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7 Attorneys for Petitioner
REXFORD INDUSTRIAL REALTY, INC.

8
9 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

10 In the Matter of Appeal of Investigative Order
11 No. R4-2018-0026, Water Code Section 13267
Order to Provide a Technical Report: Work Plan
12 for Subsurface Investigation

Via Electronic Submission

**PETITION FOR REVIEW AND
REQUEST FOR STAY OF ORDER**

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15 Pursuant to Section 13320 of California Water Code and Section 2050 of Title 23 of
16 the California Code of Regulations (CCR), REXFORD INDUSTRIAL REALTY, INC. (“Petitioner”)
17 petitions the State Water Resources Control Board (“State Board”) to review and vacate or amend
18 Investigative Order No. R4-2018-0026, the Order to Provide a Technical Report: Work Plan For
19 Subsurface Investigation issued March 12, 2018 (“Order”) of the California Regional Water Quality
20 Control Board for the Los Angeles Region (“Regional Board”), which ordered Petitioner to submit a
21 work plan to further delineate groundwater contamination emanating from Glendale Gateway (San
22 Fernando Road Site)/Former Newlowe Properties Site, 3332-3334, 3360- 3380, 3410, 3424-3428, N.
23 San Fernando Road and 3510 — 3600 Tyburn Street, Los Angeles, CA 90065 (SCP NO. 0628)(the
24 “Property”). More specifically, the Order requires Petitioner to prepare and submit a work plan to
25 conduct a subsurface investigation, which must include groundwater sampling and analysis for, at a
26 minimum, VOCs and 1,4-dioxane.

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1 However, the Order is inappropriate and improper for the following reasons:

- 2 1. The Order was improperly issued to Rexford Industrial Realty, Inc., whereas the
3 owner of the Property is RIF V-Glendale Commerce Center, LLC. For purposes of
4 this Petition, the term "Petitioner" shall include both Rexford Industrial Realty, Inc.
5 and RIF V-Glendale Commerce Center, LLC. However, Rexford Industrial Realty,
6 Inc., has no relationship to or responsibility for the Property.
- 7 2. The Order is vague and contains inaccuracies that render it infeasible to implement.
- 8 3. The Order is invalid under California Water Code Section 13267(b) because the
9 burden of complying with the Order does not bear a reasonable relationship to the
10 need for the work plan and the benefits to be obtained from the work plan.
- 11 4. The Order does not comply with Section 13267(b) because the Regional Board has
12 not identified the evidence that supports requiring Petitioner to furnish the work
13 plan.
- 14 5. The Order is inappropriate because it suggests in Paragraph 1, Page 1 that Petitioner
15 is subject to the United States Environmental Protection Agency's (EPA) search for
16 Potentially Responsible Parties (PRPs) for the Pollock Operable Unit of the San
17 Fernando Valley Superfund Area (Pollock Operable Unit). Petitioner cannot be
18 liable for the Pollock Operable Unit under the Comprehensive Environmental
19 Response, Compensation, and Liability Act (CERCLA) because Petitioner meets
20 the requirements for Bona Fide Prospective Purchaser (BFPP) status under
21 CERCLA.

22 Petitioner requests that the State Board vacate, or in the alternative, revise the
23 requirements of the Order so that the Order requires Petition to demonstrate that no additional off-site
24 investigation is necessary, rather than conduct additional off-site investigation.

25 The issues raised in this petition were raised in a March 21, 2018 telephone conference
26 with Regional Board staff and counsel in which Petitioner requested that the Regional Board
27 reconsider the Order.

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1. NAME AND ADDRESS OF THE PETITIONERS:

Rexford Industrial Realty, Inc.
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Attn: Howard Schwimmer
Email: howards@rexfordindustrial.com
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Please provide a copy of all materials related to this matter to:

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2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD WHICH THE STATE BOARD IS REQUIRED TO REVIEW AND A COPY OF ANY ORDER OR RESOLUTION OF THE REGIONAL BOARD WHICH IS REFERRED TO IN THE PETITION:

Petitioner seeks review of Investigative Order No. R4-2018-0026, the Order to Provide a Technical Report: Work Plan For Subsurface Investigation issued March 12, 2018 (“Order”). A copy of the Order is attached hereto, and filed concurrently, as Exhibit 1.

3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO ACT OR ON WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT:

March 12, 2018.

4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER:

As explained in detail below in Section 6, the issuance of the Order was inappropriate and improper under California Water Code Section 13267(b) for the following reasons:

- The Order was improperly issued to Rexford Industrial Realty, Inc., whereas the owner of the Property is RIF V-Glendale Commerce Center, LLC.
- The Order is vague and contains inaccuracies that render it infeasible to implement.

- 1 • The burden imposed on Petitioner by the Order does not bear a reasonable
2 relationship to the benefits that may be obtained from the work plan sought by
3 the Order.
- 4 • Monitoring results from Petitioner's existing off-site monitoring well shows
5 that current groundwater conditions do not warrant additional investigation of
6 impacts from the Property.
- 7 • Data from existing off-site wells can be used to delineate groundwater impacts,
8 and therefore additional wells are not necessary.
- 9 • The Order is premature because upcoming remediation of the Property, which is
10 scheduled to be implemented in May 2018, will positively impact conditions at
11 the Property.
- 12 • The Order's requirement for additional investigation is not supported by
13 evidence, especially in light of the fact that the Regional Board previously
14 determined that no additional off-site investigation was necessary.
- 15 • The Order's suggestion that Petitioner is subject to CERCLA liability as a PRP
16 for the Pollock Operable Unit is incorrect because Petitioner meets the
17 requirements of the BFPP exemption from CERLA liability.

18 Petitioner reserves its right to supplement this Petition with an additional statement of
19 reasons in support of its position that the Order is inappropriate or improper at a later date.

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

21 Petitioner is aggrieved because it is being ordered to perform an unnecessary
22 investigation regarding off-site contamination. Petitioner has voluntarily performed extensive
23 investigations of off-site and on-site impacts of contamination emanating from the Property, and
24 previous owners of the Property have conducted remediation and investigation of the Property and off-
25 site impacts since 1987. The results of these extensive investigations over the course of 30 years do
26 not indicate that there are data gaps that necessitate additional investigation of potential off-site
27 contamination emanating from the Property. Furthermore, the Regional Board has previously
28 informed the Petitioner that Petitioner will not be responsible for additional off-site investigation and

1 has not provided evidence that such additional investigation is necessary or that conditions have
2 changed, necessitating additional investigation.

3 Petitioner will be aggrieved if it is compelled to expend funds and resources to prepare
4 a work plan for off-site investigation. Petitioner requests that the State Board vacate the Order.

5 **6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD WHICH**
6 **PETITIONER REQUESTS.**

7 The Petitioners seek an immediate stay of the Order, while the Board reviews this
8 Petition.

9 Further, the Petitioners seek the following action:

10 1) The Petitioner respectfully requests that the Board vacate the Order.

