

# CITY OF CARSON

July 30, 2013

Hon. Kamala D. Harris, Attorney General  
Office of the Attorney General, State of California  
PO Box 944255  
Sacramento, California 94244

Dear Attorney General,

On behalf of the Carson City Council and our community, I write to you to express concern regarding the 285 homes within the Carousel Tract, a neighborhood developed in the late 1960's on a former tank farm. Over the past five years, these residents have been waiting for the environmental investigation overseen by the Los Angeles Regional Water Quality Control Board to finally conclude so they will know if their homes are safe or they need to relocate. Attached is Resolution No. 13-081, adopted by the Carson City Council on July 29, 2013, encouraging the State of California and the County of Los Angeles to take appropriate steps to address and mitigate the urgent environmental condition within the Carousel Tract.

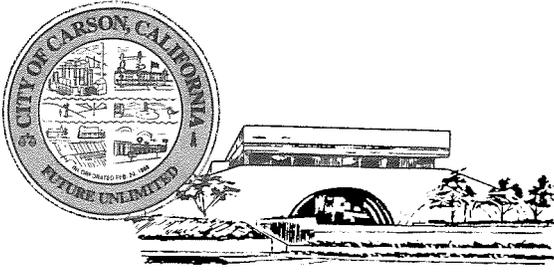
In light of the potential impacts to our citizens, we hope you will use all necessary resources to support enforcement efforts to protect our citizens from the high levels of methane and contamination from benzene and other chemicals found at the Carousel Tract. The City of Carson appreciates the actions that your office can initiate to ensure that the residents of the Carousel Tract and surrounding community are protected.

Sincerely,

Jackie Acosta  
Acting City Manager

Attachment: Resolution No. 13-081

cc: Mayor and City Council  
City Attorney  
Girardi & Keese



# CITY OF CARSON

July 30, 2013

Board of Supervisors  
County of Los Angeles  
500 W. Temple Street  
Los Angeles, CA 90012

Dear Supervisors,

On behalf of the Carson City Council and our community, I write to you to express concern regarding the 285 homes within the Carousel Tract, a neighborhood developed in the late 1960's on a former tank farm. Over the past five years, these residents have been waiting for the environmental investigation overseen by the Los Angeles Regional Water Quality Control Board to finally conclude so they will know if their homes are safe or they need to relocate. Attached is Resolution No. 13-081, adopted by the Carson City Council on July 29, 2013, encouraging the State of California and the County of Los Angeles to take appropriate steps to address and mitigate the urgent environmental condition within the Carousel Tract.

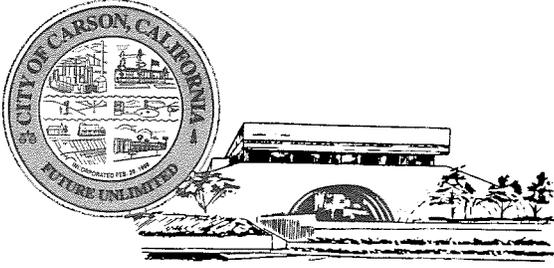
In light of the potential impacts to our citizens, we hope you will make sure that the County of Los Angeles uses all necessary resources to protect our citizens from the high levels of methane and contamination from benzene and other chemicals found at the Carousel Tract. The City of Carson looks forward to working Board of Supervisors and other County officials to ensure that the residents of the Carousel Tract and surrounding community are protected.

Sincerely,

Jackie Acosta  
Acting City Manager

Attachment: Resolution No. 13-081

cc: Mayor and City Council  
City Attorney  
Girardi & Keese



# CITY OF CARSON

July 30, 2013

Governor Jerry Brown  
State Capitol, Suite 1173  
Sacramento, CA 95814

Dear Governor Brown,

On behalf of the Carson City Council and our community, I write to you to express concern regarding the 285 homes within the Carousel Tract, a neighborhood developed in the late 1960's on a former tank farm. Over the past five years, these residents have been waiting for the environmental investigation overseen by the Los Angeles Regional Water Quality Control Board to finally conclude so they will know if their homes are safe or they need to relocate. Attached is Resolution No. 13-081, adopted by the Carson City Council on July 29, 2013, encouraging the State of California and the County of Los Angeles to take appropriate steps to address and mitigate the urgent environmental condition within the Carousel Tract.

In light of the potential impacts to our citizens, we hope you will make sure that the State of California uses all necessary resources to protect our citizens from the high levels of methane and contamination from benzene and other chemicals found at the Carousel Tract. The City of Carson looks forward to working with you and other state officials to ensure that the residents of the Carousel Tract and surrounding community are protected.

