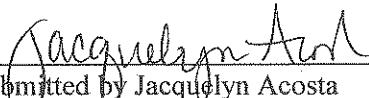





City of Carson Report to Mayor and City Council

December 17, 2013
Unfinished Business

SUBJECT: CONSIDER STATUS REPORT ON THE REGIONAL WATER QUALITY CONTROL BOARD ENVIRONMENTAL INVESTIGATION AND CARSON DECLARATION OF THE EXISTENCE OF AN EMERGENCY WITHIN THE CAROUSEL TRACT


Submitted by Jacquelyn Acosta
Acting City Manager


Approved by Jacquelyn Acosta
Acting City Manager

I. SUMMARY

This item is on the agenda at the request of Mayor Pro Tem Santarina to provide updates at all regularly scheduled City Council meetings related to the environmental investigation of the Carousel Tract.

II. RECOMMENDATION

RECEIVE and FILE.

III. ALTERNATIVES

TAKE another action as the City Council deems appropriate consistent with the requirements of law.

IV. BACKGROUND

Revised Site-Specific Cleanup Goal Report

On October 21, 2013, Shell Oil Products US (Shell) submitted a Revised Site-Specific Cleanup Goal Report to the Regional Board to address certain deficiencies and comments addressed in the Regional Board letter dated August 21, 2013. The Regional Board, the Office of Environmental Health Hazard Assessment and the UCLA Expert Panel are currently evaluating the revised report. In a recent discussion with the Regional Board, a response should be provided by early January 2014. Only one comment letter was received on the Revised Site-Specific Cleanup Goal Report from Paul E. Rosenfeld, Ph.D., Soil/Water/Air Protection Enterprise (Exhibit No. 1).

Cleanup and Abatement Order

On March 11, 2011, the Regional Board issued Cleanup and Abatement Order (CAO) No. R4-2011-0046 directing Shell to investigate the Carousel Tract and provide remedial action to cleanup and abate the waste in the soil, soil vapor and groundwater associated with contamination from the former tank farm. On October 31, 2013, the Regional Board issued a notice for the Proposed Draft Revised Cleanup and Abatement Order No. R4-2011-0046 (Draft Revised CAO)

20

to include a description of the developer's role to decommission the reservoirs and conduct waste removal and grading activities. The Draft Revised CAO also explains the history of acquisitions and renaming of the original development company leading to the Dole Food Company, Inc. (Dole) being named as an additional responsible party. The notice was sent to Shell and Dole seeking comments and evidence to be submitted by 12:00 p.m. on December 6, 2013. On November 15, 2013, the Regional Board sent a letter to Dole acknowledging their request to extend the comment period and authorizing the submittal of the comments by 5:00 p.m. on January 13, 2014 (Exhibit No. 2).

Timeline of Activities

A general timeline that tracks past and current activities of the Carousel Tract environmental investigation is included as Exhibit No. 3.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Letter from P. Rosenfeld to Regional Board dated November 27, 2013 (pgs. 4-12)
2. Letter from Regional Board to Dole dated November 15, 2013 (pgs. 13-15)
3. Carousel Tract Environmental Investigation Timeline. (pgs. 16-18)

Prepared by: Sheri Repp-Loadsman, Planning Officer

TO: Rev06-19-2013

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____ Action _____

SWAPE

SOIL / WATER / AIR PROTECTION ENTERPRISE
1640 Fifth Street, Suite 204
Santa Monica, California 90401
Attn: Paul Rosenfeld, Ph.D.
prosenfeld@swape.com
M: (310) 795-2335
T: (310) 434-0110
Fax: (310) 434-0011
via email and U.S. mail

November 27, 2013

Mr. Samuel Unger, P.E.,
Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, California 90013

Subject: Comments on the October 21, 2013 Revised Site-Specific Cleanup Goal Report
for the Former Kast Property Tank Farm Site in Carson, California

Dear Mr. Unger:

