

The primary evidence justifying the Order is a narrative description of purported visual observations of petroleum in the Dominguez Channel. Neither the identity of the observer, nor the date, time, or location of the observations have been provided. Yesterday we received an Oil Sample Analysis Report prepared by EPA Region IX, and laboratory analysis of another sample completed by Sierra Analytical Labs for the Los Angeles Department of Water and Power. The analysis contained in these reports lacks any narrative. The reports fail to identify the locations from which the samples analyzed were taken. The EPA report identifies "source" and "spill" samples, but does not explain the meaning of these terms. The only conclusion that is drawn from the data is that the two "source" samples and the "spill" sample do not appear to be derived from a common source. This evidence, without more, is inadequate to demonstrate a reasonable relationship between the need for the report and the costs to be incurred by the parties. And it certainly is not adequate to support naming any particular party in the Order.<sup>1</sup>

The Order claims that the evidence justifying naming eight different entities is the "operation of a petroleum facility near the release site." These facilities are at different distances from the Channel. Some are upgradient, others are located cross or downgradient from it. And they appear to consist of a variety of different types of operations. Some of the properties have been fully investigated. Others have open Regional Board cases where no action has been required. It is unclear if most of them have ever had releases of petroleum products. The mere fact that the named entities operate, or have operated, petroleum facilities is inadequate justification to direct them to undertake work pursuant to Water Code section 13267, especially given the disparate circumstances surrounding each of them.

More specifically, our initial research indicates that the Order is improperly directed to Unocal and Texaco.

Our current understanding is that the former Union Oil 6-inch product pipeline was sold some time ago and is currently owned and operated by Crimson Pipeline. There is no evidence of a release during Union Oil's ownership. Moreover, Chevron (mistakenly)<sup>2</sup> responded to a USA alert notification for "potholing" work being performed by EPA and the Regional Board on April 19, 2011. The agencies trenched and collected samples in the vicinity of this pipeline north of the Dominguez Channel. Chevron is not aware of any adverse data from this sampling and none has been provided as support for this Order.

The Order also is improper insofar as it is directed at Texaco. The service station at issue already has an open Regional Board case, pursuant to which the site has been investigated. The underground storage tanks ("UST") were long ago removed and a significant network of monitoring wells has been installed. The recent detection of petroleum-related constituents in offsite wells appears to be from unrelated sources as they are either upgradient of the former USTs, and/or are down/cross-gradient and contain concentrations now significantly higher than were detected beneath the USTs when they were removed. As presented in the most recent quarterly groundwater monitoring report, there also are detections of constituents never disposed of on-site in the down/cross-gradient well. This site has been thoroughly investigated and there is no indication that it is a source of contaminants found in the Dominguez Channel. Further investigation of this site is not warranted.

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<sup>1</sup> There are other problems with the sufficiency of the explanations provided in the Order. For example, it references the "Site", but it is not clear whether the Order requires investigation of the individual potentially responsible parties' sites, e.g., the former Texaco Service station (which, like many of the other sites already has been investigated), or if the Order is to investigate some unidentified area of the Dominguez Channel.

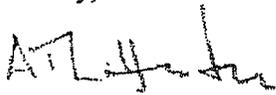
<sup>2</sup> At the time of the notice, Chevron mistakenly believed this pipeline was part of its current pipeline portfolio, but has since determined that it is not.

Sam Unger, P.E.  
May 6, 2011  
Page 3

We understand that there will be a meeting held on May 13, 2011, to further explain the Order. We will participate in that meeting. In the meantime, given the current evidentiary deficiencies, we ask that the Board withdraw the Order pending the May 13th meeting so that the State Board petition deadline does not continue to run. We similarly ask that if the Order is reissued, any due dates in the new Order be extended by 60 days to allow the parties to research the facilities identified and the investigations already conducted there, as well as to determine if and how to work together to respond.

Please copy me on any future correspondence regarding the Order. If you need to reach me or have any questions, I can be reached at (925) 842-9159.

Sincerely,



A. Todd Littleworth

cc: (via email only):

Mr. Greg Bishop, P.G. ([gbishop@waterboards.ca.gov](mailto:gbishop@waterboards.ca.gov))  
Ben Terry, Chevron Environmental Management Company  
Rob Speer, Chevron Environmental Management Company

# **EXHIBIT 3**



Linda S. Adams  
Acting Secretary for  
Environmental Protection

## 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

May 23, 2011

Mr. Rob Speer  
Chevron Environmental Management Company  
4800 Fourance Pl. #526A  
Bellaire, TX 77401

Mr. Ben Terry  
Chevron Environmental Management Company  
6101 Bollinger Canyon Road  
San Ramon, CA 94583

**SUBJECT: RESPONSE TO CORRESPONDENCE ABOUT WORK PLANS REQUIRED  
UNDER A CWC SECTION 13267 ORDER DATED APRIL 26, 2011**

**SITE/CASE: DOMINGUEZ CHANNEL RELEASE, CARSON, CALIFORNIA  
(SCP NO. 1259 AND UST CASE R-05994)**

Dear Mr. Terry and Mr. Speer:

The Regional Water Quality Control Board, Los Angeles Region (Regional Board) received Chevron Environmental Management Company's (CEMC's) correspondence dated May 6, 2011, which references this Regional Board's California Water Code (CWC) section 13267 Orders (Orders) issued to CEMC and Chevron Pipeline on April 26, 2011. The CEMC correspondence states CEMC's position that it is unnecessary for CEMC to prepare the work plan(s) required within the Orders for of the following reasons (note that Regional Board responses are provided below each CEMC reason):

1. **The Orders do not sufficiently justify the costs of the report demanded.**

**REGIONAL BOARD RESPONSE:** The cost of the preparation of a work plan to delineate the extent of subsurface petroleum is negligible compared to the benefit to be obtained from understanding the subsurface conditions.

2. **The Orders do not provide sufficient evidence for naming Chevron-related entities.**

**REGIONAL BOARD RESPONSE:** A table attached to the Orders includes a column labeled "Basis for Order". The contents of this column itemize the pipeline and former Texaco service station. The existence of these petroleum facilities in the vicinity of known contamination is sufficient evidence for naming the owner of these entities to investigate their facilities as a source for the discharges of waste.

May 23, 2011

3. **The operation of a petroleum facility alone is inadequate justification to direct CEMC to undertake work under CWC section 13267.**

REGIONAL BOARD RESPONSE: See the Regional Board response to Item 2.

4. **The Orders were improperly directed at Unocal and Texaco.**

REGIONAL BOARD RESPONSE: The Orders were directed at Chevron Pipeline and CEMC.

5. **Chevron does not own the former Union Oil pipeline within Perry Street, beneath Active RV, and adjacent to the Dominguez Channel.**

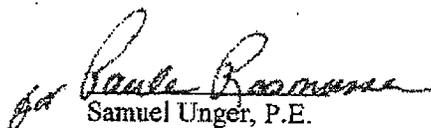
REGIONAL BOARD RESPONSE: The Regional Board is actively investigating the pedigree of this pipeline. Due to the uncertainty of ownership at this time, the Regional Board hereby rescinds the April 26, 2011, Order addressed to Chevron Pipeline. Note that the Order issued to CEMC regarding the former Texaco Service Station is not rescinded.

6. **The former Texaco Service Station has been fully delineated and has a significant network of monitoring wells installed.**

REGIONAL BOARD RESPONSE: Many of the wells (MW-7, MW-8, MW-9, MW-11, and MW-16) have had reported sheens since as early as 2006. It is unclear to the Regional Board if the former Texaco Service Station has in fact been fully delineated, both *vertically* and *laterally* for both dissolved phase hydrocarbons and liquid phase petroleum hydrocarbons (LNAPL).

Regional Board staff looks forward to receiving Chevron's work plan on or before the June 8, 2011, deadline within the Order addressed to CEMC.

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

Cc: Mr. A. Todd Littleworth, CEMC

# **EXHIBIT 4**



# 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>

Linda S. Adams  
Acting Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

## MEETING ATTENDANCE SHEET

Date: May 13, 2011

SCP Case No.: Dominguez Channel @ Carson St.

SUBJECT: Release Briefing / Investigation Kick-Off Meeting

Page 1

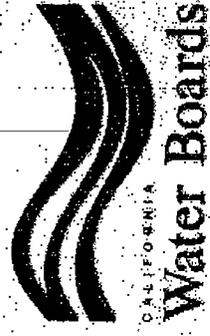
Name	Organization	Telephone	E-Mail
Greg Bishop	LARWQCB	(213) 576-6727	gbishop@waterboards.ca.gov
Ed T	LACDPW	562 800-0314	eteran@cdpw.lacounty.gov
MIKE ROMLEY	CRIMSON PIPELINE	562-595-9463	mromley@crimsonpl.com
Paula Rasmussen	LA RWQCB	213-576-6791	prasmussen@waterboards.ca.gov
Art Heath	LA RWQCB	213-576-6725	aheath@waterboards.ca.gov
Matt Himmelstein	URS	714-648-2388	matt.himmelstein@urscorp.com
Rebecca Freund	URS	(919) 294-7099	rebecca.frend@urscorp.com
Marc Greenberg	Tesoro Counsel	562 436-2006	marc.greenberg@KYL.com
Jo-Anne ALVARO	TESORO	(310) 522-6195	Jo-Anne.J.Alvarez@tsocorp.com
Dan Gabel	Tesoro	(310) 522-8002	daniel.g.gabel@tsocorp.com
Kim Fowles	Tesoro	310 522 8003	Kim.W.Fowles@TsoCorp.com
Amy Gayland	Pillsbury for Chevron	415-983-7262	amy.gayland@pillsburylaw.com
Pete Bergeron	Chevron EMC	925-790-6514	pete.bergeron@chevron.com
Jennifer Nobvi	URS	213 946-2451	Jennifer_Nobvi@URS Corp. com
Holly Quasen	CCP	949-637-1543	Holly Quasen @ contractor. com@p.phillips.com
Louis Mosconi	CCP	562 990-1721	MOSCONI@CCP.PHILLIPS.COM
MARK REESE	CRIMSON PIPELINE	714 624-5301	MREESE@BEACONESI.COM
LARRY ALOXANDER	CRIMSON P/L	562 595 9216	LWALOXANDER@CRIMSONPL.COM
Sam Unger	RWQCB	213 576-6605	sungere@waterboards.ca.gov

