



File #: 2016-278, Version: 1

Report to Mayor and City Council

Tuesday, March 01, 2016

Discussion

SUBJECT:

CONSIDER STATUS REPORT ON THE REGIONAL WATER QUALITY CONTROL BOARD ENVIRONMENTAL INVESTIGATION AND CARSON DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CAROUSEL TRACT (CITY COUNCIL)

I. SUMMARY

This item is on the agenda to provide updates at all regularly scheduled City Council meetings related to the environmental investigation of the Carousel Tract. The remediation project is moving into the implementation phase in coordination with the California Regional Water Quality Control Board (Regional Board).

II. RECOMMENDATION

CONSIDER and DISCUSS.

III. ALTERNATIVES

TAKE such other action the City Council deems appropriate that is consistent with the requirements of law.

IV. BACKGROUND

History

The California Regional Water Quality Control Board, Los Angeles (Regional Board) is the lead agency overseeing the environmental investigation and cleanup of the Carousel Tract. The Regional Board issued a Cleanup and Abatement Order No. R4-2011-0046 (CAO) on March 11, 2011 requiring Shell Oil Products US to investigate and clean up discharges of waste in soil and groundwater at the Carousel Tract site.

Recent Events

On February 22, 2016, the Regional Board provided a letter to Mr. Douglas J. Weimer, Shell Oil Products US, regarding the Remedial Action Plan (Exhibit No. 1). Based on the review of the RAP, EIR and RDIP, the Regional Board staff agrees with the technical justifications for the requested modification to the EIR as follows:

1. No new CEQA analysis is required for the requested location change of the disposal facility from Adelanto to Castaic;
2. The RDIP dated October 15, 2015 states that each cluster will consist of a minimum of 4 to a maximum 10 residences to be excavated within the same timeframe (Section 9.7.1). The approved RDIP statement is consistent with the requested modification of excavation in clusters ranging from 3 to 10 properties.

The Regional Board concluded that Shell amendments to the RDIP do not result in any substantial changes that involve new significant environmental effects therefore no new CEQA analysis, documentation or public comment period is required.

Residential Sampling Activity

Testing of property in the Carousel Tract is continuing and the latest reports are posted on the Regional Board's website at:

http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000000228

As of March 10, 2015, the completed Residential Sampling Activity is as follows:

- 272 homes have been screened for Methane. (95%)
- 273 homes have had soils sampled and vapor probes installed. (96%)
- 273 homes have had vapor probes sampled. (95%)
- 261 homes have had indoor air sampled. (91%)
- 244 of 261 homes have had their 2nd round of indoor air sampling. (94%)
- 86% of total homes in the Carousel Community have had second round of Indoor Air conducted

Timeline of Activities

A general timeline that tracks past and current activities of the Carousel Tract environmental investigation is included in the attachments (Exhibit No. 2).

For additional information regarding the Carousel community can be found at the following link:

<http://ci.carson.ca.us/departments/communitydevelopment/carouseltract.asp>.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Regional Board letter to Shell dated February 22, 2016. (pgs. 4-6)
2. Carousel Tract Environmental Investigation Timeline. (pgs. 7-15)

Prepared by: Zak Gonzalez II, Associate Planner, Planning Division



Los Angeles Regional Water Quality Control Board

February 22, 2016

Douglas J. Weimer
Shell Oil Products US
20945 S. Wilmington Ave.
Carson, CA 90810

SUBJECT: REVIEW OF PROPOSED PROJECT MODIFICATION PURSUANT TO CALIFORNIA WATER CODE SECTION 13304 ORDER

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 2040330, REVISED CAO NO. R4-2011-0046)

Dear Mr. Weimer:

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.

On January 14, 2016, the Regional Board received the letter titled Environmental Impact Report - Checklist for Project Modification #1 (letter) prepared by Shell Oil Products US (Shell). The letter is requesting a modification to the Environmental Impact Report (EIR). The request includes change to 1) impacted soil disposal facility from Adelanto to the Chiquita Canyon Landfill in Castaic; and 2) excavation in clusters ranging from 3 to 10 properties from excavation in clusters of 8 properties.

On July 10, 2015, in compliance with the California Environmental Quality Act (CEQA), the Regional Board certified the EIR associated with the implementation of the Remedial Action Plan (RAP) as modified by the Addendum. After certification of the EIR, the Regional Board approved the RAP. To implement the RAP, Shell submitted the document titled Remedial Design Implementation Plan (RDIP), dated October 15, 2015. The RDIP provides a detailed plan for implementing the remedial actions described in the approved RAP that includes the activities and sequencing necessary to complete the remedial design. On December 3, 2015, the Regional Board approved the RDIP.