Soil / Water / Air Protection Enterprise ("SWAPE") has reviewed the October 21, 2013 *Revised Site-Specific Cleanup Goal Report*¹ for the former Kast Property Tank Farm Site (the "Site") in Carson, California. This revised report presents Shell Oil Company's ("Shell") proposed remedial action objectives ("RAOs"), site-specific cleanup goals ("SSCGs"), and screening evaluations of remedial alternatives that Shell states will be used for preparation of a Remedial Action Plan ("RAP"). A cleanup plan for the Site is long overdue and evaluation of cleanup alternatives is appropriate and necessary for a proposed RAP. However, Shell's cursory analysis of only a few selected remedial alternatives in the *Revised Report* is inadequate and inappropriate for evaluating suitable cleanup actions needed the Site. Shell's *Revised Report* selects preferred remedial alternatives and rejects other alternatives without any detailed explanation. Therefore, Shell's evaluation is unfounded and incompatible with remedial action planning and public participation practices and policies that should be followed by the California Regional Water Quality Control Board, Los Angeles Region (the "Regional Board").

The Regional Board is responsible as the overseeing agency to require Shell to evaluate all feasible remedial alternatives in a manner that is consistent with past practices and policies of the Regional Board and applicable regulatory guidance. This comment letter explains several critical flaws with Shell's RAOs and SSCGs that must be addressed before a proposed RAP and/or an Environmental Impact Report ("EIR") can be prepared. Furthermore, Shell must be required to conduct a detailed evaluation of

¹ Revised Site-Specific Cleanup Goal Report - Former Kast Property, Carson, California. Geosyntec Consultants. October 21, 2013.

EXHIBIT NO. 01



remedial alternatives and present those evaluations in a proper Feasibility Study ("FS"). The *Revised Report* is not a reliable evaluation of all feasible cleanup options for the Site and should therefore be rejected. The Regional Board must require Shell to evaluate all feasible alternatives in a manner that is transparent, subject to public participation, and that conforms with standard practices and policies in the State of California.

The *Revised Report* presents a screening feasibility study of eleven (11) remedial alternatives and summarily declares that only four (4) remedial alternatives will be further evaluated in the RAP. This conclusion is not acceptable because the *Revised Report* fails to provide any detailed technical bases to support, Shell's conclusions on the feasibility and appropriateness of the remedial alternatives that they evaluated. The *Revised Report* also fails to evaluate other feasible remedial and redevelopment alternatives that are appropriate for the Site and should not be omitted. In particular, the *Revised Report* rejects all remedial alternatives that involve relocation of the residents and redevelopment. The *Revised Report* does not even discuss non-residential redevelopment options, which demonstrates its deficiencies as a remedial alternatives study.

The *Revised Report* is not a detailed FS, which is typically necessary to evaluate remedial alternatives as part of the RAP process. A detailed FS must be required before Shell and the Regional Board can begin eliminating remedial alternatives from consideration for a proposed RAP. The Regional Board cannot delay or ignore this obvious requirement. A detailed FS must be prepared for a proper evaluation of remedial alternatives and this must be done before a proposed RAP can be prepared. Subsequently, a proposed RAP, possibly in conjunction with and EIR, can then be developed and presented for public comment. A proposed RAP should summarize the decisions that led to the recommended remedial action(s) by discussing the alternatives evaluated in the FS and the reasons for selecting or rejecting them. These requirements are consistent with past practices and policies of the Regional Board and therefore must be required to move forward.

Shell's unilateral rejection of remedial alternatives in the *Revised Report* is not appropriate for developing a proposed RAP. A detailed FS is necessary to properly evaluate potential remedial alternatives for this Site. Furthermore, an FS is not a necessary requirement in the California Environmental Quality Act ("CEQA") EIR process and needs not be required as part of one.² Therefore, it is not necessary for Shell to evaluate remedial alternatives as part of an EIR. Past practices and policies of the Regional Board and other regulatory agencies in the State of California demonstrate that feasibility studies are generally

² "A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR..." See Title 14, California Code of Regulations: Chapter 3, Guidelines for Implementation of the California Environmental Quality Act: Article 18, Statutory Exemptions: Section 15262, Feasibility and Planning Studies. -



performed prior to a RAP and, if necessary, an EIR. The Regional Board should therefore require Shell to submit a proper FS for the Site before a proposed RAP can be developed. Once all the feasible remedial alternatives have been fully evaluated then, and only then, would it be appropriate to prepare a proposed RAP and/or an EIR for the Site.