California Environmental Protection Agency

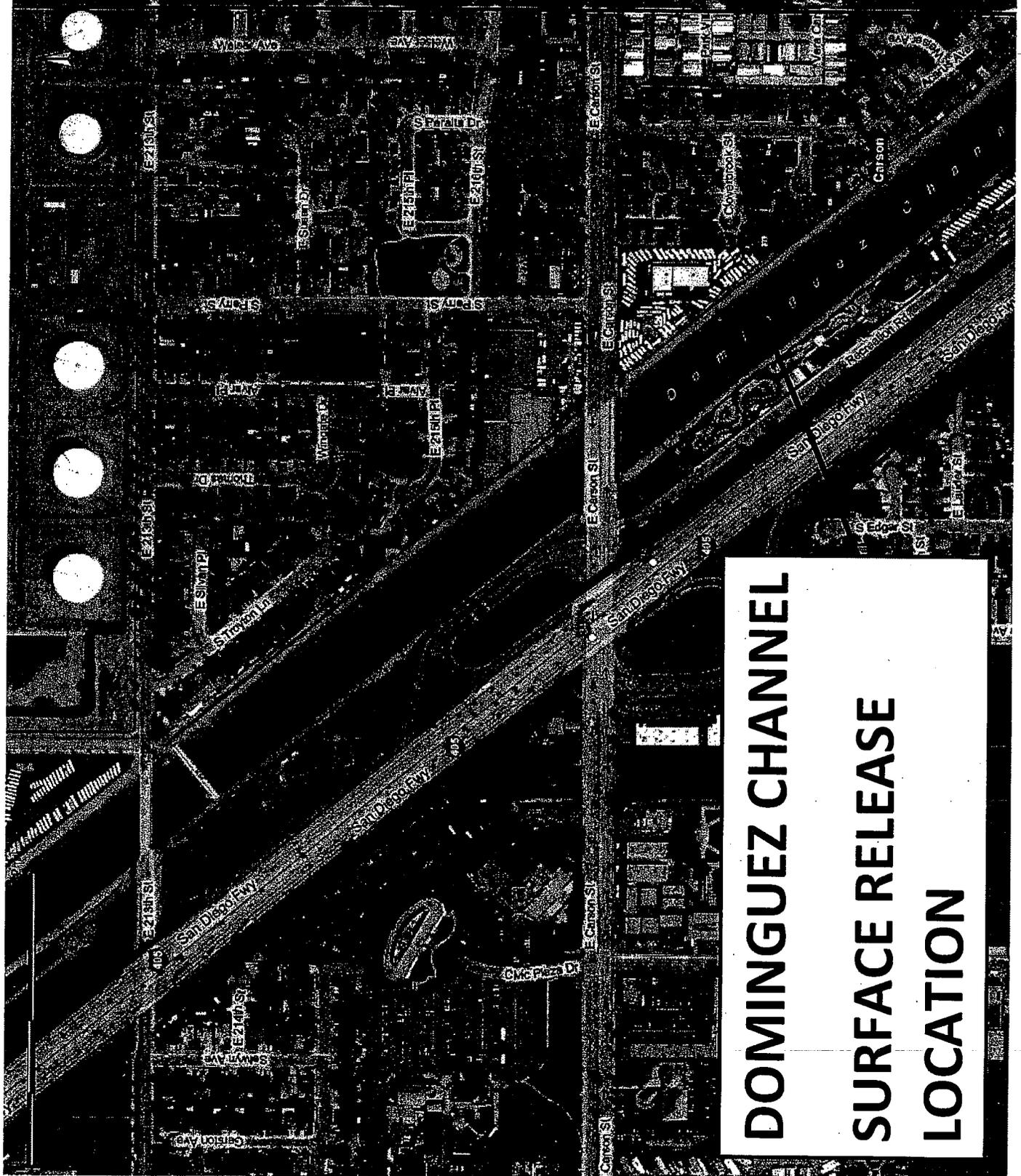
# Dominguez Channel Release

Overview of Conditions and  
Subsurface Investigation Requirements

May 13, 2011



# Dominguez Channel Release Location Carson, California



**DOMINGUEZ CHANNEL  
SURFACE RELEASE  
LOCATION**



- **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



## Release Overview

- Los Angeles County Department of Public Works (LADPW)
  - Responsible for product containment/removal from channel
  - Channel owner
- Neighbor Complaints
  - Strong odors
  - Residential



Daily Breeze - Saturday, April 30, 2011

# Oil firms told to create plan to fix leak

## Oil firms told to create plan to fix leak

**CARSON:** Source of petroleum products bubbling in Dominguez Channel

PRESSTEGRAM.COM SATURDAY, APRIL 30, 2011

# Oil products are polluting channel to sea

**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, it has 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

developing a plan to clean the soil below the 44-acre Carousel 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 Boulevards at South Bay. That lot is one of 15 known inactive landfills across the city.

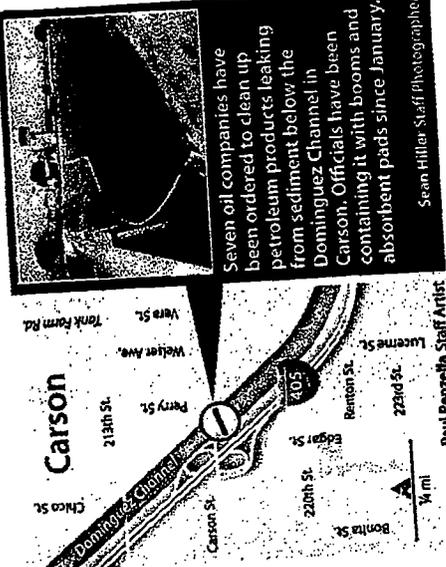
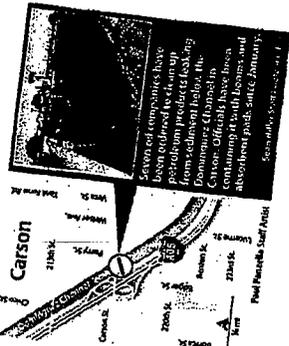
Contamination of the Dominguez Channel, which flows to the ocean — and the groundwater beneath, which can be used for drinking water — can endanger ocean life and the availability of potable water. A 2001 study of the state's groundwater resources by Natural Resources Defense Council found that there is "an appar-

eat and said the smell of oil sometimes vents through his home. Whenever there's the slightest breeze, the odor is awful," he said. "Whenever I breathe the air, it's like I get a breeze blowing the ocean."

Contractors have been cleaning an area on a daily basis, but the oil still is leaking and slowly during low tides, said Hector Hecox, Carson District superintendent at an estimated rate of seven gallons per hour, Hecox said. Petroleum, he said, is also somehow making its way into the site of the mystery right now, Hecox said. "There is gasoline product coming from somewhere."

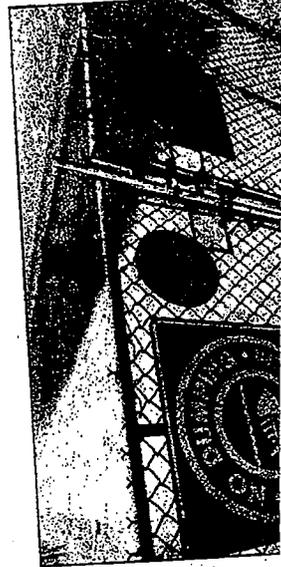
What is not mysterious is the contamination in Carson. For years, the city has been incorporating when it is used as dumping ground for Los Angeles' trash, and in unusable. The city, during auto dismantling, storage, and storage operations once in the area. These industries surround the area, and the effective environmental abuse.

Oil Co. is currently planning a plan to clean up the 44-acre Carousel tract, which is highly contaminated from a former



Seven oil companies have been ordered to clean up petroleum products leaking from sediment below the Dominguez Channel in Carson. Officials have been containing it with booms and absorbent pads since January.