Regional Board Comment

Based on the review of the RAP, EIR and RDIP, the Regional Board staff agrees with the technical justifications for the requested modification to the EIR as follows:

- 1. no new CEQA analysis is required for the requested location change of the disposal facility from Adelanto to Castaic;

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REGULATORY SERVICES

2. the RDIP dated October 15, 2015 states that *Each cluster will consist of a minimum of 4 to a maximum 10 residences to be excavated within the same timeframe* (Section 9.7.1). The approved RDIP statement is consistent with the requested modification of excavation in clusters ranging from 3 to 10 properties.

The Regional Board has evaluated whether a subsequent EIR under section 15162 of the CEQA Guidelines (14 Cal. Code of Regs 15162) is required. Shell's amendments to the RDIP do not result in any substantial changes that involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects and do not consist of new information of substantial importance that was not previously known. As described in letter to the Regional Board dated January 28, 2016, the amendments will actually result in less significant environmental effects.

In addition, neither a supplemental EIR under section 15163, or an addendum to the EIR under section 15164, is required because no changes are necessary to the EIR as a result of the amendments.

Based on the information provided in the letter, Regional Board staff finds no revisions to the RAP is warranted and no new CEQA analysis, documentation or public comment period is required for these changes.

Regional Board approves the requested modification to the RAP and RDIP above. All other aspects of the CAO No. R4-2011-0046, originally dated July 10, 2015, and any other amendments thereto, remain in full force and effect. Pursuant to section 13350 of the California Water Code, failure to submit the required reports by the due dates above may result in civil liability penalties administratively imposed upon you by the Regional Board in an amount up to five thousand dollars (\$5,000) for each day the report is not received.

If you have any questions, please contact Dr. Teklewold Ayalew, Project Manager, at (213) 576-6739 (teklewold.ayalew@waterboards.ca.gov), or Ms. Thizar Tintut-Williams, Site Cleanup Unit III Chief, at (213) 576-6723 (thizar.williams@waterboards.ca.gov).

Sincerely,


Samuel Unger, PE
Executive Officer

cc: Mailing List

Mailing List

Janice Hahn, Honorable Congresswoman, US House of Representatives,
California's 44th District
Mark Ridley-Thomas, Supervisor, Second District County of Los Angeles
Isadore Hall, III, Assembly member, 64th Assembly District
Cecil Rhambo, Manager, City of Carson
Saied Naaesh, City of Carson
Zak Gonzalez II, City of Carson
Ky Truong, City of Carson
Michael Lauffer, Chief Counsel, State Water Resources Control Board
Frances McChesney, Senior Staff Counsel, State Water Resources Control Board
James Carlisle, Office of Environmental Health Hazard Assessment
Robert Romero, Department of Toxic Substances Control
Wendy W. Arano, Department of Toxic Substances Control
Bill Jones, Los Angeles County Fire Department
Barry Nugent, Los Angeles County Fire Department
Scott Mahan, Los Angeles County Fire Department
Michael A. Bravo, Los Angeles County Fire Department
Richard Clark, Los Angeles County Fire Department
Miguel Garcia, Los Angeles County Fire Department
Kim Clark, Los Angeles County Fire Department
Hoang Ly, Los Angeles County Fire Department
Cyrus Rangan, Los Angeles County Department of Health
Angelo Bellomo, Los Angeles County Department of Health
Alexander Morelan, Los Angeles Unified School District
Patrick Schanen, Los Angeles Unified School District
Karen A. Lyons, Shell Oil Products US
Thomas V. Girardi, Girardi and Keese Lawyers
Robert W. Bowcock, Integrated Resources Management, LLC
Patrick W. Dennis, Gibson, Dunn & Crutcher LLP

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	LAWRQCB initiated an environmental investigation	
December 2008	LAWRQCB 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	LAWRQCB 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

Carousel Tract Environmental Investigation Timeline

Date	Significant Actions/Reports	Notes
August 21, 2013	LARWQCB sent detailed letter to Shell denying proposed site-specific cleanup goals and requiring revisions to be submitted by October 21, 2013	LARWQCB incorporated OEHHA Memorandum dated July 22, 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 Carson 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

Carousel Tract Environmental Investigation Timeline

Date	Significant Actions/Reports	Notes
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. LARWQCB determined on January 13, 2014 that no further evaluation required
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. LARWQCB approved extension to January 13, 2014. On January 7, 2014, Regional Board approved extension to January 21, 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	
January 8, 2014	LARWQCB response to <i>Assessment of Environmental Impact and Feasibility of Removal of Residual Concrete Reservoir Slabs</i>	Directs Shell to either remove the residential concrete slabs as appropriate or isolate the residual concrete slabs beneath the foundation of the homes and paved areas using engineering techniques to the extent necessary to address long term health risks or nuisance concerns

