State of California Regional Water Quality Control Board

Santa Ana Region

Cleanup and Abatement Order R8-2021-0006

Directing
United El Segundo, Inc.,
Rapid Gas, Inc.,
and
CF United PropCo LLC
To Take Corrective Action in Response to an Unauthorized Releases and Cleanup and Abate the Effects of Waste
at
6020 Arlington Avenue in the City of Riverside, California, and the commingled plume emanating therefrom;

AND

Directing
Restructure Petroleum Marketing Services of California, Inc.
and
My Montecito Inc SH
To Take Corrective Action in Response to an Unauthorized Release and Cleanup and Abate the Effects of Waste
at
6160 Arlington Avenue in the City of Riverside, California (which includes a parcel formerly identified as 6050 Arlington Avenue), and the commingled plume emanating therefrom.

This Order is issued pursuant to Health and Safety Code section 25296.10, California Code of Regulations, title 23, sections 2720–2727, and Water Code sections 13304 and 13267.

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) finds the following:

1. PROPERTY OWNERSHIP AND SITE OPERATIONS

United Site — 6020 Arlington Avenue Property:

a) Based on State and County records, a retail service station facility has been in operation at the site since at least 1984.

b) United El Segundo, Inc. (United) owned the gasoline service station facility located at 6020 Arlington Avenue, and referenced by assessor parcel number

(APN) 227-022-042, in Riverside, California from at least 1997 until 2014. Riverside County records indicate that United and Rapid Gas, Inc. (Rapid Gas) operated the service station facility at the above-referenced address dating back to at least 1992.

c) United was the owner and Rapid Gas was the operator of the underground storage tank (UST) system, including four USTs (one 20,000-gallon; one 10,000-gallon; two 5,000-gallon capacity) and associated product delivery components, which were identified as a source of hydrocarbon contamination. The leaky tank system was removed in 2002 and replaced and upgraded in conjunction with site improvements and ongoing retail fueling operations.

d) United sold the property and all site improvements, including the UST system and product delivery components, to CF United Prop Co LLC (CF PropCo) in July 2014. CF PropCo is the current landowner and fee titleholder, as well as the registered tank operator associated with retail fueling activities currently being conducted at the 6020 Arlington Avenue property.

E-Z Serve Site — 6160 Arlington Avenue Property:

a) Riverside County records indicate that the 6050 Arlington Avenue property, referenced by APN 191-190-005 and located in Riverside, California, was formerly occupied by a retail gasoline service station that was owned and operated by E-Z Serve Petroleum Market Company of California, Inc. (E-Z Serve) until 1986. The service station (APN 191-190-005) and adjacent parcels (APN 191-190-002 and 191-190-003) were subsequently redeveloped into a commercial shopping center, which is identified today by the address of 6160 Arlington Avenue.

b) E-Z Serve ceased retail fueling operations at its service stations throughout California in approximately 1985 or 1986. On April 22, 1997, Restructure, Inc. purchased all shares of capital stock in E-Z Serve Petroleum Marketing Company, inclusive of its subsidiaries. As a result of this transaction, E-Z Serve Petroleum Marketing of California, Inc. became the wholly owned subsidiary of Restructure, Inc. Restructure, Inc. subsequently renamed E-Z Serve Petroleum Marketing Company of California, Inc. to Restructure Petroleum Marketing Services of California, Inc. (RPMS).

c) In 2001, the J and R Wong Family Limited Partnership – II, LP (J and R Wong) purchased the commercial shopping center property, inclusive of the former E-Z Serve parcel and other adjacent parcels collectively identified by a 6160 Arlington Avenue address. A Phase I Site Assessment performed in conjunction with due diligence prior to the property transfer failed to identify the property's former operational history as a gas station. However, several other properties in the vicinity with recognized contaminant plumes were identified as representing

a potential source of pollution or contamination that could impact the 6160 Arlington Avenue property. The closest of these sites was the operating service station immediately across the street to the east at 6020 Arlington Avenue, the United Site. Since the 6160 Arlington Avenue property was not identified as a current or historic source of contamination, the Phase I Site Assessment determined that the presence of contamination beneath the property was attributable to contaminant transport of other documented releases, including those at the United Site, via groundwater flow/migration. Only through subsequent investigations completed by United and Rapid Gas was the legacy of the 6050 Arlington Avenue property's operational history as a gas station discovered.

d) J and R Wong sold the 6160 Arlington Avenue shopping center property, inclusive of the parcel once occupied by the E-Z Serve station, to a limited liability corporation identified as 6160 Arlington Ave, LLC, on November 17, 2011. 6160 Arlington Ave., LLC purchased the property with full knowledge and understanding of its impaired condition, as well as the ongoing investigations and testing being conducted in conjunction with efforts to mitigate the former petroleum release attributable to E-Z Serve. 6160 Arlington Ave., LLC retained ownership of the shopping center property until April 2013.

e) On April 29, 2013, 6160 Arlington Ave., LLC sold the shopping center property, inclusive of the former E-Z Serve station footprint, via internet auction. According to 6160 Arlington Ave., LLC, the property was offered in "as-is" condition and proper disclosure of the property's impaired environmental condition was conveyed to prospective purchasers. The property was purchased by My Montecito Inc SH (My Montecito), and My Montecito currently holds the title for the property.

2. IDENTIFICATION OF RESPONSIBLE PARTIES

a) Pursuant to Health and Safety Code section 25296.10, California Code of Regulations, title 23, sections 2720 to 2727, and Water Code section 13304, United, Rapid Gas, and CF PropCo have been identified as Responsible Parties for the unauthorized release of hazardous substances and discharge of waste from the United Site (United Site Responsible Parties), and RPMS and My Montecito as the Responsible Parties for the unauthorized release of hazardous substances and discharge of waste from the former E-Z Serve Site (E-Z Serve Site Responsible Parties). United, Rapid Gas, CF PropCo, RPMS, and My Montecito are Responsible Parties for the commingled plume attributable to the unauthorized release of hazardous substances and discharge of waste from both the United Site and the E-Z Serve Site (Commingled Plume Responsible Parties).

b) **United Site — 6020 Arlington Avenue Property:** United and Rapid Gas are Responsible Parties because they or their predecessors owned and operated leaky UST systems that have been identified as the source of the unauthorized release of hydrocarbon pollutants beneath 6020 Arlington Avenue, as well as the surrounding and downgradient site vicinity. Further, as described herein, pollutants beneath and emanating from the property constitute a continuing and/or threatened discharge of waste. CF PropCo is also a Responsible Party for the United Site because the corporation is the current fee title holder and owner and operator of the active UST system located on the 6020 Arlington Avenue property. On-site business activities associated with ongoing retail fueling activities may or may not have contributed to or exacerbated site contamination associated with United and Rapid Gas's former fueling operations. Even if conditions have not been exacerbated, as described herein, pollutants beneath and emanating from the 6020 Arlington Avenue property constitute a continuing and/or threatened discharge of waste.

c) **E-Z Serve Site — 6160 Arlington Avenue Property:** RPMS is a Responsible Party for the former E-Z Serve Site because they or their predecessors owned and operated leaky UST systems that have been identified as the source of the hydrocarbon pollutants beneath 6160 Arlington Avenue, as well as the surrounding and downgradient site vicinity. My Montecito is also a Responsible Party for the former E-Z Serve Site because as the current landowner, it possesses legal control of 6160 Arlington Avenue, inclusive of the parcel formerly occupied by the E-Z Serve station. Further, as described herein, pollutants beneath and emanating from the property constitute a continuing and/or threatened discharge of waste. Since acquiring the property more than 7 years ago, My Montecito has violated Santa Ana Water Board directives by failing to conduct additional site investigations, groundwater plume monitoring, and corrective action measures needed to characterize and remediate hydrocarbon-impacted soil and groundwater associated with the former E-Z Serve fueling operations. Additionally, by denying access, My Montecito has prevented other Responsible Parties representatives from conducting any further subsurface assessment, environmental testing, and groundwater plume monitoring, and from implementing corrective action activities needed to mitigate soil and groundwater contamination beneath the property. As a result, site contamination attributed to the E-Z Serve station has gone unmitigated, and the associated groundwater impacts have likely spread and/or migrated further off-site, exacerbating site conditions.

d) **Commingled Plume:** The Santa Ana Regional Board finds that groundwater impacts from the United Site and E-Z Serve Site, have migrated off-site and commingled downgradient into a plume containing pollutants from both sites. Accordingly, this Cleanup and Abatement Order is issued to the Commingled Plume Responsible Parties, as needed to mitigate not only the respective

impacted source properties located at 6020 Arlington Avenue (APN 227-022-042) and 6160 Arlington Avenue (inclusive of the former E-Z Serve footprint [APN 191-190-005]), but also to impose joint and several liability for the investigation and cleanup activities that will be required to abate the expanse of groundwater impacts stemming from both parcels, which have migrated beyond their respective site boundaries and commingled beneath adjacent properties and rights-of-way.

e) In Cleanup and Abatement Order R8-2016-0048, adopted on June 10, 2016, the Santa Ana Water Board did not name J and R Wong and 6160 Arlington Ave., LLC as Dischargers or Responsible Parties liable for contamination at 6160 Arlington Avenue because they were not current owners of any of the subject properties, they cooperated with investigation and cleanup work conducted by others during their period of ownership, and there was no evidence to suggest that any of the petroleum hydrocarbons or volatile organic compounds (VOCs) present beneath, adjacent to, or in the downgradient site vicinity were the result of releases or discharges stemming from business activities conducted on the shopping center property during the time when it was controlled by J and R Wong or 6160 Arlington Ave., LLC. (Order R8-2016-0048, p. 4.) Consistent with the Board's previous decision, J and R Wong and 6160 Arlington Ave., LLC are not named as responsible parties in this Order.