Sean Hillier, Staff Photographer

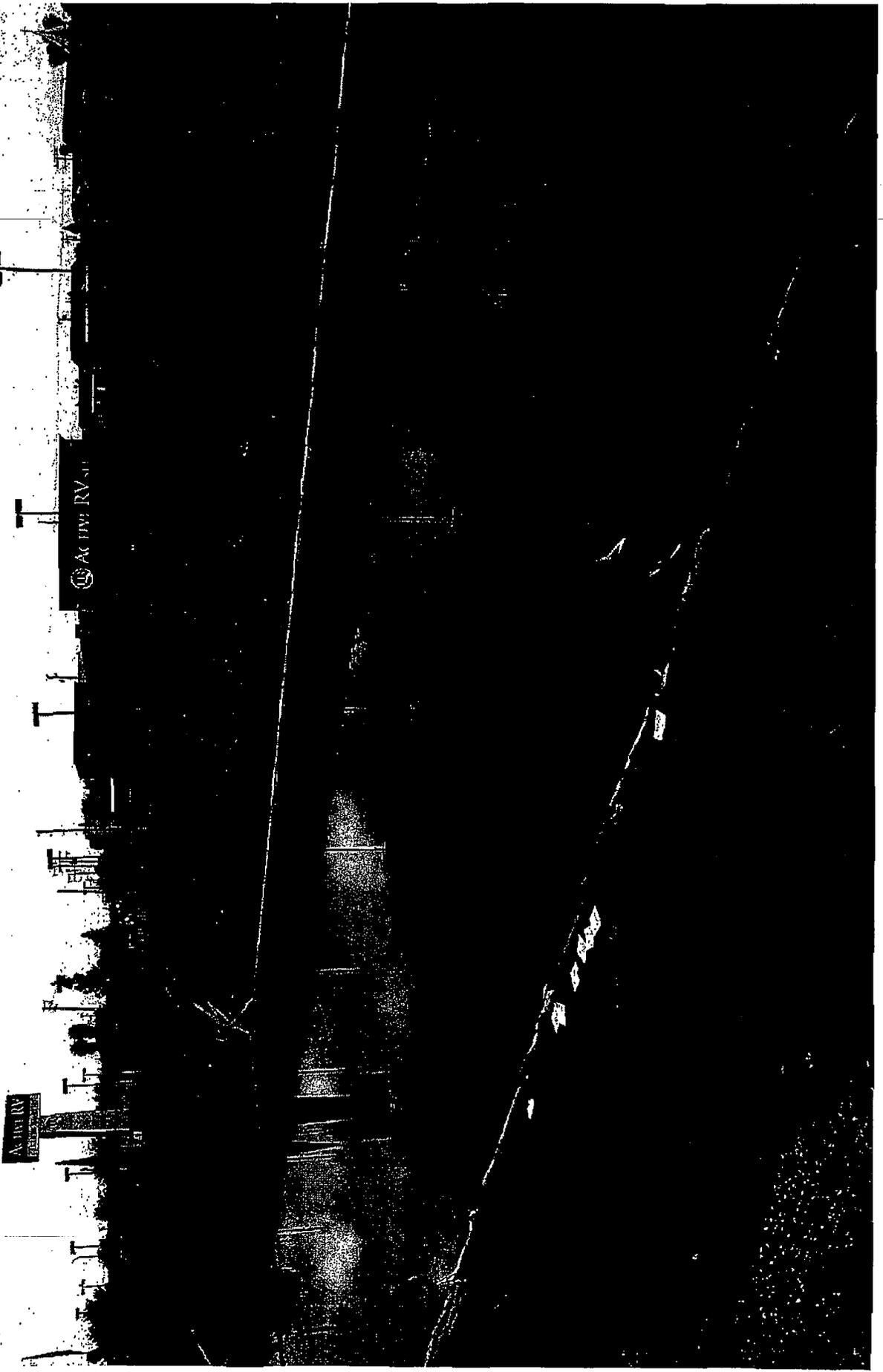


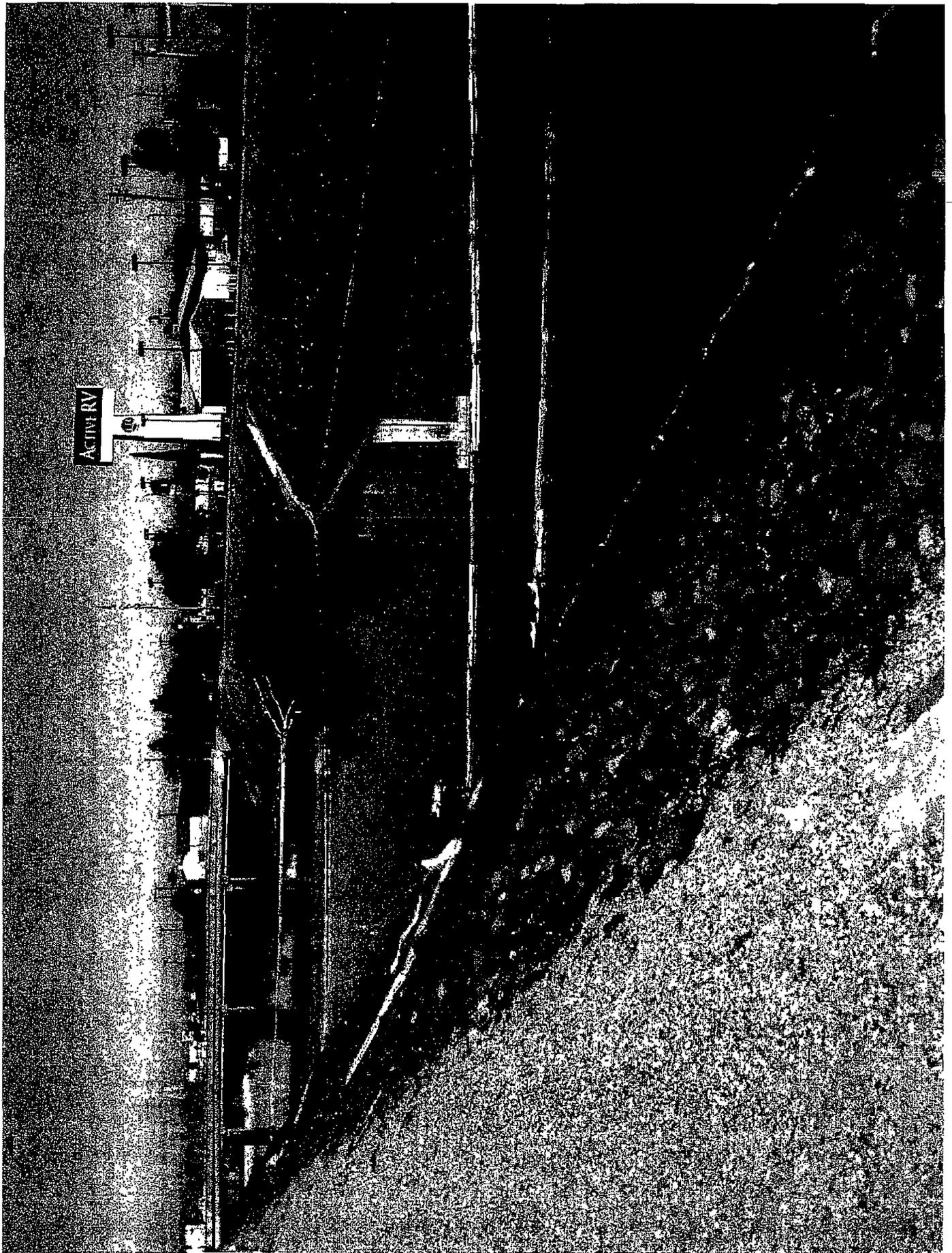
Paul Penzelle Staff Artist

- Daily Breeze
- 4/30/2011
- Press-Telegram
- 4/30/2011

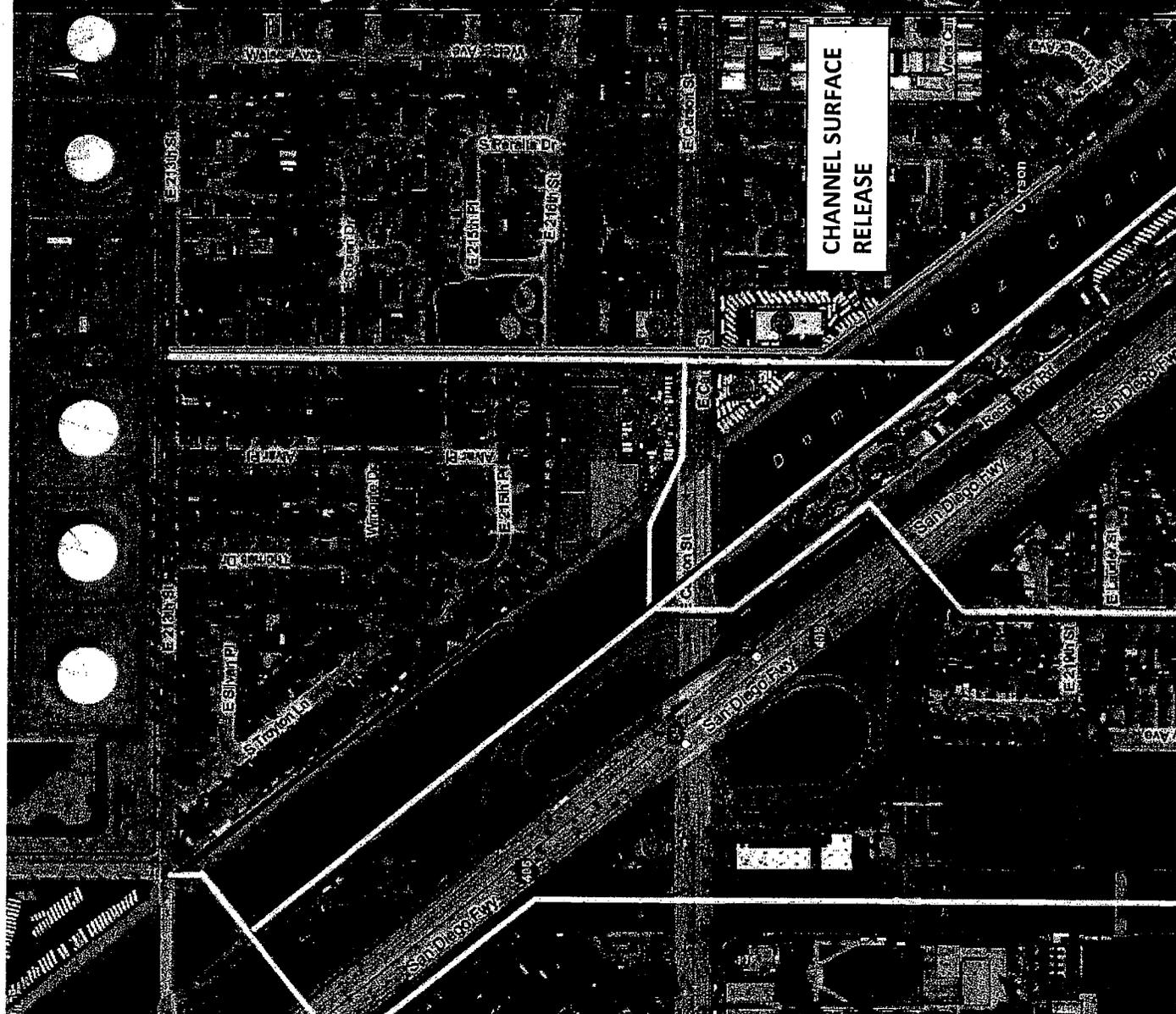


Water Boards





# Dominquez Channel Release Priority Facilities



**CHANNEL SURFACE  
RELEASE**

**DRAFT**

May 13, 2011

This map is a work in progress that does not include all potential petroleum sources or pipelines.

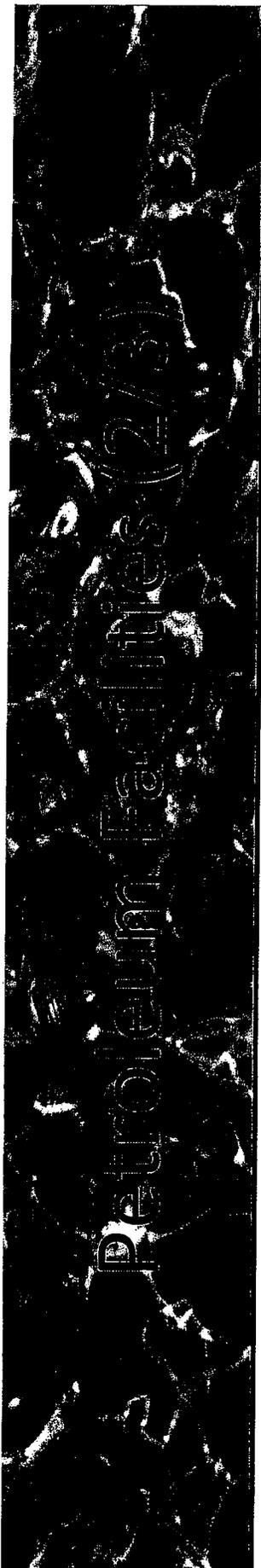
Pipeline locations are approximate. Many of the pipeline runs shown represent more than one actual pipeline.

- Pipelines
- BP Pipelines
- Chevron Pipeline (?)
- Crimson Pipeline
- Plains All American, L.P.
- Shell Oil Products US
- Tesoro Corporation
- Sites
- Non-Pipeline Site
- Shell Carson Terminal (1)
- Active RV (2)
- Former Humble Oil Service Station (3)
- Former Texaco Service Station (4)
- Former Carson Air Harbor (5)
- Unocal 76 Station (6)



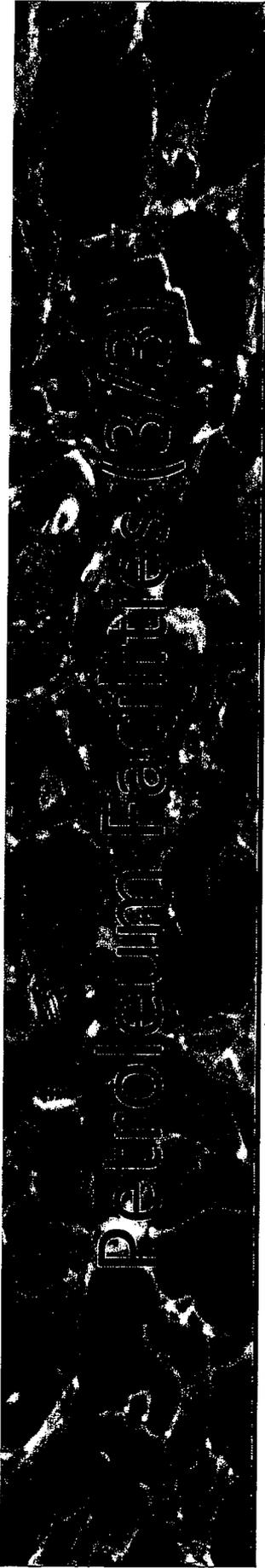
## Petroleum Facilities (L/S)

- 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.



