



City of Carson Report to Mayor and City Council

June 7, 2011
New Business Consent

SUBJECT: CONSIDERATION OF RESOLUTION NO. 11-072 SUPPORTING THE ON-GOING INVESTIGATION AND REMEDIATION OF PETROLEUM HYDROCARBONS POLLUTING THE SURFACE WATER, GROUNDWATER AND SOIL IN AND AROUND THE DOMINGUEZ CHANNEL IN THE VICINITY OF EAST CARSON STREET

Submitted by M. Victor Rollinger
Development Services General Manager

Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

This item is on the agenda at the request of Councilmember Santarina.

Staff recommends that City Council adopt Resolution No. 11-072 (Exhibit No. 1) in support of the on-going investigation and remediation of light non-aqueous phase liquids (LNAPL) and petroleum hydrocarbons polluting the surface water, groundwater and soil in and around the Dominguez Channel in the vicinity of East Carson Street.

II. RECOMMENDATION

TAKE the following actions:

1. WAIVE further reading and ADOPT Resolution No. 11-072, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING THE ON-GOING INVESTIGATION AND REMEDIATION OF PETROLEUM HYDROCARBONS POLLUTING THE SURFACE WATER, GROUNDWATER AND SOIL IN AND AROUND THE DOMINGUEZ CHANNEL IN THE VICINITY OF EAST CARSON STREET."
2. DIRECT staff to forward a copy of the adopted resolution to appropriate county, state, and federal regulatory agencies and responsible parties.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Since January 2011, evidence of LNAPL and petroleum hydrocarbons have been observed surfacing from the bottom of the Dominguez Channel intermittently at multiple locations approximately 400 feet south of East Carson Street as shown on the attached location map (Exhibit No. 2). On,

20

January 10, 2011, the sheen on the surface of the water was reported to the County of Los Angeles Department of Public Works (LADPW) dispatch. The United States Environmental Protection Agency (EPA); the California Regional Water Quality Control Board, Los Angeles Region (Regional Board); the United States Department of Fish and Game; the State Department of Forestry and Fire Protection; the Air Quality Management District; LADPW; and many others responded to the scene. Containment and round-the-clock cleanup of the petroleum hydrocarbons as they surfaced began immediately. Although the method has changed, the containment and cleanup of material as it reaches the surface of the water is continuing.

Initially, it was thought that the source was an active pipeline owned by Plains All American, L. P. which runs diagonally under the channel in the vicinity; however, pipeline tests by the owner with oversight by the Fire Marshall indicated no leaks in their line. Additionally, "fingerprinting" of the product in their line compared to the product surfacing also appears to exonerate their pipeline as a possible source, at this point in time.

According to the test results of one sample taken by LADPW, the hydrocarbon ranges indicate that the product is most likely gasoline and/or jet fuel (Exhibit No. 3). Tests performed by the United States Coast Guard Marine Safety Laboratory on another sample indicate the product is indicative of gasoline mixed with traces of heavier petroleum oil (Exhibit No. 4).

Over the past five months, the Regional Board has been working independently, as well as under the EPA lead, to determine the source(s) of contamination. The assumption at this point is that high groundwater (currently at 8 feet below the surface) is raising these petroleum hydrocarbons to the surface through the channel bottom, the path of least resistance. The extent and source of the contamination is still not known.

The Regional Board is looking at several possible sources, including, but not limited to existing soil and/or groundwater contamination from six non-pipeline sites, as well as pipelines owned by six different companies. The non-pipeline sites include Shell Carson Terminal, Active RV, the former Humble Oil service station, the former Texaco service station, the former Carson Air Harbor, and the existing Unocal 76 station. The pipeline owners include: BP Pipelines; Chevron Pipeline; Crimson Pipeline; Plains All American, L.P.; Shell Oil Products U.S. (Shell); and Tesoro Corporation. Exhibit No. 5 shows the locations of these twelve possible release facilities.

In mid-April of 2011, the EPA conducted exploratory excavation and a pipeline corridors investigation to determine if gasoline is percolating into the Dominguez Channel using the active and inactive pipeline trenches as a conduit under the

former Active RV business located at 1202 E. Carson Street. The excavation in the vicinity of the pipeline corridor revealed only residual contamination from previously abandoned and removed pipelines.

The Regional Board required Shell to perform testing on their property at the northwest corner of Carson and Perry Streets. Shell used a Rapid Optical Screening Tool Laser-Induced Fluorescence (ROST™ LIF) device to provide rapid sampling and real-time, relatively low-cost analysis of the physical and chemical characteristics of subsurface soil to distinguish contaminated and noncontaminated areas. The test results indicated LNAPL along the south and east property edges, as well as the interior of the property. As of May 24, 2011, two of three planned groundwater monitoring wells have already been installed on the property, which will allow physical samples to be taken and analyzed.

By letter dated April 26, 2011, the Regional Board issued an order pursuant to Section 13267 of the California Water Code, to the owners of the possible sources (pipeline and non-pipeline) requiring them to complete an assessment of the contaminants of concern impacting soil, soil vapor, and groundwater at the Dominguez Channel and determine the extent to which their facility may have contributed to the release. The list of responsible parties receiving the same order was attached to that order to allow for collaboration. Exhibit No. 6 is a sample of the letter and order issued.

In addition to the LNAPL entering into channel waters from sediments within the bottom of the channel, it has also been observed within, and discharging from, the horizontal, perforated subdrain pipe system within both the west and east channel levees. See Exhibit No. 7 for the subdrains and siphon locations. Product examined from the east levee subdrain system was observed to be dark brown to black, and translucent. Product examined from the west levee subdrain system was observed to be approximately 0.25 inch thick on one occasion, with a clear and colorless appearance.