3. SITE BACKGROUND

Unauthorized Releases of Hazardous Substances and Discharge of Waste – United Site (6020 Arlington Avenue, Riverside, CA):

a) In 1992, one 550-gallon steel waste oil UST was removed and was not replaced. A total of three soil samples were collected from the tank pit to characterize subsurface conditions. The samples contained total recoverable petroleum hydrocarbons (TRPH) at concentrations ranging from 23 milligrams per kilogram (mg/kg) to 950 mg/kg, but benzene, toluene, ethyl benzene and xylenes (BTEX) and halogenated organics were not reported above detection levels.

b) Preliminary subsurface investigations were completed to characterize the extent of hydrocarbons beneath the facility in October 1998. Soil borings and groundwater monitoring wells completed in all three corners of the property exhibited hydrocarbon impacts. Elevated concentrations of total petroleum hydrocarbons as gasoline (TPHG), BTEX, and methyl tert-butyl ether (MTBE), a fuel additive, were detected in soil and groundwater samples collected at all three locations. The most significant soil impacts were encountered in MW-1, installed northwest of the operating USTs, where TPHG and BTEX were detected at 10,300 mg/kg, and 42 mg/kg, 269 mg/kg, 155 mg/kg and 1,050 mg/kg, respectively. MTBE was also reported as high as 9.5 mg/kg at this location. Groundwater samples from the three monitoring wells were heavily-

impacted, with TPHG concentrations ranging from 73,800 micrograms per liter (µg/L) to 103,000 µg/L and BTEX as high as 22,500 µg/L, 26,700 µg/L, 2,330 µg/L, and 14,300 µg/L, respectively, and also contained moderate concentrations of MTBE (613 µg/L) and other petroleum-related compounds. Based on the data generated from these perimeter points, the hydrocarbon impacts were widespread and extended beyond property boundaries.

c) Between December 1999 and July 2000, additional phases of assessment were completed to characterize the extent of groundwater impacts north, west, east, and southeast of the United Site. Elevated TPHG and BTEX, and MTBE and tertiary butyl alcohol (TBA) were observed in groundwater samples collected from wells MW-6 and MW-8, situated east of the service station, as high as 19,300 µg/L, 4,620 µg/L, 146 µg/L, and 189 µg/L, respectively. Significant groundwater impacts were also observed in well MW-7, installed at the former EZ Serve Site. TPHG and BTEX were reported at 33,000 µg/L and 1,850 µg/L, 7,630 µg/L, 1,430 µg/L, and 6,600 µg/L, respectively. Based on these results, additional characterization was needed to delineate dissolved-phase hydrocarbon contamination extending to the west, east, and southeast. The presence of hydrocarbon impacts in shallow vadose zone soil collected from MW-7 at 5 feet and 10 feet below ground surface (above the water table), in tandem with the elevated dissolved-phase impacts observed in the corresponding well, is evidence of a source originating from the adjacent shopping center property (former E-Z Serve Site); additional data established that this unauthorized release and discharge of petroleum hydrocarbons is attributable to the E-Z Serve station that had operated there more than a decade earlier.

d) Additional soil testing was conducted in November and December 2002, when the USTs and product delivery piping were removed and replaced in conjunction with station upgrades. Soil samples from the northern UST excavation, as well as those collected beneath both dispensers, revealed elevated concentrations of gasoline-related VOCs, and lead, including TPHG (22,220 mg/kg), BTEX (84 mg/kg; 896 mg/kg; 356 mg/kg; and 1,270 mg/kg, respectively), MTBE (1,070 mg/kg) and lead (32.6 mg/kg); samples collected in the southern tank cavity contained lower or non-detect TPHG and BTEX, but exhibited elevated levels of MTBE. The widespread distribution of hydrocarbon impacts, and presence of fuel additives lead and MTBE observed in soil, suggested an operational history that likely included at least two separate unauthorized releases. Impacted soil was removed to the degree practicable, but contaminant concentrations were observed to be increasing with depth and the contamination was inaccessible for excavation in some areas, particularly along the west and northwest site boundaries (proximate to both UST pits), due to constraints imposed by the adjacent sidewalks, streets, and rights-of-way. Approximately 1,100 tons of hydrocarbon-impacted soil were removed and transported off-site for disposal.

e) From December 2001 through September 2006, fourteen additional groundwater wells were installed to further characterize the distribution of petroleum hydrocarbons north and east of the 6020 Arlington Avenue property and in the residential areas located southeast along San Vicente and Brunswick Avenues, as well as northwest and southwest of the property on Arlington Avenue and Adams Street. Data from peripheral groundwater monitoring wells MW-11, MW-12, MW-13 and MW-18, situated 550 feet east, 600 feet southeast, 175 feet northwest, and 425 feet southeast of the service station, respectively, were reported to be non-detect for petroleum hydrocarbon constituents. However, groundwater samples collected from MW-14, located 175 feet west of the facility, were heavily impacted with TPHG and BTEX concentrations reported at 120,000 µg/L and 1,900 µg/L, 38,000 µg/L, 3,300 µg/L, and 17,600 µg/L, respectively. Wells MW-15 and MW-16, installed 125 feet and 255 feet south of the service station, respectively, also exhibited elevated TPHG and BTEX as high as 160,000 µg/L and 33,000 µg/L, 5,700 µg/L, 3,400 µg/L, and 16,600 µg/L, respectively. Well MW-17, installed south of the United Site in the residential neighborhood along San Vicente Avenue, exhibited TPHG and BTEX impacts, but also contained MTBE (1,400 µg/L). Based on these findings, dissolved-phase hydrocarbons and fuel oxygenates had migrated a significant distance downgradient of the service station, extending beneath the adjacent Lube & Tune facility and residential properties situated along San Vicente. Groundwater impacts were not defined south, southeast, or west of the United Site.

f) Subsequent sampling of monitoring wells MW-14 through MW-16 indicated that the chemical properties and makeup of hydrocarbon constituents in groundwater were generally characterized by very high BTEX concentrations and lower detections of fuel oxygenates, such as MTBE and TBA. Accompanied by a predominantly south or southeasterly groundwater flow and gradient, the data provided further evidence of a contributing source stemming from the shopping center property located west of the United Site. Hydrocarbon impacts reported in upgradient well MW-5 also pointed to a third potential source originating from a former Shell station that once operated north of Arlington Avenue. However, based on currently available information, site operations associated with the former Shell station do not appear to be a significant contributor to the widespread contamination being observed in the vicinity and have not commingled with the contaminant plumes subject to this Order.

g) In July 2009, liquid-phase hydrocarbons (LPH) or gasoline free product was observed for the first time in wells MW-15 through MW-17, situated south of the service station on Adams Street, at thicknesses ranging from 0.30 feet to 0.70 feet. Subsequent groundwater monitoring indicated that the presence of widespread LPH appeared to be attributed to an overall decline in groundwater elevations (more than 10 feet to date), which was allowing product trapped in subsurface strata below the water table to drain from soil pore space and collect

in monitoring wells. As a result of these water level changes, free product was reported in an increasingly larger number of the on-site and off-site wells installed during earlier phases of site characterization.

h) In February 2010, forensic analysis was completed on free product samples collected from monitoring wells located on the United Site (MW-2), the former E-Z Serve Site (MW-7), and along Adams Street (MW-16) to evaluate whether there was any distinguishable difference in the free product being observed east and west of Adams Street that could differentiate the unauthorized releases and discharges originating from the respective sites. The forensic study confirmed that the gasoline free product was attributed to at least two distinct releases. All three of the product samples were characterized as mildly weathered, leaded gasoline. However, the product sample collected from MW-2 was reported to be distinguishable from that found in MW-7 due to the relative amount and combination of hydrocarbons, alkyl lead compounds, and other markers in its chemical make-up, while the product sample collected from MW-16 appeared to be more similar to the composition and formulation exhibited by free product collected from MW-7. Based on available information, Santa Ana Water Board staff instructed United to initiate free product recovery from on-site and off-site wells located east of Adams Street (MW-2, MW-6, MW-17, MW-19, and MW-20).

i) From June 2005 through September 2011, soil vapor extraction was conducted to remediate source area soils beneath the 6020 Arlington Avenue service station property and the downgradient Lube & Tune facility located at 6000 Arlington Avenue. Between April 2006 and December 2009, air-sparging was also performed to volatilize dissolved-phase hydrocarbons into the vapor phase, where they could be recovered and destroyed by the operating vapor extraction system. Air-sparging was later terminated, when the presence of LPH as gasoline (product) raised a safety concern about conducting the activities in close proximity to residences. Soil vapor extraction continued through September 2011 to provide ongoing source removal and vapor abatement proximate to the residences, but these efforts were also terminated when they were determined to be under-scaled in comparison to the magnitude and widespread distribution of hydrocarbon contamination exposed by the receding water table. Approximately 44,135 pounds of hydrocarbons were reportedly removed as a result of this corrective action effort.

Unauthorized Release of Hazardous Substances and Discharge of Waste – E-Z Serve Site (6160 Arlington Avenue):

a) As indicated above, E-Z Serve's fueling operations and release history were discovered in December 1999, when MW-7 was installed on the shopping center property located across Adams Street and established the presence of

significant groundwater impacts west of the United service station. Soil data collected during the investigation established elevated TPHG and BTEX in the vadose zone above the water table, and very high dissolved-phase hydrocarbon impacts to underlying groundwater, which indicated the presence of a source stemming from the property itself.

b) According to records obtained from Riverside County fire and health departments, the easternmost portion of the present-day shopping center was formerly occupied by a service station that operated at the historic street address of 6050 Arlington Avenue. The service station operated four fuel USTs (two 6,000-gallon capacity and two 4,000-gallon capacity) and one 550-gallon waste oil UST. The registered owner of the USTs was E-Z Serve. The USTs were removed in October 1986 and soil samples collected from the tank excavations showed moderate TPHG, BTEX, and lead impacts. Based on the prevailing cleanup standards at the time, no further assessment or corrective action was requested by oversight personnel and the property was redeveloped into the commercial shopping center and it continues to operate as a shopping center.

c) On March 25, 2004, Santa Ana Water Board staff sent correspondence to RPMS informing it of the high levels of contaminants in the soil and groundwater at the former E-Z Serve Site and directing RPMS to initiate corrective action pursuant to California Code of Regulations, title 23, division 3, chapter 16. Staff requested that RPMS submit a site assessment work plan and time schedule for completion of the requested activities no later than April 30, 2004. Follow up letters were sent on July 28, 2004 and August 3, 2005. Santa Ana Water Board staff received no response from RPMS representatives.

d) After additional efforts to contact RPMS, Mr. Jack Ceccarelli, its President, contacted Santa Ana Water Board staff to discuss site matters on January 13, 2006. Mr. Ceccarelli admitted RPMS was aware of the directives from Santa Ana Water Board but had ignored them based on his claim that the property was not included in the portfolio of California service station properties for which his corporation accepted environmental liability and responsibility. He further claimed that RPMS had no assets or financial resources to allocate toward corrective action efforts at the property. As a result, RPMS would need to confirm claim eligibility under the State's USTCF before proceeding with any of the requested testing.

e) On February 28, 2006, and March 23, 2006, Santa Ana Water Board staff informed Mr. Ceccarelli that RPMS must proceed with subsurface investigations without further delay. Staff insisted that the assessment work be completed concurrent with RPMS's pursuit of a USTCF claim, as eligibility was not guaranteed and the testing would be necessary regardless of USTCF eligibility.