11 2) In the alternative, the Petitioners request that the Board amend the Order in the
12 following manner:

13 a) require the Petitioner to demonstrate that no data gap exists regarding the
14 extent of the on-site contamination and its impact on off-site properties, and that therefore no
15 additional off-site investigation is necessary; and

16 b) withdraw the requirement to conduct any off-site investigation and to
17 provide a work plan.

18 **7. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES**
19 **RAISED IN THE PETITION.**

20 The State Board should vacate the Order for the following reasons:

21 1. The Order was improperly issued to Rexford Industrial Realty, Inc., whereas the
22 owner of the Property is RIF V-Glendale Commerce Center, LLC.

23 2. The Order is vague and contains inaccuracies that render it infeasible to implement.

24 3. The Order is invalid under California Water Code Section 13267(b) because the
25 burden of complying with the Order does not bear a reasonable relationship to the
26 need for the work plan and the benefits to be obtained from the work plan.

27 4. The Order does not comply with Section 13267(b) because the Regional Board has
28 not identified the evidence that supports requiring Petitioner to furnish the work plan.

1 5. The Order is inappropriate because it suggests in Paragraph 1, Page 1 that Petitioner
2 is subject to the EPA's search for PRPs for the for the Pollock Operable Unit.
3 Petitioner cannot be liable for the Pollock Operable Unit under CERCLA because
4 Petitioner meets the requirements for BFPP status under CERCLA.

5 **A. STANDARD OF REVIEW**

6 Pursuant to California Water Code Section 13320(a), an aggrieved person may petition
7 the State Board to review a Regional Board order, within 30 days of such order. The State Board may
8 find that the actions of a Regional Board were inappropriate or improper and direct the Regional
9 Board to take the appropriate action, refer the issue to another state agency with jurisdiction, or take
10 the appropriate action itself. Water Code Section 13320(c).

11 The State Board is not subject to the standards which bind a court, and the scope of the
12 State Board's review is "closer to that of independent review." *In the Matter of the Petition of Exxon*
13 *Company*, Order No. WQ 85-7, at p. 10. In reviewing a Regional Board action, the State Board shall
14 consider the record before the Regional Board, and any other relevant evidence which it wishes to
15 consider. Water Code Section 13320(b); *In the Matter of the Petition of Exxon Company, U.S.A., et*
16 *al. of the Adoption of the Cleanup and Abatement Order No. 85-066*, Order No. WQ 85-7, at p. 10.
17 However, any findings made by an administrative agency in support of an action must be based on
18 substantial evidence in the record. (*Id.*, citing *Topanga Association for a Scenic Community v. County*
19 *of Los Angeles* (1974) 11 Cal. 3d 506, 113 Cal. Rptr. 836).

20 This petition was filed by Petitioner, an aggrieved party, within 30 days of the issuance
21 of the Order and is therefore timely filed for review by the State Board. Pursuant to Water Code
22 Section 13320, the State Board should independently review the record and any other materials that it
23 wishes to consider. The State Board should vacate the Order because it is inappropriate and improper,
24 the burden of compliance with the Order is not reasonably related to the benefits of the work plan to
25 be produced, the Regional Board has not produced evidence that the work plan is necessary, and
26 Petitioner cannot be named as a PRP for the Pollock Operable Unit under CERCLA.

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1 **B. THE STATE BOARD SHOULD VACATE THE ORDER BECAUSE IT IS**
2 **INAPPROPRIATE AND IMPROPER TO THE DEGREE THAT ITS**
3 **IMPLEMENTATION IS INFEASIBLE**

4 The State Board should vacate the Order because it is inappropriate and improper. See
5 Water Code Section 13320(c). The implementation of the Order would be infeasible due to incorrect,
6 inaccurate and inconsistent statements in the Order. Although the Property is owned by RIF V-
7 Glendale Commerce Center, LLC, the Order was improperly issued to Rexford Industrial Realty, Inc.
8 This is inappropriate because Rexford Industrial Realty, Inc. is not the owner of the Property and has
9 no relationship to or responsibility for the Property. Petitioner objects to the Order on the basis that it
10 was issued to the wrong party.

11 In addition, Paragraph 6 of the Order, which states that the burden associated with
12 compliance with the Order bears a reasonable relationship to the need for compliance, states that “The
13 information is necessary to adequately determine the extent of discharges of waste at and from the
14 former Acme Metal Finishing site. . .” (Order p. 3). Petitioner has no knowledge of the Acme Metal
15 Finishing site, which is not located on or related to the Property. Petitioner has no responsibility to
16 perform investigations or produce reports to determine the extent of discharges of waste at or from the
17 Acme Metal Finishing site. This directive is therefore inappropriate.

18 Furthermore, compliance with the Order is infeasible because the Order provides
19 contradictory information regarding the environmental media and chemicals at issue. Paragraph 5 of
20 the Order states that Petitioner must prepare a “work plan to conduct a subsurface investigation to
21 determine if any unauthorized release of VOCs, heavy metals, and/or 1,4-dioxane have impacted the
22 soil beneath the Site.” (Order, p. 3). This is especially surprising because the Regional Board
23 determined in December 2012 that no further action is required regarding soils at the Property.
24 However, Paragraph 3 of the Order refers to groundwater contamination, and the Order only requires
25 further delineation of groundwater contamination and groundwater sampling for volatile organic
26 compounds (“VOCs”) and 1,4-dioxane. (See Order pp. 3 and 4).

27 In addition, the Order’s sole evidence for the need for off-site investigation relies on
28 outdated monitoring results from Petitioner’s off-site well, Monitoring Well 18 (“MW-18”), stating

1 that “persistent contaminant detection at the off-site most down-gradient well (MW-18), and historical
2 and recent contaminant detections at locations further down-gradient of MW-18.” December 2017
3 groundwater monitoring results show that the Tetrachloroethylene (“PCE”) concentration in off-site
4 well MW-18 has decreased from 167 micrograms per liter (µg/l) in April 2017 to 16.6 µg/l in
5 December 2017. The 1,4-dioxane concentration in MW-18 was less than 2 µg/l in December 2017.
6 The December 2017 MW-18 data was provided to the Regional Board on January 15, 2018. The use
7 of outdated, incorrect monitoring results to justify additional investigation is inappropriate and
8 irresponsible.