By letter dated April 15, 2011, the Regional Board ordered LADPW to develop a plan to remove hydrocarbons from the Los Angeles County Flood Control District subdrain system (Exhibit No. 8). By letter dated May 17, 2011, the Regional Board issued Cleanup and Abatement Order No. R4-2011-0065 pursuant to California Water Code Section 13304 directing the Los Angeles County Flood Control District to assess, monitor, cleanup the waste, and abate the effects of the on-going discharge of LNAPL and any other wastes within the Dominguez Channel, approximately 400 feet south of East Carson Street in Carson (Exhibit No. 9).

The Regional Board has been keeping Carson staff apprised of the status. Staff is committed to supporting and facilitating a thorough environmental

investigation and remediation, as well as a coordinated effort among all parties and agencies.

The City of Carson has important and encompassing concerns about the impact of the potential contamination on the physical well-being and property investments of those living in the nearby community, as well as the quality of water and the beneficial uses of the Dominguez Channel, including contact and non-contact recreation and estuarine, marine, wildlife, and rare and endangered species habitats.

Staff will continue to: assist the Regional Board and others in all investigations and remedial actions, coordinate and expedite any and all City of Carson permits required to conduct work in association with the environmental investigation and remediation, submit periodic reports to the City Council regarding the status of the investigations and remediation, and help facilitate the coordination and cooperation of responsible parties to affect a swift and complete remediation.

Finally, once the source of the contamination is determined, staff will develop, if necessary, new policy and/or local legislation to prevent the repetition of this and/or similar situations.

All exhibits and PowerPoint presentation slides are available to view and print from the Regional Board's GeoTracker website:

https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000003004

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Resolution No. 11-072. (pgs. 6-8)
2. Release Location Map. (pg. 9)
3. LADPW test results. (pg. 10)
4. U. S. Coast Guard test results. (pg. 11)
5. Release vicinity facilities map. (pg. 12)
6. Sample letter and order issued to facility owners. (pgs. 13-18)
7. Subdrains and siphon Location Map. (pg. 19)
8. April 15, 2011 letter from the Regional Board to LADPW. (pgs. 20-21)
9. May 17, 2011 letter from the Regional Board to LADPW. (pgs. 22-31)

TO:Rev032811

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

RESOLUTION NO. 11-072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING THE ON-GOING INVESTIGATION AND REMEDIATION OF PETROLEUM HYDROCARBONS POLLUTING THE SURFACE WATER, GROUNDWATER AND SOIL IN AND AROUND THE DOMINGUEZ CHANNEL IN THE VICINITY OF EAST CARSON STREET

WHEREAS, the City of Carson is committed to protecting the health and safety of its citizens; and

WHEREAS, the Mayor and City Council are elected to represent the community and to provide leadership that provides for the public health and safety and general welfare of its citizens; and

WHEREAS, since January 2011, light non-aqueous phase liquids (LNAPL) have been appearing within the Dominguez Channel in Carson, California approximately 400 feet south of East Carson Street; and

WHEREAS, petroleum product has been observed (1) on the surface of channel waters emanating from sediments within the bottom of the channel, and (2) within horizontal, perforated subdrain pipe systems existing in both the west and east channel levees; and

WHEREAS, these petroleum hydrocarbons are contaminating the surface water, groundwater and soil in and around the Dominguez Channel in the vicinity of East Carson Street; and

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles County; and

WHEREAS, the Regional Board has been working independently and under the United States Environmental Protection Agency (EPA) lead to facilitate the assessment and remedy to the discharges; and

WHEREAS, the Los Angeles County Flood Control District (LACFCD) entered into an operational agreement with the County of Los Angeles Department of Public Works (LADPW) in 1984 transferring planning and operational activities to the LADPW; and

WHEREAS, the LACFCD is the owner of the infrastructure of the Dominguez Channel and a responsible party required to contain and clean up the petroleum hydrocarbons in the channel and the channel infrastructure; and

[MORE]

EXHIBIT NO. 01



WHEREAS, the LADPW has been performing containment operations using booms and absorbent panels since January 2011; and

WHEREAS, the EPA has conducted and directed exploratory excavation and pipeline corridors investigation to determine how gasoline is percolating into the Dominguez Channel; and

WHEREAS, on April 15, 2011, the Regional Board ordered, pursuant to Section 13267 of the California Water Code, the LACFCD to complete assessments of the contaminants of concern impacting soil, soil vapor, and groundwater at the Dominguez Channel and determine the extent to which their facility may have contributed to the release; and

WHEREAS, on April 26, 2011, the Regional Board ordered, pursuant to Section 13267 of the California Water Code, multiple responsible parties, including pipeline owners and property owners, to complete assessments of the contaminants of concern impacting soil, soil vapor, and groundwater at the Dominguez Channel and determine the extent to which their facility may have contributed to the release; and

WHEREAS, on May 17, 2011 the Regional Board ordered, pursuant to Section 13304 of the California Water Code, the LACFCD to assess, monitor, cleanup the waste, and abate the effects of the on-going discharge of LNAPL and any other wastes within the Dominguez Channel, approximately 400 feet south of East Carson Street; and

WHEREAS, the City of Carson is committed to supporting and facilitating a thorough environmental investigation and remediation; and

WHEREAS, the City of Carson supports a coordinated effort among all parties and agencies ensuring a complete environmental investigation and remediation; and

WHEREAS, the City of Carson has important and encompassing concerns about the impact of the potential contamination on the physical well-being and property investments of those living in the nearby community, as well as those living throughout the city; and

WHEREAS, the City of Carson has important and encompassing concerns about the impact of contamination on the quality of water and the beneficial uses of the Dominguez Channel including contact and non-contact recreation and estuarine, marine, wildlife, and rare and endangered species habitats.

