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STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

11
12 In the Matter of Los Angeles Regional Water
Quality Control Board 13267 Order –
13 Northridge Properties, LLC, former Zero
Corporation Facility, 777 North Front Street,
14 Burbank, California

NO.

**THIRD PETITION FOR REVIEW,
REQUEST FOR HEARING AND
REQUEST FOR STAY**

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17 This Third Petition for Review, Request for Hearing and Request for Stay (“Third
18 Petition”), follows two previous petitions in connection with this matter:

19 First was the Petition for Review, Request for Hearing and Request for Stay, In the Matter
20 of Los Angeles Regional Water Quality Control Board 13267 Order – Northridge Properties, LLC,
21 former Zero Corporation Facility, 777 North Front Street, Burbank, California, dated June 9, 2011,
22 Petition No. A2167 (the “Initial Petition”), with respect to the Requirement for Technical Reports
23 Pursuant to California Water Code Section 13267 Order, Former ZERO Corporation Facility,
24 dated May 10, 2011 (the “Initial Order”). No stay was granted by the State Water Resources
25 Control Board (“State Board”); no notice was issued to the Los Angeles Regional Water Quality
26 Control Board (“Regional Board”) and other interested persons to file a response to the Initial
27 Petition; no hearing has been held; and the Initial Petition remains pending at the State Board. In
28 the Initial Petition, Northridge Properties reserved the right to submit additional reasons and

1 additional supporting material and exhibits.

2 Next was the Second Petition for Review, Request for Hearing and Request for Stay, In the
3 Matter of Los Angeles Regional Water Quality Control Board 13267 Order – Northridge
4 Properties, LLC, former Zero Corporation Facility, 777 North Front Street, Burbank, California,
5 dated September 4, 2014, Petition No. A2327 (the “Second Petition”), with respect to the
6 Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order,
7 Former ZERO Corporation Facility, dated August 6, 2014, Regional Board File No. 109.6162,
8 Order No. R4-2014-0075 (the “Second Order”), a true and correct copy of which is attached as
9 Exhibit 2-a to the Declaration on Donald C. Nanney in Support of Third Petition for Review
10 (“Nanney Dec. #1”) submitted herewith. In the Second Petition, Northridge Properties reserved
11 the right to submit additional reasons and additional supporting material and exhibits.

12 The Regional Board withdrew the Second Order by letter dated September 24, 2014, a true
13 and correct copy of which is attached as Exhibit 2-b to Nanney Dec. #1. That withdrawal mooted
14 the need for a stay and hearing at the State Board with respect to the Second Order.

15 Without any advance notice or discussion, the Regional Board has issued the Requirement
16 for Technical Reports Pursuant to California Water Code Section 13267 Order, Former ZERO
17 Corporation Facility, dated June 3, 2015, Regional Board File No. 109.6162, Order No. R4-2015-
18 0065 (the “Third Order”), a true and correct copy of which is attached as Exhibit 2-c to Nanney
19 Dec. #1. This time, the order is directed to Alan Skobin, personally, in addition to Northridge
20 Properties, LLC.

21 Pursuant to Water Code Section 13320(a) and California Code of Regulations, Title 23,
22 Section 2050 *et seq.*, Northridge Properties, LLC (“Northridge Properties”), and Alan Skobin
23 (individually a “Petitioner” or collectively “Petitioners”), respectfully petition the “State Board”
24 for review and for stay of the Third Order.

25 Like the Second Petition, this Third Petition serves to supplement the Initial Petition with
26 the additional evidence and contentions set forth in this Third Petition and supporting declarations.
27 This Third Petition will largely avoid reiteration of the evidence and grounds stated in the Initial
28 Petition, which are reconfirmed, as supplemented by this Third Petition and supporting

1 declarations. However, for convenience, this Third Petition incorporates and updates relevant
2 material from the Second Petition, to avoid or minimize the need to refer to the Second Petition.

3 **REQUEST FOR REVIEW**

4 **I. Name and Address of Petitioners.**

5 The Petitioners are Northridge Properties, LLC, a California limited liability company,
6 15505 Roscoe Boulevard, North Hills, CA 91343, and Alan Skobin, an individual and the
7 Authorized Representative of Northridge Properties, 15505 Roscoe Boulevard, North Hills, CA
8 91343. Petitioners may be contacted through counsel of record: Donald C. Nanney, Gilchrist &
9 Rutter Professional Corporation, 1299 Ocean Avenue, Suite 900, Santa Monica, California 90401;
10 (310) 393-4000; dnanney@gilchristrutter.com.

11 **II. Specific Action or Inaction for Which this Third Petition is Sought.**

12 The Regional Board action or inaction for which this Third Petition is filed concerns the
13 issuance of the Third Order, as follows:

14 A. Improper issuance of the Third Order (as well as the Initial Order, and the
15 withdrawn Second Order) in wrongful participation with the U.S. Environmental Protection
16 Agency (“EPA”) in pursuit of a scheme to breach, and deprive Northridge Properties of the
17 benefits of, the Agreement and Covenant Not to Sue, Docket No. 2000-03, dated March 16, 2000
18 (the “Covenant”), between the EPA and Ford Leasing Development Company. A copy of the
19 Covenant is attached as Exhibit 3 to Nanney Dec. #1. The Covenant was subsequently transferred
20 to Northridge Properties when it acquired the property as an innocent purchaser in 2005 (see
21 Exhibit 4 to Nanney Dec. #1).

22 B. Improper issuance of the Third Order (like the withdrawn Second Order) in
23 continued wrongful pursuit of investigations improperly commenced with the Initial Order.

24 C. The implicit refusal, by virtue of issuance of the Third Order (as well as the
25 Initial Order and the withdrawn Second Order) to accept Petitioner’s offers of access to the
26 Former Zero Facility for the Regional Board and/or EPA to conduct the desired investigations at
27 agency expense.

28 D. Improper issuance of the Third Order (and the Initial Order and withdrawn

1 Second Order) in pursuit of claims barred by the contribution protection accorded by the
2 Covenant.

3 E. Improper issuance of the Third Order (like the withdrawn Second Order)
4 based on finding of barely detectible level of hexavalent chromium (“Cr6”) in soil, well below
5 state screening levels even for residential property and not justifying further investigation or
6 action.

7 F. Improper issuance of the Third Order (like the withdrawn Second Order)
8 based on the EPA Regional Screening Level (RSL) for Cr6 in soil (as threat to groundwater) that
9 cannot be measured, illegally applying federal “guidance” as a “de facto” rule and “underground
10 regulation” to compel action, resulting in arbitrary and capricious administrative action.

11 G. Issuance of the Third Order (as well as the Initial Order and the withdrawn
12 Second Order) and pursuit of the asserted requirements without timely opportunity for hearing and
13 administrative due process.

14 H. Issuance of the Third Order (as well as the Initial Order and the withdrawn
15 Second Order), notwithstanding the Certificate of Completion, on the contention that the
16 Certificate applies only to VOCs and does not apply to preclude environmental enforcement action
17 as to chromium.

18 I. Issuance of the Third Order to Mr. Skobin, personally, as an alleged owner
19 of the subject property, when he is not personally an owner and is not personally liable for debts,
20 obligations, or other liabilities of Northridge Properties as a limited liability company.

21 J. Issuance of the Third Order to Mr. Skobin and Northridge Properties (and
22 issuance of the Initial Order and withdrawn Second Order) under a concept of strict “discharger”
23 liability solely on the basis of property ownership and passive migration of waste.

24 K. Petitioners reserve the right at or before the requested hearing to state
25 additional specific actions or inactions for which review is sought.

26 **III. Date the Regional Board Acted or Failed to Act.**

27 The date of the Regional Board’s most recent action or inaction that is subject to review is
28 June 3, 2015, the date of issuance of the Third Order by the Executive Officer of the Regional

1 Board, without benefit of a public hearing. Earlier actions described in the Initial Petition remain
2 subject to review as well.

3 **IV. Statement of Reasons the Action is Inappropriate and Improper.**

4 The following items correspond to the actions listed in Section II of this Petition, and are
5 supplemental to the reasons stated in the Initial Petition.

6 A. Even though the title of the Covenant says “not to Sue,” the Covenant also
7 applies to administrative action. Paragraph 42, at page 18 of the Covenant (at Exhibit 3 to Nanney
8 Dec. #1), provides that:

9 ...the United States covenants not to sue or take any other civil or administrative
10 action against any Settling Respondent for any and all civil liability for injunctive
11 relief or reimbursement of response costs pursuant to Sections 106 or 107(a) of
12 CERCLA, 42 U.S.C. §§ 9606 or 9607(a), or Section 7003 of RCRA, 42 U.S.C. §
13 6973, with respect to Existing Contamination.

14 Paragraph 46, at page 20 of the Covenant, provides that:

15 ...nothing in this Agreement is intended to limit the right of EPA to undertake
16 future response actions at the Site or to seek to compel parties other than Settling
17 Respondents to perform or pay for response actions at the Site.

18 Those provisions preclude the EPA from compelling Northridge Properties (as a
19 Settling Respondent), by either judicial or administrative means, to perform or pay for response
20 actions at the site. That is, of course, the fundamental intent of the Covenant sought and obtained
21 by Ford Leasing as initial Settling Respondent and by Northridge Properties as transferee.

22 The scheme between the Regional Board and the EPA involved using the Regional
23 Board’s apparent authority to order investigations by Northridge Properties under pretense of
24 independent state action, in order to accomplish indirectly what the EPA could not do directly
25 with respect to Northridge Properties due to the Covenant. The presently available evidence of
26 this wrongful conduct and conspiracy by the Regional Board and EPA, compiled without the
27 benefit of formal discovery procedures, is outlined in Nanney Dec. #1 and supporting exhibits.

28 The evidence shows that the scheme was pursued in coordination with EPA
personnel, including Lisa Hanusiak, the EPA Project Manager for the Glendale Chromium
Operable Unit (GCOU) of the San Fernando Valley (“SFV”) Area 2 Superfund Site, and with the

1 front line assistance of Alex Lapostol, an EPA Contractor attached to the Regional Board. The
2 *Second Five-Year Review Report for San Fernando Valley — Area 2 Superfund Site, Glendale,*
3 *Los Angeles County, California*, dated September 30, 2013, contains an Interview Record with
4 Mr. Lapostol and Larry Moore, a Regional Board Staff Environmental Scientist (see Exhibit 20 to
5 Nanney Dec. #1). According to that Interview Record, Mr. Lapostol functions as the EPA’s “eyes
6 and ears” at the Regional Board to provide “support on behalf of EPA to identify chromium PRPs
7 (though in some cases VOCs and chromium overlap), fulfill EPA information needs, and assist the
8 state in enforcing the water code,” which is exactly what he has been doing in this case.

9 Indeed, as shown in Paragraph 44 of Nanney Dec. #1, Mr. Lapostol admitted that
10 he actually drafted the Second Order! The Third Order is in substance the same.

11 Moreover, according to the Interview Record, the EPA must concur in all cleanup
12 levels, implicitly including all investigation levels, also administered by Mr. Lapostol at the
13 Regional Board on behalf of the EPA.

14 **The eyes and ears and fingerprints of EPA are all over the Regional Board**
15 **action in this matter, destroying the pretense of independent state action.**

16 When confronted with the breach of the Covenant, Mr. Lapostol has attempted to
17 maintain the pretense by saying that the investigation “is strictly a Regional Board investigation.”
18 See Paragraph 46 and Exhibit 22 to Nanney Dec. #1. This shows Mr. Lapostol’s understanding
19 that Northridge Properties is protected by the Covenant that would be breached by EPA action,
20 hence the necessity for the pretense.

21 When confronted by the unwarranted and unreasonable nature of the insistence on
22 additional investigation in view of the minuscule finding of Cr6, Mr. Lapostol has said that the
23 EPA is pressuring the Regional Board and more investigation is needed to “appease” the EPA.
24 See Paragraph 48 to Nanney Dec. #1.

25 Mr. Lapostol tries to have it both ways. The consciousness of guilt is palpable.

26 The Regional Board has wrongfully participated in the scheme, in effect as an agent
27 and co-conspirator with EPA, enabling the EPA to deny to Northridge Properties, an innocent
28 purchaser, its rightful expectation of protection under the Covenant against exactly what has been

1 taking place in this case. And, as detailed in Paragraph 47 of Nanney Dec. #1, the fact that EPA
2 has directed Mr. Lapostol to step back from involvement with the Former Zero Facility and new
3 EPA personnel (Caleb Shaffer and Gary Riley) are apparently now coordinating the matter for
4 EPA in place of Ms. Hanusiak – changing the deck chairs on the Titanic – does not alter the
5 substance of ongoing pursuit of enforcement action undertaken in conflict with the Covenant by
6 EPA personnel and contractor with ongoing coordination with EPA personnel in the action, all as
7 part of the EPA response to the Superfund Site and the Chromium Operable Unit.

8 B. The Initial Order was also improper for the reasons stated in the Initial
9 Petition. Issuance of the Third Order continues the wrongful pursuit of investigations commenced
10 with the Initial Order and pursued but suspended with the withdrawal of the Second Order.

11 C. It was and is Northridge Properties’ obligation under the Covenant to
12 provide access for environmental investigation or other response action deemed necessary by EPA
13 or state authorities. Consistent with its obligations under the Covenant, Northridge Properties has
14 offered access on a number of occasions as stated in Paragraph 8 of Nanney Dec. #1, including as
15 recently as May 14, 2014, in the meeting with Regional Board staff and Mr. Lapostol, EPA
16 Contractor. Instead of accepting that offer, the Regional Board proceeded to issue the Second
17 Order on August 6, 2014, thereby implicitly refusing the offer of access, which was again offered
18 in the Second Petition in response to the Second Order. Now, the Regional Board has again
19 implicitly refused the offer of access by issuing the Third Order on June 3, 2015.

20 Naturally, the agencies would wish to avoid incurring the cost of investigations and
21 would rather have such work done at private party expense. The EPA and Regional Board had a
22 two-pronged strategy to achieve that objective in this case.

23 First, the EPA entered into an Administrative Settlement Agreement and Order on
24 Consent for Remedial Investigation (the “AOC”) with several responsible parties (see Paragraph
25 14 of Nanney Dec. #1). The AOC required the AOC Respondents to install monitoring wells at
26 the northwesterly (later changed to northeasterly), upgradient end of the Former Zero Facility and
27 at the southeasterly, downgradient end of the Former Zero Facility, for off-site data to assess the
28 potential contribution to the groundwater contamination plume from the Former Zero Facility.

1 Second, the agencies desired on-site data to assess potential on-site sources of Cr6
2 releases to soil. This prong of the scheme was to require Northridge Properties to conduct the
3 investigation at its expense. To accomplish that, the EPA and Regional Board had to ignore the
4 Covenant, bust the Certificate of Completion and reopen the site, with the Regional Board to issue
5 directives under color and cover of independent state action by the Regional Board.

6 While Northridge Properties has no objection to the first prong of the strategy, the
7 second prong was not legally and rightfully available to the agencies because Northridge
8 Properties was an innocent purchaser protected by the Covenant, as detailed in this Third Petition
9 (and previously in the Second Petition), and by the Certificate of Completion as detailed in the
10 Initial Petition.

11 D. The purportedly independent action by the Regional Board was and is
12 barred by the contribution protection accorded to Northridge Properties by the Covenant. See
13 Paragraph 60 at page 31 of the Covenant (at Exhibit 3 to Nanney Dec. #1), which provides:

14 “...protection from contribution actions or claims as provided by CERCLA Section
15 113(f)(2), 42 U.S.C. § 8613(f)(2), for matters addressed in this Agreement. The
16 matters addressed in this Agreement are all response actions taken or to be taken
and response costs incurred or to be incurred by the United States or any other
person for the Site with respect to the Existing Contamination.”

17 The definition of “Existing Contamination” (set forth in Paragraph 11 at page 5 of the Covenant”)
18 is broad and certainly encompasses chromium in all its forms. No allegation has been made in this
19 case that the minuscule Cr6 findings include anything other than Existing Contamination from the
20 standpoint of time and manner of origination. If the Regional Board undertook investigation itself
21 and sought cost recovery from Northridge Properties, such a claim would be barred clearly. So
22 too is any “response action” related to Existing Contamination under the terms of the Covenant. A
23 directive to undertake environmental investigation is a “response action” with respect to which the
24 protection applies just as well, and by virtue of contribution protection against response actions,
25 the Regional Board is barred.

26 Accordingly, the Initial Order, the withdrawn Second Order and the Third Order
27 are barred by the Covenant as a matter of federal law, even if the actions of the Regional Board
28 were otherwise independent and proper under state law.

1 E. The finding that the Regional Board uses as justification for the ordered
2 additional boring was 0.41 mg/kg Cr6 in soil, barely above the method detection limit of 0.40
3 mg/kg. The state Office of Environmental Health Hazard Assessment (OEHHA) has issued soil
4 screening numbers. The screening level for Cr6 in soil is 17 mg/kg for residential property and 37
5 mg/kg for commercial/industrial property. See the OEHHA Soil Screening Numbers Table 1
6 (Updated September 23, 2010), available at <http://oehha.ca.gov/risk/chhsltable.html>. Thus, the
7 finding that has kept this investigation open is well below state guidelines for Cr6 in soil, even for
8 residential property, and does not justify further investigation. In this respect, the Initial Order, the
9 withdrawn Second Order and the Third Order are improper and invalid in light of this provision
10 contained in Water Code Section 13267: “The burden, including costs, of these reports shall bear
11 a reasonable relationship to the need for the report and the benefits to be obtained from the
12 reports.”

13 F. Faced with no justification for further action under state guidelines, Mr.
14 Lapostol has pointed to EPA guidelines as justification, specifically the Regional Screening Level
15 (“RSL”) for Cr6 as threat to groundwater, which was 0.00059 mg/kg when Mr. Lapostol first
16 resorted to it in discussions, and is currently 0.00067 mg/kg. As shown in Paragraph 12 of the
17 Declaration of Eric Smalstig in Support of Third Petition for Review (the “Smalstig Declaration”),
18 that RSL for Cr6 is three orders of magnitude (a factor of one thousand times) below the ability of
19 chemical laboratories to detect and quantify the presence of that chemical. As discussed more
20 fully below, such an application of “guidance” to support regulatory enforcement action treats the
21 “guidance” as an illegal “de facto” rule and “underground regulation” to compel action, resulting
22 in arbitrary and capricious regulatory action.

23 G. As detailed in the Declaration of Donald C. Nanney in Support of Third
24 Petition for Review (“Nanney Dec. #2”), the system is rigged to coerce compliance with regional
25 board orders of this nature on peril of substantial penalties for noncompliance without benefit of
26 either prior hearing or timely and effective post-order administrative remedies. The State Board
27 should step in to remedy this situation in this case by granting a stay and proceeding to hearing on
28 the merits.

1 H. Some time after the issuance of the Initial Order, agency staff contended
2 informally that the Certificate of Completion applied only to VOCs and provided no protection
3 with respect to chromium. The Initial Order was said to be valid because the Certificate of
4 Completion did not apply to Cr6, and that contention has now been expressly stated in the Third
5 Order. That contention is unavailing for the reasons set forth in the Declaration of Donald C.
6 Nanney in Support of Third Petition for Review (“Nanney Dec. #3”). The contention is based on
7 the absurd notion that the site designation of the Regional Board for the Former Zero Facility
8 somehow limited its jurisdiction to VOC’s, which is clearly incorrect. Moreover, the contention is
9 contrary to the formal action of the Regional Board in the Initial Order in treating the Certificate
10 of Completion as fully applicable in the context of chromium but with one or two of the statutory
11 exceptions to the protection also applicable. Petitioners dispute that any exception applies.
12 Finally, the mention of VOC’s in the Certificate does not limit its scope where the matters
13 investigated were in fact broader, as shown in the Initial Petition.

14 I. The naming of Mr. Skobin, personally, in the Third Order is erroneous,
15 wrongful and outrageous and must be rescinded or withdrawn. As stated in the Third Order:
16 “This Order identifies Mr. Alan Skobin and Northridge Properties as the entities responsible for
17 the discharges of waste or suspected discharges of waste identified in paragraphs a. through b.
18 above, because Mr. Skobin and Northridge Properties owns the property on which the waste is or
19 has been discharged” (Item 4, pp. 2-3, Third Order). The stated basis for potential liability –
20 ownership of the subject property as a form of strict liability– does not apply to Mr. Skobin. He is
21 not an owner. As shown in the Certification Declaration For Compliance With Fee Title Holder
22 Notification Requirements (California Water Code Section 13307.1), dated August 13, 2014, a
23 true and correct copy of which is included in Exhibit 5 to Nanney Dec. #1, Mr. Skobin is the
24 Contact Person and an Authorized Representative/Member of Northridge Properties. Mr. Skobin
25 is also the General Counsel of Northridge Properties. But the Fee Title Holder or owner of the
26 subject property is Northridge Properties alone.

27 The Third Order recites that the subject property was sold in 2005 “to Mr. Alan
28 Skobin and Northridge Properties, LLC (c/o Mr. Alan Skobin)” (see Item 3.a. at page 2 of the

1 Third Order). While Northridge Properties did acquire ownership of the subject property in 2005,
2 it is blatantly false and a misrepresentation for the Regional Board to state that Mr. Skobin
3 personally became an owner.

4 Northridge Properties is a California limited liability company. See Paragraph 54
5 of Nanney Dec. #1. California Corporations Code Section 17703.04 provides in relevant part as
6 follows:

7 17703.04. (a) All of the following apply to debts,
8 obligations, or other liabilities of a limited liability
9 company, whether arising in contract, tort, or otherwise:
10 (1) They are solely the debts, obligations, or other
11 liabilities of the limited liability company to which the
12 debts, obligations, or other liabilities relate.
13 (2) They do not become the debts, obligations, or other
14 liabilities of a member or manager solely by reason of the
15 member acting as a member or manager acting as a manager for
16 the limited liability company.

17 In addition, a member of a limited liability company is protected from personal
18 liability like a shareholder of a corporation (California Corporations Code Section 17703.04(b)).

19 Thus, the fact that Mr. Skobin is a member of Northridge Properties and is its
20 Authorized Representative and Contact Person in this matter, and provides legal services to
21 Northridge Properties as its General Counsel, does not establish any personal liability on his part.

22 This is so fundamental that it is not only erroneous, but also in bad faith and akin to
23 an abuse of process, for the Regional Board to name Mr. Skobin in the Third Order as liable
24 personally. That action must be overruled by the State Board, and the Third Order must be
25 rescinded or withdrawn.

26 J. Footnote 1 at page 4 of the Third Order makes it clear that the only basis for
27 naming Northridge Properties (and Mr. Skobin) as a responsible discharger in this matter is on the
28 basis of ownership of the subject property “regardless of its involvement in the activities that
initially caused the pollution,” based upon mere “passive migration of waste,” i.e., a form of strict
liability without fault (we assume for purposes of discussion, but do not concede, that passive
migration of waste is occurring at or beneath the subject property). For that proposition, the
Regional Board cites so-called “precedential Orders” issued by the State Board. Those orders may

1 serve as precedents for the Regional Board in this matter, but, respectfully, the State Board has no
2 power to establish legal precedents, which is the province of the courts in our system of
3 government. Missing in the Third Order is any citation to any authoritative court precedent
4 upholding the position of the State Board as to strict “discharger” liability of property owners
5 based on mere passive migration over which, as in this case, the property owner has no
6 involvement or control. The State Board should reconsider and overrule its “precedents” in that
7 regard and accordingly overrule the First Order, the withdrawn Second Order and the Third Order.

8 The term “discharge” or “discharger” is not defined in Water Code § 13050.
9 However, the term is defined in regulations. “Discharger” is defined in 23 CCR § 2601 to mean
10 “any person who discharges waste which could affect the quality of waters of the state.” That
11 definition goes on to define “discharge” with reference to the definition contained in 22 CCR §
12 66260.10, which defines “discharge” or “hazardous waste discharge” to mean “the accidental or
13 intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste
14 into or on any land or water.”

15 Those definitions simply do not include the concept of “passive migration” either
16 explicitly or implicitly.

17 Since this is ultimately a federal Superfund Site matter, it is particularly instructive
18 that the U.S. Court of Appeals for the Ninth Circuit has ruled, in a case arising under the federal
19 Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, or
20 CERCLA), that liability on the basis of ownership at time of “disposal” (which by definition
21 includes “discharge”) does not include passive migration of hazardous substances. Carson Harbor
22 Village, Ltd. v. Unocal Corp., 270 F.3d 863 (9th Cir.2001) (en banc) (cert. den.).

23 Accordingly, the Initial Order, the withdrawn Second Order and the Third Order do
24 not state a valid ground for the alleged “discharger” liability on the part of Northridge Properties
25 (or Mr. Skobin), and those orders must be overruled and rescinded. If the State Board does not
26 provide adequate relief in this matter – or if the Regional Board does not rescind or withdraw the
27 First Order and Third Order (joining the Second Order as withdrawn) and cease and desist its
28 pursuit of Northridge Properties and Mr. Skobin – so that judicial review becomes required, we

1 intend to vigorously oppose in court the notion of strict “discharger” liability based on passive
2 migration and to seek an actually authoritative precedent overruling that notion.

3 K. Petitioners reserve the right at or before the requested hearing to state
4 additional reasons why the Regional Board’s action or inaction is inappropriate and improper.

5 **V. How Petitioners are Aggrieved.**

6 Petitioners are aggrieved for the reasons set forth in Paragraph IV above, in addition to the
7 reasons set forth in the Initial Petition. Petitioners are aggrieved by the ongoing requirement to
8 incur environmental investigation costs, when Petitioner was only supposed to have to allow
9 access for federal or state authorities to conduct such investigations. Petitioners are aggrieved by
10 the ongoing cloud over the subject property due to the unwarranted and improper orders of the
11 Regional Board. Petitioners are also aggrieved by the frivolous and abusive addition of Mr.
12 Skobin, personally, to the Third Order, causing additional costs of responding to that action.
13 Petitioners reserve the right at or before the requested hearing to state additional ways in which
14 they are aggrieved by the Regional Board’s inappropriate and improper action.

15 **VI. Petitioner’s Requested Action by the State Board [See Below for Request to**
16 **Stay the Order].**

17 Petitioners respectfully request the State Board to determine that the Regional Board’s
18 actions in issuing the Initial Order, the withdrawn Second Order and the Third Order were
19 inappropriate and improper, to vacate the Initial Order, the Second Order and the Third Order, and
20 to clarify the Regional Board’s letter of May 10, 2011, as requested in the Initial Petition.

21 **VII. Statement of Points and Authorities.**

22 Petitioners reserve the right at or before the requested hearing to submit additional
23 supporting materials and exhibits. Meanwhile, Petitioners submit the following statement of
24 points and authorities focusing on certain additional issues raised in this Third Petition. The Initial
25 Petition remains pending and in full effect awaiting review and hearing by the State Board, as
26 supplemented by this Third Petition and supporting declarations and exhibits.

27 **The Covenant Not to Sue Has Been Breached**

28 A “covenant of good faith and fair dealing is implied in every contract. It requires each

1 party not to do anything which will deprive the other parties thereto of the benefits of the contract .
2 . . (and) to do everything that the contract presupposes that he will do to accomplish its purpose”
3 (internal quotation marks omitted). Vale v. Union Bank (1979) 88 Cal.App. 3d 330, 151 Cal. Rptr.
4 784, 787. See also, Pasadena Live, LLC v. City Of Pasadena (2004) 114 Cal.App.4th 1089, 1090,
5 1093, 8 Cal. Rptr. 3d 23

6 Under the circumstances and evidence reviewed in this Third Petition and supporting
7 declarations, it is clear that the implied covenant has been breached by EPA with the Regional
8 Board’s cooperation and assistance.

9 Both the Covenant and implied covenant are in full force and effect, without any good
10 grounds for the EPA to require anything of Northridge Properties other than to provide access
11 upon request for any environmental studies or response actions deemed necessary by the EPA or
12 state. But, instead of keeping faith with the Covenant, EPA personnel and contractors have
13 engineered, together with the Regional Board, a scheme to defeat the purpose of the Covenant and
14 deprive Northridge Properties of its protections, in flagrant breach of the implied covenant of good
15 faith and fair dealing. That scheme has already forced Northridge Properties to incur expenses
16 unjustly as a result of the Initial Order, and threatens to repeat that injury by virtue of the Third
17 Order. Other damages are also incurred by Northridge Properties while its property remains under
18 the cloud of pending regulatory enforcement action, which complicates and compromises the
19 ability of Northridge Properties to make use of the vacant property and enter into transactions for
20 its development.

21 **The Covenant Not to Sue Has Been Breached Indirectly and Directly**

22 Perhaps as a corollary of the implied covenant of good faith and fair dealing: “It is an old
23 maxim of the law that a person will not be permitted to do indirectly what he cannot do directly.”
24 Stadia Oil & Uranium Company V. Wheelis, 251 F.2d 269, 275 (10th Cir. 1957). See also, J. L.
25 Hunter v. The Superior Court of Riverside County (1939) 36 Cal.App.2d 100, 109, 97 P.2d 492.

26 As discussed above, the EPA itself is not in a position directly to compel response action
27 by Northridge Properties without breaching the Covenant. Hence the need to act indirectly
28 through the Regional Board under pretense of independent state action. The EPA may not

1 lawfully act indirectly in that way, and the enabling participation in the scheme by the Regional
2 Board is improper.

3 Moreover, the EPA has – through the actions of Mr. Lapostol (EPA Contractor) and Ms.
4 Hanusiak (EPA Project Manager), and more recently the participation of Caleb Shaffer and Gary
5 Riley (EPA Region 9 personnel) – directly breached the Covenant by virtue of its direct oversight
6 of the Regional Board’s activities regarding the Former Zero Facility and its direct participation in
7 connection with the Initial Order, the withdrawn Second Order and the Third Order issued by the
8 Regional Board.

9 **The Regional Board’s Orders are Barred by the Covenant’s Contribution Protection**

10 See the discussion under item IV.D. above.

11 **The Regional Board’s Orders improperly allege “discharger” liability on the part of**
12 **Northridge Properties, and now Mr. Skobin personally.**

13 See the discussion under items IV.I and IV.J above.

14 **The Third Order is Arbitrary and Capricious and Illegal**

15 As shown on Figure 3 at Exhibit 1 to Nanney Dec. #1, the investigation compelled by the
16 Initial Order yielded a finding of Cr6 at 20 feet below ground surface at boring SS-4 at a
17 concentration of 0.41 mg/kg. All other borings at depth were non-detect for Cr6. It is the single
18 finding at SS-4 that led to the withdrawn Second Order and now the Third Order, notwithstanding
19 the fact that the method detection limit was 0.40 mg/kg, so that the finding was barely above the
20 ability to detect and, as noted above, well below state guidelines for Cr6 in soil, even for
21 residential property!

22 As noted in Paragraphs 48 and 54 of Nanney Dec. #1 and in Paragraph 14 of the Smalstig
23 Declaration, when confronted with the unwarranted nature of additional investigation based on
24 such a minuscule finding of Cr6, Mr. Lapostol – obviously realizing the unreasonableness of his
25 demands – said that it was necessary to “appease” the EPA in light of the EPA RSL for Cr6 in soil
26 as threat to groundwater. As mentioned above, that RSL (0.00067 mg/kg) is one thousand times
27 below the ability of laboratories to detect and quantify. Another boring to get to non-detect, below
28 0.40 mg/kg – with data at 0.41 mg/kg, very nearly non-detect already – would accomplish nothing

1 of use given the ridiculously low EPA RSL.

2 Moreover, the EPA RSL is mere “guidance,” not based on any rule setting process, and as
3 such is not law or regulation and is unenforceable. Applying the EPA RSL as justification for
4 compelling additional response action by formal order amounts to improper enforcement action
5 based on a “de facto” rule asserted illegally in violation of the Administrative Procedure Act (in
6 this case both the federal and California Administrative Procedure Acts).

7 There has been a string of cases slapping down the EPA for regulating through use of mere
8 “guidance” and “management practices and procedures” in the field by EPA personnel as a basis
9 for various enforcement and permitting actions, as violating the Administrative Procedure Act.
10 That is what Mr. Lapostol, with assistance of the Regional Board, has been doing improperly in
11 this case.

12 That string of cases includes the following (we reserve the right to supplement this list with
13 additional research):

14 Alt v. EPA, 979 F. Supp.2d 701 (N.D. W.Va., 2013).

15 Alt v. EPA, 2013 WL 4520030 (N.D. W.Va., 2013).

16 National Mining Association v. Jackson, 880 F. Supp. 2d 119 (D.D.C., 2012).

17 National Mining Association v. Jackson, 768 F. Supp. 2d 34 (D.D.C., 2011).

18 National Mining Association v. McCarthy, 758 F.3d 243, 2014 WL 3377245 (D.C. Cir.,
19 2014) (“McCarthy”).

20 While McCarthy reversed and remanded the National Mining Association case to the
21 District Court, it was on other grounds, because the challenge to “guidance” was premature in that
22 case. McCarthy confirmed that “guidance” and “policy” is not a proper basis for regulatory
23 enforcement action. Once action is taken based on “guidance” or “policy” it can be challenged at
24 that time, and the agency must be prepared to support the action as if the “guidance” or “policy”
25 had never been issued.

26 Here, the enforcement action – the Third Order – has been taken, so that the claim of “de
27 facto” rule in violation of the Administrative Procedure Act is not premature.

28 Analogously, the U.S. Court of Appeal for the Ninth Circuit has chided agencies for using

1 consent decrees to circumvent rulemaking. See Conservation Northwest v. Sherman, 715 F.3d
2 1181 (9th Cir., 2013).

3 In California specifically, the improper use of “guidance” without complying with the
4 Administrative Procedure Act is made illegal under Government Code Section 11340.5, which
5 provides as follows:

6 11340.5. (a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin,
7 manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in Section
8 11342.600, unless the guideline, criterion, bulletin,
9 manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed
10 with the Secretary of State pursuant to this chapter.

11 Government Code Section 11342.600 defines “Regulation” as:

12 every rule, regulation, order, or standard of general application or the
13 amendment, supplement, or revision of any rule, regulation, order, or
14 standard adopted by any state agency to implement, interpret, or make
specific the law enforced or administered by it, or to govern its
procedure.

15 Section 11340.5 obviously expands on the definition of “Regulation” to reach guidelines
16 etc., of general applicability.

17 Such regulations are defined as “Underground Regulations” in 1 CCR Section 250.

18 Those provisions have been applied to invalidate regulatory action in a variety of contexts.

19 See, for example:

20 Center for Biological Diversity v. Department of Fish and Wildlife, 234 Cal.App.4th 214
(2015)

21 Morning Star Co. v. State Bd. of Equalization, (2006) 38 Cal.4th 324

22 California Growers Assn v. Dept of Alcoholic Beverage Control, 219 Cal.App.4th 1065
23 (2013)

24 People v. Medina, 171 Cal.App. 4th 805 (2009)

25 Patterson Flying Service v. California Dept. of Pesticide Regulation, 161 Cal.App.4th 411
26 (2008)

27 People v. Taylor, 174 Cal.App.4th 920 (2009)

28 Savient Pharmaceuticals v. Department of Health Services, 146 Cal.App.4th 1457 (2007).

1 All these authorities establish that agency action in violation of the Administrative
2 Procedure Act is deemed arbitrary and capricious and is illegal. The Savient Pharmaceuticals case
3 states that the Administrative Procedure Act defines regulation “very broadly.”

4 The “guidance” used to justify the Orders in this case, being of general applicability and
5 applied as a “de facto” rule, is in effect an underground regulation that is arbitrary and capricious
6 and should be voided for illegality along with the Orders based upon it.

7 Petitioners strongly object to the Third Order as compounding the error of the Initial Order.
8 Northridge Properties, as current owner of the Former Zero Facility, and Mr. Skobin as
9 Authorized Representative/Member of Northridge Properties are entitled to the protection
10 accorded by the Covenant and the Certificate of Completion, especially as Northridge Properties
11 acquired the Former Zero Facility as an innocent party in reliance on the Covenant and the
12 Certificate. Petitioners also object to the arbitrary and capricious regulatory action and the
13 improper assertion by the Regional Board of “discharger” liability on the part of Petitioners, as
14 described above. Petitioners appeal the Third Order (as well as the Initial Order and Second
15 Order) as improper and illegal.

16 **VIII. Statement of Transmittal of Petition to the Regional Board and the**
17 **Discharger.**

18 Copies of this Third Petition have been or are being transmitted on July 2, 2015, to the
19 Regional Board, including to Samuel L. Unger, Executive Officer, as well as to certain members
20 of the staff of the Regional Board (including Dr. Arthur Heath and Larry Moore), and the EPA
21 Contractor attached to the Regional Board (Alex Lapostol). A copy of this Third Petition has not
22 been transmitted as yet to the discharger and responsible party, APW North America (as successor
23 to Zero Corporation), because Petitioners are not aware of the current whereabouts of APW North
24 America or a successor. In the event that the Regional Board completes an adequate investigation
25 and identifies the whereabouts of APW North America or a successor, or Petitioners otherwise
26 obtain such information, Petitioners will provide a copy of this Third Petition promptly upon
27 receipt of the contact information.

28 ///

1 **IX. Substantive Issues Raised Before the Regional Board.**

2 As summarized in Paragraph 53 of Nanney Dec. #1, an informal meeting took place at the
3 Regional Board offices on May 14, 2014, attended by Dr. Arthur Heath (RWQCB), Lawrence
4 Moore (RWQCB), Alex Lapostol (EPA Contractor), Alan Skobin (for Northridge Properties), Eric
5 Smalstig (Geosyntec Consultants, for Northridge Properties) and Donald Nanney (Gilchrist &
6 Rutter, counsel for Northridge Properties). Northridge Properties’ objections to the proposed
7 requirement for additional environmental investigation, including the new substantive issues
8 raised in the Second Petition and this Third Petition, were discussed in concept at length. There
9 was no public hearing prior to issuance of the Second Order or this Third Order. While Mr.
10 Nanney had requested it in subsequent telephone discussions with Mr. Lapostol, no opportunity
11 was provided to review and discuss a draft of the Second Order, which was issued in final on
12 August 6, 2014, as a fait accompli. Likewise, the Third Order was issued in final as a fait
13 accompli without any advance notice or discussion. There is no post-order process available at the
14 Regional Board to contest an order of the kind involved in this matter or to have a public hearing.
15 As noted in Paragraph 8 of Nanney Dec. #2, in a telephone discussion on August 11, 2014, soon
16 after the issuance of the Second Order, Mr. Lapostol informed Mr. Nanney in no uncertain terms
17 that the required additional investigation is “non-negotiable.” The subsequent withdrawal of the
18 Second Order suggested a possibility of discussion, and Petitioners attempted to engage in
19 discussions, primarily through Regional Board counsel. But those efforts did not lead to any
20 communication from the Regional Board regarding availability and timeliness for any discussions,
21 certainly not any indication of urgency from the Board’s perspective. Then, without warning, the
22 Third Order was issued. See Paragraph 53, Nanney Dec. #1. Thus, Petitioners have not been
23 afforded a meaningful opportunity to be heard on the substantive issues set forth in the Third
24 Order (or the Initial Order), and the only available administrative remedy is the petition process
25 under 23 CCR §§ 2050 *et seq.*

26 **X. A Hearing is Needed for Due Process in this Matter.**

27 To this point, Petitioners have been denied due process, to Petitioners’ substantial injury.
28 A hearing is needed in order to provide due process and give full and fair review to the serious

1 substantive matters raised in this Third Petition (and in the Initial Petition and the Second
2 Petition). Moreover, without available discovery procedures, Petitioners' ability to get to the
3 bottom of the wrongful conduct by the Regional Board and EPA has been compromised. A
4 hearing process whereby the Regional Board must produce its administrative record of this matter
5 would, we think, provide much additional evidence of wrongdoing that was not previously
6 available to us by way of a normal file review at the Regional Board's offices or by searches of
7 records publically available on line. A hearing would require the Regional Board to be more
8 careful and complete in its assembly of the administrative record for review. In addition, a hearing
9 is needed in order to obtain witness testimony that would also, we think, provide additional
10 evidence of wrongdoing and support for the relief requested in the Initial Petition, the Second and
11 this Third Petition. A more complete record and witness testimony would provide more complete
12 grounds for judicial review, if necessary.

13 Once a hearing date has been set, Northridge Properties reserves the right to provide a list
14 of EPA and Regional Board personnel whom Northridge Properties demands be made available
15 for examination at the hearing under oath (formal discovery not being part of this administrative
16 appeal process). Petitioners also reserve the right to seek compensation for fees, costs and losses
17 incurred as a result of the ongoing improper and abusive actions of the Regional Board to pursue
18 Northridge Properties and now Mr. Skobin personally without valid basis.

19 **REQUEST FOR STAY**

20 In accordance with Water Code Section 13321(a) and Section 2053 of Title 23 of the
21 California Code of Regulations, Petitioners hereby request a stay of the Order. The grounds for
22 stay are set forth below in light of the circumstances discussed in the foregoing request for review
23 and are set forth in more detail in the supporting Nanney Dec. #2 filed herewith. Because of the
24 imminent deadline contained in the Third Order, Petitioners request that the State Board issue the
25 requested stay and conduct a hearing on this matter as soon as possible.

26 Under Section 2053 of the State Board's regulations (23 CCR § 2053), a stay of the effect
27 of an order shall be granted if the petitioner shows:

28 (1) substantial harm to petitioner or to the public interest if a stay is not granted.

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

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

4 Here, the requirements for issuance of the stay are clearly met.

5 A. **Petitioners Will Suffer Substantial Harm if a Stay is Not Granted**

6 As happened in connection with the Initial Order, without the requested stay, Petitioners
7 will be put in a position where they will have to comply with the requirements contained in the
8 Third Order or face the possibility of administrative sanctions. Petitioners would thus be required
9 to engage consultants, draft and submit a workplan, perform the work specified in the workplan,
10 and prepare a report for submission to the Regional Board for unknown agency action that may
11 follow. This would involve substantial costs that would have to be incurred prior to resolution of
12 the requested review and the anticipated vacation of the Third Order (like the withdrawn Second
13 Order). Petitioners would suffer, once again in the case of Northridge Properties, irreparable
14 injury that would not be cured by a subsequent hearing and grant of relief without a stay in the
15 interim. Faced with Mr. Lapostol's statement in connection with the Second Order that the
16 additional investigation is "non-negotiable" (which appears to be confirmed by issuance of the
17 Third Order), and faced with the costs that would have to be incurred right away to meet the
18 compliance deadline of October 1, 2015, Petitioners have no choice but to request that the State
19 Board stay the Third Order pending hearing on the merits.

20 B. **The Public Will Not Be Substantially Harmed if a Stay is Granted**

21 The requested stay will pose no substantial harm to the public or water quality, but instead
22 will simply maintain the status quo pending a decision on the merits. As shown in this Third
23 Petition and in the Declaration of Eric Smalstig in Support of Third Petition for Review, the status
24 quo is quite benign, indeed from all the available data – including the 2009 CalTrans report and
25 the subsequent study by Geosyntec Corporation – the property meets applicable industrial
26 standards and even residential standards regarding chromium and Cr6, the subject of the Third
27 Order. Therefore, there would clearly be no substantial harm to the public or water quality by
28 maintaining the status quo pending review.

1 C. **The Petition Raises Substantial Questions of Law and Fact.**

2 As discussed above in this Third Petition, there are clearly substantial questions as to the
3 validity of the Third Order (as well as the Initial Order and the withdrawn Second Order) given the
4 binding legal effect of the Certificate of Completion under the Site Designation law, and there is
5 clearly substantial question as to the sufficiency of the alleged factual basis for the asserted
6 reopener and issuance of the Initial Order, the Second Order and the Third Order. There are
7 further substantial questions as to the validity of the orders in light of the Covenant and its breach
8 jointly by the Regional Board and EPA, the contribution protection provided by the Covenant, the
9 improper naming of Mr. Skobin, personally, as a liable “discharger”, as well as the improper
10 allegation that the Petitioners have “discharger” liability and the improper application of a federal
11 guideline as a “de facto” rule and underground regulation in violation of law.

12 **CONCLUSION**

13 For the foregoing reasons, Petitioners respectfully submit that the actions and inactions of
14 the Regional Board complained of above were improper, inappropriate, unlawful and not
15 supported by substantial evidence. Petitioners respectfully request that the State Board grant a
16 hearing and immediate stay of the Third Order and a full hearing on the Initial Order and the Third
17 Order, and upon review of the Regional Board’s actions and inactions grant the relief requested in
18 the Initial Petition and this Third Petition.

19 Pursuant to applicable regulations and instructions provided on the State Board’s website,
20 this Third Petition, together with all supporting declarations and exhibits, is delivered via email to
21 waterqualitypetition@waterboards.ca.gov.

22 DATED: July 2, 2015

Respectfully submitted,

23 GILCHRIST & RUTTER
24 Professional Corporation

25 By: _____

Donald C. Nanney

26 Attorneys for Petitioners, Northridge Properties, LLC, and
27 Alan Skobin

- 1 **List of Supporting Declarations submitted herewith:**
- 2 Declaration of Donald C. Nanney in Support of Third Petition for Review, Request for Hearing
- 3 and Request for Stay (“Nanney Dec. #1) [With primary focus on breach of the Covenant Not to
- 4 Sue and the improper naming of Petitioners as “dischargers”]
- 5 Declaration of Donald C. Nanney in Support of Third Petition for Review, Request for Hearing
- 6 and Request for Stay (“Nanney Dec. #2) [With primary focus on request for stay]
- 7 Declaration of Donald C. Nanney in Support of Third Petition for Review, Request for Hearing
- 8 and Request for Stay (“Nanney Dec. #3) [With primary focus on response to agency contention]
- 9 Declaration of Eric Smalstig in Support of Third Petition for Review, Request for Hearing and
- 10 Request for Stay

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Northridge Properties, LLC,
7 and Alan Skobin

8
9 STATE OF CALIFORNIA

10 STATE WATER RESOURCES CONTROL BOARD

11
12 In the Matter of Los Angeles Regional Water
Quality Control Board 13267 Order –
13 Northridge Properties, LLC, former Zero
Corporation Facility, 777 North Front Street,
14 Burbank, California

No.

**DECLARATION OF DONALD C.
NANNEY IN SUPPORT OF THIRD
PETITION FOR REVIEW, REQUEST
FOR HEARING AND REQUEST FOR
STAY (“NANNEY DEC. #1”)**

15
16
17 I, Donald C. Nanney, declare as follows:

18 1. I am an attorney at law licensed to practice before all courts of the State of
19 California and a Partner of Gilchrist & Rutter Professional Corporation, counsel for Petitioner
20 Northridge Properties, LLC (“Northridge Properties”). I have personal knowledge of the facts set
21 forth herein, except as to those stated on information and belief and, as to those, I am informed
22 and believe them to be true. If called as a witness, I could and would competently testify to the
23 matters stated herein. I make this declaration in support of the Third Petition for Review, Request
24 for Hearing and Request for Stay (the “Third Petition”) submitted herewith.

25 2. The site that is the subject of the Third Petition is depicted on the Site Map and
26 Boring Locations, Former Zero Corporation, 777 North Front Street, Burbank, California, dated
27 September 2012, prepared by Geosyntec Consultants, a true and correct copy of which is attached
28 hereto as Exhibit 1. The borings shown on Exhibit 1 were done by Geosyntec on behalf of

1 Northridge Properties in response to the Initial Order (defined below) after the State Water
2 Resources Control Board (“State Board”) failed to act on the request for stay included in the Initial
3 Petition (defined below). The Second Order (defined below) would have required – and the Third
4 Order, which is the subject of the Third Petition, would require – an additional, deeper boring near
5 to Boring No. SS-4 shown on Exhibit 1.

6 3. This declaration will focus on the improper federal motivation for, and improper
7 federal participation in connection with, the Initial Order, the Second Order and the Third Order
8 (also included in this declaration is the entity status of Northridge Properties and the improper
9 naming of Alan Skobin, as liable personally, in the Third Order; other issues or contentions will be
10 covered in separate supporting declarations or in the Third Petition). Those Orders are as follows:

11 • Initial Order: Requirement for Technical Reports Pursuant to California
12 Water Code Section 13267 Order, Former ZERO Corporation Facility, dated May 10, 2011, issued
13 by the Regional Board (“RWQCB” or “Regional Board”) to Northridge Properties (the “Initial
14 Order”). The Initial Order was the subject of the Petition for Review, Request for Hearing and
15 Request for Stay, In the Matter of Los Angeles Regional Water Quality Control Board 13267
16 Order – Northridge Properties, LLC, former Zero Corporation Facility, 777 North Front Street,
17 Burbank, California, dated June 9, 2011, Petition No. A2167 (the “Initial Petition”). The State
18 Board has not acted on the Initial Order and it remains pending.

19 • Second Order: Requirement for Technical Reports Pursuant to California
20 Water Code Section 13267 Order, Former ZERO Corporation Facility, dated August 6, 2014,
21 Regional Board File No. 109.6162, Order No. R4-2014-0075, issued by the Regional Board to
22 Northridge Properties, a true and correct copy of which is attached hereto as Exhibit 2-a (the
23 “Second Order”). The Second Order was the subject of the Second Petition for Review, Request
24 for Hearing and Request for Stay, In the Matter of Los Angeles Regional Water Quality Control
25 Board 13267 Order – Northridge Properties, LLC, former Zero Corporation Facility, 777 North
26 Front Street, Burbank, California, dated September 4, 2014, Petition No. A2327 (the “Second
27 Petition”). The Regional Board withdrew the Second Order by letter dated September 24, 2014, a
28 true and correct copy of which is attached hereto as Exhibit 2-b.

1 • Third Order: Requirement for Technical Reports Pursuant to California
2 Water Code Section 13267 Order, Former ZERO Corporation Facility, dated June 3, 2015,
3 Regional Board File No. 109.6162, Order No. R4-2015-0065, issued by the Regional Board to
4 Northridge Properties and Alan Skobin, a true and correct copy of which is attached hereto as
5 Exhibit 2-c (the “Third Order”).

6 4. Among other reasons, the Initial Order, the Second Order and the Third Order were
7 and are improper due to breach of the Agreement and Covenant Not to Sue, Docket No. 2000-03,
8 dated March 16, 2000 (the “Covenant”), between the U.S. Environmental Protection Agency
9 (“EPA”) and Ford Leasing Development Company, a true and correct copy of which is attached
10 hereto as Exhibit 3. The Covenant was subsequently transferred to Northridge Properties with the
11 consent of the EPA, pursuant to the Approval of Transfer, dated May 3, 2005, a true and correct
12 copy of which is attached hereto (together with the accompanying letter from the EPA also dated
13 May 3, 2005) as Exhibit 4. Northridge Properties would not have purchased the Former Zero
14 Facility without such protection, and the EPA saw fit to allow assignment of the Covenant to
15 Northridge Properties, inducing Northridge Properties to complete the purchase.

16 5. In order to reduce the volume and burden of this submission, we are not including
17 copies of Initial Order and Initial Petition as exhibits. Copies of the Initial Order and Initial
18 Petition are on file at the State Board and readily available for electronic download from the State
19 Board’s webpage at this link:

20 http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition.pdf
21

22 Similarly, while a copy of the withdrawn Second Order is attached as Exhibit 2-a, we are not
23 including copies of the Second Petition and its supporting declarations as exhibits. Instead, that
24 material is incorporated, with updates and supplements, into the Third Petition and its supporting
25 declarations (including this declaration), to avoid or minimize the need to refer back to the Second
26 Petition. Should such reference be desired, the Second Petition is on file at the State Board and
27 readily available for electronic download from the State Board’s webpage in Part 1 and Part 2, at
28 these links:

1 [http://www.swrcb.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2327petitionpart1](http://www.swrcb.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2327petitionpart1.pdf)
2 [.pdf](http://www.swrcb.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2327petitionpart1.pdf)

3 [http://www.swrcb.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2327petitionpart2](http://www.swrcb.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2327petitionpart2.pdf)
4 [.pdf](http://www.swrcb.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2327petitionpart2.pdf)

5 6. The breach of the Covenant was not mentioned in the Initial Petition because the
6 improper connection to the EPA was not known to Northridge Properties at that time. Only later
7 did evidence of the improper federal motivation and breach come to the attention of Northridge
8 Properties, including the evidence presented in this declaration and exhibits.

9 7. Northridge Properties was an innocent purchaser of the Former Zero Facility,
10 protected by the Covenant against any administrative or judicial action by the EPA with respect to
11 Existing Contamination, as that term was broadly defined in the Covenant. The chief obligation of
12 Northridge Properties was to provide access to the Former Zero Facility in the event that any
13 federal or state regulatory agency wished to undertake – at agency expense – any environmental
14 response action.

15 8. Commencing prior to the issuance of the Second Order, Northridge Properties
16 (including by me) has consistently offered access for any environmental study or response that the
17 Regional Board or the EPA views as necessary. That offer was made again by the undersigned on
18 behalf of Northridge Properties to Dr. Arthur Heath, Mr. Lawrence Moore and Mr. Alex Lapostol
19 at a meeting at the Regional Board’s offices on May 14, 2014. That offer was again reiterated,
20 after the issuance of the Second Order, in my email dated August 14, 2014, to Mr. Moore and Mr.
21 Lapostol, a true and correct copy of which is attached hereto as Exhibit 5.

22 9. Notwithstanding repeated offers of access to the Former Zero Facility, the Initial
23 Order, Second Order and Third Order were issued requiring Northridge Properties to undertake
24 environmental response action and expense, exactly the kind of requirement that was to be
25 protected against by the Covenant.

26 10. It is now abundantly clear that the Regional Board issued the Initial Order, the
27 Second Order and the Third Order pursuant to its cooperative role in connection with the San
28 Fernando Valley (Area 2 Glendale) federal Superfund Site under management of the EPA. The

1 Regional Board has been acting, in effect, as the agent of, and co-conspirator with, the EPA, in an
2 obvious effort to achieve indirectly that which the EPA may not rightfully do directly due to the
3 Covenant. The EPA and Regional Board have acted jointly to breach the Covenant in derogation
4 of the rights and valid expectations of Northridge Properties as an innocent purchaser of the
5 Former Zero Facility with the protection of the Covenant. Even if the Regional Board could, as a
6 general proposition, conduct a truly independent investigation under state law, that is clearly not
7 what has happened in this case.

8 11. There is evidence of a long history of cooperation between the federal and state
9 authorities in connection with the San Fernando Valley (“SFV”) Superfund Site. More than
10 cooperation, I understand that the Regional Board has actually been engaged under contract by the
11 EPA to assist the EPA in the investigation and management of the SFV Superfund Site. In
12 general, and consistent with common knowledge in the environmental industry, the EPA handles
13 the environmental response to the regional groundwater contamination plume, and the Regional
14 Board (and in some cases other state or local agencies) takes the lead regarding source areas and
15 responsible parties, all under the management of the EPA for the SFV Superfund Site. Northridge
16 Properties does not have copies of the actual agreements or memoranda of understanding between
17 EPA and the Regional Board (or the State Board), which do not appear to be readily available in
18 publicly accessible databases. However, we do have evidence of the relationship, including with
19 specific reference to the Former Zero Facility, which we review here. Northridge Properties
20 reserves the right to provide supplemental evidence at the hearing of this matter.