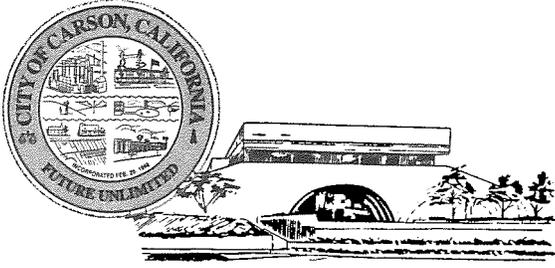
Sincerely,

A handwritten signature in black ink that reads "Jackie Acosta". The signature is fluid and cursive.

Jackie Acosta  
Acting City Manager

Attachment: Resolution No. 13-081

cc: Mayor and City Council  
City Attorney  
Girardi & Keese



# CITY OF CARSON

July 30, 2013

Mr. Sam Unger, P.E.  
Executive Director  
California Regional Water Quality Control Board Los Angeles Region  
320 W. 4th St.  
Los Angeles, CA 90013

Dear Mr. Unger,

On behalf of the Carson City Council and our community, I write to you to express concern regarding the 285 homes within the Carousel Tract, a neighborhood developed in the late 1960's on a former tank farm. Over the past five years, these residents have been waiting for the environmental investigation overseen by the Los Angeles Regional Water Quality Control Board to finally conclude so they will know if their homes are safe or they need to relocate. Attached is Resolution No. 13-081, adopted by the Carson City Council on July 29, 2013, encouraging the State of California and the County of Los Angeles to take appropriate steps to address and mitigate the urgent environmental condition within the Carousel Tract.

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Sincerely,

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Jackie Acosta  
Acting City Manager

Attachment: Resolution No. 13-081

cc: Mayor and City Council  
City Attorney  
Girardi & Keese

RESOLUTION NO. 13-081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THE EXISTENCE OF AN EMERGENCY IN THE VICINITY OF THE CAROUSEL TRACT NEIGHBORHOOD DUE TO THE PERSISTENCE OF EXPLOSIVE METHANE GAS, CARCINOGENIC BENZENE AND OTHER CHEMICALS OF CONCERN, AND ISSUING SUCH FINDINGS OR ORDERS AS ARE AUTHORIZED BY LAW

WHEREAS, on March 11, 2008, the Department of Toxic Substances Control informed the Los Angeles Regional Water Quality Control Board (LARWQCB) about a former Shell Oil Company (Shell) tank farm (Kast Property) and on April 29, 2008, the LARWQCB began its Site Assessment; and

WHEREAS, in May 2008 the LARWQCB initiated an environmental investigation of the former Kast Property; the LARWQCB ordered Shell as the owner and operator of the former tank farm and subsequently ordered Barclay Hollander Curci, Inc., a wholly owned subsidiary of Dole Food Company, Inc., (Responsible Parties) as the entity responsible for the development of the housing tract to conduct a comprehensive environmental investigation by outlining the technical requirements that are consistent with the California Environmental Protection Agency requirements; and

WHEREAS, based on the LARWQCB directive Shell, submitted a work plan for review. Said review was completed and the LARWQCB issued an approval of the proposed work in December 2008. The LARWQCB approved investigation activities included: 1. collecting soil, soil vapor and groundwater samples, and 2. investigating the contaminants of concern, and defining the extent of impact, and 3. evaluation of the potential threat to human health; and,

WHEREAS, Shell conducted an all media (soil, soil vapor and groundwater) investigation as approved by the LARWQCB in its California Water Code § 13267 Investigative Order dated December 31, 2008. The goal of the initial investigation was to evaluate whether the Site poses an immediate risk to those living, visiting or working at the Site. The initial investigation involved taking soil, soil vapor and sub-slab soil vapor samples as well as groundwater investigation following procedures either approved or recommended by both the Cal/EPA and the United States Environmental Protection Agency (USEPA); and

WHEREAS, on August 20, 2009 an interim report followed by an October 15, 2009 "Final Phase I Site Characterization Report" was submitted to the LARWQCB. The review of the report confirmed that soil and groundwater beneath the site is severely impacted by petroleum hydrocarbons. The results indicated the presence of methane gas and benzene in shallow soil gas at high concentration across the Site; and