NOW, THEREFORE, be it determined by the City Council of the City of Carson, California, that:

Section 1. The City Council declares its support for the on-going environmental investigation and remediation of petroleum hydrocarbons polluting the surface water, groundwater and soil in and around the Dominguez Channel in the vicinity of East Carson Street.

[MORE]



Section 2. The City Council directs staff to continue to assist the Regional Board and EPA in all investigations and remedial actions and results associated with the same.

Section 3. The City Council directs staff to continue to coordinate and expedite any and all City of Carson permits required to conduct work in association with the environmental investigation and remediation.

Section 4. The City Council directs staff to continue to submit periodic reports to the City Council regarding the status of the investigations and remediation.

Section 5. The City Council directs staff to help facilitate the coordination and cooperation of responsible parties to effect a swift and complete remediation.

Section 6. The City Council directs staff, once the source of the contamination is determined, to develop, if necessary, new policy and/or local legislation to prevent the repetition of this or similar situations.

PASSED, APPROVED and ADOPTED this ___ day of June, 2011.

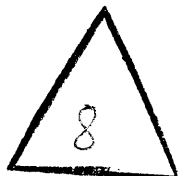
Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney





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

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

Reported:
 02/15/11 09:17

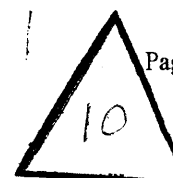
Total Petroleum Hydrocarbons Carbon Range Analysis by GC-FID
Sierra Analytical Labs, Inc.

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
DC-1 (1102183-01) Liquid Sampled: 02/11/11 12:30 Received: 02/11/11 15:30									
HC < C8	400	400	mg/L	400	BYB0906	02/14/11	02/14/11 17:37	EPA 8015B	
C8 <= HC < C9	6400	400	"	"	"	"	"	"	
C9 <= HC < C10	6100	400	"	"	"	"	"	"	
C10 <= HC < C11	4900	400	"	"	"	"	"	"	
C11 <= HC < C12	2800	400	"	"	"	"	"	"	
C12 <= HC < C14	2200	400	"	"	"	"	"	"	
C14 <= HC < C16	400	400	"	"	"	"	"	"	
C16 <= HC < C18	ND	400	"	"	"	"	"	"	
C18 <= HC < C20	ND	400	"	"	"	"	"	"	
C20 <= HC < C24	ND	400	"	"	"	"	"	"	
C24 <= HC < C28	ND	400	"	"	"	"	"	"	
C28 <= HC < C32	ND	400	"	"	"	"	"	"	
HC >= C32	ND	400	"	"	"	"	"	"	
Total Petroleum Hydrocarbons (C7-C36)	23000	2000	"	"	"	"	"	"	
<i>Surrogate: o-Terphenyl</i>		%		60-175	"	"	"	"	S-03

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

26052 MERIT CIRCLE SUITE 105, LAGUNA HILLS, CALIFORNIA 92653
 TELEPHONE: (949) 348-9389 FAX: (949) 348-9115
 E-MAIL: SIERRALABS@SIERRALABS.NET

EXHIBIT NO. 03



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

Requestor: U. S. EPA Region IX

Unit Case/Activity Number: E11908

Received: 15-Feb-11

Via: Federal Express 8710 1056 5463

Number Of Samples: 3

Lab NO. of Spills: 1

Lab NO. of Suspects: 2 and 3

Lab NO. of Background: n/a

Analysis Methods:

- GAS CHROMATOGRAPHY (GC)
 GAS CHROMATOGRAPHY-MASS SPECTROMETRY (GC-MS)
 INFRARED SPECTROSCOPY (IR)

Laboratory's Conclusion (as explained below): **NON-MATCH**

RESULTS:

1. Sample 11-125-1 was specified to be representative of spilled oil. Analysis indicates this sample contains gasoline mixed with traces of heavier petroleum oil. It is not possible based on the analysis conducted to determine if the heavier petroleum product is lubricating oil or a degraded fuel oil due to the limited quantity of product in the sample.
2. Sample 11-125-2 contains a mixture of gasoline and lubricating oil with characteristics different from those of spill sample 11-125-1. Differences are not attributable to weathering or non-petroleum contamination.
3. Sample 11-125-3 contains a mixture of gasoline and non-petroleum contamination with characteristics different from those of spill sample 11-125-1. Differences are not attributable to weathering or non-petroleum contamination.

CONCLUSIONS:

1. Suspected source samples 11-125-2 and 3 and spill sample 11-125-1 are not derived from a common source of petroleum oil.