9
10 **C. THE STATE BOARD SHOULD VACATE THE ORDER BECAUSE THE**
11 **BURDEN OF COMPLYING WITH THE ORDER EXCEEDS THE BENEFITS**
12 **TO BE OBTAINED FROM THE WORK PLAN**

13 The State Board should vacate the Order because the burden of complying with the
14 order exceeds the benefits to be obtained from the work plan required by the Order. Pursuant to Water
15 Code Section 13267, the burden, including costs, of reports required by the Regional Board shall bear
16 a reasonable relationship to the need for the report and the benefits to be obtained from the reports. As
17 detailed in the following sections, off-site investigation is not necessary. However, under the Order,
18 Petitioner must prepare an off-site investigation work plan by revising the existing site conceptual
19 model to extend to off-site wells including the existing LADWP wells. Petitioner estimates that the
20 cost of performing the work to comply with the Order is approximately \$325,000, due to the need to
21 obtain access to off-site areas to conduct additional investigation, performing the investigation, which
22 would include Hydropunch groundwater samples and installation and development of groundwater
23 monitoring wells, and providing analysis and a technical report regarding the results of the
24 investigation. These costs of compliance with the Order do not bear a reasonable relationship to the
25 work plan required by the Order because the additional off-site investigation to be addressed in the
26 work plan is not necessary.

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28 **1. The Order Does Not Demonstrate that the Burden of Complying with the**
Order is Reasonably Related to the Benefits to be Obtained from the Reports

1 Although the Order summarily states that “the burdens, including costs, of these reports
2 bear a reasonable relationship to the need for the reports and the benefits to be obtained from the
3 reports” (Order, p. 3, Paragraph 6), it justifies this by stating that “[t]he information [required by the
4 Order] is necessary to adequately determine the extent of discharges of waste at and from the former
5 Acme Metal Finishing site. . .” (Order p. 3, Paragraph 6). As stated above, the Acme Metal Finishing
6 site is not located on or related to the Property, and therefore Petitioner’s compliance with the Order
7 will not provide information regarding discharges from the Acme Metal Finishing site, nor is
8 Petitioner responsible for determining the extent of such discharges. Therefore, the Regional Board
9 has not shown that the benefits of complying with Order are reasonably related to the burdens of
10 compliance.

11 **2. Additional Off-Site Investigation is Unnecessary Because Petitioner Will**
12 **Remediate the Property and Monitoring Results from Off-Site Well MW-18 Show**
13 **that Remediation is Effective**

14 Petitioner has a long history of voluntary compliance with the Regional Board
15 regarding the investigation and remediation of the Property. Petitioner acquired the Property in 2013
16 and signed a cost reimbursement letter with the Regional Board on May 28, 2014, which states that
17 “The Regional Board does not assert, at this time, that Rexford Industrial is a responsible party subject
18 to section 13304.” The earliest known environmental subsurface investigation at the Property was
19 conducted in 1987 to evaluate potential areas of environmental concern associated with historical site
20 uses and focused on two on-site 10,000-gallon (gasoline and diesel fuel) underground storage tanks
21 (USTs) in the west-central portion of the Site. Tetrachloroethene (PCE) was also identified in soil and
22 groundwater in the vicinity of the USTs. Soil and groundwater remediation was initiated in 1998 and
23 continued until February 2008. Remedial activities conducted previously at the Property include
24 groundwater extraction (pump and treat; 1998 to 2008), soil vapor extraction (SVE; 1998 to 2005),
25 and potassium permanganate (KMnO₄) injection into groundwater (a single event in February 2008).
26 Since that time, groundwater monitoring has continued, and several subsurface investigations have
27 been completed.
28

1 The latest groundwater monitoring data, from the December 2017 sampling event,
2 continues to show improvements in groundwater concentrations following the implementation of the
3 pilot test, which consisted of enhanced bioremediation in the vicinity of monitoring well MW-17 in
4 January 2016. Specifically, the PCE concentration in off-site well MW-18 decreased from 167 µg/l in
5 April 2017 to 16.6 µg/l in December 2017. In addition, 1,4-dioxane concentration was reported as
6 less than 2 µg/l in December 2017 at off-site well MW-18. This represents a marked decrease from
7 April 2017, when 1,4-dioxane was reported as 4.50 µg/l, and shows that off-site conditions are
8 improving.

9 **3. Additional Off-Site Investigation Is Unnecessary Because Data From Existing**
10 **LADWP Wells Can Be Used to Delineate the VOC Plume**

11 The LADWP report “Groundwater Sampling and Analysis Pollock Well Field on
12 February 9, 2018,” which was attached to the Order, shows the three triple-nested LADWP wells
13 installed downgradient to the Property in 2016 and the two wells installed by the EPA in 2017
14 downgradient to the Property. These newly installed wells are in general down-gradient from well
15 MW-18 in various depth horizons. The results from sampling of these wells could be evaluated for
16 the delineation of the plume vertically and laterally beyond well MW-18. Furthermore, all regional
17 wells as mandated by the EPA are being sampled in April 2018. These results can further be
18 evaluated to assess the need for additional off-site investigation beyond well MW-18. Because these
19 existing wells can be used for additional off-site evaluation, Petitioner should not be required to install
20 additional, unnecessary groundwater monitoring wells for off-site investigation. There is no need for
21 additional off-site investigation.

22 **4. Additional Off-Site Investigation is Premature Because Full-Scale Remediation**
23 **Will Improve Impacts at the Property**

24 Prior to requiring additional off-site investigation, the State Board should allow
25 Petitioner to implement full-scale remediation and evaluate the results of the remediation and the
26 effectiveness of the RAP implementation. As stated above, Petitioner is scheduled to begin
27 implementing the RAP for full scale bioremediation of the Property next month, in May 2018. The
28 2017 RAP is based on the results of the 2016 Pilot Test, which continues to produce positive results in

1 terms of contaminant concentrations. Implementation of the RAP will target remaining areas of
2 groundwater at the Property with total VOC concentrations above 100 µg/l. Based on the success of
3 the Pilot Test, Petitioner anticipates that the injection of bioremediation agents at the Property will
4 degrade the chlorinated VOCs at the Property and produce a positive impact across the Property.

5 Although Petitioner does not concede that the Property has impacted groundwater off-
6 site, the possibility of off-site impacts emanating from the Property would be substantially reduced, if
7 not eliminated, by the implementation of the RAP under Regional Board oversight. Therefore, the
8 Order is premature because off-site investigation conducted at this time would not account for the
9 positive impacts to groundwater that will likely result from the full-scale remediation of the Property.
10 The State Board should vacate the Order to permit Petitioner to implement the RAP and evaluate the
11 impact of the RAP on groundwater conditions.

12 **5. The State Board Should Vacate the Order Because Costs of Compliance with**
13 **the Order Are Excessive**

14 As stated above, Petitioner estimates that production and implementation of the work
15 plan required by the Order will cost approximately \$325,000. This is excessive in light of the fact that
16 additional offsite investigation, as outlined in detail above, is not needed.