This comment letter discusses the following critical points: a) Shell's evaluation understates the breadth of economic and social impacts to the residents; b) Shell's evaluation overstates the difficulties associated with some remedial alternatives as a means of rejecting these alternatives; and c) Shell's evaluation omits remedial alternatives that are feasible, appropriate, and typical for other petroleum hydrocarbons ("TPH") -impacted sites in the Los Angeles Region. For the reasons explained below, the Regional Board must reject the *Revised Report* and require Shell to prepare a detailed FS to properly evaluate remedial alternatives for the Site.

ECONOMIC AND SOCIAL IMPACTS TO RESIDENTS ARE UNDERSTATED

Impacts of Investigations and Proposed Remediation Alternatives

Investigations at the Site have been ongoing since approximately April 2008. It has been more than five (5) years since discovery of the extensive contamination problems in the Carousel Neighborhood and no significant remediation has occurred at any of the hundreds of residential properties at the Site. Shell's contractors have conducted an extensive series of investigations within the public thoroughfares (streets and sidewalks), private yards of homes, and interiors of homes. The extent of these intrusive investigations has disrupted the lives of the residents in many ways, including but not limited to, disruptions to resident's work and personal schedules, disturbances to properties, and diminution of the use and enjoyment of the resident's properties. Shell's proposed cleanup alternatives do not consider these impacts to the residents. However, Shell argues that public reactions are a primary factor for rejecting remedial alternatives.

Shell's proposed excavation alternatives (Alternatives 3, 3+7, 4, and 4+7) would be highly disruptive to the residents and impacts to residents are understated in the *Revised Report*. The proposed remedial alternatives selected by Shell all involve excavation of soils from open lawns and landscape areas and/or from beneath hardscape (i.e. concrete driveways, walkways, patios, etc.) around homes. Shell's screening evaluation fails to include an assessment of the real impacts of the proposed cleanup on the residents.

Shell's proposed remedial alternatives will only achieve improved cleanup for a portion of the residents. The *Revised Report* proposes excavation to only two (2) feet at an estimated 100 properties and this is inadequate in terms of the completeness of remediation. However, for all the residents this plan will



cause major disturbances, will pose a continuing nuisance,³ and will diminish property values, among other adverse impacts. Shell's proposed excavation alternatives are based on limited and insufficient site characterization data for individual parcels,⁴ and the excavation of only approximately 100 properties would be highly disruptive for several years. Shell's proposed remedial actions will cause disruptions to residents that are significant and have not been fully evaluated in their *Revised Report*. To understand the impacts of the proposed remedial actions, Shell must provide detailed evaluations in a fully-detailed Feasibility Study (FS).

Impacts Associated with Necessary Deed Restrictions

Shell's proposed remedial alternatives do not provide complete cleanup beneath the entire footprints of the parcels in the Carousel Neighborhood. Alternatives Nos. 3 and 4 only provide for excavation of soils to two (2) feet in limited areas of the properties that are targeted for soil remediation (estimated to be 100 parcels) based on insufficient site characterization. Both of these proposed alternatives would still leave chemicals of concern ("COCs") in place below two (2) feet in areas that are addressed. Contamination in other areas beneath structures (and hardscape based on Alternative No. 4) would also remain in-place at all depths. Because future improvements to parcels may include a variety of improvements such as remodeling of homes, where contamination will be left in-place under structures, deed restrictions are therefore necessary. The likelihood of land use restrictions is stated in the *Revised Report* as well as in the Regional Board's comment letter on August 21, 2013.⁶

For those parcels that are not included in Alternatives Nos. 3 and 4 (185 of 285 properties), no excavation is considered in Shell's proposed remedial alternatives. However, because of the limited nature of Shell's site characterization efforts at each property (an insufficient number of samples were collected to delineate all hot spots of contamination), there will be no guarantee that hot spots are not present in areas that were not sampled. Shell's proposed remedial alternatives in the *Revised Report* will not address most of the properties (i.e., 185 of 285) in the Carousel Neighborhood where COCs are likely present in areas

³ The proposed SSCGs for TPH would continue to pose a nuisance as defined in California Water Code section 13050(m) because the properties would be subject to continuing land use restrictions. See Page 11 in: Letter to Shell Oil Products US from Samuel Unger - re: Review of Site-Specific Cleanup Goal Report. Los Angeles Regional Water Quality Control Board. August 21, 2013.

