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Iskenderian Family Gardena Properties LLC
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8 **STATE OF CALIFORNIA**
9 **STATE WATER RESOURCES CONTROL BOARD**

10 In the Matter of The Petition of
11
12 ISKENDERIAN FAMILY GARDENA
PROPERTIES LLC
13
14 Petitioner

Investigation Order No. R4-2024-0170

**PETITION BY ISKENDERIAN FAMILY
GARDENA PROPERTIES LLC TO THE
CALIFORNIA STATE WATER
RESOURCES CONTROL BOARD TO
REVIEW AND TO HOLD IN ABEYANCE
THE JULY 12, 2024 ORDER FROM THE
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, LOS
ANGELES REGION**

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18 **I. INTRODUCTION AND SUMMARY**

19 This Petition is submitted on behalf of Iskenderian Family Gardena Properties LLC
20 (hereinafter referred to as “Petitioner” or “IFG”) and seeks a review and a request to hold in
21 abeyance for the maximum amount of time permitted by law that certain order No. R4-2024-0170
22 (the “Order”) dated July 12, 2024 and issued by the California Water Resources Control Board,
23 California Regional Water Quality Control Board for the Los Angeles Region (“RWQCB”) which
24 Order was directed at IFG. The property which is the subject of the Order is located at 17853
25 Evelyn Avenue in Gardena, California 90248 (the “Site”). The Order identifies IFG “as a
26 Suspected Discharger because [it] owns the [Site] on which there has been a suspected discharge
27 of waste.” *See*, Order p. 3. The Order further provides, in pertinent part, that IFG “prepare and
28 submit technical documents and workplan(s) to investigate potential source areas at the Site and to

1 delineate the vertical and lateral extent of any discharge determined to exist as a result of any
2 investigation.” *Id.*

3 This Petition is made pursuant to California *Water Code* §§13320 & 13321 and California
4 Code of Regulations (“CCR”) Title 23, §§ 2050-2066.

5 Petitioner provides the following information in support of this Petition as required by
6 California *Water Code* §13320 and 23 CCR § 2050(a).

7 **II. CONTACT INFORMATION OF PETITIONER**

8 The Petitioner may be contacted through its attorney as follows:

9 Patrick L Rendón, Esq.

10 Lamb & Kawakami LLP

11 229 Avenue I, Ste. 200

12 Redondo Beach, California 90277-5600

13 Telephone: (213) 630-5570

14 Fax: (213) 630-5555

15 Email: prendon@lkfirm.com

16 With a copy to Miguel Villafuerte at mvillafuerte@lkfirm.com

17 **III. THE ACTION BEING PETITIONED**

18 IFG seeks review of, and hereby files a petition, challenging the requirements that IFG
19 perform certain investigations, work, and deliver each of the items identified in the Order issued
20 by the RWQCB, specifically items 2, 3 and 4 at p. 5-6 of the Order, with the sole exception of
21 item 1 (Chemical Storage and Use Questionnaire) which IFG agrees to provide. A copy of the
22 Order is attached as Exhibit A. In addition, a copy of IFG’s completed Chemical Storage and Use
23 Questionnaire is attached as Exhibit B.

24 IFG further seeks a formal hearing and an opportunity to address and respond to the
25 purported factual assertions, issues and matters raised in the Order pursuant to California *Water*
26 *Code* § 13321 and an opportunity to present its own evidence in support of this Petition and in
27 order to rebut the findings and assertions made in the Order. IFG requests a stay on any action
28 directed at IFG under or in connection with the Order pending a final adjudicated decision.

In addition, IFG requests that the RWQCB hold in abeyance the Order for the maximum
period of time permitted by law pursuant to 23 CCR § 2050.5(d) and related statutes and

1 provisions of the RWQCB.

2 **IV. THE DATE THE RWQCB ACTED**

3 The Order is dated July 12, 2024 and the matters which are the subject of this Petition are
4 due on September 30, 2024 and October 30, 2024.

5 **V. STATEMENT OF REASONS WHY THE ORDER IS IMPROPER**

6 As set forth more fully in the Statement and Memorandum of Points and Authorities which
7 is concurrently filed with this Petition, the Order is improper for the following reasons:

8 **1. The Order Fails to Establish that Petitioner is Responsible for any alleged**
9 **Discharges at the CCI Site or Elsewhere**

10 The United States Supreme Court recently overruled what was commonly known as the
11 *Chevron* doctrine. *See, Loper Bright Enters. v. Raimondo* (2024) ___ U.S. ___ [144 S.Ct. 2244,
12 219 L.Ed.2d 832]. Accordingly, the RWQCB lacks grounds to issue the Order and, for its part,
13 the California State Water Resources Control Board lacks grounds to review or enforce the Order.

14 The interpretation of California *Water Code* §§13267 is within the purview of courts but
15 not administrative bodies, whether these be the State Board or the RWQCB. *See, Loper Bright*
16 *Enters. v. Raimondo* (2024) ___ U.S. ___ [144 S.Ct. 2244, 2248, 219 L.Ed.2d 832, 839] (“courts
17 [are] to exercise their independent judgment in deciding whether an agency has acted within its
18 statutory authority, and courts may not defer to an agency interpretation of the law simply because
19 a statute is ambiguous”). In overruling the *Chevron* doctrine, the Supreme Court further explained
20 that “*Chevron*’s presumption is misguided because agencies have no special competence in
21 resolving statutory ambiguities.” *Id.* 144 S.Ct. 2244, 2251, 219 L.Ed.2d 832, 843. The Supreme
22 Court added that an “agency’s interpretation of a statute ‘cannot bind a court,’ but may be
23 especially informative ‘to the extent it rests on factual premises within [the agency’s] expertise.’
24 [Citation omitted.] Delegating ultimate interpretive authority to agencies is simply not necessary
25 to ensure that the resolution of statutory ambiguities is well informed by subject matter expertise.”
26 *Id.* 144 S.Ct. 2244, 2251-2252, 219 L.Ed.2d 832, 844. Based on the foregoing and other
27 principles addressed in *Loper*, the RWQCB improperly issued and directed the Order at IFG.

28 In this case, the statute at issue, namely California *Water Code* § 13267(b)(1) vaguely and

1 unreasonably seems to provide a regional water board with latitude to require a discharger or
2 suspected discharger of hazardous waste which could affect water quality to furnish technical or
3 monitoring reports. This in itself is problematic based on *Loper*. In any case, even under the
4 foregoing statute, a regional board still must “identify the evidence that supports requiring [a
5 particular] person to provide the reports.” See, California *Water Code* § 13267(b)(1). The Order
6 does not set forth any factual findings tying IFG to any discharge or potential discharge at the Site
7 or at any other site. As such, the RWQCB has abused its discretion in naming IFG in the Order
8 under California *Water Code* § 13267. See, Item 5 of the Order (p. 3).

9 Under the plain language of *Water Code* § 13267(b), the RWQCB lacks the authority to
10 direct an Order at IFG and to require it to deliver the requested items without evidence that IFG
11 caused or in some legally recognizable manner is suspected of having contributed to the
12 contamination which is the subject of the Order (*i.e.*, that IFG “discharged” or is “suspected of
13 having discharged” the hazardous substances in question.) See, California *Water Code* § 13267.

14 The Order appears to acknowledge that IFG neither discharged any chemicals of concern
15 (“COC”) nor is suspected of having done so. IFG did not purchase the Site until on or about
16 October 8, 1999. The Order states that the Site was historically operated by George D. Widman,
17 an individual who was not associated with IFG. The Order refers to historic activities that may
18 have been associated with prior owners; however, IFG was not engaged in activities that would
19 have given rise to the COCs which are identified in the Order. During the period that IFG has
20 owned the Site, it has been occupied by a tenant, Direct Express, which simply stores vehicles at
21 the Site before these are shipped overseas. See, Ex. B Chemical Storage and Use Questionnaire.
22 As is evident from the Chemical Storage and Use Questionnaire (Ex. B), IFG has not used the
23 COCs which appear to be at issue here, more specifically tetrachloroethene (“PCE”) and
24 trichloroethene (“TCE”). In addition, IFG has not released any COCs, whether these be volatile
25 organic compounds such as PCE or TCE or petroleum hydrocarbons.

26 Without the factual or legal support for issuing the Order to IFG, the Order should be
27 rescinded, overturned or amended to remove IFG.

1 **2. The Burden Imposed on Petitioner by the Order is Significant, Fails to Bear**
2 **the Required “Reasonable Relationship” Between Petitioner and the**
3 **Requested Work, and Fails to Bear the Required “Reasonable Relationship”**
4 **Between the Work and the Benefits Which May be Obtained from Such Work**

5 Item 7 (p. 4) of the Order asserts, in pertinent part, that the “burdens, including costs, of
6 these reports [and investigation] bear a reasonable relationship to the need for the reports and the
7 benefits obtained from the reports.” The section estimates that developing a “technical report”
8 may cause IFG to incur \$10,000 to \$200,000 in costs.

9 The foregoing assertion is the RWQCB’s implicit acknowledgement that (i) there must be
10 a reasonable relationship between the person being Ordered to incur the charge (*i.e.*, the person
11 discharged or is properly suspected of having discharged hazardous waste into the environment),
12 and (ii) that the requested work is productive and beneficial.

13 The Order fails for the reasons set forth above in § V.1. In addition, the Order fails
14 because it violates IFG’s due process rights under the United States and California Constitutions
15 and it also constitutes an improper taking of property and curtailment of rights.

16 Separately, Item 7 of the Order fails to comply with *Water Code* §§13267 and 13225
17 which require due consideration of the costs versus the benefits of the required investigation and
18 work. Aside from citing *Water Code* §§13267 and cost estimates which appear to be more
19 guesses than estimates given the absence of any backup figures, the Order fails to consider IFG’s
20 costs of complying with the Order versus any benefits which may be achieved by such work
21 which may be unnecessary, duplicative, or largely irrelevant because of work performed by others
22 and the absence of information about historic activities (and discharges) which are not considered
23 in the Order and/or which are beyond the property lines of the designated Site. The Order contains
24 no discussion of the benefits of IFG conducting intrusive investigations on property belonging to
25 others nor does the Order explain how the benefits of the work Ordered to IFG and others would
26 be beneficial if others are being carrying out similar work that will yield duplicative or redundant
27 findings. Beyond the foregoing, to the extent that there are multiple potential source points of the
28 contamination the Order should be directed to those who are (or have been) located at other sites.

1 These others would have access to their sites (or would be better able to gain access to a site where
2 they were previously located) and these others would also be able to coordinate their
3 investigations. Issuing the Order to IFG is cost ineffective for these additional reasons.

4 Based on the foregoing, for the reasons set forth above in § V.1. (IFG is not a discharger
5 nor properly a suspected discharger) and the absence of any meaningful cost-benefit analysis as to
6 IFG, the burden imposed on IFG is significant and lacks a reasonable relationship not only as to
7 IFG but also as to any particular work required of IFG vis-à-vis the work required (or which
8 should be required) by others.

9 **3. The Order Is Arbitrary, Capricious and Unsupported by Fact or Law**

10 The Order fails to provide any admissible evidence that supports the issuance of an Order
11 to IFG. As discussed above, the sole and tenuous thread upon which the Order rests as that
12 perhaps historic activity at the Site “may have used chlorinated solvents as degreasers.” *See*,
13 Order Item 2 p. 1. Nothing is offered in the Order to support such speculative assertions.
14 Importantly, the Order fails to offer any credible or admissible evidence that there was any use of
15 any chlorinated solvents at the Site let alone chlorinated solvent releases whether actual or
16 suspected.

17 The Order also fails to provide any reasonable and appropriate analysis why it isolates and
18 adds IFG the Order while overlooking others.

19 The arbitrary and capricious manner in which the RWQCB adds and directs the Order at
20 IFG while omitting others from the Order fails to comply with the requirements of basing an
21 Order on appropriate findings and evidence and an appropriate and consistent application of laws,
22 regulations, practices and guidelines of the RWQCB and of other environment agencies rather
23 than a disparate application of same.