SUPERVISOR OF ANALYSIS

K. JUAIRE

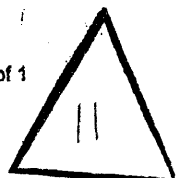
Kristy Juare

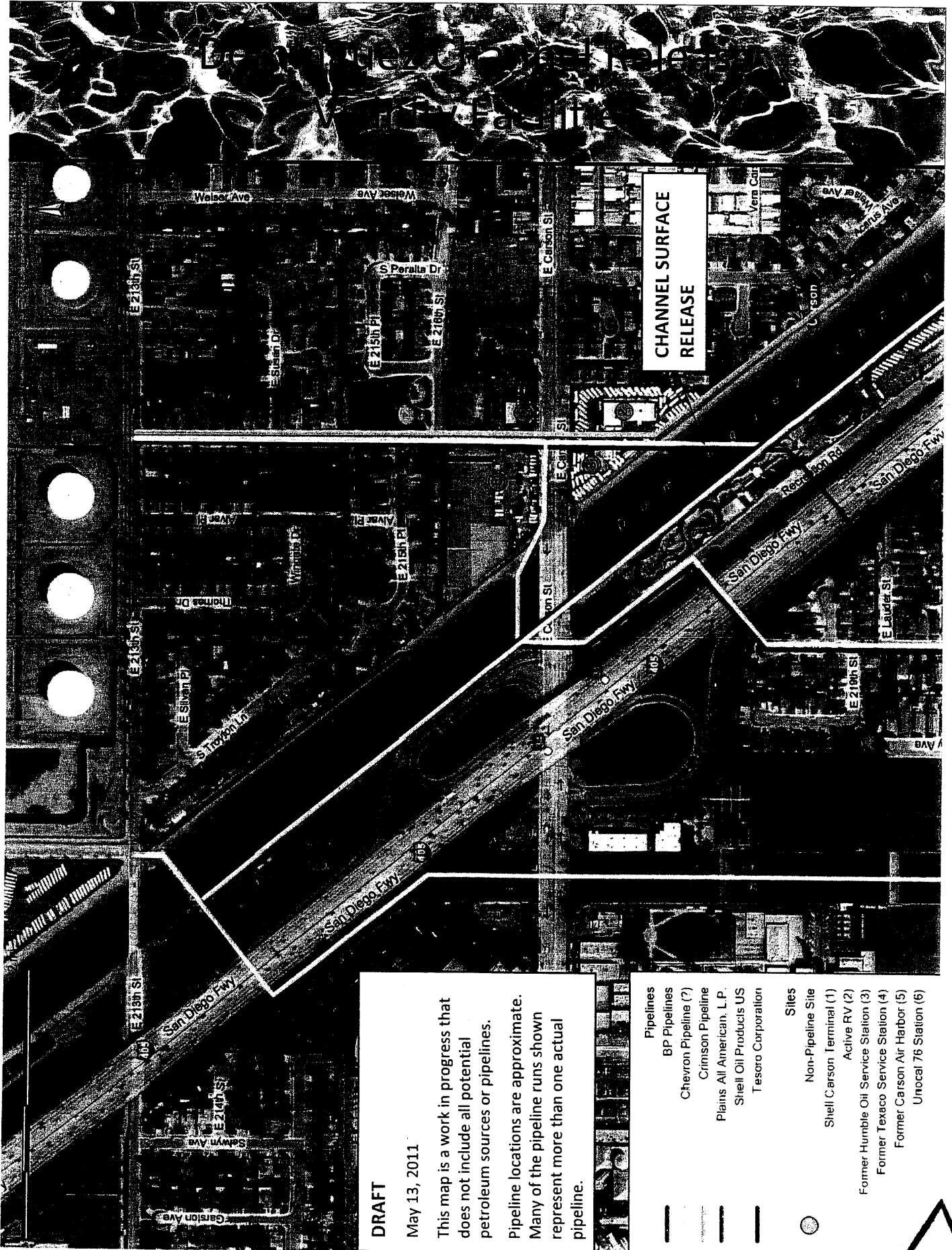
DATE

23-Feb-11

Page 1 of 1

EXHIBIT NO. 04





DRAFT

May 13, 2011

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

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

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



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental Protection

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr.
Governor

April 26, 2011

Mr. Daniel Gabel
Tesoro Corporation
1930 E. Pacific Coast Highway
Wilmington, CA 90744-2911

**SUBJECT: REQUIREMENT FOR TECHNICAL REPORT – PURSUANT TO CALIFORNIA
WATER CODE SECTION 13267 ORDER**

**SITE/CASE: DOMINGUEZ CHANNEL, SOUTH OF CARSON STREET
CARSON, CALIFORNIA**

Dear Mr. Gabel:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura counties, including the referenced Site. To accomplish this, the Regional Board oversees the investigation and cleanup of unregulated discharges adversely affecting the State's water, authorized by the Porter-Cologne Water Quality Control Act (California Water Code [CWC], Division 7).

Since January 2011, light non-aqueous phase liquids (LNAPL) have been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of Carson Street. The petroleum product has been observed (1) entering into channel waters from sediments within the bottom of the channel and (2) within horizontal, perforated sub-drain pipe systems installed within both the west and east channel levees.

This Regional Board has been working in collaboration with other agencies, under United States Environmental Protection Agency (USEPA) lead, to facilitate the assessment and remedy of the release. As the channel owner and operator, the Los Angeles County Department of Public Works (LADPW) has been performing containment operations using booms and absorbent pads in the channel. In addition to the recovery of released product to channel waters, this Regional Board has requested that LADPW extract LNAPL from the sub-drain piping systems on both sides of the channel.

Samples of product entering channel waters from sediments in the bottom of the channel have been determined to contain primarily gasoline-range hydrocarbons, with smaller fractions of heavier-end (diesel- and oil-range) hydrocarbons. Product examined from the western sub-drain system was observed to be approximately 0.25 inch thick on one occasion with a clear and colorless appearance. Product examined from the eastern sub-drain system was observed to be dark brown to black and translucent. Based upon the variation in the visual appearance of the product, this Regional Board suspects that multiple releases of petroleum may be involved. The sources of the release have not been identified.