An intensive site characterization effort is required if all (or even most) of the hot spots are to be identified. See Page 7 in: Letter to Samuel Unger, Executive Officer - re: Former Kast Tank Farm - Comments on Site-Specific Cleanup Goal Report. L. Everett & Associates. June 7, 2013.

⁵ Page 83. Revised Site-Specific Cleanup Goal Report - Former Kast Property, Carson, California. Geosyntec Consultants. October 21, 2013.

⁶ Page 11. Letter to Shell Oil Products US from Samuel Unger - re: Review of Site-Specific Cleanup Goal Report. Los Angeles Regional Water Quality Control Board. August 21, 2013.



that have not been sufficiently sampled. This condition will likely result in deed restriction across the entire Site regardless of whether or not a parcel has been excavated or not excavated.

Deed restrictions will result in economic impacts to the residents. The identification of known or unknown contamination at a parcel is a condition that will ensure a negative effect on the value of the property at any time in the future. Both Shell and the Regional Board acknowledge that deed restrictions may be necessary; however, the real costs of these land use restrictions to the residents have not been evaluated and are not part of the cleanup plan. Shell simply assumes, "...it is not expected that Institutional Controls [i.e., deed restrictions] would interfere with the resident's use and enjoyment of his or her property". However, this conclusion is totally unsupported and is not justified in the *Revised Report*. If Shell's proposed remedial alternatives are accepted, then the Regional Board will be approving a half-measure cleanup that results in long-term economic damages to the residents. These impacts have not been evaluated in the *Revised Report*.

DIFFICULTIES ASSOCIATED WITH SOME ALTERNATIVES ARE OVERSTATED

Shell's *Revised Report* rejects all remedial alternatives that involve demolition of the homes based on difficulties and assumptions that are overstated. Many of the criticisms proffered by Shell in the *Revised Report* are unfounded and therefore are not reliable as reasons for eliminating cleanup alternatives from the remediation planning and review process.

Difficulties Associated with Resident Relocation

Shell rejects Alternatives Nos. 1, 2, and 5 because of assumed difficulties to implement the relocation of the residents. This argument is unfounded and cannot be used as a justification for rejecting a cleanup plan and remedial alternatives that involve redevelopment of the Site. The Regional Board should already know or become familiar with the fact that the residents are Plaintiffs in litigation against Shell and that ready relocation of these residents would be collectively organized in a process that does not significantly impair the feasibility of remedial alternatives involving redevelopment. Furthermore, it is obvious based on the history of this Site and the ongoing regulatory oversight of Shell's investigations in the community that the residents of the Carousel Neighborhood are unanimously favoring relocation.



Difficulties Associated with Public Reactions / Permitting

Shell's arguments against remedial alternatives that involve demolition of the homes include difficulties stemming from anticipated adverse public reactions, reactions from residential and commercial areas proximate to the Site, and permitting difficulties. These challenges in the remediation and redevelopment process are considerable in that these effects are to be expected no matter what remedial action is ultimately selected. However, these difficulties are overstated by Shell and are not supported with any reliable analysis. Therefore, Shell's rejection of remedial alternatives that involve demolition of the homes is unacceptable. Shell's *Revised Report* provides no analysis of public participation or permitting issues. Therefore, Shell must be required to fully evaluate all remedial alternatives, including relocation of residents and redevelopment of the Site for non-residential use.