21 12. Geosyntec Consultants conducted a review of the file at the Regional Board’s
22 offices relating to the Former Zero Facility and obtained a copy of the Memorandum, dated
23 January 5, 1998, to Kim J. Ward, ES III, DCW, SWRCB, from Hank H. Yacoub, Cleanup Section
24 Chief, RWQCB/LA, a true and correct copy of which is attached hereto as Exhibit 6. That
25 Memorandum contains the Regional Board’s concurrence in the request of counsel for Zero
26 Corporation to have the Regional Board designated as the administering agency for the Former
27 Zero Site under California’s Unified Agency Review of Hazardous Materials Release Sites law
28 (also known as the Site Designation Law, California Health and Safety Code Sections 25260 et

1 seq.). In that Memorandum, Mr. Yacoub stated as follows:

2 The site is in our Well Investigation Program (file No. 109.6162) and in the Burbank
3 Operable Unit of the San Fernando Valley ground water superfund area which is
4 administered by USEPA Region IX in San Francisco. Under contract to USEPA, Board
5 staff have been overseeing assessment and cleanup at the site since 1987. [yellow
6 highlight added]

7 13. The EPA maintains a webpage with respect to the more recently established
8 Glendale Chromium Operable Unit (GCOU) of the SFV Superfund Site, at the following link:

9 [http://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/vwsoalphabetic/San+Fernando+Valley+\(Ar
11 ea+2+Glendale\)](http://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/vwsoalphabetic/San+Fernando+Valley+(Ar
10 ea+2+Glendale))

12 That webpage includes the following statement (downloaded from the webpage on August 19,
13 2014, yellow highlights added):

14 Initial Actions

15 **Glendale Chromium Operable Unit:** In 2007, EPA established the Glendale Chromium Operable
16 Unit (GCOU) to characterize emerging chromium contamination in ground water within SFV
17 Area 2 and determine an appropriate remedial action. The Technical Documents under
18 Documents and Reports below include a summary of the history of actions taken to investigate
19 and address chromium contamination, titled "Actions to Address Chromium Contamination."

20 EPA is working with the California Department of Toxic Substances Control and the California
21 Regional Water Quality Control Board–Los Angeles Region to identify and clean up sources of
22 chromium contamination. The State of California leads oversight of the cleanups for all known
23 or suspected chromium sources, with the exception of two presently under EPA's oversight.
24 Since 2003, EPA has assisted the State with contamination source investigations by providing
25 contractor support.

26 EPA initiated the remedial investigation of chromium contamination in ground water in the
27 GCOU in 2011. While EPA is leading the investigation, a group of four PRPs is assisting by
28 performing a portion of the investigation work. During the past two years, EPA and PRPs have
installed 29 new ground water monitoring wells to help evaluate the location and extent of
chromium contamination. A third phase of investigation is planned for Spring 2014.

EPA will use the investigation data to assess the risks to human health and the environment
posed by potential exposure to chromium contamination in ground water. Following the
remedial investigation, a feasibility study will evaluate cleanup options to address chromium
contamination.

The Glendale Area treatment facility treats more than seven million gallons of contaminated
water daily. The treatment plant prevents further migration of the groundwater plume of VOCs
and has removed more than 20,000 pounds of VOCs from groundwater since the system
began operating in 2000.

The potentially responsible parties will continue to conduct site cleanup under EPA oversight.
In the next years, EPA will work with responsible parties and others to address ongoing
concerns related to plume capture.

1 A current review of this historical statement on the EPA website reflects that it remains
2 unchanged.

3 14. Consistent with that historical statement by the EPA, the GCOU investigation was
4 advanced with the Administrative Settlement Agreement and Order on Consent for Remedial
5 Investigation, U.S. EPA Region IX, CERCLA Docket No. 2011-09, In the Matter of Glendale
6 Chromium Operable Unit, Glendale, Los Angeles County, California, dated February 28, 2011,
7 between the EPA and Goodrich Corporation, ITT Corporation, Lockheed Martin Corporation, and
8 PRC DeSoto International, Inc., Respondents (the “AOC”). In order to reduce the volume of this
9 submission, we will not include a copy of the entire AOC as an exhibit. It is readily available for
10 electronic download from the EPA webpage from the link noted in the preceding paragraph, from
11 the list of “Legal Documents.”

12 15. The AOC, at p. 26, identified Lisa Hanusiak as the EPA Remedial Project Manager
13 for the GCOU. Keep her name in mind, as it comes up in further evidence below.

14 16. Appendix B to the AOC sets forth a Statement of Work to be conducted by the
15 Respondents. Attachment A to Appendix B is a map of the GCOU showing the proposed work,
16 well and boring areas. The map attached to the AOC available on-line is not very legible. A
17 better copy is available on a subsequent document that will be referred to in Paragraph 27 below
18 (see Exhibit 11).

19 17. AOC Appendix B also has an Attachment B, which is a table entitled: Specified
20 Work – Groundwater Data Collection Areas and Borings. A true and correct copy of that
21 Attachment B is attached hereto as Exhibit 7. It identifies the Data Collection Areas on the map
22 and the rationale for each area. Of particular relevance are these two study areas:

23 CRI-2P, which is located near the northwesterly end of the Former Zero Facility. The
24 stated rationale for this location was follows: “Downgradient of BOU [Burbank Operable
25 Unit], evaluate potential local sources, including from the Burbank Western Channel.”
26 and

27 CRI-3P, which is located near the southeasterly end of the Former Zero Facility. The
28 stated rationale for this location was as follows: “Evaluate eastern extent and whether

1 there are upgradient sources (e.g., potential Scott Road Landfill, Burbank Western
2 Channel).”

3 The Former Zero Facility is in between, downgradient of the CRI-2P study area and upgradient of
4 CRI-3P study area, so that those areas were obviously strategically designed in order to study
5 whether the Former Zero Facility had contributed any measurable hexavalent chromium (Cr6) to
6 the groundwater contamination plume, as might be inferred if Cr6 were to be found at higher
7 concentrations in the CRI-3P (southeasterly, downgradient) area as compared to the CRI-2P
8 (northwesterly, upgradient) area. By virtue of the AOC, the EPA and the Regional Board would
9 obtain that information at the expense of the AOC Respondents, from sampling locations off-site
10 but very close to the Former Zero Facility.

11 18. Next – in the EPA/RWQCB strategy – was additional on-site investigation from
12 locations on the Former Zero Facility considered suspect for origination of Cr6 releases to soil and
13 potentially to groundwater (which, according to Mr. Lapostol in discussions with me, were the
14 locations of former clarifier units that were closed in place in the ground on-site, as shown on
15 Exhibit 1). For that, it was necessary to ignore the Covenant, reopen the Certificate of Completion
16 and issue an order to Northridge Properties in order to obtain the additional on-site data at private
17 party expense!

18 19. Note that, even if investigation were to show the Former Zero Facility had been a
19 significant contributor of Cr6 to soil and groundwater in the GCOU, the protection of the
20 Covenant would still apply, protection that was bought and paid for by Northridge Properties’
21 predecessor in interest and assigned to Northridge Properties, which would not have purchased the
22 Former Zero Facility without that protection.

23 20. The investigation continued with the Initial Order, issued in May 2011 (see Exhibit
24 A to the Initial Petition). The Initial Order recited in the first few substantive paragraphs that the
25 regional investigation for Cr6 was started by the discovery of Cr6 in groundwater supply wells
26 during the EPA’s investigation of the Superfund Site in 1998, which initially led the Regional
27 Board to re-evaluate 112 facilities identified in the previous Superfund Site investigations. The
28 recitals go on to say that, while the Former Zero Corporation site was not among those initial 112

1 facilities, the site was reopened for this investigation due to the finding of Cr6 by the California
2 Department of Transportation in 2009 at the Former Zero Facility.

3 21. Moreover, the Regional Board’s cover letter, dated May 10, 2011, forwarding the
4 Initial Order to Northridge Properties, named as the first “cc” Ms. Lisa Hanusiak, USEPA Region
5 IX, along with several other agency officials.

6 22. In its file review, Geosyntec found another document that is further indicative of
7 the close coordination between the EPA and the Regional Board close in time to the Initial Order.
8 See the Regional Board’s Meeting Attendance Sheet, dated June 6, 2011, listing Larry Moore
9 (RWQCB – LA Region), Ayubur Rahman (CalTrans-LA), Jeffrey Hu (RWQCB-LA), Alex
10 Lapostol (E2 Consult. EPA Contractor), and Lisa Hanusiak (USEPA). A true and correct copy of
11 said Meeting Attendance Sheet is attached hereto as Exhibit 8.

12 23. The foregoing items of evidence clearly reflect that the Cr6 investigation and
13 reopener of the Former Zero Facility was part of the federal Superfund Site investigation,
14 specifically for the GCOU, coordinated and conducted jointly by the EPA and the Regional Board.

15 24. Environmental Resources Management (ERM), a consulting firm engaged by the
16 AOC Respondents, performed extensive historical reviews for data gaps, information needs and
17 target sites for the Cr6 investigation in the GCOU. Their research is summarized in the Data
18 Compilation & Evaluation Report, Glendale Chromium Operable Unit, San Fernando Valley
19 Superfund Site – Area 2, dated November 2011, by ERM. Again, in order to reduce the volume of
20 this submission, we will not include a copy of the entire Data Compilation & Evaluation Report as
21 an exhibit. It is readily available for electronic download from the EPA webpage from the link
22 noted in Paragraph 13 above, from the list of “Technical Documents.” Table 7 of that Report is
23 entitled *Sites with Known or Suspected Chromium Use Glendale Chromium Operable Unit*, which
24 lists on the last page (p. 5 of 5) “Zero Corp/Enclosures” at 777 Front St. Burbank 90502 as Site ID
25 No. 93, and the Status was RWQCB Suspected Chromium Use - Investigation Pending. A true
26 and correct copy of page 5 of 5 from said Table 7 is attached hereto as Exhibit 9.

27 25. Appendix C to ERM’s Data Compilation & Evaluation Report is a table entitled
28 *Historical Operations at Potential Chromium Source Sites, Glendale Chromium Operable Unit*,

1 which lists on the last page (p. 12 of 12) “Zero Corp/Enclosures” at 777 Front St. Burbank 90502:
2 A true and correct copy of page 12 of 12 from said Appendix C is attached hereto as Exhibit 10.

3 26. ERM also developed on behalf of the AOC Respondents the *Specified Work Plan*,
4 *Glendale Chromium Operable Unit, San Fernando Valley Superfund Site – Area 2, dated*
5 *November 2011*. Again, in order to reduce the volume of this submission, we will not include a
6 copy of the entire Specified Work Plan as an exhibit. It is readily available for electronic
7 download from the EPA webpage from the link noted in Paragraph 13 above, from the list of
8 “Technical Documents.”

9 27. Attachment A to the Specified Work Plan is a map entitled: *Attachment A,*
10 *Glendale Chromium Operable Unit, Proposed Specified Work, RI Borings and Well Areas and*
11 *FFS Well Areas* (the cover page for that map is entitled “Preliminary Groundwater Data Collection
12 Area”). A true and correct copy of that map is attached hereto as Exhibit 11. This map is the
13 same as (or an updated version of) Attachment A to Appendix B to the AOC as mentioned in
14 Paragraph 16 above. It legibly shows study areas CRI-2P and CRI-3P that are discussed above,
15 still targeting the Former Zero Facility.

16 28. Figure 6 to the Specified Work Plan is another map showing the *Proposed Wells*
17 *and Drilling Locations – Northern, GCOU, SFV Superfund Site, Los Angeles County, California,*
18 and includes a list of the target sites, including Zero Corp/Enclosures as Site ID No. 93. A true
19 and correct copy of Figure 6 is attached hereto as Exhibit 12. As shown in Figure 6, Site ID No.
20 93 (the Former Zero Facility), is located between study areas CRI-2P and CRI-3P and the
21 proposed monitoring wells in those areas.

22 29. Attached hereto as Exhibit 13 is a “zoom in” portion of Figure 6 showing more
23 legibly and highlighting said reference to Zero Corp/Enclosures.

24 30. Attached hereto as Exhibit 14 is a “zoom in” portion of said Figure 6,
25 focusing on the northerly portion of the GCOU and study areas CRI-2P and CRI-3P, the proposed
26 monitoring wells in those areas, including the location of Site ID No. 93. The Former Zero
27 Facility is shown in the aerial photograph base figure, in between study areas CRI-2P and CRI-3P.

28 31. Thus, the Specified Work Plan carried through on targeting the Former Zero

1 Facility as part of the EPA-compelled GCOU investigation under the AOC.

2 32. Subsequently, the EPA’s own contractor, i.e., CH2MHILL, prepared the *Field*
3 *Sampling Plan, Remedial Investigation at San Fernando Valley Area 2 Superfund Site, Glendale*
4 *Chromium Operable Unit*, dated April 2012. Again, in order to reduce the volume of this
5 submission, we will not include a copy of the entire Field Sampling Plan as an exhibit. It is
6 readily available for electronic download from the EPA webpage from the link noted in Paragraph
7 13 above, from the list of “Technical Documents.” Of relevance from the Field Sampling Plan are
8 the following items.

9 33. The cover page of the Field Sampling Plan clearly recites that CH2MHILL
10 prepared it for the EPA. Immediately after the cover page there is a sheet identifying the project,
11 showing the Site Name as the Glendale Chromium Operable Unit, and the EPA Project Manager
12 as Lisa Hanusiak. True and correct copies of the cover page and the project identifying sheet are
13 attached hereto as Exhibit 15.

14 34. Table 3-2 (*Facilities Within Area 2 Being Investigated as Potential Sources of*
15 *Chromium Contamination to Ground Water, San Fernando Valley Area 2 Superfund Site,*
16 *Glendale Chromium Operable Unit*) of the Field Sampling Plan includes, as one of the facilities
17 being investigated, a “Former metal finishing facility,” as Site Number 16 and with Status
18 “Planning underway of initial soil investigation” (which was obviously the investigation that
19 Northridge Properties was being compelled to perform). A true and correct copy of Table 3-2 is
20 attached hereto as Exhibit 16.

21 35. The location of Site Number 16 is shown on Figure 3-2 of the Field Sampling Plan,
22 and a true and correct copy of Figure 3-2 is attached hereto as Exhibit 17. Site Number 16 is
23 shown by a red star at the location of the Former Zero Facility. The legend defines the red star as
24 meaning that the Regional Board is the Potential Source Facility Lead Oversight Agency. Certain
25 other sites within the GCOU have the Department of Toxic Substances Control or the EPA itself
26 as Potential Source Facility Lead Oversight Agency, all in connection with the coordinated federal
27 investigation of the GCOU, as shown by the fact that the EPA’s own contractor prepared the Field
28 Sampling Plan.

1 36. Figure 3-1 (*Locations of Planned Monitoring Wells for the Remedial Investigation,*
2 *Glendale Chromium Operable Unit, San Fernando Valley Superfund Sites*) of the Field Sampling
3 Plan shows the EPA contractor’s updated depiction of the study areas and monitoring well
4 locations. Study Area A appears to encompass the study areas previously identified as CRI-2P
5 and CRI-3P, and monitoring wells 2P and 3P correspond to the well locations planned in the
6 previous study areas, still near to the northwesterly and southeasterly ends of the Former Zero
7 Facility. A true and correct copy of Figure 3-1 is attached hereto as Exhibit 18.

8 37. The study called for by the Field Sampling Plan was apparently conducted by
9 ERM, the consultant for the AOC Respondents. At the meeting mentioned above at the Regional
10 Board’s offices on May 14, 2014, Mr. Lapostol gave me a draft copy of *Figure 6, Chromium in*
11 *Groundwater, GCOU Monitoring Wells, Glendale Chromium Operable Unit, San Fernando*
12 *Valley Superfund Site, Los Angeles County, California*, dated March 2013 by ERM. A true and
13 correct copy of said Figure 6 is attached hereto as Exhibit 19.

14 38. As shown on Exhibit 19, monitoring wells PWA-2 and PWA-3 were installed
15 consistent with the locations previously identified as 2P and 3P, except that PWA-2 was installed
16 on the northeasterly side of the Former Zero Facility in Old Front Street . Significantly, Exhibit
17 19 includes the data from those wells, showing that Cr6 was found in PWA-2 (the northeasterly,
18 upgradient well) at a concentration of 8.3 micrograms per liter ($\mu\text{g/L}$), and in PWA-3 (the
19 southeasterly, downgradient well) at the lower concentration of 1.6 $\mu\text{g/L}$. As detailed in the
20 supporting declaration of Eric Smalstig of Geosyntec Consultants submitted herewith, that offsite
21 data from upgradient and downgradient locations shows a decreasing level of impact beneath the
22 Former Zero Facility in the direction of groundwater flow, with the inference that there was no
23 measurable contribution from the Former Zero Facility to the Cr6 groundwater contamination
24 plume. Moreover, both northeasterly and southeasterly findings are below California’s recently
25 established drinking water standard for Cr6, i.e., the Maximum Contaminant Level of 10 $\mu\text{g/L}$

26 39. In 2013, the EPA conducted its regular Five Year Review (FYR) of the SFV
27 Superfund Site culminating in the *Second Five-Year Review Report for San Fernando Valley —*
28 *Area 2 Superfund Site, Glendale, Los Angeles County, California*, dated September 30, 2013,

1 Prepared by United States Army Corps of Engineers, Seattle District, and Approved by EPA
2 Region IX. Again, in order to reduce the volume of this submission, we will not include a copy of
3 the entire Second Five-Year Review Report as an exhibit. It is readily available for electronic
4 download from the EPA webpage from the link noted in Paragraph 13 above, from the list of
5 “Technical Documents.”

6 40. Of particular relevance from Appendix C of the Second Five-Year Review Report
7 is the Five-Year Review Interview Record regarding Larry Moore and Alex Lapostol, a true and
8 correct copy of which is attached hereto as Exhibit 20. Significant passages include the following
9 (yellow highlights added):

10 2) What is your current role and your agency's role with respect to the site?

11 RWQCB works to identify PRPs, and make sure PRPs are in compliance and
12 responsible. Mr. Moore works as a state employee on site cleanup with an emphasis
13 on chromium, but is still involved with VOCs. Mr. Lapostol provides support on
14 behalf of EPA to identify chromium PRPs (though in some cases VOCs and
15 chromium overlap), fulfill EPA information needs, and assist the state in enforcing
16 the water code.

17 3) Have there been routine communications or activities (site visits, inspections,
18 reporting activities, etc.) conducted by your office regarding the site? If so, please
19 give the purpose and results.

20 RWQCB conducts site inspections, reviews work plans, completes chemical use
21 questionnaires from PRPs, and oversees the cleanup process. EPA provides
22 concurrence with cleanup levels. Mr. Lapostol is the "eyes and ears" of EPA so
23 that EPA isn't surprised by what the RWQCB is doing.

24 ***

25 15) Do you feel well informed about the site's activities and progress?

26 Yes. The updates and contact with EPA are sufficient.

27 41. Also relevant is the Five-Year Review Interview Record regarding Tedd Yargeau, a
28 true and correct copy of which is attached hereto as Exhibit 21. Mr. Yargeau concluded his
interview with this exchange (yellow highlights added):

17) Do you have any comments, suggestions, or recommendations regarding the
site's management, operation, or any other aspects of the site?

No. EPA has done a very good job at managing a complex project, and DTSC

1 certainly appreciates it.
2 Mr. Yargeau obviously understands that the SFV Superfund Site (which includes the GCOU), is a
3 federal operation of the EPA and that the state agencies involved are assisting under the
4 management of the EPA.

5 42. Further with respect to Mr. Lapostol’s role, he is an EPA contractor attached to the
6 Regional Board, although that was not apparent at the beginning of this matter. On numerous
7 emails to me since before the Initial Order, Mr. Lapostol’s contact information has been variously
8 reflected. On the earliest email from him in my database, dated November 4, 2010, Mr.
9 Lapostol’s signature block was as follows:

10 Regards,
11 Alex Lapostol, P.G.
12 Senior Technical Consultant
13 E2 Consulting Engineers
14 213-576-6801 (Regional Board office)
15 510-590-6218 (cell)

14 That format continued until his role as an EPA contractor was finally revealed in his signature
15 block on his email dated September 28, 2011:

16 Regards,
17 Alex Lapostol, P.G.
18 Senior Technical Consultant
19 E2 Consulting Engineers - USEPA Contractor
20 213-576-6801 (Regional Board office)
21 510-590-6218 (cell)

20 That was over three months after the Initial Petition had been filed on June 9, 2011. Notably, the
21 Meeting Attendance Sheet of June 6, 2011 (see Exhibit 8, found by Geosyntec in its file review
22 last year), reflects that Mr. Lapostol was an EPA contractor all along.

23 43. The responses in the Five-Year Review Interview Record regarding Larry Moore
24 and Alex Lapostol, quoted above, clearly admit the close relationship between the EPA and the
25 Regional Board on the GCOU investigation. They work hand in glove, with Mr. Lapostol as the
26 EPA’s “eyes and ears” on staff at the Regional Board actually handling much of the work for the
27 GCOU. He has been the front line person at the Regional Board interfacing with me (as counsel
28 for Northridge Properties), ever since the Initial Order (and even before). He has admitted to me

1 on more than one occasion that his position at the Regional Board is funded by the EPA (which is
2 consistent with the references above to the EPA providing contractor support to state agencies
3 assisting with the SFV Superfund Site). Most recently, at the meeting on May 14, 2014,
4 mentioned above, Dr. Heath, Mr. Moore and Mr. Lapostol acknowledged that the Regional
5 Board’s work on the GCOU has been funded by the EPA and that there has been, in particular, no
6 compensation for the staff time of others besides Mr. Lapostol regarding their investigation of the
7 Former Zero Facility. During that meeting, Mr. Moore said that he will want his staff time
8 compensated by Northridge Properties in order to provide further oversight. Hence, the Regional
9 Board’s correspondence to Northridge Properties, subject: “Site Cleanup Program Oversight Cost
10 Reimbursement Account – Former Zero Corporation Facility, 777 North Front Street, Burbank,
11 California, RWQCB File No. 109.6162, “ dated July 15, 2014, with request for execution and
12 return of an “Acknowledgement of Receipt of Oversight Cost Reimbursement Account Letter,”
13 which Northridge Properties has so far declined to do as noted in my email to Mr. Moore and Mr.
14 Lapostol, dated August 14, 2014 (see Exhibit 5).

15 44. In a telephone discussion on August 4, 2014, Mr. Lapostol told me that he had
16 drafted a letter directing Northridge Properties to continue the investigation of the Former Zero
17 Facility with the installation of an additional boring and that the letter was under review by
18 Regional Board staff. He did not know at that time when the directive would be finalized and
19 issued. I requested further discussion with Mr. Lapostol and Mr. Moore regarding the pending
20 letter and what it would say, and Mr. Lapostol was agreeable to that. Over the next several days,
21 we had communications seeking to set a time for a conference call, and a time for a call was set at
22 least tentatively for August 11, 2014. Nevertheless, without such discussions, the Second Order
23 was issued, dated August 6, 2014.

24 45. As with the Initial Order, the Regional Board’s Second Order included a “cc” list
25 starting with Lisa Hanusiak, USEPA Region 9, along with other agency representatives, again
26 showing the close coordination of the Second Order with the EPA and other agencies involved
27 with the GCOU investigation. Indeed, the Second Order was drafted by EPA contractor Alex
28 Lapostol whose compensation comes from the EPA!

1 46. Long ago, when I raised the Covenant in discussions with Mr. Lapostol, he
2 indicated that he was aware of the Covenant but he has taken the position that the investigation
3 and requirements of Northridge Properties were under state authority independent of the EPA. For
4 instance, attached as Exhibit 22 is a true and correct copy of an email exchange that I had with Mr.
5 Lapostol on February 27, 2013, regarding my discussions with Thomas Butler, counsel at EPA
6 Region 9. Mr. Lapostol wrote: “Interesting about EPA. However, I want to say respectfully,
7 that is not relevant what EPA counsel opines about the situation....since this is strictly a
8 Regional Board investigation.”

9 47. Mr. Lapostol’s position flies in the face of the evidence and is completely
10 unbelievable. Mr. Lapostol was himself a EPA Contractor pursuing Northridge Properties in
11 breach of the Covenant. He cannot so blithely separate his roles for the EPA and for the Regional
12 Board as if one has nothing to do with the other. He is the embodiment of the EPA’s improper
13 actions in this matter. And he was not acting as a rogue consultant. Every step of the way Lisa
14 Hanusiak, the EPA Project Manager for the GCOU, was also closely involved with the
15 coordinated investigation as shown in the available documentation. I last spoke with Mr. Lapostol
16 on September 22, 2014, when I called him to seek an extension to the Second Order. He advised
17 that he had been instructed by EPA to “stay away” from involvement with the Former Zero
18 Facility, obviously in reaction to the points raised in the Second Petition (that conversation took
19 place before we learned later that day of the withdrawal of the Second Order, as noted in
20 Paragraph 53 below). In similar vein, the Third Order includes a “cc” list omitting Ms. Hanusiak.
21 Yet the Third Order is in substance the same as the Second Order that Mr. Lapostol drafted, and,
22 in lieu of Ms. Hanusiak, the “cc” list on the Third Order still includes EPA personnel, Caleb
23 Shaffer and Gary Riley. Having Mr. Lapostol hang back and replacing Ms. Hanusiak is like the
24 proverbial changing of deck chairs on the Titanic. It does not change the substance of ongoing
25 pursuit of enforcement action undertaken in conflict with the Covenant by EPA personnel and
26 contractor with ongoing coordination with EPA personnel in the action, all as part of the EPA
27 response to the Superfund Site and the Chromium Operable Unit.

28 48. Mr. Lapostol has also taken a different posture in discussions with me.

1 • He has acknowledged that the data from Northridge Properties’ investigation
2 pursuant to the Initial Order falls well below California’s own stringent guideline for Cr6 in soil,
3 and that the site would not be of concern to the Regional Board except for the far more stringent
4 EPA Soil Screening Level (SSL) for Cr6 as threat to groundwater as set forth in the EPA Regional
5 Screening Levels (RSLs). And Mr. Lapostol has acknowledged that the EPA SSL for Cr6 is
6 ridiculously low and problematic because it is well below detection limits. (See the Declaration of
7 Eric Smalstig submitted herewith confirming that the EPA SSL for Cr6 is 0.00067 mg/kg, some
8 three orders of magnitude (i.e., a factor of 1000x) below the ability of laboratories to detect.)

9 • As if to explain the bind he is in, having to use such a ridiculous screening level
10 that cannot be measured, Mr. Lapostol has said that the EPA is pressuring the Regional Board for
11 action, and that the directives to Northridge Properties are necessary to “appease” the EPA.
12 Apparently, Mr. Lapostol is pressuring himself to appease himself! He wears both hats.

13 • Mr. Lapostol has also commented to me that the EPA should not have given the
14 Covenant Not to Sue. Well, it did! And no matter how much Mr. Lapostol and others may now
15 regret it, Mr. Laspostol and other EPA personnel and consultants and Regional Board staff are
16 obligated to comply and keep faith with the Covenant.

17 49. There has never been any suggestion that the minuscule findings of Cr6 at the
18 Former Zero Facility are anything other than “Existing Contamination” within the broad definition
19 of that term in the Covenant. Northridge Properties was supposed to be protected by the Covenant
20 against exactly what has been happening in this case.

21 50. Rather than keeping faith with the Covenant, the EPA has pursued, and allowed
22 pursuit of, the investigation and directives to Northridge Properties utilizing the EPA’s own
23 contractor as well as assistance from the Regional Board, action that has been both directly and
24 indirectly in breach of the Covenant.

25 51. The evidence shows that the Regional Board has been acting under EPA
26 management in concert with the EPA, not truly independently. The Regional Board’s
27 participation in this matter and pursuit of Northridge Properties is unalterably tainted with the
28 impropriety of events to this point.

1 52. To be clear, consistent with the Covenant, the EPA and state agencies may, at their
2 own expense, pursue environmental investigation of the Former Zero Facility as they deem
3 necessary (and Northridge Properties has offered and again offers to allow access consistent with
4 its obligations under the Covenant), but they are not free to require Northridge Properties or its
5 representatives to undertake environmental response action at its or their expense without good
6 grounds consistent with the Covenant. Nevertheless, the Initial Order, the Second Order and the
7 Third Order were issued with no justification consistent with the Covenant and in breach of it.

8 53. In attendance at the meeting at the Regional Board offices on May 14, 2014, were
9 Dr. Authur Heath (RWQCB), Lawrence Moore (RWQCB), Alex Lapostol (EPA Contractor), Alan
10 Skobin (for Northridge Properties), Eric Smalstig (Geosyntec Consultants, for Northridge
11 Properties) and Donald Nanney (Gilchrist & Rutter, counsel for Northridge Properties). It was a
12 lengthy meeting and all the relevant issues regarding the alleged grounds for further investigation
13 and Northridge Properties’ objections were discussed, including:

- 14 ▪ Northridge Properties’ offer of access to the Former Zero Facility.
- 15 ▪ The Covenant and its breach by EPA and by RWQCB in effect as agent of the EPA
16 in the manner detailed in this declaration.
- 17 ▪ The investigation by the Regional Board of the Former Zero Facility and action
18 against Northridge Properties as federally motivated, not truly independent of the EPA.
- 19 ▪ Mr. Lapostol’s role as EPA contractor pursuing Northridge Properties, funded by
20 EPA.
- 21 ▪ The minuscule, barely detectible finding of Cr6 in the data from boring SS-4 as
22 well below state screening levels and not justifying further investigation or action.
- 23 ▪ The justification previously posited to Mr. Smalstig and me by Mr. Lapostol, i.e.,
24 the EPA RSLs (specifically the EPA SSL for Cr6 as threat to groundwater), which is
25 particularly problematic because that level is orders of magnitude below the ability to
26 detect and the existing data is already barely detectible. And since the EPA RSLs are mere
27 guidelines, its application to support an order or directive means that the “guidance,” as
28 applied, is a “de facto” rule in violation of the Administrative Procedure Act (both federal

1 and state acts), so that such an order or directive would be illegal, arbitrary and capricious.
2 ▪ The fact that chromium and certain other then-emerging chemicals of concern were
3 included in the investigation leading to the Regional Board’s Certificate of Completion,
4 which should not have been reopened. And the inappropriate scope of the reopener to
5 encompass VOCs when the only chemical of concern that is the subject of required action
6 is Cr6.
7 [Note: Some of these items are discussed in more detail in separate supporting
8 declarations and/or in the Third Petition, Second Petition or Initial Petition.]
9 Nevertheless, the Second Order was issued (and subsequently the Third Order), implicitly
10 rejecting Northridge Properties’ objections. In a telephone discussion with Mr. Lapostol on
11 August 11, 2014, I again briefly mentioned the issues and strenuously objected to the Second
12 Order. Mr. Lapostol’s response was again to reject Northridge Properties’ objections, and he said
13 that the ordered work is “non-negotiable” and that pursuing a Petition would be a waste of
14 time. On September 22, 2014, soon after we filed the Second Petition, Larry Moore informed me
15 by telephone that the Second Order was going to be withdrawn at the direction of the State Board,
16 and I started to discuss with him the scope of the withdrawal and certain needed clarifications. On
17 September 23, 2014, I received email confirmation of the forthcoming withdrawal letter from
18 Frances McChesney, Regional Board counsel, and I replied by email and voice mail that day and
19 on subsequent days seeking clarifications. The withdrawal letter on September 24, 2014
20 suggested a possibility of discussion. On behalf of Petitioners, I attempted to engage in
21 discussions and, upon her return from vacation, I had a preliminary telephone discussion with Ms.
22 McChesney on October 20, 2014. She asked me to communicate through her for further
23 discussions rather than directly with Regional Board staff. As required by professional ethics, I
24 have honored that request by counsel and I sought further discussion with Ms. McChesney (to
25 whom I had given my mobile telephone number to facilitate contact). When silence ensued, my
26 understanding is that Mr. Smalstig attempted to contact Mr. Lapostol or other Regional Board
27 staff to seek contact through them with Ms. McChesney to contact me. But those efforts did not
28 lead to any communication from Ms. McChesney or the Regional Board regarding availability and

1 timeliness for any discussions, certainly not any indication of urgency from the Board’s
2 perspective. Then, without warning, the Third Order was issued.

3 54. Included in Exhibit 5 to this declaration is a true and correct copy of the
4 Certification Declaration For Compliance With Fee Title Holder Notification Requirements
5 (California Water Code Section 13307.1), dated August 13, 2014, which was submitted to the
6 Regional Board as required. The Certification Declaration clearly reflects that the Fee Title
7 Holder or owner of the subject property is Northridge Properties. The Certification Declaration
8 further reflects that it was signed by Alan Skobin, not in his personal capacity, but as an
9 Authorized Representative/Member of Northridge Properties serving as the Contact Person for
10 Northridge Properties. Mr. Skobin is also General Counsel for Northridge Properties. The Fee
11 Title Holder or owner of the Former Zero Facility is Northridge Properties alone. Mr. Skobin is
12 not personally an owner of the Former Zero Facility and he does not have the liability of an owner.
13 According to the on-line database maintained by the California Secretary of State – available at
14 this link: <http://kepler.sos.ca.gov/> – Northridge Properties is an active California limited liability
15 company filed on December 29, 1995, under Entity No. 199536310040. Under applicable
16 California law, cited in the Third Petition, Mr. Skobin has no personal liability for the debts,
17 obligations or liabilities of Northridge Properties as a limited liability company. There is no basis
18 whatsoever for the Regional Board to name Mr. Skobin, personally, in the Third Order as a
19 responsible discharger due to ownership of the Former Zero Facility. The erroneous and wrongful
20 naming of Mr. Skobin as an owner and responsible discharger must be corrected by rescission or
21 withdrawal of the Third Order. Since the Third Order was recently issued without warning, we
22 have not yet had any meetings or discussions with the Regional Board, but must timely include, in
23 the Third Petition, objection to the naming of Mr. Skobin, personally, in the Third Order.

24 55. There is no formal appeal process within the Regional Board for matters of this
25 kind. Other than the personal liability issue mentioned in the immediately preceding paragraph,
26 we have raised all the issues in informal discussions and/or written communications with Regional
27 Board Staff and with the EPA Contractor attached to the Regional Board and handling this matter.
28 Petitioning to the State Board is the only avenue available to us now for administrative relief.

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

Executed this 2nd day of July, 2015, at Santa Monica, California.

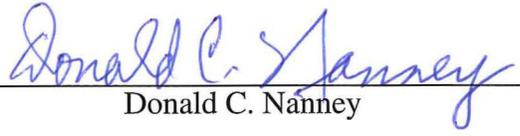

Donald C. Nanney

Exhibit List

1. Site Map and Boring Locations, Former Zero Corporation, 777 North Front Street, Burbank, California, dated September 2012, by Geosyntec Consultants.
2. 2-a. Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order, Former ZERO Corporation Facility, dated August 6, 2014, issued by the Los Angeles Regional Water Quality Control Board to Northridge Properties, LLC. (Second Order)
2-b. Withdrawal of 13267 Order of August 6, 2014, by Letter regarding Former ZERO Corporation Facility, dated September 24, 2014, issued by the Los Angeles Regional Water Quality Control Board to Northridge Properties, LLC.
2-c. Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order, Former ZERO Corporation Facility, dated June 3, 2015, issued by the Los Angeles Regional Water Quality Control Board to Northridge Properties, LLC, and Alan Skobin. (Third Order)
3. Agreement and Covenant Not to Sue, Docket No. 2000-03, dated March 16, 2000, between the U.S. Environmental Protection Agency and Ford Leasing Development Company, recorded in the Official Records of Los Angeles County, California, on July 12, 2000, as Instrument No. 00-1062454.
4. Approval of Transfer, dated May 3, 2005, by Keith Takata, Director, Superfund Division, and letter, dated May 3, 2005, from Frederick K. Schaffler, Chief, Site Cleanup Section 4, Superfund Division, U.S. Environmental Protection Agency, to Donald C. Nanney.
5. Email, dated August 14, 2014, from Donald C. Nanney to Lawrence Moore and Alex Lapostol, with copy of Certification Declaration, dated August 13, 2014, by Northridge Properties, LLC.
6. Memorandum, dated January 5, 1997 [with a handwritten correction to reflect 1998] to Kim J. Ward, ES III, DCW, SWRCB, from Hank H. Yacoub, Cleanup Section Chief, RWQCB/LA. [yellow highlights added]
7. Table entitled: Specified Work – Groundwater Data Collection Areas and Borings, Attachment B to Appendix B (Statement of Work) to the February 28, 2011 Administrative Order on Consent. [yellow highlights added]

- 1 8. Meeting Attendance Sheet, at Los Angeles Regional Water Quality Control Board, dated
2 June 6, 2011. [yellow highlights added]
- 3 9. Page 5 of 5 of Table 7 (*Sites with Known or Suspected Chromium Use*), from the Data
4 Compilation & Evaluation Report, Glendale Chromium Operable Unit, San Fernando
5 Valley Superfund Site – Area 2, dated November 2011, by Environmental Resources
6 Management (ERM). [yellow highlights added]
- 7 10. Page 12 of 12 of Appendix C (*Historical Operations at Potential Chromium Source Sites,*
8 *Glendale Chromium Operable Unit*), from the Data Compilation & Evaluation Report,
9 Glendale Chromium Operable Unit, San Fernando Valley Superfund Site – Area 2, dated
10 November 2011, by Environmental Resources Management (ERM). [yellow highlights
11 added]
- 12 11. Attachment A (*Glendale Chromium Operable Unit, Proposed Specified Work, RI Borings*
13 *and Well Areas and FFS Well Areas*), Specified Work Plan, Glendale Chromium Operable
14 Unit, San Fernando Valley Superfund Site – Area 2, dated November 2011.
- 15 12. Figure 6 (*Proposed Wells and Drilling Locations – Northern, Glendale Chromium*
16 *Operable Unit, San Fernando Valley Superfund Site, Los Angeles County, California*),
17 Specified Work Plan, Glendale Chromium Operable Unit, San Fernando Valley Superfund
18 Site – Area 2, dated November 2011.
- 19 13. A “zoom in” portion of said Figure 6, focusing near the right bottom of the figure and the
20 bottom of the list of target sites. [yellow highlights added]
- 21 14. A “zoom in portion of said Figure 6, focusing on the northerly portion of the GCOU.
- 22 15. Cover page and project identification sheet, Field Sampling Plan, Remedial Investigation
23 at San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, dated
24 April 2012, by CH2MHILL. [yellow highlights added]
- 25 16. Table 3-2 (*Facilities Within Area 2 Being Investigated as Potential Sources of Chromium*
26 *Contamination to Ground Water, San Fernando Valley Area 2 Superfund Site, Glendale*
27 *Chromium Operable Unit*), Field Sampling Plan, Remedial Investigation at San Fernando
28 Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, dated April 2012, by
CH2MHILL. [yellow highlights added]
17. FIGURE 3-2, *Location of Monitoring Wells, And Facilities Identified as Potential*
Chromium Sources, Glendale Chromium Operable Unit, San Fernando Valley Superfund
Site, Field Sampling Plan, Remedial Investigation at San Fernando Valley Area 2
Superfund Site, Glendale Chromium Operable Unit, dated April 2012, by CH2MHILL.
18. Figure 3-1, *Locations of Planned Monitoring Wells for the Remedial Investigation,*
Glendale Chromium Operable Unit, San Fernando Valley Superfund Sites, Field Sampling
Plan, Remedial Investigation at San Fernando Valley Area 2 Superfund Site, Glendale
Chromium Operable Unit, dated April 2012, by CH2MHILL.

- 1 19. Draft Figure 6, *Chromium in Groundwater, GCOU Monitoring Wells, Glendale Chromium*
2 *Operable Unit, San Fernando Valley Superfund Site, Los Angeles County, California,*
dated March 2013, by ERM.
- 3 20. Five-Year Review Interview Record regarding Larry Moore and Alex Lapostol, Appendix
4 C (Interview Forms), *Second Five-Year Review Report for San Fernando Valley — Area 2*
5 *Superfund Site, Glendale, Los Angeles County, California,* dated September 30, 2013,
6 Prepared by United States Army Corps of Engineers, Seattle District, and Approved by
U.S. EPA Region IX. [yellow highlights added]
- 7 21. Five-Year Review Interview Record regarding Tedd Yargeau, Appendix C (Interview
8 Forms), *Second Five-Year Review Report for San Fernando Valley — Area 2 Superfund*
9 *Site, Glendale, Los Angeles County, California,* dated September 30, 2013, Prepared by
United States Army Corps of Engineers, Seattle District, and Approved by U.S. EPA
Region IX. [yellow highlights added]
- 10 22. Emails, dated February 27, 2013, between Alex Lapostol and Donald C. Nanney. [yellow
11 highlights added] [The jpeg of an anodized aluminum brief case (that was attached to Mr.
Lapostol's email) is omitted as irrelevant.]

EXHIBIT 1

Site Map and Boring Locations, Former Zero Corporation,
777 North Front Street, Burbank, California,
dated September 2012, by Geosyntec Consultants



S:\GIS\HR1305\Projects\SitePlan_20110804.mxd, v. 10/28/2011

Legend

- SS-3 Geosyntec Soil Boring
- Former Clarifier (Based on Site Plan provided by Northridge Properties, LLC and field observations)
- Former Building Location
- Site Boundary

Site Map and Boring Locations
Former Zero Corporation
777 North Front Street
 Burbank, California

200 100 0 200 400
 Feet

Geosyntec **consultants**

HR1305 September 2012

Figure
2



Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-1	5	ND<0.4
	10	ND<0.4
	15	ND<0.4
	20	ND<0.4

Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-2	5	1.10
	10	0.96
	15	ND<0.4
	20	ND<0.4

Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-4	5	ND<0.4
	10	ND<0.4
	15	ND<0.4
	20	0.41

Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-3	5	ND<0.4
	10 ⁽¹⁾	ND<0.4/ND<0.4
	15	ND<0.4
	20	ND<0.4

Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-5	5	1.30
	10	ND<0.4
	15	ND<0.4
	20 ⁽¹⁾	ND<0.4/ND<0.4

Notes:
 (1) Field duplicate samples were collected for these primary samples. Results are reported as (primary sample results)/(duplicate sample results).
 ND - Not Detected
 Cr⁶ - Hexavalent chromium
 ft bgs - feet below ground surface

- Legend**
- SS-3 Geosyntec Soil Boring
 - Former Clarifier (Based on Site Plan provided by Northridge Properties, LLC and field observations)
 - Former Building Location
 - Site Boundary

Hexavalent Chromium Analytical Results
 Former Zero Corporation
 777 North Front Street
 Burbank, California



Figure
3

S:\GIS\HR1305\Projects\SitePlan_20110804.mxd, v. 10/28/2011

EXHIBIT 2-A

Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order,
Former ZERO Corporation Facility, dated August 6, 2014, issued by the
Los Angeles Regional Water Quality Control Board to Northridge Properties, LLC.

Los Angeles Regional Water Quality Control Board

August 6, 2014

Mr. Alan Skobin
Northridge Properties, LLC
15505 Roscoe Blvd.
North Hills, California 91343

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 0150 0003 7881 0398

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

SITE: FORMER ZERO CORPORATION FACILITY, 777 NORTH FRONT STREET, BURBANK, CALIFORNIA RWQCB FILE NO. 109.6162

Dear Mr. Skobin:

On May 10, 2011, the California Regional Water Quality Control Board, Los Angeles (Regional Board) directed Northridge Properties, LLC to submit a technical soil investigation work plan. On August 15, 2011 the Regional Board received the technical document titled "Soil Assessment Work Plan." A revision to the Work Plan was received by the Regional Board on November 23, 2011 and the Work Plan was then implemented. A final report was received by the Regional Board on October 3, 2012.

SUMMARY OF FINAL REPORT

The final report summarized the onsite investigation and based on a review of the report, Regional Board staff determined that additional onsite soil assessment was warranted. The reasons for the additional onsite soil investigation is to prevent a significant risk to human health and safety or to the environment; and to characterize the potential for hexavalent chromium (CrVI) groundwater contamination beneath the former Zero Corporation facility (Site). Regional Board files on the Site indicate the past use of chromic acid in onsite plating operations may have had the potential to contribute to the regional groundwater contamination.

REGIONAL BOARD COMMENTS AND ADDITIONS

The additional onsite soil assessment scope-of-work (SOW) shall be presented in a new work Plan (Report) and must address the following goals:

1. Completion of the onsite subsurface soil assessment work of the previous soil investigation; and
2. Determine the vertical extent of CrVI in former soil boring SS-4 which is located within the area of a particular three-stage clarifier.

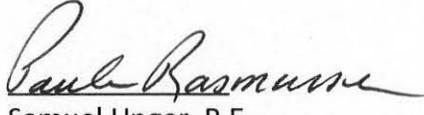
Specifically the Report shall be developed to evaluate the CrVI contamination in subsurface soils in the area of the above referenced 3-stage clarifier and submitted to the Regional Board by **October 15, 2014**. The work plan shall include, but not be limited to:

1. Completion of one soil boring in the area of the 3-stage clarifier. The location of the boring will be determined in the field with Regional Board staff present.
2. The soil boring will be completed to a depth of at least 50-feet below ground surface (bgs). A determination will be made in the field by Regional Board staff whether the boring should be advanced to a deeper depth. The determination will be based on field observations and professional judgment.
3. Soil samples will be collected at 1-foot, 5-foot, and then every 5-feet until the desired depth is attained.
4. The soils samples will be analyzed for hexavalent chromium by EPA Method 7196.
5. Field log sheets will be generated during the completion of the boring.
6. The soil boring activities and sample results will be provided to the Regional Board in a final report within 60 calendar days of the completion of field work.

The above requirement for submittal of a technical report constitutes an amendment to the requirements of the California Water Code section 13267 Order originally dated May 10, 2011. All other aspects of the Order originally dated May 10, 2011, and the amendments thereto, remain in full force and effect. The required technical report is necessary to investigate the characteristics of and extend of the discharges of waste at the site and to evaluate cleanup alternatives. Therefore, the burden, including costs, of the report bear a reasonable relationship to the need for the report and benefits to be obtained. Pursuant to section 13268 of the California Water Code, failure to submit the required technical report by the specified due date may result in civil liability administratively imposed by the Regional Board in an amount up to one thousand dollars (\$1000) for each day each technical report is not received.

If you have any questions, please contact Mr. Larry Moore, Project Manager, at (213-576-6730 number) (Lawrence.Moore@waterboards.ca.govf).

Sincerely,

fw 

Samuel Unger, P.E.
Executive Officer

cc: Ms. Lisa Hanusiak, USEPA Region 9
Mr. Leo Chan, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Jonathan Leung, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster
Mr. Donald Nanney, Esq. Gilchrist & Rutter
Mr. Eric Smalstig, Geosyntec Consultants

EXHIBIT 2-B

Withdrawal of 13267 Order of August 6, 2014, by Letter regarding
Former ZERO Corporation Facility, dated September 24, 2014, issued by the
Los Angeles Regional Water Quality Control Board to Northridge Properties, LLC

Los Angeles Regional Water Quality Control Board

September 24, 2014

Mr. Alan Skobin
Northridge Properties, LLC
15505 Roscoe Blvd.
North Hills, California 91343

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 0150 0003 7881 0442

SUBJECT: WITHDRAWAL OF 13267 ORDER – (ORDER NO. R4-2014-0075)

SITE: FORMER ZERO CORPORATION FACILITY, 777 NORTH FRONT STREET, BURBANK, CALIFORNIA RWQCB FILE NO. 109.6162

Dear Mr. Skobin:

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

On May 10, 2011, the Regional Board directed Northridge Properties, LLC to submit a technical soil investigation work plan. On August 15, 2011 the Regional Board received the technical document titled "Soil Assessment Work Plan," (Report). A revision to the Work Plan was received by the Regional Board on November 23, 2011. The Report was implemented and a final report was submitted to the Regional Board on October 3, 2012. The final report summarized the site investigation's results. Based on a review of the results, Regional Board staff determined that additional onsite soil assessment was warranted. Therefore, on August 6, 2014 the Regional Board issued a California Water Code (CWC) Section 13267 Order requiring Northridge Properties to submit a technical report (work plan) to address the following:

1. Completion of the onsite subsurface soil assessment work of the previous soil investigation; and
2. Determine the vertical extent of hexavalent chromium (CrVI) in former soil boring SS-4 which is associated with the area of a particular three-stage clarifier.

The due date to submit the work plan technical report was October 15, 2014.

In response to the October 3, 2012 final report, August 6, 2014 13267 Order, and to a meeting conducted with Regional Board staff on May 14, 2014, you provided information about the current land ownership and regulatory historical documents including the January 25, 2000 Prospective Purchaser's Agreement (PPA) with the USEPA and a June 30, 2002 "Certificate Of Completion" issued by the Regional Board's Executive Officer operator.

On June 9, 2011 a petition was filed with State Water Resources Control Board (SWRCB) seeking review and a stay of the requirements for the May 10, 2011 Order for a Technical Report. On September 4, 2014 a second petition was filed with SWRCB seeking review and a stay of the requirements for the August 6, 2014 Order for a Technical Report. To support the September 4, 2014 petition declarations were submitted to the SWRCB as follows:

- Declaration of Support by Mr. Don Nanney of Gilchrist & Rutter - August 26, 2013, DCN #1 with Exhibits,
- Declaration of Support by Mr. Don Nanney of Gilchrist & Rutter – August 4, 2014, DCN #2 with Exhibits,
- Declaration of Support by Mr. Don Nanney of Gilchrist & Rutter – August 26, 2014 with Exhibits, and
- Declaration of Support by Mr. Eric Smalstig of Geosyntec Consultants - September 3, 2014 with Exhibits.

The Regional Board has received the petitions you filed with the SWRCB. While we do not agree with your characterization of the facts regarding issuance of the Order, we are withdrawing the Order at this time to provide an opportunity to review your concerns.

If you have any questions, please contact Mr. Lawrence Moore in our Site Cleanup Program at (213) 576-6730 (Lawrence.Moore@waterboards.ca.gov), or Dr. Arthur Heath, Section Chief at (213) 576-6725 (Arthur.Heath@waterboards.ca.gov).

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Mr. Don Nanney
(dnanney@gilchrutrutter.com)

EXHIBIT 2-C

Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order,
Former ZERO Corporation Facility, dated June 3, 2015, issued by the
Los Angeles Regional Water Quality Control Board to
Northridge Properties, LLC, and Alan Skobin
(Third Order)

Los Angeles Regional Water Quality Control Board

June 3, 2015

Mr. Alan Skobin
15505 Roscoe Blvd.
North Hills, California 91343

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 3460 0000 2166 4314

Mr. Alan Skobin
Northridge Properties, LLC
15505 Roscoe Blvd.
North Hills, California 91343

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7013 3460 0000 2166 4291

SUBJECT: ORDER REQUIRING A TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267

SITE: FORMER ZERO CORPORATION FACILITY, 777 NORTH FRONT STREET, BURBANK, CALIFORNIA FILE NO. 109.6162

Dear Mr. Skobin and Northridge Properties:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with the primary responsibility for the protection of ground and surface water within major portions of Los Angeles and Ventura Counties. To accomplish this, the Regional Board issues investigative orders pursuant to the Porter-Cologne Water Quality Control Act (California Water Code [CWC], §§13000 et seq.).

Regional Board staff have reviewed the final report entitled "Soil Assessment Report," (Geosyntec September 10, 2012) for the former Zero Corporation facility located at 777 North Front Street, Burbank, California from the 1960s to the 1990s (Site). Additionally, staff reviewed additional technical information in the Regional Board files that indicates the documented use of hexavalent chromium (CrVI) at the Site. The staff's conclusion is that there has not been adequate soil sampling data collected with regard to CrVI in soils that are deeper than 5 feet below grade.

Thus, staff has determined that an additional investigation is warranted due to the historical use of chromium at the Site. The requirement for an additional investigation is further warranted by information presented to the Regional Board in a 2009 soil investigation report for the Site that was prepared on behalf of the California Department of Transportation (CalTrans). The report indicates that CrVI is present at the Site at a concentration of 410 micrograms per kilogram ($\mu\text{g}/\text{Kg}$) which is above the typical background level concentration of non-detect (ND) in the native soils in the Burbank area.

Mr. Alan Skobin
Northridge Properties, LLC.

- 2 -

June 3, 2015

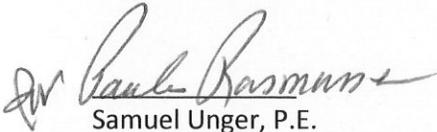
The former responsible party, APW North America, received a Certificate of Completion from the California Environmental Protection Agency in 2002 with respect to volatile organic compounds (VOCs), but not CrVI. The Regional Board is the administering agency of record and has determined the CrVI contamination was not fully investigated prior to the issuance of the certificate of completion for VOCs.

Enclosed is a Regional Board Order requiring the submittal of a technical report pursuant to California Water Code section 13267 (Order). As the current property owner, you are required to comply with the Order to prepare and submit a technical soil investigation work plan to conduct an onsite soil investigation for soil sampling, to evaluate the presence of CrVI beneath the 3-stage clarifier.

You are required to submit the report to the Regional Board by **October 1, 2015**.

If you have any questions regarding this project, please contact **Mr. Larry Moore at (213) 576-6730** (Lawrence.Moore@waterboards.ca.gov or Dr. Arthur Heath at (213) 576-6725 (Arthur.Heath@waterboards.ca.gov).

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Mr. Caleb Shaffer, USEPA Region 9
Mr. Gary Riley, USEPA Region 9
Ms. Frances McChesney, SWRCB Office of Chief Counsel
Mr. Leo Chan, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Jonathan Leung, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster
Mr. Donald Nanney, Esq. Gilchrist & Rutter
Mr. Eric Smalstig, Geosyntec Consultants

Los Angeles Regional Water Quality Control Board

**ORDER TO PROVIDE A TECHNICAL REPORT
FOR SUBSURFACE INVESTIGATION
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2015-0065**

**DIRECTED TO MR. ALAN SKOBIN
NORTHRIDGE PROPERTIES, LLC
777 NORTH FRONT STREET
BURBANK, CA 91502
(WIP NO. 109.6162**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) section 13267, which authorizes the Regional Board to require the submittal of technical and monitoring reports.

1. During the 1998 United States Environmental Protection Agency Superfund investigation, information provided to the California Regional Quality Control Board, Los Angeles Region (Regional Board) from the Upper Los Angeles River Area Watermaster (ULARA) indicated some of the groundwater supply wells in the San Fernando Valley Groundwater Basin (SFVGB) had been contaminated by hexavalent chromium (Cr). Upon receipt of this information, the Regional Board re-evaluated the Chemical Use Questionnaire (CUQ) provided by each facility from the Superfund investigation to determine which facilities stored and/or used chromium compounds, including CrVI.

Based on evaluation of these CUQs, the Regional Board identified 112 sites needing further investigation to determine whether chromium and CrVI in the soil at these sites indicate whether past discharges of waste pose a threat to public drinking water supply wells or may have already polluted groundwater. These investigations are being conducted at each site under a Regional Board order dated March 15, 2004, pursuant to CWC section 13267.

2. 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.
3. The Regional Board finds that the person named herein is discharging, has discharged or is suspected of having discharged or is discharging waste within the Region based on evidence regarding chromium use at 777 North Front Street, Burbank, California (Site) in the following data sources:

- a. **Regional Board Documentation** - The documentation is comprised of technical reports, correspondence, site inspections, and other documents that have been compiled regarding the historical environmental investigations completed at the Site. Furthermore, the documentation includes documents provided to the Regional Board by other public agencies as well as newspaper articles. Aggregately this documentation indicates the extensive use of chromate salts (hexavalent chromium) as part of the aluminum chromate conversion coating operations performed at the former Zero Corporation (Zero Corp.) facility between the 1960s and late 1990s.