California Environmental Protection Agency

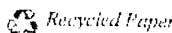
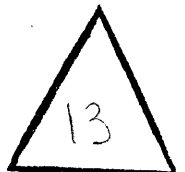


EXHIBIT NO. 06



Mr. Daniel Gabel
Tesoro Corporation

- 2 -

April 26, 2011

We have determined that, to protect the beneficial uses of the waters beneath the Site, an assessment of the full extent of impacts to the subsurface from the identified contaminants of concern is required.

Enclosed is a Regional Board Order requiring, pursuant to section 13267 of the CWC, that you complete assessments of the contaminants of concern impacting soil, soil vapor, and groundwater at the Dominguez Channel and determine the extent to which your facility may have contributed to the release.

Similar Orders are being sent to multiple suspected Responsible Parties in the vicinity of the release, including you. The attached Order includes a table that lists these parties. At your discretion, you may collaborate with some or all of the other parties to satisfy the requirements of the Order.

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

Sincerely,

Samuel Unger, P.E.
Executive Officer

Enclosure



Linda S. Adams
Acting Secretary for
Environmental Protection

California Regional Water Quality Control Board Los Angeles Region

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>



Edmund G. Brown Jr.
Governor

REQUIREMENT TO PROVIDE A TECHNICAL REPORT ON SOIL AND GROUNDWATER INVESTIGATION (CALIFORNIA WATER CODE SECTION 13267¹)

DIRECTED TO "TESORO CORPORATION"

PIPELINE 0366
ADJACENT TO WEST SIDE OF THE DOMINGUEZ CHANNEL
NEAR CARSON STREET
CARSON, CALIFORNIA

You are legally obligated to respond to this Order. Please read this carefully.

Since January 2011, light non-aqueous phase liquids (LNAPL) have been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of Carson Street. The petroleum product has been observed (1) entering into channel waters from sediments within the bottom of the channel and (2) within horizontal, perforated sub-drain pipe systems installed within both the west and east channel levees.

Pursuant to section 13267(b) of the California Water Code (CWC), you are hereby directed to submit the following:

1. By **June 8, 2011**, a work plan to delineate the vertical and lateral extent of petroleum impact in the vicinity of the release. The work plan shall be prepared with the intent of determining (1) the extent of petroleum impact from the Site and (2) if your facility has contributed to the release in the Dominguez Channel. The work plan shall place an emphasis on expedient groundwater delineation but shall also include plans to delineate soil and soil gas impacts. The work plan shall propose initial sampling locations, describe proposed sampling and analytical techniques, provide a proposed timeline for activities, and include provisions for follow-up work in the event the proposed work does not sufficiently define the extent of impact.
2. After approval by the Regional Board Executive Officer, implement the work plan and report results in accordance with the approved work plan schedule.

¹ California Water Code section 13267 states, in part: (b)(1) In conducting an investigation, . . . the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

Mr. Daniel Gabel
Tesoro Corporation

- 2 -

April 26, 2011

The work plan shall be submitted via e-mail (in portable document format [pdf]) with one paper hard-copy to:

Mr. Greg Bishop, P.G.
Engineering Geologist
Regional Water Quality Control Board – Los Angeles Region
320 W. 4th Street, Los Angeles, CA 90013
(213) 576-6727
gbishop@waterboards.ca.gov

Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical or monitoring report described in paragraph 1 above may result in the imposition of civil liability penalties by the Regional Board, without further warning, of up to \$1,000 per day for each day the report is not received after the due dates.

The Regional Board needs the required information to determine (1) the extent of petroleum impact beneath and near the ongoing release within the Dominguez Channel, approximately 400 feet south of Carson Street in Carson, California and (2) whether your facility has contributed to the petroleum release.

The evidence supporting this requirement is your operation of a petroleum facility near the release site (see the attached table).

We believe that the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. If you disagree and have information about the burdens, including costs, of complying with these requirements, provide such information to Mr. Greg Bishop within ten days of the date of this letter so that we may reconsider the requirements.

Please note that effective immediately, the Regional Board, under the authority given by California Water Code (CWC) section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized Chevron Company representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], do hereby declare, under penalty of perjury under laws of State of California, that I am [JOB TITLE] for Chevron Company, that I am authorized to attest, that veracity of the information contained in [NAME AND DATE OF THE REPORT] is true and correct, and that this declaration was executed at [PLACE], [STATE], on [DATE]."

The State Water Resources Control Board (State Water Board) adopted regulations requiring the electronic submittals of information over the Internet using the State Water Board GeoTracker data management system. You are required not only to submit hard copy reports required in this Order, but also to comply by uploading all reports and correspondence prepared to date on to the GeoTracker data management system. The text of the regulations can be found at the URL:

Mr. Daniel Gabel
Tesoro Corporation

- 3 -

April 26, 2011

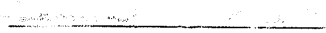
http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

SO ORDERED.