24 **4. The Order was Issued without Prior Notice or Opportunity to be Heard**

25 The Order was issued without prior notice and without providing IFG with the opportunity
26 to provide comments or be heard on the purported evidence and findings in the Order. As
27 discussed above, the findings (to the extent there are any) are conclusory, speculative, and without
28 due consideration or analysis of facts or law. In short, the RWQCB denied IFG the due process it

1 is entitled to both under the United States and under the California Constitutions. The RWQCB
2 further abused its discretion and deprived IFG of equal protection rights by issuing the Order
3 without a hearing or an opportunity for IFG to respond to the issues and purported findings made
4 in the Order. The Order is based on assertions which are unsupported and fails to set forth
5 evidence in support of assertions and, as such, the Order and the RWQCB's decision and action is
6 arbitrary and capricious and without factual or legal basis.

7 **5. Deadlines in Order are Unreasonable**

8 With the sole exception of requiring a response to the Chemical Storage and Use
9 Questionnaire (attached as Ex. B), the other deadlines set forth in the Order (September 30 and
10 October 30, 2034) are unreasonable.

11 **6. Beyond the Scope – Not Waters of The State**

12 The matters at issue are not “waters of the State” and, therefore, the matters which are the
13 subject of the Order are beyond the jurisdiction of the RWQCB.

14 **VI. THE MANNER IN WHICH IFG IS AGGRIEVED**

15 IFG is aggrieved for the reasons set forth in the immediately preceding sections of this
16 Petition.

17 **VII. THE ACTION SOUGHT BY IFG**

18 IFG requests that the RWQCB remove or dismiss IFG from the Order altogether.

19 At a minimum, the RWQCB is requested to hold the Order in abeyance for the maximum
20 amount of time allowed by law (*see, e.g.*, 23 CCR § 2050.5(d)) with respect to IFG so that the
21 matters and issues raised in the Order may be investigated and addressed with sufficient time, at a
22 formal hearing, and in compliance with IFG's fundamental rights as discussed above. IFG
23 anticipates that substantial fees and costs would be incurred unless it is removed from the Order or
24 the action required by the Order is stayed as to IFG. Accordingly, IFG respectfully requests that
25 the Order be held in abeyance and all work requirements directed at IFG be stayed until such time
26 as there is a formal hearing pursuant to 23 CCR § 2053 and a final adjudicated decision of the
27 matters raised by the Order at an administrative hearing or in court should a petition follow. IFG
28 reserves the right to supplement this Petition and the concurrently filed Statement and

1 Memorandum of Points & Authorities as appropriate. Further, IFG respectfully requests that the
2 RWQCB provide an evidentiary hearing and oral argument on the Order in accordance with the
3 rights provided under the United States and California Constitutions, the Federal and California
4 Rules of Evidence, as appropriate, California *Water Code* §§ 13320 & 13321, California
5 *Government Code* § 11400, *et seq.*, 23 CCR § 648, *et seq.*, and 23 CCR § 2050.6(a), (b).

6 **VIII. STATEMENT AND MEMORANDUM OF POINTS AND AUTHORITIES**

7 A Statement and Memorandum of Points and Authorities is submitted concurrently with
8 this Petition and is incorporated herein by this reference. In summary, the Order fails to set forth a
9 legal or factual bases for naming IFG in the Order. As discussed above, the Order makes several
10 assertions of fact without offering supporting evidence and, in addition, IFG was (and continues to
11 be) deprived of the opportunity to be heard with respect to the merits of the purported evidence.
12 In addition, IFG has been deprived of an opportunity to be heard as to whether IFG is required to
13 deliver the items which are the subject of the Order and whether it caused, contributed, or is liable
14 for any of the contamination which the RWQCB attributes to IFG.

15 California *Water Code* § 13304(a) requires, for example, a nexus of responsibility between
16 the person subject to a cleanup order and impacts to the waters of the state and that the person
17 subject to an order caused the discharge, permitted the discharge to occur or threatened to create
18 the condition that led to the impact. *See, also, e.g., Redevelopment Agency of the City of Stockton*
19 *v. BNSF Railway Co.*, 643 F.3d 668, 678 (9th Cir. 2011) (“the words ‘causes or permits’ within
20 section 13304 [of the Water Code] were not intended ‘to encompass those whose involvement
21 with a spill was remote and passive.’”). IFG is unaware of any discharges it or anyone else caused
22 at the Site and is unaware of any documents indicating same and, as such, denies the assertions
23 made in the Order that IFG is required to provide the requested information. In addition, as noted
24 above, IFG did not cause any releases of the COCs at issue here nor it suspected of having done
25 so. The Order fails to provide any evidence in support of the assertions made against IFG or to
26 the extent any purported evidence is submitted it fails to establish a nexus between IFG and the
27 contamination which is the subject of the Order. IFG is entitled to any findings, conclusions, and
28 evidence relied upon by the RWQCB and an opportunity to be heard and present evidence in

1 defense of such findings, conclusions and evidence and any assertions based on the foregoing.

2 State Water Resources Control Board Resolution No. 92-49 states, in pertinent part, that
3 the Regional Boards will “make a reasonable effort to identify the discharges” and to “name other
4 persons as dischargers.” *See*, Ex. C, Res. No. 92-49(I)(B) & (II)(A)(4), *see also*, Exhibit D,
5 December 1992 memorandum from the Office of the Chief Counsel, State Water Resources
6 Control Board, to Regional Board Executive Officers, “Responsible Party Orders” setting forth
7 principles and policies for naming parties in groundwater cleanup orders.

8 **IX. STATEMENT OF DELIVERY OF PETITION TO INTERESTED PERSONS**

9 As indicated in the attached proof of service, this Petition has been sent to the RWQCB
10 and to other persons identified in the Order who CCI understands are interested persons.

11 **X. STATEMENT ON RAISING OF SUBSTANTIVE ISSUES**

12 IFG had no prior formal opportunity to raise the issues or objections raised with regard to
13 the Order because the Order was issued unilaterally by the RWQCB without a hearing or the
14 taking of evidence. After having first learned of the Order, IFG timely presented this Petition.

15 **XI. REQUEST FOR PREPARATION OF ADMINISTRATIVE RECORD & REQUEST**
16 **FOR FORMAL HEARING**

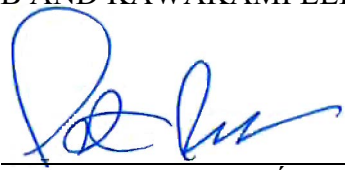
17 By copy of this Petition to the RWQCB, IFG requests the preparation and delivery of the
18 Administrative Record which led to the issuance of the Order (and any amendments thereto) as
19 well as transcripts of meetings and hearings and copies of documents upon which the Order is
20 based and which led to the issuance of the Order (and any amendments thereto) along with all
21 documents which support the underlying “Findings” and purported facts and basis for the
22 assertions made in the Order. In addition, IFG hereby requests a formal hearing pursuant to 23
23 CCR § 648 which will include, by way of example, but without limitation, an evidentiary hearing
24 (invoking the rights provided under 22 CCR § 648(b) and the other above referenced statutes and
25 rules) to adduce the purported facts and conclusions reached by the RWQCB in connection with
26 the Order and so that IFG may have an opportunity to rebut the findings and present evidence in
27 its support. In keeping with the foregoing, IFG hereby objects to, and will continue to maintain a
28 standing objection to, any informal hearings or discussions pertaining to the Order and any

1 findings, facts, or conclusions reached in the Order or hereafter reached in connection with the
2 Order which fail to meet the formal hearing and evidentiary standards which IFG hereby invokes
3 and requests.

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Dated: September 3, 2024

LAMB AND KAWAKAMI LLP

By: 

PATRICK L. RENDÓN
Attorneys for Respondent
Iskenderian Family Gardena Properties LLC

Exhibit A



Los Angeles Regional Water Quality Control Board

July 12, 2024

Iskenderian Family
Gardena Properties LLC
c/o Edward and Alice Iskenderian
16020 S Broadway
Gardena, CA 90248

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO.: 7020 2450 0000 3231 8614

SUBJECT: REQUIREMENT TO SUBMIT A COMPLETED CHEMICAL STORAGE AND USE QUESTIONNAIRE, ANY AVAILABLE ENVIRONMENTAL REPORT(S), AND SUBSURFACE INVESTIGATION WORKPLAN, PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2024-0170

SITE: ISKENDERIAN FAMILY GARDENA PROPERTIES LLC, 17853 EVELYN AVENUE, GARDENA, CALIFORNIA (SCP NO. 1621, GLOBAL ID NO. T10000022460, AIN: 6106-037-030)

Dear Mr. and Ms. Iskenderian:

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) is the public agency with the primary responsibility for the protection of ground and surface water for all beneficial uses within major portions of Los Angeles and Ventura counties, including the above-referenced site (Site). To accomplish this, the Los Angeles Water Board issues investigative orders authorized by the Porter-Cologne Water Quality Control Act (California Water Code [CWC], Division 7).

The Los Angeles Water Board records indicate operations at the former George D. Widman facility at the Site included manufacturing sheet metal and metal parts since at least 1951. The history at this Site involves soil contamination of petroleum hydrocarbons from three machine pits. Additional site history and operational activities from the former George D. Widman facility can be found in the *Supplemental Subsurface Investigation and Review of Historical Off-Site Operations* submitted by E2 Environmental Inc. on behalf of Rohm and Haas Chemicals LLC (E2 Environmental Inc., 2011).

Enclosed is a California Water Code section 13267 Order No. R4-2024-0170 (Order) requiring Iskenderian Family Gardena Properties LLC to submit a completed Chemical Storage and Use Questionnaire, any available environmental report(s) (e.g., Phase I Assessment, Phase II Assessment, etc.), and subsurface investigation workplan. Please

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

include operations history and historical chemical use and storage for each facility that has occupied the Site. The questionnaire is attached with the Order.

Your cooperation will allow us to properly evaluate your Site and determine whether further investigation is warranted. This Order is issued to you due to suspected discharges at the Site, as explained in more detail in the attached Order. You have been identified as a suspected discharger, which is also explained in more detail in the attached Order.

If you have any questions regarding this letter or the enclosed Order, please contact the undersigned at (213) 576-6739 or via email at Kate.Huynh@waterboards.ca.gov or contact Dr. Angelica Castaneda, Site Cleanup Program Unit IV Supervisor at (213) 576-6737 or via email at Angelica.Castaneda@waterboards.ca.gov.

Sincerely,

for Susana Arredondo
Executive Officer

Enclosure: Investigative Order No. R4-2024-0170

INVESTIGATIVE ORDER NO. R4-2024-0170

**CALIFORNIA WATER CODE SECTION 13267 ORDER TO PROVIDE:
RESPONSE TO THE CHEMICAL STORAGE AND USE QUESTIONNAIRE**

AND

**ENVIRONMENTAL REPORT(S) IF AVAILABLE (E.G. PHASE I ASSESSMENT,
PHASE II ASSESSMENT, ETC.)**

AND

SUBSURFACE INVESTIGATION WORKPLAN(S)

DIRECTED TO

ISKENDERIAN FAMILY GARDENA PROPERTIES LLC

**17853 EVELYN AVENUE
GARDENA, CA 90248
AIN: 6106-037-030**

(SCP NO. 1621)

ON

JULY 12, 2024

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) section 13267 requiring Iskenderian Family Gardena Properties LLC (hereinafter referred to as “the Suspected Discharger”) to further investigate the site located at 17853 Evelyn Avenue (the Site).

1. The Site is located in a residential and industrial area.
2. The Site was historically operated by George D. Widman. Historical activities included the fabrication of metal sheets and manufacturing of metal parts from at least 1951 to 1996. Fabricating metal sheets and manufacturing metal parts in this period may have used chlorinated solvents as degreasers. Additionally, a 1995 environmental investigation conducted by the Environmental Management Associates (EMA) identified several potential soil contamination activities. These areas were located at

and adjacent to machine pits containing lubricating oil and heavy surface staining from waste oil or lubricating oil.