In 1975, Zero Corp. was cited by the Department of Health Services (DHS) and the City of Burbank for disposing excess chromium in a wastewater discharge. After an inspection of the Site and housekeeping activities, no further action was recommended by DHS. A land ban generator inspection report was written in August 1988 by DHS which primarily discussed chemical handling and disposal practices. The report did not indicate whether the chemicals had been discharged to the ground nor identify the presence of observed surface chemical staining.

In 1991, the City of Burbank was cited by USEPA for allowing Zero Corp. to exceed discharge limits for chromium, other heavy metals and volatile organic compounds (VOCs) to the Publicly Owned Treatment Works (POTW). These were later discharged to the Burbank Western Channel, which drains to the Los Angeles River, and the Crystal Springs well field.

The former Zero Corp. facility is located within the Burbank Operable Unit (BOU), a region within the San Fernando Valley Superfund Area. From 1920 to 1961, the Site was occupied by General Water Heater Company, and then was purchased by Zero Corp. for use by a division of the company called Zero Enclosures, whose primary business was fabrication of metal enclosures. Six buildings were constructed at the Site to house historical manufacturing operations. In addition to Zero Enclosures' operations, from 1964 to 1973, a part of the Site was leased to Ocean Technology Inc., a subsidiary of Zero Corp., which used the space to manufacture and assemble electronic products.

Zero Corp.'s manufacturing operations were discontinued in December 1991. From that point until 2002, the Site was used for storage (a 1995 city directory shows the occupant as Western Moving & Storage, Inc.) and later as film studios for the entertainment industry. After that time, the Site was unoccupied, with on-site buildings demolished in 2004. Current aerial photographs show that concrete pads and foundations remain on the Site. The Site was sold in 1998 by Zero Corp. to the Ford Leasing Development Company, which sold it to Mr. Alan Skobin and Northridge Properties, LLC (c/o Mr. Alan Skobin), in 2005. A parcel of land adjacent to the Site on the southwest was leased by Zero Corp. from the Southern Pacific Transportation Company for use as chemical storage. This parcel is currently owned by the City of Burbank and was used in part for realignment of Front Street.

Zero Corp.'s manufacturing operations included aluminum case drawing and washing, aluminum alodining (a metal coating process), chromate deoxidizing, steel phosphate coating and chromium sealing. The Zero Corp. facility contained paint booths, a water-based paint shop and drying booth), aluminum machining, etching, deoxidizing and cleaning, aluminum

vapor degreasing, and grinding. During Zero Enclosure's operations, the Site also contained four clarifiers, two underground storage tanks (USTs), two designated chemical storage areas, two paint storage areas, one oil storage area, one acid storage area, one acid/caustic soda storage area, and one hazardous waste staging area. In 1987, the two USTs, which had been used to store unleaded gasoline, were removed from the Site under Los Angeles County Department of Public Works (LACDPW) oversight. A building permit was issued in 1993 for the removal and/or abandonment of clarifiers on the Site. A review of historical information indicates that an industrial waste permit was issued to Zero Corp. in 1967. Wastes generated onsite included acetone, ketones, 1,1,1-Trichloroethane (1,1,1,-TCA), waste oil, waste acids and paint sludges. Hazardous materials used in and/or generated from industrial activities on the Site were stored in the storage areas described above (chemical storage, oil storage, acid storage, acid/caustic soda storage, and hazardous waste staging areas).

- b. **2009 CalTrans Environmental Investigation Report** – the report summarizes the onsite soil sample results from a soil investigation conducted on the property, near the former waste discharge features. The results revealed there were detectable concentrations of CrVI in the soil which exceed the typical background concentration in the native soils in the San Fernando Valley.

The CalTrans investigation also indicated that the shallow soil vapor results for volatile organic compounds (VOCs) such as perchloroethylene (PCE) and trichloroethylene (TCE) exceeded California Human Health Screening Levels (CHHSLs) in the shallow soils. Additionally, the report also suggests that subsurface VOC concentrations have rebounded significantly since the site was remediated in 2001.

NEW INFORMATION

- c. Additional Environmental Protection Agency Remedial Investigation (EPA RI) groundwater monitoring wells PWA-2 and PWA-3 were constructed on Front Street up and cross gradient to the Site. These wells were installed September 2012. Analytical results indicate concentrations of CrVI which are similar to the regional groundwater CrVI plume. The lifespan of the wells may be cut short, as they appear to be located in the new proposed CalTrans I-5 Freeway Widening Construction right of way.
 - d. In 2002, a responsible party for this Site (APW North America, Inc.) was issued a *Certificate of Completion* letter by the Regional Board as the Administering Agency pursuant to California Health and Safety Code §§ 25260 et seq. that addressed volatile organic compounds (VOCs), but not CrVI. Due to the occurrence of CrVI pollution in the regional aquifer providing public water supply, and because the compound was not part of the *Certificate of Completion* as specified in the Health and Safety Code, this action is justified and warranted.
4. This Order identifies Mr. Alan Skobin and Northridge Properties as the entities responsible for the discharges of waste or suspected discharges of waste identified in paragraphs a. through b.

above, because Mr. Skobin and Northridge Properties owns the property on which the waste is or has been discharged.¹

5. This Order requires the persons named herein to prepare and submit a technical report (work plan) to complete the onsite subsurface soil assessment work of the previous soil investigation.
6. The Regional Board needs this information in order to determine the vertical extent of CrVI in former soil boring SS-4 which is located within the area of a particular three-stage clarifier.
7. 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. The information is necessary to assure adequate cleanup of the former Zero Corp. site, which poses significant threats to public health and the environment.
8. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a) (2), Chapter 3, and Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plans associated with this Order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.
9. Any person aggrieved by this action of the Regional Water 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 or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that Mr. Alan Skobin and Northridge Properties, pursuant to section 13267(b) of the California Water Code, are required to submit the following technical reports:

On or before **October 1, 2015**:

1. A work plan (Technical Report) to complete the onsite soil investigation for CrVI and determine the vertical extent of CRVI contamination in former soil boring SS-4 which is located within the area of

¹ Under precedential Orders issued by the State Water Resources Control Board (State Water Board), Mr. Alan Skobin and Northridge Properties, LLC are liable for the cleanup of wastes at the Site regardless of its involvement in the activities that initially caused the pollution. The discharge of the chemicals did not cease when Zero Corporation vacated the premises. The State Water Board has interpreted the term "discharge" to include not only an active initial release, but also a passive migration of waste. The discharge continues as long as the waste remains in the soil and groundwater at the Site (See State Water Board Orders WQ 86-2 (Zoecon Corporation), WQ- 89-1 (Schmidl), and WQ 89-8 (Spitzer).)

a particular three-stage clarifier.

The guidance document entitled "*General Work Plan Requirements for a Heavy Metal Soil Investigation*" will assist you with this task. Additional information can be found in our guidance manual entitled "*Interim Site Assessment & Cleanup Guidebook (May 1996)*," which can be found at the Regional Board website at the following link:

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

http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/DocAndInfo/RWQCB_QAPP_2015_FINAL_03-05-15.pdf

2. Specifically, the Technical Report shall be developed to evaluate the lateral and vertical extent of CrVI in subsurface soils in the area above the referenced three-stage clarifier. Moreover, the Technical Report shall include, but not be limited to the following:
 - a. Completion of one soil boring in the area of the three-stage clarifier;
 - b. The location of the boring will be determined in the field with Regional Board staff present;
 - c. The soil boring will be completed to a depth of at least 50-feet below ground surface (bgs). A determination will be made in the field by Regional Board staff whether the boring should be advanced to a deeper depth. The determination will be based on field observations and professional judgment;
 - d. The soil samples will be collected at 1-foot, 5-foot, and then every 5-feet until the desired depth is attained;
 - e. The soil samples will be analyzed for CrVI by EPA Method 7196;
 - f. Field log sheets will be generated during the completion of the boring; and
 - g. The soil boring activities and sample results will be provided to the Regional Board in a final report, which shall be submitted within 90 calendar days of the completion of the field work.
3. The Technical Report must contain a health and safety plan (H&SP), as per the February 2015 Quality Assurance Project Plan (QAPP) guidelines;
4. The Technical Report shall include the detailed information of former and existing chromium storage, hazardous waste management, and associated practices
5. The Technical Report must include a quality assurance/quality control QA/QC section, which discusses the types of field and laboratory QA/QC samples to be analyzed and how analytical data is validated and how suspect data is merged. For additional procedural information and

QA/QC guidelines refer to the following web link:

**[http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/DocAndInfo/RWQC
B_QAPP_2015_FINAL_03-05-15.pdf](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/DocAndInfo/RWQC_B_QAPP_2015_FINAL_03-05-15.pdf)**

The above items shall be submitted to:

Mr. Lawrence Moore
Remediation Section
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 576-6730
Email: Lawrence.Moore@waterboards.ca.gov

Pursuant to 13268(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b) (1) of the CWC, failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

State Water Resources Control Board regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, and California Code of Regulation) require the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found at http://www.waterboards.ca.gov/ust/electronic_submittal.

To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the site. However, we may request that you submit hard copies of selected documents and data to the Regional Board in addition to electronic submittal of information to GeoTracker.

The Regional Board, under the authority given by 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 Company Name representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

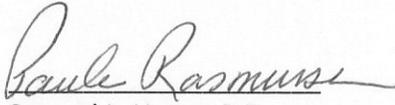
Alan Skobin
Northridge Properties, LLC

- 7 -

June 3, 2015

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SO ORDERED.

sw 
Samuel L. Unger, P.E.

Executive Officer

June 3, 2015

EXHIBIT 3

Agreement and Covenant Not to Sue, Docket No. 2000-03, dated March 16, 2000,
between the U.S. Environmental Protection Agency and Ford Leasing Development Company,
recorded in the Official Records of Los Angeles County, California,
on July 12, 2000, as Instrument No. 00-1062454



LEAD SHEET

00 1062454

RECORDED/FILED IN OFFICIAL RECORDS
 RECORDER'S OFFICE
 LOS ANGELES COUNTY
 CALIFORNIA

JUL 12 2000 AT 8 A.M.

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

D.T.T.

FEE \$208 1

68

CODE 20

D.A FEE Code 20 \$ 2.00

CODE 19

CODE 9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

Recording requested by:)
)
 Chicago Title Company)
)
 And when recorded mail to:)
)
 Ford Leasing Development Company)
 c/o Donald C. Nanney, Esq.)
 Gilchrist & Rutter)
 355 South Grand Avenue, Suite 4100)
 Los Angeles, California 90071)

**NOTICE OF AGREEMENT AND COVENANT NOT TO SUE,
 BETWEEN U.S. ENVIRONMENTAL PROTECTION AGENCY
 AND FORD LEASING DEVELOPMENT COMPANY,
 INCLUDING ACCESS RIGHTS TO REAL PROPERTY**

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, this Notice of Agreement and Covenant Not to Sue, dated as of June 29, 2000 (“**Notice**”), is made and given by the undersigned, Ford Leasing Development Company, a Delaware corporation (“**Ford Leasing**”), which is the owner of that certain real property commonly known as 777 North Front Street, in the City of Burbank, County of Los Angeles, California, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the “**Property**”).

Ford Leasing and an affiliated entity, Ford Front Realty Corp. (“**Ford Front**”), have entered into that certain “Agreement and Covenant Not to Sue Ford Leasing Development Company and Ford Front Realty Corp.”(the “**Agreement**”) with the U.S. Environmental Protection Agency (“**EPA**”), dated March 16, 2000, In the Matter of: San Fernando Valley Area 2 (Crystal Springs) Glendale Operable Units UNDER THE AUTHORITY OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, 42 U.S.C. § 9601, et seq. (“**CERCLA**”), EPA Docket No. 2000-03. A certified copy of the Agreement is attached hereto as Exhibit B and incorporated herein by reference.

This Notice is made pursuant to paragraph 38 of the Agreement, which contains the EPA’s requirement that Ford Leasing record a certified copy of the Agreement in the Recorder’s Office for Los Angeles County, California, after Ford Leasing has received notice from the EPA that the public comment period for the Agreement has expired and that the United States has

determined not to withdraw its consent to the Agreement. Such notice was received by Ford Leasing pursuant to the EPA's notice letter dated June 7, 2000, a true and correct copy of which is attached hereto as Exhibit C and incorporated herein by reference.

Among other things, the Agreement obligates Ford Leasing and successors-in-interest to provide to EPA an irrevocable right of access at all reasonable times to the Property for the purpose of performing and overseeing response actions at the Site (as defined in the Agreement) under state and federal law, including but not limited to CERCLA. Ford Leasing hereby provides to EPA the irrevocable right of access so described and more particularly set forth in paragraph 37 of the Agreement.

The Agreement relates to the Property, which has been initially acquired by Ford Leasing and is the subject of this Notice. The Agreement also relates to certain adjoining real property, which is the subject of a purchase or option agreement in favor of Ford Front but which has not yet been acquired by Ford Front and is not the subject of this Notice. A separate notice will be recorded by Ford Front upon the initial acquisition of such adjoining property.

Finally, while the Property is presently known as 777 North Front Street, the street address will eventually be changed to an even number due to the relocation of Front Street so that the Property, which was formerly located southwest of the intersection of Front Street and Burbank Boulevard, is located southeast of the relocated intersection of those streets.

IN WITNESS WHEREOF, the undersigned has executed this Notice as of the day and year first set forth above.

FORD LEASING DEVELOPMENT COMPANY,
a Delaware corporation,

By: *M.E. Sienkiewicz*
Its: *Vice President*

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EXHIBIT A

Legal description of the Property

Parcel 1:

Lots 14 and 15 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County.

Parcel 2:

Lots 3, 4, 5, 6, 7, 8 and 9 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County.

EXCEPT therefrom those portions thereof described as a whole as follows:

Beginning at the most Northerly corner of said Lot 9; thence Southeasterly along the Northeasterly lines of said Lots 9, 8, 7, 6, 5, 4, 3, to the most Easterly corner of said Lot 3; thence Southwesterly along the Southeasterly line of said Lot 3 to the most Southerly corner thereof; thence Northwesterly along the Southwesterly line of said Lot 3; a distance of 15.28 feet to a point on a curve concave Southwesterly, and having a radius of 1,746 feet; thence Northwesterly along said curve, through an angle of $11^{\circ} 31' 17''$ an arc distance of 351.07 feet to a point on the Northwesterly line of said Lot 9, distant thereon 24.16 feet Southwesterly from said most Northerly corner thereof; thence Northeasterly along said Northwesterly line of said Lot 9, a distance of 24.16 feet to the point of beginning.

Parcel 3:

Lots 10, 11, 12 and 13 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County.

EXCEPT from said land that portion of thereof, described as follows:

Beginning at the most Easterly corner of said Lot 10; thence Southwesterly along the Southeasterly line of said Lot 10; a distance of 24.16 feet; thence Northwesterly along a curve concave Southwesterly and having a radius of 1,746 feet, an arc distance of 198.08 feet to a point on the Northeasterly line of said Lot 13, distant thereon 1.44 feet Southeasterly from the most Northerly corner of Lot 13, thence Southeasterly along the Northeasterly lines of said Lots 13, 12, 11 and 10 to the point of beginning.

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Parcel 4:

Those portions of Lots 16 and 18 in Block 64 of Town of Burbank, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 17, Page 19 of Miscellaneous Records, in the office of the County Recorder of said County, described as a whole as follows:

Beginning at the most Westerly corner of said Lot 18; thence Southeasterly along the Southwesterly line of said lot to the intersection thereof with the Northwesterly line of San Jose Avenue, 60 feet wide, as described in deed recorded in Book 3034, Page 316, Official Records, thence Northeasterly along said Northwesterly line of San Jose Avenue, a distance of 7.52 feet to the Northeasterly line of the land described in deed recorded in Book 33012, Page 309, Official Records, as Parcel 2; thence Northwesterly along said last mentioned Northeasterly line to a point on the Northwesterly line of said Lot 16, distant along the Northwesterly lines of said Lots 18 and 16, 120.02 feet Northeasterly from said most Westerly corner of said Lot 18; thence Southwesterly along said Northwesterly lines of said Lots 16 and 18; a distance of 120.02 feet to the point of beginning.

Parcel 5:

Those portions of Cypress Avenue and Front Street, in the City of Burbank, County of Los Angeles, State of California, as shown on said map of Tract No. of Burbank, as per map recorded in Book 17, Pages 19 et seq. of Miscellaneous Records, in the office of the County Recorder of said County, vacated by Resolution No. 6190, passed by the Council of said City of Burbank, on May 19, 1950, a certified copy thereof having been recorded in Book 33185, Page 116 of Official Records, of said County, and described as a whole as follows:

Beginning at the most Westerly corner of Lot 18 in Block 64 of said Town of Burbank, thence North $41^{\circ} 16' 39''$ East along the Northwesterly lines of said Lots 18 and 16 in said Block 64, a distance of 120.02 feet to the most Northerly corner of the land described as Parcel 2 in said deed to the State of California, recorded in Book 33012, Page 909, Official Records of said County; thence North $24^{\circ} 52' 30''$ West along the Northwesterly prolongation of the Northeasterly line of said Parcel so described in said last mentioned deed, a distance of 65.60 feet to a point in the Northwesterly line of said Cypress Avenue, 60 feet wide, distant thereon 49.66 feet Southwesterly from the most Southerly corner of Lot 1 of Tract No. 5617, as per map recorded in Book 85, Page 77 of Maps; records of said County; thence Southwesterly, along said Northwesterly line of Cypress Avenue, to the intersection thereof with the Southwesterly line of said Front Street, 66 feet wide; thence South $43^{\circ} 33' 18''$ East along said Southwesterly line of Front Street, a distance of 381.53 feet, more or less, to the Southwesterly prolongation of the Northwesterly line of said San Jose Avenue, 60 feet wide; thence along said Southwesterly prolongation, North $41^{\circ} 15' 35''$ East a distance of 65.27 feet to the Southwesterly line of said Lot 18; thence North $43^{\circ} 33' 18''$ West along said Southwesterly line of said Lot 18, a distance of 321.34 feet to the point of beginning.

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Parcel 6:

That portion of Bonnywood Place, as shown on map of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County, vacated by Resolution No. 6190, passed by the Council of said City of Burbank, on May 16, 1950, a certified copy thereof having been recorded in Book 33185, Page 116, Official Records, of said County, and described as follows:

Beginning at the most Northerly corner of Lot 14 in said Tract No. 5617; thence Southeasterly along the Northeasterly lines of Lots 14 and 13 of said Tract, to a point distant thereon 1.44 feet Southeasterly from the most Northerly corner of said Lot 13, said last mentioned point being a point on a curve concave Southwesterly and having a radius of 1,746 feet; thence Northwesterly along said curve, through an angle of $1^{\circ} 14' 24''$ an arc distance of 51.50 feet, to a point on the Northeasterly prolongation of the Northwesterly line of said Lot 14; said last mentioned point being distant along said Northeasterly prolongation 2.55 feet Northeasterly from said most Northerly corner of Lot 14; thence Southwesterly along said Northeasterly prolongation, a distance of 2.55 feet to the point of beginning.

Parcel 7:

Those portions of Lots 3 and 4 in Block 91 of the Rancho Providencia and Scott Tract, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 43, Page 47 et seq. of Miscellaneous Records, of said County, lying Southwesterly of the Southwesterly line of Tract No. 5617, recorded in Book 85, Page 77 of Maps.

EXCEPT therefrom the Southwesterly 67 feet (measured at right angles) of said Lots 3 and 4.

ALSO EXCEPT from said Lot 4 that portion thereof described as follows:

Beginning at the most Southerly corner of Lot 1 of Tract No. 5617, as per map recorded in Book 85, Page 77 of Maps; thence South $41^{\circ} 16' 39''$ West along the Southwesterly prolongation of the Southeasterly line of said Lot 1, a distance of 49.66 feet; thence North $24^{\circ} 62' 30''$ West a distance of 58.54 feet; thence Northwesterly along a curve concave Southwesterly tangent to said last described line and having a radius of 1,746 feet, an arc distance of 66.96 feet to a point on the Southwesterly line of Lot 3, of said Tract 5617, said point being distant along the Southwesterly lines of Lots 1, 2 and 3, Tract No. 5617, a distance of 115.28 feet from said most Southerly corner of Lot 1, thence Southeasterly along the said Southwesterly line of said Lots 3, 2 and 1, a distance of 115.28 feet to the point of beginning.

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Parcel 8:

Those portions of Lots 6, 7 and 8 of Tract No. 2792, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 28, Page 15 of Maps, in the office of the County Recorder of said County, lying Southeasterly of a line parallel with and distant Northwesterly 85 feet at right angles from the Southeasterly line of said Lots 6, 7 and 8.

EXCEPT from said Lots 7 and 8 those portions lying Southwesterly of the Northeasterly line of the land conveyed to the Southern Pacific Railway Company, by deed recorded in Book 4681, Page 111, Official Records, in the office of the County Recorder of said County.

ALSO EXCEPT from said Lot 6 that portion thereof, described as follows:

Beginning at the intersection of the Easterly line of said Lot 6 with a line parallel with and distant 85 feet Northwesterly measured at right angles from the Southeasterly line of said lot; thence Southwesterly along said parallel line a distance of 6.50 feet to a point on a curve concave Southwesterly and having a radius of 1,746 feet; thence Southeasterly along said curve, through an angle of 0° 22' 51" an arc distance of 11.61 feet to a point on said Easterly line of said lot, distant thereon 12.98 feet Southerly from said point of beginning; thence Northerly along said Easterly line a distance of 12.98 feet to the point of beginning.

Parcel 9:

Those portions of Lots 6, 7 and 8 of Tract No. 2792, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 28, Page 15 of Maps, in the office of the County Recorder of said County, lying Northwesterly of a line parallel with and distant Northwesterly 85 feet at right angles from the Southeasterly line of said Lots 6, 7 and 8.

EXCEPT from Lots 7 and 8, those portions lying Westerly of the Easterly lines of Parcels 1 and 2 as described in the deed to Southern Pacific Railroad Company, recorded in Book 4681, Page 111, Official Records.

ALSO EXCEPT that portion of said Lot 8, which lies Westerly of the Easterly line of the land condemned for flood control purposes by Final Decree of Condemnation, entered in Case No. 474741, Los Angeles County Superior Court, a certified copy of said Decree being recorded in Book 19995, Page 375, Official Records.

ALSO EXCEPT for said land that portion thereof described as follows:

Those portions of Lots 6, 7 and 8 of Tract No. 2792, described as follows:

Beginning at the most Northerly corner of said Lot 6; thence South 68° 02' 26" West along the Northwesterly lines of said Lots 6, 7 and 8 to a point distant thereon 19.81 feet

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Southwesterly from the most Northerly corner of said Lot 8; thence South 60° 27' 30" East, a distance of 179.12 feet; thence Southeasterly along a curve concave Southwesterly tangent to the last described line and having a radius of 1,746 feet, an arc distance of 254.95 feet to a point on a line parallel with and distant 85 feet Northwesterly, measured at right angles from the Southeasterly line of said Lot 6; thence North 41° 16' 51" East, along said last mentioned parallel line, a distance of 6.50 feet to the Northeasterly line of Lot 6; thence Northwesterly along said Northeasterly line of Lot 6; a distance of 347.67 feet to the point of beginning.

ALSO EXCEPT from the remainder of said Lots 7 and 8, those portions thereof lying Northwesterly of a line parallel with and distant Southeasterly 60 feet, measured at right angles from, the Northwesterly lines of said Lots 7 and 8.

Parcel 10:

That portion of Lot 5 of Tract No. 2792, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 28, Page 15 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the most Southerly corner of said lot; thence along the Southeasterly line of said Lot 5, North 41° 15' 50" East 40.10 feet to a non-tangent curve concave Southwesterly and having a radius of 1,746.00 feet; thence from a tangent bearing North 49° 20' 21" West, Northwesterly along said curve through an angle of 2° 27' 19", an arc distance of 74.82 feet to a point in the Westerly line of said Lot 5, distant along said Westerly line, 83.75 feet from said most Southerly corner; thence Southerly along said Westerly line 83.75 feet to the point of beginning.

EXCEPT therefrom all minerals, oils, gases and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described without, however the right to drill, dig or mine through the surface thereof as disclosed in deed from the State of California recorded June 9, 1965 as Instrument No. 4355 of Official Records.

Parcel 11:

That portion of Bonnywood Place, lying Northeasterly of Lot 15 and within the Northeasterly prolongations of the Northwesterly and Southeasterly lines of said Lot 15 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County, as vacated by the City Council of said City in Resolution No. 6190 recorded May 19, 1950 in Book 33185, Page 116 of Official Records of said County, described as follows:

Beginning at the most Northerly corner of said Lot 15 in said Tract No. 5617; thence Southeasterly along the Northeasterly lines of Lots 15, 14 and 13 of said Tract, to a point in the Northeasterly line of said Lot 13, distant 1.44 feet Southeasterly from the most Northerly corner of said Lot 13; said point being on curve in the Southwesterly line of the

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land conveyed to the State of California for highway purposes October 19, 1945 by Superior Court Case No. 506667 as shown on Clerk's Field Map No. 2295 in the office of the County Surveyor of said County, said curve being concave Southwesterly, having a radius of 1,746.00 feet: thence Northwesterly along said Southwesterly line, through an angle of $4^{\circ} 13' 59''$ an arc distance of 129.00 feet to a point in the Northeasterly prolongation of the Northwesterly line of said Lot 15, distant Northeasterly thereon 3.50 feet from the most Northerly corner thereof; thence Southwesterly along said prolongation 3.50 feet to the point of beginning.

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2419 37 1998

SCALE 1" = 100'

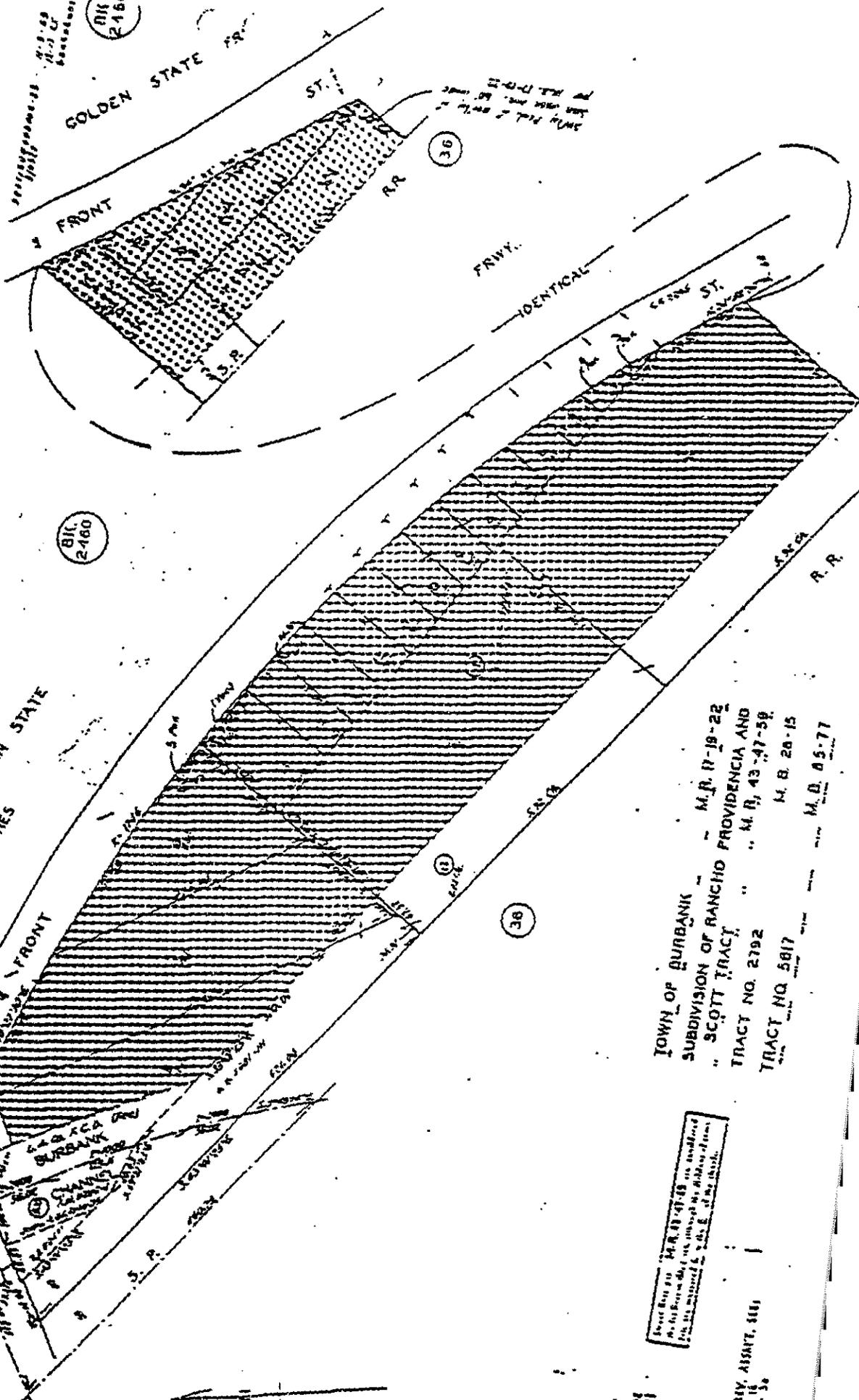
BK 2461

BK 2460

BK 2461

36

36



TOWN OF DULBANK - M.R. 17-19-22
 SUBDIVISION OF RANCHO PROVIDENCIA AND
 SCOTT TRACT " " M.R. 43-47-58
 TRACT NO. 2792 " " M.B. 26-15
 TRACT NO. 5817 " " M.D. 05-77

Record Map No. 10 M.R. 43-47-58 as amended
 by the Board of Survey, 1958, through the platting of
 this subdivision by the E. of the State.

Code 9971

FOR FURTHER ASSESSMENT, SEE
1971-18
2419-37

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EXHIBIT B

Certified Copy of Agreement



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

ATTESTATION OF CUSTODIAN

I, Marie Rongone, Senior Counsel, attest that I have shown an original of the official agency record listed below to the Freedom of Information Officer for EPA Region 9 and that the copy attached is a true and correct copy of the listed record for the San Fernando Valley Area 2, Glendale Operable Unit.

- 1. AGREEMENT AND COVENANT NOT TO SUE FORD LEASING DEVELOPMENT COMPANY AND FORD FRONT REALTY CORP., Docket No. 2000-03. (51 pgs)

Date 6/28/2000

Marie Rongone
Marie Rongone
Senior Counsel

Attachment

CERTIFICATION OF AUTHENTICITY

I, Sharon A. Jang, Freedom of Information Officer, United States Environmental Protection Agency, Region 9, attest that the attached copies of the documents listed above is a true and correct copy of the official agency document held in my custody.

SUBSCRIBED UNDER PENALTY THIS 28th DAY OF JUNE 2000.

Sharon A. Jang
Sharon A. Jang
Freedom of Information Officer

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CERTIFICATION

I, Nancy J. Marvel, Regional Counsel, United States Environmental Protection Agency, Region 9, certify that the official whose signature appears above has the legal custody pursuant to 40 C.F.R. Section 2.406 of the original documents of which a copy is attached, as witnessed by my signature and the official seal of the United States Environmental Protection Agency which appears below.

DATED: June 28, 2000

Nancy J. Marvel
Nancy J. Marvel
Regional Counsel



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Marie M. Rongone
Assistant Regional Counsel
United States Environmental
Protection Agency
75 Hawthorne St., ORC-3
San Francisco, CA 94105
(415) 744-1313

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

IN THE MATTER OF:)	
San Fernando Valley)	Docket No. 2000-03
Area 2 (Crystal Springs))	
Glendale Operable Units)	
UNDER THE AUTHORITY OF THE)	AGREEMENT AND COVENANT
COMPREHENSIVE ENVIRONMENTAL)	NOT TO SUE FORD LEASING
RESPONSE, COMPENSATION, AND)	DEVELOPMENT COMPANY AND
LIABILITY ACT OF 1980, 42 U.S.C.)	FORD FRONT REALTY CORP.
§ 9601, <u>et seq.</u> , as amended.)	
)	

I. INTRODUCTION

1. This Agreement and Covenant Not to Sue ("Agreement") is made and entered into by and between the United States, on behalf of the Environmental Protection Agency ("EPA"), on the one hand, and Ford Leasing Development Company, a Delaware corporation ("Ford Leasing"), and Ford Front Realty Corp., a Delaware corporation ("Ford Front"), on the other hand.

2. This Agreement is entered into pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, et seq., and the authority of the Attorney General of the United States to compromise and settle claims of the United States.

3. Ford Leasing and Ford Front (each individually referred to as a "Settling Respondent" and jointly as the "Initial Settling Respondents") are wholly owned subsidiaries of Ford Motor Company and are principally officed at One Parklane Boulevard, Suite 1500 East, Dearborn, Michigan, 48126. On or about June 27, 1997, Herbert F. Boeckmann, II, entered into an option agreement with ZERO Corporation ("ZERO"), and later assigned the option agreement to Settling Respondent Ford Leasing. Settling Respondent Ford Leasing has exercised the option under the option agreement and has purchased certain improved real property

located in the City of Burbank, County of Los Angeles, State of California, which is located at the southwest corner of Burbank Boulevard and Front Street as the intersection of those streets is presently configured (following planned relocation of Front Street, the location of the property will be at the southeast corner), and which is more particularly described in Exhibit 1 to this Agreement. Settling Respondent Ford Front has entered into an agreement or option to purchase two other separate parcels of real property, which are adjacent to the real property described in Exhibit 1, and which are currently owned by the City of Burbank and more particularly described in Exhibit 2 to this Agreement. The Initial Settling Respondents intend to develop the Property into a retail automobile dealership sales and service facility with related amenities (the "Project").

4. Portions of the Property currently include certain improvements, including approximately six buildings that from approximately 1962 through 1991 housed certain manufacturing operations. Since 1991, portions of the Property have been rented for filming of motion picture or television productions and other marginal uses.

5. The Property consists of a total of approximately 12.1 acres. A portion of the Property was previously owned and operated by ZERO (see Exhibit 1). A portion of the Property

currently is owned and operated by the City of Burbank (see Exhibit 2).

6. The Property is located within the San Fernando Valley Area 2 Crystal Springs Superfund Site.

7. The Parties agree to undertake all actions required by the terms and conditions of this Agreement. The purpose of this Agreement is to settle and resolve, subject to the reservations and limitations contained herein, the potential liability of the Settling Respondents for the Existing Contamination (as defined below) at the Property that otherwise would arise under Sections 106 and/or 107(a) of CERCLA, 42 U.S.C. §§ 9606 and 9607(a), and/or Section 7003 of RCRA, 42 U.S.C. § 6973.

8. The Parties agree that each Settling Respondent's entry into this Agreement or consent to be bound by the terms of this Agreement, and the actions undertaken by any of the Settling Respondents in accordance with this Agreement, do not constitute an admission of any liability by any of the Settling Respondents.

The resolution of this potential liability, in exchange for provision by the Settling Respondents to EPA of a substantial benefit, is in the public interest.

II. DEFINITIONS

9. Unless otherwise expressly provided herein, terms used in this Agreement that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations, including any amendments thereto.

10. "EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies.

11. "Existing Contamination" shall mean, with respect to each Settling Respondent:

a. Any hazardous substances, pollutants or contaminants, present or existing on or under the Property as of the effective date of this Agreement applicable to that Settling Respondent and for which that Settling Respondent was not liable in any way prior to that effective date.

b. Any hazardous substances, pollutants or contaminants that (1) migrated from the Property, or the portion thereof acquired by that Settling Respondent, prior to the effective date of this Agreement applicable to that Settling Respondent; or (2) migrate from the Property, or the portion thereof acquired by that Settling Respondent, after the effective date of this Agreement applicable to that Settling Respondent, provided that such Settling Respondent was not liable in any way prior to that

effective date for such hazardous substances, pollutants or contaminants and does not cause or contribute to the migration of such hazardous substances, pollutants or contaminants from the Property or the portion thereof acquired by that Settling Respondent.

c. Any hazardous substances, pollutants or contaminants that migrate onto or under the Property or any portion thereof after the effective date of this Agreement applicable to that Settling Respondent, provided that such Settling Respondent was not liable in any way prior to that effective date for such hazardous substances, pollutants or contaminants and does not cause or contribute to the migration of such hazardous substances, pollutants or contaminants onto or under the Property or any portion thereof.

12. "Parties" shall mean EPA and the Settling Respondents collectively. Individual parties are sometimes referred to individually as a "Party."

13. "Property" shall mean that certain real property that is described in Exhibits 1 and 2 of this Agreement.

14. "Settling Respondent" shall mean, individually and as applicable to the context, Ford Leasing, Ford Front or any assignee or transferee that has consented to be bound by the terms of this Agreement pursuant to paragraphs 49, 50 and 52.

"Initial Settling Respondents" shall mean Ford Leasing and Ford Front. "Settling Respondents" shall mean, collectively, Ford Leasing, Ford Front and any and all assignees or transferees that have consented to be bound by the terms of this Agreement pursuant to paragraphs 49, 50, and 52.

15. "Site" shall mean the San Fernando Valley Area 2 Crystal Springs Superfund Site generally encompassing the cities of Burbank and Glendale in the State of California. The Site is depicted generally on the map attached as Exhibit 3. The Site shall include the Property and all areas to which hazardous substances and/or pollutants or contaminants from the Site have come to be located.

16. "United States" shall mean the United States of America, its departments, agencies, and instrumentalities.

III. STATEMENT OF FACTS

17. Settling Respondent Ford Leasing is in the business of acquiring, developing and building automobile dealerships and related amenities for sale or lease to dealerships. Settling Respondent Ford Front was formed for the purpose of acquiring, developing and building facilities for automobile dealership(s) and related amenities at the Property for sale or lease to dealerships.

18. Settling Respondent Ford Leasing has acquired a portion of

the Property; Settling Respondent Ford Front has entered into an agreement or option to acquire other portions of the Property; and the Initial Settling Respondents plan to construct an automobile dealership sales and service facility and related amenities on the Property.

19. The Property consists of approximately 12.1 acres that were, in part, formerly used and zoned for industrial use and have been owned and operated by ZERO (see Exhibit 1) or the City of Burbank (see Exhibit 2). The Property is within the San Fernando Valley Area 2, Crystal Springs Superfund Site. The Site includes the Glendale North and South Operable Units. The Site includes contamination to regional groundwater as the result of volatile organic compounds ("VOCs") including, but not limited to, trichloroethylene ("TCE") and tetrachloroethylene ("PCE"), as well as areas to which the contamination has migrated.

20. Based on subsurface contamination at portions of the Property, ZERO has been included in EPA's enforcement actions at the Site.

21. The Property is within a City of Burbank redevelopment plan area. Such area includes blighted properties. The goal of the redevelopment plan is to revitalize said blighted properties in the redevelopment area by putting them to a more productive and beneficial use.

22. The City of Burbank considers the Project to be in the best interests of the public.

23. The City of Burbank supports the Project and has so notified EPA.

24. The Project will convert the Property into a more productive and beneficial retail use.

25. The Project will generate substantial benefits for the City of Burbank and the public at large. These benefits include long term economic benefits from the retail sales tax revenues generated by the Project. In addition, the Project will result in sales tax revenue on construction. Other income will be derived from property tax revenues, business license taxes, and other government fees.

26. The City of Burbank stands to benefit further from the Project, not only due to the sales tax revenues, but also because the Project is expected to encourage further redevelopment in the area.

27. The Property is located within the Site. EPA has collected information and conducted its own investigation of the Site. A portion of the Property has been known to EPA and referred to in certain EPA documents as the ZERO facility.

28. The Initial Settling Respondents do not operate a facility within the Site and are not, and have never been, named or

identified as responsible parties for or at the Site.

29. The Project will create a substantial number of construction-related jobs and an estimated 125-150 employment positions.

30. The Project will provide substantial and meaningful employment opportunities. The workforce will be engaged in jobs requiring varying degrees of training, and many of the workers will be highly skilled at their positions.

31. As a part of the Project, the Initial Settling Respondents will contribute to public art in the City of Burbank.

32. The Project is located immediately adjacent to the "Metrolink" station, thereby promoting the use of mass transport for employees, service department customers, and/or prospective automobile purchasers.

33. The Initial Settling Respondents represent, and for the purposes of this Agreement EPA relies on said representations, that the Initial Settling Respondents' involvement with the Property has been limited to inspecting and performing environmental and other due diligence with respect to the Property in connection with Settling Respondent Ford Front's proposed acquisition of the City portions of the Property, and in connection with Settling Respondent Ford Leasing's completing its acquisition of the ZERO portion of the Property.

IV. PAYMENT

34. In consideration of and in exchange for the United States' Covenant Not to Sue in Section VIII herein, the Initial Settling Respondents agree to pay to EPA the sum of \$ 150,000, within thirty (30) days of the date that the Initial Settling Respondents receive notice from the EPA that the public comment period for this Agreement has expired and that the United States has determined not to withdraw its consent to this Agreement. The Initial Settling Respondents shall make all payments required by this Agreement in the form of a certified check or checks made payable to "EPA Hazardous Substance Superfund," referencing the EPA Region IX, EPA Docket number, and Site/Spill ID # 091G, 091H, and 09N2, DOJ case number 90-11-2-442A, if applicable, and the name and address of Initial Settling Respondents. The obligation of the Initial Settling Respondents to make this payment shall be joint and several. The Initial Settling Respondents shall send such payments to the following address:

U.S. EPA
 Region IX, Attn: Superfund Accounting
 P.O. Box 360863M
 Pittsburgh, PA 15251

Notice of payment shall be sent to those persons listed in Section XV (Notices and Submissions) and to EPA Region IX Financial Management Officer:

Catherine Shen
Financial Management Specialist (PMD-6)
USEPA Region IX
75 Hawthorne St.
San Francisco, CA 94105

The total amount to be paid to EPA shall be placed in the Glendale Special Account and used to conduct or finance the response action at or in connection with the Glendale North and South Operable Units. Any balance remaining in the Glendale Special Account at the completion of the response at or in connection with the Glendale North and South Operable Units shall be deposited in the EPA Hazardous Substance Superfund.

35. Amounts due and owing pursuant to the terms of this Agreement but not paid in accordance with the terms of this Agreement shall accrue interest at the rate established pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), compounded on an annual basis.

36. If the Initial Settling Respondents do not perform pursuant to paragraphs 34 and 35 of this Agreement, they shall be deemed to be in material default of this Agreement.

V. ACCESS/NOTICE TO SUCCESSORS-IN-INTEREST

37. Commencing upon the date that any Settling Respondent acquires title to any part of the Property, such Settling Respondent agrees to provide to EPA, its authorized officers, employees, representatives, and all other persons performing

response actions under EPA or state oversight, an irrevocable right of access at all reasonable times to the portions of the Property it has acquired and to any other property to which access is required for the implementation of response actions at the Site, to the extent access to such other property is controlled by such Settling Respondent, for the purposes of performing and overseeing response actions at the Site under federal and state law. EPA agrees to provide reasonable notice to then existing Settling Respondents, to the extent practicable, of the timing of response actions to be undertaken at the Property if such actions are undertaken by EPA and will use reasonable efforts to minimize interference with the use of the Property; provided, however, that nothing herein shall provide any Settling Respondent with a claim or cause of action against EPA including, without limitation, any claim or cause of action for injunctive relief. Notwithstanding any provision of this Agreement, EPA retains all of its access authorities and rights, including enforcement authorities related thereto, under CERCLA, the Solid Waste Disposal Act, as amended by RCRA, 42 U.S.C. § 6901 et seq., and any other applicable statute or regulation, including any amendments thereto.

38. With respect to each portion of the Property that is initially acquired by a Settling Respondent, within thirty (30)

days after the later of either (a) the effective date of this Agreement applicable to that initially acquired portion of the Property, or (b) the date that the Initial Settling Respondents receive notice from the EPA that the public comment period for this Agreement has expired and that the United States has determined not to withdraw its consent to this Agreement, the initially acquiring Settling Respondent shall record a certified copy of this Agreement, as against the portion of the Property that has been initially acquired by that Settling Respondent, with the Recorder's Office or Registry of Deeds for Los Angeles County, State of California. That Settling Respondent shall include with the copy of this Agreement to be recorded a statement identifying the portion of the Property that has been initially acquired by that Settling Respondent and with respect to which the recordation of this Agreement applies. Thereafter, each deed, title, or other instrument conveying an interest in the portions of the Property that any Settling Respondent has acquired shall contain a notice stating that the Property is subject to this Agreement. A copy of these documents should be sent to the persons listed in Section XV (Notices and Submissions).

39. Each Settling Respondent shall ensure that assignees, successors-in-interest, lessees, and sublessees of the portions

of the Property such Settling Respondent has acquired shall provide the same access and cooperation as required of all Settling Respondents under the terms of this Agreement. Each Settling Respondent shall ensure that a copy of this Agreement is provided to any current lessee or sublessee on the portions of the Property such Settling Respondent has acquired as of the applicable effective date of this Agreement and shall ensure that any subsequent leases, subleases, assignments or transfers of the Property or an interest in the Property are consistent with this Section, and Section XI (Parties Bound/Transfer of Covenant), of this Agreement.

VI. DUE CARE/COOPERATION

40. Each Settling Respondent that acquires any portion of the Property shall exercise due care at the Site with respect to the Existing Contamination and shall comply with all applicable local, State, and federal laws and regulations. Settling Respondents recognize that the implementation of response actions at the Site may interfere with Settling Respondents' use of the Property and may require closure of their operations or a part thereof. Each Settling Respondent that acquires any portion of the Property agrees to cooperate fully with EPA in the implementation of response actions at the Site and further agrees not to interfere with such response actions. EPA agrees,

consistent with its responsibilities under applicable law, to use reasonable efforts to minimize interference with any Settling Respondent's operations by such entry and response; provided, however, that nothing herein shall provide any Settling Respondent with a claim or cause of action against EPA including, without limitation, any claim or cause of action for injunctive relief. In the event any Settling Respondent that acquires any portion of the Property becomes aware of any action or occurrence that causes or threatens a release of hazardous substances, pollutants or contaminants at or from the Property that constitutes an emergency situation or that may present an immediate threat to the public health or welfare or the environment, such Settling Respondent shall immediately take all appropriate action to prevent, abate, or minimize such release or threat of release, and shall, in addition to complying with any applicable notification requirements under Section 103 of CERCLA, 42 U.S.C. § 9603, or any other law, immediately notify EPA of such release or threatened release.

VII. CERTIFICATION

41. Upon entering into this Agreement, each of the Initial Settling Respondents certifies, and upon subsequently consenting to be bound by the terms of this Agreement, each subsequent Settling Respondent certifies, that to the best of its knowledge

and belief it has fully and accurately disclosed to EPA all information known to such Settling Respondent and all information in the possession or control of its officers, directors, employees, contractors and agents that relates in any way to any Existing Contamination or any past or potential future release of hazardous substances, pollutants or contaminants at or from the Property or otherwise relates in any way to its qualification for this Agreement; provided, however, that no Settling Respondent shall be obligated to produce any privileged or confidential communications with the exception of any data that may be contained therein. Each Settling Respondent also certifies that, to the best of its knowledge and belief, it has not caused or contributed to a release or threat of release of hazardous substances or pollutants or contaminants at the Site. If the United States determines that information provided by the Initial Settling Respondents is not materially accurate and complete, this Agreement, at the sole discretion of the United States, shall be voidable and the United States reserves all rights it may have in the event of such occurrence. If the United States determines that information provided by any subsequent Settling Respondent is not materially accurate and complete, this Agreement, at the sole discretion of the United States, shall be voidable as to that Settling Respondent and the United States

reserves all rights it may have in the event of such occurrence.

VIII. UNITED STATES' COVENANT NOT TO SUE

42. Subject to the Reservation of Rights in Section IX of this Agreement, upon payment of the amount specified in Section IV (Payment) of this Agreement, the United States covenants not to sue or take any other civil or administrative action against any Settling Respondent for any and all civil liability for injunctive relief or reimbursement of response costs pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. §§ 9606 or 9607(a), or Section 7003 of RCRA, 42 U.S.C. § 6973, with respect to the Existing Contamination.

IX. RESERVATION OF RIGHTS

43. The covenant not to sue set forth in Section VIII, above (United States' Covenant Not to Sue), does not pertain to any matters other than those expressly specified therein. The United States reserves, and this Agreement is without prejudice to, all rights against each Settling Respondent with respect to all other matters including, but not limited to, the following:

- a. claims based on a failure by that Settling Respondent to meet a requirement of this Agreement including, but not limited to, Section IV (Payment), Section V (Access/Notice to Successors-in-Interest), Section VI (Due Care/Cooperation), Section VII (Certification), and Section XIV (Payment of Costs);

b. any liability resulting from past or future releases of hazardous substances, pollutants or contaminants at or from the Site caused or contributed to by that Settling Respondent, its successors, assignees, lessees or sublessees;

c. any liability resulting from exacerbation by that Settling Respondent, its successors, assignees, lessees or sublessees, of Existing Contamination;

d. any liability of that Settling Respondent resulting from the release or threat of release of hazardous substances, pollutants or contaminants at or from the Site after the effective date of this Agreement applicable to such Settling Respondent, not within the definition of Existing Contamination;

e. criminal liability;

f. liability for damages for injury to, destruction of, or loss of natural resources and for the costs of any natural resource damage assessment incurred by federal agencies other than EPA; and

g. liability for violations by that Settling Respondent of local, state or federal law or regulations.

44. With respect to any claim or cause of action asserted by the United States, the applicable Settling Respondent(s) shall bear the burden of proving that the claim or cause of action, or any part thereof, is attributable solely to Existing

Contamination.

45. Nothing in this Agreement is intended as a release or covenant not to sue for any claim or cause of action, ~~administrative or judicial, civil or criminal, past or future, in~~ law or in equity, that the United States may have against any person, firm, corporation or other entity not a Party to this Agreement.

46. Except as provided in paragraphs 50 and 52 of this Agreement, nothing in this Agreement is intended to limit the right of EPA to undertake future response actions at the Site or to seek to compel parties other than Settling Respondents to perform or pay for response actions at the Site. Nothing in this Agreement shall in any way restrict or limit the nature or scope of the response actions that may be taken or be required by EPA, in exercising its authority under federal law. Each Settling Respondent acknowledges that it is purchasing or acquiring an interest in property where response actions may be required.

X. SETTLING RESPONDENTS' COVENANT NOT TO SUE

47. In consideration of the United States' Covenant Not To Sue in Section VIII of this Agreement, each Settling Respondent hereby covenants not to sue and not to assert any claims or causes of action against the United States, including any department, agency or instrumentality of the United States, or

its authorized officers, employees, or representatives, with respect to the Site or this Agreement, including, but not limited to, any direct or indirect claims for reimbursement from the Hazardous Substance Superfund established pursuant to the Internal Revenue Code, 26 U.S.C. § 9507, through CERCLA Sections 106(b)(2), 111, 112, 113, 42 U.S.C. §§ 9606(b)(2), 9611, 9612, 9613, or any other provision of law; any claim under CERCLA Sections 107 or 113, 42 U.S.C. §§ 9607, 9613, related to the Site; any claim under the Equal Access to Justice Act, 28 U.S.C. § 2412, or any claim under common law, related to the Site; or any other claims arising out of response activities at the Site, including claims based on EPA's oversight of such activities or approval of plans for such activities.

48. Each Settling Respondent reserves, and this Agreement is without prejudice to, actions against the United States based on negligent actions taken directly by the United States, not including oversight or approval of that Settling Respondent's plans or activities, that are brought pursuant to any statute other than CERCLA or RCRA and for which the waiver of sovereign immunity is found in a statute other than CERCLA or RCRA.

Nothing herein shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. § 300.700(d).

XI. PARTIES BOUND/TRANSFER OF COVENANT

49. This Agreement shall apply to and be binding upon the United States and shall apply to and be binding on Settling Respondents, their officers, directors, employees, and agents.

Each signatory of a Party to this Agreement represents that he or she is fully authorized to enter into, or to consent to be bound by, the terms and conditions of this Agreement and to legally bind such Party.

50.

a. Notwithstanding any other provisions of this Agreement, all of the rights, benefits and obligations conferred upon each Settling Respondent under this Agreement may be assigned or transferred in whole or in part with the prior written consent of EPA at its sole discretion, to any person to whom such Settling Respondent may sell, lease, assign or transfer all or portions of the Property or this Agreement, and this Agreement shall apply to the purchaser, lessee, assignee or transferee with respect to this Agreement or the Property or the portion thereof transferred.

b. No transferee of all or a portion of the Property or this Agreement shall have any right under this Agreement (except to the extent that paragraph 50.c applies), including any right under Section VIII (United States' Covenant Not to Sue) or

Section XVIII (Contribution Protection), unless:

(1) At least thirty (30) days before the transfer, the transferee shall have submitted to EPA an affidavit that identifies the transferee and the property to be transferred, describes the proposed transfer, and certifies that:

(A) the transferee has not caused or contributed to the release or threat of release of any amount of the Existing Contamination;

(B) the transferee's use of the Property will not result in a release or threat of release of any hazardous substance;

(C) the transferee's use of the Property will not cause or contribute to the migration or release of any Existing Contamination or any threat to human health or the environment caused by any such release or threat of release; and

(D) the person signing the affidavit is fully authorized to make the foregoing certifications and to legally bind the transferee;

(2) EPA has consented in writing to the transfer of the rights, benefits and obligations conferred under this Agreement to the person acquiring or taking possession of all or a portion of the Property. EPA will provide the transferring Settling Respondent with its determination within thirty (30)

days of receipt of the transferee's affidavit. Any failure by EPA to render a decision within thirty (30) days shall be construed as a denial, but denial shall not preclude later approval by EPA; and

(3) Prior to or simultaneous with the transfer of all or a portion of the Property or this Agreement, the transferee shall consent in writing to be bound by and perform, from the date of transfer, all of the terms and obligations of the Agreement applicable to it as a Settling Respondent. These terms and obligations include, but are not limited to, those set forth in paragraphs 37, 38, 39 (Access/Notice to Successors in Interest), 40 (Due Care/Cooperation), 43, 44, 45, 46, (Reservation of Rights), 47 (Settling Respondent's Covenant Not to Sue), 49, 50, 51, 52 (Parties Bound/Transfer of Covenant), 53 (Disclaimer), 54 (Document Retention), 55 (Payment of Costs), 56 (Notices), 61 and 62 (Notice of Contribution Suits) of this Agreement.

c. Any lessee or sublessee (collectively "lessee") of the Property or any portion thereof may obtain the rights and benefits established by this Agreement, including any right under Section VIII (United States' Covenant Not to Sue) or Section XVIII (Contribution Protection), by providing to EPA, prior to the date of tenancy, the written certification set forth in

Exhibit 4. However, if at any time EPA determines that the lessee's certification is not materially accurate or complete, the Covenant Not to Sue and Contribution Protection shall be null and void with respect to the lessee, and the United States reserves all rights it may have against the lessee. Any lessee that is unable to provide the written certification set forth in Exhibit 4 may obtain the rights and benefits of this Agreement only by complying with the transfer requirements of paragraph 50.b. Whenever a lessee that has obtained the rights and benefits of this Agreement pursuant to this paragraph or paragraph 50.b vacates the Property, the Settling Respondent that was the lessor or sublessor shall provide EPA written notice of the vacancy within thirty (30) days of the date upon which the lessee vacates.