17 The State Board has voided Regional Board actions where the cost of complying with
18 Regional Board actions will result in unreasonably high costs. *In the Matter of the Petitions of the*
19 *City of Pacific Grove*, Order No. WQ 82-8, at pp. 5, 14 (holding that the scope of a study ordered by
20 the Regional Board under Section 13267 “is excessive resulting in unreasonably high costs” and,
21 therefore, the discharger should propose a modified, narrower, less expensive study). Here, the cost of
22 producing and implementing the work plan for additional off-site investigation is excessive because
23 additional off-site investigation is not necessary. As Petitioner has stated to the Regional Board,
24 Petitioner can demonstrate through data analysis that additional investigation of the Property’s off-site
25 impacts in not necessary. The State Board should vacate the Order or, similar to the State Board’s
26 action in Pacific Grove, revise the Order so that it directs the Petitioner to demonstrate, in a narrower,
27 less expensive study, that additional off-site investigation of the Property is not justified.

1 The fact that the Regional Board did not identify the evidence that supports requiring
2 Petitioner to provide the work plan, in violation of Water Code Section 13267(b)(1), is particularly
3 troubling given that the Regional Board has previously stated, on multiple occasions, that no
4 additional off-site investigation is necessary. On October 22, 1997, the Regional Board stated: “. . .we
5 have determined that there is no further action required regarding any additional off-site assessment
6 and/or remediation of the underlying groundwater at the subject site.” This determination was based
7 on the results of the off-site investigation, which included five off-site HydroPunch groundwater
8 samples and installation of Well MW-18. The investigation results were reported in “Newlowe Off
9 Site Investigation Report,” dated September 15, 1997. Additionally, in 1999, the Regional Board
10 concurred that no additional off-site groundwater assessment is warranted (Cleanup and Abatement
11 Order (CAO) 99-002, dated February 11, 1999, p. 2, item 9).

12 Although the Order indicates that the Regional Board has reversed its long-held
13 position that off-site investigation is not necessary, the Order does not identify new evidence or
14 changed circumstances that justify the Regional Board's reversal on this issue.

15 The Order provides meager evidence for the need for additional off-site investigation.
16 See Order, p. 2, Paragraph 1.1.2. The Order states that since the Regional Board stated in 1997 that no
17 additional off-site groundwater assessment is warranted, “much additional groundwater data has been
18 collected in the Pollock Operable Unit since that time and the data does not support the assumption
19 that the contamination detected in the hydropunch locations in 1997 was part of a regional plume.
20 Instead, the data from the hydropunch samples indicates that the contamination was part of the plume
21 emanating from the Site.” See Order, p. 2, Paragraph 1.1.2. The Order goes on to state that EPA’s
22 2017 data regarding the Pollock Operable Unit includes a PCE plume map that differs from the 1997
23 map. *Id.* However, it is not clear what groundwater monitoring data the Regional Board is relying on
24 in this statement. Even if the 1997 PCE plume map differs from the 2017 plume map produced by the
25 EPA, this does not demonstrate that additional investigation of the Property’s potential off-site
26 impacts is necessary. The Regional Board has not provided sufficient evidence that the collection of
27 additional data regarding the Pollock Operable Unit necessitates additional investigation regarding the
28 Property’s potential off-site impacts.

1 The Order does not show that there have been changes in the condition of the Property
2 or additional facts to support the Regional Board’s reversal of position regarding off-site investigation.
3 Petitioner has informed the Regional Board that it can demonstrate that there are no data gaps
4 regarding off-site impacts emanating from the Property, and that therefore no additional off-site
5 investigation is necessary. However, the Regional Board has not accepted Petitioner’s offer to
6 produce this data, which would show that the costly investigation that it has ordered is wasteful and
7 unnecessary. The State Board should vacate the Order because the Regional Board has not met its
8 burden under Water Code Section 13267(b)(1) of establishing the need for additional investigation,
9 after the Regional Board previously stated that no additional off-site investigation is necessary.
10 Alternatively, the State Board should revise the Order to require Petitioner to demonstrate through
11 technical monitoring data that no data gaps exist regarding the Property’s impacts on off-site areas,
12 and that therefore no additional investigation is needed.

13 **E. THE STATE BOARD SHOULD VACATE THE ORDER BECAUSE**
14 **PETITIONER IS A BFPP UNDER CERCLA**

15 The State Board should vacate the Order because RIF V-Glendale Commerce Center,
16 LLC, the owner of the Property, is a BFPP under CERCLA and therefore is not liable as a PRP for the
17 Pollock Operable Unit. The apparent basis for the Order is the fact that, as stated in the very first
18 paragraph of the Order, the EPA is currently conducting a search for PRPs in the Pollock Operable
19 Unit, and Petitioner is viewed as potentially liable because chlorinated solvents were historically used
20 at the Property. (Order, p. 1, Paragraph 1.) However, if the end goal of the implementation of the
21 Order is to establish whether Petitioner is a PRP for the Pollock Operable Unit under CERCLA, the
22 issuance of the Order, and off-site investigation in compliance with the Order, is a futile exercise. As
23 Petitioner explained in response to EPA’s CERCLA Section 104(e) Request for Information in 2016,
24 Petitioner meets the requirements for BFPP status under CERCLA and therefore is exempt from
25 CERCLA liability for the Pollock Operable Unit. EPA, which serves as the lead agency for the
26 Pollock Operable Unit, has not named Petitioner as a PRP for the Pollock Operable Unit and has not
27 requested additional information from Petitioner since Petitioner informed EPA of its BFPP status.
28

1 The Regional Board’s suggestion that EPA’s PRP search includes or should include Petitioner is
2 unfounded and incorrect.

3 The Property owner qualifies for the BFPP exemption from CERCLA liability. In
4 order to qualify as a BFPP, a party must (1) perform “All Appropriate Inquiries” (set forth at 40 CFR
5 312.20 et seq.) into the previous ownership and use of the property, prior to purchasing it; (2) take
6 reasonable steps to stop any continuing release of hazardous substances, prevent future releases, and
7 prevent environmental exposure to previous releases; (3) not impede the performance of remedial
8 work to address hazardous substance releases, or natural resource restoration; (4) not be affiliated with
9 any of the parties that caused the underlying contamination; and (5) satisfy various other requirements,
10 including without limitation those that relate to providing notices regarding any further releases
11 discovered, exercising appropriate care in regard to existing releases, and cooperating with the
12 regulatory agencies in regard to any response actions.

13 The Code of Federal Regulations provides that in order to satisfy the AAI component
14 of qualifying as a BFPP, a prospective purchaser may engage an environmental consultant to perform
15 a Phase I Environmental Site Assessment that meets the most current requirements of the American
16 Society of Testing and Materials (“ASTM”) for standard E-1527 (currently, E-1527-13). For purposes
17 of satisfying AAI in order to assert the BFPP defense, prospective purchasers must complete a Phase I
18 Environmental Site Assessment within 365 days of acquisition.

19 In this case, the Phase I Environmental Site Assessment for the Property by ADR
20 Environmental Group (Phase I Report) was completed on March 26, 2013, shortly before the Owner
21 purchased the Property on April 17, 2013. The Phase I Report was completed in a manner that
22 satisfies the requirements of AAI and qualified the Petitioner as a BFPP. Furthermore, the Petitioner
23 has met the remaining requirements for BFPP status by cooperating with remediation activities under
24 the oversight of the Regional Board, is not affiliated with parties that caused the contamination,
25 cooperates with regulatory agencies, and has not aggravated existing contamination.