Carousel Tract Environmental Investigation Timeline

Date	Significant Actions/Reports	Notes
January 13, 2014	LARWQCB response to <i>Revised Community Outdoor Air Sampling and Analysis Report</i>	LARWQCB concludes that outdoor air concentrations do not differ between the site and surrounding area. No further evaluation required
January 21, 2014	Dole response to <i>Proposed Draft Revised Cleanup and Abatement Order No. R4-2011-0046</i>	Dole requested to not be included in the Draft Order since their subsidiary, Barclay Hollander Corporation, did not discharge any of the contaminants of concern
January 23, 2014	Community meeting organized by Congresswoman Hahn	Meeting to hear from residents and discuss options for obtaining improved levels of response from the Regional Board
January 23, 2014	LARWQCB response to <i>Revised Site-Specific Cleanup Goal Report</i>	LARWQCB identified deficiencies in the Shell Revised Report and directed a remedial action plan, Human Health Risk Assessment and other environmental documents be submitted by March 10, 2014
February 10, 2014	LARWQCB clarification and revision to their January 8, 2014 letter (effective date of January 13, 2014) regarding the Residential Concrete Slab Report	LARWQCB removed reference to regulations for underground storage tanks
February 23, 2014	Shell submitted a Petition for Review and Request for Hearing to the State Water Resources Control Board in the matter of Cleanup and Abatement Order R4-2011-0046 (CAO)	The State Water Resources Control Board has not responded to Shell's petition
March 10, 2014	Shell submitted Remedial Action Plan (RAP), Human Health Risk Assessment (HHRA), and draft environmental documents to LARWQCB	LARWQCB set a tentative period of 30 day to review the documents and provide opportunity for public viewing
March 19, 2014	LARWQCB filed Notice of Preparation (NOP)	Preparation of a draft Environmental Impact Report in accordance to the California Environmental Quality Act (CEQA)
March 25, 2014	LARWQCB and PCR Service Corporation met with City's staff	As part of the draft Environmental Impact Report, staff discussed transportation, noise, and odor concerns with LARWQCB and PCR

Carousel Tract Environmental Investigation Timeline

April 18, 2014	LARWQCB received comments from LAUSD regarding the NOP	LARWQCB is reviewing LAUSD comments and will provide response
April 30, 2014	LARWQCB responded to Shell's RAP, FS, and HHRA	LARWQCB rejected Shell's proposed cleanup plan and revised RAP to be submitted by Shell by June 16, 2014 by 5 p.m.
April 30, 2014	LARWQCB issued notice of violation (NOV) to Shell for failure to submit a RAP based on approved site-specific cleanup goals	LARWQCB directed Shell to comply by June 16, 2014
May 23, 2014	LARWQCB met with Shell regarding the RAP	LARWQCB discussed deficiencies and revisions with Shell
June 3, 2014	LARWQCB issued notice of opportunity for additional public comment	The deadline to submit public comments is 5 p.m. on June 16, 2014
June 4, 2014	LARWQCB granted Shell a two-week extension to submit the revised RAP, FS, and HHRA	The revised documents are due on June 30, 2014
June 16, 2014	Shell submitted additional comments regarding the Proposed Revised Draft Cleanup and Abatement Order No. RB4-2011-0046	The Regional Board is reviewing Shell's comments
June 30, 2014	Shell submitted the revised RAP, FS, and HHRA to the Regional Board	The Regional Board is reviewing the revised documents
July 7, 2014	The City of Carson sent a letter notifying the Carousel Tract residents of the availability of the RAP, FS, and HHRA via the Regional Board	The documents are part of the draft EIR process

Carousel Tract Environmental Investigation Timeline

	website	
July 22, 2014	The Regional Board is reviewing the RAP, FS, HHRA and preparing the draft EIR. Testing of property in the Carousel Tract is ongoing	Testing result and the Regional Board latest activities are available at: http://geotracker.waterboards.ca.gov/
August 25, 2014	The Regional Board is reviewing the RAP, FS, HHRA and preparing the draft EIR.	No new dates set for meeting with the Carousel Tract residents
August 27, 2014	The Regional Board released August 2014 community update for the Carousel Tract	Tentative release of proposed RAP and Draft EIR in mid October 2014
September 19, 2014	Shell submitted the RAP Relocation Plan to the Regional Board	Tentative release of proposed RAP and Draft EIR at end of October 2014, and meeting with the Carousel Tract resident is projected to begin on November 2014
October 8, 2014	The Regional Board continues preparation of Draft EIR and review of the RAP	The Regional Board required the RAP addendums to be submitted by Shell on October 20, 2014. Meeting with the Carousel Tract residents is projected to occur in the middle of November 2014
October 15, 2014	The Regional Board scheduled community meetings	The Regional Board mailed invitations of community meetings to the Carousel Tract residents
October 15, 2014	Shell submitted addendums to the RAP, FS, and HHRA	The documents are posted on the Regional Board website
November 5, 2014	The Regional Board released the draft EIR proposed RAP for public review and comment	The draft EIR, proposed RAP and support documents are available at the Carson Library, the Los Angeles Regional Board Office and website