## Petroleum Facilities (2/3)

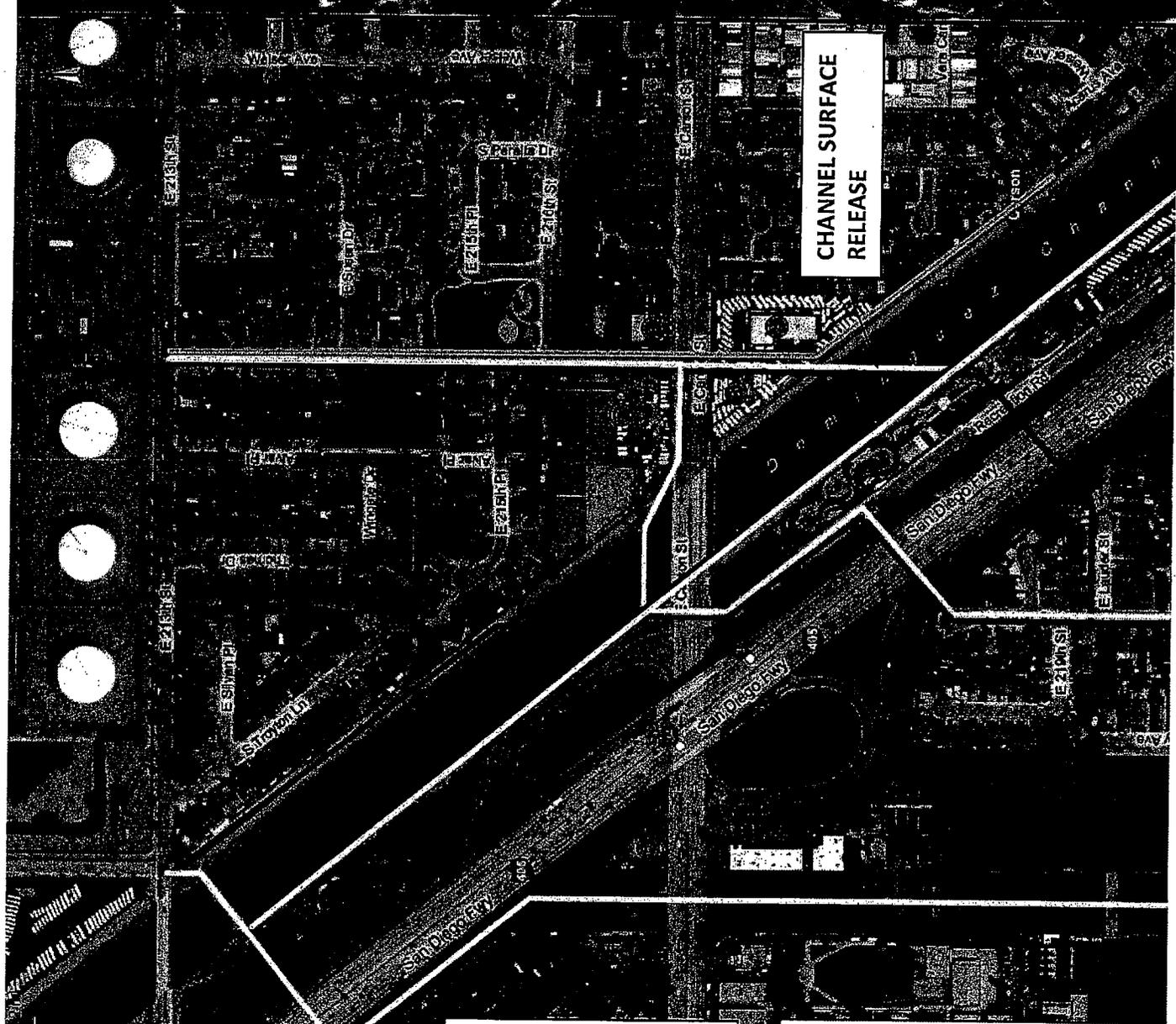
- **Underground Storage Tanks (USTs)**
  - ConocoPhillips Company (Union 76 Station)
  - Prowell Family Trust (former Humble Oil Gas Station)
  - Chevron EMC (former Texaco service station)



## 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)

# Donnauez Channel Release Vulnerability Facility



**CHANNEL SURFACE  
RELEASE**

**DRAFT**  
May 13, 2011

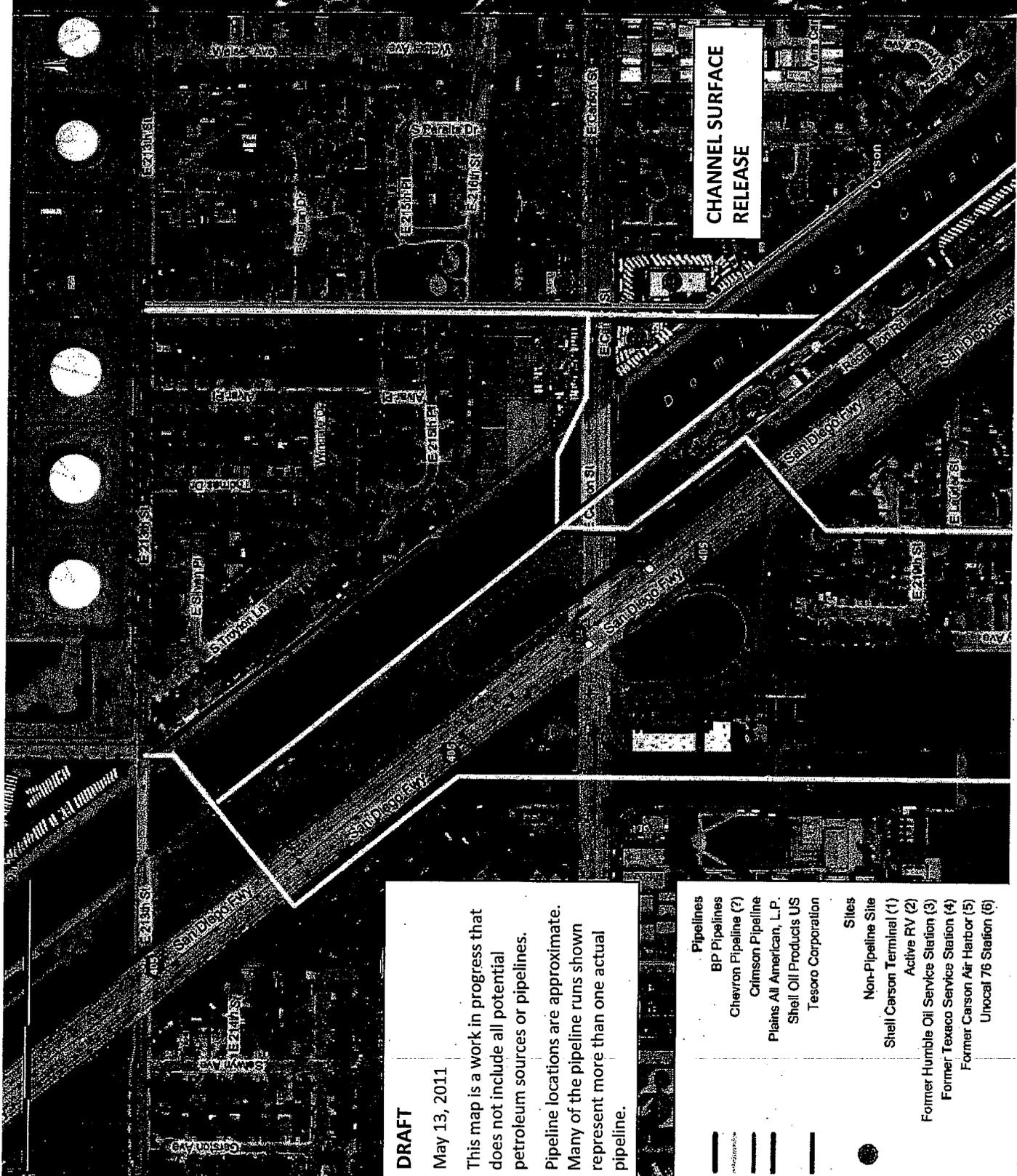
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- **Perry Street (Shell Oil)**
  - Root casts
- **Carson Air Harbor (Shell Oil)**
  - In one well
  - ROST responses across southern half of site
- **Unocal 76 Station**
  - In GWM wells
- **Active RV**
  - Septic leach pit (1954)
- **Former Texaco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

# Domínguez Channel Release Vicinity Facilities



**DRAFT**

May 13, 2011

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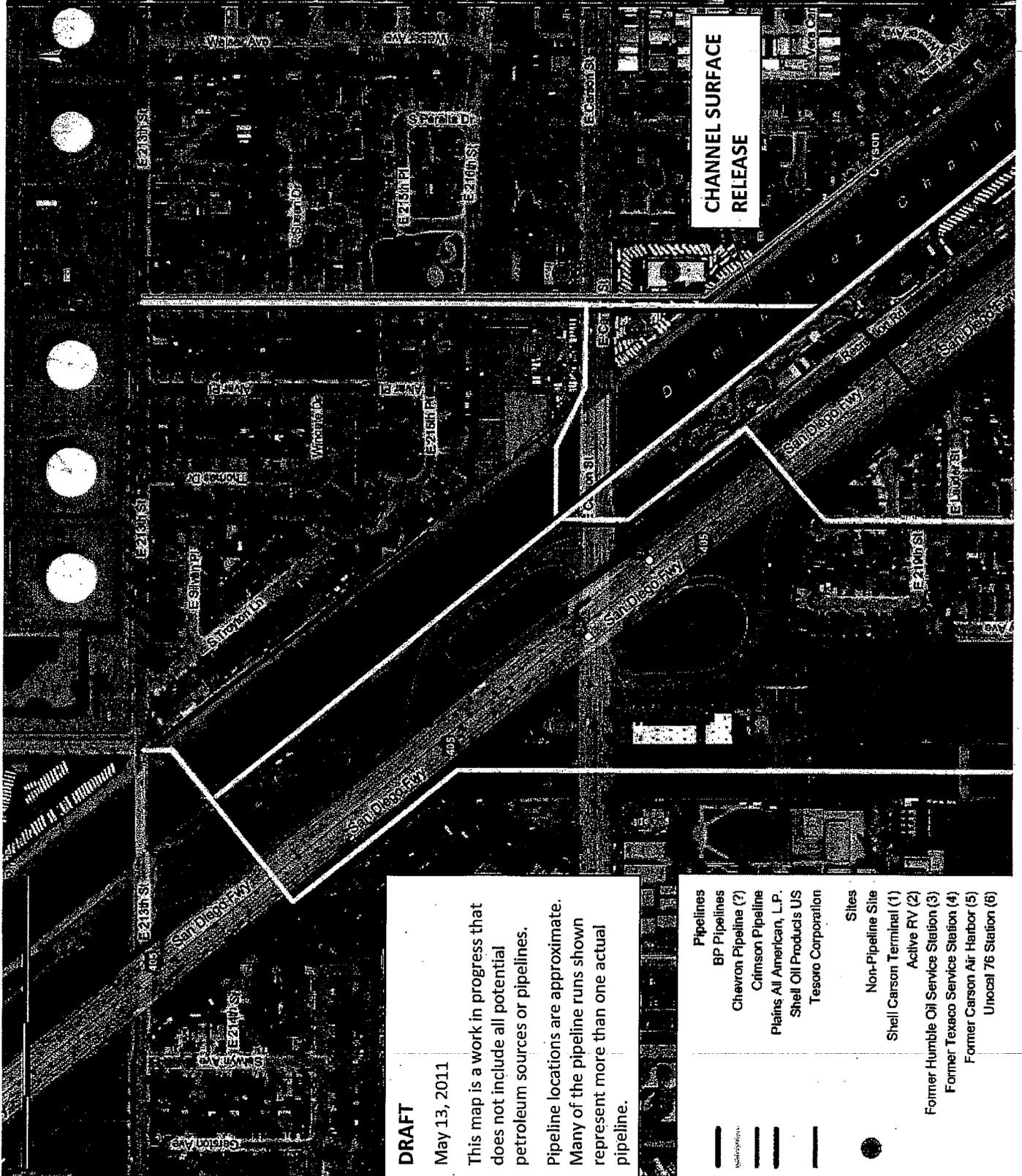
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**CHANNEL SURFACE  
RELEASE**



- Recreation Road
  - City of Carson reported “substantial” petroleum impact during soil excavation in past.