3. Environmental sampling data from the adjacent former Bee Chemical site, located at 1500 West 178th Street, Gardena (Los Angeles Water Board Site Cleanup Program case number [SCP NO.] 0550) suggest that there is a discharge of waste at the Site that could affect the quality of the Waters of the State. In an investigation report titled *Limited Subsurface Investigation of Soil* (see enclosed Attachment 1) completed by Aqua Science Engineers, Inc. (ASE), dated March 1996 at the Site, elevated concentrations (49,000 milligrams per kilogram [mg/kg] at HA-7-1) of total recoverable petroleum hydrocarbons (TRPH) were detected in soil matrix beneath the Site, exceeding the 2019 San Francisco Environmental Screening Levels (ESLs) Soil Tier 1 for petroleum gasoline and petroleum stoddard solvent of 100 mg/kg. Additionally elevated chlorinated volatile organic compounds (cVOCs) were detected in soil vapor and groundwater beneath the former Bee Chemical site. The *Soil and Soil Vapor Sampling Results and Assessment* (Soil and Soil Vapor Assessment), dated September 15, 2022, and 2023 Second Semiannual Groundwater Monitoring and Sampling Report (2023 2nd SA GWM Report), dated February 15, 2024 identified elevated tetrachloroethene (PCE) and trichloroethene (TCE) concentrations detected in soil vapor probes and groundwater monitoring wells on the former Bee Chemical Site, adjacent to the former George D. Widman property. Additionally, the direction of groundwater flow beneath the former Bee Chemical site has historically been towards the east and northeast, indicating the former George D. Widman site is upgradient to the former Bee Chemical site. The former George D. Widman site has been separated into three different parcels and one parcel is now owned by the Iskenderian Family Gardena Properties LLC. The Soil and Soil Vapor Assessment and the 2023 2nd SA GWM Report are available on the Los Angeles Water Board's public website, GeoTracker under SCP NO. 0550 – Bee Chemical Co. (Former) (https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL184361419). The Soil and Soil Vapor Assessment and the 2023 2nd SA GWM Report at the former Bee Chemical Site suggest that discharges of cVOCs have migrated from the former George D. Widman Site, since shallow soil vapor and groundwater have been impacted.
 - a. A maximum concentration of PCE in groundwater was detected at 34 micrograms per liter (µg/L). This detection was located north of the former George D. Widman site in groundwater monitoring well, MW-25. This concentration is more than six times greater than the PCE California Maximum Contaminant Level (MCL) of 5 µg/L.

- b. A maximum TCE concentration in groundwater was detected at 32 $\mu\text{g/L}$. This detection was located north of the former George D. Widman site in groundwater monitoring well, MW-27. This concentration is more than six times greater than the TCE MCL of 5 $\mu\text{g/L}$.
 - c. A maximum concentration of PCE in soil vapor was detected at 28,000 micrograms per cubic meter ($\mu\text{g/m}^3$). This detection was located north of the former George D. Widman site in soil vapor probe, SG22-02 at 25 feet below ground surface (bgs). This concentration is two orders of magnitude greater than the 2019 San Francisco commercial soil vapor PCE ESL of 67 $\mu\text{g/m}^3$.
 - d. A maximum concentration of TCE in soil vapor was detected at 2,300 $\mu\text{g/m}^3$. This detection was located north of the former George D. Widman site in soil vapor probe, SG22-02 at 25 feet bgs. This concentration is one order of magnitude greater than the commercial soil vapor TCE ESL of 100 $\mu\text{g/m}^3$.
4. This Order identifies Iskenderian Family Gardena Properties LLC as a Suspected Discharger because Iskenderian Family Gardena Properties LLC owns the property on which there has been a suspected discharge of waste.
5. California Water Code (CWC) Section 13267, subdivision (b)(1) states, in part:

“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 reports 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.”
6. This Order requires the Suspected Discharger herein to prepare and submit technical documents and workplan(s) to investigate potential source areas at the Site and to delineate the vertical and lateral extent of any discharges determined to exist as a result of any investigation. You are expected to submit a complete Chemical Storage and Use Questionnaire, any available environmental assessments (e.g., Phase I

Assessment, Phase II Assessment, etc.), and subsurface investigation workplan(s) as required by this Order. The Los Angeles Water Board may reject the report if it is deemed incomplete and/or require revisions to the report under this Order.

7. 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. The information is necessary to adequately determine the extent of discharges of waste at and from the Site and to assure adequate cleanup of the Site, if necessary. These activities all protect human health and the environment. The technical report required by this Order may cost in the range of \$10,000 - \$200,000 depending upon the number and depths of sampling locations.
8. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2). This Order requires submittal of a completed Chemical Storage and Use Questionnaire, all available environmental reports (e.g., Phase I Assessment, Phase II Assessment, etc.), and subsurface investigation workplan(s). Information collection is exempt from CEQA pursuant to California Code of Regulations, title 14, section 15306. It is unlikely that compliance with this Order, including implementation of the work plans, could result in anything more than minor physical changes to the environment. (Pub. Res. Code § 15061, subd. (b)(3) [common sense exemption].) If the implementation of this Order may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to approval of any work plan.
9. Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. Note that filing a petition does not stay the requirements of this Order. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except 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.

THEREFORE, IT IS HEREBY ORDERED that Iskenderian Family Gardena Properties LLC, pursuant to Water Code section 13267, subdivision (b), is required to submit the following:

1. By **September 30, 2024**, complete the attached Chemical Storage and Use Questionnaire (Attachment 2);
2. By **September 30, 2024**, submit any environmental assessment reports for the Site that have been produced to date;
3. By **September 30, 2024**, submit a workplan for a subsurface investigation that shall include soil matrix analysis for total petroleum hydrocarbons, VOCs, 1,4-dioxane, and heavy metals including hexavalent chromium, and soil vapor analysis for VOCs. At minimum, samples shall be collected at the locations of any former clarifiers, underground and above ground storage tanks, chemical storage areas, degreasers, plating lines, and sumps. Conduct step-outs to assess vertical and lateral extents of any discharge encountered. The locations of soil borings must be presented on a scaled site map. The workplan shall be prepared in accordance with the guidance documents that can be found at the following links:

General Work Plan Requirements for a Heavy Metal Soil Investigations

http://waterboards.ca.gov/losangeles/water_issues/programs/remediation/General%20Workplan%20Requirements%20for%20a%20Heavy%20Metals%20Soil%20Investigation.pdf

Advisory – Active Soil Gas Investigations (July 2015)

[Advisory: ACTIVE SOIL GAS INVESTIGATIONS \(ca.gov\)](#)

Supplemental Guidance: Screening and Evaluating Vapor Intrusion (February 2023)

[Supplemental VI Guidance Final Draft \(ca.gov\)](#)

Preliminary Endangerment Assessment Guidance Manual (Rev. October 2015)

[PRELIMINARY ENDANGERMENT ASSESSMENT GUIDANCE MANUAL \(Revised October 2015\) \(ca.gov\)](#)

4. If a Phase I Assessment is not provided as required as an environmental report in item 2 above, by **October 30, 2024**, submit a Phase I Assessment containing items (a) through (d) listed below;
 - a. A description of current and historical business and facility operations at the site.

- b. Locations of any current and former clarifiers, sumps, chemical storage areas, paint booths, tanks, plating baths or any waste treatment/discharge areas. Those locations and building(s) must be presented on a scaled facility map.
 - c. Documentation of previous soil, soil vapor, wastewater, and/or groundwater investigation/cleanup conducted at the site after July 1, 1995. Also, any historical spill and mitigation records must be included.
 - d. Historical aerial photographs showing the changes in building layout in time.
5. The above items shall be submitted to:
- Kate Huynh
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 576-6739
Email: Kate.Huynh@waterboards.ca.gov
6. Pursuant to Water Code section 13268, subdivision (a), any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to Water Code section 13268, subdivision (b)(1), failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Los Angeles Water Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Los Angeles Water Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.
7. The State Water Resources Control Board adopted regulations (California Code of Regulations, title 23, sections 3891 et seq.) requiring the electronic submittals of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found on the Internet at the following link:
http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml.

To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Los Angeles Water Board letters and orders issued to you or for the Site. However, the Los Angeles Water Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to

GeoTracker. For your convenience, the GeoTracker Global ID for this site is T10000022460.

8. The Los Angeles Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports as required by this Order. The perjury statement shall be signed by a senior authorized company representative (not by a consultant). The perjury statement shall be in the following format:

“I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

SO ORDERED.

for Susana Arredondo
Executive Officer

7/12/24
Date

Attachments:

1. Attachment 1. *Limited Subsurface Investigation of Soil* (Aqua Science Engineers, Inc., March 1996)
2. Attachment 2. Chemical Storage and Use Questionnaire

Exhibit B



Los Angeles Regional Water Quality Control Board

Chemical Storage and Use Questionnaire

I. Facility Information

1. Facility/Site Name: Evelyn St. Property
2. Address: 17853 Evelyn St., Gardena, Ca. 90248

II. Property Ownership Information

1. Name of Current Property Owner: The Iskenderian Family Gardena Properties LLC
2. Mailing Address of Current Property Owner: 16020 So. Broadway-Gardena, Ca. 90248

3. Telephone: 310 217 9232 4. E-Mail: richardisky@aol.com

5. Prior Property Owner(s) (provide a separate sheet of paper, if necessary):

Property Owner Name and Mailing Address	Dates of Ownership	
	From	To
Bob Ewing 310-480-7165 robert.ewing@yahoo.com	3-29-96	10-7-99
Sanwa Bank	?	3-28-96

III. Current Tenant Information

1. Tenant Name: Direct Express
2. Standard Industrial Classification (SIC) Code: 7521
3. Brief Description of Business: Storing Automobiles for Shipping overseas in Containers by Sea Freight.

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

4. EPA/State Generator Number(s): ---
5. Years in business at this location: 13
6. Contact Name: Chris Ortiz (Chris bought Direct Express from Bob ewing in 2011)
7. Telephone and E-mail: 310-324-2100

IV. Past Tenants

List any prior tenants. Provide a separate sheet of paper, if necessary.

Company Name and Current Mailing Address	Type of Business	Dates of Operation at the Site	
		From	To
Direct Express (Bob Ewing Owner) 310-480-7165 robert.ewing@yahoo.com	same as current owner	10-8-99	2011

Do you contend that environmental liability has been transferred to another person or entity? Yes No

If so, provide a description of the relevant legal transcription(s) and any pertinent documents.

V. Operations

Answer the following questions about operations of both current and past operations. On a separate sheet of paper, provide additional details for any "Yes" responses, including the time period and the name of any past tenant for which the "Yes" response applies.

Question	Current Tenant		Past Tenant(s)	
	Yes	No	Yes	No
1. Has manufacturing or plating of circuit boards occurred?		X		X
2. Have there been plating or anodizing tanks?		X		X
3. Has there been metal work performed?		X		X
4. Has there ever been a clarifier, sump, tank, or other holding tank for wastewater?		X		X

Question		Current Tenant		Past Tenant(s)	
		Yes	No	Yes	No
5.	Has there ever been an underground storage tank installed?		X		X
6.	Has there ever been an above-ground storage tank (AST) installed?		X		X
7.	Has there ever been an industrial waste permit for sewer discharge?		X		X
8.	Has there ever been a septic system in use?		X		X
9.	Have chemicals ever been stored at this location?		X		X
10.	Have chlorinated solvents been used or stored at this location?		X		X
11.	Has there ever been a release of chemicals to the ground surface or subsurface?		X		X
12.	Use/disposal of solid propellants in rockets, matches, explosives and fireworks		X		X
13.	Use/disposal of air bag inflators		X		X
14.	Use/disposal of electric tubes containing perchlorate		X		X
15.	Use/dispose of lubricating oils, fabrics, dyes, rubber, paints and certain fertilizers (e.g. sodium nitrate fertilizer)?		X		X
16.	Perform leather tanning and finishing activities?		X		X
17.	Performed electroplating/ anodizing, aluminum refining and chromium plating?		X		X
18.	Hazardous waste sites?		X		X
19.	Use or dispose of wood preservatives that include chromium compounds (e.g. potassium dichromate, chromic acid, and sodium dichromate) and/or chlorinated volatile organic compounds?		X		X
20.	Performed pigment making, leather tanning, welding?		X		X
21.	Performed paint booth operations?		X		X
22.	Use/dispose of solvents, including varnishes and lacquers and laboratory cryoscopy solvents?		X		X
23.	Use/dispose of chloramine with water?		X		X

Question	Current Tenant		Past Tenant(s)	
	Yes	No	Yes	No
24. Has there ever been a weed management plan for the site?		X		X
25. Has the site ever used or stored pesticides or herbicides or fumigants?		X		X
26. Have the railroad tracks been used to transport pesticides or herbicides?		X		X
27. Have pesticides or herbicides ever been disposed of at the Site?		X		X
28. Has the site been used for agricultural purposes?		X		X

VI. Chemicals of Concern

- Provide a list of chemicals or substances that were used, stored, or disposed of at the Site including total petroleum hydrocarbons, volatile organic compounds and halogenated or chlorinated hydrocarbons such as Trichloroethene (TCE), Tetrachloroethene (PCE), Vinyl Chloride, cis-1,2-dichloroethene (1,2 DCE), Ethene, etc. Identify the generated waste and its composition, with the approximate quantity disposed each month. NONE

VII. Waste Management

- What are the sources of industrial wastes from the site? Identify sources by process, composition of wastes generated, and approximate quantity disposed of monthly.