WHEREAS, methane gas was detected at a concentration as high as 59.7% by volume and just 5 feet below homes as high as 22% by volume which exceeds the lower explosive limit (LEL) of 5% by volume posing a real time emergency safety hazard; methane gas poses a fire and explosion hazard when accumulates in an enclosed space with a source of ignition; and

[MORE]

WHEREAS, benzene, a known carcinogen, is also detected at a concentration of 3,800,000 micrograms per meter cube ( $\mu\text{g}/\text{m}^3$ ), and exceeds the California Human Health Screening Level (CHHSL) value of  $36.2 \mu\text{g}/\text{m}^3$  by more than 100,000 times for shallow soil gas for a residential scenario; and

WHEREAS, other extremely dangerous chemicals and heavy metals persist in the yards of the Carousel Tract family homes, the Shell, its consultant URS Corporation and the LARWQCB have all issued written warnings to the residents to avoid outdoor activities and soil contact; and

WHEREAS, three years after the beginning its investigation, the LARWQCB issued Order No. R4-2011-0046 (Order) on March 11, 2011, requiring Shell to Cleanup and Abate Wastes Discharged at the Carousel Tract; and

WHEREAS, Shell has since then spent over 28-months conducting Remedial Pilot Tests, Indoor Air Tests, Soil Vapor Tests and Groundwater Sampling resulting in additional unwarranted exposure to carcinogenic chemicals of concern and causing dangerous migration of explosive soil gas by altering the soil matrix pressure dynamics by creating open excavations and allowing off-gassing from deeper soil; and

WHEREAS, the LARWQCB has granted multiple extensions of time without any meaningful explanation; and

WHEREAS, LARWQCB issued a California Water Code § 13267 Investigative Order to the Responsible Parties without any further action requiring their participation in the cleanup and abatement of wastes discharged at the Carousel Tract; and

WHEREAS, after over five years of study Shell submitted to the LARWQCB its Site Specific Cleanup Goals for Total Petroleum Hydrocarbons, which are 66-times greater than the least protective Standards prescribed in the LARWQCB's own 1996 Guidebook; and

WHEREAS, on or about June, 2013, three (3) technical reports authored by L. EVERETT & ASSOCIATES, and SOIL/WATER/AIR PROTECTION ENTERPRISE were provided to the City and forwarded to the LARWQCB by letter from the City Council dated June 18, 2013, in which the City Council warned LARWQCB that conditions within the Carousel Tract had reached "a pivotal moment in the clean up [of] this site. Action must be taken, and it must be taken NOW;" and

WHEREAS, during direct questioning of Dr. Loren Everett, Ph.D., D.Sc., F.ASCE, an internationally recognized expert in the vadose zone and the behavior of soil gasses, including benzene and methane, by members of the City Council did he describe the true extent of the emergency conditions persisting in the Carousel Tract. Dr. Everett said, "Dangerous levels of carcinogenic benzene and explosive methane are present in soil gas at a depth of only five feet beneath homes in the Carousel Tract. These dangerous conditions are spread widely across the site and the degree of exposure to these chemicals is highly variable and extremely difficult to predict due to numerous factors such as variable soil moisture and atmospheric conditions."

[MORE]

WHEREAS, notwithstanding its June 18, 2013 letter advising LARWQCB that further "delay is unacceptable to the Carson City Council and to our entire community," no further action has been taken to mitigate and remediate conditions within the Carousel Tract requiring the immediate consideration of this resolution.

NOW, THEREFORE, the City Council of the City of Carson, California, does hereby FIND and DETERMINE, and based thereon, ORDERS as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. That, commencing on or about 7:00 p.m. on the 18<sup>th</sup> day of July, 2013, and continuing to the present, the conditions have arisen and now exist within that certain portion of the City of Carson commonly referred to as the "Carousel Tract," and that the same has been and is caused by the persistent migration of explosive methane gas and carcinogenic benzene, as the same is depicted herein.

3. That the aforesaid conditions warrant and necessitate, and the City Council of the City of Carson hereby declares the existence of an emergency within that certain portion of the City of Carson commonly referred to as the "Carousel Tract."

4. The City Council hereby directs the Acting City Manager for the City of Carson to transmit this resolution to the Governor of the State of California and the State Water Resources Control Board to request that the State of California make available to the City of Carson such resources as may exist to address and mitigate the emergency conditions at the Carousel Tract.