Samuel Unger, P.E.
Executive Officer

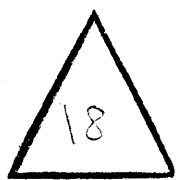
Enclosure: Recipients of CWC Section 13267 Orders Associated with a Petroleum Release near Carson Street in Dominguez Channel, Carson, California. April 26, 2011

**Recipients of CWC Section 13267 Orders
Associated with a Petroleum Release near Carson Street in the Dominguez Channel, Carson, California**

April 26, 2011

Recipient	Situation	First Name	Last Name	Company	Address	City	State	Zip	Phone	E-Mail	Basis for Order	Regional Board Program: Case Number
1	Mr.	John	Crippen	Chevron Pipeline	15301 Trojan Way Suite 210	La Mirada	CA	90638	714-936-4678	jcripp@chevron.com	Former Union Oil pipeline within Perry Street, beneath Active RV, and adjacent to the Dominguez Channel.	
2	Ms.	Holly	Quasem	ConocoPhillips Company	3900 Kilroy Airport Way, Suite 210	Long Beach	CA	90806	562-290-1727	holly.quasem@contractor.conocophillips.com	Former Union Oil pipeline within Perry Street, beneath Active RV, and adjacent to the Dominguez Channel.	UST: 1-02903
3	Mr.	Mike	Romley	Crimson Pipeline	2459 Redondo Avenue	Long Beach	CA	90755	562-595-9463	mromley@crimsonpi.com	Former Union Oil pipeline within Perry Street, beneath Active RV, and adjacent to the Dominguez Channel.	SCP: 0490C
4	Mr.	Eugene	Freed	Shell Oil Products US	20945 S. Wilmington Avenue	Carson	CA	90810-1039	818-991-5356	eugene.freed@shell.com	Pipeline 0367 (water, active; former petroleum, inactive).	SCP: 0490A/0490B
5	Mr.	Daniel	Gabel	Tesoro Corporation	1930 E. Pacific Coast Highway	Wilmington	CA	90744-2911	310-522-8602		Pipeline corridor approximately 400 feet west of I-405 and E. Carson Street.	SCP: 0229B
6	Mr.	Courtland	Powell	Powell Family Trust	3997 Mistral Road	Huntington Beach	CA	92649	714-719-1621	C/O Mr. Ron Prowell rcprowell@gmail.com	Pipeline 0366 (jet fuel, active)	SCP: 1110A SCP: 1110B
7	Mr.	Rob	Speer	Chevron Environmental Management Company	4800 Fourance Pl. #526A	Bellaire	TX	77401	713-432-2142		Former Active RV (1202 E. Carson Street) Former Humble Oil Gas Station (1216 E. Carson Street) Former Texaco Gasoline Station (1209 E. Carson Street); Chevron facility 21-1316 with underground storage tanks operated at the site. Historically, a petroleum sheen has been detected at the site since March 2004. LNAPL (0.03 foot) was identified in June 2010. Groundwater samples collected beneath the site detected TPHg up to 370,000 µg/L. TPHd up to 120,000 µg/L, benzene up to 14,000 mg/L, MTBE up to 41 µg/L, and TBA up to 54 µg/L.	UST: R-05994
8	Ms.	Donna	DiRachio	BP Pipelines	1300 Pier 8 Street	Long Beach	CA	90813	562-499-2702	donna.diRachio@bp.com	Pipelines north of Carson Street, adjacent to Dominguez Channel (oil and refined product) Pipelines beneath the Dominguez Channel north of Carson Street Pipelines within Recreation Road	

- Legend**
- UST: Underground Storage Tank Program
 - SCP: Site Cleanup Program
 - TPHg: Total Petroleum Hydrocarbons (Gasoline Range)
 - TPHd: Total Petroleum Hydrocarbons (Diesel Range)
 - MTBE: Methyl tert-butyl ether
 - TBA: Tert-butyl Alcohol
 - LNAPL: Light Non-Aqueous Phase Liquids