# Dominquez Channel Release Vicinity Facilities



**CHANNEL SURFACE  
RELEASE**

**DRAFT**

May 13, 2011

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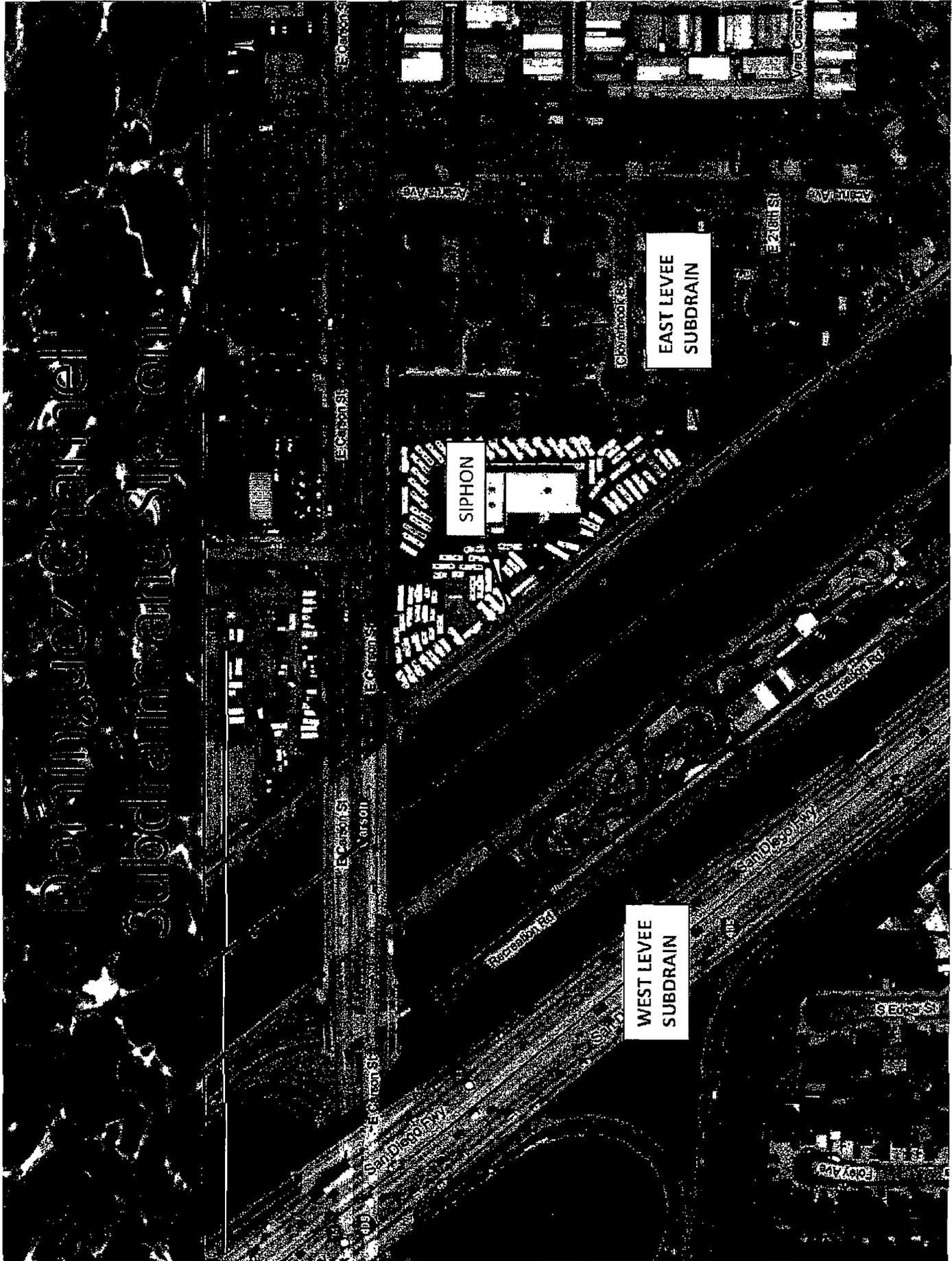
## Channel Piping

- 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



- Siphon System
  - Below center of channel
  - Used for dewatering during channel construction

# Parade Channel Subdrains and Siphon



SIPHON

WEST LEVEL  
SUBDRAIN

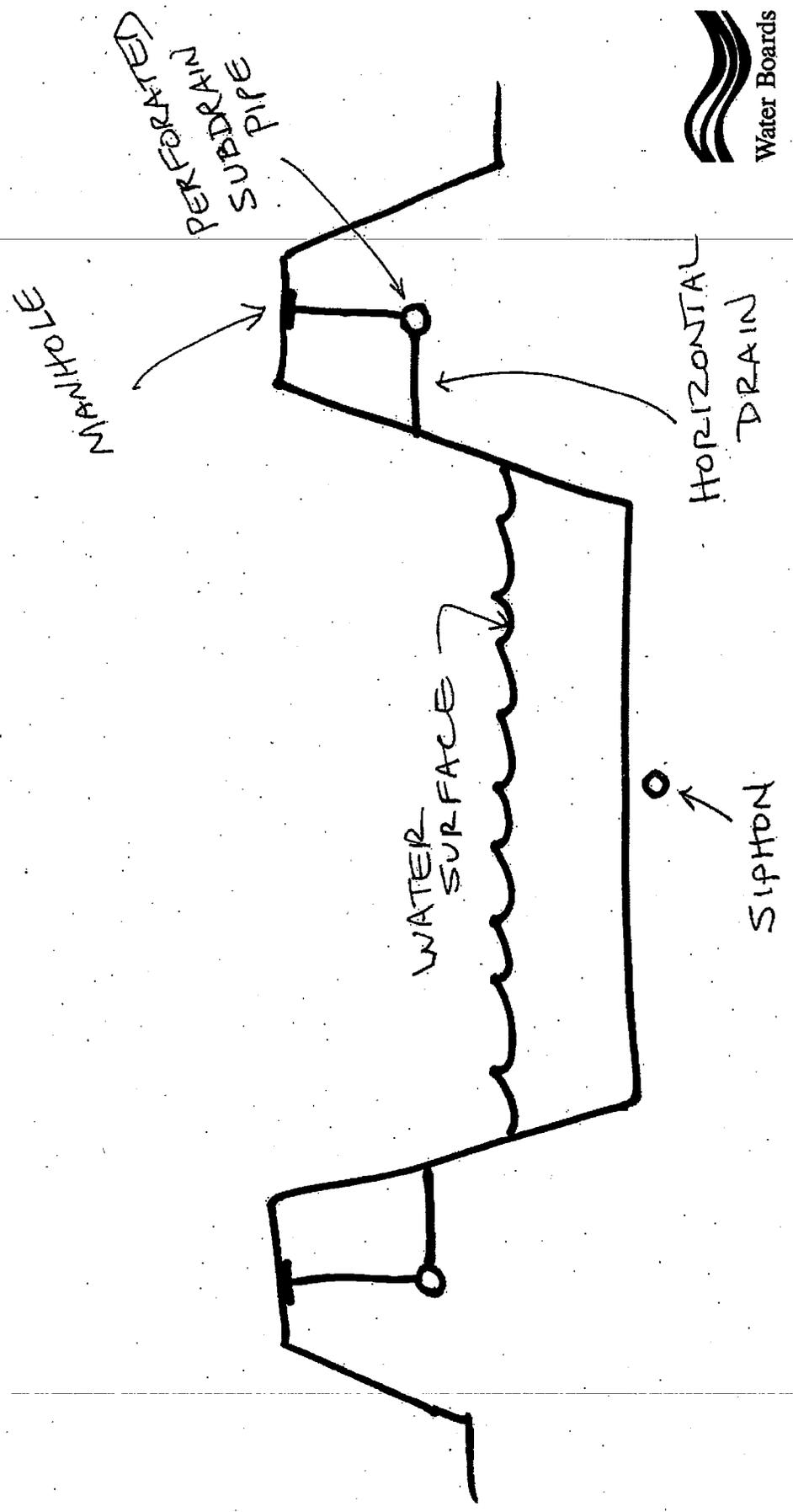
EAST LEVEL  
SUBDRAIN

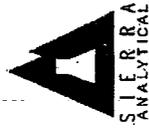
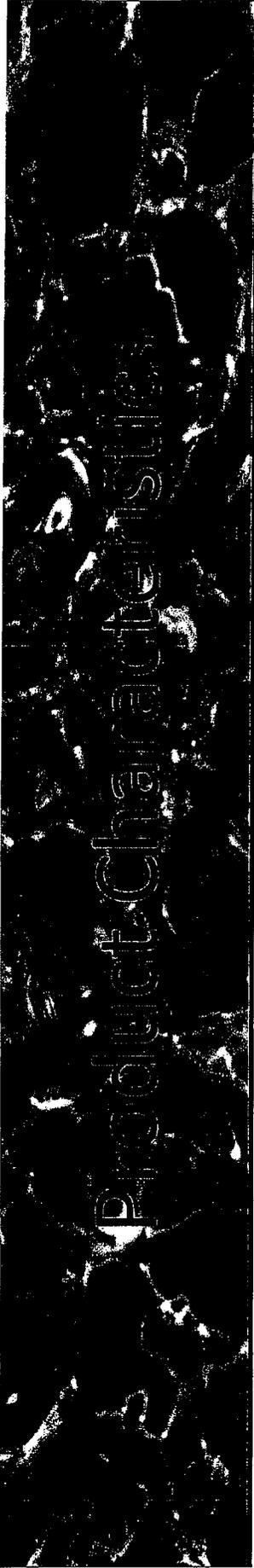


Channel Cross section

WEST

EAST





Los Angeles County Dept. of Public Works  
 900 S. Fremont Ave.  
 Alhambra CA, 91803

Project: Dominguez Channel  
 Project Number: PCA:F6060278  
 Project Manager: Gregory Sena

Total Petroleum Hydrocarbons Carbon Range Analyte  
 Sierra Analytical Labs, Inc.

Analyte	Result	Reporting Limit	Units	Dilution	Batch
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DC-1 (1102183-01) Liquid Sampled: 02/11/11 12:30 Received: 02/11/11 15:30

HC < C8	400	400	mg/L	400	BIB0906
C8 <= HC < C9	6400	400	"	"	02/14/11 17:37 EPA 8015B
C9 <= HC < C10	6100	400	"	"	"
C10 <= HC < C11	4900	400	"	"	"
C11 <= HC < C12	2800	400	"	"	"
C12 <= HC < C14	2200	400	"	"	"
C14 <= HC < C16	400	400	"	"	"
C16 <= HC < C18	ND	400	"	"	"
C18 <= HC < C20	ND	400	"	"	"
C20 <= HC < C24	ND	400	"	"	"
C24 <= HC < C28	ND	400	"	"	"
C28 <= HC < C32	ND	400	"	"	"
HC >= C32	ND	400	"	"	"
Total Petroleum Hydrocarbons (C7-C36)	23000	2000	"	"	"

Surrogate: o-Terphenyl % 60

Hydrocarbon Ranges  
 Gasoline C<sub>4</sub>-C<sub>12</sub>  
 Jet Fuel C<sub>7</sub>-C<sub>16</sub>  
 Diesel C<sub>13</sub>-C<sub>25</sub>

Primarily gasoline-  
 and jet fuel-range  
 hydrocarbons in  
 channel sample  
 DC-1.





# Product Characteristics

**United States Coast Guard  
Marine Safety Laboratory  
Oil Spill Identification Report  
11-125**

**Requestor:** U. S. EPA Region IX

**Unit Case/Activity Number:** E11908

**Received:** 15-Feb-11

**Via:** Federal Express 8710 1056 5463

**RESULTS:**

1. Sample 11-125-1 was specified to be representative of spilled oil. Analysis indicates this sample contains gasoline mixed with traces of heavier petroleum oil. It is not possible based on the analysis conducted to determine if the heavier petroleum product is lubricating oil or a degraded fuel oil due to the limited quantity of product in the sample.