Difficulties Associated with Materials Transportation

Shell's evaluation presents arguments regarding truck traffic as a means of rejecting some remedial alternatives due to the estimated quantities of materials (i.e., soil, debris, etc.) that must be transported from and to the Site. However, these arguments are poorly supported in their *Revised Report* and no documentation has been provided to justify their estimates. In fact, the estimated quantity of truck-transported materials resulting from excavation work under Alternatives Nos. 3 and 4 would cause similar transportation difficulties to other remedial alternatives that Shell omitted or rejected. Shell's Alternative No. 5 is stated to involve approximately 12,500 truckloads of imported fill and construction debris from demolished structures. However, their evaluation does not discuss any potential methods for re-use of materials (e.g., soil, concrete) on the Site for capping. There are various options that could be utilized as part of a proper redevelopment plan that could re-use materials on-site, thereby reducing transportation impacts. Because Shell's estimates of traffic impacts are not documented in the *Revised Report*, their rejection of remedial alternatives on this basis are unfounded and unacceptable.

Loss of Tax Revenue Resulting from Demolition of Homes

Shell argues against Alternatives Nos. 1, 2, and 5 by stating that the City of Carson would experience a loss of tax revenue.⁸ However, Shell's *Revised Report* does not discuss a future end use of the Site under Alternatives Nos. 1, 2, and 5. Many non-residential future end uses, for the Site would be likely to generate tax revenue and/or other benefits to the surrounding community. There are numerous examples of former industrial sites in the Los Angeles Region where businesses have thrived on redeveloped land and the hosting City has gained municipal tax revenue from the redeveloped property. Shell's screening

⁸Page 90. Revised Site-Specific Cleanup Goal Report - Former Kast Property, Carson, California. Geosyntec Consultants. October 21, 2013.



evaluation has not considered any non-residential future use of the Site and therefore is unreliable. Shell's argument that loss of tax revenue is a suitable factor for elimination of remedial alternatives is not supported by any reliable analysis and therefore is unacceptable for purposes of evaluation of future cleanup options.

ALTERNATIVES THAT WERE REJECTED OR OMITTED BY SHELL

Excavation of the Site with Non-Residential End Use

The *Revised Report* concludes that Alternatives Nos. 1 and 2 are not feasible; however, this conclusion is poorly supported in the case of rejecting Alternative No. 1. An appropriate level of remediation of the Site could be accomplished by relocating the residents and redeveloping the Site for a non-residential end use. The Site could be redeveloped as a public park or commercial/industrial property, as numerous other, similarly-impacted former industrial properties have in the past. A remedial alternative similar to Shell's Alternative No. 1 is very similar to cleanup actions that have occurred at other TPH-impacted sites in the Los Angeles Region over decades. The potential for the Site to be returned to a non-residential use is a feasible remedial alternative and should not be rejected based on Shell's inadequate screening evaluation. Furthermore, if the Site was redeveloped for a non-residential use then more relaxed SSCGs would be possible, in addition to the potential to re-use materials on-site. Shell has not considered any such possibilities in their *Revised Report*.

The Earvin Magic Johnson Park in Los Angeles is located in the Willowbrook area of Los Angeles, approximately 8 miles north of the Site. This park is a 104-acre recreation area, including fishing lakes, open green space, walking paths, and areas for outdoor gatherings and festivals. The park site was previously the location of the former Athens Tank Farm ("ATF"), which was a petroleum storage tank farm site very similar to the former Kast Property in Carson. Portions of the ATF site were developed into the Earvin Magic Johnson Park, low-income housing (the Ujima Village Apartment Complex), and other park area spaces including a day care center (Honeys Little Angel Day Care). Environmental investigations conducted under the direction of the Regional Board found that the former ATF site was grossly contaminated. Both the Ujima Village apartments and day care facility were subsequently abandoned. However, the Earvin Magic Johnson Park will remain for the long-term future enjoyment of the community. As of September 2013,⁹ the former ATF site began remediation to prevent potential future exposure to site contaminants and the Earvin Magic Johnson Park is remaining open. This former

⁹ Start Work Notice: September 2013 - Environmental Cleanup at Former Athens Tank Farm Site (including Earvin Magic Johnson Park and Clovis Avenue). Los Angeles Regional Water Quality Control Board / California Department of Toxic Substances Control. September 2013.



ATF site is an example of a suitable end-use for the former Kast Property that would be a benefit to the community and the City of Carson. Shell has not evaluated any alternative future end use for the Site.