51. Any Settling Respondent that requests the EPA's consent to a sale, lease, assignment, or other transfer of the Property, or portion thereof, or this Agreement agrees to pay the reasonable costs incurred by EPA to review the request for consent. The Settling Respondent agrees to pay such costs within thirty (30) days of Settling Respondent's receipt of a bill from EPA for such costs. Payments shall be made in the manner provided for payments under paragraphs 34 and 35 of this Agreement.

52. In the event of an assignment or transfer of the Property,

or of this Agreement, the assignor or transferor shall continue to be bound by all the terms and conditions, and be subject to all the benefits, of this Agreement, except to the extent that EPA and the assignor or transferor otherwise agree and accordingly modify this Agreement, in writing.

XII. DISCLAIMER

53. This Agreement in no way constitutes a finding by EPA as to the risks to human health and the environment that may be posed by contamination at the Property or the Site, nor constitutes any representation by EPA that the Property or the Site is fit for any particular purpose.

XIII. DOCUMENT RETENTION

54. Settling Respondents agree to retain and make available to EPA all business and operating records, contracts, site studies and investigations, and documents relating to operations at the Property, for at least ten years following the initial effective date of this Agreement (i.e., March 25, 1998), unless otherwise agreed to in writing by the Parties. At the end of ten years, Settling Respondents shall notify EPA of the location of such documents and shall provide EPA with an opportunity to copy any documents at EPA's expense.

XIV. PAYMENT OF COSTS

55. If any Settling Respondent fails to comply with the terms of this Agreement including, but not limited to, the provisions of Section IV (Payment) of this Agreement, such Settling Respondent shall be liable for all litigation and other enforcement costs incurred by the United States to enforce this Agreement or otherwise obtain compliance as a result of such failure.

XV. NOTICES AND SUBMISSIONS

56. Notices to the Initial Settling Respondents shall be sent to:

Ford Leasing Development Company
One Parklane Boulevard
Suite 1500 East
Dearborn, MI 48126
attention: N.E. Siroskey

and/or to

Ford Front Realty Corp.
One Parklane Boulevard
Suite 1500 East
Dearborn, MI 48126
attention: N.E. Siroskey

as applicable, with a copy to

Michael Laber, Esq.
Office of the General Counsel
Ford Motor Company
Parklane Towers East, Suite 728
One Parklane Boulevard
Dearborn, MI 78126-2493

Notices to any subsequent Settling Respondent shall be sent to the address for notices provided by each such Settling

Respondent, upon becoming a Settling Respondent, to the other Parties. Each Settling Respondent may change its address for notices by giving written notice of such change to the other Parties.

57. Notices to EPA shall be sent to:

Marie M. Rongone
Senior Counsel
U.S. EPA Region IX, ORC-3
75 Hawthorne Street
San Francisco, CA 94105

with copies to:

Remedial Project Manager
Glendale Operable Unit
SFD-7-4
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

and

David Glazer
Trial Attorney
U.S. Department of Justice
301 Howard Street, Suite 870
San Francisco, CA 94105
Ref. DOJ #90-11-2-442A

and

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
Ref. DOJ #90-11-2-442A

The EPA may change its address for notices by giving written

notice of such change to the Settling Respondents.

XVI. EFFECTIVE DATE

58. On March 25, 1998, Settling Respondent Ford Leasing acquired title and took possession or control of a portion of the Property, at its own risk, before EPA completed its review of the public comments pursuant to paragraph 67 of this Agreement, and before the Superfund Division Director and the Assistant Attorney General consented to and executed this Agreement. Settling Respondent Ford Front, which has an agreement with the City of Burbank to acquire title or an interest in two separate portions of the Property, may or may not have acquired and taken possession or control of such other portions of the Property before those events. If the Superfund Division Director and the Assistant Attorney General execute this Agreement and the United States does not withdraw its consent to this Agreement after reviewing public comments, then the effective date of this Agreement shall be March 25, 1998, as to Settling Respondent Ford Leasing, and the effective date of this Agreement as to each other Settling Respondent, with respect to the portion of the Property for which such other Settling Respondent has acquired title or an interest and has taken possession or control, shall be the date upon which that other Settling Respondent acquired title or an interest in and took possession or control of that

portion of the Property. Hence, for example, if on date "X" Settling Respondent Ford Front (or its successor or assign under this Agreement) acquires title or an interest in and takes possession and control of one of the separate portions of the Property that is the subject of the agreement with the City of Burbank, then this Agreement shall become effective on date "X" for that Settling Respondent for that portion of the Property; and, likewise, if on date "Y" Settling Respondent Ford Front (or its successor or assign under this Agreement) acquires title or an interest in and takes possession and control of another portion of the Property that is the subject of the agreement with the City of Burbank, then this Agreement shall become effective on date "Y" for that Settling Respondent for that portion of the Property. If the Superfund Division Director or the Attorney General does not execute this Agreement, or if the United States withdraws or modifies its consent to this Agreement after reviewing public comments, then there is no Agreement and no effective date.

XVII. TERMINATION

59. If any Party believes that any or all of the obligations under Section V (Access/Notice to Successors-in-Interest) are no longer necessary to ensure compliance with the requirements of this Agreement, that Party may request in writing that the other

Party agree to terminate the provision(s) establishing such obligations; provided, however, that the provision(s) in question shall continue in force unless and until the party requesting such termination receives written agreement from the other party to terminate such provision(s).

XVIII. CONTRIBUTION PROTECTION

60. With regard to claims for contribution against any Settling Respondent, the Parties hereto agree that such Settling Respondent is entitled to protection from contribution actions or claims as provided by CERCLA Section 113(f)(2), 42 U.S.C. § 9613(f)(2), for matters addressed in this Agreement. The matters addressed in this Agreement are all response actions taken or to be taken and response costs incurred or to be incurred by the United States or any other person for the Site with respect to the Existing Contamination.

61. Each Settling Respondent agrees that, with respect to any suit or claim for contribution brought by it for matters related to this Agreement, it will notify the United States in writing no later than sixty (60) days prior to the initiation of such suit or claim.

62. Each Settling Respondent also agrees that, with respect to any suit or claim for contribution brought against it for matters related to this Agreement, it will notify in writing the United

States within ten (10) days of service of the complaint on it.

XIX. EXHIBITS

63. Exhibit 1 shall mean the description of certain real property that is the subject of this Agreement.

64. Exhibit 2 shall mean the description of certain additional real property that is also the subject of this Agreement.

65. Exhibit 3 shall mean the map depicting the Site.

66. Exhibit 4 shall mean the form for Lessee's Certification of Compliance With Agreement and Covenant Not to Sue.

XXI. PUBLIC COMMENT

67. This Agreement shall be subject to a thirty-day public comment period, after which the United States may modify or withdraw its consent to this Agreement if comments received disclose facts or considerations that indicate that this Agreement is inappropriate, improper or inadequate.

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AGREEMENT AND COVENANT NOT TO SUE FORD LEASING DEVELOPMENT
COMPANY AND FORD FRONT REALTY CORP.

IT IS SO AGREED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BY: Keith Takata
Keith Takata
Chief, Superfund Division
Region IX

1-25-00
Date

IT IS SO AGREED:

BY: _____
Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Date

AGREEMENT AND COVENANT NOT TO SUE FORD LEASING DEVELOPMENT COMPANY AND FORD FRONT REALTY CORP.

IT IS SO AGREED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BY: Keith Takata
Keith Takata
Chief, Superfund Division
Region IX

1-25-00
Date

IT IS SO AGREED:

BY: Lois J. Schiffer
Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

3/16/00
Date

AGREEMENT AND COVENANT NOT TO SUE FORD LEASING DEVELOPMENT COMPANY AND FORD FRONT REALTY CORP.

IT IS SO AGREED:

FORD LEASING DEVELOPMENT COMPANY

BY: _____ 12/2/99
 Name Date

 N. E. Siroskey
 Vice President

 Title

IT IS SO AGREED:

FORD FRONT REALTY CORP.

BY: _____ 12/2/99
 Name Date

 N. E. Siroskey
 Vice President

 Title

EXHIBIT 1

Parcel 1:

Lots 14 and 15 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County.

Parcel 2:

Lots 3, 4, 5, 6, 7, 8 and 9 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County.

EXCEPT therefrom those portions thereof described as a whole as follows:

Beginning at the most Northerly corner of said Lot 9; thence Southeasterly along the Northeasterly lines of said Lots 9, 8, 7, 6, 5, 4, 3, to the most Easterly corner of said Lot 3; thence Southwesterly along the Southeasterly line of said Lot 3 to the most Southerly corner thereof; thence Northwesterly along the Southwesterly line of said Lot 3; a distance of 15.28 feet to a point on a curve concave Southwesterly, and having a radius of 1,746 feet; thence Northwesterly along said curve, through an angle of 11° 31' 17" an arc distance of 351.07 feet to a point on the Northwesterly line of said Lot 9, distant thereon 24.16 feet Southwesterly from said most Northerly corner thereof; thence Northeasterly along said Northwesterly line of said Lot 9, a distance of 24.16 feet to the point of beginning.

Parcel 3:

Lots 10, 11, 12 and 13 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County.

EXCEPT from said land that portion of thereof, described as follows:

Beginning at the most Easterly corner of said Lot 10; thence Southwesterly along the Southeasterly line of said Lot 10; a distance of 24.16 feet; thence Northwesterly along a curve concave Southwesterly and having a radius of 1,746 feet, an arc distance of 198.08 feet to a point on the Northeasterly line of said Lot 13, distant thereon 1.44 feet Southeasterly from the most Northerly corner of Lot 13, thence Southeasterly along the Northeasterly lines of said Lots 13, 12, 11 and 10 to the point of beginning.

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Parcel 4:

Those portions of Lots 16 and 18 in Block 64 of Town of Burbank, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 17, Page 19 of Miscellaneous Records, in the office of the County Recorder of said County, described as a whole as follows:

Beginning at the most Westerly corner of said Lot 18; thence Southeasterly along the Southwesterly line of said lot to the intersection thereof with the Northwesterly line of San Jose Avenue, 60 feet wide, as described in deed recorded in Book 3034, Page 316, Official Records, thence Northeasterly along said Northwesterly line of San Jose Avenue, a distance of 7.52 feet to the Northeasterly line of the land described in deed recorded in Book 33012, Page 309, Official Records, as Parcel 2; thence Northwesterly along said last mentioned Northeasterly line to a point on the Northwesterly line of said Lot 16, distant along the Northwesterly lines of said Lots 18 and 16, 120.02 feet Northeasterly from said most Westerly corner of said Lot 18; thence Southwesterly along said Northwesterly lines of said Lots 16 and 18; a distance of 120.02 feet to the point of beginning.

Parcel 5:

Those portions of Cypress Avenue and Front Street, in the City of Burbank, County of Los Angeles, State of California, as shown on said map of Tract No. of Burbank, as per map recorded in Book 17, Pages 19 et seq. of Miscellaneous Records, in the office of the County Recorder of said County, vacated by Resolution No. 6190, passed by the Council of said City of Burbank, on May 19, 1950, a certified copy thereof having been recorded in Book 33185, Page 116 of Official Records, of said County, and described as a whole as follows:

Beginning at the most Westerly corner of Lot 18 in Block 64 of said Town of Burbank, thence North 41° 16' 39" East along the Northwesterly lines of said Lots 18 and 16 in said Block 64, a distance of 120.02 feet to the most Northerly corner of the land described as Parcel 2 in said deed to the State of California, recorded in Book 33012, Page 909, Official Records of said County; thence North 24° 52' 30" West along the Northwesterly prolongation of the Northeasterly line of said Parcel so described in said last mentioned deed, a distance of 65.60 feet to a point in the Northwesterly line of said Cypress Avenue, 60 feet wide, distant thereon 49.66 feet Southwesterly from the most Southerly corner of Lot 1 of Tract No. 5617, as per map recorded in Book 85, Page 77 of Maps; records of said County; thence Southwesterly, along said Northwesterly line of Cypress Avenue, to the intersection thereof with the Southwesterly line of said Front Street, 66 feet wide; thence South 43° 33' 18" East along said Southwesterly line of Front Street, a distance of 381.53 feet, more or less, to the Southwesterly prolongation of the Northwesterly line of said San Jose Avenue, 60 feet wide; thence along said Southwesterly prolongation, North 41° 15' 35" East a distance of 65.27 feet to the Southwesterly line of said Lot 18; thence North 43° 33' 18" West along said Southwesterly line of said Lot 18, a distance of 321.34 feet to the point of beginning.

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Parcel 6:

That portion of Bonnywood Place, as shown on map of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County, vacated by Resolution No. 6190, passed by the Council of said City of Burbank, on May 16, 1950, a certified copy thereof having been recorded in Book 33185, Page 116, Official Records, of said County, and described as follows:

Beginning at the most Northerly corner of Lot 14 in said Tract No. 5617; thence Southeasterly along the Northeasterly lines of Lots 14 and 13 of said Tract, to a point distant thereon 1.44 feet Southeasterly from the most Northerly corner of said Lot 13, said last mentioned point being a point on a curve concave Southwesterly and having a radius of 1,746 feet; thence Northwesterly along said curve, through an angle of 1° 14' 24" an arc distance of 51.50 feet, to a point on the Northeasterly prolongation of the Northwesterly line of said Lot 14; said last mentioned point being distant along said Northeasterly prolongation 2.55 feet Northeasterly from said most Northerly corner of Lot 14; thence Southwesterly along said Northeasterly prolongation, a distance of 2.55 feet to the point of beginning.

Parcel 7:

Those portions of Lots 3 and 4 in Block 91 of the Rancho Providencia and Scott Tract, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 43, Page 47 et seq. of Miscellaneous Records, of said County, lying Southwesterly of the Southwesterly line of Tract No. 5617, recorded in Book 85, Page 77 of Maps.

EXCEPT therefrom the Southwesterly 67 feet (measured at right angles) of said Lots 3 and 4.

ALSO EXCEPT from said Lot 4 that portion thereof described as follows:

Beginning at the most Southerly corner of Lot 1 of Tract No. 5617, as per map recorded in Book 85, Page 77 of Maps; thence South 41° 16' 39" West along the Southwesterly prolongation of the Southeasterly line of said Lot 1, a distance of 49.66 feet; thence North 24° 62' 30" West a distance of 58.54 feet; thence Northwesterly along a curve concave Southwesterly tangent to said last described line and having a radius of 1,746 feet, an arc distance of 66.96 feet to a point on the Southwesterly line of Lot 3, of said Tract 5617, said point being distant along the Southwesterly lines of Lots 1, 2 and 3, Tract No. 5617, a distance of 115.28 feet from said most Southerly corner of Lot 1, thence Southeasterly along the said Southwesterly line of said Lots 3, 2 and 1, a distance of 115.28 feet to the point of beginning.

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Parcel 8:

Those portions of Lots 6, 7 and 8 of Tract No. 2792, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 28, Page 15 of Maps, in the office of the County Recorder of said County, lying Southeasterly of a line parallel with and distant Northwesterly 85 feet at right angles from the Southeasterly line of said Lots 6, 7 and 8.

EXCEPT from said Lots 7 and 8 those portions lying Southwesterly of the Northeasterly line of the land conveyed to the Southern Pacific Railway Company, by deed recorded in Book 4681, Page 111, Official Records, in the office of the County Recorder of said County.

ALSO EXCEPT from said Lot 6 that portion thereof, described as follows:

Beginning at the intersection of the Easterly line of said Lot 6 with a line parallel with and distant 85 feet Northwesterly measured at right angles from the Southeasterly line of said lot; thence Southwesterly along said parallel line a distance of 6.50 feet to a point on a curve concave Southwesterly and having a radius of 1,746 feet; thence Southeasterly along said curve, through an angle of 0° 22' 51" an arc distance of 11.61 feet to a point on said Easterly line of said lot, distant thereon 12.98 feet Southerly from said point of beginning; thence Northerly along said Easterly line a distance of 12.98 feet to the point of beginning.

Parcel 9:

Those portions of Lots 6, 7 and 8 of Tract No. 2792, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 28, Page 15 of Maps, in the office of the County Recorder of said County, lying Northwesterly of a line parallel with and distant Northwesterly 85 feet at right angles from the Southeasterly line of said Lots 6, 7 and 8.

EXCEPT from Lots 7 and 8, those portions lying Westerly of the Easterly lines of Parcels 1 and 2 as described in the deed to Southern Pacific Railroad Company, recorded in Book 4681, Page 111, Official Records.

ALSO EXCEPT that portion of said Lot 8, which lies Westerly of the Easterly line of the land condemned for flood control purposes by Final Decree of Condemnation, entered in Case No. 474741, Los Angeles County Superior Court, a certified copy of said Decree being recorded in Book 19995, Page 375, Official Records.

ALSO EXCEPT for said land that portion thereof described as follows:

Those portions of Lots 6, 7 and 8 of Tract No. 2792, described as follows:

Beginning at the most Northerly corner of said Lot 6; thence South 68° 02' 26" West along the Northwesterly lines of said Lots 6, 7 and 8 to a point distant thereon 19.81 feet

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Southwesterly from the most Northerly corner of said Lot 8; thence South 60° 27' 30" East, a distance of 179.12 feet; thence Southeasterly along a curve concave Southwesterly tangent to the last described line and having a radius of 1,746 feet, an arc distance of 254.95 feet to a point on a line parallel with and distant 85 feet Northwesterly, measured at right angles from the Southeasterly line of said Lot 6; thence North 41° 16' 51" East, along said last mentioned parallel line, a distance of 6.50 feet to the Northeasterly line of Lot 6; thence Northwesterly along said Northeasterly line of Lot 6; a distance of 347.67 feet to the point of beginning.

ALSO EXCEPT from the remainder of said Lots 7 and 8, those portions thereof lying Northwesterly of a line parallel with and distant Southeasterly 60 feet, measured at right angles from, the Northwesterly lines of said Lots 7 and 8.

Parcel 10:

That portion of Lot 5 of Tract No. 2792, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 28, Page 15 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the most Southerly corner of said lot; thence along the Southeasterly line of said Lot 5, North 41° 15' 50" East 40.10 feet to a non-tangent curve concave Southwesterly and having a radius of 1,746.00 feet; thence from a tangent bearing North 49° 20' 21" West, Northwesterly along said curve through an angle of 2° 27' 19", an arc distance of 74.82 feet to a point in the Westerly line of said Lot 5, distant along said Westerly line, 83.75 feet from said most Southerly corner; thence Southerly along said Westerly line 83.75 feet to the point of beginning.

EXCEPT therefrom all minerals, oils, gases and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described without, however the right to drill, dig or mine through the surface thereof as disclosed in deed from the State of California recorded June 9, 1965 as Instrument No. 4355 of Official Records.

Parcel 11:

That portion of Bonnywood Place, lying Northeasterly of Lot 15 and within the Northeasterly prolongations of the Northwesterly and Southeasterly lines of said Lot 15 of Tract No. 5617, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 85, Page 77 of Maps, in the office of the County Recorder of said County, as vacated by the City Council of said City in Resolution No. 6190 recorded May 19, 1950 in Book 33185, Page 116 of Official Records of said County, described as follows:

Beginning at the most Northerly corner of said Lot 15 in said Tract No. 5617; thence Southeasterly along the Northeasterly lines of Lots 15, 14 and 13 of said Tract, to a point in the Northeasterly line of said Lot 13, distant 1.44 feet Southeasterly from the most Northerly corner of said Lot 13; said point being on curve in the Southwesterly line of the

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land conveyed to the State of California for highway purposes October 19, 1945 by Superior Court Case No. 506667 as shown on Clerk's Field Map No. 2295 in the office of the County Surveyor of said County, said curve being concave Southwesterly, having a radius of 1,746.00 feet; thence Northwesterly along said Southwesterly line, through an angle of $4^{\circ} 13' 59''$ an arc distance of 129.00 feet to a point in the Northeasterly prolongation of the Northwesterly line of said Lot 15, distant Northeasterly thereon 3.50 feet from the most Northerly corner thereof; thence Southwesterly along said prolongation 3.50 feet to the point of beginning.

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2449 37 1998

SCALE 1" = 100'

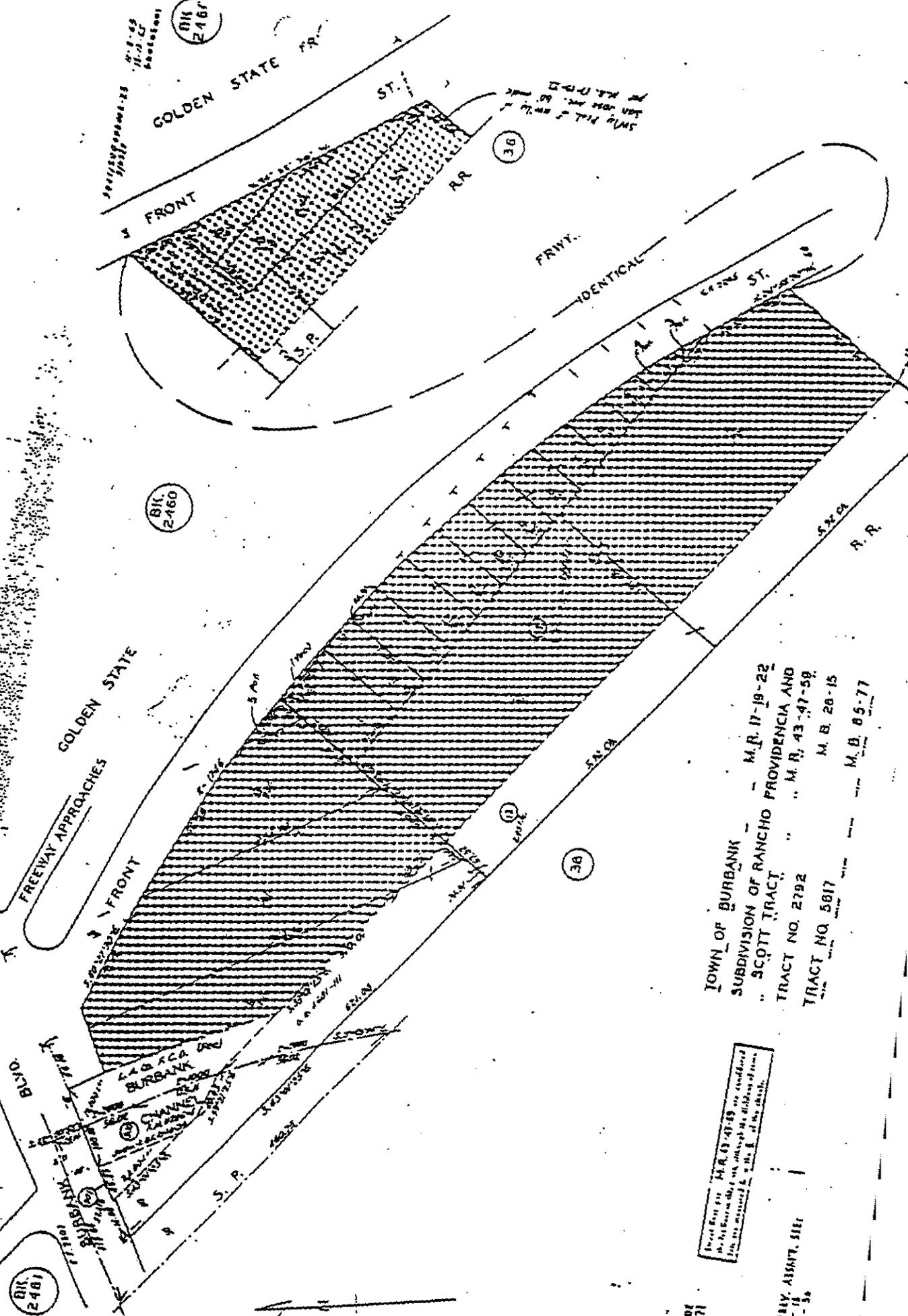
BK. 2461

BK. 2460

BK. 2461

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Corrected Map of M.R. 43-47-49 as conditioned
 by the Board of Survey, although the title of same
 has the original S. W. E. of the block.

TOWN OF BURBANK - M.R. 17-19-22
 SUBDIVISION OF RANCHO PROVIDENCIA AND
 " SCOTT TRACT " " M.R. 43-47-59
 TRACT NO. 2792 M.B. 28-15
 TRACT NO. 5817 " " M.B. 85-77

CONF 9871

FOR ANY AMOUNT, SEE 1071 - 18 246 - 36

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EXHIBIT 2

THAT CERTAIN STRIP OF LAND IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THOSE PORTIONS OF FRONT STREET DESCRIBED IN THOSE CERTAIN DOCUMENTS ENTITLED "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY IN THE CITY OF BURBANK, ROAD VII.L.A.-4-BRB" AND RECORDED ON MARCH 17, 1960 IN DOCUMENT NO. 3976 AS PARCEL 4 AND ON JUNE 3, 1963 IN DOCUMENT NO. 3993 AS PARCELS 6 AND 7 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING THOSE PORTIONS OF LOTS 14, 16, 17 AND 18, BLOCK 64, TOGETHER WITH THOSE PORTIONS OF FRONT STREET, SAN JOSE AVENUE AND CYPRESS AVENUE, ALL AS SHOWN ON THE MAP OF THE TOWN OF BURBANK RECORDED IN BOOK 17, PAGES 19 ET SEQ., OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT PORTION OF LOT 4, BLOCK 91 OF THE SUBDIVISION OF RANCHO PROVIDENCIA AND SCOTT TRACT, IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 43, PAGES 47 ET SEQ., OF SAID MISCELLANEOUS RECORDS, PORTIONS OF LOTS 1 THROUGH 14, 16, 17 AND THAT PORTION OF BONNYWOOD PLACE ALL AS SHOWN ON MAP OF TRACT NO. 3617, IN SAID CITY, COUNTY AND STATE AS PER MAP RECORDED IN BOOK 85 PAGE 77 OF MAPS IN THE OFFICE OF SAID COUNTY RECORDER, AND THOSE PORTIONS OF LOTS 5, 6, 7 AND 8 OF TRACT NO. 2792, IN SAID CITY, COUNTY AND STATE AS PER MAP RECORDED IN BOOK 28, PAGE 15, OF SAID MAPS DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 17, BLOCK 64 OF SAID TOWN OF BURBANK; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 17, BEING THE NORTHEASTERLY LINE OF SAID FRONT STREET, NORTH 43°34'19" WEST 29.58 FEET TO A POINT IN THE NORTHWESTERLY LINE OF THE MAGNOLIA BOULEVARD BRIDGE CROSSING STATE HIGHWAY I-5, SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG SAID BRIDGE, NORTH 41°16'10" EAST 23.17 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID SECOND ABOVE MENTIONED RELINQUISHMENT, SAID POINT BEING IN A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 3102.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 52°14'05" WEST; THENCE NORTHERLY ALONG SAID LINE AND ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°42'02", AN ARC DISTANCE OF 308.62 FEET TO A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1992.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 57°48'30" WEST, AND NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°17'55", AN ARC DISTANCE OF 253.75 FEET, NORTH 24°53'34" WEST 254.09 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1804.00 FEET AND NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°34'02" AN ARC DISTANCE OF 1119.86 FEET, NORTH 64°02'20" WEST 80.10 FEET, NORTH 65°12'56" WEST 36.19 FEET AND NORTH 37°26'37" WEST 9.22 FEET TO THE SOUTHERLY LINE OF BURBANK BOULEVARD (80.00 FEET WIDE); THENCE ALONG SAID SOUTHERLY LINE, SOUTH 68°01'25" WEST 81.25 FEET TO A LINE DRAWN TANGENT TO A CURVE CONCENTRIC WITH AND DISTANT SOUTHEASTERLY 68.00 FEET FROM THE ABOVE MENTIONED CURVE HAVING A RADIUS OF 1804.00 FEET; THENCE ALONG SAID TANGENT LINE, SOUTH 60°27'30" EAST TO AND ALONG THE SOUTHWESTERLY LINE OF PARCEL 7 OF THE SECOND ABOVE-MENTIONED RELINQUISHMENT DEED, 173.05 FEET TO THE BEGINNING OF SAID CONCENTRIC CURVE, AND SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1736.00 FEET, THROUGH A CENTRAL ANGLE OF 7°13'03" AN ARC DISTANCE OF 218.68 FEET, NORTH 36°45'27" EAST 10.00 FEET TO A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1746.00 FEET, A RADIAL LINE BEARS NORTH 36°45'27" EAST, SAID CURVE BEING ALSO CONCENTRIC WITH SAID ABOVE MENTIONED CURVE HAVING A RADIUS OF 1804.00 FEET, AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°20'59" AN ARC DISTANCE OF 863.91 FEET, SOUTH 24°53'34" EAST 58.48 FEET, SOUTH 22°57'17" EAST 66.63 FEET AND SOUTH 24°54'48" EAST 350.21 FEET, SOUTH 41°14'30" WEST 72.79 FEET, SOUTH 43°34'19" EAST 360.97 FEET TO SAID NORTHWESTERLY LINE OF THE MAGNOLIA BOULEVARD BRIDGE; THENCE NORTH 41°16'10" EAST 65.26 FEET TO SAID TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF FRONT STREET DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED ABOVE AS HAVING A BEARING AND DISTANCE OF "SOUTH 43°34'19" EAST 360.97 FEET"; THENCE ALONG SAID COURSE, NORTH 43°34'19" WEST 360.97 FEET TO THE NORTHWESTERLY TERMINUS OF SAID COURSE; THENCE SOUTH 44°58'54" EAST 360.28 FEET TO SAID NORTHWESTERLY LINE OF THE MAGNOLIA BOULEVARD BRIDGE; THENCE SOUTH 41°16'10" WEST 8.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 143,473 SQUARE FEET/3.2937 ACRES.



DUBRON AND ASSOCIATES
16760 STAGG ST., SUITE 201
VAN NUTS, CA 91406
(818) 787-0676
JOB NO. 1615-1628 1/26/98

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THAT CERTAIN STRIP OF LAND IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF THAT CERTAIN DOCUMENT ENTITLED "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY IN THE CITY OF BURBANK, ROAD VII-LA-4-BRB" AND RECORDED ON JUNE 3, 1963 IN DOCUMENT NO. 3993 AS PARCEL 7 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING THAT PORTION OF LOTS 7 AND 8 OF TRACT NO. 2792 IN SAID CITY, COUNTY AND STATE AS PER MAP RECORDED IN BOOK 28 PAGE 15 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF BURBANK BOULEVARD (80.00 FEET WIDE) WITH THE NORTHEASTERLY LINE OF SAID PARCEL 7; THENCE ALONG SAID BURBANK BOULEVARD, SOUTH $68^{\circ}01'25''$ WEST 81.25 FEET TO A POINT IN THE NORTHWESTERLY PROLONGATION OF THAT CERTAIN COURSE IN THE SOUTHWESTERLY LINE OF SAID PARCEL 7, DESCRIBED AS HAVING A BEARING AND LENGTH OF "NORTH $60^{\circ}27'36''$ WEST 98.39 FEET", SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH $60^{\circ}27'36''$ EAST 76.66 FEET TO SAID COURSE; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE OF PARCEL 7, SOUTH $68^{\circ}01'25''$ WEST 77.00 FEET TO A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 2050.00 FEET, A TANGENT TO SAID CURVE BEING NORTH $21^{\circ}17'50''$ WEST AND NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $1^{\circ}33'17''$ AN ARC DISTANCE OF 55.63 FEET AND NORTH $22^{\circ}51'07''$ WEST 4.38 FEET TO THE SOUTHEAST LINE OF SAID BURBANK BOULEVARD; THENCE ALONG SAID BURBANK BOULEVARD, NORTH $68^{\circ}01'25''$ EAST 29.46 FEET TO SAID TRUE POINT OF BEGINNING.

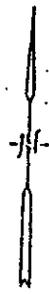
CONTAINING 3185 SQUARE FEET.



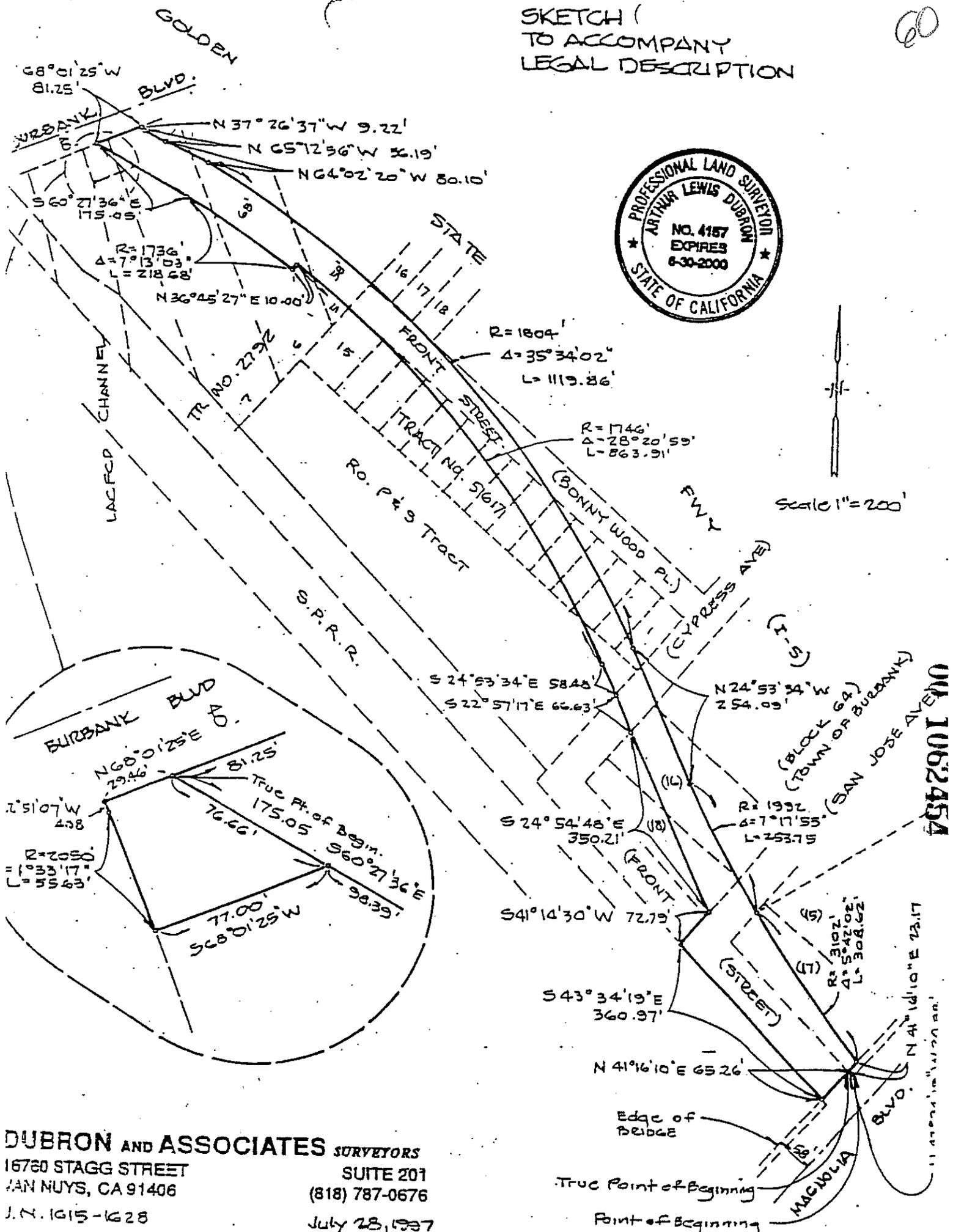
DUBRON AND ASSOCIATES
SURVEYORS
16760 STAGG ST., SUITE 201
VAN NUYS, CA 91406
(818) 787-0676
JOB NO. 1615-1623 JULY 23, 1997

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SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Scale 1" = 200'



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DUBRON AND ASSOCIATES SURVEYORS
16760 STAGG STREET SUITE 201
SAN NUYS, CA 91406 (818) 787-0676
J.N. 1615-1628 July 28, 1997

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EXHIBIT 2
CONTINUED

LEGAL DESCRIPTION
COMBINED FEE PARCEL

THOSE PORTIONS OF THE SOUTHWESTERLY 67.00 FEET (MEASURED AT RIGHT ANGLES) OF LOTS 3 AND 4 OF BLOCK 91 OF THE SUBDIVISION OF RANCHO PROVIDENCIA AND SCOTT TRACT, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 43, PAGE 47 ET SEQ. OF MISCELLANEOUS RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF THE SOUTHWESTERLY 67.00 FEET OF LOT 8 OF TRACT NO. 2792 AS MEASURED AT RIGHT ANGLES FROM THE SOUTHWESTERLY LINE OF SAID LOT 8 AND THAT PORTION OF LOT 7 OF SAID TRACT NO. 2792 LYING SOUTHWESTERLY OF THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID SOUTHWESTERLY 67.00 FEET OF LOT 8, SAID TRACT BEING IN SAID CITY, COUNTY AND STATE AS PER MAP RECORDED IN BOOK 28, PAGE 15 OF MAPS IN THE OFFICE OF SAID COUNTY RECORDER, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 67.00 FEET OF LOT 4 OF SAID BLOCK 91 WITH THE NORTHWESTERLY LINE OF VACATED CYPRESS STREET (60.00 FEET WIDE); THENCE ALONG SAID NORTHEASTERLY LINE AND ITS NORTHWESTERLY PROLONGATION, NORTH 43°01'18" WEST 742.71 FEET TO A LINE DRAWN AT RIGHT ANGLES FROM ENGINEER'S STATION 16+55.14 AS SHOWN ON PLAN NO. 2259 ENTITLED "FRONT STREET IMPROVEMENTS" DATED 11/22/96 ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF BURBANK; THENCE CONTINUING ALONG SAID LINE, NORTH 43°01'18" WEST 367.79 FEET TO THE EASTERLY FACE OF A PROPOSED RETAINING WALL SHOWN ON THE EASTERLY SIDE OF PROPOSED FRONT STREET AS SHOWN ON SAID PLAN NO. 2259; THENCE SOUTHEASTERLY ALONG SAID WALL BEING IN A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 393.00 FEET, FROM A RADIAL LINE TO SAID CURVE THAT BEARS SOUTH 59°16'21" WEST, THROUGH A CENTRAL ANGLE OF 11°25'51", AN ARC DISTANCE OF 78.40 FEET; THENCE CONTINUING ALONG SAID WALL, SOUTH 42°09'30" EAST 289.86 FEET TO SAID LINE DRAWN AT RIGHT ANGLES FROM ENGINEER'S STATION 16+55.14 OF SAID PLAN; THENCE ALONG SAID LINE SOUTH 47°50'30" WEST 1.00 FEET TO THE NORTHEASTERLY EDGE OF THE 6.00 FOOT CONCRETE SIDEWALK AS SHOWN ON SAID PLAN; THENCE ALONG SAID NORTHEASTERLY EDGE, SOUTH 42°09'30" EAST 705.70 FEET TO AN ANGLE POINT THERE-IN; THENCE CONTINUING ALONG THE NORTHEASTERLY EDGE OF A VARIABLE WIDTH SIDEWALK, SOUTH 38°53'46" EAST 40.02 FEET; THENCE NORTH 51°06'14" EAST 0.72 FEET TO SAID NORTHWESTERLY LINE OF VACATED CYPRESS STREET; THENCE ALONG SAID NORTHWESTERLY LINE, NORTH 41°21'48" EAST 27.26 FEET TO THE POINT OF BEGINNING.

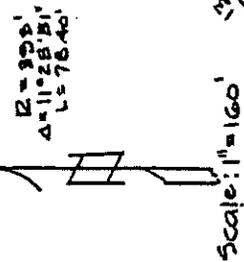
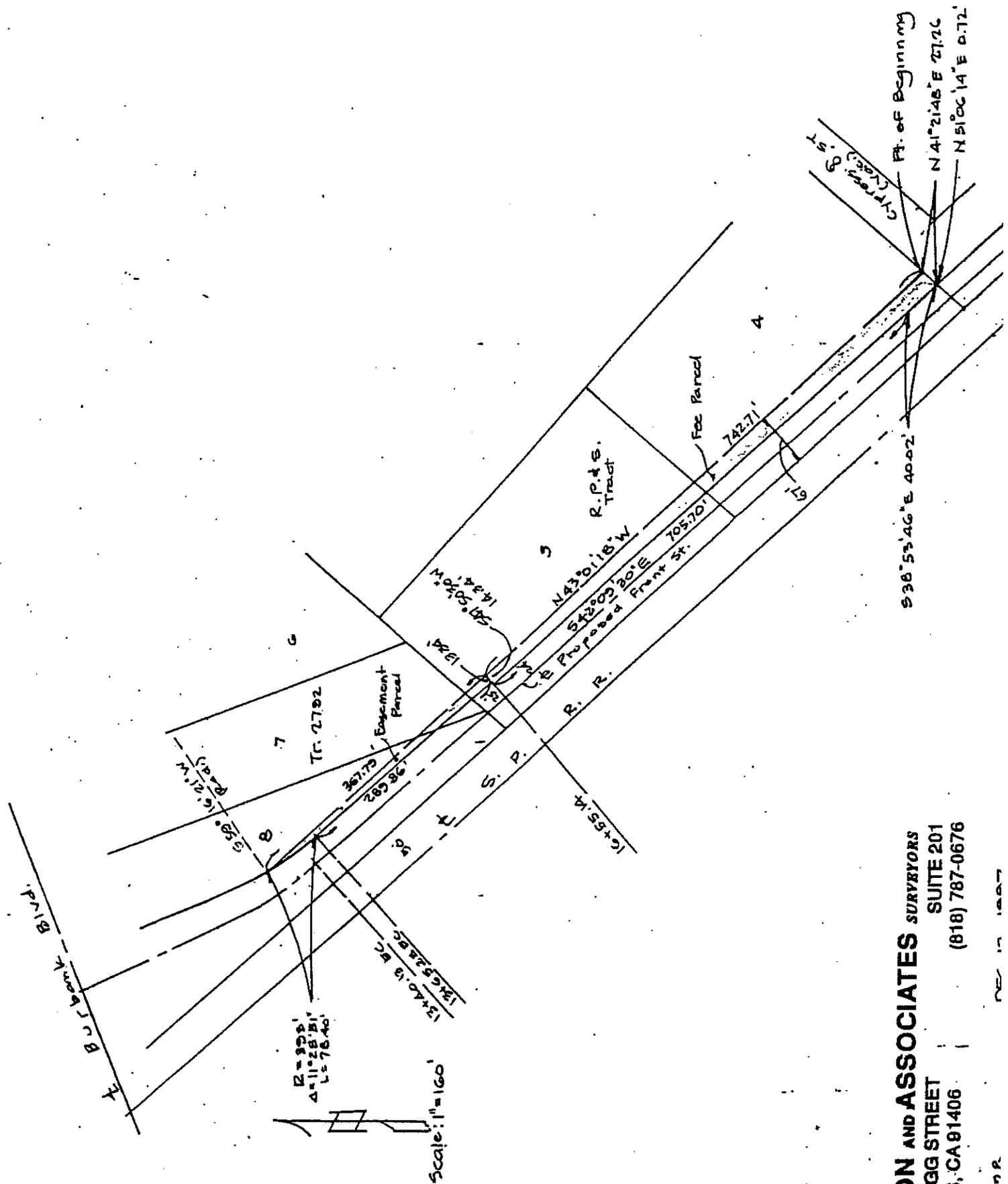
CONTAINING 18,568 SQUARE FEET (0.4263 ACRES).



DUBRON AND ASSOCIATES
16760 STAGG ST., SUITE 201
VAN NUYS, CA 91406
(818) 787-0676
JOB NO. 1615-1628 1/12/98

00 1062454

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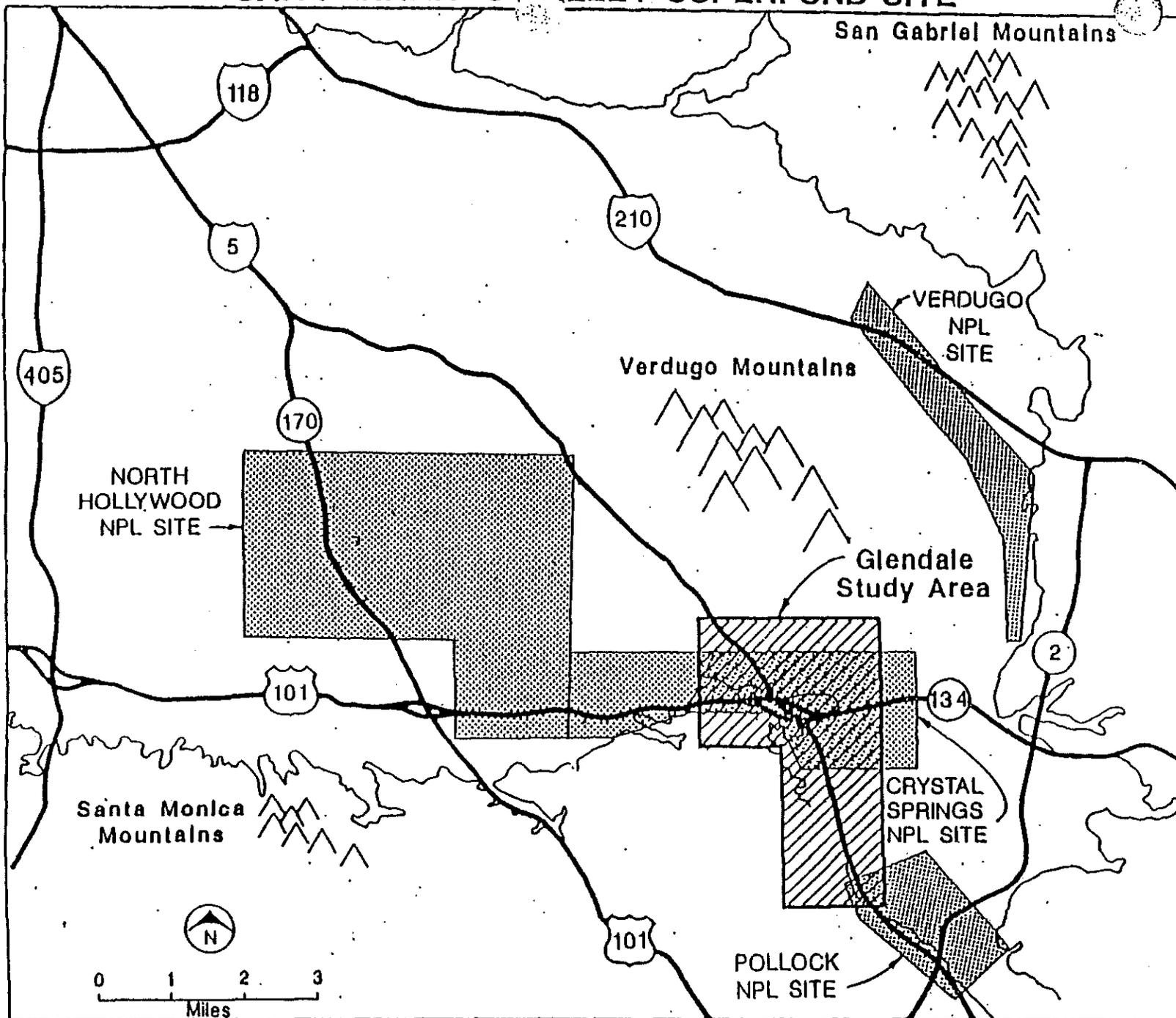
00 1062454

DUBRON AND ASSOCIATES SURVEYORS
 16760 STAGG STREET SUITE 201
 VAN NUYS, CA 91406 (818) 787-0676

101E-1008
 FEB 15 1987

63

SAN FERNANDO VALLEY SUPERFUND SITE



00 106245A

EXHIBIT 3

GROUNDWATER BASIN BOUNDARY
 FREEWAY
 GLENDALE
 NPL SITE

64

Exhibit 4

**LESSEE'S CERTIFICATION OF COMPLIANCE
WITH AGREEMENT AND COVENANT NOT TO SUE**

CERTIFIED MAIL

Marie M. Rongone
Senior Counsel (ORC-3)
U.S. EPA
75 Hawthorne Street
San Francisco, California 94105

Re: Lessee's Certification of Compliance with Agreement and
Covenant Not to Sue, Docket No. 2000-03
Glendale North and South Operable Units, San Fernando
Valley Area 2 Crystal Springs Superfund Site

In accordance with paragraph 50 of the Agreement and
Covenant Not to Sue, Docket No. 2000-03 ("Agreement"), the
undersigned party ("Lessee") hereby notifies the U.S.
Environmental Protection Agency ("EPA") that it intends to lease
all or a portion of the real property that is the subject of the
Agreement. The Agreement was originally entered into by and
between EPA, Ford Leasing Development Company and Ford Front
Realty Corp. and concerns the real property located at the
southwest corner of Burbank Boulevard and Front Street (or the
southeast corner after the relocation of Front Street) in the
City of Burbank, California, as more particularly described in
the Agreement (the "Property").

[Insert a paragraph which identifies: (1) the parties to the
lease; (2) a description of the portion of the property to be
leased; and (3) the effective date and term of the lease.]

Lessee acknowledges that it has reviewed the Agreement and
any modifications and notices thereto. Pursuant to paragraph 50
of Section XI of the Agreement (Parties Bound/Transfer of
Covenant), Lessee hereby agrees and certifies that:

(1) Lessee has not caused or contributed to the release or
threat of release of any amount of the Existing
Contamination;

(2) Lessee will not, over the course of any 12 month period, generate, use or store any extremely hazardous substance, as defined in 42 U.S.C. § 11002(a), in an amount equal to or exceeding its threshold planning quantity as established by 42 U.S.C. § 11002(a) at the Property;

(3) Lessee will not use the Property in any manner that could cause or contribute to the migration or release of any Existing Contamination;

(4) Lessee will permit access to the Property as set forth in paragraph 37 of the Agreement;

(5) Lessee will exercise due care at the Site and cooperate with EPA as set forth in paragraph 40 of the Agreement; and

(6) Lessee will not interfere with response actions taken on or around the Property;

(7) Lessee will be bound by and subject to the terms of the Agreement, and will act consistently with the terms of the Agreement.

Upon submission of this letter to EPA, Lessee shall have the rights and benefits set forth in Sections VIII (United States' Covenant Not to Sue) and XVIII (Contribution Protection) of the Agreement with respect to the leased portion of the Property. However, if at any time EPA determines that Lessee's certification is materially inaccurate or incomplete, the Covenant Not to Sue and Contribution Protection shall be null and void with respect to Lessee, and the United States reserves all rights it may have against Lessee.

Notices and submissions required under the Agreement that affect Lessee's interest in the Property shall be sent to the following contact persons for Lessee:

[Insert Contact Information]

64

So Acknowledged and Agreed:

Name and Title

Name of Business

Date

67

EXHIBIT C

Copy of EPA Notice Letter dated June 7, 2000

DCN:dcn/48615.2/063000
3380.001

C-1
00 1062454



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 7, 2000

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ford Leasing Development Company
Ford Front Realty Corp.
One Parklane Blvd.
Suite 1500 East
Dearborn, MI 48126
attn: N.E. Siroskey

Michael Laber, Esq.
Office of General Counsel
Ford Motor Company
Parklane Towers East, Suite 728
One Parklane Blvd.
Dearborn, MI 78126-2493

**Subject: Agreement & Covenant Not to Sue Ford Leasing
Development Company and Ford Front Realty Corp.**

Dear Sir or Madam:

As you may know, the above-referenced Agreement and Covenant Not to Sue Ford Leasing Development Company and Ford Front Realty Corp. (collectively "Ford") ("Agreement") was published in the Federal Register on April 27, 2000. The Environmental Protection Agency, Region IX ("EPA") has received no comments on the Agreement. Accordingly, the public comment period expired on May 27, 2000, and I have been authorized to inform you that the United States has determined not to withdraw its consent to the Agreement. This notice is made pursuant to Section XV of the Agreement (Notices and Submissions).

00 1062454

Ford Leasing Development Company

p. 2

June 7, 2000

In accordance with Section IV of the Agreement, Ford's payment to EPA shall be made within thirty (30) days of Ford's receipt of this notice. A copy of the fully executed Agreement is enclosed for your records. Please do not hesitate to contact the undersigned at (415) 744-1313 if there are any questions at this time.

Sincerely,



Marie M. Rongone
Senior Counsel

enc: (1)

cc: Donald C. Nanney, Esq. (Via Facsimile (letter only) and U.S. Mail (letter and enclosure)

David Glazer, Esq. (Vic Facsimile (letter only))

Bob Fitzgerald, SFD-7-4 (Letter only)

Judith Winchell, SFD-7 (Letter and enclosure)

Catherine Shen, PMD-6 (Letter and enclosure)

Bill Keener, Esq. (Letter only)

00 1062454

EXHIBIT 4

Approval of Transfer, dated May 3, 2005, by Keith Takata, Director, Superfund Division,
and letter, dated May 3, 2005, from Frederick K. Schauffler,
Chief, Site Cleanup Section 4, Superfund Division,
U.S. Environmental Protection Agency, to Donald C. Nanney.

Approval of Transfer

On the basis of the Affidavit of Proposed Transferee Herbert F. Boeckmann, II, on behalf of Northridge Properties, LLC, the Environmental Protection Agency ("EPA") hereby consents to the transfer of the property described therein to Northridge Properties, LLC, and to the transfer of the rights, benefits and obligations conferred under the Agreement and Covenant Not to Sue Ford Leasing Development Company and Ford Front Realty Corp., EPA Docket No. 2000-03, to Northridge Properties, LLC, with respect to such property.

Dated: May 3, HAT
April, 2005

Keith Takata
Keith Takata, Director, Superfund Division

STATE OF CALIFORNIA)
)
COUNTY OF SAN FRANCISCO KK)

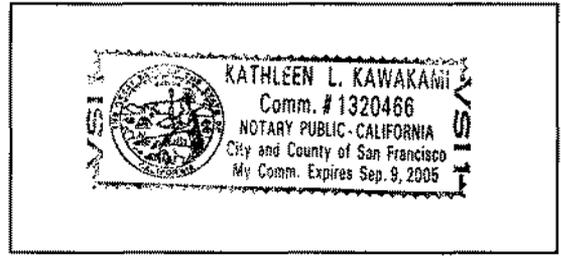
On this 3rd day of MAY in the year 2005,

before me Kathleen L. Kawakami, personally appeared
Keith Takata

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is /are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Signature Kathleen L. Kawakami





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 3, 2005

Donald C. Nanney
Gilchrist & Rutter
1299 Ocean Avenue, Suite 900
Santa Monica, CA 90401-1000

Re: San Fernando Valley Crystal Springs (Area 2) Superfund Site, Glendale Operable Units – Request for Transfer of Agreement and Covenant Not to Sue Ford Leasing Development Company and Ford Front Realty Corp. to Northridge Properties, LLC.

Dear Mr. Nanney:

The Environmental Protection Agency, Region IX (“EPA”) has received your letter of April 7, 2005, requesting the transfer of the Agreement and Covenant Not to Sue Ford Leasing Development Company and Ford Front Realty Corp., EPA Docket No. 2000-03 (“Agreement”) to Northridge Properties, LLC (“Proposed Transferee”). In your letter, and in subsequent correspondence, you have requested clarification of EPA’s intent towards Ford Leasing Development Company (“Ford Leasing”) and Ford Front Realty Corp. (“Ford Front”) with respect to certain provisions of the Agreement, after the Agreement is transferred to the Proposed Transferee. Specifically, you requested clarification with respect to the obligations under Sections V (Access/Notice to Successors-in-Interest), VI (Due Care/Cooperation), and IX (Reservations of Rights).