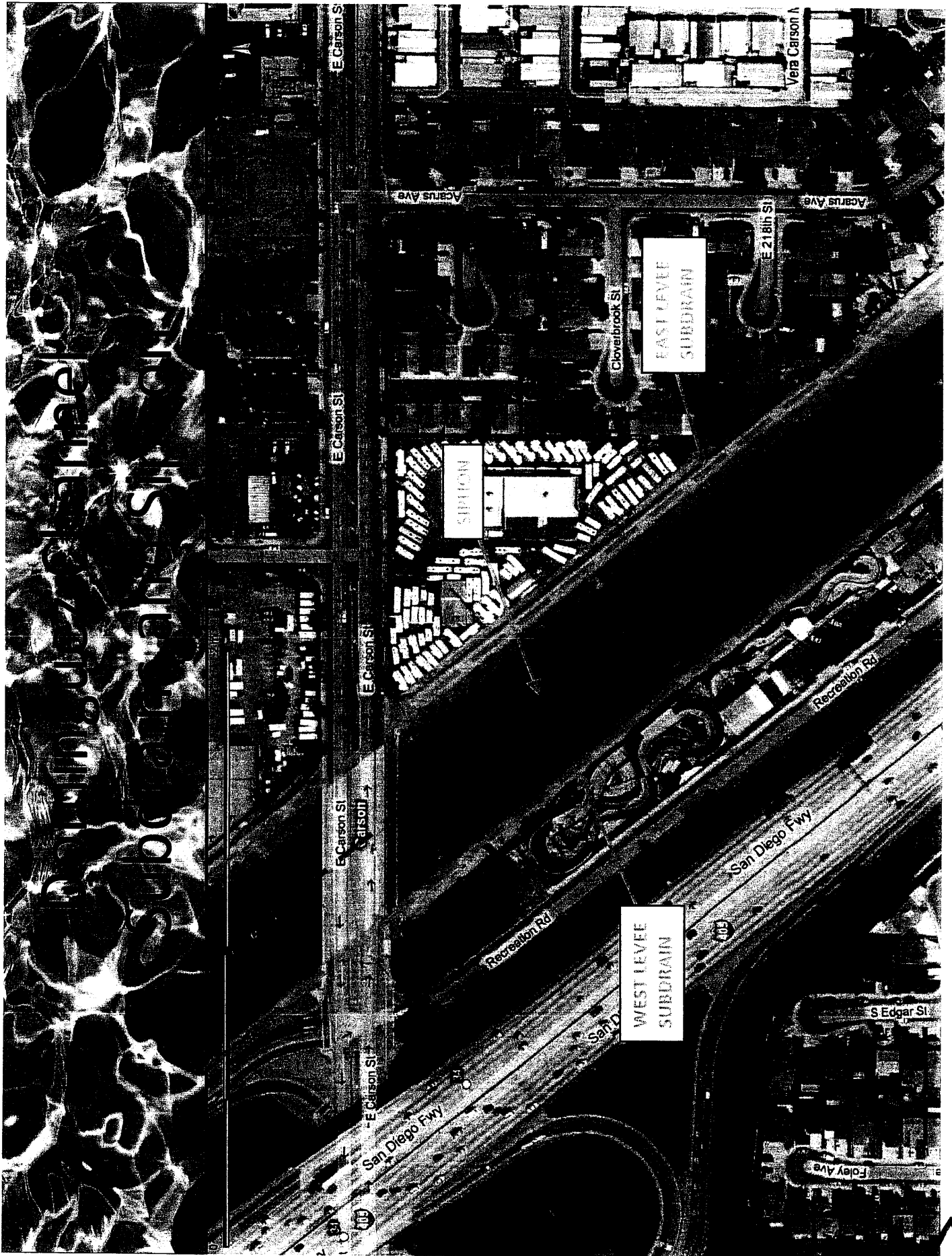


EXHIBIT NO. 07



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



Linda S. Adams
*Acting Secretary for
Environmental Protection*

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr.
Governor

April 15, 2011

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

**SUBJECT: DIRECTIVE TO REMOVE HYDROCARBON FROM DOMINGUEZ CHANNEL
SUBDRAIN SYSTEM UNDER ORDER R4-0182-011, LOS ANGELES COUNTY
MUNICIPAL SEPARATE STORM SEWER PERMIT**

Dear Mr. Hildebrand:

Since January 2011, light non-aqueous phase liquid (LNAPL) has been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of East Carson Street. The LNAPL has been observed (1) entering into channel waters from sediments within the bottom of the channel and (2) within horizontal, perforated sub-drain pipe systems installed within both the west and east channel levees. The LNAPL within the sub-drain pipe systems has been observed discharging into the channel waters.

The Regional Water Quality Control Board, Los Angeles Region (Regional Board) has been working with the United States Environmental Protection Agency (USEPA), the lead agency, to facilitate the assessment and remediation of the discharge of the pollutants. As the channel owner and operator, the Los Angeles County Department of Public Works (LADPW) has been cooperatively performing containment operations using booms and absorbent pads in the channel. In addition to the recovery of the pollutants to channel waters, this Regional Board has requested that LADPW extract LNAPL from the sub-drain piping systems on both sides of the channel.

The Los Angeles County Flood Control District (LAFCD) owns the infrastructure of the Dominguez Channel, through which pollutants are discharging from the underlying property. The LAFCD is a permittee under Order No. 01-182, the Los Angeles County Municipal Separate Storm Sewer System (MS4) permit. Section 4.G of the MS4 permit, Illicit Connections and Illicit Discharges Elimination Program, requires the LAFCD to respond to the discovery of an illicit discharge with activities to clean up all illicit discharges. As the owner of this infrastructure, LAFCD is required to contain and clean up the discharge in the channel and channel infrastructure (including the sub-drain piping).

California Environmental Protection Agency

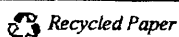
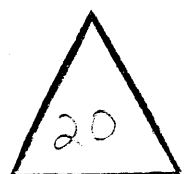


EXHIBIT NO. 08



By means of this correspondence, the LAFCD is required to submit an interim remedial action plan (IRAP) to remove and legally dispose of the LNAPL within both channel sub-drain systems by April 28, 2011. The IRAP shall be prepared with the goals of (a) preventing discharges of the LNAPL within the sub-drain piping from entering the channel and (b) preventing migration of the LNAPL within the sub-drain piping to other locations.

The plan shall include:

- a. a map indicating where petroleum materials have been detected within the sub-drains;
- b. a map showing planned extraction locations;
- c. a description of how extraction will be performed; and
- d. a proposed schedule for periodic status report submittals to this Regional Board describing the sub-drain extraction activities.

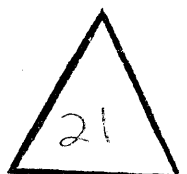
Please let the Regional Board know if you have any questions regarding this directive. Regional Board staff are also willing to meet with you to share our expertise in the remediation of hydrocarbon impacted waters. Please call Mr. Jeffrey Hu at 213-576-6736 or Mr. Greg Bishop at 213-576-6727 if you have any questions.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Cc: Frances McChesney, Office of Chief Counsel





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



320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Linda S. Adams
*Acting Secretary for
Environmental Protection*

Edmund G. Brown Jr.
Governor

May 17, 2011

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

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

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

Dear Mr. Hildebrand:

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

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


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

May 17, 2011

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

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

Sincerely,


Samuel Unger, P.E.
Executive Officer

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

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

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

COUNTY OF LOS ANGELES

FLOOD CONTROL DISTRICT

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

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

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

The Regional Board herein finds:

BACKGROUND

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

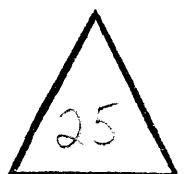


Elimination Program, requires the LAFCD to respond to the discovery of an illicit discharge with activities to clean up all illicit discharges.