f) Receiving no response, on March 28, 2006, Santa Ana Water Board staff issued a notice of violation to RPMS for its failure to submit a work plan as requested by Santa Ana Water Board correspondence dated March 2004, July 2004, and August 2005, and established a revised compliance deadline of April 28, 2006, for submission of the required site investigation work plan.

g) On January 2, 2009, Santa Ana Water Board staff received RPMS's work plan for the subsurface investigation that had originally been requested nearly five years earlier. Staff conditionally approved the scope of the work on February 18, 2009 and established a compliance deadline for submission of the investigation results by no later than the end of the 2nd Quarter 2009. Subsequent extensions granted by Santa Ana Water Board staff to provide RPMS with additional time needed to secure access agreements, obtain permits, and compile the test data, resulted in a revised compliance deadline of August 31, 2009.

h) Preliminary site investigations were initiated to investigate leaks and spills associated with the former E-Z Serve station in July 2009. Between February 2010 and January 2011, additional phases of assessment were completed to further characterize hydrocarbon impacts in source areas corresponding to E-Z Serve's fueling system and delineate the extent of groundwater impacts downgradient of the property.

i) Soil and groundwater results from source area monitoring wells EZ-1 through EZ-3 revealed widespread contamination beneath the property. Elevated TPHG and BTEX concentrations were reported in soil samples collected at all three locations, at concentrations as high as 5,640 mg/kg, and 27 mg/kg, 251 mg/kg, 107 mg/kg and 734 mg/kg, respectively. Groundwater data from wells EZ-1 and EZ-2, installed proximate to the former tank cavity and northern dispenser island, respectively, also revealed very high dissolved-phase TPHG and BTEX, at maximum concentrations of 190,000 µg/L and 32,000 µg/L, 31,500 µg/L, 3,360 µg/L and 17,000 µg/L, respectively. Groundwater was not collected from EZ-3, due the presence of free product, which was measured at a thickness of approximately 2 feet.

j) Water quality data from wells installed in the surrounding area indicated that the groundwater impacts extended beneath the public rights-of-ways located south and southeast of the former E-Z Serve property. Gasoline free product was encountered in well EZ-4, located south of the property on Colorado Avenue. While gasoline free product was not initially observed in EZ-5 or EZ-6, situated southeast of the E-Z Serve station, groundwater samples collected from these wells were heavily impacted with TPHG and BTEX at concentrations as high as 145,000 µg/L and 18,600 µg/L, 18,100 µg/L, 5,310 µg/L, and 30,000 µg/L, respectively. TBA was also detected in EZ-5 at 1,090 µg/L. Since the TBA reported in EZ-5 was likely attributed to fueling operations that occurred after the

USTs were removed from the former E-Z Serve Site in 1986, the data suggested that groundwater impacts stemming from the E-Z Serve release had migrated off-site and commingled with contamination emanating from the United Site. Groundwater data collected from downgradient wells (EZ-7, EZ-8, and EZ-9) also indicated that hydrocarbon-impacts had migrated beneath an elementary school property and private residences located south of Colorado Avenue, and extended more than 600 feet south and southeast along Adams Street.

k) As discussed earlier, shortly after the above investigations commenced, gasoline free product was reported in an increasing number of the groundwater wells along Adams Street and Colorado Avenue. Based on quarterly monitoring data and preliminary forensic analysis of product samples collected from both service station properties and along Adams Street, Santa Ana Water Board staff instructed RPMS to initiate interim free product recovery from wells along the west side of Adams Street and source area wells on the former E-Z Serve Site.

Commingled Plume Determination (6020/6160 Arlington Avenue):

a) In June 2011, the State Water Board determined that the contaminant plumes stemming from the United and former E-Z Serve Sites were eligible for reimbursement of cleanup costs under the State USTCF's Commingled Plume Account. This allowed for additional State USTCF reimbursement money to be allocated jointly for the cooperative cleanup of both releases.

b) Between September 2011 and January 2014, additional investigations were conducted by RPMS representatives to characterize hydrocarbon impacts proximate to E-Z Serve source areas and delineate the downgradient extent of dissolved-phase and LPH contamination along Adams Street and east of Adams Street, adjacent to residences fronting Arlington Avenue, San Vicente Avenue, and Brunswick Avenue. Wells EZ-12 through EZ-14 contained TPHG and BTEX at maximum concentrations of 299,000 µg/L and 23,000 µg/L, 31,000 µg/L, 4,900 µg/L, and 28,000 µg/L, respectively. Groundwater samples from EZ-15 through EZ-17 also showed elevated concentrations of TPHG and BTEX, as well as TBA up to 970 µg/L. Subsequent monitoring showed persistent gasoline free product at all six locations. Well MW-21, which was installed east of Adams Street in San Vicente Avenue, contained moderate levels of TPHG, BTEX, MTBE, and TBA, while well MW-22, installed farther southeast along Brunswick Avenue, contained lower levels of TPHG and trace levels of ethyl benzene and xylenes, but was non-detect for MTBE and TBA. Benzene (1.0 µg/L) and naphthalene (3.5 µg/L) were reported in well MW-23, but TPHG and fuel oxygenates MTBE and TBA were not detected. Based on these investigations, dissolved-phase impacts appeared to attenuate to lower levels at a distance approximately 600 feet southeast of source areas, but the full extent of

groundwater contamination in the westerly direction was still unknown. This data gap persists to date.

c) In March 2010, RPMS corrective action efforts were initiated to recover free-phase gasoline product from site monitoring wells located on and downgradient of both service station properties. Product recovery was performed on a routine basis, using a combination of removal methods: manual bailing (through June 2012), vacuum-truck liquid extraction (July 2012 to July 2014), and passive and/or automated collection skimmers (through December 2015). Gasoline free product was removed from site wells located on the United Site and the Lube & Tune property, as well as select downgradient wells situated along Adams Street and San Vicente Avenue, via product skimmers that were generally emptied on a weekly basis. Product removal was not conducted at the former E-Z Serve Site due to My Montecito's refusal to grant access.

d) Between August 2010 and September 2011, RPMS performed mobile high-vacuum dual-phase extraction (HVDPE) to mitigate hydrocarbon-impacted soil and groundwater beneath the former E-Z Serve station footprint. This extraction effort reportedly removed an estimated 97,774 pounds (or 15,579 gallons) of hydrocarbon mass from subsurface soils and recovered approximately 287,990 gallons of contaminated groundwater for treatment and discharge to the sanitary sewer. Despite the extraordinary volume of hydrocarbon mass removed during the 12-month period, remediation system data collected at the conclusion of the extraction activities indicated that soil vapor and groundwater beneath the former E-Z Serve site remained heavily impacted. This corrective action was terminated so that the temporary system could be removed to provide clearance for dedicated remediation equipment and piping components needed to expand the remedial response site-wide. However, the upgraded remediation infrastructure was never installed due to My Montecito's refusal to grant reasonable access since acquiring the property in April 2013.

e) In May 2013, United representatives initiated interim HVDPE to further mitigate hydrocarbon-impacted soil and groundwater beneath the United Site and the immediately downgradient Lube & Tune facility. Extraction was focused on a subset of the most impacted wells, generally limited to those containing significant measurable free product. As a result of these measures, an estimated total of 170,271 pounds of hydrocarbon mass was removed from subsurface soils and more than 436,270 gallons of contaminated groundwater was recovered for treatment and discharged to the sanitary sewer. Including the initial corrective action efforts (e.g. vapor extraction/air-sparging) performed between February 2012 and January 2013, the cumulative hydrocarbon mass removed from beneath the United Site and its immediate vicinity was estimated at nearly 178,950 pounds. Despite the substantial volume recovered during the 20 months of operation (through December 2014), remediation data collected

just prior to shutdown indicated that soil and groundwater beneath the United Site and the Lube & Tune facility remained heavily impacted.

f) In August 2015, a fixed-based vapor extraction system was installed to provide a more effective remediation of hydrocarbon-impacted soils beneath the 6020 Arlington Avenue property and adjacent 6000 Arlington Avenue parcel. Limited free product removal via passive and/or automated skimmers or manual bailing also continued to be performed on select wells. United and Rapid Gas subsequently suggested that any requirement for a more comprehensive corrective action response be postponed indefinitely, pending its efforts to remove free product and secure an agreement for cost-sharing and allocation of resources with the other Responsible Parties.

g) Ultimately, the corrective action measures performed by the various Responsible Parties (individually and jointly) to mitigate site releases from their respective source properties were shown to be piecemeal and significantly under-scaled when compared to the magnitude and extent of hydrocarbon impacts present beneath both sites and the surrounding properties. As a result, Santa Ana Water Board staff determined that the existing conditions warranted a comprehensive remedial response to mitigate the full expanse of contamination located beneath both service station footprints, as well as the commingled plume extending beneath adjacent streets, public rights-of-way, and surrounding commercial and residential properties.

h) The majority of site assessment and remediation activities conducted by United through 2008 were funded with reimbursement monies provided by the State's Underground Storage Tank Cleanup Fund (USTCF) under Claim No. 13675, up to the total eligible limit of $1.5 million allowed by law. United and RPMS subsequently applied for additional state funding under the USTCF Commingled Plume Account and were determined eligible by the State Water Board in June 2011. As a result, the subsequent phases of on-site (source area) site characterization, interim corrective action, off-site groundwater plume delineation, soil gas survey and vapor intrusion assessment, and free product removal conducted jointly through 2014, were reimbursed to the sum of an additional $1.5 million ($3 million total), under the USTCF Commingled Plume Account.

4. CLEANUP AND ABATEMENT ORDER R8-2016-0048 AND RELATED LITIGATION

a) On June 10, 2016, the Santa Ana Water Board adopted Cleanup and Abatement Order R8-2016-0048, which found the listed Responsible Parties joint and severally liable for site assessment and corrective action measures associated with the commingled plume stemming from both source properties. As relevant here, the Board included the following findings in the 2016 order:

i. "Based on Site investigations and test results included in the agency case files, the Regional Board has determined that the subsurface contamination identified at the Site originated from historical leaks of petroleum hydrocarbon-related chemicals that occurred as a result of operations formerly conducted at both the United and/or Rapid Gas and E-Z Serve gasoline stations described herein."; and

ii. "United, Rapid Gas, and CF Prop Co argue against joint and several liability and contend that responsibility for remediating the Site should be apportioned between the parties in relation to the discharges from each parcel. As explained below, the discharges from each property are sufficiently commingled to justify imposing joint and several liability for investigating and remediating the Site. Further, a comprehensive remedial response is necessary to mitigate the full extent of the contamination and provides the best path for completing remediation of the Site."

b) On July 11, 2016, United and Rapid Gas filed a Petition for Review and Request for Stay (SWRCB/OCC No. A-2488) with the State Water Board. The petition was accepted for review by the State Water Board on October 7, 2016 and held in abeyance until October 27, 2017. The State Water Board later removed the petition from abeyance and deemed it dismissed by operation of law on November 1, 2017.

c) United and Rapid Gas then filed a Petition for Writ of Mandate and Request for Declaratory Relief (Case No. RIC 1722363, November 27, 2017) with the California Superior Court, County of Riverside (Court), which challenged the Santa Ana Water Board's authority to impose joint and several liability. At the joint request of United, Rapid Gas, and the Santa Ana Water Board, the Court stayed enforcement of Order R8-2016-0048 as to United and Rapid Gas to allow the parties to pursue a resolution outside of the Court. The stay went into effect on June 12, 2018 and has remained in effect since.