26 Because Petitioner meets the requirements for BFPP status, it is exempt from CERCLA
27 liability for the Pollock Operable Unit. Petitioner is not a PRP and should not be subject to the Order
28

1 on the basis that it has potential CERCLA liability for the Pollock Operable Unit. The Order is
2 inappropriate on these grounds.

3 **8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE**
4 **REGIONAL BOARD AND TO THE DISCHARGERS, IF NOT THE PETITIONER.**

5 A true and correct copy of this Petition and all supporting documentation were sent
6 electronically to:

- 7 1) State Water Resources Control Board
8 Office of Chief Counsel
9 Sophie N. Froelich, Attorney III
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- 14 2) Regional Water Quality Control Board – Los Angeles Region
15 Site Cleanup Program Unit II
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20 christina.humphreys@waterboards.ca.gov
- 21 3) Regional Water Quality Control Board – Los Angeles Region
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23 Supervising Water Quality Control Engineer
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25 Los Angeles, CA 90013
26 jeffrey.hu@waterboards.ca.gov

27 **9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE RAISED**
28 **BEFORE THE REGIONAL BOARD, OR AN EXPLANATION OF WHY THE**
PETITIONER COULD NOT RAISE THOSE OBJECTIONS BEFORE THE
REGIONAL BOARD.

29 The issues raised in the Petition were presented to Regional Board staff and counsel in
30 a telephone conference on March 21, 2018, in which Petitioner requested withdrawal of the Order and
31 stated grounds for withdrawal. Petitioner argued that the Order is not necessary because the recent
32 pilot test showed positive results and Petitioner will implement full-scale remediation at the site in
33 May 2018. In addition, Petitioner noted that the Regional Board had previously stated that no further
34 off-site investigation is necessary.

1 Petitioner also highlighted technical problems associated with the Order and argued
2 that there is no data gap to be addressed regarding the site's potential impact on off-site areas such as
3 the Pollock Operable Unit. Petitioner stated that December 2017 results from an off-site monitoring
4 well, MW-18, shows that PCE concentrations have decreased markedly, and that three off-site wells
5 installed by the LADWP could be used to delineate the Glendale Commerce Center plume beyond
6 MW-18, in lieu of Petitioner performing additional investigation.

7 Alternatively, Petitioner requested that the Regional Board instead require Petitioner to
8 demonstrate that no data gap exists regarding the Property's impact on off-site areas, and that
9 therefore no additional off-site investigation is needed. Such a revised order would not require any
10 off-site investigation or the preparation of a work plan. Regional Board staff and counsel stated that
11 they would consider Petitioner's request for a revised order. Despite numerous subsequent inquiries,
12 however, the Regional Board has not revised the Order or informed Petitioner as to whether it plans to
13 revise the Order. As result, Petitioner files this request for review of the Order in order to preserve its
14 rights.

15 **10. CONCLUSION**

16 For the foregoing reasons, Petitioner respectfully submits that the issuance of the Order
17 was improper and inappropriate, the burden of complying with the Order is not reasonably related to
18 the benefits to be produced by the required work plan, and the Order is not supported by evidence that
19 the work plan is necessary. In addition, Petitioner has BFPP protection from CERCLA liability for
20 the Pollock Operable Unit. Petitioner respectfully requests that the State Board grant this Petition and
21 review the Regional Board's action in issuing the Order.

22
23 DATED: April 11, 2018

COX, CASTLE & NICHOLSON LLP

24
25 By: 

26 Preston W. Brooks
27 Attorneys for Rexford Industrial Realty, Inc.
28

EXHIBIT 1



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

March 12, 2018

Mr. Howard Schwimmer
Rexford Industrial Realty, Inc.
11620 Wilshire Boulevard, Suite 300
Los Angeles, CA 90025

CERTIFIED MAIL
RETURN RECEIPT REQUEST
7016 2070 0000 9795 1011

SUBJECT: REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2018-0026

SITE: GLENDALE GATEWAY – FORMER NEWLOWE PROPERTIES SITE, 3332 – 3334, 3360 – 3380, 3410, 3424 – 3428, N. SAN FERNANDO ROAD AND 3510 – 3600 TYBURN STREET, LOS ANGELES, CA 90065 (SITE CLEANUP NO. 0628, SITE ID NO. 2045500)

Dear Mr. Schwimmer:

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 the Los Angeles and Ventura counties, including the above referenced site (Site). To accomplish this, the Regional Board issues investigative orders authorized by the Porter-Cologne Water Quality Control Act (California Water Code [CWC], Division 7).

Groundwater beneath the Site is contaminated by volatile organic compounds (VOCs), hexavalent chromium (CrVI), and 1,4-dioxane. While assessment and remediation have been ongoing for many years at the Site, the groundwater contamination has not been delineated to date. Meanwhile, VOCs and 1,4-dioxane have been detected in drinking water production wells located approximately 2,000 feet south (down-gradient) of the Site. Further investigation is needed to determine the extents of the groundwater contamination and to determine whether or not the Site is contributing to the contamination impacting the production wells.

Enclosed is Regional Board Order No. R4-2018-0026 pursuant to California Water Code section 13267, requiring you to prepare and submit a work plan to further delineate groundwater contamination emanating from the Site.

Should you have any questions related to this matter, please contact Ms. Christina Humphreys, Case Manager, at (213) 576-6697 or Christian.Humphreys@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

MADelyn GLICKFELD, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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



Enclosure: California Water Code Section 13267 Order No. R4-2018-0026

cc: Ms. Bita Tabatabai, GSI Environmental Inc.
Ms. Michelle Zulaf, GSI Environmental Inc.
Ms. Erin Phalon, Cox Castle & Nicholson
Ms. Lynn Keller, USEPA Region IX
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Paul Liu, Los Angeles Department of Water & Power
Ms. Michelle Lyman, Los Angeles Department of Water & Power
Mr. Chi Diep, State water Resources Control Board, Division of Drinking Water
Mr. Richard Slade, Upper Los Angeles River Area Watermaster

Los Angeles Regional Water Quality Control Board

INVESTIGATIVE ORDER NO. R4-2018-0026

**CALIFORNIA WATER CODE SECTION 13267
ORDER TO PROVIDE A TECHNICAL REPORT:
WORK PLAN FOR SUBSURFACE INVESTIGATION**

**DIRECTED TO
REXFORD INDUSTRIAL REALTY, INC.**

**GLENDALE GATEWAY, FORMER NEWLOWE PROPERTIES
3332-3334, 3360-3380, 3410, 3424-3428 N. SAN FERNANDO ROAD, LOS ANGELES, CALIFORNIA
SITE CLEANUP PROGRAM CASE NO. 0628**

**ON
MARCH 12, 2018**

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 requiring Rexford Industrial Realty, Inc. to further investigate groundwater contamination originating at the site located at 3332-3334, 3360-3380, 3410, 3424-3428 N. San Fernando Road in Los Angeles, California (the Site).