NO INDUSTRIAL WASTES

VIII. Sewer Information

- Circle the type of sewer system currently in use:

Industrial

Septic Tank

Municipal

Cesspool

- Was a different sewer system used in the past? ___ Yes XX No

If yes, specify type: _____

IX. General Questions

1. Has there ever been a Phase I environmental site assessment (ESA) performed for the property? ___Yes XNo

If "Yes", include a copy of each Phase I ESA report when submitting this questionnaire to the Los Angeles Water Board.

2. Has there ever been a soil, soil vapor, groundwater, or wastewater investigation conducted at the property? ___Yes XNo

If "Yes", on a separate sheet of paper, list all reports or other documents that provide the results of these investigations. Indicate which government agencies, if any, were involved in the project(s). Provide copies of these reports or other documents to the Los Angeles Water Board when submitting this questionnaire.

X. Chemical Storage and Use

1. Were the following chemicals used onsite? NO

- Tetrachloroethylene (PCE) Trichloroethylene (TCE) 1,4-Dioxane
 1,1,1-Trichloroethane (1,1,1-TCA) Title 22 metals Hexavalent Chromium
 N-Nitrosodimethylamine (NDMA) 1,2,3-Trichloropropane (TCP) Perchlorate

2. Using the attached Chemical Inventory Form (make additional copies, if necessary), list each chemical in current use or that has been used at the site in the past.

3. How many pages of Chemical Inventory Forms are attached? 1

XI. Releases of Chemical Wastes

1. Does the site have documented releases of chemicals? Yes No

If yes, describe the nature and extent of the releases (date, volume, cause, emergency response actions).

2. Have the source(s) of the release(s) been removed (yes/no)? Yes No

If no, what sources remain?

Not Applicable

3. Has the release been stopped? Yes No Not applicable

XII. Site Characterization

1. Has the lateral and vertical extent of contamination at the site been completed?

Yes No Not applicable

2. Describe the field activities completed as part of site characterization (by whom, when, etc.)

Not Applicable

Describe any remaining data gaps in site characterization: _____

Not Applicable

3. Has a Conceptual Site Model been developed?

Yes No (Not applicable)

4. Was a Human Health Risk Assessment (HHRA) completed?

Yes No

If yes, describe conclusions of the HHRA:

XIII. Remedial Actions

1. Have remedial actions for soil, soil gas, or groundwater been performed for this site?
 Yes No

If yes, describe remedial actions performed:

2. Is groundwater monitoring being performed at the site?
 Yes No

If yes, list the contaminants monitored and concentration distribution:

3. Were light non-aqueous phase liquids (LNAPL) or dense non-aqueous phase liquids (DNAPL) present?
 Yes No

4. If yes, specify which were present (check all that apply)?
 LNAPL DNAPL (not applicable)

5. If yes, were the LNAPL and or DNAPL removed to the extent practical?
 Yes No (Not Applicable)

6. What was the land use for the cleanup scenario? (Not Applicable)
- Unrestricted
 - Residential
 - Commercial/Industrial
 - Other

7. Were any environmental regulatory letters or orders sent in association with the property? If yes, provide copies with this questionnaire.

- General Correspondence
- California Water Code 13267 Order
- Cleanup and Abatement Order (CAO)
- Notice of Violation (NOV)
- Administrative Civil Liability (ACL)
- No Further Requirements (NFR)
- Others (Specify): _____

No environmental regulatory letters or orders have been produced for the site.

8. Was site closure achieved and approved by the appropriate agency

- Yes No Not applicable

This questionnaire shall be signed below by a principal, an executive of the company, or other authorized representative of the company in accordance with the following statement:

I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: 

Date: September 10, 2024

Printed Name: Richard Iskenderian

Title: Manager of the Iskenderian Family Gardena Properties LLC

Telephone: 310 217 9232

E-Mail: richardisky@aol.com

Los Angeles Regional Water Quality Control Board

Chemical Inventory Form

Site Address: 17853 Evelyn St., Gardena, Ca. 90248

1. Chemical Name: (NOT A CHEMICAL) Diesel Exhaust Fluid (DEF)
See Attatched MSDS
2. Common/Trade Name: DEF
3. Quantity Stored: ONE 55 Gallon drum
4. Storage Method: Plastic
 Underground Tank Drums
 Aboveground Tank Other (specify)
5. Waste Disposal: Sewer Onsite recycling
 Hauled Offsite recycling
(There is No Waste) DEF is recycled off the property
6. Is the waste treated prior to disposal? Yes No
7. Is manifest documentation available for designated waste streams? If yes, provide copies with this questionnaire. Yes No

SECTION 1: IDENTIFICATION

1.1. Product Identifier

Product Form: Mixture

Product Name: Diesel Exhaust Fluid

STCC: 2818142

1.2. Intended Use of the Product

Diesel Exhaust NOx Reducing Agent

1.3. Name, Address, and Telephone of the Responsible Party

Company

CF Industries Sales, LLC

4 Parkway North, Suite 400

Deerfield, Illinois 60015-2590

847-405-2400

www.cfindustries.com

1.4. Emergency Telephone Number

Emergency Number : 800-424-9300

For Chemical Emergency, Spill, Leak, Fire, Exposure, or Accident, call CHEMTREC – Day or Night

SECTION 2: HAZARDS IDENTIFICATION

2.1. Classification of the Substance or Mixture

Classification (GHS-US)

Not classified

2.2. Label Elements

GHS-US Labeling No labeling applicable

2.3. Other Hazards

Exposure may aggravate those with pre-existing eye, skin, or respiratory conditions.

2.4. Unknown Acute Toxicity (GHS-US) No data available

SECTION 3: COMPOSITION/INFORMATION ON INGREDIENTS

3.1. Substances

Not applicable

3.2. Mixture

Name	Product Identifier	% (w/w)	Classification (GHS-US)
Water	(CAS No) 7732-18-5	67.5	Not classified
Urea	(CAS No) 57-13-6	32.5	Not classified

SECTION 4: FIRST AID MEASURES

4.1. Description of First Aid Measures

General: Never give anything by mouth to an unconscious person. If you feel unwell, seek medical advice (show the label where possible).

Inhalation: When symptoms occur: go into open air and ventilate suspected area. Obtain medical attention if breathing difficulty persists.

Skin Contact: Remove contaminated clothing. Drench affected area with water for at least 15 minutes. Obtain medical attention if irritation develops or persists.

Eye Contact: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Obtain medical attention if pain, blinking or redness develops or persists.

Ingestion: Rinse mouth. Do NOT induce vomiting. Obtain medical attention.

4.2. Most Important Symptoms and Effects Both Acute and Delayed

General: Not expected to present a significant hazard under anticipated conditions of normal use.

Inhalation: Prolonged exposure to liquid may cause a mild irritation.

Skin Contact: May cause mild skin irritation.

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Eye Contact: Prolonged exposure to liquid may cause a mild irritation.

Ingestion: Ingestion is likely to be harmful or have adverse effects.

Chronic Symptoms: Not available

4.3. Indication of Any Immediate Medical Attention and Special Treatment Needed

If exposed or concerned, get medical advice and attention.

SECTION 5: FIRE-FIGHTING MEASURES

5.1. Extinguishing Media

Suitable Extinguishing Media: Use extinguishing media appropriate for surrounding fire.

Unsuitable Extinguishing Media: Do not use a heavy water stream. Use of heavy stream of water may spread fire.

5.2. Special Hazards Arising From the Substance or Mixture

Fire Hazard: Not considered flammable but may burn at high temperatures.

Explosion Hazard: Product is not explosive.

Reactivity: Hazardous reactions will not occur under normal conditions.

5.3. Advice for Firefighters

Precautionary Measures Fire: Exercise caution when fighting any chemical fire.

Firefighting Instructions: Use water spray or fog for cooling exposed containers.

Protection During Firefighting: Do not enter fire area without proper protective equipment, including respiratory protection.

Hazardous Combustion Products: Oxides of Carbon, Nitrogen. Ammonia.

Reference to Other Sections

Refer to section 9 for flammability properties.

SECTION 6: ACCIDENTAL RELEASE MEASURES

6.1. Personal Precautions, Protective Equipment and Emergency Procedures

General Measures: Avoid breathing (vapor, mist, spray). Avoid prolonged contact with eyes, skin and clothing.

6.1.1. For Non-Emergency Personnel

Protective Equipment: Use appropriate personal protection equipment (PPE).

Emergency Procedures: Evacuate unnecessary personnel.

6.1.2. For Emergency Personnel

Protective Equipment: Equip cleanup crew with proper protection.

Emergency Procedures: Stop leak if safe to do so. Ventilate area.

6.2. Environmental Precautions

Prevent entry to sewers and public waters. Contact competent authorities after a spill

6.3. Methods and Material for Containment and Cleaning Up

For Containment: Contain any spills with dikes or absorbents to prevent migration and entry into sewers or streams.

Methods for Cleaning Up: Clean up spills immediately and dispose of waste safely. Absorb and/or contain spill with inert material, then place in suitable container.

6.4. Reference to Other Sections

See heading 8, Exposure Controls and Personal Protection.

SECTION 7: HANDLING AND STORAGE

7.1. Precautions for Safe Handling

Additional Hazards When Processed: When heated to decomposition, emits toxic fumes.

Hygiene Measures: Handle in accordance with good industrial hygiene and safety procedures. Wash hands and other exposed areas with mild soap and water before eating, drinking, or smoking and again when leaving work.

7.2. Conditions for Safe Storage, Including Any Incompatibilities

Technical Measures: Comply with applicable regulations.

Storage Conditions: Store in a dry, cool, and well-ventilated place. Keep container closed when not in use. Keep/Store away from extremely high or low temperatures, incompatible materials.

Incompatible Materials: Strong acids. Strong bases. Strong oxidizers. Alkalis.

7.3. Specific End Use(s)

Diesel Exhaust NOx Reducing Agent.

Diesel Exhaust Fluid

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SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION

8.1. Control Parameters

No additional information available.

8.2. Exposure Controls

Appropriate Engineering Controls: Emergency eye wash fountains and safety showers should be available in the immediate vicinity of any potential exposure. Ensure adequate ventilation, especially in confined areas. Ensure all national/local regulations are observed.

Personal Protective Equipment: In case of splash hazard: safety glasses.



Materials for Protective Clothing: Not applicable.

Hand Protection: Wear chemically resistant protective gloves.

Eye Protection: In case of splash hazard: chemical goggles or safety glasses.

Skin and Body Protection: Wear suitable protective clothing.

Respiratory Protection: If exposure limits are exceeded or irritation is experienced, approved respiratory protection should be worn.