5. SITE STATUS AND REMEDIATION UPDATES (2015 TO PRESENT)

Update for the United Site (6020 Arlington Avenue) and Vicinity:

a) From August 2015 to May 2017 and February through December 2018, United's SVE system operated for approximately 15,312 cumulative hours. This operation was intermittent, due to numerous operational upsets. During this period, the extraction efforts were primarily focused on a handful of the most impacted wells (typically 6 or less of the 24 available wells). Despite the above limitations, an additional 49,916 pounds of hydrocarbon mass was removed before the system was reportedly turned off for repairs on December 11, 2018.

b) The SVE system remained idle (off) for approximately 1.5 years before the necessary repairs were completed and the system was restarted in June 2020. Through the end of the 4th Quarter 2020 reporting period (January 12), the system operated for approximately 2,163 hours, removing another 3,316 pounds of hydrocarbons. Product removal activities are also being conducted on a routine basis (typically monthly) via manual bailing of select monitoring wells.

Update for the E-Z Serve Site (6160 Arlington Avenue) and Vicinity:

a) In May 2018, ten soil borings were drilled at various locations across the shopping center property, including several locations proximate to the former E-Z Serve USTs (B-4) and the eastern dispenser island (B-3 and B-7 through B-10). Borings were terminated at depths between 3 and 14 feet below ground surface (bgs) rather than the targeted depth of 30 feet bgs, due to drill rig refusal. TPHG was reported at concentrations ranging from 2.5 mg/kg to 16.8 mg/kg, respectively. VOCs, including BTEX and fuel oxygenates, were not detected above laboratory reporting limits in any of the soil samples collected during this investigation. Select groundwater wells (EZ-1 through EZ-3 and MW-7) were also monitored but could not be sampled due to the presence of LPH, which was observed in the wells at thicknesses between 1 and 3 feet.

b) In December 2018, groundwater wells located on the former E-Z Serve property (EZ-1 through EZ-3, EZ-15 through EZ-18, and MW-7) and those situated on school property (EZ-8 through EZ-10) were monitored to measure water table elevations and gasoline product thicknesses and collect water quality data, if practicable. LPH as gasoline was observed in all seven wells on the former E-Z Serve source property, at thicknesses ranging from 0.25 to 2.17 feet. As a result, no groundwater samples could be collected from these wells. Groundwater monitoring wells located on the school property did not contain LPH as gasoline, which allowed groundwater samples to be collected for laboratory quantification of petroleum hydrocarbons and VOCs, including BTEX and fuel oxygenates. TPHG, BTEX, and naphthalene were reported in groundwater samples collected from EZ-9 and EZ-10 at maximum concentrations of 1,000 µg/L, 1.5 µg/L, 1.4 µg/L, 26 µg/L, 100 µg/L and 4.5 µg/L, respectively. Of particular interest, were the fuel oxygenates, MTBE and TBA, detected beneath the school property for the first time. With the understanding that the E-Z Serve station ceased its fueling operations in 1985 or 1986, prior to the widespread industry use of such fuel oxygenates (i.e. MTBE and TBA), these impacts can only be attributed to a release stemming from United and Rapid Gas site operations.

c) Between March and May 2019, My Montecito representatives conducted six vacuum truck extraction events on the monitoring wells located on the former E-Z Serve property (EZ-1 through EZ-3, EZ-15 through EZ-18, and MW-7) and in

the downgradient vicinity along Colorado Avenue (EZ-4, EZ-5, and EZ-11), and Adams Street (MW-15, MW-16, EZ-5 and EZ-12 through EZ-14). During the first five events, extraction efforts were limited to wells located on the former E-Z Serve Site (EZ-1 through EZ-3, EZ-15 through EZ-18 and MW-7). However, during the final corrective action event, the extraction efforts were expanded to include additional off-site wells along Colorado Avenue and Adams Street (list wells) into the extraction network. Prior to initiating extraction activities, free-phase product was measured in each well at thicknesses ranging from 0.17 (MW-7) to 2.0 feet (EZ-17). During each subsequent purge effort, free product measurements in the various wells generally showed a substantial reduction in thickness, with some rebound noted between each weekly or biweekly event and then further reductions in overall thicknesses observed on each of the following visits. In total, an estimated 19 gallons of LPH and an additional 1,700 gallons of hydrocarbon-impacted groundwater were removed from the wells during this phase of corrective action.

6. EVALUATION OF CURRENT SITE CONDITIONS

Update for 6020 and 6160 Arlington Avenue and Commingled Plume:

a) In May 2020, United representatives installed two groundwater monitoring wells (JT-1 and JT-2) in the center median of Adams Street, between the two source properties, to collect additional data needed to evaluate any distinguishable characteristics that could be attributed to either of the respective source properties. Soil and groundwater results collected from the newly-installed wells exhibited elevated TPHG, BTEX, lead, and other VOCs characteristic of a historical release that could have stemmed from either source property (likely both), but neither well contained measurable amounts of free-phase gasoline product or fuel oxygenates, such as MTBE or TBA, which could have provided a more conclusive determination regarding source. During subsequent monitoring episodes conducted between July and September 2020, it was reported that a petroleum hydrocarbon “sheen” began to be observed in both JT-1 and JT-2. Additional forensic analyses may be required in the future to further evaluate the source and contribution from the adjacent site releases.

b) During the 4th Quarter 2020 monitoring period, United Representatives gauged and sampled select groundwater monitoring wells to obtain water table elevations and determine the magnitude and distribution of LPH and/or dissolved-phase hydrocarbons across the project area. A gasoline product sheen was observed in wells RW-1A, RW-2, RW-3R, RW-4, MW-1R, MW-2R, MW-3A, JT-1 and JT-2 and measurable free-phase gasoline was observed in MW-14 through MW-17, at thicknesses up to 1.72 feet (MW-16). Based on recent monitoring data, groundwater is currently being observed at between 23.75 and 34.31 feet bgs in the project vicinity, whereas the water table has

historically been measured as shallow as 16.13 feet bgs. The monitoring and sampling activities were limited to select wells on and immediately downgradient of the 6020 Arlington Avenue, including the wells in San Vicente Avenue and Adams Street.

c) Groundwater monitoring data could not be collected from wells located on the former E-Z Serve Site due to My Montecito's continued unwillingness to perform such investigations and continued refusal to grant site access since acquiring the 6160 Arlington Avenue property. Wells on the former E-Z Serve Site have historically contained significant amounts of gasoline free product. Based on available data, widespread free-phase gasoline product persists in wells located on the former E-Z Serve Site, as well as those wells located immediately south on Colorado Avenue.

d) The table below shows the maximum contaminant concentrations of the most prevalent petroleum hydrocarbons, VOCs and fuel additives reported in monitoring wells where LPH was not present and groundwater samples were collected to quantify dissolved-phase hydrocarbon constituents during the December 2020 monitoring and sampling event, accompanied by water quality goals for each of these respective chemicals.

Current (Maximum) Groundwater Concentrations

Constituent	Maximum Concentration (µg/L)	Water Quality Goals (µg/L)
TPH as gasoline	76,000	100 – note 1
Benzene	5,800	1 – note 2
Toluene	12,000	40 – note 3
Ethylbenzene	3,300	30 - note 3
Total Xylenes	15,000	20 – note 3
Methyl tert butyl ether	7.3	5 – note 4
Tertiary Butyl Alcohol	46	12 – note 5
Lead	246 (limited data)	15 – note 2

NOTES:

1. San Francisco Bay Regional Water Quality Control Board Environmental Screening Level (ESL)
2. California Primary (maximum contaminant level) MCL
3. USEPA Secondary MCL
4. California Secondary MCL
5. California State Notification Level and Response Level for Drinking Water

e) Based on recent monitoring data, free-phase gasoline persists beneath both source properties (e.g. 6020 and 6160 Arlington Avenue) and extends off-site beneath surrounding rights-of-way along Arlington Avenue, Colorado Avenue, and Adams Street. LPH is currently being observed in groundwater wells as far north as MW-1R and MW-14, as far west as EZ-17 and EZ-18, as far east as RW-1A and RW-2, and as far south/southeast as EZ-14. However, LPH was historically observed to extend as far south along Adams Street as EZ-6 and as far east and west of Adams Street as MW-17 (adjacent to residences along San Vicente Avenue) and EZ-9 (school property), respectively. Based on current data, the LPH plume can be estimated to extend approximately 500 feet from the respective source properties situated at the intersection of Arlington Avenue and Adams Street.

f) Based on groundwater data generated from peripheral monitoring wells installed in the surrounding areas, it can generally be said that the extent of dissolved-phase hydrocarbon impacts encompasses an even larger area that extends in nearly all directions beyond the monitoring well network; however, the full extent and distribution of groundwater impacts has not yet been adequately characterized to the west, northwest, southeast and southwest, pending further groundwater characterization required by this Order.

g) The unauthorized releases and discharges described herein can be attributed to the historical leaks from retail fueling operations conducted at both the United and former E-Z Serve service stations. While the presence of free-phase gasoline accompanied by legacy fuel additives (e.g. alkyl lead compounds) is indicative of an older release that occurred perhaps 4 or 5 decades ago, more detailed forensic analysis of the product samples collected from various monitoring wells ultimately showed notable differences in the relative ratio of VOCs and alkyl lead mixtures that can be attributed to at least two distinct releases. However, subsequent groundwater monitoring data has also showed the presence of dissolved-phase VOCs, including fuel oxygenates (such as MTBE and its degradation by-product, TBA). The presence of such fuel oxygenates is indicative of a more modern-day formulation of (unleaded) gasoline that was widely dispensed from about 1990 through 2010 that can only be attributed to a third, more recent release. With the understanding that the E-Z Serve station ceased operations in 1985 or 1986, the presence of leaded gasoline can be attributed to a release from either source property, while the unleaded gasoline containing MTBE and TBA can only be attributed to a release stemming from United and Rapid Gas site operations.

h) Although the groundwater gradient in the vicinity has generally been observed to be to the southeast, chemical data observed in groundwater samples collected from the monitoring well network provide a more detailed understanding of the contaminant plume migration away from the source properties. Based on

current and historical groundwater data, the unauthorize releases and discharges from the source properties have migrated off-site via groundwater transport and commingled beneath the adjacent properties and rights-of-way. This point is illustrated by the mixture of contaminants, including leaded gasoline and unleaded gasoline formulations (containing fuel oxygenates),that have been reported in off-site monitoring wells situated along the plume's predominantly south/southeasterly migration path (down Adams Street) over this cleanup project's lifespan of several decades. More specifically, while many of the monitoring wells installed along Adams Street have consistently exhibited free-phase gasoline at measurable thicknesses that prevented quantification of dissolved-phase constituents in recent years, MTBE and/or TBA detections were historically reported present in wells MW-7, MW-16, MW-17, EZ-1, EZ-2, EZ-5, EZ-11, EZ-13, EZ-14, EZ-16, and EZ-17. Several other wells (EZ-3, EZ-4, EZ-12, and MW-15) have always contained significant LPH and have therefore never been sampled to quantify dissolved-phased constituents. Additionally, the wells located on the nearby school property (EZ-8 through EZ-10) have only been sampled on a periodic basis, but both MTBE and TBA were detected at low levels in EZ-9 when it was last sampled by My Montecito representatives in December 2018.

i) Data provided herein serve to illustrate that groundwater impacts emanating from the respective source properties have sufficiently comingled to justify imposing joint and several liability with respect to the commingled contamination.