1. Many different businesses have operated at portions of the Site historically, many of them manufacturers for which limited chemical use records have been found. Records do indicate that one of the former operators, Industrial International Corporation, used chlorinated solvents from at least 1978 to 1983 at 3370 San Fernando Road, which is within the Site. The Site is within the United States Environmental Protection Agency's (USEPA's) Pollock Operable Unit (POU) of the San Fernando Valley Superfund Area. USEPA is currently conducting a Remedial Investigation (RI) and a search for potentially responsible parties (PRPs) in the POU. The RI has involved the installation of new monitoring wells and sampling of existing and new wells, which has provided more up-to-date and more comprehensive data for the POU than has previously been available.
 - 1.1. Investigation of the Site began in 1987 and over the course of several rounds of assessment, it has been demonstrated that the groundwater beneath the Site is contaminated by volatile organic compounds (VOCs), hexavalent chromium (CrVI), and 1,4-dioxane. While assessment and remediation have been ongoing for many years at the Site, the groundwater contamination has not been fully delineated to date. Further investigation is needed to determine the extent of the groundwater contamination.
 - 1.1.1. Chlorinated VOCs, primarily perchloroethene (PCE), have been detected at elevated concentrations in groundwater monitoring wells at the Site since the 1990s. Hexavalent chromium (CrVI) and 1,4-dioxane have also been detected at some of the onsite groundwater monitoring wells and the one offsite well. (Attachment 1).

1.1.2. The *Newlowe Off Site Investigation Report* (Off Site Report) was submitted in 1997 and it documented the installation of the down-gradient off-site monitoring well MW-18 and collection of four additional hydropunch groundwater samples from further down-gradient off-site locations. PCE was detected at a concentration of 250 micrograms per liter ($\mu\text{g/L}$) in MW-18 and at concentrations ranging from 38 to 97 $\mu\text{g/L}$ in the four hydro-punch samples. The Off Site Report asserted that the hydropunch concentrations were similar to those presented on the United States Environmental Protection Agency's (USEPA) 1996 PCE plume map, which was included for reference. In a letter dated October 22, 1997 (1997 Letter), the Regional Board concurred that the hydropunch concentrations were "consistent with the EPA Pollock Operable Unit plume" and required "no further action for any additional off-site groundwater assessment of the PCE plume identified at the subject site." However, much additional groundwater data has been collected in the Pollock Operable Unit since that time and the data does not support the assumption that the contamination detected in the hydropunch locations in 1997 was part of a regional plume. Instead, the data from the hydropunch samples indicates that the contamination was part of the plume emanating from the Site. The nearest monitoring wells that are up-gradient and cross-gradient (to the west) in the vicinity of the Site have PCE concentrations ranging from 0.6 to 3.9 $\mu\text{g/L}$., according to USEPA's *Technical Memorandum: Groundwater Monitoring* for the Pollock Operable Unit issued August 30, 2017. The PCE plume map included in that technical memorandum is markedly different from the 1997 map, reflecting new data obtained in the intervening years.

Therefore, Regional Board staff's 1997 determination that further off-site assessment was not required at that time was based on assumptions that are inconsistent with data collected in the years since.

- 1.2. The direction of groundwater flow beneath the Site has been consistently reported to the south-southwest. Since the installation of the furthest down-gradient monitoring well MW-18 in 1997, contaminants have consistently been detected at elevated concentrations, with PCE, CrVI, and 1,4-dioxane reported at 167 $\mu\text{g/L}$, 11.8 $\mu\text{g/L}$, and 4.5 $\mu\text{g/L}$, respectively, in April 2017. Contaminants have also consistently been detected at elevated concentrations in MW-16 in the southwest (down-gradient) corner of the Site, with a reported concentrations 56.8 $\mu\text{g/L}$ of PCE and 6.47 $\mu\text{g/L}$ of 1,4-dioxane in April 2017. (Attachment 1).
- 1.3. The Los Angeles Department of Water and Power (LADWP) released a report *titled Groundwater Sampling and Analysis Pollock Well Field* on February 9, 2018 (Attachment 2), which included analytical data collected from three recently installed groundwater monitoring wells south of the Site. PCE was detected at a concentration of 39 $\mu\text{g/L}$ in the monitoring well nearest to the Site, approximately 800 feet from the southern corner of the property. PCE was detected at lower concentrations in the other two new LADWP monitoring wells.
- 1.4. VOCs and 1,4-dioxane have been detected in drinking water production wells located approximately 2,000 feet south (down-gradient) of the Site. Further investigation is required to determine the extents of contamination emanating from the Site and to determine whether or not the Site is contributing to the contamination impacting the production wells.

2. CWC Section 13267(b)(1) states, in part:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports 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 has evidence indicating that discharge(s) of waste from the Site have impacted and continue to impact the quality of waters of the State. The evidence supporting this requirement includes groundwater analytical data and reports submitted for the Site for many years, the reported groundwater gradient, persistent contaminant detection at the off-site most down-gradient well (MW-18), and historical and recent contaminant detections at locations further down-gradient of MW-18. Based on this evidence, contamination emanating from the Site has likely migrated beyond the scope of the Site's monitoring network and its extents need to be investigated.
4. This Order identifies Rexford Industrial as the party responsible for the discharge of waste identified in paragraph 3 because it owns the property that is the source of contamination.
5. This Order requires the persons/entities named herein to prepare and submit a technical report consisting of a work plan to conduct a subsurface investigation to determine if any unauthorized release of VOCs, heavy metals, and/or 1,4-dioxane have impacted the soil beneath the Site. The Regional Board may reject the report if it is deemed incomplete and/or require revisions to the report under this Order.
6. 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 adequately determine the extent of discharges of waste at and from the former Acme Metal Finishing site, and to assure that discharges of waste that could impact water quality will be addressed.
7. 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, Title 14 of the California Code of Regulations. This Order requires submittal of a technical report and work plan.

The scope of activities required to prepare the reports required by this Order is not yet known. It is unlikely that compliance with this Order, including implementation of the work plans, could result in anything more than minor physical changes to the environment. If the implementation of this Order may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to approval of any work plan.

8. 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 California 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 Rexford Industrial Realty, Inc., pursuant to Section 13267(b) of the CWC, is required to submit the following by **May 7, 2018**:

1. A Work Plan for further delineation of groundwater contamination. The investigation shall include groundwater sampling and analysis for, at minimum, VOCs and 1,4-dioxane.

2. The above items shall be submitted to:

Ms. Christina Humphreys
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Email: christina.humphreys@waterboards.ca.gov

3. Pursuant to CWC Section 13268 (a), 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.
4. The State Water Resources Control Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittals 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 on the Internet at the following link: http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml.
5. 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, the Regional Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker.
6. 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 13267 Order. The perjury statement shall be signed by a senior authorized representative (not by a consultant) of Rexford Industrial Realty, Inc. The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SO ORDERED.