The Agreement applies to two properties, described respectively in Exhibits 1 and 2 of the Agreement. As set forth in the Agreement, Ford Leasing had purchased the property described in Exhibit 1, and Ford Front was planning to purchase the property described in Exhibit 2. I understand from our correspondence that Ford Front never purchased the property described in Exhibit 2.

The proposed transfer of the Agreement applies to the property described in Exhibit 1 only. For the property described in Exhibit 2, EPA would still look to Ford Front, should it acquire that property, for all obligations of the Agreement as to that property. For the property described in Exhibit 1, after the transfer, EPA would as a practical matter look to the party in control of the property for the obligations of access, notice to subsequent successors in interest, if

Donald C. Nanney
May 3, 2005
page 2

any, and due care and cooperation. To the extent that Ford Leasing was no longer in control of that property, EPA would not look to Ford Leasing to fulfill those obligations.

The Reservations of Rights apply to liability resulting from releases of contaminants or exacerbation of contamination caused or contributed to by "that Settling Respondent." If it should become necessary to address releases at the property after the transfer of the property to a new owner, EPA would look to the Settling Respondent who caused, contributed to or exacerbated the subject contamination.

Please let us know if you have any additional questions or concerns.

Sincerely,



Frederick K. Schauffler
Chief, Site Cleanup Section 4
Superfund Division

cc: David Stensby, Remedial Project Manager
Marie Rongone, Office of Regional Counsel
Bill Keener, Esq., Office of Regional Counsel
Herbert F. Boeckmann, III (Northridge Properties, LLC)

EXHIBIT 5

Email, dated August 14, 2014, from Donald C. Nanney to Lawrence Moore and Alex Lapostol, with copy of Certification Declaration, dated August 13, 2014, by Northridge Properties, LLC.

From: Don Nanney
Sent: Thursday, August 14, 2014 2:11 PM
To: 'lawrence.moore@waterboards.ca.gov'
Cc: Alex Lapostol
Subject: 777 N. Front Street, Burbank, CA - Former Zero Corporation Facility - Certification Declaration - LARWQCB File No. 109.6162

To Lawrence Moore, Case Manager:

This responds to the letter, dated July 15, 2014, from the Los Angeles Regional Water Quality Control Board (LARWQCB), subject: "Site Cleanup Program Oversight Cost Reimbursement Account – Former Zero Corporation Facility, 777 North Front Street, Burbank, California, RWQCB File No. 109.6162."

Attached please find the completed Attachment 3 to that letter, i.e., the "Certification Declaration for Compliance with Fee Title Holder Notification Requirements."

Please note the following with respect to the completed Certification Declaration:

- The certification language at the bottom of the Certification Declaration form refers to attachments to the document. This will confirm that there are no attachments to the completed Certification Declaration.
- Attachment 3 at Page 2 (not copied here) contains instructions as to who must sign the form on behalf of a corporation, a partnership, a sole proprietorship or a governmental entity. Not included is the situation that applies in this case, where the responding entity is a limited liability company. As appropriate in connection with a limited liability company, Alan Skobin has signed the Certification Declaration as "Authorized Representative/Member."
- As stated on the completed Certification Declaration, the identified Site is owned by Northridge Properties, LLC. However, as you already know, a portion of the Site is subject to a permanent easement, and an additional portion is subject to a temporary construction easement, in favor of California Department of Transportation in connection with a road widening project in Burbank involving Interstate Highway #5.

Attachment 4 to the July 15 letter (i.e., the "Acknowledgement of Receipt of Oversight Cost Reimbursement Account Letter") is not being completed and submitted at this time because:

- (1) Northridge Properties is an innocent purchaser, not a responsible party for the conditions at the Site that are the subject of requirements asserted by LARWQCB;
- (2) Northridge Properties did not request issuance of the "Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order, Former Zero Corporation Facility, etc.," dated August 6, 2014 (the "Order") and associated oversight; and

(3) The Order as well as previously issued requirements referred to in the Order are in violation of:

(a) The Agreement and Covenant Not To Sue, Docket No. 2000-03, dated March 16, 2000 (the "Covenant"), between the U.S. Environmental Protection Agency and Ford Leasing Development Company (which was subsequently assigned to Northridge Properties with the consent of U.S. EPA); and

(b) The Certificate of Completion - APW North America, Inc. (former Zero Corporation) 777 Front Street, Burbank, CA (File No. 109.6162; PCA No. 2046J), dated June 30, 2002, issued by LARWQCB.

As mentioned on previous occasions, and consistent with its obligations under the Covenant, Northridge Properties again offers to provide access to the U.S. EPA and/or LARWQCB for any environmental studies or other response actions at the Site that they deem necessary.

Northridge Properties reserves all of its rights and remedies, including but not limited to further response to the Order in due course.

Best regards,

Don



Donald C. Nanney, Esq.
Gilchrist & Rutter Prof. Corp.
1299 Ocean Avenue, Suite 900
Santa Monica, CA 90401
Tel: (310) 393-4000
Fax: (310) 394-4700

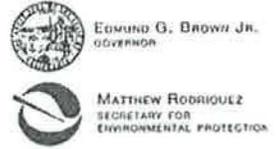
Attorneys for Northridge Properties, LLC

THIS DOCUMENT WAS NOT INTENDED OR WRITTEN TO BE USED, AND IT CANNOT BE USED, FOR THE PURPOSE OF AVOIDING TAX PENALTIES THAT MAY BE IMPOSED ON THE TAXPAYER.



Privileged/Confidential information may be contained in this message.

If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case you should destroy this message, and notify us immediately. If you or your employer do not consent to Internet e-mail messages of this kind, please advise us immediately. Opinions, conclusions and other information expressed in this message are not given or endorsed by my firm or employer unless otherwise indicated by an authorized representative independent of this message.



Los Angeles Regional Water Quality Control Board

ATTACHMENT 3

CERTIFICATION DECLARATION FOR COMPLIANCE WITH FEE TITLE HOLDER NOTIFICATION REQUIREMENTS (California Water Code Section 13307.1)

Please Print or Type

Fee Title Holder(s): Northridge Properties, LLC

Mailing Address: 15505 Roscoe Boulevard, North Hills, CA 91343

Contact Person: Alan Skobin

Telephone Number / E-mail: 818-778-2970 / askobin@galpin.com

Site Name: Former Zero Corporation Facility

Address: 777 N. Front Street, Burbank, CA 91502

County Assessor Parcel Number (APN): 2449-037-011

Contact Person: Alan Skobin

Telephone Number / E-mail: See Above

File Number: 109.6162 SCP No.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (See attached page for who shall sign the Certification Declaration).

Northridge Properties, LLC
by Alan Skobin
Printed Name of Person Signing

Authorized Representative / Member
Official Title

Signature

8/13/14
Date Signed



EXHIBIT 6

Memorandum, dated January 5, 1998 to Kim J. Ward, ES III, DCW, SWRCB,
from Hank H. Yacoub, Cleanup Section Chief, RWQCB/LA.
[yellow highlights added]



Cal/EPA

Los Angeles
Regional Water
Quality Control
Board

101 Centre Plaza Drive
Monterey Park, CA
91754-2156
(213) 266-7500
FAX (213) 266-7600

MEMORANDUM

January 5, 1997⁸

TO: Kim G. Ward, ES III, DCW, SWRCB
FROM: Hank H. Yacoub, Cleanup Section Chief, RWQCB/LA
SUBJECT: SITE DESIGNATION FOR 777 GRONT STREET, BURBANK



Pete Wilson
Governor

As requested in your letter of December 23, 1997, to Dennis Dickerson, following are the interested parties for the subject site according to our records:

Michael Francis, Esq. (representing Zero Corp.)
Demetriou, Del Guercio, Springer & Moyer
801 South Grand Avenue, 10th Floor
Los Angeles, CA 90017-4613

Gino Gaudino
City of Burbank Redevelopment Division
275 East Olive Ave.
Burbank, CA 91502

Paul Minault (representing So. Pacific Transportation Co.)
Karl R. Morthole Law Offices
100 Broadway, Third Floor
San Francisco, CA 94111

We concur that RWQCB-LA should be the designated agency for the subject site. The site is in our Well Investigation Program (file No. 109.6162) and in the Burbank Operable Unit of the San Fernando Valley ground water superfund area which is administered by USEPA Region IX in San Francisco. Under contract to USEPA, Board staff have been overseeing assessment and cleanup at the site since 1987. Soil impacted with volatile organic compounds (VOCs) has concentrations as high as 16,000 µg/kg PCE and 31,000 µg/kg 1,1,1-TCA and represents a continuing threat to ground water quality that must be remediated. Staff is currently overseeing soil remediation at the site using soil vapor extraction (SVE) technology which will probably take years to complete.

Please contact me at (213)266-7522 if your have any further questions regarding this matter.

EXHIBIT 7

Table entitled: Specified Work – Groundwater Data Collection Areas and Borings,
Attachment B to Appendix B (Statement of Work) to the February 28, 2011
Administrative Order on Consent. [yellow highlights added]

ATTACHMENT B

SPECIFIED WORK – GROUNDWATER DATA COLLECTION AREAS AND BORINGS

GCOU Data Collection Area— Category 1	Potential Existing Wells in Data Collection Area	Rationale
CRI-1P	None	Evaluate groundwater concentrations. Evaluate whether Spence Electro Plating and other nearby facilities are a source, Downgradient of BOU.
CRI-2P	None	Downgradient of BOU, evaluate potential local sources, including from the Burbank Western Channel.
CRI-3P	None	Evaluate eastern extent and whether there are upgradient sources (e.g., potential Scott Road Landfill, Burbank Western Channel).
CRI-4P	2	Evaluate whether KBC (Alert) Plating is a source, downgradient of BOU, additional information of other potential sources, assess eastern extent.
CRI-5P	2	Downgradient of BOU, assess extent.
CRI-6P	3	Evaluate extent, evaluate potential sources from Drilube-Wilson and Zoe Fashion Design (Lanco Metals)
CRI-7P	4	Evaluate whether J&M is a source and assess extent
CRI-8P	1	Evaluate lateral extent.
CRI-9P	None	Evaluate whether upgradient sites are sources and assess lateral extent.
CRI-10P	5	Evaluate extent and potential impacts migrating from the west.
CRI-11P	16	Evaluate extent.
CRI-12P	None	Evaluate extent, evaluate potential sources from Drilube-Wilson and Zoe Fashion Design (Lanco

EXHIBIT 8

Meeting Attendance Sheet, at
Los Angeles Regional Water Quality Control Board,
dated June 6, 2011. [yellow highlights added]

EXHIBIT 9

Page 5 of 5 of Table 7 (*Sites with Known or Suspected Chromium Use*), from the Data Compilation & Evaluation Report, Glendale Chromium Operable Unit, San Fernando Valley Superfund Site – Area 2, dated November 2011, by Environmental Resources Management (ERM). [yellow highlights added]

	Zip	Northing	Easting	Dates of Operation	Status
nk	90502	3782482	379224	1952-?	Confirmed Chromium in Soil - Further Investigation Pending
nk	91502	3782048	379873	?	RWQCB Suspected Chromium Use - Investigation Pending
le	91202	3780597	383963	?	RWQCB Suspected Chromium Use - Investigation Pending
eles	90027	3779131	379693	1957-Present	RWQCB Suspected Chromium Use - Investigation Pending
le	91204	3779164	382884	1953-Present	Confirmed Chromium in Soil
nk	91502	3783410	378367	1967-Present (?)	Confirmed Chromium in Soil
nk	91521	3780294	377654	?	RWQCB Suspected Chromium Use - Investigation Pending
le	91201	3781179	381135	?	RWQCB Suspected Chromium Use - Investigation Pending
nk	91502	3782030	380240	?	Confirmed Chromium in Soil
le	91201	3781369	380524	Grand Central Industrial Co. 1955-1960s, Western Magnetics 1960s-1985	RWQCB Suspected Chromium Use - Investigation Pending
eles	90039	3778556	382717		RWQCB Suspected Chromium Use - Investigation Pending
nk	91506	3783187	377740	?	RWQCB Suspected Chromium Use - Investigation Pending
nk	91502	3782700	378635	2006-?	RWQCB Suspected Chromium Use - Investigation Pending
nk	90502	3783335	378527	?-1990	RWQCB Suspected Chromium Use - Investigation Pending
le	91203	3779295	382781	?	RWQCB Suspected Chromium Use - Investigation Pending

EXHIBIT 10

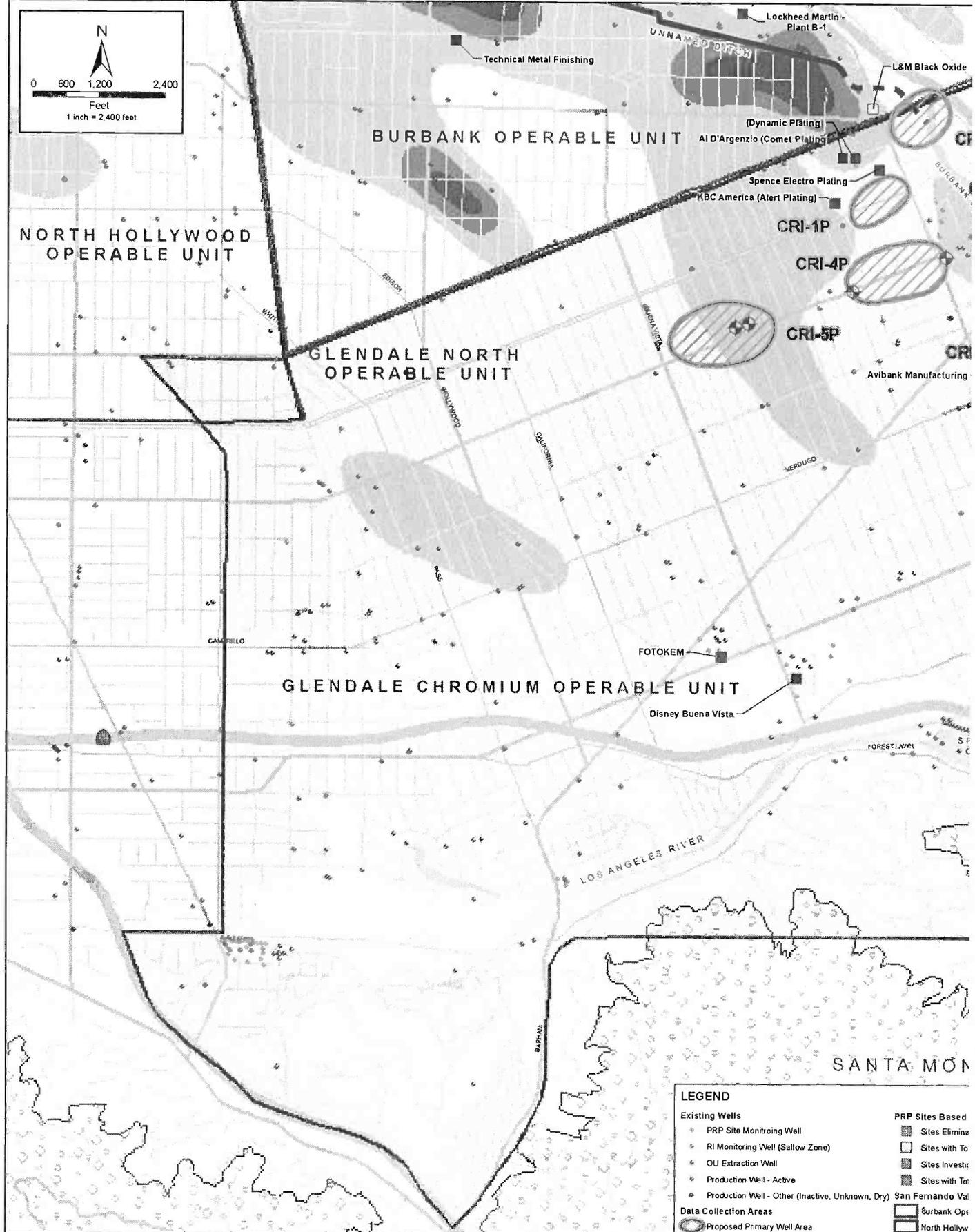
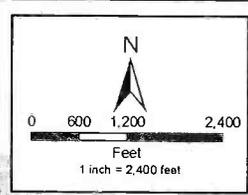
Page 12 of 12 of Appendix C (*Historical Operations at Potential Chromium Source Sites, Glendale Chromium Operable Unit*), from the Data Compilation & Evaluation Report, Glendale Chromium Operable Unit, San Fernando Valley Superfund Site – Area 2, dated November 2011, by Environmental Resources Management (ERM). [yellow highlights added]

*Investigations at Potential Chromium Source Sites
Chromium Operable Unit*

Investigations and Previous Investigations	Potential Contaminant Sources and Rationale for Selection
<p>upgrade of ITT Aerospace/Home Depot. Past owner was General Controls.</p>	
<p>million gallons/day from 3 wells at 5,000 gpm.</p>	
<p>chromium in all soil borings ranging from 2.83 to 22.4 mg/kg. chromium from 3.2 to 55 mg/kg. Remedial Investigation (RI) site for further investigation. chromium from 3.2 to 55 mg/kg. chromium in all soil borings ranging from 2.83 to 22.4 mg/kg.</p>	
<p>chromium, VOCs detected. No records of heavy metals being investigated. Records of heavy metals being investigated. 1995-1996. on 10-17-01 a chemical use questionnaire. Letter was issued based on presence of chromium. Remedial work performed, VOCs detected. No records of heavy metals being investigated.</p>	
<p>Previous business is unknown. The Uni-Plate site was closed in 2006 and chromium was found in soil</p>	<p>Based on the historical use as a plating facility and confirmed concentrations of chromium in soil, there is potential for groundwater contamination at this site.</p>
<p>VOC data on record (a)</p>	

EXHIBIT 11

Attachment A (Glendale Chromium Operable Unit, Proposed Specified Work, RI Borings and Well Areas and FFS Well Areas), Specified Work Plan, Glendale Chromium Operable Unit, San Fernando Valley Superfund Site – Area 2, dated November 2011.



ATTACHMENT A
 Glendale Chromium Operable Unit
 Proposed Specified Work
 RI Borings and Well Areas
 and FFS Well Areas

LEGEND	
Existing Wells	PRP Sites Based
• PRP Site Monitoring Well	■ Sites Elimine
• RI Monitoring Well (Shallow Zone)	□ Sites with To
• OU Extraction Well	□ Sites Investig
• Production Well - Active	■ Sites with To
• Production Well - Other (Inactive, Unknown, Dry)	■ San Fernando Val
Data Collection Areas	■ Burbank Ope
○ Proposed Primary Well Area	■ North Hollyw
○ Proposed Contingent Well Area	■ Glendale Ch
○ FFS Well Area	Total Dissolve
Well of Opportunity	■ January 2005 t
• PRP Site Monitoring Well	■ Above 50 ug
• RI Monitoring Well (Shallow Zone)	■ 25.01 - 50 ug
• Production Well - Other (Inactive, Unknown, Dry)	■ 5-25 ug/L
• Proposed Geotechnical Boring Location	

EXHIBIT 12

Figure 6 (*Proposed Wells and Drilling Locations – Northern, Glendale Chromium Operable Unit, San Fernando Valley Superfund Site, Los Angeles County, California*),
Specified Work Plan, Glendale Chromium Operable Unit,
San Fernando Valley Superfund Site – Area 2, dated November 2011.

Drawn by: ^{JA}

Date:
11/16/2011

Project No.
0130384.10

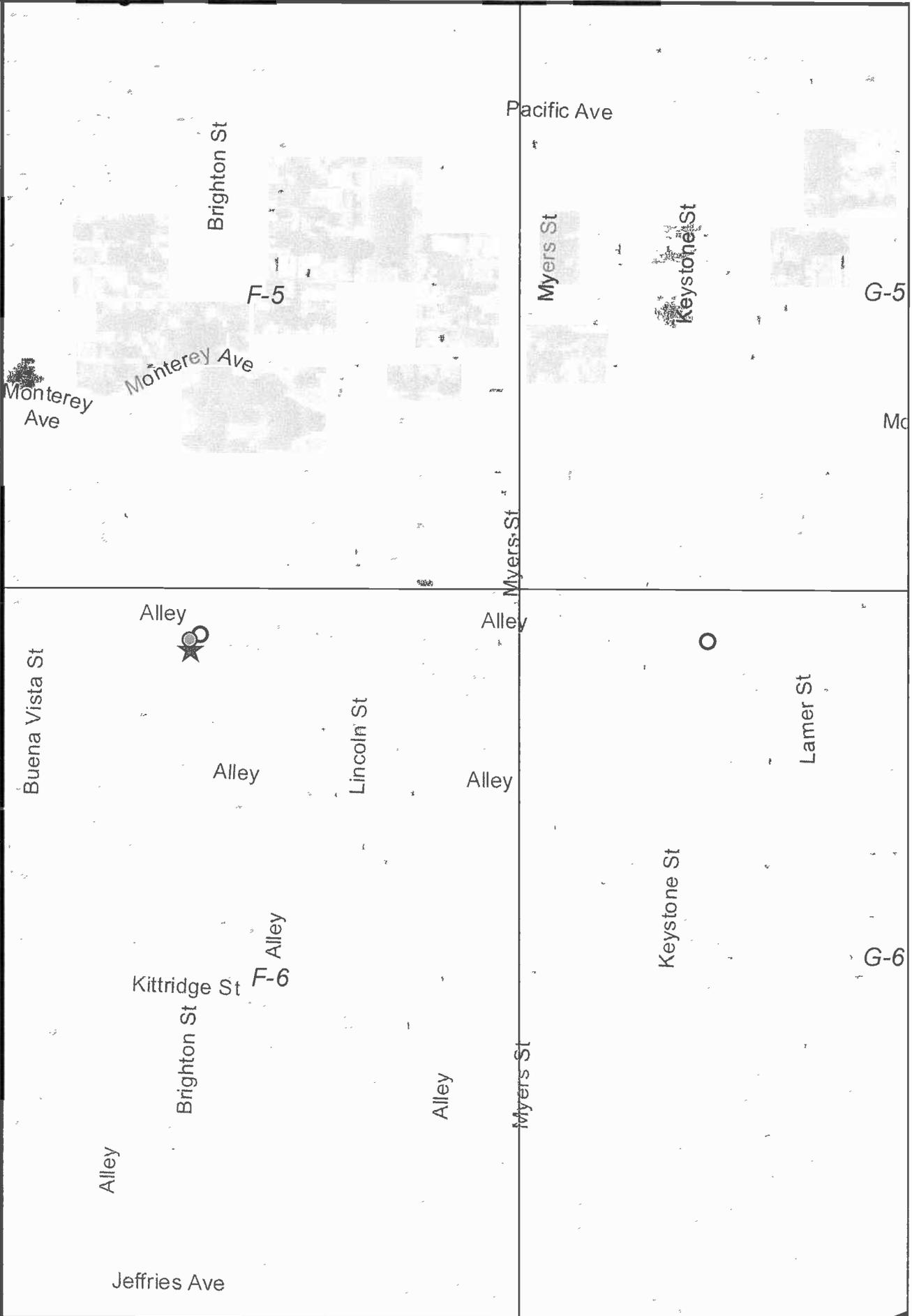


EXHIBIT 13

A “zoom in” portion of said Figure 6, focusing near the right bottom of the figure and the bottom of the list of target sites. [yellow highlights added]

86	L-14	Toyon Service Center, Toyon Canyon Landfill (Former)
13	R-14	Unicell Rubber Company (Former), now American Metaseal Company
87	I-6	Uniplate Inc.
62	O-10	Walt Disney Company, Lockheed Librascope/Loral (Former)
88	H-12	Walt Disney Company-Buena Vista
89	M-8	Weldcraft
90	N-10	Western Magnetics Incorporated
91	R-15	Westform Industries
92	H-6	Westland Graphics
2	J-7	World Wide Digital Services, Access Controls (Former)
93	J-6	Zero Corp/Enclosures
33	R-14	Zoe Fashion Design (Former), See Drilube - 747 Site/Ken's Broaching/Lanco Metals

GC-1 10

57

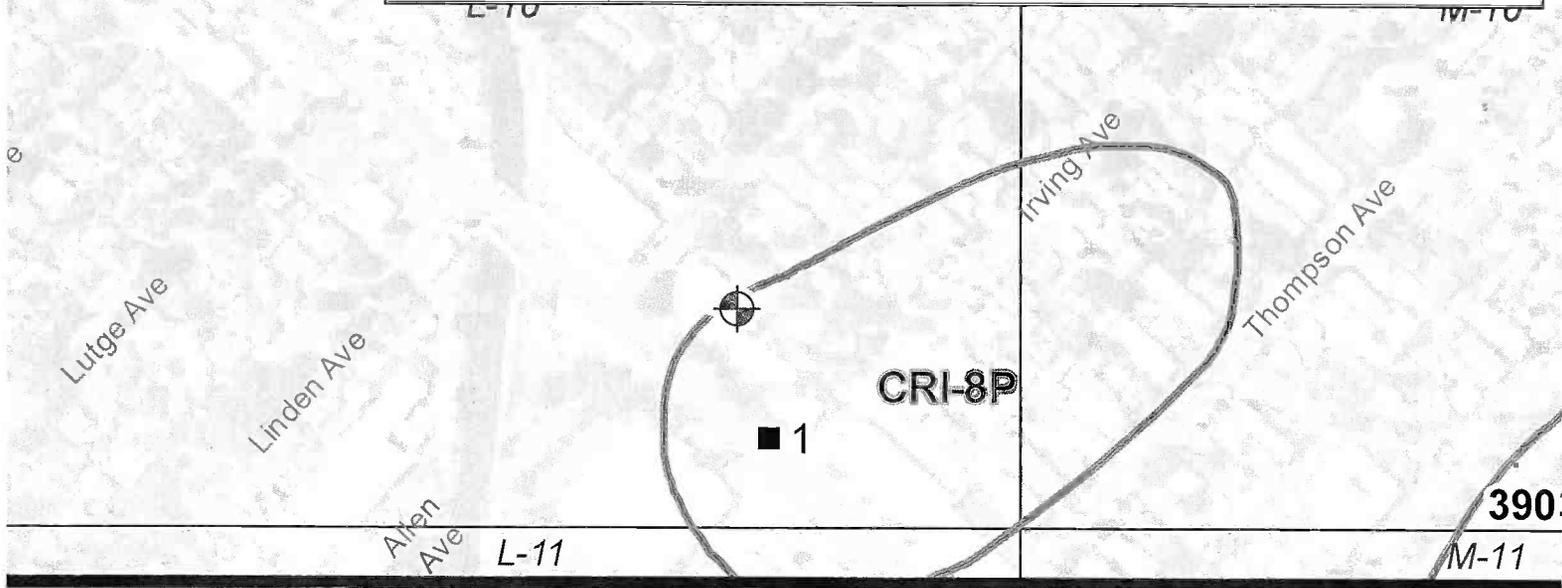


EXHIBIT 14

A "zoom in portion of said Figure 6, focusing on the northerly portion of the GCOU.

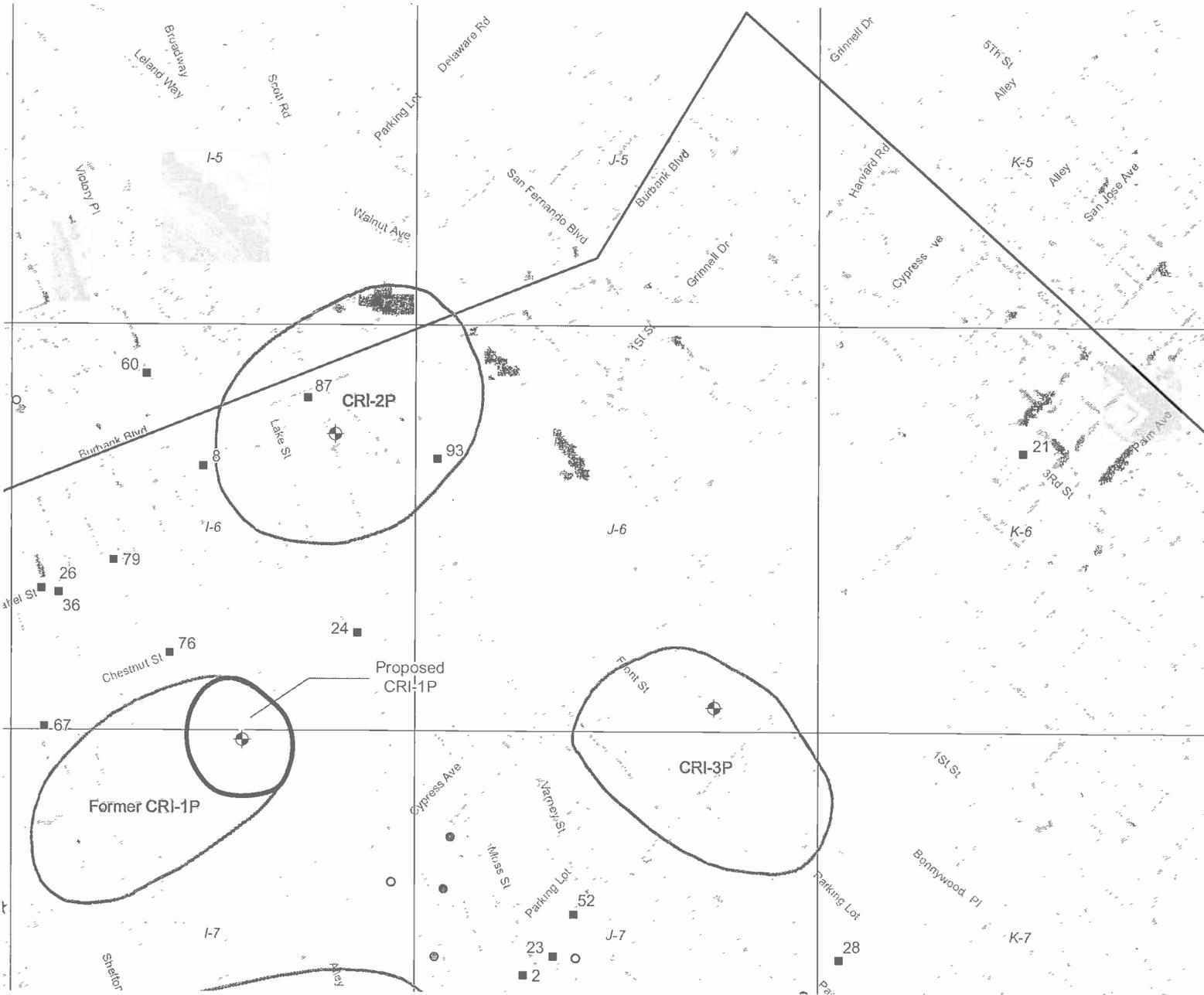


EXHIBIT 15

Cover page and project identification sheet, Field Sampling Plan,
Remedial Investigation at San Fernando Valley Area 2 Superfund Site,
Glendale Chromium Operable Unit, dated April 2012, by CH2MHILL
[yellow highlights added]

FINAL

**Field Sampling Plan
Remedial Investigation at
San Fernando Valley Area 2 Superfund Site
Glendale Chromium Operable Unit**

**EPA Contract No. EP-S9-08-04
EPA Task Order No. 060-RICO-09N2
CH2M HILL Project No. 427727**

Prepared for
United States Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

April 2012

CH2MHILL®
6 Hutton Centre Drive
Suite 700
Santa Ana, California 92707

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 9

Sample Plan Title: Field Sampling Plan – Remedial Investigation

Site Name: Glendale Chromium Operable Unit

Operable Unit: 04

Site Location: San Fernando Valley Area 2 Superfund Site

City/State/Zip: Glendale, Burbank, Los Angeles, California

Site EPA ID#: 09N2

Anticipated Investigation Dates: February 2012 – September 2013

Prepared By: Benjamin Lechler Date: April 2012

Agency or Firm: CH2M HILL, Inc.

Address: 6 Hutton Centre Drive, Suite 700

City/State/Zip: Santa Ana, CA 92707 Telephone: (714) 435-6283

EPA Project Manager: Lisa Hanusiak Section: SFD-7-3 Phone No. (415) 972-3152

FSP Approval Date: _____

* * * * *

(for EPA use)

S Received by Superfund Remedial Project Manager: _____

U Date _____

P Reviewed by: _____

E Date _____

APPROVED / NOT APPROVED

R

F

U

N

D

* * * * *

Expedited Review? _____ Yes/No

Q Received by Quality Assurance Office: _____

A Date _____

O Reviewed by: _____

Date _____

Approved: _____

Manager, Quality Assurance Office, _____

Management and Technical Services Division _____

* * * * *

EXHIBIT 16

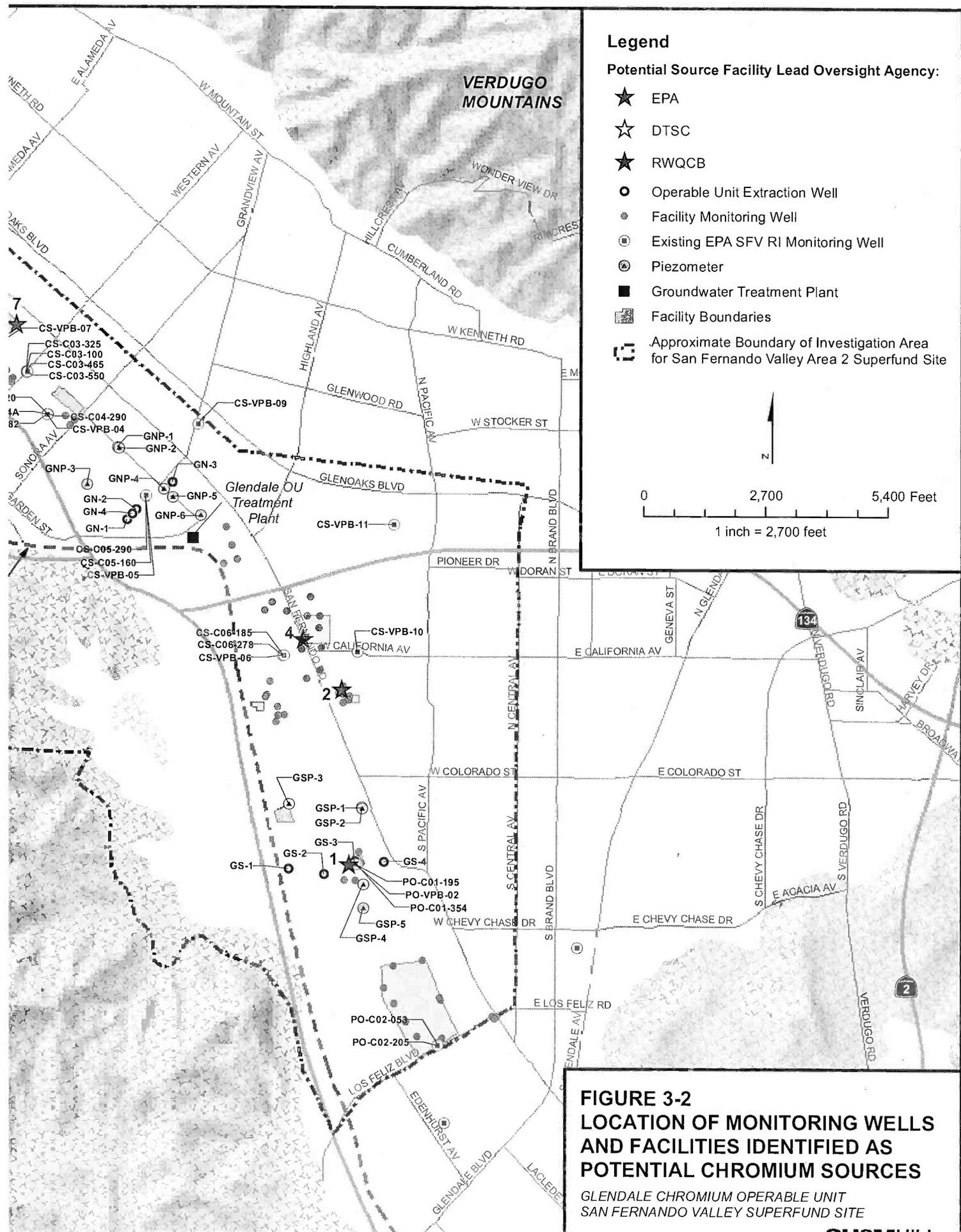
Table 3-2 (*Facilities Within Area 2 Being Investigated as Potential Sources of Chromium Contamination to Ground Water, San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit*), Field Sampling Plan, Remedial Investigation at San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, dated April 2012, by CH2MHILL. [yellow highlights added]

ing Investigated as Potential Sources of Chromium Contamination to Ground Water
 2 Superfund Site, Glendale Chromium Operable Unit

er Type	Site Number	Site Status
ral Notice Letters from EPA		
	6	Removal action completed. Additional remediation on hold
	2	Initial removal action completed. Additional remediation pending.
	7	Limited soil investigation completed.
	1	Work started on implementation of the Remedial Action Plan.
e Depot)	8	Remedial Action Plan in place; starting implementation of the final phase of remediation.
orporation)	11	Remedial Action Plan in place; planning underway for additional remedial action steps.
	4	Remedial Action Plan in place; final round of in-situ remediation under way and cleanup confirmation sampling being planned.
the RWQCB*		
	13	Initial soil investigation conducted.
discharger	5	Initial soil investigation completed.
	12	Shallow soil remedial action completed. Potential deep soil remediation on hold.
	10	Planning underway for initial soil investigation.
s	14	Initial soil investigation conducted.
	16	Planning underway of initial soil investigation.
DTSC		
	17	Soil characterization complete.
il, those where active soil investigation or remediation is being overseen by the RWQCB. Numerous additional sites are also under rces of chromium contamination.		

EXHIBIT 17

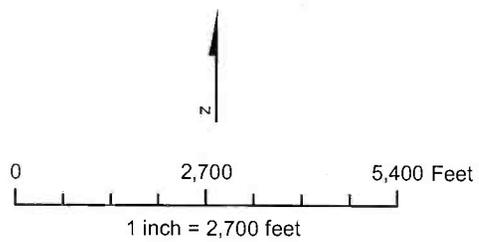
FIGURE 3-2, Location of Monitoring Wells, And Facilities Identified as Potential Chromium Sources, Glendale Chromium Operable Unit, San Fernando Valley Superfund Site, Field Sampling Plan, Remedial Investigation at San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, dated April 2012, by CH2MHILL.



Legend

Potential Source Facility Lead Oversight Agency:

- ★ EPA
- ☆ DTSC
- ★ RWQCB
- Operable Unit Extraction Well
- Facility Monitoring Well
- ⊙ Existing EPA SFV RI Monitoring Well
- ⊕ Piezometer
- Groundwater Treatment Plant
- ▭ Facility Boundaries
- ⊞ Approximate Boundary of Investigation Area for San Fernando Valley Area 2 Superfund Site

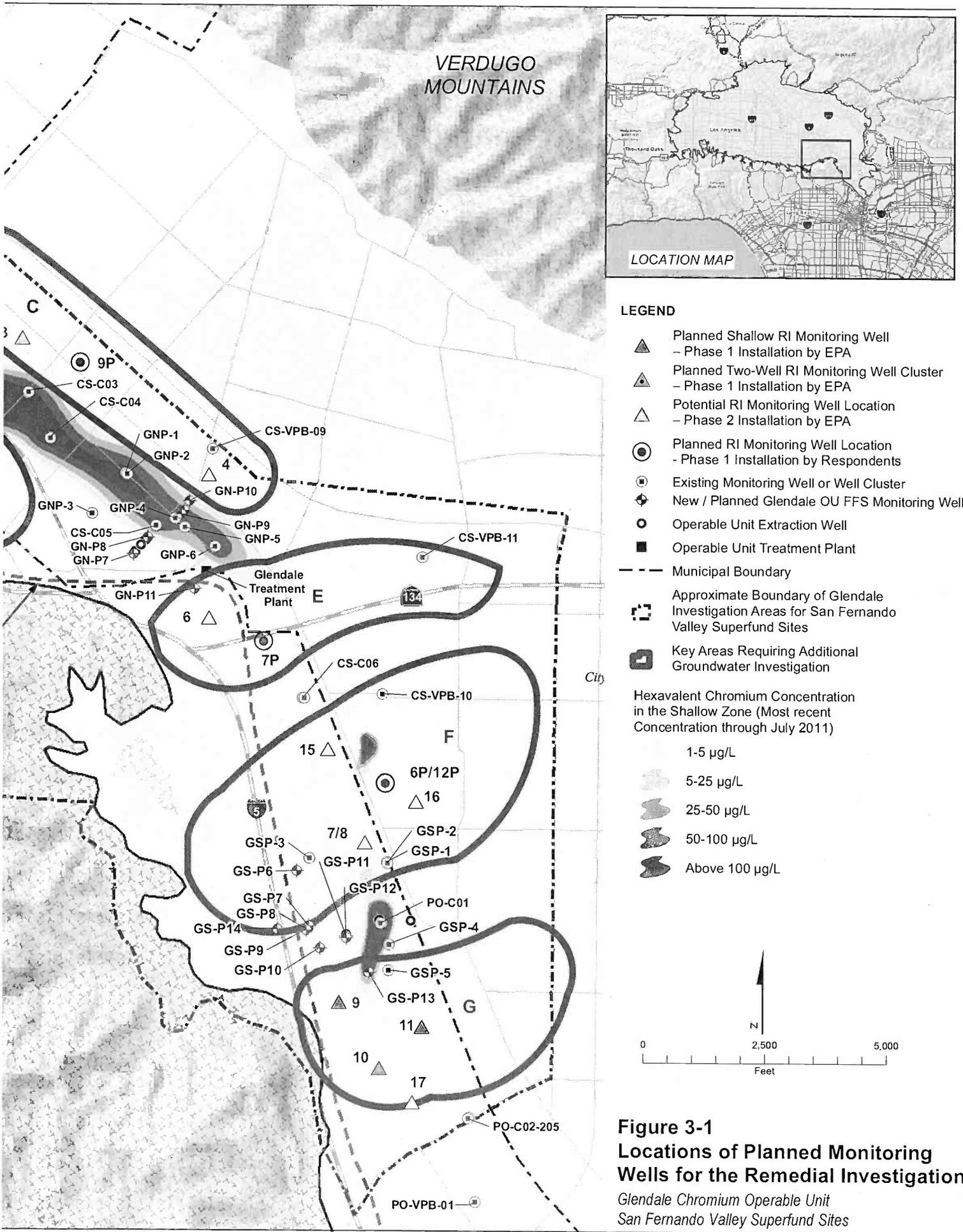


**FIGURE 3-2
LOCATION OF MONITORING WELLS
AND FACILITIES IDENTIFIED AS
POTENTIAL CHROMIUM SOURCES**

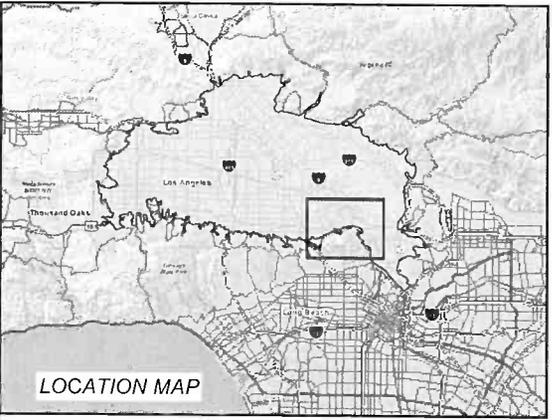
GLENDALE CHROMIUM OPERABLE UNIT
SAN FERNANDO VALLEY SUPERFUND SITE

EXHIBIT 18

Figure 3-1, *Locations of Planned Monitoring Wells for the Remedial Investigation, Glendale Chromium Operable Unit, San Fernando Valley Superfund Sites, Field Sampling Plan, Remedial Investigation at San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, dated April 2012, by CH2MHILL.*



VERDUGO MOUNTAINS



LEGEND

- ▲ Planned Shallow RI Monitoring Well - Phase 1 Installation by EPA
- ▲ Planned Two-Well RI Monitoring Well Cluster - Phase 1 Installation by EPA
- △ Potential RI Monitoring Well Location - Phase 2 Installation by EPA
- ⊙ Planned RI Monitoring Well Location - Phase 1 Installation by Respondents
- ⊙ Existing Monitoring Well or Well Cluster
- ⊕ New / Planned Glendale OU FFS Monitoring Well
- Operable Unit Extraction Well
- Operable Unit Treatment Plant
- - - Municipal Boundary
- ⊞ Approximate Boundary of Glendale Investigation Areas for San Fernando Valley Superfund Sites
- ⊞ Key Areas Requiring Additional Groundwater Investigation

Hexavalent Chromium Concentration in the Shallow Zone (Most recent Concentration through July 2011)

- 1-5 µg/L
- 5-25 µg/L
- 25-50 µg/L
- 50-100 µg/L
- Above 100 µg/L

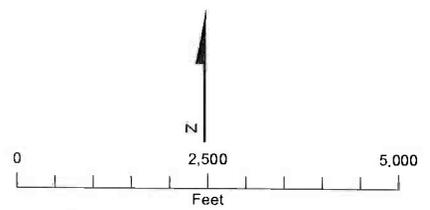


Figure 3-1
Locations of Planned Monitoring Wells for the Remedial Investigation
Glendale Chromium Operable Unit
San Fernando Valley Superfund Sites

EXHIBIT 19

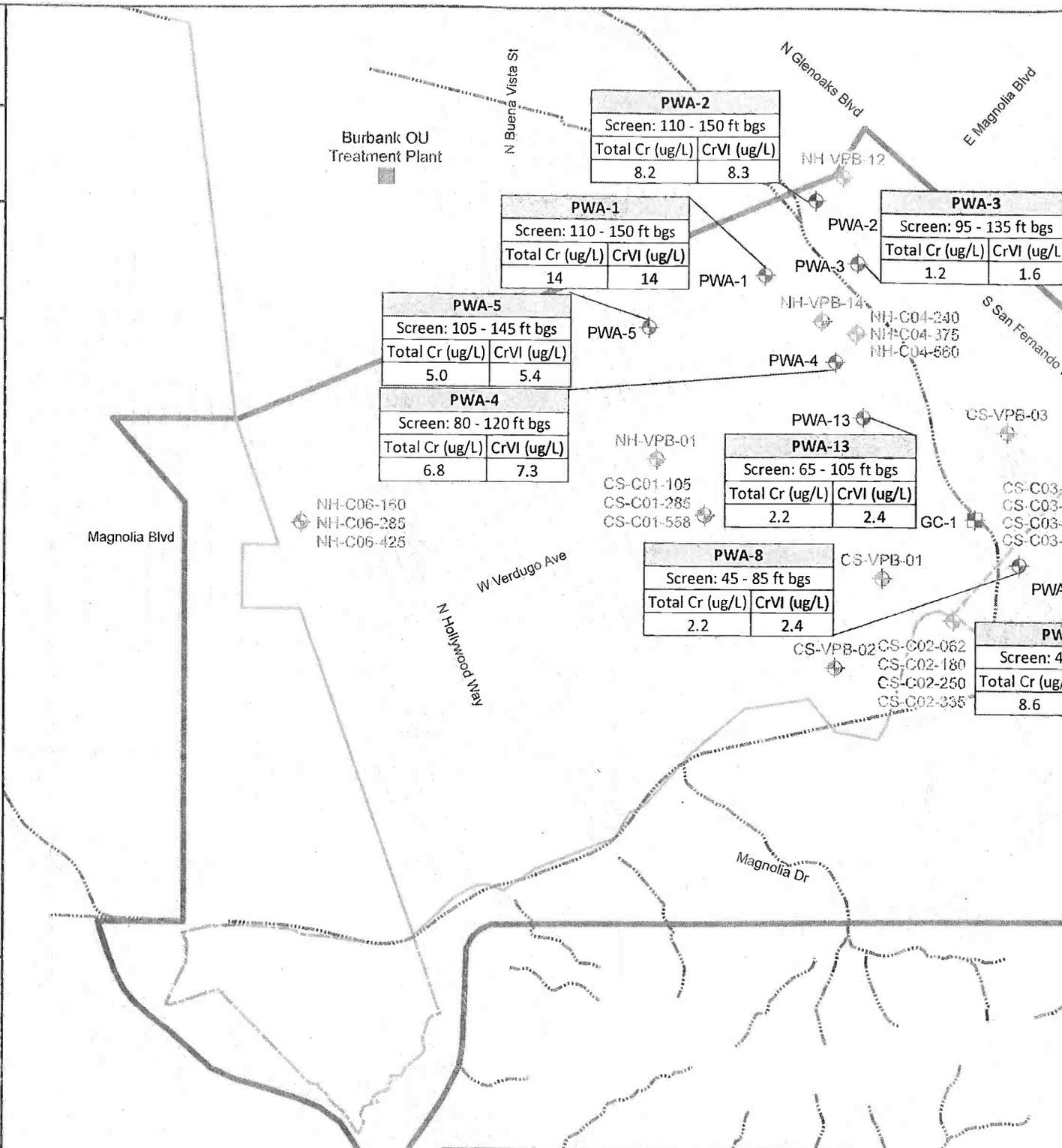
Draft Figure 6, *Chromium in Groundwater, GCOU Monitoring Wells,
Glendale Chromium Operable Unit,
San Fernando Valley Superfund Site, Los Angeles County, California,*
dated March 2013, by ERM

Project No.
0130384.30

Date
3/1/2013

Drawn by
aroe

ArcGIS File:
F:\ERM Files\GIS\Glendale_Cr6_OU\Arcl\Maps\SWR\0130384_Chromium_GW.mxd



DRAFT

Legend

- Geotechnical Boring Location
- Groundwater Monitoring Well Location
- Potential Well of Opportunity Location
- Deep Zone Groundwater Monitoring Well Location

Scale: 1" = 100'

EXHIBIT 20

Five-Year Review Interview Record regarding Larry Moore and Alex Lapostol,
Appendix C (Interview Forms), *Second Five-Year Review Report for San Fernando Valley —
Area 2 Superfund Site, Glendale, Los Angeles County, California*, dated September 30, 2013,
Prepared by United States Army Corps of Engineers, Seattle District, and
Approved by U.S. EPA Region IX. [yellow highlights added]

Five-Year Review Interview Record

Site: San Fernando Valley Areas 1 and 2 Superfund Sites	EPA ID No: CAD980894901
Interview Type: Visit	
Location of Visit: Los Angeles Regional Water Quality Control Board Office	
Date: 2/26/2013 Time: 3:00 PM	
Interviewer: Zizi Searles David Sullivan Aaron King	Title: RPM Geologist Environmental Engineer
Organization: USEPA USACE USACE	

Individuals Contacted

Name: Larry Moore	Title: Staff Environmental Scientist	Organization: Los Angeles RWQCB
Telephone: (213) 576-6730	Address: 320 W 4th Street Suite 200 Los Angeles, CA 90013	
Name: Alex Lapolstol	Title: Technical Consultant	Organization: E2 Consulting Engineers
Telephone: (213) 576-6801	Address: 320 W 4th Street Suite 200 Los Angeles, CA 90013	

Summary of Conversation

1) What is your overall impression of the project (general sentiment)?

It's a positive project; the only unfortunate thing being that it takes longer than they would like to do things. However, it is a slow process because of due process.

2) What is your current role and your agency's role with respect to the site?

RWQCB works to identify PRPs, and make sure PRPs are in compliance and responsible. Mr. Moore works as a state employee on site cleanup with an emphasis on chromium, but is still involved with VOCs. Mr. Lapolstol provides support on behalf of EPA to identify chromium PRPs (though in some cases VOCs and chromium overlap), fulfill EPA information needs, and assist the state in enforcing the water code.

3) Have there been routine communications or activities (site visits, inspections, reporting activities, etc.) conducted by your office regarding the site? If so, please give the purpose and results.

RWQCB conducts site inspections, reviews work plans, completes chemical use questionnaires from PRPs, and oversees the cleanup process. EPA provides concurrence with cleanup levels. Mr. Lapolstol is the "eyes and ears" of EPA so that EPA isn't surprised by what the RWQCB is doing.

4) Have there been any complaints, violations, or other incidents related to the site requiring a response by your office? If so, please give details of the events and the results of the responses.

There have been no public complaints, and no PRP complaints that have required a response. Glendale, Burbank, and LADWP complain about the slow pace of investigations and response times of EPA and RWQCB. PRPs complain about paying for cleanup.

5) Are you aware of any events, incidents, or activities at the site such as vandalism, trespassing, or emergency responses from local authorities? If so, please give details.

No, though residents near the former Excello plating facility admitted to trespassing and rolling around in the dirt when the facility was still operational, but that did not occur in the last five years.

6) Is the remedy functioning as expected? How well is the remedy performing?

For the NHO, EPA has spent lots of money on the remedy, but unless LADWP uses appropriate pumping rates, it's a moot point; they're just spreading contamination around. It is difficult to contain plumes the way the remedy has been operated. For the GOU, PCE, TCE, total chromium, and hexavalent chromium have been found down gradient of GS-3. The characterization of the GOU is insufficient. Part of the plume has gone off-site of the Excello facility.

7) What does the monitoring data show? Are there any trends that show contaminant levels are decreasing?

The BOU has not been completely assessed in regard to chromium. Honeywell (NHO) has been remediating an on-site source by injecting calcium polysulfide, and has been seeing reductions in off-site wells. Decreasing chromium concentrations have not been observed in the GOU; the plume appears to be shifting, rather than decreasing in concentrations.

8) Is there a continuous on-site O&M presence? If so, please describe staff and activities. If there is not a continuous on-site presence, describe staff and frequency of site inspection and activities.

RWQB has no day-to-day interactions with facilities, but receives monthly updates from the GOU.

9) What are the annual O&M costs for your organization's involvement at the site?

N/A

10) Have there been any significant changes in the O&M requirements, maintenance schedules, or sampling routines since start-up or in the last five years? If so, do they affect the protectiveness of the remedy? Please describe changes and impacts.

N/A

11) Have there been unexpected O&M difficulties or costs at the site since start-up or in the last five years? If so, please give details.

N/A

12) Have there been opportunities to optimize O&M or sampling efforts? Please describe changes and resultant or desired cost savings or improved efficiency.

N/A

13) What effects have site operations had on the surrounding community?

For example, the BOU is pumping their own water, meaning they don't have to purchase all of their water from the Metropolitan Water District. The water is clean, and no one sees the plant; it's a great benefit. In general, the public is interested. If the site has a Cleanup and Abatement Order, the PRP must do community outreach before RWQCB will issue a closure.

14) Are you aware of any community concerns regarding the site or its operation and administration? If so, please summarize the concerns.

Nothing to add; refer to response to question 13.

15) Do you feel well informed about the site's activities and progress?

Yes. The updates and contact with EPA are sufficient.

16) Are you aware of any changes in Federal/State/County/Local laws and regulations that may impact the protectiveness of the site?

OEHHA developed a PHG for hexavalent chromium, which is the precursor for development of an MCL. This will result in higher costs for treatment facilities, which will be passed on to consumers.

17) Do you have any comments, suggestions, or recommendations regarding the site's management, operation, or any other aspects of the site?

No.