7. WATER QUALITY STANDARDS

a) The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) establishes the water quality standards for the waters of the state within the region. Water quality standards comprise water quality objectives (WQOs), beneficial uses, and antidegradation requirements.

b) WQOs are defined in Water Code section 13050(h) as the limits or levels of water quality constituents or characteristics that are established for the reasonable protection of beneficial uses of water or as necessary to prevent a nuisance. The Basin Plan includes numeric and narrative WQOs. The applicable narrative WQO states, "*[a]ll waters of the region shall be maintained free of substances in concentrations which are toxic, or that produce detrimental physiological responses in human, plant, animal or aquatic life.*"

c) The source properties located at 6020 and 6160 Arlington Avenue overlie the Arlington Groundwater Management Zone, which is assigned the following beneficial uses the Basin Plan: (1) Municipal and Domestic Supply (MUN), (2) Agricultural Supply (AGR), (3) Industrial Service Supply (IND) and (4) Industrial Process Supply (PROC).

d) Based on the beneficial uses identified above, MCLs established by the State Water Board – Division of Drinking Water in Title 22 of the California Code of Regulations (sections 64431–64444, and 64449) would be the applicable numeric targets considered protective of the most sensitive beneficial use (i.e., MUN) identified for the groundwater resource.

e) As a result of the site releases discussed herein, groundwater has been significantly impaired by petroleum hydrocarbon compounds and VOCs, including but not limited to BTEX, MTBE, and TBA, at concentrations that are not consistent with the levels of water quality needed to support the beneficial uses of the Arlington Groundwater Management Zone. The concentration levels of these pollutants are toxic and could be detrimental to human, plant, animal, and aquatic life and exceed the MCLs for the compounds detected. Furthermore, the above impacts to groundwater attributable to the releases from the respective sites represent a significant impairment of groundwater resources and do not conform to the levels of water quality needed to support current and/or future uses of the groundwater resource, thereby creating a condition of pollution or nuisance in waters of the State, as defined by Water Code section 13050, subdivisions (l) and (m).

8. POTENTIAL HUMAN HEALTH EXPOSURE RISK

a) Based on the magnitude and widespread distribution of soil and groundwater contamination associated with the unauthorized releases of hazardous substances and discharges of waste from the United and former E-Z Serve Sites and presence of elevated dissolved-phase and/or free phase gasoline observed beneath the respective source properties, adjacent residences, public rights-of-way, and nearby school property, there is a potential threat to human health posed by volatilization of contaminant vapors into overlying buildings and structures. Initial efforts to address concerns regarding potential vapor intrusion have focused on evaluating the risk posed to occupants of the commercial structures constructed over the former E-Z Serve footprint (6050 Arlington property) and residential properties situated immediately adjacent to, or overlying groundwater contamination emanating from the source properties.

b) A preliminary round of soil gas data was collected from multi-depth probes (e.g. VP-3 and VP-4) installed in the eastern portion of the 6160 Arlington Avenue shopping center, at locations proximate to the former E-Z Serve station footprint (6050 Arlington property). The soil gas results were subsequently compared to both the San Francisco Regional Water Quality Control Board's (San Francisco Water Board) January 2019 Environmental Screening Levels (ESLs) and the vapor intrusion criteria in the State Water Board's Low Threat UST Case Closure Policy (LTCP) (State Water Board Resolution 2012-0016) to evaluate the potential risk of contaminant volatilization into the nearby structures. Shallow

soil gas samples collected from VP-3 and VP-4, at 5 feet and 10 feet bgs, exceeded the ESLs established for a commercial land use scenario, for both TPHG and VOCs (specifically, benzene, ethylbenzene, and xylenes). Further, when compared to LTCP vapor intrusion criteria, the soil gas results again exceeded established values for commercial/industrial land use for benzene and ethylbenzene. Additional soil gas testing has not been conducted at the 6160 Arlington Avenue shopping center to date due to unresolved access issues encountered since My Montecito's acquisition of the property.

c) Between 2012 and 2014, several phases of soil gas testing were completed to evaluate potential vapor intrusion at the various residences located east and west of Adams Street, including 8310 Colorado Avenue, 4580 Adams Street, 5984 Arlington Avenue, and 8293, 8294 and 8283 San Vicente Avenue. The shallow soil vapor data were compared to the San Francisco Water Board's January 2019 ESLs and the LTCP vapor intrusion criteria for residential land use. Results generated in conjunction with the various soil vapor survey are summarized below.

   i. Vapor data for Colorado Avenue (VP-5, VP-6 and VP-13): Soil gas samples collected from probes VP-4 and VP-5, located on Colorado Avenue (fronting the residential parcels and school property), showed elevated TPHG and BTEX concentrations at the 20-foot depth. However, the same contaminant constituents were not reported above detection levels in shallower soil gas samples approaching ground surface. Vapor survey data collected on the 8310 Colorado Avenue and 4580 Adams Street parcels were also quantified as non-detect for TPHG and VOCs.

   ii. Vapor data for San Vicente Avenue addresses (VP-1, VP-2, VP-7 through VP-12, VP-14 and VP-15): In general, vapor samples collected from multi-depth probes on or fronting residences along San Vicente Avenue showed elevated TPHG and BTEX constituents at 10 feet, 15 feet, and/or 20 feet bgs, which were accompanied by lower or non-detect values in the corresponding shallow samples collected at 5 feet bgs. However, TPHG and BTEX values were reported at levels that exceeded the corresponding ESLs and/or LTCP criteria for residential land use at several sample locations, including VP-7 and VP-8 (fronting residences), VP-9 and VP-10 (8293 San Vicente Avenue), VP-12 (8294 San Vicente Avenue), and VP-14 and VP-15 (8283 San Vicente Avenue). It should be noted that subsequent soil gas testing performed at these same locations along San Vicente Avenue resulted in contrasting data that reported much lower or even non-detect vapor concentrations in the shallow subsurface, which raised significant concerns regarding sample variability and suggested that further investigation is warranted.

iii. Vapor data for 5984 Arlington Avenue (VP-16 through VP-18): Soil gas samples collected on and immediately adjacent to the residential property fronting Arlington Avenue were reported to be at or below their respective detection limits for the relevant hydrocarbons and VOCs.

d) Based on soil gas testing performed to date, site contamination in unmitigated source areas associated with the former E-Z Serve station footprint may pose an immediate vapor intrusion risk to occupants of the overlying commercial businesses in the eastern portion of the shopping center property. Additionally, shallow soil vapor samples collected at three locations along San Vicente Avenue suggest that hydrocarbon vapors volatilizing upward from the heavily impacted water table below present a potential human health exposure concern for occupants of residences overlying dissolved-phase hydrocarbon and/or free phase gasoline plumes. It should also be noted that adequate soil gas testing has not yet been performed to evaluate the potential human health exposure risk to occupants of the Lube & Tune property or students and faculty at the nearby school property. As such, additional soil gas testing is warranted to evaluate the long-term risk posed by site contamination and ensure public safety.

9. LEGAL AND REGULATORY AUTHORITY

a) This Order conforms to and implements (1) Health and Safety Code section 25296.10 and California Code of Regulations, title 23, sections 2720–2727; (2) the policies and requirements of the Porter-Cologne Water Quality Control Act, including Water Code sections 13267 and 13304; (3) applicable provisions of Statewide Water Quality Control Plans adopted by the State Water Board and the Basin Plan adopted by the Santa Ana Water Board; (4) State Water Board policies and regulations, including State Water Board Resolution 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), Resolution 88-63 (*Sources of Drinking Water*), Resolution 92-49 (*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code Section 13304*); and (5) other applicable federal and state laws and regulations and relevant standards, criteria, and advisories adopted by other State and federal agencies.

b) **Basis for Cleanup and Abatement Order:** Health and Safety Code section 25296.10 provides that each owner or operator of a UST, or other responsible party, must take corrective action in response to an unauthorized release of any hazardous substance from a UST. California Code of Regulations, title 23, section 2720, defines who may be considered a “responsible party” for purposes of establishing liability for corrective actions related to unauthorized releases from USTs: “(1) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance; (2) In the case of any underground storage tank no longer in use, any person who owned or operated

the underground storage tank immediately before the discontinuation of its use; (3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and (4) Any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance." United, Rapid Gas, CF PropCo, RPMS, and My Montecito are responsible parties for the unauthorized releases from their respective sites and for the resulting commingled plume, and thus responsible for taking corrective action to ensure the protection of human health, safety, and the environment. As provided in section 2721, responsible parties must comply with all California Water Code provisions, as well as any other Orders issued by a Regional Water Quality Control Board, when an unauthorized release from an underground storage tank has occurred.

c) In addition to the UST laws and regulations, Water Code section 13304 authorizes the Santa Ana Water Board to require a person to clean up waste discharges and/or abate the effects of a waste discharge: "A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts." (Water Code, § 13304, subd. (a).) The Responsible Parties are subject to this Order because they have caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and created or threatens to create a condition of pollution or nuisance, and they are required to cleanup and abate the effects of the discharges emanating from their respective source properties. Data provided herein, also serve to illustrate that groundwater impacts emanating from the respective source properties have sufficiently commingled to justify imposing joint and several liability with respect to off-site groundwater contamination.