Other Information: When using, do not eat, drink, or smoke.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

9.1. Information on Basic Physical and Chemical Properties

Physical State	: Liquid
Appearance	: Colorless, clear
Odor	: Slight Ammonia
Odor Threshold	: Not available
pH	: 9.8 - 10
Evaporation Rate	: Not available
Melting Point	: Not available
Freezing Point	: - 12 °C (11 °F)
Boiling Point	: 104 °C (219 °F)
Flash Point	: Not available
Auto-ignition Temperature	: Not available
Decomposition Temperature	: Not available
Flammability (solid, gas)	: Not available
Lower Flammable Limit	: Not available
Upper Flammable Limit	: Not available
Vapor Pressure	: Not available
Relative Vapor Density at 20 °C	: Not available
Relative Density	: Not available
Specific gravity / density	: 9.0909 lbs. / USG - 4.13 kg / 3.785L @20°C (68°F)
Specific Gravity	: 1.087-1.093 @20°C (68°F)
Solubility	: 100%
Partition Coefficient: N-Octanol/Water	: Not available
Viscosity	: Not available
Explosion Data – Sensitivity to Mechanical Impact	: Not expected to present an explosion hazard due to mechanical impact.
Explosion Data – Sensitivity to Static Discharge	: Not expected to present an explosion hazard due to static discharge.

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SECTION 10: STABILITY AND REACTIVITY

- 10.1. **Reactivity:** Hazardous reactions will not occur under normal conditions.
- 10.2. **Chemical Stability:** Stable under recommended handling and storage conditions (see section 7).
- 10.3. **Possibility of Hazardous Reactions:** Hazardous polymerization will not occur.
- 10.4. **Conditions to Avoid:** Extremely high or low temperatures. Incompatible materials.
- 10.5. **Incompatible Materials:** Strong acids. Strong bases. Strong oxidizers. Alkalis.
- 10.6. **Hazardous Decomposition Products:** Nitrogen oxides. Irritating fumes. Ammonia. Carbon oxides (CO, CO₂).

SECTION 11: TOXICOLOGICAL INFORMATION

11.1. Information on Toxicological Effects - Product

Acute Toxicity: Not classified

LD50 and LC50 Data: Not available

Skin Corrosion/Irritation: Not classified

pH: 9.8 - 10

Serious Eye Damage/Irritation: Not classified

pH: 9.8 - 10

Respiratory or Skin Sensitization: Not classified

Germ Cell Mutagenicity: Not classified

Teratogenicity: Not classified

Carcinogenicity: Not classified

Specific Target Organ Toxicity (Repeated Exposure): Not classified

Reproductive Toxicity: Not classified

Specific Target Organ Toxicity (Single Exposure): Not classified

Aspiration Hazard: Not classified

Symptoms/Injuries After Inhalation: Prolonged exposure to liquid may cause a mild irritation.

Symptoms/Injuries After Skin Contact: May cause mild skin irritation.

Symptoms/Injuries After Eye Contact: Prolonged exposure to liquid may cause a mild irritation.

Symptoms/Injuries After Ingestion: Ingestion is likely to be harmful or have adverse effects.

11.2. Information on Toxicological Effects - Ingredient(s)

LD50 and LC50 Data:

Water (7732-18-5)	
LD50 Oral Rat	> 90000 mg/kg
Urea (57-13-6)	
LD50 Oral Rat	8471 mg/kg

SECTION 12: ECOLOGICAL INFORMATION

12.1. Toxicity No additional information available

Urea (57-13-6)	
LC50 Fish 1	16200 - 18300 mg/l (Exposure time: 96 h - Species: Poecilia reticulata)
EC50 Daphnia 1	3910 mg/l (Exposure time: 48 h - Species: Daphnia magna [Static])

12.2. Persistence and Degradability

Diesel Exhaust Fluid	
Persistence and Degradability	Not established.

12.3. Bioaccumulative Potential

Diesel Exhaust Fluid	
Bioaccumulative Potential	Not established.

Urea (57-13-6)	
BCF Fish 1	< 10
Log Pow	-1.59 (at 25 °C)

12.4. Mobility in Soil Not available

Diesel Exhaust Fluid

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12.5. Other Adverse Effects

Other Information: Avoid release to the environment.

SECTION 13: DISPOSAL CONSIDERATIONS

13.1. Waste treatment methods

Waste Disposal Recommendations: Dispose of waste material in accordance with all local, regional, national, provincial, territorial and international regulations.

SECTION 14: TRANSPORT INFORMATION

14.1. In Accordance with DOT Not regulated for transport

14.2. In Accordance with IMDG Not regulated for transport

14.3. In Accordance with IATA Not regulated for transport

14.4. In Accordance with TDG Not regulated for transport

SECTION 15: REGULATORY INFORMATION

15.1. US Federal Regulations

Water (7732-18-5)

Listed on the United States TSCA (Toxic Substances Control Act) inventory

Urea (57-13-6)

Listed on the United States TSCA (Toxic Substances Control Act) inventory

15.2. US State Regulations

Urea (57-13-6)

U.S. - Minnesota - Hazardous Substance List

U.S. - Texas - Effects Screening Levels - Long Term

U.S. - Texas - Effects Screening Levels - Short Term

15.3. Canadian Regulations

Diesel Exhaust Fluid

WHMIS Classification	Uncontrolled product according to WHMIS classification criteria
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Water (7732-18-5)

Listed on the Canadian DSL (Domestic Substances List)

WHMIS Classification	Uncontrolled product according to WHMIS classification criteria
----------------------	---

Urea (57-13-6)

Listed on the Canadian DSL (Domestic Substances List)

WHMIS Classification	Uncontrolled product according to WHMIS classification criteria
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This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the SDS contains all of the information required by CPR.

SECTION 16: OTHER INFORMATION, INCLUDING DATE OF PREPARATION OR LAST REVISION

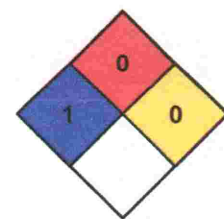
Revision Date : 1 September 2015

Revision Comments : Section 1.1 updated

NFPA Health Hazard : 1 - Exposure could cause irritation but only minor residual injury even if no treatment is given.

NFPA Fire Hazard : 0 - Materials that will not burn.

NFPA Reactivity : 0 - Normally stable, even under fire exposure conditions, and are not reactive with water.



Diesel Exhaust Fluid

Safety Data Sheet

According To Federal Register / Vol. 77, No. 58 / Monday, March 26, 2012 / Rules And Regulations

HMIS III Rating

Health : 1 Slight Hazard - Irritation or minor reversible injury possible
Flammability : 0 Minimal Hazard
Physical : 0 Minimal Hazard

Party Responsible for the Preparation of This Document

CF Industries, Corporate EHS Department, 847-405-2400

This information is based on our current knowledge and is intended to describe the product for the purposes of health, safety and environmental requirements only. It should not therefore be construed as guaranteeing any specific property of the product.

CF believes the information contained herein is accurate; however, CF makes no guarantees or warranties with respect to such accuracy and assumes no liability in connection with the use of the information contained herein by any party. The provision of the information contained herein by CF is not intended to be and should not be construed as legal advice or as ensuring compliance by other parties. Judgments as to the suitability of the information contained herein for the party's own use or purposes are solely the responsibility of that party. Any party handling, transferring, transporting, storing, applying or otherwise using this product should review thoroughly all applicable laws, rules, regulations, standards and good engineering practices. Such thorough review should occur before the party handles, transfers, transports, stores, applies or otherwise uses this product.

North America GHS US 2012 & WHMIS 2

Exhibit C

Resolution No. 92-49

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 92-49

(As Amended on April 21, 1994 and October 2, 1996)

POLICIES AND PROCEDURES FOR INVESTIGATION AND CLEANUP AND ABATEMENT OF DISCHARGES UNDER WATER CODE SECTION 13304

WHEREAS:

1. California Water Code (WC) Section 13001 provides that it is the Intent of the Legislature that the State Water Resources Control Board (State Water Board) and each Regional Water Quality Control Board (Regional Water Board) shall be the principal state agencies with primary responsibility for the coordination and control of water quality. The State and Regional Water Boards shall conform to and implement the policies of the Porter-Cologne Water Quality Control Act (Division 7, commencing with WC Section 13000) and shall coordinate their respective activities so as to achieve a unified and effective water quality control program in the state;
2. WC Section 13140 provides that the State Water Board shall formulate and adopt State Policy for Water Quality Control;
3. WC Section 13240 provides that Water Quality Control Plans shall conform to any State Policy for Water Quality Control;
4. WC Section 13304 requires that any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirement or other order or prohibition issued by a Regional Water Board or the State Water 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 may be required to clean up the discharge and abate the effects thereof. This section authorizes Regional Water Boards to require complete cleanup of all waste discharged and restoration of affected water to background conditions (i.e., the water quality that existed before the discharge). The term waste discharge requirements includes those which implement the National Pollutant Discharge Elimination System;
5. WC Section 13307 provides that the State Water Board shall establish policies and procedures that its representatives and the representatives of the Regional Water Boards shall follow for the oversight of investigations and cleanup and abatement activities resulting from discharges of hazardous substances, including:
 - a. The procedures the State Water Board and the Regional Water Boards will follow in making decisions as to when a person may be required to undertake an investigation to determine if an unauthorized hazardous substance discharge has occurred;
 - b. Policies for carrying out a phased, step-by-step investigation to determine the nature and extent of possible soil and ground water contamination or pollution at a site;
 - c. Procedures for identifying and utilizing the most cost-effective methods for detecting contamination or pollution and cleaning up or abating the effects of contamination or pollution;
 - d. Policies for determining reasonable schedules for investigation and cleanup, abatement, or other remedial action at a site. The policies shall recognize the danger to public health and the waters of the state posed by an unauthorized discharge and the need to mitigate those dangers while at the same time taking into account, to the extent possible, the resources, both financial and technical, available to the person responsible for the discharge;

6. "Waters of the state" include both ground water and surface water;
7. Regardless of the type of discharge, procedures and policies applicable to investigations, and cleanup and abatement activities are similar. It is in the best interest of the people of the state for the State Water Board to provide consistent guidance for Regional Water Boards to apply to investigation, and cleanup and abatement;
8. WC Section 13260 requires any person discharging or proposing to discharge waste that could affect waters of the state, or proposing to change the character, location, or volume of a discharge to file a report with and receive requirements from the Regional Water Board;
9. WC Section 13267 provides that the Regional Water Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical or monitoring reports as the Regional Water Board may specify, provided that the burden, including costs, of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports;
10. WC Section 13300 states that the Regional Water Board may require a discharger to submit a time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements prescribed by the Regional Water Board or the State Water Board;
11. California Health and Safety Code (HSC) Section 25356.1 requires the Department of Toxic Substances Control (DTSC) or, if appropriate, the Regional Water Board to prepare or approve remedial action plans for sites where hazardous substances were released to the environment if the sites have been listed pursuant to HSC Section 25356 (state "Superfund" priority list for cleanup of sites);
12. Coordination with the U.S. Environmental Protection Agency (USEPA), state agencies within the California Environmental Protection Agency (Cal/EPA) (e.g., DTSC, Air Resources Control Board), air pollution control districts, local environmental health agencies, and other responsible federal, state, and local agencies: (1) promotes effective protection of water quality, human health, and the environment and (2) is in the best interest of the people of the state. The principles of coordination are embodied in many statutes, regulations, and interagency memoranda of understanding (MOU) or agreement which affect the State and Regional Water Boards and these agencies;
13. In order to clean up and abate the effects of a discharge or threat of a discharge, a discharger may be required to perform an investigation to define the nature and extent of the discharge or threatened discharge and to develop appropriate cleanup and abatement measures;
14. Investigations that were not properly planned have resulted in increases in overall costs and, in some cases, environmental damage. Overall costs have increased when original corrective actions were later found to have had no positive effect or to have exacerbated the pollution. Environmental damage may increase when a poorly conceived investigation or cleanup and abatement program allows pollutants to spread to previously unaffected waters of the state;
15. A phased approach to site investigation should facilitate adequate delineation of the nature and extent of the pollution, and may reduce overall costs and environmental damage, because: (1) investigations inherently build on information previously gained; (2) often data are dependent on seasonal and other temporal variations; and (3) adverse consequences of greater cost or increased environmental damage can result from improperly planned investigations and the lack of consultation and coordination with the Regional Water Board. However, there are circumstances under which a phased, iterative approach may not be necessary to protect water quality, and there are other circumstances under which phases may need to be compressed or combined to expedite cleanup and abatement;
16. Preparation of written workplans prior to initiation of significant elements or phases of investigation, and cleanup and abatement generally saves Regional Water Board and discharger resources. Results are superior, and the overall cost-effectiveness is enhanced;
17. Discharger reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities.