EXHIBIT 21

Five-Year Review Interview Record regarding Tedd Yargeau, Appendix C (Interview Forms),
Second Five-Year Review Report for San Fernando Valley — Area 2 Superfund Site,
Glendale, Los Angeles County, California, dated September 30, 2013,
Prepared by United States Army Corps of Engineers, Seattle District, and
Approved by U.S. EPA Region IX.
[yellow highlights added]

Five-Year Review Interview Record

Site:	San Fernando Valley Area 1 and Area 2 Superfund Sites	EPA ID No:	CAD980894893
Interview Type:	Phone		
Location of Visit:	N/A		
Date:	5/6/2013	Time:	11:00 AM
Interviewer:	ZIZI Searles Aaron King	Title:	RPM Environmental Engineer
		Organization:	USEPA USACE
Individuals Contacted			
Name:	Todd Yargeau	Title:	Senior Scientist
		Organization:	DTSC
Telephone:	(818) 212-5340	Address:	9211 Oakdale Avenue Chatsworth, CA 91311
Summary of Conversation			
<p>1) What is your overall impression of the project (general sentiment)?</p> <p>Overall, the projects are very good. Things are moving forward with the GCOU and things are going well with the BOU. There have been some issues in the NHOU with bringing in other responsible parties.</p>			
<p>2) What is your current role and your agency's role with respect to the site?</p> <p>Peer-reviewing documents. DTSC ensures that the state's interests are represented.</p>			
<p>3) Have there been routine communications or activities (site visits, inspections, reporting activities, etc.) conducted by your office regarding the site? If so, please give the purpose and results.</p> <p>There have been no recent site visits, though DTSC is well aware of what is going on due to communications from EPA and PRPs.</p>			
<p>4) Have there been any complaints, violations, or other incidents related to the site requiring a response by your office? If so, please give details of the events and the results of the responses.</p> <p>No.</p>			
<p>5) Are you aware of any events, incidents, or activities at the site such as vandalism, trespassing, or emergency responses from local authorities? If so, please give details.</p> <p>No.</p>			
<p>6) Is the remedy functioning as expected? How well is the remedy performing?</p> <p>The remedies are functioning for the most part with the exception of the NHOU (regarding containment). However, all of the remedies are headed in the right direction.</p>			
<p>7) What does the monitoring data show? Are there any trends that show contaminant levels are decreasing?</p> <p>Contaminant levels are definitely decreasing, except for hexavalent chromium in some wells in the NHOU.</p>			

8) Is there a continuous on-site O&M presence? If so, please describe staff and activities. If there is not a continuous on-site presence, describe staff and frequency of site inspection and activities.

There is no oversight on behalf of the state but DTSC is aware of EPA's oversight.

9) What are the annual O&M costs for your organization's involvement at the site?

N/A

10) Have there been any significant changes in the O&M requirements, maintenance schedules, or sampling routines since start-up or in the last five years? If so, do they affect the protectiveness of the remedy? Please describe changes and impacts.

The only new thing is the new and emerging compounds, especially hexavalent chromium. The second remedy for the NHOU will treat for hexavalent chromium, and the GOU is actively working on a chromium remedy.

11) Have there been unexpected O&M difficulties or costs at the site since start-up or in the last five years? If so, please give details.

Bringing more PRPs on board has been a challenge in the NHOU.

12) Have there been opportunities to optimize O&M or sampling efforts? Please describe changes and resultant or desired cost savings or improved efficiency.

EPA has been trying to be more efficient in sampling by reducing the number of mobilizations.

13) What effects have site operations had on the surrounding community?

DTSC has not heard any complaints; EPA has been running a great outreach program.

14) Are you aware of any community concerns regarding the site or its operation and administration? If so, please summarize the concerns.

There was a recent inquiry regarding a real estate purchase in the San Fernando Valley and whether the presence of the contamination could affect the value of the property. DTSC responded that property values would not be affected.

15) Do you feel well informed about the site's activities and progress?

Yes. EPA has actively notified DTSC.

16) Are you aware of any changes in Federal/State/County/Local laws and regulations that may impact the protectiveness of the site?

The MCL for hexavalent chromium may impact protectiveness, and the challenge has been how to address it. EPA has moved in the right direction, and technologies are being tested that could treat hexavalent chromium down to what the MCL might be.

17) Do you have any comments, suggestions, or recommendations regarding the site's management, operation, or any other aspects of the site?

No. EPA has done a very good job at managing a complex project, and DTSC certainly appreciates it.

EXHIBIT 22

Emails, dated February 27, 2013, between Alex Lapostol and Donald C. Nanney.
[yellow highlights added]

From: Alex.Lapostol@CH2M.com [mailto:Alex.Lapostol@CH2M.com]
Sent: Wednesday, February 27, 2013 1:57 PM
To: Don Nanney
Cc: ESmalstig@Geosyntec.com; lmoore@waterboards.ca.gov
Subject: RE: Former Zero Halliburton Site

Hi Don, good to hear from you. Interesting about EPA. However, I want to say respectfully, that is not relevant what EPA counsel opines about the situation...since this is strictly a Regional Board investigation. It was serendipity perhaps that when I was travelling last week, I saw a guy at the airport with one of those cool Zero Halliburton brief cases (anodized aluminum - see attached jpeg).....Looking into the Zero-Halliburton relationship would be a great idea in my opinion. The thing is that the Board is not going to let this go..for the reasons previously stated about relative soil concentrations and occurrence....and the fact that this site was one of the biggest anodizing sites in the area.

Best Regards,
Alex Lapostol, P.G.
Senior Technical Consultant
E2 Consulting Engineers - USEPA Contractor
213-576-6801 (Regional Board office)
510-590-6218 (cell)

From: Don Nanney [dnanney@gilchristutter.com]
Sent: Wednesday, February 27, 2013 11:50
To: Lapostol, Alex/BAO
Cc: ESmalstig@Geosyntec.com; lmoore@waterboards.ca.gov
Subject: Re: Former Zero Halliburton Site

Hi, Alex. Doing well, thanks. Hope you are too.

Coincidentally, a couple days ago, I was finally able to have a substantive discussion with Thomas Butler, counsel at US EPA Region 9 (as I had mentioned to you I may do). Given the circumstances and the extremely low data, he didn't think that they have any interest in the site (or need for more data) in connection with the Chromium Operable Unit. At his request, I sent him yesterday the soil data tables and figures (historical and recent) for Cr and Cr6 and I expect to have confirmation from him soon. To the extent his confirmation may be of assistance, I think we should wait a bit for that and I'll let you know what he says for EPA as soon as I hear and we can confer about how to proceed. And, of course, my client will need to make a decision and we want to know what Mr. Butler will confirm.

By the way, I am not sure where Halliburton comes from in your subject line. If only they were involved they could take care of this! Have you found out something about that?

Best,

Don Nanney

Sent from my iPhone

On Feb 27, 2013, at 11:04 AM, "Alex.Lapostol@CH2M.com" <Alex.Lapostol@CH2M.com> wrote:

Hi Don, Hope you are well. Please let me know the status of your clients compliance posture....how does that sound ? i.e. please let me know whats up, with the issue we talked about and the additional soil boring in that clarifier "no. 4".

Regards,
Alex Lapostol, P.G.
Senior Technical Consultant
E2 Consulting Engineers - USEPA Contractor
213-576-6801 (Regional Board office)
510-590-6218 (cell)

**DECLARATION OF DONALD C. NANNEY
IN SUPPORT OF THIRD PETITION FOR REVIEW,
REQUEST FOR HEARING AND REQUEST FOR STAY
("NANNEY DEC. #2")**

1 DONALD C. NANNEY
State Bar No. 62235
2 GILCHRIST & RUTTER
Professional Corporation
3 1299 Ocean Avenue, Suite 900
Santa Monica, California 90401-1000
4 Telephone: (310) 393-4000
Facsimile: (310) 394-4700
5 Email: Dnanney@gilchristutter.com

6 Attorneys for Petitioners
Northridge Properties, LLC,
7 and Alan Skobin

8
9 STATE OF CALIFORNIA

10 STATE WATER RESOURCES CONTROL BOARD

11
12 In the Matter of Los Angeles Regional Water
Quality Control Board 13267 Order –
13 Northridge Properties, LLC, former Zero
Corporation Facility, 777 North Front Street,
14 Burbank, California

No.

**DECLARATION OF DONALD C.
NANNEY IN SUPPORT OF
THIRD PETITION FOR REVIEW,
REQUEST FOR HEARING AND
REQUEST FOR STAY
("NANNEY DEC. #2")**

15
16
17
18 I, Donald C. Nanney, declare as follows:

19 1. I am an attorney at law licensed to practice before all courts of the State of
20 California and a Partner of Gilchrist & Rutter Professional Corporation, counsel for Petitioners
21 Northridge Properties, LLC ("Northridge Properties") and Mr. Alan Skobin, (individually a
22 "Petitioner" and collectively "Petitioners"). I have personal knowledge of the facts set forth
23 herein, except as to those stated on information and belief and, as to those, I am informed and
24 believe them to be true. If called as a witness, I could and would competently testify to the
25 matters stated herein. I file this declaration in support of the Third Petition for Review, Request
26 for Hearing and Request for Stay (the "Third Petition") submitted herewith. This declaration
27 focuses on the Request for Stay. Other declarations submitted herewith focus on other aspects of
28 this matter.

1 2. The Third Petition responds to the Requirement for Technical Reports Pursuant to
2 California Water Code Section 13267 Order, Former ZERO Corporation Facility (the “Third
3 Order”), dated June 3, 2015, issued by the Los Angeles Regional Water Quality Control Board
4 (“RWQCB” or “Regional Board”) to Northridge Properties and Alan Skobin, a true and correct
5 copy of which is attached as Exhibit 2-c to the accompanying Declaration of Donald C. Nanney in
6 Support of Third Petition For Review (“Nanney Dec. #1).

7 3. Without the requested stay, Petitioners will be put in a position where they will
8 have to comply with the requirements contained in the Third Order or face the possibility of
9 administrative sanctions, notwithstanding good grounds for objection to the Third Order. We have
10 been in this position before.

11 4. The Regional Board issued the Requirement for Technical Reports Pursuant to
12 California Water Code Section 13267 Order, Former ZERO Corporation Facility, dated May 10,
13 2011, to Northridge Properties (the “Initial Order”). The Initial Order was the subject of the
14 Petition for Review, Request for Hearing and Request for Stay, In the Matter of Los Angeles
15 Regional Water Quality Control Board 13267 Order – Northridge Properties, LLC, former Zero
16 Corporation Facility, 777 North Front Street, Burbank, California, dated June 9, 2011, Petition No.
17 A2167 (the “Initial Petition”). The Initial Petition essentially took the position that the Initial
18 Order was invalid for lack of permissible and sufficient grounds for reopening the site that had
19 been closed by the Regional Board pursuant to the Certificate of Completion, dated June 30, 2002,
20 issued under cover letter dated July 1, 2002, to APW North America, Inc. (i.e., the responsible
21 party, successor of Zero Corporation). In order to reduce the volume and burden of this
22 submission, we will not include copies of the Certificate of Completion, the Initial Order or the
23 Initial Petition as exhibits. The Initial Petition, which includes the Initial Order and the Certificate
24 of Completion as exhibits, is on file with the State Board and is readily available for electronic
25 download from the State Water Resources Control Board’s webpage at this link:

26 [http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition.pdf)
27 [n.pdf](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition.pdf)

28 ///

1 5. No stay was received in response to the Initial Petition; no notice was issued to the
2 Regional Board and other interested persons to file a response to the Initial Petition; no hearing
3 was held. The Initial Petition remains pending on file, without action by the State Board,
4 languishing in administrative purgatory.

5 6. For lack of a stay, it was necessary for Northridge Properties to comply with the
6 Initial Order in order to avoid potential penalties for non-compliance. Petitioner has suffered and
7 continues to suffer the adverse consequences that are particularly unjust where Petitioner rightly
8 expected to be protected as an innocent purchaser (with a Covenant Not to Sue and a Certificate of
9 Completion) against this kind of expense and damage.

10 7. As happened with the Initial Petition, without a stay, Petitioners would be required
11 to engage consultants, draft and submit a workplan and subsequently to perform the work
12 specified in the workplan. The engagement of consultants and drafting of the workplan and the
13 subsequent work and report would involve substantial costs that would have to be incurred prior to
14 resolution of the requested review. Without a stay in the interim, Petitioners would again suffer
15 irreparable injury that would not be cured by a subsequent hearing and grant of relief.

16 8. In a telephone discussion on August 11, 2014, soon after the issuance of the Second
17 Order referred to in the Third Petition, Alex Lapostol (US EPA Contractor attached to the
18 Regional Board) informed me in no uncertain terms that the required additional investigation is
19 “non-negotiable.” While the Second Order was withdrawn shortly after the Second Petition was
20 submitted (as detailed in Nanney Dec. #1 and the Third Petition), but has been in substance
21 reinstated with the Third Order. Faced with that response and faced with the costs that would
22 have to be incurred soon to meet the deadline under the Third Order, Petitioner has no choice but
23 to request that the State Board immediately stay the Third Order pending review of the merits.

24 9. There is a real due process problem with the timing of State Board review of
25 petitions. While the timing problem was ameliorated somewhat under recent amendments to the
26 governing regulations, 23 CCR §§ 2050 et seq., the problem was not solved completely and
27 remains in this case. Under the amended regulations, if the State Board, within ninety (90) days of
28 the filing of a petition, neither dismisses the petition nor notifies other parties to respond to the

1 petition, then the petition would be deemed denied as of the 91st day following receipt of the
2 petition (longer periods would apply before deemed denial in the case of petitions already filed
3 before the effective date of the amendment, but the 90-day rule applies to the Third Petition under
4 discussion).

5 10. While that amendment was an improvement over the pre-existing regulation, it
6 does not do enough to provide due process in situations where the State Board still need not act
7 and the deemed denial under the pending amendment would not apply until after the compliance
8 deadline.

9 11. For example, in this case, the compliance deadline under the Third Order is
10 October 1, 2015, sooner than the 90 days allowed for the State Board to act following the filing of
11 the Third Petition.

12 12. Thus, the amended regulation does not solve this kind of timing problem. There is,
13 however, a way for the State Board to provide more effective administrative review, which is
14 promptly to grant stays in cases like this one.

15 13. The requested stay will pose no substantial harm to the public or water quality, but
16 instead will simply maintain the status quo pending a decision on the merits. The status quo is
17 quite benign, as shown in the Third Petition and in the supporting declaration of Eric Smalstig (as
18 well in the Initial Petition). Indeed from all the available data – including the 2009 CalTrans
19 report and subsequent data from study by Geosyntec Consultants – the property meets applicable
20 industrial standards and even residential standards regarding chromium and Cr6, and the single
21 finding of Cr6 leading to the withdrawn Second Order and now the Third Order is at a barely
22 detectable concentration. Therefore, there would clearly be no substantial harm to the public or
23 water quality by maintaining the status quo pending review.

24 14. As discussed in the Initial Petition (and supplemented in the Third Petition and
25 supporting declarations), there is clearly substantial question as to the validity of the Initial Order,
26 the withdrawn Second Order and the Third Order given the binding legal effect of the Certificate
27 of Completion and of the Covenant Not to Sue, and there is clearly substantial question as to the
28 sufficiency of the alleged factual basis for the asserted reopener and issuance of the Initial Order

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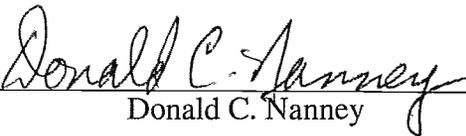
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and the additional requirements of the withdrawn Second Order and now the Third Order.

15. Accordingly, the State Board should grant the requested stay of the Third Order pending hearing on the merits. The State Board is requested to advise as soon as possible whether the stay is granted, in light of the compliance deadline of October 1, 2015, under the Third Order.

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

Executed this 2nd day of July, 2015, at Santa Monica, California.


Donald C. Nanney

**DECLARATION OF DONALD C. NANNEY
IN SUPPORT OF THIRD PETITION FOR REVIEW,
REQUEST FOR HEARING AND REQUEST FOR STAY
("NANNEY DEC. #3")**

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6 Attorneys for Petitioners
Northridge Properties, LLC,
7 and Alan Skobin

8
9 STATE OF CALIFORNIA

10 STATE WATER RESOURCES CONTROL BOARD

11
12 In the Matter of Los Angeles Regional Water
Quality Control Board 13267 Order –
13 Northridge Properties, LLC, former Zero
Corporation Facility, 777 North Front Street,
14 Burbank, California

No.

**DECLARATION OF DONALD C.
NANNEY IN SUPPORT OF THIRD
PETITION FOR REVIEW, REQUEST
FOR HEARING AND REQUEST FOR
STAY (“NANNEY DEC. # 3)**

15
16
17 I, Donald C. Nanney, declare as follows:

18 1. I am an attorney at law licensed to practice before all courts of the State of
19 California and a Partner of Gilchrist & Rutter Professional Corporation, counsel for Petitioner
20 Northridge Properties, LLC (“Northridge Properties”). I have personal knowledge of the facts set
21 forth herein, except as to those stated on information and belief and, as to those, I am informed
22 and believe them to be true. If called as a witness, I could and would competently testify to the
23 matters stated herein. I file this declaration in support of the Third Petition for Review, Request
24 for Hearing and Request for Stay (the “Third Petition”) submitted herewith, and to supplement the
25 Initial Petition (defined below). This declaration provides a response to a contention informally
26 raised by agency staff. Other declarations submitted herewith focus on other aspects of this
27 matter.

28 ///

1 2. The Los Angeles Regional Water Quality Control Board (“Regional Board”) issued
2 the Requirement for Technical Reports Pursuant to California Water Code Section 13267 Order,
3 Former ZERO Corporation Facility, dated May 10, 2011, to Northridge Properties (the “Initial
4 Order”). The Initial Order was the subject of the Petition for Review, Request for Hearing and
5 Request for Stay, In the Matter of Los Angeles Regional Water Quality Control Board 13267
6 Order – Northridge Properties, LLC, former Zero Corporation Facility, 777 North Front Street,
7 Burbank, California, dated June 9, 2011, Petition No. A2167 (the “Initial Petition”). The Initial
8 Petition essentially took the position that the Initial Order was invalid for lack of permissible and
9 sufficient grounds for reopening the site that had been closed by the Regional Board pursuant to
10 the Certificate of Completion, dated June 30, 2002, issued under cover letter dated July 1, 2002, to
11 APW North America, Inc. (i.e., the responsible party, successor of Zero Corporation). In order to
12 reduce the volume and burden of this submission, we will not include copies of the Certificate of
13 Completion, the Initial Order or the Initial Petition as exhibits. The Initial Petition, which includes
14 the Initial Order and the Certificate of Completion as exhibits, is already on file at the State Water
15 Resources Control Board (“State Board”) and is readily available for electronic download from the
16 State Board’s webpage at this link:
17 [http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition.pdf)
18 [n.pdf](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/petitions/a2167petition.pdf)

19 3. No stay was received in response to the Initial Petition, no notice was issued to the
20 Regional Board and other interested persons to file a response to the Initial Petition, no hearing
21 was held, and the Initial Petition remains pending on file without action by the State Board.

22 4. Some time after the Initial Petition was filed, it was contended by agency staff in
23 informal discussions that the Regional Board (as the designated administering agency for the
24 Former Zero Facility under the Unified Agency Review of Hazardous Materials Release Sites law,
25 under an application mentioning VOCs) only had jurisdiction to review and close the site with
26 respect to VOCs, and therefore (i) the Certificate of Completion mentioned, and could only cover,
27 VOCs, and (ii) the site was not closed by the Regional Board with respect to chromium (including
28 Cr6). That contention is absurd.

1 5. I was present at meetings with Regional Board staff during the time when the final
2 investigations and review were being required by the staff and done by consultants for the
3 responsible party, leading up to the issuance of the Certificate of Completion in 2002. Those final
4 investigations and review covered chromium, 1-4 dioxane and MTBE in addition to VOCs, to the
5 satisfaction of the Regional Board, as detailed in the Initial Petition.

6 6. Consider this scenario suggested by the contention: In those meetings, when
7 Regional Board staff members, Dr. Arthur Heath and Elijah Hill, required additional study of
8 emerging chemicals, including chromium, before closure would be granted, Michael Francis,
9 counsel for the responsible party, could have responded: “But, Art and Elijah, you don’t have
10 jurisdiction to require those additional studies. My application on behalf of Zero Corporation for
11 site designation only mentioned VOC releases. The Regional Board’s jurisdiction is therefore
12 limited to VOCs.” Mr. Francis would have been laughed out of the room for absurdity.

13 7. No such limitation is contained in the California Environmental Protection Agency
14 Site Designation Committee Resolution No. 97-19, February 5, 1998, Zero Corporation, Burbank,
15 CA, a copy of which is attached as Exhibit A to the Certificate of Completion that is attached as
16 Exhibit B to the Initial Petition. Those resolutions designating the Regional Board as the
17 administering agency refer to “site investigation and remedial action” and “hazardous materials”
18 without any limitation on the Regional Board’s jurisdiction.

19 8. There would be a whole lot more applications for site designation if the jurisdiction
20 of an environmental agency could be limited by the scope of what happens to be mentioned in an
21 application!

22 9. Moreover, if the contention regarding limited jurisdiction and limited scope of the
23 Certificate of Completion held water (no pun intended), there would have been no reason to
24 mention the Certificate of Completion in connection with the Initial Order other than, perhaps, to
25 say that it was irrelevant to a chromium investigation (otherwise leaving the Certificate in effect).
26 Instead, the Regional Board’s letter of May 10, 2011, reopening the site and delivering the Initial
27 Order, took great pains to discuss the Certificate of Completion as follows:

28 ///

1 The former responsible party, APW North America, received a Certificate of Completion
2 from the Cal/EPA in 2002. This Regional Board is the administering agency of record and
3 we have determined that the Certificate is no longer binding on the Regional Board. As
4 stated above, the Regional Board has received new information. Pursuant to Health and
5 Safety Code section 25264(c)(4), we may reopen the investigation if a hazardous materials
6 release is discovered at the site that was not subject of the prior site investigation. Also,
7 section 25264(c)(5) states that a site may be reopened if new facts causes the agency to
8 find that further site investigation and remediation is required in order to prevent a
9 significant risk to human health and safety or to the environment. The 2009 Caltrans
10 report found that detectable concentrations of Cr6 in soil samples exceed the typical
11 background concentrations in the native soils in the Burbank area.

12 10. That statement is evidence that the Regional Board itself considered its Certificate
13 of Completion to be applicable such that permissible statutory grounds had to be found and cited
14 to justify reopening of the site.

15 11. The flimsiness and invalidity of the cited grounds was thoroughly discussed in the
16 Initial Petition and will not be repeated here. I would only emphasize that the subject of the
17 investigations leading to the Certificate of Completion included not only VOCs but also emerging
18 chemicals including chromium. Where that is the case as a matter of fact, and the site was in fact
19 closed in light of the findings of those investigations, there is nothing in the cited code sections to
20 the effect that the Certificate must expressly note every detail and every chemical that was the
21 subject of investigation in order to apply. That would exalt form over substance. Presumably for
22 that reason the Regional Board did not rely on the absurd contention and grasped for some
23 statutory exception to the Certificate of Completion.

24 12. As detailed in the Declaration of Eric Smalstig in Support of Third Petition
25 submitted herewith, the subsequent investigation that Northridge Properties was compelled to
26 undertake for lack of a stay resulted in findings completely consistent with the pre-existing data,
27 barely any detectible Cr6 at the site, no new facts or material change in facts, so that the Third
28 Order is not warranted and, like the Initial Order (and withdrawn Second Order), is in violation of
the Certificate of Completion.

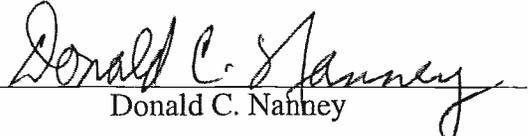
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 2nd day of July, 2015, at Santa Monica, California.


Donald C. Nanney

**DECLARATION OF ERIC SMALSTIG IN
SUPPORT OF THIRD PETITION FOR
REVIEW, REQUEST FOR HEARING
AND REQUEST FOR STAY**

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Northridge Properties, LLC
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8 STATE OF CALIFORNIA
9 STATE WATER RESOURCES CONTROL BOARD
10

11 In the Matter of Los Angeles Regional Water
12 Quality Control Board 13267 Order –
Northridge Properties, LLC, former Zero
13 Corporation Facility, 777 North Front Street,
Burbank, California

No.
**DECLARATION OF ERIC SMALSTIG IN
SUPPORT OF THIRD PETITION FOR
REVIEW, REQUEST FOR HEARING
AND REQUEST FOR STAY**

14
15
16 I, Eric Smalstig, declare as follows:

17 1. I am a Professional Engineer duly licensed (P.E. – Civil) and registered in the State
18 of California with the Board for Professional Engineers & Land Surveyors under license number
19 C56128. I am currently employed as a Principal of Geosyntec Consultants, Inc. (Geosyntec) in
20 Huntington Beach, California. I have been practicing environmental engineering consultant for
21 over 23 years.

22 2. In my engineering consulting position, I have been working for Northridge
23 Properties, LLC (Northridge) on this site (777 N. Front Street, Burbank, California, *see* Nanney
24 Dec #1, Exhibit 1, Figure 2) since July 2011. Northridge is the property owner and petitioner in
25 this matter. I have personal knowledge of the facts set forth herein, except as to those stated on
26 information and belief and, as to those, I am informed and believe them to be true. If called as a
27 witness, I could and would competently testify to the matters stated herein. I make this
28

[409290.1/4746.002]

1 declaration in support of the Third Petition for Review, Request for Hearing and Request for Stay
2 submitted herewith.

3 3. The California Regional Water Quality Control Board, Los Angeles Region
4 (RWQCB) issued the Requirement for Technical Reports to Northridge pursuant to the California
5 Water Code Section 13267 Order (*see* Nanney Dec #1, Exhibit 2.c.), therefore the RWQCB is the
6 lead environmental agency for the requested hexavalent chromium (also Cr6) site investigations at
7 the property.

8 4. The purpose of this declaration is to provide certain technical facts related to the
9 Third Petition for review being filed on behalf of Northridge, and provide opinions related to the
10 relevance of these facts to the issues raised in the Third Petition. These technical facts include:

11 a. Site Soil Results Compared to Federal/Regional Screening Level (RSL) for
12 Cr6 – A presentation and review of site soil results in comparison to the Federal (i.e., USEPA,
13 Region 9) Regional Screening Level (RSL) values for Cr6 (latest update: June 2015) including
14 Industrial Soil Screening Levels and Soil Screening Levels calculated to be protective of ground
15 water resources (Exhibit 1 to this declaration).

16 b. Area Groundwater Quality Data Review – The USEPA has been (and is
17 currently) conducting an assessment of the water quality in the vicinity of the Northridge property
18 as part of the San Fernando Valley Superfund (Glendale Chromium Operable Unit of the SFV
19 Superfund Site, or ‘GCOU’) investigation.

20 5. Based on historical site operations, the Northridge property (prior to Northridge’s
21 ownership of the property) has been the subject of several environmental investigations beginning
22 in the late 1980s. Several of these environmental investigations included sampling and analysis of
23 site soils for potential chromium contamination below and adjacent to key site features where
24 potential chromium contamination may be anticipated (Law/Crandall 1997, Emcon 1997, Ninyo &
25 Moore 2009, Geosyntec 2012).

26 6. The most recent RWQCB-approved soil investigation (Geosyntec 2012) targeted
27 the former industrial waste water clarifiers at the site (*see* Nanney Dec #1, Exhibit 1). Per
28 discussions with Alex Lapostol, USEPA Contractor and RWQCB representative in the field

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1 during placement of anticipated soil boring locations as well as during the drilling process, soil
 2 samples were collected from multiple depths below the existing concrete foundations and adjacent
 3 to the clarifiers and analyzed for Cr6. Due to geophysical clearance of each site boring location,
 4 certain anticipated locations had to be re-located slightly (i.e., a few feet) prior to drilling to adjust
 5 for clearance from the clarifier walls. These locations were discussed in the field with Alex
 6 Lapostol. The Cr6 chemical analytical results indicated that the Cr6 concentrations from the
 7 majority of samples were below laboratory reporting limits (i.e., non-detectable). The results from
 8 the most recent environmental investigation (shown in Exhibit 2) are included below:

Boring	Depth (feet below grade)	Concentration (mg/kg)
SS-1	5	Non-Detect (<0.40)
SS-1	10	Non-Detect (<0.40)
SS-1	15	Non-Detect (<0.40)
SS-1	20	Non-Detect (<0.40)
SS-2	5	1.10
SS-2	10	0.96
SS-2	15	Non-Detect (<0.40)
SS-2	20	Non-Detect (<0.40)
SS-3	5	Non-Detect (<0.40)
SS-3	10	Non-Detect (<0.40)
SS-3	15	Non-Detect (<0.40)
SS-3	20	Non-Detect (<0.40)
SS-4	5	Non-Detect (<0.40)
SS-4	10	Non-Detect (<0.40)
SS-4	15	Non-Detect (<0.40)
SS-4	20	0.41
SS-5	5	1.30
SS-5	10	Non-Detect (<0.40)
SS-5	15	Non-Detect (<0.40)
SS-5	20	Non-Detect (<0.40)

7. The results indicate that Cr6 was not detected in soils at any sampling depth within borings SS-1 and SS-3.

1 8. The results indicate that Cr6 was detected at approximately 1 mg/kg within the
2 upper two soil sampling intervals in SS-2 and within the upper soil sampling interval in SS-3. It
3 should be noted that Building 12 where SS-2 was placed, was the primary location where
4 aluminum alodining (chrome plating) operations occurred.

5 9. The results indicate that, while Cr6 was not detected in the upper three soil
6 sampling intervals in SS-4, Cr6 was detected at 0.41 mg/kg, 0.01 above the laboratory analytical
7 reporting limit (0.40 mg/kg).

8 10. The results indicate that none of the soil samples exceeded the USEPA Region 9
9 Industrial Soil Regional Screening Level of 6.3 mg/kg (Exhibit 2 to this declaration).

10 11. Each of the detected values of Cr6, as well as the laboratory detection limit of 0.40
11 mg/kg, are above the USEPA Region 9 RSL for protection of ground water resources of 0.00067
12 mg/kg. The RSL value of 0.00067 is a calculated value based on a series of human health risk
13 calculations and corresponding assumptions. As presented in the user's guide for the RSLs on the
14 USEPA website (highlighted emphasis added) ([http://www.epa.gov/reg3hwmd/risk/human/rb-
15 concentration_table/usersguide.htm](http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/usersguide.htm)):

16 *These equations are used to calculate screening levels in soil (SSLs) that are*
17 *protective of groundwater. SSLs are either back-calculated from protective risk-based*
18 *ground water concentrations or based on MCLs. The SSLs were designed for use*
19 *during the early stages of a site evaluation when information about subsurface*
20 *conditions may be limited. Because of this constraint, the equations used are based on*
21 *conservative, simplifying assumptions about the release and transport of*
22 *contaminants in the subsurface.*

23 12. Indeed, the value of 0.00067 mg/kg is three orders of magnitude (i.e., a factor of
24 1000x) below the reportable limit at which commercial chemical laboratories can detect and
25 quantify the presence of the contaminant.

26 13. The laboratory that performed the chemical analysis of soils from the Northridge
27 property (Calscience of Stanton, California) is certified by the State of California Environmental
28 Laboratory Accreditation Program, ELAP, per RWQCB requirements. As required by original

1 Section 13267 Order received by Northridge in May 2011, the soil samples were analyzed for the
2 RWQCB-specified and EPA-certified Method EPA7199 (Exhibit 3 to this declaration, Appendix
3 A). EPA Method 7199 utilizes Ion Chromatography (IC) to detect Cr6 according to the prescribed
4 methodology. Other EPA methods exist to analyze for Cr6 (e.g., EPA Method 7196A,
5 colorimetric determination of Cr6) but these methods result in even higher detection limits than
6 the method specified by the RWQCB and used by Northridge according to the RWQCB-approved
7 work plan.

8 14. Even though each of the Cr6 detections in the RWQCB-approved site investigation
9 were below the USEPA-derived Industrial Soil RSL, the fractional value (i.e., 0.01) above the
10 detection limit in SS-4 at 20 feet below ground surface was highlighted as the primary reason for
11 the RWQCB requests for expanded environmental investigation at the Northridge property.

12 15. The Northridge property is situated centrally near the northerly edge of the GCOU.
13 The GCOU includes a large (i.e., multiple square mile) area of known Cr6 impacts to soil and
14 ground water (*see* Nanney Dec #1, Exhibit 11).

15 16. Several ground water monitoring wells are located in the vicinity of the Northridge
16 property (*see* Nanney Dec #1, Exhibits 11, 18, 19). In addition, the Northridge property lies
17 between two large ground water extraction and treatment systems installed and operated within the
18 SFV Superfund area: Burbank Operable Unit Extraction Well Field and Treatment System, and
19 the Glendale North Operable Unit Extraction Well Field and Treatment System (Exhibit 4).

20 17. The ground water flow direction in the vicinity of the Northridge property was
21 historically to the southeast as water flowed out of the Verdugo Mountains to the north of the
22 Northridge property and infiltrated the alluvial plain below the site. Ground water would then
23 largely follow surface water flow patterns (i.e., flow southeasterly) along the orientation of the
24 Burbank Western Wash Channel which flows southeast until it joins the Los Angeles River. This
25 orientation of ground water flow is evident in the elongated concentration pathways of Cr6
26 detected within the SFV Superfund area.

27 18. Since operation of the SFV Superfund extraction and treatment systems began,
28 ground water flow directions have been influenced by SFV Superfund extraction wells. During

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1 active, continuous pumping at these systems, a localized change in ground water flow direction to
2 the southwest below the site may be occurring (Exhibit 4 to this declaration), though there are few
3 wells to the east of the Northridge property to definitively calculate a ground water gradient or
4 flow pattern. Indeed, RWQCB staff and EPA embedded contractors acknowledge that the SFV
5 Superfund remediation measures are "...just spreading contamination around..." and that the
6 "[p]lume appears to be shifting..." (see Nanney Dec #1, Exhibit 20).

7 19. Sample analysis from ground water wells PWA-2 and PWA-3 in the immediate
8 vicinity of the Northridge property demonstrate a decreasing Cr6 concentration in the groundwater
9 below the Northridge property in the southeasterly direction of predominant ground water flow.

10 20. Sample analysis from ground water wells PWA-2 and PWA-3 in the immediate
11 vicinity of the Northridge property (see Nanney Dec #1, Exhibit 19) do not indicate concentrations
12 above the recently established chromium Maximum Contaminant Level in drinking water of
13 10 ug/liter.

14
15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17 DATED: July 1, 2015

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19 By: 
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Exhibit 1

Declaration of Eric Smalstig

ISO Third Petition

PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer, m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant Analyte	CAS No.	Screening Levels												Protection of Ground Water SSLs			
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)		
0.1	0.1	1.1E+05	ALAR Acephate Acetaldehyde	1596-84-5 30560-19-1 75-07-0	3.0E+01 6.2E+01 1.1E+01	c c** c**	1.3E+02 2.6E+02 4.9E+01	c c* c**	5.5E-01 6.2E+00 1.3E+00	c c c**	2.4E+00 2.6E+00 5.6E+00	c c c**	4.3E+00 8.9E+00 2.6E+00	c c** c**		9.5E-04 2.0E-03 5.2E-04	c c** c**			
0.1	0.1	1.1E+05	Acetochlor Acetone Acetone Cyanohydrin	34256-82-1 67-64-1 75-86-5	1.3E+03 6.1E+04 5.0E+01	n n n	1.6E+04 6.7E+05 2.1E+02	n nms n	3.2E+04 2.1E+00	n n	1.4E+05 8.8E+00	n n	3.5E+02 1.4E+04 4.2E+00	n n n		2.8E-01 2.9E+00 8.4E-04	n n n			
0.1	0.1	2.5E+03	Acetonitrile Acetophenone Acetylaminofluorene, 2-	75-05-8 98-86-2 53-96-3	8.1E+02 7.8E+03 1.4E+01	n ns c	3.4E+03 1.2E+05 6.0E-01	n nms c	6.3E+01 2.2E-03 9.4E-03	n c c	2.6E+02 1.9E+03 1.6E-02	n n c	1.3E+02 1.9E+03 1.6E-02	n n c		2.6E-02 5.8E-01 7.2E-05	n n c			
0.1	0.1	1.1E+05	Acrolein Acrylamide Acrylic Acid	107-02-8 79-06-1 79-10-7	1.4E-01 2.4E-01 9.9E+01	n c n	6.0E-01 4.6E+00 4.2E+02	n c n	2.1E-02 1.0E-02 1.0E+00	n c n	8.8E-02 1.2E-01 4.4E+00	n c n	4.2E-02 5.0E-02 2.1E+00	n c n		8.4E-06 1.1E-05 4.2E-04	n c n			
0.1	0.1	1.1E+04	Acrylonitrile Adiponitrile Alachlor	107-13-1 111-69-3 15972-60-8	2.5E-01 8.5E+06 9.7E+00	c* nm c*	1.1E+00 3.6E+07 4.1E+01	c* nm c	4.1E-02 6.3E+00 1.0E+00	c* n c	1.8E-01 2.6E+01 1.0E+00	c* n c	5.2E-02 2.0E+00 2.0E+01	c* n c	2.0E+00	1.1E-05 8.6E-04 2.0E+00	c* c c	1.6E-03		
0.1	0.1	0.1	Aldicarb Aldicarb Sulfone Aldicarb sulfoxide	116-06-3 1646-88-4 1646-87-3	6.3E+01 6.3E+01 6.3E+01	n n n	8.2E+02 8.2E+02 8.2E+02	n n n					2.0E+01 2.0E+01 4.0E+00	n n c	3.0E+00 2.0E+00 4.0E+00	4.9E-03 4.4E-03 8.8E-04	n n c	7.5E-04 4.4E-04 8.8E-04		
0.1	0.1	1.1E+05	Aldrin Allyl Allyl Alcohol	309-00-2 74223-64-6 107-18-8	3.9E-02 1.6E+04 3.5E+00	c* n n	1.8E-01 2.1E+05 1.5E+01	c nm n	5.7E-04 1.0E-01 1.0E-01	c n n	2.5E-03 4.4E-01 4.4E-01	c n n	9.2E-04 4.9E+03 2.1E-01	c n n		1.5E-04 1.9E+00 4.2E-05	c n n			
0.1	0.1	1.4E+03	Allyl Chloride Aluminum Aluminum Phosphide	107-05-1 7429-90-5 20959-78-8	7.2E-01 7.7E+04 3.1E+01	c** n n	3.2E+00 1.1E+06 4.7E+02	c** nm n	4.7E-01 5.2E+00 1.0E+00	c** n n	2.0E+00 2.2E+01 2.0E+00	c** n n	7.3E-01 2.0E+04 8.0E+00	c** n n		2.3E-04 3.0E+04 8.0E+00	c** n n			
0.1	0.1	0.1	Amidox Amethyn Aminobiphenyl, p-	61486-29-4 834-12-9 92-87-1	1.9E+01 5.7E+03 2.9E-02	n n c	2.5E+02 7.4E+03 1.1E-01	n n c					5.9E+00 1.5E+02 3.0E-03	n c c		2.1E+03 1.6E-01 1.5E-05	n n c			
0.1	0.1	0.1	Aminophenol, m- Aminophenol, p- Amtraz	591-27-5 123-30-8 33089-61-1	5.1E+03 1.3E+03 1.6E+02	n n n	6.6E+04 1.6E+04 2.1E+03	n n n					1.6E+03 4.0E+02 8.2E+00	n n n		6.1E-01 1.5E-01 4.2E+00	n n c			
0.1	0.1	1.4E+04	Ammonia Ammonium Sulfamate Amyl Alcohol, tert-	7664-41-7 7773-06-0 19485-4	1.6E+04 8.2E+01 1.6E+01	n n n	2.3E+05 3.4E+02 4.0E+02	nm c c*	1.0E+02 3.1E+00 1.0E+00	n n n	4.4E+02 1.3E+01 4.4E+00	n n n	4.0E+03 6.3E+00 1.3E+01	n n c*		1.3E-03 4.6E-03 1.4E-02	n c* c*			
5	5	5	Antimony Antimony Pentoxide Antimony Potassium Tartrate Antimony Tetroxide	82533-3 84-85-1 7440-36-0 1314-60-9 11071-15-1 1332-81-8	9.5E+01 1.4E+01 3.1E+01 3.9E+01	c** c** c** n	4.0E+02 5.7E+01 4.7E+02 5.8E+02	c* c* c* n	1.0E+00 5.7E+01 4.7E+02 1.1E+03	n n n n	4.4E+00 1.4E+00 7.8E+00 9.7E+00	n n n n	1.3E+01 1.4E+00 7.8E+00 1.8E+01	c* c* n n	6.0E+00	4.6E-03 1.4E-02 3.5E-01	c* c* n n	2.7E-01		
5	5	5	Antimony Trioxide Aralon Aramite	1309-64-4 74115-24-5 140-57-8	2.8E+05 8.2E+02 2.2E+01	nm n c	1.2E+06 1.1E+04 9.2E+01	nm n c	2.1E-01 1.1E+04 4.0E-01	n n c	8.8E-01 1.7E+00 1.7E+00	n c c	2.3E+02 1.3E+00 1.3E+00	n c c		1.4E+01 1.5E-02	n c			
0.03	0.1	0.1	Arsenic, Inorganic Arsine Assure	7440-38-2 7784-42-1 76578-14-8	6.8E-01 2.7E-01 5.7E+02	c*R n c	3.0E+00 4.1E+03 7.4E+03	cR n n	6.5E-04 5.2E-02 5.2E-02	e* n n	2.9E-03 2.2E-01 2.2E-01	c* n n	5.2E-02 7.0E-02 1.2E-02	c n n	1.0E+01	1.5E-03 n 1.9E+00	c n n	2.9E-01		
0.1	0.1	0.1	Asulam Atrazine Auramine	3337-71-1 1912-24-9 492-80-8	3.2E+03 2.4E+00 6.2E-01	n c c	4.1E+04 1.0E+01 2.6E+00	n c c	1.1E-02 1.1E-02 1.1E-02	c c c	4.9E-02 4.9E-02 4.9E-02	c c c	6.6E-02 6.6E-02 6.6E-02	n c c	3.0E+00	1.0E+03 1.9E-04 6.0E-04	n c c	2.6E-01 1.9E-03 1.9E-03		
0.1	0.1	0.1	Avermectin B1 Azobenzene Azodicarbonamide	65195-55-3 103-33-3 123-77-3	2.5E+01 5.6E+00 8.6E+03	n c n	3.3E+02 2.6E+01 4.0E+04	n c n	9.1E-02 9.1E-02 7.3E-03	c c n	4.0E-01 4.0E-01 3.1E-02	c c n	1.2E-01 1.2E-01 2.0E+04	c c n		1.4E+01 9.2E-04 6.8E+00	n c n			
17	25	0.1	Barium Barium Chromate Baygon	7440-39-3 10294-40-3 114-26-1	1.5E+04 3.0E-01 2.5E+02	n c n	2.2E+05 6.2E+00 3.3E+03	nm c n	5.2E-01 6.8E-06 3.3E+03	n c n	2.2E+00 8.2E-05 7.8E+01	n c n	3.8E+03 4.1E-02 7.8E+01	n c n	2.0E+03	1.6E+02 4.1E-02 2.5E-02	n c n	8.2E+01		
0.1	0.1	0.1	Bayleton Baythroid Benefin	43121-43-3 68359-37-5 1861-40-1	1.9E+03 1.6E+03 2.3E+04	n n n	2.5E+04 2.1E+04 3.5E+05	n n nm					5.5E+02 1.2E+02 1.7E+03	n n n		4.4E-01 3.1E+01 5.6E+01	n n n			
0.1	0.1	1.2E+03	Benomyl Bentazon Benzaldehyde	17804-35-2 25057-89-0 100-52-7	3.2E+03 1.9E+03 7.8E+03	n n ns	4.1E+04 2.5E+04 1.2E+05	n n nms					9.7E+02 5.7E+02 1.9E+03	n n n		8.5E-01 1.2E-01 4.3E-01	n n n			
0.1	0.1	1.8E+03	Benzene Benzenediamine-2-methyl sulfate, 1,4- Benzenethiol	71-43-2 6369-59-1 108-98-5	1.2E+00 5.4E+00 7.8E+01	c* c** n	5.1E+00 2.3E+01 1.2E+03	c* c* n	3.6E-01 3.6E-01 1.2E+03	c* c* n	1.6E+00 1.6E+00 1.7E+01	c* c* n	4.5E-01 4.5E-01 1.7E+01	c* c** n	5.0E+00	2.3E-04 2.2E-04 1.1E-02	c* c** n	2.6E-03		
0.1	0.1	0.1	Benzidine Benzoic Acid	92-87-5 65-85-0	5.3E-04 2.5E+05	c nm	1.0E-02 3.3E+06	c nm	1.5E-05 3.3E+06	c nm	1.8E-04 3.3E+06	c nm	1.1E-04 7.5E+04	c n		2.7E-07 1.8E+01	c n			

PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant Analyte	CAS No.	Screening Levels												Protection of Ground Water SSLs				
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)			
		3.2E+02	Benzotrifluoride	98-07-7	5.3E-02	c	2.5E-01	c							2.9E-03	c		6.5E-06	c		
07	0.1		Benzyl Alcohol	100-51-6	6.3E+03	n	8.2E+04	n							2.0E+03	n		4.8E-01	n		
		1.5E+03	Benzyl Chloride	100-44-7	1.1E+00	c*	4.8E+00	c*	5.7E-02	c*	2.5E-01	c*	8.9E-02	c*				9.7E-05	c*		
			Beryllium and compounds	7440-41-7	1.6E+02	n	2.3E+03	n	1.2E-03	c*	5.1E-03	c*	2.5E+01	n	4.0E+00			1.9E+01	n		3.2E+00
	0.1		Bidrin	141-66-2	6.3E+00	n	8.2E+01	n							2.0E+00	n		4.7E-04	n		
	0.1		Bifenox	42576-02-3	5.7E+02	n	7.4E+03	n							1.0E+02	n		7.6E-01	n		
	0.1		Biphenthrin	82657-04-3	9.5E+02	n	1.2E+04	n							3.0E+02	n		1.4E+03	n		
			Biphenyl, 1,1'	92-52-4	4.7E+01	n	2.0E+02	n	4.2E-01	n	1.8E+00	n	8.3E-01	n				8.7E-03	n		
	0.1	1.0E+03	Bis(2-chloro-1-methylethyl) ether	108-60-1	4.9E+00	c	2.2E+01	c	2.8E-01	c	1.2E+00	c	3.6E-01	c				1.3E-04	c		
			Bis(2-chloroethoxy)methane	111-91-1	1.9E+02	n	2.5E+03	n							5.9E+01	n		1.3E-02	n		
		5.1E+03	Bis(2-chloroethyl) ether	111-44-4	2.3E-01	c	1.0E+00	c	8.5E-03	c	3.7E-02	c	1.4E-02	c				3.6E-06	c		
	0.1	4.2E+03	Bis(chloromethyl) ether	542-88-1	8.3E-05	c	3.6E-04	c	4.5E-05	c	2.0E-04	c	7.2E-05	c				1.7E-08	c		
			Bisphenol A	80-05-7	3.2E+03	n	4.1E+04	n							7.7E+02	n		5.8E+01	n		
			Boron And Borates Only	7440-42-8	1.6E+04	n	2.3E+05	nm	2.1E+01	n	8.8E+01	n	4.0E+03	n				1.3E+01	n		
			Boron Trichloride	10294-34-5	1.6E+05	nm	2.3E+06	nm	2.1E+01	n	8.8E+01	n	4.2E+03	n					n		
			Boron Trifluoride	7637-07-2	3.1E+03	n	4.7E+04	n	1.4E+01	n	5.7E+01	n	2.6E+01	n					n		
			Bromate	15541-45-4	9.9E-01	c	4.7E+00	c							1.1E-01	c	1.0E+01	8.5E-04	c	7.7E-02	
	2.4E+03		Bromo-2-chloroethane, 1-	107-04-0	2.6E-02	c	1.1E-01	c	4.7E-03	c	2.0E-02	c	7.4E-03	c				2.1E-06	c		
	6.8E+02		Bromobenzene	108-86-1	2.9E+02	n	1.8E+03	ns	6.3E+01	n	2.6E+02	n	6.2E+01	n				4.2E-02	n		
	4.0E+03		Bromochloromethane	74-97-5	1.5E+02	n	6.3E+02	n	4.2E+01	n	1.8E+02	n	8.3E+01	n				2.1E-02	n		
	9.3E+02		Bromodichloromethane	75-27-1	2.9E-01	c	1.3E+00	c	7.6E-02	c	3.3E-01	c	1.3E-01	c	8.0E+01(F)			3.6E-05	c	2.2E-02	
	9.2E+02		Bromolom	75-25-2	1.9E+01	c*	8.6E+01	c*	2.6E+00	c	1.1E+01	c	3.3E+00	c	8.0E+01(F)			8.7E-04	c	2.1E-02	
	3.6E+03		Bromomethane	74-83-9	6.8E+00	n	3.0E+01	n	5.2E+00	n	2.2E+01	n	7.5E+00	n				1.9E-03	n		
			Bromophos	2104-96-3	3.9E+02	n	5.8E+03	n							3.5E+01	n		1.5E-01	n		
	0.1		Bromoxynil	1689-44-6	1.3E+03	n	1.6E+04	n							3.3E+02	n		2.8E-01	n		
			Bromoxynil Octanoate	1689-99-2	1.6E+03	n	2.3E+04	n							1.4E+02	n		1.2E+00	n		
	6.7E+02		Butadiene, 1,3	106-98-0	5.8E-02	c*	2.6E-01	c*	9.4E-02	c*	4.1E-01	c*	1.8E-02	c				9.9E-06	c		
	7.6E+03		Butanol, N-	71-36-3	7.8E+03	ns	1.2E+05	nms							2.0E+03	n		4.1E-01	n		
	0.1		Butyl Benzyl Phosphate	8568-7-7	2.9E+02	c*	1.2E+03	c*							1.6E+01	c		2.3E-01	c		
	2.1E+04		Butyl alcohol, sec-	78-97-2	1.3E+05	nms	1.5E+06	nms	3.1E+04	n	1.3E+05	n	2.4E+04	n				5.0E+00	n		
			Butylate	2008-41-5	3.9E+03	n	5.8E+04	n							4.6E+02	n		4.5E-01	n		
	0.1		Butylated hydroxyanisole	25013-16-5	2.7E+03	c	1.1E+04	c	4.9E+01	c	2.2E+02	c	2.4E+02	c				4.5E-01	c		
	0.1		Butylated hydroxytoluene	128-37-0	1.5E+02	c	6.4E+02	c							3.3E+00	c		9.7E-02	c		
	1.1E+02		Butylbenzene, n-	104-51-8	3.9E+03	ns	5.8E+04	ns							1.0E+03	n		3.2E+00	n		
	1.5E+02		Butylbenzene, sec-	135-98-8	7.8E+03	ns	1.2E+05	nms							2.0E+03	n		5.9E+00	n		
	1.8E+02		Butylbenzene, tert-	99-06-6	7.8E+03	ns	1.2E+05	nms							6.9E+02	n		1.6E+00	n		
	0.1		Cacodylic Acid	7560-5	1.3E+03	n	1.6E+04	n							4.0E+02	n			n		
25	0.001		Cadmium (Diet)	7440-43-9	7.1E+01	n	9.8E+02	n													
15	0.001		Cadmium (Water)	7440-43-9					1.6E-03	c**	6.8E-03	c**	9.2E+00	n	5.0E+00			6.9E-01	n	3.8E-01	
25			Calcium Chromate	13765-19-0	3.0E-01	c	6.2E+00	c	6.8E-06	c	8.2E-05	c	4.1E-02	c					c		
	0.1		Caproactam	105-80-2	3.1E+04	n	4.0E+05	nm	2.3E+00	n	9.6E+00	n	9.9E+03	n				2.5E+00	n		
	0.1		Captafol	2425-06-1	3.6E+00	c*	1.5E+01	c*	6.5E-02	c	2.9E-01	c	4.0E-01	c*				7.1E-04	c*		
	0.1		Captan	133-06-2	2.4E+02	c*	1.0E+03	c	4.3E+00	c	1.9E+01	c	3.1E+01	c*				2.2E-02	c*		
	0.1		Carbaryl	63-25-2	6.3E+03	n	8.2E+04	n							1.8E+03	n		1.7E+00	n		
	0.1		Carbofuran	1563-66-2	3.2E+02	n	4.1E+03	n							9.4E+01	n	4.0E+01	3.7E-02	n	1.6E-02	
	7.4E+02		Carbon Disulfide	75-15-0	7.7E+02	ns	3.5E+03	ns	7.3E+02	n	3.1E+03	n	8.1E+02	n				2.4E-01	n		
	4.6E+02		Carbon Tetrachloride	56-23-5	6.5E-01	c	2.9E+00	c	4.7E-01	c	2.0E+00	c	4.5E-01	c	5.0E+00			1.8E-04	c	1.9E-03	
	0.1		Carbosulfan	55285-14-8	6.3E+02	n	8.2E+03	n							5.1E+01	n		1.2E+00	n		
	0.1		Carboxin	5234-68-4	6.3E+03	n	8.2E+04	n							1.9E+03	n		1.0E+00	n		
			Ceric oxide	1306-38-3	1.3E+06	nm	5.4E+06	nm	9.4E-01	n	3.9E+00	n									
	0.1		Chloral Hydrate	302-17-0	7.8E+03	n	1.2E+05	nm							2.0E+03	n		4.0E-01	n		
	0.1		Chloramben	133-90-4	9.5E+02	n	1.2E+04	n							2.9E+02	n		7.0E-02	n		
			Chloranil	118-75-2	1.3E+00	c	5.7E+00	c							1.8E-01	c		1.5E-04	c		
	0.04		Chlordane	12789-03-6	1.7E+00	c*	7.5E+00	c*	2.8E-02	c*	1.2E-01	c*	4.5E-02	c*	2.0E+00			3.0E-03	c*	1.4E-01	
	0.1		Chlordecone (Kepone)	143-50-0	5.4E-02	c	2.3E-01	c	6.1E-04	c	2.7E-03	c	3.5E-03	c				1.2E-04	c		
	0.1		Chlorfenvinphos	470-90-6	4.4E+01	n	5.7E+02	n							1.1E+01	n		3.1E-02	n		
	0.1		Chlorfuron, Ethyl-	90982-32-4	1.3E+03	n	1.6E+04	n							3.9E+02	n		1.3E-01	n		
	2.8E+03		Chlorine	7782-50-5	1.8E-01	n	7.8E-01	n	1.5E-01	n	6.4E-01	n	3.0E-01	n				1.4E-04	n		
			Chlorine Dioxide	10049-04-4	2.3E+03	n	3.4E+04	n	2.1E-01	n	8.8E-01	n	4.2E-01	n					n		
	1.2E+03		Chlorite (Sodium Salt)	7758-19-2	2.3E+03	n	3.5E+04	n							6.0E+02	n	1.0E+03		n		
			Chloro-1,1-difluoroethane, 1-	75-68-3	5.4E+04	ns	2.3E+05	nms	5.2E+04	n	2.2E+05	n	1.0E+05	n				5.2E+01	n		
	7.5E+02		Chloro-1,3-butadiene, 2-	126-99-8	1.0E-02	c	4.4E-02	c	9.4E-03	c	4.1E-02	c	1.9E-02	c				9.8E-06	c		
	0.1		Chloro-2-methylaniline HCl, 4-	3165-93-3	1.2E+00	c	5.0E+00	c							1.7E-01	c		1.5E-04	c		
	0.1		Chloro-2-methylaniline, 4-	95-69-2	5.4E+00	c*	2.3E+01	c	3.6E-02	c	1.6E-01	c	6.9E-01	c*				3.9E-04	c*		
	2.8E+04		Chloroacetaldehyde, 2-	107-2																	

PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant		Screening Levels										Protection of Ground Water SSLs			
			Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)
0.03	0.1		DDE, p,p'-	72-55-9	2.0E+00	c	9.3E+00	c	2.9E-02	c	1.3E-01	c	4.6E-02	c		1.1E-02	c	
			DDT	50-29-3	1.9E+00	c*	8.5E+00	c*	2.9E-02	c	1.3E-01	c	2.3E-01	c*		7.7E-02	c*	
			Dacthal	1861-32-1	6.3E+02	n	8.2E+03	n					1.2E+02	n		1.5E-01	n	
0.1			Dalapon	75-99-0	1.9E+03	n	2.5E+04	n					6.0E+02	n	2.0E+02	1.2E-01	n	4.1E-02
0.1			Decabromodiphenyl ether, 2,2',3,3',4,4',5,5',6,6'- (BDE-209)	1163-19-5	4.4E+02	n	3.3E+03	c**					1.1E+02	c**		6.2E+01	c**	
0.1			Demeton	8065-48-3	2.5E+00	n	3.3E+01	n					6.7E-01	n				
0.1			Di(2-ethylhexyl)adipate	103-23-1	4.5E+02	c*	1.9E+03	c					6.5E+01	c	4.0E+02	4.7E+00	c	2.9E+01
0.1			Diallate	2303-16-4	8.9E+00	c	3.8E+01	c					5.2E-01	c		7.8E-04	c	
0.1			Diazinon	333-41-5	4.4E+01	n	5.7E+02	n					1.0E+01	n		6.5E-02	n	
			Dibenzothiophene	132-65-0	7.8E+02	n	1.2E+04	n					6.5E+01	n		1.2E+00	n	
9.8E+02			Dibromo-3-chloropropane, 1,2-	96-12-8	5.3E-03	c	6.4E-02	c	1.7E-04	c	2.0E-03	c	3.3E-04	c*	2.0E-01	1.4E-07	c*	8.6E-05
1.6E+02			Dibromobenzene, 1,3-	108-36-1	3.1E+01	n	4.7E+02	ns					5.3E+00	n		5.1E-03	n	
			Dibromobenzene, 1,4-	106-37-6	7.8E+02	n	1.2E+04	n					1.3E+02	n		1.2E-01	n	
8.0E+02			Dibromochloromethane	124-48-1	7.5E-01	c	3.3E+00	c	1.0E-01	c	4.5E-01	c	1.7E-01	c	8.0E+01(F)	4.5E-05	c	2.1E-02
1.3E+03			Dibromoethane, 1,2-	106-93-4	3.6E-02	c	1.6E-01	c	4.7E-03	c	2.0E-02	c	7.5E-03	c	5.0E-02	2.1E-06	c	1.4E-05
2.8E+03			Dibromomethane (Methylene Bromide)	74-95-3	2.3E+01	n	9.8E+01	n	4.2E+00	n	1.8E+01	n	8.0E+00	n		2.0E-03	n	
0.1			Dibutyltin Compounds	NA	1.9E+01	n	2.5E+02	n					6.0E+00	n				
0.1			Dicamba	1918-00-9	1.9E+03	n	2.5E+04	n					5.7E+02	n		1.5E-01	n	
5.2E+02			Dichloro-2-butene, 1,4-	764-41-0	8.3E-03	c	3.6E-02	c	6.7E-04	c	2.9E-03	c	1.3E-03	c		6.2E-07	c	
5.2E+02			Dichloro-2-butene, cis-1,4-	1476-11-5	4.4E-03	c	3.2E-02	c	6.7E-04	c	2.9E-03	c	1.3E-03	c		6.2E-07	c	
7.6E+02			Dichloro-2-butene, trans-1,4-	110-57-6	7.4E-03	c	3.2E-02	c	6.7E-04	c	2.9E-03	c	1.3E-03	c		6.2E-07	c	
0.1			Dichloroacetic Acid	79-43-6	1.1E+01	c*	4.6E+01	c*					1.5E+00	c*	6.0E+01	3.1E-04	c*	1.2E-02
3.8E+02			Dichlorobenzene, 1,2-	95-50-1	1.8E+03	ns	9.3E+03	ns	2.1E+02	n	8.8E+02	n	3.0E+02	n	6.0E+02	3.0E-01	n	5.8E-01
			Dichlorobenzene, 1,4-	106-46-7	2.6E+00	c	1.1E+01	c	2.6E-01	c	1.1E+00	c	4.8E-01	c	7.5E+01	4.6E-04	c	7.2E-02
0.1			Dichlorobenzidine, 3,3'	91-94-1	1.2E+00	c	5.1E+00	c	8.3E-03	c	3.6E-02	c	1.2E-01	c		8.1E-04	c	
0.1			Dichlorobenzophenone, 4,4'	96-98-2	5.7E+02	n	7.4E+03	n					7.8E+01	n		4.7E-01	n	
8.5E+02			Dichlorodifluoromethane	75-71-8	8.7E+01	n	3.7E+02	n	1.0E+02	n	4.4E+02	n	2.0E+02	n		3.0E-01	n	
1.7E+03			Dichloroethane, 1,1-	75-34-3	3.6E+00	c	1.6E+01	c	1.8E+00	c	7.7E+00	c	2.7E+00	c		7.8E-04	c	
3.0E+03			Dichloroethane, 1,2-	107-09-7	4.6E-01	c*	2.0E+00	c*	1.1E-01	c*	4.7E-01	c*	1.7E-01	c*	5.0E+00	4.8E-05	c*	1.4E-03
1.2E+03			Dichloroethylene, 1,1-	75-35-4	2.3E+02	n	1.0E+03	n	2.1E+02	n	8.8E+02	n	2.8E+02	n	7.0E+00	1.0E-01	n	2.5E-03
2.4E+03			Dichloroethylene, 1,2-cis-	156-59-2	1.6E+02	n	2.3E+03	n					3.6E+01	n	7.0E+01	1.1E-02	n	2.1E-02
1.9E+03			Dichloroethylene, 1,2-trans-	156-60-5	1.6E+03	n	2.3E+04	ns					3.6E+02	n	1.0E+02	1.1E-01	n	3.1E-02
0.1			Dichlorophenol, 2,4-	120-83-2	1.9E+02	n	2.5E+03	n					4.6E+01	n		5.4E-02	n	
0.05			Dichlorophenoxy Acetic Acid, 2,4-	94-75-7	7.0E+02	n	9.6E+03	n					1.7E+02	n	7.0E+01	4.5E-02	n	1.8E-02
0.1			Dichlorophenoxybutyric Acid, 4-(2,4-	94-82-6	5.1E+02	n	6.6E+03	n					1.2E+02	n		1.1E-01	n	
1.4E+03			Dichloropropane, 1,2-	78-87-5	1.0E+00	c*	4.4E+00	c*	2.8E-01	c*	1.2E+00	c*	4.4E-01	c*	5.0E+00	1.5E-04	c*	1.7E-03
1.5E+03			Dichloropropane, 1,3-	142-28-9	1.6E+03	ns	2.3E+04	ns					3.7E+02	n		1.3E-01	n	
0.1			Dichloropropanol, 2,3-	616-23-9	1.9E+02	n	2.5E+03	n					5.9E+01	n		1.3E-02	n	
1.6E+03			Dichloropropene, 1,3-	542-75-6	1.8E+00	c*	8.2E+00	c*	7.0E-01	c*	3.1E+00	c*	4.7E-01	c*		1.7E-04	c*	
0.1			Dichloros	62-73-7	1.9E+00	c*	7.9E+00	c*	3.4E-02	c*	1.5E-01	c*	2.6E-01	c*		8.1E-05	c*	
0.1			Dicycloperadiene	77-73-6	1.3E+00	n	5.4E+00	n	3.1E-01	n	1.3E+00	n	6.3E-01	n		2.2E-03	n	
0.1			Dieldrin	60-57-1	3.4E-02	c*	1.4E-01	c	6.1E-04	c	2.7E-03	c	1.7E-03	c		6.9E-05	c	
0.1			Diesel Engine Exhaust	NA				9.4E-03	c	4.1E-02	c							
0.1			Diethanolamine	111-42-2	1.3E+02	n	1.6E+03	n	2.1E-01	n	8.8E-01	n	4.0E+01	n		8.1E-03	n	
0.1			Diethylene Glycol Monoethyl Ether	112-34-5	1.9E+03	n	2.4E+04	n	1.0E-01	n	4.4E-01	n	6.0E+02	n		1.3E-01	n	
0.1			Diethylene Glycol Monoethyl Ether	111-90-0	3.8E+03	n	4.8E+04	n	3.1E-01	n	1.3E+00	n	1.2E+03	n		2.4E-01	n	
1.1E+05			Diethylformamide	617-84-5	7.8E+01	n	1.2E+03	n					2.0E+01	n		4.1E-03	n	
0.1			Diethylstilbestrol	56-53-1	1.6E-03	c	6.6E-03	c	2.8E-05	c	1.2E-04	c	4.9E-05	c		2.7E-05	c	
0.1			Difenzoquat	43222-48-6	5.1E+03	n	6.6E+04	n					1.6E+03	n		1.6E+03	n	
0.1			Diflubenzuron	35367-38-5	1.3E+03	n	1.6E+04	n					2.9E+02	n		3.3E-01	n	
1.4E+03			Difluoroethane, 1,1-	75-37-6	4.8E+04	ns	2.0E+05	ns	4.2E+04	n	1.8E+05	n	8.3E+04	n		2.8E+01	n	
2.3E+03			Dihydrosofrole	94-58-6	3.2E-01	c	1.4E+00	c	2.2E-01	c	9.4E-01	c	3.0E-01	c		3.7E-04	c	
5.3E+02			Diisopropyl Ether	108-20-3	2.2E+03	n	9.4E+03	ns	7.3E+02	n	3.1E+03	n	1.5E+03	n		3.7E-01	n	
			Diisopropyl Methylphosphonate	1445-75-6	6.3E+03	ns	9.3E+04	ns					1.6E+03	n		4.5E-01	n	
0.1			Dimethipin	55290-64-7	1.3E+03	n	1.6E+04	n					4.0E+02	n		8.8E-02	n	
0.1			Dimethoate	60-51-5	1.3E+01	n	1.6E+02	n					4.0E+00	n		9.0E-04	n	
0.1			Dimethoxybenzidine, 3,3'	119-90-4	3.4E-01	c	1.4E+00	c					4.7E-02	c		5.7E-05	c	
0.1			Dimethyl methylphosphonate	756-79-6	3.2E+02	c*	1.4E+03	c*					4.6E+01	c*		9.6E-03	c*	
0.1			Dimethylamino azobenzene [p-]	60-11-7	1.2E-01	c	5.0E-01	c	2.2E-03	c	9.4E-03	c	4.9E-03	c		2.1E-05	c	
0.1			Dimethylaniline HCl, 2,4-	21436-96-4	9.4E-01	c	4.0E+00	c					1.3E-01	c		1.2E-04	c	
0.1			Dimethylaniline, 2,4-	95-68-1	2.7E+00	c*	1.1E+01	c					3.7E-01	c		2.1E-04	c	
8.3E+02			Dimethylaniline, N,N-	121-69-7	1.6E+02	n	2.3E+03	ns					3.5E+01	n		1.3E-02	n	
0.1			Dimethylbenzidine, 3,3'	119-93-7	4.9E-02	c	2.1E-01	c					6.5E-03	c		4.3E-05	c	
1.1E+05			Dimethylformamide	68-12-2	2.6E+03	n	1.5E+04	n	3.1E+01	n	1.3E+02	n	6.1E+01	n		1.2E-02	n	
1.7E+05			Dimethylhydrazine, 1,1-	57-14-7	3.2E-01	n	1.4E+00	n	2.1E-03	n	8.8E-03	n	4.2E-03	n		9.3E-07	n	

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BS	ABS	C _{sat} (mg/kg)	Contaminant Analyte	CAS No.	Screening Levels										Protection of Ground Water SSLs		
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key
		1.9E+05	Dimethylhydrazine, 1,2-	540-73-8	8.8E-04	c	4.1E-03	c	1.8E-05	c	7.7E-05	c	2.8E-05	c		6.5E-05	c
0.1			Dimethylphenol, 2,4-	105-67-9	1.3E+03	n	1.6E+04	n					3.6E+02	n		4.2E-01	n
0.1			Dimethylphenol, 2,6-	576-26-1	3.8E+01	n	4.9E+02	n					1.1E+01	n		1.3E-02	n
0.1			Dimethylphenol, 3,4-	95-65-8	6.3E+01	n	8.2E+02	n					1.8E+01	n		2.1E-02	n
		1.1E+03	Dimethylvinylchloride	513-37-1	2.1E-01	c	9.4E-01	c	2.2E-01	c	9.4E-01	c	3.3E-01	c		2.0E-04	c
0.1			Dinitro-o-cresol, 4,6-	534-52-1	5.1E+00	n	6.6E+01	n					1.5E+00	n		2.6E-03	n
0.1			Dinitro-o-cyclohexyl Phenol, 4,6-	131-89-5	1.3E+02	n	1.6E+03	n					2.3E+01	n		7.7E-01	n
0.1			Dinitrobenzene, 1,2-	528-29-0	6.3E+00	n	8.2E+01	n					1.9E+00	n		1.8E-03	n
0.1			Dinitrobenzene, 1,3-	99-65-0	6.3E+00	n	8.2E+01	n					2.0E+00	n		1.8E-03	n
0.1			Dinitrobenzene, 1,4-	100-25-4	6.3E+00	n	8.2E+01	n					2.0E+00	n		1.8E-03	n
0.1			Dinitrophenol, 2,4-	51-28-5	1.3E+02	n	1.6E+03	n					3.9E+01	n		4.4E-02	n
0.1			Dinitrotoluene Mixture, 2,4/2,6-	NA	8.0E-01	c	3.4E+00	c					1.1E-01	c		1.5E-04	c
0.102			Dinitrotoluene, 2,4-	121-14-2	1.7E+00	c*	7.4E+00	c	3.2E-02	c	1.4E-01	c	2.4E-01	c		3.2E-04	c
0.099			Dinitrotoluene, 2,6-	606-20-2	3.6E-01	c*	1.5E+00	c					4.8E-02	c		6.7E-05	c
0.006			Dinitrotoluene, 2-Amino-4,6-	35572-78-2	1.5E+02	n	2.3E+03	n					3.9E+01	n		3.9E-02	n
0.009			Dinitrotoluene, 4-Amino-2,6-	19406-51-0	1.5E+02	n	2.3E+03	n					3.9E+01	n		3.9E-02	n
0.1			Dinitrotoluene, Technical grade	25321-14-6	1.2E+00	c*	5.1E+00	c					1.6E-01	c		2.2E-04	c
0.1			Dinoseb	88-85-7	6.3E+01	n	8.2E+02	n					1.5E+01	n	7.0E+00	1.3E-01	n
1.2E+05			Dioxane, 1,4-	123-91-1	5.3E+00	c	2.4E+01	c	5.6E-01	c*	2.5E+00	c*	4.6E-01	c		9.4E-05	c
0.03			Dioxins	NA	1.0E-04	c	4.7E-04	c	2.2E-06	c	9.4E-06	c	1.3E-05	c	3.0E-05	1.7E-05	c
0.03			2,3,7,8-Tetrachlorodibenzo-p-dioxin, Mixture ~1 CDD, 2,3,7,8-	1746-01-6	4.9E-06	c*	2.2E-05	c*	7.4E-08	c	3.2E-07	c	1.2E-07	c		5.9E-08	c
0.1			Diphenamid	957-51-7	1.9E+03	n	2.5E+04	n					5.3E+02	n		5.2E+00	n
0.1			Diphenyl Sulfone	127-63-9	5.1E+01	n	6.6E+02	n					1.5E+01	n		3.6E-02	n
0.1			Diphenylamine	122-39-4	1.6E+03	n	2.1E+04	n					3.1E+02	n		5.8E-01	n
0.1			Diphenyl ether, 1,3-	122-86-7	6.8E-01	c	2.9E+00	c	1.3E-02	c	5.6E-02	c	7.7E-02	c		2.5E-04	c
0.1			Diquat	89-00-7	1.4E+02	n	1.8E+03	n					4.4E+01	n	2.0E+01	8.3E-01	n
0.1			Direct Black 38	1937-27-7	7.6E-02	c	3.2E-01	c	2.0E-05	c	8.8E-05	c	1.1E-02	c		5.3E+00	c
0.1			Direct Blue 6	2002-96-2	7.3E-02	c	3.1E-01	c	2.0E-05	c	8.8E-05	c	1.1E-02	c		1.7E+01	c
0.1			Direct Brown 95	19074-86-6	8.1E-02	c	3.4E-01	c	2.0E-05	c	8.8E-05	c	1.2E-02	c			c
0.1			Disulfoton	298-04-4	2.5E+00	n	3.3E+01	n					5.0E-01	n		9.4E-04	n
0.1			Dithane, 1,4-	505-29-3	7.8E+02	n	1.2E+04	n					2.0E+02	n		9.7E-02	n
0.1			Diuron	330-54-1	1.3E+02	n	1.6E+03	n					3.6E+01	n		1.5E-02	n
0.1			Dezinc	2439-10-3	2.5E+02	n	3.3E+03	n					8.0E+01	n		4.1E-01	n
0.1			Endrin	169-94-4	2.0E+03	n	2.9E+04	n					3.8E+02	n		2.0E-01	n
0.1			Endosulfan	116-29-7	4.7E+02	n	7.0E+03	n					1.0E+02	n		1.4E+00	n
0.1			Endosulfan Sulfate	146-73-3	1.3E+03	n	1.6E+04	n					3.8E+02	n	1.0E+02	9.1E-02	n
0.1			Endrin	72-20-8	1.9E+01	n	2.5E+02	n					2.3E+00	n	2.0E+00	9.2E-02	n
1.1E+04			Epiclorohydrin	106-89-8	1.9E+01	n	8.2E+01	n	1.0E+00	n	4.4E+00	n	2.0E+00	n		4.5E-04	n
1.5E+04			Epoxybutane, 1,2-	106-88-7	1.6E+02	n	6.7E+02	n	2.1E+01	n	8.8E+01	n	4.2E+01	n		9.2E-03	n
0.1			Ethephon	16672-87-0	3.2E+02	n	4.1E+03	n					1.0E+02	n		2.1E-02	n
0.1			Ethion	563-12-2	3.2E+01	n	4.1E+02	n					4.3E+00	n		8.5E-03	n
3.1E+04			Ethoxyethanol Acetate, 2-	111-15-9	2.0E+03	n	1.4E+04	n	6.3E+01	n	2.6E+02	n	1.2E+02	n		2.5E-02	n
1.1E+05			Ethoxyethanol, 2-	110-80-5	5.2E+03	n	4.7E+04	n	2.1E+02	n	8.6E+02	n	3.4E+02	n		6.8E-02	n
1.1E+04			Ethyl Acetate	141-78-6	6.2E+02	n	2.6E+03	n	7.3E+01	n	3.1E+02	n	1.4E+02	n		3.1E-02	n
2.5E+03			Ethyl Acrylate	140-88-5	1.4E+01	c**	6.8E+01	c**	8.3E+00	n	3.5E+01	n	1.6E+00	c**		3.5E-04	c**
2.1E+03			Ethyl Chloride (Chloroethane)	75-00-3	1.4E+04	ns	5.7E+04	ns	1.0E+04	n	4.4E+04	n	2.1E+04	n		5.9E+00	n
1.0E+04			Ethyl Ether	60-29-7	1.6E+04	ns	2.3E+05	ns					3.9E+03	n		8.8E-01	n
1.1E+03			Ethyl Methacrylate	97-63-2	1.4E+03	ns	7.1E+03	ns	3.1E+02	n	1.3E+03	n	4.6E+02	n		1.1E-01	n
0.1			Ethyl-p-nitrophenyl Phosphonate	2104-64-5	6.3E-01	n	8.2E+00	n					8.9E-02	n		2.8E-03	n
4.8E+02			Ethylbenzene	100-41-4	5.8E+00	c	2.5E+01	c	1.1E+00	c	4.9E+00	c	1.5E+00	c	7.0E+02	1.7E-03	c
0.1			Ethylene Cyanohydrin	109-78-4	4.4E+03	n	5.7E+04	n					1.4E+03	n		2.8E-01	n
1.9E+05			Ethylene Diamine	107-15-3	7.0E+03	n	1.1E+05	nm					1.8E+03	n		4.1E-01	n
0.1			Ethylene Glycol	107-21-1	1.3E+05	nm	1.6E+06	nm	4.2E+02	n	1.8E+03	n	4.0E+04	n		8.1E+00	n
0.1			Ethylene Glycol Monobutyl Ether	111-76-2	6.3E+03	n	8.2E+04	n	1.7E+03	n	7.0E+03	n	2.0E+03	n		4.1E-01	n
1.2E+05			Ethylene Oxide	75-21-8	1.8E-01	c	7.9E-01	c	3.2E-02	c	1.4E-01	c	5.1E-02	c		1.1E-05	c
0.1			Ethylene Thiourea	96-45-7	5.1E+00	n	5.1E+01	c**	2.2E-01	c	9.4E-01	c	1.6E+00	n		3.6E-04	n
1.5E+05			Ethyleneimine	151-56-4	2.7E-03	c	1.2E-02	c	1.5E-04	c	6.5E-04	c	2.4E-04	c		5.2E-08	c
0.1			Ethylphthalyl Ethyl Glycolate	84-72-0	1.9E+05	nm	2.5E+06	nm					5.8E+04	n		1.3E+02	n
0.1			Express	101200-48-0	5.1E+02	n	6.6E+03	n					1.6E+02	n		6.1E-02	n
0.1			Fenamiphos	22224-92-6	1.6E+01	n	2.1E+02	n					4.4E+00	n		4.3E-03	n
0.1			Fenprothrin	39515-41-8	1.6E+03	n	2.1E+04	n					6.4E+01	n		2.9E+00	n
0.1			Fluometuron	2164-17-2	8.2E+02	n	1.1E+04	n					2.4E+02	n		1.9E-01	n
0.1			Fluoride	16984-48-8	3.1E+03	n	4.7E+04	n	1.4E+01	n	5.7E+01	n	8.0E+02	n		1.2E+02	n
			Fluorine (Soluble Fluoride)	7782-41-4	4.7E+03	n	7.0E+04	n	1.4E+01	n	5.7E+01	n	1.2E+03	n	4.0E+03	1.8E+02	n

PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant		Screening Levels												Protection of Ground Water SSLs			
			Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)		
0.1	0.1		Fluridone	59756-60-4	5.1E+03	n	6.8E+04	n									1.6E+02	n		
			Flurprimidol	56425-91-3	1.3E+03	n	1.6E+04	n									1.6E+02	n		
0.1	0.1		Flutolantol	66332-96-5	3.8E+03	n	4.9E+04	n									5.0E+00	n		
			Fluvalinate	69409-94-5	6.3E+02	n	8.2E+03	n									2.9E+02	n		
			Folpet	133-07-3	1.6E+02	c*	6.6E+02	c									4.7E+03	c*		
0.1	0.1		Fomesafen	72178-02-0	2.9E+00	c	1.2E+01	c									1.3E+03	c		
			Fonofos	944-22-9	1.3E+02	n	1.6E+03	n									4.7E+02	n		
	4.2E+04		Formaldehyde	50-00-0	1.7E+01	c*	7.3E+01	c*	2.2E-01	c*	9.4E-01	c*	4.3E-01	c*			8.7E+05	c*		
0.1	1.1E+05		Formic Acid	64-18-6	2.9E+01	n	1.2E+02	n	3.1E-01	n	1.3E+00	n	6.3E-01	n			1.3E+04	n		
			Fosetyl-AL	39148-24-8	1.9E+05	nm	2.5E+06	nm										n		
			Furans																	
0.03	6.2E+03		~Dibenzofuran	132-64-9	7.3E+01	n	1.0E+03	n									1.5E+01	n		
			~Furan	110-00-9	7.3E+01	n	1.0E+03	n									7.3E+03	n		
0.03	1.7E+05		~Tetrahydrofuran	109-99-9	1.8E+04	n	9.6E+04	n	2.1E+03	n	8.8E+03	n	3.4E+03	n			7.5E+01	n		
0.1	1.0E+04		Furazolidone	67-45-8	1.4E-01	c	6.0E-01	c									3.9E+05	c		
			Furfural	98-01-1	2.1E+02	n	2.6E+03	n	5.2E+01	n	2.2E+02	n	3.8E+01	n			8.1E+03	n		
			Furium	531-82-8	3.6E-01	c	1.5E+00	c	6.5E-03	c	2.9E-02	c	5.0E-02	c			6.8E+05	c		
0.1	0.1		Furmecycloz	60568-05-0	1.8E+01	c	7.7E+01	c	3.3E-01	c	1.4E+00	c	1.1E+00	c			1.2E+03	c		
			Glufosinate, Ammonium	77182-82-2	2.5E+01	n	3.3E+02	n									8.0E+00	n		
			Glutaraldehyde	111-30-8	1.1E+05	nm	4.8E+05	nm	8.3E-02	n	3.5E-01	n					1.8E+03	n		
0.1	1.1E+05		Glycidyl	765-34-4	2.2E+01	n	1.9E+02	n	1.0E+00	n	4.4E+00	n	1.7E+00	n			3.3E+04	n		
			Glyphosate	1071-83-6	6.3E+03	n	8.2E+04	n							7.0E+02		8.8E+00	n	3.1E+00	
			Goal	42874-03-3	1.9E+02	n	2.5E+03	n									2.5E+00	n		
0.1	0.1		Guandine	113-00-8	7.8E+02	n	1.2E+04	n									2.0E+02	n		
			Guandine Chloride	50-04-1	1.3E+03	n	1.6E+04	n									4.0E+02	n		
			Guiflor	867-80-0	1.9E+02	n	2.5E+03	n	1.0E+01	n	4.4E+01	n	5.6E+01	n			1.7E+02	n		
0.1	0.1		Haloxyp, Methyl	66806-40-2	3.2E+00	n	4.1E+01	n									7.6E-01	n		
			Harmony	78277-27-3	8.2E+02	n	1.1E+04	n									2.6E+02	n		
			Heptachlor	76-445-1	1.3E-01	c	6.3E-01	c	2.2E-03	c	9.4E-03	c	1.4E-03	c	4.0E-01		1.1E+04	c	3.3E-02	
0.1	0.1		Heptachlor Epoxide	1024-57-3	7.0E-02	c*	3.3E-01	c*	1.1E-03	c	4.7E-03	c	1.4E-03	c*	2.0E-01		2.8E+05	c*	4.1E-03	
			Hexabromobenzene	87-82-1	1.6E+02	n	2.3E+03	n									4.0E+01	n		
			Hexabromodiphenyl ether, 2,2',4,4',5,5'-(BDE-153)	68631-49-2	1.3E+01	n	1.6E+02	n									4.0E+00	n		
0.1	1.7E+01		Hexachlorobenzene	118-74-1	2.1E-01	c	9.6E-01	c	6.1E-03	c	2.7E-02	c	9.8E-03	c	1.0E+00		1.2E+04	c	1.3E-02	
			Hexachlorocyclopentadiene	87-58-3	1.2E+00	c*	5.3E+00	c	1.3E-01	c	5.6E-01	c	1.4E-01	c*			2.6E+04	c*		
			Hexachlorocyclohexane, Alpha	31934-6	8.6E-02	c	3.6E-01	c	1.6E-03	c	6.8E-03	c	7.1E-03	c			4.1E+05	c		
0.1	0.1		Hexachlorocyclohexane, Beta	379-85-7	3.0E-01	c	1.3E+00	c	5.3E-03	c	2.3E-02	c	2.5E-02	c			1.4E+04	c		
	0.04		Hexachlorocyclohexane, Gamma (lindane)	59-99-9	5.7E-01	c*	2.5E+00	c	9.1E-03	c	4.0E-02	c	4.1E-02	c*	2.0E-01		2.4E+04	c*	1.2E-03	
			Hexachlorocyclohexane, Technical	608-73-1	3.0E-01	c	1.3E+00	c	5.5E-03	c	2.4E-02	c	2.5E-02	c			1.4E+04	c		
0.1	1.6E+01		Hexachlorocyclopentadiene	77-47-4	1.8E+00	n	7.5E+00	n	2.1E-01	n	8.8E-01	n	4.1E-01	n	5.0E+01		1.3E+03	n	1.6E-01	
			Hexachloroethane	67-72-1	1.8E+00	c*	8.0E+00	c*	2.6E-01	c	1.1E+00	c	3.3E-01	c*			2.0E+04	c*		
			Hexachlorophene	70-30-4	1.9E+01	n	2.5E+02	n									6.0E+00	n		
0.015	5.2E+03		Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)	121-82-4	6.1E+00	c*	2.8E+01	c									7.0E-01	c*	2.7E-04	
			Hexamethylene Diisocyanate, 1,6-Hexamethylphosphoramide	822-06-0	3.1E+00	n	1.3E+01	n	1.0E-02	n	4.4E-02	n	2.1E-02	n			2.1E+04	n		
				680-31-9	2.5E+01	n	3.3E+02	n									8.0E+00	n	1.8E-03	
0.1	1.4E+02		Hexane, N-	110-54-3	5.4E+02	ns	2.5E+03	ns	7.3E+02	n	3.1E+03	n	3.2E+02	n			2.3E+00	n		
			Hexanedioic Acid	124-04-9	1.3E+05	nm	1.6E+06	nm										9.9E+00	n	
	3.3E+03		Hexanone, 2-	591-78-6	2.0E+02	n	1.3E+03	n	3.1E+01	n	1.3E+02	n	3.8E+01	n			8.8E+03	n		
0.1	0.1		Hexazinone	51235-04-2	2.1E+03	n	2.7E+04	n									6.4E+02	n		
			Hydrazine	302-01-2	2.3E-01	c	1.1E+00	c	5.7E-04	c*	2.5E-03	c*	1.1E-03	c*			3.0E-01	n		
			Hydrazine Sulfate	10034-93-2	2.3E-01	c	1.1E+00	c	5.7E-04	c	2.5E-03	c	2.6E-02	c				c		
0.1	0.1		Hydrogen Chloride	7647-01-0	2.8E+07	nm	1.2E+08	nm	2.1E+01	n	8.8E+01	n	4.2E+01	n				n		
			Hydrogen Fluoride	7664-39-3	3.1E+03	n	4.7E+04	n	1.5E+01	n	6.1E+01	n	2.8E+01	n				n		
			Hydrogen Sulfide	7783-06-2	2.8E+06	nm	1.2E+07	nm	2.1E+00	n	8.8E+00	n	4.2E+00	n				n		
0.1	0.1		Hydroquinone	123-31-9	9.0E+00	c	3.8E+01	c									1.3E+00	c	8.7E-04	
			Imazail	35554-44-0	8.2E+02	n	1.1E+04	n									1.9E+02	n	3.2E+00	
			Imazaquin	81335-37-7	1.6E+04	n	2.1E+05	nm									4.9E+03	n	2.4E+01	
0.1	0.1		Iodine	7553-56-2	7.8E+02	n	1.2E+04	n									2.0E+02	n	1.2E+01	
			Iprodione	36734-19-7	2.5E+03	n	3.3E+04	n									7.4E+02	n	2.2E-01	
			Iron	7439-89-6	5.5E+04	n	8.2E+05	nm									1.4E+04	n	3.5E+02	
0.1	1.0E+04		Isobutyl Alcohol	78-83-1	2.3E+04	ns	3.5E+05	nms									5.9E+03	n	1.2E+00	
			Isophorone	78-59-1	5.7E+02	c*	2.4E+03	c*	2.1E+03	n	8.8E+03	n	7.8E+01	c*			2.6E-02	c*		
			Isopropalin	33820-53-0	1.2E+03	n	1.8E+04	n									4.0E+01	n	9.2E-01	
0.1	1.1E+05		Isopropanol	67-63-0	5.6E+03	n	2.4E+04	n	2.1E+02	n	8.8E+02	n	4.1E+02	n			8.4E+02	n		
			Isopropyl Methyl Phosphonic Acid	1832-54-8	6.3E+03	n	8.2E+04	n									2.0E+03	n	4.3E-01	
			Isoxaben	82558-50-7	3.2E+03	n	4.1E+04	n									7.3E+02	n	2.0E+00	

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BS	ABS	C _{sat} (mg/kg)	Contaminant		Screening Levels										Protection of Ground Water SSLs			
			Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)
	0.1		JP-7	NA	4.3E+08	nm	1.8E+09	nm	3.1E+02	n	1.3E+03	n	6.3E+02	n			n	
	0.1		Kerb	23950-58-5	4.7E+03	n	6.2E+04	n					1.2E+03	n		1.2E+00	n	
	0.1		Lactofen	77501-63-4	1.3E+02	n	1.6E+03	n					2.5E+01	n		1.2E+00	n	
25			Lead Compounds															
			-Lead Chromate	7758-97-6	3.0E-01	c	6.2E+00	c	6.8E-06	c	8.2E-05	c	4.1E-02	c			c	
			-Lead Phosphate	7446-27-7	8.2E+01	c	3.8E+02	c	2.3E-01	c	1.0E+00	c	9.1E+00	c			c	
0.1			-Lead acetate	301-04-2	1.9E+00	c	8.2E+00	c	3.5E-02	c	1.5E-01	c	2.8E-01	c			c	
			-Lead and Compounds	7439-92-1	4.0E+02		8.0E+02	L	1.5E-01	L			1.5E+01	L	1.5E+01		L	1.4E+01
0.1			-Lead subacetate	1335-32-6	6.4E+01	c	2.7E+02	c	2.3E-01	c	1.0E+00	c	9.2E+00	c			c	
	2.4E+00		-Tetraethyl Lead	78-00-2	7.8E-03	n	1.2E-01	n					1.3E-03	n		4.7E-06	n	
0.1			Linuron	330-55-2	1.3E+02	n	1.6E+03	n					3.3E+01	n		2.9E-02	n	
			Lithium	7439-93-2	1.6E+02	n	2.3E+03	n					4.0E+01	n		1.2E+01	n	
0.1			Londax	83055-99-6	1.3E+04	n	1.6E+05	nm					3.9E+03	n		1.0E+00	n	
0.1			MCPA	94-74-6	3.2E+01	n	4.1E+02	n					7.5E+00	n		2.0E-03	n	
0.1			MCPB	94-81-5	6.3E+02	n	8.2E+03	n					1.5E+02	n		5.8E-02	n	
0.1			MCPP	93-65-2	6.3E+01	n	8.2E+02	n					1.6E+01	n		4.6E-03	n	
0.1			Malathion	121-75-5	1.3E+03	n	1.6E+04	n					3.9E+02	n		1.0E-01	n	
0.1			Maleic Anhydride	108-31-6	6.3E+03	n	8.0E+04	n	7.3E-01	n	3.1E+00	n	1.9E+03	n		3.8E-01	n	
0.1			Maleic Hydrazide	123-33-1	3.2E+04	n	4.1E+05	nm					1.0E+04	n		2.1E+00	n	
0.1			Malononitrile	109-77-3	6.3E+00	n	8.2E+01	n					2.0E+00	n		4.1E-04	n	
0.1			Mancozeb	8018-01-7	1.9E+03	n	2.5E+04	n					5.4E+02	n				
0.1			Maneb	12427-38-2	3.2E+02	n	4.1E+03	n					9.8E+01	n		1.4E-01	n	
			Manganese (Diet)	7439-96-5														
			Manganese (Non-diet)	7439-96-5	1.8E+03	n	2.6E+04	n	5.2E-02	n	2.2E-01	n	4.3E+02	n		2.8E+01	n	
0.1			Meprosolan	950-10-7	5.7E+00	n	7.4E+01	n					1.8E+00	n		2.6E-03	n	
0.1			Methyl Chloride	2407-26-4	1.9E+03	n	2.5E+04	n					6.0E+02	n		2.0E-01	n	
17			Mercury Compounds															
	3.1E+00		-Mercuric Chloride (and other Mercury salts)	7447-94-4	2.3E+01	n	3.5E+02	n	3.1E-01	n	1.3E+00	n	5.7E+00	n	2.0E+00		n	
			-Mercury (elemental)	7439-97-6	9.4E+00	ns	4.0E+01	ns	3.1E-01	n	1.3E+00	n	6.3E-01	n	2.0E+00	3.3E-02	n	1.0E-01
			-Methyl Mercury	22967-82-8	7.8E+00	n	1.2E+02	n					2.0E+00	n			n	
0.1			-Phenylmercuric Acetate	62-38-4	5.1E+00	n	6.6E+01	n					1.6E+00	n		5.0E-04	n	
			Merphos	150-50-5	2.3E+00	n	3.5E+01	n					6.0E-01	n		5.9E-02	n	
0.1			Merphos Oxide	78-48-8	1.9E+00	n	2.5E+01	n					8.5E-02	n		4.2E-04	n	
0.1			Methabenzthiazol	87637-19-1	3.8E+03	n	4.9E+04	n					1.2E+03	n		3.3E-01	n	
4.6E+03			Methacrylonitrile	126-98-7	7.5E+00	n	1.0E+02	n	3.1E+01	n	1.3E+02	n	1.9E+00	n		4.3E-04	n	
0.1			Methamidophos	10265-92-6	3.2E+00	n	4.1E+01	n					1.0E+00	n		2.1E-04	n	
1.1E+05			Methamid	67-56-1	1.2E+00	nms	1.2E+06	nms	2.1E+04	n	8.8E+04	n	2.0E+04	n		4.1E+00	n	
0.1			Methidathion	950-37-8	6.3E+01	n	8.2E+02	n					1.9E+01	n		4.7E-03	n	
0.1			Methomyl	16752-11-5	1.1E+03	n	2.1E+04	n					5.0E+02	n		1.1E-01	n	
0.1			Methoxy-5-nitroaniline, 2-	99-59-2	1.1E+01	c	4.7E+01	c	2.0E-01	c	8.8E-01	c	1.5E+00	c		5.3E-04	c	
0.1			Methoxychlor	72-43-5	3.2E+02	n	4.1E+03	n					3.7E+01	n	4.0E+01	2.0E+00	n	2.2E+00
	1.2E+05		Methoxyethanol Acetate, 2-	110-49-6	1.1E+02	n	5.1E+02	n	1.0E+00	n	4.4E+00	n	2.1E+00	n		4.2E-04	n	
1.1E+05			Methoxyethanol, 2-	109-86-4	3.3E+02	n	3.5E+03	n	2.1E+01	n	8.8E+01	n	2.9E+01	n		5.9E-03	n	
2.9E+04			Methyl Acetate	79-20-9	7.8E+04	ns	1.2E+06	nms					2.0E+04	n		4.1E+00	n	
6.8E+03			Methyl Acrylate	96-33-3	1.4E+02	n	6.0E+02	n	2.1E+01	n	8.8E+01	n	3.9E+01	n		8.3E-03	n	
2.8E+04			Methyl Ethyl Ketone (2-Butanone)	78-93-3	2.7E+04	n	1.9E+05	nms	5.2E+03	n	2.2E+04	n	5.6E+03	n		1.2E+00	n	
1.8E+05			Methyl Hydrazine	60-34-4	4.4E-01	c**	1.9E+00	c**	2.8E-03	c**	1.2E-02	c**	5.6E-03	c**		1.3E-06	c**	
3.4E+03			Methyl Isobutyl Ketone (4-methyl-2-pentanone)	108-10-1	5.3E+03	ns	5.6E+04	ns	3.1E+03	n	1.3E+04	n	1.2E+03	n		2.8E-01	n	
1.7E+04			Methyl Isocyanate	624-83-9	4.6E+00	n	1.9E+01	n	1.0E+00	n	4.4E+00	n	2.1E+00	n		5.9E-04	n	
2.4E+03			Methyl Methacrylate	80-62-6	4.4E+03	ns	1.9E+04	ns	7.3E+02	n	3.1E+03	n	1.4E+03	n		3.0E-01	n	
0.1			Methyl Parathion	298-00-0	1.6E+01	n	2.1E+02	n					4.5E+00	n		7.4E-03	n	
0.1			Methyl Phosphonic Acid	993-13-5	3.8E+03	n	4.9E+04	n					1.2E+03	n		2.4E-01	n	
3.9E+02			Methyl Styrene (Mixed Isomers)	25013-15-4	2.4E+02	n	1.6E+03	ns	4.2E+01	n	1.8E+02	n	3.8E+01	n		6.2E-02	n	
0.1			Methyl methanesulfonate	66-27-3	5.6E+00	c	2.3E+01	c	1.0E-01	c	4.4E-01	c	7.9E-01	c		1.6E-04	c	
8.9E+03			Methyl tert-Butyl Ether (MTBE)	1634-04-4	4.7E+01	c	2.1E+02	c	1.1E+01	c	4.7E+01	c	1.4E+01	c		3.2E-03	c	
0.1			Methyl-1,4-benzenediamine dihydrochloride, 2-	615-45-2	1.9E+01	n	2.5E+02	n					6.0E+00	n		3.6E-03	n	
0.1			Methyl-5-Nitroamine, 2-	99-55-8	6.0E+01	c*	2.6E+02	c*					8.1E+00	c*		4.5E-03	c*	
0.1			Methyl-N-nitro-N-nitrosoguanidine, N-	70-25-7	6.5E-02	c	2.8E-01	c	1.2E-03	c	5.1E-03	c	9.4E-03	c		3.2E-06	c	
0.1			Methylaniline Hydrochloride, 2-	636-21-5	4.2E+00	c	1.8E+01	c	7.6E-02	c	3.3E-01	c	6.0E-01	c		2.6E-04	c	
0.1			Methylarsonic acid	124-58-3	6.3E+02	n	8.2E+03	n					2.0E+02	n				
0.1			Methylbenzene, 1,4-diamine monohydrochloride, 2-	74612-12-7	1.3E+01	n	1.6E+02	n					4.0E+00	n				
0.1			Methylbenzene, 1,4-diamine sulfate, 2-	615-50-9	5.4E+00	c**	2.3E+01	c*					7.8E-01	c**			c**	
0.1			Methylchlorothylene, 3-	56-49-5	5.5E-03	c	1.0E-01	c	1.6E-04	c	1.9E-03	c	1.1E-03	c		2.2E-03	c	
3.3E+03			Methylene Chloride	75-09-2	5.7E+01	c**	1.0E+03	c**	1.0E+02	c**	1.2E+03	c**	1.1E+01	c**	5.0E+00	2.9E-03	c**	1.3E-03
0.1			Methylene-bis(2-chloroaniline), 4,4'-	101-14-4	1.2E+00	c	2.3E+01	c*	2.4E-03	c	2.9E-02	c	1.6E-01	c		1.8E-03	c	

(PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant	CAS No.	Screening Levels												Protection of Ground Water SSLs			
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)		
0.1			Methylene-bis(N,N-dimethyl) Aniline, 4,4'-	101-61-1	1.2E+01	c	5.0E+01	c	2.2E-01	c	9.4E-01	c	4.8E-01	c			2.6E-03	c		
0.1			Methylenebisbenzenamine, 4,4'-	101-77-9	3.4E-01	c	1.4E+00	c	6.1E-03	c	2.7E-02	c	4.7E-02	c			2.1E-04	c		
0.1			Methylenediphenyl Diisocyanate	101-68-8	8.5E+05	nm	3.6E+06	nm	6.3E-01	n	2.6E+00	n								
		5.0E+02	Methylstyrene, Alpha-	98-83-9	5.5E+03	ns	8.2E+04	ns					7.8E+02	n			1.2E+00	n		
0.1			Metolachlor	51218-45-2	9.5E+03	n	1.2E+05	nm									3.2E+00	n		
0.1			Metribuzin	21087-64-9	1.6E+03	n	2.1E+04	n									1.5E-01	n		
		3.4E-01	Mineral oils	8012-95-1	2.3E+05	nms	3.5E+06	nms									2.4E+03	n		
			Mirex	2385-85-5	3.6E-02	c	1.7E-01	c	5.5E-04	c	2.4E-03	c	8.8E-04	c			6.3E-04	c		
			Molinate	2212-67-1	1.3E+02	n	1.6E+03	n									1.7E-02	n		
			Molybdenum	7439-98-7	3.9E+02	n	5.8E+03	n									1.0E+02	n		
			Monochloramine	10599-90-3	7.8E+03	n	1.2E+05	nm							2.0E+03	n	4.0E+03	n		
0.1			Monomethylaniline	100-61-8	1.3E+02	n	1.6E+03	n							3.8E+01	n	1.4E-02	n		
0.1			N,N-Diphenyl-1,4-benzenediamine	74-31-7	1.9E+01	n	2.5E+02	n							3.6E+00	n	3.7E-01	n		
			Naled	300-76-5	1.6E+02	n	2.3E+03	n							4.0E+01	n	1.8E-02	n		
			Naphtha, High Flash Aromatic (HFAN)	64742-95-6	2.3E+03	n	3.5E+04	n	1.0E+02	n	4.4E+02	n	1.5E+02	n						
0.1			Naphthylamine, 2-	91-59-8	3.0E-01	c	1.3E+00	c									2.0E-04	c		
0.1			Napropamide	15299-99-7	6.3E+03	n	8.2E+04	n									1.6E+03	n		
0.1			Nickel Acetate	373-02-4	6.7E+02	n	8.1E+03	n	1.1E-02	c**	4.7E-02	c**	2.2E+02	n			1.1E+01	n		
0.1			Nickel Carbonate	3333-67-3	6.7E+02	n	8.1E+03	n	1.1E-02	c**	4.7E-02	c**	2.2E+02	n						
14			Nickel Carbonyl	13463-39-3	8.2E+02	n	1.1E+04	n	1.1E-02	c**	4.7E-02	c**	2.2E+02	c**						
14			Nickel Hydroxide	12054-48-7	8.2E+02	n	1.1E+04	n	1.1E-02	c**	4.7E-02	c**	2.0E+02	n						
14			Nickel Oxide	1313-99-1	8.4E+02	n	1.2E+04	n	1.1E-02	c**	4.7E-02	c**	2.0E+02	n						
14			Nickel Refinery Dust	NA	8.2E+02	n	1.1E+04	n	1.2E-02	c**	5.1E-02	c**	2.2E+02	n			3.2E+01	n		
14			Nickel Soluble Salts	7440-02-0	1.5E+02	n	2.2E+04	n	1.1E-02	c**	4.7E-02	c**	3.9E+02	n			2.6E+01	n		
14			Nickel Sulfide	12036-72-2	4.1E-01	c	1.9E+00	c	5.8E-03	c**	2.6E-02	c**	4.5E-02	c						
0.1			Nickelocene	1271-28-9	6.7E+02	n	8.1E+03	n	1.1E-02	c**	4.7E-02	c**	2.2E+02	n						
			Nitrate	14797-55-8	1.3E+05	nm	1.9E+06	nm							3.2E+04	n	1.0E+04	n		
			Nitrate, Nitrite (as N)	NA											1.0E+04	n	1.0E+04	n		
			Nitrite	14797-55-0	7.8E+02	n	1.2E+05	nm												
0.1			Nitroanthracene, 2-	88-74-1	6.3E+02	n	8.0E+03	n	5.2E-02	n	2.2E-01	n	1.9E+02	n			8.0E-02	n		
0.1			Nitroanthracene, 4-	100-01-6	2.7E+01	c**	1.1E+02	c*	6.3E+00	n	2.6E+01	n	3.8E+00	c*			1.6E-03	c*		
		3.1E+03	Nitrobenzene	98-95-3	5.1E+04	c*	2.2E+01	c*	7.0E-02	c	3.1E-01	c	1.4E-01	c*			9.2E-05	c*		
0.1			Nitrocellulose	9004-70-0	1.9E+06	nm	2.5E+09	nm									1.3E+04	n		
0.1			Nitrofurantoin	67-20-9	4.4E+03	n	5.7E+04	n									1.4E+03	n		
0.1			Nitrofurazone	59-87-0	4.2E-01	c	1.8E+00	c	7.6E-03	c	3.3E-02	c	6.0E-02	c			5.4E-05	c		
0.1			Nitroglycerin	54-83-0	6.3E+02	n	8.2E+01	n									8.5E-04	n		
0.1			Nitroguanidine	596-88-7	6.3E+02	n	8.2E+04	n									4.8E-01	n		
		1.8E+04	Nitromethane	75-52-5	5.4E+02	c*	2.4E+01	c*	3.2E-01	c*	1.4E+00	c*	6.4E-01	c*			1.4E-04	c*		
		4.9E+03	Nitropropane, 2-	79-46-9	1.4E+02	c	6.0E-02	c	1.0E-03	c	4.5E-03	c	2.1E-03	c			5.4E-07	c		
0.1			Nitroso-N-ethylurea, N-	759-73-9	4.5E-03	c	8.5E-02	c	1.3E-04	c	1.6E-03	c	9.2E-04	c			2.2E-07	c		
0.1			Nitroso-N-methylurea, N-	684-93-5	1.0E-03	c	1.9E-02	c	3.0E-05	c	3.6E-04	c	2.1E-04	c			4.6E-08	c		
0.1			Nitroso-di-N-butylamine, N-	924-16-3	9.9E-02	c	4.6E-01	c	1.8E-03	c	7.7E-03	c	2.7E-03	c			5.5E-06	c		
0.1			Nitroso-di-N-propylamine, N-	621-64-7	7.8E-02	c	3.3E-01	c	1.4E-03	c	6.1E-03	c	1.1E-02	c			8.1E-06	c		
0.1			Nitrosodietanolamine, N-	1116-54-7	1.9E-01	c	8.2E-01	c	3.5E-03	c	1.5E-02	c	2.8E-02	c			5.6E-06	c		
0.1			Nitrosodimethylamine, N-	55-19-5	8.1E-04	c	1.5E-02	c	2.4E-05	c	2.9E-04	c	1.7E-04	c			6.0E-08	c		
		2.4E+05	Nitrosodimethylamine, N-	62-75-9	2.0E-03	c	3.4E-02	c	7.2E-05	c	8.8E-04	c	1.1E-04	c			2.8E-08	c		
0.1			Nitrosodiphenylamine, N-	86-30-6	1.1E+02	c	4.7E+02	c	1.1E+00	c	4.7E+00	c	1.2E+01	c			6.6E-02	c		
0.1			Nitrosomethyl ethylamine, N-	10595-95-6	2.0E-02	c	9.1E-02	c	4.5E-04	c	1.9E-03	c	7.1E-04	c			2.0E-07	c		
0.1			Nitrosomorpholine [N]	59-89-2	8.1E-02	c	3.4E-01	c	1.5E-03	c	6.5E-03	c	1.2E-02	c			2.8E-06	c		
0.1			Nitrosopiperidine [N]	100-75-4	5.8E-02	c	2.4E-01	c	1.0E-03	c	4.5E-03	c	8.2E-03	c			4.4E-06	c		
0.1			Nitrosopyrrolidine, N-	930-55-2	2.6E-01	c	1.1E+00	c	4.6E-03	c	2.0E-02	c	3.7E-02	c			1.4E-05	c		
0.1			Nitrotoluene, m-	99-08-1	6.3E+00	n	8.2E+01	n									1.6E-03	n		
		1.5E+03	Nitrotoluene, o-	88-72-2	3.2E+00	c*	1.5E+01	c*									2.9E-04	c*		
		6.9E+00	Nitrotoluene, p-	99-99-0	3.4E+01	c**	1.4E+02	c*									3.9E-03	c*		
			Nonane, n-	111-84-2	1.1E+01	ns	7.2E+01	ns	2.1E+01	n	8.8E+01	n	5.3E+00	n			7.5E-02	n		
0.1			Norflurazon	27314-13-2	2.5E+03	n	3.3E+04	n									5.0E+00	n		
0.1			Nustar	85509-19-9	4.4E+01	n	5.7E+02	n									1.8E+00	n		
0.1			Octabromodiphenyl Ether	32536-52-0	1.9E+02	n	2.5E+03	n									1.2E+01	n		
0.006			Octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX)	2691-41-0	3.9E+03	n	5.7E+04	n									1.0E+03	n		
0.1			Octamethylpyrophosphoramide	152-16-9	1.3E+02	n	1.6E+03	n									4.0E+01	n		
0.1			Oryzalin	19044-88-3	3.2E+03	n	4.1E+04	n									8.1E+02	n		
0.1			Oxadiazon	19666-30-9	3.2E+02	n	4.1E+03	n									4.7E+01	n		
0.1			Oxamyl	23135-22-0	1.6E+03	n	2.1E+04	n									5.0E+02	n		
0.1			Paclobutrazol	76738-62-0	8.2E+02	n	1.1E+04	n							2.0E+02	n	1.1E-01	n		
0.1			Paraquat Dichloride	1910-42-5	2.8E+02	n	3.7E+03	n									2.3E+02	n		
																	9.0E+01	n		
																	1.2E+00	n		