d) **Need and Basis for Requiring Technical Reports:** Water Code section 13267 provides that the Santa Ana Water Board may require any person who has discharged, discharges, proposes to discharge, or is suspected of having discharged or discharging waste within its region to furnish those technical or monitoring reports to investigate the quality of the waters of the state, provided that the burden, including costs, of the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring the reports, the Santa Ana Water Board must provide the person with a

written explanation with regard to the need for the reports and identify the evidence that supports requiring that person to provide the reports. The Santa Ana Water Board has considered the need for the reports, the burden of the reports, and the benefits to be obtained from the reports.

i. *The technical reports required by this Order will provide information to the Santa Ana Water Board regarding (a) the nature and extent of the site releases, (b) degree of pollution and nuisance caused to State waters, and (c) the threat the contamination may pose to members of the public who work or reside in structures overlying the contaminant plume. The primary risk driver associated with the site releases is presented by benzene, a component of gasoline that has been classified as a human health carcinogen (i.e. cancer-causing substance). Based on available data, petroleum hydrocarbon contamination attributed to the site releases poses a potential human health inhalation risk to occupants of the overlying commercial businesses and residential properties, due to the threat of petroleum hydrocarbon volatilization from heavily impacted soil and/or the groundwater into indoor air via vapor intrusion. Additionally, the hydrocarbon contamination described herein represents a significant impairment to groundwater resources, as various petroleum-related compounds and fuel additives (including BTEX, MTBE and lead) are currently being reported at concentrations that exceed the standards established by the State Water Board – Division of Drinking Water, thereby rendering the water unsuitable for human consumption despite its designated beneficial use as a municipal drinking water source. The Santa Ana Water Board needs the information from the reports required by this Order to determine the magnitude and distribution of contaminants beneath and in the vicinity of the source properties, evaluate public health and safety risks, and ascertain what cleanup and abatement measures that will be required to bring the discharges into compliance with applicable water quality objectives. Further, the evidence and findings provided in the previous sections of this Order provide ample basis for the requirements set forth by this Order.*

ii. Relying on staff's best professional judgment and State Water Board USTCF cost guidelines, the Santa Ana Water Board estimates that compliance with the technical and monitoring reporting requirements set forth in this Order will cost approximately $360,360.00 to $487,546.00 for the first year after adoption. Annual costs for compliance in subsequent years are expected to be within the same range or less, but will depend primarily on the interpretation of data collected from these initial phases and other variables not available at this time. The Santa Ana Water Board's estimated costs do not establish minimum or maximum costs for the required reports. The Responsible Parties are required to submit

work plans and actual costs associated with implementation of the work plans needed to produce the reports will vary based on their proposed scope of work. The costs to remediate the respective source properties and commingled contamination emanating therefrom have not been estimated but will be largely dependent on the Responsible Parties' ability to work cooperatively to develop and implement a comprehensive remedial response. In the absence of cooperation and timely implementation of an adequately scaled corrective action response, the contamination would likely migrate farther off-site and increase the timeframe and costs of complying with this Order. Based on the foregoing, the Santa Ana Water Board finds that the burden, including costs, associated with the required technical reports bears a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.

e) **State Water Board Policies:** The State Water Board adopted Resolution 92-49, *the Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304*. Resolution 92-49 sets forth the policies and procedures to be used during investigation and cleanup activities and requires that cleanup levels be consistent with Resolution 68-16, *the Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution 92-49 and the Santa Ana Water Board's Basin Plan establish the cleanup levels to be achieved. Resolution No. 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, Title 23, section 2550.4. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit for the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

f) **Low Threat Underground Storage Tank Case Closure Policy:** The State Water Board adopted Resolution 2012-0016, the Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Under the LTCP, in the absence of unique attributes or site-specific conditions that increase the risk associated with residual petroleum constituents, sites that meet the general and media-specific criteria described in the policy are generally considered to present a low threat to human health, safety, and the environment. In considering the risk posed by a UST release site, conditions are evaluated with respect to eight general criteria, such as the presence or absence of LPH, source removal effort, condition of nuisance, etc., and then in relation to site specific criteria for (1) groundwater, such as maximum concentrations, plume length and distance to receptors, etc., (2) vapor intrusion to indoor air, and (3) direct contact or outdoor air exposure.

The widespread contamination associated with the source properties fails to meet many of the general and site-specific criteria required to be considered low risk under the LTCP.

g) **California Environmental Quality Act (CEQA) Compliance:** The issuance of this Order is an enforcement action taken by a regulatory agency for the protection of natural resources and the environment and is exempt from the provisions of CEQA pursuant to California Code of Regulations, title 14, sections 15061, 15307, 15308, and 15321. This Order requires the Responsible Parties to submit workplans for testing, assessment, monitoring, and corrective action that may involve minor alterations to land and is also exempt under California Code of Regulations, title 14, sections 15304 and 15306. Submission of the required workplans will not cause any direct or indirect physical change or other significant effect to the environment and would therefore be exempt under CEQA. However, the full scope of activities required by this Order has not yet been determined and implementation of the necessary corrective action efforts could potentially result in significant impacts to the environment that require evaluation under CEQA. If the Santa Ana Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Santa Ana Water Board will conduct the necessary and appropriate environmental review prior to approving the applicable plan. The Responsible Parties will bear the costs, including the Santa Ana Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Responsible Party and a consultant acceptable to the Santa Ana Water Board will enter into a memorandum of understanding with the Santa Ana Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Health and Safety Code section 25296.10, California Code of Regulations, title 23, sections 2720–2727, and Water Code sections 13267 and 13304, the Responsible Parties must comply with the following directives and schedule set forth below and in accordance with Attachment A when applicable. Attachment A is incorporated into and made a part of this Order. The Executive Office may revise Attachment A based upon subsequent data or findings or as otherwise deemed necessary.

1. **Groundwater Monitoring and Reporting:** Upon adoption of this Order, the Responsible Parties must perform coordinated groundwater monitoring and sampling activities, as necessary to characterize the full expanse of groundwater impacts attributed to the site releases, inclusive of LPH and dissolved-phase hydrocarbons, VOCs and fuel additives being observed beneath the respective

source properties and the numerous downgradient or surrounding properties and rights-of-way. All groundwater monitoring and sampling activities must be conducted by the appropriate Responsible Parties for the respective monitoring wells listed in the tables in Attachment A. Groundwater monitoring and sampling activities must include groundwater gauging, measuring free product thicknesses (where present), and routine sampling and analysis of the dissolved-phase hydrocarbons, VOCs, and fuel additives, as needed to evaluate data trends across the monitoring well network. Any additional monitoring wells installed by the Responsible Parties in conjunction with subsequent phases of site investigation will be incorporated into Attachment A and must also be included in ongoing monitoring activities performed in conjunction with the respective site monitoring programs.

a. **United Site — 6020 Arlington Avenue:** Within 60 days of adoption of this Order, United, Rapid Gas, and CF PropCo must submit a groundwater monitoring and sampling work plan to outline the monitoring and data collection protocols and standard operating procedures (SOPs), as well as the quality assurance/quality control methods for sample collection, preservation, transport and laboratory analysis, that are to be employed in conjunction with monitoring activities performed for the wells listed in Table 1 of Attachment A. Upon receiving approval for the work plan, United, Rapid Gas and CF PropCo must implement the approved groundwater monitoring program in accordance with a schedule approved by the Executive Officer. The resulting monitoring and sampling data and relevant findings must be presented in groundwater monitoring reports submitted to the Santa Ana Water Board in accordance with the reporting schedule outlined in Item 6 below.

b. **E-Z Serve Site — 6160 Arlington Avenue:** Within 60 days of adoption of this Order, RPMS and My Montecito must submit a groundwater monitoring and sampling work plan to outline the monitoring and data collection protocols and SOPs, as well as the quality assurance/quality control methods for sample collection, preservation, transport and laboratory analysis that are to be employed in conjunction with monitoring activities performed for the wells listed in Table 2 of Attachment A. Upon receiving approval for the work plan, RPMS and My Montecito must implement the approved groundwater monitoring program in accordance with a schedule approved by the Executive Officer. The resulting monitoring and sampling data and relevant findings must be presented in groundwater monitoring reports submitted to the Santa Ana Water Board in accordance with the reporting schedule outlined in Item 6 below.

c. **Commingled Plume:** Consistent with findings and evidence presented in this Order, the Santa Ana Water Board has determined that unauthorized releases and discharges stemming from both source properties have

migrated off-site and are sufficiently commingled in the surrounding areas such that liability for the commingled plume cannot be reasonably apportioned. Accordingly, United, Rapid Gas, CF PropCo, RPMS, and My Montecito are jointly and severally liable for any further off-site investigations, including routine groundwater monitoring and sampling activities associated with the commingled plume. Within 60 days of adoption of this Order, United, Rapid Gas, CF PropCo, RPMS, and My Montecito must submit a groundwater monitoring and sampling work plan to outline the monitoring and data collection protocols and SOPs, as well as the quality assurance/quality control measures for sample collection, preservation, transport and laboratory analysis, to be employed in conjunction with monitoring activities performed for the wells listed in Table 3 of Attachment A. Upon receiving approval for the work plan, the Commingled Plume Responsible Parties must implement the approved groundwater monitoring program in accordance with a schedule approved by the Executive Officer. The resulting monitoring and sampling data and relevant findings must be presented in groundwater monitoring reports submitted to the Santa Ana Water Board in accordance with the reporting schedule outlined in Item 6 below.