Capping Site with Non-Residential End Use

Shell's Alternative No. 5 involves removal of Site features and capping over the entire Site. However, Shell's evaluation of this remedial alternative does not provide any details regarding the cap design or technical bases for disqualifying this alternative as feasible. In fact, a variation of this alternative is feasible and could be integrated with a redevelopment of the Site. Methods for sustainable materials management during site cleanup actions have been established by the U.S. EPA and used at numerous cleanup sites.¹⁰ Efforts to minimize wastes and re-use materials during site remediation and redevelopment could greatly reduce the volume of waste materials needed to be transported from and to the Site during the cleanup. Shell's screening evaluation does not discuss on-site reuse of materials. Furthermore, if the Site was redeveloped for commercial end-use, then relaxed SSCGs could be used. Shell's evaluation of Alternative No. 5 overstates the complications involved in Site redevelopment and provides no technical bases for rejecting a redevelopment option.

There are many examples of TPH-impacted sites that have been redeveloped within areas proximal to residential communities such as the situation in Carson at the former Kast Property. One example is the location of a former Unocal Tank Farm in the City of Norwalk.¹¹ The former Unocal Tank Farm operated as a crude oil storage facility from the early 1920's until 1967. In around 2000, the Regional Board issued a cleanup and abatement order to Union Oil Company of California to address contamination at the Site. Contamination at the former Unocal Tank Farm site included TPH and other COCs, many of which are similar to those found at the former Kast Property. Investigation and soil remediation have been ongoing at the Site since approximately 2004, at which time the property was developed into a mini-storage facility. This site is continuing to address remediation actions under the direction of the Regional Board; however, the environmental remediation requirements at this site did not preclude redevelopment.

The former Unocal Tank Farm in Norwalk is just one of numerous examples of redevelopment alternatives that could be implemented at the former Kast Property. Construction of treatment systems for soil vapor extraction ("SVE"), groundwater remediation, and other remediation requirements could be readily implemented if the Site was cleared. Remediation could be conducted at the same time as redevelopment construction and could continue following completion of projects on the property. Such a

¹⁰ Engineering Issue - Sustainable Materials Management in Site Cleanup. United States Environmental Protection Agency. March 2013.

¹¹ Requirement for Work Plans and Technical Report Pursuant to Cleanup and Abatement Order No. 2000-03; Former Unocal Tank Farm, 13537 San Antonio Drive, Norwalk, California. Los Angeles Regional Water Quality Control Board. March 28, 2012.



Letter to Mr. Samuel Unger, P.E.
California Regional Water Quality Control Board
November 27, 2013
Page 9 of 9

remediation and redevelopment alternative should be considered and would be a benefit to the community and the City of Carson. However, Shell has not included redevelopment alternatives in their *Revised Report*.

CLOSURE

Shell's *Revised Report* proposes remedial alternatives that will cause continuing disturbances to the hundreds of residents living in the Carousel Neighborhood on top of this contaminated Site. Shell's proposed remediation alternatives would also leave contaminated soils in-place below two (2) feet and under areas that are not addressed. This outcome would cause necessary deed restrictions on the properties and diminution of the value of properties and the resident's use and enjoyment of their homes. These impacts are not addressed in Shell's cleanup plan. Shell's *Revised Report* also rejects or omits cleanup and site redevelopment alternatives that are reasonable and should be considered as alternatives in a proper Feasibility Study. The Regional Board must not allow Shell to dictate what remedial alternatives will be included in their forthcoming RAP. A detailed FS is necessary to evaluate alternatives and associated impacts for the long-term benefit of the community.

A detailed evaluation of a complete array of remedial alternatives should be conducted in an FS, followed by a proposed RAP for appropriate public review and comment. The Regional Board has the responsibility to require a remediation plan that is consistent with past practices and applicable regulatory guidance and standard of care principles. The present *Revised Report* is a departure from an appropriate remediation planning process and is totally unacceptable. Therefore, the Regional Board must reject this document and require a more thorough FS that considers the problem completely.