Carousel Tract Environmental Investigation Timeline

November 12,15,18,20, 2014	The Regional Board held community group meetings with Carousel Tract residents	The discussion was centered on the draft EIR and proposed RAP
November 22, 2014	The Regional Board hosted a public meeting at the Carson Community Center	The discussion centered on the draft EIR and proposed RAP
December 3, 2014	City of Carson Environmental Commission received the draft EIR and proposed RAP for review	City staff will submit the Commission's comments to the Regional Board
December 8, 2014	The Regional Board notified Dole Food Company Inc. (Dole) of its intention to revise the Cleanup and Abatement Order No. R4-2011-0046 CAO)	Barclay Hollander Corporation (Barclay), a wholly-owned subsidiary of Dole, to be named as responsible parties to the Carousel Tract contamination
December 24, 2014	Barclay sent a written request to the Regional Board	Barclay submitted additional written evidence, and schedule a formal evidentiary hearing with the Regional Board
January 6, 2015	Barclay sent a follow up letter to its December 24, 2014 Letter to the Regional Board	Barclay submitted additional documentary evidence to the Regional Board
January 6, 2015	Shell sent a letter to the Regional Board	Shell is opposed to Barclay's requests to submit additional evidence and for a formal evidentiary hearing
January 7, 2015	Integrated Resource Management, Inc. (IRM) responded to Barclay's December 24, 2014 Letter	IRM requested appropriate notice and opportunity to be heard for Carousel Tract residents. IRM also commented on the substance of the revised CAO and attached documentary evidence
January 9, 2015	The Regional Board sent an electronic letter to all interest parties	The Regional Board will consider additional comments on pending procedural request by 5 p.m., January 16, 2015

Carousel Tract Environmental Investigation Timeline

January 15, 2015	Site Cleanup Program Staff (SCP Staff) of the regional Board sent a response letter objecting inclusion of additional evidence into the record as requested by Barclay Hollander Corporation (Barclay)	SPC Staff is requesting opportunity to respond if a hearing for additional evidence is granted by the Chief Deputy Executive Officer of the Regional Board
January 16, 2015	Barclay sent a letter to the Regional Board	Barclay clarified its scope to submit additional evidence, seek clarification from the Regional Board, and request timing of evidential hearing.
February 20, 2015	The Regional Board released a "Notification of Work" to the public	Land (public streets) and aerial photographic survey activities are tentatively scheduled from March 2, 2015 to March 20, 2015 for the Carousel Tract and surrounding area
February 27, 2015	The Regional Board replied to parties and interested persons	The Regional Board accepted Mr. George Bach deposition dated November 19, 2014 into administrative record
March 11, 2015	The SCP Staff provided explanations to assumptions and copies of graphic results	The explanation addressed the three assumptions in memo dated March 20, 2014 from Dr. C.P. Lai to SCP Staff
April 2, 2015	SCP Staff, Barclay, and Shell submitted comments to the Regional Board regarding the revised CAO	Barclay is requesting inclusion of Mr. George Bach deposition dated November 19, 2014 into administrative record. SCP Staff and Shell opposed its inclusion
April 17, 2015	The Regional Board sent letter to all parties and interested persons	Informing all parties and interest persons of the separation of functions between the Advising Team and SCP Staff. The Regional Board intends to issued final action regarding Tentative Revised CAO on or after April 24, 2015
April 22, 2015	Barclay sent a letter to the Regional Board	Barclay is requesting delay of final action regarding the Tentative Revised CAO until depositions of the SCP Staff are completed

Carousel Tract Environmental Investigation Timeline

April 30, 2015	Regional Board sent a letter to Dole and Barclay aka (BHC)	The Regional Board issued the Revised CAO adding Dole and Barclay as responsible parties
May 21, 2015	Barclay sent a letter to the Regional Board	Barclay requests stay and reconsideration of the Revised CAO
June 1, 2015	The Regional Board reported that Barclay filed a petition with State Water Board	Barclay is requesting the State Water Board to Review, petition for stay, and petition to submit supplemental evidence and to conduct a hearing
June 22, 2015	The Regional Board provided a copy of Barclay petition to the State Water Board	The Regional Board and Shell are proceeding with their work in the Carousel Tract regardless of the outcome of Barclay's petition