2. **Interim Corrective Action:** Upon adoption of this Order, the Responsible Parties must implement interim corrective action to remove free product from any wells in their respective monitoring well network (where present) consistent with the scope outlined in Attachment A. In the event that free product is observed in additional wells in the future, those wells must also be incorporated into the respective interim corrective action programs, as directed by the Executive Officer. In the event that the Executive Officer determines that one or more of the corrective action measures implemented by the Responsible Parties is inadequate, the Responsible Parties must submit a revised RAP or RAPs, within 30 days of being notified of such a determination, to propose a revised interim corrective action strategy that is capable of achieving the remedial objectives. All interim corrective action activities must be summarized in quarterly remediation progress reports submitted to the Santa Ana Water Board pursuant to Item 6 below.

    a. **United Site — 6020 Arlington Avenue:** Based on quarterly remediation progress reports, manual removal activities are currently being conducted at the United Site to recover free product from select site monitoring wells on an approximate monthly frequency. The Santa Ana Water Board has determined that the current product removal program being implemented for the United Site is substantially compliant with the requirement for interim corrective action set forth by this Order. As such, United, Rapid Gas, and CF PropCo are not currently being required to submit an interim corrective action work plan for Item 2 at this time. In the event that site conditions change, such that the Executive Officer determines that a modification to the current

interim strategy is warranted, United, Rapid Gas and CF PropCo may be required to prepare and submit an IRAP at a later date.

b. **E-Z Serve Site — 6160 Arlington Avenue:** Within 60 days of adoption of this Order, RPMS and My Montecito must submit an interim remedial action plan, along with a time schedule for implementation, to outline scope and procedures for the corrective action activities that are to be performed to remove free product from on-site and off-site wells (where present) listed in Table 2 of Attachment A. Within 30 days of receiving approval for the interim remedial action plan, RPMS and My Montecito must initiate the plan and continue to implement the corrective action activities in accordance with the scope and schedule approved by the Executive Officer until such time as the Executive Officer determines that adequate remedial responses for on-site source removal and off-site groundwater remediation have been approved and implemented by the E-Z Serve Responsible Parties (pursuant to Item 4) and that interim corrective action measures are no longer warranted. All interim corrective action activities must be summarized in quarterly remediation progress reports submitted to the Santa Ana Water Board pursuant to Item 6 below.

c. **Commingled Plume:** Consistent with findings and evidence presented in this Order, the Santa Ana Water Board has determined that unauthorized releases and discharges stemming from both source properties have migrated off-site and are sufficiently commingled in the surrounding areas such that liability for the commingled plume cannot be reasonably apportioned. Accordingly, United, Rapid Gas, CF PropCo, RPMS, and My Montecito are jointly and severally liable for off-site corrective action required to remediate commingled groundwater contamination downgradient of the sites. Within 60 days of adoption of this Order, United, Rapid Gas, CF PropCo, RPMS, and My Montecito must submit an interim remedial action work plan, along with a schedule for implementation, to outline scope and procedures for the corrective action activities that are to be performed to remove free product from off-site areas, as outlined in Table 3 of Attachment A. Within 30 days of receiving approval for the work scope, United, Rapid Gas, CF PropCo, RPMS, and My Montecito must initiate the interim corrective action activities and must continue to implement the program in accordance with a schedule approved by the Executive Officer until such time as the Executive Officer determines that an adequate remedial response for off-site remediation of the commingled groundwater plume has been approved and implemented by the Commingled Plume Responsible Parties (pursuant to Item 4) and interim corrective action measures are no longer warranted. All interim corrective action activities must be summarized in quarterly remediation progress reports submitted to the Santa Ana Water Board pursuant to Item 6 below.

3. **Site Assessment and Delineation of Contaminant Plume:** Upon adoption of this Order, the Responsible Parties must conduct additional soil and groundwater investigations needed to (1) adequately characterize hydrocarbon-impacted soil and groundwater present beneath their respective source properties and (2) delineate the full extent of groundwater contamination emanating therefrom. Consistent with findings and evidence presented in this Order, the Santa Ana Water Board has determined that unauthorized releases and discharges stemming from both source properties have migrated off-site and are sufficiently commingled such that liability for the commingled plume cannot be reasonably apportioned. Accordingly, the Responsible Parties are jointly and severally responsible for completing any future groundwater characterization required to delineate the commingled plume. Subsequent phases of site characterization must be performed by the Responsible Parties as directed by the Executive Officer, until the full expanse of the groundwater impacts attributed to both site releases, inclusive of LPH and dissolved-phase hydrocarbons, VOCs and fuel additives, has been fully delineated.

    a. **United Site — 6020 Arlington Avenue:** Based on current conditions and available technical data, the Santa Ana Water Board has determined that the United Site has substantially complied with the requirements for assessment and plume delineation set forth in this Order, except as it relates to Item 5 below. Accordingly, United, Rapid Gas and CF PropCo are not currently being required to submit a work plan for site assessment pursuant to this task. With the understanding that site conditions may change, the Executive Officer may determine that additional assessment is necessary in the future.

    b. **E-Z Serve Site — 6160 Arlington Avenue:** Based on available site data, additional subsurface investigation is needed to further characterize the magnitude and distribution of petroleum hydrocarbon in soil and groundwater beneath the commercial shopping center and delineate the lateral extent of groundwater impacts, including free phase gasoline product, which have historically been observed in monitoring wells EZ-1, EZ-17 and EZ-18. Additional off-site characterization is also needed to determine the extent of groundwater impacts west of well MW-14. Within 90 days of adoption of this Order, RPMS and My Montecito must submit a site assessment work plan to outline scope and procedures for the installation of a minimum of four groundwater monitoring wells, as necessary to achieve the site characterization and off-site plume delineation discussed above. The work plan must also include a Gantt chart that outlines the proposed schedule for implementation and compliance reporting associated with this task. Upon receiving approval for the work plan, RPMS and My Montecito must complete the required site investigations and submit a report of findings, including recommendations and conclusions for addition phases of characterization (as warranted), in accordance with the schedule approved by the Executive Officer.

c. **Commingled Plume:** Consistent with findings and evidence presented in this Order, the Santa Ana Water Board has determined that the unauthorized releases and discharges stemming from both source properties have migrated off-site and are sufficiently commingled in the surrounding areas such that liability for the commingled plume cannot be reasonably apportioned. Accordingly, United, Rapid Gas, CF PropCo, RPMS, and My Montecito are jointly and severally liable for any future off-site investigations that may be needed to determine the magnitude and extent of groundwater impacts downgradient of the respective source properties. Based on available information, additional off-site assessment is needed to further characterize the distribution of groundwater impacts, inclusive of LPH and dissolved-phase hydrocarbons, VOCs and fuel additives, and eliminate data gaps in the groundwater monitoring well network identified between wells MW-17 and EZ-6, as well as EZ-7 and MW-22. Accordingly, within 90 days of adoption of this Order, United, Rapid Gas, CF PropCo, RPMS, and My Montecito must submit a work plan to outline scope and procedures for the installation of at least two additional monitoring wells, as necessary to address the site characterization and plume delineation needs outlined above. The work plan must include a Gantt chart that outlines the proposed schedule for implementation and compliance reporting associated with this task. Upon receiving approval for the work scope, the Commingled Plume Responsible Parties must complete the required site investigations and submit a report of findings, including recommendations and conclusions for addition phases of characterization (as warranted), in accordance with the schedule approved by the Executive Officer.

4. **Remedial Action Plans:** Upon adoption of this Order, the Responsible Parties must develop and implement corrective action measures that are sufficiently scaled to (1) mitigate source-area soil and groundwater contamination beneath their respective properties and (2) prevent further off-site migration of contaminants via groundwater transport. Additionally, the Responsible Parties must develop and implement a comprehensive remedial response, designed to mitigate the full extent of groundwater impacts, inclusive of LPH and dissolved-phase hydrocarbons, VOCs and fuel additives, which have migrated off-site and commingled beneath numerous downgradient properties and rights-of-way. All corrective action activities will be subject to approval and must be implemented in accordance with time schedules approved by the Executive Officer. In the event that the Executive Officer determines that one or more of the corrective action measures implemented by the Responsible Parties is inadequate, the Responsible Parties must submit a revised RAP or RAPs, within 60 days of being notified of such a determination, to propose a revised corrective action strategy that is capable of achieving the remedial objectives for comprehensive remediation of contaminated soil, groundwater and/or abatement of soil vapor emissions for protection of human health, as set forth by the Executive

Officer. Upon approval, that revised RAP must be implemented in accordance with a schedule approved by the Executive Officer.

a. **United Site — 6020 Arlington Avenue:** Within 120 days of the adoption of this Order, United, Rapid Gas and CF PropCo must prepare and submit a RAP for a corrective action response that is sufficiently scaled to (1) mitigate source-area soil and groundwater contamination beneath the 6000 and 6020 Arlington Avenue parcels and (2) prevent further off-site migration of contaminants by groundwater transport. The RAP must include a Gantt chart that outlines the proposed schedule for remedial design and installation activities associated with RAP implementation. Upon receiving approval for this scope, United, Rapid Gas and CF PropCo must proceed with RAP implementation in accordance with the scope and schedule approved by the Executive Officer.

b. **E-Z Serve Site — 6160 Arlington Avenue:** Within 120 days of the adoption of this Order, RPMS and My Montecito must prepare and submit a RAP for a corrective action response that is sufficiently-scaled to (1) mitigate source-area soil and groundwater contamination beneath the 6160 Arlington Avenue parcel and (2) prevent further off-site migration of contaminants by groundwater transport. The RAP must include a Gantt chart that outlines the proposed schedule for remedial design and installation activities associated with RAP implementation. Upon receiving approval for this scope, RPMS and My Montecito must proceed with RAP implementation in accordance with the scope and schedule approved by the Executive Officer.

c. Commingled Plume: Consistent with findings and evidence presented in this Order, the Santa Ana Water Board has determined that unauthorized releases and discharges stemming from both source properties have migrated off-site and sufficiently commingled in the surrounding areas such that liability for the commingled plume cannot be reasonably apportioned. Accordingly, United, Rapid Gas, CF PropCo, RPMS, and My Montecito are jointly and severally liable for off-site remediation and must develop and implement a comprehensive remedial response designed to mitigate the full extent of the commingled site releases. United, Rapid Gas, CF PropCo, RPMS, and My Montecito share the responsibility for designing and implementing the necessary corrective action measures required to remediate the off-site commingled groundwater plume. Within 120 days of adoption of this Order, the Commingled Plume Responsible Parties must prepare and submit a remedial action plan, to outline a corrective action response that is adequately scaled to abate the full expanse of commingled groundwater impacts, inclusive of LPH and dissolved-phase hydrocarbons, VOCs, and fuel additives, which have migrated off-site and commingled beneath numerous downgradient properties and rights-of-way. The RAP must include a Gantt

chart that outlines the proposed schedule for remedial design and installation activities associated with RAP implementation. Upon receiving approval for this RAP, United, Rapid Gas, CF PropCo, RPMS, and My Montecito must proceed with RAP implementation in accordance with the scope and schedule approved by the Executive Officer.

