6606 • FAX (213) 576-6640  
http://www.waterboards.ca.gov/losangeles  

California Environmental Protection Agency  
4 Recycled Paper
Release Overview

• Petroleum Daylighting
  – Petroleum sheen on water surface
    • Primarily lighter-end hydrocarbons (not exclusively)
  – Discovered in January 2011
  – Release still occurring
  – Occurs at low tides
Release Overview

- Agencies
  - U.S. Environmental Protection Agency
  - California Department of Fish and Game
  - Regional Water Quality Control Board
  - California Department of Forestry and Fire Protection (CalFire)
  - South Coast Air Quality Management District
  - Los Angeles County Fire Department
  - City of Carson
Los Angeles County Department of Public Works (LADPW)

- Responsible for product containment/removal from channel
- Channel owner

Neighbor Complaints
- Strong odors
- Residential
Oil firms told to create plan to fix leak

CARSON: Experts haven't determined which of seven companies is at fault.

By Sandy Mazza Staff Writer

The Carson Street bridge stretches over troubled waters.

An oily sheen was reported floating along the surface of the Dominguez Channel just below Carson's main thoroughfare a few months ago.

Investigators haven't been able to pin down the source of the problem, but they've determined the substance is petroleum products — mostly gasoline — bubbling up from beneath the sediment in the riverbed. Since January, they have been containing it with floating booms and absorbing the oil with pads.

This week, the Los Angeles Regional Water Quality Control Board ordered seven oil companies that operate pipelines and storage tanks in the area to come up with a plan to clean the soil below the 44-acre Carson housing tract, which is highly contaminated from a former oil storage tank farm at the site.

That area, near Lomita and Avalon boulevards, is not far from the Dominguez Channel site.

Across town, at the Harbor (110) Freeway and Torrance Boulevard, the Carson Town Center office and industrial plaza was built on top of the former Golden Eagle Refinery. Near that site, on a 157-acre lot between the San Diego Freeway and Main Street, the city is treating and transforming a former landfill into a major retail center called Boulevard at South Bay. That lot is one of 15 known inactive landfills across the city.

Contamination of the Dominguez Channel, which flows to the ocean — and the groundwater beneath, which can be used for drinking water — can endanger ocean life and the availability of potable water in a state with limited supplies.

A 2001 study of the state's groundwater resources by Natural Resources Defense Council found that there is "an appar-
- Pipelines
  - Chevron EMC (former Union Oil)
  - Crimson Pipeline (former Union Oil)
  - Shell Oil Products US
  - Tesoro Corporation
  - BP Pipelines
  - Plains All American Pipeline, L.P.
Underground Storage Tanks (USTs)
  - ConocoPhillips Company (Union 76 Station)
  - Prowell Family Trust (former Humble Oil Gas Station)
  - Chevron EMC (former Texaco service station)
Petroleum Facilities (3/3)

• Other
  – Shell Oil Products US (Carson Air Harbor)
    • Waste Oil Tank / Former Septic System
  – Shell Carson Terminal
    • Tank Farm (with pipeline connections)
Nearby LNAPL Sites

- Perry Street (Shell Oil)
  - Root casts
- Carson Air Harbor (Shell Oil)
  - In one well
  - ROST responses across southern half of site
- Unocal 76 Station
  - In GWM wells
- Active RV
  - Septic leach pit (1954)
- Former Texaco (Chevron EMC)
Dominguez Channel Release
Vicinity Facilities

DRAFT May 13, 2011
This map is a work in progress that does not include all potential petroleum sources or pipelines. Pipeline locations are approximate. Many of the pipeline runs shown represent more than one actual pipeline.
Recreation Road

- City of Carson reported "substantial" petroleum impact during soil excavation in past.
• Subdrain System
  – Horizontal piping on both sides of channel
  – Perforated
  – Approximately 20 feet down from levee tops
  – Horizontal drain to channel every 400’ with manhole access
  – Fuel in subdrain piping
    • Discharges to Channel at low tide
    • Different colors on east/west sides
Channel Piping

- Siphon System
  - Below center of channel
  - Used for dewatering during channel construction
Domínguez Channel
Subdrains and Siphon