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BS	ABS	C _{sat} (mg/kg)	Contaminant Analyte	CAS No.	Screening Levels												Protection of Ground Water SSLs		
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)	
0.1			Parathion	56-38-2	3.8E+02	n	4.9E+03	n									4.3E-01	n	
			Pebulate	1114-71-2	3.9E+03	n	5.8E+04	n					8.6E+01	n			4.5E-01	n	
0.1			Pendimethalin	40487-42-1	2.5E+03	n	3.3E+04	n					5.6E+02	n			2.1E+00	n	
0.1			Pentabromodiphenyl Ether	32534-81-9	1.3E+02	n	1.6E+03	n					4.0E+01	n			1.7E+00	n	
0.1			Pentabromodiphenyl ether, 2,2',4,4',5,5'- (BDE-99)	60348-60-9	6.3E+00	n	8.2E+01	n					2.0E+00	n			8.7E-02	n	
		4.5E+02	Pentachlorobenzene	608-93-5	6.3E+01	n	9.3E+02	n					3.2E+00	n			2.4E-02	n	
			Pentachloroethane	76-01-7	7.7E+00	c	3.6E+01	c					6.4E-01	c			3.1E-04	c	
			Pentachloronitrobenzene	82-68-8	2.7E+00	c	1.3E+01	c					1.2E-01	c			1.4E-03	c	
0.25			Pentachlorophenol	87-86-5	1.0E+00	c	4.0E+00	c	5.5E-01	c	2.4E+00	c	4.0E-02	c	1.0E+00		4.0E-04	c	1.0E-02
0.1			Pentaerythritol tetranitrate (PETN)	78-11-5	1.3E+02	n	5.7E+02	c**					1.9E+01	c**			2.8E-02	c**	
		3.9E+02	Pentane, n-	109-66-0	8.1E+02	ns	3.4E+03	ns	1.0E+03	n	4.4E+03	n	2.1E+03	n			1.0E+01	n	
			Perchlorates																
			--Ammonium Perchlorate	7790-98-9	5.5E+01	n	8.2E+02	n					1.4E+01	n			n	n	
			--Lithium Perchlorate	7791-03-9	5.5E+01	n	8.2E+02	n					1.4E+01	n			n	n	
			--Perchlorate and Perchlorate Salts	14797-73-0	5.5E+01	n	8.2E+02	n					1.4E+01	n	1.5E+01(F)		n	n	
			--Potassium Perchlorate	7778-74-7	5.5E+01	n	8.2E+02	n					1.4E+01	n			n	n	
			--Sodium Perchlorate	7601-89-0	5.5E+01	n	8.2E+02	n					1.4E+01	n			n	n	
			Perfluorobutane Sulfonate	375-73-5	1.6E+03	n	2.3E+04	n					3.8E+02	n			2.1E-01	n	
0.1			Permethrin	52645-53-1	3.2E+03	n	4.1E+04	n					1.0E+03	n			2.4E-02	n	
0.1			Phenacetin	62-44-2	2.5E+02	c	1.0E+03	c	4.5E+00	c	1.9E+01	c	3.4E+01	c			9.7E-03	c	
0.1			Phenmedipham	13684-63-4	1.6E+04	n	2.1E+05	nm					4.0E+03	n			2.1E-01	n	
0.1			Phenol	108-95-2	1.9E+04	n	2.5E+05	nm	2.1E+02	n	8.8E+02	n	5.8E+03	n			3.3E-00	n	
0.1			Phenothiazine	92-84-2	3.2E+01	n	4.1E+02	n					4.3E+00	n			1.4E-02	n	
0.1			Phenylethylamine, m-	108-46-2	3.8E+02	n	4.9E+03	n					1.2E+02	n			3.2E-02	n	
0.1			Phenylethylamine, o-	95-54-5	1.2E+01	c	4.9E+01	c					1.6E+00	c			4.4E-04	c	
0.1			Phenylethylamine, p-	106-50-3	1.2E+04	n	1.6E+05	nm					3.8E+03	n			1.0E+00	n	
0.1			Phenylpropane-2-thione	90-48-2	2.8E+02	c	1.2E+03	c					3.0E+01	c			4.0E-01	c	
0.1			Phosgene	298-02-2	1.3E+01	n	1.6E+02	n					3.0E+00	n			3.4E-03	n	
		1.6E+03	Phosgene	75-44-6	3.1E-01	n	1.3E+00	n	3.1E-01	n	1.3E+00	n							
0.1			Phosphite	742-11-8	1.3E+03	n	1.6E+04	n					3.7E+02	n			8.2E-02	n	
			Phosphates, inorganic																
			--Aluminum metaphosphate	13776-88-0	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Ammonium polyphosphate	68333-79-9	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Calcium pyrophosphate	7790-76-3	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Diammonium phosphate	7783-28-0	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Dicalcium phosphate	7757-93-9	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Dimagnesium phosphate	7782-75-4	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Dipotassium phosphate	7758-11-4	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Disodium phosphate	7658-79-4	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Monocalcium phosphate	13530-50-2	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Monoammonium phosphate	1122-16-1	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Monocalcium phosphate	7758-23-8	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Monomagnesium phosphate	7757-96-0	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Monopotassium phosphate	1118-11-0	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Monosodium phosphate	7558-80-7	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Polyphosphoric acid	8017-16-1	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Potassium triphosphate	13845-36-8	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium acid pyrophosphate	7758-16-9	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium aluminum phosphate (acidic)	7785-88-8	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium aluminum phosphate (anhydrous)	10279-59-1	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium aluminum phosphate (tetrahydrate)	10305-76-7	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium hexametaphosphate	10124-56-8	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium polyphosphate	68915-31-1	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium trimetaphosphate	7785-84-4	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Sodium triphosphate	7758-29-4	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Tetrapotassium phosphate	7320-34-5	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Tetrasodium pyrophosphate	7722-88-5	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Trialuminum sodium tetra decahydrogenoctaorthophosphate (dihydrate)	15136-87-5	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Tricalcium phosphate	7758-87-4	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Trimagnesium phosphate	7757-87-1	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Tripotassium phosphate	7778-53-2	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			--Trisodium phosphate	7601-54-9	3.8E+06	nm	5.7E+07	nm					9.7E+05	n			n	n	
			Phosphine	7803-51-2	2.3E+01	n	3.5E+02	n	3.1E-01	n	1.3E+00	n	5.7E-01	n					
			Phosphoric Acid	7664-38-2	3.0E+06	nm	2.9E+07	nm	1.0E+01	n	4.4E+01	n	9.7E+05	n					
			Phosphorus, White	7723-14-0	1.6E+00	n	2.3E+01	n					4.0E-01	n			1.5E-03	n	

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BS	ABS	C _{sat} (mg/kg)	Contaminant		Screening Levels								Protection of Ground Water SSLs					
			Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)
0.1			Phthalates															
0.1			-Bis(2-ethylhexyl)phthalate	117-81-7	3.9E+01	c*	1.6E+02	c	1.2E+00	c	5.1E+00	c	5.6E+00	c*	6.0E+00	1.3E+00	c*	1.4E+00
0.1			-Butylphthalyl Butylglycolate	85-70-1	6.3E+04	n	8.2E+05	nm					1.3E+04	n				
0.1			-Dibutyl Phthalate	84-74-2	6.3E+03	n	8.2E+04	n					9.0E+02	n		2.3E+00	n	
0.1			-Diethyl Phthalate	84-66-2	5.1E+04	n	6.6E+05	nm					1.5E+04	n		6.1E+00	n	
0.1			-Dimethylterephthalate	120-61-6	7.8E+03	n	1.2E+05	nm					1.9E+03	n		4.9E-01	n	
0.1			-Octyl Phthalate, di-N-	117-84-0	6.3E+02	n	8.2E+03	n					2.0E+02	n		5.7E+01	n	
0.1			-Phthalic Acid, P-	100-21-0	6.3E+04	n	8.2E+05	nm					1.9E+04	n		6.8E+00	n	
0.1			-Phthalic Anhydride	85-44-9	1.3E+05	nm	1.6E+06	nm	2.1E+01	n	8.8E+01	n	3.9E+04	n		8.5E+00	n	
0.1			Picloram	1918-02-1	4.4E+03	n	5.7E+04	n					1.4E+03	n	5.0E+02	3.8E-01	n	1.4E-01
0.1			Picramic Acid (2-Amino-4,6-dinitrophenol)	96-91-3	6.3E+00	n	8.2E+01	n					2.0E+00	n		1.3E-03	n	
0.1			Pirimiphos, Methyl	29232-93-7	6.3E+02	n	8.2E+03	n					1.2E+02	n		1.2E-01	n	
0.1			Polybrominated Biphenyls	59536-65-1	1.8E-02	c*	7.7E-02	c*	3.3E-04	c	1.4E-03	c	2.6E-03	c*				
0.14			Polychlorinated Biphenyls (PCBs)															
0.14			-Aroclor 1016	12674-11-2	4.1E+00	n	2.7E+01	c**	1.4E-01	c	6.1E-01	c	2.2E-01	c**		2.1E-02	c**	
0.14			-Aroclor 1221	11104-28-2	1.7E-01	c	7.2E-01	c	4.9E-03	c	2.1E-02	c	4.6E-03	c		7.9E-05	c	
0.14			-Aroclor 1232	11141-16-5	1.7E-01	c	7.2E-01	c	4.9E-03	c	2.1E-02	c	4.6E-03	c		7.9E-05	c	
0.14			-Aroclor 1242	53469-21-9	2.3E-01	c	9.7E-01	c	4.9E-03	c	2.1E-02	c	7.8E-03	c		1.2E-03	c	
0.14			-Aroclor 1248	12672-29-6	2.3E-01	c	9.4E-01	c	4.9E-03	c	2.1E-02	c	7.8E-03	c		1.2E-03	c	
0.14			-Aroclor 1254	11097-69-1	2.4E-01	c**	9.7E-01	c*	4.9E-03	c	2.1E-02	c	7.8E-03	c*		2.0E-03	c*	
0.14			-Aroclor 1260	11096-82-5	2.4E-01	c	9.9E-01	c	4.9E-03	c	2.1E-02	c	7.8E-03	c		5.5E-03	c	
0.14			-Aroclor 5460	11126-42-4	3.5E+01	n	4.4E+02	n					1.2E+01	n		2.0E+00	n	
0.14			-Heptachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 189)	39635-31-9	1.2E-01	c*	5.1E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		2.8E-03	c	
0.14			-Hexachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 167)	52663-72-6	1.2E-01	c*	5.1E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.7E-03	c	
0.14			-Hexachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 157)	69782-90-7	1.2E-01	c*	5.1E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.7E-03	c	
0.14			-Hexachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 156)	38380-08-4	1.2E-01	c*	5.1E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.7E-03	c	
0.14			-Hexachlorobiphenyl, 3,3',4,4',5,5'-(PCB 169)	32724-16-6	1.2E-04	c*	5.1E-04	c*	2.5E-06	c	1.1E-05	c	4.0E-06	c		1.7E-06	c	
0.14			-Pentachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 123)	65610-44-3	1.2E-01	c*	5.0E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.0E-03	c	
0.14			-Pentachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 118)	81568-06-6	1.2E-01	c*	5.0E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.0E-03	c	
0.14			-Pentachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 105)	32598-14-4	1.2E-01	c*	5.0E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.0E-03	c	
0.14			-Pentachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 114)	74472-87-0	1.2E-01	c*	5.0E-01	c*	2.5E-03	c	1.1E-02	c	4.0E-03	c		1.0E-03	c	
0.14			-Pentachlorobiphenyl, 3,3',4,4',5,5'-(PCB 126)	57465-28-8	3.7E-05	c*	1.5E-04	c*	7.4E-07	c	3.2E-06	c	1.2E-06	c		3.0E-07	c	
0.14			-Polychlorinated Biphenyls (high risk)	1336-36-3	2.3E-01	c	9.7E-01	c	4.9E-03	c	2.1E-02	c						
0.14			-Polychlorinated Biphenyls (low risk)	1336-36-3					2.8E-02	c	1.2E-01	c	4.4E-02	c	5.0E-01	6.8E-03	c	7.6E-02
0.14			-Polychlorinated Biphenyls (low risk)	1336-36-3					1.4E-01	c	6.1E-01	c						
0.14			-Tetrachlorobiphenyl, 3,3',4,4'-(PCB 77)	32598-13-3	3.8E-02	c*	1.6E-01	c*	7.4E-04	c	3.2E-03	c	6.0E-03	c*		9.4E-04	c*	
0.14			-Tetrachlorobiphenyl, 3,3',4,4'-(PCB 81)	70382-50-4	1.2E-02	c*	4.9E-02	c*	2.5E-04	c	1.1E-03	c	4.0E-04	c		6.2E-05	c	
0.1			Polymeric Methylene Diisocyanate (PMDI)	9016-87-9	8.5E+05	nm	3.6E+06	nm	6.3E-01	n	2.6E+00	n						
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BS	ABS	C _{sat} (mg/kg)	Contaminant Analyte	CAS No.	Screening Levels												Protection of Ground Water SSLs			
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)		
0.1			Propanal	709-98-8	3.2E+02	n	4.1E+03	n						8.2E+01	n		4.5E+02	n		
0.1			Propargite	2312-35-8	1.3E+03	n	1.6E+04	n						1.6E+02	n		1.2E+01	n		
	1.1E+05		Propargyl Alcohol	107-19-7	1.6E+02	n	2.3E+03	n						4.0E+01	n		8.1E+03	n		
0.1			Propazine	139-40-2	1.3E+03	n	1.6E+04	n						3.4E+02	n		3.0E+01	n		
0.1			Propham	122-42-9	1.3E+03	n	1.6E+04	n						3.5E+02	n		2.2E+01	n		
0.1			Propiconazole	60207-90-1	8.2E+02	n	1.1E+04	n						2.1E+02	n		6.9E+01	n		
	3.3E+04		Propionaldehyde	123-38-6	7.5E+01	n	3.1E+02	n	8.3E+00	n	3.5E+01	n	1.7E+01	n			3.4E+03	n		
	2.6E+02		Propyl benzene	103-65-1	3.8E+03	ns	2.4E+04	ns	1.0E+03	n	4.4E+03	n	6.6E+02	n			1.2E+00	n		
	3.5E+02		Propylene	115-07-1	2.2E+03	ns	9.3E+03	ns	3.1E+03	n	1.3E+04	n	6.3E+03	n			6.0E+00	n		
0.1			Propylene Glycol	57-55-6	1.3E+06	nm	1.6E+07	nm						4.0E+05	n		8.1E+01	n		
0.1			Propylene Glycol Dintrate	6423-43-4	3.9E+05	nm	1.6E+06	nm	2.8E-01	n	1.2E+00	n								
	8.5E+04		Propylene Glycol Monoethyl Ether	1569-02-4	5.5E+04	n	8.2E+05	nms						1.4E+04	n		2.8E+00	n		
	1.1E+05		Propylene Glycol Monomethyl Ether	107-98-2	4.1E+04	n	3.7E+05	nms	2.1E+03	n	8.8E+03	n	3.2E+03	n			6.5E+01	n		
	7.8E+04		Propylene Oxide	75-56-9	2.1E+00	c	9.7E+00	c	7.6E-01	c*	3.3E+00	c*	2.7E-01	c			5.6E-05	c		
0.1			Pursuit	81335-77-5	1.6E+04	n	2.1E+05	nm						4.7E+03	n		4.1E+00	n		
0.1			Pydrin	11630-58-1	1.6E+03	n	2.1E+04	n						5.0E+02	n		3.2E+02	n		
	5.3E+05		Pyridine	110-86-1	7.8E+01	n	1.2E+03	n						2.0E+01	n		6.8E+03	n		
0.1			Quinalphos	13593-03-8	3.2E+01	n	4.1E+02	n						5.1E+00	n		4.3E+02	n		
0.1			Quinoline	91-22-5	1.8E-01	c	7.7E-01	c						2.4E-02	c		7.8E-05	c		
	0.1		Refractory Ceramic Fibers	NA	4.3E+07	nm	1.8E+08	nm	3.1E+01	n	1.3E+02	n								
	0.1		Resmethrin	10453-86-8	1.9E+03	n	2.5E+04	n						6.7E+01	n		4.2E+01	n		
	0.1		Ronnel	299-84-3	3.9E+03	n	5.8E+04	n						4.1E+02	n		3.7E+00	n		
0.1			Rotone	83-79-4	2.5E+02	n	3.3E+03	n						6.1E+01	n		3.2E+01	n		
0.1			Safrole	94-59-7	5.5E-01	c	1.0E+01	c	1.6E-02	c	1.9E-01	c	9.5E-02	c			5.9E-05	c		
0.1			Savey	78587-05-0	1.6E+03	n	2.1E+04	n						1.1E+02	n		5.0E-01	n		
			Selenous Acid	7783-89-8	3.9E+02	n	5.8E+03	n						1.0E+02	n					
			Selenium	7782-49-2	3.9E+02	n	5.8E+03	n	2.1E+01	n	8.8E+01	n	1.0E+02	n	5.0E+01		5.2E+01	n	2.6E-01	
			Selenium Sulfide	7446-31-9	3.9E+02	n	5.8E+03	n	2.1E+01	n	8.8E+01	n	1.0E+02	n						
0.1			Sethoxydim	74051-80-9	5.7E+03	n	7.4E+04	n						1.0E+03	n		9.3E+00	n		
			Silica (crystalline, respirable)	7631-96-9	4.3E+06	nm	1.8E+07	nm	3.1E+00	n	1.3E+01	n					8.0E-01	n		
			Silver	7440-22-4	3.9E+02	n	5.8E+03	n						9.4E+01	n					
0.1			Simazine	122-34-9	4.5E+00	c*	1.9E+01	c						6.1E-01	c	4.0E+00		3.0E-04	c	2.0E-03
0.1			Sodium Acifluorfen	62476-59-9	8.2E+02	n	1.1E+04	n						2.6E+02	n		2.1E+00	n		
			Sodium Azide	26628-22-8	3.1E+02	n	4.7E+03	n						8.0E+01	n					
			Sodium Dichlorate	10588-01-9	3.0E-01	c	6.2E+00	c	6.8E-06	c	8.2E-05	c	4.1E-02	c						
0.1			Sodium Diethylchloroacetate	149-18-5	2.0E+00	c	8.5E+00	c						2.9E-01	c					
			Sodium Fluoride	7691-49-4	3.9E+03	n	5.8E+04	n	1.4E+01	n	5.7E+01	n	1.0E+03	n						
0.1			Sodium Fluoroacetate	32-74-8	1.3E+00	n	1.6E-01	n						4.0E-01	n		8.1E-05	n		
			Sodium Metavanadate	13718-26-8	7.8E+01	n	1.2E+03	n						2.0E+01	n					
0.1			Stirofos (Tetrachlorovinphos)	961-11-5	2.3E+01	c*	9.6E+01	c						2.8E+00	c		8.1E-03	c		
25			Strontium Chromate	7789-06-2	3.0E-01	c	6.2E+00	c	6.8E-06	c	8.2E-05	c	4.1E-02	c						
			Strontium, Stable	7440-24-6	4.7E+04	n	7.0E+05	nm						1.2E+04	n		4.2E+02	n		
0.1			Strychnine	57-24-9	1.9E+01	n	2.5E+02	n						5.9E+00	n		6.5E-02	n		
	8.7E+02		Styrene	100-42-5	6.0E+03	ns	3.5E+04	ns	1.0E+03	n	4.4E+03	n	1.2E+03	n	1.0E+02		1.3E+00	n	1.1E-01	
0.1			Styrene-Acrylonitrile (SAN) Trimer	NA	1.9E+02	n	2.5E+03	n						4.8E+01	n					
0.1			Suffolane	126-33-0	6.3E+01	n	8.2E+02	n	2.1E+00	n	8.8E+00	n	2.0E+01	n			4.4E+03	n		
			Sulfonylbis(4-chlorobenzene), 1,1'-	80-07-9	5.1E+01	n	6.6E+02	n						1.1E+01	n		6.5E-02	n		
			Sulfur Trioxide	7446-11-9	1.4E+06	nm	6.0E+06	nm	1.0E+00	n	4.4E+00	n	2.1E+00	n						
			Sulfuric Acid	7664-93-9	1.4E+06	nm	6.0E+06	nm	1.0E+00	n	4.4E+00	n	2.1E+00	n						
0.1			Systhane	88671-89-0	1.6E+03	n	2.1E+04	n						4.5E+02	n		5.6E+00	n		
0.1			TCMTB	21564-17-0	1.9E+03	n	2.5E+04	n						4.8E+02	n		3.3E+00	n		
0.1			Tebuthiuron	34014-18-1	4.4E+03	n	5.7E+04	n						1.4E+03	n		3.9E-01	n		
0.1			Temephos	3383-96-8	1.3E+03	n	1.6E+04	n						4.0E+02	n		7.6E+01	n		
	3.1E+01		Terbacil	5902-51-2	8.2E+02	n	1.1E+04	n						2.5E+02	n		7.5E-02	n		
			Terbufos	13071-79-9	2.0E+00	n	2.9E+01	n						2.4E-01	n		5.2E-04	n		
0.1			Terbutryn	886-50-0	6.3E+01	n	8.2E+02	n						1.3E+01	n		1.9E-02	n		
0.1			Tetrabromodiphenyl ether, 2,2',4,4'- (BDE-47)	5436-43-1	6.3E+00	n	8.2E+01	n						2.0E+00	n		5.3E-02	n		
			Tetrachlorobenzene, 1,2,4,5-	95-94-3	2.3E+01	n	3.5E+02	n						1.7E+00	n		7.9E-03	n		
	6.8E+02		Tetrachloroethane, 1,1,1,2-	630-20-6	2.0E+00	c	8.8E+00	c	3.8E-01	c	1.7E+00	c	5.7E-01	c			2.2E-04	c		
	1.9E+03		Tetrachloroethane, 1,1,2,2-	79-34-5	6.0E-01	c	2.7E+00	c	4.8E-02	c	2.1E-01	c	7.6E-02	c			3.0E-05	c		
	1.7E+02		Tetrachloroethylene	127-18-4	2.4E+01	c**	1.0E+02	c**	1.1E+01	c**	4.7E+01	c**	1.1E+01	c**	5.0E+00		5.1E-03	c**	2.3E-03	
0.1			Tetrachlorophenol, 2,3,4,6-	58-90-2	1.9E+03	n	2.5E+04	n						2.4E+02	n		1.5E+00	n		
			Tetrachlorotoluene, p- alpha, alpha, alpha-	5216-25-1	3.5E-02	c	1.6E-01	c						1.3E-03	c		4.4E-06	c		
0.1			Tetraethyl Dithiopyrophosphate	3689-24-5	3.2E+01	n	4.1E+02	n						7.1E+00	n		5.2E-03	n		
	1.1E+03		Tetrafluoroethane, 1,1,1,2-	811-97-2	1.0E+05	nms	4.3E+05	nms	8.3E+04	n	3.5E+05	n	1.7E+05	n			9.3E+01	n		

PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant Analyte	CAS No.	Screening Levels												Protection of Ground Water SSLs			
					Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)		
0.0007			Tetryl (Trinitrophenylmethylnitramine)	479-45-8	1.8E+02	n	2.3E+03	n						3.9E+01	n		3.7E-01	n		
			Thallium (I) Nitrate	10102-45-1	5.5E-01	n	8.2E+00	n						1.4E-01	n					
0.1			Thallium (Soluble Salts)	7440-28-0	7.8E-01	n	1.2E+01	n						2.0E-01	n	2.0E+00	1.4E-02	n	1.4E-01	
0.1			Thallium Acetate	563-68-8	3.8E-01	n	4.9E+00	n						1.2E-01	n					
			Thallium Carbonate	6533-73-9	1.3E+00	n	1.6E+01	n						4.0E-01	n					
0.1			Thallium Chloride	7791-12-0	4.7E-01	n	7.0E+00	n						1.2E-01	n					
			Thallium Sulfate	7446-18-6	1.6E+00	n	2.3E+01	n						4.0E-01	n					
			Thiobencarb	28249-77-6	6.3E+02	n	8.2E+03	n						1.6E+02	n		5.5E-01	n		
0.0075			Thiodiglycol	111-48-8	5.4E+03	n	7.9E+04	n						1.4E+03	n		2.8E-01	n		
0.1			Thiofanox	39196-18-4	1.9E+01	n	2.5E+02	n						5.3E+00	n		1.8E-03	n		
0.1			Thiophanate, Methyl	23564-05-8	5.1E+03	n	6.6E+04	n						1.6E+03	n		1.4E+00	n		
0.1			Thiram	137-26-8	3.2E+02	n	4.1E+03	n						9.8E+01	n		1.4E-01	n		
			Tin	7440-31-5	4.7E+04	n	7.0E+05	nm						1.2E+04	n		3.0E+03	n		
			Titanium Tetrachloride	7550-45-0	1.4E+05	nm	6.0E+05	nm	1.0E-01	n	4.4E-01	n		2.1E-01	n					
8.2E+02			Toluene	108-88-3	4.9E+03	ns	4.7E+04	ns	5.2E+03	n	2.2E+04	n		1.1E+03	n	1.0E+03	7.6E-01	n	6.9E-01	
0.1			Toluene-2,5-diamine	95-70-5	3.0E+00	c**	1.3E+01	c*						4.3E-01	c**		1.3E-04	c**		
0.1			Toluidine, p-	106-49-0	1.8E+01	c*	7.7E+01	c*						2.5E+00	c*		1.1E-03	c*		
3.4E-01			Total Petroleum Hydrocarbons (Aliphatic High)	NA	2.3E+05	nms	3.5E+06	nms						6.0E+04	n		2.4E+03	n		
1.4E+02			Total Petroleum Hydrocarbons (Aliphatic Low)	NA	5.2E+02	ns	2.2E+03	ns	6.3E+02	n	2.6E+03	n		1.3E+03	n		8.8E+00	n		
6.9E+00			Total Petroleum Hydrocarbons (Aliphatic Medium)	NA	9.6E+01	ns	4.4E+02	ns	1.0E+02	n	4.4E+02	n		1.0E+02	n		1.5E+00	n		
0.1			Total Petroleum Hydrocarbons (Aromatic High)	NA	2.5E+03	n	3.3E+04	n						8.0E+02	n		8.9E+01	n		
1.8E+03			Total Petroleum Hydrocarbons (Aromatic Low)	NA	8.2E+01	n	4.2E+02	n	3.1E+01	n	1.3E+02	n		3.3E+01	n		1.7E-02	n		
			Total Petroleum Hydrocarbons (Aromatic Medium)	NA	1.1E+02	n	6.0E+02	n	3.1E+00	n	1.3E+01	n		5.5E+00	n		2.3E-02	n		
0.1			Toxaphene	8001-35-2	4.9E-01	c	2.1E+00	c	8.8E-03	c	3.8E-02	c		1.5E-02	c	3.0E+00	2.4E-03	c	4.6E-01	
0.1			Tralometrin	66841-25-6	4.7E+02	n	6.2E+03	n						1.5E+02	n		5.8E+01	n		
			Tri-n-butyltin	688-72-3	2.3E+01	n	3.5E+02	n						3.7E+00	n		8.2E-02	n		
0.1			Triacetin	102-76-1	5.1E+06	nm	6.6E+07	nm						1.6E+06	n		4.5E+02	n		
0.1			Triallate	2005-17-6	1.0E+03	n	1.5E+04	n						1.2E+02	n		2.6E-01	n		
0.1			Triasulfon	82097-90-5	6.3E+02	n	8.2E+03	n						2.0E+02	n		2.1E-01	n		
0.1			Trinorbornene, 1,2,3	675-53-8	3.9E+02	n	5.8E+03	n						4.5E+01	n		6.4E-02	n		
0.1			Tri-n-butyl Phosphate	126-73-8	6.0E+01	c*	2.6E+02	c*						5.1E+00	c*		2.5E-02	c*		
0.1			Tri-n-butyltin Compounds	NA	1.9E+01	n	2.5E+02	n						6.0E+00	n					
0.1			Tributyltin Oxide	58-35-9	1.9E+01	n	2.5E+02	n						5.7E+00	n		2.9E+02	n		
9.1E+02			Trichloro-1,2,2-trifluoroethane, 1,1,2	76-13-1	4.0E+04	ns	1.7E+05	nms	3.1E+04	n	1.3E+05	n		5.5E+04	n		1.4E+02	n		
0.1			Trichloroacetic Acid	76-03-9	7.8E+00	c	3.3E+01	c						1.1E+00	c	6.0E+01	2.2E-04	c	1.2E-02	
0.1			Trichloroethane, 1,1,1,2,2,2	33663-50-2	1.9E+01	c	7.9E+01	c						2.7E+00	c		7.4E-03	c		
0.1			Trichloroethane, 1,1,2,2,2	634-93-5	1.9E+00	n	2.5E+01	n						4.0E-01	n		3.6E-03	n		
			Trichlorobenzene, 1,2,3	87-61-6	6.3E+01	n	9.3E+02	n						7.0E+00	n		2.1E-02	n		
4.0E+02			Trichlorobenzene, 1,2,4	120-82-1	2.4E+01	c**	1.1E+02	c**	2.1E+00	n	8.8E+00	n		1.1E+00	c**	7.0E+01	3.3E-03	c**	2.0E-01	
6.4E+02			Trichloroethane, 1,1,1	71-55-6	8.1E+03	ns	3.6E+04	ns	5.2E+03	n	2.2E+04	n		8.0E+03	n	2.0E+02	2.8E+00	n	7.0E-02	
2.2E+03			Trichloroethane, 1,1,2	79-00-5	1.1E+00	c**	5.0E+00	c**	1.8E-01	c**	7.7E-01	c**		2.8E-01	c**	5.0E+00	8.9E-05	c**	1.6E-03	
6.9E+02			Trichloroethylene	79-01-8	9.4E-01	c**	6.0E+00	c**	4.8E-01	c**	3.0E+00	c**		4.9E-01	c**	5.0E+00	1.8E-04	c**	1.8E-03	
1.2E+03			Trichlorofluoromethane	75-69-4	7.3E+02	n	3.1E+03	ns	7.3E+02	n	3.1E+03	n		1.1E+03	n		7.3E-01	n		
0.1			Trichlorophenol, 2,4,6	95-95-4	6.3E+03	n	8.2E+04	n						1.2E+03	n		4.4E+00	n		
0.1			Trichlorophenol, 2,4,6	88-06-2	4.9E+01	c**	2.1E+02	c**	9.1E-01	c	4.0E+00	c		4.0E+00	c**		1.5E-02	c**		
0.1			Trichlorophenoxyacetic Acid, 2,4,5	93-76-5	6.3E+02	n	8.2E+03	n						1.6E+02	n		6.7E-02	n		
0.1			Trichlorophenoxypropionic acid, -2,4,5	93-72-1	5.1E+02	n	6.6E+03	n						1.1E+02	n	5.0E+01	6.1E-02	n	2.8E-02	
1.3E+03			Trichloropropane, 1,1,2	598-77-6	3.9E+02	n	5.8E+03	ns						8.8E+01	n		3.5E-02	n		
1.4E+03			Trichloropropane, 1,2,3	96-18-4	5.1E-03	c	1.1E-01	c	3.1E-01	n	1.3E+00	n		7.5E-04	c		3.2E-07	c		
4.5E+02			Trichloropropene, 1,2,3	96-19-5	7.3E-01	n	3.1E+00	n	3.1E-01	n	1.3E+00	n		6.2E-01	n		3.1E-04	n		
0.1			Tricresyl Phosphate (TCP)	1330-78-5	1.3E+03	n	1.6E+04	n						1.6E+02	n		1.5E+01	n		
0.1			Tridiphenylamine	58138-08-2	1.9E+02	n	2.5E+03	n						1.8E+01	n		1.3E-01	n		
2.8E+04			Triethylamine	121-44-8	1.2E+02	n	4.8E+02	n	7.3E+00	n	3.1E+01	n		1.5E+01	n		4.4E-03	n		
0.1			Triethylene Glycol	112-27-6	1.3E+05	nm	1.6E+06	nm						4.0E+04	n		8.8E+00	n		
0.1			Trifluralin	1582-09-8	9.0E+01	c**	4.2E+02	c*						2.5E+00	c*		8.2E-02	c*		
			Trimethyl Phosphate	512-56-1	2.7E+01	c*	1.1E+02	c*						3.9E+00	c*		8.6E-04	c*		
2.9E+02			Trimethylbenzene, 1,2,3	526-73-8	4.9E+01	n	2.1E+02	n	5.2E+00	n	2.2E+01	n		1.0E+01	n		1.5E-02	n		
2.2E+02			Trimethylbenzene, 1,2,4	95-63-6	5.8E+01	n	2.4E+02	ns	7.3E+00	n	3.1E+01	n		1.5E+01	n		2.1E-02	n		
1.8E+02			Trimethylbenzene, 1,3,5	108-67-8	7.8E+02	ns	1.2E+04	ns						1.2E+02	n		1.7E-01	n		
0.019			Trinitrobenzene, 1,3,5	99-35-4	2.2E+03	n	3.2E+04	n						5.9E+02	n		2.1E+00	n		
0.032			Trinitrotoluene, 2,4,6	118-96-7	2.1E+01	c**	9.6E+01	c**						2.5E+00	c**		1.5E-02	c**		
0.1			Triphenylphosphine Oxide	791-28-6	1.3E+03	n	1.6E+04	n						3.6E+02	n		1.5E+00	n		
0.1			Tris(1,3-Dichloro-2-propyl) Phosphate	13674-87-8	1.3E+03	n	1.6E+04	n						3.6E+02	n		8.0E+00	n		
0.1			Tris(1-chloro-2-propyl)phosphate	13674-84-5	6.3E+02	n	8.2E+03	n						1.9E+02	n		6.5E-01	n		
4.7E+02			Tris(2,3-dibromopropyl)phosphate	126-72-7	2.8E-01	c	1.3E+00	c	4.3E-03	c	1.9E-02	c		6.8E-03	c		1.3E-04	c		

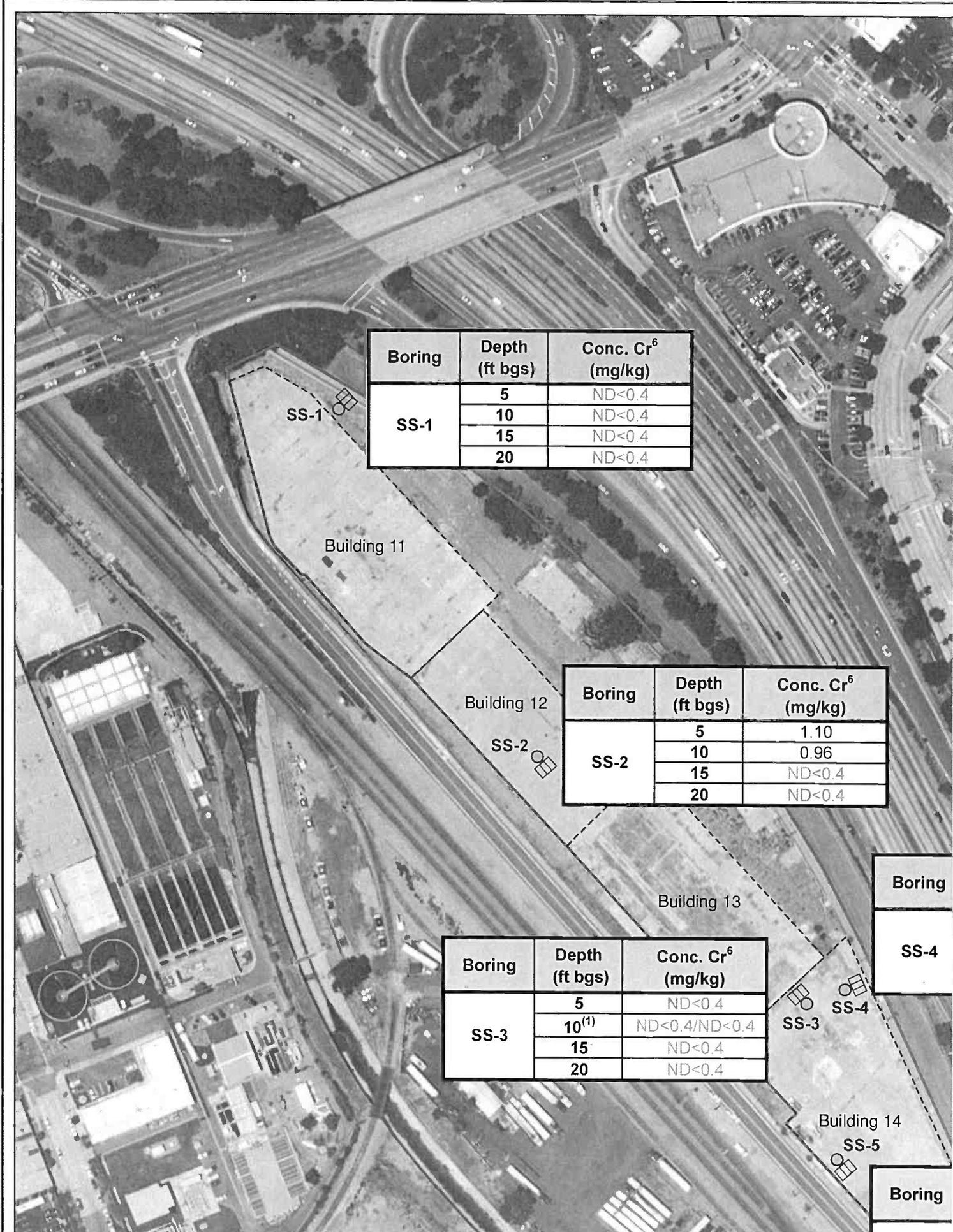
PPRTV SCREEN (See FAQ #27); H = HEAST; J = New Jersey; O = EPA Office of Water; F = See FAQ; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; R = cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer, m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

BS	ABS	C _{sat} (mg/kg)	Contaminant		Screening Levels								Protection of Ground Water SSLs					
			Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	key	MCL-based SSL (mg/kg)
0.1			Tris(2-chloroethyl)phosphate	115-96-8	2.7E+01	c*	1.1E+02	c*				3.8E+00	c*		3.8E-03	c*		
0.1			Tris(2-ethylhexyl)phosphate	78-42-2	1.7E+02	c*	7.2E+02	c				2.4E+01	c*		1.2E+02	c*		
			Uranium (Soluble Salts)	NA	2.3E+02	n	3.5E+03	n	4.2E-02	n	1.8E-01	n	6.0E+01	n	3.0E+01	2.7E+01	n	1.4E+01
0.1			Urethane	51-79-6	1.2E-01	c	2.3E+00	c	3.5E-03	c	4.2E-02	c	2.5E-02	c		5.6E-06	c	
26			Vanadium Peroxide	1314-62-1	4.6E+02	c**	2.0E+03	c**	3.4E-04	c*	1.5E-03	c*	1.5E+02	n			n	
26			Vanadium Compounds	1446-62-2	3.9E+02	n	5.8E+03	n	1.0E-01	n	4.4E-01	n	8.6E+01	n		8.6E+01	n	
0.1			Vermolate	1924-77-1	7.0E+01	n	1.2E+03	n				1.1E+01	n		8.9E-03	n		
			Vinclozolin	50471-44-9	1.6E+03	n	2.1E+04	n				4.4E+02	n		3.4E-01	n		
	2.8E+03		Vinyl Acetate	108-05-4	9.1E+02	n	3.8E+03	ns	2.1E+02	n	8.8E+02	n	4.1E+02	n		8.7E-02	n	
	3.4E+03		Vinyl Bromide	593-60-2	1.2E-01	c*	5.2E-01	c*	8.8E-02	c*	3.8E-01	c*	1.8E-01	c*		5.1E-05	c*	
	3.9E+03		Vinyl Chloride	75-01-4	5.9E-02	c	1.7E+00	c	1.7E-01	c	2.8E+00	c	1.9E-02	c	2.0E+00	6.5E-06	c	6.9E-04
0.1			Warfarin	81-81-2	1.9E+01	n	2.5E+02	n				5.6E+00	n		5.9E-03	n		
	3.9E+02		Xylene, m	106-42-3	5.6E+02	ns	2.4E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n		1.9E-01	n	
	3.9E+02		Xylene, o	108-38-3	5.5E+02	ns	2.4E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n		1.9E-01	n	
	4.3E+02		Xylene, p	95-74-6	6.5E+02	ns	2.8E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n		1.9E-01	n	
	2.6E+02		Xylenes	1301-20-7	6.5E+02	ns	2.8E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n	1.0E+04	1.9E-01	n	9.8E+00
			Zinc Phosphide	1314-84-7	2.3E+01	n	3.5E+02	n				6.0E+00	n			n		
			Zinc and Compounds	1440-66-6	2.3E+04	n	3.5E+05	nm				6.0E+03	n		3.7E+02	n		
0.1			Zinc	12122-67-7	3.2E+03	n	4.1E+04	n				9.9E+02	n		2.9E+00	n		
			Zirconium	1440-61-1	6.3E+00	n	9.3E+01	n				1.6E+00	n		4.8E+00	n		

Exhibit 2

Declaration of Eric Smalstig

ISO Third Petition



Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-1	5	ND<0.4
	10	ND<0.4
	15	ND<0.4
	20	ND<0.4

SS-1

Building 11

Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-2	5	1.10
	10	0.96
	15	ND<0.4
	20	ND<0.4

Building 12

SS-2

Boring	Depth (ft bgs)	Conc. Cr ⁶ (mg/kg)
SS-3	5	ND<0.4
	10 ⁽¹⁾	ND<0.4/ND<0.4
	15	ND<0.4
	20	ND<0.4

Building 13

SS-3

Building 14
SS-5

Boring

SS-4

SS-4

Boring

Exhibit 3

Declaration of Eric Smalstig

ISO Third Petition

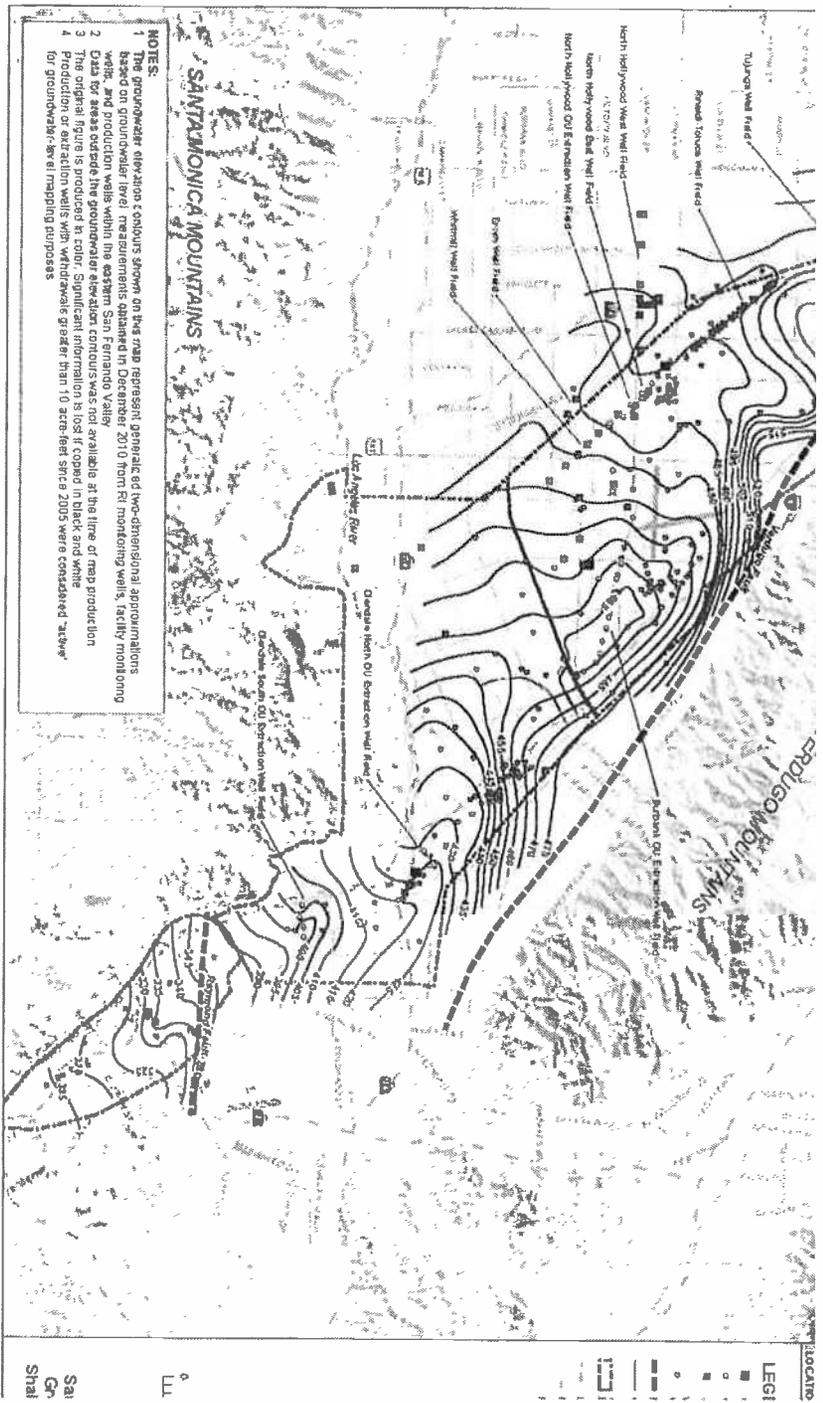


Figure 3. Groundwater Elevation Contours December 2010 (CH2M Hill 2010).

Exhibit 4

Declaration of Eric Smalstig

ISO Third Petition



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 10, 2011

Mr. Alan Skobin
Northridge Properties, LLC
Galpin Motors
15505 N
North Hills, California 91343

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

CASE/SITE: 777 NORTH FRONT STREET, BURBANK, CALIFORNIA (FILE NO. 109.6162) - FORMER ZERO CORPORATION

Dear Mr. Skobin:

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 and Ventura County, 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).

Regional Board staff has reviewed the technical information that indicates the extensive use of hexavalent chromium (Cr⁶) at the former Zero Corporation facility located at 777 North Front Street, Burbank, California from the 1960s to the 1990s. A review of the file contents shows an absence of adequate soil sampling data for Cr⁶ concentrations in soils deeper than 5 ft. below grade.

Thus, we have determined that an additional investigation is warranted due to the historical use of Cr⁶ at the aforementioned facility. The requirement for an additional investigation is further warranted by new information presented to the Regional Board from the California Department of Transportation (Caltrans) in a 2009 soil investigation report for the subject property that was prepared on behalf of Caltrans. The report indicates that there exist soil concentrations of Cr⁶ in exceedance of normal background concentrations in the San Fernando Valley.

Enclosed is a Regional Board Order for technical report requirements pursuant to California Water Code section 13267 (Order).

The former responsible party, APW North America, received a Certificate of Completion from the Cal/EPA in 2002. This Regional Board is the administering agency of record and we have determined that the Certificate is no longer binding on the Regional Board. As stated above, the Regional Board has received new information. Pursuant to Health and Safety Code section 25264 (c) (4), we may reopen the investigation if a hazardous materials release is discovered at the site that was not subject of the prior site investigation. Also, section 25264 (c)(5) states that a site may be reopened if new facts causes the agency

California Environmental Protection Agency

Mr. Alan Skobin
777 North Front Street, Burbank, California

- 2 -

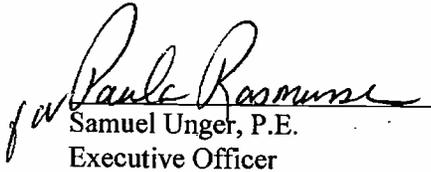
May 10, 2011

to find that further site investigation and remediation is required in order to prevent a significant risk to human health and safety or to the environment. The 2009 Caltrans report found that detectable concentrations of Cr⁶ in soil samples exceed the typical background concentrations in the native soils in the Burbank area.

Therefore, as the current property owner, you are required to comply with the Order to prepare and submit a technical soil investigation work plan to conduct an onsite soil investigation for the purpose of characterizing the potential for Cr⁶ groundwater contamination beneath the former facility.

If you have questions regarding this matter, please call Mr. Larry Moore at (213) 576-6730 (lmoore@waterboards.ca.gov), or Jeffrey Hu at (213) 576-6736 (ghu@waterboards.ca.gov).

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure:

- 1) General Requirements for a Heavy Metal Soils investigation

cc:

Ms. Lisa Hanusiak, USEPA Region IX
Mr. Leighton Fong, City of Glendale
Mr. Robert McKinney, Los Angeles Department of Water & Power
Mr. Milad Taghavi, Los Angeles Department of Water & Power
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Richard Slade, ULARA Watermaster
Mr. Donald Nanney, Esq. for Northridge Properties, LLC

California Environmental Protection Agency

-STATE OF CALIFORNIA

California Regional Water Quality Control Board - Los Angeles Region

GENERAL WORKPLAN REQUIREMENTS

FOR A

HEAVY METAL SOIL INVESTIGATION

APPENDIX A

INTRODUCTION

This guidance document and the related *Laboratory QC/QA Requirements for Title 22 Metals Analysis* are designed to assist dischargers required to perform a heavy metal soil assessment. This document outlines all activities to be conducted by the discharger in order to complete an assessment and determine whether the soil and/or groundwater have been contaminated due to industrial and/or commercial activities at the site. The requirements itemized below are to be used when conducting an initial heavy metal soil investigation to evaluate the following:

- A. Waste discharges to the soil at potential source areas,
- B. Assess and delineate the lateral and vertical extent of soil contamination, and
- C. Soil properties that affect contaminant mobility and transport in the unsaturated zone.

The work plan must include, but is not limited to, the following items:

1. A technical approach including the sampling rationale and justification for the location, depth, and type of boring including the sampling interval. The boring locations must be plotted on a facility map configured to scale.
2. The document must include the Los Angeles County Assessors Parcel Number(s) for the property being investigated.
3. **Soil samples must be collected from the middle of low permeability (silts and clays) or high moisture content units (saturated soils), if the individual lithologic unit is five feet thick or greater.**
4. Describe the proposed drilling method, equipment, and procedures for borings.
5. Describe equipment and procedures used for the collection, handling, storage, and shipment of soil samples.
6. Describe decontamination and waste handling procedures.
7. Describe the laboratory quality assurance/quality control program.
8. A site-specific Health and Safety Plan (HASP) should be prepared prior to fieldwork or field sampling startup. The HASP defines minimum health and safety requirements and

¹ California Code of Regulations; Title 22 metals, including total and hexavalent chromium

designate protocols to be followed for the field operation to comply with state and federal health and safety requirements.

9. A time schedule for the completion of the scope of work.

WORKPLAN FOR SUBSURFACE SOIL INVESTIGATION

A subsurface soil technical report (hereinafter work plan) will be required to assess the shallow subsurface soil to determine the impact of prior releases of heavy metal contaminants. Implementation of the work plan will determine the lateral and vertical extent of heavy metal soil contamination in the impacted areas identified.

The task of implementing the work plan involves selecting optimum boring locations within and around the source areas, collecting soil samples at depths of 1, 5, 10, 15, 20 and 25-feet below ground surface (bgs) and at every lithologic change. If not previously performed, at least one continuously cored soil boring should be drilled and logged for a complete stratigraphic column of the soils beneath the site, preferably in proximity to source area.

Unless previous data exists, at least two soil borings must be installed and sampled at two different locations away from known source areas to ascertain background heavy metal concentrations. These soil samples should be collected from "native soils" (not from areas of imported fill and preferably from areas that are the least likely to contain heavy metal residues due to historical operations at the facility).

Background heavy metal concentrations will be compared to values obtained from impacted areas to determine impact and will be used, along with other indices, to determine site-specific cleanup levels.

IDENTIFICATION OF CONTAMINATED SOURCE AREAS AT **HEAVY METAL USEAGE**, STORAGE AND DISPOSAL AREA

- Identify the areas, based on the historical or current land use for the facility which where used for plating, chemical storage, processing, treatment and disposal.
- Identify potential source locations of heavy metal soil contamination, such as areas of former spills and leaks.
- Provide a labeled, surveyed, and scaled plot plan or diagram showing current, and any previous locations of structures used for heavy metal plating, chemical and hazardous waste storage, treatment and disposal at the facility.
- Identify locations such as aboveground tanks, vats, underground tanks, clarifiers, sumps, channels, pipelines, trenches, drains, sewer connections, seepage pits, basins, ditches, and dry wells.
- Include tables listing the functions or purposes of each structure, duration of use, chemical contents, and quantity of chemicals stored.
- If information is available on prior chemical spills provide the date of the spill, the reporting agency (i.e. Fire Department or Regional Board), and the extent of any remedial action performed.

Also list names, addresses, duration and dates of previous site owners and operators, and types of chemical-processes used.

FIELD PROCEDURES

The following investigation procedures must also be addressed in the work plan at a minimum:

1. Contingency plan to extend boring depths if evidence exists of contamination at the bottom of the borehole.

During drilling and soil sampling, 'all the boring logs must be prepared by or under the direct supervision of a State of California Registered Geologist (RG), or Registered Civil Engineer (PE). In addition, visual indications of soil contamination must be noted such as staining, and discoloration, olfactory indicators, estimation, of percentages of the different soil types, range in grain sizes, degree of grading/sorting, moisture content, porosity. Unique sample identification and locations must be provided.

2. Provide complete and legible boring logs that will include:

- a) A description of earth materials, conditions (moisture, color, etc.), and classifications per Unified Soil Classification System (USCS);
- b) A lithographic column with USCS abbreviations and symbols;
- c) Labeled sample depths (measured in feet);
- d) A record of penetration in blows per foot (blow counts) and inches (or percent) of sample recovered;
- e) A California registered professional must sign each boring log.-

3. An appropriate number of quality control samples collected.

4. All the boreholes must be back-filled in accordance with requirements listed in *California Well Standards Bulletin 74-90, California Department of Water Resources, (June 1991)*.

5. Investigation-derived wastes must be disposed of in Department of Transportation approved containers, or transported to a US EPA approved waste management facility.

6. Following receipt of laboratory analytical results, submit a **technical report** (site investigation report) to the Regional Board for -review and approval. The report must contain a description of field activities, procedures used, a discussion of analytical results and delineation of contaminants in the shallow soil, data interpretation, conclusions and recommendations. Boring logs, laboratory analytical results, and.: chain of custody forms should be included in the appendices.. Figures must include a surveyed map showing the locations of the contaminant source areas or structures, a map showing surveyed soil sample and boring locations, and iso-concentration maps for significant contaminants discovered.

If the results of the site investigation have not fully delineated the contamination, then a work plan to completely define the extent of soil and/or groundwater impacts is to be included with your site investigation report pursuant to Section 13267 of the California Water Code.

Comply with the Regional Board's chain of custody procedures regarding soil samples. Samples must be handled and analyzed per the *General Requirements Laboratory OC/OA for Title 22 Heavy Metals Analysis* (APPENDIX B).

OPTIONAL SOIL PARAMETERS:

Additional soil data collection may be considered during site assessment and/or remediation phases for site-specific risk assessment and/or fate and transport modeling.

Soil samples shall be collected from different lithological units at various locations and depths, and sent to a California certified laboratory for determining the following parameters:

- (a) Water-Solid adsorption/distribution coefficient (Kd)
- (b) Fraction of organic carbon content (foe)
- (c) Grain-size distribution (ASTM D 422-630)
- (d) Effective soil porosity
- (e) pH (ASTM G51-77)
- (f) Bulk density or Specific Gravity (ASTM D 854-83)
- (g) Soil moisture content (ASTM D 2216-80)
- (h) Plasticity index for clayey and silty materials (Atterberg Limits)
- (i) Gas permeability (if possible).

LABORATORY METHOD FOR ANALYSES OF SOIL SAMPLES

For the purpose of screening soil samples for Title 22 heavy metal contaminants, the Regional Board will accept the use of EPA Method 6010B. However, for certain Title 22 metals of concern, EPA Method 6020 may be required to achieve meet the required detection limits for reporting. EPA Method 7199 and EPA Method 245.5 will be required to provide a quantitative value for hexavalent chromium, and mercury, respectively.

LABORATORY CERTIFICATION

The Regional Board requires that all laboratories performing analyses on any samples be certified by the California Department of Health Services' (DHS) Environmental Laboratory Accreditation Program (ELAP). For a listing of accredited laboratories refer to the DHS web site:

[http://www.dhs.ca.gov/ps/js/elap/ELAPnames/Laboratory 19.htm](http://www.dhs.ca.gov/ps/js/elap/ELAPnames/Laboratory%20.htm)

SPECIAL TRAINING REQUIREMENTS/CERTIFICATION

All personnel working in the field or in the laboratory will hold current certification showing that they have received training in accordance with requirements specified in 29 CFR 1910.120 (Occupational Safety and Health [OSHA]) regulations, or any other regulatory training/certification requirements.

SURVEY DATA FOR SOIL DATA

All soil data points (soil borings) shall be surveyed relative to longitude and latitude coordinates. Acceptable quality data may come from a commercially available, hand held global positioning system (GPS) device.

DOCUMENT SUBMITTAL REQUIREMENTS

Deliverables and technical reports include, but are not limited to, work plans, work plan addenda, investigation reports, design reports, quarterly groundwater monitoring reports, report addenda, and letter responses to Regional Board comments. Site plans with proposed soil boring locations must be submitted in an AutoCADD or GIS format that can be input into a spatial or GIS database.

Electronic copies of reports may be submitted in Adobe PDF format via e-mail or, for those files that exceed 1 megabyte in size, on CD-ROM or floppy disk.

Parties shall submit paper and electronic copies of all deliverables and technical reports in the quantities indicated, to the following:

2 paper copies, 1 electronic copy

Mr. Larry Moore (lmoore@waterboards.ca.gov)
California Regional Water Quality Control Board,
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013