Very truly yours,



Paul E. Rosenfeld, Ph.D.

cc:

Thomas Girardi, Esq. - Girardi & Keese
Bob Bowcock - Integrated Resource Management, Inc.
Lorne G. Everett, Ph.D. - L. Everett & Associates, LLC
James Wells, P.G. - L. Everett & Associates, LLC



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 15, 2013

Michael Carter, President
Dole Food Company, Inc.
c/o Patrick W. Dennis
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197

SUBJECT: APPROVAL OF AN EXTENSION REQUEST FOR THE OPPORTUNITY TO SUBMIT COMMENTS ON THE PROPOSED DRAFT CLEANUP AND ABATEMENT ORDER PURSUANT TO CALIFORNIA WATER CODE SECTION 13304 CLEANUP AND ABATEMENT ORDER NO. R4-2011-0046

SITE: FORMER KAST PROPERTY TANK FARM LOCATED SOUTHEAST OF THE INTERSECTION OF MARBELLA AVENUE AND EAST 244TH STREET, CARSON, CALIFORNIA (SCP NO. 1230, SITE ID NO. 2040330, CAO NO. R4-2011-0046)

Dear Mr. Dennis:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the state regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties, including the above referenced site. To accomplish this, the Regional Board issues investigative orders and requirements for submission of technical reports authorized by the Porter-Cologne Water Quality Control Act.

In accordance with a Regional Board letter, dated October 31, 2013, Dole Food Company (Dole) was offered the opportunity to submit comments on the proposed draft Cleanup and Abatement Order No. R4-2011-0046 for the former Kast Property Tank Farm, by December 6, 2013. In response to the Regional Board letter, Gibson, Dunn and Crutcher LLP, on behalf of Dole, submitted a letter dated November 8, 2013. The letter indicates that more time is needed to assemble information regarding the redevelopment of the site and the Thanksgiving Holiday, which falls within the comment period.

The Regional Board agrees that your letter provided good cause or rationale to grant the comment period extension request. Therefore, we approve your extension request for submittal of the comments *In the Matter of the Draft Cleanup and Abatement Order No. R4-2011-0046* by 5:00 pm on January 13, 2014.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

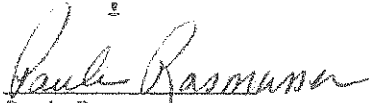
320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

EXHIBIT NO. 02
♻️ RECYCLED PAPER



If you have any questions, please contact the project manager, Dr. Teklewold Ayalew at (213) 576-6739 (tayalew@waterboards.ca.gov), or Ms. Thizar Tintut-Williams, Site Cleanup Unit III Chief, at (213) 576-6723 (twilliams@waterboards.ca.gov).

Sincerely,



Paula Rasmussen
Assistant Executive Officer

cc: Mailing List

Deanne Miller
Morgan, Lewis & Bockius LLP
300 South Grand Avenue
Twenty-Second Floor
Los Angeles, CA 90071-3132
dlmiller@morganlewis.com

Michael Leslie
Coldwell Leslie & Proctor, PC
1000 Wilshire Blvd, Suite 600
Los Angeles, CA 90017-2463
leslie@caldwell-leslie.com

Patrick W. Dennis
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90074-3197
pdennis@gibsondunn.com

Krista Hernandez
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90074-3197
khernandez@gibsondunn.com

Barclay Hollander Corporation
5840 Uplander Way, Suite 202
Culver City, CA 90230

Frances L. McChesney
Attorney IV
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814



c/o Patrick W. Dennis
Gibson, Dunn & Crutcher LLP

- 3 -

November 15, 2013

frances.mcchesney@waterboards.ca.gov

Jennifer Fordyce
Attorney III
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
jennifer.fordyce@waterboards.ca.gov