Samuel Unger, P.E.
Executive Officer

3-12-18

Date

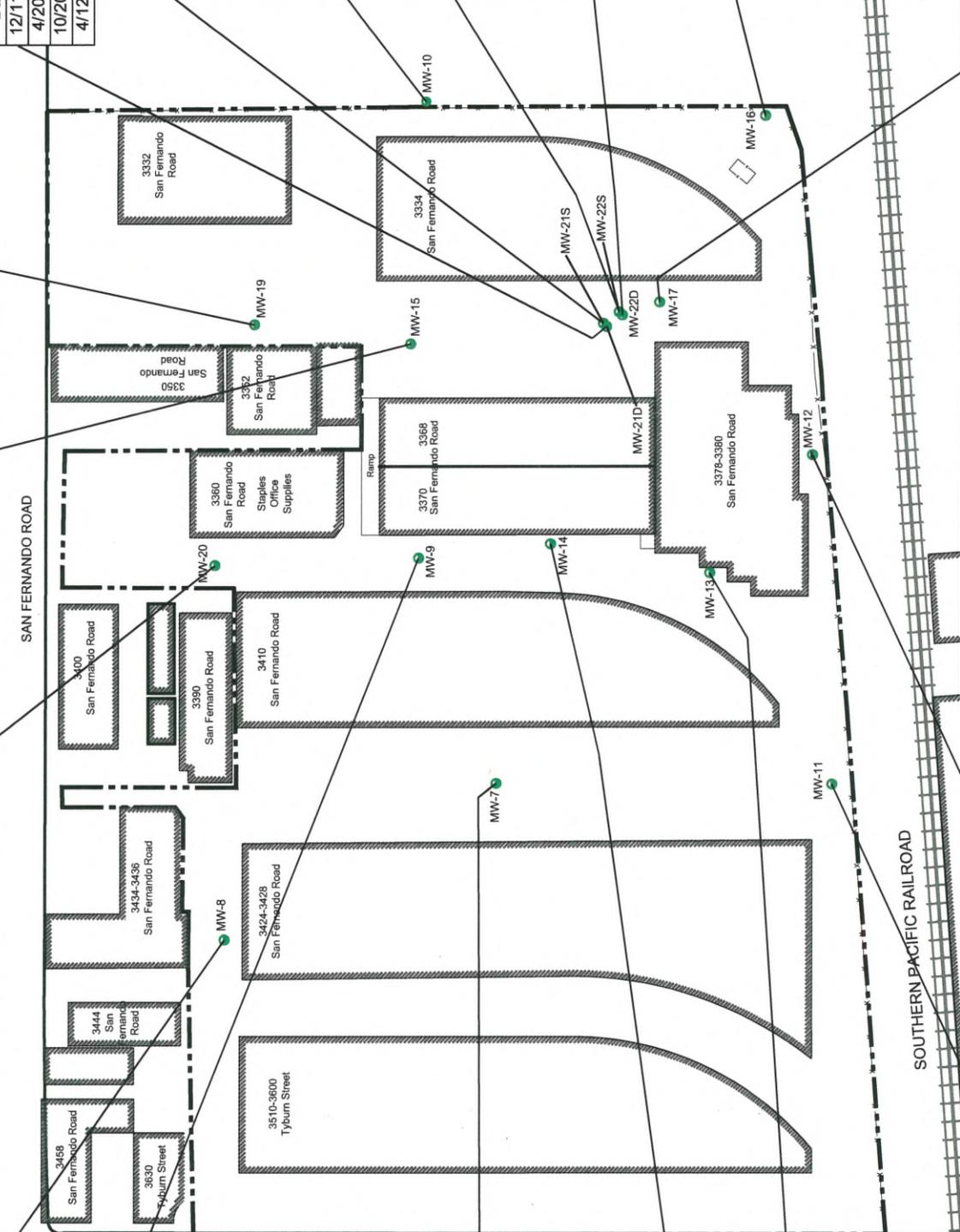
ATTACHMENT 1

MW-19			
Date	PCE	TCE	Cr+6
12/10/12	35.5	37.2	<50
6/5/13	40.1	36.4	44
6/5/14	60.5	23.3	40.7
5/14/15	60.8	27.0	13.2
12/11/15	41.6	12.8	7.21
4/19/16	24.4	22	5.26
10/20/16	31.6	20	<10
4/13/17	28.7	18.3	3.88
			4.79
			2.24

MW-15			
Date	PCE	TCE	Cr+6
5/29/08	88	12	<50
10/28/10	75.2	8.16	22
3/7/12	50	7.84	32
6/5/13	142	10.3	13
6/5/14	281	10.50	7.69
5/14/15	294	11.70	4.59
12/11/15	187	12	8.68
4/20/16	182	10.3	4.12
10/20/16	141	7.32	3.75
4/11/17	42.1	3.00	2.08

MW-20			
Date	PCE	TCE	Cr+6
12/10/12	358	10.2	<0.50
6/4/13	450	13.6	<0.50
6/6/14	323	13.4	<2.00
5/14/15	279	14.1	<2.00
12/11/15	231	12	<2.00
4/21/16	224	12.1	<2.00
10/21/16	170	7.19	<2.00
4/13/17	223	5.02	<2.00

MW-8			
Date	PCE	TCE	Cr+6
6/5/13	<1.00	<1.00	<0.20
6/6/14	1.21	<1.00	<0.200
5/14/15	<1.00	<1.00	<0.20
4/21/16	<1.00	<1.00	<0.20
4/13/17	<1.00	<1.00	<0.20



MW-9			
Date	PCE	TCE	Cr+6
6/4/13	362	12.8	<0.50
6/6/14	248	9.02	<2.00
5/15/15	219	7.80	<2.00
12/11/15	131	5.69	<2.00
4/20/16	135	5.50	<2.00
10/20/16	152	6.45	<2.00
4/12/17	131	7.44	<2.00

MW-7			
Date	PCE	TCE	Cr+6
6/5/13	72.7	<1.00	<0.50
6/6/14	63.4	1.06	0.360
5/14/15	69.3	1.61	<2.00
12/10/15	78	3.69	<10
4/21/16	26.9	<1.00	<0.20
10/21/16	48.2	2.85	<0.20
4/13/17	80.1	1.35	<0.20

MW-14			
Date	PCE	TCE	Cr+6
5/29/08	100	6.4	<1
12/11/12	309	9.87	<0.50
6/4/13	199	9.27	<0.50
6/6/14	94.4	6.68	<2.00
5/15/15	53.30	5.83	0.65
12/11/15	30	3.84	<10
4/21/16	28.2	4.57	<0.56
10/21/16	35.6	7.01	<2.00
4/13/17	49.9	9.50	<2.00