California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgements be performed by or under the direction of registered professionals;

18. WC Section 13360 prohibits the Regional Water Boards from specifying, but not from suggesting, methods that a discharger may use to achieve compliance with requirements or orders. It is the responsibility of the discharger to propose methods for Regional Water Board review and concurrence to achieve compliance with requirements or orders;

19. The USEPA, California state agencies, the American Society for Testing and Materials, and similar organizations have developed or identified methods successful in particular applications. Reliance on established, appropriate methods can reduce costs of investigation, and cleanup and abatement;

20. The basis for Regional Water Board decisions regarding investigation, and cleanup and abatement includes: (1) site-specific characteristics; (2) applicable state and federal statutes and regulations; (3) applicable water quality control plans adopted by the State Water Board and Regional Water Boards, including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board and Regional Water Board policies, including State Water Board Resolutions No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) and No. 88-63 (Sources of Drinking Water); and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies;

21. Discharges subject to WC Section 13304 may include discharges of waste to land; such discharges may cause, or threaten to cause, conditions of soil or water pollution or nuisance that are analogous to conditions associated with migration of waste or fluid from a waste management unit;

22. The State Water Board has adopted regulations governing discharges of waste to land (California Code of Regulations (CCR), Title 23, Division 3, Chapter 15);

23. State Water Board regulations governing site investigation and corrective action at underground storage tank unauthorized release sites are found in 23 CCR Division 3, Chapter 16, in particular Article 11 commencing with Section 2720;

24. It is the responsibility of the Regional Water Board to make decisions regarding cleanup and abatement goals and objectives for the protection of water quality and the beneficial uses of waters of the state within each Region;

25. Cleanup and abatement alternatives that entail discharge of residual wastes to waters of the state, discharges to regulated waste management units, or leaving wastes in place, create additional regulatory constraints and long-term liability, which must be considered in any evaluation of cost-effectiveness;

26. It is not the intent of the State or Regional Water Boards to allow dischargers, whose actions have caused, permitted, or threaten to cause or permit conditions of pollution, to avoid responsibilities for cleanup. However, in some cases, attainment of applicable water quality objectives for ground water cannot reasonably be achieved. In these cases, the State Water Board determines that establishment of a containment zone is appropriate and consistent with the maximum benefit to the people of the State if applicable requirements contained in the Policy are satisfied. The establishment of a containment zone does not limit or supersede obligations or liabilities that may arise under other laws;

27. The Porter-Cologne Water Quality Control Act allows Regional Water Boards to impose more stringent requirements on discharges of waste than any statewide requirements promulgated by the State Water Board (e.g., in this Policy) or than water quality objectives established in statewide or regional water quality control plans as needed to protect water quality and to reflect regional and site-specific conditions; and

28. Pursuant to Section 13320 of the Water Code, aggrieved persons may petition the State Water Board to review any decisions made under this policy.

THEREFORE BE IT RESOLVED:

These policies and procedures apply to all investigations, and cleanup and abatement activities, for all types of discharges subject to Section 13304 of the WC.

I. The Regional Water Board shall apply the following procedures in determining whether a person shall be required to investigate a discharge under WC Section 13267, or to clean up waste and abate the effects of a discharge or a threat of a discharge under WC Section 13304. The Regional Water Board shall:

A. Use any relevant evidence, whether direct or circumstantial, including, but not limited to, evidence in the following categories:

1. Documentation of historical or current activities, waste characteristics, chemical use, storage or disposal information, as documented by public records, responses to questionnaires, or other sources of information;
2. Site characteristics and location in relation to other potential sources of a discharge;
3. Hydrologic and hydrogeologic information, such as differences in upgradient and downgradient water quality;
4. Industry-wide operational practices that historically have led to discharges, such as leakage of pollutants from wastewater collection and conveyance systems, sumps, storage tanks, landfills, and clarifiers;
5. Evidence of poor management of materials or wastes, such as improper storage practices or inability to reconcile inventories;
6. Lack of documentation of responsible management of materials or wastes, such as lack of manifests or lack of documentation of proper disposal;
7. Physical evidence, such as analytical data, soil or pavement staining, distressed vegetation, or unusual odor or appearance;
8. Reports and complaints;
9. Other agencies' records of possible or known discharge; and
10. Refusal or failure to respond to Regional Water Board inquiries;

B. Make a reasonable effort to identify the dischargers associated with the discharge. It is not necessary to identify all dischargers for the Regional Water Board to proceed with requirements for a discharger to investigate and clean up;

C. Require one or more persons identified as a discharger associated with a discharge or threatened discharge subject to WC Section 13304 to undertake an investigation, based on findings of I.A and I.B above;

D. Notify appropriate federal, state, and local agencies regarding discharges subject to WC Section 13304 and coordinate with these agencies on investigation, and cleanup and abatement activities.

II. The Regional Water Board shall apply the following policies in overseeing: (a) investigations to determine the nature and horizontal and vertical extent of a discharge and (b) appropriate cleanup and abatement measures.

A. The Regional Water Board shall:

1. Require the discharger to conduct investigation, and cleanup and abatement, in a progressive sequence ordinarily consisting of the following phases, provided that the sequence shall be adjusted to accommodate site-specific circumstances, if necessary:
 - a. Preliminary site assessment (to confirm the discharge and the identity of the dischargers; to identify affected or threatened waters of the state and their beneficial uses; and to develop preliminary information on the nature, and vertical and horizontal extent, of the discharge);
 - b. Soil and water investigation (to determine the source, nature and extent of the discharge with sufficient detail to provide the basis for decisions regarding subsequent cleanup and abatement actions, if any are determined by the Regional Water Board to be necessary);

c. Proposal and selection of cleanup and abatement action (to evaluate feasible and effective cleanup and abatement actions, and to develop preferred cleanup and abatement alternatives);

d. Implementation of cleanup and abatement action (to implement the selected alternative, and to monitor in order to verify progress);

e. Monitoring (to confirm short- and long-term effectiveness of cleanup and abatement);

2. Consider, where necessary to protect water quality, approval of plans for investigation, or cleanup and abatement, that proceed concurrently rather than sequentially, provided that overall cleanup and abatement goals and objectives are not compromised, under the following conditions:

a. Emergency situations involving acute pollution or contamination affecting present uses of waters of the state;

b. Imminent threat of pollution;

c. Protracted investigations resulting in unreasonable delay of cleanup and abatement; or

d. Discharges of limited extent which can be effectively investigated and cleaned up within a short time;

3. Require the discharger to extend the investigation, and cleanup and abatement, to any location affected by the discharge or threatened discharge;

4. Where necessary to protect water quality, name other persons as dischargers, to the extent permitted by law;

5. Require the discharger to submit written workplans for elements and phases of the investigation, and cleanup and abatement, whenever practicable;

6. Review and concur with adequate workplans prior to initiation of investigations, to the extent practicable. The Regional Water Board may give verbal concurrence for investigations to proceed, with written follow-up. An adequate workplan should include or reference, at least, a comprehensive description of proposed investigative, cleanup, and abatement activities, a sampling and analysis plan, a quality assurance project plan, a health and safety plan, and a commitment to implement the workplan;

7. Require the discharger to submit reports on results of all phases of investigations, and cleanup and abatement actions, regardless of degree of oversight by the Regional Water Board;

8. Require the discharger to provide documentation that plans and reports are prepared by professionals qualified to prepare such reports, and that each component of investigative and cleanup and abatement actions is conducted under the direction of appropriately qualified professionals. A statement of qualifications of the responsible lead professionals shall be included in all plans and reports submitted by the discharger;

9. Prescribe cleanup levels which are consistent with appropriate levels set by the Regional Water Board for analogous discharges that involve similar wastes, site characteristics, and water quality considerations;

B. The Regional Water Board may identify investigative and cleanup and abatement activities that the discharger could undertake without Regional Water Board oversight, provided that these investigations and cleanup and abatement activities shall be consistent with the policies and procedures established

herein.

III. The Regional Water Board shall implement the following procedures to ensure that dischargers shall have the opportunity to select cost-effective methods for detecting discharges or threatened discharges and methods for cleaning up or abating the effects thereof. The Regional Water Board shall:

A. Concur with any investigative and cleanup and abatement proposal which the discharger demonstrates and the Regional Water Board finds to have a substantial likelihood to achieve compliance, within a reasonable time frame, with cleanup goals and objectives that implement the applicable Water Quality Control Plans and Policies adopted by the State Water Board and Regional Water Boards, and which implement permanent cleanup and abatement solutions which do not require ongoing maintenance, wherever feasible;

B. Consider whether the burden, including costs, of reports required of the discharger during the investigation and cleanup and abatement of a discharge bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports;

C. Require the discharger to consider the effectiveness, feasibility, and relative costs of applicable alternative methods for investigation, and cleanup and abatement. Such comparison may rely on previous analysis of analogous sites, and shall include supporting rationale for the selected methods;

D. Ensure that the discharger is aware of and considers techniques which provide a cost-effective basis for initial assessment of a discharge.

1. The following techniques may be applicable:

- a. Use of available current and historical photographs and site records to focus investigative activities on locations and wastes or materials handled at the site;
- b. Soil gas surveys;
- c. Shallow geophysical surveys;
- d. Remote sensing techniques;

2. The above techniques are in addition to the standard site assessment techniques, which include:

- a. Inventory and sampling and analysis of materials or wastes;
- b. Sampling and analysis of surface water;
- c. Sampling and analysis of sediment and aquatic biota;
- d. Sampling and analysis of ground water;
- e. Sampling and analysis of soil and soil pore moisture;
- f. Hydrogeologic investigation;

E. Ensure that the discharger is aware of and considers the following cleanup and abatement methods or combinations thereof, to the extent that they may be applicable to the discharge or threat thereof:

1. Source removal and/or isolation;
2. In-place treatment of soil or water:
 - a. Bioremediation;
 - b. Aeration;
 - c. Fixation;

3. Excavation or extraction of soil, water, or gas for on-site or off-site treatment by the following techniques:

- a. Bioremediation;
- b. Thermal destruction;
- c. Aeration;
- d. Sorption;
- e. Precipitation, flocculation, and sedimentation;
- f. Filtration;
- g. Fixation;
- h. Evaporation;

4. Excavation or extraction of soil, water, or gas for appropriate recycling, re-use, or disposal;

F. Require actions for cleanup and abatement to:

1. Conform to the provisions of Resolution No. 68-16 of the State Water Board, and the Water Quality Control Plans of the State and Regional Water Boards, provided that under no circumstances shall these provisions be interpreted to require cleanup and abatement which achieves water quality conditions that are better than background conditions;

2. Implement the provisions of Chapter 15 that are applicable to cleanup and abatement, as follows:

a. If cleanup and abatement involves corrective action at a waste management unit regulated by waste discharge requirements issued under Chapter 15, the Regional Water Board shall implement the provisions of that chapter;

b. If cleanup and abatement involves removal of waste from the immediate place of release and discharge of the waste to land for treatment, storage, or disposal, the Regional Water Board shall regulate the discharge of the waste through waste discharge requirements issued under Chapter 15 provided that the Regional Water Board may waive waste discharge requirements under WC Section 13269 if the waiver is not against the public interest (e.g., if the discharge is for short-term treatment or storage, and if the temporary waste management unit is equipped with features that will ensure full and complete containment of the waste for the treatment or storage period); and

c. If cleanup and abatement involves actions other than removal of the waste, such as containment of waste in soil or ground water by physical or hydrological barriers to migration (natural or engineered), or in-situ treatment (e.g., chemical or thermal fixation, or bioremediation), the Regional Water Board shall apply the applicable provisions of Chapter 15, to the extent that it is technologically and economically feasible to do so; and