## Product Characteristics

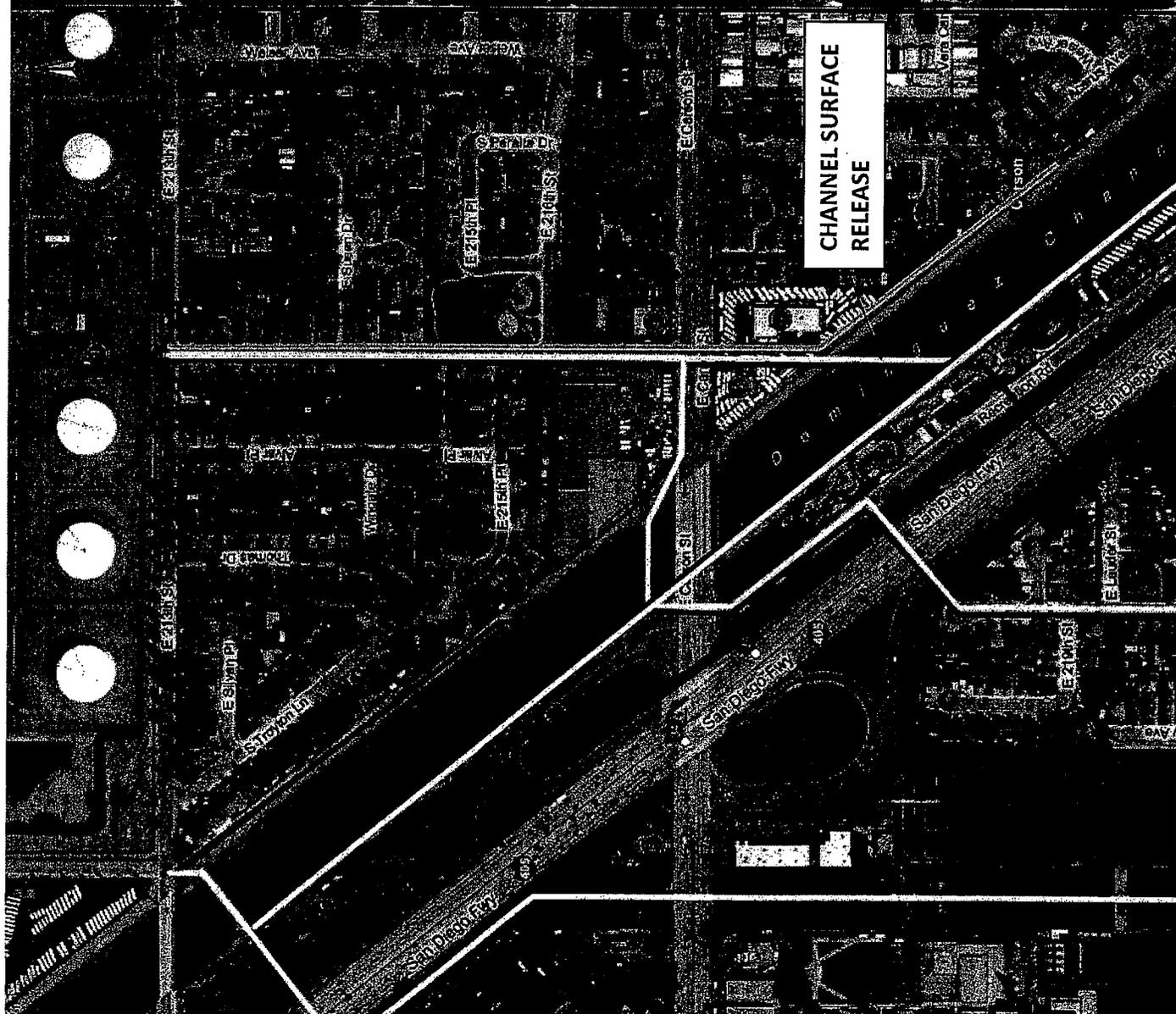
- **Summary**
  - Gasoline;
  - Jet Fuel or Diesel (?); and/or
  - Heavier Oil (?).



## Working Ideas

- LNAPL flowing through pipeline trench on east side of channel (Active RV side)
  - Proven negative by excavation at Active RV site
- LNAPL entering subdrains and getting under channel
  - Mechanism unknown
- Groundwater plume
  - Groundwater elevation rise exposed LNAPL to channel bottom and subdrains
  - One or more petroleum release sources

# Dominquez Channel Release Vicinity Facilities



**CHANNEL SURFACE  
RELEASE**

**DRAFT**

May 13, 2011

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- Unocal 76 Station (6)



## Assessment Goals

1. Physical subsurface sampling to fully delineate soil, **groundwater**, and soil gas impact around petroleum infrastructure and the Dominguez 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



## Assessment Goals

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.



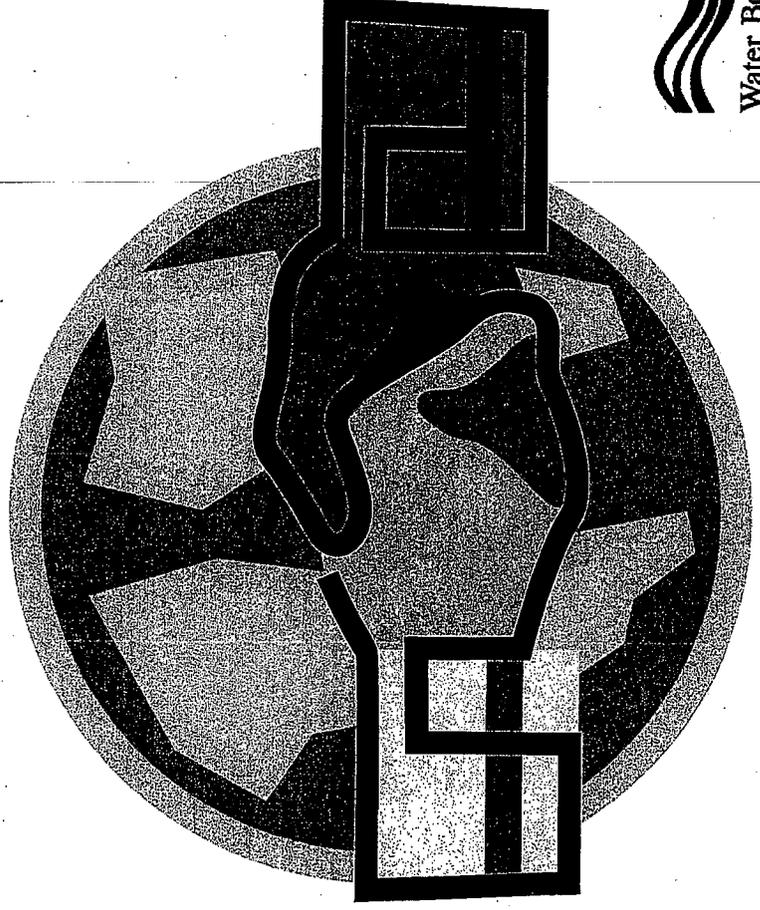
## Assessment Goals

4. Complete sufficient assessment to design a remediation approach.

## Assessment Goals

5. Collaborate to improve efficiency to achieve Goals 1 to 4.

- Faster results
- Better results
- Lower costs

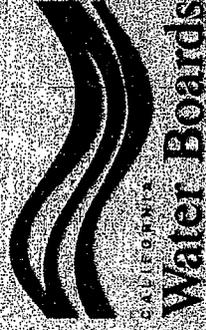


# Regional Board Contact

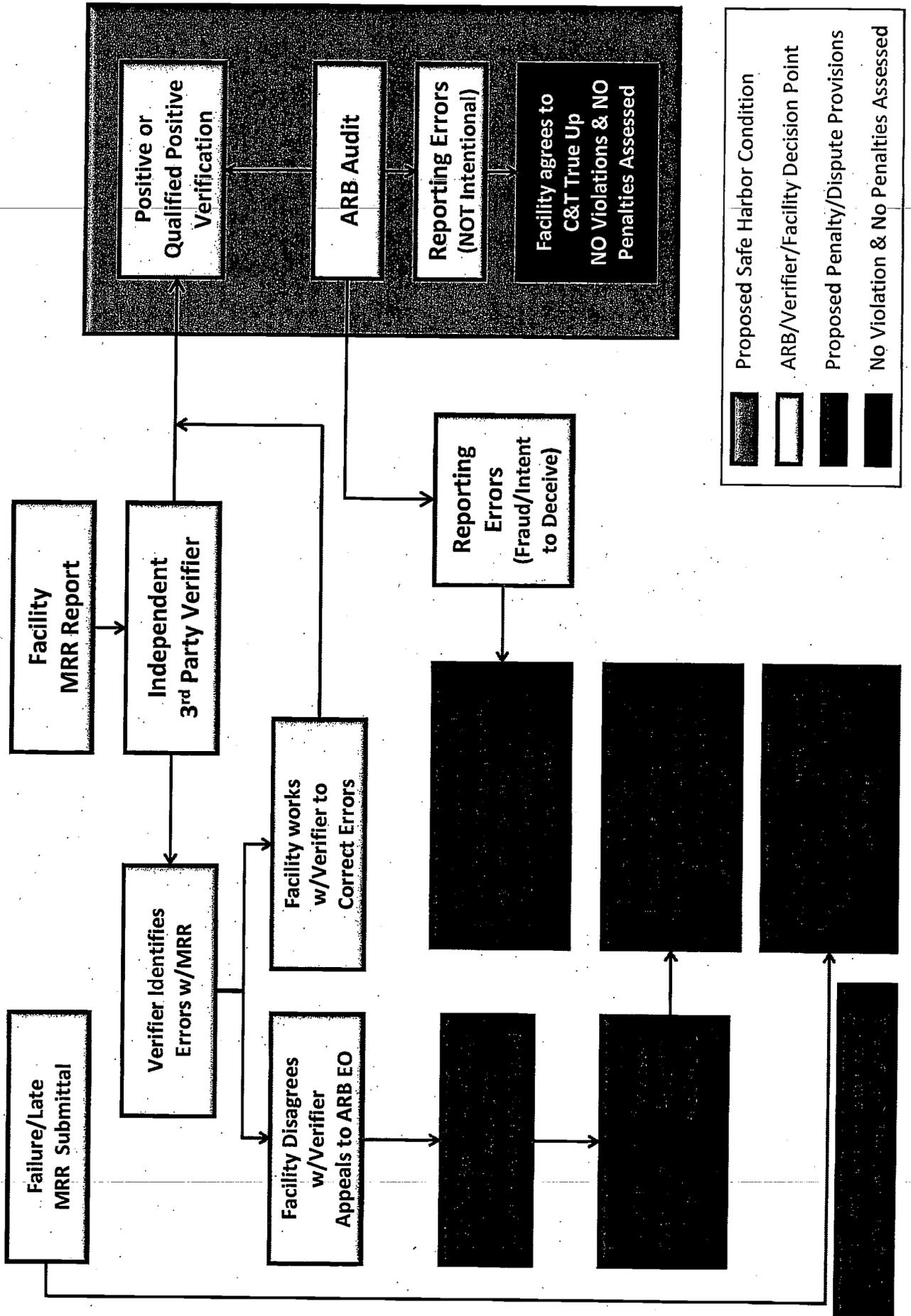
Greg Bishop, P.G.  
Engineering Geologist