MW-13			
Date	PCE	TCE	Cr+6
5/29/08	79	<1	6.3
6/23/09	39.2	1.21	6
10/27/10	40.3	1.2	0.88
6/4/13	34.4	<1.00	<0.50
6/6/14	24.9	<1.00	<2.00
5/14/15	29.8	<1.00	0.68
4/21/16	26.4	<1.00	<2.00
4/13/17	25.7	<1.00	<2.00

Date	PCE	TCE	Cr+6
5/29/08	120	20	<1
6/22/09	41.7	3.12	190

MW-18			
Date	PCE	TCE	Cr+6
5/29/08	120	20	<1
6/22/09	41.7	3.12	190

EXHIBIT 1

ATTACHMENT 2

Groundwater Sampling and Analysis Pollock Well Field

San Fernando Basin Groundwater Remediation Project

Prepared for:

City of Los Angeles
Department of Water and Power
111 North Hope Street
Los Angeles, California 90012

February 9, 2018

Prepared by:

Owner's Agent: Hazen and Sawyer, with primary input from WorleyParsons
1149 South Hill Street, Suite 450
Los Angeles, California 90015

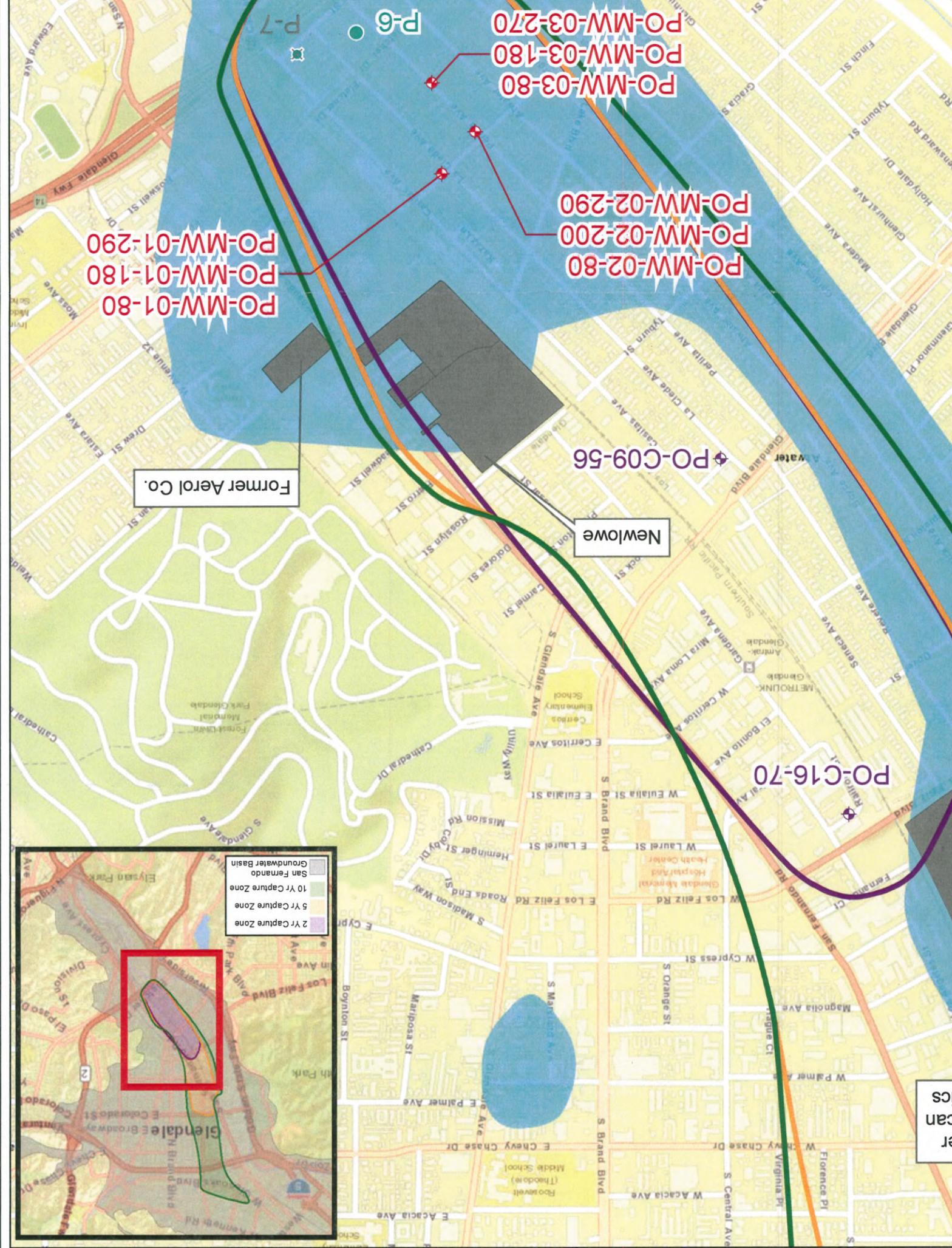


EXHIBIT 1

Table 3-5: Analytical Results for SFB Priority Pollutants

Location	1,1-DCE	1,2-DCA	1,4-Dioxane	1,2,3-TCP	cis-1,2-DCE	CTET	PCE	TCE
P-04	1.4	<0.50	1.2	<0.005	<0.50	0.35 J+	4.2	4.4
P-06	<0.50	<0.50	0.28	<0.005	<0.50	0.35 J+	5.9	5.1
PO-C09-56	<0.5	<0.5	0.24	0.0015	<0.5	0.17	3.6	3.5 J+
PO-C12-44	<0.5	<0.5	0.65	<0.005	0.23	<0.5	1.8	5.8
PO-C16-70	<0.5	<0.5	0.21	<0.005	<0.5	<0.5	1.3	<0.5
PO-MW-01-80	0.32	<0.5	0.56	<0.005	0.69	0.12	39	6.2
PO-MW-01-180	<0.5	<0.5	0.28	<0.005	<0.5	0.16	2.2	5.1
PO-MW-01-270	<0.5	<0.5	0.11	<0.005	<0.5	<0.5	0.42	0.36
PO-MW-02-80	<0.5	<0.5	0.32	<0.005	0.15	0.13	9.8	3.8 J+
PO-MW-02-80-dup	<0.5	<0.5	---	---	0.14	0.14	10	3.9
PO-MW-02-200	<0.5	<0.5	0.28	<0.005	<0.5	0.19	0.86	2.8
PO-MW-02-290	<0.5	<0.5	0.51	<0.005	<0.5	<0.5	0.6	1.2
PO-MW-03-80	<0.5	<0.5	0.27	<0.005 J-	<0.5	0.19	2.5	3.9
PO-MW-03-180	<0.5	<0.5	0.2	<0.005	<0.5	0.27 J+	1.5	1.9
PO-MW-03-270	<0.5	<0.5	0.18	<0.005	<0.5	<0.5	0.54	0.44

Notes:

All units are ug/l