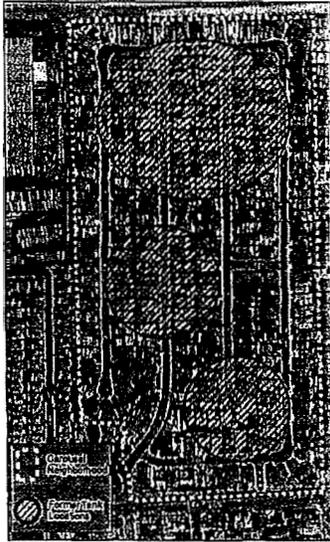
5. The City Council hereby directs the Acting City Manager for the City of Carson to transmit this resolution and demand that the Executive Officer of the LARWQCB immediately order and require Shell to fully comply with that certain Cleanup and Abatement Order No. R4-2011-0046.

6. The City Council hereby directs the Acting City Manager for the City of Carson to transmit this resolution and solicit aid and other available resources from the Office of the California Attorney General to support efforts by the LARWQCB to immediately order and require Shell to fully comply with that certain Cleanup and Abatement Order No. R4-2011-0046.

7. The City Council hereby directs the Acting City Manager for the City of Carson to transmit this resolution to the County of Los Angeles Board of Supervisors to request that the County of Los Angeles make available to the City of Carson such resources from the Department of Public Health, the Los Angeles County Fire Department and other services to address and mitigate the emergency conditions at the Carousel Tract.

8. The East Property upon which the City Council declares an emergency is described hereinabove and is depicted hereinafter as follows:

[MORE]



PASSED, APPROVED, and ADOPTED this 29th day of July, 2013, at Carson, California.

Jim Dear  
Jim Dear, Mayor

ATTEST:

Donesia L. Gause  
City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

W. W. [Signature]  
City Attorney

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF CARSON             )

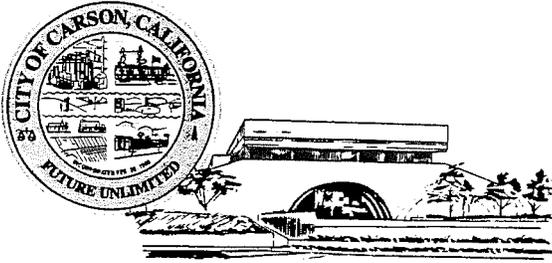
I, Donesia L. Gause, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council is five; that the foregoing resolution, being Resolution No. 13-081 was duly and regularly adopted by said Council at a special meeting duly and regularly held on the 29<sup>th</sup> day of July, 2013, and that the same was passed and adopted by the following vote:

AYES:        COUNCIL MEMBERS: Mayor Dear, Santarina, Davis-Holmes, and Robles  
NOES:        COUNCIL MEMBERS: None  
ABSTAIN:    COUNCIL MEMBERS: None  
ABSENT:     COUNCIL MEMBERS: Gipson



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City Clerk Donesia L. Gause, CMC



# CITY OF CARSON

September 11, 2013

Mr. Sam Unger, P.E., Executive Director  
 California Regional Water Quality Control Board  
 Los Angeles Region  
 320 W. 4<sup>th</sup> Street  
 Los Angeles, CA 90013

Subject: Former Kast Property Tank Farm, Carson, California

Dear Mr. Unger,

The Carson City Council has been advised of your response to the Site-Specific Cleanup Goal Report dated August 21, 2013 not approving the site-specific cleanup goals and directing Shell Oil Company to make revisions. The City Council requested that I write to you to express their appreciation for the efforts shown by the Los Angeles Regional Water Quality Control Board to provide firm and clear direction to Shell Oil Company.

While we have labored over the time taken to conduct the environmental investigation, we also recognize the importance of providing a thorough review consistent with the California Water Code and applicable environmental regulations. The recent actions taken by your office, the Office of Environmental Health Hazard Assessment (OEHHA), the Expert Panel from the University of California, Los Angeles and other regulatory agencies renew our hopes that this environmental investigation will lead to standards that allow our residents to no longer be impacted by contamination caused by the former tank farm. Our residents deserve to have the unrestricted use of their properties and we will continue to provide our support to assist in that goal.

Please let me know if there is any additional information or assistance that the city can provide to facilitate measures to protect the residents of the Carousel Tract and surrounding community. I may be reached at (310) 952-1728 or by e-mail at [jacosta@carson.ca.us](mailto:jacosta@carson.ca.us).

Sincerely,

Jackie Acosta  
 Acting City Manager

cc: Mayor and City Council  
 City Attorney  
 Girardi & Keese  
 Planning Officer