LARWQCB  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

(213) 576-6727  
[gbishop@waterboards.ca.gov](mailto:gbishop@waterboards.ca.gov)



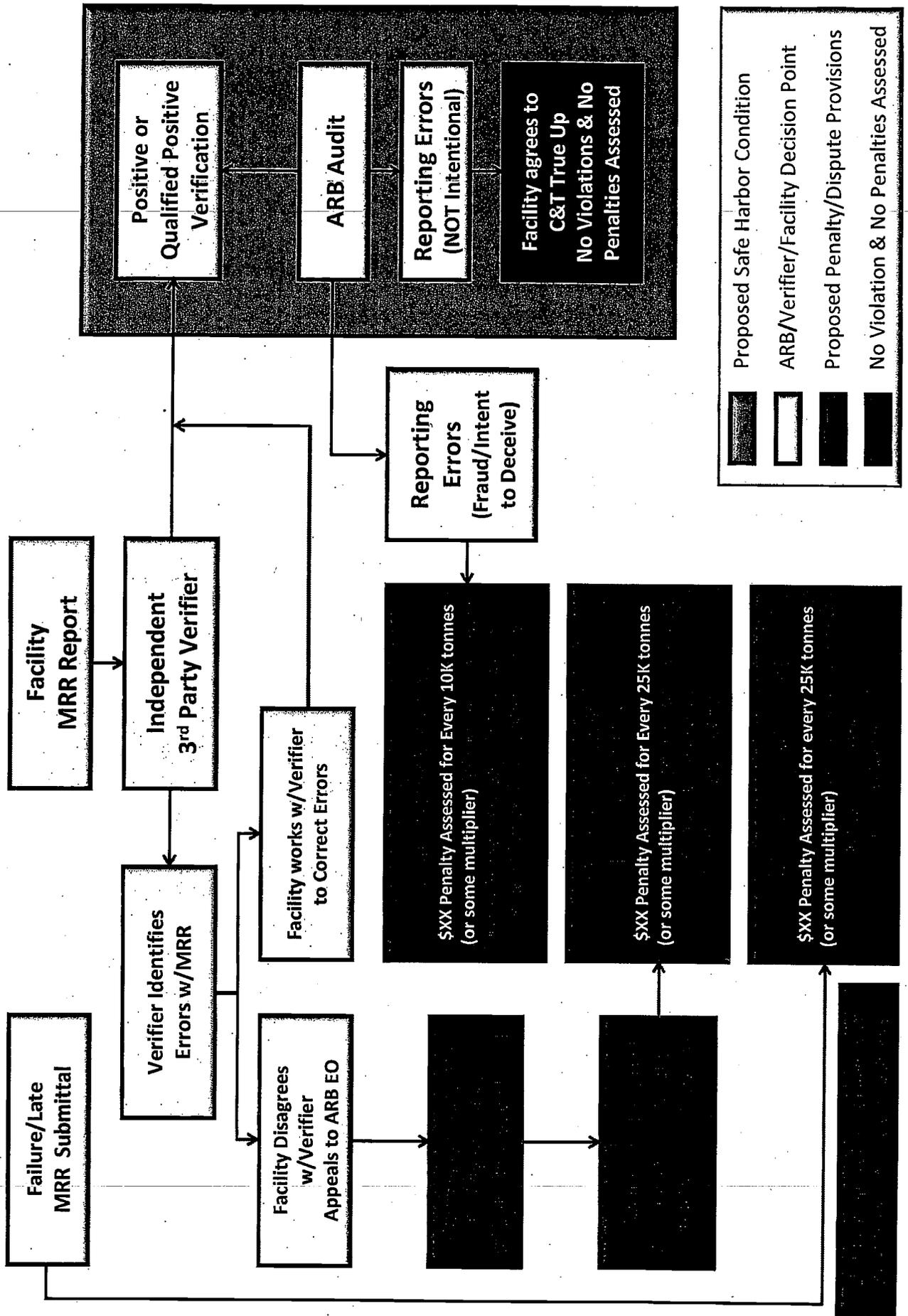
**CONFIDENTIAL - 5/25/11**  
**DRAFT - AB32 MRR Penalty Flowchart – Penalty Proposal**



	Proposed Safe Harbor Condition
	ARB/Verifier/Facility Decision Point
	Proposed Penalty/Dispute Provisions
	No Violation & No Penalties Assessed

CONFIDENTIAL- 5/25/11

DRAFT - AB32 MRR Penalty Flowchart – Penalty Scaling/Multiplier Option



**EXHIBIT 5**



**California Regional Water Quality Control Board**  
**Los Angeles Region**



Linda S. Adams  
Acting Secretary for  
Environmental Protection

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

May 17, 2011

Mr. Gary Hildebrand  
Assistant Deputy Director  
Los Angeles County Department of Public Works  
900 S. Fremont Avenue  
Alhambra, CA 91803

**SUBJECT: CLEANUP AND ABATEMENT ORDER NO. R4-2011-0065  
PURSUANT TO CALIFORNIA WATER CODE SECTION 13304**

**SITE/CASE: DOMINGUEZ CHANNEL, SOUTH OF CARSON STREET  
CARSON, CALIFORNIA (SCP NO. 1058; FILE NO. 11-061)**

Dear Mr. Hildebrand:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles County and Ventura County, including the above-referenced site. I am in receipt of your letter dated April 28, 2011, which replies to the Regional Board's directive under the Municipal Separate Storm Sewer System Permit dated April 15, 2011, to develop a plan to remove hydrocarbons from County of Los Angeles Flood Control District's (LAFCD) subdrain systems that have been observed to be discharging waste into Dominguez Channel. Your letter notes that you will not develop a plan until you gain further understanding to determine "if there is a connection between LNAPL found in the subdrains and the LNAPL found in the submerged channel sediment release area".

I understand and share your concerns regarding potential light non-aqueous phase liquid (LNAPL) sources from groundwater and the Regional Board has issued eight investigative orders to responsible parties in the vicinity of the LNAPL discharge. The Regional Board will certainly share the work plans and results from the groundwater investigations with you. However, I am surprised that your response did not provide a plan to remove LNAPL from the subdrain systems. I met with you prior to issuing the directive and you informed me that the LAFCD understood the necessity of addressing LNAPL in the subdrain, which LAFCD owns and operates. The Regional Board continues to find that LNAPL removal from the subdrain and groundwater investigation should proceed independently and simultaneously to address the issues of LNAPL discharge to Dominguez Channel.

Consequently, enclosed is Cleanup and Abatement Order No. R4-2011-0065 (CAO), directing the LAFCD to assess, monitor, cleanup the waste, and abate the effects of the ongoing discharge of LNAPL and any other wastes within the Dominguez Channel, approximately 400 feet south of Carson Street in Carson, California. More specifically, the CAO requires a work plan for initial extraction of petroleum hydrocarbons from the subdrain system; a work plan to perform the evaluation proposed by LAFCD; a

*California Environmental Protection Agency*

May 17, 2011

work plan to revise the subdrain extraction techniques based upon the evaluation results; if appropriate, a work plan to implement remedial action on contaminants that may have migrated within the subdrain system, possibly onto other properties; and reporting for existing and other future sampling work performed by LAFCO. This Order is issued pursuant to section 13304 of the California Water Code.

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

Sincerely,



Samuel Unger, P.E.  
Executive Officer

Cc: Mr. Lalo Bakhoun, South Coast Air Quality Management District  
Mr. Christian Corbo, California Department of Fish and Game  
Mr. Mario Benjamin, Los Angeles County Fire Department  
Mr. Hector Bordas, Los Angeles County Department of Public Works  
Mr. James Flynn, The Carsou Companies  
Mr. Bob Gorham, Cal Fire  
Ms. Sheri Repp Loadsman, City of Carson  
Mr. Martin Powell, United States Environmental Protection Agency  
Ms. Diane Wachi, City of Carson

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

CLEANUP AND ABATEMENT ORDER NO. R4-2011-0065  
REQUIRING

COUNTY OF LOS ANGELES

FLOOD CONTROL DISTRICT

TO CLEANUP WASTE AND ABATE THE EFFECTS OF WASTE  
DISCHARGED TO WATERS OF THE STATE  
PURSUANT TO CALIFORNIA WATER CODE SECTION 13304  
AT THE DOMINGUEZ CHANNEL  
CARSON, CALIFORNIA

(CASE NO. 1258; FILE NO. 11-061)

This Cleanup and Abatement Order No. R4-2011-0065 (Order) is issued to the County of Los Angeles Flood Control District (LAFCD, hereinafter, the "Discharger") based on provisions of California Water Code sections 13304 and 13267, which authorizes the Regional Water Quality Control Board, Los Angeles Region (Regional Board) to issue a Cleanup and Abatement Order and require the submittal of technical and monitoring reports. This Order requires LADPW to cleanup and abate the discharges of petroleum hydrocarbons to the Dominguez Channel and observed within the sub-drain pipe system located in the Dominguez Channel levees (hereinafter, the "Site") located southeast of East Carson Street in Carson, California.

The Regional Board herein finds:

**BACKGROUND**

1. **Location:** Petroleum hydrocarbons have discharged, and continue to discharge, into a segment of the Dominguez Channel in Carson, California, approximately 400 feet south of East Carson Street, east of Recreation Road (that is adjacent to the former Go Kart World business at 21830 Recreation Road), and west of the former Active RV business (located at 1152 East Carson Street).
2. **Discharger:** LAFCD is operated under the authority and responsibility of the County of Los Angeles Department of Public Works. LAFCD owns the infrastructure of the Dominguez Channel, through which wastes are discharging, and operates the Channel pursuant to a long-term lease with the property owners. As the owner and operator of this infrastructure, LAFCD is a Responsible Party and is required to contain and clean up the petroleum hydrocarbons in the channel and channel infrastructure (including the sub-drain piping) and prevent further discharges of the petroleum hydrocarbons. LAFCD is also a permittee under Waste Discharge Requirements Order No. 01-182, the Los Angeles County Municipal Separate Storm Sewer System (MS4) permit. Section 4.G of the MS4 permit, Illicit Connections and Illicit Discharges

Elimination Program, requires the LAFCD to respond to the discovery of an illicit discharge with activities to clean up all illicit discharges.

3. **Water Quality Control Plan:** The Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) designates beneficial uses, establishes water quality objectives to protect those uses, and includes implementation programs to attain the water quality objectives.
4. **Groundwater Basin:** The Site is located on the Torrance Plain of the West Coast Groundwater Basin (Basin), in the southwestern part of the Coastal Plain of Los Angeles County. Beneath the Site, the first encountered groundwater is approximately at 5 feet below ground surface (bgs). As described in the Basin Plan, the Basin is underlain by a series of aquifers, the deeper of which are used for drinking water production. These aquifers are with increasing depth, the Gage aquifer, Lynwood aquifer, and Silverado aquifer. The designated beneficial uses set forth in the Basin Plan include municipal, industrial, process, and agricultural supply uses.
5. **Surface Water Basin:** This Site is located in the Dominguez Channel, which is a surface water of the state and of the United States that flows to the Estuary. The designated beneficial uses of the Dominguez Channel as set forth in the Basin Plan include contact and non-contact recreation and estuarine, marine, wildlife, and rare and endangered species habitat.
6. As detailed in the findings below, the Discharger's activities at the Site have caused or permitted the discharge of waste resulting in pollution and nuisance or threat of pollution or nuisance in Dominguez Channel, including discharges of waste to the waters of the state.