3. Implement the applicable provisions of Chapter 16 for investigations and cleanup and abatement of discharges of hazardous substances from underground storage tanks;

G. Ensure that dischargers are required to clean up and abate the effects of discharges in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible; in approving any alternative cleanup levels less stringent than background, apply Section 2550.4 of Chapter 15, or, for cleanup and abatement associated with underground storage tanks, apply Section 2725 of Chapter 16, provided that the Regional Water Board

considers the conditions set forth in Section 2550.4 of Chapter 15 in setting alternative cleanup levels pursuant to Section 2725 of Chapter 16; any such alternative cleanup level shall:

1. Be consistent with 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 Water Quality Control Plans and Policies adopted by the State and Regional Water Boards; and

H. Consider the designation of containment zones notwithstanding any other provision of this or other policies or regulations which require cleanup to water quality objectives. A containment zone is defined as a specific portion of a water bearing unit where the Regional Water Board finds, pursuant to Section III.H. of this policy, it is unreasonable to remediate to the level that achieves water quality objectives. The discharger is required to take all actions necessary to prevent the migration of pollutants beyond the boundaries of the containment zone in concentrations which exceed water quality objectives. The discharger must verify containment with an approved monitoring program and must provide reasonable mitigation measures to compensate for any significant adverse environmental impacts attributable to the discharge. Examples of sites which may qualify for containment zone designation include, but are not limited to, sites where either strong sorption of pollutants on soils, pollutant entrapment (e.g. dense non-aqueous phase liquids [DNAPLS]), or complex geology due to heterogeneity or fractures indicate that cleanup to applicable water quality objectives cannot reasonably be achieved. In establishing a containment zone, the following procedures, conditions, and restrictions must be met:

1. The Regional Water Board shall determine whether water quality objectives can reasonably be achieved within a reasonable period by considering what is technologically and economically feasible and shall take into account environmental characteristics of the hydrogeologic unit under consideration and the degree of impact of any remaining pollutants pursuant to Section III.H.3. The Regional Water Board shall evaluate information provided by the discharger and any other information available to it:

- a. Technological feasibility is determined by assessing available technologies, which have been shown to be effective under similar hydrogeologic conditions in reducing the concentration of the constituents of concern. Bench-scale or pilot-scale studies may be necessary to make this feasibility assessment;

- b. Economic feasibility is an objective balancing of the incremental benefit of attaining further reductions in the concentrations of constituents of concern as compared with the incremental cost of achieving those reductions. The evaluation of economic feasibility will include consideration of current, planned, or future land use, social, and economic impacts to the surrounding community including property owners other than the discharger. Economic feasibility, in this Policy, does not refer to the discharger's ability to finance cleanup. Availability of financial resources should be considered in the establishment of reasonable compliance schedules;

- c. The Regional Water Board may make determinations of technological or economic infeasibility after a discharger either implements a cleanup program pursuant to III.G. which cannot reasonably attain cleanup objectives, or demonstrates that it is unreasonable to cleanup to water quality objectives, and may make determinations on the basis of projection, modeling, or other analysis of site-specific data without necessarily requiring that remedial measures be first constructed or installed and operated and their performance reviewed over time unless such projection, modeling, or other analysis is insufficient or inadequate to make such determinations;

2. The following conditions shall be met for all containment zone designations:

- a. The discharger or a group of dischargers is responsible for submitting an application for designation of a containment zone. Where the application does not have sufficient information for the Regional Water Board to make the requisite findings, the Regional Water Board shall request the discharger(s) to develop and

submit the necessary information. Information requirements are listed in the Appendix to this section;

b. Containment and storage vessels that have caused, are causing, or are likely to cause ground water degradation must be removed or repaired, or closed in accordance with applicable regulations. Floating free product must be removed to the extent practicable. If necessary, as determined by the Regional Water Board, to prevent further water quality degradation, other sources (e.g., soils, nonfloating free product) must be either removed, isolated, or managed. The significance and approach to be taken regarding these sources must be addressed in the management plan developed under H.2.d.;

c. Where reasonable, removal of pollutant mass from ground water within the containment zone may be required, if it will significantly reduce the concentration of pollutants within the containment zone, the volume of the containment zone, or the level of maintenance required for containment. The degree of removal which may be required will be determined by the Regional Water Board in the process of evaluating the proposal for designation of a containment zone. The determination of the extent of mass removal required will include consideration of the incremental cost of mass removal, the incremental benefit of mass removal, and the availability of funds to implement the provisions in the management plan for as long as water quality objectives are exceeded within the containment zone;

d. The discharger or a group of dischargers must propose and agree to implement a management plan to assess, cleanup, abate, manage, monitor, and mitigate the remaining significant human health, water quality, and environmental impacts to the satisfaction of the Regional Water Board. Impacts will be evaluated in accordance with Section III.H.3. The management plan may include management measures, such as land use controls, engineering controls, and agreements with other landowners or agreements with the landlord or lessor where the discharger is a tenant or lessee. The contents of the management plan shall be dependent upon the specific characteristics of the proposed containment zone and must include a requirement that the Regional Water Board be notified of any transfer of affected property to a new owner(s);

e. The proposed management plan must provide reasonable mitigation measures to substantially lessen or avoid any significant adverse environmental impacts attributable to the discharge. At a minimum, the plan must provide for control of pollutants within the containment zone such that water quality objectives are not exceeded outside the containment zone as a result of the discharge. The plan must also provide, if appropriate, for equivalent alternative water supplies, reimbursement for increased water treatment costs to affected users, and increased costs associated with well modifications. Additional mitigation measures may be proposed by the discharger based on the specific characteristics of the proposed containment zone. Such measures must assist in water quality improvement efforts within the ground water basin and may include participating in regional ground water monitoring, contributing to ground water basin cleanup or management programs, or contributing to research projects which are publicly accessible (i.e., not protected by patents and licenses) and aimed at developing remedial technologies that would be used in the ground water basin. Proposals for off-site cleanup projects may be considered by the Regional Water Board as a mitigation measure under the following criteria:

1. Off-site cleanup projects must be located in the same ground water basin as the proposed containment zone, and
2. Implementation of an off-site project must result in an improvement in the basin's water quality or protect the basin's water quality from pollution, and

3. Off-site projects must include source removal or other elements for which water quality benefits or water quality protection can be easily demonstrated, and

4. Off-site projects may be proposed independently by the discharger or taken from projects identified as acceptable by the Regional Water Board through a clearinghouse process, or

5. In lieu of choosing to finance a specific off-site project, the discharger may contribute moneys to the SWRCB's Cleanup and Abatement Account (Account) or other funding source. Use of such contributions to the Account or other source will be limited to cleanup projects or water quality protection projects for the basin in which the containment zone is designated. Contributions are not to exceed ten percent of the savings in continued active remediation that discharger will accrue over a ten-year period due to designation of a containment zone (less any additional costs of containment zone designation during this period, e.g., additional monitoring requirements, Regional Water Board application costs, etc.). Contributions of less than ten percent must be accompanied by a detailed justification as to why a lesser contribution would provide adequate mitigation.

Except where prohibited by Federal law, Federal agencies may be required, based on specific site conditions, to implement mitigation measures;

f. The proposed management plan must include a detailed description of the proposed monitoring program, including the location and construction of monitoring points, a list of proposed monitoring parameters, a detailed description of sampling protocols, the monitoring frequency, and the reporting requirements and frequency. The monitoring points must be at or as close as reasonable to the boundary of the containment zone so as to clearly demonstrate containment such that water quality objectives outside the containment zone are not violated as the result of the discharge. Specific monitoring points must be defined on a case-by-case basis by determining what is necessary to demonstrate containment, horizontally and vertically. All technical or monitoring program requirements and requirements for access shall be designated pursuant to WC Section 13267. The monitoring program may be modified with the approval of the Regional Water Board's Executive Officer based on an evaluation of monitoring data;

g. The management plan must include a detailed description of the method to be used by the discharger to evaluate monitoring data and a specific protocol for actions to be taken in response to evidence that water quality objectives have been exceeded outside the containment zone as a result of the migration of pollutants from within the containment zone;

3. In order for a containment zone to be designated, it shall be limited in vertical and lateral extent; as protective as reasonably possible of human health and safety and the environment; and should not result in violation of water quality objectives outside the containment zone. The following factors must be considered by the Regional Water Board in making such findings:

a. The size of a containment zone shall be no larger than necessary based on the facts of the individual designation. In no event shall the size of a containment zone or the cumulative effect of containment zones cause a substantial decline in the overall yield, storage, or transport capacity of a ground water basin;

b. Evaluation of potentially significant impacts to water quality, human health, and the environment, shall take into consideration the following, as applicable to the specific factual situation:

1. The physical and chemical characteristics of the discharge, including its potential for migration;

2. The hydrogeological characteristics of the site and surrounding land;
3. The quantity of ground water and surface water and the direction of ground water flow;
4. The proximity and withdrawal rates of ground water users;
5. The patterns of rainfall in the region and the proximity of the site to surface waters;
6. The present and probable future uses of ground water and surface water in the area;
7. The existing quality of ground water and surface water, including other sources of pollution and their cumulative impact on water quality;
8. The potential for health impacts caused by human exposure to waste constituents;
9. The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
10. The persistence and permanence of any potential adverse effects;
11. Exposure to human or other biological receptors from the aggregate of hazardous constituents in the environment;
12. The potential for the pollutants to attenuate or degrade and the nature of the breakdown products; and
13. Potential adverse effects on approved local development plans, including plans approved by redevelopment agencies or the California Coastal Commission.

c. No provision of this Policy shall be interpreted to allow exposure levels of constituents of concern that could have a significant adverse effect on human health or the environment;

d. A containment zone shall not be designated in a critical recharge area. A critical recharge area is an artificial recharge area or an area determined by the Regional Water Board to be a critical recharge area after the consultation process required by Section III.H.9. Further, a containment zone shall not be designated if it would be inconsistent with a local ground water management plan developed pursuant to Part 2.75 of Division 6 of the WC (commencing at Section 10750) or other provisions of law or court order, judgment or decree;

4. After designation, no further action to reduce pollutant levels, beyond that which is specified in the management plan, will be required within a containment zone unless the Regional Water Board finds that the discharger(s) has failed to fully implement the required management plan or that violation of water quality objectives has occurred beyond the containment zone, as a result of migration of chemicals from inside the containment zone. If the required tasks contained in the approved management plan are not implemented, or appropriate access is not granted by the discharger to the Regional Water Board for purposes of compliance inspection, or violation of water quality objectives occurs outside the containment zone and that violation is attributable to the discharge in the containment zone, the Regional Water Board, after 45 days public notice, shall promptly revoke the zone's containment status and shall take appropriate enforcement action against the discharger;

5. The designation of a containment zone shall be accomplished through the adoption of a cleanup and abatement order as authorized by WC Section 13304. The Regional Water Board shall make a finding of fact with regard to each of the conditions which serve as a prerequisite for containment zone designation in the cleanup and abatement order. All applicable criteria of Section III.H. must be met as a prerequisite to designation. The Regional Water Board may reject an application for designation of a containment zone for failure to meet any applicable criteria without having to make findings with regard to each prerequisite. Such orders shall be adopted by the Regional Water Boards themselves and not issued by the Executive Officers of the Regional Water Boards. These orders shall ensure compliance with all procedures, conditions, and restrictions set forth in Section III.H. As authorized by WC Section 13308, time schedules issued as part of the establishment of a containment zone may prescribe a civil penalty which shall become due if compliance is not achieved in accordance with that time schedule;

6. A containment zone shall be implemented only with the written agreement of all fee interest owners of the parcel(s) of property containing the containment zone. Exceptions may be allowed by the Regional Water Board where opposition is found to be unreasonable. In such cases, the Regional Water Board may use the authority of WC Section 13267 to assure access to property overlying the containment zone;