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

SITE HISTORY

7. Since January 2011, light non-aqueous phase liquid (LNAPL) has been appearing within the Dominguez Channel in Carson, California, approximately 400 feet south of East Carson Street. The product has been observed (1) entering into channel waters from sediments within the bottom of the channel and (2) within horizontal, perforated sub-drain pipe systems installed within both the west and east channel levees. The LNAPL within the sub-drain pipe systems has been observed discharging into the channel waters.
8. This Regional Board has been working under United States Environmental Protection Agency (USEPA) lead to facilitate the assessment and remedy to the discharges of waste. As the channel owner and operator, the LAFCD has been performing containment operations using booms and absorbent pads in the channel. In addition to the recovery of petroleum hydrocarbons discharged to channel waters, this Regional Board has requested that LADPW extract LNAPL from the sub-drain piping systems on both sides of the channel. The Regional Board's initial request was made verbally to LAFCD personnel on March 3, 2011. The Regional Board sent a written request to the LAFCD on April 15, 2011.



AUTHORITY - LEGAL REQUIREMENTS

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

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

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

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

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

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

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

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

EVIDENCE OF DISCHARGES OF WASTE AND BASIS FOR ORDER

13. Samples of petroleum hydrocarbons entering channel waters from sediments in the bottom of the channel have been analyzed by USEPA and determined to contain primarily gasoline-range hydrocarbons, with smaller fractions of heavier-end (diesel- and oil-range) hydrocarbons. Petroleum hydrocarbons examined from the western sub-drain system was observed to be approximately 0.25 inch thick on one occasion with a clear and colorless appearance. Petroleum hydrocarbons examined from the eastern sub-drain system was observed to be dark brown to black and translucent.
14. The constituents found at the Site as described in Finding 5 constitute "waste" as defined in Water Code section 13050(d). The discharge of waste has resulted in pollution, as defined in Water Code section 13050(l). The presence of petroleum hydrocarbons in the Dominguez Channel exceeds Water Quality Objectives for Inland Surface Waters in the Basin Plan, including the prohibition on discharge of oil and grease and taste and odor. The concentration of waste constituents in soil and groundwater exceed water quality objectives contained in the Basin Plan, including maximum contaminant levels (MCLs). The presence of petroleum hydrocarbons is harmful to aquatic life and human health, resulting in impacts to the designated beneficial uses and pollution. The presence of waste at the Site constitutes a "nuisance" as defined in Water Code section 13050(m). The waste is present at concentrations and locations that *"is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . and [affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."* Individuals in the vicinity of the Dominguez Channel have observed odors and other impacts due to the discharge of waste.
15. **Need for Technical Reports:** This Order requires the submittal of technical or monitoring reports pursuant to Water Code section 13267². The Discharger is required to submit the reports because, as described in the Findings in this Order, the Discharger is responsible for the discharge of waste that has caused, or threatens to cause, pollution and nuisance. The reports are necessary to evaluate the extent of the impacts on water quality and public health and to determine the scope of the remedy. As noted in Finding 8, LAFCD has been conducting containment operations and has the information identifying the nature of the discharges of waste. The Regional Board's records contain additional information concerning the ownership and operation of the infrastructure under the control of the LADPW.

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

CONCLUSION

16. **Pollution of Waters of the State:** The Discharger has caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance. As described in this Order and the record of the Regional Board, the Discharger owned and/or operated the Site in a manner that resulted in the discharges of waste.
17. Although requested by the Discharger, the Regional Board is declining to name additional potentially responsible parties (PRPs) in this Order at this time. Substantial evidence indicates that the Discharger caused or permitted waste to be discharged into waters of the state and is therefore appropriately named as a responsible party in this Order. The Regional Board will continue to investigate whether additional PRPs (including, but not limited to, Chevron Pipeline (former Union Oil Pipeline), Chevron Environmental Management Company (former Texaco gasoline station), ConocoPhillips, Crimson Pipeline, Shell Oil Products US, Tesoro, Prowell Family Trust, and BP Pipelines) caused or permitted the discharge of waste at the Site and whether these or other persons should be named as additional responsible parties to this Order. The Regional Board has issued orders pursuant to Water Code 13267 to the owners of pipelines and other petroleum facilities in the vicinity of the Dominguez Channel that may be contributing to the discharges of petroleum hydrocarbons at the Site. The Regional Board may amend this Order or issue a separate order or orders in the future as a result of this investigation. Although investigation concerning additional PRPs is ongoing, the Regional Board desires to issue this Order as waiting will only delay remediation of the Site.
18. Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Regional Board will conduct the necessary and appropriate environmental review prior to Executive Officer approval of the applicable plan.
19. Pursuant to section 13304 of the California Water Code, the Regional Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action.
20. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a

Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

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

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

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

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

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

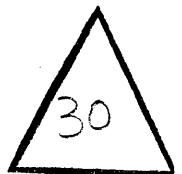
- e. include a provision to prepare an additional work plan to remediate soil, groundwater, and soil vapor that may have been impacted due to petroleum hydrocarbon transport within the subdrain systems; and
- f. include a proposed schedule for implementation of the proposed tasks and for submittal of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

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

4. The State Water Resources Control Board (State Water Board) adopted regulations requiring the electronic submittals of information over the Internet using the State Water Board GeoTracker data management system. You are required not only to submit hard copy reports required in this Order, but also to comply by uploading all reports and correspondence prepared to date and additional required data formats to the GeoTracker system. Information about GeoTracker submittals, including links to text of the governing regulations, can be found on the Internet at the following link:

http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal

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



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

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

Date: _____