#### SITE HISTORY

7. Since January 2011, light non-aqueous phase liquid (LNAPL) has been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of East Carson Street. The 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. The LNAPL within the sub-drain pipe systems has been observed discharging into the channel waters.
8. This Regional Board has been working under United States Environmental Protection Agency (USEPA) lead to facilitate the assessment and remedy to the discharges of waste. As the channel owner and operator, the LAFCD has been performing containment operations using booms and absorbent pads in the channel. In addition to the recovery of petroleum hydrocarbons discharged to channel waters, this Regional Board has requested that LADPW extract LNAPL from the sub-drain piping systems on both sides of the channel. The Regional Board's initial request was made verbally to LAFCD personnel on March 3, 2011. The Regional Board sent a written request to the LAFCD on April 15, 2011.

### AUTHORITY - LEGAL REQUIREMENTS

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

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

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

"In conducting an investigation specified in subdivision (a), 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the 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."

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

"... the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. ..."

12. The State Water Resources Control Board (hereafter State Water Board) has adopted Resolution No. 92-49, the Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304. This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, California Code of Regulations (CCR) Section 2550.4. Any alternative cleanup level to background must: (1) be consistent with the maximum

benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigation proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase, of the investigation and cleanup.

#### EVIDENCE OF DISCHARGES OF WASTE AND BASIS FOR ORDER

13. Samples of petroleum hydrocarbons entering channel waters from sediments in the bottom of the channel have been analyzed by USEPA and determined to contain primarily gasoline-range hydrocarbons, with smaller fractions of heavier-end (diesel- and oil-range) hydrocarbons. Petroleum hydrocarbons 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. Petroleum hydrocarbons examined from the eastern sub-drain system was observed to be dark brown to black and translucent.
14. The constituents found at the Site as described in Finding 5 constitute "waste" as defined in Water Code section 13050(d). The discharge of waste has resulted in pollution, as defined in Water Code section 13050(l). The presence of petroleum hydrocarbons in the Dominguez Channel exceeds Water Quality Objectives for Inland Surface Waters in the Basin Plan, including the prohibition on discharge of oil and grease and taste and odor. The concentration of waste constituents in soil and groundwater exceed water quality objectives contained in the Basin Plan, including maximum contaminant levels (MCLs). The presence of petroleum hydrocarbons is harmful to aquatic life and human health, resulting in impacts to the designated beneficial uses and pollution. The presence of waste at the Site constitutes a "nuisance" as defined in Water Code section 13050(m). The waste is present at concentrations and locations that *"is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . and [affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."* Individuals in the vicinity of the Dominguez Channel have observed odors and other impacts due to the discharge of waste.
15. **Need for Technical Reports:** This Order requires the submittal of technical or monitoring reports pursuant to Water Code section 13267<sup>2</sup>. The Discharger is required to submit the reports because, as described in the Findings in this Order, the Discharger is responsible for the discharge of waste that has caused, or threatens to cause, pollution and nuisance. The reports are necessary to evaluate the extent of the impacts on water quality and public health and to determine the scope of the remedy. As noted in Finding 8, LAFCD has been conducting containment operations and has the information identifying the nature of the discharges of waste. The Regional Board's records contain additional information concerning the ownership and operation of the infrastructure under the control of the LADPW.

<sup>2</sup> Water Code section 13267 authorized the Regional Board to require any person who has discharged, discharges, or is suspect of having discharged or discharging, waste to submit technical or monitoring program reports.

### CONCLUSION

16. **Pollution of Waters of the State:** The Discharger has caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance. As described in this Order and the record of the Regional Board, the Discharger owned and/or operated the Site in a manner that resulted in the discharges of waste.
17. Although requested by the Discharger, the Regional Board is declining to name additional potentially responsible parties (PRPs) in this Order at this time. Substantial evidence indicates that the Discharger caused or permitted waste to be discharged into waters of the state and is therefore appropriately named as a responsible party in this Order. The Regional Board will continue to investigate whether additional PRPs (including, but not limited to, Chevron Pipeline (former Union Oil Pipeline), Chevron Environmental Management Company (former Texaco gasoline station), ConocoPhillips, Crimson Pipeline, Shell Oil Products US, Tesoro, Prowell Family Trust, and BP Pipelines) caused or permitted the discharge of waste at the Site and whether these or other persons should be named as additional responsible parties to this Order. The Regional Board has issued orders pursuant to Water Code 13267 to the owners of pipelines and other petroleum facilities in the vicinity of the Dominguez Channel that may be contributing to the discharges of petroleum hydrocarbons at the Site. The Regional Board may amend this Order or issue a separate order or orders in the future as a result of this investigation. Although investigation concerning additional PRPs is ongoing, the Regional Board desires to issue this Order as waiting will only delay remediation of the Site.
18. Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Regional Board will conduct the necessary and appropriate environmental review prior to Executive Officer approval of the applicable plan.
19. Pursuant to section 13304 of the California Water Code, the Regional Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action.
20. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

This Order is issued by the Executive Officer pursuant to authority delegated by the Regional Board. The Discharger may seek reconsideration by the Regional Board. Note, however, that if the Discharger fails to file a petition within 30 days, in accordance with the State Water Board regulations, the Discharger will lose its right to review of this Order by the State Water Board.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to California Water Code sections 13304 and 13267, that the County of Los Angeles Flood Control District shall cleanup the waste and abate the effects of the discharge of waste, including, but not limited to, petroleum hydrocarbons and other wastes discharged to waters of Dominguez Channel in accordance with the following requirements:

1. Continue containment and recovery operations within the channel of petroleum hydrocarbons discharging into the channel. Adjustments to the recovery system may be made in coordination with Regional Board staff, provided that such adjustments are deemed to be effective in achieving containment goals.
2. By **May 31, 2011**, develop an interim remedial action plan (IRAP), including a proposed schedule, to remove and legally dispose of petroleum hydrocarbons within both channel sub-drain systems. The IRAP shall be prepared with the goals of (a) preventing petroleum hydrocarbons within the sub-drain piping from entering the channel and (b) preventing migration of product within the sub-drain piping to other locations. The plan shall include:
  - a. a map indicating where petroleum hydrocarbons have been detected within the sub-drains;
  - b. a map showing planned extraction locations;
  - c. a description of how extraction will be performed; and
  - d. a proposed schedule for periodic status report submittals to this Regional Board describing the sub-drain extraction activities.

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

3. By **June 8, 2011**, you are required to submit a work plan to accomplish an evaluation of the subdrain system. Specifically, the work plan shall:
  - a. propose techniques to evaluate whether the subdrains are providing a conduit for LNAPL from offsite sources or if the subdrains are recirculating LNAPL originating from the submerged channel sediments;
  - b. propose a technique to determine the lateral extent of the LNAPL-impacted subdrains;
  - c. propose a technique to determine the extent of soil, groundwater, and soil vapor impact from LNAPL and other waste constituents transported within the subdrain system;
  - d. include a provision to modify the IRAP for petroleum hydrocarbon recovery efforts within the subdrain system based upon investigation results;

- e. include a provision to prepare an additional work plan to remediate soil, groundwater, and soil vapor that may have been impacted due to petroleum hydrocarbon transport within the subdrain systems; and
- f. include a proposed schedule for implementation of the proposed tasks and for submittal of reports for these tasks to the Regional Board.

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

4. 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 and additional required data formats to the GeoTracker system. Information about GeoTracker submittals, including links to text of the governing regulations, can be found on the Internet at the following link:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal)

5. The Regional Board's authorized representative(s) shall be allowed:
  - a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
  - b. Access to copy any records that are maintained under the conditions of this Order;
  - c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - d. The right to photograph, sample, and monitor the Site for the purpose of ensuring compliance with this Order, or as otherwise authorized by the California Water Code.
6. **Contractor/Consultant Qualification:** A California licensed professional civil engineer or geologist, or a certified engineering geologist or hydrogeologist shall conduct or direct the subsurface investigation and cleanup program. All technical documents required by this Order shall be signed by and stamped with the seal of the above-mentioned qualified professionals.
7. This Order is not intended to permit or allow the Discharger to cease any work required by any other Order issued by this Regional Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by this Regional Board or any other agency. Furthermore, this Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restrictions on those facilities which may be contained in other statutes or required by other agencies.
8. The Regional Board, through its Executive Officer or other delegate, may revise this Order as additional information becomes available. Upon request by the Discharger, and for good cause shown, the Executive Officer may defer, delete or extend the date of compliance for any action required of the Discharger under this Order. The authority of the Regional Board, as contained in the California Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.

9. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Regional Board or judicially by the Superior Court in accordance with Sections 13268, 13308, and/or 13350, of the California Water Code, and/or referral to the Attorney General of the State of California.
10. None of the obligations imposed by this Order on the Discharger are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.

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

Date: May 17, 2011

1 AMY E. GAYLORD (SBN 217553)  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
2 50 Fremont Street  
San Francisco, CA 94105  
3 Telephone: (415) 983-1000  
Facsimile: (415) 983-1200  
4 E-mail: amy.gaylord@pillsburylaw.com

5 Attorneys for Petitioner,  
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY

6

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STATE WATER RESOURCES CONTROL BOARD

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11 In the Matter of the California Regional  
Water Quality Control Board – Los Angeles  
12 Region Requirement to Provide a Technical  
Report on Soil and Groundwater  
13 Investigation (California Water Code Section  
13267 Order) Directed to “Chevron  
14 Environmental Management Company”;  
Former Texaco Gasoline Station, Chevron  
15 Facility No. 21-1316, 1209 E. Carson Street,  
Carson, California (UST Case No. 21-1316)  
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**PROOF OF SERVICE**

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PROOF OF SERVICE

I am employed in the City of San Francisco, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of 18 years, and not a party to the within action. My business address is Pillsbury Winthrop Shaw Pittman LLP, 50 Fremont Street, San Francisco, CA 94105-2228. My mailing address is 50 Fremont Street, P.O. Box 7880, San Francisco, CA 94120-7880. On May 26, 2011, I served the document(s) titled:

- CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR HEARING, AND REQUEST FOR STAY
- DECLARATION OF AMY E. GAYLORD IN SUPPORT OF CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR HEARING, AND REQUEST FOR STAY
- DECLARATION OF ROB SPEER IN SUPPORT OF CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION FOR REVIEW, REQUEST FOR HEARING, AND REQUEST FOR STAY

on the parties in this action as follows:

[See Attached Service List]

- (BY MAIL) I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, CA. I am readily familiar with the practice of Pillsbury Winthrop Shaw Pittman LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.
- (BY FACSIMILE) The above-referenced document(s) was transmitted by facsimile transmission and the transmission was reported as complete and without error to the number(s) listed below.
- (BY EMAIL TRANSMISSION) The above-referenced document(s) was transmitted via electronic transmission to the person(s) at the electronic-email address(es) indicated below.
- (BY PERSONAL SERVICE) I delivered to an authorized courier or driver authorized by \_\_\_\_\_ to receive documents to be delivered on the same date. A proof of service signed by the authorized courier will be filed forthwith.

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**(BY OVERNIGHT COURIER)** I am readily familiar with the practice of Pillsbury  
Winthrop Shaw Pittman LLP for collection and processing of correspondence for  
overnight delivery and know that the document(s) described above will be deposited in  
a box or other facility regularly maintained by \_\_\_\_\_ for overnight delivery.

I declare under penalty of perjury that the foregoing is true and correct. Executed  
on May 26, 2011, at San Francisco, California.

  
Starla D. Cole

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