7. Local agencies which are supervising cleanup under contract with the State Water Board or by agreement with the Regional Water Board pursuant to provisions of the Underground Storage Tank Program may propose containment zones for consideration by the Regional Water Board. The local agency will forward its files and proposal to the Regional Water Board for consideration. Regional Water Boards shall use the same procedures, processes, public notice, and criteria that are noted elsewhere in this policy. Approval of Technical Impracticability Waivers by the Department of Toxic Substances Control or the United States Environmental Protection Agency under the requirements of the Federal Resource Conservation and Recovery Act or the Comprehensive Environmental Response, Compensation, and Liability Act are deemed to be equivalent to the actions outlined in Section H. of this Policy if :

- a. the substantive provisions of Sections III.H.2.b., e., f., and g. are met;
- b. interested parties described in III.H.8.a. are included in the public participation process; and
- c. site information is forwarded from the approving agency to the Regional Water Board so that sites for which Technical Impracticability Waivers have been approved can be included in the master listings described in Section III.H.10.;

8. The Regional Water Board shall comply with the following public participation requirements, in addition to any other legal requirements for notice and public participation, prior to the designation of a containment zone:

- a. Public notice of an intention to designate a containment zone shall be provided to all known interested persons, including the owner of the affected property(s), owners and residents of properties adjacent to the containment zone, and agencies identified in Section III.H.9, at least 45 days prior to the proposed designation of a containment zone;
- b. Interested persons shall be given the opportunity to review the application, including the proposed management plan, and any other available materials and to comment on any proposed designation of a containment zone. These materials, which contain information upon which the proposed designation of a containment zone is based, must be available for review at least 45 days prior to the proposed designation of a containment zone;
- c. The proposed designation of a containment zone shall be placed on the agenda for consideration at a Regional Water Board meeting;

9. At least 45 days prior to the proposed designation of a containment zone, the Regional Water Board shall invite a technical advisory committee to review any proposed designation and shall meet as a committee at the request of any committee member. The committee or any committee member shall provide advice to the Regional Water Board as to the appropriateness of the requested designation and such designation will become part of the public record. No person or agency shall be made a member of the committee who is employed by or has a financial interest with the discharger seeking the designation. The following agencies shall be invited to participate in the advisory committee:

- a. The California Department of Toxic Substances Control;
- b. The California Department of Health Services, Drinking Water Branch;
- c. The California Department of Fish and Game;
- d. The local health authority;
- e. The local water purveyor, in the event ground water is used or planned to be used as a source of water supply;
- f. Any local ground water management agency including an appointed water master;
- g. The United States Environmental Protection Agency; and
- h. The California Coastal Commission if the site is located within the coastal zone of California.

10. The Regional Water Boards shall keep a master listing of all designated containment zones. The master listing shall describe the location and physical boundaries of the containment zone, the pollutants which exceed applicable water quality objectives, and any land use controls associated with the containment zone designation. The Regional Water Board shall forward the information on the master list to the State Water Board and to the local well permitting agency whenever a new containment zone is designated. The State Water Board will compile the lists from the Regional Water Boards into a comprehensive master list;

11. To assure consistency of application of this Policy, the State Water Board will designate a Containment Zone Review Committee consisting of staff from the State Water Board and each of the Regional Water Boards. This review committee shall meet quarterly for two years and review all designation actions taken. The committee shall review problems and issues and make recommendations for consistency and improved procedures. In any event the State Water Board shall review the containment zone issue not later than five years after the adoption of Section III.H. and periodically thereafter. Such review shall take place in a public proceeding;

12. In the event that a Regional Water Board finds that water quality objectives within the containment zone have been met, after public notice, the Regional Water Board will rescind the designation of the containment zone and issue a closure letter; and

13. The Regional Water Board's cost associated with review of applications for containment zone designation will be recoverable pursuant to Section 13304 of the Water Code, provided a separate source of funding has not been provided by the discharger.

14. Designation of a containment zone shall have no impact on a Regional Water Board's discretion to take appropriate enforcement actions except for the provisions of Section III.H.4.

IV. The Regional Water Board shall determine schedules for investigation, and cleanup and abatement, taking into account the following factors:

- A. The degree of threat or impact of the discharge on water quality and beneficial uses;

B. The obligation to achieve timely compliance with cleanup and abatement goals and objectives that implement the applicable Water Quality Control Plans and Policies adopted by the State Water Board and Regional Water Boards;

C. The financial and technical resources available to the discharger; and

D. Minimizing the likelihood of imposing a burden on the people of the state with the expense of cleanup and abatement, where feasible.

V. The State and Regional Water Boards shall develop an expedited technical conflict resolution process so when disagreements occur, a prompt appeal and resolution of the conflict is accomplished.

Appendix to Section III.H. Application for a Containment Zone Designation

The discharger is responsible for submitting an application for designation of a containment zone. Supporting information which is readily available to the Regional Water Board and which would be cumbersome or costly to reproduce can be included in the application by reference. In order to facilitate the preparation of an acceptable application, the discharger may request that the Regional Water Board provide a preliminary review of a partial application. The partial application should be detailed enough to allow the Regional Water Board to determine if the site passes the threshold criteria for establishment of a containment zone (e.g., it is not reasonable to achieve water quality objectives at that site, plume management measures are likely to be effective, etc.). As appropriate, the application shall include:

- a) Background information (location, site history, regulatory history);
- b) Site characterization information, including a description of the nature and extent of the discharge. Hydrogeologic characterization must be adequate for making the determinations necessary for a containment zone designation;
- c) An inventory of all wells (including abandoned wells and exploratory boreholes) that could affect or be affected by the containment zone;
- d) A demonstration that it is not reasonable to achieve water quality objectives;
- e) A discussion of completed source removal and identification of any additional sources that will be addressed during implementation of the management plan;
- f) A discussion of the extent to which pollutant mass has been reduced in the aquifer and identification of any additional mass removal that will be addressed during implementation of the management plan;
- g) If necessary, information related to the availability of funds to implement the provisions of the management plan throughout the expected duration of the containment zone designation;
- h) The proposed boundaries for the proposed containment zone pursuant to Section III.H.3.a.;
- i) An evaluation of potential impacts to water quality, human health and the environment pursuant to Sections III.H.3.b. and c.;
- j) A statement that the discharger believes that the site is not located in a critical recharge area, as required by Section III.H.3.d.;
- k) Copies of maps and cross sections that clearly show the boundaries of the proposed containment zone and that show the locations where land use restrictions will apply. Maps must include at least four points of reference near the map corners. Reference points must be identified by latitude and longitude (accurate to within 50 feet), as appropriate for possible inclusion in a geographic information system (GIS) database; and
- l) A management plan for review and approval. The management plan must contain provisions for:

- 1) source removal as appropriate;
- 2) pollutant mass removal from the aquifer as appropriate;
- 3) land use or engineering controls necessary to prevent the migration of pollution, including the proper abandonment of any wells within the vicinity of the containment zone that could provide a conduit for pollution migration beyond the containment zone boundary;
- 4) land use or engineering controls necessary to prevent water quality impacts and risks to human health and the environment;
- 5) mitigation measures, an implementation schedule for mitigation, and reporting requirements for compliance with mitigation measures;
- 6) a detailed description of the proposed monitoring program;
- 7) a detailed description of the method to be used by the discharger to evaluate monitoring data;
- 8) a specific protocol for actions to be taken if there is evidence that water quality objectives have been exceeded outside the containment zone as a result of the migration of pollutants from within the containment zone;
- 9) a detailed description of the frequency and content of reports to be submitted to the Regional Water Board;
- 10) detailed procedures and designs for well maintenance, replacement and decommissioning;
- 11) a protocol for submittal to and approval by the Executive Officer of minor modifications to the management plan as necessary to optimize monitoring and containment; and
- 12) a description of file and data base maintenance requirements.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 1992, and amended at meetings of the State Water Resources Control Board held on April 21, 1994, and October 2, 1996.

Maureen Marche
Administrative Assistant to the Board

Exhibit D

--- Copy of Memo (Beginning) ---

State of California
M e m o r a n d u m

To: Regional Board Executive Officers **Date:** December 2, 1992

/s/

William R. Attwater
Chief Counsel

From: OFFICE OF THE CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD
901 P Street, Sacramento, CA 95814
Mail Code: G-8

Subject: RESPONSIBLE PARTY ORDERS

Attached is a summary of principles established in State Water Board orders regarding who should be named in ground water cleanup orders.

Attachment

cc: Walt Pettit
Executive Director

Redding, Fresno, and Victorville Branch Offices

--- END OF PAGE 1 of 2 ---

--- BEGINNING PAGE 2 OF 2 ---
STATE BOARD ORDERS: WHO SHOULD BE NAMED IN
GROUND WATER CLEANUP ORDERS

Summary of Principles

- In general, name all persons who have caused or permitted a discharge (Orders Nos. WQ 85-7 and 86-16).
- "Discharge" is to be construed broadly to include both active discharges and continuing discharges (Order No. WQ 86-2).
- There must be reasonable basis for naming a responsible party (i.e., substantial evidence). It is inappropriate to name persons who are only remotely related to the problem such as suppliers and distributors of gasoline (WQ 85-7, 86-16, 87-1, 89-13, and 90-3).
- Persons who are in current possession, ownership or control of the property should be named, including current landowners and lessees (numerous orders, including WQ 84-6, 86-11, 86-18, 89-1, 89-8, 89-13 and 90-3). Lessees/sublessors may be responsible (WQ 86-15).
- Generally, Regional Water Boards should not try to apportion responsibility between parties (WQ 86-2 and 88-2).
- However, in some cases, current landowners should only be named as secondarily liable. Factors: landowner did not cause or know of actual discharge; tenant, lessee or prior owner is responsible; cleanup is proceeding; and lease is long-term (WQ 86-11, 86-18, 87-6, and 92-13). Secondary responsibility is also appropriate where landowner is trustee-type of governmental agency such as Forest Service (WQ 87-5).
- Prior landowners and lessees should be named if they owned or were in possession of the site at the time of discharge, had knowledge of the activities which resulted in the discharge, and had the legal authority to prevent the discharge (numerous orders, including WQ 85-7, 86-15, 91-7 and 92-13). Narrow exceptions based on such factors as: site owned or leased for short time, person did not cause actual discharge, are other responsible parties, person did not use property, no or minimal knowledge of problem (WQ 92-4 and 92-13).
- It is appropriate to name government as responsible parties (WQ 88-2, 89-12, and 90-3):
- Corporations should be named even where a dissolved corporation (WQ 89-14) or a successor in interest (WQ 89-

8).

--- END OF PAGE 2 OF 2 ---
END OF MEMO & ATTACHMENT

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this action. I am
4 employed in the County of Los Angeles, State of California. My business address is 155 N. Lake
Ave, 11th Floor, Pasadena, CA 91101.

5 On September 3, 2024, I served true copies of the following document(s) described as **PETITION**
6 **BY ISKENDERIAN FAMILY GARDENA PROPERTIES LLC TO THE CALIFORNIA**
7 **STATE WATER RESOURCES CONTROL BOARD TO REVIEW AND TO HOLD IN**
8 **ABEYANCE THE JULY 12, 2024 ORDER FROM THE CALIFORNIA REGIONAL**
WATER QUALITY CONTROL BOARD, LOS ANGELES REGION on the interested parties
in this action as follows:

9 State Water Resources Control Board
10 Kate Huynh
11 Los Angeles Regional Water Quality Control Board
12 320 West 4th Street, Suite 200
Los Angeles, CA 90013
Email: Kate.Huynh@waterboards.ca.gov

13 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
14 persons at the addresses listed in the Service List and placed the envelope for collection and
15 mailing, following our ordinary business practices. I am readily familiar with the practice of Lamb
16 and Kawakami LLP for collecting and processing correspondence for mailing. On the same day
17 that correspondence is placed for collection and mailing, it is deposited in the ordinary course of
18 business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I
19 am a resident or employed in the county where the mailing occurred. The envelope was placed in
the mail at Los Angeles, California.

20 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
document(s) to be sent from e-mail address mvillafuerte@lkfirm.com to the persons at the e-mail
addresses listed in the Service List below. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission was unsuccessful.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on September 3, 2024, at Pasadena, California.

24 
Miguel O. Villafuerte