Carousel Tract Environmental Investigation Timeline

Date	Significant Actions/Reports	Notes
March 11, 2008	DTSC informed LARWQCB about former Shell Oil Company Tank Farm	
May 2008	LARWQCB initiated an environmental investigation	
December 2008	LARWQCB approved proposed work plan submitted by Shell to investigate contaminants of concern	
December 31, 2008	LARWQCB issued California Water Code § 13267 Investigative Order	
October 15, 2009	Shell submitted Final Phase I Site Characterization Report	
March 2011	LARWQCB issued Cleanup and Abatement Order No. R4-201100046	
February 22, 2013	Shell submitted <i>Site-Specific Cleanup Goal Report</i>	
May 2013	LARWQCB issued a fact sheet providing information and advising of comment period for <i>Site-Specific Cleanup Goal Report</i>	30-day comment period ending June 24, 2013
June 24, 2013	City submitted comments to <i>Site-Specific Cleanup Goal Report</i>	Forwarded reports by Everett & Associates and Soil/Water/Air Protection Enterprise
July 18, 2013	City Council conducted workshop to allow presentation by Mr. Sam Unger, Executive Director of LARWQCB	Presentation by Dr. Lorene Everett and James T. Wells PhD raising concerns related to environmental conditions
July 29, 2013	City Council adopted Resolution No. 13-081 declaring the existence of an emergency in the Carousel Tract	
July 30, 2013	Letters sent to the Governor, Attorney General, Los Angeles County Board of Supervisors and Mr. Unger	Requested immediate assistance due to emergency conditions in Carousel Tract
July 31, 2013	City staff, Mr. Bob Bowcock, Dr. Everett and Mr. Wells met with representatives of Los Angeles County Fire Department and Los Angeles County Department of Public Health	City Council declaration of emergency conditions discussed and copies of Everett & Associates reports transmitted for review
August 21, 2013	LARWQCB sent detailed letter to Shell denying proposed site-	LARWQCB incorporated OEHA Memorandum dated July 22,

EXHIBIT NO. 03



Carousel Tract Environmental Investigation Timeline

Date	Significant Actions/Reports	Notes
	specific cleanup goals and requiring revisions to be submitted by October 21, 2013	2013 and UCLA Expert Panel Interim Report dated July 24, 2013
September 11, 2013	City letter to Mr. Sam Unger	Expressing appreciation from City Council and community for response to <i>Site-Specific Cleanup Goal Report</i> .
September 24, 2013	LARWQCB community open house CEQA scoping meeting	Request for input from community and public agencies related to evaluation of environmental impacts. Comment period ends on October 8, 2013
September 30 – October 10, 2013	LARWQCB Public Participation Specialist to conduct office hours at city hall	Opportunity for LARWQCB to meet with residents and community stakeholders.
October 8, 2013	CEQA scoping comments due to LARWQCB from September 9 through October 8, 2013	Comment letters sent by City of Carson and Bob Bowcock/Barbara Post
October 10, 2013	City staff arranging for a meeting with LARWQCB, LACoFD, Los Angeles County Department of Public Health, OEHHA, Mr. Bowcock, Dr. Everett and Mr. Wells PhD.	Review of technical reports and discussion of public agencies responses and actions
October 21, 2013	Shell submitted a <i>Revised Site-Specific Cleanup Goal Report</i> to LARWQCB	Shell proposed to evaluate options that provide excavation in specific areas and does not include any further evaluation associated with the removal of homes.
October 24, 2013	Los Angeles County Department of Public Health Letter to City of Carson	Letter states there is not an immediate health threat from site conditions.
October 30, 2013	LARWQCB letter to Shell for review of <i>Community Outdoor Air Sampling and Analysis Report</i>	Based on statistical tests, LARWQCB concludes that outdoor air concentrations do not differ between the site and surrounding area. Shell is required to address OEHHA comments and to develop a work plan for an additional soil-vapor survey by November 29, 2013.

Carousel Tract Environmental Investigation Timeline

Date	Significant Actions/Reports	Notes
October 31, 2013	LARWQCB notice on <i>Proposed Draft Revised Cleanup and Abatement Order No. R4-2011-0046</i>	The proposed draft order names Dole Food Company, Inc. as an additional responsible party. Comments and evidence must be submitted by 12:00 p.m. on December 6, 2013. Dole Food Company has requested an extension to January 2014 to provide comments. Regional Board approved extension to January 13, 2014.
November 12, 2013	Letter to Carousel Tract Owners and Occupants advising of November 19, 2013 City Council Workshop	
November 19, 2013	City Council conducted workshop with Los Angeles County Department of Public Health and Los Angeles County Fire Department	