5. **Soil Gas Investigations:** Upon adoption of this Order, the Responsible Parties must conduct additional soil gas testing, as necessary to provide an updated survey of the distribution of site contaminants in the subsurface and generate the necessary analytical data required to thoroughly evaluate the potential vapor exposure risk posed to occupants of residential and/or commercial structures that overlie petroleum hydrocarbon-impacted soil and groundwater attributed to the source properties or groundwater contamination emanating therefrom. All soil gas testing performed in conjunction with any of the existing probes must be completed by the Responsible Parties, as outlined in Attachment A. Any vapor probes installed by the Responsible Parties in conjunction with subsequent phases of site investigation, including those required by this Order (below), will be incorporated into Attachment A by the Executive officer at a future date. Additional rounds of soil gas investigation and testing may be required, until the Executive Officer determines that the site releases are adequately characterized, present no unacceptable exposure risk to occupants of the overlying structures, and further testing is no longer warranted.

    a. **United Site — 6020 Arlington Avenue:** Within 60 days of adoption of this Order, United, Rapid Gas, and CF PropCo must submit a work plan for the soil gas testing activities that will be conducted to evaluate the vapor exposure risk posed to occupants of the residential and/or commercial structures that overlie petroleum hydrocarbon-impacted soil and groundwater attributed to the source property, as well as groundwater contamination emanating therefrom. The work plan must outline scope and procedures for resampling existing soil gas probes previously installed in the surrounding areas as listed in Table 1 of Attachment A. Additionally, the work plan must include a proposed scope for the installation and testing of at least one nested soil gas probe location on or adjacent to the residence located at 8273 San Vicente Avenue. The proposal must also include a Gantt chart to outline the proposed schedule for implementation and compliance reporting associated with this task. Upon receiving approval for the scope, United, Rapid Gas, and CF PropCo must conduct all soil gas investigations and testing in accordance with the work plan and schedule approved by the Executive Officer.

    b. **(E-Z Serve Site) — 6160 Arlington Avenue:** Within 60 days of adoption of this Order, RPMS, and My Montecito must submit a work plan for the soil gas investigations and testing needed to evaluate the exposure risk posed to occupants of the commercial shopping center that overlies former E-Z Serve

source areas, as well as that posed by groundwater contamination emanating therefrom. The work plan must outline scope and procedures for resampling existing soil gas probes installed in on-site source areas and in the downgradient vicinity along Colorado Avenue as listed in Table 2 of Attachment A. The work plan must also include proposed scope and procedures for the installation and testing of at least eight additional nested soil gas probes at various locations fronting and backing the commercial shopping center, as needed to further evaluate the risk posed by unmitigated source contamination. Additionally, the work plan must include a Gantt chart that outlines the proposed schedule for implementation and compliance reporting associated with this task. Upon receiving approval for the work plan, RPMS and My Montecito must conduct all soil gas investigations and testing in accordance with the work plan and schedule approved by the Executive Officer.

c. **Commingled Plume:** Consistent with findings and evidence presented in this Order, the Santa Ana Water Board has determined that the unauthorized releases and discharges stemming from both source properties have migrated off-site and are sufficiently commingled in the surrounding areas such that liability for the commingled plume cannot be reasonably apportioned. Accordingly, United, Rapid Gas, CF PropCo, RPMS, and My Montecito are jointly and severally liable for any further off-site investigations of the contaminant plume. Within 60 days of adoption of this Order, the Commingled Plume Responsible Parties must submit a work plan for the soil gas testing that will be performed in conjunction with the resampling of existing soil gas probes listed in Table 3 of Attachment A The work plan must also include proposed scope and procedures for the installation and testing of additional soil gas probes in several downgradient areas, including a minimum of two nested soil gas probes that are to be installed on the school property and an additional three nested soil gas probe locations that are to be installed on the three residential properties located at 8284 San Vicente Avenue and 8283 and 8293 Brunswick Avenue. Additionally, the work plan must include a Gantt chart that outlines the proposed schedule for implementation and compliance reporting associated with this task. Upon receiving approval for the work plan, the Commingled Plume Responsible Parties must implement the soil gas investigations and testing in accordance with the work plan and schedule approved by the Executive Officer.

6. **Quarterly Remediation and Project Status Reports:** Upon adoption of this Order, the Responsible Parties must conduct the necessary ongoing remediation maintenance and monitoring activities as described above and approved by the Executive Officer, and submit quarterly progress reports to detail ongoing remedial activities, groundwater plume monitoring and/or assessment and soil gas test results generated in conjunction with the requirements above. The Responsible Parties

must submit the reports to the Santa Ana Water Board on or before the 30th day of the month following the end of each quarter, or more specifically by no later than April 30, July 30, October 30, and January 30 of each year, and must include a detailed discussion regarding all testing and data collected during the period, the relative effectiveness of the remediation efforts, and recommendations for any additional site investigations or testing needed to further characterize or delineate site contamination in the reports.

7. **Electronic Submission of Information (ESI) Requirements:** Pursuant to California Code of Regulations, title 23, sections 3890–3895, the Responsible Parties must submit electronic laboratory analytical data (i.e. soil, soil gas/vapor, or water chemical analyses) and locational data (i.e. longitude and latitude coordinates, and surface elevation of site monitoring wells), and other data generated in conjunction with environmental cleanups, to the State Water Board's Geotracker database. Additional information regarding requirements pertaining to the electronic submission of data can be found at http://geotracker.waterboards.ca.gov.

8. **Qualified Professionals:** In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, all site investigations and corrective action activities required by this Order must be performed by qualified professionals, that are licensed where applicable, and competent and proficient in the fields pertinent to the activities performed; and technical reports containing engineering and geologic evaluations and judgments, must be prepared by, or under the direction of a registered professional engineer or geologist.

9. **Perjury Statement:** For purposes of this Order, the Responsible Parties, or their authorized representative must certify under penalty of law, that they have examined and are familiar with the reports and, to the best of their knowledge, believe them to be true, complete and accurate. To this end, all reports submitted pursuant to this Order must include the signed certification, as follows, *"I certify under penalty of perjury under the laws of the State of California 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."*

10. **Cost Recovery:** Pursuant to California Water Code section 13304, the Santa Ana Water Board is entitled to, and will seek reimbursement for, all reasonable costs actually incurred by the Santa Ana Water Board to investigate unauthorized discharges of waste and oversee cleanup of such waste, abatement of the effects thereof, or other action required by this Order.

11. Failure to comply with requirements of this Order may subject the Responsible Parties to further enforcement action, including but not limited to the following: a civil penalty of not more than $10,000 for each day of violation of any corrective action established by, or issued pursuant to, Health and Code section 25296.10 for each underground storage tank as provided in Health and Safety Code section 25299, subdivision (d)(1); administrative civil liability, pursuant to Water Code sections 13268 and 13350, in an amount not to exceed $1,000 and $5,000, respectively, for each day in which the violation occurs under Water Code sections 13304 or 13350; and/or the Santa Ana Water Board may refer the matter to the Attorney General to seek injunctive relief or civil or criminal liability. The Santa Ana Water Board reserves its rights to take any further enforcement action authorized by law.

12. Any person affected by this action of the Santa Ana Water Board may petition the State Board to review the action in accordance with section 13320 of the Water Code and California Code of Regulations, Title 23, section 2050. The petition must be received by the State Water Board (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812 or waterqualitypetitions@waterboards.ca.gov) within 30 days of the date of this Order. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except if the 30th day following the date of this Order falls on a Saturday, Sunday, or a 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 applicable law and regulations related to filing petitions may be found at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.html, or will be provided upon request.

13. This Order rescinds and supersedes Cleanup and Abatement Order R8-2016-0048, except for enforcement purposes. The rescission does not prevent the Santa Ana Water Board from taking enforcement action for violations of Order R8-2016-0048. Due to the stay imposed by the trial court in Superior Court Case No. RIC 1722363 (Riverside County), violations of Order R8-2016-0048 cannot be alleged or pursued against United, Rapid Gas, or CF PropCo for the period between and including June 12, 2018 and the effective date of this Order.

14. I, Hope Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on May 7, 2021.

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Hope A. Smythe, Executive Officer

ATTACHMENT A

Table 1. United Site (6020/6000 Arlington Avenue) – Area of Responsibility

Well ID	Well Type	Longitude	Latitude	Elevation (Note 1)
MW-1R	monitoring			
MW-2R	monitoring			
MW-3A	monitoring			
MW-6	monitoring			
MW-8	monitoring			
MW-9	monitoring			
MW-10	monitoring			
MW-11	monitoring			
MW-12	monitoring			
MW-18	monitoring			
MW-19	monitoring			
MW-20	monitoring			
MW-21	monitoring			
MW-23	monitoring			
RW-1A	remediation			
RW-2	remediation			
RW-3R	remediation			
RW-4	remediation			
RW-5	remediation			
RW-6	remediation			
RW-7	remediation			
RW-8	remediation			
RW-9	remediation			
RW-10	remediation			
RW-11	remediation			
RW-12	remediation			
RW-13	remediation			
RW-14	remediation			
VP-1	vapor probe			
VP-2	vapor probe			
VP-7	vapor probe			

Well ID	Well Type	Longitude	Latitude	Elevation (Note 1)
VP-8	vapor probe			
VP-9	vapor probe			
VP-10	vapor probe			
VP-14	vapor probe			
VP-15	vapor probe			
VP-16	vapor probe			
VP-17	vapor probe			
VP-18	vapor probe			
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD

Notes:
1) Above mean sea level from top of casing
2) Required by Order (proposed)

Table 2. E-Z Serve Site (6160 Arlington Avenue) – Area of Responsibility

Well ID	Well Type	Longitude	Latitude	Elevation (Note 1)
EZ-1	monitoring			
EZ-2	monitoring			
EZ-3	monitoring			
EZ-4	monitoring			
EZ-5	monitoring			
EZ-11	monitoring			
EZ-15	monitoring			
EZ-16	monitoring			
EZ-17	monitoring			
EZ-18	monitoring			
MW-7	monitoring			
MW-13	monitoring			
MW-14	monitoring			
EZ-XX (Note 2)	monitoring	TBD	TBD	TBD
EZ-XX (Note 2)	monitoring	TBD	TBD	TBD
EZ-XX (Note 2)	monitoring	TBD	TBD	TBD
EZ-XX (Note 2)	monitoring	TBD	TBD	TBD
VP-3	vapor probe			
VP-4	vapor probe			

Well ID	Well Type	Longitude	Latitude	Elevation (Note 1)
VP-5	vapor probe			
VP-6	vapor probe			
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD

Notes:
1) Above mean sea level from top of casing
2) Required by Order (proposed)

Table 3. Commingled Plume – Area of Responsibility

Well ID	Well Type	Longitude	Latitude	Elevation (Note 1)
MW-15	monitoring			
MW-16	monitoring			
MW-17	monitoring			
MW-22	monitoring			
EZ-6	monitoring			
EZ-7	monitoring			
EZ-8	monitoring			
EZ-9	monitoring			
EZ-10	monitoring			
EZ-12	monitoring			
EZ-13	monitoring			
EZ-14	monitoring			
JT-1	monitoring			
JT-2	monitoring			
JT-X (Note 2)	monitoring			
JT-X (Note 2)	monitoring			
VP-11	vapor probe			
VP-12	vapor probe			

Well ID	Well Type	Longitude	Latitude	Elevation (Note 1)
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD
VP-XX (Note 2)	vapor probe	TBD	TBD	TBD

Notes:
1) Above mean sea level from top of casing
2) Required by Order (proposed)